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LANDS DEPARTMENT

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我們矢志努力不懈，提供盡善盡美的土地行政服務。
We strive to achieve excellence in land administration.

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29 June 2018

**Legal Advisory and Conveyancing Office (“LACO”)
Circular Memorandum (“CM”) No. 80**

**Lands Department Consent Scheme -
New consent conditions for sale of residential units in
uncompleted private developments**

To improve market transparency and enhance consumer protection, the Government has decided to impose new conditions on pre-sale consent to be issued for sale of residential units in uncompleted private developments under the Lands Department Consent Scheme with immediate effect.

Under the new conditions, whenever a developer offers for sale (whether by way of auction, tender or otherwise) residential units in a development or a phase of a development to which a pre-sale consent applies, the developer must offer not less than 20% of the total number of residential units in the development or in the phase of the development (as the case may be).

For the avoidance of doubt, parking spaces offered to be sold together with any residential units will not be taken into account for the purpose of calculating the 20% of the residential units. In addition, in calculating the 20% of the residential units, the Director of Lands would not be concerned whether the residential units have never been offered for sale or have been offered for sale on previous occasion(s) but remain unsold. In the event that the number of residential units remaining unsold is less than 20% of the total number of residential units to which the pre-sale consent applies, then all such unsold residential units must be offered for sale together.

The developer must also provide the Sales of First-hand Residential Properties Authority with a hard copy of the document containing information about the sales arrangements on the first day of the period which the developer is required to make such sales arrangements available to the general public under section 47 of the Residential

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Properties (First-hand Sales) Ordinance. It shall be deemed to be a breach of the new conditions if the number of specified residential properties in a development as specified in the above-mentioned document is less than 20% of the total number of the residential units to which the relevant pre-sale consent applies.

The new consent conditions will apply to both new pre-sale consent applications and pre-sale consent applications that are currently being processed by LACO.

Except as varied by this CM, LACO CM Nos. 72, 72A, 72B and 72C remain in full force and effect.

Copy of this CM can be downloaded from the website of the Lands Department at www.landso.gov.hk.

(Alan FONG)
Ag. Deputy Director/Legal
for Director of Lands

To: All Solicitors

c.c. Transport and Housing Bureau
Sales of First-hand Residential Properties Authority
The Real Estate Developers Association of Hong Kong
Consumer Council
Estate Agents Authority
The Hong Kong Institute of Surveyors
The Hong Kong Institute of Architects
The Hong Kong Association of Banks

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