

Subject Description Form

Subject Code	LSGI3402
Subject Title	Land Boundary Dispute Resolution
Credit Value	3
Level	3
Pre-requisite	LSGI3313 Land Boundary Survey
Objectives	The subject is designed to provide a study on the land boundary dispute resolution at the fundamental level of a professional land surveyor. This subject aims to nurture students with professional working attitude and behaviour, and to develop their critical and creative thinking on resolving land boundary dispute cases.
Intended Learning Outcomes	<p>Upon completion of the subject, students will be able to:</p> <ul style="list-style-type: none"> A. Understand the accuracy and limitation of various land boundary records (L2); B. Make use of available legal or extrinsic evidence of land boundaries (L3); C. Articulate the legal formation and recording of land boundary rights in Hong Kong (L3); and D. Derive survey evidence using existing and state-of-art technology (L4).
Subject Synopsis/ Indicative Syllabus	<ul style="list-style-type: none"> A. Adverse Possession and Estoppel Principles of adverse possession, prescription & estoppels New Grants and large area discrepancy court cases Adverse possession case on Government land Land boundary related adverse possession B. Legal and extrinsic land boundary evidence Evidence for land boundary re-establishment Legal boundary evidence in a deeds registration system Extrinsic boundary evidence and applying principles Searching and adopting of best available evidence Manual and digital lot boundary correlation C. Land boundary disputes and court case studies Boundary deficiency of incomplete land grant procedure Boundary deficiency of crude land grant records Boundary deficiency of crude subdivision records Urban land subdivision problems

	<p>D. Survey law and future land boundary system Purposes and on-going development of Land Survey Ordinance Boundary Determination clause in Land Titles Ordinance Systematic re-survey of the New Territories Legal sanction of boundary Law reform for Adverse Possession</p>																																			
<p>Teaching/Learning Methodology</p>	<p>The course is designed to adopt interactive lecture such that the basic information of each lecture are made available on PolyU electronic teaching network. The interactive lecture starts by introducing essential basics and uses group activity and debriefing to encourage active thinking and participation. Laboratory exercise is used to help building up the key knowledge base of the subject materials. Hybrid PBL and Case-based learning are used increasingly to promote group discussion and learning from leading and current land boundary dispute cases.</p> <p>Students have to be self-motivated to carry out studying at the department on-line platform. Case demonstrations from the land surveyors' point-of-view on land boundary court cases will be made. Students are required to complete a land boundary evidence analysis project.</p>																																			
<p>Assessment Methods in Alignment with Intended Learning Outcomes</p>	<table border="1" data-bbox="531 921 1297 1306"> <thead> <tr> <th>Specific assessment methods/tasks</th> <th>% weighting</th> <th>A</th> <th>B</th> <th>C</th> <th>D</th> </tr> </thead> <tbody> <tr> <td>1. Quiz</td> <td>20%</td> <td>✓</td> <td>✓</td> <td>✓</td> <td></td> </tr> <tr> <td>2. Case Study</td> <td>30%</td> <td>✓</td> <td>✓</td> <td>✓</td> <td>✓</td> </tr> <tr> <td>3. Examination</td> <td>50%</td> <td>✓</td> <td>✓</td> <td>✓</td> <td>✓</td> </tr> <tr> <td>Total</td> <td>100%</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>Explanation of the appropriateness of the assessment methods in assessing the intended learning outcomes:</p> <p>The in-class quizzes are to recapitulate key concepts and facts conveyed in lectures. Case study report on the analysis of land boundary evidence in a selected court case are used to help students to apply all available evidence including aerial photos and survey plans for the proof of land boundary feature locations and occupation. The written examination is a formal testing of the knowledge on the selection, analysis and application of various survey evidences. Questions on the professional practice issues and difficulties will be used.</p>						Specific assessment methods/tasks	% weighting	A	B	C	D	1. Quiz	20%	✓	✓	✓		2. Case Study	30%	✓	✓	✓	✓	3. Examination	50%	✓	✓	✓	✓	Total	100%				
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<p>Student Study Effort Expected</p>	<p>Class contact:</p> <ul style="list-style-type: none"> ▪ Lecture 					<p>26 Hrs.</p>																														

	<ul style="list-style-type: none"> ▪ Practical 	26 Hrs.
	Other student study effort:	
	<ul style="list-style-type: none"> ▪ Project preparation 	32 Hrs.
	<ul style="list-style-type: none"> ▪ Guided Study 	26 Hrs.
	Total student study effort	110 Hrs.
References	<p>References</p> <ol style="list-style-type: none"> 1. Fu, H., & Gillespie, J. (Eds.). (2014). Resolving land disputes in East Asia: Exploring the limits of law. Cambridge University Press, 447pp. 2. Holland, J., & Webb, J. (2013). Learning legal rules: a students' guide to legal method and reasoning. Oxford University Press, 415 pp. 3. Nissim, R. (2022). Land administration and practice in Hong Kong. 5th Edition, Hong Kong University Press, 227 pp. 4. Sara, C. (2002). Boundaries and Easements, Sweet & Maxwell. 5. Young, S.N.M. (2004). Hong Kong evidence casebook. Thomson, Sweet and Maxwell, Asia. <p>Court Cases</p> <ol style="list-style-type: none"> 1. Harvest Good Development Ltd (HCAL 32/2006) 2. J A Pye v.s. Graham (2002) 3. J A Pye v.s. United Kingdom (2005) 4. Lam Pak Kau v.s. Yu Yuet Fat (HCA 2020 of 1996, CACV 205 of 1999) 5. Lintock Company v.s. The Attorney General (HCA 5820A of 1982) 6. Liu Ma Cheung v.s. Liau Yin Fu (HCA 181 of 2004) 7. Wong Tak Yue v.s. Kung Kwok Wai ([1998] 1 HKLRD 241, CFA) <p>Ordinances:</p> <ol style="list-style-type: none"> 1. Land Registration Ordinance [Cap.128] 2. Surveyors Registration Ordinance [Cap. 417] 3. Land Survey Ordinance [Cap.473] 4. Code of Practice, Version 5, Land Survey Ordinance [Cap.473] 5. Land Titles Ordinance [Cap. 585] <p>Website:</p> <ol style="list-style-type: none"> 1. Hong Kong Government Report Online (1842-1941). Available at: https://sunzi.lib.hku.hk/hkgro/index.jsp 	