

## 鍾國昌證人陳述書

Q1. The relationship between you and Mr LEUNG Chin-man, including (a) the time and occasion when you first met Mr LEUNG and the length of time for which you have known him; (b) the business relationship between you and Mr LEUNG when he was the Director of Buildings (from August 1999 to June 2002) and the Permanent Secretary for Housing, Planning and Lands (Housing) and Director of Housing (from July 2002 to January 2006); (c) the personal relationship between you and Mr LEUNG during the periods referred to in (b) above; and (d) the personal relationship between you and Mr LEUNG after his retirement from the civil service.

- A: (a)&(c) (i) 在 1972 年尾 1973 年初，我就讀新法書院預科班，當時哲學科是我修讀的其中一科，哲學老師為哲學科學生籌辦研討會，而其中一個研討會是由我發表論述，梁展文先生在該研討會中是其中一位客席導師，梁展文先生對我的論述提供很多寶貴意見及有見地的批評指導。
- (ii) 自此之後，幾乎每星期六午飯後至黃昏晚飯前，我都會在一些茶室與梁展文先生見面，向他請教哲學問題。直至約 2 年後我上大學後，我和梁展文先生便開始少見。但除了於 90 年代中，他離港那幾年外，每年我和梁展文先生總會有兩三次的見面，暢談哲學人生，道德宗教等。一直以來梁展文先生為本人的學長前輩。
- (iii) 於 1986 年，梁展文先生應本人的邀請為小兒開筆。
- (iv) 於 80 年代尾，梁展文先生出席小兒生日派對 1-2 次。
- (v) 於 90 年代初至中，梁展文先生和我攜雙方太太一同吃飯聚會 1-2 次。
- (vi) 2006 年初，我捐獻予香港大學，為法律學院成立鍾國昌基金教

授席(法理學) (Paul K C Chung Professorship in Jurisprudence)。香港大學於2006年3月30日在校長官邸舉辦捐獻儀式及酒會，梁展文先生與鄭家純先生是我要求香港大學邀請30多位嘉賓中之其中2位。法理學是法律的哲學，邀請梁展文先生是因為他是我的師友，而我和梁展文先生都對哲學有興趣。邀請鄭家純先生是因為他是我的商界朋友，也希望提升他對捐獻香港大學法律學院的興趣。在酒會中，我介紹嘉賓們互相認識，梁展文先生與鄭家純先生是其中2位。

(vii) 2006年12月，香港大學校長邀請我在其官邸參加晚宴，梁展文先生是我邀請出席該晚宴的4位嘉賓中其中1位，鄭家純先生並不是被邀請之列。

- (b)
- (i) 於1999年至2006年1月間，我與梁展文先生的商業關係只是律師與客戶的業務關係，經張陳鍾律師行替他完成3個贖回物業押記。
  - (ii) 經梁展文先生提議下，於2003年初，本人同意被委任為香港房屋委員會商業樓宇小組委員會委員。
  - (iii) 於2003年4月1日，本人正式成為房委會轄下的商業樓宇小組委員會委員，任期2年。本人在任期內出席大部份商業樓宇小組會議。因梁展文先生是房屋署署長，他也有出席商業樓宇小組的會議。
  - (iv) 於2003年3、4月期間，張陳鍾律師行受添星發展有限公司委託，向香港政府提出有關發展合約的索償。房委會雖然並非合約一方，但因居屋單位須由房委會提名購買者，房委會牽涉在糾紛之中。張陳鍾律師行代表添星發展有限公司於2003年5月20日發信給特首辦事處、地政總處和房屋及規劃地政局(常任秘書梁展文先生)。除此之外，我和梁展文先生在此事件中，並沒有任何直接或間接接觸。
  - (v) 於2005年尾，我應梁展文先生要求介紹事務律師為他處理嘉亨

灣事件。

(d) 梁展文先生退休後我仍與他保持一年 2 至 3 次的見面，友情依舊。

Q2. The relationship between you and Dr Henry CHENG Kar-shun, including (a) the time and occasion when you first met Dr CHENG and the length of time for which you have known him; (b) the business relationship between you and Dr CHENG (including the New World Development Company Limited (“NWDCL”) and/or its subsidiaries); and (c) the personal relationship between you and Dr CHENG.

A: (a) 於 1996 年 1997 年間一社交晚宴中，通過一會計師朋友介紹我認識鄭家純先生至今。

(b) 張陳鍾律師行為新世界集團處理房地產買賣及其有關的訴訟，數量不多。由 1999 年起至 2007 年底，為該集團提供所有法律服務所得收入佔律師行的總收入約為百份之 3.2。

(c) 不定期的社交飯局。

Q3. The relationship between you and Mr Stewart LEUNG Chi-kin, including (a) the time and occasion when you first met Mr LEUNG and the length of time for which you have known him; (b) the business relationship between you and Mr LEUNG; and (c) the personal relationship between you and Mr LEUNG.

A: 我與梁志堅先生並無私交，由 2003 年 3 月認識至今，我與梁志堅先生的接觸全部與新世界的工作有關，但我與梁志堅先生的接觸完全沒有涉及梁展文先生加入新世界的事件。

Q4. Your role and participation, with dates and details, in Mr LEUNG Chin-man’s taking up of post-service work with New World China Land Limited (“NWCL”).

Q5. The date/time (a) when you first knew that Dr Henry CHENG Kar-shun had the intention to offer Mr LEUNG Chin-man the appointment as an Executive Director of NWCL; and (b) when you first knew that Mr LEUNG had accepted the offer.

- A:
- (i) 在收到梁展文先生的電話告訴我他會加入新世界之前(下述(iv)段),我並不知悉他加入新世界工作,我也沒有參與當中的過程。
  - (ii) 在上述 1(a)&(c)(vi)提及的香港大學酒會中,我介紹梁展文先生和鄭家純先生認識。
  - (iii) 於 2008 年 5 月,鄭家純先生來電請我邀約梁展文先生午餐,我以電話約了梁展文先生於 5 月 8 日在君悅酒店的日本餐廳與鄭家純先生和我午膳。飯後因我要到深圳,所以先離去,在我離開之前,他們並沒有提及梁展文先生加入新世界事宜。
  - (iv) 午膳那天之後不久,我收到梁展文先生的電話,他大致告訴我他會加入新世界到國內工作,要向政府申請批准,而在申請表格上可否填寫我為介紹人。由於梁展文先生與鄭家純先生的認識是由我介紹的,所以我同意填寫我作為介紹人。

Q6. Please advise –

- (a) the date you joined Cheung, Chan & Chung, Solicitors & Notaries; and your position and role in the firm since 1999 to present;
- (b) the services which Cheung, Chan & Chung, Solicitors & Notaries had provided to NWDCL and/or its subsidiaries relating to the sale of the Private Sector Participation Scheme (“PSPS”) flats developed by NWDCL and/or its subsidiaries in Aldrich Bay in 1999; and your role and involvement in the project, if any, with dates;
- (c) the date/time when Cheung, Chan & Chung, Solicitors & Notaries first provided services to First Star Development Limited regarding the Hunghom Peninsula PSPS development;

- (d) the services, if any, with dates, which Cheung, Chan & Chung, Solicitors & Notaries had provided to First Star Development Limited in the Hunghom Peninsula PSPS development, including those provided in respect of (i) the negotiation with the Government in the lease modification process (including deliberation on the premium), (ii) the litigation initiated by First Star Development Limited in July 2003 against the Hong Kong Housing Authority (“HA”) and the Government; and (iii) the mediation with the Government on the disposal of the Hunghom Peninsula PSPS development (including deliberation on the premium);
- (e) your role and involvement, if any, with dates, in the services provided by Cheung, Chan & Chung, Solicitors & Notaries to First Star Development Limited in respect of item (d) above;
- (f) the period of time you served and your role as a member of the Commercial Properties Committee of HA; and whether you had made any declaration of interest to HA relating to the Hunghom Peninsula PSPS development during your tenure; and if so, the date on which you made the declaration and the details of the declaration; and
- (g) your community service, with dates and details, from 1999 to present on (i) boards and committees of the Government or those of public funded bodies; and (ii) charitable or professional organizations.

A: (a) 於 1982 年成立張陳鍾律師行為其中一位創始合夥人。

於 2000 年辭去張陳鍾律師行合夥人一職；而轉任該行高級顧問律師。

2005 年 3 月 11 日- 退休

2005 年 5 月 11 日- 張陳鍾律師行的高級顧問律師，唯已不如以前般活躍參與該行的工作。

(b) 就 1999 年愛蝶灣居屋發售一事，當時鄭家純先生委託本人擔任該項目出售的代表律師之一。但因當時張陳鍾律師行不是房委會指定律師行，本人便兼任何柏生馬華潤律師行的顧問律師，由何柏生馬華

潤律師行擔任該項目出售的代表律師行之一。

在發售愛蝶灣居屋一事，本人只負責協助專業聯繫網工作，而實質工作則交予何柏生馬華潤律師行處理。

(c) 2003年3月。

(d) & (e) 添星發展有限公司與政府的糾紛之中，張陳鍾律師行以代表律師身份向添星發展有限公司提供專業法律服務。本人並非主理律師，也沒有參與實質工作。由於客戶享有法律專業特權，而放棄法律專業特權屬於客戶(並非本人)專享的權利，本人不能披露違反客戶享有法律專業特權的資料，放棄特權與否，只有客戶才能決定。

(f) (i) 由2003年4月1日至2005年3月31日，我是房委會商業樓宇小組的成員，根據作為該小組職權範圍，執行作為小組成員的職責。

(ii) 在我加入房委會商業樓宇小組時，本人考慮過是否須要申報本人所屬的張陳鍾律師行代表添星發展有限公司處理紅灣事件的糾紛。由於商業樓宇小組的職能只處理房委會轄下的非住宅設施(見附件1)，而根據政府批地條件，紅灣半島中用作非住宅用途的部份由添星發展有限公司全權處理而不是房委會轄下管理的範圍，所以不論紅灣半島的住宅部份或非住宅部份，商業樓宇小組都無權處理，因此當時本人認為該糾紛和商業樓宇小組的職能無關，範圍無涉。而申報利益表格亦沒有適當的項目可供申報(見附件2)，故本人認為不須要申報。大概於2003年6、7月期間，我向商業樓宇小組主席提起有關申報事宜，記憶中與商業樓宇小組主席談話的內容沒有令我改變不須申報的看法。

(iv) 於2003年10月左右，張陳鍾律師行主理該糾紛的律師認為作出書面申報比較慎重，我亦尊重他的意見，於是我於2003年10月28日以書面通知房委會有關事宜(見附件3)。



(g)	1953 年	香港出生
	1967 年-1972 年	香港鄧鏡波英文書院中一至中五
	1972 年-1974 年	新法書院大學預科課程
	1974 年-1977 年	香港大學法律系
	1977 年	法律學士(榮譽)學位
	1977 年-1978 年	法律專業證書(PCLL)
	1978 年-1980 年	孖士打律師行實習律師
	1980 年	香港高等法院事務律師
	1980 年-1981 年	劉陳高律師樓助理律師
	1981 年-1982 年	張陳律師行(即張陳鍾律師行的前身)助理律師
	1982 年-2000 年	張陳鍾律師行創辦合夥人
	1982 年	結婚
	1983 年	長子出生
	1984 年	英國律師
	1984 年	澳洲(維多利亞)律師
	1987 年	次女出生
	1987 年至今	楓林閣業主立案法團主席
	1990 年	澳洲新南威爾斯律師
	1991 年	國際公証人律師
	1992 年	新加坡律師
	1995 年至今	參加香港大學法律學院的 Friends of the Faculty Scheme
	1997 年至今	香港大學師友計劃的導師
	1998 年	(捐獻予)慈幼會屬下的 Don Bosco Foundation, 為韶關建立學校的慈善基金
	2000 年-2005 年 3 月	張陳鍾律師行高級顧問律師
	2001 年-2003 年	香港大學文科碩士(Master of Arts)(歷史)
	2003 年 4 月- 2005 年 3 月	香港房屋委員會商業樓宇小組委員會委員
	2004 年-2008 年	(捐獻予)英國倫敦教育基金(Benenden School Trust)

	2004 年至今	Benenden School Hong Kong Trust 信託人
	2004 年至今	城巴有限公司非執行董事
	2004 年-2005 年	利福國際集團有限公司獨立非執行董事
	2005 年 5 月至今	張陳鍾律師行高級顧問律師
	2005 年	(捐獻予)貴州大學，資助學生學費
	2006 年	(捐獻予)香港大學，並於法律學院成立鍾國昌基金教授席(法理學) (Jurisprudence)
	2006 年至今	香港鄧鏡波書院校董
	2006 年至今	香港大學基金榮譽會長
	2006 年-2009 年	香港中文大學哲學系文學碩士(Master of Arts)(哲學)
	2007 年至今	The Benenden School Hong Kong Society Limited 董事
	2007 年	於香港鄧鏡波書院創立及組織 The Elite Club，籌辦有關提高學生對英文的興趣及運用技巧的活動及課程
	2009 年	(資助)香港鄧鏡波書院舉辦北京文化考察團

日期:2009 年 5 月 29 日



鍾國昌



## **Terms of Reference of the Commercial Properties Committee**

- (i) To advise the Housing Authority on policies concerning its commercial, industrial and other non-domestic facilities and to optimise financial return on its investment.
- (ii) To exercise the powers and functions of the Authority in accordance with the relevant prevailing policies -
  - (a) to endorse programmes of activities and monitor their performance, and to approve the financial targets, service standards and performance measures within the policies and objectives set by the Authority for submission to the Authority for approval;
  - (b) to manage and maintain the Authority's non-domestic properties, including determination of letting and promotional strategy, rents and other tenancy terms;
  - (c) to determine ex-gratia allowances for non-domestic properties affected by redevelopment, repair or other operational activities; and
  - (d) to endorse policy relating to the management of the Authority's lists of service providers and consultants, and to consider appeals against actions concerning status of service providers and consultants on such lists.

### **商業樓宇小組委員會職權範圍**

- (i) 就房委會有關其商業、工業及其他非住宅設施的政策提供意見，以期在投資方面獲得最佳收益。
- (ii) 按照現行有關政策行使房委會的權力及職能，以執行有關的工作：
  - (a) 根據房委會所訂政策及目標，通過工作計劃並監察其成效、批核財政指標、服務標準及成效指標，以便提交房委會通過；
  - (b) 管理及維修房委會的非住宅樓宇，包括訂定租賃及推廣策略、租金及其他租約條款；
  - (c) 訂定受重建、修葺或其他行動影響的非住宅樓宇租戶所獲發的特惠津貼額；以及
  - (d) 通過管理房委會服務供應商及顧問公司名冊相關的政策，以及審議服務供應商及顧問公司就有關其在這些名冊上的資格所遭採取行動而提出的上訴。

To : Secretary, Housing Authority  
(Attn.: Committees' Secretary)  
Fax : 2761 0019

附件 2

致 : 房屋委員會秘書  
(會議事務秘書知照)  
圖文傳真 : 2761 0019

Registration of Interests  
登記利益

I hereby give notice that, for the purpose of Standing Order No. 4 of the Hong Kong Housing Authority, I wish to register the following interests in respect of myself -

本人現按香港房屋委員會常規第 4 條的規定，登記下開與本人有關的利益，特此通知。

Registrable Interest 須登記的利益	Details 詳情
<p><b>PART 1: PECUNIARY INTERESTS</b> 部份：金錢利益</p> <p><b>PROPRIETORSHIPS, PARTNERSHIP OR REMUNERATED DIRECTORSHIPS OF COMPANY, PUBLIC OR PRIVATE</b> 公共或私人公司東主、合夥人或收取報酬的董事身份</p> <p>1. Do you have any proprietorship in any public or private company? (See Note 1) 你是否任何公共或私人公司的東主? (見註 1)</p> <p style="text-align: right;"><del>*YES 是</del> / NO 否</p> <p>If so, please list opposite 如是，則請在右欄列出詳情。</p> <p>2. Do you have any partnership in any public or private company? (See Note 1) 你是否任何公共或私人公司的合夥人? (見註 1)</p> <p style="text-align: right;"><del>*YES 是</del> / NO 否</p> <p>If so, please list opposite 如是，則請在右欄列出詳情。</p> <p>3. Do you have any remunerated directorships in any public or private company? 你是否任何公共或私人公司的收取報酬董事? (見註 2)</p> <p style="text-align: right;"><del>*YES 是</del> / NO 否</p> <p>If so, please list opposite 如是，則請在右欄列出詳情。</p>	
<p><b>REMUNERATED EMPLOYMENTS, OFFICES, TRADES, PROFESSIONS OR VOCATIONS</b> 有薪酬的聘任、職位、行業、專業工作或職業</p> <p>4. Do you have any employment, office, trade, profession or vocation for which you are remunerated or in which you have any pecuniary interest? (See Note 3) 你是否擔任收取薪酬或涉及任何金錢利益的聘任、職位、行業、專業工作或職業? (見註 3)</p> <p style="text-align: right;"><del>*YES 是</del> / NO 否</p> <p>If so, please list opposite 如是，則請在右欄列出詳情。</p>	<p>Cheung, Chan &amp; Chung, Solicitors &amp; Notaries as Senior Consultant</p> <p>Guo Chang Tong Trust as Singor and Investment Consultant</p>

Registrable Interest 須登審的利益

Details 詳情

Where a firm is named, please briefly indicate the nature of the firm's business.

如提到公司名稱，請簡列該公司的業務性質。

SUBSTANTIAL SHAREHOLDINGS IN COMPANIES 大量的公司股份持有權

5. Do you have interests in shareholdings in any public or private company which have a nominal value greater than 1% of the issued share capital of the company? (See Note 4)

你有否在任何公司或私人公司持有面值多於該公司已發行股份總數 1% 的股份? (見註 4)

\*YES 是 / NO 否

If so, please list each company opposite, indicating in each case the nature of its business.

如有，則請在右欄列出各有關公司的名稱，以及每間公司的業務性質。

LAND AND PROPERTY 土地及物業

6. Do you have any land or property holdings of a substantial value or from which a substantial income is derived in Hong Kong? (See Note 5)

你是否在本港擁有任何價值可觀或帶來可觀收入的土地及物業? (見註 5)

\*YES 是 / NO 否

If so, please list each company opposite.

如是，則請在右欄列出每間公司的名稱。

PART 2: NON-PECUNIARY INTERESTS

第二部份：非金錢利益

1. Are you a member of public bodies, boards and committees which focus of work is closely related to that of Housing Authority? (See Note 6)

你是否任何工作重心與房屋委員會有密切關係的公共機構、議會及委員會的會員? (見註 6)

\*YES 是 / NO 否

If so, please list opposite 如是，則請在右欄列出詳情。

Name : Paul Chung Kwok Cheong

姓名

Signature :

簽署

Date :

日期

28th April 2003

## Explanatory Notes

### *Note 1*

You should give the name of the company, briefly stating the nature of the business of company in each case.

### *Note 2*

- (a) "Remunerated directorships" include all directorships for which a fee, honorarium, allowance or other material benefit is payable.
- (b) Only remunerated directorships of local companies are registrable.
- (c) Remunerated directorships through corporate directors are also registrable. However, particulars of remunerated directorships through corporate directors need only be updated on an annual basis, at the beginning of April each year.
- (d) Where you are a remunerated director of a company, all subsidiary or associated directorships which you hold within the same group, whether remunerated or not, should also be registered.

### *Note 3*

- (a) Indicate the name of the employment, office, trade, profession or vocation.
- (b) An employment, office, trade, profession or vocation is "remunerated" where a salary, honorarium, allowance or other material benefit is payable.
- (c) "Remunerated offices" should include all "remunerated" public offices.
- (d) Members who have paid posts as consultants or advisers should indicate the nature of the consultancy in the register: for example, "management consultant", "legal adviser", etc.

### *Note 4*

- (a) There is no need to register the size, or value of the shareholdings.
- (b) "Shareholdings" is defined as personal shareholdings and do not include shareholdings held by a Member in the capacity of a nominee shareholders.
- (c) It is the obligation of a Member to register interests under this category within his knowledge.
- (d) Shareholdings held by a Member's spouse and infant are not registrable.

### *Note 5*

- (a) The requirement is to register the general nature of the interest rather than a detailed list of the holdings. It would be in order to register an interest under this category in the following manner -

"A property on Hong Kong Island"

- (b) A Member's residence in Hong Kong need not be registered unless he also derives an income from it.

### *Note 6*

- (a) Examples of public bodies are the Land Development Corporation, the Housing Society, etc.
- (b) Examples of the public boards and committees are the Town Planning Board, etc.

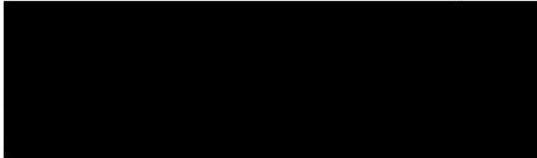
Mr. Chung Kwok Cheong  
Unit 5505, 55<sup>th</sup> Floor,  
Hopewell Centre,  
183 Queen's Road East,  
Wanchai, Hong Kong.

28<sup>th</sup> October 2003

**BY FAX : 2537 1732 & BY POST**

**~~PRIVATE & CONFIDENTIAL~~**

Mr. Walter Chan Kar-lok  
Chairman of the Commercial Properties Committee



TO BE OPENED BY  
THE ADDRESSEE ONLY

Dear Mr. Chan,

**Re: Disclosure of Interest  
HCA 2761 of 2003  
First Star Development Limited**

v

**The Hong Kong Housing Authority ("the 1<sup>st</sup> Defendant") &  
The Secretary for Justice ("the 2<sup>nd</sup> Defendant")**

Pursuant to the Housing Authority Standing Orders, I hereby give you formal notice that Messrs. Cheung, Chan & Chung, of which I am a Senior Consultant, are currently acting for First Star Development Limited ("First Star") in the captioned proceedings, wherein The Hong Kong Housing Authority is named as the 1<sup>st</sup> Defendant.

The dispute arose out of a Memorandum of Agreement dated 22<sup>nd</sup> October 1999 which was entered into between First Star of the one part and the Chief Executive on behalf of the 2<sup>nd</sup> Defendant of the other part and relates to a Private Sector Participation Scheme project at Kowloon Inland Lot No.11076, Hung Hom Bay Reclamation Area, Kowloon.

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To avoid any possible conflict of interest or allegation of disclosure of confidential information on my part (whether to First Star or to The Hong Kong Housing Authority), I deem it more appropriate for me to excuse myself from attending any meeting whereat the aforesaid subject-matter may be raised and/or discussed. I shall therefore be most grateful if you would advise me in advance in case the same is to be included in the agenda of any of our meetings in future. Moreover, any information pertaining thereto should also be deleted from the materials circulated to me.

Your attention to and assistance in this matter is greatly appreciated.

Yours sincerely,



Chung Kwok Cheong

c.c. Director of Housing  
- Mr. Kenneth Mak  
- Mr. Wilson Tong