

2. Interpretation

"appointed day" (生效日期) means the day appointed under section

1(2) of this Ordinance for the commencement of section

20B;

3. Application Conflicts with other enactments

~~(1) This Ordinance applies to land held under a Government lease.~~

PART 2B

REGISTRATION OF TITLE TO LAND AND CONNECTED MATTERS

20A. Interpretation

In this Part -

"LRO land" () has the meaning assigned by section 1 of Schedule 1A;

"new land" (新土地) means land granted under a Government lease or an agreement for a Government lease on or after the appointed day but does not include -

- (a) land granted under a short term tenancy; or
- (b) land which was the subject of a Government lease or agreement for a Government lease in effect immediately before the appointed day and which is the subject of an instrument executed on or after the appointed day whereby -
 - (i) the term of the Government lease or agreement for a Government lease has been extended;
 - (ii) the area of the land has been extended;
 - or
 - (iii) the provisions of the Government lease or agreement for a Government lease have otherwise been varied;

"short term tenancy" (短期租約) means a lease expressed to be granted for a term of not more than 7 years; and in calculating that period for the purpose of this definition there shall be excluded any extension or renewal of the lease that has occurred, or may occur, by virtue of the exercise of any right.

20B. Registration of title to new land

The Registrar shall register the title to new land by -

- (a) making an entry in the Title Register to the effect that the Government lessee is the ~~first~~ owner of the land; and
- (b) entering such other particulars in the Title Register relating to the new land as the Registrar considers appropriate.

20C. Date of first registration of new land

The date of first registration of new land to which the title is registered under section 20B shall be the day on which the Registrar makes the entries in the Title Register referred to in that section.

20D. Effect of first registration of new land

On the date of first registration of new land, the registration of any person as the ~~first~~-owner of the land

shall vest in that person the same legal estate or equitable interest and rights as would be vested in that person if the land were transferred to him and he was registered as the owner of land under section 21 of this Ordinance.

20E. Registration of LRO land

LRO land shall become registered land as provided in Schedule 1A.

SCHEDULE 1A

[ss. 2(1), ~~3~~,
20E, 23 & 101]PROVISIONS FOR CONVERSION OF LRO LAND AND
LONG TERM LEASES FROM LAND REGISTRATION
SYSTEM TO LAND TITLE SYSTEM

PART 1

PRELIMINARY

1. **Interpretation**

In this Schedule -

"caution against conversion" () has the meaning assigned to it by section 1A(1) of the Land Registration Ordinance (Cap. 128);

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

"LRO land" () means land -

- (a) which is the subject of a Government lease for which a register has been kept under the Land Registration Ordinance (Cap. 128); and
- (b) which is not registered land within the meaning of section 2 of this Ordinance;

"relevant lease" (有關租契) 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 which is the subject of the lease, but does not include a lease of both registered land and LRO land.

PART 2

CONVERSION OF LRO LAND

2. **When LRO land becomes registered land**

(1) Subject to the provisions of this section, on the commencement of the 12th anniversary of the appointed day, all LRO land shall be deemed to be registered land, 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 LRO land -

(a) in respect of which an instrument has been delivered for registration under the Land Registration Ordinance (Cap. 128) but has not been registered under that Ordinance before the commencement of the 12th anniversary of the appointed day~~expiration of the period referred to in subsection (1)~~; or

(b) which is subject to a caution against conversion which is registered under the Land Registration Ordinance (Cap. 128).

(3) LRO land referred to in subsection (1) shall be deemed to be registered land on -

- (a) the date on which the instrument referred to in subsection (2)(a) is registered under the Land Registration Ordinance (Cap. 128); or
- (b) the date on which the land ceases to be subject to a caution against conversion which is registered under the Land Registration Ordinance (Cap. 128),

whichever is the later, and all the provisions of this Ordinance shall apply to the land accordingly.

3. **Date of first registration**

The date of first registration of LRO land shall be -

- (a) in the case of land which falls within section 2(1), the 12th anniversary of the appointed day~~the date of expiration of the period referred to in that section;~~ and
- (b) in the case of land which falls within section 2(2), the date determined under section 2(3).

4. **Effect of deeming**

(1) Subject to subsection (2), the deeming of LRO land to be registered land under section 3 shall not affect the validity or enforceability of any interest -

- (a) existing immediately before the date of first registration of the LRO land;
- (b) affecting the LRO land;
- (c) which was not registered under the Land Registration Ordinance (Cap. 128) (and whether or not it was capable of registration under that Ordinance); and
- (d) which was, immediately before the date of first registration, enforceable against the LRO land.

(2) An interest mentioned in subsection (1) in relation to LRO land deemed to be registered land shall not be enforceable against the land after the sale of the land to a purchaser for valuable consideration after the date of first registration of the land.

PART 3

CONVERSION OF LONG TERM LEASES

5. **When relevant lease becomes registered long term lease, etc.**

Where, on the date of first registration of any LRO 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.

6. Date of first registration

The date of first registration of a long term lease deemed to be a registered long term lease under section 5 is the date on which the lease was deemed to be a registered long term lease under that section.

7. Effect of deeming

(1) Subject to subsection (2), the deeming of a relevant lease to be to be a registered long term lease under section 5 shall not affect the validity or enforceability of any interest -

- (a) existing immediately before the date of first registration of the relevant lease;
- (b) affecting the land;
- (c) which was not registered under the Land Registration Ordinance (Cap. 128) (and whether or not it was capable of registration under that Ordinance); and
- (d) which was, immediately before the date of first registration of the relevant lease, enforceable against the land.

(2) An interest mentioned in subsection (1) in relation to land shall not be enforceable against the land after the sale of the land to a purchaser for valuable consideration after the date of first registration of the relevant lease.

PART 4

MISCELLANEOUS

8. Registers kept under the Land Registration Ordinance

(1) On the date of first registration of LRO land for which a register has been kept under the Land Registration Ordinance (Cap. 128), the register shall be deemed to form part of the Title Register, and all the provisions of this Ordinance shall apply to the register accordingly.

~~(2) Subject to subsection (3), any memorial or instrument within the meaning of the Land Registration Regulations (Cap. 128 sub. leg. A) which is recorded in a register deemed to form part of the Title Register under subsection (1) shall, subject to any conditions prescribed by the regulations, for all purposes be treated as if an entry had been made in the Title Register in respect of the same matter in relation to which the memorial or instrument relates.~~

(2) Subject to subsection (3) and the regulations, where any memorial or instrument within the meaning of the Land Registration Regulations (Cap. 128 sub. leg. A) is recorded in a register referred to in subsection (1), then the entry in that register recording that memorial or instrument shall for all purposes be treated as if were an entry in the Title

Register relating to the same matter in relation to which the memorial or instrument relates.

~~(3) If the LRO land to which a register deemed to form part of the Title Register relates is subject to a relevant lease which is deemed to be a registered long term lease under section 5, any memorial or instrument within the meaning of the Land Registration Regulations (Cap. 128 sub. leg. A) which is recorded in the register in relation to the relevant lease shall, subject to any conditions prescribed by the regulations, for all purposes be treated as if an entry had been made in the Title Register in respect of the same matter in relation to which the memorial or instrument relates.~~

(3) Subject to the regulations, if -

(a) LRO land to which a register referred to in subsection (1) relates is subject to a relevant lease which is deemed to be a registered long term lease under section 5; and

(b) any memorial or instrument within the meaning of the Land Registration Regulations (Cap. 128 sub. leg. A) is recorded in that register in relation to the relevant lease,

then the entry in that register recording that memorial or instrument shall for all purposes be treated as if were an entry in the Title Register relating to the deemed registered long term lease.

9. **Transitional provisions in respect of Title Register, etc.**

(1) Subject to subsections (2) and (3), where a register has been kept under the Land Registration Ordinance (Cap. 128) in relation to LRO land, then, on and after the date of first registration of the land under section 6, the priority of all interests in the Title Register -

- (a) existing immediately before the date of first registration; and
- (b) in respect of which a memorial of an instrument within the meaning of the Land Registration Regulations (Cap. 128 sub. leg. A) has been registered under the Land Registration Ordinance (Cap. 128),

shall be determined in accordance with the provisions of the Land Registration Ordinance (Cap. 128), and the provisions of this Ordinance shall be construed accordingly.

(2) Where an interest referred to in subsection (1) is entered in a register kept under the Land Registration Ordinance (Cap. 128), as a *lis pendens* or a charging order, then the interest shall, until the expiration of 5 years from the date of the last registration of the interest under that Ordinance, be deemed to be protected as if, on the date of first registration -

- (a) an application for the registration of a non-consent caution in respect of the interest had

been presented to the Registrar under section 70(3) of this Ordinance by the person who would, apart from this subsection, be entitled to present that application; and

- (b) the Registrar had registered the non-consent caution,

and the provisions of this Ordinance shall be construed accordingly.

(3) Where an interest referred to in subsection (1) is entered in a register kept under the Land Registration Ordinance (Cap. 128) as -

- (a) an agreement for sale and purchase;
- (b) a provisional agreement for sale and purchase;
- (c) a sub-agreement for sale and purchase;
- (d) a nomination; or
- (e) a mortgage of an interest under an instrument mentioned in paragraph (a), (b), (c) or (d),

then the interest shall be deemed to be protected as if, on the date of first registration -

- (f) an application for the registration of a consent caution in respect of the interest had been presented to the Registrar under section 70(1) of this Ordinance by the person who would, apart from this subsection, be entitled to present that application; and

(g) the Registrar had registered the consent
caution,

and the provisions of this Ordinance shall be construed
accordingly.

**10. Transitional provision in
respect of registered caveat**

Where immediately before the date of first registration
of LRO land under this Ordinance there was a caveat registered
against the land under the Land Registration Ordinance (Cap.
128), then, commencing on the date of first registration of
the LRO land under this Ordinance -

- (a) the caveat shall be deemed to be registered as
a non-consent caution;
- (b) notwithstanding section 33(1) of this
Ordinance, the priority of the interest claimed
in the deemed registered non-consent caution
shall be determined in accordance with the law
in force immediately before the date of first
registration of the land concerned and
applicable to the priority among such
interests; and
- (c) all the provisions of this Ordinance (including
sections 72 and 73) shall apply to the deemed
registered non-consent caution accordingly.