

## **Explanatory Notes on the "Prevention of Double Housing Benefits" Rule**

1. "Housing benefits" refer to benefits of any nature which provide a staff member or his spouse with residential accommodation or assistance in renting accommodation or acquiring property, and include also cash allowances which contain a housing element or which are paid in lieu of housing benefits, irrespective of whether the benefits are accountable or non-accountable, taxable or non-taxable.
2. Unless otherwise specified, a staff member may only receive one form of housing benefit at any one time, irrespective of whether it is provided by the University.
3. A married staff member and his spouse are regarded as one entity. The couple may not receive more than one form of housing benefit at any one time, if it is provided by the Government or other public-funded organisations. They have to opt for either the staff member's housing benefits provided by the University or those provided by the spouse's employer.
4. Notwithstanding Regulation 3, a married staff member who is offered housing benefits under the July 2005 provision may receive University housing benefits while his spouse is receiving housing benefits from an employer in the private sector.
5. If a staff member or his spouse is receiving, or has at any time received, any form of benefits from the Government or public-funded organisations, his entitlement to the University housing benefits will be reduced or otherwise limited in such manner as the University may determine. The main circumstances are:
  - (a) If the staff member or his spouse is obtaining, or has at any time obtained, benefits under any of the following schemes in the Government/a public-funded organisation:-
    - i. one which provides assistance for acquiring a property;
    - ii. one which provides assistance that may be used for either renting accommodation or acquiring a property;
    - iii. one which has a limited entitlement period;
    - iv. a cash allowance which includes a housing element or which is paid in lieu of housing benefits (e.g. cash allowances provided by the LegCo Commission/the Office of the Ombudsman/the Equal Opportunities Commission/the Office of the Privacy Commissioner for Personal Data and the Flexi-Allowance provided by the Hospital Authority to its staff and by the University of Hong Kong/the Chinese University of Hong Kong to their clinical staff).
  - (b) i. If the staff member or his spouse is working/has worked in the Government or public-funded organisations and is receiving or has received housing allowances under either the Home Purchase Scheme or Home Financing Scheme, the University shall determine whether he can continue to claim these allowances from the University. But the entitlement period for housing benefits which the staff member shall receive from the University (whether the Home Financing Scheme or the prevailing housing benefits, as appropriate) will be reduced by the

period of assistance he has obtained from the Government or other public-funded organisations.

- ii. If the staff member or his spouse is working/has worked in the Government or public-funded organisations and is receiving or has received housing benefits on or after from 1 July 2003 in the form(s) other than specified under b (i) above (including cash allowance which carries a housing element or residential accommodation etc.), the University shall determine the type of housing benefits which the staff member can continue to claim, and whether the entitlement period for housing benefits which the staff member shall receive from the University will be reduced by the period of assistance he has obtained from the Government or other public-funded organizations.
  - (c) If the staff member or his spouse has permanently ceased to be eligible for any housing benefits under the terms of employment in the Government or public-funded organisations (for instance, the staff member or his spouse has claimed the full entitlement of any housing benefits or Home Financing Scheme, or has been disqualified from a housing benefit for any reason), the staff member will not be eligible for any University housing or related benefits.
6. A staff member who shall be provided with the housing benefits under the July 2005 provision, the following conditions will apply:
- (a) A staff member or his spouse being a principal recipient of public housing benefits in the capacity of an owner of a flat or a recipient of a housing subsidy/housing loan is required to relinquish his and his spouse's public housing benefits before he can receive the University housing benefits in the form of University residential accommodation. However, the requirement to relinquish public housing benefits is not applicable if he will receive housing benefits in the form of non-accountable cash allowance. Examples of the public housing benefits are:
    - (i) a registered owner of a flat under the Home Ownership Scheme or the Sandwich Class Housing Scheme or the Tenant Purchase Scheme or the Buy-or-Rent Option which is subject to resale restriction and payment of a land premium; or
    - (ii) a recipient of any monthly housing subsidy (including monthly subsidy under the Mortgage Subsidy Scheme, the Buy-or-Rent Option and the Home Purchase Loan Scheme), or outstanding Home Purchase Loan granted by the Hong Kong Housing authority for the purchase of a property; or
    - (iii) a recipient of a loan granted under the Hong Kong Housing Society's Sandwich Class Housing Loan Scheme or the Hong Kong Housing Society's Home Starter Loan Scheme (HSLs).
  - (b) A staff member or his spouse as the tenant of a public rental housing flat is not eligible for either non-accountable cash allowance or University residential accommodation under the July 2005 provision.
  - (c) A staff member who is a family member (e.g. as an authorized occupant of a flat) but not the principal recipient of the public housing benefits may also apply for non-accountable cash allowance while he or his spouse retains his or her public housing benefits.

7. A staff member who shall continue to claim housing benefits under the Home Purchase Scheme or Home Financing Scheme, he is required to relinquish his and his spouse's public housing benefits before he can receive University housing benefits. Examples of the public housing benefits are:
- (i) a registered owner or an authorized occupant of a flat under the Home Ownership Scheme or the Sandwich Class Housing Scheme or the Tenant Purchase Scheme or the Buy-or-Rent Option which is subject to resale restrictions and payment of land premium; or
  - (ii) a recipient of, or the crucial members of a family in receipt of any monthly housing subsidy (including monthly subsidy under the Mortgage Subsidy Scheme, the Buy-or-Rent Option and the Home Purchase Loan Scheme), or outstanding Home Purchase Loan granted by the Hong Kong Housing authority for the purchase of a property; or
  - (iii) a recipient of, or the crucial members of a family in receipt of a loan granted under the Hong Kong Housing Society's Sandwich Class Housing Loan Scheme or the Hong Kong Housing Society's Home Starter Loan Scheme (HSLs); or
  - (iv) a tenant or authorized occupant of a public rental housing flat.

**Staff members are required to report to the Human Resources Office within 30 days for any changes in circumstances which affect their entitlement to the University housing benefits.**

**It is the responsibility of staff members receiving the University housing benefits to be thoroughly acquainted with and observe the Regulations. Staff members are reminded that non-compliance with the Regulations will result in penalties, including recovery of allowances from, and disciplinary and legal action against the staff members concerned. If in doubt, staff members should seek clarification from the Human Resources Office.**