立法會
Legislative Council

**Paper for the House Committee Meeting
of the Legislative Council
on 19 January 2001**

**Legal Service Division Report on
Land Registration (Amendment) Bill 2000**

Objects of the Bill

To amend the Land Registration Ordinance (Cap. 128) ("the Ordinance") and its subsidiary legislation to -

(a) give effect to the Central Registration System under which all registration of real and immovable property transactions will be carried out by the Land Registry in its Central office;

(b) introduce colour imaging of plans; and

(c) improve the performance of the registration and search functions and regulate existing practices of the Land Registry as a result of an overall review of the Ordinance and its subsidiary legislation.

LegCo Brief Reference

2. PLB(B) 30/30/10(00) Pt. 15 issued by the Planning and Lands Bureau in December 2000.

Date of First Reading

3. 17 January 2001.

Comments

4.   The Central Registration System ("CRS") was proposed in the Land Registry's Strategic Change Plan issued in 1998. Under the CRS, all documents for registration would be lodged at the Land Registry at the Queensway Government Offices and no registration would be carried out at the existing eight New Territories land registries. There would be one set of consolidated registration records to determine the priority of each registered instrument. According to the LegCo Brief, the new integrated computer system for implementation of the CRS would be ready by the end of 2002.

5.   To facilitate the implementation of the CRS, the Bill proposes the following changes :

     (a)   All references to the terms "New Territories Land Registry" and "District Land Registry" in the Ordinance and other legislation would be repealed. In this regard, the Legal Service Division is seeking clarification from the Administration as to how the Bill would give effect to the policy stated in paragraph 4 of the LegCo Brief that these Registries would be retained to provide cross-district search services and owners' incorporation services.

     (b)   A Property Reference Number would be allocated to each land register and a district code identifier added to the memorial number to identify the relevant district.

     (c)   All memorial forms would be standardized, bar-coded and provided by the Land Registry.

     (d)   Computerization of the Memorial Day Book.

6.   The Bill proposes that plans attached to or endorsed on an instrument be imaged in colour, replacing the present practice of imaging in black and white followed by manual colouring. Plans attached to or endorsed on instruments previously registered would also be imaged in colour. The Administration believes that the colour imaging system will be fully operative upon the implementation of the CRS by the end of 2002.

7.   Consequent upon the review of the Ordinance and its subsidiary legislation, the Bill proposes the following amendments to the Land Registration Regulations (Cap. 128 sub.leg.), which are intended to come into operation upon the enactment of the Bill :

(a)   the proposed new Regulation 15 enables an instrument to be withheld from registration at the request of the person who delivered it for registration subject to the payment of a fee;

(b)   under the proposed new Regulations 15 and 15A, the Land Registry may, complying with specified procedures and subject to the right of appeal to the District Court or the Court of First Instance, remove particulars entered into a portion of the register computer concerning any instrument which has been withheld from registration for more than 12 months;

(c)   Regulation 9 would be amended to provide for registration of copies of instruments certified in a manner satisfactory to the Land Registrar;

(d)   Regulations 6 and 9 would be amended to require further particulars to be furnished where practicable when delivering instruments for registration;

(e)   Regulation 12 would be amended so that names of the parties or other relevant persons would not be entered in the Memorial Day Book; and

(f)   Regulation 14 would be amended and Regulation 17 repealed to the effect that an instrument which has completed registration would be sent by post or courier to the person by whom it was delivered instead of its being collected.

8.   The Legal Service Division is seeking clarification from the Administration on the legal and drafting aspects of the Bill. These queries focus on the technical aspects of the introduction of the above mentioned changes. Most of the legal and practical implications of these changes have been highlighted by the persons consulted referred to in paragraph 9 below.

Public Consultation

9.   According to the Brief, a Consultation Paper on the Bill was issued to the Law Society, the Heung Yee Kuk and members of the Public and Private Sectors of the Land Registry Customer Liaison Group in August 2000. Their comments and the Administration's response are summarized at Annex C of the Brief. Members are advised to note the issues concerning the removal of entry of instruments withheld, the registration of certified copy instruments and the deletion of names in the Memorial Day Book.

Consultation with the LegCo Panel

10.   The LegCo Panel on Planning, Lands and Works discussed the proposals at its meeting on 4 December 2000.

Conclusion

11.   The purpose of the land registration system is to protect priority of registration and to give notice of the registered interest to subsequent purchasers and mortgagees. Incidentally, the register acts as a record of transactions so that these can be relied upon in establishing the details of the title to the land. The issues raised by the persons consulted represent some of the difficulties faced by legal practitioners and land owners in protecting priority of registration and establishing title to the land. Members may wish to consider setting up a Bills Committee to study the Bill in detail.

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