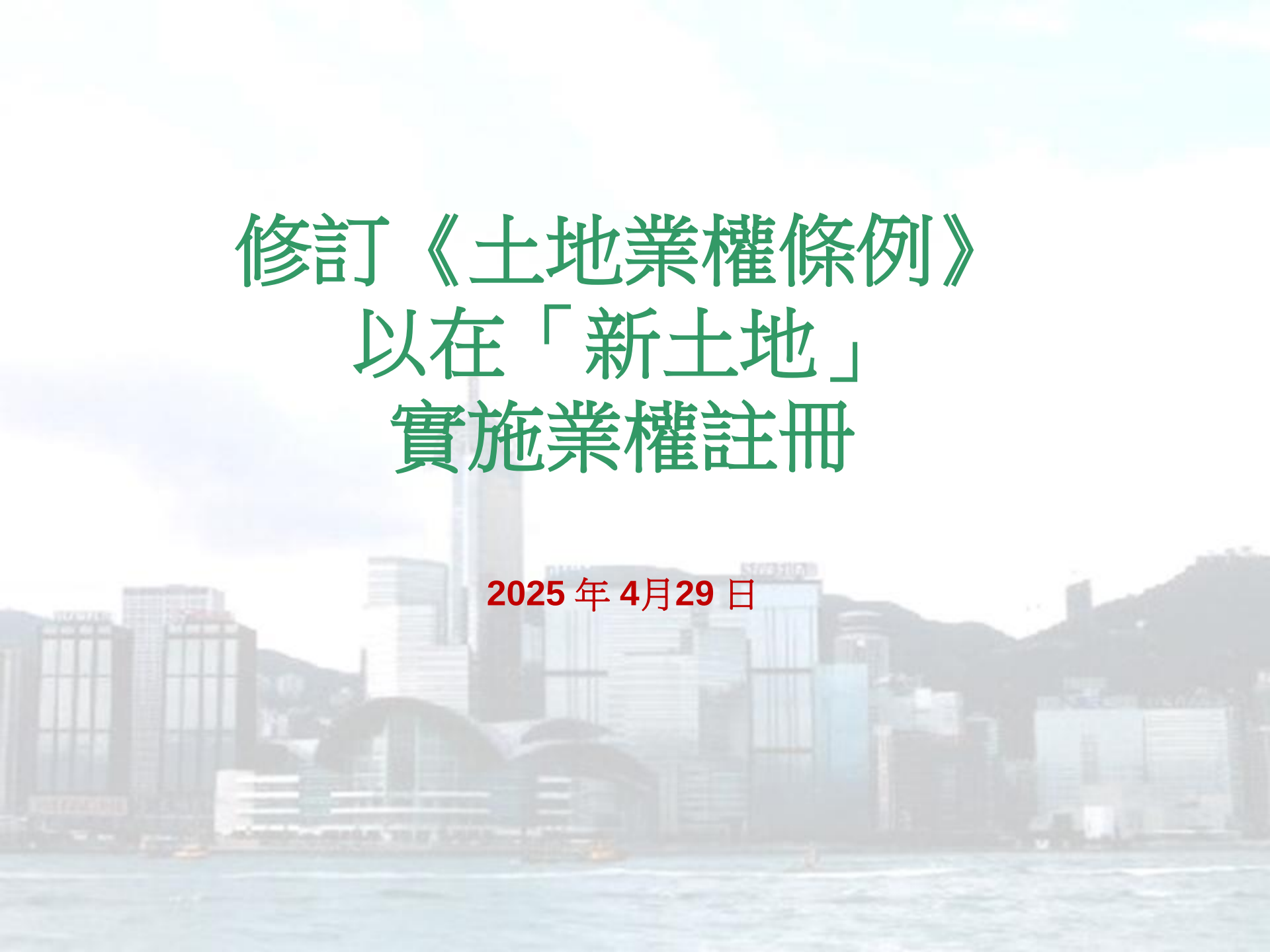




修訂《土地業權條例》 以在「新土地」 實施業權註冊

2025 年 4月29 日

「新土地先行」方案 特點



1. 「新土地」的範圍
2. 「業權不可推翻」原則（廢除強制業權更正規則）
3. 逆權管有不適用於「新土地」
4. 彌償安排
5. 反物業欺詐措施

(1) 「新土地」的範圍

「新土地」將定義為《業權條例》生效當日或其後批出並根據政府租契持有的土地，包括：

- 賣地（拍賣或招標）；
- 私人協約；及
- 換地

(2) 「業權不可推翻」原則

如因欺詐而喪失業權

- 在普通法和現時契約註冊制度下，不知情的前擁有人可取回涉及欺詐的物業
- 已制定的《業權條例》下，不知情的前註冊擁有人可獲得由法庭頒發的命令以更正業權註冊紀錄（即強制更正規則）

立法建議

- 為達致業權明確性的政策目標，建議廢除強制更正規則
- 如買家(i)為真誠及不知情買家；(ii)已付出有值代價以獲得物業；以及(iii)管有物業，即使物業轉移曾牽涉第三者欺詐，其業權也不可推翻
- 未能恢復業權的不知情前業主，將獲支付有上限的彌償



(3) 逆權管有不適用於「新土地」

立法建議

- 逆權管有：如某人長期管有土地，則在《時效條例》訂明的相關時效限期屆滿後(除政府土地外，為訴訟權產生的日期起計**12年**)，土地擁有人不得提起訴訟以收回土地，擁有人對該土地的業權亦即告終絕
- 為體現業權明確性，「新土地」將不受逆權管有申索



(4) 彌償安排

物業轉移徵費：
物業轉移的代價款
額的0.014%，
上限7,000元
(2004年建議0.017%)

買家每支付100萬元
代價款額，則須向
彌償基金供款140元

政府備用貸款：
1億 5,000萬元

土地業權彌償基
金：
彌償予因欺詐蒙
受損失的人士

彌償上限：
5,000萬元
(2004年建議為
3,000萬元)

(建議的5,000萬元上限已
涵蓋超過99%的物業交易
，而超過87%的物業成交
價並不多於1,000萬元)

(5) 反物業欺詐措施

- 土地註冊處處長(「處長」)自動向業主發出具有防偽特徵的業權證明書
- 任何根據《業權條例》遞交申請註冊事項，須根據規例**核實**
 - 如律師**真誠地**進行核實，並已作**合理努力**，則無須在核實中作出不準確之處而引致的損失承擔支付損害賠償的法律責任
- 必須先獲得法庭在業權更正申請中作出的**命令**，才可作出彌償申請
- **處長**在有合理理由懷疑已有或可能有**物業欺詐**的情況下有權作出**限制令** (restriction)，禁止將有關物業的**處置**註冊，並會在有關物業的業權註冊記錄記入該限制
- **法庭**可作出**制止令** (inhibition order)，制止將有關物業的任何**處置**註冊

A faded, light blue-tinted background image of the Hong Kong skyline, featuring the Victoria Harbour and various skyscrapers. The word '謝謝' is overlaid in the center in a green, stylized font.

謝謝

Technical Session on Registration of Titles and Land (Miscellaneous Amendments) Bill (“Amendment Bill”)



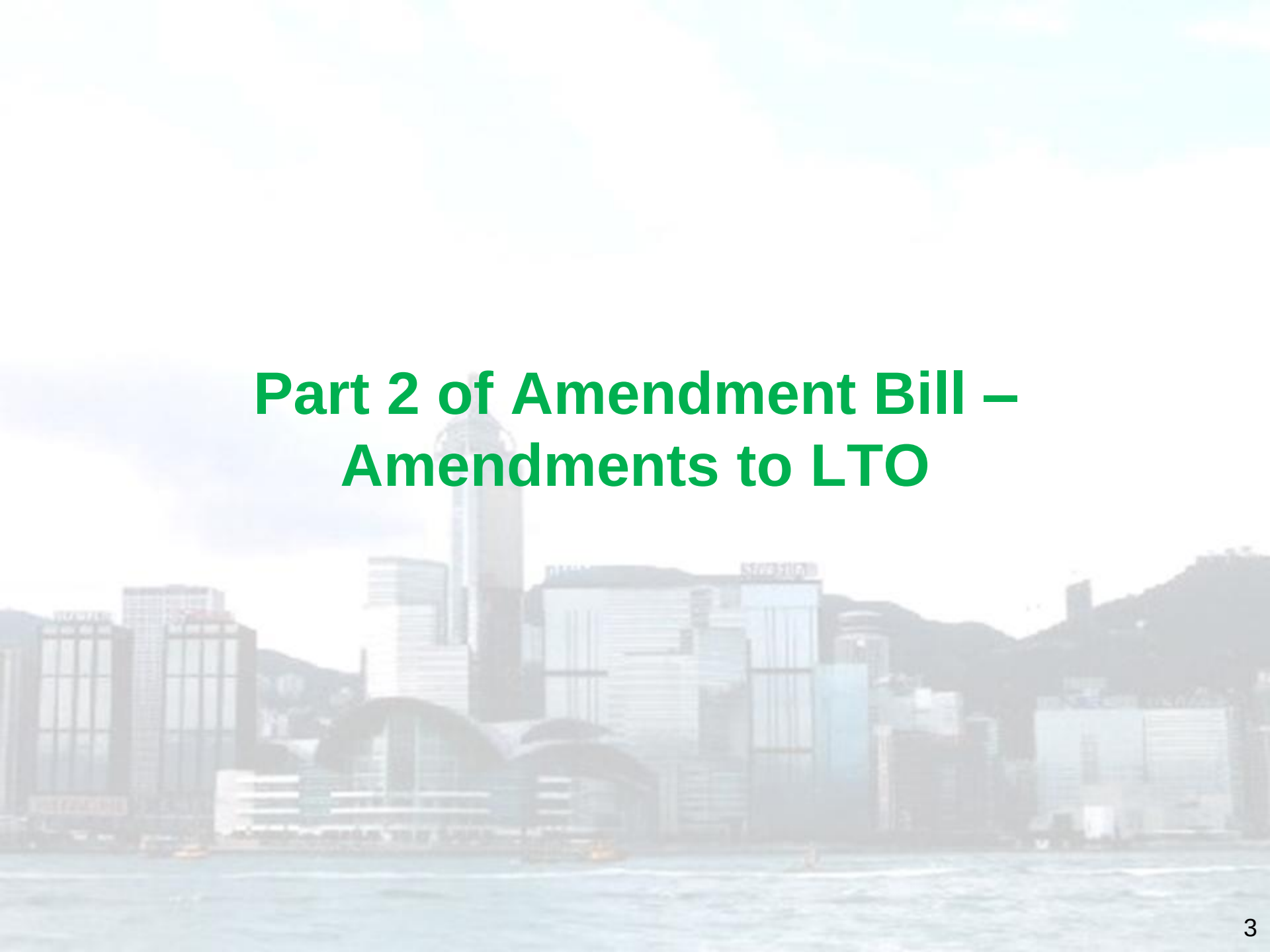
The Land Registry

29 April 2025

Overview of the Amendment Bill

- 4 Parts

Part	Contents
1	Short title and commencement (comes into operation on a date appointed by the Secretary for Development by notice published in the Gazette)
2	Amendments to Land Titles Ordinance (Cap. 585) (LTO) ➤ consisting 15 Divisions amending 14 Parts (104 sections) and 4 Schedules to LTO
3	Amendments to Land Registration Ordinance (Cap.128) (LRO)
4	Amendments to Resolution passed under the Trading Funds Ordinance establishing Land Registry Trading Fund (Cap.430A) (LRTF) ➤ Schedule 1 sets out services to be provided by the Land Registry Land Trading Fund

The background of the slide is a faded, light blue-tinted photograph of a city skyline, likely Hong Kong, viewed from across a body of water. The skyline features several prominent skyscrapers, including the Bank of China Tower, and a large, modern building with a curved roof. The water in the foreground is a light blue-grey color.

Part 2 of Amendment Bill – Amendments to LTO

Part 1 of LTO (1)

Preliminary

Summary

Part 1 of the LTO sets out the definitions and the application of the LTO. Amendments include:

- a) Amend various definitions (e.g. ***long term lease***)
- b) Repeal various definitions (e.g. ***appointed day***)
- c) Add certain definitions (e.g. ***new land***)
- d) Amend the scope of application of LTO

Part 1 of LTO (2)

Preliminary

Ref	Major Amendments	Objective	Sub. Leg.
Interpretation			
s2(1) [CI 3(30)]	Move the definition of “new land” from section 20 to section 2 with amendments	To implement the “New Land First” proposal	N/A

Part 1 of LTO (3)

Preliminary

Ref	Major Amendments	Objective	Sub. Leg.
Application			
s3(1) [CI 4(1)]	Amend scope of application of the LTO	To confine application of the LTO to new land	N/A

Part 2 of LTO (1)

Organization and Administration

Summary

Part 2 of the LTO concerns the organization and administration of the title registration system, e.g. the Title Register (**TR**) and the functions and powers of the Land Registrar (**LR**). Amendments include:

- a) Set out clearly the types of records and information to be kept in TR and applications register (sections 4 and 5)
- b) Provide for the scenarios under which LR may refuse to process further or refuse an application (section 8(2))
- c) Empower LR to designate and amend lot numbers (new section 8A)

Part 2 of LTO (2)

Organization and Administration

Ref	Major Amendments	Objective	Sub. Leg.
Title Register			
s4(2) [CI 5(3)]	Clarify the particulars to be entered in the TR	• TR is to contain the particulars or information in respect of registered land, long term lease and charge • Similar to the current land register	N/A

Sample draft individual title register

Sample Individual Title Register (Public View)

土地註冊處 THE LAND REGISTRY 業權註冊紀錄 TITLE REGISTER

查詢管制編號
SEARCH CONTROL NUMBER: 5455413

查詢模式/傳送模式 SEARCH MODE / DELIVERY MODE: PUBLIC SEARCH / PRINTED AT CUSTOMER COUNTER

查詢日期及時間 SEARCH DATE AND TIME: 06/12/2025 14:40

查詢者姓名 NAME OF SEARCHER: CHAN PING WAH

本業權註冊紀錄列明有關下列物業於 06/12/2025 07:30 之資料

THIS TITLE REGISTER CONTAINS INFORMATION OF THE BELOW MENTIONED PROPERTY AS AT 07:30 HOUR ON 06/12/2025.

根據《土地業權條例》所備存的業權紀錄，旨在以供市民確定土地的擁有權益、註冊事項的詳情或業權登記冊過往的資料。業權紀錄內載的資料不得用於與業權紀錄的宗旨無關之目的。使用所提供的資料須符合《個人資料(私隱)條例》的規定。

The title records kept under the Land Titles Ordinance are made available to members of the public to ascertain ownership of interests in land, particulars of registered matters or historical information of title register. The information contained in the title records shall not be used for purposes that are not related to the purposes of the title records. The use of information provided is subject to the provisions in the Personal Data (Privacy) Ordinance.

進行任何交易前，應先向土地註冊處查閱最新的土地紀錄。

BEFORE ANY DEALINGS, UP-TO-DATE LAND SEARCH SHOULD BE CONDUCTED WITH THE LAND REGISTRY.

註冊物業 REGISTERED PROPERTY

業權編號 TITLE NUMBER : G6351217
版本編號 EDITION NUMBER : 8
版本日期 EDITION DATE : 05/12/2025

物業詳情 PROPERTY PARTICULARS

地段編號
LOT NO. : INLAND LOT NO. 6562

批約	HELD UNDER	:	CONDITIONS OF SALE
租契年期	LEASE TERM	:	50 YEARS
開始日期	COMMENCEMENT DATE	:	11/03/2027
屆滿日期	EXPIRY DATE	:	10/03/2077
每年地稅	RENT PER ANNUM	:	\$2,000.00
首次註冊日期	DATE OF FIRST REGISTRATION	:	18/03/2027

業權編號 TITLE NUMBER : G6351217 ED.8

第 1 頁, 共 4 頁 PAGE 1 OF 4

Part 2 of LTO (3)

Organization and Administration

Ref	Major Amendments	Objective	Sub. Leg.
Title Register (cont'd)			
s4(3) (new) [CI 5(20)]	Provide that pending applications do not form part of the TR	To make clear that entries of pending applications (e.g. application forms and supporting documents) are not registered matters	N/A

Part 2 of LTO (4)

Organization and Administration

Ref	Major Amendments	Objective	Sub. Leg.
Title Register (cont'd)			
s4(4) [CI 5(20)]	Set out that the TR is conclusive evidence of title	Move from section 29 (title certificates) to section 4 (TR)	N/A

Part 2 of LTO (5)

Organization and Administration

Ref	Major Amendments	Objective	Sub. Leg.
Applications register			
s5 [C] 6]	Provide for what is to be entered in the applications register	To make clear that the applications register contains records of all applications for registration ever lodged and particulars LR considers appropriate to be entered <i>(similar to Memorial Day Book under LRO)</i>	Particulars to be entered include application number, date of lodgement and name of lodging party <i>(similar to r.12 of Cap. 128A)</i>

Part 2 of LTO (6)

Organization and Administration

Ref	Major Amendments	Objective	Sub. Leg.
Functions and powers of LR			
s8(2)(d) [CI 7(9)]	Clarify powers of LR	To set out non-exhaustive scenarios where LR will refuse to process or refuse an application	Scrutiny of applications and procedures to be followed <i>(similar to rr.13 - 15 of Cap. 128A)</i>

Part 3 of LTO (1)

Registration Procedures and Connected Matters

Summary

Part 3 of the LTO concerns registration principles and procedures, and connected matters. Amendments include:

- a) Provide that certain matters relating to straddling land are not capable of being registered (new section 13A)
- b) Exempt solicitor acting in good faith and with reasonable diligence from liability in the verification of an application (new section 14(3))
- c) Provide the day on which a registered matter is regarded to have been registered (new section 15A)
- d) Deal with the combination and division of individual title registers (new sections 19 and 19A)
- e) Deal with the allocation or reallocation of undivided shares (new section 19B)

Part 3 of LTO (2)

Registration Procedures and Connected Matters

Ref	Major Amendments	Objective	Sub. Leg.
Matters capable of being registered			
s13 [CI 12]	Provide for what is capable of being registered under LTO	To make clear what matters are intended to be capable of being registered, as wording used in enacted version appears too restrictive (e.g. court order) and not easy to follow	N/A

Part 3 of LTO (3)

Registration Procedures and Connected Matters

Ref	Major Amendments	Objective	Sub. Leg.
Exceptions to section 13			
s13A (new) [CI 13]	Prohibit registration of certain matters affecting a joint development involving both existing land and land registered under LTO	To reflect the policy intention as such prohibition is necessary to avoid complication and uncertainty arising from joint development	N/A

Part 3 of LTO (4)

Registration Procedures and Connected Matters

Ref	Major Amendments	Objective	Sub. Leg.
Lodging and verification of applications for registration			
s14(3) (new) [CI 14(4)]	Exempt solicitor acting in good faith and with reasonable diligence from liability for any loss occasioned by inaccuracy caused by the solicitor in the verification of an application	To reflect the common law position, in response to the Law Society's suggestion	Verification requirement

Part 3 of LTO (5)

Registration Procedures and Connected Matters

Ref	Major Amendments	Objective	Sub. Leg.
Registration			
s15A (new) [CI 16]	Stipulate that date of registration = date of lodgment of application for registration	To provide certainty for date of registration	How date of lodgment is to be determined <i>(similar to r.5 of Cap. 128A)</i>

Part 3 of LTO (6)

Registration Procedures and Connected Matters

Ref	Major Amendments	Objective	Sub. Leg.
Removal of obsolete entries			
s17 [CI 17]	Amend section 17 providing for removal of obsolete entries on application	- Enacted version already empowers LR to remove obsolete entries - To make clear that LR may remove obsolete entries upon application or upon LR's own motion	N/A

Part 4 of LTO (1)

Registration of Title to Land and Connected Matters

Summary

Part 4 of the LTO governs how the title to new land, once granted by Director of Lands, is registered

- Only textual amendments to ss.21-22 are involved [\[CI 22\]](#)

Part 5 of LTO (1)

Effect of Registration and Connected Matters

Summary

Part 5 of the LTO concerns the effect of registration, overriding interests, and abolishment of doctrine of notice. Amendments include:

- a) Revise sections 25 and 26 to stipulate the effect of registration
- b) Revise the list of overriding interests in section 28
- c) Add a new section 28A to abolish doctrine of notice

Part 5 of LTO (2)

Effect of Registration and Connected Matters

Ref	Major Amendments	Objective	Sub. Leg.
Effect of registration of transfer of registered land Effect of registration of long term lease			
ss25 & 26 [CI 24]	Provide for the respective effect of registration of transfer of land and long term lease	• Amendments to sections 25 and 26 are mainly drafting changes • Vesting of title by registration remains the core principle • Subject to rectification, if a purchaser acquires a property for value and is registered as owner, he is only subject to registered matters and overriding interests (see section 28)	N/A

Part 5 of LTO (3)

Effect of Registration and Connected Matters

Ref	Major Amendments	Objective	Sub. Leg.
Overriding interests			
s28 [CI 26]	Make clear the nature and effect of registration of overriding interests (OIs)	• OIs affect land irrespective of whether they are registered • Exhaustive list of OIs is provided in section 28, mainly are rights/liabilities under Government lease, various enactments and common law • Registration of OI does not confer any legal effect, unless specifically provided for under other enactment	N/A

Part 5 of LTO (4)

Effect of Registration and Connected Matters

Ref	Major Amendments	Objective	Sub. Leg.
Overriding interests (cont'd)			
s28(1)(k) [CI 26(24)]	Repeal section 28(1)(k) to remove right acquired by virtue of adverse possession as an overriding interest	To dis-apply adverse possession laws to “new land”	N/A

Part 5 of LTO (5)

Effect of Registration and Connected Matters

Ref	Major Amendments	Objective	Sub. Leg.
Purchasers for valuable consideration not affected by notice etc.			
s28A (new) [CI 27]	Add provision to provide that, except in the case of fraud, purchaser for valuable consideration is not affected by notice of unregistered interest in the property	- To abolish the doctrine of notice - Equitable interest holders should protect their interests by registration (e.g. non-consent caution)	N/A

Part 6 of LTO (1)

Certificates, Searches and Evidence

Summary

Part 6 of the LTO concerns title certificates, public searches and admissibility of documents as evidence in court proceedings.

Amendments include:

- a) Revise section 29 to provide for issue of a title certificate (**TC**) in accordance with regulations
- b) Add new sections 29A and 29B to provide for admissibility of TC as evidence and cancellation of TCs
- c) Amend section 30 to deal with public inspection of registers and documents

Part 6 of LTO (2)

Certificates, Searches and Evidence

Ref	Major Amendments	Objective	Sub. Leg.
Issue of title certificates			
s29 [CI 28]	Amend section 29(1) providing for issuance of TC, from issue upon application to automatic issue	- To provide for automatic issuance of TC to property owners in accordance with the regulations - To specify the content of a TC which is to show all matters registered in the Title Register as at the date and time specified in the TC - A TC will be in a specified form and bear a unique reference number	- Circumstances in which a TC (or replacement TC) is to be issued (e.g. first registration of new land, and when property changes hands) - Persons to whom a TC is to be issued

Sample draft Title Certificate

Sample Title Certificate



土地註冊處 The Land Registry

業權證明書 TITLE CERTIFICATE	
業權證明書編號	TITLE CERTIFICATE NO. : TC-G0885679(2)
發出日期	DATE OF ISSUE : 10/10/2032
發給擁有人	ISSUED TO OWNER : 陳大文 CHAN TAI MAN

本業權證明書列明於 10/10/2032 07:30 在業權註冊紀錄之資料。

This title certificate contains information in the Title Register as at 07:30 hour on 10/10/2032.

本業權證明書是根據土地業權條例(第 585 章)第 29(1)條發出。

This title certificate is issued according to s. 29(1) of the Land Titles Ordinance (Cap. 585).



(Signed)
土地註冊處處長
The Land Registrar

註冊物業 REGISTERED PROPERTY				
物業詳情 PROPERTY PARTICULARS				
業權編號 TITLE NO.	地段編號 LOT NO.	土地不分割份數 UNDIVIDED SHARES IN LAND	地址/位置 中文地址不詳	ADDRESS/LOCATION
G0885679	TSUEN WAN TOWN LOT NO. 8888	10/19000	中文地址不詳	FLAT 8 ON 8/F OF TOWER 88 TSUEN KING VILLA NO. 888 TSUEN KING ROAD TSUEN WAN NEW TERRITORIES

擁有人 OWNER	
擁有人姓名或名稱 NAME OF OWNER	身分 CAPACITY
陳大文 CHAN TAI MAN	SOLE OWNER

申請編號 APPLICATION NO.	事項性質 NATURE OF MATTER	支持文書性質 NATURE OF SUPPORTING INSTRUMENT
A321001-004-011	TRANSFER	TRANSFER

產權負擔 ENCUMBRANCES		
申請編號 APPLICATION NO.	事項性質 NATURE OF MATTER	支持文書性質 NATURE OF SUPPORTING INSTRUMENT
A300820-005-030	OCCUPATION PERMIT	OCCUPATION PERMIT NO. 888/88
A300830-009-030	DEED OF MUTUAL COVENANT	DEED OF MUTUAL COVENANT AND MANAGEMENT AGREEMENT
A320906-005-038	CONSENT CAUTION	AGREEMENT FOR SALE AND PURCHASE
A321001-004-012	CHARGE	CHARGE

Part 6 of LTO (3)

Certificates, Searches and Evidence

Ref	Major Amendments	Objective	Sub. Leg.
Cancellation of title certificates in certain circumstances			
s29B [CI 29]	New section 29B providing for the return of TC for cancellation etc.	- To provide that an issued TC must be returned for cancellation when lodging a specified application - To provide that LR may dispense with the requirement to return TC (return requirement) in accordance with the regulations	- Specified applications (including transfer, transmission, change of name of owner) - Circumstances in which a TC may be cancelled - Circumstances in which the return requirement may be dispensed with

Part 6 of LTO (4)

Certificates, Searches and Evidence

Ref	Major Amendments	Objective	Sub. Leg.
Public inspection of registers and documents etc.			
s30 [CI 30]	Amend section 30 providing for search and inspection of registers and documents	• To set out types of registers and documents available for search in section 30(2) • To provide that a search application must be made in accordance with subsidiary legislation • To set out that a search of historical records must be lodged by a specified person • To require that search of land records that contain personal data can only be made for specified purposes	• How search application is to be made • Specified persons who can apply for search of historical records • Specified purposes

Sample draft applications register

Sample Applications Register

土地註冊處 THE LAND REGISTRY
申請註冊紀錄 APPLICATIONS REGISTER
日期 DATE : 22/10/2034

REPORT ID : IRISAPCT2345
PRINT DATE AND TIME : 24/10/2034 14:30

查詢模式 SEARCH MODE : 欄位查詢 COUNTER SEARCH

以下資料載有在 22/10/2034 根據土地業權條例呈遞的申請紀錄。

THE INFORMATION SET OUT BELOW CONTAINS PARTICULARS OF APPLICATIONS UNDER THE LAND TITLES ORDINANCE LODGED ON 22/10/2034

This is a full extract from the applications register kept by the Land Registrar pursuant to the Land Titles Ordinance (Cap.585) in respect of applications lodged on the date above mentioned. The use of data contained in this extract is subject to the provisions of the Personal Data (Privacy) Ordinance (Cap.486). The data must not be used for any unlawful or illegal purpose, or any purpose that is not related to the purposes for which the applications register is kept and made available under the Land Titles Ordinance.

申請編號 APPLICATION NUMBER	申請性質 NATURE OF APPLICATION	支持文書性質 NATURE OF SUPPORTING INSTRUMENT	印花稅署文書編號 STAMP OFFICE INSTRUMENT REFERENCE NO.	印花稅 STAMP DUTY	代價 CONSIDERATION
A341022-002-019	TRANSFER	TRANSFER	1-22-103254-6-5-7	\$270,000.00	\$9,000,000.00

業權編號 TITLE NUMBER	地段編號 LOT NUMBER	地址/位置 ADDRESS/LOCATION	土地不分割份數 UNDIVIDED SHARES IN LAND	呈遞一方 LODGING PARTY
G0985688	INLAND LOT NO.789	九龍勝業街 19-21 號 勝業工業大廈 40 樓 50 室 UNIT NO. 50 ON 40TH FLOOR SHING YIP INDUSTRIAL BUILDING NOS.19-21 SHING YIP STREET KOWLOON	10/7800	H & CC LEE SOLICITORS

Part 7 of LTO (1)

Dispositions and Connected Matters

Summary

Part 7 of the LTO concerns dispositions, priority of registered matters, and connected matters. Amendments include:

- a) Reaffirm key concepts of dispositions:
 - no disposition of interest by an instrument is effectual unless registered
 - this part does not prevent an interest from taking effect in equity
- b) Clarify priority of registered matters
 - priority according to the order of applications lodged
 - postponement effect of consent caution
- c) Provide expressly for registration of charging order, charge, statutory charge, stamp duty charge, transfer, lease, long term lease, easement, covenant, deed of mutual covenant (**DMC**), the manager of a clan, family or t'ong, and severance of joint tenancy
- d) Modernize drafting and improve clarity for most other changes

Part 7 of LTO (2)

Dispositions and Connected Matters

Ref	Major Amendments	Objective	Sub. Leg.
Priority – postponement effect of consent caution			
s35(1A), s35(3) [CI 36(1), CI 36(6)]	- Amend existing provisions providing for postponement effect for consent caution (CC) in relation to agreement for sale and purchase (<i>renumbered as s35(1A)</i>) - Amend existing provisions providing circumstances when 2nd CC will enjoy same priority as 1st CC (<i>renumbered as s35(3)</i>)	To extend the postponement effect to every CC in relation to an agreement for disposition To include 2nd CC will enjoy same priority as 1st CC when 1st agreement ceases to be chargeable to stamp duty	N/A

Part 7 of LTO (3)

Dispositions and Connected Matters

Ref	Major Amendments	Objective	Sub. Leg.
Priority – other priority rule			
s35A – s35B (new) [CI 37]	Add provisions to allow alteration of priority of registered charges by agreement	To reflect common law position as suggested by the Law Society	N/A

Part 7 of LTO (4)

Dispositions and Connected Matters

Ref	Major Amendments	Objective	Sub. Leg.
Re-registration requirement			
s36 [CI 38]	Repeal provisions requiring re-registration of charging orders, judgements, orders and lis pendens	Re-registration is considered not necessary under title registration	N/A

Part 7 of LTO (5)

Dispositions and Connected Matters

Ref	Major Amendments	Objective	Sub. Leg.
Stamp duty charge			
s41A (new) [CI 43]	Add provisions regarding stamp duty charge: to dispense with an application for registration if supported by an instrument pending adjudication of stamp duty	To streamline procedure	N/A

Part 7 of LTO (6)

Dispositions and Connected Matters

Ref	Major Amendments	Objective	Sub. Leg.
Provisions as between vendor and purchaser			
s46(1)(a) [CI 46]	Amend provisions governing documents to be provided by a vendor to a purchaser at completion	To provide that documents are to be prescribed by regulations	Documents to be provided by a vendor to a purchaser will be set out in the Land Titles Regulation

Part 7 of LTO (7)

Dispositions and Connected Matters

Ref	Major Amendments	Objective	Sub. Leg.
Deed of mutual covenant			
s53 [CI 50]	Refine the definition of DMC in the LTO	To expand the original definition of DMC (i.e. based on undivided shares of ownership) to one which covers also house-type developments (i.e. based on 2 or more owners) (e.g. Fairview Park in Yuen Long and Hong Lok Yuen in Tai Po), and cases involving development by parts and sub-DMC	N/A

Part 7 of LTO (8)

Dispositions and Connected Matters

Ref	Major Amendments	Objective	Sub. Leg.
Manager of t'ong			
s58A (new) [CI 53]	Add provisions relating to the registration of the manager of a clan, family or t'ong for land held in the name of the clan, family or t'ong	- To expressly provide for clarity sake - Similar practice exists under LRO	N/A

Part 7 of LTO (9)

Dispositions and Connected Matters

Ref	Major Amendments	Objective	Sub. Leg.
Severance of joint tenancy			
s58B (new) [CI 53]	Add provisions regarding registration of severance of joint tenancy	• To expressly provide for clarity sake • Similar practice exists under LRO	N/A

Part 8 of LTO (1)

Instruments

Summary

Part 8 of the LTO concerns instruments. Amendments include:

- (a) provide for filing and incorporation of standard terms documents (**STD**)
- (b) provide for other matters relating to instruments.

Part 8 of LTO (2)

Instruments

Ref	Major Amendments	Objective	Sub. Leg.
Standard terms document			
s61A-s61C (new) [CI 57]	Add provisions regarding filing and incorporation of STD	To reduce bulk of instrument submitted to support an application for registration	N/A

Part 9 of LTO (1)

Transmissions and Trusts

Summary

Part 9 of the LTO concerns transmissions ^(Note 1) and trusts ^(Note 2) .
Amendments include:

- a) Provide for the manner of registration for different types of transmission (death, bankruptcy, death or retirement of trustee)
- b) Provide for the manner of registration for trusts
- c) Modernize drafting and improve clarity for most other changes

Note 1: Transmission means the passing of title to land from one person to another under a court order or by operation of law. Passing of title takes effect upon happening of the events. Registration confirms the change of ownership and owner will be amended to reflect change in title.

Note 2: When a person holds a property as trustee (either he becomes the transferee as trustee or holds on trust upon a declaration of trust), he will be registered as an owner under the capacity “as trustee”. He holds the property for the interest of the beneficiary.

Part 9 of LTO (2)

Transmissions and Trusts

Ref	Major Amendments	Objective	Sub. Leg.
Transmission - general			
s62 (CI 58)	Improve the drafting of s.62 to make clear the policy intent	Registration of transmission under the LTO only confirms the passing of title / the change of ownership	N/A

Part 9 of LTO (3)

Transmissions and Trusts

Ref	Major Amendments	Objective	Sub. Leg.
Transmission on bankruptcy			
s67B (new) [CI 63]	Add a new provision to give the LR discretionary power to decide whether to register a transmission by the trustee in bankruptcy if the name of the debtor is no longer entered in the TR as the owner of the property	Where the debtor has disposed of the property and the property is registered in the name of a third party, the LR may refuse to register the transmission lodged by the trustee in bankruptcy as that will affect the interest of the third party	N/A

Part 9 of LTO (4)

Transmissions and Trusts

Ref	Major Amendments	Objective	Sub. Leg.
Dispositions by personal representatives, trustees in bankruptcy, etc			
s68B (new) [CI 65]	Provide for exceptions to the general rule that only a person whose name is entered in the TR as owner may dispose of his property	Exceptions for the following are necessary as transmission already takes place upon happening of events, so flexible arrangement will enable more efficient handling: (i) personal representative; (ii) change of appointment of personal representative; (iii) change of appointment of trustee in bankruptcy; and (iv) sale of bona vacantia by the Government particularly if it involves only a change of previous appointment under (ii) and (iii).	N/A

Part 9 of LTO (5)

Transmissions and Trusts

Ref	Major Amendments	Objective	Sub. Leg.
Protection of purchaser dealing with trustee, personal representative, trustee in bankruptcy			
ss66(1), 67A(1), 69(4) [CI 62, 63 and 66]	Improve the drafting of existing provisions to make clear the protection to third parties dealing with trustees	• Any bona fide purchaser with valuable consideration dealing with a trustee will enjoy indefeasible title. A trustee is deemed to have all rights of an owner. • The same principle applies to a personal representative and a trustee in bankruptcy.	N/A

Part 10 of LTO (1)

Cautions and Restraints on Disposition

Summary

Part 10 of the LTO concerns cautions^(Note 1) and restraints on disposition^(Note 2). Amendments include:

- a) Amend the circumstances cautions may be registered, withdrawn or removed and the effect of registration
- b) Amend the making of restriction order by LR prohibiting registration of disposition if there is suspected fraud, and its variation and removal^(Note 2)

Note 1: Cautions are means to protect holders or claimants of interests in land. Two types of cautions: (a) Consent caution (**CC**) serves to protect interest of a person who has entered into an agreement for effecting a disposition / transaction; (b) Non-consent Caution (**NCC**) serves to give notice of a claim of interest in land and an action to claim it.

Note 2: Two forms of restraints on dispositions: (a) Inhibition Order by Court; and (b) Restriction Order by LR.

Part 10 of LTO (2)

Cautions and Restraints on Disposition

Ref	Major Amendments	Objective	Sub. Leg.
Requirements for registration of a CC			
s71 [CI 67]	Provide that a person who has entered into an agreement for effecting a disposition with owner may register a CC	- With the postponement effect under the amended s.35(1A), s.71 is amended so that a person who has entered into an agreement for disposition may register a CC - An agreement for disposition is needed before registering a CC. Mere intention to effect a dealing is not sufficient	N/A
	Remove the requirement for obtaining consent for registering a CC	“Consent” is considered implicitly given in the agreement, hence, the requirement for obtaining consent for registering a CC is removed	N/A

Part 10 of LTO (3)

Cautions and Restraints on Disposition

Ref	Major Amendments	Objective	Sub. Leg.
Withdrawal and removal of cautions			
s73 and s73A(new) [CI 67 and 68]	Provide that a CC and an NCC may be removed if:- • cautioner consents; • court orders; or • LR satisfies	The respective grounds for removal of a CC and NCC set out in section 73(2)(b) and section 73(2)(c) of the enacted LTO applies to both types of cautions in common	N/A
	Provide the relevant circumstances that the LR is to take into account in determining an application for withdrawal or removal of a CC	To cater for withdrawal or removal of a CC in sub-sale situations	N/A

Part 10 of LTO (4)

Cautions and Restraints on Disposition

Ref	Major Amendments	Objective	Sub. Leg.
Restriction order by LR			
s78-s80A (new) [CI 71 and 72]	- Revise existing provisions so that LR may make a restriction order, on her own volition, prohibiting registration of disposition if there is suspected fraud - Revise existing provisions to provide that interested parties can make written submission to the LR or apply to the Court to vary or remove the restriction order	To maintain the integrity of the TR and to manage the Indemnity Fund's risk exposure to claims arising from property fraud cases	N/A

Part 11 of LTO (1)

Rectification

Summary

Part 11 of the LTO concerns the rectification of the TR by the LR and the court. Amendments include:

- a) Repeal the provision regarding mandatory rectification
- b) Add a new provision to provide that if an application is made to the court for an order of rectification, a NCC relating to the application must be registered within the prescribed time
- c) Add a new provision to provide for the effect of an order of rectification

Part 11 of LTO (2)

Rectification

Ref	Major Amendments	Objective	Sub. Leg.
Rectification by the court			
s82 (s82(3) in the enacted LTO is deleted) [CI 74]	Repeal section 82(3) of the enacted LTO which provides the mandatory rectification rule (“ MR rule ”)	To abolish the MR rule and align with the principle of “indefeasible title” for new land	N/A

Part 11 of LTO (3)

Rectification

Ref	Major Amendments	Objective	Sub. Leg.
Rectification by the court (cont'd)			
s82(5) [CI 74]	Amend the 82(2) of the enacted LTO to set out the conditions necessary for registered owner to enjoy indefeasible title	A registered owner will enjoy indefeasible title if (in case of fraud/mistake or omission/void or voidable instrument): a) in possession b) acquired the property for valuable consideration and c) is bona fide	The procedures for applying to the court for rectification

Part 11 of LTO (4)

Rectification

Ref	Major Amendments	Objective	Sub. Leg.
Rectification by the court (cont'd)			
s82(6) (new) (Cl 74)	Add provision to prohibit parties to the rectification proceedings (original application) to make further application to the court for rectification of the entries not pleaded in the original application	To prevent successive rectification proceedings for the same incident	N/A

Part 11 of LTO (5)

Rectification

Ref	Major Amendments	Objective	Sub. Leg.
Rectification by the court (cont'd)			
s82(10) [CI 74]	Amend section 82(9) of the enacted LTO to elaborate the meaning of “in possession of a property” by including the scenarios of trust, tenancy, mortgagee in possession and licence	For better clarity, the meaning of “in possession of a property” is expanded. A property is considered to be in possession of the registered owner if it is in his physical possession or in the physical possession of the person mentioned in section 82(10) (b) to (d) <i>(with reference to Land Registration Act 2002 of England and Wales)</i>	N/A

Part 11 of LTO (6)

Rectification

Ref	Major Amendments	Objective	Sub. Leg.
Rectification by the court (cont'd)			
s82A (new) [CI 75]	Add provision to require registration/withdrawal of a NCC relating to an application for rectification and after the court has made an order within the prescribed time	To promptly alert person dealing with the property to have knowledge of the rectification action and to keep the TR up-to-date	N/A

Part 12 of LTO (1)

Indemnity

Summary

Part 12 of the LTO concerns the mechanism for indemnity. Amendments include:

- a) Right to indemnity in cases of fraud and LR's mistake or omission (**"M&O"**)
- b) Determination of the amount of indemnity and payment of indemnity
- c) Provision of interests on indemnity
- d) Time limit for claiming indemnity
- e) Reimbursement of certain costs and expenses

Part 12 of LTO (2)

Indemnity

Ref	Major Amendments	Objective	Sub. Leg.
Right to indemnity			
s84, s84A and s84B (new) [CI 76 and 77]	Add provisions to provide the criteria for indemnity in cases of fraud and M&O	To clarify what constitutes a right to indemnity and circumstances that are not entitled to indemnity in cases of fraud and M&O [section 84A(2) to (4); section 84B(2) to (4)]	N/A

Part 12 of LTO (3)

Indemnity

Ref	Major Amendments	Objective	Sub. Leg.
Amount of indemnity payable			
s85 and s85D (new) [CI 78 and 79]	Amend section 85 of the enacted LTO and add provision to provide the nature of indemnifiable loss and the date of assessment of indemnity (if the loss involves interest in land) in fraud and M&O cases	• <u>In fraud cases</u>, indemnity is payable for loss of interest in land as at the date of the rectification decision order (“RDO”) [section 85] • <u>In M&O cases</u>, indemnity is payable for the loss suffered that is actual and reasonably foreseeable as a result of M&O and the value of interest in land be assessed as at the specified dates (a preceding RDO date/LR rectification date/application date) [section 85D]	Valuation of the ownership interest in land and other factors which may affect the assessment

Part 12 of LTO (4)

Indemnity

Ref	Major Amendments	Objective	Sub. Leg.
Amount of indemnity payable (cont'd)			
s85A (new) [CI 79]	Add provision to provide the apportionment of indemnity payable in fraud cases with multiple claimants	To provide that in fraud cases with multiple claimants, if the total amount of indemnity payable exceeds the indemnity cap, each claimant would be paid an indemnity amount in proportion to the value of his loss	N/A

Part 12 of LTO (5)

Indemnity

Ref	Major Amendments	Objective	Sub. Leg.
Apportionment relating to registered charges			
s85B and s85E (new) [CI 79]	Add provision to provide apportionment of indemnity in claims involving a registered owner and an owner of a registered charge in fraud and M&O cases	To provide that the owner and the chargee would be sharing the indemnity in accordance with the written agreement between them	N/A

Part 12 of LTO (6)

Indemnity

Ref	Major Amendments	Objective	Sub. Leg.
Interests on indemnity			
s85F (new) (CI 79)	Add provision providing for the payment of interest on indemnity	To provide that any sum payable as indemnity is to bear interest in accordance with the regulations	Detailed arrangements on the provision of interest on indemnity

Part 12 of LTO (7)

Indemnity

Ref	Major Amendments	Objective	Sub. Leg.
Indemnity applications			
s86 and s86A (new) [CI 80 and 81]	Amend section 86 of the enacted LTO and add provisions to provide for the time limit and extension of time limit for making indemnity applications	- To provide the time limits for making applications to LR for indemnity [section 86(1) and (2) and section 86A(1) and (2)] - To provide that LR may, upon application, grant an extension of time limit if the application is preceded by an RDO [sections 86(3) and 86A(3)]	The procedures and timelines for processing the indemnity applications by LR

Part 12 of LTO (8)

Indemnity

Ref	Major Amendments	Objective	Sub. Leg.
Reimbursement of costs			
s86B and s86C (new) [CI 81]	Add provisions providing for reimbursement of reasonable costs incurred in • rectification proceedings (“rectification costs”) and • in engaging a professional in indemnity application (“application costs”)	To provide that eligible claimants may apply for reimbursement of rectification costs and application costs in accordance with regulations	Conditions for the reimbursement of costs and procedures for claiming reimbursement of costs

Part 12 of LTO (9)

Indemnity

Ref	Major Amendments	Objective	Sub. Leg.
Provisional payment of indemnity			
s86D (new) [CI 81]	Add provision empowering LR to make provisional payment of indemnity	To provide that LR may, subject to regulations, make provisional payment of indemnity pending the determination of the indemnity application	Detailed arrangement on the making of provisional payment of indemnity

Part 13 of LTO (1)

Appeals and Rules

Summary

Part 13 of the LTO concerns application to court against LR's decisions and the power to make court rules for court applications under the LTO.

Amendments include:

- a) Amend provisions on court proceedings for appeals against LR's decisions
- b) Amend provisions on the power to make rules of court

Part 13 of LTO (2)

Appeals and Rules

Ref	Major Amendments	Objective	Sub. Leg.
Appeals against decisions made by LR			
s91 [CI 86]	Amend section 91 providing for appeals against decisions made by LR	To remove LR's power to grant time extension for an appeal under s.91. Such power should rest with the Court	Procedures of court proceedings

Part 14 of LTO (1)

Miscellaneous

Summary

Part 14 of the LTO concerns miscellaneous matters, e.g. address for service on cautioners, offences under LTO, LR's power to specify forms, and making of regulations. Amendments include:

- a) Repeal the provision on determination of lot boundaries (section 94)
- b) Revise section 98 to create new offences for certain acts relating to false or misleading statement and information
- c) Revise the provisions on LR's power to specify forms
- d) Revise the provisions on regulation making powers

Part 14 of LTO (2)

Miscellaneous

Ref	Major Amendments	Objective	Sub. Leg.
Address for service on cautioners			
s95 [CI 89]	Amend section 95 for address of service	• To require a cautioner of a CC or NCC to provide an address for service of a removal application under section 73 or 73A • To provide for change of address for service and effect of service of a removal application at the address	N/A

Part 14 of LTO (3)

Miscellaneous

Ref	Major Amendments	Objective	Sub. Leg.
Offences			
s98(1)(i) (new) [CI 91(13)]	Add new provisions to criminalise fraudulent application for indemnity	To better safeguard indemnity fund	N/A
s98(3) & (3A) (new) [CI 91(17) & (18)]	Amend provisions to criminalise making statement or furnishing information that is false or misleading in an application to LR	To better protect the integrity of TR and privacy	N/A

Schedules to LTO (1)

Summary

The four Schedules to LTO are amended as follows:

- Repeal Schedule 1 and Schedule 4
- Amend Schedule 2 which sets out the sections in the LTO which the LR shall not delegate her functions and powers
- Amend Schedule 3 which sets out updated consequential and related amendments to other enactments

Schedules to LTO (2)

Ref	Major Amendments	Objective	Sub. Leg.
Conversion of LRO land			
Sch 1 [CI 99]	Repeal Schedule 1 regarding conversion of LRO land	To remove provisions relating to conversion of LRO land	N/A

Schedules to LTO (3)

Ref	Major Amendments	Objective	Sub. Leg.
Specified provisions for purposes of section 10			
Sch 2 [CI 100]	Amend Schedule 2 to repeal “section 9” and “section 41” of the LTO referred to in Schedule 2	To remove the references to those sections referred to in Schedule 2 which have been repealed	N/A

Schedules to LTO (4)

Ref	Major Amendments	Objective	Sub. Leg.
Consequential and related amendments			
Sch 3&4 [CI101&102]	Amend Schedule 3 regarding consequential and related amendments to other enactments	To include reference to LTO, to provide for registration under the LTO, in addition to references to registration under LRO (mostly technical in nature)	N/A
	Repeal Schedule 4	Consequential amendments to LRO to be provided in Part 3 of Amendment Bill	



Part 3 of Amendment Bill – Amendments to LRO

Amendments to LRO (1)

Summary

Major amendments to the LRO are made to:

- a) Cater for electronic lodgement under LRO
- b) Prohibit joint development of LRO and LTO land
- c) Provide for incorporation of STD to instruments to be registered under LRO
- d) Extend the scope of regulation making powers under LRO

Amendments to LRO (2)

Ref	Major Amendments	Objective	Sub. Leg.
Interpretation			
s1A [C] 103]	Revise definitions of “image”, “image record”, “imaging”, “imaging method”, and add new definition of “electronic record”	To provide for electronic lodgement under LRO	N/A

Amendments to LRO (3)

Ref	Major Amendments	Objective	Sub. Leg.
Exceptions to registration of instruments provided in section 2			
s2AA (new) [CI 105]	Prohibit registration of instruments affecting joint development of LRO and LTO land	To mirror section 13A of LTO	N/A

Amendments to LRO (4)

Ref	Major Amendments	Objective	Sub. Leg.
Standard terms document			
s21A (new) [CI 106]	Provide for incorporation of STD	To mirror section 61C of LTO	N/A

Amendments to LRO (5)

Ref	Major Amendments	Objective	Sub. Leg.
Regulations			
s28 [CI 108]	Extend the scope of regulation power under LRO	• To allow electronic lodgement under the LRO • To provide for search arrangements	Detailed arrangements for electronic lodgement and search of land records



Thank you