

立法會
Legislative Council

LC Paper No. CB(3) 955/11-12

Ref : CB(3)/B/TH/1(11-12)

Tel : 3919 3307

Date : 21 June 2012

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 27 June 2012

Residential Properties (First-hand Sales) Bill

Committee stage amendments

Members were informed vide LC Paper No. CB(3) 946/11-12 issued on 19 June 2012 that the President had given permission for the Secretary for Transport and Housing to move her amendments to the above Bill at the Council meeting of 27 June 2012. Members are invited to note that the President has also given permission for the following Members, subject to the Bill receiving a Second Reading, to move their amendments to the Bill as set out in **Appendices I and II**:

| <u>Mover</u> | <u>Appendix</u> |
|-------------------|-----------------|
| Hon LEE Wing-tat | I |
| Hon LEE Cheuk-yan | II |

2. As directed by the President, the amendments are attached for Members' consideration.

(Ms Jessica CHAN)
for Clerk to the Legislative Council

Encl.

Residential Properties (First-hand Sales) Bill

Committee Stage

Amendments to be moved by the Honourable LEE Wing-tat

| <u>Clause</u> | <u>Amendment Proposed</u> |
|---|--|
| 48 | By deleting subclause (1) and substituting— “(1) A preliminary deposit of 3% of the purchase price is payable by a person to the owner on entering into a preliminary agreement for sale and purchase in respect of the specified residential property with the owner.”. |
| Schedule 1, Part 1 section 13(2) | By deleting paragraph (a) and substituting— “(a) that a preliminary deposit of 3% is payable on the signing of that preliminary agreement;”. |
| Schedule 4, Part 1 | By deleting clause 2 and substituting— “2. The purchase price of the Property is HK\$ [<i>insert amount</i>], which shall be paid by the Purchaser to the Vendor in the manner as follows— Preliminary deposit in the sum of HK\$ [<i>insert amount</i>], which is equal to 3% of the purchase price shall be paid upon signing of this Preliminary Agreement.”. |
| Schedule 4, Part 2 | By deleting clause 2 and substituting— “2. 本物業的售價為港幣 [填上款額] 元，並須由買方按以下方式付予賣方—— 為數港幣 [填上款額] 元（即售價的 3%）的臨時訂金，須於簽署本臨時合約時支付。”. |

Schedule 5, By deleting clause 3 and substituting—

Part 1

- “3. The purchase price is HK\$ [*insert amount*], payable by the Purchaser to the Vendor’s Solicitors as stakeholders as follows—
- (a) the amount of HK\$ [*insert amount*], being 3% of the purchase price has been paid as deposit on signing the agreement preliminary to this Agreement;
 - (b) [*insert payment terms in such a way that the operation of clause 15 will not be affected*].”.

Schedule 5, By deleting clause 3 and substituting—

Part 2

- “3. 售價為港幣 [填上款額]元，須由買方支付予作為保證金保存人的賣方律師，付款方式如下——
- (a) 在簽署與本合約有關的臨時買賣合約時，已支付相等於售價的 3%的款項，即港幣 [填上款額]元，作為訂金；
 - (b) [填上不影響第 15 條的施行的付款條款] 。”。

Schedule 6, By deleting clause 3 and substituting—

Part 1

- “3. The purchase price is HK\$ [*insert amount*], payable by the Purchaser to the Vendor’s Solicitors as stakeholders as follows—
- (a) the amount of HK\$ [*insert amount*], being 3% of the purchase price has been paid as deposit on signing the agreement preliminary to this Agreement;
 - (b) [*insert payment terms in such a way that the operation of clause 13 will not be affected*].”.

Schedule 6, By deleting clause 3 and substituting—
Part 2

- “3. 售價為港幣 [填上款額]元，須由買方支付予作為保證金保存人的賣方律師，付款方式如下——
- (a) 在簽署與本合約有關的臨時買賣合約時，已支付相等於售價的 3%的款項，即港幣 [填上款額]元，作為訂金；
 - (b) [填上不影響第 13 條的施行的付款條款]。”

Schedule 7, By deleting clause 3 and substituting—
Part 1

- “3. The purchase price is HK\$ [*insert amount*], payable by the Purchaser to the Vendor’s Solicitors as stakeholders as follows—
- (a) the amount of HK\$ [*insert amount*], being 3% of the purchase price has been paid as deposit on signing the agreement preliminary to this Agreement;
 - (b) [*insert payment terms in such a way that the operation of clause 4 will not be affected*].”

Schedule 7, By deleting clause 3 and substituting—
Part 2

- “3. 售價為港幣 [填上款額]元，須由買方支付予作為保證金保存人的賣方律師，付款方式如下——
- (a) 在簽署與本合約有關的臨時買賣合約時，已支付相等於售價的 3%的款項，即港幣 [填上款額]元，作為訂金；
 - (b) [填上不影響第 4 條的施行的付款條款]。”

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Committee Stage

Amendments to be moved by the Honourable LEE Cheuk-yan

| <u>Clause</u> | <u>Amendment Proposed</u> |
|---------------|---|
| 66(3) | <p>(a) In the definition of <i>disseminate</i>, by deleting the full stop and substituting a semicolon.</p> <p>(b) By adding – “<i>material fact</i> (事關重要的事實) includes specific information about a residential property which is not generally known to prospective purchasers but which would if it were generally known to them be likely to materially affect the price of the residential property.”.</p> |