

L.N. 281 of 2006**LANDS TRIBUNAL (AMENDMENT) RULES 2006**

(Made by the Chief Justice under section 10(3) of the Lands Tribunal Ordinance (Cap. 17) after consultation with the President of the Lands Tribunal)

1. Commencement

These Rules shall come into operation on a day to be appointed by the Chief Justice by notice published in the Gazette.

2. Interlocutory procedure

(1) Rule 4 of the Lands Tribunal Rules (Cap. 17 sub. leg. A) is amended by adding—

“(2A) An interlocutory application (other than an application for an abridgement of any period of time) shall be served on the other parties not less than 2 clear days before the day specified in the application for the hearing of the application.”.

(2) Rule 4(3) and (4) is repealed.

3. Method of service

(1) Rule 7(1)(b) is repealed and the following substituted—

“(b) if the person is not acting by a solicitor—

- (i) by delivering the document to him personally;
- (ii) by leaving the document for him at the address for service or, if no address for service is given, at his last known or usual place of abode or business in Hong Kong;
- (iii) by sending the document by ordinary post addressed to him at the address for service or, if no address for service is given, at his last known or usual place of abode or business in Hong Kong;
- (iv) if there is a letter box for the address for service, by inserting through the letter box the document that is enclosed in a sealed envelope addressed to him; or

(v) if no address for service is given and if there is a letter box for his last known or usual place of abode or business in Hong Kong, by inserting through the letter box the document that is enclosed in a sealed envelope addressed to him;”.

(2) Rule 7(3) is amended by repealing “subrules (1)(a) and (b) and (2)” and substituting “this rule,”.

4. Rule added

The following is added—

“7A. Additional requirement for service of notice of application for order for possession

An applicant for an order for possession of any premises shall, as soon as practicable after filing a notice of application for recovery of possession with the Registrar, post a copy of the notice in a conspicuous place on or at the entrance to the premises.”.

5. Listing for hearing

(1) Rule 14(1) is amended by repealing “(1)” and substituting—

“(1) In relation to an application (other than an application for an order for possession of any premises)—”.

(2) Rule 14(1)(a) is amended, in the English text, by repealing “Where” and substituting “where”.

(3) Rule 14(1)(a) is amended by repealing “hearing.” and substituting “hearing;”.

(4) Rule 14(1)(b) is amended, in the English text, by repealing “At” and substituting “at”.

(5) Rule 14(1)(b) is amended by repealing “parties.” and substituting “parties;”.

(6) Rule 14(1)(c) is amended, in the English text, by repealing “The” and substituting “the”.

(7) Rule 14(1)(c) is amended by repealing “fit.” and substituting “fit; and”.

(8) Rule 14(1)(d) is amended by repealing “Any party to an application” and substituting “any party”.

- (9) Rule 14 is amended by adding—
“(1A) In relation to an application for an order for possession of any premises—
(a) where a notice of opposition has been filed, the Registrar shall as soon as practicable list the application for hearing and give notice to all parties, which shall be not less than 14 clear days, or such other period as may be agreed by the parties; and
(b) 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.”.

6. Expert evidence

- (1) Rule 20(1) is amended by adding “or (1A)” after “rule 14(1)”.
(2) Rule 20(3) is amended by adding “or (1A)” after “rule 14(1)”.

7. Enlargement or abridgement of time

- (1) Rule 32(1)(c) is amended by repealing the comma and substituting “; or”.
(2) Rule 32(1) is amended by adding—
“(d) serving any document,”.

8. Service of notice of listing for hearing

- (1) Rule 63 is amended, in the heading, by repealing “**listing for**”.
(2) Rule 63 is amended by repealing “listing of application has been given by the Registrar under rule 14” and substituting “hearing has been given by the Registrar under rule 14(1)”.

9. Application for hearing appeal

Rule 66(2) is amended by repealing “rule 14” and substituting “rule 14(1)”.

10. Notice of opposition

- (1) Rule 69(1) is repealed and the following substituted—
“(1) The respondent who wishes to oppose the application shall, within 7 days of service of the notice of application upon him—

- (a) file with the Registrar a notice of opposition substantially in accordance with Form 7 stating the grounds of opposition and that he wishes to be heard; and
 - (b) serve a copy of the notice of opposition on the applicant.”.
- (2) Rule 69(2) is repealed.

11. Commencement of proceedings

Rule 77(b) is amended by repealing “Form 28” and substituting “Form 29”.

12. Forms

- (1) The Schedule is amended, in Form 16, by repealing “19” where it twice appears.
- (2) The Schedule is amended, in Form 16, by adding at the end—
“* Delete whichever does not apply.”.
- (3) The Schedule is amended, in Form 22, in the Note, by repealing “14” and substituting “7”.
- (4) The Schedule is amended by repealing Form 28.
- (5) The Schedule is amended, in Form 29, by repealing “[r. 77(c)]” and substituting “[r. 77(b) & (c)]”.
- (6) The Schedule is amended, in Form 29, by repealing “Pursuant to Tenth Schedule, paragraph” and substituting “Pursuant to”.
- (7) The Schedule is amended, in Form 29, in item 1, by repealing “appropriate paragraph of the Tenth Schedule pursuant to which application” and substituting “provision pursuant to which application is”.
- (8) The Schedule is amended, in Form 29, by repealing “19”.
- (9) The Schedule is amended, in Form 31, by repealing “[r. 14]” and substituting “[r. 14(1)]”.
- (10) The Schedule is amended, in Form 31, by repealing “rule 14” and substituting “rule 14(1)”.
- (11) The Schedule is amended, in Form 31, by repealing “19” wherever it appears.

Andrew LI
Chief Justice

22 December 2006

Explanatory Note

These Rules amend the Lands Tribunal Rules (Cap. 17 sub. leg. A) (“Rules”) to—

- (a) align with the practice in the Court of First Instance by requiring an interlocutory application to be served on the parties to the application 2 days before the date of hearing of the application and remove the mandatory requirement on the opposing party to serve a statement of the grounds of objection (rule 2);
- (b) provide that service of documents on a person acting in person may be effected by inserting the relevant document through the letter box for the address for service (rule 3);
- (c) require an applicant for an order for possession of any premises to post a copy of the notice of application for recovery of possession in a conspicuous place on the premises (rule 4);
- (d) provide that the Registrar shall list an application for an order for possession of any premises for hearing when a notice of opposition in relation to the application has been filed (rule 5);
- (e) require a respondent to an application for recovery of possession to file and serve a notice of opposition within 7 days of service of the notice of application on him (rule 10); and
- (f) provide that proceedings under section 31 of the Building Management Ordinance (Cap. 344) shall be commenced by the filing of a notice substantially in accordance with Form 29 in the Schedule to the Rules (rules 11 and 12).