

立法會
Legislative Council

LC Paper No. CB(1) 1180/10-11
(These minutes have been seen
by the Administration)

Ref : CB1/PL/HG/1

Panel on Housing

Minutes of meeting
held on Monday, 6 December 2010, at 2:30 pm
in Conference Room A of the Legislative Council Building

Members present : Hon LEE Wing-tat (Chairman)
Hon WONG Kwok-hing, MH (Deputy Chairman)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon Fred LI Wah-ming, SBS, JP
Hon James TO Kun-sun
Hon CHAN Kam-lam, SBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon LEUNG Yiu-chung
Hon Abraham SHEK Lai-him, SBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon Vincent FANG Kang, SBS, JP
Dr Hon Joseph LEE Kok-long, SBS, JP
Hon CHAN Hak-kan
Hon WONG Kwok-kin, BBS
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung

Member absent : Prof Hon Patrick LAU Sau-shing, SBS, JP

Public officers : **For item IV**
attending

Mr D W PESCOD, JP
Permanent Secretary for Transport and Housing (Housing)

Mr Albert LEE, JP
Deputy Director (Estate Management)
Housing Department

Mr CHAN Siu-tack
Assistant Director (Estate Management) 2
Housing Department

For item V

Mr D W PESCOD, JP
Permanent Secretary for Transport and Housing (Housing)

Ms Ada FUNG, JP
Deputy Director (Development & Construction)
Housing Department

Mr Allan WONG
Chief Manager/Management (Kwai Chung)
Housing Department

Ms Connie YEUNG
Chief Architect (Development & Standards)
Housing Department

For item VI

Mr D W PESCOD, JP
Permanent Secretary for Transport and Housing (Housing)

Ms Annette LEE, JP
Deputy Secretary for Transport and Housing (Housing)

Mr Eugene FUNG
Principal Assistant Secretary for Transport and Housing
(Housing) (Private Housing)

Clerk in attendance: Miss Becky YU
Chief Council Secretary (1)1

Staff in attendance : Mrs Mary TANG
Senior Council Secretary (1)2

Miss Mandy POON
Legislative Assistant (1)4

I. Confirmation of minutes

(LC Paper No. CB(1) 605/10-11 — Minutes of the special meeting held on 22 October 2010)

The minutes of the special meeting held on 22 October 2010 were confirmed.

II. Information paper issued since last meeting

2. Members noted that the following information papers had been issued since last meeting-

LC Paper No. CB(1) 271/10-11(01) — Information paper on "Scheme on the Mutual Recognition of Professional Qualifications of Estate Agents between Mainland and Hong Kong" provided by the Administration;

LC Paper No. CB(1) 549/10-11(01) — Referral arising from the meeting between Duty Roster Members and "單身人士申請公屋關注組" regarding applications for public rental housing flats by single persons; and

LC Paper No. CB(1) 659/10-11(01) — Administration's paper on Land Registry Statistics in November 2010.

III. Items for discussion at the next meeting

(LC Paper No. CB(1) 606/10-11(01) — List of follow-up actions

LC Paper No. CB(1) 606/10-11(02) — List of outstanding items for discussion)

3. Members agreed to discuss the following items at the next regular meeting to be held on Monday, 3 January 2011, at 2:30 pm -

(a) Review of the interim measures to tackle under-occupation in public rental housing estates; and

(b) 2010-2015 Public Housing Construction Programme.

4. The Chairman reminded members of the joint meeting with the Panel on Development to be held on Friday, 10 December 2010, at 4:30 pm (or immediately after the House Committee meeting, whichever was later) to discuss the subjects of “Land supply for housing” and “Planning of the North West Kowloon Reclamation Site 6”.

IV. Update on enhancement of closed-circuit television systems in existing public housing estates

(LC Paper No. CB(1) 606/10-11(03) — Administration's paper on update on enhancement of closed-circuit television systems in existing public housing estates

LC Paper No. CB(1) 606/10-11(04) — Paper on enhancement of closed-circuit television security systems in existing public rental housing estates prepared by the Legislative Council Secretariat (background brief))

5. The Permanent Secretary for Transport and Housing (Housing) (PSTH(H)) briefed members on the programme to enhance the closed-circuit television (CCTV) security systems in existing public rental housing (PRH) estates under the Hong Kong Housing Authority (HA). The Assistant Director of Housing (Estate Management) 2 gave a power-point presentation on the subject.

(Post-meeting note: A set of power-point presentation materials was circulated to members vide LC Paper No. CB(1) 684/10-11(01)).

6. While supporting the upgrading of security surveillance systems in PRH estates for better protection of tenants and crime prevention, Mr WONG Kwok-hing enquired whether the CCTV systems could cover blind spots and dark corners of staircases. The Deputy Director of Housing (Estate Management) (DDH(EM)) said that the new digital colour CCTV system with Liquid Crystal Display (LCD) colour monitor could display images simultaneously from a maximum of 16 locations. Additional cameras of up to 20 (as compared to 12 with the old systems) could be installed to cover a wider surveillance area extending to crime black spots, blind spots, dark corners of rear staircases and letter box areas etc. to enhance effective surveillance. PSTH(H) supplemented that additional cameras could be provided at specific locations

Action

when needed. Given that some estates might have more blind spots than others and would require more cameras, Mr LEUNG Yiu-chung asked if there was a limit on the number of cameras to be installed. He also enquired about the cost for installing additional cameras, adding that more cameras should be installed if these were not too costly for better protection of tenants. DDH(EM) said that there was no cap on the number of cameras to be installed and more cameras could be installed if necessary. Since the launching of the programme to upgrade the security surveillance systems in 2007, it was found that an average of 20 cameras was considered sufficient for each estate. The total cost for installation of security surveillance systems and service counters for each estate was about \$100,000.

7. Mr CHAN Hak-kan noted that in some estates like Kin Ming Estate at Tseung Kwan O, tenants would prefer to use the side entrances rather than the main entrance where the security guard counter was located. He enquired if consideration could be given to installing CCTV systems at the side entrances to enhance surveillance. The Chairman expressed similar concern about the means to enhance security in estates with more than one entrance, particularly those with shopping malls and car parks managed by The Link Management Company. He hoped that an analysis could be conducted on whether estates with multi-entrances were more prone to crimes. DDH(EM) said that security guard counter was usually provided at the main entrance which was used by most tenants. Cameras would be installed at the side entrances and blind spots to enhance surveillance. Additional cameras and security guards would be provided if necessary. The Estate Management Advisory Committees (EMAC) would be consulted on the locations of security guard counters to best suit the needs of tenants. It was worth noting that the theft and crime rates in PRH estates were relatively low, and that continued efforts would be made for better protection of tenants. PSTH(H) added that HA was well aware of the different designs of estates, and would consult the Police and security experts on the locations of security guard counters and cameras, as well as other security arrangements. He assured members that HA would maintain close liaison with EMAC on the security arrangements.

8. Noting that the existing lift alarm system was only connected to the security control room of the estate management office but not the security guard counter of individual blocks, Mr CHAN Hak-kan was concerned that this might result in possible delay in the provision of services. He asked if the new alarm system would be connected direct to the security guard counter of individual blocks so that tenants stranded inside lifts could communicate direct with the security guards at the counters. DDH(EM) said that the upgraded security surveillance system would allow direct communication between the guards at the counters and the tenants inside lifts. When a lift alarm button was activated, the captured image would instantly pop-up in full screen on the LCD colour monitor, enabling the security guards at the service counters to take immediate action as

appropriate.

9. While welcoming the use of the Digital Video Recorder (DVR) to replace the video tapes used in the old system, LEUNG Yiu-chung enquired whether the video recording footage stored in the hard disk drive could be kept for an extended period from 14 days to six months to facilitate investigation of crimes which might require a longer time. DDH(EM) said that where necessary, the capacity of the hard disk drive could be increased to store more video recording footage. The time at which the footage should be kept would depend on how often this was retrieved. The present arrangement for overwriting the footage recorded on 15th day of each month had been working well. He nevertheless agreed to look into the need for keeping video recording footage for an extended period of time.

10. Mr CHAN Hak-kan was concerned about privacy protection because he had received complaints from tenants claiming that security guards were able to produce photographs showing misdeeds which they might have committed, say keeping pets without permission. They felt that their privacy had been invaded by the CCTV systems and questioned whether the security guards should have authorized access to images captured by the systems. DDH(EM) said that HA strictly followed the guidelines issued by the Office of the Privacy Commissioner for Personal Data in operating the CCTV systems. Notices were displayed at the ground floor lift lobby of the concerned PRH block to notify tenants and visitors in advance that video footage would be used for security and property management purposes. In particular, DVR was protected from unauthorized access. Only authorized management personnel with password access to DVR could operate the systems, including duplicating, erasing and processing of the video footage. DDH(EM) added that while security guards were allowed to use the video footage for security and property management purposes, he would follow up the complaint cases raised by Mr CHAN.

11. Mr WONG Kwok-hing enquired whether the CCTV security systems could be deployed to black spots of throwing objects from height. DDH(EM) said that at present, 117 sets of cameras had been installed to detect throwing objects from height. Of these, about 20 were mobile digital cameras which could be flexibly deployed to cover black spots in different estates. To further deter throwing objects from height, seven points under the Marking Scheme for Estate Management Enforcement in PRH estates would be allotted to throwing objects from height that would affect environmental hygiene and 15 points to those that had caused danger or personal injury. Termination of tenancy would be considered in the more serious cases. The situation was seen to have improved following the enhanced enforcement actions.

V. Environment-friendly designs of and green measures implemented in public rental housing estates

(LC Paper No. CB(1) 606/10-11(05) — Administration's paper on environment-friendly designs of and green measures implemented in public rental housing estates

LC Paper No. CB(1) 606/10-11(06) — Paper on environment-friendly designs and green measures implemented in public rental housing estates prepared by the Legislative Council Secretariat (updated background brief))

12. PSTH(H) briefed members on the progress of implementation of environment-friendly designs and green measures in PRH estates by the HA in 2009-2010. The Deputy Director for Housing (Development & Construction) (DDH(D&C)) gave a power-point presentation on the subject.

(Post-meeting note: A set of power-point presentation materials was circulated to members vide LC Paper No. CB(1) 684/10-11(02)).

Waste management

13. Mr Alan LEONG was disappointed that the recycling rate had not been significantly increased despite the implementation of waste separation and recycling schemes in PRH estates for years. He enquired if HA would cooperate with private recyclers to provide incentives to tenants to encourage the recycling of waste as in the case of some private developments. DDH(D&C) said that the overall recycling rate had increased over the years, with a significant increase in respect of waste plastic bottles and a moderate increase in respect of aluminum cans and waste paper. HA was also piloting the collection of used glass bottles in some estates, since used glass bottles could be broken down and re-used as raw materials for the manufacture of concrete paving blocks. PSTH(H) added that events like family fun days were organized by estate management to encourage tenants' participation in waste reduction and recycling. Waste segregation bins were provided to facilitate waste separation. Educational efforts were also made to promote the need for waste reduction and recycling among tenants.

14. While welcoming the implementation of environment-friendly designs and green measures in PRH estates, Mrs Sophie LEUNG stressed the need to encourage participation of tenants in taking forward these measures. Noting that odour of domestic waste mainly came from food waste, she opined that efforts

Action

should be made to separate dry and wet waste which would not only reduce odour, but also facilitate recovery of recyclable wastes such as plastics and glass materials. PSTH(H) agreed that tenants' participation was vital in implementing environment-friendly and green measures. The Community Participation Scheme was introduced to engage tenants, contractors and the local communities in greening activities at the construction stage. Seedling plants would be given out by the HA and the building contractors to participants who would nurture the plants at home until they were fit for transplanting into planters of new estates. The Chief Manager/Management (Kwai Chung) (CM/M(KC)) added that there had been active participation in estate management and action plans by tenants at meetings of EMAC. On separation of dry and wet waste, PSTH(H) said that trials on composting and waste separation schemes would be conducted in some estates.

15. Mr CHAN Hak-kan noted that the proposed Organic Waste Treatment Facilities to be provided at Siu Ho Wan could only treat 200 tonnes of food waste per day, representing 10% of the total food waste generated each day. To this end, some environmental groups had suggested that more should be done to promote on-site treatment of food waste, particularly at PRH estates. With the advancement in technology, more compact food waste treatment equipment was available. Consideration should be given to installing this type of equipment in PRH estates for on-site treatment of food waste. PSTH(H) said that HA would look at all opportunities to reduce and recycle waste. Refuse storage and material recovery rooms were provided on typical domestic floor in new HA development to promote source separation for recyclable wastes such as plastics, paper and aluminum cans. The feasibility of on-site treatment of food waste would be explored. The compost products could be used in the community gardens and plant nurseries. DDH(D&C) added that trial schemes to treat food waste by composting and use the compost products in greening would be tried out in estates with community gardens such as Tsz Ching Estate and Tin Ching Estate. Subject to the outcome of the trial, this would be extended to all estates. Members would be informed of the progress of these trial schemes in due course.

16. While supporting the implementation of environment-friendly designs and green measures in PRH estates, Mr WONG Kwok-hing noted that it had been the practice of HA to require tenants to restore their PRH units to their original condition upon removal. As the new tenants might find some of the fittings useful, they should be consulted before the fittings were to be removed. This would not only help reduce waste generation, but also save some renovation costs of the new tenants. Mrs Sophie LEUNG echoed that consideration should be given to providing a checklist on the fittings that could be retained and reused as far as possible. CM/M(KC) said that environmental principles were applied in the recovery of PRH units. Upon removal of tenants, HA staff would inspect the units to ascertain the safety and compliance of fittings with building safety requirements. Flexibility would be exercised in determining the types of fittings

Action

which should be disposed and retained. The views of new tenants would also be taken into account in the disposal of fittings.

Greening

17. Mr WONG Kwok-hing supported the provision of vertical greening in PRH estates, given that the vertical greening at the Kwai Chung Estate had greatly improved the aesthetics of the estate. DDH(D&C) said that Kwai Chung Estate had exemplified a successful implementation of vertical greening in PRH estates. Vertical greening had also been provided in prefabricated components for use as noise barriers in other instances like the case of Sau Mau Ping South Estate. Vertical greening would be applied to other estates where appropriate in line with other greening measures. Mr WONG opined that HA should set a target on vertical greening and report the progress to the Panel on an annual basis. DDH(D&C) said that HA would need to ascertain the areas in which vertical greening could be applied. A report on the progress of vertical greening would be made in due course.

18. Noting that some benches in the open areas of PRH estates were uncovered, Mr LEUNG Yiu-chung suggested that covers and greening should be provided for these benches. DDH(D&C) agreed to look into the matters.

Energy conservation

19. Mr LEUNG Yiu-chung noted that trial use of renewable energy, including photovoltaic (PV) panel, was carried out in some PRH estates. He enquired about the timeframe for completion of the trial and whether renewable energy could be applied to PRH estates on a larger scale. PSTH(H) said that energy conservation was an important aspect of estate management. Through energy conservation measures, such as use of energy efficient lighting, electricity consumption in PRH estates had been reduced. DDH(D&C) added that trials on the use of solar and wind-powered street lighting had been conducted in some estates. The mono-crystalline PV systems installed at Lam Tin Estate were able to supply 3% of electricity consumed by the estate. Amorphous PV system would be tried out in another estate and a comparison would be made on the performance of different kinds of PV systems, taking into account cost-effectiveness and suitability. Consideration would be given to installing PV systems on rooftops of estate blocks where appropriate. For areas where the wind speed was comparable to that at Sau Mau Ping South Estate, the use of wind turbine for power generation could be considered. Upon successful trials of renewable energy systems, these could be applied on a much larger scale to other estates. Meanwhile, energy efficient lighting means, such as two-level lighting system and pilot use of light emitting diode, would be used in the common estate areas.

Action

20. Noting that only a limited number of estates were awarded the energy efficiency registration certificates, the Chairman enquired if there was an energy efficiency target for PRH estates. DDH(D&C) said that energy efficiency registration certificates had been obtained for all new estates, the number of which had been set out in item D1 of the Annex to the information paper. For the older estates, energy-efficient installations would be used to replace existing installations due for replacement gradually where there was opportunity.

VI. Dissemination of misleading information on sale of residential properties

(LC Paper No. CB(1) 650/10-11(01) — Concerns raised by
Hon LEE Wing-tat
LC Paper No. CB(1) 650/10-11(02) — Related press cuttings)

21. The Chairman said that the item was included in the light of a recent case where a senior staff member of a major developer made a misleading statement in his online blog, stating that the purchase of any uncompleted residential flats of his development project in Tai Wai, Shatin on 19 November 2010 would not be affected by the new measures against speculation on residential properties announced by the Administration on the same day.

22. PSTH(H) said that the Administration had provided a short paper setting out the background to the incident, the measures taken and its position on the regulation of sales information on first-hand private residential properties. He said that the Administration was committed to maintaining the healthy development of the private residential property market. Various measures were taken to safeguard the reasonable rights of consumers, including access to accurate and comprehensive property information. The Steering Committee on the Regulation of the Sale of First-hand Residential Properties by Legislation (the Steering Committee) had been set up to discuss specific issues pertaining to the regulation of the sale of first-hand properties by legislation. As regards the remarks made by the senior staff member of a major developer in his online blog, PSTH(H) said that the Administration had conveyed its concerns to the Real Estate Developers Association of Hong Kong (REDA), requesting it to follow up the matter with the developer concerned. A response from REDA was still awaited.

23. Given that the development in question i.e. Festival City II was an uncompleted residential development, the Chairman noted that its sale should be governed by the Consent Scheme administered by the Lands Department (LandsD). He failed to see why LandsD, as the regulating authority, did not communicate with the developer direct regarding the alleged dissemination of misleading information. Instead, the Administration had resorted to request REDA to follow up the issue with the developer concerned. He enquired if

Action

LandsD had initiated investigation into the matter as in the case of 39 Conduit Road where LandsD had exchanged numerous correspondences with the developer concerned. PSTH(H) said that REDA was requested to follow up the case because it was responsible to ensure compliance with REDA's guidelines by member developers. Pending the outcome of investigation by REDA, it was premature for the Administration to set out the follow up actions to be taken.

24. The Chairman was not convinced of the Administration's response. He pointed out that REDA was not a statutory body and hence any self investigation would lack the needed credibility. As the sale of Festival City II was approved by LandsD, it should be responsible for investigating related allegations on dissemination of misleading information. He queried why the Administration had not met with the developer direct to seek clarification on the case. Expressing similar concerns, Mr Fred LI questioned if the Administration was afraid to confront with major developers. He enquired about the follow-up actions to be taken. There was also a need to make public the correspondences among the Administration, REDA and the developer. Mr LEUNG Yiu-chung expressed regret that the investigation on the remarks made by the senior staff member of the developer company should be carried out by REDA rather than the Administration. He failed to understand why the Administration did not deal with the case direct and he sought the Administration's stance on the matter. PSTH(H) clarified that there was no question of not following up the case on the part of the Administration. REDA was involved because the case was related to compliance with REDA's guidelines by member developers. Separate action was being taken by LandsD regarding compliance with the Consent Scheme.

25. Mr Fred LI remained of the view that the Administration should seek clarification from the developer direct. Unlike the Travel Industry Council which could suspend or cancel licences of tourist agencies in the event of non-compliance with its rules, REDA was only a business association with no authority to require its member developers to comply with guidelines. Besides, the operation of REDA was not transparent and its membership was unknown to the public. Given that the proposal to impose a special stamp duty (SSD) was put forward by the Financial Secretary (FS), the Administration was responsible to seek clarification from the developer concerned direct in relation to the statements made by its senior staff member, which in his view was indeed challenging the new stamp duty policy. The Deputy Secretary for Transport and Housing (Housing) (DSTH(H)) reiterated that apart from requesting REDA to investigate whether the senior staff member of the developer concerned had contravened REDA's guidelines, LandsD had taken separate action to ascertain compliance with the Consent Scheme. PSTH(H) added that the Administration was taking up the case through the appropriate channels.

26. Mr LEUNG Kwok-hung said that REDA should not have been entrusted to investigate the case given its uncooperative attitude as evidenced by the

Action

reluctance in abiding by the guidelines set out by the Administration in the sale of residential properties and unwillingness to disclose its membership. Besides, REDA did not have the authority to regulate its member developers. He enquired if the Administration had met with REDA regarding the case, and whether REDA's membership could be made available to the public. PSTH(H) said that the Steering Committee would look into issues relating to the regulation of the sales of first-hand properties by legislation.

27. Mr Abraham SHEK declared interest as a non-executive director of the MTR Corporation Limited which was one of the developers of the Festival City II. He wished to make it clear that the criticisms that developers were above the law were unfounded as developers had all along been operating within the law. He pointed out that the sale of uncompleted flats was quite different from that of completed flats. Upon signing of a sale agreement on an uncompleted flat between the seller (the developer) and the purchaser, the seller must sell the property. Therefore, the statement made by the senior staff member of the developer company in his mini-blog that the purchase of Festival City II on 19 November 2010 would not be affected by the new measures was not incorrect, and was actually in line with FS's reply to the frequently asked questions (FAQ) by media. The failure of the Administration to clearly explain the details of the new measures to the public had given rise to much confusion in the property market. He said that REDA had convened a meeting to discuss the alleged dissemination of misleading information and its Compliance Committee would hold a separate meeting to follow up the case.

28. The Chairman enquired about the timeframe for completion of investigation of the case. Mr LEUNG Yiu-chung echoed that a deadline should be set for the investigation. Given that REDA was not a statutory body, Mr WONG Kwok-hing said that he would not go after REDA but considered it necessary for the Administration to advise the course of actions to be taken after completion of investigation of the case, which had taken place more than 15 days. He also questioned why representatives of LandsD were not present at the meeting to answer questions from members. PSTH(H) said that as the item was included in the agenda at a very late stage, he apologized for not being able to coordinate the attendance of all relevant departments. He added that the investigation by REDA and LandsD should be completed fairly quickly since the case was relatively simple and involved ascertaining the context of the statements made by the senior staff of the developer in the mini-blog. The Administration would endeavour to resolve the matter as soon as practicable. The Chairman requested the Administration to report the outcome of investigation to the Panel.

Special stamp duty

29. Mr WONG Kwok-hing noted that the announcement of the proposed SSD had caused much confusion in the property market. According to the

Action

Administration, SSD would apply to flats bought on or after 20 November 2010 and resold within 24 months. However, there was no clear advice on whether Provisional Agreements for Sale and Purchase (PASP) entered into before 20 November 2010 would be subject to SSD. Even the Law Society of Hong Kong (LS) had to seek clarification from the Administration in this respect. As the Administration had failed to give a prompt response on the application of SSD, this had provided an opportunity for the senior staff member of the developer concerned to disseminate misleading information that the purchase of any uncompleted residential flats of the Festival City II would not be affected by the new measures. Yet, the Administration had neither taken action against the dissemination of misleading information nor clarified the application of SSD. Expressing similar views, Mr LEUNG Yiu-chung enquired about the effective date for SSD.

30. In response, PSTH(H) said that while SSD was announced on 19 November 2010, it would take effect on 20 November 2010. DSTH(H) supplemented that SSD would apply to residential properties, the ownership of which was acquired on or after 20 November 2010 at the point of resale if these were resold within 24 months after acquisition. Under normal circumstances, the transfer of ownership would not take place upon signing of PASP, except for those with a "must buy must sell" provision. The transfer of ownership would normally take place when a formal Agreement for Sale and Purchase (ASP) was signed. If the formal ASP was signed on or after 20 November 2010, SSD would apply upon resale of the property within 24 months. When FS announced SSD on 19 November 2010, the Inland Revenue Department (IRD) had written to LS and the estate agency associations explaining the measures. Information on the new measures was also uploaded onto Transport and Housing Bureau and IRD's website on the same day. Two briefing sessions had been held by IRD to brief LS and the Estates Agents Authority (EAA) on the new measures. Prospective buyers were advised to consult their lawyers on the implementation details of SSD.

31. Mr Abraham SHEK said that the statements made by FS and the Secretary for Transport and Housing (STH) on the application of SSD were conflicting. According to FS, ASP containing a "must buy must sell" provision signed before 19 November 2010 would not be subject to the new measures. Therefore, PASP of uncompleted flats with a "must buy must sell" provision signed before 19 November 2010 as referred to by the senior staff member would likewise not be subject to the new measures. Given the discrepancies between the English and Chinese version of FAQ, LS had written to IRD to seek clarification on the new stamp duty measures. While supporting measures to curb speculative activities, Mr SHEK was disappointed that the Administration had not acted in a responsible manner in the present case. He pointed out that developers had all along adhered to the Consent Scheme, but it appeared that there were different interpretations on the application of guidelines. There was a need for clarity and

Action

consistency in the implementation of policies as otherwise the Administration would not command respect from the community. PSTH(H) clarified that unless there was a "must sell must buy" provision in PASP, the actual transfer of ownership would not take place until a formal ASP was signed. He could not agree that the Administration had acted negligently as it had followed the established procedures. He stressed that policies were consistently applied to the community at large. As regards the new stamp duty measures, PSTH(H) said that these would be set out in a Bill to be introduced to the Legislative Council in due course.

32. Mr Frederick FUNG found the arrangement for FS to announce the new stamp duty measures on 19 November 2010 before the introduction of the relevant Bill unacceptable. He shared the concern about the conflicting statements made by FS and STH as well as the discrepancies between the English and Chinese version of the reply to FAQ. Expressing similar views, Ir Dr Raymond HO said that members appreciated the Administration's efforts to curb speculative activities, but not the way it handled the situation which had given raise to much confusion. PSTH(H) said that the Administration would need to announce the effective date of the new stamp duty measures first. These measures would only come into operation after enactment of the legislation. DSTH(H) supplemented that under the Consent Scheme, PASP for uncompleted flats contained a "must sell" provision but not a "must buy" provision. As such, PASP was not binding on the purchaser to purchase the property. Therefore, the purchaser had not acquired the equitable ownership of the property. Even if PASP of an uncompleted flat was signed before 20 November 2010, SSD would still apply to the resale of the flat within 24 months if the transfer of ownership took place upon the subsequent signing of ASP on or after 20 November 2010.

Way forward

33. In concluding, the Chairman said that members were very concerned about the case of alleged dissemination of misleading information. He would consult members on the need to hold another meeting to discuss the findings upon completion of the investigation. Where necessary, representatives of LandsD would be invited to explain the Consent Scheme.

VII. Any other business

34. There being no other business, the meeting ended at 4:45 pm.