

Brief for the Legislative Council

Residential Properties (First-hand Sales) Ordinance (Cap. 621)

Residential Properties (First-hand Sales) Ordinance (Commencement) Notice

Introduction

This paper informs Members that the Transport and Housing Bureau will publish a Legal Notice as at the Annex in the Gazette on 1 February 2013:

- (a) to bring those provisions in the Residential Properties (First-hand Sales) Ordinance (the Ordinance) relating to the short title, commencement of the Ordinance, interpretation of the Ordinance, and the appointment and functions of the Authority to be appointed under section 86 of the Ordinance for implementing the Ordinance into operation on 2 April 2013; and
- (b) to bring the remaining provisions of the Ordinance into operation on 29 April 2013.

Background

2. The Ordinance was passed by the Legislative Council on 29 June 2012, and was published in the gazette on 6 July 2012. The objective of the Ordinance is to further enhance the transparency and fairness of the sales arrangements of first-hand residential properties and to enhance consumer protection.

3. Section 1(2) of the Ordinance provides that the Ordinance comes into operation on a day to be appointed by the Secretary for Transport and Housing (STH) by notices published in the Gazette.

4. During the Bills Committee's scrutiny of the Residential Properties (First-hand Sales) Bill (the Bill) and at the resumption of the second reading debate of the Bill, we have undertaken to bring the Ordinance into operation within 12 months after the Ordinance was enacted.

5. We propose that sections 1, 2, 3, 4, 5, 6, 7, 8 and 9 of the Ordinance (short title and commencement, and interpretation clauses), Division 1 of Part 6 of the Ordinance (the appointment and functions of the Authority and relating provisions), and Schedule 2 to the Ordinance (interpretation clauses) should come into operation on 2 April 2013, and the remaining provisions of the Ordinance should come into operation on 29 April 2013.

6. The arrangements as proposed in paragraph 5 above will enable STH to appoint under section 86 of the Ordinance on or after 2 April 2013 a public officer to be the Authority and other public officers to assist the Authority in the performance of the Authority's functions. The Authority may then issue guidelines under section 88 of the Ordinance. It is essential that guidelines are made available to vendors of first-hand residential properties and relevant stakeholders a few weeks before 29 April 2013 so that they will know in advance how to comply with various requirements in the Ordinance.

7. The Authority will start enforcing the Ordinance on 29 April 2013 when the remaining provisions of the Ordinance (i.e. provisions other than sections 1, 2, 3, 4, 5, 6, 7, 8 and 9 and Division 1 of Part 6 of, and Schedule 2 to, the Ordinance) come into operation.

Enquiries

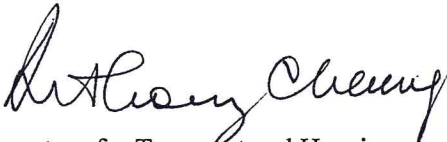
8. Enquiries on this brief may be addressed to Mrs Hedy Chu, Principal Assistant Secretary for Transport and Housing, at telephone number 2761 5209.

Transport and Housing Bureau
30 January 2013

**Residential Properties (First-hand Sales) Ordinance
(Commencement) Notice**

Under section 1(2) of the Residential Properties (First-hand Sales) Ordinance (19 of 2012), I appoint—

- (a) 2 April 2013 as the day on which sections 1, 2, 3, 4, 5, 6, 7, 8 and 9 and Division 1 of Part 6 of, and Schedule 2 to, the Ordinance come into operation;
- (b) 29 April 2013 as the day on which the Ordinance (except sections 1, 2, 3, 4, 5, 6, 7, 8 and 9, Division 1 of Part 6, and Schedule 2) comes into operation.


Secretary for Transport and Housing

25 January 2013