

L.N. 100 of 1999

LANDS TRIBUNAL (AMENDMENT) RULES 1999

(Made under section 10A 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 the commencement of section 14 of the Land (Compulsory Sale for Redevelopment) Ordinance (Cap. 545).

2. Part II to be subject to other provisions

Rule 2 of the Lands Tribunal Rules (Cap. 17 sub. leg.) is amended by repealing 'or XIII' and substituting ', XIII or XIVA'.

3. Part added

The following is added---

'PART XIVA

Proceedings under the Land (Compulsory Sale for  
Redevelopment) Ordinance

78A. Interpretation

In this Part---

'connected application' (關聯申請) means an application to the Lands Tribunal for an order the cause of action of which is consequent upon the possible outcome of the main application;

'main application' (主體申請) means an application to the Lands Tribunal for an order for sale under section 3(1)(b) of the Ordinance;

'Ordinance' (《條例》) means the Land (Compulsory Sale for Redevelopment) Ordinance (Cap. 545).

Section A---Originating Application

78B. Commencement of proceedings

(1) Proceedings under section 3(1) of the Ordinance shall be commenced by the applicant by filing with the registrar a notice of application substantially in accordance with Form 32.

(2) The applicant shall cause a copy of the notice of application to be served and registered under section 3(3)(a) and (b) of the Ordinance not later than 7 days after it is filed.

(3) The applicant shall file with the registrar an affidavit of service and an affidavit of the registration, of the notice of application, within 3 days after such service or registration to the effect that service or registration, as the case may be, has been effected.

(4) The applicant shall cause a copy of the notice as specified in Part 2 of

Schedule 1 to the Ordinance in the Chinese and English languages to be affixed and published under section 3(3)(c)(i) and (ii) of the Ordinance not later than 7 days after filing of the notice of application under subrule (1).

(5) The applicant shall file with the registrar an affidavit of affixture and an affidavit of the publication within 3 days after such affixture or publication to the effect that the affixture or publication, as the case may be, has been effected.

#### 78C. Notice of opposition

The respondent shall, if he wishes to oppose the application, within 21 days of the service of the notice of application upon him, file with the registrar, and serve a copy thereof on the applicant, a notice of opposition substantially in accordance with Form 33, stating the grounds thereof and whether he wishes to be heard or not.

#### 78D. Notice of hearing

The registrar shall cause a copy of the notice of hearing of the main application to be served on---

(a) all parties to the main application; and

(b) all parties to any connected applications filed with the registrar.

#### Section B---Application for Determination of Compensation

##### Payable to Tenants

#### 78E. Commencement of proceedings

(1) A tenant shall, if he wishes to make representations, within 21 days of affixing of the notice as specified in Part 2 of Schedule 1 to the Ordinance, file with the registrar a notice of application substantially in accordance with Form 34.

(2) A copy of the notice of application shall be served by the applicant tenant on the owner, whether classified as majority owner or minority owner, and the applicant in the main application not later than 7 days after it is filed.

(3) The applicant tenant shall, within 3 days of service of notice of application under subrule (2), file with the registrar an affidavit or affirmation of service substantially in accordance with Form 30, unless the majority owner or minority owner so served has within that period filed with the registrar a notice of opposition to the application.

#### 78F. Notice of opposition

The respondent majority or minority owner shall, if he wishes to oppose the application, within 21 days of service of the notice of application upon him, file with the registrar, and serve a copy on the applicant tenant and the applicant in the main application, a notice of opposition substantially in accordance with Form 35, stating the grounds thereof and whether he wishes to be heard or not. The respondent majority owner or minority owner shall, in his notice of opposition, state

the facts relied upon by him in sufficient detail to enable the applicant tenant to know the case he has to meet.'.

4. Forms

The Schedule is amended by adding---

'FORM 32 [r. 78B]

Application No.

Notice of Application to Lands Tribunal for an Order for Sale under Land (Compulsory Sale for Redevelopment) Ordinance

Pursuant to section 3(1)

Name and address of the applicant (the majority owner) and the number (shown in brackets) of undivided shares held by the applicant in the lot mentioned below:

Name and address of the respondent (the minority owner) and the number (shown in brackets) of undivided shares held by the respondent in the lot mentioned below:

Description and number of all the undivided shares of the lot sought to be sold:

The applicant hereby applies for an order to sell all the undivided shares in the lot for the purposes of the redevelopment of the lot on the grounds that:

(a) The applicant is the person or persons who owns or own, otherwise than as a mortgagee, not less than 90% of the undivided shares in the lot (or not less than % being the percentage specified by the Chief Executive in Council on (date) (L.N. ). The exact percentage of the undivided shares owned by the applicant is .....

(b) A valuation report as specified in Part 1 of Schedule 1 to the Ordinance setting out the assessed market value of each property on the lot has been prepared and is attached hereto.

(c) In the event that the above-mentioned application is granted, the applicant hereby applies for a further order that the following amounts of compensation be paid by the applicant/respondent to their respective tenants specified below for the termination of their tenancies upon successful sale of the lot.

Remarks (e.g. why no figure

Applicant/ Respondent	Maximum Tenant	Amount of Payee	Duration of Tenancy	given or what per month	Existing Rent compensation)	affects the
No. & Name		Compensation				

Other grounds and particulars:

Dated this ..... day of ..... 19 .....

(Applicant)

Address for service of the Applicant:

- To: 1. The Registrar, Lands Tribunal.  
2. The Respondent.  
3. (Please add such other persons as may be required to be served)

Note: If you intend to oppose this application, you must personally attend at the Lands Tribunal Registry within 21 days of service of this notice and file a notice of opposition by means of Form 33.

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FORM 33 [r. 78C]

Application No.

Notice of Opposition to Application for an Order for Sale under Land (Compulsory Sale for Redevelopment) Ordinance

Pursuant to section 4(2)

Name and address of applicant (the majority owner):

Name, address and status of respondent (the minority owner):

Address and description of premises:

1. Application for an order to sell all the undivided shares in the lot for the purposes of the redevelopment of the lot is opposed on the following grounds:

(a) The value of some or all units of property as assessed in the application is disputed for the following reasons:

(b) Other reasons (if any):

2. The proposed amount of compensation to be paid by the said respondent (minority owner) to his own tenants is opposed for the following reasons:

3. I/We do/do not wish to be heard.

Dated this ..... day of ..... 19 .....

(Name and No. of the Respondent)

Address for service of the Respondent:

- To: 1. The Registrar, Lands Tribunal.  
2. The Applicant (majority owner).  
3. (Please add such other persons as may be required to be served)

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FORM 34 [r. 78E]

Application No.

(related to Main Application No. )

Notice of Application for Determination of Compensation under Land (Compulsory Sale for Redevelopment) Ordinance

Pursuant to sections 4(6) and 8(3) and (4)

- (a) Name, address and status of applicant (tenant/principal tenant/sub-tenant):
- (b) Name, address and status of respondent (majority/minority owner):
- (c) Address and user of premises:
- (d) Duration of tenancy:
- (e) Rent:
- (f) The main application no. under which an order to sell all the undivided shares of the lot inclusive of the premises herein being sought by the majority owner is: .....
- (g) The proposed maximum amount of compensation payable to the applicant herein as set out in the said main application is: .....

The applicant hereby applies for a determination of the amount of compensation to be paid in the event of termination of the tenancy herein under section 8(1)(b) following the making of an order for sale by the Tribunal pursuant to section 4(6) of the Ordinance. The amount of compensation claimed by the applicant herein is ....., and the grounds and facts relied upon by the applicant are:

Dated this ..... day of ..... 19 .....

(Applicant Tenant)

Address for service of the Applicant:

- To: 1. The Registrar, Lands Tribunal.  
 2. The Respondent.  
 3. The Applicant (majority owner) in the main application.  
 4. (Please add such other persons as may be required to be served)

Note: (a) If you wish to oppose this application, you must personally attend at the Lands Tribunal Registry within 21 days of service of this notice, and file a notice of opposition by means of Form 35.

(b) Neither the applicant nor the respondent needs to take active steps to set a date for the determination of the compensation. Parties herein will receive a notice of hearing of the main application and that they may attend the Tribunal if they so wish. If an order for sale is made by the Tribunal, either party may apply to the Tribunal to review the amount of compensation determined within one month of the making of the order, if either party is not satisfied with the amount of compensation determined, pursuant to section 11A of the Lands Tribunal Ordinance (Cap. 17).

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 FORM 35 [r. 78F]

Application No.

(related to Main Application No.     )

Notice of Opposition to Application for Determination of  
Compensation under Land (Compulsory Sale  
for Redevelopment) Ordinance

Pursuant to sections 4(6) and 8(3)

(a) Name, address and status of applicant (tenant/principal tenant/sub-tenant):

(b) Name, address and status of respondent (majority/minority owner):

(c) Address and description of premises:

I am/We are a party to the Main Application No. ....  
My/Our/applicant's/  
respondent's no. is .....

2. I/We oppose to the amount of compensation claimed by the applicant  
tenant/principal tenant/sub-tenant to the following extent:

(a) No compensation should be payable to the applicant for the following reasons  
(please state the facts relied upon in sufficient detail to enable the applicant to  
know the case he has to meet):

(b) The amount of compensation payable to the applicant should be .....  
for the following reasons (state the facts relied upon in sufficient detail to enable  
the applicant to know the case he has to meet):

3. I/We do/do not wish to be heard.

Dated this ..... day of ..... 19 .....

(Name of the Respondent Owner)

Address for service of the Respondent:

To: 1. The Registrar, Lands Tribunal.

2. The Applicant tenant/Principal tenant/Sub-tenant.

3. The Applicant (majority owner) in the main application.

4. (Please add such other persons as may be required to be served)'.  
'

Andrew LI

Chief Justice

16 April 1999

Explanatory Note

These Rules add a new Part XIVA to the Lands Tribunal Rules (Cap. 17 sub. leg.)  
to deal with the matters of practice and procedure arising out of the Land (Compulsory  
Sale for Redevelopment) Ordinance (Cap. 545).