

**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 for Enforcement of Order for Possession

- (1) Where an **Order for Possession** has been made by the Tribunal for the Applicant, and the order allows the Respondent to pay up all arrears of rent/mesne profit and costs within a specified time limit in return for exemption of the order for delivery of vacant possession, and the Respondent has indeed paid up all the amounts within the said time limit, then the Respondent need not enter into a new tenancy with the Applicant and can continue to occupy the suit premises according to the original tenancy. However, if the Respondent fails to pay up all arrears of rent /mesne profit and costs within the specified time limit, or the order itself does not allow the Respondent to make such payment(s) in return for an exemption of the order for delivery of vacant possession, and the Respondent has failed to deliver vacant possession of the suit premises to the Applicant, the Applicant may submit an **Application for Leave to issue Writ** to apply for leave to issue a Writ of Possession.
- (2) However, if after filing the Notice of Application the Applicant has not posted up the Notice of Application and the Notice to Persons in Actual Possession/Occupation, the Applicant, after the order for possession has been made, still has to post up a Notice to Recover Possession in a conspicuous place at the main door or entrance of the suit premises on 3 successive days. The Applicant may apply for leave to issue a Writ of Possession at the Registry after the expiry of 4 days from the completion of the posting of the Notice to Recover Possession. The Applicant will be notified in writing of the result of the Application. Specimen forms of the Application for Leave to issue Writ of Possession and Notice to Recover Possession can be obtained from the Registry for reference.

**Fees :** Filing of Application for leave to issue Writ of Possession ----- \$182.00 (plus each exhibit at \$ 4.50)

- (3) If (a) an Applicant applies to the court for possession of premises which wholly or partly consist of subdivided unit as defined in section 120AA(1) of the Landlord and Tenant (Consolidation) Ordinance, Cap. 7; (b) the subdivided unit is subject to a tenancy that is regulated by Part IVA thereof and is a sub-tenancy created out of another tenancy; and (c) the Applicant is the superior landlord in relation to the subdivided unit, then after obtaining an order for possession of such premises and before enforcing it, the Applicant must, on 3 successive days, post the Notice to Recover Possession on the main door or entrance to the subdivided unit (or such premises) to notify the tenant of the subdivided unit (*sub-tenant*). Such notice posted is taken to be an effective notice service on the sub-tenant. Leave to issue a writ of possession to enforce the order is not to be granted by the court before the expiry of a period of 60 days beginning on the day immediately after the last day on which the notice is posted unless the sub-tenant has delivered up vacant possession of the subdivided unit before the leave to issue a writ of possession is granted.
- (4) If the Tribunal grants leave for issue of Writ of Possession, the Applicant may apply for a **Writ of Possession and Fieri Facias combined** directing the Court Bailiff to recover possession of the suit premises and at the same time to recover the arrears of rent and other claims by auctioning the properties seized. Alternatively, the Applicant may apply for a **Writ of Possession** directing the Court Bailiff only to recover possession of the premises.
- (5) After recovery of possession of the premises, the Applicant may apply again for a court order for disposal of the properties left behind by the Respondent (Fee : \$182.00 plus \$4.50 for each exhibit) or apply again for a **Writ of Fieri Facias** directing the Court Bailiff to auction the properties left behind by the Respondent to offset the arrears of rent etc.

Mode of Execution	Fees	Deposit to be paid to the Bailiff		
		HK Region	Kowloon Region	NT Region
Writ of Possession	\$55 for filing of the Writ plus \$33 for sealing of each document #	\$1,230	\$1,230	\$1,230
Writ of Fi. Fa.		\$12,304	\$12,304	\$12,304
Writ of Possession & Fi. Fa. combined		\$13,134	\$13,134	\$13,134

# Sealed copy of Writ of Execution is payable at \$33.00 per copy in addition to the filing fees of \$55.00 per document for processing the Writ of Execution. The number of sealed copy requires for execution will depend on individual cases.

**Remark:** There is no guarantee that the Applicant can recover in full or in part the arrears of rent, sums adjudicated or even the costs of execution incurred or to be incurred with the Court Bailiff. It all depends on the results of execution of the Writ of Fieri Facias by the Court Bailiff. Please decide on the mode(s) of execution after considering the chance of recovery and the expenses that would be incurred for the Bailiff's actions