

Reminder for the Trade

Information to be made available by vendors to the general public

1. It has come to the attention of the Sales of First-hand Residential Properties Authority (“SRPA”) that some of the vendors might not have followed the Residential Properties (First-hand Sales) Ordinance (“Ordinance”) in making available relevant documents and information to the general public and prospective purchasers. In this connection, we would like to remind vendors to observe the statutory requirements and Guidelines No. G03/13 and also to refer to Practice Note No. PN03/13 as regards to making available the following documents / information timely when specified residential properties (“SRP”) (as defined in section 2 of the Ordinance) are being offered for sale. Please be reminded that vendors who do not comply with the Ordinance may be liable to prosecutions under relevant provisions of the Ordinance.

(a) Document containing information on sales arrangements

In accordance with section 47(1) of the Ordinance, the vendor must, during a period of **at least 3 days** immediately **before a date of sale** (as mentioned in section 14(1) of the Ordinance) and on such a date, make available hard copies of a document containing the information specified in section 47(2) for collection by the general public free of charge and make available such information for inspection on the website designated by the vendor for the development.

(b) Plans and documents for inspection at sales office

The vendor must make the following plans and documents available for inspection by the general public free of charge at the place where the sale is to take place **on a date of sale** in accordance with section 48 of the Ordinance :-

- (i) copy of the outline zoning plan or development permission area plan that is prepared under the Town Planning Ordinance (Cap. 131), or copy of a plan that, by virtue of section 25(7) of the Urban Renewal Authority Ordinance (Cap. 563), is deemed to be a draft plan prepared by the Town Planning Board for the purposes of Cap. 131, relating to the development;

- (ii) copy of the approved building plans for the development;
- (iii) (A) for an uncompleted development, copy of the latest draft of every deed of mutual covenant (“DMC”) in respect of the SRP as at that date; or

(B) for a completed development, copy of every executed DMC in respect of the SRP and/or copy of the latest draft of every DMC in respect of the SRP as at that date;
- (iv) copy of the land grant; and
- (v) the aerial photograph(s) of the development as set out in the sales brochure.

As mentioned in the said Practice Note, vendors are advised to place those plans and documents in a manner that they are **reasonably visible** to any person entering the sales office.

(c) *Vendor’s Information Form (“VIF”)*

(i) Sitting Tenant

The vendor must, **as soon as practicable** after a SRP is offered to be sold to a person who holds that property under a tenancy (other than a Government lease) and has so held for a continuous period of at least one year as at the date of that property being offered to be sold, provide a VIF printed within the previous 3 months to that person, as required under section 66 of the Ordinance.

(ii) Completed Development / Completed Phase of a Development

If a SRP in a completed development, or a completed phase of a development, is offered by the owner to be sold to a person, the vendor must, **as soon as practicable** after the offer is made, provide a VIF printed within the previous 3 months to that person, as required under section 68 of the Ordinance.

The VIF must set out the information required by **Schedule 8** to the Ordinance.

2. To further enhance the transparency and fairness of the sales of first-hand residential properties, the SRPA issued Practice Note No. PN01/15 on making public information on the availability of SRP for selection by prospective purchasers at sales office, in which vendors are advised to make available at sales office a “consumption table” showing the progress of sale **on each and every date of sale** using the recommended template set out at the Annex to the said Practice Note. We set out below some salient points in making available a “consumption table” at sales office: -
- (a) On each date of sale and at each sales office, the vendor should display the “consumption table” for a period of time commencing from the starting time of the sale until the sales office closes on that date of sale.
 - (b) The vendor should as far as possible provide the most **up-to-date** information in the “consumption table” to reflect which SRP have already been selected/purchased and which SRP are still available for selection at the material time.
 - (c) The “status” of a SRP, viz., a SRP which has been selected by prospective purchaser but in respect of which the Preliminary **Agreement for Sale and Purchase (“PASP”)** **has NOT yet been entered into**; and a SRP in respect of which **the PASP has been signed** by the purchaser, should both be indicated in the “consumption table”.
 - (d) The information set out in the “consumption table” should be displayed in a manner that it is **reasonably visible** to any person entering the sales office.
 - (e) If there is more than one sales office for a development/phase, “consumption table” should be made available in every sales office and the information contained therein should be consistent.