



地政總署總部
LANDS DEPARTMENT
HEADQUARTERS

電話 Tel: 2231 3000
圖文傳真 Fax: 2868 4707
電郵地址 Email: dol@landsd.gov.hk
本署檔號 Our Ref: (33) in LD 2/ST/ST/00 IV
來函檔號 Your Ref: CB(3)/PAC/R47

我們矢志努力不懈，提供盡善盡美的土地行政服務。
We strive to achieve excellence in land administration

香港北角濟華道三十三號北角政府合署二十樓
20/F., NORTH POINT GOVERNMENT OFFICES
333 JAVA ROAD, NORTH POINT, HONG KONG

網址 Web Site: www.info.gov.hk/landsd

Clerk, Public Accounts Committee
Legislative Council,
Legislative Council Building,
8 Jackson Road, Central,
Hong Kong
(Attn. : Ms. Miranda Hon)

By Fax & By Post

17 January 2007

Dear Madam,

**The Director of Audit's Report on the
result of value for money audits (Report No. 47)
Chapter 2 : Administration of short term tenancies**

I refer to your letter dated 10 January 2007 and wish to provide you with the following information : -

Para. 3

Further to section (i) in my reply to the Public Accounts Committee (PAC) dated 29 December 2006, the former Legal Advisory and Conveyancing Officer concerned has set out the considerations underlying her advice to the District Lands Office/Kwai Tsing on the case in January 2004 (copy attached). **Kindly note that the attachment is for sight of PAC members only and should neither be copied nor published for reasons already explained in my letter of 19 December 2006.**

I would apologize to the PAC for giving Members the impression that there were inconsistencies between the information provided at the hearing on 28 November 2006 and subsequent written replies to the PAC. I have replied to the PAC's questions on the basis of my understanding and recollection of the facts and history of the cases. It was not until the time of your letter of 21 December 2006 that I realised that the legal advice in question was provided by the Legal Advisory and Conveyancing Office of LandsD and not the Department of Justice.

I would submit that irrespective of who provided the legal advice, the difficulties that LandsD faced in managing car park short term tenancies (STTs) were real and, as explained to the PAC at the hearing and subsequent letters, LandsD has taken due action to protect Government's interests in specific cases, and is at the same time working on improving the administration of STTs.

Para. 4(a)

We have checked with the District Lands Officer/Shatin and noted that all the relevant documents and correspondence had already been provided to the PAC.

Para. 4(b)

During the period from June 2002 to July 2003 when Mr. Leung was District Lands Officer/Shatin, file records showed that he had conducted two site visits. One visit was made to Mr. Heung's premises and the other was in connection with an appeal on the rent review of another STT (not related to Mr. Heung).

Para. 5(a)

Messrs. Leung and Chan were contacted by telephone on 10 January 2007 by the District Lands Officer/Shatin and on 11 January 2007 by the Deputy Director/Specialist respectively. They were strongly advised to accede to PAC's requests. Access to our records and files on the case was offered to both gentlemen. Both informed us that they were very busy with their affairs and declined the PAC's request and Lands Department's offer.

Para. 5(b)

The letter dated 21 December 2006 to Mr. Chan was finally collected by him from the Post Office on 29 December 2006 after the first unsuccessful delivery by Post Office courier to his residence on 22 December 2006.


Para. 5(c)

The PAC letters enclosed with your letter of 10 January 2007 were dispatched by DHL and by post on the same day. According to DHL, both letters were not successfully delivered as nobody answered the door. Delivery by recorded post indicated that the letters were not claimed as of today.

— A Chinese translation of this letter is attached.

Should you have any query on the above, kindly contact Mr. Francis Ng, Deputy Director/Specialist at 2231 3133, for clarification.

Yours faithfully,

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(Patrick LAU)
Director of Lands

c.c. Director of Audit
Secy. for Financial Services and the Treasury (Attn : Mr. Martin Glass)

*Note by Clerk, PAC: *The attachment to this letter, which sets out the considerations of the former officer of the Legal Advisory and Conveyancing Office, not attached.*