

Court orders Home Ownership Scheme flat purchaser to forfeit sum of about \$400,000

A spokesman for the Housing Department (HD) today (October 5) said that the HD always spares no effort in combating false declarations made during applications for subsidised housing.

A family member of a Home Ownership Scheme (HOS) flat purchaser concealed the fact that she and the purchaser had already divorced when making an application for the HOS in 2015, enabling the purchaser to purchase a HOS flat in Sheung Chui Court, Tsuen Wan, successfully. The family member was prosecuted for making a false statement which she knew to be false or misleading as to a material particular to the Hong Kong Housing Authority (HA), contrary to Section 26(2)(a) of the Housing Ordinance. The defendant was convicted earlier at the West Kowloon Magistrates' Courts and fined \$15,000.

Subsequently, the court ordered the purchaser to forfeit to the HA a sum equivalent to the difference between the purchase price of the HOS flat (including the premium) and its market value at the date of the order under section 26B of the Housing Ordinance. After the court allowed time for the purchaser to pay to the HA the premium of about \$2.2 million, the court issued a written order today to order the purchaser to forfeit to the HA about \$400,000.

The spokesman reminded all subsidised sale flat applicants of the legislative requirements whereby if they make statements to the HA which they know to be false or misleading as to a material particular, contrary to Section 26(2) of the Housing Ordinance, they shall be guilty of an offence and shall be liable on conviction to a fine of \$500,000 and imprisonment for one year. If they have already purchased and completed the assignment of the subsidised sale flats, the court may order the purchasers to forfeit to the HA a sum equivalent to the difference between the purchase price (including the premium) and the market value of the subsidised sale flat.