



Land Surveying Division Chairman's Message



Sr Koo Tak Ming LSD Council Chairman

LSD Annual Dinner 2012

The LSD Annual Dinner 2012 was held on Friday, 19 October 2012 at the Pearl Ballroom of the Eaton Hotel Hong Kong on 380 Nathan Road, Kowloon. We were humbled by the presence of Sr Hon Tse Wai-chuen, the Legislative Councillor for the Architectural, Surveying and Planning Constituency, as our honoured guest. The dinner was an important occasion for meeting friends in the industry and academia, as well as the Institute's officer bearers and division chairmen and honoured guests.

We were also delighted to have Sr Wong Chung-hang, Past President of the HKIS; and Sr Siu Wai-ching JP, Deputy Director/Survey and Mapping of the Lands Department of the HKSAR Government, as our head table guests.



Report from Sr Koo Tak-ming, LSD Chairman



Sr Serena Lau, Sr Koo Tak-ming, Sr Hon Tse Wai-chuen, and Sr Siu Wai-ching at Head Table 1



Toast from the LSD Council



Game with measurements



Lucky draw by Sr Siu Wai-ching



Lucky draw by Sr Serena Lau



LSD Council and OC at the LSD Annual Dinner

I would especially like to thank the Organizing Committee's dedicated efforts in making the event a success and the evening enjoyable.



Cadastral System in Hong Kong – Future & Development

The Cadastral System in Hong Kong – Future & Development
The present system of land registration in Hong Kong is a deed registration system (DRS) governed by the Land Registration Ordinance (LRO) (Cap. 128). The system provides a record of the instruments that affect a particular property, but gives no guarantee of title.

Prior to the enactment of the Land Survey Ordinance (LSO) (cap. 473) in 1996, there was no law that specified the standard, the format, and other related matters with reference to land boundary surveys in Hong Kong. Land surveyors in Hong Kong had to rely on survey practices adopted in other parts of the world to carry out cadastral surveys. Without a standardized approach, there were various drawbacks in the compilation of land boundary records during Hong Kong's fast-paced growth of the 1970s.

The LSO aims to provide for the registration and discipline of land surveyors engaged in land boundary surveys for the control of the standards of land boundary surveys, the establishment of land boundary records, and related matters. A Committee has been appointed under the LSO to handle matters related to the registration of Authorized Land Surveyors (ALSs), who shall ensure that every land boundary survey or any part thereof will be carried out by either the surveyor or others under his/her supervision in accordance with the requirements of all codes of practice approved by the Ordinance. An ALS shall sign and certify in the specified form all field notes, survey record plans, and land boundary plans that he/she or other persons under his/her supervision has prepared. He/she shall also be personally responsible for the accuracy and completeness of every land boundary plan that he/she has signed, certified, and produced from a land boundary survey that he/she or someone under his/her supervision has carried out. He/she shall be liable for any loss or damage suffered by any person as a result of any inaccuracy or incompleteness of any land boundary plan so signed and certified.

The LSO also empowers the Land Survey Authority (LSA) to maintain land boundary records; to advise the Secretary for Development regarding alleged commissions of disciplinary offences by authorized land surveyors; and other functions that are imposed or conferred on him/her by this Ordinance or any other enactment. However, the LSO only specifies that land boundary plans for subdivisions have to be signed by the ALS and deposited with the LSA under Section 30(4) of the LSO. It does not contain provisions for the depositing of land boundary plans with the LSA other than those for land subdivisions. This is highly undesirable when trying

to control the standards of land boundary surveys outside the scope of the LSO. In fact, there is no provision in the Ordinance stating how the LSA should establish land boundary records, how the records should be maintained, or how the public, other than the ALS, would be able to inspect the land boundary records.

The standard for land boundary surveys is mainly controlled by issuing the Code of Practice (COP) approved by the LSA under the Ordinance. This control mechanism is weak in the sense that it covers only a small portion of the land boundary surveys performed by the ALS. There was a chance to improve on these limitations after the enactment of the Land Title Ordinance (LTO) (Cap 585) in 2004. Section 94 of the LTO allows for the Director of Lands to determine land boundaries. It only applies to land that is bought under the LTO. There is a 12-year period between the commencement of the LTO and the time in which land already granted will come under its jurisdiction. During deliberations over the then-Land Titles Bill, the Administration indicated to the Legislative Council (LegCo) that it would consider introducing a similar provision in a suitable Ordinance that would apply to land that was not covered by the LTO. The Administration intended to introduce into the LSO provisions for the determination of land boundaries that would apply to both land currently governed by the Land Registration Ordinance (Cap. 128) (LRO) and land bought under the LTO. In this connection, Section 94 of the LTO would be repealed and replaced by the proposed amendments that would be made under the LSO through the enactment of the Land Titles (Amendment) Bill.

The determination of land boundaries was discussed by the Joint Subcommittee during the Fourth Legislative Council's (2008-2012) meetings. However, the Administration stated during the joint panel meeting on 23 December 2010 that it was appropriate to examine the proposal for determining land boundaries as a separate exercise from amending the LTO due to the complexity of the issue. Under this approach, the momentum for propelling the exercise forward can hardly be sustained. Thus, the hope of improving the Ordinance in favor of a better system in a cadastral survey in Hong Kong has faded.

The HKIS strongly supports the enactment of legislation for the determination of land boundaries, which will enable the extent of land parcels to be identified with certainty. Knowing the exact boundaries of a property is of utmost importance for an owner to protect his/her rights and interests. Certainty over land boundaries is essential for the



government to carry out its duties to administer leased and unleased land, to control land use, and to formulate policies for planning and land development. Good land governance needs the support of an effective land boundary system. Legislation for determining land boundaries is necessary for bringing certainty to the location of land parcels. The provision should best be incorporated into the Land Survey Ordinance (Cap 473) so that the standards and controls for the relevant professionals will already be in place. To help the public and other professionals access relevant land boundary information, we also propose establishing a cadastre system in Hong Kong. A cadastre is a record of land rights supplementing the current land registration system in Hong Kong. There are various ways in which details on a plot of land may be recorded, which reflect the diverse

ways that land can be viewed. The cadastre is one of the important aspects of such a system in that it contains more evidence on the physical size and shape of areas and data on land values or land use. The cadastral map or plan serves the purpose of locating areas of land and providing information on these areas. It is able to provide details on a single parcel of land in support of a land book entry or it can show all the parcels within a designated area, thus acting as an index to help identify each plot of land relative to the others.

Last, an efficient Spatial Data Infrastructure (SDI) to disseminate the cadastral information would be an integral part of the proposed cadastral system that supports a fast-growing economy for the effective management of land in Hong Kong.

LSD APC Part I Written Assessment

The new Assessment of Professional Competence (APC) became operational following the amendment of the HKIS Constitution and By-Laws on 18 July 2011. After the release of the 2012 LSD APC Rules & Guide on the HKIS website on 1 June 2012, the LSDEC and YSG jointly organised the LSD APC Workshop on 24 August 2012 to summarize the details of the APC reform and the new LSD APC Rules & Guide. The event was well-attended by over 70 participants and the relevant presentation materials were subsequently posted to the HKIS website for easy reference.

You may also want to note that the LSDEC has arranged for the first LSD APC Part I Written Assessment to be held on 15 December 2012. Probationers who have been approved to enter the LSD APC scheme are eligible to apply for this Part I Written Assessment. The application deadline is 30 November 2012 (Friday). Details can be found at http://www.hkis.org.hk/lsd/en/newsroom_event_details.php?id=2934.

LSD Contact Points

If you have any views on the Council's work, please feel free to send them to the Hon. Secretary at lsd@hkis.org.hk or to

me at lsdchairman@hkis.org.hk. 🇺🇳

LSD APC Part I Written Assessment (15 December 2012)

Date: 15 December 2012 (Saturday)
Time: 10 AM to 12 Noon
Venue: Hong Kong Management Association
Room 301, 3/F, First Commercial Building, 33-35 Leighton Road, Causeway Bay

Only Probationers who have been approved to enter the LSD APC scheme are eligible to apply for this Part I Written Assessment.

The completed form (APC-3/LS), together with the application fee (a cheque for HK\$550 payable to "SURVEYORS SERVICES LTD."), must be returned to the HKIS **no later than 5:30 PM on 30 November 2012 (Friday)**. Late submissions will not be accepted. Incomplete application forms will not be entertained.

The application form (APC-3/LS) for the LSD APC Part I Written Assessment can be downloaded from our website (HKIS main page -> Professional Development -> APC -> LSD) [Ref link: <http://www.hkis.org.hk/hkis/papers/lsd/APC3-LSD2012.pdf>].