

**Bills Committee on Land Titles Bill**  
**Fifth meeting on 12 May 2003**

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

1. Please provide a written response to the submissions received by the Bills Committee as well as the views expressed by the deputations at the meeting.
2. Please address the following points of concern raised on the proposed indemnity scheme:
  - (a) Clause 8(2) should be amended to reflect the policy intent that if any act or default on the part of the Government gives rise to an indemnity under Part 9 of the Bill, there should be no limit to the amount of the liability;
  - (b) It is not clear as to whether a person who suffered loss from default of a Government employee would be compensated directly from the Government or through the indemnity fund;
  - (c) In connection with item (b) above, the Government will have two roles: the party who is liable for the loss of the person and the administrator of the indemnity fund. To address the problems arising from the conflict between these two roles, there should be a neutral third party:
    - to determine the amount of indemnity;
    - to determine whether the Government should pay back to the indemnity fund; and if so, the amount of money to be paid; and
    - to monitor whether the Government has paid back the amount of money to the indemnity fund; and if not, to take the appropriate action.
3. Please provide a paper addressing the following clarifications sought by the Assistant Legal Adviser -
  - (a) Whether the unique features of the conveyancing system in Hong

Kong have been taken into account in the proposed land title registration system (LTRS)? In Hong Kong, the undivided shares in land and the exclusive right to use a particular unit in a building are joined together by a deed of mutual covenant which is itself not an interest in land and would therefore not be registrable under the new scheme. Please explain how the proposed LTRS would deal with the two components of ownership of land in form of units in high-rise buildings in Hong Kong and highlight the relevant clauses in the Bill.

- (b) Does the proposed LTRS follow the title registration system in England? In particular -
- whether the proposed LTRS should allow registration of equitable estate which is not allowed under the system in England; and
  - whether the Bill intends that the power to dispose of a registered property would be available purely on a statutory basis as is the case under the system in England; and if so, whether this should be specifically provided in the Bill.