

立法會
Legislative Council

LC Paper No. LS20/20-21

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

This note provides an update on the captioned proceedings.

2. Members may recall that in May 2020 a Kwun Tong District Council member, Ms LEUNG Jannelle Rosalynne, and a member of the Kowloon East Community, CHUNG Kin-wa, ("the Applicants") filed an application 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 ("LegCo") 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.

3. The Home Affairs Department, the President¹ of FC and the Chairman of the HA Panel are named as the 1st, 2nd and 3rd Putative Respondents respectively. Pursuant to the special leave given by the President of LegCo under section 7(2) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) and Rule 90(4) of the Rules of Procedure, the Clerk to FC and Acting Clerk to HA Panel made two affirmations on behalf of the 2nd and 3rd Putative Respondents (which were filed on 25th September 2020) to give evidence for the Proceedings. The hearing of the Leave Application

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

("Hearing") was scheduled for 3 December 2020 at 10:00 a.m. before Hon Mr. Justice CHOW of the Court of First Instance.

4. Having been refused legal aid for the Proceedings, the Applicants indicated in mid-November 2020 their intention to: (a) withdraw the Leave Application; and (b) vacate the Hearing. By a consent summons dated 25 November 2020, the parties agreed that: (a) leave be granted to the Applicants to withdraw the Leave Application against the 1st, 2nd and 3rd Putative Respondents; (b) the Hearing be vacated; and (c) costs for the Proceedings be to the 1st, 2nd and 3rd Putative Respondents and to be summarily assessed. The Court made an Order in terms of the Consent Summons on 26 November 2020.

5. In the light of paragraph 4 above, there is no need for the 2nd and 3rd Putative Respondents to attend the Hearing originally scheduled for 3 December 2020. Further, we shall proceed with the summary assessment of the costs of the 2nd and 3rd Putative Respondents to be borne by the Applicants.

Prepared by

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