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Date: 02/04/2016 07:09PM

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Subject: Petition on 龙翔苑的土地补价及相关事宜

(See attached file: Presentation from Lung Cheung Court.2016 doc.doc)

(See attached file: Housing Benefit for Local Officers.doc 2015.doc)

(See attached file: Development and Sale of GBHS.Maladministration doc.doc)

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(See attached file: LCC Land Lease-land Premium Payment.jpg)

(See attached file: GBHS Sale Confirmation Letter p1.jpg)

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(See attached file: GBHS Sale Confirmation Letter p3.jpg)

(See attached file: Reply to SC Dev 03.04.2016.jpg)

(See attached file: To 尊敬的议员.doc)

(See attached file: Reply to SC Dev 03.04.2016.jpg)

(See attached file: 给尊敬的特首梁振英博士 03.2016.doc)

(See attached file: 指鹿为马.doc)

尊敬的立法会议员,

现呈上我们为上述事件的请愿, 请根据基本法第七十三条(八)赋舆 尊
驾的使命, 为这宗冤案平反.

谢谢.

GBHS (Lung Cheung Court) 全体成员谨呈.

联系人: 董树成

Correspondence Address: P.O.Box 73163, Kowloon Central Post Office,
Kowloon.

Presentation from Lung Cheung Court

On 01.03.2016

GBHS (龙翔苑及康利苑) 和公务员建屋合作社建造的 Housing Scheme 是不同的, 是殖民地政府做了物业发展商的地位, 购地, 设计, 建筑好了楼宇, 以分期付款的形式来售给本地公务员, 协助我们置业, 但没有特别优惠, 只是为我们代劳做了发展楼宇的程序而已. 1968 年 11 月 30 日发出的 Establishment Circular No.69/68 邀请我们购买 GBHS 的通告, 很清楚写明楼宇的售价是包了地价在内, 及为发展楼宇政府所耗之人力资源服务亦要计算在内, 贷款的利息亦不是低息, 年息 7%, 20 年都没有改变, 比当时银行的息率标准高很多. 那时我们的职位不高, 最高都只是 MPS 14, 每月供款占去了我们收入之四分之一, 但为了要使我们家庭有一个安乐窝, 而售价與相近之私人屋苑映月台相若, 又 GBHS 可以分期付款. (是时香港银行还未有贷款分期购物业制度). 於是接受了列出的条件去申请, 在接纳我们申请成功的通知, 只告知我们要交若干作首期, 每月要供款若干, 并没有说有要将来要补地价的附加条件. 1969 年 6 月 27 日制定的 Land Lease, 亦没有说所付的地价只是部份缴款, 更加没有提将来要补地价之事. (是时 LCC 的发展已经落成及入伙) 於是我们便在此不清楚情况下接纳了做了 GBHS 的业主. 事隔 17 年, 那条不文明又苛刻的补地价条款, 是 1985 年 Civil Service 发出的通告说所有 Housing Scheme (包括合作社建造的和我们的 GBHS) 一律要补

地价之後才可以出售, 出租及按揭, 而那條補地價公式又不知是根據什麼原則推算出來, 不同 Scheme 都是用同一公式, 而且是天文數字, 我們數十年盡心盡力為市民服務所得之退休服務之 Lump Sum 退休金(我們退休時職位的 Lump Sum, 大多不超過 \$3M) 加上有限的儲蓄, 亦不足支付此延後補地價數目. 2012 年, 本苑 No.37/6H 同事售買他的單位, 要補地價 \$9.3M, 十分強橫無理. 形同搶劫, 劫掠我們的私有血汗財產. 完全違反香港法例 Cap 26 貨品售賣條例 Cap 362 商品說明條例及 Cap 458 不合情理合約條例. 雖然這是殖民地政府統治時代專橫制定的苛政, 現在的特区政府應該撥亂反正, 為我們平反, 將之廢除. 還我們一個公道. 基本法第六條規定: 香港特別行政區要依法保護私有財產權. 現在的政府行政人員應該切實地去遵守. 而不是將之踐踏.

多謝各位.

Housing Benefit for Local Officers

A. Coopts Society Housing Schemes

Formation of Coopts Society to develop housing schemes for local officers was based on Secretariat Temporary Circular No.74 dd 10.12.1952 & Secretariat Standing Circular No. 9 dd 11.6.1956. They required that each Society comprised of a group of not less than ten officers. The Colonial Government provided loan to the Society for the purchase of land and construction development cost. The loan beared interest at 3.5% per annum payable every six months and to be repaid all within a period of twenty years. The Society purchased the land from Land Office at half upset price and employed architect to execute the construction of the scheme. Nothing was mentioned in the both circulars that there would be any arrear land premium payment requirement for the land acquired at discount.

B. Government Built Housing Scheme (GBHS)

This scheme consisted of two sites, i.e. Lung Cheung Court at Broadcast Drive and Hong Lee Court in Kwun Tong. The Development and the sale of GBHS flats to local officers was based on the Establishment Circular No. 69/68 dd 30.11.1969. The details of how this Scheme was formed and its sale to the qualified Local Officers is now summarised in the paper attached

as Annex: The Development and the Sale of GBHS. It is very clear that GBHS is entirely different from the Coopts Society Housing Schemes from the way of development and financial assistance from The Colonial Government. The scheme was developed by a Government agency The Colonial Treasurer Incorporated and sold the flats to Local Officers at cost (Land Cost plus Construction with Administration expense) and provided loans to the purchasers with interest charge. The interest of the loan the GBHS members to pay was 7% per annum (not cheap at all) , repaid by monthly instalment. On top of this, the purchasers had to pay a certain % of the purchase cost as down payment. All above was strictly following the procedure of the transaction of property in the territory. Thus, the purchasers should be protected under the Consumers Protection Laws provision. In 1985, 17 years after 1969, CSB issued a CSR saying all Housing Schemes (Coopts and GBHS) members should pay the so called Arrear Land Premium Payment before they can dispose the property freely. It is very unreasonable, and the formulae from which assessing the amount of payment does not have any ground.

C. Home Purchase Scheme and Home Finance Scheme

These two schemes were created in mid-70. They provided cash

allowance to subsidize the Local Officers to purchase flats from the private sector. The cash allowance varied from \$10,000 to \$20,000 per month for a period of 10 years in accordance to the grade of the officer. In other word, the highest amount an officer could get was more than \$2 M in cash in 10 years. With such amount of house allowance, one could acquire easily an elegant flat at the North Point water front or Tin Hau Temple Road or Boyce Road at Jardine's Lookout in early 80. For the lesser amount of allowance drawn by the lower grade officers, the beneficiar could still afford to purchase a flat in Tai Koo Shing which was sold at less than \$1M in early 80. For those allowance awarded to the qualified officers, there was no need for them to pay back any of these allowance when they disposed the property. Also some officers joining the Government Service at that time, even they had already purchased flats by instalments as their residence, they were allowed to re-finance the mortgage according to the fresh market value at that time and got the allowance to re-pay the new loan for the ten years period and the Colonial Government allowed this to happen and the members of Coopts Society Housing Scheme and the purchasers of GBHS were not allowed to settle their outstanding loan in this way.

D. The Wah Yuen Village (华员村) in Kwai Chung

The development of Wah Yuen Village (华员村) was undertaken by HKCCSA (华员会) also in mid-70. The land was assigned to HKCCSA at a discount. The Association engaged the private bank to provide financial assistance for the payment of the land cost and construction. The purchasers were limited to the Association members. The payment for the flats was financed by the local banks. However, the purchaser could utilize the Home Purchase Scheme allowance/Home Finance Scheme allowance to pay for the loan by instalment. As such, some officers did complete the payment of the loan in less than 5 years (because the flat's size is small), so some of them sold back the flats to the Association and used the money to purchase properties in private sector and continued to draw the allowance for the remaining period for the amount which was applicable to their grade at that time..

From the above, it would appear The Colonial Government did not apply the same principle to handle housing benefits for the Local Officers, it is too harsh and unreasonable for the old officers of the Copts Society Housing Schemes and GBHS and too lenient to the new ones. It is very unfair.

Development and Sale of GBHS

Performance of Maladministration by The Colonial HK

Government.

1. The invitation for purchasing GBHS by Local Civil Servants started in 1968 by Establishment Circular No.69/68 dd 30.11.1968. The scheme consists of two estates, i.e. Lung Cheung Court at Broadcast Drive and Hong Lee Court at Kwun Tong. It is mostly for the Government staff in the salary scale MPS 14 or below.. In par. 7 of the circular,

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)

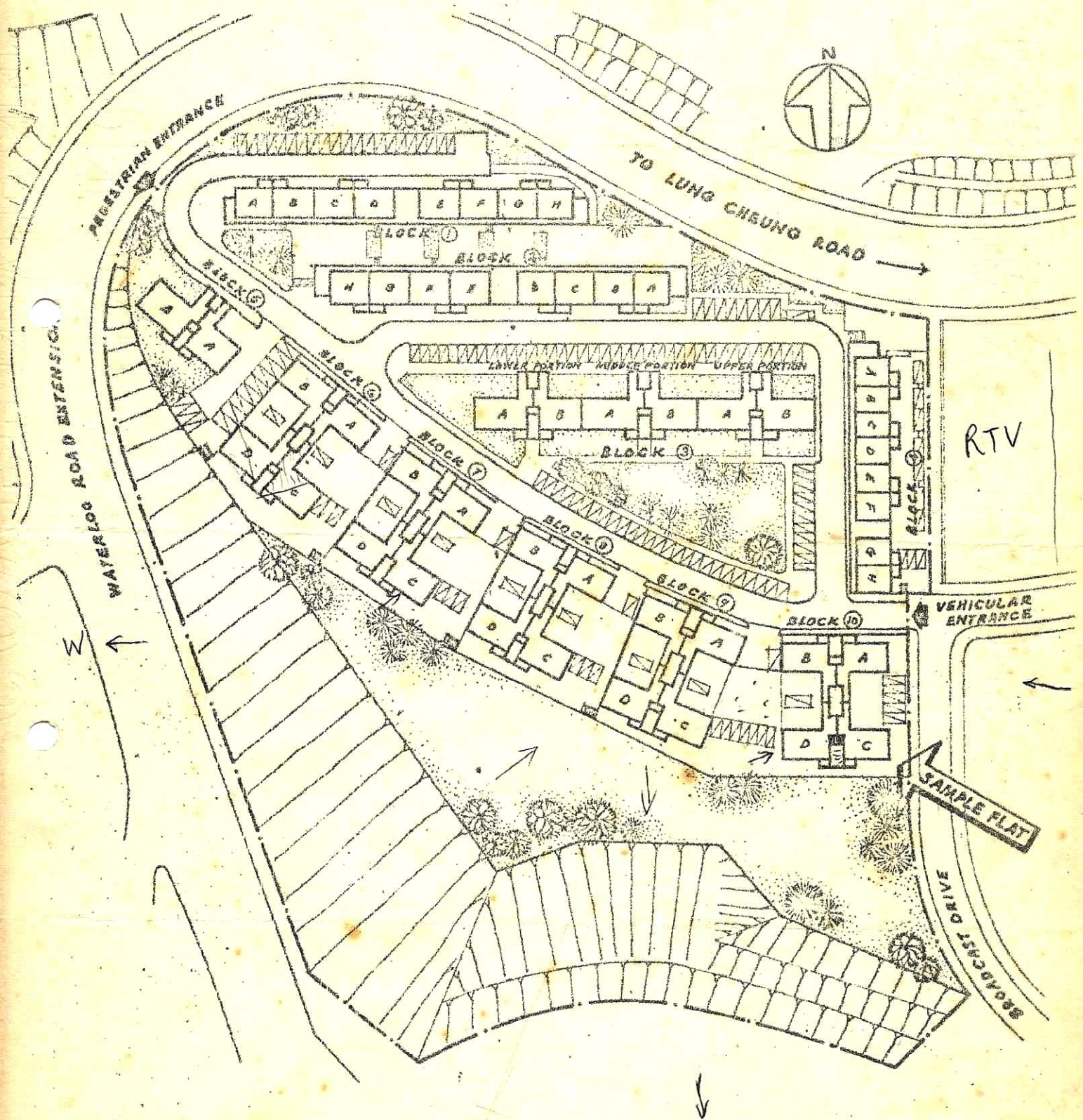
15. The allocations to individual officers will be published in a separate Circular. An appeals panel will be set up with its membership drawn from existing Co-operative Building Societies with matured schemes, to hear and determine appeals arising out of allocations made under these rules. An appeal 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

F
1967
L. 5195

This Indenture made the 27th day of June
One thousand Nine hundred and Sixty nine Between Our Sovereign Lady ELIZABETH II
by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Her other
Realms and Territories Queen Head of the Commonwealth Defender of the Faith hereinafter referred to
as "Her said Majesty" which expression shall where the context admits be deemed to include Her Heirs
successors and Assigns) of the one part and THE COLONIAL TREASURER INCORPORATED a corporation
sole incorporated under and by virtue of the Colonial Treasurer Incorporation Ordinance
whose office is situate at Colonial Secretariat Central Government Offices Main Wing
Lower Albert Road Victoria in the Colony of Hong Kong

hereinafter referred to as "the said Lessee" which expression shall where the context admits be deemed
to include its successors and Assigns

of the other part Whereas the Governor and Commander-in-Chief of the Colony of Hong Kong and
its Dependencies is to and whose successors in Office and the Officer for the time being administering
the Government of the Colony are hereinafter referred to as "the Governor" is fully authorized to
enter into these presents in the name and on behalf of Her said Majesty Now This Indenture Witnesseth
that in consideration of a premium of Three million eight hundred and twenty seven thousand
and forty dollars in Current Money of the said Colony which has been paid and

in consideration of the yearly rent hereinbefore stipulated hereinafter reserved and covenanted to and on
the part and behalf of the said Lessee to be paid unto and performed Her said Majesty with hereby
grant and demise unto the said Lessee All that piece or parcel of ground situate to-wit and being
of near Broadest Street Rowden in the said Colony bounded on or towards the North
by Waterloo Road and having frontages above of Thirty four feet two inches or there-
abouts (on curve) Two hundred and thirty two feet three inches or thereabouts (on curve)
Two hundred feet or thereabouts and One hundred and sixty two feet five inches or
thereabouts (on curve) on or towards the East partly by Crown Land and partly by

23th April, 1969.

Dear Sir,

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

Lung Cheung Road Stage I

Further to my letter dated 21st March, 1969 this is to confirm that you have been allocated Flat No. 20 in Block No. 7 at Lung Cheung Court.

2. The selling price of this flat is \$49,500 and you will be required to make a downpayment of \$7,425 (15% of the cost of the flat) and to execute all the requisite legal documents before you occupy the flat.

3. The balance of the purchase price will be advanced to you on loan by The Colonial Treasurer Incorporated upon the following conditions:

- (a) That you execute a standard form mortgage of your leasehold interest in the flat, the common parts of the buildings and the site to secure repayment of the loan and interest.
- (b) The amount of the loan will be \$42,075.
- (c) The effective interest rate will be 7% per annum (subject to variation by The Colonial Treasurer Incorporated within lower and upper limits of 5% and 9%).
- (d) Interest will be computed with half-yearly rests.
- (e) The term of the mortgage loan will be for 20 years. Should you so decide, however, you may obtain earlier discharge of your mortgage by paying the whole of the outstanding loan and all accrued interest either on a date which is 6 months after the date of the advance, or at any time after that upon your giving one month's notice in writing of your intention to repay.
- (f) Your monthly payments on account of the loan advance and interest will be \$326.20.

4. At the effective interest rate of 7% it is calculated that over the 20 year period of your loan you will pay interest totalling \$38,213.

5. In the case of the present co-operative societies the headlease is granted by the Crown to the society which in turn grants underleases to its members. We propose to follow much the same procedure for these flats except, of course, that there will be no co-operative society. The Colonial Treasurer Incorporated who now holds the grant of the land will grant an underlease to you.

Good! ✓

6. The underlease will transfer to you (a) your flat and (b) an undivided share (jointly with the other flat owners) in the site and common parts, e.g. the staircases and passages, of the blocks of flats at Lung Cassin Court. You will also be granted the right to use a car parking space which will be allocated to you under a Deed of Mutual Covenant. There will also be a provision in the underlease that you shall observe the Deed of Mutual Covenant, which will include regulations governing the Management Committee to be formed from the flat owners and various rules for the management and proper use of the flats and common parts of the development. This Deed will also define your liability to contribute towards the common expenses of repairing, maintaining and managing the buildings. There will also be a standard form of mortgage which you will be required to execute if receiving a loan towards the purchase of your flat. It is a term of the underlease that you do not object to the appointment of the Commissioner for Housing under the Deed of Mutual Covenant to act as manager of the buildings.

7. In case you are not familiar with the use of an underlease, I should explain that an underlease is the most appropriate form of legal document for transferring property when reversionary rights are involved. The underlease contains certain clauses which provide for determination in certain events which will be set out in detail in the Second Schedule of the underlease.

8. As the purchaser of a flat you will, of course, have to pay the Stamp Duty on the underlease and mortgage together with fees for the registration of these documents.

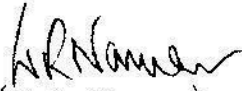
9. The Colonial Treasurer Incorporated will instruct the Crown Solicitor to act on its behalf. You will appreciate that the Crown Solicitor will be acting solely on behalf of The Colonial Treasurer Incorporated. He will therefore prepare all the necessary documents which you will be required to sign as a condition of being given possession of a flat. If you decide to accept this offer and are employing a solicitor to act on your behalf you should complete the relevant part of the attached form of acceptance and return it to me. Your solicitor should communicate with the Crown Solicitor who will in turn forward to him the documents for your signature. You will yourself of course be responsible for payment of your own solicitor's costs. If you decide to accept this offer and do not employ a solicitor but wish to act on your own behalf you should delete the appropriate portion of the form of acceptance of offer before returning it to me. The Crown Solicitor will then forward to you copies of the documents for your perusal and notify you as to the time and date when you are to attend at his Chambers in order to sign them. Should you wish to accept this offer kindly complete and return to me in duplicate as soon as possible the attached form.

any fees involved?

10. The flats for this stage are due to be completed in April 1969 and the documents should be ready for execution in about May 1969. You should therefore be able to occupy the flat in May or June 1969.

11. If you have any queries about these proposals you are asked to get in touch with Mr. Joseph Lee, Land Assistant(1) on telephone number 95531.

Yours faithfully,



(W.R. Norman)

for Colonial Secretary

Mr. Anthony Robert SWINTON,
(Industry Assistant I),
c/o Commerce & Industry Department.

WRN/ac

c.c. R.G. (29 in L.O. 4/592/67 II)
Hon. A.G. (AGC 5/1900/52 III (TLvP))
Acct. Gen. (49 in D/8/218/1 II)
C. for H. (H.D. 2/45/65)
S.C.L. & S. (LSC 493/5146/53)
D. of Audit
A.S.(LB)
BL 2/31/320/67

尊敬的 议员，

您好. 我们是 GBHS (政府建屋计划) 广播道龙翔苑居民。

有关发展局地政署以天文数字乱收 GBHS 龙翔苑 Land Premium 的投诉, 想 尊驾已有所闻. 现附上我们研究所得和 Support Document 供 尊驾细览. (SC_Dev 及 Panel On Dev 亦有此资料存储, 上述两个 Committee 的委员, 请向秘书处取阅) 研究所得, 我们发觉我们与公务员建屋计划所建之房屋是不同的, 他们是先自行组成合作社, 然后向政府贷款, 以合作社名义向政府购地自建, 我们则是以“个别”身份向政府申请购买, 并不是以合作社组织形式向政府贷款购地及自行发展物业。而售价及条件已清楚列明在售楼说明书 (Establishment Circular No.69/68 dd 30.11.68) 之中说道售价是包括地价, 连为我们发展此物业时政府人员所花之人力资源服务费用亦都计算在内, 售价明显是 On Cost plus Service, 又何来有补地价之需要. 自 2014 年初开始, 我们已开始向特首及有些立法会议员请愿, 但至今仍无寸进, 使我们十分不满. 政府的答覆是要太极, 推搪说是殖民地政府制定的德政(? ?), 他们就要依法处理执行. 您们读过我们研究所得, 就会发觉不是这样. 殖民地政府处理公务员住屋福利问题完全一塌糊涂. 殖民地时候, 初时对本地公务员住屋问题, 漠不关心. 但对从英联邦招聘来港工作的公务员, 都有很好的住屋福利. 一个小小职位的督察, 只要是从英联邦 (印度, 南菲, 马耳他, 巴基斯坦等等也在内) 招聘而来的, 都可以住 Quarter, 而 Quarter 都是美轮

美奐的豪宅，每間面積二千多尺。所交的租金很少。反之本地公務員全無半點住屋福利，住屋只好自己照顧自己。那時代租金高昂，一間板間房都要 HKD 40-50/月。而一般中低下職級的政府僱員薪水只不過每月百餘元，三百元已是高薪職位，特首梁振英尊翁在警局任職，因不是很高級，他亦應該住過板間房吧。後來經過華員會的爭取，於是政府有公務員合作社建屋計劃之議，於 1952 年推出，本地公務員有志同道合者，可以自行組織合作社，向政府批地，貸款，自行聘請建築師，設計及建築。根據 1952 年及 1956 年政府公布之 Circular，說批地價是市價之 1/2。貸款（包括所交地價，建築師服務費，建造費等）則要分 20 年償還，（每半年一次），年息 3.5%（低息？），至於是否要補回未有交足之 1/2 地價，完全沒有提及。由此時起，公務員建屋合作社組織了數百個。於 1968 年，政府又推出 GBHS，性質和合作社發展物業完全不同，純粹是 Commercial Trading 之 Sell and Buy 商業行為。此 Scheme 只有兩個屋苑，是廣播道的龍翔苑和官塘康利道的康利苑，GBHS 就是 Government Built Housing Scheme，是由政府興建而售與公務員。1968 年底公布 Establishment Circular No.69/68 dd 30.11.1968 邀請本地公務員個別來購買，Para 7 清楚地說售價是包了地價，購買者要交部份款項作為首期，餘款由政府借貸，分 20 年每月償還，利息是 7%（比 Coopt Housing Scheme 之 3.5% 高出一倍。在此 Circular 中完全沒有說地價是沒有付足，付款條款亦沒有說將來會有補地價之需要。到 1969 年初，有成功符合條件

的申请者成功申请, 政府在通知他们成功申请的函件, 亦没有说将来会有补地价之事. 我们研究所得, 原来到了这时候, 龙翔苑之 Land Lease 仍然未有. 政府在建筑此屋苑及招购之行动, 实在是偷步, 已违反了香港法律规定建造及出售房屋之规例. 更出奇者, 入伙纸说监管香港楼宇建造的部门已 Certify the construction has been completed to satisfy the Engineering Condition stipulated in the Land Lease 而发出了入伙纸. 既然 Land Lease 仍未正式发出, 如何可以证明? 证明了甚么? 是不是欺骗和违法? 至於补偿延後地价的规定, 则是於 1985 年中英签订归还香港主权协议之後, 那时 David Ford 是港英政府之主要决策者, 是时乃由公务员事务局发出新的 CSR 指令要所有 Housing Scheme (包括 Coopt Society 的和 GBHS (即龙翔苑及康利苑) 都要补延後地价, 而计算公式不知是根据什么原则, 原理来推算出来. 此时离 1956 年已是 29 年, 1968 年 17 年. 木不只已成舟, 此舟亦差不多到 Serviceability Limit 了. 1997 年之前有十多个 Coopt Housing Scheme 成功出售與发展商发展重建, 著名者有宝翠园和 18-24 Pokfield Road, 据悉在那些 Scheme 成员所补之地价十分相宜, 例如 Pokfield Road 那地盘, 据悉每 Flat 售价是\$ 6M, 而地政署之计算补地价只 \$1.1 M 而已. 宝翠园的补地价亦不高. 1996 年七月十三日, 香港政府與发展 GBHS 的负责发展单位 The Financial Secretary Incorporated (香港政府属下的一个投资机构) 签订一新的 Lease, 根据 Cap 150 新界法将龙翔苑的 Lease Term

续期 50 年至 2047 年, 亦没有提到有延後补地价之需要. 要龙翔苑成员补地价之确定条款, 乃是根据 5 March, 2002, 地政署 DLO/Kowloon East 以他自己职位的名义与发展龙翔苑的机构 The Financial Secretary Incorporated 再签订一 Modification Lease, 将补延後补地价的条款加进, 送交 Land Registry 登记要我们遵守. 根据我们任职港英政府时所知政府的 Correspondence 手则, D1 Officer 是不能越级签署 Director 才有权签署的文件和发出指令, 此 Modification of Lease 在法律上应是无效. 是 Maladministration. 在我们分契手续办理时, 在不知情情况下, 接受了 Modification of Lease 所列之条款而签了分契契约. 根据 Cap 458 Unconscionable Contracts Ordinance, 这是不合理, 不公平契约. 至於对买卖时要补地价的情况, 2007 年左右有苑友 No.25/4A 以 \$6.28 M 售出其单位, 补地价数目大约 \$2.1 M, 但是, 在 2012 年时, No.37/6H 苑友因要移民外地而要出售其单位, 补地价之数高至 \$9.3 M, 售楼所得, 连在深圳或广州买回同一大小之楼宇也不足够, 如在香港, 只足够购一洗手间而已. 地政署此举形同抢掠. 劫掠我们的私有血汗财产. 综上所述, 根据我们购买 GBHS 时, 政府开出的条款是售价包了地价, 根本就没有要补地价的要求, 而时隔 17 年 CSB 发出 CSR 要补地价的指示, 根本就违反香港法例 Cap26 货品售卖条例, Cap 362 商品说明条例及 Cap 458 不合情理合约条例. 加上特区政府在处理执行此不合理条款时, 没有再研究考虑此殖民地色彩的条款之合理性和合法

性，实在是行政失误。2015 年初我们曾试图组织用司法覆核办法来解决，曾和 K.B. Chow 律师行的郑家富律师研究，他的意见是胜诉机会甚高，亦答应协助，但是昂贵的诉讼费用，使我们无法负担。（龙翔苑有苑友 296 户，第一代平均年龄已是 80 老人，而已去世者亦不少，只馀下寡妇）。事实上我们退休已超过 20 年，当年所得之 Lump Sum 只不过 \$2M 至 \$3M 左右（我们退休时的职位亦并不是很高），而补贴多年之生活费或急症及重病费用支出，亦用去不少，所馀无多，馀下的是棺材本矣。现在有年高 82 之苑友，仍要工作帮补家计。因微薄之退休 Monthly Pension 不足支付今日高昂之生活费。因未补地价，亦不可分租单位以租金邑注。此事引起我们最大的反感，是前殖民地政府於 1985 年（离建筑售楼时隔已是 17 年）用专横跋扈的施政手法，强加 GBHS 要與 Coopt Housing Scheme 看齐，用同一补地价方式来补地价。GBHS 在法理上，（即 Establishment Circular No.69/68）实无此需要。而特区政府的行政官员因循苟且，不思考，不承担和没有为市民谋福祉的心态办事而引致我们吃亏受苦，我们年事已高，正是人又老，钱又无，是老弱一群。我们也曾向一资深议员（因为她是立法会及行政会议员，兼有在殖民地政府高官之经历及與领导者有特殊交情）求助，她却叫我们以法律行动来对付。我们以为这是一个不负责任的推搪方法，因为用司法覆核需用费用甚钜，我们退休多年，所馀储蓄不多，要为馀生使用之用。而申请法援，则因我们之资产超越法援接纳标准，亦不会受理。我们亦曾向申诉

专员求助, 又以此不是他们工作范畴, 不予受理. 正是投诉无门.
现在我们只有根据基本法第七十三条 (八) 赋與 尊驾的使命,
为我们的冤情反案, 则感恩不浅. 你们的大恩大德, 铭感不忘. 谢
谢.

GBHS 龙翔苑全体成员(我们都是年过八旬和支持你们的退
休公务员) 上

联系代表: 董树成

3/4/2016

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副本: 特首梁振英博士

中联办张晓明主任---谢谢关注我们的申诉

尊敬的特首梁振英博士，

您好。

我们终于收到发展局的覆函，相信 钧座亦已收到阅览。正如所料，他们用太极手法来答覆我们的指控，只是为港英殖民地政府涂脂抹粉，仿如他们现在仍然是受港英政府的俸禄。声称殖民地政府并无过失，他们只是照违下之政策秦规楚随而已。不肯承担，和寻求改进，改善。

有关公务员 Housing Scheme 产生的问题，实在是港英政府给與公务员的住屋福利，但是解决办法，却是摇摆不定，时刻变更，而又不公平，不公义。加上有些决策者刚愎自用，於是产生现在的冤案。加以当时之前线行政人员无能和庸碌，於是留下这许多尾巴给特区政府。

事实上，港英政府在处理售卖 GBHS 给本地公务员的时候，行政手法错误百出。首先，未有正式 Land Lease 发出，就开始偷步建筑楼宇工程，已经违反了香港之”屋宇建筑条例”，而且同时却又招购楼宇，而在招购的说明书 Establishment Circular No.69/68 dd 30.11.68 亦并没有将 Restriction 及将来会有延後补地价之需要的条款列入列明，就已经没有依照 Cap 362 Trade Description Ordinance 之要求及规则来办事。到 1969 年初有单位落成发入伙纸时，仍然未有 Land Lease，却大胆地 Certify Construction has complied with the Engineering Condition of the lease. 请问香港发展商发展楼宇售卖，可否合法地依样这样做？

而在 23 April, 1969 通知成功申请者之函件, 亦没有将 Restriction 及会有延後补地价条款列出. 到 27 June, 1969 正式 Land Lease 方才制定, 在 Lease 之中, 亦没有将 Restriction 及将来会有延後补地价等条款列入. 使我们全不着意有此 unfavourable, 不合理及不公平条件会在将来横加包含而踏入此形同老千陷阱骗局来购买 GBHS 建筑之楼宇. 而这些不文明, 不公义的条款却是在事隔十七年之後, 1985 年才由 Civil Service 发通告说道有此要求, 完全违反 Cap 458 Unconscionable Contracts Ordinance 之精神. 加以 2002 年之 Letter of Modification 亦只是由一位 D1 官员发出而再交 Land Registry 登记. 有案例 Kowloon Wharf vs Eric Cumine Architects 法庭 ruled 所有重大 Lease Condition 之更改, 必须要 Director Grade 或以上签名发出才有效. 政府一向的行政规例, 下级官员是没有资格去签署和发出上级才有资格做的政令. 这是千古不变的政律.

现在的地政署的行政人员, 又祭出说 GBHS 初时只是租给我们, 而不是售卖, 更加荒谬, 根据 Establishment Circular No.69/68 dd 30.11.68 及对成功申请者的通知书, 都是说我们的申请是购买, 完全没有提到这点, 实在是强词夺理, 为设下欺骗本地公务员骗局的港英殖民地政府狡辩. 可见前线的政府行政人员, 包括殖民地时代的和现在的, 尤其是在公务员事务局者和发展局地政署的, 行政处事糊涂. 死抱官僚态度施政, 不肯承认过失和承担. 正如最近我们国家在两会讨论的一个议题, 这些都是庸吏.

有关我们的申诉, 唯一要他们心服地去 Admit 过失, 是司法覆核一途. 但我们并不是富有的退休公务员, 退休时之 Lump Sum 退休金, 虽然有 \$2M 至\$3M, 但经过多年来补贴生活费 (Monthly Pension 实在不够现在之维生水平支出, 有些苑友虽然年纪已过 80, 仍然要找工作帮补) 加以患急症和重病时亦用去不少, 实在无法支付昂贵的诉讼费. 申请法援之门槛又高, 我们不符合资格. 变了投诉无门, 我们亦曾向申诉专员申诉求助, 又云此不是他们工作范畴, 不予受理. 故特恳求 钧座为我们想想办法, 考虑指令法援处, 特事特办, 由法援资助诉讼费, 将此案带上法庭, 为我们翻案. 英明的政府是要为民纾困, 而不是加重人民的困扰, 基本法第四十八条(十三)亦有列明. 特区政府应该切实地去遵守, 才不会辜负中国香港人民对特区政府的期望. 谨此陈情.

GBHS (Lung Cheung Court) 全体成员(我们都是年达 80 及以上之退休公务员) 敬上

联系代表: 董树成 2016 年 4 月 2 日

副本: 中联办张晓明主任--谢谢关注我们的申诉

Legco's SC_Dev of Panel on Development,

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“指鹿为马”在中国是一些奸狡掌权的官员用来控制百姓的手法。在港英殖民地政府，那些政府高官虽然他们不是炎黄子孙，却利用之到炉火纯青阶段。我们的 Scheme 龙翔苑及康利苑是叫做 Government Built Housing Scheme, 但是與合作社建造之 Scheme 是完全不同, 不论发展形式, 财政支援都与合作社之 Housing Scheme 完全不同. 但英政府的高层人士, 什至名望很高的钟逸佶爵士却说 GBHS 和合作社建筑之 Housing Scheme 完全一样, 却忘记了由港英政府发出的 Establishment Circular No.69/68 dd 30.11.68 (招请本地公务员购买 GBHS 的通告), Para 7 明确地列明不同大小的单位的售价 (连地价及代劳兴建的行政费用亦包括在内.). 而还款方式那栏亦没有提出将来有后续补地价需要的条件. 后来 1985 年由铨叙司发出的指引, 却将 GBHS 和 Coopt Society 的 Housing Scheme 混为一谈. 合作社建造之 Housing Scheme 在分契时要补地价, GBHS 亦要补地价, 而计算方法及公式完全一样. 十分不合理, 而这些补地价计算方法又没有理据来支持. Housing Scheme 的朋友都十分不满, 但他们是高高在上的官员. 官口是大口, 我们是殖民地的蚁民, 又有什么力量去反驳. 而且这 1985 年发出的指引却是在第一个 Coopts Society 组成後的第三十年, GBHS 建成後的第十七年, 实在是 (大石责死蟹) 的殖民地施政的手法. 现在殖民地政府撤走了, 特区政府应该将殖民地官员制定的不合理指令取消. 我们在给特首的几封请愿仅(书面陈情文件一至五) 将此事经过写得很清楚, 本年五月廿六日, 我们亦有书面陈情文件呈交委员会, 请各位委员花些时间来阅读, 我不再在这里重覆. 多谢各位.