

LAND REGISTRATION (AMENDMENT) BILL 2000

COMMITTEE STAGE

Amendments to be moved by the Secretary for Housing,  
Planning and Lands

Clause

Amendment Proposed

1(2)

By adding "Housing," before "Planning".

New

By adding -

"1A. Copies of documents etc.  
admissible in evidence

Section 26A of the Land Registration Ordinance  
(Cap. 128) is amended by adding -

"(3) For the avoidance of doubt, it is hereby declared that nothing in this section or any other provision of this Ordinance shall require the Land Registrar or a person mentioned in subsection (1) to provide a certificate mentioned in that subsection in relation to any copy, print or extract of or from any instrument, including any copies, prints or extracts of or from the memorial and plans (if any) relating thereto, withheld from registration pursuant to the Land Registration Regulations (Cap. 128 sub.

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leg.)".".

2  
By deleting "of the Land Registration Ordinance (Cap. 128)".

Schedule

(a) By adding immediately after section 44 -

"Antiquities and Monuments (Declaration  
of Historical Buildings) (No. 2)  
Notice 2000

44A. Declaration of historical  
buildings

Paragraph 1(b) of the Antiquities and  
Monuments (Declaration of Historical  
Buildings) (No. 2) Notice 2000 (L.N. 368 of 2000)  
is amended by repealing "Tsuen Wan New  
Territories".

Antiquities and Monuments (Declaration  
of Historical Buildings) Notice 2001

44B. Declaration of historical  
buildings

Paragraph 1(a), (b) and (c) of the  
Antiquities and Monuments (Declaration of  
Historical Buildings) Notice 2001 (L.N. 272 of  
2001) is amended by repealing "Yuen Long New  
Territories".

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(b) In section 46 -

(i) in paragraph (q), by deleting the full stop and substituting a semicolon;

(ii) by adding -

"(r) in subparagraph (as), by repealing "Tsuen Wan New Territories";

(s) in subparagraphs (at), (au) and (av), by repealing "Yuen Long New Territories"."

(c) In section 63 -

(i) by deleting paragraph (a) and substituting -

"(a) in paragraph (1) -

(i) by repealing "An instrument" and substituting "Subject to paragraph (1A), an instrument (including a copy thereof)";

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

"(b) contain, where practicable -

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

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(A) his identity  
card number  
if he is the  
holder of an  
identity card;

(B) in any other  
case,  
particulars  
of a travel  
document of  
which he is  
the holder;

(ii) in the case of a  
company executing  
the instrument -

(A) the number by  
which it is  
registered  
under the  
Companies  
Ordinance  
(Cap. 32);

(B) if that  
Ordinance  
does not  
apply,

particulars

of its  
incorporation  
or  
establishment  
sufficient to  
identify the  
company;";";

(ii) by adding -

"(aa) by adding -

"(1A) A copy of an  
instrument may only be delivered  
for registration instead of the  
instrument if -

(a) the instrument  
belongs to a  
class of  
instruments  
specified in  
column 1 of  
Schedule 3 and  
the copy is  
certified, by the  
person or in the  
manner, if any,  
specified  
opposite thereto  
in column 2 of

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that Schedule, to  
be such a copy;

or

(b) the Land  
Registrar so  
permits in  
writing and the  
copy is certified,  
by a person or in  
a manner  
satisfactory to  
the Land  
Registrar, to be  
such a copy.

(1B) The Land Registrar may,  
by notice published in the  
Gazette, amend Schedule 3.”;

(ab) in paragraph (2), by adding “(or  
a copy thereof)” after  
“instrument”;

(d) By adding -

“64A. Keeping of temporary  
index

Regulation 11 is amended by repealing “or  
register card”.

(e) In section 67 -

(i) in the proposed regulation 15 -

(A) in paragraph (1), by deleting ",  
subject to paragraph (6),";

(B) in paragraph (2) -

(I) in subparagraph (a), by  
deleting "and";

(II) by adding -

"(aa) keep a copy of  
the instrument,  
together with  
copies of the  
memorial and  
plans (if any)  
relating thereto,  
in such form and  
by such method as  
the Land  
Registrar thinks  
fit; and";

(C) in paragraph (4) (b), by deleting "and  
subject to paragraph (6)";

(D) by adding -

"(4A) The Land Registrar may  
destroy or otherwise dispose of any  
copy of an instrument kept under  
paragraph (2) (aa), together with

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copies of the memorial and plans (if any) relating thereto so kept -

(a) if the instrument -

(i) is

redelivered

for

registration;

or

(ii) is registered;

and

(b) in such manner as the

Land Registrar thinks

fit.”;

(E) in paragraph (5), by deleting “and (4)” and substituting “, (4) and (4A)”;

(F) by deleting paragraphs (6) to (12);

(ii) by deleting the proposed regulation 15A.

(f) By deleting section 72(a) and substituting -

“(a) by repealing subparagraph (a)(i) and substituting -

“(i) recorded on microfilm, by supplying a copy thereof in the form generally known as a reader-printer hard copy;”;

(aa) by adding -

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"(aa) in the case of an instrument, together with the memorial and plans (if any) relating thereto, to which regulation 15(2) (aa) applies and the registration of which has not been completed, by supplying the latest copy of the instrument, together with the latest copies of the memorial and plans (if any), kept under that regulation in such form and by such method as the Land Registrar thinks fit;"

(g) By adding -

"73A. Schedule 3 added

The following is added -

"SCHEDULE 3

[reg. 9]

CLASSES OF INSTRUMENTS FOR WHICH  
CERTIFIED COPIES MAY BE  
SUBMITTED FOR  
REGISTRATION

Column 1

Column 2

| Class of instrument   | Person who may certify copy of instrument and/or manner of certification        |
|---|---|
| Certificate of Incorporation on Change of Name issued by the Companies Registry | Registrar of Companies of Hong Kong, a person authorized in writing by him or a |

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|   |  |
|---|--|
|   | solicitor  |
| Death Certificate issued by the Births and Deaths Registry                  | Registrar of Births and Deaths of Hong Kong or a person authorized in writing by him |
| Certificate of Exemption from Estate Duty issued by the Estate Duty Office  | Commissioner of Estate Duty of Hong Kong or a person authorized in writing by him    |
| Certificate of Receipt of Estate Duty issued by the Estate Duty Office      | Commissioner of Estate Duty of Hong Kong or a person authorized in writing by him    |
| Probate granted by the High Court   | Registrar of the High Court or a person authorized in writing by him                 |
| Letters of Administration granted by the High Court                         | Registrar of the High Court or a person authorized in writing by him                 |
| Occupation Permit issued by the Building Authority                          | Director of Buildings of Hong Kong or a person authorized in writing by him          |
| Power of Attorney   | Solicitor  |
| Letter of determination or rescission of an agreement for sale and purchase | Solicitor  |
| Notice of discontinuance of court action                                    | Solicitor  |
| Notice of severance of joint tenancy  | Solicitor  |
| Memorandum or Letter of Compliance of conditions precedent                  | Nil  |

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in Government Grant  
issued by the Lands  
Department

Notice or Letter of Nil".".  
Compliance issued by  
the Building Authority  
confirming building  
works have been  
completed or building  
orders have been  
complied with

- (h) By deleting the subheading before section 89.
- (i) By deleting section 89.
- (j) In section 91, in paragraph (b), by deleting "item 2"  
and substituting "items 2, 3 and 4".
- (k) By adding -

"Caritas - Hong Kong Incorporation Ordinance

106. First Schedule amended

The First Schedule to the Caritas - Hong  
Kong Incorporation Ordinance (Cap. 1092) is  
amended -

- (a) in item 8, by repealing "Tuen Mun  
District Land Registry by  
Memorial No. 197963" and  
substituting "Land Registry";
- (b) in item 9, by repealing "Tsuen  
Wan District Land Registry by  
Memorial No. 82418" and  
substituting "Land Registry".

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Kadoorie Farm and Botanic Garden  
Corporation Ordinance

107. Property to vest in  
the Corporation

The Schedule to the Kadoorie Farm and  
Botanic Garden Corporation Ordinance (Cap. 1156)  
is amended, in paragraphs 1 and 2, by repealing  
"Tai Po District".

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