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18 September 2003

Clerk to Panel,  
Legislative Council Secretariat,  
Legislative Council Building,  
8 Jackson Road,  
Central,  
Hong Kong  
(Attn: Ms Sarah YUEN)

[Fax: 2869 6794]

Dear Ms Yuen,

**Panel on Planning, Lands and Works**

**Meeting between Members of Legislative Council and  
Councillors of Heung Yee Kuk on 10 June 2003**

Thank you for your letter of 26 August 2003.

As pointed out in the first paragraph of the notes of meeting attached to your letter, it is indeed the Administration's intention to introduce the proposed legislation to resolve the problem of missing and illegible leases in the 2004/05 legislative session.

As we have informed the Legislative Council on various occasions earlier, the major difficulty in preparing this legislative proposal is that it involves a number of complicated legal and technical issues which have implications on private property rights and require further examinations within the Administration. We have undertaken to consult concerned parties, such as Heung Yee Kuk (HYK), the Law Society of Hong Kong and the LegCo Panel on the way forward once these legal and technical issues have been resolved. We are making our best endeavours to resolve the outstanding issues and hope to start the

consultation exercise as soon as those issues have been resolved.

We understand that the HYK wishes the proposed legislation to be introduced early. However, as it takes time to conduct the consultation exercise and to draft the Bill, it is unrealistic to expect the bill to be introduced earlier than the aforementioned time frame.

Regarding the second paragraph of the notes of meeting about the action against the solicitors dealing with conveyancing of properties the leases of which are missing or illegible, we wish to point out that the Law Society has long been aware of the problem. Indeed, a conveyance would not become invalid because the relevant Government lease is missing or illegible. The Court has ruled that sufficient secondary evidence is acceptable for the purpose of meeting the relevant requirement under the Conveyancing and Property Ordinance (Cap. 219). Therefore the missing leases per se would not constitute a cause of action against the solicitor concerned.

Yours sincerely,

( Miss Wong Yuet-wah )  
for Secretary for Housing, Planning and Lands