

To: panel_dev <panel_dev@legco.gov.hk>, Tony Tse [REDACTED]
From: Henry Tung [REDACTED]
Date: 22/05/2015 08:39AM
Cc: [REDACTED], panel_ps@legco.gov.hk
Subject: Re: 發展事務委員會會議-促進公務員建屋合作社計劃下的樓宇重建

Dear Secretary of Panel on Development,

Thank you for your email dated 21.5.2015. Quite a number of the current HK Government officers and Legco Members do have an impression that the Coopt Society's Housing Scheme enacted in early 50 and the Government Built Housing Schemes created in 1968 are the same thing and so in preparing policy etc for the Housing Schemes, GBHS is left out. In fact, there are only two estates in the territory developed under GBHS (Lung Cheung Court at Broadcast Dr. and Hong Lee Court in Kwun Tong), and GBHS is entirely different from the Coopts Housing Schemes from the method of development, financing and the way of acquirement by Civil Servants, etc, etc (Establishment Circular No 69/68 dd 30.11.1968 refers). While managing the GBHS, the former Colonial Government had imposed a lot of maladministration policy on us that we consider it should be rectified by the SAR Government now. We have no aim for the reconstruction of our Court as the Coopts Housing Schemes, but just want the authority to use a justice way to treat us.
Thank you.

GBHS Lung Cheung Court residents(we are all retired Civil Servants for over at least 18 years)
Convenor: TUNG Shu-shing

Difference of Coopts Housing Schemes and GBHS

Tuesday, March 31, 2015 6:43 PM

From: "Henry Tung" [REDACTED]

To: [REDACTED]

Bcc: [REDACTED]
[REDACTED]

The Difference of Coopts Housing Schemes and GBHS (LCC and Hong Lee Court)

Housing Schemes

1. The Housing Scheme was done by a Coopts Society formed by a group of Civil Servants individually and applied to Govt. for loan (The Colonial Treasurer Incorporated) for financing and Lands Department for lease of land to develop the scheme. The loan is the full amount of the development (land cost, construction, architect fees, etc. etc). The loan is to be repaid by 20 years instalments and the interest was only 3.5% per annum. The upper limit of the loan repayment per month of each staff would not be exceeding one quarter of their salary to control the size of the flats to be developed. The Society leased the land from Lands Department at 50% of the market price. (CS's Secretariat Standing Circular No. 9 dd 11 June, 1956 referred). It means that the land acquired by the Coopts Society is one half of the market price. But later, in some Govt.'s document saying it was only 1/3 of the market price, whether the Officers in Lands Department were absent-minded

or there is another later Standing Circular to replace this one, we do not know.

2. As the schemes were spread over Hong Kong Island, Kowloon, New Kowloon and the New Territories, land lease for lots in different region are different. For HK Island, it started from the date of the lease for 75 years, and Kowloon (South of Boundary Street) started from 1898 for 75 years and renewable for 50 years. For New Kowloon (North of Boundary Street) and New Territories started from 1898 for 75 years and renewable 24 years up to the end of June, 1997 less 3 days.

3. Since some of the Coopts Societies at the time they acquired the land, it was almost to the expiration date of 75 years, so Lands Department issued a "Modification Lease Letter" to the Coopts Societies and asked them to abide to. As in the Standing Circular had said, the original land payment by Coopts Societies are "one half" of the market price, but the Officers in Lands Department alleged saying that it was only "one third" such that the terms for land premium payment was imposed as follows:

"An amount equal to two third of 'either' the existing use land value of the Property 'or' the full market value of the Property as the case may be at 'Director's discretion'".

Coopts Societies are still arguing with Govt on this point.

Government Built Housing Scheme (GBHS)--Lung Cheung Court and Hong Lee Court

1. GBHS was initiated by The Colonial Treasurer Incorporated (changed name to The Financial Secretary Incorporated soon before 1997), this organisation developed the afore-said two sites, built the flats in various size to sell it to Civil Servants. The method is detailed in an Establishment Circular 88/68 dd 30 November, 1968. Para 3 of the Circular said the flats were developed to sell to the qualified Civil Servants by instalments. Para 7 of the Circular listed various amount of acquirement of the various size of the flats, also stated that the price does include Land Cost plus administration cost (normal Govt practice is 20% on top of the made up overall expense of the project). From our understanding, the land cost is the full amount of the land value. As in the original lease, it is stated that Lands Department leased the Land to The Colonial Treasurer Incorporated at an amount of \$3,082,740.00. The leasees has to undertake huge site formation as the lot is located on a hilly site. The lease expired in 1987. Unlike in the lease to the Coopt Societies, it is only stated that Lands Department leased this lot to xxx Coopts Society to develop the housing scheme and no amount of payment is put in. The role of The Colonial Treasurer Incorporated in the development of LCC was just like a normal territory property developer and all procedures about trading were adhered to.
2. We, the purchasers of GBHS had to pay an amount varied from 10% to 15% of the selling price as down payment depending on the size of the flat we were allocated. Then The Colonial Treasurer Incorporated acted as money lender to lent the balance of the purchase cost and repaid by 20 years instalments at an interest rate of 7% per annum. (GBHS repaid monthly, while for the Coopts Societies, repaid at half year interval). We, LCC members applied to purchase the flats individually and not as a group as Coopts Society, to develop the site themselves.
3. Since these two lots, LCC and Hong Lee Court are located in New Kowloon (North of Boundary Street), the lease term is same as that for the other lots in that territory. Soon before 1997, HK Govt enacted a law Cap 150 New Territories Land Contract (Renewal) Regulation, it is stipulated that there is no need to pay land premium for the renewal of lease, only an additional of 3% charge added to the rate payment. In fact, in 1996, Hong Kong Govt entered a new lease with The Financial Secretary Incorporated to incorporate the Cap 150 requirement as a Memorial No. UB66743324 dd 4 July, 1996 and registered it in The Registry. However, in 2002, two organisations of Govt. (DLO/Kowloon East and The Financial Secretary Incorporated) enter an agreement in the form of lease modification letter (Memorial No. 8624082 dd 22 Feb. 2002) saying that the extension of lease entered in 1996 is considered void; and replaced by this lease modification letter, the terms of payment of land premium is added to which stated that
"the said Lessee shall have first paid to the Government the amount of premium in respect of his Unit which is a due proportion of an amount equal to two-third of either the existing use value of the Lot or, where the Lot is economically suitable for re-development at the relevant date, the full market land value of the Lot at the relevant date".
It is same as that the Lands Department imposed on Coopts Society, though the way of acquirement of the flats for LCC is entirely different from Coopts Housing Schemes. We consider it is very unreasonable. Furthermore, DLO/Kowloon East is only a D1 officer in the Govt. as the modification of lease letter was not signed "for Director of Lands" (authority assigned by the Director), we doubt very much about its validity.
4. Please note that after 1997, we, the LCC owners do pay the additional rate payment requirement according to Cap. 150.
5. GBHS Hong Lee Court has started to apply for title deed in April, 2014, but so far Govt. has not yet replied and give them any terms yet.
6. The acquirement of land, the lease for the Coopts Society was signed between the Chairman of the Coopts Society, and LCC the original land lease was entered between the Lands Department and The Colonial Treasurer Incorporated. As to the Deed of Mutual Consent, for Housing Scheme, it was entered between the Chairman of the Coopts Society and a member of the Society. And for LCC, it was entered between The Financial Secretary Incorporated and a purchaser Leung Ho Kam Kenneth on 24 June, 2003 and in which it explicitly stated that we should abide to the lease, in particular the lease modification letter. It is very unfair. In fact we have already paid off all loans by 1990 or before. We purchased the flats entirely to follow the normal property trading procedure in HK, the unreasonable term of land premium payment imposed long after all loan is settled. We consider Govt. does violate the law of HK, Cap 28 Sales of Goods Ordinance as well Cap 458 Unconclonable Contract Ordinance.
7. We have lodged a petition to CEO C.Y. Leung in August, 2014 pleading to cancel such unreasonable imposition, and CY replied he has referred to DevB and CSB for following up. Two weeks after, CSB replied saying it is not his branch's idea and is entirely DevB's decision. One should note that when we dealt with The Colonial Treasurer Incorporated or The Financial Secretary Incorporated, CSB staff do represent and sign all document for those organisation.
8. Genius comment on our finding on this is sought.

Shedden Fish office

Colonial Secretariat,
Lower Albert Road,
Hong Kong.

30th November, 1968.

ESTABLISHMENT CIRCULAR NO. 69/68

Local Government Officers New Type Housing Schemes
(Government Built Scheme)

Note: This circular should be read by Heads, Deputy and Assistant Heads of Departments, Departmental Secretaries and Executive Officers, and by locally appointed officers on the pensionable establishment.

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The purpose of this Circular is to explain the procedure for applications for the Government Built Scheme Lung Cheung Road Stage I flats.

2. For the benefit of those who have not seen previous Circulars on this subject, i.e. Secretariat Standing Circular No. "G" 20 of 17th October 1963, Establishment Circular No. 52/67 of 23rd June 1967 and Establishment Circular No. 58/68 of 25th September 1968, this present Circular repeats the essential points relating to the new type housing schemes for local Government officers.

3. Two sites, one near Lung Cheung Road and the other at Ngok Yue Shan (Kwun Tong), have been selected for the first blocks of these flats which eligible officers may purchase from Government by instalments.

4. The site near Lung Cheung Road has a total area of some 340,000 square feet, or 7.8 acres. The scheme is designed to provide a total of 296 flats (104 Type 2 flats, 32 Type 3 maisonettes and 160 Type 3+ flats). The whole scheme comprises 10 blocks of flats and maisonettes. The blocks vary in height from 5 to 9 storeys. The estate is being constructed in two stages. The first stage, which comprises 7 blocks (i.e. Blocks 3, 5, 6, 7, 8, 9 and 10 - vide Appendix A) of flats with a total of 160 units (all Type 3+ flats) is now due to be completed in about mid-February, 1969. The second stage, which comprises 2 blocks (i.e. Blocks 1 and 2) of 104 Type 2 flats and 1 block (i.e. Block 4) of 32 Type 3 maisonettes, is due to be completed in about August/September 1969. Each unit comprises one combined living/dining room, 3 bed-rooms, 2 bathrooms, a kitchen and servants' quarters. Car parking will be provided at the rate of one car park space per unit.

5. Work has also started on the second site at Ngok Yue Shan in Kwun Tong. This second scheme, which is designed to provide a total of 431 flats (91 Type 2 flats and 340 Type 1 flats) in 2 blocks, is due to be completed in about November, 1970.

/..... Eligibility

Eligibility

6. Officers wishing to participate in this scheme must fulfil the following qualifications:

- (i) be employed in the service of the Hong Kong Government on the permanent and pensionable establishment;
- (ii) not be employed on expatriate terms;
- (iii) be 25 years of age or over;
- (iv) be not already housed in a Government co-operative flat, whether held in the applicant's name or in that of his wife;
- (v) (in the case of female officers) be unmarried at the time of allocation.

Note: The above may be varied or departed from at the discretion of the Governor.

Description of flats

7. The flats to be built will be of three basic types and eligibility will be according to salary range as follows:

Type	Range of monthly salaries	Gross floor area of flat	Approximate cost (including admin. fees and land cost)	Downpayment as % of cost
1	\$ 745 - \$1,253	775 sq. ft.	\$22,000	10%
2	\$1,254 - \$2,225	1,060 sq. ft.	\$32,000 (Kwun Tong) \$34,500 (Lung Cheung Road)	} 12½%
3 {	\$2,226 - \$3,251	1,429 sq. ft.	\$53,000	
3+ {		1,327 sq. ft.	\$49,000	} 15%

Notes: (1) Type 2 flats at Lung Cheung Road are dearer than at Kwun Tong because of higher land values at the former.

(2) Type 3 flats are of a maisonette design on two floors.

Allocations

8. Allocations will be made on a points basis as follows:

- (i) Salary: for each \$50 of salary (Points for women officers are calculated as if they were on equivalent male salary points) 1 point (max. 60 points)
- (ii) Service: for each year of service since first appointment 1 point
- (iii) Dependents: (a) for a wife 10 points
(b) for each child (Children mean unmarried sons and daughters under the age of 18 years) 3 points

/..... (iv)

(iv) Housing situation:

(a) not already housed in

(1) own accommodation;

(2) accommodation which the officer is purchasing by instalments;

or (3) accommodation which he has a beneficial interest to occupy 10 points

(b) already housed in wife's accommodation 5 points

Repayments

9. Successful applicants will be required to make a downpayment as set out in paragraph 7 above before moving into the flat. The balance of the cost of the flat will thereafter be repaid over 20 years with interest at 7% per annum. Government reserves the right to vary the rate of interest in respect of outstanding repayments by up to 2% either way subject, however, to variation of the repayment period so that the annual instalments remain the same.

10. An officer in one salary range will be eligible to apply for a flat in a higher range, but if successful, will be required to make a downpayment appropriate to that range, subject to the proviso that his monthly payments in respect of this flat may not exceed one quarter of his total regular monthly emoluments from Government Service. For the avoidance of doubt, this one quarter will be calculated inclusive of payment of rates, Crown rent, fire insurance, building maintenance and common service, as well as interest and capital repayments to Government. An officer who obtains a flat in a range lower than that appropriate to his salary will still be required to make a downpayment appropriate to his salary range.

Officers with Priority

11. Paragraph 6 of Establishment Circular No. 58/68 stated that any of the '63 groups' (i.e. the remaining groups under the former co-operative scheme) which opted for the new Government Built Scheme would have absolute priority over other applicants. A total of 7 groups comprising 96 members subsequently opted for the new scheme.

12. Applications from these 96 members with absolute priority were invited in late September 1968, with a closing date of 1st November 1968. The results of the applications that were submitted are as follows:-

(B)

- (i) 9 eligible members have been allocated Lung Cheung Road Stage I Type 3⁺ flats (see Appendix B). 8 other members who submitted applications for Type 3⁺ flats were unsuccessful because their monthly salaries were not on a level sufficient to satisfy the proviso referred to in para. 10 above that their monthly payments must not exceed one quarter of their total regular monthly emoluments. As far as can be judged at the present time, the cost of a Type 3⁺ flat will be approximately \$49,000 and the total monthly payment required for one of these flats will be \$475, including repayment of loan, maintenance, rates, etc. Hence any officer with a monthly salary of less than \$1,900 is regarded as being ineligible for a Type 3⁺ flat. However, these applicants will be considered for Type 2 flats when they are allocated in due course.

/.... (ii)

(ii) 57 members (including the 8 unsuccessful applicants for Type 3+ flats referred to above), submitted applications for either the Lung Cheung Road Stage II or the Ngok Yue Shan flats (see Appendix C); and

(C)

(iii) 30 members either did not submit applications or failed to submit them in time and have thus lost their absolute priority for flats built under this new scheme, although they remain eligible to make applications with other eligible officers on the terms set out in paragraph 13 below.

Applications and Closing Date

13. Applications for the remaining Lung Cheung Road Stage I Type 3+ flats are now invited from eligible officers in the civil service.

(D)

Application Forms, a sample of which is at Appendix D, are obtainable from Heads of Departments, or the Buildings and Lands Registry of the Colonial Secretariat. Completed application forms should be submitted through the respective Head of Department to Land Assistant (1), Lands Branch, Colonial Secretariat, before noon on 2nd January 1969.

(Note: Applications for Lung Cheung Road Stage II/Ngok Yue Shan flats will be called for at a later date).

14. For ease of reference a "Block" plan and a chart showing the numbering of flats are attached as Appendices E & F respectively. Those flats which has been crossed out in Appendix F have already been allocated to officers listed in Appendix B.

(E)

(F)

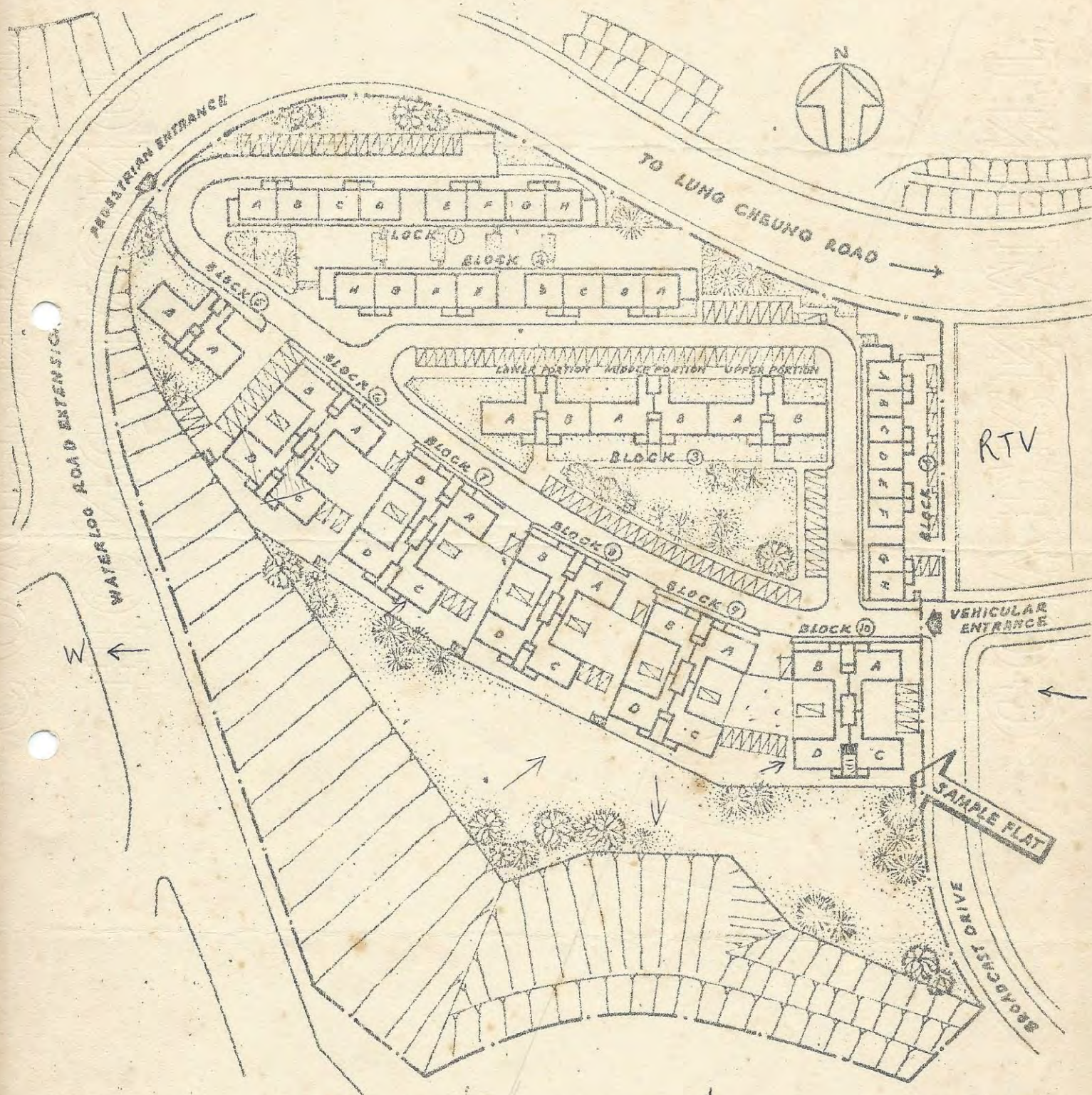
15. The allocations to individual officers will be published in a separate Circular. An appeals panel will be set up with its membership drawn from existing Co-operative Building Societies with matured schemes, to hear and determine appeals arising out of allocations made under these rules. An appeal against an allocation may be made to the Establishment Officer. The appeal must reach the Establishment Officer not later than two weeks after the allocation Circular, a copy being sent to the officer's Head of Department who should forward his views on the merits of the appeal to the Establishment Officer within one week.

16. A Type 3+ sample flat has been prepared at Lung Cheung Road Stage I so that applicants may view a completed flat.

17. Any enquiries about this Circular should be addressed to Land Assistant (1) on Telephone No.H-95531.

J.N. HENDERSON
Establishment Officer

To : Heads of Department



LAYOUT PLAN

SCALE: 100 FT. TO AN INCH

中华人民共和国香港特别行政区基本法_百度百科

立法会产生的具体办法和法案、议案的表决程序由附件二《香港特别行政区立法会的产生办法和表决程序》规定。

第六十九条 香港特别行政区立法会除第一届任期为两年外，每届任期四年。

第七十条 香港特别行政区立法会如经行政长官依本法规定解散，须于三个月内依本法第六十八条的规定，重行选举产生。

第七十一条 香港特别行政区立法会主席由立法会议员互选产生。

香港特别行政区立法会主席由年满四十周岁，在香港通常居住连续满 20 年并在外国无居留权的香港特别行政区永久性居民中的中国公民担任。

第七十二条 香港特别行政区立法会主席行使下列职权：

- 主持会议；
- 决定议程，政府提出的议案须优先列入议程；
- 决定开会时间；
- 在休会期间可召开特别会议；
- 应行政长官的要求召开紧急会议；
- 立法会议事规则所规定的其他职权。

第七十三条 香港特别行政区立法会行使下列职权：

- 根据本法规定并依照法定程序制定、修改和废除法律；
- 根据政府的提案，审核、通过财政预算；
- 批准税收和公共开支；
- 听取行政长官的施政报告并进行辩论；
- 对政府的工作提出质询；
- 就任何有关公共利益问题进行辩论；
- 同意终审法院法官和高等法院首席法官的任免；
- 接受香港居民申诉并作出处理；**
- 如立法会全体议员的四分之一联合动议，指控行政长官有严重违法或渎职行为而不辞职，经立法会通过进行调查，立法会可委托终审法院首席法官负责组成独立的调查委员会，并担任主席。调查委员会负责进行调查，并向立法会提出报告。如该调查委员会认为有足够证据构成上述指控，立法会以全体议员三分之二多数通过，可提出弹劾案，报请中央人民政府决定。
- 在行使上述各项职权时，如有需要，可传召有关人士出席作证和提供证据。

第七十四条 香港特别行政区立法会议员根据本法规定并依照法定程序提出法律草案，凡不涉及公共开支或政治体制或政府运作者，可由立法会议员个别或联名提出。凡涉及政府政策者，在提出前必须得到行政长官的书面同意。

第七十五条 香港特别行政区立法会举行会议的法定人数为不少于全体议员的二分之一。

立法会议事规则由立法会自行制定，但不得与本法相抵触。

第七十六条 香港特别行政区立法会通过的法案，须经行政长官签署、公布，方能生效。

第七十七条 香港特别行政区立法会议员在立法会的会议上发言，不受法律追究。

第七十八条 香港特别行政区立法会议员在出席会议时和赴会途中不受逮捕。

第七十九条 香港特别行政区立法会议员如有下列情况之一，由立法会主席宣告其丧失立法会议员的资格：

因严重疾病或其他情况无力履行职务；
未得到立法会主席的同意，连续三个月不出席会议而无合理解释者；
丧失或放弃香港特别行政区永久性居民的身份；
接受政府的委任而出任公务人员；
破产或经法庭裁定偿还债务而不履行；
在香港特别行政区区内或区外被判犯有刑事罪行，判处监禁一个月以上，并经立法会出席会议的议员三分之二通过解除其职务；
行为不检或违反誓言而经立法会出席会议的议员三分之二通过谴责。

第四节 司法机关

第八十条 香港特别行政区各级法院是香港特别行政区的司法机关，行使香港特别行政区的审判权。

第八十一条 香港特别行政区设立终审法院、高等法院、区域法院、裁判署法庭和其他专门法庭。高等法院设上诉法庭和原讼法庭。

原在香港实行的司法体制，除因设立香港特别行政区终审法院而产生变化外，予以保留。

第八十二条 香港特别行政区的终审权属于香港特别行政区终审法院。终审法院可根据需要邀请其他普通法适用地区的法官参加审判。