

政府總部
運輸及房屋局

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BY FAX
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Clerk to the Finance Committee
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong
(Attn: Mr Derek Lo)

Dear Mr Lo,

**Finance Committee
Follow-up to meeting on 15 March 2013**

Thank you for your letter of 19 March 2013 on the follow-up to the Finance Committee meeting held on 15 March 2013. In respect of item (a) on the target number of the compliance check and inspections to be conducted in connection with the enforcement of the Residential Properties (First-hand Sales) Ordinance (the Ordinance), our reply is set out below.

Apart from carrying out compliance check and inspections upon receipt of complaints, the Sales of First-hand Residential Properties Authority (SRPA) will conduct regular compliance check on all the sales brochures, price lists, sales arrangement announcements, register of transactions, vendors' websites and advertisements in major newspapers of uncompleted and completed first-hand residential properties.

Also, the SRPA will carry out regular inspections on all the show flats and sales offices.

For first-hand residential properties being offered for sale after completion, the SRPA will conduct checks to ensure that vendors comply with the requirements of the Ordinance that vendors must make available the residential property which a prospective purchaser intends to purchase for viewing by the prospective purchaser, or make available a comparable residential property in the development for viewing by the prospective purchaser for viewing if it is not reasonably practicable to make available the property which the prospective purchaser intends to purchase, unless the prospective purchaser agrees in writing that the vendor is not required to make available for his viewing of such a comparable residential property.


Members may wish to note that the Buildings Department has a role to play in the inspection of the specifications of all new buildings. When submitting an application for occupation permit (OP) for any new building including those that are first-hand residential developments, in pursuant to Regulation 25 of the Building (Administration) Regulations, the authorized persons, registered structural engineers and registered contractors appointed for the developments shall certify that the building has been erected in accordance with the provisions of the Buildings Ordinance (BO) and the approved building plans. Buildings Department will inspect the construction sites of such buildings regularly for safety assurance and for compliance with the statutory requirements under the BO and the approved building plans (e.g. taking on-site measurements of the buildings and the residential properties). BD will also make final checks before issuing the OP.

The SRPA will deploy its resources efficiently to carry out functions under the Ordinance. For first-hand residential properties which are offered for pre-sale, the priority of the SRPA is to ensure that the sales brochures, price lists, sales arrangement announcements, register of transactions, vendors' websites, advertisements and show flats (if any) comply with the requirements of the Ordinance, with a view to achieving the objective of ensuring that the information is transparent and accurate.

If purchasers consider that the first-hand residential properties upon handing over to them by the vendors, including those properties which are sold to them as uncompleted or completed properties, are not in a state as described in the sales brochure or the agreement for sale and purchase, they may lodge complaints to the SRPA. The SRPA will conduct on-site inspections on those completed properties upon receipt of the complaints.

We believe that this approach of involving the Buildings Department ensuring compliance with approved building plans for all first-hand residential developments and the SRPA taking prompt action upon receipt of complaints against discrepancies between the information as set out in the sales brochures and the actual state of conditions of the first-hand completed residential properties upon handing over provides the most effective means to ensure compliance with both the BO and the Ordinance.

Yours sincerely,



(Eugene Fung)

for Secretary for Transport and Housing

cc Secretary for Financial Services and the Treasury
(Attn: Ms Elsie YUEN) [Fax: 2530 5921]