

Residential Properties (First-hand Sales) Ordinance

Practice Note on Sales Arrangements and Other Information

This Practice Note sets out the best practices recommended by the Sales of First-hand Residential Properties Authority (SRPA) (as shown in *italic* below), and repeats in full the requirements as stipulated in the Guidelines on Sales Arrangements and Other Information issued under section 88 of the Residential Properties (First-hand Sales) Ordinance (the Ordinance).

The best practices are shown in *italic* so as to distinguish them from those parts belonging to the guidelines issued by the SRPA under the said provision of the Ordinance. The best practices are NOT part of the guidelines.

Non-compliance with the best practices per se will not be regarded as a contravention of the Ordinance or a commission of an offence under the Ordinance.

General

1. Vendors should fully comply with the relevant requirements on sales arrangements as set out in the Ordinance for the sale of specified residential properties on or after 29 April 2013.

Promulgation of Sales Arrangements

2. Section 47(1) of the Ordinance stipulates the timing of making available the information on sales arrangements to the general public.

3. When counting the “3 days” as required under section 47 of the Ordinance for making available the documents containing the information on sales arrangements -
 - (i) a date of sale is excluded from the counting of the “3 days”; and
 - (ii) all Saturdays, Sundays and Public Holidays are included in the counting of the “3 days”.

4. *Though it is not a requirement under the Ordinance, vendors are advised to send a copy of the document containing information on sales arrangements to the SRPA on the first day on which the document is made available to the public.*

5. The following example illustrates the timing of making available the aforementioned documents -:

Example : A vendor wishes to offer to sell a property on 4 January

<p>From 00:00 on 1 January to 24 :00 on 3 January</p>	<ul style="list-style-type: none"> ● Make available hard copies of a document containing information on the sales arrangements for collection by the general public free of charge. ● Make available information on the sales arrangements for inspection on the website designated by the vendor for the development (the designated website).
<p><i>By 23:59 on 1 January</i></p>	<ul style="list-style-type: none"> ● <i>Send a copy of the document containing information on the sales arrangements to the SRPA. For convenience sake, vendors are advised to submit the documents to the SRPA by fax or by email. For details, please make reference to paragraph 12 of the Practice Note on Submission of Documents to the SRPA (PN05/13).</i>
<p>On 4 Jan and on each date of sale</p>	<ul style="list-style-type: none"> ● Make available hard copies of a document containing information on the sales arrangements for collection by the general public free of charge.

	<ul style="list-style-type: none"> • Make available the same information for inspection on the designated website.
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Note : The vendor may, if he wishes, make available the sales arrangements earlier than 3 days immediately before the sale.

6. *Vendors are advised to follow the format of the template at **Annex** in making available the information on sales arrangements, and to provide such information in both Chinese and English.*

Revision of Sales Arrangements

7. If any part of the sales arrangements has been revised subsequent to its first issue, vendors should make available the revised sales arrangements on its designated website for inspection and in hard copies for collection by the general public. They may either do so by (i) issuing another document of sales arrangements; or (ii) making amendments to the previous document on sales arrangements¹.
8. If changes are made to the sales arrangements, the residential properties affected by the changes should only be sold or offered to be sold after the revised sales arrangements have been made available to the public for a period of at least three days. Examples are set out in paragraphs 9 and 10 below.
9. If in the original document containing the sales arrangement, there is only one place (e.g. location A) where the specified residential property will be offered to be sold. After three days, the vendor adds another place (e.g. location B) where the specified residential property will also be offered to be sold and issues a revised document setting out the new sales arrangements. In this case, the residential property can continue to be offered to be sold at location A, but can only be offered to be sold at location B after the revised sales arrangements have been made available to the public for a

¹ Making amendments to a previous document on sales arrangements may be done by removing (i.e. not crossing out) the outdated/inaccurate parts and substituting them with the accurate/revised contents as appropriate. There is no need to retain the previous contents.

period of at least three days immediately before the date of sale under section 47(1) of the Ordinance.

10. If, after issuing a document on the sales arrangements setting out prescribed residential properties to be offered for sale on a specific date, the vendor wishes to offer additional residential properties for sale, it may issue another document of sales arrangements to cover the arrangements for the sale of the additional residential properties, and follow the requirements under section 47(1) of the Ordinance. Alternatively, vendors may announce the offer for sale of those additional residential properties by making amendments to the previous document on sales arrangements. If so, the additional residential properties can only be offered to be sold after the revised document of sales arrangements have been made available to the public for a period of at least three days immediately before the date of sale under section 47(1) of the Ordinance. As for the other properties on the amended document of sales arrangement to which there are no changes to their sales arrangements, there is no need to wait for another three days to offer to sell those properties.

Plans and Documents Made Available to General Public

11. On each day where the sale of specified residential properties takes place, vendors are required to make available the plans and documents as set out in section 48 of the Ordinance for inspection by the general public free of charge at the sales offices. *Vendors are advised to place those plans and documents in a manner that they are reasonably visible to any person entering the sales office.*
12. On each day where the sale of specified residential properties takes place, vendors are required to make available the deed of mutual covenant (DMC) and the aerial photograph of the development as set out in section 49 of the Ordinance for inspection on the designated website. *Vendors are advised to make available the DMC and the aerial photograph on the website in a manner that they are reasonably visible to any person browsing the website.*

Maintenance of Order at Sales Office

- 13. Vendors are advised to take steps to maintain order at the sales offices, such as deployment of adequate staff, plan ahead the crowd control measures and inform the management office of the building at which the sales office is situated. In line with established practice, vendors are also advised to inform the Police about the commencement of sales at least seven working days before the sale commences.*

Expression of Intent

14. Section 34 of the Ordinance sets out clearly at what time point vendors may seek and accept different types of expression of intent. The effect of section 34(1) of the Ordinance is that the vendor must not seek general expression of intent, and must reject such expression of intent, any time before the first day on which copies of any price list setting out the prices of those specified residential properties have been made available to the public. The effect of section 34(2) of the Ordinance is that the vendor must not seek and must reject specific expression of intent before the first day on which the specified residential property is offered to be sold. On and after the first day on which the specified residential property is offered to be sold, the vendor may seek and accept specific as well as general expression of intent.

Vendor's Information Form (VIF)

- 15. Vendors should make available VIF under the situations as described in sections 66 and 68 of the Ordinance. Vendors are advised to provide the VIF in both English and Chinese.*

Transitional Arrangements

16. The following transitional arrangements will apply:
- (a) For residential properties which have commenced sale before 29 April 2013, the vendor should ensure that sales arrangements made available on or after 29 April 2013 fully comply with the relevant requirements under the Ordinance; and
 - (b) For residential properties in a development which are intended to be offered for sale on or after 29 April 2013, including residential properties in a development which have commenced sale before 29 April 2013, sale may commence on/continue on and after 29 April 2013 if sales arrangements which comply with the relevant requirements under the Ordinance are made available before 26 April 2013.

How to Provide Information to the SRPA

17. Please refer to Guidelines No. G05/13 on how to provide information to the SRPA. *Reference may also be made to Practice Notes No. PN05/13.*

For enquires, please contact us via the following -

Telephone	: 2817 3313
Email	: enquiry_srpa@hd.gov.hk
Fax	: 2219 2220

5 April 2013

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

Template for Making Available Information on Sales Arrangements
提供銷售安排資料的範本

Name of the development: 發展項目名稱：	ABC Garden ABC 花園
Date of the Sale: 出售日期：	From 4 January 2013 由 2013 年 1 月 4 日起
Time of the Sale: 出售時間：	From 9 a.m. to 9 p.m. 由上午九時至晚上九時
Place where the sale will take place: 出售地點：	7/F, XYZ Mall, Tsim Sha Tsui 尖沙咀 XYZ 商場七樓
Number of specified residential properties that will be offered to be sold: 將提供出售的指明住宅物業的數目	20
Description of the residential properties that will be offered to be sold: 將提供出售的指明住宅物業的描述：	
<p>The following flats in Block A: 2A, 2B, 2C, 2D, 2E, 4A, 4B, 4C, 4D, 4E, 6A, 6B, 6C, 6D, 6E, 10A, 10B, 10C, 10D & 10E</p> <p>以下在 A 座的單位：2A, 2B, 2C, 2D, 2E, 4A, 4B, 4C, 4D, 4E, 6A, 6B, 6C, 6D, 6E, 10A, 10B, 10C, 10D & 10E</p>	
The method to be used to determine the order of priority in which each of the persons interested in purchasing any of the specified residential properties may select the residential property that the person wishes to purchase: 將會使用何種方法，決定有意購買該等指明住宅物業的每名人士可揀選其意欲購買的住宅物業的優先次序：	
<p>First come first served 先到先得</p>	

The method to be used, where 2 or more persons are interested in purchasing a particular specified residential property, to determine the order of priority in which each of those persons may proceed with the purchase:

在有兩人或多於兩人有意購買同一個指明住宅物業的情況下，將會使用何種方法決定每名該等人士可購買該物業的優先次序：

First come first served

先到先得

Hard copies of a document containing information on the above sales arrangements are available for collection by the general public free of charge at [please insert place(s)].

載有上述銷售安排的資料的文件印本於[請填上地址]可供公眾免費領取。

XXX Arcade, Tsim Sha Tsui

尖沙咀 XXX 商場

(Note: vendors are advised to indicate at its designated website the location(s) where hard copies setting out the sales arrangement can be collected.)

(註：我們建議賣方在其指定網頁提供可供領取載有銷售安排的資料的文件的地點。)

Date of issue (發出日期): _____