

來函檔號：
本函檔號：(18) in HD 3-3/BPS/2-15/8/1 (I)

電話：2761 5601
傳真：2761 5550

香港柴灣
利眾街 24 號
東貿廣場 7 樓
地產代理監管局
(Attn: Miss Winnie KWOK)

敬啟者：

在公開市場處置資助出售單位

隨文夾附二零一八年十二月二十日和二零二一年五月二十日就上述事宜發出的函件，以供參閱。

為確保公共資源用得其所，資助出售單位受《房屋條例》(第 283 章)^註 (下稱「《條例》」) 第 17B 條、第 27A 條和《條例》附表有關轉讓限制的條文，或轉讓契據的條款和政府租契所載的條款、契諾及條件(視乎何者適用而定)所規管。現再次懇請貴局通知地產代理在處理資助出售單位的交易時，務須遵守上述法律規定及其後的修訂。

除資助出售單位外，公共租住房屋(下稱「公屋」)亦是寶貴的公共資源，因此應根據房屋委員會與租戶簽訂的租賃協議條款合理分配和運用得宜。任何違反租賃協議條件的行為，包括把租用的處所轉讓或分租，

註《條例》第 17B 條訂明，凡資助出售單位的業主看來是將該土地按揭或以其他方式押記，或將該單位轉讓或以其他方式讓與，而未有事先獲得房屋委員會批准或繳付補價，則該項看來是如此作出的按揭或其他讓與，連同相關的協議，均屬無效。《條例》第 27A 條進一步訂明，凡任何人看來是將資助出售單位按揭或讓與，或訂立根據第 17B 條屬無效的相關協議，而不論該人是以貸款人或借用人身分或是以其他身分行事，該人即屬犯罪，可處罰款 \$500,000 及監禁一年。

懇請 貴局提醒地產代理，切勿作出或參與任何違反恰當處理資助出售單位及／或涉及濫用公屋資源的行為（包括但不限於分租和轉讓處所），否則會遭受法律懲處。

如需要更多資料，請致電 2761 5601 與本信代行人聯絡。有勞之處，謹此致謝。

房屋署署長

（ 何仲輝



代行)

連附件

二零二二年十二月三十日



香港房屋委員會
Hong Kong Housing Authority

Your ref :

Tel : 2761 5601

Our ref : (17) in HD 3-3/BPS/2-15/8/1 (I)

Fax : 2761 5550

Date : 20th May 2021

Estate Agents Authority
Room 4801, 48/F., Hopewell Centre
183 Queen's Road East
Wanchai, Hong Kong

Dear Sir/Madam,

Disposition of Subsidised Sale Flats in the Open Market

I refer to the attached letter dated 20th December 2018 on the captioned subject. It is noted that similar issue was reported by the Apple Daily on 3rd May 2021.

In this connection, I am writing to seek your assistance again to inform the estate agents concerning the legal requirements and remind practitioners to refrain from any illegal act in the handing of subsidised sale flats subject to restrictions on alienation as stipulated in the Schedule, sections 17B and 27A of the Housing Ordinance (the Ordinance) (Cap. 283) and its subsequent amendments or the terms of the Deed of Assignments and the terms, covenants and conditions contained in the Government leases as appropriate. Section 27A of the Ordinance stipulates that where a person whether as lender, borrower or otherwise purports to create a mortgage or otherwise charge land or to assign or otherwise alienate land or to enter into an agreement which is void by virtue of section 17B, commits an offence and is liable to a fine of \$500,000 and to imprisonment for one year.

Should you need further information, please contact the undersigned at 2761 5601.
Thank you for your attention.

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香港房屋委員會
Hong Kong Housing Authority

Your ref :

Tel. No. : 2761 5601

Our ref : (8) in HD 3-3/BPS/2-15/8/1 (I)

Fax No. : 2761 5550

Date : 20th December 2018

Estate Agent Authority
Room 4801, 48/F, Hopewell
Centre, 183 Queen's Road East,
Wanchai, Hong Kong

Dear Sir/Madam,

Disposition of Subsidised Sale Flats in the Open Market

I refer to the attached newspaper cutting in relation to the illegal letting of subsidised sale flats (SSF) in the open market.

Home Ownership Scheme (HOS), Private Sector Participation Scheme (PSPS) and Tenants Purchase Scheme (TPS) flats are SSF offered by the Hong Kong Housing Authority (HA) to eligible applicants at prices below market value. To ensure the proper use of public resources, HA imposes alienation restriction on SSF. As stipulated in the Schedule to the Housing Ordinance (the Ordinance) (Cap. 283), SSF owners are prohibited from selling, letting, mortgaging or in any way alienating or parting with interests of their flats unless the specific requirements are met, such as payment of premium or obtaining the approval of the Director of Housing.

Section 17B of the Ordinance stipulates that where a SSF owner purports to mortgage or otherwise charge the land or to assign or otherwise alienate the flat, without obtaining prior approval from the Director of Housing or paying the premium, the purported mortgage or other alienation together with the relevant agreement shall be void. Section 27A of the Ordinance further stipulates that where a person, whether as lender, borrower or otherwise purports to mortgage or alienate the SSF or enter into relevant agreement which is void under section 17B, the person commits an offence and is liable to the maximum fine of \$500,000 and to imprisonment for one year.

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