2016 Hong Kong SAR, P.R.C. region report

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Hong Kong Special Administrative Region

Area: 1104 km²
Population: 7.347 M

Ref: Census & Statistics Dept 2016
Backgrounds

1884 – Deeds Registration
2004 – Titles Registration Ordinance (not applied)

1995 – Land Survey Ordinance
deal with land subdivision only
no legal sanction of boundary

uncertain lot boundary affects land development

Land Use Development Bureau 2016
Policy
Bureau
Land controls in Hong Kong

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Planning Control

- **Town Planning Ordinance**
  - Outline Zoning Plan (OZP)
  - Planning Department prepares the OZP
  - Town Planning Board (TPB) approves the OZP

- **Town Planning (Amendment) Ordinance 2004**
  - Power to enter land for investigation
  - Notice to require provision of information
  - Issue an Enforcement Notice
  - Issue a Reinstatement Notice
Land Control

• Land related ordinances
  – Govt Leases Ordinance, Land Survey Ordinance,…
  – Land sale – 4 ways of land disposal - conditions
  – Land Authority Consent Scheme – sale of uncompleted private residential developments
  – Approval of Deed of Mutual Covenant
  – Certificate of Compliance
  – Salable Area in Gross Floor Area

Building control

• Buildings Ordinance
  – Approve Building Plans
    • Within Zoning (legal use)
    • Within GFA (development potential on lease)
    • Construction safety (construction works, means of escape,…)  
  – Issue Occupation Permit
Environment Protection & Development control

- Environmental Protection Department
  - Air quality, asbestos...
  - Conservation of country parks, rare species...
  - Noise control
  - Waste management
  - Water (beach, river) quality [Cap 358]
  - Landscape & Visual impact (w/ Planning Dept)

Survey & Mapping Office of Lands Dept
Land boundary records

Cadastral Information System (CIS)
the digital land boundary layer

Basic Mapping System (BMS)
1:1000 Survey Sheet

Open to public : Lot Index Plan
Land Survey Ordinance

• Cap. 473 (1995)
  – registration & discipline of ALS
  – control of the standards of LBP
  – establish land boundary records
• Subdivision – Deed Poll
• No legal sanction of boundary except the division line
Land Titles Ordinance

• Cap. 585 (2004)
  – 2 year preparation for implementation
  – 15 years gradual conversion
    • (now – proposed qualified title)
    • (Nemo det quod non habet - tangle on possible compensations)
  – S.94 Determination of lot boundaries:
    • Previously only urban new grant lot may apply for the title plan
    • Move S.94 to Land Survey Ordinance

Authorised Land Surveyor
HKIS land survey
1 year LBS experience

Registered Professional Surveyor
R.P.S.
HKIS or equivalent
1 year relevant professional experience

HKIS
PolyU degree or RICS accepted
Assessment of Professional Competence
No. of surveyors in HK (2016)

• Hong Kong Institute of Surveyors
  Land Surveying Division
  
  45 Fellow
  225 Member
  48 Tech Asso

• Registered Professional
  Surveyors (Land Surveying)
  
  127 (2015)

• Authorized Land Surveyors
  
  27 Practising

2016

• Land Boundary Committee of the Hong Kong
  Institute of Surveyors

• Provide advice to government on the practice
  and the operation of the land boundary system

• Promote amendment of Land Survey Ordinance

• Result in 2016: Buildings Department prescribes
  in its working guideline that a Site Area Plan is
  endorsed by an Authorized Land Surveyor
Raise questions to the Secretary of Development and Director of Lands, Director of Planning & Director of Buildings

Path to seek a new law

Secretary of Development later replied that the order of making a new law is from the Executive Council

Members

16 Secretaries
14 Non-Official Members
Land Boundary Committee

• The Survey and Mapping Office is keeping a Land Boundary Record System

• HKIS negotiates with the Lands Department on the steps of the acceptance of surveyed land boundary lines

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