

**立法會**  
***Legislative Council***

LC Paper No. LS120/19-20

**Judicial Review proceedings relating to the construction of music  
fountains at the Kwun Tong Promenade  
(HCAL 814/2020)**

This is to inform Members that Kwun Tong District Council member, Ms LEUNG Jannelle Rosalynne, and a member of the Kowloon East Community Concern Group, CHUNG Kin-wa, ("the Applicants") have filed an application dated 4 May 2020 for leave to apply for judicial review ("Leave Application") in HCAL 814/2020 ("Proceedings") against the following decisions relating to the construction of music fountains at Kwun Tong Promenade ("Project"), a project of the Signature Project Scheme announced under the 2013 Policy Address:

- (a) the decision made by the Panel on Home Affairs ("HA Panel") at its meeting on 21 December 2017 to support the submission of the Project to the Public Works Subcommittee of the Legislative Council for its consideration; and
- (b) the decision made by the Finance Committee ("FC") at its meeting on 30 November 2018 to approve the financial proposal for the Project.

2. The Home Affairs Department, the President<sup>1</sup> of FC and the Chairman of HA Panel are named as the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Putative Respondents respectively.

3. The Applicants allege that the Home Affairs Department, the 1st Putative Respondent, had failed to properly consult residents of Kwun Tong before submitting the Project to HA Panel and FC for their consideration. As the Applicants have filed their Leave Application more than three months after the date(s) of the relevant decisions sought

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<sup>1</sup> The Applicants have named the 2<sup>nd</sup> Putative Respondent in the Proceedings as the "President" instead of the "Chairman" of FC.

to be impugned, they also seek an extension of time for making the Leave Application.

4. Hon Mr Justice CHOW of the Court of First Instance has directed, among others, that: (a) the Putative Respondents do file and serve affirmation(s) in opposition (if any) by 25 September 2020; (b) the Applicants do file and serve affirmation(s) in reply by 6 November 2020; and (c) there be a 1/2 day (estimated length: three hours) oral hearing on 3 December 2020 for the application for extension of time and for the Leave Application.

5. With the consent of the Chairmen of FC and of HA Panel, Messrs. Lo & Lo and Mr Anthony CHAN of Counsel have been retained to represent the 2<sup>nd</sup> and 3<sup>rd</sup> Putative Respondents in the Proceedings.

6. We shall keep Members informed of developments in the Proceedings.

Prepared by

Legal Service Division  
Legislative Council Secretariat  
4 September 2020