

業權註冊 Title Registration

摘要

- 就《土地業權條例》修訂進行的諮詢在2009年3月31日結束。結果顯示，公眾強烈支持保留在2004年制定的《土地業權條例》下的自動轉換機制。回應者亦支持對《土地業權條例》下的更正及彌償安排作有限度的例外處理。
- 就近期收到有關《土地業權條例》下的強制更正規則的不同觀點，我們會與持份者緊密聯繫，務求在推展《土地業權條例》的修訂工作上取得共識。
- 專題電視節目《老土正傳》廣受觀眾歡迎，並在「2009年電視節目欣賞指數調查」(第一階段)佔首20位。該節目有助提升公眾對業權保障和業權註冊制度的認識。

(a) 近期發展

(i) 《土地業權條例》修訂諮詢

為期三個月的《土地業權條例》修訂諮詢於2009年3月31日結束。主要持份者和公眾人士均對轉換機制及更正與彌償規定發表了意見。

公眾諮詢的結果顯示，回應者普遍支持按《土地註冊條例》註冊的土地在《土地業權條例》生效12年後，可自動轉換至業權註冊制度。他們亦支持若不可能為受欺詐影響而喪失業權的不知情前擁有人重新確立業權的話，可對強制更正規則作出有限度的例外處理。

所有諮詢的意見和建議，以及當局的回應均已上載至本處網頁內的諮詢網頁。此外，我們已向立法會發展事務委員會與司法及法律事務委員會研究《土地業權條例》修訂建議聯合小組委員會(「立法會聯合小組委員會」)匯報是次公眾諮詢的結果。

(ii) 公眾參與

為推展《土地業權條例》修訂的工作，本處一直與持份者保持緊密聯繫。由土地註冊處處長擔任主席的《土地業權條例》督導委員會，成員包括消費者委員會、香港律師會、香港大律師公會、新界鄉議局、香港銀行公會、香港按揭證券有限公司、香港地產建設商會及地產代理監管局的代表，為持份者提供一個有效平台，就《土地業權條例》的修訂工作交流意見。

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HIGHLIGHT

- The outcome of the consultation exercise on “*Amendments to Land Titles Ordinance*” that ended on 31 March 2009 indicated that there was strong public support for retaining the automatic conversion mechanism under the Land Titles Ordinance (LTO) enacted in 2004. Respondents were also in favour of making limited exceptions to the rectification and indemnity arrangements under the LTO.
- In view of the divergent views received on the mandatory rectification rule under the LTO, we will closely engage stakeholders with a view to identifying a consensus for taking forward the LTO amendment exercise.
- The TV series “*Stories of Our Land*” was well received and was among the top 20 programmes in the 2009 TV Programme Appreciation Index Survey (Phase 1). The programme helped raise public awareness of security of property rights and the title registration system.

(a) Recent Development

(i) Consultation on Amendments to LTO

A three-month public consultation on the amendments to the LTO in respect of the conversion mechanism and the rectification and indemnity provisions ended on 31 March 2009. Major stakeholders and members of the public had submitted their views.

The result of the public consultation indicated that there was general support for retaining automatic conversion of land registered under the Land Registration Ordinance to title registration regime twelve years after the commencement of the LTO. Respondents were also in favour of making limited exceptions to the mandatory rectification rule where it would be practically impossible to restore the title of an innocent former owner who was displaced as a result of fraud.

All views and submissions as well as the Administration’s response have been posted onto the consultation webpage of the Land Registry’s homepage. We have also reported the outcome of the public consultation exercise to the Joint Subcommittee on Amendments to LTO under the Panel on Development and the Panel on Administration of Justice and Legal Services of the Legislative Council (LegCo Joint Subcommittee).

Question No.	Question	Responses	Response 1
1	Should the automatic conversion of land registered under the Land Registration Ordinance to title registration regime be retained?	14,700	Yes
2	Should the automatic conversion of land registered under the Land Registration Ordinance to title registration regime be retained with limited exceptions?	14,700	Yes
3	Should the automatic conversion of land registered under the Land Registration Ordinance to title registration regime be retained with limited exceptions?	14,700	Yes
4	Should the automatic conversion of land registered under the Land Registration Ordinance to title registration regime be retained with limited exceptions?	14,700	Yes
5	Should the automatic conversion of land registered under the Land Registration Ordinance to title registration regime be retained with limited exceptions?	14,700	Yes
6	Should the automatic conversion of land registered under the Land Registration Ordinance to title registration regime be retained with limited exceptions?	14,700	Yes
7	Should the automatic conversion of land registered under the Land Registration Ordinance to title registration regime be retained with limited exceptions?	14,700	Yes
8	Should the automatic conversion of land registered under the Land Registration Ordinance to title registration regime be retained with limited exceptions?	14,700	Yes
9	Should the automatic conversion of land registered under the Land Registration Ordinance to title registration regime be retained with limited exceptions?	14,700	Yes
10	Should the automatic conversion of land registered under the Land Registration Ordinance to title registration regime be retained with limited exceptions?	14,700	Yes
11	Should the automatic conversion of land registered under the Land Registration Ordinance to title registration regime be retained with limited exceptions?	14,700	Yes
12	Should the automatic conversion of land registered under the Land Registration Ordinance to title registration regime be retained with limited exceptions?	14,700	Yes
13	Should the automatic conversion of land registered under the Land Registration Ordinance to title registration regime be retained with limited exceptions?	14,700	Yes
14	Should the automatic conversion of land registered under the Land Registration Ordinance to title registration regime be retained with limited exceptions?	14,700	Yes

(ii) Public Engagement

To take forward the amendment exercise of the LTO, the Land Registry has been maintaining close liaison with stakeholders. The Land Registrar also chairs an LTO Steering Committee with representatives from the Consumer Council, the Law Society of Hong Kong, the Hong Kong Bar Association, the Heung Yee Kuk, the Hong Kong Association of Banks, the Hong Kong Mortgage Corporation, the Real Estate Developers Association of Hong Kong and the Estate Agents Authority, which provides a useful platform for stakeholders to exchange views on the LTO amendment exercise.

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此外，本處定期向立法會聯合小組委員會匯報有關工作進展，向委員會提交的資料和文件均已上載至本處網頁。

(iii) 專題電視節目 — 《老土正傳》



本處與香港電台聯合製作的十集專題電視節目 — 《老土正傳》成功喚起公眾關注土地註冊制度及日後推行的土地業權改革制度，把有關訊息傳遞至社會各界。

該節目在2009年播放的中文及英文版本廣受觀眾歡迎，在「2009年電視節目欣賞指數調查」(第一階段)佔首20位。

我們亦為該節目製作了三語版本的數碼光碟，派發予小學、中學、大專院校和公共圖書館，以深化我們的宣傳工作，促請公眾關注土地註冊與他們日常生活之間的密切關係。

(iv) 《土地業權(修訂)條例草案》擬備工作

- 諮詢不同政府部門

本處繼續就《土地業權條例》與關乎各政府部門轄下法例之間的關係，以及在個別法例下產生的權利和押記等事宜進行諮詢。我們一直與各部門保持緊密合作，以處理和解決不同法例互相抵觸的地方。

- 擬備附屬法例

有關《土地業權規則》、《土地業權法庭規則》、《土地業權彌償基金規則》、《土地業權收費及徵費規則》及《土地業權過渡規則》的擬備工作現正進行。

(b) 未來計劃

最近，主要持份者就《土地業權條例》下的強制更正規則對業權註冊紀錄的確切性可能產生的影響意見分歧。若就《土地業權條例》中有關更正及彌償的規定作出任何根本改動，將對《土地業權條例》本身及其實施的時間表產生深遠影響，我們正竭力與持份者進行溝通，以期為《土地業權條例》的推展尋求共識。

與此同時，我們會繼續擬備修訂條例草案，並會為業權註冊擬備宣傳和公眾教育計劃，以及與持份者和相關團體緊密合作，在業權註冊制度實施之前推出該等計劃。

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In addition, the Land Registry has been regularly reporting on its work progress to the LegCo Joint Subcommittee. Papers and documents submitted to the LegCo Joint Subcommittee are available at the Land Registry's homepage.

(iii) TV Programme — “Stories of Our Land”

The ten-episode TV series “Stories of Our Land” jointly produced by the Land Registry and Radio Television Hong Kong has been successful in reaching out to the community for raising public awareness of the land registration system and the coming reform to title registration system.

Both the Chinese and English versions of the TV programme were broadcast in 2009. The programme was well received by the audience and it was among the top 20 programmes in the 2009 TV Programme Appreciation Index Survey (Phase 1).

We have also produced and distributed trilingual DVDs of the programme to all primary and secondary schools, tertiary institutes and public libraries to sustain our efforts in promoting public awareness of the close relationship of land registration with their everyday life.

(iv) Preparation of Land Titles (Amendment) Bill

- *Consultation with Various Departments*

The Land Registry continued the consultation with departments in relation to issues arising from the interrelationship between the LTO and ordinances under their purview and also on rights and charges created under their respective ordinances. The Land Registry and the departments worked closely with a view to addressing and resolving any conflicts identified.

- *Preparation of Subsidiary Legislation*

Preparatory work for the drafting of the rules i.e. Land Titles Rules, Land Titles Court Rules, Land Titles Indemnity Fund Rules and Land Titles (Fees and Levies) Rules and Land Titles Transitional Rules was underway.

(b) Future Plan

Recently, the major stakeholders expressed divergent views on the potential implications of the mandatory rectification rule under the LTO upon the conclusiveness of the title register. As any fundamental changes to the rectification and indemnity provisions of the LTO would have far-reaching implications on the LTO and its implementation timetable, we are making the best efforts to engage stakeholders with a view to identifying common grounds for taking the LTO forward.

Meanwhile, we will continue with the preparation of the amendment bill. We are also planning for the publicity and public education programmes for title registration and will work closely with our stakeholders and relevant organisations in taking forward the programmes before commencement of title registration.