

**立法會**  
**Legislative Council**

LC Paper No. CB(1)1465/02-03  
(These minutes have been seen  
by the Administration)

Ref : CB1/BC/3/02

**Bills Committee on Land Titles Bill**

**Minutes of second meeting held on  
Tuesday, 8 April 2003 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 Miriam LAU Kin-ye, JP  
Hon TAM Yiu-chung, GBS, JP  
Hon Albert CHAN Wai-yip  
Hon WONG Sing-chi  
Hon IP Kwok-him, JP  
Hon LAU Ping-cheung
- Members absent** : Hon Andrew WONG Wang-fat, JP  
Dr Hon TANG Siu-tong, JP  
Hon Abraham SHEK Lai-him, JP  
Hon Audrey EU Yuet-mee, SC, JP
- Public officers attending** : Mr Kim SALKELD  
Land Registrar
- Mr Parrish NG  
Principal Assistant Secretary for Housing, Planning  
and Lands (Planning and Lands)3
- Mrs Alice LEE  
Registry Manager  
Land Registry

Ms Monica LO  
Senior Solicitor/Title Registration  
Land Registry

Mr Geoffrey FOX  
Senior Assistant Law Draftsman  
Department of Justice

Ms Rayne CHAI  
Government Counsel  
Department of Justice

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

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

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

Mrs Queenie YU  
Senior Assistant Secretary (1)6

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Action

- I. Confirmation of minutes of meeting**  
(LC Paper No. CB(1)1358/02-03 — Minutes of first meeting held on  
19 March 2003)

The minutes of the first meeting held on 19 March 2003 were confirmed.

## II. Meeting with the Administration

- (LC Paper No. CB(1)1357/02-03(01) — "Follow-up to the first meeting on 19 March 2003" prepared by the Legislative Council Secretariat
- LC Paper No. CB(1)1357/02-03(02) — Paper provided by the Administration on "Comparison of Deeds Registration and Title Registration"
- LC Paper No. CB(1)1357/02-03(03) — Paper provided by the Administration on "Comparison of Procedures"
- LC Paper No. CB(1)1357/02-03(04) — Paper provided by the Administration on "Proposed Work Plan"
- LC Paper No. CB(1)1357/02-03(05) — List of major issues suggested by the Assistant Legal Adviser to be considered for discussion by the Bills Committee
- LC Paper No. CB(1)1357/02-03(06) — "Proposed meeting schedule from May to July 2003" prepared by the Legislative Council Secretariat)

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 action-

#### Follow-up action on the papers provided by the Administration for the meeting on 8 April 2003

- (a) On the paper on "Comparison of Deeds Registration and Title Registration" (LC Paper No. CB(1)1357/02-03(02)), to revise the Chinese version of "Unregistered interests are unenforceable against subsequent purchasers who obtained the property for value" under item 1(a) of the Annex to the paper to reflect the meaning of the English version;
- (b) On the paper on "Comparison of Procedures" (LC Paper No. CB(1)1357/02-03(03)) —
- (i) to revise the Chinese version of the flowchart (Part B1: Page 2) to reflect the meaning of the English version; and
  - (ii) to revise the relevant pages of the flowchart to reflect that stamp duty should be payable on the agreement, not on the assignment;

- (c) On the "Proposed Work Plan" (LC Paper No. CB(1)1357/02-03(04)) —
  - (i) to cover "certificate of good title" under Part (b) — The New System; and
  - (ii) to cover "land boundaries" under Part (g) — Regulations and Consequential Amendments;

Other follow-up actions

- (d) In preparing the paper comparing the land title registration system (LTRS) proposed under the Bill with systems of title registration in other jurisdictions —
  - (i) to cover the differences between the LTRS proposed under the Bill and the title registration system in the United Kingdom; and
  - (ii) to provide information on whether any jurisdiction operated or had operated on the old and the new registration systems in parallel; and if so, the relevant details;
- (e) To provide flowcharts illustrating the steps to be taken by the following parties in conveyancing transactions after the enactment of the Land Titles Ordinance —
  - (i) purchaser;
  - (ii) vendor;
  - (iii) solicitor; and
  - (iv) Land Registry;
- (f) To provide a paper on the appeal procedure against decisions made by the Land Registrar; and
- (g) To cover the issues suggested by the Assistant Legal Adviser for discussion by the Bills Committee (LC Paper No. CB(1)1357/02-03(05)) in the relevant information papers to be provided by the Administration.

*(Post-meeting note: The information provided by the Administration in respect of paragraph 3 (a) to (c) was issued to members vide LC Paper No. CB(1)1467/02-03 on 17 April 2003.)*

Proposed work plan and proposed meeting schedule

4. Members agreed on the work plan proposed by the Administration subject to the amendments mentioned in paragraph 3(c) above. Members also agreed on the meeting schedule from May to July 2003 as set out in LC Paper No. CB(1) 1357/02-03(06).

5. To facilitate the Bills Committee's deliberation of the Bill, members agreed that meetings of working group might be arranged to study the technical issues of the Bill when necessary.

Date of next meeting

6. The Chairman reminded members that the next meeting of the Bills Committee would be held on Wednesday, 23 April 2003 at 8:30 am.

**III. Any other business**

7. There being no other business, the meeting ended at 12:30 pm.

Council Business Division 1  
Legislative Council Secretariat  
17 April 2003

## Appendix

**Proceedings of the second meeting of the  
Bills Committee on Land Titles Bill  
on Tuesday, 8 April 2003 at 10:45 am  
in Conference Room A of the Legislative Council Building**

| Time marker   | Speaker  | Subject(s)   | Action Required   |
|---------------|--|--|---|
| 000000-000027 | Chairman                                       | Confirmation of minutes held on 19 March 2003  |   |
| 000028-001931 | Chairman<br>Administration                     | (a) Opening remarks<br><br>(b) Briefing by the Administration on Part A and Part B of the flowcharts of the paper on "Comparison of Procedures"  |   |
| 001932-003002 | Ms Miriam LAU<br>Chairman<br>Administration    | (a) Registration of consent caution on agreement for charge and clarification on the term "agreement for charge"<br><br>(b) Comparison of the role of the Land Registry in Hong Kong and United Kingdom in the land title registration process   | Administration to provide the required information under paragraph 3(d)(i) of the minutes |
| 003003-003513 | Mr TAM Yiu-chung<br>Chairman<br>Administration | (a) How cases involving uncertainty or defects in the title of a property could be dealt with under the proposed Land Title Registration System (LTRS)<br><br>(b) Merits of the proposed LTRS<br><br>(c) Conversion arrangements from the existing deeds registration system (DRS) to the proposed |   |

| Time marker   | Speaker                                      | Subject(s)  | Action Required  |
|---------------|--|---|--|
|               |  | LTRS  |  |
| 003514-004336 | Mr Albert CHAN<br>Chairman<br>Administration | (a) Comparison of the Chinese and English versions of "Registration of Consent Caution" in Part B1: Page 2 of the flowchart of the paper on "Comparison of Procedures"<br><br>(b) Steps to be taken by purchaser, vendor, solicitor and the Land Registry in conveyancing transactions after the enactment of the Land Titles Ordinance | Administration to provide the required information under paragraph 3(b)(i) and 3(e) of the minutes |
| 004337-004405 | Mr Albert HO<br>Chairman<br>Administration   | Stamp duty payable on the agreement, not on the assignment as stated in the flowcharts of the paper on "Comparison of Procedures"   | Administration to provide the required information under paragraph 3(b)(ii) of the minutes         |
| 004406-004500 | Ms Miriam LAU<br>Administration<br>Chairman  | Overriding interests  |  |
| 004501-005324 | Administration                               | Briefing by the Administration on Part C of the flowchart of the paper on "Comparison of Procedures"  |  |
| 005325-005532 | Mr TAM Yiu-chung<br>Administration           | Whether cases involving uncertainty or defects in the title of a property could be registered under the LTRS and if not, the implication on the value of the property concerned   |  |
| 005533-010154 | Mr Albert HO<br>Chairman<br>Administration   | (a) Cases involving appeals against decisions made by the Land Registrar<br><br>(b) How to deal with existing problems that affected the value of properties, such as stopped deeds or missing Government   | Administration to provide the required information under paragraph 3(f) of the minutes             |

| <b>Time marker</b> | <b>Speaker</b>  | <b>Subject(s)</b>   | <b>Action Required</b>   |
|--------------------|---|---|--|
|                    |   | leases  |  |
| 010155-011310      | Chairman<br>Ms Miriam LAU<br>Administration   | (a) Reasons for defective titles<br><br>(b) Operation of the DRS and the LTRS in parallel and reference to overseas jurisdictions in Australia, Canada and United Kingdom<br><br>(c) Priority of instruments under the LTRS   | Administration to provide the required information under paragraph 3(d)(ii) of the minutes |
| 011311-011611      | Chairman<br>Mr LAU Ping-cheung  | Comparison of the Chinese and English versions of item 1(a) of the Annex to the paper on "Comparison of Deeds Registration and Title Registration"  | Administration to provide the required information under paragraph 3(a) of the minutes     |
| 011612-011804      | Chairman<br>Administration  | Operation of the DRS and the LTRS in parallel by the Land Registry after the enactment of the Land Titles Ordinance   |  |
| 011805-013618      | Chairman<br>Administration<br>Mr LAU Ping-cheung<br>Clerk<br>Mr TAM Yiu-chung<br>Mr Albert HO | (a) Proposed work plan and proposed meeting schedule<br><br>(b) Issues suggested by the Assistant Legal Adviser to be considered for discussion by the Bills Committee<br><br>(c) Meeting with deputations<br><br>(d) Meetings of working group to discuss technical issues of the Bill<br><br>(e) Date of next meeting | Administration to provide the information under paragraph 3(c) and 3(g) of the minutes     |



Legislative Council Secretariat  
17 April 2003