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From: Henry Tung  
Date: 06/04/2016 11:29AM  
Cc: YH Chan <yhchan@ftulegco.org.hk>, Alan Leong  
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<garychk@dab.org.hk>, KP Chan <kp@kpchan.com>, Si Yiu  
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Subject: Petition on Unreasonable Arrear Land Premium Imposition on  
GBHS  
(See attached file: 20160316181211589.pdf)  
(See attached file: Housing Benefit for Local Officers.doc 2015.doc)  
(See attached file: Presentation from Lung Cheung Court.2016 doc.doc)  
(See attached file: Development and the sale of GBHS.1doc.doc)  
(See attached file: Estab Circular 69-68.pdf)  
(See attached file: GBHS Sale confirmation letter.pdf)  
(See attached file: LCC Land Lease-land Premium Pymt.pdf)  
(See attached file: To 尊敬的议员.doc)  
(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)  
(See attached file: Reply to SC Dev 06.04.2016.jpg)

尊敬的议员,

SC\_Dev 將於四月十二日上午和官方之前线行政人员商讨处理公  
务员楼宇重建及有关事宜,我们希望尊驾特别为此跨世纪之冤案平  
反此案成冤全是政府(包括前殖民及现持区政府)的前线行政人员  
无知所犯下之错误而做成敬请尊驾以"为民请命"的使命替我们将  
此超过卅年之冤案平反官方无理施政,十分明显.  
谢谢.

GBHS (Lung Cheung Court.Broascast Drive)

全体成员(我们都是已退休超过 20 年之长者公务员)上

Subject: Petition on Unreasonable Arrear Land  
Premium Imposition on GBHS  
To: "CE O" <ceo@ceo.gov.hk>,"ex co" <exco@ceo.gov.hk>  
Cc: "complaints legco" <complaints@legco.gov.hk>,"sc dev"  
<sc\_dev\_cbs@legco.gov.hk>  
Subject: Unreasonable Arrear Land Premium Imposition on GBHS

Dear CEO Dr. C.Y. Leung and Hon Exco Councillors,

Devb eventually gave a reply to us, however, Devb's reply to our query about the unreasonable land premium imposition on GBHS does not clarify the queries we raised in the Paper "Development and the sale of GBHS". Apparently it was the mistakes committed by the former Colonial Government and its administration officers. It is very clear that the Establishment Circular No.69/68 dd 30.11.68 inviting us to purchase the flats built by the Colonial Government did state that the purchase price listed "does include the land cost", and "nothing" was mentioned in the circular that the land cost was not the full value paid by the development agent (The Colonial Treasurer Incorporated), also for the payment terms, no requirement to pay any arrear land premium was stipulated, as well as how to calculate it if it was considered necessary. In addition, in the notice to the successful applicants in April, 1969, the future arrear land premium payment requirement and how to pay were NOT mentioned and stipulated. Therefore, we purchased the flats entirely according to terms mentioned in the EC No.69/68 dd 30.11.68 and the offered terms for purchase in the notice letter to the successful applicants. As to the arrear land premium requirement claimed by the Government which is necessary was only made known to us in a CSR issued by CSB in 1985 which is already 17 years after the Scheme was developed and occupied by us. Apparently the Colonial Government did violate the stipulation in Cap 26 Sale of Goods Ordinance, Cap 362 Trade Descriptions Ordinance and Cap 458 Unconscionable Contracts Ordinance to handle the sale of the property to us. As such, SAR Govt should rectify the situation and delete the unreasonable arrear land premium imposition according to the provision in BASIC LAW.

All Members of GBHS (Lung Cheung Court, Broadcast Drive)  
Convenor: TUNG Shu Shing

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

香港特別行政區政府

The Government of the Hong Kong Special Administrative Region

發展局(規劃地政科)

香港添馬添美道二號  
政府總部西翼十七樓



Development Bureau

(Planning & Lands Branch)

17/F, West Wing

Central Government Offices

2 Tim Mei Avenue, Tamar

電話 Tel.: 3509 8871

傳真 Fax: 2905 1002

本局檔號 Our Ref. L/M(97) to DEVB(PL-UR)70/41/85 Pt.4

來函檔號 Your Ref.

九龍油麻地  
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九龍中央郵政局  
郵箱 73163 號  
退休公務員及 GBHS 成員  
董樹成先生

郵件及電郵送遞

(電郵: [REDACTED])

董先生:

龍翔苑的土地補價及相關事宜

謝謝閣下於 2015 年 4 月 30 日、5 月 7 日、5 月 10 日、5 月 19 日、7 月 15 日、8 月 12 日、9 月 3 日、9 月 5 日、9 月 6 日、9 月 8 日、9 月 18 日、9 月 25 日、10 月 14 日、11 月 20 日、12 月 30 日、2016 年 1 月 4 日、1 月 26 日、1 月 28 日、2 月 18 日、2 月 22 日、2 月 24 日、2 月 29 日、3 月 4 日及 3 月 8 日就龍翔苑的土地補價及相關事宜致函行政長官。其間，閣下亦就相同事宜分別於 2015 年 5 月 28 日致電郵新民黨、於 2015 年 8 月 4 日致電郵陳偉業議員、於 2015 年 8 月 26 日致函發展局局長，並於 2015 年 5 月 22 日、7 月 9 日、9 月 18 日、9 月 25 日、11 月 22 日、2016 年 1 月 4 日、1 月 19 日、1 月 29 日、2 月 18 日、2 月 23 日和 2 月 24 日致電郵立法會／立法會發展事務委員會／公務員建屋合作社樓宇重建事宜小組委員會。繼行政長官私人秘

書給予你的初步回覆後，本局經諮詢有關政策局及部門後，現綜合回覆如下。

### 「政府為公務員興建樓宇計劃」的背景

閣下認為「政府為公務員興建樓宇計劃」(下稱「興建樓宇計劃」)與「公務員建屋合作社計劃」(下稱「建屋合作社計劃」)是兩個截然不同的計劃，不應混為一談。事實上，興建樓宇計劃始於 1963 年，是按照建屋合作社計劃的模式演變而成。

建屋合作社計劃和興建樓宇計劃的主要目的，均是為合資格的公務員及其家屬提供居所。兩個計劃不同的地方，是興建樓宇計劃由政府（而不是個別建屋合作社）負責興建房屋供合資格的公務員居住。

在興建樓宇計劃下，財政司司長法團擁有樓宇的業權，並批出分租租契予合資格的公務員及其實益繼承人。分租租契持有人並不擁有樓宇單位的業權，有關物業按該地段的政府租契（下稱「政府租契」）條款受到轉讓限制。

當年，興建樓宇計劃接受 25 歲或以上按可享退休金條款受聘的合資格本地公務員申請（申請資格與建屋合作社計劃大致相同）。成功申請的人員須分 20 年向政府攤還貸款（現時，所有分租租契持有人已全數還款予政府）。

在興建樓宇計劃下，政府以優惠條件批出土地（通常是十足市值的三分之一），並以優惠利率貸款予分租租契持有人 (underlessee)。詳見 1967 年 2 月 1 日前立法局財務委員會會議議題第 B.8 項第 6(i)段（節錄如下）—

#### “6. Government-built flats

- (i) These will comprise three types, the cost of each flat (inclusive of land at one-third full market value) being roughly equivalent to two years' salary of an officer in the middle of the appropriate salary bracket...”

閣下的來函指出，根據 1952 年 12 月 10 日和 1956 年 6 月 11 日的政府通告(Secretariat Temporary Circular No. 74 及 Secretariat Standing Circular No. 9)，並無規定建屋合作社或其社員在市場自由出售物業前必須先補地價。此外，根據 1968 年 11 月 30 日政府向公務員發出關於興建樓宇計劃的通告(Establishment Circular No. 69/68)，說明以分期付款方式繳付的售價已包括土地價值，亦無提及將來有補地價的需要。就此，政府當時透過通告公布有關計劃的細則並邀請有興趣的合資格人員遞交申請，而計劃最初的目的是為當時合資格的公務員及其家屬提供居所，並不涉及單位的業權，故此通告的內容亦與當時的計劃目的相應。

### 龍翔苑的發展背景

政府於 1969 年和 1973 年透過興建樓宇計劃分別興建了龍翔苑（296 個單位）和康利苑（431 個單位）。由於建築費高昂且難於尋找適合的選址，興建樓宇計劃在 1973 年康利苑落成後已告終止。

龍翔苑位於新九龍內地段第 5195 號餘段內（下稱「該地段」）。該地段於 1969 年 6 月 27 日以批租當日該地段的十足市值的三分之一批予當時的 The Colonial Treasury Incorporated（即現時的財政司司長法團），用以興建 296 個單位，並按當時（即 1967 年 2 月 1 日）立法局財務委員會批核的條件和計分準則，分配與合資格的公務員。

閣下指出，該屋苑在 1969 年 4 月 14 日已獲發入伙紙（Occupation Permit），但當時該地段的地契（Land Lease）仍未簽訂，故質疑有關入伙紙的有效性及樓宇的安全性。根據地政總署的資料，The Colonial Treasury Incorporated 早於 1968 年 1 月 19 日已按照批地條款（Conditions of Grant）第 9328 號持有該地段的業權，並開始發展該地段。其後更遵照一般條款（General Condition）第 10（b）條的規定，在 1969 年 6 月 27 日獲政府簽發該地段的正式地契。由此可見，龍翔苑入伙紙的有效性及樓宇的安全性，均無問題。



閣下來函聲稱該屋苑現時所處地段是以批租當日的十足市值地價批出，這並非事實。根據 1969 年 6 月 13 日政府與當時成功申請並獲分配龍翔苑單位的公務員（即後來的龍翔苑業主）代表會面的會議記錄第（h）段，當中清楚提到購買單位者只繳付了三分之一地價，因此有關人士是知悉該地段是以批租當日的十足市值地價的三分之一批出的。這個安排與其他前公務員建屋合作社及政府為公務員興建樓宇計劃的安排一致。

### **龍翔苑單位土地業權轉讓安排**

至 1980 年期間，由於部分建屋合作社社員及興建樓宇計劃的分租租契持有人已全數償還貸款，他們開始要求獲准出售建屋合作社及興建樓宇計劃下的單位，所以政府在諮詢前行政局後，於 1985 年 11 月 25 日發出公函予有關人士，告知前行政局的決定，即准許合作社把單位和土地的業權轉讓予個別社員，並准許社員其後在接受若干條件之情況下，把該等物業售賣、出租或以其他方式處理，而這是一項供社員選擇的安排，並適用於興建樓宇計劃下的龍翔苑和康利苑。經過與有關公務員代表的多次討論後，政府於 1987 年發出《公務員建屋合作社及政府為公務員興建樓宇計劃單位的土地業權轉讓予個別社員及分租租契持有人指引》（即《交回及重批辦法指引》），清楚列明建屋合作社社員及興建樓宇計劃的分租租契持有人需要補地價後才可以將其樓宇單位在自由市場買賣，另外，如果就重建而須申請修訂地契條款，以用盡規劃大綱圖所准許的最高發展參數，他們需要就該重建再補一次地價。

龍翔苑的特別工作委員會（Special Working Committee）於 1994 年 11 月委聘鄭楊律師行代表龍翔苑部份分租租契持有人向政府申請轉讓其單位業權。及後，政府在 2002 年 2 月 22 日根據相關政策及 1993 年發佈的「財政司司長法團將政府為公務員興建樓宇計劃的樓宇及土地業權轉讓于個別分租租契持有人指引」，與財政司司長法團簽定修訂書以修訂政府租契，容許龍翔苑業主於補回尚欠地價後，可在物業市場自由轉讓其單位業權。有關的經修訂政府租契及「財政司司長法團將政府為公務員興建樓宇計劃的樓宇及土地業權轉讓于個別分租租契持有人指引」，已說明有關補回尚欠地價的計算準則。



閣下指稱地政總署與財政司司長法團於 2002 年 2 月 22 日簽定修訂書以修訂政府租契一事，龍翔苑業主並不知情，而事後業主被迫要按經修訂政府租契，必須補回尚欠的地價後，才可在物業市場自由轉讓其單位業權。事實上，前行政局於 1985 年通過容許包括龍翔苑在內的公務員建屋合作社及政府為公務員興建樓宇在接受若干條件下，將該等物業售賣、出租或以其他方式處理，已考慮的條件包括業主必須向政府補繳地價。社員可自由選擇是否申請。上述安排當時亦以新聞稿形式發放予傳媒。

此外，地政總署與財政司司長法團於 2002 年 2 月 22 日簽定修訂書修訂政府租契之前，鄭楊律師行曾把修訂政府租契草擬文件發放給龍翔苑所有分租租契持有人，並提供中文譯本方便參閱。在 2001 年 8 月 26 日於龍翔苑舉行的會議上，龍翔苑分租租契持有人原則上通過接受有關的政府租契修訂及大廈公契草擬文件。基於上述的檔案資料，有關安排不存在申述指稱的政府部門間「私自簽訂」及龍翔苑業主「被迫接受」的情況。

閣下來函認為時任九龍東區地政處地政專員沒有資格於 2002 年 2 月 22 日簽署租契修訂書（Modification Letter）以增加補地價條款於政府租契內。我們必須指出，地政總署署長及地政專員都是獲授權處理所有土地事宜，負責批出（包括換地及修訂契約交易）及徵收土地、因應各種用途為土地和物業估價、執行契約條款、土地和寮屋管制、市區重建，以及保養位於未撥用和未批租政府土地上的人造斜坡等。故此就龍翔苑單位的土地業權轉讓於 2002 年 2 月 22 日簽署的租契修訂書，其合法性是不容置疑的。

### **居民申述提及的其他事項**

閣下來函亦引用在 1980 年「居者有其屋計劃」下出售的何文田俊民苑（下稱「該屋苑」）作例子，認為該屋苑與龍翔苑一般，曾以優惠地價獲批地建屋，但小業主在購入有關單位後，在日後轉讓時卻不需補地價，認為相同政策應適用於 1980 年代前的公務員住屋計劃。我們必須指出公務員住屋計劃與「居者有其屋計劃」是屬於不同政策範疇的兩種計劃，在發展模式、合資格人士、定價安排以及受惠人士所受規管及限制等等各方面並不相

同，在制定有關計劃時，亦有各自的考慮因素，兩者實不能互相比較。

閣下的來函又提出「居所資助計劃」(Home Finance Scheme)及「自置居所資助計劃」(Home Purchase Scheme)兩者均為合資格的公務員提供現金津貼，以資助他們購買自住居所。然而，該兩項計劃下購買的房屋，在轉售時不需要如建屋合作社計劃和興建樓宇計劃一般先行補回地價予政府，閣下因此認為這對建屋合作社計劃和興建樓宇計劃下的公務員不公平。此外，閣下來函亦表示位於葵涌華景山路的「華員邨」同樣是以優惠價批出土地，可是買家卻可以物業申領「居所資助計劃」或「自置居所資助計劃」下的房屋福利，閣下認為有關公務員是享有雙重房屋福利。

我們必須強調，公務員的房屋福利是按照有關公務員的聘用條款，以及個別房屋福利計劃的條款和條件而提供。在「居所資助計劃」及「自置居所資助計劃」下，申請人的住宅物業並非透過政府以特惠利率提供的貸款而興建，而房屋福利的形式(現金津貼形式)亦與建屋合作社計劃和興建樓宇計劃不同，故此兩者屬截然不同的計劃類別，不能混為一談。就「華員邨」而言，前「華員邨合作社」雖然曾獲政府以優惠價批出土地建屋，但並未獲得政府以特惠利率提供的貸款以作建屋之用，故此合資格的公務員可以有關物業申領「居所資助計劃」或「自置居所資助計劃」下的房屋福利。

我們相信以上提供的資料，有助龍翔苑現時的業主，特別是並非當年申請分契的業主，瞭解客觀事實。如就補繳地價有任何查詢，可與地政總署何家儀女士(電話：2231 3406)聯絡。

發展局局長

(張鎮基 代行)





副本送：

行政長官辦公室 (經辦人：陳啟業先生)

立法會秘書處 (經辦人：蕭浩暉先生)

公務員事務局 (經辦人：林木麗女士)

地政總署 (經辦人：何家儀女士)

2016 年 3 月 16 日

## 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 beneficiary 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 Coopts Society Housing Schemes and GBHS and too lenient to the new ones. It is very unfair.

## 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, 現在的特區政府應該撥亂反正, 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.

## Development and the sale of GBHS

1. Establishment No. 69/68 dd 30.11.68 was circulated to the Local Civil Servants to invite them to purchase the flats built by Government under GBHS. In which, par.7 clearly stated that the selling price does include the land cost and administration cost, and in the payment section there is no mention there would be any arrear land premium payment in the future. (Please note that some flats in LCC had already been under construction, and no land lease was issued yet) We based on the terms in the EC dated 30.11.1968 to apply to purchase the flat.
2. On 23 April, 1969, the first batch successful applicants were notified, telling them the value of the flats allocated to them to be paid, and there is also no mention about there would be any arrear land premium payment in the future either. (Please note that the notification also mentioned the Occupation Permit for those flats had been issued, and no land lease was available)
3. Some successful applicants had already moved to live in LCC and on 13 June, 1969, Aker Jones in the capacity as a Govt. officer in charge of Civil Servants matter held a

meeting with several successful applicants telling them that the land cost was only 1/3 of the market value and the purchaser could not mortgage nor lent out the whole or part of the premises. But Aker Jones had not mentioned there might be arrear land premium payment requirement in the future. No Land Lease was issued yet.

4. .The formal land lease of LCC was issued on 27 June, 1969, saying the land was acquired at HKD 3,082,740 for the development of LCC, and no mention it is only 1/3 of the market price nor there would be any arrear land premium payment.
5. On 25 November, 1985 (17 years after the issue of the invitation of the sale of GBHS flats circular EC No. 69/68 dd 30.11.68) a letter signed by Dominic S.W. Wong (It is believed that Mr. Wong had passed away years ago) for Secretary of Civil Service (Instructed by David Ford) informed all Coopt HS members and GBHS members an arrear land premium of these schemes would be imposed and the details of assessment not clearly given.
6. .On 13 July, 1996, the then HK Govt and The Financial Secretary Incorporated entered a new lease for the extension of the lease term for 50 years. The term of land premium



payment is in according to Cap. 150 New Territories Leases (Extension) Ordinance, and no mention about the arrear land premium requirement as said in SCS's letter in 1985.

7. On 5 March, 2002, DLO/Kowloon East in his office bearer capacity entered with The Financial Secretary Incorporated for modification of lease, in which the arrear land premium payment method is stipulated. DLO/KE is only a D1 officer, the validity of the issue is doubtful. Since it is a great change varied from EC No. 69/68 after 34 years and the deviation of the revised lease in 1996. it is understood that the SAR Exco and Legco do not have such knowledge about this new land premium payment policy. The 2002 letter of lease modification should be void as it violated Cap 26 Sale of Goods Ordinance, Cap 362 Trade Descriptions Ordinance and Cap 458 Unconscionable Contracts Ordinance..

*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.

- - - - -

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) Dependants: (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) 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<sup>+</sup> flats (see Appendix B). 8 other members who submitted applications for Type 3<sup>+</sup> 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<sup>+</sup> 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<sup>+</sup> 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

(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.

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.

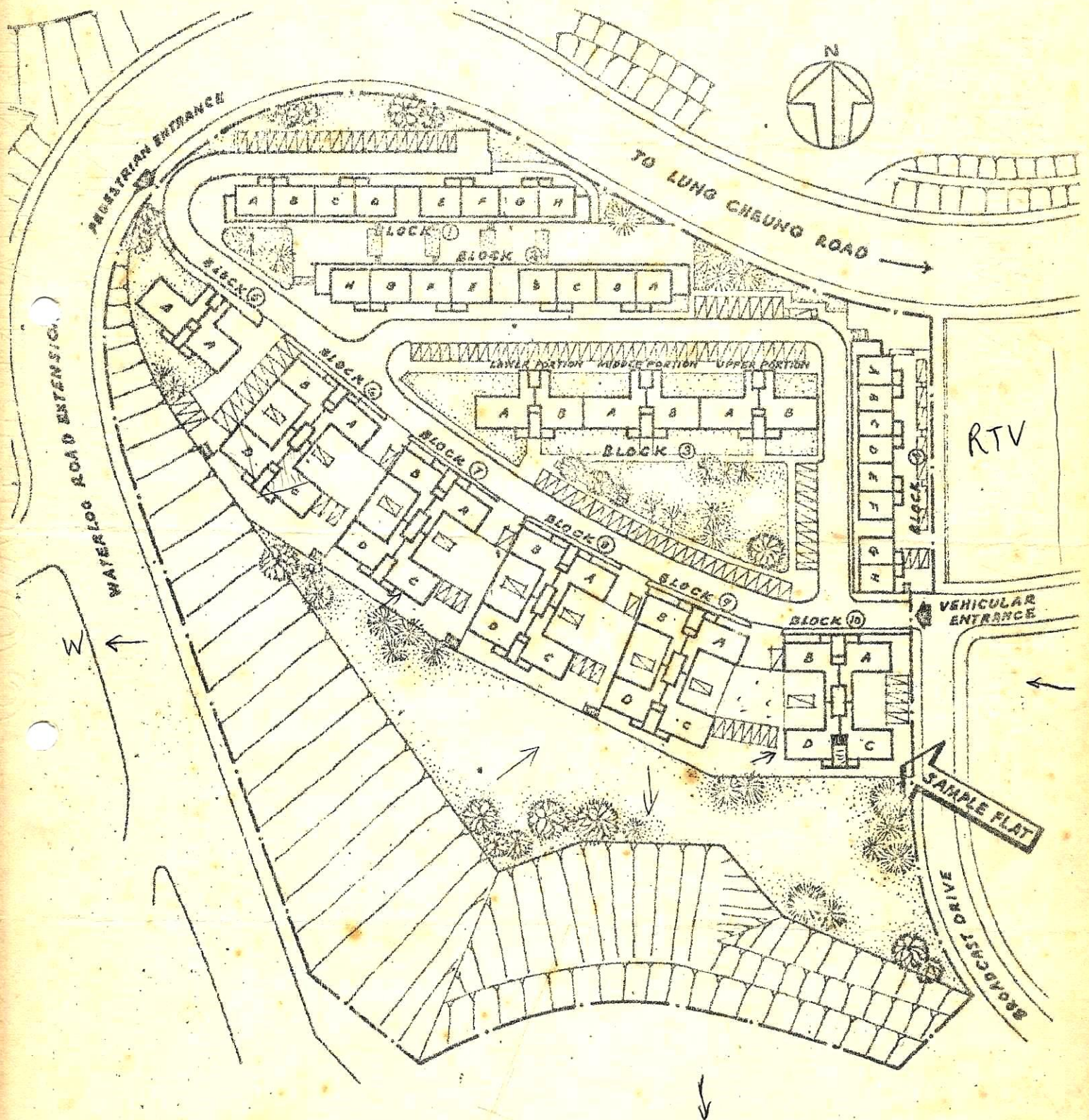
16. A Type 3+ sample flat has been prepared at Lung Cheung Road Stage I so that applicants may view a completed flat.

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



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 \$36,213.

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 Chuan 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.

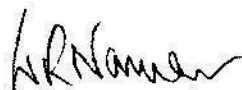
9. The Colonial Treasurer Incorporated will instruct the Crown Solicitor to act on its behalf. You will appreciate that the Crown Solicitor will be acting solely on behalf of The Colonial Treasurer Incorporated. He will therefore prepare all the necessary documents which you will be required to sign 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/ao

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 2/31/220/67

# 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 in and whose capacities as Vice and the Officer for the time being administering the Government of the Colony and Commander-in-Chief is duly authorized to enter into these presents in the name and on behalf of Her and Majesty Now This Indenture Witnesseth and in consideration of a payment of Three million eighty two thousand seven hundred

and forty dollars in Current Money of the said Colony which has been paid and

in consideration of the yearly rent of the said premises hereinafter reserved and covenanted to be paid and benefit of the said premises as to and concerning Her said Majesty Both hereby grant and demise unto the said Lessee All that messuage parcel of ground situate

at near Broadest Street Rowden in the said Colony bounded on or towards the North by Waterloo Road and having frontages thereto of Thirty four feet two inches or thereabouts (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

F-  
1967  
L-5195

# This Indenture

made the 29th 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

in the other part Whereas the Governor and Commander-in-Chief of the Colony of Hong Kong and its Dependencies (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 duly 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 thirty dollars in Current Money of the said Colony which has been paid and

in consideration of the yearly rent herein set forth hereinafter reserved and covenanted to and by the said Lessee and her heirs and assigns to be paid unto and performed Her said Majesty with her by grant and licence unto the said Lessee All that piece or parcel of ground situate at and adjoining to or near Broadcreek Street Rowden in the said Colony bounded on or towards the North by Waterloo Road and having frontages thereof of Thirty four feet two inches or thereabouts (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



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, 我们发觉我们與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, 然後向政府贷款, 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，余款由政府借貸，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

通讯处:九龙弥敦道 405 号九龙中央邮局邮箱 73163 号

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,

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

“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.