

C086E

Amend the Land Registration Ordinance.

Enacted by the Legislative Council.

1. Short title and commencement

(1) This Ordinance may be cited as the Land Registration (Amendment) Ordinance 2000.

(2) This Ordinance shall come into operation on a day to be appointed by the Secretary for Planning and Lands by notice published in the Gazette.

2. Saving in respect of New Territories Land Registries, etc.

Section 30 of the Land Registration Ordinance (Cap. 128) is repealed.

3. Schedules repealed

The First and Second Schedules are repealed.

4. Consequential and other amendments

The enactments specified in the Schedule are amended as set out in that Schedule.

SCHEDULE [s. 4]

Consequential Amendments

Bankruptcy Rules

1. Registration of petition in Land Registry

Rule 53 of the Bankruptcy Rules (Cap. 6 sub. leg.) is amended by repealing "or in any District Land Registry".

2. Registration of petition in Land

Registry against partner

Rule 54 is amended by repealing "or in any District Land Registry".

3. Registration of bankruptcy order in

Land Registry

Rule 73 is amended by repealing "or in any District Land Registry".

4. Registration of bankruptcy order in

Land Registry against partner

Rule 74 is amended by repealing "or in any District Land Registry".

5. Disclaimer of lease

Rule 130(3) is amended by repealing "or in any District Land Registry" where it twice appears.

Bankruptcy (Forms) Rules

6. Schedule amended

The Schedule to the Bankruptcy (Forms) Rules (Cap. 6 sub. leg.) is amended, in Forms 128 and 129, by repealing "or in the District Land Registry".

Antiquities and Monuments Ordinance

7. Interpretation

Section 2 of the Antiquities and Monuments Ordinance (Cap. 53) is amended, in the definition of "Land Registry", by repealing "and any District Land Registry established under the New Territories Ordinance (Cap. 97)".

8. Declaration of proposed monuments etc. and plans thereof

Section 2A(4)(a) is amended by repealing "appropriate".

9. Declaration of monuments and plans thereof

Section 3(4)(a) is amended by repealing "appropriate".

Antiquities and Monuments (Designation of Monuments) Declaration 1979

10. Declaration of monuments

Paragraph 2(a), (b) and (c) of the Antiquities and Monuments (Designation of Monuments) Declaration 1979 (L.N. 34 of 1979) is amended by repealing "District Land Office Sai Kung" and substituting "Land Registry".

Antiquities and Monuments (Designation of Monuments) (No. 2) Declaration 1979

11. Declaration of monuments

Paragraph 2(a) and (b) of the Antiquities and Monuments (Designation of Monuments) (No. 2) Declaration 1979 (L.N. 111 of 1979) is amended by repealing "District Land Office Islands" and substituting "Land Registry".

Antiquities and Monuments (Designation of Monuments) (No. 3) Declaration 1979

12. Declaration of monument

Paragraph 2 of the Antiquities and Monuments (Designation of Monuments) (No. 3) Declaration 1979 (L.N. 201 of 1979) is amended by repealing "District Land Office Islands" and substituting "Land Registry".

Antiquities and Monuments (Designation of Monuments) Declaration 1980

13. Declaration of monument

Paragraph 2 of the Antiquities and Monuments (Designation of Monuments) Declaration 1980 (L.N. 197 of 1980) is amended by repealing "District Land Office, Sai Kung" and substituting "Land Registry".

Antiquities and Monuments (Designation of Monuments) Declaration 1981

14. Declaration of monument

Paragraph 2 of the Antiquities and Monuments (Designation of Monuments) Declaration 1981 (L.N. 73 of 1981) is amended by repealing "Tsuen Wan District Land Office" and substituting "Land Registry".

Antiquities and Monuments (Designation of

Monuments) (No. 2) Declaration 1981

15. Declaration of monument

Paragraph 2 of the Antiquities and Monuments (Designation of Monuments) (No. 2) Declaration 1981 (L.N. 356 of 1981) is amended by repealing "District Land Office, Tai Po" and substituting "Land Registry".

Antiquities and Monuments (Designation of Monuments) (No. 3) Declaration 1981

16. Declaration of monument

Paragraph 2 of the Antiquities and Monuments (Designation of Monuments) (No. 3) Declaration 1981 (L.N. 357 of 1981) is amended by repealing "Sai Kung District Land Office" and substituting "Land Registry".

Antiquities and Monuments (Designation of Monuments) (No. 4) Declaration 1981

17. Declaration of monument

Paragraph 2 of the Antiquities and Monuments (Designation of Monuments) (No. 4) Declaration 1981 (L.N. 358 of 1981) is amended by repealing "District Land Office, Islands" and substituting "Land Registry".

Antiquities and Monuments (Designation of Monuments) Declaration 1982

18. Declaration of monument

Paragraph 2 of the Antiquities and Monuments (Designation of Monuments) Declaration 1982 (L.N. 25 of 1982) is amended by repealing "District Land Office, Islands" and substituting "Land Registry".

Antiquities and Monuments (Declaration of Monument) Notice 1983

19. Declaration of monument

Paragraph 2 of the Antiquities and Monuments (Declaration of Monument) Notice 1983 (L.N. 75 of 1983) is amended by repealing "District Lands Office, Sai Kung" and substituting "Land Registry".

Antiquities and Monuments (Declaration of Monument) (No. 2) Notice 1983

20. Declaration of monument

Paragraph 2 of the Antiquities and Monuments (Declaration of Monument) (No. 2) Notice 1983 (L.N. 76 of 1983) is amended by repealing "District Lands Office, Sai Kung" and substituting "Land Registry".

Antiquities and Monuments (Declaration of Monument) (No. 3) Notice 1983

21. Declaration of historical building

Paragraph 2 of the Antiquities and Monuments (Declaration of Monument) (No. 3) Notice 1983 (L.N. 77 of 1983) is amended by repealing "District Lands Office, Tai Po" and substituting "Land Registry".

Antiquities and Monuments (Declaration of Monument) (No. 4) Notice 1983

22. Declaration of historical building

Paragraph 2 of the Antiquities and Monuments (Declaration of Monument) (No. 4) Notice 1983 (L.N. 78 of 1983) is amended by repealing "District Lands Office, Yuen Long" and substituting "Land Registry".

Antiquities and Monuments (Declaration of Monument) (No. 5) Notice 1983

23. Declaration of monument

Paragraph 2 of the Antiquities and Monuments (Declaration of Monument) (No. 5) Notice 1983 (L.N. 138 of 1983) is amended by repealing "District Lands Office, Tai Po" and substituting "Land Registry".

Antiquities and Monuments (Declaration of Monument) (No. 6) Notice 1983

24. Declaration of monument

Paragraph 2 of the Antiquities and Monuments (Declaration of Monument) (No. 6) Notice 1983 (L.N. 139 of 1983) is amended by repealing "District Lands Office, Islands" and substituting "Land Registry".

Antiquities and Monuments (Declaration of Monument) (No. 9) Notice 1983

25. Declaration of monument

Paragraph 2 of the Antiquities and Monuments (Declaration of Monument) (No. 9) Notice 1983 (L.N. 362 of 1983) is amended by repealing "District Lands Office, Islands" and substituting "Land Registry".

Antiquities and Monuments (Declaration of Monument) (No. 2) Notice 1984

26. Declaration of historical building

Paragraph 2 of the Antiquities and Monuments (Declaration of Monument) (No. 2) Notice 1984 (L.N. 125 of 1984) is amended by repealing "District Land Office, Tai Po" and substituting "Land Registry".

Antiquities and Monuments (Declaration of Monument) (No. 5) Notice 1984

27. Declaration of historical building

Paragraph 2 of the Antiquities and Monuments (Declaration of Monument) (No. 5) Notice 1984 (L.N. 385 of 1984) is amended by repealing "District Land Office, Tai Po" and substituting "Land Registry".

Antiquities and Monuments (Declaration of Monument) Notice 1985

28. Declaration of historical building

Paragraph 2 of the Antiquities and Monuments (Declaration of Monument) Notice 1985 (L.N. 10 of 1985) is amended by repealing "District Land Office, North" and substituting "Land Registry".

Antiquities and Monuments (Declaration of Monument) Notice 1986

29. Declaration of historical building

Paragraph 2 of the Antiquities and Monuments (Declaration of Monument) Notice

1986 (L.N. 170 of 1986) is amended by repealing "District Land Office, Tsuen Wan" and substituting "Land Registry".

Antiquities and Monuments (Declaration of Monument) Notice 1987

30. Declaration of historical building

Paragraph 2 of the Antiquities and Monuments (Declaration of Monument) Notice 1987 (L.N. 215 of 1987) is amended by repealing "District Land Office, Yuen Long" and substituting "Land Registry".

Antiquities and Monuments (Declaration of Monument) Notice 1988

31. Declaration of historical building

Paragraph 2 of the Antiquities and Monuments (Declaration of Monument) Notice 1988 (L.N. 61 of 1988) is amended by repealing "District Land Office, North" and substituting "Land Registry".

Antiquities and Monuments (Declaration of Monument) (No. 2) Notice 1988

32. Declaration of historical building

Paragraph 2 of the Antiquities and Monuments (Declaration of Monument) (No. 2) Notice 1988 (L.N. 307 of 1988) is amended by repealing "District Land Office, Yuen Long" and substituting "Land Registry".

Antiquities and Monuments (Declaration of Monument) (No. 3) Notice 1989

33. Declaration of historical building

Paragraph 2 of the Antiquities and Monuments (Declaration of Monument) (No. 3) Notice 1989 (L.N. 410 of 1989) is amended by repealing "District Land Office, Sha Tin" and substituting "Land Registry".

Antiquities and Monuments (Declaration of Historical Building) Notice 1991

34. Declaration of historical building

Paragraph 2 of the Antiquities and Monuments (Declaration of Historical Building) Notice 1991 (L.N. 175 of 1991) is amended by repealing "District Land Office, North" and substituting "Land Registry".

Antiquities and Monuments (Declaration of Historical Building) (No. 2) Notice 1992

35. Declaration of historical building

Paragraph 1 of the Antiquities and Monuments (Declaration of Historical Building) (No. 2) Notice 1992 (L.N. 206 of 1992) is amended by repealing "District Land office, Yuen Long" and substituting "Land Registry".

Antiquities and Monuments (Declaration of Monument) Notice 1993

36. Declaration of monument

Paragraph 1 of the Antiquities and Monuments (Declaration of Monument) Notice 1993 (L.N. 105 of 1993) is amended by repealing "District Land Office, North" and substituting "Land Registry".

Antiquities and Monuments (Declaration of Historical Building) Notice 1994

37. Declaration of historical building

Paragraph 1 of the Antiquities and Monuments (Declaration of Historical Building) Notice 1994 (L.N. 633 of 1994) is amended by repealing "North New Territories".
Antiquities and Monuments (Declaration of Historical Building) (No. 2) Notice 1996

38. Declaration of historical building

Paragraph 1 of the Antiquities and Monuments (Declaration of Historical Building) (No. 2) Notice 1996 (L.N. 265 of 1996) is amended by repealing "Yuen Long New Territories".

Antiquities and Monuments (Declaration of Monument) Notice 1997

39. Declaration of monument

Paragraph 1 of the Antiquities and Monuments (Declaration of Monument) Notice 1997 (L.N. 52 of 1997) is amended by repealing "North New Territories".

Antiquities and Monuments (Declaration of Historical Building) Notice 1997

40. Declaration of historical building

Paragraph 1 of the Antiquities and Monuments (Declaration of Historical Building) Notice 1997 (L.N. 530 of 1997) is amended by repealing "North New Territories".

Antiquities and Monuments (Declaration of Historical Building) (No. 2) Notice 1997

41. Declaration of historical building

Paragraph 1 of the Antiquities and Monuments (Declaration of Historical Building) (No. 2) Notice 1997 (L.N. 39 of 1998) is amended by repealing "North New Territories".

Antiquities and Monuments (Declaration of Historical Building) Notice 1998

42. Declaration of historical building

Paragraph 1 of the Antiquities and Monuments (Declaration of Historical Building) Notice 1998 (L.N. 301 of 1998) is amended by repealing "Tai Po New Territories".

Antiquities and Monuments (Declaration of Historical Building) Notice 1999

43. Declaration of historical building

Paragraph 1 of the Antiquities and Monuments (Declaration of Historical Building) Notice 1999 (L.N. 328 of 1999) is amended by repealing "Yuen Long New Territories".

Antiquities and Monuments (Declaration of Historical Building) (No. 2) Notice 1999

44. Declaration of historical building

Paragraph 1 of the Antiquities and Monuments (Declaration of Historical Building) (No. 2) Notice 1999 (L.N. 329 of 1999) is amended by repealing "Tai Po New Territories".

Antiquities and Monuments (Declaration of Monuments and Historical Buildings) (Consolidation) Notice

45. Declaration of monuments

Paragraph 2 of the Antiquities and Monuments (Declaration of Monuments and Historical Buildings) (Consolidation) Notice (Cap. 53 sub. leg.) is amended---

- (a) in subparagraphs (b), (c) and (d), by repealing "District Land Registry, Sai Kung" and substituting "Land Registry";
- (b) in subparagraphs (e), (f) and (g), by repealing "District Land Registry, Islands" and substituting "Land Registry";
- (c) in subparagraph (i), by repealing "District Land Registry, Sai Kung" and substituting "Land Registry";
- (d) in subparagraph (j), by repealing "Tsuen Wan District" where it secondly appears;
- (e) in subparagraph (k), by repealing "District Land Registry, Tai Po" and substituting "Land Registry";
- (f) in subparagraph (l), by repealing "Sai Kung District";
- (g) in subparagraphs (m) and (n), by repealing "District Land Registry, Islands" and substituting "Land Registry";
- (h) in subparagraphs (p) and (q), by repealing "District Land Registry, Sai Kung" and substituting "Land Registry";
- (i) in subparagraph (r), by repealing "District Land Registry, Tai Po" and substituting "Land Registry";
- (j) in subparagraphs (s) and (t), by repealing "District Land Registry, Islands" and substituting "Land Registry";
- (k) in subparagraph (aa), by repealing "District Land Registry, North" and substituting "Land Registry";
- (l) in subparagraph (ab), by repealing "North New Territories".

46. Declaration of historical buildings

Paragraph 3 is amended---

- (a) in subparagraph (a), by repealing "District Land Registry, Tai Po" and substituting "Land Registry";
- (b) in subparagraph (b), by repealing "District Land Registry, Yuen Long" and substituting "Land Registry";
- (c) in subparagraphs (e) and (g), by repealing "District Land Registry, Tai Po" and substituting "Land Registry";
- (d) in subparagraph (h), by repealing "District Land Registry, North" and substituting "Land Registry";
- (e) in subparagraph (i), by repealing "District Land Registry, Tsuen Wan" and substituting "Land Registry";
- (f) in subparagraph (j), by repealing "District Land Registry, Yuen Long" and substituting "Land Registry";
- (g) in subparagraph (k), by repealing "District Land Registry, North" and substituting "Land Registry";
- (h) in subparagraph (l), by repealing "District Land Registry, Yuen Long" and

substituting "Land Registry";

(i) in subparagraph (p), by repealing "District Land Registry, Sha Tin" and substituting "Land Registry";

(j) in subparagraph (t), by repealing "District Land Registry, North" and substituting "Land Registry";

(k) in subparagraph (w), by repealing "District Land Registry, Yuen Long" and substituting "Land Registry";

(l) in subparagraph (y), by repealing "North New Territories";

(m) in subparagraph (aj), by repealing "Yuen Long New Territories";

(n) in subparagraphs (al) and (am), by repealing "North New Territories";

(o) in subparagraph (an), by repealing "Tai Po New Territories";

(p) in subparagraph (ao), by repealing "Yuen Long New Territories";

(q) in subparagraph (ap), by repealing "Tai Po New Territories".

Port Control (Public Cargo Working Area)

(No. 6) Order 1998

47. Public cargo working area

Paragraph 2 of the Port Control (Public Cargo Working Area) (No. 6) Order 1998 (L.N. 59 of 1998) is amended by repealing "Tsuen Wan New Territories".

Port Control (Public Cargo Working Area)

(No. 8) Order 1998

48. Public cargo working area

Paragraph 2 of the Port Control (Public Cargo Working Area) (No. 8) Order 1998 (L.N. 61 of 1998) is amended by repealing "Tuen Mun New Territories".

Port Control (Public Cargo Working Area)

(No. 2) Order 1999

49. Public cargo working area

Paragraph 2 of the Port Control (Public Cargo Working Area) (No. 2) Order 1999 (L.N. 268 of 1999) is amended by repealing "Tsuen Wan New Territories".

Port Control (Public Cargo Working Area)

(Consolidation) Order

50. Rambler Channel public cargo working area

Paragraph 8 of the Port Control (Public Cargo Working Area) (Consolidation) Order (Cap. 81 sub. leg.) is amended by repealing "Tsuen Wan New Territories".

51. Tuen Mun public cargo working area

Paragraph 10 is amended by repealing "Tuen Mun New Territories".

52. Stonecutters Island public cargo working area

Paragraph 12 is amended by repealing "Tsuen Wan New Territories".

New Territories Ordinance

53. Sections repealed

Sections 10 and 11 of the New Territories Ordinance (Cap. 97) are repealed.

54. Registration of manager of "t'ong", etc.

Section 15 is amended by repealing "appropriate New Territories Land Registry" and substituting "Land Registry".

55. Power to appoint trustees for minors

Section 18 is amended by repealing "appropriate New Territories".

New Territories (Land Registries Approval) Order

56. Repeal

The New Territories (Land Registries Approval) Order (Cap. 97 sub. leg.) is repealed.

Waterworks Ordinance

57. Mapping of gathering grounds

Section 23(5) of the Waterworks Ordinance (Cap. 102) is repealed and the following substituted---

"(5) A map of a gathering ground prepared under this section shall be deposited in the Land Registry."

Land Registration Regulations

58. Interpretation

Regulation 2 of the Land Registration Regulations (Cap. 128 sub. leg.) is amended---

(a) by repealing the definitions of "Land Registry" and "New Territories Land Registry";

(b) by repealing the definition of "register card" and substituting---

" "register card" (註冊資料卡), in relation to a memorial, means a register card kept and maintained---

(a) in the Land Registry by the Land Registrar for the land and premises affected by the instrument to which the memorial relates; and

(b) for entering in accordance with regulation 14 particulars of the memorial before a register computer was used for entering such particulars;"

(c) by adding---

" "A3 size" (A3 尺寸) means a size measuring 297 mm by 420 mm;

"by post" (郵遞) includes by courier service (and whether or not the courier service is provided by the Government);

"Property Reference Number" (物業參考編號), in relation to any land and premises, means an identification number---

(a) assigned by the Land Registrar to the portion of the record of a register computer kept by him for the purposes of regulation 14 for the land and premises; and

(b) shown on the record;".

59. Delivery and form of memorial

Regulation 5(1) is amended by adding "and provided" after "specified".

60. Particulars to be contained in memorial

Regulation 6 is amended---

(a) in paragraph (1)---

(i) in subparagraph (c), by adding "(including the names in the Chinese language if known)" after "names";

(ii) in subparagraph (d), by adding "(including the address in the Chinese language if known)" after "address";

(iii) by adding---

"(ea) the undivided shares in the land (if any);

(eb) the Property Reference Number (if any) for the land and premises to which the instrument relates;";

(iv) in subparagraph (f)(v), by repealing "and";

(v) by adding---

"(fa) immediately before the number of the memorial as specified in subparagraph (f), the district code identifier for the land and premises to which the instrument relates if, and only if, the memorial concerned were delivered into the Land Registry before the commencement of this subparagraph; and";

(b) in paragraph (2)---

(i) in subparagraph (c), by adding "(including the names in the Chinese language if known)" after "names";

(ii) in subparagraph (e), by adding "(including the address in the Chinese language if known)" after "address";

(iii) by adding---

"(ea) the undivided shares in the land (if any);

(eb) the Property Reference Number (if any) for the land and premises to which the instrument relates;";

(iv) in subparagraph (f), by repealing "and";

(v) by adding---

"(fa) immediately before the number of the memorial as specified in subparagraph (f), the district code identifier for the land and premises to which the instrument relates if, and only if, the memorial concerned were delivered into the Land Registry before the commencement of this subparagraph; and";

(c) in paragraph (4), by adding---

" "district code identifier" (地區標識代號), in relation to any land and premises, means an identification number, or letter or letters of the alphabet, or any

combination thereof, assigned by the Land Registrar to a memorial delivered into the Land Registry immediately before the commencement of paragraphs (1)(fa) and (2)(fa);".

61. Verification of memorial

Regulation 7(c) is amended by adding "for a department of the Government" after "Registry".

62. Plans

Regulation 8 is amended---

(a) in paragraph (1), by repealing "on 16 mm black and white microfilm or";

(b) by repealing paragraphs (2), (3), (4) and (5) and substituting---

"(2) A copy of any such plan which is larger than A3 size---

(a) shall be attached to the memorial of the instrument to which it relates; and

(b) may be destroyed or otherwise disposed of by the Land Registrar in such manner as he thinks fit after it has been recorded by the imaging method in accordance with paragraph (1).

(3) Any colour, other than black and white, on any such plan and copy thereof shall be---

(a) identified by the marking specified in respect of such colour in the Second Schedule;

(b) if the colour does not appear in the Second Schedule, identified by its name in full on the plan and the copy.

(4) Unless the Land Registrar otherwise permits, any such plan shall be of A4 size."

63. Size and form of instruments

Regulation 9 is amended---

(a) in paragraph (1)---

(i) by adding "(or, where the Land Registrar so permits in writing, a copy thereof certified, in a manner satisfactory to the Land Registrar, to be such a copy)" after "An instrument";

(ii) by repealing subparagraph (b) and substituting---

"(b) contain, where practicable---

(i) in the case of an individual signing the instrument---

(A) who is the holder of an identity card, the identity card number;

(B) if sub-sub-subparagraph (A) does not apply, particulars of a travel document of which he is the holder;

(ii) in the case of a company executing the instrument, the number by which it is registered under the Companies Ordinance (Cap. 32) or, if that Ordinance does not apply, particulars of its incorporation or establishment sufficient to identify

the company;";

(b) in paragraph (3), by adding---

""travel document" (旅行證件) means a travel document within the meaning of the Immigration Ordinance (Cap. 115).".

64. Procedure upon receipt of instrument and memorial

Regulation 10(d) is amended---

(a) in subparagraph (i), by adding "if he is satisfied that the land or premises to which the Property Reference Number (if any) specified in the memorial relates is the same land or premises to which the memorial relates, or that the address specified in the memorial of the land or premises corresponds with the address of the land or premises specified on the portion of the record of a register computer kept by him for the purposes of regulation 14 for the land or premises," before "enter---";

(b) in subparagraph (ii), by adding "in any other case," before "enter".

65. Memorial Day Book

Regulation 12(1) is amended---

(a) by adding "or computer" after "book";

(b) by repealing subparagraph (g) and substituting---

"(g) the Property Reference Number (if any);".

66. Procedure where memorial complies with regulations

Regulation 14 is amended---

(a) in paragraph (1), by repealing "or on a register card";

(b) by repealing paragraph (1A);

(c) in paragraph (2)---

(i) by repealing "either sign a certificate of registration on the instrument or sign a certificate of registration printed on a gum label" and substituting "sign a certificate of registration on the instrument or have his printed signature on a certificate of registration";

(ii) by repealing ", subject to paragraph (2A),";

(d) by repealing paragraph (2A);

(e) by adding---

"(2B) The Land Registrar shall cause a plan mentioned in and attached to or endorsed on the instrument to be imaged in colour upon completion of registration.";

(f) by repealing paragraph (3)(a).

67. Regulation substituted

Regulation 15 is repealed and the following substituted---

"15. Procedure where instrument is withheld from registration

(1) Where, in respect of any memorial, plan or instrument delivered for registration,

either---

(a) the Land Registrar is not satisfied as to any of the matters specified in section 23 of the Ordinance; or

(b) the person who so delivered the instrument requests the Land Registrar to do so, the Land Registrar shall, subject to paragraph (6), withhold the instrument from registration.

(2) Where under paragraph (1) an instrument is withheld from registration, the Land Registrar shall---

(a) enter on a docket the reasons why such instrument has been withheld; and

(b) either---

(i) send by post the instrument together with the memorial and plans (if any) relating thereto and a notice that the instrument has been withheld from registration to the person by whom it was delivered; or

(ii) at the request of the person who delivered the instrument, permit the person to collect the instrument in accordance with paragraph (3).

(3) Any person who collects an instrument withheld from registration shall---

(a) at the same time collect the memorial and plans (if any) relating thereto;

(b) acknowledge receipt of such instrument, memorial and plans (if any) by signing and dating in a book of record kept by the Land Registrar for the purposes of this regulation; and

(c) collect and retain the docket.

(4) If an instrument collected by or sent by post to the person by whom it was delivered under paragraph (2) or (3) is redelivered for registration, such instrument, together with the memorial and plans (if any) relating thereto shall be scrutinized by the Land Registrar, and the Land Registrar shall---

(a) if he is satisfied in respect of such instrument, memorial and plans (if any) as to the matters specified in section 23 of the Ordinance, proceed to register the instrument in accordance with regulation 14; or

(b) if he is not so satisfied and subject to paragraph (6), withhold the instrument from registration.

(5) Paragraphs (2), (3) and (4) shall apply in respect of any instrument withheld under paragraph (4)(b).

(6) Where under paragraph (1), or under paragraphs (1) and (4)(b), as in force at any time (including at any time before the commencement of this paragraph), an instrument is withheld from registration for not less than 12 months commencing on the date it is delivered for registration---

(a) the Land Registrar may, as he thinks fit but subject to paragraph (7), on or after the expiration of the period of 60 days mentioned in regulation 15A(1) remove any

particulars---

(i) entered in the portion of a register computer kept by him for the purposes of regulation 10(d)(i) for the land and premises affected by the instrument; and

(ii) which were so entered in consequence of such delivery of the instrument;

(b) the Land Registrar shall, as soon as is practicable after exercising his power under subparagraph (a), give notice of the exercise of the power---

(i) by placing a prescribed notice on a notice board---

(A) maintained for the purposes of this paragraph;

(B) in a conspicuous place in the Land Registry; and

(C) for not less than 28 days; and

(ii) if practicable, by sending a prescribed notice by post to the persons concerned mentioned in paragraph (7)(a).

(7) Where the Land Registrar proposes to exercise his power under paragraph (6)(a), he shall---

(a) give the person who delivered the instrument concerned, and any other person who, in the opinion of the Land Registrar, may be affected by the exercise of that power, an opportunity of making written submissions;

(b) not exercise that power---

(i) subject to sub-subparagraph (ii), after he has been served with a writ, originating summons, originating motion or petition which relates to the registration of the instrument that would be affected by the exercise of that power;

(ii) until the conclusion of the proceedings on the writ, summons, motion or petition, as the case may be.

(8) For the purposes of paragraph (7)(a), a person shall be deemed to have been given an opportunity of making written submissions if---

(a) he intimates, personally or by a solicitor or other agent, that he does not wish to make any such submissions; or

(b) both---

(i) subject to paragraph (9), a notice in writing has been issued to him by post specifying the proposed exercise of the power under paragraph (6)(a) and a date, being a date not less than 28 days after the date of service of the notice, on or before which he may make any such submissions; and

(ii) a notice in writing specifying the name of the person, the proposed exercise of the power under paragraph (6)(a) and a date, being a date after the expiration of the period mentioned in sub-sub-subparagraph (C), on or before which he may make any such submissions has been placed on a notice board---

(A) maintained for the purposes of this paragraph;

(B) in a conspicuous place in the Land Registry; and

(C) for not less than 28 days.

(9) Paragraph (8)(b)(i) does not need to be complied with in the case of a person in respect of whom the Land Registrar is satisfied that it is not practicable to comply with that paragraph and, in the case of that person, compliance with paragraph (8)(b)(ii) shall be deemed to be sufficient for the purposes mentioned in paragraph (8).

(10) After the expiry of the period for making any written submissions under this regulation, the Land Registrar shall, as soon as is practicable---

(a) consider the submissions and make a decision on whether or not to implement the proposed exercise of his power under paragraph (6)(a); and

(b) issue a notice in writing to the persons mentioned in paragraph (7)(a) specifying his decision.

(11) In this regulation, "prescribed notice" (訂明通知), in relation to an instrument delivered for registration, means a notice specifying---

(a) the memorial number;

(b) the date of the instrument;

(c) the date of delivery;

(d) the names of the parties or other persons concerned mentioned in paragraph (7)(a);

(e) the name of the lodging party; and

(f) the address of the land and premises to which the instrument relates.

(12) For the avoidance of doubt, it is hereby declared that---

(a) the Land Registrar may under paragraph (1) withhold an instrument from registration on the ground mentioned in subparagraph (a) of that paragraph notwithstanding that a request mentioned in subparagraph (b) of that paragraph has been made in relation to the instrument, and the other provisions of this regulation shall be construed accordingly;

(b) where the Land Registrar exercises his power under paragraph (6)(a) to remove particulars from a register computer, then, for all purposes, the register computer shall be regarded as never having had those particulars entered in it.

15A. Application to Court by person aggrieved by decision mentioned in regulation 15(10)

(1) A person aggrieved by a decision mentioned in regulation 15(10) may have the decision reviewed by making an application by originating summons or petition to the Court not later than 60 days after the notice of the decision has been issued under that regulation or within such further period as to the Court appears just in any particular case.

(2) An applicant mentioned in paragraph (1) shall---

(a) serve the originating summons or petition concerned on the Land Registrar; and

(b) register that summons or petition, as the case may be, under the Ordinance.

(3) The Court may make such order on an application under paragraph (1) as the circumstances may require together with, as to the Court appears just, any costs and expenses properly incurred in relation to the application.

(4) The Land Registrar shall give effect to an order referred to in paragraph (3) in so far as it relates to him and, for that purpose, shall have such powers (whether or not conferred on him under the Ordinance or these regulations) as are necessary to give effect to the order.

(5) An application under paragraph (1) shall not affect a disposition of any estate or interest in land---

(a) made in good faith and for valuable consideration; and

(b) registered under the Ordinance at any time before the originating summons or petition concerned is registered under the Ordinance.

(6) In this regulation, "Court" (法庭) means---

(a) if the rateable value determined in accordance with the provisions of the Rating Ordinance (Cap. 116), or the annual value, whichever is the less, of the land and premises to which the decision mentioned in regulation 15(10) relates does not exceed \$240,000, a judge sitting in the District Court;

(b) in any other case, a judge sitting in the Court of First Instance."

68. Notice of instruments available for collection

Regulation 17 is repealed.

69. Recording of old memorials and register cards, etc.

Regulation 18 is amended by adding---

"(5) In this regulation, "New Territories Land Registry" (新界區土地註冊處) has the meaning assigned to it by regulation 2 as in force immediately before the commencement of section 58(a) of the Schedule to the Land Registration (Amendment) Ordinance 2000 (of 2000).".

70. Regulation added

The following is added---

"18A. Colour imaging of old copy plan attached to or endorsed on an instrument

(1) The Land Registrar shall record by the colour imaging method the copy of every coloured plan mentioned in and attached to or endorsed on an instrument registered in the Land Registry before the commencement of this regulation.

(2) The image record of the copy of a coloured plan referred to in paragraph (1) shall be deposited and kept by the Land Registrar in a secure place in the Land Registry for future reference when required.

(3) Where a record has been made under paragraph (1) of the copy of a coloured plan referred to in that paragraph, the Land Registrar may destroy or otherwise dispose

of the copy in such manner as he thinks fit."

71. Correction of memorials

Regulation 20(1)(b) is amended by repealing "in red ink".

72. Supply of copies and inspection of Land Registry records

Regulation 21(1) is amended---

- (a) by repealing subparagraph (a)(i)(A);
- (b) in subparagraph (d)(i), by repealing "and" and substituting "or";
- (c) in subparagraph (e), by repealing "kept under regulation 14";
- (d) in subparagraph (f)---
 - (i) by repealing sub-subparagraph (ii);
 - (ii) in sub-subparagraph (iii), by adding "or" at the end;
 - (iii) in sub-subparagraph (iiia), by repealing "or";
 - (iv) by repealing sub-subparagraph (iv);
- (e) in subparagraph (i)(ii), by repealing "a diazo copy or".

73. New Territories Land Registries

The First Schedule is repealed.

74. "處長" substituted for "土地註冊處處長"

Regulations 4(1), (2) and (4), 5(1), (2), (4) and (5)(a) and (b), 6(4), 7, 9(1)(a), (c) and (d), 10, 11, 12, 13, 14, 18, 19, 20, 21, 22(1) and (3) and 23 are amended by repealing "土地註冊處處長" wherever it appears and substituting "處長".

Land Registration Fees Regulations

75. Interpretation

Regulation 1A of the Land Registration Fees Regulations (Cap. 128 sub. leg.) is amended by repealing the definitions of "Land Registry" and "New Territories Land Registry".

76. Duty to grant exemption

Regulation 4(1) is amended---

- (a) in subparagraph (a), by adding "or" at the end;
- (b) in subparagraph (b), by repealing "; or" and substituting a comma;
- (c) by repealing subparagraph (c).

77. Schedule amended

The Schedule is amended---

- (a) in item 7, by repealing everything after paragraph (a) and substituting---

"(b) (where the instrument is returned by post under regulation 15 of those regulations) the date impressed on or indicated by the relevant postage stamp or the date of delivery to the provider of the courier service concerned

\$200";
- (b) in item 8(a), by repealing ", Government lease, plan or New Territories Land

Registry register" and substituting "or Government lease";

(c) by repealing items 12 and 15;

(d) by repealing item 16 and substituting---

"16. Supplying a coloured plan \$150".

Public Health and Municipal Services Ordinance

78. Provision for stadia

Section 105A(4) of the Public Health and Municipal Services Ordinance (Cap. 132) is amended by repealing "appropriate".

79. Provision for civil centres

Section 105M(4) is amended by repealing "appropriate".

80. Provision of public pleasure grounds

Section 106(5) is amended by repealing "appropriate".

81. Plans and demarcations of cemeteries

Section 114(3) is amended by repealing "appropriate".

New Territories (Renewable Government Leases) Ordinance

82. Interpretation

Section 2 of the New Territories (Renewable Government Leases) Ordinance (Cap. 152) is amended, in the definition of "section", by repealing "a District" and substituting "the".

83. New Government leases deemed to be granted on 1st July 1973

Section 4(4)(a) is amended by repealing "a District" and substituting "the".

Legal Practitioners Ordinance

84. Unqualified persons not to prepare instruments, etc.

Section 47(1)(b) of the Legal Practitioners Ordinance (Cap. 159) is amended by repealing "or at any District Land Registry".

Solicitors (General) Costs Rules

85. Second Schedule amended

The Second Schedule to the Solicitors (General) Costs Rules (Cap. 159 sub. leg.) is amended, in paragraph 2, by repealing "appropriate".

Solicitors' Practice Rules

86. Representation in conveyancing transactions

Rule 5C(3)(a) of the Solicitors' Practice Rules (Cap. 159 sub. leg.) is amended by repealing "or a District Land Registry".

Country Parks Ordinance

87. Power of Chief Executive in Council upon submission of draft map

Section 13(4) of the Country Parks Ordinance (Cap. 208) is repealed and the following substituted---

"(4) Every map approved by the Chief Executive in Council shall be signed by the

Authority and shall be deposited in the Land Registry."

88. Replacement or amendment of approved maps

Section 15(4) is amended by repealing "District Land Registries" and substituting "Land Registry".

Hong Kong Industrial Estates

Corporation Ordinance

89. Plans of industrial estates

Section 6(5) of the Hong Kong Industrial Estates Corporation Ordinance (Cap. 209) is repealed and the following substituted---

"(5) A plan prepared under subsection (1) shall be deposited in the Land Registry."

Housing Ordinance

90. Interpretation

Section 2 of the Housing Ordinance (Cap. 283) is amended, in the definition of "Land Registry", by repealing "and a District Land Registry established under the New Territories Ordinance (Cap. 97)".

Hong Kong Airport (Control of Obstructions)

(Exemption) Order

91. Exemption from height restriction

The Schedule to the Hong Kong Airport (Control of Obstructions)(Exemption) Order (Cap. 301 sub. leg.) is amended---

(a) in item 1, by repealing "Sai Kung New Territories";

(b) in item 2, by repealing "Tsuen Wan New Territories".

Demolished Buildings (Re-development of Sites) Ordinance

92. Interpretation

Section 2(1) of the Demolished Buildings (Re-development of Sites) Ordinance (Cap. 337) is amended, in the definition of "Land Registry", by repealing ", and any New Territories Land Registry approved under the New Territories Ordinance (Cap. 97)".

Building Management Ordinance

93. Interpretation

Section 2 of the Building Management Ordinance (Cap. 344) is amended by repealing the definitions of "Land Registrar" and "Land Registry" and substituting---

" "Land Registrar" (土地註冊處處長) includes, in relation to buildings on land in the New Territories, the Authority, save that only the Land Registrar may specify forms;

"Land Registry" (土地註冊處) means the Land Registry established under the Land Registration Ordinance (Cap. 128);"

Kowloon-Canton Railway Corporation Ordinance

94. Second Schedule amended

The Second Schedule to the Kowloon-Canton Railway Corporation Ordinance (Cap. 372) is amended---

(a) in paragraph 2, in the proviso, by repealing "District Land Registry, Sha Tin" and substituting "Land Registry";

(b) in paragraph 23---

(i) by repealing "District Land Registry, Sha Tin," and substituting "Land Registry";

(ii) by repealing "said District".

Sewage Tunnels (Statutory Easements) Ordinance

95. Interpretation

Section 2 of the Sewage Tunnels (Statutory Easements) Ordinance (Cap. 438) is amended, in the definition of "Land Registry", by repealing "and any District Land Registry established under the New Territories Ordinance (Cap. 97)".

Land Drainage Ordinance

96. Interpretation

Section 2 of the Land Drainage Ordinance (Cap. 446) is amended, in the definition of "Land Registry", by repealing "and any District Land Registry established under the New Territories Ordinance (Cap. 97)".

Land Survey Ordinance

97. Interpretation

Section 2 of the Land Survey Ordinance (Cap. 473) is amended, in the definition of "Land Registry", by repealing "or any District Land Registry established under the New Territories Ordinance (Cap. 97)".

Marine Parks Ordinance

98. Publication of notice and inspection of draft map

Section 8(3) of the Marine Parks Ordinance (Cap. 476) is amended by repealing "the relevant District Land Registry,".

99. Power of Chief Executive in Council upon submission of draft map

Section 14(5) is amended by repealing "the relevant District Land Registry,".

Marine Parks and Marine Reserves Regulation

100. Interpretation

Section 2 of the Marine Parks and Marine Reserves Regulation (Cap. 476 sub. leg.) is amended by repealing the definition of "Land Registry".

Marine Parks (Designation) Order

101. Schedule amended

The Schedule to the Marine Parks (Designation) Order (Cap. 476 sub. leg.) is amended, in items 1, 2 and 3, by repealing everything after "in the Land Registry,"

to and including ", the headquarters" and substituting "the headquarters".

Marine Reserve (Designation) Order

102. Schedule amended

The Schedule to the Marine Reserve (Designation) Order (Cap. 476 sub. leg.) is amended by repealing everything after "in the Land Registry," to and including ", the headquarters" and substituting "the headquarters".

New Territories Land Exchange Entitlements

(Redemption) Ordinance

103. Interpretation

Section 2 of the New Territories Land Exchange Entitlements (Redemption) Ordinance (Cap. 495) is amended---

(a) by repealing the definition of "appropriate New Territories Land Registry";

(b) in the definition of "lot", by repealing "appropriate New Territories".

Mass Transit Railway (Transport Interchange)

(Deposit of Plans) Notice

104. Deposit of plans

Section 1(1) of the Mass Transit Railway (Transport Interchange)(Deposit of Plans) Notice (Cap. 556 sub. leg.) is amended by repealing "Tsuen Wan New Territories".

Hong Kong Council of the Church of Christ

in China Incorporation Ordinance

105. Vesting of property

Section 6(1) of the Hong Kong Council of the Church of Christ in China Incorporation Ordinance (Cap. 1095) is amended by repealing "appropriate".

Explanatory Memorandum

The principal object of this Bill is to amend the Land Registration Ordinance (Cap. 128) and its subsidiary legislation to---

(a) give effect to the Central Registration System proposed in the Land Registry's Strategic Change Plan issued in 1998. Under the Central Registration System, all registration of property transactions will be carried out in the Land Registry's Central office;

(b) introduce a new service of colour imaging of plans; and

(c) improve the performance of the registration and search functions of the Land Registry, and regulate certain existing practices of the Land Registry, consequent upon an overall review of the Ordinance and its subsidiary legislation.

2. To give effect to the Central Registration System---

(a) clauses 2 and 3 repeal section 30 and the First and Second Schedules;

(b) section 53 of the Schedule repeals sections 10 and 11 of the New Territories Ordinance (Cap. 97); and

(c) sections 1 to 52, 54 to 57, 58(a) and (c), 69, 73, 75 and 78 to 105 of the Schedule make consequential amendments to a number of Ordinances and subsidiary legislation.

3. The Schedule amends the Land Registration Regulations (Cap. 128 sub. leg.) to---

- (a) require further particulars to be contained in a memorial submitted for registration (section 60 of the Schedule);
- (b) clarify that the verification of a memorial under regulation 7(c) only applies where the memorial has been prepared in the Land Registry for a department of the Government (section 61 of the Schedule);
- (c) simplify the requirements applicable to plans attached to instruments delivered for registration when the Land Registry introduces a new service of colour imaging of plans (section 62 of the Schedule);
- (d) require instruments delivered for registration to, where practicable, contain better or alternative particulars of the persons signing the instruments (section 63 of the Schedule);
- (e) amend the procedures to be carried out when an instrument and memorial are delivered for registration, in particular to take account of unique Property Reference Numbers which will be assigned to properties to assist searches (section 64 of the Schedule). See, also, the definition of "Property Reference Number" in section 58(c) of the Schedule;
- (f) repeal regulation 15 and replace it with new regulations 15 and 15A (section 67 of the Schedule). New regulation 15 enables an instrument to be withheld from registration at the request of the person who delivered it for registration, and introduces procedures to permit the Land Registrar to remove particulars concerning any instrument which has been withheld from registration for more than 12 months. New regulation 15A provides that a person aggrieved by a decision of the Land Registrar to remove such particulars may have the decision reviewed by making an application to the Court by way of originating summons or petition; and
- (g) introduce a new regulation 18A to extend the Land Registry's colour imaging service to coloured plans mentioned in and attached to or endorsed on instruments registered before the commencement of the new regulation (section 70 of the Schedule).