



土地審裁處

The Lands Tribunal

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本函檔號 Our Ref.: JUD LDT 1-10/1/3  
來函檔號 Your Ref.:

20 October 2021

Mr C.M. Chan  
President  
The Law Society of Hong Kong  
3/F, Wing On House  
71 Des Voeux Road Central  
Hong Kong

Dear President,

**Lands Tribunal Cases under the Land  
(Compulsory Sale for Redevelopment) Ordinance**

With a view to improving the quality of its services, the Lands Tribunal (“the Tribunal”) has recently conducted a review of the conduct and progress of cases under the Land (Compulsory Sale for Redevelopment) Ordinance (Cap. 545) (“the Ordinance”).

It has come to my attention that where there is delay in the conclusion of cases under the Ordinance, the main difficulty encountered by the Tribunal is that parties often decline to take up early trial dates that the Tribunal offers because of the unavailability of counsel and/or experts involved in the case.

The statistics show that in a vast majority of such cases, even though the Tribunal can make available a trial date that is close to setting down, the parties would almost always prefer to have the trial delayed, often for a prolonged period, in order to accommodate the diaries of all the counsel and experts involved.

The fixing of trial dates is within the discretion of the Tribunal, which, the Tribunal assures, will be exercised in the interest of justice.

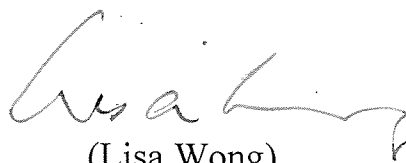
Whilst it may be difficult not to accommodate experts' diaries, the same cannot be said of counsel's diaries in the majority of cases. This is particularly so where the dispute is only on valuation, for which there should be a great number of counsel who are able to take up such cases even at short notice. To avoid undue delay in the future, in the absence of exceptional circumstances, the Tribunal would as a matter of course set these cases down for trial on the earliest date available in the Tribunal's diary.

In a case involving legal arguments and counsel has already been instructed to advise on and deal with the matter, the Tribunal may need to consider the complexity of the legal points in question, the pool of counsel with the relevant expertise and experience, the extra costs that would be incurred by the parties in replacing counsel and the extent of the delay that would be caused if existing counsel's diary is taken into account. The list of relevant considerations is not exhaustive. Parties should be prepared to address the Tribunal on these and other relevant circumstances when fixing trial dates.

In the premises, I would be grateful if you could inform your members that for cases under the Ordinance, the Tribunal will primarily fix early dates for trial in accordance with the Tribunal's own diary. Whilst the Tribunal may still try to accommodate experts' diaries, it would be much less likely to accommodate counsel's diaries, especially in uncomplicated cases. Instead, counsel taking up such cases should make efforts to adjust their own diaries to accommodate the Tribunal's diary.

Thank you in advance for your assistance in this regard.

Yours faithfully,



(Lisa Wong)

President of the Lands Tribunal