

Residential Properties (First-hand Sales) Ordinance

Frequently Asked Questions and Answers (FAQs)

FAQs on Advertisement

FAQs are not guidelines. They aim to facilitate the trade to understand how the Sales of First-hand Residential Properties Authority (SRPA) looks at specific provisions of the Residential Properties (First-hand Sales) Ordinance (Ordinance).

Users of the FAQs should not rely on the information in the FAQs as professional legal advice and are strongly advised to seek legal or other professional advice should there be doubts about the application of the Ordinance in individual circumstances. Whilst every effort has been made to ensure the accuracy of the FAQs, the SRPA shall not be responsible for any liability howsoever caused to any person by the use or reliance on the FAQs.

Q1.1 Do the following items fall within the requirements of advertisement under Part 3 of the Ordinance, viz. (a) website designated by the vendor for the development; (b) physical model of the development; (c) a pen bearing the name and logo of the development for distribution to the general public?

A1.1 Section 69 of the Ordinance stipulates that Part 3 of the Ordinance applies to an advertisement purporting to promote the sale of any specified residential property. The term “advertisement” is not defined in the Ordinance, hence its ordinary meaning is to be considered in interpreting the relevant provisions. Whether something is an advertisement purporting to promote the sale of any specified residential property would depend on the facts of the case and have to be considered on a case-by-case basis.

Whether a website designated by a vendor for a development is

subject to the requirements under Part 3 of the Ordinance depends on whether it constitutes an advertisement purporting to promote the sale of the specified residential properties. The contents of the website would be relevant in determining the question. If there are documents (e.g. in PDF format) posted on the website designated by the vendor for the development, such document may, depend on its content, be regarded as printed advertisement and subject to the additional requirements in section 73 of the Ordinance.

Whether a 3-dimensional physical model of a development is subject to the requirements under Part 3 of the Ordinance depends on whether it constitutes an advertisement purporting to promote the sale of specified residential properties, which is a question to be determined according to the facts of the individual case. Different factors should be taken into account, such as where the model is placed and whether there is any promotional statement placed alongside the model. Similarly, whether a pen is subject to the requirements under Part 3 of the Ordinance depends on whether it constitutes an advertisement purporting to promote the sale of specified residential properties. Relevant factors include the circumstances under which the pen is distributed.

Q1.2 What does it mean by “printed advertisements” under section 73 of the Ordinance?

A1.2 The requirements for “printed advertisements” under section 73 of the Ordinance apply to the advertisements set out in section 73(1), which are, in general, advertisements that can be printed out. Items such as stickers and billboard on bus are within the scope of the advertisements set out in section 73(1) of the Ordinance.

Q1.3 A brochure which purports to promote the sale of specified residential properties is a form of “printed advertisement”. How to determine the size of a brochure for the purpose of complying with the requirements as stipulated under section 73(8) of the Ordinance on the size of the letters, characters or numbers of the mandatory statements?

A1.3 If a brochure is adopted and used as an advertisement to which Part 3 of the Ordinance applies, then the brochure will have to comply with the requirements applicable to an advertisement purporting to promote the sale of the concerned residential properties. When determining the size of an advertisement for the purpose of complying with the requirements as stipulated under section 73(8) of the Ordinance on the size of the letters, characters or numbers of the mandatory statements, the total area of the advertisement should be taken into account. For example, in the case of a brochure used as an advertisement, if the total area of all the pages of the brochure is larger than 4155 square centimeters, the letters, characters and numbers of the mandatory statements (i.e. information required under section 73(2) and (5), and section 73(7) of the Ordinance, if applicable) must occupy at least 3% of the total area of the advertisement.

Information required to be provided under section 73(2), (5) and (7) of the Ordinance is only required to be provided once in an advertisement, hence the statements are not required to be contained in every page of the brochure.

Q1.4 Section 73(8) of the Ordinance has stipulated the size of the statements that are required to be provided under section 73(2), (5) and (7) of the Ordinance. If the size of the advertisement is larger than 4155 square centimeters, the statements must occupy at least 3% of the area of the advertisement. Whether the “3%” requirement applies to each or to all of the statements under section 73(2), (5) and (7) of the Ordinance?

A1.4 If the size of the advertisement is larger than 4155 square centimeters, the total area of the statements required under the section 73(2), (5) and (7) of the Ordinance should occupy at least 3% of the area of the advertisement, i.e. NOT each statement should occupy at least 3% of the area of the advertisement.

If an advertisement is to contain statements under section 73(2), (5) and (7) of the Ordinance in both Chinese and English, the

Chinese and English statements should respectively occupy at least 3% of the total area of the advertisement.

Q1.5 Vendors are required to set out various information in printed advertisements under section 73 of the Ordinance. Is amendment to the advertisements required if the aforesaid information has been changed?

A1.5 If there are changes to the information set out in the advertisements, the vendor should update the advertisements as soon as practicable.

Q1.6 Will hoarding be regarded as an advertisement under the Ordinance?

A1.6 According to Regulation 66 of the Building (Planning) Regulations (Cap 123F), no advertisement other than a description of the building and the names of any persons concerned in its construction shall be displayed on any hoarding.

Q1.7 Can the vendor publish advertisement for the sale of a specified residential property by tender or auction?

A1.7 If a vendor wishes to publish advertisement for the sale of a specified residential property by tender or auction, the requirements under Part 3 of the Ordinance should be followed. Besides, the vendor should ensure that the advertisement will not provide false or misleading information.

Sales of First-hand Residential Properties Authority
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