

HONG KONG HOUSING AUTHORITY

**INFORMATION FOR APPLICANTS ON
APPLICATION FOR TRANSFER OF OWNERSHIP
OF SUBSIDISED SALE FLATS SCHEME FLATS**

Prepared by :
Housing Subsidies Sub-division
Housing Department

Information for Applicants on Transfer of Ownership of Subsidised Sale Flats Scheme^{Note} Flats

Introduction

1. Pursuant to the Housing Ordinance (Cap. 283) or the requirements under the Deed of Assignment and the Government lease, transfer of ownership of Subsidised Sale Flats Schemes (SSFS) flats of the Hong Kong Housing Authority (HA) is restricted except for disposal in the open market upon payment of premium or under the Home Ownership Scheme (HOS) Secondary Market Scheme without the payment of premium. However, the HA may at its discretion and on the merit of each case give consent to an application for transfer of ownership under special circumstances.

Pre-requisites for the application

- (A) The transfer of ownership must be by way of a Deed of Assignment/Deed of Assent at nil monetary consideration (except in bankruptcy cases) and;
- (B) The proposed assignee must be a registered family member* (except in deceased cases) of the property concerned.

The usual grounds for transfer of ownership

2. Generally, the grounds for applying for consent to a transfer 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 registered family member(s)* owing to the marriage and moving out of the owner to join his/her spouse, provided that the marriage must be after the owner has purchased/attained ownership of the subject property;
 - (D) Transfer to other registered family member(s)* owing to owner's emigration to another country, or departure from Hong Kong to reside permanently in the Mainland, Macau or Taiwan or long-term working aboard;
 - (E) Owner or spouse or other registered family member(s)* eligible for civil service housing benefits or housing package provided by the employer;
 - (F) Transfer of ownership reflecting substantial financial contribution towards downpayment/mortgage repayment by registered family member*;
 - (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;

^{Note} Including Home Ownership Scheme, Private Sector Participation Scheme, Tenants Purchase Scheme, Green Form Subsidised Home Ownership Scheme, Middle Income Housing Scheme, Mortgage Subsidy Scheme and Buy or Rent Option Scheme.

(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-registered family member(s)* cases).
- (D) The applicant should submit application form with ground(s) together with copies of relevant supporting documents (non-exhaustive), 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 residential address proof for owner who has married and moved out to join his/her spouse;
 - (iii) Photocopies of approval-in-principle for landing or permanent residence in another country, the Mainland, Macau or Taiwan and related documents such as immigrant/resident visa, resident card, identity card, passport, employer's certification and Business Registration Certificate in emigration/long term working aboard cases;
 - (iv) Photocopies of approval letter issued by the Treasury/Departmental Secretary or the employer if owner or spouse or other registered family member(s)* 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 Probate/Letters of Administration (with Affirmation by Administrator), Will of the owner, Death Certificate and Certificate of Exemption from Estate Duty/Schedule of Assets and Liabilities in deceased cases;
 - (vii) Photocopies of proof from registered doctor in cases supported on the grounds of terminal disease; 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 respective District Tenancy Management Office for details of documents required.

- (E) The personal data collected in the application 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/ the Housing Department (HD) may provide the personal data collected in the application to other sections/offices of the HD for carrying out tenancy management matters. The personal data provided may also be used by the HA/HD and relevant Government bureau/departments for conducting statistical surveys and researches. The provision of personal data is voluntary. However, if the applicant does not provide sufficient information, HA/HD may not be able to process the application.
- (F) The applicant has the right to access and make amendments in respect of the personal data provided in the application form. Request for access to and/or amendments of personal data should be made in writing and directed by post or fax (No. 2761 6363) to the Departmental Data Protection Officer of the Housing Authority Headquarters, 33 Fat Kwong Street, Ho Man Tin, Kowloon.

* “Registered family member(s)” refer to those person(s) listed in the household record of the SSFS flat of the HA (who is/are authorised to live in the property concerned), whereas those person(s) not listed in the household record of the SSFS flat of HA (who is/are not authorised to live in the property concerned) are regarded as “non-registered family members”.

Administrative Fee

4. The administrative fee for application for transfer of ownership is currently **HK\$2,940** and is subject to review periodically. The administrative fee paid is not refundable in any event, no matter the application is successful or not, or the applicant wishes to withdraw the application.

Submission of the completed application form

5. The duly completed application form should be delivered to the respective District Tenancy Management Office.

Time required for processing the application

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

Steps need to be followed after the approval of the application

7. (A) The applicant is required to appoint a solicitor to complete the required procedures for transfer of ownership after the consent for the application is granted. Under the prevailing policy of HA, transfer of ownership must be by way of a Deed of Assignment/Deed of Assent at nil monetary consideration (except in bankruptcy cases). A draft Deed of Assignment/Deed of Assent prepared by the applicant’s solicitor is required to be submitted to the Legal Service Sub-division of HD for approval before execution. The applicant is required to pay an administrative fee at the applicable rate at the time of submission of the application for approval (the current rate is **HK\$2,540** and the applicant may enquire at the Legal Service Sub-Division for the applicable rate when submitting the application). The applicant’s solicitors will be required to give a personal undertaking to pay the full amount of such administrative fee. HD will start to process the approval after receipt of the personal undertaking. Such administrative fee is chargeable and not refundable once HD starts to process the approval of the Deed

of Assignment/Deed of Assent notwithstanding that the application is withdrawn or not proceeded with for whatever reasons at any stage of the application and whether the approval is granted.

- (B) If the subject property is subject to a mortgage, the applicant is advised to confirm with the mortgagee bank whether a change in the existing mortgage arrangement is required. If so, the applicant is required to submit a duly completed application form for change in mortgage arrangement (available from the respective District Tenancy Management Office and the HA/HD website) to HA for approval of the proposed change in mortgage arrangement and an administrative fee will be charged on such application.
- (C) In addition to the administrative fee for application for transfer of ownership, the applicant 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/Deed of Assent, charges relating to any change in mortgage arrangement (if required), stamp duty, solicitor fees in preparation and execution of the Deed of Assignment/Deed of Assent, etc.
- (D) The consent letter for transfer of ownership is valid for a period of one year and the applicant is advised to arrange for the execution of the Deed of Assignment/Deed of Assent as soon as possible. If the proposed transfer is not completed within the validity period, the applicant is required to submit a fresh application and pay the relevant fees.
- (E) The applicant must inform the respective District Tenancy Management Office to update the household record and provide it with the latest copy of Deed of Assignment/Deed of Assent and land search records immediately after the execution of Deed of Assignment/Deed of Assent.

Notes

This “Information for Applicants on Application for Transfer of Ownership of Subsidised Sale Flats Scheme Flats” (Information for Applicants) is prepared solely for the purpose of explaining the procedures of application for transfer of ownership of SSFS flats and should not be construed as a legal document. The HA/HD reserves the right to revise, or otherwise amend the content of this Information for Applicants without prior notice.

Application for Transfer of Ownership of Subsidised Sale Flats Scheme ^{Note 1} Flats

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 ground(s):

To facilitate the processing of application, I/we attach (i) copies of Hong Kong identity card (HKIC) of owner(s) and proposed assignee(s); (ii) copies of relevant supporting documents and (iii) a crossed cheque of **HK\$2,940** payable to the “**Hong Kong Housing Authority**” for the administrative fee (with the address of the captioned property written on the back of the cheque).

I/We understand that the administrative fee paid is not refundable in any event, no matter the application is successful or not, 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 on the collection, provision and access of personal data etc. matters as stated in paragraph 3(E) and 3(F) of the “Information for Applicants on Application for Transfer of Ownership of Subsidised Sale Flats Scheme Flats” (Information for Applicants).

I/We declare that the proposed assignee(s) shall live in the property as stated in this application (except in inheritance by non-registered family member(s)* cases).

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

(Signature of Owner/Agent for Owner ^{Note 2})

Name : _____

HKIC No. : _____

(Signature of Owner/Agent for Owner ^{Note 2})

Name : _____

HKIC No.: _____

Correspondence Address: _____

(if different from the above)

(Signature of Proposed Assignee)

Name : _____

HKIC No.: _____

Tel. No. : _____

(day-time contact)

(Signature of Proposed Assignee)

Name : _____

HKIC No.: _____

Tel. No. : _____

(day-time contact)

Date : _____

Note 1 Including Home Ownership Scheme, Private Sector Participation Scheme, Tenants Purchase Scheme, Green Form Subsidised Home Ownership Scheme, Middle Income Housing Scheme, Mortgage Subsidy Scheme and Buy or Rent Option Scheme.

Note 2 Please attach copy of Probate/Letters of Administration (with Affirmation by Administrator) if the Agent for Owner is an executor/administrator.