Eligibility

1. Appointees' eligibility for a private tenancy allowance (PTA) is defined in their Letters of Appointment and the accompanying terms of service document. Subject to the regulations set out hereunder and regulations issued by the University from time to time, an eligible staff member may apply for the grant of PTA in respect of a leased domestic accommodation in Hong Kong.

2. Appointees' eligibility for PTA shall be subject to the conditions that:

(a) neither they nor their legal spouse (nor ex-spouse during their marriage) have (whether together or individually) ever drawn benefits under any of the following schemes whilst in employment of the Government or a public-funded organisation in Hong Kong:

(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; or

(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 or the Office of the Ombudsman to their employees).

(b) their spouse are not in receipt of any form of housing benefits under their own terms of employment;

(c) neither they nor their spouse are (whether together or individually) receiving public housing benefits in Hong Kong, examples of which are listed below:

(i) being a tenant or an authorized occupant of a public rental housing flat provided by either the Hong Kong Housing Authority or the Hong Kong Housing Society or the Hong Kong Settlers’ Housing Corporation;

(ii) being an owner or an authorized occupant of a flat sold under

(a) the Home Ownership Scheme, the Private Sector Participation Scheme, the Secondary Market Scheme, the Buy-or-Rent-Option or the Tenants Purchase Scheme administered by the Hong Kong Housing Authority, or

(b) the Sandwich Class Housing Scheme, the Flat for Sale Scheme or the Urban Improvement Scheme (only Urban Improvement Scheme flats completed before March 1981) administered by the Hong Kong Housing Society,

if such a flat is still subject to resale restriction;

(iii) being a recipient of, or a crucial member of a family in receipt of a monthly subsidy or a loan granted under the Home Purchase Loan Scheme administered by the Hong Kong Housing Authority or the Home Starter Loan Scheme administered by the Hong Kong Housing Society;

(iv) being a recipient of, or the crucial member of a family in receipt of, a loan granted under the Sandwich Class Housing Loan Scheme administered by the Hong Kong Housing Society;

(v) being a recipient of, or the crucial member of a family in receipt of, any monthly subsidy under the Mortgage Subsidy Scheme.

(d) neither they nor their spouse are members or underlessees or licensees of a Civil Servants' Co-operative Building Society or a Government Built Housing Scheme or a flat and land which belonged at some time to a Civil Servants'
Co-operative Building Society or a Government Built Housing Scheme. This restriction shall however not apply if they or their spouse became members or underlessees or licensees through beneficial succession;

(ii) neither they nor their spouse (nor ex-spouse during their marriage) have acquired a legal title through accepting the first assignment of a lease to a flat and land which belonged at some time to a Civil Servants' Co-operative Building Society or a Government Built Housing Scheme, and of which Society or Scheme where they or their spouse (or ex-spouse during their marriage) were members or underlessees immediately prior to such assignment. This restriction shall however not apply if the appointees or their spouse (or ex-spouse during their marriage) became members or underlessees through beneficial succession, or had inherited the flat and land after such first assignment, and provided that the appointees or their spouse are exempted from living in such a flat.

The Lease

3. All applications for PTA must be supported by the lease of the private tenancy which is a contract made directly between the appointee and the landlord. The University is not a party to the agreement and has no obligations under the lease. All lease agreements are subject to the approval of the Director of Facilities Management. Appointees may however consult the Facilities Management Office on the terms of their lease before entering into a lease agreement with the landlord.

4. A tenancy should normally be protected by a fixed-term 2-year lease. Applications for other types of tenancies (e.g. month-to-month terms) or for a lease period of less than 2 years will not be approved unless there are exceptional justifications.

5. The monthly rental should normally be fixed for the entire term of the lease. If there is any upward adjustment of the rent of the approved tenancy within the lease period, the University may use the rental at the commencement date of the lease as the basis for payment of PTA throughout the lease period and the appointee is liable to pay the excess.

6. The University may, at its absolute discretion, direct an appointee to occupy University quarters or if, by reasons of the appointee's duties, direct the appointee to vacate the private tenancy by giving the appointee normally two months' notice of its intention to do so. In such cases, the eligibility of the appointee for PTA shall cease. The University requests that the tenant of a lease agreement should have the right to terminate the agreement by giving two months' notice. The lease should therefore contain the following or a similar clause:

"The tenant shall have the right to terminate the lease agreement by giving two months' prior notice."

Under no circumstances will the University be responsible for the penalty, if any, arising as a result of early termination of the lease. In the event that the appointee is directed by the University to vacate the tenancy prematurely for whatever reason (e.g. upon allocation of University quarters), PTA will cease to be payable after the two-month notice period or the notice period approved by the University and the appointee will be personally responsible for any continued payment of rent to the landlord.

7. In accordance with the Stamp Duty Ordinance, appointees should ensure that the original copy and all duplicate copies of the lease of the approved tenancy are duly stamped. The lease and its duplicates must be stamped within 30 days from the date of entering into the agreement. If the lease is not stamped within this period, all parties and all other persons executing it will be liable for the payment of the stamp duty payable plus a penalty which, depending on the period of delay, ranges from double to 10 times the amount of the stamp duty payable. A copy of the stamped lease should be sent to the Human Resources Office.
within two months from the date of occupation of the tenancy.

8. Applications for a change, renewal, extension or variation to the terms of private tenancy should be made to the Director of Human Resources two months before the effective date or the expiry of the current lease, otherwise it may lead to withdrawal of the approval or discontinuation of the grant of PTA. Approval for applications to change private tenancy before a lease expires is normally subject to the following conditions:-

(i) for the original remaining period of the existing lease, appointees shall receive PTA from the scale of rates prevailing on the commencement date of the new tenancy. However, the allowance payable in respect of the new tenancy during this period shall not exceed that payable in respect of the existing tenancy as if the existing tenancy is not prematurely terminated; and

(ii) between the day following the original end date of the existing tenancy and the last day of the new tenancy, appointees shall receive PTA from the scale of rates prevailing on the commencement date of the new tenancy or that prevailing on the day immediately after the original end date of the existing tenancy, whichever is the less.

The University shall have absolute discretion to impose any additional conditions in approving applications for change, renewal, extension or variation of lease terms of private tenancy.

Rates of Allowance

9. The current PTA rates, determined according to appointees' substantive salary and marital/family status, are set out at the Appendix. The allowance payable shall be the actual rent of the approved tenancy, or the reasonable market rent as assessed by the University, or the appointee's entitled rate of allowance, whichever is the lowest. Where the actual rent is in excess of the University's assessed reasonable market rent or of the appointee's entitled rate of allowance, the appointee is liable for the balance. Appointees are advised to consult the Facilities Management Office on whether the asking rental is within their assessed reasonable level before entering into the formal lease. At least 3 working days are required for the Facilities Management Office to complete the evaluation of the rent proposed. Appointees should make allowance for this in their planning.

10. Appointees shall receive PTA from the scale of rates prevailing when they commence a new tenancy or extend/renew an existing tenancy for the entire tenancy term, irrespective of subsequent upward and downward annual adjustments to the allowance rates during the tenancy term. Appointees may draw a higher rate of PTA appropriate to their substantive salary point through salary progression or promotion during the tenancy, based on the scale of rates prevailing when they commenced the tenancy subject to their meeting other provisions governing the grant of PTA.

11. A PTA at "family" or "married" rate is payable only when the appointee's family or spouse, as the case may be, is residing in Hong Kong with the appointee. A married appointee with more than one eligible dependent children being educated overseas may claim reimbursement at the "family rate". Eligible dependent children refer to those eligible for University benefits as defined in the appointees' terms of employment. Adjustment of PTA from "married" to "family" rate will be made normally from the date of change of family status. However married appointees who are expecting their first child and take up a private tenancy for the first time or move to another private tenancy following natural expiry of an existing tenancy may claim the "family" rate of PTA no earlier than four months before the date of confinement shown in the doctor's certificate, provided that an application to the Director of Human Resources for an adjustment is made as soon as possible and in any case not later than 60 days from the date of birth of the child.
Items for Reimbursement

12. Subject to the applicant's maximum entitlement, PTA is payable on reimbursement basis. Items for reimbursement include rent of the domestic premises, rates, management charges and charges of one single carparking space if payable by the appointee. The carpark should be in the same development of the leased accommodation for a vehicle owned by the appointee or the spouse.

13. Appointees shall be personally responsible for water charges, electricity, telephone, gas charges and other utility charges of the approved tenancy.

Other Conditions

14. Appointees claiming PTA are required to pay to the University an amount equivalent to 7½% of basic monthly salary which shall be deducted monthly from the appointees' basic salary subject to the deduction not being higher than the PTA payable.

15. Appointees may not claim PTA in respect of leased domestic accommodation owned by themselves, their spouse and/or a relative of either themselves or their spouse, or in which they, their spouse or a relative of either themselves or their spouse has an interest (as hereinafter defined). "Relative" here includes (a) parents, (b) brothers, sisters, and their spouses, and (c) children and their spouses. An interest is defined as (a) a beneficial interest under a trust; or (b) a direct or indirect interest in, or being a director or a shareholder of a company (other than a company the shares of which are quoted at The Hong Kong Stock Exchange) which (i) is the registered proprietor of the leased accommodation; or (ii) has a subsidiary company which is the registered proprietor of the leased accommodation; or (iii) is the shareholder of another company which is the registered proprietor of the leased accommodation. If after taking up a tenancy, the ownership of the property changes so that an appointee is so debarred from claiming the allowance, the appointee should report immediately to the University.

16. The approved tenancy should be the full-time residence of the appointee and the family and should not be used for profit or gain, or for any purpose other than living accommodation. Sub-letting and/or the taking in of "paying guests" is prohibited. The term "paying guest" includes any guest who pays in cash, kind or service for the property including the carpark occupied. The operation of businesses or companies from the approved tenancy is also not permitted.

17. Approved PTA (including rates and management charges) will be paid in arrears together with monthly salary to the appointees. Refund of property rates which are payable on a quarterly basis shall be made in arrears on a monthly basis subject to the maximum monthly permissible limit.

18. Appointees should submit a complete set of the original rental receipts to the Finance Office for claiming PTA before the 15th of the first month. The appointees should keep the rental receipts for the subsequent months during the approved lease period for presentation to the Finance Office as and when required.

19. Appointees should inform the Director of Human Resources as soon as possible and not later than 60 days of any change in circumstances such as change in marital or family status or change in the amount of any item for reimbursement, which may affect the PTA payable to the appointees. Where applicable, the original receipt of the revised payment for the reimbursable item in respect of the first month of the amended claim should be passed to the Finance Office for adjustment to the allowance. Adjustment of PTA will be made with effect from the date of change. However, if the application for upward adjustment of PTA is submitted after the 60-day period, the University shall grant the new rate of allowance with effect from the date of application.
20. Application for renewal or extension of a current lease should be made on Form HRO/PQ-2 to the Director of Human Resources two months before the expiry of the current lease.

Cessation of Eligibility

21. Appointees shall cease to be eligible for PTA for any period of unpaid leave or when their spouse are in receipt of any form of housing benefits under the spouse's terms of employment.

Responsibility/Right/Authority of University

22. The University shall not be responsible for any repairs, renovation, or other works on the private tenancy in respect of which PTA is paid.

23. The University has the right to request for any information from the appointees and/or their spouse to process the application or ascertain compliance with the Conditions of Grant.

24. The appointees and their spouse shall give authorisation to the University to approach government departments, public/private organisations, employers concerned or any other relevant parties to give access to the University their personal data and documents, so that the University can use such data and documents for processing the application, ascertaining compliance with the Conditions of Grant and/or taking actions against the appointees.

25. For the purpose of enforcing the live-in requirement, the University may visit the leased accommodation in respect of which PTA is being claimed. Appointees shall grant every facility and assistance to staff of the University in carrying out their duties.

26. The conditions governing the grant of PTA may be amended by the University at any time. The rates of allowance are determined by the University and may be adjusted from time to time at the University's absolute discretion.

Abuse and Failure to Provide Information/Authorisation

27. Any false representation on the claim for PTA or any abuse of the conditions governing the grant of PTA or failure to provide information or authorisation to the University as requested may result in the withdrawal of an appointee's PTA and/or further disciplinary/criminal proceedings. The University shall also have the right to recover any allowance overpaid and interest thereon at a rate to be determined by the University from the appointee's salary or from any monies due to the appointee or to the appointee's estate from the University.

(Revised 15 October 2007)
## Appendix
(to Human Resources Circular No. 4/2019)

### RATES OF PRIVATE TENANCY ALLOWANCE
Revised Rates With Effect From 1 April 2019

<table>
<thead>
<tr>
<th>University Salaries (salary levels as at 1 April 2018)</th>
<th>Maximum Allowance Per Month</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>“Family” Rates</td>
</tr>
<tr>
<td>on or above $166,165</td>
<td>$44,670</td>
</tr>
<tr>
<td>$93,315-$166,164</td>
<td>$37,610</td>
</tr>
<tr>
<td>$81,975-$93,314</td>
<td>$32,940</td>
</tr>
<tr>
<td>$70,590-$81,974</td>
<td>$27,850</td>
</tr>
</tbody>
</table>

### Notes:

1. "Family" rates are applicable to:
   (a) married appointees accompanied by spouse and one or more dependent children;
   (b) married appointees unaccompanied by spouse but accompanied by more than one dependent child; and
   (c) appointees accompanied by more than one dependent child and who are separated, divorced, widowed or single.

2. "Married" rates are applicable to:
   (a) married appointees (accompanied by spouse) without (or unaccompanied by) any dependent children; and
   (b) appointees accompanied by one dependent child and who are married (unaccompanied by spouse), separated, divorced, widowed or single.

3. "Single" rates are applicable to appointees without (or unaccompanied by) any dependent children and who are single, married (unaccompanied by spouse), separated, divorced or widowed.