

Application for Leave to issue Writ

(No "Notice to Persons in Actual Possession/Occupation" was posted up at the time the Notice of Application was served on the Respondent)

Please file this form together with the documents mentioned in paras 4-6 and para.8 on or after _____

IN THE LANDS TRIBUNAL OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION

No. LD / _____

BETWEEN _____ **Applicant**
AND _____ **Respondent**

I, _____, of _____

_____ , make oath and say/solemnly and sincerely affirm* as follows :

- (1) I am informed and verily believe that the Application was on _____, 20____ duly served upon the Respondent.
- (2) Judgment was entered in favour of the Applicant against the Respondent on _____, 20____ for possession of _____.
- (3) * (a) The time granted to the Respondent under Section 21F of the High Court Ordinance, Cap. 4 or otherwise allowed by the Tribunal and the stay of execution (if any) ordered by the Tribunal, have all expired.
(b) **After the order was made *and pursuant to the order of _____, 20____** , the Respondent has
* (i) failed to settle the arrears of rent/mesne profits and costs.
* (ii) only paid a sum of \$ _____ being ***part of the rent/mesne profit from _____ to _____ *and costs**; but still failed to pay ***the balance of rent/mesne profit from _____ to _____ *and the rent/mesne profits** commencing from _____ ***and costs**.
- (4) On _____, 20____, I posted up a notice in a conspicuous place at the main entrance of the suit premises informing the Respondent and all persons in actual possession of the aforesaid premises that I have obtained judgment herein requiring them to vacate the said premises and stating that in default of their vacating the said premises or of any application to the Tribunal for relief or otherwise, I shall proceed to recover possession upon the said judgment without further notice. A copy of the said notice is attached hereto and marked exhibit "A".
- (5) On _____, 20____, I visited the suit premises and on this occasion, I saw the notice hereinbefore mentioned *still posted at the main entrance & intact / *has been torn away. Then I posted another copy of the same notice in its place.
- (6) On _____, 20____, I visited the suit premises and on this occasion, I saw the notice hereinbefore mentioned *still posted at the main entrance & intact / *has been torn away. Then I posted another copy of the same notice in its place.
- (7) The subject premises *(a) do not consist of a subdivided unit as defined in section 120AA(1) of the Landlord and Tenant (Consolidation) Ordinance, Cap.7; or *(b) consist of a subdivided unit as defined in section 120AA(1) of the Landlord and Tenant (Consolidation) Ordinance, Cap.7 and the tenancy of which is a sub-tenancy created out of another tenancy.

- (8) *As the subject premises consist of a subdivided unit as defined in section 120AA(1) of the Landlord and Tenant (Consolidation) Ordinance, Cap.7 and the tenancy of which is a sub-tenancy created out of another tenancy and since I am the superior landlord in relation to the subdivided unit, after the Order for Possession was granted, I posted up the Notice to Recover Possession on _____, 20____, _____, 20____ and _____, 20____ for a successive of 3 days on the main door or entrance to the subdivided unit (or the subject premises) and marked as exhibit 'B'. *A period of 60 days has expired beginning on the day immediately after the last day the notice is posted / The sub-tenant of the subdivided unit delivered up vacant possession of the subdivided unit on _____, 20____.
- (9) I verily believe that the Respondent and all persons in actual possession of the suit premises have received sufficient notice of these proceedings to enable them to apply to the Tribunal for relief and since the date of judgment they have had ample time so to do and I therefore crave leave to issue forthwith a Writ of Possession of the suit premises in the judgment in this Application mentioned and costs of this application.

And I make oath and say/solemnly and sincerely affirm* that the contents of this affidavit/affirmation* are true.

(signature of deponent/affirmant*)

SWORN/AFFIRMED* at the Lands Tribunal in the HKSAR this ____ day of _____, 20____.

Before me,

Commissioner for Oaths
Judiciary

* Please delete where appropriate