

Public housing tenant and applicants convicted by courts for making false statements

A spokesman for the Housing Department (HD) today (June 16) reminded all tenants of public rental housing (PRH) estates and PRH applicants to truthfully declare their income and assets, as well as their genuine marital status. Parties concerned in three recent cases were ordered by the courts to serve suspended sentences.

In the first case, a PRH tenant did not declare his ownership of an urban taxi licence on a 2019 Income and Asset Declaration Form. Subsequent investigation revealed that the average market premium of an urban taxi licence was \$5,590,000 in April 2019, which was beyond the prevailing asset limit for three-person family of \$2,310,000, i.e. 100 times of the income limit. The tenant was prosecuted by the HD for neglecting to furnish information specified in the Income and Asset Declaration Form, contrary to Section 27(a) of the Housing Ordinance. The defendant was previously convicted by the presiding magistrate at Shatin Magistrates' Courts, who considered that a fine as punishment would not reflect the gravity of the offence. After considering the report of the probation officer by the Court, the defendant was sentenced of 14 days' imprisonment (suspended for 12 months) yesterday (June 15).

In the second case, a PRH applicant declared on a declaration form during a vetting interview in 2019 that his net asset value of deposits was \$8,084.99. Subsequent investigation, however, revealed that he actually had a net asset value of deposits of \$572,827.34, which exceeded the PRH total net asset limit of \$454,000 for a three-person family in 2019-20, so the family was not eligible to apply for PRH. Eventually, the applicant was prosecuted for making a false statement knowingly, contrary to Section 26(1)(c) of the Housing Ordinance. The defendant was convicted and sentenced of one month's imprisonment (suspended for 12 months) by the presiding magistrate at Kowloon City Magistrates' Courts yesterday as he considered that a fine as punishment would not reflect the gravity of the offence.

In the third case, a PRH applicant and his ex-wife declared their marital status as married during a vetting interview in 2018 and an intake interview in 2019. A PRH flat at So Uk Estate was allocated to them. Subsequent investigation indicated that they were divorced in 2017 and would not be eligible for being offered the PRH flat. Both defendants were prosecuted under Section 26(1)(c) of the Housing Ordinance. They were convicted by the presiding magistrate at Kowloon City Magistrates' Courts yesterday. Considering that a fine as punishment would not reflect the gravity of the offence, both defendants were sentenced to one month's imprisonment (suspended for 12 months).

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 eligibility 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 a 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 be 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 reminded all PRH applicants that if they are convicted by the court for making a false statement knowingly during a 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.