

CONTROLLING OFFICER'S REPLY

S-DEVB(PL)13

(Question Serial No. S0116)

Head: (91) Lands Department
Subhead (No. & title): (-) Not Specified
Programme: (3) Legal Advice
Controlling Officer: Director of Lands (Ms. Bernadette LINN)
Director of Bureau: Secretary for Development

Question:

As a follow-up question on Reply Serial No. DEVB(PL)177, has any review been conducted to assess whether it is reasonable and acceptable for the contracting-out solicitor firms to take an average of 20.98 months to process an application for approval of Deed of Mutual Covenant? If yes, what are the findings of the review and the follow-up arrangements? If not, what are the reasons and will such reviews be carried out in the future?

Asked by: Hon. TSE Wai-chuen, Tony

Reply:

The Legal Advisory and Conveyancing Office (LACO) of the Lands Department reviews the performance of each contracting-out firm at the end of each case after the Deed of Mutual Covenant (DMC) has been approved by LACO.

It is unusual to take, as in 2013-14, about 20.98 months to approve a DMC through contracting-out. Having reviewed the contracted-out cases approved in 2013-14, LACO is satisfied that there was no delay on the part of the contracting-out firms. The longer time taken in 2013-14 was attributable to the presence of difficult cases in that year. One case involved complex issues arising from the presence of unusual features in that development, including public open space, Government, Institution and Community facilities, historical buildings, Mass Transit Railway subway and associated structures, and pedestrian subway connection with the adjacent development, for which protracted negotiations between all concerned parties had taken place before their mutual rights and obligations in the development could be settled for finalisation of the DMC. In another case, the developer caused substantial revision to the development by amending the building plans causing a delay of seven months. In another case the developer's solicitor had not been enthusiastic to take the case forward and had spent over six months to take instructions from the developer to respond on various requisitions.