

Ref. LR/HQ/101/20 XXIV

18 June 2002

The Hon. Albert Chan Wai-yip
Chairman
Bills Committee on
Land Registration (Amendment) Bill
c/o Board B, 2/F Kapok Mansion
123 Castle Peak Road, Tsuen Wan
New Territories

Land Registration (Amendment) Bill Stopped Deeds Provisions

Further to my letter of Friday 14th I would like to report the latest developments on the matter of the provision to remove stopped deeds.

This morning I received substantial comments from the Bar Association. While these are supportive of introducing a power to remove stopped deeds they also raise a number of suggestions about the proposed provisions.

We have made an initial examination of these suggestions within the Land Registry. We do not see any major difficulties. But, there is one point that would reopen a question we have earlier agreed with the Law Society and there are several other points where we may find merit in their ideas but still need time to consider any implications and how to draft the legislation to give the intended effect.

I have discussed / ...

I have discussed these points with the Chairman of the Law Society Property Committee this afternoon. I have advised that there is no way in which we could agree on how to revise the legislation, draft the amended provisions and get them to the Bills Committee for scrutiny in time for you to advise the House Committee this coming Friday that the stopped deeds provisions can be added back to the Bill within this session.

I have agreed with the Chairman of the Law Society Property Committee that we will provide for consideration at their next meeting in July a draft of proposed new legislation on power to remove stopped deeds. I have undertaken to work with them so as to be able to complete discussion on these provisions over the summer. Our aim is to be able to come back to the Legislative Council in October with a scheme that is agreed by all parties, so that the proposed legislative amendments for removal of stopped deeds will be put to the Legislative Council in October 2002 for enactment.

I regret not being able to keep these provisions within the present bill, but for the reasons set out in my last letter I do not think it right to hold back the major matters in that bill while we resolve this particular matter.

(Kim Salkeld)
Land Registrar

c.c. Ms. Becky Yu, Clerk to Bills Committee, LegCo
The Hon. Ms. Margaret Ng
Ms. Wendy Chow, Law Society of Hong Kong
Mr Alan Leong, Chairman, Hong Kong Bar Association
Secretary for Planning & Lands (Attn: Ms. Cheung Siu-hing)