

Subject: More support evidence for GBHS (LCC) Petition on Non
Payment of Arrear Land Premium Imposition

Dear Chairman Hon Tony Tse Wai-Chuen and Hon Councillors of
SC_Dev of Panel on Dev,

Submitted herewith are more evidence to support our petition.
According to Cap 150, since LCC lot is located at North of
Boundary Street, it is stipulated in the law provision that there is no
need to pay any arrear land premium after 1997 for those land lots,
and only 3% additional rate payment is required instead and we do
pay such since 1997 accordingly. Another argument for the arrear
land premium amount calculation is even there is an amount which
had been owed years ago before 1997 for those land lots, it should
use 1997 as the cutoff date for the repayment assessment and NOT
to use the current date land cost (which is far after 1997) to
calculate the arrear land premium payment. The imposition of
arrear land premium payment requirement on the property located
beyond North of Boundary Street is clearly a violation of Cap 150
and Annex 3 of Sino-British Joint Declaration dd 19.12.1984. Our
HK Foundation has had also a suggestion derived from their
profound studies. It is suggested that the arrear land premium
calculation for all Govt. Subsidised Housing in the territory should

use the deficient value (money owed to Govt.) at the time the land purchased or the property is acquired as basis plus accumulated interest only for the repayment and not to use the current land cost to evaluate. Based on this concept and Cap 150 provision, in accordance to EC No. 69/68 dd 30.11.1968 and the confirmation of sale letter in April, 1969, we did NOT owe The Colonial Treasurer Incorporated or the Colonial Government any land premium payment, so the payment value for GBHS (Lung Cheung Court) repayment is zero.

All resident of GBHS (Lung Cheung Court)

Convenor: TUNG Shu Shing 27/05/2016

P.O.Box 73163, Kowloon Central Post Office, 405 Nathan Road,
Kowloon.

c.c. CEO Dr. C.Y Leung

EXCO Secretariat,

中联办张晓明主任---请祖国中央政府关注, 特区政府处理
我们龙翔苑地价事宜, 并设有完全依足香港法律第
150章及 1984年中英联合声明附件3之指示办理, 横
加一些不合理的条款扰民.

Housing Scheme 和 GBHS 不同之处

Housing Schemes

1. Housing Scheme 是由公署自行组合，组织合作社向地政署请求批地，由 THE COLONIAL TREASURER INCORPORATED (97 後改名为 THE FINANCIAL SECRETARY INCORPORATED) 贷款给合作社支付购地费用，建筑费 (包括建筑师费用及其他杂用)。合作社负责 20 年内半年一次期清还 (含利息)。为顾及合作社之清还能力，贷款之上限总额不能超过合作社成员每月净收入能力 (薪金之 $\frac{1}{4}$)。而购地是以该地之市价 $\frac{1}{2}$ 计算。(CS's Secretariat Standing Circular No. 9 dd 11. June. 1956)。即是说合作社得来之地是市值之 $\frac{1}{2}$ 。但其後在政府文件中屡次说是地价之 $\frac{1}{3}$ 。究竟是地政署之官员记错，或是後来有另一 Standing Circular 来修正就不行而知。

2. 由於 Housing Scheme 散佈香港，九龙，新九龙及新界各区，Land Lease 都有不同，香港区多是從批地日开始計使用期 75 年。而九龙 (界限街以南) 的大约是 90 年初期，要续期 50 年。新九龙及新界的则是到 1997 年 (由 1898 年开始使用期 75 年但可续约至 1997 年租借约满之

前3天)。

3. 由於有些合作社購行之地，在購買時已差不多獲規定之75年期零字續約，地政署發出 Modification Lease Letter 給合作社們要他們遵守。由於合作社購地時沒有付足地價 (Circular 說是 $\frac{1}{2}$ ，但官員以為是 $\frac{1}{3}$) 於是在 Lease Modification 寫下下列將來要補地價的條款

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.

GBHS (LCC and Hong Lee Court)

1. GBHS 是由 THE COLONIAL TREASURER INCORPORATED (97後改名為 THE FINANCIAL SECRETARY INCORPORATED) 興建來出售給公務員。換句話說，此機構之身份和一般地產發展商無異，向地政署購地時是付足地價，由於這兩個 scheme 都位於界限街以北，使用期是到1997年。和當時地產發展商購新地及新界地來建屋出售給市民一樣。回歸時，政府已訂定法例，位於港英租借地的地，97後只要求在應付差餉上加3%就是補地價。(Cap 150 新界土地契約(續期)條例) 在過往十多年，GBHS 成員都是依是政府繳納

那增加3%的差餉來 Fulfill Cap 150 的要求。

2. 2002年 LCC 成員因我們已繳足所有貸款要求取回業權契約，此時 DLO 及 THE FINANCIAL SECRETARY INCORPORATED 兩機構持給與 Housing Scheme 的 Lease Modification 強行 LCC 成員之上，Hong Lee Court 則是於 2014 年 4 月才申請之契，但至今仍未收到條件。

3. LCC 在賃給公務員時，程序與一般地產發展商賃住無異。我們既要交首期，餘款由發展單位貸給，分 20 年每月攤還（含利息）。所以 DLO 及 THE FINANCIAL SECRETARY INCORPORATED 要我們遵守他們自己訂定之 LEASE MODIFICATION 是不合法的。

4. Housing Scheme 购地之 Lease 是合作社的主席和 DLO 簽的，LCC 购地之 Lease 是 DLO 和 THE COLONIAL TREASURER INCORPORATED 簽的。接受 LEASE MODIFICATION 的文件，Housing Scheme 方面是合作社主席和 DLO 簽的，表示接受。而 LCC 的則是 DLO 和 THE FINANCIAL SECRETARY INCORPORATED 簽署，並無 LCC 成員在內。Housing Scheme 的公契是合作社的主席跟第一位社員簽的，

而 GBHS 的公契却是由發展機構 THE
FINANCIAL SECRETARY INCORPORATED 和第一位
買家簽的，內文有要遵守 LEASE 規定，實在
是霸王硬上弓，違反了 Cap 458 Unconscionable
Contract Ordinance.

第150章 第6條 契約的續期 (《新界土地契約(續期)條例》)

條文內容

章： 150
條： 6

標題： 《新界土地契約(續期)條例》
條文標題： 契約的續期

憲報編號：
版本日期： 30/06/1997

本條例所適用契約的年期現予續期，由契約若非因本條例便會屆滿的日期起，續期至2047年6月30日完結時止，無須補繳地價。

(1988年制定)

Difference of Coopts Housing Schemes and GBHS

Tuesday, March 31, 2015 6:43 PM

From: "Henry Tung" [REDACTED]

To: "Esther pui kwan" [REDACTED]

Cc: "WS SZETO" [REDACTED]

"Manho Wong" [REDACTED]

"Henry Tung" [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, 1958 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 89/68 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 lessee 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

xxxx 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 Convent, 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.



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http://paper.wenweipo.com/ [2015-11-10]



團結香港基金發表首份研究報告, 倡議推行「補貼置業」及加快土地供應。左起: 曾維謙、王于漸、鄭李錦芬及黃元山。

團結基金倡補貼置業 調整補地價降門檻

香港文匯報訊 (記者 鄭治祖) 香港樓價貴絕全球, 令不少港人擔憂「上樓」無望。團結香港基金昨日發表首份「土地房屋」研究報告, 倡議特區政府推行全新的「補貼置業計劃」, 日後所有新建的公營房屋均以「置業」機會為目標, 並放寬公營房屋的「補地價」政策, 幫助無法負擔市場樓價的家庭以優惠價置業, 長遠目標可令八成香港家庭都是自己居所的業主, 安居樂業, 分享香港經濟繁榮的成果。提出主張的香港大學經濟學講座教授兼團結香港基金顧問王于漸強調, 房屋是關乎香港未來的問題, 認為特區政府有必要協助市民解決, 否則社會將會永無寧日。

由全國政協副主席、前特首董建華牽頭成立的團結香港基金, 昨日發表首份題為《土盡其闢 百堵皆興, 屋盡其利 萬家受惠》的土地房屋研究報告。研究項目由王于漸、香港大學經濟金融學院助理講師阮穎嫻, 以及團結香港基金研究員曾維謙撰寫。王于漸昨日與團結香港基金總幹事鄭李錦芬、基金會副總幹事兼公共政策部主任黃元山及曾維謙出席記者會介紹研究成果和建議。

五折至七折上市 按揭95%

「補貼置業計劃」倡議, 日後特區所有新建的公營房屋不再分「公屋」、「居屋」, 均以「置業」機會為目標, 並放寬公營房屋的「補地價」政策, 幫助無法負擔市場樓價的家庭置業。「補貼置業計劃」長遠目標期望, 可令八成香港家庭都是自己居所的業主, 安居樂業, 分享香港社會進步、經濟繁榮的成果。

在建議計劃下, 「上樓」住戶可先租住, 儲夠錢就可以五折至七折的優惠價「上車」, 由政府擔保按揭95%; 日後轉讓時需要補地價鎖定於其買入時的水平, 不會隨市價調整。該計劃規定港人優先, 每戶要有一半人是住滿7年的永久居民, 首5年設有轉售限制, 類似現時居屋做法。

王于漸昨日於記者會承認, 新政策的定位不只幫市民有屋居住, 還要協助他們置業, 「如果樓價一直升, 便不是解決居住問題, 而是絕對要解決成為業主問題。市場機制不會幫到你成為業主, 所以要政府糾正市場問題。如果不能糾正, 香港社會將會永無寧日。」

王于漸又舉例說, 一個市價400萬元的單位, 房委會以200萬元售出, 由特區政府提供擔保, 住戶只需交5%首期, 即10萬元便可置業, 「申請的居民要自己完成扣除5%首期之後, 其餘的95%的所有供款, 政府不提供補貼。政府的介入, 只是糾正市場失誤的問題, 向住戶提供置業階梯, 讓他們選擇購買或繼續租住單位。」

達到目標 需開發土地

該計劃跟以往的「租置計劃」相近, 但基金強調與以往「租置計劃」的最大分別是打通了「補地價」這個環節。「補貼置業計劃」倡議放寬「補地價」政策, 提供明確「補地價」目標, 而不用追逐按市場浮動的補地價比例, 甚或減少補價, 「400萬元的樓以200萬元買入, 地價鎖定在餘下的200萬元, 樓市升, 不用補差額; 如果下跌, 甚至可以按市價付少一些。」

對於董建華曾經推出「八萬五」政策, 目標令七成市民做業主, 最終政策落

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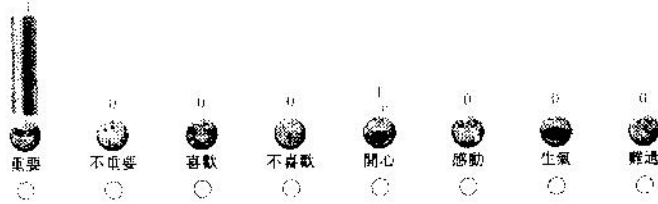
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Advertisement for '文匯 進化論' (Wen Wei Po Evolution Theory) with a large graphic and text.

空，王于漸解釋說，當年遇上亞洲金融風暴，樓價下跌，令計劃無法推動。他強調今次的計劃與先前的不同，目的在於逐步推動新的資助房屋置業計劃，但認為倘若達到八成置業目標，需要開發土地建屋。

王于漸又不認同此計劃是為特首梁振英連任解決問題，強調這是關乎香港未來的問題，「相關問題30年來都解決不到，在曾蔭權或董建華上任特首前已存在，這是香港的問題，不是任何一屆政府的問題，如果今屆政府解決不了，下屆都要處理。」

您的態度與心情(已有10人表達):



文匯

第十八屆五中全會28日至29日在京召開，中共中央政治局向中央委員會報告工作，研究「十三五」發展規劃。本報將在全粵緊跟關注哪些熱點問題？

- 保持經濟增長
- 轉變經濟發展方式
- 優化產業結構
- 深入實施創新驅動發展戰略
- 農業現代化加快步伐
- 體制機制改革
- 協調發展
- 生態文明建設
- 民生
- 扶貧開發

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評論(0人参与, 0条评论)

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评论

早安香港

香港文匯報WeChat公眾號

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The Joint Declaration

ANNEX III Land Leases

The Government of the United Kingdom and the Government of the People's Republic of China have agreed that, with effect from the entry into force of the Joint Declaration, all land leases in Hong Kong and other related matters shall be dealt with in accordance with the following provisions:

1. All leases of land granted or decided upon before the entry into force of the Joint Declaration and those granted thereafter in accordance with paragraph 3 of Annex I, and which extend beyond 30 June 1997, and all rights in relation to such leases shall continue to be recognised and protected under the law of the Hong Kong Special Administrative Region.

2. All leases of land granted by the British Hong Kong Government not of a special purpose, and which expire before 30 June 1997, except short term tenancies for special purposes, may be extended if the lessee so wishes for a period of not more than 30 years from 30 June 2047 without payment of an additional premium. An annual rent shall be charged from the date of extension equivalent to 3 per cent of the rateable value of the property at that date, adjusted in step with any changes in the rateable value. In the case of old schedule lots, village lots, small houses and similar properties where the property was on 30 June 1984 held by, or, in the case of small houses, after that date, the property is granted to, a person descended through the male line from a person who was in 1898 a resident of an established village in Hong Kong, the annual rent shall remain unchanged so long as the property is held by that person or his lawful successors in the male line. Where leases of land not having a special purpose expire after 30 June 1997, they shall be dealt with in accordance with the laws and policies of the Hong Kong Special Administrative Region.

3. From the entry into force of the Joint Declaration until 30 June 1997, land may be granted by the British Hong Kong Government for terms of not more than 30 years from 30 June 2047. Such leases shall be granted at a premium and not at an annual rent, but an annual rent equivalent to 3 per cent of the rateable value of the land on the date of grant, adjusted in step with changes in the rateable value thereafter, shall be payable.

4. The total amount of new land to be granted under paragraph 3 of this Annex shall be limited to 50 hectares a year (excluding land to be granted to the Housing Authority for public rental housing) from the entry into force of the Joint Declaration until 30 June 1997.

5. Modifications of the conditions specified in leases granted by the British Hong Kong Government may continue to be granted before 1 July 1997 at a premium, but the difference between the value of the land under the previous conditions and the value under the modified conditions shall not exceed the value of the land under the modified conditions.

6. From the entry into force of the Joint Declaration until 30 June 1997, land may be obtained by the British Hong Kong Government from land transactions entered into



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