

尊敬的謝偉銓議員：

您好。

為响应七月十六日「發展事務委員會」舉行之「本地公務員興建樓宇計劃」之公聽會，GBHS龍翔苑全体居民（我們都是已退休多年之公務員）茲全交「書面意見書文件一至文件五」給委員會各委員參閱和研究這些文件。文件實質是我等從去年八月至今呈交特首之請願函件，但到現在為止仍未得到有關當局給予滿意的答覆。我等之要求十分簡單，只是請求當局將殖民地時代政府犯下而加諸本苑居民之行政失誤政策廢除及改正。理據已詳列於呈交文件之內。文件五是我等之請求扼要及憂慮。我等懇望委員會督促當局速速將前朝官員犯下之錯失改正，還我們一個公道。

謝謝

GBMS 龍翔苑全体居民謹啟

經辦人：董樹成 Shu-shing Jung

(龍翔苑(廣播道))

業主立案法團(管

理委員會委員)

27 June, 2015

文件一

特首梁振英先生,

您好.

我们是居住在 Government Built Housing Scheme 龍翔苑 (Lung Cheung Court) 的退休公務員. 我们曾將我们一生最寶貴的時光奉獻給香港市民, 為他們服務, 博得不少讚賞.

我们加入政府工作的時間是 50 年代末及 60 年代初, 那時候, 香港的房屋居住問題比現在嚴重得多, 房租高昂, 一間 60 SF 的板間房租金高達 HK\$80/月, 而政府的三級文員起薪点只不过 HK\$180/月而已. 那時港英執政, 对從英聯邦來港任職的雇員十分優待, 每人都可以獲得豪宅一般的政府宿舍居住, 所繳租金只是薪金之 7.5%, 但是他們有海外雇員津貼, 此津貼已够交租有餘, 換言之, 外藉公務員實際是免費宿舍, 比較起來, 本地公務員遭遇住屋的困境, 可想而知, 先生令尊老先生, 亦有此經歷吧.

後來經過華員會多年的爭取, 港英政府乃設立建屋合作社計劃, 由公務員自己組織合作社向政府批地及貸款自行聘請則師設計及建造房屋居住. 後來政府發覺有些合作社, 由於成員沒有建造屋宇及監管品質優劣經驗, 一切都倚靠所聘的 AP 來設計和監管工程的建設, 所建之合作社房屋水準良莠不齊, 於是改變政策, 由政府設立一部門 The Colonial Treasurer Incorporated (回歸後此部門改名為 The Financial Secretary Incorporated) 作為類似發展商角式, 向地政署购地, 付足地價來建造房屋售給公務員, 此乃龍翔苑之由來. 龍翔苑的地, The Colonial Treasurer

Incorporated 是繳足地價 HK\$3,082,740.00 向地政署購買 (Lease 寫得很清楚). Lease 又寫明此買地者 (The Colonial Treasurer Incorporated) 要在 1972 年 1 月 19 日之前以最少二百萬元來興建最少 244 個單位來售給公務員. Lease 其他條款與一般地產發展商向政府购地發展並無不同之處. 結果是 The Colonial Treasurer Incorporated 在購得此地盤之上興建了 296 個單位, 單位面積分別有 1,067 SF, 1,327 SF 及複式 1,557 SF 三種單位, 將之出售與公務員, 售價是 1,067 SF 者 \$36,000.00, 1,327 SF 者 \$49,500.00, 1,557 SF (複式) 者 \$55,500.00, 以計分法來釐定購買者之 Priority. 計分方法, 包括購買者之薪金數目, 工齡及家庭成員數目等, 而購買者必須付 15% 樓價為首期, 餘款由 The Colonial Treasurer Incorporated 貸出, 分 20 年歸還 (含利息), 一切程序與市面上市民向發展商購買屋宇相同. 以樓宇之售價而言, 看似與當時在廣播道由私人發展商興建的同樣大小的單位便宜些少 (單位呎價不超過 10%), 差額不大. (例如: 龍翔苑左側之偉錦園, 乃電視台紅星集中居住之所, 港姐翁美玲就是香消玉殞於此園. 樓宇內部設備及用料都比龍翔苑優勝, (龍翔苑之設計及建造只是由當時政府一貫負責興建平民徙置區房屋的工程部門設計和施工, 樓宇質素可想而知), 偉錦園大單位售價亦只是六萬元而已, 但此數已經包括了發展商的成本, 利息和利潤). 根據上述之事實, 政府發展商 (The Colonial Treasurer Incorporated) 購買龍翔苑的地皮是付足了地價, 而發展此地售屋

所得之回報款項，並沒有虧蝕。但是到了 2002 年時，我們清還了欠款，申請分契取回業權時，The Financial Secretary Incorporated (Colonial Treasurer 改了名字) 與 District Land Office 交換公函討論我們龍翔苑單位在分契時應如何處理。此兩部門於 2002 年 2 月 22 日私自成立協議發表一封 Modification Letter Ref. No.LACKL 14/592/65 IV, 此兩部門大家同意，龍翔苑的業主在取回業權後，一定要“補地價”才可以出售和出租。而“補地價”之數值是 At Director's Discretion. 可以根據 Land Use Value 或是 Revelopment Value, 並將他們兩部門私自達成之協議 (應該是未經最高領導的認可) 發送給我們，強迫我們遵守。此時我們龍翔苑業主就如一塊在砧板上的肉，任由這兩個部門切琢。其後有些苑友因為要移居外地，迫得要出售樓宇，初時地政署索取的補地價，大約是售價之 35%，但近年來的索取補地價數字，大幅飆升。初時升至售價之 77%，近來更升至售價之 81%。地政署視補地價事如街市售賣海鮮，價錢隨意更改向上。

根據香港法例 Cap 26 Sale of Goods Ordinance (樓宇應是 Goods 一種) 規定出售 Goods 的出售者要將 Conditions and Warranties 等等在出售 Goods 之時要寫得清清楚楚告知消費者 (我們購買樓宇是消費者行為)。The Colonial Treasurer Incorporated 在出售樓宇 (龍翔苑) 給我們時就沒有將要補地價的情況列出來。其後 2002 年發出的 Modification Letter 強迫要我們遵守亦觸犯了 Cap 458 Unconscionable Contract Ordinance.

這兩個部門的行為，壓根兒就是行政過失。我們特此呈請 鈞座
宣稱此要收取龍翔苑業主繳交補地價事無效。我們都已是坐八
之年，有些苑友多年前亦已經息勞歸主，留待此問題給其後人，
茫茫然不知如何處理。我們一生盡忠職守，建樹良多。當年向政
府購買龍翔苑，滿以為退休後，可以有一個自己及子孫安居之所。
而現在政府的措施要將樓宇升值之利益食去，我們將現在樓宇出
售，所得款項不足以購買現在新建樓宇的一個四百呎單位，不合
理之處可見，亦不准我們將樓宇分租或出租，以致有些單位，因
苑友移居外地而騰空，浪費資源。龍翔苑現在樓齡已高，維修費
用高昂，亦使我們對維修保養樓宇大感吃力。鈞座蒞任特首之
時，以扶老為行政方針，敬希 鈞座體恤我們遭遇之困境，早日釐
定一個合理的解決方法。

謹此陳情。

陳情者名單 (另紙附)

Date: 4/AUG/2014

副本交

香港申訴專員 懇請 尊敬閣下關注此事，督促政府更改犯
了之錯誤。感激不淺。

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[REDACTED]

Petitioners Correspondence Address:

[REDACTED]

[REDACTED]

文件二

特首梁振英博士鈞鑒,

去年八月四日, 我們龍翔苑居民致函 鈞座請願, 訴求鈞座將政府橫加於本苑單位要補地價之後, 才可以出售及出租的不合理又苛刻的規定取消. 理由已詳見於我們的申訴書及其後呈交的補充文件之內.

本苑居民於 1968/69 期間, 响应前港英香港政府 ESTABLISHMENT CIRCULAR No. 69/68 dd 30th Nov. 1968, 申請購買本苑單位作為住所. Para. 3 of the EC 說道eligible officers may purchase (the flat) from Government by instalments. Para 7 又說明所付之購買價是 including administration fees and land cost. 我們申請如儀, 而實際所付款項都比 EC 所列的樓價數字稍多, 因為這是政府的 On Cost Project, 即是此乃相當於一個由政府替一般市民做的 Project, 牠的實際收費是將全部的發展費用總計再加上 administration cost (通常是 20%) 來向承托人即時收取, 並無尾數要日後處理. EC 亦講明我們要交部份買價作為首期, 餘款由政府貸給. Repayments 那段, 除了指出我們要分 20 年每月準時償還貸款, 年息 7% (比一般市場貸款為高). 我們一定要交部份樓價作為首期, 與一般樓宇買賣按揭方式相同. EC 並沒有說我們將來售賣時要補地價, 我們當時理解全部地價已經包括在售價之內. 這是香港法例 Cap 26 Sale of Goods Ordinance 的精神, 當時政府委托發展龍翔苑的機構已遵從此法例處理此出售, 十分清楚明確. 在原始批地的 Lease Condition 之


中,亦已很清楚列明龍翔苑的地段是以\$3,082,740.00 由發展機構購買,批期是到 27.06.1997. 1984 年,中英會談結果,香港要全部回歸中國,之前在香港界限街以北所有地段 Lease 期是到 1997 為止,因為那些都是英國向中國租借的租借地,為解決該地區之土地契約問題,當時港英香港政府乃制定 Cap 150 新界土地契約 (續期) 條例,規定所有在前租借地範圍之內的已購買的地段,1997 年之後不用補地價,只需要在每季所繳交應課差餉數額之上,加多 3% 即可. 於 13 July, 1996, The Financial Secretary Incorporated (代理政府發展龍翔苑的發展機構) and The Government of Hong Kong 簽訂 Memorial No. UB 6674324, 將龍翔苑地段續期 50 年至 30th June, 2047, 條件與 Cap 150 所示的一樣,我們龍翔苑業主從 1997 年起亦依例在每季繳納的差餉多交額外的 3%. 誰知道,到 2002 年時, District Land Office/Kowloon East 與 The Financial Secretary Incorporated 改簽一份 Modification Letter (Memorial No. 8524062 dd 5 March, 2002) 要將 1996 年所簽訂之免補地價協議 (Memorial No.UB 6674324) deemed to be and shall be void, 要龍翔苑單位的業主,在出售單位時要補地價,條件和 Coopt Society 所建之 Housing Scheme 完全一樣. 強迫龍翔苑業主遵守. 很明顯,當時在位的 District Land Office/Kowloon East 是行政失誤. 第一點,龍翔苑是我們向政府屬下的發展地產單位購買,是根據 Cap 26 Sale of Goods Ordinance 所示而交易. 而 Coopt Society Housing Scheme,

則是公務員自行組織 Society, 向地政處以市價 50% 购地, 自行聘請建築師興建, 雖然同是由政府貸款, 他們的利息只是低息 3.5% per annum, 还款期雖也是 20 年, 但他们是半年才还一次, 龍翔苑則是要每月清繳. 為何要將 Housing Scheme 補地价的條件加諸龍翔苑的單位. 不知其理據何在. 第二点, District Land Office/Kowloon East 只是地政署一個 Office, 如此重大改变, 該 Modification Letter 為何不是由 Director of Lands 來簽署和經過 Legco 及 Exco 的認同才執行. 可見得當時在位的 District Land Office/Kowloon East 是沒有根據政府處事的規矩和原則來辦事, 胡作妄為, 瞞上騙下. 第三, 龍翔苑業主在購買單位並住了超過卅年, 政府才通知要加補地价條件, 完全違反香港法例 Cap 458 Unconscionable Contract Ordinance 的精神. 特此我們請求 鈞座下令將此不合理政令取消. 上次遞交我們申訴書後, 鈞座八月十二日已覆函說道此事已交公務員事務局及發展局跟進, 八月廿三日公務事務局局長已有覆函說道此乃發展局的事, 與公務員事務局無關. 現在時隔已七個多月, 發展局仍未有訊息告知, 辦事效率差勁. 故特再函 鈞座, 請督促有關官員將此違法政令早日更正. 才是政通人和之道. 謹此先行致謝.

龍翔苑全体業主謹上 11.02.2015

聯繫人: 董樹成

shu-shing tung

通訊處: 

副本送:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Shedden Fish Office

RESTRICTED
BL 2/738/67

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.

(A)

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 men 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

(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. 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.

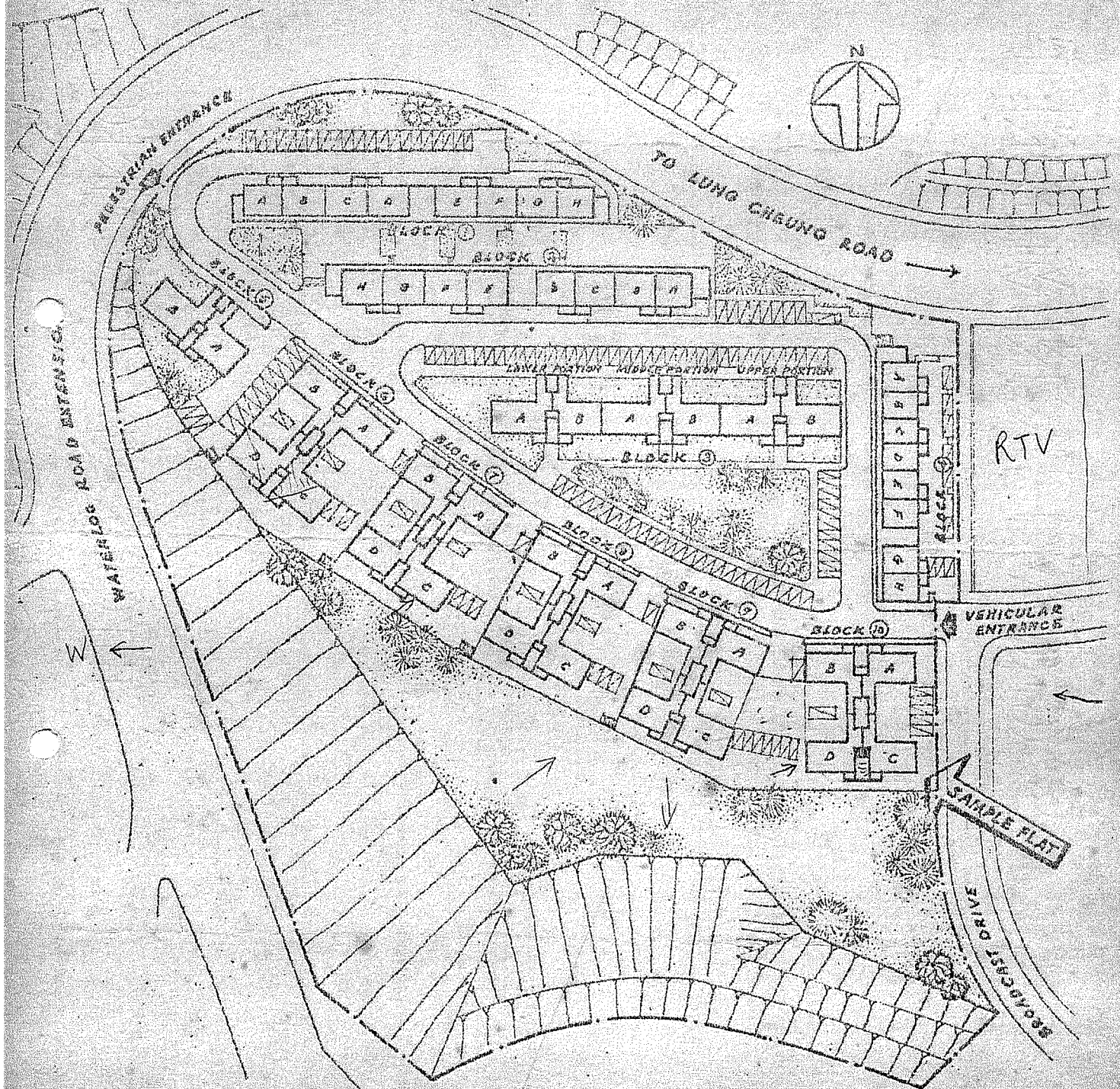
15. The allocations to individual officers will be published in a separate Circular. An appeals panel will be set up with its membership drawn from existing Co-operative Building Societies with matured schemes, to hear and determine appeals arising out of allocations made under these rules. An appeal 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: 1" = 100 FT. TO AN INCH

特首梁振英博士鈞鑒，

經過多次催促，發展局終於完成 鈞座指令跟進的任務，給我們之請願信一個回覆，並有副本呈交 鈞座鑒閱。我等很詫異發展局的官員在今時今日仍然用前朝殖民地官僚統治香港的手法來處理今次我們的請願投訴，只是巧言令語維護前朝政府辦事的短處，並沒有以先天下之憂而憂的精神，自覺地來改正前朝犯下的過失。

首先，地政署的官員仍以為 GBHS 與 Coopts Society 所建之 Housing Scheme 同是一體（前朝的官員也是這樣的觀點），請看附上有關 GBHS 及 Coopts Society 建造之 Housing Scheme 完全不同的分析，二者無論是從獲地形式，建造發展過程和購買方法，貸款條件完全不同。Housing Scheme 是根據 Secretary Temporary Circular No. 74 dd 10th December, 1952 及 Secretary Standing Circular No. 9 dd 11th June, 1956 由公務員自己組織了 Coopts Society 而興建。詳情已清楚地記載在上述兩份 Circular 之內。在那兩份 Circular，多次講述，Housing Scheme 的地是以市值 50% 批地給與，而 GBHS 則是由政府授權 The Colonial Treasurer Incorporated 作為發展商，發展龍翔苑 (Lung Cheung Court) 及康利苑 (Hong Lee Court) 以分期付款方式售與合資格之本地公務員，情形與 Housing Scheme 炯然不同。發展

GBHS 以分期付款形式售與公務員及招售詳情見 Establishment Circular 69/68 dd 30.11.1968. 在此通告中, Para 3 說是以分期付款方式售給合資格之公務員, Para 7 列明不同大小單位之售價及明確顯示該售價是包括了地價和行政費用在內. 此 Circular 並沒有說這地價是只是部份款項, 而付款方式亦沒有說將來有補地價的需要. 於是我們根據 Circular 所示申請購買龍翔苑的單位. 成功申請者並繳付首期落實. 而發展局的覆函說道於 1969 年 6 月 13 日有高官團 Expatriate Officer, 包括 D8 之 Akers-Jones 及兩名 A.S. 與七位成功的申請者講話說道售價中之地價只是當時市價之 1/3. 但卻沒有講將來或何時要補繳交這筆不足之地價和方法. 而在會議後之兩個星期 (27.6.1969), Land Lease 才正式發出, 只說道該天港英政府是以 HK\$3,082,740.00 將 LCC 的地包括附近的山坡售給 The Colonial Treasurer Incorporated 來發展 LCC 給合資格的公務員購買, Lease 之中沒有說購買價只是市價之 1/3, 亦沒有說將來要補地價和假如要補的話, 要怎樣補的方法. 要知道當時我們一群申請者, 職位低微, 最高不超過 MP 14, 與參與會面之外籍高官 D8 比, 懸殊得很, 根本沒有 “the relative strength of the bargaining positions” with those high rank expatriate officers 來和港英政府高官爭辯其不是之處, 因為在招請我們購買 LCC 的 Circular 中, 並沒有說地價 1/3 的條款, 亦沒有說將來要補地價和如要補地價, 應該要如何補法. 這些後加的口頭 Information, 已是 unconscionable contract. 更加上兩星期

後的 lease 又沒有將 Akers-Jones 們的說話加進在內, 後來要我們 LCC 的業主要補交地價的指令, 根本就沒有理由. 鈞座是土地測量專業的專家, 應該明白這道理吧. 1984 年中英談判香港主權塵埃落定之後, 1985 年 11 月 25 日 Secretary for the Civil Service 發出公函說道港英政府的 Executive Council 決定除了 Wah Yuen Chuen 及 Shatin Lodge, 所有 Coopts Society 所建之 Housing Scheme 及 GBHS 必須跟指令的計算方式來補地價, 而 Housing Scheme 與 GBHS 的計算公式完全相同. 此乃一條由上而下的指令, 並不容許下級反對, 完全是英人統治殖民地的霸道手法, 已經違反了 Cap 458 Unconscionable Contract Ordinance, 正式是只許州官放火, 不許百姓點燈. 而且, 此指引却是在事情發生後 16 年後才頒佈, 霸王硬上弓, 這些殖民地行政手法, 相信鈞座也不會認同, 加上 GBHS 與 Coopts 之 Housing Scheme 是兩個完全不同的產物, 殖民地政府要我們用同一條件補地價的指引, 十分不合理. 到 2002 年時, 當時之 DLO/Kowloon East 為了邀功, 將此不合理的補地價條款以 Letter of Lease Modification 用自己職位名義簽署和登記, 強迫我們 LCC 的已屆耆耄之年的退休公務員遵守, 並沒有經特區政府之行政會及立法會來再審核 1985 年之指令的合理性和合法性. 加上如此影響重大的更改 Lease Condition 並不是一個小小部門的主管有資格簽署的. 在後來執行此 Letter of Lease Modification 時, 地政署初時用 Lower Bound 的數字來執行補地價的數目, 近年却大幅飆升, 用 Upper

Bound 的数字收取, 時價不同, 仿如在市場售賣海鮮情況一樣. 另
一点令我們担心者, 根據 Akers-Jones 在 13.06.1969 的講話, 原
來 LCC 在 1969 年四月已得到 Occupation Permit, 但此時 LCC
之 Lease 仍未有, 此 Permit 之有效性及樓宇之安全性成疑. 鈞
座任職不久, 在山頂大宅之花園只建造一個小小花棚作為休憩之
所, 竟被有關部門視為違法, 大事張揚公佈, 下令拆除. 而对前朝
政府所做之違法之事却視若無睹, 噤若寒蟬. 真不可思異.

我等特懇請 鈞座與特區之行政會及立法會檢討 1985
年前朝頒佈之苛政的合理性和合法性. 还我們一個公道. 謝謝.

GBHS 龍翔苑全体耆耄退休公務員上

聯絡人 董樹成

Shu-sling Jung

Date: 30/Apr/2015

[Redacted]

[Redacted]

副本寄:

[Redacted]

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文件五

Petition from GBHS, Lung Cheung Court residents

Sunday, May 10, 2015 3:45 PM

From: "Henry Tung" <[REDACTED]>

To: "CE O" <ceo@ceo.gov.hk>

Cc: [REDACTED]
[REDACTED]
[REDACTED]

Dear CEO Hon Dr. C.Y. Leung,

On 30th April, 2015, we had lodged a petition to your Honour for protesting the unreasonable charge of Land Premium on GBHS Lung Cheung Court set by the previous Colonial Government and the current relevant officer blindly to follow such imposition on us. The former Colonial Government did a lot of mistakes in administering this scheme. In our petition to your Honour previously, it has been pointed it out explicitly, and we now sum up the main points of our petition as follows:

Our grounds of petition are:

1. EC No.69/68 dd 30.11.68 (the invitation Circular to local Civil Servants for application to purchase the flats under GBHS by instalments) clearly stated that the selling price of GBHS to Civil Servants by instalments does include the land cost. And no requirement of any arrears land premium to be paid in the future is stipulated.
2. Some blocks in the scheme already started construction before a formal land lease was finalised on 27.06.1969. Our question is how can a permit for construction be issued without a valid land lease? Is it an illegal construction when the construction development was started?
3. Occupation permit for those blocks had been issued in April, 1969 before a valid land lease was available in June, 1969, and the then B.O.O dared to issue such certification saying the construction did comply with the lease condition. Is this occupation permit a valid document? And also that some civil servants applied for purchasing the flats successfully had paid the down payment already by that time, does the sale comply with the Cap 26 Sale of Goods Ordinance and other Protection of Consumers Ordinance?
4. The later land lease issued on 27 June, 1969 did not say the land cost paid by The Colonial Treasurer Incorporated to acquire the land from Lands Department was a partly pay of the land cost, and that it does not say any about there would be an arrears of land premium to be paid in the future either.
5. The CSR circular issued later in 1985 (signed by Wong Sing Wah) listing the terms of land premium payment for both Housing Schemes and GBHS are the same and the circular/regulation is a "one side from top to low instruction" and is an unconscionable contract (similar to Nanking Treaty). And the Scheme purchasers had no opportunity to object or argue. Furthermore, the purchase of GBHS flats is entirely different with that for the development of the Coops Society Housing Schemes, why the same terms of payment of land premium is applied to GBHS purchasers?
6. In 2002, the then DLO/Kowloon East used his personal officer title to sign a letter of lease modification incorporated Wong Sing Wah's circular forcing LCC to abide with. Such action had not been discussed and approved by both Exco and Legco of SAR Government. Furthermore, according to Govt. correspondence procedure, such important document, it should be signed and issued by the Head of Department rather than by an officer whose grade is below D3. Apparently it is not the opinion of the head of the policy maker.

From the above, it would appear the then Colonial Government administration does commit serious mistakes to have violated Cap 26 Sale of Goods Ordinance as well as other Protection of Consumers Ordinance and in particular Cap 458 Unconscionable Ordinance plus to use the Colonial way to administer which are totally unlawful and unacceptable. The SAR Government has the duty to rectify it now. We beg therefore your Honour to rule that the imposition of land premium payment on GBHS Lung Cheung Court is invalid. Thank you in anticipation.

Residents of GBHS, Lung Cheung Court, (we are all retired Civil Servants for over at least 15 years)
Concensor: TUNG Shu-shing