



Tel. 電話 2825 4588
Fax. 圖文傳真 2530 2648

27 March 2015

Dr Hon Fernando Cheung Chiu-hung
Room 1017
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Dr Cheung,

**Rule Out Question (Head 80) –
Special Meeting of the Finance Committee
to Examine the Estimates of Expenditure 2015-16**

In relation to the Estimates of Expenditure 2015-16, you have raised the following question with the Judiciary:

‘Please give the number of cases for “recovery of outstanding rent with no intention to regain possession of the property” and “forfeiture (to get back the property) and recovery of outstanding rent” handled by the following tribunal/courts in the past 10 years -

- (1) The Lands Tribunal;
- (2) The District Court; and
- (3) The Court of First Instance of the High Court.’

2. The Judiciary’s reply is given in the following paragraphs.

/.....

The Lands Tribunal

3. By virtue of sections 8(6) and 8(8) of the Lands Tribunal Ordinance, Cap. 17, the Lands Tribunal shall have jurisdiction to make an order for the recovery of possession of any premises or for ejectment of a tenant from those premises, whether under the Landlord and Tenant (Consolidation) Ordinance, Cap. 7 or the common law. Apart from making an order for possession, the Lands Tribunal also has the power to make an order for the payment of rent, mesne profits, disposal of any property left in the premises by the tenant and payment of damages in respect of any breach of a condition of the tenancy or sub-tenancy.

4. The numbers of cases filed with the Lands Tribunal for possession of premises, which may or may not involve applications for rent, mesne profits, disposal of property and/or payment for damages, in the past 10 years are as follows:

Year	No. of Cases for Possession of Premises
2005	5 144
2006	4 669
2007	4 333
2008	4 611
2009	4 347
2010	4 592
2011	4 457
2012	4 429
2013	4 437
2014	4 136

5. Please note that:

- (a) The Lands Tribunal does not have the breakdown particularly on cases for “forfeiture (to get back the property) and recovery of outstanding rent”; and
- (b) If the landlord simply applies for rent or mesne profits without making an application for possession of premises, the Lands Tribunal has no jurisdiction to deal with such application. Hence, no such cases as “recovery of outstanding rent with no intention to regain possession of the property” would be brought before the Lands Tribunal.

/.....

The District Court

6. Under section 77 of Cap. 7, the District Court has jurisdiction to issue warrants of distress for arrears of rent in all cases, without respect to the value of the property on which the rent is to be levied and without respect to the amount of rent to be levied. However, pursuant to section 79 of the same ordinance, no warrant shall be issued in any case for arrears of rent due for more than 12 months at the time of the application. Hence, if the claimant is claiming more than 12 months' rent, he will have to use the normal procedure for suing for breach of contract.

7. The number of cases solely on distress for arrears of rent (which involve not more than 12 months) are as follows:

Year	No. of Cases for Distress for Rent
2005	7 453
2006	6 194
2007	5 392
2008	5 540
2009	6 320
2010	4 933
2011	4 424
2012	3 857
2013	3 913
2014	3 745

8. The Judiciary does not have statistics regarding cases on recovery of rent handled by the District Court where the amount claimed is more than 12 months' rent.

9. The District Court, in accordance with section 35 of the District Court Ordinance, Cap. 336, also deals with claims for recovery of land where the annual rent or rateable value or the annual value of the land, whichever is the least, does not exceed \$240,000. However, the District Court does not keep any statistics particular to "forfeiture (to get back the property) and recovery of outstanding rent".

/....

The High Court

10. While the High Court has jurisdiction to handle cases for possession of land and premises and/or recovery of outstanding rent with no restriction on the amount claimed under section 3 of the High Court Ordinance, Cap. 4, it does not keep any statistics specifically on (i) “recovery of outstanding rent with no intention to regain possession of the property” and (ii) “forfeiture (to get back the property) and recovery of outstanding rent”.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Emma Lau', written in a cursive style.

(Miss Emma Lau)
Judiciary Administrator

c.c. Clerk to the Finance Committee
LegCo Team of FSTB(Tsy B)