



lili chan

20/04/2006 10:59

To asit@legco.gov.hk
cc
Subject 回覆：Re: 轉寄：Re: CAP 545 Compulsory Property Sales problems proposed by the GOVT

Dear Sit,
great thanks for taking care of some more added comments may be also important for considerations:

Do not agree your recent GOVT suggestions to lower the threshold to 80%.

First to comment it should be limited to dilapidated buildings only ---similar to those work intended by re-development council.

Second unless of good reasons such as of public interests any act to forcibly acquire personal property should be avoided in democratic societies such as Hong Kong where personal property should be well protected---compulsory sale will mean the said (the owner)property will lose the prospect of future great appreciation potential. In other words developer/investor will buy at low but sale at high.

Third the Govt seemed to have under pressure by developers or alike to facilitate their acquisitions (making huge profit) by ignoring the fact that owners of old buildings (with high land value) are not fully protected. Do not understand why the Govt cannot see that there will be nobody to subscribe Govt land if the proposals stupidly stay as it is and become materialised. Worry that the officials have taken /(been interpreted) gifts from developers/surveyors.

Forth the court once order land compulsory sale for re-development purpose and thus should restrict it not to be allowed any re-sale in the market or recombine with adjoining development (if not the whole re-development is altogether put in auction) otherwise those minority owners would have been cheated that their share were acquired with low value because 1)they have no money to participate in the auction even at very low base price is set; 2)they were cheated of not be able to share the

benefit of joint sale prior to the compulsory sale application. In short investors may cheat the court with unreasonable valuations and through many dirty channels to acquire the property which does not reflect its better true value.

Fifth current law regarding the distribution of the share of proceeds result from auction sale under compulsory sale scheme is totally unfair/unreasonable---the share based on the current valuations of individual flats does not take into considerations of two points: 1)since we are talking on the sale of lot of land at which the share of the land owned by each owners the value of it dominates the value of each flat and therefore the share of the proceeds should be based purely on undivided share of the land as the dilapidated buildings concerned will eventually be pulled down. How can you value on flats and apportion as such by which will create large unfair variation in the distribution of the proceeds?--i.e if the flat has higher flat price than the share of land value the flat price is adopted or otherwise the share of land price is used because the majority owners can cheat on valuations on this and obtain LION share of the proceeds THROUGH THIS SCHEME. How can the court assure the proper valuations of each flat to secure FAIRNESS??

Therefore some modification on this law is sought in this account. please rectify this compulsory sale law to cater for the above (points 4 and 5) considerations.

Finally do NOT try to cheat owners of old buildings who do NOT understand accommodation value of their land and Govt should be cautioned that majority supports will come from people engaged in real estate/surveyors/developers as they can benefit from this proposal.

Many thanks