

**Consultation Paper on**

**Provision of Copies of Stopped Deeds**

**INTRODUCTION**

1. This Paper seeks your views on the proposed amendments in the Land Registration (Amendment) Bill for the provision of copies of instruments withheld from registration (stopped deeds) by the Land Registry.

**BACKGROUND**

2. The Land Registration (Amendment) Bill was introduced into the Legislative Council on 17 January 2001. The Bills Committee, chaired by Hon. Chan Wai Yip, has been formed to study the details of the Bill.

3. After discussion of the various issues in the Bills Committee, the only outstanding issue on the Bill is the proposal for provision of copies of stopped deeds.

4. Under the Land Registration Regulations, an instrument may be withheld from registration if any of the provisions of the Land Registration Ordinance or Regulations have not been complied with. The Land Registry will return the instrument to the lodging party for amendment or clarification. According to existing practice, copies of the stopped deeds are not kept in the Land Registry and the stopped deeds are not available for search.

5. Representations have been made in the Bills Committee, notably from the Law Society, that there may be parties who would like to obtain copies of the stopped deeds. It is said that other parties may wish to know of the contents of the stopped deeds because the priority of an instrument, whether or not it had been stopped, for which registration has been completed will be determined according to the date of the instrument if it had been submitted within the time required under the Land Registration Ordinance. Therefore it is important that copies of the stopped deeds are available for search while the instrument is being stopped.

6. The Administration has been requested by the Bills Committee to consider the best possible way through which problems arising from stopped deeds could be solved.

#### **PROPOSED AMENDMENTS**

7. In order to make copies of the stopped deeds available for search, the Land Registry proposes that it will maintain a system for keeping, filing and retrieval of the copies of all stopped deeds. Each and every copy of the stopped deeds will have to be kept as the Land Registry will not know in advance which stopped deed will be searched.

8. The following proposals are made -

- (a) After the commencement of the operation of the relevant provisions, the Land Registry will keep copies of all stopped deeds and provide the same for public search at a fee. Since

the procedure for providing a copy of a stopped deed is effectively the same as that for providing a copy of a registered instrument, it is proposed that the fee should be the same, namely \$120 per instrument.

- (b) If the instrument is stopped more than once, only the latest copy of the stopped deed will be available for search.
- (c) Upon completion of registration of the instrument, the stopped deed will no longer be available for search.
- (d) Certified copies of stopped deeds will not be provided.

9. The Administration will propose Committee Stage Amendments to the Bill for the new arrangements.

### **COMMENTS**

10. Any written comments on the proposed amendments should be sent, no later than 26 September 2001, to -

The Land Registrar  
(Attn: Ms. May Lee, Deputy Principal Solicitor)  
28<sup>th</sup> Floor, Queensway Government Offices,  
66 Queensway,  
Hong Kong.

*The Land Registry*

*Date: 13 September 2001*

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