



# 香港地產建設商會

## THE REAL ESTATE DEVELOPERS ASSOCIATION OF HONG KONG

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### **REDA Application for Judicial Review of the Building Authority**

#### **Position Statement**

The Real Estate Developers Association of Hong Kong (REDA) filed an application to the High Court on 04 November 2011 seeking Judicial Review (JR) of a recent policy decision by the Building Authority (BA) requiring an applicant submitting a general building plan (GBP) to “provide particulars and proof of ownership or realistic prospect of control” of the site marked for redevelopment.

REDA notes that, prior to the new policy announcement (October 2010), ownership or realistic prospect of control has rarely, if ever, been cited as a basis for rejecting GBP. REDA considers that the new policy has a negative impact on the certainty all property owners are entitled to in regards to the development potential of their property and is ultra vires the provisions of the Buildings Ordinance.

Furthermore, the BA’s new requirement has been adopted without any prior consultation with the development industry, professional bodies, and other stakeholders. REDA has made numerous attempts to seek clarification as to the reasons and applicability of the new policy, but has not been able to obtain a satisfactory response from the BA. REDA, therefore, believes the JR is an unfortunate, but necessary, step to ensure that the BA is operating in a fair and reasonable manner in accordance with the provisions of the Buildings Ordinance.

**6 November 2011**