

Battle for land lost by villagers

By LINDY COURSE

THIRTEEN New Territories villagers fighting to keep their land have lost their battle with the Government.

The Hoi Pa villagers failed to persuade the Privy Council they should be allowed to redevelop their land and were ordered to pay the Government's costs.

Businessman and Heung Yee Kuk elder, Chan Lau-fong, and 12 other residents had claimed a resumption order made by the Government in 1990 was unlawful and argued their case in the Privy Council last month, after they lost in both the High Court and the Court of Appeal.

The Government wants to resume the land to auction it for residential and commercial development, which the villagers estimate is worth \$280 million.

Hoi Pa is in an area designated for creating Tsuen Wan new town and a block resumption order was made in 1981 for various plots including the 21 lots owned by the appellants, which were almost all in an area zoned for commercial and residential development.

From July 1988, Mr Chan and the other villagers tried to convince the Governor not to resume the lots unconditionally but to allow the villagers to develop the land themselves for commercial and residential purposes, to their financial advantage.

But in July 1990, a resumption notice affecting the 21 lots was published, saying it was for "development at Hoi Pa village - remaining engineering works".

In a judgement given by Lord Keith, the Law Lords said the only point argued before them was whether the notice for resumption was to be construed as meaning the only public purpose for which the lots were to be resumed was that of carrying out remaining engineering works to construct a road.

If this were the case, the order was wider than necessary as only two of the lots were required for the road.

But Lord Keith said the resumption should not be construed as such.

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