



Your ref :

Tel : 2761 5601

Our ref : (18) in HD 3-3/BPS/2-15/8/1 (I)

Fax : 2761 5550

Date: 30<sup>th</sup> December 2022

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 (SSFs) in the Open Market**

I refer to the attached letters dated 20 December 2018 and 20 May 2021 on the captioned subject.

To ensure the proper use of public resources, SSFs are subject to alienation restrictions stipulated under sections 17B and 27A of the Housing Ordinance (Cap.283)<sup>Note</sup> (the Ordinance), and the Schedule to the Ordinance or the terms of the Deed of Assignments and the terms, covenants and conditions in the Government leases as appropriate. Your assistance is again solicited to inform the estate agents to observe such legal requirements and the subsequent amendments when handling transactions of SSFs.

Apart from SSFs, public rental housing (PRH) is also a valuable public resource that should be allocated rationally and used properly according to the terms of the tenancy agreement (TA) signed between the Housing Authority and the tenant. Any violation of TA conditions,

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Note Section 17B of the Ordinance stipulates 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 Housing Authority 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 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 a fine of HK\$500,000 and to imprisonment for one year.

including assignment or sub-let of the leased premises, will constitute tenancy abuse which may result in termination of the lease.

Grateful if you would remind the estate agents not to commit or participate in any act that contravenes the proper handling of SSFs and/or involves abuse of PRH resources (including but not limited to the sub-let and assignment of the premises), otherwise they will be liable to legal penalties.

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

Yours faithfully,



(HO Chung-fai)

Senior Housing Manager/Estate Management Support  
for Director of Housing

Encls.



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 : 20<sup>th</sup> 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 20<sup>th</sup> December 2018 on the captioned subject. It is noted that similar issue was reported by the Apple Daily on 3<sup>rd</sup> 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 : 20<sup>th</sup> 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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