

Application Form for Change of Tenant

Part I Eligibility Criteria

- (1) Upon the death or moving out of the tenant, the surviving spouse, who has been registered in the tenancy and is residing in the public rental housing (PRH) flat, may apply to become the new tenant without the need of passing the Comprehensive Means Test (CMT) (Note 1) and the Domestic Property Test (DPT) (Note 2).
- (2) However, households who failed the CMT but passed the DPT were approved for continuation of PRH tenancies under the Well-off Tenants Policies due to tenants' receiving/ eligible for receiving Social Welfare Department (SWD)'s Disability Allowance (DA) (Note 3), upon the death or moving out of the concerned tenants, if the households do not have other family member(s) receiving/ eligible for receiving SWD's DA, the concerned households are required to be reassessed their eligibility for living in the PRH flats, including passing the CMT and the DPT before approving continuation of PRH tenancies, even if the applicant for change of tenant is the surviving spouse. Households who failed the CMT and/ or the DPT or chose not to declare are required to vacate the PRH flats.
- (3) Where there is no surviving spouse in the tenancy, one of the authorized members (Note 4) aged 18 or above residing in the PRH flat may apply to become the new tenant of the PRH flat. However, this household has to pass the CMT and the DPT in order to assess the eligibility for grant of new tenancy and determine the level of rent payable.
- (4) The following PRH tenants can be exempted from the CMT and the DPT:
 - (a) households on shared tenancies;
 - (b) households who have nominated an elderly member to be the principal tenant under the "Families with Elderly Persons Priority Scheme" (renamed as "Harmonious Families Priority Scheme") before the effective date (i.e. 5 February 1999) of the GNT Policy (Note 5);
 - (c) households who have appointed an elderly member to be the principal tenant under the previous "Enhancement Scheme for Sitting Tenants" before the effective date (i.e. 5 February 1999) of the GNT Policy (Note 5);
 - (d) households with all family members receiving Comprehensive Social Security Assistance (CSSA);
 - (e) households with all family members aged 60 or above;
 - (f) compassionate and special cases recommended by the relevant government departments/ organizations; and
 - (g) households with all family members receiving/ eligible for receiving SWD's DA (Note 3); and
 - (h) households with all members in different combinations of (d), (e) and (g).

Part II Notes of Application

- (1) The Applicant must submit the duly completed Application Form and Income and Assets Declaration Form^{Note}, together with the Tenancy Agreement, all the required information and supporting documents (e.g. death certificate, etc.) to the concerned Estate Office. Failure to provide sufficient information will deter the Hong Kong Housing Authority (HA) from processing this application.
- (2) This Application Form and/ or Income and Assets Declaration Form will be subject to rigorous vetting or sample checking by HA. The Applicant and individual household member(s) may be invited to attend an interview conducted by the staff of Housing Department (HD)/ Property Services Management Office to provide more information/ documents and to submit a more detailed declaration. The Applicant and all the listed household member(s) in this Application Form for Change of Tenant

^{Note} If the applicant is under item 2 of Part I, please complete form HD1121E; If the applicant is under item 3 of Part I, please complete form HD1022E; If the applicant is not required to pass or exempted from CMT and DPT under items 1 or 4 of Part I, he/she does not need to complete the Income and Assets Declaration Form.

are advised to keep the supporting documents relating to the information contained herein for future reference.

- (3) The household needs to submit an application under the Grant of New Tenancy (GNT) Policy, and pass the CMT covering both income and assets, and the DPT. The household will only be granted a new tenancy and be allowed to continue the PRH tenancy upon confirmation of its eligibility. **[Applicable to households who are required to pass the CMT and the DPT]**
- (4) After approval has been granted,
 - (a) the household should pay the normal rent if the verified total household income does not exceed 2 times the Public Rental Housing Income Limits (PRHILs); pay 1.5 times net rent plus rates if such income falls between 2 and 3 times the PRHILs; pay double net rent plus rates if such income falls between 3 and 5 times the PRHILs or pay double net rent plus rates or market rent (whichever is higher) if such income exceeds 5 times the PRHILs (only applicable to households who failed the CMT but passed the DPT and with family member(s) receiving/ eligible for receiving SWD's DA); and
 - (b) the household should, irrespective of the length of residence in PRH flat or the rent level, declare the income and assets biennially pursuant to the "Well-off Tenants Policies" (Note 6), including whether it owns any domestic property in Hong Kong, to facilitate assessment of its eligibility for continuation of PRH tenancy and determination of the rent payable. **[Applicable to households who are required to pass the CMT and the DPT]**
- (5) Households whose total income exceeds 5 times the PRHILs or total net asset value exceeds 100 times the PRHILs, or who have domestic property in Hong Kong, or who choose not to declare household income/ asset/ whether they own domestic property in Hong Kong will not be granted new tenancies and are required to surrender their PRH flats. Those who still have a temporary housing need may apply to stay temporarily for not more than 12 months in the PRH flats during which they are required to pay a licence fee equivalent to double net rent plus rates or market rent (whichever is higher). During the period of temporary stay, if they can prove that their total household income and total net asset value do not exceed the prescribed limits for a continuous period of 3 months and have met the no-domestic-property requirement (including disposal of domestic property ownership in Hong Kong (Note 7)), the households may apply for regrant of new tenancy. If the drop in income and net asset value are of permanent nature and the households have fulfilled the no-domestic-property requirement, the households may apply immediately. **[Applicable to households who are required to pass the CMT and the DPT]**
- (6) The household should immediately inform HA of any change in household status, otherwise HA may cancel this application.
- (7) If extra-rent payers can prove that their total household income has dropped below/ between the prescribed PRHILs for a continuous period of 3 months, they may apply for reversion to payment of lower rent. If the drop in total household income is of permanent nature, they may apply immediately.
- (8) The personal data in this Application Form is furnished for the purpose of application for change of tenant. Pursuant to the Personal Data (Privacy) Ordinance, the Applicant and his/ her household member(s) are entitled to request access to or correction of those personal data related to him/ her stated in this Application Form. Where necessary, such requests should be made in writing and directed by post or fax to the Housing Department Departmental Data Protection Officer of the Housing Authority Headquarters, 33 Fat Kwong Street, Homantin, Kowloon [Fax no. 2761 6363]. A fee may be charged for the request for access to personal data.
- (9) This Application is free of charge. Anyone who offers to assist in the application in return for remuneration should be reported to the Police or Independent Commission Against Corruption (ICAC) immediately. Attempted bribery is also an offence in law. HA will refer the case to ICAC for investigation and cancel the application irrespective of whether such person has been prosecuted or convicted of the relevant offence.

Part III Personal Data of the Applicant

I (the Applicant), _____ (H.K.I.C. No.: _____), am the _____ (relationship) of the ex-Tenant (Name) _____ of Flat _____, *Block _____ *House, _____ *Estate/ Interim Housing, and an authorized member listed on the tenancy. Due to _____, I hereby apply to become the new tenant of the said flat. Attached herewith is/ are cop(ies) of the supporting document(s) for your assessment and approval.

Part IV Declaration of the Applicant

I agree and declare that:

- (1) If the existing tenancy is granted under the Grant of New Tenancy Policy, upon approval of the change of tenant, my household is required to continue to declare the household income and assets every 2 years under the Grant of New Tenancy Policy, including whether we own any domestic property in Hong Kong, so as to determine the eligibility for continuous renting the PRH flat and the level of rent payable.
- (2) All the above information provided in this Application is true and correct. I understand that by virtue of Section 26(1)(c) of the Housing Ordinance (Cap. 283), any person who knowingly makes any false statement to the HA in respect of any particulars specified in this Application Form shall be guilty of an offence and shall be liable on conviction to a fine at Level 5 as specified in Schedule 8 of the Criminal Procedure Ordinance (Cap. 221), and to imprisonment for 6 months (as at the date of revision of this Application Form, the maximum fine at Level 5 is HK\$50,000). In addition, irrespective of whether or not such person shall be prosecuted or convicted of the offence, HA may cancel my application. The HA may also terminate my Tenancy Agreement by virtue of its power conferred by Section 19(1)(b) of the Housing Ordinance in accordance with its prevailing policy.
- (3) I have witnessed the signing of the household members listed in Part V below. I have read and fully understand all the terms contained in Part I, II and IV of this Application Form. I shall be held liable for the particulars furnished herein. I am aware that if I do not fully understand the abovementioned terms, I may make enquires and seek clarification with the staff of the concerned Estate Office before signing on the form.

Name of Applicant: _____ Signature: _____ Date: _____ Tel No.: _____

Part V Declaration of the Household Members Aged 18 or above [The spouse of the ex-tenant is exempted from filling this part]

I/ We declare that:

- (1) I/ We will not apply to become the new tenant of the said flat, and it is agreed that the above-mentioned applicant should be the tenant.
- (2) I/ We have read and fully understand all the terms contained in Part I, II and V of this Application Form. I/ We shall be held liable for the particulars furnished herein. I am/ We are aware that if I/ we do not fully understand the abovementioned terms, I/ we may make enquiries and seek clarification with the staff of the concerned Estate Office before signing on the form.

<u>Name of Household Member</u>	<u>Relationship with Applicant</u>	<u>H.K.I.C. No.</u>	<u>Signature</u>	<u>Date</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

***Please delete if inapplicable**

- Note 1: Total household income does not exceed 5 times the PRHILs and total household net asset value does not exceed 100 times the PRHILs.
- Note 2: Domestic Property Test (DPT): The applicant and/ or his/ her family members must not: (a) own or co-own or have an interest in any domestic property in Hong Kong (including but not limited to trustee, executor, administrator or beneficiary having an interest in any domestic property in Hong Kong); or (b) have entered into any agreement (including provisional agreement) to purchase any domestic property in Hong Kong; or (c) hold (including holding individually and/ or together with any other household member(s) in the aggregate) more than 50% of shares in a company which owns, directly or through its subsidiaries, any domestic property in Hong Kong. Domestic property includes any domestic property, uncompleted private domestic property, rooftop structure approved by the Building Authority, domestic building lots and Small House Grants approved by the Lands Department in Hong Kong.
- Note 3: If the households concerned can submit a Medical Assessment Report issued by the Director of Health or the Chief Executive of Hospital Authority or a registered medical practitioner of a private hospital, certifying that the “disabling condition” of the household member is assessed in accordance with the definition of such a condition under the CSSA Scheme and the Social Security Allowance Scheme in order to substantiate his/ her “disabling condition” is eligible for DA as at the assessment day as specified on the Declaration Form, or if there is a letter issued by SWD which confirms the household member’s eligibility for DA (i.e. indicating that he/she is permanently eligible for DA or still eligible for DA as at the assessment day as specified on the Declaration Form), the households concerned will be treated as the same as households with members receiving DA.
- Note 4: Where there is no surviving spouse in the tenancy, the authorized members registered in the tenancy should follow the sequence below for nomination of a Principal tenant:
(1) The adult offspring whose spouse and/ or child(ren) has/ have been registered in the tenancy;
(2) The adult offspring has been registered in the tenancy;
(3) The adult authorized member has been registered in the tenancy.
- Note 5: Exemption applies to those cases with the applicant of the new tenancy, of which he/she or his/her spouse was the applicant of the originated public rental housing (PRH) application.
- Note 6: First review may be less than 2 years.
- Note 7: Disposed of ownership of Domestic Property in Hong Kong means the applicant and/ or his/ her family member(s) has/ have assigned or disposed of any domestic properties in Hong Kong or any interest in such properties by way of a Deed of Assignment.
- Remark: In this Application Form, the term ‘tenancy agreement’ includes ‘occupation licence for interim housing’, ‘tenant’ includes ‘licensee for interim housing’ and ‘rent’ includes ‘licence fees for interim housing’.