

HONG KONG HOUSING AUTHORITY

HOME OWNERSHIP SCHEME

PRIVATE SECTOR PARTICIPATION SCHEME

TENANTS PURCHASE SCHEME

GREEN FORM SUBSIDISED HOME OWNERSHIP SCHEME

**INFORMATION FOR APPLICANTS ON
APPLICATION FOR TRANSFER OF OWNERSHIP**

Prepared by
Housing Subsidies Sub-division
Housing Department

**Transfer of Ownership in Home Ownership Scheme /
Private Sector Participation Scheme /
Tenants Purchase Scheme/
Green Form Subsidised Home Ownership Scheme Flats
Information for Applicants**

Introduction

1. Pursuant to the Housing Ordinance, change of ownership is restricted except for disposal (i) in the Secondary Market after two years has elapsed since the first assignment, or (ii) in the open market upon payment of premium. However, the Hong Kong Housing Authority (HA) may at its discretion and on the merit of each case give consent to a request for change of ownership under special circumstances.

Pre-requisite for the application

- (A) The change of ownership must be by way of a Deed of Assignment at nil monetary consideration (except in bankruptcy cases); and
- (B) The proposed assignee must be an authorized occupant (except in deceased cases) of the property concerned.

The usual grounds for change of ownership

2. Generally, grounds for applying for consent to a change of ownership are as follows -
 - (A) Inclusion of spouse as joint owner;
 - (B) Transfer to spouse owing to divorce or separation;
 - (C) Transfer to other family member(s) owing to marriage and moving out of owner to join his/her spouse;
 - (D) Transfer to other family member(s) owing to owner's emigration or long-term working abroad;
 - (E) Owner or spouse or authorized occupant eligible for civil service housing benefits or housing package provided by the employer;
 - (F) Change of ownership reflecting financial contribution towards downpayment/mortgage repayment by authorized occupant;
 - (G) Transfer of ownership owing to death of owner;
 - (H) Old age of owner (i.e. 65 years old or above);
 - (I) Owner suffering from terminal disease e.g. cancer;
 - (J) Bankruptcy of owner; or
 - (K) Reasons other than (A) - (J) will be considered only in exceptional circumstances.

Points to note when completing application form

3. (A) If the application form has not been properly completed, the HA may reject the application.
- (B) The signature of owner(s) should be the same as the one on the Sale and Purchase Document/Deed of Assignment and no correction fluid is allowed.
- (C) The proposed assignee(s) shall live in the property as stated in this application (except in inheritance by non authorized occupant(s) cases).
- (D) You should submit application form with ground(s) together with copies of relevant supporting documents. For example -
- (i) Photocopies of Decree Nisi Absolute (Divorce) and Court Order/Deed of Separation in divorce/separation cases;
 - (ii) Photocopies of Marriage Certificate and new address proof for owner who has married and moved out from the property to join his/her spouse;
 - (iii) Photocopies of approval-in-principle for landing or residence in foreign country excluding China/employer's certification and BRC in emigration/long term working aboard cases;
 - (iv) Photocopies of approval letter issued by the Treasury/Departmental Secretary/the employer if owner or spouse or authorized occupant is eligible for civil service housing benefits or housing package provided by the employer;
 - (v) Photocopies of proof of substantial contribution to the downpayment/mortgage loan repayment schedule and repayment record in financial contribution cases;
 - (vi) Photocopies of Letters of Administration (with Affirmation by Administrator)/Probate, Death Certificate and Certificate of Exemption from Estate Duty/Schedule of Assets and Liabilities in deceased cases;
 - (vii) Photocopies of proof from medical practitioner in cases supported on medical grounds; or
 - (viii) Photocopies of Bankruptcy Order, Summary Procedure Order and the Official Receiver's Office written confirmation specifying the agreed consideration (if any) for the proposed transfer in bankruptcy cases.

Please contact the relevant District Tenancy Management Offices for details of documents required.

- (E) The personal data collected shall be used for the purpose of processing the application for transfer of ownership and, upon completion of the transfer, to be transferred to the Rating and Valuation Department and be used for issuing demand notes for rates/Government rent. HA and the Housing Department (HD) may provide all necessary information and the personal data contained in this application to other sections/offices of the HD for carrying out tenancy management matters.
- (F) The provision of personal data is voluntary. However, if you do not provide sufficient information, HA may not be able to process your application.

- (G) You are entitled to request access to or correction of the personal data stated in this application form. Where necessary, such requests should be made in writing and directed by post or fax (No. 2761 6363) to the Departmental Data Protection Officer of Housing Authority Headquarters, 33 Fat Kwong Street, Ho Man Tin, Kowloon. A fee may be charged for the request for access to personal data.

Administrative Fee

4. You are required to pay an administrative fee (currently at HK\$2,850) at the time of submitting the application. The administrative fee is not refundable in any event, even if your application is not successful or you wish to withdraw the application.

Where to submit the completed application form?

5. The duly completed application form should be delivered to the relevant District Tenancy Management Offices.

Time required for processing the application

6. In general, you will be informed of the result of your application within six weeks from the date on which all the required documents have been received by the Housing Subsidies Sub-division.

Steps need to be followed after the approval of the application

7. (A) You are required to appoint a solicitor to complete the required procedures for transfer of ownership after consent for the application is granted. Under the prevailing policy of HA, transfer of ownership must be by way of a Deed of Assignment at nil monetary consideration (except in bankruptcy cases). A draft Deed of Assignment prepared by your solicitor is required to be submitted to the Legal Service Sub-division of HA for approval. An administrative charge will need to be paid (currently at \$2,350 and will be reviewed from time to time).
- (B) If your property is subject to a mortgage, please confirm with your bank whether amendment to the existing mortgage is required. If so, you are required to submit a duly completed re-mortgage application form (available from the respective District Tenancy Management Office) to HA for approval of the proposed mortgage arrangements. Administrative fee will be charged on application for such mortgage consent.
- (C) Other than the administrative fee for transfer of ownership, you will be responsible for all expenses in connection with the transfer of ownership such as the fee charged by HA for approval of draft Deed of Assignment, charges relating to any amendment to mortgage arrangement (if required), stamp duty and execution of assignment etc.
- (D) The consent letter is valid for a period of one year and you are advised to arrange for the execution of the assignment as soon as possible. If the proposed transfer is not completed within the validity period, you are required to submit a fresh application and pay the relevant fees.
- (E) You must inform the respective District Tenancy Management Office immediately after the Deed of Assignment is executed.

Home Ownership Scheme/Private Sector Participation Scheme/Tenants Purchase Scheme/
Green Form Subsidised Home Ownership Scheme
Application for Transfer of Ownership

To : The Director of Housing
Via respective District Tenancy Management Office

For Office Use:

Ref. : _____

Code Address : _____

Property Address : _____

I/We apply for transfer of ownership in respect of the captioned property on the following reasons:

To facilitate the process of application, I/we attach (i) copies of HKIC cards of owner(s) and proposed assignee(s); (ii) copies of relevant supporting documents and (iii) a crossed cheque payable to the "Hong Kong Housing Authority" for the \$2,850 administrative fee (The address of the captioned property has been put down on the back of the cheque).

I/We understand that the administrative fee is not refundable in any event, even if my/our application is not successful or I/we wish to withdraw the application.

I/We understand that the application will not be entertained if I/we fail to provide sufficient documentary proof to substantiate the application for the proposed transfer.

I/We understand and agree that HA and the HD may provide all necessary information and my/our personal data contained in this application to other sections/offices of the HD for carrying out tenancy management matters.

I/We understand and agree that upon approval of the proposed transfer and the execution of the assignment effecting such transfer, HA and the HD may provide all necessary information and my/our personal data contained in this application and the assignment to the Rating and Valuation Department for updating the record of owner(s) and for issuing demand notes for rates/Government rent.

I/We understand that the proposed assignee(s) shall live in the property as stated in this application (except in inheritance by non-authorized occupant(s) cases).

I/We have read and understood the contents of the "Information for Applicants".

(Signature of Owner/Agent for Owner*)

(Signature of Owner/Agent for Owner*)

Name : _____

Name : _____

I.C. No. : _____

I.C. No. : _____

Correspondence Address: _____

(if different from the above)

(Signature of Proposed Assignee)

(Signature of Proposed Assignee)

Name : _____

Name : _____

I.C. No. : _____

I.C. No. : _____

Tel. No. : _____

Date : _____

(day-time contact)

*Please attach copies of Letters of Administration and Affirmation by Administrator/Probate if the Agent for Owner is an administrator/executor.