

**Select Committee to Inquire into Matters Relating to
the Post-service Work of Mr LEUNG Chin-man**

**Information provided by the Administration
in response to the letter from the Clerk to the Select Committee
dated 23 January 2009
(as at 6 March 2009)**

Transport and Housing Bureau's ("THB") remarks: Further to ^{T106}~~FHB-135~~, we are providing below additional documents in response to questions from the Select Committee in relation to the Hunghom Peninsula development (items 2(c), (e), (f) and (n)(iii)) If the Select Committee has any further questions, we would be happy to provide additional information.

2. Information on Hunghom Peninsula development

*Document No.
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- (c) Detailed account on the role and participation of Mr LEUNG Chin-man in the Hunghom Peninsula incident including but not limited to the following:
- (i) Drawing up of the provisions in the land lease for the site for Hunghom Peninsula development;

*THB and Lands Department ("LandsD")'s response :
When the lease conditions for Hunghom Peninsula were first drafted in October 1994 and subsequently approved by the District Land Conference in June 1995 for sale by tender, Mr LEUNG Chin-man ("Mr LEUNG") was the Director of the Hong Kong Economic and Trade Office in Toronto. He was not involved in the drawing up of the land lease provisions for the site for the Hunghom Peninsula development.*

- (ii) Granting of the land lease to the developer of Hunghom Peninsula;

THB and LandsD's response : The site for Hunghom Peninsula development has been tendered for three times. The first two tenders were not successful and the third tender was finally awarded to the present grantee First Star Development Ltd ("the Developer"). In this

process, Mr LEUNG only participated as the Chairman of the Private Sector Participation Scheme ("PSPS") Tender Board on 20 January 1998 as the acting Secretary for Housing when the site was tendered for the second time.

The details of the tendering process are summarized as follows: The first tender was conducted on 15 September 1995 but was subsequently withdrawn due to a judicial review proceeding. There is no file record to suggest that Mr LEUNG was involved in the first tender.

The second tender of the site for PSPS was conducted on 22 August 1997 following the withdrawal of the earlier tender. At this re-tender exercise, three highest bidders were short-listed in accordance with the shortlisting rules (i.e. the Tender Board should only shortlist those tenders within 5% of the highest premium tender subject to a minimum of three tenders for assessment).

Mr LEUNG was the Deputy Secretary for Housing (1) ("DSH(1)") from 25 September 1997 until 25 August 1999. He chaired the PSPS Tender Board meeting on 20 January 1998 as Acting Secretary for Housing, to consider the tender. The relevant extract of this Tender Board meeting minutes is at ~~THB-140~~^{T37(c)} ~~THB-140~~^{T37(c)}. Since all highest bidders withdrew from the tender due to commercial reasons and there was no shortlisted tender left for consideration by the Board, the meeting agreed to re-tender the site.

The third tender exercise was originally scheduled on 3 July 1998, but was subsequently suspended in June 1998 following the suspension in land sales. The PSPS project was then included in the Land Sale Programme for disposal in the 1999/2000 financial year, and tender was invited on 25 April 1999 and closed on 25 June 1999. The PSPS Tender Board vide its meeting on 27 July 1999 agreed to award the tender to the

highest tender, First Star Development Ltd. There is no file record to suggest that Mr LEUNG was involved in the third tender.

- (iii) Approval of building plans of or modification of plans to the Hunghom Peninsula development;

THB and Buildings Department ("BD")'s response : The building plan and its modification are subject to the approval of BD.

Before the issuance of the Occupation Permit on 6 August 2002, BD processed the building plans and its amendments submitted within the period from October 1999 to April 2002 during which Mr LEUNG was the Director of Buildings. After the issuance of the Occupation Permit, BD processed the building plans for the Alteration & Addition Works submitted from May 2005 to April 2008 during which Mr LEUNG was the Permanent Secretary for Housing, Planning and Lands (Housing) ("PSH").

There is no file record to suggest that Mr LEUNG was involved in the approval of building plans of the Hunghom Peninsula development and its subsequent modification.

- (iv) Formulation of the policy of cessation of the production and sale of Home Ownership Scheme and PSPS flats;

THB's response : File record shows that Mr LEUNG's subordinates in Housing Department ("HD") prepared analysis for his consideration but there is no file record of further discussion or internal meeting. The following documents are relevant –

- ^{T129} ~~THB-141~~ – Email dated 30 July 2002 from the then Head/Corporate Services Unit of HD to Mr LEUNG;

^{T129}
~~THB-141~~

- T38(cc)
~~THB-142~~ – Loose Minute dated 24 September 2002 from the then Head/Strategic Planning Unit (Acting) (“H/SPU”) of HD to DSH(1) copied to Mr LEUNG (as the then PSH) in which a discussion between H/SPU (Acting), DSH(1) and Mr LEUNG was mentioned but without details;
- T39(cc)
~~THB-143~~ – Email dated 25 September 2002 from H/SPU(Acting) to DSH(1)’s personal secretary in which a discussion between H/SPU (Acting) and Mr LEUNG was mentioned but without much details.

T38(cc)
~~THB-142~~

T39(cc)
~~THB-143~~

The policy of cessation of the production and sale of Home Ownership Scheme (“HOS”) and PSPS flats was prepared in the form of a draft Policy Committee (“PC”) paper in October 2002 through circulation among relevant bureaux and departments for comments. As head of HD, Mr LEUNG considered the paper before submission to the Secretary for Housing, Planning and Lands (“SHPL”) for clearance. The paper was then submitted to the PC for discussion on 24 October 2002. Mr LEUNG attended the PC meeting for this item. After PC’s consideration, a paper was formulated by circulation to various departments and submitted for the consideration by the Chief Executive in Council on 12 November 2002. Mr LEUNG, as head of the HD, considered the paper before submission to SHPL for clearance. Mr LEUNG attended the Executive Council (“ExCo”) meeting for this item. The following documents are relevant -

- T40(cc)
~~THB-144~~ – Loose Minute dated 2 October 2002 from the Administrative Assistant to Secretary for Housing, Planning and Lands (“AA/SHPL”) to Director/ Chief Executive’s Office copied to Mr LEUNG (as the then PSH) during the course of the drafting of a discussion paper showing that he was being informed;

T40(cc)
~~THB-144~~

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- ^{T130}~~THB-145~~ – Loose Minute dated 12 October 2002 from H/SPU to Mr LEUNG (as the then PSH) attaching a draft statement on housing policy;
- ^{T41(C)}~~THB-146~~ – Loose Minute dated 21 October 2002 from H/SPU to Mr LEUNG (as the then PSH) for his consideration. The draft PC paper is not enclosed since it is in the public interest to keep the deliberations of the PC confidential;
- ^{T42(C)}~~THB-147~~ – Email dated 21 October 2002 from H/SPU to Chief Secretary of Administration's Office for submission of the Policy Committee paper copied to Mr LEUNG (as the then PSH) in which the attendance for the discussion of the subject is mentioned. The draft PC paper is not enclosed since it is in the public interest to keep the deliberations of the PC confidential.

^{T130}
~~THB-145~~

^{T41(C)}
~~THB-146~~

^{T42(C)}
~~THB-147~~

- (v) Formulation of the options for the disposal of the Hunghom Peninsula PSPS flats ("the disposal options");

THB's response : The disposal of PSPS flats was discussed at the Steering Committee on Land Supply for Housing ("HOUSCOM") on 13 August 2002 chaired by SHPL. Mr LEUNG attended the meeting as PSH. The relevant paper and extract of the meeting minutes are as follows : -

- ^{T43(C)}~~THB-148~~ – HOUSCOM paper HC 13/2002 dated August 2002 prepared by HD on "Disposal of Private Sector Participation Scheme (PSPS) flats";
- ^{T44(C)}~~THB-149~~ – Extracts of the minutes of the HOUSCOM meeting on 13 August 2002.

^{T43(C)}
~~THB-148~~

^{T44(C)}
~~THB-149~~

Subsequently, the subject was discussed at the PC meetings on 12 and 19 September 2002. The paper was

circulated among bureaux and departments for comments. As PSH, Mr LEUNG considered the paper before clearance by the then SHPL. Mr LEUNG did not attend the two PC meetings. The subject was then taken to the ExCo for discussion on 5 November 2002, subsequently deferred to 12 November 2002. Mr LEUNG did not attend the ExCo meeting for this item. The following documents are relevant : -

- ^{T111} ~~THB-116~~ – Minute dated 25 September 2002 from the then Assistant Director/Policy Support (“AD/PS”) to SHPL via Mr LEUNG (as the then PSH) on which Mr LEUNG had written a note showing that he had made some amendments on the draft. There is no record of the amendments made by Mr LEUNG;
- ^{T45(c)} ~~THB-150~~ – Email dated 27 September 2002 (10:37 a.m.) from the then AD/PS to AA/SHPL copied to Mr LEUNG and others. The draft ExCo paper is not included since it is in the public interest to keep the deliberations of the ExCo confidential;
- ^{T46(c)} ~~THB-151~~ – Email dated 27 September 2002 (10:55 a.m.) from the then Senior Administrative Officer/Policy Support (“SAO/PS”) to the then Assistant Director/Sales (“AD/Sales”) referring to a draft ExCo paper cleared by Mr LEUNG (as the then PSH). The draft ExCo paper is not included since it is in the public interest to keep the deliberations of the ExCo confidential;
- ^{T131} ~~THB-152~~ – Email dated 27 September 2002 (at 11:11 a.m.) from the then AD/PS to the then AD/Sales referring to a draft ExCo paper cleared by Mr LEUNG (as the then PSH). The draft ExCo paper is not included since it is in the public interest to keep the deliberations of the ExCo confidential;
- ^{T47(c)} ~~THB-153~~ – Memo dated 26 May 2003 from the then

^{T111}
~~THB-116~~

^{T45(c)}
~~THB-150~~

^{T46(c)}
~~THB-151~~

^{T131}
~~THB-152~~

^{T47(c)}
~~THB-153~~

Assistant Director/Legal Advice of HD ("AD/LA") to the then Assistant Director/Legal (Kowloon and Conveyancing) of Lands Department ("AD/L(K&Con)") in which it was mentioned that AD/LA was going to advise SHPL and Mr LEUNG (as the then PSH) on the joint advice given by Senior Counsel and Counsel. There is no file record of whether and how AD/LA advised SHPL and Mr LEUNG. The obliterated information refers to the names of a Senior Counsel and a Counsel providing the joint legal advice, which was being enclosed, and legal advice on the viability for the Hong Kong Housing Authority ("HA") to nominate a single purchaser for all the PSPS flats at the Hunghom Peninsula (in para 2 of the memo). The information is subject to legal professional privilege ("LPP"). The disclosure of the information may prejudice the interests of the Government / HA in the pending legal proceedings with the Developer.

- (vi) Discussion of the disposal options in the Government, the HA and the Legislative Council;

THB's response : In addition to the information provided in part (c)(v) above, the disposal options were presented to the HA via the following papers –

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| <i>T132</i> | <i>T132</i> |
| • THB-154 – HA Paper issued on 16 February 2004 (HA 8/2004) concerning Hunghom Peninsula Private Sector Participation Scheme Flats; | THB-154
(bilingual) |
| <i>T133</i> | <i>T133</i> |
| • THB-155 – HA Paper issued on 28 February 2004 (HA 10/2004) concerning Hunghom Peninsula Private Sector Participation Scheme Flats Lease Modification Premium; | THB-155
(bilingual) |
| <i>T134</i> | <i>T134</i> |
| • THB-156 – HA Paper issued on 8 March 2004 (HA 12/2004) concerning Comparison of Premium Estimate - Hunghom Peninsula Private Sector | THB-156
(bilingual) |

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Participation Scheme Flats;

- ^{T135}~~FHB-157~~ – Strategic Planning Committee Paper issued on 9 February 2004 (SPC 1/2004) concerning Disposal of Hunghom Peninsula Private Sector Participation Scheme Flats.

^{T135}
~~FHB-157~~
(bilingual)

The disposal options were discussed at the following LegCo meetings –

- *Housing Panel meeting on 14 January 2003*
Paper : ~~FHB-158~~^{T138} (CB(1)704/02-03(01))
Minutes of Meeting : ~~FHB-3~~^{T24} (CB(1)941/02-03)

^{T136}
~~FHB-158~~
(bilingual)
~~FHB-3~~^{T24}
(bilingual)

- *Housing Panel meeting on 18 March 2003*
Paper : ~~FHB-4~~^{T25} (CB(1)1129/02-03(04))
Minutes of Meeting : ~~FHB-25~~^{T37} (CB(1)1492/02-03)

^{T25}
~~FHB-4~~
(bilingual)
~~FHB-25~~^{T37}
(bilingual)

- *Housing Panel meeting on 3 November 2003*
Paper : ~~FHB-5~~^{T26} (CB(1)190/03-04(03))
Minutes of Meeting : ~~FHB-42~~^{T39} (CB(1)439/03-04)

^{T26}
~~FHB-5~~
(bilingual)
~~FHB-42~~^{T39}
(bilingual)

- *Joint meeting of the LegCo Panel on Housing and Panel on Planning, Lands and Works on 17 February 2004*
Paper : ~~FHB-6~~^{T27} (CB(1)1000/03-04(01)) L16
Minutes of Meeting : ~~FHB-159~~ (CB(1)1223/03-04)

^{T27}
~~FHB-6~~
(bilingual)
~~FHB-159~~^{L16}
(bilingual)

- *Joint meeting of the LegCo Panel on Housing and Panel on Planning, Lands and Works on 8 March 2004*
Paper : ~~FHB-7~~^{T28} (CB(1)1160/03-04(01)) L17
Minutes of Meeting : ~~FHB-160~~ (CB(1)1642/03-04)

^{T28}
~~FHB-7~~
(bilingual)
~~FHB-160~~^{L17}
(bilingual)

Mr LEUNG attended the abovementioned Panel meetings on 14 January 2003, 17 February 2004 and 8 March 2004.

- (vii) Making of the decision to dispose of the Hunghom Peninsula PSPS flats through lease modification with the developer to enable the latter to sell the PSPS flats in the open market;

THB's response : Please refer to THB's response to 2(c)(v).

- (viii) Negotiation with the developer in the lease modification process during the period from January to March 2003, including the drawing up of the negotiation strategy, setting of the premium and revised premium, etc.;

THB and LandsD's response : Pursuant to ExCo's decision on 12 November 2002, LandsD carried out negotiation with the Developer on the proposed lease modification terms including the premium amount to be paid for the lease modification. The negotiation halted in late March 2003 since both sides were unable to reach any agreement. There is no file record to suggest that Mr LEUNG was involved in the negotiation with the developer (including the drawing up of the negotiation strategy, setting of the premium and revised premium, etc.) in the lease modification process during the period from January to March 2003.

The following document is relevant –

- 748(c)*
- ~~THB-161~~ : Memo dated 4 April 2003 from the then Deputy Director (Construction) of HD ("DD(C)") to the then Deputy Secretary for Housing, Planning and Lands (Planning and Lands)(1) ("DS(PL)(1)"), copied to Mr LEUNG (as the then PSH) and others.

748(c)
~~THB-161~~

- (ix) Mediation with the developer in the lease modification process during the period from April to December 2003, including the drawing up of the strategy for re-opening the negotiation with the developer, setting of the premium and revised premium, etc. in particular during the discussion of various disposal options at the Senior Directorate Meetings chaired by the Secretary for Housing, Planning and Lands;

THB's response : Further to the information provided in part (viii) above, various possible disposal options for Hunghom Peninsula were discussed at several regular Senior Directorate Meetings ("SDM") (see ~~THB 26 to THB 39~~) chaired by the then Secretary for Housing, Planning and Lands ("SHPL") after the negotiation with the Developer during January to March 2003 was unable to reach any agreement. Mr LEUNG attended the SDM. On 25 July 2003, the Developer initiated litigation against the Government and the HA by issuing a writ. In light of the proceedings, re-opening negotiation was considered an option to be explored SHPL submitted a Loose Minute to the Chief Executive ("CE") on 28 July 2003 (see ~~THB 41~~) seeking endorsement to re-open negotiation with the developers so that the HA may avoid paying the guaranteed purchase price for Hunghom Peninsula and Kingsford Terrace and settle the dispute. CE directed that the case be discussed in ExCo on 28 October 2003, and Mr LEUNG wrote to seek CS's approval to waive the requirement to discuss it at the PC -

- ~~THB 122~~ : Loose Minute of 22 October 2003 from Mr LEUNG (as the then PSH) to the Chief Secretary of Administration ("CS"). The obliterated information contains legal advice on the position of Government / HA under the Conditions of Sale in case they refrain from nominating purchasers. The

T10(C) T23(C)
~~THB 26 to THB 39~~

T24(C)
~~THB 41~~

T33(C)
~~THB 122~~

information is subject to LPP and the disclosure of which may prejudice the interests of the Government / HA in the pending legal proceedings with the Developer.

The following documents are also relevant –

- T115*
• ~~FHB-123~~ : Email dated 7 November 2003 (5:06 p.m.) from Senior Government Counsel ("SGC") of Department of Justice ("DoJ") to the then Deputy Director (Business Development and Construction) of HD ("DD(BD) and (C)"); email dated 6 November 2003 (15:11 hours) from Mr LEUNG to SGC, email dated 5 November 2003 (4:16 p.m.) from SGC to Mr LEUNG and an officer of Finance Branch of the Financial Services and the Treasury Bureau; and email dated 5 November 2003 (15:40 hours) from SGC to officers of HD and LandsD.
- T49(cc)*
• ~~FHB-162~~ : Email dated 12 April 2003 (11:21 a.m.) from Mr LEUNG to DD(BD) and (C); email dated 12 April 2003 (10:56 a.m.) from Mr LEUNG to Deputy Director (Specialist) ("DD(S)") of LandsD; and email dated 11 April 2003 (4:41 p.m.) from DD(S) of LandsD to Mr LEUNG;
- T50(cc)*
• ~~FHB-163~~ : Email dated 22 May 2003 (2:39 p.m.) from AD/L(K&Con) to AA/SHPL copied to Mr LEUNG;
- T51(cc)*
• ~~FHB-164~~ : Email dated 15 September 2003 (20:21 hours) from Acting Deputy Director (Construction) of HD ("Ag. DD(C)") to AA/SHPL, copied to Mr LEUNG. The obliterated information is the name of the Senior Counsel and legal advice on the viability for HA to nominate a single purchaser for all the PSPS flats at the Hunghom Peninsula. The information is subject to LPP. The disclosure of the information may prejudice the

interests of the Government / HA in the pending legal proceedings with the Developer; email dated 15 September 2003 (6:56 p.m.) from AA/SHPL to Ag. DD(C), copied to Mr LEUNG; email dated 15 September 2003 (6:50 p.m.) from DD(S) of LandsD to Mr LEUNG and two other officers of HD in which the obliterated information is the reference number of an ExCo paper; and email dated 15 September 2003 (2:28 p.m.) from AA/SHPL to two officers of HD and DD(S) of LandsD, copied to Mr LEUNG;

- ^{T137} ~~THB-165~~: *Email dated 29 October 2003 (3:01 p.m.) from the then DD(BD) and (C) to the then Chief Manager/Business Development of HD ("CM/BD"); email dated 29 October 2003 (2:46 p.m.) from Deputy Law Officer (Civil Law) of DoJ to SGC of DoJ, quoting DD(BD) and (C) saying that Mr LEUNG "had spoken with Mr LEUNG Chi-kin of New World";*

^{T137}
~~THB-165~~

- ^{T138} ~~THB-166~~: *Email dated 31 October 2003 (9:40 a.m.) from ALA to AD/LA, stating that Mr LEUNG chaired a meeting on mediation and Mr LEUNG's view on the scope of mediation to cover Hunghom Peninsula only and his preference of the background of the mediator with surveying background.*

^{T138}
~~THB-166~~

- (x) Making of the decision to accept the final premium offer from the developer in December 2003;

THB's response : Mr LEUNG submitted LandsD's recommendation, with his assessments, to the then SHPL for making the decision to accept the final premium offer in December 2003. ~~THB-47~~ is relevant.

^{T29(cc)}
~~THB-47~~

- (xi) Drawing up of the provisions to be included or deleted in the modified land lease; and

THB's response : The lease modification exercise was administered by the Lands Department. There is no file record showing the participation of Mr LEUNG in drawing up the provisions to be included or deleted in the modified land lease.

- (xii) The developer's plan to demolish Hunghom Peninsula, including whether Mr LEUNG was aware of the developer's plan during the negotiation and mediation process on the lease modification, and the discussion with the developer on the demolition plan.

THB's response : There is no file record to suggest that Mr LEUNG was aware of the demolition plan during the negotiation and mediation process on the lease modification.

- (e) Apart from the Senior Directorate's meeting on 9 June 2003, whether Briefing Notes had been prepared for PS(H) for the other Senior Directorate's meetings held between 14 April 2003 and 28 July 2003; if so, please provide the Briefing Notes and the notes/record of the discussion at the Briefing.

THB's response : Please refer to THB's response to 2(f) stated below.

- (f) Apart from THB27, THB29, THB31, THB32, THB33, THB35, THB36, THB38 and THB39 (i.e. SC Paper Nos. T11(C), T13(C), T15(C), T16(C), T17(C), T19(C), T20(C), T22(C) and T23(C)) which are extracts of minutes of Senior Directorate's Meetings, whether there is any other minutes of and/or discussion papers for the Senior Directorate's Meetings about the Hunghom Peninsula development. If yes, please provide the details and relevant documents and records.

THB's response : Since the documents requested under part (e) stated above and part (f) refer to the same series of meetings, for better legibility, we are providing documents relevant to both parts (e) and (f) in a consolidated manner and chronological order as follows

- T52(c)*

• ~~THB-167~~ : Relevant extract of draft minutes of Housing, Planning and Lands Bureau ("HPLB") Meeting on 5 September 2002. There is no file record of the finalized version;

T52(c)
~~THB-167~~
- T53(c)*

• ~~THB-168~~ : Relevant extract of minutes of SDM on 20 January 2003;

T53(c)
~~THB-168~~
- T54(c)*

• ~~THB-169~~ : Information attached for reference at SDM on 17 March 2003 which is a File Note prepared by Private Secretary to CE on 14 March 2003 copied to SHPL;

T54(c)
~~THB-169~~
- T55(c)*

• ~~THB-170~~ : Relevant extract of minutes of SDM on 24 March 2003. The obliterated information contains legal advice on the assessment of the viability for the HA to nominate a single purchaser for all the PSPS flats at the Hunghom Peninsula. The information is subject to LPP. The disclosure of the information may prejudice the interests of the Government / HA in the pending legal proceedings with the Developer;

T55(c)
~~THB-170~~
- T56(c)*

• ~~THB-171~~ : Information attached for reference at SDM on 31 March 2003 which includes -

T56(c)
~~THB-171~~

 - (i) an email dated 27 March 2003 (11:40 a.m.) from AA/SHPL to Mr LEUNG and others;
 - (ii) an email dated 27 March 2003 (5:41 p.m.) from Director of Lands to AA/SHPL, copied to Mr LEUNG and

others;

(iii) an email dated 27 March 2003 (16:34 hours) from DD(S) of LandsD to Director of Lands;

(iv) a Note titled "Progress of Premium Negotiation with Developer of the Hunghom Peninsula (紅灣半島)";

T118
~~FHB-126~~
(v) a duplicate of ~~FHB-126~~ which is a letter dated 13 March 2003 from the Developer to LandsD;

(vi) a memo dated 26 March 2003 from DS(PL)(1) to DD(S) of LandsD; and

T500
~~FHB-20~~
(vii) a duplicate of ~~FHB-20~~ which is a memo dated 25 March 2003 from DD(S) of LandsD to DS(PL)(1) and Mr LEUNG (as the then PSH).

- T5700
- ~~FHB-172~~: Relevant extract of minutes of SDM on 31 March 2003. The obliterated information contains legal advice on the constraint to nominate a single purchaser for all the PSPS flats at the Hunghom Peninsula. The information is subject to LPP. The disclosure of the information may prejudice the interests of the Government / HA in the pending legal proceedings with the Developer;

- T1000
- ~~FHB-26~~: Memorandum for SDM on 14 April 2003;

- T5800
- ~~FHB-173~~: Information attached for reference at SDM on 14 April 2003 which includes –

(i) an email from DD(S) of LandsD to Mr LEUNG (and copied to others) dated 10 April 2003 (11:11 hours) forwarded by DS(PL)(1) to AA/SHPL on 11 April 2003 (10:14 a.m.);

(ii) a memo dated 8 April 2003 from

T118
~~FHB-126~~

T500
~~FHB-20~~

T5700
~~FHB-172~~

T1000
~~FHB-26~~

~~FHB-173~~ T5800

DS(PL)(1) to DD(BD) and (C);

(iii) a memo dated 7 April 2003 from Director of Lands to PSH (marked for the attention of DD(BD) and (C));

(iv) a memo dated 4 April 2003 from DD(BD) and (C) to DS(PL)(1);

(v) a duplicate of ^{T31(C)} ~~THB-118~~ which is a memo dated 1 April 2003 from DD(S) of Lands D to Mr LEUNG;

(vi) a fax dated 11 April 2003 from DD(BD) and (C) to AA/SHPL enclosing (i), (ii), (iii), (iv) and (v) of ^{T58(C)} ~~THB-173~~; an email dated 8 April 2003 (10:33a.m.) from AA/SHPL to Director of Lands copied to Mr LEUNG and others with obliterated information; and a duplicate of items (ii), (iii) and (i) of ^{T56(C)} ~~THB-171~~ in that order.

T31(C)

~~THB-118~~

T58(C)

~~THB-173~~

T56(C)

~~THB-171~~

The obliterated information contains legal advice on the constraint to nominate a single purchaser for all the PSPS flats at the Hunghom Peninsula. The information is subject to LPP. The disclosure of the information may prejudice the interests of the Government / HA in the pending legal proceedings with the Developer;

^{T59(C)}
• ~~THB-174~~ : A note titled "Premium Negotiation with Developer of the Hunghom Peninsula (紅灣半島)" for SDM on 14 April 2003;

T59(C)
~~THB-174~~

^{T11(C)}
• ~~THB-27~~ : Relevant extract of minutes of SDM on 14 April 2003;

T11(C)
~~THB-27~~

^{T12(C)}
• ~~THB-28~~ : Memorandum for SDM on 28 April 2003;

T12(C)
~~THB-28~~

^{T60(C)}
• ~~THB-175~~ : Information attached for reference at SDM on 28 April 2003 which is HD's internal

T60(C)
~~THB-175~~

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analysis on the premium assessments by New World Development Company Limited ("NWDL") and LandsD;

- | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-----------------------|
| | T13(C) | |
| • THB-29 : Relevant extract of minutes of SDM on 28 April 2003; | T13(C) | <u>THB-29</u> |
| | T14(C) | T14(C) |
| • THB-30 : A Note for the SDM on 12 May 2003; | T14(C) | <u>THB-30</u> |
| | T15(C) | T15(C) |
| • THB-31 : Relevant extract of minutes of SDM on 12 May 2003; | T15(C) | <u>THB-31</u> |
| | T16(C) | T16(C) |
| • THB-32 : Relevant extract of minutes of SDM on 19 May 2003; | T16(C) | <u>THB-32</u> |
| | T61(C) | T61(C) |
| • THB-176 : A note titled "Disposal of Private Sector Participation Scheme Flats Hung Hom Peninsula (紅灣半島)" for SDM on 26 May 2003; | T61(C) | <u>THB-176</u> |
| | T17(C) | T17(C) |
| • THB-33 : Relevant extract of minutes of SDM on 26 May 2003; | T17(C) | <u>THB-33</u> |
| | T18(C) | T18(C) |
| • THB-34 : Briefing notes for PSH for SDM on 9 June 2003; | T18(C) | <u>THB-34</u> |
| | T19(C) | T19(C) |
| • THB-35 : Relevant extract of minutes of SDM on 9 June 2003; | T19(C) | <u>THB-35</u> |
| | T34(C) | T34(C) |
| • THB-124 : A note titled "Private Sector Participation Scheme at Hung Hom Bay Hunghom Peninsula, KIL No. 11076" for SDM on 16 June 2003; | T34(C) | <u>THB-124</u> |
| | T20(C) | T20(C) |
| • THB-36 : Relevant extract of minutes of SDM on 16 June 2003; | T20(C) | <u>THB-36</u> |
| | T21(C) | T21(C) |
| • THB-37 : Brief for SDM on 30 June 2003; | T21(C) | <u>THB-37</u> |
| | T22(C) | T22(C) |
| • THB-38 : Relevant extract of minutes of SDM on 30 June 2003; | T22(C) | <u>THB-38</u> |
| | T62(C) | T62(C) |
| • THB-177 : Relevant extract of briefing notes for Mr LEUNG as the then PSH for HPLB meeting on 7 | T62(C) | <u>THB-177</u> |

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- July 2003
- T23(C)

• ~~THB-39~~ : Relevant extract of minutes of SDM on 28 July 2003;

T23(C)
~~THB-39~~
 - T63(C)

• ~~THB-178~~ : Relevant extract of minutes of SDM on 25 August 2003;

T63(C)
~~THB-178~~
 - T64(C)

• ~~THB-179~~ : Relevant extract of minutes of SDM on 15 September 2003;

T64(C)
~~THB-179~~
 - T65(C)

• ~~THB-180~~ : Relevant extract of minutes of SDM on 13 October 2003. The obliterated information contains legal advice on the assessment of the possible legal means to settle the dispute. The information is subject to LPP. The disclosure of the information may prejudice the interests of the Government / HA in the pending legal proceedings with the Developer.;

T65(C)
~~THB-180~~
 - T66(C)

• ~~THB-181~~ : Relevant extract of briefing notes for SDM on 20 October 2003. The draft ExCo paper is not included since it is in the public interest to keep the deliberations of the ExCo confidential;

T66(C)
~~THB-181~~
 - T67(C)

• ~~THB-182~~ : Relevant extract of minutes of SDM on 20 October 2003;

T67(C)
~~THB-182~~
 - T68(C)

• ~~THB-183~~ : Relevant extract of briefing notes for Mr LEUNG as the then PSH for attending SDM on 27 October 2003. The obliterated information refers to the recommended level of the global settlement figure being proposed in the draft ExCo paper. It is in the public interest to keep the deliberations of the ExCo confidential;

T68(C)
~~THB-183~~
 - T69(C)

• ~~THB-184~~ : Relevant extract of minutes of SDM on 27 October 2003;

T69(C)
~~THB-184~~
 - T70(C)

• ~~THB-185~~ : Relevant extract of draft minutes of HPLB Meeting on 3 November 2003. There is no file record of the finalized version;

T70(C)
~~THB-185~~

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- T71(C)
• ~~THB-186~~ : Brief for PSH for SDM on 17 November 2003. The obliterated information refers to the name and availability of a mediator who had turned out not been appointed. Such information is irrelevant to the subject of the Inquiry;
~~THB-186~~
- T72(C)
• ~~THB-187~~ : Relevant extract of minutes of SDM on 17 November 2003;
~~THB-187~~
- T73(C)
• ~~THB-188~~ : Relevant extract of minutes of SDM on 19 January 2004;
~~THB-188~~
- T74(C)
• ~~THB-189~~ : Relevant extract of briefing notes for HPLB meeting on 2 February 2004;
~~THB-189~~
- T75(C)
• ~~THB-190~~ : Relevant extract of draft minutes of HPLB meeting on 2 February 2004. There is no file record of the finalized version;
~~THB-190~~
- T76(C)
• ~~THB-191~~ : Relevant extract of minutes of SDM on 9 February 2004;
~~THB-191~~
- T77(C)
• ~~THB-192~~ : Relevant extract of minutes of SDM on 16 February 2004;
~~THB-192~~
- T78(C)
• ~~THB-193~~ : Relevant extract of minutes of SDM on 23 February 2004;
~~THB-193~~
- T79(C)
• ~~THB-194~~ : Relevant extract of draft minutes of HPLB meeting on 1 March 2004. There is no file record of the finalized version;
~~THB-194~~
- T80(C)
• ~~THB-195~~ : Relevant extract of minutes of SDM on 8 March 2004;
~~THB-195~~
- T81(C)
• ~~THB-196~~ : Relevant extract of minutes of SDM on 15 March 2004;
~~THB-196~~
- T82(C)
• ~~THB-197~~ : Relevant extract of minutes of SDM on 22 March 2004;
~~THB-197~~
- T83(C)
• ~~THB-198~~ : Relevant extract of draft minutes of HPLB meeting on 29 March 2004. There is no file
~~THB-198~~

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- record of the finalized version;*

T84(c)
- ~~T84(c)~~
~~THB-199~~ : Relevant extract of briefing notes to PSH for SDM on 13 April 2004;

~~THB-199~~
- ~~T85(c)~~
~~THB-200~~ : Relevant extract of minutes of SDM on 13 April 2004;

~~THB-200~~
- ~~T86(c)~~
~~THB-201~~ : Relevant extract of minutes of SDM on 19 April 2004;

~~THB-201~~
- ~~T87(c)~~
~~THB-202~~ : Relevant extract of minutes of SDM on 23 August 2004;

~~THB-202~~
- ~~T88(c)~~
~~THB-203~~ : Relevant extract of minutes of SDM on 13 September 2004;

~~THB-203~~
- ~~T89(c)~~
~~THB-204~~ : Relevant extract of minutes of SDM on 18 October 2004;

~~THB-204~~
- ~~T90(c)~~
~~THB-205~~ : Relevant extract of minutes of HPLB meeting on 1 November 2004;

~~THB-205~~
- ~~T91(c)~~
~~THB-206~~ : Relevant extract of minutes of SDM on 8 November 2004;

~~THB-206~~
- ~~T92(c)~~
~~THB-207~~ : Relevant extract of minutes of SDM on 15 November 2004;

~~THB-207~~
- ~~T93(c)~~
~~THB-208~~ : Relevant extract of the Briefing Notes for Mr LEUNG as the then PSH for attending SDM on 22 November 2004;

~~THB-208~~
- ~~T94(c)~~
~~THB-209~~ : Relevant extract of minutes of SDM on 22 November 2004;

~~THB-209~~
- ~~T95(c)~~
~~THB-210~~ : Relevant extract of minutes of SDM on 29 November 2004;

~~THB-210~~
- ~~T96(c)~~
~~THB-211~~ : Relevant extract of draft minutes of HPLB meeting on 6 December 2004. There is no file record of the finalized version;

~~THB-211~~
- ~~T97(c)~~
~~THB-212~~ : Relevant extract of draft minutes of

~~THB-212~~

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- HPLB meeting on 3 January 2005. There is no file record of the finalized version;*
- ^{T98(c)} ~~THB-213~~ : Relevant extract of minutes of SDM on 10 January 2005; T98(c)
~~THB-213~~
 - ^{T99(c)} ~~THB-214~~ : Relevant extract of minutes of SDM on 17 January 2005; T99(c)
~~THB-214~~
 - ^{T100(c)} ~~THB-215~~ : Relevant extract of minutes of SDM on 21 March 2005; T100(c)
~~THB-215~~
 - ^{T101(c)} ~~THB-216~~ : Relevant extract of minutes of SDM on 18 April 2005; T101(c)
~~THB-216~~
 - ^{T102(c)} ~~THB-217~~ : Relevant extract of draft minutes of HPLB meeting on 5 September 2005. There is no file record of the finalized version; T102(c)
~~THB-217~~
 - ^{T103(c)} ~~THB-218~~ : Relevant extract of minutes of SDM on 10 October 2005; T103(c)
~~THB-218~~
 - ^{T104(c)} ~~THB-219~~ : Relevant extract of draft minutes of HPLB meeting on 7 November 2005. There is no file record of the finalized version; T104(c)
~~THB-219~~
 - ^{T105(c)} ~~THB-220~~ : Relevant extract of draft minutes of HPLB meeting on 5 December 2005. There is no file record of the finalized version; T105(c)
~~THB-220~~
 - ^{T106(c)} ~~THB-221~~ : Relevant extract of minutes of SDM on 12 December 2005; T106(c)
~~THB-221~~
 - ^{T107(c)} ~~THB-222~~ : Relevant extract of draft minutes of HPLB meeting on 6 February 2006. There is no file record of the finalized version; T107(c)
~~THB-222~~
 - ^{T108(c)} ~~THB-223~~ : Relevant extract of minutes of SDM on 27 February 2006; T108(c)
~~THB-223~~
 - ^{T109(c)} ~~THB-224~~ : Relevant extract of minutes of SDM on 10 July 2006; T109(c)
~~THB-224~~
 - ^{T110(c)} ~~THB-225~~ : Relevant extract of minutes of SDM on T110(c)
~~THB-225~~

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31 July 2006;

- ~~T111(C)~~
~~THB-226~~ : Relevant extract of minutes of SDM on 21 August 2006;
- ~~T112(C)~~
~~THB-227~~ : Relevant extract of minutes of SDM on 28 August 2006
- ~~T113(C)~~
~~THB-228~~ : Relevant extract of draft minutes of HPLB meeting on 4 September 2006. There is no file record of the finalized version.

~~T111(C)~~
~~THB-226~~

~~T112(C)~~
~~THB-227~~

~~T113(C)~~
~~THB-228~~

“Brief” or “briefing notes” are normally prepared for assisting an officer in attending a meeting rather than notes recording a “briefing” before a meeting. Hence, “notes/record of the discussion at the Briefing” requested under part (e) are not available.

(n) In relation to THB 40 which is a memo dated 26 July 2003 from AD(LA) to DD(C) attaching the Writ of Summons issued by the developer of Hunghom Peninsula (i.e. SC(2)) Paper No. T38), please provide the following information :

(iii) minutes of meetings / records recording the discussion within and among the relevant bureaux / departments after service of the Statement of Claim by the developer.

THB’s and LandsD’s response : For minutes of meetings / records recording the discussion within and among the relevant bureaux / departments on the Statement of Claim, the following documents are relevant –

- ~~T32(C)~~
~~THB-119~~ : Memo dated 18 August 2003 from DoJ to HD marked for the attention of PSH while Mr LEUNG was on leave;
- ~~T113~~
~~THB-120~~ : Memo dated 25 August 2003 from ALA to PSH while Mr LEUNG was on leave;

~~T32(C)~~
~~THB-119~~

~~T113~~
~~THB-120~~

- ^{T114}
- ~~THB-121~~ : Email dated 25 August 2003 (4:46 p.m.) from ALA to SA/BD, and an email dated 25 August 2003 (4:40 p.m.) from SA/BD to PSH while Mr LEUNG was on leave;

^{T114}
~~THB-121~~

We have other records relating to the court proceedings which Mr LEUNG was not involved. Some of the records refers to the logistic arrangement on the handling of the proceedings and are not materially relevant. For other records, they are either –

- (i) *meetings / correspondences among HA legal team, HA's lawyers and DoJ or between Legal Advisory and Conveyancing Office ("LACO") of Lands D and DoJ on preparation and conduct of the proceedings; or*
- (ii) *meeting / correspondences between DoJ and HD officers or between DoJ and Lands Administration Office / LACO of Lands D for taking instructions for the preparation and conduct of the proceedings for and on behalf of the Government and reporting on the progress of the proceedings.*

These are not provided on the ground of LPP and pending legal proceedings with the Developer. The disclosure of the information may prejudice the interests of the Government / HA in the pending legal proceedings with the Developer.

Note:

Document Nos. which are shaded and bold are graded as "Confidential".
Document Nos. which are underlined are those provided in previous submissions.

**Transport and Housing Bureau
6 March 2009**