

Residential Properties (First-hand Sales) Ordinance

Frequently Asked Questions and Answers (FAQs)

FAQs on Show Flat

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 Under section 36(1)(e) the Ordinance, the fittings, finishes and appliances in the unmodified show flat should be the same as those depicted in the sales brochure for the development. How about those appliances located in a hidden place such as above ceiling, and those located outside the property such as an outdoor unit of split-type air-conditioner?

A1.1 The fittings, finishes and appliances in the show flat should be the same as those depicted in the sales brochure for the development. Any difference should be stated on a notice posted in the show flats.

In the quoted examples, if the vendor chooses not to provide those hidden appliances and the outdoor unit of split-type air-conditioner in the show flat, a notice stating such facts should be posted in the show flat.

Q1.2 Should the bedroom doors be installed in unmodified and modified show flats?

A1.2 Section 40(2) of the Ordinance requires the vendor to provide, among other things, doors in an unmodified show flat in the same way as they will be provided in the residential property as depicted in the sales brochure. Hence, if bedroom doors will be installed and provided upon handover of the residential properties to purchasers, they should be provided in the unmodified show flat in the same way as they will be provided in the properties as depicted in the sales brochure.

For a modified show flat, section 41(2) of the Ordinance requires that, subject to subsection (3), the vendor must provide enclosing walls and boundary walls for, and internal partitions and doors in, the show flat in the same way as they will be provided in the residential property as depicted in the sales brochure for the development. Subsection (3) further stipulates that the vendor is not required to provide an internal partition or a door in a modified show flat if, by virtue of section 41(3) of the Buildings Ordinance (Cap 123), the partition or the door may be removed from the residential property without the approval of the Building Authority. Vendors are reminded that, if a modified show flat shows features which are the outcome of minor works, vendor should consult their building professionals to ensure that the prospective purchasers will not be misled in any way regarding compliance with the Buildings Ordinance and other relevant legislation.

Q1.3 Can “show flat” show only part of a residential property (e.g. kitchen)?

A1.3 Any structure that is intended to be used as a show flat in relation to a sale of specified residential properties in an uncompleted development/phase will be subject to the requirements under Division 4 of Part 2 of the Ordinance. As such, a “show flat” which only shows part of a residential property will be considered as not having complied with the relevant requirements under the Ordinance.

Q1.4 Can minor works or exempted works under the Buildings Ordinance (BO) be made to modified show flats?

A1.4 The minor works control system under the BO was introduced to facilitate members of the public to carry out certain minor works in private buildings lawfully through simplified procedures. The carrying out of such minor works does not require prior approval of plans or consent for commencement of the works from the Building Authority, though the appointment of prescribed building professionals or prescribed registered contractors is required. Vendors are reminded that, if a modified show flat shows features which are minor works, vendors should consult their building professionals to ensure that the prospective purchasers will not be misled in any way regarding compliance with the BO and other relevant legislation.

Q1.5 Is the vendor required to arrange the show flat viewer to view the unmodified show flat before the modified show flat of a residential property according to section 38(2) of the Ordinance?

A1.5 The Ordinance requires that if a modified show flat of an uncompleted residential property is provided, an unmodified show flat of the same property should also be provided. There is no requirement on the sequence of viewing those two types of show flats.

Q1.6 If the vendor has already provided one unmodified show flat for a particular first-hand uncompleted residential property, can he/she provide more than one modified show flat of that particular residential property?

A1.6 If a vendor has provided an unmodified show flat for a first-hand uncompleted residential property, one or more than one modified show flat of that residential property can be provided.

Q1.7 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?

A1.7 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.

If the view looking from a window of a show flat is the scenic view of the venue where the show flat situates, the vendor is advised to install white light box behind the window or cover the window up with posters in pure colour in order to avoid the impression that the scenic view of the venue where the show flat situates, is or resembles the actual view to be enjoyed by the residential property concerned.

Sales of First-hand Residential Properties Authority
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