

Bills Committee on Land Titles Bill

FORMAT OF TITLE REGISTERS

Purpose

This paper provides responses to various issues raised by Members on the paper on “Response to Miscellaneous Issues” (LC Paper No. CB(1) 2464/02-03(05)) (“the Paper”) at the 12th Bills Committee meeting.

Response

2. The Administration has merged the two formats of “Ownership Register” and “Long Term Lease Register” at Annexes 1 and 2 to the Paper into one register. Please see Annex 1. The details of the information have also been set out in the revised format.

3. The Administration is still of the view that two formats of registers are more appropriate because -

- (a) the transactions are more clearly set out in respect of individual units;
- (b) the public can search and have access to the information of individual units more expediently;
- (c) the legal status of the “owner” and “lessee” is clearly stated in the “Ownership Register” and “Long Term Lease Register” respectively.

4. The format of the two registers at Annexes 1 and 2 to the Paper focuses on the registration of interests which are the dealings. The registration of covenants and easements will be in the incumbrances part of the register. If a detailed description has been given in the application of the “easement” or “covenant”, they will be shown in the remarks column.

5. The exclusive right to use the unit concerned is vested in the owner of the land upon registration under Clause 14 on first registration of the land or under Clause 21 on subsequent registration of the transfer or transmission. Accordingly, by registration of a person as the owner to a property in the ownership register, the owner has exclusive right to use that property. It is not necessary to state this fact on the ownership register.

6. Upon registration of a dealing, the date of registration shall be the date of presentation of that dealing. As such, it is not necessary to state the date of presentation for registration in the title register.

7. It is necessary to provide the date of registration in the title register as this will govern the priority of the dealings. The date of supporting instrument is intended to provide further information to the searchers. After review, the Administration agrees that the date of supporting instrument can be deleted from the proposed title register.

----- 8. A specimen Register under the English system is attached as Annex 2. There are 3 parts in the register – the property register, proprietorship register and charges register -

- (a) The property register states the verbal description, the filed plan and the easements, profits and similar interests enjoyed by the property.
- (b) The proprietorship register states the nature of the title, that is, whether it is registered with an absolute, good leasehold, qualified or possessory title. It also contains the name and address of the registered proprietor and any restraint on this power of sale such as restrictions and inhibitions.
- (c) The charges register contains –
 - (i) particulars of all incumbrances subsisting at the date of first registration;
 - (ii) particulars of subsequent charges and other incumbrances;
 - (iii) such notes as have to be entered relating to covenants, conditions, and other rights adversely affecting the land; and
 - (iv) all such dealings with registered charges and incumbrances as are capable of registration.

9. The ownership register proposed by the Administration follows the English title register in the following ways -

- (a) the property particulars section is equivalent to the property register. However, as the property ownership in Hong Kong is leasehold and multi-storey in nature, the lot number, Government lease, lease term,

any undivided share and the address of the property are all stated in the property particulars;

- (b) the ownership particulars section is equivalent to the proprietorship register. The names of the owners and their capacity (joint tenants, tenants in common, trustee, executor or administrator) are stated. The date of their registration as owner is also stated. Any limitations on their power to deal with the property will also be stated by inhibitions or restrictions; and
- (c) the incumbrances section is equivalent to the charges register. The particulars of any interests affecting the land such as easements, covenants, charges, charging orders and leases will be stated.

Accordingly, the Administration is of view that the proposed ownership register format is appropriate.

October 2003

Housing, Planning and Lands Bureau

FORMAT OF TITLE REGISTER業權註冊紀錄的樣式

擁有權註冊紀錄 OWNERSHIP REGISTER

物業資料 Property Particulars

業權編號		批約	
Title No.:	A1234	Held under:	Government lease
地段編號		年期	
Lot No.:	Inland Lot No.789	Lease Term:	999 years
土地不分割份數		開始日期	
Undivided share in land:	——	Commencement of Lease Term:	1/1/1850
地址/位置		每年地稅	
Address/Location:	10 Peak Road Hong Kong	Rent per annum:	\$10.00
		物業備註	
		Remarks:	
		首次註冊日期	
		Date of 1st registration:	1/10/2005

業主資料 Owners Particulars

業主姓名	身分(如非唯一擁有人)	交易性質	申請編號	註冊日期	成交價錢	備註
Name of Owner	Capacity (if not sole owner)	Nature of Dealing	Application No.	Date of Registration	Consideration	Remarks
ABC Company Limited		TRANSFER	56789	1/3/2006	\$10,000,000	

產權負擔
Incumbrances

申請編號 Application No.	註冊日期 Date of Registration	交易/申請性質 Nature of Dealing/Application	文書/合約/呈請/命令等 性質 Nature of instrument/ Contract/Petition/Order etc.	受益方/申請人/有關各方的姓 名/名稱 Name of Party in favour of/ Applicant/Relevant Parties	成交價錢 Consideration	備註 Remarks
66821	1/6/2006	Long-term lease	Long-term lease	Chan Joseph	\$1,000,000	Re: Flat 1, 1/F
66825	1/6/2006	Long-term lease	Long-term lease	Yim Eric	\$800,000	Re: Flat 2, 1/F
66833	1/6/2006	Charge	Charge	DE Bank	All monies	Re: Flat 1, 1/F
66845	1/6/2006	Charge	Charge	FG Bank	All monies	Re: Flat 2, 1/F
69955	1/12/2006	Consent Caution	Sale and Purchase Agreement	Chi Tina	\$1,200,000	Re: Flat 1, 1/F
71234	1/1/2007	Non-Consent Caution	Lis Pendens	FG Bank and Yim Eric	—	Re: Flat 2, 1/F

申請紀錄
Applications Record
(Applications Pending Registration等待註冊的申請)

申請編號 Application No.	呈遞日期 Date of Presentation	交易/申請性質 Nature of Dealing/Application	附連文書性質 Nature of accompanying instrument	有關各方姓名/名稱 Name of parties	成交價錢 Consideration
72233	3/2/2007	Charging Order	Charging Order	FG Bank and Eric Yim	—

Example A - A specimen Register for a mortgaged property



HM Land Registry

TITLE NUMBER: CS72510

Edition date: 2 April 1996

Entry No.	A. PROPERTY REGISTER <small>containing the description of the registered land and the estate comprised in the Title</small>
	CORNESHIRE : MARADON
1.	(19 December 1989) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being 13 Augustine Way, Kerwick, (PL14 3JP).
2.	(19 December 1989) The land has the benefit of a right of way on foot only over the passageway at the rear leading into Monks Mead.
Entry No.	B. PROPRIETORSHIP REGISTER <small>stating nature of the Title, name, address and description of the proprietor of the land and any entries affecting the right of disposing thereof</small>
	TITLE ABSOLUTE
1.	(31 August 1990) Proprietor: PAUL JOHN DAWKINS and ANGELA MARY DAWKINS both of 13 Augustine Way, Kerwick, Maradon, Cornshire PL14 3JP.
2.	(2 April 1996) RESTRICTION: Except under an order of the registrar no disposition by the proprietor(s) of the land is to be registered without the consent of the proprietor(s) of the Charge dated 23 March 1996 in favour of Weyford Building Society referred to in the Charges Register.
Entry No.	C. CHARGES REGISTER <small>containing charges, incumbrances etc. adversely affecting the land and registered dealings therewith</small>
1.	(19 December 1989) The passageway at the side included in the title is subject to rights of way on foot only.
2.	(31 August 1990) A Transfer of the land in this title dated 29 July 1990 made between (1) JOHN EDWARD CHARLES BROWN and (2) PAUL JOHN DAWKINS and ANGELA MARY DAWKINS contains restrictive covenants. <i>NOTE:- Copy in Certificate</i>
3.	(2 April 1996) REGISTERED CHARGE dated 23 March 1996 to secure the moneys including the further advances therein mentioned.
4.	(2 April 1996) Proprietor(s): WEYFORD BUILDING SOCIETY of Society House, The Avenue, Weyford, Cornshire

***** END OF REGISTER *****

NOTE A: A date at the beginning of an entry is the date on which the entry was made in the Register.

NOTE B: This certificate was officially examined with the register on 2 April 1996.