

業權註冊

Title Registration

摘要

- 我們與持份者一直就《土地業權條例》的制定後檢討工作保持緊密合作，以處理為擬備《土地業權(修訂)條例草案》尚待解決的主要事項。
- 我們定期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」)匯報關於擬備《土地業權(修訂)條例草案》的最新進展。
- 我們會就一項新方案諮詢持份者，以回應他們對《土地業權條例》下更正及彌償安排的不同意見，務求達成新的共識，以推展土地業權的相關工作。

(a) 近期發展

(i) 持份者參與

去年，一些主要持份者對《土地業權條例》下的強制更正規則會否影響業權的明確性表示關注。該規則擬為因欺詐而喪失業權的不知情前擁有人恢復業權。有意見要求採用「即時不可推翻」原則取代；亦有意見要求撤銷欺詐個案可獲彌償的上限，以及撤銷轉換前的欺詐個案不獲彌償的規定；另有部分持份者則認為保留強制更正規則極為重要，由此可見持份者的觀點存在分歧。

對《土地業權條例》下的更正及彌償條文作出任何重要改動，都會對該條例及在《土地註冊條例》下的現有土地登記冊的自動轉換機制產生深遠影響。因此，本處一直與持份者緊密合作，以回應他們的不同意見和關注。年內，土地註冊處處長召開了三次《土地業權條例》督導委員會會議，與香港律師會、香港地產建設商會、香港銀行公會、香港按揭證券有限公司、地產代理監管局、消費者委員會、新界鄉議局，以及香港大律師公會的代表就《土地業權條例》下的轉換、更正和彌償安排交換意見。會議讓與會者更加明白不同持份者的關注，相關的意見交流亦有助本處研究可行的應對方案。





Highlight

- We have been working closely with our stakeholders on the post-enactment review of the Land Titles Ordinance (LTO) to address the major outstanding issues relating to the preparation of the Land Titles (Amendments) Bill (LT(A)B).
- We regularly update 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 (the LegCo Joint Subcommittee) on progress relating to the preparation of the LT(A)B.
- We will consult stakeholders on a new option to address their divergent views over the rectification and indemnity arrangements under the LTO, seeking to build a new consensus to take forward the land titles exercise.

(a) Recent Development

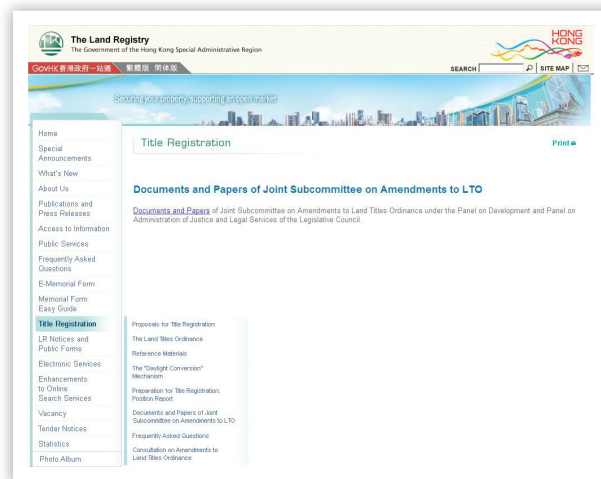
(i) Stakeholder Engagement

Last year, concerns were raised by some major stakeholders on the implications of the mandatory rectification rule under the LTO, which seeks to restore title to an innocent former owner who was displaced by fraud, on certainty of title. There were requests to adopt the immediate indefeasibility principle instead. There were also suggestions to remove the cap on indemnity payment for fraud cases and the bar on pre-conversion frauds. Reactions to these suggestions were mixed, however, as some stakeholders considered the preservation of the mandatory rectification rule to be of paramount importance.

As any significant changes to the rectification and indemnity provisions of the LTO would have far-reaching implications on the LTO and its automatic conversion mechanism for existing land registers held under the Land Registration Ordinance, the Land Registry has worked closely with stakeholders to address their divergent views and concerns. During the year, the Land Registrar convened three meetings of the LTO Steering Committee with representatives from The Law Society of Hong Kong, the Real Estate Developers Association of Hong Kong, the Hong Kong Association of Banks, the Hong Kong Mortgage Corporation Limited, the Estate Agents Authority, the Consumer Council, the Heung Yee Kuk and the Hong Kong Bar Association to exchange views on the conversion, rectification and indemnity arrangements under the LTO. The meetings have enabled participants to better appreciate the divergent concerns of different stakeholders, and exchanges at the meetings have provided a useful basis for the Land Registry to develop viable options to address such concerns.

(ii) 與立法會聯合小組委員會就《土地業權條例》修訂事宜的會議

年內，我們定期向立法會聯合小組委員會匯報關於擬備《土地業權(修訂)條例草案》的進展，主要事項包括擬議的土地註冊處處長的抗轉換警告書機制、《土地業權條例》與其他法例之間的關係、祖和堂的司理註冊事宜，以及土地界線的釐定等。我們亦適時向立法會聯合小組委員會匯報我們與持份者就《土地業權條例》下的轉換、更正及彌償安排的討論事宜。公眾可在本處網頁瀏覽呈交予立法會聯合小組委員會的資料文件。



(iii) 檢討《土地業權條例》及擬備《土地業權(修訂)條例草案》

我們正繼續《土地業權條例》的檢討工作，以擬備《土地業權(修訂)條例草案》。為此，我們一直與不同政府部門進行諮詢和緊密合作，以處理及解決《土地業權條例》與關乎各政府部門轄下法例之間的事宜。

(b) 未來計劃

最近，我們提出供持份者考慮的新方案，建議以兩個階段進行自動轉換，而每個階段亦有不同的更正及彌償安排。持份者的初步意見均十分正面。我們會繼續就新方案與持份者進行討論，以期達成共識，從而推展《土地業權條例》的修訂工作。

同時，我們會繼續為《土地業權(修訂)條例草案》作準備及草擬附屬法例，並在實施業權註冊之前為相關人士舉辦簡介會，以及籌劃其他宣傳和教育活動。

**(ii) Meeting with LegCo's Joint Subcommittee on Amendments to LTO**

During the year, we reported regularly to the LegCo Joint Subcommittee on the progress relating to the preparation of the LT(A)B. Major topics covered include the proposed Land Registrar's Caution Against Conversion mechanism, the relationship between the LTO and other ordinances, the registration of managers of t'so and t'ong and the determination of land boundaries. We have kept the LegCo Joint Subcommittee up to speed on our discussion with stakeholders regarding the conversion, rectification and indemnity arrangements under the LTO. Papers and documents submitted to the LegCo Joint Subcommittee are available on the Land Registry's homepage.

(iii) Review of LTO and Preparation of LT(A)B

We are continuing with the review of the LTO for the purpose of preparing the LT(A)B. As part of the review, we have been consulting various Government departments and working closely with them to address and resolve issues arising from the inter-relationship between the LTO and ordinances under their purview.

(b) Future Plan

We have recently put forward a new option involving two stages of automatic conversion, with different rectification and indemnity arrangements at each stage, for stakeholders' consideration. The initial feedback is positive. We will continue our discussion with stakeholders on the new option with a view to building consensus to take forward the LTO amendment exercise.

Meanwhile, we will continue with the preparation of the LT(A)B and drafting of the subsidiary legislation. We will also reach out to the community through briefings for interested parties and plan for other publicity and education programmes before commencement of title registration.