



**Purchase and Use of Aerial Photographs in connection with
the Residential Properties (First-hand Sales) Ordinance (Cap. 621)**

1. This Practice Note provides guidelines to users on how to purchase aerial photographs from the Survey and Mapping Office (SMO) of the Lands Department in connection with the Residential Properties (First-hand Sales) Ordinance, Cap. 621 (the “Ordinance”), and the uses of such aerial photographs.

Provisions of the Ordinance relating to the use of aerial photographs

2. Under section 19(2)(g) of the Ordinance, an aerial photograph of the development must be set out in the sales brochure of the development. The updateness, scale and extent of coverage are further stipulated in section 7(2) and 7(3) of Schedule 1 to the Ordinance as below:-

- Under section 7(2) of Schedule 1 to the Ordinance, “the aerial photograph of the development must be the latest one as at the date on which the sales brochure is printed, as taken by the Survey and Mapping Office of the Lands Department at a flying height below 7000 feet”.
- Under section 7(3) of Schedule 1 to the Ordinance, “the aerial photograph of the development must be at least 16 centimetres in length and 16 centimetres in width and must show the development and the surrounding area within 250 metres from the boundary of the development”.

3. Under section 48(1) of the Ordinance, the aerial photograph of the development must be made available for inspection at the place where the sale is to take place and under section 48(2) of the Ordinance, the aerial photograph to be displayed must be at a scale within the range of 1:700 to 1:800.

4. Under section 49 of the Ordinance, the aerial photograph of the development must be made available for inspection on the website designated by the vendor of the residential development (the “Website”).

Where and how to find the aerial photographs suitable for use

5. Representative of the vendor of the residential development (the “Vendor’s Representative”) may search and order the aerial photographs through the Hong Kong Map Service (<http://www.hkmapservice.gov.hk>) or at the Map Publications Centre, Hong Kong (address: 23/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong, tel.: 2231 3187, fax: 2116 0774, email: smosale1@landsd.gov.hk, opening hours: Monday to Friday 9:00am to 5:30pm).

Submission of the Order Form, Payment and the Undertaking on the Conditions of Use of the Aerial Photographs

6. The Vendor’s Representative should delineate “the area which covers the development and the surrounding area within 250 metres from the boundary of the development” (the “Development and Surrounding Area”) based on the approximate scale of the aerial photograph for ordering: (i) the hard copy of the portion enlargement of the aerial photograph at scale 1:700 to 1:800 for display at the sales office of the development; and (ii) the digital file of the above aerial photograph for preparing the sales brochure¹ and for viewing at the Website² of the development.

7. The Vendor’s Representative should complete the Order Form (Appendix A) and sign the undertaking (the “Undertaking”) relating to the Conditions of Use of the aerial photographs, and return them to the Map Publications Centre, Hong Kong. The Vendor shall only use the aerial photographs for the purposes specified in the Ordinance. No other usage is permitted. The Undertaking also deals with the Hong Kong Special Administrative Region (HKSAR) Government’s intellectual property rights subsisting in the aerial photographs.

8. The Vendor’s Representative should then arrange to settle the payment by cash, cheque (crossed cheque payable to “The Government of the HKSAR”), EPS or Octopus Card in person at the Map Publications Centre, Hong Kong. The ordered products will be ready for collection after five working days. The Vendor’s Representative should collect them in person at the Map Publications Centre, Hong Kong.

¹ Vendors are advised to put the reference number and date (e.g. CS40930, 3 October 2012) of the aerial photograph in the sales brochure. Paragraph 6 of Undertaking for Use of Aerial Photograph from the Survey and Mapping Office, Lands Department in connection with the Residential Properties (First-hand Sales) Ordinance is relevant.

² Vendor should inform SMO the link to the Website on which the aerial photograph and sales brochure will be displayed.

Enquiry

9. For any enquiries, please contact the Map Publications Centre, Hong Kong of the Lands Department at 23/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong, tel.: 2231 3187, fax: 2116 0774 or email: smosale1@landsd.gov.hk.

Remarks

10. SMO Practice Note Issue No. 1/2013 is hereby superseded.

11. This Practice Note is issued for general reference only. All rights to modify the whole or any part of this Practice Note including Appendices at any time are hereby reserved.

12. Should there be any discrepancies between the contents of this Practice Note and that of the Ordinance, the latter shall prevail.



(NG Kwok-wai, Paul)

Deputy Director/Survey and Mapping

6 November 2017



**Survey and Mapping Office
Lands Department**

23/F North Point Government Offices, 333 Java Road, North Point, Hong Kong
Tel 2231-3187, Fax 2116-0774

For Official Use
Receipt No.:
Date Received:
File Ref.: () in LDSMOMI 14/3/9/1

**Order Form for Aerial Photographs
in connection with the Residential Properties (First-hand Sales) Ordinance (Cap. 621)**

Name of Development: _____

	Aerial Photograph to be purchased	Type and quantity of Aerial Photograph	Unit Price (HK\$)	Price (HK\$)
1.	Photo reference number and date(dd/mm/yy): _____ (e.g. E011012C, 06.01.2017)	a. _____ copy/copies of paper print of aerial photograph at original scale.	\$130 per copy	
		b. _____ copy/copies of paper print of enlargement portion of aerial photograph. Scale of the enlargement will be about 1:700 to 1:800. (The Vendor shall inform Lands Department the extent of the portion of the aerial photograph to be enlarged.)	\$1,060 per copy	
		c. _____ digital copy/copies of the enlargement portion of aerial photograph.	\$173 per copy	
		Total:		

Note: Please return the completed Order Form together with a duly signed "Undertaking for Use of Aerial Photograph from the Survey and Mapping Office, Lands Department in connection with the Residential Properties (First-hand Sales) Ordinance (Cap. 621)" to the Map Publication Centre, Hong Kong at 23/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong in person or by fax 2116-0774 or by email to smosale1@landsd.gov.hk.

FOR OFFICIAL USE

(To be completed by Photogrammetric and Aerial Survey Section of Survey and Mapping Office)

The average scale of the aerial photograph number(s) _____ of item (a) is _____.

**Undertaking for Use of Aerial Photographs
from the Survey and Mapping Office, Lands Department
in connection with the Residential Properties (First-hand Sales) Ordinance (Cap. 621)**

We, _____
(name of the vendor of the residential property) (the “Vendor”), agree to abide by the following
Conditions of Use of the Aerial Photographs requested in the attached Order Form (“the Aerial
Photograph”) in connection with the Residential Properties (First-hand sales) Ordinance (Cap. 621)
(the “Ordinance”) for the Development _____
_____ (name of development) at
_____ (address of development)
and the link to the website of the development is _____:-

Conditions of Use:

1. The Vendor shall only use the Aerial Photograph for the purpose as specified in the following sections of the Ordinance. No other usage is permitted.
 - Section 19: to set out the latest aerial photograph in the sales brochure.
 - Section 21: to set out any previous aerial photograph in the sales brochure
 - Section 48: to make the aerial photograph available for inspection at the place where the sale is to take place.
 - Section 49: to make the aerial photograph available for inspection on the website designated by the vendor for the development.
2. The Vendor acknowledges that upon placing the order of the Aerial Photograph and that Lands Department has commenced the relevant work in connection with the order, all money paid to the Government shall not be refundable.
3. The Vendor acknowledges that the Government is not liable for any damage or loss the Vendor may suffer in connection with any use of the Aerial Photograph.
4. The Vendor acknowledges that the Government owns the Intellectual Property Rights subsisting in the Aerial Photograph at all times.
5. The Vendor shall only publish the Aerial Photograph in its original form. No alteration, distortion or defacing of the Aerial Photograph is allowed.

6. The Vendor shall display at the bottom of the Aerial Photograph in the sales brochure and at the place where the sale is to take place and the website the number and date of Aerial Photograph and the acknowledgement printed at the margin of the original Aerial Photograph with the following wording:-

*“Survey and Mapping Office, Lands Department, The Government of HKSAR
© Copyright reserved – reproduction by permission only”*

7. The Vendor shall inform the Survey and Mapping Office of the Lands Department the link to the website on which the aerial photograph and sales brochure will be made available for inspection.

Signed for and on behalf of the Vendor

Signature: _____

Name: _____

Job Title: _____

Name of
Company: _____

Tel: _____

Company Chop:

Fax: _____

Email: _____

Address: _____

Date: _____

Notes: (1) **Collection of Personal Data:**

The personal data collected in this Undertaking will only be used by Lands Department for the purposes directly related to the handling of your request(s) or order(s) made in this Form. Under the Personal Data (Privacy) Ordinance, you have the right to request access to and/or correction of your personal data. Such requests should be addressed to Departmental Personal Data Controlling Officer [Attn: Senior Land Surveyor/Technical Information] :-

Address: Lands Department, 23/F North Point Government Offices, 333 Java Road, North Point, Hong Kong.

Email: smohq@landsd.gov.hk

Tel. No.: 2231 3826