

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

Q88 Section 49 of the Ordinance requires the vendor to make available the deed of mutual covenant (DMC) at the vendor's designated website and at the sales office for inspection by the public. If the DMC has been executed and contains the personal data of the owner of the residential property in question, can such personal data be anonymized in the DMC made available to the public?

A88 If the DMC has been executed and contains the personal data of the owner of the residential property in question, vendor can anonymize the personal data in the DMC before making it available for inspection at the vendor's designated website and at the sales office.

Q89 According to section 19 in Part 2 of Schedule 1 to the Ordinance, the sales brochure should include a plan showing all elevations of the development. The plan should be in colour, and should be certified by the authorized person for the development that the elevations are prepared on the basis of the approved building plans and are in general accordance with the outward appearance of the development. If some properties that are not owned by the vendor of the development have undergone some alterations which affect the outer appearance of the development, should such alterations be reflected in the elevation plan?

A89 If there are substantial alterations to a residential development and the outward appearance is substantially affected by the alterations, we believe that such alterations should have been reflected in the approved building plans. If the alterations are minor in nature, it is unlikely that such alterations will significantly affect the outward appearance of the development. According to section 19(3)(b) in Part 2 of Schedule 1 to the Ordinance, the elevation plan should be in general accordance with the outward appearance of the development. In other words, the plans are not required to be exactly the same as the “as is” outward appearance of the development.

Q90 According to section 19 in Part 2 of Schedule 1 to the Ordinance, the sales brochure should include a plan showing all elevations of the development. In the case of house developments, should the elevations show the whole development or each individual house?

A90 According to section 19 in Part 2 of Schedule 1 to the Ordinance, the sales brochure should include a plan showing all elevations of the development. The above requirement applies to all types of development.

Since the elevation plan should be prepared on the basis of the approved building plans for the development, vendors are advised to make reference to the approved building plans when considering the number of elevation plans to be shown in a sales brochure and from which perspective those plans are drawn.

3 May 2013

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