

**Bills Committee on
Land Registration (Amendment) Bill 2000**

Information requested by Members
at the second meeting held on 20 February 2001

Effect of withheld/stopped deeds on the parties concerned

- (a) A stopped deed may have effect on the title of the property as legal practitioners may wish to know the effect of the stopped deed to determine its impact on the title of the property.
- (b) For the registration of subsequent transactions, where there is a stopped deed pending in a land register and a subsequent deed, which is not related to the stopped deed, is lodged for registration, the subsequent deed will be accepted for registration even though there is a prior stopped deed. For example, if a stopped deed is a release/receipt of mortgage and the subsequent document is an agreement or assignment by the existing owner, as the prior release does not affect the owner's capacity to deal with the property, the subsequent agreement or assignment will not be stopped and will be acceptable for registration notwithstanding the prior stopped release/receipt.
- (c) However if the subsequent deed is related to a stopped deed, the subsequent deed will be stopped, and will be put on the "Deeds Pending Registration" column of the land register until the registration of the prior stopped deed is completed. For example, if the stopped deed is a court order with the owner as a party to the proceedings and the subsequent instrument is an agreement or assignment by the owner disposing of the property, as the court order may be related to the power of the owner to deal with the property, the subsequent agreement/assignment will be stopped and put on the "Deeds Pending Registration" column of the land register pending the completion of the registration of the court order.

Suggestion for reduction of the proposed period for stopped deeds to be pending from 12 to 6 months subject to extension

The effect of removal from the land register is that the land register shall be regarded as never having had the particulars of the stopped deed entered on it – proposed Regulation 15(12)(b) in section 67 of the Schedule of the Land Registration (Amendment) Bill. A removed stopped deed will not get any priority under the Land Registration Ordinance. As there are such consequences upon the removal of a stopped deed, the Administration would prefer to adopt a prudent approach at first and allow one year, as originally proposed, to the applicants before considering the removal.

To include the list of regular types of registrable certified copy documents currently accepted by the Land Registry in the Bill

A copy of the list of certified copy documents which is now acceptable for registration is at the attachment. The Administration will propose a Committee Stage Amendment to include in the Bill the power for the Land Registrar to declare in a Schedule to the Land Registration Regulations the types of certified copy documents acceptable to the Land Registry.

Acceptable Form

Instrument

- | | |
|------------------------------------|--|
| (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 |

* These are signed in triplicate. Original signatures are required.

MEMORIAL of an instrument to be registered in the Land Registry 在土地註冊處註冊的文書之註冊摘要

Registration Fees 註冊費用	<input type="checkbox"/> \$210 <input type="checkbox"/> \$230 <input type="checkbox"/> \$450 <input type="checkbox"/> \$1000 <input type="checkbox"/> \$2000	Solicitors Code 律師代號
Nature and object of the instrument 文書的性質及目的		

Date of instrument 文書日期	Day 日 Month 月 Year 年	Stamp Office No. 印花稅署編號
Consideration 代價		Stamp Duty 印花稅

Memorial number of transaction satisfied (including district code identifier, if any) [Reg. 5(1)(a) and 6(1)(a)] 被解除、取消或以其他方式支付的其他交 易之註冊摘要號碼(包括地區編號代號,如 有的話) (填例第(1)(a)節及第(2)(a)節)	M/N M/N M/N
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Names of parties (including the names in the Chinese Language, if known) 各方的姓名或名稱 (包括所知道的中文姓名或名稱)	Hong Kong Identity Card/Company Registration/Other Identification (please specify) Numbers* (In case of change of ownership) 香港身分證/公司註冊/其他識別(請註明) 號碼*(如涉及業權的轉讓)	Status of parties (Assignor/Assignee/etc.) 各方的身分 (轉讓人/承讓人等)	Their respective shares in, and capacities in relation to, the premises 各方在處所的各別份數和 身分
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Premises affected by the instrument 受文書影響的處所	Undivided share(s) if any 所佔的不分份數(如有的話) Lot No. 地段編號
Property Reference Number (if any) 物業參考編號(如有的 話)	Address (including the address in the Chinese language, if known) (if applicable) 地址(包括所知道的中文地址)(如適用)
	Block 座 Flat 室 Floor 樓 Premises No. 處所號碼 Street Name 街道名稱 (HK/KO/NT)* (香港/九龍/新界)*

On this day of 20..... I (name).....
 在這二零.....年.....月.....日, 本人(姓名).....
 of (name of solicitors firm)..... Hong Kong Solicitors/
 為(律師行名稱).....的香港律師/
 (rank)..... a public officer duly authorised by the (head of department).....
 (職級).....為(部門首長)..... 授權的公職人員,
 hereby certify that the foregoing memorial contains a just and true account of the several particulars therein set forth as required by the Land Registration Regulations.
 在此證書上列註冊摘要已錄載了土地註冊規例要求的各項細節之真實資料。

Hong Kong
香港

Note 附註: If space is insufficient, please show particulars on a separate sheet, make reference and staple the sheet onto this form.
如空間不足, 可將資料填寫於另外的紙張上及作出適當參照, 並將附加的紙張釘附在此註冊摘要。

* Delete whichever is inapplicable 刪去不適用者
† Please tick the appropriate box 請在適當的方格填上劃符

Remark: This is a template memorial form. The actual format is subject to detailed analysis and design of the Integrated Registration Information System.