

**Bills Committee on Land Titles Bill
First meeting on 19 March 2003**

List of follow-up actions to be taken by the Administration

Information to be provided before the Chairman's meeting with the Administration on 2 April 2003

1. Please provide a proposed programme of the issues to be considered by the Bills Committee with the target date for completing the consideration of each of the issues.

Information to be provided before the second Bills Committee meeting on 8 April 2003

2. Please provide a table comparing the main features, merits and demerits of the existing deeds registration system (DRS) with those of the proposed land title registration system (LTRS). Please highlight the major differences between the two systems, and give an overview of how the two systems could be operated in parallel after the enactment of the Land Titles Ordinance.
3. Please provide flow charts illustrating the procedures for-
 - (a) registration of property transactions under the existing DRS;
 - (b) registration of property transaction upon first sale of a property after the implementation of LTRS; and
 - (c) registration of subsequent property transactions of the property mentioned in item (b) above under the new LTRS,including the procedures for registration of consent cautions and non-consent cautions, and the procedures for lodging appeals against decisions made by the Land Registrar.

Information to be provided before the third Bills Committee meeting on 23 April 2003

4. Please provide a paper on the proposed amount of indemnity under clause 83 of the Bill, covering the following aspects-
 - (a) justifications of the Administration's view that its proposal to cap the indemnity in fraud cases would not contravene the Basic Law;
 - (b) whether the proposed cap is to be applied to a property or a lot, with examples to illustrate the different scenarios under clause 83;
 - (c) the views expressed by the concerned parties in previous consultation exercises on the Administration's proposal to cap the indemnity in fraud cases and the Administration's response to their views; and

- (d) whether other countries cap the indemnity under their LTRS and if they do, whether the cap only applies to fraud cases.

Other information

- 5. Please provide a comparison of the proposed LTRS with the LTRS implemented in other countries, highlighting the major differences. The comparison should cover the following aspects of the indemnity scheme -
 - (a) the upper limit for each claim, if any;
 - (b) the types of losses eligible for indemnity in the scheme;
 - (c) how the indemnity scheme is financed, i.e. whether it is self-financing and funded by users of the LTRS through levy; and
 - (d) the procedures for claiming indemnity and parties responsible for the indemnity payment.
- 6. Please provide a paper to explain about the requirement under clause 12 of the Bill that an application for first registration of land shall be accompanied by a certificate of good title, and the liability of a solicitor in signing such a certificate.
- 7. Please advise how cases involving one of the following items could be dealt with under the proposed LTRS -
 - (a) uncertainty or defects in the title of a property;
 - (b) loss of land deeds or block crown lease;
 - (c) unclear land boundaries (e.g. lands in adjoining lots);
 - (d) cases of adverse possession involving legal proceedings.
- 8. Please provide justifications for the additional recurrent expenditure of \$13 million per annum projected for a net creation of 13 posts for the implementation of the LTRS, including the reasons why the work involved could not be absorbed by existing staff of the Land Registry. Please also provide information on the rank of the 13 posts.