

ITEM FOR ESTABLISHMENT SUBCOMMITTEE OF FINANCE COMMITTEE

HEAD 46 – GENERAL EXPENSES OF THE CIVIL SERVICE

Subhead 009 Recoverable salaries and allowances (Land Registry Trading Fund)

Members are invited to recommend to the Finance Committee –

- (a) the creation of the following permanent post in the Land Registry with effect from 5 April 2005 –

1 Deputy Principal Solicitor
(DL2) (\$110,000 - \$116,800)

- (b) the creation of the following supernumerary posts in the Land Registry for a period of 30 months with effect from 5 April 2005 –

1 Senior Principal Executive Officer
(D2) (\$110,000 - \$116,800)

1 Assistant Principal Solicitor
(DL1) (\$92,650 - \$98,300)

1 Principal Land Registration Officer
(D1) (\$92,650 - \$98,300)

1 Chief Systems Manager
(D1) (\$92,650 - \$98,300)

/PROBLEM

PROBLEM

The Land Registrar needs dedicated support at directorate level to prepare for the implementation of the Land Titles Ordinance (LTO) and the new Land Title Registration System (LTRS) in Hong Kong, and to deal with all legal and legislative work arising from the implementation after commencement of the Ordinance.

PROPOSAL

2. The Land Registrar proposes to create one permanent directorate post of Deputy Principal Solicitor (DPS) (DL2) and four supernumerary directorate posts, namely, one Senior Principal Executive Officer (SPEO) (D2), one Assistant Principal Solicitor (APS) (DL1), one Principal Land Registration Officer (PLRO) (D1) and one Chief Systems Manager (CSM) (D1), for 30 months from 5 April 2005.

JUSTIFICATION***The Land Titles Ordinance and the new Land Title Registration System***

3. On 7 July 2004, the Legislative Council passed the Land Titles Bill (LTB). The object of the LTO is to introduce a new LTRS to replace the present Deeds Registration System (DRS). Upon commencement of the LTO, new land will be brought onto the LTRS. The two land registration systems will operate in parallel for 12 years after commencement, at the end of which existing properties on DRS in Hong Kong will be converted from the Deeds Register to the Title Register.

Benefits

4. The introduction of the LTRS is a significant development in Hong Kong land law, having implications for members of the public, legal practitioners and property related business. The LTRS will give greater security to property interests and simplify conveyancing. Under the new system, the Title Register shall be conclusive evidence of the title to registered land. It will no longer be necessary to review the historical title deeds to establish title as at present. It will bring property legislation more in line with the standards adopted in most comparable overseas jurisdictions. The main features of the LTRS are set out at Enclosure 1.

Encl. 1

/Preparatory

Preparatory Work

5. When passing the Ordinance, the Legislative Council took note of the extensive preparatory work involved and a variety of issues that required further examination before the Ordinance could commence operation. The Administration has undertaken to report back to the Council on these matters before the Ordinance may be considered for commencement. It was estimated that the preparatory work was likely to require at least two years.

6. The extent of the committee stage amendments that were made to the LTB before enactment of the LTO was substantial. The Land Registrar needs to resolve all outstanding issues identified by the Bills Committee, to review the LTO and steer through any necessary changes to the Ordinance. He also needs to develop and put in place all necessary regulations and rules before the commencement of the LTO. Much of the preparatory work carried out by the Land Registry on the basis of the LTB gazetted in 2002 has to be reviewed or redone, including much of the regulation drafting work. The operation of the Indemnity Scheme under the Ordinance has to be reassessed. The changes to be made to the Land Registry's organisation, training and systems need to be re-planned. The new conversion mechanism also calls for substantial changes to the existing Land Registration Ordinance, requiring revision to existing systems. All these changes have to be put into effect upon the commencement of the LTO.

7. At the request of the Bills Committee and the Law Society, the Administration has undertaken to review several provisions of the LTO following its enactment to ensure that the principles and practices agreed upon have been fully reflected in the revised legislation and that all the features needed for effective implementation are present.

8. For successful implementation of the LTRS, the Land Registrar has to put in place a comprehensive professional training programme for the legal and property practitioners to ensure that they understand the working of the new system and how they may help their clients. He also needs to arrange extensive publicity on the LTRS and a public education programme for the local public and overseas owners of Hong Kong properties or lands to ensure that they are aware of this major reform and able to take appropriate actions to protect any unregistered interests. Internally, the Land Registrar has to review the existing administrative and operational systems of the Land Registry, its facilities and services, put in place the necessary information technology (IT) systems to support the LTRS, and devise new operational procedures and work processes. In the course of preparation, he needs to co-ordinate government efforts and stakeholder inputs, and to build consensus among stakeholders to ensure effective implementation of the LTO.

Encl. 2 Details of the preparatory work required are at Enclosure 2.

/Staffing

Staffing requirement for the preparatory work

9. To enable the Land Registrar to put in place an effective legal, management and IT framework for implementation of the land title registration system within a reasonable timeframe, he requires the support of five directorate officers at appropriate level to form a dedicated professional and management team. Justifications for each of the directorate posts proposed are detailed below.

Permanent Post***Deputy Principal Solicitor (DL2)***

10. A permanent DPS (DL2) post is required to provide the necessary legal support to the Land Registrar to guide all present and future legal work. As head of the Legal Services Branch of the Land Registry, the DPS will oversee the work of an in-house legal team in providing legal services. He will plan and take charge of all legal and legislative work to be undertaken before commencement of the LTO. This includes reviewing the LTO, addressing any subsisting concerns and issues that may emerge from the review, recommending legislative changes as required, and resolving all outstanding legal issues identified by the Bills Committee. He will oversee the work of the Regulations Preparatory Committee that reviews, develops and drafts regulations and assist the Land Registrar to put in place all necessary regulations and rules before the commencement of the LTO. In addition, the DPS will be responsible for the preparation of professional guidance notes and training to the legal profession and property practitioners. In discharging these duties, the DPS needs to work closely with other senior managers of the department to ensure that the legal provisions and practical requirements are properly aligned. This calls for strong leadership and legal expertise as well as effective management decisions at an appropriate directorate level.

11. After completion of the preparatory work and implementation of the LTRS, the DPS will continue to supervise the Land Registry's non-directorate legal officers and guide further legislative and legal policy work in the ensuing 12 years and beyond. During this period, the LTRS will be subject to review and refinement to ensure proper and smooth conversion of all Hong Kong properties to the Title Register at the end of the period. The demand for high-level legal support will be particularly heavy in the early years of implementation as it can be expected that a wide range of issues will need to be addressed, on which experienced legal advice and direction will be required. A job description for the DPS is at Enclosure 3.

Encl. 3

/Supernumerary

Supernumerary Posts

Assistant Principal Solicitor (DL1)

12. The legal work to be undertaken before the LTO may commence operation is of such magnitude and complexity that management and direction cannot be satisfactorily given by one directorate legal officer. To ensure that all necessary legal work can be carried out effectively within a tightly defined period, the Land Registrar considers it necessary to create one post of APS (DL1) on a supernumerary basis for 30 months. The APS will assist the DPS in supervising his non-directorate legal officers providing day-to-day legal advisory services, supervising legal research and other legal work. He will also assist in the LTO post-enactment review and the drafting of all necessary legislation including Amendment Bills, Land Titles Regulations, Indemnity Fund Regulation, Fees and Levies Regulations and arrange for the making of Court Rules. He will also develop and prepare comprehensive practice guides and explanatory notes on title registration, arrange professional training for solicitors, estate agents and banks. He will chair the Regulations Preparatory Committee, serve and co-ordinate the work of the LTO Review Committee, and attend other related committees and taskforces. A job description for the APS is at Enclosure 4.

Encl. 4

Senior Principal Executive Officer (D2)

13. The Land Registrar requires a supernumerary post of SPEO (D2) to assist him in the necessary administrative, operational, public education and system preparation work. The SPEO will head the Title Registration Development Branch and assist the Land Registrar in developing and implementing strategies and plans for the operation of the LTRS. Acting as the overall co-ordinator for all non-legal matters relating to the LTO, the SPEO will co-ordinate reviews of the department's operational procedures and physical set up in preparation for LTRS operation. He will also develop and implement comprehensive publicity and education programmes for the benefit of the general public, overseas owners of properties, the customers and stakeholders in order to promote their understanding of the LTRS. In addition, the SPEO will oversee enhancement of the department's new IT system, namely, the Integrated Registration Information System (IRIS) in order to support the revised DRS. He will also supervise further development of IRIS to support the new LTRS and ensure its timely delivery.

14. The above responsibilities are varied and demanding. They require the attention of an appropriate officer at D2 level with strong capabilities and extensive experience in management, administrative and organisational work. The job also calls for sound communication skills and political acumen in order to deal with different stakeholders with diversified interests and handle issues of public concern effectively. A job description for the SPEO is at Enclosure 5.

Encl. 5

/Principal

Principal Land Registration Officer (D1)

15. One PLRO (D1) is required to assist the SPEO in defining the operational requirements under the LTO, reviewing existing operational practices, and developing new registration processes and work procedures that can effectively support the LTRS. He will review existing facilities for public search and other departmental services, recommend suitable changes to ensure that these facilities and services can effectively support parallel running of two land registration systems. The PLRO will prepare relevant operation manuals and reference materials, conduct publicity and training programmes for customers and staff and prepare them for the new mode of operation. He will provide operational input to the in-house legal team on related legal work and in-house IT team on the enhancement and development of IRIS.

16. As the responsibilities involved in the preparation for the LTRS are heavy and wide-ranging, the SPEO requires the support of a departmental Land Registration Officer at directorate level with extensive experience in land registration work to assist him in planning and introducing the necessary changes.

Encl. 6 A job description for the PLRO is at Enclosure 6.

Chief Systems Manager (D1)

17. One CSM (D1) is required to head the IT Management Division. The CSM will manage and supervise the work of all in-house contract IT staff, oversee the provision of IT services, advise on IT applications and ensure the smooth running of all existing IT systems. The CSM will oversee the enhancement of the Land Registry's major IT infrastructure project – IRIS Phase I – to support the revised DRS. This system has been developed on the basis of the existing provisions of the Land Registration Ordinance. Apart from this, the CSM will also need to define the functional requirements for a new system that is capable of supporting title registration and develop Phase II of IRIS to support parallel operation of two land registration systems. He will serve as the Land Registrar's IT adviser, formulate and implement IT policies and strategies, oversee the operation of the existing IT systems their interface with IRIS and other government e-applications.

18. There is presently no civil service IT staff on the Land Registry's establishment. The existing IT-related duties and responsibilities are discharged by five IT personnel, employed by the department on non-civil service contract terms or through contract with the IT service providers. The department's experience in developing IRIS Phase I has shown an immediate need for strengthened IT support and enhanced leadership to ensure timely delivery of the systems. A job description for the CSM is at Enclosure 7.

Encl. 7

19. Once the preparatory work has been completed and title registration has commenced, we anticipate that the four supernumerary directorate posts set out above will no longer be required. The additional responsibility of managing the indemnity fund to be set up under the LTO will be managed by the existing Financial Services Branch in the Land Registry. Other implementation work, including development of the Title Register and conversion of all properties from the Deed Register to the Title Register at the end of the period prescribed under the LTO, is expected to be carried out by existing staff with appropriate training and reorganisation.

ORGANISATIONAL CHANGES

20. To ensure that the preparatory work is carried out efficiently and expeditiously, the Land Registrar has reorganised the Land Registry and created five directorate posts (viz., one DPS, one SPEO, one APS, one PLRO and one CSM) on a supernumerary basis for six months under delegated authority on 5 October 2004. A new Title Registration Development Branch has been established in the Land Registry to accommodate the LTRS administration, operation and IT management divisions specifically set up to develop title registration, support IT system and prepare for implementation of the new LTRS. The Legal Services Division has also been retitled as the Legal Services Branch to cater for the expanded legal establishment. The existing and proposed organisation chart of the Land Registry is at Enclosure 8.

Encl. 8

ALTERNATIVES

21. We have critically examined the staffing in the Land Registry and consider the need for additional staffing resources to assist with the preparatory work for title registration to be fully justified. There is no feasible alternative because –

- (a) the existing management and staff of the Land Registry are heavily engaged with other major reforms following from enactment of the Land Registration (Amendment) Ordinance 2002. The Amendment Ordinance introduces a central registration system, to be supported by new IT infrastructure. This new system will be put into operation in February 2005. After initial implementation, there is a continuing programme of developments to that system to be undertaken;
- (b) the range, significance and volume of the preparatory work on title registration are substantial. Proper staffing support at the appropriate level is essential. Careful planning and management of the process is needed to ensure that the new registration system is implemented properly and effectively; and

/(c)

- (c) the existing directorate establishment and management team in the Land Registry is small. Before the creation of the supernumerary directorate posts mentioned in paragraph 20 above, there were only three directorate officers in the Land Registry: the Land Registrar (D4); a Registry Manager (D2); and a Business Manager (D1). If they were required to oversee the title registration project without strengthening, there will be adverse impact on existing services. The time required to implement the title registration system is likely to be significantly longer than the period envisaged at the passage of the legislation and the quality of the preparation work will suffer.

FINANCIAL IMPLICATIONS

22. The proposed creation of one permanent directorate post and creation of four supernumerary posts will bring about an additional notional annual salary cost at mid-point of \$6,154,200, as follows –

	Notional annual salary cost at mid-point \$	No. of posts
Permanent Post		
Deputy Principal Solicitor (DL2)	1,360,800	1
Supernumerary Posts		
Senior Principal Executive Officer (D2)	1,360,800	1
Assistant Principal Solicitor (DL1)	1,144,200	1
Principal Land Registration Officer (D1)	1,144,200	1
Chief Systems Manager (D1)	1,144,200	1
Total	6,154,200	5

23. The additional full annual average staff cost of the proposal, including salaries and on-costs, is \$9,057,000. We have sufficient provision under the Land Registry Trading Fund (LRTF) to meet the cost of this proposal.

BACKGROUND INFORMATION

24. The Land Registrar is the General Manager of the LRTF established under the Trading Funds Ordinance to operate on a self-financing basis. He is

/responsible

responsible to the Secretary for Housing, Planning and Lands for the performance of the LRTF and for advising on policies and legislative issues concerning land registration and the registration of title to land. The LRTF's mission is to provide secure and efficient land registration and information services to the community, to safeguard the evidence used to prove interests in land and property, and to provide public access to such information to support open markets in property.

25. In early 1994, the Land Registrar took over the responsibility for the LTB from the former Registrar General (RG) (D7), a legal officer by profession, following dissolution of the Registrar General's Department and abolition of the RG's post. At the Finance Committee meeting on 25 February 1994, Members approved the creation of a supernumerary DPS post (DL2) up to 31 March 1995 *vide* EC(93-94)60 to take over the responsibility relating to the LTB from the RG. The Bill was first introduced into the Legislative Council on 16 November 1994. A Bills Committee was then established to examine the Bill. To assist the Land Registrar to take the Bill forward, Members approved retention of the supernumerary DPS post up to 30 June 1996 *vide* EC(94-95)61. This post lapsed on 1 July 1996 when the work of the Bills Committee was curtailed.

26. On 11 June 1999, the Finance Committee approved creation of a supernumerary DPS post for four years up to 20 June 2003 to enable the Land Registrar to finalise the drafting of the Bill. The post lapsed upon expiry. The revised Bill was introduced into the Legislative Council in December 2002 and eventually passed on 7 July 2004.

27. The Land Registration Officer Grade is the core departmental grade of the Land Registry. On 7 May 1999, the Finance Committee approved the creation of a new rank of PLRO and the creation of a supernumerary PLRO post for three years up to 13 May 2002 (EC(1999-2000)9 and FCR(1999-2000)7 refer). At the time, the PLRO was tasked to implement the Land Registry's change programme, namely the Strategic Change Plan (SCP). The SCP recommended a strategy covering the introduction of a central registration system, based upon an integrated IT system, viz., IRIS, to be implemented in two phases. Phase I of IRIS has been developed to support central registration for implementation in February 2005. Phase II of IRIS will be developed in the time to come to support title registration. On 13 May 2002, the PLRO post lapsed and the duties were absorbed by a Chief Land Registration Officer (MPS 45 - 49).

ESTABLISHMENT CHANGES

28. The establishment changes in the Land Registry for the last two years are as follows –

/Establishment

Establishment (Note)	Number of posts			
	Existing (as at 1 December 2004)	As at 1 April 2004	As at 1 April 2003	As at 1 April 2002
A	3*#	3	3 + (1)	3 + (2)
B	51	51	51	50
C	449	448	471	498
Total	503	502	525+(1)	551+(2)

Note :

A - ranks in the directorate pay scale or equivalent

B - non-directorate ranks the maximum pay point of which is above MPS Point 33 or equivalent

C - non-directorate ranks the maximum pay point of which is at or below MPS Point 33 or equivalent

() - number of supernumerary directorate posts

* - excluding the five supernumerary directorate posts created under delegated authority for six months.

- As at 1 December 2004, there is no unfilled directorate post in the Land Registry

CONSULTATION WITH LEGISLATIVE COUNCIL PANEL

29. We consulted the Legislative Council Panel on Planning, Lands and Works on this proposal on 21 December 2004. Members of the Panel supported the proposal.

30. We note Members' concern about the impact of the creation of the proposed posts on the total number of directorate posts in the civil service. The Administration has been actively seeking to reduce the permanent headcount where circumstances warrant. Since 1 January 2002, a net reduction of 70 permanent directorate posts has been approved. As for supernumerary posts, which are only required to meet specified need for a limited period, the Administration seeks to create them only where fully justified. The number of supernumerary directorate posts has dropped by 38 from 60 in the beginning of 2002 to the current 22 remaining posts.

31. We are mindful of the need to contain and reduce the size of the directorate establishment. We have made conscious effort to identify the scope for streamlining our organisation structure with a view to achieving greater efficiency and enhancing effective implementation of policies and delivery of services to the public. For example, we have through a review of the Housing Department proposed *vide* EC(2004-05)9 to delete a total of 21 permanent directorate posts.

/The

The Administration has further proposed to delete five permanent directorate posts while creating four permanent directorate and retaining four supernumerary directorate posts *vide* three other submissions (EC(2004-05)12, EC(2004-05)13 and EC(2004-05)14) for the same Establishment Subcommittee sitting on 19 January 2005.

CIVIL SERVICE BUREAU COMMENTS

32. The Civil Service Bureau considers that the proposed staffing proposals contained in this paper are functionally justified. The grading and ranking of the proposed posts are appropriate, having regard to the level and scope of responsibilities and the professional input required.

ADVICE OF THE STANDING COMMITTEE ON DIRECTORATE SALARIES AND CONDITIONS OF SERVICE

33. The Standing Committee on Directorate Salaries and Conditions of Service has advised that the grading proposed for the permanent DPS post would be appropriate if the post was to be created. We will report the creation of the supernumerary APS, SPEO, PLRO and CSM posts, if approved, to the Standing Committee in accordance with the agreed procedure.

Housing, Planning and Lands Bureau
January 2005

Main Features of the Land Title Registration System

A. Certainty and Security of Title

Under the existing Deeds Registration System (DRS), registration of deeds governs priority of the deeds but does not confer title. Under the new Land Title Registration System (LTRS) in the Land Titles Ordinance (LTO), registration as owner confers title to the land. The Title Register is conclusive evidence of title in law.

B. Simplified conveyancing procedures

As the Title Register is conclusive evidence of title to land, the title-checking process in the conveyancing procedures will be simplified and the transaction time will be reduced.

C. 'Daylight Conversion'

'Daylight Conversion' is a two-stage conversion mechanism. When LTO commences operation, the conversion scheme will operate as follows –

New Land

- (a) All new land will be registered under the LTRS and the title will be vested in the grantee as registered owner. All other land will remain under Land Registration Ordinance (LRO) until the expiry of 12 years from the commencement day of the LTO (the "12-year incubation period").
- (b) Any claim arising through an unwritten equity created in respect of the new land can only affect a purchaser for value if notice of the claim is registered as a "non-consent caution".

LRO Land

- (c) Upon expiry of the 12-year incubation period, all unregistered land will be converted automatically to LTRS except where either a "caution against conversion" stands or where instruments lodged for registration under LRO have not completed registration. The current owner on the Land Register kept under the LRO would become the first owner under the Title Register under the LTO.

/(d)

- (d) During the 12-year incubation period, all existing or newly created unwritten equities affecting unregistered land can be protected by registration of a warning notice known as “caveat” under the LRO.

After conversion to the Title Register at the expiry of the 12-year incubation period, all unwritten equities, other than overriding interests, existing at or prior to the conversion will be null and void as against a subsequent purchaser or chargee for value unless protected by a “non-consent caution”.

D. Caveats and Cautions

- (a) Caveat is a new instrument to be created under the LRO. It is a notice of claim to an unwritten interest submitted by a claimant for registration in the Land Register kept under the LRO. It is a tool to reduce the risk of loss of unwritten interest upon conversion of the land from the old registration system to the new system.
- (b) Caution is a powerful instrument created under the LTO to enable a claimant to prevent the conversion of a property or land to the new LTRS until the claim is resolved.

Caveats and cautions are cumulative protections and may be employed at the same time. Registration of a caveat or caution against conversion without reasonable cause will attract liability for damages.

E. Overriding Interests

Overriding interests are rights affecting land which are not registered. Examples are rights of way, Chinese custom or customary rights, rights of adverse possession or statutory rights for resumption. These are important rights in the land that have to be protected even if they are not be registered. The LTO has clearly defined what overriding interests may be claimed over land and property.

F. Indemnity Scheme

The LTO provides for an indemnity scheme under which indemnity may be claimed under the following circumstances –

/(a)

- (a) Loss caused by an entry in or omission from the Title Register as a result of mistakes or omissions on the part of the Land Registrar or public officers assisting the Registrar.
- (b) Loss of ownership caused by an entry in or omission from the Title Register as a result of fraud on the part of any person.

An Indemnity Fund will be set up under the LTO through which all indemnity payments will be made, whether arising from fraud or mistakes or omissions. There will be no limit to the amount of indemnity payable in the event of loss caused by mistakes or omissions on the part of the Land Registrar or public officers assisting the Registrar. The Land Registry Trading Fund will reimburse the Indemnity Fund for any payments attributable to such mistakes or omissions. For cases of fraud, an upper limit for indemnity will be set for per case. The present proposed amount is HK\$30 million.

**Preparatory Work for commencement of the LTO
and implementation of the LTRS**

A. Legal

1. Post-enactment Review – To complete examination of all outstanding issues identified by the Bills Committee, to conduct internal reviews and steer through any necessary changes to the Land Titles Ordinance (LTO).
2. Develop Rules and Regulations – To review, develop and put in place all necessary subsidiary legislation and rules before commencement of the LTO.
3. Professional Guidance and Training – To develop and prepare comprehensive practice notes for title registration and arrange extensive professional training for solicitors, estate agents and banks before implementation of the Land Title Registration System (LTRS).
4. Indemnity Scheme – To put in place Regulations and legal procedures for the operation of the Indemnity Scheme.
5. Consequential Amendments – To make consequential amendments to the relevant legislation, which includes the existing Land Registration Ordinance, Building Management Ordinance, New Territories Ordinance, Conveyancing and Property Ordinance.
6. Outstanding Issues – To consider allowing search of properties by owners' names without infringement of the Personal Data (Privacy) Ordinance; to consult Law Society on the applications register under the LTRS; to resolve issues relating to the documents to be kept under the LTRS; to provide relevant case law in the UK.

B. Administrative and Operational

1. To plan and implement all necessary preparatory work, co-ordinate departmental efforts and stakeholder inputs, build consensus among concerned parties to ensure smooth commencement of the LTO within the target timeframe.

/2.

2. To review the existing administrative and operational systems, departmental facilities and services, to plan and devise new mechanisms, operational procedures and work processes to enable effective parallel operation of two land registration systems during the 12-year incubation period.
3. To prepare all necessary documentation including Executive Council papers, Legislative Council briefs, panel papers and related documents, helping the Land Registrar to steer new policies, rules and legislative amendments through the government machinery and legislature.
4. To plan and develop education and publicity programmes for the general public, customers and staff, promoting public awareness and understanding of the LTRS.
5. To devise a mechanism for the operation of the Indemnity Scheme, draw up administrative guidelines for processing indemnity claims and indemnity payments, and for the protection of government interest against any loss attributable to the mistakes or omissions of Land Registry staff.
6. To chair, serve and co-ordinate the work of various work committees and taskforces set up to implement the LTRS.
7. To liaise with various stakeholders and handle enquiries from them and members of the public interested in the new system.

C. Information Technology Development

To enhance Phase I of an existing information technology infrastructure project, namely, the Integrated Registration Information System (IRIS), to support the revised Deeds Registration System, and to plan, develop and implement Phase II of IRIS to support the new LTRS.

Job Description

Post Title : Deputy Principal Solicitor/Land Registry

Rank : Deputy Principal Solicitor (DL2)

Responsible to : Land Registrar

Duties and Responsibilities –

1. As Head of the Legal Services Branch, oversee the work of an in-house legal team in providing legal services to the department in connection with the existing Land Registration Ordinance (LRO), Deeds Registration System (DRS) and the Building Management Ordinance, the new Land Titles Ordinance (LTO) and Land Title Registration System (LTRS), and the revised DRS to be developed and implemented.
2. Plan and carry out all necessary legal work in preparing for the commencement of the LTO and introduction of the LTRS in about two years; assist to formulate related legal policy and deal with legal issues.
3. Undertake post-enactment review of the LTO, complete examination of all outstanding issues identified by the Bills Committee, conduct internal reviews and steer through changes to the LTO.
4. Chair the LTO Review Committee that reviews the LTO and makes recommendations on amendment legislation and subsidiary legislation. The membership consists of the Law Draftsman, Law Society, Bar Association, other interested parties and Land Registry legal officers.
5. Contribute, as member of the LTO Steering Committee consisting of bodies interested in the title registration system, which oversees the implementation of the system and work of other committees set up for that purpose.
6. Oversee the work of the Regulations Preparatory Committee that reviews, develops and drafts Regulations and Forms in conjunction with the Law Draftsman, assisting the Land Registrar to put in place all necessary Regulations and Rules before commencement of the LTO.
7. Review and recommend consequential amendments to other existing legislation including the Land Registration Ordinance, Building Management Ordinance, New Territories Ordinance, Conveyancing and Property Ordinance.

/8.

8. Advise on and assist to resolve all outstanding legal issues, including search of properties by owners' names, the applications register and documents to be kept under the LTRS, the transfer of data from DRS to LTRS, and the provision of relevant case law in the UK.
9. Attend Legislative Council meetings and assist the Land Registrar to steer any legislation through the legislature.

Job Description

Post Title : Assistant Principal Solicitor/Land Registry

Rank : Assistant Principal Solicitor (DL1)

Responsible to : Deputy Principal Solicitor/Land Registry

Duties and Responsibilities –

1. Assist the Deputy Principal Solicitor in supervising three teams of non-directorate legal officers in the Legal Services Branch, providing day-to-day legal advisory services to the department, supervising legal research and other legal work.
2. Assist in the Land Titles Ordinance (LTO) enactment review and the drafting of all necessary legislation including Amendment Bills, Land Titles Regulations, Indemnity Fund Regulation, Fees and Levies Regulations and Transitional Regulations, and arrange for the making of Court Rules.
3. Develop and prepare comprehensive practice guides and explanatory notes for title registration, arrange professional training for solicitors, estate agents and banks, assist in the training of Land Registry staff.
4. Chair the Regulations Preparatory Committee, serve and co-ordinate the work of the LTO Review Committee, attend other related committees and taskforces as member to provide legal input.
5. Oversee and deal with any civil litigation action against the Land Registry or its staff.
6. Liaise and consult with the stakeholders and other government departments/agencies on all legal matters relating to the LTO and Land Title Registration System implementation.
7. Assist the Land Registrar to steer any amendment legislation, Regulations and Commencement Notice through the legislature.

Job Description

Post Title : Senior Principal Executive Officer

Rank : Senior Principal Executive Officer (D2)

Responsible to : Land Registrar

Duties and Responsibilities –

1. As Head of the Title Registration Development Branch, provide administrative and policy support to the Land Registrar, assist him to develop strategies and plans for the smooth and timely commencement of the Land Titles Ordinance and successful implementation of the Land Title Registration System (LTRS).
2. Review the existing administrative and operational systems, facilities and services, devise new mechanisms and introduce necessary changes to enable effective parallel operation of two land registration systems (Deeds Registration System (DRS) and LTRS) during the 12-year incubation period.
3. Prepare all necessary documentation including Executive Council papers, Legislative Council briefs, panel papers and related documents, helping the Land Registrar to steer new policies, rules and legislative amendments through the government machinery and legislature.
4. Plan and develop education and publicity programmes for the benefits of customers, the general public and stakeholders, promoting public awareness and understanding of the LTRS.
5. Devise a mechanism for the operation of the Indemnity Scheme, draw up administrative guidelines for indemnity claims and indemnity payments, and for the protection of government interest against any loss attributable to the mistakes or omissions of Land Registry staff.
6. Chair the Title Registration Implementation Committee and serve under the Title Registration Steering Committee and the Title Registration Education Committee both chaired by the Land Registrar, co-ordinating government, departmental and stakeholder efforts.
7. Oversee enhancement of Phase I of the Integrated Registration Information System (IRIS) to support central registration under DRS, and supervise the development and timely delivery of Phase II of IRIS to support the new LTRS.

Job Description

Post Title : Principal Land Registration Officer

Rank : Principal Land Registration Officer (D1)

Responsible to : Senior Principal Executive Officer

Duties and Responsibilities –

1. Define the operational requirements under the Land Titles Ordinance (LTO), review the existing operational practices, develop new registration processes and work procedures that can effectively support the new Land Title Registration System (LTRS); prepare relevant operation manuals and reference materials for staff.
2. Review existing facilities for public search and other departmental services, recommend changes to ensure that these facilities and services can effectively cater for the parallel operation of both registration systems (Deeds Registration System (DRS) and LTRS) during the 12-year incubation period.
3. Conduct publicity and training programmes for customers and staff, develop suitable computer-aided and classroom training and information materials, prepare customers and staff for the new mode of operation under the revised DRS and new LTRS following commencement of the LTO.
4. Provide operational input to the in-house information technology team in making improvements to the Integrated Registration Information System (IRIS) that supports centralised services under the DRS, and in the development of Phase II of IRIS to support the new LTRS having regard to the recommendations in the department's Information System Strategic Plan.
5. Provide operational input to the in-house legal team in making regulations and consequential legislative amendments, in designing statutory forms and procedures, and assist in their study into any outstanding issues that relate to operational practices.
6. Serve as member of the Title Registration Education Action Taskforce and any other relevant committees/taskforces set up for LTRS implementation.

Job Description

Post Title : Chief Systems Manager

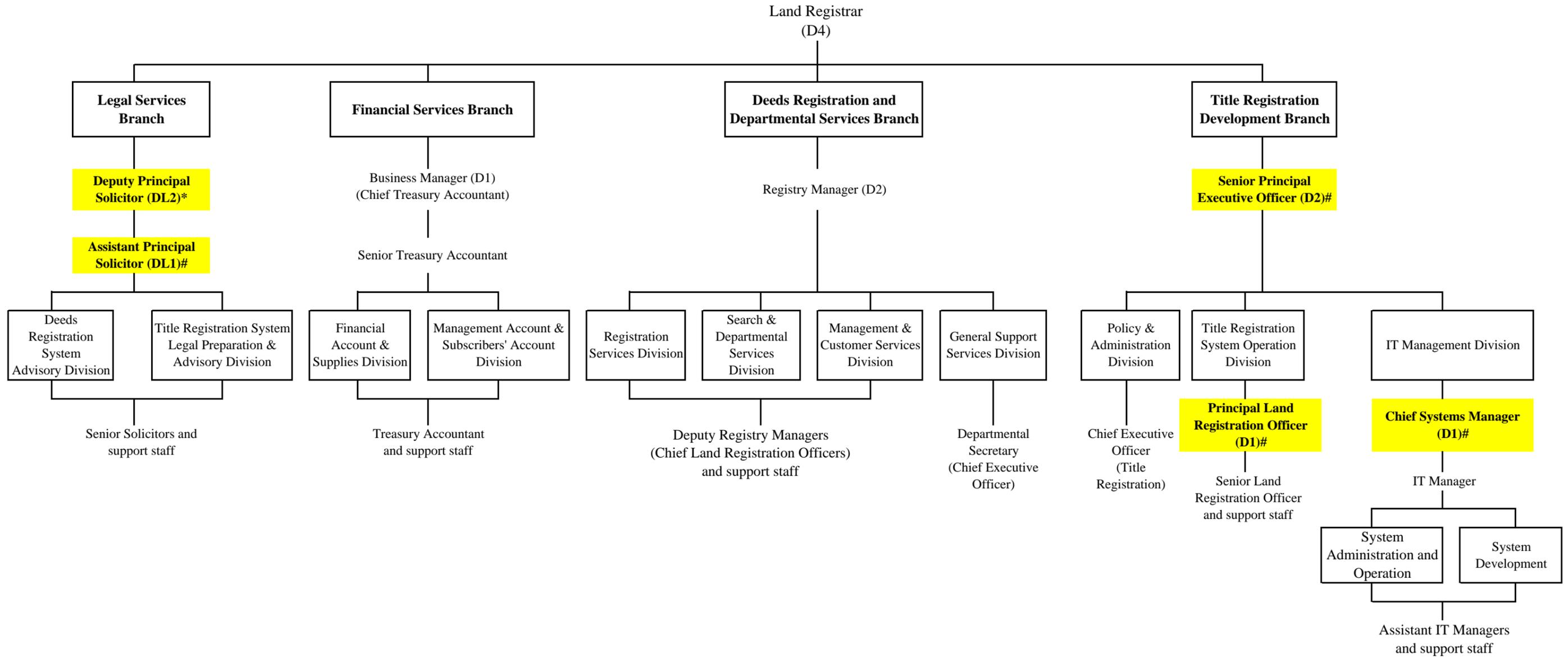
Rank : Chief Systems Manager (D1)

Responsible to : Senior Principal Executive Officer

Duties and Responsibilities –

1. As Head of the Information Technology Management Division, manage and supervise the work of all in-house information technology (IT) staff, overseeing the provision of IT services to the department, advising on IT application and ensuring the smooth running of all existing IT systems.
2. Plan, develop and implement IT infrastructure projects, including the Information Registration Integrated System (IRIS), managing the contractors and user interface, ensuring successful enhancement of IRIS Phase I and development of IRIS Phase II that can effectively support Deeds Registration System and Land Title Registration System, and ensuring timely delivery of the project within the target timeframe.
3. Formulate and implement IT policies and strategy, set standards in the use of computer facilities and recommend measures to ensure system security and data integrity.
4. Oversee the operation of the Local Area Network and Wide Area Network, their interface with IRIS and other government e-applications.
5. Advise on the adequacy of IT resources and equipment in support of departmental operations, recommending IT solutions to meet business and development needs.
6. Act as the department's e-Government co-ordinator, plan, develop and implement G2G and G2E applications, promoting e-Government and the use of e-services among customers and staff.

Proposed and Existing Organisation Chart of the Land Registry



Deeds Registration System legal work and legal advisory services on existing departmental functions

Land Titles Ordinance review, regulatory preparation, Title Registration System advisory services, professional guidance for practitioners, support services to Land Titles Ordinance Review Committee and Registration Preparation Committee

Financial management, accounting and supplies services

Management accounting and subscribers' accounting services

Deeds registration, register maintenance, document processing

Search, help desk services, reports on title, Owners' Incorporation registration

Land Registration Officer grade management, customer services, training

Departmental administration, Human Resources management, general support services

Administrative and policy support to Land Titles Registration System implementation, public education and publicity, support services to Title Registration Steering Committee, Implementation committee and Education

Development of operational practices and design of registration processes for Land Titles Registration System, operational support to the enhancement of Integrated Registration Information System (IRIS) I & development of IRIS II, customer prep.

IRIS System administration and operation, enhancement of IRIS I, development of IRIS II, IT strategy and support services, supervision of IT contractors

Legend * Proposed creation of permanent directorate post.
Proposed creation of supernumerary directorate posts for 30 months as from 5 April 2005.