



THE  
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OF HONG KONG  
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Our Ref  
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: Land Titles Bill

: 18 June 2004

**BY FAX (28104561) AND BY HAND**

Mr. Kim Salkeld  
The Land Registrar  
Queensway Government Offices  
28<sup>th</sup> Floor  
22 Queensway  
Hong Kong

Dear *Kim*,

**URGENT**

**The Law Society's position on the Land Titles Bill**

We appreciate that the time has come for the Bills Committee to decide whether to endorse the Bill and the Society has to confirm its stance.

We support the introduction of a title registration system in Hong Kong and the Daylight Conversion mechanism proposed in the revised Bill.

A lot of hard work and effort has been put into the Bill over the last two months, particularly by the Land Registry and Government draftsman, but also by the Law Society's Working Party on the Bill to resolve the outstanding issues and significant progress has been made.

The Law Society's Working Party believes it has reached consensus with the Land Registry on all significant policy issues relating to the Bill but is concerned as to two aspects:

- (a) despite agreement having been reached with the Land Registry as to policy issues the drafting of the Bill does not, even now, reflect accurately the understandings believed to have been reached given the recent pressure of time. In the circumstances this is understandable as the discussions have been wide ranging and given the pressure of time placed on the Land Registry and draftsman it is inevitable that the full nuances of these discussions are not always passed on to or picked up by draftsman.

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- (b) there have been a large number of amendments to the Bill and despite the Law Society's Working Group's attempt to keep pace with the several revised drafts submitted this has proved impossible in the time span allotted and the Group feels that a reasonable breathing space is needed to fully absorb the revised Bill and be comfortable about the impact of the changes made.

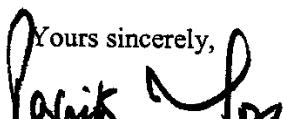
This gives rise to two issues:

1. The Law Society believes that drafting changes to the Bill in its current form are required and whilst it is hoped and anticipated that the changes are relatively minor in content their effects are significant and substantive.
2. An unease that such an important and significant piece of legislation could be passed where significant changes have been introduced at a late stage and without the opportunity for a full and calm consideration of the impact of the changes on the overall Bill.

To the extent of the issues referred to above we feel that we can only give support to the Bill on condition that these issues are satisfactorily resolved. Whilst important the outstanding issues are probably capable of resolution within a fairly short period of time and with so much recent progress having been made the Law Society remains willing to continue with the existing weekly meetings to reach a final resolution on the terms of the Bill to which our unconditional support can be given.

If the Bills Committee is nevertheless minded to proceed with the Bill within this LegCo session, the Law Society is willing to support the Bill on the condition that the Administration, through the Land Registrar, will undertake:

- (a) to work with the Society so as to address any subsisting points of concern and any that emerge on further consideration of the drafting of the Bill before its implementation; and
- (b) not to implement the Bill pending the review of the Solicitors (Professional Indemnity) Rules and the Professional Indemnity Scheme by the Law Society on the issue of double payment from the Solicitors Indemnity Fund in respect of any claim arising from the Bill and to effect any consequential amendments in this regard.

Yours sincerely,  
  
Patrick Moss  
Secretary General

c.c. Ms. Margaret Ng, Chairman of the Bills Committee