

LAND TITLES BILL

**COMMITTEE STAGE**

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

<u>Clause</u>	<u>Amendment Proposed</u>
Schedule 2, section 2	By deleting paragraph (b) and substituting -  "(b) by adding -  "(6) In the case of a charging order registered under the Land Titles Ordinance ( of 2004), if an order under subsection (4) discharging the charging order is made, the Land Registrar shall, on the presentation to him of an application for the purpose accompanied by an office copy of the order, remove from the Title Register kept under that Ordinance the entry referring to the order, and may issue certificates of such removal."."
Schedule 2, section 3	By deleting the section and substituting -  "3. <b>Special rules as to the sale of immovable property</b>

Order 47, rule 7(4) of the Rules of the High Court (Cap. 4 sub. leg. A) is amended by repealing paragraph (b) and substituting -

"(b) In the case of immovable property which is registered under the Land Titles Ordinance ( of 2004), such certificate shall be liable to the same stamp duty as an assignment of the same property and, when duly stamped, shall be taken and deemed to be a valid transfer of such right, title and interest and may support an application for registration under that Ordinance of the purchaser as the owner of the property.

(c) In the case of any other immovable property, such certificate shall be liable to the same stamp duty as an assignment of the same property and, when duly stamped, shall be taken and deemed to be a valid transfer of such right, title and interest and may be registered under the Land

Registration Ordinance (Cap.  
128).".".

Schedule 2,  
section 4

By deleting the section and substituting -

**"4. Discharge, etc., of charging order**

Order 50, rule 7(2) is amended by  
repealing "the lot number of the land and the  
memorial number of any relevant charge  
registered against the land." and  
substituting -

"-

- (a) the lot number of the  
land; and
- (b) the memorial number of any  
relevant charge registered  
against the land under the  
Land Registration  
Ordinance (Cap. 128) or  
the application number of  
any relevant charge  
registered against the  
land under the Land Titles  
Ordinance ( of 2004),  
as the case may be.".".

Schedule 2,  
section 5

By deleting the section and substituting -

**"5. Registration of petition under  
Land Registration Ordinance  
or Land Titles Ordinance**

Rule 53 of the Bankruptcy Rules (Cap. 6 sub. leg. A) is amended by repealing "a memorial of the petition in the Land Registry against any property registered therein" and substituting "the petition under the Land Registration Ordinance (Cap. 128), or register a non-consent caution under the Land Titles Ordinance ( of 2004) relating to the petition, against any property which is registered under that Ordinance".".

Schedule 2,  
section 6

By deleting the section and substituting -

**"6. Registration of petition under  
Land Registration Ordinance  
or Land Titles Ordinance  
against partner**

Rule 54 is amended by repealing "in either of the cases mentioned in rule 133 or 135 register a memorial of the petition in the Land Registry against any property registered" and substituting ", in either of the cases mentioned in rule 133 or 135, register the

petition under the Land Registration Ordinance (Cap. 128), or register a non-consent caution under the Land Titles Ordinance ( of 2004) relating to the petition, against any property which is registered under that Ordinance".

Schedule 2,  
section 7

By deleting the section and substituting -

**"7. Registration of bankruptcy order under Land Registration Ordinance or Land Titles Ordinance**

Rule 73 is amended by repealing "a memorial of such bankruptcy order in the Land Registry against any property registered therein" and substituting "the order under the Land Registration Ordinance (Cap. 128), or register a non-consent caution under the Land Titles Ordinance ( of 2004) relating to the order, against any property which is registered under that Ordinance".

Schedule 2,  
section 8

By deleting the section and substituting -

**"8. Registration of bankruptcy order under Land Registration Ordinance or Land Titles Ordinance against partner**

Rule 74 is amended by repealing "a

memorial thereof in the Land Registry against any property registered" and substituting "the order under the Land Registration Ordinance (Cap. 128), or register a non-consent caution under the Land Titles Ordinance ( of 2004) relating to the order, against any property which is registered under that Ordinance".".

Schedule 2,  
section 10

By deleting the section and substituting -

"10. **Forms**

The Schedule to the Bankruptcy (Forms) Rules (Cap. 6 sub. leg. B) is amended -

- (a) in Form 67, by repealing "vacated upon the application of the debtor under the Land Registration Ordinance (*Chapter 128*)" and substituting "vacated or removed upon the application of the debtor under the Land Registration Ordinance (*Chapter 128*) or the Land Titles Ordinance ( of 2004), as the case may require";
- (b) in Forms 128 and 129, by

repealing "in the Land Registry" and substituting "under the Land Registration Ordinance (*Chapter 128*) or the Land Titles Ordinance ( of 2004)".

Schedule 2,  
section 15

In paragraph (b), by adding a comma after "( of 2002)".

Schedule 2,  
section 17

By deleting the section and substituting -

**"17. Interpretation**

Section 2 of the Government Leases Ordinance (Cap. 40) is amended, in the definition of "section", by repealing "in the Land Registry" and substituting "under the Land Registration Ordinance (Cap. 128), or which is registered under the Land Titles Ordinance ( of 2004) or which supports a current entry in the Title Register kept under that Ordinance,".

Schedule 2,  
section 19

By deleting the section and substituting -

**"19. New Government rent to be noted or entered in**

**register**

Section 10 is amended -

(a) by repealing subsection (1)(b) and substituting -

"(b) the Land Registrar shall cause the amount of the new Government rent payable in respect of the lot or section -

(i) to be noted in the register of such lot or section kept under the Land Registration Ordinance (Cap. 128); or

(ii) if the lot or section is registered under the Land Titles Ordinance ( of 2004), to be entered in



the Title  
Register kept  
under that  
Ordinance.".

(b) by repealing subsection (2)(b) and  
substituting -

"(b) the Land Registrar shall  
cause -

(i) the amount of  
the new  
Government rent  
noted in the  
register of such  
lot or section  
kept under the  
Land  
Registration  
Ordinance (Cap.  
128), or entered  
in the Title  
Register kept  
under the Land  
Titles Ordinance  
( of 2004),

to be deleted;

and

- (ii) the increased new Government rent to be noted or entered therein."."

Schedule 2,  
section 20

By deleting the section and substituting -

**"20. Correction of clerical or arithmetical errors**

Section 11(2) is amended by repealing "in the Land Registry" and substituting "under the Land Registration Ordinance (Cap. 128) or entered in the Title Register kept under the Land Titles Ordinance ( of 2004), as the case may require"."

Schedule 2,  
section 21

By deleting the section and substituting -

**"21. Section substituted**

Section 12 is repealed and the following substituted -

**"12. Evidence of renewal**

The amount of the new Government rent payable in respect of a lot or

section for the time being shown in the register kept under the Land Registration Ordinance (Cap. 128), or entered in the Title Register kept under the Land Titles Ordinance ( of 2004), as the case may be, shall be conclusive evidence of the grant of the new Government lease of the lot or section and of the new Government rent thereof."."

Schedule 2,  
section 23

By deleting paragraph (b) and substituting -

"(b) by adding -

(aa) any charge registered under the Land Titles Ordinance ( of 2004);

(ab) any equitable mortgage which is the subject of a non-consent caution registered under the Land Titles Ordinance ( of 2004);".

Schedule 2,  
section 24

By deleting the section and substituting -

**"24. Section substituted**

Section 16 is repealed and the following

substituted -

**"16. Government lease plan**

(1) If a plan of a lot held under a renewable Government lease -

(a) is not annexed to the counterpart of the Government lease kept under the Land Registration Ordinance (Cap. 128), or if the plan annexed thereto is, in the opinion of the Director, inaccurate or inadequate to establish the location, position, or dimensions of the lot; or

(b) if the lot is registered under the Land Titles Ordinance ( of 2004), is not part of the land title record relating to that lot, or if the plan is part of the land title record, is, in the opinion

of the Director,  
inaccurate or inadequate  
to establish the location,  
position, or dimensions of  
the lot,

the Director may cause the lot to be  
surveyed and a plan thereof prepared.

(2) If a plan of a section of a lot  
held under a renewable Government lease -

(a) is not registered under  
the Land Registration  
Ordinance (Cap. 128); or

(b) if the lot is registered  
under the Land Titles  
Ordinance ( of 2004),  
is not part of the land  
title record relating to  
that lot,

the Director may cause the section to be  
surveyed and a plan thereof prepared."."

Schedule 2,  
section 25

By deleting the section and substituting -

**"25. Plan as approved or amended to be  
delivered to Land Registry**

Section 22 is amended by repealing

paragraphs (a) and (b) and substituting -

"(a) in the case of a lot -

(i) cause the plan to be annexed to the counterpart of the renewable Government lease of the lot kept under the Land Registration Ordinance (Cap. 128) and cause the previous plan, if any, to be cancelled; or

(ii) if the lot is registered under the Land Titles Ordinance ( of 2004), cause the plan to be entered in the Title Register kept under that Ordinance and cause any entry relating to the previous plan, if any, to be removed from the Title Register;

(b) in the case of a section of a lot -

(i) cause the plan to be

registered under the Land  
Registration Ordinance  
(Cap. 128) in respect of  
the section of the lot to  
which the renewable  
Government lease relates,  
and cause the previous  
plan, if any, to be  
cancelled; or

- (ii) if the lot is registered  
under the Land Titles  
Ordinance ( of 2004),  
cause the plan to be  
entered in the Title  
Register kept under that  
Ordinance and cause any  
entry relating to the  
previous plan, if any, to  
be removed from the Title  
Register."."

Schedule 2,  
section 31

By deleting the section and substituting -

**"31. Registration of manager of "t'ong", etc.**

Section 15 of the New Territories

Ordinance (Cap. 97) is amended by repealing the last sentence and substituting "Such re-entry, in the case of any such lease, shall be effected by the registration under the Land Registration Ordinance (Cap. 128), of an instrument of re-entry presented to the Land Registrar by the Secretary for Home Affairs or, if the lease is registered under the Land Titles Ordinance ( of 2004), by the making of an entry relating to such an instrument in the Title Register kept under that Ordinance."."

Schedule 2,  
section 37

By deleting the section and substituting -

**"37. Attachment**

Section 6(7) of the Tramway Ordinance (Cap. 107) is repealed and the following substituted -

"(7) For the purpose of this section, "owner" (擁有人) means the person who is registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance ( of 2004) as the owner or holder of the land on which



the house or building in question is  
built and any -

(a) mortgagee thereof who is  
registered as such under  
the Land Registration  
Ordinance (Cap. 128); or

(b) chargee thereof who is  
registered as such under  
the Land Titles Ordinance  
( of 2004).".".

Schedule 2,  
section 38

By deleting the section and substituting -

**"38. Charge of estate duty on property**

Section 18 of the Estate Duty Ordinance  
(Cap. 111) is amended -

(a) by repealing subsection (2) and  
substituting -

"(2) Notice of any charge  
on any leasehold property  
constituted by subsection (1)  
which is to be registered under  
the Land Registration Ordinance  
(Cap. 128) may be given by the  
Commissioner registering a

Memorial under that Ordinance against the property affected thereby, which Memorial -

(a) shall be signed by the Commissioner; and

(b) shall specify -

(i) the subsection under which the charge is constituted;

(ii) the name, description, and date of death of the deceased in respect of whose estate the claim to estate duty arises; and

(iii) particulars of the property charged.";

(b) by adding -

"(2A) Notice of any charge on any leasehold

property constituted by  
subsection (1) which is to  
be registered under the  
Land Titles Ordinance  
( of 2004) may be given  
by the Commissioner  
registering a non-consent  
caution under that  
Ordinance against the  
property affected thereby,  
which non-consent  
caution -

(a) shall state that  
the property is  
subject to a  
first charge  
under that  
subsection; and

(b) shall be  
supported by an  
application  
signed by the  
Commissioner  
specifying -

(i) the  
subsection  
under which  
the charge  
is  
constituted  
;

(ii) the name,  
description  
and date of  
death of  
the  
deceased in  
respect of  
whose  
estate the  
claim to  
estate duty  
arises; and

(iii) particulars  
of the  
property  
charged." ;

(c) by repealing subsection (3) and

substituting -

"(3) A notice in writing of any charge under subsection (1) or (2) may be registered under the Land Registration Ordinance (Cap. 128) as an instrument affecting land."."

Schedule 2,  
section 39

By deleting the section and substituting -

**"39. Joint owners and co-owners**

Section 56A(1) of the Inland Revenue Ordinance (Cap. 112) is amended by repealing everything after "appearing from" and substituting -

" -

- (a) any deed, conveyance, judgment or other instrument in writing registered under the Land Registration Ordinance (Cap. 128); or

(b) the Title Register kept under the Land Titles Ordinance ( of 2004), to be such an owner shall be answerable for doing all such acts, matters and things as would be required to be done under the provisions of this Ordinance by a sole owner."."

Schedule 2,  
section 41

By deleting the section and substituting -

**"41. Non-admissibility etc. of instruments not duly stamped**

Section 15(3) is amended -

(a) in paragraph (a), by repealing "or" at the end;

(b) by adding -

"(aa) a matter under the Land Titles Ordinance ( of 2004) if the instrument supporting the registration of the matter is -  
(i) stamped under section 5(1) or

13(2); or

- (ii) an agreement for sale that either contains a statement to the effect that it relates to non-residential property within the meaning of section 29A(1) or is endorsed under section 29C(13)(a); or".

Schedule 2,  
section 49

- (a) By deleting paragraph (a)(iii) and substituting -

"(iii) in paragraph (a), by repealing "such Land Registry register" and substituting "the Land Registry register kept under the Land Registration Ordinance (Cap. 128) or the Title Register kept under

the Land Titles Ordinance ( of  
2004)";

(b) by deleting paragraph (c) and substituting -

"(c) by adding -

"(11) Where the certificate is registered under the Land Titles Ordinance ( of 2004), upon the recovery of any sum under this section, the Building Authority shall cause the appropriate entries to be made in the Title Register kept under that Ordinance to effect a discharge or partial discharge of the charge mentioned in subsection (9), as the case may require."."

Schedule 2,  
section 51

By deleting the section and substituting -

**"51. Section substituted**

Section 4A is repealed and the following substituted -

**"4A. Purchase by agreement**

(1) Where an order has been made for the resumption of any land under section 3, the Authority may, before the



land reverts to the Government under  
section 5 -

(a) agree with the owner on  
the purchase of the land;  
and

(b) agree with any person -

(i) having an estate  
or interest in  
such land under  
an instrument  
registered under  
the Land  
Registration  
Ordinance (Cap.  
128); or

(ii) having an estate  
or interest in  
such land which  
is registered  
under the Land  
Titles Ordinance  
( of 2004),

on the purchase of any  
such estate or interest

therein.

(2) Any such agreement relating to land in respect of which an order under section 3 is made on or after the commencement of the Crown Lands Resumption (Amendment) Ordinance 1984 (5 of 1984) may provide for the payment by the Authority to the owner or such person of any costs or remuneration reasonably incurred or paid by him in employing persons to act in a professional capacity in connection with the purchase."."

Schedule 2,  
section 52

By deleting the section and substituting -

**"52. Compensation**

Section 6(1) is amended by repealing paragraph (a) and substituting -

"(a) make an offer of compensation in respect of the resumption of the land in writing to -

- (i) the former owner; and
- (ii) any person having, immediately before reversion -

- (A) an estate or interest in such land under an instrument registered under the Land Registration Ordinance (Cap. 128); or
- (B) an estate or interest in such land which is registered under the Land Titles Ordinance ( of 2004); or".".

Schedule 2,  
section 53

By deleting the section and substituting -

**"53. Interpretation**

Section 2 of the Government Rent and Premium (Apportionment) Ordinance (Cap. 125) is amended -

- (a) in the definition of "existing

building", by repealing  
paragraph (c) and  
substituting -

"(c) in respect of which -  
(i) in the case of a  
lot or section  
which is  
registered under  
the Land Titles  
Ordinance  
( of 2004),  
the Title  
Register kept  
under that  
Ordinance  
contains no  
current entry  
providing for a  
basis of  
apportionment of  
the principal  
Government rent  
reserved under  
the new

Government lease  
or of the annual  
instalment of  
premium payable  
in respect of  
that relevant  
interest; or

- (ii) in the case of  
any other lot or  
section, no  
instrument  
containing a  
basis of  
apportionment of  
the principal  
Government rent  
reserved under  
the new  
Government lease  
or of the annual  
instalment of  
premium payable  
in respect of  
that relevant

interest has  
been registered  
under the Land  
Registration  
Ordinance (Cap.  
128);";

(b) in the definition of "owner",  
by repealing paragraphs (a) and  
(b) and substituting -

"(a) the person whose name  
is registered under  
the Land Registration  
Ordinance (Cap. 128)  
or the Land Titles  
Ordinance ( of  
2004) as that of the  
owner or one of the  
owners of the section  
or relevant interest,  
as the case may be;  
and

(b) a mortgagee under a  
mortgage which is  
registered under the

Land Registration  
Ordinance (Cap. 128)  
or a chargee of a  
charge which is  
registered under the  
Land Titles Ordinance  
( of 2004);";

(c) in the definition of "relevant interest", by repealing "under the terms of an instrument registered in the Land Registry to exclusive possession of premises in that building;" and substituting -

"to exclusive possession of premises in that building under the terms of an instrument -

(a) which is  
registered under  
the Land  
Registration  
Ordinance (Cap.  
128); or

(b) which is  
registered under  
the Land Titles  
Ordinance ( of  
2004) or which  
supports a  
current entry in  
the Title  
Register kept  
under that  
Ordinance;" ;

(d) by repealing the definition of  
"section" and substituting -  
"section" (分段) means any

portion or division of a  
lot which has been  
assigned, alienated or  
retained for the whole of  
the term or interest  
created by the Government  
lease of the lot by or  
under an instrument -

(a) which is  
registered under



the Land  
Registration  
Ordinance (Cap.  
128); or  
(b) which is  
registered under  
the Land Titles  
Ordinance  
( of 2004) or  
which supports a  
current entry in  
the Title  
Register kept  
under that  
Ordinance."."

Schedule 2,  
section 54

By deleting the section and substituting -

**"54. Apportionment of Government rent**

Section 6(1)(b) is amended by repealing  
"which is registered in the Land Registry;  
or" and substituting -

" -

(i) which is registered under  
the Land Registration

- Ordinance (Cap. 128); or
- (ii) which is registered under the Land Titles Ordinance ( of 2004) or which supports a current entry in the Title Register kept under that Ordinance; or".".

Schedule 2,  
section 55

By deleting the section and substituting -

**"55. Apportionment of premium on section**

Section 7(1)(a) is amended by repealing "which is registered in the Land Registry; or" and substituting -

"\_

- (i) which is registered under the Land Registration Ordinance (Cap. 128); or
- (ii) which is registered under the Land Titles Ordinance ( of 2004) or which supports a current entry in the Title Register kept under that Ordinance;

or".".

Schedule 2,  
section 56

By deleting the section and substituting -

**"56. Area of lot or section**

Section 10(1) is amended by repealing  
everything after "contained in" and  
substituting -

" -

(a) a Government lease or  
other instrument -

(i) which is  
registered under  
the Land  
Registration  
Ordinance (Cap.  
128); or

(ii) which is  
registered under  
the Land Titles  
Ordinance  
( of 2004) or  
which supports a  
current entry in  
the Title

Register kept  
under that  
Ordinance; or

(b) any plan annexed to or  
endorsed on any such  
Government lease or  
instrument."."

Schedule 2,  
section 57

By deleting the section and substituting -

**"57. Cases in which Government rent  
or premium to be treated as  
apportioned in registered  
instrument**

Section 11(a) and (b) is amended by  
repealing "in the Land Registry" and  
substituting "under the Land Registration  
Ordinance (Cap. 128), or which is registered  
under the Land Titles Ordinance ( of 2004)  
or which supports a current entry in the  
Title Register kept under that Ordinance,"."

Schedule 2,  
section 58

By deleting the section and substituting -

**"58. Apportionment of Government rent  
on relevant interest**

Section 13(1)(a) is amended by repealing  
"which is registered in the Land Registry;

or" and substituting -

"-

- (i) which is registered under the Land Registration Ordinance (Cap. 128); or
  - (ii) which is registered under the Land Titles Ordinance ( of 2004) or which supports a current entry in the Title Register kept under that Ordinance;
- or".

Schedule 2,  
section 59

By deleting the section and substituting -

**"59. Apportionment of premium on relevant interest**

Section 14(1)(a) is amended by repealing "which is registered in the Land Registry; or" and substituting -

"-

- (i) which is registered under the Land Registration Ordinance (Cap. 128); or
- (ii) which is registered under the Land Titles Ordinance

( of 2004) or which supports a current entry in the Title Register kept under that Ordinance; or".".

Schedule 2,  
section 61

By deleting the section and substituting -

**"61. Covenants between owners not to be affected**

Section 25 is amended by repealing "which is registered in the Land Registry but" and substituting -

"-

- (a) which is registered under the Land Registration Ordinance (Cap. 128); or
- (b) which is registered under the Land Titles Ordinance ( of 2004) or which supports a current entry in the Title Register kept under that Ordinance,

but".".

Schedule 2,  
section 62

By deleting the section and substituting -

**"62. Interpretation**

Section 2 of the Government Rights (Re-entry and Vesting Remedies) Ordinance (Cap. 126) is amended -

(a) in the definition of "former owner", by repealing everything after "immediately before" and substituting -

"-

(a) in the case of a lot or relevant interest which is registered under the Land Titles Ordinance ( of 2004), the time of registration under that Ordinance of an application supported by an instrument of re-entry or a

vesting notice,  
as the case may  
be;

- (b) in the case of  
any other lot or  
relevant  
interest, the  
time of  
registration  
under the Land  
Registration  
Ordinance (Cap.  
128) of an  
instrument of re-  
entry or a  
vesting notice,  
as the case may  
be;" ;

- (b) in the definition of "owner" -
  - (i) in paragraph (a), by  
repealing "in the  
Land Registry" and  
substituting "under  
the Land Registration



Ordinance (Cap. 128)  
or the Land Titles  
Ordinance ( of  
2004)";

(ii) in paragraph (b), by  
repealing "in the  
Land Registry" and  
substituting "under  
the Land Registration  
Ordinance (Cap. 128)  
or a chargee of a  
charge which is  
registered under the  
Land Titles Ordinance  
( of 2004)";

(c) in the definition of "relevant  
interest", by repealing  
everything after "entitled" and  
substituting -

"to exclusive possession of  
premises in that building  
under the terms of an  
instrument -

(a) which is

registered under  
the Land  
Registration  
Ordinance (Cap.  
128); or

(b) which is  
registered under  
the Land Titles  
Ordinance ( of  
2004) or which  
supports a  
current entry in  
the Title  
Register kept  
under that  
Ordinance;";

(d) in the definition of "vesting  
notice", by repealing  
"registered in the Land  
Registry under section 7." and  
substituting -

"issued under section 7 -

(a) which is  
registered under

the Land

Registration

Ordinance

(Cap.128); or

(b) which supports

an application

for registration

relating to the

vesting notice

under the Land

Titles Ordinance

( of

2004)."."

Schedule 2,  
section 63

By deleting the section and substituting -

**"63. Instrument of re-entry**

Section 4 is amended -

(a) in subsection (1) -

(i) by repealing "a  
memorial of an  
instrument of re-  
entry" and  
substituting "an  
instrument of re-

entry may be issued";

- (ii) by repealing "may be registered in the Land Registry." and substituting -

"and -

- (a) if such an instrument relates to lands or tenements registered under the Land Titles Ordinance ( of 2004), it may be made the subject of an application for registration under that Ordinance; and
- (b) if such an instrument relates to other lands or tenements, it may be registered under the Land Registration Ordinance (Cap. 128).";

(b) in subsection (2), by repealing "on the registration of such a memorial" and substituting "upon the making of an entry relating to such an instrument in the Title Register kept under the Land Titles Ordinance ( of 2004), or the registration of such an instrument under the Land Registration Ordinance (Cap. 128)".

Schedule 2,  
section 64

By deleting the section and substituting -

**"64. Section substituted**

Section 5 is repealed and the following substituted -

**"5. Notice of registration  
of instrument of  
re-entry**

Notice of the making of an entry in the Title Register kept under the Land Titles Ordinance ( of 2004) relating to, or the registration under the Land Registration Ordinance (Cap. 128) of, an

instrument of re-entry by the Government shall be published in the Gazette."."

Schedule 2,  
section 65

By deleting the section and substituting -

**"65. Power to vest relevant interest  
in The Financial Secretary  
Incorporated**

Section 7 is amended -

- (a) in subsection (1), by repealing everything after paragraph (b) and substituting -

"a vesting notice may be issued, under the hand of any public officer authorized by the Chief Executive to sign such instruments, and -

- (c) if the relevant interest is registered under the Land Titles Ordinance ( of 2004), such vesting notice may be

made the subject  
of an  
application for  
registration  
under that  
Ordinance; and

(d) if the relevant  
interest is not  
registered under  
the Land Titles  
Ordinance  
( of 2004),  
such vesting  
notice may be  
registered under  
the Land  
Registration  
Ordinance (Cap.  
128).";

(b) in subsection (1A), by  
repealing everything after  
"Government Leases Ordinance  
(Cap. 40)" and substituting -  
"a vesting notice may be

issued, under the hand of  
any public officer  
authorized by the Chief  
Executive to sign such  
instruments, and -

- (a) if the relevant  
interest of  
which the  
tenement to  
which the demand  
relates forms a  
part is  
registered under  
the Land Titles  
Ordinance  
( of 2004),  
such vesting  
notice may be  
made the subject  
of an  
application for  
registration  
under that  
Ordinance; and



(b) if the relevant interest of which the tenement to which the demand relates forms a part is not registered under the Land Titles Ordinance ( of 2004), such vesting notice may be registered under the Land Registration Ordinance (Cap. 128).";

(c) in subsection (2) -

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

"(2) Immediately upon the making of an

entry relating to a vesting notice in the Title Register kept under the Land Titles Ordinance ( of 2004), or the registration of a vesting notice under the Land Registration Ordinance (Cap. 128) -";

(ii) in paragraph (b), by repealing "registered in the Land Registry" and substituting "supporting a current entry in the Title Register kept under the Land Titles Ordinance ( of 2004), or registered under the Land Registration Ordinance (Cap. 128)," ;

(iii) in paragraph (i), by repealing "in the Land

Registry" and substituting  
"under the Land Titles  
Ordinance ( of 2004)  
or the Land Registration  
Ordinance (Cap. 128)";

(iv) in paragraph (iv), by  
repealing "registered in  
the Land Registry" and  
substituting "supporting a  
current entry in the Title  
Register kept under the  
Land Titles Ordinance (  
of 2004), or not  
registered under the Land  
Registration Ordinance  
(Cap. 128)";

(d) in subsection (3), by repealing  
"registered in the Land  
Registry under subsection (1)  
or (1A)" and substituting  
"which, under subsection (1) or  
(1A), is made the subject of an  
application for registration  
under the Land Titles Ordinance

( of 2004), or is registered under the Land Registration Ordinance (Cap. 128)".

Schedule 2,  
section 66

By deleting the section and substituting -

**"66. Right to apply for relief against re-entry or vesting**

Section 8 is amended -

- (a) in subsection (1), by repealing "where a memorial of re-entry has been registered under section 4 in the Land Registry" and substituting "where, under section 4, an entry relating to an instrument of re-entry has been made in the Title Register kept under the Land Titles Ordinance ( of 2004), or an instrument of re-entry has been registered under the Land Registration Ordinance (Cap. 128)";
- (b) in subsection (2), by repealing "where a vesting notice has been registered under section 7

in the Land Registry" and substituting "where, under section 7, an entry relating to a vesting notice has been made in the Title Register kept under the Land Titles Ordinance ( of 2004), or a vesting notice has been registered under the Land Registration Ordinance (Cap. 128)";

- (c) in subsection (3), by repealing "from the registration of the memorial of re-entry or vesting notice" and substituting "from the date of the making of the entry in the Title Register kept under the Land Titles Ordinance ( of 2004) relating to the instrument of re-entry or vesting notice, or the date of registration of the instrument of re-entry or vesting notice under the Land Registration Ordinance (Cap.

128)".".

Schedule 2,  
section 69

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

"(ii) by repealing "it had never been registered" and substituting "no entry had been made in respect of it in the Title Register kept under the Land Titles Ordinance ( of 2004), or as if it had never been registered under the Land Registration Ordinance (Cap. 128), as the case may be".".

Schedule 2,  
section 70

By deleting paragraph (b) and substituting -

"(b) in subsection (2) -

(i) by repealing "the same had never been made or registered" and substituting "no entry had been made in respect of it in the Title Register kept under the Land Titles Ordinance ( of 2004), or as if it had never been registered under the Land Registration Ordinance (Cap. 128), as the case may

be,";

- (ii) by repealing "no vesting notice had been registered at the Land Registry" and substituting "no entry had been so made or no vesting notice had been so registered, as the case may be".

Schedule 2,  
section 71

- (a) By deleting the heading "**Land Registration Ordinance**".

- (b) By deleting the section.

Schedule 2,  
section 72

- By deleting the section.

Schedule 2,  
section 73

- By deleting the section.

Schedule 2,  
section 74

- By deleting the section.

Schedule 2,  
section 76

- (a) In paragraph (a)(iii), by deleting "land register" and substituting "register".

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

"(b) in subsection (10), by repealing everything after "this section" and

substituting -

"in respect of which a  
certificate has been issued  
under the provisions of  
subsection (1), the public  
officer concerned shall -

- (a) if the  
certificate has  
been registered  
under the Land  
Registration  
Ordinance (Cap.  
128) against the  
title of any  
property,  
register under  
that Ordinance  
an appropriate  
instrument of  
satisfaction  
against the  
certificate; or
- (b) if the  
certificate has



been registered  
under the Land  
Titles Ordinance  
( of 2004)  
against the  
title of any  
property, cause  
the appropriate  
entries to be  
made in the  
Title Register  
kept under that  
Ordinance to  
effect a  
discharge or  
partial  
discharge of the  
charge mentioned  
in subsection  
(9), as the case  
may require."."

Schedule 2,  
section 77

By deleting the section and substituting -

**"77. Interpretation**

Section 3 of the Public Cleansing and Prevention of Nuisances Regulation (Cap. 132 sub. leg. BK) is amended, in the definition of "common parts", by repealing "in an instrument registered in the Land Registry as being for the exclusive use, occupation or enjoyment of an owner or occupier;" and substituting -

"as being for the exclusive use, occupation or enjoyment of an owner or occupier in an instrument -

- (a) which is registered under the Land Registration Ordinance (Cap. 128); or
- (b) which is registered under the Land Titles Ordinance ( of 2004) or which supports a current entry in the Title Register kept under that Ordinance;".

Schedule 2,  
section 78

In paragraph (a), in the proposed definition of "Land Registry register", by deleting "land register" and substituting "register".

Schedule 2,  
section 79

By deleting the section and substituting -

**"79. Burdens and covenants**

Section 7 is amended -

(a) in subsection (1), by repealing  
"registered in the Land Registry"  
and substituting "referred to in  
subsection (4)";

(b) by adding -

"(4) For the purpose of  
subsection (1), the instrument  
referred to in that subsection  
is an instrument -

(a) which is  
registered  
under the Land  
Registration  
Ordinance (Cap.  
128); or

(b) which is  
registered  
under the Land  
Titles  
Ordinance

( of 2004)  
or which  
supports a  
current entry  
in the Title  
Register kept  
under that  
Ordinance."."

Schedule 2,  
section 80

By deleting the section and substituting -

**"80. Interpretation**

Section 2 of the New Territories  
(Renewable Government Leases) Ordinance (Cap.  
152) is amended, in the definition of  
"section", by repealing "in the Land Registry  
and also means" and substituting "under the  
Land Registration Ordinance (Cap. 128), or  
which is registered under the Land Titles  
Ordinance ( of 2004) or which supports a  
current entry in the Title Register kept  
under that Ordinance, and"."

Schedule 2,  
section 81

By deleting the section and substituting -

**"81. New Government leases deemed to be  
granted on 1st July 1973**

Section 4(4) is amended -

(a) in paragraph (a), by repealing "in the Land Registry" and substituting "under the Land Registration Ordinance (Cap. 128)";

(b) by adding -

"(aa) any charge registered under the Land Titles Ordinance ( of 2004);

(ab) any equitable mortgage which is the subject of a non-consent caution registered under the Land Titles Ordinance ( of 2004);".

Schedule 2,  
section 83

(a) By deleting the heading "**Solicitors (General) Costs Rules**".

(b) By deleting the section.

Schedule 2,  
section 89

By deleting the section and substituting -  
**"89. Conversion of equitable interest**

**to legal estate where right  
to Government lease**

Section 14(3) is amended -

- (a) in paragraphs (a) and (b), by  
repealing "in the Land  
Registry";
- (b) by repealing paragraph (c) and  
substituting -

"(c) upon the entry made  
by the Land Registrar  
in the register kept  
under the Land  
Registration  
Ordinance (Cap. 128),  
or in the Title  
Register kept under  
the Land Titles  
Ordinance ( of  
2004), of a note to  
the effect that those  
conditions have been  
complied with."."

Schedule 2,  
section 94

By deleting the section and substituting -

**"94. Enforcement of covenants**

Section 41 is amended -

(a) in subsection (3), by adding  
"and the Land Titles Ordinance  
( of 2004)" after "subsection  
(5)";

(b) by adding -

"(9A) A covenant  
registered or deemed to be  
registered in the Title  
Register kept under the  
Land Titles Ordinance  
( of 2004) against the  
land affected by the  
covenant shall bind the  
successors in title of the  
covenantor and the persons  
deriving title under or  
through him or them  
whether or not they had  
notice of the  
covenant."."

Schedule 2,  
section 95

(a) In paragraph (a)(ii), by deleting "land  
register" and substituting "register".

(b) By deleting paragraph (b).

Schedule 2,  
section 100

In the proposed definition of "Land Registry registers", by deleting "land register" and substituting "register".

Schedule 2,  
section 103

By deleting "land register" and substituting "register".

Schedule 2,  
section 104

By deleting "land register" and substituting "register".

Schedule 2,  
section 105

By deleting paragraph (a) and substituting -

"(a) in the definition of "common parts", by repealing "in an instrument registered in the Land Registry as being for the exclusive use, occupation or enjoyment of an owner;" and substituting -

"as being for the exclusive use,  
occupation or enjoyment of an owner  
in an instrument -

(a) which is registered  
under the Land  
Registration



Ordinance (Cap. 128);

or

- (b) which is registered under the Land Titles Ordinance ( of 2004) or which supports a current entry in the Title Register kept under that Ordinance;".".

Schedule 2,  
section 106

By deleting the section and substituting -

**"106. Orders by Chief Executive  
in Council relating to  
heights of buildings**

Section 3(3) of the Hong Kong Airport  
(Control of Obstructions) Ordinance (Cap.  
301) is repealed and the following  
substituted -

"(3) An order under subsection  
(1)(c) shall be served upon the owner of  
the premises affected, and -

- (a) if the land affected is  
registered under the Land  
Registration Ordinance

(Cap. 128), the order may be registered under that Ordinance against the land affected by delivering to the Land Registrar a memorial thereof signed by the Clerk to the Executive Council and containing the full terms of the order; or

- (b) if the land affected is registered under the Land Titles Ordinance ( of 2004), the order may be registered under that Ordinance against the land affected by delivering a copy thereof to the Land Registrar containing a declaration signed by the Clerk to the Executive Council to the effect that it is a true and correct copy of the order,

and upon receipt of such memorial or copy, the Registrar shall register it in the register kept under the Land Registration Ordinance (Cap. 128) or in the Title Register kept under the Land Titles Ordinance ( of 2004), as the case may require."."

Schedule 2,  
section 108

By deleting "land register" and substituting "register".

Schedule 2,  
section 110

By deleting paragraph (b) and substituting -

"(b) by adding -

"(6) If an order under subsection (4) discharging a charging order registered under the Land Titles Ordinance ( of 2004) is made, the Land Register shall, on the presentation to him of an application for the purpose accompanied by an office copy of the order, remove from the Title Register kept under that Ordinance the entry referring to the order, and may issue certificates of such removal."."

Schedule 2,  
section 111

By deleting the section and substituting -

**"111. Special rules as to the sale of  
immovable property**

Order 47, rule 7(4) of the Rules of the  
District Court (Cap. 336 sub. leg. H) is  
amended by repealing paragraph (b) and  
substituting -

"(b) In the case of immovable property  
which is registered under the Land  
Titles Ordinance ( of 2004), such  
certificate shall be liable to the  
same stamp duty as an assignment of  
the same property and, when duly  
stamped, shall be taken and deemed  
to be a valid transfer of such  
right, title and interest and may  
support an application for  
registration under that Ordinance of  
the purchaser as the owner of the  
property.

(c) In the case of any other immovable  
property, such certificate shall be  
liable to the same stamp duty as an  
assignment of the same property and,

when duly stamped, shall be taken and deemed to be a valid transfer of such right, title and interest and may be registered under the Land Registration Ordinance (Cap. 128).".".

Schedule 2,  
section 112

By deleting the section and substituting -

**"112. Discharge, etc. of  
charging order**

Order 50, rule 7(2) is amended by repealing "the lot number of the land and the memorial number of any relevant charge registered against the land." and substituting -

"-

- (a) the lot number of the land; and
- (b) the memorial number of any relevant charge registered against the land under the Land Registration Ordinance (Cap. 128) or the application number of any relevant charge

registered against the  
land under the Land Titles  
Ordinance ( of 2004),  
as the case may be."."

Schedule 2,  
section 114

By deleting "land register" and substituting  
"register".

Schedule 2,  
section 115

By deleting "land register" and substituting  
"register".

Schedule 2,  
section 116

By deleting "land register" and substituting  
"register".

Schedule 2,  
section 119

(a) By deleting paragraph (a) and substituting -  
"(a) in the definition of "common parts",  
in paragraph (a), by repealing "in  
an instrument registered in the Land  
Registry as being for the exclusive  
use, occupation or enjoyment of an  
owner; and" and substituting -  
"as being for the exclusive use,  
occupation or enjoyment of an  
owner in an instrument -

(i) which is  
registered under  
the Land  
Registration  
Ordinance (Cap.  
128); or

(ii) which is  
registered under  
the Land Titles  
Ordinance  
( of 2004) or  
which supports a  
current entry in  
the Title  
Register kept  
under that  
Ordinance;  
and".".

(b) In paragraph (d), by deleting "land register"  
and substituting "register".

Schedule 2,  
section 120

(a) By deleting "land register" and substituting  
"register".

(b) By deleting "may require" and substituting

"may be".

Schedule 2,  
section 123

By deleting the section and substituting -

**"123. Jurisdiction of tribunal  
in relation to building  
management**

Section 45 is amended -

(a) in subsection (3), by repealing  
"which is registered in the  
Land Registry including a deed  
of mutual covenant (if any)."  
and substituting -

", including a deed of  
mutual covenant (if any) -

(a) which is  
registered under  
the Land  
Registration  
Ordinance (Cap.  
128); or

(b) which is  
registered under  
the Land Titles  
Ordinance (  
of 2004) or



which supports a  
current entry in  
the Title  
Register kept  
under that  
Ordinance.";

(b) in subsection (4)(j), by  
repealing "which is registered  
in the Land Registry including  
a deed of mutual covenant (if  
any)." and substituting -

", including a deed of  
mutual covenant (if any) -

(i) which is  
registered under  
the Land  
Registration  
Ordinance (Cap.  
128); or

(ii) which is  
registered under  
the Land Titles  
Ordinance (  
of 2004) or

which supports a  
current entry in  
the Title  
Register kept  
under that  
Ordinance."."

Schedule 2,  
section 124

By deleting the section and substituting -

**"124. Meetings and procedure  
of corporation**

The Third Schedule is amended -

(a) in paragraph 3(5)(a), by  
repealing "the provisions of  
any instrument registered in  
the Land Registry and subject  
to sub-paragraph (6)" and  
substituting "sub-paragraph (6)  
and subject to the provisions  
of any instrument referred to  
in sub-paragraph (9)";

(b) by adding -

"(9) For the purpose of  
sub-paragraph (5)(a), the  
instrument referred to in that  
sub-paragraph is an

instrument -

- (a) which is registered under the Land Registration Ordinance (Cap. 128); or
- (b) which is registered under the Land Titles Ordinance ( of 2004) or which supports a current entry in the Title Register kept under that Ordinance."."

Schedule 2,  
section 125

- (a) By deleting "land register" and substituting "register".
- (b) By deleting "may require" and substituting "may be".

Schedule 2,  
section 126

By deleting the section and substituting -

**"126. Interpretation**

Section 2 of the Electricity Networks  
(Statutory Easements) Ordinance (Cap. 357) is  
amended, in the definition of "owner" -

(a) in paragraph (a) by repealing  
"in the Land Registry" and  
substituting "under the Land  
Registration Ordinance (Cap.  
128) or the Land Titles  
Ordinance ( of 2004)";

(b) in paragraph (b), by repealing  
"registered in the Land  
Registry;" and substituting -

"-

(i) which is  
registered under  
the Land  
Registration  
Ordinance (Cap.  
128); or

(ii) which is  
registered under  
the Land Titles

Ordinance  
( of 2004) or  
which supports a  
current entry in  
the Title  
Register kept  
under that  
Ordinance;".".

Schedule 2,  
section 131

By deleting the section and substituting -

**"131. Recovery of costs**

Section 40B of the Water Pollution  
Control Ordinance (Cap. 358) is amended -

(a) in subsection (9), by adding  
"or the Land Titles Ordinance (  
of 2004) after "Land  
Registration Ordinance (Cap.  
128)";

(b) in subsection (10), by  
repealing everything after  
"shall" and substituting -

"-

(a) if a copy of the  
certificate has

been registered  
under the Land  
Registration  
Ordinance (Cap.  
128) against  
land or premises  
pursuant to  
subsection (9),  
register under  
that Ordinance a  
certificate of  
satisfaction  
against the land  
or premises; or

- (b) if a copy of the  
certificate has  
been registered  
under the Land  
Titles Ordinance  
( of 2004)  
against land or  
premises  
pursuant to  
subsection (9),

cause the appropriate entries to be made in the Title Register kept under that Ordinance to effect a discharge of the legal charge mentioned in that subsection."."

Schedule 2,  
section 134      By deleting "land register" and substituting  
"register".

Schedule 2,  
section 135      By deleting "land register" and substituting  
"register".

Schedule 2,  
section 136      By deleting "land register" and substituting  
"register".

Schedule 2,  
section 140      By deleting the section and substituting -

**"140. Publication of plans**

Section 4(2) is amended -

(a) in paragraph (d), by repealing  
"registered in the Land  
Registry" and substituting  
"referred to in subsection  
(3)";

(b) by adding -

"(3) For the purpose  
of subsection (2)(d), the  
instrument referred to in  
that subsection is an  
instrument -

(a) which is  
registered under  
the Land  
Registration  
Ordinance (Cap.  
128); or

(b) which is  
registered under  
the Land Titles  
Ordinance  
( of 2004) or



which supports a  
current entry in  
the Title  
Register kept  
under that  
Ordinance."."

Schedule 2,  
section 141

By deleting the section and substitution -

**"141. Objections**

Section 5 is amended -

(a) in subsection (1), by repealing

"registered in the Land

Registry" and substituting

"referred to in subsection

(5)";

(b) by adding -

"(5) For the purpose

of subsection (1), the

instrument referred to

that subsection is an

instrument -

(a) which is

registered under

the Land

Registration

Ordinance (Cap.

128); or

(b) which is registered under the Land Titles Ordinance ( of 2004) or which supports a current entry in the Title Register kept under that Ordinance."."

Schedule 2, section 145 By deleting "land register" and substituting "register".

Schedule 2, section 146 By deleting "land register" and substituting "register".

Schedule 2, section 147 By deleting paragraph (b) and substituting -  
"(b) in subsection (10), by repealing everything after "shall" and

substituting -

" -

- (a) if the certificate has been registered under the Land Registration Ordinance (Cap. 128), register under that Ordinance an appropriate memorial of satisfaction against the charge mentioned in subsection (8); or
- (b) if the certificate has been registered under the Land Titles Ordinance ( of 2004), cause the appropriate entries to be made in the Title Register kept under that Ordinance to effect a discharge

of the charge  
mentioned in  
subsection (8).".".

Schedule 2,  
section 151

By deleting the section and substituting -

**"151. Land boundary plans  
for subdivisions**

Section 30 is amended by adding -

"(11) This section shall not apply  
to land which is registered land within  
the meaning of the Land Titles Ordinance  
( of 2004).".".

Schedule 2,  
section 152

By deleting the proposed section 30A(12) and  
substituting -

"(12) This section shall apply to land  
which is registered land within the meaning of  
the Land Titles Ordinance ( of  
2004).".

Schedule 2,  
section 154

By deleting paragraph (b) and substituting -

"(b) in subsection (10), by repealing  
everything after "shall" and  
substituting -

"-

- (a) if a copy of the certificate has been registered under the Land Registration Ordinance (Cap. 128) against land or premises pursuant to subsection (9), register under that Ordinance a certificate of satisfaction against the land or premises; or
- (b) if a copy of the certificate has been registered under the Land Titles Ordinance ( of 2004) against land or premises pursuant to subsection (9), cause the appropriate entries to be made in

the Title Register  
kept under that  
Ordinance to effect a  
discharge of the  
legal charge  
mentioned in  
subsection (9).".".

New

By adding after the heading "**Government Rent  
Assessment and Collection Ordinance**" -

**"154A. Interpretation**

Section 2 of the Government Rent  
(Assessment and Collection) Ordinance (Cap.  
515) is amended, in the definition of  
"section", by repealing "registered in the  
Land Registry;" and substituting -

" -

- (a) which is registered under  
the Land Registration  
Ordinance (Cap. 128); or
- (b) which is registered under  
the Land Titles Ordinance  
( of 2004) or  
which supports a current

entry in the Title  
Register kept under that  
Ordinance;".".

Schedule 2,  
section 155

By deleting the section and substituting -

**"155. Exemption from liability to  
pay Government rent**

Section 4(13)(a) is amended by repealing  
everything after "entitled" and  
substituting -

"to the exclusive possession of any part  
of any building erected on the lot or of  
any part of the lot under the terms of  
an instrument -

- (i) which is registered under  
the Land Registration  
Ordinance (Cap. 128); or
- (ii) which is registered under  
the Land Title Ordinance (  
of 2004) or which  
supports a current entry  
in the Title Register kept  
under that Ordinance;".".

Schedule 2,  
section 156

By deleting the section and substituting -

**"156. Deed of mutual covenant overridden**

Section 38(4) is amended -

- (a) in the definition of "common parts", by repealing "in an instrument registered in the Land registry as being for the exclusive use, occupation or enjoyment of an owner;" and substituting -

"as being for the exclusive use, occupation or enjoyment of an owner in an instrument -

- (a) which is registered under the Land Registration Ordinance (Cap. 128); or

- (b) which is registered under the Land Titles Ordinance ( of 2004) or



which supports a  
current entry in  
the Title  
Register kept  
under that  
Ordinance;";

(b) in the definition of "deed of mutual covenant" (in paragraph (b)), by repealing "in the Land Registry" and substituting "under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance ( of 2004)".".

Schedule 2,  
section 158      By deleting "land register" and substituting  
"register".

Schedule 2,  
section 159      By deleting "land register" and substituting  
"register".

Schedule 2,  
section 160      By deleting "land register" and substituting  
"register".

Schedule 2,  
section 167

In paragraph (b), by deleting "land register" and  
substituting "register".