

Application for Leave to issue Writ

("Notice to Persons in Actual Possession/Occupation" has been posted up for 3 successive days at the time the Notice of Application was served on the Respondent)

Please file this form together with the documents mentioned in paras 2-4 *and para. 8 **on or after**

IN THE LANDS TRIBUNAL OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION

No. LD / _____

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

I, _____ * having produced letter of authorization , of _____

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

(1) I am informed and verily believe that the Notice of Application of the above-mentioned Application was on _____, 20____ duly served upon the Respondent.

(2) On _____, 20____ at the suit premises at _____

I posted up a copy of the Notice of Application and a copy of the Notice to Persons in Actual Possession /Occupation at a conspicuous place at its main door or entrance informing the Respondent and all occupant(s) of the suit premises that the Notice of Application for recovery of vacant possession of the said premises had on _____, 20____ been filed with the Lands Tribunal. The Respondent and all persons in actual possession/occupation in the said premises are also informed that they should apply to the Tribunal for the appropriate relief or remedy should they think they have any claim of right to continue occupying/residing the said premises, or the Applicant shall pursue with the application and, upon judgment obtained, proceed to recover possession without further notice. I now produce a copy of the said Notice of Application which is marked as exhibit 'A' and a copy of the said Notice to Persons in Actual Possession/Occupation and marked as exhibit 'B'.

(3) On _____, 20____, at the same place of the suit premises, I posted up again a copy of the same Notice to Persons in Actual Possession/Occupation.

(4) On _____, 20____, at the same place of the suit premises, I posted up again a copy of the same Notice to Persons in Actual Possession/Occupation.

(5) On _____, 20____, the Applicant has obtained judgment to recover vacant possession of the suit premises.

(6) * (a) The time granted to the Respondent under Section 21F of the High Court Ordinance, Cap. 4 or otherwise allowed to the Respondent by the Tribunal to pay arrears of rent/mesne profits and costs 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 —

* (i) has failed to settle the arrears of rent/mesne profits and the costs ordered by the Tribunal, if any.

* (ii) has **on or before the Payment Deadline** only paid a sum of \$ _____ being ***part of the rent/ mesne profits from** _____, 20____ **to** _____, 20____ ***and costs**; but still owes the Applicant the *** balance of rent / mesne profits from** _____, 20____ **to** _____, 20____ ***and the rent/mesne profits commencing from** _____, 20____ ***and costs.**

- (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 'C'. *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/occupation of the suit premises have received sufficient notice of these proceedings to enable them to apply to the Tribunal for order or relief. Furthermore, since the date of filing of the Notice of Application, they have had ample time so to do. I therefore crave leave of the Tribunal to issue a Writ of Possession for recovery of the suit premises 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