

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

**Reply Serial No.**

**HPLB(PL)088**

Question Serial No.

1628

Head : 118 Planning Department      Subhead (No. & title) :

Programme : (2) District Planning

Controlling Officer : Director of Planning

Director of Bureau : Secretary for Housing, Planning and Lands

Question : Would the Government explain why the indicator of “judicial reviews handled” is estimated at 4 for 2005? Please give the details of these cases and an estimate of the public fund involved.

Asked by : Hon. CHAN Kam-lam

Reply :

Details of the 4 court cases, including 3 judicial review (JR) cases and 1 writ case, are as follows:

HCAL 61 of 2003 – Four Asphalt Companies v TPB & Man Fai Tai Enterprise Ltd.

The JR was lodged by four asphalt companies in June 2003 against the Town Planning Board (TPB)'s decision to approve a planning application for a temporary asphalt production plant on a site zoned “Agriculture” at Man Kam To Road, Sha Ling. The hearing of the case was held from 14 to 16 December 2004 and will continue in October 2005.

HCAL 5 of 2004 – Fine Tower Associates Ltd. v TPB

Lodged in January 2004, the JR was against the TPB's decision of not upholding the Applicant's objection to the draft Quarry Bay Outline Zoning Plan (OZP). The Applicant's lots on the Quarry Bay waterfront were zoned “Other Specified Uses(1)” annotated “Cultural and/or Commercial, Leisure and Tourism Related Uses” and “Open Space”. The Applicant considered that the zonings amounted to de facto resumption of its land without compensation. The hearing of the case was held from 16 to 18 February 2005. The decision is not yet available.

HCAL 51 of 2004 – Capital Rich Development Ltd. & Well Unicorn Development Ltd. v TPB

The JR was lodged in March 2004 against the TPB's decision of not upholding the Applicants' objection to the draft Urban Renewal Authority Staunton Street/Wing Lee Street Development Scheme Plan (DSP). The Applicants argued that the TPB did not take into account their interests as owners of certain properties within the area covered by the DSP. The hearing of the case will be held from 11 to 13 April 2005.