

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

**Further Information provided by the Administration
in response to the Clerk to Select Committee's letter
of 12 May 2009**

Transport and Housing Bureau's ("THB") remarks : Further to our response dated 1 June 2009 to parts 1(d) & (e) and 2 of the Appendix to the letter from the Clerk to the Select Committee dated 12 May 2009, please find THB's response to parts 1(a) – (c) thereof as follows –

**Document No.
(Only English
available unless
otherwise specified)**

1. Information on the Hunghom Peninsula Private Sector Participation Scheme ("PSPS") development

- (a) Apart from the information which has been provided to the Select Committee (SC Paper Nos. T38, T40 to T41, T43 to T52, T55 to T63, T67, T70, T120 to T122 (i.e. THB40, THB49 to THB50, THB52 to THB61, THB64 to THB72, THB76, THB79, and THB128 to THB130)), please provide all other documents or records, including but not limited to memos, file minutes/notes, emails, fax messages and correspondence on matters relating to the disposal of the Hunghom Peninsula PSPS development during the period from November 2002 to December 2004 (i) between Cheung, Chan & Chung, Solicitors and Notaries and the Administration; and (ii) between Cheung, Chan & Chung, Solicitors and Notaries and the Hong Kong Housing Authority ("HA");

THB's response : The following correspondences are relevant -

- (i) *Correspondences between Cheung, Chan & Chung, Solicitors and Notaries ("CCC") and the Administration -*

Please refer to the list attached at ~~THB 313~~^{T196}. Besides, we are seeking consent from the developer of the Hunghom Peninsula development via its solicitors to our intended disclosure of some documents as their disclosure will require the developer's consent. Follow-up letters had been sent to the developer's

T196
~~THB 313~~

solicitors and we are still awaiting the developer's reply. We will provide these documents to the Select Committee once the consent from the developer has been obtained.

- (ii) *Correspondences between CCC and the Hong Kong Housing Authority ("HA")*

For the conduct of the pending High Court Action taken out by CCC for and on behalf of the developer of the Hunghom Peninsula development against the HA and the Government of the Hong Kong Special Administrative Region, the HA acted through its appointed solicitors, hence there is no record of direct correspondences between HA and CCC. Generally, the appointed solicitors would copy to HA correspondences on matters requiring HA's attention / instructions and on matters which the solicitors considered HA would need to be informed / reported to, therefore, not all the correspondences between HA's appointed solicitors and CCC were copied to HA. The list attached at THB^{T197} 314 contains correspondences copied to HA by HA's appointed solicitors at the material time, while the list attached at THB^{T198} 315 contains correspondences NOT copied to HA by the appointed solicitors at the material time.

T197
THB 314
T198
THB 315

- (b) please advise whether the documents and records stated in (a) above show that Mr CHUNG Kwok-cheong was/is handling the case on behalf of Cheung, Chan & Chung, Solicitors and Notaries;

THB's response : Of the correspondences in (a) above, the handling solicitor of CCC was shown to be a Mr Leo CHENG. Mr CHUNG Kwok-cheong's name was only shown on the letterhead on all correspondences from CCC as a senior consultant of CCC.

- (c) please advise the names of Government officials who had access to the documents and records stated in (a) above and/or to whom the relevant documents and records were passed;

Document No.
(Only English
available unless
otherwise specified)
~~THB-313~~ T196
~~THB-314~~ T197
~~THB-315~~ T198

T196 T197

T198 THB's response : Please refer to ~~THB-313~~, ~~THB-314~~ and ~~THB-315~~. Generally speaking, subject officers of the Housing Department, Lands Department ("LandsD") and Department of Justice ("DoJ") at the material time would have access to documents / correspondences from CCC and their respective legal representatives addressing or copying to their respective departments. We have attempted our best endeavours in compiling the list according to the best of our knowledge and the information presently available to us. We have, in the list mentioned above, indicated with an asterisk(*) against the name of each officer who should have access to the documents or records concerned according to the then scopes of work of the officers concerned even though there is no documentary record showing as such. Besides, since the documents mentioned in the list attached at ~~THB-315~~^{T198} contains correspondences NOT copied to the HA by its appointed solicitors at the material time, we were not aware of their existence until recently when responses were prepared for requests from this Select Committee.

Names of those officers in the concerned bureaux and departments (including, the Housing Branch of the THB, the Development Bureau, LandsD, the Civil Service Bureau and DoJ) who are involved and assisted in the preparation and compilation of the information stated in this response to the Select Committee and who could have access to these information and documents through their said involvement, are not provided.

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
 July 2009