



香港生命集團控股有限公司
HONG KONG LIFE GROUP HOLDINGS LIMITED

Your Ref. DEVB(PL-P)50/31/06/1

23rd December 2011

Development Bureau,
The Government of the Hong Kong
Special Administrative Region
9th 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), 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

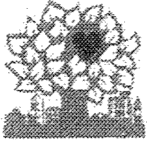
We refer to your letter dated 16th December 2011 in respect of the above matter.

We reiterate the contents of our previous letters to you, namely letters dated 16th November 2010;
17th November 2010; 13th December 2010; 17th December 2010; 14th March 2011; 25th March 2011,
22nd June 2011 and 26th September 2011.

We hereby expressly request you to amend the information in the List as follows –

1. to put our business, Ting Yuen (The Shrine) in Part A as our captioned business is in full compliance with planning requirement and relevant Government leases;
2. to amend the Town Planning Information in the List as follows :-

“OZP: Ngau Tam Mei Outline Zoning Plan
Zoning: Village Type Development



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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 requiring the discontinuance of the unauthorized development

The concerned party has submitted the Notice of Appeal to the Court of Appeal appealing against the Judgment on 27.10.2011 in respect of the Enforcement Notice served on 22.10.2010.

The case is pending court's decision.

The operator opines that the use is in compliance with planning requirement.

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

不符合規劃用途 (除非屬「現有用途」)

在發展審批地區圖涵蓋範圍內

規劃監督著於 2010 年 10 月 22 日發出強制執行通知書, 要求有關人士中止違例發展。

有關人士已於 2011 年 10 月 27 日向上訴法庭提交上訴通知書, 針對規劃監督於 2010 年 10 月 22 日發出強制執行通知書的決定之判決提出上訴。

有關個案正等候法庭裁決。

經營者認為該用途完全符合規劃要求。

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

"The Owner has commenced legal proceedings against the Government for a declaration that there is no unauthorized structure existed on the lot.

Lot No.2072 in DD104 was re-entered by the Government

The operator has commence legal proceedings claiming for adverse possession of Lot No.2072 in DD104.

The operator opines that the use is in compliance with the Government lease requirement.

業權人已向政府展開法律程序申請聲明並無違例構築物存在於該地段上。

政府已重收丈量約份第 104 約的第 2072 號的土地

經營者已展開法律訴訟對丈量約份第 104 約的第 2072 號的土地作出逆權的申索。

經營者認為該用途完全符合契約要求。



香港生命集團控股有限公司
HONG KONG LIFE GROUP HOLDINGS LIMITED

We hereby expressly request and consent you to publish the following letters together with the Information on Private Columbaria when it is updated :-

Without prejudice to our rights and contentions and objections in our said letters, we hereby enclose the Form duly signed for your attention. Please take note that our ticking of the 4th option shall not operate to deem our agreement that our business be classified as columbaria and be put in Part B. These contentions have been stated clearly in our letters.

All our rights are hereby expressly reserved.

Yours faithfully,

Ting Yuen (The Shrine)

/Encl.

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.
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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: 16th November 2010

Development Bureau
The Government of the Hong Kong
Special Administrative Region
9th 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

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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.

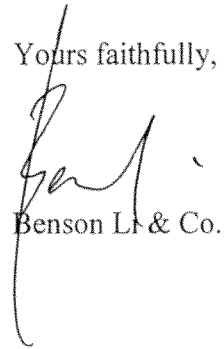
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In order to amicably resolve the matter, we urge you to discuss with our client and hear our client's representation before you make any publication.

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 typed name 'Benson Li & Co.'.

Benson Li & Co.

/Encl.

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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Agents for Trade Marks & Patents

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Direct Line:

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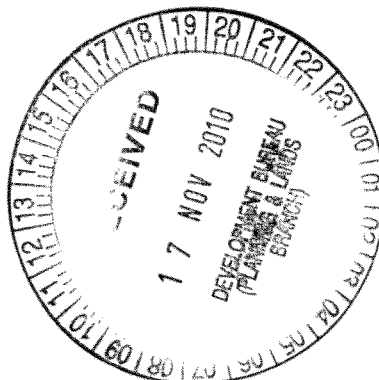
17th November 2010

BL/330708/2010

Development Bureau
The Government of the Hong Kong
Special Administrative Region
9th 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 16th 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.

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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> 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	<u>The Government's view is as follows:</u> Unauthorized structures are found on the lot.
<u>The view of the operator of Ting Yuen (The Shrine) is as follows:</u> 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"). 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> There is no evidence that Ting Yuen (The Shrine) is not in compliance with the user restrictions in the relevant Government Lease. 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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SOLICITORS

Agents for Trade Marks & Patents

Your Ref :

Direct Line:

2544 9833

Our Ref :

Date:

BL/330708/2010

13th December 2010

Development Bureau,
The Government of the Hong Kong
Special Administrative Region
9th 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 6th December 2010 and reply as follows.

We have explained in our letter to you dated 16th 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 3rd 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 16th and 17th November 2010, if you insist to publish the Information on Private Columbaria, our client do not object to publish our letters dated 16th November 2010 and 17th 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.

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Fax/傳真: (852) 2542 2555

SOLICITORS

Agents for Trade Marks & Patents

Your Ref :

Direct Line:

Our Ref :

Date:

BL/330708/2010

2544-9833

17th December 2010

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

BY FAX & BY HAND
(2868 4530)

Attn.: Miss Elaina Luk

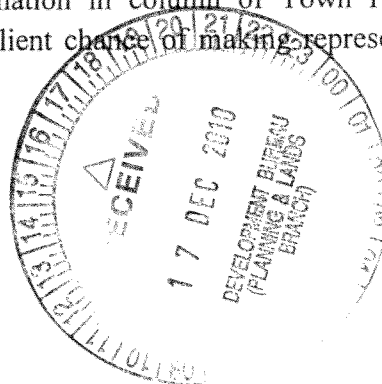
Dear Sirs,

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 16th 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 16th, 17th November 2010 and 13th 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 3rd 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 17th 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 3rd 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 3rd 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 16th November 2010 and 17th November 2010 have not been published with the List. In fact, at your request, we have by our letter dated 13th December 2010 confirmed to you that we have no objection to publish our letters dated 16th November 2010 and 17th November 2010. We are surprised that you have not published our letters dated 16th November 2010 and 17th 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;

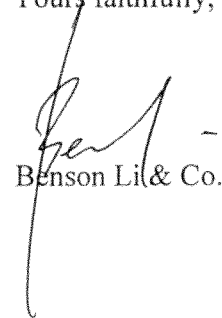
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SOLICITORS

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 16th November 2010 and 17th 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

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SOLICITORS

Agents for Trade Marks & Patents

Your Ref :

Direct Line: 2544 9833

Our Ref :

BL/330708/2010

Date:

14th March 2011

Development Bureau,
The Government of the Hong Kong
Special Administrative Region
9th 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 16th December 2010. We understand that you will renew the information in the List on 16th 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 16th, 17th November 2010 and 13th and 17th December 2010 ("the said Letters"). Copies of the said Letters are enclosed for your reference.

BENSON LI & CO.

SOLICITORS

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 17th 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 3rd November 2010 and without giving our client's chance of making representation and objection. In your letter dated 3rd 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 17th 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 3rd 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 17th December 2010, if you wish to publish this piece of information, you should include it in Column 5 of your letter dated 3rd 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 31st January 2011 and the Originating Summons has been issued by our client's subsidiaries against the Director of Planning on 14th February 2011 to quash the Notice. Therefore, we request you to amend the Town Planning Information in the List as follows:-

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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 31st January 2011 and the Originating Summons has been issued by the operator’s subsidiaries against the Director of Planning on 14th 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 19th 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 19th 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 16th November 2010 and 17th November 2010 have not been published with the List. In fact, we have by our letter dated 13th December 2010 confirmed clearly to you that we have no objection to publish our letters dated 16th November 2010 and 17th November 2010. Therefore, we request you to publish our letters dated 16th November 2010 and 17th 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 16th November 2010 and 17th 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 31st January 2011 and the Originating Summons has been issued by the operator's subsidiaries against the Director of Planning on 14th 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 19th 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

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 Chimacien Plaza,
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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 : DEVB(PL-P)50/31/06/1 pt3

Direct Line: 2544 9833

Our Ref : BL/330708/2010

Date: 25th March 2011

Development Bureau,
The Government of the Hong Kong
Special Administrative Region
9th 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), 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 18th March 2011 in respect of the above matter.

First of all, we do not agree with your Town Planning and Land/Lease Information as detailed in Column 5 and Column 6 therein. In fact, we have written to you on 14th March 2011 requesting you to amend the Town Planning and Land/Lease Information in Column 5 and Column 6 when Information on Private Columbaria is updated. Our said letter dated 14th March 2011 is enclosed for your reference. We hereby expressly 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;

BENSON LI & CO.

SOLICITORS

2. 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 31st January 2011 and the Originating Summons has been issued by the operator’s subsidiaries against the Director of Planning on 14th 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對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。

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

“The Owner/Operator through its subsidiary has applied to court against the Government on 19th 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

Lot No.2072 in DD104 was re-entered by the Government

BENSON LI & CO.

SOLICITORS

The Owner/Operator will take out legal proceedings to recover Lot No.2072 in DD104

業主或經營者已於 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

政府已重收丈量約份第 104 約的第 2072 號地段

業主或經營者將展開法律訴訟以取回丈量約份第 104 約的第 2072 號地段。”

Further, we hereby expressly request and consent you to publish the following letters together with the Information on Private Columbaria when it is updated :-

1. our letter to you dated 16th November 2010;
2. our letter to you dated 17th November 2010;
3. our letter to you dated 13th December 2010;
4. our letter to you dated 17th December 2010; and
5. our letter to you dated 14th March 2011.

Copies of these letters are enclosed for your reference.

Without prejudice to our client's rights and our client's contentions and objections in our said letters, we hereby enclose the Form duly signed by our client for your attention. Please take note that our client's ticking of the 4th option shall not operate to deem our client's agreement that our client's business be classified as columbaria and be put in Part B. These contentions have been stated clearly in our letters.

All our client's rights are hereby expressly reserved.

Yours faithfully,


Benson Li & Co.

/Encl.

c.c. client

Counsel

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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華懋廣場II期六樓B室
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Fax/傳真：(852) 2542 2555

SOLICITORS

Agents for Trade Marks & Patents

Your Ref : DEVB(PL-P)50/12/60/1 pt4

Direct Line: 2544 9833

Our Ref : BL/330708/2010

Date: 22nd June 2011

Development Bureau,
The Government of the Hong Kong
Special Administrative Region
9th 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), 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 15th June 2011 in respect of the above matter.

First of all, we object to you that our client's business (Ting Yuen) is still put in Part B. We reiterate that our client's captioned business is in full compliance with planning requirement and relevant Government leases and our client's business should be put in Part A. As such, we do not agree with your Town Planning and Land/Lease Information as detailed in Column 5 and Column 6 therein.

We hereby expressly request you to amend the information in the List as follows –

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;

BENSON LI & CO.

SOLICITORS

2. 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 concerned party has instigated judicial review against the decision of the Planning Authority in respect of the Enforcement Notice served on 22/10/2010.

The operator opines that the use is in compliance with planning requirement.

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

不符合規劃用途（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。

有關人士已就規劃監督於 2010 年 10 月 22 日發出強制執行通知書的決定提出司法覆核

經營者認為該用途完全符合規劃要求。

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

“The Owner has commenced legal proceedings against the Government for a declaration that there is no unauthorized structure existed on the lot.

Lot No.2072 in DD104 was re-entered by the Government

The Owner/operator will take out legal proceedings to recover Lot No.2072

The operator opines that the use is in compliance with the Government lease requirement.

業權人已向政府展開法律程序申請聲明並無違例構築物存在於該地段上。

政府已重收丈量約份第 104 約的第 2072 號的土地

BENSON LI & CO.

SOLICITORS

業主或經營者將展開法律訴訟以取回丈量約份第 104 約的第 2072 號的土地經營者認為該用途完全符合契約要求。

We reiterate all our previous letters to you, namely letters dated 16th November 2010; 17th November 2010; 13th December 2010; 17th December 2010; 14th March 2011 and 25th March 2011.


Further, we hereby expressly request and consent you to publish the following letters together with the Information on Private Columbaria when it is updated :-

1. our letter to you dated 16th November 2010;
2. our letter to you dated 17th November 2010;
3. our letter to you dated 13th December 2010;
4. our letter to you dated 17th December 2010;
5. our letter to you dated 14th March 2011; and
6. our letter to you dated 25th March 2011.

Without prejudice to our client's rights and our client's contentions and objections in our said letters, we hereby enclose the Form duly signed by our client for your attention. Please take note that our client's ticking of the 4th option shall not operate to deem our client's agreement that our client's business be classified as columbaria and be put in Part B. These contentions have been stated clearly in our letters.

All our client's rights are hereby expressly reserved.

Yours faithfully,


Benson Li & Co.

/Encl.

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.

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135 Des Voeux Road Central, Hong Kong.
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Fax/傳真: (852) 2542 2555

SOLICITORS

Agents for Trade Marks & Patents

Your Ref : DEVB(PL-P)50/31/06/1

Direct Line: 2544 9833

Our Ref : BL/330708/2010

Date: 27th September 2011

FAX

Development Bureau,
The Government of the Hong Kong
Special Administrative Region
9th 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), 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 20th September 2011 in respect of the above matter.

We reiterate the contents of our previous letters to you, namely letters dated 16th November 2010; 17th November 2010; 13th December 2010; 17th December 2010; 14th March 2011; 25th March 2011 and 22nd June 2011.

We hereby expressly request you to amend the information in the List as follows –

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;

BENSON LI & CO.
SOLICITORS

2. 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 requiring the discontinuance of the unauthorized development

The concerned party has instigated judicial review against the decision of the Planning Authority in respect of the Enforcement Notice served on 22/10/2010.

The case is pending court's decision.

The operator opines that the use is in compliance with planning requirement.

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

不符合規劃用途 (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，要求有關人士中止違例發展。

有關人士已就規劃監督於 2010 年 10 月 22 日發出強制執行通知書的決定提出司法覆核

有關個案正等候法庭裁決。

經營者認為該用途完全符合規劃要求。

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

“The Owner has commenced legal proceedings against the Government for a declaration that there is no unauthorized structure existed on the lot.

Lot No.2072 in DD104 was re-entered by the Government

The operator has commence legal proceedings claiming for adverse possession of Lot No.2072 in DD104.

The operator opines that the use is in compliance with the Government lease requirement.

業權人已向政府展開法律程序申請聲明並無違例構築物存在於該地段上。

政府已重收丈量約份第 104 約的第 2072 號的土地

BENSON LI & CO.
SOLICITORS

經營者已展開法律訴訟對丈量約份第 104 約的第 2072 號的土地作出逆權的申索。

經營者認為該用途完全符合契約要求。

We hereby expressly request and consent you to publish the following letters together with the Information on Private Columbaria when it is updated :-

1. our letter to you dated 16th November 2010;
2. our letter to you dated 17th November 2010;
3. our letter to you dated 13th December 2010;
4. our letter to you dated 17th December 2010;
5. our letter to you dated 14th March 2011;
6. our letter to you dated 25th March 2011; and
7. our letter to you dated 22nd June 2011.

Without prejudice to our client's rights and our client's contentions and objections in our said letters, we hereby enclose the Form duly signed by our client for your attention. Please take note that our client's ticking of the 4th option shall not operate to deem our client's agreement that our client's business be classified as columbaria and be put in Part B. These contentions have been stated clearly in our letters.

All our client's rights are hereby expressly reserved.

Yours faithfully,


Benson Li & Co.

/Encl.

c.c. client

Counsel