



政府本地土地測量師協會  
Association of Government Local Land Surveyors

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Dr. Hon Margaret Ng,  
Chairlady of the Joint Subcommittee on Amendments to Land Titles Ordinance  
Legislative Council Building,  
8 Jackson Road,  
Central,  
Hong Kong

Dear *Margaret,*

**Views from Association of Government Local Land Surveyors (AGLLS)  
on Determination of Land Boundary**

We would like to express our sincere thanks to all members of the Joint Subcommittee for listening to different views from different groups throughout the discussions of the amendment of LTO. We noted that the Administration in the 7<sup>th</sup> meeting on 29<sup>th</sup> April 2010 suggested an alternative option to proceed with the amendment of LTO leaving the determination of land boundary (i.e. Section 94) intact and then amend the Land Survey Ordinance (Cap. 473) later to deal with land boundary issues, with consequential amendments to take out Section 94 from the LTO. We are anxious over such move as it may lead to the defeat of the core value of the LTO and the missing of the golden chance of regularizing the land boundary system to meet the demands and challenges of the 21<sup>st</sup> Century and beyond. As such, we would like to offer our views from the angle of professional land surveyor in the Civil Service for your consideration..

We were delighted to see the Government's introduction of provisions in the LTO for determination of boundaries of land registered under LTO which demonstrated her appreciation of the importance of boundary in a land title. We were further encouraged when the Administration proposed to extend determination of land boundaries to land registered under the Land Registration Ordinance (LRO) in this LTO amendment. It has been rightly pointed out by Hong Kong Institute of Surveyors (HKIS) that certainty of land boundary is essential in the guarantee of

land title and we consider that such proposals can improve the certainty of boundary of all land in Hong Kong. On the other hand, the success of such legislation on land boundary determination is a recognition of the efforts input by land surveying professionals in maintaining a de facto land boundary system which is contributing significantly to the social economic developments and daily operations of Hong Kong. While we were glad to see the Administration's nice move, we were surprised when the Administration suggested an option in the last panel meeting to amend the Land Survey Ordinance (LSO) (Cap. 473) to deal with land boundary issues with consequential amendments to take out Section 94 from the LTO without a solid time table. Such move has hinted us to worry that the amendment of LSO might not attract enough priority of the Administration to sustain its momentum after the implementation of the LTO. In fact, the Administration has correctly pointed out the deficiencies of the existing Section 94 of LTO in para 5 - 8 of its paper CB(1)2675/08-09(03) dated 7 October 2009. We therefore hold a view that, for the LTO to operate without blemish, LTO should never be implemented without the corresponding amendment for determination of land boundary, no matter whether there will be a thorough review of LSO at a later stage or not..

In the 7<sup>th</sup> panel meeting, the Administration conveyed the message that imposing boundary determination related issues into LTO amendment was very complicated and might hinder the progress. Regarding this Administration's concern, we share HKIS's view that the proposed system with boundary determination elements should not be such complicated as the Administration conceives. The determination of land boundary under the context of the LTO should involve solely the depiction of boundary of old land using modern technology under the modern land boundary system with respect to the current site situation, and such determination of land boundary shall never contradict the intention of the grant.

To ensure the desirable effect is accomplished from the duties of Land Survey Authority (LSA), we would also like to show our full support to the Administration's previous proposal suggesting the land boundary plan for land subdivision shall be checked by the Land Survey Authority before submission of the relevant instrument to the Land Registry for registration. Not only can it assure the submissions have met the requirements set out in the Code of Practice (CoP) of LSO, it also minimizes the need for rectification and the potential dispute in the subsequent transaction due to error in the land boundary plan. We understand that there may be resources implication in the Government, but this should always be the way for land transaction to be conducted in a just and correct manner.

From the successful experience of other countries in running land title registration system incorporating elements of land boundary determination, we trust it is a universal recognition that locality and extent of a piece of land are essential interests that should be clearly described equally as other interests in land. With professional land surveyor's input and modern technology, reliable boundary determination and effective land boundary management system are already in place in Hong Kong. With the appropriate elements in relation to determination of boundary incorporated into our legal framework and land administration system, we trust that in the long run and in broad terms, the legislation for land boundary determination in the correct direction will help reduce the overall costs for social economic developments and operations and achieve a fairer society.

We look forward to having your support in keeping land boundary related issues in the discussion of LTO amendment so as to keep the LTO a complete one. Should there be anything you wish to have our clarification, we are more than happy at any time to tender and elaborate our views direct.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Edmond S.C. Yu', written over a diagonal line.

Edmond S.C. Yu

Chairman, Association of Government Local Land Surveyors