



LAND SURVEYOR – INVESTIGATOR, INSTIGATOR & PEACEMAKER

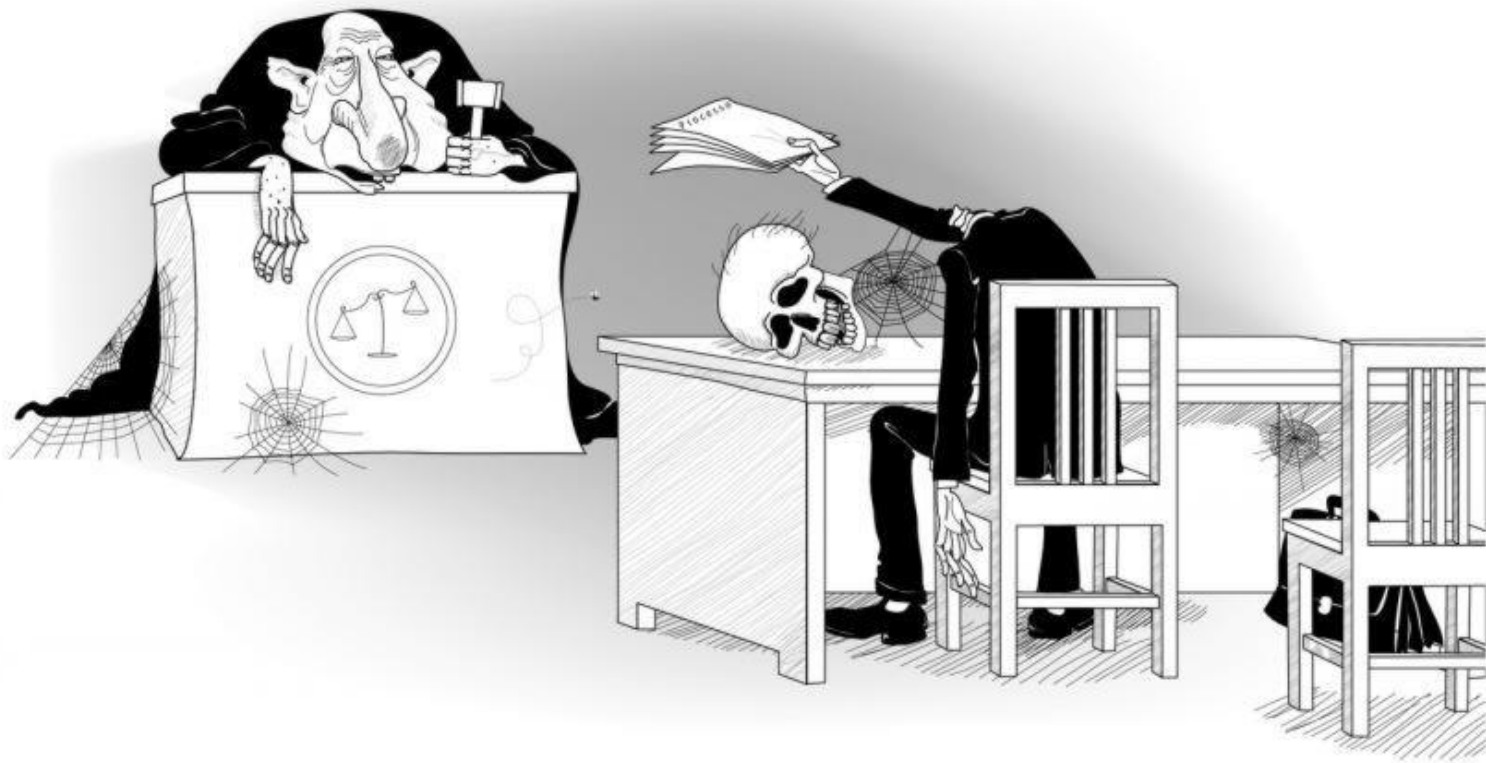
**MR LOI HWEE YONG
PRESIDENT, LAND SURVEYING
SINGAPORE INSTITUTE OF SURVEYORS & VALUERS**



A group of five men are standing indoors, likely in a workshop or classroom. They are all wearing high-visibility yellow safety vests. The man in the center is older, with glasses, wearing a white short-sleeved shirt and dark trousers, and holding a clipboard. The four younger men are wearing various casual clothing like t-shirts and jeans. They are surrounded by surveying equipment: two men on the ends are holding tripods with total stations, and the man in the second from the left is holding a leveling staff. The background is a plain white wall with a door.

LSI: Asean

The reality . . .





Client-Paymaster

Duty to the court !



Court

Key Functions of an Expert Witness



- Identify, introduce & authenticate documents & other information relevant to the case
- Explain the evidence & its relevance to the case
- State his opinion



CREDIBILITY



Key Functions of an Expert Witness



~~● Identify, introduce & authenticate documents & other information relevant to the case~~

BLOTCHED

~~● Explain the evidence & its relevance to the case~~

BLOTCHED

● State his opinion ← **Unsubstantiated**



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106 JUDGMENTS

SORT BY: DECISION DATE

[Contract] — [Termination] — [Repudiation of contract]

BIOFUEL INDUSTRIES PTE. LTD. v V8 ENVIRONMENTAL PTE LTD

[2017] SGHC 184 | DECISION DATE: 28 Jul 2017 | HC/S 468/2015



449.83 KB



Managing minor issues:

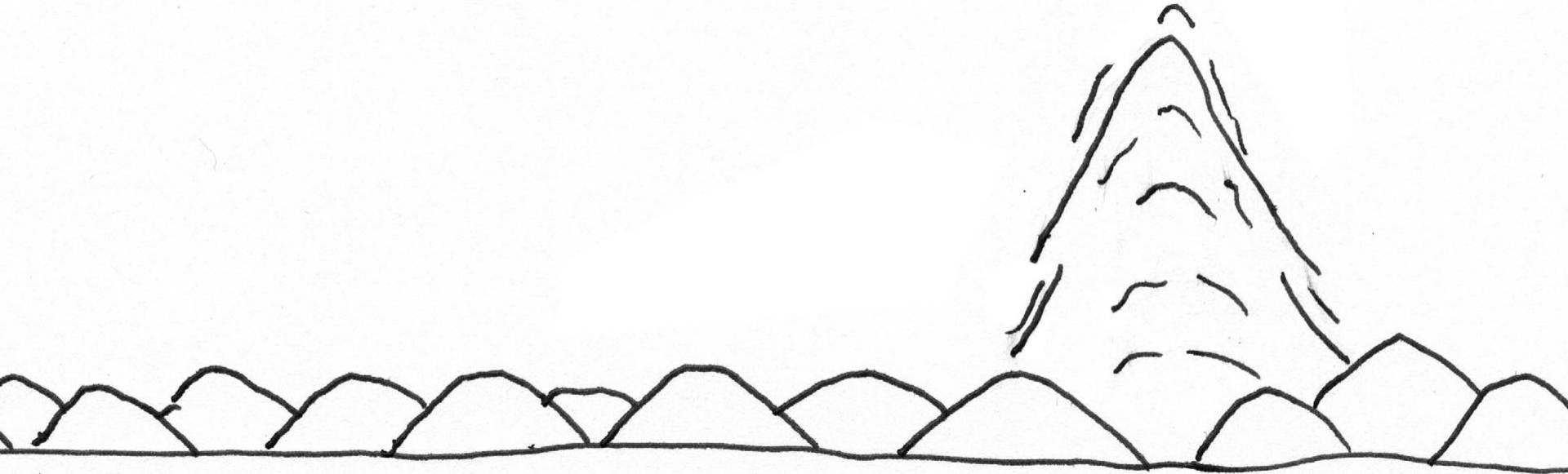
Most minor issues are settled amicably . . .



Managing minor issues:

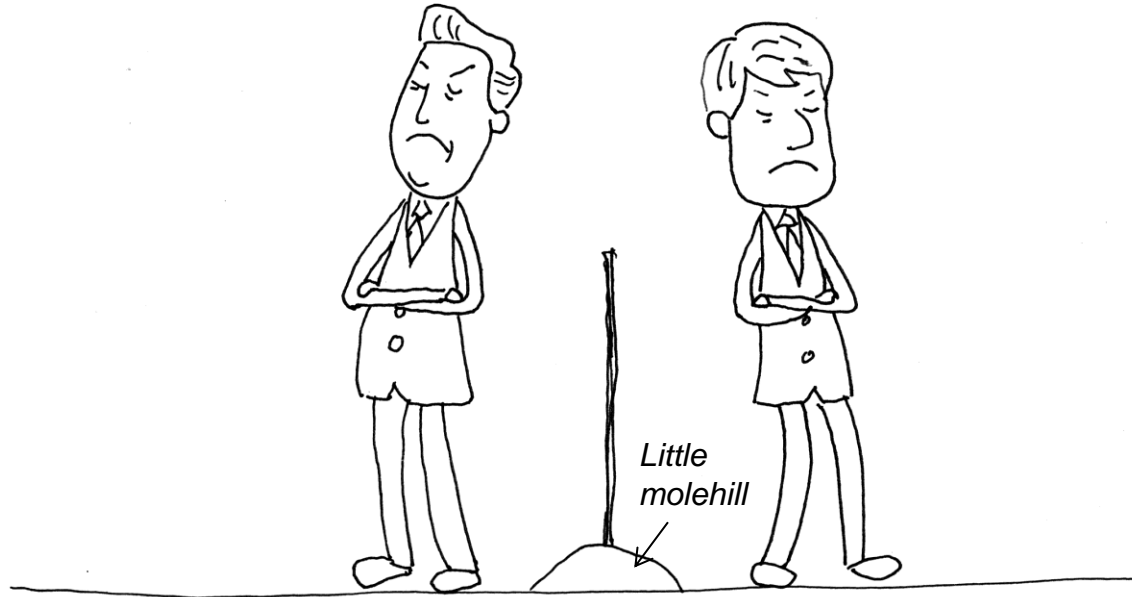
Most minor issues are settled amicably . . .

*. . . but some do **escalate** disproportionately.*

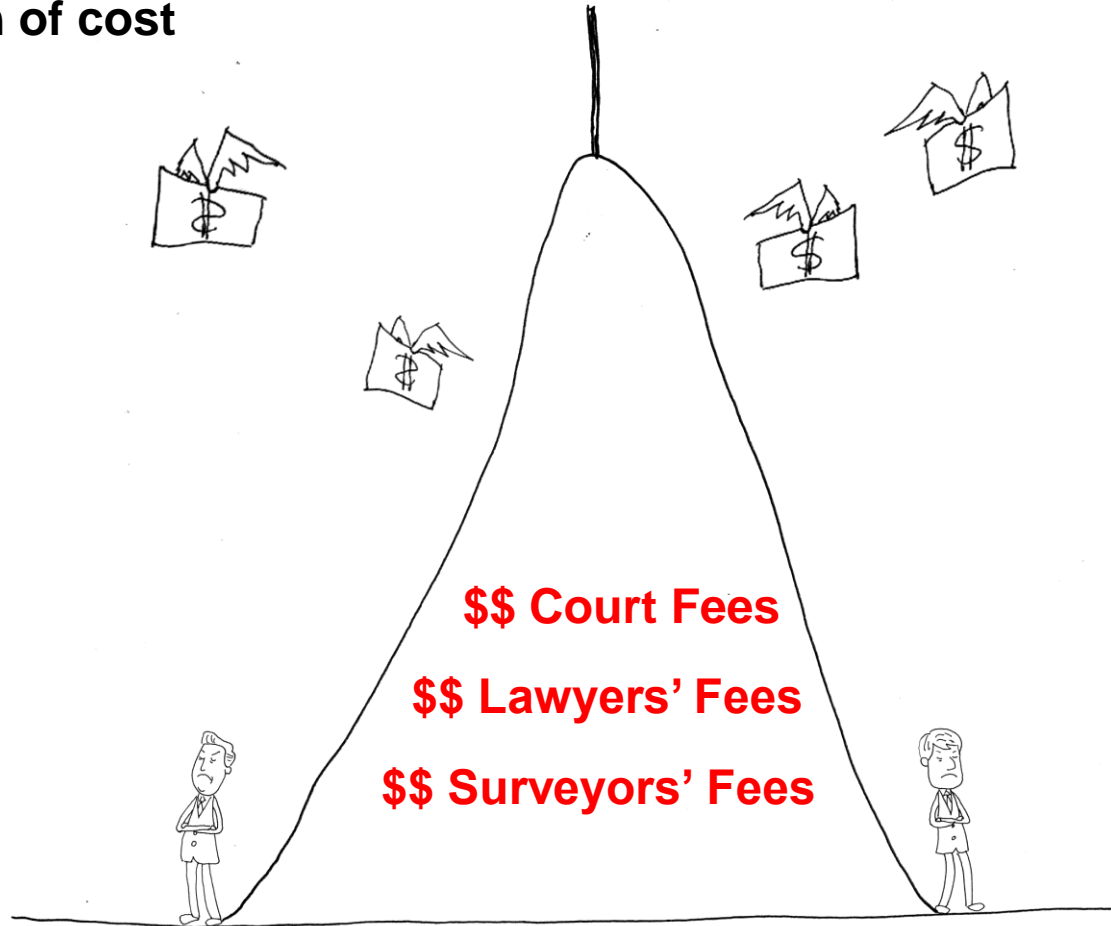


Escalation of issues:

- Indifference of any party
- Defective/incomplete surveyor's report
- Differences in surveyors' reports
- Bad blood between neighbours



Escalation of cost



Example:

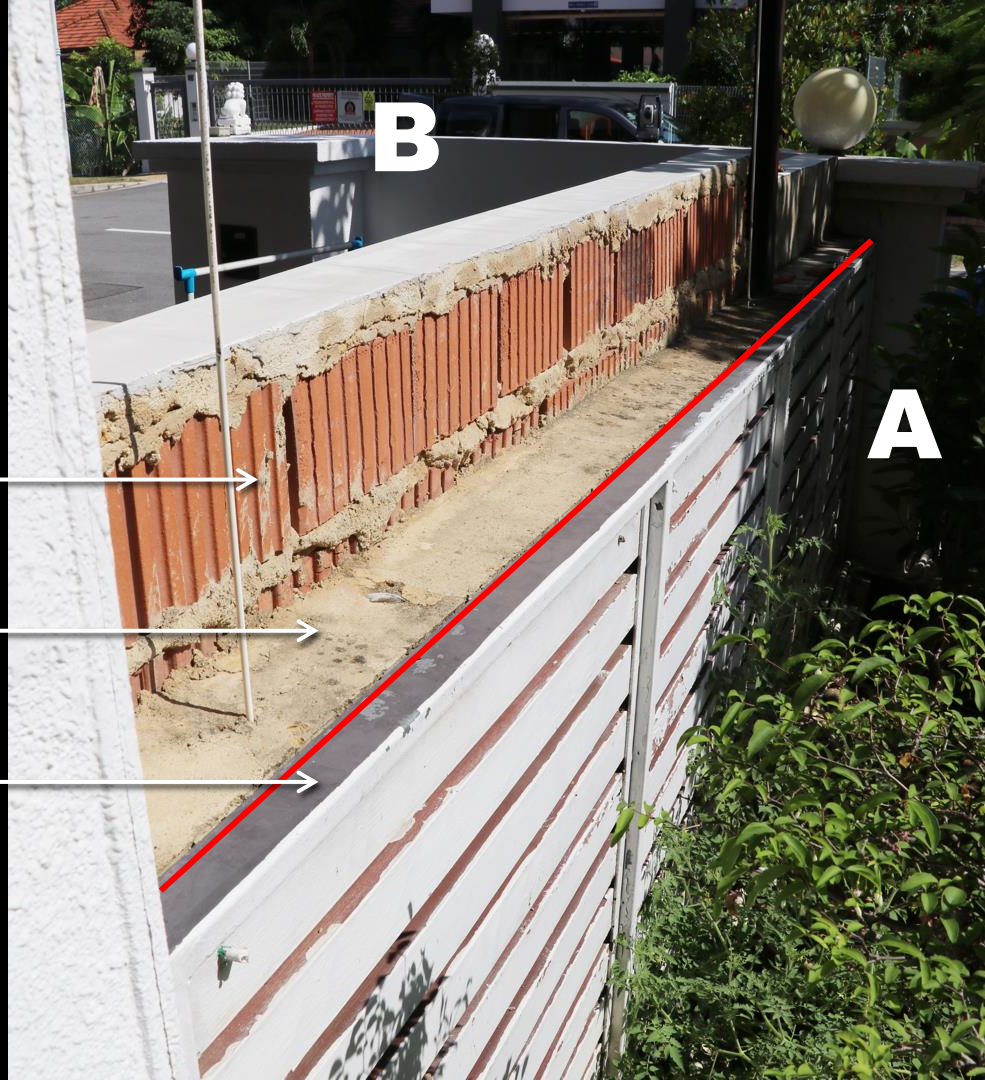
B

A

B's Brickwall

Concrete Infill

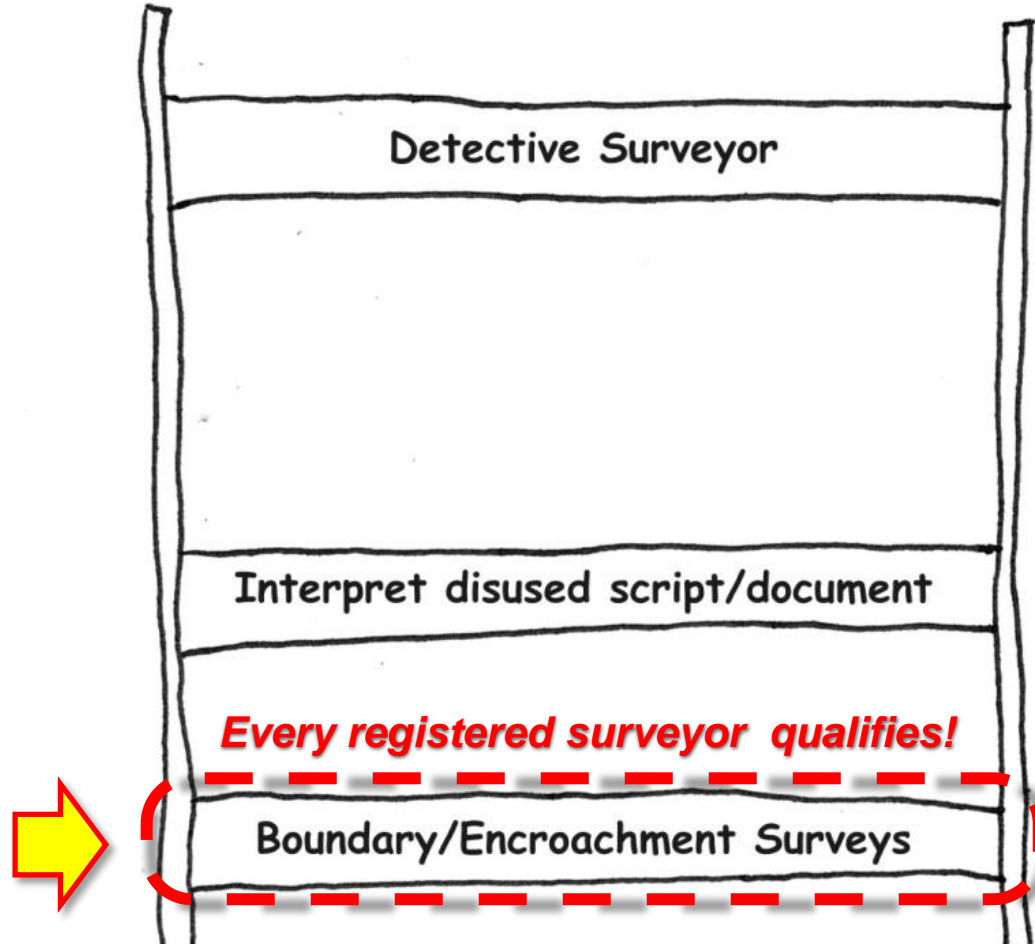
B's 1st Railing



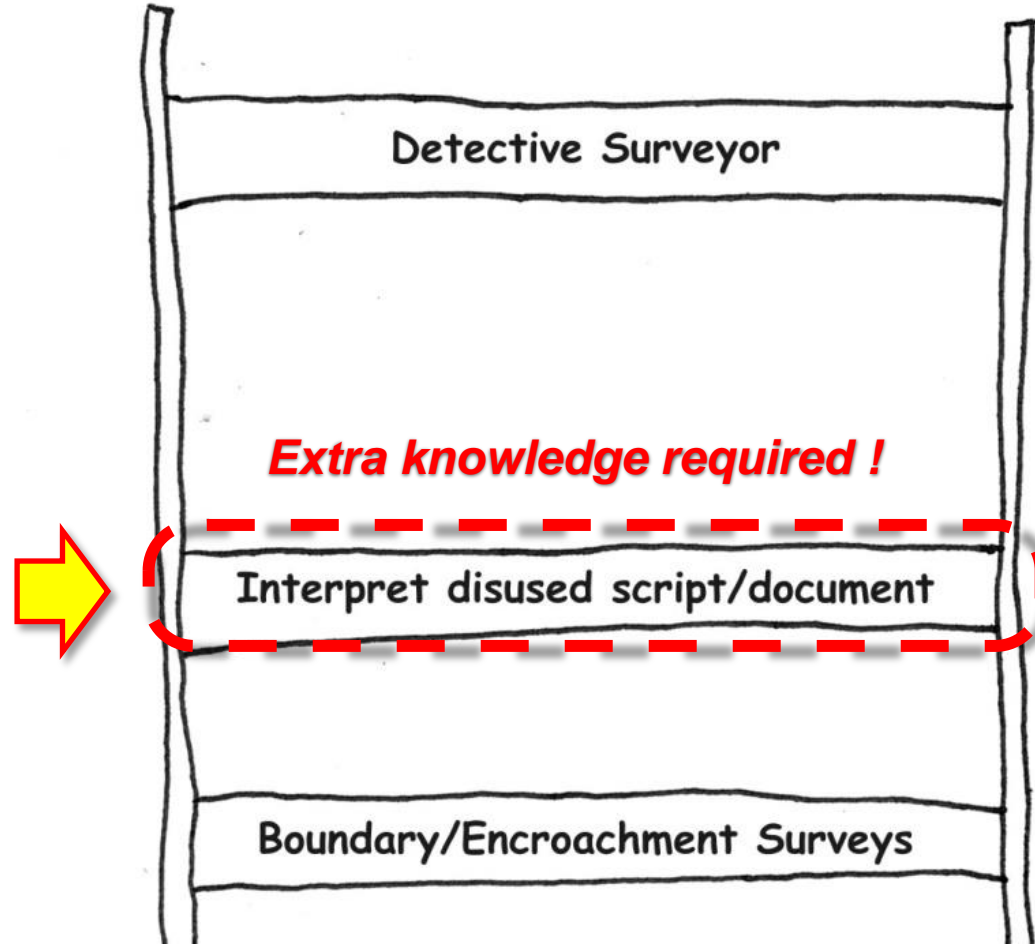


The Surveyor as an **Investigator**

Different Levels . . .



Different Levels . . .



GL

STATION	ANGLE	LINE	BEARING	LINE	VERTICAL ANGLE E. OR D.	MEASURED LENGTH	TEMP.	DISTANCES BETWEEN SUPPORTS	CORRECTED LENGTH
G	360. 00. 00.	180. 00. 20.	A	182. 47. 50.	B	84. 09. 00 5. 51. 00	416.330	1.1.1.1.	414.16
A	90. 00. 10.	270. 00. 10.							
B'	180. 00. 00.	360. 00. 00.							
B'	270. 00. 00.	90. 00. 10.							
B'	360. 00. 20.	180. 00. 20.	X	90. 00. 00.					
A	90. 00. 20.	270. 00. 20.							
H	180. 00. 00.	360. 00. 00.							
G	270. 00. 00.	90. 00. 00.							
G	90. 00. 20.	270. 00. 20.	X	90. 00. 05.					
A	180. 00. 20.	360. 00. 20.							
B'	269. 59. 40.	89. 59. 40.							
B'	359. 59. 40.	180. 00. 00.							
B'	359. 59. 40.	180. 00. 00.	X	90. 00. 00.					
A	89. 59. 40.	270. 00. 00.							
H	180. 00. 00.	360. 00. 00.							
H	270. 00. 00.	90. 00. 00.	13 1/2.						
A	360. 00. 20.	180. 00. 30.	B'	221. 42. 40	N	85. 30. 30 4. 29. 30 Level.	53.305 53.140	27.	53.13 53.14 53.14
B'	218. 55. 20.	38. 55. 20.							
N	180. 00. 00.	360. 00. 00.							
N	38. 55. 00.	218. 55. 00.							
N	38. 55. 00.	218. 55. 00.	X	141. 05. 00.					27 13
B'	180. 00. 00.	360. 00. 00.							
B'	218. 55. 20.	38. 55. 20.							

F. B. No. *13034* page *1* to *42*CHAIN TEST ON *8-12-54*
at 12 lbs pull & 85° F *under Tan Lion Kiats' name*

Link Chain	Short or long	Link - Chain	Correction to apply in links
	<i>L-031</i>	<i>Link Band.</i>	<i>+ .01 from 0-100</i>
1st. Wire	<i>L-015</i>	First Wire	<i>+ .03 at 100</i>
2nd. "	<i>L-023</i>	" Two Wires	<i>+ .02</i>
3rd. "	<i>L-018</i>	" Three "	<i>+ .04</i>
4th. "	<i>L-013</i>	" Four "	<i>+ .06</i>
5th. "		" Five "	<i>+ .07</i>
6th. "		" Six "	

F. B. No.

CHAIN TEST ON
at 12 lbs pull & 85° F

Link Chain	Short or long
1st. Wire	
2nd. "	
3rd. "	
4th. "	
5th. "	
6th. "	

12

Field Progress. 2-3-93.

Sta: sur: 35.00

Tape + off 19.23

54.23

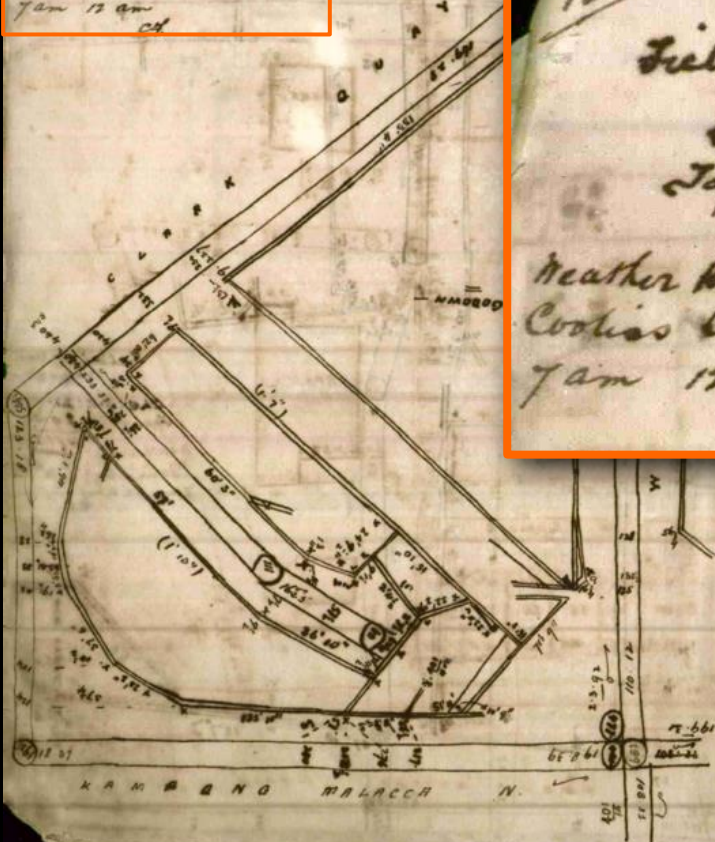
489

Weather hot

Coolies 6

7 am 12 am

CH



12

Field Progress. 2-3-93.

Sta: sur: 35.00

Tape + off 19.23

54.23

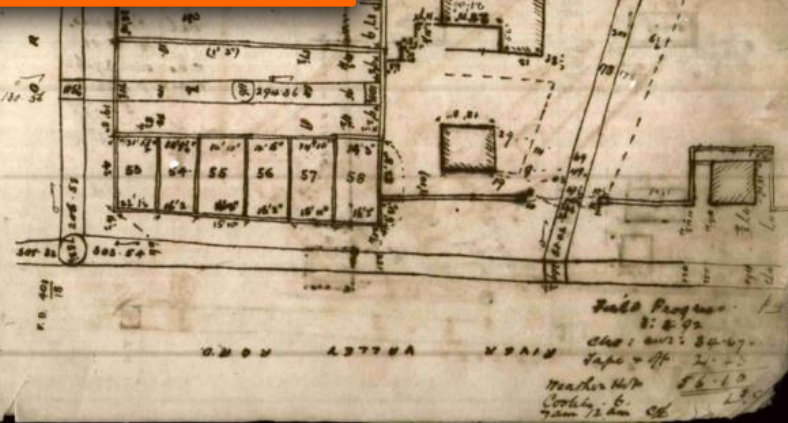
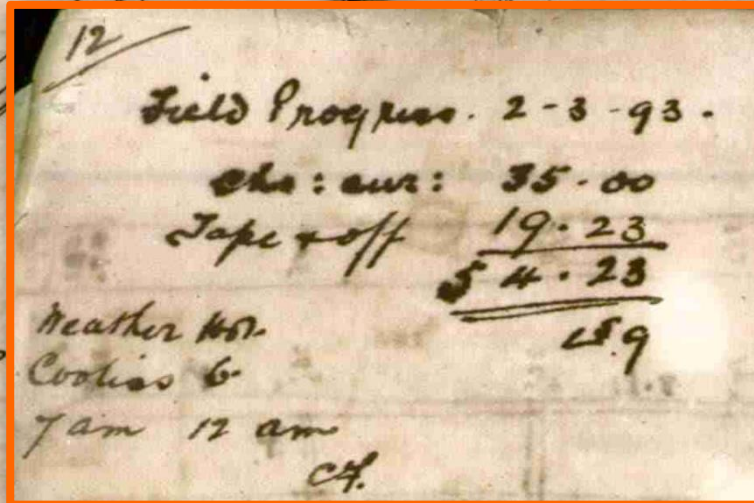
489

Weather hot

Coolies 6

7 am 12 am

CH



Field Progress.

2-3-93.

Sta: sur: 35.00

Tape + off 19.23

54.23

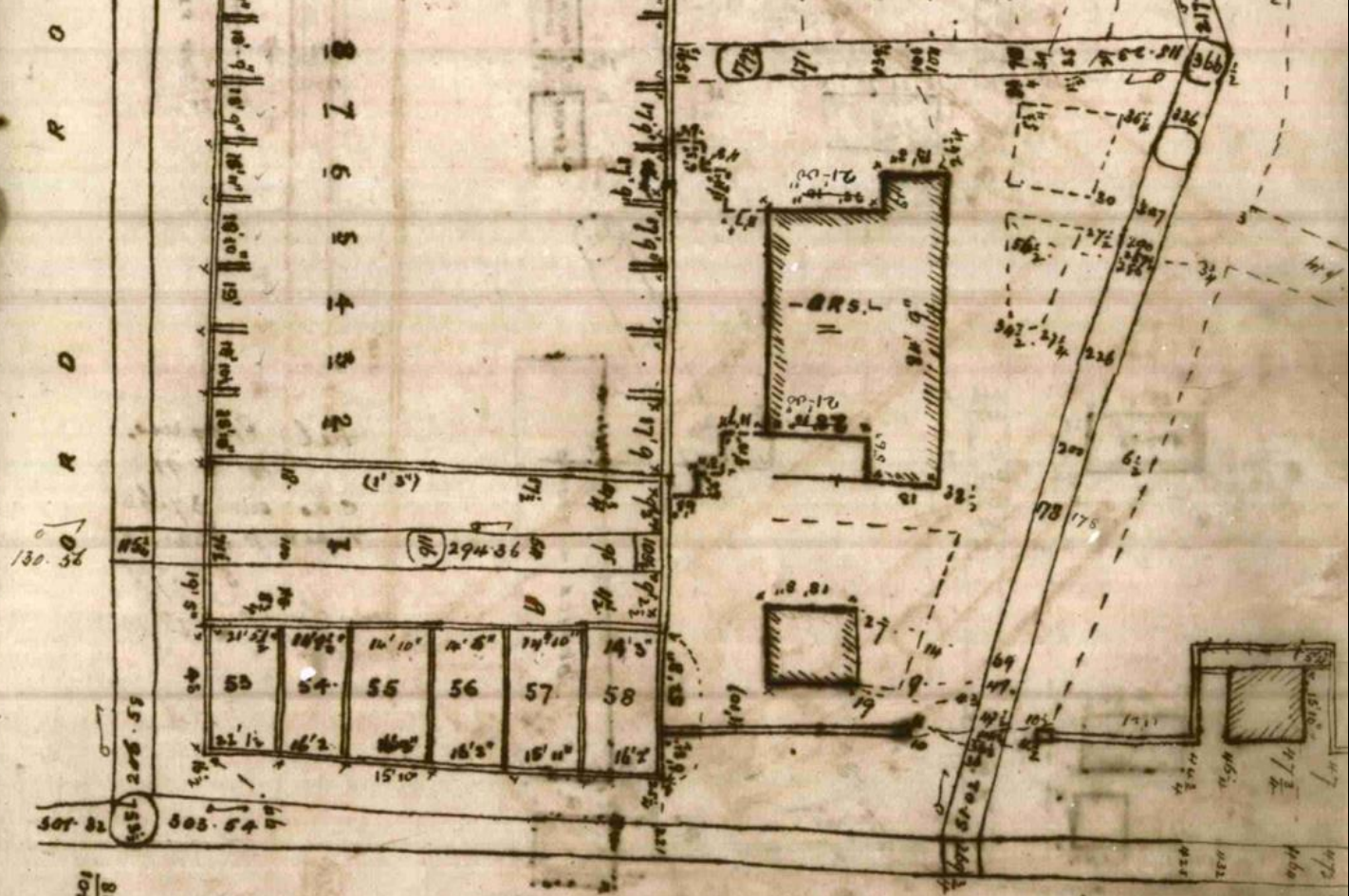
489

Weather hot

Coolies 6

7 am 12 am

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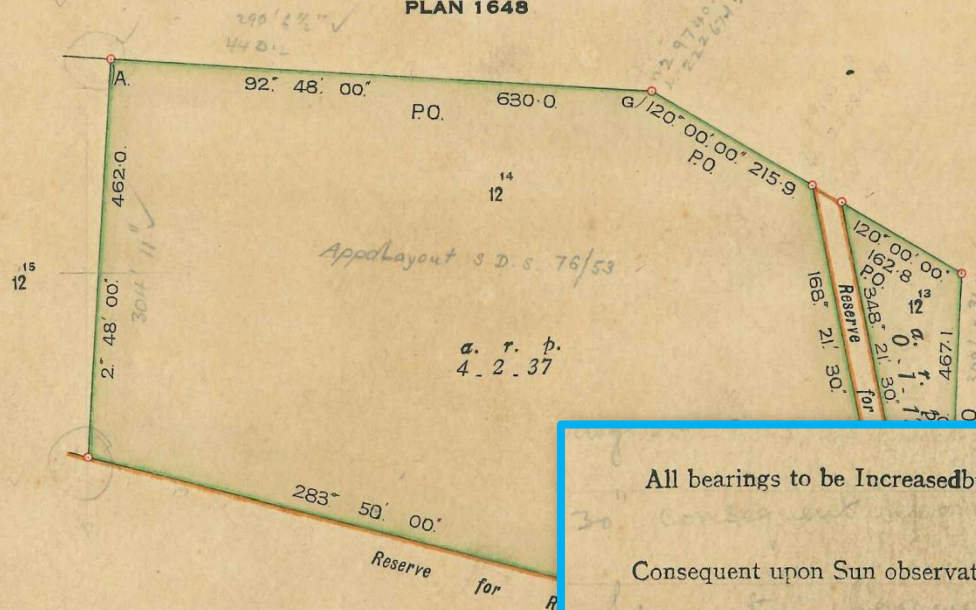


R. B. 401
18

R O D VALLEY RIVER

Field Progress
8:292
Chs: cur: 34.67.
Tape + Off. 21.43

PLAN 1648



C.P.8318

All bearings to be Increased by 1° 30'

Consequent upon Sun observation bearing

Vide F. B. 2566

Vide S. R. S's. Minute of 17. 7. 25

in S. D. 300
24

All bearings to be Increased by 1° 30'

Consequent upon Sun observation bearing

Vide F. B. 2566

Vide S. R. S's. Minute of 17. 7. 25

in S. D. 300
24SUPPLEMENT TO SHEET 5
10

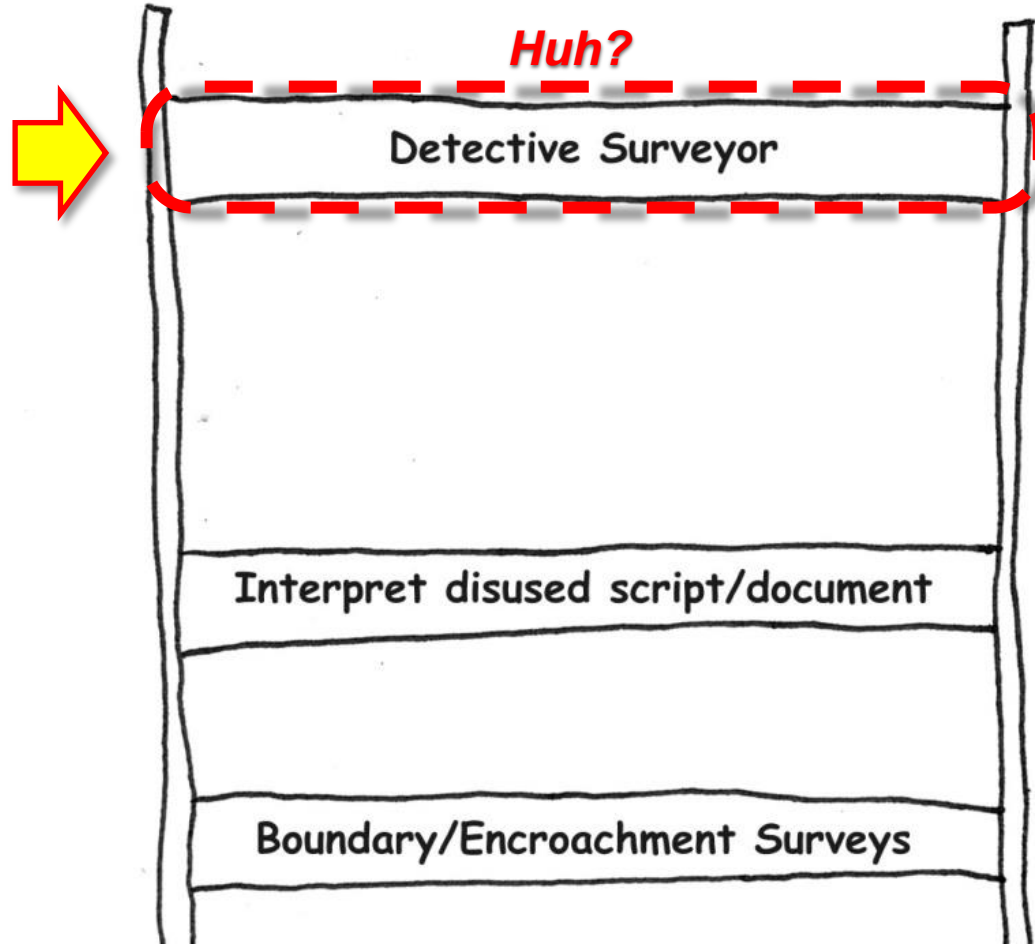
MUKIM NO. XV

ULU KALANG

Scale of 2 Chains to an Inch

1:10,000 Scale

Different Levels . . .



The Detective Surveyor . . . sniffing for evidence

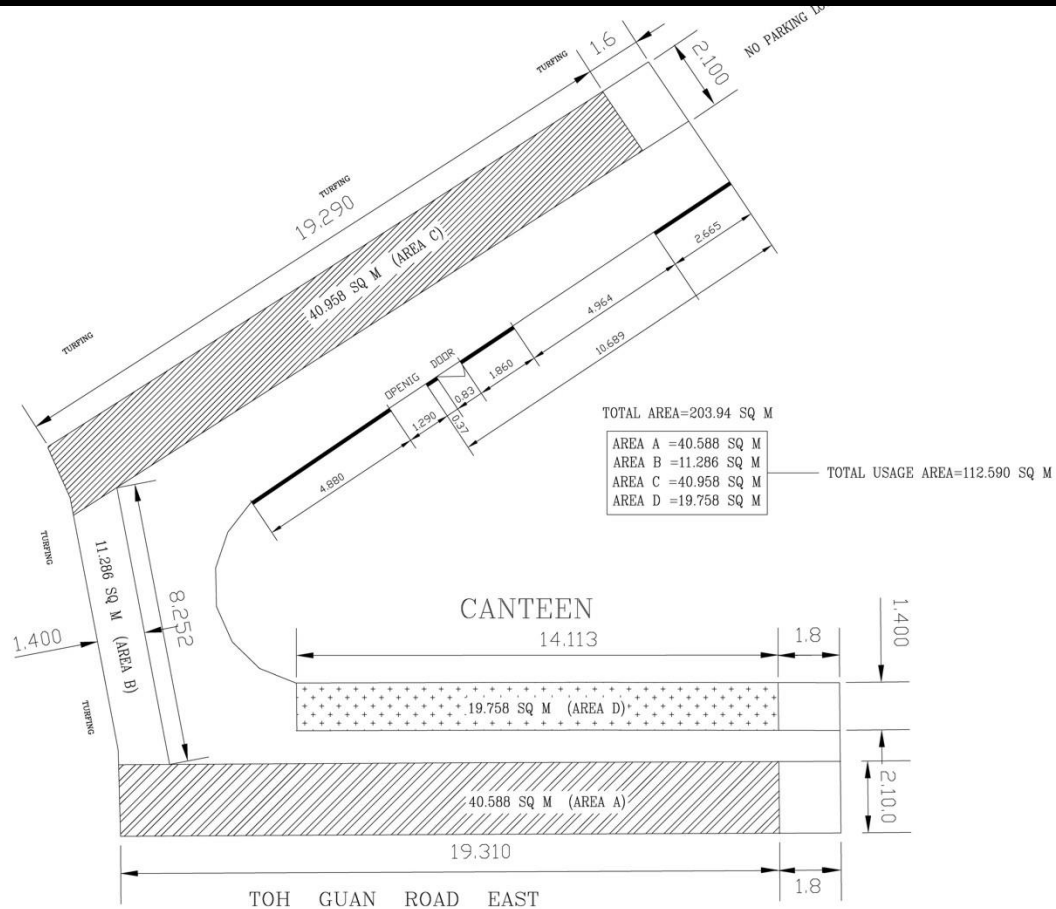
- Beyond survey measurements
- Forensic - Search for clues & 'unknowns'
- Covers both field & documents



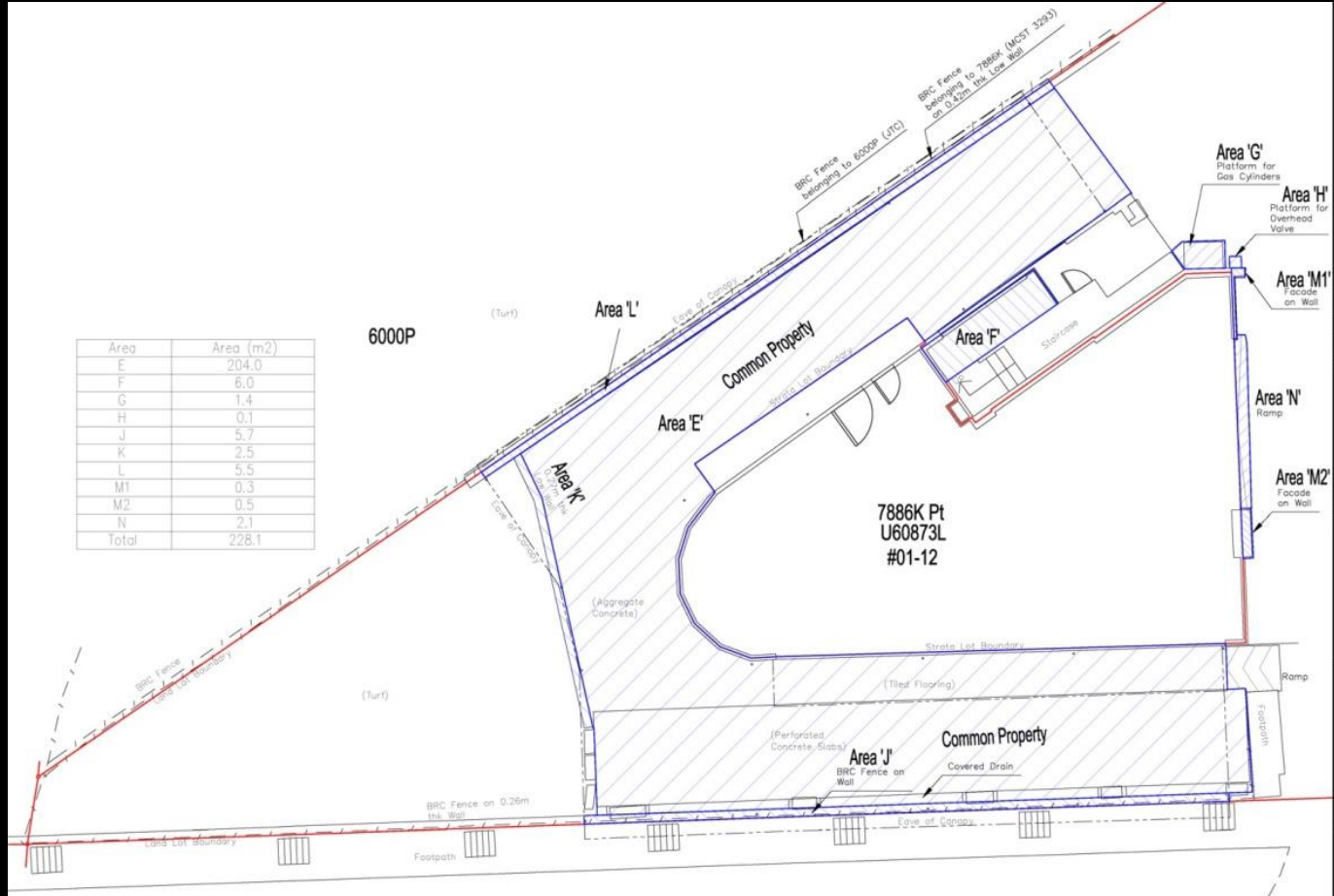
Example 1: Dispute over Rental Rate of Common Area

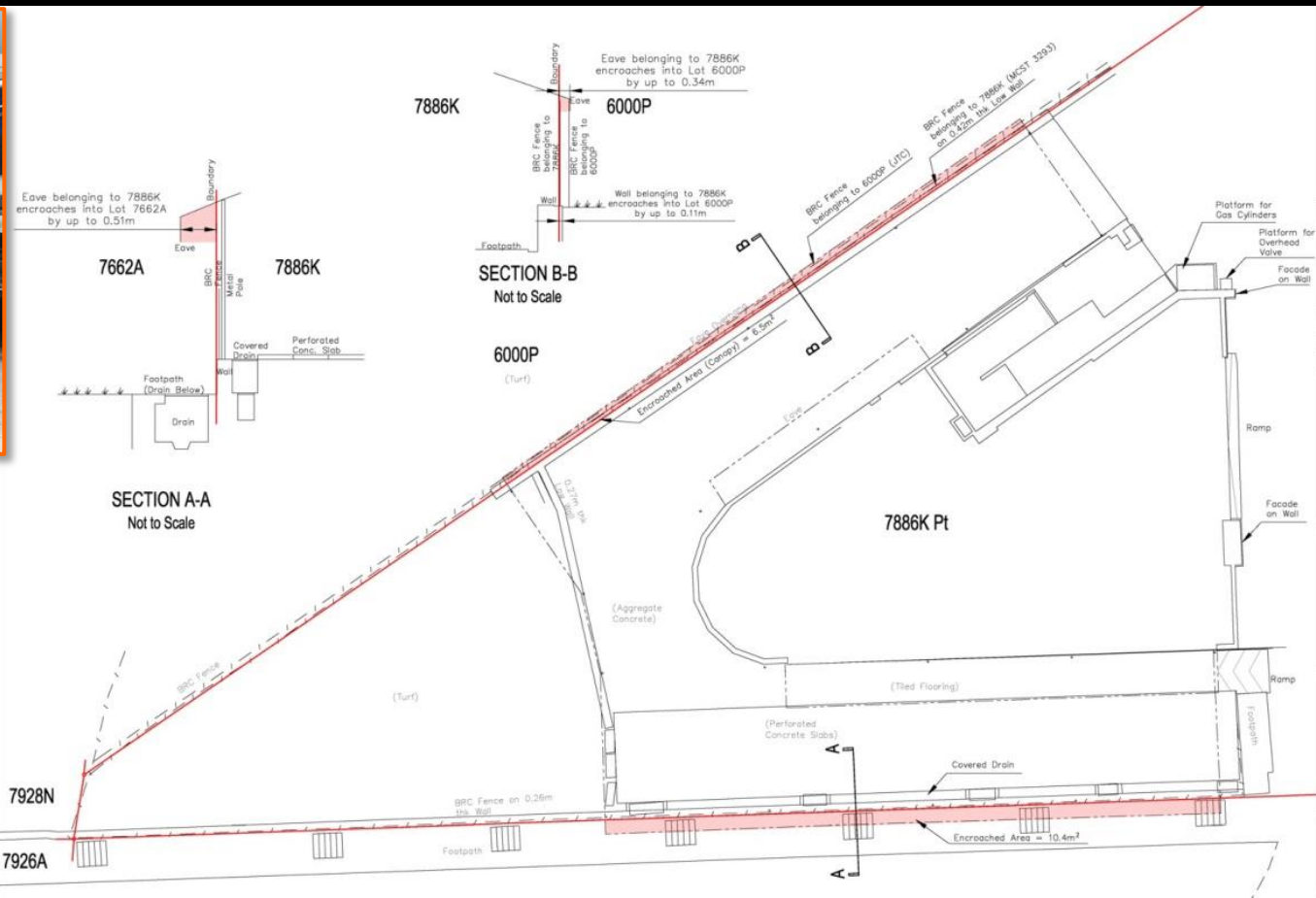


Area sub-proprietor claimed to have occupied

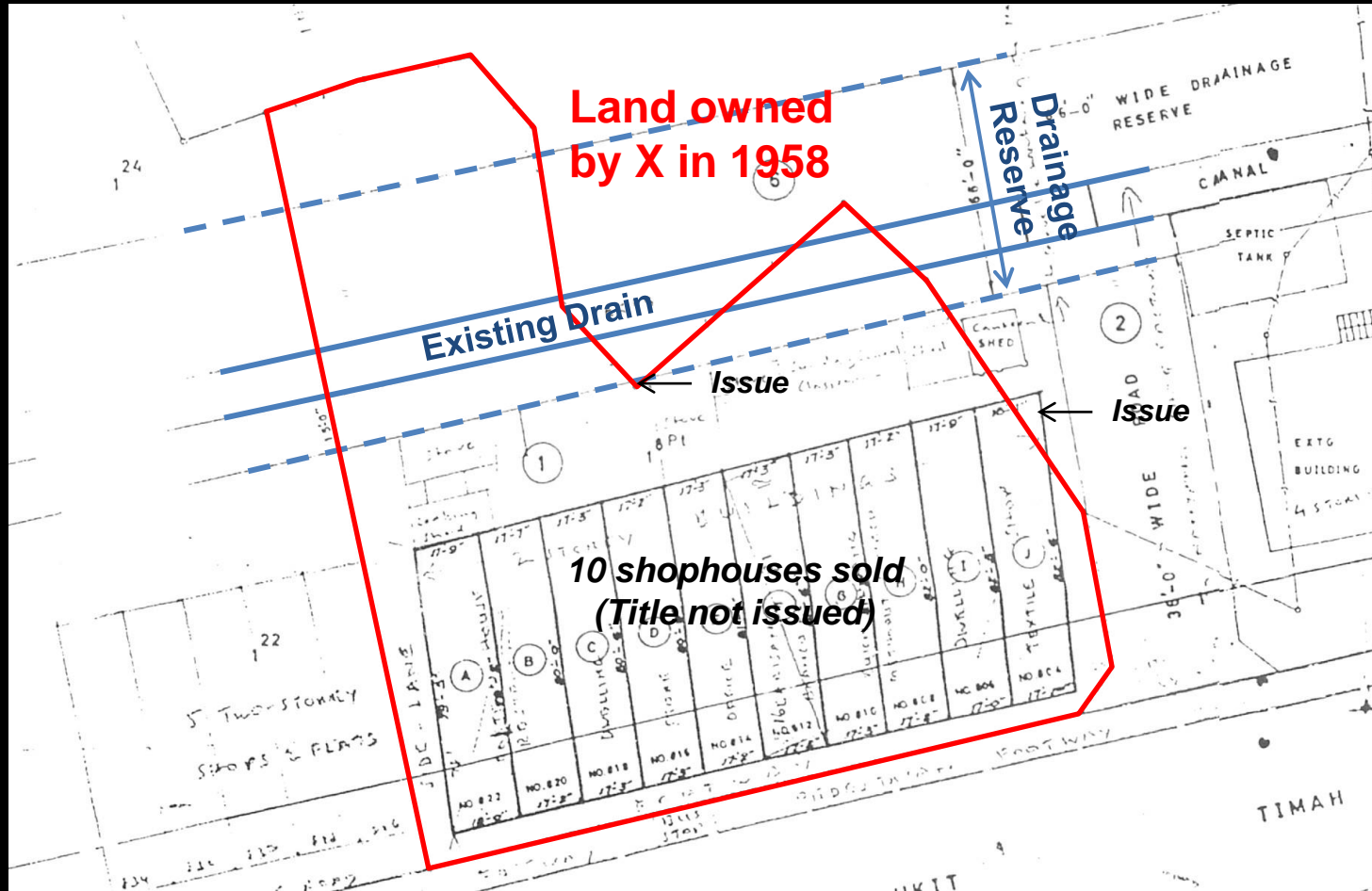


Common area reported to be occupied by sub-proprietor





Example 2: Dispute over Land Ownership



In 1958

Existing Drain

Drainage Reserve

Canal

SEPTIC TANK

EXTG BUILDING

ROAD

WIDE DRAINAGE RESERVE

TIDE LANE

5 TWO-STORY SHOPS & FLATS

FOOTWAY

TIMAH

Y sold shophouses 'A' & 'B' to Z.

In 1958

Existing Drain

Drainage Reserve

Land up to edge of canal sold to Y in 1958.

Y sold shophouses 'A' & 'B' to Z.

CANAL

SEPTIC TANK

EXTG BUILDING

ROAD

TIMAH

In 1958

Existing Drain

Drainage Reserve

Land up to edge of canal sold to Y in 1958.

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In 1958

Existing Drain

Drainage Reserve

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SEPTIC TANK

EXTG BUILDING

ROAD

WIDE DRAINAGE RESERVE

TIDE LANE

5 TWO-STORY SHOPS & FLATS

FOOTWAY

TIMAH

Land up to edge of canal sold to Y in 1958.

Y sold shophouses 'A' & 'B' to Z.

By 1992, required land alienated & amalgamated

Existing Drain

Drainage Reserve

Approved development boundary

10 shophouses sold
(Titles not issued)

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By 1992, required land alienated & amalgamated

Existing Drain

Existing

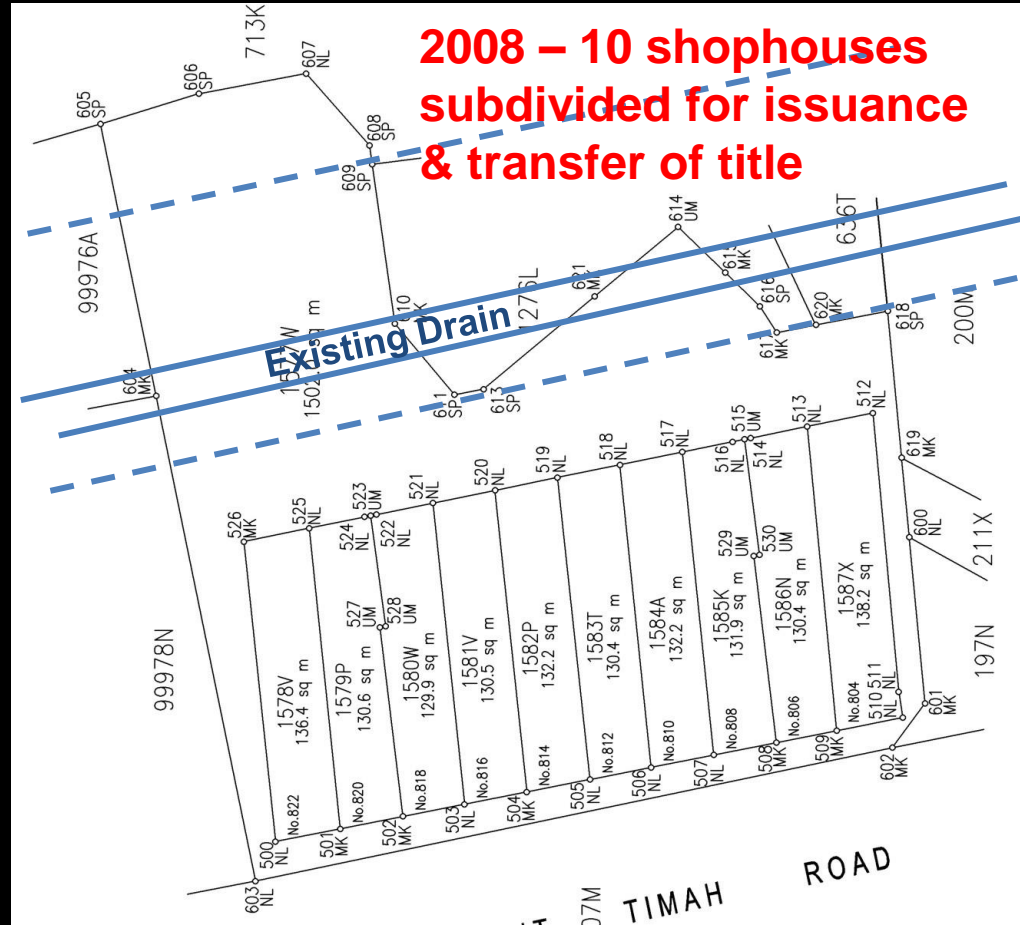
Approved development boundary

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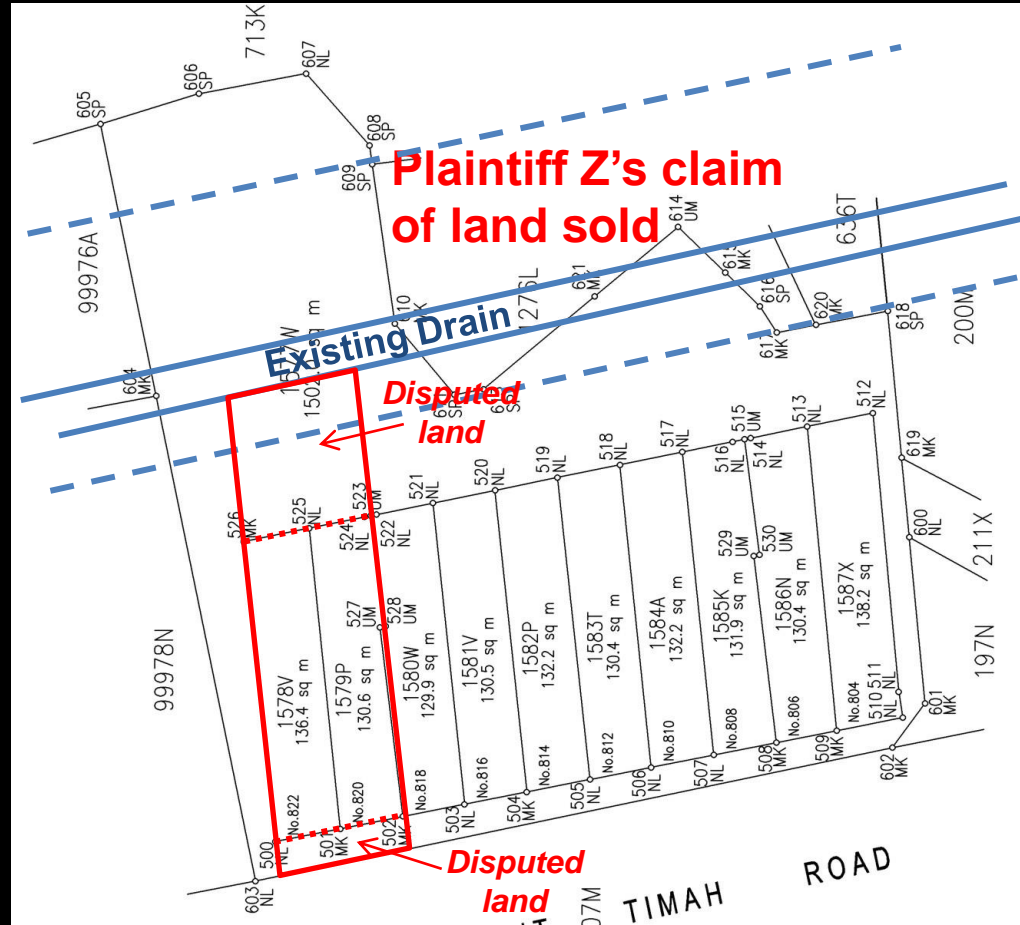
5 Two-story
shops & flats

TIMAH

Example 2: Dispute over Land Ownership



Example 2: Dispute over Land Ownership



Example 2: Dispute over Land Ownership

Photo captured in 2012
(neighbours)



Example 2: Dispute over Land Ownership

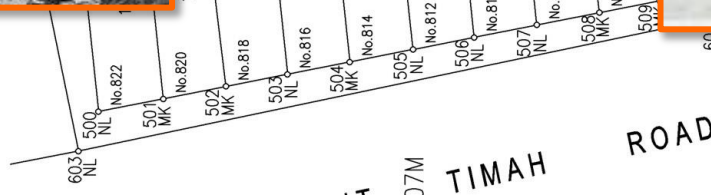
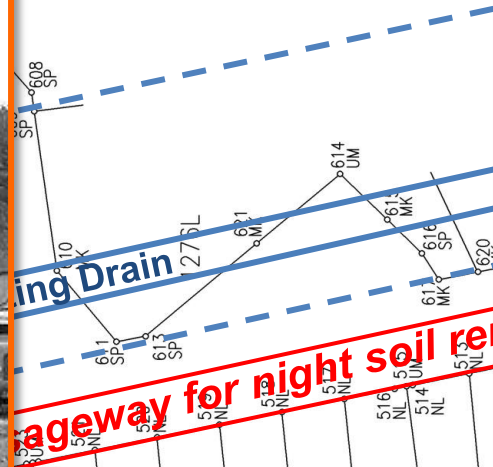
Rear of
Shophouses



Passageway

←
Unauthorised
Structures

Example 2: Dispute over Land Ownership



Adverse Findings

Who will pay for this?



What to do with Adverse Findings?



- Step down as expert witness
- retain as consultant
- Supportive > adverse?
- Facts to be pre-emptively neutralised
- else remain undisclosed

Affidavits, Responses & Rebuttals:



- **Rebuttals – opportunities to show faults in opponent's evidence**
- **Duty to the Court – to help the Court understand the issues**
- **Dangers of rhetoric**
- **Response to be calibrated to be 'unbiased'**

The Land Surveyor

– *An Instigator?*

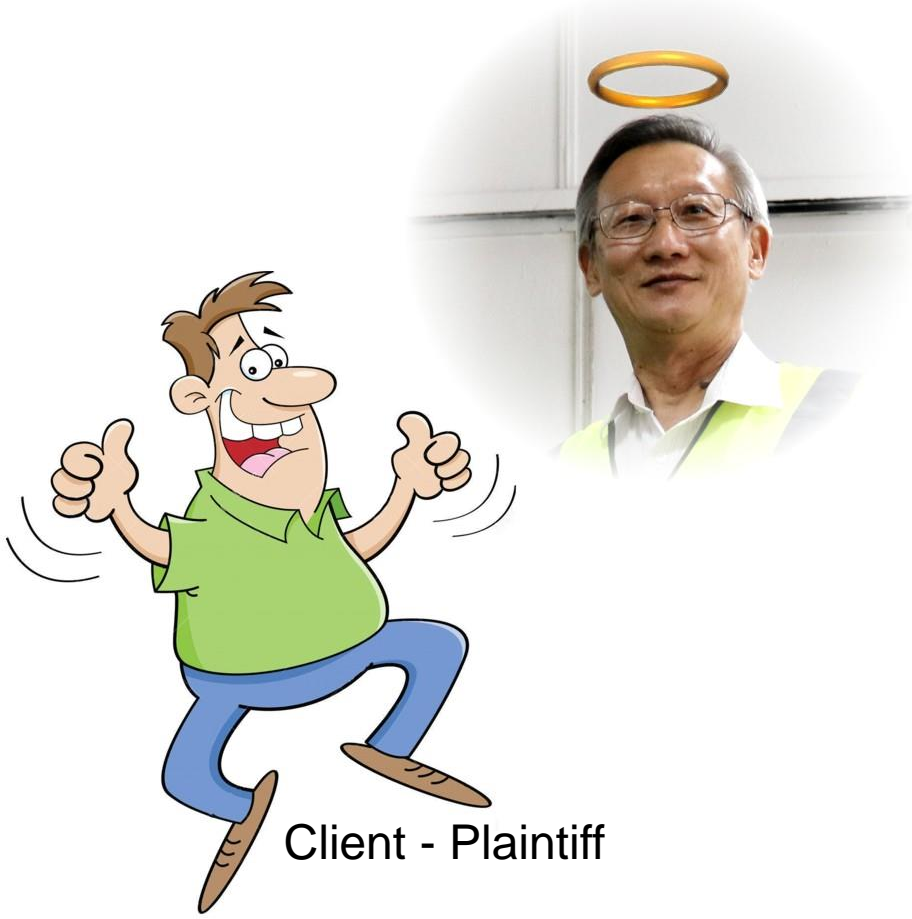


Different perceptions of the surveyor



Client - Plaintiff

Different perceptions of the surveyor



Facts established by surveyor – the fuel to stroke the fire



Client

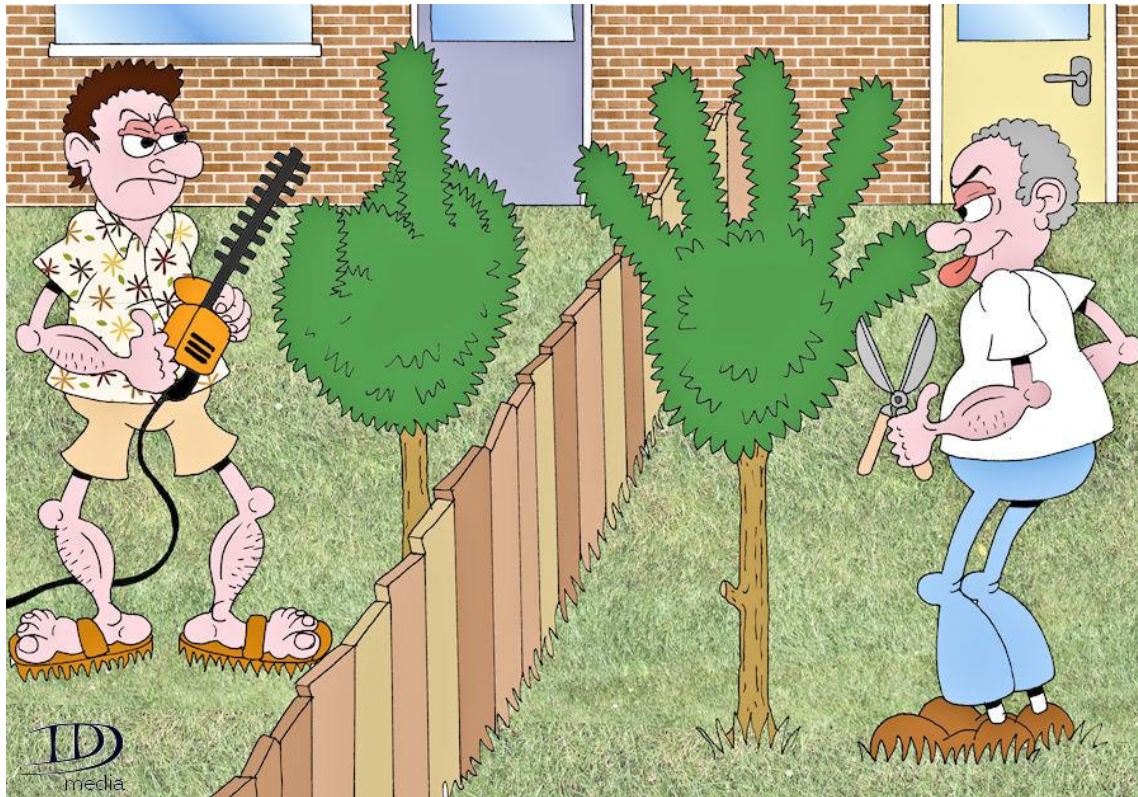
Surveyor

**Counter-conciliatory words
heighten the dispute**

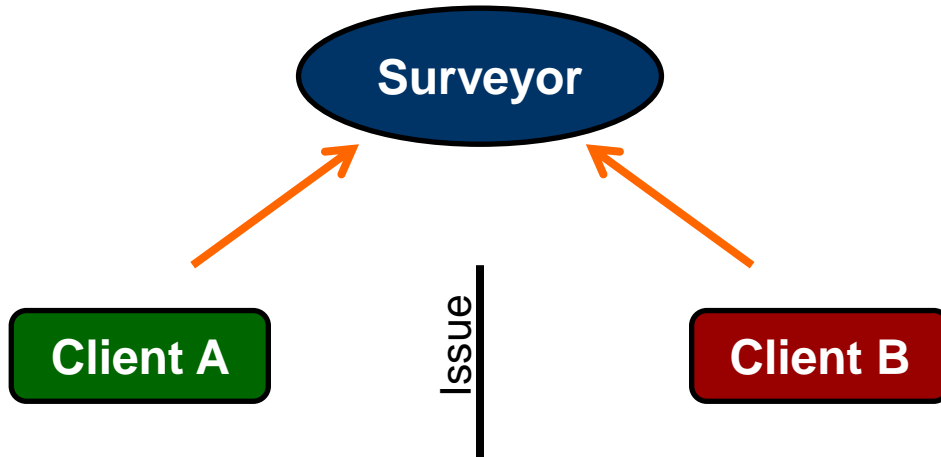
Opportunities to be a **Peacemaker**?



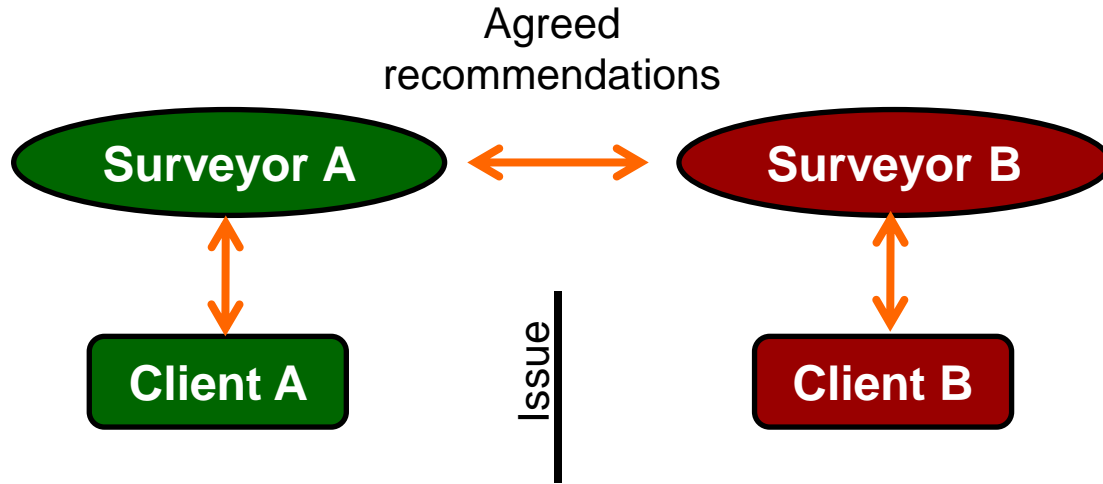
Common starting point . . .



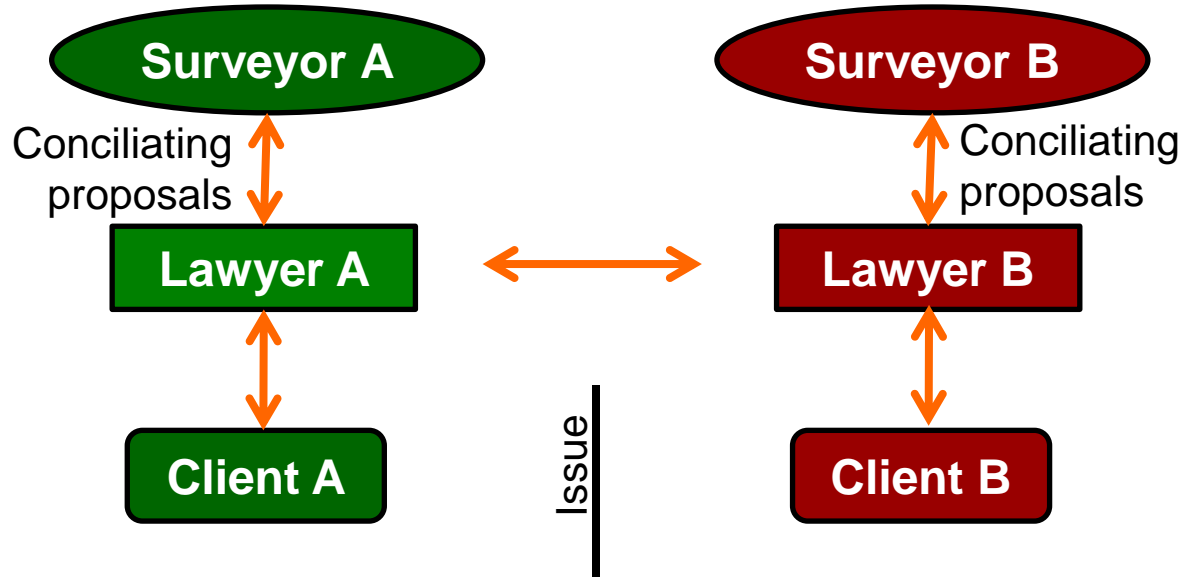
Ideal peaceful resolution
(rare, not realistic)



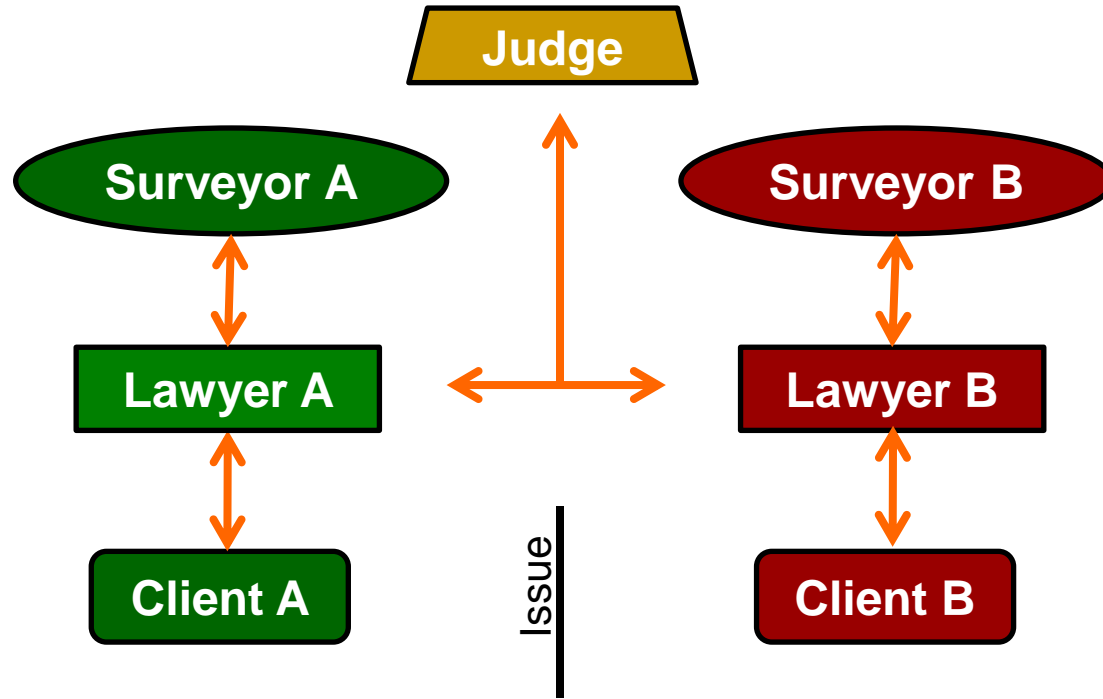
Possible peaceful resolution



Escalated/slow resolution

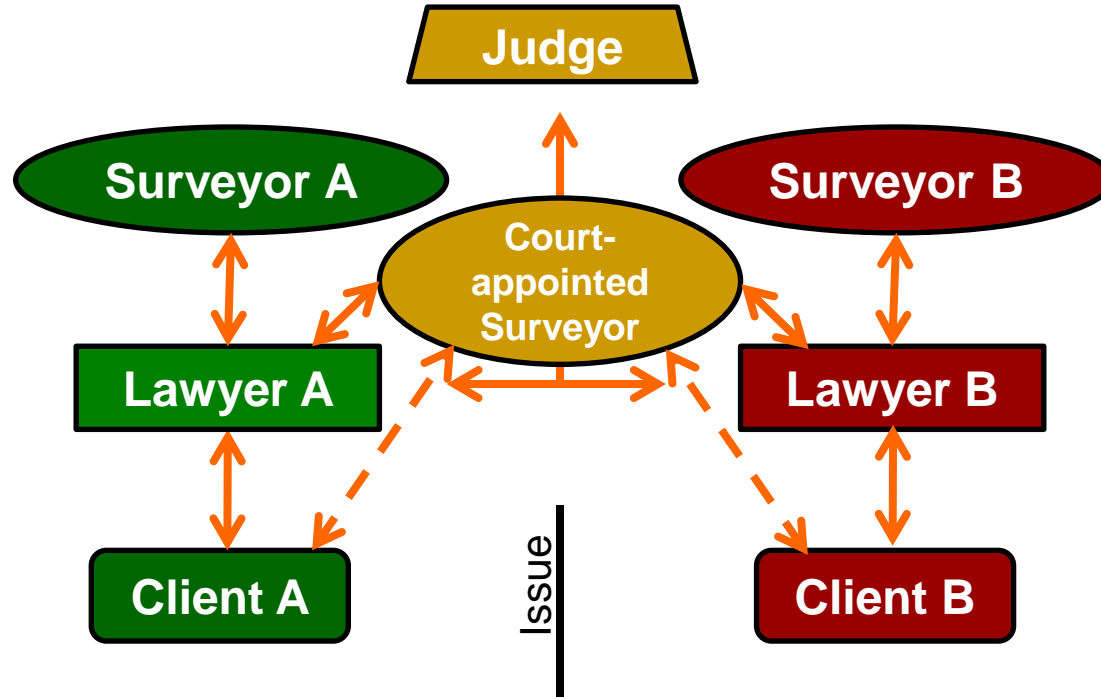


Protracted & expensive resolution



Protracted & expensive resolution

(Where surveyors' reports differ)



Moral obligation

Surveyors to work towards peaceful resolutions . . .

. . . **not escalate** the issue.



Surviving the Courtroom . . .

- Presenting testimony competently & effectively
- Defending testimony under cross examination



Your Lawyer



Opponent's Lawyer



Additional traits:

- Confidence
- Sharp judgement
- Wisdom

**Under
stressful
situations**

Expert
Witness



Opponent's
Lawyer



Undesirable consequences:

- **Fumbling for words**
- **Grasping for answers**
- **Giving nonsensical responses**
- **Shivering & perspiring**



A photograph of a muscular man and a young boy, both wearing black boxing gloves, standing against a black background. The man is on the left, shirtless, wearing black boxing trunks, and has his arms crossed. The boy is on the right, also shirtless, looking up at the man. The text is overlaid on the right side of the image.

Not just technical knowledge, . . .
. . . but also **poise** & **confidence**
to pass the Courtroom test

CONCLUSION

Role of surveyor as expert witness:

- Spans a wide spectrum
- Stress & difficulties compensated by facts established
- Hard earned remuneration, but rewarding, interesting & enriching experience



Thank you!