

## 立法會參考資料摘要

《房屋條例》  
(第 283 章)

### 《1999 年房屋條例(修訂附表)令》

#### 引言

行政會議在一九九九年三月二日會議席上**建議**，而行政長官**指令**，應根據房屋條例第 17AA 條制定 1999 年房屋條例(修訂附表)令(載於附件 A)，以一

- (a) 訂明租者置其屋計劃(租置計劃)單位的轉售限制；
- (b) 放寬居者有其屋計劃(居屋計劃)和私人機構參建居屋計劃(私人參建計劃)單位的轉售限制；及
- (c) 把房屋委員會(房委會)提出的居屋計劃、私人參建計劃及租置計劃單位的購回價，與業主最初購樓時所享有的折扣率掛鈎。

#### 背景和論據

##### 租者置其屋計劃單位的轉售限制

2. 一九九七年十二月，行政會議批准推行租置計劃。我們的目標是要在未來十年，為最少 250 000 個租住公屋的家庭提供置業機會，使他們可以合理和負擔得來的價格自置居所。

3. 行政會議已批准了一套租置計劃單位的轉售限制。租置計劃單位的業主可出售其單位，但須受下述條件限制 —

- (a) 由單位首次售出日期起計首兩年內，業主可把單位按原價售回房委會；或
- (b) 由單位首次售出日期起計兩年後，業主可以 —

- (i) 按單位的評定市值減去原來折扣率後的價格，把單位售回房委會<sup>(1)</sup>；或
- (ii) 按議定價格把單位售予現時的公屋租戶或準公屋租戶，毋須繳付補價；或
- (c) 由單位首次售出日期起計五年後，業主可在公開市場出售其單位，但須繳付補價，數額根據購買該單位時的原來折扣按比例計算。

4. 現有需要修訂《房屋條例》附表（該附表是適用於房委會所有的資助自置居所計劃，包括租置計劃。），以便把這些已批准的轉售限制付諸實行。

#### 居者有其屋計劃和私人機構參建居屋計劃單位的轉售限制

5. 房委會在一九七八年和一九七九年先後推出居屋計劃和私人參建計劃，以遠低於市值的價格，把單位售予低收入及中等收入的家庭和公屋租戶。在一九九八年內，房委會在該兩項計劃下出售了約17 000個單位，總共獲得超額認購達七倍。

6. 為了遏止炒賣活動，居屋計劃和私人參建計劃單位在出售時，須受一套轉售條件限制（載於《房屋條例》附表）。該等限制較租置計劃單位的轉售限制嚴格。現時，業主可在下述情況下出售其單位——

- (a) 由單位首次售出日期起計首三年內，業主只可把單位按原價售回房委會；或
- (b) 由單位首次售出日期起計三年後，業主可——
  - (i) 按當時的居屋計劃或私人參建計劃單位價格<sup>(2)</sup>，把單位售回房委會；或

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<sup>(1)</sup> 價格的計算，是以房委會於購回單位時該單位的評定市值，減去一筆按業主購買單位時的折扣的比例計算的款項。任何於原初購買單位時所得到的優惠亦須付還房委會。

<sup>(2)</sup> 當時的居屋計劃或私人參建計劃單位價格，是指業主提出把單位售回房委會時，房委會出售相若的居屋計劃或私人參建計劃單位的售價。

- (ii) 按議定價格把單位售予現時的公屋租戶或準公屋租戶<sup>(3)</sup>，毋須繳付補價；或
- (c) 由單位首次售出日期起計十年後，業主可在公開市場出售其單位，但須繳付補價。

7. 我們認為應放寬居屋計劃和私人參建計劃單位的轉售限制，使其與租置計劃看齊，原因如下 —

- (a) 租置計劃、居屋計劃和私人參建計劃同樣都是由房委會管理的資助自置居所計劃，因此對居屋計劃和私人參建計劃單位實施較諸於租置計劃單位更為嚴格的轉售限制，實欠公允；及
- (b) 放寬居屋計劃和私人參建計劃單位的轉售限制，可增加這些單位的流轉量，從而有助滿足市民對資助自置居所的需求，亦可騰出租住公屋單位，供重新編配給有真正需要的人士。

#### 房屋委員會購回有關單位的安排

8. 正如上文第 6(b)段所述，《房屋條例》附表的現有條文規定，居屋計劃或私人參建計劃單位的業主可在單位首次出售日期起計三年後，按房委會當時公開發售相若的居屋計劃或私人參建計劃單位的價格，把單位售回房委會。該購回價的評估方法，與房委會把同一單位再次發售時用以評估價格的方法相同。購回價與業主最初購買該單位時所享有的市值折扣，並無關連。

9. 在一九九八年內推出的前兩期居屋計劃中，房委會提供了多個折扣率，供購買居屋計劃或私人參建計劃單位的人士選擇<sup>(4)</sup>。購

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<sup>(3)</sup> 居屋計劃和私人參建計劃單位業主，可在居屋計劃和私人參建計劃單位的第二市場，把單位售予現時的公屋租戶或準公屋租戶。單位在轉售後，新業主如屬公屋租戶，必須交還現時的公屋單位，如屬準公屋租戶，則須放棄獲編配租住公屋的權利。賣方毋須繳付補價。新業主會代賣方承擔繳付補價的責任。不過，除非新業主在限制期屆滿後，在公開市場出售其單位，否則毋須繳付補價。

<sup>(4)</sup> 房委會已決定，在一九九九年三月所推出下一期的居屋計劃/私人參建計劃中，將轉回提供單一折扣率。

買租置計劃單位的人士也可享有類似的靈活安排。評估購回價的現有基準因而不再適用。按業主最初購買有關單位時所享有的折扣率計算購回價，會更為公平。

## 建議

10. 現建議：

- (a) 訂明已獲批准的租置計劃單位的轉售限制；
- (b) 放寬居屋計劃和私人參建計劃單位的轉售限制，使其與租置計劃看齊；及
- (c) 把居屋計劃、私人參建計劃及租置計劃單位的購回價，與業主在最初購樓時所享有的折扣率掛鈎。

11. 命令會對《房屋條例》附表作出修訂，以反映上文第 10 段的建議。現行附表的副本載於附件 B。

12. 居屋計劃、私人參建計劃和租置計劃的買賣協議和轉讓契據，不論是在經修訂的附表生效之前或之後簽訂，新訂的條文均一律適用。

## 立法程序時間表

13. 獲行政長官會同行政會議批准的立法程序時間表如下 —

刊登憲報	一九九九年三月十二日
提交立法會	一九九九年三月十七日

## 對人權的影響

14. 律政司表示，上述命令對人權並無影響。

## 對財政和人手的影響

15. 有關建議將容許業主在單位首次售出日期起計第六年，而無需等至第十一年，在繳付補價後在公開市場出售其單位。不過，鑑於市場情況波動不穩，我們現時難以準確估計在新安排下可提早獲得的補價款額。建議對政府人手並無影響。

## 對經濟的影響

16. 目前，由首次售出日期起計已踏入第三年的居屋計劃和私人參建計劃單位約有 16 000 個，已踏入第六至十年的單位，則有 80 000 個。因此，在實施有關建議後，第二市場<sup>(3)</sup>和公開市場分別會有 16 000 個和 80 000 個居屋計劃/私人參建計劃單位可供出售。

17. 在第二市場推出 16 000 個額外的居屋計劃／私人參建計劃單位，並只限現有公屋租戶或準租戶購買的安排，將有助紓緩市民對租住公屋單位的需求。根據以往經驗，這個受限制的第二市場的流轉量偏低，所以對於私人住宅物業市場可能造成的影響理應極微。至於在公開市場推出 80 000 個額外的居屋計劃／私人參建計劃單位，實際的流轉量將主要取決於這些單位在價格、質素和按揭條款方面，相對於私人樓宇而言的吸引力。就現時的市場情況來看，這些單位對私人住宅物業市場可能造成的影響，應該不會太大。同時，因為居屋/私人參建計劃的單位都是業主自住，這些業主於二手市場或公開市場出售其單位後，很可能需要在市場購買或租住另一個單位。因此，對私人住宅市場應不會構成甚麼影響。

## 公眾諮詢

18. 我們已諮詢房委會，並得到房委會支持有關的建議。我們亦已向立法會房屋事務委員會發出資料文件。

## 宣傳安排

19. 我們會發出新聞稿，並會安排發言人答覆傳媒的查詢。

房屋局

一九九九年三月

《1999 年房屋條例（修訂附表）令》

（由行政長官會同行政會議根據《房屋條例》  
（第 283 章）第 17AA 條訂立）

1. 生效日期

本命令自房屋局局長以憲報公告指定的日期起實施。

2. 條款、契諾及條件

《房屋條例》（第 283 章）的附表現予修訂—

（a） 在第 1（a）（i）段中，廢除兩度出現的“10”而代以“5”；

（b） 在第 2 段中—

（i） 在（a）及（b）分節中，廢除“3”而代以“2”；

（ii） 在（b）分節中，廢除（A）及（B）次小分節而代以—

“（A） 須顧及土地在購買人要約轉讓時的由  
房屋署署長評估的市值；及

（B） 須顧及按下列公式計算的購買人在購  
買時享有的折扣—

$$\text{折扣} = \frac{\text{最初市值} - \text{買價}}{\text{最初市值}}$$

在公式中，“最初市值”（Initial Market Value）及“買價”（Purchase Price）的涵義與本附表第 1（b）段分別給予該等詞語的涵義相同。”；

（c） 在第 4 段中—

- （i） 在（b）（i）及（ii）分節中，廢除“10”而代以“5”；
- （ii） 在（c）分節中，廢除“3”而代以“2”。

行政會議秘書

行政會議廳

1999 年月日

#### 註釋

本命令修訂《房屋條例》（第 283 章）的附表第 1、2 及 4 段，以—

- （a） 將某些在轉售限制中指明的法定限期的時間縮短。該等法定限期是適用於在受該附表條文限制的計劃下出售的單位的（第 2（a）、（b）（i）及（c）條）；及

- (b) 廢除及替代房屋署署長現時於訂定在某段法定限期屆滿後要約轉讓給房屋委員會（或房屋委員會提名的人）的單位的價格時須考慮的因素（第 2（b）（ii）條）。而房屋署署長須考慮的新因素為在回購時該單位的市值，及購買人在購買該單位時所享有的折扣。



## SCHEDULE [ss. 17AA, 26A &amp; 26B]

## TERMS, COVENANTS AND CONDITIONS

1A. In this Schedule—  
 “prescribed nominee” (訂明的被提名人) means a person referred to in paragraph 4(c)(B) of this Schedule;  
 “relevant land” (有關土地) means any land referred to in section 17AA(1)(a) or (b) of this Ordinance where the agreement for sale and purchase and the deed of assignment in relation to the land are subject to any of the terms, covenants and conditions mentioned in this Schedule. (Added L.N. 189 of 1997)

1. Subject to paragraph 4 of this Schedule, the purchaser shall not at any time alienate, convey, charge or part with possession or purport to alienate, convey, charge or part with possession or enter into any agreement to alienate, convey, charge or part with possession of the land sold other than to the Authority, or such person as the Authority may nominate, unless—

- (a) either—
- (i) a period of 10 years has elapsed from the date of the first assignment of the land—
- (A) from the Authority to any purchaser; or
- (B) to any purchaser nominated by the Authority, whichever is the earlier; or
- (ii) before that period has elapsed, the purchaser has offered to assign the land to the Authority and the Authority or its nominee (other than a prescribed nominee) has declined to accept the assignment; and
- (b) the purchaser has first paid to the Authority the amount of the premium calculated under the following formula—

$$\text{Premium} = \frac{\text{Prevailing Market Value (Initial Market Value—Purchase Price)}}{\text{Initial Market Value}}$$

Where—

“Premium” (補價) means the amount payable;

“Prevailing Market Value” (現行市值) means, subject to paragraph 6 of this Schedule, the market value of the land assessed by the Director of Housing (the “Director”) as at the time when the purchaser pays the Premium;

“Initial Market Value” (最初市值) means the market value of the land assessed by the Director as at the time of purchase and as specified in the last assignment of the land—

- (a) from the Authority to any purchaser; or
- (b) to any purchaser nominated by the Authority (other than a prescribed nominee).

whichever is the later;

“Purchase Price” (買價) means—

(a) if a list price is not specified in the assignment, the consideration stated in the assignment;

(b) if a list price is specified in the assignment, the list price,

where that assignment is the last assignment of the land—

- (i) from the Authority to any purchaser; or
- (ii) to any purchaser nominated by the Authority (other than a prescribed nominee).

whichever is the later. (Replaced L.N. 189 of 1997)

2. Where the purchaser offers to assign the land to the Authority, or a person nominated by the Authority (other than a prescribed nominee), the price shall be—

- (a) where the purchaser offers to assign the land before the period of 3 years has elapsed from the date of the first assignment of the land—
- (i) from the Authority to any purchaser; or

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## 條款、契諾及條件

1A. 在本附表中—  
 “有關土地” (relevant land) 指本條例第 17AA (1) (a) 或 (b) 條提述的任何土地，而與該土地有關的買賣協議及轉讓契據是受本附表所述的任何條款、契諾及條件規限的；

“訂明的被提名人” (prescribed nominee) 指本附表第 4 (c) (B) 段提述的人。(由 1997 年第 189 號法律公告增補)

1. 除本附表第 4 段另有規定外，購買人無論何時均不得將出售的土地讓與、轉易或押記或放棄管有該土地，或看來是將該土地讓與、轉易或押記或放棄管有該土地，或訂立將該土地讓與、轉易或押記或放棄管有該土地的協議（但向委員會或委員會提名的人作出者除外），除非—

- (a) (i) (A) 由土地從委員會首次轉讓予任何購買人的日期起計已過了 10 年；或
- (B) 由土地首次轉讓予委員會提名的任何購買人的日期起計已過了 10 年，以較早者為準；或

(ii) 在該期限屆滿之前，購買人曾要約將土地轉讓予委員會，而委員會或其被提名人（但並非訂明的被提名人）拒絕接受該項轉讓；及

- (b) 購買人已先向委員會繳付根據以下公式計算的補價款額—

$$\text{補價} = \frac{\text{現行市值 (最初市值—買價)}}{\text{最初市值}}$$

式中—

“補價” (Premium) 指須付的款額；

“現行市值” (Prevailing Market Value) 除本附表第 6 段另有規定外，指在購買人繳付補價時由房屋署署長（“署長”）評估的土地市值；

“最初市值” (Initial Market Value) 指由署長評估的土地市值，而該項評估是在購買時作出，並且是在下述情況下所立的轉讓契內指明的一

- (a) 土地最近一次從委員會轉讓予任何購買人；或
- (b) 土地最近一次轉讓予委員會提名的任何購買人（但並非訂明的被提名人），

以較後者為準；

“買價” (Purchase Price) 指—

(a) (如轉讓契內沒有指明定價) 轉讓契內所述的代價；

(b) (如轉讓契內指明定價) 定價，

而該轉讓契是在下述情況下所立的一

- (i) 土地最近一次從委員會轉讓予任何購買人；或
- (ii) 土地最近一次轉讓予委員會提名的任何購買人（但並非訂明的被提名人），

以較後者為準。(由 1997 年第 189 號法律公告代替)

2. 凡購買人要約將土地轉讓予委員會或委員會提名的人（但並非訂明的被提名人），價格須為下述者—

- (a) 如購買人在由下述日期（以較早者為準）起計未滿 3 年—
- (i) 土地從委員會首次轉讓予任何購買人的日期；或

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- (ii) to any purchaser nominated by the Authority, whichever is the earlier, an amount equal to—
- (A) subject to sub-paragraph (B), the purchase price specified in that assignment;
- (B) if there has been any subsequent sale of the land by the Authority or to any purchaser nominated by the Authority (other than a prescribed nominee), the purchase price specified in the last assignment of the land under such a sale;
- (b) where the purchaser offers to assign the land after a period of not less than 3 years has elapsed from the date of the first assignment of the land—
- (i) from the Authority to any purchaser; or
- (ii) to any purchaser nominated by the Authority, whichever is the earlier, an amount fixed by the Director who, in fixing that amount, shall have regard to—
- (A) the price of land, as similar as possible to that to be assigned by the purchaser, being offered for sale, either by the Authority or in respect of which the Authority is authorized to nominate purchasers, at the time of the purchaser's offer to assign (but excluding the price of relevant land being offered for sale to a prescribed nominee); and
- (B) if no similar land is being offered for sale at that time, the price of similar land last offered for sale. *(Replaced L.N. 189 of 1997)*
3. Against assignment of the land to the Authority, or a person nominated by the Authority (other than a prescribed nominee), the purchaser shall be entitled to receive the price as mentioned in paragraph 2(a) or (b) of this Schedule, less—
- (a) the amount due under any registered mortgage, which shall be paid to the mortgagee;
- (b) any rates or property tax due in respect of the land;
- (c) any amount certified by the Authority as being the reasonable cost of making good any damage or deterioration to the land;
- (d) any amount due under any deed of mutual covenant in respect of the land;
- (e) all legal costs, administrative fees and other expenses, fees and duty payable in respect of the assignment by the purchaser; and
- (f) any electricity, gas, water or other public utility charges due in respect of the land. *(Replaced L.N. 189 of 1997)*
4. Notwithstanding that the purchaser has not paid the premium mentioned in paragraph 1 of this Schedule, he may, in relation to the land—
- (a) mortgage or charge the land with the prior approval of the Director and on such terms as are authorized by the Director in writing; or
- (b) where—
- (i) before the expiry of 10 years from the date of the first assignment of the land -
- (A) from the Authority to any purchaser; or
- (B) to any purchaser nominated by the Authority,
- whichever is the earlier, the purchaser has offered to assign the land to the Authority and the Authority or its nominee (other than a prescribed nominee) has declined to accept such an assignment; or
- (ii) 10 years has elapsed since the date of the first assignment of the land—
- (A) from the Authority to any purchaser; or
- (B) to any purchaser nominated by the Authority,
- whichever is the earlier,
- enter into an agreement for sale and purchase of the land providing it is a condition of such agreement that the premium as assessed by the Director be paid to the Authority prior to assignment and within 28 days of the date of the agreement or within such period as may be otherwise stipulated by the Director;
- (c) where 3 years has elapsed since the date of the first assignment of the land—
- (i) from the Authority to any purchaser; or
- (ii) to any purchaser nominated by the Authority, whichever is the earlier, enter into any provisional agreement for sale and purchase, agreement for sale and purchase, or assignment, provided that—

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**第 283 章 房屋條例**

- (ii) 土地首次轉讓予委員會提名的任何購買人的日期，要約將土地轉讓，則價格為相等於下述者的款額—
- (A) 除 (B) 次小分節另有規定外，在該轉讓契內指明的買價；
- (B) (如土地其後曾被委員會出售或曾出售予委員會提名的任何購買人 (但並非訂明的被提名人)) 根據該項出售的最近一次土地轉讓的轉讓契內指明的買價；
- (b) 如購買人在由下述日期 (以較早者為準) 起計過了不少於 3 年後—
- (i) 土地從委員會首次轉讓予任何購買人的日期; 或
- (ii) 土地首次轉讓予委員會提名的任何購買人的日期，要約將土地轉讓，則價格為署長所訂定的款額，而署長在訂定該款額時—
- (A) 須顧及在購買人要約將土地轉讓時，由委員會要約出售的土地或委員會獲授權提名購買人的土地 (該土地須與購買人擬轉讓的土地盡可能相類) 的價格 (但不包括要約出售予訂明的被提名人的有關土地的價格); 及
- (B) 如當時沒有相類土地要約出售，則須顧及最近一次要約出售的相類土地的價格。(由 1997 年第 189 號法律公告代替)
3. 購買人一經將土地轉讓予委員會或委員會提名的人 (但並非訂明的被提名人)，即有權收取本附表第 2 (a) 或 (b) 段所述的價格，但須扣除—
- (a) 根據任何註冊按揭到期應付的款項，該筆款項須付予承按人；
- (b) 就該土地而到期應付的差餉或物業稅；
- (c) 經委員會核證為用於修補該土地的損毀或毀壞部分的合理費用；
- (d) 根據就該土地的任何公契到期應付的款項；
- (e) 就轉讓該土地而須由購買人繳付的所有法律費用、行政費及其他開支、費用及稅項；及
- (f) 就該土地而到期應付的電費、氣體費、水費或其他公用設施費用。(由 1997 年第 189 號法律公告代替)
4. 購買人即使沒有繳付本附表第 1 段所述的補價，仍可就土地—
- (a) 在獲得署長事先批准後，按署長以書面特准的條款將土地按揭或押記；或
- (b) 在下述情況下訂立買賣土地的協議—
- (i) 購買人在由下述日期 (以較早者為準) 起計 10 年屆滿前—
- (A) 土地從委員會首次轉讓予任何購買人的日期；或
- (B) 土地首次轉讓予委員會提名的任何購買人的日期，
- 會要約將土地轉讓予委員會，而委員會或其被提名人 (但並非訂明的被提名人) 拒絕接受該項轉讓；或
- (ii) 由下述日期 (以較早者為準) 起計已過了 10 年—
- (A) 土地從委員會首次轉讓予任何購買人的日期；或
- (B) 土地首次轉讓予委員會提名的任何購買人的日期，
- 但該項協議須有一項條件，即：署長所評估的補價，須於土地轉讓之前和在由協議訂立日期起計的 28 天內，或在署長另外規定的期限內，向委員會繳付；

- (c) 在由下述日期（以較早者為準）起計過了3年後—
- (i) 土地從委員會首次轉讓予任何購買人的日期；或
  - (ii) 土地首次轉讓予委員會提名的任何購買人的日期，  
訂立任何臨時買賣協議、買賣協議或轉讓契，但—

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- (A) the person entering into the provisional agreement for sale and purchase as the purchaser is certified by the Authority as a person eligible to buy relevant land;
- (B) the person entering into the agreement for sale and purchase, and the assignment, as the purchaser is a person nominated for the purposes of this subparagraph by the Authority to buy particular relevant land; and
- (C) the following
- (I) provisional agreement for sale and purchase;
- (II) agreement for sale and purchase; and
- (III) assignment,
- are each on such terms as are authorized in writing by the Authority and are each made subject to the terms, covenants and conditions mentioned in this Schedule. (Replaced L.N. 189 of 1997)
5. Where a purchaser applies for an assessment of premium to be calculated in accordance with paragraph 1(b) of this Schedule—
- (a) the purchaser shall pay to the Authority at the same time as he submits his application for the assessment, an administrative fee set and published by the Authority;
- (b) upon completing the assessment of premium, the Director shall give notice, in writing, to the purchaser of the prevailing market value, the amount of premium and the date, being not less than 28 days from the date of the notice, on or before which the premium must be paid to the Authority;
- (c) if the purchaser pays the premium as assessed by the Director to the Authority within the time notified under subparagraph (b), the Authority shall deduct an amount equivalent to the administrative fee paid under subparagraph (a) from the premium as assessed;
- (d) the purchaser may appeal to the Lands Tribunal in accordance with the Lands Tribunal Rules (Cap. 17 sub. leg.) against the Director's assessment of the prevailing market value of the land within 28 days of the date of notification under subparagraph (b);
- (e) notwithstanding that an appeal to the Lands Tribunal has been lodged, the Director may vary his assessment of the premium at any time prior to the determination of the appeal by the Lands Tribunal.
6. The determination of the Lands Tribunal on an appeal shall be of the prevailing market value as at the date of the determination by the Lands Tribunal unless the purchaser has paid the premium in which case the determination shall be of the prevailing market value as at the date of the payment.
7. An appellant shall, if he withdraws his appeal, notify the Director accordingly within 7 days of the date of withdrawal.
8. If the lands Tribunal assesses the prevailing market value at a different amount to that assessed by the Director, the prevailing market value so assessed shall be used in the formula set out in paragraph 1(b) of this Schedule to re-assess the amount of the premium.
9. If the effect of the Lands Tribunal's decision is to reduce the assessed premium, the purchaser shall—
- (a) where the purchaser has paid the assessed premium, be entitled to a refund of the amount by which the premium is reduced forthwith; or
- (b) where the purchaser has not paid the assessed premium, pay the premium as re-assessed by the Lands Tribunal less an amount equivalent to the administrative fee paid under paragraph 5(a) of this Schedule within 28 days of the Lands Tribunal's decision or such period as the Lands Tribunal orders.
10. If the effect of the Lands Tribunal's decision is to increase the assessed premium, the purchaser shall
- (a) where he has paid the assessed premium, pay the amount by which the premium is increased; or
- (b) where he has not paid the assessed premium, pay the premium as re-assessed by the Lands Tribunal.
- within 28 days of the Lands Tribunal's decision or such period as the Lands Tribunal orders.

## 第 283 章 房屋條例

- (A) 購買人身分訂立該項臨時買賣協議的人是委員會核證為有資格購買有關土地的人；
- (B) 以購買人身分訂立該項買賣協議及轉讓契的人是委員會為施行本分節而提名購買某一有關土地的人；及
- (C) 以下項目—
- (I) 臨時買賣協議；
- (II) 買賣協議；及
- (III) 轉讓契，
- 各自具有委員會以書面特准的條款，並且是在本附表所述的條款、契諾及條件的規限下訂立的。（由 1997 年第 189 號法律公告代替）
5. 凡購買人申請評估補價（補價按照本附表第 1 (b) 段計算）—
- (a) 購買人於提交評估申請書時，須同時向委員會繳付委員會所定和公布的行政費；
- (b) 署長一經完成補價的評估，須向購買人發出書面通知，說明現行市值、補價款額和一個在該日或之前必須向委員會繳付補價的日期（由通知書的日期起計不少於 28 天）；
- (c) 如購買人在根據 (b) 分節通知的期限內向委員會繳付署長所評估的補價，則委員會須從所評估的補價中，扣除一筆款額相等於根據 (a) 分節繳付的行政費的款項；
- (d) 購買人可在根據 (b) 分節發出的通知書的日期起計 28 天內，按照《土地審裁處規則》（第 17 章，附屬法例）向土地審裁處提出上訴，反對署長對土地的現行市值所作的評估；
- (e) 即使上訴已向土地審裁處提出，署長仍可在土地審裁處對上訴作出裁定之前，隨時更改其對補價所作的評估。
6. 土地審裁處就一項上訴所作的裁定，須為對土地審裁處在作出裁定之日的現行市值的裁定，但如購買人已繳付補價，則須為對在繳付補價之日的現行市值的裁定。
7. 上訴人如撤回上訴，須於由撤回上訴的日期起計 7 天內據此通知署長。
8. 如土地審裁處對現行市值所作的評估的款額與署長所評估的不同，則土地審裁處所評估的現行市值，須採用於本附表第 1 (b) 段所列的公式中，以便重新評估補價的款額。
9. 如土地審裁處所作的決定，其效果是減少經評估的補價，則購買人—
- (a) 若已繳付上述經評估的補價，則有權立即獲發還補價所減少的款額；或
- (b) 若未繳付上述經評估的補價，則須於土地審裁處作出決定的 28 天內或於土地審裁處所命令的期限內，繳付經土地審裁處重新評估的補價，但扣除一筆款額相等於根據本附表第 5 (a) 段繳付的行政費的款項。
10. 如土地審裁處所作的決定，其效果是增加經評估的補價，則購買人—
- (a) 若已繳付上述經評估的補價，須繳付補價所增加的款額；或
- (b) 若未繳付經評估的補價，須繳付經土地審裁處重新評估的補價，而上述的款額或補價須於土地審裁處作出決定後 28 天內或於土地審裁處所命令的期限內繳付。

11. If a purchaser wishes to alienate, convey, charge or part with possession of the land while an appeal to the Lands Tribunal is pending, he may do so after paying the premium as assessed to the Authority within the period notified by the Director under paragraph 5(b) of this Schedule.

12. If the purchaser does not pay the premium in full to the Authority—  
(a) within the period notified under paragraph 5(b) of this Schedule, unless an appeal has been lodged with the Lands Tribunal and such appeal has not been discontinued or lapsed; or  
(b) within the period provided for in paragraph 9 or 10 of this Schedule as the case may require,  
the assessment of the premium shall lapse.

*(Schedule replaced L.N. 381 of 1992)*

11. 在向土地審裁處提出的上訴待決期間，購買人如欲將土地讓與、轉易或押記或放棄管有該土地，可於署長根據本附表第 5 (b) 段通知的期限內向委員會繳付經評估的補價後如此行事。

12. 如有下述情況發生，對補價所作的評估即失效—  
(a) 購買人沒有在根據本附表第 5 (b) 段通知的期限內向委員會十足繳付補價，除非上訴已向土地審裁處提出，而該上訴沒有中止或失效；或  
(b) 購買人沒有在本附表第 9 或 10 段所訂定的期限內（視屬何情況而定）向委員會十足繳付補價。  
*(附表由 1992 年第 381 號法律公告代替)*