

# 业权注册 TITLE REGISTRATION



## 近期发展

### 咨询持份者「新土地先行」方案及《土地业权条例》(第585章)修订建议

年内，本处继续与主要持份者紧密合作，以期落实「新土地先行」方案，从而尽早在香港推行土地业权注册制度。在2019冠状病毒病疫情下，我们与主要持份者以传阅讨论／资料文件及来往书信进行咨询和讨论。我们亦与香港律师会来往书信，就《土地业权条例》下核实申请的规定和弥偿安排进行持续讨论。我们亦向《土地业权条例》督导委员会（督导委员会）的委员传阅一份编号为督导委员会第21号文件资料文件的资料文件，让他们知悉截至2020年12月尚未解决的重要事宜的进展。

## RECENT DEVELOPMENT

### Stakeholder Consultation on “New Land First” Proposal and Proposed Amendments to the Land Titles Ordinance (Cap. 585) (LTO)

During the year, we continued to work closely with key stakeholders to pursue the “new land first” proposal in order to enable early implementation of the Title Registration System (TRS) in Hong Kong. Given the COVID-19 pandemic, the consultation and discussions with the key stakeholders were mainly conducted through circulation of discussion/information papers and by correspondence. We also had on-going discussion with the Law Society of Hong Kong on the verification requirements for applications and indemnity arrangements under the LTO by correspondence. An information paper Land Titles Ordinance Steering Committee (LTOSC) Paper No. 21 was circulated to members of the LTOSC to update them on the progress of the major outstanding issues as at December 2020.



本处就《土地业权条例》下发出业权证明书进一步咨询督导委员会的意见。经考虑有关委员的意见和参考海外国家的经验后，本处透过督导委员会第20号文件，通知有关委员我们不反对在《土地业权条例》下采纳向业主强制发出业权证明书的建议。我们亦已将此事宜通知《土地业权条例》检讨委员会(检讨委员会)的委员。

本处会继续与主要持份者就尚未解决的重要事宜进行讨论，以期达成共识并落实「新土地先行」方案。

督导委员会和检讨委员会的成员名单分别载于附件II (d)及(e)。

### 检讨《土地业权条例》及拟备《土地业权(修订)条例草案》

业权注册制度本质上十分复杂，涉及繁复的法律问题，并且影响深远。我们正检视从《土地业权条例》中找出的法律和技术性问题，并继续为引进《土地业权(修订)条例草案》进行立法工作。

On the issuance of title certificates under the LTO, we had further consulted the LTOSC. Having considered the views of the LTOSC members and with reference to overseas experience, we had, by LTOSC Paper No. 20, informed LTOSC members that we had no objection to adopting mandatory issuance of title certificates to property owners under the LTO. Members of the Land Titles Ordinance Review Committee (LTORC) had also been updated on this matter.

We will continue to engage key stakeholders in discussion on the main outstanding issues with a view to forging consensus on the issues for implementation of the “new land first” proposal.

The membership lists of the LTOSC and LTORC are at Annexes II (d) and (e) respectively.

### Review of LTO and Preparation of Land Titles (Amendment) Bill (LT(A)B)

The TRS is inherently complicated as it involves complex legal issues and carries significant implications. Legal and other technical issues in the LTO that have been identified are being reviewed. Preparation of the legislative work for the introduction of the LT(A)B is in progress.





## 未来计划

我们会继续与主要持份者和相关政府部门磋商，以处理有关「新土地先行」方案的议题，以及敲定《土地业权条例》相关的修订建议，使香港能早日实施土地业权注册制度。我们亦会继续与主要持份者紧密合作，处理就现有土地和物业转换至业权注册制度的机制下尚未解决的事宜。

此外，本处从2020年举办的第47届「业权注册处长会议」得悉，2019冠状病毒病疫情导致不同海外司法管辖区的办事处关闭、需实施社交距离措施和遥距工作，为各司法管辖区带来挑战并影响其运作。就此，督导委员会已通过我们就《土地业权条例》下新增以电子方式递交注册申请予本处的建议，此建议或可成为本处在将来遇到同类情况下仍能维持递交注册申请的务实方法。我们会参考海外土地注册机构的经验，探讨各项技术和设计方案，就电子方式递交注册申请及业权注册服务拟定相关的详细系统要求和运作流程。

## FUTURE PLAN

We will continue our engagement with key stakeholders and relevant Government departments to address any issues relating to the “new land first” proposal and finalise the proposed pertinent amendments to the LTO for early implementation of the TRS in Hong Kong. We will also continue to work closely with key stakeholders to resolve the outstanding issues regarding the mechanism of converting existing land and properties to the TRS.

Further, we note from the 47th Registrars of Title Conference 2020 that the COVID-19 pandemic has posed challenges and impacted operations of different overseas jurisdictions due to closure of offices, social distancing measures and remote working environment. Our proposal to introduce electronic lodgement (e-lodgement) as an additional channel for lodgement of applications for registration under the LTO as endorsed by the LTOSC may provide a practical means of maintaining our lodgement service in similar situations in the future. We will make reference to experience of overseas land registries and explore the technologies and designs for the development of the detailed system requirements and operational procedures for the e-lodgement and title registration services.

