

## **Determination of lot boundaries under the Land Titles Bill**

### **Purpose**

This paper provides information on issues related to Clause 92 of the Land Titles Bill as raised by the Bills Committee in its letter of 8 June 2004.

#### **(a) Existing practice for determination of lot boundaries and the role of the Director of Lands**

2. Technically, the survey practice for determination of lot boundaries for urban land is the same as that for New Territories (NT) land. In determining the boundaries of a lot, the Lands Department will follow the standard survey practice as set out in the Land Boundary Survey Regulations and take into consideration all the documentary and physical boundary evidence available. Such evidence includes the plan attached to the lease document (e.g. the Demarcation District (DD) sheet for NT lots granted under the block Government lease), the old aerial photographs, other survey records and the original physical occupation on ground.

3. The Director of Lands is responsible for the determination of lot boundaries for various land administration purposes such as land disposal, land alienation, land acquisition, land management and so on. Under normal circumstances, he will not carry out boundary determination for land owners but instead advise them to use the services of an authorized land surveyor.

4. In his capacity as Land Survey Authority under the Land Survey Ordinance (Cap. 473), the Director of Lands is responsible for, inter alia, maintaining land boundary records, approving and issuing code of practice, and processing plans deposited by the authorized land surveyors for subdivision of land under Section 30 of the Land Survey Ordinance.

5. Although the Land Survey Ordinance has no provision for the authorized land surveyors to deposit with the Land Survey Authority any land boundary plans for whole lots, the Director of Lands has taken the initiative to receive such plans, which are submitted by the authorized

land surveyors on a voluntary basis, and to make them available for reference by other authorized land surveyors in their determination of lot boundaries.

**(b) Processing of applications for determination of lot boundaries**

6. The Director of Lands will process applications for determination of lot boundaries according to the procedures as set out in Clause 92(3) of the Land Titles Bill, which are illustrated in the flowcharts enclosed for easy reference. For cases where an existing plan is available and is acceptable to the Director of Lands, the processing time should not take more than 2 weeks and the fee (exclusive of the fee for registration at the Land Registry) will be charged on a cost recovery basis (present estimate is about \$1,100). For cases where the land owner is required to appoint an authorized land surveyor to conduct a land boundary survey, the Director of Lands will need about 4 weeks to complete the plan checking process, and the fee (exclusive of registration fee) will also be charged on a cost recovery basis (present estimate is about \$6,500).

**(c) Commencement of operation of Clause 92**

7. Clause 92 will come into operation on commencement of the Bill. It only applies to land that is registered under the Bill. The Administration intends to introduce a similar provision under a suitable Ordinance that will apply to land not yet registered under the Bill.

**(d) Re-alignment of lot boundaries**

8. The Land Titles Bill does not contain any provision to address the issue of re-alignment of boundaries for lots in the urban area or in the NT. Clause 92 will not assist to resolve the issue because it only deals with the determination of boundaries as per existing plans to which the bearings, boundary dimensions and coordinates may be incorporated in the process of updating the boundary. To re-align boundaries affecting private lots without seeking the agreement from the lot owners concerned may affect private property rights and may have human rights implications. The Director of Lands is now actively discussing with the Heung Yee Kuk on possible measures to address the issue.

Procedures for handling applications for boundary determination under the Land Titles Bill



## Procedures for handling plans submitted by ALS under the Land Titles Bill

