

迈向**业权注册**

Moving Towards  
**TITLE  
REGISTRATION**



香港现行的土地注册制度是按照《土地注册条例》(第128章)实施的契约注册制度。此制度可规管土地登记册内已注册文书的优先次序,但不提供土地业权的保证。在2004年通过的《土地业权条例》(第585章)(《业权条例》)旨在实施业权注册制度,为土地业权提供更大明确性和简化物业转易程序。在立法会的要求下,政府承诺在《业权条例》生效前进行全面检讨,并咨询主要持份者的意见。

《业权条例》制定后,涵盖主要持份者代表的《业权条例》督导委员会(督导委员会)及《业权条例》检讨委员会(检讨委员会)相继成立,负责督导和推展《业权条例》的检讨工作。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)。

虽然主要持份者尚未就把现有土地转换为业权注册制度下注册土地的机制达成共识,但他们对先行在新批出土地实施土地业权注册制度的方案(即「新土地先行」方案)表示支持。此方案的实施有助政府和主要持份者汲取实际运作经验及建立公众对此制度的信心,以便于稍后阶段进一步商讨现有土地的转换机制。

The present land registration system in Hong Kong is a deeds registration system operating under the Land Registration Ordinance (Cap. 128), which governs the priority of registered instruments in the land register but gives no guarantee of title to land. The Land Titles Ordinance (Cap. 585) (LTO) was passed in 2004 to implement a title registration system (TRS) to provide greater certainty of title to land and simplify conveyancing procedures. At the request of the Legislative Council, the Government undertook to conduct a comprehensive review of the LTO in consultation with key stakeholders before its commencement.

After the enactment of the LTO, the LTO Steering Committee (LTOSC) and the LTO Review Committee (LTORC), comprising representatives of key stakeholders, were set up to steer and carry out the review of the LTO. The membership lists of the LTOSC and LTORC are at Annexes II (d) and (e) respectively.

While consensus on the mechanism for converting existing land to registered land under the TRS has yet to be reached, key stakeholders have expressed support for the proposal to implement the TRS on newly granted land first ("new land first" proposal). Implementation of this proposal will facilitate the Government and key stakeholders to further deliberate on the mechanism for conversion of existing land at a later stage, in the light of operational experience gained and the public confidence built.



在「新土地先行」方案下实施《业权条例》是行政长官2021年施政报告的其中一项新措施。年内，我们透过举行会议、传阅文件和书信方式，继续就推展「新土地先行」方案与主要持份者紧密合作，以期尽早在香港实施业权注册制度。在2021年12月举行的督导委员会会议上，主要持份者同意就《业权条例》的修订展开立法建议的准备工作。我们会继续就余下的执行细节与主要持份者进行磋商，以期尽早就实施「新土地先行」方案的主要法例修订征询立法会的意见。

Implementing the LTO under the “new land first” proposal is one of the new initiatives in the Chief Executive’s 2021 Policy Address. 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 TRS in Hong Kong, through means of meeting, circulation of papers and by correspondence. At the meeting of the LTOSC held in December 2021, key stakeholders agreed to proceed with the preparation work for the legislative proposals for amending the LTO. We will continue engagement with key stakeholders regarding the remaining implementation issues and aim to consult the Legislative Council early on the major legislative amendments to implement the “new land first” proposal.



另一方面，我们在土地注册处处长的带领下，以视像形式参与由西澳大利亚州土地信息管理局于2021年11月举办的第48届「业权注册处长会议」，借此了解业权注册的最新发展和学习海外司法管辖区在业权注册的运作经验。我们亦从海外的土地注册机构汲取以电子方式递交注册申请的宝贵经验，有关做法可在紧急情况下（例如2019冠状病毒病疫情）需要关闭办事处时作为主要递交注册申请的途径。这为我们日后在香港发展以电子方式递交注册申请提供实质经验。

Separately, led by the Land Registrar, we participated in an international conference, i.e. the 48th Registrars of Title Conference hosted by Landgate of Western Australia and held in November 2021 through a video conferencing platform to keep abreast of the latest developments in title registration and learn overseas jurisdictions' experience in operating title registration. Invaluable experience was gained from overseas land registries over electronic lodgement (e-lodgement) as the leading means of lodging applications for registration in the event of emergency situations leading to closure of the registries' offices such as the COVID-19 pandemic. This provided solid experience for us in the future development of e-lodgement in Hong Kong.

