

香港特別行政區政府

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

**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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19 August 2003

Clerk to LegCo Panel on Housing  
Legislative Council Secretariat  
Legislative Council Building  
8 Jackson Road  
Central  
Hong Kong  
(Attn: Miss Odelia LEUNG)

*Dear Odelia,*

**Legislative Council Panel on Housing  
Meeting on 16 July 2003**

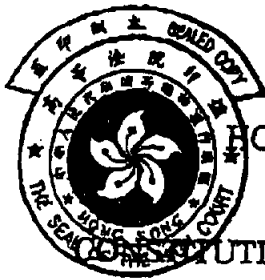
Further to the Panel meeting on 16 July 2003, Members may wish to know that the Court of First Instance handed down the Order as attached on 12 August 2003.

The Housing Authority has decided to appeal against the Judgment and the Order. The Housing Authority has applied for a stay of the execution of the Order, and the Honourable Mr Justice Chung has agreed to hear both parties on 26 August 2003.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Joey Lam'.

( Miss Joey LAM )  
for Secretary for Housing, Planning and Lands



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  
25<sup>th</sup> 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 25<sup>th</sup> October 2002, for the following relief: -

1. A Declaration that the decisions of the Hong Kong Housing Authority made on 12<sup>th</sup> August 2002, 28<sup>th</sup> March and 23<sup>rd</sup> 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 4<sup>th</sup> October 2002 and the exhibits thereto and the Affirmation of Lee Wing Tat filed on 4<sup>th</sup> October 2002; the Affidavit of Ng Shui Lai filed on 20<sup>th</sup> December 2002 and the exhibits thereto, the Affirmation of Yiu Kam Hung filed on 20<sup>th</sup> December 2002 and the exhibits thereto, the Affirmation of Lee Cert-Quinn filed on 20<sup>th</sup> December 2002 and the exhibits thereto, the Affirmation of Lee Cert-Quinn affirmed on 14<sup>th</sup> February 2003 and the Supplemental Affirmation of Lee Cert-Quinn affirmed on 12<sup>th</sup> 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 18<sup>th</sup> 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 6<sup>th</sup> 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 12<sup>th</sup> 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  
Solicitors for the Applicant  
Rooms 901-902, 9/F.,  
Takshing House,  
20 Des Voeux Road Central,  
Hong Kong

Tel: 2868 2919    Fax: 2868 2797  
Ref: 23-24-4040-02(23)



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

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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

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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 9<sup>th</sup>  
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 31<sup>st</sup> 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 26<sup>th</sup> November 2002 and the exhibits thereto, the Affidavit of Ng Shui Lai sworn on 18<sup>th</sup> December 2002 and the exhibits thereto, the Affirmation of Yiu Kam Hung affirmed on 19<sup>th</sup> December 2002 and the exhibits thereto, the Affirmation of Lee Cert-Quinn affirmed on 18<sup>th</sup> December 2002 and the exhibits thereto, the Affirmation of Lee Cert-Quinn filed on 15<sup>th</sup> February 2003 and the Supplemental Affirmation of Lee Cert-Quinn affirmed on 12<sup>th</sup> 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 18<sup>th</sup> 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 6<sup>th</sup> 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 12<sup>th</sup> 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

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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

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BETWEEN

LAM KIN SUM

Applicant

and

HONG KONG HOUSING AUTHORITY

Respondent

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ORDER

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Dated this            day of August, 2003.

15 AUG 2003

03 AUG 15 11:12:26

Messrs. Ho, Tse, Wai & Partners  
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