

立法會
Legislative Council

LC Paper No. CB(1)2519/03-04
(These minutes have been seen
by the Administration)

Ref : CB1/BC/3/02

Bills Committee on Land Titles Bill

**Minutes of the thirty-seventh meeting held on
Thursday, 17 June 2004, at 4:30 pm
in Conference Room A of the Legislative Council Building**

Members present : Hon Margaret NG (Chairman)
Hon Albert HO Chun-yan (Deputy Chairman)
Hon Andrew WONG Wang-fat, JP
Hon Miriam LAU Kin-ye, JP
Hon Abraham SHEK Lai-him, JP
Hon Albert CHAN Wai-yip
Hon Audrey EU Yuet-mee, SC, JP

Member absent : Hon TAM Yiu-chung, GBS, JP
Dr Hon TANG Siu-tong, JP
Hon WONG Sing-chi
Hon IP Kwok-him, JP
Hon LAU Ping-cheung

Public officers attending : Mr Kim SALKELD
Land Registrar

Ms Monica LO
Senior Solicitor/Title Registration
Land Registry

Mr M K TAM
Senior Solicitor
Land Registry

Ms Florence WONG
Solicitor
Land Registry

Mr Jeffrey Ernest GUNTER
Senior Assistant Law Draftsman
Department of Justice

Mr Michael LAM
Senior Government Counsel
Department of Justice

Ms Rayne CHAI
Government Counsel
Department of Justice

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

Mr Andy NGAN
Land Registry's Consultant

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

Action

- I. Meeting with the Administration**
(LC Paper No. CB(1)2140/03-04(01) — “Follow-up to the thirty-fourth meeting on 8 June 2004” prepared by the Legislative Council Secretariat

- LC Paper No. CB(1)2171/03-04(01) — “Follow-up to the thirty-fifth meeting on 11 June 2004” prepared by the Legislative Council Secretariat
- LC Paper No. CB(1)2171/03-04(02) — Submission dated 16 June 2004 from The Real Estate Developers Association of Hong Kong
- LC Paper No. CB(3)210/02-03 — The Bill
- LC Paper No. CB(1)2140/03-04(03) — Revised marked-up copy of the Bill provided by the Administration (excluding Schedule 2))

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

Follow-up actions to be taken by the Administration

- Admin 2. At the request of the Bills Committee, the Administration agreed to take the following actions -
- (a) On the revised draft proposed Committee Stage amendment (CSA) to add the new clause 15, some members had expressed concern that under the proposed subclause (2), each application for the registration of any matter should be verified by a solicitor and in accordance with the regulations. The Administration confirmed that in the case of application for the registration of a caution, the solicitor would not be required to verify the claim. The Administration agreed that the proposed subclause (2) be amended to the effect that each application for registration of any matter should be verified as required by regulations, and that the details of the regulations would be worked out after enactment of the Bill in consultation with the Law Society of Hong Kong (Law Soc).
 - (b) On the revised draft proposed CSAs to clause 20, the Assistant Legal Adviser (ALA) highlighted the need to include in the Bill provisions on the severance of joint tenancy. Members noted the Administration’s advice that a notice of severance, which could be issued under section 8 of the Conveyancing and Property Ordinance (CPO) (Cap. 219), could be registered under clause 4(d) (i.e. the new clause 14(d) in the revised marked-up copy of the Bill) as a matter affecting land to effect severance

of joint tenancy in respect of registered land. Members considered such an arrangement undesirable and requested the Administration to consider whether specific provisions should be provided in the Bill for the procedures for effecting severance of tenancy under the new land title registration system (LTRS).

- (c) On the revised draft proposed CSAs to clause 20, ALA opined that the phrase “building in respect of which ... an occupation permit may be issued” in subclause (6) created uncertainty because of the use of the words “may be” therein. In response to his views, the Administration agreed to improve the drafting of the subclause as far as practicable.
- (d) On the revised draft proposed CSAs to clause 21, the Administration confirmed that subclause (1) would be amended to read “Subject to sections 23 and 81, the registration of a person as the owner upon a transfer of land shall vest in the person who is registered as the owner of the land ... in subsection (2)”.
- (e) On the revised draft proposed CSAs to clause 22, the Administration advised that further CSAs might be introduced to subclause (2)(a) and (b) to address Law Soc’s concern that it was unclear as to whether the covenants and registered matters mentioned therein referred to those that were existing at the time the person concerned acquired the registration of the long term lease.
- (f) On the revised draft proposed CSAs to clause 24, the Administration confirmed that pursuant to the Hong Kong Bar Association’s suggestion, the phrase “or rights” would be inserted after “any easements” in subclause (1)(d).
- (g) On the revised draft proposed CSAs to clause 24, the Administration agreed to delete the words “of the Government” from subclause (1)(fa) in response to ALA’s view that there were statutory easements other than those of the Government.
- (h) On the revised draft proposed CSAs to clause 26, the Administration undertook to put in place before the commencement of the Bill the regulations to provide for the circumstances under which the requirement under subclause (5) to return the title certificate for cancellation could be exempted.
- (i) In connection with item (h) above, the Administration also undertook to provide a list setting out the regulations that needed to be put in place before the commencement of the Bill for incorporation into the report of the Bills Committee to the House Committee.

- (j) On the revised draft proposed CSAs to clause 33, the Administration confirmed that further CSAs would be made to subclause (1).
- (k) On the revised draft proposed CSAs to clause 33, the Administration confirmed that the phrase “under a provisional agreement for sale and purchase or an agreement for sale and purchase” would be deleted from subclause (8). Noting such, ALA cautioned that the proposed deletion might have the effect of bringing the relation back provision into the Bill again so that, for example, a mortgagee could register an agreement to mortgage to defeat a subsequent charging order. The Administration was invited to examine subclause (8) again to ensure that it would not have the effect apprehended by ALA. If the Administration was satisfied that the subclause would not have the above effect, the Administration was invited to explain why it would not. If the Administration found that it might have the effect, the Administration was invited to examine how to remedy the situation. In this connection, ALA further commented that the Administration should likewise examine the provisions on non-consent caution to ensure that they would not have the above effect.
- (l) On the revised draft proposed CSAs to clause 34, ALA opined that the proposed addition of the phrase “of competent jurisdiction” to subclauses (3) and (4) was unnecessary because the term “court” was defined in the Interpretation and General Clauses Ordinance (Cap. 1). He further commented that it was not clear from the clause how registration of a judgment, order or lis pendens was to be effected. He therefore suggested that a new subclause (6) be added to provide that the above should comply with the relevant regulations, so that the details could be carefully worked out later. The Administration was invited to consider ALA’s views.
- (m) On the draft proposed CSA to clause 35, the Administration confirmed that further CSAs might be introduced to it to address Law Soc’s concern that it might not suffice just to provide in subclause (3) that a registered charge “shall have effect as a security only”.
- (n) On the draft proposed CSAs to clause 43, the Administration agreed that in consideration of ALA’s view that implied covenants should take effect upon registration and not when the relevant transfer was signed, clause 43 should be reviewed after enactment of the Bill.
- (o) On the revised draft proposed CSAs to clause 44(1), the Administration assured members that it would discuss with Law Soc after enactment of the Bill on what documents needed to be kept under the LTRS and prescribe them by regulations.

- (p) On the revised draft proposed CSAs to clause 44(3), ALA opined that the subclause might have the effect of overriding the restrictions contained in the conditions of sale for a sale of land by auction or tender on the purchaser's right to require production by the vendor of documents. The Administration was invited to consider ALA's views.
- (q) On the revised draft proposed CSAs to clause 47, the Administration confirmed that subclause (5) would be simplified to read "[t]he date of first registration of a long term lease registered under this section...".
- (r) On the revised draft proposed CSAs to clause 51, ALA opined that the definition of "deed of mutual covenant" in subclause (3) was not comprehensive enough. Members noted the Administration's response that the definition was the same as that provided in the Building Management Ordinance (Cap. 344). Members suggested that the Administration should review in due course whether the definition was comprehensive enough.
- (s) On the revised draft proposed CSAs to clause 81, the Administration advised that further CSAs might be introduced to it to address Law Soc's concern that as presently drafted, subclause (2)(a) could not clarify that the fraud, mistake or omission referred to therein meant the fraud, mistake or omission committed in the transaction by which the present registered owner had become the registered owner.
- (t) On the revised draft proposed CSAs to clause 81, members expressed concern about how the proposed expressions "substantially contribute" and "lack of proper care" in subclauses (2)(b) and (3)(c) would be interpreted by the court. They were also concerned about what was expected of the owner to free himself from the liabilities concerned. The Administration was invited to consider members' views.
- (u) On the revised draft proposed CSAs to add the new clause 81A, the Administration advised that further CSAs might need to be introduced to the new clause to address the concern of The Real Estate Developers Association of Hong Kong about the limitation period as stated in its submission dated 9 June 2004 (LC Paper No. CB(1)2120/03-04(01)).
- (v) On the revised draft proposed CSAs to clause 86, the Administration confirmed that subclauses (1) and (2) would be recast along the line of the relevant provisions of the English Land Registration Act 1925.

- (w) In examining the revised draft proposed CSAs to the Bill, members noted that there were certain issues which the Administration had agreed to resolve with Law Soc after enactment of the Bill. The Administration was invited to resolve these issues before commencement of the Bill.

Meeting arrangements

3. In order to ensure that the Bills Committee would be able to complete scrutiny of the Bill and the revised draft proposed CSAs before submitting a written report for the House Committee's consideration on 25 June 2004, the Chairman proposed and members agreed that an additional meeting be scheduled for Monday, 21 June 2004 at 10:45 am.

(Post-meeting note: The notice of the additional meeting was issued to members vide LC Paper No. CB(1)2195/03-04 on 18 June 2004 and issued to the Administration on the same day.)

II. Any other business

4. There being no other business, the meeting ended at 7:00 pm.

Council Business Division 1
Legislative Council Secretariat
22 September 2004

Appendix

**Proceedings of the thirty-seventh meeting of the
Bills Committee on Land Titles Bill
on Thursday, 17 June 2004, at 4:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000-000507	Chairman Ms Miriam LAU Ms Audrey EU Mr Albert CHAN Administration	(a) Welcoming and introductory remarks (b) Chairman's advice that the next meeting of the Bills Committee to be held on 18 June 2004 would be extended from three to four hours (c) Members' agreement to consider the submission dated 16 June 2004 from The Real Estate Developers Association of Hong Kong (REDA) (LC Paper No. CB(1)2171/03-04(02)) at the next meeting on 18 June 2004 when the Administration's written response was available	
I. Meeting with the Administration <u>Examination of revised draft Committee Stage amendments (excluding Schedule 2)</u> Revised marked-up copy of the Bill (excluding Schedule 2) (LC Paper No. CB(1)2140/03-04(03))			
000508-001039	Chairman Ms Miriam LAU Administration	(a) Reference to the revised draft proposed Committee Stage amendment (CSA) to	

Time marker	Speaker	Subject(s)	Action Required
		<p>add the new clause 15</p> <p>(b) Administration's advice that the phrase "Except as otherwise expressly provided in this Ordinance" would be added to clause 15(1) to allow for the exceptions expressly provided in the Bill</p> <p>(c) Some members' concern about the requirement under the proposed clause 15(2) that each application for the registration of any matter should be verified by a solicitor and in accordance with the regulations</p> <p>(d) A member's concern that the use of the word "verify" in the new clause 15 might obligate the solicitor to do investigation instead of just signing on the relevant memorial or attesting to the signature as was the present practice</p> <p>(e) Administration's confirmation that in the case of application for the registration of a caution, the solicitor would not be required to verify the claim and would only be required to verify the identities of the parties concerned</p>	Administration to

Time marker	Speaker	Subject(s)	Action Required
		<p>(f) Administration's agreement that the proposed clause 15(2) be amended to the effect that each application for registration of any matter should be verified as required by regulations, and that the details of the regulations would be worked out after enactment of the Bill in consultation with the Law Society of Hong Kong (Law Soc)</p>	<p>take the follow-up action under paragraph 2(a) of the minutes</p>
001040-001337	Chairman Administration	<p>(a) Briefing by the Administration on the revised draft proposed CSAs to clause 16 and the proposed new clause 16A</p> <p>(b) Briefing by the Administration on the revised draft proposed CSA to clause 17</p> <p>(c) Administration's explanation that the original clause 18 was proposed to be deleted as a result of changes in relation to references to the Title Register</p> <p>(d) Briefing by the Administration on the draft proposed CSAs to clause 19</p>	
001338-002217	Chairman Assistant Legal Adviser	<p>(a) Briefing by the Administration on the</p>	

Time marker	Speaker	Subject(s)	Action Required
	Administration	<p>revised draft proposed CSAs to clause 20</p> <p>(b) Assistant Legal Adviser (ALA)'s emphasis of the need to include in the Bill provisions on the severance of joint tenancy</p> <p>(c) Administration's advice that severance of joint tenancy could be achieved by division of land through ordinary transfer, which would be a disposition if there was mutual agreement between the parties, and a transmission if it was effected by the operation of law</p> <p>(d) ALA's view that the point on operation of law mentioned in item (c) above was not expressly provided for under clause 20</p> <p>(e) Administration's advice that a notice of severance, which could be issued under section 8 of the Conveyancing and Property Ordinance (CPO) (Cap. 219), could be registered under clause 4(d) (i.e. the new clause 14(d) in the revised marked-up copy of the Bill) as a matter affecting land to effect severance of joint tenancy in respect of</p>	

Time marker	Speaker	Subject(s)	Action Required
		<p>registered land</p> <p>(f) Members’ view that the arrangement described in item (e) above was undesirable and their request of the Administration to consider whether specific provisions should be provided in the Bill for the procedures for effecting severance of tenancy under the new land title registration system (LTRS)</p> <p>(g) ALA’s view that the phrase “building in respect of which ... an occupation permit may be issued” in clause 20(6) created uncertainty because of the use of the words “may be” therein</p> <p>(h) Briefing by the Administration on the draft proposed CSA to the heading of Part 3</p>	<p>Administration to take the follow-up action under paragraph 2(b) of the minutes</p> <p>Administration to take the follow-up action under paragraph 2(c) of the minutes</p>
002218-002500	Chairman Administration	<p>(a) Briefing by the Administration on the revised draft proposed CSAs to clause 21</p> <p>(b) Administration’s confirmation that clause 21(1) would be amended to read “Subject to sections 23 and 81, the registration</p>	Administration to take the follow-up action under paragraph 2(d) of the minutes

Time marker	Speaker	Subject(s)	Action Required
		of a person as the owner upon a transfer of land shall vest in the person who is registered as the owner of the land ... in subsection (2)”	
002501-002700	Chairman Administration	<p>(a) Briefing by the Administration on the revised draft proposed CSAs to clause 22</p> <p>(b) Administration’s advice that further CSAs might be introduced to clause 22(2)(a) and (b) to address Law Soc’s concern that it was unclear as to whether the covenants and registered matters mentioned therein referred to those that were existing at the time the person concerned acquired the registration of the long term lease</p>	Administration to take the follow-up action under paragraph 2(e) of the minutes
002701-002750	Chairman Administration	Briefing by the Administration on the new subclause (3) of clause 23	
002751-003717	Chairman Mr Albert HO Assistant Legal Adviser Administration	<p>(a) Briefing by the Administration on the revised draft proposed CSAs to clause 24</p> <p>(b) Administration’s confirmation that pursuant to the Hong Kong Bar Association (the Bar)’s suggestion, the phrase “or</p>	Administration to take the follow-up action under paragraph 2(f) of the minutes

Time marker	Speaker	Subject(s)	Action Required
		<p>rights” would be inserted after “any easements” in clause 24(1)(d)</p> <p>(c) ALA’s reiteration of his concern that clause 24(1)(d) as presently drafted would narrow the scope of easements that could be carried over to the LTRS because it only covered easements or rights implied by law. For example, easements of support would not be covered</p> <p>(d) Administration’s advice that if an easement of support provided for in an instrument existed before the first registration of the land concerned, it could be registered as an overriding interest under clause 24(1)(c)</p> <p>(e) ALA’s concern that easements acquired by usage or prescription would not be covered by clause 24(1)(d)</p> <p>(f) Administration’s advice that the Bar and Law Soc were satisfied that clause 24(1)(d) as presently drafted would not exclude easements acquired by usage</p> <p>(g) A member’s question on</p>	

Time marker	Speaker	Subject(s)	Action Required
		<p>whether easements created by legislation would be covered by clause 24</p> <p>(h) ALA's advice that the easements referred to in item (g) above would be covered by clause 24(1)(fa) but that the subclause was not comprehensive enough because of the use of the words "of the Government" therein, which would exclude statutory easements other than those of the Government</p> <p>(i) Administration's agreement to delete the words "of the Government" from clause 24(1)(fa)</p>	<p>Administration to take the follow-up action under paragraph 2(g) of the minutes</p>
003718-003843	Chairman Mr Abraham SHEK Administration	<p>(a) A member's request that REDA's concerns as highlighted in LC Paper No. CB(1)2171/03-04(02) be dealt with at the next meeting on 18 June 2004</p> <p>(b) Administration's assurance that it had already agreed to introduce further CSAs to clause 81(2) to address REDA's concerns</p>	
003844-003910	Chairman Administration	Administration's advice that the original clause 25 had been moved to the new Part 2A and become the proposed new clause 16A	

Time marker	Speaker	Subject(s)	Action Required
003911-004224	Chairman Ms Miriam LAU Administration	<p>(a) Briefing by the Administration on the revised draft proposed CSAs to clause 26</p> <p>(b) Administration's undertaking to put in place before the commencement of the Bill the regulations to provide for the circumstances under which the requirement under clause 26(5) to return the title certificate for cancellation could be exempted</p> <p>(c) Administration's undertaking to provide a list setting out the regulations that needed to be put in place before the commencement of the Bill for incorporation into the report of the Bills Committee to the House Committee</p>	<p>Administration to take the follow-up action under paragraph 2(h) of the minutes</p> <p>Administration to take the follow-up action under paragraph 2(i) of the minutes</p>
004225-004340	Chairman Administration	Briefing by the Administration on the draft proposed CSAs to clauses 27 and 28	
004341-010818	Chairman Mr Albert HO Ms Miriam LAU Assistant Legal Adviser Administration	(a) Briefing by the Administration on the revised draft proposed CSAs to clause 29, and its advice that the phrase	

Time marker	Speaker	Subject(s)	Action Required
		<p>“which is not registered under this Ordinance from taking effect in equity if the interest” in subclause (2) would be placed just before the word “is”</p> <p>(b) ALA’s comment that clause 29(1) would put a universal prohibition on disposition of registered land which would be effectual to create, extinguish, transfer, vary or affect the land unless and until the disposition was registered under the Bill, and qualify such with subclause (2) by providing for exceptions thereto. Subclause (2) however was also restrictive, and the power of an owner to dispose of his property would be significantly affected</p> <p>(c) ALA’s view that the prohibition under clause 29(1) should apply only to those dispositions which were required to be registered under the Bill, and that the relevant provisions in the United Kingdom Land Registration Act 2002 would be a good example</p> <p>(d) Administration’s explanation that the</p>	

Time marker	Speaker	Subject(s)	Action Required
		<p>drafting of clauses 29(1) and 29(2) had been worked out after discussion with Law Soc</p> <p>(e) Discussion on whether a conditional agreement of sale and purchase (ASP) signed by an intended personal representative could be registered by him under the LTRS, and the protection available to the purchaser under the circumstances</p> <p>(f) A member's concern about how unregistrable equitable interests could be protected under the LTRS</p> <p>(g) Administration's advice that protection of equitable interests would be provided for in clause 29(2), and since all equitable interests not registrable under the Bill could be protected by registration of a caution or non-consent caution, no interest in land would be excluded from protection (clause 29(2)(a) and (b))</p>	
010819-010858	Chairman Administration	<p>(a) Administration's advice that the original clause 30 had been moved to Part 7 and become the proposed new clause 69A</p> <p>(b) Reference to clause 31, where there was no revised</p>	

Time marker	Speaker	Subject(s)	Action Required
		CSA	
010859-011104	Chairman Assistant Legal Adviser Administration	(a) Briefing by the Administration on the revised draft proposed CSA to clause 32 (b) ALA's comment that clause 32(2) was still not clear enough	
011105-012341	Chairman Ms Miriam LAU Assistant Legal Adviser Administration	(a) Briefing by the Administration on the revised draft proposed CSAs to clause 33 (b) Administration's confirmation that further CSAs would be made to clause 33(1) (c) ALA's comment that there remained the problem that people who had made a transfer directly still needed to go through stamping before they could register the transfer (d) Administration's confirmation that as requested by Law Soc, the phrase "under a provisional agreement for sale and purchase or an agreement for sale and purchase" would be deleted from clause 33(8) to ensure that	Administration to take the follow-up action under paragraph 2(j) of the minutes

Time marker	Speaker	Subject(s)	Action Required
		<p>it would not exclude certain consent cautions that might otherwise come in</p> <p>(e) ALA’s concern that the proposed deletion in item (d) above might have the effect of bringing the relation back provision into the Bill again so that, for example, a mortgagee could register an agreement to mortgage to defeat a subsequent charging order</p> <p>(f) Chairman’s invitation of the Administration to examine clause 33(8) again to ensure that it would not have the effect apprehended by ALA in item (e) above. If the Administration was satisfied that the subclause would not have the above effect, the Administration was invited to explain why it would not. If the Administration found that it might have the effect, the Administration was invited to examine how to remedy the situation</p> <p>(g) In connection with items (e) and (f) above, ALA’s further comment that the Administration should likewise examine the provisions on non-consent caution to ensure that they</p>	<p>Administration to take the follow-up action under paragraph 2(k) of the minutes</p> <p>Administration to take the follow-up action under paragraph 2(k) of the minutes</p>

Time marker	Speaker	Subject(s)	Action Required
		would not have the effect described in item (e) above	
012342-012528	Chairman Assistant Legal Adviser Administration	<p>(a) Briefing by the Administration on the revised draft proposed CSAs to clause 34</p> <p>(b) ALA's view that the proposed addition of the phrase "of competent jurisdiction" to clause 34(3) and (4) was unnecessary because the term "court" was defined in the Interpretation and General Clauses Ordinance (Cap. 1)</p> <p>(c) ALA's further comment that it was not clear from clause 34 how registration of a judgment, order or lis pendens was to be effected. He therefore suggested that a new subclause (6) be added to provide that the above should comply with the relevant regulations, so that the details could be carefully worked out later</p>	Administration to take the follow-up action under paragraph 2(1) of the minutes
012529-012803	Chairman Administration	<p>(a) Briefing by the Administration on the draft proposed CSAs to clause 35</p> <p>(b) Administration's confirmation that further CSAs might be introduced</p>	Administration to take the follow-up action under

Time marker	Speaker	Subject(s)	Action Required
		to clause 35 to address Law Soc's concern that it might not suffice just to provide in subclause (3) that a registered charge "shall have effect as a security only"	paragraph 2(m) of the minutes
012804-012905	Chairman Administration	<ul style="list-style-type: none"> (a) Briefing by the Administration on the draft proposed CSA to clause 36 (b) Reference to clause 37, where there was no CSA (c) Briefing by the Administration on the draft proposed CSA to clause 38 (d) Briefing by the Administration on the revised draft proposed CSAs to clause 39 (e) Reference to clause 40, where there was no CSA (f) Briefing by the Administration on the draft proposed CSA to clause 41 (g) Reference to clause 42, where there was no revised CSA 	
012906-012945	Chairman Assistant Legal Adviser Administration	<ul style="list-style-type: none"> (a) Reference to clauses 43, where there was no revised CSA (b) ALA's view that implied covenants should take 	

Time marker	Speaker	Subject(s)	Action Required
		<p>effect upon registration and not when the relevant transfer was signed</p> <p>(c) Administration's advice that Law Soc agreed that implied covenants should take effect when the relevant transfer was signed</p> <p>(d) Administration's agreement to review clause 43 after enactment of the Bill in consideration of ALA's view stated in item (b) above</p>	<p>Administration to take the follow-up action under paragraph 2(n) of the minutes</p>
012946-013238	<p>Chairman Mr Albert HO Assistant Legal Adviser Administration</p>	<p>(a) Briefing by the Administration on the revised draft proposed CSAs to clause 44</p> <p>(b) A member's concern that as presently drafted, clause 44(1)(a)(iii) would preclude the purchaser from requiring the vendor to provide him with the original plan, and the Chairman's explanation that such requirement could be made under clause 44(1)(a)(iv)</p> <p>(c) In relation to clause 44(1), the Administration's assurance that it would discuss with Law Soc after enactment of the Bill on what documents needed to</p>	<p>Administration to take the follow-up action under paragraph 2(o) of the minutes</p>

Time marker	Speaker	Subject(s)	Action Required
		<p>be kept under the LTRS and prescribe them by regulations</p> <p>(d) ALA's view that clause 44(3) might have the effect of overriding the restrictions contained in the conditions of sale for a sale of land by auction or tender on the purchaser's right to require production by the vendor of documents</p>	<p>Administration to take the follow-up action under paragraph 2(p) of the minutes</p>
013239-013628	Chairman Administration	<p>(a) Reference to clause 45, where there was no revised CSA</p> <p>(b) Briefing by the Administration on the draft proposed CSAs to clause 46</p> <p>(c) Briefing by the Administration on the revised draft proposed CSAs to clause 47, and its confirmation that subclause (5) would be simplified to read "[t]he date of first registration of a long term lease registered under this section..."</p> <p>(d) Briefing by the Administration on the new clause 48 (the original clause 52)</p> <p>(e) Briefing by the Administration on the draft</p>	<p>Administration to take the follow-up action under paragraph 2(q) of the minutes</p>

Time marker	Speaker	Subject(s)	Action Required
		<p>proposed CSA to clause 49</p> <p>(f) Briefing by the Administration on the revised draft proposed CSA to clause 50</p>	
013629-013740	Chairman Assistant Legal Adviser Administration	<p>(a) Briefing by the Administration on the revised draft proposed CSAs to clause 51</p> <p>(b) ALA's view that the definition of "deed of mutual covenant" in clause 51(3) was not comprehensive enough, and the Administration's response that the definition was the same as that provided in the Building Management Ordinance (Cap. 344)</p> <p>(c) Members' suggestion that the Administration should review in due course whether the definition of "deed of mutual covenant" in clause 51(3) was comprehensive enough</p>	Administration to take the follow-up action under paragraph 2(r) of the minutes
013741-014158	Chairman Administration	<p>(a) Administration's advice that the original clause 52 had been moved to earlier part of the Bill as the new clause 48</p> <p>(b) Briefing by the Administration on the new draft proposed CSAs to</p>	

Time marker	Speaker	Subject(s)	Action Required
		<p>clauses 53 and 54</p> <p>(c) Reference to clauses 55 and 56, where there was no CSA</p> <p>(d) Briefing by the Administration on the draft proposed CSA to clause 57</p> <p>(e) Briefing by the Administration on the revised draft proposed CSAs to clauses 58 and 59</p> <p>(f) Administration's advice that the original clause 60 had been moved to Part 2 as the new clause 5B with modifications</p> <p>(g) Briefing by the Administration on the draft proposed CSAs to clause 61</p> <p>(h) Members' agreement to defer discussion on Parts 7 and 8 (clauses 61A to 79) and go through Part 9 and the new Part 9A so that the Administration could have more time to revise the draft proposed CSAs to these two important parts of the Bill where necessary</p>	
<u>General review of Part 9</u>			
014159-020603	Chairman Ms Miriam LAU	(a) Briefing by the Administration on the	

Time marker	Speaker	Subject(s)	Action Required
	Administration	<p>revised draft proposed CSAs to Part 9 (clauses 80 to 81A) and the proposed new Part 9A (clauses 82 to 87A)</p> <p>(b) Administration’s advice that further CSAs might be introduced to clause 81 to address Law Soc’s concern that as presently drafted, clause 81(2)(a) could not clarify that the fraud, mistake or omission referred to therein meant the fraud, mistake or omission committed in the transaction by which the present registered owner had become the registered owner</p> <p>(c) Members’ concern about how the proposed expressions “substantially contribute” and “lack of proper care” in clause 81(2)(b) and (3)(c) would be interpreted by the court. They were also concerned about what was expected of the owner to free himself from the liabilities concerned</p> <p>(d) Administration’s advice that further CSAs might need to be introduced to the new clause 81A to address REDA’s concern about the limitation period</p>	<p>Administration to take the follow-up action under paragraph 2(s) of the minutes</p> <p>Administration to take the follow-up action under paragraph 2(t) of the minutes</p> <p>Administration to take the follow-up action under paragraph 2(u) of the minutes</p>

Time marker	Speaker	Subject(s)	Action Required
		<p>as stated in its submission dated 9 June 2004 (LC Paper No. CB(1)2120/03-04(01))</p> <p>(e) Administration's confirmation that clause 86(1) and (2) would be recast along the line of the relevant provisions of the English Land Registration Act 1925</p>	<p>Administration to take the follow-up action under paragraph 2(v) of the minutes</p>
020604-021430	<p>Chairman Ms Miriam LAU Assistant Legal Adviser Clerk Administration</p>	<p>(a) Administration's report on Law Soc's stance on the Bill, namely, that Law Soc supported the enactment of the Bill before the end of the current legislative session provided that the Administration would agree to resolve certain issues with Law Soc during the period between enactment and commencement of the Bill, and the Administration's agreement to this</p> <p>(b) Administration's advice that Law Soc would write to the Administration after its Council had deliberated on the Bill on 18 June 2004</p>	<p>Administration to take the follow-up action under paragraph 2(w) of the minutes</p>
021431-021634	Chairman	Meeting arrangements	

Council Business Division 1
Legislative Council Secretariat
22 September 2004