

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

**Prepared on the basis of the mark-up Bill (with Administration's proposed Committee Stage Amendments) issued to Bills Committee on 11 June 2012**

No.	Offence <sup>1</sup>	Clause No.	Time point for counting the three-year prosecution time limit	Applicable Defence Provision(s) (Clause No.)
<b>Sales Brochure</b>				
<b>A fine at level 6</b>				
1.	Failure to notify in writing the entities specified in Schedule 3 of the revision made to the sales brochure within 3 working days after the revision was made.	16A(3)	The 4 <sup>th</sup> working day after the revision of the sales brochure were made.	67 <sup>2</sup>
2.	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.	67
3.	Failure to print “Sales Brochure” with letter size no smaller than the equivalent of 18 point “Times New Roman” typeface.	17(2)	Ditto	67
4.	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
5.	Failure to set out the address of the vendor's website in the sales brochure.	18A(3)	Ditto	67
6.	Failure to set out the information as required under clauses 18A(1) and 18A(3) <u>after</u> the information required by clause 18 in the sales brochure.	18A(4)	Ditto	67

<sup>1</sup> Unless specified, the person who commits the offence is the vendor.

<sup>2</sup> 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.”

No.	Offence <sup>1</sup>	Clause No.	Time point for counting the three-year prosecution time limit	Applicable Defence Provision(s) (Clause No.)
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.	The information on 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	67
9.	Failure to set out information in compliance with Part 4 of Schedule 1 (if the information is provided).	19(4)(b)	Ditto	67
10.	Failure to state that there may be future changes to the development and the surrounding areas in the sales brochure.	20(3)	Ditto	67
11.	Failure to print English text with specific font size in the sales brochure.	22(2)	Ditto	67
12.	Failure to print Chinese text with specific font size in the sales brochure.	22(3)	Ditto	67
13.	Failure to provide a copy of the sales brochure on the vendor's website during a period of at least 7 days immediately 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 immediately before the commencement of sale or the date of sale (depending on the facts of the case).	67

No.	Offence <sup>1</sup>	Clause No.	Time point for counting the three-year prosecution time limit	Applicable Defence Provision(s) (Clause No.)
14.	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
<b>A fine of \$500,000</b>				
15.	Failure to correct an inaccuracy identified at an examination of the sales brochure by a revision to the sales brochure.	16A(2)	When the sales brochure (which has been examined within the previous 3 months) was made available to the public without correction of the inaccuracy in the sales brochure.	67
16.	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.	67
17.	Failure to set out in the sales brochure mandatory information in compliance with Part 1 of Schedule 1.	18(2)	Ditto	67
18.	Failure to set out in the sales brochure information required by Part 2 of Schedule 1.	18(3)	Ditto	67
19.	Failure to set out in the sales brochure mandatory information in the specified order.	18(4)	Ditto	67
20.	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

No.	Offence <sup>1</sup>	Clause No.	Time point for counting the three-year prosecution time limit	Applicable Defence Provision(s) (Clause No.)
21.	Failure to set out the relevant information (as defined under clause 18A(7)) in the sales brochure.	18A	Ditto	67
22.	Failure to state (i) the date of printing, (ii) the date of examination of the sales brochures; and (iii) the part of the sales brochure that has been revised to correct the inaccuracy (if any) identified at the examination, 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 print the sales brochure in both English and Chinese.	22(1)	Ditto	67
<b>A fine of \$500,000 plus imprisonment for 12 months</b>				
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 or as at the date of the last examination (if the sales brochure has been examined).	20(2)	Ditto	67
<b>A fine of \$1,000,000</b>				
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 immediately 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

No.	Offence <sup>1</sup>	Clause No.	Time point for counting the three-year prosecution time limit	Applicable Defence Provision(s) (Clause No.)
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 for the purpose of making it available to the general public.	16(1)	The date when the publication is made available to the general public.	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 immediately 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 immediately 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
<b>Price List</b>				
<b>A fine at level 6</b>				
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.	67
33.	Failure to provide a copy of the price list on vendor’s website during a period of at least 3 days immediately 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 immediately before the commencement of sale.	67

No.	Offence <sup>1</sup>	Clause No.	Time point for counting the three-year prosecution time limit	Applicable Defence Provision(s) (Clause No.)
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 on 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 delegate for the purpose of 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 on which the vendor makes a copy of the price list available.	67
<b>A fine of \$500,000</b>				
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.	67
38.	Failure to set out the mandatory area information in the price list in the form specified by the Authority.	28(2)	Ditto	67
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	28(4)	Ditto	67

No.	Offence <sup>1</sup>	Clause No.	Time point for counting the three-year prosecution time limit	Applicable Defence Provision(s) (Clause No.)
	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.			
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
45.	For a development that is divided into 2 or more phases, failure to state the phase number in the price list.	28(10) (a)	Ditto	67
<b>A fine of \$1,000,000</b>				
46.	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
47.	Failure to prepare a document setting out the price of each specified residential properties in each phase if the development is divided into 2 or more phases.	26(2)	Ditto	67
48.	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	26(4)	When the original price list was not revised, i.e. 3 days before the residential property was sold at a revised price.	67

No.	Offence <sup>1</sup>	Clause No.	Time point for counting the three-year prosecution time limit	Applicable Defence Provision(s) (Clause No.)
	specified residential property is shown.			
49.	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.	67
50.	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
51.	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
52.	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 immediately 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 immediately before the commencement of sale.	67
53.	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
54.	The owner not selling a specified residential property at the price set out in the latest version of the 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



No.	Offence <sup>1</sup>	Clause No.	Time point for counting the three-year prosecution time limit	Applicable Defence Provision(s) (Clause No.)
55.	After the owner sold the residential property to a person at a price as set out in the price list, the price has changed but not for the reasons set out in clause 31(2A).	31(2A)	The date when the price of the residential property was changed but not for the reasons set out in clause 31(2A).	67
Show Flat				
A fine at level 6				
56.	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
57.	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
58.	Failure to allow a person to take measurements or take photos or make video recording in an unmodified show flat.	38(1)	The date when a person was not allowed to take measurement or take photos or make video recording of an unmodified show flat.	67
59.	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
60.	Failure to display a plan in the comparable residential property which shows the dimensions of that property and of the internal partitions, bay windows, air-conditioning plant rooms, balconies, utility platforms and verandahs in that property and a plan showing the same set of information of the specified residential property.	41(2)	The date when the comparable residential property was arranged for viewing without the plan(s).	67

No.	Offence <sup>1</sup>	Clause No.	Time point for counting the three-year prosecution time limit	Applicable Defence Provision(s) (Clause No.)
61.	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
62.	Failure to allow a person to take measurements or take photos 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 photos or make video recording of a residential property in a completed development.	67
<b>A fine of \$500,000</b>				
63.	Failure to first make available an unmodified show flat of a residential property for viewing when making available a show flat for that residential property for viewing.	34(2)	The date when the show flat was first made available to the public for viewing.	67
64.	After making available an unmodified show flat for a residential property for viewing, make available another show flat which is not a modified show flat for that residential property.	34(3)(b)	When that another show flat which was not a modified show flat of that residential property was first made available to the public for viewing.	67
65.	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
66.	Failure to provide boundary walls or parapets of each balcony, utility platform or verandah (if any) in the show flat.	35(2)	The date when the show flat without boundary walls or parapets of each balcony, utility platform or verandah (if any) was first made available to the public for viewing.	67

No.	Offence <sup>1</sup>	Clause No.	Time point for counting the three-year prosecution time limit	Applicable Defence Provision(s) (Clause No.)
67.	Failure to display a plan in the show flat with dimensions of the show flat and of the internal partitions, bay windows, air-conditioning plant rooms, balconies, utility platforms and verandahs in the show flat.	35(3)	The date when the show flat without the plan was first made available to the public for viewing.	67
68.	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
69.	Failure to provide enclosing walls and boundary walls for, and internal partitions 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 (without the requisite items) was first made available to the public for viewing.	67
70.	Failure to provide enclosing walls and boundary walls for, and internal partitions 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
71.	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

No.	Offence <sup>1</sup>	Clause No.	Time point for counting the three-year prosecution time limit	Applicable Defence Provision(s) (Clause No.)
72.	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
<b>Sales Arrangements</b>				
<b>A fine at Level 6</b>				
73.	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
74.	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
75.	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 the furniture (if any) shown on that plan.	46(1)	The date when the floor plan in question was first made available to the public.	67
<b>A fine of \$500,000</b>				
76.	Seeking and accepting general expression of intent on specified residential properties before the first day on which copies of the price list were made available.	30(1)	The date when the general expression of intent was sought or accepted.	67
77.	Seeking and accepting specific expression of intent on specified residential properties before the first 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

No.	Offence <sup>1</sup>	Clause No.	Time point for counting the three-year prosecution time limit	Applicable Defence Provision(s) (Clause No.)
78.	Failure to make available sales arrangements in a document for collection by the general public free of charge during a period of at least 3 days immediately before a date of the sale mentioned in Part 2 Division 2 Clause 14(1).	43(1)(a)	When the sales arrangement should be provided to the public in a document for collection by the public, i.e. 3 days immediately before the commencement of sale.	
79.	Failure to make available sales arrangements on the vendor's website during a period of at least 3 days immediately before a date of the sale mentioned in Part 2 Division 2 Clause 14(1).	43(1)(b)	When the sales arrangement should be provided on the vendor's website, i.e. 3 days immediately before the commencement of sale.	67
80.	Selling or offering to sell a specified residential property before the date and time published in accordance with clause 43(1).	43(3)	When a residential property was sold or offered to be sold the residential property.	67
<b>Conveyancing Procedures</b>				
<b>A fine of \$500,000</b>				
81.	The owner entering into a preliminary agreement for sale and purchase which does not contain provisions set out in Schedule 4.	50	When the preliminary agreement for sale and purchase which did not contain the provisions set out in Schedule 4 was entered into.	67
82.	The owner entering into an agreement for sale and purchase which does not contain the provisions set out in Schedules 5, 6 or 7.	50A(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
<b>A fine of \$1,000,000</b>				
83.	The owner does not execute the agreement for sale and purchase within 8 working days after the date on which the purchaser entered into the preliminary agreement for sale and purchase.	49(1)	On the ninth working day after the date on which the purchaser entered into the preliminary agreement for sale and purchase.	67

No.	Offence <sup>1</sup>	Clause No.	Time point for counting the three-year prosecution time limit	Applicable Defence Provision(s) (Clause No.)
<b>Register of Transactions</b>				
<b>A fine at level 6</b>				
84.	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
85.	Failure to send an electronic copy of the register of transactions to the Authority or its delegate for the purpose of the electronic database as soon as practicable after an entry has been made to the register.	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 sent to the Authority as soon as practicable).	67
<b>A fine of \$500,000</b>				
86.	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).	67
87.	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
88.	Failure to set out the required information in the register of transactions in the form specified by the Authority.	52(1)	When the register was made available to the public.	67
89.	Failure to enter in the register of transactions mandatory information within 24 hours after the owner enters into the preliminary agreement for sale and purchase.	52(2)(a)	When the owner has entered into the preliminary agreement for sale and purchase for more than 24 hours.	67
90.	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	52(2)(b)	On the 2 <sup>nd</sup> working day after an agreement for sale and purchase was entered into.	67

No.	Offence <sup>1</sup>	Clause No.	Time point for counting the three-year prosecution time limit	Applicable Defence Provision(s) (Clause No.)
	working day after the owner enters into the agreement for sale and purchase.			
91.	Failure to indicate in the register of transactions on the 6 <sup>th</sup> working day the fact that the purchaser has not entered into an agreement for sale and purchase within 5 working days after the date on which the preliminary agreement for sale and purchase is entered into.	52(2)(c)	On the 6 <sup>th</sup> working day after the preliminary agreement for sale and purchase was entered into.	67
92.	Failure to enter in the register of transactions mandatory information within 1 working day after the owner enters into the agreement for sale and purchase (for which property no preliminary agreement for sale and purchase has been entered into).	52(3)	On the 2 <sup>nd</sup> working day after an agreement for sale and purchase was entered into.	67
93.	Failure to enter in the register of transactions the change in price within 1 working day after the change was made.	52(4A)	On the 2 <sup>nd</sup> working day after a price change was made.	67
94.	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 date of termination.	52(5)	On the 2 <sup>nd</sup> working day after the date of termination.	67
95.	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

No.	Offence <sup>1</sup>	Clause No.	Time point for counting the three-year prosecution time limit	Applicable Defence Provision(s) (Clause No.)
Vendor's Information Form (VIF)				
A fine of \$500,000				
96.	Failure to provide as soon as practicable the VIF printed within the previous 3 months to a sitting tenant whom an offer for sale is made.	56(4)	When the offer for sale was made (It is a matter of evidence whether it was provided as soon as practicable).	67
97.	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
98.	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
99.	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
100.	For completed development, failure to provide as soon as practicable the VIF printed within the previous 3 months.	58(1)	When the offer for sale was made (It is a matter of evidence whether it was provided as soon as practicable).	67
101.	For 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
102.	For 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
103.	For 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



No.	Offence <sup>1</sup>	Clause No.	Time point for counting the three-year prosecution time limit	Applicable Defence Provision(s) (Clause No.)
Advertisements				
A fine at level 6				
104.	Failure by any person to state the fact that the advertisement is published by the vendor or by another person with the consent of the vendor.	61(1)	When the advertisement was first made available to the public.	67
105.	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
106.	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
107.	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 brochure for any information on the development or the phase.	62(4)	Ditto	67
108.	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

No.	Offence <sup>1</sup>	Clause No.	Time point for counting the three-year prosecution time limit	Applicable Defence Provision(s) (Clause No.)
109.	In the case of a specified New Territories development, failure to state in printed advertisement (i) the period for which the authorized person for the development is appointed to supervise the construction of the development; and (ii) the period for which the building contractor for the development is appointed to construct the development.	63(3A)	Ditto	67
110.	Failure by any person to state in printed advertisement the address of the vendor's website.	63(4)	Ditto	67
111.	Failure by any person to state in printed advertisement the date of printing.	63(5)	Ditto	67
112.	Failure by any person to contain a statement specified in Part 3 Clause 64 for printed advertisement containing a picture, image, drawing or sketch showing an artist's impression of the development or its surrounding area.	63(6)	Ditto	67
113.	Failure by any person to use specific font size for statements contained in printed advertisement.	63(7)	Ditto	67
A fine of \$500,000				
114.	Failure by any person to state an advertisement the estimated material date of an uncompleted development or a completed development pending compliance.	61(2)	Ditto	67

No.	Offence <sup>1</sup>	Clause No.	Time point for counting the three-year prosecution time limit	Applicable Defence Provision(s) (Clause No.)
115.	Failure by any person to state an advertisement the estimated material date for an uncompleted phase or a completed phase pending compliance of a development.	61(3)	Ditto	67
116.	Any person giving information in an advertisement on the property price and property size other than making reference to saleable area.	61(4)	Ditto	67
117.	Failure by any person to state in printed advertisement 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)				
118.	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)				
119.	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

No.	Offence <sup>1</sup>	Clause No.	Time point for counting the three-year prosecution time limit	Applicable Defence Provision(s) (Clause No.)
<b>Misrepresentation &amp; Dissemination of False or Misleading Information</b>				
<b>A fine of \$1,000,000 plus imprisonment for 3 years (on summary conviction)</b>				
120.	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
121.	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
<b>A fine of \$5,000,000 plus imprisonment for 7 years (on conviction on indictment)</b>				
122.	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
123.	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

No.	Offence <sup>1</sup>	Clause No.	Time point for counting the three-year prosecution time limit	Applicable Defence Provision(s) (Clause No.)
<b>Investigation Powers of Enforcement Authority</b>				
<b>A fine of \$500,000 plus imprisonment for 6 months</b>				
124.	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
<b>A fine of \$1,000,000 plus imprisonment for 3 years (on summary conviction)</b>				
125.	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
126.	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
127.	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

No.	Offence <sup>1</sup>	Clause No.	Time point for counting the three-year prosecution time limit	Applicable Defence Provision(s) (Clause No.)
128.	An officer or employee of a corporation, with intent to defraud, causing or allowing the corporation 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, 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)				
129.	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
130.	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

No.	Offence <sup>1</sup>	Clause No.	Time point for counting the three-year prosecution time limit	Applicable Defence Provision(s) (Clause No.)
131.	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
132.	An officer or employee of a corporation, with intent to defraud, causing or allowing the corporation 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, in purported compliance with a specified requirement imposed by the Authority for investigations relating to the Ordinance.	80(5)	No prosecution time limit.	NIL

Transport and Housing Bureau

June 2012