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29 November 2004
Urgent By Fax: 2545 5000

Hon Albert Jinghan CHENG
Room 420, West Wing
Central Government Offices
Hong Kong

Dear Mr CHENG

Application for permission to move motion for adjournment of Council

You submitted to me a letter today, asking for my permission to move, at the Legislative Council meeting on 1 December 2004, between Hon CHOY So-yuk's proposed resolution under the Interpretation and General Clauses Ordinance and Hon Audrey EU's motion on "Implementing small class teaching", a motion for the adjournment of the Council for the purpose of enabling Members, "having regard to the Administration's and the Housing Authority's disregard for the motion passed by the Panel on Housing of this Council at its special meeting on 22 November this year that the Housing Authority should put the listing arrangements for The Real Estate Investment Trust ('The Link REIT') on hold until a consensus has been reached between The Link Management and the commercial tenants, to debate and express opinions on the listing and public offering arrangements, evaluation of assets and all matters relating to the divestment of retail and car-parking facilities in public rental housing estates in respect of The Link REIT."

Rule 16(2) of the Rules of Procedure ("RoP") provides that permission may be granted for moving the motion if the President is satisfied that the adjournment is for the purpose of discussing a specific issue of urgent public importance.

After consideration, I am of the opinion that the issues you raised are of public importance as the divestment of the Housing Authority's retail and car-parking facilities through the Link REIT involves government assets of very substantial value. There is also urgency in the issues as the offering circulars of the Link REIT have been available for distribution since 25 November 2004, and public offering will commence on 6 December 2004. If the motion cannot be debated at the meeting on 1 December, Members will lose the opportunity to express views to the Government on the subject at Legislative Council meetings.

Based on the above reasons, I have decided to permit you to move, after Hon CHOY So-yuk's proposed resolution under the Interpretation and General Clauses Ordinance, a motion under Rule 16(2) of RoP that the Council do now adjourn for the purpose of debating the above issues you raised.

I have directed the Clerk to the Legislative Council to place this item on the Agenda for this meeting and to notify the Government that you wish to invite the relevant public officer(s) to attend the debate.

Yours sincerely

(Mrs Rita FAN)
President
Legislative Council