

Appeal Procedures against Notice to Quit Issued and Restrictions on Households in Tenancy Breach

1. For any cases with substantiated serious breach of the Tenancy Agreement (TA) or policies of the Hong Kong Housing Society (HKHS), the HKHS will issue a “Notice to Quit” (NTQ) to the concerned tenant to terminate tenancy and require the tenant to vacate the flat without further notice in the following circumstances, including but not limited to:
 - 1.1 Failure to comply with the terms of TA, e.g. Non-occupation, subletting, engaging in illegal activities, flats used for non-domestic purposes, rent arrears, disturbance of neighbors, keeping pets, etc.;
 - 1.2 Household who makes false declarations or provides false information to fulfill the eligibility to relevant tenancy matter applications.
2. With a view to safeguarding the rational use of Public Rental Housing, starting from 1 December 2023, for NTQ issued due to breaching any terms of the TA or making false declarations, the ex-tenants and all household members aged 18 or above who listed on the TA will be debarred from re-applying for Public Rental Housing for 5 years from the following day after the date of tenancy termination. Any person who has been confirmed of making a false statement or withholding any information for deception shall be guilty of an offence. Such households are liable to prosecution.
3. An appeal can be lodged to the Appeal Panel by the tenant if he / she disagrees with the decision of the HKHS to terminate the tenancy through NTQ. If the tenant is unable to lodge the appeal personally because of ill-health, absence from Hong Kong, etc., the Chairman of Appeal Panel may consider permitting a household member listed on the TA to lodge an appeal on behalf of the tenant provided that all the supporting documents are submitted.
4. The Appeal Panel comprises members from the management of the HKHS’s different divisions / sections and is responsible for determining the appeals lodged by tenants of rental estates who disagreed with the decision of the HKHS to terminate the tenancy through NTQ. The Appeal Panel will make an independent and final decision on each case.
5. Procedure for appealing to the Appeal Panel
 - 5.1 Tenant can lodge an appeal to the HKHS’s Appeal Panel within **15 calendar days after the date on which the NTQ has been issued.**
 - 5.2 The appeal must be lodged in writing stating the grounds of the appeal and endorsed by the tenant. Tenant can submit the appeal letter to the **Secretary of the Appeal Panel, Property Management Division, The Hong Kong Housing Society on 8/F 1063 King’s Road, Quarry Bay, Hong Kong** in person or by post (Hong Kong postmark date will be deemed to be the submission date).
 - 5.3 If the tenant submits the appeal letter by post, please pay sufficient postage and specify the return address to ensure the appeal letter is delivered to the Appeal Panel. For insufficient postage, Hongkong Post will handle the postage according to its procedures.
 - 5.4 Late submission or without stating the reason for the appeal is not accepted.

6. Handling of an Appeal

6.1 The Appeal Panel will convene a meeting upon accepting the appeal according to the information and the reason for appeal provided by the appellant for decision.

6.2 The appellant can write to the Secretary of the Appeal Panel to withdraw the appeal before the Appeal Panel informs the appellant of the appeal result.

7. Decision of the Appeal Panel

7.1 Decision of the Appeal

1	<u>Confirm</u> the flat recovery decision of NTQ	Execute the NTQ previously served and the appellant is required to return the flat to the HKHS.
2	<u>Withdraw</u> the flat recovery decision of NTQ	The HKHS will sign a new TA containing the clauses of Well-off Tenants Policy with the ex-tenant.
3	<u>Suspend</u> the flat recovery decision of NTQ	a) Defer to execute the NTQ previously served, or b) Execute the NTQ issued previously, if the ex-tenant complies with the conditions specified by the Appeal Panel during the suspension period, the HKHS will sign a new TA containing the clauses of Well-off Tenants Policy with the ex-tenant.

7.2 The decision of the Appeal Panel shall be final. The Secretary of the Appeal Panel will inform the appellant of the appeal result in writing.

Enquiries

The above information is for reference only. For details, please contact the HKHS' Estate Office for assistance.

Last Review Date: 05/2024