

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

繼二零零三年八月十七日的信件，本函告知議員，在八月二十六日，鍾安德法官聆聽雙方律師陳詞後頒令：如果法院判令第 1 段<sup>註</sup>的履行會令房屋委員會須要更改租金，而新租金的實施時間又早於房屋委員會就司法覆核結果向上訴法庭所提出上訴的審結日子，則法院判令第 1 段可暫緩執行，附帶條件是房屋委員會須承諾 —

- (a) 盡速向上訴法庭提出上訴；以及
- (b) 在上訴進行期間，檢討法院判令第 1 段適用的公屋單位的租金，並根據法院判令第 1 段的條款，釐定該等公屋單位租金的更改。

判令英文原文載於附件。

<sup>註</sup> 這段的內容如下：在不損害「房屋委員會」的權利以「房屋委員會」在過往租金檢討中所採用的方式進行法院命令的租金檢討這項原則下，「房屋委員會」現被飭令立即按《房屋條例》(第 283 章)第 16(A) 條的真正意思和作用，檢討申請人公屋單位所屬類別(或組別)的公屋單位的租金，並釐定有關租金的更改。

房屋委員會已於二零零三年八月二十五日向高等法院上訴庭提出上訴。

房屋及規劃地政局局長

(林錦平 代行)

二零零三年九月十八日

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

Clerk to Mr. Justice ~~Master~~ *Chung*

Draft Judgment/Order for Approval, please.

Simmons & Simmons

Dated: 27. 8. 2003



Winnie Tam

Solicitor, Hong Kong SAR

Simmons & Simmons

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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 the application of the Solicitors for the Respondent by way of Summons filed on 18<sup>th</sup> August 2003.

AND UPON reading the 1<sup>st</sup> and 2<sup>nd</sup> Affirmations of Chung Lai Kwok Elaine filed herein on 19<sup>th</sup> August 2003 and 22<sup>nd</sup> August 2003 respectively and the Affidavit of Yick Wing Kin filed herein on 26<sup>th</sup> August 2003.

AND UPON the Respondent undertaking by its solicitors to prosecute with all due expedition CACV 250/2003 and CACV 251/2003 on appeal from the Orders of the Honourable Mr Justice Chung dated 12<sup>th</sup> August 2003 ("the Court Orders").

AND UPON the Respondent undertaking to review the rents of the public housing units to which paragraph 1 of the Court Orders apply and to determine the variation of rents of such public housing units in accordance with the terms of paragraph 1 of the Court Orders while the said Appeals are underway.

IT IS HEREBY ORDERED that:

1. There be a stay of execution of paragraph 1 of the Court Orders insofar as the implementation of paragraph 1 of the Court Orders requires the Respondent/Appellant to have the variation of rents so determined to take effect ahead of the conclusion of the said Appeals.
2. The costs of and occasioned by the Summons be costs in the appeal save that the costs of the hearing of 26<sup>th</sup> August 2003 be to the Applicants with their costs to be taxed in accordance with Legal Aid Regulations with certificate for two counsel.

Dated this 26<sup>th</sup> day of August 2003.

Registrar