

專責委員會(2)文件編號 S1

SC(2) Paper No. S1

The Incorporated Owners of Dragon Garden
龍園業主立案法團
c/o Management Office, Dragon Garden, 1 Chun Fai Terrace,
Tai Hang, Hong Kong

Ref : DG/1417/09

Date : 3 February 2009

By Fax (852 - 2537 1851 Total: [39] Pages) & By Post

Legislative Council
Legislative Council Building,
8 Jackson Road
Central
Hong Kong

Attn: Legislative Council Secretariat

Dear Sirs/Madam,

Re: Redevelopment at 9-12 Chun Fai Terrace, Tai Hang, Hong Kong

We are representing the Owners of Dragon Garden, 1 Chun Tai Terrace, Tai Hang, Hong Kong. The residents of Dragon Garden are greatly aggrieved that the Buildings Department may not have taken proper consideration and due process in approving the redevelopment plan at 9-12 Chun Fai Terrace and would hereby raise our serious concerns over the safety and health impact to the Dragon Garden Residents as well as nearby neighbours due to the redevelopment at 9-12 Chun Fai Terrace. We enclose our letters to the Buildings Department dated 6th January 2009 and to the Office of the Ombudsman dated 9th January 2009 for your information.

The approval for the redevelopment at 9-12 Chun Fai Terrace falls in the period when Mr. Leung Chin-man, the former Director of Buildings Department was in charge and the Owner/Developer of this site is New World Development Company Limited ("New World"). We would like to seek the Legislative Council to kindly look into this matter to ensure all approvals in regards to this redevelopment were in strict accordance to the buildings regulations and no mal-practice. Unless and until the Legislative Council is satisfied that the redevelopment plan at 9-12 Chun Fai Terrace are in strict compliance with the buildings regulations and the due process, the Legislative Council should exercise its power to enjoin the development of 9-12 Chun Fai Terrace forthwith so as to safeguard the interests of the residents of Dragon Garden.

Your special attention is drawn to the followings:

1. Buildings Department

Based on the attached announcement made by New World dated 30th September 2005, we understand that New World is the owner of 9-12 Chun Fai Terrace. The redevelopment plan of 9-12 Chun Fai Terrace was approved during the period when Mr Leung Chin-man was acting as Permanent Secretary for Housing, Planning and Lands (Housing) and Director of Housing. We have serious doubts as to the process of approving such building plan. We have not been given any opportunity to inspect the proposed plan or to make any representation and comments in respect of

the proposed plan taking into consideration the close proximity between the new redevelopment project and Dragon Garden as well as the possible excessive use of the Right of Way which is under our ownership.

It came to our notice that the development potential and plot ratio granted by the Buildings Department for the re-development of 9-12 Chun Fai Terrace might have contravened with the Buildings Planning regulations given it is an island site with none of the sides abutting any public streets nor streets of 4.5m (w). The only access the site is abutting would be the Right Of Way under the ownership of Dragon Garden. Hence the site should be an un-classified site to which the Class A development potential and plot ratio should not be applicable. The Buildings Department's approval of the site as a Class A site with 35 storeys high and 70 nos. of car parking spaces might not have been in compliance with the letter and the spirit of the regulations.

Despite it is under the jurisdiction of the Buildings Department to grant such approach for un-classified site, it is our concern that the decision of the Buildings Department was out of alignment with the 3 main principles of the Buildings Ordinance, Chapter 123 in which it clear states that Safety, Health and Public Interest are of the prime concerns when considering the approval of any development plans. It is our opinion that the Buildings Department did not fully assess the impacts and implication in granting this approval with the consideration of the 3 main principles stipulated under the Buildings Ordinance.

2. Traffic Impact

The existing run-in-out for Chun Fai Terrace is now serving (a) 19, Tai Hang Road, "The Avalon" of about 56 nos. of residents, (b) 1 Chun Fai Terrace, "Dragon Garden" of about 80 nos. of residents plus (c) the previous development of Villa Splendor of about 12 nos. of residents. The proposed redevelopment at 9-12 Chun Fai Terrace will increase the traffic capacity by at least 50 nos. of residential units, and hence occupants. It is in our opinion with our daily usage that this will be causing lots of potential traffic accidents and or hazard to the users.

There are 3 developments using the same run-in-out, at maximum, 6 cars travelling in 2 different directions will result and causing not only traffic accidents at the run-in-out but also all pedestrian entering and exiting from the 3 developments. Any traffic accident at the run-in-out will inevitably cause serious impact and affect the smooth traffic on Tai Hang Road at this area.

The True Light Middle School is situated opposite to these 3 developments, and during school hours, there are taxis, private cars dropping off students either at the Public Refuse Collection Point layby or at the run-in-out. Again, this is a potential reason for causing some devastating accidents with school students.

The existing right-of-way access to 9-12 Chun Fai Terrace is via a narrow path which is less than 4.5m and not a public street. Entrance to Chun Fai Terrace is narrow, it has a hairpin bend (which has poor visibility) that is too narrow for cars travelling in opposite directions to navigate simultaneously, there is inadequate turning space at its junction with Tai Hang Road. At worse, it is running parallel with Tai Hang Road, hence per our attached swept path diagrams, future residents entering 9-12 Chun Fai Terrace via Tai Hang Road when they make a left turn will cause blockage to the other 2 properties using and sharing the same run-in-out. It is submitted that the junction of Chun Fai Terrace and Tai Hang Road is currently very dangerous to traffic and this dangerous situation would be exacerbated by the significant increase in traffic that would use that intersection if the proposed developments at 9-12 Chun Fai Terrace were allowed.

3. Safety

The Manuvering and Swept Path for access for Emergency Vehicle after our Traffic Engineers' studies as attached suggest that there is insufficient space for Fire Fighting Engine to turn left from Tai Hang Road into Chun Fai Terrace except downhill from Tai Hang Road. However, the nearest Fire Station to serve the property should be the one on Hennessy Road, Causeway Bay, which suggest Fire Fighting Engine would not have sufficient swept path space for fire rescue purpose.

Same comments shall also apply for the Loading and Unloading Access, the Refuse Collection Truck Access for the Residential Redevelopment.

The existing right of way is also acting as one of the Fire Escape Route for Dragon Garden and sharing the escape route with a 2 ways traffic pattern for the new redevelopment is also a potential safety hazardous for the residents of Dragon Garden

4. Health


Despite under the Buildings Planning Regulations, the new development may still satisfy the prescribed window requirements facing common boundaries, yet contrary to the spirit of the Buildings Ordinance, the new development, which will comprise of 35 storeys, is designed as a solid screen wall at very close proximity to Dragon Garden with their back of house facing the front of house areas with all the potential spread of smell and undesirable germs cannot be avoid.

We shall be grateful if the Legislative Council could investigate the matter on an urgent basis to see if due and fair process has been satisfied in approving the proposed plan by the Buildings Department and other governmental departments. We submit that unless and until the Legislative Council is satisfied that the redevelopment plan at 9-12 Chun Fai Terrace are in strict compliance with the buildings regulations and the due process, the Legislative Council should exercise its power to enjoin the development of 9-12 Chun Fai Terrace forthwith so as to safeguard the interests of the residents of Dragon Garden.

Please kindly follow up our concerns stated above. The IO committee together with the individual owners are free to join you for any ad hoc meeting in order to resolve the issues and clarify all the concerns. Should you have any query, please contact Mr Joe Chau of Protech Property Management Limited, our property manager, on 2519 6557.

Thank you very much for your consideration.

Yours faithfully
For and on behalf of
The Incorporated Owners of Dragon Garden



Wan Kai Ping
Chairman

cc Protech Property Management Ltd – Mr Joe Chau
Legislative Council – Select Committee to Inquire into Matters relating to the Post-service Employment of Mr LEUNG Chin-man (3rd Floor, Citibank Tower, 3 Garden Road, Hong Kong)
Legislative Council – Housing Committee (3rd Floor, Citibank Tower, 3 Garden Road, Hong Kong)

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新世界發展有限公司

New World Development Company Limited

(Incorporated in Hong Kong with limited liability)

(stock code : 0017)

CONNECTED TRANSACTION ANNOUNCEMENT

On 29 September 2005, the Company and the Purchaser, a direct wholly-owned subsidiary of the Company, entered into the Agreement with the Vendor and the Guarantors whereby the Vendor conditionally agreed to sell and the Purchaser conditionally agreed to purchase the Sale Shares and the Sale Loan at the Consideration of HK\$614,600,000 (subject to adjustments) upon the terms and conditions therein contained.

The Vendor is beneficially and substantially owned by Yeung Sai Hong, who is a substantial shareholder and a director of certain non-wholly owned subsidiaries of the Company. Accordingly, the Transaction constitutes a connected transaction for the Company under Chapter 14A of the Listing Rules and is subject to the reporting and announcement requirements set out in Rules 14A.45 to 14A.47 of the Listing Rules but is exempt from the independent shareholders' approval requirement, given that all of the percentage ratios under Rule 14.07 of the Listing Rules are less than 2.5%.

THE AGREEMENT

Date

29 September 2005

Parties

Vendor: Winteam Holdings Limited, an investment holding company incorporated in the British Virgin Islands and is beneficially and substantially owned by the Guarantors

Guarantors: Yeung Sai Hong and Yeung Kwok Sang as the Vendor's guarantors

Purchaser: Melowell Investment Limited, a wholly-owned subsidiary of the Company

Purchaser's guarantor: the Company

Assets to be acquired

- (1) Sale Shares, representing 70% of the entire issued share capital of China Step, to be sold free from all encumbrances.

- (2) Sale Loan, being 70% of all amounts, including principal and interest, owing by China Step to the Vendor and/or its nominee as at Completion, to be assigned free from all encumbrances.

Consideration

HK\$614,600,000, subject to adjustments as provided for in the Agreement, of which:

- (1) the consideration of the Sale Shares is the difference between the Consideration and the Loan Consideration and in case the Sale Loan exceeds the Consideration, US\$70 (or equivalent to about HK\$546); and
- (2) the Loan Consideration is an amount equivalent to the Sale Loan, and in case the Sale Loan exceeds the Consideration, the amount equivalent to the Consideration less US\$70 (or equivalent to about HK\$546).

Payment terms

The Consideration shall be payable by the Purchaser to the Vendor in cash in the following manner:

- (1) a deposit in the sum of HK\$122,920,000 has been paid upon the signing of the Agreement; and
- (2) the balance of the Consideration (subject to adjustments as provided for in the Agreement) shall be paid upon Completion.

Conditions precedent

Completion shall be subject to, inter alia, the following conditions:

- (1) the Vendor having proved, given and shown a good title to the Properties in accordance with Section 13 of the Conveyancing and Properties Ordinance (Chapter 219 of the Laws of Hong Kong);
- (2) the Purchaser being satisfied with its due diligence review of the legal and financial affairs of the China Step Group at least 7 days before the date of Completion; and
- (3) the representations, warranties and undertakings given by the Vendor as set out in the Agreement remaining true and accurate in all respects and not misleading in any respect as at the date of Completion.

The Purchaser may waive any of the conditions at any time before Completion by notice in writing to the Vendor, and such waiver may be subject to such terms and conditions as determined by the Purchaser.

If any of the conditions has not been fulfilled (or waived by the Purchaser) on or before 25 November 2005 or such later date as the Vendor and the Purchaser may agree in writing, the Purchaser may rescind the Agreement by giving written notice thereof to the Vendor whereupon the provisions of the Agreement shall from such date have no further force and effect and no party shall have any liability under them (without prejudice to the rights of the parties in respect of any antecedent breaches and provided that the said deposit of HK\$122,920,000 shall be returned to the Purchaser forthwith).

Completion

Completion will take place on or before 25 November 2005.

BASIS OF DETERMINING CONSIDERATION

The Consideration has been arrived at after arm's length negotiation between the parties after taking into account a number of factors including, among other things, the current market value of the properties in the same area of the Properties and the parties' estimated market value and future development potential of the

Land, and is on normal commercial terms. The Directors, including the independent non-executive Directors, believe that the terms of the Transaction including the Consideration are fair and reasonable and are in the interest of the Company and its shareholders as a whole.

The Consideration will be financed by the Company's internal resources.

INFORMATION ON THE CHINA STEP GROUP

China Step was incorporated in the British Virgin Islands on 6 July 2005 and, as at the date hereof, is wholly-owned by the Vendor. After Completion, China Step will be owned as to 30% by the Vendor and 70% by the Purchaser. The China Step Group is principally engaged in the investment, holding and development of the Land. The China Step Group is the registered owner of the Owned Properties and has entered into property purchase agreements for the acquisition of the Other Properties. Since China Step was only incorporated on 6 July 2005, no profit and loss account for the past two years is available. Based on the financial statements of China Step provided by the Vendor, as at 23 September 2005, the unaudited consolidated total asset value and the unaudited consolidated net asset value (excluding the loan owing to its shareholder or its nominee) of China Step were approximately HK\$182 million and approximately HK\$93 million respectively, and the loan advanced by its shareholder or its nominee to China Step was about HK\$93 million. The original costs of purchase of the Owned Properties was about HK\$146.5 million and the Owned Properties were acquired by the subsidiaries of China Step from January 2005 to April 2005.

Upon Completion, the Purchaser and the Company will enter into the Shareholders' Agreement with the Vendor and the Guarantors to regulate their respective rights and obligations in relation to the China Step Group. The Purchaser and the Vendor shall have the right to nominate 4 and 2 representatives respectively to the board of directors of China Step. All investment amounts to be made by the China Step Group for the development of the Land will be financed by external loans to be arranged by the China Step Group. As at the date hereof, the investment amounts are not certain as the development plan of the Land has not yet been finalised.

INFORMATION OF THE PROPERTIES

The Properties are located in Villa Splendor, Nos. 9-12 Chun Fai Terrace, Hong Kong and are for residential use. The site area of the Land is about 1,193 square metres and the saleable area of the Owned Properties is about 1,432 square metres. It is the intention of the China Step Group that after its acquisition of the Remaining Unit, the China Step Group will, subject to all relevant approvals being obtained, proceed to redevelop the Land by building and constructing a new residential development thereon.

The book value of the Owned Properties as at 23 September 2005 was approximately HK\$146.5 million. No valuation of the Land and/or the Properties has been conducted on behalf of the Purchaser.

REASONS FOR THE TRANSACTION

Property investment and development is one of the core businesses of the NWD Group. The acquisition of 70% interest in China Step which owns the Owned Properties and, subject to completion of the property purchase agreements, the Other Properties is consistent with the core business of the NWD Group. The Directors, including the independent non-executive Directors, considered that the Transaction which is on normal commercial terms would enable the NWD Group to replenish its landbank for future development on normal commercial terms and is in the interest of the NWD Group.

GENERAL

The NWD Group is principally engaged in property development, property investments, hotel and infrastructure investments, services, telecommunications and technology business.

The Vendor is beneficially and substantially owned by Yeung Sai Hong, who is a substantial shareholder and a director of certain non-wholly owned subsidiaries of the Company. Accordingly, the Transaction constitutes a connected transaction for the Company under Chapter 14A of the Listing Rules and is subject to the reporting and announcement requirements set out in Rules 14A.45 to 14A.47 of the Listing Rules but is exempt from the independent shareholders' approval requirement, given that all of the percentage ratios under Rule 14.07 of the Listing Rules are less than 2.5%.

DEFINITION

"Agreement"	the conditional agreement for sale and purchase of the Sale Shares and the Sale Loan dated 29 September 2005 made between the Vendor, the Guarantors, the Purchaser and the Company
"China Step"	China Step Limited, a company incorporated in the British Virgin Islands and is a wholly-owned subsidiary of the Vendor as at the date of the Agreement
"China Step Group"	China Step and its subsidiaries
"Company"	New World Development Company Limited, the shares of which are listed on the main board of the Stock Exchange
"Completion"	completion of the Agreement in accordance with its terms
"Consideration"	HK\$614,600,000 (subject to adjustments as provided for in the Agreement), being the aggregate consideration payable by the Purchaser to the Vendor for the acquisition of the Sale Shares and the Sale Loan
"Directors"	the directors of the Company
"Estate"	Villa Splendor, Nos. 9-12 Chun Fai Terrace, Hong Kong
"Guarantors"	Yeung Sai Hong and Yeung Kwok Sang
"Land"	all that piece or parcel of ground registered in the Land Registry as Section A of Inland Lot No. 3565, on which the Properties are situated
"Listing Rules"	the Rules Governing the Listing of Securities on the Stock Exchange
"Loan Consideration"	an amount equivalent to the Sale Loan, and in case the Sale Loan exceeds the Consideration, the amount equivalent to the Consideration less US\$70 (or equivalent to about HK\$546)
"NWD Group"	the Company and its subsidiaries
"Other Properties"	Ground Floor of Block 3, 2nd Floor of Block 4 and Parking Spaces Nos. 5 and 8 of the Estate
"Owned Properties"	1st Floor and 2nd Floor of Block 1, Ground Floor, 1st Floor and 2nd Floor of Block 2, 1st Floor and 2nd Floor of Block 3, Ground Floor and 1st Floor of Block 4 and Parking Spaces Nos. 1, 2, 3, 6, 7, 10, 12 and 13 of the Estate
"Properties"	the Owned Properties and the Other Properties

"Purchaser"	Melowell Investment Limited, a company incorporated in the British Virgin Islands and is a wholly-owned subsidiary of the Company
"Remaining Unit"	Ground Floor of Block 1 and Parking Space No. 14 of the Estate
"Sale Loan"	being 70% of all amounts, including principal and interest, owing by China Step to the Vendor and/or its nominee as at Completion
"Sale Shares"	70% of the entire issued share capital of China Step
"Shareholders' Agreement"	the agreement to be signed between, inter alia, the Vendor and the Purchaser in relation to the China Step Group upon Completion
"Stock Exchange"	The Stock Exchange of Hong Kong Limited
"Transaction"	the acquisition of the Sale Shares and the Sale Loan by the Purchaser from the Vendor pursuant to the Agreement and the performance of the transactions contemplated under the Agreement
"Vendor"	Winteam Holdings Limited, a private limited company incorporated in the British Virgin Islands and is beneficially and substantially owned by the Guarantors

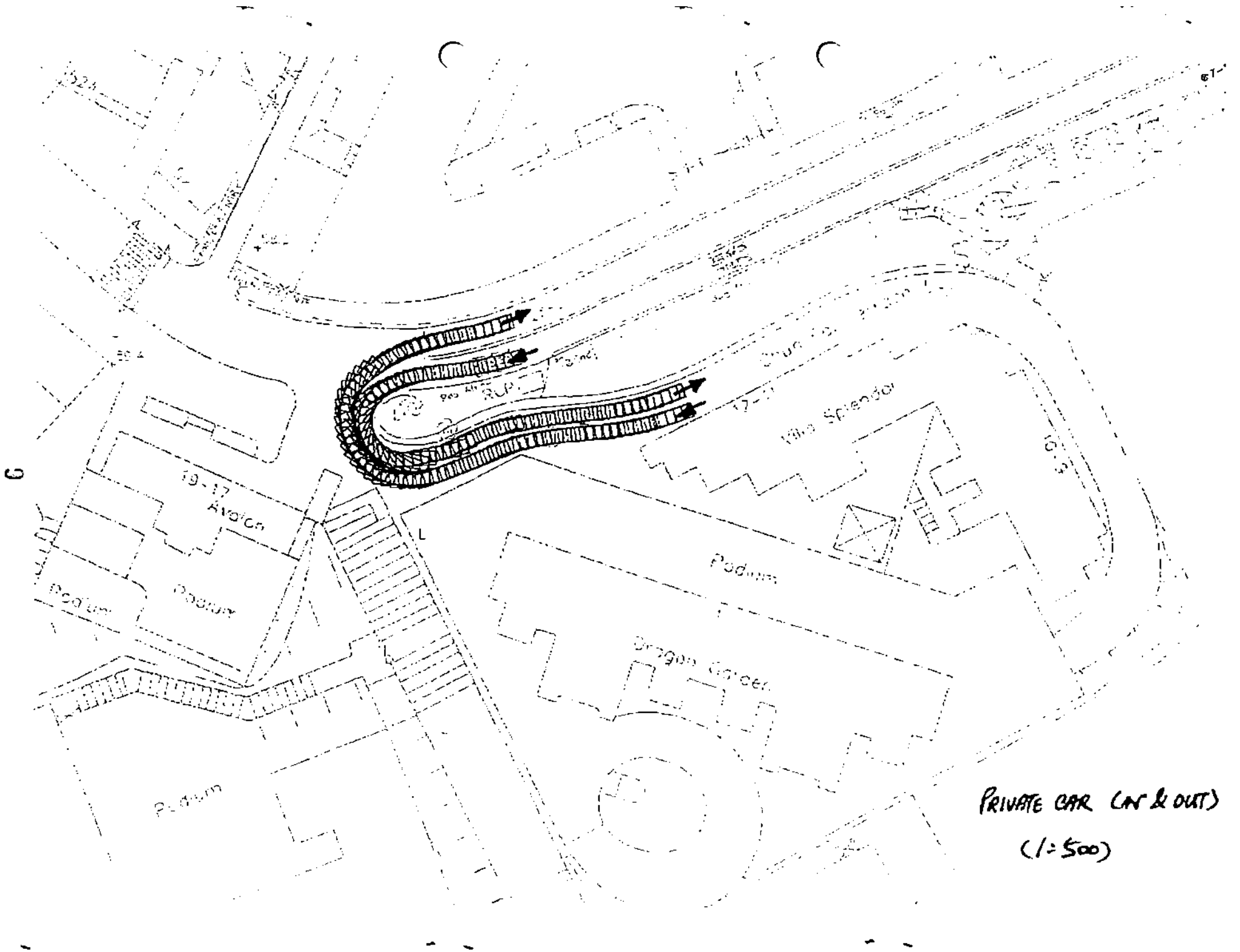
Translation of United States dollars into Hong Kong dollars is based on the exchange rate of US\$1 to HK\$7.80.

By Order of the Board of
New World Development Company Limited
Leung Chi-Kin, Stewart
Company Secretary

Hong Kong, 30 September 2005

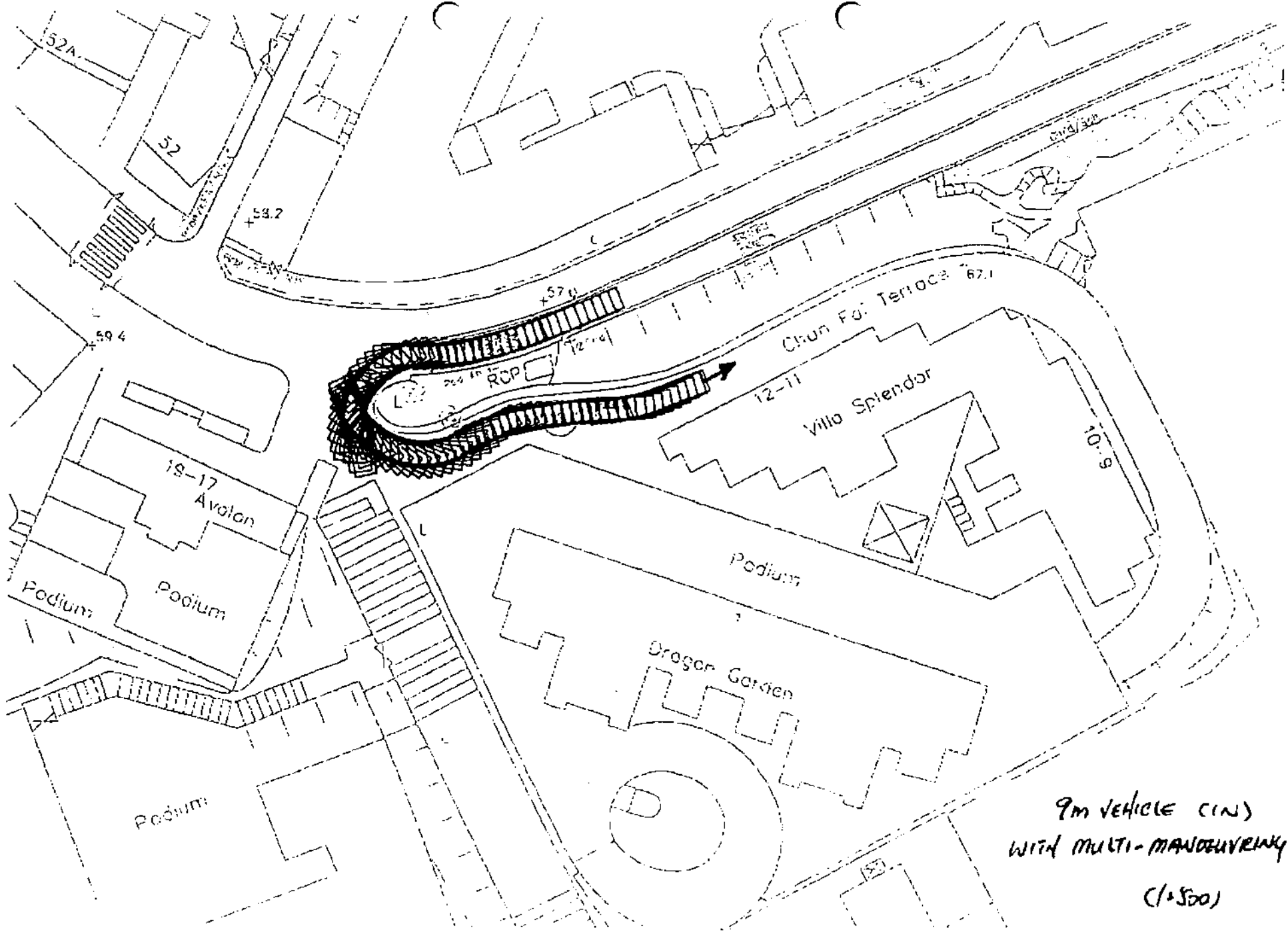
As at the date of this announcement, (a) the executive Directors are Dato' Dr. Cheng Yu-tung, Dr. Cheng Kar-shun, Henry, Dr. Sin Wai-kin, David, Messrs. Liang Chung-hou, David and Leung Chi-kin, Stewart; (b) the non-executive Directors are Messrs. Cheng Yue-pui, Cheng Kar-shing, Peter, Chow Kwai-cheung, Ho Hau-hay, Hamilton and Liang Cheung-bin, Thomas, and (c) the independent non-executive Directors are Lord Sandberg, Michael, Mr. Yeung Ping-leung, Howard, Dr. Cha Mou-sing, Payson (alternate director to Dr. Cha Mou-sing, Payson, Mr. Cha Mou-zing, Victor) and Mr. Lee Luen-wai, John.

Please also refer to the published version of this announcement in (The Standard)



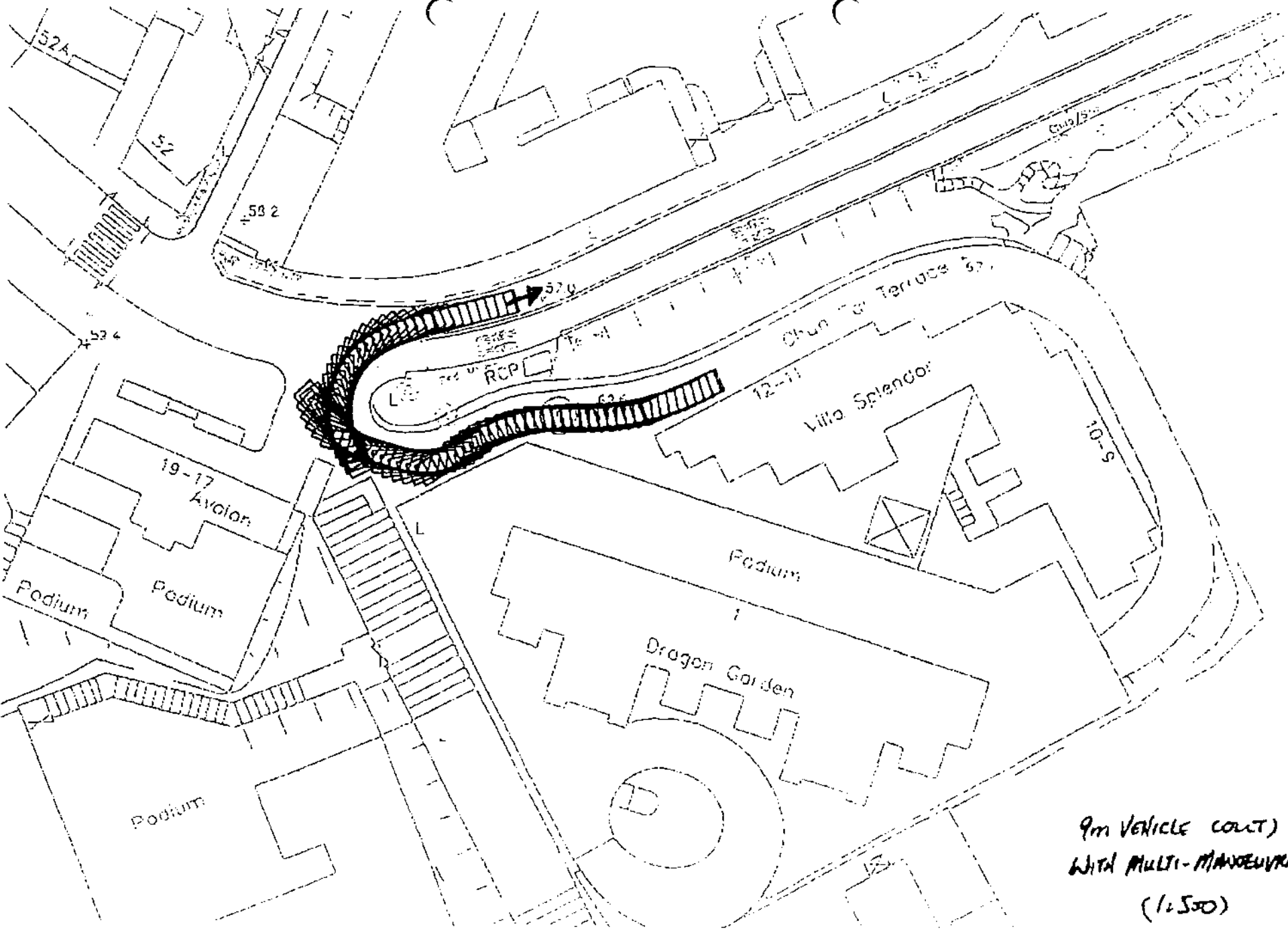
PRIVATE CAR (IN & OUT)
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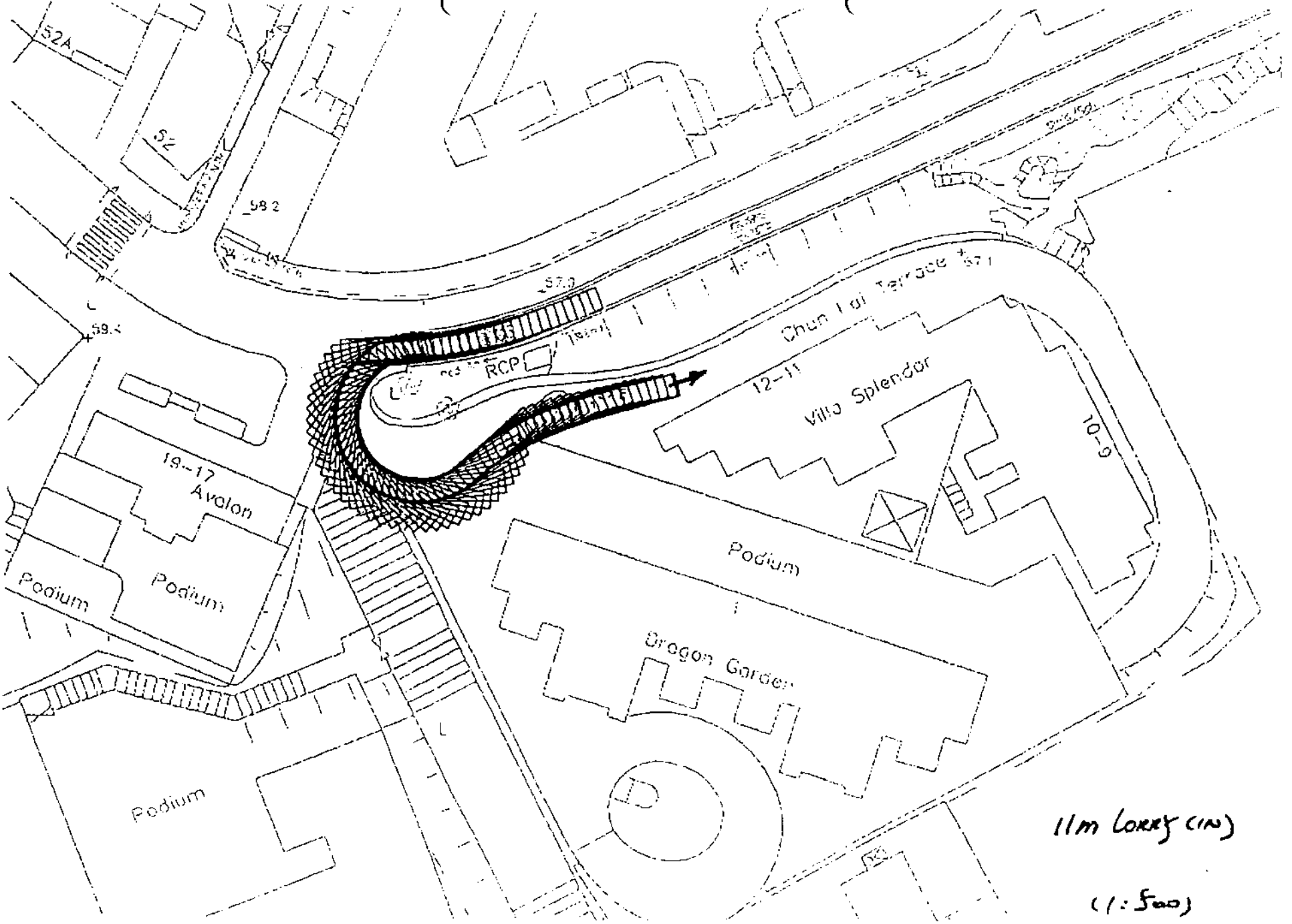
9m VEHICLE (IN)
 WITH MULTI-MANOEUVRING
 (1:500)

II

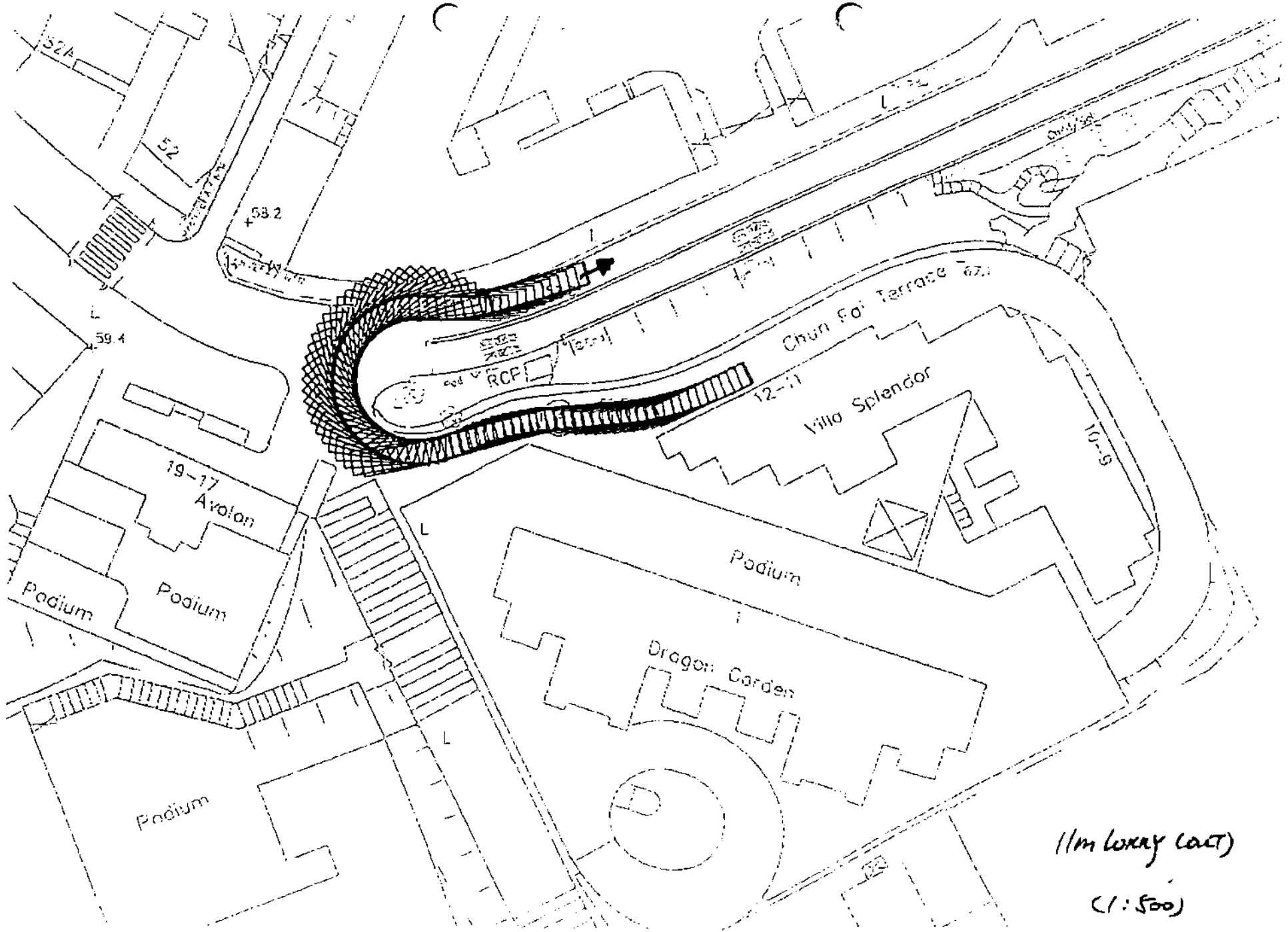


9m VEHICLE COLT)
 WITH MULTI-MANOEUVRING
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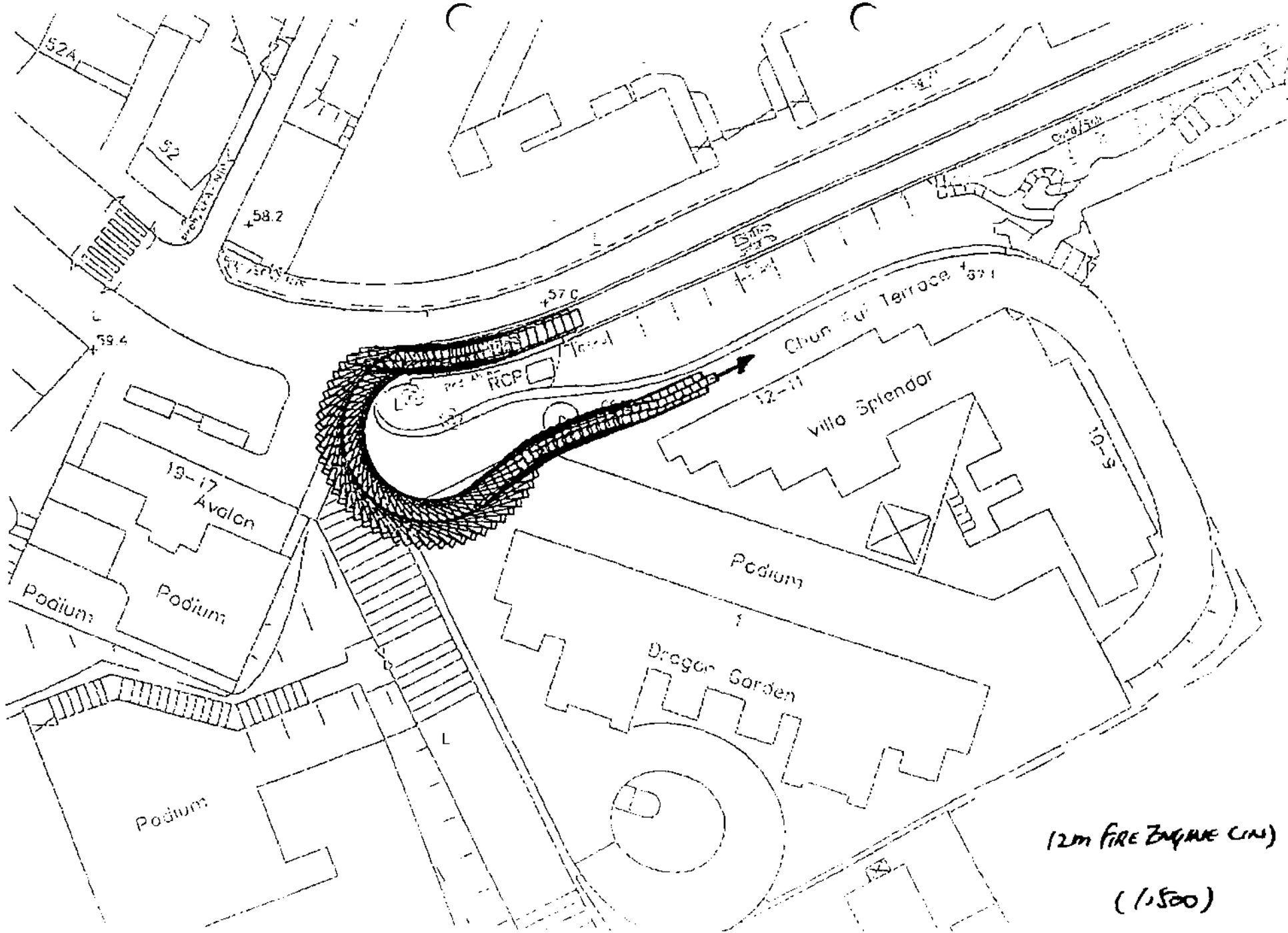
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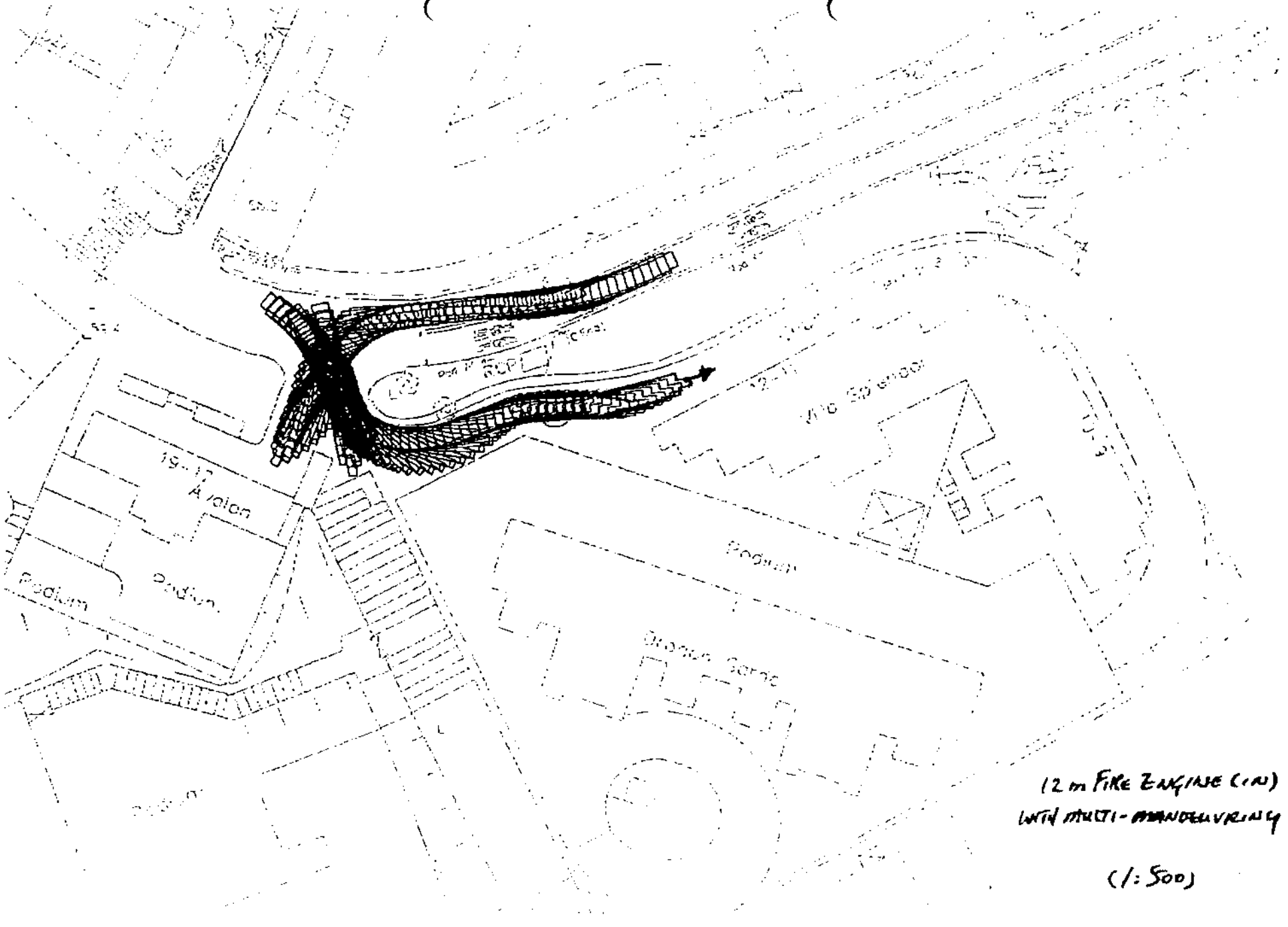


1/1m luxury (act)
(1:500)



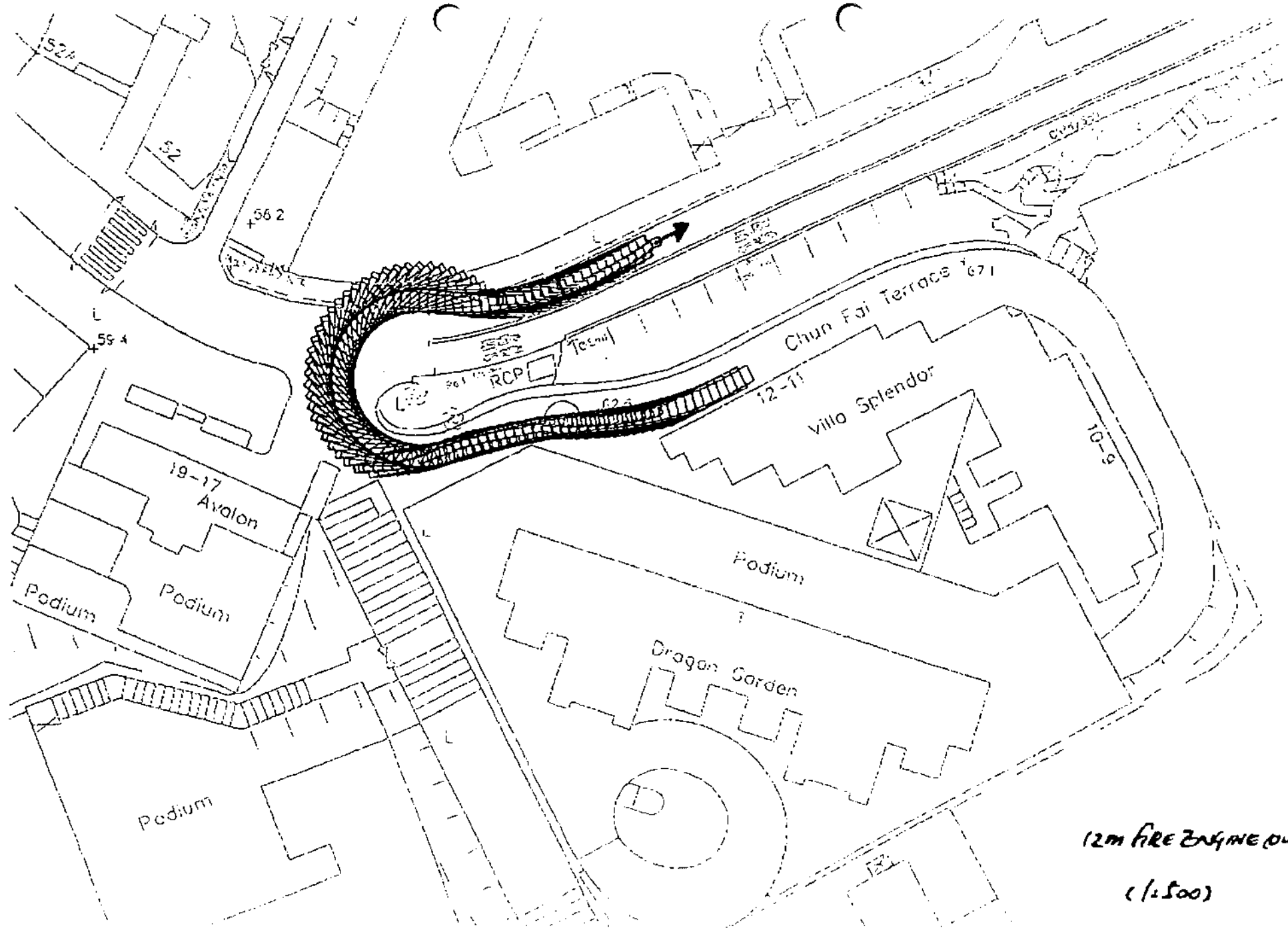
12m FIRE ENGINE C/L
 (1,500)

SI



12m FIRE ENGINE (IN)
 WITH MULTI-MANDELIVERING
 (1:500)

13



12m FIRE ENGINE (OUT)
(1:500)

The Incorporated Owners of Dragon Garden

龍園業主立案法團

Ref : DG/1391/09

Date : 6 January 2009

By Fax (2524 3291 Total: 2 Pages) & By Post

Buildings Department
12/F Pioneer Centre
750 Nathan Road
Kowloon

Attn: Director of the Buildings Department

Dear Sirs/Madam,

Re: Redevelopment at Villa Splendor, Chun Fai Terrace, Tai Hang Road, Hong Kong

We representing the Owners of Dragon Garden and would hereby raise our serious concerns over the safety and health impact to the Dragon Garden Residents as well as near by neighbours due to the redevelopment at Villa Splendor.

Your special attention is drawn to the followings:

1. Traffic Impact

The existing run-in-out for Chun Fai Terrace is now serving 19, Tai Hang Road, "The Avalon" of about 56 nos. of residents, No.1- 4, Chun Fai Terrace, "Dragon Garden" of about 80 nos. of residents plus the previous development of Villa Splendor of about 20 nos. of residents. Now that the redevelopment of Villa Splendor increased the traffic capacity with an additional 20 to 30 nos. of residential units, and hence occupants. It is in our opinion with our daily usage that this will be causing lots of potential traffic accidents and or hazards to the users.

There are 3 developments using the same run-in-out, at maximum, 6 cars travelling in 2 different directions will result and causing not only traffic accidents at the run-in-out but also all pedestrian entering and exiting from the 3 developments. Any traffic accident at the run-in-out will inevitably causing impact and affect the smooth traffic on Tai Hang Road at this area.

The Truelight High School is situated opposite to these 3 developments, and during school hours, there are taxis, private cars dropping off students either at the Public Refuse Collection Point layby or at the Run-in-out. Again, this is a potential reasons for causing some devastating accidents with school kids.

The existing Public Refuse Collection Point should be removed completely as this is a very inappropriate location as it is at the turning along Tai Hang Road, right next to a very complicated and sub-standard run-in-out for the use of 3 high rise developments and opposite to a High School where the layby is wrongly used as drop off. Furthermore, the layby is not even designed to accommodate a Refuse Vehicle.

The existing right-of-way access to Villa Splendor is via a narrow path which is less than 4.5m and not a public street. At worse, it is running parallel with Tai Hang Road, hence per our attached swept path diagram, future residents entering Villa Splendor via Tai Hang Road when they make a left turn will cause blockage to the other 2 properties using and sharing the same run-in-out.

The Incorporated Owners of Dragon Garden

龍園業主立案法團

2. Safety

The Manuvering and Swept Path for access for Emergency Vehicle after our Traffic Engineers' studies as attached suggest that there is insufficient space for Fire Fighting Engine to turn left from Tai Hang Road into the new Villa Splendor redevelopment except downhill from Tai Hang Road. However, the nearest Fire Station to serve the property should be the one on Hennessy Road , Causeway Bay , which suggest Fire Fighting Engine would not have sufficient swept path space for fire rescue purpose.

Same comments for the Loading and Unloading Access, the Refuse Collection Truck Access for the Residential Redevelopment.

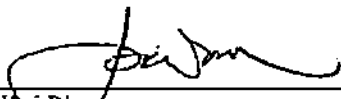
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3. Health

Despite under the Building Planning Regulations, the new development may still satisfy the prescribed window requirements facing common boundaries. However, contrary to the spirit of the Building Ordinance, the new development is designed as a solid screen wall at very close proximity to Dragon Garden with their back of house facing the front of house areas with all the potential spread of smell and undesirable germs cannot be avoid.

Please note that we are also writing to the Ombudsman and the Legislative Council in regards. Kindly let us have your clarification to our concerns, the IO committee together with the individual owners are free to join you for any ad hoc meeting in order to resolve the issues and clarify all the concerns.

Yours faithfully
For and on behalf of
The Incorporated Owners of Dragon Garden



Wan Kai Ping
Chairman

cc Protech Property Management Ltd - Mr Joe Chau

The Incorporated Owners of Dragon Garden
龍園業主立案法團
c/o Management Office, Dragon Garden, 1 Chun Fai Terrace,
Tai Hang, Hong Kong

Ref : DG/1398/09

Date : 9th January 2009

By Fax (852 - 2882 8149 Total: 6 Pages) & By Post

Office of the Ombudsman
30/F, China Merchants Tower,
Shun Tak Centre,
168-200 Connaught Road,
Hong Kong

Attn: Ms Alice Tai, the Ombudsman

Dear Sirs/Madam,

Re: Redevelopment at Villa Splendor, Chun Fai Terrace, Tai Hang, Hong Kong

We are representing the Owners of Dragon Garden, 1 Chun Tai Terrace, Tai Hang, Hong Kong. The residents of Dragon Garden are greatly aggrieved that the Buildings Department has not taken proper consideration and due process in approving the redevelopment plan at Villa Splendor and would hereby raise our serious concerns over the safety and health impact to the Dragon Garden Residents as well as nearby neighbours due to the redevelopment at Villa Splendor. We enclose our letter to the Buildings Department dated 6th January 2009 for your information.

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To: Office of the Ombudsman

Page 2

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3. Health

Despite under the Buildings Planning Regulations, the new development may still satisfy the prescribed window requirements facing common boundaries. However, contrary to the spirit of the Buildings Ordinance, the new development, which will comprise of 35 storeys, is designed as a solid screen wall at very close proximity to Dragon Garden with their back of house facing the front of house areas with all the potential spread of smell and undesirable germs cannot be avoid.

We have serious doubts as to the process of approving such building plan. We have not given any opportunity to inspect the proposed plan or to make any representation and comments in respect of the proposed plan taking into consideration the close proximity between the new redevelopment project and Dragon Garden. We shall be grateful if you could investigate the matter to see if due and fair process has been satisfied in approving the proposed plan by various governmental departments.

It came to our notice that the development potential and plot ratio for the re-development of Villa Splendor at Chun Fai Terrace, Tai Hang contravene with the Buildings Planning regulations given it is an island site with none of the sides abutting any public streets nor streets of 4.5m (w) the only access the site is abutting would be the Right Of Way under the ownership of Dragon Garden. Hence the site should be an un-classified site and should not be applicable with the Class A development potential and plot ratio, in which the Buildings Department approved it as a Class A site with 35 storeys high and 70 nos. of carparking spaces.

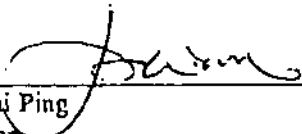
Despite it is the jurisdiction of the Buildings Department to grant such approach for un-classified site. The decision of the Buildings Department clearly contradict with the 3 main principles of the Building Ordinance, Chapter 123 in which it clear stated that Safety, Health and Public Interest are of the prime concerns when considering the approval of any development plans.

It is our opinion that the Buildings Department did not fully assess the impacts and implication in granting this approval with the consideration of the 3 main principles stipulated under the Building Ordinance.

Please kindly follow up our concerns stated above. The IO committee together with the individual owners are free to join you for any ad hoc meeting in order to resolve the issues and clarify all the concerns. Should you have any query, please contact Mr Joe Chau of Protech Property Management Limited, our property manager, on 2519 6557.

Thank you very much for your consideration.

Yours faithfully
For and on behalf of
The Incorporated Owners of Dragon Garden



Wan Kai Ping
Chairman

cc Protech Property Management Ltd – Mr Joe Chau



Office of The Ombudsman, Hong Kong
Complaint Form

Enquiry No : 2629 0555

Fax No : 2682 8149

Please read the Important notes overleaf and complete the following items

Name of Complainant (Mr/Mrs/Ms/Miss): The Incorporated Owners of Dragon Garden
(Note: The complainant, whether an individual or a body corporate, must be the aggrieved person. For a body corporate, an authorised representative must be appointed to act on its behalf. The authorization letter duly signed by the authorized person and stamped with the official chop of the corporate should be attached.)

*Correspondence Address: Management Office, Dragon Garden, 1 Chun Fai Terrace, Tai Hang, Hong Kong

Name of authorised representative : Mr. Wan Kai Ping
(for body corporate only)

Telephone No. *(Daytime Contact): [Redacted] (Residential): [Redacted]

Organisation(s) under Complaint: Buildings Department

Organisation(s) with which you have lodged this Complaint : Buildings Department

Details of the Complaint (Please describe the event and the injustice sustained as a result of maladministration of the organisation(s) concerned. Use additional sheets of paper, if necessary, and attach copies of relevant documents and correspondence exchanged with the organisation(s)) :

Please refer to the attached letter addressed to the Office of the Ombudsman

- 1. I/We understand the contents of the Important Notes overleaf.
 - 2. I/We consent to The Ombudsman's reproduction of this complaint form and any materials submitted, and the transfer of copies of such materials to other parties for the purpose of processing my/our complaint.
 - 3. I/We consent to The Ombudsman's obtaining my/our personal data or other information kept by other parties, that are considered relevant and necessary for the purpose of processing my/our complaint.
 - 4. I/We consent/object* to referral of my/our complaint to the concerned organisation(s) for a direct reply.
(Note: For some cases, referral to the organisation(s) under complaint for a direct reply may be the most appropriate and efficient way of resolving the matter. If we should decide to pursue your case and have your consent for referral, we would consider referring it to the organisation(s) concerned and ask for a copy of the reply to you. We shall then examine the reply for any follow-up action necessary. If the matter is not satisfactorily resolved, we shall intervene by asking for supplementary information and consider further investigation.)
- Date : 9 JAN 2009 Signature: [Signature]

* Delete as appropriate

Important Notes:

I. Any person who makes a false statement or misleads The Ombudsman or any other person in the exercise of her powers under the Ombudsman Ordinance commits an offence and is liable to a fine of \$10,000 and to imprisonment for 6 months.

II. The Ombudsman CAN investigate the following organisations in the exercise of their administrative functions:

1. All Government departments/agencies except the Independent Commission Against Corruption (ICAC), the Hong Kong Auxiliary Police Force, the Hong Kong Police Force, the Secretariat of the Independent Police Complaints Council and the Secretariat of the Public Service Commission
2. Airport Authority
3. Employees Retraining Board
4. Equal Opportunities Commission
5. Financial Reporting Council
6. Hong Kong Arts Development Council
7. Hong Kong Examinations and Assessment Authority
8. Hong Kong Housing Authority
9. Hong Kong Housing Society
10. Hong Kong Monetary Authority
11. Hong Kong Sports Institute Limited
12. Hospital Authority
13. Kowloon-Canton Railway Corporation
14. Legislative Council Secretariat
15. Mandatory Provident Fund Schemes Authority
16. Office of the Privacy Commissioner for Personal Data
17. Securities and Futures Commission
18. Urban Renewal Authority
19. Vocational Training Council
20. West Kowloon Cultural District Authority

The Ombudsman CAN investigate all Government departments/agencies including the ICAC, the Hong Kong Auxiliary Police Force, the Hong Kong Police Force, the Secretariat of the Independent Police Complaints Council and the Secretariat of the Public Service Commission in respect of complaints related to Code on Access to Information.

III. This complaint form and any materials submitted will become the property of this Office and will not be returned to the complainant.

IV. Personal data provided in connection with this complaint will only be used for investigation and if necessary, be transferred to the parties concerned for such purpose. This Office may not be able to process the complaint if the complainant refuses to provide such data. The complainant has a right to request access and correction in accordance with the Personal Data (Privacy) Ordinance and a fee may be charged for supplying copies of the information kept by the Office. Such request should be addressed to the Officer-in-charge, Complaints Registry of the Office of The Ombudsman, whose address is shown below. Please also quote your complaint case number.

The Ombudsman CANNOT investigate:

1. Actions by the ICAC, the Hong Kong Auxiliary Police Force, the Hong Kong Police Force, the Secretariat of the Independent Police Complaints Council and the Secretariat of the Public Service Commission except under Code on Access to Information.
2. Actions by departments/organisations not listed in the left hand column.
3. Complaints about policy, personnel matters or contractual/commercial transactions.
4. If the complaint is not made by the aggrieved himself or an authorized person acting on behalf body corporate.
5. If court proceedings have commenced in relation to the complaint, including any decision whether or not to prosecute any person for an offence.
6. Complaints about the imposition or variation of any condition of granting, extending or renewing any interest in Government land.
7. Actions taken in relation to the Hong Kong Codes on Takeovers and Mergers and Share Repurchases.
8. Expression of opinion/request for assistance that is not related to maladministration.

In general, The Ombudsman will also NOT investigate:

1. Actions which the complainant has had knowledge for more than two years.
2. Actions for which a complainant has a statutory right of appeal or objection or a remedy through the courts.
3. Complaints which are trivial, frivolous, vexatious or made in bad faith.