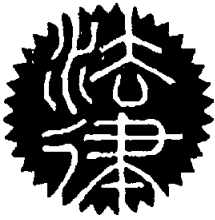


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THE  
**LAW SOCIETY**  
OF HONG KONG

香港律師會

Practitioners Affairs

3/F WING ON HOUSE · 71 DES VOEUX ROAD  
CENTRAL · HONG KONG DX-009100 Central 1  
香港中環德輔道中71號  
永安集團大廈3字樓

TELEPHONE (電話) : (852) 2846 0500  
FACSIMILE (傳真) : (852) 2845 0387  
E-MAIL (電子郵件) : sg@hklawsoc.org.hk  
WEBSITE (網頁) : www.hklawsoc.org.hk

Our Ref :  
Your Ref :  
Direct Line :

PA0005/04/77169

21 May 2004

**BY HAND**

Mrs. Percy Ma  
Clerk to Panel  
Legislative Council Building  
8 Jackson Road, Central  
Hong Kong

Dear Mrs. Ma,

**Re: Panel on Administration of Justice and Legal Services  
Meeting on 24 May 2004 at 5:30 p.m.**

I refer to your letter dated 29 April 2004 addressed to the Secretary General and I have been asked to send a reply on his behalf in relation to **Item IV – Court Procedure for Repossession of Premises.**

The paper prepared by the Judiciary Administration dated 21 January 2004 has been reviewed by the relevant committees of the Law Society. The feedback we have received indicates there have been some improvement in the waiting time for possession orders but it is still too long.

The *minimum time* to process applications is 2 months and probable the average time is up to 4 months. I attach a schedule of the procedure to obtain physical possession of a unit once judgment has been obtained. The Judiciary has tried to streamline the procedure but for property owners the length of time to recover their property remains unacceptable and the situation should be reviewed as it should be recognised that during the period for repossession the tenant is defaulting on the payment of the rent and the landlord simply has to wait to recover the premises.

Yours sincerely,

Joyce Wong  
Director of Practitioners Affairs  
e-mail: dpa@hklawsoc.org.hk  
Encl.

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**The Procedure to obtain physical possession of a premises  
after Judgment has been obtained, and the time required for doing so**

- |     |   |         |
|-----|---|---------|
| 1.  | Judgment for Possession is granted  | Day 1   |
| 2.  | Post-up Notice of Proceedings for 3 consecutive days at the entrance of the Premises to give 7 days' notice of the judgment to occupiers of the Premises<br>(Note: 4 days more are required to allow the notice served by registered post to reach the occupiers:<br>See Practice Direction 19.2) | Day 2   |
| 3.  | [wait 11 days] File affidavit with Court to apply for the Possession Order  | Day 13  |
| 4.  | [wait 2-3 weeks for Court to approve the application]<br>Sealed copy of Possession Order is obtained  | Day 34  |
| 5.  | File Praecipe for Writ of Possession and submit draft Writ of Possession for Court's approval   | Day 35  |
| 6.  | [wait 4-5 weeks for Court to process the application]<br>Sealed copy of Writ of Possession is obtained  | Day 70  |
| 7.  | Pass sealed copy of Writ of Possession to Bailiff's Office  | Day 71  |
| 8.  | [wait 4 weeks for the date of 1 <sup>st</sup> Appointment]<br>At the 1 <sup>st</sup> Appointment, Bailiff posts up a Notice to Quit   | Day 99  |
| 9.  | After expiry of the Notice to Quit (7 days), make an appointment with the Bailiff's Office for the dates of the 2 <sup>nd</sup> and 3 <sup>rd</sup> Appointments, namely to Review and Break-Open respectively  | Day 106 |
| 10. | At the 2 <sup>nd</sup> Appointment (Review) the Bailiff will post up a Final Notice of 7 days.  | Day 127 |
| 11. | At the 3 <sup>rd</sup> Appointment (Break-Open), the Bailiff brings along a Locksmith to break open the entrance and regain physical possession of the subject Premises.  | Day 135 |

***Total time required about 4 months***

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