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YOUR REF: DJAB/H152/03/6713866/6

DATE 5<sup>th</sup> December 2003

OUR REF: PC/LC/37000/03

PLEASE REPLY TO Mr. Leo Cheng

**By Fax: 2103 5059 (02 pages)**

Messrs. Johnson Stokes & Master  
Solicitors  
Hong Kong

**URGENT**

**Attn.: Mr. David Boyle**

Dear Sirs,

Re: **HCA No. 2761 of 2003 –  
First Star Development Limited v.  
The Hong Kong Housing Authority & The Secretary for  
Justice (on behalf of the Government of HKSAR)**

We refer to the mediation between the parties scheduled to commence next Monday, the 8<sup>th</sup> of December.

To ascertain whether there have been delay in the grant of the pre-sale consent to our client and/or your client's offering to sell the relevant flats to the eligible public, an analysis of what the previous practice has been will no doubt assist the mediator as well as narrowing the difference between our respective clients. We therefore ask your client if they are prepared to collate the relevant information for the purpose of compiling a table setting out, in relation

.../2.

**PARTNERS:**

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to each and every PSPS project as from the introduction of this scheme, the dates of:-

1. the application for pre-sale consent;
2. the grant of the pre-sale consent;
3. the completion of the relevant project; and
4. offer for sale of the relevant flats to the public.

In our respectful view, the aforesaid information is highly relevant to the present dispute and your client is bound to make discovery thereof, by way of specific discovery, interrogatories or otherwise, if the on-going litigation proceeds further. Accordingly, we sincerely invite you to entertain our present request which we believe will enhance the chance of a successful mediation.

Indeed the aforesaid request has previously been made to the Department of Justice and we were only told yesterday that your client is in a better position to render the information needed, hence this letter. We do apologize for making the present request at this last moment but shall be most grateful if you could entertain the same and let us have your client's input prior to the commencement of the mediation at 0930 hours next Monday to avoid an adjournment of the mediation when this issue comes into play.

Yours faithfully,

Cheung, Chan & Chung