

立法會
Legislative Council

LC Paper No. CB(1)2779/09-10
(These minutes have been seen
by the Administration)

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**Panel on Development and
Panel on Administration of Justice and Legal Services**

Joint Subcommittee on Amendments to Land Titles Ordinance

**Minutes of Eighth meeting held on
Monday, 28 June 2010, at 8:30 am
in Conference Room B of the Legislative Council Building**

Members present : Dr Hon Margaret NG (Chairman)
Hon Audrey EU Yuet-mee, SC, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP

Members absent : Hon Albert HO Chun-yan
Hon Miriam LAU Kin-yee, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon CHEUNG Hok-ming, GBS, JP
Hon Alan LEONG Kah-kit, SC

Public officers attending : **Agenda item I**

Mr Tommy YUEN Man-chung, JP
Deputy Secretary for Development
(Planning and Lands) 2

Mr Edward TO Wing-hang
Principal Assistant Secretary for Development
(Planning and Lands) 3

Miss Diane WONG Shuk-han
Principal Assistant Secretary for Development
(Planning and Lands) 1

Ms Olivia NIP Sai-lan, JP
Land Registrar

Ms Angel LI Yuen-yee
Deputy Principal Solicitor
Land Registry

Mrs Amy FONG NG Suk-yee
Principal Land Registration Officer /
Title Registration
Land Registry

Mr Alfred LEE Koon-yan
Assistant Secretary (Policy)
Land Registry

Mr WONG Chung-hang
Deputy Director (Survey and Mapping)
Lands Department

Clerk in attendance : Ms Anita SIT
Chief Council Secretary (1)5

Staff in attendance : Mr KAU Kin-wah
Assistant Legal Adviser 6

Mr Simon CHEUNG
Council Secretary (1)7

Ms Haley CHEUNG
Legislative Assistant (1)8

Action

I Confirmation of minutes

(LC Paper No. CB(1)2341/09-10 -- Minutes of meeting on
29 April 2010)

The minutes of the meeting held on 29 April 2010 were confirmed.

II Meeting with the Administration

LC Paper No. CB(1)2352/09-10(01) -- Administration's paper on "Amendments to Land Titles Ordinance"

LC Paper No. CB(1)1715/09-10(01) -- Administration's paper on "Amendments to Land Titles Ordinance"

LC Paper No. CB(1)2198/09-10(01) -- Submission from the Association of Government Local Land Surveyors dated 2 June 2010 (English version only)

2. The Joint Subcommittee deliberated (Index of proceedings at **Annex**).
3. Taking note of the Administration's report on its work, the Joint Subcommittee decided that it should continue to operate in the 2010-2011 legislative session. The Joint Subcommittee would seek the endorsement of the Panel on Development and the Panel on Administration of Justice and Legal Services, and thereafter that of the House Committee accordingly.

III Any other business

Date of next meeting

4. The Clerk would liaise with the Administration in due course with a view to fixing the arrangements for the next meeting.
5. There being no other business, the meeting ended at 8:47 am.

Council Business Division 1
Legislative Council Secretariat
27 August 2010

**Panel on Development and
Panel on Administration of Justice and Legal Services**

Joint Subcommittee on Amendments to Land Titles Ordinance

**Proceedings of the Eighth meeting
held on Monday, 28 June 2010, at 8:30 am
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 – 000658	Chairman	The Chairman remarked that as this meeting would be the last one in the current legislative session, the Joint Subcommittee would decide whether it should continue its work, suspend operation, or dissolve, having regard to the Administration's work progress. The Joint Subcommittee's decision would be submitted to the House Committee for consideration.	
000659 – 000814	Chairman	Confirmation of the minutes of the last Joint Subcommittee meeting held on 29 April 2010.	
000815 – 001157	Administration	<p>The Administration reported on the progress of its work since the last meeting on 29 April 2010, with highlights on the following –</p> <p>(a) the Administration had an in-depth discussion with stakeholders on the concerns of the Law Society of Hong Kong (Law Society) regarding the rectification and indemnity arrangements during a meeting of the Land Titles Ordinance Steering Committee (LTOSC) on 11 May 2010;</p> <p>(b) stakeholders held divergent views towards the rectification and indemnity arrangements. While the Heung Yee Kuk believed that the mandatory rectification (MR) rule should be maintained, some of the other stakeholders tended to agree more with the Law Society's stance to varying degrees. The Hong Kong Bar Association expressed doubt on the Law</p>	

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		<p>Society's claim that the retention of the MR rule would necessitate in-depth investigations into previous transactions to ascertain whether there were any frauds and thereby minimize the risks of land transactions;</p> <p>(c) in order to take the matter forward, the LTOSC agreed that the Law Society should be asked to provide further information on extra steps in conveyancing procedures that would be necessary if the MR rule was adopted. The Administration had written to Law Society, and a formal reply was awaited. Once a reply was received, the LTOSC would convene another meeting. Meanwhile, the Administration was also exploring other possible options for discussion with stakeholders;</p> <p>(d) work in other areas such as "relationship between the LTO and other ordinances" and "registration of managers of T'so and T'ong" was in progress; and</p> <p>(e) for issues relating to land boundaries, the Administration was following up on members' concerns expressed in previous discussions. The Administration would exchange views with relevant stakeholders, and keep the Joint Subcommittee abreast of the progress in due course.</p>	
001158 – 001626	Ms Audrey EU Chairman Administration Prof Patrick LAU	<p>Ms Audrey EU enquired whether the Administration had a likely date in mind for meeting with the Joint Subcommittee again; if not, whether the Joint Subcommittee should hold its work in abeyance until the Administration had made substantial progress in its work.</p> <p>The Chairman responded that:</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>(a) permission had to be sought from the House Committee if the Joint Subcommittee decided to continue to operate in the 2010-2011 term; and</p> <p>(b) as she could see, there were three options open for the Joint Subcommittee, i.e. to dissolve, to continue or to hold its work in abeyance.</p> <p>The Administration responded that while the Law Society had promised to provide a formal response to the queries raised by the LTOSC, LTOSC would need to conduct further discussions before it could come up with any conclusion or proposal.</p> <p>Prof Patrick LAU considered it necessary for the Joint Subcommittee to continue to operate, given that some important issues were yet to be resolved.</p>	
001627 – 001912	Chairman	<p>The Chairman commented that:</p> <p>(a) implementation of the Land Titles Ordinance (Cap. 585) (LTO) was primarily a policy issue which should be looked after by a policy bureau, i.e. the Development Bureau. The Bureau should be aware of its role and take a lead in spearheading the work;</p> <p>(b) excessive involvement of the Land Registry in the LTO review would not be appropriate, since this could upset its neutrality in fulfilling the executive functions assigned to it; and</p> <p>(c) based on members' views, the Joint Subcommittee should continue to operate in the 2010-2011 legislative session, and meet again on a date to be fixed in September/October 2010.</p>	
001913 –	Administration	The Administration commented that:	

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002309	Chairman	<p>(a) given the exceptional complexity of the issues involved, it might not be possible for the Administration to report its work progress in its work frequently; and</p> <p>(b) it might be worth considering whether the Administration should in future report progress to the Panel on Development.</p> <p>The Chairman pointed out that due to time constraints and other considerations, it would not be feasible for the Panel on Development to have detailed and in-depth discussion as what the Joint Subcommittee currently did.</p> <p>The Administration responded that it would go along with the Joint Subcommittee's preference, and endeavour to submit a progress report to it in the fourth quarter of 2010.</p> <p>End of the meeting.</p>	