

立法會
Legislative Council

LC Paper No. CB(1)875/03-04
(These minutes have been seen
by the Administration)

Ref : CB1/BC/3/02

Bills Committee on Land Titles Bill

**Minutes of the twenty-second meeting held on
Tuesday, 13 January 2004, at 10:45 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Margaret NG (Chairman)
Hon Albert HO Chun-yan (Deputy Chairman)
Hon TAM Yiu-chung, GBS, JP
Dr Hon TANG Siu-tong, JP
Hon WONG Sing-chi
Hon Audrey EU Yuet-mee, SC, JP
- Members absent** : Hon Andrew WONG Wang-fat, JP
Hon Miriam LAU Kin-yea, JP
Hon Abraham SHEK Lai-him, JP
Hon Albert CHAN Wai-yip
Hon IP Kwok-him, JP
Hon LAU Ping-cheung
- Public officers attending** : Mr Kim SALKELD
Land Registrar
- Mr Parrish NG
Principal Assistant Secretary for Housing, Planning
and Lands (Planning and Lands)3
- Ms Monica LO
Senior Solicitor/Title Registration
Land Registry

Mr M K TAM
Senior Solicitor
Land Registry

Ms Florence WONG
Solicitor
Land Registry

Miss Miranda F H NG
Senior Assistant Law Draftsman
Department of Justice

Mr Denis LI
Assistant Secretary (Buildings)3
Housing, Planning and Lands Bureau

Clerk in attendance : Miss Salumi CHAN
Chief Council Secretary (1)5

Staff in attendance : Mr KAU Kin-wah
Assistant Legal Adviser 6

Ms Sarah YUEN
Senior Council Secretary (1)6

I. Confirmation of minutes of meetings

(LC Paper No. CB(1)704/03-04

— Minutes of the twentieth
meeting held on
9 December 2003

LC Paper No. CB(1)731/03-04

— Minutes of the twenty-first
meeting held on
19 December 2003)

The minutes of the two meetings held on 9 and 19 December 2003 respectively were confirmed.

- II. Meeting with the Administration**
(LC Paper No. CB(1)730/03-04(01) — Submission dated 29 December 2003 from the First American Title Insurance Company
- LC Paper No. CB(1)730/03-04(02) — “Follow-up to the twentieth meeting on 9 December 2003” prepared by the Legislative Council Secretariat
- LC Paper No. CB(1)730/03-04(03) — “Follow-up to the twenty-first meeting on 19 December 2003” prepared by the Legislative Council Secretariat
- LC Paper No. CB(1)730/03-04(04) — Extract of the relevant part of the Review Report on Insurance Arrangements of the Hong Kong Solicitors Indemnity Scheme prepared by Willis China (Hong Kong) Limited
- LC Paper No. CB(1)615/03-04(01) — Submission dated 16 December 2003 from The Law Society of Hong Kong
- LC Paper No. CB(1)730/03-04(05) — Administration’s preliminary response to Law Society’s proposal for “Daylight Conversion”)

2. The Bills Committee deliberated (Index of proceedings attached at **Appendix**).

Follow-up actions to be taken by the Administration

- Admin 3. At the request of the Bills Committee, the Administration agreed to take the following actions -
- (a) According to Annex B to the paper on “Preliminary Response to Law Society Proposal For “Daylight Conversion”” (LC Paper No. CB(1)730/03-04(05)), if the daylight conversion system (the System) proposed by The Law Society of Hong Kong (Law Soc) were to be adopted, consequential amendments to repeal the Land Registration Ordinance (LRO) (Cap. 128) would be required. The Assistant Legal

Adviser (ALA) was of the view that if LRO was to be repealed, there was a need to add in the Bill provisions similar to those existing in the LRO which provided for the duties and functions of the Land Registry. The Administration was requested to consider ALA's view.

- (b) Under the System, all properties would be placed on a provisional register for 12 years. After 12 years, all properties on the provisional register would be brought under the full title register unless a caution against registration had been lodged. ALA was of the view that if the System was adopted, consideration might be given to model the Bill on the 1994 version of the previous Land Titles Bill with the addition of a schedule setting out the transitional arrangements for the 12-year period. The schedule might be deleted upon expiry of the 12-year period. The Administration was requested to consider ALA's view.
- (c) Members were concerned how property transactions and unwritten equitable interests would be dealt with during the 12-year period, and how the relevant arrangements would be sufficiently communicated to the public. If the System was adopted, the Administration was requested to prepare, in connection with item (b) above, a table showing the transitional arrangements for the 12-year period.
- (d) If the System was adopted, members considered it essential to ensure safe and smooth conversion at the end of the 12-year period. The Administration was requested to put in place a legislative or administrative measure to effect a review mechanism for the implementation of the System during the 12-year period, so that any problem that might arise in the interim could be tackled in a timely manner. The Administration was also requested to add a provision in the Bill to empower the Administration to extend when necessary the 12-year period.

Meeting arrangements

4. The Chairman drew members' attention to the letter dated 12 January 2004 from Mr IP Kwok-him, which was tabled at the meeting. Mr IP suggested that the Law Soc be invited to attend the next meeting on 30 January 2004 to discuss with members about the System. Members agreed to Mr IP's suggestion.

(Post-meeting note: The letter from Mr IP Kwok-him was circulated to members vide LC Paper No. CB(1)777/03-04 on 14 January 2004.)

5. At the Administration's request, members agreed that the full response to be provided by the Administration on the System be deferred to the meeting on 13 February 2004 (instead of the meeting on 30 January 2004 as originally planned).

6. Members agreed that before the Bills Committee decided on its way forward, there was no need for the Administration to provide papers to respond to the technical issues raised at previous meetings. Along the same line, members also agreed that the discussion on the submission dated 29 December 2003 from the First American Title Insurance Company (LC Paper No. CB(1)730/03-04(01)) be deferred to a later stage.

III. Any other business

7. There being no other business, the meeting ended at 11:30 am.

Council Business Division 1
Legislative Council Secretariat
28 January 2004

**Proceedings of the twenty-second meeting of the
Bills Committee on Land Titles Bill
on Tuesday, 13 January 2004, at 10:45 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000-000241	Chairman	Welcoming and introductory remarks	
000242-001102	Chairman Mr TAM Yiu-chung Ms Audrey EU Mr Albert HO Administration	<p>(a) Discussion on the letter dated 12 January 2004 from Mr IP Kwok-him suggesting that The Law Society of Hong Kong (Law Soc) be invited to attend the next meeting scheduled for 30 January 2004 (tabled at the meeting and issued vide LC Paper No. CB(1)777/03-04 on 14 January 2004)</p> <p>(b) Acceptance of the Administration's request to defer providing a full response on the daylight conversion system proposed by Law Soc (the System) in recognition of the need to assess the implications of the System and to conduct any further consultation required</p> <p>(c) Pending the Bills Committee's decision on the way forward, there was no need for the</p>	

Time marker	Speaker	Subject(s)	Action Required
		Administration to provide papers to respond to the technical issues raised at previous meetings	
001103-001110	Chairman	Confirmation of minutes of the two meetings held on 9 and 19 December 2003 respectively	
001111-001237	Chairman	Agreement to defer discussion on the submission dated 29 December 2003 from the First American Title Insurance Company (LC Paper No. CB(1)730/03-04(01)) to a later stage	
001238-002114	Chairman Administration	Briefing by the Administration on its preliminary response to Law Soc's proposal for "Daylight Conversion" (LC Paper No. CB(1)730/03-04(05))	
002115-003003	Chairman Ms Audrey EU Assistant Legal Adviser Administration	<p>(a) Assistant Legal Adviser (ALA)'s view that if the Land Registration Ordinance (LRO) (Cap. 128) was to be repealed as a result of the adoption of the System, there was a need to add in the Bill provisions similar to those existing in the LRO which provided for the duties and functions of the Land Registry</p> <p>(b) ALA's view that if the System was adopted, consideration might be given to model the Bill on</p>	<p>Administration to take the follow-up action under paragraph 3(a) of the minutes</p> <p>Administration to take the follow-up action under paragraph 3(b) of</p>

Time marker	Speaker	Subject(s)	Action Required
		<p>the 1994 version of the previous Land Titles Bill with the addition of a schedule setting out the transitional arrangements for the 12-year period during which all properties would be placed on a provisional register</p> <p>(c) Gist of the System and of LC Paper No. CB(1)730/03-04(05)</p> <p>(d) Reference to the extract of the relevant part of the Review Report on Insurance Arrangements of the Hong Kong Solicitors Indemnity Scheme prepared by Willis China (Hong Kong) Limited (LC Paper No. CB(1)730/03-04(04)), Law Soc's concern about the requirement of a solicitor to guarantee title by the issue of a certificate of good title, and the Administration's seeming reluctance to give way in this regard</p>	the minutes
003004-004505	Chairman Mr Albert HO Administration	(a) Members' concerns about how property transactions and unwritten equitable interests would be dealt with during the 12-year period, and how the relevant arrangements would be sufficiently	

Time marker	Speaker	Subject(s)	Action Required
		<p>communicated to the public</p> <p>(b) Members' view on the need to prepare a table showing the transitional arrangements for the 12-year period</p> <p>(c) Members' view on the need to put in place a legislative or administrative measure to effect a review mechanism for the implementation of the System during the 12-year period, so that any problem that might arise in the interim could be tackled in a timely manner</p> <p>(d) Members' view on the need to add a provision in the Bill to empower the Administration to extend when necessary the 12-year period</p>	<p>Administration to take the follow-up action under paragraph 3(c) of the minutes</p> <p>Administration to take the follow-up action under paragraph 3(d) of the minutes</p> <p>Administration to take the follow-up action under paragraph 3(d) of the minutes</p>
004506-004524	Chairman	Meeting arrangements	