

LSA Circular 12/96

Fee under section 30(5) of the Land Survey Ordinance (Cap. 473)

The purpose of this Circular is to clarify the special circumstances under which the prescribed fee under section 30(5) of the Land Survey Ordinance (LSO) shall not apply.

Under the provisions of the LSO, a prescribed fee under section 30(5) shall be payable whenever an Authorized Land Surveyor (ALS) deposits the land boundary plan (LBP) and survey record plan (SRP) with the Land Survey Authority (LSA) in compliance with the requirements under sections 30(1) and 30(4). Notwithstanding the principle set out in para. 4 of LSA Circular 4/96, an ALS who certified a LBP for effecting registration of a deed of variation or rectification would not need to pay the prescribed fee for deposition under the following special circumstances.

When an ALS, who had previously deposited with the LSA a duplicate LBP and the corresponding SRP under section 30(4) of the LSO, **has amended the deposited LBP and SRP upon the request of the LSA under section 30(8)**, it is not necessary for the ALS to deposit the amended LBP and SRP with the LSA again upon the registration of the deed of variation or rectification which was accompanied by the amended LBP effecting the amendments made by the LSA. Under the circumstances, although the deed which is needed to effect the amendments made to the original LBP may fall under sections 30(1) and 30(4), the fact that the amended LBP and SRP now submitted are in fact the product of the requisitions by the LSA, renders it redundant to have the amended plans deposited again. In such case, the prescribed fee under section 30(5) of the LSO shall not apply. However, the ALS should advise the LSA of the registration of the amended LBP and the Memorial No. of the corresponding instrument for record purpose.