

6 November 2010

Dear Panel on Development,

I OBJECT to the proposal by Government to sell Inland Lot 564 - which is currently the site of part of the West Wing of the Central Government Offices on Ice House Street and Battery Path - for the following reasons.

1. In 1883, I.L. No. 564 was granted to William Keswick for 999 years because it had been and was being used as an Ice House. At the time, the *Hong Kong Ice Company* was using the lower floor of the building as an Ice Depot, which was of public benefit. Hon. Mr. Keswick, a member of the Legislative Council, was granted the lease personally.

Photo c.1880, courtesy Hong Kong Public Library.



2010 photo courtesy Google Streetview

2. By 1934, the lease had been assigned to the *Hong Kong Land Investment and Agency Co. Ltd.* At the time, the Government claimed that it needed to resume the land for "a public purpose" and did so. HK Land did not selling willingly. They were forced to do so through the resumption process and the courts. In time, Government built the West Wing of the Central Government Offices – which was, and is, a public purpose.
3. However, Government has now stated that I.L. 564, which was resumed for a public purpose, is simply a part of its Land Bank, and Government plans to resell it for a private profit. **Question:** How often has Government resumed land for a “public purpose” and then sold it for private profit ?
4. By proposing to sell the lot, Government has established that it misrepresented to the court in 1934, the real reason for the resumption which was using the land for a *temporary* public purpose, and returning it to the Land Bank.
5. This bring up a larger issue. If the Government can resume and then resell a piece of property after 70 years, then the **Question is:** how short a time does the Government have to put a "resumed" lot into public use before it resells it? 10 years, 10 months, 10 days ? One hour ?
6. Today, in 2010, there is land being resumed for a public purpose - for a railway. If part of that land is not used, with this sale of I.L. 564 as a precedent, how long does the Government have to wait before it can sell the land resumed for the railway ?
7. Let us look at the relevant law:

Chapter: 124 - LANDS RESUMPTION ORDINANCE

Long title:

To facilitate the resumption of Government lands required for public purposes.

Interpretation: "resumption for a public purpose" (收回作公共用途) includes –
(b) resumption of any land upon which any building is erected which, by reason of its proximity to or contact with any other buildings, **seriously interferes with ventilation**

Section: 16 - Power to demise or grant land resumed

Any land resumed under the provisions of this Ordinance may be demised and granted by the Chief Executive on such terms and conditions and at such price, whether by way of rent, premium or otherwise, and either by public auction or private contract, as the Chief Executive may determine.

8. By proposing to build a tower, the Government is operating contrary to the intent of the resumption law. The building proposed for I.L. 564 will seriously **interfere with ventilation** in Central. This is one of the few remaining places where there is still some air ventilation in Central.

Air Ventilation in Central – courtesy Google Streetview



9. If the Government declares that there is no longer a public purpose for the land, then the purpose of the resumption is no longer valid and I.L. 564 should be returned to the original leaseholder of 1934 – not sold under Sec. 16, which assumes that the “demise” will be **for a public purpose**.
10. There is another option. The Government could announce that since they have now learned that they resumed the lot explicitly for "a public purpose" - and since it is unlawful to resume property for a non-public purpose, let them Government state that **I.L. 564 is NOT FOR SALE**, and will only be used for a public purpose as they told the court in 1934.
11. There is considerable **public** use to which this large, well-designed building, in good condition, can be put. I look forward to Government doing a public consultation with others who work for the public good to get their ideas. Also, to consult within the Government itself, to see if any Government Department that will not be moving to Tamar - who will have to rent in the Central and Western District - or departments further afield - can put this excellent building to use, while saving taxpayers ongoing rental costs.

Relevant historical information can be found at <http://gwulo.com/node/7432>

Thanks you.
Annelise Connell

1883 lease of Inland Lot 564

Dated 26 January 1884
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Lease
of
Inland lot No 564
Commencing 10th March, 1883.
Term 999 years
Annual Ground Rent \$126.40
Registered Vol. R. fo. 130
408

