

Surveying Newsletter

測 量 師 導 報

VOLUME 8 ISSUE 4, APRIL 1999

MESSAGE FROM THE PRESIDENT

Samson S. Wong

April, 1999 marks the 15th Anniversary of the Hong Kong Institute of Surveyors. As President of the Institute for only 4 months, I have had less time than I would have liked to get to know every member, but in this short period of time I have been deeply impressed by the initiatives and enthusiasm of those members who have submitted articles for our official journal. This is a valuable exchange process which will encourage the sharing of experience and intellectual knowledge amongst our members. I am particularly delighted to note that the surveying profession has developed a broad range of specialist areas which are supported by a resourceful environment for research and development activities. Amongst the various recognised professions, the role played by surveyors is probably the least visible. However, the surveying profession is indeed the driving force behind the property and construction industry. We have participated in the implementation of property development and infrastructure decisions in both private and public sectors and have positively contributed towards Hong Kong's economic growth. Our fellow members have also provided their energy towards a safer and better managed built-environment in the society.

We have entered into a new era which some people call 'IT Millennium'. Today's economic, technological and

environmental changes around us are so rapid that we will become easily outdated if we do not keep pace with them. Hence we need Continuing Professional Development (CPD). CPD is a life-long commitment to continuously develop one's knowledge and skills. Make sure you take a conscious effort to update your knowledge through CPD. On the occasion of the 15th Anniversary, I congratulate every member on achieving so much and wish their continuing success in pursuit of even greater excellence.

HKIS STANDING COMMITTEES

I have pleasure informing you that the HKIS General Council, at its meeting on 12th April 1999, endorsed the setting up of 11 Standing Committees (SCs) under its management to strengthen the functions of the Institute, to address on broad issues and government policies.

The SCs will be headed by key member surveyors in the relevant field and each SC will comprise 8 to 12 committee members drawn from a broad spectrum in the public and private sector to facilitate comprehensive information gathering for vigorous analysis. It has been proposed that recommendations and minutes of the SCs should be made available to fellow members as an improvement on transparency measures. Further deliberation on what and how this can be done will be required and I

will keep you updated of the progress. The following is a list of the 11 Standing Committees among which the SC on Property Management has been set up and running. Nominations and formation of the other SCs are currently in progress. If you have any comments or would like to refer any issue to the SCs, feel free to send it to me or the corresponding chairman.

Standing Committees

Estate Agency Practice	Property Management
Fees and Professional Charges	Research and Statistics
Geographical Information System (GIS)	Sustainable Environment
Government Policy	Town Planning
Information Technology	Urban Renewal
	Valuation Practice

FLOOR AREAS

In this issue, Mr Jonathan LI, FHKIS, has written a succinct summary on the background and events leading to the proposed definition of "Building Area", the benefits in the use of "Saleable Area" and the views of the HKIS on the use and application of "Internal Floor Area". In case the new measurement tools and the proposed changes in the sale of local uncompleted residential properties are adopted, they would affect you to a greater or lesser extent as players in the real estate market, as owners of properties and as member surveyors' of the Institute. My recommendation to you is to spare ten minutes of your time, read about it, focus on the definitions, see the differences, think about the effects of the changes and you should find your time well spent.



News from the Secretariat

SURVEYING is the newsletter of the HKIS. It is distributed to members, students and friends of the surveying profession free of charge. Anyone wishing to receive a copy may contact the office of the Institute.

HKIS EXECUTIVE COMMITTEE 1998/99

President	Samson Wong - 黃山 FHKIS, FRICS, ACIArb, AP, RPS (BS)
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Chairman, Building Surveying Division	Kenneth J. K. Chan - 陳佐堅 FHKIS, FRICS, ACIArb, RPS (BS)
Chairman, General Practice Division	Tony Tse - 謝偉銓 FHKIS, FRICS, RPS (GP)
Chairman, Land Surveying Division	K. L. Mok - 莫景良 FHKIS, FRICS, RPS (LS), ALS
Chairman, Quantity Surveying Division	T. T. Cheung - 張達榮 BSc (Hons), MSc(Arch), FHKIS, ARICS, RPS (QS)
Chairman, Junior Organisation	Antony Man - 文志泉 AHKIS, ARICS, RPS (QS), MACostE

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Gordon M. Y. Ng - 吳文仁
AHKIS, ARICS, RPS (GP)

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Editorial Contributions

Surveying encourages article queries and submissions. Article submissions should include both hard (printed) copy and a diskette in Word format. Contributions should reach the editor at the office of the Institute before the 10th of each month.

Information & Contents

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Advertising

All advertisements and small ads are welcome. SURVEYING is reaching over 5,000 readers. For detailed information & advertising rates, please contact Ms Margaret Yung of the Secretariat office at 2526 3679 OR Mr. Charles Yiu of Corporate Culture at 2802 6949.



The Hong Kong Institute of Surveyors

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http: //www.hkis.org.hk

Office Hours:

Monday to Thursday 9:00am - 5:30pm
Friday 9:00am - 5:00pm
Saturday 9:30am - 12:30pm

Congratulations to the following HKIS members who were elected on 12 April 1999:-

FELLOWS

DAVIES, HILARY ANN (BS)
LAI SI MING (GP)
SEABROOKE, WILLIAM(GP)
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POPPELWELL, LOUISE KAY (QS)

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LI TIN SUNG
LO HON CHEUNG
LO KWOK YING
LO MEI TAK
LOK HONG MING

LOO TAI KEUNG
LUI TAT WAN
NG PUI YEE
NG WAI YIN
PANG WAI MAN, PANDY
RAPHAEL
SHIU KWOK WAI, PATRICK
SZE-TO MAN
TANG YIK
TANG YIU CHEONG
TSE PAK WING
TSO HUNG LAP
TSUI SIU LUNG
WONG CHAU SHING, KELVIN
WONG TANSAN
WONG WAI KIT
WONG WAI KONG
YEUNG CHUEN KWONG
YEUNG YAU TAK, WILLIAM
YEUNG YEE MAN, ELLA

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CHOW YEUK YU
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CHUI KIT YING, ANNIE
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LAM WAN KAI, ANNE
LAM WAI LEUNG
LAU LAI SEE, TERESA
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LEE YEE FONG, ADA
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LEUNG KWAI LAM
LEUNG WING YAN, MONICA
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LI CHUNG WING
LO KING WAI
LO WAI YING
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LEUNG WAI SANG
MAN CHI KIN, LAWRENCE
NIP CHUN YUET
SO KIN WAH
TANG WAI KUEN, RAYMOND
WAN HO YIN
WONG AH CHIN, TAMMY
WONG AH YEE
WONG CHUNG FAT
WILLIAMS, ROBERT MICHAEL
YEUNG LEUNG KIN

REINSTATEMENT

GODDARD, RICHARD JOHN (GP)

RESIGNATIONS

CHENG KAM MING (GP) 80869
NG PUI LING (QS) 81678



News from the Building Surveying Division

By Kenneth J K Chan, Chairman

13th Building Surveyors Conference 1999

This year's BS Conference will be held on 16 October 1999 at Hotel Marriot in Pacific Place. The title for the conference is "Managing 21st Century Building Facilities". The themes of the conference include: Managing Building Facilities at Policy Level; FM Theory, Practice and Education; Modern Technology Application in FM and Modern Property Management. A number of speakers have been confirmed and I will keep you informed about the progress of preparation for the conference.

Building Management Resource Centre

Senior Building Surveyors had helped in completing 24 cases brought up by the public to the Building Management Resource Centre from the opening of the Centre in May 1998 to end of March this year. The cases were basically maintenance-related issues including advice on appointment of professionals, tendering procedures, owners rights in DMC in respect of repair responsibilities, etc.

Nominations to the Building Sub-Committee of LBAC

We have re-nominated Mr C K LAU of the BSD to the Building Sub-Committee of the Land and Building Advisory Committee. In response to a request by the Sub-Committee, we have made the following nominations:

- Working Group on "Minor Building

Works not Requiring SSS Plans"

Benson WONG

- Steering Group for "Provision of Lighting and Ventilation to Kitchens and Bathrooms"

Kenneth CHAN

- Working Group on "Construction Standards for Hong Kong"

Peter B WONG.

AP/SE Committee

Raymond CHENG and Thomas CHOI were re-nominated to the AP/SE Committee of the Buildings Department.

Inherent Defects Insurance

I recently attended a seminar on Inherent Defects Insurance with speakers from insurance companies from France and wish to share this topic with you in this column. The main characteristics of the IDI policy were first party insurance, one policy per construction site, non-cancellable and one premium for the whole period of insurance. The insured is the principal and its successors. That is to say, the cover is automatically transferred with the transfer of ownership. Inherent defects are defined as defects attributable to defective design, defective workmanship and defective materials. Normally the IDI is for

structural works such as load-bearing structures, foundation, walls and roofs. It covers claims in respect of the destruction of the premises, physical damage to the premises, treat of imminent collapse and the consequences on non-structural works and external works. Before IDI is taken up, the design and construction of the premises are subject to Technical Inspection. A professional checker is appointed by the Insurer and paid for by the insured. It was reported that the Pretonas Towers in Kuala Lumpur was the first in Asia being underwritten with IDI. This sounds great but the possible application in Hong Kong is yet to be explored.

EDUCATION

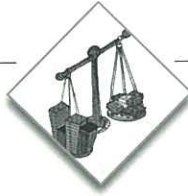
Summer School of Building & Real Estate for Upper Secondary School Students

The Hong Kong Polytechnic University is offering a Summer School of Building & Real Estate to all Form 5, Form 6 and Form 7 students and graduates, from Monday 19th to Friday 30th July 1999. This course is to equip pre-university students with an overview of the building and real estate industry of Hong Kong and an introduction to the social framework in which the building and real estate profession operates. It also helps them to develop an appreciation of the significance and contribution of building and real estate towards the prosperity of society.

Those who satisfactorily complete the programme will be awarded a Certification of Completion by the Department of Building & Real Estate, the Hong Kong Polytechnic University.

Application forms are available from the HKIS Administration Office. The form can also be downloaded from the PolyU web site <http://www.bre.polyu.edu.hk/bsnw01news/>

Enquiries may be directed to Ms Marlene So at 2766 5807.



News from the General Practice Division

By Tony Tse, Chairman

1. Assessment of Professional Competence, Spring 1999

The Final Assessment, Spring 1999 will be held in April. The Written Assessment will be held in the morning of 22 April whereas the Oral Assessment will be on 26 to 30 April. A total of 84 candidates will be attending the Assessment. For the Written Assessment, candidates will be required to answer 3 questions out of a total of 5 and one of them is compulsory, in three hours. The questions will be set in the following areas :-

- a) Development site appraisal.
- b) Resumption and compensation assessment.
- c) Landlord and tenant matters.
- d) Estate management.
- e) Planning and development.

The Council of the General Practice Division on 18 March 1999 approved the publicising of the past questions of Written Assessments. These questions are now available at the HKIS office for Members' reference.

2. Land and Building Advisory Committee (LBAC)

Mr. Tony Tse (Tel: 2835 6626; Fax: 2893 5937) has been nominated and appointed as a member of the Land & Building Advisory Committee ("LBAC"), being representative of the HKIS. The term of appointment is two years from 1 April 1999. Set out below are the terms of reference of the Committee and members are welcome to make suggestions to Mr. Tse on matters relevant to the terms of the Committee :-

Terms of Reference

- a) To keep under review:
 - i) the needs of the public and private sectors for land; and
 - ii) the planned provision, take up and utilization of land.
- b) In the light of (a) above, to consider the adequacy of land development programmes.
- c) To monitor and assess policies and procedures in relation to planning, land, buildings and the construction industry.
- d) To advise the Government on any of the matters referred to in (a), (b) & (c) above.

Furthermore, the General Practice Divisional Council has approved the nominations of the following members as representatives in the following Sub-committees of LBAC :-

- a) Mr. Roger Nissim (Tel: 2828 5327; Fax: 2827 1630) representative in the Planning Sub-committee - LBAC.
- b) Mr. K. L. Leung (Tel: 2908 8819; Fax: 2523 3286) representative in the Land Sub-committee - LBAC.

3. Standing Committee on Property Management

A Standing Committee on Property Management has recently been formed to look into the matters relating to property management including facility management. The following 6 nominations from the General Practice Division have been endorsed :-

Mr Francis Li	C Y Leung & Co Ltd
Mr Vincent Luk	CB Richard Ellis
Mr Francis Lam	MTR Corporation
Mr C K Lau	Jones Lang Wootton
Ms Monita Leung	Hang Seng Real Estate Management Ltd
Mr Francis T Lau	Gold Rich Consultant Ltd



香港城市大學
City University
of Hong Kong

This June, over 80 graduates from the Higher Diploma in Surveying will be available for full-time employment and another 130 Higher Diploma in Surveying students will be available for summer employment. This programme provides three streams of study: Building Surveying, Estate Surveying and Quantity Surveying.

Graduates of last year have found relevant full time jobs in the private sector within contracting and consultancy organizations. Equally they

Division of Building Science and Technology, City University of Hong Kong, 83 Tat Chee Avenue, Kowloon

are popular with the public sector. They are now working as Work Supervisors, Survey Officers, Valuation Officers or Technical Officers in the Government Departments including Architectural Services, Housing, Lands, Rating and Valuation.

Should your organization have suitable vacancies for our graduates or have summer jobs for our students, please send in your recruitment details to the programme leader of the following details:

Programme Leader **Mr. Cheng Shing-kwong, Eric**
Phone No: **2788-7635** Fax: **2788-9716**
E-mail Address: **Bskcerc@cityu.edu.hk**



News from the Land Surveying Division

Visit of Shenzhen Society of Surveying & Mapping (SSSM) to HKIS and Survey & Mapping Office (SMO), Lands Department, HKSAR Government on 17th March 1999.

By Helen CHAN, Hon. Secretary

Nine members of SSSM visited HKIS and SMO on 17th March 1999. Our President, Mr. Samson Wong, LSD Chairman, Mr. K L Mok, together with the office bearers and council members of LSD greeted the representatives of SSSM. After the video briefing of our Institute, the members of SSSM asked some questions regarding the formation of the HKIS and the required examinations for students to obtain professional qualifications.

In the afternoon, the representatives of SSSM visited SMO. After the introduction by the Deputy Director Mr. Chan Hak, they toured around the Geodetic Section, Photogrammetric and Air Survey Section, Cartographic Section and Land Information Centre.

Visit of LSD Council to the Department of Land Surveying and Geo-Informatics of the Hong Kong Polytechnic University (LSGI) on 19th March 1999

By Helen CHAN, Hon. Secretary

The LSD Council members visited the LSGI on 19th March 1999. We discussed the possibilities of the HKIS granting partial exemption to the MSc course, and the possible arrangement of inviting practicing members as visiting lecturers

to share their practical experiences with the students. Also, we welcomed the LSGI to submit relevant articles in the LSD column of the Surveying Newsletter.

The 2nd Conference of Corporate Members of the Chinese Society of Geodesy, Photogrammetry and Cartography, CSGPC (中國測繪學會第二次團體會議)

By Yvonne CHEU

The 2nd Conference of CSGPC was held in Quilin (桂林) from 27 to 31 March 1999. More than 50 representatives coming from different provinces and private firms attended the meeting. Being one of the members, Mr. Mok King Leung and myself represented the Land Surveying Division to attend this meeting.

After giving an opening speech, Mr. Feng Meng Hua (馮孟華先生), the Vice President and Secretary General of the Society announced the commencement of the conference. Many academic research reports and technical papers covering Engineering Surveying, Photogrammetry, Geographic Information Systems and ISO 9000 standard etc., were presented in the conference.

To introduce the Land Surveying Profession in Hong Kong, Mr. Mok gave a speech and exhibited a video tape about HKIS to our China counterpart. Also a VCD illustrating the construction of the Ting Kau Bridge to share our experiences was presented in the conference. Many members expressed

their interest in such construction method of the bridge.

The conference came to the end after an open discussion on issues of how to improve the development and image of the Society. Many valuable suggestions and recommendations were received and the Society promised to take these suggestions into account in the future strategic planning. In the last two days, the Society arranged a visit around the downtown of Quilin.

It was really rewarding to attend the Conference as we learnt the current development in China, shared experiences both in professional and technical aspects with other members. Most importantly, we could let more China counterparts know more about our Institute and make friends with them.

We hope that more members will attend the 3rd Conference in the coming year.

Visit to Singapore and Malaysia

By Conrad TANG

A joint delegation of the Shenzhen Society of Surveying and Mapping (SSSM) and the Hong Kong Institute of Surveyors visited the government and professional surveying institutions in Singapore and Malaysia between 11 and 16 March 1999. The nine-member Shenzhen group was led by the Secretary General of SSSM, Mr. Xiao Jianye. The Hong Kong group included the ex-President, Mr. T N Wong, representatives from GP Division, Mr. Stephen Yip and Mr. Francis Lau and representative from



News from the Land Surveying Division

LS Division, Mr. Conrad Tang.

Visit to Singapore Institute of Surveyors and Valuers



An official visit was made to the Singapore Institute of Surveyors and Valuers (SISV) on 11 March 1999. Prof. Lim Lan-Yuen, the President of SISV, Mr. Lee Li-chuan, the Chairman of the Land Survey Division, and other council members welcomed the delegation. Prof. Lim made an introduction on the development of the Singapore Institutes. The Singapore Institute of Surveyors and the Singapore Branch of the Royal Institution of Chartered Surveyors were established in 1937, the Singapore Institute of Valuers in 1962, and eventually the Singapore Institute of Surveyors and Valuers in 1982. Currently, SISV has 19 council members, 728 members in Valuation and General Practice, 476 in Quantity Survey and 95 in Land Survey. Discussions were centered on land surveying services and some differences between the practices in Singapore and China including Hong Kong were noticed. Singapore adopts

titles registration. Land Surveyors provides and endorses a Strata Title Plan, which gives the detailed floor area. The security and reliability of the floor and land unit area are well received by the Singaporeans. Besides, unlike Hong Kong, the private practising Land Surveyors run the land parcel survey in the first alienation of government land.

Visit to the Survey Department, Ministry of Law, Singapore

Mr. Low Oon-song, Chief Surveyor, welcomed the delegation. Mr. Wee Soon-kiang, Deputy Chief Surveyor made a briefing on the Department. Mr. Lim Chin-tian, Surveyor and Registrar, made an introduction on the Land Surveyors Board. The department maintains 1500 sheets of 1:1000 scale, B0 size standard sheet (land boundary record). Topographic maps are separately produced by the Mapping Unit of Singapore. Before 1972, the department provided field cadastral survey services, and since then, the private licensed surveyors took over the work. The Department was responsible for the control survey, the inspection and approval of title plans on lot boundary and strata title, and the updating of the land records. Singapore adopts titles registration; the boundary information on the standard sheet is a prima facie evidence in law.



Exchanging souvenirs, Mr. Low Oon-song (left) and Mr T N Wong

Visit to the Department of Survey And Mapping Malaysia (DSMM)

Mr. Rosary, Deputy Director General, welcomed the delegation. Mr. Ali, Director of Cadastral Division made a presentation on the role and functions of the department and the modernization programmes of DSMM. The department has 5000 staff; the administration level (professionals) comprises 3.3% of the work force. DSMM has embarked on the various computerisation programs in land information system, cadastral survey automation and data management, digital mapping using satellite images, coordinated cadastral system, and many other projects. The





News from the Land Surveying Division

establishment of a coordinated cadastral system is a joint project between DSMM and the University of Technology Malaysia. GPS coordinate system will be used to replace the local Cassini coordinate system in the near future.

Visit to the Institution of Surveyors Malaysia (ISM) and other Institutions

The Vice President, Mr. Teo Chee-hai, introduced the ex-Presidents, Mr. Khoo and Mr. Nordin, the Secretary General, Mr. Julian Chong and other council members. As compared to Hong Kong, ISM has more or less similar structure and number of members: 1324 QS, 979 GP, 122 BS and 751 LS. Malaysia is a large country so they have more land surveyors. The delegation was impressed by the achievement that ISM owns a block of multistorey building. ISM has been well subsidized from the rental income of the building. The delegation had also visited the Land Registry in Kuala Lumpur, Urban Redevelopment Authority and Leica Ltd in Singapore. It was a nice occasion to make friends in these official visits as well as in the banquets at night.

The First Hong Kong Symposium on Satellite Positioning System Applications (SPSA), 11th December, 1999

By Dr. Esmond Mok

The Symposium

Position determination using navigation satellites has become increasingly popular in the civilian community

because this technology can provide highly efficient, effective and accurate position, velocity and time anywhere, anytime and under all weather conditions. Advancement of micro-electronic technologies has brought the manufacturing cost of high-performance satellite positioning receiver hardware to be very affordable. Also, the U.S. Government has given a clear and positive policy on civilian use of GPS while smooth progress has been noted in the development of the Russian GLONASS satellite positioning system. It is anticipated therefore that satellite positioning technologies will be applied extensively in Hong Kong in the 21st century.

This symposium aims to provide a forum for researchers and professionals, particularly in the fields of geomatics engineering, construction engineering, transportation and environmental protection to discuss and share experience of their findings, problems and solutions on the applications of satellite positioning systems in Hong Kong.

The Symposium is organised by the Department of Land Surveying and Geoinformatics (LSGI), the Hong Kong Polytechnic University, and co-sponsored by the HKIS among others.

Call for Papers

Papers to be presented in the symposium will be divided into four categories:

Applications of GPS and GLONASS Systems on:

- Surveying and Mapping

- Construction Engineering
- Air, Land and Marine Transportation
- Environmental Protection

Abstracts (in English) of between 300 and 500 words should arrive at the following address by 15th June, 1999:-

Dr. Esmond Mok
Department of Land Surveying & Geoinformatics
The Hong Kong Polytechnic University,
Kowloon.
Fax : 2330 2994
Tel : 2766 5953
E-mail: lsemok@polyu.edu.hk

Important Events of the Symposium

15 June, 1999 :

Deadline for submission of abstracts

30 June, 1999 :

Confirmation of acceptance of abstracts

30 September, 1999 :

Deadline for submission of full papers

11 December, 1999 :

The First Hong Kong Symposium on SPSA

Language and Proceedings

All presentations and printed materials will be in English. Papers accepted for presentation, with the full paper submitted on or before the specified deadline will be included in the symposium proceedings.

For registration and further information, please visit the homepage of the LSGI at <http://www.lsgi.polyu.edu.hk>, or contact Dr. Esmond Mok.



News from the Quantity Surveying Division

By T T Cheung, Chairman

PRC Visit

QSD will visit the Cost Management Bureau of Shangdong Province to attend and give speeches at the Provincial Cost Engineering Conference to be held on 23rd-25th April 1999. We will also visit the Construction Cost Bureau and Tendering Department in Shanghai before we go to Shangdong.

AIQS Reciprocity

The General Council has in principle agreed a reciprocating arrangement with AIQS. QSD will soon open a dialogue with the Australian counterpart to proceed with the matter.

Direct Professional Access to Barrister (D.P.A.)

The Bar Council has recognised that, in appropriate circumstances, the interests of the lay client may be better served if his professional adviser, a surveyor, is able to instruct a barrister direct without the services of a solicitor. After a few years of hard work, the D.P.A. is now in shape.

The draft Guidance Notes has been sent to the Bar Association for comments and endorsement. The Guide is intended to assist surveyors in understanding the functions of a barrister, to appreciate the role of a solicitor and to assess when D. P.A. should be used. Guidance is also given as to how D.P.A. is best effected in order to benefit the client. Consideration

is also given to other matters such as professional liability and the question of barristers' fees. As soon as the Bar Council endorsed the Guide and modify the Bar code to allow surveyors to direct access to the Bar, we will give a more comprehensive guidance to members.

Welcoming gathering with newly qualified Qs.

The QSD Council met with the newly qualified Qs on 19th April 1999 at the Jockey Club, Happy Valley. It was the first ever informal gathering between the old and new. The party was warm and cozy. I see a bond starting to build up again within the QS profession. I am confident that after a few year's time our profession will be even stronger to serve the industry.

Term visit to local universities

We joined the term visits to local

universities organized by the J.O. It was a meaningful activity that the General Council and all divisions should support. I have visited the 3 universities for the past 5 years. One can forecast what will be the quality of our young surveyors in the years to come.

APC review

For the past few months, I have received a number of inquires and comments on the APC, both from students and practitioners. The QSD has a special section to debate what changes to the existing APC should be made but only ideas were discussed. I have heard a few rumors on the subject but I confirm that up to this moment, there have been no definite proposals as to the way forward. Any views are welcome at ttcheung@iname.com



Mr T T Cheung, presents an award to Miss LEUNG Po Man, for best performance in the QSD APC 1998

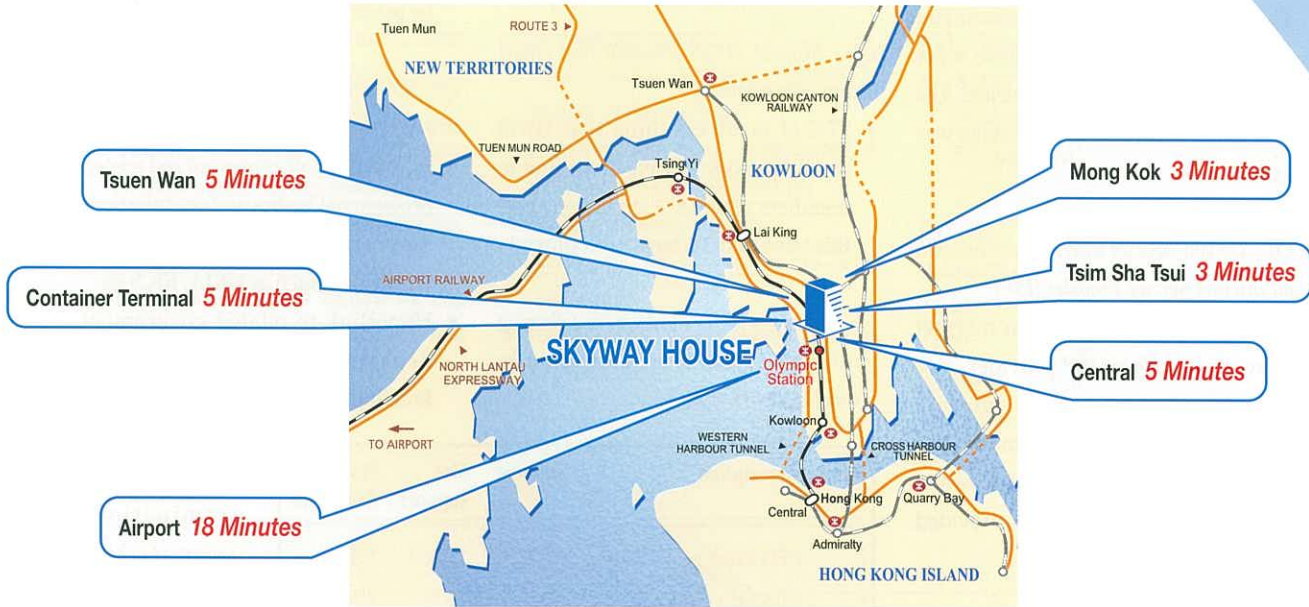


SKYWAY HOUSE

OLYMPIC STATION

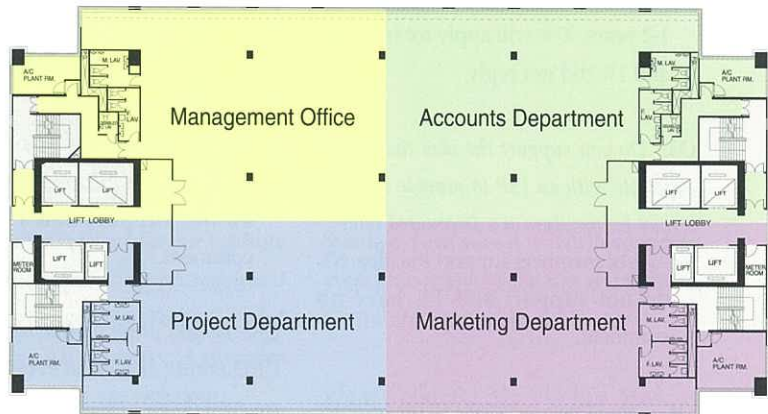
Office for Lease

You Have Never Been So Near




How Flexible You Are


Air - Conditioning by Zoning



Adjacent to HSBC Centre

Development by:  CITIC PACIFIC

Joint Leasing Agents:  CITIC Pacific Property Agents Ltd
Tel : (852) 2168 2168

 Vigers Hong Kong Ltd.
Tel : (852) 2377 1234

REPORT

Report on IT Development

Result Analysis on the IT Questionnaire

By T T Cheung

The response to the IT questionnaire was very encouraging. There were totally 847 questionnaires returned. The analysed result of the questionnaire was as follows :-

Q1.- Do you have an internet account with an Internet Service Provider (ISP)?

- 74% of members have an internet account with an ISP provider. 26% members do not have internet account. Among those members with an internet account, 99% are owned by themselves. Only 1% is provided by their company.

Q2.- If you do not have an internet account, when do you think you would have one?

- 35% will apply for one within 6 months, 26% will apply for one within 1 year, 11% will apply for one within 1-2 years, 27% will apply for one later and 1% did not reply.

Q3.- Do you support the idea that HKIS negotiate with an ISP to provide internet service for members at a discounted rate?

- 93% of members support the idea. 6% do not support and 1% have no comment.

Q4.- Would you subscribe to the internet service in Q3 at a discounted rate?

- 74% of members will subscribe to the internet service at a discounted rate,

but 17% will not. 6% of them will consider but depends on the terms, rate, which ISP etc. and 3% have no comment.

Q5.- Should HKIS provide free email accounts to members?

- 77% of members think that HKIS should provide free email account to members while 20% do not support this issue and 3% have no comment.

Q6.- Members prefer checking the following on the web instead of receiving them by normal mail:-

Items	Description	Support	Not support	No Comment
i	CPD event notification	82%	17%	1%
ii	Newsletters	62%	36%	2%
iii	AGM/EGM notification	77%	21%	2%
iv	Social event notification such as Surveyors Lunch	84%	12%	3%

For item v, most members' comments are similar to Q9. Therefore, all comments are consolidated and listed in Q9.

Q7.- Do you want HKIS forms downloadable on the web?

- 92% of members would like to download HKIS forms on the web, 7% do not support and 1% have no comment.

Q8.- Do you prefer on-line registration for CPD events and social events and make payment through the web in lieu of cheques?

- 73% of members support the on-line registration for CPD events and social events and make payment via the web

in lieu of cheques. 26% do not support. 1% have no comment. Some comment that they prefer on-line registration for CPD ... but payment be made by cheques.

Q9. Services that members wish the HKIS web site provided are listed as follows:-

- Hyperlink to other relevant and related professional bodies and organisations web sites in HK, China and worldwide, such as HKIA, RICS etc
- Hyperlink to related government departments web sites such as Building Dept., Planning Dept., Lands Dept. etc.
- APC results, past examinations paper, marking schemes
- On-line HKIS library catalogue, technical papers, magazines, reports or other relevant researches and a

database of past journals, papers, circulars, practice note etc

- On-line HKIS publications
- Member support services, eg. general enquiry hotline, directory, news release to public/members
- Full set of Practice Notes for AP/RSE
- Cost data, property prices, price index
- Open forum for members discussion and sharing experiences
- Question & Answer on surveying related matters
- Job advertisement, vacancies or

REPORT

Report on IT Development

- opportunities from government and private sectors
- Collection of votes, Opinions & comments from members on issues concerning the profession
- Events of talks, seminars, new publications, courses available related to the surveying profession
- Updated information, Government Project details, Survey report
- Online ordering of HKIS publications, souvenirs, etc
- Technical circulars issued by the government which the HKIS has copies

- Newspaper cuttings related to the surveying profession, relevant court cases
- Members contact telephone/address, book list, reports/news from committees/panels
- Government statistics figures in respect of the economy
- E-mail account name xxx@hkis.org.hk to enhance members identity
- Scale of professional fees
- Address of consultants and contractors
- Particular details and training leading to professional

Member's data

Q10. Division :

- BS - 24%, GP - 29%, QS - 38%, LS - 7%, PD - 0.2% and 1.8% not filled.

Q11. Class :

- Associate - 49%, Fellow - 13%, Student A - 8%, Student B - 25% and 5% not filled.

Q12. Age :

Below 33 -	45
34-40	27
41-50	20
Above 50	6
Not Fill	2



News from the Junior Organisation

DRAGON BOAT COMPETITION 1999

By Nathan LEE

Do you want to become one of the crew of our dragon boat team? Now is the golden chance to experience and enjoy the spirit of the team. We are now

organising a strong team for our Institute to compete with other professional bodies in the Dragon Boat Festival on 3rd and 4th July. All students, Associates or Fellow members are welcome.

Professional training will begin from the end of May on either Saturday or

Sunday. I am sure it is worth spending your time enjoying the fun and fighting for the championship.

Please contact Mr YU Kin Man on 8202 0944, Mr James TONG on 2810 1688 or Mr Nathan LEE on 2766 7199, if you wish to enroll or for further details.

Feature

The Meaning of "Variation"

By John B Molloy, LLB (Hons), BSc (Hons),
FHKIS, FRICS, ACIArb
Managing Director, James R Knowles (Hong
Kong) Limited

The question as to exactly what constitutes a variation, entitling a contractor to additional time and money arises on many contracts.

The simple, but interesting recent case of **Strachan & Henshaw Ltd v Stein Industrie (UK) Ltd and GEC Alsthorn Ltd** (87 BLR 52), may prove of some assistance in resolving such queries.

National Powers plc employed GEC Alsthorn Power Plant Limited as main contractor to build a power station in the United Kingdom. Stein Industrie and GEC Alsthorn Ltd were employed as subcontractors, and Strachan and Henshaw Ltd were employed as sub-sub contractors responsible for the heat recovery system generators.

Strachan and Henshaw employed approximately 150 workers, and had to provide facilities for clocking in and for the workers to have their tea breaks.

It had been agreed in a pre-contract meeting that the clocking in facilities and tea cabins could be on the site, and Strachan and Henshaw initially erected them close to the heat recovery system generators so that their workman would not lose working time moving between the workplace and their clocking in facilities and tea cabins.

However, soon after erection the main

contractor instructed the clocking in facilities and tea cabins to be moved to a position half a mile away from the heat recovery system generators.

Strachan and Henshaw raised a claim for £1.6 million in respect of the lost working time incurred by their workmen having to walk to and from the clocking in facilities and tea cabins to their workplace. They claimed, inter alia, that the instruction to move the facilities was a variation entitling them to additional payment.

The matter went to arbitration, to court, and finally to the Court of Appeal, where it was finally held that under the particular form of contract employed the instruction was not a variation.

The form of contract concerned was the MF/1 General Conditions of Contract (1988 Edition) - Model Form of Contract recommended by Mechanical, Electrical and Consulting Engineers.

Clause 27.1 of these Conditions provide:-
"In these Conditions the term "variation" means any alteration of the Works whether by way of addition, modification or omission".
and the term "Works" is defined in Clause 1.1 as *"all plant to be provided and work to be done by the Contractor under the Contract"*.

It was common ground that the clocking in facilities and tea cabins were not 'plant to be provided'. Therefore for the instruction to constitute a variation they had to form part of 'the work to be done by the Contractor under the Contract'.

However the Court of Appeal adopted a

very narrow interpretation of this phrase and the variation provisions. In this respect they drew distinction between 'the work to be done by the Contractor under the Contract', and the manner in which the Contractor chose to carry out such works.

The Court considered that for a change under this form of contract to be a variation entitling the Contractor to additional payment it had to be a charge (additions, modification, omission) to the heat recovery system generators, and not the method by which such works were constructed, or the contractor's own arrangements for his work force.

However, and most importantly, the Court recognised that there are many forms of contract which expressly provide that changes, not only to the permanent works, but also to the temporary works, or the contractor's method of construction will also constitute variations entitling a contractor to additional time and money.

In this respect it is submitted that had this case been decided under the Hong Kong Government with its very wide definition of the "Works" as *"the work or services including work or services to be carried out by Nominated Sub-contractors to be constructed, completed, maintained and/or supplied in accordance with the Contract and includes Temporary Works"*, and its variation clause providing for changes in the *"sequence, method, or timing of construction"*, the result may well have been different, and the instruction to move Strachan and Henshaw's clocking in facilities and tea cabins (both Temporary Works), found to constitute a variation order.

Feature

Sales Description of Uncompleted Residential Properties Bill

By Jonathan Li FHKIS

The report issued by the Law Reform Commission (LRC) in April 1995 recommended that legislation should be introduced to require developers to produce sales brochures containing sufficient and accurate information for any sale of local uncompleted residential properties.

A review was carried out by HKIS in 1998 which concluded that current protection for purchasers of uncompleted residential properties was still inadequate, in particular the gross floor area quoted by developers in their sales brochures which are always inflated. There should be a standardized definition of gross floor area so that consumers are aware of how this floor area is calculated.

In order to enhance protection for purchasers, Housing Bureau (HB) proposed to implement the recommendations of LRC by introducing the legislation in 1999. The Paper for Legislative Council Panel on Housing relating to 'Sales Description of Uncompleted Residential Properties Bill' was released by HB on 25 February 1999.

The proposed legislation will standardize the measurement of floor areas of residential properties for disclosure in sales brochures. The Bill will provide for a new definition of "Building Area" (樓

宇面積) to replace "Gross Floor Area" (建築面積) which is commonly used in sales brochures but does not have a standardized method of measurement. After several meetings between Housing Bureau, Consumer Council, Real Estate Developers Association of Hong Kong and HKIS, the proposed standardized definition of Building Area is as follows:

1. The Building Area of a residential unit means the aggregate of
 - a) the saleable area of the unit, and
 - b) the apportioned area of the common area for the unit, and may include
 - c) the unit's apportioned area of the aggregate of the management office area, the caretaker's rooms area and the covered area of the clubhouse.
2. The common area referred to under paragraph 1(b) is the area which is for the common use and benefit of the development such as common passages, staircases, staircase halls, lobbies, lift shafts, lift landings, the space occupied by machinery for lift, airTMconditioning system or similar service, other mechanical and electrical plant and equipment, refuse chambers, duct rooms for telephone, electricity, hose reels or other building services, duct space, refuge floor.
3. The Building Area of a residential unit shall exclude ancillary accommodation such as cocklofts, bay windows, yards, terraces, gardens, flat roofs, roofs, garages, carparking spaces. The areas of such ancillary accommodation shall be specified separately with their respective areas in the sales brochures.

4. A schedule listing the Building Area of each type of residential unit of a development shall be provided in the sales brochures.
5. The schedule of Building Area shall specify separately the areas referred to under paragraph 1(a), (b) and, if applicable, (c).

Floor	Unit	(1)Saleable Area	(2)Apportioned Area of Common Area	(3)Apportioned Area of Management Office, Caretaker's Rooms, Covered Area of Clubhouse (if applicable)	Building (1)+(2)+(3)			Ancillary Accommodation		
								Bay Window	Roof	Others

On the other hand, the term "Saleable Area" has been standardized and adopted in sale and purchase agreements and sales brochures smoothly since 1985.

However, it was proposed to replace Saleable Area by Internal Floor Area as a result of the wrongful measurement of Saleable Area of Verbena Height (茵怡花園) in 1998. HKIS presented the attached paper to the Working Group on 'Method of Measurement of Internal Floor Area' on 12MAY98. The Working Group comprises representatives from Consumer Council, Lands Department, Rating & Valuation Department, Building Department, Housing Bureau, Hong Kong Housing Society, Real Estate Developers Association of Hong Kong, Housing Department and Law Society.

"Saleable Area" refers to the area contained within the enclosing walls of the unit

Feature

measured up to the exterior face of an external wall or the centre line of a separating wall between adjoining units, as the case may be. In other words, "Saleable Area" of a unit has hitherto included the thickness of external walls, internal columns and partitions. Ancillary areas such as bay window, roof, terrace or carparking space which is for the exclusive use of the owner are listed separately. HB do not propose to change the definition of Saleable Area which remains the most reliable measurement of floor areas. HB propose to amend the Chinese translation of "Saleable Area (實用面積)" to "可售面積" to avoid confusion. However, HKIS consider that the Chinese translation of "銷售面積" is more appropriate.

HB further propose to include "Internal Floor Area" (內部樓面面積) in sales brochures which shall be the area contained within the enclosing walls of a property measured to the interior face of the external wall or separating wall but include all internal partitions and columns within the unit. In addition, developers are required to indicate the range of thickness of structural walls within the unit.

HKIS consider that Internal Floor Area can be treated as supplementary information of uncompleted buildings and only for indicative purpose. Saleable area is still the very 'basic term' which is clearly and essentially rested on the legal grounds including the owner's

obligations and liabilities in respect of the 'external/party walls' and 'non- Internal Floor Area accountable features' within the units. To make the Internal Floor Area legally binding and the adoption of a 'margin of discrepancy' is totally a separate issue. HKIS doubt whether the market could stand the impact when every purchaser has the right to adjust the sales

price if the Internal Floor Area differs from the relevant area stated in sales brochures. HKIS foresee that this would create a lot of disputes on price adjustments, measurements on site, legal cases, etc. A total re-visit on the approach is required before suggesting the level of margin. To make it simple, it is recommended that critical dimensions of all habitable rooms

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should be clearly indicated in a sales brochure. Information such as changes in wall thickness and column size from floor to floor must be provided to the purchasers.

In general, HKIS support the proposed Bill because inadequate and misleading sales information on uncompleted residential properties are unfair to prospective purchasers as they have no

opportunity to view the properties before they commit to purchase. The enhancement in transparency in the sale of uncompleted residential properties is of definite benefit to consumers.

Paper on Saleable Area and Internal Floor Area presented by HKIS to the Working Group on 'Method of Measurement of Internal Floor Area'

Prepared by Samson S Wong, 12th May 1998

1. Background

The adoption of 'Saleable Area' (SA) for property transaction since 1985 following the joint publication and provision of an agreed definition of SA had gone fairly smoothly until the happening of wrongful measurement of SA for a development in Tseung Kwan O. The incident had immediately put the use of SA into dispute as purchasers rushed into self-measurement of the area. They were not able to reconcile their measurements and calculations with those provided by the developer. One of the reasons behind this mismatch was that the thickness of the external wall was not included. Purchasers were misled by the name of SA in Chinese - 實用面積. Thus, the suggestion to adopt Internal Floor area (IFA) measuring the area inside the external and partition walls to reflect the actual area to be occupied by the purchasers.

2. Summary Arguments

- i) SA has been well defined and widely adopted in the industry. The use of any new definition or system will take time to adopt and to understand.
- ii) The pre-sale consent system adopting SA is working perfectly well.
- iii) Legal responsibility of the owner extends to the external perimeters of the unit to include the external walls, openings, etc. The

definition of SA fits into this indispensable legal framework.

- iv) SA allows flexibility for internal changes such as removal of internal partition walls.
- v) There are enormous Government and public records set into the SA system. Any change to a new system will involve significant amount of conversion work which is not practical. This also applies to the private sector.
- vi) The use of IFA, which by definition will be smaller than SA, will cause the "price per unit area" inflated.
- vii) The Verbena Height case is a result of incidental combination of various mistakes. If the definition of SA has been straightly followed, there should have been no problem.
- viii) Perhaps the current Chinese translation of saleable area could be revised to more properly reflect its meaning.
- ix) Purchasers' desire to obtain more information about the subject of purchase is respected. This could be satisfied by providing detailed building plans at the sales office for inspection.
- x) The legal concept of SA (i.e. external perimeter such as external wall and partition wall) will still have to be embodied in the DMC or ownership provisions, to mark enjoyment and liability boundaries, even if a new IFA definition is to be adopted. Should IFA be used for domestic units (i.e. a new system), it will then cause confusion, require time for establishing proper usage, record keeping/conversion difficulties, etc.
- xi) The construction method used in Hong Kong is quite standard that will not produce excessively thick external wall which is not in the interest of developers to do so.

3. Conclusion

The adoption of IFA for domestic property transactions and related matters are not acceptable for the following reasons:

- i) IFA cannot fully depict an entity sustainable as a legal unit especially in sale and purchase situation as external and partition walls are not included.
- ii) The actual measurement of internal floor area cannot be easily handled by a layman.
- iii) The adoption will upset the existing use of SA and cause further confusion.

The continuous use of SA is supported for the following reasons:

- i) It has been in use for over 13 years without any other problem.
- ii) It has been widely accepted by all professionals and the Government.
- iii) The definition is simple, straightforward and unique which is not open to interpretation. Any proficient professional will give the same result.

4. Recommendations

- i) To continue the use of Saleable Area for domestic property transactions.
- ii) It is however suggested that the Chinese name of SA be replaced with "可售面積". To further enhance the use of the SA, it is also suggested that sales brochure should include the minimum dimensions of the habitable rooms and thickness range of the external and partition walls.
- iii) Apart from SA, 'Gross Floor Area' (GFA) is commonly quoted in sales literature of uncompleted units. There is a need to clearly define the GFA as they have always been inflated/grossed up by developers/ agents.

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