

Home Ownership Scheme applicant convicted by court for false statement

An applicant for the purchase of a flat under the Home Ownership Scheme (HOS) was sentenced to a community service order of 80 hours today (June 25) for making a statement to the Hong Kong Housing Authority (HA) on the declaration form which he knew to be false or misleading as to a material particular by not declaring the net asset value of his non-residential property to the Housing Department (HD).

In this case, the defendant, who applied for the purchase of a flat under the HOS by White Form in 2016, did not declare the net asset value of his land or landed properties on a declaration form. However, the HD found that he actually held a non-residential property jointly with a third party in the declaration period. Having considered his joint ownership of the said property, his concealed asset value was around \$1.4 million. He was later prosecuted by the HD for making a statement to the HA which he knew to be false or misleading as to a material particular, contrary to Section 26(2) of the Housing Ordinance. The defendant was convicted at the Kowloon City Magistrates' Courts on May 28. The magistrate considered a fine as punishment could not reflect the gravity of the offence. After making reference to the probation report, the defendant was sentenced to a community service order of 80 hours today.

An HD spokesman said that the HD always spares no effort in combating false declaration made during application for subsidised housing. He reminded all subsidised sale flats applicants of the legislative requirements whereas 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 to imprisonment for one year. If they have already purchased and completed the assignment of the subsidised sale flats, pursuant to Section 26B of the Housing Ordinance, the court may order the purchasers to forfeit to the Housing Authority a sum equivalent to the difference between the original purchase price of the flat and the market value at the date of the order. If the estate in which the subsidised sale flat is located is incomplete, the HA may rescind the Agreement for Sale and Purchase previously signed with the purchasers and forfeit the deposit paid by them in accordance with the related clause therein.