

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 Regulated Tenancies¹ Application

A. Notice of Application

- (1) The Applicant or the Applicant's authorized representative should fill out and file with the Tribunal Part B (I), (II), (III) and/or (IV) of a Notice of Application (Form 22).
 - (i) Part B (I) is for an application for recovery of possession and rent of the suit premises that consist of a subdivided unit as defined in section 120AA(1) of the Landlord and Tenant (Consolidation) Ordinance, Cap.7 which is subject to a tenancy regulated by Part IVA thereof on the ground of non-payment of rent by the Respondent or other grounds specified in that part. The Applicant has to submit the original and a copy of the duly stamped tenancy agreement, counterfoil of rental receipts and any other documents that can prove the ownership and the tenancy to the Tribunal Registry. If the Applicant wishes to make ancillary claims for recovery of specified utilities and services (which include water, electricity, gas and communication services) payable by the tenant under the tenancy, he has to submit the relevant bills issued by the relevant authorities and/or service providers and documents showing how the amounts under the bills are apportioned for the different parts (of which the subdivided unit is one) forming the premises to which the bills relate to the Tribunal Registry as well.
 - (ii) Part B (II) is for an application for determination of whether the tenancy is a regulated tenancy. The Applicant has to submit the original and a copy of the duly stamped tenancy agreement, a copy of the signed Form AR1 (if any) and rental receipts. If a copy of the primary user certificate, a copy of the building plan and a copy of the deed of mutual covenants are available, these documents shall also be submitted to the Tribunal Registry. Whilst submitting a copy of the primary user certificate, the building plan and the deed of mutual covenant upon filing an application is not mandatory, obtaining and submitting these documents early may save the time to obtain the same in the course of the proceedings.
 - (iii) Part B (III) is for an application for determination on the entitlement of a family member of a deceased tenant to the deceased tenant's benefits and protection under a regulated tenancy. The Applicant has to submit the original and a copy of the duly stamped tenancy agreement, a copy of the signed Form AR1 (if any), a copy of the death certificate of the deceased tenant, and any other documents such as copies of marriage certificate, birth certificate, etc. that can prove the relationship between the Applicant and the deceased tenant to the Tribunal Registry.
 - (iv) Part B (IV) is for an application for compensation of rent for the holding-over period by the superior landlord or the sub-landlord against the tenant of a subdivided unit. The Applicant has to submit the rental receipt of the subdivided unit immediately before the termination date and a sealed copy of the order of possession of the subject premises to the Tribunal Registry. If the Applicant is the sub-landlord, he also has to submit a waiver given by the superior landlord in writing to waive the right to recover the compensation to the Tribunal Registry. No application shall be made before expiry of the 15-day period (counting from the date on which the sub-tenant delivers up vacant possession of the subdivided unit) allowed under section 120AAZK(5) of the Landlord and Tenant (Consolidation) Ordinance, Cap.7 for the sub-tenant to make payment.

After paying the necessary fees for the Application, the Applicant should make 6 copies of the Notice of Application.

- N.B:**
- (a) 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.
 - (b) If the Application is signed by an authorized representative, an effective letter of authorisation should be produced.
 - (c) 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.**
 - (d) Application should NOT be filed under Part B if the subject tenancy concerns subdivided unit but the tenant of which is not a natural person.
 - (e) A sole proprietor/proprietress submits his/her application in person should sign Form 22 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.
 - (f) 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

¹ Part IVA of the Landlord and Tenant (Consolidation) Ordinance, Cap. 7

- 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.
- (g) 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 the Respondent's Registered Office and serve a copy of the Notice of Application at that address as well.
 - (h) 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.
 - (i) **The Applicant must state his place of residence as his address in the Notice of Application (Form 22).**

B. For Part B (I) Application –

- (1) **Within 7 days of the filing of the Notice of Application**, the Applicant should serve a copy of the Application on **every Respondent**, either by delivering the copy **personally** or by leaving it for him or by sending it by **ordinary post**. In service by leaving, the said copy should be put in a sealed envelope addressed to the Respondent to be inserted through the letter box of the service address. The Applicant should bring along sufficient envelope(s) with stamp(s) if service is to be effected by ordinary post.

Fees:	Filing of Notice of Application (Form 22)	-----	\$235.00
	Application to Judge for permission to serve (including posting up) the Form 22 out of time	-----	\$61.00

- (2) The Applicant shall, after filing the Notice of Application with the Registrar and posting up a copy of the Notice of Application in a conspicuous place on or at the entrance of the suit premises, at the same time also post up a copy of the Notice to Persons in Actual Possession/Occupation in a conspicuous place at the main door or entrance of the subject premises on 3 successive days. (The Applicant must note down the dates of posting of these 2 Notices. This is to facilitate the reporting of posting dates in the future application for leave to issue Writ of Possession).
- (3) **Within 3 days of service of the copy of Notice of Application**, the Applicant should file with the Tribunal an Affidavit/Affirmation of Service (Form 30).

Fees:	Filing of Affidavit/Affirmation (Form 30)	-----	\$121.00 (plus each exhibit at \$4.5)
	Application to Judge for permission to file the Form 30 out of time	-----	\$61.00

(4) Notice of Opposition

If the Respondent wishes to oppose the Application, he should **within 7 days** of service of the Notice of Application upon him file with the Tribunal a Notice of Opposition 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.

Fees:	Filing of Notice of Opposition (Form 7)	-----	\$55.00
	Application to Judge for permission to file the Form 7 out of time	-----	\$254.00

(5) Application to List for Hearing and Default Judgment

- (i) **Where a Notice of Opposition has been filed by the Respondent**, the Registrar shall as soon as practicable list the Application for hearing and give notice to all parties, which shall not be less than 14 clear days and notify the parties in writing accordingly. Any party to the Application may, at any time before the Application has been listed for hearing, make representations to the Registrar with regard to the listing.
- (ii) **When the time limit for filing a Notice of Opposition has lapsed and the Respondent has still not filed a Notice of Opposition**, the Applicant may apply under Rule 15 of the Lands Tribunal Rules for a judgment to be entered in his favour. (A specimen form for the application for judgment in default of Notice of Opposition can be obtained from the Registry for reference.) **Rule 15 Application will be granted or not depends on the decision of the Presiding Judge.**

Fees:	Application made under Rule 15 of the Lands Tribunal Rules	-----	\$61.00
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Pursuant to Lands Tribunal (Fees Rules), Cap 17B, Applicants submitting Rule 15 applications are required to pay the following prescribed fees:

Items	Fees	Applicant acting in person	Applicant with Legal Representation
(1)	\$61 for filing Rule 15 Application (Item 4 of Schedule in Cap 17B)	To be paid at the time of filing Rule 15 Application	To be paid by Applicant's Solicitors at the time of filing Rule 15 Application
(2)	\$61 for filing Sealed Judgment (Item 9(a) of Schedule in Cap 17B)	ditto *	To be paid by Applicant's Solicitors at the time of obtaining Sealed Judgment
(3)	\$33 for obtaining Sealed copy Judgment (Item 9(b) of Schedule in Cap 17B)	ditto	To be paid by Applicant's Solicitors at the time of obtaining Sealed copy Judgment
(4)	\$33 for <u>each</u> additional Sealed copy Judgment to be served on each Respondent at different address	ditto	ditto

(1)+(2)+(3)+(4) Total \$188 (assuming that the case only got 1 Respondent with 1 address for service)

* Sealed Judgment to be drawn up by the Lands Tribunal

(6) **Hearing**

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

(7) **Termination of regulated tenancy as sub-tenancy**

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 served 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.

C. For Part B (II) or Part B (III) Application –

- (1) **Within 7 days of the filing of the Notice of Application**, the Applicant should serve a copy of the Application on **every Respondent**, either by delivering the copy **personally** or by leaving it for him or by sending it by **ordinary post**. In service by leaving, the said copy should be put in a sealed envelope addressed to the Respondent to be inserted through the letter box of the service address. The Applicant should bring along sufficient envelope(s) with stamp(s) if service is to be effected by ordinary post.

Fees:	Filing of Notice of Application (Form 22)	-----	\$235.00
	Application to Judge for permission to serve (including posting up) the Form 22 out of time	-----	\$61.00

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

Fees:	Filing of Affidavit/Affirmation (Form 30)	-----	\$121.00 (plus each exhibit at \$4.5)
	Application to Judge for permission to file the Form 30 out of time	-----	\$61.00

(3) **Notice of Opposition**

If the Respondent wishes to oppose the Application, he should **within 7 days** of service of the Notice of Application upon him file with the Tribunal a Notice of Opposition 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.

Fees:	Filing of Notice of Opposition (Form 7)	-----	\$55.00
	Application to Judge for permission to file the Form 7 out of time	-----	\$254.00

(4) **Application to List for Hearing**

- (i) 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 party/parties at the same time.
- (ii) Upon receipt of Form 31, the Tribunal will arrange to fix a hearing date and parties will be notified in writing accordingly.

Fees:	Application to List for Hearing (Form 31)	-----	\$55.00
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(5) **Hearing**

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

D. For Part B (IV) Application –

- (1) **Within 7 days of the filing of the Notice of Application**, the Applicant should serve a copy of the Application on **every Respondent**, either by delivering the copy **personally** or by leaving it for him or by sending it by **ordinary post**. In service by leaving, the said copy should be put in a sealed envelope addressed to the Respondent to be inserted through the letter box of the service address. The Applicant should bring along sufficient envelope(s) with stamp(s) if service is to be effected by ordinary post.

Fees:	Filing of Notice of Application (Form 22)	-----	\$235.00
	Application to Judge for permission to serve (including posting up) the Form 22 out of time	-----	\$61.00

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

Fees:	Filing of Affidavit/Affirmation (Form 30)	-----	\$121.00
	Application to Judge for permission to file the Form 30 out of time	-----	\$61.00
			(plus each exhibit at \$4.5)

(3) **Notice of Opposition**

If the Respondent wishes to oppose the Regulated Tenancies Application, he should **within 7 days** of service of the Notice of Application upon him file with the Tribunal a Notice of Opposition 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.

Fees:	Filing of Notice of Opposition (Form 7)	-----	\$55.00
	Application to Judge for permission to file the Form 7 out of time	-----	\$254.00

(4) **Application to List for Hearing and Default Judgment**

- (i) Where a Notice of Opposition has been filed by the Respondent, the Applicant may apply to list the Application for hearing by submitting Form 31 and serve a copy thereof on Respondent at the same time. Upon receipt of Form 31, the Tribunal will arrange to fix a hearing date and parties will be notified in writing accordingly.
- (ii) **When the time limit for filing a Notice of Opposition has lapsed and the Respondent has still not filed a Notice of Opposition**, the Applicant may apply under Rule 15 of the Lands Tribunal Rules for a judgment to be entered in his favour. (A specimen form for the application for judgment in default of Notice of Opposition can be obtained from the Registry for reference.) **Rule 15 Application will be granted or not depends on the decision of the Presiding Judge.**

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(5) **Hearing**

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