

邁向業權註冊

Moving Towards
**TITLE
REGISTRATION**



香港現行的土地註冊制度是按照《土地註冊條例》(第128章)實施的契約註冊制度。此制度可規管土地登記冊內已註冊文書的優先次序,但不提供土地業權的保證。在2004年通過的《土地業權條例》(第585章)(《業權條例》)旨在實施業權註冊制度,為土地業權提供更大明確性和簡化物業轉易程序。在立法會的要求下,政府承諾在《業權條例》生效前進行全面檢討,並諮詢主要持份者的意見。

《業權條例》制定後,涵蓋主要持份者代表的《業權條例》督導委員會(督導委員會)及《業權條例》檢討委員會(檢討委員會)相繼成立,負責督導和推展《業權條例》的檢討工作。督導委員會和檢討委員會的成員名單分別載於附件II (d)及(e)。

雖然主要持份者尚未就把現有土地轉換為業權註冊制度下註冊土地的機制達成共識,但他們對先行在新批出土地實施土地業權註冊制度的方案(即「新土地先行」方案)表示支持。此方案的實施有助政府和主要持份者汲取實際運作經驗及建立公眾對此制度的信心,以便於稍後階段進一步商討現有土地的轉換機制。

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」方案下實施《業權條例》是行政長官2021年施政報告的其中一項新措施。年內，我們透過舉行會議、傳閱文件和書信方式，繼續就推展「新土地先行」方案與主要持份者緊密合作，以期盡早在香港實施業權註冊制度。在2021年12月舉行的督導委員會會議上，主要持份者同意就《業權條例》的修訂展開立法建議的準備工作。我們會繼續就餘下的執行細節與主要持份者進行磋商，以期盡早就實施「新土地先行」方案的主要法例修訂徵詢立法會的意見。

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，我們在土地註冊處處長的帶領下，以視像形式參與由西澳大利亞州土地信息管理局於2021年11月舉辦的第48屆「業權註冊處長會議」，藉此了解業權註冊的最新發展和學習海外司法管轄區在業權註冊的運作經驗。我們亦從海外的土地註冊機構汲取以電子方式遞交註冊申請的寶貴經驗，有關做法可在緊急情況下（例如2019冠狀病毒病疫情）需要關閉辦事處時作為主要遞交註冊申請的途徑。這為我們日後在香港發展以電子方式遞交註冊申請提供實質經驗。

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.

