

25th November, 2003

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專責委員會(2)文件編號 R43

SC(2) Paper No. R43

To: 1. First Star Development Limited
2. Hong Kong Housing Authority, The Government of the Hong Kong
Special Administrative Region
3. Department of Justice, The Government of the Hong Kong Special
Administrative Region

Dear Sirs,

**Mediation between First Star Development Ltd. V Hong Kong Housing
Authority and the Secretary for Justice**

I refer to the telephone conversation with Mr Gregory Payne of the Department of Justice of the Hong Kong Government on 24th November, 2003, in which I was given to understand that you had agreed to my appointment as mediator in the disputes, which are under litigation in High Court Action No. 2761 of 2003.

I would like to propose in general terms the following for the parties' consideration and agreement:

- 1 The venue for the mediation meeting.
- 2 The dates for the mediation meeting.
- 3 The parties' preparation before the mediation meeting.
- 4 the form of mediation agreement that I would like the parties to sign before the mediation meeting starts.

1 Venue

I would like the parties to consider using the Hong Kong International Arbitration Centre as the venue for the mediation meeting. I am of the view that 3 rooms are required, 1 as a general meeting room and 2 separate rooms for each party. Alternatively the parties may have other preference.

2 Dates

Date of preliminary meeting: 25th November, 2003

Date of mediation meeting: 8th to 10th December, 2003 (tentative)

3 Preparation

I would like each of the parties to prepare a two to four page case summary ("the Case Summary") giving me some details as to the background and issues of the case. I would be grateful if the Cases Summaries could be provided to me at least 3 days [or

other length of time according to the complexity of the case as suggested and agreed by the parties] before the first day of the mediation meeting.

I do not require the Case Summary to be exchanged as there does not appear to be any correlation between exchange and settlement. The parties may therefore prepare the case in a way which they are most comfortable with.

If there are any documents which either of the parties thinks is essential for me to read before the mediation meeting, they could be appended to the Case Summary. Please limit the appendices to no more than 10 pages.

The format for the mediation will be that on the day I will hold a joint session first and then speak to each of the parties in turn privately before we come together for another joint session. Before the first joint session I will need each party to confirm that they have full authority to settle. If this is likely to cause difficulty then I need to be told in advance.

The first joint session will begin with a short introduction from me and then presentations from each of the parties or their representatives.


4 The Mediation Agreement

Attached please find a copy of a mediation agreement for your perusal. There are details yet to be agreed but I trust that there will be no major difficulty for the information to be inserted. I would be grateful if you could let me have your suggestions, in particular, on the description of the issues in dispute.

I would also suggest that the Hong Kong International Arbitration Centre Mediation Rules to be amended to suit the particular circumstances of this case and be adopted for the purpose of this mediation. At present I do not have much detail of the background and substance of the case for the purpose of any amendment and perhaps this can be discussed during the preliminary meeting.

If either of the parties has any questions arising from this letter, please do not hesitate to let me know.

Yours faithfully,



LEUNG Hing Fung
HKIAC Accredited Mediator