

**Staff of the Lands Tribunal will only assist parties in the general procedures in matters that are within the jurisdiction of the Tribunal, they have no responsibility to check data of the parties. To avoid delay of application/proceedings, parties must ensure all data submitted are correct.**

## LANDS TRIBUNAL

### General Procedures -- Applications under the Building Management Ordinance (Cap. 344)

#### A. Notice of Application

(1) A Notice of Application (Form 27 or 29) \* together with the requisite number of copies (normally 4 photocopies) should be filed **in person or by an authorised representative** at the Lands Tribunal.

\* **Form 27** -- Application for an owners' meeting to be convened to appoint a management committee.

\* **Form 29** -- Application in respect of any proceedings pursuant to Section 31 and in the Schedule 10 to the Ordinance (please see overleaf).

**N.B.** (1) Pursuant to the Direction of the Registrar, Lands Tribunal: Any person presenting an originating application for filing at the Tribunal should produce to the staff his/her Identity Card for verification. Any person (bearing a Letter of Authorization), acting for and on behalf of the Applicant for filing an originating application at the Tribunal, should also produce his/her Identity Card to the staff for verification. The said representative of the Applicant should also submit a copy of the Applicant's Identity Card for filing.

(2) If the Application is signed by an authorized representative, an effective letter of authorisation should be produced.

(3) If the Applicant is a company/incorporation, please affix the company chop, write down the full name and post/status of the signatory on the Notice of Application. **A letter of authorization proving that the signatory has been so authorized by the company/incorporation should be produced.**

(4) A sole proprietor/proprietress submits his/her application in person should sign the Form personally and write down his/her full name together with "Sole proprietor/proprietress" next to his/her signature and affixed with company chop. A partner submits his/her application in person should sign if the application is made by a partnership and write down his/her full name together with "Partner" next to his/her signature and affixed with company chop.

(5) If the Applicant or Respondent is a sole proprietorship (e.g. Chan Tai Man trading as XYZ Company) or a partnership (e.g. Chan Tai Man and Chan Siu Man trading as XYZ Company), the Applicant should obtain the 'Business Registration Application' of the Applicant and the Respondent to ascertain its trade name and the principal place of business and/or the residential address of the proprietor/proprietress or partners when filing the application. The Applicant can obtain this at the Business Registration Office of the Inland Revenue Department.

(6) If the Respondent is a company limited, the Applicant is also required to state the address of the Respondent's registered office in the Notice of Application and at the same time provide an updated copy of the company search record in order to prove the address of Respondent's Registered Office and serve a copy of the Notice of Application at that address as well.

(7) The Applicant or his authorized representative must verify the Notice of Application filed by a statement of truth by stating that he believes the facts stated in the document are true.

(2) The Applicant should, after filing the Application with the Tribunal, serve a copy of the Application on **every** Respondent(s) either by delivering a copy of the Application **personally** or by **ordinary post** to the Respondent. Please bring along sufficient envelope(s) [with stamp(s) for ordinary mail] if the mode of service is by ordinary post.

(3) **Within 3 days of service of the Application**, the Applicant should file with the Tribunal an Affidavit/ Affirmation of Service (Form 30).

<b>Fees :</b>	Notice of Application (Form 27 or 29)	-----	\$235.00
	Affidavit/Affirmation of Service (Form 30)	-----	\$125.50

#### B. Notice of Opposition

If the Respondent wishes to oppose the Application, he should file with the Tribunal a Notice of Opposition **within 21 days of service of Application** upon him and serve a copy thereof on the Applicant. The Respondent or his authorized representative must verify the Notice of Opposition filed by a statement of truth by stating that he believes the facts stated in the document are true.

<b>Fees :</b>	Notice of Opposition (Form 7)	-----	\$55.00
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#### C. Application to List for Hearing

(1) Where a Notice of Opposition has been filed or the time for filing Notice of Opposition has elapsed, any party to the Application may apply to list the Application for hearing by submitting Form 31 and serve a copy thereof on the other parties at the same time.

(2) Upon receipt of Form 31, the Tribunal will arrange to fix a hearing date and parties will be notified accordingly.

<b>Fees :</b>	Application to List for Hearing (Form 31)	-----	\$55.00
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#### D. Hearing

You must attend the hearing **on time**, otherwise the Application may be dismissed or determined in your absence.

## BUILDING MANAGEMENT ORDINANCE

### SCHEDULE 10

(ss. 42 & 45)

#### HEARING AND DETERMINATION OF SPECIFIED PROCEEDINGS BY TRIBUNAL

1. Proceedings relating to the interpretation and enforcement of the provisions of this Ordinance.
2. Proceedings relating to the interpretation and enforcement of the terms and provisions of a deed of mutual covenant, including such terms or provisions impliedly incorporated into a deed of mutual covenant under Part VIA.
3. Proceedings relating to the use, occupation, enjoyment, possession or ownership of the common parts or any other part of a building in which the owners have a common interest.
4. Proceedings relating to the calculation or apportionment of --
  - (a) any sums payable or purported to be payable under a deed of mutual covenant (if any);
  - (b) the funds and contributions referred to in sections 20 and 21;
  - (c) any management expenses or charges (howsoever named);
  - (d) any other out-goings, payments, debts or liabilities due or liable under this Ordinance or in accordance with the terms and provisions of an instrument which is registered in the Land Registry including a deed of mutual covenant (if any).
5. Proceedings relating to any question of law concerning the powers and duties of --
  - (a) a corporation;
  - (b) a management committee, and of the chairman, secretary and treasurer thereof;
  - (c) a manager within the meaning of section 34D(1);
  - (d) an owners' committee within the meaning of that section;
  - (e) the tenants' representative.including such powers and duties (if any) of a financial, pecuniary or fiduciary nature.
6. Proceedings relating to any question of law concerning ownership, occupation or possession of the whole or any part of the building, including ownership of an undivided share in a building or in land on which there is a building.
7. Without prejudice to paragraph 6 and subject to section 45(3), proceedings relating to any question of law concerning the extent and applicability or otherwise of any contractual or proprietary right enjoyed by owners and occupiers or otherwise referred to in the terms and provisions of an instrument which is registered in the Land Registry including a deed of mutual covenant (if any).
8. Proceedings relating to any question of law concerning any breach or alleged breach of any covenant, term or condition specified in an instrument which is registered in the Land Registry including a deed of mutual covenant (if any).
9. Proceedings relating to the enforcement of any contractual or proprietary right referred to in paragraph 7 or any covenant, term or condition referred to in paragraph 8, as the case may be, whether by way of specific performance, injunction, declaration, damages or otherwise.

**I have read the above Procedures and would like to download the relevant form (word 47 Kb)**