

致:立法會發展事務委員會秘書

立法會:發展事務委員會於 2013 年 7 月 15 日舉行會議聽取公眾就根據公務員建屋合作社計劃興建的公務員樓宇的重建問題意見書

本人就上述事項發表以下意見: 爭取早日重建公務員合作社立場書

1. 行政長官梁振英參選時承諾及上任後積極解決房屋問題及其他民生事項。
2. 特首上任後的確想辦法到處找尋土地作興建房屋之用，特首多次表示在增加土地過程中，即使遇到不同原因反對，仍以開拓土地為優先，很難兩全其美。可惜事與願違，政府大部份的開拓土地的建議及計劃均受到市民反對，故此計劃進度緩慢，解決房屋問題變成遙遙無期，競選承諾隨時落空。
3. 政府在找尋及開拓新土地過程中的確遺忘了大量公務員合作社(合作社)的土地可供重建發展之用。直至 2013 年 1 月底，經合作社持份者及立法會議員向政府提出重建合作社建議後，立即引起社會大眾注意及了解事情的始末，絕大部社會輿論，學者及專業人士等的意見均主張政府用彈性方法改變現行補地價的僵化政策，免得浪費市區寶貴土地資源。此外，在不用重新規劃改變土地用途、不用進行公眾諮詢及在完全沒有反對聲音下可重建合作社以增加 2 萬個每個 500 平方呎單位的供應量，對舒緩樓宇短缺供應有幫助。此外重建合作社可免年長持份者上落樓梯之苦或不能上落樓梯而失去家園的失落。
4. 發展局局長陳茂波在聽取了上述社會輿論意見後在 2013 年 2 月 3 日在網誌上表示，若要撤銷補地價讓合作社重建，必須有充份理據。否則用公帑資助合作社是不適當。我們對陳茂波局長上述意見有以下回應:-
 - 4.1 對合作社補地價一事我們必須全面了解其歷史背景及現時實際環境情況再作深入檢視及決定;
 - 4.2 歷史背景
 - 4.2.1 在兩份政府當年批地的通告(Secretariat Standing Circular No. 9 of 11 June 1956)(SSC No.9)) 及 Secretariat Temporary Circular No. 74 of 10 December, 1952(STC No.74))內完全沒有條款規定合作社持份者現時賣出物業要補地價給政府，政府應尊重合約精神。SSC No. 9 有關補地價要點如下:-
 - 4.2.1.1 the Crown land, made available at half the upset price...;
 - 4.2.1.2 the loan, for the purchase of the land and the construction of the building, and interest at 3.5% per annum, payable every six months, to be repaid within a period of twenty (20) years; and

4.2.1.3 a restrict prohibition on sale or mortgage until the loan is repaid.

(附上兩份政府通告(SSC No. 9 及 STC No.74)供參考，見附件 1 至 3)

4.2.2 補地價一事是政府在合作社申請解散時用行政手段強行加上，若合作社不接納，不准解散，視為不平等條款;

4.2.3 當年政府是以底價二份之一賣地給合作社是有交換條件，這是規定持份者必須服務政府至正常退休年齡才可以在退休後保著在合作社的居住權。這是雙方所接受的交換條件不是政府單方無故恩賜，此即是綑綁式服務條件;

4.2.4 政府現今要求合作社持份者用現在價值補回當年少付二份之一地價才可以自由出售單位。在持份者繳付欠下二份之一地價後，這表示當年合作社已依足當年市價買地，政府由賣地之首天起並無給予持份者任何一分一毫房屋福利津貼;及

4.2.5 在有關交換條件中，政府取回給予合作者持份者的房屋福利後，但沒法退回合作社持份者在政府所服務的年期，這明顯表示政社單方違背了當年雙方達成的交換條件。

4.3 現時實環境情況

4.3.1 現在政府的確求地若渴，持續表達不惜一切方法增加土地供應。撤銷補地價讓合作社重建是最可行和有效的做法;

4.3.2 過去 20 年歷史事實完全証明兩個巨額補地價的確窒碍合作社重建，浪費社會土地資源;

4.3.3 撤銷補地價的總成本遠低於開拓相同面積及配套設施的新土地的直接及間接總成本開支;

4.3.4 重建合作社的新單位在 3 至 4 年內可落成，較開拓新土地的時間快捷得多;

4.3.5 重建合作社不會破壞環境生態及不會引起社會爭拗;

4.3.6 大部合作社樓宇樓齡超越 50 年，沒電梯，結構老化容易造成危險和不符合防火條例等; 及

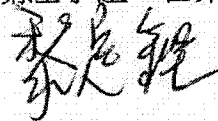
4.3.7 住在裡面的很多退休老公務員在服務政府期間貢獻良多，今天他們年老上落樓梯困難，有些完全不能上落被迫長期困在家中，在心理及生理上大受打擊。他們除了是退休公務員身份外，亦是獅子山下的一群尋常百姓長者，裡面很多退休者或遺孀每月的長俸/撫恤金平均少於 1 萬元，政府應視他們為香港一份子無分彼此給予體恤，照顧及安置。

5. 從上述第 4 段所言，無論從經濟成本效益，社會和諧等因素，重建合作社有其必要及遠比開拓新土地更符合香港整體利益。

6. 我們深信陳茂波局長在閱讀此文前已充份明白到撤銷補地價的所有理據及重建合作社所帶來的社會整體利益，所以在 2013 年 5 月 28 日在立法會發展事務委員會上親口明確表示發展局已聯同其他政策局正研究如何落實重建合作社，在此政府行出了正確的第一步。
7. 我們的訴求
- 7.1 有了社會共識及支持，政府盡快落實重建計劃;
- 7.2 能夠令到合作社順利重建，政府必須立即無條件撤銷全部沒有法理基礎的錯誤補地價行政措施。錯誤補地價行政措施是前朝政府制訂和遺留下來，與特區政府完全無關，但特區政府有責任糾正。
- 7.3 在 1993 年有 20 個合作社聯名入稟高等法院要求頒令政府撤回錯誤補地價行政措施。不幸在開庭聆訊前前朝政府用不道德手法終止有關訴訟。20 個合作社撤回訴訟及賠上堂費。其後當 20 個原告合作社申請解散時，政社強迫他們簽署一份「以後不得向政府索取賠償書」。我們在此要求陳茂波局長必須一視同仁將 20 個原告合作社納入撤銷補地價及重建受惠的合作社名單內;
(附上「以後不得向政府索取賠償書」樣本供參考，見附件 4)
- 7.4 由市區重建局統籌重建，依照需求主導重建計劃(先導計劃)的賠償方案補償給願意接受重建的合作社持份者;
- 7.5 倘若個別持份者希望以樓換樓方式進行，市區重建局應給予方便; 及
- 7.6 政府應訂立重建時間表，我們建議如下:-
- 7.6.1 在 2014 年 1 月公佈的特首施政報告中正式宣佈重建合作社決議;
- 7.6.2 在 2014 年第 3 季落實首個重建項目作為試點; 及
- 7.6.3 在 10 年內(即 2023 年前)全部完成所有重建項目，這是指願意接受市區重建局統籌重建的合作社，及每個合作社須有 8 成或以上持份者支持。
8. 我們懇請及祈望香港特區政府能夠認真聽取合作社持份者的合理訴求及社會大眾聲音，虛心及誠意接納符合香港整體利益的大眾建議，盡早落實重建合作社，達至三贏，造福社會。

公務員建屋合作社重建權益關注小組 召集人

黎定鏗



二零一三年六月二十三日

C O P Y

附件 1

RESTRICTED

Colonial Secretariat,
Hong Kong.

File No. 5/2321/56.

11th June, 1956.

SECRETARIAT STANDING CIRCULAR NO. 9
Government assistance in housing
non-expatriate officers.

As a result of the successful completion of several housing schemes by building co-operative societies, Government now proposes to extend its assistance beyond the limits set out in Secretariat Temporary Circular 74 of 10th December, 1952.

2. Funds will be made available to groups, numbering not less than ten members and consisting of officers on the pensionable establishment not eligible by their terms of service for Government quarters. Groups must accept the following general conditions:

- (a) the sponsors to form themselves into a co-operative building society if their scheme is accepted
- (b) the Crown land, made available at half the upset price, to be developed to the fullest possible extent
- (c) the loan, for the purchase of the land and the construction of the building, and interest at 3½% per annum, payable every six months, to be repaid within a period of twenty years
- (d) a strict prohibition on sale or mortgage until the loan is repaid
- (e) accommodation for individual officers to be such that no officer will be involved in monthly payment to the co-operative society in excess of one quarter of total monthly emoluments.

3. Government will deal only with co-operative building societies and the sponsors of schemes must accept by-laws based on models available on application to the Registrar of Co-operatives.

4. Because of the shortage of building sites no scheme will be accepted unless the land is developed to the fullest extent possible. The Director of Public Works will advise on sites available and the extent to which they must be developed.

5. Sponsors of scheme must first apply to the Colonial Secretariat for formal permission to participate in the facilities now offered. Applications must provide a list of officers wishing to be associated in the scheme showing names, grades, and total emoluments, details of the proposed site, and a rough estimate of the loan required.

6. When formal permission is granted to initiate a scheme the sponsors will be required to take advantage of the facilities granted as soon as possible. Details of the financial and building procedures will be made available on application to the Colonial Secretariat.

By Command,

E. B. DAVID
Colonial Secretary.

C O P Y

3/14 2
Colonial Secretariat,
Hong Kong.
10th December, 1952.

RESTRICTED.

No. 5/611/51

SECRETARIAT TEMPORARY CIRCULAR NO. 74

Government assistance towards housing of local officers.

A number of requests have recently been received by Government for financial assistance to non-expatriate officers who wish to provide themselves with housing.

2. Subject to the approval of the Secretary of State, it has been decided to set aside funds for this purpose, and applications for loans from these funds will now be received.
3. It is proposed that Crown land shall be made available at half the upset price, together with full crown rent, for approved scheme, and that the cost of forming the site and constructing the building shall be advanced to a maximum figure. The loan, which will include the half-value of the land, will bear interest at $3\frac{1}{2}$ per cent per annum payable every six months and must be repaid within a period normally of not more than twenty years. There will be a strict prohibition on sale or mortgage for a period of years or until the loan is repaid, and conditions adequate to ensure that the building is used only for the housing of Government servants.
4. Government is not prepared to deal with groups of less than ten officers. Accordingly any officers who wish to promote their own housing scheme should prepare their proposals and submit them for consideration, giving as many particulars as possible including the desired site, sketch plans, estimated costs and financial details of the scheme, and names and posts of the participants. Officers are particularly requested carefully to consider the important point of whether their means will be equal to the financial burden they propose to undertake, bearing in mind that outgoings on the completed building will include capital repayments, interest, Crown Rent, property tax, rates, and maintenance.
5. In view of the increasing shortage of building sites, no scheme will be accepted unless the land is to be developed to the fullest possible extent. In any case of doubt, the Director of Public Works may be consulted on this point, and he will also advise regarding sites and plans.
6. If a scheme is accepted, the sponsors will be required to form themselves into a co-operative society (or other corporate body) with which Government will thereafter deal. It is essential that the by-laws of the society provide that the flats to be built may be tenanted only by civil servants serving or retired. The Registrar of Co-operatives will advise on procedure and a set of model by-laws will be made available to sponsors by him.
7. The scheme applies only to non-expatriate officers on the pensionable establishment.
8. Applications should reach this Secretariat by 1st March, 1953.

By Command,

D.W.B. BARON,
Acting Deputy Colonial Secretary.

In reply please quote:

L.S.O. 102/5146/53

Crown Lands & Survey Office,
Public Works Department,
Hong Kong.

2nd November, 1956

Sir(),

Local Officers Housing Scheme
Secretariat Circular No. 9 of 1956

附件3
同德 1956年6月11日
通告 102/5146/53
↓

I have the honour to refer to your application dated 22.9.1956 concerning the grant of an area of Crown Land at Shun Ning Road on which to erect a residential building and to inform you that the site shown edged red on the attached plan comprising 6,000 sq. ft. at Shun Ning Road, Kowloon has been provisionally reserved for your group.

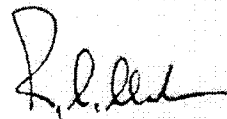
2. This Department is considering recommending to Government the grant of this site on the following terms:

Premium:	\$ 20.00	per sq. ft.
Crown Rent:	\$ 1,200.00	per acre per annum.
Building Covenant:	\$ 200,000.00	in 24 months.

It is considered that the site is suitable for the erection of a 5-storey block of 20 flats.

3. The above mentioned terms are purely tentative and are stated here merely to give your group an approximate basis upon which to plan. Action is in hand for the preparation of full terms and conditions of Sale for submission to Government and no guarantee can be given that these will contain the identical figures given in para. 2 above and in any case whatever recommendation is made will be subject to final approval by Government.

I have the honour to be,
Sir(),
Your obedient servant,



(R. C. Clarke)
For Director of Public Works

△ 即 330-336 Shun Ning Road
(此 1956年 11月 2日 時
向 來 函 行 署 會
以此 地 段)
c.c. D. F. S. Edward Lee, Esq.,
c/o Port Health Office,
Marine Department Building,
Hong Kong.

Specimen

附件4

XXXXXX Co-operative Building Society Ltd

No xxx, Kau Pui Lung Road, Kowloon

20 xxx, 2008

Secretary for the Civil Service
(Attn Miss xxx Chan)
Staff Housing Section
Hong Kong
Fax N. 25212045

Dear Miss xxx

Your Ref (80)in SH 2/5x/7xx/5x dated 8 xx 2008

We refer your above-quoted letter and forward the required document of Minutes of the Special General Meeting approving the dismissing of the High Court Case 12333 of 1994.

Taking the opportunity ,we wish to confirm that this Society will not take any action of the following-

"no further claim of any nature will be bought by our Society against the Government arising out of or in relation to the grant to our Society of the land in question."

Should you need further information ,please call Mr xxxxxx , Secretary at xxxxxxxxx

Many thanks.

Yours sincerely

(xxxxxxxxx)
Chairman

(xxxxxxxxx)
Secretary