

HCA 2761/03  
PC/LC/37000/03  
2867 2045

2 September, 2003

Messrs. Cheung, Chan & Chung  
Unit 5505, 55<sup>th</sup> Floor  
Hopewell Centre  
183 Queen's Road East  
Wanchai, Hong Kong

**BY FAX (2845 3467)  
AND BY POST**

Att: Mr. Leo Cheng

Dear Sirs,

**HCA 2761/2003**  
**First Star Development Limited v The Hong Kong Housing Authority**  
**and The Secretary For Justice**

We refer to your letters of 27<sup>th</sup> August and 1<sup>st</sup> September.

We agree that the Court's indulgence should not be regarded as a must nor will it be obtained by the applicant as of right. In our letter of 26<sup>th</sup> August, we were not suggesting otherwise. We were merely pointing out that it is the usual practice of the Court to grant a first extension to file a defence, so it makes a lot of sense to take a practical approach and come to an agreement in correspondence so as to avoid the time and costs that would otherwise be expended unnecessarily on a time summons.

Such notwithstanding, your client, by your 27<sup>th</sup> August 2003 letter, refused outright our request for a 21 day time extension.

Subsequently, in your 1<sup>st</sup> September 2003 letter, your client has in effect offered a 21 time extension conditional on it being a final extension. We will take instructions on your client's offer, but at this stage we can say it is unlikely our client will accept it, for the following reasons:

- (1) Since our letter of 26<sup>th</sup> August 2003, we have received the papers from our client. With the benefit of having seen the papers, we are now of the opinion that a considerably longer extension than 21 days will be required; and
- (2) A final extension at this early stage would be most unusual.

We shall revert to you when we have instructions from our client on your 1<sup>st</sup> September letter.

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Yours faithfully,

(Gregory Payne)  
Senior Government Counsel

Cc: Messrs Johnson Stokes & Master  
(Att: Mr. David Boyle/Mr. Menachem Hasofer)  
By fax: 2103 5059