

Public housing and Home Ownership Scheme applicants convicted by court for not truthfully declaring Hong Kong domestic property ownership or asset value

A public rental housing applicant was sentenced to four-week imprisonment (suspended for 12 months) and was fined \$32,000 for two false statement offences for not declaring his Hong Kong domestic property ownership in his public rental housing (PRH) application and his application for purchase of a Home Ownership Scheme (HOS) flat. In addition, a family member in an HOS White Form application was sentenced to four-week imprisonment (suspended for 12 months) and was fined \$20,000 for a false statement offence for not fully declaring his asset.

A spokesman for the Housing Department (HD) today (October 17) reminded PRH and HOS applicants to truthfully declare their assets and domestic property ownership.

Information on the two cases is as follows:

Case 1

A PRH applicant failed to declare during the detailed vetting stage in 2020 his ownership of a domestic property in Sha Tin when applying for PRH and thereby succeeded in applying for a Certificate of Eligibility to Purchase (Green Form) to purchase an HOS flat in Yue Tin Court, Sha Tin. He was prosecuted for making a false statement knowingly and making a statement which he knew to be false or misleading as to a material particular to the Hong Kong Housing Authority (HA), contrary to section 26(1)(c) and section 26(2) of the Housing Ordinance respectively. He was convicted in Kowloon City Magistrates' Courts on October 14, Given the gravity of the offence, the defendant was sentenced to four-week imprisonment (suspended for 12 months) and was fined \$32,000. The HOS flat concerned will be dealt with pending the Court's directive.

Case 2

A family member of a White Form application for HOS 2022 did not fully disclose his assets in the application and successfully purchased an HOS flat in Yu Nga Court, Tung Chung. After an investigation, it was discovered that the net asset value of the bank deposit, investment products, cash, etc, held by the family member at the material time exceeded the net total household asset limit of the relevant HOS application. The family member was prosecuted for making a statement that he knew to be false or misleading as to a

material particular to the HA, contrary to section 26(2) of the Housing Ordinance. He was convicted in Kowloon City Magistrates' Courts on October 14. Given the gravity of the offence, the defendant was sentenced to four-week imprisonment (suspended for 12 months) and was fined \$20,000. The HOS flat concerned will be dealt with pending the Court's directive.

The spokesman reminded applicants for PRH and subsidised sale flats (SSF) that any person who makes a false statement knowingly or makes a statement that they know to be false or misleading in their application for PRH or purchase of an SSF would commit offences under section 26(1)(c) or section 26(2) of the Housing Ordinance. If convicted, the maximum penalty is a fine of \$50,000 and imprisonment for six months, or a fine of \$500,000 and imprisonment for one year, respectively.

If the purchased SSF has been occupied, the court, by section 26A/26B of the Housing Ordinance, shall order either (1) that the subject flat be transferred to the HA or such person as the HA may nominate; or (2) that the purchaser forfeits to the HA a sum equivalent to the difference between the purchase price of the flat and its market value at the date of conviction or the date of the order. If the flat concerned has not been occupied yet, the HA shall rescind the Agreement of Sale and Purchase and forfeit the deposit paid by the purchaser.

The spokesman reiterated that, in general, the public recognises the HD's efforts in combating the abuse of public housing resources. The HD will continue to adopt multipronged and risk-based measures to comprehensively combat the abuse of PRH and subsidised housing.