

Bills Committee on Land Titles Bill
Eighth meeting on 19 June 2003

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

1. Please provide, before the ninth Bills Committee meeting on 30 June 2003 as far as practicable, a response to the paper to be prepared by the Assistant Legal Adviser about the applicability of the doctrine of notice under the Bill, in particular on the following points:
 - According to the Administration, the position under the Bill is that if upon an assignment for value of registered land, any unregistered equitable interests will not be enforceable against the land even if the purchaser concerned has knowledge of such interests. Members are concerned:
 - (a) whether this policy is proper;
 - (b) what effect this policy would have on the interests of the persons; and
 - (c) whether the policy is reflected in the Bill.
2. Please provide a paper on the “Deeds of mutual covenant” (DMC) to cover the following:
 - (a) Please list the different easements, rights or covenants provided for in a DMC and state which of them will be registered from the date of registration of the DMC. In so doing, please use two or three standard DMCs from different decades as examples to illustrate the types of easements, rights or covenants that usually appear in a DMC; and
 - (b) Please provide, after discussion with Hon Audrey EU Yuet-mee, clarifications on the details of clause 51, in particular, the purpose of clause 51(4) and whether the registration of a DMC will effect the registration of only those easements, rights or covenants provided for in the deed which affect the registered land or the registered long term lease the subject of the deed.

3. Please ensure that the Bill, in particular clause 12(2), and the proposed new section 23B of the Land Registration Ordinance (Cap. 128) will be amended to reflect the policy that in the event that a certificate of good title cannot be issued for a property, there will be no need to apply for a first registration of the property.
4. Please report in due course how the English version of “首次轉讓” (first assignment) in the Bill will be revised to reflect the meaning of the Chinese version.
5. Please provide a paper to report on the Administration’s consideration of the following issues in relation to the policy on dispositions -
 - (a) Whether the Bill reflects the policy that any disposition of registered land will without exception only have legal effect when it is registered; and
 - (b) Whether clause 29(1) needs to be amended to the effect that for the purpose of creating, extinguishing, transferring, varying or affecting any interest in or over registered land or a registered long term lease the disposition of which is not required to be registered under the Bill, no registration is necessary to effect such creation, extinguishment, transfer, variation or affection.

Council Business Division 1
Legislative Council Secretariat
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