

Resurvey for Old Schedule Lots in New Territories

6. **MR LAU PING-CHEUNG** (in Cantonese): *Madam President, it is learnt that, between 1898 and 1904, the Government carried out a systematic land survey in the New Territories and demarcation district plans were drawn up for the land. As such plans were produced at a scale of 16 inches or 32 inches to 1 mile (that is, 1:3 960 or 1:1 980), they are rather sketchy and incomplete by modern day standards, resulting in unclear land boundaries which have often led to disputes over land titles. In this connection, will the Government inform this Council whether it plans to resurvey the 210 000 old schedule lots in the New Territories based on the current standards; if so, of the commencement date of the survey, and how long it will take to complete the work; if not, the reasons for that?*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): Madam President, there are over 210 000 private lots in the New Territories held under the Block Government Leases. These lots are known as old schedule lots. These old schedule lots were surveyed one hundred years ago using graphical survey method for the purpose of recording ownership and related taxation purposes. To resurvey the boundaries of these large number of lots in accordance with the present survey standards will require huge resources and considerable time. According to an estimate by the Hong Kong Institute of Surveyors, such a resurvey will cost about \$1.9 billion in a timeframe of 10 years.

Land boundary disputes among private parties are normally resolved through mutual agreement. If agreement cannot be reached, either party can take the matter to court for a determination. Where the land boundary dispute involves government land, the Government will resolve the matter with the concerned party. Indeed, there is a dedicated team within the Lands Department tasked to deal with complex cases as and when they arise.

Given the Government's current financial stringency, there are no additional resources for undertaking a resurvey of all the old schedule lots. The Lands Department will continue to resolve individual land boundary disputes as and when they arise during the course of its work, such as land resumption for infrastructure projects. In the longer run, if further redeployment of resources are possible or additional resources are made available, the Lands Department will consider undertaking more resurvey of the old schedule lots or out-sourcing some of such work.

MR LAU PING-CHEUNG (in Cantonese): *Madam President, before I ask my supplementary question, I wish to declare an interest first. I am a member of the Hong Kong Institute of Surveyors. But as I am not engaged in this type of work, I will not gain any benefit, whether or not the Government agrees on this.*

Unclear land boundaries are actually a perennial problem in Hong Kong. Now, the situation is that as cases of unclear boundaries accumulate, "missing lots" are resulted under some circumstances, that is, there are lots that are shown on the plan but do not exist in reality. May I ask the Secretary how such situation would be handled?

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): Madam President, it is actually inappropriate for the term to be rendered as "遺失地段". Rendering "missing" as "遺失" means that the lots have disappeared, but the fact is that these lots still exist. The so-called "missing lots" refer to those lots of which the plan or evidence showing their boundaries and locations are missing, thus making it difficult to confirm their boundaries and locations. Under such circumstance, we consider it more appropriate to describe these lots as "已失圖據地段". On the number of such cases involving "missing lots", we do not have a definite answer, because it is only when the files of these lots are examined for the purpose of land transactions or for other reasons then the Government will know whether the plan or evidence showing their boundaries and locations still exists. Indeed, we are unable, and do not have the manpower resources, to check the statistics of these 210 000 old schedule lots one by one.

Having said that, however, we still can resolve the problem even when such situation arises. As I said in the main reply earlier on, land boundary disputes among private parties can be resolved by mutual agreement. If mutual agreement cannot be reached, the case can be taken to court for a determination. If the Government is involved in such disputes, as I said earlier, the Government has a dedicated team to deal with these cases. However, this team has very little manpower resources, and there is only one such team. With such manpower resources, this team can handle about 300 lots each year. Therefore, we are far behind and cannot possibly catch up with the need, because based on the manpower resources of this team and its current pace of work, it will take 700 years to complete a resurvey of 210 000 old schedule lots.

MR LAU WONG-FAT (in Cantonese): *Madam President, has the Government made any detailed assessment of the difficulties and problems involved in the redemarcation of the 210 000 old schedule lots? Will the Heung Yee Kuk be consulted before a decision is made?*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): Madam President, as I said earlier, the Government does not know whether this problem exists and the exact number of such cases. It is because we would not know the details until there is a need to open the files. In our daily work, cases directly related to the New Territories are mostly cases of small house applications, and it is only when the files of these cases are opened then we will discover that the land boundaries or the relevant information of some of these

lots are incomplete. But there have not been many such cases and most are of a minor nature and can be resolved rather easily. For the more complex cases, as I said just now, within the Lands Department there is a dedicated team which can handle about 300 such cases a year. This team can cope with the current workload arising from this problem.

At present, the Government does not have any plan to legislate in this regard. As I said earlier, given that not many disputes have arisen from this problem, we still manage to cope with the present unsatisfactory situation. So, the Government has no plan to enact legislation for the time being. If legislation is an option for consideration someday, we will certainly consult the Heung Yee Kuk.

DR RAYMOND HO (in Cantonese): *Madam President, to avoid land boundary disputes between the Government and private parties, can the Government, before it actually commence the development of a new district or a large-scale project, say, a railway project, spend some time in surveying the district or area in order to avoid such disputes in future?*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): Madam President, I am very grateful to Dr HO for this question, as it gives me an opportunity to further explain this. We are now mainly discussing old schedule lots, products of the Block Government Leases a century ago. As the conditions at that time were primitive and unsophisticated and were not as convenient as the present, it was therefore impossible to meet the high standards nowadays. These are old schedule lots under the Block Government Leases, whereas Dr HO was referring to the new schedule lots, or lots that may be affected by large-scale projects. Certainly, we will establish the land boundaries using the latest scientific methodology, and the relevant information on land boundaries will be expressly stated in the land lease for all necessary procedures to base on. We have started to substantially upgrade the requirements for new schedule lots in this regard. Moreover, our records are gradually becoming more complete. While the number of lots kept in our record is still very small now, which accounts for less than 10% of the total number, we hope that our record will accumulate as time goes by. Some years later, as I said just now, if we found that the time is appropriate and when there is a need, we will consider whether legislation should be made. As for the issue raised by Mr LAU earlier, we will also deal with it appropriately then.

DR RAYMOND HO (in Cantonese): *Madam President, I wish to ask another supplementary question. Will the Secretary tell us how many cases there are in which the Government was involved in disputes with private parties over unclear land boundaries resulting ultimately in proceedings in court? And, in how many of these cases did the Government win in the proceedings?*

SECRETARY FOR HOUSING, PLANNING AND LANDS (in Cantonese): Madam President, I did try to obtain the relevant information but regrettably, I did not get such information. I had asked for the reasons and they conjectured that it is because firstly, there have not been many such cases; and secondly, in most cases the Government have been able to resolve the problem through other means. For example, as I also mentioned earlier, the Government does have some resources to deal with these cases. My apology to the Member for not being able to give him a satisfactory answer.

PRESIDENT (in Cantonese): Oral question time ends here.