

Land (Compulsory Sale for Redevelopment) Ordinance (Cap.545)

by
Mr. Clemence Yeung,
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Mr. Yeung was called to the Bar in 1997. Prior to that he was admitted as a solicitor in England and Wales and in Hong Kong and practised as a solicitor in the litigation department of an international firm. He was a contributor to Halsbury's Laws of Hong Kong Volume 18(1) Maritime Law (Butterworths) and has authored a book on the law of unjust enrichment in Hong Kong.

This presentation looks at the two most controversial issues presently concerned with the Land (Compulsory Sale for Redevelopment) Ordinance, Cap.545, namely whether adjoining lots may be included in an auction for sale, and if the Ordinance is constitutionally sound.

It will discuss (among others) the following issues and authorities:

- **Marriage Value**
- **Statutory Construction and Use of Hansard**
- **Margin of Appreciation**
- **Capital Appreciation**
- **Fair Balance**
- **The Ordinance**
 1. First Mate Development Ltd v Gee Wing Chung and Others LDCS 8000/2016, 5 January 2018, unreported
 2. First Kind Ltd & Anor v Liu Keng Chor, the administrator of the estate of Li Fung Man deceased & Anor [2016] 4 HKC 9
 3. Day Bright Development Ltd & Ors v Choi Pak Ling & Ors [2014] 4 HKC 364
 4. Supergoal Investment Ltd v Five Ming House Ltd & Ors [2014] 1 HKLRD 286
 5. Bond Star Development Ltd v Capital Well Ltd [2003] 4 HKC 22
 6. Capital Well Ltd v Bond Star Development Ltd (2005) 8 HKCFAR 578
 7. Golden Bay Investment Ltd v Chou Hung [1994] 2 HKC 197
- **Statutory Interpretation**
 1. China Field Ltd v Appeal Tribunal (Buildings) & Anor [2009] 5 HKC 231
 2. Gow (FC) v Grant [2012] UKSC 29
 3. HKSAR v Lam Kwong Wai (2006) 9 HKCFAR 574

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▪ **The Basic Law**

1. Harvest Gold Development Ltd v Secretary for Justice & Ors [2007] 4 HKC 1
2. Fortress Jet Ltd and Others v Tang Hoi Yip and Cheung Sau Chan Property Ltd and Others LDCS 3000/2015, 28 February 2017, unreported
3. Intelligent House Ltd v Chan Tung Shing & Ors [2008] 4 HKC 421
4. Hysan Development Co Ltd v Town Planning Board [2016] 6 HKC 58

▪ **Strasbourg Cases**

1. James v United Kingdom (1986) 8 E.H.R.R. 123
2. Lithgow v United Kingdom (1986) 8 E.H.R.R. 329
3. Mellacher v Austria (1989) 12 E.H.R.R. 391
4. JA Pye (Oxford) Ltd v United Kingdom (2005) 19 BHRC 705
5. Scordino v Italy (2007) 45 E.H.R.R. 7
6. Grainger v United Kingdom, App. No.34940/10, Eur. Ct. H.R. (2102)
7. Kozacioglu v Turkey, App. No.2334/03, Eur. Ct. H.R. (2013)

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