

Principal:  
Benson S. F. Li B.Sc. LL.B. LL.M. MBA  
李緒峰律師 2290 6868

李緒峰律師行  
BENSON LI & CO.

Unit B, 6th Floor, Two Chinachem Plaza,  
135 Des Voeux Road Central, Hong Kong.  
香港中環德輔道中一三五號  
華懋廣場II期六樓B室  
Tel/電話: (852) 2544 9833  
Fax/傳真: (852) 2542 2555

SOLICITORS

Agents for Trade Marks & Patents

Your Ref :  
Our Ref : BL/330708/2010

Direct Line: 2544-9833  
Date: 16<sup>th</sup> November 2010

Development Bureau  
The Government of the Hong Kong  
Special Administrative Region  
9<sup>th</sup> Floor, Murray Building,  
Garden Road, Hong Kong.

By Fax & By Hand  
(2868-4530)

Attn: Miss Elania Luk

Dear Sirs,

Re: Ting Yuen (The Shrine)

San Wai Tsuen, San Tin, Yuen Long, New Territories

Lots Nos.2049 (Part), 2055RP (Part), 2057 sA (Part), 2057 sB RP (Part), 2058 (Part), 2059, 2060 (Part), 2062 (Part), 2063 (Part), 2065 (Part), 2066 (Part), 2072 (Part), 2073 (Part), 2076 (Part), 2077 (Part), 2078 (Part), 2079 (Part) and 2080 (Part) all in D.D. 104



We act for Casdon Management Limited, a wholly-owned subsidiary of Aptus Holdings Limited, a company listed on the Growth Enterprise Market of the Stock Exchange of Hong Kong Limited, (Stock Code: 8212), the operator of the captioned business. We refer to your letter dated 3 November 2010 ("your Letter").

We enclose herewith a copy of the signed form as required by your Letter without prejudice to our following objections and contentions.

First of all, our client is unable to tick any one of the 4 choices (boxes) in your form for the following reasons. Our client's captioned business is a shrine rather than an ordinary columbarium. Further, our client totally disagree with your allegation in your Letter that our client's captioned business or the use of relevant lots is not in compliance with planning requirements and that the structures found thereon are unauthorized as alleged in Column 5 and

## **BENSON LI & CO.**

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Column 6 therein. We maintain our position that the captioned business is fully in compliance with the user restrictions in the relevant Government leases and the statutory town planning requirements. Of course there is no issue of illegal occupation of the relevant lots by our client.

We are not prepared to set out in full detail our client's ground for legality in this letter. Without prejudice to our client's ground and position, our client's basis ground is that the captioned business fall within the always permitted use of "Shrine" in the statutory plan, the Approved Ngau Tam Mei Outline Zoning Plan No.S/YL-NTM/12 ("the OZP"). Regarding the alleged unauthorized structures, our client's position is that the houses, buildings or structures have been existed in the lots for more than half a century and all along the Government has not taken any action against the presence of the houses, buildings or structures despite its receiving of rent and with knowledge of the existence of the houses, buildings and structures therein. As such, the Government has waived the original restriction of user covenant and any breaches (if any) and has abandoned the rights to take any enforcement action.

In the premises, we take grave exception to the inclusion of the captioned business in your Part B, in particular without any prior consultation with and/or representation by our client. This is grossly unfair and has no ground and basis to include the captioned business in your Part B. It also shows procedural injustice in this matter.

It is plain that your intended publication of the Information on Private Columbaria would have a far-reaching effect on the captioned business. Undoubtedly, our client, its shareholders and its customers will suffer irreparable financial loss if the captioned business is wrongfully included in your Part B.

Our client's position is that as our client's captioned business is in full compliance with planning requirement and relevant Government leases, if you insist to classify our client's captioned business despite it is a shrine, our client's captioned business should be put in Part A rather than in Part B.

By reasons aforesaid, we opine that you have no ground and basis to put our client's captioned business in your Part B. We are instructed to give you notice that if you put our client's captioned business in your Part B, our client shall take out legal actions against you for judicial review and claim for all losses and damages suffered by our client.

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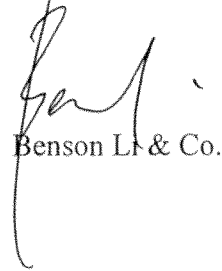
SOLICITORS

In order to amicably resolve the matter, we urge you to discuss with our client and hear our client's representation before you make any publication.

We hereby reserve all the rights of our client.

Thank you.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Benson Li', is written over the printed name 'Benson Li & Co.'.

Benson Li & Co.

/Encl.

Principal:

Benson S. F. Li  
李緒峰律師

B.Sc. LL.B. LL.M. MBA  
2290 6868

# 李緒峰律師行 BENSON LI & CO.

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Your Ref :

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2544-9833

Our Ref :

Date:

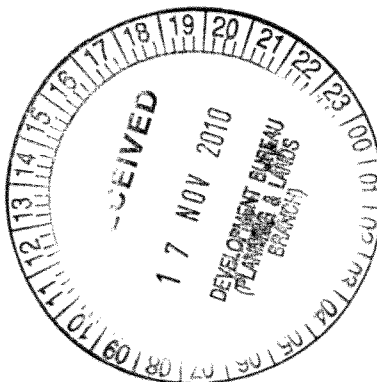
17<sup>th</sup> November 2010

BL/330708/2010

Development Bureau  
The Government of the Hong Kong  
Special Administrative Region  
9<sup>th</sup> Floor, Murray Building,  
Garden Road, Hong Kong.

By Fax & By Hand  
(2868-4530)

Attn: Miss Elania Luk



Dear Sirs,

Re: Ting Yuen (The Shrine)

San Wai Tsuen, San Tin, Yuen Long, New Territories

Lots Nos.2049 (Part), 2055RP (Part), 2057 sA (Part), 2057 sB RP (Part) 2058 (Part), 2059, 2060 (Part), 2062 (Part), 2063 (Part), 2065 (Part), 2066 (Part), 2072 (Part), 2073 (Part), 2076 (Part), 2077 (Part), 2078 (Part), 2079 (Part) and 2080 (Part) all in D.D. 104

We refer to our letter dated 16<sup>th</sup> November 2010 to you ("our said Letter"), copy of which is enclosed for your reference. We would like to make the following supplement for your consideration.

This letter is without prejudice to our client's rights, objections and contentions in our said Letter.

Our client appreciates that the Government is entitled to regulate private columbaria and express its own views on the contents of Column 5 and Column 6 of the Information on Private Columbarium. However, it should do fairly. Our client and other operators are entitled to present their view and make representations on your views in Column 5 and Column 6. In particular, our client consider that until and unless the Government's views have been adjudicated by the court to be correct in law, any publication of your views in Column 5 and Column 6 unilaterally is unfair to our client and all other operators and misleading the public.

**BENSON LI & CO.**

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To strike a balance, we would humbly suggest that Column 5 and Column 6 of the Information on Private Columbarium in so far as they relate to Ting Yuen be revised as follows (or with words of like effect), with the suggested revision underlined :-

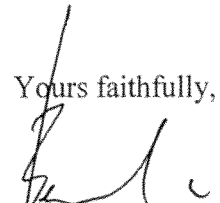
| <u>Column 5</u>                                                                                                                                                                                                                                                                                                                                                                                                                                             | <u>Column 6</u>                                                                                                                                                                                                                                                                                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Town Planning Information                                                                                                                                                                                                                                                                                                                                                                                                                                   | Land/Lease Information                                                                                                                                                                                                                                                                                                 |
| <u>The Government's view is as follows:</u><br><br>OZP: Ngau Tam Mei Outline Zoning Plan<br>Zoning: Village Type Development<br>Not in compliance with planning requirements (unless it is an existing use)<br>Covered by Development Permission Area Plan                                                                                                                                                                                                  | <u>The Government's view is as follows:</u><br><br>Unauthorized structures are found on the lot.                                                                                                                                                                                                                       |
| <u>The view of the operator of Ting Yuen (The Shrine) is as follows:</u><br><br>There is no evidence that Ting Yuen (The Shrine) is not in compliance with planning requirements. Ting Yuen (The Shrine) fall within the always permitted use of "Shrine" in the statutory plan, the Approved Ngau Tam Mei Outline Zoning Plan No. S/YL-NTM/12 ("OZP").<br><br>Which of the above views is correct in law is ultimately a matter for decision by the court. | <u>The view of the operator of Ting Yuen (The Shrine) is as follows:</u><br><br>There is no evidence that Ting Yuen (The Shrine) is not in compliance with the user restrictions in the relevant Government Lease.<br><br>Which of the above views is correct in law is ultimately a matter for decision by the court. |

Notwithstanding our suggestion, we maintain our client's position that Ting Yuen should be put in Part A despite it is a shrine. The above suggestion is without prejudice to our client's rights and position.

We hereby reserve all the rights of our client.

Your attention to this matter is much appreciated.

Yours faithfully,

  
Benson Li & Co.

Encl.

Principal:

Benson S. F. Li

李緒峰律師

B.Sc. LL.B. LL.M. MBA

2290 6868

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BENSON LI & CO.

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香港中環德輔道中一三五號

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Our Ref :

Date:

BL/330708/2010

13<sup>th</sup> December 2010

Development Bureau,  
The Government of the Hong Kong  
Special Administrative Region  
9<sup>th</sup> Floor, Murray Building,  
Garden Road, Hong Kong.

**By Fax & By Hand**

(2868 4530)

Attn: Miss Elaina Luk

Dear Sirs,

Re: Ting Yuen (The Shring)

San Wai Tsuen, San Tin, Yuen Long, New Territories

Lots Nos. 2049(Part), 2055RP(Part), 2057sA(Part), 2057sB RP(Part), 2058(Part), 2059,  
2060(Part), 2062 (Part), 2063(Part), 2065 (Part), 2066 (Part), 2072(Part), 2073 (Part),  
2076 (Part), 2077 (Part), 2078(Part), 2079(Part) and 2080 (Part) all in D.D. 104



We refer to your letter dated 6<sup>th</sup> December 2010 and reply as follows.

We have explained in our letter to you dated 16<sup>th</sup> November 2010 ("our first Letter") the reasons why our client is unable to tick any one of the 4 choices (boxes) in your form. To recap, our client's captioned business is a shrine rather than an ordinary columbarium. Further, our client totally disagree with your allegation that our client's captioned business or the use of relevant lots is not in compliance with planning requirements and that the structures found thereon are unauthorized as alleged in Column 5 and 6 therein. Our client do oppose that Ting Yuen be classified in Part B. We maintain our client's position that Ting Yuen should be classified and put in Part A despite it is a shrine on the ground that our client's captioned business is in full compliance with planning requirement and relevant Government leases.

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Therefore, if you insist to reflect in Part B of the Information on Private Columbaria that our client has not chosen any option in the pro forma in your letter dated 3<sup>rd</sup> November 2010, our client request you to include the reasons of our client in not choosing any boxes in the pro forma as stated above.

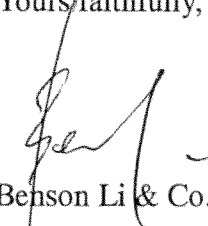
Further, on without prejudice to the above and the contents of our letters dated 16<sup>th</sup> and 17<sup>th</sup> November 2010, if you insist to publish the Information on Private Columbaria, our client do not object to publish our letters dated 16<sup>th</sup> November 2010 and 17<sup>th</sup> November 2010 provided that it should make clear to public that our client do oppose to be classified and put in Part B and our client's position is that Ting Yuen should be classified and put in Part A.

Regarding the supplemental information you mentioned in your letter to be published together with the said two letters, please let us know the detail of the said supplemental information before our client can consider whether to give consent to publish it or not.

This letter is without prejudice to our client's rights to take any legal proceedings against your publishing of the Information on Private Columbaria.

All our client's rights are hereby expressly reserved.

Yours/faithfully,



Benson Li & Co.

c.c. client  
Counsel

Principal:  
Benson S. F. Li B.Sc. LL.B. LL.M. MBA  
李緒峰律師 2290 6868

# 李緒峰律師行 BENSON LI & CO.

Unit B, 6th Floor, Two Chinachem Plaza,  
135 Des Voeux Road Central, Hong Kong.  
香港中環德輔道中一三五號  
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SOLICITORS

Agents for Trade Marks & Patents

Your Ref :

Direct Line:

Our Ref :

Date:

BL/330708/2010

2544-9833

17<sup>th</sup> December 2010

Development Bureau,  
The Government of the Hong Kong  
Special Administrative Region  
9<sup>th</sup> Floor, Murray Building,  
Garden Road, Hong Kong

**BY FAX & BY HAND**  
**(2868 4530)**

Attn.: Miss Elaina Luk

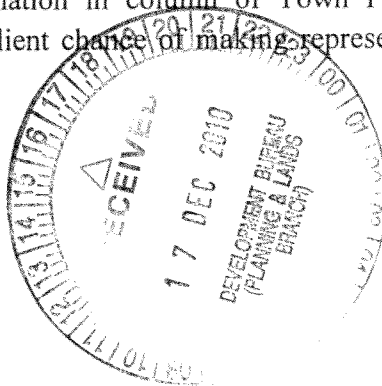
Dear Sirs,

Re: Ting Yuen (The Shrine)  
San Wai Tsuen, San Tin, Yuen Long, New Territories  
Lot Nos. 2049(part), 2055RP(part), 2057s.A(part), 2057sB RP, 2058(part), 2059,  
2060(part), 2062(part), 2063(part), 2065(part), 2066(part), 2072(part), 2073(part),  
2076(part), 2077 (part), 2078(part), 2079(part) and 2080(part) all in D.D.104

We act for Hong Kong Life Group Holdings Limited, the operator of Ting Yuen (The Shrine) and refer to the List of Part A and Part B of Private Columbarium published by you on 16<sup>th</sup> December 2010.

After perusing the List, we have the following objections:-

1. Our client objects to you to classify our client's captioned business in Part B. By our letters dated 16<sup>th</sup>, 17<sup>th</sup> November 2010 and 13<sup>th</sup> December 2010, we have repeatedly made clear to you that our client's captioned business is a shrine rather than a columbarium. Further, our client's captioned business is in full compliance with planning requirement and relevant Government leases and should be classified and put in Part A if you insist to classify;
2. Our client objects to you to add further information in column of Town Planning Information unilaterally and without giving our client chance of making representation





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and objection. In your letter dated 3<sup>rd</sup> November 2010, column 5 of Town Planning Information stated words by words as follows :-

“OZP: Ngau Tam Mei Outline Zoning Plan

Zoning :Village Type Development

Not in compliance with planning requirements (unless it is an existing use)

Covered by Development Permission Area Plan”

By our letter dated 17<sup>th</sup> November 2010, we made objections to the contents in column 5 and made out our position therein. However, to our surprise, you unilaterally added in the List new matter not appearing in your letter dated 3<sup>rd</sup> November 2010 that “The Planning Authority served an Enforcement Notice on 22.10.2010 requiring the concerned parties to discontinue the unauthorized development”. If you wish to publish this piece of information, you should include it in Column 5 of your letter dated 3<sup>rd</sup> November 2010 and so that our client has chance to reply and make representation. In particular, our client all along opposes the alleged Notice of Planning Department and will take out legal action to quash the Notice soon. This matter has not yet been determined and adjudicated by court. Therefore, your unilaterally adding new matter is procedural irregularity and unfair to our client. Our client has been deprived chance of representation;

3. Further, our client object to you that our letters dated 16<sup>th</sup> November 2010 and 17<sup>th</sup> November 2010 have not been published with the List. In fact, at your request, we have by our letter dated 13<sup>th</sup> December 2010 confirmed to you that we have no objection to publish our letters dated 16<sup>th</sup> November 2010 and 17<sup>th</sup> November 2010. We are surprised that you have not published our letters dated 16<sup>th</sup> November 2010 and 17<sup>th</sup> November 2010 despite our clear confirmation to you to publish the same;
4. By classifying Part A and Part B and publishing the List, you are taking up the role of court to pre-judge the status of compliance of planning requirement and lease requirement that in fact should be subject to determination and adjudication of the court. Therefore, our client do object to your pre-judge and put our client’s business in Part B.

Accordingly, we hereby demand you immediately to execute the following :-

1. to put our client’s business, Ting Yuen in Part A, or a new class Part C (neither Part A nor Part B) as compliance of planning and land/lease requirement has yet to be determined and adjudicated by court;

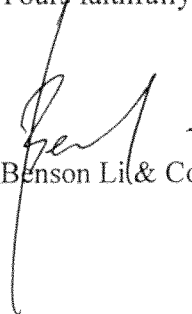
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2. to delete the new information that "The Planning Authority served an Enforcement Notice on 22.10.2010 requiring the concerned parties to discontinue the unauthorized development" from the List;
3. to publish our letters dated 16<sup>th</sup> November 2010 and 17<sup>th</sup> November 2010 together with the List.

Because of your wrongful act stated above, our client has suffered losses and damages. Our client reserve all their rights to claim for all losses and damages suffered as a result.

Yours faithfully,



Benson Li & Co.

Principal:

Benson S. F. Li B.Sc. LL.B. LL.M. MBA

李緒峰律師 2290 6868

# 李緒峰律師行 BENSON LI & CO.

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Date:

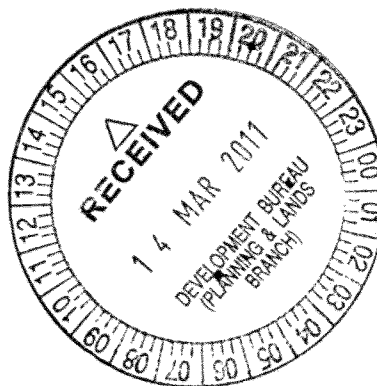
14<sup>th</sup> March 2011

Development Bureau,  
The Government of the Hong Kong  
Special Administrative Region  
9<sup>th</sup> Floor, Murray Building,  
Garden Road, Hong Kong.

**By Fax & By Hand**

(2868 4530)

Attn: Miss Elaina Luk



Dear Sirs,

Re: Ting Yuen (The Shrine)

San Wai Tsuen, San Tin, Yuen Long, New Territories

Lots Nos. 2049(Part), 2055RP(Part), 2057sA(Part), 2057sB RP(Part), 2058(Part), 2059,  
2060(Part), 2062 (Part), 2063(Part), 2065 (Part), 2066 (Part), 2072(Part), 2073 (Part),  
2076 (Part), 2077 (Part), 2078(Part), 2079(Part) and 2080 (Part) all in D.D. 104

We act for Hong Kong Life Group Holdings Limited, the operator of Ting Yuen (The Shrine) and refer to the List ("the List") of Part A and Part B of Private Columbarium published by you on 16<sup>th</sup> December 2010. We understand that you will renew the information in the List on 16<sup>th</sup> March 2011. Our client requests you to renew the information in the List as regards Ting Yuen (The Shrine) as follows.

First of all, we reiterate and adopt the contents of our letters dated 16<sup>th</sup>, 17<sup>th</sup> November 2010 and 13<sup>th</sup> and 17<sup>th</sup> December 2010 ("the said Letters"). Copies of the said Letters are enclosed for your reference.

## **BENSON LI & CO.**

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Secondly, upon perusing the List, we have the following objections :-

1. Our client objects to you to classify our client's captioned business in Part B. By the said Letters, we have repeatedly stated to you that our client's captioned business is a shrine rather than a columbarium. Further, our client's captioned business is in full compliance with planning requirement and relevant Government leases and should be classified and put in Part A if you insist to classify;
2. We repeat our letter to you dated 17<sup>th</sup> December 2010. Our client objects to you to add new information in the List in the column of Town Planning Information unilaterally which have not appeared in your letter dated 3<sup>rd</sup> November 2010 and without giving our client's chance of making representation and objection. In your letter dated 3<sup>rd</sup> November 2010, column 5 of Town Planning Information stated words by words as follows :-

“OZP: Ngau Tam Mei Outline Zoning Plan

Zoning : Village Type Development

Not in compliance with planning requirements (unless it is an existing use)

Covered by Development Permission Area Plan”

In fact, we have made objections to the said contents by our letter dated 17<sup>th</sup> November 2010 and made out our position therein. Notwithstanding our objections and to our surprise, you unilaterally added in the List new matter not appearing in your letter dated 3<sup>rd</sup> November 2010 that “The Planning Authority served an Enforcement Notice on 22.10.2010 (“the Notice”) requiring the concerned parties to discontinue the unauthorized development”. As stated in our letter dated 17<sup>th</sup> December 2010, if you wish to publish this piece of information, you should include it in Column 5 of your letter dated 3<sup>rd</sup> November 2010 so that our client has the chance to reply and make representation. Particularly, our client does all along oppose the Notice. In fact, our client's subsidiaries have applied to court for judicial review against the Notice and the court has granted leave to our client's subsidiaries to apply for judicial review against the Notice on 31<sup>st</sup> January 2011 and the Originating Summons has been issued by our client's subsidiaries against the Director of Planning on 14<sup>th</sup> February 2011 to quash the Notice. Therefore, we request you to amend the Town Planning Information in the List as follows:-

## **BENSON LI & CO.**

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“OZP: Ngau Tam Mei Outline Zoning Plan

Zoning : Village Type Development

Not in compliance with planning requirements (unless it is an existing use)

Covered by Development Permission Area Plan

The Planning Authority served an Enforcement Notice on 22.10.2010 (“the Notice”) requiring the concerned parties to discontinue the unauthorized development

The operator through its subsidiaries have applied for judicial review against the Notice and the court has granted leave to the operator’s subsidiaries to apply for judicial review against the Notice on 31<sup>st</sup> January 2011 and the Originating Summons has been issued by the operator’s subsidiaries against the Director of Planning on 14<sup>th</sup> February 2011 to quash the Notice”

3. Regarding the Land/lease information, our client’s subsidiary has issued Origination Summons against the Secretary for Justice on 19<sup>th</sup> November 2010 to seek a declaration that the covenant contained in the Block Government Lease of Lot No.2065 in D.D.104, Yuen Long, New Territories, Hong Kong is unenforceable on the ground that the said covenant has been abandoned by the Government and accordingly, there is no breach of the Block Government Lease and no unauthorized structures existed on the lot. Therefore, we request you to amend the Land/ lease information in the List as follows :-

“Unauthorized structures are found on the lot

The operator through its subsidiary has applied to court on 19<sup>th</sup> November 2010 for a declaration that the covenant contained in the Block Government Lease of Lot No.2065 in D.D.104, Yuen Long, New Territories, Hong Kong is unenforceable on the ground that the said covenant has been abandoned by the Government and accordingly, there is no breach of the Block Government Lease and no unauthorized structures existed on the lot”

4. Further, our client object to you that our letters dated 16<sup>th</sup> November 2010 and 17<sup>th</sup> November 2010 have not been published with the List. In fact, we have by our letter dated 13<sup>th</sup> December 2010 confirmed clearly to you that we have no objection to publish our letters dated 16<sup>th</sup> November 2010 and 17<sup>th</sup> November 2010. Therefore, we request you to publish our letters dated 16<sup>th</sup> November 2010 and 17<sup>th</sup> November 2010.

## BENSON LI & CO.

SOLICITORS

In conclusion, we request you to amend the information in the List and execute the following :-

1. to put our client's business, Ting Yuen (The Shrine) in Part A as our client's captioned business is in full compliance with planning requirement and relevant Government leases;
2. to publish our letters dated 16<sup>th</sup> November 2010 and 17<sup>th</sup> November 2010 together with the List;
3. to amend the Town Planning Information in the List as follows :-

“OZP: Ngau Tam Mei Outline Zoning Plan

Zoning : Village Type Development

Not in compliance with planning requirements (unless it is an existing use)

Covered by Development Permission Area Plan

The Planning Authority served an Enforcement Notice on 22.10.2010 (“the Notice”) requiring the concerned parties to discontinue the unauthorized development

The operator through its subsidiaries have applied for judicial review against the Notice and the court has granted leave to the operator's subsidiaries to apply for judicial review against the Notice on 31<sup>st</sup> January 2011 and the Originating Summons has been issued by the operator's subsidiaries against the Director of Planning on 14<sup>th</sup> February 2011 to quash the Notice”

分區計劃大綱圖: 牛潭尾分區計劃大綱圖

規劃用途: 鄉村式發展

不合符規劃用途 (除非屬「現有用途」)

在發展審批地區圖涵蓋範圍內

規劃監督署於 2010 年 10 月 22 日發出強制執行通知書(“該通知書”), 要求有關人士中止違例發展。

經營者已透過其附屬公司向法院就該通知書申請司法覆核, 而經營者的附屬公司已於 2011 年 1 月 31 日獲法院批予許可就該通知書申請司法覆核, 經營者的附屬公司已於 2011 年 2 月 14 日對規劃署署長發出原訴傳票以撤銷該通知書。

**BENSON LI & CO.**

SOLICITORS

4. to amend the Land/lease Information in the List as follows :-

“Unauthorized structures are found on the lot

The operator through its subsidiary has applied to court on 19<sup>th</sup> November 2010 for a declaration that the covenant contained in the Block Government Lease of Lot No.2065 in D.D.104, Yuen Long, New Territories, Hong Kong is unenforceable on the ground that the said covenant has been abandoned by the Government and accordingly, there is no breach of the Block Government Lease and no unauthorized structures existed on the lot”

該地段建有違例構築物。

經營者已於 2010 年 11 月 19 日透過其附屬公司向法院申請聲明聲明在丈量約份第 104 約的第 1065 號地段的集體政府契約的契諾不能強制執行，因政府已放棄該契諾，因此，並無違反集體政府契約及並無違例構築物存在於該地段上。

All our client's rights are hereby expressly reserved.

Yours faithfully,

  
Benson Li & Co.

/Encl.

c.c. client

Counsel