

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**

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18 September 2003

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

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

Further to my letter of 19 August 2003, I wish to advise that at the hearing on 26 August 2003, the Honourable Mr Justice Chung has ordered that there be a stay of execution of paragraph 1<sup>Note</sup> of the Court Orders insofar as the implementation of paragraph 1 of the Court Orders requires Housing Authority to have the variation of rents so determined to take effect ahead of the conclusion of Housing Authority's appeal to the Court of Appeal on the judicial review, on the condition that Housing Authority undertakes to –

- (a) prosecute with all expedition the appeal to the Court of Appeal;  
and

<sup>Note</sup> This paragraph reads as follows : Without prejudice to the [Housing Authority's] right to conduct the rent review ordered by the Court in the same manner as [Housing Authority] has adopted in previous rent reviews, [Housing Authority] 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 unit is part, according to the true meaning and effect of section 16(1A), Housing Ordinance (Cap 283).

- (b) review the rents of the public housing units to which paragraph 1 of the Court Orders applies 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 appeal is underway.

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Copy of the Order is at Annex.

Members may also wish to note that the Housing Authority submitted its grounds for appeal on 25 August 2003.

Yours sincerely,

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

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