

113. To address members' concern that the reference to "petition" in clause 95 does not fit present day circumstances, as people rarely apply to CFI in respect of questions of title by petition, the Administration agrees that the reference to petition be deleted from the clause. As regards members' concern about the rules on the procedures under clause 95, the Administration points out that under clause 91, the Chief Justice may make rules for regulating applications under the Bill to CFI.

#### Land boundaries

114. The Bills Committee notes that under DRS, land boundaries are not guaranteed. In the previous Land Titles Bill introduced in 1994, the Administration has not proposed to provide any form of guarantee for land boundaries under LTRS. While some interested parties have expressed their view that guarantee of land boundaries should be part of LTRS, the Administration considers that this would present great complications given the past history of land boundary survey in Hong Kong. As only boundaries surveyed since the establishment of the Geodetic Datum in 1980 (which represents only about 7% of existing properties) could be assured immediately, the Administration maintains its previous proposal and does not provide any form of guarantee for land boundaries under the Bill. The Administration however proposes that an avenue be provided under clause 92(1) for owners of registered land to apply to the Director of Lands for a determination of their lot boundaries.

115. The Bills Committee notes that HYK supports the Administration's proposal to allow the owner of registered land to make an application to the Director of Lands for a determination of lot boundaries. However, HYK considers that when an owner of registered land makes such an application, if the Director considers that the existing land boundary plan is acceptable for the purpose, he should verify the plan together with the relevant District Survey Office before causing the plan to be registered under clause 92(3)(c). The Bills Committee also notes that HKIS considers it most important that LTRS should provide reliable and adequate records about the particulars of the landed interest including plan showing the size, boundary and layout of the interests. Whilst appreciating that the Administration is not ready to provide any form of guarantee for land boundaries under the Bill, HKIS considers that the Administration should address the boundary problems of the Demarcation District lots in the New Territories by bringing these old land survey records up to the standard. In this connection, HKIS is concerned that under clause 92(2)(b), the Director of Lands shall not make a determination of lot boundaries in respect of a lot held under a block Government lease, i.e. a Government lease of old schedule lots.

116. The Bills Committee appreciates the concerns of HYK and HKIS, and requests the Administration to consider their views. On HYK's views on clause 92(3)(c), the Administration confirms that it will set out the criteria for deciding whether a land boundary plan, including the existing plan prepared by the Survey and Mapping Office of the Lands Department, is acceptable for determination of the boundaries of a lot and registration in the Land Registry. As regards the concern of HKIS about clause 92(2)(b), the Administration agrees to delete the subclause to address the concern.