

居者有其屋計劃單位的補價新安排

New premium payment arrangement for Home Ownership Scheme flats

香港房屋委員會(「房委會」)已經公布，由2007年起出售的居者有其屋計劃(「居屋」)單位的補價新安排。房委會將不會接納有關這些單位的回售申請，但會為正處於五年轉讓限制期內的單位處理補價的申請。

就有關正處於五年轉讓限制期內的居屋單位的補價申請，房委會只會在業主首先提出申請將單位回售予房委會而房委會拒絕該回售申請後，方會處理。業主須在收到房委會發出拒絕回售的認收通知書後，才可以在公開市場與買方訂立該單位的買賣協議(包括臨時或正式協議)。如業主在未提出申請將單位回售予房委會及房委會拒絕其回售申請前，在公開市場與買方訂立該單位的買賣協議，即屬違反《房屋條例》附表及《房屋條例》第27A條的規定。

此外，買賣協議如在未向房委會清繳所評估的補價之前簽訂，則必須載有一項條款列明房屋署署長所評估的補價須於該單位轉讓之前和在由協議訂立日期起計的28天內，或在署長另外規定的期限內，向房委會繳付，否則亦同樣違反《房屋條例》附表及《房屋條例》第27A條的規定。

在上述的兩種情況下所簽訂的買賣協議均屬無效。任何人士違反《房屋條例》第27A條，可被判罰款500,000元及監禁一年。從業員亦可能因協助或教唆他人違反《房屋條例》第27A條而觸犯同樣罪行。

The Hong Kong Housing Authority (the Housing Authority) has announced a new premium payment arrangement for Home Ownership Scheme (HOS) flats sold by the Housing Authority from 2007 onwards. The Housing Authority will not accept any buyback offer in respect of such HOS flats but will process premium application for such flats within the entire five-year alienation restriction period.

The Housing Authority will process premium application for such HOS flats within the five-year alienation restriction period only upon owners' submission of an offer to assign the property to the Housing Authority and after the Housing Authority has declined to accept such offer. An owner can only enter into an agreement for sale and purchase (including provisional or formal agreement) in respect of such HOS flat with a purchaser in the open market after he has received the written confirmation from the Housing Authority that his offer to assign such HOS flat to the Housing Authority was declined. He will be in breach of the Schedule to and section 27A of the Housing Ordinance if he enters into an agreement for sale and purchase without getting such confirmation from the Housing Authority.

In addition, the agreement for sale and purchase, if entered into before the premium is assessed by and paid to the Housing Authority, must contain a condition that the premium as assessed by the Director of Housing (the Director) be paid to the Housing Authority prior to the assignment and within 28 days of the date of the agreement for sale and purchase or within such period as may be otherwise stipulated by the Director. Failure to do so will also constitute a breach of the Schedule to and section 27A of the Housing Ordinance.

In both cases, the agreement for sale and purchase entered into will be void. Any person who commits an offence under section 27A of the Housing Ordinance is liable to a fine of \$500,000 and imprisonment for one year. A practitioner who aids or abets the commission of the offence under section 27A of the Housing Ordinance may be guilty of the same offence.