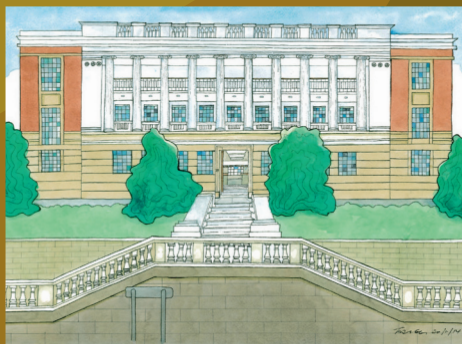


# 執達事務組

Bailiff Section

## 法庭服務簡介

Guide to Court Services



## 執達事務組

- 司法機構轄下的執達事務組負責兩類重要工作，以協助確保司法工作得以公平恰當地執行與落實。
- 首先，執達主任及執達主任助理須按照法院、審裁處或訴訟人士的要求向訴訟各方送達傳票以及其他重要的法律文件。這項工作十分重要，因為，在訴訟中當訴訟各方均須出席在法院或審裁處進行的聆訊時，除非有證據確定出庭傳票已按法例所訂明的方式送達有關人士，否則聆訊將不能繼續進行。
- 此外，在促使有關人士完全遵從及履行法院或審裁處的判決及命令時，執達事務組也擔當重要的角色。例如，如果法院命令判定債務人償還債項，或命令某人遷出某處所，但有關人士未有遵從命令，勝訴一方可以向執達事務組提出申請，以適當的步驟追回債項或收回物業。

## 送達傳票及法律文件

執達事務組主要負責送達傳票或法律文件，與及有效執行法庭的判決或命令。

執達主任或執達主任助理亦會就法律訴訟和執行法庭判決的事宜，與香港司法管轄區以外的司法機構合作，執行司法及司法以外的服務。

除此之外，執達主任亦有權拘禁涉及海事訴訟的船舶。

### 誰需要送達傳票及法律文件？

法庭及審裁處發出的傳票或法律文件，均須送達訴訟人及證人。最常見的包括民事訴訟的傳訊令狀、裁判法院的交通及雜項案件傳票、各個法院的聆訊通知書、刑事案件的審訊通知書、各審裁處的申索通知書、控罪書及公訴書、證人傳票、傳召出庭令、互爭權利訴訟傳票，以及由外地法庭發出而須在香港送達的外地法律程序文件。

除法庭及審裁處須送達上述文件外，民事訴訟中的與訟人也須負責將令狀、原訴傳票或申索通知書等文件送達對方，並須向法庭證明已根據法例規定送達有關文件，才可以繼續進行其他程序。任何與訟人，尤其是沒有律師代表的人士，皆可要求執達事務組代其送達文件。

## **怎樣送達文件？**

實際的送達方式——即如何實質地傳送或交付有關文件——已在有關條例訂明，或依照法院及審裁處的法官或司法常務官的指令進行。最常見的送達方式包括：

- 平郵郵遞
- 掛號郵遞
- 面交送達

代表與訟人的律師可負責將傳票及法律文件送達對方。如與訟人沒有律師代表，可要求執達主任助理代辦。舉例說，涉及小額錢債或勞資糾紛的申索人，由於不得聘請代表律師，申索人可將發給被告人 / 答辯人 / 證人的傳票等，交由執達主任助理代為送達，而不必自行送達。

倘若未能將文件成功送達對方，可要求法庭作出替代送達的命令，由法庭決定採取甚麼步驟讓與訟的另一方知悉有關文件。

## **送達文件的收費與費用**

各級別法院送達文件的收費詳情已載列於有關條例。



## 執達事務組如何協助執行法庭命令/判決？

閱讀這小冊子餘下內容前，宜先注意以下要點：

- 執達事務組會依法盡力協助申請人；然而，申請人須知道，在某些情況下，如被告身無分文或不知所蹤時，判決是無法執行的。
- 申請人也須注意，執達主任只能按申請人的指示執行法庭的判決及命令，他們沒有責任替申請人追尋債務人的下落或確保申請人能夠取回債項。
- 再者，執達主任也未必能替申請人成功取得任何款項或扣押任何有價值的財物。在這些情況下，判定債權人仍需負擔執行費用。
- 申請人向執達主任發出指示時必須小心謹慎，如錯誤扣押他人財物及實產而引致任何索償，須由申請人而非執達主任承擔責任。
- 執達主任負責執行法庭命令及判決。他們獲授權：
  - (i) 扣押判定債務人的財物和實產，而價值則相等於應付予判定債權人的判定金額以及執行命令 / 判決所需的開支；及
  - (ii) 收回土地或房產。

## **我應當何時申請強制執行命令/判決？**

當你取得法庭或審裁處判對方付款的命令 / 判決或裁決後，若對方沒有遵從，你便可申請由執達主任強制執行該項命令 / 判決或裁定。

你可根據案件性質申請執行令，執行令狀種類包括：

- 扣押債務人財產令狀（當債權人未能取回判定債項時適用）
- 財物扣押令（當勝訴一方已向區域法院提交財物扣押申請時適用）
- 管有令狀（收樓令）（在判決發出後，勝訴一方仍未能收回有關土地 / 房產時適用）

## **如何申請執行命令/判決？**

申請人應到下達有關命令 / 判決 / 裁決的法庭、土地審裁處或小額錢債審裁處申請執行令狀。

如屬勞資審裁處的判令，申請人應向有關審裁處領取一份裁定證明書，然後往區域法院登記處或透過勞資審裁處登記該裁定證明書，藉此申請發出執行令狀。

登記處職員會將一份申請表（稱為便箋）及一張令狀表格發給申請人，申請人需填寫被告人的資料和追討的金額。為確保令狀可以順利執行，申請人必須填上判定債務人/被告的正確地

址。獲授權的法庭人員將批發令狀。

申請人需於相關登記處的會計部繳付按金，以支付私人護衛員費用及執達主任的交通開支。

如你是綜合法院案件管理系統的註冊用戶，你亦可透過該系統申請執行令狀。詳情請參閱司法機構網站有關電子法院的資訊 ([www.judiciary.hk/zh/e\\_courts/index.html](http://www.judiciary.hk/zh/e_courts/index.html))。

### **取得執行令狀後應怎麼辦？**

取得法院批出的執行令狀後，申請人須帶同該令狀、按金收條及已填妥的申請表格BF59，前往任何一個執達主任辦事處申請執行該令狀。如令狀為財物扣押令，申請人只須將執行令狀直接送交區域法院登記處處理。

如有需要，執達事務組可代安排私人護衛員陪同執達主任執行扣押債務人財產令狀或財物扣押令，以便在成功執行令狀後看守被扣押的財物及資產。然而，申請人亦須填妥並遞交一份承諾，承諾如已繳付的按金款額不足以支付因獲提供護衛員服務而招致的費用，申請人會應要求支付該等護衛員費用。

執行有關令狀的日期及時間將按照申請的先後次序編排。執達主任將按申請表格BF59上的指示執行令狀，因此申請人必須小心填寫該表格。

如你是綜合法院案件管理系統的註冊用戶，同時又取得電子模式的批出執行令狀的話，你便可透過該系統提出執行申請。詳情請參閱司法機構網站關於執達事務相關服務的使用指南（[www.judiciary.hk/zh/e\\_courts/ref\\_userguide.html](http://www.judiciary.hk/zh/e_courts/ref_userguide.html)）。

### **執行令狀期間申請人應否在場？**

在可行情況下，申請人應該陪同執達主任前往執行令狀，以便當場向執達主任作出指示。

### **個別申請人的令狀能否獲得優先執行？**

所有執行令狀均按收到令狀時的先後次序處理。除非高等法院或區域法院司法常務官批准優先執行個別申請人的令狀，否則有關要求將不獲考慮。

### **須繳付甚麼費用？**

申請人須繳付：

- 執行令狀的存檔費用；
- 執達主任交通費的按金；及
- 護衛員費用按金。

無論執行令狀是否成功，每次執行所招致的執達主任開支及護衛

員費用均從上述按金中扣除。因此，執行次數愈多，有關費用便愈大。有需要時，申請人可能需要再次繳付按金。若成功執行令狀，而被告人所償還的金額，或拍賣財物/實產所得的款項足以支付判定債項及所耗費用的話，申請人方可追回有關開支。

### **可否取回按金？**

不論在任何階段，若申請人決定不再執行令狀，均可取回所剩按金。申請人應致函執達事務組，通知他們有關決定，並要求取回餘款。

執達事務組會通知有關法院的會計部。會計部計算出應發還的按金餘額和備妥款項後，會通知申請人前往領取。

## **執行扣押債務人財產令狀或財物扣押令**

### **執行當日的情況**

於執行扣押債務人財產令狀或財物扣押令當天，一名執達主任會帶同一名護衛員前往被告人的處所。申請人應盡可能與執達主任一起前往。

若處所內有足夠的財物及實產可供扣押，執達主任便會扣押與令狀所載的金額及執行令狀所需費用相若的物品。申請人須承諾會支付執行扣押工作所需的費用，否則執達主任將不會扣押任何物品，亦即令狀不能成功執行。

## **倘若判定債務人當場償還欠款**

若判定債務人當場以現金或銀行本票償還欠款（包括執行費用在內），執達主任便不會進行扣押。銀行本票須以「香港特別行政區政府」為抬頭人。判定債務人會獲發正式收據。

## **倘若執達主任不能進入該處所**

執達主任執行財物扣押令時，如兩次嘗試均未能進入該處所，執達主任可申請破門令進入該處所。

## **扣押成功後會怎樣？**

執達主任將列出一份被扣押物品的清單，並會將一份清單副本交予負責看守物品的護衛員，以確保有關物品不會被擅動或被非法移走。

被告有5個工作天（扣押當日與拍賣日不計在內）的期限來清還債項及支付預計的執行費用。如被告仍然不支付款項總額，被扣押的物品將於限期過後的首個工作天公開拍賣。

拍賣所得款項，在扣除所需的執行費用後，會用來償還被告所欠的款項。

## **我可就出售被扣押的財物給予指示嗎？**

假如你擬就被扣押的財物的出售事宜作出任何特定指示，請在執行扣押行動後的24小時內，以書面形式與執達事務組聯絡。

拍賣一般會在指定的拍賣商的拍賣室舉行。為本身利益着想，你應出席拍賣會。假如你對出售的財物有興趣，你可在拍賣中隨時出價競投。假如拍賣中的最高出價未達底價，執達主任將會致電給你，聽取你的指示。如你不滿意拍賣結果及希望就有關出售事宜作出其他安排，你必須申請進一步的法庭命令。

### **申請人如何收取款項？**

於法庭收到判定債務人繳付款項當日起計或拍賣日起計14個工作天後，申請人可以到法庭會計部領取款項。

### **扣押不成功會怎樣？**

若沒有物品或沒有足夠物品可供扣押，而申請人又在現場的話，申請人可即時向執達主任作出提示。若申請人不在現場，執達主任會用書面通知申請人有關結果。申請人須於14天內向執達事務組作出進一步指示。

若申請人決定取消執行扣押，需以書面通知執達事務組。執達事務組將應申請人的要求，安排把按金餘額退還申請人。



## 執行管有令狀（收樓令）

執行管有令狀一般包括下列步驟：

### 1. 送達「遷出通知書」

執達主任會聯同申請人前往有關土地／房產，把「遷出通知書」送達佔用人，通知佔用人於7天內遷離該土地／房產。若大門鎖上，則把通知書張貼門外。

### 2. 覆核情況

於送達「遷出通知書」7天後，執達主任便會按申請人要求安排覆核及收樓。若佔用人已離開，該空置地方的管有權將交予申請人。若有關地方仍被佔用，執達主任便會通知佔用人已定的交還日期。

### 3. 交還土地／房產

在這階段前往該土地／房產的目的是為申請人收回土地／房產。如有需要，隨行的鎖匠會破門入內。

如該處有財物及實產，執達主任會加以點算並以清單記錄。

執達主任會為清單中所列的物品拍下相片，以證明物品的狀況。每宗案件相片的收費為40元。

申請人須安排搬運工人及交通工具，把該處的財物及實產搬走。申請人有責任看管被告人的財物及實產，並在被告人要求取回物品時，把物品歸還。屆時，申請人將會取得該空置地方的管有權。

### **能否同時執行管有令狀（收樓令）及扣押債務人財產令狀？**

可以。如果申請人有權收回土地 / 房產並討回判定債項，申請人可同時執行兩個令狀。主要的分別是執行令狀時會有一名護衛員隨行，該處的物品及實產須由護衛員看守最少8天後才可供拍賣。

## 服務承諾

- 執達事務組在收到執行令狀後，執達主任會帶同護衛員嘗試執行該令狀。
- 執達事務組在收到收樓令後，執達主任會在平均時間十天內將通知佔用人離開的「遷出通知書」送達佔用人。
- 如果情況許可，司法機構會盡可能即時回覆市民的來信。無論如何，我們會在收到信件後10天內作出臨時回覆，並於30天內作出詳盡答覆。如我們未能在30天內作出詳盡答覆，則會發出進一步的臨時回覆解釋原因。
- 為了讓服務更完善，我們歡迎各方提出意見及建議，來信可寄至香港金鐘道38號高等法院司法機構政務長收。

## 查詢

如有一般電話查詢，請致電2802 7510使用我們的互動語音回覆系統。該系統為市民提供有關執達事務組的資料，包括其職責、辦公時間、預約及執行法庭命令/判決，與及送達傳票和法律文件等資料。

## 地址

### 執達主任辦事處（海事及高等法院）

地址：香港金鐘道38號高等法院大樓低層3樓

電話：2825 4300

傳真：2530 3543

### 執達主任辦事處（灣仔政府大樓）

地址：香港港灣道12號灣仔政府大樓26樓

電話：2582 3081

傳真：2587 9806

### 執達主任辦事處（觀塘法院大樓）

地址：九龍鯉魚門道10號觀塘法院大樓2樓207室

電話：2772 9263

傳真：2952 9043

### 執達主任辦事處（西九龍法院大樓）

地址：九龍深水埗通州街501號西九龍法院大樓B座10樓

電話：3916 6501

傳真：2492 5309

### 執達主任辦事處（沙田法院大樓）

地址：新界沙田宜正里1號沙田法院大樓2樓224至227室

電話：2694 2289

傳真：2607 1430

## 辦公時間

星期一至星期五

上午八時四十五分至下午一時

下午二時至下午五時三十分

## 如果天氣惡劣，執達事務組有甚麼安排？

請參閱司法機構網頁：颱風及暴雨警告的安排 ([www.judiciary.hk/tc/crt\\_services/business\\_hours\\_typhoon.htm](http://www.judiciary.hk/tc/crt_services/business_hours_typhoon.htm)) 或留意電台 / 電視台的相關報導。

司法機構

二〇二三年五月

(第十一版)

## BAILIFF SECTION

- The Bailiff Section of the Judiciary serves two key roles to ensure that justice is fairly administered and carried to its proper conclusion.
- On the one hand, the Bailiffs and their assistants serve summonses and other important legal documents on parties as required by a Court or Tribunal or as requested by a person who is a party to litigation. This duty is of great importance. For example, a court or tribunal hearing which all parties are required to attend clearly cannot proceed unless there is proof that the parties concerned have had the summonses to attend properly served on them in the manner specified by law.
- On the other hand, the Bailiff Section plays an important role in promoting full compliance with Court and Tribunal judgments and orders. For example, if a judgment debtor who has been ordered to settle a debt, or a person who has been ordered to vacate premises, fails to do so, application can be made to the Bailiff Section to take the appropriate steps to try to recover the debt or deliver the premises to the applicant.

## Service of Summonses and Legal Documents

The Bailiff Section is mainly responsible for serving summonses or legal documents and effecting the execution of court orders and judgments.

Bailiffs and Bailiff's Assistants also carry out judicial and extra-judicial services in co-operation with the judiciary authorities of jurisdictions outside Hong Kong in respect of legal proceedings and enforcement of judgments.

Bailiffs further have the power to arrest ships under Admiralty proceedings.

### **Who needs to serve summonses and legal documents?**

Courts and Tribunals that issue summonses or legal documents need to serve them on the parties to the litigation and their witnesses. Typical examples include writs of summonses in civil proceedings, Magistrate's summonses in traffic and miscellaneous cases, notices of hearing in various Courts, notices of trial in criminal cases, notices of claims in various tribunals, charge sheets and indictments, summonses to witness, subpoenas, interpleader summonses, and foreign process issued by foreign courts for service in Hong Kong.

Not only do the Courts and Tribunals need to serve such papers, when you are a party to civil litigation, you yourself bear the responsibility for serving documents such as a writ, an originating summonses, or a notice of claim, on the other party. You will have to prove to the Court that the service has been carried out as the law provides before the case can proceed any further. You may well wish to seek the Bailiff Section's assistance in effecting service, especially if you have not appointed a lawyer to act for you.



## **How are documents served?**

The actual mode of service - how the document concerned is physically transmitted or delivered - is either laid down in the Ordinances or will be directed by the Judges or Registrars of respective Courts and Tribunals. The most common methods of service are:

- ordinary post
- registered post
- personal service

Service of the summonses and legal documents can be done by solicitors acting on behalf of parties. If you are acting in person, you can request the service of the Bailiff's Assistants. For example, if you are a claimant in a small claim or labour dispute, where no legal representation is permitted, the summonses to the defendant(s) / respondent(s) / witness(es), etc. may be served on the other party by the Bailiff's Assistants rather than by you personally.

If a document cannot be successfully served on the other party, you may apply to the Court for an order for "substituted service", in which case the Court will decide what steps must be taken to bring the document to the attention of the other party.

## **Fees and cost for service of documents**

Charges for service of documents for each level of court are set out in the relevant Ordinances.

## How can the Bailiff Section assist me to gain execution of court orders / judgments?

Before reading the rest of this booklet, it is worth bearing the following points in mind:

- While the Bailiff Section will always use its best efforts under the law to assist you, you should be aware that judgments cannot always be enforced, for example, if the defendant is penniless or his whereabouts are unknown.
- You should also note that Bailiffs carry out execution of orders and judgments upon your instructions as applicant. It is not the job of the Bailiff Section to trace the whereabouts of the debtors or to ensure that the sum owed to the applicant is recovered.
- Further, there is no guarantee that the Bailiffs will succeed in getting any sum or seizing any goods of value. In such cases, you, as a judgment creditor still have to bear the costs of execution.
- As an applicant, you must be very careful in the instructions you give to the Bailiff. This is because, if goods and chattels are seized from the wrong persons, then any claim for wrongful seizure will be made against you and not the Bailiff.
- Bailiffs execute orders and judgments of the court. They are authorised to:
  - (i) seize goods and chattels at a value equivalent to the judgment debts plus the incidental expenses of the execution; and
  - (ii) repossess lands / premises.

## **When should I apply for enforcement?**

After having obtained an order / judgment or award from the Court or Tribunal for payment of money to you, you can apply for its enforcement by the Bailiff if the order / judgment or award is not complied with.

You can apply for a writ of execution depending on the nature of your case.

Examples of such writs include:

- Writ of Fieri Facias (when you cannot obtain the judgment debt)
- Warrant of Distress (when you have filed a distraint case in the District Court)
- Writ of Possession (where you are unable to repossess the land / premises after the award of the judgment)

## **How do I apply for execution of order / judgment?**

You should go to the respective Court, the Lands Tribunal or the Small Claims Tribunal where the order / judgment or award was made to apply for a writ of execution.

For a judgment made by the Labour Tribunal, you should obtain a Certificate of Award from the Tribunal and register it with the District Court Registry or through the Labour Tribunal Registry in order to apply for the issue of a writ of execution.

The registry staff will give you an application form (called a “praecipe”) and a writ form on which you should fill in the particulars of the defendant and

the amount of money you wish to recover. To ensure successful execution of a writ, you must provide the correct address of the judgment debtor / defendant. The authorised officers in the Court will approve the issue of the writ.

You will be required to pay deposits covering both the cost of a private security guard service and the travelling expenses incurred by the Bailiff at the Accounts Office of the respective Registry.

If you are a registered user of the integrated Court Case Management System (“iCMS”), you may also apply for a writ of execution through the iCMS. For details, please refer to the information about e-Courts on the Judiciary’s website ([www.judiciary.hk/en/e\\_courts/index.html](http://www.judiciary.hk/en/e_courts/index.html)).

### **What should I do after obtaining a writ of execution?**

After obtaining an approved writ of execution, you shall take the said approved writ together with the completed Form BF59 and the endorsed note of the deposit to any of the Bailiff Offices of the Bailiff Section. For Warrant of Distress case, the writ of execution should be filed directly with the District Court Registry.

The Bailiff Section can arrange private security guard service on your behalf, if necessary, when executing Writ of Fieri Facias or Warrant of Distress. The security guard will accompany the Bailiff to carry out execution and safeguard the goods and chattels seized after a successful execution. Hence, you shall also fill in an undertaking to pay on demand the security guards fees, in excess of the initial deposit, incurred for the provision of the guards.

Your case will be scheduled for execution on a first come, first served basis. You should fill in Form BF59 very carefully. This instructs the Bailiff how execution should be carried out.

If you are a registered user of iCMS and obtain the approved writ of execution in e-mode, you may submit the application for execution through the iCMS. For details, please refer to the user guides about Bailiff related services on the Judiciary's website ([www.judiciary.hk/en/e\\_courts/ref\\_userguide.html](http://www.judiciary.hk/en/e_courts/ref_userguide.html)).

### **Should I be present during the execution?**

You should, if at all possible, accompany the Bailiff when the Bailiff goes to execute the writ. This enables you to give any further instructions on the spot.

### **Can I obtain priority for my execution?**

All executions are scheduled in the order in which the writs are received. No request for priority of an execution will be considered unless you have obtained permission or approval from the Registrar, High Court or the Registrar, District Court.

## **What fees and costs do I have to pay?**

You have to pay:

- a filing fee for the writ of the execution;
- a deposit for the Bailiff's travelling expenses; and
- a deposit for the services by the security guard.

Regardless of whether or not the execution is successful, the Bailiff's expenses and the security guard service fees are deducted from these deposits for each attempt of execution. The more attempts you make, the greater are the costs incurred, and you may in fact have to pay a further deposit when necessary. The costs incurred may only be recovered if the execution is successful and the payment of the defendant or the proceeds of the sale of goods and chattels are enough to cover the judgment debt plus the costs incurred.

## **Can my deposits be refunded?**

You can get back any unused portion of your deposits if you decide not to proceed with the execution at any stage. You should write to the Bailiff Section, stating that you intend to close the case and ask for a refund.

The Bailiff Section will inform the Accounts Office of the Court concerned. The Accounts Office will calculate the amount refundable to you and will then notify you when the money is ready for collection.

## **Execution of a Writ of Fieri Facias or Warrant of Distress**

### **What happens on the date of execution?**

On the date of execution of either of these writs, a Bailiff, together with a security guard, will visit the defendant's premises. You should, if at all possible, accompany this team.

If there are sufficient goods and chattels on the premises to justify a seizure, the Bailiff will seize them up to the amount endorsed on the writ, plus the estimated costs of the execution. Unless you give an undertaking to pay the necessary cost involved in effecting a seizure, the seizure will be withheld and the execution treated as unsuccessful.

### **What if the judgment debtor settles the debt on the spot?**

The seizure will be withheld if the judgment debtor settles the debt (plus the execution costs incurred) on the spot in cash or by a cashier's order made payable to "The Government of the Hong Kong Special Administrative Region". An official receipt will be issued to the judgment debtor.

### **What if the Bailiff cannot get into the premises?**

To execute a Warrant of Distress, Bailiff will apply for a break open order to break into the premises after two unsuccessful attempts.

### **What happens after a successful seizure?**

The Bailiff will take an inventory of all items seized. One copy will be passed to the security guard responsible for guarding the items to ensure that they will not be tampered with or removed unlawfully.



The defendant has a period of 5 working days (excluding the seizure and auction dates) to settle the debt plus the estimated costs incurred for the execution. If the defendant does not pay the total amount due, then the seized items will be sold on the first working day after this period by public auction.

The proceeds at auction will then be used to settle the money due to you after defraying the necessary execution charges.

### **Can I give instruction for the sale of distrained property?**

If you want to give specific instructions to the Bailiff in connection with the sale of the distrained property, you should write to the Bailiff Section within the next 24 hours after the seizure effected.

The auction is normally held at the Sales Room of the appointed auctioneer. It will be in your interest to attend the auction if possible. If you are interested in the sale, you are at liberty to make offers to purchase at the auction. In the event that the highest bid at the auction could not reach the reserve price, the Bailiff will contact you by telephone for your instructions. In case you are not satisfied with the result of an auction and wish to make other arrangement for the sale, further court order has to be applied.

### **How do I collect the money?**

You can collect the money from the Court's Accounts Office after 14 working days from the date of payment into the court by the debtor or from the date of the auction, as the case may be.

## **What happens after an unsuccessful seizure?**

If there are no goods or insufficient goods to justify a seizure, you can give instructions to the Bailiff immediately if you are on the spot. If you are not on the spot, the Bailiff will inform you of the outcome in writing and you will be required to give further instructions to the Bailiff Section within 14 days.

If you decide not to proceed with the execution, you should write to the Bailiff Section. Upon your request, the Bailiff Section will arrange for the unused portion of the deposit to be refunded to you.

## **Execution of a Writ of Possession**

Normally, the execution of a Writ of Possession involves the following steps:

### **1. Service of “Notice to Quit”**

The Bailiff, together with the applicant, will visit the land / premises. A “Notice to Quit”, advising the occupant to vacate the land / premises in 7 days will be served on the occupants or posted up in case the door is locked.

### **2. Situation review**

Review and possession appointments, upon request of the applicant, will be scheduled after a lapse of 7 days from the service of “Notice to Quit”.

If the occupant has left, the vacant possession will be delivered to the applicant.

If the site is still occupied, the Bailiff will notify the occupants of the scheduled delivery date.

### **3. Delivery of the Land / Premises**

The objective of this visit is to deliver the land / premises to the applicant. A locksmith will be in attendance in order to break into the premises, if required.

The Bailiff will take inventory of the goods and chattels, if any.

Photographs will be taken as evidence to the status of the inventory items. The charge for photo taking is \$40 per case.

You are required to arrange for porters and transportation in order to clear any goods and chattels from the premises. It is your responsibility to look after the goods and chattels of the defendant and to return them to the defendant upon request. You will then be given possession of the vacant site.

### **Can I enforce both the Writ of Possession and Writ of Fieri Facias together?**

Yes. If you are entitled to repossess the land / premises as well as to claim back the judgment debt, you can enforce both executions together. The main difference is that a security guard will go with you and the goods and chattels found in the land or premises will have to be guarded for at least 8 days before they can be auctioned.

## Performance Pledge

- The Bailiff will attempt execution with a security guard upon receipt of the Writ of Execution.
- The Bailiff will within an average period of 10 days serve the “Notice to Quit” which demands removal of the occupants upon receipt of the Writ of Possession.
- Wherever possible, the Judiciary will reply at once to correspondence from members of the public. In any case, we will give the enquirer an interim reply within 10 days and a full response within 30 days of receiving a letter. If a full response cannot be given within 30 days, we will give the enquirer a further interim reply with a brief explanation.
- We welcome all comments and suggestions for improving our services. Please send them to the Judiciary Administrator at the High Court, 38 Queensway, Hong Kong.

## Enquiries

For general telephone enquiries, please call 2802 7510 to enter our interactive voice response system. This system provides members of the public with information about the Bailiff Section including its responsibilities, opening hours, appointment and execution of Court orders / judgments, and service of summonses and legal documents.

## Address

### **Bailiff Office (Admiralty and High Court)**

Address: LG3, High Court Building, 38 Queensway, Hong Kong

Telephone: 2825 4300

Facsimile: 2530 3543

### **Bailiff Office (Wanchai Tower)**

Address: 26/F, Wanchai Tower, 12 Harbour Road, Hong Kong

Telephone: 2582 3081

Facsimile: 2587 9806

### **Bailiff Office (Kwun Tong Law Courts Building)**

Address: Room 207, 2/F, Kwun Tong Law Courts Building,  
10 Lei Yue Mun Road, Kowloon

Telephone: 2772 9263

Facsimile: 2952 9043

### **Bailiff Office (West Kowloon Law Courts Building)**

Address: 10/F, Tower B, West Kowloon Law Courts Building,  
501 Tung Chau Street, Sham Shui Po, Kowloon

Telephone: 3916 6501

Facsimile: 2492 5309

### **Bailiff Office (Shatin Law Courts Building)**

Address: Room 224 -227, 2/F, Shatin Law Courts Building,  
1 Yi Ching Lane, Shatin, New Territories

Telephone: 2694 2289

Facsimile: 2607 1430

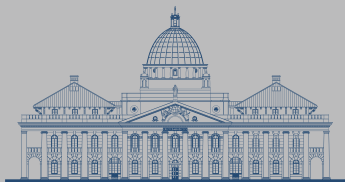
## **Business Hours**

Monday to Friday 8:45 a.m. to 1:00 p.m.  
2:00 p.m. to 5:30 p.m.

## **What are the arrangements of the Bailiff Section in case of bad weather?**

Please refer to Typhoon and Rainstorm Warning Arrangements in the Judiciary website ([www.judiciary.hk/en/crt\\_services/business\\_hours\\_typhoon.htm](http://www.judiciary.hk/en/crt_services/business_hours_typhoon.htm)) or radio / television announcements of the same.

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# 司 法 機 構

## JUDICIARY

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