

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 Application for Order for Possession other than Part IVA of the Landlord and Tenant (Consolidation) Ordinance, Cap. 7

A. Notice of Application

(1) The Applicant or the Applicant’s authorized representative should fill out and file with the Tribunal Part A of a Notice of Application (Form 22) and a Notice to Persons in Actual Possession/Occupation. In addition, the original and a copy of the **duly stamped** tenancy agreement, counterfoil of rental receipt(s) and other document(s) that can prove the ownership and the tenancy should also be submitted to the Tribunal Registry. If the Applicant wishes to make ancillary claims for recovery of rates, government rent, water charges, electricity charges, gas charges or management fees, he/she/it should also submit to the Tribunal Registry the relevant bills and documents.

After paying the necessary fees for the Application, the Applicant should make 6 copies of the Notice of Application and 4 copies of the Notice to Persons in Actual Possession/Occupation.

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) 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.

(e) 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.

(f) 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.

(g) 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.

(h) **The Applicant must state his place of residence as his address in the Notice of Application (Form 22).**

(2) **Within 7 days of the filing of the Notice of Application**, the Applicant should post up a copy of the Notice of Application once in a conspicuous place on or at the entrance to the premises and 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

(3) **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).**

(4) **Within 3 days of service (including posting up) 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 of Service (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

B. Notice of Opposition

If the Respondent wishes to oppose the Application for possession, he/she/it should **within 7 days of service of the Notice of Application** 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

C. Application to List for Hearing and Default Judgment

- (1) **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.
- (2) **When the time limit for filing a Notice of Opposition has lapsed and the Respondent has 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 has only got 1 Respondent with 1 address for service)

* Sealed Judgment to be drawn up by the Lands Tribunal

D. Hearing

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

E. 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.