

Residential Properties (First-hand Sales) Ordinance

Frequently Asked Questions and Answers (FAQs)

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.

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.

Sales Brochure

Q83 Section 22 in Part 2 of Schedule 1 to the Ordinance requires the provision of information on fittings, finishes and appliances in sales brochure. What is the meaning of “appliances”?

A83 “Appliance” should generally refer to a device or piece of equipment used for a specific task. For the purposes of section 22 in Part 2 of Schedule 1 to the Ordinance, item 6 would cover electrical appliances that are commonly found and used in a residential unit, such as a cooker or washing machine.

Q84 The answer to FAQ 29 issued on 11 April 2013 states how section 10(2)(d) in Part 1 of Schedule 1 to the Ordinance can be complied with if alterations to the residential properties have been made by way of minor works or exempted works under the Buildings Ordinance after the completion of the development and the alterations are not reflected in the approved building plans. What may vendors do if a remark of explanatory note cannot present the alterations in a clear manner?

A84 If the information required under section 10(2)(d) in Part 1 of Schedule 1 to the Ordinance is provided in the approved building plans, the floor plan must state the information as so provided in the approved building plans. A remark or explanatory note should be added to set out the alterations made. Floor plans may be included as part of the remark or explanatory note to illustrate the alterations made.

If the information required under section 10(2)(d) in Part 1 of Schedule 1 is not provided in the approved building plans, the floor plan should show the “as-is” status of the properties.

Q85 The answer to FAQ 43 issued on 11 April 2013 states that if the relevant provision of the DMC refers to a plan attached to it which shows the common parts of the development, such plan may be included as part of the information to be provided in the sales brochure under section 14(2)(a) in Part 1 of Schedule 1 to the Ordinance. If the relevant provision of the DMC refers to a plan attached to it which shows the commercial part of the development and if the plan shows a staircase which is the common part of the development, can that plan be provided in the sales brochure under section 14(2)(a) in Part 1 of Schedule 1 to the Ordinance?

A85 If the relevant provision of the DMC refers to a plan attached to it showing a staircase which is a common part of the development, such plan may be included as part of the information to be provided in the sales brochure under section 14(2)(a) in Part 1 of Schedule 1 to the Ordinance.

Show Flat

Q86 Can a poster, picture or photograph which is purported to show the scenic view from a window of the residential property (such as a picture with blue sky) be shown in the window of the show flat of that residential property?

A86 There is no specific provision in the Ordinance which regulates the use of poster, picture or photograph in a show flat which purports to show the scenic view of a residential property when a person looks from that window of the residential property. However, vendor should ensure that the poster, picture or photograph will not amount to a misrepresentation or mislead visitors to the show flat that it is the actual view he/she will enjoy whenever he/she looks from the window of the relevant residential property.

Advertisements

Q87 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?

A87 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) in both Chinese and English, the Chinese and English statements should respectively occupy at least 3% of the total area of the advertisement.

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Sales of First-hand Residential Properties Authority
Transport and Housing Bureau