THE HONG KONG HOUSING AUTHORITY

Memorandum for the Rental Housing Committee

Matters Arising from the Minutes of the Meeting held on 18 May 2000

Paragraph

Any Other Business

31 On receiving the judgement, the Chairman and two members of the Appeal Panel, the representative of the Housing Bureau and the Committees’ Secretary of the Housing Authority discussed with the solicitor and counsel acting on behalf of the Panel on whether an appeal should be lodged.

The judge had ruled against the Housing Authority on the ground that the Appeal Tribunal had committed a legal error in its hearing. The Panel, however, held that it was unreasonable to require the Tribunal to examine any case from a legal point of view because the Tribunal was not established for such purpose. It was maintained that the decision of the Tribunal, be it erroneous, should not be overruled, unless it was proved extremely unreasonable.

The counsel had re-examined the judgement but had reservation about the chance of an appeal. In view of the far-reaching effect of the judgment on the operation of the Panel, he recommended that further legal advice should be sought.

Considering the impact of the case on similar panels, the Department of Justice agreed that the Panel should seek further legal advice.

The case had already been passed to a Senior Counsel for further legal advice on whether an appeal should be lodged.

Ref. : HA/COM/30/2 II
Date : 17 July 2000