

Hong Kong, 20 July 2008

Mrs. Carrie Lam
Secretary for Development
Development Bureau
8th Floor West Wing, Central Government Offices
11 Ice House Street, Central, Hong Kong
carrielam@devb.gov.hk

Re: Mega Tower Project

Dear Mrs. Lam,

The South China Morning Post (Rejecting Mega Tower is risky, July 19, 2008) reported that you expressed in the Legislative Council on July 18 the expectation that the Government may be sued if it does not grant or swap public property, a hill side piece of land, which Hopewell wants to profit from by converting it into the Mega Tower project. A project many people have objected to for good reason.

We note that the report says that you expect or fear legal action, not that you have been advised that such action would succeed. This appears wrong as a matter of law unless the Government has made broad and rash promises for the land grant or the zoning to Hopewell. Neither is the Government's usual practice.

Town plans change from time to time and zones with them. It is well-settled that there is no right in an owner to stop that change, even where he will lose valuable opportunities to develop as a result. Even then, planning permission alone does not give a right to develop on land regardless of lease conditions and, in this case, to be granted additional land. In the meantime, zoning made for the public good in that area does not suit the intended use and it is the very function of the Town Planning Board that if a scheme is not in the public interest, then the Board should not now rezone or relax to permit it, or be directed to do so.

Having made specific suggestions of possible legal action by Hopewell, we now request a public explanation exactly what has been promised by the Government to Hopewell, what conditions have been set, and when these promises were made with respect to this public property. We trust that the Government will give ourselves and the community at large ample sufficient time to respond before further promises or commitments are made to Hopewell in relation to the Mega Tower project.

Yours sincerely,



Paul Zimmerman
Founding Member

cc Chair and Members of the Legislative Council (via pi@legco.gov.hk)
cc Chair and Members of the Town Planning Board (via tpbpd@pland.gov.hk)
cc Kennedy Road Protection Group (via contact@kennedyroad.org)

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