

LEGISLATIVE COUNCIL BRIEF

Land Titles Ordinance
(Chapter 585)
Land Registration Ordinance
(Chapter 128)
Trading Funds Ordinance
(Chapter 430)

REGISTRATION OF TITLES AND LAND (MISCELLANEOUS AMENDMENTS) BILL 2025

INTRODUCTION

At the meeting of the Executive Council on 18 February 2025, the Council **ADVISED** and the Chief Executive **ORDERED** that the Registration of Titles and Land (Miscellaneous Amendments) Bill 2025 (“the Bill”), at **Annex A**, should be introduced into the Legislative Council (“LegCo”).

A

JUSTIFICATIONS

(A) Existing System: Deeds Registration

2. The present land registration system in Hong Kong is a deeds registration system operating under the Land Registration Ordinance (Cap. 128) (“LRO”) since 1844. Under the deeds registration system, registration of instruments governs the priority of registered instruments in the land register, but gives no guarantee of title to the property¹, and there may be uncertainty in property ownership caused by title defects or unregistered interests affecting the property. Therefore, during the

¹ Under the deeds registration system, title is established by checking previous title deeds and the passing of title depends upon execution of an instrument.

conveyancing process, the purchaser's solicitor has to thoroughly check each time the title deeds including historical title documents to establish a "clean" title to the property, complicating and lengthening the conveyancing procedures. Also, property owners have to safe-keep the title deeds of properties. Hong Kong is amongst the few economies (other examples include France and Belgium) which still run a deeds registration system.

(B) Switch to Title Registration: the Enacted LTO in 2004

3. The Land Titles Ordinance (Cap. 585) ("LTO") was enacted in 2004 to introduce the title registration system in place of the deeds registration system. By mandating that the person registered in the Title Register as owner will be recognised as the true owner, title registration offers clear benefits over deeds registration in the following areas –

- (a) providing **certainty in property ownership** through the Title Register. A person who is registered as the owner holds the legal estate or equitable interest and rights in the registered land subject to any registered matter and overriding interests affecting the land², and the Title Register is conclusive evidence of title to the property and other registered matters such as encumbrances;
- (b) requiring **no checking and safe-keeping of historical title documents** for verifying the title to the properties. This will **simplify conveyancing process and enhance efficiency and reduce cost** in completing property transactions. It will also save the trouble of storing old deeds and the adverse consequence of loss of original deeds will be reduced; and

² Overriding interests are interests that affect the property notwithstanding that they are not registered, e.g. easement of necessity and lease taking effect in possession for a term not exceeding three years at the best rent which can reasonably be obtained without a premium. Under the LRO, a bona fide lease at rack rent for a term not exceeding three years may not need to be registered but even if not registered, it will not be rendered null and void against any subsequent bona fide purchaser or mortgagee for valuable consideration. Thus, such lease is proposed to be defined as overriding interests under the LTO so as to be in line with the above legal position.

- (c) bringing Hong Kong’s land registration system **in line with most other jurisdictions** including the Mainland, Singapore and the United Kingdom, in order to provide an even more user-friendly business environment.

As substantial changes were made at the committee stage during the scrutiny of the Land Titles Bill in 2004³, the Administration and LegCo agreed back then that before commencement of the LTO, a thorough review (i.e. post-enactment review) of issues caused by these changes should be conducted in consultation with key stakeholders. As a result, the LTO has not yet been put into operation as of today. Notwithstanding lengthy discussions and public consultation in the past years, consensus still could not be reached with key stakeholders on major issues, most notably the mechanism for conversion of existing land under the LRO (“existing land”) to become land regulated by the title registration system under the LTO (especially in respect of problematic registers and unregistered interests). With the support of key stakeholders including LegCo and industry players, notably lawyers, developers, banks and the rural community, the Administration eventually decided to adopt a phased approach by implementing the title registration system on “new land” first (the “New Land First” proposal) and dealing with conversion of existing land at a subsequent stage, with a view to providing certainty to land titles on a progressive basis.

4. In the absence of consensus on conversion of existing land after prolonged discussion, these key stakeholders see the “New Land First” proposal a practical compromise to get the title registration system off-the-ground while allowing confidence in the new system to build up after implementation, paving the way for more informed discussion on conversion of existing land. In recent years, the LegCo Panel on Development was consulted twice in December 2022 and January 2025 and on both occasions, Members supported the “New Land First” proposal as a pragmatic way forward. Media response is also generally positive,

³ Substantial changes were made at the committee stage in 2004 in relation to conversion of existing land (the originally proposed gradual conversion of land supported by a solicitor’s certificate of good title upon first transfer following LTO commencement or under a voluntary arrangement was replaced by automatic conversion involving conversion of existing land upon the expiry of a 12-year period after LTO commencement); as well as introduction of the mandatory rectification rule (please see paragraphs 7 to 10 below).

with commentary saying the switch to title registration is long overdue to modernise Hong Kong's land registration system. We have summarised in ensuing paragraphs key features of the legislative proposals, including scope of "new land", principle of indefeasible title, disapplication of adverse possession on "new land", and indemnity cap for loss of title due to fraud. We have also set out our policy intent on conversion of existing land.

(C) Scope of "New Land"

5. The Bill seeks to implement title registration on "new land" first, which are free from any title defects or prior interests. "New land" will be defined in the LTO to mean land held under a Government lease granted on or after the date on which the LTO comes into operation ("operation date") for a term commencing on or after that date, subject to certain exceptions⁴, and generally speaking, will include land granted on or after the operation date –

- (a) by way of land sale (auction or tender);
- (b) by private treaty grant; and
- (c) by land exchange (i.e. land re-granted after surrender).

⁴ The exceptions are –

- (a) land which is held under a Government lease **granted before the operation date**, or granted for a term commencing before the operation date, and being the subject of an instrument executed on or after the operation date for the primary purpose of (i) extending the term of the Government lease; or (ii) extending the area of the land which is already held under the Government lease by an additional area ("additional land"), or (iii) varying the terms and conditions of the Government lease;
- (b) land being the additional land to the land extended under (a)(ii);
- (c) land held under a new Government lease as defined by the Government Leases Ordinance (Cap. 40), which provides for the **renewal of Government leases with renewal rights**;
- (d) land held under a Government lease that is deemed to have been issued under the Conveyancing and Property Ordinance (Cap. 219) on or after the operation date pursuant to an agreement for a Government lease entered into before the operation date; and
- (e) land in Cheung Chau which is held under a direct lease from the Government pursuant to the Block Crown Lease (Cheung Chau) Ordinance (Cap. 488) on or after the operation date.

For the avoidance of doubt, land let out by Government through a short term tenancy, i.e. a lease granted for a term of not more than seven years (exclusive of any extension or renewal of the lease) is not regarded as "new land" as a tenancy does not confer ownership.

After commencement of the LTO, titles to “new land”, including cases where the “new land” has notionally been divided into undivided shares and titles acquired by subsequent owners through transfers, will immediately enjoy the benefits of title registration. Based on past statistics, a rough estimate is that within a five-year period after commencement of the LTO, about 450 land grants will be registered, resulting in about 25 000 individual title registers to be created.

6. There has been suggestion of providing an option under the Bill for certain existing land where the likelihood of unclear title is low to be automatically converted to the new system. The thinking behind is to widen the coverage of the Bill beyond “new land” as set out in paragraph 5 above. Specifically, some have suggested the inclusion of land granted in recent years before the operation date but not yet notionally divided into undivided shares and held in multiple ownership, e.g. land with building works yet to be completed and not yet pre-sold. While the title history for such land may be less complicated, there may still be interests already registered such as building mortgages or undertaking letters to government departments, and the nature of the proposal remains to be conversion of existing land, meaning that questions such as whether and if yes how registered and non-registered rights under the LRO should be protected under the LTO still need to be sorted out. This indeed recoils us to the yet-to-be-resolved conversion issue of existing land, which has been impeding us to implement the LTO in the past two decades. Re-opening discussion with stakeholders at this stage will delay the LTO implementation. As our primary objective is to secure soft landing of the title registration system through the “New Land First” and in view of the limited number of cases to be benefitted from the idea of widening the scale as suggested, we consider it prudent to proceed with the scope of “new land” as proposed in paragraph 5 above.

(D) Principle of Indefeasible Title

7. In the enacted LTO, there was a mandatory rectification (“MR”) rule, which essentially refers to rectification of the Title Register upon an order by the Court in favour of an innocent former registered owner if he or she lost his or her title by or as a result of fraud of a third party,

irrespective of whoever is currently the registered owner. We have proposed upon review to abolish the MR rule in the enacted LTO for “new land” registered in the Title Register. Our key consideration is that one key benefit of title registration is title certainty. To uphold this objective, a bona fide purchaser of property for valuable consideration and in possession of the property should be protected by law as the owner, and his or her title should be indefeasible. In other words, a bona fide and innocent purchaser for valuable consideration and in possession of the property will enjoy indefeasible title even in the event of a transfer of property effected through the fraud of a third party though such cases are expected to be few and far between. In such cases, the innocent former owner who is unable to recover the property will be entitled to compensation under the Indemnity Fund (subject to a cap, see paragraphs 12 to 15 below).

8. We acknowledge there are concerns over the abolition of the MR rule and that some would consider it important to protect property ownership of innocent former land owners, who may prefer land ownership to any form of compensation because land is unique and may have special significance to the clan (in respect of villages in the New Territories) or family of the owner. While noting that the principle of “indefeasible title” is different from the common law position applicable to the current deeds registration system (under which an innocent former owner will be able to recover his or her property in case of fraud), the proposal of overriding this common law principle by way of statute is necessary to be in line with the very objective of the title registration system in ensuring title certainty⁵. Such an approach is also in line with that in other jurisdictions with title registration regimes. If the MR rule were to remain as a cardinal rule, any prudent purchaser will demand for an investigation into the title history of a property to obtain greater assurance of his or her title, thus defeating the original purpose of implementing the title registration system. Retaining the MR rule will undermine the certainty of title and work against the objective of simplifying conveyancing procedures under the title registration system.

⁵ Legally speaking, in common law jurisdictions including Hong Kong, common law principles may be overridden with enactment of statute when there are justifiable public policy reasons as in this case.

9. Moreover, it should be noted that for the latest owner to enjoy an indefeasible title, the thresholds are high, requiring three conditions to be met, that is the owner (i) is bona fide and innocent; (ii) has acquired the property for valuable consideration; and (iii) is in possession of the property. Generally speaking, owner-occupiers and owners renting out properties are considered as being in possession of the properties. In other words, for owner-occupiers or owners taking good care of their properties, the risk of their titles being conferred to a third party by fraud is low. While we do not propose to apply the MR as a cardinal rule, the Bill has built in the following safeguards to protect the interest of the innocent former owner –

- (a) allowing the innocent former owner to file an application to the Court for rectification of the Title Register. The Court would have discretion to restore the title of the former owner, if the purchaser with registered title is not bona fide, has not acquired the property for valuable consideration or is not in possession of it, taking into account the circumstances of the case; and
- (b) empowering the Land Registrar (“the Registrar”) to make a restriction order to prohibit the registration of any disposition of the property if there are reasonable grounds for suspecting that a fraud has occurred or may occur and a reference to the restriction order is to be made in the Title Register in relation to the property. This will offer title protection in favour of innocent former owners.

10. Moreover, in response to suggestion by key stakeholders, the Registrar will be issuing title certificates to registered owners under the title registration system. We have taken the opportunity to incorporate advanced anti-forgery features in the title certificates to prevent fraud. Land Registry (“LR”) will also work closely with the law enforcement agencies (“LEAs”), and create a publicity strategy to educate the public regarding property fraud before and after implementation of the LTO⁶.

⁶ Title certificates with advanced anti-forgery features will be issued to registered owners upon registration of transfer. Upon disposal of the property, the issued title certificate will have to be returned to LR for cancellation.

(E) Disapplication of Adverse Possession on “New Land”

11. To uphold the spirit of title certainty, it is proposed that the limitation period prescribed in the Limitation Ordinance (Cap. 347) will not apply to an action to recover land which is “new land”. In other words, claims for adverse possession⁷ will not arise for “new land” under the “New Land First” proposal. There is a strong policy reason for doing so as the whole purpose of the title registration system is to give certainty to title. As for adverse possession on existing land, this is beyond the scope of the Bill. The Government will separately consider how best this should be dealt with, taking into account the recommendations of the Law Reform Commission (“LRC”)⁸.

(F) Cap on Indemnity Fund and Levy

12. The replacement of deeds registration by title registration, while being justifiable on the policy ground of greater title certainty, will nonetheless change the existing arrangement in case of third party fraud of protecting the property of innocent former owner to one that grants title in favour of a bona fide purchaser. This change introduced by a government-initiated Bill calls for action by the Government to put in place an indemnity arrangement that compensates any innocent former owner who loses interest or suffers loss in property fraud after the implementation of the title registration system. Indemnification is a central feature of title registration in almost all jurisdictions (such as Singapore, England and

⁷ Adverse possession is the process by which a person can acquire title to someone else’s land by continuously occupying it in a way inconsistent with the right of its owner. If a person is in adverse possession of land, the owner of the land is barred from bringing an action to recover the land after the expiration of the relevant limitation period prescribed under the Limitation Ordinance (Cap. 347) and the owner’s title to the land will be extinguished. The person in adverse possession acquires a possessory title to the land. In Hong Kong, except in the case of Government land, for which the limitation period is 60 years, no action to recover land shall be brought after twelve years from the date upon which the right of action accrued.

⁸ In its 2014 report, LRC recommended that when a title registration regime is in place in Hong Kong, a notification system may be introduced where a squatter will have a right to apply for registration after ten years’ adverse possession. The registered owner will be notified of the squatter’s application and given a chance to object to the application.

Wales, New South Wales in Australia and Ontario in Canada). Following this arrangement, a Land Titles Indemnity Fund (“Indemnity Fund”) has been proposed under the LTO for the payment of indemnity (subject to a cap) to persons who suffer loss of interests in land to which the title registration system applies due to fraud⁹. The Indemnity Fund will be operating on a self-financing basis according to a user-pay principle and does not involve public expenditure. Specifically, the Indemnity Fund will be built up by levy on property transfers registered under the LTO, and hence the cap of the indemnity would affect the level of contributions required for setting up the self-financing Indemnity Fund. The indemnity cap is proposed to be lifted to \$50 million (as compared to \$30 million proposed when the LTO was enacted in 2004) in order to maintain comparable coverage of over 99% of assignments registered as in 2004. A flat levy rate of 0.014% (as compared to 0.017% proposed in 2004) is recommended on the consideration amount of each property being transferred. In other words, for every \$1 million worth of the consideration amount in respect of properties subject to title registration, the purchaser will contribute \$140 to the Indemnity Fund. If compared with other associated costs for a typical property transaction such as stamp duty, fees for conveyancing solicitors and estate agents, which can typically run into several hundred thousand dollars, the proposed levy rate of 0.014% (with a cap of \$7,000) is still considered reasonable, especially when taking into account the protection it affords. The levy and indemnity will apply only to transactions involving “new land” subject to title registration in the staged approach.

13. The proposed indemnity cap (\$50 million) and levy rate (0.014%) were recommended and the sustainability of the Indemnity Fund reaffirmed by the actuarial consultant appointed by the LR in 2022 by forecasting the overall risks to be borne by the Indemnity Fund and the total levy to be collected, with the policy objective of achieving a balanced fund in the long run. Based on the actuarial consultant’s report, the operation of the Indemnity Fund should be financially sustainable, having

⁹ Apart from provision of indemnity in the case of fraud as aforesaid, under the enacted LTO, persons who suffer a loss due to a mistake or omission of LR that causes an entry being entered in, or omitted from, the Title Register will also be eligible for the payment of indemnity. The indemnity payable under the LTO as a result of LR’s mistake or omission is not subject to a cap and will be paid out of the Indemnity Fund which will then be reimbursed by the Land Registry Trading Fund.

regard to cyclical movements of the property market both in terms of number of property transactions and property prices and the number, pattern and size of property fraud claims in the past. Lately, LR has re-run the actuarial model using adjusted assumptions and parameters reflecting the changes in the housing market in recent years amongst other things, which confirms that the Indemnity Fund with the proposed cap and levy rate remains financially viable¹⁰. The Government could take recourse actions as appropriate to recover the compensation made out of the Indemnity Fund¹¹.

14. There were views that if titles of land under the title registration system could not be rectified in favour of the innocent former owner, the innocent former owner should be fully indemnified for the loss he or she suffered and no cap should be introduced. Removing the cap on indemnity entirely would create a much higher risk of insolvency for the Indemnity Fund as one or two claims of high-valued properties could exhaust the Indemnity Fund. A balance needs to be struck amongst the extent of indemnity protection, the levy rate and financial sustainability of the Indemnity Fund, and public acceptance of the levy rate. As a matter of fact, the proposed cap should provide sufficient protection for the great majority of property owners, as about 87% of assignments registered at LR in 2023-24 involved consideration not exceeding \$10 million and that the

¹⁰ The re-run by LR has taken into account latest developments and changes in the property market in the recent few years (i.e. in comparison with statistics in 2021). With the assumptions and projection parameters adjusted accordingly, the projected fund balance would still be positive at \$143 million in Year 10 and \$206 million in Year 20. These adjusted factors include amongst others: assuming that title registration system is only implemented on “new land” without any conversion of existing land (which is itself a rather conservative assumption in terms of accumulating levy for the fund); and no fraud cases are expected in the first 10 years due to the limited amount of “new land” at the beginning of implementation and the low possibility of fraud.

¹¹ Where an indemnity is paid to a claimant in the case of fraud, the Government has a right to recover the amount paid from the persons who have caused, or substantially contributed to, the loss by their fraud, e.g. from the fraudsters. The Government is also subrogated, to the extent of the amount of indemnity paid, to the right of the claimant who has received the indemnity in enforcing any covenant or right in relation to the matter for which indemnity has been paid. The amount so recovered will be paid back to the Indemnity Fund. Moreover, LR may have a claim against a solicitor who has acted negligently in verifying the application causing the payment of indemnity. However, a solicitor acting in good faith and with reasonable diligence in verifying an application for registration is not liable for any loss occasioned by the inaccuracy in the verification.

\$50 million cap can cover over 99% of assignments registered in the same year.

15. To provide sufficient buffer for indemnity payments, a stand-by loan facility of \$150 million for the Indemnity Fund from the Government is proposed. Funding for the proposed loan facility will be sought in accordance with established mechanism as and when required¹². However, we do not anticipate a strong need to trigger the loan facility as the likelihood of fraud in “new land” is expected to be low.

16. In order to prevent fraudulent applications for indemnity payment, an order made by the Court in the rectification proceedings is a pre-requisite for claiming indemnity in the case of fraud. If it is revealed in the Court’s ruling that a person was a party to the fraud, had substantially contributed to the fraud, or had knowledge of the fraud at the time of lodging the application for the person’s registration as the owner or lessee of the registered interest, such person is not entitled to indemnity. To create deterrent effect against fraudulent applications, we propose introducing a new offence in the Bill to the effect that a person fraudulently lodging an application for indemnity will be subject to maximum penalty of \$5,000,000 and imprisonment for 14 years¹³. Besides, a fraudster will be criminally liable for his or her action in a fraudulent transfer as under the current deeds registration system. LR will work closely with the LEAs when fraud is suspected, and with input from the LEAs, LR can adduce its own evidence to establish further findings before an indemnity is paid out.

¹² The loan will be repaid to the Government from the Indemnity Fund.

¹³ Given the seriousness of fraud in nature, and having taken into account the penalty level of similar offences relating to fraud or false instruments in the Theft Ordinance (Cap. 210) and Crimes Ordinance (Cap. 200) where a person committing the offence of fraud is liable on conviction upon indictment to imprisonment for 14 years, there is an offence in the enacted LTO of fraudulently lodging an application for registration of any matter, and the maximum penalty is 14 years of imprisonment and fine of \$5,000,000. For the new offence of fraudulently lodging an application for indemnity payment, we propose the same maximum penalty.

(G) Pre-emptive Measures to Prevent Fraud

17. We will put in place a series of legislative and administrative measures to minimise the risk of property fraud and to reduce the burden on the Indemnity Fund. On the legislative level –

- (a) subject to the provisions of the LTO, an application for registration must be verified in the manner prescribed by the LTO and its subsidiary legislation. It is proposed that under the subsidiary legislation to be made under the LTO, an application for registration will be required to be accompanied by a certificate of verification from a solicitor verifying the identity and capacity of the purchaser and the instruments supporting the application¹⁴;
- (b) under the title registration system, the Title Register kept by LR will be conclusive evidence of title, and title to property can be ascertained through search of the Title Register. Notwithstanding this, as mentioned in paragraph 10 above, LR will issue title certificates to property owners with advanced anti-forgery features to assist purchasers and practitioners in verifying the identity of owners;
- (c) to claim indemnity from the Indemnity Fund, an application for a rectification order must first be made to the Court and the Court has to be satisfied that the entry was registered or omitted, by or as a result of, fraud of any person, taking into account, among other things, investigation by the LEAs. Moreover, the threshold for establishing indefeasibility of title is high as the purchaser must satisfy the three conditions as mentioned in paragraph 9 above;
- (d) the Registrar will be empowered to make a restriction order prohibiting the registration of a disposition of a property if there

¹⁴ The proposal follows overseas practices whereby solicitors assume a central role in verifying the propriety of applications for registration and instruments supporting the applications. It is also worthy to note that while the Bill provides for title registration for new lands first, it will not alter the requirement in the Legal Practitioners Ordinance (Cap. 159) which stipulates that only solicitors can prepare conveyancing related documents at fees.

are reasonable grounds to suspect that a property fraud has been or is about to be committed. The restriction will be entered in the Title Register of the property concerned (please refer to paragraph 9 above); and

- (e) the offence in the enacted LTO and the proposed new offence against a person who fraudulently lodges an application for registration and application for indemnity (please refer to paragraph 16 above) respectively will provide a deterrent effect against property fraud. Besides, the Government is entitled to recover the amount of indemnity paid from the fraudster who causes the loss.

18. On the administrative level –

- (a) when the LTO comes into operation, registered owners will receive notification (in the form of e-mail, followed by text reminders sent to phones) from LR when there is an application for registration lodged against their properties (e.g. an application for registration of a sale and purchase of a property or a mortgage) and upon completion of registration or cancellation of registration (where applicable). The free service will enable registered owners to discover possible fraud at an early stage and take appropriate actions as soon as practicable. An online authentication service will also be launched to enable solicitors and purchasers to verify the authenticity and validity of title certificates when handling property transactions; and
- (b) to assist solicitors to complete the certificate of verification, LR will provide advisory guidelines setting out the recommended steps for verifying the identity, capacity and authority of their clients and for submitting applications for registration.

19. A comparison of the key aspects of the LRO, the enacted LTO and the Bill is at **Annex B**.

B

(H) Conversion of Existing Land

20. While “new land” will come under the title registration system, existing land will continue to be dealt with and registered under the current deeds registration system and existing laws. There have been enquiries about the timetable of converting the existing 2.9 million land registers to the title registration system. We have stated that the Government’s aim is for all existing land registers to be converted to the new system eventually. Before this ultimate aim is attained, both the existing and new systems will co-exist. Indeed, parallel running of two registration systems is not uncommon in overseas jurisdictions¹⁵. In our case, how fast the conversion can be completed will be subject to further discussion with stakeholders based on outcome of our internal research (please see details below). Key issues to discuss include the form of conversion (e.g. should we adopt a voluntary or mandatory approach or a mix of both), the pace of conversion (e.g. whether we should start with existing land registered more recently hence with less complicated history), how to identify and deal with properties with defective titles to ensure the accuracy of the Title Register will not be compromised after conversion, etc. To size up the problem of indeterminate ownership, we have kick-started internal research by conducting pilot sample screening to assess the extent and types of problematic registers in the existing 2.9 million land registers which we need to resolve for conversion of existing land. Initial results indicate that cases with indeterminate ownership will not be insignificant (e.g. some several thousand problematic registers have been projected, based on extrapolation having regard to the sample study covering only a fraction of existing land registers). These cases normally involves title chain issues, e.g. broken title chains and multiple registers. The screening however is not exhaustive and we will continue our efforts on this front. We hope that with more findings, it would shed light on how we may implement the LTO on a wider scale progressively.

¹⁵ For example, in England and Wales, Scotland and Singapore, parallel running of title registration system and its original land registration system has lasted or has been lasting for a relatively long period of time. After title registration has been implemented in the three jurisdictions since 1925, 1981 and 1956 respectively, about 87% (as at September 2019), 55% (as at December 2024) and 99.9% (as at 2017) of land is registered under the new system.

21. Subject to passage of the Bill by the LegCo by the end of 2025, we will prepare the six pieces of subsidiary legislation for negative vetting by the LegCo in 2026. Assuming that the subsidiary legislation will be passed within 2026, we will launch publicity and educational activities to educate the public and the practitioners on the detailed implementation arrangements for the title registration system. It is expected that the implementation of title registration on “new land” will be in the first half of 2027. We are aiming to formulate the conversion proposal for existing land for discussion with stakeholders after implementing the “New Land First” proposal.

OTHER OPTIONS

22. Legislation is required to amend (a) the LTO for the implementation of the “New Land First” proposal and to address certain relevant issues; (b) the LRO to align certain registration practices with those proposed under the title registration system (e.g. electronic filling of registration applications); (c) the resolution passed under the Trading Funds Ordinance (Cap. 430) establishing the Land Registry Trading Fund (Cap. 430 sub. leg. A) (“LRTF”) to specify the services to be provided by LR under the LRO and LTO. There is no alternative other than legislation.

THE BILL

23. The main provisions of the Bill are –

- (a) **Part 1** provides for the preliminary matters of the Bill, including short title and commencement arrangement¹⁶.
- (b) **Part 2** provides for amendments to the LTO and the major amendments are to:
 - (i) provide for the definition of “new land”;

¹⁶ The commencement date will be a date appointed by the Secretary for Development by notice published in the gazette.

- (ii) provide that a solicitor acting in good faith and with reasonable diligence in verifying an application for registration is not liable for any loss occasioned by the inaccuracy in the verification;
- (iii) reflect that adverse possession will not apply to “new land” ;
- (iv) provide that title certificates will be issued to an owner or lessee of a registered interest in accordance with the regulations and to provide for the cancellation of title certificates;
- (v) provide for matters concerning public inspection of registers and documents kept by the Registrar. Specific provisions will be set out in subsidiary legislation;
- (vi) repeal the provision regarding MR and provide that no rectification order may be made to affect the title of a bona fide and innocent purchaser for valuable consideration and in possession of the property so that such person will enjoy indefeasible title;
- (vii) elaborate on matters relating to indemnity, including the circumstances under which indemnity is payable and the amount of indemnity payable in cases of fraud or the LR’s mistake or omission, the time limit for lodging claims for indemnity, and the Registrar’s power to make provisional indemnity payments. Specific provisions on procedures and detailed arrangements for the determination and payment of indemnity will be set out in subsidiary legislation;
- (viii) provide for the power to make regulations relating to the lodging of applications for registration by electronic means and to streamline registration;
- (ix) provide that the Registrar may make a restriction order against a specific property prohibiting the registration of any disposition if there are reasonable grounds for suspecting that a fraud has occurred or may occur; and
- (x) introduce offences for knowingly or recklessly making any statement, or furnishing any information, that is false or misleading in a material particular in an application for a search or inspection of registers or documents and for fraudulently lodging an application for indemnity.

(c) **Part 3** provides for amendments to the LRO:

- (i) to provide that the LRO does not apply to “new land” or “registered land” as defined in the LTO;
- (ii) to expand the scope of the Registrar’s regulation-making power to allow regulations relating to submission of instruments by electronic means for registration to be made; and
- (iii) to provide for the incorporation of provisions of standard terms documents filed under the LTO in deeds, conveyances and instruments to be registered under the LRO so as to streamline registration procedures.

(d) **Part 4** provides for amendments to Schedule 1 to the resolution passed under the Trading Funds Ordinance establishing the Land Registry Trading Fund to specify the services to be provided by LR under the LRTF, including the provision of services under the LTO.

C

24. The existing provisions being amended are at **Annex C**.

LEGISLATIVE TIMETABLE

25. The legislative timetable will be –

Publication in the Gazette	28 February 2025
First Reading and commencement of Second Reading debate	19 March 2025
Resumption of Second Reading debate, committee stage and Third Reading	To be notified

IMPLICATIONS OF THE PROPOSAL

D

26. The proposal has financial, civil service, economic and sustainability implications with details set out in **Annex D**. It is in conformity with the Basic Law, including the provisions concerning human rights. It has no environmental, family and gender implications. The

proposal will not affect the binding effect of the LTO, the LRO and the Trading Funds Ordinance.

PUBLIC CONSULTATION

27. LR conducted extensive discussions with the key stakeholders, including the Consumer Council, the Estate Agents Authority, the Heung Yee Kuk New Territories, the Hong Kong Association of Banks, the Hong Kong Bar Association, the Hong Kong Mortgage Corporation Limited, the Law Society of Hong Kong, and the Real Estate Developers Association of Hong Kong, over the years. Since 2018, the key stakeholders were specifically consulted on different aspects of the “New Land First” proposal. Their comments have been largely reflected in the current legislative proposals contained in the Bill, and the current proposals have received general support. The LegCo Panel on Development was briefed on the “New Land First” proposal on 19 December 2022 and on the legislative proposals in the Bill on 24 January 2025. Members supported the introduction of the Bill into LegCo.

PUBLICITY

28. A press release has been issued and a spokesperson will be available to answer enquiries.

29. To prepare for the implementation of the “New Land First” proposal, upon passage of the Bill expected in end 2025 and the six pieces of subsidiary legislation in 2026, LR will work in conjunction with the key stakeholders to launch a publicity campaign and professional education programme, targeting the general public and the practitioners (e.g. conveyancing solicitors, banks and real estate agents) before and after the implementation of the LTO with a view to promoting general public awareness of the “New Land First” proposal and preparing practitioners and stakeholders for the implementation of the LTO.

ENQUIRES

30. Enquiries relating to this brief can be addressed to Miss CHEUNG Hoi Shan, Principal Assistant Secretary (Planning and Lands), at 3509 8806.

Development Bureau

27 February 2025

Registration of Titles and Land (Miscellaneous Amendments) Bill 2025

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A BILL

To

Amend the Land Titles Ordinance to confine the land title registration system to certain land granted on or after the commencement date of that Ordinance; to amend the Land Registration Ordinance (*Cap. 128*) to provide for matters relating to the search, inspection and provision of records kept under Cap. 128, to prohibit the registration of certain documents under Cap. 128 in relation to certain land, to facilitate the incorporation of standard terms documents in certain documents registrable under Cap. 128, and to provide for the submission of certain documents by electronic means under Cap. 128 and for matters relating to the electronic lodgement system to be maintained under Cap. 128; to amend Schedule 1 to the resolution passed under the Trading Funds Ordinance establishing the Land Registry Trading Fund to specify the services that may be provided by the Land Registry under the Land Registry Trading Fund; and to make related and miscellaneous amendments to the Land Titles Ordinance and other Ordinances.

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title and commencement

- (1) This Ordinance may be cited as the Registration of Titles and Land (Miscellaneous Amendments) Ordinance 2025.

- (2) This Ordinance comes into operation on a day to be appointed by the Secretary for Development by notice published in the Gazette.

2. Enactments amended

The enactments specified in Parts 2, 3 and 4 are amended as set out in those Parts.

Part 2

Amendments to Land Titles Ordinance (Cap. 585)

Division 1—Amendments to Part 1 (Preliminary)

3. Section 2 amended (interpretation)

(1) Section 2(1)—

Repeal the definition of *charge*

Substitute

“*charge* (押記)—

(a) means a charge or mortgage of any of the following descriptions—

(i) a legal charge as defined by section 2 of Cap. 219;

(ii) a mortgage of an equitable interest in or over land but excluding any mortgage of an interest which is only capable of being protected by a consent caution or non-consent caution;

(iii) a charge on any interest in a registered charge; but

(b) does not include a statutory charge or a charging order;”.

(2) Section 2(1)—

Repeal the definition of *chargee*

Substitute

“*chargee* (承押記人), in relation to a charge or statutory charge, means the owner of the charge or statutory charge;”.

(3) Section 2(1)—

Repeal the definition of *charging order*

Substitute

“*charging order* (押記令) means an order of a court that imposes on the registered interest specified in the order a charge for securing the payment of money;”.

(4) Section 2(1), definition of *consent caution*—

Repeal

“section 71(1) and (3)”

Substitute

“section 71(1) and (2)”.

(5) Section 2(1), definition of *Court*, after “Court of First Instance”—

Add

“, Court of Appeal or Court of Final Appeal”.

(6) Section 2(1), definition of *date of first registration*—

Repeal paragraphs (a) and (b)

Substitute

“(a) in relation to registered land—see section 22; and

(b) in relation to a registered long term lease—see section 49(4);”.

(7) Section 2(1)—

Repeal the definition of *disposition*

Substitute

“*disposition* (處置)—

(a) means an act—

- (i) by the owner or lessee of a registered interest by which the rights of the owner or lessee in or over the interest are affected; or
 - (ii) by the owner of a registered charge by which the rights of the owner in or over the charge are affected; but
- (b) does not include an agreement to do such an act;”.
- (8) Section 2(1), definition of *document*—
Repeal
“, in addition to a document in writing”.
- (9) Section 2(1)—
Repeal the definition of *entry*
Substitute
“*entry* (記項), in relation to the Title Register, includes a note and notice in the Title Register;”.
- (10) Section 2(1)—
Repeal the definition of *imaging method*
Substitute
“*imaging method* (影像處理方法) means a method by which the information contained in a document in a paper form (or similar form capable of being read) is converted into an electronic image, which image is then stored on an electronic storage media from which the information is capable of being retrieved and reproduced in a legible form;”.
- (11) Section 2(1)—
Repeal the definition of *instrument*
Substitute
“*instrument* (文書)—

- (a) includes a deed, conveyance, decree, order or other document that is—
 - (i) required to support, or is capable of supporting, an application for registration; or
 - (ii) specified in any other enactment as a document that supports or may support an application for registration under this Ordinance (or words to the like effect); but
 - (b) does not include a will;”.
- (12) Section 2(1)—
Repeal the definition of *land*
Substitute
“*land* (土地)—
 - (a) includes—
 - (i) land covered by water; and
 - (ii) a thing attached to land or permanently fastened to a thing attached to land; but
 - (b) does not include an interest in or over land other than—
 - (i) an undivided share in land; or
 - (ii) such an interest vested in a person because of the operation of section 23, 25(1) or 26(1) or (2);”.
- (13) Section 2(1), definition of *Land Titles Indemnity Fund*—
Repeal
“pursuant to”
Substitute
“under”.

(14) Section 2(1)—

Repeal the definition of *lessee*

Substitute

“*lessee* (承租人) means—

- (a) in relation to a registered long term lease—the person whose name is entered in the Title Register as the lessee of the lease;
- (b) in relation to any undivided share in registered land held under a registered long term lease—the owner or holder (or words to the like effect) of the undivided share; and
- (c) in relation to any other lease—the lessee of the lease;”.

(15) Section 2(1)—

Repeal the definition of *long term lease*

Substitute

“*long term lease* (長期租契)—

- (a) means a lease of the following descriptions—
 - (i) a lease of registered land as a whole (other than any undivided share in the land) granted by the owner of the land;
 - (ii) under which the lessee is granted the right to exclusive possession of the land for a term of not less than 21 years; and
 - (iii) for which a premium is paid or a valuable consideration (other than those payable on a periodic basis) is given; but

- (b) does not include a lease the unexpired term of which is less than 21 years at the time when the application for the registration of the lease is lodged;”.

(16) Section 2(1), definition of *lot*—

Repeal

“section and subsection”

Substitute

“portion”.

(17) Section 2(1)—

Repeal the definition of *lot number*

Substitute

“*lot number* (地段編號) means—

- (a) in relation to a lot—
 - (i) the designation and number by which the lot is described in the Government lease under which it is held, or the designation and number as amended from time to time under section 8A; or
 - (ii) in the absence of such designation and number—the designation and number designated, and as amended from time to time, under section 8A; and
- (b) in relation to a portion of a lot—
 - (i) the designation and number by which the portion is described in the instrument by which it came into existence as such, or the designation and number as amended from time to time under section 8A; or

- (ii) in the absence of such designation and number—the designation and number designated, and as amended from time to time, under section 8A;”.

(18) Section 2(1), definition of *non-consent caution*—

Repeal

“section 71(4), (6) and (13)”

Substitute

“section 71(4) and (5)”.

(19) Section 2(1), definition of *owner*, paragraphs (a) and (b)—

Repeal

“named”

Substitute

“whose name is entered”.

(20) Section 2(1)—

Repeal the definition of *personal representative*

Substitute

“*personal representative* (遺產代理人), in relation to a deceased person, means—

- (a) a personal representative (as defined by section 2 of the Probate and Administration Ordinance (Cap. 10)) of the deceased person; or
- (b) if the Official Administrator gets in and administers the estate of the deceased person in a summary manner under section 15 of that Ordinance—the Official Administrator;”.

(21) Section 2(1)—

Repeal the definition of *record*

Substitute

“*record* (紀錄), in relation to a document, means a record of the document in any form and includes—

- (a) an electronic record (as defined by section 2(1) of the Electronic Transactions Ordinance (Cap. 553));
- (b) a record produced using the imaging method;
- (c) a microfilm record; and
- (d) a photographic record or record produced by a process similar to a photographic process;”.

(22) Section 2(1)—

Repeal the definition of *register*

Substitute

“*register* (註冊), when used as a verb, means register in the Title Register by making, altering or removing an entry in the Title Register, and *registered* (註冊), *unregistered* (未經註冊) and *registration* (註冊) are to be construed accordingly;”.

(23) Section 2(1), definition of *registered charge*—

Repeal

“in respect of registered land or a registered long term lease under section 37”

Substitute

“under section 37 or 38”.

(24) Section 2(1)—

Repeal the definition of *registered land*

Substitute

“*registered land* (註冊土地) means new land (or any part of it)—

- (a) that is held under a Government lease; and
 - (b) the title to which is registered under section 21;”.
- (25) Section 2(1)—
- Repeal the definition of *registered long term lease***
- Substitute**
- “*registered long term lease* (註冊長期租契) means a long term lease registered under section 49;”.
- (26) Section 2(1)—
- Repeal the definition of *transfer***
- Substitute**
- “*transfer* (轉移) means the passing of the title to a registered interest or a registered charge from one person to another otherwise than by transmission;”.
- (27) Section 2(1)—
- Repeal the definition of *transmission***
- Substitute**
- “*transmission* (傳轉) means the passing of the title to a registered interest or a registered charge from one person to another under an order of a court or by operation of law;”.
- (28) Section 2(1)—
- Repeal the definition of *trustee***
- Substitute**
- “*trustee* (受託人)—
- (a) includes a personal representative; and
 - (b) to avoid doubt, does not include a trustee in bankruptcy;”.
- (29) Section 2(1)—

- (a) definition of *application*;
 - (b) definition of *appointed day*;
 - (c) definition of *chargor*;
 - (d) definition of *current*;
 - (e) definition of *dealing*;
 - (f) definition of *image record*;
 - (g) definition of *inhibition*;
 - (h) definition of *land boundary plan*;
 - (i) definition of *liquidator*;
 - (j) definition of *lis pendens*;
 - (k) definition of *matter*;
 - (l) definition of *memorial*;
 - (m) definition of *present*;
 - (n) definition of *registered matter*;
 - (o) definition of *remove*;
 - (p) definition of *restriction*;
 - (q) definition of *search*;
 - (r) definition of *unregistrable interest*—
- Repeal the definitions.**
- (30) Section 2(1)—
- Add in alphabetical order**
- “*Cap. 117* (《第 117 章》) means the Stamp Duty Ordinance (Cap. 117);
- Cap. 128 land* (第 128 章土地) means land—
- (a) that is not registered land; and

- (b) that is held under a Government lease for which a register is kept under the Land Registration Ordinance (Cap. 128);

Cap. 219 (《第 219 章》) means the Conveyancing and Property Ordinance (Cap. 219);

cautioner (警告者)—

- (a) in relation to a registered consent caution, means the person who lodges an application under section 71(1) or (2) leading to the registration of the consent caution; and
- (b) in relation to a registered non-consent caution, means the person who lodges an application under section 71(4) or (5) leading to the registration of the non-consent caution;

commencement date (生效日期) means the date on which this Ordinance comes into operation;

court (法院)—

- (a) means a court of competent jurisdiction of the Hong Kong Special Administrative Region; and
- (b) includes a magistrate and a tribunal;

individual title register (個別業權紀錄) means a part of the Title Register that is created to contain the particulars and information relating to a registered interest;

inhibition order (制止令) means an order made under section 75(1), and includes an order varying such an order made under section 75(2);

lodge (遞交) means lodge with the Land Registry;

new land (新土地)—

- (a) means land held under a Government lease granted on or after the commencement date for a term commencing on or after that date; but
- (b) does not include—
 - (i) land held under a short term tenancy;
 - (ii) land held under a principal lease and that is the subject of an instrument (including an instrument providing for a grant of another Government lease for the land with a new lot number designated) of the following descriptions—
 - (A) executed on or after the commencement date; and
 - (B) contains a statement to the effect that the primary purpose of the instrument is to extend the term of the principal lease, to extend the area of the land leased or agreed to be leased by an area of land (**additional land**), or to vary the terms and conditions of the principal lease;
 - (iii) land being the additional land;
 - (iv) land held under a new Government lease as defined by section 2 of the Government Leases Ordinance (Cap. 40);
 - (v) land held under a Government lease that is deemed to have been issued under section 14 of Cap. 219 on or after the commencement date pursuant to an agreement for a Government lease entered into before the commencement date; or

- (vi) land held under a direct lease from the Government that is deemed to be such under section 5(2) of the Block Crown Lease (Cheung Chau) Ordinance (Cap. 488) on or after the commencement date;

order (命令) includes a judgment or direction made or given by a court;

principal lease (主租契) means—

- (a) a Government lease granted before the commencement date; or
(b) a Government lease granted on or after the commencement date for a term commencing before that date;

registered consent caution (註冊同意警告書) means a consent caution registered under Part 10;

registered interest (註冊權益) means—

- (a) registered land;
(b) a registered long term lease; or
(c) any undivided share in registered land held under a registered long term lease;

registered non-consent caution (註冊非同意警告書) means a non-consent caution registered under Part 10;

short term tenancy (短期租約) means a lease granted for a term of not more than 7 years (exclusive of any extension or renewal of the lease);

standard terms document (標準條款文件) means a document containing provisions that are to be incorporated in an instrument as terms and conditions of the instrument;

statutory charge (法例押記) means a charge arising under this Ordinance or any other enactment, whether referred to as

a charge, first charge, legal charge or otherwise in this Ordinance or that other enactment;

trustee in bankruptcy (破產案受託人)—

- (a) means a trustee as defined by section 2 of the Bankruptcy Ordinance (Cap. 6); and
(b) includes a provisional trustee as defined by that section;”.

(31) Section 2(2)(a)—

Repeal

“an entry being made in the Title Register specifying a person as being”

Substitute

“the entering of the name of a person in the Title Register as”.

(32) Section 2(2)(a), English text—

Repeal

“shall”

Substitute

“are to”.

4. Section 3 amended (application)

(1) Section 3—

Repeal subsection (1)

Substitute

“(1) This Ordinance applies to new land.”.

(2) Section 3(4)(e)—

Repeal

“the Stamp Duty Ordinance (Cap. 117)”

Substitute

“Cap. 117”.

Division 2—Amendments to Part 2 (Organization and Administration)

5. Section 4 amended (the Title Register)

- (1) Section 4, English text, heading—

Repeal

“The”.

- (2) Section 4(1)—

Repeal

“shall keep in the Land Registry”

Substitute

“is to, for the purposes of this Ordinance, keep”.

- (3) Section 4(2)—

Repeal everything before paragraph (a)

Substitute

“(2) The Title Register is to contain the particulars or information required or permitted to be entered in the Title Register under this Ordinance or any other enactment, as well as other particulars or information that the Registrar considers appropriate to be entered in the Title Register, including the following—”.

- (4) Section 4(2)(a)(i), Chinese text—

Repeal

“或英文字母或數目字或文字”

Substitute

“，或包括字母或數目字符號或字元”.

- (5) Section 4(2)(a)(vi)—

Repeal

“and”.

- (6) Section 4(2)(a)(vii), after “capacity”—

Add

“, as known to the Registrar,”.

- (7) Section 4(2)(a)(vii), after “owners”—

Add

“own or”.

- (8) Section 4(2)(a)(vii)—

Repeal

“or otherwise;”

Substitute

“, trustee in bankruptcy or otherwise; and”.

- (9) After section 4(2)(a)(vii)—

Add

“(viii) if the land is owned or held by more than one owner as tenants in common—the respective shares of the owners in the land as known to the Registrar;”.

- (10) Section 4(2)(b)(i), Chinese text—

Repeal

“或英文字母或數目字或文字”

Substitute

“，或包括字母或數目字符號或字元”.

- (11) Section 4(2)(b)(vi)—

Repeal

“and”.

- (12) Section 4(2)(b)(vii), after “capacity”—

Add

“, as known to the Registrar,”.

- (13) Section 4(2)(b)(vii)—

Repeal

“or otherwise;”

Substitute

“, trustee in bankruptcy or otherwise; and”.

- (14) After section 4(2)(b)(vii)—

Add

“(viii) if the lease is held by more than one lessee as tenants in common—the respective shares of the lessees in the lease as known to the Registrar;”.

- (15) Section 4(2)(c)(i)—

Repeal

“and”.

- (16) Section 4(2)(c)(ii)—

Repeal

“chargor”

Substitute

“chargee or chargees”.

- (17) After section 4(2)(c)(ii)—

Add

“(iii) the capacity, as known to the Registrar, in which the chargee or chargees hold the charge, whether as sole

chargee, tenants in common, joint tenants, trustee, trustee in bankruptcy or otherwise; and

- (iv) if the charge is held by more than one chargee as tenants in common—the respective shares of the chargees in the charge as known to the Registrar; and”.

- (18) Section 4(2)—

Repeal paragraph (d)

Substitute

“(d) particulars of any other registered matter and the instruments that support the registration of the matter.”.

- (19) Section 4(2)—

Repeal paragraphs (e), (f) and (g).

- (20) After section 4(2)—

Add

“(3) To avoid doubt, a reference to the following in the Title Register is for information only and does not form part of the Title Register—

- (a) a pending application for the registration of a matter;
- (b) the documents, information, evidence or explanation accompanying the application;
- (c) other particulars of the application.

(4) Despite what is shown on a title certificate, the Title Register is, subject to other provisions of this Ordinance, conclusive evidence of—

- (a) the title to a registered interest; and
- (b) any other matters shown in the Title Register.”.

6. Sections 5, 6 and 7 substituted

Sections 5, 6 and 7—

Repeal the sections

Substitute

“5. Applications register

- (1) The Registrar is to, for the purposes of this Ordinance, keep a register to be known as the applications register.
- (2) The applications register is to—
 - (a) record all applications for registration ever lodged under this Ordinance; and
 - (b) contain other particulars or information that the Registrar considers appropriate to be entered in the applications register.

6. Registrar to keep certain documents etc.

- (1) The Registrar is to, for the purposes of this Ordinance, keep (or make and keep a record of) the following documents lodged under this Ordinance—
 - (a) each application for the registration of a matter where—
 - (i) the matter has been registered; and
 - (ii) the application supports a current entry in the Title Register; and
 - (b) the documents that support an application mentioned in paragraph (a).
- (2) The Registrar may, for the purposes of this Ordinance, keep (or make and keep a record of) any document lodged under this Ordinance other than those mentioned in subsection (1).
- (3) Where a record of a document is once made and kept under subsection (1) or (2), the Registrar may—

- (a) destroy the document;
 - (b) return the document to the person who lodged the document or to the person on whose behalf the document was lodged; or
 - (c) otherwise dispose of the document.
- (4) Where a record of a document is once made and kept under subsection (1), a printout of the record, if certified by the Registrar as a true copy of the document, is to be regarded as a certified copy of the document.

7. Form of registers, documents and other records etc.

- (1) Registers, documents, records of documents, and particulars and information kept by the Registrar under or for the purposes of this Ordinance may be kept, organized and presented in the form and manner the Registrar considers appropriate.
- (2) Without limiting subsection (1), the Registrar may create individual title registers, and alter and close any such register, as the Registrar considers appropriate.”.

7. Section 8 amended (functions and powers of Registrar)

- (1) Section 8(1)(b)—

Repeal

“regulations”

Substitute

“provisions of this Ordinance”.

- (2) Section 8(2)—

Repeal

“his functions and”

Substitute

“the Registrar’s functions or the”.

- (3) Section 8(2)—

Repeal

“his powers”

Substitute

“the Registrar’s powers under this Ordinance”.

- (4) Section 8(2)—

Repeal paragraph (a)

Substitute

“(a) require a person to provide the Registrar with any document or information relating to a registered interest or an application lodged under this Ordinance;”.

- (5) Section 8(2)(b)—

Repeal

“him and give”

Substitute

“the Registrar and provide”.

- (6) Section 8(2)(b)—

Repeal subparagraphs (i) and (ii)

Substitute

- “(i) any matter relating to a registered interest;
- (ii) any application lodged under this Ordinance; or
- (iii) any document or information relating to a registered interest or an application lodged under this Ordinance;”.

- (7) Section 8(2)(c)—

Repeal

“proceedings”

Substitute

“document”.

- (8) Section 8(2)(c)—

Repeal

“affecting registration”

Substitute

“that relates to a registered interest or an application lodged under this Ordinance”.

- (9) Section 8(2)—

Repeal paragraphs (d) and (e)

Substitute

- “(d) refuse to accept (or process further) an application lodged under this Ordinance, or refuse such an application, if—
- (i) the application is not lodged in the form or manner specified by the Registrar;
 - (ii) the application is not completed in accordance with the directions or instructions given by the Registrar under section 99;
 - (iii) the applicant fails to provide any document, information or explanation required by the Registrar in relation to the application;
 - (iv) any document, information or explanation mentioned in subparagraph (iii) is not provided—
 - (A) in the form or manner, or within the period, specified by the Registrar; or
 - (B) in accordance with the directions or instructions given by the Registrar under section 99;

- (v) the applicant fails to take any step required by the Registrar in relation to the application within the period specified by the Registrar;
 - (vi) any fee payable in respect of the application (including any additional fee payable under section 33), or any levy payable in respect of the registration of any matter, has not been paid; or
 - (vii) any provision of this Ordinance or of any other enactment relating to the application has not been complied with;
 - (da) on the request of the applicant of an application, not to process the application further for a period of time as the Registrar considers appropriate;
 - (e) if the Registrar is of the view that a matter is not capable of being registered under this Ordinance—refuse to register the matter; and”.
- (10) Section 8(2)(f)—
Repeal
“him”
Substitute
“the Registrar”.
- (11) Section 8(2)(f), English text—
Repeal
“shall”
Substitute
“are to”.
- (12) Section 8(2)(f)—
Repeal

“such persons and in such proportions as the Registrar thinks fit”

Substitute

“the persons and in the amount determined by the Registrar”.

8. Section 8A added

After section 8—

Add

“8A. Registrar may designate and amend lot numbers

- (1) The Registrar may, if considered appropriate—
 - (a) designate for a lot of land a designation and number by which the lot is described; and
 - (b) amend a lot number.
- (2) Without limiting subsection (1), the Registrar may—
 - (a) if the designation and number of a lot of land are not shown in, or not ascertainable from, the instrument by which the lot is divided into such a portion—designate a designation and number for the portion;
 - (b) if a portion of a lot of land has been resumed by the Government—designate a designation and number for the remaining portion of the lot that is not resumed; and
 - (c) if the area of a lot of land has been extended by an area of land—designate a designation and number for the whole lot as extended.”.

9. Section 9 repealed (Registrar may apply to Court for directions)

Section 9—

Repeal the section.

10. Section 10 amended (delegation of functions and powers)

(1) Section 10(2)(c)—

Repeal

“made under this Ordinance which”

Substitute

“that”.

(2) Section 10(2)(c)—

Repeal

“provisions which shall not be”

Substitute

“not being”.

11. Section 12 repealed (seal of Land Registry)

Section 12—

Repeal the section.

Division 3—Amendments to Part 3 (Registration Procedures and Connected Matters)

12. Section 13 substituted

Section 13—

Repeal the section

Substitute

“13. Matters capable of being registered

Subject to other provisions of this Ordinance, the following matters are capable of being registered under this Ordinance—

- (a) a matter the registration of which is expressly provided for (by whatever words used) in any law;

- (b) a disposition or transmission of a registered interest or registered charge;
- (c) an order of a court that affects a registered interest or registered charge;
- (d) any other matter that affects a registered interest or registered charge and that is considered by the Registrar to be capable of being registered under this Ordinance.”.

13. Section 13A added

After section 13—

Add

“13A. Exceptions to section 13

- (1) If a building (or a part of it) is or is to be situated on any land (*straddling land*) consisting of 2 or more lots (*relevant lots*) of which—
- (a) at least one is Cap. 128 land; and
- (b) at least one is registered land or land held under a registered long term lease (*registered lots*),
- then irrespective of whether all of the relevant lots are owned by the same person, the matters specified in subsection (2) are not capable of being registered under this Ordinance.
- (2) The matters specified for the purposes of subsection (1) are—
- (a) a disposition of any part of the registered lots, other than—
- (i) the grant of an easement over any part of the registered lots; or

- (ii) the provision of covenants relating to any part of the registered lots; and
 - (b) a consent caution that relates to an agreement to effect a disposition mentioned in paragraph (a).
- (3) A matter relating to any undivided share in the straddling land, with an exclusive right to use and occupy any part of the land, is not capable of being registered under this Ordinance.
- (4) A matter relating to an undivided share in any registered land or any land held under a registered long term lease, with an exclusive right to use and occupy any part of the land, is not capable of being registered under this Ordinance, unless an individual title register has been created in respect of the undivided share.”.

14. Section 14 amended (applications for registration)

- (1) Section 14, heading—

Repeal

“Applications”

Substitute

“Lodging and verification of applications”.

- (2) Section 14(1)—

Repeal everything before paragraph (a)

Substitute

- “(1) Subject to other provisions of this Ordinance, a matter capable of being registered under this Ordinance may be so registered only if it is the subject of an application for registration lodged under this Ordinance, and this applies—”.
- (3) Section 14(1)(a)—

Repeal

“; or”

Substitute

“; and”.

- (4) Section 14—

Repeal subsection (2)

Substitute

- “(2) Subject to other provisions of this Ordinance, an application lodged (whether or not for the registration of a matter, and not being an application for the registration of a charge that is regarded to have been lodged under section 41A) must first be verified in the manner prescribed by this Ordinance.
- (3) A solicitor acting in good faith and with reasonable diligence in verifying an application for the purposes of subsection (2) is not liable in damages for any loss occasioned by any inaccuracy caused by the solicitor in the verification.”.

15. Section 15 substituted

Section 15—

Repeal the section

Substitute

“15. Manner of registration

- (1) Subject to other provisions of this Ordinance, the registration of a matter may be effected by the Registrar by—
- (a) the making of an entry in the Title Register;
 - (b) the alteration of an entry in the Title Register;

- (c) the removal of an entry in the Title Register; or
- (d) any combination of the acts mentioned in paragraphs (a), (b) and (c).
- (2) To avoid doubt, the registration of a matter is not effected by the mere act of referring to any of the following in an entry in the Title Register—
 - (a) an application for the registration of the matter;
 - (b) any document, information, evidence or explanation accompanying the application;
 - (c) any other particulars of the application.”.

16. Section 15A added

After section 15—

Add

“15A. Registration

Subject to other provisions of this Ordinance, a registered matter is regarded to have been registered on the day on which the application leading to the registration of the matter is lodged (or is regarded to have been lodged under section 41A), which is to be determined in accordance with the provisions of this Ordinance.”.

17. Section 17 substituted

Section 17—

Repeal the section

Substitute

“17. Removal of obsolete entries

- (1) Subject to subsection (3), if the Registrar is satisfied that an entry in the Title Register has ceased to have effect, the Registrar may remove the entry from the Title Register.
- (2) The Registrar may exercise the power under subsection (1)—
 - (a) on application by any person; or
 - (b) on the Registrar’s own initiative.
- (3) An application for the registration of the removal of an entry is to be refused if the removal of the entry is provided for in any other provision of this Ordinance.”.

18. Section 18 amended (boundaries)

- (1) Section 18(1)—

Repeal

“plan or microfilm, image record or other”.

- (2) Section 18(1)—

Repeal

“kept in the Land Registry”

Substitute

“made and kept”.

- (3) Section 18(1), English text—

Repeal

“shall”

Substitute

“is to”.

- (4) Section 18(2)—

Repeal

“plan or microfilm, image record or other”.

- (5) Section 18(2)—

Repeal

“kept in the Land Registry”

Substitute

“made and kept”.

- (6) Section 18(2), English text—

Repeal

“shall”

Substitute

“does”.

- (7) Section 18(2), Chinese text—

Repeal

“被”

Substitute

“獲”.

- (8) Section 18(2), Chinese text—

Repeal

“任何”.

19. Section 19 substituted

Section 19—

Repeal the section

Substitute

“19. Combination of individual title registers

- (1) The Registrar may, if considered appropriate, on application combine the respective individual title registers of 2 or more lots of registered land.
- (2) Subsection (1) applies irrespective of whether any of the lots concerned is held under a registered long term lease.
- (3) To avoid doubt, the combination of the individual title registers under this section does not by itself operate to authorize the amalgamation or unification of Government leases of the lots of land concerned.
- (4) To avoid doubt, this section does not authorize the doing of any act that would be inconsistent with the provisions of this Ordinance or of any other enactment.”.

20. Sections 19A and 19B added

Part 3, after section 19—

Add

“19A. Division of individual title registers

- (1) The Registrar may, if considered appropriate, on application divide the individual title register of a lot of registered land (*relevant lot*) into 2 or more individual title registers of various lots.
- (2) Subsection (1) applies irrespective of whether the relevant lot is held under a registered long term lease.
- (3) To avoid doubt, this section does not authorize the doing of any act that would be inconsistent with the provisions of this Ordinance or of any other enactment.

19B. Allocation or reallocation of undivided shares

- (1) The Registrar may, if considered appropriate, approve an application for the allocation or reallocation (or provisional allocation or reallocation) of any undivided shares in registered land or in land held under a registered long term lease.
- (2) On approving an application mentioned in subsection (1), the Registrar may create, alter or close any individual title register as the Registrar considers appropriate.”.

Division 4—Amendments to Part 4 (Registration of Title to Land and Connected Matters)

21. Section 20 repealed (interpretation of Part 4)

Section 20—

Repeal the section.

22. Sections 21 and 22 substituted

Sections 21 and 22—

Repeal the sections

Substitute

“21. Registration of title to new land

The Registrar is to, on application lodged by the Director of Lands for the registration of any new land, register the title to the land to the effect that the lessee of the Government lease of the land is the owner of the land.

22. Date of first registration of new land

For any new land the title to which is registered under section 21, the date of its first registration is the day on which the

application leading to the title being so registered for the first time is lodged under that section.”.

23. Section 24 repealed (registration of LRO land)

Section 24—

Repeal the section.

Division 5—Amendments to Part 5 (Effect of Registration and Connected Matters)

24. Sections 25 and 26 substituted

Sections 25 and 26—

Repeal the sections

Substitute

“25. Effect of registration of transfer of registered land

- (1) Subject to sections 27, 81 and 82, on the registration of a transfer of registered land, the following rights and legal estate or equitable interest, free from all interests and claims (other than those specified in subsection (4)), are vested in the person (*owner*) whose name is entered in the Title Register as the owner of the land—
 - (a) if the registered land is held under a Government lease or under an agreement for a Government lease in respect of which a Government lease is deemed to have been issued under section 14 of Cap. 219—
 - (i) the legal estate in the land or in the undivided share in the land (as the case requires); and
 - (ii) all rights attaching to the land which may be exercised because of that legal estate; and

- (b) if the registered land is held under an agreement for a Government lease in respect of which any condition precedent has not been complied with or has not been deemed to have been complied with under section 14 of Cap. 219—
 - (i) the equitable interest in the land or in the undivided share in the land (as the case requires); and
 - (ii) all rights attaching to the land which may be exercised because of that equitable interest.
- (2) Subsection (1)(a) does not apply to an owner who does not hold the full unexpired term of the lease of the registered land.
- (3) Subsection (1)(b) does not apply to an owner who does not hold the full unexpired term of the agreement for the lease of the registered land.
- (4) The interests and claims specified for the purposes of subsection (1) are—
 - (a) covenants, exceptions, reservations, stipulations, provisos or declarations contained in the Government lease or the agreement for a Government lease (as the case requires) of the land;
 - (b) registered matters affecting the land; and
 - (c) overriding interests affecting the land.
- (5) This section does not relieve the owner of registered land from the duty to which the owner is subject as trustee or trustee in bankruptcy.

26. Effect of registration of long term lease

- (1) Subject to sections 27, 81 and 82, on the registration of a long term lease, the following interest and rights, free

- from all interests and claims (other than those specified in subsection (3)), are vested in the person whose name is entered in the Title Register as the lessee of the lease—
 - (a) the interest in the lease; and
 - (b) all rights attaching to the land which may be exercised because of that interest.
- (2) Subject to sections 27, 81 and 82, on the registration of a long term lease, the following interest and rights, free from all interests and claims (other than those specified in subsection (3)), are vested in the person whose name is entered in the Title Register as the owner or holder (or words to the like effect) of an undivided share in the land held under the lease—
 - (a) the interest in the undivided share; and
 - (b) all rights attaching to the land which may be exercised because of that interest.
- (3) The interests and claims specified for the purposes of subsections (1) and (2) are—
 - (a) covenants, exceptions, reservations, stipulations, provisos or declarations contained in the Government lease of the land or the long term lease;
 - (b) registered matters affecting the land; and
 - (c) overriding interests affecting the land.
- (4) This section does not relieve the lessee of a registered long term lease, or the owner or holder of an undivided share in the land held under a registered long term lease, from the duty to which the lessee, owner or holder (as the case requires) is subject as trustee or trustee in bankruptcy.”.

25. Section 27 amended (voluntary transfer)

(1) Section 27—

Repeal subsection (1)

Substitute

“(1) Subject to subsection (2), the provisions of this Ordinance operate in relation to the owner or lessee of a registered interest, or the owner of a registered charge, who has acquired the interest or charge by transfer without valuable consideration.”.

(2) Section 27(2)—

Repeal everything before paragraph (a)

Substitute

“(2) The legal estate, equitable interest, interests and rights specified in section 25(1) or 26(1) or (2) vested in an owner or lessee mentioned in subsection (1) are subject to not only the interests and claims specified in section 25(4) or 26(3) (as the case requires) but also—”.

(3) Section 27(2)—

Repeal paragraph (d)

Substitute

“(d) the unregistered interests subject to which the immediately preceding transferor held the registered interest or registered charge.”.

26. Section 28 amended (overriding interests)

(1) Section 28(1)—

Repeal everything before paragraph (a)

Substitute

“(1) For the purposes of this Ordinance, the following interests are the overriding interests affecting a registered interest or registered charge, irrespective of whether the following interests are registered—”.

(2) Section 28(1)(a)—

Repeal

“land,”

Substitute

“registered land—”.

(3) Section 28(1)(a)—

Repeal

“land;”

Substitute

“registered land;”.

(4) Section 28(1)(c)—

Repeal subparagraph (i).

(5) Section 28(1)(c)(iv)—

Repeal

“land”

Substitute

“registered land”.

(6) Section 28(1)(c)—

Repeal

“of the land”

Substitute

“of the registered land”.

(7) Section 28(1)(d)—

Repeal

“appointed day) which”

Substitute

“commencement date) that”.

- (8) Section 28(1)(d)—

Repeal

“land and which”

Substitute

“registered land and that”.

- (9) Section 28(1)(e)—

Repeal

“appointed day”

Substitute

“commencement date”.

- (10) Section 28(1)(f)—

Repeal

“land”

Substitute

“registered land”.

- (11) Section 28(1)(f), Chinese text—

Repeal

“是政府”

Substitute

“是特區政府”.

- (12) Section 28(1)(g), English text—

Repeal

“any rights, under an enactment,”

Substitute

“any of the following rights under an enactment”.

- (13) Section 28(1)(g)(i), English text—

Repeal

“of resumption”

Substitute

“rights of resumption”.

- (14) Section 28(1)(g)(i)—

Repeal

“land”

Substitute

“the registered interest”.

- (15) Section 28(1)(g)(ii), English text—

Repeal

“to extinguish”

Substitute

“rights to extinguish”.

- (16) Section 28(1)(g)(iii), English text—

Repeal

“relating”

Substitute

“rights relating”.

- (17) Section 28(1)(g)(iii)—

Repeal

“works; or”

Substitute

“works;”.

- (18) Section 28(1)(g)—

Repeal subparagraph (iv)

Substitute

“(iv) rights affecting the registered land or any interest in the registered land (other than a statutory charge),”.

- (19) Section 28(1)—

Repeal paragraphs (h) and (i).

- (20) Section 28(1)(j), after “any lease”—

Add

“taking effect in possession”.

- (21) Section 28(1)(j)(i), after “lease;”—

Add

“and”.

- (22) Section 28(1)(j)(ii)—

Repeal

“and”.

- (23) Section 28(1)(j)—

Repeal subparagraph (iii).

- (24) Section 28(1)—

Repeal paragraph (k).

- (25) Section 28(1)(l)(ix)—

Repeal

“facilities.”

Substitute

“facilities;”.

- (26) After section 28(1)(l)—

Add

“(m) a regulated tenancy as defined by section 120AA(1) of the Landlord and Tenant (Consolidation) Ordinance (Cap. 7).”.

- (27) Section 28—

Repeal subsections (2) and (3)

Substitute

“(2) Subject to subsection (3), the Registrar may, if considered appropriate, on application lodged by a person register an overriding interest against any registered interest affected by it.

(3) The Registrar is to, on application lodged by a relevant authority established under or referred to in an enactment mentioned in subsection (1)(g) or (l), register a notice, order or certificate relating to any rights mentioned in that subsection against any registered interest affected by the rights.”.

- (28) Section 28—

Repeal subsections (4) and (5).

- (29) Section 28(6), English text—

Repeal

“, on”.

- (30) Section 28(6)(a)—

Repeal

“application presented to him”

Substitute

“on application lodged”.

(31) Section 28(6)(a), English text—

Repeal subparagraph (i)

Substitute

“(i) who is affected by a registered overriding interest; or”.

(32) Section 28(6)(a)(ii)—

Repeal

“interest”

Substitute

“overriding interest”.

(33) Section 28(6)(b), English text—

Repeal

“proof to his”

Substitute

“on proof to the Registrar’s”.

(34) Section 28(6)(b)—

Repeal

“interest has”

Substitute

“overriding interest has”.

(35) Section 28(6)(b)—

Repeal

“land”

Substitute

“interest or registered charge”.

(36) Section 28(6)—

Repeal

“interest.”

Substitute

“overriding interest.”.

(37) After section 28(6)—

Add

“(7) Subject to the provisions of any other enactment providing for the validity of an overriding interest, the registration of an overriding interest against a registered interest—

(a) does not affect the validity of the overriding interest;

(b) does not affect the priority of the overriding interest against other registered matters;

(c) does not create, or confer on any person, any greater interest or right than that existing or enjoyed by that person before the registration of the overriding interest; and

(d) does not affect any interest or right enjoyed by any person before the registration of the overriding interest.”.

27. Section 28A added

Part 5, after section 28—

Add

“28A. Purchasers for valuable consideration not affected by notice etc.

(1) This section applies if—

(a) the owner or lessee of a registered interest or the owner of a registered charge (*original owner or lessee*) makes a disposition of the interest or charge

- (as the case requires) in favour of a protected party for valuable consideration (*relevant consideration*); and
- (b) the disposition is made without fraud on the part of the protected party.
- (2) Despite any rule of law or equity to the contrary, the interest of the protected party in the registered interest or registered charge is not affected by the protected party having notice (whether actual, constructive or imputed) of any unregistered interest in the registered interest or registered charge that exists or that is created before the disposition.
- (3) Also, despite any rule of law or equity to the contrary, the interest of the protected party in the registered interest or registered charge is not affected, irrespective of—
- (a) whether the protected party has inquired into the circumstances in which, or the consideration for which, the registered interest or registered charge was acquired by the original owner or lessee (or any of their predecessors in title); or
- (b) whether the protected party is aware of the manner of application of the relevant consideration by the original owner or lessee.
- (4) For the purposes of this section, the mere knowledge of a protected party of an unregistered interest that exists or that is created before the disposition does not by itself amount to fraud on the part of the protected party.
- (5) In this section—
- protected party* (受保護方) means—
- (a) a purchaser;
- (b) a chargee; or

- (c) a lessee;
- unregistered interest* (未經註冊的權益) does not include an overriding interest.”.

Division 6—Amendments to Part 6 (Certificates, Searches and Evidence)

28. Section 29 substituted

Section 29—

Repeal the section
Substitute

“29. Issue of title certificates

- (1) The Registrar is to issue a title certificate to an owner or lessee of a registered interest in accordance with the regulations.
- (2) A title certificate issued in respect of a registered interest—
- (a) is to show all matters registered against the interest as at the time and date specified in the certificate;
- (b) is to be in the specified form; and
- (c) is to bear a unique reference number assigned by the Registrar.”.

29. Sections 29A and 29B added

After section 29—

Add

“29A. Title certificates admissible as evidence

A title certificate is admissible as evidence of the matters shown on the certificate as at the time and date specified in the certificate.

29B. Cancellation of title certificates in certain circumstances

- (1) Subject to subsection (2) and other provisions of this Ordinance, if, after the issue of a title certificate in respect of a registered interest, an application that is of a type specified in the regulations for the purposes of this section (*specified application*) is intended to be lodged with the Registrar, the applicant must provide the Registrar with the title certificate in relation to the application.
- (2) An applicant who fails to provide a title certificate in relation to a specified application as required by subsection (1) may, on lodging the application, notify the Registrar of that fact and the reasons for it, and the Registrar may dispense with that requirement in accordance with the regulations.
- (3) On approving a specified application, the Registrar is to cancel the title certificate that is required to be provided in relation to the application under subsection (1).
- (4) To avoid doubt, the Registrar may cancel a title certificate irrespective of whether the title certificate has been returned to the Registrar.
- (5) Despite section 6, the Registrar is not required to keep, or make and keep a record of, a title certificate provided in relation to a specified application under subsection (1), and may instead destroy or otherwise dispose of the title certificate as the Registrar considers appropriate.”

30. Section 30 substituted

Section 30—

Repeal the section

Substitute

“30. Public inspection of registers and documents etc.

- (1) Subject to other provisions of this section and this Ordinance, the Registrar is to make available the registers, documents, lists and applications specified in subsection (2) (*specified materials*) for search and inspection, in the form and manner that the Registrar considers appropriate.
- (2) The registers, documents, lists and applications specified for the purposes of subsection (1) are—
 - (a) individual title registers (including the historical editions of individual title registers);
 - (b) applications register;
 - (c) lodged documents (or a record of such documents) kept under section 6(1)(a) and (b);
 - (d) a list of all applications that support the entries (whether current or historical) in an individual title register;
 - (e) standard terms documents filed under section 61B;
 - (f) lodged applications for the registration of matters that have been removed from the Title Register after their registration and the documents accompanying those applications (or a record of such documents) (*historical records*); and
 - (g) lodged applications for which the Registrar refuses to process further under section 8(2)(d) and the

- documents accompanying those applications (or a record of such documents).
- (3) A person who intends to make a search or inspection of the specified materials must—
- (a) lodge an application in accordance with the regulations; and
 - (b) accompany the application with the fee prescribed in respect of the search or inspection.
- (4) Without limiting subsection (3), an application for a search or inspection of any specified materials that are historical records—
- (a) is to be lodged by a person specified in the regulations for the purposes of the application; and
 - (b) is to contain the particulars or information, and be accompanied by the documents, confirmation, declaration or acknowledgement, specified in the regulations for the purposes of the application.
- (5) For an application lodged by a person under this section, without limiting section 8, the Registrar may require the person to provide any information, document, confirmation, declaration or acknowledgement (including proof of the capacity in which the person acts when lodging the application) that the Registrar considers necessary.
- (6) On approving an application under this section, the Registrar may specify—
- (a) the extent to which the specified materials are to be made available to the person for search or inspection; and
 - (b) the manner in which the specified materials are to be made available to the person.

- (7) An application for a search or inspection of the specified materials mentioned in subsection (2)(a), (c), (d), (f) or (g) is to be refused unless the search or inspection is for any one or more of the purposes specified in the regulations for the purposes of the application.”.

31. Section 31 amended (evidence)

- (1) Section 31(1)(a)(i)—

Repeal

“(including any part thereof)”.

- (2) Section 31(1)(a)(ii)—

Repeal

“(including any part thereof)”.

- (3) Section 31(1)(a)—

Repeal subparagraphs (iii) and (iv)

Substitute

“(iii) a document or record of a document kept under section 6;

(iv) a specified form; or”.

- (4) Section 31(1)(a)(v)—

Repeal

“(including any part thereof)”.

- (5) Section 31(1)(a)(v)(B), English text—

Repeal

“or”

Substitute

“and”.

- (6) Section 31(1)(a)—

Repeal subparagraph (vi).

- (7) Section 31(1)(b), English text—

Repeal

“him”

Substitute

“the Registrar”.

- (8) Section 31(1)—

Repeal

“shall, subject to the Stamp Duty Ordinance (Cap. 117),”

Substitute

“is, subject to Cap. 117”.

- (9) Section 31(1), English text—

Repeal

“be admissible”

Substitute

“admissible”.

- (10) Section 31(1), English text—

Repeal

“shall presume”

Substitute

“is to presume”.

- (11) Section 31(1)(c), English text—

Repeal

“him”

Substitute

“the Registrar”.

- (12) Section 31(4), English text—

Repeal

“shall not”

Substitute

“is not to”.

- (13) Section 31(4)—

Repeal

“the process”

Substitute

“the relevant proceedings”.

- (14) Section 31(4), Chinese text—

Repeal

“提述” (wherever appearing)

Substitute

“所述”.

- (15) After section 31(5)—

Add

- “(6) To avoid doubt, the Registrar (or any other person authorized by the Registrar) is not required under this section to provide a certificate mentioned in subsection (1)(b) in relation to any application that the Registrar refuses to accept (or process further) or refuses under this Ordinance.”.

Division 7—Amendments to Part 7 (Dispositions and Connected Matters)

32. Section 32 amended (dispositions and instruments)

(1) Section 32, heading—

Repeal

“instruments”

Substitute

“other matters”.

(2) Section 32—

Repeal subsections (1) and (2)

Substitute

“(1) Subject to subsection (2), no disposition of a registered interest or a registered charge, or of any interest in or over the interest or charge, by an instrument is effectual to create, extinguish, transfer, vary or affect any interest in or over the interest or charge unless the disposition is registered against the interest or charge.

(2) This Part does not prevent an interest in or over a registered interest or a registered charge that is not registered under this Ordinance from taking effect in equity.”.

(3) Section 32(4), English text—

Repeal

“shall not of”

Substitute

“does not by”.

(4) Section 32(4)—

Repeal

“presented to the Registrar”

Substitute

“lodged”.

33. Section 33 amended (additional fee for delayed registration)

(1) Section 33(1)—

Repeal

“any dealing is presented to the Registrar for registration”

Substitute

“a disposition or transmission is lodged”.

(2) Section 33(1)—

Repeal

“supporting the application,”

Substitute

“supporting the application (or if there is more than one such instrument, after the date of the latest supporting instrument),”.

(3) Section 33(1), English text—

Repeal

“shall be”

Substitute

“is”.

(4) Section 33(1), after “that instrument”—

Add

“or latest supporting instrument (as the case requires)”.

(5) Section 33(1), Chinese text, after “相等於”—

Add

“該”.

- (6) Section 33—

Repeal subsection (2)

Substitute

“(2) The additional fee payable under subsection (1) in respect of an application for the registration of a disposition or transmission is not to exceed 10 times the prescribed fee payable in respect of the application.”.

- (7) Section 33(3), Chinese text—

Repeal

“他”

Substitute

“則”.

- (8) After section 33(3)—

Add

“(4) For the purposes of subsection (1), any document that is required to be provided to the Registrar in relation to the verification of an application under section 14(2) is not to be regarded as an instrument that supports the application.”.

34. Section 34 substituted

Section 34—

Repeal the section

Substitute

“34. Power to compel registration

Where the Registrar is satisfied that a person, without reasonable excuse, has failed to lodge an application for the

registration of a disposition or transmission, the Registrar may, by notice in writing served on the person, require that person to, not later than 30 days after the notice is so served—

- (a) lodge the application; and
- (b) pay the prescribed fee, and if applicable, the additional fee payable under section 33, in respect of the application.”.

35. Section 34A added

After section 34—

Add

“34A. Refusal of registration of matters involving division of registered land etc.

- (1) Without limiting section 8, the Registrar may refuse to accept (or process further) an application mentioned in subsection (2) or refuse such an application unless an application for dividing the individual title register concerned is approved under section 19A.
- (2) The application is an application for the registration of a matter—
 - (a) that will effect a division of registered land or land held under a registered long term lease; or
 - (b) that affects part of the registered land or land held under a registered long term lease under an individual title register.”.

36. Section 35 amended (priority of registered matters)

- (1) Section 35—

Repeal subsection (1)

Substitute

- “(1) Registered matters have priority according to the order in which the applications leading to their registration were lodged.
- (1A) If a consent caution is registered against a registered interest or a registered charge in relation to an agreement for a disposition—
- (a) the priority of all matters that are registered against that interest or charge after the registration of the consent caution is, on the registration of the disposition, postponed in relation to that disposition; and
 - (b) the interest and right arising from the agreement are, for the purposes of subsection (1), regarded to be registered matters on the registration of the consent caution and to have priority as determined in accordance with that subsection.
- (1B) Subsections (1) and (1A) are subject to other provisions of this section and sections 28 and 35A.”.
- (2) Section 35(2), English text—
- Repeal**
“Where”
- Substitute**
“If”.
- (3) Section 35(2)—
- Repeal**
“is not an overriding interest, then, in so far as the charge relates to land, and”
- Substitute**
“(relevant charge) relates to a registered interest or a registered charge, then”.

- (4) Section 35(2), English text—
- Repeal**
“therein”
- Substitute**
“in those provisions”.
- (5) Section 35(2)—
- Repeal**
“that charge shall”
- Substitute**
“the relevant charge is to”.
- (6) Section 35—
- Repeal subsections (3), (4), (5) and (6)**
- Substitute**
“(3) If—
- (a) a consent caution (*first consent caution*) has been registered against a registered interest or a registered charge in relation to a provisional agreement for sale and purchase or an agreement for sale and purchase (*first agreement*);
 - (b) the first agreement is accompanied by a statutory declaration described in section 71(3)(b) and—
 - (i) is stamped or endorsed by the Collector of Stamp Revenue in accordance with the requirements of Cap. 117; or
 - (ii) ceases to be chargeable to stamp duty under Cap. 117; and
 - (c) another consent caution (*second consent caution*), supported by the necessary document, is registered

not later than 30 days after the day on which the application for the registration of the first consent caution is lodged, as determined in accordance with the provisions of this Ordinance,

then the second consent caution enjoys the same priority as the first consent caution, as if it had been registered at the same time as the first consent caution.

- (4) If any of the conditions in subsection (3)(c) is not met, the first consent caution is to be regarded as never having been registered.
- (5) A charging order is to have priority from the commencement of the day following the date of its registration.
- (6) A claim or pending legal action to which a non-consent caution relates is to have priority from the commencement of the day following the date of the registration of the caution.
- (7) To avoid doubt, subsection (1) applies in relation to an application for the registration of a charge that is regarded as having been lodged under section 41A.
- (8) In this section—

necessary document (所需文件)—

- (a) in the case of subsection (3)(b)(i)—means the first agreement that is stamped or endorsed; or
- (b) in the case of subsection (3)(b)(ii)—means documentary evidence to the satisfaction of the Registrar that the first agreement ceases to be chargeable to stamp duty under Cap. 117;

pending legal action (待決訴訟) has the meaning given by section 71(8).”.

37. Sections 35A and 35B added

After section 35—

Add

“35A. Priority of registered charges may be altered by agreement

- (1) The Registrar may, on application lodged for altering the relative priority of any 2 or more charges registered under section 37 or 38 against a registered interest or a registered charge, register the alteration.
- (2) The application—
 - (a) is to be supported by a priority agreement executed by all the owners of each of the registered charges concerned; and
 - (b) is to be made by one of those owners.

35B. Priority between registered matters and unregistered interests

- (1) As between a registered matter and an interest that is capable of being registered under this Ordinance but yet to be so registered, the registered matter has priority over the unregistered interest, irrespective of—
 - (a) the respective time at which the registered matter and unregistered interest came into existence; and
 - (b) whether the person to whom the registered matter relates has any notice (whether actual, constructive or imputed) of the unregistered interest.
- (2) Subsection (1) does not affect the operation of sections 25, 26, 27, 28 and 28A.
- (3) For the purposes of this section, a charging order or a statutory charge, if registered, is to be regarded as a matter that is acquired for valuable consideration.

(4) In this section—

registered matter (註冊事項) means a matter that is acquired for valuable consideration in the absence of fraud and that is registered.”.

38. Section 36 substituted

Section 36—

Repeal the section

Substitute

“36. Charging orders and variation of charging orders

- (1) A charging order is capable of being registered as such under this Ordinance.
- (2) An order (*variation order*) of a court to vary a charging order is capable of being registered as such under this Ordinance.
- (3) On the approval of an application for the registration of a discharge of a charging order supported by any of the following documents, the entry in the Title Register referring to the charging order and (if applicable) the variation order is to be removed—
 - (a) an order of the court for discharging the charging order;
 - (b) an instrument of release or instrument of satisfaction executed by the chargee of the charging order.”.

39. Section 37 amended (form and effect of charges)

- (1) Section 37, heading—

Repeal

“Form and effect of charges”

Substitute

“Charges”.

- (2) Section 37—

Repeal subsection (1)

Substitute

- “(1) A charge is not effectual in relation to a registered interest unless the charge is registered as an encumbrance against the interest.
- (1A) On the approval of an application for the registration of the charge, the name of the person in whose favour the charge is made is to be entered in the Title Register as the owner of the charge.
- (1B) On the registration of a charge against a registered interest, the charge has effect, if it would not otherwise do so, as a charge by deed by way of legal charge (as defined by section 2 of Cap. 219).”.

- (3) Section 37(3)—

Repeal

“For the avoidance of doubt, it is hereby declared that”

Substitute

“To avoid doubt”.

- (4) Section 37(3)(a), English text—

Repeal

“shall not”

Substitute

“does not”.

- (5) Section 37(3)(a)—

Repeal

“land or the registered long term lease which”

Substitute

“interest that”.

- (6) Section 37(3)(a), English text—

Repeal

“shall have”

Substitute

“has”.

- (7) Section 37(3)(b)—

Repeal

“within the meaning of section 2 of the Conveyancing and Property Ordinance (Cap. 219)”

Substitute

“as defined by section 2 of Cap. 219”.

- (8) Section 37(3)(b), English text—

Repeal

“shall”

Substitute

“does”.

- (9) Section 37(3)(b)—

Repeal

“that Ordinance”

Substitute

“Cap. 219”.

40. Section 38 amended (second or subsequent charges)

- (1) Section 38—

Repeal

“of registered land, or the”

Substitute

“or”.

- (2) Section 38—

Repeal

“long term lease”

Substitute

“interest”.

- (3) Section 38, English text—

Repeal

“charge may”

Substitute

“charge, may”.

- (4) Section 38—

Repeal

“effect a second or subsequent registered”

Substitute

“effect a second or subsequent”.

- (5) Section 38(a), English text—

Repeal

“shall”

Substitute

“are to”.

- (6) Section 38(b), English text—

Repeal

“shall be”

Substitute

“is”.

(7) Section 38(b), English text—

Repeal

“which”

Substitute

“that”.

41. Section 39 repealed (charge on registered charge)

Section 39—

Repeal the section.

42. Sections 40 and 41 substituted

Sections 40 and 41—

Repeal the sections

Substitute

“40. Discharge or partial discharge of registered charge

- (1) A discharge, or a partial discharge, of a registered charge is not effectual in relation to the registered interest against which the charge is registered unless the discharge or partial discharge is registered against the interest.
- (2) On approving an application for the registration of a discharge or partial discharge of a registered charge, the Registrar is to alter or remove the relevant entry in the Title Register referring to the charge or replace the entry with an appropriate new entry.

- (3) On the registration of a discharge or partial discharge of a registered charge, the registered interest against which the discharge or partial discharge is registered is free from the charge and from all rights and powers of the chargee under the charge.
- (4) To avoid doubt, the registration of a partial discharge of a registered charge does not affect the priority of the part of the charge that is yet to be discharged.
- (5) Subsections (1) and (3) do not apply to a discharge, or a partial discharge, of a registered charge that is effected by operation of law or under an order of a court.

41. Statutory charge in general

- (1) A statutory charge is capable of being registered as such under this Ordinance.
- (2) If, under any enactment, a statutory charge is created on the registration of an instrument referred to in that enactment (*statutory instrument*) (or the subject matter to which the statutory instrument relates), then, on the registration of the statutory instrument (or of the subject matter to which the statutory instrument relates) against the registered interest concerned, the statutory charge is to be regarded as having been registered against the interest.
- (3) For the purposes of this Ordinance, the application leading to the registration of a statutory instrument (or of the subject matter to which the statutory instrument relates) is to be regarded as the application leading to the registration of the statutory charge concerned.
- (4) If an application for the registration of the removal of an entry in the Title Register referring to a statutory charge (or the relevant statutory instrument or the subject matter

to which the relevant statutory instrument relates) is lodged, the Registrar may approve the application if—

- (a) the application is supported by an instrument of release or instrument of satisfaction executed by the chargee of the statutory charge;
 - (b) the application is lodged by the person (*relevant chargee*) in whose favour the statutory charge is registered or a person on behalf of the relevant chargee; or
 - (c) the application is supported by any of the following order or proof—
 - (i) an order of a court for discharging the statutory charge;
 - (ii) proof to the Registrar's satisfaction that the relevant chargee has discharged, or consents to the discharge of, the statutory charge;
 - (iii) proof to the Registrar's satisfaction that the statutory charge has otherwise ceased to have effect.
- (5) On approving an application mentioned in subsection (4), the Registrar is to remove the entry in the Title Register referring to the statutory charge (or the relevant statutory instrument or the subject matter to which the relevant statutory instrument relates).”.

43. Section 41A added

After section 41—

Add

“41A. Statutory charge: charge arising under section 13A of Cap. 117

- (1) If an application lodged for the registration of a matter against a registered interest (*subject application*) is supported by an instrument (*supporting instrument*)—
 - (a) that has been presented for, and is pending, adjudication by the Collector of Stamp Revenue under section 13 of Cap. 117; and
 - (b) in respect of which a charge has arisen under section 13A of Cap. 117 against the registered interest,then, an application for the registration of that charge against the interest is to be regarded as having been lodged for the purposes of section 41 under this section, and is to be regarded as having been so lodged immediately before the lodging of the subject application.
- (2) Subject to subsection (3), if an application lodged for the registration of a matter against a registered interest (*target application*) is supported by a conveyance on sale—
 - (a) that is executed in conformity with, or in pursuance of, an instrument (*relevant instrument*) that has been presented for, and is pending, adjudication by the Collector of Stamp Revenue under section 13 of Cap. 117;
 - (b) that has been stamped in accordance with section 29D(2) of Cap. 117; and
 - (c) in respect of which no charge under section 13A of Cap. 117 has been registered against the registered interest,

then, an application for the registration of that charge against the interest is to be regarded as having been lodged for the purposes of section 41 under this section,

and is to be regarded as having been so lodged immediately before the lodging of the target application.

- (3) Subsection (2) does not apply if the target application is accompanied by proof to the Registrar's satisfaction that the charge on the relevant instrument constituted under section 13A of Cap. 117 has expired by the operation of section 13A(4) of Cap. 117.
- (4) The applicant in a subject application or target application must state in the application that the supporting instrument (in the case of subject application) or the relevant instrument (in the case of target application) has been presented for, and is pending, adjudication by the Collector of Stamp Revenue under section 13 of Cap. 117, failing which the Registrar may refuse to process further, or refuse the application.”.

44. Sections 42 and 43 substituted

Sections 42 and 43—

Repeal the sections

Substitute

“42. Floating charge

- (1) Subject to subsection (3), a floating charge (whether or not covering a registered interest) is not capable of being registered under this Ordinance as a charge.
- (2) An instrument providing for a floating charge—
 - (a) becomes an instrument providing for a fixed charge on the registered interest intended to be affected; and
 - (b) is capable of supporting an application for the registration of a charge against that interest,

on crystallization of that charge as evidenced by a certificate signed by or on behalf of the chargee under the instrument.

- (3) An instrument providing for a fixed charge and a floating charge is capable of supporting an application for the registration of a charge against the registered interest that is subject to the fixed charge.

43. Transfer

- (1) A transfer of a registered interest or a registered charge is not effectual in relation to the interest or charge unless the transfer is registered against the interest or charge.
- (2) On the approval of an application for the registration of the transfer, the name of the transferee is to be entered in the Title Register as the owner or lessee of the registered interest or the owner of the registered charge, as the case requires.”.

45. Section 44 repealed (division of land, etc.)

Section 44—

Repeal the section.

46. Sections 45 and 46 substituted

Sections 45 and 46—

Repeal the sections

Substitute

“45. Implied covenants for title

- (1) To avoid doubt—
 - (a) the provisions of this Ordinance do not affect the operation of section 35 of Cap. 219; and

- (b) no reference to a covenant implied under section 35 of Cap. 219, or to the exclusion, variation or extension of such a covenant by any instrument under section 35(2) of Cap. 219, may be entered in the Title Register.
- (2) The covenants implied under section 35 of Cap. 219 in an instrument, or the exclusion, variation or extension of such covenants by the instrument under section 35(2) of Cap. 219, take effect on the date of the instrument, except as otherwise provided in the instrument.

46. Provisions as between vendor and purchaser

- (1) Subject to any agreement between the vendor and purchaser of a sale of a registered interest to the contrary, the vendor must, at the vendor's expense—
 - (a) provide the purchaser with the documents that are prescribed by the regulations; and
 - (b) subject to subsection (2), provide the purchaser with the full particulars of the overriding interests affecting the registered interest of which the vendor has, or ought reasonably to have, knowledge.
- (2) If, on the first transfer of a registered interest by sale on or after the date of first registration of the new land to which the interest relates or the date of first registration of the long term lease to which the interest relates (as the case may be), the vendor has, or ought reasonably to have, knowledge of any overriding interest that affects the interest, then, even if there is an agreement between the vendor and purchaser of the sale to the contrary—
 - (a) the vendor must, at the vendor's expense, provide the purchaser with the full particulars of the overriding interest; and

- (b) the purchaser must include such particulars in the application lodged for the registration of the first transfer.
- (3) Subject to any agreement between the vendor and purchaser of a sale of a registered interest to the contrary, the purchaser is entitled to require from the vendor only the documents, instruments and particulars required to be provided by the vendor to the purchaser under this section.
- (4) To avoid doubt, this Ordinance does not prevent a purchaser of a registered interest from raising requisitions on, or making objections to, the title to the interest in respect of any overriding interest affecting the interest.”.

47. Section 47 amended (transfer subject to lease)

- (1) Section 47—

Repeal

“A transfer of registered land or a registered long term lease which is subject to a lease shall be valid without the lessee of the last-mentioned lease acknowledging the transferee as lessor, but nothing in this section shall—”

Substitute

“A transfer of a registered interest that is subject to a lease (*subject lease*) is valid without the lessee of the subject lease acknowledging the transferee as lessor, but this section does not—”.

- (2) Section 47(b)—

Repeal

“his”

Substitute

“the lessee’s”.

48. Section 48 substituted

Section 48—

Repeal the section

Substitute

“48. Leases other than long term leases etc.

- (1) The grant of a specified lease is not effectual in relation to a registered interest unless the specified lease is registered as an encumbrance against the interest.
- (2) On the approval of an application for the registration of the specified lease, the name of the person in whose favour the specified lease is granted is to be entered in the Title Register as the lessee of the specified lease.
- (3) A transaction by which the interest of a lessee in a specified lease is or is to be affected is not effectual in relation to the registered interest concerned unless the transaction is registered as an encumbrance against the interest.
- (4) In this section—
specified lease (指明租契) means a lease of any registered interest other than—
 - (a) a lease that is an overriding interest;
 - (b) a long term lease; or
 - (c) a lease that is granted by operation of law or under an order of a court.”.

49. Section 49 amended (long term leases)

- (1) Section 49(1)—

Repeal

“shall be made”

Substitute

“is to be lodged”.

- (2) Section 49(1), Chinese text—

Repeal

“授予”

Substitute

“批出”.

- (3) Section 49(2), English text—

Repeal

“Where,”

Substitute

“If”.

- (4) Section 49(2)—

Repeal

“which might affect the long term lease”

Substitute

“that affects the long term lease, then, even if there is an agreement between the owner and the first lessee of the long term lease to the contrary”.

- (5) Section 49(2)—

Repeal paragraphs (a) and (b)

Substitute

- “(a) the owner must, at the owner’s expense, provide the first lessee with the full particulars of the overriding interest; and

- (b) the first lessee must include such particulars in the application lodged for the registration of the long term lease.”.

- (6) Section 49(2), Chinese text—

Repeal

“授予” (wherever appearing)

Substitute

“批出”.

- (7) Section 49—

Repeal subsections (3) and (4)

Substitute

“(3) On the approval of an application for the registration of a long term lease, the name of the applicant is to be entered in the Title Register as the lessee of the long term lease.

- (4) For a long term lease registered under this section, the date of its first registration is the day on which the application leading to the registration is lodged under this section which is to be determined in accordance with the provisions of this Ordinance.”.

- (8) Section 49—

Repeal subsection (5).

50. Sections 50 to 55 substituted

Sections 50, 51, 52, 53, 54 and 55—

Repeal the sections

Substitute

“50. Termination of leases

- (1) Where a registered long term lease of registered land or a lease registered under section 48 against a registered interest is terminated by a deed of surrender or other instrument made by the parties concerned providing for the termination, the termination is not effectual unless the termination is registered against the land or the interest.
- (2) On the approval of an application for the registration of the termination of a registered long term lease or a lease registered under section 48, the entry in the Title Register referring to the long term lease or the lease (as the case requires) is to be removed.
- (3) For the purposes of subsection (2), it does not matter whether the registered long term lease or the lease registered under section 48 is terminated by the deed or instrument referred to in subsection (1) or by other means.

51. Easements

- (1) An easement created by an instrument (other than a deed of mutual covenant within the meaning of section 53) made by the parties concerned is not effectual in relation to the registered interest burdened by the easement (*servient interest*) or the registered interest benefited by the easement (*dominant interest*) unless the easement is registered against the servient interest or dominant interest (as the case requires).
- (2) On the approval of an application for the registration of an easement created by the instrument referred to in subsection (1) or the existence of which is evidenced by an instrument, the particulars of the instrument are to be entered in the Title Register in relation to the entry referring to the easement.

- (3) To avoid doubt, this section does not affect the operation of section 28.

52. Covenants contained in instruments between parties

- (1) This section applies to a covenant (whether positive or restrictive in effect)—
- (a) that is provided for in an instrument made by the parties concerned;
 - (b) that relates to any land owned or held by the covenantor (*covenantor's land*) and the burden of which is expressed or intended to run with the covenantor's land;
 - (c) that is expressed and intended to benefit any land owned or held by the covenantee (*covenantee's land*) and the covenantee's successors in title or persons deriving title to the covenantee's land under or through the covenantee or the covenantee's successors in title; and
 - (d) the covenantor's land or the covenantee's land in relation to which is a registered interest.
- (2) If the covenantor's land is a registered interest, the covenant is not effectual in relation to the covenantor's land unless the covenant is registered against the covenantor's land.
- (3) If the covenantee's land is a registered interest, the covenant is not effectual in relation to the covenantee's land unless the covenant is registered against the covenantee's land.
- (4) On the approval of an application for the registration of a covenant, the particulars of the instrument concerned are

to be entered in the Title Register in relation to the entry referring to the covenant.

- (5) To avoid doubt, this section does not affect the operation of sections 28 and 45.

- (6) In this section—

instrument (文書) has the same meaning as in section 2(1) except that it does not include—

- (a) a lease;
- (b) a charge; or
- (c) a deed of mutual covenant within the meaning of section 53.

53. Deeds of mutual covenant

- (1) The registration of a deed of mutual covenant is effected by—
- (a) its registration as an encumbrance; and
 - (b) entering the particulars of the deed in the Title Register in relation to the entry referring to the deed.
- (2) The registration of any alteration or addition to a registered deed of mutual covenant is effected by—
- (a) altering the entry in the Title Register referring to the deed or replacing the entry with an appropriate new entry; and
 - (b) if the Registrar considers appropriate—entering the particulars relating to the alteration or replacement in the Title Register in relation to the entry referring to the deed.
- (3) If a registered deed of mutual covenant, including any registered alterations or additions, is terminated or extinguished by an instrument made by the parties

- concerned, the termination or extinguishment is not effectual in relation to the registered interest concerned unless the termination or extinguishment is registered against the interest.
- (4) If a registered deed of mutual covenant, including any registered alterations or additions, is terminated or extinguished (whether by means of an instrument made by the parties concerned or otherwise), an application may be lodged for the registration of the termination or extinguishment against the registered interest concerned.
- (5) On the approval of an application mentioned in subsection (4), the entry in the Title Register referring to the deed of mutual covenant concerned is to be removed.
- (6) The registration of a deed of mutual covenant under this section also effects the registration of any easement, right or covenant provided for in the deed that affects the registered interest concerned.
- (7) The registration of any alteration or addition to (or the termination or extinguishment of) a deed of mutual covenant also effects the registration of the alteration or addition to (or the termination or extinguishment of) the easement, right or covenant provided for in the deed that affects the registered interest concerned.
- (8) For the purposes of this Ordinance, the application leading to the registration of a deed of mutual covenant (or of any alteration or addition to, or the termination or extinguishment of, the deed) is to be regarded as the application leading to the registration of the easement, right or covenant provided for in the deed (or their alteration, addition, termination or extinguishment) that affects the registered interest concerned.
- (9) Without limiting section 8, where—

- (a) a deed of mutual covenant (*registered deed*) is registered under this section against a registered interest; and
- (b) an application for the registration of another deed of mutual covenant against the interest is lodged,
- the Registrar may require the application to be accompanied by an application for the registration of the termination or extinguishment of the registered deed.
- (10) To avoid doubt, except to the extent provided by this Ordinance, this section does not affect the operation of sections 39, 40 and 41 of Cap. 219.
- (11) In this section—
- deed of mutual covenant* (公契) includes a document that defines the rights, interests and obligations among 2 or more owners or lessees (or owners of registered charges in possession) of any registered interest to which the properties relate are managed as a single development.

54. Termination, release and extinguishment of registered easements and covenants

- (1) If an easement registered under section 51 or a covenant registered under section 52 is terminated, released or extinguished by an instrument made by the parties concerned, the termination, release or extinguishment is not effectual in relation to the registered interest concerned unless the termination, release or extinguishment is registered against the interest.
- (2) If an easement registered under section 51 or a covenant registered under section 52 is terminated, released or extinguished (whether by means of an instrument made by the parties concerned or otherwise), an application may

be lodged for the registration of the termination, release or extinguishment against the registered interest concerned.

- (3) On the approval of an application mentioned in subsection (2), the entry in the Title Register referring to the easement or covenant concerned (as the case requires) is to be removed.

55. Modification or partial extinguishment of registered easements and covenants

- (1) If an easement registered under section 51 or a covenant registered under section 52 is modified or partially extinguished by an instrument made by the parties concerned, the modification or partial extinguishment is not effectual in relation to the registered interest concerned unless the modification or partial extinguishment is registered against the interest.
- (2) If an easement registered under section 51 or a covenant registered under section 52 is modified or partially extinguished (whether by means of an instrument made by the parties concerned or otherwise), an application may be lodged for the registration of the modification or partial extinguishment against the registered interest concerned.
- (3) On approving an application mentioned in subsection (2), the Registrar is to—
 - (a) alter or remove the entry in the Title Register referring to the easement or covenant concerned (as the case requires), or replace the entry with an appropriate new entry; and
 - (b) if considered appropriate, enter the particulars relating to the modification or partial extinguishment in the Title Register in relation to the

entry referring to the easement or covenant concerned (as the case requires).”.

51. Section 57 substituted

Section 57—

Repeal the section

Substitute

“57. Registration of more than one owner or lessee

- (1) An application for the registration of a transfer of a registered interest made in favour of 2 or more persons is to be refused unless the instrument providing for the transfer shows—
 - (a) whether the persons own or hold the interest as joint tenants or tenants in common; and
 - (b) if the persons own or hold the interest as tenants in common—the respective share of each owner or lessee.
- (2) On approving an application for the registration of the transfer mentioned in subsection (1), the Registrar is to enter the particulars required to be shown in the instrument providing for the transfer under paragraphs (a) and (b) of that subsection in the Title Register in relation to the entry referring to the transfer.”.

52. Section 58 amended (no interference with rights of succession, etc.)

- (1) Section 58, English text, heading—

Repeal the comma.

- (2) Section 58, English text—

Repeal

“shall”

Substitute

“is to”.

- (3) Section 58(a)—

Repeal

“a right which the owner of registered land or a registered charge, or the lessee of a registered long term lease,”

Substitute

“the right which the owner or lessee of a registered interest or the owner of a registered charge”.

- (4) Section 58(a)—

Repeal

“land, charge or lease on his”

Substitute

“interest or charge on his or her”.

- (5) Section 58(b)—

Repeal

“succession;”

Substitute

“succession; or”.

- (6) Section 58—

Repeal paragraph (c).

53. Sections 58A and 58B added

Part 7, after section 58—

Add

“58A. Registration of manager of t’ong etc.

- (1) If an application is lodged for the registration of a person as the manager of a clan, family or t’ong in relation to the registered land held in the name of the clan, family or t’ong, then on the approval of the application, the person is to be registered as such in the Title Register.
- (2) If a person registered under subsection (1) has ceased to act as the manager of the clan, family or t’ong concerned, an application may be lodged for the removal of registration of the person as the manager.
- (3) On approving an application mentioned in subsection (2), the Registrar is to alter or remove the entry in the Title Register referring to the person as the manager of the clan, family or t’ong, or replace the entry with an appropriate new entry.

58B. Severance of joint tenancy

- (1) This section applies to a joint tenancy of an estate or interest in a registered interest, or a registered charge severed at law—
 - (a) under section 8(1)(a) of Cap. 219 by a notice (*severance notice*) served by a joint tenant on the other joint tenant; or
 - (b) under section 8(1)(b) of Cap. 219 by an instrument.
- (2) Despite any other enactment or rule of law, a severance of joint tenancy in the manner described in subsection (1)(a) or (b) is not effectual unless the severance is registered under this section.
- (3) An application for the registration of a severance is to be supported by—

- (a) in the case of subsection (1)(a)—the severance notice and proof to the Registrar’s satisfaction that the severance notice has been served in accordance with section 8(1)(a) of Cap. 219; or
- (b) in the case of subsection (1)(b)—the instrument providing for the severance.
- (4) On the approval of an application mentioned in subsection (3), the entry in the Title Register referring to the joint tenancy is to be altered so as to indicate the severance.
- (5) To avoid doubt, this section does not affect the operation of section 8(2) of Cap. 219.”.

Division 8—Amendments to Part 8 (Instruments)

54. Section 59 repealed (form of instruments)

Section 59—

Repeal the section.

55. Section 60 amended (stamping)

- (1) Section 60(1)—

Repeal

“prejudice to”

Substitute

“affecting”.

- (2) Section 60(1)—

Repeal

“the Stamp Duty Ordinance (Cap. 117), no”

Substitute

“Cap. 117, an”.

- (3) Section 60(1), English text—

Repeal

“shall”

Substitute

“may only”.

- (4) Section 60(1)—

Repeal

“unless the instrument is stamped”

Substitute

“if it is stamped, or endorsed by the Collector of Stamp Revenue,”.

- (5) Section 60(1)—

Repeal

“that Ordinance”

Substitute

“Cap. 117”.

- (6) Section 60(2)—

Repeal

“prejudice to”

Substitute

“affecting”.

- (7) Section 60(2)—

Repeal

“the Stamp Duty Ordinance (Cap. 117)” (wherever appearing)

Substitute

“Cap. 117”.

- (8) Section 60(2)—

Repeal

“, an inhibition or a restriction”

Substitute

“or an inhibition order”.

- (9) Section 60(2)—

Repeal

“registered land, a registered charge or a registered long term lease”

Substitute

“a registered interest or registered charge”.

- (10) Section 60(2)—

Repeal

“required by law to be stamped, the registration shall not be proceeded with unless the instrument is stamped”

Substitute

“that is required by law to be stamped, the application is to be refused unless the instrument is stamped, or endorsed by the Collector of Stamp Revenue.”.

56. Section 61 amended (minors)

- (1) Section 61—

Repeal subsection (1)

Substitute

“(1) This section does not enable a minor who is the owner or lessee of a registered interest, or the owner of a registered charge, to deal with the interest or charge (or an interest in the interest or charge).”.

- (2) Section 61(2)—

Repeal

“registered land, a registered charge or a registered long term lease”

Substitute

“a registered interest or registered charge”.

- (3) Section 61(2)(a), before “for”—

Add

“the disposition is made”.

- (4) Section 61(2), English text—

Repeal

“shall”

Substitute

“must”.

- (5) Section 61—

Repeal subsection (3)

Substitute

- “(3) If the owner or lessee of a registered interest, or the owner of a registered charge, is a minor and that fact is disclosed to the Registrar in an application lodged for the registration of a matter in relation to the interest or charge (or an interest in the interest or charge), then the name of the minor is to be entered in the Title Register with the addition of “a minor” or “未成年人”, or both, after the minor’s name as the Registrar considers appropriate.
- (4) If, because of the non-disclosure of the fact of the owner or lessee being a minor, “a minor” or “未成年人”, or both, are not added after a minor’s name in the Title Register as required under subsection (3), the Registrar

may on application add “a minor” or “未成年人”, or both, after the minor’s name in the Title Register as the Registrar considers appropriate.”.

57. Sections 61A, 61B and 61C added

Part 8, after section 61—

Add

“61A. Registrar may specify kinds of standard terms documents that may be filed with Land Registry

- (1) The Registrar may, by notice published in the Gazette, specify the kinds of standard terms documents that may be filed with the Land Registry under section 61B.
- (2) A notice under subsection (1) is not subsidiary legislation.

61B. Application to file standard terms documents with Land Registry

- (1) An application may be lodged for filing a standard terms document with the Land Registry.
- (2) The Registrar may refuse, refuse to accept or process further an application mentioned in subsection (1) if satisfied that the standard terms document applied to be filed is not of a kind specified under section 61A.
- (3) On approving an application mentioned in subsection (1), the Registrar is to assign a unique reference number to the standard terms document approved for filing.
- (4) A standard terms document approved for filing under this section must not be withdrawn or varied.

61C. Provisions of standard terms document form part of instrument

- (1) If an instrument—
 - (a) refers to the reference number assigned to a standard terms document under section 61B; and
 - (b) states that any one or more of the provisions (as identified in the instrument) of the standard terms document are to form part of the instrument,the provisions so identified are, subject to the amendments (if any) described in the instrument, incorporated in the instrument as terms and conditions of the instrument.
- (2) To avoid doubt, an instrument, of which any provisions of a standard terms document form a part under subsection (1), may contain other terms and conditions.
- (3) If there is a conflict or inconsistency between—
 - (a) the provisions of a standard terms document that form part of an instrument under subsection (1); and
 - (b) other terms and conditions of the instrument,those other terms and conditions mentioned in paragraph (b), to the extent of the conflict or inconsistency, prevail over the provisions mentioned in paragraph (a), unless otherwise provided in the instrument.”.

Division 9—Amendments to Part 9 (Transmissions and Trusts)

58. Sections 62 and 63 substituted

Sections 62 and 63—

Repeal the sections

Substitute

“62. Transmission—general

- (1) If the title of a person (*previous owner*) to a registered interest or registered charge is vested in another person (*new owner*) by transmission, the Registrar is to, on application lodged by a person (including a person acting in the capacity of trustee or trustee in bankruptcy) for the registration of the transmission, register the transmission against the interest or charge (as the case requires) and enter the name of the new owner in the Title Register in the place of the name of the previous owner as, as the case requires—
 - (a) the owner or lessee (or the owner or lessee in the capacity of trustee or trustee in bankruptcy) of the registered interest; or
 - (b) the owner (or the owner in the capacity of trustee or trustee in bankruptcy) of the registered charge.
- (2) An application mentioned in subsection (1) is to be supported by proof to the Registrar’s satisfaction that the title to the interest or charge has been vested in the new owner by transmission.
- (3) The registration of a transmission under subsection (1) or other provisions of this Part and the entering of the name of a person as the owner or lessee, or as the owner or lessee in the capacity of trustee or trustee in bankruptcy, of a registered interest is to be regarded as serving the sole purpose of confirming that the person is the owner or lessee or the owner or lessee in the capacity of trustee or trustee in bankruptcy (as the case requires) of the interest.
- (4) The registration of a transmission under subsection (1) or other provisions of this Part and the entering of the name

of a person as the owner, or as the owner in the capacity of trustee or trustee in bankruptcy, of a registered charge is to be regarded as serving the sole purpose of confirming that the person is the owner or the owner in the capacity of trustee or trustee in bankruptcy (as the case requires) of the charge.

- (5) Subsection (1) does not affect the operation of sections 63, 64, 65, 65A, 65B, 67, 68 and 68A.

63. Transmission on death of joint tenant

- (1) If—
 - (a) one of 2 or more persons holding as joint tenants of a registered interest or registered charge dies; and
 - (b) at the time of the person’s death, there are one or more remaining joint tenants,the Registrar is to, on application lodged for the registration of the transmission concerned, register the transmission against the interest or charge (as the case requires) and remove the name of the deceased from the entry in the Title Register referring to the interest or charge.
- (2) An application mentioned in subsection (1) is to be supported by proof to the Registrar’s satisfaction of the death of the deceased joint tenant.”.

59. Section 64 amended (transmission on death of sole owner or tenant in common)

- (1) Section 64, Chinese text, heading—

Repeal

“死亡”

Substitute

“去世”.

(2) Section 64—

Repeal subsections (1), (2) and (3)

Substitute

“(1) If—

(a) a person falling within any of the following descriptions dies—

(i) the sole owner or lessee of a registered interest;

(ii) the sole owner of a registered charge;

(iii) one of the owners or lessees of a registered interest who holds the interest with others as tenants in common;

(iv) one of the owners of a registered charge who holds the charge with others as tenants in common;

(b) at the time of the person’s death, the person was not holding the interest or charge concerned in the capacity of trustee or trustee in bankruptcy; and

(c) a grant has been issued in respect of the estate of the deceased,

then, the Registrar is to, on application lodged for the registration of the transmission concerned, take the actions specified in subsection (3).

(2) An application mentioned in subsection (1) is to be supported by the original copy or a certified copy of the grant concerned.

(3) The actions specified for the purposes of subsection (1) are—

(a) registering the transmission against the registered interest or registered charge;

(b) removing the name of the deceased from the entry in the Title Register referring to the interest or charge; and

(c) entering the name of the personal representative of the deceased (in that capacity) in the Title Register as the owner or lessee of the interest or as the owner of the charge in the place of the name of the deceased.”.

(3) Section 64(4), before “means”—

Add

“, in relation to a deceased,”.

(4) Section 64(4)(a), after “will”—

Add

“of the deceased”.

(5) Section 64(4)(b), after “estate”—

Add

“of the deceased”.

(6) Section 64(4)(c), after “estate”—

Add

“of the deceased”.

(7) Section 64(4)—

Repeal

“of the deceased owner of registered land or a registered charge, or the deceased lessee of a registered long term lease,”.

60. Section 65 substituted

Section 65—

Repeal the section

Substitute

“65. Transmission on death of sole trustee

- (1) This section applies if—
 - (a) a trustee is the sole trustee of a trust;
 - (b) the name of the trustee is entered (in the capacity of a trustee of the trust but not in the capacity of a personal representative of a deceased person) in the Title Register as the owner or lessee of a registered interest or the owner of a registered charge; and
 - (c) the trustee dies and—
 - (i) a grant has been issued in respect of the estate of the deceased trustee; or
 - (ii) a new trustee is appointed for the trust.
- (2) The Registrar is to, on application lodged for the registration of the transmission concerned—
 - (a) register the transmission against the registered interest or registered charge;
 - (b) remove the name of the deceased trustee from the entry in the Title Register referring to the interest or charge; and
 - (c) enter, as the case requires—
 - (i) the name of the personal representative of the deceased trustee (in that capacity) in the Title Register as the owner or lessee of the interest, or the owner of the charge, in the place of the name of the deceased trustee; or
 - (ii) the name of the new trustee of the trust (in that capacity) in the Title Register as the owner or lessee of the interest, or the owner of the

charge, in the place of the name of the deceased trustee.

- (3) An application mentioned in subsection (2) is to be supported by—
 - (a) if the application is for the name of the personal representative of the deceased trustee to be entered in the Title Register—the original copy or a certified copy of the grant concerned; or
 - (b) if the application is for the name of the new trustee of the trust to be entered in the Title Register—proof to the Registrar’s satisfaction of the appointment of the new trustee.
- (4) In this section—
grant (授予承辦證明) has the meaning given by section 64(4).”.

61. Sections 65A and 65B added

After section 65—

Add

“65A. Transmission on death of trustee if there are remaining trustees

- (1) If—
 - (a) the name of a trustee of a trust is entered (in the capacity of a trustee of the trust but not in the capacity of a personal representative of a deceased person) in the Title Register as the owner or lessee of a registered interest or the owner of a registered charge; and
 - (b) the trustee dies and at the time of the trustee’s death, the name or names of one or more remaining

trustees of the trust is or are entered in the Title Register as the owner or lessee of the interest or the owner of the charge,

the Registrar is to, on application lodged for the registration of the transmission concerned, register the transmission against the interest or charge and remove the name of the deceased trustee from the entry in the Title Register referring to the interest or charge.

- (2) An application mentioned in subsection (1) is to be supported by proof to the Registrar's satisfaction of the death of the deceased trustee.

65B. Transmission on retirement of trustee if there are remaining trustees

(1) If—

- (a) the names of 2 or more trustees (*registered trustees*) of a trust are entered (in the capacity of a trustee of the trust but not in the capacity of a personal representative of a deceased person) in the Title Register as the owners or lessees of a registered interest or the owners of a registered charge;
- (b) a registered trustee (*outgoing trustee*) retires from the trust;
- (c) at the time of the retirement, there is more than one remaining registered trustee; and
- (d) the estate, interest and rights in the interest or charge are vested in the remaining registered trustees as joint tenants by operation of section 41(2) of the Trustee Ordinance (Cap. 29),

the Registrar is to, on application lodged for the registration of the transmission concerned, register the

transmission against the interest or charge and remove the name of the outgoing trustee from the entry in the Title Register referring to the interest or charge.

- (2) An application mentioned in subsection (1) is to be supported by proof to the Registrar's satisfaction of the vesting under subsection (1)(d)."

62. Sections 66 and 67 substituted

Sections 66 and 67—

Repeal the sections

Substitute

"66. Dealing by personal representative

- (1) If a personal representative whose name is entered (in that capacity) in the Title Register as the owner or lessee of a registered interest or the owner of a registered charge, then for the purposes of preventing any dealing in the interest or charge with a bona fide purchaser for valuable consideration from being set aside, the personal representative is regarded to have all the rights of the owner or lessee of the interest, or the owner of the charge, as the case requires, who has acquired the interest or charge for valuable consideration.
- (2) A breach of any duty to which a personal representative is subject in dealing with a registered interest as the owner or lessee of the interest, or with a registered charge as the owner of the charge, does not give rise to a right of indemnity under this Ordinance.
- (3) This section does not relieve a person from any duty to which the person is subject as a personal representative.

67. Transmission on bankruptcy

- (1) Subject to section 67B, if—
- (a) a court has made an order specified in subsection (2) in relation to a person falling within any of the following descriptions (*specified person*)—
 - (i) the sole owner or lessee of a registered interest;
 - (ii) the sole owner of a registered charge;
 - (iii) one of the owners or lessees of a registered interest who holds the interest with others as tenants in common;
 - (iv) one of the owners of a registered charge who holds the charge with others as tenants in common;
 - (v) one of the owners or lessees of a registered interest who holds the interest with others as joint tenants;
 - (vi) one of the owners of a registered charge who holds the charge with others as joint tenants; and
 - (b) at the time of the making of the order, the specified person was not holding the interest or charge in the capacity of trustee or trustee in bankruptcy,
- then, the Registrar is to, on application lodged for the registration of the transmission concerned, take the actions specified in subsection (4).
- (2) The order is an order that—
- (a) adjudges the specified person bankrupt; or
 - (b) if the specified person has died—directs that the estate of the specified person is to be administered according to the law of bankruptcy.

- (3) An application mentioned in subsection (1) is to be supported by the original copy or a sealed copy of the order.
- (4) The actions specified for the purposes of subsection (1) are—
 - (a) registering the transmission against the registered interest or registered charge;
 - (b) removing the name of the specified person from the entry in the Title Register referring to the interest or charge; and
 - (c) entering the name of the trustee in bankruptcy of the specified person (in that capacity) in the Title Register as the owner or lessee of the interest, or the owner of the charge, in the place of the name of the specified person.”.

63. Sections 67A and 67B added

After section 67—

Add

“67A. Dealing by trustee in bankruptcy

- (1) If a trustee in bankruptcy whose name is entered (in that capacity) in the Title Register under section 62 or 67 as the owner or lessee of a registered interest, or the owner of a registered charge, in the place of the name of a person, then for the purposes of preventing any dealing in the interest or charge with a bona fide purchaser for valuable consideration from being set aside, the trustee in bankruptcy is regarded to have all the rights of the owner or lessee of the interest, or the owner of the charge, as the case requires, who has acquired the interest or charge for valuable consideration.

- (2) A breach of any duty to which a trustee in bankruptcy is subject in dealing with a registered interest as the owner or lessee of the interest, or with a registered charge as the owner of the charge, does not give rise to a right of indemnity under this Ordinance.
- (3) This section does not relieve a person from any duty to which the person is subject as a trustee in bankruptcy.

67B. Refusal of registration of transmission referred to in section 67

- (1) The Registrar may refuse an application lodged under section 67 for the registration of a transmission by a trustee in bankruptcy of a person if, at the time of lodging the application, the person's name is no longer entered in the Title Register as the owner or lessee of the registered interest concerned or the owner of the registered charge concerned.
- (2) Subsection (1) does not affect the right of the trustee in bankruptcy to apply for an order for rectification under section 82.”.

64. Section 68 substituted

Section 68—

Repeal the section

Substitute

“68. Transmission on dissolution of corporate joint tenant

- (1) If—
 - (a) the names of a company (*relevant company*) and others are entered in the Title Register as the owners or lessees of a registered interest holding the interest

- as joint tenants or as the owners of a registered charge holding the charge as joint tenants;
 - (b) the relevant company dissolves; and
 - (c) at the time of the relevant company's dissolution, there are one or more remaining joint tenants,
- the Registrar is to, on application lodged for the registration of the transmission concerned, register the transmission against the interest or charge and remove the name of the relevant company from the entry in the Title Register referring to the interest or charge.
- (2) An application mentioned in subsection (1) is to be supported by proof to the Registrar's satisfaction of the dissolution of the relevant company.”.

65. Sections 68A and 68B added

After section 68—

Add

“68A. Transmission under section 7 of Government Rights (Entry and Vesting Remedies) Ordinance

- (1) If a vesting notice is issued under section 7 of Cap. 126 against any undivided share in registered land or any undivided share in land held under a registered long term lease, the Registrar is to, on application lodged for the registration of the vesting notice, register the vesting notice against the undivided share.
- (2) An application mentioned in subsection (1) is to be supported by the vesting notice.
- (3) On registering a vesting notice under subsection (1), the Registrar is also to enter in the Title Register The Financial Secretary Incorporated (*FSI*) as the owner or

- lessee of the undivided share against which the vesting notice is registered, in the place of the name of the person from whom the title to the undivided share is passed to FSI by operation of law.
- (4) Subject to subsection (5), if a vesting notice is regarded to have been cancelled under section 12 of Cap. 126, the Registrar is to, on application lodged—
- (a) remove FSI from the entry referring to the vesting notice;
 - (b) remove that entry; and
 - (c) reinstate the entries that were removed from the Title Register because of the registration of the vesting notice.
- (5) If, under section 12 of Cap. 126, a vesting notice is regarded to have been cancelled in respect only of a part of the undivided share affected by the notice, the removal and reinstatement under subsection (4) are to be made in relation only to that part of the undivided share.
- (6) In this section—
- Cap. 126** (《第 126 章》) means the Government Rights (Re-entry and Vesting Remedies) Ordinance (Cap. 126).

68B. Dispositions by personal representatives, trustees in bankruptcy, etc.

- (1) Subject to subsections (2), (3), (5) and (7), a matter (other than a consent caution or non-consent caution) relating to a disposition of a registered interest or registered charge by a person whose name may be entered in the Title Register as the owner or lessee of the interest or the owner of the charge under this Part (irrespective of the capacity

- of the person) is not to be registered unless the name of the person has been so entered.
- (2) If the personal representative of a deceased person (within the meaning of section 64(1)), in that capacity, makes a transfer of a registered interest or a registered charge held by the deceased, or discharges a registered charge held by the deceased, the Registrar may, on application lodged, register—
- (a) the transfer; or
 - (b) the discharge,
- despite the fact that the name of the personal representative has not been entered (in that capacity) in the Title Register as the owner or lessee of the interest or owner of the charge.
- (3) If the name of the personal representative of a deceased person (within the meaning of section 64(1)) is entered (in that capacity) in the Title Register as the owner or lessee of a registered interest or the owner of a registered charge, and a new personal representative (*new personal representative*) is appointed under another grant in respect of the estate of the deceased person, the Registrar may, on application lodged, register—
- (a) a transfer of the interest or charge by the new personal representative in that capacity; or
 - (b) a discharge of the charge by the new personal representative in that capacity,
- despite the fact that the name of the new personal representative has not been entered (in that capacity) in the Title Register as the owner or lessee of the interest or owner of the charge.

- (4) An application mentioned in subsection (2) or (3) is to be supported by the original copy or a certified copy of the grant concerned.
- (5) If the name of a trustee in bankruptcy of a person (*original trustee in bankruptcy*) is entered (in that capacity) in the Title Register as the owner or lessee of a registered interest or the owner of a registered charge, and the original trustee in bankruptcy is replaced by another trustee in bankruptcy (*new trustee in bankruptcy*) or an additional trustee in bankruptcy (*additional trustee in bankruptcy*) is appointed, the Registrar may, on application lodged, register—
 - (a) a transfer of the interest or charge by the new trustee in bankruptcy, or additional trustee in bankruptcy, in that capacity; or
 - (b) a discharge of the charge by the new trustee in bankruptcy, or additional trustee in bankruptcy, in that capacity,despite the fact that the name of the new trustee in bankruptcy or additional trustee in bankruptcy has not been entered (in that capacity) in the Title Register as the owner or lessee of the interest or owner of the charge.
- (6) An application mentioned in subsection (5) is to be supported by proof to the Registrar’s satisfaction of—
 - (a) the replacement of the original trustee in bankruptcy by the new trustee in bankruptcy; or
 - (b) the appointment of the additional trustee in bankruptcy.
- (7) If the Government is vested with a registered interest or registered charge as bona vacantia by operation of law, the Registrar may, on application lodged, register—

- (a) a transfer of the interest or charge by the Government; or
- (b) a discharge of the charge by the Government, despite the fact that the reference to the Government has not been entered in the Title Register as the owner or lessee of the interest or as the owner of the charge.
- (8) An application mentioned in subsection (7) is to be supported by proof to the Registrar’s satisfaction of the vesting.
- (9) In this section—
grant (授予承辦證明) has the meaning given by section 64(4).”.

66. Sections 69 and 70 substituted

Sections 69 and 70—

Repeal the sections

Substitute

“69. Trusts

- (1) If a person—
 - (a) becomes the lessee of new land;
 - (b) acquires a long term lease;
 - (c) acquires a charge over a registered interest; or
 - (d) acquires or holds a registered interest,in the capacity of trustee (other than as a personal representative), and is so described in the relevant instrument, the words “as trustee” or “作為受託人” are to be added after the name of the person entered in the Title Register, but the particulars of the trust concerned are not to be entered in the Title Register.

- (2) If the owner or lessee of a registered interest or the owner of a registered charge—
- (a) makes a declaration of trust in respect of the interest or charge; or
 - (b) otherwise comes to hold the interest or charge as a trustee (other than as a personal representative) under an instrument,
- the Registrar is to, on the registration of the declaration or instrument, add after the owner's or lessee's name "as trustee" or "作為受託人" in the entry in the Title Register referring to the declaration or instrument, but the particulars of the trust concerned are not to be entered in the Title Register.
- (3) To avoid doubt, subsections (1) and (2) do not prevent the registration of a consent caution, non-consent caution, inhibition order or a restriction order made under section 78(1) by reason only of the fact that the instrument supporting the registration contains particulars of a trust.
- (4) If a trustee whose name is entered (in that capacity) in the Title Register as the owner or lessee of a registered interest or the owner of a registered charge, then for the purposes of preventing any dealing in the interest or charge with a bona fide purchaser for valuable consideration from being set aside, the trustee is regarded to have all the rights of the owner or lessee of the interest, or the owner of the charge, as the case requires, who has acquired the interest or charge for valuable consideration.
- (5) A breach of any duty to which a trustee is subject in dealing with a registered interest as the owner or lessee of the interest, or with a registered charge as the owner of the charge, does not give rise to a right of indemnity under this Ordinance.

- (6) This section does not relieve a person from any duty to which the person is subject as a trustee.

70. Protection of person dealing with trustees or trustees in bankruptcy

Where the name of a person is entered, in the capacity of trustee or trustee in bankruptcy, in the Title Register as the owner or lessee of a registered interest or as the owner of a registered charge, the person is, in dealing with the interest or charge, deemed to be the owner or lessee of the interest or the owner of the charge, and no disposition that amounts to a breach of trust by the trustee or trustee in bankruptcy to a bona fide purchaser for valuable consideration is defeasible by reason only of the fact of that breach.”.

Division 10—Amendments to Part 10 (Cautions and Restraints on Disposition)

67. Sections 71, 72 and 73 substituted

Sections 71, 72 and 73—

Repeal the sections

Substitute

“71. Registration of cautions

- (1) A person who has entered into an agreement with any of the following persons to effect a disposition of a registered interest or a registered charge may lodge an application for the registration of a consent caution in respect of the disposition—
- (a) the owner or lessee of the registered interest;
 - (b) the owner of the registered charge;

- (c) a person of the following descriptions—
 - (i) in whom the title to the registered interest or registered charge is vested by transmission; and
 - (ii) had an application for the registration of the transmission been lodged under Part 9, the person's name would have been entered in the Title Register as an owner or lessee of the registered interest or as an owner of the registered charge, as the case requires;
- (d) a person who is entitled to sell the registered interest or registered charge (whether under an express or statutory power of sale or an order of a court).
- (2) A person who has entered into a transaction (or an agreement to effect a transaction) with the cautioner under a registered consent caution may lodge an application for the registration of a consent caution in respect of the transaction that affects any interest to which that registered consent caution relates.
- (3) For the purposes of this Ordinance, a provisional agreement for sale and purchase, or an agreement for sale and purchase, is not to be regarded as a document that supports an application for the registration of a consent caution unless it is—
 - (a) stamped, or endorsed by the Collector of Stamp Revenue, in accordance with the requirements of Cap. 117; or
 - (b) accompanied by a statutory declaration by the purchaser named in the provisional agreement or agreement to the effect that the provisional agreement or agreement—

- (i) has been presented for stamping or endorsement under Cap. 117; or
 - (ii) will be presented for stamping or endorsement under Cap. 117 if the provisional agreement or agreement does not cease to be chargeable to stamp duty under Cap. 117.
- (4) A person who claims any interest, whether contractual or otherwise, in a registered interest or registered charge may lodge an application for the registration of a non-consent caution in respect of the claim.
- (5) A person (whether or not a party to a pending legal action) may lodge an application for the registration of a non-consent caution in respect of the pending legal action.
- (6) The Registrar may refuse an application for the registration of a consent caution or non-consent caution if the Registrar considers that the matter to which the caution relates is capable of being registered under this Ordinance other than as a consent caution or non-consent caution.
- (7) An application for the registration of a consent caution or non-consent caution in respect of a floating charge is to be refused.
- (8) In this section—
pending legal action (待決訴訟) means—
 - (a) an action or proceedings pending in a court that relates to land, an interest in land or a charge on land;
 - (b) a winding-up petition or bankruptcy petition; or
 - (c) an appeal under section 91.

72. Effect of cautions

- (1) The registration of a consent caution or non-consent caution against a registered interest or registered charge does not by itself prohibit the registration of other matters (other than a specified transfer) affecting the interest or charge.
- (2) The registration of a consent caution or non-consent caution—
 - (a) does not by itself affect the validity or otherwise of the matter to which the caution relates; and
 - (b) without limiting paragraph (a), does not constitute a warranty, or a guarantee, as to the validity of the matter to which the caution relates.
- (3) In this section—

specified transfer (指明轉移), in relation to a consent caution registered against a registered interest or registered charge (*registered caution*)—

 - (a) means a transfer of the registered interest or registered charge—
 - (i) that conflicts with the registered caution; and
 - (ii) that, if registered, does not have priority over the registered caution; but
 - (b) does not include a transfer of the registered interest or registered charge that is executed by a chargee in exercise of the chargee's power of sale under a charge that has priority over the registered caution.

73. Withdrawal and removal of consent cautions

- (1) Subject to other provisions of this section, the Registrar may register the withdrawal or removal of a consent

- caution (*subject consent caution*) registered against a registered interest or registered charge (*subject interest*).
- (2) In determining an application for the registration of the withdrawal or removal of a subject consent caution, the Registrar is to take into account all the relevant circumstances of the case, in particular—
 - (a) whether or not, after the registration of the subject consent caution, any consent caution (*subsequent caution*) is registered against the subject interest;
 - (b) where a subsequent caution exists at the time of the application—whether or not the interest of the cautioner under the subsequent caution may be affected by the withdrawal or removal of the subject consent caution;
 - (c) in the case of an application for the registration of the withdrawal of a subject consent caution—whether or not the applicant is also the cautioner under the caution; and
 - (d) in the case of an application for the registration of the removal of a subject consent caution—whether or not the applicant's interest in the subject interest is affected by the registration of the subject consent caution.
- (3) An application for the registration of the removal of a subject consent caution must be supported by—
 - (a) proof to the Registrar's satisfaction that the cautioner under the caution consents to the removal;
 - (b) proof to the Registrar's satisfaction that the conditions specified in subsection (4) are met; or
 - (c) the original copy or a sealed copy of a court order for the removal of the caution.

- (4) The conditions specified for the purposes of subsection (3)(b) are—
 - (a) that the subject consent caution should not have been registered, or the ground on which the caution was registered ceases to exist; and
 - (b) that the applicant has, not less than 14 days before the lodging of the application, provided a copy of the application to the cautioner under the subject consent caution.
- (5) The Registrar is to, as soon as reasonably practicable after approving an application under this section, remove the entry in the Title Register referring to the subject consent caution concerned.
- (6) To avoid doubt, the registration of a withdrawal or removal of a consent caution under this section, or the removal of the entry in the Title Register referring to a consent caution under subsection (5), does not affect the liability of the cautioner under the consent caution previously incurred under section 74.”

68. Section 73A added

After section 73—

Add

“73A. Withdrawal and removal of non-consent cautions

- (1) Subject to other provisions of this section, the Registrar may register the withdrawal or removal of a non-consent caution (*subject non-consent caution*) registered against a registered interest or registered charge (*subject interest*).
- (2) The Registrar may exercise the power under subsection (1)—

- (a) for the registration of the withdrawal of a subject non-consent caution—on application by the cautioner under the caution; or
 - (b) for the registration of the removal of a subject non-consent caution—on application by the owner or lessee (as the case requires) of the subject interest.
- (3) The Registrar may approve an application for the registration of the removal of a subject non-consent caution if the application is supported by—
 - (a) proof to the Registrar’s satisfaction that the cautioner under the caution consents to the removal;
 - (b) proof to the Registrar’s satisfaction that the conditions specified in subsection (4) are met; or
 - (c) the original copy or a sealed copy of a court order for the removal of the caution.
- (4) The conditions specified for the purposes of subsection (3)(b) are—
 - (a) that the subject non-consent caution should not have been registered, or the ground on which the caution was registered ceases to exist; and
 - (b) that the applicant has, not less than 14 days before the lodging of the application, provided a copy of the application to the cautioner under the subject non-consent caution.
- (5) The Registrar is to, as soon as reasonably practicable after approving an application under this section, remove the entry in the Title Register referring to the subject non-consent caution concerned.
- (6) To avoid doubt, the registration of a withdrawal or removal of a non-consent caution under this section, or the removal of the entry in the Title Register referring to

the non-consent caution under subsection (5), does not affect the liability of the cautioner under the non-consent caution previously incurred under section 74.”.

69. Section 74 amended (wrongful cautions)

- (1) Section 74(1), English text—

Repeal

“shall be”

Substitute

“is”.

- (2) Section 74(1)—

Repeal paragraphs (a) and (b)

Substitute

- “(a) the owner or lessee of the registered interest against which the caution is registered;
(b) the owner of the registered charge against which the caution is registered; or”.

- (3) Section 74(1)(c)—

Repeal

“land, charge or lease”

Substitute

“interest or charge”.

- (4) Section 74(2), before “non-consent”—

Add

“registered”.

- (5) Section 74(2), before “the withdrawal”—

Add

“the registration of”.

- (6) Section 74(2), Chinese text—

Repeal

“註冊該警告書的人”

Substitute

“該警告書下的警告者”.

70. Section 75 amended (power of Court to inhibit dealings)

- (1) Section 75, heading—

Repeal

“dealings”

Substitute

“registration of dispositions”.

- (2) Section 75(1)—

Repeal

“registered land, a registered charge or a registered long term lease, make an order inhibiting the registration of any dealing in the land, charge or lease”

Substitute

“a registered interest or registered charge, make an order inhibiting the registration of any disposition of the registered interest or registered charge”.

- (3) Section 75(1)—

Repeal

“thinks fit”

Substitute

“considers appropriate”.

- (4) Section 75(1), Chinese text—

Repeal

“土地、押記或租契的任何交易”

Substitute

“註冊權益或註冊押記的任何處置”.

- (5) Section 75—

Repeal subsections (2) and (3)

Substitute

- “(2) An inhibition order may be varied by a further order of the Court.
- (3) The Registrar is to, on approving a lodged application for the registration of an inhibition order supported by the original copy or a sealed copy of the order, register the order against the registered interest or registered charge concerned.”.

71. Sections 76 to 80 substituted

Sections 76, 77, 78, 79 and 80—

Repeal the sections

Substitute

“76. Effect of inhibition orders

- (1) An inhibition order does not affect a registered interest or registered charge until an application for the registration of the inhibition order is lodged.
- (2) Once an application for the registration of an inhibition order is lodged, any disposition the registration of which is inhibited by the order is not capable of being registered under this Ordinance while the order is in force.

77. Removal of inhibition orders

- (1) An application for the registration of the removal of an inhibition order may be approved if—
- (a) the period under section 75(1)(a) in the inhibition order has expired;
- (b) the application is supported by proof, to the Registrar’s satisfaction, that the event specified under section 75(1)(b) in the inhibition order has occurred;
- (c) the application is supported by proof, to the Registrar’s satisfaction, that the registered interest or registered charge affected by the inhibition order has been sold by a chargee, unless the registration of the sale is inhibited by the inhibition order; or
- (d) the application is supported by the original copy or a sealed copy of a Court order for the removal of the inhibition order.
- (2) The Registrar is to, as soon as reasonably practicable after approving an application under this section, remove the entry in the Title Register referring to the inhibition order concerned.

78. Restriction orders

- (1) If the Registrar is satisfied that there are reasonable grounds for suspecting that a fraud affecting a registered interest or registered charge has occurred or may occur, the Registrar may make a restriction order against the interest or charge prohibiting the registration of any disposition of the interest or charge under this Ordinance.
- (2) A restriction order is subject to the terms and conditions that the Registrar considers appropriate.

- (3) A reference to a restriction order made under subsection (1) is to be made in the Title Register in relation to the registered interest or registered charge against which the restriction order is made.

79. Effect of restriction orders

Where a reference to a restriction order made under section 78(1) is shown in the Title Register in relation to the registered interest or registered charge against which the order is made, no disposition that is inconsistent with the order may be registered except—

- (a) with the consent of the Registrar; or
- (b) by an order of the Court.

80. Variation and removal of restriction orders

- (1) The Registrar may vary the terms and conditions of a restriction order made under section 78(1) (*restriction order*) as the Registrar considers appropriate.
- (2) The Registrar may remove a restriction order if satisfied that the restriction order is no longer required.
- (3) The Registrar may exercise the power under subsection (1) or (2)—
 - (a) on request made, by way of written submission, by any of the persons specified in subsection (4); or
 - (b) on the Registrar's own initiative.
- (4) The persons specified for the purposes of subsection (3)(a) are—
 - (a) the owner or lessee of the registered interest against which the restriction order is made;
 - (b) the owner of the registered charge against which the restriction order is made; and

- (c) any other interested person.
- (5) Where a written submission is made by a person under subsection (3)(a)—
 - (a) the Registrar is to consider the request submitted and, by written notice, notify the person whether the request is accepted or refused; and
 - (b) if the request is refused (whether wholly or partially)—the Registrar is to include in the written notice a statement setting out the reasons for the refusal.
- (6) The Court may, in respect of a restriction order made against a registered interest or registered charge—
 - (a) on application made to it by the owner or lessee of the registered interest, the owner of the registered charge or any other interested person; and
 - (b) after notice of the application mentioned in paragraph (a) has been given to the Registrar,
order the restriction order to be varied or removed, or make such other orders as to the Court appears just, and may make an order as to costs.
- (7) The Registrar is to, on approving a lodged application for the registration of the variation or removal of a restriction order supported by the original copy or a sealed copy of the order concerned made under subsection (6) (*specified order*), give effect to the specified order in accordance with the provisions of the order.”.

72. Section 80A added

Part 10, after section 80—

Add

“80A. Notice relating to restriction orders

- (1) As soon as reasonably practicable after—
 - (a) the making of a restriction order under section 78(1) (*restriction order*);
 - (b) the variation of the terms and conditions of a restriction order under section 80(1); or
 - (c) the removal of a restriction order under section 80(2),the Registrar is to give a notice in writing of the making of, variation or removal (as the case requires) of the order to the persons specified in subsection (2).
- (2) The persons specified for the purposes of subsection (1) are—
 - (a) for a restriction order made against a registered interest—
 - (i) the owner or lessee of the registered interest;
 - (ii) if the registered interest is subject to a registered charge—the owner of the registered charge; and
 - (iii) if a caution is registered against the registered interest—the cautioner under the caution; and
 - (b) for a restriction order made against a registered charge—
 - (i) the owner of the registered charge; and
 - (ii) if a caution is registered against the registered charge—the cautioner under the caution.
- (3) A notice under subsection (1) is to be sent by registered post addressed to the owner, lessee or cautioner concerned—

- (a) for an owner or lessee—
 - (i) at the address of the property that is affected by the restriction order; or
 - (ii) at the last known address of the owner or lessee concerned; or
- (b) for a cautioner—at the last postal address provided by the cautioner to the Registrar under section 95.”.

Division 11—Amendments to Part 11 (Rectification)

73. Section 81 amended (rectification by Registrar)

- (1) Section 81(1)(a), English text—

Repeal

“his own volition”

Substitute

“the Registrar’s own initiative”.

- (2) Section 81(1)(a)—

Repeal

“of registered land or a registered charge, or the lessee of a registered long term lease”

Substitute

“or lessee of a registered interest or the owner of a registered charge”.

- (3) Section 81(1)(b)—

Repeal

“presented to him”

Substitute

“lodged”.

- (4) Section 81(1)(b)—

Repeal

“of registered land or a registered charge, or the lessee of a registered long term lease”

Substitute

“or lessee of a registered interest or the owner of a registered charge”.

- (5) Section 81(1)—

Repeal paragraph (c)

Substitute

“(c) on the Registrar’s own initiative or on application lodged by any person, if the Registrar is satisfied that all persons interested consent to the rectification.”.

- (6) Section 81(2)—

Repeal everything before paragraph (a)

Substitute

“(2) Where a person’s name is entered in relation to an entry in the Title Register, the Registrar is to—”.

- (7) Section 81(2)(a)—

Repeal

“presented to him”

Substitute

“lodged”.

- (8) Section 81(2)(a)—

Repeal

“his name”

Substitute

“the person’s name (including the addition of any alias)”.

- (9) Section 81(2)(b), English text—

Repeal

“his”

Substitute

“the Registrar’s”.

- (10) Section 81(2)—

Repeal

“if that person’s former name is the subject of an entry in the Title Register”.

- (11) Section 81(3)(a)—

Repeal

“of registered land or a registered charge, or as the lessee of a registered long term lease”

Substitute

“or lessee of a registered interest or the owner of a registered charge”.

- (12) Section 81(3)—

Repeal

“then”

Substitute

“an application may be lodged by”.

- (13) Section 81(3)—

Repeal

“may make an application to the Registrar to remove the words in the Title Register which describe him as a minor.”

Substitute

“for removing the designation of the owner or lessee as a minor from the Title Register.”.

(14) Section 81(4)—

Repeal

“On receipt of an application”

Substitute

“The Registrar is to, on application lodged”.

(15) Section 81(4)—

Repeal

everything after “subsection (3),”

Substitute

“remove the designation concerned if satisfied that the owner or lessee concerned has attained full age.”.

74. Section 82 substituted

Section 82—

Repeal the section

Substitute

“82. Rectification by Court

(1) Subject to subsection (5) and section 83, the Court may, on application by a person for the rectification of the Title Register in relation to a relevant entry, make an order—

(a) for rectifying the Title Register if the Court is satisfied that the entry was registered or omitted by or as a result of—

(i) the fraud, mistake or omission of any person;
or

(ii) a void or voidable instrument;

(b) for refusing the rectification even though the Court is satisfied that the entry was registered or omitted by or as a result of—

(i) the fraud, mistake or omission of any person;
or

(ii) a void or voidable instrument; or

(c) for refusing the rectification as the Court is not satisfied that the entry was registered or omitted by or as a result of—

(i) the fraud, mistake or omission of any person;
or

(ii) a void or voidable instrument.

(2) A rectification order made under subsection (1)(a) may direct that a relevant entry be removed or altered, or that a relevant entry that has been omitted or removed from the Title Register be entered or reinstated.

(3) If the Court makes an order under subsection (1)(a) (whether on appeal or not), the applicant or appellant (as the case may be) must, within 14 days after the date on which the order is sealed, lodge an application for the rectification of the Title Register.

(4) The Registrar is to, on approving an application lodged under subsection (3) supported by a sealed copy of the order concerned made under subsection (1)(a), give effect to the order in accordance with the provisions of the order, and the rectification is regarded to have been made on the date on which the application is lodged.

(5) No order may be made under subsection (1)(a) so as to affect the title of a person who is the owner or lessee of a registered interest, who is in possession of the property to which the interest relates and who has acquired the

registered interest for valuable consideration, unless the Court is satisfied that—

- (a) in the case of fraud—
 - (i) the person was a party to the fraud;
 - (ii) the name of the person was entered in the Title Register as the owner or lessee (as the case may be) by, or directly as a result of, the fraud and the person had knowledge of the fraud at the time the application for the registration of the matter pursuant to which the person was registered as the owner or lessee was lodged; or
 - (iii) the person had, by the person's act or by lack of proper care, substantially contributed to the fraud;
- (b) in the case of a mistake or omission—
 - (i) the person caused the mistake or omission;
 - (ii) the name of the person was entered in the Title Register as the owner or lessee (as the case may be) by, or directly as a result of, the mistake or omission and the person had knowledge of the mistake or omission at the time the application for the registration of the matter pursuant to which the person was registered as the owner or lessee was lodged; or
 - (iii) the person had, by the person's act or by lack of proper care, substantially contributed to the mistake or omission; or
- (c) in the case of a void or voidable instrument—

- (i) the person caused the instrument to be void or voidable, as the case may be;
 - (ii) the name of the person was entered in the Title Register as the owner or lessee (as the case may be) by, or directly as a result of, the void or voidable instrument and the person had knowledge that the instrument was void or voidable, as the case may be, at the time the application for the registration of the matter pursuant to which the person was registered as the owner or lessee was lodged; or
 - (iii) the person had, by the person's act or by lack of proper care, substantially contributed to making the instrument void or voidable, as the case may be.
- (6) Where an application (*original application*) referred to in subsection (1) is made in relation to a relevant entry, the applicant and all other parties to the proceedings arising from the original application are not allowed to make any further application to the Court for the following entries to be removed, altered, entered or reinstated in relation to the registered interest to which the relevant entry relates and in respect of the same instance of fraud, mistake or omission or of the same void or voidable instrument (as the case requires)—
 - (a) an entry that is not pleaded in the original application;
 - (b) an entry that is pleaded in the original application but for which no rectification order is made under subsection (1)(a).
- (7) This section is without prejudice to the operation of section 3(4)(c).

- (8) The Court may make such order as to the costs of proceedings under this section as to the Court appears just.
- (9) All costs incurred by the Registrar in the proceedings under this section are to be paid out of the Land Titles Indemnity Fund and all costs recovered by the Registrar in those proceedings are to be paid into the Land Titles Indemnity Fund.
- (10) For the purposes of subsection (5), a person is regarded to be in possession of the property if the property is in the physical possession of—
 - (a) the person;
 - (b) where the person is holding the property as a trustee of a trust—the beneficiary of the trust;
 - (c) a tenant, mortgagee or licensee of the person or the beneficiary referred to in paragraph (b); or
 - (d) a tenant or licensee of the tenant, mortgagee or licensee referred to in paragraph (c).
- (11) In this section—

licensee (特許持有人) includes a sub-licensee;

mortgagee (承按人) includes a sub-mortgagee;

relevant entry (相關記項) means an entry in the Title Register that relates to a registered interest;

tenant (租客) includes a sub-tenant.”

75. Sections 82A and 82B added

After section 82—

Add

“82A. Registration and withdrawal of non-consent caution in relation to section 82

- (1) If a person makes an application under section 82(1) (*original application*), the person must lodge an application for the registration of a non-consent caution under section 71 against the registered interest concerned in relation to the proceedings arising from the original application within 14 days after the date on which the original application is made.
- (2) If a person lodges an appeal against an order made under section 82(1), the person must lodge an application for the registration of a non-consent caution under section 71 against the registered interest concerned in relation to the appeal within 14 days after the date on which the notice of appeal is given.
- (3) An application is to be lodged by the person referred to in subsection (1) or (2) for the registration of the withdrawal of the registered non-consent caution—
 - (a) if an order is made under section 82(1) (whether or not on appeal)—within 14 days after the date on which the order is sealed; or
 - (b) if the proceedings referred to in subsection (1) or the appeal referred to in subsection (2) is dismissed, withdrawn or discontinued—within 14 days after the date of dismissal, withdrawal or discontinuance.
- (4) An application mentioned in subsection (3) is to be supported by—
 - (a) if subsection (3)(a) applies—a sealed copy of the order; or
 - (b) if subsection (3)(b) applies—an instrument evidencing the dismissal, withdrawal or

discontinuance of the proceedings or appeal (as the case requires).

82B. Effect of order of rectification under section 82

- (1) If, on application made under section 82(1), a person's title to a registered interest is restored as a result of an order for rectification made by the Court under section 82(1)(a), the person is to hold the registered interest subject to the matters referred to in subsection (2).
- (2) The matters are—
 - (a) matters the entries of which were registered under this Ordinance in relation to the registered interest before the registration of the non-consent caution under section 82A(1) in respect of the proceedings arising from the application but are not ordered by the Court to be removed, subject to any alteration ordered by the Court; and
 - (b) matters the entries of which are ordered by the Court to be entered or reinstated.”.

Division 12—Amendments to Part 12 (Indemnity)

76. Section 84 substituted

Section 84—

Repeal the section

Substitute

“84. Interpretation of Part 12

- (1) In this Part—
fraudulent entry (欺詐記項)—see subsection (2);

indemnifiable mistake or omission (可彌償錯誤或遺漏)
means a mistake or omission on the part of any person mentioned in section 11(3);

mistaken entry (錯誤記項)—see subsection (3);

rectification application (更正申請) means an application for rectification of the Title Register made under section 82(1);

section 82 rectification (第 82 條更正), in relation to a fraudulent entry or mistaken entry, means the rectification of the Title Register in relation to the entry as ordered by the Court under section 82(1)(a);

specified order (指明命令)—

- (a) in relation to a fraudulent entry, means the order made by the Court under section 82(1)(a) or (b) in respect of the rectification application in relation to the entry; or
 - (b) in relation to a mistaken entry, means the order made by the Court under section 82(1) in respect of the rectification application in relation to the entry.
- (2) In this Part, if—
- (a) an entry relating to a registered interest is registered in, or omitted from, the Title Register;
 - (b) a person ceases to be the owner or lessee of the interest because of the registration or omission; and
 - (c) the Court is satisfied, in the proceedings arising from the rectification application in relation to the entry, that the entry is registered, or omitted, by or as a result of fraud of any person,
- the entry is a fraudulent entry.

- (3) In this Part, if an entry relating to a registered interest is registered in, or omitted from, the Title Register by or as a result of an indemnifiable mistake or omission, the entry is a mistaken entry.
- (4) In this Part, a reference to omission does not include a failure to lodge an application for registration.”.

77. Sections 84A and 84B added

After section 84—

Add

“84A. Right to indemnity in cases of fraud

- (1) This section applies if the Court makes a specified order in relation to a fraudulent entry.
- (2) Subject to subsection (4), if a person suffers a loss of an indemnifiable interest in the registered interest to which the fraudulent entry relates because of—
 - (a) if the specified order is made under section 82(1)(a)—the section 82 rectification to which the fraudulent entry relates; or
 - (b) if the specified order is made under section 82(1)(b)—the fraud to which the fraudulent entry relates,the person is entitled to be indemnified by the Government in respect of that loss.
- (3) For the purposes of subsection (2), an interest is an indemnifiable interest if—
 - (a) where subsection (2)(a) applies—
 - (i) the interest was registered before the registration of the caution for rectification proceedings and was acquired—

- (A) by a registered disposition made in good faith and for valuable consideration; or
 - (B) after the registration of such a disposition; or
- (ii) the interest is an overriding interest that has existed before the registration of the caution for rectification proceedings; or
- (b) where subsection (2)(b) applies—
 - (i) the interest was registered before the registration of the caution for rectification proceedings; or
 - (ii) the interest is an overriding interest that has existed before the registration of the caution for rectification proceedings.
- (4) A person is not entitled to be indemnified under subsection (2) if—
 - (a) the person was a party to the fraud to which the fraudulent entry relates;
 - (b) where the person was the owner or lessee of the registered interest to which the fraudulent entry relates—
 - (i) the name of the person was entered in the Title Register as the owner or lessee (as the case may be) by, or directly as a result of, the fraud; and
 - (ii) the person had knowledge of the fraud at the time the application for the registration of the matter pursuant to which the person was registered as the owner or lessee was lodged; or

- (c) the person had, by the person's act or by lack of proper care, substantially contributed to the fraud.
- (5) In subsection (3)—
caution for rectification proceedings (更正法律程序警告書), in relation to a fraudulent entry that relates to a registered interest, means the non-consent caution that is registered against the interest under section 82A(1) in respect of the proceedings arising from the rectification application in relation to the entry.

84B. Right to indemnity in cases of mistake or omission

- (1) This section applies if there is a mistaken entry, irrespective of whether a rectification application is made in relation to the entry.
- (2) Subject to subsections (3) and (4), if a person suffers a loss because of—
 - (a) the indemnifiable mistake or omission to which the mistaken entry relates; or
 - (b) the section 82 rectification to which the mistaken entry relates,then the person is entitled to be indemnified by the Government in respect of the loss, irrespective of whether the loss is a loss of an interest in a registered interest.
- (3) A person is not entitled to be indemnified under subsection (2) in respect of the loss of an interest (*relevant interest*) in the registered interest to which a mistaken entry relates if—
 - (a) where the mistaken entry is an entry registered in the Title Register—the person obtained the relevant interest directly by that entry; or

- (b) where the mistaken entry is an entry omitted from the Title Register—had that entry been registered in the Title Register, the person would have ceased to hold the relevant interest.
- (4) In addition, a person is not entitled to be indemnified under subsection (2) in respect of any loss if—
 - (a) the person caused the indemnifiable mistake or omission to which the mistaken entry relates;
 - (b) where the person was the owner or lessee of the registered interest to which the mistaken entry relates—
 - (i) the name of the person was entered in the Title Register as the owner or lessee (as the case may be) by, or directly as a result of, the indemnifiable mistake or omission; and
 - (ii) the person had knowledge of the indemnifiable mistake or omission at the time the application for the registration of the matter pursuant to which the person was registered as the owner or lessee was lodged;
 - (c) the person had, by the person's act or by lack of proper care, substantially contributed to the indemnifiable mistake or omission; or
 - (d) the person obtained an interest (other than an overriding interest) in the registered interest to which the mistaken entry relates subsequent to the mistaken entry—
 - (i) other than by a registered disposition made in good faith and for valuable consideration; and
 - (ii) before the registration of such a disposition.”.

78. Section 85 substituted

Section 85—

Repeal the section

Substitute

“85. Amount of indemnity payable in cases of fraud

Subject to sections 85A, 85B and 85G and the regulations, the amount of indemnity payable to a person who is entitled to be indemnified in relation to a fraudulent entry under section 84A is the lesser of the following—

- (a) the value of the person’s indemnifiable interest as at the date on which the specified order is made in relation to the entry;
- (b) the amount from time to time determined under section 85C as such amount is in force immediately before that date.”.

79. Sections 85A to 85G added

After section 85—

Add

“85A. Amount of indemnity payable in cases of fraud with multiple claimants

(1) This section applies if—

- (a) in making a specified order in relation to a fraudulent entry, the Court is satisfied that there is an instance of fraud; and
- (b) in respect of the same instance of fraud and the same relevant individual title register to which the order relates, more than one person (*eligible claimants*)

are entitled to be indemnified in relation to the fraudulent entry under section 84A.

- (2) Subject to subsection (3), sections 85B and 85G and the regulations, the amount of indemnity payable to any of the eligible claimants is the value of the claimant’s indemnifiable interest as at the date on which the specified order is made.
- (3) If the aggregate amount of indemnity payable to the eligible claimants determined under subsection (2) exceeds the amount specified in section 85(b) (*indemnity cap*)—
 - (a) subject to the regulations, the aggregate amount of indemnity payable to all eligible claimants is the indemnity cap, regardless of the number of the eligible claimants; and
 - (b) each of the claimants is to be paid a share of the indemnity cap that is proportionate to the value of the claimant’s indemnifiable interest.
- (4) In subsection (1)—
relevant individual title register (相關個別業權紀錄), in relation to a specified order to which a fraudulent entry relates, means—
 - (a) if the order is made under section 82(1)(a)—the individual title register in which any of the entries is rectified under the order; or
 - (b) if the order is made under section 82(1)(b)—the individual title register in which the fraudulent entry is registered (or from which the entry is omitted).

85B. Apportionment relating to registered charges in cases of fraud

- (1) This section applies if—
 - (a) because of a fraudulent entry or the section 82 rectification to which a fraudulent entry relates—
 - (i) a person (*former owner (or lessee)*) ceases to be the owner or lessee of a registered interest; and
 - (ii) the owner of a registered charge to which the registered interest is subject (*former chargee*) also ceases to be the owner of the charge; and
 - (b) the former owner (or lessee) and the former chargee are both entitled to be indemnified in relation to the fraudulent entry under section 84A.
- (2) The former owner (or lessee) and the former chargee are to be regarded as one person for the purposes of section 85 or 85A (as the case requires) and are to share the amount of indemnity payable to the former owner (or lessee) as determined under that section.
- (3) The share of indemnity payable respectively to the former owner (or lessee) and the former chargee is to be determined in accordance with the written agreement between them.
- (4) To avoid doubt, payment of the indemnity (or any part of it) must not be made to the former owner (or lessee) or the former chargee in the absence of the written agreement mentioned in subsection (3).

85C. Financial Secretary to determine indemnity cap

- (1) The Financial Secretary may, by notice published in the Gazette, determine an amount for the purposes of section 85(b).
- (2) To avoid doubt, a notice under subsection (1) is subsidiary legislation.

85D. Amount of indemnity payable in cases of mistake or omission

- (1) Subject to subsection (2), sections 85E and 85G and the regulations, the amount of indemnity payable to a person who is entitled to be indemnified in relation to a mistaken entry under section 84B is the amount of the loss suffered by the person that is actual and reasonably foreseeable as a result of the indemnifiable mistake or omission to which the entry relates.
- (2) If the loss suffered by the person mentioned in subsection (1) is a loss of an interest in a registered interest, the amount of the loss suffered is to be assessed as at—
 - (a) if a specified order is made in relation to the mistaken entry—the date on which the order is made;
 - (b) if the mistaken entry is rectified by the Registrar under section 81(1)—the date of the rectification; or
 - (c) if paragraphs (a) and (b) do not apply—the date on which an application for indemnity relating to the loss is lodged under section 86A.

85E. Apportionment relating to registered charges in cases of mistake or omission

- (1) This section applies if—

- (a) because of a mistaken entry or the section 82 rectification to which a mistaken entry relates—
 - (i) a person (*former owner (or lessee)*) ceases to be the owner or lessee of a registered interest; and
 - (ii) the owner of a registered charge to which the registered interest is subject (*former chargee*) also ceases to be the owner of the charge; and
 - (b) the former owner (or lessee) and the former chargee are both entitled to be indemnified in relation to the mistaken entry under section 84B in respect of such loss of interest in the registered interest.
- (2) The aggregate amount of indemnity payable to the former owner (or lessee) and the former chargee in respect of their loss of interest in the registered interest is the amount of indemnity payable to the former owner (or lessee) determined under section 85D in respect of the loss of the former owner (or lessee)’s interest.
 - (3) The share of indemnity payable respectively to the former owner (or lessee) and the former chargee is to be determined in accordance with the written agreement between them.
 - (4) To avoid doubt, payment of the indemnity (or any part of it) must not be made to the former owner (or lessee) or the former chargee in the absence of the written agreement mentioned in subsection (3).
 - (5) To avoid doubt, if the former owner (or lessee) or the former chargee is entitled to be indemnified in relation to the mistaken entry under section 84B in respect of any loss other than the loss of interest in the registered interest, nothing in this section affects the amount of indemnity

determined under section 85D that is payable in respect of that loss.

85F. Interests on indemnity

Any sum payable as indemnity under this Part is to bear interest in accordance with the regulations.

85G. Deduction of indemnity for amount recovered

If—

- (a) a person (*claimant*) is entitled to be indemnified by the Government under section 84A or 84B for a loss; and
- (b) the claimant has, before the payment of indemnity by the Government, recovered any amount in respect of the loss from any other person (*amount recovered*),

the amount recovered is to be deducted from the amount of indemnity payable to the claimant.”.

80. Section 86 substituted

Section 86—

Repeal the section

Substitute

“86. Indemnity applications in cases of fraud

- (1) Subject to subsection (2), a person claiming indemnity in relation to a fraudulent entry under section 84A must lodge an application (*indemnity application*) with the Registrar—
 - (a) if the specified order to which the fraudulent entry relates is made under section 82(1)(a)—within 1

- year beginning on the date on which an application for rectification under the order is lodged under section 82(3); or
- (b) if the specified order to which the fraudulent entry relates is made under section 82(1)(b)—within 1 year beginning on the date on which an application is lodged under section 82A(3) for the registration of the withdrawal of the non-consent caution that is registered in respect of the proceedings leading to the grant of the order.
- (2) If an appeal is made against the order mentioned in subsection (1)(a) or (b) and the appeal is dismissed, withdrawn or discontinued, the indemnity application must be lodged with the Registrar within 1 year beginning on the date on which an application is lodged under section 82A(3) for the registration of the withdrawal of the non-consent caution that is registered in respect of the appeal.
- (3) On application made to the Registrar, whether before, on or after the expiry of the period specified in subsection (1) or (2) (*original claim period*), the Registrar may extend the original claim period for such period as the Registrar considers just but the period as extended must end before the expiry of 6 years from the date on which the relevant specified order is made.
- (4) The right to claim for indemnity under section 84A is extinguished if the relevant indemnity application is not lodged within the time limit as specified in subsection (1), (2) or (3) (as the case requires)."

81. Sections 86A to 86E added

After section 86—

Add

"86A. Indemnity applications in cases of mistake or omission

- (1) Subject to subsection (2), a person claiming indemnity in relation to a mistaken entry under section 84B must lodge an application (*indemnity application*) with the Registrar—
- (a) if, before the lodgement of the indemnity application, a specified order to which the mistaken entry relates is made under section 82(1)(a)—within 1 year beginning on the date on which an application for rectification under the order is lodged under section 82(3);
- (b) if, before the lodgement of the indemnity application, a specified order to which the mistaken entry relates is made under section 82(1)(b) or (c)—within 1 year beginning on the earlier of the following dates—
- (i) the date on which an application is lodged under section 82A(3) for the registration of the withdrawal of the non-consent caution that is registered in respect of the proceedings leading to the grant of the order;
- (ii) the date on which an application is lodged under section 73A for the registration of the removal of the caution;
- (c) if, before the lodgement of the indemnity application, the mistaken entry is rectified by the Registrar under section 81(1)—within 6 years beginning on the date on which the rectification is made; or
- (d) if paragraphs (a), (b) and (c) do not apply—within 6 years beginning on the date on which the claimant

- knows, or (but for the claimant's default) might have known, of the existence of the claimant's claim.
- (2) If an appeal is made against the order mentioned in subsection (1)(a) or (b) and the appeal is dismissed, withdrawn or discontinued, the indemnity application mentioned in subsection (1)(a) or (b) must be lodged with the Registrar within 1 year beginning on the earlier of the following dates—
- (a) the date on which an application is lodged under section 82A(3) for the registration of the withdrawal of the non-consent caution that is registered in respect of the appeal;
- (b) the date on which an application is lodged under section 73A for the registration of the removal of the caution.
- (3) On application made to the Registrar, whether before, on or after the expiry of the period specified in subsection (1)(a) or (b) or (2) (*original claim period*), the Registrar may extend the original claim period for such period as the Registrar considers just but the period as extended must end before the expiry of 6 years from the date on which the relevant specified order is made.
- (4) The right to claim for indemnity under section 84B is extinguished if the relevant indemnity application is not lodged within the time limit as specified in subsection (1), (2) or (3) (as the case requires).

86B. Reimbursement of costs relating to rectification proceedings

- (1) This section applies to a person (*applicant*) who—
- (a) lodges—

- (i) an indemnity application in relation to a fraudulent entry under section 86; or
- (ii) an indemnity application in relation to a mistaken entry under section 86A; and
- (b) is a party to any proceedings mentioned in subsection (2).
- (2) The proceedings are—
- (a) where subsection (1)(a)(i) applies, the proceedings that—
- (i) lead to the grant of the specified order to which the fraudulent entry relates; or
- (ii) arise from the rectification application in relation to any entry that is registered in, or omitted from, the Title Register by or as a result of the fraud to which the fraudulent entry relates; or
- (b) where subsection (1)(a)(ii) applies, the proceedings that lead to the grant of the specified order to which the mistaken entry relates.
- (3) Subject to the regulations, the applicant may lodge an application with the Registrar for reimbursement of the costs incurred in relation to the proceedings mentioned in subsection (2).

86C. Reimbursement of professional remuneration relating to indemnity applications

- (1) This section applies to a person (*applicant*) who—
- (a) lodges an indemnity application under section 86 or 86A (*indemnity application*); and
- (b) has, in connection with the indemnity application, engaged any person (*professional*) to act in a

professional capacity and paid any remuneration (*professional remuneration*) to the professional before the lodgement of the indemnity application.

- (2) Subject to the regulations, the applicant may lodge an application with the Registrar for reimbursement of the professional remuneration.

86D. Provisional payment of indemnity

Subject to the regulations, the Registrar may make a provisional payment of the indemnity, or any part of the indemnity, to a person who lodges an indemnity application under section 86 or 86A pending the determination of the application.

86E. Receipt of indemnity as full settlement

- (1) This section applies if an indemnity has been paid (other than by a provisional payment made under section 86D) to a person under an application lodged under section 86 or 86A.
- (2) The receipt of the indemnity by the person is regarded as full and final settlement of all claims that the person may have against the Registrar or the Government in respect of the relevant fraud, the relevant indemnifiable mistake or omission or the section 82 rectification to which the relevant fraudulent entry or mistaken entry relates (as the case requires)."

82. Section 87 repealed (time limit for claiming indemnity)

Section 87—

Repeal the section.

83. Section 88 amended (recovery of indemnity paid)

- (1) Section 88(1)—

Repeal

"Where an indemnity is paid for a loss, the Government shall be"

Substitute

"If any amount of indemnity has been paid (other than by a provisional payment made under section 86D) under an application lodged under section 86 for a loss as a result of fraud, the Government is".

- (2) Section 88(2)—

Repeal

"The Government shall be entitled to enforce"

Substitute

"If any amount of indemnity has been paid (other than by a provisional payment made under section 86D) to a person under an application lodged under section 86, the Government is subrogated, to the extent of the amount of indemnity paid, to all the rights the person has in enforcing".

- (3) Section 88(2), English text—

Repeal

"who is indemnified".

- (4) After section 88(2)—

Add

- (2A) If any amount of indemnity has been paid (other than by a provisional payment made under section 86D) to a person under an application lodged under section 86 or 86A for a loss—

- (a) the person's right to claim for the same loss under common law or any enactment is extinguished to the extent of the amount of indemnity paid; and
- (b) the person is not entitled to make a separate claim in respect of the same loss, unless the amount of the loss exceeds the amount of indemnity paid.”.

(5) Section 88(3)—

Repeal

“it is hereby declared that subsections (1) and (2) shall not operate to prevent a person to whom an indemnity has been paid”

Substitute

“subsections (1), (2) and (2A)(b) do not operate to prevent a person to whom any amount of indemnity has been paid under this Part”.

(6) Section 88(3)—

Repeal

“by virtue of the operation of section 85(1)(a), he”

Substitute

“because of the operation of section 85 or 85A(3), the person”.

(7) Section 88(3), Chinese text, after “賠償”—

Add

“款額”.

84. Section 89 amended (discrepancy in area and boundary)

(1) Section 89(a)—

Repeal

“referred to in section 44”.

(2) Section 89(a)(ii)—

Repeal

“microfilm, image record or other record of any plan, kept in the Land Registry under section 6;”

Substitute

“record of any plan, kept under section 6; and”.

(3) Section 89(b)—

Repeal

“referred to in section 44”.

(4) Section 89(b)(ii)—

Repeal

“microfilm, image record or other record of any plan, kept in the Land Registry under section 6; and”

Substitute

“record of any plan, kept under section 6.”.

(5) Section 89—

Repeal paragraph (c).

(6) Section 89, Chinese text—

Repeal

“政府與”

Substitute

“特區政府與”.

85. Section 90 substituted

Section 90—

Repeal the section

Substitute

“90. Land Titles Indemnity Fund

An indemnity fund, to be known as the Land Titles Indemnity Fund, is to be established for the purposes of Part 11 and this Part.”.

Division 13—Amendments to Part 13 (Appeals and Rules)

86. Section 91 amended (appeals against decisions made by Registrar)

(1) Section 91(1)—

Repeal

everything after “a notice of appeal”

Substitute

“not later than 30 days after the decision has been made or such further period as to the Court appears just in any particular case.”.

(2) Section 91—

Repeal subsection (2).

(3) Section 91(3), before “counsel”—

Add

“solicitor or”.

87. Section 93 substituted

Section 93—

Repeal the section

Substitute

“93. Appeal rules etc.

- (1) The power to make rules of court under section 54 of the High Court Ordinance (Cap. 4) includes the power to make rules of court for the purposes of this Ordinance.
- (2) Without limiting subsection (1), the rules of court may be made for any one or more of the following purposes—
 - (a) regulating the procedure for making applications to the Court under this Ordinance and the hearing of such applications;
 - (b) regulating the procedure for making appeals made under section 91 and the hearing of such appeals;
 - (c) prescribing the fees to be paid in respect of such applications and appeals.”.

Division 14—Amendments to Part 14 (Miscellaneous)

88. Section 94 repealed (determination of lot boundaries)

Section 94—

Repeal the section.

89. Section 95 substituted

Section 95—

Repeal the section

Substitute

“95. Address for service on cautioners

- (1) A person who lodges an application for the registration of a consent caution or non-consent caution under section 71 against a registered interest or registered charge (*caution application*) must, in relation to the application, provide the Registrar with a postal address in Hong Kong for

service on the person of a copy of an application for the registration of the removal of the caution under section 73 or 73A (*removal application*).

- (2) A person who has provided an address for service under subsection (1) (*original address*) may provide the Registrar with another address for service in substitution of the original address by—

(a) stating that another address in an application, lodged by the person after the lodgement of the caution application, for the registration of another consent caution or non-consent caution under section 71 against the registered interest or registered charge; or

(b) lodging an application for substituting the original address with that another address for the purposes of subsection (1).

- (3) For the purposes of sections 73 and 73A, a copy of a removal application is regarded as having been served on the person if it is sent by post to the last address provided by the person to the Registrar under this section.”

90. Section 97 amended (application to Court by person other than Registrar)

- (1) Section 97—

Repeal subsection (1)

Substitute

“(1) A person who has an interest in a registered interest or registered charge may apply to the Court in respect of any question relating to—

- (a) the title to the interest or charge; or

(b) an interest (*relevant interest*) in the interest or charge, if the relevant interest—

(i) is registered or capable of being registered under this Ordinance; or

(ii) is to take effect even if it is not registered,

and the Court may make such order in relation to the application and also such order as to costs as appears just to the Court.”.

- (2) Section 97—

Repeal subsection (3)

Substitute

“(3) The Registrar is to, on approving a lodged application for the registration of a matter supported by the original copy or a sealed copy of an order made under subsection (1), give effect to the order in accordance with the provisions of the order.”.

91. Section 98 amended (offences)

- (1) Section 98(1), English text—

Repeal

“he”

Substitute

“the person”.

- (2) Section 98(1)(a)—

Repeal

“issues or makes, or causes the issue or making”

Substitute

“lodges, or causes the lodging”.

- (3) Section 98(1)—
Repeal paragraph (b).
- (4) Section 98(1)—
Repeal paragraph (d)
Substitute
“(d) verifies any application for the registration of any matter the verification of which is required under section 14(2);”.
- (5) Section 98(1)(e)—
Repeal
“microfilm, image record or other”.
- (6) Section 98(1)(f), after “issue”—
Add
“or cancellation”.
- (7) Section 98(1)(g)—
Repeal subparagraph (iii)
Substitute
“(iii) any document, information or any record of a document, kept by the Registrar under section 6; or”.
- (8) Section 98(1)(g)—
Repeal subparagraph (iv).
- (9) Section 98(1)(g)(v)—
Repeal
“or of or from any endorsement on any such thing; or”
Substitute a semicolon.
- (10) Section 98(1)(h)(i), after “(iii);”—
Add

- “or”.
- (11) Section 98(1)(h)—
Repeal subparagraph (ii).
- (12) Section 98(1)(h)(iii)—
Repeal
“or of or from any endorsement on any such thing.”
Substitute
“; or”.
- (13) After section 98(1)(h)—
Add
“(i) lodges, or causes the lodging of, any application for indemnity under Part 12.”.
- (14) Section 98(2), English text—
Repeal
“Any”
Substitute
“A”.
- (15) Section 98(2)—
Repeal
“referred to in paragraph (a), (b)”
Substitute
“mentioned in subsection (1)(a)”.
- (16) Section 98(2)—
Repeal
“or (h) of subsection (1)”
Substitute

“, (h) or (i)”.

(17) Section 98—

Repeal subsection (3)

Substitute

“(3) A person who knowingly or recklessly makes any statement, or furnishes any information, that is false or misleading in a material particular in connection with an application lodged under this Ordinance in respect of—

- (a) a registered interest or a registered charge;
- (b) an interest in a registered interest or a registered charge; or
- (c) a claim for indemnity,

commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 6 months.”.

(18) After section 98(3)—

Add

“(3A) Any person who, in an application for search or inspection made under section 30, knowingly or recklessly makes any statement, or furnishes any information, that is false or misleading in a material particular commits an offence and is liable on conviction to a fine at level 3 and to imprisonment for 6 months.”.

(19) Section 98(4), English text—

Repeal

“made”.

(20) Section 98(5)—

Repeal

“made under section 34(1)”

Substitute

“under section 34, 82(3) or 82A(1) or (2)”.

(21) Section 98—

Repeal subsection (6).

92. Section 98A added

After section 98—

Add

“98A. References to reasonable excuse in section 98(4) and (5)

- (1) The reference to reasonable excuse in section 98(4) or (5) is to be construed as providing a defence for a person prosecuted for the offence created under that section.
- (2) The person is to be taken to have established that the person had a reasonable excuse for failing to comply with a requirement mentioned in section 98(4) or (5) (as the case requires) if—
 - (a) there is sufficient evidence to raise an issue that the person had such a reasonable excuse; and
 - (b) the contrary is not proved by the prosecution beyond reasonable doubt.”.

93. Section 99 substituted

Section 99—

Repeal the section

Substitute

“99. Power of Registrar to specify forms etc.

- (1) The Registrar may specify the form of the following—

- (a) any application that may be lodged under this Ordinance;
 - (b) any document that may be (or required to be) provided under or for the purposes of this Ordinance; and
 - (c) any information, explanation and other documents (including conveyancing documents) required for the purposes of this Ordinance.
- (2) If a form is specified under subsection (1), the application, document, information, explanation or other documents in respect of which the form is specified are to be in the specified form.
- (3) The Registrar may give directions or instructions for—
- (a) the completion of any application; and
 - (b) the provision of any document, information or explanation required by the Registrar in relation to any application lodged under this Ordinance.
- (4) To avoid doubt, the Registrar's power under subsection (1) may be exercised in such a way as to—
- (a) include in the specified form a statutory declaration to be made by any person;
 - (b) specify 2 or more forms of any application, document, information or explanation, whether as alternatives, or to provide for particular circumstances or particular cases, as the Registrar considers appropriate; and
 - (c) require, to the extent practicable, the person completing a form to identify the entries in the Title Register to which the form or any subject matter covered by the form relates.

- (5) A form specified under subsection (1), and the directions and instructions given under subsection (3), must be published in the manner the Registrar considers appropriate.”.

94. Section 100 amended (regulations relating to fees and levies)

- (1) Section 100(1)—

Repeal paragraph (a)

Substitute

- “(a) an application lodged under this Ordinance (whether or not the application is for the registration of a matter);”.

- (2) Section 100(1)—

Repeal paragraph (b).

- (3) Section 100(1)—

Repeal paragraph (c)

Substitute

- “(c) if the Registrar refuses to process further an application under section 8(2)(d)—the receipt of the application resubmitted for further processing;
- (ca) if an application is not processed further because of the exercise of the Registrar's power under section 8(2)(da)—the receipt of the application resubmitted for further processing;
- (cb) an application for the extension of time for complying with a requisition made by the Registrar under this Ordinance;
- (cc) an application for the extension of time for resubmitting an application mentioned in paragraph (c) or (ca) for further processing;”.

- (4) Section 100(1)(d)—

Repeal

“(whether pursuant to this Ordinance or any other enactment)”.

- (5) Section 100(1)—

Repeal paragraph (f).

- (6) Section 100(1)—

Repeal paragraph (g)

Substitute

“(g) an application lodged for the variation or removal of a restriction order made under section 78;”.

- (7) Section 100(1)(h)—

Repeal

“a microfilm, image record or other”

Substitute

“any”.

- (8) After section 100(1)(h)—

Add

“(ha) the certification of a copy, print or extract referred to in paragraph (h);”.

- (9) Section 100(1)(i), before “the official”—

Add

“the provision of”.

- (10) Section 100(1)(j)—

Repeal

“or any other service or facility relating thereto”.

- (11) After section 100(1)(j)—

Add

“(ja) the administration of an oath or the taking of a statutory declaration for the purposes of this Ordinance; and”.

- (12) Section 100(1)(k)—

Repeal

“connected with registration”.

- (13) Section 100(1), Chinese text—

Repeal

“事項付”

Substitute

“事宜付”.

- (14) After section 100(1)—

Add

“(1A) Regulations made under subsection (1) may empower the Registrar to waive any fee in the circumstances prescribed by the regulations.”.

- (15) Section 100(3), after “enactment”—

Add

“and any matter relating to the assessment of levies, the payment of levies and the period within which levies are to be paid”.

- (16) Section 100(4)—

Repeal

“section 84(1)”

Substitute

“Part 12”.

95. Section 101 amended (unpaid fees, etc.)

- (1) Section 101(1), Chinese text—

Repeal

“未獲繳付的費用或徵費或未獲繳付的部分”

Substitute

“該費用或徵費或該部分未獲繳付”.

- (2) Section 101(2)—

Repeal

“registered land, a registered charge or a registered long term lease”

Substitute

“a registered interest or registered charge”.

- (3) Section 101—

Repeal subsections (3) and (4)

Substitute

“(3) Such fees or levies are, or the amount of costs, charges or expenses ordered to be paid to the Registrar under an order made under section 8(2)(f) is, recoverable as a civil debt due to the Government.

(4) The amount of costs, charges or expenses ordered to be paid to a person (other than the Registrar) under an order made under section 8(2)(f) is recoverable as a civil debt due to that person.”.

96. Section 102 amended (regulations—general powers)

- (1) Before section 102(1)—

Add

“(1A) The Secretary may make regulations for the better carrying out of the purposes and provisions of this Ordinance.”.

- (2) Section 102(1)—

Repeal

“The Secretary may make regulations for all or any of the following matters”

Substitute

“Without limiting subsection (1A), the Secretary may make regulations for any or all of the following”.

- (3) Section 102(1)—

Repeal paragraph (b)

Substitute

“(b) the manner of verification of an application that may be lodged under this Ordinance and the types of applications for which verification is not required;”.

- (4) Section 102(1)(c)—

Repeal

“for registration of any matter”

Substitute

“that may be lodged under this Ordinance”.

- (5) Section 102(1)(d)—

Repeal

“instruments accompanying applications for registration of any matter”

Substitute

“an instrument accompanying an application that may be lodged under this Ordinance”.

- (6) Section 102(1)—

Repeal paragraph (e)

Substitute

“(e) the manner (including by electronic means) in which an application is to be lodged under this Ordinance and the procedures to be followed for lodging the application and depositing (including by electronic means) any instrument relating to the application;”.

(7) Section 102(1)(f)—

Repeal

“for the registration of any matter”

Substitute

“that may be lodged under this Ordinance”.

(8) Section 102(1)(g), after “register”—

Add

“, and the manner in which the priority of applications and matters are to be shown”.

(9) Section 102(1)(h)—

Repeal

“prejudice to the generality of”

Substitute

“limiting”.

(10) Section 102(1)(j)—

Repeal

“for the registration of any matter”

Substitute

“that may be lodged under this Ordinance”.

(11) Section 102(1)(k), English text—

Repeal

“procedure”

Substitute

“procedures”.

(12) Section 102(1)—

Repeal paragraph (l)

Substitute

“(l) the procedures to be followed where an application is not processed (whether or not on the request of the person who lodged the application);”.

(13) Section 102(1)—

Repeal paragraph (m).

(14) Section 102(1)—

Repeal paragraph (n)

Substitute

“(n) the procedures to be followed where the Registrar refuses to accept an application or refuses an application;”.

(15) Section 102(1)—

Repeal paragraph (o).

(16) Section 102(1)(p)—

Repeal

“section 46(1)(a)(iv)”

Substitute

“section 46(1)(a)”.

(17) Section 102(1)—

Repeal paragraphs (q) and (r).

(18) Section 102(1)(s), English text—

Repeal

“shall”

Substitute

“is to”.

(19) Section 102(1)—

Repeal paragraph (t)

Substitute

“(t) the manner of giving any notice by the Registrar of any matter;”.

(20) Section 102(1)—

Repeal paragraphs (u) and (v).

(21) Section 102(1)(x)—

Repeal

“and the form of consent under a consent caution”.

(22) Section 102(1)—

Repeal paragraph (y).

(23) Section 102(1)(z), English text, after “inhibition”—

Add

“order”.

(24) Section 102(1)—

Repeal paragraphs (za) and (zb)

Substitute

“(za) the manner of registration, variation or removal of a restriction order made under section 78;

(zb) the circumstances in which a title certificate (including a replacement title certificate) is to be issued and the person to whom the title certificate is to be issued or delivered;”.

(25) Section 102(1)(zc)—

Repeal

“need not be returned for cancellation under section 29(5)”

Substitute

“may or must be cancelled”.

(26) Section 102(1)—

Repeal paragraph (zd)

Substitute

“(zd) the applications for which title certificates are required to be provided to the Registrar and the circumstances in which such requirement may be dispensed with;”.

(27) Section 102(1)—

Repeal paragraph (ze).

(28) Section 102(1)—

Repeal paragraph (zg)

Substitute

“(zg) the purposes for which, and the manner (including the form) in which, the specified materials referred to in section 30 are made available for search or inspection under that section;”.

(29) Section 102(1)(zh)—

Repeal

“(including any historical records)”.

(30) Section 102(1)(zh)—

Repeal

“(including inspected)”

Substitute

“or inspected”.

(31) After section 102(1)(zh)—

Add

“(zha) the lodging of an application under section 30;

(zhb) in relation to an application lodged under section 30 to search or inspect any historical records referred to in that section—

(i) specifying the persons that may lodge the application;

(ii) specifying the information that must be contained in the application (which may include such information that is specified by the Registrar);

(iii) specifying the documents that must accompany the application (which may include such documents that are specified by the Registrar);

(iv) empowering the Registrar to require the provision of any other information and documents to enable the Registrar to determine the application;”.

(32) Section 102(1)—

Repeal paragraph (zj)

Substitute

“(zj) empowering the Registrar, and persons authorized by the Registrar, in circumstances specified in the regulations, to prohibit any person from entering the Land Registry and to remove any person from the Land Registry;”.

(33) Section 102(1)(zl)—

Repeal

“filed or deposited in the Land Registry shall be so”

Substitute

“lodged, filed or deposited in the Land Registry is to be so lodged;”.

(34) Section 102(1)(zn), before “the power”—

Add

“specifying”.

(35) After section 102(1)(zp)—

Add

“(zpa) the determination of the amount of indemnity that is payable to any person or persons of any class or description or under any particular circumstances;

(zpb) the payment, and provisional payment, of indemnity;

(zpc) the interests payable on indemnity payments;

(zpd) the circumstances under which a person may be allowed to be reimbursed for costs incurred in relation to any proceedings referred to in section 86B(2), the determination of the amount to be reimbursed and the procedures for making the related applications;

(zpe) the circumstances under which a person may be allowed to be reimbursed for professional remuneration referred to in section 86C(1), the determination of the amount to be reimbursed and the procedures for making the related applications;”.

(36) Section 102(1)—

Repeal paragraph (zq)

Substitute

“(zq) the procedures for making applications to a court under this Ordinance;”.

(37) After section 102(1)(zq)—

Add

“(zqa) the manner in which the power to make an order under section 8(2)(f) is to be exercised by the Registrar;

(zqb) determining the date on which an application for the registration of a matter is lodged or regarded to have been lodged for the purposes of section 15A;”.

(38) Section 102(1)—

Repeal paragraph (zs).

(39) Section 102—

Repeal subsection (2).

(40) Section 102—

Repeal subsection (5)

Substitute

“(5) A regulation made under this section may—

- (a) provide that a contravention of any provisions of the regulation is an offence;
- (b) prescribe penalties for such offence of a fine not exceeding level 3 and a term of imprisonment not exceeding 2 years; and
- (c) provide for defences to such offence.”.

97. Section 103 amended (amendment of Schedules 1 and 2)

(1) Section 103, heading—

Repeal

“Schedules 1 and 2”

Substitute

“Schedule 2”.

(2) Section 103—

Repeal subsection (1).

98. Section 104 amended (consequential amendments)

(1) Section 104, heading—

Repeal

“Consequential”

Substitute

“Related and consequential”.

(2) Section 104—

Repeal subsection (2).

(3) Section 104(3)—

Repeal

“or 4”.

Division 15—Amendments to Schedules

99. Schedule 1 repealed (provisions for conversion of LRO land and long term leases from land registration system to land title system)

Schedule 1—

Repeal the Schedule.

100. Schedule 2 amended (specified provisions for purposes of section 10)

Schedule 2—

Repeal

“9, 33(3), 41”

Substitute

“33(3)”.

101. Schedule 3 amended (consequential amendments)

- (1) Schedule 3, heading, before “**Consequential**”—

Add

“**Related and**”.

- (2) Schedule 3, section 2—

Repeal paragraph (a)

Substitute

- “(a) in subsection (2)—

- (i) by adding “and the Land Titles Ordinance (Cap. 585)” after “Land Registration Ordinance (Cap. 128)”;

- (ii) in the English text, by repealing “it applies” and substituting “they apply”.

- (3) Schedule 3, section 2—

Repeal paragraph (b).

- (4) Schedule 3, Chinese text, section 3, new rule 7(4)(b) and (c)—

Repeal

“可被”

Substitute

“須被”.

- (5) Schedule 3, Chinese text, section 4, new rule 7(2)(a)—

Repeal

“有關”

Substitute

“該”.

- (6) Schedule 3, section 4—

Repeal new rule 7(2)(b)

Substitute

- “(b) the following number—

- (i) if the charging order is registered under the Land Registration Ordinance (Cap. 128)—the memorial number of the charging order; or

- (ii) if the charging order is registered under the Land Titles Ordinance (Cap. 585)—the application number of the charging order.”.

- (7) Schedule 3, Chinese text, section 4—

Repeal

“而法庭須在其命令中指明下述編號”

Substitute

“(而法庭須在其命令中指明)”.

- (8) Schedule 3—

Repeal sections 5, 6, 7, 8 and 9

Substitute

“5. Registration of petition in Land Registry

Rule 53 of the Bankruptcy Rules (Cap. 6 sub. leg. A) is amended—

- (a) in the heading, by repealing “**in Land Registry**” and substituting “**under Land Registration Ordinance or of caution under Land Titles Ordinance**”;

- (b) by repealing “a memorial of the petition in the Land Registry against any property registered therein in the name of the debtor or in any alias of his or in his t’ong name, or in the name of any t’ong in which he has any share or interest, or in the name of any” and substituting “a sealed copy of the petition under the Land Registration Ordinance (Cap. 128) (*Cap. 128*),

or register a caution (referred to in section 71 of the Land Titles Ordinance (Cap. 585) (*Cap. 585*)) under Cap. 585 in respect of the petition, against any property that is registered under Cap. 128 or Cap. 585 in the name of the debtor (including any alias for the debtor), in the debtor's t'ong name, in the name of any t'ong in which the debtor has any share or interest, or in the name of the".

6. Registration of petition in Land Registry against partner

Rule 54 is amended—

- (a) in the heading, by repealing "**in Land Registry**" and substituting "**under Land Registration Ordinance or of caution under Land Titles Ordinance**";
- (b) by repealing everything after "may" and substituting "**, in any of the cases mentioned in rule 133 or 135, register a sealed copy of the petition under the Land Registration Ordinance (Cap. 128) (*Cap. 128*), or register a caution (referred to in section 71 of the Land Titles Ordinance (Cap. 585) (*Cap. 585*)) under Cap. 585 in respect of the petition, against any property that is registered under Cap. 128 or Cap. 585 in the name of any partner (or names of any partners) in the debtor firm (including any alias for the partner (or aliases for the partners)), in any t'ong name of the partner or partners, in the name of any t'ong in which the partner has (or the partners have) any share or interest, or in the name of the spouse of the partner or any of the partners.**"

7. Registration of bankruptcy order in Land Registry

Rule 73 is amended—

- (a) in the heading, by repealing "**in Land Registry**" and substituting "**under Land Registration Ordinance or of caution under Land Titles Ordinance**";
- (b) by repealing everything after "register" and substituting—

"—

- (a) a sealed copy of the order under the Land Registration Ordinance (Cap. 128) against any property that is registered under that Ordinance in the name of the debtor (including any alias for the debtor), in the debtor's t'ong name, in the name of any t'ong in which the debtor has any share or interest, or in the name of the spouse of the debtor; and
- (b) a caution (referred to in section 71 of the Land Titles Ordinance (Cap. 585)) under that Ordinance in respect of the order against any property that is registered under that Ordinance in the debtor's t'ong name, in the name of any t'ong in which the debtor has any share or interest, or in the name of the spouse of the debtor."

8. Registration of bankruptcy order in Land Registry against partner

Rule 74 is amended—

- (a) in the heading, by repealing “**in Land Registry**” and substituting “**under Land Registration Ordinance or of caution under Land Titles Ordinance**”;
- (b) by repealing everything after “register” and substituting—

“—

- (a) a sealed copy of the order under the Land Registration Ordinance (Cap. 128) against any property that is registered under that Ordinance in the name of any partner (or names of any partners) in the debtor firm (including any alias for the partner (or aliases for the partners)), in any t’ong name of the partner or partners, in the name of any t’ong in which the partner has (or the partners have) any share or interest, or in the name of the spouse of the partner or any of the partners; and
- (b) a caution (referred to in section 71 of the Land Titles Ordinance (Cap. 585)) under that Ordinance in respect of the order against any property that is registered under that Ordinance in any t’ong name of the partner or partners, in the name of any t’ong in which the partner has (or the partners have) any share or interest, or in the name of the spouse of the partner or any of the partners.”.

9. Disclaimer of lease

Rule 130(3) is amended—

- (a) by repealing “is registered in the Land Registry, register a memorial of such disclaimer in the Land Registry” and substituting “(or the subject matter to which the lease relates) is registered under the Land Registration Ordinance (Cap. 128) (*Cap. 128*) or the Land Titles Ordinance (Cap. 585) (*Cap. 585*), register the disclaimer (or the subject matter to which the disclaimer relates) under Cap. 128 or Cap. 585”;
- (b) by repealing “or, as the case may be, filed and registered” and substituting “and (if applicable) the registration is so made”.

(9) Schedule 3, section 10—

Repeal paragraphs (a) and (b)

Substitute

“(a) in Form 67—

- (i) by repealing “at the Land Registry on under Reference No. PA may be vacated upon the application of the debtor under the Land Registration Ordinance (Chapter 128)” and substituting “under the Land Registration Ordinance (Chapter 128) (*Cap. 128*) may be vacated, or the caution registered under the Land Titles Ordinance (Chapter 585) (*Cap. 585*) in respect of the petition may be removed, on the application of the debtor under Cap. 128 or Cap. 585”;
- (ii) by repealing “at the Land Registry is cancelled” and substituting “is vacated or the registered caution is removed”;

- (b) in Forms 128 and 129, by repealing “[and has been registered in the Land Registry]” and substituting “[and the disclaimer (or the subject matter to which the disclaimer relates) has been registered under the Land Registration Ordinance (Chapter 128) or the Land Titles Ordinance (Chapter 585)]”.
- (10) Schedule 3—
Repeal section 11
Substitute
- “11. **Registration in Land Registry of order under section 4**
Section 7 of the Landlord and Tenant (Consolidation) Ordinance (Cap. 7) is amended—
 - (a) in the heading, by repealing “**in Land Registry**” and substituting “**under Land Registration Ordinance or Land Titles Ordinance**”;
 - (b) in subsection (1), by repealing “to be registered by memorial in the Land Registry” and substituting “(or the subject matter to which the order relates) to be registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;
 - (c) in subsection (2), by repealing “order being registered by virtue of” and substituting “registration of the order (or of the subject matter to which the order relates) under”.
- (11) Schedule 3, section 12—
Repeal
everything after “repealing”
Substitute

- ““to be registered by memorial in the Land Registry” and substituting “(or the subject matter to which the order relates) to be registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”.”.
- (12) Schedule 3—
Repeal section 14.
- (13) Schedule 3, before cross-heading “**Land (Miscellaneous Provisions) Ordinance**”—
Add
- “14A. **Interpretation**
Section 120AA is amended—
 - (a) in subsection (1), in the definition of *deed of mutual covenant*, in paragraph (b), by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;
 - (b) by adding—
 - “(6) For the purposes of the Land Titles Ordinance (Cap. 585), a notice (except Form AR1) or an application under this Part is not to be regarded—
 - (a) as a matter capable of being registered under that Ordinance; or
 - (b) as creating a pending legal action as defined by section 71(8) of that Ordinance.”.
- (14) Schedule 3, section 15—
Repeal paragraphs (a) and (b)
Substitute

- “(a) in subsection (2), by repealing “thereof in the Land Registry” and substituting “of the notice (or the subject matter to which the notice relates) under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;
- (b) in subsection (3), by repealing “under subsection (2) in the Land Registry of a copy of a notice published under subsection (1)” and substituting “of the copy of the notice (or of the subject matter to which the notice relates) under subsection (2)”.”.
- (15) Schedule 3, section 16—
Repeal paragraphs (a) and (b)
Substitute
- “(a) by repealing “thereof in the Land Registry” and substituting “of the disclaimer (or the subject matter to which the notice relates) under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;
- (b) by repealing “thereof is registered in the Land Registry” and substituting “of the disclaimer (or the subject matter to which the notice relates) is registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”.”.
- (16) Schedule 3, before cross-heading “**Government Leases Ordinance**”—
Add

“16A. Forms

The Appendix is amended, in Form 40, by repealing “notice thereof filed in the Land Registry” and substituting “a notice of the disclaimer (or the subject matter to which the notice relates)

- has been registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”.”.
- (17) Schedule 3, section 17—
Repeal
“, or which is registered under the Land Titles Ordinance (Cap. 585) or which supports a current entry in the Title Register kept under that Ordinance,”.
- (18) Schedule 3, section 18—
Repeal
“or the Land Titles Ordinance (Cap. 585)”.
- (19) Schedule 3—
Repeal section 19
Substitute
- “19. New Government rent to be noted in register in Land Registry**
Section 10 is amended—
- (a) in the heading, by repealing “**in Land Registry**” and substituting “**kept under Land Registration Ordinance**”;
- (b) in subsection (1)(b), by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128)”;
- (c) in subsection (2)(b), by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128)”.”.
- (20) Schedule 3, section 20—
Repeal

“or entered in the Title Register kept under the Land Titles Ordinance (Cap. 585), as the case may require”.

- (21) Schedule 3—

Repeal section 21

Substitute

“21. Evidence of renewal

Section 12 is amended by repealing “in the Land Registry” and substituting “kept under the Land Registration Ordinance (Cap. 128)”.

- (22) Schedule 3, section 22—

Repeal

“or the Land Titles Ordinance (Cap. 585)”.

- (23) Schedule 3, section 23—

Repeal paragraph (b).

- (24) Schedule 3—

Repeal sections 24 and 25

Substitute

“24. Government lease plan

Section 16(2) is amended by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128)”.

25. Plan as approved or amended to be delivered to Land Registry

Section 22(b) is amended by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128)”.

- (25) Schedule 3, section 26—

Repeal

everything after “by”

Substitute

“repealing paragraph (a) and substituting—

“(a) is registered under—

- (i) the Bills of Sale Ordinance (Cap. 20);
- (ii) the Land Registration Ordinance (Cap. 128);
- (iii) the Land Titles Ordinance (Cap. 585);
- (iv) the Companies Ordinance (Cap. 622); or
- (v) any other enactment; or”.

- (26) Schedule 3, section 28—

Repeal

everything after “repealing”

Substitute

““declaration in the Land Registry” and substituting “notice of declaration (or the declaration) under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”.

- (27) Schedule 3, section 29—

Repeal

everything after “repealing”

Substitute

““declaration in the Land Registry” and substituting “notice of declaration (or the declaration) under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”.

(28) Schedule 3—

Repeal section 30

Substitute

“30. Charge on property recovered

Section 18A(3A) of the Legal Aid Ordinance (Cap. 91) is amended by adding “or the Land Titles Ordinance (Cap. 585)” after “Land Registration Ordinance (Cap. 128)”.’.

(29) Schedule 3, after section 30—

Add

“Fire Services Ordinance

30A. Power of Director in respect of abatement and prevention of fire hazards

Section 9(d) of the Fire Services Ordinance (Cap. 95) is amended by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”.

Fire Services (Fire Hazard Abatement) Regulation

30B. Notification to Land Registrar of charges etc.

Section 23 of the Fire Services (Fire Hazard Abatement) Regulation (Cap. 95 sub. leg. F) is amended—

(a) in subsection (1)—

(i) by repealing “to be registered in the Land Registry”;

(ii) by adding “(or the subject matter to which the notice relates) to be registered under the Land Registration Ordinance (Cap. 128) or the Land

Titles Ordinance (Cap. 585)” after “information”;

(b) in subsection (3), by repealing “it to be registered in the Land Registry” and substituting “the notice (or the subject matter to which the notice relates) to be registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”.

30C. Registration of closure order

Section 29(2) is amended by repealing “it to be registered in the Land Registry” and substituting “the copy of the order (or the subject matter to which the order relates) to be registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”.

30D. Application for rescission of closure order

Section 33 is amended—

(a) in subsection (2)(b), by adding “(or the subject matter to which the notice relates)” after “charge”;

(b) in subsection (5)(a), by adding “(or the subject matter to which the notice relates)” after “notice”;

(c) in subsection (7), by repealing “it to be registered in the Land Registry” and substituting “the notice (or the subject matter to which the notice relates) to be registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”.

30E. Rescission of closure order after successful appeal

Section 34(3) is amended by repealing “it to be registered in the Land Registry” and substituting “the notice (or the subject

matter to which the notice relates) to be registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”.

30F. Application for suspension order

Section 35(9) is amended by repealing “it to be registered in the Land Registry” and substituting “the copy of the order (or the subject matter to which the order relates) to be registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”.

30G. Revival of closure order

Section 36(6) is amended by repealing “it to be registered in the Land Registry” and substituting “the copy of the order (or the subject matter to which the order relates) to be registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”.

30H. Section substituted

Section 37 is repealed and the following substituted—

“37. Registration of notices and orders

- (1) A failure to register a notice or copy of an order under this Part (or the subject matter to which the notice or order relates) under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585) does not, except as is provided in section 33, affect the validity of the notice or order as against any person.
- (2) A notice or copy of an order that is required under this Part to be registered under the Land Registration Ordinance (Cap. 128) is taken to be an instrument affecting land.”.

(30) Schedule 3, section 31—

Repeal

everything after “amended”

Substitute

“—

- (a) by adding “, under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585),” after “registration”;
- (b) by repealing “a memorial thereof in the Land Registry” and substituting “an instrument of re-entry lodged with the Land Registrar by the Secretary for Home and Youth Affairs”.

(31) Schedule 3, section 32—

Repeal paragraphs (a) and (b)

Substitute

- “(a) by repealing “Every” and substituting “The Secretary for Home and Youth Affairs must cause”;
- (b) by repealing “appointment shall” and substituting “appointment to”;
- (c) by repealing “by the Secretary for Home and Youth Affairs in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;
- (d) by repealing “before registering a trustee may require him” and substituting “, before the registration of the appointment, may require the trustee concerned”.

(32) Schedule 3, section 38(a), new section 18(2), after “Notice”—

Add

“in writing”.

- (33) Schedule 3, section 38(a), new section 18(2)—

Repeal

“which is to be registered under the Land Registration Ordinance (Cap. 128)”.

- (34) Schedule 3, section 38(a), new section 18(2)—

Repeal

“that Ordinance”

Substitute

“the Land Registration Ordinance (Cap. 128)”.

- (35) Schedule 3, section 38—

Repeal paragraph (b).

- (36) Schedule 3, section 38(c), new section 18(3)—

Repeal

everything after “notice”

Substitute

“given under subsection (2) is taken to be an instrument affecting land and is registrable under the Land Registration Ordinance (Cap. 128).”.

- (37) Schedule 3, after cross-heading “**Inland Revenue Ordinance**”—

Add

“38A. Interpretation

Section 2(1) of the Inland Revenue Ordinance (Cap. 112) is amended, in the definition of *common parts*, in paragraph (a), by repealing everything after “designated” and substituting—

“for the exclusive use, occupation or enjoyment of an owner in an instrument—

- (i) that is registered under the Land Registration Ordinance (Cap. 128); or

- (ii) that is registered under the Land Titles Ordinance (Cap. 585) or that supports a current entry in the Title Register kept under that Ordinance; and”.

- (38) Schedule 3, section 39—

Repeal

“of the Inland Revenue Ordinance (Cap. 112)”.

- (39) Schedule 3, section 39—

Repeal

“appearing from”

Substitute

“those persons”.

- (40) Schedule 3, section 39—

Repeal

“to be such an owner”.

- (41) Schedule 3, section 39—

Repeal new section 56A(1)(a) and (b)

Substitute

- “(a) appearing from any deed, conveyance, judgment or other instrument in writing registered under the Land Registration Ordinance (Cap. 128) to be such an owner; or

- (b) who is registered under the Land Titles Ordinance (Cap. 585) as such an owner.”.

- (42) Schedule 3, section 40, new section 2A—

Repeal

“registered land within the meaning”

Substitute

“a registered interest as defined by section 2(1)”.

- (43) Schedule 3, section 40, new section 2A(e)—

Repeal

“, within the meaning of section 2(1) of the Land Titles Ordinance (Cap. 585), for the registration under that Ordinance”

Substitute

“for the registration under the Land Titles Ordinance (Cap. 585)”.

- (44) Schedule 3, after section 40—

Add

“40A. Section added

The following is added—

“13A. Charge on registered interest pending adjudication of stamp duty

- (1) This section applies if—

- (a) an instrument is stamped under section 13(2); and
- (b) a registered interest (*concerned registered interest*) is the subject of the matter to which the instrument relates.

- (2) The stamp duty (if any) payable on the instrument constitutes a charge on the concerned registered interest in favour of the Collector (*charge*).

- (3) The stamp duty referred to in subsection (2) includes—

- (a) any stamp duty payable on the instrument;
- (b) any penalty under section 13(7)(b) payable on the instrument; and
- (c) any additional stamp duty under section 13(10) payable on the instrument.

- (4) The charge expires on the earlier of—

- (a) the date on which the instrument is stamped under section 13(3); or
- (b) the date on which the Collector confirms in writing that no stamp duty is payable on the instrument or the instrument is not (or no longer) chargeable with stamp duty.

- (5) To avoid doubt, the charge may be registered under the Land Titles Ordinance (Cap. 585) even though the amount of the charge has not been determined.

- (6) In this section—

registered interest (註冊權益) has the meaning given by section 2(1) of the Land Titles Ordinance (Cap. 585).”.

- (45) Schedule 3, English text, section 41, heading—

Repeal

“Non-admissibility etc.”

Substitute

“Non-admissibility, etc.”.

- (46) Schedule 3, section 41—

Repeal paragraph (b)

Substitute

“(b) by adding—

“(ab) a matter under the Land Titles Ordinance (Cap. 585) if the instrument supporting the registration of the matter is stamped under section 5(1), 13(2) or 18E(1); or”;

(47) Schedule 3, section 41(c), before “by adding”—

Add

“in the Chinese text,”.

(48) Schedule 3—

Repeal section 42.

(49) Schedule 3, after section 43—

Add

“43A. Order for demolition, removal, or alteration of building, building works (other than minor works commenced under simplified requirements) or street works

Section 24 is amended—

- (a) in subsection (2C), by repealing “to be registered in the Land Registry” and substituting “(or the subject matter to which the order relates) to be registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;
- (b) in subsection (4A)—
 - (i) by repealing “has been registered with the Land Registry” and substituting “(or the subject matter to which the order relates) has been registered”;
 - (ii) in paragraphs (a), (b) and (c), in the Chinese text, by adding “該” after “如”.

43B. Order for demolition, removal, or alteration of minor works commenced under simplified requirements

Section 24AA is amended—

- (a) in subsection (6), by repealing “to be registered in the Land Registry” and substituting “(or the subject matter to which the order relates) to be registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;
- (b) in subsection (9), by repealing “has been registered with the Land Registry” and substituting “(or the subject matter to which the order relates) has been registered”.

43C. Notice for demolition or alteration of building or building works

Section 24C is amended—

- (a) in subsection (1)(d), by repealing “will be registered with the Land Registry” and substituting “(or the subject matter to which the notice relates) will be registered”;
- (b) in subsection (4), by repealing “to be registered in the Land Registry” and substituting “(or the subject matter to which the notice relates) to be registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;
- (c) in subsection (5), by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128)”;
- (d) in subsection (6)—
 - (i) by repealing “in the Land Registry” and substituting “under the Land Registration

- Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;
(ii) by repealing “against” and substituting “in relation to”.

(50) Schedule 3—

Repeal sections 44, 45, 46, 47 and 48
Substitute

“44. Dangerous buildings

Section 26 is amended—

- (a) in subsection (2A), by repealing “to be registered by memorial in the Land Registry” and substituting “(or the subject matter to which the order relates) to be registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;
(b) in subsection (3A)—
(i) by repealing “has been registered with the Land Registry” and substituting “(or the subject matter to which the order relates) has been registered”;
(ii) in the Chinese text, by repealing “命令所” and substituting “該命令所”.

45. Defective buildings

Section 26A is amended—

- (a) in subsection (4A), by repealing “to be registered by memorial in the Land Registry” and substituting “(or the subject matter to which the order relates) to be registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;
(b) in subsection (6)—
(i) by repealing “has been registered with the Land Registry” and substituting “(or the subject matter to which the order relates) has been registered”;
(ii) in the Chinese text, by repealing “命令所” and substituting “該命令所”.

- (b) in subsection (6)—
(i) by repealing “has been registered with the Land Registry” and substituting “(or the subject matter to which the order relates) has been registered”;
(ii) in the Chinese text, by repealing “命令所” and substituting “該命令所”.

46. Dangerous hillsides, etc.

Section 27A is amended—

- (a) in subsection (2D)—
(i) in paragraph (a), by repealing “to be registered by memorial in the Land Registry” and substituting “(or the subject matter to which the order relates) to be registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;
(ii) in paragraph (b), by repealing “to be registered by memorial in the Land Registry” and substituting “(or the subject matter to which the order relates) to be registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;
(b) in subsection (3A)—
(i) by repealing “has been registered with the Land Registry” and substituting “(or the subject matter to which the order relates) has been registered”;
(ii) in paragraph (a), in the Chinese text, by adding “該” after “是”.

47. Water pipes, drains or sewers laid in slopes, etc.

Section 27C is amended—

- (a) in subsection (6), by repealing “to be registered by memorial in the Land Registry” and substituting “(or the subject matter to which the order relates) to be registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;
- (b) in subsection (8)—
 - (i) by repealing “has been registered with the Land Registry” and substituting “(or the subject matter to which the order relates) has been registered”;
 - (ii) in the Chinese text, by repealing “命令所” and substituting “該命令所”.

48. Drainage

Section 28 is amended—

- (a) in subsection (6A), by repealing “to be registered by memorial in the Land Registry” and substituting “(or the subject matter to which the order relates) to be registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;
- (b) in subsection (7A)—
 - (i) by repealing “has been registered with the Land Registry” and substituting “(or the subject matter to which the order relates) has been registered”;
 - (ii) in the Chinese text, by repealing “命令所” and substituting “該命令所”.

48A. Maintenance of emergency vehicular access

Section 29A is amended—

- (a) in subsection (5), by repealing “to be registered in the Land Registry” and substituting “(or the subject matter to which the order relates) to be registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;
- (b) in subsection (6), by repealing “has been registered with the Land Registry” and substituting “(or the subject matter to which the order relates) has been registered”.

48B. Obligation on owners to carry out prescribed inspection and prescribed repair in respect of buildings

Section 30B is amended—

- (a) in subsection (9), by repealing “to be registered by memorial in the Land Registry” and substituting “(or the subject matter to which the notice relates) to be registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;
- (b) in subsection (11)(a), by repealing “has not been registered with the Land Registry” and substituting “(or the subject matter to which the notice relates) has not been registered”;
- (c) in subsection (11)(b), by repealing “has been registered with the Land Registry” and substituting “(or the subject matter to which the notice relates) has been registered”.

48C. Obligation on owners to carry out prescribed inspection and prescribed repair in respect of windows

Section 30C is amended—

- (a) in subsection (7), by repealing “to be registered by memorial in the Land Registry” and substituting “(or the subject matter to which the notice relates) to be registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;
 - (b) in subsection (9)(a), by repealing “has not been registered with the Land Registry” and substituting “(or the subject matter to which the notice relates) has not been registered”;
 - (c) in subsection (9)(b), by repealing “has been registered with the Land Registry” and substituting “(or the subject matter to which the notice relates) has been registered”.
- (51) Schedule 3, section 49, heading—

Repeal

“of works”

Substitute

“and surcharge”.

- (52) Schedule 3, Chinese text, section 49(a)—

Repeal subparagraph (i)

Substitute

“(i) 廢除“的證明書的註冊摘要”而代以“的證明書(或與該證明書有關的標的物)”;

- (53) Schedule 3, section 49(a)—

Repeal subparagraphs (ii) and (iii)

Substitute

- “(ii) by repealing “may be registered in the Land Registry” and substituting “(or the subject matter to which the certificate relates) may be registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;
- (iii) in paragraph (a), by repealing “from such Land Registry register”;
- (iiia) in paragraph (a), by repealing “to be” and substituting “from the register kept under the Land Registration Ordinance (Cap. 128) to be, or is registered under the Land Titles Ordinance (Cap. 585) as,”;

- (54) Schedule 3, section 49(a)(iv), after “certificate”—

Add

“(or of the subject matter to which the certificate relates)”.

- (55) Schedule 3, section 49—

Repeal paragraph (b)

Substitute

- “(b) in subsection (10)—
 - (i) by repealing “Upon the recovery of any sum under this section” and substituting “Where a certificate referred to in subsection (1) (or the subject matter to which the certificate relates) is registered under subsection (9), on the recovery of any sum under this section,”;
 - (ii) by repealing everything after “lodge” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585) an appropriate instrument of satisfaction in relation to the certificate.”;

(56) Schedule 3, section 49—

Repeal paragraph (c).

(57) Schedule 3, section 50—

Repeal

“Section 2”

Substitute

“Section 2(1)”.

(58) Schedule 3—

Repeal section 51

Substitute

“51. Purchase by agreement

Section 4A is amended—

- (a) by renumbering it as section 4A(1);
- (b) in subsection (1), by repealing “registered in the Land Registry” and substituting “referred to in subsection (2)”;
- (c) by adding—

“(2) The instrument is one—

- (a) that is registered under the Land Registration Ordinance (Cap. 128); or
- (b) that is registered under the Land Titles Ordinance (Cap. 585) or that supports a current entry in the Title Register kept under that Ordinance.”.

(59) Schedule 3—

Repeal section 52

Substitute

“52. Compensation

Section 6 is amended—

- (a) in subsection (1)(a), by repealing “registered in the Land Registry” and substituting “referred to in subsection (1A)”;
- (b) by adding—

“(1A) The instrument is one—

- (a) that is registered under the Land Registration Ordinance (Cap. 128); or
- (b) that is registered under the Land Titles Ordinance (Cap. 585) or that supports a current entry in the Title Register kept under that Ordinance.”.

(60) Schedule 3, section 53—

Repeal paragraph (a)

Substitute

“(a) in the definition of *existing building*, in paragraph (c), by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128)”.

(61) Schedule 3, Chinese text, section 53(b), new paragraph (a)—

Repeal

“姓名或名稱已”

Substitute

“其姓名或名稱已”.

- (62) Schedule 3, Chinese text, section 53(b), new paragraph (a)—
Repeal
“的姓名或名稱”.
- (63) Schedule 3, Chinese text, section 53(c) and (d)—
Repeal
“當時有效的”
Substitute
“現有”.
- (64) Schedule 3, Chinese text, section 54, new section 6(1)(b)(ii)—
Repeal
“當時有效的”
Substitute
“現有”.
- (65) Schedule 3, Chinese text, section 55, new section 7(1)(a)(ii)—
Repeal
“當時有效的”
Substitute
“現有”.
- (66) Schedule 3, section 56, before new section 10(1)(a)—
Add
“(aa) a Government lease—
(i) a counterpart of which is kept in the Land Registry;
or
(ii) that is lodged under the Land Titles Ordinance (Cap. 585);”.
- (67) Schedule 3, section 56, new section 10(1)(a)—

- Repeal**
“a Government lease or other”
Substitute
“any”.
- (68) Schedule 3, Chinese text, section 56, new section 10(1)(a)(ii)—
Repeal
“當時有效的”
Substitute
“現有”.
- (69) Schedule 3, Chinese text, section 57—
Repeal
“當時有效的”
Substitute
“現有”.
- (70) Schedule 3, Chinese text, section 58, new section 13(1)(a)(ii)—
Repeal
“當時有效的”
Substitute
“現有”.
- (71) Schedule 3, Chinese text, section 59, new section 14(1)(a)(ii)—
Repeal
“當時有效的”
Substitute
“現有”.
- (72) Schedule 3, section 60—
Repeal

everything after “by”

Substitute

“repealing “Land Registry records” and substituting “register kept under the Land Registration Ordinance (Cap. 128), or entered in the Title Register kept under the Land Titles Ordinance (Cap. 585),”. ”.

- (73) Schedule 3, Chinese text, section 61, new section 25(b)—

Repeal

“當時有效的”

Substitute

“現有”.

- (74) Schedule 3, section 62—

Repeal paragraph (a)

Substitute

“(a) in the definition of *former owner*—

- (i) in the English text, by repealing “in relation to a lot or relevant interest” and substituting “, in relation to a lot or relevant interest,”;
- (ii) by repealing “in the Land Registry of a memorial” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585) of an instrument”;

- (75) Schedule 3, Chinese text, section 62(b)(i)—

Repeal

“在土地註冊處”而代以“根”

Substitute

“姓名在土地註冊處”而代以“其姓名或名稱已根”.

- (76) Schedule 3, after section 62(b)(ii)—

Add

“(iii) in paragraph (c), in the English text, by adding a comma after “administrators”;

- (77) Schedule 3, Chinese text, section 62(c), new paragraph (b)—

Repeal

“當時有效的”

Substitute

“現有”.

- (78) Schedule 3, section 62—

Repeal paragraph (d)

Substitute

“(d) in the definition of *vesting notice*, by repealing “in the Land Registry”.

- (79) Schedule 3, section 63, heading—

Repeal

“Instrument”

Substitute

“Memorial”.

- (80) Schedule 3, section 63—

Repeal paragraphs (a) and (b)

Substitute

“(a) in the heading, by repealing “Memorial” and substituting “Instrument”;

(b) in subsection (1)—

- (i) by repealing “a memorial of”;
- (ii) by adding “issued” after “instrument of re-entry,”;

- (iii) by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;

- (c) in subsection (2), by repealing “such a memorial” and substituting “the instrument of re-entry”.

(81) Schedule 3—

Repeal section 64

Substitute

“64. Notice of registration of memorial

Section 5 is amended—

- (a) in the heading, by repealing “**memorial**” and substituting “**instrument of re-entry**”;

- (b) by repealing “a memorial” and substituting “an instrument”.

(82) Schedule 3, section 65—

Repeal paragraphs (a), (b), (c) and (d)

Substitute

“(a) in subsection (1)—

- (i) by adding “issued” after “notice,”;
- (ii) by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;

(b) in subsection (1A)—

- (i) by adding “issued” after “notice,”;
- (ii) by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128)”;

(c) in subsection (2)—

- (i) by repealing “notice in the Land Registry” and substituting “notice under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;

- (ii) in paragraph (b), by repealing “registered in the Land Registry” and substituting “that supports a current entry in the Title Register kept under the Land Titles Ordinance (Cap. 585), or that is registered under that Ordinance or the Land Registration Ordinance (Cap. 128),”;

- (iii) in paragraph (i), by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;

- (iv) in paragraph (iv), by repealing “not registered in the Land Registry” and substituting “that does not support a current entry in the Title Register kept under the Land Titles Ordinance (Cap. 585), or that is not registered under that Ordinance or the Land Registration Ordinance (Cap. 128)”;

- (d) in subsection (3), by repealing “registered in the Land Registry under subsection (1) or (1A)”.

(83) Schedule 3, section 66—

Repeal paragraphs (a), (b) and (c)

Substitute

“(a) in subsection (1)—

- (i) by repealing “a memorial” and substituting “an instrument”;

- (ii) by repealing “in the Land Registry”;

- (b) in subsection (2), by repealing “in the Land Registry”;

(c) in subsection (3), by repealing “memorial” and substituting “instrument”.”.

(84) Schedule 3—

Repeal section 67

Substitute

“67. **Power of Chief Executive or Chief Executive in Council to order cancellation of memorial of re-entry or vesting notice**

Section 9 is amended—

(a) in the heading, by repealing “**memorial**” and substituting “**instrument**”;

(b) in subsection (1)(a) and (2)(a), by repealing “memorial” and substituting “instrument”.”.

(85) Schedule 3, section 69, heading—

Repeal

“**instrument**”

Substitute

“**memorial**”.

(86) Schedule 3, before section 69(a)—

Add

“(aa) in the heading, by repealing “**memorial**” and substituting “**instrument**”.”.

(87) Schedule 3, after section 69(a)(ii)—

Add

“(iii) by adding “or annexed to” after “written on”.”.

(88) Schedule 3, section 69(b)—

Repeal subparagraph (ii)

Substitute

“(ii) by repealing “it had never been registered” and substituting “the instrument of re-entry had never been registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”.”.

(89) Schedule 3, section 70(a), after “of”—

Add

“and substituting “or annexed to”.”.

(90) Schedule 3, section 70—

Repeal paragraph (b)

Substitute

“(b) in subsection (2)—

(i) by repealing “same had never been made or registered” and substituting “vesting notice had never been made, or registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;

(ii) by repealing “registered at the Land Registry” and substituting “so registered”.”.

(91) Schedule 3, after cross-heading “**Town Planning Ordinance**”—

Add

“70A. **Amendment of plans on application to the Board**

Section 12A(25) of the Town Planning Ordinance (Cap. 131) is amended—

(a) in the definition of *current land owner*, by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;

- (b) in the definition of *eligible person*, in paragraph (a), by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”.

70B. Applications for permission in respect of plans

Section 16(8) is amended by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”.

- (92) Schedule 3, section 71, heading, after “area”—

Add

“or regulated area”.

- (93) Schedule 3, section 71—

Repeal

“of the Town Planning Ordinance (Cap. 131)”.

- (94) Schedule 3, section 71—

Repeal paragraph (a).

- (95) Schedule 3, section 71—

Repeal paragraph (b)

Substitute

- “(b) in subsection (4B), by repealing “in the Land Registry” and substituting “(or the subject matter to which the notice relates) under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;
- (c) in subsection (8A), by repealing “in the Land Registry” and substituting “(or the subject matter to which the further notice relates) under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;

- (d) by adding—

“(8AB) A failure to register a notice served under this section (or the subject matter to which the notice relates) under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585) does not affect the validity of the notice as against the person on whom the notice has been served.”;

- (e) in subsection (8B), by repealing everything after “registrable” and substituting “under the Land Registration Ordinance (Cap. 128)”.

- (96) Schedule 3, before cross-heading “**Public Health and Municipal Services Ordinance**”—

Add

“Town Planning (Taking Possession and Disposal of Property) Regulation

71A. Registration of notices

Section 6B of the Town Planning (Taking Possession and Disposal of Property) Regulation (Cap. 131 sub. leg. C) is amended—

- (a) in subsection (1), by repealing “in the Land Registry” and substituting “(or the subject matter to which the notice relates) under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;

- (b) by adding—

“(1A) A failure to register a notice served under section 2(1) or (4) or 6A (or the subject matter to which the notice relates) under the Land Registration Ordinance (Cap.

- 128) or the Land Titles Ordinance (Cap. 585) does not affect the validity of the notice as against the person on whom the notice has been served.”;
- (c) in subsection (2), by repealing everything after “registrable” and substituting “under the Land Registration Ordinance (Cap. 128).”.
- (97) Schedule 3, section 72, heading—
Repeal
“or public bodies”.
- (98) Schedule 3, section 72—
Repeal paragraphs (a) and (b)
Substitute
“(a) in subsection (9)—
(i) by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;
(ii) by repealing “a memorial of”;
(iii) by adding “(or the subject matter to which the certificate relates)” after “subsection (1)”;
(iv) by repealing “from the Land Registry register”;
(v) by repealing “appears to be” and substituting “from the register kept under the Land Registration Ordinance (Cap. 128) appears to be, or is registered under the Land Titles Ordinance (Cap. 585) as,”;
(vi) in the proviso, by repealing “before the registration of the memorial of such certificate” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585) before the

- registration of such certificate (or of the subject matter to which such certificate relates)”;
- (b) in subsection (10)—
(i) by repealing “Upon” and substituting “Where a certificate issued under subsection (1) (or the subject matter to which the certificate relates) is registered under subsection (9), on”;
(ii) by repealing everything after “lodge” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585) an appropriate instrument of satisfaction in relation to the certificate.”.
- (99) Schedule 3, Chinese text, section 73, new paragraph (b)—
Repeal
“當時有效的”
Substitute
“現有”.
- (100) Schedule 3—
Repeal section 74
Substitute
“74. **Interpretation**
Section 3(1) of the New Territories Leases (Extension) Ordinance (Cap. 150) is amended, in the definition of *Land Registry register*, by repealing “in the Land Registry, under the Land Registration Ordinance (Cap. 128),” and substituting “under the Land Registration Ordinance (Cap. 128).”.
- (101) Schedule 3—
Repeal section 75

Substitute

“75. Burdens and covenants

Section 7(1) is amended by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128)”.

(102) Schedule 3—

Repeal the cross-heading before section 76.

(103) Schedule 3—

Repeal sections 76 and 77.

(104) Schedule 3, before cross-heading “**Domestic and Cohabitation Relationships Violence Ordinance**”—

Add

“Solicitors (General) Costs Rules

78A. Schedule 1 amended

Schedule 1 to the Solicitors (General) Costs Rules (Cap. 159 sub. leg. G) is amended, in Part 3, in paragraphs 4 and 6, by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128)”.

(105) Schedule 3—

Repeal section 80

Substitute

“80. Registration of notices and orders relating to premises

Section 153M of the Crimes Ordinance (Cap. 200) is amended—

(a) in subsection (1)—

(i) by adding “(*notice*)” after “153H(4)”;

(ii) by adding “(*order*)” after “153K(5)”;

(iii) in the English text, by repealing “practicable,” and substituting “practicable”;

(iv) in paragraph (a), by repealing everything after “verify” and substituting—

“—

(i) a memorial of the notice or copy of the order, that memorial being in the form specified under, and containing the particulars required by or under, the Land Registration Ordinance (Cap. 128); or

(ii) an application for the registration of the notice or copy of the order (or of the subject matter to which the notice or order relates), that application being in the form specified under, and containing the particulars required by or under, the Land Titles Ordinance (Cap. 585); and”;

(v) in paragraph (b), by repealing “an order” and substituting “the order (or the subject matter to which the notice or the order relates) under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;

(b) by adding—

“(1A) A failure to register under subsection (1)(b) does not, save as is provided in section 153C, affect the validity of the

notice or the order as against any person.”;

(c) by repealing subsection (2) and substituting—

“(2) For the purposes of the Land Registration Ordinance (Cap. 128), the notice or copy of the order is taken to be an instrument affecting land.”;

(d) in subsection (3), by repealing “subsection (1)” and substituting “subsection (1)(a)”;

(e) by adding—

“(4) An application prepared under subsection (1)(a) is to be regarded as complying with the Land Titles Ordinance (Cap. 585).”.

(106) Schedule 3, section 81—

Repeal

everything after “after”

Substitute

““immovable property” and substituting—

“—

(a) for property that is registered under the Land Titles Ordinance (Cap. 585)—the order and the subject matter to which the order relates are registrable under that Ordinance in the manner as the Land Registrar thinks fit; or

(b) for any other property—the order is taken to be an instrument affecting land for the purposes of the Land Registration Ordinance (Cap. 128) and is registrable as such under that Ordinance in the manner as the Land Registrar thinks fit.”.

(107) Schedule 3, after section 82—

Add

“82A. Delivery of original deeds or documents of title

Section 13A is amended by adding—

“(5) This section does not apply to land which is registered land within the meaning of the Land Titles Ordinance (Cap. 585).”.

(108) Schedule 3, section 83—

Repeal paragraph (a)

Substitute

“(a) in paragraphs (a) and (b), by repealing “in the Land Registry under the Land Registration Ordinance (Cap. 128)” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585).”.

(109) Schedule 3, after section 88(a)—

Add

“(ab) in subsection (9), by repealing “in the Land Registry”;.”.

(110) Schedule 3, section 88(b), new section 41(9A)—

Repeal

“or deemed to be registered in the Title Register kept under the Land Titles Ordinance (Cap. 585) against the land”

Substitute

“under the Land Titles Ordinance (Cap. 585) against a registered interest (as defined by section 2(1) of that Ordinance)”.

(111) Schedule 3, section 89—

Repeal paragraph (a)

Substitute

“(a) in subsection (2)—

- (i) by adding “or the Land Titles Ordinance (Cap. 585) (or is an instrument that supports a current entry in the Title Register kept under the Land Titles Ordinance (Cap. 585))” after “Land Registration Ordinance (Cap. 128)”;
- (ii) by repealing “that registration” and substituting “the registration of the instrument (or the registration of the subject matter to which the instrument relates)”;
- (iii) by repealing “Land Registry registers” and substituting “register kept under the Land Registration Ordinance (Cap. 128) or the Title Register kept under the Land Titles Ordinance (Cap. 585)”.

(112) Schedule 3—

Repeal section 91.

(113) Schedule 3, section 92—

Repeal

everything after “clause 10”

Substitute

“—

- (a) by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) (or if a caution (referred to in section 71 of the Land Titles Ordinance (Cap. 585)) has been registered under the Land Titles Ordinance (Cap. 585) in respect of the subject matter to which the agreement relates)”;
- (b) by repealing “at the Land Registry”;

- (c) by adding “under the Land Registration Ordinance (Cap. 128) (or to make an application to remove the registered caution under the Land Titles Ordinance (Cap. 585))” after “of the property”.

(114) Schedule 3—

Repeal section 94.

(115) Schedule 3, section 95, after “Section 6(4)”—

Add

“of the Land Transactions (Enemy Occupation) Ordinance (Cap. 256)”.

(116) Schedule 3, section 95—

Repeal

“or the Land Titles Ordinance (Cap. 585), as the case may require,”.

(117) Schedule 3—

Repeal sections 97 and 98

Substitute

“97. Chief Executive may order resumption of land

Section 4(5) is amended—

- (a) by repealing “noted” and substituting “reflected”;
- (b) by repealing “of the land kept in the Land Registry” and substituting “of the land kept under the Land Registration Ordinance (Cap. 128) or the Title Register kept under the Land Titles Ordinance (Cap. 585)”.

98. Chief Executive may order creation of easements or rights

Section 6(8) is amended—

- (a) by repealing “noted” and substituting “reflected”;
 - (b) by repealing “of the land affected thereby kept in the Land Registry” and substituting “of the land kept under the Land Registration Ordinance (Cap. 128) or the Title Register kept under the Land Titles Ordinance (Cap. 585)”.
- (118) Schedule 3, before cross-heading “**Housing Ordinance**”—
Add

“**Education Ordinance**”

98A. Schedule 2 amended

Schedule 2 to the Education Ordinance (Cap. 279) is amended, in section 2—

- (a) in subsection (6)(e), by adding “or the Land Titles Ordinance (Cap. 585)” after “Land Registration Ordinance (Cap. 128)”;
- (b) in subsection (7)—
 - (i) by repealing “The transferee” and substituting “If the vesting effected by subsection (1) concerns an interest in any land other than registered land (as defined by section 2(1) of the Land Titles Ordinance (Cap. 585)) (*registered land*), the transferee”;
 - (ii) by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128)”;
- (c) by adding—
 - “(8) If the vesting effected by subsection (1) concerns an interest in registered land, the transferee may make an application to

register the vesting under the Land Titles Ordinance (Cap. 585) and the application must be supported by the documents referred to in subsection (7).”.

- (119) Schedule 3, Chinese text, section 99(a), new paragraph (b)—

Repeal

“當時有效的”

Substitute

“現有”.

- (120) Schedule 3, after section 99(b)—

Add

- “(ba) in the definition of *owner*, in paragraph (a), by repealing “for the time being appears from the records at the Land Registry to be” and substituting “, for the time being, appears from the register kept under the Land Registration Ordinance (Cap. 128) to be, or is registered under the Land Titles Ordinance (Cap. 585) as,”;”.

- (121) Schedule 3—

Repeal sections 100 and 101

Substitute

“100. Orders by Chief Executive in Council relating to heights of buildings

Section 3(3) of the Hong Kong Airport (Control of Obstructions) Ordinance (Cap. 301) is amended by repealing everything after “affected,” and substituting “and the order (or the subject matter to which the order relates) may be registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585) against the land affected.”.

101. Recovery of cost of works by Director of Buildings

Section 16(9) is amended—

- (a) by repealing “in the Land Registry” and substituting “a notice of the Director’s intention to carry out such works (or the subject matter to which the notice relates) under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;
 - (b) by repealing “a notice of his intention to carry out such works, and if such a notice is registered” and substituting “, and if such a registration is made,”.
- (122) Schedule 3, section 102—
Repeal
everything after “(Cap. 128)”
Substitute
“, or who is registered under the Land Titles Ordinance (Cap. 585),”.
- (123) Schedule 3—
Repeal the cross-heading before section 103.
- (124) Schedule 3—
Repeal section 103.
- (125) Schedule 3, section 104—
Repeal paragraph (a)
Substitute
“(a) in subsection (2)—
(i) by repealing “Land Registration Ordinance (Cap. 128) applies” and substituting “Land Registration Ordinance (Cap. 128) and the Land Titles Ordinance (Cap. 585) apply”;

- (ii) in the English text, by repealing “it applies” and substituting “they apply”.
- (126) Schedule 3, section 104—
Repeal paragraph (b).
- (127) Schedule 3, Chinese text, section 105, new rule 7(4)(b) and (c)—
Repeal
“可被”
Substitute
“須被”.
- (128) Schedule 3, Chinese text, section 106, new rule 7(2)(a)—
Repeal
“有關”
Substitute
“該”.
- (129) Schedule 3, section 106—
Repeal new rule 7(2)(b)
Substitute
“(b) the following number—
(i) if the charging order is registered under the Land Registration Ordinance (Cap. 128)—the memorial number of the charging order; or
(ii) if the charging order is registered under the Land Titles Ordinance (Cap. 585)—the application number of the charging order.”.
- (130) Schedule 3, Chinese text, section 106—
Repeal

“而區域法院須在其命令中指明下述編號”

Substitute

“(而區域法院須在其命令中指明)”.

(131) Schedule 3—

Repeal sections 108 and 109

Substitute

“108. Premises made subject to Ordinance

Section 3(2) is amended—

- (a) by repealing “Land Registry registers” and substituting “register kept under the Land Registration Ordinance (Cap. 128)”;
- (b) by repealing “in the Land Registry” and substituting “under that Ordinance”.

109. Order for re-development

Section 4(2) is amended—

- (a) by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128)”;
- (b) by repealing “Land Registry registers” and substituting “register kept under that Ordinance”.

(132) Schedule 3, section 110—

Repeal

“or the Title Register kept under the Land Titles Ordinance (Cap. 585)”.

(133) Schedule 3—

Repeal sections 111 and 112

Substitute

“111. Payment of compensation

Section 9(1) is amended by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128)”.

112. Charge for compensation awarded

Section 12(1) is amended—

- (a) by repealing “in the Land Registry under section 9(1)”;
- (b) by adding “under section 9(1)” after “final award”.

(134) Schedule 3, Chinese text, section 113(a), new paragraph (a)(ii)—

Repeal

“當時有效的”

Substitute

“現有”.

(135) Schedule 3, section 113—

Repeal paragraph (d)

Substitute

“(d) in the definition of *owner*, in paragraph (a), by repealing “for the time being appears from the records at the Land Registry to be” and substituting “, for the time being, appears from the register kept under the Land Registration Ordinance (Cap. 128) to be, or is registered under the Land Titles Ordinance (Cap. 585) as,”.

(136) Schedule 3, after section 113—

Add

“113A. Appointment of management committee

Section 3(9)(d) is amended by repealing “at the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Title Register kept under the Land Titles Ordinance (Cap. 585)”.

113B. Appointment of management committee after application to the Authority

Section 3A(3G)(d) is amended by repealing “at the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Title Register kept under the Land Titles Ordinance (Cap. 585)”.

113C. Appointment of management committee after application to tribunal

Section 4(11)(d) is amended by repealing “at the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Title Register kept under the Land Titles Ordinance (Cap. 585)”.

(137) Schedule 3, section 115—

Repeal

everything after “repealing”

Substitute

““in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”.”.

(138) Schedule 3, after section 115—

Add

“115A. Winding-up petitions and orders to be noted in register and records

Section 34A is amended—

- (a) in the heading, by repealing “**register and records**” and substituting “**registers**”;
- (b) in subsection (1), by repealing “Land Registry” and substituting “Land Registrar”;
- (c) in subsection (2)—
 - (i) in paragraph (a), by adding “of corporations maintained under section 12” after “register”;
 - (ii) in paragraph (b), by repealing “any record at the Land Registry” and substituting “the register kept under the Land Registration Ordinance (Cap. 128) or the Title Register kept under the Land Titles Ordinance (Cap. 585)”.

115B. Interpretation

Section 34B is amended, in the definition of *relevant owner*, in paragraph (a)—

- (a) by repealing “register under” and substituting “register of corporations under”;
- (b) by repealing “records at the Land Registry to be or to have been” and substituting “register kept under the Land Registration Ordinance (Cap. 128) to be or to have been, or is registered under the Land Titles Ordinance (Cap. 585) as,”.

(139) Schedule 3—

Repeal section 116

Substitute

“116. Determination of owner’s shares

Section 39(a) is repealed and the following substituted—

“(a) in the manner provided in an instrument (including a deed of mutual covenant (if any))—

(i) that is registered under the Land Registration Ordinance (Cap. 128); or

(ii) that is registered under the Land Titles Ordinance (Cap. 585) or that supports a current entry in the Title Register kept under that Ordinance; or”.”.

(140) Schedule 3, after section 116—

Add

“116A. Appointment of management committee or building management agent by order of tribunal

Section 40C(10)(d) is amended by repealing “at the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Title Register kept under the Land Titles Ordinance (Cap. 585)”.”.

(141) Schedule 3, English text, section 117(a)—

Repeal

“, including a deed of mutual covenant (if any)”

Substitute

“(including a deed of mutual covenant (if any))”.

(142) Schedule 3, Chinese text, section 117(a), new section 45(3)(b)—

Repeal

“當時有效的”

Substitute

“現有”.

(143) Schedule 3, English text, section 117(b)—

Repeal

“, including a deed of mutual covenant (if any)”

Substitute

“(including a deed of mutual covenant (if any))”.

(144) Schedule 3, Chinese text, section 117(b)—

Repeal

“由符”

Substitute

“於符”.

(145) Schedule 3, Chinese text, section 117(b), new section 45(4)(j)(ii)—

Repeal

“當時有效的”

Substitute

“現有”.

(146) Schedule 3, after section 117—

Add

“117A. Meetings and procedure of corporation

Schedule 3 is amended, in paragraph 3(5)(c), by repealing “at the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Title Register kept under the Land Titles Ordinance (Cap. 585)”.

117B. Terms added if consistent with deed of mutual covenant

Schedule 8 is amended, in paragraph 13(ca), by repealing “at the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Title Register kept under the Land Titles Ordinance (Cap. 585)”.

117C. Hearing and determination of specified proceedings by tribunal

Schedule 10 is amended—

- (a) in paragraph 4(d), by repealing “which is registered in the Land Registry including a deed of mutual covenant (if any).” and substituting—

“(including a deed of mutual covenant (if any))—

- (i) that is registered under the Land Registration Ordinance (Cap. 128);
or

- (ii) that is registered under the Land Titles Ordinance (Cap. 585) or that supports a current entry in the Title Register kept under that Ordinance.”;

- (b) in paragraph 7, by repealing “which is registered in the Land Registry including a deed of mutual covenant (if any).” and substituting—

“(including a deed of mutual covenant (if any))—

- (a) that is registered under the Land Registration Ordinance (Cap. 128);
or

- (b) that is registered under the Land Titles Ordinance (Cap. 585) or that supports a current entry in the Title Register kept under that Ordinance.”;

- (c) in paragraph 8, by repealing “which is registered in the Land Registry including a deed of mutual covenant (if any).” and substituting—

“(including a deed of mutual covenant (if any))—

- (a) that is registered under the Land Registration Ordinance (Cap. 128);
or

- (b) that is registered under the Land Titles Ordinance (Cap. 585) or that supports a current entry in the Title Register kept under that Ordinance.”.

**Building Management (Third Party Risks Insurance)
Regulation**

117D. Interpretation

Section 2 of the Building Management (Third Party Risks Insurance) Regulation (Cap. 344 sub. leg. B) is amended, in the definition of *statutory instrument*, in paragraph (b), by repealing “specifying that the notice or direction will be registered in the Land Registry” and substituting “containing a statement to the effect that the notice or direction (or the subject matter to which the notice or direction relates) will be registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”.

Limitation Ordinance

117E. Interpretation

Section 2(1) of the Limitation Ordinance (Cap. 347) is amended—

- (a) in the Chinese text, in the definition of 訴訟, by repealing “程序。” and substituting “程序；”;
- (b) by adding—
“*new land* (新土地) has the meaning given by section 2(1) of the Land Titles Ordinance (Cap. 585);”.

117F. Limitation of actions to recover land

Section 7 is amended—

- (a) in subsections (1) and (2), by repealing “No” and substituting “Subject to subsection (3), no”;
- (b) by adding—
“(3) Subsections (1) and (2) do not apply to an action to recover any new land.”.

117G. Accrual of right of action in case of future interests

Section 9 is amended—

- (a) in subsection (2), by repealing “If” and substituting “Subject to subsection (2A), if”;
- (b) by adding—
“(2A) Subsection (2) does not apply to an action to recover any new land.”.

117H. Limitation of redemption actions

Section 14 is amended—

- (a) by renumbering it as section 14(1);

- (b) in subsection (1), by repealing “When” and substituting “Subject to subsection (2), when”;

- (c) by adding—

“(2) Subsection (1) does not apply to an action to redeem any new land.”.

117I. Extinction of title after expiration of period

Section 17 is amended—

- (a) by renumbering it as section 17(1);
- (b) by adding—

“(2) To avoid doubt, subsection (1) does not operate to extinguish the title of any person to any new land.”.

117J. Fresh accrual of action on acknowledgment or part payment

Section 23 is amended—

- (a) in subsection (2), by repealing “Where” and substituting “Subject to subsection (2A), where”;
- (b) by adding—

“(2A) Subsection (2) does not limit the period within which an action to redeem any new land may be brought.”.

Hotel and Guesthouse Accommodation Ordinance

117K. Notice relating to specified offence to be registered in Land Registry

Section 5B of the Hotel and Guesthouse Accommodation Ordinance (Cap. 349) is amended—

- (a) in the heading, by repealing “**in Land Registry**” and substituting “**under Land Registration Ordinance or Land Titles Ordinance**”;
- (b) in subsection (1), by repealing “to be registered in the Land Registry” and substituting “(or the subject matter to which the notice relates) to be registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;
- (c) in subsection (5), by repealing “of the notice under” and substituting “referred to in”;
- (d) in subsection (6)(b), by repealing “its registration under” and substituting “the registration referred to in”;
- (e) by adding—
 - “(6A) A failure to register a notice under subsection (1) (or the subject matter to which the notice relates) under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585) does not affect the validity of the notice as against any person.”;
- (f) by repealing subsection (7) and substituting—
 - “(7) For the purposes of the Land Registration Ordinance (Cap. 128), a notice under subsection (1) is taken to be an instrument affecting land.”.

117L. Order and notice to be registered in Land Registry
Section 20J is amended—

- (a) in the heading, by repealing “**in Land Registry**” and substituting “**under Land Registration Ordinance or Land Titles Ordinance**”;
- (b) in subsections (1)(b) and (2)(b), by repealing “to be registered in the Land Registry” and substituting “(or the subject matter to which the order relates) to be registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;
- (c) in subsection (3)(b), by repealing “to be registered in the Land Registry” and substituting “(or the subject matter to which the notice relates) to be registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;
- (d) by adding—
 - “(4A) A failure to register a copy of an order, or a notice, under this section (or the subject matter to which the order or notice relates) under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585) does not affect the validity of the order or notice as against any person.”;
- (e) by repealing subsection (5) and substituting—
 - “(5) For the purposes of the Land Registration Ordinance (Cap. 128), a copy of an order, or a notice, under this section is taken to be an instrument affecting land.”.

Waste Disposal Ordinance

117M. Interpretation

Section 2(1) of the Waste Disposal Ordinance (Cap. 354) is amended, in the definition of *private lot*, by repealing everything after “ground” and substituting—

“—

- (a) that is held under a Government lease and identified by a lot number as defined by regulation 2 of the Land Registration Regulations (Cap. 128 sub. leg. A); or
- (b) that is registered land as defined by section 2(1) of the Land Titles Ordinance (Cap. 585);”.

117N. Specified form for permission for depositing construction waste on private lot and Director’s acknowledgement

Section 16C(3)(b)(i) is amended by adding “, or are registered under the Land Titles Ordinance (Cap. 585) as,” after “be.”.

- (147) Schedule 3, Chinese text, section 120(b), new paragraph (b)(ii)—

Repeal

“當時有效的”

Substitute

“現有”.

- (148) Schedule 3—

Repeal sections 121, 122, 123 and 124

Substitute

“121. Easements not to have effect until order registered

Section 5 is amended—

- (a) in subsection (1)—

- (i) by adding “(or the subject matter to which the order relates)” after “unless the order”;
- (ii) by adding “or the Land Titles Ordinance (Cap. 585)” after “Land Registration Ordinance (Cap. 128)”;
- (b) in subsection (2)—
 - (i) by adding “(or the subject matter to which the order relates)” after “register the order”;
 - (ii) by adding “or the Land Titles Ordinance (Cap. 585)” after “Land Registration Ordinance (Cap. 128)”.

122. Registration of order to be advertised in press

Section 6 is amended—

- (a) in subsection (1)—
 - (i) by adding “(or the subject matter to which the order relates)” after “section 3”;
 - (ii) by adding “or the Land Titles Ordinance (Cap. 585)” after “Land Registration Ordinance (Cap. 128)”;
- (b) in subsection (2)—
 - (i) in paragraph (a)—
 - (A) by adding “(or the subject matter to which the order relates)” after “section 3”;
 - (B) by adding “or the Land Titles Ordinance (Cap. 585)” after “Land Registration Ordinance (Cap. 128)”;
 - (ii) by repealing paragraph (b) and substituting—

- “(b) the number and date of the order,
the date of registration and—
 - (i) if the registration is made
under the Land Registration
Ordinance (Cap. 128)—the
memorial number of the
order; or
 - (ii) if the registration is made
under the Land Titles
Ordinance (Cap. 585)—the
application number in relation
to the order;”.

123. Rectification etc. of approved scheme

Section 7(3) is amended—

- (a) by adding “(or the subject matter to which the order
relates)” after “the order”;
- (b) by adding “or the Land Titles Ordinance (Cap. 585)”
after “Land Registration Ordinance (Cap. 128)”.

124. Compensation for diminution of value of land

Section 10 is amended—

- (a) in subsection (1)—
 - (i) by adding “(or the subject matter to which the
order relates)” after “any land”;
 - (ii) by adding “or the Land Titles Ordinance (Cap.
585)” after “Land Registration Ordinance
(Cap. 128)”;
 - (iii) by repealing “of the order” where it first
appears;

- (iv) by repealing “of the order” where it secondly
appears;
- (b) in subsection (2), by adding “(or of registration of
the subject matter to which the order relates)” after
“such land”;
- (c) in subsection (6), by adding “(or of registration of
the subject matter to which the order relates)” after
“the order”.

(149) Schedule 3—

Repeal section 125

Substitute

“125. Recovery of costs

Section 40B of the Water Pollution Control Ordinance (Cap.
358) is amended—

- (a) in subsection (9)—
 - (i) by adding “(*costs certificate*) (or the subject
matter to which the costs certificate relates)”
after “subsection (1)”;
 - (ii) by adding “or the Land Titles Ordinance (Cap.
585)” after “Land Registration Ordinance
(Cap. 128)”;
 - (iii) by adding “(or the subject matter to which the
costs certificate relates)” before “so
registered”;
- (b) in subsection (10), by repealing everything after
“shall” and substituting—
“—
 - (a) if a copy of the costs certificate has
been registered under the Land”

Registration Ordinance (Cap. 128) against land or premises pursuant to subsection (9), register under that Ordinance a certificate of satisfaction against the land or premises; or

- (b) if a copy of the costs certificate (or the subject matter to which the costs certificate relates) has been registered under the Land Titles Ordinance (Cap. 585) against land or premises pursuant to subsection (9), lodge under that Ordinance a certificate of satisfaction in relation to the costs certificate.”.

- (150) Schedule 3, after cross-heading “**Water Pollution Control (Sewerage) Regulation**” —

Add

“125A. Interpretation

Section 1(1) of the Water Pollution Control (Sewerage) Regulation (Cap. 358 sub. leg. AL) is amended, in the definition of *mortgage*, by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”.

125B. Surrender of title documents

Section 24 is amended by repealing “noted in the register of the land kept in the Land Registry” and substituting “reflected in the register of the land kept under the Land Registration Ordinance (Cap. 128) or the Title Register kept under the Land Titles Ordinance (Cap. 585)”.

- (151) Schedule 3, section 126—

Repeal

“to the Water Pollution Control (Sewerage) Regulation (Cap. 358 sub. leg. AL)”.

- (152) Schedule 3—

Repeal sections 128 and 129

Substitute

“128. Chief Executive may order resumption of land

Section 13(5) is amended by repealing “noted in the register of the land kept in the Land Registry” and substituting “reflected in the register of the land kept under the Land Registration Ordinance (Cap. 128) or the Title Register kept under the Land Titles Ordinance (Cap. 585)”.

129. Chief Executive may order creation of easements and other rights

Section 15(8) is amended by repealing “to be noted in the register of the land kept in the Land Registry” and substituting “or right to be reflected in the register of the land kept under the Land Registration Ordinance (Cap. 128) or the Title Register kept under the Land Titles Ordinance (Cap. 585)”.

- (153) Schedule 3, section 130—

Repeal

everything after “repealing”

Substitute

““noted in the register of the land kept in the Land Registry” and substituting “reflected in the register of the land kept under the Land Registration Ordinance (Cap. 128) or the Title Register kept under the Land Titles Ordinance (Cap. 585)”.”.

- (154) Schedule 3, section 131—

Repeal new section 10(11)

Substitute

“(11) Where any property specified in a restraint order is immovable property—

- (a) for property that is registered under the Land Titles Ordinance (Cap. 585)—the order and the subject matter to which the order relates are registrable under that Ordinance in the manner as the Land Registrar thinks fit; or
- (b) for any other property—the order is taken to be an instrument affecting land for the purposes of the Land Registration Ordinance (Cap. 128) and is registrable as such under that Ordinance in the manner as the Land Registrar thinks fit.”.

(155) Schedule 3, section 132—

Repeal new section 10(11)

Substitute

“(11) Where any property specified in a restraint order is immovable property—

- (a) for property that is registered under the Land Titles Ordinance (Cap. 585)—the order and the subject matter to which the order relates are registrable under that Ordinance in the manner as the Land Registrar thinks fit; or
- (b) for any other property—the order is taken to be an instrument affecting land for the purposes of the Land Registration Ordinance (Cap. 128) and is registrable as such under that Ordinance in the manner as the Land Registrar thinks fit.”.

(156) Schedule 3, Chinese text, section 134(b), new section 4(3)(b)—

Repeal

“當時有效的”

Substitute

“現有”.

(157) Schedule 3, English text, section 135(b), new section 5(5)—

Repeal

“referred to”

Substitute

“referred to in”.

(158) Schedule 3, Chinese text, section 135(b), new section 5(5)(b)—

Repeal

“當時有效的”

Substitute

“現有”.

(159) Schedule 3—

Repeal section 136

Substitute

“136. Orders under section 6 or 7

Section 8 is amended—

- (a) in subsection (3), by repealing “in the Land Registry” and substituting “under that Ordinance”;
- (b) by adding—

“(4) For an order made under section 6 or 7 and applying in respect of any land to which the Land Titles Ordinance (Cap. 585) applies, the order and the subject

matter to which the order relates may be registered under that Ordinance.”.”.

(160) Schedule 3—

Repeal section 137

Substitute

“137. Deposit of plan and registration of order

Section 9(b) is amended—

- (a) by adding “of the order or copy (or of the subject matter to which the order relates)” after “for registration”;
- (b) by adding “or the Land Titles Ordinance (Cap. 585)” after “Land Registration Ordinance (Cap. 128)”.”.

(161) Schedule 3, section 139—

Repeal

everything after “repealing”

Substitute

““noted in the register of the land kept in the Land Registry” and substituting “reflected in the register of the land kept under the Land Registration Ordinance (Cap. 128) or the Title Register kept under the Land Titles Ordinance (Cap. 585)”.”.

(162) Schedule 3, section 140—

Repeal

everything after “repealing”

Substitute

““noted in the register of the land kept in the Land Registry” and substituting “reflected in the register of the land kept under the Land Registration Ordinance (Cap. 128) or the Title Register kept under the Land Titles Ordinance (Cap. 585)”.”.

(163) Schedule 3—

Repeal section 141

Substitute

“141. Recovery of cost of works by Authority

Section 25 of the Bedspace Apartments Ordinance (Cap. 447) is amended—

- (a) in subsection (2), by repealing “thereof in the Land Registry” and substituting “of the certificate (or of the subject matter to which the certificate relates) under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;
- (b) in subsection (8), by repealing “may be registered in the Land Registry” and substituting “(or the subject matter to which the certificate relates) may be registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;
- (c) in subsection (9), in the Chinese text, by repealing “登記” and substituting “註冊”;
- (d) in subsection (10)—
 - (i) by adding “(or the subject matter to which the certificate relates)” after “a certificate”;
 - (ii) by repealing everything after “lodged” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585) an appropriate instrument of satisfaction in relation to the certificate.”.”.

(164) Schedule 3, section 142—

Repeal new section 15(11)

Substitute

“(11) Where any property specified in a restraint order is immovable property—

(a) for property that is registered under the Land Titles Ordinance (Cap. 585)—the order and the subject matter to which the order relates are registrable under that Ordinance in the manner as the Land Registrar thinks fit; or

(b) for any other property—the order is taken to be an instrument affecting land for the purposes of the Land Registration Ordinance (Cap. 128) and is registrable as such under that Ordinance in the manner as the Land Registrar thinks fit.”

(165) Schedule 3, section 146, new section 30A—

Repeal subsection (1)

Substitute

“(1) Subject to subsection (2), if an application is lodged under the Land Titles Ordinance (Cap. 585) and the registration of the subject matter of the application under that Ordinance will effect a division of registered land, then the instrument accompanying the application and providing for the division must, in respect of each of the parcels of land to result from the division, be accompanied by a land boundary plan—

(a) showing and delineating those parcels; and

(b) subject to subsection (4), signed and certified by an authorized land surveyor in the specified form.”

(166) Schedule 3, section 146, new section 30A(2)—

Repeal

“subsections (3) and (4)”

Substitute

“subsection (4)”.

(167) Schedule 3, section 146, new section 30A(2)(b)—

Repeal

“presented”

Substitute

“lodged”.

(168) Schedule 3, section 146, new section 30A—

Repeal subsection (3).

(169) Schedule 3, section 146, new section 30A(5)—

Repeal

“presented to”

Substitute

“lodged with”.

(170) Schedule 3—

Repeal the cross-heading before section 147.

(171) Schedule 3—

Repeal section 147.

(172) Schedule 3—

Repeal section 148

Substitute

“148. Recovery of costs

Section 25 of the Environmental Impact Assessment Ordinance (Cap. 499) is amended—

(a) in subsection (9)—

- (i) by adding “(*costs certificate*) (or the subject matter to which the costs certificate relates)” after “subsection (1)”;
 - (ii) by adding “or the Land Titles Ordinance (Cap. 585)” after “Land Registration Ordinance (Cap. 128)”;
 - (iii) by adding “(or the subject matter to which the costs certificate relates)” after “the copy”;
 - (b) in subsection (10), by repealing everything after “shall” and substituting—
 - “—
 - (a) if a copy of the costs certificate has been registered under the Land Registration Ordinance (Cap. 128) against land or premises pursuant to subsection (9), register under that Ordinance a certificate of satisfaction against the land or premises; or
 - (b) if a copy of the costs certificate (or the subject matter to which the certificate relates) has been registered under the Land Titles Ordinance (Cap. 585) against land or premises pursuant to subsection (9), lodge under that Ordinance a certificate of satisfaction in relation to the costs certificate.”.
- (173) Schedule 3, Chinese text, section 149(b), new paragraph (b)—

Repeal

“當時有效的”

Substitute

“現有”.

- (174) Schedule 3, Chinese text, section 150, new section 4(13)(a)(ii)—

Repeal

“當時有效的”

Substitute

“現有”.

- (175) Schedule 3, Chinese text, section 151(a), new paragraph (b)—

Repeal

“當時有效的”

Substitute

“現有”.

- (176) Schedule 3, section 151(b)—

Repeal

“585”).”

Substitute

“585”).”.

- (177) Schedule 3, after section 151(b)—

Add

“(c) in the definition of *owner*—

(i) in paragraph (a)—

- (A) by repealing “for the time being appears from the records at the Land Registry to be” and substituting “, for the time being, appears from

the register kept under the Land Registration Ordinance (Cap. 128) to be, or is registered under the Land Titles Ordinance (Cap. 585) as,”;

(B) by adding “and” after “erected,”;

(ii) in paragraph (b)—

(A) by repealing “registered”;

(B) by adding “whose mortgage is registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)” after “share”.”.

(178) Schedule 3, section 152—

Repeal paragraph (b)

Substitute

“(b) in the definition of *owner*—

(i) in paragraph (b), by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;

(ii) in the Chinese text, by repealing “如” and substituting “在”.”.

(179) Schedule 3, section 153—

Repeal

everything after “repealing”

Substitute

““noted in the register of the land kept in the Land Registry” and substituting “reflected in the register of the land kept under the Land Registration Ordinance (Cap. 128) or the Title Register kept under the Land Titles Ordinance (Cap. 585)”.”.

(180) Schedule 3, section 154—

Repeal

everything after “repealing”

Substitute

““noted in the register of the land kept in the Land Registry” and substituting “reflected in the register of the land kept under the Land Registration Ordinance (Cap. 128) or the Title Register kept under the Land Titles Ordinance (Cap. 585)”.”.

(181) Schedule 3, section 155—

Repeal

everything after “repealing”

Substitute

““noted in the register of the land kept in the Land Registry” and substituting “reflected in the register of the land kept under the Land Registration Ordinance (Cap. 128) or the Title Register kept under the Land Titles Ordinance (Cap. 585)”.”.

(182) Schedule 3, section 156—

Repeal new section 7(10)

Substitute

“(10) Where any property specified in a restraint order is immovable property—

(a) for property that is registered under the Land Titles Ordinance (Cap. 585)—the order and the subject matter to which the order relates are registrable under that Ordinance in the manner as the Land Registrar thinks fit; or

(b) for any other property—the order is taken to be an instrument affecting land for the purposes of the Land Registration Ordinance (Cap. 128) and is

registrable as such under that Ordinance in the manner as the Land Registrar thinks fit.”.

- (183) Schedule 3, before cross-heading “**Land (Compulsory Sale for Redevelopment) Ordinance**”—

Add

**“Electoral Affairs Commission (Electoral Procedure)
(Legislative Council) Regulation**

- 156A. Chief Electoral Officer may require certain premises for use as polling stations or counting stations**

Section 28A(7) of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541 sub. leg. D) is amended, in the definition of *owner*, in paragraph (a), by repealing “records at the Land Registry to be” and substituting “register kept under the Land Registration Ordinance (Cap. 128) to be, or is registered under the Land Titles Ordinance (Cap. 585) as,”.

Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation

- 156B. Chief Electoral Officer may require certain premises for use as polling stations or counting stations**

Section 31A(7) of the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation (Cap. 541 sub. leg. F) is amended, in the definition of *owner*, in paragraph (a), by repealing “records at the Land Registry to be” and substituting “register kept under the Land Registration Ordinance (Cap. 128) to be, or is registered under the Land Titles Ordinance (Cap. 585) as,”.

Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation

- 156C. Chief Electoral Officer may require certain premises for use as polling stations or counting stations**

Section 28A(7) of the Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation (Cap. 541 sub. leg. I) is amended, in the definition of *owner*, in paragraph (a), by repealing “records at the Land Registry to be” and substituting “register kept under the Land Registration Ordinance (Cap. 128) to be, or is registered under the Land Titles Ordinance (Cap. 585) as,”.

**Electoral Procedure (Rural Representative Election)
Regulation**

- 156D. Director of Home Affairs may require certain premises for use as polling stations or counting stations**

Section 28AA(7) of the Electoral Procedure (Rural Representative Election) Regulation (Cap. 541 sub. leg. L) is amended, in the definition of *owner*, in paragraph (a), by repealing “records at the Land Registry to be” and substituting “register kept under the Land Registration Ordinance (Cap. 128) to be, or is registered under the Land Titles Ordinance (Cap. 585) as,”.

- (184) Schedule 3, English text, section 157, new definition of *lis pendens*—

Repeal

“means a *lis pendens*”

Substitute

“means”.

- (185) Schedule 3, section 157, new definition of *lis pendens*, paragraph (a)—

Repeal

“within the meaning of section 1A”

Substitute

“a *lis pendens* as defined by section 1A(1)”.

- (186) Schedule 3, section 157, new definition of *lis pendens*—

Repeal paragraph (b)

Substitute

“(b) a pending legal action (as defined by section 71(8) of the Land Titles Ordinance (Cap. 585)) in respect of which a caution (referred to in section 71 of that Ordinance) is registered under that Ordinance;”.

- (187) Schedule 3—

Repeal section 158

Substitute

“158. Application to Tribunal for compulsory sale of lot

Section 3 is amended—

- (a) by repealing subsection (2C)(b) and substituting—

“(b) an instrument effecting a division of land—

- (i) that shows the area or boundary of the lot; and

- (ii) that—

- (A) is registered under the Land Registration Ordinance (Cap. 128); or

- (B) is registered under the Land Titles Ordinance (Cap. 585) or supports a current entry in the Title Register kept under that Ordinance,

together with any document subsequently executed or issued by the Government that effects an adjustment of the area or boundary of the lot; and”;

- (b) in subsection (3)(b), by adding “, or cause a caution (referred to in section 71 of the Land Titles Ordinance (Cap. 585)) in respect of the application to be registered under the Land Titles Ordinance (Cap. 585),” before “against”.

- (188) Schedule 3, section 159—

Repeal

everything after “by”

Substitute

“repealing everything after “thereafter” and substituting—

“—

- (a) if a copy of the application is registered under the Land Registration Ordinance (Cap. 128)—cause the registration to be vacated under section 20 of that Ordinance; or
- (b) if a caution (referred to in section 71 of the Land Titles Ordinance (Cap. 585)) in respect of the application is registered under that Ordinance—withdraw the caution.”.

- (189) Schedule 3, after section 159—

Add

“159A. Supplemental provisions to section 4: notice of no objection

Section 4A is amended—

- (a) in subsection (1)—
 - (i) by adding “(or the subject matter to which the notice relates)” before “to”;
 - (ii) by adding “or the Land Titles Ordinance (Cap. 585)” after “Land Registration Ordinance (Cap. 128)”;
- (b) by adding—
 - “(2A) A failure to register a notice of no objection (or the subject matter to which the notice relates) under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585) does not affect the validity of the notice.”;
- (c) by repealing subsection (3) and substituting—
 - “(3) For the purposes of the Land Registration Ordinance (Cap. 128), a notice of no objection is taken to be an instrument affecting land and is registrable under that Ordinance.”.

(190) Schedule 3—

Repeal section 160

Substitute

“160. Registration of order for sale, etc.

Section 7 is amended—

- (a) in subsection (1), by adding “(or to be lodged under the Land Titles Ordinance (Cap. 585) for the registration of the subject matter to which the order

and Schedule 3 relate)” after “Land Registration Ordinance (Cap. 128)”;

- (b) in subsection (2)—
 - (i) by adding “(or the subject matter to which the order relates)” after “them”;
 - (ii) by adding “or the Land Titles Ordinance (Cap. 585)” after “Land Registration Ordinance (Cap. 128)”;
- (c) in subsection (3)—
 - (i) in paragraph (a), by repealing “of the order and of Schedule 3”;
 - (ii) in paragraph (b), by repealing “of the order first-mentioned in subsection (2)”;
 - (iii) by adding “or removed under the Land Titles Ordinance (Cap. 585)” after “Land Registration Ordinance (Cap. 128)”;
 - (iv) in the Chinese text, by repealing “該命令” and substituting “該項命令”.

(191) Schedule 3, before cross-heading “**Broadcasting Ordinance**”—

Add

“160A. Valuation Report, Notice that Application has been Made, Apportionment of Proceeds, etc.

Schedule 1 is amended, in Part 1, in section 1, in the definition of *deed of mutual covenant*, in paragraph (b), by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”.

Land (Compulsory Sale for Redevelopment) (Specification of Lower Percentage) Notice

160B. Interpretation

Section 2 of the Land (Compulsory Sale for Redevelopment) (Specification of Lower Percentage) Notice (Cap. 545 sub. leg. A) is amended, in the definition of *unit*, by repealing “registered in the Land Registry.” and substituting—

“—

- (a) that is registered under the Land Registration Ordinance (Cap. 128); or
- (b) that is registered under the Land Titles Ordinance (Cap. 585) or that supports a current entry in the Title Register kept under that Ordinance.”.

Electronic Transactions Ordinance

160C. Matters Excluded from Application of Sections 5, 5A, 6, 7, 8 and 17 of this Ordinance under Section 3 of this Ordinance

Schedule 1 to the Electronic Transactions Ordinance (Cap. 553) is amended—

- (a) by adding—
 - “6A. Any instrument that is capable of being registered under the Land Titles Ordinance (Cap. 585), or any instrument that is lodged with the Land Registry under that Ordinance in support of an application for registration.”;
- (b) by adding—

“8A. An instrument providing for a floating charge referred to in section 42 of the Land Titles Ordinance (Cap. 585).”.

(192) Schedule 3, section 161—

Repeal

everything after “Part 2”

Substitute

“, in section 9—

- (a) in subsection (5), by repealing “in the Land Registry” and substituting “(or the subject matter to which the assignment relates) under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;
- (b) in subsection (8)—
 - (i) by repealing “in the Land Registry by memorial”;
 - (ii) by adding “(or the subject matter to which the declaration relates) under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)” after “so purchased”.

(193) Schedule 3, after cross-heading “**Fire Safety (Buildings) Ordinance**”—

Add

“161A. Division heading amended

The heading of Division 4 of Part 2 of the Fire Safety (Buildings) Ordinance (Cap. 572) is amended by repealing “**in Land Registry**” and substituting “**under Land Registration Ordinance**”.

161B. Registration of fire safety direction

Section 13A is amended—

- (a) in subsection (1)—
 - (i) by adding “under the Land Registration Ordinance (Cap. 128)” after “memorial”;
 - (ii) by repealing “in the Land Registry”;
- (b) in subsection (2)—
 - (i) in paragraph (a)—
 - (A) by adding “under the Land Registration Ordinance (Cap. 128)” after “memorial”;
 - (B) by repealing “in the Land Registry”;
 - (ii) in paragraph (b)—
 - (A) by adding “under the Land Registration Ordinance (Cap. 128)” after “memorial”;
 - (B) by repealing “in the Land Registry”;
 - (iii) in paragraph (c)—
 - (A) by adding “under the Land Registration Ordinance (Cap. 128)” after “memorial”;
 - (B) by repealing “in the Land Registry”.

(194) Schedule 3—

Repeal section 162

Substitute

“162. Registration of fire safety compliance order and prohibition order

Section 14 is amended—

- (a) in subsection (1)—

- (i) by adding “under the Land Registration Ordinance (Cap. 128)” after “memorial”;

- (ii) by repealing “in the Land Registry”;

- (b) in subsection (2)—

- (i) by adding “under the Land Registration Ordinance (Cap. 128)” after “memorial”;

- (ii) by repealing “in the Land Registry”.

(195) Schedule 3, after section 162—

Add

“163. Registration of certificates

Section 19V is amended—

- (a) in subsection (1)—

- (i) by adding “under the Land Registration Ordinance (Cap. 128)” after “memorial”;

- (ii) by repealing “in the Land Registry”;

- (b) in subsection (2), by repealing “in the Land Registry” and substituting “under that Ordinance”;

- (c) in subsection (8)—

- (i) by adding “under the Land Registration Ordinance (Cap. 128)” after “memorial”;

- (ii) by repealing “in the Land Registry”.

United Nations (Anti-Terrorism Measures) Ordinance

164. Freezing of property

Section 6(9) of the United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575) is amended by repealing everything after “immovable property” and substituting—

“—

- (a) for property that is registered under the Land Titles Ordinance (Cap. 585)—the notice and the subject matter to which the notice relates are registrable under that Ordinance in the manner as the Land Registrar thinks fit; or
- (b) for any other property—the notice is taken to be an instrument affecting land for the purposes of the Land Registration Ordinance (Cap. 128) and is registrable as such under that Ordinance in the manner as the Land Registrar thinks fit.”.

Tung Chung Cable Car Ordinance

165. Interpretation

Section 2(1) of the Tung Chung Cable Car Ordinance (Cap. 577) is amended, in the definition of *owner*, in paragraph (a), by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”.

166. Notice of creation of easements

Section 12(1) is amended—

- (a) by repealing paragraph (a);
- (b) in paragraph (b), by repealing “section.” and substituting “section; and”;
- (c) by adding—
 - “(c) cause the creation of the easement to be reflected in the register of the land concerned kept under the Land Registration Ordinance (Cap. 128) or the

Title Register kept under the Land Titles Ordinance (Cap. 585).”.

Buildings Energy Efficiency Ordinance

167. Interpretation

Section 2 of the Buildings Energy Efficiency Ordinance (Cap. 610) is amended, in the definition of *common area*, in paragraph (a), by repealing everything after “specified” and substituting—

- “as being for the exclusive use, occupation or enjoyment of an owner in an instrument—
- (i) that is registered under the Land Registration Ordinance (Cap. 128); or
- (ii) that is registered under the Land Titles Ordinance (Cap. 585) or that supports a current entry in the Title Register kept under that Ordinance; and”.

Competition Ordinance

168. Orders that may be Made by Tribunal in relation to Contraventions of Competition Rules

Schedule 3 to the Competition Ordinance (Cap. 619) is amended, in section 2, by repealing everything after “immovable property” and substituting—

“—

- (a) for property that is registered under the Land Titles Ordinance (Cap. 585)—the order and the subject matter to which the order relates are registrable under that Ordinance in the manner as the Land Registrar thinks fit; or

- (b) for any other property—the order is taken to be an instrument affecting land for the purposes of the Land Registration Ordinance (Cap. 128) and is registrable as such under that Ordinance in the manner as the Land Registrar thinks fit.”.

Residential Properties (First-hand Sales) Ordinance

169. Register of Transactions to be made available to general public

Section 60(3) of the Residential Properties (First-hand Sales) Ordinance (Cap. 621) is amended—

- (a) by adding “(or the subject matter to which the assignment relates)” after “applies”;
- (b) by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”.

170. Provisions Required to be Contained in Preliminary Agreement for Sale and Purchase

Schedule 4 is amended—

- (a) in Part 1, in clause 10, by repealing “Sections 13 and 13A of the Conveyancing and Property Ordinance (Cap. 219)” and substituting “*sections 13 and 13A of the Conveyancing and Property Ordinance (Cap. 219)/section 46 of the Land Titles Ordinance (Cap. 585)”;
- (b) in Part 2, in clause 10, by repealing “《物業轉易及財產條例》(第 219 章)第 13 及 13A 條” and substituting “*《物業轉易及財產條例》(第 219

章)第 13 及 13A 條／《土地業權條例》(第 585 章)第 46 條”.

171. Provisions Required to be Contained in Agreement for Sale and Purchase (Uncompleted Development)

Schedule 5 is amended—

- (a) in Part 1, in clause 1(b), by repealing “and registered in the Land Registry by Memorial No. [*insert memorial number*]” and substituting “*that is registered under the Land Registration Ordinance (Cap. 128) by Memorial No. [*insert memorial number*]/that supports the registration of a charge under the Land Titles Ordinance (Cap. 585) (Application No. [*insert application number*])/in respect of which a caution (referred to in section 71 of the Land Titles Ordinance (Cap. 585)) is registered under the Land Titles Ordinance (Cap. 585) (Application No. [*insert application number*])”;
- (b) in Part 1, in clause 1(h)(i), by repealing “and registered in the Land Registry by Memorial No. [*insert memorial number*]” and substituting “*that is registered under the Land Registration Ordinance (Cap. 128) by Memorial No. [*insert memorial number*]/that is registered (or the subject matter in relation to which is registered) under the Land Titles Ordinance (Cap. 585) (Application No. [*insert application number*])”;
- (c) in Part 1, in clause 1(l), by repealing “in the Land Registry as [*insert lot number*]” and substituting “as [*insert lot number*] under *the Land Registration Ordinance (Cap. 128)/the Land Titles Ordinance (Cap. 585)”;

- (d) in Part 1, in clause 1(q)(i), by repealing “and registered in the Land Registry by Memorial No. [insert memorial number]” and substituting “*that is registered under the Land Registration Ordinance (Cap. 128) by Memorial No. [insert memorial number]/that is registered (or the subject matter in relation to which is registered) under the Land Titles Ordinance (Cap. 585) (Application No. [insert application number])”;
- (e) in Part 1, in clause 16, by repealing “Sections 13 and 13A of the Conveyancing and Property Ordinance (Cap. 219)” and substituting “*sections 13 and 13A of the Conveyancing and Property Ordinance (Cap. 219)/section 46 of the Land Titles Ordinance (Cap. 585)”;
- (f) in Part 2, in clause 1(b), by repealing “並於土地註冊處以註冊摘要第[填上註冊摘要編號]號註冊的[填上文書的描述]” and substituting “的[填上文書的描述]，而*該[填上文書的描述]是根據《土地註冊條例》(第 128 章)以註冊摘要第[填上註冊摘要編號]號註冊的/該[填上文書的描述]是支持一項押記根據《土地業權條例》(第 585 章)註冊的(申請編號[填上申請編號])/就該[填上文書的描述]是有警告書(《土地業權條例》(第 585 章)第 71 條提述者)根據《土地業權條例》(第 585 章)註冊的(申請編號[填上申請編號])”;
- (g) in Part 2, in clause 1(h)(i), by repealing “並於土地註冊處以註冊摘要第[填上註冊摘要編號]號註冊的豁除令” and substituting “的豁除令，而該豁除令是*根據《土地註冊條例》(第 128 章)以註冊摘要第[填上註冊摘要編號]號註冊的/根據《土地業權條例》(第 585 章)註冊的(或與該豁除令

有關的標的物是根據《土地業權條例》(第 585 章)註冊的)(申請編號[填上申請編號])”;

- (h) in Part 2, in clause 1(l), by repealing “在土地註冊處” and substituting “根據*《土地註冊條例》(第 128 章)/《土地業權條例》(第 585 章)”;
- (i) in Part 2, in clause 1(q)(i), by repealing everything after “日期” and substituting “的*(《已拆卸建築物(原址重新發展)條例》(第 337 章)所界定的)重新發展令/(《土地(為重新發展而強制售賣)條例》(第 545 章)所界定的)售賣令，而該*重新發展令/售賣令是根據*《土地註冊條例》(第 128 章)以註冊摘要第[填上註冊摘要編號]號註冊的/《土地業權條例》(第 585 章)註冊的(或與其有關的標的物是根據《土地業權條例》(第 585 章)註冊的)(申請編號[填上申請編號])；及”;
- (j) in Part 2, in clause 16, by repealing “《物業轉易及財產條例》(第 219 章)第 13 及 13A 條” and substituting “*《物業轉易及財產條例》(第 219 章)第 13 及 13A 條/《土地業權條例》(第 585 章)第 46 條”.

172. Provisions Required to be Contained in Agreement for Sale and Purchase (Completed Development Pending Compliance)

Schedule 6 is amended—

- (a) in Part 1, in clause 1(b), by repealing “and registered in the Land Registry by Memorial No. [insert memorial number]” and substituting “*that is registered under the Land Registration Ordinance (Cap. 128) by Memorial No. [insert memorial number]/that supports the registration of a charge under the Land Titles Ordinance (Cap. 585)

- (Application No. [insert application number])/in respect of which a caution (referred to in section 71 of the Land Titles Ordinance (Cap. 585)) is registered under the Land Titles Ordinance (Cap. 585) (Application No. [insert application number]);
- (b) in Part 1, in clause 1(j), by repealing “in the Land Registry as [insert lot number]” and substituting “as [insert lot number] under *the Land Registration Ordinance (Cap. 128)/the Land Titles Ordinance (Cap. 585)”;
- (c) in Part 1, in clause 14, by repealing “Sections 13 and 13A of the Conveyancing and Property Ordinance (Cap. 219)” and substituting “*sections 13 and 13A of the Conveyancing and Property Ordinance (Cap. 219)/section 46 of the Land Titles Ordinance (Cap. 585)”;
- (d) in Part 2, in clause 1(b), by repealing “並於土地註冊處以註冊摘要第[填上註冊摘要編號]號註冊的[填上文書的描述]” and substituting “的[填上文書的描述]，而*該[填上文書的描述]是根據《土地註冊條例》(第 128 章)以註冊摘要第[填上註冊摘要編號]號註冊的/該[填上文書的描述]是支持一項押記根據《土地業權條例》(第 585 章)註冊的(申請編號[填上申請編號])/就該[填上文書的描述]是有警告書(《土地業權條例》(第 585 章)第 71 條提述者)根據《土地業權條例》(第 585 章)註冊的(申請編號[填上申請編號])”;
- (e) in Part 2, in clause 1(j), by repealing “在土地註冊處” and substituting “根據*《土地註冊條例》(第 128 章)/《土地業權條例》(第 585 章)”;

- (f) in Part 2, in clause 14, by repealing “《物業轉易及財產條例》(第 219 章)第 13 及 13A 條” and substituting “*《物業轉易及財產條例》(第 219 章)第 13 及 13A 條/《土地業權條例》(第 585 章)第 46 條”.

173. Provisions Required to be Contained in Agreement for Sale and Purchase (Completed Development that is not Completed Development Pending Compliance)

Schedule 7 is amended—

- (a) in Part 1, in clause 1(c), by repealing everything after “registered” and substituting “as [insert lot number] under *the Land Registration Ordinance (Cap. 128)/the Land Titles Ordinance (Cap. 585);”;
- (b) in Part 1, in clause 5, by repealing “Sections 13 and 13A of the Conveyancing and Property Ordinance (Cap. 219)” and substituting “*sections 13 and 13A of the Conveyancing and Property Ordinance (Cap. 219)/section 46 of the Land Titles Ordinance (Cap. 585);”;
- (c) in Part 2, in clause 1(c), by repealing “在土地註冊處” and substituting “根據*《土地註冊條例》(第 128 章)/《土地業權條例》(第 585 章)”;
- (d) in Part 2, in clause 5, by repealing “《物業轉易及財產條例》(第 219 章)第 13 及 13A 條” and substituting “*《物業轉易及財產條例》(第 219 章)第 13 及 13A 條/《土地業權條例》(第 585 章)第 46 條”.

Property Management Services Ordinance

174. Certificate of levy and penalty

Section 59 of the Property Management Services Ordinance (Cap. 626) is amended—

- (a) in subsection (3), by repealing “in the Land Registry” and substituting “(or the subject matter to which the certificate relates) under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;
- (b) in subsection (4), by repealing “in the Land Registry” and substituting “under that Ordinance”;
- (c) in subsection (5)—
 - (i) by repealing “of the certificate” and substituting “under subsection (3)”;
 - (ii) in paragraph (a), by repealing “from the Land Registry register appears to be” and substituting “appears from the register kept under the Land Registration Ordinance (Cap. 128) to be, or is registered under the Land Titles Ordinance (Cap. 585) as,”;
- (d) in subsection (6), by adding “under that Ordinance” after “registered”;
- (e) by repealing subsection (8) and substituting—

“(8) Where the certificate (or the subject matter to which the certificate relates) is registered under subsection (3), on the recovery of the levy and penalty, the Authority must lodge under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585) an appropriate instrument of satisfaction in relation to the certificate.”.

Financial Institutions (Resolution) Ordinance

175. Property Transfer Instruments

Schedule 4 to the Financial Institutions (Resolution) Ordinance (Cap. 628) is amended, in section 4—

- (a) in subsection (11), by adding “or the Land Titles Ordinance (Cap. 585)” after “Land Registration Ordinance (Cap. 128)”;
- (b) by adding—

“(11A) Where there is a transfer of an interest in land under a property transfer instrument—

 - (a) if the land is registered under the Land Titles Ordinance (Cap. 585)—the resolution authority must make an application for the registration of the transfer under that Ordinance and the application must be supported by the instruments specified in subsection (12); or
 - (b) in any other case—the resolution authority must register or cause to be registered the instruments specified in subsection (12) under the Land Registration Ordinance (Cap. 128).”;
- (c) in subsection (12)—
 - (i) by repealing “The resolution authority must register or cause to be registered in the Land

- Registry” and substituting “The instruments are”;
- (ii) in paragraph (a), by repealing “under which an interest in land is transferred”.

Private Columbaria Ordinance

176. Certificate of columbarium use

Section 46 of the Private Columbaria Ordinance (Cap. 630) is amended—

- (a) in subsection (1)—
- (i) by repealing “for which a land register has been” and substituting “that are shown in a register”;
- (ii) by adding “or the Title Register kept under the Land Titles Ordinance (Cap. 585)” after “Land Registration Ordinance (Cap. 128)”;
- (b) in subsection (3)—
- (i) by adding “(or the subject matter to which the certificate relates) under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)” before “against”;
- (ii) by repealing “in the Land Registry”.

177. Certificate of cessation of columbarium use

Section 80 is amended—

- (a) in subsection (1)(a), by adding “(or the subject matter to which the certificate relates)” after “columbarium use”;
- (b) in subsection (3)—

- (i) by adding “(or the subject matter to which the certificate relates) under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)” before “against”;
- (ii) by repealing “in the Land Registry”.

178. Prescribed Information, Recommendations and Essential Terms in Agreement for Sale of Interment Right

Schedule 4 is amended—

- (a) in Part 1, in section 1(b)—
- (i) in subparagraph (ii)(D)(II), by adding “or the application number (where applicable) in relation to the tenancy” after “agreement”;
- (ii) in subparagraph (iii)(B)—
- (A) by repealing “(where available) of” and substituting “of, or the application number in relation to,”;
- (B) by adding “(where available)” after “encumbrance”;
- (iii) by repealing subparagraph (iv) and substituting—
- “(iv) whether the columbarium premises are prevented from being used or disposed of in a manner that may jeopardize the purchaser’s interest—
- (A) by an instrument that is registered under the Land Registration Ordinance (Cap.

- 128), and if so, the memorial number of the instrument; or
- (B) by an instrument that is registered under the Land Titles Ordinance (Cap. 585) or that supports a current entry in the Title Register kept under that Ordinance, and if so, the application number in relation to the instrument (or the subject matter to which the instrument relates);”;

- (b) in Part 3, in section 3, by adding—

“*application number* (申請編號), in relation to a matter, means the number assigned by the Land Registrar to an application for the registration of the matter under the Land Titles Ordinance (Cap. 585);”.

179. Occupation Order and Ash Disposal Procedures

Schedule 5 is amended, in Part 2, in section 16—

- (a) in subsection (11)(a)—
- (i) by adding “(or the subject matter to which the certificate relates)” after “subsection (3)”;
- (ii) by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;
- (b) in subsection (12)—
- (i) by repealing “Upon” and substituting “Where the certificate under subsection (3) (or the

- subject matter to which the certificate relates) is registered under subsection (11), on”;
- (ii) by repealing “in the Land Registry a memorial of satisfaction against the certificate” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585) an instrument of satisfaction in relation to the certificate”.

Fire Safety (Industrial Buildings) Ordinance

180. Division heading amended

The heading of Division 5 of Part 2 of the Fire Safety (Industrial Buildings) Ordinance (Cap. 636) is amended, by repealing “**in Land Registry**” and substituting “**under Land Registration Ordinance**”.

181. Orders may be registered in Land Registry

Section 29 is amended—

- (a) in the heading, by repealing “**in Land Registry**” and substituting “**under Land Registration Ordinance**”;
- (b) by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128)”.

182. Instruments to be registered

Section 30(3) is amended by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128)”.

Extension of Government Leases Ordinance

183. Interpretation

Section 2 of the Extension of Government Leases Ordinance (Cap. 648) is amended, in the Chinese text, in the definition of **註冊**, in paragraph (b), by repealing “當時有效的” and substituting “現有”.

102. Schedule 4 repealed (consequential amendments to Land Registration Ordinance)

Schedule 4—

Repeal the Schedule.

Part 3**Amendments to Land Registration Ordinance (Cap. 128)****103. Section 1A amended (interpretation)****(1) Section 1A—**

Renumber the section as section 1A(1).

(2) Section 1A(1), definition of *image* or *image record*, before “a record produced”—

Add

“an electronic record or”.

(3) Section 1A(1), definition of *imaging* or *imaging method*—

Repeal

everything after “a method”

Substitute

“by which—

(a) a document in a legible form or in the form of microfilm is scanned by a scanner and the information recorded is converted into an electronic image; or

(b) the information contained in a document in any form is converted into an electronic image,

which image is then stored on an electronic storage media from which the information is capable of being retrieved and reproduced in a legible form;”.

(4) Section 1A(1), English text, definition of *register card*—

Repeal

“A).”

Substitute

“A);”.

(5) Section 1A(1)—

Add in alphabetical order

“*electronic record* (電子紀錄) has the meaning given by section 2(1) of the Electronic Transactions Ordinance (Cap. 553);

new land (新土地) has the meaning given by section 2(1) of the Land Titles Ordinance (Cap. 585);

registered land (註冊土地) has the meaning given by section 2(1) of the Land Titles Ordinance (Cap. 585).”.

(6) After section 1A(1)—

Add

“(2) Any reference in any other enactment to a thing being noted in or shown in a register kept under this Ordinance, or to the register of a lot or section kept under this Ordinance, is, subject to the provisions of the enactment concerned, to be construed as a reference to the relevant records of the Land Registry kept under this Ordinance, by whatever name called.”.

104. Section 1B added

Before cross-heading “**Registration of Instruments Affecting Land**”—

Add

“1B. Application

This Ordinance does not apply to new land or registered land.”.

105. Section 2AA added

After section 2—

Add

“2AA. Exceptions to section 2

- (1) If a building (or a part of it) is or is to be situated on any land (*straddling land*) consisting of 2 or more parcels of ground (*relevant parcels of ground*) of which—
 - (a) at least one is a parcel of ground for which a register is kept under this Ordinance (*relevant land*); and
 - (b) at least one is registered land,
 then irrespective of whether all of the relevant parcels of ground are owned by the same person and despite section 2, the documents specified in subsection (2) must not be registered in the Land Registry.
- (2) The documents specified for the purposes of subsection (1) are—
 - (a) a deed, conveyance or other instrument in writing, not being any of the instruments specified in subsection (3), executed by a person who appears from the register kept under this Ordinance to be the owner of the relevant land (or any part of it) for assigning, mortgaging, charging, leasing or otherwise disposing of that land (or that part of land) or of any interests in that land (or that part of land); and
 - (b) a deed, conveyance or other instrument in writing for allocating an undivided share in the straddling land with an exclusive right to use and occupy any part of the land.

- (3) The instruments specified for the purposes of subsection (2)(a) are—
- (a) an instrument for the grant of an easement over any part of the relevant land; and
 - (b) an instrument for the provision of covenants relating to any part of the relevant land.”.

106. Section 21A added

After cross-heading “**Miscellaneous**”—

Add

“21A. Provisions of standard terms document form part of deeds, conveyances and instruments

- (1) If a deed, conveyance or other instrument in writing—
- (a) refers to the reference number assigned to a standard terms document; and
 - (b) states that any one or more of the provisions (as identified in the deed, conveyance or instrument) of the standard terms document are to form part of the deed, conveyance or instrument,
- the provisions so identified are, subject to the amendments (if any) described in the deed, conveyance or instrument, incorporated in the deed, conveyance or instrument as terms and conditions of the deed, conveyance or instrument.
- (2) To avoid doubt, a deed, conveyance or instrument, of which any provisions of a standard terms document form a part under subsection (1), may contain other terms and conditions.
- (3) If there is a conflict or inconsistency between—

- (a) the provisions of a standard terms document that form part of a deed, conveyance or instrument under subsection (1); and
- (b) other terms and conditions of the deed, conveyance or instrument,

those other terms and conditions mentioned in paragraph (b), to the extent of the conflict or inconsistency, prevail over the provisions mentioned in paragraph (a), unless otherwise provided in the deed, conveyance or instrument.

- (4) In this section—

standard terms document (標準條款文件) means a standard terms document filed with the Land Registry under section 61B of the Land Titles Ordinance (Cap. 585).”.

107. Section 23A amended (liability of Land Registrar and others)

- (1) Section 23A—

Renumber the section as section 23A(1).

- (2) Section 23A(1)(c)—

Repeal

“any memorial or any deed, conveyance or other instrument in writing, or judgment, registered or delivered for registration or any document in his custody”

Substitute

“any specified document or record”.

- (3) After section 23A(1)—

Add

- “(2) In subsection (1) —

specified document or record (指明文件或紀錄) means—

- (a) a memorial, deed, conveyance or other instrument in writing, or a judgment, registered or delivered for registration;
- (b) an electronic record of a deed, conveyance or other instrument in writing, or a judgment, registered or submitted by electronic means to the Land Registrar for registration; or
- (c) a document (or an image record of a document) in the custody of the Land Registrar.”.

108. Section 28 amended (regulations)

- (1) After section 28(1)(c)—

Add

- “(ca) establishing, maintaining and administering an electronic lodgement system (*e-lodgement system*) under which memorials, copy of deeds, conveyances, and other instruments in writing, and judgments and other documents may be submitted by electronic means to the Land Registrar for the purpose of registration;
- (cb) specifying the purposes for which the e-lodgement system may be used;
- (cc) specifying the class of instruments or documents that may be submitted by electronic means for the purpose of registration;
- (cd) specifying the manner in which the submission referred to in paragraph (cc) is to be made;
- (ce) specifying the procedures to be followed for making the submission referred to in paragraph (cc);
- (cf) specifying the class or description of persons who may use the e-lodgement system;

- (cg) providing for registration as a user of the e-lodgement system or any other arrangement in relation to the use of the e-lodgement system;
 - (ch) fixing and varying the time during which the e-lodgement system is open to the users referred to in paragraph (cg);”.
- (2) After section 28(1)(d)—

Add

- “(da) providing for the purposes for which, the manner (including the form) in which, and the extent to which, any record of the Land Registry is to be supplied or made available for search or inspection;
- (db) providing for any matter incidental to or relating to the matters referred to in paragraph (da), including specifying the information and documents that are required to be provided by a person to whom any record of the Land Registry is to be supplied or made available or who conducts a search or inspection of such record;”.

Part 4

Amendments to Resolution Passed under the Trading Funds Ordinance Establishing Land Registry Trading Fund (Cap. 430 sub. leg. A)

109. Schedule 1 amended (services to be provided by the trading fund)

(1) Schedule 1—

Repeal items 1, 2, 3, 4, 5, 6 and 7

Substitute

- “1. Administering and enforcing the provisions of the Land Registration Ordinance (Cap. 128) and the Land Titles Ordinance (Cap. 585).
2. Performing any functions, carrying out any duties and providing any services, that may be performed or are required to be carried out or provided by the Land Registrar or the Land Registry under the Building Management Ordinance (Cap. 344) or any other Ordinance.
3. Making available, where the Land Registrar is so required or permitted by law, records and information kept by the Land Registry.
4. Conducting, on behalf of the Government and public bodies, searches of the records kept by the Land Registry, and compiling reports of such searches.
5. Providing advice or information on any matter that lies within the expertise of the Land Registrar.

6. Providing agency services for the Government and public bodies that are compatible with the services specified in items 1, 2, 3, 4 and 5.
 7. Providing any services that are incidental to, or conducive to the provision of, any of the services specified in this Schedule.”.
- (2) Schedule 1—
- Repeal items 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24.**
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Explanatory Memorandum

This Bill—

- (a) amends the Land Titles Ordinance (Cap. 585) (*Cap. 585*) to enable the implementation of the land title registration system in relation to certain land granted by the Government on or after the commencement date of Cap. 585 (*Cap. 585 land*);
- (b) amends the Land Registration Ordinance (Cap. 128) (*Cap. 128*) to—
 - (i) provide for matters relating to the search, inspection and provision of records kept by the Land Registrar (*LR*);
 - (ii) (if a building is, or is to be, situated on land (*straddling land*) that comprises Cap. 585 land and a parcel of ground for which a register is kept under Cap. 128 (*existing land*)) prohibit the registration of certain documents relating to the existing land;
 - (iii) facilitate the incorporation of standard terms documents in certain documents registrable under Cap. 128; and
 - (iv) provide for matters relating to the submission of certain documents by electronic means; and
- (c) makes related and miscellaneous amendments to Cap. 585 and other Ordinances.

2. The Bill is divided into 4 Parts.

Part 1—Preliminary (Clauses 1 and 2)

3. Clause 1 sets out the short title and provides for commencement.

Part 2—Amendments to Land Titles Ordinance (Cap. 585) (Clauses 3 to 102)

Division 1—Amendments to Part 1 (Preliminary) (Clauses 3 and 4)

4. Division 1 of Part 2 of the Bill amends and repeals various definitions in section 2(1) of Cap. 585 and also adds certain definitions to that section (including the definitions of *Cap. 128 land*, *new land*, *registered interest* and *standard terms document*).

Division 2—Amendments to Part 2 (Organization and Administration) (Clauses 5 to 11)

5. Division 2 of Part 2 of the Bill amends Part 2 of Cap. 585. The amendments include—
- (a) revising the provisions in relation to the Title Register and applications register to set out clearly the types of records and information that are to be kept;
 - (b) providing for the scenarios under which the LR may refuse to accept (or process further) an application or refuse an application under section 8 of Cap. 585;
 - (c) adding a new section 8A to Cap. 585 to empower the LR to designate and amend lot numbers; and
 - (d) repealing sections 9 and 12 of Cap. 585.

Division 3—Amendments to Part 3 (Registration Procedures and Connected Matters) (Clauses 12 to 20)

6. Division 3 of Part 2 of the Bill amends Part 3 of Cap. 585. In particular, new provisions are added to Part 3 of Cap. 585 to—
- (a) provide that certain matters relating to straddling land are not capable of being registered under Cap. 585 (new section 13A);

- (b) provide for the scenario in which a solicitor is not liable for any loss occasioned by any inaccuracy in the verification of an application (new section 14(3));
- (c) provide for the day on which a registered matter is regarded to have been registered (new section 15A);
- (d) deal with the combination of individual title registers and division of individual title registers (new sections 19 and 19A); and
- (e) deal with the allocation or reallocation (or provisional allocation or reallocation) of undivided shares (new section 19B).

Division 4—Amendments to Part 4 (Registration of Title to Land and Connected Matters) (Clauses 21, 22 and 23)

7. Division 4 of Part 2 of the Bill amends Part 4 of Cap. 585. The amendments include—

- (a) repealing the definitions under section 20 of Cap. 585 as those definitions are being amended and placed in section 2(1) of Cap. 585 by Division 2 of Part 2 of the Bill; and
- (b) making textual amendments to sections 21 and 22 of Cap. 585 in light of the amendments made to other Parts of Cap. 585.

Division 5—Amendments to Part 5 (Effect of Registration and Connected Matters) (Clauses 24 to 27)

8. Division 5 of Part 2 of the Bill amends Part 5 of Cap. 585. The amendments include—

- (a) revising sections 25 and 26 of Cap. 585 to stipulate the effect of registration of transfer of registered land (as defined by section 2(1) of Cap. 585) and registration of long term lease (as defined by section 2(1) of Cap. 585);

- (b) revising the list of overriding interests set out in section 28 of Cap. 585; and
- (c) adding a new section 28A to provide that a purchaser of a registered interest (as defined by section 2(1) of Cap. 585) for valuable consideration is not affected by the purchaser having any notice of any unregistered interest in the registered interest that exists before the purchase.

Division 6—Amendments to Part 6 (Certificates, Searches and Evidence) (Clauses 28 to 31)

9. Division 6 of Part 2 of the Bill amends Part 6 of Cap. 585. The amendments include—

- (a) revising section 29 of Cap. 585 to provide that the LR is to issue a title certificate to an owner or lessee of a registered interest in accordance with the regulations to be made under Cap. 585 (*regulations*);
- (b) adding new sections 29A and 29B to provide for the admissibility of a title certificate as evidence and the cancellation of title certificates; and
- (c) amending section 30 of Cap. 585 to deal with public inspection of registers and documents kept by the LR.

Division 7—Amendments to Part 7 (Dispositions and Connected Matters) (Clauses 32 to 53)

10. Division 7 of Part 2 of the Bill amends Part 7 of Cap. 585. In particular, new provisions are added to Part 7 of Cap. 585 to deal with—

- (a) the requirement for an application for the registration of a matter that will effect a division of registered land or land held under a registered long term lease (new section 34A);

- (b) alteration of priority of registered charges by agreement (new section 35A) and determination of the priority between registered matters and unregistered interests (new section 35B);
 - (c) matters relating to the registration of a statutory charge (new section 41) and a charge that arises under section 13A of the Stamp Duty Ordinance (Cap. 117) (added by amendments to that Ordinance made under clause 101(44));
 - (d) matters relating to the registration of the manager of a clan, family or t'ong in relation to the registered land held in the name of the clan, family or t'ong (new section 58A); and
 - (e) matters relating to the registration of severance of joint tenancy (new section 58B).
- 11. Further, Division 7 of Part 2 of the Bill amends various provisions in Part 7 of Cap. 585 to—
 - (a) deal with the priority of registered matters in relation to which consent cautions are registered (the amended section 35 of Cap. 585);
 - (b) repeal the re-registration requirement of a charging order, judgment, order or lis pendens (the amended section 36 of Cap. 585); and
 - (c) provide that the vendor of a sale of a registered interest is required to provide the purchaser with the documents that are prescribed by the regulations (the amended section 46 of Cap. 585).

Division 8—Amendments to Part 8 (Instruments) (Clauses 54 to 57)

- 12. Division 8 of Part 2 of the Bill amends Part 8 of Cap. 585. In particular, new sections 61A, 61B and 61C are added to Part 8 of Cap. 585 to—
 - (a) empower the LR to specify the kinds of standard terms documents that may be filed with the Land Registry;
 - (b) provide for the filing of a standard terms document and the assignment of a unique reference number to the document; and
 - (c) enable an instrument to incorporate the provisions of a standard terms document by making reference to the unique reference number assigned to the document.

Division 9—Amendments to Part 9 (Transmissions and Trusts) (Clauses 58 to 66)

- 13. Division 9 of Part 2 of the Bill amends Part 9 of Cap. 585. The amendments include—
 - (a) revising various sections in Part 9 of Cap. 585 to set out the manner of registration for different types of transmission, including transmission on the death of a sole owner, joint tenant or tenant in common, on the death or retirement of a trustee, and in the event of bankruptcy; and
 - (b) repealing the section on the registration of the transmission on liquidation of a company and the appointment of liquidator (section 68 of Cap. 585).
- 14. Further, Division 9 of Part 2 of the Bill adds new provisions to Part 9 of Cap. 585 to deal with—
 - (a) refusal of registration of transmission in specified circumstances (new section 67B);

- (b) transmission on dissolution of corporate joint tenant (new section 68);
- (c) transmission under section 7 of the Government Rights (Re-entry and Vesting Remedies) Ordinance (Cap. 126) (new section 68A); and
- (d) dispositions made by personal representatives, trustees in bankruptcy, etc (new section 68B).

Division 10—Amendments to Part 10 (Cautions and Restraints on Disposition) (Clauses 67 to 72)

15. The registration of consent cautions and non-consent cautions are provided for under Part 10 of Cap. 585. Division 10 of Part 2 of the Bill amends the relevant provisions in Part 10 of Cap. 585 (and adds a new section 73A) to set out the circumstances in which those cautions may be registered, withdrawn or removed and provide for the effect of the registration of those cautions.
16. Other amendments made by Division 10 of Part 2 of the Bill to Part 10 of Cap. 585 include—
 - (a) revising section 78 of Cap. 585 so that the LR may make a restriction order prohibiting the registration of any disposition of a registered interest or registered charge if there is reasonable ground for suspecting that a fraud affecting the registered interest or registered charge has occurred or may occur; and
 - (b) revising sections 79 and 80 of Cap. 585 to provide for the effect of the restriction order, as well as the variation and removal of the restriction order.

Division 11—Amendments to Part 11 (Rectification) (Clauses 73 to 75)

17. Division 11 of Part 2 of the Bill amends Part 11 of Cap. 585. The amendments include—

- (a) repealing the provision regarding mandatory rectification (section 82(3) of Cap. 585);
- (b) adding a new section 82A to provide that if an application is made to the court under section 82 of Cap. 585 for an order of rectification (*rectification order*), a non-consent caution under section 71 of Cap. 585 relating to the application must be registered within the prescribed time; and
- (c) adding a new section 82B to provide for the effect of a rectification order.

Division 12—Amendments to Part 12 (Indemnity) (Clauses 76 to 85)

18. Division 12 of Part 2 of the Bill amends Part 12 of Cap. 585 to deal with the following matters and related matters—
 - (a) right to indemnity in cases of fraud, mistake or omission;
 - (b) determination of the amount of indemnity and payment of indemnity;
 - (c) provision of interests on indemnity;
 - (d) time limit for claiming indemnity;
 - (e) reimbursement of certain costs and expenses.

Division 13—Amendments to Part 13 (Appeals and Rules) (Clauses 86 and 87)

19. Section 93 of Cap. 585 which regulates the power to make rules of court is amended by Division 13 of Part 2 of the Bill.

Division 14—Amendments to Part 14 (Miscellaneous) (Clauses 88 to 98)

20. Division 14 of Part 2 of the Bill amends Part 14 of Cap. 585. The amendments include—

- (a) repealing the provision on determination of lot boundaries (section 94 of Cap. 585);
 - (b) revising section 98 of Cap. 585 to create new offences for certain acts relating to false or misleading statement and information; and
 - (c) adding a new section 98A to make further provision for the defence of reasonable excuse.
21. Further, Division 14 of Part 2 of the Bill revises the following powers—
- (a) the power of the LR to specify forms (the amended section 99 of Cap. 585);
 - (b) the power of the Financial Secretary to make regulation relating to fees and levies (the amended section 100 of Cap. 585);
 - (c) the power of the Secretary for Development to make regulation for the purposes and provisions of Cap. 585 (the amended section 102 of Cap. 585).

Division 15—Amendments to Schedules (Clauses 99 to 102)

22. Clause 99 repeals Schedule 1 to Cap. 585 as there is no conversion of existing land.
23. As existing sections 9 and 41 of Cap. 585 are repealed, clause 100 correspondingly repeals the references to those sections in Schedule 2 to Cap. 585.
24. Clause 101 amends Schedule 3 to Cap. 585 which sets out the consequential and related amendments to other enactments.

**Part 3—Amendments to Land Registration Ordinance (Cap. 128)
(Clauses 103 to 108)**

25. Part 3 of the Bill amends Cap. 128. The amendments include—

- (a) revising the definition of *image* or *image record* in section 1A of Cap. 128 to cover an electronic record;
- (b) revising the definition of *imaging* or *imaging method* in section 1A of Cap. 128 to cover a method by which the information contained in a document in any form is converted into an electronic image;
- (c) adding new definitions of *electronic record*, *new land* and *registered land* to section 1A of Cap. 128;
- (d) adding a new section 1B to provide that Cap. 128 does not apply to new land or registered land;
- (e) adding a new section 2AA to provide that certain documents relating to straddling land must not be registered;
- (f) adding a new section 21A to provide for the incorporation of provisions of standard terms documents in deeds, conveyances and instruments; and
- (g) extending the scope of the regulation making power under section 28 of Cap. 128.

Part 4—Amendments to Resolution Passed under the Trading Funds Ordinance Establishing Land Registry Trading Fund (Cap. 430 sub. leg. A) (Clause 109)

26. Part 4 of the Bill amends Schedule 1 to the resolution passed under the Trading Funds Ordinance (Cap. 430) establishing the Land Registry Trading Fund (Cap. 430 sub. leg. A) to set out clearly the services that may be provided under the Land Registry Trading Fund, which basically involves administering and enforcing the provisions of Cap. 128 and Cap. 585 and exercising functions that may be performed under other Ordinances.

**Comparison of Key Aspects of the
Land Registration Ordinance (Cap. 128) (LRO), the
Land Titles Ordinance (Cap. 585) (LTO) and the
Registration of Titles and Land (Miscellaneous Amendments) Bill
2025 (the Bill)**

Key Aspects	LRO	LTO <i>(Enacted in 2004 and not yet commenced)</i>	The Bill
Mode of passing title	<ul style="list-style-type: none">• Title to property passes upon the execution of instruments (e.g. a valid deed of assignment)• Hence, title is <u>not</u> passed nor guaranteed upon registration	<ul style="list-style-type: none">• Passing of title occurs upon the registration of the matter (e.g. a transfer) with the Land Registry	<ul style="list-style-type: none">• Same as LTO
Effect of registration	<ul style="list-style-type: none">• Registration of instruments only determines priority of registered instruments in the land register• Registration does not give effect to the registered instruments nor guarantee title of the property	<ul style="list-style-type: none">• Registration determines priority of registered matters and gives effect to dispositions	<ul style="list-style-type: none">• Same as LTO (save arrangement in case of fraud set out below)
Title certainty	<ul style="list-style-type: none">• Title may be subject to title defects or other unregistered interests• The land register is not conclusive evidence of property ownership	<ul style="list-style-type: none">• Title is certain subject to registered matters and overriding interests affecting the land (if any, e.g. easements or rights implied by	<ul style="list-style-type: none">• Same as LTO

Key Aspects	LRO	LTO (Enacted in 2004 and not yet commenced)	The Bill
		law), irrespective of notice, and, if any, rectification order by the court	
Means to check title	<ul style="list-style-type: none"> • Thorough checking of title deeds, including historical title deeds¹, is necessary to prove title of the property (but still not conclusive proof as the title could be subject to unregistered interests) 	<ul style="list-style-type: none"> • Checking of the Title Register suffices, as the Title Register is conclusive evidence of title 	<ul style="list-style-type: none"> • Same as LTO
Title in case of fraud	<ul style="list-style-type: none"> • Innocent owner will get property back under the common law nemo dat rule² 	<ul style="list-style-type: none"> • Purchaser may not enjoy indefeasible title due to the mandatory rectification (MR) rule (i.e. MR rule applies) • Under the MR rule, title will be reverted to the former owner if 	<ul style="list-style-type: none"> • MR rule does not apply. Bona fide and innocent purchaser for valuable consideration and in possession of the property enjoys indefeasible title • MR rule does

¹ Where the grant of the Government lease of the property was not less than 15 years before the contract of sale of the property, vendor needs to provide, inter alia, proof of title to the property extending not less than 15 years before the contract of sale of the property commencing with an assignment, a mortgage by assignment or a legal charge, each dealing with the whole estate and interest in that land.

² A person who does not have ownership of property does not have the ability to transfer the ownership of that property to another person i.e. one cannot give what he does not have.

Key Aspects	LRO	LTO <i>(Enacted in 2004 and not yet commenced)</i>	The Bill
		the Court is satisfied that the former owner is innocent	not apply because it may undermine title certainty, as a prudent purchaser will investigate the title history of a property to obtain greater assurance of the title. This defeats the original purpose of implementing the title registration system
Indemnity for loss of title due to fraud	<ul style="list-style-type: none"> • No indemnity is provided by Government • Purchaser of property who lost ownership has remedy against the fraudster only through civil claims 	<ul style="list-style-type: none"> • Indemnity is provided for the person who suffers loss due to fraud that results in the loss of ownership • Depends on the Court's decision on rectification, either former owner (who cannot recover the property) or purchaser (who 	<ul style="list-style-type: none"> • Same as LTO (but with a higher level of cap at \$50 million)³

Key Aspects	LRO	LTO <i>(Enacted in 2004 and not yet commenced)</i>	The Bill
		lost the property) can claim indemnity • Subject to a cap (at \$30 million) ³	

³ The cap is to be specified in a notice (which is subsidiary legislation) to be made under the LTO.

2. Interpretation

(Not yet in operation)

(1) In this Ordinance, unless the context otherwise requires—

“application” (申請), in relation to the registration of any matter, means an application in the specified form;

“applications register” (申請註冊紀錄) means the applications register kept under section 5;

“appointed day” (指定日期) means the day appointed under section 1(2) for the commencement of section 21;

“authorized land surveyor” (認可土地測量師) has the meaning assigned to it by section 2 of the Land Survey Ordinance (Cap. 473);

“charge” (押記) means—

(a) a legal charge within the meaning of section 2 of the Conveyancing and Property Ordinance (Cap. 219); or

(b) a mortgage of an equitable interest over land but excluding any mortgage of an interest which is only capable of being protected by a consent caution or non-consent caution;

“chargee” (承押記人) means the owner of a charge;

“charging order” (押記令) means an order of any court of competent jurisdiction imposing on registered land, or a registered long term lease, specified in the order a charge for securing the payment of any money due or to become due under a judgment or order of the court;

“chargor” (押記人) means the owner of registered land, or the lessee of a registered long term lease, which is subject to a charge;

“company” (公司) means a body corporate—

(a) incorporated under the Companies Ordinance (Cap. 622); (*Amended 28 of 2012 ss. 912 & 920*)

(ab) incorporated under a former Companies Ordinance as defined by section 2(1) of the Companies Ordinance (Cap. 622); (*Added 28 of 2012 ss. 912 & 920*)

(b) incorporated under any other enactment; or

(c) incorporated or established outside Hong Kong,

and includes an unregistered company within the meaning of Part X of the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32); (*Amended 28 of 2012 ss. 912 & 920*)

“consent caution” (同意警告書) means a caution referred to in section 71(1) and (3);

“Court” (法庭) means the Court of First Instance;

“current” (當時有效), in relation to any matter, means the matter has not ceased to have effect;

“date of first registration” (首次註冊日期) means—

- (a) in relation to registered land, the date determined in accordance with section 22 of this Ordinance or section 3 of Schedule 1, whichever is applicable; and
- (b) in relation to a registered long term lease, the date determined in accordance with section 49(5) of this Ordinance or section 6 of Schedule 1, whichever is applicable;

“dealing” (交易) means a disposition or transmission;

“disposition” (處置) means an act by the owner of registered land or a registered charge, or the lessee of a registered long term lease, whereby his rights in or over the land, charge or lease, as the case may be, are affected, but does not include—

- (a) an agreement to transfer;
- (b) an agreement to charge;
- (c) an agreement to grant a long term lease; or
- (d) an agreement to grant an easement,

and “dispose”, “disposal” and “disposed” (處置) shall be construed accordingly;

“document” (文件) includes, in addition to a document in writing—

- (a) a map, plan or drawing;
- (b) a disc, tape or other device in which data other than visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced from the disc, tape or other device; and
- (c) a film, tape or other device in which visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced from the film, tape or other device;

“entry” (記項), in relation to the Title Register, means a note, notice or other entry in the Title Register; and “enter” and “entered”

- (記入) shall be construed accordingly;
- “fraud” (欺詐) includes dishonesty and forgery;
- “image record” (影像紀錄) means a record produced using the imaging method and, where the context permits, includes a record in a legible form;
- “imaging method” (影像處理方法) means a method by which documents in a legible form or in the form of microfilm are scanned by a scanner and the information recorded therein is converted into electronic images, which are then stored on electronic storage media capable of being retrieved and reproduced in a legible form;
- “inhibition” (制止令) means an order made under section 75(1);
- “instrument” (文書) includes—
- (a) a deed, conveyance, judgment, decree, order or other document which is—
 - (i) required to support, or is capable of supporting, an application for registration; or
 - (ii) specified in any other enactment as a document which shall or may support an application for registration under this Ordinance (or words to the like effect); and
 - (b) a memorial which supports a current entry in the Title Register,
- but does not include a will except a will which is the subject of a memorial referred to in paragraph (b);
- “land” (土地) includes—
- (a) land covered by water; and
 - (b) a thing attached to land or permanently fastened to a thing attached to land,
- but does not include an interest in or over land other than—
- (c) an undivided share in land; and
 - (d) such an interest vested in a person by virtue of the operation of section 23, 25(1) or 26(1) of this Ordinance or section 4 or 7 of Schedule 1;
- “land boundary plan” (土地界線圖) has the meaning assigned to it by section 2 of the Land Survey Ordinance (Cap. 473);
- “Land Registry” (土地註冊處) means the Land Registry of the Government of the Hong Kong Special Administrative Region which is administered by the Registrar;

“Land Titles Indemnity Fund” (土地業權彌償基金) means the indemnity fund established pursuant to section 90;

“lease” (租契) includes an agreement for a lease and a tenancy but does not include a Government lease;

“lessee” (承租人) means—

- (a) in relation to a registered long term lease, the person named in the Title Register as the lessee of the lease; and
- (b) in relation to any other lease, the lessee of the lease;

“liquidator” (清盤人) has the meaning given by section 2(1) of the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32); (*Amended 28 of 2012 ss. 912 & 920*)

“lis pendens” (待決案件) means—

- (a) any action or proceeding pending in any court or tribunal that relates to land or any interest in or charge on land; or
- (b) a bankruptcy petition;

“long term lease” (長期租契) means a lease—

- (a) granted by—
 - (i) subject to subparagraph (ii), the owner of registered land;
 - (ii) if the lease was granted before the land became registered land under this Ordinance, the owner of the land at the time of the grant,
of the right to exclusive possession of the land for a term of not less than 21 years;
- (b) not at rack rent; and
- (c) in respect of which a premium has been paid,
but does not include any lease the unexpired term of which is less than 21 years at the time it is registered;

“lot” (地段) includes a section and subsection of a lot;

“lot number” (地段編號) means—

- (a) in the case of a lot, the designation and number by which the lot is described in the Government lease under which it is held from the Government; and
- (b) in the case of a section or subsection of a lot, the designation and number by which the section or subsection, as the case may be, is described in the instrument by which it came into existence as such;

“matter” (事項) means the subject of any application delivered for registration;

“memorial” (註冊摘要) means a memorial registered under the Land Registration Ordinance (Cap. 128);

“mortgage” (按揭) means a security over land for securing money or money’s worth;

“non-consent caution” (非同意警告書) means a caution referred to in section 71(4), (6) and (13);

“overriding interest” (凌駕性權益) means an interest referred to in section 28(1);

“owner” (擁有人) means—

- (a) in relation to registered land, the person (including, in respect of registered land to which Part II of the New Territories Ordinance (Cap. 97) applies, any clan, family or t’ong) named in the Title Register as—
 - (i) the owner, lessee or holder (or words to the like effect) of a Government lease of the land; or
 - (ii) the owner or holder (or words to the like effect) of an undivided share in the land; and
- (b) in relation to a registered charge, the person named in the Title Register as the person in whose favour the charge is made;

“personal representative” (遺產代理人) means—

- (a) the executor of the will; or
- (b) the administrator of the estate,
of the deceased owner of registered land or a registered charge, or the deceased lessee of a registered long term lease;

“present” (呈遞) includes produce, deliver and lodge;

“record” (紀錄) includes not only a written record but a record conveying information or instructions by any other means;

“register” (註冊), when used as a verb, means to make, remove, alter or add to an entry in the Title Register, but does not include to make, remove, alter or add to an entry in the Title Register to the extent that the entry denotes, in the case of the presentation of an application for the registration of a matter, that registration is pending or withheld in respect of the matter; and “registered” (註冊), “unregistered” (未經註冊) and “registration” (註冊) shall be construed accordingly;

“registered charge” (註冊押記) means a charge registered in respect of registered land or a registered long term lease under section 37;

“registered land” (註冊土地) means—

(a) land—

(i) held under a Government lease; and

(ii) the title to which is registered under section 21; and

(b) land deemed to be registered land under section 2 of Schedule 1;

“registered long term lease” (註冊長期租契) means—

(a) a long term lease registered under section 49; and

(b) a lease deemed to be a registered long term lease under section 5 of Schedule 1;

“registered matter” (註冊事項) does not include any matter which has ceased to have any effect;

“Registrar” (處長) means the Land Registrar;

“regulations” (《規例》) means regulations made under this Ordinance;

“remove” (刪除), in relation to an entry in the Title Register, includes to delete by any means which, in the opinion of the Registrar, is appropriate in respect of that entry;

“restriction” (限制令) means an order made under section 78(1);

“right” (權利) includes such ancillary rights as are necessary for effective enjoyment of the right;

“search” (查冊) means a search under section 30(1);

“Secretary” (局長) means the Secretary for Development; (*Amended L.N. 130 of 2007*)

“solicitor” (律師) means a solicitor within the meaning of section 2(1) of the Legal Practitioners Ordinance (Cap. 159);

“specified” (指明), in relation to a form, means specified under section 99;

“title certificate” (業權證明書) means a certificate issued under section 29(1);

“Title Register” (業權註冊紀錄) means the Title Register kept under section 4;

“transfer” (轉移) means the registration of a matter to effect the passing of the title to registered land, a registered charge or a registered long term lease from one person to another person otherwise than by operation of law, and includes the instrument providing for such passing;

“transmission” (傳轉) means the passing of the title to registered land, a registered charge or a registered long term lease from one person to another person under an order of a court of

competent jurisdiction, under an enactment or by operation of law;

“trustee” (受託人) includes a personal representative;

“unregistrable interest” (不可註冊權益) has the meaning assigned to it by section 1A(1) of the Land Registration Ordinance (Cap. 128);

“valuable consideration” (有值代價) means money or money’s worth, but does not include a nominal consideration.

(2) It is hereby declared that—

- (a) the title to land becomes registered under this Ordinance by virtue of an entry being made in the Title Register specifying a person as being the owner of that land, and references in this Ordinance to registered land shall be construed accordingly; and
- (b) any reference in any other enactment to “register in the Land Registry” or “registered in the Land Registry”, or words to the like effect, shall be construed to mean register or registered under the Land Registration Ordinance (Cap. 128) or this Ordinance, as the case may require.

3. Application

(Not yet in operation)

- (1) Subject to Part 4 and Schedule 1, this Ordinance applies to land held under a Government lease.
- (2) Where land is vested in a person under the provisions of any other enactment and there is any conflict or inconsistency between the provisions of this Ordinance and the provisions of that enactment in relation to that land, then the provisions of that enactment shall, in relation to that land and to the extent of that conflict or inconsistency, as the case may be, prevail over the provisions of this Ordinance.
- (3) Where an instrument supporting an application for registration of a transfer under this Ordinance is void under the provisions of any other enactment governing the validity of a transfer, then the provisions of that enactment shall, in relation to the land to which the transfer relates, prevail over the provisions of this Ordinance.
- (4) Where—

- (a) any provisions of any other enactment purport to provide that any legal or equitable interest in land or in a charge shall not be created, extinguished, transferred, varied or affected (or words to the like effect) except by an instrument (howsoever described) referred to in those provisions; and
- (b) by virtue of the provisions of this Ordinance, such interest may only be created, extinguished, transferred, varied or affected, as the case may be, by the registration under this Ordinance of an application providing therefor,

then—

- (c) without prejudice to any other ground on which the instrument may be void or voidable and notwithstanding any law, that instrument shall not be void or voidable on the ground that it does not, of itself, create, extinguish, transfer, vary or affect, as the case may be, such interest;
- (d) the provisions referred to in paragraphs (a) and (b) shall be construed to require that instrument to accompany that application; and
- (e) any reference to the instrument in—
 - (i) any other provisions of that enactment;
 - (ii) any provisions of any other enactment; or
 - (iii) any other provisions of this Ordinance,
 shall, without prejudice to the operation of section 2A of the Stamp Duty Ordinance (Cap. 117), be construed to take account of the operation of this subsection.

4. The Title Register

(Not yet in operation)

- (1) The Registrar shall keep in the Land Registry a register to be known as the Title Register.
- (2) There shall be entered in the Title Register such matters as are or may be required to be entered therein under this Ordinance or any other enactment including, but not limited to—
 - (a) particulars of the land the title to which is registered under this Ordinance, including—
 - (i) its title number (which may include letters or alphanumeric symbols or characters);
 - (ii) the lot number of the land;
 - (iii) the undivided shares, if any, in the land;

- (iv) the location or address, if any, of the land;
 - (v) the date of commencement of the term of the Government lease and its expiry date;
 - (vi) the name of the owner or owners of the land; and
 - (vii) the capacity in which the owner or owners hold the land, whether as sole owner, tenants in common, joint tenants, trustee or otherwise;
- (b) particulars of each long term lease registered under this Ordinance, including—
 - (i) its title number (which may include letters or alphanumeric symbols or characters);
 - (ii) the lot number of the land;
 - (iii) the undivided shares, if any, in the land;
 - (iv) the location or address, if any, of the land;
 - (v) the term of the lease;
 - (vi) the name of the lessee or lessees of the lease; and
 - (vii) the capacity in which the lessee or lessees hold the lease, whether as sole lessee, tenants in common, joint tenants, trustee or otherwise;
- (c) particulars of each charge registered under this Ordinance, including—
 - (i) its application number (which may include letters or alphanumeric symbols or characters); and
 - (ii) the name of the chargor;
- (d) particulars of all instruments which support a current entry in the Title Register;
- (e) the date of registration of each of the instruments referred to in paragraph (d);
- (f) particulars of any pending application for the registration of any matter under this Ordinance; and
- (g) such other matters as the Registrar is of the opinion should be contained in the Title Register.

5. Applications register

(Not yet in operation)

- (1) The Registrar shall keep in the Land Registry a register to be known as the applications register, which shall contain a record of all pending applications for the registration of any matter under this Ordinance.

- (2) The applications register shall contain such particulars as are required by the regulations to be contained therein.

6. Supporting documents

(Not yet in operation)

- (1) The Registrar shall keep in the Land Registry, or make and keep in the Land Registry a microfilm, image record or other record (including an image record of a microfilm) of, the following documents—
 - (a) any memorial which supports a current entry in the Title Register;
 - (b) the documents, if any, accompanying a memorial referred to in paragraph (a);
 - (c) any application for the registration of a matter where—
 - (i) the matter has been registered; and
 - (ii) the application supports a current entry in the Title Register;
 - (d) the documents, if any, accompanying an application referred to in paragraph (c).
- (2) Where a microfilm, image record or other record of a document is made under subsection (1), the Registrar may—
 - (a) destroy or otherwise dispose of the document from which the record was made; or
 - (b) return that document to the person by whom, or on whose behalf, it was delivered to the Land Registry.
- (3) Where a microfilm, image record or other record is made of a document under subsection (1), the microfilm, image record or other record, as the case may be, shall be treated for all purposes as the original document.

7. Form of registers

(Not yet in operation)

The Title Register and the applications register may be kept in such form as the Registrar considers appropriate, including in a form other than a documentary form.

8. Functions and powers of Registrar

(Not yet in operation)

- (1) The Registrar shall—
 - (a) be responsible for the general administration of this Ordinance;

- (b) subject to the regulations, be responsible for the general management and administration of the Land Titles Indemnity Fund;
 - (c) supervise compliance with the provisions of this Ordinance; and
 - (d) perform such other functions and exercise such other powers as are imposed or conferred on him under this Ordinance or any other enactment.
- (2) The Registrar may do all such things as are necessary for, or incidental or conducive to, the better performance of his functions and exercise of his powers, and in particular but without prejudice to the generality of the foregoing, may—
- (a) require a person to present to him any document relating to registered land or a registered long term lease;
 - (b) require a person to appear before him and give any information or explanation in respect of—
 - (i) any matter relating to registered land or a registered long term lease; or
 - (ii) any document relating to registered land or a registered long term lease;
 - (c) require a person to verify, on oath or by statutory declaration, any proceedings, information or explanation affecting registration and, for that purpose, administer the oath or take the declaration;
 - (d) refuse to proceed with the registration of a matter if—
 - (i) any document, or any information or explanation, required to be presented or given is withheld;
 - (ii) any act required to be performed under this Ordinance is not performed;
 - (iii) without prejudice to the generality of subparagraph (ii), any fee payable in respect of the registration (including any additional fee payable under section 33) has not been paid; or
 - (iv) the provisions of this Ordinance or of any other enactment relating to the registration of the matter have not been complied with;
 - (e) where he is of the view that a matter is not registrable, refuse to register the matter; and

- (f) subject to subsection (3), order that the costs, charges and expenses incurred by him or another person in connection with an inquiry, investigation or hearing held by the Registrar for the purposes of this Ordinance shall be borne and paid by such persons and in such proportions as the Registrar thinks fit.
- (3) The Registrar shall not make an order under subsection (2)(f) except after giving the persons to be affected by the order, and such other interested persons as the Registrar thinks fit, an opportunity of being heard.

9. Registrar may apply to Court for directions

(Not yet in operation)

If any question of law arises in respect of the performance or exercise of any functions or powers imposed or conferred on the Registrar by or under this Ordinance, the Registrar may apply to the Court for directions.

10. Delegation of functions and powers

(Not yet in operation)

- (1) Subject to subsection (2), the Registrar may, with or without restrictions as he thinks fit, delegate in writing any of his functions or powers under this Ordinance to any public officer.
- (2) The Registrar shall not delegate any of his functions and powers under—
 - (a) subsection (1);
 - (b) any provisions of this Ordinance specified in Schedule 2; and
 - (c) any provisions of any regulations made under this Ordinance which are specified in the regulations as provisions which shall not be subject to subsection (1).
- (3) A delegate of the Registrar—
 - (a) shall perform the delegated functions and may exercise the delegated powers as if the delegate were the Registrar himself; and
 - (b) shall be presumed to be acting in accordance with the terms of the delegation in the absence of evidence to the contrary.

12. Seal of Land Registry

(Not yet in operation)

- (1) The Land Registry shall have a seal of office having inscribed in the margin of the seal—
 - (a) the words “Land Registrar, Hong Kong Special Administrative Region” in the English language and “香港特別行政區土地註冊處處長” in the Chinese language; or
 - (b) such other words as the Registrar may from time to time specify by notice published in the Gazette.
- (2) For the purposes of any proceedings, whether under this Ordinance or otherwise, an instrument—
 - (a) purporting to bear the imprint of the seal referred to in subsection (1); and
 - (b) purporting to be signed and issued by a person referred to in section 11(3),shall be received in evidence in those proceedings upon its production without further proof and, in the absence of evidence to the contrary, it shall be presumed—
 - (c) where the instrument purports to be so signed, that the signature is that of the person referred to in that section; and
 - (d) where the instrument purports to be so issued, that it was issued by or under the direction of the Registrar.

13. Matters capable of being registered

(Not yet in operation)

No matter shall be capable of being registered in the Title Register unless—

- (a) the registration of the matter is expressly provided for in this Ordinance or any other enactment (by whatever words used);
- (b) where paragraph (a) is not applicable, the matter is a dealing in registered land, a registered charge or a registered long term lease;
- (c) where neither paragraph (a) nor (b) is applicable, the matter is an order of any court or tribunal—
 - (i) affecting registered land, a registered charge or a registered long term lease; and
 - (ii) issued or made for the purpose of enforcing a judgment; and

- (d) in any other case, the matter affects registered land, a registered charge or a registered long term lease and the Registrar permits it to be registered.

14. Applications for registration

(Not yet in operation)

- (1) Except as otherwise expressly provided in this Ordinance, no matter shall be registered in the Title Register unless the matter is the subject of an application presented to the Registrar for the registration of that matter, and this requirement applies—
 - (a) whether or not any express reference is made in this Ordinance to that matter; or
 - (b) if an express reference is made in this Ordinance to the registration of that matter, whether or not that reference is accompanied by an express reference to such an application.
- (2) Each application for the registration of any matter shall be verified in such manner as is required by the regulations.

15. Manner of registration

(Not yet in operation)

- (1) Except as otherwise expressly provided in this Ordinance, the registration of any matter in the Title Register shall be effected by the Registrar in the following manner—
 - (a) by making, or adding to, an entry in the Title Register;
 - (b) by removing or altering an entry in the Title Register; or
 - (c) by any combination of the acts mentioned in paragraphs (a) and (b).
- (2) The registration of a matter in the Title Register is effected when that matter is registered by virtue of the making, the addition to, or the removal or alteration of, an entry in the Title Register which refers to that matter, the application for registration of that matter or any document accompanying that application, or any combination thereof, and references in this Ordinance to the registration of any matter (howsoever expressed) shall be construed accordingly.

17. Removal of obsolete entries

(Not yet in operation)

The Registrar may remove any entry in the Title Register which has ceased to have any effect.

18. Boundaries

(Not yet in operation)

- (1) For the purposes of this Ordinance, a plan referred to in the Title Register, or a plan or microfilm, image record or other record of a plan kept in the Land Registry under section 6, shall be treated as only indicating—
 - (a) the approximate situation; and
 - (b) the approximate boundaries, of the registered land to which the plan relates.
- (2) For the avoidance of doubt, it is hereby declared that the fact that a plan is referred to in the Title Register, or the fact that a plan or microfilm, image record or other record of a plan is kept in the Land Registry under section 6, shall not constitute a warranty, or a guarantee, as to the accuracy of the plan.

19. Combinations and divisions

(Not yet in operation)

- (1) Where the Registrar is presented with an application from the owner of contiguous parcels of registered land for the combination of that land, the Registrar may effect the combination by making the appropriate entries in the Title Register to create a single title for the combined parcels of registered land.
- (2) Where any new building is or is to be situated on any land consisting of 2 or more lots (and whether or not the owner or owners of the respective lots is or are the same person or persons), then the Registrar shall, in the circumstances prescribed by the regulations, refuse to proceed with the registration of any matter relating to an undivided share with an exclusive right to use and occupy a part of the building unless and until an application for the combination of those lots has been registered.
- (3) Subject to section 44, where the Registrar is presented with an application from the owner of registered land for the division of the land, the Registrar may, if he considers it expedient to do so, effect the division by making the appropriate entries in the Title Register to create a single title for each parcel of land into which the registered land is to be divided.
- (4) Subject to section 44, where the Registrar is presented with an application for the division of registered land by a person who —

- (a) is to be the purchaser of one or more of the parcels of land to result from the division; and
- (b) has the consent of the owner of the land to make the application,

the Registrar may, if he considers it expedient to do so, effect the division upon the registration of that application, by making the appropriate entries in the Title Register to create a single title for each parcel of land into which the registered land is to be divided.

- (5) In this section, “new building” (新建築物) means a building in respect of which—
 - (a) an occupation permit may be issued under section 21 of the Buildings Ordinance (Cap. 123) on or after the appointed day;
 - (b) a temporary occupation permit may be issued under section 21 of the Buildings Ordinance (Cap. 123) on or after the appointed day in respect of the whole or any part of the building;
 - (c) a certificate of exemption has been issued under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121) before the appointed day but the building has not been completed before that day; or
 - (d) a certificate of exemption under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121) may be issued on or after the appointed day.
- (6) For the avoidance of doubt, it is hereby declared that—
 - (a) subsection (1) shall not of itself operate to authorize the amalgamation or unification of Government leases of contiguous parcels of registered land which have been combined under that subsection; and
 - (b) this section shall not authorize anything to be done which would be inconsistent with the other provisions of this Ordinance or of any other enactment.

20. Interpretation of Part 4

(Not yet in operation)

In this Part—

“LRO land” (《土註條例》土地) has the meaning assigned to it by section 1 of Schedule 1;

“new land” (新土地) means land granted under a Government lease or an agreement for a Government lease on or after the appointed day but does not include—

- (a) land granted under a short term tenancy; or
- (b) land which was the subject of a Government lease or agreement for a Government lease in effect immediately before the appointed day and which is the subject of an instrument executed on or after the appointed day whereby—
 - (i) the term of the Government lease or agreement for a Government lease has been extended;
 - (ii) the area of the land has been extended; or
 - (iii) the provisions of the Government lease or agreement for a Government lease have otherwise been varied;

“short term tenancy” (短期租約) means a lease expressed to be granted for a term of not more than 7 years; and in calculating that period for the purpose of this definition there shall be excluded any extension or renewal of the lease that has occurred, or may occur, by virtue of the exercise of any right.

21. Registration of title to new land

(Not yet in operation)

On the presentation of an application by the Director of Lands, the Registrar shall register the title to new land by—

- (a) making an entry in the Title Register to the effect that the Government lessee is the owner of the land; and
- (b) entering such other particulars in the Title Register relating to the land as the Registrar considers appropriate.

22. Date of first registration of new land

(Not yet in operation)

The date of first registration of new land to which the title is registered under section 21 shall be the day on which the Registrar makes the entries in the Title Register referred to in that section.

24. Registration of LRO land

(Not yet in operation)

LRO land shall become registered land as provided in Schedule 1.

25. Effect of registration of transfer of land

(Not yet in operation)

- (1) Subject to sections 27 and 82, the registration of a person as the owner upon a transfer of land shall vest in the person who is registered as the owner of the land the legal estate or equitable interest and rights described in subsection (2), free from all other interests and claims except as specified in subsection (3).
- (2) (a) Where paragraph (a)(i) of the definition of “owner” in section 2(1) is applicable and the land is held under a Government lease or an agreement for a Government lease in respect of which a Government lease is deemed to have been issued under section 14 of the Conveyancing and Property Ordinance (Cap. 219), there shall vest in the person who is registered as the owner—
 - (i) the legal estate in the land held under the Government lease or the agreement for the Government lease (but excluding any case where the person does not hold the full unexpired term of the lease of the land); and
 - (ii) all rights attaching to the land which may be exercised by virtue of that legal estate.
- (b) Where paragraph (a)(i) of the definition of “owner” in section 2(1) is applicable and the land is held under an agreement for a Government lease in respect of which any condition precedent has not been complied with or has not been deemed to have been complied with under section 14 of the Conveyancing and Property Ordinance (Cap. 219), there shall vest in the person who is registered as the owner—
 - (i) the equitable interest in the land held under that agreement (but excluding any case where the person does not hold the full unexpired term of the agreement for lease); and
 - (ii) all rights attaching to the land which may be exercised by virtue of that equitable interest.
- (c) Where paragraph (a)(ii) of the definition of “owner” in section 2(1) is applicable and the land is held under a Government lease or an agreement for a Government lease in respect of which a Government lease is deemed to have been issued under section 14 of the Conveyancing and Property Ordinance (Cap. 219), there shall vest in the person who is registered as the owner—

- (i) the legal estate of the undivided share in the land (but excluding any case where the person does not hold the full unexpired term of the lease of the land); and
 - (ii) all rights attaching to the land which may be exercised by virtue of that legal estate.
- (d) Where paragraph (a)(ii) of the definition of “owner” in section 2(1) is applicable and the land is held under an agreement for a Government lease in respect of which any condition precedent has not been complied with or has not been deemed to have been complied with under section 14 of the Conveyancing and Property Ordinance (Cap. 219), there shall vest in the person who is registered as the owner—
 - (i) the equitable interest of the undivided share in the land (but excluding any case where the person does not hold the full unexpired term of the lease of the land); and
 - (ii) all rights attaching to the land which may be exercised by virtue of that equitable interest.
- (3) The person who is registered as the owner shall hold his legal estate or equitable interest and rights subject to—
 - (a) any covenants, exceptions, reservations, stipulations, provisos or declarations contained in the Government lease or the agreement for a Government lease of the land;
 - (b) any registered matter affecting the land; and
 - (c) any overriding interest affecting the land.
- (4) Nothing in this section shall relieve the owner of registered land from a duty to which he is subject as trustee.

26. Effect of registration of long term lease

(Not yet in operation)

- (1) Subject to subsections (2) and (3) and sections 27 and 82, immediately upon registration of a person as the lessee of a registered long term lease, there shall vest in the person, free from all other interests and claims—
 - (a) the interest in the lease; and
 - (b) all rights attaching to the land which may be exercised by virtue of that interest.
- (2) The person who is registered as the lessee shall hold his interest and rights subject to—

- (a) any covenants, exceptions, reservations, stipulations, provisos or declarations contained in the Government lease of the land or the long term lease;
 - (b) any registered matter affecting the land; and
 - (c) any overriding interest affecting the land.
- (3) Nothing in this section shall relieve the lessee of a registered long term lease from a duty to which he is subject as trustee.

27. Voluntary transfer

(Not yet in operation)

- (1) Subject to subsection (2), the provisions of this Ordinance shall operate in relation to the owner of registered land or a registered charge, or the lessee of a registered long term lease, who has acquired the land, charge or lease by transfer without valuable consideration as if the transfer had been for valuable consideration.
- (2) The owner of registered land or a registered charge, or the lessee of a registered long term lease, referred to in subsection (1) shall hold the land, charge or lease subject to—
 - (a) the provisions of the Bankruptcy Ordinance (Cap. 6);
 - (b) Part V of the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32); (*Amended 28 of 2012 ss. 912 & 920*)
 - (c) section 33(9) of the Buildings Ordinance (Cap. 123); and
 - (d) any unregistered interests (including any matter referred to in section 4(2) or 7(2) of Schedule 1) subject to which the immediately preceding transferor held the land, charge or lease.
- (3) Subsection (2) shall not operate to limit, restrict, or qualify the operation of any other provisions of this Ordinance.

28. Overriding interests

(Not yet in operation)

- (1) All registered land shall be subject to such of the following interests as affect the land notwithstanding that the interests are not the subject of an entry in the Title Register—
 - (a) if Part II of the New Territories Ordinance (Cap. 97) applies to the land, any Chinese custom or customary right affecting the land;
 - (b) any public rights;
 - (c) any—

- (i) easements provided for in any instrument within the meaning of the Land Registration Regulations (Cap. 128 sub. leg. A) in respect of which a memorial within the meaning of those Regulations has been either registered, or accepted for registration, under the Land Registration Ordinance (Cap. 128);
- (ii) rights of way;
- (iii) rights of water; or
- (iv) covenants which run with the land,
existing on the date of first registration of the land;
- (d) any easements or rights (whether existing before, on or after the appointed day) which are implied by law on the disposition or transmission of the land and which are not expressly granted or reserved in any instrument;
- (e) any easements of necessity (whether existing before, on or after the appointed day);
- (f) any rights (whether of the Government or any other person) under the Government lease under which the land is held;
- (g) any rights, under an enactment,—
 - (i) of resumption, closure, entry, search, inspection, investigation, user, repair, alteration, removal, demolition, marking, naming or planning of buildings or development, redevelopment or reinstatement of land;
 - (ii) to extinguish rights or to create easements or other rights;
 - (iii) relating to costs, standards or specifications of any building, street or engineering works; or
 - (iv) affecting land or any interest in land,
and any notices, orders and certificates relating to any such rights;
- (h) any first charge under section 18(1) of the Estate Duty Ordinance (Cap. 111), but only if—
 - (i) the instrument which gave rise to the charge was registered under the Land Registration Ordinance (Cap. 128) before the date of first registration of the land;
 - (ii) not more than 3 years have elapsed since the date of that instrument; and

- (iii) the charge has not been registered under section 18(2) of the Estate Duty Ordinance (Cap. 111);
- (i) any first charge under section 67 of the Stamp Duty Ordinance (Cap. 117);
- (j) any lease—
 - (i) for a term not exceeding 3 years (but excluding any option to renew or extend the term of the lease);
 - (ii) at the best rent which can reasonably be obtained without a premium; and
 - (iii) where the lessee is to take possession forthwith under the lease;
- (k) any rights acquired, or in the course of being acquired, in the land where, by virtue of the Limitation Ordinance (Cap. 347), the title of the registered owner has been extinguished or will after the expiry of the appropriate period be extinguished;
- (l) any rights under an enactment for the erection, construction or laying of (and including the use of)—
 - (i) electricity supply lines;
 - (ii) telephone lines or poles;
 - (iii) telegraph lines or poles;
 - (iv) pipelines (including sewage tunnels);
 - (v) aqueducts;
 - (vi) canals;
 - (vii) wires;
 - (viii) dams; or
 - (ix) telecommunications facilities.
- (2) Subject to subsections (3) and (5), the Registrar may, as he thinks fit, register an overriding interest.
- (3) The Registrar shall, on application presented to him by the relevant authority established or referred to in an enactment referred to in subsection (1)(g), register a notice, order or certificate referred to in that subsection.
- (4) The Court may order—
 - (a) the registration of an overriding interest in such manner as it thinks fit and specified in the order; or
 - (b) the removal or alteration of an entry in the Title Register referring to an overriding interest.

- (5) The Registrar shall give effect to an order made under subsection (4) in accordance with the provisions of the order.
- (6) The Registrar may, on—
 - (a) application presented to him by a person—
 - (i) affected by an overriding interest which has been registered; or
 - (ii) who, in the opinion of the Registrar, is otherwise concerned with the interest; and
 - (b) proof to his satisfaction that the interest has, for whatever reason, ceased to affect the registered land concerned, remove the entry in the Title Register referring to that interest.

29. Title certificates

(Not yet in operation)

- (1) The Registrar may, on application presented to him by the owner of registered land or the lessee of a registered long term lease, issue to the owner or lessee a certificate in the specified form showing, or referring to, all current entries in the Title Register affecting the land or lease.
- (2) Where only part of the registered land or interest in the registered long term lease which is the subject of a title certificate is dealt with in a transfer or transmission—
 - (a) the title certificate shall accompany the application for registration of the transfer or transmission; and
 - (b) the Registrar shall cancel that title certificate upon the registration of the application.
- (3) A title certificate shall be admissible as evidence of the matters contained in the certificate as on the date of its issue.
- (4) Notwithstanding what is shown, or referred to, in a title certificate, the Title Register shall be conclusive evidence of the title to the registered land and interest in the registered long term lease and the other matters shown on the Title Register.
- (5) Except in the circumstances permitted under the regulations, if a title certificate has been issued for registered land or a registered long term lease, a transfer or transmission shall not be registered in respect of the land or lease unless the certificate is returned for cancellation.
- (6) After the Registrar has issued a title certificate for registered land or a registered long term lease, he—

- (a) shall make a note in the Title Register that the certificate has been issued; and
 - (b) subject to subsection (7), shall not issue another title certificate in respect of the land or lease unless the first certificate is cancelled.
- (7) A new title certificate may be issued, in accordance with the regulations, in place of a title certificate which has been lost or destroyed or which for any other reason needs to be replaced.
- (8) For the avoidance of doubt, it is hereby declared that a title certificate is subject to—
- (a) any overriding interest; and
 - (b) any subsequent entry in the Title Register,
- affecting the registered land or the registered long term lease to which the certificate relates.

30. Searches

(Not yet in operation)

- (1) Subject to subsection (2), a person may—
- (a) on the presentation to the Registrar of an application for a search or inspection; and
 - (b) in accordance with the regulations,
- have made available any thing required under section 4, 5 or 6 to be kept in the Land Registry.
- (2) Subsection (1) shall not operate to entitle a person to—
- (a) have made available any thing referred to in section 4, 5 or 6 in a manner not expressly permitted under the regulations (or, where more than one manner is so permitted, in any one such manner as the Registrar decides);
 - (b) have made available, in respect of the application concerned, any document for the purposes of, or as a result of, the search to which the application relates other than any such document expressly permitted to be so made available under the regulations.

31. Evidence

(Not yet in operation)

- (1) Notwithstanding any other enactment, a document purporting to be a copy, print or extract—
- (a) of or from—
 - (i) the Title Register (including any part thereof);

- (ii) the applications register (including any part thereof);
 - (iii) any document, or any microfilm, image record or other record of a document, kept in the Land Registry under section 6 (including any part thereof);
 - (iv) any specified form (including any part thereof);
 - (v) any other document (including any part thereof)—
 - (A) which is filed or deposited in the Land Registry under the provisions of this Ordinance or any other enactment; or
 - (B) which otherwise belongs to the Land Registry; or
 - (vi) any endorsement on the Title Register, the applications register or any document, record or form referred to in subparagraph (iii), (iv) or (v); and
- (b) bearing a certificate, with the signature or the printed signature of the Registrar, or of any other person authorized by him in that behalf, certifying that the document is a true copy, print or extract,
- shall, subject to the Stamp Duty Ordinance (Cap. 117), and to the same extent as the original of the document, be admissible in evidence in any proceedings before any court on its production without further proof and, in the absence of evidence to the contrary, the court shall presume that—
- (c) the signature or the printed signature and certification to the document is that of the Registrar or a person authorized by him in that behalf; and
 - (d) the document is a true and correct copy, print or extract.
- (2) No solicitor, trustee or other person in a fiduciary position shall be liable in damages for any loss occasioned by the inaccuracy of a document first-mentioned in subsection (1).
- (3) Subject to subsection (4), no process for compelling the production of any thing referred to in subsection (1)(a) shall be issued from any court—
- (a) except with the leave of the court; and
 - (b) unless the process has a statement on it to the effect that it is issued with the leave of the court.

- (4) A court shall not grant leave for a process referred to in subsection (3) to be issued if it is satisfied that a document first-mentioned in subsection (1) is sufficient for the purposes of the process.
- (5) Nothing in this section shall prejudice the admissibility of any evidence which would be admissible apart from the provisions of this section.

32. Dispositions and instruments

(Not yet in operation)

- (1) Subject to subsection (2), no disposition of registered land or a registered long term lease or any interest in or over registered land or a registered long term lease shall be effectual to create, extinguish, transfer, vary or affect the land or lease or any interest in or over the land or lease unless and until the disposition is registered under this Ordinance.
- (2) Nothing in this section shall be construed as preventing an interest in or over registered land or a registered long term lease which is not registered under this Ordinance from taking effect in equity if the interest is—
 - (a) capable of registration under this Ordinance; or
 - (b) protected by an entry in the Title Register.
- (3) Subsection (2) shall not operate to limit, restrict, or qualify the operation of any other provisions of this Ordinance.
- (4) The death of a person by or on behalf of whom an instrument has been executed shall not of itself affect the validity of the instrument where—
 - (a) the death occurred after the instrument was executed; and
 - (b) the instrument was valid at the time it was executed,and, accordingly, the instrument may be presented to the Registrar for registration as if the death had not occurred.

33. Additional fee for delayed registration

(Not yet in operation)

- (1) Subject to subsections (2) and (3), where an application for the registration of any dealing is presented to the Registrar for registration later than 3 months after the date of the instrument supporting the application, then, in addition to the prescribed fee payable in respect of the application, an additional fee equal to that prescribed fee shall be payable for each month or part of a month which has elapsed since the date of that instrument.

- (2) No additional fee payable under subsection (1) in respect of the registration of a dealing shall exceed 10 times the prescribed fee that would have been payable in respect of the application which relates to the dealing if that dealing had been registered on the date of the instrument supporting the application.
- (3) The Registrar may remit, either in whole or in part, any additional fee payable under subsection (1) where to do so is in his opinion just and equitable in all the circumstances of the case.

34. Power to compel registration

(Not yet in operation)

- (1) Where the Registrar is satisfied that a person, without reasonable excuse, has failed to present to the Registrar an application for the registration of a dealing, the Registrar may, by notice in writing served on the person, require that person to present the application to the Registrar not later than 30 days after the notice is so served.
- (2) Where an application in relation to which a notice has been issued under subsection (1)—
 - (a) is presented to the Registrar on a date on or before the expiration of 30 days after the service of the notice—
 - (i) the prescribed fee payable in respect of the application; and
 - (ii) any additional fee payable under section 33 in respect of the application,shall become due and payable on that date;
 - (b) is not presented to the Registrar on a date on or before the expiration of 30 days after the service of the notice—
 - (i) the prescribed fee payable in respect of the application; and
 - (ii) any additional fee payable under section 33 in respect of the application,shall become due and payable on the day immediately following the expiration of those 30 days.

35. Priority of registered matters

(Not yet in operation)

- (1) Subject to subsections (3), (4), (5) and (6) and section 9 of Schedule 1, matters appearing in the Title Register shall have priority according to the order in which the applications which led to their registration were presented to the Registrar, irrespective of the dates of the applications (including the dates of the instruments, if any, supporting the applications) and notwithstanding that the actual entry in the Title Register may be delayed.
- (2) Where a first charge under the provisions of any enactment is not an overriding interest, then, in so far as the charge relates to land, and notwithstanding those provisions or the fact that the term “first charge” is used therein, that charge shall have priority as determined in accordance with subsection (1).
- (3) Any first charges arising under section 67(2) of the Stamp Duty Ordinance (Cap. 117) shall have priority according to the order in which the instruments to which they respectively relate were registered under the Land Registration Ordinance (Cap. 128), irrespective of the order in which any such charges are registered under this Ordinance and notwithstanding the operation of section 67(4) of the Stamp Duty Ordinance (Cap. 117).
- (4) It is hereby declared that where—
 - (a) a consent caution (“first consent caution”) referred to in section 71(3) has been registered in respect of a dealing;
 - (b) the provisional agreement for sale and purchase or agreement for sale and purchase to which the first consent caution relates is stamped or endorsed under the Stamp Duty Ordinance (Cap. 117); and
 - (c) another consent caution (“second consent caution”), accompanied by that stamped or endorsed provisional agreement for sale and purchase or agreement for sale and purchase, as the case may be, is registered in respect of that dealing not later than 30 days after the registration of the first consent caution,then the second consent caution shall enjoy the same priority as the first consent caution, as if it had been registered on the same date as the first consent caution.
- (5) If a consent caution is registered in relation to an interest under a provisional agreement for sale and purchase or an agreement for sale and purchase, then, upon the registration of the dealing to which the consent caution relates, the priority of all matters registered after that consent caution is registered shall be postponed as against that dealing.

- (6) A charging order or non-consent caution which is duly registered shall have priority from the commencement of the day following the date of its registration.

36. Charging orders and lis pendens, etc.

(Not yet in operation)

- (1) Subject to subsections (2), (3) and (4)—
- (a) the registration of a charging order shall cease to have effect immediately upon the expiration of 5 years from the date of registration of the order but the order may be re-registered from time to time and, if so re-registered, the re-registration of the order shall have effect for another 5 years from the date of re-registration; and
 - (b) if the re-registration of a charging order is made before the expiration of a current period of registration or re-registration of the order, then the order shall retain its original priority.
- (2) The operation of subsection (1) in respect of a charging order shall be subject to any express stipulation to the contrary contained in the order except any such stipulation which purports to provide that the registration of the order shall have effect for a period longer than 5 years from the date of registration.
- (3) The variation of a registered charging order shall be effected by the registration of an order of a court of competent jurisdiction providing for the variation.
- (4) The discharge of a registered charging order shall be effected by the removal of the entry in the Title Register referring to the order consequent upon the presentation to the Registrar of an order of a court of competent jurisdiction providing for the discharge.
- (5) Without prejudice to the generality of any other provisions of this Ordinance under which the registration of a judgment, order or lis pendens may be removed or withdrawn, subsections (1) and (2) shall, with all necessary modifications, apply to a judgment, order or lis pendens as they apply to a charging order.
- (6) A charging order, judgment or order shall be registered in the manner prescribed by the regulations.

37. Form and effect of charges

(Not yet in operation)

- (1) A charge on registered land or a registered long term lease shall be effected by—
 - (a) its registration as an incumbrance; and
 - (b) the registration of the person in whose favour it is made as its owner.
- (2) Where, in relation to a registered charge which is a charge to which Part 8 of the Companies Ordinance (Cap. 622) applies, there is any conflict or inconsistency between the provisions of this Ordinance and the provisions of that Part, then the provisions of that Part (including that Part as read with any other provisions of the Companies Ordinance (Cap. 622) to which it is subject) shall, to the extent of the conflict or inconsistency, as the case may be, prevail over the provisions of this Ordinance. (*Amended 28 of 2012 ss. 912 & 920*)
- (3) For the avoidance of doubt, it is hereby declared that—
 - (a) a registered charge shall not operate as a transfer of the registered land or the registered long term lease which is subject to the charge but shall have effect as a security only; and
 - (b) where the registered charge is a mortgage effected by a legal charge within the meaning of section 2 of the Conveyancing and Property Ordinance (Cap. 219), the registration of the charge under this Ordinance shall not affect the operation of section 44(2) of that Ordinance.

38. Second or subsequent charges

(Not yet in operation)

The owner of registered land, or the lessee of a registered long term lease, which is subject to a registered charge may effect a second or subsequent registered charge in the same manner as a first registered charge and—

- (a) subject to paragraph (b), for that purpose the provisions of this Ordinance which apply to a first registered charge shall apply to a second or subsequent registered charge in the same manner as those provisions apply to a first registered charge; and
- (b) any power of sale expressed or implied in a second or subsequent registered charge shall be subject to all prior registered charges which have not been discharged.

39. Charge on registered charge

(Not yet in operation)

The owner of a registered charge may effect a charge on any interest he has in the registered charge and any charge so effected may be registered as an incumbrance specifying the person in whose favour it is made as the owner.

40. Discharge or partial discharge of registered charge

(Not yet in operation)

A discharge or partial discharge of a registered charge shall be effected by—

- (a) in the case of a discharge, the removal of the entry in the Title Register referring to the charge;
- (b) in the case of a partial discharge, the alteration of the entry in the Title Register referring to the charge or its removal or substitution by a new entry, as the case may require.

41. Satisfaction of registered charge

(Not yet in operation)

On proof to the satisfaction of the Registrar—

- (a) that all money or money's worth due under a registered charge has been paid to the chargee or by his direction;
- (b) that there has been fulfilment of all the conditions to which a registered charge relates;
- (c) that part of money or money's worth due under a registered charge has been paid to the chargee or by his direction; or
- (d) that there has been fulfilment of some of the conditions to which a registered charge relates,

the Registrar shall—

- (e) in the case of paragraph (a) or (b), remove the entry in the Title Register referring to the charge;
- (f) in the case of paragraph (c) or (d), alter the entry in the Title Register referring to the charge or remove the entry or substitute a new entry, as the case may require.

42. Floating charge

(Not yet in operation)

- (1) Subject to subsection (3), an instrument providing for a floating charge, whether or not it specifically identifies any registered land or registered long term lease charged, shall not be registrable as a charge.

- (2) An instrument providing for a floating charge becomes—
 - (a) an instrument providing for a fixed charge on the registered land or the registered long term lease intended to be affected; and
 - (b) registrable as a charge on that land or lease, upon crystallization of that charge as evidenced by a certificate signed by or on behalf of the chargee.
- (3) An instrument providing for a fixed charge and a floating charge shall be registrable as a charge on the registered land or the registered long term lease which is subject to the fixed charge.

43. Transfer

(Not yet in operation)

- (1) A transfer of registered land, a registered charge or a registered long term lease shall be effected by the registration of the transferee as—
 - (a) the owner of the registered land;
 - (b) the owner of the registered charge; or
 - (c) the lessee of the registered long term lease, as the case may be.
- (2) The transferee of a registered charge may require the chargor to execute the transfer for the purpose of acknowledging the amount due under the charge at the date of execution of the transfer, and the chargor shall comply with that requirement accordingly.

44. Division of land, etc.

(Not yet in operation)

- (1) Subject to subsections (2) and (3), the Registrar shall not accept an application the registration of which will effect a division of registered land unless, in respect of each of the parcels of land to result from the division, the instrument accompanying the application and providing for the division is accompanied by a land boundary plan—
 - (a) showing and delineating those parcels; and
 - (b) subject to subsection (4), signed and certified by an authorized land surveyor.
- (2) Without prejudice to the generality of subsections (3) and (4)
—

- (a) subject to paragraph (b), it shall not be necessary for an instrument referred to in subsection (1) to be accompanied by a land boundary plan referred to in subsection (1) where the division of registered land concerned is provided for by a will or judgment and that instrument is the grant of probate in respect of the will, or the judgment, as the case may be;
 - (b) it shall be necessary for an instrument accompanying an application presented for the registration of a dealing to effect the passing of title to any parcel of land resulting from that division to be accompanied by such a land boundary plan.
- (3) It shall not be necessary for an instrument referred to in subsection (1) or (2)(b) to be accompanied by a land boundary plan referred to in that subsection if the instrument was executed before the commencement of section 30 of the Land Survey Ordinance (Cap. 473).
- (4) It shall not be necessary for a land boundary plan—
- (a) accompanying an instrument referred to in subsection (1) or (2)(b); and
 - (b) which has been prepared by the Government, to be signed and certified by an authorized land surveyor.

45. Implied covenants for title

(Not yet in operation)

- (1) For the avoidance of doubt, it is hereby declared that—
 - (a) the provisions of this Ordinance shall not prejudice the operation of section 35 of the Conveyancing and Property Ordinance (Cap. 219); and
 - (b) no reference to a covenant implied under that section shall be entered in the Title Register.
- (2) Where a covenant implied under section 35 of the Conveyancing and Property Ordinance (Cap. 219) is to be excluded, varied or extended in a transfer of registered land or a registered charge, express reference shall be made to the covenant so excluded, varied or extended in the instrument supporting the transfer or registered charge.
- (3) Where a transfer or charge is supported by an instrument mentioned in subsection (2), then the registration of the transfer or charge shall of itself effect the registration of the covenant implied under section 35 of the Conveyancing and Property Ordinance (Cap. 219) as varied or extended by the transfer or charge.

46. Provisions as between vendor and purchaser

(Not yet in operation)

- (1) On a sale of registered land or a registered long term lease to a purchaser—
 - (a) the vendor shall, subject to any stipulation to the contrary, provide the purchaser with—
 - (i) a copy of the current entries in the Title Register;
 - (ii) a copy of any instrument referred to in any such entry;
 - (iii) a copy of any plan referred to in any such entry or instrument; and
 - (iv) such other documents as may be prescribed by the regulations,
so far as any such entries, instrument, plan or documents respectively affect the land or lease (except registered incumbrances which are to be discharged at or prior to completion of the sale);
 - (b) the vendor shall, subject to subsection (2) and to any stipulation to the contrary, at his own expense provide the purchaser with particulars of any overriding interests affecting the land or lease of which he has, or ought reasonably to have, knowledge; and
 - (c) where the vendor is not the owner of the land or of a registered charge giving a power of sale over the land, or the lessee of the lease, he shall, at the request of the purchaser and at his own expense, and notwithstanding any stipulation to the contrary, procure—
 - (i) the registration of himself as the owner of the land or charge or the lessee of the lease; or
 - (ii) a disposition of the land, charge or lease from the owner to the purchaser.
- (2) Where, on the first transfer on or after the date of first registration of land, the vendor has, or ought reasonably to have, knowledge of an overriding interest which might affect the land—
 - (a) the vendor shall, notwithstanding any stipulation to the contrary, and whether under subsection (1)(b) or otherwise, at his own expense provide the purchaser of the land with full particulars of the interest; and

- (b) the purchaser shall include the particulars provided to him under paragraph (a) in the application presented to the Registrar for the registration of the transfer.
- (3) Notwithstanding any stipulation to the contrary, on a sale of registered land or a registered long term lease, a purchaser shall only be entitled to require from the vendor the matters required to be provided by the vendor to the purchaser under this section.

47. Transfer subject to lease

(Not yet in operation)

A transfer of registered land or a registered long term lease which is subject to a lease shall be valid without the lessee of the last-mentioned lease acknowledging the transferee as lessor, but nothing in this section shall—

- (a) affect the validity of any payment of rents made by the lessee to the transferor; or
- (b) render the lessee liable, on account of his failure to pay rents to the transferee, for any breach of agreement to pay rents,

before a notice of the transfer is given to the lessee by the transferor or transferee.

48. Leases other than long term leases

(Not yet in operation)

- (1) The Registrar shall register—
 - (a) the grant of a lease;
 - (b) any transaction concerning a lease where the lessee's interest in the lease is or is to be affected by the transaction.
- (2) In this section, “lease” (租契) does not include—
 - (a) a lease which is an overriding interest;
 - (b) a lease of any land which is not registered land; or
 - (c) a long term lease.

49. Long term leases

(Not yet in operation)

- (1) An application for the registration of a long term lease shall be made by the first lessee of the long term lease granted by the owner of the registered land on or after the date of first registration of the land.

- (2) Where, on the grant of a long term lease by the owner of the registered land on or after the date of first registration of the land, the owner has, or ought reasonably to have, knowledge of an overriding interest which might affect the long term lease—
 - (a) the owner shall, notwithstanding any stipulation to the contrary, at his own expense provide the first lessee of the long term lease with full particulars of the interest; and
 - (b) the first lessee shall include the particulars provided to him under paragraph (a) in the application presented to the Registrar under subsection (1).
- (3) The Registrar may register a long term lease which is the subject of an application under subsection (1) if the Registrar is satisfied that the application complies with the provisions of this Ordinance applicable to it.
- (4) The Registrar shall register a long term lease which is the subject of an application under subsection (1) by—
 - (a) making an entry in the Title Register specifying that the applicant is the lessee of the long term lease; and
 - (b) entering such other particulars in the Title Register relating to the lease as the Registrar considers appropriate.
- (5) The date of first registration of a long term lease registered under this section shall be the date on which the application for registration of the lease was delivered to the Land Registry.

50. Termination of leases

(Not yet in operation)

Where a registered lease is terminated (whether by surrender, forfeiture, re-entry or otherwise), the Registrar shall remove the entry in the Title Register referring to the lease on the presentation of an application to the Registrar therefor together with—

- (a) the instrument, if any, providing for the termination; or
- (b) such other evidence as satisfies the Registrar that the lease has been terminated.

51. Easements

(Not yet in operation)

- (1) An instrument creating, or evidencing the existence of, an easement shall specify—

- (a) the nature of the easement, the period for which it is granted and any conditions, limitations or restrictions intended to affect its enjoyment;
 - (b) the registered land or the registered long term lease burdened by the easement and, if required by the Registrar, the particular part of the land so burdened; and
 - (c) the registered land or the registered long term lease which enjoys the benefit of the easement and, if required by the Registrar, the particular part of the land so benefited.
- (2) The registration of an easement shall be effected by the entering in the Title Register of particulars of the instrument creating, or evidencing the existence of, the easement both in respect of the registered land or the registered long term lease burdened and the registered land or the registered long term lease benefited by the easement.

52. Covenants

(Not yet in operation)

- (1) Where an instrument, other than a lease or charge, provides for a covenant (whether positive or restrictive in effect)—
- (a) which relates to registered land or a registered long term lease of the covenantor;
 - (b) the burden of which is expressed or intended to run with the registered land or the registered long term lease of the covenantor; and
 - (c) which is expressed and intended to benefit the registered land or the registered long term lease of the covenantee and his successors in title or persons deriving title to that land or lease under or through him or them,
- the registration of the covenant shall be effected by the entering in the Title Register of particulars of that instrument both in respect of the registered land or the registered long term lease burdened and the registered land or the registered long term lease benefited by the covenant.
- (2) Subject to section 28, an instrument providing for a covenant shall not affect registered land or a registered long term lease unless particulars of the instrument are entered in the Title Register.
- (3) In this section, “covenant” (契諾) does not include a deed of mutual covenant within the meaning of section 53.
- (4) For the avoidance of doubt, it is hereby declared that this section shall not prejudice the operation of section 45.

53. Deeds of mutual covenant

(Not yet in operation)

- (1) The registration of a deed of mutual covenant shall be effected by—
 - (a) its registration as an incumbrance; and
 - (b) entering particulars of the deed in the Title Register.
- (2) The registration of any alteration or addition to a registered deed of mutual covenant shall be effected by—
 - (a) adding to or altering the entry in the Title Register referring to the deed; or
 - (b) removing that entry and substituting a new entry in relation to the deed.
- (3) On proof to the satisfaction of the Registrar that a registered deed of mutual covenant, including any registered alterations or additions, has been extinguished or otherwise terminated, the Registrar shall remove the entry in the Title Register referring to the deed.
- (4) The registration of a deed of mutual covenant under this section shall also effect the registration of any easement, right or covenant provided for in the deed which affects the registered land or registered long term lease concerned.
- (5) In this section—

“deed of mutual covenant” (公契) includes a document which defines the rights, interests and obligations of owners among themselves;

“owner” (業主) has the meaning assigned to it by section 2 of the Building Management Ordinance (Cap. 344).
- (6) For the avoidance of doubt, it is hereby declared that, except to the extent provided by this Ordinance, nothing in this section shall prejudice the operation of sections 39, 40 and 41 of the Conveyancing and Property Ordinance (Cap. 219).

54. Release and extinguishment of registered easements and covenants

(Not yet in operation)

- (1) On the registration of an executed release in respect of a registered easement or covenant—
 - (a) the easement or covenant is thereupon extinguished; and
 - (b) the Registrar shall remove the entry in the Title Register referring to that easement or covenant.

- (2) The Registrar shall, on—
- (a) application presented to him by a person affected by a registered easement or covenant; and
 - (b) proof to his satisfaction that—
 - (i) the period for which the easement or covenant was intended to exist has expired;
 - (ii) the event upon which the easement or covenant was intended to determine has occurred; or
 - (iii) the easement or covenant has otherwise ceased to have effect,
- remove the entry in the Title Register referring to that easement or covenant.

55. Modification or partial extinguishment of registered easements and covenants

(Not yet in operation)

The Registrar shall register an application for the modification or partial extinguishment of a registered easement or covenant where —

- (a) the application is accompanied by an instrument providing for the modification or partial extinguishment; and
- (b) the Registrar is satisfied that each owner of the registered land or each lessee of the registered long term lease burdened or benefited by the easement or covenant consents to the modification or partial extinguishment.

57. Registration of more than one owner

(Not yet in operation)

- (1) An instrument providing for a transfer made in favour of 2 or more persons shall not be registered unless it shows, in respect of the registered land or the registered long term lease to which it relates—
 - (a) whether the persons are joint tenants or tenants in common; and
 - (b) where the persons are tenants in common, the share of each owner or lessee.
- (2) The entry made in the Title Register to effect the registration of an instrument referred to in subsection (1) shall show the particulars required to be shown in that instrument under paragraphs (a) and (b) of that subsection.

58. No interference with rights of succession, etc.

(Not yet in operation)

Nothing in this Ordinance shall be construed as affecting—

- (a) a right which the owner of registered land or a registered charge, or the lessee of a registered long term lease, has to make a will, under the law relating to testamentary disposition, disposing of the land, charge or lease on his death;
- (b) the law of intestate succession;
- (c) a right of succession to land under Part II of the New Territories Ordinance (Cap. 97) (including that Part as read with section 12 of the New Territories Land (Exemption) Ordinance (Cap. 452)); or
- (d) the operation of section 15 or 18 of the New Territories Ordinance (Cap. 97).

59. Form of instruments

(Not yet in operation)

- (1) A disposition of registered land, a registered charge or a registered long term lease, or the grant or reservation of an easement over registered land or a registered long term lease, may be made in any manner as could have been done prior to the date of first registration of the land or lease except where —
 - (a) such a disposition, grant or reservation is required to be made by an instrument in the specified form and there is such a specified form; or
 - (b) notwithstanding that such a disposition, grant or reservation is not required to be made by an instrument in the specified form, the Registrar has exercised his power under section 99 to specify the form of such an instrument.
- (2) An instrument, where applicable, shall contain a true statement of the amount or value of any purchase price or loan or other consideration.

60. Stamping

(Not yet in operation)

- (1) Without prejudice to the operation of section 15(3) of the Stamp Duty Ordinance (Cap. 117), no instrument required by law to be stamped shall be accepted for registration of any matter unless the instrument is stamped in accordance with the requirements of that Ordinance.
- (2) Subject to section 71(3) and without prejudice to the operation of section 15(3) of the Stamp Duty Ordinance (Cap. 117), where an application for the registration of a consent caution, a non-consent caution, an inhibition or a restriction for the purpose of protecting an interest in registered land, a registered charge or a registered long term lease is supported by an instrument required by law to be stamped, the registration shall not be proceeded with unless the instrument is stamped in accordance with the requirements of the Stamp Duty Ordinance (Cap. 117).

61. Minors

(Not yet in operation)

- (1) Nothing in this section enables a minor who is the owner of registered land or a registered charge, or the lessee of a registered long term lease, to deal with the land, charge or lease or with an interest in the land, charge or lease.
- (2) Where a disposition by a minor of registered land, a registered charge or a registered long term lease has been registered and —
 - (a) the person to whom the disposition is made acted in good faith and for valuable consideration; and
 - (b) the fact that the minor was a minor was not disclosed to that person at any time before the registration of the disposition,that disposition shall not be set aside only on the ground that the disposition was made by a minor.
- (3) For the avoidance of doubt, it is hereby declared that where the owner of registered land or a registered charge, or the lessee of a registered long term lease, is a minor and that fact is disclosed to the Registrar in any application for registration made by him, then the name of that minor shall be entered in the Title Register with the addition after the minor's English name of the words "a minor" and with the addition after his Chinese name of the words "未成年人".

62. Transmission

(Not yet in operation)

- (1) Without prejudice to the operation of sections 63, 64, 65, 66, 67 and 68, where a person becomes entitled to registered land, a registered charge or a registered long term lease under an order of a court of competent jurisdiction, under an enactment or by operation of law (including in the capacity of trustee), the Registrar shall, on the presentation to him by the person of such evidence as the Registrar requires, register the person so entitled—
 - (a) as the owner, or as the owner in the capacity of trustee, of the land or charge; or
 - (b) as the lessee, or as the lessee in the capacity of trustee, of the lease,
 as the case may require.
- (2) The registration of a person under subsection (1) as the owner, or as the owner in the capacity of trustee, of registered land shall be treated as only confirming that the person has the same legal estate or equitable interest and rights as would have been vested in that person if the land had been transferred to him and he had been registered as the owner of the land under section 25.
- (3) The registration of a person under subsection (1) as the lessee, or as the lessee in the capacity of trustee, of a registered long term lease shall be treated as only confirming that the person has the same interest and rights as would have been vested in that person if he had been registered as the lessee of the lease under section 26.

63. Transmission on death of joint tenant

(Not yet in operation)

- (1) Subject to subsection (2), where one of 2 or more joint tenants of registered land, a registered charge or a registered long term lease dies, the Registrar, on proof to his satisfaction of the death, shall remove the name of the deceased from the Title Register.
- (2) The Registrar shall not remove the name of a deceased from the Title Register under subsection (1) until he is satisfied that —
 - (a) estate duty is not payable under the Estate Duty Ordinance (Cap. 111) on the deceased's interest in registered land or the registered long term lease concerned; or
 - (b) where such estate duty is payable on such interest—

- (i) the estate duty has been paid in accordance with the provisions of that Ordinance; or
- (ii) the payment of the estate duty has been secured to the satisfaction of the Commissioner under section 15 of the Estate Duty Ordinance (Cap. 111).

64. Transmission on death of sole owner or tenant in common

(Not yet in operation)

- (1) Where a sole owner or tenant in common of registered land or a registered charge dies, or a sole lessee of or one of 2 or more lessees holding as tenants in common of a registered long term lease dies, his personal representative shall, on the presentation to the Registrar of the grant concerned, be entitled to be registered as the owner of the land or charge, or as the lessee of the lease, in the place of the deceased, with the addition after the personal representative's English name of the words "as executor of the will of deceased" or "as administrator of the estate of deceased", as the case may be, and after the personal representative's Chinese name of the words "作為死者.....的遺囑執行人" or "作為死者.....的遺產管理人", as the case may be.
- (2) Where a sole owner or tenant in common of registered land or a registered charge dies, or a sole lessee of or one of 2 or more lessees holding as tenants in common of a registered long term lease dies, the Registrar may, on the presentation to him of the grant concerned by the personal representative of the deceased owner or lessee, and without requiring the personal representative to be registered in accordance with subsection (1), register—
 - (a) a transfer of the land, charge or lease by the personal representative; or
 - (b) a discharge of the charge by the personal representative.
- (3) Where under section 17 of the New Territories Ordinance (Cap. 97) as read with section 12 of the New Territories Land (Exemption) Ordinance (Cap. 452) any registered land is vested in any person as a successor, that person shall, on the presentation to the Registrar of evidence which satisfies the Registrar that the land has so vested, be entitled to be registered as the owner of the land in place of the deceased person concerned.

- (4) In this section, “grant” (授予承辦證明) means—
- (a) the grant of the probate of the will;
 - (b) the grant of letters of administration of the estate; or
 - (c) evidence of the summary administration, under section 15 of the Probate and Administration Ordinance (Cap. 10), of the estate,
- of the deceased owner of registered land or a registered charge, or the deceased lessee of a registered long term lease, and includes the resealing of the grant.

65. Transmission on death of trustee

(Not yet in operation)

Where a trustee who in that capacity is registered as the owner of registered land or a registered charge dies, or where a trustee who in that capacity is registered as the trustee of a registered long term lease dies, his personal representative or any surviving or newly appointed trustee shall, on the presentation to the Registrar of such evidence as the Registrar requires, be entitled to be registered as the owner of the land or charge, or as the lessee of the lease, in the place of the deceased, with the addition after his English name of the words “as trustee” and with the addition after his Chinese name of the words “作為受託人”.

66. Effect of transmission on death and dealing by personal representative

(Not yet in operation)

A personal representative who in that capacity is registered as the owner of registered land or a registered charge, or as the lessee of a registered long term lease shall—

- (a) be subject to any interests to which the land, charge or lease is subject at the time of registration of the personal representative as the owner or lessee, as the case may be; and
- (b) without prejudice to paragraph (a), for the purposes of any dealing in the land, charge or lease, have—
 - (i) unrestricted power of sale over the land, charge or lease;

- (ii) all the rights conferred under this Ordinance or any other enactment on the owner of registered land or a registered charge, or the lessee of a registered long term lease, as the case may be, who has acquired the land, charge or lease for valuable consideration.

67. Transmission on bankruptcy

(Not yet in operation)

- (1) A trustee in bankruptcy shall, on the presentation to the Registrar of a sealed copy of the order of the Court—
 - (a) adjudging the owner of registered land or a registered charge bankrupt, or the lessee of a registered long term lease bankrupt; or
 - (b) directing that the estate of the deceased owner of registered land or a registered charge, or the deceased lessee of a registered long term lease shall be administered according to the law of bankruptcy,be entitled to be registered as the owner of the land or charge, or as the lessee of the lease, in the place of the bankrupt or deceased owner or lessee, with the addition after the English name of the trustee in bankruptcy of the words “as trustee of the property of a bankrupt”, and with the addition after the Chinese name of the trustee in bankruptcy of the words “作為破產人.....的財產的受託人”.
- (2) A trustee in bankruptcy who in that capacity is registered as the owner of registered land or a registered charge, or as the lessee of a registered long term lease shall—
 - (a) be subject to—
 - (i) any restrictions (including any rights) provided for in the Bankruptcy Ordinance (Cap. 6) or any other enactment; and
 - (ii) any interests subject to which the bankrupt or deceased owner of the land or charge or lessee of the lease held the land, charge or lease immediately prior to his bankruptcy or death;
 - (b) without prejudice to paragraph (a), for the purposes of any dealing in the land, charge or lease, have—
 - (i) unrestricted power of sale over the land, charge or lease;

- (ii) all the rights conferred under this Ordinance or any other enactment on the owner of registered land or a registered charge, or the lessee of a registered long term lease, as the case may be, who has acquired the land, charge or lease for valuable consideration.

68. Transmission on liquidation

(Not yet in operation)

- (1) Where a company is being wound up—
 - (a) the liquidator of the company shall present to the Registrar the resolution or order under which he holds his appointment as liquidator; and
 - (b) on the presentation of the resolution or order, the Registrar shall enter the appointment in the Title Register in respect of any registered land, registered charge or registered long term lease of which the company is the owner or lessee.
- (2) An instrument executed by or on behalf of a company being wound up presented to the Registrar for registration after the appointment of the liquidator of the company has been entered in the Title Register shall—
 - (a) in the case of a company required by law to have a common seal, be sealed with the common seal of the company and attested by the liquidator;
 - (b) in any other case, be signed by the liquidator.
- (3) Where an order has been made under section 198 of the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32) vesting in the liquidator of a company any registered land, registered charge or registered long term lease of which the company is the owner or lessee — *(Amended 28 of 2012 ss. 912 & 920)*
 - (a) the liquidator shall present the order to the Registrar; and
 - (b) on the presentation of the order, the Registrar shall register the liquidator as the owner or lessee, as the case may be, of the land, charge or lease.
- (4) Where under subsection (3) the liquidator of a company is registered as the owner of registered land or a registered charge, or as the lessee of a registered long term lease, the liquidator shall be subject to—
 - (a) any restrictions (including any rights) provided for in the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32) or any other enactment; and

- (b) any interests subject to which the company held the land, charge or lease immediately prior to the order made under section 198 of the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32) by virtue of which the land, charge or lease was vested in the liquidator. (*Amended 28 of 2012 ss. 912 & 920*)

69. Trusts

(Not yet in operation)

- (1) A person who, in the capacity of trustee (other than as a personal representative or trustee in bankruptcy)—
 - (a) acquires registered land, a registered charge or a registered long term lease;
 - (b) holds a registered charge;
 - (c) holds a long term lease; or
 - (d) becomes the lessee of a Government lease issued on or after the appointed day,may be described by that capacity in the relevant instrument, and, if so described, shall be registered with the addition of the words “as trustee” and “作為受託人”, but the Registrar shall not enter particulars of the trust concerned in the Title Register.
- (2) Where the owner of registered land or a registered charge, or the lessee of a registered long term lease, makes a declaration of trust in respect of the land, charge or lease, or otherwise comes to hold the land, charge or lease as a trustee (other than as a personal representative or trustee in bankruptcy), the Registrar shall, on the presentation of an application for the registration of a transfer of the land, charge or lease supported by the declaration or other instrument by virtue of which the owner comes to hold the land, charge or lease as a trustee, add the words “as trustee” after that person’s English name and add the words “作為受託人” after that person’s Chinese name in the Title Register concerned, but the Registrar shall not enter particulars of the trust concerned in the Title Register.
- (3) For the avoidance of doubt, it is hereby declared that subsections (1) and (2) shall not prevent the making of an entry of a consent caution, non-consent caution, inhibition or restriction in the Title Register by reason only of the fact that the entry contains particulars of a trust.
- (4) A person who, in the capacity of trustee, is registered under this section as the owner of registered land or a registered charge, or as the lessee of a registered long term lease—

- (a) shall be subject to any interests to which the land, charge or lease is subject at the time of registration of the person as the owner or lessee, as the case may be; and
 - (b) without prejudice to paragraph (a), for the purposes of any dealing in the land, charge or lease, shall have all the rights conferred under this Ordinance or any other enactment on the owner of registered land or a registered charge, or the lessee of a registered long term lease, as the case may be, who has acquired the land, charge or lease for valuable consideration.
- (5) No breach of the terms of the trust to which the person, land, charge or lease referred to in subsection (4) is subject shall create any right or indemnity under this Ordinance.

70. Protection of person dealing with trustees

(Not yet in operation)

Where a person, in the capacity of trustee, is registered as the owner of registered land or a registered charge, or as the lessee of a registered long term lease, he shall, in dealing with the land, charge or lease, be deemed to be the owner of that land or charge or lessee of that lease, and no disposition that amounts to a breach of trust by the trustee to a bona fide purchaser for valuable consideration shall be defeasible by reason only of the fact of that breach.

71. Registration of cautions

(Not yet in operation)

- (1) A person who intends to effect a dealing in registered land, a registered charge or a registered long term lease may present to the Registrar an application for the registration of a consent caution in respect of the dealing if he has obtained the consent of the relevant person specified in subsection (2).
- (2) For the purposes of subsection (1), the relevant person is—
 - (a) the owner of the registered land or registered charge, or the lessee of the registered long term lease, as the case may be; or
 - (b) the cautioner under a registered consent caution with whom any person intends to enter into a dealing in respect of an interest that the cautioner claims under that registered consent caution.

- (3) Where an instrument which is a provisional agreement for sale and purchase or an agreement for sale and purchase in respect of registered land or a registered long term lease has been or will be presented for stamping or endorsement under the Stamp Duty Ordinance (Cap. 117), then a consent caution in respect of that dealing may be registered if the application for the registration of the consent caution is accompanied by a statutory declaration by the purchaser under the dealing to the effect that the instrument has been or will be so presented.
- (4) A person who—
- (a) claims any interest, whether contractual or otherwise, in registered land or a registered charge, or a registered long term lease; or
 - (b) has presented a winding-up petition against the owner of registered land or a registered charge, or the lessee of a registered long term lease,
- may present to the Registrar an application for the registration of a non-consent caution in respect of the claim or petition, as the case may be (and whether or not that person is the owner of that land or the lessee of that lease).
- (5) The reference to interest in subsection (4)(a) shall include—
- (a) *(Repealed 28 of 2012 ss. 912 & 920)*
 - (b) in any case where a gift inter vivos of any property is made and estate duty would be payable by virtue of section 6(1)(c) of the Estate Duty Ordinance (Cap. 111), a first charge under section 18(1) of that Ordinance which may arise by virtue of the gift.
- (6) A transfer by a natural person of registered land or a registered long term lease by way of gift inter vivos shall not be registered unless there is registered at the same time a non-consent caution to the effect that, in consequence of that transfer, the land or lease is or may become subject to a first charge under section 18(1) of the Estate Duty Ordinance (Cap. 111).
- (7) Notwithstanding subsection (4), for the purposes of subsection (6), an application for the registration of a transfer referred to in subsection (6) shall be accompanied by an application for the registration of a non-consent caution referred to in subsection (6) made by the same person who makes the application for registration of the transfer.

- (8) The Commissioner, within the meaning of the Estate Duty Ordinance (Cap. 111), shall be entered in the Title Register as the cautioner in respect of a non-consent caution referred to in subsection (7) which has been registered, and the other provisions of this Ordinance (including section 73) shall be construed accordingly.
- (9) The Registrar may require the person presenting an application for the registration of a consent caution or non-consent caution to support the application by such evidence as the Registrar requires.
- (10) Subject to subsections (11) and (12), the Registrar shall register a consent caution or non-consent caution.
- (11) The Registrar may refuse to register a consent caution or non-consent caution the purpose of which he considers can be effected by an entry in the Title Register other than an entry referring to the caution.
- (12) An instrument providing for a floating charge, whether or not it specifically identifies any registered land or registered long term lease charged, shall not be treated as providing for a matter registrable as a consent caution or non-consent caution.
- (13) A *lis pendens* shall be treated as providing for a matter registrable as a non-consent caution.

72. Effect of cautions, etc.

(Not yet in operation)

- (1) Where a consent caution has been registered in respect of registered land, a registered charge or a registered long term lease, the consent caution shall not of itself prohibit the registration of matters in the Title Register affecting the land, charge or lease.
- (2) Where a non-consent caution has been registered in respect of registered land, a registered charge or a registered long term lease, the non-consent caution shall not of itself prohibit the making of entries in the Title Register affecting the land, charge or lease.
- (3) For the avoidance of doubt, it is hereby declared that the registration of a consent caution shall not—
 - (a) of itself affect the validity or otherwise of the interest which is the subject of the consent caution; or
 - (b) without prejudice to the generality of paragraph (a), constitute a warranty, or a guarantee, as to the validity of the interest which is the subject of the consent caution.

- (4) For the avoidance of doubt, it is hereby declared that the registration of a non-consent caution shall not—
 - (a) of itself affect the validity or otherwise of the winding-up petition or claim which is the subject of the non-consent caution; or
 - (b) without prejudice to the generality of paragraph (a), constitute a warranty, or a guarantee, as to the validity of the winding-up petition or claim.

73. Withdrawal and removal of cautions

(Not yet in operation)

- (1) A consent caution or non-consent caution may be withdrawn on the presentation to the Registrar by the cautioner of an application for the withdrawal of the caution.
- (2) A consent caution or non-consent caution may be removed on the presentation to the Registrar of an application for its removal—
 - (a) in any case, by a person who has obtained an order of the Court for its removal;
 - (b) in the case of a consent caution, by the owner of the registered land or the registered charge, or the lessee of the registered long term lease, affected by the caution, but only if the Registrar is satisfied that the cautioner has agreed to its removal; or
 - (c) in the case of a non-consent caution, by the owner of the registered land or the registered charge, or the lessee of the registered long term lease, affected by the caution, but only if the Registrar—
 - (i) is satisfied that the owner or lessee has provided a copy of the application to the cautioner not less than 14 days before the presentation of the application to the Registrar; and
 - (ii) is satisfied—
 - (A) that the caution was wrongfully registered;
 - (B) that the ground on which the caution was registered no longer exists; or
 - (C) that the cautioner consents to the removal of the caution.

- (3) Where the subject of a non-consent caution is a first charge under section 18(1) of the Estate Duty Ordinance (Cap. 111), then the Registrar may be satisfied for the purposes of subsection (2)(c)(ii) if the application referred to in that subsection is accompanied by—
- (a) a statutory declaration made by the donor concerned, not less than 3 years after the date on which the gift concerned was made, that he is still alive;
 - (b) a death certificate showing a date of death of the donor concerned which is a date not less than 3 years after the date on which the gift concerned was made;
 - (c) any other evidence proving that the donor concerned is or was alive not less than 3 years after the date on which the gift concerned was made; or
 - (d) papers proving that—
 - (i) the estate duty (including any interest thereon) to which the charge relates has been paid; or
 - (ii) no estate duty is required to be paid in respect of the land or lease to which the charge relates.
- (4) The Registrar may require the owner of registered land or a registered charge, or the lessee of a registered long term lease, presenting an application for the removal of a consent caution or non-consent caution under subsection (2)(b) or (c) to support the application by such evidence as the Registrar requires.
- (5) A person with an interest in registered land, a registered charge or a registered long term lease affected by a consent caution or non-consent caution may apply by originating summons to the Court for the removal of the caution, and the Court may make such order on the originating summons and as to costs as to the Court appears just.
- (6) On the withdrawal or removal of a consent caution or non-consent caution—
- (a) the Registrar shall remove the entry in the Title Register referring to the caution; and
 - (b) any liability of the cautioner previously incurred under section 74 shall not be affected by the removal of that entry.
- (7) The Registrar shall give effect to an order made under subsection (2)(a) or (5) in accordance with the provisions of the order.

74. Wrongful cautions

(Not yet in operation)

- (1) A person who applies to register a consent caution or non-consent caution without reasonable cause shall be liable, in an action for damages at the suit of—
 - (a) the owner of the registered land or registered charge concerned;
 - (b) the lessee of the registered long term lease concerned; or
 - (c) any other person who has an interest in the land, charge or lease,to pay compensation to the owner, lessee or other person for any damage sustained thereby, in such amount as to the Court appears just.
- (2) A cautioner under a registered consent caution or non-consent caution who fails, without reasonable excuse, to apply to the Registrar for the withdrawal of the caution within a reasonable period of time after the ground on which it was registered ceases to exist, shall be liable, in an action for damages at the suit of a person referred to in subsection (1)(a), (b) or (c), to pay compensation to that person for any damage sustained thereby, in such amount as to the Court appears just.

75. Power of Court to inhibit dealings

(Not yet in operation)

- (1) The Court may, if it appears to the Court that it is necessary or desirable to do so for the purpose of protecting an interest or claim in relation to registered land, a registered charge or a registered long term lease, make an order inhibiting the registration of any dealing in the land, charge or lease, on such terms and conditions as it thinks fit—
 - (a) for a particular period;
 - (b) until the occurrence of a particular event; or
 - (c) generally until the making of a further order by the Court.
- (2) The person who has obtained an inhibition shall present to the Registrar an application for the registration of the inhibition, supported by a copy of the inhibition under seal of the Court, and on such presentation the Registrar shall register the inhibition.

- (3) An inhibition shall not affect registered land, a registered charge or a registered long term lease until the inhibition has been registered.

76. Effect of inhibitions

(Not yet in operation)

While an inhibition remains registered, no dealing which is inconsistent with it shall be registered.

77. Removal of inhibitions

(Not yet in operation)

The registration of an inhibition shall not be removed from the Title Register except on the presentation to the Registrar of an application for the removal of that registration on one or more of the following grounds—

- (a) on the expiration of the period limited by the inhibition;
- (b) on proof to the satisfaction of the Registrar of the occurrence of the event specified in the inhibition;
- (c) on the registered land or the registered charge affected by the inhibition being sold by a chargee, unless such sale is itself inhibited; or
- (d) by order of the Court.

78. Restrictions by Registrar

(Not yet in operation)

- (1) The Registrar may, in respect of registered land, a registered charge or a registered long term lease, and—
- (a) after an application for an order under this section being presented to him by an interested person;
 - (b) after—
 - (i) directing such inquiries to be made and notices to be served as he thinks fit; and
 - (ii) giving such persons as appear to the Registrar from the Title Register may be affected by the order an opportunity of being heard; and
 - (c) after being satisfied that the powers of the owner of the registered land or the registered charge, or of the lessee of the registered long term lease, to deal in the land, charge or lease should be restricted to—
 - (i) prevent invalidity or unlawfulness in relation to dealing in the land, charge or lease; or

- (ii) protect an interest or claim in relation to the land, charge or lease,
- make an order prohibiting—
- (d) all dealings in the land, charge or lease;
 - (e) such dealings in the land, charge or lease as do not comply with conditions specified in the order.
- (2) A restriction may be expressed to endure—
 - (a) for a particular period;
 - (b) until the occurrence of a particular event; or
 - (c) generally until the making of a further order by the Registrar.
- (3) The Registrar shall register an order made under subsection (1).
- (4) A restriction shall not affect registered land, a registered charge or a registered long term lease until the restriction has been registered.
- (5) In this section, “interested person” (利害關係人), in relation to registered land, a registered charge or a registered long term lease, means a person—
 - (a) who is the owner of the land or charge or the lessee of the lease;
 - (b) who is entitled to be registered as the owner of the land or charge or the lessee of the lease; or
 - (c) who falls within a class of persons prescribed by the regulations for the purposes of this section.

79. Notice and effect of restrictions

(Not yet in operation)

- (1) The Registrar shall, as soon as reasonably practicable, give notice in writing of a restriction to the owner of the registered land or the registered charge, or the lessee of the registered long term lease, affected by the restriction.
- (2) Subject to section 28(2), while a restriction remains registered, no dealing in the registered land, registered charge or registered long term lease concerned which is inconsistent with the restriction shall be registered except—
 - (a) with the consent of the Registrar; or
 - (b) by order of the Court.

80. Removal and variation of restrictions

(Not yet in operation)

- (1) The Registrar may, in respect of a restriction—
 - (a) on application for the removal or variation of the restriction presented to him by—
 - (i) the owner of registered land or a registered charge, or the lessee of a registered long term lease, affected by the restriction; or
 - (ii) any other interested person; and
 - (b) after giving the persons affected by the restriction an opportunity of being heard,remove or alter the entry in the Title Register referring to the restriction.
- (2) The Court may, in respect of a restriction—
 - (a) on application made to it by the owner of registered land or a registered charge, or the lessee of a registered long term lease, affected by the restriction or any other interested person; and
 - (b) after notice of the application referred to in paragraph (a) has been given to the Registrar,order the restriction to be removed or varied, or make such other orders as to the Court appears just, and may make an order as to costs.
- (3) The Registrar shall give effect to an order made under subsection (2) in accordance with the provisions of the order.

81. Rectification by Registrar

(Not yet in operation)

- (1) The Registrar may rectify any error or omission in the Title Register—
 - (a) on his own volition, if the rectification will not materially affect the interest of the owner of registered land or a registered charge, or the lessee of a registered long term lease;
 - (b) on application presented to him by any person, if the applicant proves to the satisfaction of the Registrar that the error or omission is of a clerical nature only and that the rectification will not materially affect the interest of the owner of registered land or a registered charge, or the lessee of a registered long term lease; or
 - (c) in any other case, with the consent of all persons interested.
- (2) The Registrar shall—

- (a) on application presented to him by a person stating that there has been a change in his name; and
 - (b) on proof to his satisfaction of that change,
- make an entry in the Title Register to record the change if that person's former name is the subject of an entry in the Title Register.
- (3) Where—
 - (a) pursuant to section 61(3), the name of a minor is entered in the Title Register as the owner of registered land or a registered charge, or as the lessee of a registered long term lease; and
 - (b) the owner or lessee, as the case may be, attains full age, then the owner or lessee, as the case may be, may make an application to the Registrar to remove the words in the Title Register which describe him as a minor.
 - (4) On receipt of an application under subsection (3), the Registrar shall, if he is satisfied that the owner or lessee concerned has attained full age, remove the words in the Title Register which describe him as a minor.

82. Rectification by Court

(Not yet in operation)

- (1) Subject to subsections (2) and (3) and section 83, the Court may, on application by any person, order the rectification of the Title Register by directing that an entry therein relating to registered land or a registered long term lease be removed or altered, or that an entry relating to registered land or a registered long term lease which has been omitted from the Title Register be entered therein, if the Court is satisfied that the entry was obtained, made or omitted, as the case may be, by or as a result of—
 - (a) the fraud, mistake or omission of any person; or
 - (b) a void or voidable instrument.
- (2) No order may be made under subsection (1) so as to affect the title of a person who is the registered owner of registered land or the registered lessee of a registered long term lease, and who is in possession of the land and has acquired the land or lease for valuable consideration, unless the Court is satisfied—

- (a) that the name of such person was entered in the Title Register as the owner or lessee, as the case may be, by or directly as a result of the fraud, mistake or omission in question or the void or voidable instrument in question, as the case may be; and
- (b) that—
 - (i) in the case of fraud, the person—
 - (A) was a party to the fraud;
 - (B) had knowledge of the fraud at the time his name was so entered in the Title Register; or
 - (C) had, by his act or by lack of proper care, substantially contributed to the fraud;
 - (ii) in the case of a mistake or omission, the person—
 - (A) caused the mistake or omission;
 - (B) had knowledge of the mistake or omission at the time his name was so entered in the Title Register; or
 - (C) had, by his act or by lack of proper care, substantially contributed to the mistake or omission; or
 - (iii) in the case of a void or voidable instrument, the person—
 - (A) caused the instrument to be void or voidable, as the case may be;
 - (B) had knowledge that the instrument was void or voidable, as the case may be, at the time his name was so entered in the Title Register; or
 - (C) had, by his act or by lack of proper care, substantially contributed to making the instrument void or voidable, as the case may be.
- (3) Subject to section 83, on an application made under subsection (1) by a former registered owner of registered land or a former registered lessee of a registered long term lease to restore his title to the land or lease on the ground that he lost his title by or as a result of fraud, the Court shall order the rectification of the Title Register to so restore the title of the applicant (and irrespective of whoever is currently the registered owner or registered lessee of the land or lease concerned), if the Court is satisfied that—

- (a) the entry in the Title Register by or as result of which the applicant lost his title was procured, whether in whole or in part, by or as a result of—
 - (i) a void instrument; or
 - (ii) a false entry in the Title Register;
 - (b) the applicant was not a party to the fraud; and
 - (c) the applicant did not, by his act or by lack of proper care, substantially contribute to the fraud.
- (4) An order may be made under subsection (1) or (3) whether or not the entry in the Title Register in question was obtained, made or omitted, as the case may be, before, on or after the date of first registration of the registered land or registered long term lease concerned.
 - (5) The Registrar shall give effect to an order made under subsection (1) or (3) in accordance with the provisions of the order.
 - (6) This section is without prejudice to the operation of section 3(4)(c).
 - (7) The Court may make such order as to the costs of proceedings under this section as to the Court appears just.
 - (8) Any costs of proceedings awarded against the Registrar in any proceedings under this section shall be paid out of the Land Titles Indemnity Fund.
 - (9) For the purpose of subsection (2), a person who is in receipt of rents or profits, or who has the right to receive rents or profits, in respect of the registered land or registered long term lease concerned shall be treated as being in possession of the land.

84. Indemnity

(Not yet in operation)

- (1) Subject to subsections (2) and (4)(b) and (c) and sections 85 and 87, a person suffering loss by reason of an entry in, or an entry omitted from, the Title Register, where such entry has been obtained, made or omitted, as the case may be, by or as the result of—
 - (a) fraud—
 - (i) on the part of any person;
 - (ii) which affects the ownership of the registered land concerned or the registration of a person as the lessee of a registered long term lease; and

- (iii) to which an order under section 82(1) or (3) relates (and whether or not the order grants or refuses the relevant application for rectification); or
 - (b) any mistake or omission on the part of any person referred to in section 11(3),

shall be entitled to be indemnified by the Government in respect of that loss.
- (2) No indemnity shall be payable under subsection (1) to a person who—
 - (a) has himself caused or substantially contributed to the loss by his fraud or negligence; or
 - (b) derives title (otherwise than under a registered disposition made in good faith and for valuable consideration) from a person who so caused or substantially contributed to the loss.
- (3) In this section, “omission” (遺漏) does not include a failure to deliver an application for registration.
- (4) For the avoidance of doubt, it is hereby declared that—
 - (a) nothing in this Ordinance shall affect the validity or otherwise of any claim made under section 23A of the Land Registration Ordinance (Cap. 128) before the date of first registration of the registered land or registered long term lease concerned;
 - (b) no indemnity shall be payable under subsection (1) in respect of any fraud, mistake or omission discovered (whether in proceedings before any court or otherwise)—
 - (i) subject to subparagraph (ii), before the date of first registration of the registered land concerned and irrespective of whether any claim in respect thereof has been, or could have been, or could not have been, made under section 23A of the Land Registration Ordinance (Cap. 128) before that date; or
 - (ii) before the date of first registration of the registered long term lease concerned and irrespective of whether any claim in respect thereof has been, or could have been, or could not have been, made under section 23A of the Land Registration Ordinance (Cap. 128) before that date;
 - (c) no indemnity shall be payable under subsection (1) in respect of any fraud, mistake or omission—

- (i) subject to subparagraph (ii), which occurred before the date of first registration of the registered land concerned and is discovered (whether in proceedings before any court or otherwise) on or after that date; or
 - (ii) which occurred before the date of first registration of the registered long term lease concerned and is discovered (whether in proceedings before any court or otherwise) on or after that date;
- (d) no indemnity shall be payable under subsection (1) in respect of any fraud, mistake or omission in relation to land which is not registered land (including any lease to which the land is subject), and whether or not the fraud, mistake or omission occurred before, on or after the appointed day.
- (5) Subject to subsections (2) and (4)(b) and (c) and sections 85 and 87, for the avoidance of doubt, it is hereby declared that where the Title Register is rectified under section 82(1) or (3), the registered owner of the land or the registered lessee of the long term lease who is deprived of the property in consequence of the rectification may make a claim for indemnity.

85. Amount of indemnity

(Not yet in operation)

- (1) The amount of any indemnity payable under section 84(1) shall not exceed, in respect of each entry referred to in that section in respect of which an indemnity is payable—
 - (a) in the case of any such entry obtained, made or omitted by or as the result of fraud on the part of any person—
 - (i) the value of the interest in the registered land or registered long term lease concerned on the date on which such entry was obtained, made or omitted; or
 - (ii) the amount from time to time determined under subsection (3) for the purposes of this subsection as such amount is in force immediately before the discovery of the fraud,
 whichever is the lesser;
 - (b) in any other case, the value of the interest in the registered land or registered long term lease concerned on the date on which the mistake or omission concerned was made.

- (2) Where 2 or more persons have ceased to be the owners of registered land or the lessees of a registered long term lease in consequence of—
 - (a) an order being made under section 82(1) or (3) for the rectification of the Title Register on the ground of fraud; or
 - (b) a fraud referred to in section 84(1),
 and, in consequence of that cesser, those persons are entitled to be paid an indemnity under section 84(1), then the total of the indemnity shall not exceed the amount referred to in subsection (1)(a).
- (3) The Financial Secretary may, by notice published in the Gazette, determine an amount for the purposes of subsection (1)(a)(ii).
- (4) For the avoidance of doubt, it is hereby declared that a notice under subsection (3) is subsidiary legislation.

86. Procedure for claiming indemnity

(Not yet in operation)

- (1) The Registrar shall, on application in the specified form made to him by an interested person—
 - (a) determine whether a right of indemnity has arisen under this Part; and
 - (b) if he determines that a right of indemnity—
 - (i) has arisen under this Part, offer an indemnity to the person of such value which, in the opinion of the Registrar, satisfies the right;
 - (ii) has not arisen under this Part, refuse the application.
- (2) The Court shall, on application made to it by an interested person who has made an application under subsection (1) and who has rejected an offer mentioned in subsection (1)(b)(i) or who has had the application refused under subsection (1)(b)(ii) —
 - (a) determine whether a right of indemnity has arisen under this Part; and
 - (b) if it determines that a right of indemnity has arisen under this Part, determine the amount of the indemnity in accordance with section 85 and award the indemnity accordingly together with, as to the Court appears just, any costs and expenses properly incurred in relation to the matter.

- (3) No proceedings may be commenced in the Court for the purposes of determining whether a right of indemnity has arisen under this Part except by a person mentioned in subsection (2).
- (4) A person who has accepted an offer under subsection (1)(b)(i) shall not commence any proceedings in the Court under Part 11 or this Part.

87. Time limit for claiming indemnity

(Not yet in operation)

A liability to pay an indemnity under this Part shall be deemed to be a simple contract debt and, for the purposes of section 4 of the Limitation Ordinance (Cap. 347), the cause of action shall be deemed to arise at the time when the claimant knows or, but for his own default, might have known, of the existence of his claim.

88. Recovery of indemnity paid

(Not yet in operation)

- (1) Where an indemnity is paid for a loss, the Government shall be entitled to recover the amount paid from any persons who have caused or substantially contributed to the loss by their fraud, in proportion to their respective contributions to the loss.
- (2) The Government shall be entitled to enforce any express or implied covenant or other right which the person who is indemnified would have been entitled to enforce in relation to the matter in respect of which indemnity has been paid.
- (3) For the avoidance of doubt, it is hereby declared that subsections (1) and (2) shall not operate to prevent a person to whom an indemnity has been paid from taking any legal proceedings or enforcing any right to recover any amount of damages that, by virtue of the operation of section 85(1)(a), he has not been able to recover from the Land Titles Indemnity Fund.

89. Discrepancy in area and boundary

(Not yet in operation)

As between the Government and the owner of registered land, no claim to indemnity under this Part shall arise, and no legal proceedings in respect thereof shall be commenced or maintained, on account of—

- (a) any surplus or deficiency in the area or measurement of the land disclosed by a survey (whether or not by an authorized land surveyor referred to in section 44) showing an area or measurement differing from the area or measurement—
 - (i) disclosed on any subsequent survey of the land; or
 - (ii) shown in the Title Register, on any Government lease or on any plan, or on any microfilm, image record or other record of any plan, kept in the Land Registry under section 6;
- (b) any boundary of the land disclosed by a survey (whether or not by an authorized land surveyor referred to in section 44) showing a boundary differing from any boundary—
 - (i) disclosed on any subsequent survey of the land; or
 - (ii) shown in the Title Register, on any Government lease or on any plan, or on any microfilm, image record or other record of any plan, kept in the Land Registry under section 6; and
- (c) any discrepancy in the area or measurement of the boundaries, whether upon a survey or otherwise, arising from the application or the determination of the boundaries of the lot under section 94.

90. Land Titles Indemnity Fund

(Not yet in operation)

- (1) An indemnity fund, to be known as the Land Titles Indemnity Fund, shall be established for the purposes of this Part in accordance with the regulations.
- (2) The amount of any indemnity awarded under section 86(1) or (2)(b) shall be paid out of the Land Titles Indemnity Fund.

91. Appeals against decisions made by Registrar

(Not yet in operation)

- (1) A person aggrieved by a decision made by the Registrar under this Ordinance (except a decision relating to a claim for indemnity) may appeal to the Court against the decision by serving on the Registrar a notice of appeal—
 - (a) in the specified form; and
 - (b) not later than 30 days after the decision has been made or such further period—
 - (i) as the Registrar permits in any particular case; or

- (ii) as to the Court appears just in any particular case.
- (2) Where the Registrar receives a notice of appeal under subsection (1), he shall prepare and send a brief statement of the question in issue to—
 - (a) the Court;
 - (b) the appellant; and
 - (c) any other person appearing to the Registrar from the Title Register to be affected by the appeal.
- (3) On the hearing of an appeal—
 - (a) the appellant;
 - (b) the Registrar; and
 - (c) any other person who, in the opinion of the Court, is affected by the appeal,may, subject to any rules of court, appear and be heard in person or by a counsel.
- (4) The Court may make such order on an appeal as the circumstances may require together with, as to the Court appears just, any costs and expenses properly incurred in relation to the appeal.
- (5) The Registrar shall give effect to an order made under subsection (4), in so far as it relates to him, in accordance with the provisions of the order.
- (6) In subsection (1), “decision” (決定) includes a direction, order, requirement, determination and refusal.

93. Appeal rules, etc.

(Not yet in operation)

The Chief Justice may make rules for regulating appeals under section 91, and applications made under this Ordinance to the Court, and for the fees to be paid in respect of such appeals and applications.

94. Determination of lot boundaries

(Not yet in operation)

- (1) Subject to the terms and conditions of the Government lease concerned and to subsection (2), the owner of registered land may make an application in the specified form—
 - (a) to the Director of Lands; and
 - (b) for a determination of the boundaries of—
 - (i) the lot; or

- (ii) a portion of the lot after the rest of the lot has been surrendered to or resumed by the Government.
- (2) The Director of Lands shall not make a determination under subsection (1) in respect of—
 - (a) any subdivision of a lot which is made by a person other than the Government; or
 - (b) a case where the application concerned does not have the consent of all the owners of the lot.
- (3) Subject to subsection (4), the Director of Lands shall make a determination of the boundaries of a lot which is the subject of an application under subsection (1)—
 - (a) by causing searches to be done to ascertain whether a land boundary plan prepared by the Director of Lands already exists (“existing plan”);
 - (b) if there is an existing plan, by deciding whether or not the existing plan is acceptable for the determination of the boundaries of the lot;
 - (c) if the Director of Lands decides that the existing plan is so acceptable, then, with the consent of the owner of the lot and upon payment of the relevant fee, by causing the existing plan to be registered;
 - (d) if there is no existing plan or the existing plan is not acceptable—
 - (i) by advising the owner of the lot to appoint an authorized land surveyor to conduct a land boundary survey of the lot in accordance with the code of practice approved under the Land Survey Ordinance (Cap. 473) and to deliver the resultant land boundary plan (“new plan”) certified by the authorized land surveyor and accompanied by the relevant fee to the Director of Lands; or
 - (ii) if the Director of Lands decides to do so and with the consent of the owner of the lot and upon payment of the relevant fee, by conducting a land boundary survey of the lot and preparing the resultant land boundary plan (“new plan”);
 - (e) by deciding whether or not the new plan, if any, is acceptable;
 - (f) if the Director of Lands decides that the new plan is so acceptable and with the consent of the owner of the lot and upon payment of the relevant fee, by causing the new plan to be registered.

- (4) The Director of Lands shall not make a determination of the boundaries of a lot under this section if the existing plan or new plan changes the boundaries or area or measurement of that lot as shown—
 - (a) on a land boundary plan, or a microfilm, image record or other record of a land boundary plan, kept in the Land Registry under section 6; or
 - (b) on any Government lease.
- (5) The Director of Lands may authorize in writing a person to perform any function or exercise any power imposed or conferred on the Director under this section.
- (6) In this section, “determination” (釐定), in relation to a boundary, means adding the bearings, boundary dimensions and coordinates wherever applicable in the process of updating the boundary.

95. Address for service

(Not yet in operation)

The Registrar may, by notice in writing served on a person who—

- (a) presents an application for the registration of any matter; or
- (b) is the owner of registered land or a registered charge, or the lessee of a registered long term lease,

require the person to provide to the Registrar a notice in writing—

- (c) specifying an address in Hong Kong for service on that person; and
- (d) within the period specified in the requirement.

97. Application to Court by person other than Registrar

(Not yet in operation)

- (1) A person interested in registered land, a registered charge or a registered long term lease may apply by originating summons to the Court in respect of any question relating to—
 - (a) the title to the land, charge or lease; or
 - (b) an interest in the land, charge or lease where the interest is—
 - (i) registered or registrable; or
 - (ii) expressed by this Ordinance not to require registration,and the Court may make such order on the originating summons and as to costs as to the Court appears just.

- (2) No proceedings may be commenced under this section in respect of any matter for which proceedings may be commenced under section 82.
- (3) The Registrar shall give effect to an order made under subsection (1) in accordance with the provisions of the order.

98. Offences

(Not yet in operation)

- (1) A person commits an offence and is liable on conviction on indictment to a fine of \$5,000,000 and to imprisonment for 14 years if he fraudulently—
 - (a) issues or makes, or causes the issue or making of, any application for the registration of any matter;
 - (b) presents, or causes the presentation, to the Registrar of any application for the registration of any matter;
 - (c) makes, or causes the making of, any erasure or alteration to any application for the registration of any matter;
 - (d) verifies any application required by section 14(2) to be verified;
 - (e) makes, or causes the making of, any erasure or alteration to any microfilm, image record or other record of any application for the registration of any matter;
 - (f) procures the issue of a title certificate;
 - (g) makes, or causes the making of, any erasure or alteration to—
 - (i) the Title Register;
 - (ii) the applications register;
 - (iii) any document, or any microfilm, image record or other record of a document, kept in the Land Registry under section 6;
 - (iv) any endorsement on any thing referred to in subparagraph (i), (ii) or (iii); or
 - (v) any copy, print or extract of or from any thing referred to in subparagraph (i), (ii) or (iii) or of or from any endorsement on any such thing; or
 - (h) removes, or causes the removal, from the Land Registry of all or any part of—
 - (i) any thing referred to in paragraph (g)(i), (ii) or (iii);
 - (ii) any endorsement on any such thing;

- (iii) any copy, print or extract of or from any such thing or of or from any endorsement on any such thing.
- (2) Any person who, without lawful authority or reasonable excuse, does any act referred to in paragraph (a), (b), (c), (d), (e), (f), (g) or (h) of subsection (1) commits an offence and is liable on conviction on indictment to a fine of \$500,000 and to imprisonment for 3 years.
- (3) Any person who knowingly misleads or deceives any person referred to in section 11(3)—
 - (a) when that second-mentioned person is acting in the capacity referred to in that section; and
 - (b) in respect of—
 - (i) registered land, a registered charge or a registered long term lease; or
 - (ii) an interest in registered land, a registered charge or a registered long term lease,
 commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 6 months.
- (4) Any person who, without reasonable excuse, fails to comply with any requirement made under section 8(2)(a), (b) or (c) commits an offence and is liable on conviction to a fine at level 3 and, in the case of a continuing offence, to a daily penalty of \$500.
- (5) Any person who, without reasonable excuse, fails to comply with a requirement made under section 34(1) commits an offence and is liable on conviction to a fine at level 4 and, in the case of a continuing offence, to a daily penalty of \$1,250.
- (6) Any person who, without reasonable excuse, fails to comply with a requirement made under section 95 within the period specified in the requirement commits an offence and is liable on conviction to a fine at level 3 and, in the case of a continuing offence, to a daily penalty of \$500.
- (7) In this section—

“alteration” (更改) includes making an entry;

“application for the registration of any matter” (要求將任何事項註冊的申請) includes any document accompanying the application;

“daily penalty” (每日罰款) means a penalty for each day on which the offence concerned is continued;

“erasure” (塗抹) includes defacement, obliteration and mutilation.

99. Power of Registrar to specify forms

(Not yet in operation)

- (1) Subject to subsections (2) and (3), the Registrar may specify the form of any document required under this Ordinance to be in the specified form and the form of such other documents (including conveyancing documents) required for the purposes of this Ordinance as he thinks fit.
- (2) The Registrar's power under subsection (1) shall be subject to any express requirement under this Ordinance for a form, whether specified or otherwise, to comply with that requirement, but that requirement shall not restrict the exercise of that power in respect of that form to the extent that, in the opinion of the Registrar, his exercise of that power in respect of that form does not contravene that requirement.
- (3) Without prejudice to the generality of subsection (2), the Registrar shall not specify under subsection (1) the form of any conveyancing document unless he has first consulted the Collector of Stamp Revenue appointed under section 3 of the Stamp Duty Ordinance (Cap. 117).
- (4) A form specified under this section shall be—
 - (a) completed in accordance with such directions and instructions as are specified in the form;
 - (b) accompanied by such documents (including instruments, certificates, duplicates of the form and statutory declarations) as are specified in the form; and
 - (c) if the completed form is required to be provided to the Registrar or any other person, so provided in the manner, if any, specified in the form.
- (5) For the avoidance of doubt, it is hereby declared that the Registrar's power under subsection (1) may be exercised in such a way as to—
 - (a) include in the specified form of any document referred to in that subsection a statutory declaration—
 - (i) to be made by the person completing the form; and
 - (ii) as to whether the particulars contained in the form are true and correct to the best of that person's knowledge and belief;
 - (b) specify 2 or more forms of any document referred to in that subsection, whether as alternatives, or to provide for particular circumstances or particular cases, as the Registrar thinks fit;

- (c) require, to the extent practicable, the person completing the form to identify any entries in the Title Register to which the form relates which have ceased to have effect; and
- (d) where registered land or a registered long term lease is the subject of a deed of mutual covenant, within the meaning of section 53, and is also the subject of a registered deed of mutual covenant within the meaning of that section, require an application for the registration of that first-mentioned deed to be accompanied by an application for the removal from the Title Register of the entry referring to that second-mentioned deed.

100. Regulations relating to fees and levies

(Not yet in operation)

- (1) The Financial Secretary may by regulation prescribe the fees to be paid to the Registrar in respect of—
 - (a) any application for the registration of any matter (whether made pursuant to this Ordinance or any other enactment);
 - (b) any verification under section 14(2) of any application for the registration of any matter;
 - (c) receiving for registration any matter withheld from registration;
 - (d) the registration of any matter (whether pursuant to this Ordinance or any other enactment);
 - (e) the deposit or filing of any matter;
 - (f) any application for satisfaction of a registered charge;
 - (g) any application for the making, removal or variation of a restriction;
 - (h) the provision (including inspection) of any thing (including any information) required to be or which may be kept in the Land Registry (whether under section 4, 5 or 6 or otherwise), or of a copy, print or extract of or from any such thing or of or from a microfilm, image record or other record of any such thing;
 - (i) the official signature of any person referred to in section 11(3) to any document, whether such signature is requested or required under the provisions of this Ordinance or any other enactment or otherwise;
 - (j) the issuance, cancellation or replacement of a title certificate or any other service or facility relating thereto;

- (k) the provision of any other service or facility connected with registration or any other matter to which this Ordinance relates.
- (2) The amount of any fee prescribed in regulations made under subsection (1) shall not be limited by reference to the amount of administrative or other costs incurred or likely to be incurred in relation to providing the service, facility or matter to which such fee relates and different fees may be so prescribed for the same service, facility or matter in order to provide for particular circumstances or particular cases specified in the regulations.
- (3) The Financial Secretary may by regulation prescribe the levies to be paid to the Registrar in respect of the registration of any matter (whether pursuant to this Ordinance or any other enactment).
- (4) Without prejudice to the generality of subsection (3), the Financial Secretary may, in exercising his power under that subsection, take account of the indemnification required to be provided by the Government under section 84(1).

101. Unpaid fees, etc.

(Not yet in operation)

- (1) The Registrar may act notwithstanding that a prescribed fee or levy or part of a prescribed fee or levy has not been paid, but the Registrar shall make an entry in the Title Register recording the fact that the fee or levy or part of the fee or levy has not been paid.
- (2) The Registrar may refuse to register a disposition of registered land, a registered charge or a registered long term lease in respect of which fees or levies are unpaid.
- (3) Unpaid fees, levies, costs, charges or expenses required to be paid to the Registrar shall constitute a debt due to the Government and shall be recoverable summarily as a civil debt within the meaning of the Magistrates Ordinance (Cap. 227).
- (4) Unpaid costs, charges or expenses the subject of an order under section 8(2)(f) which are required to be paid to a person other than the Registrar shall constitute a debt due to that person and shall be recoverable summarily as a civil debt within the meaning of the Magistrates Ordinance (Cap. 227).

102. Regulations—general powers

(Not yet in operation)

- (1) The Secretary may make regulations for all or any of the following matters—
- (a) fixing the hours during which the Land Registry or any part of the Land Registry shall be open to the public and empowering the Registrar to vary such hours;
 - (b) the manner of verification of an application for the registration of any matter;
 - (c) the size, form and colouring of plans attached to or endorsed on an instrument accompanying an application for registration of any matter;
 - (d) the size and form of, and the particulars to be contained in, instruments accompanying applications for registration of any matter;
 - (e) the manner in which an application for the registration of any matter is made and the procedures to be followed for the presentation of the application;
 - (f) the numbering of applications for the registration of any matter;
 - (g) the particulars to be entered in the Title Register and the applications register;
 - (h) without prejudice to the generality of paragraph (g), the manner in which the names of persons are to be entered in the Title Register and the applications register;
 - (i) the circumstances and the procedures for rectification of the Title Register;
 - (j) the scrutiny of applications for the registration of any matter;
 - (k) the procedure to be followed in order to effect the registration of any matter;
 - (l) the procedure to be followed where an application is withheld from registration by the Registrar or upon the request of the person who delivered the application;
 - (m) the circumstances in which an application for the registration of any matter, which is accompanied by an instrument which is stamped under section 13(2) of the Stamp Duty Ordinance (Cap. 117), shall be required to be accompanied by an application for the registration of a charge in respect of any stamp duty payable or to be payable on the instrument (including any stamp duty and penalty payable under section 13(7)(b), or additional stamp duty payable under section 13(10), of that Ordinance on that instrument);

- (n) the procedure to be followed where an application for the registration of any matter is rejected, including the grounds of such rejection and the presentation again of any such application;
- (o) without prejudice to the generality of the grounds mentioned in paragraph (n), the circumstances in which the Registrar shall under section 19(2) refuse to proceed with the registration of any matter relating to an undivided share with an exclusive right to use and occupy a part of a building;
- (p) the documents to be provided by a vendor under section 46(1)(a)(iv);
- (q) the documents relating to title to be retained by the Land Registry where there is a dealing in registered land or a registered long term lease, and the period for which they are to be retained;
- (r) the classes of person who fall within paragraph (c) of the definition of “interested person” in section 78(5);
- (s) the date on which the first registration of any matter, which is not expressly provided for in this Ordinance, shall take effect;
- (t) the notice to be given where the registration of any matter is effected or an application for the registration of any matter is rejected;
- (u) prescribing the use of conveyancing forms in transactions;
- (v) the power to refuse to enter improper instruments or forms;
- (w) the manner of registration of a long term lease;
- (x) the manner of registration, withdrawal or removal of a consent caution or non-consent caution and the form of consent under a consent caution;
- (y) the manner of registration or removal of a charging order, judgment or order;
- (z) the manner of registration or removal of an inhibition;
- (za) the manner of making an application for an order under section 78(1) and for the registration, removal or variation of a restriction;
- (zb) the manner of making an application for a title certificate, for the cancellation of a title certificate and for the replacement of a title certificate;

- (zc) the circumstances in which a title certificate need not be returned for cancellation under section 29(5);
- (zd) the procedure for filing an incorporated document and the effect of the filing;
- (ze) the manner of giving notice by the Registrar;
- (zf) the safekeeping of any thing referred to in section 4, 5 or 6;
- (zg) the purposes of, and the manner (including the form) in which any thing referred to in section 4, 5 or 6 shall be made available for, any search;
- (zh) the manner (including the form) in which any thing (including any historical records) which may be kept in the Land Registry may be provided (including inspected);
- (zi) regulating the conduct of persons in the Land Registry;
- (zj) enabling any person to be refused entry to the Land Registry and the removal from the Land Registry of any person;
- (zk) regulating admission to the Land Registry or any part of the Land Registry and the use of any equipment, facilities or material in the Land Registry by members of the public;
- (zl) the manner (including the form) in which any document required under the provisions of any other enactment to be filed or deposited in the Land Registry shall be so filed or deposited;
- (zm) the funding, management, investment, and the keeping of accounts of, and the processing of claims in respect of, the Land Titles Indemnity Fund;
- (zn) the power of the Registrar—
 - (i) to borrow moneys for the purposes of the Land Titles Indemnity Fund; and
 - (ii) to manage and invest the moneys of the Land Titles Indemnity Fund;
- (zo) payments into and out of the Land Titles Indemnity Fund;
- (zp) the procedures for claiming indemnity, processing of claims, investigation, settlement and refusal of claims;
- (zq) the procedures for instituting court proceedings for claiming indemnity;

- (zr) prescribing anything that is required or permitted to be prescribed under this Ordinance;
 - (zs) providing for the better carrying into effect of this Ordinance;
 - (zt) providing for such incidental, consequential, evidential, transitional, savings and supplemental provisions as are necessary or expedient for the purpose of giving full effect to this Ordinance.
- (2) Any regulations made under subsection (1)(zg) or (zh) may specify that a thing referred to in that subsection may be made available or provided, as the case may be, in such form and by such method as the Registrar thinks fit.
 - (3) Any regulations made under this section may—
 - (a) empower the Secretary to grant exemptions from the regulations, either generally or in a particular case;
 - (b) make different provisions for different circumstances and provide for a particular case or class of case;
 - (c) be made so as to apply only in such circumstances as are prescribed by the regulations.
 - (4) Without prejudice to section 23 of the Interpretation and General Clauses Ordinance (Cap. 1), any regulations made under this section may include regulations which provide for transitional or savings provisions in respect of any of the enactments repealed or amended by this Ordinance.
 - (5) Any regulations made under this section may prescribe offences in respect of contraventions of the regulations, and may provide for the imposition in respect of any such offence of a fine at level 3 and of imprisonment for a period not exceeding 2 years.

103. Amendment of Schedules 1 and 2

(Not yet in operation)

- (1) The Secretary may, with the approval of the Legislative Council, by notice published in the Gazette, amend Schedule 1.
- (2) The Secretary may, by notice published in the Gazette, amend Schedule 2.

104. Consequential amendments

(Not yet in operation)

- (1) The enactments specified in Schedule 3 are amended as set out in that Schedule.

- (2) The Land Registration Ordinance (Cap. 128) is amended as set out in Schedule 4.
- (3) The Secretary may, with the approval of the Legislative Council, by notice published in the Gazette, amend Schedule 3 or 4.

SCHEDULE 1

[ss. 2, 3, 20, 24, 27, 35 & 103]

PROVISIONS FOR CONVERSION OF LRO LAND AND LONG TERM LEASES FROM LAND REGISTRATION SYSTEM TO LAND TITLE SYSTEM

(Not yet in operation)

PART 1

PRELIMINARY

1. Interpretation

In this Schedule—

“caution against conversion” (抗轉換警告書) has the meaning assigned to it by section 1A(1) of the Land Registration Ordinance (Cap. 128);

“caveat” (知會備忘) has the meaning assigned to it by section 1A(1) of the Land Registration Ordinance (Cap. 128);

“long term lease” (長期租契) has the same meaning as in section 2(1) of this Ordinance except that it does not include a lease of both registered land and LRO land;

“LRO land” (《土註條例》土地) means land—

- (a) which is the subject of a Government lease for which a register has been kept under the Land Registration Ordinance (Cap. 128); and
- (b) which is not registered land within the meaning of section 2(1) of this Ordinance.

PART 2

CONVERSION OF LRO LAND

2. When LRO land becomes registered land

(1) Subject to the provisions of this section, on the commencement of the 12th anniversary of the appointed day, all LRO land shall be deemed to be registered land, and all the provisions of this Ordinance shall apply to the land accordingly.

(2) Subject to subsection (3), subsection (1) shall not apply to any LRO land—

- (a) in respect of which an instrument has been delivered for registration under the Land Registration Ordinance (Cap. 128) but has not been registered under that Ordinance before the commencement of the 12th anniversary of the appointed day; or
- (b) which is subject to a caution against conversion which is registered under the Land Registration Ordinance (Cap. 128).

(3) LRO land referred to in subsection (2) shall be deemed to be registered land on—

- (a) the date on which the instrument referred to in subsection (2)(a) is registered under the Land Registration Ordinance (Cap. 128); or
- (b) the date on which the land ceases to be subject to a caution against conversion which is registered under the Land Registration Ordinance (Cap. 128),

whichever is the later, and all the provisions of this Ordinance shall apply to the land accordingly.

3. Date of first registration

The date of first registration of LRO land shall be—

- (a) in the case of land which falls within section 2(1), the 12th anniversary of the appointed day; and
- (b) in the case of land which falls within section 2(2), the date determined under section 2(3).

4. Effect of deeming

(1) On the date of first registration of LRO land, there shall vest in the owner of the land the same legal estate or equitable interest and rights as would have been vested in him if the land had been transferred to him and he had been registered as the owner of land under section 25 of this Ordinance.

(2) Subject to subsection (3), the deeming of LRO land to be registered land under section 2 shall not affect the validity or enforceability of any interest—

- (a) existing immediately before the date of first registration of the LRO land;
- (b) affecting the LRO land;
- (c) which was not registered under the Land Registration Ordinance (Cap. 128) (and whether or not it was capable of registration under that Ordinance); and
- (d) which was, immediately before the date of first registration, enforceable against the LRO land.

(3) An interest mentioned in subsection (2) in relation to LRO land deemed to be registered land shall not be enforceable against the land after the sale of the land to a purchaser for valuable consideration after the date of first registration of the land under this Ordinance.

PART 3

CONVERSION OF LONG TERM LEASES

5. When long term lease becomes registered long term lease

Where, on the date of first registration of any LRO land, the land is subject to a long term lease registered under the Land Registration Ordinance (Cap. 128), then on that date the long term lease shall be deemed to be a registered long term lease, and all the provisions of this Ordinance shall apply to the lease accordingly.

6. Date of first registration

The date of first registration of a long term lease is the date on which the lease was deemed to be a registered long term lease under section 5.

7. Effect of deeming

(1) On the date of first registration of a long term lease, there shall vest in the lessee of the lease the same interest and rights as would have been vested in him if he had been registered as the lessee of the lease under section 26 of this Ordinance.

(2) Subject to subsection (3), the deeming of a long term lease to be a registered long term lease under section 5 shall not affect the validity or enforceability of any interest—

- (a) existing immediately before the date of first registration of the long term lease under this Ordinance;
- (b) affecting the land;
- (c) which was not registered under the Land Registration Ordinance (Cap. 128) (and whether or not it was capable of registration under that Ordinance); and
- (d) which was, immediately before the date of first registration of the long term lease under this Ordinance, enforceable against the land.

(3) An interest mentioned in subsection (2) in relation to land shall not be enforceable against the land after the sale of the land to a purchaser for valuable consideration after the date of first registration of the long term lease under this Ordinance.

PART 4

MISCELLANEOUS

8. Registers kept under Land Registration Ordinance

On the date of first registration of LRO land for which a register has been kept under the Land Registration Ordinance (Cap. 128), the register shall, subject to the regulations, be deemed to form part of the Title Register, and all the provisions of this Ordinance shall apply to the register accordingly.

9. Transitional provisions in respect of Title Register, etc.

Subject to the regulations, where a register has been kept under the Land Registration Ordinance (Cap. 128) in relation to LRO land, then, on and after the date of first registration of the land under section 3, the priority of all interests in the Title Register—

- (a) existing immediately before the date of first registration; and
- (b) in respect of which a memorial of an instrument within the meaning of the Land Registration Regulations (Cap. 128 sub. leg. A) has been registered under the Land Registration Ordinance (Cap. 128),

shall be determined in accordance with the provisions of the Land Registration Ordinance (Cap. 128), and the provisions of this Ordinance shall be construed accordingly.

10. Transitional provision in respect of registered caveat

Where immediately before the date of first registration of LRO land under this Ordinance there was a caveat registered against the land under the Land Registration Ordinance (Cap. 128), then, commencing on the date of first registration of the land under this Ordinance—

- (a) the caveat shall be deemed to be a non-consent caution;
- (b) notwithstanding section 35(1) of this Ordinance, the priority of the interest claimed in the deemed non-consent caution shall be determined in accordance with the law in force immediately before the date of first registration of the land concerned and applicable to the priority among such interests; and
- (c) all the provisions of this Ordinance (including sections 73 and 74) shall apply to the deemed non-consent caution accordingly.

SCHEDULE 2

[ss. 10 & 103]

SPECIFIED PROVISIONS FOR PURPOSES OF SECTION 10

(Not yet in operation)

Sections 8(1)(a), 9, 33(3), 41, 80(1) and 99(1).

SCHEDULE 3

[s. 104]

CONSEQUENTIAL AMENDMENTS

(Not yet in operation)

Specification of Public Offices Notice

(Amended 18 of 2014 s. 64)

1. Schedule amended

The Schedule to the Specification of Public Offices Notice (Cap. 1 sub. leg. C) is amended— *(Amended 18 of 2014 s. 64)*

- (a) *(Repealed 18 of 2014 s. 64)*
- (b) by adding—

High Court Ordinance

2. Provisions supplementary to sections 20 and 20A

Section 20B of the High Court Ordinance (Cap. 4) is amended—

- (a) in subsection (2), by adding “and the Land Titles Ordinance (Cap. 585)” after “Land Registration Ordinance (Cap. 128)”;
- (b) by adding—

“(6) In the case of a charging order registered under the Land Titles Ordinance (Cap. 585), if an order under subsection (4) discharging the charging order is made, the Land Registrar shall, on the presentation to him of an application for the purpose accompanied by an office copy of the order, remove from the Title Register kept under that Ordinance the entry referring to the order.”.

Rules of the High Court

3. Special rules as to the sale of immovable property

Order 47, rule 7(4)(b) of the Rules of the High Court (Cap. 4 sub. leg. A) is repealed and the following substituted—

- “(b) In the case of immovable property which is registered under the Land Titles Ordinance (Cap. 585), such certificate shall be liable to the same stamp duty as an assignment of the same property and, when duly stamped, may support an application for registration under that Ordinance of the purchaser as the owner of the property.
- (c) In the case of any other immovable property, such certificate shall be liable to the same stamp duty as an assignment of the same property and, when duly stamped, shall be taken and deemed to be a valid transfer of such right, title and interest and may be registered under the Land Registration Ordinance (Cap. 128).”.

4. Discharge, etc., of charging order

Order 50, rule 7(2) is amended by repealing “the lot number of the land and the memorial number of any relevant charge registered against the

land.” and substituting—

“—

- (a) the lot number of the land; and
- (b) the memorial number of any relevant charge registered against the land under the Land Registration Ordinance (Cap. 128) or the application number of any relevant charge registered against the land under the Land Titles Ordinance (Cap. 585), as the case may be.”.

Bankruptcy Rules

5. Registration of petition under Land Registration Ordinance or Land Titles Ordinance

Rule 53 of the Bankruptcy Rules (Cap. 6 sub. leg. A) is amended by repealing “a memorial of the petition in the Land Registry against any property registered therein” and substituting “the petition under the Land Registration Ordinance (Cap. 128), or register a non-consent caution under the Land Titles Ordinance (Cap. 585) relating to the petition, against any property which is registered under that Ordinance”.

6. Registration of petition under Land Registration Ordinance or Land Titles Ordinance against partner

Rule 54 is amended by repealing “in either of the cases mentioned in rule 133 or 135 register a memorial of the petition in the Land Registry against any property registered” and substituting “, in either of the cases mentioned in rule 133 or 135, register the petition under the Land Registration Ordinance (Cap. 128), or register a non-consent caution under the Land Titles Ordinance (Cap. 585) relating to the petition, against any property which is registered under that Ordinance”.

7. Registration of bankruptcy order under Land Registration Ordinance or Land Titles Ordinance

Rule 73 is amended by repealing “a memorial of such bankruptcy order in the Land Registry against any property registered therein” and substituting “the order under the Land Registration Ordinance (Cap. 128), or register a non-consent caution under the Land Titles Ordinance (Cap. 585) relating to the order, against any property which is registered under that Ordinance”.

8. Registration of bankruptcy order under Land Registration Ordinance or Land Titles Ordinance against partner

Rule 74 is amended by repealing “a memorial thereof in the Land Registry against any property registered” and substituting “the order under

the Land Registration Ordinance (Cap. 128), or register a non-consent caution under the Land Titles Ordinance (Cap. 585) relating to the order, against any property which is registered under that Ordinance”.

9. Disclaimer of lease

Rule 130(3) is amended by repealing “in the Land Registry, register a memorial of such disclaimer in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585), register such disclaimer under that Ordinance”.

Bankruptcy (Forms) Rules

10. Forms

The Schedule to the Bankruptcy (Forms) Rules (Cap. 6 sub. leg. B) is amended—

- (a) in Form 67, by repealing “vacated upon the application of the debtor under the Land Registration Ordinance (*Chapter 128*)” and substituting “vacated or removed upon the application of the debtor under the Land Registration Ordinance (*Chapter 128*) or the Land Titles Ordinance (*Chapter 585*), as the case may require”;
- (b) in Forms 128 and 129, by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (*Chapter 128*) or the Land Titles Ordinance (*Chapter 585*)”.

Landlord and Tenant (Consolidation) Ordinance

11. Registration under the Land Registration Ordinance or Land Titles Ordinance of order under section 4

Section 7(1) of the Landlord and Tenant (Consolidation) Ordinance (Cap. 7) is amended by repealing “by memorial in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585), as the case may require,”.

12. Restriction on order for possession for rebuilding

Section 53A(3) is amended by repealing “by memorial in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585), as the case may require,”.

13. Interpretation

Section 115 is amended by adding—

“(4) No notice or application under this Part shall be registrable under the Land Titles Ordinance (Cap. 585).”.

14. Additional provisions regarding opposition on ground of intention to rebuild

Section 119F(3) is amended by repealing “by memorial in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585), as the case may require,”.

Land (Miscellaneous Provisions) Ordinance

15. Vesting of private streets in the Government

Section 14 of the Land (Miscellaneous Provisions) Ordinance (Cap. 28) is amended—

- (a) in subsection (2), by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585), as the case may require,”;
- (b) in subsection (3), by repealing “under subsection (2) in the Land Registry” and substituting “, pursuant to subsection (2), under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585),”.

Companies (Winding-up) Rules

16. Disclaimer

Rule 63(2) of the Companies (Winding-up) Rules (Cap. 32 sub. leg. H) is amended—

- (a) by repealing “in the Land Registry” where it first appears and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585), as the case may require”;
- (b) by repealing “in the Land Registry” where it secondly appears and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585), as the case may require,”.

Government Leases Ordinance

17. Interpretation

Section 2 of the Government Leases Ordinance (Cap. 40) is amended, in the definition of “section”, by repealing “in the Land Registry”

and substituting “under the Land Registration Ordinance (Cap. 128), or which is registered under the Land Titles Ordinance (Cap. 585) or which supports a current entry in the Title Register kept under that Ordinance,”.

18. Person entitled to renew

Section 6 is amended by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”.

19. New Government rent to be noted or entered in register

Section 10 is amended—

(a) by repealing subsection (1)(b) and substituting—

“(b) the Land Registrar shall cause the amount of the new Government rent payable in respect of the lot or section—

(i) to be noted in the register of such lot or section kept under the Land Registration Ordinance (Cap. 128); or

(ii) if the lot or section is registered under the Land Titles Ordinance (Cap. 585), to be entered in the Title Register kept under that Ordinance.”;

(b) by repealing subsection (2)(b) and substituting—

“(b) the Land Registrar shall cause—

(i) the amount of the new Government rent noted in the register of such lot or section kept under the Land Registration Ordinance (Cap. 128), or entered in the Title Register kept under the Land Titles Ordinance (Cap. 585), to be deleted; and

(ii) the increased new Government rent to be noted or entered therein.”.

20. Correction of clerical or arithmetical errors

Section 11(2) is amended by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or entered in the Title Register kept under the Land Titles Ordinance (Cap. 585), as the case may require”.

21. Section substituted

Section 12 is repealed and the following substituted—

“12. Evidence of renewal

The amount of the new Government rent payable in respect of a lot or section for the time being shown in the register kept under the Land Registration Ordinance (Cap. 128), or entered in the Title Register kept under the Land Titles Ordinance (Cap. 585), as the case may be, shall be conclusive evidence of the grant of the new Government lease of the lot or section and of the new Government rent thereof.”.

22. Collection of new Government rent

Section 13(4) is amended by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”.

23. New Government leases subject to encumbrances and interests

Section 15 is amended—

- (a) in paragraph (a), by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128)”;
- (b) by adding—
 - “(aa) any charge registered under the Land Titles Ordinance (Cap. 585);
 - (ab) any equitable mortgage which is the subject of a consent caution or nonconsent caution registered under the Land Titles Ordinance (Cap. 585);”.

24. Section substituted

Section 16 is repealed and the following substituted—

“16. Government lease plan

- (1) If a plan of a lot held under a renewable Government lease—
 - (a) is not annexed to the counterpart of the Government lease kept under the Land Registration Ordinance (Cap. 128), or if the plan annexed thereto is, in the opinion of the Director, inaccurate or inadequate to establish the location, position, or dimensions of the lot; or

- (b) if the lot is registered under the Land Titles Ordinance (Cap. 585), is not referred to in the Title Register kept under that Ordinance, or if the plan is referred to in the Title Register, is, in the opinion of the Director, inaccurate or inadequate to establish the location, position, or dimensions of the lot,

the Director may cause the lot to be surveyed and a plan thereof prepared.

- (2) If a plan of a section of a lot held under a renewable Government lease—

- (a) is not registered under the Land Registration Ordinance (Cap. 128), or if the plan is so registered is, in the opinion of the Director, inaccurate or inadequate to establish the location, position, or dimensions of the section; or
- (b) if the lot is registered under the Land Titles Ordinance (Cap. 585), is not referred to in the Title Register kept under that Ordinance, or if the plan is referred to in the Title Register, is, in the opinion of the Director, inaccurate or inadequate to establish the location, position, or dimensions of the section,

the Director may cause the section to be surveyed and a plan thereof prepared.”.

25. Plan as approved or amended to be delivered to Land Registry

Section 22(a) and (b) is repealed and the following substituted—

- “(a) in the case of a lot—
 - (i) cause the plan to be annexed to the counterpart of the renewable Government lease of the lot kept under the Land Registration Ordinance (Cap. 128) and cause the previous plan, if any, to be cancelled; or
 - (ii) if the lot is registered under the Land Titles Ordinance (Cap. 585), cause the plan to be entered in the Title Register kept under that Ordinance and cause any entry relating to the previous plan, if any, to be removed from the Title Register;
- (b) in the case of a section of a lot—

- (i) cause the plan to be registered under the Land Registration Ordinance (Cap. 128) in respect of the section of the lot to which the renewable Government lease relates, and cause the previous plan, if any, to be cancelled; or
- (ii) if the lot is registered under the Land Titles Ordinance (Cap. 585), cause the plan to be entered in the Title Register kept under that Ordinance and cause any entry relating to the previous plan, if any, to be removed from the Title Register.”.

Transfer of Businesses (Protection of Creditors) Ordinance

26. Interpretation

Section 2(1) of the Transfer of Businesses (Protection of Creditors) Ordinance (Cap. 49) is amended, in the definition of “registered charge”, by adding—

“(aa) the Land Titles Ordinance (Cap. 585);”.

Antiquities and Monuments Ordinance

27. Interpretation

Section 2 of the Antiquities and Monuments Ordinance (Cap. 53) is amended by repealing the definition of “Land Registry”.

28. Declaration of proposed monuments etc. and plans thereof

Section 2A(4)(b)(i) is amended by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585), as the case may require”.

29. Declaration of monuments and plans thereof

Section 3(4)(b) is amended by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585), as the case may require”.

Legal Aid Ordinance

30. Charge on property recovered

Section 18A(3A) of the Legal Aid Ordinance (Cap. 91) is amended by adding “or the Land Titles Ordinance (Cap. 585), as the case may require,” after “Land Registration Ordinance (Cap. 128)”.

New Territories Ordinance

31. Registration of manager of “t’ong”, etc.

Section 15 of the New Territories Ordinance (Cap. 97) is amended by repealing the last sentence and substituting “Such re-entry, in the case of any such lease, shall be effected by the registration under the Land Registration Ordinance (Cap. 128), of an instrument of re-entry presented to the Land Registrar by the Secretary for Home and Youth Affairs or, if the lease is registered under the Land Titles Ordinance (Cap. 585), by the making of an entry relating to such an instrument in the Title Register kept under that Ordinance.”. (*Amended L.N. 144 of 2022*)

32. Power to appoint trustees for minors

Section 18 is amended—

- (a) by adding “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585), as the case may require,” after “shall be registered”;
- (b) by adding “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)” after “registering”.

33. Certification of memorials

Section 19 is repealed.

34. Land Registrar not required to keep index

Section 20 is repealed.

35. Certified copies receivable in evidence

Section 43 is repealed.

36. Part not to affect Government, etc.

Section 44 is amended by adding “, or caused to be done or made,” after “made”.

Tramway Ordinance

37. Attachment

Section 6(7) of the Tramway Ordinance (Cap. 107) is repealed and the following substituted—

“(7) For the purpose of this section, “owner” (擁 有 人) means the person who is registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585) as the owner or holder of the land on which the house or building in question is built and any—

- (a) mortgagee thereof who is registered as such under the Land Registration Ordinance (Cap. 128); or
- (b) chargee thereof who is registered as such under the Land Titles Ordinance (Cap. 585).”.

Estate Duty Ordinance

38. Charge of estate duty on property

Section 18 of the Estate Duty Ordinance (Cap. 111) is amended—

- (a) by repealing subsection (2) and substituting—

“(2) Notice of any charge on any leasehold property constituted by subsection (1) which is to be registered under the Land Registration Ordinance (Cap. 128) may be given by the Commissioner registering a memorial under that Ordinance against the property affected thereby, which memorial—

- (a) shall be signed by the Commissioner; and

- (b) shall specify—

- (i) the subsection under which the charge is constituted;
- (ii) the name, description, and date of death of the deceased in respect of whose estate the claim to estate duty arises; and
- (iii) particulars of the property charged.”;

(b) by adding—

“(2A) Notice of any charge on any leasehold property constituted by subsection (1) which is to be registered under the Land Titles Ordinance (Cap. 585) may be given by the Commissioner registering a non-consent caution under that Ordinance against the property affected thereby, which non-consent caution—

(a) shall state that the property is subject to a first charge under that subsection; and

(b) shall be supported by an application signed by the Commissioner specifying—

(i) the subsection under which the charge is constituted;

(ii) the name, description and date of death of the deceased in respect of whose estate the claim to estate duty arises; and

(iii) particulars of the property charged.”;

(c) by repealing subsection (3) and substituting—

“(3) A notice in writing of any charge under subsection (1) or (2) may be registered under the Land Registration Ordinance (Cap. 128) as an instrument affecting land.”.

Inland Revenue Ordinance

39. Joint owners and co-owners

Section 56A(1) of the Inland Revenue Ordinance (Cap. 112) is amended by repealing everything after “appearing from” and substituting—

“—

(a) any deed, conveyance, judgment or other instrument in writing registered under the Land Registration Ordinance (Cap. 128); or

(b) the Title Register kept under the Land Titles Ordinance (Cap. 585),

to be such an owner shall be answerable for doing all such acts, matters and things as would be required to be done under the

provisions of this Ordinance by a sole owner.”.

Stamp Duty Ordinance

40. Section added

The Stamp Duty Ordinance (Cap. 117) is amended by adding—

“2A. Instruments affected by Land Titles Ordinance

Where an instrument in relation to registered land within the meaning of the Land Titles Ordinance (Cap. 585) (including any instrument the form of which is specified under section 99 of that Ordinance)—

- (a) falls into any of the following cases—
 - (i) is chargeable with stamp duty;
 - (ii) would be chargeable with stamp duty but for any provisions of the Land Titles Ordinance (Cap. 585); or
 - (iii) if the Land Titles Ordinance (Cap. 585) had never been enacted, would be chargeable with stamp duty but for any provisions of Part V; and
- (b) would create, extinguish, transfer, vary or affect any legal or equitable interest in land but for any provisions of the Land Titles Ordinance (Cap. 585),

then, for the purposes of this Ordinance, the instrument shall—

- (c) without prejudice to any other ground on which it may be void or voidable and notwithstanding any law, not be void or voidable on the ground that it does not, of itself, create, extinguish, transfer, vary or affect, as the case may be, such interest;
- (d) where—
 - (i) paragraph (a)(i) is applicable, continue to be so chargeable;
 - (ii) paragraph (a)(ii) is applicable, be so chargeable;
 - (iii) paragraph (a)(iii) is applicable, continue to be so chargeable but for any provisions of Part V, notwithstanding any provisions of the Land Titles Ordinance (Cap. 585); and

- (e) accompany the application, within the meaning of section 2(1) of the Land Titles Ordinance (Cap. 585), for the registration under that Ordinance of the matter which would, if so registered, create, extinguish, transfer, vary or affect, as the case may be, such interest.”.

41. Non-admissibility etc. of instruments not duly stamped

Section 15(3) is amended—

- (a) in paragraph (a), by repealing “or” at the end;
- (b) by adding—
 - “(aa) a matter under the Land Titles Ordinance (Cap. 585) if the instrument supporting the registration of the matter—
 - (i) is stamped under section 5(1), 13(2) or 18E(1); or
 - (ii) is an agreement for sale that was made before 23 February 2013 and contains a statement to the effect that it relates to non-residential property within the meaning of section 29A(1); or (*Added 26 of 2004 s. 104. Amended 14 of 2011 s. 19; 14 of 2014 s. 30; E.R. 1 of 2015*)
- (c) by adding “或事項” after “下文書”.

42. Section added

The following is added—

“67. Transitional provisions for purposes of Land Titles Ordinance

(1) In this section, “date of first registration” (首次註冊日期), “dealing” (交易) and “registered land” (註冊土地) have the meanings respectively assigned to them by section 2(1) of the Land Titles Ordinance (Cap. 585).

(2) Where an instrument—

- (a) has either been registered, or delivered for registration (including any case where a memorial of such an instrument has been redelivered for registration on or after the date of first registration) under the Land Registration Ordinance (Cap. 128); and
- (b) is stamped under section 13(2) but is not stamped under section 13 with a stamp denoting that it is not chargeable with stamp duty or that it is duly stamped,

then the stamp duty, if any, chargeable on the instrument shall be a first charge on the registered land the subject of the dealing to which the instrument relates.

(3) The charge under subsection (2) in respect of registered land shall expire on—

- (a) the 1st anniversary of the date of first registration of the land;
- (b) the date on which the instrument is stamped under section 13 with a stamp denoting that it is not chargeable with stamp duty; or
- (c) the date on which the instrument is stamped with a stamp denoting that it is duly stamped,

whichever is the earlier.

(4) Where a first charge under this section is registered under the Land Titles Ordinance (Cap. 585) at any time before the 1st anniversary of the date of first registration, then subsection (2), as in force immediately before that day, shall continue to operate in relation to that charge as if subsection (3) had never been enacted.

(5) For the avoidance of doubt, it is hereby declared that a first charge under this section may be registered under the Land Titles Ordinance (Cap. 585) notwithstanding that the amount of the charge has not been determined.”.

Buildings Ordinance

43. Interpretation

Section 2(1) of the Buildings Ordinance (Cap. 123) is amended by repealing the definition of “Land Registry”.

44. Dangerous buildings

Section 26(2A) is amended by repealing “by memorial in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585), as the case may require,”.

45. Defective buildings

Section 26A(4A) is amended by repealing “by memorial in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585), as the case may require,”.

46. Dangerous hillsides, etc.

Section 27A(2D)(a) and (b) is amended by repealing “by memorial in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585), as the case may require,”.

47. Water pipes, drains or sewers laid in slopes, etc.

Section 27C(6) is amended by repealing “by memorial in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585), as the case may require,”.

48. Drainage

Section 28(6A) is amended by repealing “by memorial in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585), as the case may require,”.

49. Recovery of costs of works by Building Authority

Section 33 is amended—

(a) in subsection (9)—

- (i) by repealing “a memorial of”;
- (ii) by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585), as the case may require,”;
- (iii) in paragraph (a), by repealing “such Land Registry register” and substituting “the Land Registry register kept under the Land Registration Ordinance (Cap. 128) or the Title Register kept under the Land Titles Ordinance (Cap. 585)”;

- (iv) in the proviso, by repealing “memorial thereof” and substituting “certificate under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;
- (b) in subsection (10)—
 - (i) by repealing “Upon” and substituting “Where the certificate is registered under the Land Registration Ordinance (Cap. 128), upon”;
 - (ii) by repealing “any memorial” and substituting “any certificate”;
- (c) by adding—

“(11) Where the certificate is registered under the Land Titles Ordinance (Cap. 585), upon the recovery of any sum under this section, the Building Authority shall cause the appropriate entries to be made in the Title Register kept under that Ordinance to effect a discharge or partial discharge of the charge mentioned in subsection (9), as the case may require.”.

Lands Resumption Ordinance

50. Interpretation

Section 2 of the Lands Resumption Ordinance (Cap. 124) is amended, in the definition of “owner”, by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”.

51. Section substituted

Section 4A is repealed and the following substituted—

“4A. Purchase by agreement

- (1) Where an order has been made for the resumption of any land under section 3, the Authority may, before the land reverts to the Government under section 5—
 - (a) agree with the owner on the purchase of the land; and
 - (b) agree with any person—
 - (i) having an estate or interest in such land under an instrument registered under the Land Registration Ordinance (Cap. 128); or

- (ii) having an estate or interest in such land which is registered under the Land Titles Ordinance (Cap. 585),

on the purchase of any such estate or interest therein.

(2) Any such agreement relating to land in respect of which an order under section 3 is made on or after the commencement* of the Crown Lands Resumption (Amendment) Ordinance 1984 (5 of 1984) may provide for the payment by the Authority to the owner or such person of any costs or remuneration reasonably incurred or paid by him in employing persons to act in a professional capacity in connection with the purchase.”.

Editorial Note:

* Commencement date: 13 January 1984.

52. Compensation

Section 6(1)(a) is repealed and the following substituted—

“(a) make an offer of compensation in respect of the resumption of the land in writing to—

- (i) the former owner; and
- (ii) any person having, immediately before reversion—
 - (A) an estate or interest in such land under an instrument registered under the Land Registration Ordinance (Cap. 128); or
 - (B) an estate or interest in such land which is registered under the Land Titles Ordinance (Cap. 585); or”.

Government Rent and Premium (Apportionment) Ordinance

53. Interpretation

Section 2 of the Government Rent and Premium (Apportionment) Ordinance (Cap. 125) is amended—

- (a) in the definition of “existing building”, by repealing paragraph (c) and substituting—

“(c) in respect of which—

- (i) in the case of a lot or section which is registered under the Land Titles Ordinance (Cap. 585), the Title Register kept under that Ordinance contains no current entry providing for a basis of apportionment of the principal Government rent reserved under the new Government lease or of the annual instalment of premium payable in respect of that relevant interest; or
 - (ii) in the case of any other lot or section, no instrument containing a basis of apportionment of the principal Government rent reserved under the new Government lease or of the annual instalment of premium payable in respect of that relevant interest has been registered under the Land Registration Ordinance (Cap. 128);”;
- (b) in the definition of “owner”, by repealing paragraphs (a) and (b) and substituting—
 - “(a) the person whose name is registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585) as that of the owner or one of the owners of the section or relevant interest, as the case may be; and
 - (b) a mortgagee under a mortgage which is registered under the Land Registration Ordinance (Cap. 128) or an owner of a charge which is registered under the Land Titles Ordinance (Cap. 585);”;
- (c) in the definition of “relevant interest”, by repealing “under the terms of an instrument registered in the Land Registry to exclusive possession of premises in that building;” and substituting—
 - “to exclusive possession of premises in that building under the terms of an instrument—
 - (a) which is registered under the Land Registration Ordinance (Cap. 128); or

- (b) which is registered under the Land Titles Ordinance (Cap. 585) or which supports a current entry in the Title Register kept under that Ordinance;”;
- (d) by repealing the definition of “section” and substituting—

““section” (分段) means any portion or division of a lot which has been assigned, alienated or retained for the whole of the term or interest created by the Government lease of the lot by or under an instrument—

- (a) which is registered under the Land Registration Ordinance (Cap. 128); or
- (b) which is registered under the Land Titles Ordinance (Cap. 585) or which supports a current entry in the Title Register kept under that Ordinance.”.

54. Apportionment of Government rent

Section 6(1)(b) is amended by repealing “which is registered in the Land Registry; or” and substituting—

“—

- (i) which is registered under the Land Registration Ordinance (Cap. 128); or
- (ii) which is registered under the Land Titles Ordinance (Cap. 585) or which supports a current entry in the Title Register kept under that Ordinance; or”.

55. Apportionment of premium on section

Section 7(1)(a) is amended by repealing “which is registered in the Land Registry; or” and substituting—

“—

- (i) which is registered under the Land Registration Ordinance (Cap. 128); or
- (ii) which is registered under the Land Titles Ordinance (Cap. 585) or which supports a current entry in the Title Register kept under that Ordinance; or”.

56. Area of lot or section

Section 10(1) is amended by repealing everything after “contained in” and substituting—

“—

- (a) a Government lease or other instrument—
 - (i) which is registered under the Land Registration Ordinance (Cap. 128); or
 - (ii) which is registered under the Land Titles Ordinance (Cap. 585) or which supports a current entry in the Title Register kept under that Ordinance; or
- (b) any plan annexed to or endorsed on any such Government lease or instrument.”.

57. Cases in which Government rent or premium to be treated as apportioned in registered instrument

Section 11(a) and (b) is amended by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128), or which is registered under the Land Titles Ordinance (Cap. 585) or which supports a current entry in the Title Register kept under that Ordinance,”.

58. Apportionment of Government rent on relevant interest

Section 13(1)(a) is amended by repealing “which is registered in the Land Registry; or” and substituting—

“—

- (i) which is registered under the Land Registration Ordinance (Cap. 128); or
- (ii) which is registered under the Land Titles Ordinance (Cap. 585) or which supports a current entry in the Title Register kept under that Ordinance; or”.

59. Apportionment of premium on relevant interest

Section 14(1)(a) is amended by repealing “which is registered in the Land Registry; or” and substituting—

“—

- (i) which is registered under the Land Registration Ordinance (Cap. 128); or
- (ii) which is registered under the Land Titles Ordinance (Cap. 585) or which supports a current entry in the Title Register kept under that Ordinance; or”.

60. Notice of determined Government rent and determined annual instalment of premium

Section 22(1)(b) and (2)(b) is amended by adding “kept under the Land Registration Ordinance (Cap. 128) or registered under the Land Titles Ordinance (Cap. 585), as the case may require,” after “Land Registry records”.

61. Covenants between owners not to be affected

Section 25 is amended by repealing “which is registered in the Land Registry, but” and substituting—

“—

- (a) which is registered under the Land Registration Ordinance (Cap. 128); or
- (b) which is registered under the Land Titles Ordinance (Cap. 585) or which supports a current entry in the Title Register kept under that Ordinance,

but”.

Government Rights (Re-entry and Vesting Remedies) Ordinance

62. Interpretation

Section 2 of the Government Rights (Re-entry and Vesting Remedies) Ordinance (Cap. 126) is amended—

- (a) in the definition of “former owner”, by repealing everything after “immediately before” and substituting—

“—

- (a) in the case of a lot or relevant interest which is registered under the Land Titles Ordinance (Cap. 585), the time of registration under that Ordinance of an application supported by an instrument of re-entry or a vesting notice, as the case may be;
 - (b) in the case of any other lot or relevant interest, the time of registration under the Land Registration Ordinance (Cap. 128) of an instrument of re-entry or a vesting notice, as the case may be;”;
- (b) in the definition of “owner”—

- (i) in paragraph (a), by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;
- (ii) in paragraph (b), by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or an owner of a charge which is registered under the Land Titles Ordinance (Cap. 585)”;
- (c) in the definition of “relevant interest”, by repealing everything after “entitled” and substituting—
 - “to exclusive possession of premises in that building under the terms of an instrument—
 - (a) which is registered under the Land Registration Ordinance (Cap. 128); or
 - (b) which is registered under the Land Titles Ordinance (Cap. 585) or which supports a current entry in the Title Register kept under that Ordinance;”;
- (d) in the definition of “vesting notice”, by repealing “registered in the Land Registry under section 7.” and substituting—
 - “issued under section 7—
 - (a) which is registered under the Land Registration Ordinance (Cap. 128); or
 - (b) which supports an application for registration relating to the vesting notice under the Land Titles Ordinance (Cap. 585).”.

63. Instrument of re-entry

Section 4 is amended—

- (a) in subsection (1)—
 - (i) by repealing “a memorial of an instrument of re-entry” and substituting “an instrument of re-entry may be issued”;
 - (ii) by repealing “may be registered in the Land Registry.” and substituting—
 - “and—

- (a) if such an instrument relates to lands or tenements registered under the Land Titles Ordinance (Cap. 585), it may be made the subject of an application for registration under that Ordinance; and
 - (b) if such an instrument relates to other lands or tenements, it may be registered under the Land Registration Ordinance (Cap. 128).”;
- (b) in subsection (2), by repealing “on the registration of such a memorial” and substituting “upon the making of an entry relating to such an instrument in the Title Register kept under the Land Titles Ordinance (Cap. 585), or the registration of such an instrument under the Land Registration Ordinance (Cap. 128)”.

64. Section substituted

Section 5 is repealed and the following substituted—

“5. Notice of registration of instrument of re-entry

Notice of the making of an entry in the Title Register kept under the Land Titles Ordinance (Cap. 585) relating to, or the registration under the Land Registration Ordinance (Cap. 128) of, an instrument of re-entry by the Government shall be published in the Gazette.”.

65. Power to vest relevant interest in The Financial Secretary Incorporated

Section 7 is amended—

- (a) in subsection (1), by repealing everything after paragraph (b) and substituting—
 - “a vesting notice may be issued, under the hand of any public officer authorized by the Chief Executive to sign such instruments, and—
 - (c) if the relevant interest is registered under the Land Titles Ordinance (Cap. 585), such vesting notice may be made the subject of an application for registration under that Ordinance; and

- (d) if the relevant interest is not registered under the Land Titles Ordinance (Cap. 585), such vesting notice may be registered under the Land Registration Ordinance (Cap. 128).”;
- (b) in subsection (1A), by repealing everything after “Government Leases Ordinance (Cap. 40)” and substituting—
 - “a vesting notice may be issued, under the hand of any public officer authorized by the Chief Executive to sign such instruments, and—
 - (a) if the relevant interest of which the tenement to which the demand relates forms a part is registered under the Land Titles Ordinance (Cap. 585), such vesting notice may be made the subject of an application for registration under that Ordinance; and
 - (b) if the relevant interest of which the tenement to which the demand relates forms a part is not registered under the Land Titles Ordinance (Cap. 585), such vesting notice may be registered under the Land Registration Ordinance (Cap. 128).”;
- (c) in subsection (2)—
 - (i) by repealing everything before paragraph (a) and substituting—
 - “(2) Immediately upon the making of an entry relating to a vesting notice in the Title Register kept under the Land Titles Ordinance (Cap. 585), or the registration of a vesting notice under the Land Registration Ordinance (Cap. 128)—”;
 - (ii) in paragraph (b), by repealing “registered in the Land Registry” and substituting “supporting a current entry in the Title Register kept under the Land Titles Ordinance (Cap. 585), or registered under the Land Registration Ordinance (Cap. 128).”;

- (iii) in paragraph (i), by repealing “in the Land Registry” and substituting “under the Land Titles Ordinance (Cap. 585) or the Land Registration Ordinance (Cap. 128)”;
- (iv) in paragraph (iv), by repealing “registered in the Land Registry” and substituting “supporting a current entry in the Title Register kept under the Land Titles Ordinance (Cap. 585), or not registered under the Land Registration Ordinance (Cap. 128)”;
- (d) in subsection (3), by repealing “registered in the Land Registry under subsection (1) or (1A)” and substituting “which, under subsection (1) or (1A), is made the subject of an application for registration under the Land Titles Ordinance (Cap. 585), or is registered under the Land Registration Ordinance (Cap. 128)”.

66. Right to apply for relief against re-entry or vesting

Section 8 is amended—

- (a) in subsection (1), by repealing “where a memorial of re-entry has been registered under section 4 in the Land Registry” and substituting “where, under section 4, an entry relating to an instrument of re-entry has been made in the Title Register kept under the Land Titles Ordinance (Cap. 585), or an instrument of re-entry has been registered under the Land Registration Ordinance (Cap. 128)”;
- (b) in subsection (2), by repealing “where a vesting notice has been registered under section 7 in the Land Registry” and substituting “where, under section 7, an entry relating to a vesting notice has been made in the Title Register kept under the Land Titles Ordinance (Cap. 585), or a vesting notice has been registered under the Land Registration Ordinance (Cap. 128)”;
- (c) in subsection (3), by repealing “from the registration of the memorial of re-entry or vesting notice” and substituting “from the date of the making of the entry in the Title Register kept under the Land Titles Ordinance (Cap. 585) relating to the instrument of re-entry or vesting notice, or the date of registration of the instrument of re-entry or vesting notice under the Land Registration Ordinance (Cap. 128)”.

67. Power of Chief Executive or Chief Executive in Council to order cancellation of instrument of re-entry or vesting notice

Section 9(1)(a) and (2)(a) is amended by repealing “memorial” and substituting “instrument”.

68. Powers of Court of First Instance in respect of application for relief

Section 10 is amended by repealing “memorial” and substituting “instrument”.

69. Cancellation of instrument of re-entry

Section 11 is amended—

- (a) in subsection (1)—
 - (i) by repealing “A memorial” and substituting “An instrument”;
 - (ii) by repealing “the memorial” where it twice appears and substituting “the instrument”;
- (b) in subsection (2)—
 - (i) by repealing “a memorial” and substituting “an instrument”;
 - (ii) by repealing “it had never been registered” and substituting “no entry had been made in respect of it in the Title Register kept under the Land Titles Ordinance (Cap. 585), or as if it had never been registered under the Land Registration Ordinance (Cap. 128), as the case may be”;
- (c) in subsection (3), by repealing “a memorial” and substituting “an instrument of re-entry”.

70. Cancellation of vesting notice

Section 12 is amended—

- (a) in subsection (1), by repealing “the memorial of”;
- (b) in subsection (2)—
 - (i) by repealing “the same had never been made or registered” and substituting “no entry had been made in respect of it in the Title Register kept under the Land Titles Ordinance (Cap. 585), or as if it had never been registered under the Land Registration Ordinance (Cap. 128), as the case may be,”;

- (ii) by repealing “no vesting notice had been registered at the Land Registry” and substituting “no entry had been so made or no vesting notice had been so registered, as the case may be”.

Town Planning Ordinance

71. Enforcement on land within a development permission area

Section 23 of the Town Planning Ordinance (Cap. 131) is amended

- (a) in subsection (4A), by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585), as the case may require”;
- (b) in subsection (4B), by repealing everything after “or (4A)” and substituting “may be registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585), as the case may require.”.

Public Health and Municipal Services Ordinance

72. Recovery of cost of works done or services rendered by public officers or public bodies

Section 130 of the Public Health and Municipal Services Ordinance (Cap. 132) is amended—

- (a) in subsection (9)—
 - (i) by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585), as the case may require,”;
 - (ii) by repealing “a memorial of”;
 - (iii) by repealing “Land Registry register” and substituting “register kept under the Land Registration Ordinance (Cap. 128) or the Title Register kept under the Land Titles Ordinance (Cap. 585)”;
 - (iv) in the proviso, by repealing “before the registration of the memorial” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585) before the registration”;

- (b) in subsection (10), by repealing everything after “this section” and substituting—

“in respect of which a certificate has been issued under the provisions of subsection (1), the public officer concerned shall—

- (a) if the certificate has been registered under the Land Registration Ordinance (Cap. 128), register under that Ordinance an appropriate instrument of satisfaction against the certificate; or
- (b) if the certificate has been registered under the Land Titles Ordinance (Cap. 585), cause the appropriate entries to be made in the Title Register kept under that Ordinance to effect a discharge or partial discharge of the charge mentioned in subsection (9), as the case may require.”.

Public Cleansing and Prevention of Nuisances Regulation

73. Interpretation

Section 3 of the Public Cleansing and Prevention of Nuisances Regulation (Cap. 132 sub. leg. BK) is amended, in the definition of “common parts”, by repealing “in an instrument registered in the Land Registry as being for the exclusive use, occupation or enjoyment of an owner or occupier;” and substituting—

“as being for the exclusive use, occupation or enjoyment of an owner or occupier in an instrument—

- (a) which is registered under the Land Registration Ordinance (Cap. 128); or
- (b) which is registered under the Land Titles Ordinance (Cap. 585) or which supports a current entry in the Title Register kept under that Ordinance;”.

New Territories Leases (Extension) Ordinance

74. Interpretation

Section 3(1) of the New Territories Leases (Extension) Ordinance (Cap. 150) is amended—

- (a) by repealing the definition of “Land Registry register” and substituting—
 - ““Land Registry register” (土地註冊處註冊紀錄冊) means so much of the register that is kept, under the Land Registration Ordinance (Cap. 128), or so much of the Title Register that is kept, under the Land Titles Ordinance (Cap. 585), in respect of land that is the subject of a New Territories lease;”;
- (b) in the definition of “New Territories lease” and “lease”, by repealing “or on behalf of the Governor” and substituting “the Government”.

75. Burdens and covenants

Section 7 is amended—

- (a) in subsection (1), by repealing “registered in the Land Registry” and substituting “referred to in subsection (4)”;
- (b) by adding—
 - “(4) For the purpose of subsection (1), the instrument referred to in that subsection is an instrument—
 - (a) which is registered under the Land Registration Ordinance (Cap. 128); or
 - (b) which is registered under the Land Titles Ordinance (Cap. 585) or which supports a current entry in the Title Register kept under that Ordinance.”.

New Territories (Renewable Government Leases) Ordinance

76. Interpretation

Section 2 of the New Territories (Renewable Government Leases) Ordinance (Cap. 152) is amended, in the definition of “section”, by repealing “in the Land Registry and also means” and substituting “under the Land Registration Ordinance (Cap. 128), or which is registered under the Land Titles Ordinance (Cap. 585) or which supports a current entry in the Title Register kept under that Ordinance, and”.

77. New Government leases deemed to be granted on 1st July 1973

Section 4(4) is amended—

- (a) in paragraph (a), by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128)”;
- (b) by adding—
 - “(aa) any charge registered under the Land Titles Ordinance (Cap. 585);
 - (ab) any equitable mortgage which is the subject of a consent caution or non-consent caution registered under the Land Titles Ordinance (Cap. 585);”.

Legal Practitioners Ordinance

78. Unqualified person not to prepare certain instruments, etc.

Section 47(1)(b) of the Legal Practitioners Ordinance (Cap. 159) is repealed and the following substituted—

- “(b) draws or prepares any document for the purposes of the Land Registration Ordinance (Cap. 128), the Land Titles Ordinance (Cap. 585), or the New Territories Ordinance (Cap. 97), or makes any application or lodges any testimony for registration under any of those Ordinances at the Land Registry,”.

Domestic and Cohabitation Relationships Violence Ordinance

(Replaced 18 of 2009 s. 20)

79. Injunctions not to be registered

Section 10 of the Domestic and Cohabitation Relationships Violence Ordinance (Cap. 189) is amended by adding “or the Land Titles Ordinance (Cap. 585)” after “Land Registration Ordinance (Cap. 128)”.

(Amended 18 of 2009 s. 20)

Crimes Ordinance

80. Section substituted

Section 153M of the Crimes Ordinance (Cap. 200) is repealed and the following substituted—

“153M. Registration of notices and orders relating to premises

- (1) Where the Land Registrar receives a notice sent to him under section 145A, 153C(6) or 153H(4), or a copy of an order sent

to him under section 153A(2), 153I(8) or 153K(5), he shall as soon as reasonably practicable register under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585), as the case may require, the notice or copy of the order.

(2) A failure to register under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585) a notice or copy of an order referred to in subsection (1) shall not, save as is provided in section 153C, affect its validity as against any person.”.

Prevention of Bribery Ordinance

81. Restraining orders

Section 14C(3A) of the Prevention of Bribery Ordinance (Cap. 201) is amended by repealing everything after “property,” and substituting “the order may be registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585), as the case may require.”.

Conveyancing and Property Ordinance

82. Proof of title and recitals

Section 13 of the Conveyancing and Property Ordinance (Cap. 219) is amended by adding—

“(6) This section shall not apply to land which is registered land within the meaning of the Land Titles Ordinance (Cap. 585).”.

83. Conversion of equitable interest to legal estate where right to Government lease

Section 14(3) is amended—

(a) in paragraphs (a) and (b), by repealing “in the Land Registry”;

(b) by repealing paragraph (c) and substituting—

“(c) upon the entry made by the Land Registrar in the register kept under the Land Registration Ordinance (Cap. 128), or in the Title Register kept under the Land Titles Ordinance (Cap. 585), of a note to the effect that those conditions have been complied with.”.

84. Construction of words and expressions

Section 15(d) is repealed and the following substituted—

“(d) Chinese words and terms shall be construed according to Chinese language and custom; and”.

85. What an assignment is deemed to include

Section 16 is amended by adding—

“(3) This section shall not apply to land which is registered land within the meaning of the Land Titles Ordinance (Cap. 585).”.

86. Assignment passes whole estate

Section 17 is amended—

- (a) by renumbering it as section 17(1);
- (b) by adding—

“(2) This section shall not apply to land which is registered land within the meaning of the Land Titles Ordinance (Cap. 585).”.

87. Standard forms

Section 37 is amended—

- (a) by renumbering it as section 37(1);
- (b) by adding—

“(2) This section shall not apply to land which is registered land within the meaning of the Land Titles Ordinance (Cap. 585).”.

88. Enforcement of covenants

Section 41 is amended—

- (a) in subsection (3), by adding “and the Land Titles Ordinance (Cap. 585)” after “subsection (5)”;
- (b) by adding—

“(9A) A covenant registered or deemed to be registered in the Title Register kept under the Land Titles Ordinance (Cap. 585) against the land affected by the covenant shall bind the successors in title of the covenantor and the persons deriving title under or through him or them whether or not they had notice of the covenant.”.

89. Saving of covenants, terms and conditions

Section 42 is amended—

(a) in subsection (2)—

- (i) by adding “or the Land Titles Ordinance (Cap. 585)” after “Land Registration Ordinance (Cap. 128)”;
- (ii) by repealing “Land Registry registers” and substituting “register kept under the Land Registration Ordinance (Cap. 128) or the Title Register kept under the Land Titles Ordinance (Cap. 585), as the case may require,”;

(b) by adding—

“(4) This section shall be subject to the provisions of the Land Titles Ordinance (Cap. 585).”.

90. Discharge of mortgage by signed receipt

Section 56 is amended by adding—

“(7) This section shall not apply to land which is registered land within the meaning of the Land Titles Ordinance (Cap. 585).”.

91. Section substituted

Section 64 is repealed and the following substituted—

“64. Amendment of Schedules

(1) The Legislative Council may by resolution amend the First, Second or Fourth Schedule.

(2) The Land Registrar may, by notice in the Gazette, amend the Third Schedule.”.

92. Covenants and Conditions which may be incorporated by reference

The Second Schedule is amended, in Part A, in clause 10, by repealing “in the Land Registry, to register at the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128), to register under that Ordinance”.

93. Forms

The Third Schedule is amended, in Form 1, in clause 3 of Form 4 and in clause 2(a) of Form 5, by repealing “in the Land Registry by Memorial No.” and substituting “under the Land Registration Ordinance (Cap. 128) by Memorial No. ”.

Land Transactions (Enemy Occupation) Ordinance

94. Interpretation

Section 2 of the Land Transactions (Enemy Occupation) Ordinance (Cap. 256) is amended by repealing the definition of “Land Registry registers” and substituting—

““Land Registry registers” (土地註冊處註冊紀錄冊) means the register kept under the Land Registration Ordinance (Cap. 128) or the Title Register kept under the Land Titles Ordinance (Cap. 585).”.

95. Proceedings in relation to disputes

Section 6(4) is amended by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585), as the case may require,”.

Mass Transit Railway (Land Resumption and Related Provisions) Ordinance

96. Interpretation

Section 2 of the Mass Transit Railway (Land Resumption and Related Provisions) Ordinance (Cap. 276) is amended, in the definition of “mortgage”, by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”.

97. Chief Executive may order resumption of land

Section 4(5) is amended by repealing “register of the land kept in the Land Registry” and substituting “register kept under the Land Registration Ordinance (Cap. 128) or the Title Register kept under the Land Titles Ordinance (Cap. 585), as the case may require”.

98. Chief Executive may order creation of easements or rights

Section 6(8) is amended by repealing “register of the land affected thereby kept in the Land Registry” and substituting “register kept under the Land Registration Ordinance (Cap. 128) or the Title Register kept under the Land Titles Ordinance (Cap. 585), as the case may require”.

Housing Ordinance

99. Interpretation

Section 2 of the Housing Ordinance (Cap. 283) is amended—

- (a) in the definition of “common parts”, by repealing “in an instrument registered in the Land Registry as being for the exclusive use, occupation or enjoyment of an owner;” and substituting—
 - “as being for the exclusive use, occupation or enjoyment of an owner in an instrument—
 - (a) which is registered under the Land Registration Ordinance (Cap. 128); or
 - (b) which is registered under the Land Titles Ordinance (Cap. 585) or which supports a current entry in the Title Register kept under that Ordinance;”;
- (b) by repealing the definition of “Land Registry”;
- (c) in the definition of “registered mortgagee”, in paragraph (a), by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”.

Hong Kong Airport (Control of Obstructions) Ordinance

100. Orders by Chief Executive in Council relating to heights of buildings

Section 3(3) of the Hong Kong Airport (Control of Obstructions) Ordinance (Cap. 301) is repealed and the following substituted—

- “(3) An order under subsection (1)(c) shall be served upon the owner of the premises affected, and—
 - (a) if the land affected is registered under the Land Registration Ordinance (Cap. 128), the order may be registered under that Ordinance against the land affected by delivering to the Land Registrar a memorial thereof signed by the Clerk to the Executive Council and containing the full terms of the order; or
 - (b) if the land affected is registered under the Land Titles Ordinance (Cap. 585), the order may be registered under that Ordinance against the land affected by delivering a copy thereof to the Land Registrar containing a declaration signed by the Clerk to the Executive Council to the effect that it is a true and correct copy of the order,

and upon receipt of such memorial or copy, the Land Registrar shall register it in the register kept under the Land Registration Ordinance

(Cap. 128) or in the Title Register kept under the Land Titles Ordinance (Cap. 585), as the case may require.”.

101. Recovery of cost of works by Director of Buildings

Section 16(9) is amended by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585), as the case may require,”.

Registered Trustees Incorporation Ordinance

102. Vesting of land

Section 7 of the Registered Trustees Incorporation Ordinance (Cap. 306) is amended by repealing “Land Registry register” and substituting “register kept under the Land Registration Ordinance (Cap. 128) or the Title Register kept under the Land Titles Ordinance (Cap. 585)”.

Air Pollution Control (Fuel Restriction) Regulations

103. Interpretation

Regulation 2 of the Air Pollution Control (Fuel Restriction) Regulations (Cap. 311 sub. leg. I) is amended, in the definition of “Sha Tin fuel restriction area”, by repealing “Office” and substituting “Registry”.

District Court Ordinance

104. Provisions supplementary to sections 52A and 52B

Section 52AB of the District Court Ordinance (Cap. 336) is amended—

- (a) in subsection (2), by adding “and the Land Titles Ordinance (Cap. 585)” after “Land Registration Ordinance (Cap. 128)”;
- (b) by adding—

“(6) If an order under subsection (4) discharging a charging order registered under the Land Titles Ordinance (Cap. 585) is made, the Land Registrar shall, on the presentation to him of an application for the purpose accompanied by an office copy of the order, remove from the Title Register kept under that Ordinance the entry referring to the order.”.

Rules of the District Court

105. Special rules as to the sale of immovable property

Order 47, rule 7(4)(b) of the Rules of the District Court (Cap. 336 sub. leg. H) is repealed and the following substituted—

- “(b) In the case of immovable property which is registered under the Land Titles Ordinance (Cap. 585), such certificate shall be liable to the same stamp duty as an assignment of the same property and, when duly stamped, may support an application for registration under that Ordinance of the purchaser as the owner of the property.
- (c) In the case of any other immovable property, such certificate shall be liable to the same stamp duty as an assignment of the same property and, when duly stamped, shall be taken and deemed to be a valid transfer of such right, title and interest and may be registered under the Land Registration Ordinance (Cap. 128).”.

106. Discharge, etc., of charging order

Order 50, rule 7(2) is amended by repealing “the lot number of the land and the memorial number of any relevant charge registered against the land.” and substituting—

“—

- (a) the lot number of the land; and
- (b) the memorial number of any relevant charge registered against the land under the Land Registration Ordinance (Cap. 128) or the application number of any relevant charge registered against the land under the Land Titles Ordinance (Cap. 585), as the case may be.”.

Demolished Buildings (Re-development of Sites) Ordinance

107. Interpretation

Section 2(1) of the Demolished Buildings (Re-development of Sites) Ordinance (Cap. 337) is amended by repealing the definition of “Land Registry”.

108. Premises made subject to Ordinance

Section 3(2) is repealed and the following substituted—

- “(2) The Director shall cause—

- (a) a copy of such notice to be served on any person appearing from the register kept under the Land Registration Ordinance (Cap. 128) or the Title Register kept under the Land Titles Ordinance (Cap. 585) to have an interest in such property; and
- (b) such notice to be registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585), as the case may require.”.

109. Order for re-development

Section 4(2) is repealed and the following substituted—

“(2) Where an order is served under subsection (1)—

- (a) the order shall within one month of such service be registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585), as the case may require; and
- (b) a copy of the order shall also be served on any person appearing from the register kept under the Land Registration Ordinance (Cap. 128), or the Title Register kept under the Land Titles Ordinance (Cap. 585), to have an interest in such property.”.

110. Assessment of incremental value

Section 6(2) is amended by repealing “Land Registry registers” and substituting “register kept under the Land Registration Ordinance (Cap. 128) or the Title Register kept under the Land Titles Ordinance (Cap. 585)”.

111. Payment of compensation

Section 9(1) is amended by repealing “in the Land Registry by a memorial thereof signed” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585), as the case may require,”.

112. Charge for compensation awarded

Section 12(1) is amended by repealing “in the Land Registry under” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585) pursuant to”.

Building Management Ordinance

113. Interpretation

Section 2 of the Building Management Ordinance (Cap. 344) is amended—

- (a) in the definition of “common parts”, in paragraph (a), by repealing “in an instrument registered in the Land Registry as being for the exclusive use, occupation or enjoyment of an owner; and” and substituting—
 - “as being for the exclusive use, occupation or enjoyment of an owner in an instrument—
 - (i) which is registered under the Land Registration Ordinance (Cap. 128); or
 - (ii) which is registered under the Land Titles Ordinance (Cap. 585) or which supports a current entry in the Title Register kept under that Ordinance; and”;
- (b) in the definition of “deed of mutual covenant”, in paragraph (b), by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;
- (c) by repealing the definition of “Land Registry”;
- (d) in the definition of “owner”, in paragraph (a), by repealing “records at the Land Registry” and substituting “register kept under the Land Registration Ordinance (Cap. 128) or the Title Register kept under the Land Titles Ordinance (Cap. 585)”;
- (e) in the definition of “registered mortgagee”, in paragraph (a), by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”.

114. *(Repealed 5 of 2007 s. 74)*

**115. Corporation may sell or register charges
 against flat in certain circumstances**

Section 19(1) is amended by repealing “a charge against such interest in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585), as the case may require, a charge against such interest”.

116. Determination of owner’s shares

Section 39(a) is amended by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”.

117. Jurisdiction of tribunal in relation to building management

Section 45 is amended—

- (a) in subsection (3), by repealing “which is registered in the Land Registry including a deed of mutual covenant (if any).” and substituting—

“, including a deed of mutual covenant (if any)—

- (a) which is registered under the Land Registration Ordinance (Cap. 128); or
 - (b) which is registered under the Land Titles Ordinance (Cap. 585) or which supports a current entry in the Title Register kept under that Ordinance.”;
- (b) in subsection (4)(j), by repealing “which is registered in the Land Registry including a deed of mutual covenant (if any).” and substituting—
 - “, including a deed of mutual covenant (if any)—
 - (i) which is registered under the Land Registration Ordinance (Cap. 128); or
 - (ii) which is registered under the Land Titles Ordinance (Cap. 585) or which supports a current entry in the Title Register kept under that Ordinance.”.

118- (*Repealed 5 of 2007 s. 74*)

119.

Electricity Networks (Statutory Easements) Ordinance

120. Interpretation

Section 2 of the Electricity Networks (Statutory Easements) Ordinance (Cap. 357) is amended, in the definition of “owner”—

- (a) in paragraph (a), by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;
- (b) in paragraph (b), by repealing “registered in the Land Registry,” and substituting—

“—

- (i) which is registered under the Land Registration Ordinance (Cap. 128); or
- (ii) which is registered under the Land Titles Ordinance (Cap. 585) or which supports a current entry in the Title Register kept under that Ordinance;”.

121. Easements not to have effect until order registered

Section 5(1) and (2) is amended by adding “or the Land Titles Ordinance (Cap. 585)” after “Land Registration Ordinance (Cap. 128)”.

122. Registration of order to be advertised in press

Section 6 is amended—

- (a) in subsections (1) and (2)(a), by adding “or the Land Titles Ordinance (Cap. 585)” after “Land Registration Ordinance (Cap. 128)”;
- (b) in subsection (2)(b), by adding “or the number of the application” after “memorial”.

123. Rectification etc. of approved scheme

Section 7(3) is amended by adding “or the Land Titles Ordinance (Cap. 585)” after “Land Registration Ordinance (Cap. 128)”.

124. Compensation for diminution of value of land

Section 10(1) is amended by adding “or the Land Titles Ordinance (Cap. 585)” after “Land Registration Ordinance (Cap. 128)”.

Water Pollution Control Ordinance

125. Recovery of costs

Section 40B of the Water Pollution Control Ordinance (Cap. 358) is amended—

- (a) in subsection (9), by adding “or the Land Titles Ordinance (Cap. 585)” after “Land Registration Ordinance (Cap. 128)”;
- (b) in subsection (10), by repealing everything after “shall” and substituting—
“__

- (a) if a copy of the certificate has been registered under the Land Registration Ordinance (Cap. 128) against land or premises pursuant to subsection (9), register under that Ordinance a certificate of satisfaction against the land or premises; or
- (b) if a copy of the certificate has been registered under the Land Titles Ordinance (Cap. 585) against land or premises pursuant to subsection (9), cause the appropriate entries to be made in the Title Register kept under that Ordinance to effect a discharge of the legal charge mentioned in that subsection.”.

Water Pollution Control (Sewerage) Regulation

126. Compensation Rights and Assessment

Schedule 1 to the Water Pollution Control (Sewerage) Regulation (Cap. 358 sub. leg. AL) is amended, in Part II, in section 2, in the definition of “owner”, in paragraph (b), by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”.

Roads (Works, Use and Compensation) Ordinance

127. Interpretation

Section 2(1) of the Roads (Works, Use and Compensation) Ordinance (Cap. 370) is amended—

- (a) in the definition of “mortgage”, by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;
- (b) in the definition of “owner”, in paragraph (b), by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”.

128. Governor may order resumption of land

Section 13(5) is amended by repealing “register of the land kept in the Land Registry” and substituting “register kept under the Land Registration Ordinance (Cap. 128) or the Title Register kept under the Land Titles Ordinance (Cap. 585), as the case may require”.

129. Governor may order creation of easements and other rights

Section 15(8) is amended by repealing “register of the land kept in the Land Registry” and substituting “register kept under the Land Registration Ordinance (Cap. 128) or the Title Register kept under the Land Titles Ordinance (Cap. 585), as the case may require.”

130. Surrender of title documents

Section 35 is amended by repealing “register of the land kept in the Land Registry” and substituting register kept under the Land Registration Ordinance (Cap. 128) or the Title Register kept under the Land Titles Ordinance (Cap. 585), as the case may require”.

Drug Trafficking (Recovery of Proceeds) Ordinance

131. Restraint orders

Section 10(11) of the Drug Trafficking (Recovery of Proceeds) Ordinance (Cap. 405) is repealed and the following substituted—

“(11) Where any property specified in a restraint order is immovable property, the order may be registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585), as the case may require.”.

**Drug Trafficking (Recovery of Proceeds)
(Designated Countries and Territories) Order**

**132. Drug Trafficking (Recovery of Proceeds)
Ordinance as modified**

Schedule 2 to the Drug Trafficking (Recovery of Proceeds) (Designated Countries and Territories) Order (Cap. 405 sub. leg. A) is amended by repealing section 10(11) and substituting—

“(11) Where any property specified in a restraint order is immovable property, the order may be registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585), as the case may require.”.

Sewage Tunnels (Statutory Easements) Ordinance

133. Interpretation

Section 2 of the Sewage Tunnels (Statutory Easements) Ordinance (Cap. 438) is amended by repealing the definition of “Land Registry”.

134. Publication of plans

Section 4 is amended—

- (a) in subsection (2)(d), by repealing “registered in the Land Registry” and substituting “referred to in subsection (3)”;
- (b) by adding—

“(3) For the purpose of subsection (2)(d), the instrument referred to in that subsection is an instrument—

- (a) which is registered under the Land Registration Ordinance (Cap. 128);
or
- (b) which is registered under the Land Titles Ordinance (Cap. 585) or which supports a current entry in the Title Register kept under that Ordinance.”.

135. Objections

Section 5 is amended—

- (a) in subsection (1), by repealing “registered in the Land Registry” and substituting “referred to in subsection (5)”;
- (b) by adding—

“(5) For the purpose of subsection (1), the instrument referred to that subsection is an instrument—

- (a) which is registered under the Land Registration Ordinance (Cap. 128);
or
- (b) which is registered under the Land Titles Ordinance (Cap. 585) or which supports a current entry in the Title Register kept under that Ordinance.”.

136. Orders under section 6 or 7

Section 8 is amended by adding—

“(4) An order made under section 6 or 7 and applying in respect of any land to which the Land Titles Ordinance (Cap. 585) applies may be registered under that Ordinance.”.

137. Deposit of plan and registration of order

Section 9(b) is amended by adding “or the Land Titles Ordinance (Cap. 585), as the case may require” after “Land Registration Ordinance (Cap. 128)”.

Land Drainage Ordinance

138. Interpretation

Section 2 of the Land Drainage Ordinance (Cap. 446) is amended—

- (a) by repealing the definition of “Land Registry”;
- (b) in the definition of “mortgage”, by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;
- (c) in the definition of “owner”, in paragraph (b), by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”.

139. Resumption of land on application

Section 37(7)(a) is amended by repealing “register of the land kept in the Land Registry” and substituting “register kept under the Land Registration Ordinance (Cap. 128) or the Title Register kept under the Land Titles Ordinance (Cap. 585), as the case may require”.

140. Surrender of title documents

Section 44 is amended by repealing “register of the land kept in the Land Registry” and substituting “register kept under the Land Registration Ordinance (Cap. 128) or the Title Register kept under the Land Titles Ordinance (Cap. 585), as the case may require,”.

Bedspace Apartments Ordinance

141. Recovery of cost of works by Authority

Section 25 of the Bedspace Apartments Ordinance (Cap. 447) is amended—

- (a) in subsection (2), by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585), as the case may require,”;
- (b) in subsection (8), by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585), as the case may require,”;
- (c) in subsection (9), by repealing “登記” and substituting “註冊”;
- (d) in subsection (10), by repealing everything after “shall” and substituting—

“—

- (a) if the certificate has been registered under the Land Registration Ordinance (Cap. 128), register under that Ordinance an appropriate memorial of satisfaction against the charge mentioned in subsection (8); or
- (b) if the certificate has been registered under the Land Titles Ordinance (Cap. 585), cause the appropriate entries to be made in the Title Register kept under that Ordinance to effect a discharge of the charge mentioned in subsection (8).”.

Organized and Serious Crimes Ordinance

142. Restraint orders

Section 15(11) of the Organized and Serious Crimes Ordinance (Cap. 455) is repealed and the following substituted—

“(11) Where any property specified in a restraint order is immovable property, the order may be registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585), as the case may require.”.

Land Survey Ordinance

143. Interpretation

Section 2 of the Land Survey Ordinance (Cap. 473) is amended by repealing the definition of “Land Registry”.

144. Disciplinary offences

Section 20(1) is amended by repealing “section 30(6) or (8)” and substituting “section 30(6) or (8) or 30A(7) or (9)”.

145. Land boundary plans for subdivisions

Section 30 is amended by adding—

“(11) This section shall not apply to land which is registered land within the meaning of the Land Titles Ordinance (Cap. 585).”.

146. Section added

The following is added—

**“30A. Land boundary plans for
subdivision of registered land**

(1) Subject to subsections (2) and (3), where there is presented to the Land Registrar any application—

- (a) within the meaning of the Land Titles Ordinance (Cap. 585); and
- (b) the registration of which under that Ordinance will effect a division of registered land,

then the instrument accompanying the application and providing for the division shall, in respect of each of the parcels of land to result from the division, be accompanied by a land boundary plan—

- (c) showing and delineating those parcels; and
- (d) subject to subsection (4), signed and certified by an authorized land surveyor in the specified form.

(2) Without prejudice to the generality of subsections (3) and (4)

—

- (a) subject to paragraph (b), it shall not be necessary for an instrument referred to in subsection (1) to be accompanied by a land boundary plan referred to in subsection (1) where the division of registered land concerned is provided for by a will or judgment and that instrument is the grant of probate in respect of the will, or the judgment, as the case may be;

- (b) it shall be necessary for an instrument accompanying an application presented for the registration under the Land Titles Ordinance (Cap. 585) of a dealing to effect the passing of title to any parcel of land resulting from that division to be accompanied by such a land boundary plan.

(3) It shall not be necessary for an instrument referred to in subsection (1) or (2)(b) to be accompanied by a land boundary plan referred to in that subsection if the instrument was executed before the commencement of section 30.

(4) It shall not be necessary for a land boundary plan—

- (a) accompanying an instrument referred to in subsection (1) or (2)(b); and

(b) which has been prepared by the Government,
to be signed and certified by an authorized land surveyor.

(5) An authorized land surveyor who certified a land boundary plan referred to in subsection (1) or (2)(b) shall deposit with the Authority a duplicate of the land boundary plan and the survey record plan of the relevant land boundary survey both signed and certified in the specified form, not later than 7 days after the application referred to in that subsection to which the land boundary plan relates was presented to the Land Registrar.

(6) A prescribed fee shall be payable to the Authority by the authorized land surveyor who deposits a duplicate land boundary plan and a survey record plan.

(7) The Authority may by notice in writing require any authorized land surveyor who has undertaken a land boundary survey or any part of such survey to deliver to the Authority for his inspection within such time as may be specified in the notice the following documents or things used in connection with or produced from the survey as may be specified in the notice—

- (a) the report of calibration of survey instruments;
- (b) the survey instruments;
- (c) field notes; and
- (d) the report in relation to the land boundary definition.

(8) The Authority shall return any document or thing delivered under subsection (7) as soon as it is practicable after inspection.

(9) The Authority may by notice in writing require an authorized land surveyor who deposited with the Authority under subsection (5) a duplicate land boundary plan and a survey record plan to amend the duplicate land boundary plan or the survey record plan or both so deposited with respect to the new boundary line created by a division of land and shown and delineated thereon in such manner as specified in the notice to make them comply with any code of practice approved under the Land Survey Ordinance (Cap. 473) within such time as specified in the notice.

(10) For the purposes of this section—

“judgment” (判決) includes a judgment or order of the Court of First Instance, the District Court or the Lands Tribunal;

“registered land” (註冊土地) has the meaning assigned to it by section 2(1) of the Land Titles Ordinance (Cap. 585).

(11) For the avoidance of doubt, it is hereby declared that a land boundary plan referred to in subsection (1) shall not have effect other than the effect it has by virtue of its being a plan attached to or endorsed on or accompanying an instrument delivered into the Land Registry for registration under the Land Titles Ordinance (Cap. 585).

(12) This section shall apply to land which is registered land within the meaning of the Land Titles Ordinance (Cap. 585).”.

Marine Parks and Marine Reserves Regulations

147. Interpretation

Section 2 of the Marine Parks and Marine Reserves Regulation (Cap. 476 sub. leg. A) is amended by repealing the definition of “Land Registry”.

Environmental Impact Assessment Ordinance

148. Recovery of costs

Section 25 of the Environmental Impact Assessment Ordinance (Cap. 499) is amended—

(a) in subsection (9), by adding “or the Land Titles Ordinance (Cap. 585), as the case may require,” after “Land Registration Ordinance (Cap. 128)”;

(b) in subsection (10), by repealing everything after “shall” and substituting—

“—

- (a) if a copy of the certificate has been registered under the Land Registration Ordinance (Cap. 128) against land or premises pursuant to subsection (9), register under that Ordinance a certificate of satisfaction against the land or premises; or
- (b) if a copy of the certificate has been registered under the Land Titles Ordinance (Cap. 585) against land or premises pursuant to subsection (9), cause the appropriate entries to be made in the Title Register kept under that Ordinance to effect a discharge of the legal charge mentioned in that subsection.”.

Government Rent (Assessment and Collection) Ordinance

149. Interpretation

Section 2 of the Government Rent (Assessment and Collection) Ordinance (Cap. 515) is amended, in the definition of “section”, by repealing “registered in the Land Registry;” and substituting—

“—

- (a) which is registered under the Land Registration Ordinance (Cap. 128); or
- (b) which is registered under the Land Titles Ordinance (Cap. 585) or which supports a current entry in the Title Register kept under that Ordinance;”.

150. Exemption from liability to pay Government rent

Section 4(13)(a) is amended by repealing everything after “entitled” and substituting—

“to the exclusive possession of any part of any building erected on the lot or of any part of the lot under the terms of an instrument—

- (i) which is registered under the Land Registration Ordinance (Cap. 128); or

- (ii) which is registered under the Land Titles Ordinance (Cap. 585) or which supports a current entry in the Title Register kept under that Ordinance.”.

151. Deed of mutual covenant overridden

Section 38(4) is amended—

- (a) in the definition of “common parts”, by repealing “in an instrument registered in the Land Registry as being for the exclusive use, occupation or enjoyment of an owner;” and substituting—
 - “as being for the exclusive use, occupation or enjoyment of an owner in an instrument—
 - (a) which is registered under the Land Registration Ordinance (Cap. 128); or
 - (b) which is registered under the Land Titles Ordinance (Cap. 585) or which supports a current entry in the Title Register kept under that Ordinance;”;
- (b) in the definition of “deed of mutual covenant”, in paragraph (b), by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”.

Railways Ordinance

152. Interpretation

Section 2 of the Railways Ordinance (Cap. 519) is amended—

- (a) in the definition of “mortgage”, by repealing “in the Land Registry” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585)”;
- (b) in the definition of “owner”, in paragraph (b), by repealing “registered in the Land Registry”.

153. Resumption order

Section 18(4) is amended by repealing “register of the land kept in the Land Registry” and substituting “register kept under the Land Registration Ordinance (Cap. 128) or the Title Register kept under the Land Titles Ordinance (Cap. 585), as the case may require”.

154. Chief Executive may order creation of easements and rights

Section 20(8) is amended by repealing “register of the land kept in the Land Registry” and substituting “register kept under the Land Registration Ordinance (Cap. 128) or the Title Register kept under the Land Titles Ordinance (Cap. 585), as the case may require”.

155. Surrender of title documents

Section 40 is amended by repealing “register of the land kept in the Land Registry” and substituting “register kept under the Land Registration Ordinance (Cap. 128) or the Title Register kept under the Land Titles Ordinance (Cap. 585), as the case may require”.

Mutual Legal Assistance in Criminal Matters Ordinance

156. Enforcement, etc. of external confiscation orders

Schedule 2 to the Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525) is amended by repealing section 7(10) and substituting—

“(10) Where any property specified in a restraint order is immovable property, the order may be registered under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585), as the case may require.”.

Land (Compulsory Sale for Redevelopment) Ordinance

157. Interpretation

Section 2(1) of the Land (Compulsory Sale for Redevelopment) Ordinance (Cap. 545) is amended by repealing the definition of “lis pendens” and substituting—

““lis pendens” (待決案件) means a lis pendens—

- (a) within the meaning of section 1A of the Land Registration Ordinance (Cap. 128) and which is registered under that Ordinance; or
- (b) within the meaning of section 2(1) of the Land Titles Ordinance (Cap. 585) and which is registered under that Ordinance;”.

158. Application to Tribunal for compulsory sale of lot

Section 3(3)(b) is amended by adding “or the Land Titles Ordinance (Cap. 585), as the case may require,” after “Land Registration Ordinance (Cap. 128)”.

159. Determination of application

Section 4(13) is amended by adding “or removed under the Land Titles Ordinance (Cap. 585), as the case may require” after “Land Registration Ordinance (Cap. 128)”.

160. Registration of order for sale, etc.

Section 7 is amended—

- (a) in subsections (1) and (2), by adding “or the Land Titles Ordinance (Cap. 585), as the case may require,” after “Land Registration Ordinance (Cap. 128)”;
- (b) in subsection (3), by adding “or removed under the Land Titles Ordinance (Cap. 585), as the case may require” after “Land Registration Ordinance (Cap. 128)”.

Broadcasting Ordinance

**161. Domestic free television programme
service supplementary provisions**

Schedule 4 to the Broadcasting Ordinance (Cap. 562) is amended, in Part 2, in section 9(8), by repealing “by memorial” and substituting “under the Land Registration Ordinance (Cap. 128) or the Land Titles Ordinance (Cap. 585), as the case may require,”.

Fire Safety (Buildings) Ordinance

**162. Registration of fire safety compliance
order, etc. in the Land Registry**

Section 14(1) and (2) of the Fire Safety (Buildings) Ordinance (Cap. 572) is amended—

- (a) by repealing “by memorial”;
- (b) by repealing “land register” and substituting “register kept under the Land Registration Ordinance (Cap. 128) or the Title Register kept under the Land Titles Ordinance (Cap. 585), as the case may require,”.

SCHEDULE 4

[s. 104]

CONSEQUENTIAL AMENDMENTS TO LAND REGISTRATION ORDINANCE

(Not yet in operation)

1. Interpretation

Section 1A of the Land Registration Ordinance (Cap. 128) is amended—

- (a) by renumbering it as section 1A(1);
- (b) in subsection (1)—
 - (i) in the definition of “register card”, by repealing the full stop at the end and substituting a semicolon;
 - (ii) by adding—

““caution against conversion” (抗轉換警告書) means a document in the specified form—

- (a)
giving notice of a claim to title to land or a beneficial interest in the land; and

- (b)
specifying that title or interest and that land;

“caveat” (知會備忘) means a document in the specified form—

- (a)
giving notice of a claim to an unregistrable interest in land; and

- (b)
specifying that interest and that land;

“registered caution against conversion” (註冊抗轉換警告書) means a caution against conversion registered under this Ordinance;

“registered caveat” (註冊知會備忘) means a caveat registered under this Ordinance;

“specified” (指明), in relation to a form, means specified under section 27A;

“unregistrable interest” (不可註冊權益) means any interest or equity in or

affecting land which—

(a)
has been created by operation
of law; and

(b)
but for the enactment of
section 21A, would not be
registrable under this
Ordinance.”;

(c) by adding—

“(2) Unless the context otherwise requires,
any reference in any other enactment to a thing
being noted in or shown in a register kept under this
Ordinance, or to the register of a lot or section kept
under this Ordinance, shall be construed as a
reference to the relevant records of the Land
Registry kept under this Ordinance, by whatever
name called.”.

2. Section added

The following is added immediately after section 1A—

“1B. Application

This Ordinance does not apply to new land or registered land
within the meaning of the Land Titles Ordinance (Cap. 585).”.

3. Establishment of Land Registry for registration of instruments affecting land

Section 2 is amended by adding—

“(1A) A caveat and a caution against conversion shall be
regarded as an instrument in writing capable of registration under
this Ordinance.”.

4. Section substituted

Section 17 is repealed and the following substituted—

“17. Registration and re-registration of judgment, order or lis pendens

(1) Subject to subsection (2)—

- (a) the registration of a relevant order shall cease to have effect immediately upon the expiration of 5 years from the date of registration of the order but the order may be re-registered from time to time and, if so re-registered, the re-registration of the order shall have effect for another 5 years from the date of re-registration; and
- (b) if the re-registration of a relevant order is made before the expiration of a current period of registration or re-registration of the order, then the order shall retain its original priority.

(2) For the avoidance of doubt, it is hereby declared that the operation of this section shall not prejudice the generality of any other provisions of this Ordinance under which the registration of a relevant order may be removed or withdrawn.

(3) In this section, “relevant order” (有關命令) means a judgment, order or *lis pendens*.”.

5. Sections added

The following are added immediately after section 21—

“CAVEATS

21A. Registration of caveat to protect unregistrable interest

A person who claims an unregistrable interest in land may make an application in the specified form to the Land Registrar to register a caveat against the land.

21B. Effect of registration of caveat

(1) The registration of a caveat against land shall constitute notice of the claim which is the subject of the caveat to all persons.

(2) For the avoidance of doubt, it is hereby declared that the registration of a caveat shall not—

- (a) of itself affect the validity or otherwise of the claim which is the subject of the caveat;
- (b) of itself create or validate any rights or interests, or adversely affect any rights or interests, of the caveator; or
- (c) without prejudice to the generality of paragraph (a), constitute a warranty, or a guarantee, as to the validity of the claim.

(3) The registration of a caveat does not prejudice the priority of the claim which is the subject of the caveat.

21C. Relationship between caveat and registered instrument

The question of whether a registered instrument is subject to an unregistrable interest claimed under a caveat shall be determined in accordance with the law in force at the time when the transaction which is the subject of the registered instrument was effected.

21D. Priority among unregistrable interests relating to the same land

The priority of all unregistrable interests relating to the same land, and whether or not any such interest is the subject of a registered caveat, shall be determined in accordance with the law applicable to the priority among such interests.

21E. Withdrawal and removal of caveats

(1) A caveat may be withdrawn on the presentation to the Land Registrar by the caveator of an application in the specified form for the withdrawal of the caveat.

(2) A caveat may be removed on the presentation to the Land Registrar of an application in the specified form for the removal of the caveat—

(a) in any case, by a person who has obtained an order of the Court of First Instance for its removal;

(b) by the owner of the land affected by the caveat but only if the Land Registrar—

(i) is satisfied that the owner has provided a copy of the application to the caveator not less than 14 days before the presentation of the application to the Land Registrar; and

(ii) is satisfied—

(A) that the caveat was wrongfully registered;

(B) that the ground on which the caveat was registered no longer exists; or

(C) that the caveator consents to the removal of the caveat.

(3) The Land Registrar may require the owner of land presenting an application for the removal of a caveat under

subsection (2)(b) to support the application by such evidence as the Land Registrar requires.

(4) A person with an interest in land affected by the caveat may apply by originating summons to the Court of First Instance for the removal of the caveat and the Court of First Instance may make such order on the originating summons and as to costs as to the Court of First Instance appears just.

(5) On the withdrawal or removal of a caveat—

- (a) the Land Registrar shall cause an entry to be made in the register kept under this Ordinance in respect of the land against which the caveat was registered, giving notice of the withdrawal or removal of the caveat; and
- (b) any liability of the caveator previously incurred under section 21F shall not be affected by the entry made under paragraph (a).

21F. Wrongful caveats

(1) A person who applies to the Land Registrar to register a caveat without reasonable cause shall be liable, in an action for damages at the suit of—

- (a) the owner of land concerned; or
- (b) any other person who has an interest in the land,

to pay compensation to the owner or other person for any damage sustained thereby, in such amount as to the Court of First Instance appears just.

(2) A caveator under a registered caveat who fails, without reasonable excuse, to apply to the Land Registrar for the withdrawal of the caveat within a reasonable period of time after the ground on which it was registered ceases to exist, shall be liable, in an action for damages at the suit of a person referred to in subsection (1)(a) or (b), to pay compensation to that person for any damage sustained thereby, in such amount as to the Court of First Instance appears just.

CAUTIONS AGAINST CONVERSION

21G. Registration of caution against conversion

(1) Subject to subsection (2), a person who claims to have any title to land, or a beneficial interest in any land, may make an

application in the specified form to the Land Registrar to register a caution against conversion against the land.

(2) No application may be made under subsection (1) on or after the 12th anniversary of the appointed day as defined by section 2(1) of the Land Titles Ordinance (Cap. 585).

21H. Effect of registration of caution against conversion

(1) Land against which a registered caution against conversion subsists shall not become registered land under the Land Titles Ordinance (Cap. 585).

(2) The registration of a caution against conversion against land shall constitute notice of the claim which is the subject of the caution against conversion to all persons.

(3) For the avoidance of doubt, it is hereby declared that the registration of a caution against conversion shall not—

- (a) of itself affect the validity or otherwise of the claim which is the subject of the caution against conversion;
- (b) of itself create or validate any rights or interests, or adversely affect any rights or interests, of the cautioner; or
- (c) without prejudice to the generality of paragraph (a), constitute a warranty, or a guarantee, as to the validity of the claim.

(4) The registration of a caution against conversion does not prejudice the priority of the claim which is the subject of the caution against conversion.

21I. Relationship between caution against conversion and registered instrument

The question of whether a registered instrument is subject to an interest claimed under a caution against conversion shall be determined in accordance with the law in force at the time when the transaction which is the subject of the registered instrument was effected.

21J. Validity of registration of caution against conversion

(1) Subject to subsections (2), (3), (4), (5) and (6) and section 21K, the registration of a caution against conversion shall expire immediately upon the commencement of the 1st anniversary of its date of registration.

(2) Subject to subsection (3), the cautioner under a registered caution against conversion may from time to time apply by originating summons to the Court of First Instance for the extension of the validity of registration of the caution against conversion and the Court of First Instance may make such order on the originating summons and as to costs as to the Court of First Instance appears just.

(3) An application for time extension under subsection (2) must be made—

- (a) before the expiration of the validity of registration of a registered caution against conversion; or
- (b) if the application is made within an extension granted under that subsection, before the expiration of such extension.

(4) Subject to subsection (5), the Court of First Instance shall not grant any extension of time under subsection (2) which would extend the validity of the registration of a caution against conversion beyond the date of the 2nd anniversary of the caution against conversion's first date of registration.

(5) The Court of First Instance may, if it is satisfied that exceptional circumstances exist, grant an extension of time under subsection (2) notwithstanding that the applicant has not complied with subsection (3) or that the extension would extend the validity of registration of the caution against conversion beyond the date referred to in subsection (4).

(6) Where before the expiration of the validity of the registration of a caution against conversion under this section, a lis pendens relating to the claim which is the subject of the caution against conversion has been registered by the cautioner against land against which the caution against conversion is registered, then, subject to section 21K, the validity of the registration of the caution against conversion shall not expire under this section until the registration of the lis pendens has been vacated or discharged.

(7) The Land Registrar shall not—

- (a) register more than one caution against conversion in respect of the same claim made by the same person; or
- (b) again register a caution against conversion the registration of which—
 - (i) has previously expired; or

- (ii) has been withdrawn or removed under section 21K.

21K. Withdrawal and removal of caution against conversion

(1) A caution against conversion may be withdrawn on the presentation to the Land Registrar by the cautioner of an application in the specified form for the withdrawal of the caution.

(2) A caution against conversion may be removed on the presentation to the Land Registrar of an application in the specified form for the removal of the caution—

- (a) in any case, by a person who has obtained an order of the Court of First Instance for its removal;
- (b) by the owner of the land affected by the caution but only if the Land Registrar—

- (i) is satisfied that the owner has provided a copy of the application to the cautioner not less than 14 days before the presentation of the application to the Land Registrar; and

- (ii) is satisfied—

- (A) that the caution was wrongfully registered;

- (B) that the ground on which the caution was registered no longer exists; or

- (C) that the cautioner consents to the removal of the caution.

(3) The Land Registrar may require the owner of land presenting an application for the removal of a caution against conversion under subsection (2)(b) to support the application by such evidence as the Land Registrar requires.

(4) A person with an interest in land affected by the caution against conversion may apply by originating summons to the Court of First Instance for the removal of the caution against conversion and the Court of First Instance may make such order on the originating summons and as to costs as to the Court of First Instance appears just.

(5) On the withdrawal or removal of a caution against conversion

—

- (a) the Land Registrar shall cause an entry to be made in the register kept under this Ordinance in respect of the land against which the caution against conversion was registered, giving notice of the withdrawal or removal of the caution against conversion; and
- (b) any liability of the cautioner previously incurred under section 21L shall not be affected by the entry made under paragraph (a).

21L. Wrongful caution against conversion

(1) A person who applies to the Land Registrar to register a caution against conversion without reasonable cause shall be liable, in an action for damages at the suit of—

- (a) the owner of land concerned; or
- (b) any other person who has an interest in the land,

to pay compensation to the owner or other person for any damage sustained thereby, in such amount as to the Court of First Instance appears just.

(2) A cautioner under a registered caution against conversion who fails, without reasonable excuse, to apply to the Land Registrar for the withdrawal of the caution against conversion within a reasonable period of time after the ground on which it was registered ceases to exist, shall be liable, in an action for damages at the suit of a person referred to in subsection (1)(a) or (b), to pay compensation to that person for any damage sustained thereby, in such amount as to the Court of First Instance appears just.”.

6. Section added

The following is added—

“27A. Power of Land Registrar to specify forms

(1) Subject to subsection (2), the Land Registrar may specify the form of any document required under this Ordinance to be in the specified form.

(2) A form specified under this section shall be—

- (a) completed in accordance with such directions and instructions as are specified in the form;

- (b) accompanied by such documents (including instruments, certificates, duplicates of the form and statutory declarations) as are specified in the form; and
 - (c) if the completed form is required to be provided to the Land Registrar or any other person, so provided in the manner, if any, specified in the form.
- (3) For the avoidance of doubt, it is hereby declared that the Land Registrar's power under subsection (1) may be exercised in such a way as to—
 - (a) include in the specified form of any document referred to in that subsection a statutory declaration—
 - (i) to be made by the person completing the form; and
 - (ii) as to whether the particulars contained in the form are true and correct to the best of that person's knowledge and belief;
 - (b) specify 2 or more forms of any document referred to in that subsection, whether as alternatives, or to provide for particular circumstances or particular cases, as the Land Registrar thinks fit.”.

1A. Interpretation

In this Ordinance, unless the context otherwise requires—

document (文件) includes, in addition to a document in writing—

- (a) any map, plan or drawing;
- (b) any disc, tape or other device in which data other than visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced therefrom; and
- (c) any film, tape or other device in which visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced therefrom;

image (影像) or **image record** (影像紀錄) means a record produced using the imaging method and, where the context permits, includes a record in a legible form; (*Added 104 of 1995 s. 2*)

imaging (影像處理) or **imaging method** (影像處理方法) means a method by which documents in a legible form or in the form of microfilm are scanned by a scanner and the information recorded therein is converted into electronic images, which are then stored on electronic storage media capable of being retrieved and reproduced in a legible form; (*Added 104 of 1995 s. 2*)

lis pendens (待決案件) means—

- (a) any action or proceeding pending in a court or tribunal that relates to land or any interest in or charge on land; and
- (b) a bankruptcy petition; (*Added 56 of 1992 s. 3*)

record (紀錄) includes not only a written record but any record conveying information or instructions by any other means whatsoever;

register card (註冊資料卡) has the meaning assigned to it by regulation 2 of the Land Registration Regulations (Cap. 128 sub. leg. A). (*Added 104 of 1995 s. 2. Amended E.R. 2 of 2020*)

(*Added 49 of 1986 s. 2*)

23A. Liability of Land Registrar and others

If the Land Registrar or any other person employed in the Land Registry wilfully or negligently fails to comply with section 23, he

shall be liable for any loss or damage thereby caused, but he shall not be liable in damages— (*Amended 8 of 1993 ss. 2 & 3*)

- (a) for registering, in good faith, any deed, conveyance or other instrument in writing, or judgment, notwithstanding any error, omission or defect therein;
- (b) for registering, in good faith, any deed, conveyance, or other instrument in writing, or judgment, which does not affect any parcels of ground, tenements or premises in Hong Kong; or
- (c) for any damage to or loss or destruction of any memorial or any deed, conveyance or other instrument in writing, or judgment, registered or delivered for registration or any document in his custody unless such damage, loss or destruction was due to his act and such act—
 - (i) was not authorized by or under this Ordinance; and
 - (ii) was done negligently or with intent to cause such damage, loss or destruction.

(Added 56 of 1980 s. 6. Amended 56 of 1992 s. 15)

28. Regulations

- (1) The Land Registrar may make regulations for all or any of the following matters— (*Amended 56 of 1992 s. 13*)
 - (a) the manner in which entry and registration of memorials, deeds, conveyances, and other instruments in writing, and judgments, and other documents in the Land Registry shall be effected, and the withdrawal of any memorial, deed, conveyance, or other instrument in writing, or judgment, or other document from registration; (*Amended 56 of 1992 s. 15*)
 - (b) determining the date of registration of registered instruments and the proof thereof;
 - (c) particulars and documents to be furnished for the purposes of registration;
 - (d) the method by which and the form in which memorials, deeds, conveyances, and other instruments in writing, and judgments, and other documents are to be recorded and the manner in which they are to be maintained; (*Amended 56 of 1992 s. 15*)
 - (e) the correction and amendment of any memorial or other document;
 - (f) the keeping of indexes, registers and other records of the Land Registry;

- (g) the use of microfilm, imaging or any other material or method for the recording of memorials, deeds, conveyances, and other instruments in writing, and judgments, and other documents, including records of the Land Registry; (*Amended 56 of 1992 s. 15; 104 of 1995 s. 6*)
 - (ga) the use of the imaging method for the recording of microfilm records; (*Added 104 of 1995 s. 6*)
 - (h) the destruction or disposal of memorials and other documents, including records of the Land Registry, recorded on microfilm or on other material or by the imaging method; (*Amended 104 of 1995 s. 6*)
 - (i) fixing the hours during which the Land Registry or any part thereof shall be open to the public and empowering the Land Registrar to vary such hours;
 - (j) regulating admission to the Land Registry or any part thereof and the use of any equipment, facilities or material therein by members of the public;
 - (k) regulating the conduct of persons in the Land Registry;
 - (l) enabling any person to be refused entry to the Land Registrar and the removal from the Land Registry of any person;
 - (m) prescribing anything that is required or permitted to be prescribed under this Ordinance.
- (2) Regulations made under this section may provide that a contravention of any specified provision of any such regulation shall be an offence and may provide penalties therefor not exceeding a fine at level 3 and imprisonment for 2 years. (*Amended E.R. 2 of 2020*)

(Added 56 of 1980 s. 10. Amended 8 of 1993 ss. 2 & 3)

Schedule 1

[para. (b)]

Services to be Provided by the Trading Fund

1. Giving advice on matters relating to registration under the Land Registration Ordinance (Cap. 128).
2. Registration of documents—
 - (a) affecting land and capable of being registered under the Land Registration Ordinance (Cap. 128);
 - (b) required under any Ordinance to be registered at the Land Registry.
3. Maintaining any book, register, index or other record of the Land Registry, whether in manual, microfilmed or computerized format.
4. Making available for inspection, or providing copies of, the records of the Land Registry.
5. Conducting on behalf of the Government and public bodies searches of Land Registry records, and compiling reports of such searches.
6. Preparing certified copies of records held by the Land Registry.
7. Providing safe custody for documents delivered to the Land Registry for that purpose.
8. Preparing and verifying memorial forms to accompany documents to be registered in the Land Registry.
9. Acting as a depository for plans deposited in the Land Registry pursuant to any Ordinance.
10. Giving advice on matters relating to registration of owners as a corporation under the Building Management Ordinance (Cap. 344).

11. Processing applications by owners of buildings for registration as a corporation under the Building Management Ordinance (Cap. 344).
12. Issuing certificates of registration of owners of buildings as a corporation under the Building Management Ordinance (Cap. 344).
13. Maintaining a register of corporations of owners of buildings under the Building Management Ordinance (Cap. 344).
14. Making available for inspection, and providing copies of, records of corporations of owners of buildings registered under the Building Management Ordinance (Cap. 344).
15. Preparing certified copies or extracts of records of corporations of owners of buildings registered under the Building Management Ordinance (Cap. 344).
16. Compiling and publishing for sale current indexes of streets, house numbers and lots in Hong Kong.
17. Providing training, giving seminars and publishing materials in respect of registration matters under the Land Registration Ordinance (Cap. 128) and the Building Management Ordinance (Cap. 344).
18. Collating and producing statistics, analyses, information and materials from Land Registry records.
19. Advising on and assisting in the introduction of an alternative system of land registration in Hong Kong.
20. Appearances by the Land Registrar or his representative as witness or *amicus curiae* in court proceedings.
21. Producing Land Registry records for use in court proceedings.
22. Cancelling memorials of re-entry and vesting notices and serving such memorials and notices on owners under the Government Rights (Re-entry and Vesting Remedies) Ordinance (Cap. 126). (68 of 1999 s. 3)

23. Any service that the Land Registrar may be authorized to provide under or by virtue of any Ordinance.
24. Any service incidental to or conducive to the provision of any of the services specified in this Schedule.

IMPLICATIONS OF THE PROPOSAL

FINANCIAL AND CIVIL SERVICE IMPLICATIONS

The work to prepare for the implementation of the “New Land First” proposal, which includes development of a new information technology system to support the operation of the title registration system, preparation for the provision of services under the Land Titles Ordinance (LTO) and related matters and formulation and launching of publicity campaigns and professional education programmes, is mainly absorbed by existing resources and conducted by existing staff as part of their overall duties. It is envisaged that the anticipated workload for implementing the “New Land First” proposal would be absorbed by existing manpower in the early years of implementation. All the costs involved will be met from the Land Registry Trading Fund (LRTF).

2. For the proposed Land Titles Indemnity Fund (the Indemnity Fund), it is non-Government funded and self-financing, i.e. financially independent from the LRTF. The Indemnity Fund will be built up by a flat levy of 0.014% on the consideration amount of each property transferred under the title registration system. It is intended to build up the reserve in the Indemnity Fund to \$150 million in ten years to meet possible claims, though the actual time to build up the reserve and the actual level of reserve will depend very much on the property market conditions and actual number of claims. Any person who suffers a loss of ownership under the title registration system due to fraud will have the right to claim indemnity (subject to a cap of \$50 million per application). Any person who suffers a loss due to a mistake or omission of Land Registry will also be eligible for indemnity payment, which is not subject to a cap and will be paid out of the Indemnity Fund and then be reimbursed by the LRTF. Such cases are considered rare and the financial implication is considered minimal.

3. A stand-by loan facility of \$150 million from the Government is proposed to serve as a back-up for the Indemnity Fund to meet claims before the reserve is built up during the initial period **and** when the reserve level is not sufficient to meet the claims. The stand-by loan will

only be drawn down when such need arises. Funding for the proposed loan facility will be sought in accordance with the established mechanism as and when required.

ECONOMIC IMPLICATIONS

4. A title registration system would provide greater certainty of title, thereby helping enhance confidence of property buyers. The proposal would also streamline as well as improve security, efficiency and transparency of property conveyancing in Hong Kong.

SUSTAINABILITY IMPLICATIONS

5. On sustainability implications, the Bill will help provide certainty of title and bring our registration system more in line with similar systems in other jurisdictions.