FROM LANDS DEPT LACO(PARD) · 24-MAR-2005 16:02

TO 21160859



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By Fax (2845 1017) and by Post

The Director of Lands Legal Advisory and Conveyancing Office

Lands Department

20th Floor, North Point Government

Offices

333 Java Road North Point Hong Kong

Our Ref. AFK/86/04/179527/1

Your Ref: LACO 11/316/2002 SF4

Direct Tel: 2843 4214 Direct Fax: 2103 5024

Date: 24th March 2005

16th-19th Floors

Dear Sir,

Prince's Building

Re: Kowloon Inland Lot No. 11076; Hunghom Peninsula

10 Chater Road We act on behalf of First Star Development Limited and we have instructions to reply to your letter dated 11th March 2005 addressed to Central

Messra. Choung, Chan & Chung.

Hone Kong

In your letter, you stated that:-

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Any deviation from the Master Layout Plan and/or the Approved 1. Landscaping Proposals would require a modification to the Conditions of Grant;

Because the original Plan includes a Typical Floor Plan which shows

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Fax (B.X.

(852) 2843 2211

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(852) 2845 9121

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junhk@jem.com

www.jum.com

the internal and external dimensions of residential units, the combining of one or more residential units into one unit would result in a non-compliance with the Typical Floor Plan necessitating a lease modification:

Because the original Plan contains plans from the first to the seventh 3. floors in the Development and these plans also show internal and external walls for flats, any deviation from them would require a lease modification:

Should our client wish to effect any deviation from the original Plan or the Approved Landscaping Proposals, an application for lease modification should be made to the DLO/KW and it would be a condition of Government agreeing to a modification that premium is paid for any increase in value on account of the modification.

Our client has taken advice from leading London Counsel and has been advised that:-



- 1. There is no obligation on the part of our client to conform to the original Plan, so far as it prescribes the floor efficiency ratios or the number, size or layout of individual units. This is because the Modification Letter of 26th February 2004 deleted provisions relating to the design requirements for low income housing, including the technical schedule, the floor area bands in Special Condition 6(c) and the efficiency ratio for each floor imposed by Special Condition 6(d);
- 2. The aforesaid deletion by the Modification Letter is not consistent with there being any subsisting right in the Director to insist on the very same matters by virtue of their inclusion in the Master Layout Plan. The buildings having been erected at the time of the Modification Letter, the aforesaid deletion must have been intended to modify the Developer's obligations on their subsequent alteration or replacement.

Having regard to leading Counsel's advice, it is our client's position that they are entitled, as of right, to preceed to upgrade the apartments in the existing buildings, by altering the number of units and the internal partitioning. Our client does not agree that the combining of one or more residential units into one unit, or any alteration to internal or external walls for flats, would require a lease modification.

Our client requests you to reconsider Government's position and advise our client, within the next fourteen days, as to whether or not you agree with our client's position. In the event that you are to insist on your position regarding lease modification and premium, then our client may have no alternative but to take out an application to the court for a declaration regarding our client's rights.

Your fulthfully,

Johnson Stokes & Master

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