

# **General Housing Policies**

on

**Application for Public Housing  
and Subsidized Home Ownership Schemes, Estate Management,  
Squatter Control and Clearance**

**Compiled by Estate Management Branch  
Housing Department**

**1 April 2004**

**This Information Booklet on General Housing Policies is for general reference purpose only and will be updated every April. Various policies outlined herein are subject to revision from time to time. If required, please refer to the relevant website of the Housing Authority at <http://www.housingauthority.gov.hk> for updated information; or contact the respective estate office / property management office / property services management office / interim housing office/ district tenancy management office through the following telephone numbers -**

	Estate Office/ Property Management Office/Property Services Management Office/ Interim Housing Office Telephone No.	District Tenancy Management Office Telephone No.
(in alphabetical order)		
Ap Lei Chau Estate	2554 4941	2814 8105
Butterfly Estate	2463 6271	2451 0321
Chak On Estate	2778 2628	27773357
Cheung Ching Estate	2495 2224	2743 3814
Cheung Fat Estate	2433 0277	3140 6400
Cheung Hang Estate	2495 5225	2431 0305
Cheung Hong Estate	2495 1202	2431 0305
Cheung Kwai Estate	2981 4658	3140 6400
Cheung On Estate	*	2431 0305
Cheung Shan Estate	2493 5227	2420 6987
Cheung Wah Estate	2669 2488	2677 2002
Cheung Wang Estate	2497 0277	2431 0305
Choi Fai Estate	2707 9978	2351 1818
Choi Ha Estate	*	2755 5551
Choi Hung Estate	2320 3011	2755 5551
Choi Ming Court	3143 9846	2701 0155
Choi Wan (I) Estate	2750 7211	2351 1818
Choi Wan (II) Estate	2755 0328	2351 1818
Choi Yuen Estate	2672 6927	2677 2002
Chuk Yuen (North) Estate	*	2351 1818
Chuk Yuen (South) Estate	2327 8818	2351 1818

Chun Shek Estate	2698 1234	2698 1266
Chung On Estate	2643 5077	2648 1312
Fortune Estate	2204 1027	2725 5750
Fu Cheong Estate	2361 8181	2725 5750
Fu Heng Estate	*	2657 2808
Fu Shan Estate	2351 2115	2351 1818
Fu Shin Estate	2661 1393	2657 2808
Fu Tai Estate	2453 7272	2465 1212
Fu Tung Estate	2109 0280	2109 0280
Fuk Loi Estate	2490 7834	2416 5341
Fung Tak Estate	*	2324 0096
Fung Wah Estate	*	2897 7479
Grandeur Terrace	2786 3511	3152 2672
	3401 8268	
Hau Tak (I) Estate	2706 0188	2701 3320
Hau Tak (II) Estate	2706 0188	2701 3320
Heng On Estate	*	2648 1312
Hin Keng Estate	*	2698 1266
Hing Man Estate	2558 6311	3160 4291
Hing Tin Estate	*	2772 6840
Hing Tung Estate	2567 8846	3160 4291
Hing Wah (I) Estate	2505 4228	2897 7479
Hing Wah (II) Estate	2557 0115	2897 7479
Hoi Fu Court	2625 4640	2625 4370
Homantin Estate	2176 4552	2760 3301
Hong Tung Estate	2513 1778	3160 4291
Hunghom Estate	2365 2387	2760 3301
Ka Fuk Estate	2677 0383	2677 2002
Kai Tin Estate	2346 1396	2772 6840
Kai Yip Estate	2757 3710	2793 2303
Kam Peng Estate	2983 1522	3140 6400
Kin Sang Estate	*	2465 1212
King Lam Estate	*	2701 0155
Ko Yee Estate	2772 0462	2793 2303
Kwai Chung Estate	2427 9006	2421 2426
Kwai Fong Estate	2422 1805	2422 1808
Kwai Hing Estate	2420 2113	2421 2426
Kwai Shing (East) Estate	2428 3991	2421 2426

Kwai Shing East Interim Housing	2428 3991	2421 2426
Kwai Shing (West) Estate	2426 4121	2429 9446
Kwong Fuk Estate	2658 4430	2657 2808
Kwong Tin Estate	2349 8000	2772 6840
Kwong Yuen Estate	*	2648 1312
Lai King Estate	2743 3814	2743 3814
Lai Kok Estate	2361 0217	2725 5750
Lai On Estate	2361 0217	2725 5750
Lai Yiu Estate	2745 0012	2420 6987
Lee On Estate	2643 5038	2648 1312
Lei Cheng Uk Estate	2708 2002	2725 5750
Lei Muk Shue Estate	2423 7458	2423 7680
Lei Tung Estate	2874 7211	3160 4291
Lei Yue Mun Estate	2246 5500	2772 6840
Lek Yuen Estate	2691 7128	2689 1266
Leung King Estate	*	2465 1212
Lok Fu Estate	2336 5144	2326 8962
Lok Wah (North) Estate	2755 6613	2755 5551
Lok Wah (South) Estate	2755 6613	2755 5551
Long Bin Interim Housing	2474 0488	2442 2461
Long Ping Estate	2479 9111	2442 2461
Lower Ngau Tau Kok (II) Estate	2750 3231	2755 5551
Lower Wong Tai Sin (I) Estate	*	2326 8962
Lower Wong Tai Sin (II) Estate	2726 5675	2326 8962
Lung Hang Estate	2606 1073	2698 1266
Lung Tin Estate	2985 5807	3140 6400
Ma Hang Estate	2813 8140	2551 0660
Ma Tau Wai Estate	2715 6683	2760 3301
Mei Lam Estate	2604 9229	2698 1266
Mei Tung Estate	2338 0521	2326 8962
Ming Tak Estate	2623 6553	2701 1477
Model Housing Estate	2562 4255	3160 4291
Nam Cheong Estate	2728 2178	2725 5750
Nam Shan Estate	2777 3357	2777 3357

Nga Ning Court	2986 9496	3140 6400
Ngan Wan Estate	2984 7000	3140 6400
Oi Man Estate	2713 0121	2760 3301
Oi Tung Estate	2513 1843	3160 4291
On Ting Estate	2451 0321	2451 0321
On Yam Estate	2481 2998	2420 6987
Pak Tin Estate	2777 9883	2777 3357
Ping Shek Estate	2323 8121	2324 0096
Ping Tin Estate	2348 8681	2772 6840
Po Lam Estate	2701 0022	2701 3320
Po Tat Estate	2243 7133	2772 6840
Po Tin Interim Housing	2462 2430	2465 1212
Pok Hong Estate	2648 1083	2648 1312
Sai Kung Interim Housing	2699 3082	2699 3082
Sai Wan Estate	2817 2054	2551 0660
Sam Shing Estate	2462 2430	2465 1212
Sau Mau Ping Estate	2775 0818	2349 1361
Sha Kok Estate	2647 1311	2645 6188
Shan King Estate	2466 1177	2465 1212
Shek Kip Mei Estate	2779 0231	2779 0231
Shek Lei (I) Estate	2420 6988	2420 6987
Shek Lei (II) Estate	2489 0020	2420 6987
Shek Lei (II) Interim Housing	2489 0020	2420 6987
Shek Wai Kok Estate	2416 5341	2416 5341
Shek Yam East Estate	2424 2942	2421 2426
Shek Yam Estate	2426 7075	2421 2426
Sheung Lok Estate	2713 9015	2760 3301
Sheung Tak Estate	2178 1113	2701 1477
Shui Pin Wai Estate	2479 4237	2442 2461
Shun Lee Estate	2341 8286	2349 1361
Shun On Estate	2342 8259	2349 1361
Shun Tin Estate	2797 2010	2349 1361
Siu Sai Wan Estate	2557 7301	2897 7479
So Uk Estate	2386 6549	2725 5750
Sun Chui Estate	2698 8988	2698 1266
Sun Tin Wai Estate	2604 6363	2698 1266
Tai Hang Tung Estate	2788 0078	2777 3357

Tai Hing Estate	2462 4601	2465 1212
Tai Ping Estate	2672 2083	2677 2002
Tai Wo Estate	*	2657 2808
Tai Wo Hau Estate	2429 9446	2429 9446
Tai Yuen Estate	2664 5238	2657 2808
Tak Tin Estate	*	2772 6840
Tak Tin Estate (Tak Yan House)	2177 6363	2772 6840
Tin Chak Estate	2616 0806	3152 2672
Tin Heng Estate	2486 5000	3152 2672
Tin King Estate	*	2465 1212
Tin Ping Estate	*	2677 2002
Tin Shui (I) Estate	2445 1645	2445 0418
Tin Shui (II) Estate	2445 1645	2445 0418
Tin Tsz Estate	2476 8449	2445 0418
Tin Wah Estate	2448 1723	2445 0418
Tin Wan Estate	2538 5016	2551 0660
Tin Yan Estate	2146 7315	3152 2672
Tin Yat Estate	2486 3088	3152 2672
Tin Yiu (I) Estate	2448 1810	2445 0418
Tin Yiu (II) Estate	2448 1810	2445 0418
Tin Yuet Estate	2448 8863	3152 2672
Tsing Yi Estate	*	2431 0305
Tsui Lam Estate	2702 0006	2701 3320
Tsui Lok Estate	2505 1454	2897 7479
Tsui Ping North Estate	2344 6255	2793 2303
Tsui Ping South Estate	2772 5077	2793 2303
Tsui Wan Estate	*	2897 7479
Tsz Ching Estate	2325 0104	2324 0096
Tsz Hong Estate	2997 5151	2324 0096
Tsz Lok Estate	2323 1787	2324 0096
Tsz Man Estate	2324 4176	2324 0096
Tung Tau (I) Estate	2716 3113	2326 8962
Tung Tau (II) Estate	2383 0011	2326 8962
Un Chau Estate	2728 7714	2728 7714
Upper Ngau Tau Kok Estate	2751 6006	2793 2303
Upper Wong Tai Sin Estate	2321 2004	2351 1818

Wah Fu (I) Estate	2551 2011	2551 0660
Wah Fu (II) Estate	2551 4109	2551 0660
Wah Kwai Estate	*	2551 0660
Wah Lai Estate	2242 6442	2725 5750
Wah Ming Estate	*	2677 2002
Wah Sum Estate	2677 1772	2677 2002
Wan Hon Estate	2172 7363	2793 2303
Wan Tau Tong Estate	*	2657 2808
Wan Tsui Estate	2558 0180	2897 7479
Wang Tau Hom Estate	2336 0258	2326 8962
Wo Che Estate	2697 6183	2645 6188
Wo Che Estate (King Wo House)	2697 2270	2645 6188
Wo Lok Estate	2342 1935	2793 2303
Wong Chuk Hang Estate	2552 6692	2552 6692
Wu King Estate	2465 0621	2451 0321
Yat Tung Estate	3140 6316	3140 6400
Yau Oi Estate	2458 7710	2451 0321
Yau Tong Estate	2349 4189	2793 2303
Yiu On Estate	*	2648 1312
Yiu Tung Estate	2539 8336	3160 4291
Yue Wan Estate	2557 3281	2897 7479
Yung Shing Court	2947 9988	2677 2002

\* Tenants Purchase Scheme Estates (Property Management Agencies appointed by Owners' Committee do not handle any matters concerning housing policies)

## Table of Contents

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	<b>Page</b>
<b>Preface</b> .....	<b>i</b>
 <b>Section A Application for Public Housing, Transfer and Subsidized Home Ownership Schemes</b>	
<b>Chapter 1 Application for Public Rental Housing</b> .....	<b>3</b>
<b>Chapter 2 Rent Allowance for Elderly Scheme</b> .....	<b>11</b>
<b>Chapter 3 Compassionate Rehousing</b> .....	<b>12</b>
<b>Chapter 4 Allocation Standards for Public Rental Housing</b> .....	<b>13</b>
<b>Chapter 5 Transfer</b> .....	<b>14</b>
<b>Chapter 6 Home Ownership Scheme (HOS) and Private Sector Participation Scheme (PSPS)</b> .....	<b>18</b>
<b>Chapter 7 Extension of Green Form Status to General Waiting List Applicants</b> .....	<b>19</b>
<b>Chapter 8 Sale of Flats in the Secondary Market</b> .....	<b>20</b>
<b>Chapter 9 Home Assistance Loan Scheme</b> .....	<b>22</b>
<b>Chapter 10 Tenants Purchase Scheme</b> .....	<b>26</b>
<b>Chapter 11 Housing Information Centre</b> .....	<b>28</b>
 <b>Section B Estate Management and Rent Policy</b>	
<b>Chapter 1 Domestic Rent Policy</b> .....	<b>33</b>
<b>Chapter 2 Rent Assistance Scheme</b> .....	<b>35</b>
<b>Chapter 3 A Rent-free Period of 14 Days</b> .....	<b>37</b>
<b>Chapter 4 Housing Subsidy Policy</b> .....	<b>38</b>
<b>Chapter 5 Policy on Safeguarding Rational Allocation of Public Housing Resources</b> .....	<b>40</b>
<b>Chapter 6 Biennial Declaration of Family Particulars</b> .....	<b>42</b>



	<b>Page</b>
<b>Chapter 7</b> Deletion/Addition/Conditional Temporary Stay of Family Members.....	43
<b>Chapter 8</b> Policy on Grant of New Tenancy .....	47
<b>Chapter 9</b> Housing Arrangements for Divorced Couples.....	49
<b>Chapter 10</b> Policy on Household Splitting.....	52
<b>Chapter 11</b> Surrender of Public Housing Flats upon Acquisition of Another Form of Subsidized Housing .....	54
<b>Chapter 12</b> Issue of Notice-to-quit and Appeal Procedures .....	55
<b>Chapter 13</b> Approved Decoration Contractor System.....	56
<b>Chapter 14</b> Clothes-drying Facilities of Estates .....	57
<b>Chapter 15</b> Security Service and Installations.....	58
<b>Chapter 16</b> The Use of Roads and Parking Facilities of Public Housing Estates.....	59
<b>Chapter 17</b> Emergency Alarm System .....	60
<b>Chapter 18</b> Services for People with a Disability .....	62
<b>Chapter 19</b> Housing Arrangements for Tenants Affected by Redevelopment .....	64
<b>Chapter 20</b> Estate Management Advisory Committee .....	65
<b>Chapter 21</b> Letting of Commercial Premises by Open Tender.....	66
<b>Chapter 22</b> Letting of Commercial Premises by Direct Negotiation .....	71
<b>Chapter 23</b> Short Term Letting of Commercial Premises (by Estate/Shopping Centre) .....	79
<b>Chapter 24</b> Letting of Commercial Premises through the Business Opportunity Centre.....	83

## **Section C Squatter Control**

<b>Chapter 1</b> Squatter Control.....	93
<b>Chapter 2</b> Repair and Rebuilding of Squatter Structures.....	94
<b>Chapter 3</b> Squatter Occupancy Survey.....	95

**Section D Clearance**

<b>Chapter 1</b>	<b>Rehousing Criteria for Squatters Affected by Clearance Exercises.....</b>	<b>99</b>
<b>Chapter 2</b>	<b>Rehousing Criteria for Victims of Fires and Natural Disasters .....</b>	<b>102</b>
<b>Chapter 3</b>	<b>Eligibility Criteria for Subsidized Home Ownership Schemes in respect of Persons Involved in Clearance Programmes.....</b>	<b>103</b>
<b>Chapter 4</b>	<b>Ex-gratia Allowance for Persons Affected by Clearances/Fires/Natural Disasters .....</b>	<b>104</b>

**Section E General Issues**

<b>Chapter 1</b>	<b>Rights and Responsibilities of the Housing Department's Client Groups.....</b>	<b>109</b>
<b>Chapter 2</b>	<b>Public Enquiry Service .....</b>	<b>122</b>

**Section A**

**Application for Public Housing,  
Transfer and Subsidized Home Ownership Schemes**

## Section A

### Chapter 1: Application for Public Rental Housing

#### Waiting List

The Housing Authority maintains a Waiting List (WL) through which applicants may apply for public housing in one out of four districts (i.e. Urban, Extended Urban, New Territories and Islands) for rehousing. To balance the supply and demand of public rental housing flats from WL applicants in Urban District so as to speed up flat allocation, applicants registered after 31 March 1999 can only opt for public housing in the non-urban districts such as Extended Urban (including Tung Chung, Shatin, Ma On Shan, Tsuen Wan, Kwai Chung, Tsing Yi and Tseung Kwan O), New Territories (including Tin Shui Wai, Tai Po, Fanling, Sheung Shui, Yuen Long and Tuen Mun) and Islands. Nevertheless, elderly applicants and applicants who join the Families with Elderly Priority Scheme may apply for public housing in any district of their choice.

- (1) Application by Ordinary Families
  - (a) Eligibility
    - (i) The applicant must be 18 years of age or over. The applicant and his/her family members must be residing in Hong Kong and have the right to land in Hong Kong without subject to any conditions of stay (except for conditions concerning a limit of stay). Family members who are not living and have not landed in Hong Kong cannot be included in the application.
    - (ii) Person under 18 years of age must apply together with his/her parents or legal guardian.
    - (iii) The relationship between the applicant and other members must either be husband and wife, parents, children, grandparents, grandchildren, unmarried brothers and sisters or other relatives who are willing to live together with and are dependent on the applicant.
    - (iv) All married family members included in the application must apply together with their spouse (divorcee, widow/widower or those whose spouse are not residing in Hong Kong excepted).
    - (v) Only one of the married children of the applicant may be included in the application.
    - (vi) At the time of allocation, at least half of the family members must have lived in Hong Kong for seven years and are still living in

Hong Kong. All children under the age of 18, regardless of their place of birth, will be deemed as having satisfied the seven-year residence rule provided that one of their parents has lived in Hong Kong for seven years.

- (vii) At the time of registration and during the period before the signing of a tenancy agreement upon allocation, the applicant or his/her family members must not
- own or co-own any domestic property,
  - have entered into any agreement to purchase a domestic property, or
  - own more than 50% share in a company which owns domestic properties.

Domestic property includes any post-war domestic property, uncompleted private domestic property, uncontrolled or self-occupied pre-war domestic property, roof top structure approved by the Buildings Authority, domestic building lots and Small House Grants in Hong Kong.

- (viii) New applications from a whole family of PRH households (including single-person households) will not be accepted.
- (ix) For applicants who are public housing residents living in single-person units, and have already registered with their family members on the General Waiting List (GWL) prior to 21 January 1995, they may retain the credit of waiting time which is equivalent to their period of residence in public housing up to a maximum of three years.
- (x) Ex-owners/ex-joint owners or former recipients of various subsidised home ownership schemes such as Home Ownership Scheme/Private Sector Participation Scheme, Mortgage Subsidy Scheme, Buy or Rent Option Scheme and Home Assistance Loan Scheme are not allowed to apply for PRH. However, the Housing Department may grant special consideration to their applications in the following circumstances subject to their fulfillment of other PRH eligibility criteria :
- bankruptcy;
  - financial hardship resulting in need for Comprehensive Social Security Assistance;
  - adverse changes to family circumstances such as divorce, death of bread-winner, etc;
  - a significant drop in household income resulting in difficulties in financing the home purchase; or

- households beset with medical and social problems but not to the extent to qualify for compassionate rehousing.
- (xi) Family members of various subsidized Home Ownership Schemes are permitted to apply provided that their names have been deleted from the relevant records and subject to the fulfillment of other PRH eligibility criteria.
- (xii) Purchasers of flats under the Home Ownership Scheme/Private Sector Participation Scheme, Buy or Rent Option Scheme who rescinded the Agreement for Sale and Purchase can only apply for registration on the WL after execution of the Cancellation Agreement subject to the fulfillment of other PRH eligibility criteria.
- (xiii) Arrangements for processing divorce cases of Waiting List applicants:
- Upon divorce, the party with custody of children has the priority right to retain the original application if consent on the ownership of the application cannot be reached by both parties to the divorce.
  - If the other party, irrespective of whether he/she gets the custody of any child, is still in need of PRH and can fulfil all WL eligibility criteria, a fresh application with the registered date equivalent to that of the original application will be accepted.
  - The same arrangement will also apply before the Decree Absolute is issued on condition that an agreement on custody of children can be reached by both parties to the divorce and documentary proof showing that the relevant divorce proceedings are in progress can be produced. Offer of PRH flats to such eligible applicants will be made in the form of conditional tenancies upon their eligibility for PRH allocation has been confirmed.
- (xiv) The total monthly income (deduction of 5% of income is allowed for employees' statutory contribution to Mandatory Provident Fund or Provident Fund) and net asset value of the applicant and his/her family members must not exceed the maximum limits as laid down by the Housing Authority (HA). The current limits, subject to annual review, are as follows

**Income and Asset Limits for Single Persons and Ordinary Families  
(Effective from 1.4.2004)**

<b>Family Size</b>	<b>Income Limits (per month)*</b>	<b>Net Asset Limits</b>
1 person	\$6,600 ( \$6,947 )	\$170,000
2 persons	\$10,000 ( \$10,526 )	*\$230,000
3 persons	\$11,700 ( \$12,316 )	*\$300,000
4 persons	\$14,000 ( \$14,737 )	\$350,000
5 persons	\$15,800 ( \$16,632 )	\$390,000
6 persons	\$17,300 ( \$18,211 )	\$420,000
7 persons	\$18,700 ( \$19,684 )	\$450,000
8 persons	\$19,800 ( \$20,842 )	\$470,000
9 persons	\$21,300 ( \$22,421 )	\$520,000
10 persons or more	\$22,600 ( \$23,789 )	\$560,000

\* Asset limit for small nuclear households of two and three persons whose members are all elderly persons (aged 60 or above) is the same as that of 4-person households i.e. \$350,000.

**Income and Asset Limits for Unrelated Elderly Persons  
(Effective from 1.4.2004)**

<b>No. of Persons</b>	<b>Income Limits (per month)*</b>	<b>Net Asset Limits</b>
2 persons	\$12,000 ( \$12,632 )	\$230,000
3 persons	\$14,000 ( \$14,737 )	\$300,000
4 persons	\$16,800 ( \$17,684 )	\$350,000

\*Figures in ( ) denotes the effective income limits should an applicant and all family members be contributing 5% of their income under the Mandatory Provident Fund (MPF) or Provident Fund Scheme as required by the law.

(b) Allocation

Allocation of public housing units is strictly in accordance with the order of priority of applications on the WL and the districts chosen. Reasons such as medical or unsatisfactory living conditions will not be counted for early allocation. However, if the applicant can produce documents (e.g. Eviction Order issued by the Lands Tribunal) to prove that he/she will shortly be evicted from his/her present abode, and provided that his/her application satisfies all eligibility criteria and is due for allocation of flat within the coming year, priority will be given to process his/her application. The age limit for allocation of Housing for Senior Citizens Units has been lifted. Applications by ordinary families with one/two persons may also be offered one/two-persons units of Housing for Senior Citizens respectively.

(2) Application by Elderly Persons

The Department has introduced a number of housing schemes, under which public housing is provided for the elderly on a priority basis. Under normal circumstances, eligible applicants under the schemes can have their waiting time shortened or enjoy special allocation arrangements.

*Single Elderly Persons Priority Scheme*

(a) Eligibility

- (i) The applicant must be 58 years of age or over at the time of application and must have attained the age of 60 at the time of allocation.
- (ii) At the time of allocation, the applicant must have lived in Hong Kong for at least seven years and is still living in Hong Kong.
- (iii) The monthly income and net asset value of the applicant must not exceed the current maximum limits as laid down by the HA.
- (iv) The applicant has to satisfy all appropriate eligibility criteria applicable to ordinary families.

(b) Allocation

Allocation of public housing flat is strictly in accordance with the order of priority of applications on the WL and the district of choice. Applicants will be allocated either Housing for Senior Citizens or 1-person flats. Waiting time will vary with applicants' choice of districts and the availability of housing resources. Those who opt for urban district would normally have a longer waiting time.

*Elderly Persons Priority Scheme*

(a) Eligibility

- (i) Two or more related or unrelated elderly persons who agree to live together upon allocation are eligible to apply. For unrelated members, they are required to sign the application form together.
- (ii) All of them must be 58 years of age or above at the time of application and must have attained the age of 60 by the time of allocation.
- (iii) The total monthly income and net asset value of the elderly persons must not exceed the prevailing maximum limits as laid down by the HA.
- (iv) The applicant has to satisfy all appropriate eligibility criteria applicable to ordinary families.



(b) Allocation

Normally, allocation will be made within two years if applicants opt for flats in the New Territories.

*Families with Elderly Persons Priority Scheme*

Eligible families under this priority scheme will have their housing allocation advanced by three years.

(a) Eligibility

- (i) The applicant's family must consist of at least two members of which one member must be an elderly relative.
- (ii) The elderly person must have attained the age of 60 at the time of investigation and is willing to live together with the younger members upon allocation of a flat.
- (iii) The family has to satisfy all appropriate eligibility criteria applicable to ordinary families.
- (iv) The application must have been registered on the WL for not less than two years.
- (v) Irrespective whether the applicant is the elderly or another mature family member, both of them have to sign an undertaking to the effect that the latter will take care of the elderly and to live together. The tenancy so granted may be terminated if the latter later failed to comply with this rule.

(b) Allocation

Housing offers will be arranged for applicants in the same way as that for ordinary families.

*Special Scheme for Families with Elderly Persons*

This scheme allows young families to apply together with their elderly parents or dependent relatives for two separate flats under one or two tenancies in the same public housing estate in new town.

(a) Eligibility

- (i) The applicant's family must be a nuclear family plus at least two elderly parents or dependent relatives. The elderly parents or dependent relatives may apply together with the young family under one application or submit their own applications.
- (ii) They must satisfy all appropriate eligibility criteria applicable to ordinary families.
- (iii) Investigation of the elderly parents/dependent relatives' application will be advanced should the application of the young

family matures first. Having satisfied all WL eligibility criteria, both families will have their allocation of two separate flats in the same estate in New Towns advanced by two years.

- (iv) Applicants who are allocated public housing under the scheme must observe the terms of the tenancy agreement and take up the responsibility of looking after their elderly relatives.

(b) Allocation

As the application is for two separate flats under one or two tenancies in the same estate in New Towns, allocation is subject to availability of flats or resources in New Towns. Housing offers to the two families will be arranged in the same way as that for ordinary families.

(3) Application by Single Persons

The HA provides single-person units to single persons who are eligible for permanent housing. Such units include purpose-built units in new estates and converted units in existing estates. Single persons who are interested may apply for such units through the Single Persons Waiting List (SPWL).

(a) Eligibility

- (i) The total monthly income and net asset value of the applicant must not exceed the prevailing maximum limits as laid down by the HA.
- (ii) The applicant has to satisfy all appropriate eligibility criteria applicable to ordinary families.

(b) Addition of Family Members

An applicant on the SPWL may, upon marriage or family reunion, request addition of family members in order to be qualified as an ordinary family on the GWL. A credit of waiting time equivalent to half of the waiting time on SPWL up to a maximum of three years will be granted. For example, when an applicant who has been on the SPWL for seven years requests addition of family members, the seven years' waiting time will only be counted as three years on the GWL.

(c) Allocation

Allocation of public housing units is strictly in accordance with the priority of applications on the WL and the choice of district. 1-person flats will be allocated to the eligible applicants. However, due to limited resources, applicants cannot insist on allocation of a specific type of flats. Single persons who have reached the age of 60 by the time of allocation may be processed under the Single Elderly Persons Priority Scheme. The age limit for allocation of Housing for Senior Citizen has

been lifted. Applications by non-elderly single persons may also be offered one-person units of Housing for Senior Citizens.

## **Section A**

### **Chapter 2: Rent Allowance for Elderly Scheme**

The Rent Allowance for Elderly Scheme (RAES) was launched as a pilot scheme in August 2001 to give elderly applicants an arrangement to draw cash rent allowances to lease private accommodation in lieu of PRH allocation.

However, the Housing Authority's Subsidized Housing Committee agreed on 25 September 2003 to phase out the pilot RAES.

To phase out the scheme, the Department ceases to accept new application. Existing beneficiaries, upon expiry of the current private leases, can opt for public rental housing (PRH) units or cash rent allowances provided that they still meet the prevailing eligibility criteria.

## **Section A**

### **Chapter 3: Compassionate Rehousing**

Compassionate rehousing is recommended by the Director of Social Welfare (DSW). Such cases in general involve hardships of various nature on the part of the applicants like serious illness, disability or social problem.

The public may apply directly to Family Services Centres or Social Security Field Units of the Social Welfare Department (SWD), or through the Medical Social Unit under the subvented hospitals, voluntary agencies as approved by the SWD or Probation Offices for compassionate rehousing. After confirmation of the eligibility of an applicant through investigation, the DSW will recommend the case to the Housing Department for allocation of a suitable flat.

## **Section A**

### **Chapter 4: Allocation Standards for Public Rental Housing**

In respect of the allocation of public rental housing, dual allocation standards have been adopted by the Housing Authority since 1 December 1991 as follows -

- (1) a minimum allocation standard of 5.5m<sup>2</sup> internal floor area (IFA) per person with a “median rent-income ratio” (“MRIR”) not exceeding 15%; or
- (2) a minimum allocation standard of 7m<sup>2</sup> IFA per person with a “MRIR” not exceeding 18.5%.

If a prospective tenant does not want to take up a flat of his choice offered under the higher allocation standard because of high rent, he can accept either a smaller unit or a refurbished flat at a lower rent in another estate.

To maximize the utilization of housing resources and to look after the low-income households, it is the current practice of the Department to refurbish vacant flats in post-1973 and the former Housing Authority estates and then offer them to tenants in need of rent assistance.

## **Section A**

### **Chapter 5: Transfer**

#### **Mutual Exchange**

The Housing Authority's Subsidized Housing Committee agreed on 19 February 2004 to phase out the Mutual Exchange Scheme by ceasing to accept new applications.

For existing applications registered under the Mutual Exchange Scheme and within their validation period, matching service will be continued until individual expiry. The Tenant Mutual Exchange Bureau will endeavour to arrange a maximum of four matches for the applicants during the two years' validation period. Upon successful exchange of flats, the applicant is required to pay an administrative charge of \$220. If the applicant has rejected all the four matches, his/her application will automatically be cancelled.

Tenants should not make any unauthorized exchanges themselves, otherwise, they will breach the tenancy conditions thereby resulting in termination of their tenancies by the Housing Authority (HA).

#### **Transfers**

Except households affected by government's relocation actions such as redevelopment, any household carrying points accumulated under the Marking Scheme for Tenancy Enforcement in public housing estates will be barred from applying for alternative accommodation, better/larger or otherwise, through external or internal transfer (including overcrowding relief, transfer for CIP households, etc).

##### **(1) Internal Transfer**

Tenants who have genuine difficulties in continuing living in their existing flats due to special circumstances or on medical/social grounds may apply for transfer to a flat in the same estate. Those tenants who are seriously handicapped or in poor health conditions and in need of a private toilet or washing and cooking facilities may also apply for transfer to a suitable flat in the same estate.

##### **(2) Special Transfer**

If tenants are in genuine need of housing transfer due to special circumstances or on medical/social grounds but internal transfer cannot solve their problem, they may apply for special transfer to another estate. Should tenants in financial difficulties find it hard to afford the existing rent, they may request

transfer to flats of a cheaper rent in another estate through special transfer.

(3) Pre-redevelopment Transfer

To fully utilize the limited resources, tenants in estates scheduled for redevelopment within three years may apply for "pre-redevelopment transfer". When suitable flats in new estates are available, these tenants will be invited by notices to apply. Upon relocation to new flats and surrender of their existing public housing units, tenants will be granted a removal allowance.

(4) Transfer for Major Repairs/Improvement Programmes

Tenants who have to move out due to structural problems or comprehensive repair and improvement works of their block will be allocated another suitable flat by the Housing Department (HD). These tenants are also entitled to a removal allowance upon surrender of their existing public housing unit.

(5) Transfer for Creation of Suitable Vacancies in Older Estates

In order to create suitable vacancies at certain old estates to meet demand from rehousing categories such as redevelopment and clearances, the HD will set aside a number of flats in new estates for application by the tenants of older estates.

(6) External Transfer Exercise

Subject to availability of resources, the HD will launch "External Transfer Exercise" to assist those needy households to further improve their living environment. Invitation for each transfer exercise is made through notice put up in estate offices and individual housing blocks. Details of application, eligibility criteria and particulars of estates available in the exercise, etc., will be posted for tenants' information.

(7) Overcrowding Relief (OR)

To uphold the principle of equitable utilization of public rental housing (PRH) resources for those in genuine need, which was re-affirmed by the Long Term Housing Strategy White Paper published in 1998, and to enhance the effectiveness of the existing OR mechanism, the HA revised the Policy on Overcrowding Relief on 23.1.2001.

Territory-wide OR transfer exercises will be conducted centrally by the Applications Section of the HD three to four times a year subject to availability of housing resources. Eligible applicants will be invited for flat selection, however, households living in the New Territories (NT) may only select flats in the NT estates while households in extended urban areas may not choose flats in urban estates. Details on OR arrangements, eligibility criteria and list of estates available in the exercise, etc. will be put up on notice boards for tenants' information.



## Conditions and Eligibility Criteria

### (a) Eligibility criteria

- (i) occupying PRH accommodation with density less than 5.5m<sup>2</sup> internal floor area (IFA) per person;
- (ii) passing the domestic property test (DPT), i.e. during the period from the date of applying for the OR transfer exercise up to the date of signing up new tenancy, all household members must not own any domestic property in Hong Kong;
- (iii) passing the comprehensive means test (CMT) with income and asset limits being the same as those used in the Housing Subsidy Policy and the Policy on Safeguarding Rational Allocation of Public Housing Resources (please refer to Chapters 4 and 5 of Section B for details of the relevant limits); and
- (iv) all members of the household should not be in breach of any clause of the tenancy agreement and the occupancy position of the PRH unit should be in order.

### (b) Order of priority for flat selection

The living density of applicants will determine the order of priority for flat selection - household with the highest density will come first. Density being the same, the household of a larger size will have priority. Both conditions being the same, the length of residence in the existing tenancy will determine. All things being equal, priority on flat selection will be determined by ballot. On the production of medical certificate, an unborn child of at least 16 weeks gestation as at the date of application will be counted as one family member in the calculation of living density. The concerned household should raise its request for inclusion of any unborn child to the estate office when applying for OR.

### (c) Rent levels and declarations on household income and assets after OR

After successful transfer to a larger flat, the household has to pay normal, 1.5 times or double net rent plus rates according to the level of their household income (please refer to Chapter 4 of Section B for details). They will be required to declare their household income/assets once every two years irrespective of the length of their residence in public housing. Households paying normal or 1.5 times net rent plus rates shall declare their household income biennially. Those paying double net rent plus rates shall declare their household assets biennially. For households which tenancies before transfer are granted under the Policy on Grant of New Tenancy, they shall continue to declare their household income and assets every two years as required under the policy.

### (d) One-year time bar

Unsuccessful applicants may apply again in the next OR exercise. However, eligible applicants who fail to secure a flat after being invited

to flat selection exercises for three times (including failing to turn up for flat selection or refusing to select any flat) will have their eligibility for OR frozen for one year.

Transfer of OR Families living in blocks due for redevelopment within three years

Vacated flats in blocks due for redevelopment within three years may be used for OR within the same block. When such vacancies arise, details of the application arrangement and particulars of the flats available will be advertised on block basis to invite applications from eligible overcrowded families. In case the vacated flats advertised outnumber the applications received, the flat will first be allocated to applicants living adjacent/opposite to the vacated flats under Automatic Offer (AO). Any flat, which cannot be disposed of by way of AO for whatever reasons, will be allocated to another eligible family within the same block with priority being determined on the basis of degree of overcrowding. If the reverse is true, the vacated flats will be allocated to those families with the highest living density.

Eligible overcrowded families are usually allocated larger flats. Under special circumstances, such as where the vacated flats are situated in blocks due for redevelopment within three years, the HD may consider allocation of additional flat(s) for relief of overcrowding. Nevertheless, families who have obtained additional flat(s) for OR will not be allowed to acquire extra housing benefits, e.g. extra entitlement to purchase additional flat or to acquire addition loan under any subsidized home ownership scheme.

(8) Transfer of Tenants Occupying Converted One-person (C1P) Flats

Flats which provide the occupants with exclusive living area but shared toilet and balcony facilities within the partitioned premises is termed C1P flats. The HA endorsed on 23.1.2001 to open up an additional channel for the C1P tenants, especially those living in an overcrowded condition, to acquire self-contained accommodation.

Subject to availability of housing resources the Housing Department will make available each year an appropriate number of self-contained flats (particularly those suitable for re-allocation to households with two or more persons) for the transfer of the C1P tenants. Territory-wide transfer exercises will be conducted centrally by the Applications Section and the C1P tenants will be invited to submit applications through notices put up on notice boards in estates.

Other than being tenants of C1P flats, applicants should also fulfill the eligibility criteria of the transfer exercise.

## **Section A**

### **Chapter 6: Home Ownership Scheme (HOS) and Private Sector Participation Scheme (PSPS)**

Production and sale of HOS and PSPS flats have ceased indefinitely from 2003 onwards, except for a small number of unsold and returned flats which would be sold to Green Form applicants. In November 2003, the HA further decided that unsold and returned HOS and PSPS flats would not be put up for sale in the form of subsidized housing before the end of 2006.

## **Section A**

### **Chapter 7: Extension of Green Form Status to General Waiting List Applicants**

(1) Home Ownership Scheme/Home Assistance Loan Scheme

The Subsidized Housing Committee of the Hong Kong Housing Authority approved on 26 November 2003 to close the application for the Home Assistance Loan Scheme (HALS) immediately for 2003/04 and to conduct a review of the scheme separately this year. The Committee also approved not to put up for sale, in form of subsidized housing resold and returned Home Ownership Scheme (HOS) flats before the end of 2006.

In such circumstances, no Green Form Status will be issued for HALS or HOS until further notice.

(2) HOS Secondary Market Scheme/Flat-for-sale Secondary Market

Under the current policy of the Housing Authority, General Waiting List applicants satisfying certain requirements may apply for joining the following subsidized home ownership schemes with Green Form Status:

- (a) HOS Secondary Market Scheme;
- (b) Flat-for-sale Scheme Secondary (FFSS) Market. (Implemented by Housing Society)

Waiting List applicants with verified eligibility for public housing allocation (“eligible applicants”) may purchase a flat in the HOS Secondary Market/FFSS Secondary Market with Green Form status. Applicants can only opt for one of the above-mentioned subsidized home ownership schemes of the Housing Authority/Housing Society but they may apply for more than one of the schemes at the same time provided that they meet the eligibility criteria of the respective schemes. Successful applicants are required to forfeit the other applications and their Waiting List applications will be cancelled.

Waiting List applicants whose applications have been cancelled because their total monthly household incomes/assets exceed the stipulated limits but do not exceed the HOS Secondary Market Scheme income/assets limits may apply for the HOS Secondary Market Scheme, except FFSS Secondary Market, with Green Forms status, provided that their waiting time is not less than two years.

## **Section A**

### **Chapter 8: Sale of Flats in the Secondary Market**

To increase the turnover of public rental housing (PRH) flats and efficiency in the utilization of limited public housing resources, the Housing Authority (HA) established the Secondary Market Scheme (SMS) for Home Ownership Scheme (HOS)/ Private Sector Participation Scheme (PSPS) flats in June 1997. Starting from the third year [counting from the date of the first assignment signed with the HA (for HOS flats) or the developer (for PSPS flats)] HOS/PSPS flat owners may sell their flats in the Secondary Market to sitting PRH tenants [including tenants of the HA and the Housing Society (HS) as well as authorized occupants of the HA's Interim Housing]\*, beneficiaries under the Rent Allowance for Elderly Scheme (RAES), Green Form Certificate holders and holders of "Confirmation of Eligibility to Purchase". The price is to be negotiated between the selling and buying parties. The original HOS owner will not be required to pay the premium to the HA before selling his/her flat, but the purchaser will inherit the liability to pay the premium should he/she seek to sell the flat in the open market later on. With effect from 15 April 2000, rental flats sold under the Tenants Purchase Scheme (TPS) and reaching the third year (counting from the date of the first assignment) can also be resold under the SMS, Successful Green Form applicants of the Home Assistance Loan Scheme can make use of the loan/subsidy to purchase flats in the secondary market with effect from 2 January 2003.

#### **Eligibility to Purchase an HOS/PSPS/TPS Flat in the SMS**

- (1) Domestic tenants of HA and HS estates, authorized occupants of the HA's Interim Housing (IH) may, upon the endorsement of their eligibility by their estate/IH offices, apply to purchase HOS/PSPS/TPS flats in the SMS. They are required to surrender their existing PRH/IH units upon purchase of an HOS/PSPS/TPS flat.
- (2) Beneficiaries under HA's RAES are eligible. Their RAES allowance will be automatically ceased upon purchase of an HOS/PSPS/TPS flat.
- (3) All Green Form certificate holders and Estate Assistants holding a Letter of Assurance issued by the Housing Department may also apply. They are required to give up their eligibility for allocation of PRH flats after execution of the assignment in a successful purchase deal.
- (4) Eligible Housing Department staff holding "Confirmation of Eligibility to Purchase" issued by the Department may apply to purchase HOS/PSPS flats only.

The above applicants must satisfy the following requirements -

- (1) The applicant must be 18 years of age or above;
- (2) the applicant and all family members, if married, must apply together with their spouse (with the exception of those who have legal proof of divorce);
- (3) the applicant or one of his/her family members must have lived in Hong Kong for at least seven years with unconditional stay (except for conditions on the limit of stay). However, domestic tenants of HA/HS estates, authorized occupants of the HA's IH, beneficiaries of the RAES. "Green Form certificate" holders with rental eligibility and Estate Assistants in possession of a "Letter of Assurance" are not subject to the restriction on length of residence in Hong Kong;
- (4) the applicant and his/her family members must not breach any terms and conditions of the existing tenancy agreement/licence (applicable only to tenants of HA/HS and licensees of IH).

\* Ex-owners of HOS/PSPS flat, ex-Home Purchase Loan/Home Assistance Loan recipients and their spouses are not eligible to purchase an HOS/PSPS/TPS flat in the SMS. Other family members whose deletion from the relevant records has been approved would not be bound by the restriction.

## **Section A**

### **Chapter 9: Home Assistance Loan Scheme**

The Home Assistance Loan Scheme (HALS), introduced in January 2003, aims to assist eligible applicants to acquire home ownership in the form of an interest-free loan or monthly mortgage subsidy. The HALS enables the Housing Authority (HA) and the Housing Society to recover rental housing flats for re-allocation to families in need. The initial quota in 2003/04 was 10,000. On 26 November 2003, the HA decided to maintain the quota at this level and close applications for the 2003/04 quota since the number of applications has already exceeded the quota.

The HALS can be categorized under Green Form (GF) and White Form (WF) applicants. Eligible applicants (family group) are entitled to an interest-free loan of \$530,000 (repayable over 13 years) or \$390,000 (repayable over 20 years), or a monthly mortgage subsidy of \$3,800 (payable for 48 months). The loan and subsidy amount for single-person applicants is half of the above rates.

#### **Green Form Application**

The following categories of persons may apply by using the Green Form:

- (1) Domestic tenants of HA/Housing Society public housing estates and authorized occupants of the HA's Interim Housing, regardless of their income, asset and property ownership, provided that they surrender their existing public housing/interim housing unit upon acquiring a loan/subsidy under the HALS;
- (2) Holders of valid "Green Form Certificates" including applicants on the public housing General Waiting List, junior civil servants applying for HALS under the Civil Service Public Housing Quota, persons affected by clearances or natural disasters, public rental housing residents involving in divorce and/or splitting cases and domestic tenants affected by the Urban Renewal Authority's projects, provided that they give up their right to allocation of public rental housing units upon acquiring a loan/subsidy under the HALS;
- (3) Estate Assistant Grade Officers of the Housing Department in possession of the "Letter of Assurance"; and
- (4) Allowance recipients under the HA's Rent Allowance for Elderly Scheme. The granting of allowance will be ceased upon the recipients' acquiring a loan/subsidy under the HALS.

The above applicants must satisfy the following requirements:

- (1) Single-person applicant should be unmarried; or divorced; or whose spouse is either deceased or has not been permitted to reside in Hong Kong;
- (2) The applicant must be at least 18 years old; and
- (3) The applicant or one of the family members listed in the application form must have lived in Hong Kong for not less than seven years on or before the date of submission of the application form and his/her stay in Hong Kong is not subject to any condition of stay (except for conditions concerning the limit of stay). This applies to Green Form Certificate Holders without rental housing eligibility.

### **White Form Application**

The White Form is applicable to applicants who meet the following eligibility criteria.

- (1) Eligible applicants include:
  - (a) Single persons or families not belonging to the Green Form categories (including husband and wife, parents and child(ren), single parent and child(ren) living together, grandparents and grandchild(ren) living together, siblings, or other kinship);
  - (b) Authorized residents of HA or Housing Society estates who intend to split from their present household;
  - (c) Owners of Tenants Purchase Scheme flat [subject to the same eligibility criteria as Green Form (public rental housing category) applicants].
- (2) The applicant must be at least 18 years old.
- (3) The applicant or one of the family members listed in the application form must have lived in Hong Kong for not less than seven years on or before the date of submission of the application form and his/her stay in Hong Kong is not subject to any conditions of stay (except for conditions concerning the limit of stay).



- (4) The total monthly family income and net asset limits are as follows:

<b>Household Size</b>	<b>Household Income Limit (HK\$)</b>	<b>Net Household Assets Value (HK\$)</b>	<b>Limit</b>
1 person	11,500	240,000	
2-5 persons	23,000	480,000	
6 persons	23,000	500,000	
7 persons	23,000	540,000	
8 persons	23,000	560,000	
9 persons	23,400	620,000	
10 persons or more	25,000	680,000	

- (5) The applicant or his/her family members listed in the application form must not, during the 24 months before submission or application and until issuance with the letter of Approval-in-principle and entering into an agreement for sale and purchase (provisional or otherwise),

- (a) own or co-own any domestic property in Hong Kong;
- (b) have entered into any agreement to purchase domestic property in Hong Kong; or
- (c) own more than 50% share in a company which owns domestic property in Hong Kong.

(Domestic property includes any post-war domestic property, uncompleted private domestic property; uncontrolled or self-occupied pre-war domestic property, roof-top structure approved by the Buildings Authority, building lots and Small House Grants.)

### **Relief Measures on HA Loan Repayment**

The HA endorsed on 19 February 2004 the grant of relief measures on the part of the HA loan to assist eligible loan recipients under Home Purchase Loan Scheme (HPLS) and HALS to tide over short-term financial difficulties. The relief measures allow the eligible loan recipients to reduce the monthly repayment of HA loans by 50% for a maximum period of 12 months with provision for the deferred repayment to be repaid evenly over the residual period of the repayment term. The eligibility criteria are as follows –

- (1) the relief measures on HA loans should run in parallel with a 100% reduced repayment of the principal of bank loans;
- (2) the monthly household income of the applicant has dropped by 15% or more compared with the income level at the time of loan application;

- (3) the monthly aggregate of the applicant's current bank loan repayment and HA loan repayment exceeds 50% of his/her monthly household income;
- (4) the net assets (excluding the mortgaged property) of singleton and family applicant do not exceed \$80,000 and \$120,000 respectively, and there is no other means with which the applicant can continue with the loan repayment; and
- (5) the availability of a recommendation from the bank having regard to the repayment capability of the applicant.

For application, loan recipients should first approach the mortgagee bank. Upon reaching an initial agreement, the bank should submit a recommendation to the Housing Department for follow-up actions.

## **Section A**

### **Chapter 10: Tenants Purchase Scheme**

To bring home ownership within the reach of the public housing tenants, the Housing Authority (HA) endorsed the Tenants Purchase Scheme (TPS) in December 1997 to provide opportunity for sitting tenants to buy their own flats at reasonable and affordable prices.

#### **Eligibility to Purchase a TPS Flat**

Sitting tenants of selected TPS estates can apply to purchase a TPS flat subject to fulfillment of the following conditions –

- (1) The purchaser must be the tenant or an authorized person listed in the tenancy agreement. All authorized persons listed in the tenancy agreement should be included in the same Letter of Offer.
- (2) The purchaser must be 18 years of age or above.
- (3) The spouse of the purchaser and the authorized persons should be included in the same Letter of Offer (except divorcees, widows/widowers).
- (4) The purchaser and the authorized persons listed in the tenancy agreement must not be in breach of any conditions of the existing tenancy agreement.
- (5) A household comprising one nuclear family and occupying two rental flats can either choose to purchase or continue to rent the two flats at the same time. (Note: Each Letter of Offer can only be used for purchasing one flat and two Letters of Offer are required for purchasing two flats.)
- (6) A household occupying two or more rental flats can purchase two flats at most in the name of the same purchaser and the remaining flats have to be returned to the HA. For a household comprising more than one nuclear family, they may apply for splitting and purchase the flats in the name of different purchasers according to the above requirements; alternatively, the split family can purchase their flat and the other family may continue to rent the remaining flat, provided that the following conditions are fulfilled:
  - (a) each splinter group has to be a whole nuclear family;
  - (b) the flat to be purchased must be physically separable from those retained on rental terms;
  - (c) the prevailing splitting criteria of the estate must be fulfilled; and
  - (d) the splitting arrangement must be approved by the respective estate office.

- (7) New tenants in TPS estates can purchase their flats at a price with full credit offered in the prevailing phase of TPS sale exercise in the first year and at a price with half credit in the second year as from the date of commencement of the tenancy agreement.
- (8) Tenants paying market rent, ex-TPS owners and their authorized persons are not eligible for the special credit.

Upon purchase of a TPS flat currently occupied by the purchaser, the tenant must terminate the respective tenancy agreement. Should the TPS flat purchased be a vacant flat in the estate, the tenant must deliver up vacant possession of the PRH flat currently occupied by him/her to the HA.

At the early stage of the sale exercise of TPS estates, there will be a one-off arrangement to offer vacant flats available for sale in the respective TPS estates for tenants in the same estate to purchase. All subsequent vacant flats will be reverted to rental units. Conditions for the purchase of vacant flats in the same estate are as follows –

- (1) The priority of flat selection will be first determined by the household size of the purchaser and then by the occupancy density of his/her family. For purchasers with the same position under these two conditions, their priority of flat selection will be determined by open ballot.
- (2) Purchasers are required to deliver up vacant possession of the flats currently occupied by them to the HA within 60 days after the successful purchase of a vacant flat.
- (3) Other conditions are the same as those stated in Points (1) to (8) above concerning the purchase of flats currently occupied by the purchasers.

#### **TPS Flats Available for Sale**

All rental flats in the estate for sale will be available for purchase, except the following types of flats:

- flats under the Housing for Senior Citizens Scheme and Small Household Blocks;
- flats for welfare purposes; and
- flats with shared facilities (such as toilet, kitchen and main entrance).

## **Section A**

### **Chapter 11: Housing Information Centre**

#### **Purpose**

To assist enquirers displaced by redevelopment of private buildings (hereinafter called “enquirers”) in solving their housing problems and other problems arising from relocation, the Housing Department has set up Housing Information Centres at North Point, Hung Hom, Sham Shui Po and Tsuen Wan respectively to provide enquirers and the public with information and advice on public housing application and related matters.

#### **Scope of Services**

Services provided by the Housing Information Centres are mainly as follows -

##### **(1) Housing Matters**

The Centres answer enquiries concerning the eligibility and application procedures for public rental housing, Home Ownership Scheme (HOS)/Private Sector Participation Scheme (PSPS) Flats, HOS/PSPS Flats in the Secondary Market (SMS) and Home Assistance Loan Scheme (HALS). The Centres also provide the following assistance to enquirers who have already applied for public housing through the Waiting List -

- (a) advising them on the latest position regarding their applications;
- (b) assisting those who wish to change their choice of districts in order to shorten the waiting time in completing the procedures involved as soon as possible; and
- (c) assisting those who can produce documents (such as the Eviction Order issued by the Lands Tribunal) proving that they have to vacate their premises shortly, and will, according to the Department’s record, be due for flat allocation within twelve months, in requesting the Department to advance the processing of their applications.

##### **(2) Hardship Cases**

For those enquirers having special difficulties, the Centres can refer their cases to the Social Welfare Department (SWD) for assessing their eligibility for Comprehensive Social Security Assistance and other welfare services. If they are confirmed to be eligible for compassionate rehousing by the SWD, the Housing Department will allocate public housing units to them.

(3) Other Services

The Centres provide oaths service to the public for matters relating to application for public housing. They also assist the enquirers in seeking free legal advice, or getting a better understanding of the regulations regarding the redevelopment of private buildings and other rent-related matters through the “Rent Officer Scheme”, or advising them on how to apply to the Lands Tribunal for arbitration.

The Centres also provide proactive outreaching service to residents affected by private redevelopment and lodgers of bedspace apartments. The outreaching staff would explain to them the procedures of application for public housing and answer related enquiries.

Besides, an Elderly Information Desk is established in the Centres to provide advisory services to the elderly on matters relating to application for public rental housing, HOS/PSPS Flats, SMS and HALS.

The Centres also provide Fax-on-demand enquiry service. The enquirers, especially the deaf persons, can easily make enquiries to the Centres through fax.

### **Locations and Office Hours**

The locations and office hours of the Housing Information Centres are as follows -

(1) North Point Housing Information Centre

Address -

Shop No. 54 & 55, G/F, Block 1-3, City Garden Maxi Mall, 231 - 233, Electric Road, North Point, Hong Kong

Telephone No.: 2578 0243

Fax No.: 2578 5963

Office Hours -

Monday : 9:00 a.m. to 8:00 p.m.

Tuesday - Friday : 9:00 a.m. to 5:30 p.m.

Saturday : 9:00 a.m. to 12:00 noon

(Closed on Sundays and public holidays)

(2) Hung Hom Housing Information Centre

Address -

Shop 4B, G/F, Lok Fu House, 32, Tak Man Street, Whampoa Estate, Hung Hom, Kowloon.

Telephone No.: 2303 0712

Fax No. : 2330 6225

Office Hours -

Monday: 9:00 a.m. to 8:00 p.m.

Tuesday to Friday: 9:00 a.m. to 5:30 p.m.

Saturday: 9:00 a.m. to 12:00 noon

(Closed on Sundays and public holidays)

(3) Sham Shui Po Housing Information Centre

Address -

Un Chau Estate Management Office, Podium Level, Un Chau Shopping Centre, Un Chau Estate, Shamshui, Kowloon.

Telephone No.: 2779 4069

Fax No.: 2779 0154

Office Hours -

Monday: 9:00 a.m. to 8:00 p.m.

Tuesday to Friday: 9:00 a.m. to 5:30 p.m.

Saturday: 9:00 a.m. to 12:00 noon

(Closed on Sundays and public holidays)

(4) Tsuen Wan Housing Information Centre

Address -

1/F, Tsuen Wan Station Multi-storey Carpark Building, 174-208, Castle Peak Road, Tsuen Wan, N.T.

(situated at the Public Enquiry Service Centre, Tsuen Wan District Office)

Telephone No.: 2411 6410

Fax No.: 2492 5284

Office Hours -

Monday to Friday: 9:00 a.m. to 5:30 p.m.

Saturday: 9:00 a.m. to 12:00 noon

(Closed on Sundays and public holidays)

## **Section B**

### **Estate Management and Rent Policy**



## **Section B**

### **Chapter 1: Domestic Rent Policy**

#### **Characteristics of Domestic Rent**

Domestic rents are inclusive of rates and management fees, and have all along been maintained at a low level because of the provision of premium-free land and capital injections by the Government to the Housing Authority (HA). Rents are calculated on the basis of internal floor area (IFA). Apart from a few exceptions, rents per m<sup>2</sup> IFA are uniform for all the units in the same block irrespective of floor levels and orientation. Currently, the HA's housing stock of over 180 estates provides a broad range of flat types and rent levels for different groups of tenants.

#### **Rent Setting for New Estates**

Rents set for new estates are in the main based on comparable estate value and tenants' affordability.

#### **Comparable Estate Value**

The levels of domestic rents are largely determined by the locations of public housing estates. Factors such as estate facilities, general environment and transportation are also taken into consideration.

#### **Affordability**

To ensure that rents are affordable to the tenants, the HA has adopted the following rent-setting standards -

- (1) the "median rent-to-income ratio" (MRIR) of the prospective tenants not to exceed 15% for the minimum space allocation standard of 5.5m<sup>2</sup> IFA per person; and
- (2) the MRIR of the prospective tenants not to exceed 18.5% for the minimum space allocation standard of 7m<sup>2</sup> IFA per person.

The MRIR itself is only an indicator of affordability to ensure that rents are maintained at a reasonable level. In rent setting for new estates, the projected MRIRs at time of intake are below the prescribed limits.

## **The Housing Ordinance**

According to Section 16(1A) of the Housing Ordinance which was put into operation on 13 March 1998, any determination of variation of rent by the HA in respect of any estates for residential purpose shall only take effect at least three years after the preceding rent determination came into effect and the rent determined shall be of such amount that the overall MRIR of all the public housing estates shall not exceed 10%.

Tenants are informed in writing at least one month before the revised rents come into effect.

## **Section B**

### **Chapter 2: Rent Assistance Scheme**

#### **Aim**

The Rent Assistance Scheme (RAS), which was first introduced on 1 September 1992, aims at granting relief in the form of rent reduction to domestic tenants in public rental housing (PRH) and licensees in interim housing (IH) who are facing temporary financial hardship.

#### **The Current Policy**

The eligibility criteria for the RAS was further relaxed at the meeting of the Rental Housing Committee on 31 October 2002. Under the revised scheme, PRH tenants/IH licensees who satisfy the following criteria may apply for rent assistance -

- (1) the household income meets either one of the following criteria -
  - the household income is below 50% of the Waiting List Income Limit (WLIL); or
  - the rent-to-income ratio (RIR) exceeds 25%; or
  - the household income is between 50% and 60% of the WLIL and RIR exceeds 15%; or
  - elderly household (i.e. all household members aged 60 or above) with income falls below 60% of the WLIL; or
  - elderly household with RIR exceeds 20%.
- (2) the tenant/licensee and all family members included in the tenancy agreement/licence must not own any domestic property in Hong Kong; and
- (3) the family should not be occupying a flat with size exceeding the respective maximum allocation standard.
- (4) applicant's household is not receiving Comprehensive Social Security Assistance (CSSA) with full rent allowance.
- (5) tenants affected by redevelopment are allowed to apply for rent assistance immediately upon rehousing to new or refurbished flats.

As prospective tenants from the Waiting List will be offered new or refurbished flats in the district having regard to their preference and affordability, they may not apply for rent assistance until the next rent review unless their family circumstances have changed after moving in or no suitable cheaper flat can be offered at the time of

allocation. However, to ease the stress experienced by households with financial hardship, the Rental Housing Committee has approved in March 2001 that needy tenants **affected by rent review deferrals** after their intake will also be allowed to apply for rent assistance under the RAS.

All qualified households are granted a 50% rent reduction and their eligibility will be reviewed annually.

### **The Requirement to Move to a Cheaper Accommodation**

Family having enjoyed the RAS for three years and still facing financial hardship is required to move to a cheaper but self-contained accommodation in the same district. On transfer, the moving family will be entitled to receive a Domestic Removal Allowance and to enjoy a rent-free period of one month. For families who refuse to transfer, they may stayput but the rent assistance will cease.

Elderly households and households with disabled member(s) in receipt of rent assistance are exempted from the requirement to move.

## **Section B**

### **Chapter 3: A Rent-free Period of 14 Days**

By making reference to the average time taken by individual households on preparing for moving to their flats, the Housing Authority has, since 26 April 1993, given all new tenants a rent-free period of 14 days so that decoration can be carried out before the commencement of tenancy. Individual tenants may, however, opt for earlier commencement of tenancy according to their own needs.

As for Rent Assistance cases, those households who are required to move to a cheaper accommodation after three years' rent assistance will be granted Domestic Removal Allowance, a rent-free period of one month in respect of their new tenancies and a 14-day rent-free period for decoration purpose. However, they cannot enjoy a rent-free period of one month in respect of their old tenancies.

For other cases, households who are eligible for Domestic Removal Allowance (including tenants affected by redevelopment/management transfers) may also enjoy a rent-free period of one month in respect of their old tenancies apart from a 14-day rent-free period for their new tenancies. The effective date of such period is determined by the commencement date of the new tenancy. For example, if the new tenancy commences on 16 September 2004, the rent-free period in respect of the old tenancy will be from 16 September 2004 to 15 October 2004.

## Section B

### Chapter 4: Housing Subsidy Policy

Since 1 April 1987, the Housing Authority has been implementing the Housing Subsidy Policy (HSP) with the objective of reducing housing subsidy to public housing tenants who are no longer in need of it. Under the HSP, tenants who have been living in public rental housing (PRH) for ten years or more are required to declare household income biennially. Those who choose not to declare their household income are required to pay double net rent plus rates while those with a household income exceeding the corresponding Subsidy Income Limits (SILs) to pay 1.5 times or double net rent plus rates as appropriate. The SILs are subject to annual review. Those effective from 1 April 2004 are as follows -

<b>Household Size</b>	<b>Subsidy Income Limits (per month)</b>	
	<b>Households with income in between the following ranges are required to pay 1.5 times net rent plus rates</b>	<b>Households with income exceeding the following limits are required to pay double net rent plus rates</b>
1 person	\$13,201 - \$19,800	\$19,800
2 persons	\$20,001 - \$30,000	\$30,000
3 persons	\$23,401 - \$35,100	\$35,100
4 persons	\$28,001 - \$42,000	\$42,000
5 persons	\$31,601 - \$47,400	\$47,400
6 persons	\$34,601 - \$51,900	\$51,900
7 persons	\$37,401 - \$56,100	\$56,100
8 persons	\$39,601 - \$59,400	\$59,400
9 persons	\$42,601 - \$63,900	\$63,900
10 persons or more	\$45,201 - \$67,800	\$67,800

However, those households (i) whose members are all aged 60 or above; (ii) with all members receiving Comprehensive Social Security Assistance; (iii) who are on shared tenancies; (iv) living in blocks which are already announced for redevelopment on or before 31.5.1996; or (v) under non-voluntary transfers with announcement date for vacation on or before 31.5.1996, are exempted from the application of the HSP. Households with special justifications may also apply for exemption on individual merits.

Tenants who are paying double or 1.5 times net rent plus rates may, as appropriate, apply for paying 1.5 times net rent plus rates or normal rent if their household income falls below the corresponding SILs for three consecutive months. If

the drop in household income is of permanent nature due to deletion/death of income-earning members, or because of addition of household members, the household income no longer exceed the prescribed limit, households paying additional rent may apply for immediate payment of rent at lower level.

Moreover, the above measure has been extended to households in interim housing (IH) with effect from 26 June 1997. Residents who have been living in public housing (including IH and PRH) for ten years or more counting from the aforesaid date are required to declare their household income at a biennial cycle under HSP.

Furthermore, with effect from 23 January 2001, PRH households are subject to the application of the HSP irrespective of the length of their residence in PRH if their applications under various tenancy management policies have been approved after passing the comprehensive means test and satisfying the respective criteria and they are required to pay normal or one and a half net rent plus rates. The rent payment level of their PRH flats will be reviewed biennially. They will be required to declare their household income one year before the review time for the assessment of their rent payment level in the coming year.

## Section B

### Chapter 5: Policy on Safeguarding Rational Allocation of Public Housing Resources

The Housing Authority endorsed in April 1996 the implementation of the Policy on Safeguarding Rational Allocation of Public Housing Resources (SRA) whereby household income and net asset value are adopted as the two criteria for determining public rental housing (PRH) households' eligibility to continue to receive public housing subsidy. According to the SRA, households paying double net rent plus rates under the Housing Subsidy Policy (HSP) have to declare assets at the next cycle of declaration (two years from the last declaration under the HSP) if they wish to continue to live in PRH.

The current asset limits are set at about 84 times of the 2004/2005 Waiting List Income Limits (WLILs). These limits will be reviewed annually.

The prescribed Income and Net Asset Limits effective from 1 April 2004 are as follows :

<b>Household Size</b>	<b>Income Limits (per month) (3 times 2004/2005 WLILs)</b>	<b>Net Asset Limits (84 times 2004/2005 WLILs)</b>
1 person	\$19,800	* \$560,000
2 persons	\$30,000	* \$840,000
3 persons	\$35,100	* \$990,000
4 persons	\$42,000	\$1,180,000
5 persons	\$47,400	\$1,330,000
6 persons	\$51,900	\$1,460,000
7 persons	\$56,100	\$1,580,000
8 persons	\$59,400	\$1,670,000
9 persons	\$63,900	\$1,790,000
10 persons or more	\$67,800	\$1,900,000

\*The net asset limits for small households at sizes of 1-person, 2-person and 3-person with all members aged over 55 are the same as that of a 4-person household i.e. \$1,180,000.

On 5 February 1999 the Housing Authority reviewed the SRA and decided that households whose total household income and net asset value both exceed the above



prescribed limits, or those who choose not to declare assets are required to vacate their PRH flats.

Households who are required to vacate their PRH flats but have a temporary housing need may apply for a fixed-term licence to stayput in the PRH flat for a period of not more than 12 months, during which licence fee equivalent to market rent will be charged.

During the period of temporary stay, if the household can prove that either the total household income or net asset value has dropped below the prescribed limits for a continuous period of three months, they may apply for reconsideration of grant of tenancy and payment of a rent at lower level. If the drop is of permanent nature, they may apply immediately.

Households with members all aged 60 or above or all are receiving Comprehensive Social Security Assistance or households on shared tenancies are exempted from income and asset declarations.

Moreover, IH licencees are also subject to SRA with effect from 26 June 1997. Households who are required to pay double net licence fee have to declare assets two years from the last declaration under the HSP if they wish to continue to live in IH.

Furthermore, with effect from 23 January 2001, PRH households are subject to the application of the SRA irrespective of the length of their residence in PRH if their applications under various tenancy management policies have been approved after passing the comprehensive means test and satisfying the respective criteria and they are required to pay double net rent plus rates. Their eligibility of renting a PRH flat will be reviewed biennially. They will be required to declare their household assets one year before the review time for the assessment of their eligibility of renting a PRH flat in the coming year.

## **Section B**

### **Chapter 6: Biennial Declaration of Family Particulars**

To strengthen the public rental housing (PRH) tenancy control, thus ensuring the proper utilization and rational allocation of scarce public housing resources, the Housing Authority (HA) endorsed in June 1998 the implementation of an honest system for PRH tenants to declare their occupancy position (OP). Pursuant to Section 25(1) of the Housing Ordinance, tenants are required to declare their OP on a prescribed form (the Declaration Form on Occupation Position) biennially. The said form will be pre-printed with the tenants' code addresses and relevant family particulars according to the existing records of the Housing Department (HD). Tenants are only required to fill in the Chinese names, relationship of relevant household members and provide other requisite information by ticking the appropriate columns and return the completed form to the Estate Office/District Tenancy Management Office (DTMO). If there is any change of family particulars, such as birth, death, marriage or moving out of any family members, the tenant should inform the Estate Office/DTMO immediately and proceed with the necessary formalities for addition, deletion or application for grant of new tenancy, as appropriate. Upon return of the completed declaration forms, estate staff will carry out visits to verify the use and occupation conditions of the PRH unit, identify want of repairs and update records of tenants' family particulars.

According to Section 27(a) of the Housing Ordinance, any person who refuses or neglects to furnish any of the particulars required in the prescribed declaration form will be in breach of the law and subject to prosecution. Besides, the HA may terminate the tenancy concerned by virtue of Section 19(1)(b) of the Housing Ordinance and recover the PRH flat.

The implementation of biennial declaration of OP was further extended to Interim Housing on 28 February 2001.

Furthermore, owners who have purchased their flats under any subsidized home ownership schemes by joining the Priority Scheme for Families with Elderly Members are also required to declare their OP biennially as required under the priority scheme until the death (or the deletion under special circumstances) of the elderly member or the lifting of the restriction against alienation upon lapse of the restriction period **and** full payment of premium to HA.

## **Section B**

### **Chapter 7: Deletion/Addition/Conditional Temporary Stay of Family Members**

#### **Deletion of Family Members**

Any family member who wishes to delete his/her own name voluntarily from a public housing tenancy may do so by making a written request. If a family member has not been living in the public housing flat for a long time for no particular reason, a letter will be sent to him/her indicating that because of his/her long absence, his/her name will have to be deleted. If the absentee fails to respond after a reasonable period (normally one month), his/her name will be deleted from the tenancy with the consent of tenant. Reinstatement of the deleted members is not permitted.

To safeguard rational allocation of public rental housing (PRH) resources, if the public housing flat becomes under-occupied after deletion of household members, the Housing Department will arrange for transfer of the household to another public housing flat of size suitable for the household. If the household refuses the offer without acceptable reason, the Department will serve Notice-to-quit to terminate the existing tenancy pursuant to Section 19(1)(b) of the Housing Ordinance and recover the flat.

#### **Addition of Family Members**

To uphold the principle of equitable allocation of PRH resources, which was reaffirmed by the Long Term Housing Strategy White Paper published in 1998, and for the better caring of the elderly tenants, the Housing Authority revised the Addition Policy on 23.1.2001.

The salient points of the revised Addition Policy are as follows:

- (1) Categories of persons permitted for addition
  - (a) tenant's spouse;
  - (b) newborn babies or children under the age of 18 if both parents are authorized occupants (AO), or if one of the parents who is an AO is genuinely alone (e.g. widow, widower, the spouse of whom is not a Hong Kong resident) and, should the one parent be not alone, his/her spouse should be among the 'permitted categories' for addition;
  - (c) the spouse and children of one of tenant's married offspring, provided that the married offspring is an AO under the tenancy. However, addition of the spouse/children of the other family

members will not be allowed and they will be deleted from tenancy upon moving out;

- (d) dependent parents;
  - (e) dependent grandparents; and
  - (f) dependent relatives in exceptional circumstances for whom constant care is essential.
- (2) Conditions/eligibility criteria for additions
- (a) the sought-to-be-added should be a Hong Kong resident but is not required to satisfy the seven-year residence rule;
  - (b) for addition of persons under categories (c) to (f) in item (1), the whole household (including the sought-to-be-added) will be subject to a comprehensive means test (CMT) for assessment of its eligibility. The income and asset limits adopted for the CMT are the same as those used in the Housing Subsidy Policy and the Policy on Safeguarding Rational Allocation of Public Housing Resources (please refer to Chapters 4 and 5 of Section B for details of the relevant limits);
  - (c) for addition of persons under categories (d) to (f) in item (1), the whole household (including the sought-to-be-added) should also pass the Domestic Property Test, i.e. the whole household must not, during the period from the date of application up to the date of approval, own any domestic property in Hong Kong.
- (3) Rent levels and declarations on household income and assets after addition of family members

After successful addition of persons under categories (c) to (f) in item (1), the household has to pay normal, 1.5 times or double net rent plus rates according to the level of their household income (please refer to Chapter 4 of Section B for details). They will be required to declare their household income/assets once every two years irrespective of the length of their residence in PRH. Households paying normal or 1.5 times net rent shall declare their household income biennially, those paying double net rent shall declare their household assets biennially; households with tenancies granted under the Policy on Grant of New Tenancy shall continue to declare their household income **and** assets every two years as required under the policy.

The above applies to single-person households, including those living in shared accommodation, as well.

Housing for Senior Citizens (HSC) are hostel-type housing units and are not primarily designed for the residence of families. Upon marriage or family reunion, tenants living in HSC should inform the Estate Office/Property Management

Office/Property Services Management Office/District Tenancy Management Office. The Housing Department will assist the elderly tenants to solve their housing problem according to the prevailing transfer mechanism.

### **Conditional Temporary Stay**

Addition of persons other than the six 'permitted categories' under the Addition Policy will not be allowed. However, tenants may apply for conditional temporary stay of their family members or close relatives if the following criteria are satisfied:

- (1) Categories of persons permitted for conditional temporary stay
  - (a) needy tenant's adult offspring/sibling (limit to one offspring or sibling) and his/her branch family;
  - (b) adult offspring dependent on tenant;
  - (c) grandchild dependent on tenant; and
  - (d) parent/ grandparent/ relative dependent on tenant.
- (2) Conditions/ eligibility criteria for conditional temporary stay
  - (a) needy tenant under the following conditions are regarded as dependent on the person seeking temporary stay -
    - (i) aged 60 or over, living alone or in household with all elderly members and the dependency is proved by medical certificate (medical certificate is not required for needy tenant aged 75 or over and living alone); or
    - (ii) disabled and living alone and the dependency is proved by medical certificate; or
    - (iii) aged 60 or over, dependency proved by medical certificate and living with AO(s) who cannot be tenant's care-giver (e.g. imprisoned, disabled, mentally ill, etc.).
  - (b) adult offspring, grandchild under the following conditions are regarded as dependent on tenant -
    - (i) adult offspring dependent on tenant on medical ground proved by medical certificate; or
    - (ii) adult offspring who is genuinely alone (including unmarried, widow/widower, or whose spouse is not a Hong Kong resident) such as the new arrivals who has no relative but the tenant to depend on.
    - (iii) grandchild aged under 18 and whose parents cannot provide any care (e.g. parents are not Hong Kong residents or are disabled) and documentary proof is required.

- (c) relevant document to prove their relationship;
- (d) whole household (including the person(s) with grant of conditional temporary stay) to report their family particulars (occupancy position) once every 6 months;
- (e) the temporary stayer has to move out within 3 months when the need to look after the tenant, or vice versa, ceases to exist.

If the temporary stayers have long-term housing need, they should acquire PRH through application on the GWL. They may register on the GWL together with the tenant and may also join the Families with Elderly Persons Priority Scheme so that their housing allocation may be advanced.

## Section B

### Chapter 8: Policy on Grant of New Tenancy

The Housing Authority has implemented the Policy on Grant of New Tenancy (GNT) since 5 February 1999. Upon the death of a tenant, the surviving spouse who is an authorised occupant (AO) of the public rental housing (PRH) flat may take over the tenancy unconditionally. Where there is no surviving spouse, the tenancy may be granted to a family member who is an AO living in the PRH flat. However, this household has to undergo a comprehensive means test (CMT) covering both income and assets in order to assess the eligibility for grant of a new tenancy and determine the rent payable. Households whose members are all 60 years of age or above; households receiving Comprehensive Social Security Assistance; households who have joined the Family with Elderly Persons Priority Scheme and Enhancement Scheme for Sitting Tenants and have appointed an elderly as tenant before 5 February 1999; or compassionate and special cases recommended by the Social Welfare Department can be exempted from the CMT.

The income and asset limits adopted for the CMT are the same as those used in the Housing Subsidy Policy and the Policy on Safeguarding Rational Allocation of Public Housing Resources.

The following limits took effect from 1 April 2004 and are subject to annual review -

Household Size	Income Limits (per month)		Net Assets Limits (84 times the 2004/2005 Waiting List Income Limit)
	(2 times the 2004/2005 Waiting List Income Limit)	(3 times the 2004/2005 Waiting List Income Limit)	
1 person	\$13,200	\$19,800	* \$560,000
2 persons	\$20,000	\$30,000	* \$840,000
3 persons	\$23,400	\$35,100	* \$990,000
4 persons	\$28,000	\$42,000	\$1,180,000
5 persons	\$31,600	\$47,400	\$1,330,000
6 persons	\$34,600	\$51,900	\$1,460,000
7 persons	\$37,400	\$56,100	\$1,580,000
8 persons	\$39,600	\$59,400	\$1,670,000
9 persons	\$42,600	\$63,900	\$1,790,000
10 persons or more	\$45,200	\$67,800	\$1,900,000

\*The net asset limits for 1-person, 2-person and 3-person households with all members aged over 55 are the same as that of a 4-person household, i.e. \$1,180,000.

Households whose income do not exceed two times the Waiting List Income Limits (WLIL) will be granted a new tenancy on normal rent payment. For households whose income is between two and three times the WLIL, they will be allowed to take over the tenancy on payment of 1.5 times net rent plus rates. As regards those who are earning more than three times the WLIL but whose net asset value do not exceed the specified limits, they will be granted a new tenancy on payment of double net rent plus rates. Households acquiring a new tenancy under the GNT Policy will be required to declare income and assets every two years irrespective of their length of residence in PRH so as to assess their eligibility to continue renting a PRH flat.

For families with income and net asset value both exceeding the prescribed limits or those who choose not to declare household income/assets, they will not be granted a new tenancy and are required to surrender their PRH flats. Those who still have a need to stay temporarily in the PRH flat may apply to stayput for not more than 12 months. During the period of temporary stay, they are required to pay licence fee equivalent to market rent. However, they may still apply to purchase a flat under any subsidized home ownership scheme by using Green Form.

If an extra-rent payer or licence holder can prove that his/her total household income or net asset value has dropped below the prescribed limits for a continuous period of three months, he/she may apply for reversion to payment of lower rent or reconsideration of grant of new tenancy respectively. If the drop in income or asset value is of permanent nature, they may apply immediately.

The implementation of the GNT Policy is also applicable to licensees of interim housing.



## **Section B**

### **Chapter 9: Housing Arrangements for Divorced Couples**

In view of the complexity of divorce matters, a common sense and flexible approach, taking individual circumstances into consideration, is always adopted by the Housing Department.

In general, the Department does not take active step to secure removal of either party during their separation as this may only create burden to the family in crisis, and exclude the chance of reconciliation.

Households are not entitled to additional public housing resources because of divorce. Tenants are expected to solve their own accommodation problem upon a divorce. No separate flat will be offered to divorced parties. If an agreement cannot be reached by both parties on the public housing tenancy, the Department will generally favour the grant of the tenancy to the party having the custody of children. For cases where the divorced couple are granted joint custody of their children, only the party having the legal right to live with the offspring continuously and permanently will be favoured with the tenancy.

The single party not being granted custody of any offspring should leave the public rental housing (PRH) flat. In case of difficulties in finding accommodation, he/she may:

- (1) apply for an interim housing unit in the New Territories subject to fulfillment of the eligibility criteria (including the criteria on income and asset limits and ownership of domestic properties);
- (2) apply for PRH through the Single Person Waiting List and be given a credit of waiting time equivalent to the length of his/her former tenancy up to a maximum of 3 years.

To safeguard the rational allocation of public housing resources, the Housing Authority revised the policy on Housing Arrangements for Divorced Couples on 23.1.2001. Under the revised policy, if each party has the custody of one or more children, or the tenancy consists of other relatives, separate housing units may be allocated to the divorced parties provided that both of them satisfy the following criteria (test separately):

- (1) the household (family members who are going to live together if the application for additional housing unit is approved) income and asset do not exceed the Waiting List Income and Asset Limits;
- (2) during the period from the date of application up to the date of signing up a new tenancy for the additional flat allocated, all family members must not own any domestic property in Hong Kong.

Alternatively, both or either party may apply for an Ordinary Green Form Certificate (valid for one year) to purchase a flat under the subsidized home ownership schemes in lieu of the offer of a PRH.

Upon allocation of separate PRH flats, both parties are required to declare their household income/assets every two years irrespective of their length of residence in PRH. Households paying normal or one and a half times net rent plus rates shall declare their household income biennially, those paying double net rent plus rates shall declare their household assets biennially; households with tenancies granted under the Policy on Grant of New Tenancy shall continue to declare their household income and assets every two years as required under the policy.

Any party who fails either the comprehensive means test (CMT) or the domestic property test (DPT) will be required to move out from the PRH flat. For a non-property-owning party who fails the CMT, a one-year temporary stay in interim housing in the New Territories may be granted upon application. During this period, market licence fees will be charged.

In case both parties fail any of the tests required under the policy, they may be allowed to withdraw their application for allocation of separate PRH flats and they shall make their own accommodation arrangements.

### **Conditional Tenancy**

If the legal proceedings involved in the case are expected to be protracted ones and the aggrieved party with dependent children concerned has genuine and urgent need for a separate PRH unit, the Department will, upon recommendation by the Social Welfare Department (SWD), provide them with temporary accommodation in a PRH estate in the form of a conditional tenancy (CT) under the Compassionate Rehousing Category.

In order to provide housing assistance to those battered spouses having no dependent children, the Rental Housing Committee endorsed on 29.11.2001 the revised Policy on CTs under which the policy coverage is extended to include the following persons who fall **victims to domestic violence and have petitioned for divorce** -

- (i) spouses having no offspring; and
- (ii) spouses bringing along no dependent children.

Nevertheless, CTs will only be offered to those with a genuine need upon the SWD's recommendation.

In line with the policy spirit of ensuring equitable allocation of the scarce housing resources, the CT beneficiaries are required, under the revised Policy of CTs,

to pass the CMT with income and asset limits pitched at the prevailing Waiting List levels and DPT and to be granted the guardianship of dependent children (if any) before conversion of a CT into a normal tenancy upon the court's award of divorce decree.

#### **Note**

The Policy on Housing Arrangements for Divorced Couples in PRH is not applicable to cohabitants. The cohabitants are required to make their own accommodation arrangements. They may approach the SWD for assistance. The SWD will consider cases with special merits and assess their eligibility for compassionate rehousing or other housing assistance taking into account their individual circumstances and need.

## **Section B**

### **Chapter 10: Policy on Household Splitting**

To safeguard the rational allocation of public housing resources, request for splitting of tenancy in order to acquire an additional public housing unit is normally not allowed. If the circumstances are so unique and extenuating that an exception should be granted, the Housing Department (HD) would consider each request on its individual merits. To handle the requests for household splitting more effectively, the Housing Authority revised the Policy on Household Splitting on 23.1.2001 as follows-

#### **Splitting requests raised by sharing households arranged by HD**

Splitting requests raised by sharing households originated from the compulsory categories (single persons affected by clearance or redevelopment, who were arranged by HD or had chosen to share accommodation with unrelated or distantly related members) on grounds of need (e.g. overcrowding or inconvenience to flats sharer(s) brought by addition of family members, disputes, etc.) will be considered and treated with priority by the Department. The arrangements are as follows:

- (1) Upon establishment of genuine need, the applicants will not be required to undergo any comprehensive means test (CMT) but the party wishing to move to another public rental housing (PRH) flat will have to pass the Domestic Property Test (DPT), i.e. during the period from the date of application up to the date of signing up a new tenancy for the additional flat allocated, all family members must not own any domestic property in Hong Kong.
- (2) Upon approval of splitting, the splinter household may be allocated another PRH flat, or he/she may choose to purchase a flat under any subsidized home ownership schemes (SHOS) using Green Form status (valid for one year) in lieu of the offer of a PRH flat.
- (3) Both the main and the splinter households will be subject to the Housing Subsidy Policy (HSP) and the Policy on Safeguarding Rational Allocation of Public Housing Resources (SRA) in normal turn (please refer to Chapters 4 and 5 of Section B for details).
- (4) If the splinter household requesting allocation of another PRH flat fails the DPT, it will only be granted a Green Form Certificate (valid for one year) to purchase a flat under any SHOS on application basis.

#### **Splitting requests raised by households sharing their accommodation on a voluntary basis and family households**

Households other than the above sharing households originated from the compulsory categories, are categorized as households sharing accommodation on voluntary basis and family households. Requests for splitting raised by such

households will be subject to the following arrangements:

- (1) In addition to the establishment of fully justified grounds with recommendation from the Social Welfare Department (SWD), households should satisfy the following criteria –
  - (a) the main and splinter households should be separately subject to the CMT with income and asset limits pitched at the Waiting List levels; and
  - (b) both the main and splinter households should pass the DPT, i.e. during the period from the date of application up to the date of signing up a new tenancy for the additional flat allocated, all family members must not own any domestic property in Hong Kong.
- (2) If both the main and splinter households pass the above tests, the splinter household will only be offered a refurbished flat in the New Territories (NT). If the case is recommended by the SWD and approved by the Chief Manager/Management, the splinter household may be offered refurbished flat in urban area. They may choose to purchase a flat under SHOS by using Green Form status (valid for one year) in lieu of the offer of a PRH flat.
- (3) Upon allocation of another PRH flat, both the main and splinter households are required to declare their household income/assets every two years irrespective of their length of residence in PRH. Households paying normal or one and a half times net rent plus rates shall declare their household income biennially, those paying double net rent plus rates shall declare their household assets biennially; households with tenancies granted under the Policy on Grant of New Tenancy shall continue to declare their household income **and** assets every two years as required under the policy.
- (4) No PRH flat will be offered if any party fails the CMT and/or DPT. The failing party should move out of the existing PRH flat. However, if the party passes the DPT but fails only the CMT, it may apply for a one-year temporary stay in the NT interim housing. During this period, market licence fees will be charged.
- (5) If application for splitting is rejected for failing the stipulated eligibility criteria, but one party is adamant to split from the household, it may approach the SWD for assistance. The SWD will consider cases with special merits and assess their eligibility for compassionate rehousing or other housing assistance taking into account their individual circumstances and need.
- (6) If either or both parties fail the CMT and/or DPT, the household may be allowed to withdraw the splitting application and make its own accommodation arrangement.

If under-occupation arises upon the departure of the main or the splinter household, the stayput household is required to transfer to a flat of suitable size.

## **Section B**

### **Chapter 11 : Surrender of Public Housing Flats upon Acquisition of Another Form of Subsidized Housing**

To address the practical difficulties encountered by the tenants on the one hand and to uphold the principle of discouraging tenants from enjoying double housing benefits for a prolonged period on the other, the Housing Authority revised the policy on 'Surrender of Public Housing Flats upon Acquisition of Another Form of Subsidized Housing' on 9.3.2000. Under the revised policy, tenants/licensees are required to tender notice-to-quit (NTQ) to terminate the original tenancies/licences and surrender the existing public housing unit to the Housing Department within 60 days upon taking over the flat purchased under subsidized home ownership schemes, or upon effecting the assignment of the flat purchased under the Home Purchase Loan Scheme/Home Assistance Loan Scheme/Secondary Market Scheme, or upon commencement of a new tenancy/licence granted under various transfer or rehousing schemes (including those administered by the Housing Society).

In case of need, households concerned may apply for an extended stay for a maximum period of 30 days, during which they are required to pay an occupation fee equivalent to triple net rent/licence fee plus rates, (or market rent/ licence fee or triple net rent/licence fee plus rates, whichever is the higher, if they are market rent/licence fee payers at the time of termination of tenancy/licence).

For equitable reason, tenants affected by redevelopment should observe the above policy as other public housing tenants.

## **Section B**

### **Chapter 12: Issue of Notice-to-quit and Appeal Procedures**

A notice-to-quit may be recommended by a Housing Manager if any tenancy irregularity is proved beyond reasonable doubt by detailed checking and investigation, or, if it is considered necessary to recover the public housing unit concerned during the enforcement of management policies. The notice-to-quit is to be issued by a Senior Housing Manager. It is always accompanied by a covering letter stating the reasons for terminating the tenancy and the tenant's right of appeal within the period specified.

Under Section 20(1) of the Housing Ordinance, a tenant has a right of appeal against termination of his/her tenancy but he/she must lodge the appeal not later than 15 days from the service of the notice of termination. If the tenant is unable to lodge the appeal personally because of ill-health, absence from Hong Kong, etc., the Appeal Panel (Housing) may permit the hearing of an appeal lodged by a member of the tenant's family who is an authorized occupant.

## **Section B**

### **Chapter 13: Approved Decoration Contractor System**

The Approved Decoration Contractor (ADC) System aims at protecting public rental housing (PRH) tenants' interests by preventing infiltration of illegal elements so that decoration works in new estates can be carried out in an orderly manner.

The Housing Department has established a set of eligibility criteria for registration of ADCs on the approved list. Before registration, all qualified decoration contractors will be checked by the Police to confirm that they have not been involved in triad activities.

Licences will be granted to ADCs for undertaking decoration works for PRH tenants. With a view to providing sufficient ADCs for carrying out decoration services in new estates, the ratio of 1 contractor to every 250 households is adopted. The sequence of appointment of ADCs is decided by ballot and, when the list is about to be exhausted, a second ballot will be conducted.

PRH tenants who wish to decorate their units are free to opt for self-decoration by themselves/their friends and relatives or appoint any of the ADCs selected by the Department for that estate. Negotiation of decoration prices is a matter between tenants and contractors. Terms and Conditions for Decoration Works are printed at the back of each works order which will be signed by both parties once a tenant agrees to place his/her order.

Upon completion of the decoration works, the Department will collect tenants' views and assess the contractors' performance under a point system. Estate staff will handle complaints against ADCs to facilitate prompt follow-up actions.

Furthermore, estate staff will maintain close contact with local Police Stations during intake of new estates and will request more police patrols in these estates in a bid to curb crime and triad activities.



## **Section B**

### **Chapter 14: Clothes-drying Facilities of Estates**

Most public housing units are provided with indoor laundry racks. Linear blocks are even provided with clothes drying cum burglary bars facilities.

Apart from these, “pole-socket” type clothes-drying facilities are also erected on the external walls of most public housing blocks. Tenants may use poles of a length not more than 2m, or install one of the following approved types of clothes-drying facilities at their own expenses -

- aluminium laundry rack with cord pulleys;
- movable drying pole with hooks;
- bamboo pole with a retractable cord;
- semi-circular tube circuits clothes rack;
- rail-type drying rack;
- retractable laundry rack; and
- sliding clothes rack.

The Housing Department gives due consideration to any new design of clothes-drying facilities suggested by manufacturers. If any facilities are proved to be suitable for use by public rental housing tenants, the Department will make recommendation to the tenants so that more choices are available.

Tenants of Harmony blocks may apply to install drying pole or cord at the external walls outside the living room. Such installations shall comply with all applicable guidelines and specifications issued by the Department. Tenants are responsible for the safe installation, as well as proper maintenance of the drying pole or cord installed during their terms of tenancy.

To show care for the elderly, the Department will provide households with all members aged 60 or above with aluminium laundry racks free of charge. Besides, laundry rooms for washing and drying clothes are also provided in Housing for Senior Citizens situated in Small Household Blocks and Ancillary Facilities Blocks.

## **Section B**

### **Chapter 15: Security Service and Installations**

Full system of security provisions including self-closing security gates at block entrances and staircase exits; doorphone system; close circuit television (CCTV) inside lifts and at main entrances are installed in all Harmony and Trident blocks of the Housing Authority. Security counter with 24-hour tower guard service is provided at ground floor lobby to control entry into the building and monitor activities inside the lifts. The CCTV is connected to the central control room where guard supervisor and guard are on duty 24 hours daily monitoring the security condition in various blocks and providing necessary support in case of need. Tenants can communicate with the visitors through the doorphone system and observe the condition at the main entrance and inside lifts through their television sets at home.

Regarding rental blocks of other designs, CCTV connected to the central control room are installed in lifts. Tenants can observe the activities in lifts through television sets at home and at the main lobby. Besides, electronic patrol monitoring systems have been installed in these blocks and guards will patrol each floor and the surroundings of the blocks at night. Starting from April 1999, the Housing Department (HD) has been enhancing the security service of these blocks by phases, by upgrading them to the full system as mentioned in the above paragraph. Apart from those projects being suspended on the decision of the residents/Estate Management Advisory Committee (EMAC), the upgrading programme has been completed by January 2004. However, if the residents/EMAC of those estates that have previously suspended the project raise request for the installation works again, the HD will consider their requests separately.

Though full security system will not be provided in blocks due for redevelopment within 5 years, the security of these blocks has always been a concern of the HD. Indeed, metal gates will be installed at the block entrance and other strategic positions once the blocks have been formally announced for redevelopment and security guards will also be provided after installation of the gates.

## **Section B**

### **Chapter 16: The Use of Roads and Parking Facilities of Public Housing Estates**

#### **Parking Facilities**

Under the Housing Ordinance, the Hong Kong Housing Authority (HA) is empowered to designate certain roads in public housing estates as restricted roads, to provide parking areas, to fix and to collect parking fees. Car parks in public housing estates are provided in accordance with the Hong Kong Planning Standards and Guidelines and their provision is reviewed by the Housing Department regularly. Apart from monthly car parks, the HA also provides hourly ones for shoppers and visitors.

Except for estates under Comprehensive Redevelopment Programme and factories/estates managed by Property Management Agents (PMA), the privatization scheme in car park management is fully implemented in all HA estates and HOS courts.

#### **Enforcement Measures against Illegal Parking**

Illegal parking may cause inconvenience to the residents. It may lead to traffic congestion, blocking passages for refuse collection vehicles, fire engines, ambulances, etc., which may impede the saving of lives and properties in case of emergency.

To strengthen the enforcement measure against illegal parking on its properties, the HA started to implement, with effect from 1 June 1994, the Housing Fixed Penalty Ticket (HFPT) System which is similar to that being enforced by the Hong Kong Police Force. Under the system, housing staff are delegated with the power to issue fixed penalty tickets against illegal parking of motor vehicles on restricted roads of HA estates in accordance with the provision set out in Housing (Traffic Contraventions) (Fixed Penalty) Bylaw (Cap. 283 sub. leg.C).

Notwithstanding the implementation of the HFPT System, other enforcement measures such as impounding, towing of offending vehicles on restricted roads, as appropriate, may still be exercised by the housing staff or by the employees of car park operators or Property Management Agents under delegated authority.

## **Section B**

### **Chapter 17: Emergency Alarm System**

#### **Emergency Alarm System (EAS)**

The HA has installed two types of EAS for elderly tenants living in its public housing estates -

(1) EAS installed in Housing for Senior Citizens (HSC) units

EAS with panic alarm buttons is provided in each HSC unit, which is connected to the wardens' office and their quarters. In case of emergencies, the elderly may press one of these buttons to call the warden for assistance.

(2) EAS installed in other public housing units

Since 1991, the HA had installed the EAS for elderly tenants who were receiving Comprehensive Social Security Assistance (CSSA) and living alone in estates where the former Estate Social Service for the Elderly Scheme had been introduced. However, as this type of EAS was not connected to a central control centre, its functioning relied heavily on the support of the neighbours and it only offered limited assistance to the elderly in distress, the installation of such was therefore suspended in April 1996.

#### **Grant for Emergency Alarm System (EAS Grant)**

In May 1996, the Social Welfare Department (SWD) introduced the "Special Grant for Emergency Alarm System" whereby elderly CSSA recipients who have met the eligibility criteria stipulated by the SWD can obtain a special grant, on a reimbursement basis, to acquire any EAS service on the market to meet their needs.

To cater for the need of those elderly who are in need of EAS but do not qualify for, or are not currently receiving CSSA, the HA has, since September 1996, provided them with an EAS Grant to enable them to purchase any EAS on the market to meet their needs. To qualify for the EAS Grant, elderly tenants must meet the following criteria -

- (1) not receiving CSSA;
- (2) living alone or in household with all members aged 60 or above; and
- (3) satisfying one of the following conditions which took effect from 2 March 2000
  - (a) if aged 65 or over, having an income and asset not exceeding the prescribed limits detailed below; or

- (b) if aged 60-64, having an income and asset not exceeding the prescribed limits detailed below and are certified by a public medical officer to be more than 50% disabled or suffering from such medical conditions which could develop life threatening conditions as to require immediate attention (medical certification for those receiving disability allowance from SWD for being 100% disabled or in need of constant attendance is not necessary).

The income and asset limits are based on the prevailing financial eligibility limits for the Normal Old Age Allowance administered by the SWD, which are -

	<b>Monthly Income Limits</b>	<b>Asset Limits</b>
Single Person	\$5,910	\$169,000
Married Couple	\$9,740	\$254,000

The EAS Grant is given to eligible elderly on a reimbursement basis for a one-off installation cost up to a maximum of \$2,500.

Subject to meeting the prevailing eligibility criteria, elderly persons living either alone or in household with all elderly members in interim housing and Rent Allowance for Elderly Scheme recipients are also offered the Grant respectively from 2 March 2000 and October 2001.

## **Section B**

### **Chapter 18: Services for People with a Disability**

#### **Allocation and Conversion**

In allocation of flats, the Department will consider the case of each disabled person individually and provide him/her with the most appropriate ancillary facilities. To enable disabled persons to use their wheelchairs, the Department will offer them, where possible, flats accessible by lift, widen the doorway or build a ramp. If a flat has to be converted to suit the needs of a person with a disability, the Housing Authority will undertake the full cost incurred. Conversion works include replacement of the asiatic w.c. pan by the pedestal type, installation of grab rails in the bathroom, raising the floor slab of the balcony to make it level with that of the living room, etc.

#### **Transfer**

If conversion of the existing flat is not feasible due to constraints, a disabled person and his family may apply for transfer to a flat in the same or another estate. The Department will consider their applications on individual merits and make appropriate arrangement as far as possible.

#### **Home Ownership Scheme/Private Sector Participation Scheme**

When families with a disabled member apply for a Home Ownership Scheme/Private Sector Participation Scheme flat, they may specify on the application form the type of disabilities being suffered by that family member and the reasons for choosing a particular court. If the application is successful, they will be accorded a certain degree of priority in flat selection.

#### **Concessionary Parking Fee at Half Rate**

Drivers with a disability living or working in public housing estates may apply to the estate office for a concessionary deduction of 50% on monthly or hourly parking fees.

#### **Flashing-light Doorbells**

The Department will also install flashing-light doorbells for the deaf so that they may know when they have to answer the door. If necessary, a deaf person may also request his neighbours, through arrangements made by the estate office, to help

him in case of fire or emergency.

### **Service Dog**

Keeping of dogs inside leased premises without the prior written consent of the Landlord is prohibited. Normally, for the keeping of service dogs by tenants with visual or audio disabilities, the landlord will consider giving conditional permission.

### **Others**

Provisions to enable free access for people with disabilities have been incorporated in the design for the new public housing estates since February 1998. All public amenities are designed to be as barrier-free as possible.

In established estates, modification works such as provision of ramps for wheel-chair-bounded persons and installation of braille in lift panel for visually impaired persons are being carried out where necessary to facilitate access and mobility for people with disability in the estates.

Blind persons living in public housing estates may request the estate office to keep them informed of any suspension of electricity, water, gas supply, lift service, etc.

If families with members with a disability need other supportive services, such as home help, rehabilitation service, counselling, etc., they may directly or through the assistance of the estate office concerned make enquiries to the Social Welfare Department.

## Section B

### Chapter 19: Housing Arrangements for Tenants Affected by Redevelopment

Households affected by redevelopment may apply for rehousing in new or refurbished public housing flats reserved for that particular phase of redevelopment. Applications for rehousing to other estates will be considered subject to the availability of suitable flats in the estate concerned. Households affected by redevelopment are eligible for payment of Domestic Removal Allowance upon removal from existing flats.

Single persons affected by redevelopment are eligible for one of the followings

- rehousing to a single person flat with priority accorded to elderly and disabled households; or
- rehousing to a unit in the Housing for Senior Citizens if they are able-bodied elderly aged 60 or above; or
- rehousing to a vacated flat with a living area not more than 19.8m<sup>2</sup>; or
- payment of a Cash Allowance of \$37,330 for a single person household in lieu of rehousing.

Two-person households affected by redevelopment are eligible for one of the followings -

- rehousing to a two-person flat with priority accorded to elderly and disabled households; or
- rehousing to a unit in the Housing for Senior Citizens if they are able-bodied elderly aged 60 or above; or
- rehousing to a vacated flat with a living area of not more than 31 m<sup>2</sup>; or
- payment of a Cash Allowance of \$48,310 for a two-person household in lieu of rehousing.

Single person and two-person households who opt for cash allowance in lieu of rehousing are also eligible for Domestic Removal Allowance but they will be debarred from further payments of the allowance and allocation of any form of public housing for two years.

(Remarks: Policy on Home Ownership Scheme and Home Assistance Loan Scheme are now under review. Announcement will be made in any policy changes once finalized.)



## **Section B**

### **Chapter 20: Estate Management Advisory Committee**

Since its implementation on 1 April 1995, the Estate Management Advisory Committee (EMAC) Scheme has been extended to almost all public rental housing estates.

The objective of the scheme is to further devolve the participation in estate management to local level, and to enhance communication with tenants on estate management matters. It also aims to increase tenants' participation in, and their understanding of estate management matters, and to strengthen tenants' sense of belonging to and collective responsibility for the well-being of the estate community.

Each EMAC is normally chaired by the estate Housing Manager whilst membership comprises the chairman or elected representative from each Mutual Aid Committee in the estate, elected District Council Member(s) whose constituency covers the estate and the appointed District Council Member from the local Area Committee and the chairman or elected representative from commercial tenants' association, if any. Representatives from other Sections/Government Departments and service contractors are also invited to attend EMAC meetings on need basis. The Property Service Manager of Housing Department will be the Chairman in estates managed by Property Service Companies (PSC) or Management Buy-Out (MBO) Companies. Representatives of the PSC/MBO companies will attend the meetings regularly to act as coordinators for both management and works matters.

Through periodical meetings, EMAC members can advise the estate Housing Manager on local estate management matters, providing input on priorities of maintenance and improvement works within the estate and proposals relating to security, orderliness and cleanliness, control over roads and car parks, noise and amenities in the estate. Besides, EMAC members are involved in the drawing up of estate action plan in respect of estate management and maintenance matters and appraising the performance of contractors who provide services in the estate and their views will be taken into account in contract extensions or renewals.

Funds allocated to the EMACs can be used on local minor improvement works, betterment of building management, environmental improvement as well as estate activities organized with a view to enhancing tenants' understanding of housing policies/services and encouraging tenants' participation in estate management matters.

## **Section B**

### **Chapter 21 : Letting of Commercial Premises by Open Tender**

#### **Eligibility of Tenderer**

- (1) Tenderers, if in the individual capacity, must be 18 years of age or over.
- (2) Tenderers, if in the capacity of a corporation, must be a limited company.
- (3) If any person who signs as tenderer does so as an agent or a trustee for any other person or persons, he shall disclose in his Tender Form the names and addresses of such person or persons. If no such disclosure is made, the person signing the Tender Form shall be deemed to be a principal and no subsequent disclosure of any trust, agencies, etc. will be recognized by Hong Kong Housing Authority.

#### **Ways of Submitting the Tender Form**

- (1) Tenders are invited weekly (every Friday) through newspaper advertisements for leasing of new commercial premises and vacant commercial premises surrendered to Hong Kong Housing Authority. Details of the commercial premises, including location, area and designated trade and reference rent are publicized.
- (2) Prospective tenderers may obtain Tender Forms and Conditions of Tender at the reception counter at the Exhibition Hall of the Commercial Properties Sub-division, Housing Department, Podium Level 1, Hong Kong Housing Authority Customer Service Centre, 3 Wang Tau Hom South Road, Kowloon and at the estate/shopping centre offices concerned. Prospective tenderer may also download the respective Tender Forms and Conditions of Tender at Housing Department Home Page: [www.housingauthority.gov.hk](http://www.housingauthority.gov.hk).
- (3) To ensure confidentiality, tenderers are reminded to seal their Tender Forms together with cheque or cashier order as payment of tender deposit in envelope. All completed Tender Forms must be deposited in the Tender Box located in the Exhibition Hall of the Commercial Properties Sub-division, Housing Department at Podium Level 1, Hong Kong Housing Authority Customer Service Centre, 3 Wang Tau Hom South Road, Kowloon before the closing time and date specified in the Conditions of Tender.
- (4) Tenderers are reminded to note the specified closing time and date for submission of tenders. Submission after the specified closing time and date will not be considered. Hong Kong Housing Authority will not be responsible for

any mislaid tenders submitted by methods otherwise.

- (5) The closing time and date will automatically be deferred to 10:00 a.m. on the following Monday or the next earliest possible working day of the following week in the following circumstances:
- (a) if Tropical Cyclone Warning Signal No. 8 or above is hoisted before and remains hoisted beyond the closing time;
  - (b) if a "Black" Rainstorm Warning is announced before and remains in force beyond the closing time.

However, the closing time and date will remain unchanged if Tropical Cyclone Warning Signal No.8 or above or the "Black" Rainstorm Warning is lowered or withdrawn two hours or more before the closing time.

### **Basic Leasing Terms and Conditions**

- (1) All tenancies are normally granted on a fixed term of 3 years without an option to renew. However, terms other than the normal 3 years may also be considered. In cases of commercial premises with special trades such as bank and large premises with an area over 250m<sup>2</sup>, a fixed term of 6 years without an option to renew is preferred.
- (2) Tenders will only be accepted from tenderers who will occupy the premises for their own use and no assignment, sub-letting or parting with the possession of the premises or any part thereof will be permitted without the prior written approval from Hong Kong Housing Authority.
- (3) The prospective tenant will have a rent-free period for fitting-out the premises. The period may range from 1 month to 3 months according to the followings:

<b>Size of Premises</b>	<b>Rent-free Period</b>
Less than 100m <sup>2</sup>	One month
Between 100m <sup>2</sup> – 250m <sup>2</sup>	Two months
Larger than 250m <sup>2</sup>	Three months

The whole rent-free period will be granted irrespective of whether the tenant commences business on completion of the fitting-out works prior to expiry of the rent-free period.

- (4) Tenderers should note that under the Tenancy Agreement, interest will be charged on the amount of rent, air-conditioning charges, if any, and rates in arrears at the rate of 2% per annum above prime rate of the Hongkong and Shanghai Banking Corporation Limited, fixed as at 1 April each year and applicable for 12 months following, from the date upon which such payment fell due.
- (5) The attention of tenderers is drawn to the fact that whenever the tenancy is

terminated for whatever reasons, the tenant is required to deliver up vacant possession of the premises to Hong Kong Housing Authority unconditionally, and shall not be entitled to any claim for compensation. Hong Kong Housing Authority shall have the full right to relet the premises or otherwise dispose of the premises in such manner and to such person as it may think fit, free from the interference of any person.

- (6) Tenderers should note that the granting of a commercial tenancy does not confer upon the tenant any exclusive right to any particular trade in the estate/shopping centre concerned, and that Hong Kong Housing Authority reserves the right to let other premises in the estate/shopping centre concerned in whatever manner for the same trade according to the needs as assessed by Hong Kong Housing Authority. Change of user of the premises during the term of the tenancy shall not be permitted without the written consent of Hong Kong Housing Authority.
- (7) Tenderers should note that under the terms of the Tenancy Agreement, the Housing Authority shall be entitled to transfer and assign the reversion of the premises and all the rights and obligations under the Tenancy Agreement to any third party on such terms and conditions as the Housing Authority shall think fit without any interference or any claim or demand for compensation whatsoever by the Tenant.

### **The General Requirements for Fitting-out**

- (1) Tenderers are advised to note the maximum electricity loading available to the premises. Should additional loading beyond the designed capacity be required, the expenses incurred in upgrading, plus on-cost currently at the rate of 20% as supervision charge, will be wholly borne by the prospective tenant, provided that the upgrading is approved by the Housing Department.
- (2) The prospective tenant shall accept the premises in the state and condition in which they are found at the date when possession is given and shall be responsible for the fitting-out of the premises to meet the requirements of Hong Kong Housing Authority and other competent authorities. All modifications to the building services installations, subject to agreement of the Housing Department, must be carried out by contractors appointed by the Housing Department. The expenses incurred in all modifications, plus on-cost currently at the rate of 20% as supervision charge, will be wholly borne by the prospective tenant.
- (3) The prospective tenant is required to submit plans for the intended conversion to the Housing Department and no conversion work shall be started until written approval is obtained from the Housing Department.
- (4) The prospective tenant will be allowed to install his own air-conditioning system on the premises if no central air-conditioning is provided but installation of air-conditioning plant and routing of pipe/duct are subject to prior approval

from the Housing Department. Besides, properly connected drainage for condensation should be provided where air-conditioning units are used.

- (5) No installation likely to cause disturbance to persons and properties, (e.g. exhaust fans, fume-extractors, etc.) will be permitted without prior approval from the Housing Department.
- (6) No alteration to shop front is permitted unless approval has been obtained from the Housing Department.
- (7) Installation of signage outside the premises is allowed only at designated locations. The location, layout, lettering and colour scheme of the proposed signs are to be approved by the Housing Department.

### **Normal Leasing Procedures through Open Tender**

- (1) Tenderers will be notified in writing the result of their tenders as soon as a decision is made by Hong Kong Housing Authority.
- (2) Tenderers may be called upon to attend selection interviews and if eligible to sign a Tenancy Agreement the terms of which are those normally applicable to lettings under Hong Kong Housing Authority's management. Tenderers shall attend the interviews or execute the Tenancy Agreement whichever is applicable within seven days from the date of a written notice or offer issued by the Director of Housing or an officer delegated by him, and rent will be payable upon expiry of the rent free period stated in the Tenancy Agreement.
- (3) On signing the Tenancy Agreement, in addition to the payment of the tendered rent for the first month, the successful tenderer shall be required to pay a deposit equivalent to two months' average tendered rent of the tenancy term, either in cash or bank guarantee or a combination of either, to Hong Kong Housing Authority. Provided that there shall be no outstanding rent, and/or rates, air-conditioning charge, if any, or other breaches of the Tenancy Agreement, deposit in full without any interest thereon, shall be refunded on termination of the tenancy while bank guarantee shall be released to the Tenant.
- (4) Hong Kong Housing Authority will give prior written notice to the successful tenderer to take possession of the leased premises. The date of commencement of the tenancy shall be the date on which possession of the leased premises is given.

### **Special Rules and Regulations**

- (1) Hong Kong Housing Authority does not bind itself to accept any tender.
- (2) Tenderers are reminded that if manipulation of Hong Kong Housing Authority's tender system is discovered, and such has been proved to the satisfaction of the

Director of Housing, then the said Director can at his discretion reject the tenders from such tenderers. The decision by the Director of Housing as to whether the tender system has been manipulated and as to whether the tenderers are involved in the manipulation is final.

- (3) No charge is made on the supply of the Tender Form and for the processing of tenders. Reports should be made to the appropriate authority immediately for any person purporting to offer assistance in respect of the tenders in return for a reward.
- (4) Any tenderer who attempts to influence consideration of his or her tender by approaching any member of the staff of the Department or by the use of any other improper means shall render his or her tender invalid.
- (5) Tenderers are warned that offering or giving any gratuity, money or gift as an inducement to any employee of the Housing Department in relation to the tender constitutes an offence under the Prevention of Bribery Ordinance and such cases will be reported to the Independent Commission Against Corruption.
- (6) To ensure the confidentiality of all tenders, tenderers must submit their tenders by the method as mentioned in paragraph (3) of "Ways of Submitting the Tender Form" above. Hong Kong Housing Authority holds no responsibility for the confidentiality of any tenders submitted by methods otherwise.

## Section B

### Chapter 22 : Letting of Commercial Premises by Direct Negotiation

#### Guidelines for Letting by Negotiation

Shops in Hong Kong Housing Authority Shopping Centres are let by tender and by negotiation. Typically around 30% of premises in new centres are let by negotiation. Letting by negotiation may be considered in the following circumstances:

- (a) where the amount of space to be leased exceeds 250m<sup>2</sup> and (for non-factory premises) where the type of trade can attract more customers to the shopping centre, or can provide a desirable facility for residents; or
- (b) where the vacant premises concerned have failed to attract suitable bidders in at least one open tender exercise; or
- (c) where an attraction is offered by the brand name under which the premises are to be operated, or by the tenant's ability to develop his business through substantial promotional activities, which will enhance the trading potential of the shopping centre; or
- (d) where a sitting tenant has demonstrated his capability for expansion of his business, as indicated by-
  - (i) the tenant currently operating a minimum of three outlets under the same trade name with a total area of not less than 250m<sup>2</sup>; and
  - (ii) the tenant having a clear tenancy record in the last three years e.g without rent arrears, shop-front obstruction or encroachment, complaints from residents etc.; and
  - (iii) the tenant's existing operation or product providing a service which will meet the demands of estate residents; and
  - (iv) the standard of fitting-out and shop display of the tenant's existing outlets being of high standard.
- (e) where an individual or company has demonstrated adequate financial resources and management capability in non-retail sectors to demonstrate capability for successful management of a retail outlet, by having-
  - (i) a minimum of 5 years successful operation of a business; and
  - (ii) employment of not less than 10 staff, and

- (iii) personal involvement in a managerial capacity, and
- (iv) financial resources adequate to sustain a retail operation of the size proposed, i.e. to cover :
  - payment of deposit
  - fitting out and decoration costs
  - overheads including rent for six months

### **Expansion of Existing Leased Area**

Under negotiation procedures, expansion of an existing leased area may be considered subject to rent adjustment and –

- (a) the additional area adjoining or being adjacent to the existing premises so as both parts can be operated as a single unit; and
- (b) the trade previously operated in the premises for expansion, if still viable, is operated elsewhere in the centre; and
- (c) the tenant has a clean tenancy record for the past three years, and has an acceptable standard of fitting out, shop display and overall operation.

Expansion may be considered particularly appropriate where –

- (d) the expansion would assist in overcoming problems in the existing unit, such as lack of frontage or inadequate size for efficient operation; or
- (e) the expansion would benefit the operation of the shopping centre as a whole through consolidation of a major anchor, improved pedestrian flow, etc; or
- (f) the premises has failed to attract suitable bidders in at least one tender exercise.

### **Voluntary Relocation of Existing Tenant**

Under negotiation procedures, relocation of an existing tenant at the tenant's request may be considered subject to rent adjustment and –

- (a) if the relocation involves a change of trade in the new premises, the trade previously operated, if still viable, is provided elsewhere in the estate; and
- (b) the tenant has a clean tenancy record for the past three years and has an acceptable standard of fitting out, shop display and overall operation.



Relocation may be considered particularly appropriate where –

- (c) the premises vacated on relocation can be readily used for other beneficial purposes; or
- (d) the relocation achieves an improved distribution of trades or provide increased convenience to shoppers; or
- (e) the premises has failed to attract suitable bidders in at least one tender exercise.

Notes: In considering proposals for business expansion or voluntary relocation, the potential interest of other tenants in the estate will be evaluated and if appropriate multiple invitations to bid issued.

### **Eligibility of Client**

- (1) Clients, if in individual capacity, must be 18 years of age or over or in the form of a limited company.
- (2) If any person who signs as client does so as an agent or a trustee for any other company or companies, he shall disclose in his leasing proposal the names and addresses of such person or persons. If no such disclosure is made, the person signing the leasing proposal shall be deemed to be a principal and no subsequent disclosure of any trust, agencies, etc. will be recognized by Hong Kong Housing Authority.

### **Ways of Submitting the Leasing Proposal**

- (1) All leasing proposals should contain the following :
  - (a) Name of the prospective tenant;
  - (b) proposed trade name;
  - (c) location and size of the premises to be leased;
  - (d) rental offered;
  - (e) duration of term;
  - (f) precise nature of trade;
  - (g) any special conditions such as rent-free period, liability of the landlord, and/or the tenant to meet technical requirements, etc.; and
  - (h) a true copy of the Memorandum and Articles of Association of the company, if submitted by a limited company.

- (2) Clients may propose various patterns of rent payment as follows :
- (a) Fixed monthly rent;
  - (b) fixed monthly rent linked to staged increases at annual, biennial and triennial intervals, etc.;
  - (c) base rent plus a certain percentage of turnover; and
  - (d) base rent or a certain percentage of turnover, whichever is the higher.

In the case of a rent pattern involving turnover as illustrated in sub-paragraph 2(c) and 2(d) above, clients should state in their leasing proposal the anticipated amount of turnover for the first 12 months and subsequent annual growth, in percentage term, throughout the entire term of the prospective tenancy.

- (3) Clients may also propose various ways to maximize the use of the proposed leased premises subject to meeting the fitting-out requirements as stated in the paragraph on "The General Requirements for Fitting-out" below.
- (4) To ensure confidentiality, clients are reminded to seal their leasing proposals under a pre-addressed envelope as prepared by the Development and Marketing Unit. All leasing proposals must be deposited by hand in the Leasing Proposal Collection Box located at Podium Level 1, Hong Kong Housing Authority Customer Service Centre, 3 Wang Tau Hom South Road, Kowloon on or before the specified closing time and date.
- (5) Clients are reminded to note the specified closing time and date for submission of leasing proposals. Submissions after the specified closing time and date will not be considered. Hong Kong Housing Authority will not be responsible for any mislaid leasing proposal.
- (6) The closing time and date will automatically be deferred to 10:00 a.m. on the following Monday or the next earliest possible working day of the following week in the following circumstances:
- (a) if Tropical Cyclone Warning Signal No. 8 or above is hoisted before and remains hoisted beyond the closing time;
  - (b) if a "Black" Rainstorm Warning is announced and remains in force beyond the closing time.

However, the closing time and date will remain unchanged if Tropical Cyclone Warning Signal No. 8 or above or the "Black" Rainstorm Warning is lowered or withdrawn two hours or more before the closing time.

### **Basic Leasing Terms and Conditions**

- (1) All tenancies are normally granted on a fixed term of 3 years without an option to renew. However, terms other than the normal 3 years may also be considered.

In case of large premises, with an area over 250m<sup>2</sup>, a fixed term of 6 years without an option to renew is preferred.

- (2) Leasing proposals will only be accepted from persons or limited companies who/which will occupy the premises for their own use and no assignment, sub-letting or parting with the possession of the premises or any part thereof will be permitted without the prior written approval from Hong Kong Housing Authority.
- (3) The prospective tenant will have a rent-free period for fitting-out the premises. The period may range from 1 months to 3 months according to the followings:

<b>Size of Premises</b>	<b>Rent-free Period</b>
Less than 100m <sup>2</sup>	One month
Between 100m <sup>2</sup> – 250m <sup>2</sup>	Two months
Larger than 250m <sup>2</sup>	Three months

The whole rent-free period will be granted irrespective of whether the tenant commences business on completion of the fitting-out works prior to expiry of the rent-free period.

- (4) Clients should note that under the tenancy agreement, interest will be charged on the amount of rent, air-conditioning charge, if any, and rates in arrears at the rate of 2% per annum above prime rate of the Hongkong and Shanghai Banking Corporation Limited, fixed as at 1 April each year and applicable for 12 months following, from the date upon which such payment fell due.
- (5) Clients should note that all prospective tenancies granted are fixed term tenancies and cannot be terminated early before their natural expiry dates.
- (6) The attention of clients is drawn to the fact that whenever the tenancy is terminated for whatever reasons, the tenant is required to deliver up vacant possession of the premises to Hong Kong Housing Authority unconditionally, and shall not be entitled to any claim for compensation. Hong Kong Housing Authority shall have the full right to relet the premises or otherwise dispose of the premises in such manner and to such person as it may think fit, free from the interference of any person.
- (7) Client should note that the granting of a commercial tenancy does not confer upon the tenant any exclusive right to any particular trade in the estate concerned, and that Hong Kong Housing Authority reserves the right to let other premises in the estate concerned in whatever manner for the same trade according to the needs as assessed by Hong Kong Housing Authority. Change of user of the premises during the term of the tenancy shall not be permitted without the written consent of Hong Kong Housing Authority.

## **The General Requirements for Fitting-out**

- (1) Clients are advised to note the maximum electricity loading available to the premises. Should additional loading beyond the designed capacity be required, the expenses incurred in upgrading, plus on-cost currently at the rate of 20% as supervision charge, will be wholly borne by the prospective tenant, provided that the upgrading is approved by the Housing Department.
- (2) The prospective tenant shall accept the premises in the state and condition in which they are found at the date when possession is given and shall be responsible for the fitting-out of the premises, including air-conditioning system, enclosing walls, shop fronts, toilet facilities and other building services items on the premises, to meet the requirements of Hong Kong Housing Authority and other competent authorities. All modifications to the building services installations, including fire services sprinklers must be carried out by contractors appointed by the Housing Department subject to agreement of the Housing Department. The expenses incurred in all modifications, plus on-cost currently at the rate of 20% as supervision charge, will be wholly borne by the prospective tenant.
- (3) In responding to Hong Kong Housing Authority's invitation for leasing proposals for single operator markets and single operator shopping centres, prospective tenants should note that their proposed conversion plan should only lie within the leased area and meet the requirements of all other competent authorities. Any increase in retail space as a result of such conversion shall be subject to the final approval of Hong Kong Housing Authority and other relevant authorities.
- (4) The prospective tenant is required to submit plans for the intended conversion to the Housing Department and no conversion work shall be started until written approval is obtained from the Housing Department. In case of large scale fitting-out works, the prospective tenant is requested to appoint an Authorized Person under the Buildings Ordinance to submit the drawings in a proper manner.
- (5) The prospective tenant will be allowed to install his own air-conditioning system on the premises if no central air-conditioning is provided but installation of air-conditioning plant and routing of pipe/duct are subject to prior approval from the Housing Department. Besides, properly connected drainage for condensation should be provided where air-conditioning units are used.
- (6) No installation likely to cause disturbance to persons and properties, (e.g. exhaust fans, fume-extractors, etc.) will be permitted without prior approval from the Housing Department.
- (7) No alteration to shop front is permitted unless approval has been obtained from the Housing Department.
- (8) Installation of signage outside the premises is allowed only at designated

locations. The location, layout, lettering and colour scheme of the proposed signs are to be approved by the Housing Department.

- (9) The Single Operator of Market or Shopping Centre has to submit Safety Supervision Plan for Housing Department's vetting and approval when Authorized Person and/or Registered Structural Engineer are required in the course of fitting-out works. Forms for Safety Supervision Plan are available in the Estate/Court office upon request. Besides, submission of Management Plan and Maintenance Plan are also required.

### **Normal Leasing Procedures through Negotiation**

- (1) Clients will be notified in writing the result of their leasing proposals as soon as decision is made by Hong Kong Housing Authority.
- (2) Upon receipt of a formal notice that a tenancy of the premises is offered by Hong Kong Housing Authority, the successful client will be required to confirm in writing within 14 days from the date of such notice and should pay by cheque a non-refundable deposit equivalent to 1 month's rent applicable to the tenancy. This amount of money will be offset as part of the rent deposit at the time when a formal tenancy agreement is signed.
- (3) Hong Kong Housing Authority will give prior written notice to the successful client to take possession of the leased premises. The date of commencement of the tenancy shall be the date on which possession of the leased premises is given.
- (4) On signing the tenancy agreement, in addition to the payment of the offered rent for the first month, the successful client shall be required to pay a cash deposit equivalent to two months' the average bid rent of the tenancy term, either in cash or bank guarantee or a combination of either, to Hong Kong Housing Authority. This deposit, without any interest thereon, shall be refunded on termination of the tenancy provided that there shall be no outstanding rent, and/or rates, air-conditioning charge or other outstanding breaches of the tenancy agreement.

### **Special Rules and Regulations**

- (1) Hong Kong Housing Authority does not bind itself to accept any leasing proposal.
- (2) Clients are reminded that if manipulation of Hong Kong Housing Authority's negotiation system is discovered, and such has been proved to the satisfaction of the Director of Housing, then the said Director can at his discretion reject the leasing proposals from such clients. The decision by the Director of Housing as to whether the negotiation system has been manipulated and as to whether the

clients are involved in the manipulation is final.

- (3) No charge is made for the processing of any leasing proposal. Reports should be made to the appropriate authority immediately for any person purporting to offer assistance in respect of the leasing proposal in return for a reward.
- (4) Clients should note that offering or giving any gratuity, money or gift as an inducement to any employee of the Housing Department in relation to the leasing proposal constitutes an offence under the Prevention of Bribery Ordinance and such cases will be reported to the Independent Commission Against Corruption.
- (5) To ensure the confidentiality of all leasing proposals, clients must submit their leasing proposals by the method as mentioned in paragraph (4) of "Ways of Submitting the Leasing Proposal" above. Hong Kong Housing Authority holds no responsibility for the confidentiality of any leasing proposal submitted by methods otherwise.

## **Section B**

### **Chapter 23: Short Term Letting of Commercial Premises (by Estate/Shopping Centre)**

#### **Eligibility of Applicant**

- (1) Applicants, if in the individual capacity, must be 18 years of age or over.
- (2) Applicants, if in the capacity of a corporation, must be a limited company.
- (3) If any person who signs as applicants does so as an agent or a trustee for any other person or persons, he shall disclose in his Application Form the names and addresses of such person or persons. If no such disclosure is made, the person signing the Application Form shall be deemed to be a principal and no subsequent disclosure of any trust, agencies, etc. will be recognized by Hong Kong Housing Authority.

#### **Ways of Submitting the Application**

- (1) Applicants are invited through notice for leasing of vacant commercial premises of up to 70 m<sup>2</sup> in size offered unsuccessfully at least once for a standard term. Details of the commercial premises, including location and area are publicized.
- (2) Applicants may obtain Application Forms and Conditions of Application at the estate/shopping centre offices concerned.
- (3) The proposed letting is to be let on a first-come-first-served walk-in basis.
- (4) Applicants are reminded to note the specified application period and to submit the application to estate/shopping centre offices concerned. Submission after the specified closing time and date will not be considered. Hong Kong Housing Authority will not be responsible for any mislaid applications submitted by methods otherwise.
- (5) Applicant is required to pay in cash/cashier order an amount of HK\$ 1,000 as the Application Deposit.

#### **Basic Leasing Terms and Conditions**

- (1) Applicants can choose to let for any period from one month up to twelve months. An initial period of less than twelve months may subsequently be extended up to twelve months on request.
- (2) The Licensee may apply for a standard three-year tenancy term during the licence period subject to a rent review and compliance with tenancy conditions.

- (3) Applications will only be accepted from applicants who will occupy the premises for their own use and no assignment, sub-letting or parting with the possession of the premises or any part thereof will be permitted without the prior written approval from Hong Kong Housing Authority.
- (4) Applicants should note that under the licence, interest will be charged on the amount of licence fees and/or rates, air-conditioning charge, if any, in arrears at the rate of 2% per annum above prime rate of the Hongkong and Shanghai Banking Corporation Limited, fixed as at 1 April each year and applicable for 12 months following, from the date upon which such payment fell due.
- (5) The prospective licensees can enjoy a 7-day rent-free period for fitting-out the premises. The whole rent-free period is granted irrespective of whether the tenant commences business on completion of the fitting-out works prior to the expiry of the rent-free period.
- (6) The attention of applicants is drawn to the fact that whenever the licence is terminated for whatever reasons, the licensee is required to deliver up vacant possession of the premises to Hong Kong Housing Authority unconditionally, and shall not be entitled to any claim for compensation. Hong Kong Housing Authority shall have the full right to relet the premises or otherwise dispose of the premises in such manner and to such person as it may think fit, free from the interference of any person.
- (7) Applicants should note that the granting of a commercial licence does not confer upon the licensee any exclusive right to any particular trade in the estate/shopping centre concerned, and that Hong Kong Housing Authority reserves the right to let other premises in the estate/shopping centre concerned in whatever manner for the same trade according to the needs as assessed by Hong Kong Housing Authority. Change of user of the premises during the term of the licence shall not be permitted without the written consent of Hong Kong Housing Authority.
- (8) Applicant should note that under the terms of the Licence Agreement, the Housing Authority shall be entitled to transfer and assign the reversion of the premises and all the right and obligations under the Licence Agreement to any third party on such terms and conditions as the Housing Authority shall think fit without any interference or any claim or demand for compensation whatsoever by the licensee.

### **The General Requirements for Fitting-out**

- (1) Applicants are advised to note the maximum electricity loading available to the premises. Should additional loading beyond the designed capacity be required, the expenses incurred in upgrading, plus on-cost currently at the rate of 20% as supervision charge, will be wholly borne by the prospective licensee, provided that the upgrading is approved by the Housing Department.
- (2) The prospective licensee shall accept the premises in the state and condition in which they are found at the date when possession is given and shall be



responsible for the fitting-out of the premises to meet the requirements of Hong Kong Housing Authority and other competent authorities. All modifications to the building services installations, subject to agreement of the Housing Department, must be carried out by contractors appointed by the Housing Department. The expenses incurred in all modifications, plus on-cost currently at the rate of 20% as supervision charge, will be wholly borne by the prospective licensee.

- (3) The prospective licensee is required to submit plans for the intended conversion to the Housing Department and no conversion work shall be started until written approval is obtained from the Housing Department.
- (4) The prospective licensee will be allowed to install his own air-conditioning system on the premises if no central air-conditioning is provided but installation of air-conditioning plant and routing of pipe/duct are subject to prior approval from the Housing Department. Besides, properly connected drainage for condensation should be provided where air-conditioning units are used.
- (5) No installation likely to cause disturbance to persons and properties, (e.g. exhaust fans, fume-extractors, etc.) will be permitted without prior approval from the Housing Department.
- (6) No alteration to shop front is permitted unless approval has been obtained from the Housing Department.
- (7) Installation of signage outside the premises is allowed only at designated locations. The location, layout, lettering and colour scheme of the proposed signs are to be approved by the Housing Department.

### **Normal Leasing Procedures of Short Term Letting**

- (1) Applicants will be notified in writing the result of their applications as soon as a decision is made by Hong Kong Housing Authority.
- (2) Applicants may be called upon to attend selection interviews and if eligible to sign a Licence the terms of which are those normally applicable to lettings under Hong Kong Housing Authority's management. Applicants shall attend the interviews or execute the Licence whichever is applicable within seven days from the date of a written notice or offer issued by the Director of Housing or an officer delegated by him, and licence fee will be payable upon expiry of the licence fee free period stated in the Licence.
- (3) On signing the Licence, in addition to the payment of the licence fee for the first month, the successful applicant shall be required to pay a deposit equivalent to one month's licence fee of the licence term to the Hong Kong Housing Authority. Provided that there shall be no outstanding licence fee, and/or rates, air-conditioning charge, if any, or other breaches of the licence, this deposit, without any interest thereon, shall be refunded on termination of the licence.

- (4) Hong Kong Housing Authority will give prior written notice to the successful applicant to take possession of the leased premises. The date of commencement of the licence shall be the date on which possession of the leased premises is given.

### **Special Rules and Regulations**

- (1) Hong Kong Housing Authority does not bind itself to accept any applicant.
- (2) Applicants are reminded that if manipulation of Hong Kong Housing Authority's application system is discovered, and such has been proved to the satisfaction of the Director of Housing, then the said Director can at his discretion reject the applications from such applicants. The decision by the Director of Housing as to whether the application system has been manipulated and as to whether the applicants are involved in the manipulation is final.
- (3) No charge is made on the supply of the application form and for the processing of applications. Reports should be made to the appropriate authority immediately for any person purporting to offer assistance in respect of the tenders in return for a reward.
- (4) Any applicant who attempts to influence consideration of his or her application by approaching any member of the staff of the department or by the use of any other improper means shall render his or her application invalid.
- (5) Applicants are warned that offering or giving any gratuity, money or gift as an inducement to any employee of the Housing Department in relation to the application constitutes an offence under the Prevention of Bribery Ordinance and such cases will be reported to the Independent Commission Against Corruption.

## **Section B**

### **Chapter 24 : Letting of Commercial Premises through the Business Opportunity Centre**

#### **Eligibility of Tenderer/Applicant**

- (1) Tenderers/Applicants, if in the individual capacity, must be 18 years of age or over.
- (2) Tenderers/Applicants, if in the capacity of a corporation, must be a limited company.
- (3) If any person who signs as tenderer/applicant does so as an agent or a trustee for any other person or persons, he shall disclose in his Tender Form/Application Form the names and addresses of such person or persons. If no such disclosure is made, the person signing the Tender Form/Application Form shall be deemed to be a principal and no subsequent disclosure of any trust, agencies, etc. will be recognized by Hong Kong Housing Authority.

#### **Letting Arrangements at the Business Opportunity Centre**

- (1) Short-term Letting
  - (a) Commercial premises with an area of up to 70m<sup>2</sup> are let at market rent. Licensees can choose the terms of licence from one month to twelve months. Licensees may apply for a standard three-year tenancy term on normal conditions during the licence period subject to the Housing Department's approval and rent re-assessment.
  - (b) Applications for leases are processed on a first-come-first-served basis. Registration can be made through our telephone recording service. A list of commercial premises available and trades designated for short-term letting is displayed at the Business Opportunity Centre of the Commercial Properties Sub-division, Housing Department at Podium Level 1, Hong Kong Housing Authority Customer Service Centre, 3 Wang Tau Hom South Road, Kowloon, all estate/shopping center offices and Housing Department Home page

[www.housingauthority.gov.hk](http://www.housingauthority.gov.hk) every Monday. Interested parties can obtain a registration number through our “**Hotline for Registration Numbers: 2928 2121**” from 9:00 a.m. on Wednesday to 9:00 a.m. on Thursday of the week. Prospective tenants can come to the Business Opportunity Centre at 9:30 a.m. on Thursday to negotiate the leasing details in order of their registration numbers previously assigned through the phone.

- (c) If Tropical Cyclone Warning Signal No. 8 or above is hoisted or a “Black” Rainstorm Warning is announced, the Business Opportunity Centre will be closed and will not conduct any negotiations. If Tropical Cyclone Warning Signal No. 8 or above or the “Black” Rainstorm Warning has been cancelled at or before 12:00 noon, the Business Opportunity Centre will resume operation at 2:00 p.m. of the day. If Tropical Cyclone Warning Signal No. 8 or above or the “Black” Rainstorm Warning is cancelled after 12:00 noon, prospective tenants are requested to come to the Business Opportunity Centre at 9:30 a.m. the next working day (except Saturdays, Sundays and public holidays) to negotiate the leasing details in order of their registration numbers previously assigned through the phone.

(2) Open Instant Tender

- (a) The commercial premises are leased under a standard 3-year tenancy term. The designated trades and the upset rents for the premises are announced in advance. Prospective tenants will bid in a ballot tender and the tenancy will be granted to the tenderer who offers the highest bid.
- (b) A list of commercial premises available and trades designated for letting are displayed at the Business Opportunity Centre, all estate/shopping center offices and Housing Department Home Page [www.housingauthority.gov.hk](http://www.housingauthority.gov.hk) every Friday. Interested parties can come to the Business Opportunity Centre at 9:30 a.m. on Tuesday of the following week along with a cheque or cashier order in the amount of HK\$2,000 to participate in the tender exercise. Successful tenderers are required to submit a cheque or cashier order in the amount equivalent to two times of the tendered monthly rent as tender deposit.
- (c) If Tropical Cyclone Warning Signal No. 8 or above is hoisted or a “Black” Rainstorm Warning is announced, the Business Opportunity Centre will be closed and will not conduct any registration and tender exercises. If Tropical Cyclone Warning Signal No. 8 or above or the “Black” Rainstorm Warning has been cancelled at or before 7:00 a.m. on the day of the tender

exercise, the Business Opportunity Centre will re-open at 9:00 a.m. as usual and conduct registration and open instant tender exercises. If Tropical Cyclone Warning Signal No. 8 or above or a “Black” Rainstorm Warning is hoisted or issued at or after 7:00 p.m., the open instant tender exercises of the day will be automatically cancelled. Registration and open instant tender exercises at the Business Opportunity Centre will be re-scheduled respectively to 9:00 a.m. and 9:30 a.m. the next working day (except Saturdays, Sundays and public holidays) on which none of the above signal or warning is hoisted or issued.

### (3) Weekly Special

- (a) The commercial premises offered are mainly those vacant for a long time. They are let by negotiation on a first-come-first-served basis with rent set at lower level. To avoid posing a threat of unfair competition to the existing tenants in the estate/shopping centre concerned, the trade proposed by the negotiating party should not be the same as the trades operated by existing tenants in the estate/shopping center. It should neither be of the catering industry nor trades which are required to meet special licensing conditions. The commercial premises will be leased under a standard 3-year tenancy. No change of trade is allowed after the grant of the tenancy.
- (b) Interested parties can approach the Business Opportunity Centre for negotiation from 9:30 a.m. to 12:00 noon and 2:00 p.m. to 4:00 p.m. on Mondays to Fridays (except public holidays), bringing along their Hong Kong Identity Cards and a cheque or cashier order in the amount equivalent to one month’s rent of the commercial premises they wish to lease.

### **Basic Leasing Terms and Conditions**

- (1) With the exception of short-term tenancies under which licensee can choose a term from one month to 12 months, all other tenancies are normally granted on a fixed term of three years without an option to renew.
- (2) Interested parties must occupy the premises for their own use and no assignment, sub-letting or parting with the possession of the premises or any part thereof will be permitted without the prior written approval from Hong Kong Housing Authority.

- (3) Short-term licensee can enjoy a 7-day rent-free period for fitting-out the premises, while other prospective tenants are allowed a rent-free period from one to three months according to the following:

<b>Size of Premises</b>	<b>Rent-free Period</b>
Less than 100m <sup>2</sup>	One month
Between 100m <sup>2</sup> - 250m <sup>2</sup>	Two months
Larger than 250m <sup>2</sup>	Three months

The whole rent-free period is granted irrespective of whether the tenant/licensee commences business on completion of the fitting-out works prior to the expiry of the rent-free period.

- (4) Tenants/licensees should note that under the Tenancy Agreement/Licence Agreement, interest will be charged on the amount of rent/licence fee and/or rates, air-conditioning charge, if any, in arrears at the rate of 2% per annum above prime rate of the Hongkong and Shanghai Banking Corporation Limited, fixed as at 1 April each year and applicable for 12 months following, from the date upon which such payment fell due.
- (5) Interested parties should note that whenever the tenancy/licence is terminated for whatever reasons, the tenant/licensee is required to deliver vacant possession of the premises to Hong Kong Housing Authority unconditionally, and shall not be entitled to any claim for compensation. Hong Kong Housing Authority shall have the full right to relet the premises or otherwise dispose of the premises in such manner and to such person as it may think fit, free from the interference of any person.
- (6) Interested parties should note that the granting of a commercial tenancy/licence does not confer upon the tenant/licensee any exclusive right to any particular trade in the estate/shopping center concerned, and that Hong Kong Housing Authority reserves the right to let other premises in the estate/shopping center concerned in whatever manner for the same trade according to the needs as assessed by Hong Kong Housing Authority. Change of user of the premises during the term of the tenancy/licence shall not be permitted without the written consent of Hong Kong Housing Authority.
- (7) Interested parties should note that under the terms of the Tenancy/Licence Agreement, the Housing Authority shall be entitled to transfer and assign the reversion of the premises and all the rights and obligations under the Tenancy/Licence Agreement to any third party on such terms and conditions as

the Housing Authority shall think fit without any interference or any claim or demand for compensation whatsoever by the tenant/licensee.

### **The General Requirements for Fitting-out**

- (1) Interested parties are advised to note the maximum electricity loading available to the premises. Should additional loading beyond the designed capacity be required, the expenses incurred in upgrading, plus on-cost currently at the rate of 20% as supervision charge, will be wholly borne by the prospective tenant/licensee, provided that the upgrading is approved by the Housing Department.
- (2) The prospective tenant/licensee shall accept the premises in the state and condition in which they are found at the date when possession is given and shall be responsible for the fitting-out of the premises to meet the requirements of Hong Kong Housing Authority and other competent authorities. All modifications to the building services installations, subject to agreement of the Housing Department, must be carried out by contractors appointed by the Housing Department. The expenses incurred in all modifications, plus on-cost currently at the rate of 20% as supervision charge, will be wholly borne by the prospective tenant/licensee.
- (3) The prospective tenant/licensee is required to submit plans for the intended conversion to the Housing Department and no conversion work shall be started until written approval is obtained from the Housing Department.
- (4) The prospective tenant/licensee will be allowed to install his own air-conditioning system on the premises if no central air-conditioning is provided but installation of air-conditioning plant and routing of pipe/duct and wires are subject to prior approval from the Housing Department. Besides, properly connected drainage for condensation should be provided where air-conditioning units are used.
- (5) No installation likely to cause disturbance to persons and properties (e.g. exhaust fan, fume-extractors, etc.) will be permitted without prior approval from the Housing Department.
- (6) No alteration to shop front is permitted unless approval has been obtained from the Housing Department.
- (7) Installation of signage outside the premises is allowed only at designated locations.

The location, layout, lettering and colour scheme of the proposed signs are to be approved by the Housing Department.

### **Normal Leasing Procedures through Business Opportunity Centre**

- (1) Interested parties will be notified in writing the letting result as soon as a decision is made by Hong Kong Housing Authority.
- (2) Interested parties may be called upon to attend selection interviews and if eligible to sign a Tenancy Agreement/Licence Agreement the terms of which are those normally applicable to lettings of commercial premises under Hong Kong Housing Authority management. Interested parties shall attend the interview or execute the Tenancy Agreement/Licence Agreement whichever is applicable within seven days from the date of a written notice or offer issued by the Director of Housing or an officer delegated by him, and rent/licence fee will be payable from the date of the execution of the Tenancy Agreement/Licence Agreement.
- (3) On signing the Tenancy Agreement/Licence Agreement, in addition to the payment of the agreed rent/licence fee for the first month, the prospective tenant shall be required to pay a deposit equivalent to two months' average tendered rent of the tenancy term, either in cash or bank guarantee or a combination of either. Prospective licensee shall be required to pay a deposit equivalent to one month licence fee of the licence term to Hong Kong Housing Authority. Provided that there shall be no outstanding rent/licence fee, and/or rates, air-conditioning charge, if any, or other breaches of the tenancy agreement/licence agreement, deposit in full, without any interest thereon, shall be refunded on termination of the tenancy/licence while bank guarantee shall be released to the Tenant.
- (4) Hong Kong Housing Authority will give prior written notice to the prospective tenant/licensee to take possession of the leased premises. The date of commencement of the tenancy/licence shall be the date on which possession of the leased premises is given.

### **Special Rules and Regulations**

- (1) Hong Kong Housing Authority does not bind itself to accept any negotiation/tender.



- (2) Interested parties are reminded that if manipulation of Hong Kong Housing Authority's letting system is discovered, and such has been proved to the satisfaction of the Director of Housing, then the said Director can at his discretion reject the negotiations/tenders from such prospective tenants/licensees. The decision by the Director of Housing as to whether the letting system has been manipulated and as to whether the parties are involved in the manipulation is final.
- (3) No charge is made on the supply of the negotiation/tender form and for the processing of negotiations/tenders. Reports should be made to the appropriate authority immediately for any person purporting to offer assistance in respect of the tenders/negotiations in return for a reward.
- (4) Any person who attempts to influence consideration of his or her negotiation/tender by approaching any member of the staff of the department or by the use of any other improper means shall render his or her negotiation/tender invalid.
- (5) Interested parties are reminded that offering or giving any gratuity, money or gift as an inducement to any employee of the Housing Department in relation to the negotiation/tender constitutes an offence under the Prevention of Bribery Ordinance and such cases will be reported to the Independent Commission Against Corruption.
- (6) All negotiations/tenders will be kept strictly confidential.

**Section C**  
**Squatter Control**

## **Section C**

### **Chapter 1: Squatter Control**

#### **Responsibilities of the Operations Section**

The Operations Section of the Housing Department (HD) is responsible for the prevention and control of illegal structures on undeveloped Government land and leased agricultural land in the territory ( except Hong Kong Island, Kowloon and Islands Districts which are under the management of Lands Department (Lands D) ) by taking the following actions -

- (1) Patrol - to produce deterrent effect;
- (2) Demolition - to clear illegal occupation of Government land; and
- (3) Arrest and Prosecution - to take joint enforcement action with the Police against erection of illegal structures on Government land.

Illegal structures already in existence on or before 1 June 1982 are temporarily tolerated. Demolition action will be taken by the Operations Section against these structures should there be any changes to them in respect of condition, size, use or building materials. Any new structures built thereafter, except those approved by the Lands D, will be demolished.

The Operations Section is responsible for controlling illegal structures/extensions on -

- unleased and undeveloped land; and
- leased agricultural land.

However, its jurisdiction does not extend to any lands allocated to a Government Department, nor to roads, streets, pavements, lanes, flyovers, rooftops or typhoon shelters.

#### **Legal Powers**

The HD is given statutory powers for the purpose of squatter control under Sections 6(1), 6(2), 6(2A), 6(3), 12(1), 12(2), 12(4) and 13 of the Land (Miscellaneous Provisions) Ordinance (Cap. 28) and such powers are delegated to the Squatter Control staff.

## **Section C**

### **Chapter 2: Repair and Rebuilding of Squatter Structures**

Squatters who wish to repair their squatter structures have to make prior application to the relevant Squatter Control Office. Approval of repairs to structures on leased land rests with the Lands Department (Lands D). Housing Department is responsible for authorizing repairs to temporary structures which were already in existence before 1 June 1982 and built of temporary materials.

Repairs to existing structures should not include enlargement, elevation or change from temporary building materials to permanent ones, e.g. replacement of boards and tin sheets with bricks and concrete.

Rebuilding of temporary structures is absolutely banned in the urban area, irrespective of the type of building materials used. Although rebuilding of temporary structures in the New Territories is normally allowed, only temporary materials may be used for rebuilding of squatter structures in the new towns and strict control areas. Use of permanent materials or rebuilding of structures held under a licence on Government land or leased land is subject to the approval of the Lands D.

Rebuilding is not allowed in the situation where surveyed structures are totally destroyed or substantially damaged and that the occupants are permanently evacuated in natural disasters. (Please refer to Chapter 2 of Section D for Rehousing Criteria for Victims of Fires and Natural Disasters).

Occupants of squatter structures must submit application to the Housing Department prior to rebuilding of structures. Rebuilding of structures should not include enlargement, elevation or change from temporary building materials to permanent ones. Rebuilding of structures of uses other than domestic ones require the consent of Lands D. Further, people not included in the 1984/85 squatter occupancy survey are eligible for applying rebuilding provided the structures are not those vacated by recorded occupants rehoused to public housing or flats purchased under subsidized home ownership scheme.

## **Section C**

### **Chapter 3 : Squatter Occupancy Survey**

#### **Squatter Population**

A territory-wide Squatter Occupancy Survey was carried out by the Housing Department (HD) in 1984/85. Persons not registered in the survey will not be eligible for public rental housing in the event of clearance/natural disasters.

#### **Retention of Squatter Occupancy Status**

Registered squatters wishing to move from one squatter area to another have to fulfill the following prescribed conditions –

1. The applying family must have been registered in a surveyed domestic structure during the 1984/85 occupancy survey;
2. the application is made prior to moving;
3. the structure or space vacated by the applicant must be surrendered to the HD for demolition or boarding up action;
4. the structure to be taken up is not within an area which has been screened for clearance;
5. the structure to be taken up must be a surveyed domestic structure and not vacated by recorded occupants rehoused to public housing or flats purchased under subsidized home ownership schemes;
6. moving from the New Territories to urban districts or extended urban area is not allowed; and
7. the applicant's family must have completed the necessary formalities for registration in the Waiting List for public housing.

*The above application is free of charge.*

## **Section D**

### **Clearance**

## **Section D**

### **Chapter 1: Rehousing Criteria for Squatters Affected by Clearance Exercises**

#### **Eligibility for Public Rental Housing (PRH)**

- (1) Persons must be genuine residents of a 1982 Housing Department (HD) surveyed domestic structure and covered by the pre-clearance survey;
- (2)
  - (a) Persons must be covered by the 1984/85 Squatter Occupancy Survey of HD; or
  - (b) persons with proof of 2-year residence in a 1982 HD surveyed domestic structure prior to the date of announcement of squatter area clearance and having satisfied other eligibility criteria of Waiting List (WL) for PRH will be allotted a notional WL application number with a 2-year waiting time. Those holding a notional WL application may then be eligible for PRH under the Anticipatory Housing Scheme with the offer of one-grade-up in the choices of district from the New Territories to Extended Urban Area or from Extended Urban Area to Urban Area. Upon upgrading, only refurbished flats will be offered;
- (3) At least half of the family members must have lived in Hong Kong without any conditions of stay for seven years and are still living in Hong Kong. Regardless of their place of birth, children under the age of 18 who are residing in Hong Kong are deemed as having satisfied the 7-year residence rule if one of their parents has lived in Hong Kong without any conditions of stay for seven years;
- (4) During the period from the date of pre-clearance survey up to the date of intake, the applicant or his/her family members must not
  - own or co-own any domestic property; or
  - have entered into any agreement to purchase domestic property; or
  - own more than 50% share in any company which owns domestic property;(Domestic property includes any post-war domestic property; uncompleted domestic property, uncontrolled or self-occupied pre-war domestic property, rooftop structure approved by the Buildings Authority, domestic building lots and Small House Grants in the Hong Kong Special Administrative Region); and
- (5) Persons affected by clearance operations announced on or after 11 September 1998 are subject to Comprehensive Means Test, and their total family monthly income and net assets value must not exceed the income and net asset limits laid down by the Housing Authority. The current limits, subject to annual review, are as follows –

**Income and Asset Limits for Single Persons and Ordinary Families**  
(Effective from 1 April 2004)

<b>Family Size</b>	<b>Income Limits (per month)<sup>#</sup></b>	<b>Net Asset Limits</b>
1 person	\$ 6,600 (\$ 6,947)	\$170,000
2 persons	\$10,000 (\$10,526)	*\$230,000
3 persons	\$11,700 (\$12,316)	*\$300,000
4 persons	\$14,000 (\$14,737)	\$350,000
5 persons	\$15,800 (\$16,632)	\$390,000
6 persons	\$17,300 (\$18,211)	\$420,000
7 persons	\$18,700 (\$19,684)	\$450,000
8 persons	\$19,800 (\$20,842)	\$470,000
9 persons	\$21,300 (\$22,421)	\$520,000
10 persons or more	\$22,600 (\$23,789)	\$560,000

\* Asset limits for small nuclear households of two to three persons whose members are all elderly persons (aged 60 or above) is the same as that of 4-person households i.e. \$350,000.

**Income and Asset Limits for Unrelated Elderly Persons**

(Effective from 1 April 2004)

<b>No. of Persons</b>	<b>Income Limits (per month)<sup>#</sup></b>	<b>Net Asset Limits</b>
2 persons	\$12,000 (\$12,632)	\$230,000
3 persons	\$14,000 (\$14,737)	\$300,000
4 persons	\$16,800 (\$17,684)	\$350,000

# Figures in ( ) denotes the effective income limits should an applicant and all family members be contributing 5% of their income under the Mandatory Provident Fund (MPF) or Provident Fund Scheme as required by the law.

**Eligibility for Interim Housing (IH)**

- (1) Persons must be genuine residents of a 1982 Housing Department (HD) surveyed domestic structure and covered by the pre-clearance survey;
- (2) Persons are not covered by the 1984/85 Squatter Occupancy Survey of HD;
- (3) Applicant and his/her family members must fulfil the “No Domestic Property” criterion as detailed in sub-paragraph (4) under the **Eligibility for PRH**; and
- (4) Persons affected by clearance operations announced on or after 15 April 1999, must fulfil the criterion as detailed in sub-paragraph (5) under the **Eligibility for PRH**, i.e. their total family monthly income and net assets value must not exceed the prescribed limits laid down by the Housing Authority.



### **Cash Allowance for Single Persons and Two-person Families**

Eligible single persons and two-person families may, in lieu of rehousing, opt for cash allowance of which the current rates may be obtained from Clearance Office on request. Such rates are subject to adjustment without prior notice. Recipients of this allowance are ineligible for further payments of the allowance or for any form of public housing for the subsequent two years.

### **Ex-Home Ownership Scheme/Private Sector Participation Scheme/Buy or Rent Option Scheme Flat Owners and Ex-Loan/Subsidy Recipients under the Home Assistance Loan Scheme or the previous Home Purchase Loan Scheme**

Ex-Home Ownership Scheme/Private Sector Participation Scheme/Buy or Rent Option Scheme flat owners and ex-loan/subsidy recipients under the Home Assistance Loan Scheme or the previous Home Purchase Loan Scheme and their spouses are debarred from rehousing to PRH upon sale of their flats. However, the other family members whose deletion from the relevant records has been approved will not be bound by this restriction.

### **Attention**

Those who are not genuine residents of a clearance area at the time of a pre-clearance survey are ineligible for rehousing.

Families failing the Comprehensive Means Test will be ineligible for PRH or IH. Those having a temporary need for housing will be offered Interim Housing but their stay there will be restricted to one year, during which they will be required to pay licence fee at market level.

Where negotiation is taking place between the government and a landlord on the surrender of any private land within a clearance area, the clearerees affected, apart from satisfying the eligibility criteria for PRH and IH as stated above, must produce evidence that they have been living in the area since and before the date of pre-clearance survey or the date of negotiation, whichever is the earlier.

## **Section D**

### **Chapter 2: Rehousing Criteria for Victims of Fires and Natural Disasters**

#### **Temporary Shelter or Transit Centre**

In the event of fire and natural disaster in squatter areas, the staff of the Housing Department will arrive at the scene as soon as possible to register the victims and arrange temporary shelters or transit centres for those in need, pending eventual rehousing in accordance with the prevailing rehousing policy.

#### **Location of Rehousing for Fire Victims from Squatter Areas**

Squatter fire victims who are eligible for public rental housing will be rehoused to public rental flats in the New Territories. For those who do not fall into this category, allocation of Interim Housing in appropriate district will be considered.

#### **Victims of Landslips or Natural Disasters**

Permitted occupiers of surveyed domestic squatter structures affected by landslips or natural disasters will normally be accorded local rehousing, with the proviso that these victims may be allocated housing in the extended urban area (which includes Tsuen Wan, Shatin and Tseung Kwan O) if no urban units are available.

## **Section D**

### **Chapter 3: Eligibility Criteria for Subsidized Home Ownership Scheme in respect of Persons Involved in Clearance Programmes**

#### **Eligibility for subsidized home ownership scheme (SHOS)**

People affected by clearance are eligible to use Green Form to apply for SHOS, subject to fulfillment of the following eligibility criteria:

**(1) Occupants of Squatter Structures**

- (a) The applicant is at least 18 years old;
- (b) the applicant and his/her family members must be genuine residents of a 1982 Housing Department surveyed domestic structure;
- (c) application from family must consist of two persons who are closely related to one another;
- (d) singleton applicant should be unmarried or divorced or whose spouse is deceased or has not been permitted to reside in Hong Kong;
- (e) the applicant or one of his/her family members must have lived in Hong Kong without any conditions of stay for at least seven years; and
- (f) the applicant and his/her family members must fulfil the “No Domestic Property” criterion as detailed in sub-paragraph 4 under “the Eligibility for Public Rental Housing (PRH)” in Chapter 1 of Section D.

Applicants who satisfy the eligibility criteria for PRH will be given second priority Green Form status to apply for SHOS. Those who satisfy the eligibility criteria for interim housing (IH) or refurbished flats in older PRH estates are only eligible to apply for SHOS as ordinary Green Form applicants.

**(2) Clearees Failing the Comprehensive Means Test**

Clearees failing the Comprehensive Means Test for PRH or IH are allowed to stay temporarily in IH for one year and are required to pay licence fee at market level. During the temporary stay period, second priority Green Form status will be granted to them to apply for SHOS provided that they meet the prevailing eligibility criteria. However, if they fail the prevailing eligibility criteria, they will not be eligible to apply for **any** SHOS.

Clearees whose PRH eligibility has been established may apply for SHOS with second priority. However, these clearees have to secure their own accommodation if the intake date of the flats so purchased is beyond the clearance date.

## **Section D**

### **Chapter 4: Ex-gratia Allowance for Persons Affected by Clearances/Fires/Natural Disasters**

#### **Domestic Removal Allowance/Emergency Relief Fund**

Persons who are involved in clearances, fires or natural disasters and accept rehousing offers/assistance may be eligible for Ex-gratia Domestic Removal Allowance or Emergency Relief Fund according to family size.

#### **Ex-gratia Allowance (EGA) for Permitted Occupiers of Licensed Domestic Structures and Surveyed Domestic Squatter Structures**

The following groups of clearcees, who are affected by compulsory clearance, are eligible for this EGA. This EGA should be offered as an alternative to Interim Housing.

- (1) Permitted occupiers of a licensed domestic structure on private agricultural land or unleased Government land affected by clearance who are not provided with Public Rental Housing (PRH); and
- (2) Permitted occupiers of a domestic squatter structure on unleased Government land, i.e., where the structure was covered by the 1982 Squatter Structure Survey of HD and the occupiers were registered in the 1984/85 Squatter Occupancy Survey of HD, but who are ineligible for PRH.

Domestic property owners who are ineligible for any form of rehousing will be ineligible for this kind of EGA.

Clearcees receiving this EGA will be ineligible for any other ex-gratia allowance (including Domestic Removal Allowance) in respect of the structure in question and will be ineligible to apply for any form of public housing or this kind of EGA for the subsequent two years.

#### **Ex-gratia Allowance for Operators of Shops, Workshops, Schools and Godowns**

Business operators conducting a business at the time of the pre-clearance survey in a structure registered for that purpose in the 1982 Squatter Structure Survey may be eligible for ex-gratia allowance. The amount of EGA varies according to the type of the business and the area of the structure involved. For the purpose of calculation, the area of structure is based on the area recorded in the 1982 Squatter Structure Survey or that recorded in the pre-clearance survey, whichever is the smaller. However, business operators of structures covered by Short Term Tenancy or Short

Term Waiver granted on vacant government land or vacant leased agricultural land are ineligible for EGA.

### **Ex-gratia Allowance for Pig and Poultry Farmers**

The following groups of pig and poultry farmers who operate farms at the time of the pre-clearance survey may be eligible for an ex-gratia allowance:

- (1) Farmers who operate pig and poultry farms in farm structures registered for that purpose in the 1982 Squatter Structure Survey; and
- (2) Farmers who legitimately operate pig and poultry farms on private agricultural land but whose farm structures are not registered in the 1982 Squatter Structure Survey.

The minimum qualifying number of birds of any kind in a poultry farm is 30. Pig and poultry farmers who operate farms on Government land under Government land licences or Short Term Tenancies with farm structures not registered in the 1982 Squatter Structure Survey are ineligible for the ex-gratia allowance.

### **Ex-gratia Disturbance Allowance for Cultivators**

This allowance is payable to cultivators having continuously cultivated land since 1 June 1982. The aim is to provide them with financial assistance so that they can re-establish their business elsewhere or change to other fields.

### **Rates**

The rates of the above allowances are revised by the Government from time to time. Details of the current rates may be obtained from Clearance office on request.

**Section E**  
**General Issues**

## **Section E**

### **Chapter 1: Rights and Responsibilities of Housing Department's Client Groups**

To increase efficiency, the Housing Department has not only laid down service standards, but also spelt out the **rights and responsibilities** of our client groups to achieve the goal of “Clear Rights and Obligations for Mutual Benefits”.

#### **Waiting List Applicants**

(1) Applicants have the Rights :

- to obtain full information on the application procedures, eligibility criteria, prevailing allocation standards and rental levels;
- to know the progress of their applications and the average waiting time of those recently rehoused;
- to be given a maximum of three offers (one option in each offer) of public rental housing (PRH) in the district of their choice when their turns come.

(2) Applicants have the Responsibilities :

- to provide full and accurate information about themselves and their family members, substantiated by documentary proofs and inform the Housing Department (HD) of any subsequent changes as soon as they arise;
- to provide timely replies to the HD's letters;
- to ensure that the statements made upon application are true and correct;
- to attend vetting interviews and appointments for other formalities as required punctually;
- to complete intake formalities at the estate office according to the appointed time;
- to provide acceptable reasons if they do not accept the three housing offers,

otherwise the application will be cancelled;

(3) Housing Department's Performance Pledge :

- The HD will carry out pre-screening on receiving applications. If the applicants are found eligible, the HD will inform them of their application numbers within two weeks;
- The HD staff will attend to the general enquiries made in person within 15 minutes;
- The HD will give one week's advance notices for vetting interviews and conduct the interviews within 30 minutes of the appointed time if the applicants arrive on time;
- The HD will advise applicants of their eligibility within two months after the interviews if full information is provided.
- The HD will immediately verify applicants' information and conduct interviews with them within three weeks upon receipt of referrals from the Social Welfare Department recommending "compassionate rehousing"
- The HD will make available information on progress of applications through the Enquiry Hotline 2712 2712.

**Public Rental Housing Tenants (Tenancy Matters)**

(1) In addition to those contained in the Tenancy Agreement, Public Rental Housing Tenants have the rights :

- to give their views directly to the HD or through tenants' organizations such as Mutual Aid Committees or Estate Management Advisory Committees to help improve the management of their estates;
- to appeal to the independent Appeal Panel if their tenancies are terminated by the HD;
- to apply for a 50% rent reduction under the HD's Rent Assistance Scheme, which will be granted for one year and subject to review upon expiry, provided their households meet the eligibility criteria and are not recipients of



the Social Welfare Department's Comprehensive Social Security Assistance with rent allowance to cover full amount of rent payable;

- to apply for a subsidy for the installation of an emergency alarm (commonly known as "pendant alarm") if all members in their households are aged 60 or above and are not recipients of the Social Welfare Department's Comprehensive Social Security Assistance, provided that other relevant criteria are also met;
- to apply for overcrowding relief through transfer provided relevant criteria are met;
- to apply for the purchase of flats under any subsidized home ownership schemes, or the Home Ownership Secondary Market Scheme, or in the private sector under the Home Assistance Loan Scheme;
- to purchase the flats which they are now living in when they are put up for sale under the Tenants Purchase Scheme.

(2) Apart from observing the obligations in the Tenancy Agreement, Public Rental Housing Tenants have the responsibilities :

- to abide by the tenancy agreement and observe the policies adopted by the HA, failing which they may be liable to termination of tenancy;
- to surrender the flats to the HD immediately if they no longer live in them, and if the number of members in the households have fallen below the minimum number set for the flats, to move to other suitable flats;
- to keep the environment clean, take good care of the public facilities, avoid causing nuisances or noise, ensure the proper disposal of rubbish and not to cause obstruction to the fire escapes;
- to inform the authorities concerned and the Estate Office immediately in case of emergency;
- to provide accurate information concerning income, assets, and details about household members as required by the HD;
- to declare their household particulars every two years as required under the policy;
- to tender Notices-to-Quit to the HD upon acquisition of another form of

subsidized housing administered by the HD or the Housing Society (including purchase of flats under any subsidized home ownership schemes or transfer to another public housing flats), and to surrender the rental flats to the HD within a specified time.

(3) Housing Department's Performance Pledge :

- When tenants visit Estate Offices (EOs), EO staff will attend to them within 8 minutes;
- When tenants pay their rents at EOs, EO staff will attend to them within 20 minutes;
- Applications relating to tenancy, rent assistance, transfer or subsidy for the installation of an emergency alarm will be given interim replies within 10 days;
- Complaints about security services in the estate will be handled within 12 hours of report;
- Complaints about cleansing services in the estate will be handled within 12 hours of report;
- Complaints about other estate matters will be given interim replies within 10 days and substantive replies within 18 days. For cases requiring more handling time, the HD will keep tenants informed of the progress from time to time;

*This Performance Pledge is only applicable to public housing estates managed directly by the HD or Property Management Agents under the monitoring of the HD. The performance pledge for individual housing estates managed by private Property Services Companies (PSC) will depend on the service standards of respective PSCs.*

**Public Rental Housing Tenants (Maintenance Matters)**

(1) Public Rental Housing Tenants have the Rights :

- to require the HD or the relevant management agency to carry out repairs to the building structure, common areas, building services installations and

fixtures for which the HD is responsible;

- to be informed in advance of the HD's planned maintenance works and their schedule of implementation;
- to be informed of the progress of the relevant works and be given explanations for any delay.

(2) Public Rental Housing Tenants have the Responsibilities :

- to avoid causing damage to any public facilities, such as fire exit doors and fire hoses. The HD has the right to take appropriate actions against the tenants responsible for any such damages, ranging from having them pay for the repairs to instituting prosecutions;
- to keep their flats in good condition, maintain the facilities in their flats properly and pay for the costs of maintenance, use the building services installations and other facilities in the estate correctly, and inform the Estate Offices (EOs) of all damages to public facilities discovered as soon as possible;
- to apply to the EOs before installing any building services like air-conditioners or altering any existing fixtures such as metal gatesets, windows and window grilles, and upon approval, carry out the works according to the prescribed specifications and keep the installations in good repair afterwards;
- to reinstate unauthorized alterations at their own cost, and to pay for the remedy of any damage or loss arising from any such unauthorized alteration works. All authorized works must be carried out by qualified personnel and their completion duly certified;
- to allow the HD's staff or agents to enter the flats to carry out inspection and repair works when necessary;
- to be mindful of the safe use and day-to-day maintenance of the household electrical appliances and gas cooking equipment, and to employ qualified personnel for their regular inspection.

(3) Housing Department's Performance Pledge :

- For lift breakdowns, security guards of the building concerned will

immediately ask the maintenance personnel to repair :

- Where no trapping of passengers is involved, maintenance personnel will arrive within 45 minutes;
- Where trapping is involved, maintenance personnel will arrive within 25 minutes of report and have the passengers rescued within 30 minutes of arrival.
- For sudden interruption of electricity supply, the caretaker or security guard on duty will attend to it within 15 minutes upon receipt of report:
  - Maintenance personnel will arrive within one hour during office hours;
  - Maintenance personnel will arrive within two hours after office hours;
  - For interruptions that affect a large area, supply will be resumed within eight hours after inspection.
- For suspension of fresh water supply, maintenance personnel will attend to it within one hour. Where no repairs to underground water mains are required, supply will be resumed within 12 hours after inspection;
- For suspension of flushing water supply, maintenance personnel will attend to it within two hours. Where no repairs to underground water mains are required, supply will be resumed within 24 hours after inspection;
- Repairs for which the HD is responsible will commence within 12 days after immediate inspection following requests for repair from tenants. Where longer time is needed to commence works, the tenants affected will be advised of the reasons for the delay within five days of their request;
- Blockage of drainage in public areas under the HD's care will be attended to within 15 minutes.

*This Performance Pledge is only applicable to public housing estates managed directly by the HD or Property Management Agents under the monitoring of the HD. The performance pledge for individual housing estates managed by private Property Services Companies (PSC) would depend on the service standards of respective PSCs.*

## **Home Ownership Scheme Flat Owners**

### **(1) The Owners have the Rights :**

- to exercise the rights conferred on the owners as owners by the Deed of Mutual Covenant;
- to use the communal facilities in their Home Ownership Scheme (HOS) estates;
- to monitor the performance of the management agencies and the service contractors in their respective areas of responsibilities;
- to request the HD to make good any construction defects during the defects liability period;
- to take over owners' flats as scheduled, or else to be compensated according to the Sale and Purchase Agreement should there be any delay;
- to resell the flats after the expiry of the resale restriction period subject to paying the Hong Kong Housing Authority (HA) premiums calculated according to the original discounts from the market value at the time of purchase, or to sell the flats within designated period with no premium payable.

### **(2) The Owners have the Responsibilities :**

- to observe the terms and conditions of the Sale and Purchase Agreement, use the flats solely for residential purposes, letting or using the flats for commercial purposes are prohibited, live in the flats with family members included in the applications, and immediately inform the management office in writing if there is any change of ownership;
- to observe the provisions governing resale in the Housing Ordinance;
- to comply with the Deed of Mutual Covenant, namely :
  - not to keep dogs and pets, erect illegal structures, make structural alterations or any alterations affecting the external appearance of the building and not to obstruct the common area;
  - to pay management and other fees on time;

- to keep the flats in good repair so as not to cause nuisance to other residents, and to allow workers to enter their flats to carry out any necessary maintenance and repair duties;
- to form an Owners' Corporation (OC) with other owners for managing the estate within one year after the issue of the Certificate of Completion.

(3) The Housing Department's Performance Pledge :

- When owners take over the flats, the HD staff will give them owners' handbooks and run over the content with them. The HD staff will also give the owners a list of recommended decoration contractors and help them apply for the utility services;
- Before an OC is formed in an estate, the HD will appoint a qualified property management agency to manage the estate for the owners. The HD will also assist the owners to monitor the performance of the management agency;
- The HD will liaise with the staff of the District Office and enlist their assistance in the formation of an OC. Upon the formation of the OC, the HD will hand over to the OC a building repair manual, all the estate records, layouts, audited financial statements and the reserve fund of the HOS estate to facilitate its management of the estate;
- The HD will make good any construction defects found in owners' flats within the defects liability period specified in the sales brochures;
- The HD will make good any structural defects found within the 10-year period of structural safety guarantee (the guarantee period for HOS estates in Tin Shui Wai area is 20 years).

**Tenants Purchase Scheme Flat Owners**

(1) The Owners have the Rights :

- to exercise the rights conferred on the owners as owners by the Deed of Mutual Covenant;
- to use the communal facilities in the estate;

- to monitor the performance of the property management agents and the service contractors in their respective areas of responsibilities;
- to request the HD to carry out structural repairs during the 7-year guarantee of structural safety;
- to sell the flats after the expiry of the resale restriction period subject to paying the Housing Authority premiums proportionate to the original discounts or the differences in payment made at the purchases;
- to resell the flats to public housing tenants or other eligible persons in the HOS secondary market after two years from the first assignments without payment of amounts proportionate to the original discounts or premiums.

(2) The Owners have the Responsibilities :

- to observe the terms and conditions of the conveyances and use the flats solely for residential purposes, i.e., to live in the flats with the authorized occupants and never use them for commercial or letting purposes, and to inform the District Tenancy Management Offices in writing of any change of ownership as soon as it occurs;
- to observe the provisions of the Housing Ordinance governing resale;
- to comply with the provisions of the Deed of Mutual Covenant, including :
  - not to keep dogs and pets, erect illegal structures, make structural alterations or modifications, do anything which affects the external appearance of the building, and not to obstruct the common area;
  - to pay management and other fees on time;
  - to keep the flats in good repair so as not to cause nuisance to other residents, and to allow workers to enter their flats to carry out any necessary maintenance and repair duties;
  - to form an Owners' Corporation (OC) with other owners for managing the estate within nine months after the execution of Deed of Mutual Covenant.

(3) The Housing Department's Performance Pledge :

- The HD will notify tenants on the outcome of their applications within 60

days, subject to the availability of required information;

- Within the first two years of the implementation of the TPS, the HD will carry on with the responsibilities in estate management;
- Two years after the implementation of the TPS, or upon the decision of the OC to appoint an alternative property management agent, the HD will hand over all the estate records, layouts and audited financial statements together with the sinking fund of the TPS estate to the OC and the new property management agent.
- The HD will make good any structural defects found within the 7-year period of structural safety guarantee.

### **Commercial Premises Rental Applicants**

(1) The Applicants have the Rights :

- to obtain full information on the tendering procedures, eligibility criteria and details of the premises on offer;
- to know the terms and conditions of the tenders or proposed lettings;
- to obtain the latest information on the number of shops and types of trades in the HD's new shopping centers;
- to know the HD's progress in handling their tenders and be notified of the result;
- to participate in restricted tenders and to ask for detailed information on these from the HD's Redevelopment Sub-section if they are commercial tenants affected by redevelopment.

(2) The Applicants have the Responsibilities :

- to submit the completed tender documents together with the deposit before the close of invitation;
- to provide full and accurate information about themselves and their partner(s) / company, substantiated by documentary proofs upon the HD's request, and ensure that the declarations made are true and accurate;



- to attend the pre-letting interviews punctually and complete the signing-up formalities.

(3) The Housing Department's Services :

- Tender documents and relevant information are obtainable through any of the following means :
  - In person at the Shopping Centre Management Offices/Estate Offices concerned and the Exhibition Hall of the Commercial Properties Sub-division located at :
 

The Hong Kong Housing Authority Customer Service Centre  
Podium Level 1, 3 Wang Tau Hom South Road, Kowloon, Hong Kong
  - HA/HD website <http://www.housingauthority.gov.hk>
  - By post if applicants provide the HD with self-addressed and stamped envelopes.
- The HD has set up Business Opportunity Centre enquiry counters at the Exhibition Hall of the Commercial Properties Sub-division to provide assistance. A tender box is placed at the Hall for collection of completed tender documents during the invitation period.
- Upon the close of invitation, the HD will conduct checks to sort out the valid tenders received. The HD will inform applicants in writing of the tender result. If the applicants are unsuccessful, they will be invited to complete signing up formalities. If the applicants are unsuccessful, they will be refunded the deposit paid.
- Information can be obtained through our Tender Information Hotline 2607 8866 or Business Opportunity Centre Hotline 2928 2828 and free facsimile at 2712 2712. The applicants may also contact our Lettings Unit/Development and Marketing Unit at 2711 5138 direct during office hours.

(4) The Housing Department's Performance Pledge :

- The HD will carry out vetting of tenders and let the applicants know whether their tenders are valid within two weeks of the closing date of invitation. The HD will give applicants formal notices of the tender result within 25 days of the closing date of invitation;

- The HD will refund the tender deposit within 18 days of the closing date of invitation if applicants' tenders are not accepted;
- The HD will invite successful applicants in writing to attend interviews one week before the grant of leases.

### **Commercial Tenants**

(1) The Tenants have the Rights :

- to use the premises in accordance with the terms of the tenancy agreement;
- to obtain information on fitting-out requirements;
- to enjoy professional management services;
- to apply for renewal of tenancies according to the terms of the tenancy agreements.

(2) The Tenants have the Responsibilities :

- to observe strictly the terms of the tenancy agreement, including the payment of rent on time, applications for fitting-out works and engaging in business of the specified trades within designated areas etc.;
- to comply with licensing requirements of relevant authorities and provide the HD with copy / copies of the licence(s);
- not to create any nuisance such as pollution, noise, obstruction etc.;
- to apply for renewal of tenancies six months before their expiry if tenants wish to renew the tenancy agreements for ordinary shops; and apply for renewal of tenancies eight months before their expiry for shops let by negotiation.

(3) The Housing Department's Services :

- The HD monitors and administers all commercial lettings of the HD and pass on the residents' views on the services of the commercial tenants;
- The HD renders assistance to new tenants in fitting-out works and application for relevant licences from the authorities concerned;

- The HD carries out improvement works and promotional activities in selected shopping centers to enhance their competitiveness and create favourable business environment.

(4) The Housing Department's Performance Pledge :

- The HD will vet and approve the applications for fitting-out works within 25 days provided that all layout plans and designs submitted by the tenants are compiling with our requirements and that no structural alteration or addition is involved in these works;
- The HD will provide the tenants with the new rent and new tenancy terms three months before expiry of the existing tenancies if renewal is approved.

## Section E

### Chapter 2: Public Enquiry Service

Enquiry service is available at estate offices, property management offices, property services management offices, district tenancy management offices, commercial properties (management) offices, the Hong Kong Housing Authority Customer Service Centre and the Housing Information Centres. Tenants or members of the public can also dial the following number to enquire about our services –

#### 24-Hour Service

Housing Department Enquiry Hotline	2712 2712
Housing Department Complaint Faxline	2624 5685

(The above hotlines handle enquiries on general housing policies, provide information on applications for public housing and subsidized home ownership scheme, and to receive comments and complaints)

E-mail: [hkha@housingauthority.gov.hk](mailto:hkha@housingauthority.gov.hk)

#### During Normal Office Hours

Sale of Flats in the HOS Secondary Market	2794 5000
Elderly Priority Scheme	2794 5134
Letting of Promotion Venue	2794 5781
General Housing Information	
North Point	2578 0243
Hung Hom	2303 0712
Sham Shui Po	2779 4069
Tsuen Wan	2411 6410
Letting of Commercial Premises	2711 5138 & 2928 2828
Promotion Activities in Shopping Centres	2712 2712