

市區重建局資助出售房屋計劃 解除轉讓限制須知

(一) 背景

市區重建局「市建局」於2016年推出首個「資助出售房屋計劃」。煥然壹居以折讓價共售出322個單位。為了限制投機活動，煥然壹居的批地條件第20169號「批地文件」內設有轉讓限制條款。

(二) 轉讓限制

「資助出售房屋計劃」出售的單位須受批地文件的轉售條件限制：

- (i) **首兩年內**—如業主有意在首次轉讓契約日期起計的兩年（即由市建局轉讓該單位給業主的轉讓契約日期起計兩年）內轉讓單位，業主必須根據批地文件特別條款第34(d)(i)號規定先去函市建局，請求市建局以原來購入價扣除下列項目購回單位：(a)單位的按揭欠款和利息；(b)修葺費用；(c)一切業主騰空交回管有權當日前（不包括交回管有權當日）的開支；及(d)購回單位的律師費、釐印費、印花稅和一切支銷。

在市建局接獲業主書面通知當日起計的 28 天內，如業主並無獲得任何市建局有關購回單位的回覆，便可以向市建局申請評定補價（見下文）。經繳付補價及解除轉讓限制後，業主可自行將單位出售、轉讓、按揭、押記、批租、分租或以其認為合適的方式處置其單位。

- (ii) **兩年轉讓限制期屆滿**—在首次轉讓契約日期起計兩年後，經繳付補價費用及解除轉讓限制，業主方可自行將單位出售、轉讓、按揭、押記、批租、分租、放棄管有或以其認為合適的方式處置其單位。
- (iii) 業主須向市建局繳付所需手續費、單位估值費（如適用）、律師費及其他一切規定之款項。

(三) 評定補價

補價(批地文件特別條款第34(j)(i)號訂明)相等於市建局在評估單位應付的補價時的十足市值的特定比例所計算的金額。該特定比例指業主藉首次轉讓契約後向市建局購入單位時十足市值的未支付部份與購入時的十足市值的比例。

補價的評定，是根據該單位於補價時的十足市值（在無轉讓限制的情況下）及按照業主藉首次轉讓契約購入單位的購入價「購入價」與於首次轉讓契約中列明的十足市值「十足市值」的差額依照下列公式計算：

$$\text{補價} = \text{補價時的十足市值} \times \frac{(\text{十足市值} - \text{購入價})}{\text{十足市值}}$$

例如：

補價時的十足市值	=	8,000,000 元
十足市值	=	6,700,000 元
購入價	=	5,800,000 元

$$\begin{aligned} \text{補價} &= 8,000,000 \times \frac{(6,700,000 - 5,800,000)}{6,700,000} \\ &= 1,074,627 \text{ 元} \end{aligned}$$

註：個別單位的購入價折扣率會有所不同。業主須依據市建局對有關單位首次轉讓契約內訂明的購入價及十足市值的差額計算。

(四) 申請解除轉讓限制手續

請將填妥的申請表格（附件）、手續費及首次轉讓契約副本，寄回或交回市建局總辦事處香港皇后大道中183號中遠大廈26樓物業及土地部（信封面請註明「資助出售房屋計劃解除轉讓限制申請」）。

(五) 手續費用

遞交申請表時，須以劃線支票或銀行本票繳付手續費港幣 2,400 元（抬頭為「市區重建局」），並在劃線支票或銀行本票背面寫上所申請補價的單位地址。此手續費會不時調整而不作另行通知及在任何情況下，已繳付的手續費均不會發還或轉讓。

(六) 評定補價的有效期

經市建局評定的補價有效期為兩個月(由通知補價的信件上的日期起計)。有效期過後，如尚未繳付補價，評定的補價便會失效。如業主要求重新評定補價，便須重新遞交申請表格及繳付手續費**港幣 2,400 元**(此手續費會不時調整而不作另行通知)。

(七) 解除轉讓限制證明書

當「資助出售房屋計劃」業主向市建局繳付補價(須以銀行本票或劃線的律師行支票繳付)後，市建局會隨後發出確認解除轉讓限制證明書，證明業主已根據批地文件特別條款第34(d)(iii)或(e)號(依有關情況而定)向市建局繳付補價，業主可自行將單位出售、轉讓、按揭、押記、批租、分租或以其認為合適的方式處置其單位。業主可自行委聘律師將該證明書在土地註冊處登記。

(八) 轉讓單位

在首次轉讓契約日期起計的兩年內，如市建局不接納售回申請；或在兩年轉讓限制期屆滿後，業主可將單位在市場公開出售、轉讓、按揭、押記、批租、分租或以其認為合適的方式處置其單位，但必須先向市建局繳付補價。

儘管業主並未向市建局繳付補價，業主仍可於繳付補價前簽訂單位的買賣合約，但要在買賣合約中列明業主在簽訂轉讓契約前須向市建局繳付補價。為確保「資助出售房屋計劃」業主(作為單位賣方)能於單位買賣成交日期前繳付補價，業主應於市建局發出補價金額通知書後才簽訂單位的買賣合約或於該買賣合約內訂明業主尚未收到市建局發出的補價金額通知書。「資助出售房屋計劃」業主應於簽訂任何買賣合約前徵詢其律師的意見。

(九) 繳付補價而不轉讓單位

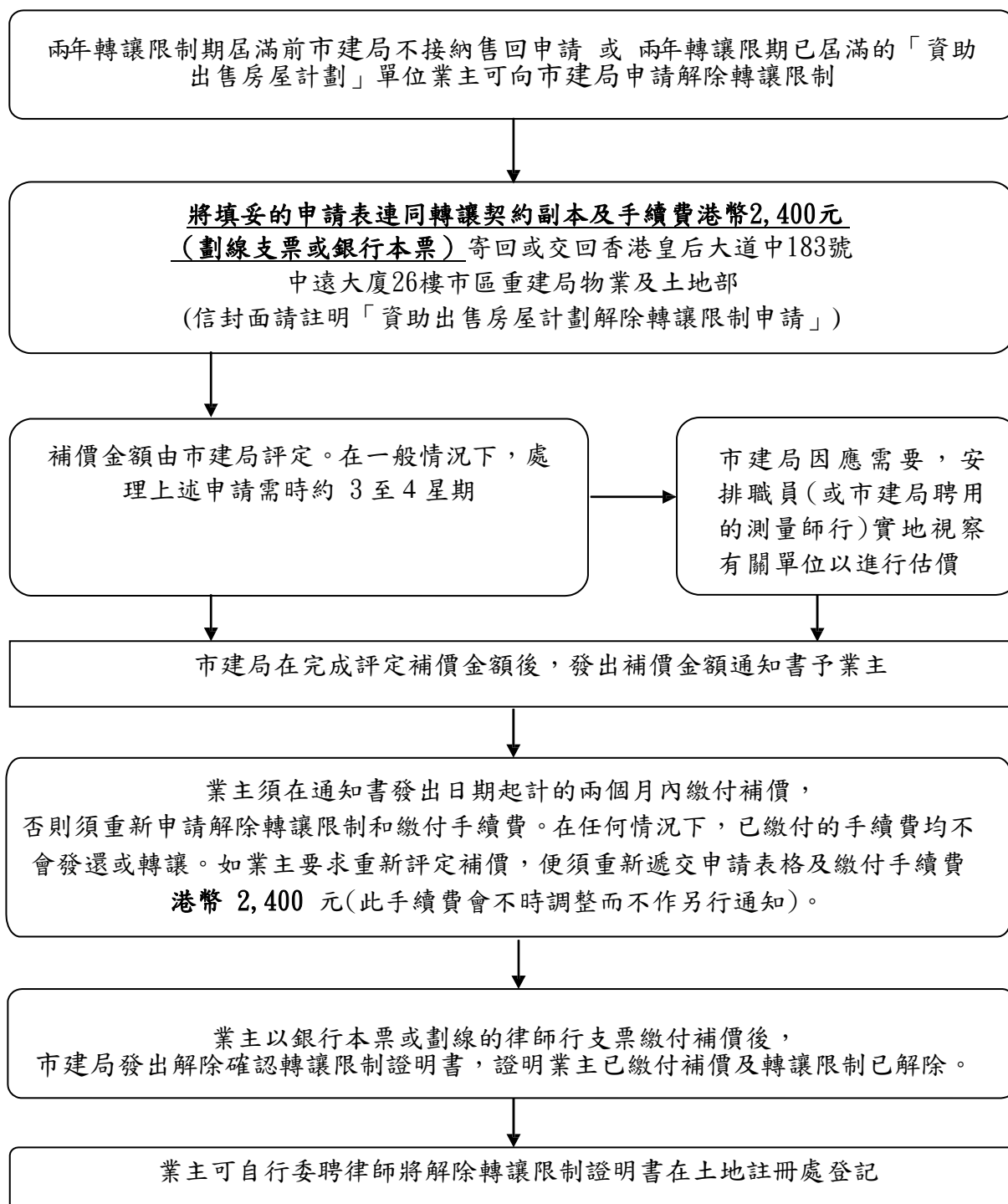
「資助出售房屋計劃」業主在兩年轉讓限制期屆滿前(如市建局不接納售回申請)，或於兩年轉讓限制期屆滿後，可隨時向市建局申請評定補價。繳付補價後，「資助出售房屋計劃」業主會獲市建局發出確認解除轉讓限制證明書，證明業主已根據批地特別條款第34(d)(iii)或(e)號(依有關情況而定)向市建局繳付補價，業主可自行將單位以出售、轉讓、按揭、押記、批租、分租或以其認為合適的方式處置其單位。業主可自行委聘律師將該證明書在土地註冊處登記。業主可按其意願，自由選擇轉讓或繼續持有有關單位。

注意：

- (i) 本簡介旨在介紹解除「資助出售房屋計劃」單位轉讓限制的補價手續和安排，本身並無法律效力。

- (ii) 市建局有權修改，更改或修正本簡介的內容，毋須事先發出通知。
- (iii) 此中文譯本只作參考之用，文義如與英文本有歧異，概以英文本為準。

「資助出售房屋計劃」單位解除轉讓限制程序



查詢及索取表格

查詢：如有任何疑問，可致電 6792 2188。如需進一步資料或索取表格，可於以下網址下載：

(a) 市區重建局：<https://www.ura.org.hk/tc/resource-centre/forms>

(b) 煥然壹居 - 市區重建局啟德：<http://www.urakaitak.hk/tc/Home.aspx>

注意：市建局保留修訂上述手續費及補價程序之權利

Note to Application for Lifting of Resale Restrictions for Flats Sold Under the Urban Renewal Authority Subsidised Sale Flat (SSF) Scheme

1. Background

The first Urban Renewal Authority (“URA”) SSF Scheme was introduced in 2016. A total of 322 flats in "煥然壹居" were sold at discounted prices under the SSF Scheme. To curb speculative activities, the land grant of the development of "煥然壹居" (i.e. Conditions of Grant No. 20169) (“Land Grant”) imposes conditions on alienation of the SSF.

2. Resale Restrictions

Alienation of SSF by an owner is subject to the following conditions as contained in the Land Grant:

(i) Within a period of the First 2 Years from the date of First Assignment

If any owner shall be desirous of selling or otherwise disposing of his/her SSF during the 2-year Period (being a period of 2 years from the date of the assignment of his/her SSF from URA to him/her (“First Assignment”), he/she shall give a written offer to sell back his/her SSF to URA pursuant to Special Condition No. 34(d)(i) of the Land Grant at the original purchase price less the following: (a) any amount due or to become due for principal and interest under any approved mortgage; (b) reasonable cost of making good any damage or deterioration to his/her SSF; (c) all outgoings in respect of his/her SSF up to but excluding the date of delivery of vacant possession of his/her SSF to URA; and (d) the legal costs and other expenses, fees, and any stamp duty payable in respect of assignment by the owner.

If URA does not serve upon the owner a written notice of its intention to buyback his/her SSF within 28 days of its receipt of the owner’s written offer, the owner may apply to URA for assessment of the Amount (as defined below, and shall be entitled to sell, assign, mortgage, charge, demise, underlet or otherwise dispose of his/her SSF as he/she sees fit subject to the payment of the Amount to URA.

(ii) Exceeding Two Years

After the expiry of the 2-year Period, an owner shall be entitled to sell, assign, mortgage, charge, demise, underlet, part with possession of or otherwise dispose of his/her SSF as he/she sees fit subject to the payment of the Amount to URA.

(iii) The owner shall pay to URA all necessary administrative costs, valuation

costs (if applicable), legal costs and all other expenses.

3. **Assessment of the Amount**

The Amount (which is defined in Special Condition No. (34)(j)(i) of the Land Grant) means an amount equal to that proportion of full market value, as assessed by URA of a SSF at the time of payment of such proportion which is the same proportion of the full market value as specified in the First Assignment which was not paid by the owner named in the First Assignment at the time of the assignment of the SSF from URA to him/her.

The assessment of the Amount which an owner of SSF is required to pay is based on the prevailing market value of his/her SSF (free from the conditions on alienation), and the difference between the purchase price of his/her SSF (“Purchase Money”) and its full market value (“Full Market Value”) as specified in the First Assignment. The Amount is calculated as follows:

$$\text{Amount} = \text{Prevailing Market Value} \times \frac{(\text{Full Market Value} - \text{Purchase Money})}{\text{Full Market Value}}$$

For example:

Prevailing Market Value	:	\$8,000,000
Full Market Value (at the time of purchase)	:	\$6,700,000
Purchase Money	:	\$5,800,000

$$\begin{aligned} \text{Amount} &= \$8,000,000 \times \frac{(\$6,700,000 - \$5,800,000)}{\$6,700,000} \\ &= \mathbf{\$1,074,627} \end{aligned}$$

Note : The sale discount of each SSF may not be the same. The calculation of the Amount is based on the Purchase Money and Full Market Value specified in the First Assignment.

4. **Application for Lifting of Resale Restrictions**

The completed application form (**Appendix**), administrative fee and a copy of the First Assignment of the subject SSF shall be delivered to the URA’s Head Office **Property and Land Division at 26/F COSCO Tower, 183 Queen’s Road Central, Hong Kong**. (Please mark “*Application for Lifting of Resale Restrictions*” on the envelope).

5. **Administrative Fee**

An administrative fee of **HK\$2,400** (cashier’s order or crossed cheque made payable to “**Urban Renewal Authority**”) shall be submitted by the owner together with the completed application form. The address of the subject SSF shall also be written on the back of the cashier’s order or crossed cheque. URA may adjust the amount of administrative fee from time to time without prior notice and the administrative fee paid is not refundable in any event nor transferable.

6. **Validity Period of Assessment**

The Amount assessed by URA will be valid for two months from and including the date of the URA's letter of notification of assessment. If the Amount is not paid within this 2-month period, the validity of assessment will lapse. If an owner requests for a fresh assessment of the Amount, it will be considered as a new application and an administrative fee currently at HK\$2,400 is payable upon the submission of a new application.

7. **Confirmation for Payment of the Amount**

After the assessed Amount has been paid (by cashier's order or crossed solicitor's cheque) to URA, a confirmation letter will be issued by URA confirming that the owner has paid the Amount to URA in accordance with Special Condition No. (34)(d)(iii) or (e) of the Land Grant (as the case may be) and the owner shall be entitled to sell, assign, mortgage, charge, demise, underlet or otherwise dispose of his/her SSF as he/she sees fit. The owner is advised to arrange for registration of the confirmation letter in the Land Registry.

8. **Alienation of SSF**

After the 2-year Period, or if URA does not exercise its option to buyback a SSF offered by its owner to URA within the 2-year Period, the owner is entitled to sell, assign, mortgage, charge, demise, underlet or otherwise dispose of his/her SSF as he/she sees fit subject to the payment to URA of the Amount.

Notwithstanding that an owner has not made payment to URA of the Amount, he/she may enter into an agreement for the sale of his/her SSF ("Agreement") provided that it is a condition of such Agreement that the Amount shall be paid to URA prior to assignment of the SSF. To ensure that the Amount can be assessed prior to the completion of the assignment, the SSF owner (as vendor) shall have the assessment of the Amount completed (i.e. after receiving URA's letter of notification of assessment of the Amount) before entering into the Agreement, or alternatively, ensure that the Agreement itself provides the fact that the assessment of the Amount has yet to be completed. **A SSF owner is advised to consult his/her solicitor's before entering into any Agreement.**

9. **Payment of Amount without Alienation of SSF**

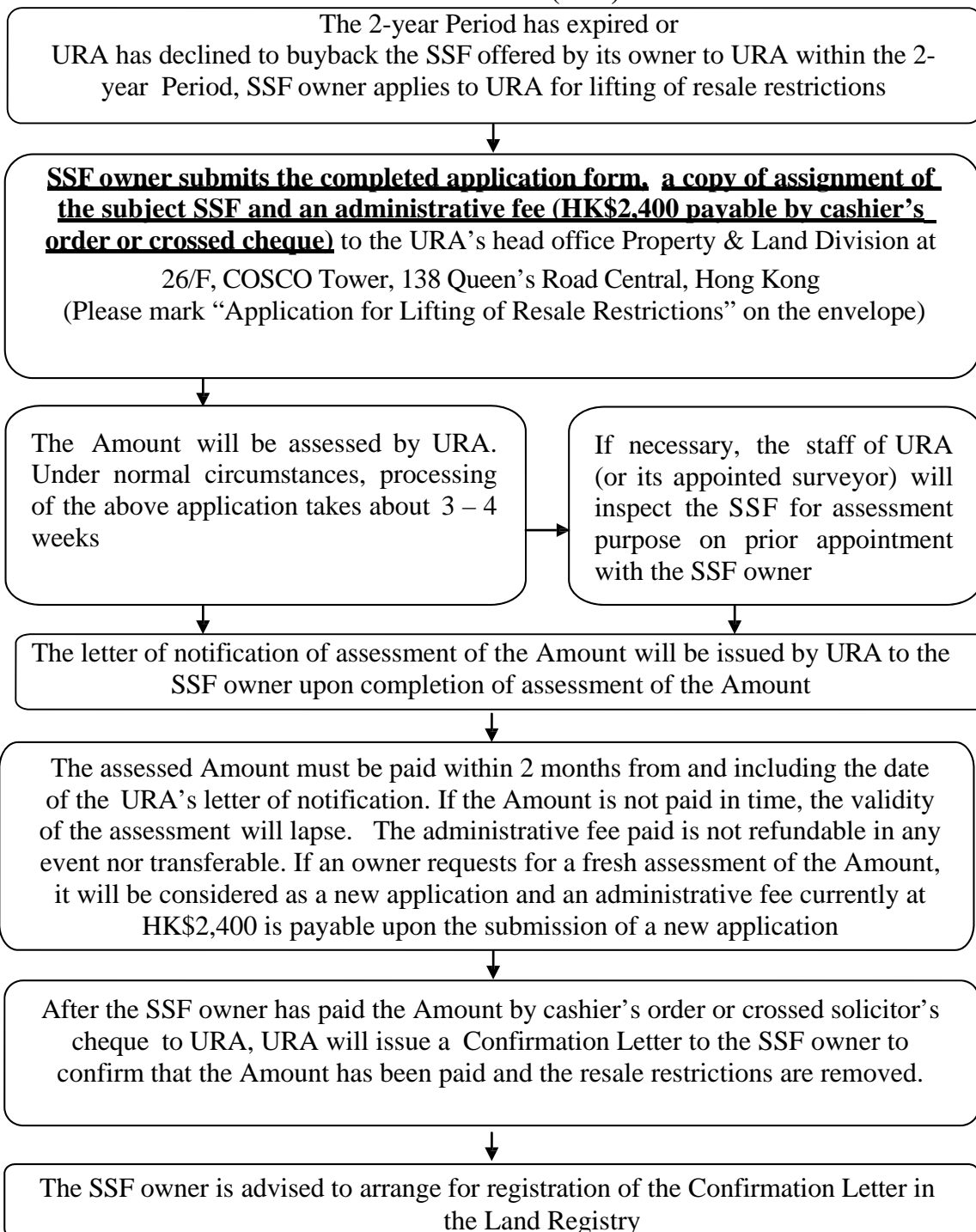
After the 2-year Period has expired or any time after URA does not exercise its option to buyback a SSF offered by its owner to URA within the 2-year Period, a SSF owner can apply to URA for an assessment of the Amount. Once the assessed Amount is paid, a confirmation letter will be issued by URA confirming that the owner has paid the Amount to URA in accordance with Special Condition No. (34)(d)(iii) or (e) of the Land Grant (as the case may be) and the owner shall be entitled to sell, assign, mortgage, charge, demise, underlet or otherwise dispose of his/her SSF as he/she sees fit. The SSF owner is then at liberty to retain or sell his/her SSF at any time he/she sees fit.

Notes : (i) This information leaflet is prepared solely for the purpose of explaining the procedures of lifting the resale restrictions of SSF and shall not

be construed as a legal document.

- (ii) URA reserves the right to revise, or otherwise amend the content of this information leaflet without prior notice.
- (iii) In the event of any dispute as to the contents of this information leaflet, the English version is to prevail.

Procedures for Lifting of Resale Restrictions under Subsidised Sale Flat (SSF) Scheme



Enquires and Application Form for Lifting of Resale Restrictions

Enquiry : If you have any enquiries, please call 6792 2188. This information leaflet and Application Form for Lifting of Resale Restrictions can be downloaded from the following websites:

- (a) Urban Renewal Authority: <https://www.ura.org.hk/en/resource-centre/forms>
- (b) 焕然壹居 - URA Kai Tak: <http://www.urakaitak.hk/en/Home.aspx>

Note : Urban Renewal Authority reserves the right to revise from time to time the administrative fee and the Procedures for Lifting of Resale Restrictions under SSF Scheme

申請人須知

1. 請將填妥的申請表連同其他所需文件及繳付手續費所需的劃線支票或銀行本票寄回或交回到：

香港皇后大道中183號
中遠大廈26樓
市區重建局
物業及土地部

2. 市建局收到填妥的申請表連同其他所需文件及手續費，會發出認收通知書及處理申請。如申請表格上的資料不完整，市建局會暫停處理申請，直至收到所需的全部資料為止。
3. 在任何情況下，已繳付的手續費均不會發還或轉讓。
4. 本申請中所提交的個人資料會用作處理解除轉讓限制的申請。申請人提供個人資料為自願性質。如申請人所提供的資料不完整，市建局將不能處理其申請。
5. 申請人在表格上所提供的個人資料或會因上述第4項中所提及的用途，而轉交任何有關政府部門。
6. 申請人等有權根據《個人資料（私隱）條例》（第486章）的規定，要求查閱及更正申請表格上收集的個人資料。如有需要，請以郵寄或傳真（2827 0176 或 2827 0085）方式把申請送交香港皇后大道中183號中遠大廈26樓市區重建局物業及土地部。有關申請可能需要繳付費用。

For Official Use Only	
Our Ref.	: _____
First Assignment Date	: _____
Application Date	: _____

To : Urban Renewal Authority (“URA”)

Subsidised Sale Flats Scheme
Application for Lifting of Resale Restrictions

Property Address: Flat ___ Floor _____ Tower _____ Estate _____ 煥然壹居 _____

I/We would like to apply to URA for lifting of resale restrictions and the assessment of the Amount (as defined in Special Condition No. (34)(j)(i) of the land grant of "煥然壹居" (i.e. Conditions of Grant No. 20169) (“Land Grant”)) in respect of the above property. I/We have read the contents of the “**Note to Application for Lifting of Resale Restrictions for Flats Sold under the Urban Renewal Authority Subsidised Sale Flat Scheme**” before making this application.

To facilitate the processing of this application, I/we attach the following:

1. a copy of assignment of the above property from URA to me/us.
2. a crossed cheque / cashier’s order (No. _____) payable to “Urban Renewal Authority” for payment of the Administrative Fee, currently at HK\$2,400 (please state the address of the above property on the back of the crossed cheque / cashier’s order).

I/We understand and agree that:

- (a) if any of the above mentioned document or the Administrative Fee is not enclosed here, my/our application is invalid and will not be processed further;
- (b) the Administrative Fee is not refundable in any event nor transferable;
- (c) with prior arrangement, access to the above property for an internal inspection for the purpose of assessing the Amount will be given to your staff (or your appointed surveyor);
- (d) my/our application is subject to the “**Notes to Applicants**” overleaf.

Signature : _____

Name of Owner(s) /
Applicant(s) in
Block Letters : _____

Address : _____
(if different from the above)

Daytime Contact
Tel No. : _____ Date : _____

Notes to Applicants :

1. Please send the completed and signed application form, other requested information and the crossed cheque/cashier's order for payment of the Administrative Fee to:

Urban Renewal Authority
Property and Land Division
26/F, COSCO Tower
183 Queen's Road Central
Hong Kong

2. After receiving this application form, the requested information in full and the Administrative Fee, URA will send an acknowledgement letter to the applicant and proceed with processing of the application. If the requested information is incomplete, the application will not be processed.
3. Administrative Fee is not refundable in any event nor transferable.
4. The personal data provided by means of this application will be used by URA for processing the application for lifting of resale restrictions. The provision of personal data by means of this application is voluntary. However, if the applicant does not provide sufficient information, URA may not be able to process this application.
5. The personal data the applicant provides by means of this application may be disclosed to other Government bureaux and departments for the purpose mentioned in paragraph 4 above.
6. Pursuant to the Personal Data (Privacy) Ordinance (Cap.486), the owner(s) / applicant(s) are entitled to request access to and correction of his/her personal particulars contained in the Application Form. Any such requests shall be made in writing and directed by post or fax (No. 2827 0176 / 2827 0085) to *the Urban Renewal Authority, 26/F COSCO Tower, 183 Queen's Road Central, Hong Kong*. A fee may be charged for such requests.