

# Surveying

news

Volume 9 Issue 9,  
October 2000



## Message from the President

### THE FALL ACCOUNT

Mr Francis Ng

This summer turned out to be an exciting one for some members as the LegCo election was drawing near and at the same time the Institute was contemplating to initiate disciplinary action against some suspected non-conforming cases (see report from the Hon. Secretary on page 3). In this issue of the Newsletter, which is my last but one quarterly report as President, I will give a brief account on some major events:-

- Joint Professional Centre** - The foundation stone laying ceremony was officiated by the Chief Executive of the HKSAR, Mr. Tung Chee Hwa, on 1st August. Immediately thereafter, renovation and fitting out work got started. It is anticipated that the premises will be ready for use in the very near future. Meanwhile, members may wish to note that \$1.5 M was raised through fund raising campaigns. Contribution from the Institute amounts to \$50,000, which is well within the limit previously set.
- Land Laws** - A seminar on land related ordinances in the Mainland, Hong Kong, Macau and Taiwan was held in Wuyishan in July. I have brought back some papers and books on performance of the property market, land clearance, valuation, compensation, etc. These are now being kept in the library for members' reference.

- SST** - In response to the feedback from members on the questionnaires and some enquiries made by SST members in Hong Kong, I and some key personnel of the Institute will soon have a preliminary meeting with the SST. The intention is to have an open dialogue to exchange views on possible creation of a technical grade in the Institute. Furthermore, an open forum with our members will be held on 17th October. I hope members will actively participate and express opinion on this issue.
- Membership** - A diploma presentation ceremony was held on 30th August for Fellow and Associate members elected on 8th June 2000. Members from the Building Surveying, Land Surveying and Quantity Surveying Divisions (Photos on page 2) received their diplomas from the President and their respective divisional chairmen.

As at the end of August, membership details are as follows:

Fellows	-	421
Associates	-	2,516
Student A	-	117
Student B	-	2,238

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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 Hon. 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 5,300 readers. For detailed information and advertising rates, please contact Ms Margaret Yung of the Secretariat office at 2526 3679.

**The Hong Kong Institute of Surveyors**  
香港測量師學會

Suite 510, Jardine House, Central, Hong Kong.  
Tel: 2526 3679 Fax: 2868 4612  
http://www.hkis.org.hk

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

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Newly elected Fellow and Associate Members of the Quantity Surveying Division

Newly elected Associate Members of the Building Surveying and Land Surveying Divisions



- **Tenure at Jardine House** - This will expire in mid-2001. A working group chaired by Mr. Stephen Liu, SVP, has come up with some recommendations. These are being studied by members of the General Council. A decision will be made in the near future.
- **Revised Guidance Notes for CPD** - Mr. David Faulkner, the CPD Panel convenor, has already sent out the guidelines for members' reference. An open draw was held in the Institute with

a view to select members randomly and check their fulfillment on self-improvement/continuing education.

So much so for the routine operation of the Institute. Before ending, I would advise members on some forthcoming events:-

- **Building Safety** - The Government is about to issue a consultative document seeking the views of the public on building safety and maintenance. Members are requested to keep an eye on the publication.
- **Ministry of Water Resources** (中國水利部) together with the Works Bureau, HKSAR will hold a conference on "Construction Management of Large-scale Infrastructure Projects" (內地與香港大型基礎設施項目管理研討會) in Beijing on 14th and 15th December. Members wishing to participate in this event should keep an eye on progress.
- **Seminar on Real Estate** - A group of valuers from the Shanghai Real Estate Appraisal Institute will come in October/November with a view to exchange views on property development.
- The RICS President will visit Hong Kong on 19th and 20th October. HKIS will bring up matters of mutual concern at the meeting.

## CONGRATULATIONS TO MR LAU PING CHEUNG

Mr P C LAU was elected to the Legislative Council after winning the Functional Constituency Elections of the 2000 Legislative Council Elections on 10 September 2000. The number of votes received by Mr LAU and the other two candidates was:

P C LAU	938 votes
Christopher LAW	767 votes
Edward HO	647 votes

Mr P C LAU is a Fellow member in the Quantity Surveying Division and a Past President of the Institute.

Warmest congratulations to Mr P C LAU.

# Disciplinary Proceedings

Mr Albert So  
Honorary Secretary

Mr Lai Chin Pang, Charles (AHKIS No. 1213 of the General Practice Division) wrote an article on land premium assessment which was published in the Apple Daily on 1 August 1999. The Lands Department Estate Surveyors Association (the "Association") wrote on 8 September 1999 to the Institute expressing concern on the contents of the article, especially in connection with Mr Lai's allegations that there was preferential treatment given by the Lands Department to developers in negotiating land premiums. According to the Association, the article appeared to suggest that there were "private dealings" in the process which resulted in significant reductions of land premiums. The Association also believed that these allegations were misleading and were not supported by evidence.

A Committee of Investigation (the "Committee") was then set up by the Institute to investigate the complaint in late 1999. Mr Lai attended two meetings before the Committee on 23 December 1999 and 5 January 2000. He was advised during the meeting that the complainant was the Association. Members of the Committee also discussed the complaint in details with Mr Lai. Eventually, the Committee considered that the complaint was substantiated and recommended that the complaint should become a formal charge.

The Office Bearers then considered the recommendation of the Committee and decided that the complaint should become a formal charge.

A Disciplinary Board was then formed to deal with the complaint. By the Institute's letter dated 27 July 2000, Mr Lai was advised that the hearing of the proceedings would take place on Monday 28 August 2000.

Mr Lai then asked the Institute to agree postponing the hearing and, through his solicitors, he made a number of allegations including his contention that the Disciplinary Board had no power to deal with the complaint.

On 22 August 2000, Mr Lai made an application to the High Court to seek the Court's leave (i.e. approval) to deal with his intended judicial review on the Institute's decision. In his

application for approval, Mr Lai indicated that he would seek from the Court various orders including an order of certiorari to quash the decision of the Committee that the complaint against Mr Lai was substantiated, a direction that the complaint should first be dealt with under the Surveyors Registration Ordinance and an order to prohibit the Disciplinary Board of the Institute from conducting the disciplinary proceedings. In support of his application, he made various allegations.

On 24 August 2000, the Institute was served by Mr Lai's solicitors a copy of the application. The Institute was then advised that senior and junior barristers had been appointed in addition to Mr Lai's solicitors to deal with his application to the Court and the hearing of the application would take place on 25 August 2000.

It appears that several newspapers might have got a copy of the application from the Court and reported on 24 August 2000 the various allegations of Mr Lai contained in his application.

Although the Institute did not consider Mr Lai's allegations are correct, in view of the fact that the hearing of the Court application would take place on 25 August 2000, an urgent meeting of members of the General Council was held on 24 August 2000 to consider possible future actions to be taken. In the end, the General Council reached a settlement agreement with Mr Lai. The terms of the agreement required him to place an advertisement in Chinese in the Apple Daily and the Hong Kong Economic Times to extend his apology to the Association, to withdraw the Court application and to bear his costs of the Court application and the advertisements. In return, the Institute agreed not to proceed with the disciplinary proceedings.

The Chinese advertisements were published in the Hong Kong Economic Times on 4 September 2000 (page A38) and in the Apply Daily on 5 September 2000 (page C12). The English version of the advertisement appears in this issue of the Newsletter (page 23).



## Building Surveying Division

### VISIT TO GLASS FACTORY IN SHENZHEN

Kenneth Yun

On 16 September 2000, 47 members joined a group visit to the manufacturing plant of China Southern Glass Holding Co. Ltd. in Tangwei Village, Fuyong Town, Bao'an, Shenzhen. The Group comprised of Associate and Fellow Members who came from all Divisions (mainly Building Surveyors). They gathered at the Kowloon Railway Station. After the train journey to Lo Wu, the Group arrived at the manufacturing plant in Bao'an by coach.

The Group was welcomed by the management of the company and was briefed on the manufacturing process and properties of different types of construction glass like coated glass, insulating glass,

laminated glass and tempered glass. Samples of insulating glass were compared with low-emissivity coated glass.

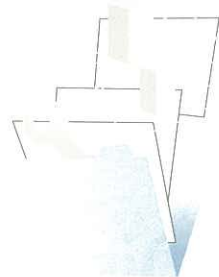
Subsequent to the briefing session, the Group was led through the manufacturing plant for clear floated glass, coated glass, insulating glass, tempered glass and low-emissivity coated glass. Members found the tour very informative and interesting. Some members expressed their interest and requested for samples to be erected on site.

The factory was a very large complex consisting of a number of production

facilities. The factory produces float glass up to the size of 3.66 m x 6 m and thickness of up to 20 mm with modern equipment imported from Europe, USA and Australia. They also maintain a quarry at Hainan to provide the raw material - sand - for the production of glasses. According to the introduction, they can produce float glasses that are up to major national standards of Britain and USA.

After lunch, the Group were shown samples of their works along Shenzhen South Highway where more than fifty buildings were completed with glass products from China South Glass Holding Co. Ltd. Some of them are landmarks in Shenzhen. Finally our visit ended successfully in Lo Wu. ❏

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## GENERAL PRACTICE DIVISION

Tony Tse, Chairman

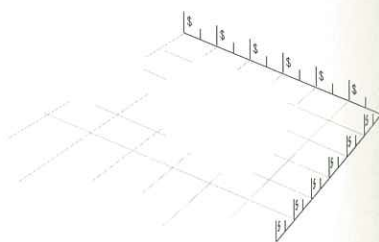
### Valuation 2000 - Las Vegas

Following the attendance of Valuation 2000 in Las Vegas, in mid July 2000, by Ms. Mona Woo and Mr. Alnwick Chan on behalf of the HKIS, a CPD was held to report on the International Valuation Standards, White Book, which was presented at the Conference. The aim of this CPD was to outline the history and evolution of the White Book and also to highlight some of the standards which were considered to be relevant to Hong Kong. The definitions of "Market Value" adopted by the International Valuation Standards Committee, the Royal Institution of Chartered Surveyors and the

European Group of Valuers' Associations were also discussed. There have been comments that unlike other CPD events, no Q&A session was provided in this CPD. I shall relate the comments to the General Practice Council and to consider if another CPD on valuation practice should be organized. There was also confusion over the location of the venue and the administration office of the HKIS has been requested to look into the issue.

### APC Assessment 2000

This year's APC Written Assessment of the General Practice Division has been tentatively fixed on 9 October 2000. The examination papers and marking scheme are being prepared by the Education, Membership, APC and CPD Affairs Panel. Candidates will be advised of the details in due course.



## LAND SURVEYING DIVISION

### LAND TITLES BILL CONSULTATION

*By the Working Group on Land Titles Bill*

Following the discussions in the LSD Council and input from members, the Institute has formulated a reply to the Land Registry on the Land Titles Bill, with the following main points.

The Institute understands that the Land Titles Bill does not aim to deal with land boundary issue or to guarantee land boundaries. However, the proposed land titles registration system would not be complete if it is not supported by land boundary plans delineating clearly and accurately the boundaries of registered land parcels.

To strengthen the proposed land titles registration system, it is proposed that any instrument effecting the transaction of land parcels, whether in whole or in part, be attached with a land boundary plan prepared by an Authorized Land Surveyor registered under the Land Survey Ordinance. This requirement will protect the interests of the landowners. Although the attachment of a land boundary plan only carries the similar legal status and effect as stipulated in Section 30 of the Land Survey Ordinance, the proposed Land Titles Ordinance would make land conveyance more certain, secure and fair. In the long run, a more comprehensive and effective land titles registration system could be built up for the benefit of the whole community.

Over the years, most of the land parcels in the urban areas have been accurately defined by the government and the professional land surveyors in the private practice. At present, many lots in the New Territories have also been defined in the same manner due to land developments and

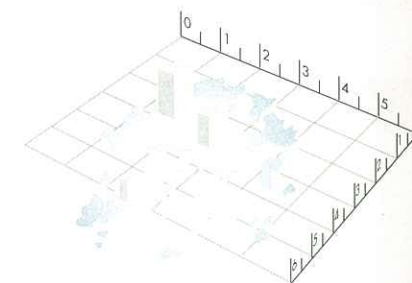
the introduction of the Land Survey Ordinance. It is now a general requirement for every transaction of land parcels to have a properly surveyed land boundary plan attached as an important document for registration.

On particular sections of the Bill, the Institute is offering the following comments:

Section 17(1) of the Bill should not be applicable to the land boundary plans prepared by Authorized Land Surveyors registered under the Land Survey Ordinance. These land boundary plans are plans showing the boundaries of land parcels after they have been determined by surveys conducted in accordance with the Code of Practice of the Land Survey Ordinance. The duplicates of these land boundary plans have also been lodged to the Land Survey Authority for checking and record purposes. To treat these plans as only indicating approximate boundaries is not in line with the spirit and intention of the Land Survey Ordinance.

The heading of Section 83 (Errors in survey) of the Bill should be amended to read "Discrepancies in area and boundary of land". The original wording would mislead the public to believe that the discrepancies in area and boundary of land are solely due to survey errors. Apparently, some people have the false impression that the Old Schedule Lots in the New Territories surveyed in early 1900 were inaccurate. However, it should be noted that the causes of most discrepancies between the original boundary and the existing occupation boundary are mainly due to other factors such as adverse possession, natural changes, etc.

Under Schedule 3 - Consequential Amendments of the Bill, Sections 30(8) and





30(10) of the Land Survey Ordinance have been omitted in Section 168 of the Bill for unknown reasons. Being a provision that provides for the control of standards of land boundary surveys conducted by the Authorized Land Surveyors, Section 30(8) of the Land Survey Ordinance must not be repealed. Section 30(10) of the Land Survey Ordinance is also important, especially if the proposed land titles registration system is to be strengthened as outlined earlier on.

### CPD EVENT - USING GPS FOR THE VEHICULAR LOAD TRIALS ON THE LANTAU LINK BRIDGES

LAM Lik-shan, Lesly

In mid-March of last year, there was a special task performed at three Lantau Link Bridges (LLBs) - Ting Kau Bridge, Tsing Ma Bridge and Kap Shui Mun Bridge. The matter aroused the attention of several government departments and even the Police Force for ten consecutive nights. Satellites and the most advanced electronic devices were utilised to monitor the three bridges' structural health. Our guest speaker, Mr. So Man-cheong (Land Surveyor, HyD.), was one of the leaders in this special task. On 4 September 2000, members from various disciplines enjoyed a very informative talk by Mr. So about a surveying task unprecedented in the history of Hong Kong.

Mr. So started by introducing the aim of this special surveying task - "Vehicular Load Trials (VLT) on the LLBs" to the audience. In the VLT, a weight-adjustable vehicle with 45 and 330 tons was driven at three constant speeds (5kph, 15kph and 25kph) across all three bridges once on each lane. Mathematical models showing the structural health of the three bridges were derived from the VLT's data. These mathematical models would help in analysing the distribution of live loads, the calibration of computerised bridge models, the prediction of the deflections and the actual movement of LLBs' towers.

To ensure continuous measurement inside the LLBs' cables web, Mr. So pointed out that using Global Positioning System (GPS) to monitor the dynamic movements of towers and decks was the most sensible approach. A total of 17 GPS receivers were employed and operated under On-the-fly (OTF) kinematic mode. OTF mode could secure automatic re-initialisation in case of loss lock to satellites' signals. Tremendous volume of data to the tune of 4.8Gbytes was collected in the ten nights for post-processing.

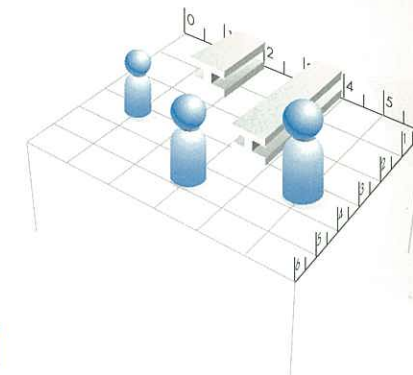
The results analysis fell into three categories: (1) height deflection, (2) longitudinal deflection and (3) lateral deflection. Some clear and noticeable graphs were specially demonstrated to illustrate the complicated relative movements on the decks and towers. With the advanced mechanics principle of the three bridges, it would not be easy for a layman to imagine the bridges' movements when experiencing different loadings at various speeds. Finally, Mr. So concluded that the survey results were encouraging and close to their expectation.

As one of the audience, I am deeply impressed that the project could be completed successfully, even when faced with many difficulties associated with a tight time schedule, arrangement of overnight duty roster, handling of massive data, etc. Mr. So and his colleagues actually demonstrated the excellent project management skills for us. I have learnt a lot from this CPD event.

The Land Surveying Division would like to express its thanks to Mr. So for his wonderful talk. ☐



Mr. Wong Chung-hang presented a souvenir to the guest speaker, Mr. So Man-cheong.



## QUANTITY SURVEYING DIVISION

TT Cheung, Chairman

### APC 2000

The APC 2000 was held on 23 and 24 September 2000 at the HITEC, Kowloon Bay. There were over 600 candidates sitting for the APC this year, representing over 60% of the total number of Student B of the QS division. This is unhealthy. The urgency for the need of the APC reform is vital. Please email me your visions at [cheung.tt@hongkong.com](mailto:cheung.tt@hongkong.com).

Thank for your support as assessors. We need about 200 assessors to accomplish this important task. Similar to last year, we are planning a dinner in November to go through the key issues of the APC with the assessors.

### PRC

Due to our busy schedule, we have revised our trip schedule as follows:

13-15 October - Shanghai Organizing a CPD event to RICS members in Shanghai and to meet the Standard & Norm Department and Construction Bureau to update planning for WTO in Shanghai.

November - Beijing 2nd Organizing Committee meeting on 2001 International Cost Conference.

Members are welcome to join our visits at their own cost.

### Cost Conference in Beijing organized by Works Bureau of the HKSAR and Ministry of Water Resources 中華人民共和國水利部

The conference will be held on 14 and 15 December 2000 in Beijing. The theme of the conference is "Mainland and Hong Kong Conference on Construction Management of Large-scale Infrastructure Projects" "內地與香港大型基礎設施項目建設管理研討會". HKIS is one of the co-organizers of the event. We would like to submit 5 papers for the conference. Interested parties please contact the HKIS office for details.

### Direct Professional Access to Barristers

After almost 2 years' of hard work by our sub-committee, I am pleased to inform you that the DPA is now formally endorsed by the Bar Association. We will be organizing a CPD to explain in detail the concept and operational aspects of the DPA and hope that members can benefit from the alternative route that is now available to surveyors.

### PAQS Competency Standards

At the PAQS Board meeting of 7 June 2000 in Cairns, the matter was discussed and comments received from various member countries. The revised draft is now available if members are interested to take a look.

### CPDs

We have organized a series of events for members as follows:

- 18 September 2000 - Valuing Variations and Substantial Changes in Quantities by Mr. John Molloy
- 26 September 2000 - Mock Mediation by Simmons & Simmons
- 5 October 2000 - Collaborative Methods of Construction Procurement - a UK Perspective by Mr. Adrian Smith
- 31 October 2000 - Compulsory Engagement of QS in Government Projects by Mr. P.C. Lau
- October 2000 - Site Visit to Li On Road Government Quarters
- November 2000 - Direct Professional Access to Barristers by Mr. H.F. Leung
- December 2000 - Site visit to Ma Wan Development of Sun Hung Kai Properties. ☐



## MADE YOUR RESERVATION YET?

豐富美食

朋友相聚

大抽獎

LSD - ANNUAL DINNER 2000  
20TH OCTOBER 2000 (FRIDAY)

開飯啦!

Sung Room, 4/F.,  
Sheraton Hong Kong Hotel & Towers,  
20 Nathan Road, Tsimshatsui, Kowloon.  
(Next to Middle Road 中間道 Carpark Building)

Ticket: HK\$400 per person  
Cocktails: 6:30pm  
Dinner: 8:00pm



## JUNIOR ORGANISATION

### CPD EVENT - CADASTRAL SURVEYING IN THE NEW TERRITORIES

LAM Lik-shan, Lesly

A CPD event was successfully held on 16 August 2000 with a very positive response. Over 110 members from various divisions enjoyed a wonderful night with our guest speaker, Mr. LEUNG Shou-chun MBE. Mr. Leung kindly shared his valuable experience with us on Cadastral Surveying in the New Territories (NT).


Cadastral Surveying involves determining and defining land ownership and boundaries. The special term "Cadastral" comes from Latin word "Cadastré" which refers to a registry of lands. Mr. Leung directly pointed out that the Demarcation District (DD) survey performed at about a hundred years ago is the characteristic of NT Cadastral Surveying. The map produced

from a DD survey is so-called a DD sheet. There are so much limitations when applying a DD sheet but it is the legal document to demarcate boundaries in NT.

Mr. Leung expressed that NT Cadastral Surveying involves not only knowledge but also skills in research and investigation. A Cadastral Surveyor must also partly be an archaeologist to find physical evidence of previous surveys and occupation on the ground. He cited an interesting example. Since it was not a usual practice of old villagers to relocate an old well, an old well could be a good physical evidence to define boundaries.

As one of the audience, I deeply feel that Cadastral Surveying is a mathematical detective work, with archeology and geology

aspects thrown in. It made me think back to my first lesson at University, where I remember my lecturer saying that "Surveying" is actually both an art and a science subject.

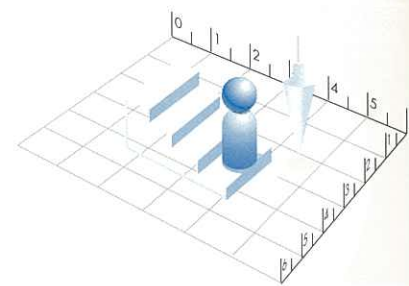
The Junior Organisation would like to express its deepest thanks to Mr. Leung for his wonderful talk. 



JO Vice-chairman, Mr. David Wan,  
presented a souvenir to Mr. Leung.

invited to participate in this open forum and express their views on the matter.

Should members have any views on the above, please do either write to the HKIS or to my e-mail address at [AlexHo@kpkqs.com.hk](mailto:AlexHo@kpkqs.com.hk). 



## COMMITTEE ON ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

### A Brief Account of the Committee's Activities from August 1999 to September 2000

Francis K F Lam, Chairman

The Committee on Environment and Sustainable Development (the "Committee") was formed by the General Council in August 1999 with a view to promoting HKIS's contribution in matters relating to the environment and sustainable development in Hong Kong. The Committee was composed of 10 members who were nominated from the four Divisions. Normally we met once a month and our written communications were being conducted by e-mail. The Committee has its Terms of Reference endorsed as follows:

1. Keep Members informed of current rationale and trend relevant to Surveyors in the environmental and sustainable development field through HKIS Newsletters and Journals.
2. Comment on consultation papers issued by the Government or other bodies on behalf of HKIS.
3. Proactively contribute to/respond to current environmental issues as they concern land and building issues.
4. Promote environmental awareness in all facets of the profession and advise on how this can be put into practice.
5. Represent the Institute as spokesperson or assist the Institute's spokesperson where necessary to speak at conferences, seminars and attend press interviews on aspects related to environment and sustainable development.
6. Establish a communication network with relevant parties of the Government and other professional organizations, educational institutions, public communities, green groups, etc.
7. Develop a code of practice for environmental protection in design of buildings and maintenance works.
8. Develop a strategy to let Hong Kong people know HKIS is environmentally conscious.

From time to time, the Committee sent representatives to attend various relevant seminars and meetings, which included the Agricultural and Fishery Department's consultation

meeting on Wetland Compensation, the Symposium on Guangdong-Hong Kong Sustainable Land Use and Real Estate Development Towards 21st Century, the Hong Kong Sustainable Development Forum, the HKSAR Government Central Policy Unit's Seminar on Green Industries, Amory Lovins Seminar on Green Buildings, and the Planning Department's consultation forums on Sustainable Development study and urban design guidelines for Hong Kong.

To participate in the government policymaking process, in late September 1999, the Committee contributed views and comments to the HKSAR Chief Executive's Policy Address through the HKIS Opinion Paper Submission. On 22 February 2000, the Deputy Secretary for Environment and Food, Mr Kim Salkeld, was invited to speak on the topic of "Working for a World Class Environment" at a Surveyors Lunch.

### Indoor Air Quality Certification Scheme

In late September 1999, the Committee made a written submission to the Planning, Environment and Lands Bureau as a response to the Consultation Paper on Managing Indoor Air Quality (IAQ). In principle, we support the Government's initiatives in addressing the IAQ issue which is an important attribute to human health and work productivity. Among the various proposed measures to improve IAQ, the key one was the voluntary IAQ Certification Scheme, whereby building owners would be granted certificates by the Director of Environmental Protection if their premises were certified by a competent examiner for compliance with the government IAQ objectives. In this regard, we drew the Government's attention to a number of implementation problems as well as the cost implication to landlords. Meanwhile, we were requested by the Environmental Protection Department to comment on the draft IAQ Certification Guide which was designed to provide technical guidance, procedures and methodology for carrying out the IAQ certification in office buildings and public places served by mechanical ventilation and air conditioning system. Mr Jim Dale has been working hard on this assignment.

## Membership



## TECHNICAL MEMBERSHIP

### Q&A SECTION

Alexander Ho, Chairman, SST Working Group

### Responses to Questionnaire on the Formation of Technical Grade in the HKIS

I am pleased to share with you the encouraging results of the responses to the questionnaire attached to the last issue of the Newsletter. 68.99% of the responses support the idea of forming a technical grade in the HKIS, and almost 100 members said that they would try to spare their time in attending a discussion forum on the matter. Responding members also expressed many constructive views and suggestions, which

the Working Group will certainly take into account when making our recommendation to the General Council.

### Open Forum

The Working Group will hold an open forum on 17 October 2000 (Tuesday), from 6.00 pm to 9.00 pm, at Room 405 of the Hong Kong Convention and Exhibition Centre, 1 Harbour Road, Wanchai, Hong Kong. The President and the Senior Vice-President of the Institute will also sit on the panel. All members are





### Study on Sustainable Development for the 21st Century (SUSDEV21)

In November 1999, the Planning Department invited the public to comment on the recommendations made by the Study on Sustainable Development for the 21st Century (SUSDEV21). Apart from formulating a definition of sustainable development for Hong Kong together with a set of guiding principles and sustainability indicators for performance measurement, the SUSDEV21 recommended the Government to use a computer-based tool called CASET to assist her evaluation of the sustainability implications of strategic policies and project proposals. Also, the setting up of a Council for Sustainable Development was proposed. On 31 January 2000, the Committee wrote to the Director of Planning extending our support to the SUSDEV21 recommendations and making some suggestions for their implementation. In the same letter, we also cautioned the Director that any new initiatives for sustainable development should not turn out to be new red tapes for the government administration.

For Members' easy reference, we would highlight the definition of sustainable development as proposed by SUSDEV21:-

**“Sustainable development in Hong Kong balances social, economic and environmental needs, both for present and future generations, simultaneously achieving a vibrant economy, social progress and better environmental quality, locally, nationally and internationally, through the efforts of the community and the government.” (extract from the SUSDEV21 Consultation Document issued in October 1999)**

To achieve the sustainable development objectives in Hong Kong, the property and construction sector definitely has a role to play as the sector is one of the major users of energy, renewable and non-renewable resources as well as a main producer of waste. We very much hope that Surveyors can take a lead in the local property and construction sector for attaining a sustainable built environment. In this connection, Dr Hilary Davies has kindly undertaken to work out a Vision Statement for Surveyors towards sustainable development as well as a questionnaire for assessing Members' awareness of environmental issues related to buildings and construction.

### HKIS Seminar on Building a Sustainable Environment -25 November 2000


On top of Hilary's efforts, the Committee has been working in collaboration with Mr David Faulkner's CPD Panel to organize a half-day Seminar on **“BUILDING A SUSTAINABLE ENVIRONMENT FOR HONG KONG”** on 25 November 2000, a Saturday morning CPD seminar. We have already confirmed six distinguished speakers for the Seminar, who are namely Mr C M Leung, Director of Buildings, Mr Kim Salkeld, Deputy Secretary for Environment and Food, Mr Marco Wu, Deputy Director of Housing, Mr David Dumigan, Deputy General Manager of Henderson Land Development Co. Ltd., Ms Linden Birch, Environmental Manager of Swire Properties and Mr Kevin Edmunds of Centre of Environmental Technology Ltd. Topics to be covered include the latest government environmental policies, Buildings Ordinance review and procedures streamlining to facilitate sustainable development and building innovation, new construction methods to increase efficiency and reduce waste, environmental performance of buildings and green estate management practice. Detailed information of the Seminar will be sent to all Members shortly. Your participation in this seminar will be highly appreciated.

We are fully aware of the fact that the concept of sustainable development is new to a lot of Surveyors. Therefore, there is always a need for this Committee to work hard in promoting the concept of sustainable development, so that through our collective efforts, the concept can be put into practice in the property and construction sector of Hong Kong.

#### List of Membership

Mr Francis K F Lam	Chairman
Mr Kenneth Y K Yun	Hon. Secretary
Mr Jim P Dale	
Mr Wong Bay	
Dr Hilary Davies	
Mr Nicholas Brooke	
Mr Stephen Chung	(from August 1999 to December 1999)
Mr Daniel C W Ho	(from January 2000 to present)
Mr Edwin C L Tsang	(from August 1999 to December 1999)
Mr Peter W M Tsang	(from January 2000 to present)
Mr Nelson Ho	(from August 1999 to December 1999)
Mr Alex L F Wong	(from January 2000 to present)

#### In Attendance:

Mr Samson Wong	(from August 1999 to April 2000)
Mr Chan Hak	(from May 2000 to present) 

### Three pre-sale consents issued in August

The Lands Department issued three consents for the sale of 1,289 residential units in three uncompleted development projects in August 2000.

The projects, located in Kowloon and on Hong Kong Island, are estimated to be completed between September 2000 and April 2002.

At the end of August, there were 16 applications for pre-sale consent involving a total of 9,127 residential units across the SAR. The units are expected to be completed between December 2000 and August 2002.

In addition, there were four applications for pre-sale consent concerning commercial developments in Kowloon.

### Land Registry statistics for August released

The Land Registry received in August 10,473 sale and purchase agreements on residential and non-residential building units, representing an increase of 33.8 per cent and 52.1 per cent over July 2000 and August 1999 respectively.

The total consideration of these agreements in August was about \$23.7 billion, up 34.3 per cent and 31.7 per cent when compared with the amounts in July 2000 and August 1999 respectively.

The figures are contained in the monthly statistics released on 5 September by the Land Registry on deeds relating to property transactions received for registration in the Urban and New Territories Land Registries in August 2000.

These statistics generally relate to land transactions executed up to four weeks prior to their submission for registration as there is usually a time lag between the execution of deeds and their lodgement for registration.

### Flexible Housing Production Strategy

The Housing Authority (HA) will enjoy greater flexibility in meeting housing demand under a new production strategy endorsed by the Authority's Strategic Planning Committee (SPC) on 14 September 2000. The strategy, to be introduced from 2004/05 onwards, will also enrich the design aspect of public housing following the wider use of non-standard blocks and site-specific designs. The broad policy of flexible housing production has been built on various on-going initiatives, including the quality reform, the recently adopted flexi-use housing designs and the new site-specific approach in procurement strategies.

In future, all the Authority's housing projects will be classified into two broad groups according to their locations, commitments for rehousing, financial viability and relevant policy considerations, instead of grouping them under public rental housing (PRH) or the home ownership scheme (HOS) rigidly. Group 1 projects, being the mainstream, will comprise projects to meet three types of demand: offering flats to PRH applicants on the Waiting List, rehousing for the Comprehensive Redevelopment Programme (CRP) and clearance operations, as well as offering for sale as HOS.

Group 2 projects, primarily for sale, will be confined to those strategic locations that demonstrate very promising development potential.

Excluding the production from the Private Sector Participation Scheme (PSPS), a production mix of 80:20 between Group 1 and Group 2 projects has been tentatively set between 2004/05 and 2007/08. This will be reviewed annually when the Authority rolls forward its production programme to meet the land supply pattern. A larger portion of projects will be put under Group 1


as the wider use of site-specific designs will provide the flexibility to meet either rental and sale demand.

Planning of future projects will be site-specific, with building designs based upon standard blocks, modified standard blocks or non-standard blocks where appropriate. Standard blocks will continue to be used if they meet the Authority's development needs.

The reference block designs and standards of fitting-out works for Group 1 will be the Harmony modules and those for Group 2 will be the New Cruciform Block (NCB). Development cost yardsticks for projects involving site-specific or non-standard designs will be 5% and 10% higher than those for standard Harmony and NCB modules respectively.

This will enable the Authority to meet changes in housing demand patterns, while designs of public housing will become more diversified in enriching the cityscape. The development potential of housing sites will be maximized to suit the characteristics of individual public housing sites.

Because of different clienteles, Group 1 will provide a full-range of flats from 1-person to 3-bedroom units to meet the three basic types of demand. Group 2, basically for sale, will cover 2-bedroom and 3-bedroom flats.

In developing a more flexible production strategy, the Authority will continue to deliver public housing, cost-effectively and efficiently for those in need on the basis of affordability. Public housing will be provided in large quantities on the basis of the well-proven approach of standard modules and mechanised construction techniques in meeting the Government's forecast demand for public housing. 





# FAIR VALUATIONS

John B Molloy, LLB (Hons), BSc (Hons), FHKIS, FRICS, MCI Arb, FInstCES, RPS (QS)

Valuing variations and like items is one of a quantity surveyor's primary functions, but it is also an area in which disputes occur frequently.

Most forms of contract used locally set out three basic rules for valuing variations, which despite minor differences in wording can generally be summarised as follows:

- [RULE 1] where work is of similar character and executed under similar conditions to work priced in the Bill of Quantities it shall be valued at such rates and prices contained therein as may be applicable
- [RULE 2] where work is not of a similar character or is not executed under similar conditions the rates and prices in the Bill of Quantities shall be used as the basis for valuation so far as may be reasonable.
- [RULE 3] failing which a fair valuation shall be made.

Rule 1 is not a problem.

Rule 2 and in particular the phrase 'so far as may be reasonable' has been the subject of two important legal cases within the last year (**Henry Boot Construction Ltd v. Alstom Combined Cycles Ltd and Aldi Stores Ltd v Galliford (UK) Ltd**), both of which I have described in detail in previous articles.

However, now we also have judicial guidance regarding Rule 3 and the elements necessary for a 'fair valuation' from the very recent case in the UK of **Weldon Plant Limited v. The Commission for the New Towns** a case which interestingly was heard by His Honour, Judge Humphrey Lloyd, QC, who was also the judge in the Henry Boot case.

Weldon Plant entered into a contract with the Commission for the New Towns for the construction of Duston Mill Reservoir. The contract incorporated the ICE Conditions, 6th Edition. The

material to be excavated consisted of clay and gravel. Since Weldon were to be able to sell the gravel, the contract rate for gravel removal was negative £3.60/m<sup>3</sup>. The clay was however to be carted to an off-site tip for which the rate was £3.66/m<sup>3</sup>. The contract made provision for Weldon, at its own risk, to excavate below the design level for the bed of the reservoir (55.06 AOD) and to obtain more gravel which it would also be entitled to sell. On 20 November 1995, the Engineer issued Site Instruction 17 which required Weldon to excavate all the gravel below the bed and to back fill with clay to the design level. Weldon notified the Engineer that this instruction would give rise to a claim. The Engineer valued the additional gravel extraction and clay backfill at bill rates.

Weldon did not consider that the Engineer's treatment of the consequences of S.I. 17 was correct, so the ensuing dispute was referred to arbitration.

In the award, the arbitrator firstly decided that Weldon had had an option to extract the gravel in the original contract, rather than an obligation to do so and on this basis he concluded that S.I. 17 was a true variation under clause 51 of the ICE conditions. He further considered that because the option had been removed from Weldon that contract rates should not be used to value the variation and that a fair valuation, i.e. Rule 3, was appropriate.

So far so good.

The problems however arose with the arbitrator's fair valuation. He concluded that the basis of determining a fair valuation was that such valuation should leave Weldon in the same financial situation it would have been had the instruction not been given, i.e. a loss and expense or damages type approach.

In then making such a valuation he assessed the cost of the works themselves but refused to add any allowance for head office overheads or for profit.

With regard to these elements, he considered that as (in his opinion) the correct ascertainment of any additional costs by Weldon should put it back in the position absent S.I. 17, profit was never recoverable and for head office overheads it was necessary that Weldon establish that it either incurred additional overheads (which it had not done) or that it was denied overhead recovery, i.e. a loss of opportunity concept whereby a contractor must prove it has not taken on other works because of the delayed completion (which again it had not done).

Weldon appealed on the basis that they considered the arbitrator had made an error in law, in that, he had incorrectly valued the variation as though it were a loss and expense claim rather than a valuation of a variation.

Permission to appeal was granted for the following question of law:

**"Whether on the facts found by the arbitrator, clause 52(1) (b) of the ICE Conditions permits a fair valuation to be made which excludes [profit and] an allowance for overheads on the basis that the contractor has to establish that it either incurred additional overheads or that it was denied overhead recovery."**

His Honour, Judge Humphrey Lloyd, QC, held that the answer was no. He considered that Weldon were correct in their assertion that the arbitrator was in error in his approach and that in his judgment, clause 52(1) contemplates that the contractor will be able to recover in a valuation of a variation, those elements included in the contract rates or prices for overheads and profit.

With regard to profit, he stated firstly, that a contractor is in business to make a profit on the costs of deploying its resources, and accordingly an employer must under clause 52(1) pay profit in a valuation made under any Rule (via the rates or otherwise on a fair valuation) on costs because a valuation under clause 52 would not otherwise be a fair valuation within the meaning of those words. Secondly, he

considered that a valuation, which did not include profit, would not contain an element, which is an integral part of a valuation under Rules 1 and 2. A fair valuation under Rule 3 would not be in accordance with the principles of clause 52 if it did not include all relevant elements to be valued or represented in some significant manner in a valuation under that clause.

The same point held good for head office overheads. In particular, he considered that the arbitrator had failed to deal with the addition which has to be made in order to ensure that the contractor obtains a contribution from the costs of the business it undertakes towards its fixed or running overheads. As with profit, he held that it would not be fair if the valuation did not include an element on account of such contribution. It would mean that such a contribution would have to be found elsewhere, presumably from the contractor's margin for profit or risk. In his view, a valuation which in effect required the contractor to bear that contribution itself, would not be a fair valuation, in accordance with the principles of clause 52(1) which are intended to secure that the contractor should not lose as a result of having to execute a variation (except to the extent its costs etc. are of its making). Unlike overheads such as time-related overheads, it is not necessary to prove that they were actually incurred for the purposes of a fair valuation (although their approximate amount must of course be established, e.g. by deriving a percentage from the accounts of the contractor including where appropriate associated companies that provide services or the like that qualify as overheads).

Accordingly, the judge held that when a quantity surveyor makes a valuation in accordance with contract rates or based on contract rates, i.e. Rules 1 and 2, such valuation will naturally include allowances for head office overheads and profit, and on this basis, when making a fair valuation under Rule 3 it would not by definition be fair unless such valuation included similar allowances for overheads and profit. ■





# A CADASTRAL CASE WORTHY OF ATTENTION

T.C. NG

## The Case

There has been a court case concerning a boundary dispute that aroused discussions amongst practitioners in the land surveying profession. It exposed the deficiencies in using the Demarcation District sheets to define land boundary and the need to amend the Land Survey Ordinance if such kinds of dispute are to be avoided.

The dispute concerned an encroachment of 700 mm along the common boundary, i.e. an earth bund between two Old Scheduled Lots of agricultural land in a Demarcation District (DD) in the N.T., resulting in a loss in area of 28 square metres to one of the lots. The case is abstracted below:-

A private land surveyor X was employed by the plaintiff to survey his property in April 1994. As there was an earth bund between his client's lot and the adjoining one, X thought that the bund was the best means of separating adjoining ownership, so he fixed the boundary between the two lots by taking it as the mid-line of the bund. As this was before there was any dispute between the two parties, he did not take any photographs to show the position of the bund. Two months later, the defendant employed a land surveyor Y to set out the boundary of his property. Later on, the defendant built a Small House, covered his land with concrete and erected a wall along the boundary of his property.

The plaintiff's mother, who knew the land well, observed the encroachment of the wall and informed Surveyor X. X returned to survey the position of the wall in February 1995 and confirmed the encroachment of 700 mm. Eventually the boundary dispute was brought to the High Court.

"A land surveyor in Hong Kong has a difficult job when he is asked to do what the plaintiff and defendant ask their land surveyors to do. The tools available to him are not precision instruments. All that he can do is to look at the DD sheet of the land concerned, which is on a scale of 1:1980, so the location of physical objects on the ground could not be depicted with any great accuracy. He can also use the Land Record plan on a scale of 1:1000, so again, not an accurate representation of what exist on the ground. The surveyor must then compare what he sees on the plans with what appears on the ground, attempting to reconcile the two as much as possible. It is a pretty rough system. It is simply not possible to place a boundary with more accuracy than within about 1 metre." The judge remarked.

On Surveyor X's fix of the mid-line of the bund as common boundary, the judge remarked that the bund was old, subject to normal wear and tear from erosion and human and animal activity, that one would expect with what was simply a ditch excavated from the soil. He did not accept that a land surveyor could fix the outer limits of the bund with any great degree of accuracy. Nor was any land surveyor able to say that the bund was placed precisely on the boundary of two pieces of land.

The judge accepted that the wall erected by the defendant closely followed the boundary of his property. He concluded that it was not possible to say that there had been any encroachment over that boundary. Nor was it possible to say that there was no encroachment at all. There might be some encroachment, but it was minimal, and one that should not be of concern to any reasonable person. It followed that the

plaintiff's action must fail, and it was dismissed.

## Background Discussion

The point of concern in this dispute is the 700 mm encroachment. The judge did not believe that a land surveyor could re-establish the land boundary from the old DD sheet and Land Record sheet with any accuracy better than 1 metre. There are controversial views on this court case. Some of the land surveyors argue that the peacefully occupied earth bund between the two agricultural lands concerned should be taken as the common boundary even though the earth bund might have undergone natural change over the past hundred years. As occupation is nine points of the law, the bund should remain as the common boundary of the two lots. Others believe that with proper field survey and thorough investigation, the land boundary of a DD lot, though re-defined by different land surveyors, should be identical or nearly identical with one another. Depending on the permanency of the physical features which demarcate the boundary, they believe that DD lots can be re-defined to better than 1 metre. There are also opinions that the difference of 700 mm is small. The loss in area and its value in money terms are not significant enough to go for the lawsuit. In view of the high expense of litigation, the dispute should be settled out of court.

As this was before the enactment of the Land Survey Ordinance, and in the lack of a Code of Practice under the Ordinance, different land surveyors might have different approaches and standards of land boundary survey. In this case it appears that some of the boundary data were scaled off from an Identification Plan (now renamed as Lot

Index Plan which correlates the lots in the DD sheets with the physical features in the Basic Survey sheets) and transferred to the ground. As the accuracy of the plan is not up to sub-metre standard, therefore when setting out the boundary on ground using the current control points, the 700 mm difference between the setting out points on the ground and the mid-line of the bund is highly possible. It may be worth mentioning here that the Basic Survey sheets, over the past 30 years, had undergone the conversion from the imperial system to the metrication system in 1970, the change of the grid system in 1980 and the digitization in 1990. The above changes had deteriorated its accuracy to a certain extent.

The root of the dispute is the inadequacy of the DD sheet used to define the original lots to present survey standard. The DD sheets are of very low precision. They were appropriate for the circumstances hundred years ago for recording land ownership and for fiscal purpose. In short, the original process was that a land parcel first existed, it was then surveyed by rather crude survey method and plotted graphically on a plan at a scale of 1:1980. The area was subsequently derived from the plan and calculated to 0.01 acre (equivalent to 40.5 square metres as the smallest unit for rent payment). Therefore, to reverse the exercise, that is, trying to match the boundary and area with the physical features demarcating the boundaries on ground with accuracies of tenth of a metre in position and one square metre in area, is almost an impossible task. In this court case, the judge realized this point and rightly made his remark. However, it should not be concluded from this court case that surveyors cannot re-define lot boundary to an accuracy better than 1 metre. It depends on the permanency of the boundary. For example in an Old Scheduled House Lot, if the house concerned remains unchanged

over the past hundred years, the boundary of the house lot can be re-defined precisely. It is admitted that re-definition of lot boundary purely based on the land records is inadequate and inaccurate, however, if aided by a detailed ground survey to match the physical features with those on the DD sheet, the accuracy can be improved considerably. This is possible particularly in areas where the pattern of land has not changed. In the N.T. there are still a large number of agricultural land where, although farming is abandoned, the bunds which separate individual land parcel can still be found on the ground if carefully searched.

## Looking Ahead

Re-defining land parcels in the N.T. in piecemeal manner is not cost-effective and would likely arouse suspicion from the neighbours. The land parcels in a DD sheet cluster, therefore most of the boundaries are common boundaries between adjacent lots. It would be more cost-effective to define all the lots in a block in one go. The Government being the lessor of all land in Hong Kong has the responsibility to maintain a precise record of the boundaries of the leased lots. It would therefore be appropriate for the Government to carry out a systematic survey of the land in N.T. using state-of-the-art survey technology to produce a new version of DD sheets with precision up to present standards. With this new version of land records, land surveyors would be able to re-establish land boundary up to the tenth of a metre or better. While it is possible for the Government through administration means to recognize the status of this systematic survey being a more precise definition of the old DD lot boundary, it is preferable to have a legal framework to institute it by either expanding the scope of the Land Survey Ordinance or enacting a new one. An appeal mechanism will also be required for landowners who disagree with the survey.

It is a mishap that this land boundary dispute case had resulted in litigation. Had there been a compulsory registration system whereby Surveyor X was required to deposit the land boundary plan of his survey to a central body, and Surveyor Y was required to inspect whether land boundary surveys had been carried out in the adjoining lots, then Surveyor Y might respect the survey by his fellow surveyor and accepted the earth bund as the common boundary. There would then be no litigation.

Currently under the Land Survey Ordinance, although Authorized Land Surveyors are expected to carry out land boundary survey for re-definition of whole lots up to the standard specified in the Code of Practice, they are not obliged to deposit their land boundary plans with the Land Survey Authority. On need basis, they normally send a copy of their land boundary plans to the Lands Department, however, it is purely on a voluntary basis. The check on these plans by the Lands Department may not be thorough. The difference of 700 mm in the common boundary in the above court case could escape notice under the current cursory check system. To protect the interests of the public, it is necessary to introduce a mandatory registration of land boundary plans whereby every land boundary survey, be it subdivision or whole lot, is required to be deposited in a central land boundary record system maintained by the Land Survey Authority. Priority could be given to those who register the lot boundary first and the lot boundary so registered would hold good unless challenged and proved by better and convincing evidence. This would require amending the Land Survey Ordinance to include procedures to deposit and register land boundary plans for whole lots. ■





## 東南九龍都會計劃如何展示 香港城市規劃之進化

劉德

### 1. 序言

香港政府在一九九八年九月公布東南九龍填海計劃以來，來自市民的反對聲音甚多。經過一九九九年中大型諮詢會後，政府已將原來的填海大幅減少，這區的發展規劃亦大部份跟市民的提議而改變。

期間，城市規劃委員會發表「維多利亞港——理想和目標」，顯示政府對維港的理念。經再諮詢後，修改後的東九龍填海計劃填海面積再作縮減；而其他規劃方面，亦有進一步的改善。雖然這方案還有可改善的地方，但總體來說，各界人士包括專業團體、政黨、學者和社會大眾都一致好評，可說達到各方面的期望，尤其是在諮詢和規劃的過程，完全展示香港城市規劃的進化，實際上是一個非常重要的城市規劃里程碑。

### 2. 市民對城市規劃的醒覺

一直以來，香港市民對城市規劃採取冷漠的態度，而政府在很多重要的規劃上，都用保密的方法。如將九龍半島的發展密度降低，和新界的各個中期發展審批地區圖的公佈，事前都未有經過廣泛諮詢，公佈後便立刻實行。當然，政府亦有難言之處，因為這些計劃如果事先洩漏，土地使用者會相應地作出改變，新的規劃便會變得沒有作用了。當時市並沒有太多渠道參與城市規劃工作。

在一九九八年九月，當東南九龍填海計劃發表時，政府接到 807 份反對書，這些反對書來自社會各個階層。因為這個計劃對整個香港影響甚大，市民對城市規劃開始醒覺，對環保意識亦相應增加。

### 3. 學者、專業人士、環保人士、政界及發展商積極參與

東南九龍發展計劃參與諮詢層面極廣。學者包括大學講師如香港大學吳美琴博士、中文大學雷震寰教授等；政界人士如陸恭蕙議員、劉慧卿議員、陳婉嫻議員等；環保團體如地球之友、綠色力量等。

其中徐嘉慎律師特別成立保護海港協會有限公司，大力提倡保留啟德機場旁的維多利亞港。太古地產有限公司亦出資聘請顧問，提供方案以供政府參考。

香港測量師學會、香港建築師學會和香港工程師學會亦首次合作，組成一個聯合作業小組，運用各專業的專長，研究這個地方的規劃，並用彩色圖片勾劃出他們心目中的理想發展，將建議提供政府參考。他們並召開記者招待會、圖片展覽等，以引起市民注意。後來香港城市規劃師學會及香港園藝建築師學會亦加入日後多個的聯合作業小組，對一些城市規劃項目，一起研究並提供意見。

東南九龍發展計劃，促成了有關行業專業團體的合作。而這一次由多個學會建議的規劃在很多方面均被政府接納。總體來說，亦與政府最後修改的規劃圖十分接近。

在諮詢過程中，很多學者和環保人士要求更多背景調查資料，以評估這個計劃的各方面做得是否足夠，雖然政府並不是每次都能夠滿足大眾的要求，但他們的聲音已經是很清楚的了。

這次開創全民參與城市規劃的先例，亦建立了市民與政府互相信賴的基礎。

### 4. 可持續發展之充份表現

可持續發展意指在社會大眾和政府群策群力下，均衡滿足現今一代及子孫後代在社會、經濟及環境方面的需要，從而令香港在本地、國家及國際層面上，同時達致經濟繁榮，社會進步及環境美好。

東南九龍發展計劃，充份發揮可持續發展特性。我們減少填海，保留啟德機場附近的海灣，使現今的發展不致剝削後代享用這海港及觀景的權利。這個計劃的諮詢和過程，充份發揮社會大眾和政府群策群力下，均衡滿足現今一代及子孫後代在社會、經濟及環境方面的需要。無論在滿足市民的居住、交通、環境、景觀、環保、經濟、教育及生

活質素各方面，都有前瞻的策劃，在每一項細節方面，都注入環保的考慮。現代規劃，首要注重的是可持續發展，東南九龍發展計劃可算是這方面的典範。

### 5. 政府決心以公眾意向為依歸

在諮詢期間，城市規劃委員會在一九九九年六月，提出「維多利亞港——理想和目標」，解釋政府對維多利亞港的看法。政府致力使這港口成為「港人之港」，保持港口交通暢達、風光優美，促進旅遊事業，締造優美海濱環境，改善維港水質。其中在「對於在維港填海的意向聲明」特別提出在維港內進行的填海工程，要滿足社會需求及公眾意向為依歸，並須確保環境質素。在這裡，政府正式確立城市規劃以公眾意向為依歸。

### 6. 東南九龍都會計劃的特色

#### 1. 減少填海範圍

填海面積由原來的 299 公頃減至 123 公頃，減少填海 176 公頃，即減少了 59%。

#### 2. 隧道或地壑式道路

約 35% 之總行車量將使用這兩種環保道，藉以減少噪音及空氣污染。

#### 3. 環保交通系

統透過完備的鐵路網絡，居民可直達港九新界各地。區內穿梭服務，將會用無軌電車或輕便鐵路。

#### 4. 非交通主導的城市設計

以前的城市規劃都是以交通為主導為主，即是先設計道路網，然後將各種用途放在內。現在的規劃則是以人為本，將環境質素及市民的素求放在第一位，交通設計等則依以上的需求而改變。

### 5. 符合人性的休憩地方

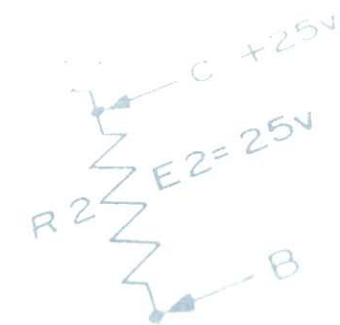
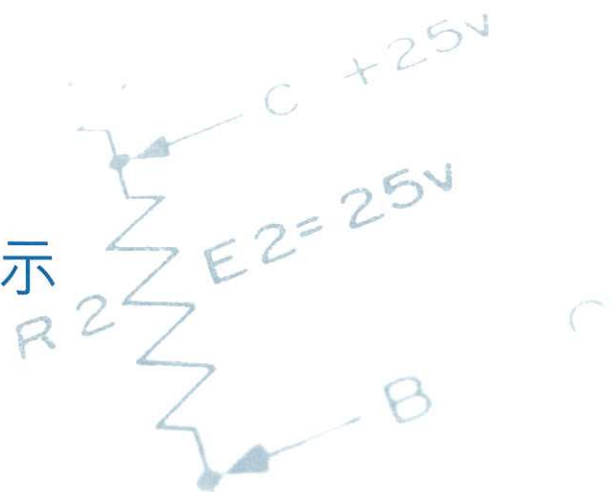
都會公園和海濱長廊都放在海旁，而兩者與附近樓宇之間，都沒有馬路相隔，所以這些公園都是安全而沒有染污的，將會成為極受歡迎的休憩地方。

### 6. 景觀走廊，立體設計

在都會公園中心，樓宇之間將會保留兩個景觀走廊，一個望向獅子山，一個望向飛鵝嶺，都會公園和主要地標可以互相呼應。九龍群峰及維港之景觀，將以景觀走廊連接。另外建築物的高度將向海岸遞減，增加維港空間層次感。

### 7. 總結

東南九龍都會計劃完成之後，將會成為東南亞以至全世界學習城市規劃的一個重要觀察地方。除了有美麗的規劃如海濱長廊、景觀走廊、梯級式發展、環保概念等，可以看見和觸摸到的地方外；規劃的整個過程、市民和專業人士的積極參與、政府的開明態度，和大家善意的互相接受，實際上是香港城市規劃歷史以來最大的轉變。這次亦奠下了以後城市規劃的諮詢模式。 □





## 為何「Low-E 中空玻璃」如此「熱」？

現代建築不但對建築物的美觀性、適用性提出了要求，也對建築物的採光節能性提出了要求。在採用大面積玻璃幕牆裝飾的同時，對玻璃幕牆的節能性要求和對環境的影響<sup>[1]</sup>也日益提高。熱反射玻璃和低輻射玻璃，正是應這種需求而推出市場的。

熱反射玻璃和低輻射玻璃都是在玻璃表面上鍍一至多層薄膜構成的。目前可從事商業生產的成熟的鍍膜工藝有：真空磁控濺射鍍膜，熱噴塗鍍膜(也稱在線鍍膜)等。

熱反射玻璃的主要功能是反射室外的太陽輻射能，使其盡可能少地進入室內，從而降低室內的溫度，節省空調費用的開支。它的可見光透過率較低，一般為 8%-40%，其反射光的顏色豐富多彩，裝飾效果較佳。因此，它多被用於中、低緯度地區。

低輻射玻璃則正好相反，它的主要功能是阻止室內的輻射能量泄向室外，而允許太陽能輻射盡可能多地進入室內，從而維持室內的溫度、節省暖氣費用的開支。這種產品的可見光透過率很高，其反射光的顏色極淡，幾乎難以看出。因此，它多被用於中、高緯度地區。

適當控制低輻射玻璃的透過率，使它既能反射部分太陽能輻射，也能阻止室內的熱輻射泄向室外，從而形成一堵隔輻射能的窗。這種低輻射玻璃產品的可見光透過率適中，其反射光的顏色多為淺淡的藍色，具有一定的裝飾效果。因此，這種產品的適用性更強、適用範圍更廣，可被廣泛地用於高、中、低緯度地區。

低輻射玻璃也稱 Low-E 玻璃，"Low-E" 是英文 "LOW EMISSIVITY(低輻射)" 的縮寫，其中的 E 表示輻射率。輻射率 E 的最大值為 1，它表明入射到物體表面的能量將被全部吸收並將再次全部輻射出去，這就是所謂的"理想黑體"。Low-E 玻璃的 E<0.15，這意味當外來輻射的能量少於 15%，而普通透明玻璃的這個值是 84%。

Low-E 玻璃在節能領域的突出特性，使其在美國、日本及歐洲等國家的高層建築和民用住宅上廣泛地被採用，年使用量的增長率高於 20%。特別值得一提的是，德國政府於 1995 年立法規定，所有重新裝修和新建的建築物玻璃門窗幕牆都必須採用 Low-E 中空玻璃，以減少普通玻璃因熱損耗過大而造成能源浪費。我國目前的人均能源佔有量有限，在建築物上推廣使用 Low-E 玻璃不僅可有效的節省能源，也可裝點美化環境，使用 Low-E 玻璃將是利國利民的選擇。

### LOW-E 玻璃的性能、構造及選用

#### 1. 太陽輻射和物體的長波輻射

太陽光譜按波長可分為三大部分：波長為 0.3-0.4  $\mu\text{m}$  的紫外光，其輻射能約佔太陽輻射能的 3%；波長為 0.4-0.7  $\mu\text{m}$  的可見光，其輻射能約佔太陽輻射能的 43%；波長為 0.7-2.5  $\mu\text{m}$  的紅外光，其輻射能約佔太陽輻射能的 41%；其餘的約 3%。

#### 2. Low-E 玻璃的作用

太陽輻射能量的 97% 集中在波長為 0.3-2.5  $\mu\text{m}$  範圍內，這部分能量來自室外；100°C 以下物體的輻射能量集中在 2.5  $\mu\text{m}$  以上的長波段，這部分能量主要來自室內。若以室窗為界的話，冬季或在高緯度地區我們希望室外的輻射能量能進來，而室內的輻射能量不要外泄。若以輻射的波長為界的話，室內、室外輻射能的分界點就在 2.5  $\mu\text{m}$  這個波長處。因此，選出具有一定功能的室窗就成為關鍵。

3mm 厚的普通透明玻璃對太陽輻射能具有 87% 的透過率，白天來自室外的輻射能量可大部分透過；但夜晚或陰雨天氣，來自室內物體熱輻射能量 89% 被其吸收，使玻璃溫度升高，然後再通過向室內、外輻射和對流交換散發其熱量，故無法有效地阻擋室內熱量泄向室外。

Low-E 中空玻璃對 0.3-2.5  $\mu\text{m}$  的太陽能輻射具有 60% 以上的透過率，白天來自室外的輻射量可大部分透過，而夜晚或陰雨天氣，來自物體的熱輻射約有 50% 以上被其反射回室內，僅有少於 15% 的熱輻射被其吸收後通過再輻射和對流交換散失，故可有限地阻止室內的熱量泄向室外。Low-E 玻璃的這一特性，使其具有控制熱能單向流向室內的作用。

控制 Low-E 玻璃的可見光透過率，則可使其在保持上述特性的同時，還具有部分熱反射玻璃的性能。即白天可限制部分太陽能輻射的透過，夜晚可能有限限制室內熱能的外泄，因此其應用範圍更為廣泛。

表 1 列出了普通單片玻璃、雙層中空玻璃、三層中空玻璃以及雙層 Low-E 中空玻璃的部分性能對比。其中玻璃厚度為 3mm，空氣層厚度為 12.7mm，Low-E 玻璃的輻射率為 0.1。表中的數據表明，雙層 Low-E 中空玻璃的隔熱性能優於三層普通中空玻璃。

圖 1 直觀地給出普通中空玻璃和 Low-E 中空玻璃能量傳輸的比較。其中 Low-E 膜位於中空玻璃的第三表面。從圖中可以看出，對於普通雙層中空玻璃，室內熱輻射的 80% 通過玻璃傳輸到室外，而對在第三面鍍有 Low-E 膜的相同結構的 Low-E 中空玻璃，僅有 40% 的熱輻射傳向了室外。

考慮到低透過率的 Low-E 玻璃還具有熱反射玻璃的功能，用於中、低緯度地區時，將 Low-E 玻璃安裝在中空玻璃的第二表面更為合適。

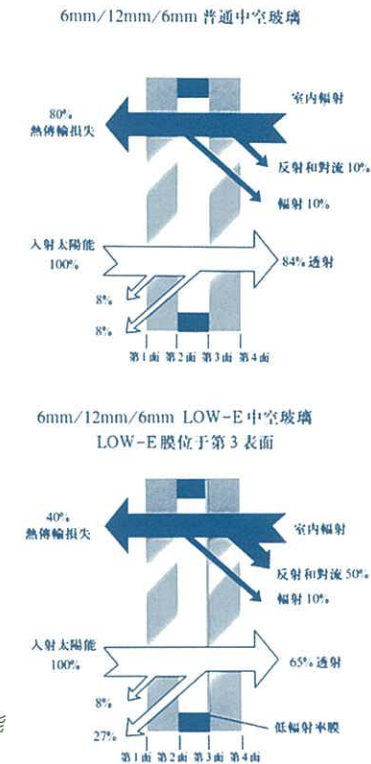


圖 1 普通中空玻璃與 Low-E 中空玻璃的能量傳輸示意圖

#### 3. Low-E 玻璃的構造

Low-E 玻璃是在玻璃上鍍多層不同材質的薄膜形成的，其中的低輻射、紅外高反射膜層是金屬銀。金屬銀對可見光和紅外輻射具有大於 98% 以上的反射率和極低的輻射率，它是決定 Low-E 玻璃性能的核心，但銀層對可見光的吸收和反射使其透光率降低，因此須配置一定厚度的氧化物質層來增加 Low-E 玻璃的透光率。此外，金屬銀層極易氧化，故須性能穩定的金屬作阻擋層、高強度的氧化物作保護層。圖 2 是單片 Low-E 玻璃的基本構造。

增加銀層的厚度可進一步降低 Low-E 玻璃的輻射率、提高其長波反射率，但這將降低可見光的透過率。為此，可根據薄膜光學理論設置雙銀層膜系結構，從而製造出高級 Low-E 玻璃，其基本結構如下：(見圖 3)

表 1 Low-E 中空玻璃與普通中空玻璃部份性能比較

	可見光透過率 Tvis	冬季 U- 值 (W/M <sup>2</sup> ·°C)	夏季 U- 值 (W/M <sup>2</sup> ·°C)	遮陽係數 SC	相對增熱 (W/M <sup>2</sup> )
單片普通透明玻璃	88	6.2	5.8	0.95	640
雙層中空透明玻璃	81	2.8	3.1	0.89	583
三層中空透明玻璃	74	1.8	2.2	0.81	530
雙層中空 Low-E 玻璃	77	1.8	1.9	0.69	451

註 1 傳統選用高反射率鍍膜玻璃的幕牆設計，將陽光大量的反射到室外，對環境造成「光污染」的不良影響，不少先進國家和地區(包括新加坡)已禁止使用。

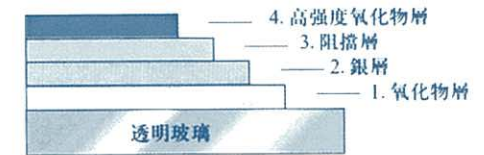


圖 2 Low-E 玻璃的基本構造

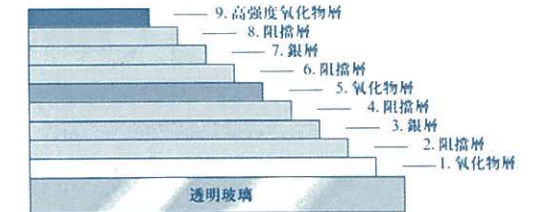


圖 3 雙銀層 Low-E 玻璃的構造

當真空磁控濺射沈積的 Low-E 膜暴露在大氣中時，大氣中的水蒸氣和微塵離子會在其表面上凝結和附著，從而對保護層形成化學腐蝕並使銀層氧化，失去低輻射特性。因此，單片 Low-E 玻璃不宜直接在大氣環境中存放，也不能單獨使用，必須組裝成 Low-E 中空玻璃使用。

#### 4. Low-E 玻璃的性能參數

通過玻璃組件傳遞的熱能(相對增熱)由兩部分構成：輻射直接透過和對流熱交換。其中輻射部分可由遮陽係數反映，它是太陽輻射透過玻璃組件的熱量與透過 3mm 透明玻璃的熱量之比。就 Low-E 玻璃的使用功能而言，遮陽係數越多，這正是北方地區所需要的，低透過率 Low-E 玻璃，其遮陽係數相對較低。對流熱交換部分可由 U- 值反映，U- 值乘以室內外溫差就是由此而傳遞的熱量，U- 值越低則隔熱性能越好。與普通中空玻璃相比，Low-E 中空玻璃的 U 值約低 36%~40%。

#### 中空玻璃的隔音和熱學性能

一般中空玻璃可以降低噪音 30 分貝左右，而充有惰性氣體的中空玻璃，則可在原有基礎上再巧降低 5 分貝左右，即可將 80 分貝的交通噪音隔至 45 分貝極為安靜的程度。導熱係數 K 值，單片 6mm 玻璃的 K 值為 5.75 kcal/m<sup>2</sup> h°C，一般中空玻璃 K 值為 1.4~2.9 kcal/m<sup>2</sup> h°C，對於充有氬氣和氟化硫氣體的中空玻璃 K 值最低可降至 1.19 kcal/m<sup>2</sup> h°C，氬氣主要用來降低熱傳導 K 值，而氟化硫氣體則主要用來降低噪音 db 值，兩種氣體可單獨使用，也可按一定比例混和使用。[5]

(以上資料選錄自「中國南玻集團股份有限公司」出版的《低輻射鍍膜玻璃系列》，謹此致謝。)



# Recent Developments In The Mainland China And Hong Kong

## NEW STANDARD CONDITIONS OF CONTRACT

Jacob Lam and Gilbert Kwok  
QSD, PRC Sub-Committee

Since our article on the new PRC standard conditions of contract was published in the August issue of this newsletter, we have received a number of enquiries about the form. We would take this opportunity to answer some of these questions in this issue.

This article is in Chinese (see page 21). We have included an English version for the expatriate members of the Institute.

Q: Is it mandatory to use the new standard conditions of contract issued by the government?

A: There is no legal obligation to use the new standard form in PRC projects. The contracting parties may choose not to use the new standard form or may adopt part of the form.

However, as the new form was drafted by reference to existing PRC laws and regulations and the current construction contract administration and management practice, the form is recommended to be used in PRC projects.

In addition, a number of local authorities have made it mandatory to use the form. It is therefore necessary to use the form in those areas.

Q: What is the composition of this new form?

A: The new form is divided into the articles of agreement, the general conditions and the special conditions. The new articles of agreement was drafted by reference to international practice and was based on clause 1 of the 1991 edition of the conditions of contract.

Q: What types of contracts are suitable to use this new form?

A: The new form is only suitable for construction contracts.

Q: What are the laws and regulations governing construction activities in the Mainland China?

A: The Construction Law (1998), the Contract Law (1999), the Bidding Law (2000) and the Regulations on the Management of Construction Project Quality (2000), form the legal framework (which is called "3 laws and 1 regulation" in the Mainland China) regulating construction activities. Such framework needs to be supplemented by the administrative rules and regulations to be promulgated by the PRC government and administrative bodies.

Regarding the question whether the New Contract Law applies, we should note the following rules:-

- (1) For those contracts, which have been formed after the New Contract Law was promulgated, the New Contract Law applies.
- (2) For those contracts, which were formed before the New Contract Law was promulgated, the former laws and regulations apply unless there are no relevant stipulations under the former laws and regulations when the relevant provisions of the New Contract Law apply.
- (3) For those contracts formed before the New Contract Law came into effect, but the obligations under these contracts have continued after the New Contract Law came into force, Part 4 of the New Contract Law applies to such obligations.

Q: What improvements can be made to the new form?

A: The new contract is divided into 3 parts, namely the articles of agreement, the general conditions and the special conditions. The same subject matter might be mentioned in all 3 parts and might even be referred to in the letter of acceptance. This might cause confusion in understanding or interpreting the contract concerned. It is therefore suggested that the general conditions and the special conditions be combined into a single document.

Q: What is the nature of the articles of agreement?

A: After all the terms of the agreement including those in the special conditions have been agreed by the contracting parties, they will confirm this by signing the articles of agreement.

Q: What should be noted in using the new form?

A: There are more than 40 clauses or sub-clauses in the general conditions that need to be amended or supplemented by the provisions in the special conditions. In general, the special conditions will need to be discussed and agreed between the employer and the contractor after a contractor has been selected. ■

### 建設工程施工合同示範文本問與答

問：建設工程必須遵照此政府部門發行及提倡之最新之示範文本嗎？

答：示範文本只起一個參考、示範的作用，並非必須遵從。實踐中可以用不用它或者通過雙方的協議改變它。但是，示範文本的通用條款全面收集共集中提示了國內法律、行政法規之有關規定，同時考慮了工程施工中的慣例，以及施工合同在簽訂、履行和管理中的通常作法。所以，值得使用示範文本，或以它為參考。而且內地許多地方主管部門都以地方行政規章的形式要求必須使用示範文本形式，此等情況下在當地就必須以示範文本的形式訂立建設工程施工合同。

問：此最新之示範文本大約結構如何？

答：二零零零年示範文本，由《協議書》、《通用條款》、《專用條款》三部分組成。《協議書》是新增加的內容，是參照國際慣例，並在91年本《協議條款》第一條的基礎上，補充"組成合同的文件"和"雙方承諾"等內容組成的；《通用條款》是在91年本《合同條件》基礎上修訂而成，為11個單元，共47條，177款；《專用條款》是由91年本《協議條款》修訂而成。(注：此中《專用條款》頗似香港標準文本之《附錄》，但《專用條款》內容涉及差不多每一條《通用條款》的內容)。

問：示範文本的適用問題？

答：僅是施工合同的示範文本，而不包括設計合同、勘察合同。這裡的"建設工程"：可涉及房屋建築、交通設施以及線路管道的施工和安裝。

問：與建設工程有關的法律、法規的適用問題？

答：一九九九年頒布的《合同法》、一九九七年頒布的《建築法》、二零零零年頒布的《招標投標法》以及二零零零年頒布的《建設工程質量管理條例》構成目前內地有關建設工程的"三法一條例"的法律框架，國內政府及主管部門制定的與建設施工有關的法規及行政規章補充及完善此法律架構。

同時，還應注意有關合同糾紛的法律適用原則：

- A、《合同法》實施以後成立的合同發生糾紛，適用《合同法》的規定。
- B、《合同法》實施以前成立的合同發生糾紛適用當時的法律規定，當時法律沒有規定的，可以適用合同法的有關規定。
- C、合同成立於合同法實施之前，但合同約定的履行期限跨越《合同法》實施之日或者履行期限在《合同法》實施之後，因履行合同發生的糾紛，適用《合同法》第四章的規定。

問：使用示範文本有哪些局限？

答：按示範文本分為：《協議書》、《通用條款》、《專用條款》三個組成部分的方式訂立合同，會引起同一內容的規定，出現於不同的地方；此外，在以招標、投標方式訂立合同時，還會有中標通知書、議標文件等等，分散的地方就更多了，造成了操作及理解合同規定的許多麻煩。為盡量減少此等情況，還是建議將合同不同組成部分之同一項內容綜合制定成一個統一的合同條款，即把示範文本中通用條款原則性的規定和特定工程項目的專用條款的協商內容結合放在一起，合同內容就可以變成：第一部分是協議書，第二部分是合同條款。

問：協議條款的性質？

答：協議條款由十個條款組成，是由發包人與承包人就合同內容協商達成一致意見後，向對方承諾履行合同而簽署的正式確認協議。

它起到對合同主要內容，合同文件的組成部分，以及約定合同生效的確認作用。

問：使用示範文書訂立建設工程施工合同的注意事項：

答：通用條款中有40多處需要在專用條款中約定。雙方可以協商一致，進行補充或修改，在專用條款中加以約定；但是，在專用條款中既未引用又未修改通用條款的情形下，是要受這些通用條款規定限制的。

專用條款由發包人提供，所以，招標文件內的《專用條款》可能涉及一些實質性的條款和主要內容；而多數條款細節，一般需要在選定承包人後，才能談判加以修改及約定。 ■



Visit to Glass Factory in Shenzhen  
Continued from Page 4



Group photograph of the delegation with Mr Zhong Zhongliu at the centre of the front row



Insulation properties of LOW-E coated insulating glass demonstration



Group members looking closely into the production of float glass

Leisure



## 引經據典 (Quotable Quotes)

吳恆廣

我們在學習和日常生活中，都見過或用過不少經典名句。這些深入民間的詞句，為表情達意增添了力量和潤飾。現筆者特選二十名句，給各位重溫及思考。

1. 老吾老，以及人之老；幼吾幼，以及人之幼。～ 孟子《齊桓晉文之事章》
2. 在天願作比翼鳥，在地願為連理枝。～ 白居易《長恨歌》
3. 誤落塵網中，一去三十年。～ 陶淵明《歸田園居》
4. 蒼蠅問白黑，讒巧令親疏。～ 曹植《贈白馬王彪》。
5. 先天下之憂而憂，後天下之樂而樂。～ 范仲淹《岳陽樓記》
6. 閒靜少言，不慕榮利。好讀書，不求甚解。～ 陶淵明《五柳先生傳》
7. 同是天涯淪落人，相逢何必曾相識。～ 白居易《琵琶行》
8. 醉翁之意不在酒，在乎山水之間也。～ 歐陽修《醉翁亭記》
9. 我愛熱鬧，也愛冷靜；愛群居，也愛獨處。～ 朱自清《荷塘月色》
10. 心中的雨點來了，除了你，誰是我無遮攔天空下的蔭蔽。～ 冰心《往事》
11. 我也知道還有一個補過的方法，去討他的寬恕，等他說，我可是毫不怪你啊。～ 魯迅《風箏》
12. 人有悲歡離合，月有陰晴圓缺。～ 蘇軾《水調歌頭》
13. 縣官急索租，租稅從何出？～ 杜甫《兵車行》
14. 老夫情懷惡，嘔泄臥數日，那無囊中帛，救汝寒凜慄。～ 杜甫《北征》
15. 悄悄我走了，正如我悄悄的來。～ 徐志摩《再別康橋》
16. 大凡物不得其平則鳴。草木之無聲，風撓之鳴。～ 韓愈《送孟東野序》
17. 時窮節乃見，一一垂丹青。～ 文天祥《正氣歌》
18. 三十功名塵與土，八千里路雲和月。～ 岳飛《滿江紅》
19. 四體不勤，五穀不分。～ 論語《微子篇》
20. 天生我材必有用，千金散盡還復來。～ 李白《將進酒》

# International Conference Re-inventing Global Cities

11 November 2000 (Saturday)  
Theatre 2, Hong Kong Convention and Exhibition Centre (Old Wing), Wan Chai

With the dawn of the millennium is the emergence of a "new" economy spurred by technological advancement and globalization. A technological revolution, coupled with evolving institutional and power relationships at the local, regional and international levels, has stimulated economic productivity but at the same time has created socio-economic and ecological challenges. Global cities today have to actively participate in the global economy and stay at the forefront of technological development while at the same time maintaining a good quality of life for all citizens.

This is the reason why the theme "Re-inventing Global Cities" is chosen for the 20th Anniversary Conference of the Centre of Urban Planning and Environmental Management, The University of Hong Kong. We have invited prominent scholars and policy makers from the "Inter-city Network in the Asian Pacific Region" and other global cities to discuss strategies for re-inventing their cities. Cities to be discussed include: European cities, Sydney, Osaka, Seoul, Singapore, Taipei, Jakarta, Hanoi, Beijing, Shanghai and Hong Kong. A welcoming address will be given by Professor Sir Peter Hall, one of the world's most eminent scholars in the field. At the Conference, the Centre will also present the findings of a year-long research project on "Re-engineering the city: Hong Kong in the 21<sup>st</sup> century". We will try to position Hong Kong against other global cities and suggest re-inventing directions and options.

This International Conference is a gathering of great minds to discuss how global cities re-invent themselves in the face of globalization, technological revolution and the challenges of sustainable development. Please join our dialogue at the Conference to consider possible paths of re-inventing global cities!

**Conference Fee** : Early bird (on or before 16 October 2000) : HK\$1,200  
Normal (after 16 October 2000) : HK\$1,500

**Enquiries** : Miss Mary Kwok / Miss Aileen Wong  
Tel : (852) 2859-2722 Fax : (852) 2540-5927  
Email : tywong@hkusua.hku.hk Web site : http://www.hku.hk/cupem

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### Apology Notice

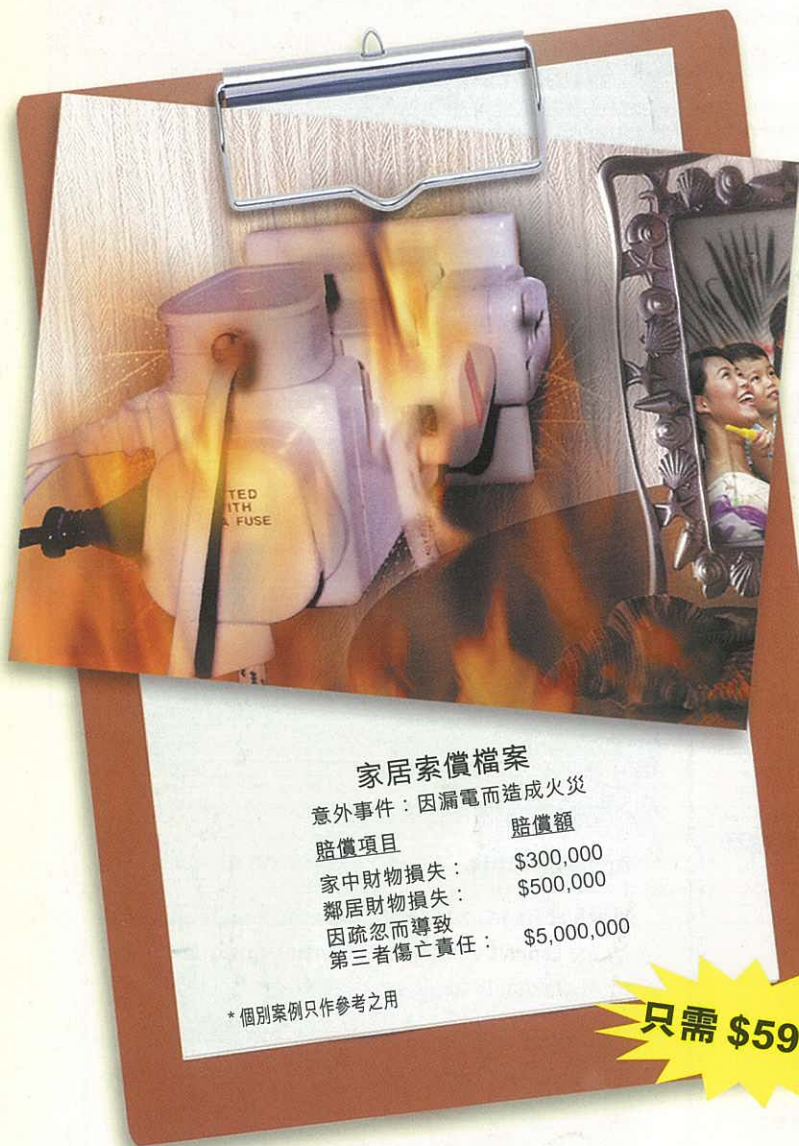
"Lack of Trend and Standards in the Premia approved by the Lands Department" (translation of the Chinese title), the Apple Daily, 1st August 1999

"I extend my apologies to the Lands Department Estate Surveyors Association and its members regarding any offence or adverse inference which might have been drawn from the captioned article. Any perceived ambiguity in the article was purely inadvertent. The subsequent articles in several newspapers on 24 August 2000 were not initiated by me."

Charles Lai



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