

**立法會**  
**Legislative Council**

LC Paper No. CB(1) 2595/11-12  
(These minutes have been seen  
by the Administration)

Ref : CB1/BC/4/11/2

**Bills Committee on Residential Properties (First-hand Sales) Bill**

**Minutes of eighteenth meeting**  
**held on Tuesday, 12 June 2012, at 8:30 am**  
**in Conference Room 2A of the Legislative Council Complex**

- Members present** : Hon CHAN Kam-lam, SBS, JP (Chairman)  
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP  
Hon James TO Kun-sun  
Hon Abraham SHEK Lai-him, SBS, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Prof Hon Patrick LAU Sau-shing, SBS, JP  
Hon WONG Kwok-kin, BBS  
Hon IP Kwok-him, GBS, JP  
Hon Alan LEONG Kah-kit, SC  
Hon Tanya CHAN
- Members absent** : Hon LEE Cheuk-yan  
Hon Miriam LAU Kin-ye, GBS, JP  
Hon Vincent FANG Kang, SBS, JP  
Hon LEE Wing-tat  
Dr Hon Joseph LEE Kok-long, SBS, JP  
Hon Ronny TONG Ka-wah, SC  
Hon Starry LEE Wai-king, JP  
Hon Paul CHAN Mo-po, MH, JP  
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
- Public officers attending** : **For item I**  
Transport and Housing Bureau  
  
Mr Eugene FUNG  
Deputy Secretary for Transport and Housing (Special Duties)

Mrs Hedy CHU  
Principal Assistant Secretary for Transport and  
Housing (Special Duties)

Miss Sharon KO  
Senior Administrative Officer (Special Duties) 1

Department of Justice

Mr Lawrence PENG  
Senior Assistant Law Draftsman

Miss Grace LAM  
Senior Government Counsel

Ms Mandy NG  
Government Counsel

Lands Department

Mr Armstrong CHU  
Chief Land Conveyancing Officer/Port and Railway  
Development (Legal Advisory and Conveyancing  
Office)

Mr Ronald MA  
Senior Solicitor/Special Duty(2) (Legal Advisory and  
Conveyancing Office)

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

**Staff in attendance** : Miss Kitty CHENG  
Assistant Legal Adviser 5

Mrs Mary TANG  
Senior Council Secretary (1)1

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**I. Meeting with the Administration**

(LC Paper No. CB(1) 2070/11-12(01) — Marked-up copy of the Bill  
(*English version issued for the* showing the Committee Stage  
*meeting on 31 May 2012*) amendments proposed by the  
(*Chinese version issued for the* Administration (as at May 2012)  
*meeting on 5 June 2012*)

LC Paper No. CB(1) 2110/11-12(01) — List of follow-up actions arising  
(*issued for the meeting on* from the discussion at the  
*7 June 2012*) meetings on 5 June 2012

LC Paper No. CB(1) 2143/11-12(01) — Administration's response to  
CB(1) 2110/11-12(01)

LC Paper No. CB(1) 2143/11-12(02) — List of follow-up actions arising  
from the discussion at the  
meetings on 7 June 2012)

Relevant papers

LC Paper No. CB(3) 570/11-12 — The Bill

The Legislative Council Brief (*issued by the Transport and Housing Bureau  
on 13 March 2012*)

LC Paper No. LS47/11-12 — Legal Service Division Report  
(*issued on 21 March 2012*)

LC Paper No. CB(1) 1598/11-12(03) — Assistant Legal Adviser's letters  
(*issued for the meeting on* dated 12 April 2012 to the  
*18 April 2012*) Administration

LC Paper No. CB(1) 1598/11-12(04) — Administration's response to  
(*issued for the meeting on* CB(1) 1598/11-12(03)  
*18 April 2012*)

LC Paper No. CB(1) 2066/11-12(04) — Assistant Legal Adviser's letters  
(*issued for the meeting on* dated 29 May 2012 to the  
*31 May 2012*) Administration

LC Paper No. CB(1) 2086/11-12(01) — Administration's response to  
(*issued for the meeting on* CB(1) 2066/11-12(04)  
*5 June 2012*)

LC Paper No. CB(1) 2031/11-12(01) — Letter from Hon Abraham SHEK  
(*issued for the meeting on* dated 28 May 2012 (English  
*28 May 2012*) version only)

LC Paper No. CB(1) 2109/11-12(02) — Administration's response to the  
(issued for the meeting on annex of CB(1) 2031/11-12(01)  
5 June 2012)

LC Paper No. CB(1) 2086/11-12(04) — Letter from Hon Abraham SHEK  
(issued for the meeting on dated 31 May 2012 responding to  
5 June 2012) the Administration's response to  
the issues raised in the joint legal  
opinion submitted by the Real  
Estate Developers Association of  
Hong Kong (Annex to LC Paper  
No. CB(1) 2066/11-12(02))  
(English version only)

LC Paper No. CB(1) 2120/11-12(03) — Administration's response to  
(issued for the meeting on CB(1) 2086/11-12(04)  
7 June 2012)

The Bills Committee deliberated (Index of Proceedings attached in **Annex**).

2. The Administration was requested to identify ways to better reflect changes to the price of a specified residential property in a new price list.
3. Members agreed to continue discussion on the Bill at the next meeting scheduled for the same day at 10:45 am.

## **II. Any other business**

4. There being no other business, the meeting ended at 10:30 am.

**Bills Committee on Residential Properties (First-hand Sales) Bill**

**Proceedings of the eighteenth meeting  
on Tuesday, 12 June 2012, at 8:30 am  
in Conference Room 2A of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I - Meeting with the Administration</i>			
000600 - 001206	Chairman Ms Audrey EU Clerk Mr James TO	Discussion on the legislative timetable of the Bill.  As the Administration had given notice to resume Second Reading debate on the Bill at the Council meeting on 27 June 2012, the Chairman reminded members that the deadline for giving notice of Committee Stage amendments (CSAs) to the Bill would be 16 June 2012.  Ms Audrey EU's concern whether it was consistent with the usual practice for the Chairman to deliver a verbal report on the deliberations of the Bills Committee at the House Committee on 8 June 2012 when members had yet to complete scrutiny of the Bill. There might not be sufficient time for members to prepare CSAs to the Bill before the deadline on 16 June 2012 unless approval from the President to waive the notice requirement could be obtained.	
001207 - 002202	Chairman Administration	Administration's explanation on its response to issues raised by members at the meeting on 5 June 2012 (LC Paper No. CB(1) 2143/11-12(01)).	
002203 - 002524	Mr James TO Administration Chairman	Discussion on the requirement for the vendor to reflect any change to the price of a specified residential property in the price list where the original price of the property was stated.	
002525 - 003546	Mr James TO Chairman Administration	Discussion on creative ideas presented in television commercial on a specified first-hand residential property.	
003547 - 010447	Ms Audrey EU Chairman Administration Mr Abraham SHEK Mr Alan LEONG	Discussion on the definitions of "working day" and "business day", as well as the need to identify ways to better reflect changes to the price of a specified residential property.	The Administration was requested to identify ways to better reflect changes to the price of a specified

Time marker	Speaker	Subject(s)	Action required
			residential property.
010448 - 011631	Chairman Administration Mr Abraham SHEK	Administration's explanation on its response to issues raised by members at the meeting on 7 June 2012 (LC Paper No. CB(1) 2149/11-12(01)).	
011632 - 012028	Chairman Mr Abraham SHEK	<p>Mr Abraham SHEK's views -</p> <p>(a) the Administration should respond to his letter dated 11 June 2012 regarding the provision of a minimum number of properties in a price list, and the provision of information on gross floor area for a property (LC Paper No. CB(1) 2150/11-12(01)); and</p> <p>(b) it was unusual for the Chairman to report the deliberations of the Bills Committee to the House Committee when members had yet to complete scrutiny of the Bill.</p> <p>Administration's explanation that the reply to Mr Abraham SHEK was being prepared.</p>	
012029 - 012141	Ms Audrey EU	Ms Audrey EU's request to put on record the dissatisfaction of Members belonging to the Civic Party that the Chairman delivered a verbal report on the deliberations of the Bills Committee to the House Committee recommending resumption of Second Reading debate on the Bill on 27 June 2012 when the Bills Committee had yet to complete scrutiny of the Bill.	
012142 - 013546	Chairman Mr Abraham SHEK	<p>Chairman's clarification -</p> <p>(a) the decision to make a verbal report on the deliberations of the Bills Committee to the House Committee at its meeting on 8 June 2012 was made with the agreement of Bills Committee at a quorated meeting; and</p> <p>(b) there were precedents where verbal reports on the deliberations of the Bills Committees were made before completion of scrutiny of the bills.</p> <p>Mr Abraham SHEK's requests -</p> <p>(a) to hold a meeting before 16 June 2012 to discuss the requirement for vendors to</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>publish a price list covering a minimum number of residential properties as this might constitute an unjustifiable restriction on the vendor's right to use or dispose of his property, and might breach Articles 6 and 105 of the Basic Law; and</p> <p>(b) to invite the Hong Kong Bar Association and the Law Society of Hong Kong to attend the meeting.</p>	
013547 - 013638	Chairman Administration	<p>Continuation of examination of CSAs proposed by the Administration (LC Paper No. CB(1) 2070/11-12(01))</p> <p>Schedule 1</p> <p>Section 33 - Application of this Schedule in case of specified NT development</p>	
013639 - 013656	Administration	Schedule 3 - Entities Specified for Purposes of Sections 16A(3), 23(4)(a) and 29(4)(a)	
013657 - 014013	Administration Chairman	Schedule 4 - Provisions Required to be Contained in Preliminary Agreement for Sale and Purchase	
014014 - 014621	Administration	Schedule 5 - Provisions Required to be Contained in Agreement for Sale and Purchase (Uncompleted Development)	
014622 - 014750	Administration	Schedule 6 - Provisions Required to be Contained in Agreement for Sale and Purchase (Completed Development Pending Compliance)	
014751 - 014929	Administration Chairman	Schedule 7 - Provisions Required to be Contained in Agreement for Sale and Purchase (Completed Development that is not Completed Development Pending Compliance)	
014930 - 015150	Administration Chairman	Schedule 8 - Vendor's Information Form	
015151 - 020222	Chairman Administration Mr Abraham SHEK	Examination of the latest version of CSAs proposed by the Administration (LC Paper No. CB(1) 2147/11-12(01)) to clauses 7,10(2),11,16A,18(5), 22(7), 23A, 28, 29A, 31, 34, 35, 36, 37, 38, and 39.	