

PPTY

13 June 2002

BY FAX (28696794/28699652) AND BY POST

The Hon. Mr. Albert Chan Wai-yip
Chairman of the Bills Committee on
Land Registration (Amendment) Bill 2000
Legislative Council Secretariat
Legislative Council Building,
8 Jackson Road,
Central, Hong Kong.

Dear Mr. Chan,

Bills Committee on Land Registration (Amendment) Bill 2000

I refer to the above Bill particularly the legislative proposal under the new Regulations 15(6) to 15(12) (inclusive) and 15A of the Land Registration Ordinance to empower the Land Registrar to remove any stopped deed that has been withheld from registration for a certain period.

The Society understands that the Bills Committee has requested the Administration to consult the Bar Association on this legislative proposal. As the Bar has indicated that they will not be able to revert until 15 June, the Land Registrar has proposed for the Bill to be proceeded with without the provisions regarding removal of stopped deeds.

As stated by the Land Registry in its Consultation Paper on the draft Land Registration (Amendment) Bill in 2 August 2000, there are more than 2000 deeds being "stopped" for more than one year with the longest case being held pending for registration since 1967. Without removal of these deeds from the Land Register, it is obvious that owners of these properties will suffer.

The Society takes a strong view about the Land Registrar's present proposal to drop the relevant provisions concerning the removal power and procedure bearing in mind that long before the Bill was introduced in 2000, the Society has repeatedly requested that such procedure be put in place. The Society's Property Committee has also promptly considered and given its views on the relevant provisions during these 2 years on numerous occasions. The Committee is indeed disappointed that after all these years of effort, the interests of the public is to be sacrificed for commercial necessities, the problems of stopped deed appearing on the Land Register should be allowed to continue and the legislative amendment is now proposed to be dropped.

Given that it is against public interest for this issue to be delayed any further, the Committee will be liaising with the Bar Association and the Administration, to try to agree on a revised form of legislative proposal. The Society hopes that the LegCo will keep this legislative proposal on its agenda for consideration and enactment without any further delay.

Yours sincerely,

Christine W. S. Chu
Assistant Director of Practitioners Affairs

c.c. The Hon. Selina Chow Liang Suk Yee, Chairman of the House Committee
The Hon. Ms. Margaret Ng, Chairman of the LegCo Panel on Administration of Justice
& Legal Services
Mr. Simon Ip, the President
Ms. Wendy Chow, Chairman of the Property Committee