

CB(1)2370/02-03(01)

香港特別行政區政府
The Government of the Hong Kong Special Administrative Region

房屋及規劃地政局
香港花園道美利大廈



Housing, Planning and Lands Bureau
Murray Building, Garden Road,
Hong Kong

本局檔號 Our Ref. HD/PS 9/2/1/137
來函檔號 Your Ref.

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香港中環
昃臣道8號
立法會大樓
立法會秘書處
立法會房屋事務委員會秘書
(經辦人：梁慶儀女士)

梁女士：

二零零三年七月十六日
立法會房屋事務委員會會議

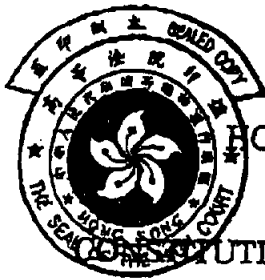
繼本年七月十六日的委員會會議，本函告知議員，高等法院原訟法庭已在八月十二日頒布判令。判令英文原文載於附件。

房屋委員會已決定就有關判決和判令提出上訴，並已申請暫緩執行判令，鍾安德法官將於八月二十六日進行聆訊。

房屋及規劃地政局局長

(林錦平 林錦平 代行)

二零零三年八月十九日



LAMJR 118/2002 (K4152)
HCAL 174 /2002

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
CONSTITUTIONAL AND ADMINISTRATIVE LAW LIST NO. 174 OF 2002

15 AUG 2003

IN THE MATTER OF an application by Ho
Choi Wan for Judicial Review

and

IN THE MATTER OF Section 16(1A),
Housing Ordinance, Cap. 283

BETWEEN

HO CHOI WAN

Applicant

and

HONG KONG HOUSING AUTHORITY

Respondent

BEFORE THE HONOURABLE MR. JUSTICE CHUNG IN CHAMBERS
ORDER

UPON reading the Notice of Motion on behalf of the said Ho Choi Wan dated
25th October 2002 together with the Notice of Application for leave to Apply for

Judicial Review lodged pursuant to rule 3(2) of Order 53 of the Rules of the High Court, which was amended pursuant to the leave of the Honourable Mr. Justice Hartmann on 25th October 2002, for the following relief: -

1. A Declaration that the decisions of the Hong Kong Housing Authority made on 12th August 2002, 28th March and 23rd October 2001 to maintain the rent of public housing units at a level such that the Median Rent to Income Ratio exceeds 10% are ultra vires and unlawful; and
2. An Order of Mandamus directing the Hong Kong Housing Authority to review the rent of Room 3311, Chau Kwai House, Kwai Chung Estate, New Territories so as to bring the rent of the said public housing unit to a level such that the Median Rent to Income Ratio does not exceed 10% as required by section 16(1A) of the Housing Ordinance, Cap.283.

AND UPON reading the Affirmation of Ho Choi Wan filed on 4th October 2002 and the exhibits thereto and the Affirmation of Lee Wing Tat filed on 4th October 2002; the Affidavit of Ng Shui Lai filed on 20th December 2002 and the exhibits thereto, the Affirmation of Yiu Kam Hung filed on 20th December 2002 and the exhibits thereto, the Affirmation of Lee Cert-Quinn filed on 20th December 2002 and the exhibits thereto, the Affirmation of Lee Cert-Quinn affirmed on 14th February 2003 and the Supplemental Affirmation of Lee Cert-Quinn affirmed on 12th May 2003 and the exhibit thereto.

AND UPON hearing Leading Counsel for the Applicant and Leading Counsel for the Respondent.

AND UPON reading the submissions of the Counsel for the parties on the relief sought under the directions of the Court given on 18th July, 2003.

THE COURT HAVING FOUND that the rents of public housing units have exceeded the statutory ceiling set out in Section 16(1A)(b) of the Housing Ordinance.

AND HAVING ALSO FOUND that at least since 6th January 1999, the Respondent has failed to determine the rents of the class (or batch) of public housing units to which the Applicant's public housing unit is part pursuant to Section 16(1A), Housing Ordinance.

IT IS ORDERED that:

1. Without prejudice to the Respondent's right to conduct the rent review ordered by the Court in the same manner as the Respondent has adopted in previous rent reviews, the Respondent do and is hereby commanded to forthwith review and determine the variation of rents of the class (or batch) of public housing units to which the applicant's public housing unit is part, according to the true meaning and effect of Section 16(1A), Housing Ordinance (Cap.283).
2. Costs of this application are to be paid by the Respondent to the Applicant, to be taxed if not agreed.
3. The Applicant's own costs be taxed in accordance with the Legal Aid Regulations.

Dated this 12th day of August 2003

Registrar

MRJ/118/2002(K4152)

HCAL 174 /2002

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
CONSTITUTIONAL AND ADMINISTRATIVE LAW
LIST NO 174 OF 2002

IN THE MATTER OF an application by
Madam Ho Choi Wan for Judicial
Review

and

IN THE MATTER OF Section 16(1A),
Housing Ordinance, Cap. 283

BETWEEN

HO CHOI WAN

Applicant

and

HONG KONG HOUSING AUTHORITY

Respondent

ORDER

Dated this day of August, 2003.

15 AUG 2003

Messrs. Ho, Tse, Wai & Partners
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LA/MJR 994/2002 (152)
HCAL 198 /2002

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE

15 AUG 2003

CONSTITUTIONAL AND ADMINISTRATIVE LAW LIST NO. 198 OF 2002

IN THE MATTER OF an application by Lam
Kin Sum for Judicial Review

and

IN THE MATTER OF Section 16(1A),
Housing Ordinance, Cap. 283

BETWEEN

LAM KIN SUM

Applicant

and

HONG KONG HOUSING AUTHORITY

Respondent

BEFORE THE HONOURABLE MR. JUSTICE CHUNG IN CHAMBERS
ORDER

UPON reading the Notice of Motion on behalf of the said Lam Kin Sum dated 9th
December 2002 together with the Notice of Application for leave to Apply for

Judicial Review lodged pursuant to rule 3(2) of Order 53 of the Rules of the High Court for the following relief: -

1. A Declaration that the decision of the Hong Kong Housing Authority made on 31st October 2002 to maintain the rent of public housing units, including the unit of which the Applicant is a tenant, at a level such that the Median Rent to Income Ratio exceeds 10%, is ultra vires and unlawful; and
2. An Order of Mandamus directing the Hong Kong Housing Authority to review the rent of the Applicant's public housing unit and to bring the rent of the Applicant's public housing unit to a level such that the Median Rent to Income Ratio does not exceed 10% as required by section 16(1A) of the Housing Ordinance, Cap.283.

AND UPON reading the Affirmation of Lam Kin Sum filed on 26th November 2002 and the exhibits thereto, the Affidavit of Ng Shui Lai sworn on 18th December 2002 and the exhibits thereto, the Affirmation of Yiu Kam Hung affirmed on 19th December 2002 and the exhibits thereto, the Affirmation of Lee Cert-Quinn affirmed on 18th December 2002 and the exhibits thereto, the Affirmation of Lee Cert-Quinn filed on 15th February 2003 and the Supplemental Affirmation of Lee Cert-Quinn affirmed on 12th May 2003 and the exhibit thereto.

AND UPON hearing Leading Counsel for the Applicant and Leading Counsel for the Respondent.

AND UPON reading the submissions of the Counsel for the parties on the relief sought under the directions of the Court given on 18th July, 2003.

THE COURT HAVING FOUND that the rents of public housing units have exceeded the statutory ceiling set out in Section 16(1A)(b) of the Housing Ordinance.

AND HAVING ALSO FOUND that at least since 6th January 1999, the Respondent has failed to determine the rents of the class (or batch) of public housing units to which the Applicant's public housing unit is part pursuant to Section 16(1A), Housing Ordinance.

IT IS ORDERED that:

1. Without prejudice to the Respondent's right to conduct the rent review ordered by the Court in the same manner as the Respondent has adopted in previous rent reviews, the Respondent do and is hereby commanded to forthwith review and determine the variation of rents of the class (or batch) of public housing units to which the applicant's public housing unit is part, according to the true meaning and effect of Section 16(1A), Housing Ordinance (Cap.283).
2. Costs of this application are to be paid by the Respondent to the Applicant, to be taxed if not agreed.
3. The Applicant's own costs be taxed in accordance with the Legal Aid Regulations.

Dated this 12th day of August 2003

Registrar

MRJ/994/2002(152)
HCAL 198 /2002

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
CONSTITUTIONAL AND ADMINISTRATIVE LAW
LIST NO 198 OF 2002

IN THE MATTER OF an application by
Madam Lam Kin Sum for Judicial
Review

and

IN THE MATTER OF Section 16(1A),
Housing Ordinance, Cap. 283

BETWEEN

LAM KIN SUM

Applicant

and

HONG KONG HOUSING AUTHORITY

Respondent

ORDER

Dated this day of August, 2003.

15 AUG 2003

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