

(35) LR/HQ/101/20 Pt.18

28 March 2001

PPTY

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(Only English version issued)

The Law Society of Hong Kong
3/F Wing On House
71 Des Voeux Road
Central
Hong Kong

(Attn: Ms. Christine W.S.Chu
Assistant Director of Practitioners Affairs)

Dear Ms. Chu,

Re: Land Registration (Amendment) Bill 2000
Legislative Council Bills Committee on 28 March 2001

I refer to the above and my earlier letter of 27 December 2000 enclosing the Land Registration (Amendment) Bill for your comments.

The Bill was presented for First Reading in the Legislative Council on 17 January 2001 and the Bills Committee, chaired by the Hon. Mr. Chan Wai Yip, had been formed to study the Bill in detail. Four meetings of the Bills Committee had been held. As a result of the discussions in the Bills Committee Meetings, the Administration will propose certain Committee Stage Amendments to the Bill.

Members of the Bills Committee had suggested that the Administration would seek the views of the Law Society on the following two new proposals to be included in the Committee Stage Amendments –

1. Period for removal of stopped deeds to be reduced from 12 months to 6 months

The Law Society had in paragraph 3 of the earlier letter of 30 August 2000 urged the Land Registry to consider shortening the proposed 1 year period. After due consideration of the views from various parties, the Administration will now propose Committee Stage Amendments to reduce the period for removal from 12 months to 6 months.

... to be cont'd

2. Certified Copy Instruments

In paragraph 4 of the Law Society's letter of 30 August 2000, it was suggested that the legislation should spell out clearly the kind of certified documents which are registrable and what manner of certification will be satisfactory to the Land Registrar. After due consideration of the views from various parties, the Administration will propose Committee Stage Amendments to put in a Schedule to the Land Registration Regulations the list of certified copy documents which are acceptable for registration. In this respect, I enclose a copy of the list marked "A" for your comments. This "A" list has been based on the list which was agreed with the Law Society and enclosed in the letter from the Assistant Registrar General/Land Office to the Law Society Members of the then Land Office Joint Standing Committee dated 7 August 1991 – which list is attached at "B". Please note that the item "Other instruments such as letters, notices if the original is not recoverable.... etc" in item 3 of the "B" list is not included in the "A" list as it is not a certain set of documents. The Land Registry will instead issue a Land Registry Circular Memorandum to cover that item. Furthermore, item (5) – "Carbon Copy Provisional Agreements for Sale and Purchase" is not included in the "A" list as the Provisional Agreements for Sale and Purchase executed in duplicate or triplicate are registered as carbon copy documents and not certified copy documents.

I would be grateful for your early written comments on the above 2 issues which will be presented to the next Bills Committee scheduled for 20 April 2001. If you require any clarification, please call me.

Yours sincerely,

(Ms. May LEE)
Deputy Principal Solicitor
for Land Registrar

Encl.

c.c. Secretary for Planning & Lands (Attn: Mr. Geoffrey Woodhead) Fax:2899 2916
Clerk to Bills Committee (Attn: Ms. Becky Yu) Fax: 2869 6794

Proposed List for inclusion in subsidiary legislation

<u>Class of instrument</u>	<u>Person who may certify copy of instrument</u>
Certificate of Incorporation on Change of Name issued by the Companies Registry	Companies Registry of Hong Kong
Death Certificate issued by the Births and Deaths Registry	Births and Deaths Registry of Hong Kong
Certificate of Exemption from Estate Duty issued by the Estate Duty Office	Estate Duty Office of Hong Kong
Certificate of Receipt of Estate Duty issued by the Estate Duty Office	Estate Duty Office of Hong Kong
Probate granted by the High Court	High Court
Letters of Administration granted by the High Court	High Court
Occupation Permit issued by the Building Authority	Building Authority within the meaning of the Buildings Ordinance (Cap.123)
Power of Attorney	Solicitor
Certificate of Incorporation on Change of Name issued by the Companies Registry	Solicitor
Memorandum or Letter of Compliance of conditions precedent in Government Grant issued by the Lands Department	[Plain copies acceptable]
Notice or Letter of Compliance issued by the Building Authority confirming building works have been completed or building orders have been complied with	[Plain copies acceptable]

List agreed between Law Society
and Registrar General/Land Office in 1991

<u>Acceptable Form</u>	<u>Instrument</u>
(1) Original	All instruments unless otherwise permitted under Items (2) to (4) below.
(2) Certified by Issuing authority	<ul style="list-style-type: none"> - Certificate of Incorporation on Change of name - Death Certificate - Certificate of Exemption from Estate Duty - Certificate of Receipt of Estate Duty - Probate of Will - Letters of Administration - Occupation Permit
(3) Certified by solicitors	<ul style="list-style-type: none"> - Power of Attorney - Certificate of Incorporation on Change of name - Other instruments such as letters, notices if the original is not recoverable e.g. due to loss or because it is a notice/letter that is despatched to another party
(4) Plain photo copy	<ul style="list-style-type: none"> - Certificate of Compliance (memo/letter) - Notice and letter of confirmation (confirming that the work have been complied with) from B.O.O.
(5) Carbon Copy	<ul style="list-style-type: none"> - Provisional Agreement for Sale and Purchase