



“Flat for Flat Pilot Scheme for Elderly Owners” “Trade Down Permit” Application Guide

(Rev.07/2022)

1. Eligibility Criteria for Flat for Flat Pilot Scheme for Elderly Owners (“the FFPS”) “Trade Down Permit” (“TDP”)

1.1 Applicant(s) has/have to meet the following eligibility criteria:

- (a) All applicant(s) and listed family member(s) must be aged 60 or above; and
- (b) Applicant(s) must be the owner and all the joint owner(s) (if any) of a flat in the designated Flat-for-Sale Scheme (“Original Flat”) of Hong Kong Housing Society (“HS”) ^(Note 1); and
- (c) One of the applicants must have owned or co-owned with joint owner(s) the title of the Original Flat for 10 years or above (from the date of signing the Deed of Assignment in respect of the Original Flat) on the date of submitting the application form; if the applicant(s) acquired the ownership in the capacity as the beneficiary(ies) of the estate of the deceased owner, the title of the Original Flat must have reached 10 years or above from the date of the Deed of Assent by virtue of which the beneficiary(ies) of the estate of the deceased owner acquired the Original Flat; and
- (d) The Original Flat is still subject to the restrictions on alienation of the Government Land Grant and the Modification Letter(s) (flat with premium unpaid); and
- (e) Applicant(s) who are holding valid Certificate of Availability for Sale (“CAS”) under the Flat-for-Sale Scheme Secondary Market Scheme (“SMS”) can also apply. They are required to provide the Certificate No. of the CAS for HS’s reference; and
- (f) **Except for the Original Flat, neither the applicant nor any of the listed family members has, during the period from 24 months prior to the date of submitting the application form and up to the time of signing the Provisional Agreement for Sale and Purchase (“PASP”) of the new flat:**

Note 1: Designated Flat-for-Sale Scheme developments of HS include: Healthy Village Phases I & II, Ka Wai Chuen Phases III & IV, Clague Garden Estate, Broadview Garden, Cronin Garden, Verberna Heights, Bo Shek Mansion, Lakeside Garden, Kai Tak Garden Phases I & II and Kingston Terrace.

- (i) owned or co-owned any domestic properties in Hong Kong or any interest in such kind of properties; or
- (ii) entered into any agreement (including PASP) to purchase any domestic properties in Hong Kong; or
- (iii) owned more than 50% of the shares in a company which directly or through a subsidiary company owned any domestic properties in Hong Kong; or
- (iv) been a beneficiary of any domestic properties (including land) in Hong Kong; or
- (v) 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
- (vi) withdrawn from any company which owned any domestic properties in Hong Kong in which the applicant/ listed family member(s) owned more than 50% of the shares.

Domestic properties include any domestic properties, uncompleted domestic properties, rooftop structures approved by the Buildings Authority, domestic building lots and small house grants approved by the Lands Department in Hong Kong.

- 1.2 If there is any dispute over the interpretation of the aforesaid eligibility criteria, decision by HS shall be regarded as final.

2. Important Notes for TDP Application

- 2.1 Eligible owners may request HS to send copies of the introduction leaflet of the FFPS, the application form and the application guide by post.
- 2.2 The introduction leaflet of the FFPS, the application form and the application guide are also obtainable at the following location during office hours or by downloading from the following website:
- (a) HS FFSS Secondary Market Support Unit, G/F., Dragon Centre, 23 Wun Sha Street, Tai Hang, Hong Kong (Office hours: 8:30 a.m. to 12:30 p.m. and 1:30 p.m. to 5:30 p.m. from Monday to Friday, excluding Saturdays, Sundays and public holidays);
 - (b) The HS's website:
<https://www.hkhs.com/en/application/flat-for-flat-pilot-scheme-for-elderly-owners>
- 2.3 All owner(s) and listed family member(s) of the Original Flat must be stated in the same application form. Only one application form can be submitted for one flat. If duplicated applications are found, they will all be null and

void.

- 2.4 Applicant(s) shall post the completed and signed application form together with Hong Kong Identity Card (“HKIC”) copies of applicant(s) and all listed family member(s) as well as the application fee to “Hong Kong Housing Society”, FFSS Secondary Market Support Unit. Please indicate [**Flat for Flat Pilot Scheme for Elderly Owners**] on the cover of the envelope. If the application form cannot be delivered to HS due to insufficient postage, the application will not be processed. Please refer to the address in paragraph 2.2(a) above.
- 2.5 The application fee is HK\$250 and must be paid by crossed cheque or cashier’s order payable to **“HONG KONG HOUSING SOCIETY”**. Cash, gift cheque, post-dated cheque, bank draft or E-cheque will not be accepted. Application fee paid is non-refundable and non-transferable irrespective of the application result. If the cheque/cashier’s order is dishonored, the application will be cancelled. Please write the name of owner(s) on the back of the cheque or cashier’s order.
- 2.6 All information provided must be true and correct or else HS is entitled to cancel such application. Applications that are not submitted by the specified method will not be accepted. HS reserves the right not to accept any application.

3. TDP Approval Process

- 3.1 Upon receipt of the application form, HS will first review whether the applicant(s) and the listed family member(s) meet the eligibility criteria stated in paragraph 1 above.
- 3.2 HS will contact and invite the applicant(s) to attend HS’s office at G/F., Dragon Centre, 23 Wun Sha Street, Tai Hang, Hong Kong during its office hours to complete the procedures.
- 3.3 HS reserves the right not to accept any application.
- 3.4 Applicant(s) must undertake and sign to agree to comply with the terms and conditions of the TDP issued by HS. For details, please refer to paragraph 4 below.

4. “Trade Down” Arrangements and the Key Terms and Conditions for the Issuance of TDP

- 4.1 Owner(s) who hold(s) a valid TDP and CAS issued by HS can sell his/her/their Original Flat in the SMS to a holder of a valid Certificate of Eligibility to Purchase (“CEP”) without payment of premium at any time from the issue date of TDP.
- 4.2 After completion of the assignment for the sale and purchase of the Original Flat, the applicant(s) can produce the copy of TDP to HS for the application

of a CEP and/or to Hong Kong Housing Authority (“HA”) for the application of a Certificate of Eligibility to Purchase (White Form Status). The original TDP will be kept by the HS or HA for record when the applicant’s solicitor applies for a Letter of Nomination with the TDP.

- 4.3 **Applicant(s) will have to arrange for the accommodation by himself/herself/themselves at his/her/their own costs during the transitional period (i.e. from the completion of the sale of the Original Flat up to the completion of the assignment for sale and purchase of the new flat under the SMS or Home Ownership Scheme (“HOS”) Secondary Market).**
- 4.4 Applicant who holds a CEP/Certificate of Eligibility to Purchase (White Form Status) can purchase a subsidized sale flat with saleable area smaller (Note 2) than the Original Flat (“New Flat”) through the HS’s SMS or HA’s HOS Secondary Market without payment of premium at any time from the issue date of CEP/Certificate of Eligibility to Purchase (White Form Status). The New Flat purchased shall be for co-occupation by all the applicant(s) and the listed family member(s).
- 4.5 For purchase of New Flat, the solicitor of applicant(s) is also required to apply for a Letter of Nomination to the HS or HA and further provide (i) saleable area of the New Flat, (ii) Statutory Declaration in Support of the Application for a Letter of Nomination, (iii) Letter of Agreement (if applicable) and (iv) Acknowledgement Letter of 2 years Resale Restriction.
- 4.6 **The CEP/Certificate of Eligibility to Purchase (White Form Status) will be null and void if the applicant / listed family members buy a domestic property in Hong Kong during the period from 24 months preceding the date of submitting application of TDP and up to the time of signing the PASP of the New Flat, even if the property is subsequently sold during the said period.**
- 4.7 **The CEP/Certificate of Eligibility to Purchase (White Form Status) is non-transferable or non-inheritable and applicable to the CEP/Certificate of Eligibility to Purchase (White Form Status) holder only. In the event of the holder of the CEP/Certificate of Eligibility to Purchase (White Form Status) passing away, the CEP/Certificate of Eligibility to Purchase (White Form Status) shall be null and void.**
- 4.8 **A TDP holder must undertake that within two years from the date of the assignment of the New Flat (“the restriction period”), the New Flat cannot be sold under SMS by HS or HOS Secondary Market by HA. Within the restriction period, owner can only sell the New Flat in the open market by payment of premium. As to when the premium can be paid for a HOS flat, applicants should take reference to the alienation restrictions on**

Note 2: It shall be defined in terms of saleable area only, which is based on the saleable area of the property stored in the property records of the Rating & Valuation Department (“R&V Department”). The information is available from the R&V Department property information at a cost of \$9 per enquiry online services or \$20 per enquiry in person (current rate subject to adjustment from time to time).

the individual court of the HA.

- 4.9 If owner(s) is/are in breach of any of the terms or conditions under the TDP, HS is entitled to revoke the TDP, and/or pursue any claim for loss arising out of the breach of the TDP. HS is also entitled to notify the relevant government departments about the revocation of the TDP. HS shall not be responsible for any loss arising out of such revocation (if any).
- 4.10 If owner(s) breach(es) any of the terms or conditions of the TDP issued to him/her/them during the trade down arrangement, HS is entitled to issue a rectification order to the owner(s) and/or institute legal proceedings against the owner(s).
- 4.11 Owner(s) shall not assign or sell his/her/their interest in the TDP to a third party.
- 4.12 **The TDP is non-transferrable or non-inheritable and applicable to the holder(s) only.** In the event of the holder(s) of the TDP passing away before the execution of any PASP for purchase of the New Flat under the FFPS, the TDP shall be null and void.
- 4.13 HS reserves the right to revise any terms and conditions in the TDP without prior notice. All holders of the TDP are required to undertake to be bound by all conditions as stipulated in the TDP from time to time.
- 4.14 The FFPS is subject to the terms and conditions stated in the relevant Government Land Grants, Modification Letters, Government Lease, Housing Ordinance, TDP, CAS and CEP issued by HS and/or “Certificate of Eligibility to Purchase (White Form Status)” issued by HA to applicant(s), and the terms and conditions as stipulated by relevant government departments from time to time. In the event of any controversies or inconsistencies between the terms and conditions stated in the TDP, CAS and CEP issued by HS and/or “Certificate of Eligibility to Purchase (White Form Status)” issued by HA applicable to applicant(s) and the terms and conditions as stipulated by relevant government departments in respect of the FFPS from time to time, then those terms and conditions as stipulated by relevant government departments in respect of the FFPS from time to time shall prevail over the terms and conditions stated in the TDP, CAS and CEP issued by HS and/or “Certificate of Eligibility to Purchase (White Form Status)” issued by HA applicable to applicant(s).

5. Additional Notes

- 5.1 Potential purchaser(s)/seller(s) on the SMS or HOS Secondary Market Scheme shall pay their respective fee as agreed between the parties for each transaction carried out under the FFPS as follows (including but not limited to):
 - Stamp duty, which is calculated on the basis of the market value assessed by the Rating and Valuation Department for the purpose of

collecting stamp duty. It is not based on the purchase price of the flat;

- Registration fee for the conveyance documents;
- General conveyance fees charged by the solicitors with respect to the flat; and
- The estate agent's commission (if the transaction is negotiated through an estate agent).

If the purchaser requires a mortgage loan to finance the purchase of the flat, he/she is required to pay:

- A registration fee for the Mortgage Deed; and
- Legal fee to the financial institution or to the solicitor for arranging for the mortgage loan.

5.2 In the event of any controversies or disputes between the applicant(s) and the potential purchaser(s)/seller(s) regarding the sale and purchase arrangement (including but not limited to the terms and conditions of the agreement for sale and purchase), it shall be handled by the applicant(s) and the potential purchaser(s)/seller(s) on their own and HS/HA shall not be responsible for such matter.

5.3 HS is entitled to state the saleable area, name and HKIC number of owner(s) of the Original Flat on the TDP issued by HS.

6. Providing or Making any False, Inaccurate or Misleading Information

6.1 Any application which is found to contain any false or inaccurate or misleading information or statement(s) or representation shall be cancelled, that any approval given on the basis of the false or inaccurate or misleading information shall be null and void, and that all monies thus paid shall be forfeited. The decision of HS shall be final as to whether any application contains such false or inaccurate or misleading information or statement(s) or representation.

6.2 Any person who induces or causes HS to approve the relevant eligibility or causes the owner to carry out the trade down sale and purchase transaction by any deception or dishonest means (including the provision of false or inaccurate or misleading information or statement(s) or representation in the application form) shall be guilty of a criminal offence.

6.3 If any person provides or makes any information or statement or representation that is false or inaccurate or misleading in the application, HS will not issue the TDP.

6.4 If any person is found to have provided or made any information, statement or representation that is false or inaccurate or misleading after the issuance of the TDP, HS will revoke the issued TDP and hold the person liable for any loss and liability resulting thereof.

7. Notes on Collection of Personal Data

- 7.1 The personal data collected in the application form are used for processing the applications under the FFPS and its related matters. HS may also use the information for statistical surveys and researches, and may for such purpose contact the applicant(s). All personal data in the application form, including the declaration by the applicant(s) and listed family member(s) authorising the collection and comparison/checking/transfer of their personal data, are provided by the applicant(s) and listed family member(s) on voluntary basis. However, if insufficient information is provided by the applicant(s) and listed family member(s), HS may not be able to process the relevant applications and the application fee paid will not be refunded.
- 7.2 When assessing the eligibility of the applicant(s), HS has the right to compare and match the personal data provided in the application form with the relevant personal data collected for other purposes (manually or otherwise) in order to ascertain whether such information is false or inaccurate or misleading, and may take appropriate action against the person(s) concerned on the basis of the result of the data comparison and matching. The applicant(s) and listed family member(s) shall also authorise HS to verify and match the relevant information with other government departments, public/ private organisations/ companies or the independent consultant companies appointed by HS or HS's existing records, and further agree for any government departments, private/ public organisations/ companies or the independent consultant companies appointed by HS to provide HS with the applicant(s)' and listed family member(s)' personal data in their possession for the purpose of comparing or matching the information in the application form. The information provided may also be used by HS for conducting statistical surveys and researches. The applicant(s) and listed family member(s) should also agree that HS may pass the application form and the personal data on the TDP to be issued in respect of the applications to the data processing service contractor of HS, and that the information provided will be passed to HS "FFPS" Hotline for answering the enquiries.
- 7.3 When HS is reviewing the applications of the FFPS or conducting review of the eligibility, HS may match the personal data provided by the applicant(s) and listed family member(s) in the application form against its existing records, or may disclose or verify such information to or with other government departments, public/ private organisations/companies or the independent consultant companies appointed by HS for the purposes stated above.
- 7.4 Personal data provided in the application form are for the purpose of application under the FFPS. Pursuant to the Personal Data (Privacy) Ordinance (Cap. 486), the applicant(s) are entitled to request access to or/and correction of the personal data stated in the application form. Where necessary, such requests should be made in writing and directed by post or fax (Fax no. : 2811 8700) to the Hong Kong Housing Society, G/F., Dragon Centre, 23 Wun Sha Street, Tai Hang, Hong Kong. A fee may be charged

for the such requests.

8. Warning

Applicants should note that the fee payable to HS for application of TDP under the FFPS is mentioned in paragraph 2.5 of this application guide. If you are approached by any person who offers to provide assistance in return for remuneration, you should report to the Independent Commission Against Corruption (“ICAC”) without delay. Attempted bribery is also an offence in law. HS will refer the case to the ICAC for investigation and is entitled to cancel the application irrespective of whether such person has been prosecuted or convicted of the relevant offence.

9. Contact Us

9.1 HS’s website:

<https://www.hkhs.com/en/application/flat-for-flat-pilot-scheme-for-elderly-owners>;

9.2 Enquiry hotline : 8102 0889 (8:30 a.m. to 12:30 p.m. and 1:30 p.m. to 5:30 p.m. from Monday to Friday, excluding Saturdays, Sundays and public holidays).

Points to Note:

1. This application guide and the application form and its contents are not legally binding on HS. HS shall not be liable for any loss suffered by any person arising out of his/her reliance on this application guide and/or the application form.
2. HS reserves the right to make amendments to this application guide and/or any content in the application form without prior notice.