

**Registration of Titles and Land (Miscellaneous
Amendments) Ordinance 2025**

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HONG KONG SPECIAL ADMINISTRATIVE REGION

ORDINANCE NO. 40 OF 2025



John KC LEE
Chief Executive
2 October 2025

An Ordinance 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

“, unless the context otherwise requires”.

(2) 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;”.

(3) 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;”.

- (4) 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;”.

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

Repeal

“section 71(1) and (3)”

Substitute

“section 71(1) and (2)”.

- (6) Section 2(1), definition of *Court*—

Repeal

“Court of First Instance”

Substitute

“District Court, Court of First Instance, Court of Appeal or Court of Final Appeal”.

- (7) 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);”.

(8) 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;”.

(9) Section 2(1), definition of *document*—

Repeal

“, in addition to a document in writing”.

(10) 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;”.

(11) 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;”.

(12) 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;”.

(13) 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);”.

- (14) Section 2(1), definition of *Land Titles Indemnity Fund*—

Repeal

“pursuant to”

Substitute

“under”.

- (15) 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;”.

- (16) 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;”.
- (17) Section 2(1), definition of *lot*—
- Repeal**
- “section and subsection”
- Substitute**
- “portion”.
- (18) 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;”.
- (19) Section 2(1), definition of *non-consent caution*—
Repeal
“section 71(4), (6) and (13)”
Substitute
“section 71(4) and (5)”.
- (20) Section 2(1), definition of *owner*, paragraphs (a) and (b)—
Repeal
“named”
Substitute
“whose name is entered”.
- (21) 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;”.

(22) 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;”.

(23) 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;”.

(24) 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”.

(25) 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;”.

(26) 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;”.

(27) 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;”.

(28) 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;”.

(29) 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;”.

(30) 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.

- (31) 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;
- (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; or
- (vii) land excluded from the application of this Ordinance under section 24;

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;”.

(32) 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”.

(33) 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 substituted

Section 24—

Repeal the section

Substitute

“24. Application for exclusion of specified land from application of this Ordinance

- (1) The lessee of a Government lease of any specified land may, before the title to the specified land is registered under section 21, apply to the Registrar to have the specified land excluded from the application of this Ordinance.
- (2) The Registrar may approve the application if—

- (a) the Government lease of the specified land is granted under an in-situ land exchange under which a piece of Cap. 128 land has been surrendered to the Government;
 - (b) the specified land adjoins any Cap. 128 land along a common boundary; and
 - (c) the Registrar is satisfied that the building intended to be constructed on the specified land is not a building described in Part 1 of the Schedule to the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121).
- (3) The Registrar is to, by written notice, notify the applicant whether the application is approved or refused.
- (4) If the application is approved, the specified land is regarded to have been excluded from the application of this Ordinance from the date of the Government lease of the specified land.
- (5) In this section—

specified land (指明土地) means any land that—

- (a) falls within paragraph (a) of the definition of ***new land*** in section 2(1); but
- (b) does not fall within paragraph (b)(i), (ii), (iii), (iv), (v) or (vi) of that definition.”.

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

“第(1)款提述”

Substitute

“第(1)款所述”.

- (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—
 - (a) an application lodged for the registration of a matter against a registered interest (*target application*) is supported by a conveyance on sale—
 - (i) 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; and
 - (ii) that has been stamped in accordance with section 29D(2) of Cap. 117; and

- (b) the charge in respect of the relevant instrument that has arisen under section 13A of Cap. 117 against the interest has not been registered against the 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 the name of a personal representative 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 purpose of preventing any dealing in the interest or charge with a bona fide purchaser for valuable consideration without notice of any breach of the personal representative's duties in the dealing 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) To avoid doubt, subsection (1) does not require a purchaser to enquire whether there is any breach of the personal representative's duties in the dealing concerned.
- (3) 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.
- (4) 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 the name of a trustee in bankruptcy 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 purpose of preventing any dealing in the interest or charge with a bona fide purchaser for valuable consideration without notice of any breach of the trustee in bankruptcy’s duties in the dealing 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) To avoid doubt, subsection (1) does not require a purchaser to enquire whether there is any breach of the trustee in bankruptcy’s duties in the dealing concerned.
- (3) 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.

- (4) 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 (Re-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 not to be registered before registration of transmission

- (1) Subject to subsection (2), a disposition of a registered interest or registered charge by a person whose name may be entered (in whatever capacity) in the Title Register as the owner or lessee of the interest or the owner of the charge under this Part is not to be registered unless the name of the person has been so entered.

- (2) 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.
- (3) An application mentioned in subsection (2) is to be supported by proof to the Registrar’s satisfaction of the vesting.”.

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 the name of a trustee 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 purpose of preventing any dealing in the interest or charge with a bona fide purchaser for valuable consideration without notice of any breach of the trustee's duties in the dealing 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) To avoid doubt, subsection (4) does not require a purchaser to enquire whether there is any breach of the trustee's duties in the dealing concerned.
- (6) 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.
- (7) 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

- (1) 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.
- (2) Subsection (1) does not apply to a purchaser if the purchaser has notice of the breach of trust concerned.

- (3) To avoid doubt, this section does not require a purchaser to enquire whether there is any breach of trust by the trustee or trustee in bankruptcy in the disposition concerned.”.

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.”.

(16) After section 81(4)—

Add

“(5) In this section, a reference to omission does not include a failure to lodge an application for registration.”.

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, a reference to omission does not include a failure to lodge an application for registration.
- (12) 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.”.

76. Section 83 amended (time for bringing proceedings under section 82)

- (1) Section 83, heading—

Repeal

“section 82”

Substitute

“section 82(1)”.

- (2) Section 83(1), before “may be made”—

Add

“in relation to an entry”.

- (3) Section 83(1)—

Repeal

“section 82 after the end of the period of”

Substitute

“section 82(1) after the expiry of”.

- (4) Section 83(1)—

Repeal

“obtained, made”

Substitute

“registered”.

(5) Section 83(2)—

Repeal

“section 82”

Substitute

“section 82(1)”.

Division 12—Amendments to Part 12 (Indemnity)

77. 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), in relation to a fraudulent entry or mistaken 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.

(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—

- (a) 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; and
- (b) (where a rectification application has been made in relation to the entry) the Court has not made an order under section 82(1)(c) in respect of the rectification application,

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.”.

78. 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 specified order 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.”.

79. 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.”.

80. 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*) is 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.”.

81. 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).”.

82. 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)—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 in cases of fraud

- (1) This section applies to a person (*applicant*) who—
 - (a) lodges an indemnity application in relation to a fraudulent entry under section 86; and
 - (b) is a party to any proceedings that—
 - (i) lead to the making of the specified order in relation to the fraudulent entry; 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.
- (2) 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 (1)(b).

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).”.

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

Section 87—

Repeal the section.

84. 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—

- (a) 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 for a loss; and
- (b) the person has, for the purpose of reaching a settlement with any other person in respect of the loss, entered into an agreement or arrangement (however described) (*settlement arrangement*),

the Government’s rights against that other person under subsection (1) or (2) are not affected by the settlement arrangement.

(2B) Without affecting subsection (2), 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 (2B)(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”.

85. 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”.

86. 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)

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

(1) Section 91—

Repeal subsection (1)

Substitute

“(1) A person aggrieved by a decision made by the Registrar specified in Schedule 5 may appeal to the Court against the decision by serving on the Registrar a notice of appeal 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”.

88. 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) or section 72 of the District Court Ordinance (Cap. 336) 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)

89. Section 94 repealed (determination of lot boundaries)

Section 94—

Repeal the section.

90. 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.”.

91. 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.”.

92. 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).

93. 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.”.

94. 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.”.

95. 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”.

96. 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.”.

97. 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(1)(b), 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.”.

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

(1) Section 103, heading—
Repeal
“Schedules 1 and 2”

Substitute
“Schedules 2 and 5”.

(2) Section 103—
Repeal subsection (1).

(3) Section 103(2)—
Repeal
“Schedule 2”

Substitute

“Schedules 2 and 5”.

- (4) After section 103(2)—

Add

- “(3) Without limiting subsection (2), a notice amending Schedule 5 published under that subsection may contain any incidental, supplementary, consequential, transitional or saving provision that may be necessary or expedient in consequence of the notice.”.

99. 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

100. 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.

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

Schedule 2—

Repeal

“9, 33(3), 41”

Substitute

“33(3)”.

102. 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”.

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, after cross-heading “**District Court Ordinance**”—

Add

“103A. Section added

The District Court Ordinance (Cap. 336) is amended by adding—

“36A. Jurisdiction in actions instituted under Land Titles Ordinance

- (1) The Court has jurisdiction to hear and determine any action in relation to any land if—
 - (a) the action is instituted under the Land Titles Ordinance (Cap. 585); and
 - (b) the rateable value of the land determined in accordance with the Rating Ordinance (Cap. 116) does not exceed \$600,000.
- (2) If the Court’s jurisdiction in an action mentioned in subsection (1)(a) is also provided for in any other provision of this Ordinance—
 - (a) subsection (1) prevails over that other provision; and
 - (b) the Court does not derive any jurisdiction to hear and determine the action under that other provision.”.

103B. Counterclaims

Section 39 is amended by repealing “to 37” and substituting “, 33, 34, 35, 36, 36A and 37”.

103C. Transfer to the Court from the Court of First Instance where the parties consent

Section 44(1) is amended by adding “, 36A” after “36”.

103D. Interest on claims for debt and damages

Section 49(7) is amended by adding “, 36A” after “36”.

(126) Schedule 3, section 104—

Repeal

“of the District Court Ordinance (Cap. 336)”.

(127) 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”.

(128) Schedule 3, section 104—

Repeal paragraph (b).

(129) Schedule 3, Chinese text, section 105, new rule 7(4)(b) and (c)—

Repeal

“可被”

Substitute

“須被”.

(130) Schedule 3, Chinese text, section 106, new rule 7(2)(a)—

Repeal

“有關”

Substitute

“該”.

- (131) 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.”.

- (132) 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)”.

- (133) 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”.

- (134) Schedule 3, section 110—

Repeal

“or the Title Register kept under the Land Titles Ordinance (Cap. 585)”.

- (135) 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”.

- (136) Schedule 3, Chinese text, section 113(a), new paragraph (a)(ii)—

Repeal

“當時有效的”

Substitute

“現有”.

- (137) 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,”;”.

- (138) 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)”.

(139) 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)”.

(140) 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,”.

(141) 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”.

- (142) 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)”.

- (143) 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))”.

- (144) Schedule 3, Chinese text, section 117(a), new section 45(3)(b)—

Repeal

“當時有效的”

Substitute

“現有”.

- (145) 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))”.

- (146) Schedule 3, Chinese text, section 117(b)—

Repeal

“由符”

Substitute

“於符”.

- (147) Schedule 3, Chinese text, section 117(b), new section 45(4)(j)(ii)—

Repeal

“當時有效的”

Substitute

“現有”.

- (148) 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”.

- (149) Schedule 3, Chinese text, section 120(b), new paragraph (b)(ii)—

Repeal

“當時有效的”

Substitute

“現有”.

- (150) 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”.
- (151) 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.”.”.
- (152) 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)”.

(153) Schedule 3, section 126—

Repeal

“to the Water Pollution Control (Sewerage) Regulation (Cap. 358 sub. leg. AL)”.

(154) 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)”.

(155) 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)”.”.

(156) 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.”.

(157) 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.”.

- (158) Schedule 3, Chinese text, section 134(b), new section 4(3)(b)—

Repeal

“當時有效的”

Substitute

“現有”.

- (159) Schedule 3, English text, section 135(b), new section 5(5)—

Repeal

“referred to”

Substitute

“referred to in”.

- (160) Schedule 3, Chinese text, section 135(b), new section 5(5)(b)—

Repeal

“當時有效的”

Substitute

“現有”.

- (161) 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.”.

(162) 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)”.

(163) 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)”.”.

(164) 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)”.”.

(165) 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.”.

(166) 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.”.

(167) 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.”.

(168) Schedule 3, section 146, new section 30A(2)—

Repeal

“subsections (3) and (4)”

Substitute

“subsection (4)”.

(169) Schedule 3, section 146, new section 30A(2)(b)—

Repeal

“presented”

Substitute

“lodged”.

(170) Schedule 3, section 146, new section 30A—

Repeal subsection (3).

(171) Schedule 3, section 146, new section 30A(5)—

Repeal

“presented to”

Substitute

“lodged with”.

(172) Schedule 3—

Repeal the cross-heading before section 147.

(173) Schedule 3—

Repeal section 147.

(174) 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.”.”.

- (175) Schedule 3, Chinese text, section 149(b), new paragraph (b)—

Repeal

“當時有效的”

Substitute

“現有”.

- (176) Schedule 3, Chinese text, section 150, new section 4(13)(a)(ii)—

Repeal

“當時有效的”

Substitute

“現有”.

- (177) Schedule 3, Chinese text, section 151(a), new paragraph (b)—

Repeal

“當時有效的”

Substitute

“現有”.

- (178) Schedule 3, section 151(b)—

Repeal

“585”).”

Substitute

“585”).”.

- (179) 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.”.

(180) 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”.

(181) 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)”.”.

(182) 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)”.”.

(183) 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)”.”.

(184) 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.”.

(185) 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,”.”.

- (186) Schedule 3, English text, section 157, new definition of *lis pendens*—

Repeal

“means a lis pendens”

Substitute

“means”.

- (187) 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)”.

- (188) 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;”.

- (189) 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”.

(190) 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.”.”.

(191) 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.”.”.

(192) 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”.

(193) 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).”.

- (194) 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”.
- (195) 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”.

(196) 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”.

(197) 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”.

103. Schedule 4 repealed (consequential amendments to Land Registration Ordinance)

Schedule 4—

Repeal the Schedule.

104. Schedule 5 added

At the end of the Ordinance—

Add

“Schedule 5

[ss. 91 & 103]

Decisions Specified for purposes of Section 91

1. Refusal to register under section 8(2)(e) a matter on the ground that the matter is not capable of being registered
2. Removal of an entry from the Title Register under section 17
3. Refusal to remove an entry from the Title Register under section 17
4. Registration of an overriding interest under section 28
5. Refusal to register an overriding interest under section 28
6. Removal of an entry referring to an overriding interest from the Title Register under section 28
7. Refusal to remove an entry referring to an overriding interest from the Title Register under section 28
8. Registration of a caution under section 71
9. Refusal to register a caution under section 71
10. Registration of the withdrawal or removal of a caution under section 73 or 73A
11. Refusal to register the withdrawal or removal of a caution under section 73 or 73A

12. Refusal to remove an entry referring to an inhibition order from the Title Register under section 77
 13. Refusal to extend the period within which an indemnity application under section 86 or 86A must be lodged”.
-

Part 3

Amendments to Land Registration Ordinance (Cap. 128)

105. Section 1A amended (interpretation)

- (1) Section 1A—

Renumber the section as section 1A(1).

- (2) Section 1A(1)—

Repeal

“, unless the context otherwise requires”.

- (3) Section 1A(1), definition of *image* or *image record*, before
“a record produced”—

Add

“an electronic record or”.

- (4) 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;”.

- (5) Section 1A(1), English text, definition of *register card*—
Repeal
“A).”
Substitute
“A);”.
- (6) 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).”.
- (7) 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.”.

106. 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.”.

107. 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.”.

108. 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).”.

109. 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.”.

110. Section 24 amended (dishonest destruction etc., of memorials and other documents)

Section 24(1)—

Repeal paragraphs (a) and (b)

Substitute

“(a) any of the following documents (including a copy or record of the document, whether in the form of microfilm, an image or otherwise) that belongs to, is

submitted to, or is filed or deposited in, the Land Registry, or any part of the document or any endorsement on the document—

- (i) a memorial;
- (ii) a deed, conveyance or other instrument in writing;
- (iii) a judgment; or
- (b) any of the following documents (including a copy or record of the document, whether in the form of microfilm, an image or otherwise) that belongs to, is submitted to, or is filed or deposited in, the Land Registry, or any part of the document—
 - (i) a register;
 - (ii) a book;
 - (iii) an index;
 - (iv) a receipt;
 - (v) a docket;
 - (vi) any other document,”.

111. Section 26A amended (copies of documents etc. admissible in evidence)

Section 26A(1)—

Repeal paragraph (a)

Substitute

“(a) of or from—

- (i) any of the following documents (*specified document*) (including a copy or record of the specified document, whether in the form of microfilm, an image or otherwise) that belongs to, is submitted to, or is filed or deposited in,

the Land Registry, or any part of the specified document or any endorsement on the specified document—

- (A) a memorial;
- (B) a deed, conveyance or other instrument in writing;
- (C) a judgment; or
- (ii) any of the following documents (***relevant document***) (including a copy or record of the relevant document, whether in the form of microfilm, an image or otherwise) that belongs to, is submitted to, or is filed or deposited in, the Land Registry, or any part of the relevant document—
 - (A) a register;
 - (B) a book;
 - (C) an index;
 - (D) a receipt;
 - (E) a docket;
 - (F) any other document; and”.

112. 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)

113. 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.