

**Economic and Employment Council
Pre-construction Task Force**

The Lands Tribunal

Introduction

1. The Lands Tribunal of the Hong Kong Special Administrative Region Government was established in 1974. It has four main judicial functions:
 - make orders for possession of premises and consequential reliefs;
 - determine the sums payable by the Government and others for compensation to persons whose land is compulsorily resumed or reduced in value through developments;
 - hear and determine appeals from decisions by the Commissioner of Rating and Valuation and the Director of Housing; and
 - hear and determine building management matters and disputes specified under the Building Management Ordinance.
2. The Tribunal has both appellate and original jurisdiction, i.e. it can both determine appeals submitted to it and also hear claims submitted to it in the first place. It has the same power to grant remedies as the Court of First Instance of the High Court, and there is no limit as to the amount of compensation and rent it may determine.

Composition

3. The Tribunal is presided by a President who is a Judge of the Court of First Instance of the High Court. Below him, there are presiding officers. Under the Lands Tribunal Ordinance, every District Judge and deputy District Judge shall by virtue of his office be a presiding officer. In addition, persons who are sufficiently experienced in the practice of land valuation may be appointed as members or temporary members of the Tribunal.
4. If required, the Tribunal may also appoint any person who has specialized knowledge or experience of a particular subject to sit and assist the Tribunal in any proceedings or part of any proceedings before the Tribunal.

5. Currently the Tribunal has four professional judges: a President and two presiding officers who are District Judges. There is a member who is a specialist in fields relating to the Tribunal's work. They are:
 - President: The Hon. Mr. Justice LAM Man Hon, Johnson
 - Presiding Officers: His Honour Judge WONG Yat Ming, Michael and His Honour Judge YUNG Yiu Wing.
 - Member: Mr. LO Wai Kwong

Main Types of Cases

I) Tenancy cases

6. All disputes concerning termination or renewal of tenancy brought under common law or the Landlord and Tenant (Consolidation) Ordinance.

II) Compensation cases

7. Applications for compensation brought under any of the following ordinances:
 - Buildings Ordinance,
 - Lands Resumption Ordinance,
 - Foreshore and Sea-bed (Reclamations) Ordinance,
 - Land Acquisition (Possessory Title) Ordinance,
 - Country Parks Ordinance,
 - Mass Transit Railway (Land Resumption and Related Provisions) Ordinance,
 - Hong Kong Airport (Control of Obstructions) Ordinance,
 - Air Pollution Control Ordinance,
 - Demolished Buildings (Re-development of Sites) Ordinance,
 - Electricity Networks (Statutory Easements) Ordinance,
 - Water Pollution Control Ordinance,
 - Roads (Works, Use and Compensation) Ordinance,
 - Sewage Tunnels (Statutory Easements) Ordinance,

- Land Drainage Ordinance,
- Block Crown Lease (Cheung Chau) Ordinance,
- Railways Ordinance,
- Land (Compulsory Sale for Redevelopment) Ordinance.

III) Appeal cases

8. Appeal cases brought under any of the following ordinances:

- Rating Ordinance,
- Housing Ordinance,
- Landlord and Tenant (Consolidation) Ordinance,
- Government Rent (Assessment and Collection) Ordinance,

IV) Building management cases

9. Matters that the Tribunal may decide under the Building Management Ordinance.

Trials

10. Trials are normally conducted by a judge. Where valuation matters are relevant a member may sit alone or with a judge.
11. A party may appear and be heard personally or by counsel or a solicitor. Alternatively, he may be represented by any other person with a proper letter of authorization. Where appropriate, a party may call expert witnesses, after notifying the Registrar of the Lands Tribunal and lodging with him and the other party documents relating to the statement to be given by the expert witness.
12. Where appropriate, the proceedings are less formal than in a court. Without prejudice to the Tribunal's impartiality, guidance may be given to parties who are not represented.
13. The Tribunal's determination on the amount of compensation is final, but appeals on points of law may be brought to the Court of Appeal, and with leave, to the Court of Final Appeal.

Review or appeal

14. If the party is not satisfied with the decision of the Tribunal, he or she may apply to the Tribunal to review the decision within one month from the date of the decision. Alternatively, the party may appeal to the Court of Appeal on the ground that the decision errs on a point of law within 21 days from the date of the decision.

Workload

15. During 2000-2004, about 8,000 private lots were resumed and rights of temporary occupations created over 270 private lots. Among these, 245 cases have been referred to the Lands Tribunal for determination.

16. A summary of the cases handled by the Lands Tribunal in 2003 and 2004 is:

	2,003					up to 30/9/2004				
	Brought Forward	Filed	Disposed of	In- active	In progress	Brought Forward	Filed	Disposed of	In- active	In progress
Appeals	657	1,720	1,104	25	1,248	1,273	405	999	50	629
Compensation	131	64	37	8	150	158	44	21	30	151
Building management	852	388	222	23	995	1,018	315	247	83	1,003
Tennacy	8,320	5,808	4,474	472	9,182	9,654	3,850	2,981	1,087	9,436
Lands compulsory sale	8	1	-	-	9	9	3	2	-	10
Miscellaneous proceedings	25	23	14	1	33	34	11	13	3	29
Total	9,993	8,004	5,851	529	11,617	12,146	4,628	4,263	1,253	11,258

ISO Certification

17. A Quality Management System was introduced to the Registry and Court Support Services of the Lands Tribunal in September 2002, with its work accredited with the award of an ISO 9001:2000 Certificate in June 2003. Through the certification, the quality performance of the Tribunal is well recognized outside the Judiciary.

Performance Pledge

18. Waiting time from setting down of a case to hearing:

- tenancy cases: 60 days
- compensation cases: 80 days
- appeal cases: 80 days
- building management cases: 80 days

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