

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

**List of follow-up action arising from the discussion
at the meeting on 28 May 2012**

- (1) To provide written response to the letter from Hon Abraham SHEK tabled at the meeting.
- (2) To keep in view the financial position of the Consumer Legal Action Fund (CLAF), particularly after the enactment of the Bill, to ensure timely injection of fund as and when necessary. To also review the level of contribution to CLAF from complainants.
- (3) To consider providing a definition of "furniture" in clause 46 to differentiate between "furniture" and "fittings, finishes and appliances".
- (4) To provide for members' reference the papers for discussion by the Steering Committee on Regulation of the Sale of First-hand Residential Properties by Legislation in relation to clause 67.
- (5) To review the drafting of clause 69(1)(d) and similar provisions in clauses 70 and 71 as the clauses as drafted may have the effect of requiring the person being charged to prove his innocence. Besides, a person who have exercised due diligence in providing the explanation or evidence may still be subject to prosecution.
- (6) To consider the feasibility of appointing a committee rather than a public officer as the Authority under clause 74 to enhance transparency and impartiality.
- (7) To advise the scope of "other functions" of the Authority under clause 75.
- (8) To provide an undertaking that the Legislative Council will be consulted on the guidelines before these are issued by the Authority under clause 76.
- (9) To endeavour to put in place a central database covering both first-hand and second-hand residential properties to provide free-of-charge access to information by the general public.

- (10) To advise whether the performance of the Authority is subject to scrutiny and if so, the party responsible for the scrutiny. To also whether there is an appeal mechanism against the decisions of the Authority.
- (11) To provide a comparison between the Authority and the Buildings Authority in respect investigation under Division 2 of Part 6 of the Bill.

Council Business Division 1
Legislative Council Secretariat
30 May 2012