

Land Survey Authority Circular No. 3/2014

**Deposit of Plans Under Section 30(4) and
Fees Payable under Section 30(5)
of the Land Survey Ordinance (Cap. 473)**

Sections 30(4) and 30(5) of the Land Survey Ordinance (Cap. 473) (“LSO”) specify in basic terms the requirements for deposit of plans with the Land Survey Authority and that a fee shall be payable to the Authority by the authorized land surveyor (“ALS”) who deposits a duplicate land boundary plan (“LBP”) and a survey record plan (“SRP”). Using three commonly encountered situations as illustration, this Circular aims to clarify how the aforesaid sections of the LSO will be satisfied in practice regarding the number of plans which shall be deposited and the respective fees payable.

(A) Situation 1

Divisions of **P** numbers of lots are effected by one single instrument, which is accompanied by **P** numbers of different LBPs signed and certified by an ALS for registration in Land Registry (“LR”), i.e. one LBP is prepared by the ALS for the division of each of the subject lots. The instrument is registered under one memorial number. For the division of each of the subject lots, the ALS has signed and certified one SRP of the relevant land boundary survey, i.e. there are **P** numbers of different SRPs sufficiently recording the relevant land boundary survey.

- A.1 Pursuant to section 30(4) of the LSO, under this situation the concerned ALS shall deposit with the Authority the duplicate of the **P** numbers of LBPs attached to the instrument registered in LR and the **P** numbers of relevant SRPs, all duly signed and certified by the ALS.
- A.2 By virtue of section 30(5) of the LSO, under this situation **P** times the fee prescribed in Item 3 of the Schedule of Land Survey (Fees) Regulation (Cap. 473A) for the deposit of the plans said in paragraph A.1 above shall be payable to the Authority.

(B) Situation 2

Divisions of **P** numbers of lots are effected by one single instrument, which is accompanied by **Q** (which is not more than **P**) numbers of different LBPs signed and certified by an ALS. The instrument is registered in LR under one memorial number. For the relevant land boundary survey the ALS has signed and certified **R** (which is not more than **Q**) numbers of different SRPs which sufficiently record the land boundary survey for the divisions of the **P** numbers of subject lots.

- B.1 Pursuant to section 30(4) of the LSO, under this situation the concerned ALS shall deposit with the Authority the duplicate of the **Q** numbers of LBPs attached to the instrument registered in LR and the **R** numbers of relevant SRPs, all duly signed and certified by the ALS.
- B.2 By virtue of section 30(5) of the LSO, **Q** times the fee prescribed in Item 3 of the Schedule of Cap 473A for the deposit of plans said in paragraph B.1 above shall be payable to the Authority.

(C) Situation 3

Divisions of **P** numbers of lots are effected respectively by **P** numbers of different instruments. For all these instruments, the concerned ALS has prepared only one LBP which shows all the **P** numbers of subject lots and the parcels resulting from the divisions. The instruments are registered individually in the LR by separate memorials but each is accompanied by the same LBP signed and certified by the ALS. The ALS has signed and certified only one SRP which sufficiently record the relevant land boundary survey.

- C.1 Pursuant to section 30(4) of the LSO, under this situation each time when an instrument has been registered, the ALS shall deposit with the LSA the duplicate of the same LBP attached to the instrument registered in LR and the same SRP of the relevant land boundary survey, both signed and certified by the ALS.
- C.2 By virtue of section 30(5), each time when the ALS deposits the plans as said in paragraph C.1 above, a fee prescribed in Item 3 of the Schedule of Cap 473A shall be payable to the Authority.

The Department of Justice has confirmed that the above views regarding the deposit of plans and the fees payable with respect to the three situations are consistent with the provisions in section 30 of the LSO.

It should be understood that the above illustrations do not cover all possible situations. In any deposit of plans which falls under section 30(4) of the LSO, in accordance with section 30(5) of the LSO, it is the number of LBPs and the corresponding SRPs deposited rather than anything else which ultimately determines the amount of the fees payable to the Authority.

For any inquiry in connection with this Circular, please contact the staff of the Legislation Section at telephone number 2231 3342 or 2231 4027