

Let's Turn the Land Survey Ordinance (LSO) to a Land Survey Opportunity

Shou-chun Leung, Sau-chung Yu and Yiu-hing Lee (Hong Kong SAR, China)

Key words: Cadastre; Legislation; Land Survey Ordinance; land boundary survey

SUMMARY

Throughout the history, Hong Kong has been working on a deeds registration system for land grants and transactions. Although land boundary plans are often found to accompany instruments for registration, they are generally prepared in a crude manner, not to mention that such submission of plans is not mandatorily required. There was simply no statutory regulation to govern the standard of land boundary surveys or the qualification of the one doing them in the past until the LSO (Cap. 473) was enacted in 1995.

By this LSO, a new class of Authorized Land Surveyors (ALS) and a Land Survey Authority (LSA) were created. While the LSO has proved to be successful in improving matters to some extent, it still fell short of expectations. In particular, this ordinance only dealt with new subdivision lot boundaries but provided no mechanism to rectify past erroneous boundaries. As a matter of fact, many deficiencies of the land boundary system still persisted, including for example:

- a) the land boundary records maintained by the LSA could not be comprehensive because plans other than land subdivision ones need not be submitted to it,
- b) there is no mechanism to sanction surveyed boundaries submitted to the LSA thus rendering no benefit to the public who is still not sure of what boundaries are considered as final, and
- c) the ALS became vulnerable to committing disciplinary offences due to their having had to follow erroneous or inconsistent boundary records.

Given with the situation, both the LSA and the ALS have been working collaboratively and devising certain pragmatic measures to overcome the deficiencies. However, the accomplishments

had, understandably, been limited. This paper is therefore to go through the background of the LSO from its proposal stage to its enactment and to summarize and discuss those accomplishments and hurdles that we, land survey practitioners in Hong Kong, have encountered.

In way forward, the writers will share issues that the LSA is exploring including:

- a) the mandate of land boundary submission of every land lot through the operation of a revised Code of Practice of the LSO;
- b) the exchange of views with ALS on how to extend our boundary service even outside the jurisdiction of the LSO; and
- c) the introduction of an obligation for ALS's to share boundary information among themselves with a view to removing unwarranted conflict of boundaries.

Anyway, let us aim at improving our land boundary system for the benefit of the public and turning the LSO to a Land Survey Opportunity.