

立法會
Legislative Council

LC Paper No. CB(1) 2597/11-12
(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 twentieth meeting
held on Wednesday, 13 June 2012, at 8:30 am
in Conference Room 3 of the Legislative Council Complex

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

Mr Godfrey KAN
Senior Assistant Solicitor General (Human Rights) (Ag)

Miss Grace LAM
Senior Government Counsel

Ms Agnes LIU
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

I. Meeting with the Administration

- (LC Paper No. CB(1) 2150/11-12(01) — Letter from Hon Abraham SHEK dated 11 June 2012 (English version only)
- LC Paper No. CB(1) 2150/11-12(02) — Committee Stage amendments proposed by Hon LEE Wing-tat)

Relevant papers

- LC Paper No. CB(1) 2031/11-12(01) — Letter from Hon Abraham SHEK dated 28 May 2012 (English version only)
(issued for the meeting on 28 May 2012)
- LC Paper No. CB(1) 2109/11-12(02) — Administration's response to the annex of CB(1) 2031/11-12(01)
(issued for the meeting on 5 June 2012)
- LC Paper No. CB(1) 2086/11-12(04) — Letter from Hon Abraham SHEK dated 31 May 2012 responding to 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)
(issued for the meeting on 5 June 2012)
- LC Paper No. CB(1) 2120/11-12(03) — Administration's response to CB(1) 2086/11-12(04)
(issued for the meeting on 7 June 2012)
- The Bills Committee deliberated (Index of Proceedings attached in **Annex**).

2. As the Bills Committee had completed scrutiny of the Bill, the Chairman said that a written report on the deliberations of the Bills Committee would be submitted to the House Committee for consideration at its meeting on 15 June 2012. He also reminded members that as the Administration had given notice to resume Second Reading debate on the Bill at the Council meeting on 27 June 2012, the deadline for giving notice of Committee Stage amendments to the Bill was 16 June 2012.

II. Any other business

3. There being no other business, the meeting ended at 9:30 am.

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

**Proceedings of the twentieth meeting
on Wednesday, 13 June 2012, at 8:30 am
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I - Meeting with the Administration</i>			
000817 - 001033	Chairman	Opening remarks	
001034 - 002219	Administration Chairman	Discussion on the table of offences under the Bill, and the time point for counting the three-year prosecution time limit (LC Paper No. CB(1) 2162/11-12(01)).	
002220 - 002708	Chairman Mr Abraham SHEK	Mr Abraham SHEK's request for Administration to respond to his letters dated 28 and 31 May 2012, as well as 11 June 2012. Administration's response that replies to Mr Abraham SHEK's letters dated 28 and 31 May had been circulated vide LC Paper Nos. CB(1) 2086/11-12(04) and 2120/11-12(03) respectively.	
002709 - 004051	Administration Mr Abraham SHEK Chairman	Administration's explanation on its response to Mr Abraham SHEK's letter dated 11 June 2012 (LC Paper No. CB(1) 2166/11-12(01)).	
004052 - 005240	Chairman Mr Abraham SHEK Mr Ronny TONG Ms Audrey EU	Discussion on whether the requirement for vendors to publish a price list covering a minimum number of residential properties would contravene Articles 6 and 105 of the Basic Law.	
005241 - 005747	Chairman Ms Audrey EU Administration	Discussion on the Committee Stage amendments (CSAs) proposed by Mr LEE Wing-tat to reduce the forfeiture amount from 5% to 3% of the purchase price if a purchaser decided not to proceed with the signing of an Agreement for Sale and Purchase within five working days after the signing of Preliminary Agreement for Sale and Purchase. Administration's response that the forfeiture amount under the Lands Department Consent Scheme was 10% of the purchase price. The proposal of setting the forfeiture amount at 5% of the purchase price of a specified residential property under the Bill was considered appropriate and had taken into account the volatility of the market, the exuberance of	

Time marker	Speaker	Subject(s)	Action required
		speculative activities, as well as the need to deter abuse by speculators or hasty purchase decisions by prospective purchasers. It was therefore not desirable to further lower the forfeiture amount.	
005748 - 010130	Mr Abraham SHEK Chairman Administration	Chairman's remarks - (a) a written report on the deliberations of the Bills Committee would be submitted to the House Committee for consideration at its meeting on 15 June 2012; and (b) as the Administration had given notice to resume Second Reading debate on the Bill at the Council meeting on 27 June 2012, the deadline for giving notice of CSAs was 16 June 2012.	