CONSULTATION PAPER
ON THE
SALES DESCRIPTIONS OF
UNCOMPLETED RESIDENTIAL
PROPERTIES BILL

Housing Bureau
April 2000
This volume was a gift from
Hong Kong (China). Housing Bureau
背景

本港目前並無法例規定地產發展商須在售樓說明書內，就有關物業提供充分及準確的資料，故未建成住宅物業的買家現時可獲得的保障並不足夠。

2. 法律改革委員會（法改會）於一九九五年四月發表一份報告，建議制訂法例，規定發展商在發售任何本地未建成住宅物業時，必須製備售樓說明書，而且有關說明書必須載列若干指定資料；以及訂明罰則，以懲處違規的行為。

3. 在法改會的建議發表之後，政府曾就法改會的建議諮詢消費者委員會、香港地產建設商會、法律專業和其他有關的專業團體。我們參考了有關團體的意見，制訂了《未建成住宅物業銷售說明條例草案》（見附件）。由於社會人士對條例草案十分關注，政府決定將條例草案以白紙條例草案形式在政府憲報刊登，藉以在向立法會提交條例草案之前徵詢公眾意見。
《未建成住宅物業銷售說明條例草案》

目的

4. 《未建成住宅物業銷售說明條例草案》旨在改善在售樓說明書及廣告內，就公開發售本港未建成的住宅物業所提供的資料的準確性，統一性及透明度。條例草案在保障消費者方面邁出了一大步。

主要建議

5. 條例草案規定所有發展商必須就公開發售未建成的住宅物業提供售樓說明書，並指明售樓說明書所須提供的主要資料。這些資料包括位置圖則、樓面平面圖、樓面面積、裝置及粉飾、泊車位、政府租契的主要條件、公契的主要條款、保養期、落成日期、斜坡維修、價目表、發售單位的數量，按揭及付款計劃資料，以及所須繳付的其他費用及收費。
6. 條例草案建議統一未建成樓宇單位的面積的定義，及規定必須提供“出售面積”和“建築面積”的資料。附屬地方，(如窗台及天台)必須分開列明。“出售面積”和“建築面積”均是公眾所熟知的名詞，在售樓說明書內經常使用。由於缺乏一個統一的計算方法，所以常令買家混淆及難以作出比較。條例草案旨在消除現時在計算樓面面積時的混淆。

條例草案的主要條文

(A) 建議法例的涵蓋範圍（第2及3條）

7. 建議法例的適用範圍涵蓋所有銷售給一般市民的本港未建成住宅物業，包括私人住宅發展項目，由香港房屋委員會及香港房屋協會發展和出售的單位，以及部分根據《建築物條例(新界適用)條例》獲豁免的發展項目。發展商是指委託承建商建造，擁有及公開發售這些物業的人士。
(B) 位置圖則和布局圖（附表 1 第 4，5 及 25 條）

8. 售樓說明書須包括位置圖則，以展示有關發展項目的位置及在最新的城市規劃圖則內所載的主要公用設施和土地用途/建議用途。售樓說明書亦須提供一份布局圖，展示發展項目範圍內的建築物，以及主要道路、露天地方、交通、公用與康樂設施。

(C) 樓面平面圖（附表 1 第 6 條）

9. 售樓說明書須載有按比例繪製的樓面平面圖，以展示各典型和非典型的樓層，包括天台、入口處樓層和停車場，以及展示建築物低、中及高層的承重牆的厚度。

(D) 樓面面積（附表 1 第 7 條）

10. 發展商須在售樓說明書列明所有未建成住宅物業單位的“出售面積”以及“建築面積”。窗台、天台及其他附屬設施，應另行列明。
(a) 出售面積 (Saleable area) (附表 3)

11. 住宅單位的“出售面積”是指單位圍牆內的範圍，量度至圍牆外緣或與毗鄰單位連接的分隔牆的中線的樓面面積。我們建議將“saleable area”的中文譯名由“實用面積” (這個常用的譯名容易引起混淆) 改為“出售面積”。

(b) 建築面積 (Gross floor area) (附表 2)

12. 住宅單位的“建築面積”是根據《建築物（規劃）規例》經建築事務監督批准的有關發展項目的總住宅樓面面積，按比例攤分的面積。這個面積相等於有關單位的出售面積加上獲建築事務監督批准的所有共用面積按比例攤分的面積。售樓說明書必須詳細列明攤分方法及共用面積的主要組成項目。

(E) 裝置、粉飾及示範物業 (第 11 條及附表 1 第 32 條)

13. 售樓說明書應包括裝置及粉飾的說明。如果發展商設有示範物業，則示範物業的尺寸及間隔必須準確。示範物業應展示通告，列明有關物業的“出售面積”及“建築面積”，並說明示範物業的內部粉飾、裝置、用具和傢具是否包括在物業售價內。
(F) 政府租契和公契（附表 1 第 12 條）

14. 售樓說明書應載有有關政府租契和公契的主要條款的摘要，當中包括物業的用途限制、租契的詳細內容、地租、物業管理安排等。

(G) 供公眾查閱的文件（第 10 條及附表 1 第 23 條）

15. 發展商在其辦事處及各售樓辦事處，應備存售樓說明書所提及的公契、建築圖則及城市規劃圖則，以及物業的標準買賣協議各兩份，讓公眾在住宅物業公開發售期間免費查閱。

(H) 廣告（第 12 條及附表 1 第 16 條）

16. 廣告內須載有告示，清楚說明買家應參考售樓說明書的詳細內容。如廣告或售樓說明書提及按“建築面積”或其他基礎計算每平方呎或平方米的售價，則該廣告或售樓說明書必須同時說明按“出售面積”計算每平方呎或平方米的售價。
(I) 罰則（第 5，9，10，11，12 及 13 條）

17. 如發展商沒有提供載有條例草案內指明資料的售樓說明書，我們建議一經循公訴程序定罪，最高可處罰款 500 萬元，若循簡易程序定罪，可處罰款 100,000 元。如發展商的示範物業任何部分的尺寸與在該示範物業展示的通告所載的資料不同，我們建議一經循公訴程序定罪，可處罰款 100 萬元，若循簡易程序定罪，可處罰款 100,000 元。條例草案亦訂明其他違規的罰則。

(J) 循法律途徑索償（第 6 條）

18. 售樓說明書所載的某些重要資料，例如土地用途、政府租契和公契的主要條款，以及有關斜坡維修的資料等，是發展商就物業的買賣協議向買家作出的事實陳述。這樣，當有關資料不準確時，買家便較容易循合約途徑索償。售樓說明書所載的若干其他資料，例如粉飾、裝置和保養期等，將會屬於合約的隱含條款。如發展商沒有遵從條例的規定，買家可就有關損失追討賠償。條例草案不會減少買家現有的權利。
(K) 免責辯護（第 14 及 15 條）

19. 鑑於發展商或會依賴他人提供條例草案所規定的資料，我們建議容許發展商提出“已盡應盡的努力”作為免責辯護。但是，任何法團觸犯本條例所訂罪行而該罪行證明是經法團的人員同意或可歸咎於該法團的人員的疏忽，則該人員及該法團同屬觸犯該罪行。

(L) 法例執行（附表 1 第 2 條）

20. 政府建議應在收到有關違反條例草案條文的投訴後，採取執法行動。屋宇署會擔任領導部門的角色，負責接受投訴，並視乎情況作出轉介。如發現發展商不遵從有關規定，便會由律政司負責提出檢控。

(M) 房屋局局長的權力（第 18 及 19 條）

21. 條例草案授權房屋局局長訂立規則及修訂附表。
徵詢意見

22. 歡迎任何人士就白紙條例草案提出意見。如有任何意見，請在二零零零年七月七日或該日以前，以書面送交:

香港
中環花園道
美利大廈18樓
政府總部
房屋局

圖文傳真：2509 9988
電子郵件：sdbill@hb.gcn.gov.hk

23. 房屋局保留公布所有意見，以及披露提供意見者身分的權利。如意見書內有任何部分被視為具機密性質，應清楚加以註明。房屋局會於考慮有關要求後決定是否將資料披露。

政府總部
房屋局
二零零零年四月七日
CONSULTATION PAPER ON THE
SALES DESCRIPTIONS OF UNCOMPLETED
RESIDENTIAL PROPERTIES BILL

BACKGROUND

Existing protection for purchasers of uncompleted residential properties in Hong Kong is inadequate as there is no legislation requiring property developers to provide sufficient and accurate information on these properties in sales brochures.

2. The Law Reform Commission (LRC) recommended in its report issued in April 1995 that legislation should be introduced to require developers to produce sales brochures for the sale of local uncompleted residential properties, and that the brochures should contain certain specified information, with appropriate penalties for non-compliance.

3. Following publication of the LRC's recommendations, the Government consulted interested parties including the Consumer Council, the Real Estate Developers Association of Hong Kong, the legal profession and professional bodies on the subject. Based on feedback received, the Government has drafted the Sales Descriptions of Uncompleted Residential Properties Bill: a copy is at Annex. Because of widespread interest in the community in this subject, the Government has decided to publish the Bill as a White Bill for public consultation before introducing draft legislation into the Legislative Council.
SALES DESCRIPTIONS OF UNCOMPLETED RESIDENTIAL PROPERTIES BILL

Objective

4. The Sales Descriptions of Uncompleted Residential Properties Bill seeks to enhance the accuracy, uniformity and transparency of information provided in sales brochures and advertisements regarding the public sale of local uncompleted residential flats. The Bill represents a major step forward in consumer protection.

Main proposals

5. The Bill requires all developers to provide sales brochures regarding any public sale of uncompleted residential properties, and stipulates certain key information to be included in these brochures. The specified information includes location plan, floor plan, floor area, fittings and finishes, car parking spaces, salient conditions of the Government lease, salient provisions in the Deed of Mutual Covenant, defect liability period, completion date, slope maintenance, price list, number of units put up for sale, mortgage loans and payment scheme, and other fees and charges payable.

6. The Bill proposes to standardise the definition of floor area of uncompleted units for sale, and makes it mandatory to state the "saleable area" and the "gross floor area". Ancillary accommodation (such as bay windows and roof) should be listed separately. Both the "saleable area" and the "gross floor area" are popular terms known to the public, and are commonly used in sales brochures. However, the absence of
a standardised method of measurement often confuses purchasers and makes comparison difficult. The Bill seeks to eliminate the present confusion in the methods of calculating floor area.

Salient provisions of Bill

(A) Scope of Proposed Legislation (Clauses 2 and 3)

7. The Bill covers all uncompleted residential properties situated in Hong Kong and offered for sale to the public. This includes private residential developments, flats developed and sold by the Hong Kong Housing Authority and the Hong Kong Housing Society, and certain exempted developments under the Buildings Ordinance (Application to the New Territories) Ordinance. The developer is defined as the person who commissions the construction, owns the property and offers the residential properties in a public sale.

(B) Location Plan and Disposition Plan (Sections 4, 5 and 25 of Schedule 1)

8. A sales brochure should contain a location plan showing the position of the relevant development, the major communal facilities and the use/intended use of land as shown in the latest town plan. A disposition plan of the buildings within the development, including major roads, open areas, transport, communal and recreational facilities should also be provided.
(C) Floor Plan (Section 6 of Schedule 1)

9. Floor plans of all typical and non-typical floors, including rooftop, entrance floors and car parks, drawn to scale, should be provided. These include separate floor plans showing the thickness of the load bearing walls at the lowest, median and top levels of the building.

(D) Floor Area (Section 7 of Schedule 1)

10. Developers are required to state in sales brochures the “saleable area” and the “gross floor area” of all flats of an uncompleted residential property. The area of bay windows, roof and other ancillary facilities should be stated separately.

(a) Saleable area (Schedule 3)

11. “Saleable area” refers to the floor area contained within the enclosing walls of a residential unit measured up to the external edge of the enclosing wall or the centre line of a separating wall between two adjoining units. We propose to revise the Chinese translation from “實用面積” (which is commonly used but is easily misinterpreted) to “出售面積”.

(b) Gross floor area (Schedule 2)

12. “Gross floor area” should be the proportionate share of the total domestic gross floor area of the development calculated in accordance with the Building (Planning) Regulations as approved by the Building Authority. This is equal to the saleable area of the flat together with a
proportionate share of all common areas approved by the Building Authority. The method of apportionment and the main components of common areas must be detailed in the sales brochure.

**(E) Fittings and Finishes and Sample Property** (Clause 11 and Section 32 of Schedule 1)

13. A sales brochure should contain a description of fittings and finishes. If a sample property is offered by the developer, it should be accurate in terms of dimension and partition. The sample flat should carry a notice giving the “saleable area” and the “gross floor area” of the property, and a statement as to whether the interior finishes, fittings, appliances and furniture displayed are included in the sale price.

**(F) Government Lease and Deed of Mutual Covenant** (Section 12 of Schedule 1)

14. A sales brochure should contain a summary of the salient terms of the Government lease and the Deed of Mutual Covenant, including user restrictions, details of land lease, Government rent, property management arrangements.

**(G) Documents for Public Inspection** (Clause 10 and Section 23 of Schedule 1)

15. The developer should make available, at his office and at each sales office, two copies each of the Deed of Mutual Covenant, building plans and town plans referred to in the sales brochure, and the standard agreement for sale and purchase of properties for inspection by the public free of charge during the sale period.
(H) **Advertisements** (Clause 12 and Section 16 of Schedule 1)

16. There should be a notice stating clearly that purchasers should refer to the sales brochure for details. If the sale price per square foot or square metre calculated on the basis of "gross floor area" or any other basis is stated in an advertisement or a sales brochure, the price per square foot or square metre calculated on the basis of "saleable area" must also be shown.

(I) **Penalties** (Clauses 5, 9, 10, 11, 12 and 13)

17. For failure to provide a sales brochure containing information specified in the Bill, a fine of $5 million on conviction upon indictment, or a fine of $100,000 on summary conviction is proposed. If the dimension of any part of a sample property is different from the information stated in the notice displayed in the sample property, a fine of $1 million on conviction upon indictment, or a fine of $100,000 on summary conviction is proposed. There are penalties for other failures.

(J) **Legal Remedies** (Clause 6)

18. Certain essential information such as land use, salient clauses in the Government lease and the Deed of Mutual Covenant, provisions concerning slope maintenance as disclosed in the sales brochure shall be representation of fact made by the developer to the purchaser in respect of the contract for sale and purchase of the property. This will facilitate purchasers to pursue contractual remedies for inaccurate information. Other information such as finishes, fittings and defect liability period disclosed in a sales brochure
will be implied as a term of contract. Purchasers may seek compensation for losses as a result of the developer’s non-compliance. The Bill will not diminish in any way the existing rights of purchasers.

(K) **Defence (Clauses 14 and 15)**

19. Since developers may rely on other persons to provide the required information, it is proposed that developers should be allowed to invoke the defence of “due diligence”. However, where an offence is committed by a corporation and is proved to have been committed with the consent of or proved to be attributable to the neglect of an officer of the corporation, that officer and the corporation can both be liable for the offence.

(L) **Enforcement (Section 2 of Schedule 1)**

20. The Government proposes to enforce the Bill upon receipt of complaints. The Buildings Department will act as the lead department to receive complaints and will make referrals where appropriate. The Department of Justice will be responsible for prosecuting developers in case of non-compliance.

(M) **Power of the Secretary for Housing (Clauses 18 and 19)**

21. The Bill empowers the Secretary for Housing to make rules and amend the schedules.
COMMENTS

22. Members of the public are invited to give their comments on the White Bill. Views can be sent in writing on or before 7 July 2000 to:

Housing Bureau
Government Secretariat
Murray Building, 18th Floor
Garden Road
Central
Hong Kong

Facsimile No. : 2509 9988
E-mail Address: sdbill@hb.gcn.gov.hk

23. The Housing Bureau reserves the right to publish all views and comments, and to disclose the identity of the source. Any part of the submission, which is considered confidential, should be clearly marked. The Housing Bureau will take the request into account in making its decision on whether or not to disclose such information.

Housing Bureau
Government Secretariat
7 April 2000
SALES DESCRIPTIONS OF UNCOMPLETED RESIDENTIAL PROPERTIES BILL
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本條例草案

旨在

就物業發展商向準買家提供未建成住宅物業的資料並就附帶和有關燈的目的訂定條文。

由立法會制定。

I. 簡稱及生效日期

(1) 本條例可引稱為《未建成住宅物業銷售說明條例》。
(2) 本條例自房屋局局長以憲報公告指定的日期起實施。

2. 釋義

(1) 在本條例中，除文意另有所指外——
“公用部分” (common parts) 就發展項目而言，指該發展項目中任何住宅物業或其他非土地財產的業主均無權獨有使用、佔用或享用的該發展項目的部分；
“公契” (deed of mutual covenant) 就任何發展項目而言，指符合以下說明的文件——
(a) 界定和規管該發展項目的住宅物業或其他土地財產的所有業主彼此間的權利、權益及義務；
(b) 就該發展項目的管理作出規定；及
A BILL

To

Provide for the supply of information on uncompleted residential properties by property developers to prospective purchasers and for incidental and connected purposes.

Enacted by the Legislative Council.

1. Short title and commencement

(1) This Ordinance may be cited as the Sales Descriptions of Uncompleted Residential Properties Ordinance.

(2) This Ordinance shall come into operation on a day to be appointed by the Secretary for Housing by notice in the Gazette.

2. Interpretation

(1) In this Ordinance, unless the context otherwise requires—

“advertisement” (廣告) includes any form of advertising, whether made orally or produced mechanically, electronically, magnetically, optically, manually or by any other means;

“authorized officer” (獲授權人員) means an authorized officer appointed under section 8;

“authorized person” (認可人士) means—

(a) in relation to a development under the Housing Authority Scheme, where applicable, an architect, an engineer or a surveyor appointed by the Director of Housing for the purposes of this Ordinance;

(b) in relation to an exempted development in the New Territories, the developer or a person appointed by the developer in respect of the building works of the development; or
(c) 已在或將在以下地方註冊——

(i) 根據《土地註冊條例》(第 128 章) 設立的土地註冊處；或
(ii) 《新界條例》(第 97 章) 第 10 條提述的分區土地註冊處。

並包括次公契及對公契作補充或修訂的契據或文件；

“公開發售” (public sale) 就任何發展項目的未建成住宅物業而言，指有關發展商依據一項邀請公眾妥約購買該等物業的邀請訂立買賣協議，以將該等物業售予公眾人士；

“公開發售日期” (date of public sale) 就任何發展項目的未建成住宅物業而言，指該等物業中的首項物業公開發售的日期，或經宣布或預定的該次公開發售的日期 (以較早者為準)；

“未建成住宅物業” (uncompleted residential property)——

(a) 就任何獲豁免新界發展項目而言，指未獲地政總署署長發給完工證或不反對入住書的建築物內的住宅物業；

(b) 就任何其他發展項目而言，指不獲發給佔用許可證或概免鑰或證明書的建築物內的住宅物業。

但並不包括房委會出售或將會出售而在出售前已根據租契、租賃協議或特許被佔用的住宅物業；

“出售面積” (saleable area) 就任何住宅物業而言，指按照附表 3 計算的面積；

“交易完成日期” (date of sale completion) 就任何住宅物業而言，指發展商簽立該物業的轉讓契據的日期或買家簽立該契據的日期 (以較早者為準)；

“完工證” (certificate of compliance) 就任何屬政府租契標的之土地而言，指由地政總署署長或他為此授樁的人簽署的文件或文件，證明根據該政府租契而施加於有關獲批地人及他的繼承人及受讓人所有積極責任已獲遵從，致令地政總署署長或該租約被授予的人 (視屬何情況而定) 滿意；

“佔用許可證” (occupation permit) 指根據《建築物條例》(第 123 章) 第 21(2) 條發出的佔用許可證或臨時佔用許可證；
in relation to any other development, an authorized person appointed under the Buildings Ordinance (Cap. 123) in respect of the building works of the development;

“building” (建築物) means any building which—

(a) consists of any residential property and any other real property, if any; and

(b) comprises one or more levels whether at, above or below the ground level,

and includes the land on which the building is constructed and any other land or structure which is in common ownership with that building;

“building plan” (建築圖則) means—

(a) in relation to a development under the Housing Authority Scheme, a plan which is prepared by an architect, an engineer or a surveyor appointed by the Director of Housing;

(b) in relation to an exempted development in the New Territories—

(i) a building plan approved by the Director of Lands under any Government lease; or

(ii) (where the development is not subject to any condition in a Government lease that requires approval of building plans in respect of the development by the Director of Lands) the building plan upon which the developer has relied in carrying out the building works for the exempted development which plan shall include drawings, details, diagrams, calculations and structural calculations;

(c) in relation to any other development, a plan as defined in the Buildings Ordinance (Cap. 123) and approved—

(i) under Part II of that Ordinance; and

(ii) where applicable, by the Director of Lands under any Government lease;

“certificate of compliance” (完工證), in relation to any land, means a document or instrument signed by the Director of Lands or any person authorized by him in that behalf certifying that all the positive obligations imposed on the grantee and his successors and assigns under the Government lease for the land have been complied with to the satisfaction of the Director of Lands or of the person so authorized, as the case may be;

“common parts” (公用部分), in relation to a development, means those parts of the development of which no owner of any residential property or any other real property in the development is entitled to exclusive use, occupation or enjoyment;

“completion certificate” (樓宇落成證明書) means a document signed by the Director of Housing or any person authorized by him in that behalf certifying that a building is completed;
“住宅物業” (residential property)——

(a) 指構成純粹或完全用作住宅用途或擬純粹或完全用作住宅用途的獨立單位（《旅館業條例》（第 349 章）所界定的旅館除外）的任何土地財產；及

(b) 包括——

(i) 如文資許可，作與 (a) 段述的物業有關連的情況下使用或擬在該等情況下使用的佔車位；及

(ii) 擬建的第 (i) 項或 (a) 段述的物業：

“局長” (Secretary) 指房屋局局長；

“房委會” (the Housing Authority) 指香港房屋委員會；

“房委會房屋計劃” (Housing Authority Scheme) 指根據《房屋條例》（第 283 章）第 17A 條將房委會建造的發展項目的住宅單位售予買家的計劃；

“建築物” (building) 指符合以下說明的建築物——

(a) 由任何住宅物業及任何其他土地財產 (如有的話) 與成；及

(b) 包含 1 層或多於 1 層樓層 (不論是位於地面、地面之上或地面之下)，並包括該建築物所座落的土地以及與該建築物共同屬於同一擁有者的任何其他土地或構築物；

“建築面積” (gross floor area) 就任何住宅物業而言，指按照附表 2 計算的面積；

“建築圖則” (building plan)——

(a) 就房委會房屋計劃下的發展項目而言，指由房屋署署長指定的建築師、工程師或測量師擬備的建築規則；

(b) 就獲豁免新界發展項目而言——

(i) 指地政總署署長根據任何政府租契批准的建築圖則；或

(ii) (如發展項目不受制於由地政總署署長根據任何政府租契批准圖則的條件規定) 指發展商擬以進行該發展項目建築工程的建築圖則，包括繪圖、詳圖、簡圖、計算資料及結構計算資料；

(c) 就其他發展項目而言，指《建築物條例》（第 123 章）所界定的——

(i) 根據該條例第 11 部獲批准的圖則；或

(ii) (如適用的話) 得地政總署署長根據任何政府租契批准的圖則；
“date of public sale” (公開發售日期), in relation to uncompleted residential properties in a development, means the date on which the public sale of the first of such properties takes place or the date of such sale as announced or scheduled to take place, whichever is the earlier;

“date of registration” (認購登記日期), in relation to uncompleted residential properties in a development, means the earliest date on which personal or other particulars of prospective purchasers of the properties are accepted for registration by the developer of the development for the purposes of the sale of such properties;

“date of sale completion” (交易完成日期), in relation to a residential property, means the date on which the deed of assignment of the property is executed by the developer or the purchaser, whichever is the earlier;

“deed of mutual covenant” (公契), in relation to a development, means a document which—

(a) defines and regulates the rights, interests and obligations of all owners of residential properties or other real properties in the development among themselves;

(b) makes provision for the management of the development; and

(c) is registered or to be registered in—

(i) the Land Registry established under the Land Registration Ordinance (Cap. 128); or

(ii) a District Land Registry referred to in section 10 of the New Territories Ordinance (Cap. 97),

and includes a sub-deed of mutual covenant and any deed or document which supplements or amends a deed of mutual covenant;

“developer” (發展商), in relation to a development, means the person who—

(a) owns the legal or equitable title to any residential property in the development on the date of public sale of residential properties in the development;

(b) commissions the contractor to build the development; and

(c) sells, offers to sell or accepts offer to purchase such residential properties in a public sale;

and for the purposes of this definition, a person who owns the legal or equitable title to any undivided share in land on which a development is or is to be constructed carrying with it the exclusive right to occupy or use a residential property in the development shall be regarded as owning the legal or equitable title to such property;

“developer’s office” (發展商辦事處) means—

(a) the registered office of the developer in Hong Kong; or

(b) where the developer does not have a registered office in Hong Kong, the developer’s principal office in Hong Kong:
“城市規劃圖則” (town plan) 指——

(a) 根據《城市規劃條例》(第 131 章) 擬備的法定圖則，包括分區計劃大綱圖及發展審批地區圖；及

(b) 非法定圖則，包括發展大綱圖及發展藍圖。

“售樓說明書” (sales brochure) 指載有發展項目資料的文件，而就本定義而言，“文件” (document) 包括以不可閱形式貯存資料但能以可閱形式重現資料的器件；

“售樓辦事處” (sales office) 指為與任何發展項目的住宅物業的買賣有關而准許該等物業的買家或準買家進入的地方；

“發表” (publish) 就任何廣告而言，指不論以下列任何形式展示、傳遞、分發、廣播或以其他方式傳布該廣告供公眾人士或部分公眾人士接收——

(a) 在報章、雜誌、期刊或其他刊物刊登；

(b) 展示海報、告示或條幅；

(c) 通告、冊子、小冊子、單張、廣告牌、傳單、目錄或通函；

(d) 照片展覽或放映影片；

(e) 聲音廣播或電視；

(f) 電腦或其他電子工具或媒介；或

(g) 以其他方式，不論是藉光、聲音或媒介的產生或傳送；

“發展商” (developer) 就任何發展項目而言，指符合以下說明的人——

(a) 在該發展項目的住宅物業的公開發售日期，擁有該發展項目中任何住宅物業的法律上或衡平法上的所有權；

(b) 委托承建商建造該發展項目；及

(c) 在公開發售中出售或要約出售該等住宅物業，或接受購買該等物業的要約。

而為本定義的目的，任何人擁有發展項目所座落或將會座落的土地的不分割份數法律上或衡平法上的所有權 (連同該發展項目的住宅物業的獨有佔用權或獨有使用權)，即須視為擁有該物業的法律上或衡平法上的所有權；
"development" (發展項目) means—

(a) where the construction of 2 or more buildings can, by reason of the engineering, structural or architectural connection between such buildings, reasonably be regarded as one single project, the collection of such buildings; or

(b) when paragraph (a) does not apply, a building;

"exempted development in the New Territories" (豁免免新界發展項目) means a development in respect of which a certificate of exemption is issued under section 5(a) of the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121);

"gross floor area" (建築面積), in relation to a residential property, means the area calculated in accordance with Schedule 2;

"the Housing Authority" (房委會) means the Hong Kong Housing Authority;

"Housing Authority Scheme" (房委會房屋計劃) means any scheme under which residential units in development constructed by the Housing Authority are sold to purchasers under section 17A of the Housing Ordinance (Cap. 283);

"occupation permit" (占用許可證) means an occupation permit or temporary occupation permit issued under section 21(2) of the Buildings Ordinance (Cap. 123);

"public sale" (公開發售), in relation to uncompleted residential properties in a development, means the developer’s entering into agreements for sale and purchase for the sale of such properties to members of the public pursuant to an invitation to the general public to make an offer to purchase such properties;

"publish" (發表), in relation to any advertisement, means displaying, circulating, distributing, broadcasting or otherwise disseminating the advertisement for receipt by the public or any section of the public, whether—

(a) in a newspaper, magazine, journal or other publications;

(b) by the display of posters, notices or banners;

(c) by means of circulars, brochures, pamphlets, showcards, handbills, catalogues or unsolicited mails;

(d) by exhibition of photographs or cinematographic films;

(e) by way of sound broadcasting or television;

(f) by computer or other electronic device or means; or

(g) by any other means, whether by way of production or transmission of light, voice or sound or any other media;

"purchaser" (買家), in relation to a residential property in a development, means the person who has entered as purchaser into an agreement with the developer of the development for the sale and purchase of the property;
“發展商辦事處” (developer’s office)——
(a) 指發展商在香港的註冊辦事處，或
(b) 在發展商沒有註冊辦事處的情況下，指發展商在香港的主要辦事處；

“發展項目” (development)——
(a) 在超過一幢建築物的建造由於該等建築物之間的工程關係、結構關係或
建築關係而能合理地被視為一項單一工程項目的的情況下，指該等建築物
的整體；
(b) 在 (a) 段不適用的情況下，則指一幢建築物；

“買家” (purchaser) 就任何發展項目的住宅物業而言，指以買家身份與該發展項目的
發展商就該物業的買賣訂立協議的人；

“認可人士” (authorized person)——
(a) 就房委會房屋計劃下的發展項目而言，指 (如適用的話) 房屋署署長為本
條例的施行而指定的建築師、工程師或測量師；
(b) 就獲豁免新界發展項目而言，指有關發展商或該發展商就該發展項目的
建造工程而委任的人；或
(c) 就其他發展項目而言，指根據《建築物條例》(第 123 章) 就該發展項目的
建造工程而委任的認可人士；

“認購登記日期” (date of registration) 就任何發展項目的未建成住宅物業而言，指該發
展項目的發展商為發售該等物業而接受該等物業的準買家的個人或其他詳情以作
登記的最早日期；

“樓宇落成證明書” (completion certificate) 指房屋署署長或獲房屋署署長為此而授權
的任何人所簽署，證明建築物已建成的文件；

“廣告” (advertisement) 包括任何形式的廣告，不論是口頭作出的、或以機械、電子、
磁力、光學、人手或其他方式製作的；

“獲授權人員” (authorized officer) 指根據第 8 條委任的獲授權人員；

“獲豁免新界發展項目” (exempted development in the New Territories) 指根據《建築物
條例 (新界適用) 條例》(第 121 章) 第 5(a) 條獲豁免證明書的發展項目；

“牆”、“牆壁” (wall) 包括與之融合的柱。

(2) 頃第 (1) 款中“公開發售”的定義而言，如任何一類公眾人士由於以下原因而
不能要約購買任何發展項目的未建成住宅物業，此情況本身並不使要約購買該等物業
的邀請不成為向公眾作出的邀請——
"residential property" (住宅物業) means—

(a) any real property constituting a separate unit used or intended to be used solely or principally for residential purposes, other than a hotel or guesthouse as defined in the Hotel and Guesthouse Accommodation Ordinance (Cap. 349); and

(b) includes—

(i) where the context permits, car parking spaces used or intended to be used in connection with a property referred to in paragraph (a); and

(ii) property referred to in subparagraph (i) or paragraph (a) that is intended to be constructed;

"saleable area" (可售面積) means the area calculated in accordance with Schedule 3;

"sales brochure" (售樓說明書) means a document containing information on a development and for the purpose of this definition “document” (文件) includes any device in which information is stored in an illegible form that can be reproduced in a legible form;

"sales office" (售樓辦事處) means a place into which purchasers or prospective purchasers of residential properties in a development are admitted for purposes connected with the sale and purchase of the properties;

"Secretary" (局長) means the Secretary for Housing;

"town plan" (城市規劃圖則) means—

(a) a statutory plan prepared under the Town Planning Ordinance (Cap. 131) including an outline zoning plan and a development permission area plan; and

(b) a non-statutory plan including an outline development plan and a layout plan;

"uncompleted residential property" (未建成住宅物業) means—

(a) in relation to an exempted development in the New Territories, a residential property in a building in respect of which neither a certificate of compliance nor a letter of no objection to occupy is issued by the Director of Lands; or

(b) in relation to any other development, a residential property in a building in respect of which neither an occupation permit nor a completion certificate is issued,

but does not include residential properties sold or to be sold by the Housing Authority which have been occupied under leases, tenancy agreements or licences before the sale;

"wall" (牆) includes any column amalgamated with it.

(2) For the purposes of the definition of “public sale” in subsection (1), the fact that a sector of the public is precluded from making offer to purchase uncompleted residential properties in a development by reason of—
3. 適用範圍

本條例就位於香港的未建成住宅物業而適用。

4. 該免

（1）局長可就其對任何發展商授予豁免，使其無須就任何發展項目或任何類型的發展項目遵守本條例的任何條文或所有條文的規定。

（2）根據第（1）款授予的豁免須受局長在有關命令中指明的條件（如有有的話）限制。

（3）局長可就該豁免命令宣布根據第（1）款授予的豁免在該命令指明的日期不再有效。

5. 提供售樓說明書的責任

（1）除第（2）及（5）款另有規定外，任何發展項目的發展商不得於沒有在發展項辦事處或有關發展項目的售樓辦事處提供載有該發展項目的資料的售樓說明書供公眾索取的情況下——

（a）在公開發售中出售該發展項目的未建成住宅物業；

（b）要約在公開發售中出售該發展項目的未建成住宅物業；或

（c）公開邀請在公開發售中購買該發展項目的未建成住宅物業的要約。

（2）凡發展商必須遵守第（1）款而就任何發展項目而提供售樓說明書——
(a) their financial means exceeding the limit set by the Housing Authority; or
(b) their ownership of real properties, does not by itself prevent the invitation to make offer to purchase such properties from being an invitation to the general public.

(3) Where a sales brochure is not in the form of a document, references in this Ordinance to printing a sales brochure shall be construed as making or otherwise preparing the sales brochure.

(4) For the purposes of section 5(3) and Schedule 1, information contained in a document provided together with a sales brochure shall be regarded as information contained in the sales brochure.

3. Application

This Ordinance applies in relation to uncompleted residential properties situated in Hong Kong.

4. Exemption

(1) The Secretary may by order in the Gazette exempt any developer from the requirement to comply with any or all of the provisions of this Ordinance in relation to any development or any type of development.

(2) An exemption granted under subsection (1) shall be subject to such condition, if any, as the Secretary may specify in the order.

(3) The Secretary may by order in the Gazette declare that an exemption granted under subsection (1) shall cease to have effect on a date specified in the order.

5. Duty to provide sales brochure

(1) Subject to subsections (2) and (5), the developer of a development shall not—

(a) sell;
(b) offer to sell; or
(c) publicly invite offer to purchase,
in a public sale uncompleted residential properties in the development without making available at the developer’s office or a sales office for the development for collection by the general public a sales brochure containing information on the development.

(2) A sales brochure made available in compliance with subsection (1) in respect of a development shall—
(a) 該售樓說明書須符合附表 1 的規定；

(b) 除在第 (3) 款另有規定的情況下外，於該發展項目屬房委會房屋計劃下或香港房屋協會的住宅出售計劃下的發展項目，該售樓說明書須於該發展項目的未建成住宅物業的公開發售日期前 7 日之前提供；

(c) 除在第 (3) 款另有規定的情況下外，於該發展項目屬任何其他發展項目，該售樓說明書須於以下日期（或其相隔最短者為準）前 7 日之前提供——
   (i) 高发展項目的未建成住宅物業的公開發售日期；及
   (ii) 繼物業的認購登記日期；及

(d) 須免費提供，或在收取不超過該說明書的合理製作成本的收費的情況下提供。

(3) 凡——

(a) 發展商依據第 (2)(c) 款而於有關公開發售日期或認購登記日期（視屬何情況而定）前未建成住宅物業的發售前提供售樓說明書；及

(b) 於該日期前 7 天的期間內或於該日期有該發展項目的未建成住宅物業加推發售，

則在切实可行範圍內盡快（但無論如何不得遲於該日期）提供載有該等加推物業的價目表（附表 1 第 15 條所規定者）的售樓說明書，就次發售的售樓說明書而言，即屬充分遵守第 (2)(c) 款。

(4) 任何發展商違反第 (1) 款，即屬犯罪——

(a) 一經循公訴程序定罪，可處罰款 $5,000,000；

(b) 一經循簡易程序定罪，可處第 6 級罰款。

(5) 第 (1) 款在以下情況下不適用於任何發展項目的發展商；該發展項目的售樓說明書已由該發展項目的另一發展商在遵守該款的情況下提供。

6. 售樓說明書內某些資料的效力

(1) 就任何發展項目的發展商與該發展項目的未建成住宅物業買賣之間的該物業的買賣合約而言——
(a) comply with Schedule 1;
(b) subject to subsection (3), in the case of a development under the Housing Authority Scheme or the Flat-for-Sale Scheme of the Hong Kong Housing Society, be made available before 7 days preceding the date of public sale of the uncompleted residential properties in the development;
(c) subject to subsection (3), in the case of any other development, be made available before 7 days preceding —
   (i) the date of public sale of the uncompleted residential properties in the development; or
   (ii) the date of registration for such properties, whichever is the earlier; and
(d) be provided free of charge or at a charge not exceeding the reasonable production cost of the brochure.

(3) Where—
(a) sales brochures are made available in respect of a sale of uncompleted residential properties pursuant to subsection (2)(c) before the date of public sale or date of registration, as the case may be; and
(b) additional uncompleted residential properties in that development are put up for sale in the period of 7 days preceding such date or on such date,

making available sales brochures containing price lists for such additional properties as provided for in section 15 of Schedule 1 as soon as practicable and in any event not later than such date shall be sufficient compliance with subsection (2)(c) in relation to the second-mentioned sales brochures.

(4) Any developer who contravenes subsection (1) commits an offence and is liable—
(a) on conviction upon indictment, to a fine of $5,000,000;
(b) on summary conviction, to a fine at level 6.

(5) Subsection (1) shall not apply to a developer of a development if sales brochures for the development are made available by another developer of the development in compliance with that subsection.

6. Effect of certain information in sales brochure

   (1) For the purposes of the contract between the developer of a development and a purchaser of an uncompleted residential property in the development for the sale of that uncompleted residential property—
7. 雙語資料

凡發展商就任何未建成住宅物業提供售樓說明書，而該售樓說明書內所載資料有本意是內容相等的中文版本和英文版本，則——

(a) 每一個版本均須符合附表Ⅰ的規定；
(b) 如該兩個版本於比較之下出現意義分歧，則就——

(i) 第6條；
(ii) 附表Ⅰ第Ⅱ及Ⅲ部；及
(iii) 該物業的買家與該發展商為該物業的出售而訂立的合約，而該物業的買家所選擇的版本為準。
(a) the information set out in Part II of Schedule 1 contained in the latest version of the sales brochure in respect of the uncompleted residential property as required by section 5(2) as at the date on which the contract is entered into shall be a representation of fact made by the developer to the purchaser as regards the uncompleted residential property; and

(b) the purchaser shall be presumed, until the contrary is proved, to have been induced by such representation to enter into the contract.

(2) The information provided pursuant to Part III of Schedule 1 and contained in the latest version of the sales brochure in respect of an uncompleted residential property in a development as required by section 5(2) as at the date on which the contract for the sale of the uncompleted residential property is entered into by the developer of the development and a purchaser shall be implied as terms into that contract.

(3) Any term of a contract shall be void in so far as it, but for this section, has the effect of extinguishing or reducing any right conferred on a purchaser by the operation of subsection (2).

(4) This section shall not prejudice any right of, or remedy available to, a purchaser of an uncompleted residential property arising otherwise than under this section.

7. **Bilingual information**

Where a sales brochure is made available in respect of an uncompleted residential property and any information contained in the sales brochure has an English version and a Chinese version purporting to be the equivalent of each other—

(a) each of such versions shall comply with Schedule 1;

(b) and where the two versions on comparison disclose a difference in meaning, the version selected by the purchaser of that property shall for the purposes of—

(i) section 6;

(ii) Parts II and III of Schedule 1; and

(iii) the contract between him and the developer of the development for the sale of that uncompleted residential property,

prevail.
8. 獲授權人員的委任

附表 5 所列公職人員可為本條例的施行而委任任何公職人員為獲授權人員

9. 售樓說明書的交存

(1) 任何發展項目的發展商均須於第 5 條所指關乎該發展項目的售樓說明書供公眾索取日或前，將附表 6 第 2 款指明的數目的說明書交存在該附表第 1 條所指對應位置說明書的主管當局作為紀錄。

(2) 如同一發展項目的超過一份售樓說明書在內容方面有質差異，則該等說明書須視為不同的售樓說明書，而就每份售樓說明書而言，第 (1) 款的規定均須遵守。

(3) 任何人違反第 (1) 款，即屬犯罪，一经循簡易程序定罪，可處第 6 級罰款。

10. 提供公契等

(1) 任何發展項目的發展商均須於該發展項目的未建成住宅物業提供以下文件，讓公眾在該等住宅物業推出作公開發售的期間免費查閱——

(a) 該發展項目的公契 2 份；

(b) (如適用的話) 該發展項目的售樓說明書內提及的每一建築圖則及城市規劃圖則各 2 份；及

(c) 該發展項目的未建成住宅物業的標準買賣協議 2 份。

提供文件的時間及地點須符合以下規定——

(i) 於通常辦公時間內在發展商辦事處提供；及

(ii) 於該發展項目的未建成住宅物業的買家或準買家購獲進入有關售樓辦事處 (如有有的) 的時間內，在每個售樓辦事處提供。

(2) 在第 (1) 款中，“公契” (deed of mutual covenant)——

(a) 在已就有關發展項目簽立公契的情況下，指該公契；
8. **Appointment of authorized officer**

The public officers set out in Schedule 5 may appoint any public officer to be an authorized officer for the purposes of this Ordinance.

9. **Deposit of sales brochure**

(1) The developer of a development shall, on the day on which the sales brochure under section 5 in respect of the development is made available for collection by the general public, deposit such number of copies of the brochure specified in column 2 of Schedule 6 with the authorities specified opposite thereto in column 1 of that Schedule for record.

(2) If 2 or more sales brochures in respect of the same development differ in substance from each other, they shall be regarded as different sales brochures and subsection (1) has to be complied with in relation to each such brochures.

(3) Any person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine at level 6.

10. **Copies of deed of mutual covenant, etc. to be made available**

(1) The developer of a development shall make available for the uncompleted residential properties in the development—

(a) 2 copies of the deed of mutual covenant for the development;

(b) 2 copies of (where applicable) each of the building plans and town plans referred to in the sales brochure prepared for the development; and

(c) 2 copies of the standard agreement for the sale and purchase of the uncompleted residential properties in the development,

at—

(i) the developer’s office during normal office hours; and

(ii) each of the sales office, if any, during such hours in which purchasers or prospective purchasers of the uncompleted residential properties in the development are admitted into the office,

for inspection by the general public free of charge during the period in which such residential properties are put up for public sale.

(2) In subsection (1), “deed of mutual covenant” (公契) means—

(a) where the deed of mutual covenant has been executed in respect of the development, such deed of mutual covenant;
(b) 在彼無就有關發展項目簽立公契的情況下，指建議就該發展項目簽立的公契的最高擬稿，包括
  (i) 聯地政府署署長按照該發展項目的政府相關批准的公契擬稿（包括其後對該等公契擬稿的更改）；及
  (ii) 由發展商的律師所作的《律師執業規則》第159章·附屬法例第5C(3)(a)條所描述的法定聲明的附件的公契擬稿
(3) 任何人違反第(1)款，即屬犯罪。經循簡易程序定罪，可處第6級罰款。

11. 關乎示範物業的條文

(1) 在此條中，“示範物業” (sample property) 指——
  (a) 物業單位（不論是否屬裝修標準齊備者）；或
  (b) 與物業單位（不論是否屬裝修標準齊備者）相似的構築物，而該單位或構築物——
    (i) 在尺寸及間隔等方面是有與屬某特定發展項目的特定住宅物業類型的住宅物業相同或大致相同的；及
    (ii) 是由該發展項目的發展商提供或安排提供予該發展項目的住宅物業的準買家察看的。
(2) 提供或安排提供示範物業的發展商必須在該示範物業的顯眼位置展示一份通知。
(3) 依據第(2) 款展示的通知須——
  (a) 合理地可聞；
  (b) 以中文及英文寫成；
  (c) 除於有關發展項目準備的售樓說明書可供索取外；
  (d) 除於有關類型的住宅物業的建築面積及出售面積外；
  (e) 如該示範物業間隔或部分不同）除該示範物業各部分尺寸；
  (f) 如適用的話）除於該示範物業的間隔與屬有關類型的住宅物業的間隔有何不同；
(b) where no deed of mutual covenant has been executed in respect of the development, the latest draft of the deed of mutual covenant proposed to be executed in respect of the development which includes—

(i) a draft deed of mutual covenant approved by the Director of Lands in accordance with the Government lease for the development (including any subsequent variation of such draft deed of mutual covenant); and

(ii) a draft deed of mutual covenant which is intended to be annexed to a statutory declaration by the developer's solicitor described in rule 5C(3)(a) of the Solicitors' Practice Rules (Cap. 159 sub. leg.).

(3) Any person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine at level 6.

11. Provisions relating to sample properties

(1) In this section, “sample property” (示範物業) means—

(a) a property unit (whether furnished or not); or

(b) a structure resembling a property unit (whether furnished or not),

which—

(i) is or claimed to be the same or substantially the same, in terms of dimension and partition, as a residential property of a particular type of residential property in a particular development; and

(ii) is made available or caused to be made available by the developer of the development for inspection by prospective purchasers of residential properties in the development.

(2) The developer who makes the sample property available or causes the sample property to be made available shall display a notice at a conspicuous place in the sample property.

(3) A notice displayed pursuant to subsection (2) shall—

(a) be reasonably legible;

(b) be in English and Chinese;

(c) state the availability of sales brochures prepared for the development;

(d) state the gross floor area and saleable area of the relevant type of residential property;

(e) where the sample property is partitioned into different parts, state the dimension of each part of the sample property;

(f) state, if applicable, in what way is the partition of the sample property different from that of the type of residential property;
(g) 列出哪些（如有有的話）在該示範物業內展示的內部裝飾、裝置、固定附着物、用具、器具或家具——

(i) 與在或將会在有關住宅物業內提供的相應內部裝飾、裝置、固定附着物、用具、器具或家具相同；及

(ii) 將會包括在有關住宅物業的售價內；

(h) 載有經有關發展項目的認可人士核證的內部裝飾、裝置及固定附着物的說明；及

(i) （如適用的話）列明哪些在或將會在有關住宅物業內提供的內部裝飾、裝置、固定附着物、用具、器具或家具——

(ii) 與在示範物業內展示的相應內部裝飾、裝置、固定附着物、用具、器具或家具可能不同；但

(4) 如任何示範物業的任何部分的尺寸在任何方面與依第(2) 款在該示範物業內展示的通知依第(3)(e) 款述明的該示範物業相應部分的尺寸不同，則提供或安排提供該示範物業予準買家參看的發展商即屬犯罪——

(a) 一經循公訴程序定罪，可處罰款 $1,000,000；

(b) 一經循簡易程序定罪，可處第 6 級罰款。

(5) 任何人違反第 (2) 款，即屬犯罪，一經循簡易程序定罪，可處第 6 級罰款。

12. 關於廣告的規定

(1) 除非符合以下規定，否則任何人不得發表或安排發表其意是促進任何未建成住宅物業銷售的廣告——

(a) 就書面形式發表的廣告或由靜止影像構成的廣告而言，該廣告在顯眼位置載有一段合理地可閱的聲明提示；

(b) 就由活動影像或一連串靜止影像所構成的廣告而言，在不少於該廣告的持續期間的四分之一的時段內，載有一段合理地可閱的聲明提示；或

(c) 就僅由聲音廣播構成的廣告而言，該廣告載有一段合理地可聽到的聲明提示。
(g) set out which (if any) of the interior finishes, fittings, fixtures, appliances, utensils or furniture displayed in the sample property are—

(i) to be the same as the corresponding interior finishes, fittings, fixtures, appliances, utensils or furniture provided or to be provided in the residential property; and

(ii) to be included in the sale price of the residential property;

(h) contain specifications of the interior finishes, fittings and fixtures as certified by the authorized person of the development; and

(i) state, where applicable, which of the interior finishes, fittings, fixtures, appliances, utensils or furniture provided or to be provided in the residential property—

(i) may be different from; but

(ii) will be of a standard certified by the authorized person to be equivalent to,

the corresponding interior finishes, fittings, fixtures, appliances, utensils or furniture displayed in the sample property.

(4) A developer who makes a sample property available or causes a sample property to be made available for inspection commits an offence if the dimension of any part of the sample property is different in any respect from the dimension of the corresponding part of the sample property stated pursuant to subsection (3)(c) in the notice displayed in the sample property pursuant to subsection (2) and is liable—

(a) on conviction upon indictment, to a fine of $1,000,000;

(b) on summary conviction, to a fine at level 6.

(5) Any person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine at level 6.

12. Requirements as regards advertisements

(1) No person shall publish, or cause to be published, any advertisement purported to promote the sale of any uncompleted residential property unless—

(a) in the case of an advertisement in written form or comprising of a stationary visual image, the advertisement contains a reasonably legible prescribed notice in a conspicuous position;

(b) in the case of an advertisement comprising moving visual images or a series of stationary visual images, the advertisement bears a reasonably legible prescribed notice during such time as being not less than one-fourth of the duration of the advertisement; or

(c) in the case of an advertisement comprising solely sound broadcasting, the advertisement contains a reasonably audible statement of the prescribed notice.
(2) 在第(1)款中，“訂明告示”(prescribed notice)—

(a) 在第 (1)(a) 或 (b) 款所指的廣告——

(i) 續粹或主要採用中文的情況下，指措詞如下的告示——
     “欲了解詳情，請參閱售樓說明書。”：
(ii) 續粹或主要採用英文的情況下，指措詞如下的告示——
     “Please refer to the sales brochure for details.”：
(iii) 續粹或主要採用中文及英文以外的另一種語言的情況下，指一段採
     用該種語言的要求讀者就有關詳情參閱售樓說明書的告示：
(iv) 同時採用中文及英文，而決定哪一種語言屬其主體語言並非切實可
     行的情況下，指措詞如下的告示——
     “欲了解詳情，請參閱售樓說明書。”
及
     “Please refer to the sales brochure for details.”：或

(b) 在第 (1)(c) 款所指的廣告——

(i) 續粹或主要採用粵語、普通話或其他中國方言的情況下，指一段採
     用粵語、國語或該方言(視屬何情況而定) 表達以下措詞的告示——
     “欲了解詳情，請參閱售樓說明書。”：
(ii) 續粹或主要採用英語的情況下，指一段措詞如下的告示——
     “Please refer to the sales brochure for details.”：
(iii) 續粹或主要採用中文或英文以外的另一種語言的情況下，指一段用
     該種語言表達的要求聽眾參閱售樓說明書以了解有關詳情的告示。

(3) 就第 (2) 款而言，凡——

(a) 廣告採用除中文及英文以外多於一種的語言；及
(b) 決定哪一種語言屬其主體語言並非切實可行
    廣告中所使用每一種語言將被視為其主體語言。

(4) 凡其意是促進任何未建成住宅物業銷售的廣告——

(a) 提述該物業——

(i) 每平方呎或每平方公尺建築面積的售價；或
(2) In subsection (1), "prescribed notice" (訂明告示) means—

(a) in the case of an advertisement referred to in subsection (1)(a) or (b) which is—

(i) solely or principally in Chinese, a notice in the following terms—

“欲了解詳情，請參閱售樓說明書。”;

(ii) solely or principally in English, a notice in the following terms—

“Please refer to the sales brochure for details.”;

(iii) solely or principally in a language other than English and Chinese, a notice in that language to request the readers to refer to the sales brochure for details;

(iv) in both English and Chinese where it is impracticable to determine which is the principal language, a notice in the following terms—

“欲了解詳情，請參閱售樓說明書。”

and

“Please refer to the sales brochure for details.”; or

(b) in the case of an advertisement referred to in subsection (1)(c) which is—

(i) solely or principally in Cantonese, Putonghua or other Chinese dialect, a statement in the following terms in Cantonese, Putonghua or that dialect, as the case may be—

“欲了解詳情，請參閱售樓說明書。”;

(ii) solely or principally in English, a statement in the following terms—

“Please refer to the sales brochure for details.”;

(iii) solely or principally in a language other than English and Chinese, a statement in that language to request the audience to refer to the sales brochure for details.

(3) For the purposes of subsection (2), where—

(a) an advertisement is in more than one languages other than in English and Chinese; and

(b) it is impractical to determine which is the principal language, each of the language used in the advertisement shall be regarded as its principal language.

(4) No person shall publish, or cause to be published, any advertisement purported to promote the sale of any uncompleted residential property in which—

(a) a reference is made to the price of such property expressed in—

(i) gross floor area; or
(ii) 每平方呎或每平方公尺以任何基準計算的售面積數 (建築面積及出
售面積除外) 的售價；而
(b) 沒有明確地在售房用平方呎或每平方公尺 (視屬何情況而定) 的售
面積的售價。
任何人不得發表或安排發表該廣告。

(5) 任何人違反第 (1) 或 (4) 款，即屬犯罪，一经發現即須定罪，可處第 6 級罰
款。

(6) 如任何人就發表廣告而被控犯第 (5) 款所訂罪行，在該訴訟中，他如證明其
業務為發表或安排發表廣告，並說明他是在日常營業過程中接受該廣告以作發表，而
且不知道亦未理由懷疑發表該廣告會構成第 (5) 款所訂罪行，即可以用此作為免責辯
護。

(7) 如任何人就廣告違反第 (1) 款而被控犯第 (5) 款所訂罪行，他如證明該廣
告——
(a) (就第 (1)(a) 款所指的廣告而言) 的尺寸太小，令遵守該款非切實可
行；
(b) (就第 (1)(c) 款所指的廣告而言) 的時間太短，令遵守該款非切實可
行，
即可以此作為免責辯護。

13. 進入處所等的事宜及搜查、
檢取等的權力

(1) 為確定本條例的條文是否獲得遵從，獲授權人員可——
(a) 在任何合理時間，進入任何在與未建成住宅物業的發售有關連的情況下
使用的售樓辦事處、發展商辦事處或供作第 11(1) 條所指的示範物業的
其他處所；
(b) 要求在該處所內發現的人出示——
(i) 由該人管有或控制並備存於該處所內；及
(ii) 與未建成住宅物業的發售有關，
的簿冊、圖則、售樓說明書、紀錄或其他文件供該獲授權人員查閱；及
(c) 對該等簿冊、圖則、售樓說明書、紀錄或其他文件作筆錄、抄錄、複製
或摘錄。
(ii) floor area calculated on any basis other than gross floor area and saleable area; and

(b) no equally prominent reference is made to the price of such property expressed in price per square foot or square metre, as the case may be, of saleable area.

(5) Any person who contravenes subsection (1) or (4) commits an offence and is liable on summary conviction to a fine at level 6.

(6) In proceedings for an offence under subsection (5) committed in respect of the publication of an advertisement, it shall be a defence for the person charged to prove that he is a person whose business is to publish or arrange for the publication of an advertisement and that he received the advertisement for publication in the ordinary course of business and did not know and had no reason to suspect that its publication would amount to an offence under subsection (5).

(7) In proceedings for an offence under subsection (5) for contravention of subsection (1) in respect of an advertisement, it shall be a defence for the person charged to show that the advertisement is—

(a) in the case of an advertisement referred to in subsection (1)(a), too small in size so that compliance with that subsection is impracticable; or

(b) in the case of an advertisement referred to in subsection (1)(c), too short in duration so that compliance with that subsection is impracticable.

13. Entry to premises, etc. and power to search, seize, etc.

(1) For the purposes of ascertaining whether the provisions of this Ordinance are being complied with, an authorized officer may—

(a) at all reasonable time, enter any sales office, developer's office, or other premises made available as sample property within the meaning of section 11(1) used in connection with sale of uncompleted residential properties;

(b) require any person found on such premises to produce such books, plans, sales brochures, records or other documents which—

(i) are in his possession or under his control and kept in such premises; and

(ii) relate to sale of uncompleted residential properties, for inspection by the authorized officer; and

(c) take notes, copies or extracts of or from any such books, plans, sales brochures, records or other documents.
(2) 本條不損害根據其他法律賦予警務人員進入和搜查的任何權力。
(3) 如獲授權人員被要求出示權限證明，則除非他應要求出示其權限證明，否則
不得行使第 (1) 款所賦予的任何權力。
(4) 任何人——
(a) 沒有遵從根據第 (1)(b) 款作出的要求；或
(b) 妨礙獲授權人員行使第 (1) 款所賦予的任何權力。
即屬犯罪——
(i) 一经循公訴程序定罪，可處罰款 $200,000 及監禁 1 年；
(ii) 一经循簡易程序定罪，可處第 6 級罰款及監禁 6 個月。

14. 免責辯護

(1) 除第 (2) 款另有規定外，在任何就第 5(4) 或 11(4) 條所訂罪行而進行的法律
程序中，被告人如證明以下事項，即可以此作為免責辯護——
(a) 犯罪行為是由於——
(i) 他合理地倚賴另一人所提供的資料導致，而他並無凌駕於該一人
之上的權限；
(ii) 另一人的作為或不作為導致，而他並無凌駕於該一人之上的權
限；或
(iii) 意外或他不能控制的其他因由導致；及
(b) 他已採取一切合理預防措施並已盡一切應盡的努力以避免犯該罪行。
(2) 如在任何個案中，根據第 (1) 款提出的免責辯護涉及一項指稱，指所犯罪行
是由於以下事項導致的——
(a) 合理地倚賴另一人所提供的資料；或
(b) 另一人的作為或不作為，
則有關被告人如沒有法院許可，即無權援引該免責辯護，除非在聆訊前 14 天之前，
他已向檢控人送達書面通知，提供當時被告持有的能識別或有助於識別該一人
的資料。

15. 董事等的法律責任

(1) 除第 (3) 款另有規定外，凡任何法團犯本條例所訂罪行，而該罪行證明是經
該法團的董事、經理、秘書或其他職位相近的高級人員 (不論其實際職稱為何) 或任何
(2) This section shall be without prejudice to any powers of entry and search conferred on police officers under any other law.

(3) If an authorized officer is requested to produce proof of his authority, he shall not exercise any power conferred by subsection (1) unless he has produced the proof of his authority as requested.

(4) Any person who
   (a) fails to comply with a requirement under subsection (1)(b); or
   (b) obstructs an authorized officer in the exercise of any power conferred by subsection (1),
commits an offence and is liable
   (i) on conviction upon indictment, to a fine of $200,000 and to imprisonment for 1 year;
   (ii) on summary conviction, to a fine at level 6 and to imprisonment for 6 months.

14. Defence

(1) Subject to subsection (2), in any proceedings for an offence under section 5(4) or 11(4), it shall be a defence for the person charged to prove that
   (a) the commission of the offence was due to—
      (i) reasonable reliance on information supplied by another person over whom he has no authority;
      (ii) the act or omission of another person over whom he has no authority; or
      (iii) an accident or any other cause beyond his control; and
   (b) he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(2) If in a case the defence under subsection (1) involves an allegation that the commission of the offence was due to—
   (a) reasonable reliance on information supplied by another person; or
   (b) the act or omission of another person,
the person charged shall not, without the leave of the court, be entitled to rely on that defence unless, not less than 14 days before the hearing, he has served on the prosecutor a notice in writing giving such information as was then in his possession identifying or conducive to the identification of that other person.

15. Liability of directors, etc.

(1) Subject to subsection (3), where an offence under this Ordinance is committed by a corporation and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary, or other similar officer of the corporation
看來是以這些身分行事的人的同意或縱容，或可歸咎於上述任何人人的疏忽，則該人及該法團可屬犯該罪行，並均可據此被檢控和處罰。

(2) 均任何合夥的合夥人犯本條例所訂罪行，而該罪行證明是經該合夥的另一合夥人的同意或縱容，或可歸咎於另一合夥人的疏忽，則該另一合夥人亦屬犯該罪行，並可據此被檢控和處罰。

(3) 以下的人如真誠行事，並不招致第(1)款所指的刑事法律責任——
   (a) 房委會委員或根據《房屋條例》第283章第7條委任的房委會小組委員會的委員；
   (b) 房委會秘書；
   (c) 房屋署人員。

(4) 第(3)款給予任何人的保障，不影響房委會的法律責任。

16. 維授權人員的保障

(1) 在任何民事或刑事法律程序中，如法院信納任何獲得權人員於看來是根據本條例執行他的職能時作出或沒有作出任何事情是真誠作出或沒有作出的，該獲授權人員無須對該項作出或沒有作出的事項負法律責任。

(2) 第(1)款給予任何公職人員的保障，不影響政府的法律責任。

17. 違反本條例不影響合約

如有人違反本條例內任何關於未建成住宅物業的條文，關於該物業的買賣合約的有效性或可強制執行性並不僅因該項違反而受影響。

18. 規則

局長可為更有效地施行本條例的條文及貫徹本條例的宗旨而訂立規則。

19. 附表的修訂

(1) 局長可藉憲報公告修訂任何附表。
(and whether so called or not), or any person who was purporting to act in any such capacity, he as well as the corporation shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Where an offence under this Ordinance committed by a partner of a partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any other partner of that partnership, that other partner shall also be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(3) No

(a) member of the Housing Authority or any committee of it appointed under section 7 of the Housing Ordinance (Cap. 283);

(b) employee of the Housing Authority;

(c) officer of the Housing Department,

acting in good faith shall incur any criminal liability under subsection (1).

(4) The protection afforded under subsection (3) to any person shall not affect any liability of the Housing Authority.

16. Protection of authorized officers

(1) An authorized officer shall not be liable in any civil or criminal proceedings for anything he does, or omits to do, in the purported performance of his functions under this Ordinance if the court is satisfied that it was done, or omitted to be done, in good faith.

(2) The protection afforded under subsection (1) to any public officer shall not affect any liability of the Government.

17. Contravention does not affect contract

A contravention of any provision of this Ordinance in respect of an uncompleted residential property shall not by itself affect the validity or enforceability of a contract of sale and purchase for the uncompleted residential property.

18. Rules

The Secretary may make rules generally for the better carrying out of the provisions and objects of this Ordinance.

19. Amendment of Schedules

(1) The Secretary may by notice in the Gazette amend any Schedule.
1. 一般資料

就任何發展項目提供的售樓說明書須載有以下資料——

(a) 該發展項目的名稱；
(b) 發展商的名稱；
(c) 該發展項目的位置；
(d) 該發展項目所坐落的土地的地段編號；
(e) 主承建商的姓名或名稱；

(ii) (i) (就房委會房屋計劃下的發展項目而言) 負責該發展項目的建築工程的認可人士，及負責該發展項目的未建成住宅物業的發售的認可人士的姓名或名稱；及
(ii) (就並非房委會房屋計劃下的發展項目而言) 該發展項目的認可人士及建築師的姓名或名稱；及

(g) 該售樓說明書的印刷日期。

2. 訂明通告

售樓說明書須在顯眼位置載有一項措詞如下的通告——

(a) “本售樓說明書受《未建成住宅物業銷售說明條例》規管。如你懷疑有人就本售樓說明書違反有關條例有關條文，你可向房委會報告。你購買的物業或其內設施與本售樓說明書的描述不符，則為你與賣方或發展商之間的民事糾紛。在你的權利及補救事宜上，你應諮詢你的法律顧問。”；及

(b) “This sales brochure is regulated by the Sales Descriptions of Uncompleted Residential Properties Ordinance. You may report to Buildings Department if you suspect the relevant provision of that Ordinance has been contravened in relation to this sales brochure. If the property purchased by you or any fitting in it is not consistent with the description in this sales brochure, the matter is a civil dispute between you and the vendor or the developer. You should consult your legal adviser on your rights and remedies.”。

3. 圖則：一般規定

(1) 載於售樓說明書內的圖則須按比例繪製並須合理地可聞。
(2) 售樓說明書（如適用的話）必須——

(a) 在該售樓說明書的印刷日期及最近期的建築圖則及城市規劃圖則（如有的話）的参照號碼；及
(b) 該等圖則在發展商辦事處及有關售樓辦事處（如有的話）可供免費查閱。
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(2) A notice made under subsection (1) amending Schedule 1, 2, 3 or 4
shall not come into operation before the expiry of 1 month after the expiry of
the period within which a resolution providing for the amendment of the
notice may be passed in accordance with section 34 of the Interpretation and
General Clauses Ordinance (Cap. 1).

SCHEDULE 1

[ss. 2, 5, 6, 7 & 19]

PROVISIONS RELATING TO SALES BROCHURE

PART 1

1. General information

A sales brochure provided for a development shall contain the following information—
(a) the name of the development;
(b) the name of the developer;
(c) the location of the development;
(d) the lot number of the land on which the development is constructed;
(e) the name of the main contractor;
(f) the names
   (i) in the case of development under the Housing Authority Scheme, of the
       authorized person for the building works of the development and the
       authorized person for the preparation of sale of the uncompleted residential
       properties in the development; or
   (ii) in the case of a development not being a development under the Housing
       Authority Scheme, of the authorized person of the development and the
       architect; and
(g) the date of printing of the sales brochure.

2. Prescribed notice

A sales brochure shall contain at a conspicuous position a notice in the following terms—
(a) “本售樓說明書受《未完成住宅物業銷售說明條例》規管。如你懷疑有關售樓
說明書違反條例有關條文，可向屋宇署報告。如你購買的物業或其內設備與
售樓說明書的描述不符，則為你與賣方或發展商之間的民事糾紛，在你的權利
及補救事宜上，你應請訪求的法律顧問。”；
(b) “This sales brochure is regulated by the Sales Descriptions of Uncompleted
Residential Properties Ordinance. You may report to Buildings Department if you
suspect the relevant provision of that Ordinance has been contravened in relation to
this sales brochure. If the property purchased by you or any fitting in it is not
consistent with the description in this sales brochure, the matter is a civil dispute
between you and the vendor or the developer. You should consult your legal adviser
on your rights and remedies.”.

3. Plans: general requirements

(1) Plans contained in sales brochures shall be drawn to scale and be reasonably legible.
(2) A sales brochure shall, where applicable, state—
(a) the reference numbers of the latest building plans and town plans (if available) at the
date of printing of the sales brochure; and
(b) that such plans are available for free inspection at the developer’s office and sales
office (if any).
4. 位置圖則

(1) 售樓說明書須載有顯示有關發展項目及其毗鄰地區的圖則。

(2) 該圖則——

(a) 繪——

(i) 清楚顯示有關發展項目所座落的用地的界線；及
(ii) 在有關發展項目是分期進行的情況下，清楚顯示各期的界線；

(b) 須清楚顯示和載有在該圖則涵蓋的地區內的主要公共設施或有關發展商所知的建
設中的公共設施的識別資料，包括——

(i) 公共交通工具的車站或終站；
(ii) 公眾公園；
(iii) 公眾游泳池；
(iv) 垃圾收集站；及
(v) 由主要快速公路往出口的通道；

(c) 在有任何地段的任何部分或任何土地範圍位於自該發展項目所座落的用地的界線
的任何一點，開端衡量的0.5公里之內的情況下，顯示有關城市規劃圖則(如有的
話) 所指明的該地段或土地範圍的用途或建議用途。

5. 布局圖

(1) 售樓說明書須載有顯示有關發展項目內的建築物、大型構築物及露天地方的位置及布
局的圖則。

(2) 該圖則須——

(a) 按比例繪製；

(b) 清楚顯示(如適用的話) 以下設施——

(i) 包含任何住宅物業的建築物；
(ii) 店舖及購物中心；
(iii) 主要行人道及行人天橋；
(iv) 道路；
(v) 拖車位；
(vi) 裝卸區；
(vii) 運出口；
(viii) 遊樂場或遊樂場地；
(ix) 游泳池；

(x) 運動場地及其設置用於何種運動；
(xi) 設計用於室內康樂或社交活動的處所；
(xii) 在與管理有關發展項目有關連的情況下使用的指定處所；
(xiii) 露天地方；
(xiv) 有關政府租契所規定須提供的市容地帶及其他社區設施；
(xv) 電力變壓房；
(xvi) 污水處理站；
(xvii) 汽油燃料或垃圾貯存設施；及
(xviii) 任何其他顯著的交通、公用、保安及康樂設施。

在該設施的預計落成日期與有關住宅物業的交易完成日期不相符的情況下，並須清
楚顯示該落成日期；及

(c) 清楚顯示有關發展項目通往公眾道路及街道的道路 (包括行人天橋)，並說明該等
道路的擁有權。
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4. Location Plan

(1) A sales brochure shall contain a plan or plans showing the development and its adjacent areas.

(2) Such plan shall:
   (a) show clearly:
       (i) the boundary of the lot upon which the development is constructed; and
       (ii) where the development is divided into phases, the boundary of each phase;
   (b) show clearly and contain information on major communal facilities or proposed major communal facilities known to the developer in the area covered by the plan, including:
       (i) stations or terminuses for public transport;
       (ii) public parks;
       (iii) public swimming pools;
       (iv) refuse collection points; and
       (v) access to and exit from major expressways;
   (c) where any part of a lot or an area of land is within 0.5 km from any point at the boundary of the lot upon which the development is constructed, show the land use or intended land use of such lot or area as specified in the town plan (if available).

5. Disposition Plan

(1) A sales brochure shall contain a plan showing the location and layout of the buildings, structures of substantial dimensions and open areas in the development.

(2) Such plan shall:
   (a) be drawn to scale;
   (b) show, where applicable, clearly:
       (i) buildings consisting of any residential properties;
       (ii) shops and shopping centres;
       (iii) major walkways and footbridges;
       (iv) roads;
       (v) car parking spaces;
       (vi) loading and unloading areas;
       (vii) entrances and exits;
       (viii) playgrounds or pleasure grounds;
       (ix) swimming pools;
       (x) sportgrounds and the type of sport for which they are designed;
       (xi) premises designed for indoor recreational or social activities;
       (xii) premises designated for purposes connected with the management of the development;
       (xiii) open areas;
       (xiv) amenity areas and other community facilities required to be provided under the Government lease;
       (xv) power transformer rooms;
       (xvi) sewage treatment plants;
       (xvii) storage facilities for gas fuel or refuse; and
       (xviii) any other prominent transport, communal, security and recreational facilities, and the date on which the above-mentioned items is expected to be completed if it is different from the date of sale completion of the residential properties; and
   (c) show clearly any access road (including footbridges) leading to or from the development to public roads and streets and state the ownership of such access road.
6. 樓面平面圖

(1) 除第 (2) 款另有規定外 - 售樓說明書第——

(a) 載有包含有關發展項目的住宅物業的建築物的樓層圖(包括天台、入口樓層及停
車場) 的樓面平面圖；及

(b) 在附著該樓面平面圖的顯眼位置，載有三間入口的記住圖，說明有關圖則已
由認可該等圖則的認可人士簽署。

(2) 凡超過士層不同樓層在承重結構的厚度方面不同，提供該等樓層中承重層最少一層
的樓面平面圖即已足夠。

(3) 停車場的樓面平面圖須顯示每個泊車位的位置及識別編號

(4) 樓面平面圖須按比例繪製並須合理地可見

(5) 樓面平面圖——

(a) 顯示有關發展項目每類型住宅物業的外部尺寸，該尺寸由外圍的外裝開始計量；

(b) 顯示該發展項目每類型住宅物業的內部空間；

(c) 顯示該發展項目每類型住宅物業的承重構造，例如——

(i) 該類型住宅物業所在建築物的樓層的總數不超過 3，則另須顯示該等物業
所在地的每一樓層的承重構造的厚度；

(ii) 該類型住宅物業所在建築物的樓層的總數超過 3，則另須顯示——

(A) 該等物業所在地的樓層中的最高樓層；

(B) 該等物業所在地的樓層中的中位樓層；及

(C) 該等物業所在地的樓層中的最低樓層——

的每一承重構造的厚度；

(d) 顯示——

(i) 在該等住宅物業的除外部分；

(ii) 出入口的方位及位置；及

(e) 除非已經問題或則的認可人士簽署，否則不得包括在有關售樓說明書內

(6) 就第 (5)(c) 款而言——

(a) 在決定住宅物業所在的建築物樓層的總數時——

(i) 無須理會任何位於地面水平以下的樓層；及

(ii) 應參考樓層的實際數目，而無須顧及編配有樓層的樓層；

(b) 中位樓層("median floor")——

(i) 在樓層的總數為單數的情況下，指位於中間的樓層；

(ii) 在樓層的總數為雙數的情況下，指位於中間的兩樓層之中的較低者；

(c) 樓層的厚度應以毫米表示。

(7) 就本條而言，如住宅物業在出售面積及內部布局方面有相同或實際上相同的設計，即

須視為同一類型的物業。

7. 樓面面積

(1) 售樓說明書須載有附表，列出出售單位的售樓說明書所關乎的有關發展項目的每類
型住宅物業的建築面積及出售面積。

(2) 凡住宅物業的建築面積包括以下任何一項或所有項目在內——

(a) 電力或機械裝置或設備所佔空間，計量開戶及為電話、滅火設備、防火設備或其他
類似的建築物設施而設的樓面空間；

(b) 垃圾存放或收集設施；

(c) 消防；

(d) 升降機大堂、升降機基座及升降機平台；

(e) 梯間及樓梯大堂；

(f) 以上各項之總和；
6. Floor plan

(1) Subject to subsection (2), a sales brochure shall contain—
(a) floor plans of all floors (including the rooftop, entrance floors and carparks) in the buildings comprising residential properties in the development; and
(b) a legible note in a conspicuous position immediately adjacent to the floor plans that the plans have been signed by the authorized person who prepared them.

(2) Where the floor plans of 2 or more different floors differ only as regards thickness of load bearing walls, providing the floor plan of the floor with the thickest such wall shall be sufficient.

(3) Floor plans for carparks shall show the location and identifying number of each car parking space.

(4) Floor plans shall be drawn to scale and be reasonably legible.

(5) A floor plan shall—
(a) show the external dimensions of each type of residential property in the development measured from the external edge of the external walls;
(b) show the internal partitions of each type of such residential property;
(c) show all load bearing walls of each type of residential property and—
(i) where the total number of floors of a building on which residential properties of that type are situated does not exceed 3, the thickness of each load bearing wall of such residential properties on each of such floors;
(ii) where the total number of floors of a building on which residential properties of that type are situated is larger than 3, the thickness of each load bearing wall of—
(A) such residential properties situated on the top floor of such floors;
(B) such residential properties situated on the median floor of such floors; and
(C) such residential properties situated on the lowest floor of such floors;
(d) show—
(i) any exposed pipe inside such residential property;
(ii) orientation and location of entrance and exit; and
(c) not be included in a sales brochure unless it has been signed by the authorized person who prepared it.

(6) For the purposes of subsection (5)(c)—
(a) in determining the total number of floors of a building on which residential properties are situated—
(i) any floor below ground level shall be disregarded; and
(ii) reference shall be made to the actual number of floors without regard to the number assigned to the floors;
(b) “median floor” (中位樓層) means—
(i) where the total number of floors is an odd number, the floor at the middle; or
(ii) where the total number of floors is an even number, the lower one of the two floors at the middle;
(c) thickness of walls shall be expressed in millimetres.

(7) For the purposes of this section, residential properties shall be regarded as being of the same type if they are of the same, or substantially the same, design in terms of saleable area and internal layout.

7. Floor area

(1) A sales brochure shall contain a schedule listing the gross floor area and saleable area of each type of residential property in the relevant development to be put up for the sale in respect of which the sales brochure is made available.

(2) Where the gross floor area of a residential property includes any or all of the following items—
(a) any floor space occupied by electrical or mechanical plants or equipment, meter rooms and any floor space for telephone, fire fighting or prevention equipment or other similar building services;
(b) storage or collection facilities for refuse;
(c) passages;
(d) lift lobbies, lift shaft and lift landings;
(e) staircases and staircases lobbies;
(f) 步道及走廊；
(g) 為主要由涉及管理有關建築物的人員使用而建造或擬用作該用途的樓面空間；及
(h) 設計以供有關發展項目的住宅物業的業主或佔用人及其客人進行室內社交或康樂
活動或擬用作該用途的樓面空間，

上述項目須清楚地就有關該物業列明於第(1) 款提述的附表中。

(3) 售樓說明書如就住宅物業連同該物業的以下部分的以下項目的面積——
(a) 窗台；
(b) 庭院；
(c) 平台；
(d) 花園；
(e) 平屋頂；
(f) 天台；
(g) 建築單位；
(h) 車房；或
(i) 其他附屬地方，

則該等項目各房的面積須——
(i) 按照附表 4 計算；及
(ii) 在第(1) 款提述的附表內就該物業而清楚地述明。

(4) 售樓說明書須——
(a) 包括一項註釋，促請讀者注意——
(i) 有關買賣協議中規定就參照建築圖則修訂所導致的出售面積更改而調整售價
的條款（如有的話）；
(ii) 有關買賣協議中規定凡有關住宅物業的出售面積以該協議所指明的幅度更
改，買家有權撤銷該協議的條款（如有的話）；及
(iii) 發展商將以下情況通知買家的責任（如有的話）：有關發展項目的建築圖則在
買賣協議簽署後被修訂，而修訂的幅度令有關修訂須呈交——
(A) (就房委會房屋計劃下的發展項目而言) 房屋署署長批准；
(B) (就並非房委會房屋計劃下的發展項目而言) 建築事務監督批准；及
(b) 包括一項陳述，說明發展商會在有關住宅物業建成後 7 日內，向買家提供該物業
的出售面積說明書及認可人士對該出售面積所作的證明。

(5) 在本條中，提及住宅物業之處在應當情況下，包括提及某一類型的住宅物業。

(6) 就本條而言，如住宅物業在出售面積及內部布局方面屬相同或實際上相同的設計，即

須視為同一類型的物業。

8. 使用公眾部分的限制

售樓說明書須明確對使用有關發展項目的公眾部分的任何主要限制。

9. 公用設施

(1) 售樓說明書須明確——
(a) (如有住宅物業的食水及冷凍水供應，污水及排水系統並非由公眾系統提供) 有
關住宅物業的食水及冷凍水供應、污水及排水系統類型；
(b) (如有住宅物業的供電情況及其電壓及安培值；及


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(f) lobbies and corridors;
(g) any floor space constructed or intended to be used principally by personnel concerned with the management of the building; and
(h) any floor space constructed or intended to be used for indoor social or recreational activities of the owners or occupiers of the residential properties in the development and their guests,
such items shall be clearly stated in relation to the property in the schedule referred to in subsection (1).

(3) Where the area of any
(a) bay window;
(b) yard;
(c) terrace;
(d) garden;
(e) flat roof;
(f) roof;
(g) car parking space;
(h) garage; or
(i) similar ancillary accommodation,
forming part of a residential property is stated in the sales brochure in relation to that residential property, the respective area of such item shall be—
(i) calculated in accordance with Schedule 4; and
(ii) clearly stated in relation to the property in the schedule referred to in subsection (1).

(4) A sales brochure shall—
(a) include a note bringing the readers’ attention—
(i) to the term, if any, of the agreement for sale and purchase providing for adjustment in sale price by reference to variations in saleable area resulting from amendment to the building plans;
(ii) to the term, if any, of the agreement for sale and purchase providing for a purchaser’s right to rescind the agreement where the saleable area of the residential property is varied to an extent specified in the agreement; and
(iii) to the obligation, if any, of the developer to notify the purchasers where the building plans for the development are amended after the signing of the agreement for sale and purchase to such an extent that the amendments are required to be submitted to—
(A) in the case of a development under the Housing Authority Scheme, the Director of Housing; or
(B) in the case of a development not being a development under the Housing Authority Scheme, the Building Authority,
for approval; and
(b) include a statement that the developer will provide purchasers with a statement of the saleable area of the residential properties together with the certification of the authorized person of such saleable area within 7 days of completion of construction.

(5) In this section, a reference to a residential property shall, where appropriate, include a reference to a type of residential property.

(6) For the purposes of this section, residential properties shall be regarded as being of the same type if they are of the same, or substantially the same, design in terms of saleable area and internal layout.

8. Restriction on use of common parts

A sales brochure shall state any major restriction on the use of common parts in the development.

9. Public utilities

(1) A sales brochure shall state—
(a) the type of fresh and flushing water supply, sewage and drainage systems for the residential properties if they are not provided by a public system;
(b) the availability of electricity supply for the residential properties and its voltage and amperage; and
(c) (如適用的話) 有關住宅物業由中央系統供應的氣體燃料類型。
(2) 凡接駁公用設施的任何費用或收費須由有關住宅物業的業主承擔。售樓說明書須——
   (a) 闡明該等費用或收費的估計數額；及
   (b) 包括一項註釋，說明該等費用或收費的實際款額可能與該等估計款額不同。

10. 置車位

售樓說明書須——
   (a) 載有——
      (i) 供出售及出租予有關發展項目住宅物業的業主或佔用人的置車位 (如有的話)
         的數目及位置的資料；及
      (ii) 助客置車位 (如有的話) 的數目的資料；
   (b) (如適用的話) 載有一項陳述，說明有關發展商尚未決定 (a)(i) 或 (ii) 段所述的類型
         的置車位的數目；及
   (c) 指明每個置車位的面積，該等面積按照附表 4 第 3 條計算。

11. 交通

凡售樓說明書載有——
   (a) 關於——
      (i) 有關發展項目與其外面任何地方之間的途程距離或地面距離的陳述；或
      (ii) 來往有關發展項目與其外面任何地方之間的所需時間的陳述；或
   (b) 關於公共交通設施位置的任何陳述，不論是否以圖畫形式表示，
      則——
      (i) 除第 (iii) 段另有規定外，該等陳述須為事實陳述；
      (ii) 任何圖畫表述均須合乎比例；
      (iii) 任何並非基於事實作出的數量陳述或表述——
         (A) 如屬中文陳述或表述，須加註 “估計” 字樣；
         (B) 如屬英文陳述或表述，須加註 “estimated” 字樣。

12. 在政府租契及公契下的法律責任

售樓說明書須載有——
   (a) 以下項目施加於有關住宅物業買家的任何財務法律責任的資料——
      (i) 有關政府租契；
      (ii) 就有關政府租契施加的任何條例；及
      (iii) 就有關發展項目簽立或將會有有關發展項目簽立的公契；
   (b) 向有關住宅物業的業主及買家提出的情況，建議他們如欲知道 (a) 段所述的法律責任的
      細節，應洽詢他們的專業顧問。

13. 完工時間表

售樓說明書須載明——
   (a) 有關發展項目的建造工程的預計完工日期；
(c) where applicable, the type of gas fuel supplied to the residential properties by a centralised system.

(2) Where any costs or charges for connection of public utilities are to be borne by purchasers of the residential property, the sales brochure shall—
(a) state the estimated amount of such costs or charges; and
(b) include a note that the actual amount of such costs or charges may differ from such estimated amount.

10. Car parking spaces
A sales brochure shall
(a) contain information on—
   (i) the number and location of car parking spaces, if any, available for sale and rent to owners or occupiers of residential properties in the development; and
   (ii) the number of car parking spaces, if any, for visitors;
(b) where applicable, contain a statement that the developer has not decided on the numbers of any type of car parking spaces referred to in paragraph (a)(i) or (ii); and
(c) specify the area of each car parking space calculated in accordance with section 3 of Schedule 4.

11. Transportation
Where a sales brochure contains—
(a) any statement about—
   (i) the travel distance or ground distance; or
   (ii) the time taken to travel,
   between the development and any place outside it; or
(b) any representation, whether in pictorial form or not, as regards the location of facilities of public transport,
the following provisions apply—
(i) such statement shall, subject to paragraph (iii), be factual;
(ii) any pictorial representation shall be to scale;
(iii) any quantitative statement or representation which is not based on fact shall be qualified—
   (A) in the case of a statement or representation in Chinese, by the characters "估
   B"; or
   (B) in the case of a statement or representation in English, by the word "estimated".

12. Liabilities under Government lease and deed of mutual covenant
A sales brochure shall contain—
(a) information on any financial liability to be imposed on a purchaser of the residential property by—
   (i) the Government lease;
   (ii) any Ordinance operating in relation to the Government lease; and
   (iii) the deed of mutual covenant executed or to be executed in respect of the development;
(b) an advice to prospective purchasers of the residential properties that they should consult their professional advisers if they would like to know the details of the liability referred to in paragraph (a).

13. Completion schedule
A sales brochure shall state—
(a) the date on which the building works of the development is expected to be completed;
(b) 有關住宅物業的轉讓契據的預計最早簽立日期；
(c) 預計將有關住宅物業的空置及有權交付其買家的最早日期(如(b)段提及的日期
不同的話)；及
(d) 凡根據有關買賣協議，有關住宅物業的售價或其任何部分須在某事件的發生後支
付，預計該事件發生的日期。

14. 推出發售的住宅物業數目
售樓說明書須載有以下資料——
(a) 有關發展項目的住宅物業的總數；
(b) 在有關發展項目中，推出發售的未建成住宅物業數目；及
(c) 在有關發展項目中，已經或將會採用公開發售以外的方式出售的未建成住宅物業
的數目。

15. 價目表
就未建成住宅物業的發售而提供的售樓說明書須載有售價表，列出每個該等物業(如適用的
話，包括泊車位)的售價。

16. 每平方呎或每平方米之售價
如售樓說明書載有對有關未建成住宅物業的——
(a) 每平方呎或每平方米建築面積售價的描述；或
(b) 每平方呎或每平方米以任何基準計算的樓面面積(建築面積及出售面積除外)、
即必須同時對該物業的每平方呎或每平方米(視屬何情況而定)出售面積的售價作同等說明的
描述。

17. 付款方法
售樓說明書須載有支付有關未建成住宅物業樓價的方法的資料。

18. 嚴格機構提供的貸款
凡售樓說明書載有《銀行業條例》(第155章)所指的嚴格機構向買家為該物購買的目的而提
供貸款的描述，則須在緊貼該資料的顯眼位置加入一項註釋，說明該貸款的提供與否由該機構
決定。

19. 購買程序
售樓說明書須載明有關未建成住宅物業以下述何種方式發售——
(a) 先到先得；或
(b) 抽籤。

20. 買賣協議
售樓說明書——
(a) 須說明有關住宅物業訂立的買賣協議的約束力(如有的話)；
(b) the earliest date on which the deeds of assignment of the residential properties are expected to be executed;
(c) the earliest date on which the vacant possession of the residential properties is expected to be delivered to their purchasers (if different from the date referred to in paragraph (b)); and
(d) where under the agreement for sale and purchase the sale price of the residential properties or any part of it has to be paid upon the occurrence of any event, the expected date of such occurrence.

14. Number of residential properties put up for sale
A sales brochure shall contain—
(a) the total number of residential properties in the development;
(b) the number of uncompleted residential properties in the development put up for sale; and
(c) the number of uncompleted residential properties in the development that have been sold or are to be sold otherwise than by public sale.

15. Price list
A sales brochure made available in respect of a sale of uncompleted residential properties shall contain a price list setting out the sale price of each of such properties (including, where applicable, car parking spaces).

16. Price per square foot or square metre
A sales brochure shall not contain a reference to the price of the uncompleted residential properties expressed in price per square foot or square metre of—
(a) gross floor area; or
(b) floor area calculated on any basis other than gross floor area and saleable area, without containing an equally prominent reference to the price of such properties expressed in price per square foot or square metre, as the case may be, of saleable area.

17. Payment method
A sales brochure shall contain information on the manner in which the sale price of the residential properties is to be paid.

18. Loan by authorized institutions
Where a sales brochure contains a general description of any loan made available to purchaser of the residential properties for the purposes of such purchase by any authorized institution within the meaning of the Banking Ordinance (Cap. 155), a note to the effect that the availability of such loan is subject to the decision of the institution shall be inserted at a conspicuous position immediately adjacent to such information.

19. Purchase procedure
A sales brochure shall state whether the uncompleted residential properties are to be sold—
(a) on a first-come-first-served basis; or
(b) by balloting.

20. Agreement for sale and purchase
A sales brochure shall—
(a) state the binding effect (if any) of any agreement for sale and purchase entered into in respect of the relevant residential properties;
(b) 在已訂立該協議的買家按照該協議有權不完成交易並於此事發生時獲得退款或已支付的部份售價（如有的話）的情況下，須——
(i) 说明該事實和行使該權利的方式；
(ii) 如買家行使該權利即招致對有關發展商負責任何法律責任的話) 说明該法律責任的性質及範圍和解除該責任的方式。

21. 法律費用及印花稅的資料

凡有關發展項目的住宅物業的買家須就購置該物業而支付任何法律費用及印花稅，售樓說明書須載有該費用及印花稅的資料。

22. 發展商清盤時各方的責任

售樓說明書須——
(a) 清楚說明在有關發展商或有關建造工程的承建商清盤時該發展商或該承建商的責任；及
(b) （如適用的話）說明有關建造工程的任何承建商就有關發展項目所作的任何保證或擔保的利潤及權利，在該發展商清盤時須轉移給——
(i) 據《建築物管理條例》第 344 條) 就該發展項目註冊的法團；或
(ii) （如沒有上述法團）該發展項目的管理人。

23. 文件可供查閱

售樓說明書須載有一項注釋，指出本條例第 10(1)(a)、(b) 及 (c) 條提述的文件如該條所規定般可供查閱。

24. 對可能出現的變更的通知

凡根據本部規定的售樓說明書所載的任何資料或會變更，則須在購置該資料的顯眼位置加入一項註釋予以說明。

第 II 部

25. 土地用途

凡有關發展項目的政事規章規定，該發展項目的發展商須提出該發展項目所詳述的地段的任何本附表第 4 及 5 條所規定的位置圖及布局圖所詳述的部分，或發展該地段以外的任何土地，以作如此詳述的任何用途，就該發展項目提供的售樓說明書須詳述該用途和為該用途而進行的工程的預計完成日期。

26. 露天地方等

(1) 凡任何發展項目的發展商或其受讓人有權在該發展項目的任何露天地方或在該發展項目的任何建築物的天台、平台或外牆建造或置放任何建築物或構築物，就該發展項目提供的售樓說明書須指出該地方、天台、平台或牆（視屬何情況而定），並詳述該權利。
(b) where a purchaser who has entered into such agreement has the right in accordance with the agreement not to complete the transaction and in such event to have the deposit or such part of the sale price that has been paid, if any, refunded to him—
(i) state such fact and the manner in which the right is to be exercised;
(ii) and where if the purchaser exercises such right he incurs any liability to the developer, state the nature and extent of such liability and the manner in which it is to be discharged.

21. Information on legal fees and stamp duty

Where the purchasers of residential properties in the development are liable to pay any legal fees and stamp duty in respect of the purchase, the sales brochure shall contain information on the legal fees and stamp duty.

22. Responsibilities in case of winding up of developer

A sales brochure shall
(a) state clearly the responsibilities of the developer or the main contractor of the building works in the event of the winding up of the developer or the main contractor; and
(b) where applicable, state that the benefit and rights of and in any warranty or guarantee made to the developer by any contractor of the building works in respect of the development shall, in the event of the winding up of the developer, pass—
(i) to the corporation registered under the Building Management Ordinance (Cap. 344) in respect of the development; or
(ii) in the absence of such corporation, to the manager of the development.

23. Availability of documents for inspection

A sales brochure shall contain a note that copies of the documents referred to in section 10(1)(a), (b) and (c) of this Ordinance are available for inspection as provided for in that section.

24. Notice as to possible change

Where any information contained in a sales brochure under this Part is subject to change, a note to that effect shall be inserted at a conspicuous position immediately adjacent to such information.

PART II

25. Land use

Where the developer of a development is required under the Government lease for the development to set aside any part of the lot upon which the development is constructed or to develop any land outside that lot for any use as stated in the location plan and disposition plan required by sections 4 and 5 of this Schedule, the sales brochure made available in respect of the development shall state such use and the expected date of completion of the work for such use.

26. Open area, etc.

(1) Where the developer of a development or his assigns is entitled to construct or erect any building or structure of substantial dimension in any open area in the development or on the roof or podium or at any external wall of any building in the development, the sales brochure made available in respect of the development shall identify such area, roof, podium or wall, as the case may be, and state such right.
27. 公用設施及裝設

售樓說明書須明列用水供應、污水及排水系統是否會在住宅物業的交易完成日期後妥當。

28. 政府租契的條件

售樓說明書須载有有關政府租契的以下條款的摘要——

(a) 用途限制，包括就該租契標的之建築物及土地面積的用途限制或特別用途限制；
(b) 該契約的年期的屆滿日期及關於續期的規定；
(c) 須繳付的年租的款額或減收率；
(d) 有關承租人或其受讓人對在該租契標的之土地上的任何構築物或土地進行維修
     的責任；及
(e) 有關租契的政府、機構或社區房產，以及該等房產的性質及完工日期。

29. 公契

售樓說明書須載有就有關發展項目而簽立或將會有關發展項目而簽立的公契的以下條款的
摘要——

(a) 該發展項目的公契部分的定義；
(b) 在有關政府租契下的承租人的姓名或名稱；
(c) 須配予該發展項目個別住宅物業的該發展項目的不分割份數數目；
(d) (如適用的話) 該等經編配不分割份數的數目可予改變的事實；
(e) 管理費的釐定基準；
(f) 該發展項目的住宅物業業主須支付作為管理費支持金及預繳費用 (在適用的情況
     下，包括工程或設備基金按金) 的預計款項；
(g) 在欠繳根據公契到期應繳的款項時業主業主所支付的利息及收費；
(h) 有關發展項目的管理人的建議委任條款；
(i) (如適用的話) 就有關發展項目委出的首名管理人的姓名和他的首任期；
(j) 對以下事項的限制——
     (i) 公用部分的使用；
     (ii) 動物；
     (iii) 在有關住宅物業外陳設標誌；
     (iv) 在有關住宅物業的外牆外的裝飾及裝設；
     (v) 結構性改變；及
     (vi) 公契不准許的用途及活動。
(k) (如適用的話) 有關發展商所保留的——
     (i) 在該發展項目內建造及售賣建築物或構築物的權利；或
     (ii) 更改該發展項目內的建築物或構築物的用途的權利；及
(l) 就有關住宅物業的業主維修裝飾、推土及構築物的責任。
(2) Where any building or structure of substantial dimension is, to the knowledge of the developer of a development, intended to be constructed or erected in any open area in the development or on the roof or podium or at any external wall of any building in the development, the sales brochure made available in respect of the development shall contain information of the fact and the building or structure.

27. Utilities and installations
A sales brochure shall state whether connection to a water supply, sewage and drainage system will be available upon date of sale completion of the residential properties.

28. Conditions of Government lease
A sales brochure shall contain a summary of the following terms in the Government lease—
(a) user restrictions including any general or specific user restrictions in respect of the building and the land which is the subject of the lease;
(b) the date of expiry and any provision for renewal of the term of the lease;
(c) the amount or rate of the Government rent payable;
(d) any obligation of the lessee or his assigns to maintain any structure or land outside the land which is the subject of the lease; and
(e) any Government, institutional or community accommodation to be constructed, its nature and the date of completion.

29. Deed of mutual covenant
A sales brochure shall contain a summary of the following terms in the deed of mutual covenant executed or to be executed in respect of the development—
(a) the definition of common parts in the development;
(b) the name of the lessee under the Government lease;
(c) number of undivided shares in the development allocated to individual residential properties in the development;
(d) where applicable, the fact that the number of such undivided shares allocated may be subject to change;
(e) the basis of the fixing of management fees;
(f) the estimated sums payable by owners of the residential properties in the development as deposits and advance payments for management expenses including (where applicable) deposits for capital or equipment fund;
(g) the interest and charges to which such owners are liable in case any sum due under the deed of mutual covenant is in default;
(h) the proposed terms of appointment of the manager of the development;
(i) where applicable, the name of the first manager to be appointed for the development and the initial period of his appointment;
(j) restrictions on—
(i) use of common parts;
(ii) animal keeping;
(iii) exhibition of signs outside the residential properties;
(iv) decoration and installations outside the external walls of the residential properties;
(v) structural alteration; and
(vi) use or activity not permitted by the deed of mutual covenant;
(k) where applicable, the right reserved by the developer to—
(i) construct or erect; or
(ii) alter the use of,
any building or structure in the development; and
(l) the responsibility of the owners of the residential properties as regards the maintenance of slopes, retaining walls and structures.
30. 斜坡維修
在——

(a) 有關政府租契規定有關住宅物業的業主須維修任何斜坡或指士壘或構築物的情況
下，售樓說明書須載有——
(i) 該等規定的資料；及
(ii) 顯示該斜坡、指士壘或構築物的圖則；
(b) 有關發展項目的發展商須載或已就該發展項目所坐落的地段之內或之外的斜坡或
指士壘或構築物進行任何工程的情況下，售樓說明書須載明該項工程的細節。

31. 財務安排
售樓說明書須載有(如應用的話)以下事項的概述——

(a) 由《銀行業條例》(第 155 章)所指的認可機構以外的人向買家為該宗購買的目的而
提供的貸款的該貸款的利率；
(b) 以分期付款方式支付有關住宅物業的樓價或其任何部分的付款計劃和遞期支付的
該等分期付款所產生的利息的利率。

第 III 部

32. 裝置及粉飾

(1) 售樓說明書須載有——

(a) 就以下列表第 1 款所列在有關發展項目或有關住宅物業內各自項目而言，載有在
該列表第 2 款與其相對的位置所列的描述；及
(b) 就以下列表第 1(a)、(b)、(c)、(d) 及 (e)、2(a)、(b)、(c)、(d) 及 (e) 及 3(a)、(b)、
(c) 及 (d) 款而言，另可載有——
(i) 該項目來源地國家或地區；或
(ii) (如適用的話) 該項目的粉飾及材料的來源地國家或地區。
(2) 售樓說明書須載有一項通知，表示只要有關的認可人士以證明書證明某替代材料與該
售樓說明書所指明的材料屬同一標準，則可使用該替代材料。

列表

<table>
<thead>
<tr>
<th>項</th>
<th>描述</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 外部粉飾</td>
<td>粉飾的顏色。</td>
</tr>
<tr>
<td>(a) 外牆</td>
<td>窗框的材料及玻璃的顏色和厚度。</td>
</tr>
<tr>
<td>(b) 窗戶</td>
<td>材料及窗台粉飾。</td>
</tr>
<tr>
<td>(c) 窗台</td>
<td>粉飾的類型。</td>
</tr>
<tr>
<td>(d) 花槽</td>
<td>(i) 粉飾的顏色。</td>
</tr>
<tr>
<td>(e) 陽台或露台</td>
<td>(ii) 是否有蓋。</td>
</tr>
<tr>
<td>2. 內部粉飾</td>
<td>屋頂、地板及天花板粉飾的類型。</td>
</tr>
</tbody>
</table>
| (a) 主要入口大堂及升降機大堂 | }
30. **Slope maintenance**

A sales brochure shall—

(a) where the Government lease requires the owners of the residential properties to maintain any slope or retaining wall or structure—
   (i) contain information on such requirement; and
   (ii) contain a plan showing such slope, wall or structure;

(b) where the developer of the development is to undertake or has undertaken in relation to the development any work on any slope or retaining wall or structure in or outside the lot upon which the development is constructed, state the details of such work.

31. **Financial arrangements**

A sales brochure shall contain, where applicable, a general description of—

(a) any loan made available to purchasers of the residential properties for the purposes of such purchase by any person other than an authorized institution within the meaning of the Banking Ordinance (Cap. 155) and the rate of interest on such loan;

(b) any scheme of payment of the purchase price of the residential properties or any part of it by instalments and the rate of interest on such instalments in case of late payment.

**PART III**

32. **Finishes and fittings**

(1) A sales brochure shall—

(a) in relation to each item in the development or residential properties set out in column 1 of the following table, contain the descriptions set out opposite thereto in column 2 of the table; and

(b) in relation to items 1(a), (b), (c), (d) and (e), 2(a), (b), (c), (d) and (e) and 3(a), (b), (c) and (d) in the table, also contain—
   (i) the country or region of origin of that item; or
   (ii) (where applicable) the country or region of origin of the finishes or material of that item.

(2) A sales brochure shall contain a notice that substitute materials may be used provided that the authorized person certifies them to be of equivalent standard to those specified in the sales brochure.

**TABLE**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Exterior Finishes</td>
<td></td>
</tr>
<tr>
<td>(a) External wall</td>
<td>Type of finishes.</td>
</tr>
<tr>
<td>(b) Window</td>
<td>Material of the frame and type and thickness of glass.</td>
</tr>
<tr>
<td>(c) Bay window</td>
<td>Material and window sill finishes.</td>
</tr>
<tr>
<td>(d) Planter</td>
<td>Type of finishes.</td>
</tr>
<tr>
<td>(e) Verandah or balcony</td>
<td>(i) Type of finishes. (ii) Whether it is covered.</td>
</tr>
</tbody>
</table>

2. Interior Finishes | Type of wall, floor and ceiling finishes. |
| (a) Main entrance lobby and lift lobby | |


項 | 描述
---|---
(b) 單位內的牆及天花板 | 睡房、客廳及飯廳的絞縫及天花板粉飾的類型。
(c) 單位內部地板 | 客廳、飯廳、睡房、貯物室、浴室及廚房的地板及樓腳邊的類型、材料及粉飾。
(d) 浴室 | 壁壁、地板及天花板粉飾的類型。
(e) 廚房 | 壁壁、地板、天花板及灶頭粉飾的類型。

3. 內部裝置
(a) 門 | 門及通往物業的大門的配件的材料及粉飾。
(b) 浴室 | (i) 壁紙及設備 (包括熱水器、抽風扇及相應設備) 的類型。
(ii) 櫃、洗手盆、水廁、浴缸設施及浴缸 (如適用的話) 的類型及材料。
(iii) 水龍頭及其他配件的類型。
(c) 廚房 | (i) 洗碗盆、水龍頭及工作檯面的材料。
(ii) 廚櫃的材料及粉飾。
(iii) 廚房所有其他裝置及設備 (抽油煙機、抽風扇、洗衣機、乾衣機、雪櫃、氣體煮食爐及烘爐) (如適用的話) 的類型。
(d) 睡房 | 裝置 (包括衣櫃) 的類型及材料。
(e) 電話 | 接駁點的位置。
(f) 電視及收音機天線 | 接駁點的位置。
(g) 電力裝設 | (i) 電力装置，包括任何安全器件。
(ii) 電纜及布線是否隱蔽。
(iii) 電源插座的位置、照明及冷氣機的電源插座，以及是否有中央空氣調節或冷氣機提供。
(h) 氧氣供應 | 氧氣供應設備的類型、熱水器及煮食設備的類型及位置。
(i) 食水供應 | (i) 供水管的用料。
(ii) 供水管是隱蔽還是外露的。

4. 雜項裝置及粉飾
(a) 保安設施 | 內置保安系統，例如密碼鎖、對講機系統、閉路電視保安攝影機及警鐘。
(b) 升降機 | 升降機數目及所逐層數。
(c) 信箱 | 信箱的位置。
(d) 垃圾收集 | (i) 垃圾的收集方法。
(ii) 垃圾房的位置。
(e) 水箱、電錶及電錶箱 | (i) 位置。
(ii) 住宅物業的計量箱是獨立的還是共用的。
(f) 地下設施 | 是否有設有乾衣設施。
### Internal Walls and Ceiling
- Type of wall and ceiling finishes for bedrooms, living room and dining room.

### Internal Floors
- Type, material and finishes of floor and skirting for living room, dining room, bedrooms, store room, bathroom and kitchen.

### Bathroom
- Type of wall, floor and ceiling finishes.

### Kitchen
- Type of wall, floor, ceiling and cooking bench finishes.

### Interior Fittings

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Doors</td>
<td>Material and finishes of the doors and accessories of the entrance door to the property.</td>
</tr>
</tbody>
</table>
| (b) Bathroom       | (i) Type of fittings and equipment (including water heater, exhaust fan and similar equipment).  
                      | (ii) Type and material of cabinet, wash basin, water closet, bathing facilities and bath tub, if applicable.  
                      | (iii) Type of faucet and any other accessories. |
| (c) Kitchen        | (i) Material of sink unit, faucet and counter top.  
                      | (ii) Material and finishes of kitchen cabinets.  
                      | (iii) Type of all other fittings and equipment in the kitchen (exhaust hood, exhaust fan, washer, dryer, refrigerator, water heater, gas cooker and oven), if applicable. |
| (d) Bedroom        | Type and material of fittings including built-in wardrobes.                  |
| (e) Telephone      | Location of connection points.                                             |
| (f) Aerials for television and radio | Location of connection points.                                             |
| (g) Electrical installations | (i) Electrical fittings including any safety devices.  
                      | (ii) Whether conduit wiring is concealed.  
                      | (iii) Location of electric sockets, power points for lighting and air-conditioning, and whether central air-conditioning or air-conditioners are provided. |
| (h) Gas supply     | Type of gas supply pipes, type and location of water heaters and cooking equipment. |
| (i) Water supply   | (i) Material of water supply pipes.                                         |
|                    | (ii) Whether the pipes are concealed or exposed.                            |

### Miscellaneous Finishes and Fittings

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Security facilities</td>
<td>Any built-in security systems such as digital lock, intercom system, close circuit television security cameras and alarms.</td>
</tr>
<tr>
<td>(b) Lifts</td>
<td>Number and the floors served by them.</td>
</tr>
<tr>
<td>(c) Letter box</td>
<td>Letter box location.</td>
</tr>
<tr>
<td>(d) Refuse collection</td>
<td>(i) Means of refuse collection.</td>
</tr>
<tr>
<td></td>
<td>(ii) Location of refuse room.</td>
</tr>
<tr>
<td>(e) Water meter,</td>
<td>(i) Location.</td>
</tr>
<tr>
<td>Electricity meter</td>
<td>(ii) Whether they are individual or communal meters for residential properties.</td>
</tr>
<tr>
<td>and Gas meter</td>
<td></td>
</tr>
<tr>
<td>(f) Drying facilities for clothing</td>
<td>Whether drying facilities are available.</td>
</tr>
</tbody>
</table>
33. 其他付款

售樓說明書須載明——

(a) 指明有關住宅物業的買家在該物業的交易完成日期前將他享有的該物業的權利處
    置而轉予另一人時，須支付有關發展商的費用（如有的話）；
(b) 指明有關住宅物業的買家須就有關發展商所委任的代理人為該物業的購買提供的
    代理服務而支付該代理人的佣金（如有話）；
(c) 以項目清單的形式指明有關住宅物業的買家須在與該筆購買有關連的情況下支付
    的其他費用或收費，包括——

(i) 接管物業時的雜項收費，例如移交文件的按金、付還該發展商的水、電或氣
    體按金或水、電或氣體按金的收費；
(ii) 就水供應系統或排水系統通過政府土地或通過位於政府土地上的泵房而須
    付予政府的運行費用；及
(iii) 就通渠樑或其他工程而須付予政府或毗連土地擁有人的收費或費用。

如不知悉該等付款的款額，則售樓說明書須指明該項事實和買家須付款的責任。

34. 法律費用及印花稅

售樓說明書須載明一方須就有關住宅物業的出售而支付法律費用及印花稅。

35. 欠妥之處的法律責任

售樓說明書須載明有關發展項目的發展商在甚麼期間內，有責任自費將該發展項目或該發
展項目的住宅物業欠妥之處修復妥善。

附表 2

[第2及19條]

建築面積的計算

發展項目的住宅物業的建築面積——

(a) 就房委會房屋計劃下的發展項目而言，是該發展項目的政府租契所指明並經地政
    總署署長批准的該發展項目的總樓面面積之中，合乎該住宅物業的出售面積在該
    發展項目的所有住宅物業的出售面積總和之中所佔比例的攤分份數；
(b) 就並非房委會房屋計劃下的發展項目而言，是根據《建築物 (規例) 規例》(第 123
    章，附屬法例) 第 23(3)(a) 條計算，並經建築事務監督批准的總樓面面積之中，合
    乎該住宅物業的出售面積在該發展項目的所有住宅物業的出售面積總和之中所佔比
    例的攤分份數。
33. Other payments

A sales brochure shall specify—

(a) the charge, if any, payable by a purchaser of the residential property to the developer if he disposes of his interest in the property to another person before the date of sale completion of the residential property;

(b) the commission, if any, payable by the purchasers of the residential properties to an agent appointed by the developer for the agent’s service provided in relation to the purchase of the residential properties;

(c) in the form of an itemized list other fees or charges payable by the purchasers of the residential properties in connection with the purchases including—

(i) miscellaneous charges upon taking possession such as debris removal deposit, reimbursement to the developer for, or charges on, water, electricity or gas deposit;

(ii) any wayleave charges, licence fees or waiver fees or rent payable to the Government for water supply or drainage system going through the Government land or pump room situated on the Government land; and

(iii) any charges or fees payable to the Government or owner of adjoining land for right of way or easements, or, where the amount of such payment is not known, such fact and the purchasers’ obligation to pay.

34. Legal fees and stamp duty

A sales brochure shall state which party is liable to pay the legal fees and stamp duty in respect of the sale of a residential property.

35. Defects liability

A sales brochure shall state the period in which the developer of the development is obliged to make good any defect in the development or residential properties in the development at his own cost.

SCHEDULE 2  [ss. 2 & 19]

CALCULATION OF GROSS FLOOR AREA

The gross floor area of a residential property in a development is an apportioned share of—

(a) in the case of a development under the Housing Authority Scheme, the total gross floor area of the development as specified under the Government lease for the development and approved by the Director of Lands; or

(b) in the case of a development not being a development under the Housing Authority Scheme, the total domestic gross floor area of the development calculated in accordance with regulation 23(3)(a) of the Building (Planning) Regulations (Cap. 123 sub. leg.) as approved by the Building Authority, which is proportionate to the share of the saleable area of that residential property in the total saleable area of all residential properties in the development.
附表3
[第2及19條]
出售面積的計算

1. 除本附表第2條另有規定外，就以牆壁圍起的任何住宅物業而言，出售面積指按以下方法計算的該物業之建築面積(包括任何陽台及露台的建築面積)——
   (a) 由該物業圍牆外緣開始計算；
   (b) 包括物業樓內的內部隔間；及
   (c) 不包括該物業的圍牆外的任何公用部分。

2. 如任何住宅物業的圍牆或圍樑的任何部分——
   (a) 分隔2個毗連住宅物業，該圍牆或圍樑的部分須由其中間線開始計算；
   (b) 將任何住宅物業與任何露天地方或公共地方分隔，該圍牆或圍樑的部分的厚度須計算在該物業的出售面積內。

附表4
[第19條及附表1]
窗台及附屬地面積的計算

1. 就任何不伸延至住宅物業地板水平的窗台而言，其面積按以下方法計算——
   (a) 由窗台的圍欄外緣或玻璃窗開始計算；及
   (b) 由窗台與前述住宅物業地板水平的圍欄相接的一點開始計算，但不包括該圍欄的厚度。

2. 開窗的面積為由圍起該開窗的構築物的內緣開始計算的開窗面積。

3. 車廂或泊車位的面積為由圍起該車廂內緣或泊車位的構築物的內緣開始計算的該車廂或泊車位面積(視屬何情況而定)的面積。

4. 庭園、平台、花園、平屋頂或天台的面積為由圍起該庭園、平台、花園、平屋頂或天台的構築物的內緣開始計算的該庭園、平台、花園、平屋頂或天台(視屬何情況而定)的面積。

附表5
[第8及19條]
可委任獲授權人員的公職人員

1. 總理
2. 運輸署署長
3. 屋宇署署長
4. 土木工程署署長
5. 機電工程署署長
6. 地政總署署長
7. 規劃署署長
8. 水務署署長
SALES DESCRIPTIONS OF UNCOMPLETED RESIDENTIAL PROPERTIES BILL

SCHEDULE 3

[ss. 2 & 19]

CALCULATION OF SALEABLE AREA

1. Saleable area means, subject to section 2 of this Schedule, in relation to a residential property enclosed by walls, the floor area of that property (including the floor area of any verandah and balcony)—
   (a) measured from the external edge of the enclosing walls of the property;
   (b) including the internal walls and other permanent partitions within the property; and
   (c) excluding any common part outside the enclosing walls of the property.

2. Where any enclosing wall or any section of an enclosing wall of a residential property—
   (a) separates 2 adjoining residential properties, the measurement of that wall or that section shall be taken from its centre line; or
   (b) separates a residential property and any open area or common part, the thickness of that wall or that section shall be included in the saleable area of the property.

SCHEDULE 4

[ss. 19 & Sch. 1]

CALCULATION OF AREA OF BAY WINDOW AND ANCILLARY ACCOMMODATION

1. Area of a bay window which does not extend to the floor level of a residential property shall be the area of the bay window measured—
   (a) from the external edge of the enclosing walls or glass window of the bay window; and
   (b) from the point where the bay window meets the wall dropping to the floor level of the residential property but excluding the thickness of such wall.

2. Area of a cockloft shall be the floor area of the cockloft measured from the internal edge of the enclosing structures of the cockloft.

3. Area of a garage or car parking space shall be the area of the garage or car parking space measured from the internal edge of its demarcating lines or enclosing structures.

4. Area of a yard, terrace, garden, flat roof or roof shall be the area of the yard, terrace, garden, flat roof or roof, as the case may be, measured from the internal edge of its boundary or enclosing structures.

SCHEDULE 5

[ss. 8 & 19]

PUBLIC OFFICERS WHO MAY APPOINT AUTHORIZED OFFICERS

1. Secretary
2. Commissioner for Transport
3. Director of Buildings
4. Director of Civil Engineering
5. Director of Electrical and Mechanical Services
6. Director of Lands
7. Director of Planning
8. Director of Water Supplies
### 附表 6

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<thead>
<tr>
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<td>局長</td>
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<td>地產代理監管局</td>
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### 摘要說明

本條例草案使物業發展商有責任向未建成住宅建築物單位的準買家提供售樓說明書。本條例草案亦訂明售樓說明書須載有的資料，並就示範物業及廣告訂定條文。

2. 草案第 1 條載有條例草案的簡稱，並就另行指定的生效日期訂定條文。

3. 草案第 2 條載有主要詞句的定義。『發展商』的定義不包括買入未建成住宅單位之後再將其出售的買家。

4. 本條例草案不涵蓋在香港以外地方的物業 (草案第 3 條)。

5. 房屋局局長獲賦權批予豁免，使獲豁免者不受本條例草案的規定規限 (草案第 4 條)。

6. 草案第 5 條為主要條文，規定物業發展商須在公開發售日期或準買家認購登記日期至少 7 天前，向準買家提供載有訂明資料 (附表 1) 的售樓說明書。一項例外是加推物業的售價的資料可於較後時間提供。不遵從該條的人可被處以巨額罰款。

7. 如售樓說明書所載的某些資料不正確，草案第 6 條令買家可採取合約法上的補救。

8. 草案第 7 條規定，售樓說明書的中英文兩個版本均須符合本條例草案的規定。如兩者有抵觸，買家為買賣合約的目的可選擇以哪個版本為準。
SALES DESCRIPTIONS OF UNCOMPLETED RESIDENTIAL PROPERTIES BILL

SCHEDULE 6

AUTHORITIES WITH WHOM SALES BROCHURES SHALL BE DEPOSITED

<table>
<thead>
<tr>
<th>Authority</th>
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</tr>
</thead>
<tbody>
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<td>1. Secretary</td>
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</tr>
<tr>
<td>2. Director of Buildings</td>
<td>1</td>
</tr>
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<td>3. Director of Lands</td>
<td>1</td>
</tr>
<tr>
<td>4. Director of Planning</td>
<td>1</td>
</tr>
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<td>5. Consumer Council</td>
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<td>6. Estate Agents Authority</td>
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</table>

Explanatory Memorandum

This Bill imposes an obligation on property developers to provide sales brochures to prospective purchasers of units in uncompleted residential buildings. It also prescribes information to be contained in sales brochures and makes provisions relating to sample properties and advertisements.

2. Clause 1 contains the short title of the Bill and provides for delayed commencement.

3. Clause 2 contains the definitions of key expressions. The definition of "developer" excludes purchasers who buy uncompleted residential units and resell them.

4. The Bill does not cover properties located outside Hong Kong (clause 3).

5. The Secretary for Housing is empowered to grant exemption from the requirements of the Bill (clause 4).

6. Clause 5 is the main provision. Property developers are required to provide sales brochure containing prescribed information (Schedule 1) to prospective purchasers at least 7 days before the date of public sale or date of registration of prospective purchasers properties. An exception is information on price for additional properties put up for sale may be provided at a later time. Failure to comply with that clause may result in heavy fine.

7. If certain information contained in sales brochure is incorrect, clause 6 facilitates purchasers in pursuing contractual remedy.

8. Clause 7 provides that both the Chinese version and English version of a bilingual sales brochure have to comply with the requirements of the Bill. In case of conflict, a purchaser can choose which version is to prevail for the purposes of the sale and purchase agreement.
9. 草案第 8 及 13 條就獲授權人員的委任及該等人員強制執行本條例草案條文的權力訂定條文。

10. 根據草案第 9 及 10 條，發展商須向某些公共主管當局交存售樓說明書作為紀錄，並須提供公契以供查閱。

11. 草案第 11 條訂定適用於提供示範物業以供察看的條文。示範物業的尺寸及間隔，須正確說明。載有主要資料的通知須於示範物業內展示。不遵從本條是一項罪行，違者可被處以罰款。

12. 草案第 12 條就有關未建成住宅物業的廣告訂定規定。

13. 草案第 14 條就提供予被控犯本條例草案所訂罪行的發展商的免責辯護訂定條文。如發展商已盡一切應盡努力，而違反規定是由他不能控制的因由導致，則他可援用免責辯護。

14. 草案第 15 條就公司經理及合夥人所公司或合夥犯罪而負的刑事法律責任訂定慣常條文。

15. 草案第 16 條有關資管理人員的法律責任訂定條文。草案第 17 條規定違反本條例草案並不影響買賣協議的效力。草案第 18 條賦權房屋局局長訂立規則。

16. 草案第 19 條賦權房屋局局長修訂附表。就對須載於售樓說明書內的資料所作的修訂而言，修訂不會即時生效，以便發展商有時間掌握和遵從修訂的內容。

17. 附表 1 列出須載於售樓說明書內的資料。附表 2 及 3 訂定住宅物業的建築面積及出售面積的計算方法。附表 4 訂明窗台及若干其他類別附設的地方的面積如何計算。
9. Clauses 8 and 13 provide for the appointment of authorized officers and their powers relating to the enforcement of the provisions of the Bill.

10. Under clauses 9 and 10, developers have to deposit sales brochures with certain public authorities and make deeds of mutual covenant available for inspection.

11. Clause 11 makes provisions applicable in cases where sample properties are made available for inspection. The dimensions and partitions of a sample property have to be stated accurately. A notice containing key information has to be displayed in a sample property. Non-compliance is an offence punishable with heavy fine.

12. Clause 12 imposes certain restrictions on advertisements of uncompleted residential properties.

13. Clause 14 provides for a defence available to developers charged with an offence under the Bill. If a developer exercises all due diligence and the non-compliance is due to causes beyond his control, he may invoke the defence.

14. Clause 15 makes usual provision for criminal liabilities of company managers etc. and partners for offence committed by companies or partnerships.

15. Clause 16 provides exemption from legal liabilities for authorized officers. Clause 17 saves the effect of a sale and purchase agreement in the event of a contravention of this Bill. Clause 18 empowers the Secretary for Housing to make rules.

16. Clause 19 empowers the Secretary for Housing to amend the schedules. Amendments to information to be contained in sales brochures are not to have immediate effect so that developers are allowed time to note and comply with the amendments.

17. Schedule 1 sets out the information to be contained in sales brochures. Schedules 2 and 3 provide for the calculation of gross floor area and saleable area of residential properties. Schedule 4 provides for the calculation of area of bay windows and certain other ancillary accommodation.
Consultation paper on the sales descriptions of uncompleted residential properties bill.
[Hong Kong]: Housing Bureau, [2000].