

Public housing tenant and applicant convicted by court for making false statement

A spokesman for the Housing Department (HD) today (October 30) reminded residents of public rental housing (PRH) estates and PRH applicants to truthfully declare their income and assets.

Recently, a PRH resident did not declare his joint ownership of a residential property and its related rental income, and understated his monthly employment income on a 2017 Income and Asset Declaration Form. The resident was prosecuted by the HD for making a false statement knowingly and neglecting to furnish information specified in the Income and Asset Declaration Form, contrary to Section 26(1)(a) and Section 27(a) of the Housing Ordinance respectively.

In another case, a PRH applicant declared on two separate declaration forms in 2015 that he had no land and related net asset value. Subsequent investigation, however, revealed that he had been the joint tenant of land located in the New Territories since 2012 and its net asset value was approximately \$870,000. Eventually, the applicant was prosecuted for making a false statement knowingly, contrary to Section 26(1)(c) of the Housing Ordinance.

Both defendants were previously convicted by the presiding magistrate at Kowloon City Magistrates' Courts, who considered that a fine as punishment would not reflect the gravity of the offence. After considering their probation reports by the Court, the defendants were sentenced to 100 hours and 80 hours of Community Service Order respectively.

The spokesman said that households living in PRH should complete their income and asset declaration forms accurately, as doing so provides the foundation for the assessment of rent and their eligibilities for continuing residence. Before making the declarations, households should read the content and completion guidelines of the income and asset declaration form carefully and compute their income and assets in accordance with the methods specified. Otherwise, they may be prosecuted for making false statement knowingly, contrary to Section 26(1)(a) of the Housing Ordinance (if convicted, the maximum penalty is a \$50,000 fine and imprisonment for six months), or being prosecuted for neglecting to furnish information as specified in a declaration form, contrary to Section 27(a) of the Housing Ordinance (if convicted, the maximum penalty is a \$25,000 fine and imprisonment for three months). Notwithstanding the above, the HD will take action to recover the undercharged rent incurred due to the inaccurate information or even recover their PRH units. In addition, the spokesman also reminded all PRH applicants that if they are convicted by the court for making a false statement knowingly during the PRH application, contrary to Section 26(1)(c) of the Housing Ordinance, the maximum penalty is a fine of \$50,000 and imprisonment

for six months, while the PRH application will also be cancelled.