



**Survey and Mapping Office
Lands Department**

Practice Note

Issue No.: 2/2024

**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 sections 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”).

Search of Aerial Photographs Suitable for Use

5. Representative of the vendor of the residential development (“the Vendor’s Representative”) may search the aerial photographs through the Hong Kong Map Service 2.0 (“the HKMS 2.0”) (<https://www.hkmapservice.gov.hk>) or at the Map Publications Centre, Hong Kong (“the MPC/HK”) (address: 6/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, excluding public holidays).

Order Methods, 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 place the order either through the HKMS 2.0 or submitting a completed Order Form (See **Appendix A**) together with a duly signed “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)” (“the Undertaking”) (See **Appendix B**) in person to the MPC/HK.

8. For order through the HKMS 2.0, the Vendor’s Representative should read and agree to abide by the conditions of use in the Undertaking before placing the order. The Vendor’s Representative shall submit the duly signed Undertaking to the MPC/HK at the time of or before collecting the products.

9. 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.

¹ Vendors are advised to put the reference number and date (e.g. E216048C, 10 January 2024) 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 (Cap. 621) is relevant.

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

10. Payment can be settled in person at MPC/HK or through HKMS 2.0 at the time of ordering. The payment methods are listed below:-

Payment through HKMS 2.0:

- Credit card
- PPS
- Mobile payment methods (e.g. FPS, Alipay, WeChat Pay, etc.)

Payment at MPC/HK:

- Cash
- Cheque (crossed cheque payable to "The Government of the HKSAR")
- Electronic payment methods (e.g. Octopus Card, credit card, Alipay, WeChat Pay, etc.)

11. The ordered products will be ready for collection five working days after the payment has been settled. The Vendor's Representative should collect them in person at the MPC/HK.

Enquiry

12. For any enquiries, please contact the MPC/HK of the Lands Department at 6/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

13. SMO Practice Note Issue No. 1/2017 is hereby superseded.

14. 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.

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

Original Signed
(CHANG Kwok-fai)
Deputy Director/Survey and Mapping
18 November 2024



**Survey and Mapping Office
Lands Department**

6/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 LD SMO/MI-005-003-009-002

**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. E216048C, 10.01.2024)	a. _____ copy/copies of paper print of aerial photograph at original scale.	\$145 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.)	\$640 per copy	
		c. _____ digital copy/copies of the enlargement portion of aerial photograph.	\$180 per copy	
Total:				

Notes: Please return the completed Order Form together with the 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)”** (the “Undertaking”) to the Map Publications Centre, Hong Kong at 6/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. **If the duly signed Undertaking is not submitted, the products will NOT be provided and NO refund of the payment will be made.**

<p><u>FOR OFFICIAL USE</u> (To be completed by Photogrammetric and Aerial Survey Section of Survey and Mapping Office)</p> <p>The average scale of the aerial photograph number(s) _____ of item (a) is _____.</p>

**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:

Personal Information Collection Statement:

The personal data collected in this form will only be used by Lands Department for the purposes directly related to the handling of your request(s) made in this form.

The provision of your personal data is voluntary. If you do not provide personal information, Lands Department may not be able to handle your order(s) for the Aerial Photograph(s). The personal data collected in this form will not be disclosed or transferred to any other third parties without your prior consent.

You have the right to request access to and correction of your personal data provided in this form. Please note that we may refuse to comply with a data access request in the circumstances specified in section 20 of the Personal Data (Privacy) Ordinance (Cap. 486). Your request(s) should be made to the Departmental Personal Data Controlling Officer (Attn: Senior Land Surveyor/Technical Information).

Email: smohq@landsd.gov.hk

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