

LEGISLATIVE COUNCIL BRIEF

Land Registration Ordinance (Chapter 128)

Land Registration (Amendment) Regulation 2007

INTRODUCTION

The Land Registrar (LR) in exercise of the power under section 28 of the Land Registration Ordinance (Cap 128) (LRO) made the Land Registration (Amendment) Regulation 2007 (the Amendment Regulation) at Annex.

BACKGROUND AND JUSTIFICATIONS

2. The Administration announced in May 2006 that a five-day week would be introduced in the Government of the Hong Kong Special Administrative Region by phases. Phase one and phase two of the initiative took effect on 1 July 2006 and 1 January 2007 respectively. The final phase is scheduled to commence on 1 July 2007.

3. The opening hours of the Land Registry to the public are governed by legislation. That part of the office that does not need to provide services directly to the public on Saturdays has already adopted the five-day week from 1 July 2006 (phase one of the Government-wide programme). The Land Registration Regulations (Cap 128A) (LRR) stipulate the opening hours of the Land Registry to the public. Legislative amendments to the LRR are required before the Land Registry could fully implement the five-day week programme. The Land Registry is planning to completely adopt the new five-day opening hours in the final phase of the Government-wide programme, commencing 1 July 2007.

4. Under Section 28(1)(i) of the LRO, the LR is empowered to make regulations to fix the hours during which the Land Registry or any part thereof shall be open to the public. The extant Regulation 4(1)(a) of the LRR provides for the opening of the Land Registry to the public between 9.30 a.m. and 1 p.m. on a weekday and between 9.30 a.m. and 11.30 a.m. on a Saturday (not being a

public holiday in either case) for the purpose of delivering of instruments for registration. Regulation 4(1)(b) of the LRR provides for the opening of the Land Registry to the public between 9 a.m. and 12.30 p.m. and between 2 p.m. and 4.15 p.m. on a weekday and between 9 a.m. and 11.45 a.m. on a Saturday (not being a public holiday in either case) for other purposes.

5. Section 28(1)(a) of the LRO empowers the LR to make regulations prescribing the manner of registration. Regulation 5(5)(a) of the LRR provides that the date of receipt of an instrument or memorial sent to the LR by post shall, where the same is received by the LR before 1 p.m. on a weekday and before 11.30 a.m. on a Saturday, be that day. Regulation 5(5)(b) of the LRR provides that where the instrument or memorial is received by the LR after 1 p.m. on a weekday and after 11.30 a.m. on a Saturday, receipt is deemed to be the next opening day.

6. The opportunity is also taken in the legislative amendment exercise to make minor technical amendments to Regulation 9(3) of the LRR (refinement of certain punctuation marks). Such amendments do not affect the implementation of five-day week in the Land Registry.

THE AMENDMENT REGULATION

7. Regulation 4(1) will be amended to provide for the days on which the Land Registry will be open to the public under the new five-day week arrangement. It will be open on Monday to Friday between 9 a.m. and 1.30 p.m. for the purpose of delivering instruments for registration. It will be open for other purposes on Monday to Friday between 9 a.m. and 12.30 p.m. and between 2 p.m. and 5 p.m. In both cases public holidays are excluded.

8. Regulation 5(5) will be amended to set out the date of receipt of an instrument or memorial sent to the LR by post. If the instrument or memorial is received before 1.30 p.m. on a day which the Land Registry is open to the public, the date of receipt is that day. If it is received after 1.30 p.m. on such a day or on a day on which the Land Registry is not open to the public, the date of receipt will be deemed to be the next following day on which the Land Registry is open to the public.

LEGISLATIVE TIMETABLE

9. The Amendment Regulation will be gazetted on 9 March 2007 and tabled at the Legislative Council on 14 March 2007. It will be commenced on 1 July 2007.

IMPLICATIONS OF THE PROPOSAL

10. The Amendment Regulation has no financial and staffing implications. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. It also has no economic, productivity, environmental or sustainability implications.

11. Upon commencement of the Amendment Regulation, hours of operation of the Land Registry offices from Monday to Friday will be extended to more than compensate the service hours presently rendered on Saturdays. Electronic services will continue to be provided on the internet seven days a week. Hotline services will also be available through the Integrated Call Centre 1823 Citizen's Easy Link enquiry hotline after office hours.

PUBLIC CONSULTATION

12. The LR has consulted Land Registry's stakeholders in writing and at regular customer liaison meetings in respect of implementation of five-day week. Letters were issued to members of the Customer Liaison Groups and the Law Society in March and May 2006 respectively. Consultation was also conducted at meetings held with the respective groups from March to December 2006. No adverse comment was received.

PUBLICITY

13. Extensive publicity will be made to ensure members of the public are fully aware of the new opening hours of the Land Registry and the services to be covered under the five-day week implementation through the following channels:

- ✧ press release;
- ✧ flyers;

- ✧ LR websites;
- ✧ Land Registry Circular Memorandum;
- ✧ notices in all Land Registry's public areas;
- ✧ information leaflets; and
- ✧ recorded messages in the Customer Service Hotline

ENQUIRIES

14. Any enquiry on this brief can be addressed to Mr. Edward TO, Principal Assistant Secretary (Planning and Lands) of the Housing, Planning and Lands Bureau on 2848 6288 or Mr. William SHIU, Registry Manager of the Land Registry on 2867 8012.

Housing, Planning and Lands Bureau
9 March 2007

LAND REGISTRATION (AMENDMENT) REGULATION 2007

(Made by the Land Registrar under section 28 of the
Land Registration Ordinance (Cap. 128))

1. Commencement

This Regulation shall come into operation on 1 July 2007.

2. Opening of Land Registry to the public

(1) Regulation 4(1) of the Land Registration Regulations (Cap. 128 sub. leg. A) is amended, in the Chinese text, by repealing "下列時間開放予公眾".

(2) Regulation 4(1)(a) is amended by repealing "between 9.30 a.m. and 1 p.m. on a weekday and between 9.30 a.m. and 11.30 a.m. on a Saturday (not being a public holiday in either case)" and substituting "between 9 a.m. and 1.30 p.m. on Monday to Friday other than a public holiday".

(3) Regulation 4(1)(b) is amended by repealing "between 2 p.m. and 4.15 p.m. on a weekday and between 9 a.m. and 11.45 a.m. on a Saturday (not being a public holiday in either case)" and substituting "between 2 p.m. and 5 p.m. on Monday to Friday other than a public holiday".

3. Delivery and form of memorial

(1) Regulation 5(5)(a) is amended by repealing "before 1 p.m. on a weekday and before 11.30 a.m. on a Saturday" and substituting "before 1.30 p.m. on any day on which the Land Registry is open to the public".

(2) Regulation 5(5)(b) is amended by repealing everything after "is received by" and substituting -

"the Land Registrar -

- (i) after 1.30 p.m. on any day on which the Land Registry is open to the public; or
- (ii) on any day on which the Land Registry is not open to the public,
be deemed to be the next following day on which the Land Registry is open to the public."

4. Size and form of instruments

(1) Regulation 9(3) is amended, in the definition of "identity card", by repealing "and".

(2) Regulation 9(3) is amended, in the definition of "identity card number", by repealing the full stop and substituting a semicolon.

Land Registrar

March 2007

Explanatory Note

This Regulation amends the Land Registration Regulations (Cap. 128 sub. leg. A) to implement a five-day week programme for the Land Registry.

2. Regulation 4(1) (as amended by section 2) provides for the days on which the Land Registry will be open to the public under the new arrangement. It will be open on Monday to Friday between 9 a.m. and 1.30 p.m. for the purpose of delivering instruments for registration. It will be open for other purposes on

Monday to Friday between 9 a.m. and 12.30 p.m. and between 2 p.m. and 5 p.m. In both cases public holidays are excluded.

3. Regulation 5(5) (as amended by section 3) sets out the date of receipt of an instrument or memorial sent to the Land Registrar by post. If the instrument or memorial is received before 1.30 p.m. on a day on which the Land Registry is open to the public, the date of receipt is that day. If it is received after 1.30 p.m. on such a day, or on a day on which the Land Registry is not open to the public, the date of receipt will be deemed to be the next following day on which the Land Registry is open to the public.

4. Section 4 makes technical amendments to regulation 9(3).