

A Table on the Offences on the Residential Properties (First-hand Sales) Bill

| No. | Offence ¹ | Clause No. | Time point for counting the three-year prosecution time limit | Applicable Defence Provision(s) (Clause No.) |
|--------------------------|--|------------|--|--|
| Sales Brochure | | | | |
| A fine at level 6 | | | | |
| 1. | Failure to revise as soon as practicable the sales brochure on changes to the specified information relating to Part 1 of Schedule 1. | 16(2)(a) | On the date when the changes to the specified information relating to Part 1 of Schedule 1 took place. It is a matter of evidence as to when the changes take place and what is “as soon as practicable”. (Note to Bills Committee: After reviewing clause 16(2), we will submit Committee Stage Amendment (CSA) to improve the drafting such that the offence set out in 16(2)(a) and (b) will stand alone instead of conjunctive). | 67 ² |
| 2. | Failure to notify the entities specified in Schedule 3 (i.e. the Authority) about the changes mentioned in clause 16(2)(a) within 3 working days after the date of the revision. | 16(2)(b) | On the fourth working day after the changes to specified information was made. | 67 |
| 3. | Failure to revise the specified information in the sales brochure in a way which is in compliance with Part 1 of Schedule 1. | 16(3) | On the date when revisions to the specified information were made. | 67 |
| 4. | Failure to print the expressions “Sales Brochure” and “售樓說明書” as the title on the cover of the sales brochure. | 17(1) | When the sales brochure was made available to the public (which is also the date when the sales brochure was made available to the Authority). | 67 |
| 5. | Failure to print “Sales Brochure” with letter size no smaller than the equivalent of 18 point “Times New Roman” typeface. | 17(2) | Ditto | 67 |

¹ Unless specified, the person who commits the offence is the vendor.

² Clause 67 stipulates that “If a person is charged with an offence under Part 2 or 3 (other than section 60), it is a defence to prove that the person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by that person.”

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| 6. | Failure to print “售樓說明書” with a size no smaller than the equivalent of 18 point “新細明體” typeface. | 17(3) | Ditto | 67 |
| 7. | Failure to set out information on modification applications, GFA concessions, environmental assessments of buildings and estimated energy performance or consumption for the common parts of the development, which has been submitted to the Building Authority. | 19(1) | Ditto | 67 |
| 8. | Failure to set out elevations in compliance with Part 3 of Schedule 1 (if a plan is provided). | 19(2)(b) | Ditto (Note to Bills Committee: Having taken into account Members’ comments, we will propose CSA to make it mandatory for vendors to provide a plan showing all elevations of the development in the sales brochure.) | 67 |
| 9. | The information on modification applications, GFA concessions, environmental assessments of buildings and estimated energy performance or consumption for the common parts of the development and elevations is not set out <u>after</u> the information required in Part 2 Division 2 Clause 18 in the sales brochure. | 19(3) | Ditto (Note to Bills Committee: Having taken into account Members’ comments, we will propose CSA to make it mandatory for vendors to provide a plan showing all elevations of the development in the sales brochure. If so, information on elevations will have to be set out as information under Part 2 Division 2 Clause 18.) | 67 |
| 10. | Failure to set out information in compliance with Part 4 of Schedule 1 (if the information is provided). | 19(4)(b) | Ditto | 67 |

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| 11. | Failure to set out the address of the vendor's website in the sales brochure. | 19(5) | Ditto | 67 |
| 12. | Failure to state that there may be future changes to the development and the surrounding areas in the sales brochure. | 20(3) | Ditto | 67 |
| 13. | Failure to print English text with specific font size in the sales brochure. | 22(2) | Ditto | 67 |
| 14. | Failure to print Chinese text with specific font size in the sales brochure. | 22(3) | Ditto | 67 |
| 15. | Failure to provide a copy of the sales brochure on the vendor's website during a period of at least 7 days before a date of the sale mentioned in Part 2 Division 2 Clause 14(1), and on such a date. | 23(3) | The date when the sales brochure should be provided on the vendor's website, i.e. 7 days before the commencement of sale or the date of sale (depending on the facts of the case). | 67 |
| 16. | Failure to provide a hard copy of the sales brochure to entities specified in Schedule 3(i.e. the Authority) and electronic copy to the Authority or its agent for uploading to the electronic database on the first day which the vendor makes a copy of the sales brochure available. | 23(4) | The date when the sales brochure should be provided to the specified entities, i.e. the first day which the vendor makes a copy of the sales brochure available. | 67 |
| A fine of \$500,000 | | | | |
| 17. | Failure to first set out the steps that a person is advised to take for the person's own protection before deciding to purchase a residential property in the sales brochure. | 18(1) | When the sales brochure was made available to the public (which is also the date when the sales brochure was made available to the Authority). | 67 |
| 18. | Failure to set out in the sales brochure mandatory information in compliance with Part 1 of Schedule 1. | 18(2) | Ditto | 67 |

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| 19. | Failure to set out in the sales brochure information required by Part 2 of Schedule 1. | 18(3) | Ditto | 67 |
| 20. | Failure to set out in the sales brochure mandatory information in the specified order. | 18(4) | Ditto | 67 |
| 21. | For specific information required to be set out in the sales brochure but which is not applicable to a development, failure to include a paragraph for the information with an appropriate heading and state in that paragraph that the information is not applicable. | 18(5) | Ditto | 67 |
| 22. | Failure to state the date of printing in the sales brochure. | 20(1) | Ditto | 67 |
| 23. | Provide information in the sales brochure other than the information required or authorized by the Ordinance. | 21(1) | Ditto | 67 |
| 24. | Failure to provide the sales brochure in both English and Chinese. | 22(1) | Ditto | 67 |
| A fine of \$500,000 plus imprisonment for 12 months | | | | |
| 25. | Failure to provide in the sales brochure accurate information in every material respect as at the date on which the sales brochure is printed. | 20(2) | Ditto (Note to Bills Committee: we consider it appropriate to use the date when the sales brochure is made available for public consumption to count the prosecution time limit. When we read clauses 15(1), 20(2) and 23 together, the sales brochure mentioned in clause 20(2) refers to a sales brochure prepared for the sale of a specified residential property. Therefore, not until the sales brochure is made available to the public for the | 67 |

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| | | | purpose of clause 23 (i.e. a sale), it will not be regarded as an offence under the Bill even if a vendor prepares a sales brochure which is not accurate as at its printing date.) | |
| A fine of \$1,000,000 | | | | |
| 26. | Failure to prepare a publication for the development that is entitled “Sales Brochure” in English and “售樓說明書” in Chinese for the purposes of clause 23. | 15(1) | The date when the sales brochure should be made available, i.e. 7 days before the commencement of sale. | 67 |
| 27. | Failure to prepare a publication for each phase of the development that is entitled “Sales Brochure” in English and “售樓說明書” in Chinese. | 15(2) | Ditto | 67 |
| 28. | Any person not being the vendor prepares any publication for the development entitled “Sales Brochure” in English and “售樓說明書” in Chinese._ | 16(1) | The last day when the preparation of the sales brochure is finished (depending on the evidence). (Note to Bills Committee: we are considering CSAs to improve clause 16(1).) | 67 |
| 29. | Failure to make available hard copies of the sales brochure for collection by the general public free of charge during a period of at least 7 days before a date of the sale mentioned in Part 2 Division 2 Clause 14(1). | 23(1) | The date when the sales brochure should be made available, i.e. 7 days before the commencement of sale. | 67 |
| 30. | Failure to make available hard copies of the sales brochure at the sales office for collection by the general public free of charge on a date of the sale mentioned in Part 2 Division 2 Clause 14(1). | 23(2) | The day on which the sale took place which is also a day when hard copies of the sales brochure were not made available at the sales office for collection by the general public free of charge. | 67 |
| 31. | Any person making available to the general public any publication for the development entitled “Sales Brochure” or “售樓說明書” other than copies of the sales brochure for the development. | 23(5) | The date when the publication entitled “sales brochure” other than copies of the sale brochure for the development was made available to the public. | 67 |

| No. | Offence ¹ | Clause No. | Time point for counting the three-year prosecution time limit | Applicable Defence Provision(s) (Clause No.) |
|----------------------------|--|------------|---|--|
| Price List | | | | |
| A fine at level 6 | | | | |
| 32. | Failure to set out the address of the vendor's website in the price list. | 28(7) | When a price list was made available to the public (which is also the date when the price list was made available to the Authority). | 67 |
| 33. | Failure to provide a copy of the price list on vendor's website during a period of at least 3 days before a date of the sale mentioned in Part 2 Division 2 Clause 14(1). | 29(3) | The date when the price list should be provided on the vendor's website, i.e. three days before the commencement of sale. | 67 |
| 34. | Failure to provide a hard copy of the price list to entities specified in Schedule 3 (i.e. the Authority) on the first day which the vendor makes available copies of the price list. | 29(4)(a) | The date when the price list should be provided to the Authority, i.e. the first day which the vendor makes a copy of the price list available. | 67 |
| 35. | Failure to provide an electronic copy of the price list to the Authority or its agent for uploading to the electronic database on the first day which the vendor makes available a copy of the price list. | 29(4)(b) | The date when the price list should be provided to the Authority or its agent, i.e. the first day which the vendor makes a copy of the price list available | 67 |
| A fine of \$500,000 | | | | |
| 36. | Setting out the price of a specified residential property in more than one price list for the development. | 26(3) | When a price list which contained a specified residential property the price of which had already been set out in another price list was made available. | 67 |
| 37. | Failure to set out the name and location of the development, the order among all price lists and the total number of specified residential properties in the price list. | 28(1) | When the price list was made available to the public (which is also the date when the price list was made available to the Authority). | 67 |
| 38. | Failure to set out the mandatory | 28(2) | Ditto | 67 |

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| | area information in the price list. | | | |
| 39. | Failure to state in the price list the measurements of certain areas in square foot and square metre and the area calculation basis in accordance with Part 1 Clause 8 and Part 2 of Schedule 2. | 28(3) | Ditto | 67 |
| 40. | Failure to set out in the price list the requirements for a preliminary deposit of 5% of the purchase price on entering into a preliminary agreement for sale and purchase, the time allowed for the owner to execute an agreement for sale and purchase, and that a prospective purchaser is advised to refer to the sales brochure. | 28(4) | Ditto | 67 |
| 41. | Failure to set out in the price list the payment terms, discount, gifts, financial advantages or benefits. | 28(5) | Ditto | 67 |
| 42. | Failure to set out in the price list the purchaser's obligations to pay any fees and charges. | 28(6) | Ditto | 67 |
| 43. | Failure to state in the price list information relating to the appointment of estate agents. | 28(8) | Ditto | 67 |
| 44. | Setting out information other than required information in the price list. | 28(9) | Ditto | 67 |
| A fine of \$1,000,000 | | | | |
| 45. | Failure to prepare a document setting out the price of each specified residential properties in a development for the purpose of section 29. | 26(1) | The date when the price list should be made available, i.e. 3 days before the commencement of sale. | 67 |
| 46. | Failure to prepare a document | 26(2) | Ditto | 67 |

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| | setting out the price of each specified residential properties in each phase if the development is divided into 2 or more phases. | | | |
| 47. | Have not reflected any change to the price of a specified residential property by revising the price list on which the original price of the specified residential property is shown. | 26(4) | When the original price list was not revised, i.e. 3 days before the residential property was sold at a revised price. (Note to Bills Committee: We will propose CSA to improve the drafting of clause 26(4).) | 67 |
| 48. | Failure to set out a price list with prices of all the specified residential properties in a development with 30 or less residential properties. | 27(1) | When the price list was made available to the public (which is also the date when the price list was made available to the Authority). | 67 |
| 49. | Failure to set out the prices of at least 30 specified residential properties in each price list for a development with more than 30 but less than 100 specified residential properties. | 27(2) | Ditto | 67 |
| 50. | Failure to set out the prices of at least 50 specified residential properties or 20% of the number of specified residential properties (whichever is the greater) in the first price list and at least 10% of the number of specified residential properties in each subsequent price list for a development with 100 or more residential properties. | 27(4) | Ditto | 67 |
| 51. | Failure to make available hard copies of the price list for collection by the general public free of charge during a period of at least 3 days before a date of the sale mentioned in Part 2 Division 2 Clause 14(1). | 29(1) | The date when the price list should be made available, i.e. 3 days before the commencement of sale. | 67 |

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| 52. | Failure to make available hard copies of the price list at the sales office for collection by the general public free of charge on the date of the sale mentioned in Part 2 Division 2 Clause 14(1). | 29(2) | The day on which the sale took place which is also a day when hard copies of the price list were not made available at the sales office for collection by the general public free of charge. | 67 |
| 53. | The owner not selling a specified residential property at the price set out in the latest version of the relevant price list. | 31(2) | The date when a residential property was sold at a price other than the one set out in the price list. | 67 |
| Show Flat | | | | |
| A fine at level 6 | | | | |
| 54. | Failure to display a notice in the show flat stating the difference in height if the floor-to-ceiling height of the show flat is less than the corresponding projected height of the residential property. | 35(5) | The date when the show flat without the notice was first made available to the public for viewing. | 67 |
| 55. | Failure to display a notice in the modified show flat which sets out which of the fittings, finishes and appliances are to be included in the specified residential property as well as any other fittings, finishes and appliances that are not to be included in the specified residential property. | 37(5) | Ditto | 67 |
| 56. | Failure to allow a person to take measurements or take pictures or make video recording in an unmodified show flat. | 38(1) | The date when a person was not allowed to take measurement or take pictures or make video recording of an unmodified show flat. | 67 |
| 57. | Failure to allow a person to take measurements in a modified show flat. | 38(2) | The date when a person was not allowed to take measurement in a modified show flat. | 67 |
| 58. | Failure to display a plan in the comparable residential property which shows the dimensions, the internal partitions, bay windows, air-conditioning plant rooms, balconies, utility platforms and | 41(2) | The date when the comparable residential property was arranged for viewing without the plan. | 67 |

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|----------------------------|---|------------|--|--|
| | verandahs of the comparable unit in the completed development and a plan showing the same set of information of the specified residential property. | | | |
| 59. | Failure to display a notice in the comparable residential property which sets out which of the fittings, finishes and appliances are to be included in the specified residential property as well as any other fittings, finished and appliances that are not to be included in the specified residential property. | 41(3) | The date when the comparable residential property was arranged for viewing without the notice. | 67 |
| 60. | Failure to allow a person to take measurements or take pictures or make video recording of a residential property in a completed development. | 42(1) | The date when a person was not allowed to take measurement or take pictures or make video recording of a residential property in a completed development. | 67 |
| A fine of \$500,000 | | | | |
| 61. | Failure to set up an unmodified show flat first when setting up a show flat of a residential property in an uncompleted development. | 34(2) | The date when the modified show flat was first made available to the public for viewing. | 67 |
| 62. | Making available the show flat for viewing by prospective purchasers before making available copies of the sales brochure to the general public. | 34(4) | The date when the show flat was first made available to the public for viewing. | 67 |
| 63. | Failure to provide boundary walls or parapets to each balcony, utility platform or veranda (if any) in the show flat. | 35(2) | The date when the show flat without boundary walls or parapets to each balcony, utility platform or veranda (if any) was first made available to the public for viewing. | 67 |

| No. | Offence ¹ | Clause No. | Time point for counting the three-year prosecution time limit | Applicable Defence Provision(s) (Clause No.) |
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| 64. | Failure to display a plan in the show flat with dimensions of the show flat, internal partitions, bay windows, air-conditioning plant rooms, balconies, utility platforms and verandahs. | 35(3) | The date when the show flat without the plan was first made available to the public for viewing. | 67 |
| 65. | Failure to display a notice in the show flat that there is no such passageway or door in the residential property and provide a solid line on the floor of the show flat showing the position and thickness of the enclosing or boundary wall if the passageway or door is provided through an enclosing or boundary wall of the show flat as means of escape. | 35(4) | The date when the show flat without the notice and the solid line on the floor was first made available to the public for viewing. | 67 |
| 66. | Failure to provide enclosing walls and boundary walls for, and internal partition walls and doors in the unmodified show flat as to be provided in the residential property as depicted in the sales brochure. | 36(2) | The date when the show flat was first made available to the public for viewing. | 67 |
| 67. | Failure to provide enclosing walls and boundary walls for, and internal partition walls and doors, in the modified show flat in the same way as to be provided in the residential property as depicted in the sales brochure. | 37(2) | Ditto | 67 |

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| 68. | Failure to mark a solid line on the floor of the modified show flat showing the position and thickness of the partition and display a plan showing the layout, orientation and thickness of all the internal partitions (subject to clause 37(3)). | 37(4) | The date when the show flat without the notice and the solid line on the floor was first made available to the public for viewing. | 67 |
| 69. | Failure to make available the specified residential property in a completed development for viewing before selling the specified residential property (subject to clause 40(2)). | 40(1) | The date when the residential property was sold without making available the property for viewing before the sale. | 67 |
| Sales Arrangements | | | | |
| A fine at Level 6 | | | | |
| 70. | Failure to make available a copy of the outline zoning plan or similar plans, approved building plans, deed of mutual covenant, land grant and aerial photograph at the sales office for inspection by the general public free of charge on a date of the sale mentioned in Part 2 Division 2 Clause 14(1). | 44(1) | The day on which the sale took place which is also a day when hard copies of those documents were not made available at the sales office for inspection by the general public free of charge . | 67 |
| 71. | Failure to make available a copy of the deed of mutual covenant and the aerial photograph on the vendor's website on a date of the sale mentioned in Part 2 Division 2 Clause 14(1). | 45(1) | The day on which the sale took place which is also a day when copies of those documents were not made available on the vendor's website. | 67 |
| 72. | If the vendor makes available, not in a sales brochure, a floor plan of specified residential properties but does not show on the floor plan the scale to which it is drawn and the dimensions of any furniture. | 46(1) | The date when the floor plan in question was first made available to the public. | 67 |
| A fine of \$500,000 | | | | |
| 73. | Seeking and accepting expression of intent on specified residential properties before making available copies of the price list. | 30(1) | The date when the expression of intent was sought or accepted. | 67 |

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| 74. | Seeking and accepting specific expression of intent on specified residential properties—after making available copies of the price list but before a date of the sale mentioned in Part 2 Division 2 Clause 14(1). | 30(2) | The date when the specific expression of intent was sought or accepted. | 67 |
| 75. | Failure to make available sales arrangements on the vendor's website during a period of at least 3 days before a date of the sale mentioned in Part 2 Division 2 Clause 14(1). | 43(1) | When the sales arrangement should be provided on the vendor's website, i.e. 3 days before the commencement of sale. | 67 |
| 76. | Selling or offering to sell a specified residential property before a date of the sale mentioned in Part 2 Division 2 Clause 14(1). | 43(3) | When a residential property was sold or offered to be sold the residential property. | 67 |
| Conveyancing Procedures | | | | |
| A fine of \$500,000 | | | | |
| 77. | The owner entering into a preliminary agreement for sale and purchase which does not contain provisions set out in Schedule 4. | 50(1) | When the preliminary agreement for sale and purchase which did not contain the provisions set out in Schedule 4 was entered into. | 67 |
| 78. | The owner entering into an agreement for sale and purchase which does not contain the provisions set out in Schedules 5, 6 or 7. | 50(2) | When the agreement for sale and purchase which did not contain the provisions set out in Schedules 5, 6 or 7 was entered into. | 67 |
| A fine of \$1,000,000 | | | | |
| 79. | The owner does not execute the agreement for sale and purchase within 6 working days after the date on which the owner and the purchaser entered into the preliminary agreement for sale and purchase. | 49(1) | On the seventh working day after the date on which the owner and the purchaser entered into the preliminary agreement for sale and purchase. | 67 |

| Register of Transactions | | | | |
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| A fine at level 6 | | | | |
| 80. | Failure to provide an electronic copy of the register of transactions on the vendor's website. | 53(2) | The date when the vendor fails to provide the register on its website. | 67 |
| 81. | Failure to send an electronic copy of the register of transactions to the Authority or its agent as soon as practicable for uploading to the electronic database. | 53(4) | When an entry was first made to the register (it is a matter of evidence as to whether the electronic copy of the register was made to the Authority as soon as practicable). | 67 |
| A fine of \$500,000 | | | | |
| 82. | Failure to keep only one register of transactions for a development. | 51(1) | The date when more than one register was kept for a development, or the date when a sale takes place without the register (depending on the facts of the case). (Note to Bills Committee: We will propose CSA to improve the drafting of clause 51(1) to require that only one register may be kept for a development.) | 67 |
| 83. | Failure to keep one register of transactions for each phase for a development with 2 or more phases. | 51(2) | The date when more than one register was kept for a phase, or the date when a sale takes place without the register (depending on the facts of the case). | 67 |
| 84. | Failure to set out the required information in the register of transactions in the form specified by the Authority. | 52(1) | When the register which is not in the form specified by the Authority was first made available to the public. | 67 |
| 85. | Failure to enter in the register of transactions mandatory information within 24 hours after entering into the preliminary agreement for sale and purchase. | 52(2) | The day when a preliminary agreement for sale and purchase was not entered into the register within 24 hours after it was signed. | 67 |

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| 86. | Failure to enter in the register of transactions the date of an agreement for sale and purchase, and changes in certain particulars of that transaction within 1 working day after entering into the agreement for sale and purchase. | 52(3) | On the 2 nd working day after an agreement for sale and purchase was entered into. | 67 |
| 87. | Failure to indicate in the register of transactions on the 4 th working day the fact that the purchaser has not entered into an agreement for sale and purchase within 3 working days after the date on which the preliminary agreement for sale and purchase is entered into. | 52(4) | On the 4 th working day after the preliminary agreement for sale and purchase was entered into. | 67 |
| 88. | Failure to enter in the register of transactions the date of termination of an agreement for sale and purchase within 1 working day after the vendor has terminated the agreement for sale and purchase. | 52(5) | On the 2 nd working day after the vendor terminated the agreement for sale and purchase. | 67 |
| 89. | Failure to make available the register of transactions at the sales office for inspection by the general public free of charge on a date of the sale mentioned in Part 2 Division 2 Clause 14(1). | 53(1) | The day on which the sale took place which is also a day when the register was not made available at the sales office for inspection by the general public free of charge . | 67 |
| Vendor's Information Form (VIF) | | | | |
| A fine of \$500,000 | | | | |
| 90. | Failure to provide as soon as practicable the VIF printed within the previous 3 months to a sitting tenant whom the offer to sale is made. | 56(4) | When the offer to sale was made (It is a matter of evidence whether it was provided as soon as practicable (if it is provided)). | 67 |
| 91. | Failure to set out the required information in the VIF required by Schedule 8. | 56(5) | When the VIF without the required information was made available to a sitting tenant. | 67 |
| 92. | Failure to state the date on which the VIF is printed. | 56(6) | When the VIF without the printing date was made available to a sitting tenant . | 67 |

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| 93. | Failure to provide information in the VIF that is accurate as at the date on which the form is printed. | 56(7) | When the VIF was made available to a sitting tenant. | 67 |
| 94. | For unsold property in completed development, failure to provide as soon as practicable the VIF printed within the previous 3 months. | 58(1) | When the offer to sale was made (It is a matter of evidence whether it was provided as soon as practicable (if it is provided)). | 67 |
| 95. | For unsold property in completed development, failure to set out the required information in the VIF required by Schedule 8.. | 58(2) | When the VIF without the required information was made available for public consumption. | 67 |
| 96. | For unsold property in completed development, failure to state the date on which the VIF is printed. | 58(3) | When the VIF without the printing date was made available for public consumption. | 67 |
| 97. | For unsold property in completed development, failure to provide information in the VIF that is accurate as at the date on which the form is printed. | 58(4) | When the VIF was made available for public consumption. | 67 |
| Advertisements | | | | |
| A fine at level 6 | | | | |
| 98. | Failure by any person to state the fact that the information set out in advertisements is provided by the vendor. | 61(1) | When the advertisement was first made available to the public. | 67 |
| 99. | Failure by any person to include the statement specified in Part 3 Clause(s) 62(5) and/or 62(6) for advertisements comprising moving visual images. | 62(2) | Ditto | 67 |
| 100. | Failure by any person to include the statement specified in Part 3 Clause(s) 62(5) or 62(6) for advertisements comprising solely sound broadcasting. | 62(3) | Ditto | 67 |
| 101. | Failure by any person to contain in an advertisement (other than an advertisement comprising moving visual images or solely sound broadcasting) a notice to the effect that a prospective purchaser is advised to refer to the sales | 62(4) | Ditto | 67 |

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| | brochure for any information on the development or the phase. | | | |
| 102. | Failure by any person to state in printed advertisements the name of the vendor and its holding company, the authorized person, the building contractor, the firm of solicitors acting for the owner, any authorized institution that has made a loan or has undertaken to provide finance for the construction or any other person who has made a loan for the construction. | 63(3) | Ditto | 67 |
| 103. | Failure by any person to state in printed advertisements the address of the vendor's website. | 63(4) | Ditto | 67 |
| 104. | Failure by any person to state in printed advertisements the date of printing. | 63(5) | Ditto | 67 |
| 105. | Failure by any person to contain a statement specified in Part 3 Clause 64 for printed advertisements containing a picture, image, drawing or sketch showing an artist's impression of the development or its surrounding area. | 63(6) | Ditto | 67 |
| 106. | Failure by any person to use specific font size for statements contained in printed advertisements. | 63(7) | Ditto | 67 |
| A fine of \$500,000 | | | | |
| 107. | Failure by any person to state in advertisements the estimated material date of an uncompleted development or a completed development pending compliance. | 61(2) | Ditto | 67 |
| 108. | Failure by any person to state in advertisements the estimated material date for an uncompleted phase or a completed phase pending compliance of a development. | 61(3) | Ditto | 67 |

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| 109. | Any person giving information in advertisements on the property price other than making reference to saleable area. | 61(4) | Ditto (Note to Bills Committee: We will propose CSA to improve the drafting of clause 61(4) to require that apart from “property price”, “property size” should also be quoted on the basis of saleable area only.) | 67 |
| 110. | Failure by any person to state in printed advertisements the district, name of the street or the street number of a development. | 63(2) | Ditto | 67 |
| A fine of \$1,000,000 plus imprisonment for 3 years (on summary conviction) | | | | |
| 111. | Any person publishing an advertisement containing information that is false or misleading in a material particular or causing such an advertisement to be published and the person knows that, or is reckless as to whether, the information is false or misleading as to the material particular. | 60(1) | No prosecution time limit. | 69, 70, 71 |
| A fine of \$5,000,000 plus imprisonment for 7 years (on conviction on indictment) | | | | |
| 112. | Any person publishing an advertisement containing information that is false or misleading in a material particular or causing such an advertisement to be published and the person knows that, or is reckless as to whether, the information is false or misleading as to the material particular. | 60(1) | No prosecution time limit. | 69, 70, 71 |

Misrepresentation & Dissemination of False or Misleading Information**A fine of \$1,000,000 plus imprisonment for 3 years (on summary conviction)**

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| 113. | Any person making a fraudulent misrepresentation or reckless misrepresentation for the purpose of inducing another person to purchase any specified residential property. | 65(1) | No prosecution time limit. | NIL |
| 114. | Any person disseminating information that is false or misleading as to a material fact, and the person knows that, or is reckless as to whether, the information is false or misleading as to the material fact or the information is false or misleading through the omission of the material fact and such information is likely to induce another person to purchase any specified residential property. | 66(1) | No prosecution time limit. | 69, 70, 71 |

A fine of \$5,000,000 plus imprisonment for 7 years (on conviction on indictment)

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|------|---|-------|----------------------------|---------------|
| 115. | Any person making a fraudulent misrepresentation or reckless misrepresentation for the purpose of inducing another person to purchase any specified residential property. | 65(1) | No prosecution time limit. | NIL |
| 116. | Any person disseminating information that is false or misleading as to a material fact, and the person knows that, or is reckless as to whether, the information is false or misleading as to the material fact or the information is false or misleading through the omission of the material fact and such information is likely to induce another person to purchase any specified residential property. | 66(1) | No prosecution time limit. | 69, 70, 71 |

| Investigation Powers of Enforcement Authority | | | | |
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| A fine of \$500,000 plus imprisonment for 6 months | | | | |
| 117. | Failure by any person to comply with a specified requirement imposed by the Authority for investigations relating to the Ordinance without reasonable excuse. | 80(1) | When a specified requirement was not complied with. | NIL |
| A fine of \$1,000,000 plus imprisonment for 3 years (on summary conviction) | | | | |
| 118. | Failure by any person to comply with a specified requirement imposed by the Authority for investigations relating to the Ordinance with intent to defraud. | 80(2) | No prosecution time limit. | NIL |
| 119. | Any person producing any record or document, or giving an answer or response, or giving any explanation or particulars, that are false or misleading in a material respect, and the person knows that, or is reckless as to whether, the record or document, or the answer or response, or the explanation or particulars, are false or misleading in a material respect, in purported compliance with a specified requirement imposed by the Authority for investigations relating to the Ordinance. | 80(3) | No prosecution time limit. | NIL |
| 120. | Any person producing any record or document, or giving an answer or response, or giving any explanation or particulars, that are false or misleading in a material respect, with intent to defraud, in purported compliance with a specified requirement imposed by the Authority for investigations relating to the Ordinance. | 80(4) | No prosecution time limit. | NIL |

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| 121. | An officer or employee of a company causing or allowing the company to fail to comply with a specified requirement imposed by the Authority for investigations relating to the Ordinance or causing or allowing to produce any record or document, or give an answer or response, or give any explanation or particulars, that are false or misleading in a material respect, with intent to defraud, in purported compliance with a specified requirement imposed by the Authority for investigations relating to the Ordinance. | 80(5) | No prosecution time limit. | NIL |
| A fine of \$5,000,000 plus imprisonment for 7 years (on conviction on indictment) | | | | |
| 122. | Failure by any person to comply with a specified requirement imposed by the Authority for investigations relating to the Ordinance with intent to defraud. | 80(2) | No prosecution time limit. | NIL |
| 123. | Any person producing any record or document, or giving an answer or response, or giving any explanation or particulars, that are false or misleading in a material respect, and the person knows that, or is reckless as to whether, the record or document, or the answer or response, or the explanation or particulars, are false or misleading in a material respect, in purported compliance with a specified requirement imposed by the Authority for investigations relating to the Ordinance. | 80(3) | No prosecution time limit. | NIL |
| 124. | Any person producing any record or document, or giving an answer or response, or giving any explanation or particulars, that are false or misleading in a material respect, with intent to defraud, in purported compliance with a specified requirement imposed by the Authority for investigations relating to the Ordinance. | 80(4) | No prosecution time limit. | NIL |

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| 125. | An officer or employee of a company causing or allowing the company to fail to comply with a specified requirement imposed by the Authority for investigations relating to the Ordinance or causing or allowing to produce any record or document, or give an answer or response, or give any explanation or particulars, that are false or misleading in a material respect, with intent to defraud, in purported compliance with a specified requirement imposed by the Authority for investigations relating to the Ordinance. | 80(5) | No prosecution time limit. | NIL |
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Transport and Housing Bureau
May 2012