

Date: 25 July 2023

Our ref.: HD4-1/SMS/6-60/5

Your ref.:

BY HAND

The Secretary General
The Law Society of Hong Kong
3/F., Wing On House
71 Des Voeux Road
Central, Hong Kong

Attention: Ms. Eileen Tam

Dear Sirs,

**Home Ownership Scheme Secondary Market Scheme
Updated documentation**

We refer to the Secondary Market Scheme administered by the Hong Kong Housing Authority (HA).

The HA has recently tightened the eligibility criteria for Green Form (GF) applicants (“the Subject Applicants”) for the purchase of subsidised sale flats (SSFs) under the subject Scheme. Starting from 31 July 2023, there shall be a new restriction imposed on the Subject Applicants, namely that a tenant or authorised occupant(s) of a Public Rental flat of the HA or a Rental Estate flat of the Hong Kong Housing Society, or resident(s) of Interim Housing of the HA who apply to purchase SSFs as GF applicants should not have owned domestic property in Hong Kong at any time from 24 months preceding the date of the Application Form for Certificate of Eligibility to Purchase (CEP) (Green Form) under Home Ownership Scheme (HOS) Secondary Market Scheme up to the date of the signing of the Provisional Agreement for Sale and Purchase. The Subject Applicant(s) shall also be required to make a declaration on ownership of domestic property in Hong Kong.

In view of the new policy aforementioned, there are certain updates to the current forms which will soon be uploaded to the website of HA, including the Application for CEP (HD874), the Home Ownership Scheme (HOS) Secondary Market Scheme (Green Form Status) Application Guide and the Declaration in Support of the Application for a Letter of Nomination for Sale of Flats under Home Ownership Scheme Secondary Market Scheme (HD891). In particular, the revised versions of such documents (Rev. 7/2023) have set out the details and definition of “ownership of domestic property in Hong Kong” in the present context.

In contemplation of the new practice, a chop will be appended to future CEP in respect of Application for CEP (HD 874) received from 31 July 2023 onwards to enable members to better identify and ascertain whether the Subject Applicants will need to make the declaration on the ownership of domestic property in Hong Kong in Part B of the updated HD891. If the chop is not appended, the Subject Applicants will not be required to make such declaration. Apart from the above, for other groups of applicants including White Form applicants, etc., there is no change to the current practice. They will still need to complete the same declaration in Part B of the updated HD891.

Attached please find the updated HD891 and a sample of the CEP with the chop appended thereon setting out the present requirement for reference. In any event, all members **are required to** adopt the updated version of HD891 from **7 AUGUST 2023** onwards, otherwise the current version of HD891 submitted after such date might not be entertained.

We should be grateful if you can assist in informing your members of the revision to the present documentation under the Secondary Market Scheme in the coming two circulars, 27 July 2023 and 3 August 2023. If you have any queries, please do not hesitate to contact Miss Sandra Cheung (for Green Form Status) at 3162 0680 or Mr. Choi (for White Form Secondary Market Scheme) at 2794 5463. Thank you for your assistance in this matter.

Yours faithfully,



(Ms. Peggy Yuen)
for Director of Housing

c.c. LC/LC
SHM/HS2
HM/WSM

Encls.

**Hong Kong Housing Authority
Declaration in Support of the
Application for a Letter of Nomination for Sale of Flats under
Home Ownership Scheme Secondary Market Scheme**

To : Hong Kong Housing Authority

Property :

Part A: Declared by all declarant(s)

I/ We, _____ (Holder of Hong Kong Identity Card No. _____)
and _____ (Holder of Hong Kong Identity Card No. _____) purchaser(s)
of the above property pursuant to Certificate of Eligibility to Purchase No. _____ (“the Certificate”),
hereby declare that

*the information provided by me/us and/or my/our family member(s) to the Hong Kong Housing Authority as stated in the Application Form regarding my/our application for the Certificate is still accurate and the eligibility criteria are still fulfilled up to the date of the signing of the Provisional Agreement for Sale and Purchase

*the information provided by me/us and/or my/our family member(s) to the Hong Kong Housing Authority as stated in the Application Form regarding my/our application for the Certificate has since then been changed and I/we declare that save as those set out below, all other information set out in the said Application Form is, up to the date of the signing of the Provisional Agreement for Sale and Purchase, still accurate:-

Part B:

[This part is to be deleted for declarant(s) who is/are (a) tenant or authorised occupant(s) of a Public Rental flat of the Hong Kong Housing Authority or a Rental Estate flat of the Hong Kong Housing Society, or resident(s) of Interim Housing of the Hong Kong Housing Authority (except for declarant(s) who is/are required to make declaration on ownership of domestic property in Hong Kong as specified in the Certificate) (under Green Form Status) or (b) Tenants Purchase Scheme (TPS) flat owners and their authorised family members under White Form Secondary Market Scheme (under White Form Status).]

[For declarant(s) who is/are not those as described above, please delete as appropriate]

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* Delete where inappropriate and deletion(s) countersigned by the declarant(s)
+ The declarant(s) shall sign this Declaration before a solicitor

I/ We declare that neither I/we nor my/our family member(s) included in the Application Form at any time from

*24 months preceding the closing date of submitting Application for White Form Secondary Market Scheme/

*24 months preceding the date of the Application Form for Certificate of Eligibility to Purchase (Green Form) (for tenant or authorised occupant(s) of a Public Rental flat of the Hong Kong Housing Authority or a Rental Estate flat of the Hong Kong Housing Society, or resident(s) of Interim Housing of the Hong Kong Housing Authority) [Applicable to declarant(s) who is/are required to make declaration on ownership of domestic property in Hong Kong as specified in the Certificate.]/

*the date of the Application Form for Public Rental Housing/

*the closing date for submitting the Application for Green Form Certificate of Civil Service Public Housing Quota/

*the date of pre-clearance survey/

*the date of the Application Form for Certificate of Eligibility to Purchase (for recipients of Rent Allowance for Elderly Scheme only)/

*the date of the Application for Green Form Certificate (for applicants of Housing Arrangements for Divorce/ Splitting cases in Public Rental Housing or 'Letter of Assurance' holders only)

up to the date of the signing of the Provisional Agreement for Sale and Purchase have (a) owned or co-owned any domestic property in Hong Kong or any interest in such kind of property; or (b) entered into any agreement (including preliminary agreement) to purchase any domestic property in Hong Kong; or (c) owned more than 50% of the shares in a company which directly or through a subsidiary company owned any domestic property in Hong Kong; or (d) been a beneficiary of the estate of any deceased person which includes any domestic property or land in Hong Kong; or (e) assigned any domestic properties in Hong Kong or any interest in such properties in Hong Kong (the date of assignment means the date of execution of the Deed of Assignment); or (f) withdrawn from any company which owned any domestic property in Hong Kong in which I/we and/or my/our family member(s) owned more than 50% of the shares. I/We understand that domestic properties include any domestic property, uncompleted private domestic property, rooftop structures approved by the Building Authority, domestic building lots and small house grants approved by the Lands Department in Hong Kong.

Part C: Declared by all declarant(s)

I/We understand that the above information and the information contained in the Application Form are provided to the Hong Kong Housing Authority in relation to my/our application for nomination as purchaser(s) to purchase the above property. I/We understand that any person who makes any statement or provides any information to the Hong Kong Housing Authority in respect of any matter relating to the purchase of a flat which he knows to be false or misleading shall be guilty of an offence under Section 26(2) of the Housing Ordinance and shall be liable on conviction to a fine of \$500,000 and to imprisonment for one year. When a person is convicted of such an offence in relation to the purchase of flat by him, the court may under Section 26A of the Housing Ordinance order either (a) that the flat so purchased be transferred to the Hong Kong Housing Authority or its nominee or (b) that the offender forfeit to the Hong Kong Housing Authority a sum equivalent to the difference between the purchase price of the flat and its full market value at the date of the conviction.

Dated the _____ day of _____ 20 _____ .

+DECLARED BY-

<u>Name of Purchaser(s)</u>	<u>HKIC No.</u>	<u>Signature</u>
_____	()	_____
_____	()	_____

in the presence of:

Interpreted by:

Solicitor, Hong Kong SAR

* Delete where inappropriate and deletion(s) countersigned by the declarant(s)
+ The declarant(s) shall sign this Declaration before a solicitor

Application No. PA00XXXXX (X)

Certificate No. PC00XXXXX

**"Certificate of Eligibility to Purchase"
for Sale of Flats under
Home Ownership Scheme Secondary Market Scheme
(Green Form Status)**

This is to certify that XXXX XXXX XXXX (Hong Kong Identity Card No. IC AXXXXXXX(X)) is eligible for the purchase of a flat under the Home Ownership Scheme Secondary Market Scheme (the Scheme) subject to the terms and conditions applicable to the Scheme and subject to the terms and conditions stipulated overleaf.

(XXXX XXX XXX)

for Director of Housing

Date of issue: XX/XX/2023

Period of validity: XX/XX/2023 to XX/XX/2024

Note: The Purchaser(s) is/are required to make a declaration on Ownership of Domestic Property in Hong Kong as set out in Part B of the Declaration in Support of the Application for a Letter of Nomination.

註：買家須在其申請「提名信」所作出的聲明書乙部作出有關香港住宅物業擁有權的聲明。

申請書號碼：PA00XXXXX(X)

證明書號碼：PC00XXXXX

居屋第二市場計劃
「購買資格證明書」
(綠表資格)

現證明 XXX 先生/女士
(香港身份證號碼：IC AXXXXXXX(X))合資格購買居屋第二市場計劃(該計劃)的樓宇，惟買賣須符合適用於該計劃及背頁載列的條款及條件。

房屋署署長
(XXX 代行)

簽發日期：XX/XX/2023

有效期：XX/XX/2023 至 XX/XX/2024

Terms and Conditions

1. This "Certificate of Eligibility to Purchase (Green Form Status)" is valid for 12 months from the date of issue.
 2. The issue of this Certificate entitles the holder of this Certificate within the 12-month validity period to enter into a Provisional Agreement for Sale and Purchase of a flat in respect of which a "Certificate of Availability for Sale" has been issued by the Hong Kong Housing Authority (HA).
 3. The price at which a flat can be purchased is subject to the restrictions (if any) as set out in the relevant Government lease for the flat. Before entering into a Provisional Agreement for Sale and Purchase, the holder of this Certificate shall ascertain from the Certificate of Availability for Sale of the relevant flat the price at which the flat may be sold.
 4. The sale and purchase of the flat will be proceeded on the basis that upon completion, the liability for payment of premium (being a sum proportionate to the price discount for the latest sale of the flat under the Home Ownership Scheme/Private Sector Participation Scheme/Tenants Purchase Scheme/Green Form Subsidised Home Ownership Scheme) shall rest with the purchaser(s).
 5. The Provisional Agreement for Sale and Purchase **MUST** be in the prescribed form, subject to such modification as the HA may direct from time to time.
 6. The solicitor representing the purchaser(s) will apply to the HA on behalf of the purchaser(s) for a Letter of Nomination within one month from the date of the Provisional Agreement for Sale and Purchase but in any event no later than 5 working days prior to the signing of the Formal Agreement for Sale and Purchase, and that the purchaser(s) shall sign the Formal Agreement for Sale and Purchase and the Deed of Assignment to complete the transaction only after the issue of the Letter of Nomination.
 7. To apply for the "Letter of Nomination", the holder of this Certificate shall through his solicitors submit to the HA the following documents:
 - (a) original of the seller's "Certificate of Availability for Sale"
 - (b) original of the purchaser's valid "Certificate of Eligibility to Purchase (Green Form Status)"
 - (c) a copy of the Provisional Agreement for Sale and Purchase (in the prescribed form)
 - (d) a Declaration in support of the Application for Letter of Nomination (in the prescribed form) made by the purchaser(s) before a solicitor
 - (e) requisite application fee (to be paid by cashier order or solicitors' cheque)
 - (f) Undertaking by Solicitors for Application of Letter of Nomination
- Subject to the above and provided that up to the date of signing the Provisional Agreement for Sale and Purchase, the holder of this Certificate satisfies all the criteria as determined by the HA for eligibility for the purchase of a flat, a "Letter of Nomination" will be issued.
8. Letter of Nomination will not be issued to the holder of this Certificate who is the tenant or family member of a public housing flat of the HA or Housing Society if as at the date of the Provisional Agreement for Sale and Purchase, a notice for termination of the tenancy agreement/temporary tenancy card of the flat has been issued OR the public housing flat was self-surrendered and the tenancy had been terminated.
 9. Letter of Nomination will not be issued if there is conviction of any person under Section 26(2) of the Housing Ordinance in respect of the application for this Certificate of Eligibility to Purchase.
 10. Letter of Nomination will be invalidated by the HA if prior to completion of sale and purchase, there is conviction of any person under Section 26(2) of the Housing Ordinance in respect of the application for the Certificate of Eligibility to Purchase and/or the Letter of Nomination.
 11. The holder of this Certificate must be the purchaser under the Provisional Agreement for Sale and Purchase. If any other person shall also be named as the purchaser, he/she must be a person listed in the application form for the Certificate of Eligibility to Purchase (Green Form Status). The number of purchasers shall not exceed two. The purchasers must hold the flat as joint tenants.
 12. The purchaser(s) shall not sub-sell the flat or transfer the benefit of the Provisional Agreement for Sale and Purchase and/or the Formal Agreement for Sale and Purchase, in whatever manner, before completion of the sale and purchase of the flat.
 13. The HA may require the purchaser(s) such further document(s) as the HA shall require to establish the eligibility of the purchaser(s) for the Letter of Nomination.
 14. The HA shall not in any event be liable if the Letter of Nomination cannot be issued to the purchaser(s) within the period as specified under paragraph 6 above due to the non-compliance of any of the terms and conditions herein contained and/or the inability of the purchaser(s) to provide to the HA all documents as required to prove his eligibility for the issue of the Letter of Nomination.

條款及條件

1. 此「購買資格證明書(綠表資格)」由發出日期起計12個月內有效。
2. 此證明書的持有人可於證明書的12個月有效期內簽訂臨時買賣合約，購買獲香港房屋委員會(房委會)發出「可供出售證明書」的樓宇。
3. 樓宇可出售的價格會受該樓宇在政府租契內訂明的條款(如適用)限制。在簽訂臨時買賣合約前，此證明書的持有人須憑「可供出售證明書」確定有關樓宇可出售的價格。
4. 就此等樓宇的買賣而言，樓宇買賣手續完成後，繳付補價的責任(即繳付根據該樓宇經居者有其屋計劃/私人機構參建居屋計劃/租者置其屋計劃/綠表置居計劃發售時的折扣價格按比例計算的款額)，便會由購樓者承擔。
5. 臨時買賣合約必須符合特定的格式，該等格式可不時由房委會指示修改。
6. 買方的代表律師須在簽訂臨時買賣合約日期起計一個月內及在任何情況下於簽訂正式買賣合約前最少5個工作天代買方向房委會申請「提名信」以確認資格，在「提名信」發出後，買方才可簽訂正式買賣合約及轉讓契據，完成樓宇買賣手續。
7. 申請「提名信」時，此證明書的持有人須經律師向房委會提交下述文件：
 - (a) 賣方的「可供出售證明書」正本
 - (b) 買方的有效的「購買資格證明書(綠表資格)」正本
 - (c) 臨時買賣合約副本(須用指定格式)
 - (d) 一份由買方就其申請「提名信」在律師見證下所作出的聲明書(指定格式)
 - (e) 須付的申請費(須以本票或律師樓發出的支票繳付)
 - (f) 就申請「提名信」由律師所作出的承諾書

譯文

- 倘符合上述規定而直至簽署臨時買賣合約當日，此證明書的持有人仍然符合房委會有關購買該等樓宇的各項資格準則，便會獲發「提名信」。
8. 如本證明書的持有人為房委會或房屋協會轄下屋邨單位的住戶或家庭成員，而在簽署臨時買賣合約當日房委會/房屋協會已發出通知終止有關單位的租約/暫准租用證，或自行終止租約/暫准租用證及已騰空及交還有關公屋單位，將不會獲發「提名信」。
 9. 若發覺任何人士就有關申請本證明書觸犯房屋條例第26(2)條，本證明書持有人將不會獲發「提名信」。
 10. 若發覺任何人士在物業成交前就申請本證明書或「提名信」觸犯房屋條例第26(2)條，房委會將有權取消所發出之「提名信」。
 11. 本證明書持有人必須為臨時買賣合約的買方。若買方多於一人，另一人必須是「購買資格證明書(綠表資格)」申請表上所列之人士。買方最多不可超過兩人，並必須以聯權方式持有該樓宇。
 12. 買方不得在樓宇買賣成交前以任何形式將樓宇或臨時買賣合約/正式買賣合約的權益轉讓或售予第三者。
 13. 房委會可要求買方提供房委會所需的其他文件，以證明買方符合獲發「提名信」的資格。
 14. 倘因本證明書所載的任何條款及條件不獲遵從，及/或買方無法向房委會提供證明其合資格獲發「提名信」的一切所需文件，導致有關的「提名信」不能於上述第6段指定的期間內發給買方，房委會一概無須負上任何責任。