



## **Flat-for-Sale Scheme**

### **Application Note for Transfer of Ownership**

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#### **1. Preface**

Pursuant to the Land Grants, the Waiver Letters and the Supplemental Waiver Letters of Flat-for-Sale Scheme (“FFSS”) issued by the Director of Lands/District Lands Office, change of ownership is restricted except for disposal (i) in the FFSS Secondary Market after two years has elapsed since the first assignment, or (ii) in the open market upon payment of premium. However, the Hong Kong Housing Society (“HKHS”) may at its discretion and on the merit of each case give consent to a request for change of ownership under special circumstances.

Pre-requisite for the application – The proposed assignee must be an authorized occupant (except in deceased cases) of the property concerned.

#### **2. The usual grounds for change of ownership**

Generally, grounds for applying for consent to change of ownership are as follows: –

- (A) Inclusion of spouse as joint owner;
- (B) Transfer to ex-spouse / spouse due to divorce or separation;
- (C) Transfer to other authorized occupant(s) due to marriage and moving out of owner to join his/her spouse;
- (D) Transfer to other authorized occupant(s) due to owner’s emigration (excluding China) or long-term working abroad (excluding China);
- (E) Owner or spouse eligible for civil service housing benefits or housing package provided by the employer;
- (F) Change of ownership reflecting financial contribution towards mortgage repayment (the last 24 months) by an owner or authorized occupant;
- (G) Transfer of ownership due to death of owner;
- (H) Old age of owner (i.e. 65 years old or above);
- (I) Owner suffering from terminal disease e.g. advanced cancer; or
- (J) Bankruptcy of owner.

**3. Points to note when making the application**

- (A) You should complete the application form properly , otherwise, HKHS may reject the application.
- (B) The signature of owner(s) should be the same as the one on the Sale and Purchase Document/Deed of Assignment. Owner(s) should sign against amendments, if any. No correction materials such as correction fluid or tapes for obliteration should be used.
- (C) The proposed assignee(s) shall live in the property as stated in this application (except in inheritance by non authorized occupant(s) cases).
- (D) You should submit application form with ground(s) together with copies of relevant supporting documents. For example –
  - (i) Photocopies of Marriage Certificate and new address proof for owner who has married and moved out from the property to join his/her spouse;
  - (ii) Photocopies of approval letter issued by the Treasury/Departmental Secretary/the employer if owner or spouse is eligible for civil service housing benefits or housing package provided by the employer;
  - (iii) Photocopies of Decree Nisi Absolute (Divorce) and Court Order / Deed of Separation in divorce / separation cases;
  - (iv) Photocopies of Letters of Administration (with Affirmation by Administrator) / Probate, Death Certificate and Schedule of Assets and Liabilities in deceased cases;
  - (v) Photocopies of Bankruptcy Order, Summary Procedure Order and the Official Receiver's Office written confirmation specifying the agreed consideration (if any) for the proposed transfer in bankruptcy cases;
  - (vi) Photocopies of residence in foreign country (excluding China) / employer's certification and BRC in emigration / long term working abroad cases (excluding China);
  - (vii) Photocopies of proof of mortgage loan repayment schedule and repayment record (the last 24 months) in financial contribution cases; and
  - (viii) Photocopies of proof from medical practitioner in cases supported on medical grounds.

- (E) The personal data collected shall be used for the purpose of processing the application for transfer of ownership and, upon completion of the transfer, to be transferred to the Rating and Valuation Department and be used for updating the ownership record and issuing demand notes for rates / Government rent. HKHS may provide all necessary information and the personal data contained in this application to other sections/divisions of the HKHS for carrying our tenancy management matters.
- (F) The provision of personal data is voluntary. However, if you do not provide sufficient information, HKHS may not be able to process your application.
- (G) You are entitled to request access to or correction of your personal particulars contained in the Application Form. Where necessary, such requests should be made in writing and directed by post or fax (No. 2811 8700) to the Planning and Development Section, Hong Kong Housing Society, G/F., Dragon Centre, 23 Wun Sha Street, Tai Hang, Hong Kong. A fee may be charged for the request for access to personal data.

#### **4. Administrative Fee**

You are required to pay an administrative fee (currently at HK\$2,850, HKHS may adjust the amount at any time without prior notice) when the application is successful. The administrative fee is not refundable in any event, even you wish to withdraw the application subsequently.

#### **5. Where to submit the completed application form?**

The duly completed application form should be sent to the Planning & Development Section of HKHS on G/F., Dragon Centre, 23 Wun Sha Street, Tai Hang, Hong Kong **by post**.

#### **6. Time required for processing the application**

In general, you will be informed the result of your application within 4 weeks from the date on which all the required documents have been received by the Planning & Development Section of HKHS.

#### **7. Steps need to be followed after the approval of the application**

- (A) You are required to appoint a solicitor to complete the required procedures for transfer of ownership after consent for the application is granted.

Under the prevailing policy of HKHS, a draft Deed of Assignment prepared by your solicitor must be submitted to the HKHS's appointed solicitor for approval. You are required to bear all legal fees and expenses (if any) in connection with the approval of the assignment.

- (B) If your property is subject to a mortgage, please confirm with your bank whether amendment to the existing mortgage is required. If so, you are also required to submit an application for Change of Mortgage and a letter (copy thereof is sufficient) from the New First Chargee regarding the approval-in-principle to your bank loan application to the HKHS for approval of the proposed mortgage arrangements. Administrative fee will be charged on granting of such mortgage consent. For detailed information, please contact us.
- (C) Other than the administrative fee for transfer of ownership, you will be responsible for all expenses in connection with the transfer of ownership such as the fee charged by the solicitor act on HKHS's behalf to approve the draft Deed of Assignment, charges relating to any amendment to mortgage arrangement (if required), stamp duty and execution assignment etc.
- (D) The consent letter is valid for a period of one year and you are advised to arrange for the execution of the assignment as soon as possible. If the proposed transfer is not completed within the validity period, you are required to submit a fresh application and pay the relevant fees if you wish to apply at a later date.
- (E) Your appointed solicitor must submit the certified true copy of the Assignment to HKHS immediately after the Deed of Assignment is executed.

### **Notes**

This information leaflet is prepared solely for the purpose of explaining the procedures of application for transfer of ownership of FFSS flats and should not be construed as a legal document. The HKHS reserves the right to revise, or otherwise amend the content of this information leaflet without prior notice.