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**BY FAX (21109788) AND BY POST**

9 October 2002

Mr. Michael Scott  
Senior Assistant Solicitor General  
Department of Justice  
Legal Policy Division  
1/F., High Block,  
Queensway Government Offices  
66 Queensway, Hong Kong.

Dear Mr. Scott,

**Consultation Paper on Proposed Amendments to the Conveyancing and Property Ordinance (Cap. 219) – Execution of Conveyancing Documents by Corporation**

Thank you for your recent letters dated 30 September, 3 and 7 October 2002.

Having reviewed the various responses on your consultation letter 23 July 2002 at its today meeting, the Property Committee remains unconvinced of the need for a new subsection (3) to be introduced in the revised section 23A for the benefit of a bona fide purchaser for value without notice of any defect in execution.

The Committee notes your suggestion for the legislative proposal to be put forward in an omnibus Bill and your indication that there is not yet an allocated date for the introduction of the Bill to the LegCo. The Committee is deeply concerned with the pace that the proposed legislation is seen to be progressing. There have already been much discussions over the issue and the form of the legislative proposal over the past year and the Committee does not think that what is outstanding is controversial.

Having said the above, whilst the Committee welcomes your invitation and will be sending its representatives to attend a joint meeting with a view to finalise the drafting of the legislative proposal, given that conveyancing transactions are affected by the stated problem on a daily basis, the Committee trusts that it is only proper that the legislative process should be expedited as soon as possible. You will recall that this view is indeed shared by all those attending the last LegCo AJLS Panel meeting on the subject.

The Committee will, therefore, appreciate if you can kindly propose alternative route to ensure that both the drafting of the relevant Bill and the legislative process will be expedited and confirm the realistic timeframe in this regard.

Regarding your query on the meaning of “*constitutional documents*”, the Committee would advise that this term is used to refer to the relevant sealing provision in the Articles of Association of the company concerned or its equivalence, whatever that may be called, in some other jurisdictions.

Yours sincerely,

Christine W. S. Chu  
Assistant Director of Practitioners Affairs

c.c.: the Hon. Margaret Ng, Chairman of the LegCo AJLS Panel (Fax No.25099055)  
Ms. Wendy Chow, Chairman of the Property Committee