

Our Ref: LR/HQ/101/20 XXIV

《土地註冊(修訂)條例草案》
條例草案委員會主席陳偉業議員
經新界荃灣
青山道123號
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主席先生,

土地註冊(修訂)條例草案

我同意律師會關於有需要訂定條文，刪除在土地註冊處已暫止註冊一段長時間的契約的意見，正如我向你作出的承諾一樣，我已向他們承諾盡快把這項條文提出討論立法。

我知道條例草案委員會也支持賦予刪除暫止註冊契約的權力，但如果暫止註冊契約的條文保留在現時的條例草案內，那麼，除非我可以對大律師公會就這些條文的影響的立場作出保證，以及解決究竟它們應該載於主體法例而不是有關規例的問題，否則條例草案委員會的委員不會願意繼續審議條例草案。

我還未收到大律師公會的回應，我知道他們正在徵詢意見，很快便會回覆。然而，我不清楚他們的意向。

如果等他們回覆，本處決策局局長可能來不及通知立法會我們要求在本會期恢復宣讀條例草案，屆時，不僅暫止註冊契約的條文，整項草案也會延遲到下一個會期才可審議。

延遲通過條例草案會相應使我們數量龐大的客戶延遲得到條例草案為他們帶來的好處，這些好處包括大大縮短提供服務所需的時間，客戶可以在互聯網上查閱本處的資料，以及進行我們的組織改革，使我們在提供更佳服務之餘，也符合經濟效益。

我會盡我所能確保就暫止註冊契約的條文達成共識，並且在新會期開始時備妥所需的法例，我相信做到這一點是沒有問題的。這樣做，暫止註冊契約的條文至少可以像延遲整項條例草案而結束討論這一點尚未解決的問題一樣快獲得制定。

我不明白為何律師會把我希望確保現時條例草案的主要條文在本會期通過描述為“像商業性質”，說成好像是我的首要或實際上不恰當的考慮因素。

我的首要工作是改善土地註冊處及我們的合作伙伴(包括律師會會員)向本處客戶提供的服務質素，實施新制度所需的費用及時間直接反映我們是否可以切合客戶對服務的期望，以及提供服務所需的收費幅度。

刪除暫止註冊契約的條文會改善我們對大量客戶提供的服務，但我不認為有人可以提出理據，證明拖延為數以萬計的客戶提供其他重大的服務改善是合理的。延遲制定這些其他條文對於刪除註冊契約權力或生效日期沒有關係。

未能在較早前徵詢大律師公會的意見，以及律師會的來信令閣下及條例草案委員會感到焦慮，謹此致歉。然而，考慮到以上所述各點，我推薦在今天下午向內務委員會在沒有暫止契約條文的情況下批准條例草案，我承諾會在最短時間內再把這項條文提交立法會審議。

土地註冊處處長蘇啟龍

二零零二年六月十四日

副本送：內務委員會主席周梁淑怡議員
立法會司法及法律事務委員會主席 吳靄儀議員
香港律師會主席 葉成慶先生
香港律師會 周君倩女士
香港律師會 朱詠雪女士
立法會條例草案委員會秘書 鄧曾藹琪女士
規劃地政局 陳靜嫻女士

THE

LAW SOCIETY OF HONG KONG

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Agenda item VI(b)
會議議程第 VI(b)項

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13 June 2002

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

Bill 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 Shuk-ye, 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