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6 May 2004

Legislative Council  
Public Accounts Committee  
Legislative Council Building,  
8 Jackson Road,  
Central,  
Hong Kong.

**URGENT BY FAX: 2537 1204**

Attn: Ms. Miranda Hon, Clerk  
Public Accounts Committee

**The Director of Audit's Report on the  
results of value for money audits (Report No. 42)**

**Chapter 4: Hong Kong Harbour Fest**

Thank you for your letter of 4 May 2004 which was referred to me for reply.

With reference to the questions raised in paragraph 4 of your letter, I set out the information as follows:

- (a) Whether the Department of Justice was consulted on any of those agreements at any stage, and if so, when and by whom?

The Department of Justice was not consulted on any of the three Memoranda of Understanding. This Department was however consulted on the draft agreement between the Hong Kong Government and AmCham. On 1 August 2003, this Department received the request for advice on the draft agreement prepared by InvestHK vide its memo dated 30 July 2003.

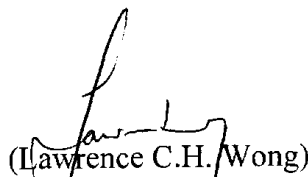
- (b) Whether any advice or comments were given upon such consultation and if so, when were they given and whether they were accepted and/or reflected in the agreements?

This Department was first consulted on 1 August 2003 after the Economic Relaunch Working Group, chaired by the former FS, agreed in principle that the Government would sponsor the Harbour Fest and after the Government and AmCham entered into a legally binding MOU which provided, amongst other things, for the first instalment (HKD\$25 million) of the sponsorship fee payable to Amcham. The Department of Justice was given two draft Agreements, one prepared by AmCham and the other by InvestHK. This Department was invited to comment on some specific clauses in the draft agreement prepared by InvestHK to ensure that the wording accurately reflected the intention of InvestHK.

In response to the specific requests, advice was given on 8 August 2003 and subsequently prior to the execution of the agreement.

Most of the advice was adopted. As the Committee will appreciate, I am subject to the rules of legal professional privilege as regards the extent of disclosure of full details or content of the advice given. However, I am able to say that this Department had raised the provision for access to documents in AmCham's possession and was instructed that that the requirement for AmCham to prepare proper books of account and to submit independently audited accounts of the festival should instead be incorporated in the Agreement. This was because the Government had decided to limit its role to that of sponsor only, and AmCham would be responsible for planning, organising and implementing the event.

Yours sincerely,



(Lawrence C.H. Wong)  
Deputy Principal Government Counsel  
(Commercial) I

c.c.	Financial Secretary	2840 0569
	Director-General of Investment Promotion	3107 9027
	Director of Audit	2583 9063
	Secretary for Financial Services and the Treasury	2147 5239
	(Attn: Mr Manfred Wong)	