

**CONTROLLING OFFICER'S REPLY**

**THB(H)109**

**(Question Serial No. 4729)**

Head: (62) Housing Department

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

Programme: (2) Private Housing

Controlling Officer: Permanent Secretary for Transport and Housing (Housing)  
(Stanley YING)

Director of Bureau: Secretary for Transport and Housing

Question:

As regards the implementation of the Residential Properties (First-hand Sales) Ordinance (Cap. 621), please inform this Committee of:

- 1) the number of complaints received in connection with the contravention of the Ordinance, as well as the number of substantiated cases and the prosecution details in 2015-16;
- 2) the details of the self-initiated investigations conducted and enforcement actions taken in 2015-16.

Asked by: Hon WU Chi-wai (Member Question No. 155)

Reply:

1. The Sales of First-hand Residential Properties Authority ("SRPA") received 159 complaints since it came into full operation on 29 April 2013 and up to end 2015.

A breakdown of the complaints by year and categories are as follows:

	<b>Categories of complaints</b>	<b>2013 (from 29 April onwards)</b>	<b>2014</b>	<b>2015</b>	<b>Accumulative Total</b>
(a)	Sales brochure	4	10	12	26
(b)	Price list	1	1	0	2
(c)	Sales arrangements	14	10	6	30
(d)	Show flats	0	0	0	0
(e)	Viewing of completed residential properties	0	5	1	6

	<b>Categories of complaints</b>	<b>2013 (from 29 April onwards)</b>	<b>2014</b>	<b>2015</b>	<b>Accumulative Total</b>
(f)	Preliminary agreement for sale and purchase and/or agreement for sale and purchase	1	0	1	2
(g)	Register of transactions	1	1	0	2
(h)	Advertisements	2	6	15	23
(i)	Websites	1	0	0	1
(j)	Misrepresentation and/or dissemination of false or misleading information	6	15	9	30
(k)	Others	5	24	8	37
	<b>Total</b>	<b>35</b>	<b>72</b>	<b>52</b>	<b>159</b>

Among the 159 complaints aforementioned, 122 are related to the Residential Properties (First-hand Sales) Ordinance (the Ordinance), while the remaining 37 are not. Amongst those 122 complaints relating to the Ordinance, one is substantiated. 109 complaints are not substantiated. The SRPA is still following up on the remaining 12 complaints.

2. Contraventions of the provisions in the Ordinance are criminal offences. The SRPA carries out investigations on cases which are suspected of contravening the Ordinance. It has been referring the investigation results to the Prosecutions Division of Department of Justice (DOJ) for consideration. DOJ is considering the matters and will let the SPRA know its decisions. As at 31 December 2015, the Government initiated prosecutions against a vendor of first-hand residential properties. 19 offences were involved.

- End -