

10. Application of this Ordinance

- (1) This Ordinance applies to any residential property in a development situated in Hong Kong in respect of which property—
 - (a) ~~neither a preliminary agreement for sale and purchase nor an~~ agreement for sale and purchase has ever been entered into; and
 - (b) no assignment has ever been made.
- (2) Despite subsection (1), this Ordinance does not apply in ~~any~~either of the ~~3~~ situations specified in subsections (3) ~~and~~; (5) ~~and~~ (6).
- (3) The first situation is that—
 - (a) where the development is not divided into 2 or more phases—
 - (i) the development is a completed development; and
 - (ii) at least 95% of the number of the residential properties in the development are qualified residential properties; or
 - (b) where the development is divided into 2 or more phases—
 - (i) the phase of which the residential property forms part is a completed phase; and
 - (ii) at least 95% of the number of the residential properties in that phase are qualified residential properties.
- (4) In subsection (3)—
 - (a) a reference to a qualified residential property is a reference to a residential property that has been held under lease (other than a Government lease) for a continuous period of at least 36 months, or for several periods that in the aggregate equal at least 36 months, since—
 - (i) in the case of a specified NT development—
 - (A) the issue of a no-objection letter by the Director of Lands in respect of the building comprised in the development; or
 - (B) the issue of a certificate of compliance or a consent to assign by the Director of Lands in respect of the development; or
 - (ii) in the case of any other development or a phase of a development, the issue of the occupation permit; and
 - (b) a reference to the number of residential properties in a development or a phase of a development is, in the case of a development other than a specified NT development, a reference to the number of residential properties as set out in the occupation permit.
- (5) The second situation is that—
 - (a) the development is one as defined by section 3(1)(b); and
 - (b) a certificate of exemption is issued under section 5(a) of the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121) in respect of building works for the building comprised in the development.

~~(6) The third situation is that the development is constructed by the Hong Kong Housing Authority.~~

55B. Exception: development constructed by Housing Authority

Divisions 2, 3, 4, 5, 6, 7 and 8 do not apply if the development is constructed by the Housing Authority.