

LAND TITLES BILL

COMMITTEE STAGE

Amendments to be moved by the Secretary for
Housing, Planning and Lands

<u>Clause</u>	<u>Amendment Proposed</u>
2	<p>(a) In subclause (1) -</p> <p>(i) in the definition of "company", in paragraph (c), by deleting "Hong Kong;" and substituting -</p> <p style="padding-left: 40px;">"Hong Kong, and includes an unregistered company within the meaning of Part X of the Companies Ordinance (Cap. 32);";</p> <p>(ii) in the definition of "date of first registration", by adding "or Schedule 1A, as the case may require" after "section 15";</p> <p>(iii) by deleting the definition of "first registration" and substituting -</p> <p style="padding-left: 40px;">"first registration" (首次註冊) -</p> <p style="padding-left: 80px;">(a) in relation to land, means the</p>

first registration
of the land under
this Ordinance
pursuant to
section 12 or
Schedule 1A;

(b) in relation to a
long term lease,
means the first
registration of
the lease under
this Ordinance
pursuant to
section 10A or
47;"

(iv) by deleting the definition of
"lease" and substituting -

"lease" (租契) -

(a) subject to
paragraph (b),
includes an
agreement for a
lease and a
tenancy;

(b) does not include
a Government
lease;"

- (v) in the definition of "lis pendens",
in paragraph (a), by deleting "or
any interest in or charge on land "
after "land";
- (vi) in the definition of "long term
lease" -
 - (A) by deleting "bona fide";
 - (B) by deleting paragraph (a) and
substituting -
 - "(a) granted by -
 - (i) subject to
subparagraph
(ii), the owner
of registered
land;
 - (ii) if the lease was
granted before
the land became
registered land,
the owner of the
land at the time
of the grant as
determined in
accordance with
the law
applicable to
land which is

not registered
land,
of the right to
exclusive possession
of the land for a
term of not less than
21 years;" ;

(vii) in the definition of "long term
lease register", by deleting
"sections 47 and 48" and
substituting "section 47";

(viii) in the definition of "ownership
register", by deleting "13" and
substituting "12";

(ix) by deleting the definition of
"register" and substituting -
"register" (註冊) -

(a) subject to
paragraph (b),
means to make,
remove, alter or
add to an entry in
the Title
Register, and
"registered"
(註冊),
"unregistered"

(沒有註冊) and
"registration"
(註冊) shall be
construed
accordingly;

(b) does not include
to make, remove,
alter or add to
an entry in the
Title Register to
the extent that
the entry
denotes, in the
case of the
presentation of
an application
for the
registration of a
matter, that
registration is
pending or
withheld in
respect of the
matter;" ;

(x) by deleting the definition of
"registered land" and
substituting -

"registered land" (註冊土地)

means land -

(a) held under a
Government lease;
and

(b) the title to
which is
registered under
the provisions of
this Ordinance;"

(xi) in the definition of "registered
long term lease", by deleting
"sections 47 and 48" and
substituting "section 47";

(xii) in the definition of "working day",
by repealing "71(2)" and
substituting "71";

(xiii) by adding -

"caveat" (知會備忘) has the
meaning assigned to it by
section 1A of the Land
Registration Ordinance
(Cap. 128);

"Land Registry" (土地註冊處)
means the Land Registry
referred to in section
2(1) of the Land

Registration Ordinance

(Cap 128);

"new land" (新土地) means land -

(a) held under an
agreement for a
Government lease;

and

(b) either -

(i) sold by the
Government
by auction
or tender on
or after the
commencement
day; or

(ii) granted by
the
Government
by private
treaty on or
after the
commencement
day;

"registered caveat" (註冊知會備
忘) has the meaning
assigned to it by section
1A of the Land

Registration Ordinance

(Cap. 128);

"relevant lease" (有關租契) has
the meaning assigned to it
by section 10A(2);

"unregistered land" (沒有註冊土
地) means land -

(a) the subject of a
Government lease
for which a
register has been
kept and
maintained under
the Land
Registration
Ordinance (Cap.
128); and

(b) which is not
registered land;

"unregistrable interest" (不可註
冊權益) has the meaning
assigned to it by section
1A of the Land
Registration Ordinance
(Cap. 128);".

(b) In subclause (2)(d), by adding "the making, removal or alteration of, or addition to," after "virtue of".

3

By adding -

"(1A) This Ordinance applies to unregistered land subject to the provisions of Schedule 1A."

4(c)

By adding "of a court" after "an order".

New

By adding -

"6A. Registrar may apply to Court of First Instance for directions if question of law arises

If any question of law arises in respect of the performance or exercise of any functions or powers imposed or conferred on the Registrar by or under this Ordinance, the Registrar may apply to the Court of First Instance for direction."

10(3)(g)

By deleting "long term".

New

By adding -

**"10A. Relevant lease deemed
to be registered long
term lease, etc.**

(1) Where, on the date of first registration of any land, the land is subject to a relevant lease registered under the Land Registration Ordinance (Cap. 128), then on that date the relevant lease shall be deemed to be a registered long term lease, and all the provisions of this Ordinance shall apply to the lease accordingly.

(2) In this section, "relevant lease" (有關租契) -

(a) means a lease which would be a long term lease but only for the fact that it was granted before the date of first registration of the registered land the subject of the lease;

(b) does not include a lease of both registered land and unregistered land."

11

(a) In subclause (1) -

(i) by deleting "subsection (2), where a register (howsoever described)" and

substituting "subsections (2) and (3), where a register";

(ii) by deleting "the opening of" and substituting "there being".

(b) In subclause (4)(a), by deleting "or a building mortgage of an uncompleted building; and" and substituting "; but".

New

By adding -

**"11A. Transitional provision
in respect of registered
caveat**

Where immediately before the date of first registration of land there was a registered caveat against the land, then, commencing on the date of first registration of the land -

- (a) the caveat shall be deemed to be a registered non-consent caution;
- (b) notwithstanding section 33(1), the priority of the interest claimed in the deemed registered non-consent caution will be ranked according to the date of creation of such interest; and
- (c) all the provisions of this

Ordinance (including sections 72 and 73) shall apply to the deemed registered non-consent caution accordingly.".

12 and 13 By deleting the clauses and substituting -

"12. Opening of ownership register

(1) Upon the issue of a Government lease -

- (a) in respect of new land; and
- (b) on or after the commencement day,

the Registrar shall register the land by opening an ownership register of the land specifying that the Government lessee is the first owner of the land.

(2) The Registrar may open an ownership register of any other land.".

14 (a) In subclause (1) -

- (i) by deleting everything before paragraph (a)(i) and substituting -

"(1) Subject to sections 23 and 81, on the date of first registration of any land, the registration of any person as a

first owner of the land shall vest in that person the legal estate or equitable interest as described in subsection (1A) free from all other interests and claims except as specified in subsection (2).

(1A) (a) Where paragraph (a)(i) of the definition of "owner" in section 2(1) is applicable and the land is held under a Government lease or an agreement for a Government lease in respect of which a Government lease is deemed to have been issued under section 14 of the Conveyancing and Property Ordinance (Cap. 219), there

shall vest in the
person registered
as first owner -";

- (ii) in paragraph (a)(ii), by deleting the semi-colon at the end and substituting a full stop;
- (iii) in paragraph (b) -
 - (A) by deleting "where paragraph (a)(i)" and substituting "Where paragraph (a)(i)";
 - (B) by adding ", there shall vest in the person registered as first owner" after "(Cap. 219)";
 - (C) in subparagraph (ii), by deleting the semi-colon at the end and substituting a full stop;
- (iv) in paragraph (c) -
 - (A) by deleting "where paragraph (a)(ii)" and substituting "Where paragraph (a)(ii)";
 - (B) by adding ", there shall vest in the person registered as first owner" after "(Cap. 219)";
 - (C) in subparagraph (ii), by

deleting the semi-colon at the end and substituting a full stop;

(v) in paragraph (d) -

(A) by deleting "where paragraph (a)(ii)" and substituting "Where paragraph (a)(ii)";

(B) by adding ", there shall vest in the person registered as first owner" after "(Cap. 219)";

(C) in subparagraph (ii), by deleting the comma at the end and substituting a full stop;

(vi) by deleting "free from all other interests and claims."

(b) In subclause (2) -

(i) by deleting "operation of subsection (1) in respect of land shall not affect" and substituting "person registered as first owner will hold his estate or interest subject to";

(ii) in paragraph (d), by deleting everything after "in the case of" and before ", any interest -" and substituting "unregistered land which has become registered land".

15

By deleting the clause and substituting -

"15. Date of first registration of new land and other land and long term leases

(1) Subject to section 3 of Schedule 1A, the date of first registration of new land and other land shall be the date on which the ownership register of the land is opened pursuant to section 12.

(2) The date of first registration of a long term lease shall be -

(a) in the case of a relevant lease deemed to be a registered long term lease under section 10A, the date applicable under that section on which the lease was deemed to be a registered long term lease;

(b) in the case of any other lease where the registration of the lease has been completed under section 47, the date on which the application for registration of the lease was delivered to the Land Registry."

New

By adding -

"15A. Registers kept and maintained under the Land Registration Ordinance (Cap. 128) shall be deemed to be Title Register

(1) On the date of first registration of land for which a register has been kept and maintained under the Land Registration Ordinance (Cap. 128), the register shall be deemed to be the Title Register of the land kept and maintained under section 10, and all the provisions of this Ordinance (including the definitions of "owner" and "Title Register" and sections 14 and 21) shall apply to the register accordingly.

(2) A register deemed to be a Title Register under subsection (1) -

- (a) subject to paragraph (b), shall for all purposes be treated as the ownership register of the land to which it relates;
- (b) if the land to which it relates is subject to a relevant lease deemed to be a registered long term lease under section 10A, shall for all purposes be treated as the long term lease register of the lease to the

extent, but only to the extent,
that the register relates to
the relevant lease,
and all the provisions of this Ordinance
(including the definitions of "lessee", "long
term lease register" and "ownership register"
and, where paragraph (b) is applicable,
section 22) shall apply to the register
accordingly."

16

(a) By deleting subclause (1).

(b) In subclause (2), by deleting everything
before "shall be effected" and substituting
"The registration of any matter which affects
registered land".

17

By deleting "in his opinion".

18

In paragraph (b)(ii), by deleting "in his
opinion".

20

By deleting subclause (5).

21

(a) In subclause (1) -

(i) by deleting everything before
paragraph (a)(i) and substituting -
"(1) Subject to

subsections (2) and (3) and sections 23 and 81, a transfer of land shall, when registered, vest in the person registered as the owner of the land the legal estate or equitable interest as described in subsection (1A) free from all other interests and claims except as specified in subsection (2).

(1A) (a) Where paragraph (a)(i) of the definition of "owner" in section 2(1) is applicable and the land is held under a Government lease or an agreement for a Government lease in respect of which a Government lease is deemed to have been issued under section 14 of the

Conveyancing and
Property
Ordinance (Cap.
219), there shall
vest in the
person registered
as the owner -";

- (ii) in paragraph (a)(ii), by deleting the semi-colon at the end and substituting a full stop;
- (iii) in paragraph (b) -
 - (A) by deleting "where paragraph (a)(i)" and substituting "Where paragraph (a)(i)";
 - (B) by adding ", there shall vest in the person registered as the owner" after "(Cap. 219)";
 - (C) in subparagraph (ii), by deleting the semi-colon at the end and substituting a full stop;
- (iv) in paragraph (c) -
 - (A) by deleting "where paragraph (a)(ii)" and substituting "Where paragraph (a)(ii)";
 - (B) by adding ", there shall vest in the person registered as the owner" after "(Cap. 219)";

- (C) in subparagraph (ii), by deleting the semi-colon at the end and substituting a full stop;
- (v) in paragraph (d) -
 - (A) by deleting "where paragraph (a)(ii)" and substituting "Where paragraph (a)(ii)";
 - (B) by adding ", there shall vest in the person registered as the owner" after "(Cap. 219)";
 - (C) in subparagraph (ii), by deleting the comma at the end and substituting a full stop;
- (vi) by deleting "free from all other interests and claims."

(b) In subclause (2), by deleting "operation of subsection (1) in respect of land shall not affect" and substituting "person registered as the owner will hold his estate or interest subject to".

22

- (a) In subclause (1), by adding "61A," after "sections 23,".
- (b) In subclause (2) -
 - (i) by deleting "operation of subsection (1) in respect of a long term lease shall not affect" and substituting

"person registered as the lessee will hold his interest and rights subject to".

(ii) in paragraph (d) -

(A) by deleting "registered as a long term lease under section 48" and substituting "deemed to be a registered long term lease under section 10A";

(B) in subparagraphs (i) and (iv), by deleting "registration of that lease under that section" and substituting "first registration of that lease".

(c) In subclause (3), by deleting "registration of that lease under section 48" and substituting "first registration of that lease".

24

(a) In subclause (1) -

(i) by deleting paragraph (d) and substituting -

"(d) any easements (whether existing before, on or after the commencement of this section) which are implied by law on the disposition or

transmission of the land
and which are not
expressly granted or
reserved in any
instrument;" ;

- (ii) in paragraph (f)(i), by adding
", including the Government's right
of re-entry under the Government
lease accrued before the date of
first registration of the land"
after "held".

- (b) In subclause (4), by deleting everything after
"First Instance" and substituting -

"may order -

- (a) the registration of an
overriding interest in
such manner as it thinks
fit and specified in the
order; or
- (b) the removal of an entry in
the Title Register
referring to an overriding
interest."

25 By repealing the clause and substituting -

"25. Entries in Title Register to constitute notice

A person effecting any dealing in registered land, a registered charge or a registered long term lease shall be deemed to have had notice of every entry in the Title Register relating to that land, charge or lease".

26 (a) In subclause (6)(b), by adding "subject to subsection (7)," before "shall".

(b) In subclause (7), by adding "or which for any other reason needs to be replaced" after "destroyed".

29 (a) By deleting "**Dealings**" and substituting "**Dispositions and instruments**".

(b) In subclause (1) -

(i) by deleting "No" and substituting "Subject to subsection (2), no";

(ii) by deleting "shall be effectual" and substituting "which is required to be effected by registration shall operate at law".

(c) By deleting subclause (2) and substituting -
"(2) Nothing in this section shall

be construed as preventing an instrument providing for a disposition which is unregistered from operating as a contract if -

- (a) the instrument is capable of registration; and
- (b) but for subsection (1), the instrument can so operate in equity."

30 By deleting the clause.

31 (a) In subclause (1), by deleting "matter" and substituting "dealing".

(b) In subclause (2), by deleting "matter" wherever it occurs and substituting "dealing".

32(1) (a) By deleting "through that person's wilful default" and substituting "without reasonable excuse".

(b) By deleting "matter" and substituting "dealing".

33 (a) In subclause (1), by deleting "(3), (4), (5) and (6) and sections 24(6) and 71(1)(b)" and substituting "(3) and (7) and section 24(6)".

(b) By deleting subclauses (4), (5) and (6).

(c) By deleting subclause (7) and substituting -

"(7) It is hereby declared that
where -

- (a) a consent caution ("first consent caution") referred to in section 70(2) has been registered in respect of a dealing;
 - (b) the agreement for sale and purchase to which the first consent caution relates is stamped or endorsed under the Stamp Duty Ordinance (Cap. 117); and
 - (c) another consent caution ("second consent caution"), accompanied by that stamped or endorsed agreement for sale and purchase is registered in respect of that dealing not later than 30 days after the registration of the first consent caution,
- then the second consent caution shall enjoy the same priority as the first consent caution, as if it had been

registered on the same date as the first consent caution."

34

(a) By deleting "**and lis pendens**" and substituting "**, etc.**".

(b) By deleting subclause (1) and substituting -

"(1) Subject to subsections (2), (3) and (4) -

(a) the registration of a charging order shall cease to have effect immediately upon the expiration of 5 years from the date of registration of the order but the order may be re-registered from time to time and, if so re-registered, the re-registration of the order shall have effect for another 5 years from the date of re-registration;

(b) if the re-registration of a charging order is made before the expiration of a current period of registration or re-

registration of the order,
then the priority of the
re-registration relates
back to the date on which
that current period of
registration or re-
registration was effected;

(c) in the case of successive
re-registrations of a
charging order which are
all effected before the
expiration of a current
period of registration or
re-registration of the
order, then the priority
of each successive
registration relates back
to the earliest date on
which -

(i) the
uninterrupted
registration and
re-registrations
commenced; or

(ii) the
uninterrupted
re-registrations

commenced,

as the case may be;

- (d) the provisions of section 33 shall apply in the case of a charging order re-registered after the expiration of a current period of registration or re-registration of the order."

- (c) By adding -

"(2A) A charging order or lis pendens which is duly registered shall have priority from the commencement of the day following the date of its registration."

- (d) In subclause (5) -

- (i) by adding "judgment, order or" after "of a";
- (ii) by adding ", with all necessary modifications," after "shall";
- (iii) by adding "judgment, order or" after "apply to a" where it first appears.

By deleting "Notwithstanding section 38, on" and substituting "On".

42 By deleting "**Divisions, etc.**" and substituting
"**Division of land, etc.**".

43 (a) By deleting "**Covenants**" and substituting
"**Implied covenants**".

(b) By renumbering the clause as clause 43(1).

(c) By adding -

"(2) Where a covenant implied under section 35 of the Conveyancing and Property Ordinance (Cap. 219) is to be excluded, varied or extended in a transfer of registered land or a registered charge, express reference shall be made to the covenant so excluded, varied or extended in the instrument supporting the transfer or registered charge.

(3) Where a transfer or charge is supported by an instrument mentioned in subsection (2), then the registration of the transfer or charge shall of itself effect the registration of the covenant implied under section 35 of the Conveyancing and Property Ordinance (Cap. 219) as varied or extended by the transfer or charge."

44

(a) In subclause (1) -

(i) by deleting ", other than a lessee or chargee";

(ii) by deleting paragraph (a)(ii) and (iii) and substituting -

"(ii) a copy of any instrument referred to in any such entry;

(iii) a copy of any plan referred to in any such entry or instrument; and

(iv) such other documents as may be prescribed in regulations made under section 100,".

(b) In subclause (2) -

(i) by deleting "assignment effecting a first registration of land under section 12(1)(a) on or after the commencement day" and substituting "transfer after the first registration of land";

(ii) in paragraph (b), by deleting "first registration of the land" and substituting "registration of the transfer".

(c) By deleting subclause (3).

45 By adding "transferor or" before "transferee" where it last appears.

47(1) By deleting "in the specified form".

48 By deleting the clause.

50(1) By deleting "(and notwithstanding that the covenantor and the covenantee may be joint tenants or tenants in common of the registered land or the registered long term lease burdened and the registered land or the registered long term lease benefitted by the covenant)".

51(4) By deleting everything after "hereby" and substituting -

"declared that -

(a) the registration of a deed of mutual covenant effects the registration of any easement, right or covenant provided for

in the deed which affects the registered land or the registered long term lease the subject of the deed; and

- (b) except to the extent provided by this Ordinance, nothing in this section shall prejudice the operation of sections 39, 40 and 41 of the Conveyancing and Property Ordinance (Cap. 219).".

58(1) By deleting "or 48".

59 By deleting the clause and substituting -

"59. Stamping

(1) Without prejudice to the operation of section 15(3) of the Stamp Duty Ordinance (Cap. 117), no instrument required by law to be stamped shall be accepted for registration of any matter unless the instrument is stamped in accordance with the requirements of that Ordinance.

(2) Where an application for the registration of a caution, an inhibition or a restriction for the purpose of protecting an interest in registered land, a registered

charge or a registered long term lease is supported by an instrument required by law to be stamped, the registration shall not be proceeded with unless the instrument is stamped in accordance with the requirements of the Stamp Duty Ordinance (Cap. 117).".

New

By adding immediately before clause 62 -

"61A. Transmission

Where a person has become entitled to registered land, a registered charge or a registered long term lease under an order of a court, under an enactment or by operation of law (including so entitled in the capacity of trustee), the Registrar shall, on the presentation to him by the person of the order or, in the case of the enactment or the operation of law, such other evidence as the Registrar requires, register the person so entitled -

(a) as the owner, or as the owner in the capacity of trustee, of the land or charge; or

(b) as the lessee, or as the lessee in the capacity of trustee,

as the case may require.".

62

(a) In subclause (1), by deleting everything after "interests" and substituting "subject to which the deceased joint tenant held the land, charge or lease immediately prior to his death."

(b) In subclause (2) -

- (i) by deleting "comply with subsection (1) in the case of any deceased unless" and substituting "make the removal required by subsection (1) in the case of any deceased until";
- (ii) in paragraph (a), by deleting ", the registered charge";
- (iii) by deleting paragraph (b) and substituting -

"(b) where such estate duty is payable on such interest -

- (i) the estate duty has been paid in accordance with the provisions of that Ordinance; or
- (ii) the payment of the estate duty has been secured to the

satisfaction of
the Commissioner
within the
meaning of that
Ordinance.".

63

(a) In subclause (1) -

- (i) by deleting "a lessee of" and substituting "one of 2 or more";
- (ii) by adding "of" after "common";
- (iii) by deleting "entitled to be registered by transmission" and substituting "entitled by transmission to be registered".

(b) In subclause (2) -

- (i) by deleting "a lessee of" and substituting "one of 2 or more".
- (ii) by adding "of" after "common";

(c) In subclause (3), by deleting "entitled to be registered by transmission" and substituting "entitled by transmission to be registered".

64

By deleting "entitled to be registered by transmission" and substituting "entitled by transmission to be registered".

65

(a) By deleting "**transmission on death**" and

substituting "**dealing by personal representative**".

- (b) In subclause (1)(a), by deleting everything after "interests" and substituting "subject to which the deceased owner of the land or charge, or deceased lessee of the lease, held the land, charge or lease immediately prior to his death;".
- (c) By deleting subclause (2).

66

- (a) In subclause (1), deleting "entitled to be registered by transmission" and substituting "entitled by transmission to be registered".
- (b) In subclause (2)(a)(ii), by deleting everything after "interests" and substituting "subject to which the bankrupt or deceased owner of the land, charge or lessee of the lease held the land, charge or lease immediately prior to his bankruptcy or death;".

67(4)(b)

By deleting everything after "interests" and substituting "subject to which the company held the land, charge or lease immediately prior to the order made under section 198 of the Companies Ordinance (Cap. 32) by virtue of which the land, charge or lease was vested in the liquidator."

68 By deleting the clause.

69 (a) By deleting "**not to be entered in Title Register**".

(b) By deleting subclause (1) and substituting -

"(1) A person who, in the capacity of trustee (other than as a personal representative or trustee in bankruptcy) -

(a) acquires registered land, a registered charge or a registered long term lease;

(b) creates and holds a registered charge;

(c) creates a long term lease; or

(d) becomes the lessee of a Government lease issued on or after the commencement day,

may be described by that capacity in the relevant instrument, and, if so described, shall be registered with the addition of the words "as trustee" and "作為受託人", but the Registrar shall not

enter particulars of the trust concerned in the Title Register.".

(c) By adding -

"(2A) For the avoidance of doubt, it is hereby declared that subsections (1) and (2) shall not prevent the making of an entry of a caution, inhibition or restriction in the Title Register by reason only of the fact that the entry contains particulars of a trust.".

(d) In subclause (3)(a), by deleting everything after "interests" and substituting "to which the land, charge or lease is subject at the time of execution of the instrument creating the trust concerned;".

New

By adding in Part 7 -

"69A. Protection of person dealing with trustees

Where a trustee in that capacity is registered as the owner of registered land, a registered charge or a registered long term lease, he shall, in dealing with the land, charge or lease, be deemed to be the owner of that land, charge or lease, and no disposition that amounts to a breach of trust by the trustee to a bona fide purchaser for valuable

consideration shall be defeasible by reason only of the fact of that breach."

70

(a) By deleting subclause (1) and substituting -

"(1) A person who intends to effect a dealing in registered land, a registered charge or a registered long term lease -

(a) which is not affected by any prior consent caution, may, with the consent in the specified form of the owner of the land or charge or the lessee of the lease, present to the Registrar an application for the registration of a consent caution in respect of the dealing;

(b) which is affected by one or more prior consent cautions, and without prejudice to the generality of section 33, may, with the consent in the specified form of the owner of the land or

charge or the lessee of the lease, and of the cautioner or cautioners concerned, present to the Registrar an application for the registration of a consent caution in respect of the dealing."

(b) In subclause (2) -

- (i) by deleting "a provisional agreement for sale and purchase or";
- (ii) by deleting "has been presented for stamping" and substituting "has been or will be presented for stamping or endorsement";
- (iii) by adding "or will be" before "so presented".

(c) In subclause (5), by deleting "in registered land or a registered long term lease which is not for valuable consideration" and substituting "by a natural person of registered land or a registered long term lease by way of gift inter vivos".

(d) In subclause (6)-

- (i) by adding "made by the same person" after "accompanied by an application";

(ii) by deleting everything after "caution referred to in that subsection" and substituting a full stop.

(e) By adding -

"(14) For the avoidance of doubt, it is hereby declared that -

(a) an unregistrable interest in registered land, where the interest is not the subject of a deemed registered non-consent caution mentioned in section 11A, may be the subject of an application under subsection (3);

(b) an unregistrable interest in registered land which is not the subject of a registered non-consent caution (including a deemed registered non-consent caution) shall not be enforceable against the land after the sale of the land to a purchaser for valuable consideration;

and

(c) nothing in this Ordinance shall of itself extinguish or prejudice the right or interest in personam of the holder of an unregistrable interest in registered land."

71

(a) By deleting subclause (1) and substituting -

"(1) Subject to section 70(1)(b) and without prejudice to the generality of section 6(2), where a consent caution has been registered in respect of registered land, a registered charge or a registered long term lease, the consent caution shall not of itself prohibit the making of entries in the Title Register affecting the land, charge or lease."

(b) By adding -

"(2A) For the avoidance of doubt, it is hereby declared that the registration of a consent caution shall not -

(a) of itself affect the validity or otherwise of the interest the subject of the consent caution;

and

- (b) without prejudice to the generality of paragraph (a), constitute a warranty, or a guarantee, as to the validity of the interest the subject of the consent caution by a person referred to in section 8(3) or the Government."

72 (a) In subclause (4), by deleting "petition or" where it twice appears.

- (b) By deleting subclause (5) and substituting -
 - "(5) On the registration of a dealing relating to the subject of a caution, the Registrar shall remove the caution."

73 By deleting the clause and substituting -

"73. Wrongful cautions

- (1) A person who applies to register a caution without reasonable cause shall be liable, in an action for damages at the suit of a person who has thereby sustained damage, to pay such compensation to the second-

mentioned person as to the Court of First Instance appears just.

(2) A cautioner under a registered caution who fails, without reasonable cause, to apply for the withdrawal of the caution after the ground on which it was registered ceases to exist, shall be liable, in an action for damages at the suit of a person who has thereby sustained damage, to pay such compensation to the second-mentioned person as to the Court of First Instance appears just."

74(1) By deleting "make an order inhibiting the registration of any dealing in registered land, a registered charge or a registered long term" and substituting ", if it appears to the Court that it is necessary or desirable to do so for the purpose of protecting an interest or claim in relation to registered land, a registered charge or a registered long term lease, make an order inhibiting the registration of any dealing in the land, charge or".

77 (a) In subclause (1), by deleting paragraphs (a), (b) and (c) and substituting -
 "(a) after an application for
 the making of an order

under this section being presented to him by an interested person;

(b) after -

(i) directing such inquiries to be made and notices to be served as he thinks fit; and

(ii) giving the persons who may be affected by an order he may make under this section an opportunity of being heard in accordance with section 94; and

(c) after being satisfied that the powers of the owner of the registered land or the registered charge, or of the lessee of the lease, to deal in the land, charge or lease should be

restricted to -

(i) prevent
invalidity or
unlawfulness in
relation to
dealing in the
land, charge or
lease; or

(ii) protect an
interest or
claim in
relation to the
land, charge or
lease,".

(b) By adding -

(5) In this section, "interested
person" (), in relation to
registered land, a registered charge or a
registered long term lease, means a
person -

(a) who is the owner of the
land or charge or the
lessee of the lease;

(b) who is entitled to be
registered as the owner of
the land or charge or the
lessee of the lease;

(c) who has the consent in writing of a person falling within paragraph (a) or (b) to make the application concerned under subsection (1)(a);
or

(d) who otherwise has a sufficient interest in the making of the application concerned under subsection (1)(a) as determined in accordance with regulations made under section 100(1)(oc).".

80

(a) In subclause (1) -

(i) in paragraph (a) -

(A) by deleting "errors or omissions" and substituting "an error or omission";

(B) by deleting "or" at the end;

(ii) by adding -

"(aa) on proof to the satisfaction of the Registrar of the error or omission being of a

clerical nature only; or".

(b) By adding -

"(3) Where -

(a) pursuant to section 61(3),
the owner of registered
land or a registered
charge, or the lessee of a
registered long term
lease, is described in the
Title Register as a minor;
and

(b) the owner or lessee, as
the case may be, becomes
an adult,

then the owner or lessee, as the case may
be, may make an application to the
Registrar to have the description of his
minority removed from the Title Register.

(4) The Registrar shall comply
with an application under subsection (3)
if he is satisfied that the owner or
lessee concerned is an adult."

81

(a) In subclause (1), by deleting ", the Court of
First Instance may" and substituting "and
section 81A, the Court of First Instance may
on application to it".

(b) In subclause (2) -

- (i) in paragraph (a)(i), by adding "in relation to the transaction by which the owner or lessee has become such owner or lessee" after "omission";
- (ii) in paragraph (a)(ii), by adding "in relation to the transaction by which the owner or lessee has become such owner or lessee" after "instrument".

(c) By deleting subclauses (3) and (4) and substituting -

"(3) Subject to section 81A, the Court of First Instance shall, on application to it by a former registered owner of registered land or a former registered lessee of a registered long term lease to rectify the Title Register to restore his title of the land or lease (and irrespective of whoever is currently the owner of the land or the lessee of the lease) on the ground that an entry on ownership or registration as the lessee of the long term lease has been obtained, made or omitted by fraud, order rectification of the Title Register if the Court is satisfied that -

- (a) the former registered

owner or former registered lessee had neither -

(i) knowledge of the fraud at all material times during which the fraud was perpetrated; nor

(ii) caused such fraud or substantially contributed to it by his act, neglect or default; and

(b) the fraud was procured, whether in whole or in part, by means of -

(i) a void instrument; or

(ii) a false entry in the Title Register.".

(d) By adding -

"(5A) Costs and damages mentioned in subsection (5) may be paid out of the indemnity fund, established for the

purposes of indemnities payable under this Part, in accordance with regulations made under section 100(1)(zia).".

- (e) In subclause (7), by adding "or profits" after "rents" where it twice appears.

New

By adding -

"81A. No application for rectification under section 81(1) or (3) after lapse of 12 years from date of entry in Title Register

Subject to sections 22 and 26 of the Limitation Ordinance (Cap. 347), no application for the rectification of the Title Register shall be made under section 81(1) or (3) in respect of any entry in the Title Register or omitted therefrom 12 years after the date on which the entry has been obtained, made or omitted, as the case may be."

82

- (a) In subclause (4) -

- (i) in paragraph (b)(ii), by adding "first" after "date of";
- (ii) in paragraph (c)(ii) -
 - (A) by adding "first" after "date of";
 - (B) by deleting "date." and substituting "date;";

(iii) by adding -

"(d) no indemnity shall be payable under subsection (1) in respect of any fraud, mistake or omission in respect of any unregistered land (including any lease to which the land is subject), and whether or not the fraud, mistake or omission occurred before, on or after the commencement day."

(b) In subclause (5), by adding "to the extent that any case falls within paragraph (a) of that subsection" after "subsection (1)".

83

(a) In subclause (1) -

(i) by deleting "The" and substituting "Without prejudice to the operation of any regulations made under section 100(1)(zia), the";

(ii) in paragraph (a)(i), by deleting "immediately before the date of the order under section 81(1) or (3) which relates to the fraud" and

substituting "on the date on which such entry was obtained, made or omitted";

- (iii) in paragraph (b), by deleting "immediately before the discovery of the mistake or omission concerned" and substituting "on the date on which the mistake or omission concerned was made".

(b) By deleting subclause (2) and substituting -

"(2) Where -

- (a) a registered charge ceases to be a registered charge in consequence of -

- (i) fraud and a rectification under section 81(1) or (3) of the Title Register; or

- (ii) a mistake or omission referred to in section 82(1); and

- (b) the chargor in respect of the charge is entitled to

be paid an indemnity under section 82(1) in respect of loss suffered in relation to the registered land or registered long term lease which was the subject of the charge,

then the Registrar shall cause -

- (c) the indemnity to be first applied towards discharging the charge; and
- (d) the balance, if any, of the indemnity to be paid to the chargor.

(2A) Where 2 or more persons -

- (a) have ceased to be the owners of registered land or the lessees of a registered long term lease in consequence of -
 - (i) a rectification under section 81(1) or (3) of the Title Register; or
 - (ii) fraud or a

mistake or
omission
referred to in
section 82(1);
and

- (b) in consequence of that
cesser are entitled to be
paid an indemnity under
section 82(1),

then -

- (c) if fraud is applicable,
the indemnity shall not
exceed the amount referred
to in subsection (1)(a);
and
- (d) in any case, the Registrar
shall cause the indemnity
to be applied towards
those persons
proportionately to reflect
the interests they
respectively had in the
land or lease immediately
before that cesser."

84(2)(b) By adding "but subject to any regulations made
under section 100(1)(zia)" after "just".

- 88 By deleting the clause.
- 92(2) (a) In paragraph (b), by adding "or" at the end.
(b) In paragraph (c), by adding "a case" before "where".
- 95(1) By deleting "petition or" where it twice appears.
- 96 (a) In subclause (1), by deleting paragraph (g).
(b) In subclause (2), by deleting "(g),".
- 98(1) (a) In paragraph (a), by deleting everything within the brackets and substituting "whether pursuant to this Ordinance or any other enactment".
(b) In paragraph (d), by deleting everything after "of any" and substituting "land or matter (whether pursuant to this Ordinance or any other enactment);".
(c) In paragraph (k), by adding "the registration of any land or" after "levy for".
- 100(1) (a) By adding -
 "(oa) without prejudice to the generality of the grounds mentioned in paragraph (o), the circumstances in

which the Registrar shall refuse to register any matter relating to any undivided share in registered land with an exclusive right to use and occupy a part of a building;

(ob) the documents relating to title to be retained or provided where there is a sale of registered land or a registered long term lease, the persons who are to retain or provide the documents and the period for which the documents are to be retained;

(oc) the classes of person who fall within paragraph (d) of the definition of "interested person" in section 77(5);".

(b) By deleting paragraph (x) and substituting -

"(x) the manner of making an application for a title certificate, for the cancellation of a title certificate and for the replacement of a title certificate;".

(c) By deleting paragraph (zi) and substituting -

"(zi) the power of the Registrar -

(i) to borrow moneys for the purposes of the indemnity

fund; and

(ii) to manage and invest the moneys of the indemnity fund;

(zia) the claims that may be made for payments from the indemnity fund in respect of costs and damages mentioned in section 81(5), the persons who may make the claims and the processing of the claims;".

101 By deleting the clause and substituting -

"101. Amendment of Schedules 1A and 1

(1) The Secretary may, by notice published in the Gazette, and with the approval of the Legislative Council, amend Schedule 1A.

(2) The Secretary may, by notice published in the Gazette, amend Schedule 1."

102 (a) By adding -

"(1A) The Land Registration Ordinance (Cap. 128) is amended as set out in Schedule 3."

(b) In subclause (2), by deleting "amend Schedule 3" and substituting "and with the approval of the Legislative Council, amend Schedule 2 or 3".

New

By adding -

"SCHEDULE 1A

[ss. 2, 3
& 15]

PROVISIONS FOR THE CONVERSION OF
UNREGISTERED LAND TO REGISTERED
LAND

1. **Interpretation**

In this Schedule, "registered caution against conversion" (註冊轉換警告書) has the meaning assigned to it by section 1A of the Land Registration Ordinance (Cap. 128).

2. **When unregistered
land becomes
registered land**

(1) Subject to subsection (2), all unregistered land shall become registered land immediately upon the expiration of the period -

(a) commencing on and including the commencement day; and

(b) expiring immediately upon the commencement of the 12th anniversary of the commencement day,

and all the provisions of this Ordinance shall apply to the land accordingly.

(2) Subject to subsection (3), subsection (1) shall not apply to any unregistered land the subject of -

- (a) an instrument which has been delivered for registration under the Land Registration Ordinance (Cap. 128) but which has not been registered under that Ordinance before the expiration of the period referred to in subsection (1); or
- (b) a registered caution against conversion.

(3) Any unregistered land falling within subsection (2) shall become registered land immediately upon the date it is neither -

- (a) the subject of an instrument mentioned in subsection (2)(a) which has not been registered under the Land Registration Ordinance (Cap. 128); nor
- (b) the subject of a registered caution against conversion,

and all the provisions of this Ordinance shall apply to the land accordingly.

3. **Date of first registration of land other than new land**

The date of first registration of land shall be -

- (a) in the case of land falling within section 2(1), the date of expiration of the period referred to in that section; and
- (b) in the case of land falling within section 2(2), the date applicable to the land under section 2(3)."

Schedule 1 (a) By adding "6A," after "6(1)(a),".
(b) By deleting ", 88".

New By adding -

"SCHEDULE 3 [s. 102]

CONSEQUENTIAL AMENDMENTS TO
LAND REGISTRATION ORDINANCE

1. **Interpretation**

Section 1A of the Land Registration Ordinance (Cap. 128) is amended -

- (a) by renumbering it as section 1A(1);

(b) in subsection (1) -

(i) in the definition of "register card", by repealing the full stop at the end and substituting a semicolon;

(ii) by adding -

"caution against conversion"

(轉換警告書) means a

document -

(a) giving notice of a claim to title to land or a beneficial interest in the land;

(b) specifying that title or interest and that land; and

(c) in the specified form;

"caveat" (知會備忘) means a

document -

(a) giving notice of a claim to an unregistrable interest in

land;

(b) specifying that
interest and
that land; and

(c) in the specified
form;

"registered caution against
conversion" (註冊轉換警告書)
means a caution against
conversion registered
under this Ordinance;

"registered caveat" (註冊知會備
忘) means a caveat
registered under this
Ordinance;

"specified" (指明), in relation
to a form, means specified
under section 27A;

"unregistrable interest" (不可註
冊權益) means any interest
or equity in or affecting
land which -

(a) has been created
by operation of
law; and

(b) but for the
enactment of

section 21A,
would not be
registrable
under this
Ordinance.";

(c) by adding -

"(2) It is hereby declared
that a caveat and a caution against
conversion shall each be deemed to
be an instrument in writing capable
of registration under this
Ordinance, and all the provisions of
this Ordinance shall apply to a
caveat and a caution against
conversion accordingly.".

2. Section added

The following is added immediately after
section 1A -

"1B. Application

This Ordinance shall not apply to new
land, or registered land, within the meaning
of section 2 of the Land Titles Ordinance
(of 2004).".

3. Section substituted

Section 17 is repealed and the following

substituted -

**"17. Registration and re-
registration of judgment,
order or lis pendens**

(1) Subject to subsections (2), (3) and

(4) -

- (a) the registration of a relevant order shall cease to have effect immediately upon the expiration of 5 years from the date of registration of the order but the order may be re-registered from time to time and, if so re-registered, the re-registration of the order shall have effect for another 5 years from the date of re-registration;
- (b) if the re-registration of a relevant order is made before the expiry of a current period of registration or re-registration of the order, then the priority of the re-registration relates back to the date on which that current period of registration or re-registration was effected;

(c) in the case of successive re-registrations of a relevant order which are all effected before the expiry of a current period of registration or re-registration of the order, then the priority of each successive registration relates back to the earliest date on which -

(i) the uninterrupted registration and re-registrations commenced;

or

(ii) the uninterrupted re-registrations commenced,

as the case may be;

(d) the provisions of section 3 shall apply in the case of a relevant order re-registered after the expiry of a current period of registration or re-registration of the order.

(2) For the avoidance of doubt, it is hereby declared that the operation of this section shall not prejudice the generality of any other provisions of this Ordinance under

which the registration of a relevant order may be removed or withdrawn.

(3) In this section, "relevant order" (有關命令) means a judgment, order or lis pendens."

4. Sections added

The following are added immediately after section 21 -

"CAVEATS

21A. Registration of caveat to protect unregistrable interest

A person who claims an unregistrable interest in land may make an application in the specified form to the Land Registrar to register a caveat against the land.

21B. Effect of registration of caveat

(1) The registration of a caveat against land shall constitute notice of the claim which is the subject of the caveat to all persons effecting a transaction in the land subsequent to the registration of the caveat.

(2) For the avoidance of doubt, it is hereby declared that the registration of a caveat shall not -

(a) of itself affect the validity or otherwise of the claim which is the subject of the caveat;

(b) of itself create or validate any rights or interests, or adversely affect any rights or interests, of the caveator;

(c) without prejudice to the generality of paragraph (a), constitute a warranty, or a guarantee, as to the validity of the claim by -

(i) the Land Registrar;

(ii) any public officer assisting the Land Registrar in the performance or purported performance of any function, or the

exercise or
purported exercise
of any power, under
this Ordinance; or

(iii) the Government.

(3) The registration of a caveat does not confer any priority on the claim which is the subject of the caveat.

(4) Sections 3, 4 and 5 do not apply to the registration of a caveat.

**21C. Relationship between caveat
and registered instrument**

The question of whether a registered instrument is subject to an unregistrable interest claimed under a caveat shall be determined in accordance with the law in force at the time when the transaction which is the subject of the registered instrument was effected.

**21D. Priority among unregistrable
interests relating to the
same land**

The priority of all unregistrable interests relating to the same land, and

whether or not any such interest is the subject of a registered caveat, shall be determined in accordance with the law applicable to priority among such interests.

21E. Withdrawal and removal of caveats

(1) A caveat may be -

- (a) withdrawn by the caveator by presenting an application in the specified form for the withdrawal of the caveat; or
- (b) removed on the presentation of an application in the specified form for its removal -

- (i) in any case, by a person who has obtained an order of the Court of First Instance for its removal;
- (ii) by the owner of the land affected by the caveat if, but only

if, the Land Registrar is satisfied that the caveator has agreed to its removal; or

(iii) by the owner of the land affected by the caveat if, but only if, the Land Registrar is satisfied that -

(A) the owner has provided a copy of the application to the caveator not less than 14 days before the presentation of the application to the Land Registrar; and

(B) either -

(I) the caveat

was
wrongfully
registered;
or

(II) the ground
on which the
caveat was
registered
no longer
exists.

(2) The Land Registrar may require the owner of land presenting an application for the removal of a caveat under subsection (1)(b)(ii) or (iii) to support the application by such evidence as the Land Registrar requires.

(3) A person with an interest in land affected by the caveat may apply by originating summons to the Court of First Instance for the removal of the caveat and the Court of First Instance may make such order on the originating summons and as to costs as to the Court of First Instance appears just.

(4) On the withdrawal or removal of a caveat -

- (a) the Land Registrar shall cause an entry to be made in the register, kept and maintained under this Ordinance in respect of the land against which the caveat was registered, giving notice of the withdrawal or removal of the caveat; and
- (b) any liability of the caveator previously incurred under section 21F shall not be affected by the entry made under paragraph (a).

21F. Wrongful caveats

(1) A person who applies to the Land Registrar to register a caveat without reasonable cause shall be liable, in an action for damages at the suit of a person who has thereby sustained damage, to pay such compensation to the second-mentioned person

as to the Court of First Instance appears just.

(2) A caveator under a registered caveat who fails, without reasonable cause, to apply to the Land Registrar for the withdrawal of the caveat after the ground on which it was registered ceases to exist, shall be liable, in an action for damages at the suit of a person who has thereby sustained damage, to pay such compensation to the second-mentioned person as to the Court of First Instance appears just.

CAUTIONS AGAINST CONVERSION

21G. Registration of caution against conversion

(1) Subject to subsection (2), a person who claims to have any title to land, or a beneficial interest in any land, may make an application in the specified form to the Land Registrar to register a caution against conversion against the land.

(2) No application may be made under subsection (1) on or after the expiration of

the period referred to in section 2(1) of Schedule 1A to the Land Titles Ordinance (of 2004).

21H. Effect of registration of caution against conversion

(1) Land against which a registered caution against conversion subsists shall not become registered land under the Land Titles Ordinance (of 2004).

(2) The registration of a caution against conversion against land shall constitute notice of the claim which is the subject of the caution against conversion to all persons effecting a transaction in the land subsequent to the registration of the caution against conversion.

(3) For the avoidance of doubt, it is hereby declared that the registration of a caution against conversion shall not -

(a) of itself affect the validity or otherwise of the claim which is the subject of the caution against conversion;

(b) of itself create or validate any rights or interests, or adversely affect any rights or interests, of the cautioner; or

(c) without prejudice to the generality of paragraph (a), constitute a warranty, or a guarantee, as to the validity of the claim by -

(i) the Land Registrar;

(ii) any public officer assisting the Land Registrar in the performance or purported performance of any function, or the exercise or purported exercise of any power, under this Ordinance; or

(iii) the Government.

(4) The registration of a caution

against conversion does not confer any priority on the claim which is the subject of the caution against conversion.

(5) Sections 3, 4 and 5 do not apply to the registration of a caution against conversion.

(6) Subsections (4) and (5) shall not affect the operation of the provisions of this Ordinance in determining the priority of the registration of a lis pendens or judgment or order the subject of which is a claim which is the subject of a registered caution against conversion.

21I. Relationship between caution against conversion and registered instrument

The question of whether a registered instrument is subject to an interest claimed under a caution against conversion shall be determined in accordance with the law in force at the time when the transaction which is the subject of the registered instrument was effected.

**21J. Validity of registration of
caution against conversion**

(1) Subject to subsections (2), (3) and (4) and section 21K, the registration of a caution against conversion shall expire immediately upon the commencement of the 1st anniversary of its date of registration.

(2) Subject to subsection (3), the cautioner under a registered caution against conversion may from time to time apply by originating summons to the Court of First Instance for the extension of the validity of registration of the caution against conversion and the Court of First Instance may make such order on the originating summons and as to costs as to the Court of First Instance appears just.

(3) An application for time extension under subsection (2) must be made -

(a) before the expiration of the validity of registration of a registered caution against conversion; or

(b) if the application is made

within an extension granted under subsection (2), before the expiration of such extension.

(4) The Court of First Instance shall not grant any extension of time under subsection (2) which would extend the validity of registration of a registered caution against conversion beyond the date of the 2nd anniversary of the caution against conversion's first date of registration.

(5) Where before the expiration of the validity of registration of a caution against conversion under this section, a lis pendens relating to the claim which is the subject of the caution against conversion has been registered by the cautioner against land against which the caution against conversion is registered, then, subject to section 21K, the validity of the registration of the caution against conversion shall not expire under this section until the registration of the lis pendens has been vacated or discharged.

- (6) The Land Registrar shall not -
- (a) register more than one caution against conversion in respect of the same claim; or
 - (b) again register a caution against conversion the registration of which -
 - (i) has previously expired; or
 - (ii) has been withdrawn or removed under section 21K.

21K. Withdrawal and removal of caution against conversion

- (1) A caution against conversion may be -
- (a) withdrawn by the cautioner by presenting an application in the specified form to the Land Registrar for the withdrawal of the caution against conversion; or
 - (b) removed on the presentation of an application in the specified form to the Land

Registrar for its removal -

- (i) in any case, by a person who has obtained an order of the Court of First Instance for its removal;
- (ii) by the owner of the land affected by the caution against conversion if, but only if, the Land Registrar is satisfied that the cautioner has agreed to its removal; or
- (iii) by the owner of the land affected by the caution against conversion if, but only if, the Land Registrar is satisfied -
 - (A) that the owner

has provided a
copy of the
application to
the cautioner
not less than 14
days before the
presentation of
the application
to the Land
Registrar; and

(B) that -

(I) the caution
against
conversion
was
wrongfully
registered;
or

(II) the ground
on which the
caution
against
conversion
was

registered
no longer
exists.

(2) The Land Registrar may require the owner of land presenting an application for the removal of a caution against conversion under subsection (1)(b)(ii) or (iii) to support the application by such evidence as the Land Registrar requires.

(3) A person with an interest in land affected by a caution against conversion may apply by originating summons to the Court of First Instance for the removal of the caution against conversion and the Court of First Instance may make such order on the originating summons and as to costs as to the Court of First Instance appears just.

(4) On the withdrawal or removal of a caution against conversion -

(a) the Land Registrar shall cause an entry to be made in the register, kept and maintained under this Ordinance in respect of the land against

which the caution against conversion is registered, giving notice of the withdrawal or removal of the caution against conversion; and

- (b) any liability of the cautioner previously incurred under section 21L shall not be affected by the entry made under paragraph (a).

21L. Wrongful caution against conversion

(1) A person who applies to the Land Registrar to register a caution against conversion without reasonable cause shall be liable, in an action for damages at the suit of a person who has thereby sustained damage, to pay such compensation to the second-mentioned person as to the Court of First Instance appears just.

(2) A cautioner under a registered caution against conversion who fails, without reasonable cause, to apply to the Land

Registrar for the withdrawal of the caution against conversion after the ground on which it was registered ceases to exist, shall be liable, in an action for damages at the suit of a person who has thereby sustained damage, to pay such compensation to that second-mentioned person as to the Court of First Instance appears just."

5. **Section added**

The following is added -

"27A. Power of Land Registrar to specify forms

(1) Subject to subsection (2), the Land Registrar may specify the form of any document required under this Ordinance to be in the specified form.

(2) A form specified under this section shall be -

- (a) completed in accordance with such directions and instructions as are specified in the form;
- (b) accompanied by such documents (including instruments, certificates, duplicates of the

form and statutory
declarations) as are specified
in the form; and

- (c) if the completed form is
required to be provided to the
Land Registrar or any other
person, so provided in the
manner, if any, specified in
the form.

(3) For the avoidance of doubt, it is
hereby declared that the Land Registrar's
power under subsection (1) may be exercised in
such a way as to -

- (a) include in the specified form
of any document referred to in
that subsection a statutory
declaration -

- (i) to be made by the person
completing the form; and

- (ii) as to whether the
particulars contained in
the form are true and
correct to the best of
that person's knowledge
and belief;

- (b) specify 2 or more forms of any
document referred to in that

subsection, whether as
alternatives, or to provide for
particular circumstances or
particular cases, as the Land
Registrar thinks fit."."