

# LCQ22: Hearing of cases involving lands and buildings

Following is a question by the Hon Doreen Kong and a written reply by the Chief Secretary for Administration, Mr Chan Kwok-ki, in the Legislative Council today (June 21):

Question:

Quite a number of members of the public have relayed that the waiting time from setting down of their cases to hearing at the Lands Tribunal is too long. With the waiting time of some cases being as long as nine months, there is a relatively significant deviation from the targets set in the performance pledge by the Lands Tribunal. In this connection, will the Government inform this Council:

(1) of the following information on cases heard by the Lands Tribunal in each of the past five years: (i) categories, (ii) numbers, and (iii) the average waiting time from setting down to hearing (set out in a table);

(2) given that the Building Management Mediation Co-ordinator's Office will refer some cases to mediators for handling, whether the authorities have compiled statistics on the satisfaction level of mediation service users in respect of their cases;

(3) whether it has compiled statistics on the current number of lawyers who specialise in handling land leases and disputes related to real estate in Hong Kong; whether the authorities have plans to formulate corresponding training programmes in this specific area for the sector; and

(4) whether it has assessed if the existing manpower of the Lands Tribunal is adequate to cope with its increasing workload; whether the authorities have plans to expedite the hearing of cases by recruitment of additional staff or redeployment of resources, thereby shortening the waiting time for members of the public in respect of their cases from setting down to hearing?

Reply:

President,

Having consulted the Judiciary and the Department of Justice, my reply to the Hon Doreen Kong's question is as follows:

(1) The numbers of cases filed in the Lands Tribunal in the past five years shown by types are as follows:

Types	Number of cases				
	2018	2019	2020	2021	2022
Appeal Cases	313	1 472	789	910	591
Compensation Cases	11	1	2	6	5
Building Management Cases	269	298	203	232	214
Tenancy Cases	3 663	3 910	3 391	3 193	3 161
Land Compulsory Sale Applications	40	37	36	16	22
Miscellaneous Proceedings Applications	3	3	11	1	5
<b>Total:</b>	<b>4 299</b>	<b>5 721</b>	<b>4 432</b>	<b>4 358</b>	<b>3 998</b>

The average court waiting times\* for cases in the Lands Tribunal in the past five years are as follows:

Types	Average Waiting Time (days)					
	Target	2018	2019	2020	2021	2022
Appeal Cases	90	20	35	39	#	#
Compensation Cases	90	38	38	29	64	45
Building Management Cases	90	29	21	31	25	20
Tenancy Cases	50	19	17	24	16	16

\*From setting down of a case to hearing.

#Not applicable as no appeal case was filed.

(2) The Building Management Mediation Co-ordinator's Office (BMMCO) at the Lands Tribunal holds information sessions on mediation and helps the litigants seek mediation to resolve their disputes in a more cost effective, timely and satisfactory manner, including providing information on mediation and service, such as the list of mediators available, and making referrals to the mediators selected by the parties. According to the feedback collected from the service users in 2022, over 90 per cent of the service users found the information session on mediation helpful and their understanding of mediation has been enhanced.

(3) The Government does not maintain the statistical numbers referred to in part (3) of the question. According to the Directory of Hong Kong Law Firms published by The Law Society of Hong Kong (Law Society), as of June 2023, approximately 230 law firms provide legal services in "conveyancing" and "civil claims".

The Standing Committee on Legal Education and Training (SCLET), established under section 74A of the Legal Practitioners Ordinance (Cap. 159)

(Ordinance), is responsible for reviewing, evaluating and assessing the academic requirements and standards for Postgraduate Certificate in Laws (PCLL) admission. It is understood that all students seeking admission to PCLL must meet the required standards in 11 core subjects (including land law). Moreover, property law practice is one of the compulsory areas of practice for PCLL.

On the other hand, section 73 of the Ordinance also empowers the Council of the Law Society to make rules regulating the employment of trainee solicitors and the continuing legal education or training that must be undertaken by solicitors. "Property" is one of the basic legal topics in which a trainee solicitor may gain proper training and experience during their two years of training. As regards on-the-job training, the Law Society has established committees to review matters relating to legal professional development and continuing education.

We will continue to support SCLET and the Law Society in continuously reviewing and improving local legal education and professional training, with a view to cultivating more outstanding legal talents for Hong Kong.

(4) The Lands Tribunal is headed by a President who is also a Judge of the Court of First Instance of the High Court (Note 1). It currently comprises three Presiding Officers who are Judges of the District Court, and two Members with land valuation and surveying background (Note 2). They are supported by a total of 26 non-directorate supporting staff who are responsible for providing court support and registry services to Judges and Judicial Officers and court users.

The Judiciary has been deploying the required manpower and resources in view of the current workload at the Lands Tribunal. Apart from flexible deployment within the Judiciary, the Judiciary would continue to keep the situation under review and seek additional manpower resources in accordance with the established mechanism where necessary and justified.

Note 1: The President of the Lands Tribunal is generally sitting as a Judge of the Court of First Instance and does not handle Lands Tribunal cases on a daily basis. That said, where necessary, he/she may hear Lands Tribunal cases either alone or together with a Member.

Note 2: Under the Lands Tribunal Ordinance (Cap. 17), a wide range of professionals are eligible to be appointed as Members.