

**CONTROLLING OFFICER'S REPLY**

**THB(H)034**

**(Question Serial No. 2052)**

Head: (62) Housing Department

Subhead (No. & title): (-) Not Specified

Programme: (2) Private Housing

Controlling Officer: Permanent Secretary for Transport and Housing (Housing)  
(Donald TONG)

Director of Bureau: Secretary for Transport and Housing

Question:

Regarding the work of “implementing the Residential Properties (First-hand Sales) Ordinance (Cap. 621) to regulate the sale of first-hand residential properties”, will the Government inform this Committee of:

- a. the staff establishment for and estimated expenditure to be involved in this area of work in 2020-21;
- b. the number of complaints received in 2019 with a breakdown by nature of the complaints, and the outcome of these complaints after investigation;
- c. the number of surprise inspections conducted by the Government since the implementation of the Residential Properties (First-hand Sales) Ordinance (the Ordinance); and among them, the number of suspected cases of non-compliance with the Ordinance detected; and
- d. the number of suspected cases of non-compliance or unlawful acts referred by the Administration to the Estate Agents Authority, the Police and the Independent Commission Against Corruption since the implementation of the Ordinance?

Asked by: Hon OR Chong-shing, Wilson (LegCo internal reference no.: 27)

Reply:

The Sales of First-hand Residential Properties Authority (SRPA) has an establishment of 44 staff members in 2020-21 and the estimated recurrent expenditure is \$62.98 million.

The SRPA received 67 complaints in 2019. Breakdown of the complaints by category is as follows:

	Categories of complaints	2019
(a)	Sales brochure	22
(b)	Price list	0
(c)	Sales arrangement	3
(d)	Show flat	1
(e)	Viewing of completed residential properties	0
(f)	Preliminary agreement for sale and purchase and/or agreement for sale and purchase	0
(g)	Register of transactions	0
(h)	Advertisement	12
(i)	Website	0
(j)	Misrepresentation and/or dissemination of false or misleading information	20
(k)	Others	9
	Total	67

Among the 67 complaints aforementioned, 58 were related to the Residential Properties (First-hand Sales) Ordinance (the Ordinance), while the remaining 9 were not. As at end February 2020, amongst those 58 complaints relating to the Ordinance, 19 complaints were substantiated while 10 were not substantiated. The SRPA is still working on the remaining 29 complaints. In respect of the 19 substantiated complaints, the vendors of the 2 developments concerned have been prosecuted and convicted.

Depending on the different situations of the cases and sales, the SRPA would conduct site inspections, including surprise inspections, to sales offices and show flats. If there are any suspected contraventions of the Ordinance, the SRPA will carry out investigations. Since the implementation of the Ordinance and up to end 2019, the SRPA has conducted 3 592 site inspections and detected 34 suspected cases of non-compliance with the Ordinance during such site inspections.

As the enforcement authority of the Ordinance, the SRPA would carry out investigations if there are any suspected contraventions of the Ordinance. During investigations, if there are any suspected contraventions of other laws or regulations, the SRPA will refer the cases to relevant departments for action. Since the implementation of the Ordinance, the SRPA has referred 40 cases of suspected contraventions of other laws or regulations to the Estate Agents Authority, 1 case to the Police and 1 case to the Independent Commission Against Corruption.

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