



Surveying

news



CHAN Hak

Message from the President

One of the widely discussed issues regarding professionals in Hong Kong has been the exploring of job opportunities in the Mainland China. In fact, as I understand even years ago there have already been a small number of our members working in the Mainland China either by themselves, in partnership or employed by property developers. But from our many recent visits to different organizations, government departments and cities it seems that our various services are not well understood or are little known. Therefore the general demand for such services is not forthcoming yet.

Indeed the Mainland China market including the property market has been opened up for about twenty years, from a completely state-owned environment moving towards a new approach of market-driven business and professional service providers while maintaining the Chinese characteristics. With China entering the WTO, the need to prepare for massive trade and commerce with many countries around the world becomes more imminent. One fundamental enabling component in the process is the supporting professional services that have to be at proven professional level, widely recognized and supported by legislation.

From our visits and contacts in the Mainland China we have seen many survey related institutes/associations established at state and provincial level. However, very few are in total match with our several divisions in terms of specialties or scope of work. At this stage, these bodies still maintain a strong tie with the parent government bureaus or departments, and the qualification and employment are closely inter-related.

What we are doing now is to establish contact with relevant bodies so as to better understand their work and business environment; to instill our system and practices to them for reference; to explore reciprocal recognition of qualification and collaboration; and to support each other in international scenes.

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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.

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

I share the view that there is tremendous potential for professional surveyors with Chinese characteristics in the Mainland to meet the future land and property development needs. And the demand is very huge indeed. One immediate action is to train up the youngsters with high aspiration locally. Perhaps then our training system can be used as a model with some fine-tuning. New courses and redesigned courses will be required within the various education institutes. There will also be a huge demand for suitable teaching staff and training supervisors. After that there should also be a system to ensure the high standard of professional ethics and practices.

I believe our Institute can and should contribute towards the promotion of surveying profession in the Mainland and the building up of the much-needed team of Chinese Surveyors. ☐

HKIS Extraordinary General Meeting on Proposed Amendments to the Constitution and Bye-Laws

The HKIS EGM will be held on 12 December 2002 at 5.15 pm in Room 607, Hong Kong Convention Exhibition Centre, 1 Harbour Road, Wanchai, Hong Kong.

Details of the two resolutions for voting (which are the same as for the EGM in May 2002) and voting forms have already been distributed. Members are kindly reminded to return their voting forms on or before 10 December 2002. Please contact the HKIS Office at 2526 3679 if you have not received the voting form.

HKIS Annual General Meeting 2002

The HKIS AGM will be held on 12 December 2002 at 6.15 pm in Room 607, Hong Kong Convention Exhibition Centre, 1 Harbour Road, Wanchai, Hong Kong.

Building Surveying Division

Raymond Chan, Chairman

We had two major functions this month: the Annual Building Surveyors' Conference and an APC Workshop.

APC Workshop

The APC Workshop for Building Surveying practitioners was completed on 5 October 2002. The format of the workshop was changed this year and was extended to a 2-day workshop. The purpose of having a comprehensive workshop is to let the practitioners know what is expected from a professional Building Surveyor.

The Building Surveying Council would like to thank the support of the participants and more importantly, we would like to express our gratitude to the following speakers and assessors:-

Speakers	Assessors
Mr Raymond Chan	Mr Alex Wong
Mr Raymond Cheng	Mr Andrew Ip
Ms Evalina Yim	Mr Andy Wong
Prof Barnabas Chung	Mr Cannon Wong
Mr James Pong	Mr Edwin Tang
Mr Augustine Chow	Mr Junkers Lam
Mr Robert Chun	Mr Kenneth Ng
Mr Andrew Fung	Mr Kenneth Yun
Mr Andrew Ip	

We received positive feedback from the participants. However, we are still looking for your comments and suggestions on improvement even if you did not take part in the workshop. Your feedback is important to plan for a better workshop in the coming years.

Building Surveyors Conference 2002 - Revitalization of Built Environment

This year, we had about 230 delegates attending the BS Conference held on 12 October 2002. We were pleased to have Mr John Tsang, the Permanent Secretary for Housing, Planning & Lands (Planning & Lands) of the HKSAR Government, to deliver

the keynote speech. There were 7 other distinguished speakers from local and overseas including BS practitioners, URA, university and contractor to address at the conference. While the presentation materials or papers will be uploaded in the HKIS website later, I would like to give a brief summary here for members' information.

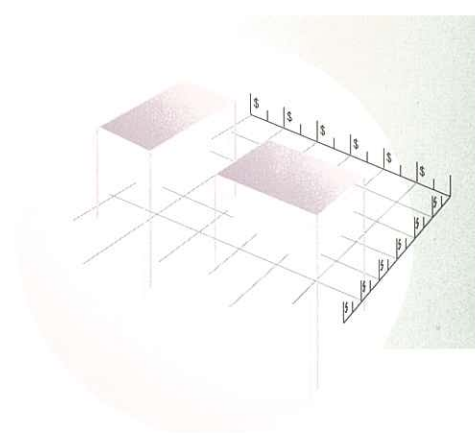
Mr John Tsang talked about the paradigm shift in urban renewal. They are now aiming for a self-financing urban renewal programme in the longer term. This measure will enable the Urban Renewal Authority (URA) to take on loss making projects that are worthwhile. Rehabilitation of older buildings and preservation of buildings that are of historical, cultural and architectural interests will be promoted in the redevelopment process. Moreover, street level revitalization could become a catalyst for further rehabilitation efforts by other building owners. Times Square in Causeway Bay is a good example.



Keynote Speaker: Mr John Tsang

Mr Stephen Boniface is a BS specialized in building conservation in UK. He was also the Chairman of the RICS Building Conservation Forum 2001. In the context of UK experience, he briefed us on the conservation principles, the listing criteria, the importance of consultation and the incentives schemes. Examples were used to illustrate the following conservation principles:-

- Meticulous recording (before and after works)
- Honesty in repair



- Minimum intervention
- Recognition of the sanctity of historic fabric
- Abstain from speculative restoration or reconstruction
- Respect past alterations that contain any conceivable historic interest
- Works should, wherever possible, be reversible

Mr Andrew Lam, Executive Director of the URA, elaborated their "4R"s (Redevelopment, Rehabilitation, Preservation and Revitalisation) and their pragmatic approach in achieving urban renewal. He brought out the issues on public expectation (e.g. compensation versus incentives) and practical difficulties (e.g. fragmented ownership and affordability). URA established a Task Force on Rehabilitation in May 2002 and you may hear more about URA's work in the near future.

Prof David Lung of the University of Hong Kong has been advising the Government on policies and strategies relating to heritage protection in Hong Kong since 1989. In Hong Kong, it is very difficult to retain buildings that are of historic value or significance because they are under private ownership or are not qualified as monuments. To overcome the difficulties, he suggested the adoption of "Transfer of Development Rights" mechanism and the addition of "Heritage" category in the OZPs.

Mr William Greaves is a BS working as a historic building consultant in Hong Kong. He talked about historic buildings in a modern city. Examples were used to illustrate the concepts on buffer zone, creating additional heritage, massing (scattered highlights, groups or historic town) and adaptive reuse.

Mr Kenny Suen is a BS engaged in the conservation of Lui Sang Chun at Shamshuipo. He went through the conservation process using the case study: conservation survey (household utensils, fixtures & fittings and fabric condition), cartographic survey, dimensional survey, study of aerial photos, coordination and analysis, stating significance and proposed adaptive reuse.

Mr Stephen Li is the General Manager of the main contractor for the reconstruction of Murray House at Stanley. He shared with us the technical difficulties in the reconstruction process and their solutions as well as the success of partnering.

Mr Alex Chan is a BS working in the Housing Department. He shared with us various revitalised projects on commercial premises under the Housing Authority. These projects are

mixtures of feasibility studies, A&A, refurbishment, project management, marketing and customer services.


A Discussion Forum was added this year in order to generate more new ideas and discussions. We will summarise opinions and suggestions from speakers and the floor in order to formulate recommendations for the relevant parties for follow up action.



Discussion Forum (from left): Mr William Greaves, Mr Andrew Lam, Prof Barnabas Chung (as facilitator), Mr Stephen Boniface, Prof David Lung and Mr Kenneth Chan

The market trend is now driving towards adaptive re-use, rehabilitation and revitalisation instead of redevelopment of existing buildings. In this context, the BSD Council will continue promoting our expertise as well as ensuring the necessary training and education. We hope BSs here can take a leading role in the sustainable re-use of existing buildings as our counterpart in the UK.

AGM and Annual Dinner

The Building Surveying Division will hold its 18th Annual General Meeting on 29 November 2002 at the Hong Kong Football Club, Happy Valley. As a tradition, the annual dinner will follow. Please do come and join the annual event. You may win a prize in the lucky draw! 

GENERAL PRACTICE DIVISION

Alexander Lam, Chairman

Annual General Meeting (AGM)

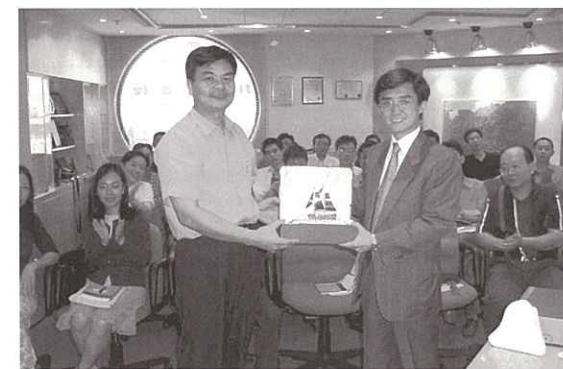
In the last Council Meeting members decided to hold the AGM on 5 December 2002 at the Everest Room, Pacific Place Conference Centre, 5th Floor, One Pacific Place, 88 Queensway, Hong Kong at 7.00 pm. According to the tradition, if not the GPD Constitution, all of the existing council members will continue to sit on board for one more year. As such "election of council members" will not be on the Agenda.

It will be a good opportunity for GP members to meet with the Division's council members. A cocktail reception has been arranged one hour before the AGM so that every member can enjoy a session of "happy hour".

On behalf of the GP Division, you are cordially invited to the cocktail reception and the AGM.

Visit from 廣東省地價評估中心

A delegation of 31 members led by 劉慶清主任 visited HKIS on 23 September 2002. The General Practice Division nominated the Honorary Secretary Serena Lau to organise a two-day program including seminars, talks and visits. The general comments on the program were very encouraging.

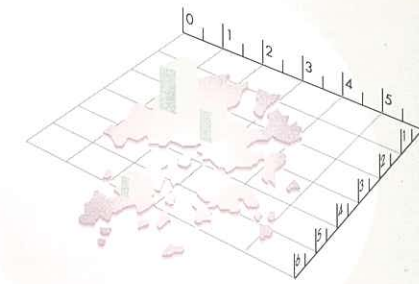


World Association of Valuation Organisation (WAVO)

The inauguration meeting was held in Kuala Lumpur, Malaysia on 12 October 2002. Twenty eight delegates from 15 real estate valuation organisations in different countries gathered together to witness the formation of WAVO. It is anticipated that by December 2005 the membership will grow to over 100 member organisations in 75 countries representing 300,000 valuers / consultants.

The objectives of WAVO include:

- (1) Supporting the consistent application of valuation standards and methodologies.
- (2) Encouraging standard terminology and worldwide transparency.
- (3) Improving educational and training opportunities.
- (4) Providing a quality assured WAVO accreditation to member organisations.
- (5) Working in parallel with the International Valuation Standards Committee (IVSC).



As soon as the endorsement from the Management Board is received, HKIS will be invited to join as a full member that is empowered with a voting right.

Founding Member Organisations are:

American Society of Appraisal	ASA
American Institute	AI
Australian Property Institute	API
Appraisal Institute of Canada	AIC
Singapore Institute of Surveyors and Valuers	SISV
International Valuation Standards Committee	IVSC
New Zealand Property Institute	NZPI
Royal Institution of Chartered Surveyors	RICS

Revised Rules and Regulations of Assessment of Professional Competence

The Council had discussed and endorsed the following recommendations made by the APC, Education and Membership Committee.

(1) External Supervisor / Counsellor

In view of the current economic conditions, students will be accepted to sit for the APC if he or she can find an external supervisor / counsellor practising in a firm other than that of the student.

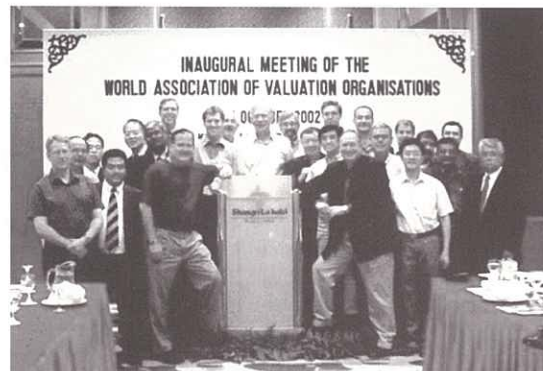
(2) In the written test, the requirement for all candidates to attempt one compulsory question on valuation has been lifted. Those candidates engaged in agency, property management or other non-valuation practices will have a wider choice of questions.

Messages from the Media and Publicity Sub-Committee

This is a newly formed committee aimed at increasing our public recognition of the scope of services a General Practice Surveyor can deliver. The sub-committee will deliberate on topics / areas in the living environment and real estate market in Hong Kong, conduct survey collaboration with university students, and will announce our survey findings through different channels of media. Six working groups, each to initiate one topic, has been formed and they are:

Group 1	Mr Simon Cheng, Ms Li Li Chiu
Group 2	Mr SK Pang, Mr Lawrence Poon
Group 3	Mr CK Lau, Mr Jim Yip
Group 4	Ms Serena Lau, Mr Ronald Cheung
Group 5	Mr Francis Lam, Mr Bernard Chan
Group 6	Mr Rock Tsang, Mr Simon Lai

If you are interested in joining this sub-committee or would like to work with your council members please do not hesitate to call Ms Serena Lau at 2735 2884, e-mail address info@rhl-appraisal.com or myself at 2507 0577, alexander.lam@dtz.com.hk.



LAND SURVEYING DIVISION

2002 年粵港澳測量師學術交流聯誼會

陳志端

一年一度的粵港澳測量師學術交流聯誼會於 10 月 10 及 11 日在廣東省汕頭市舉行，香港參加者有 35 人、澳門有 5 人、廣東 (主要是汕頭市) 也有 30 餘人。

大會於 10 月 10 日下午在汕頭市規劃與國土資源局 10 樓會議室開幕。主席團包括廣東省國土資源廳張新民副廳長、廣東省測繪學會王偉民理事長、廣東省國土資源廳測繪管理處葉炳楷處長、廣東省國土資源廳科教處張泰文副處長、廣東省測繪學會張書欣秘書長、汕頭市規劃與國土資源局劉執寰局長、朱家棟副局長、澳門地圖繪製暨地籍局陳漢平處長和香港測量師學會土地測量組黃仲衡主席。

賓主互致歡迎詞後，劉局長首先介紹汕頭市城市總體規劃 (2000 - 2020)，他們總結汕頭城市建設教訓，借鑒和學習國內外先進城市的經驗，根據社會發展的需要，決定了規劃的技術路線，最後規劃的成果包括長短期目標和策略、城市性質與規模、總體佈局、綜合交通網、市政建設和遠景構想等等。

劉局長講解完畢後，汕頭市測繪研究院的汕頭市基礎地理信息中心介紹了他們這幾年來在數字化汕頭的進展、地形圖數據庫及其管理系統和汕頭市基礎地理信息系統在城市管理和經濟建設中的應用和前景展望。

大會受到多方面的關注，汕頭電視台和汕頭日報都報導了這個大會盛況。汕頭市黃世忠副市長更出席了晚上在龍湖賓館舉行的歡迎晚宴，並表達了汕頭經濟特區和港澳的關係。黃市長平易近人，非常謙虛，他屢提及汕頭借港澳土地管理的經驗，希望汕頭的發展能更上一層樓。

餐後有關當局特安排各參加者夜遊汕頭市，各嚮導都是規劃測繪研究院高級人員，所以對每一景點都詳細解釋，包括歷史背

HKIS LSD Annual General Meeting (AGM)

The HKIS LSD Annual General Meeting will be held on:

**Wednesday, 20 November 2002 at 6:30pm,
Room 605, Hong Kong Convention and Exhibition Centre,
Wanchai, Hong Kong**

Please be reminded that nominations of Officers and Members of the 2002/2003 HKIS LSD Council should be made by completing the Nomination Form and returned to the LSD Hon.

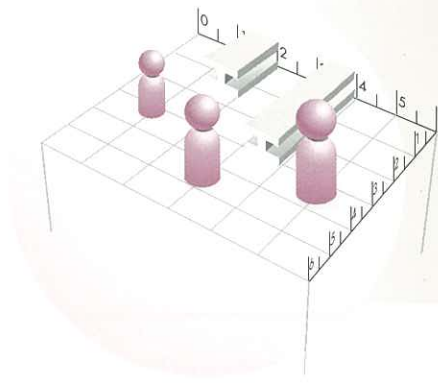
Secretary on or before **6 November 2002**.

The completed Proxy Form for AGM must also be sent to LSD Hon.

Secretary on or before **13 November 2002**.

Both the Nomination Form and Proxy Form should be addressed to:

LSD Hon. Secretary
The Hong Kong Institute of Surveyors
Suite 801, 8/F, Jardine House,
1 Connaught Place, Central, Hong Kong



景和未來規劃。遊覽集中在北岸城區，這裡是汕頭的心臟，建設很有成績，難怪獲得全國衛生城市，嶺東門戶，華南要沖等稱號。

10月11日是大會最重要的一天，大清早團員參觀了汕頭市規劃和國土資源局檔案館，這裡不但存放10餘年來政府批出和收回的土地檔案，更有些從前清朝及民國的檔案，他們參觀了地下一站式辦文窗口，並參觀各層和產權有關的管理系統，對局方的現代化管理，例如張貼各職員的相片和名字，各項申請所需日數和投訴機制等都留下極深刻的印象。

離開規劃和國土資源局後，成員匆匆走到繁華的長平路對面，這是八年前成立的汕頭市房地產交易中心，汕頭各主要地產公司在這裡都有辦事處，還有二手樓宇櫃台，真像一個購買樓宇的超級市場，此外政府拍買土地使用權，也在這裡舉行，參觀完畢後成員到會議廳，聽取中心曾主任的報告和錄像帶。這個交易中心得到了省政府的高度評價。

上午最後一個詳項是參觀在東廈路的汕頭市測繪研究院和汕頭市規劃研究院，因為團員多是土地測量師，所以在此特別感到親切，他們詢問很多有關導線、基準和空攝圖片的問題，他們對一些專題地圖，例如洪水泛濫地圖等都非常有興趣。



下午團員一口氣參觀了韓江路的錦泰花園和附近的翠茵景苑、帝苑三個著名屋苑，這些屋苑都是這兩、三年才建成，各有各的特色。我們在錦泰花園走了一轉，參觀了極現代化的中央監察系統，在翠茵景苑參觀了極特色的會所，裡面的水晶鋼琴便值六十八萬元，最後參觀了銷情極佳的帝苑。

為了爭取時間，朱家棟局長選擇了在帝苑的會議室舉行學術交流，粵、港、澳分別報導最新測量發展和未來展望，各方面都感覺這次交流獲得滿意成果，增加了解和友誼，黃主席更邀請各方參加明年在港舉行的交流聯誼會。

這天晚上筵開八席，賓主言笑甚歡，大家舉杯痛飲並祝賀明天會更好。☺

QUANTITY SURVEYING DIVISION

Nelson CHENG, Chairman

CPD

The 2nd visit to IFC Two site was conducted on 28 September 2002. The visit was very successful and we had the last chance to see the structural steel frame before it was covered up. Special thanks to Mr Johnson So for organizing the visit.

The coming CPD events include the following:-

25 Nov 2002 Introduction to Construction Arbitration Practice - Appointment of Arbitrator, Preliminary Meeting and Interlocutory Applications (Mr H F Leung)

2002 APC

Changes have been made to the Rules and Guide to the Assessment of Professional Competence, Quantity Surveying Division, February 1998 and the new Rules and Guide, dated September 2002 have now been published.

The most important change is that if a Candidate changes his/her employer, supervisor or counsellor, he/she must notify the Institute using the latest prescribed form within one (1) month of the change. Otherwise, experience gained after such change and before the receipt of the notification by the Institute will not be accepted.

The following changes have also been made:

1. Area 2.2.1 for "Preparing bills of quantities" has been clarified to include "Preparing measured schedules of quantities and rates" (instead of Area 2.2.2 "Preparing specifications and/or schedules of rates").
2. Area 2.5.10 for "Bankruptcy and liquidation" has been expanded to include determination and termination.

Changes have also been made to reflect the following current practice, which have already been made known to Candidates by way of supplementary documents:

1. The Supervisor and Counsellor should be of 2 years standing after qualification.
2. Basic training on topics like measurement rules and techniques would not be admitted for PQSL as this should be the routine part of the Candidates' normal work. CPD video sessions should not be more than 80% of the total time for PQSL.
3. Candidates are encouraged to record more than the minimum 40 hours of PQSL just in case some of the hours are not accepted.
4. There is no right of appeal against the Assessors' decisions made during any part of the Assessment process and no correspondence with the Candidates will be entered into in respect of any request for explanation of such decisions or appeals against such decisions.
5. The re-assessment fee paid by a referred Candidate will be refunded if the Candidate is not admitted by the Institute for re-assessment. Under all other circumstances, any fees paid in connection with the APC will not be refunded.
6. Area 2.5.13 for "Technical audits" has been clarified to exclude checking and bulk checking which is an essential part of a service.
7. Area 2.5.14 for "Office management" has been clarified to exclude clerical work such as filing, packing, office relocation, etc.

Chinese/English Construction Terms Glossary

The HKIS together with CECA (China Engineering Cost Association) has jointly compiled a Chinese/English Construction Glossary. The Glossary is now under final vetting and editing by our Council members James Longbottom and Patrick O'Niell. The Glossary is expected to be published shortly before the Chinese New Year.

7th PAQS Congress, Tokyo 2003

The PAQS 2003 Congress will be held at the Tokyo International Forum on 23-27 June 2003.

7th Pacific Association of Quantity Surveyors Congress

When **23-27 June, 2003**
Including ICEC Region Conference and Optional Tours

Where **Tokyo International Forum**
5-1, Marunouchi 3-chome, Chiyoda-ku, Tokyo, Japan

●Registration Fee		●Accommodation & Fee		
Full	Partner	Hotel	Single	Twin
30,000yen	10,000yen	IMPERIAL HOTEL	28,000yen	19,500yen
		YAESU FUJIYA HOTEL	18,000yen	16,000yen
		GINZA CAPITAL HOTEL	12,000yen	9,500yen
		TOKYO HOTEL URASHIMA	9,000yen	7,500yen

Program (Subject change)

23 June (Mon) Registration from afternoon
24 June (Tue) 7th PAQS Board Meeting (by delegates)
ICEC Region Conference
Welcome Party in the evening (by delegates)
25 June (Wed) First Technical Seminar
26 June (Thu) Second Technical Seminar
Theme: Relation between QS, PM and IT environment
Farewell Party in the evening (all members)
27 June (Fri) Optional Tour

Optional Tour: 24 to 27 June, 2003
Four different tours
Tokyo Bay Area, a famous tourist area in metropolitan area.
(Details provided separately)*Tours for partners will begin from 24 June.

Contact:
The Building Surveyors' Institute of Japan (BSIJ)
Sunrise Hills Building, 16-29, Shiba 3-chome, Minato-ku, 105-8014, Japan
Tel: +81-3-3453-9501 Fax: +81-3-3453-9507
URL: <http://www.bsi-j.or.jp>

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E-mail: ptr-intl@ex.knt.co.jp

2002 QSD AGM

The QSD AGM will be held on 2 December 2002 at the World Trade Center Club. A formal notice of the meeting and the nominations of office bearers and council members was sent to all members around late October. Those members who would like to join the QSD council next year are welcome to contact me at nelsoncheng@levettandbailey.com for information.

End of Two-year Chairmanship

This is the last month of my two-year chairmanship of the QSD Council. Due to the downturn of the economy in Hong Kong, the general professionals in the construction industry including surveyors are now suffering the worst and longest depression ever since 1970. We have been in good years for a long time and now we really have to look at other opportunities and diversify the scope of our services rather than just relying on our traditional services such as construction cost management and the Bills of Quantities. The QSD Council has in the past few years been trying very hard to establish the status of the QS professions in the Mainland China. Especially, we have established a strong link with the CECA and tried to obtain recognition of our HKIS membership for practicing in China. I am sure that our incoming chairman would continue our aim and effort under his able leadership. Lastly, I would like to thank all the QSD Council members who have supported me in the last two years. Special thanks to our past Chairmen and lady, T. T. Cheung, Tommy Yim and Anita Liu who have been continuously using their valuable experience in assisting us to establish a close relationship with our counterparts in China and in the World. ☞



香港城市大學
City University
of Hong Kong

City University of Hong Kong is a young and dynamic institution directly funded by the Government of the Hong Kong Special Administrative Region through the University Grants Committee (Hong Kong). Its strategic plan is an ambitious one, reflecting its aspirations to become one of the leading universities in the Asia Pacific region by achieving excellence in teaching and research. The student population is approximately 18,500 (11,800 full-time and 6,700 part-time). The medium of instruction is English.

Applications are invited for the following posts:

Associate Professor/Assistant Professor Department of Building and Construction [Ref. A/407/09]

The appointee will carry out teaching and research in Building, Surveying, Building Services, Construction Economics or Construction Management. He/She will need to take up administrative duties.

Qualifications for Appointment

A PhD in Building, Quantity Surveying, Building Surveying, Building Services, Construction Management or related area. Membership in construction related professional institution (Building, Quantity Surveying, Building Surveying, Architecture or Engineering) required. A minimum of three years' industrial and professional experience and related experience in teaching/research preferred.

Monthly Salary and Conditions of Service

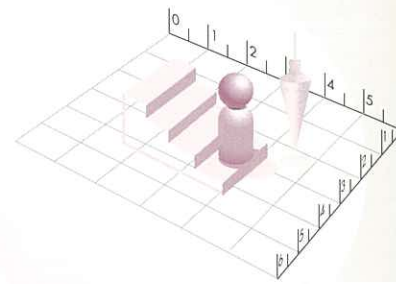
Associate Professor : HK\$72,020 to HK\$96,745 per month
Assistant Professor * : HK\$46,355 to HK\$77,435 per month

*Appointees at the level of Assistant Professor with salary at HK\$65,050 per month or above may be considered for the title of Associate Professor.
(Exchange rate: US\$1 = HK\$7.8 approximately)

Appointment may be offered on superannuable terms with provision for superannuation benefits or on fixed-term gratuity-bearing contract with contract-end gratuity. Generous fringe benefits include annual leave, medical and dental schemes, and housing assistance where applicable.

Information and Application

Information concerning the posts and the University is available at website <http://www.cityu.edu.hk> or e-mail "hrmail@citylnk.cityu.edu.hk", or from the Human Resources Office, City University of Hong Kong, Tat Chee Avenue, Kowloon, Hong Kong (Fax : (852) 2788 1154 or 2788 9334/E-mail: hrrecrut@cityu.edu.hk). Please send your application in the form of an application letter enclosing a current curriculum vitae to the Human Resources Office by **28 February 2003**. Please quote the reference of the post in the application and on the envelope.



JUNIOR ORGANIZATION

Jim Yip, Hon. Secretary

A Full Monty 六顆赤裸裸的心

The only armour they wear in pushing forward the JO frontier is PASSION - a Naked Passion!

In many ways the name Junior Organisation belies our power and contribution: we have the largest manpower, theoretically covering nearly half of the existing total HKIS members; we have the strongest financial muscle amongst all divisions; like other divisions we have the full autonomy in running our affairs; we actively seek out interaction amongst members from all four disciplines as close as possible; we go into universities and colleges to promote the profession; we speak for our young members' interest and we ensure our voices are heard in every decision affecting us such as membership review and APC reform.

This is the fine JO tradition and spirit. For all the past years the JO has been the cradle for future leaders, in the profession and in the industry. Simply because in JO we believe in ourselves and we are willing to help others. This month, we asked six JO leaders comprising the former, present and incoming chairmen to give testimony to their unique JO experience. One common trait they share: they all show the true JO colors with pride!

Andy Wong
1997 - 1998 JO Chairman

"It is surprising to notice that I am the oldest JO Chairman amongst the six! Those good old days when I could claim myself as junior surveyor seem quite far away. But I can still recall my very first JO meeting: sitting alone in the corner, a shy boy without saying a word during the whole meeting. Such an embarrassing situation was not for long as I began to develop a friendship with other members. Participating in various activities, taking up more responsibilities, step by step, the shy boy was growing up fast

and subsequently became a Chairman. My job was made easier with so much support and encouragement from my fellow committee members.

I am so glad to see the current JO so innovative and energetic. They are the new generation of surveyors with a bright future. Jim asked me to provide a professional-looking photo for him. Here you are, a professional daddy with my lovely son, a new generation of mine!"



Antony Man
1998 - 1999 JO Chairman



One of the major functions of JO is to serve and look after the needs of our young members in all aspects of professional development, career as well as leisure. Being the Chairman of the JO, he also provides the link among the Institute, the senior members and the young members.

In the JO committee, we have surveyors of different discipline who can share and broaden the spectrum of experience in work and life. I remembered the most enjoyable session (dinner time at our "canteen") for the committee members after finishing the monthly meeting at 8.30 pm or even 9.00 pm. Exchange of ideas, further discussion on issues at the committee meeting, recent projects undertaken and gossip.... Unfortunately, our "canteen" closed about two years ago. What a pity!

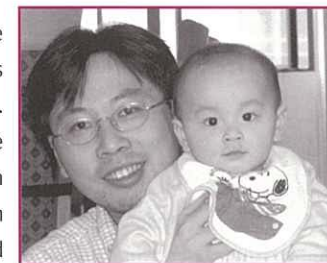
Although it is not an easy time for the survival of our young members nowadays, you have to work harder and harder in order to secure your job, however don't forget your social life, which should be developed in parallel with your professional experience. It is also important in your career path. I can assure you your effort and time spent in the JO will not only benefit others but will also furnish your life and experience. Maybe you will have more career opportunities.

At last but not the least, I would like to list below our previous JO Chairmen before Andy. Have you met them on any occasion?

1984-85	(unable to trace)	1991-92	K S KOH
1985-86	Peter HART	1992-93	Samuel HUI
1986-87	Brian REID	1993-94	Stephen LAI
1987-88	David FAULKNER	1994-95	Philip KAM
1988-89	N ST JOHNSTON	1995-96	Robin LEUNG
1989-90	David SO	1996-97	Kempis LAM
1990-91	T T CHEUNG		

Y. C. Chan
1999 - 2000 JO Chairman

"It was my honour to be the first JO Chairman in this millennium (1999-2000). Throughout that year, there was some "pressure" in organising activities. But with our totally committed committee members' support, they were all turned into "pleasure" (e.g. Education & Careers Expo, Term Visits to



universities, CPDs, social events, nomination of vehicle registration marks auctioneers...etc.)

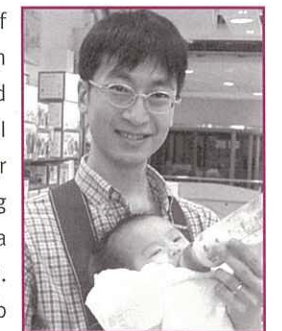
To me, being a Land Surveyor in the JO committee for several years, I could not be more happy than to have such a privilege to broaden my vision/exposure by exchanging experience and establishing relationships with friends from different divisions and from different sectors. Such opportunity was definitely an intangible valuable asset in my career and my life!"

David Wan
2000 - 2001 JO Chairman

"What do you think you are doing when you burn the midnight oil preparing for your APC? Join a club with your hard-earned qualification so that you can shout to the world that you are a professional surveyor? But what next? Not a clue. I held this attitude until I participated in one HKIS event in 1996.

It was a Beijing visit to the local land authorities and practitioners. In this trip there were many senior surveyors and I mingled with them for days and nights. The most interesting part however, was that I found out that some of these seniors, some who looked poker-faced in their Newsletter portraits and some of them who were so-called "APC killers", were indeed, hugely fun-loving people. They could disco all night in the Hard Rock Cafe and go wild like many of us usually do at Karaoke.

Since then I participated in more of the HKIS events and began an involvement in JO, thanks to the kind encouragement from Andy Wong. I started organizing events for members and developed a growing interest for it. It really opened up a new window in my career and my life. Believe me and join us. Run our club and make it prosper and fun!"



Nathan Lee
2001 - 2002 JO Chairman



"Remember what I said in my opening speech in the AGM last year? I called for a spirit of "積極參與 同步向前" - Journey Onward" and every one of us, office bearers, council members and student representative, has spared no effort in moving the JO boat forward and onwards. The chemical effect of our creativity, initiative and solidarity has made JO this year more lively and energetic. It will be our wonderful memory.

This is my sixth year in JO. I had been a beneficiary in the past through many of the excellent JO events. I hope I can be a contributor now and in the future.

However, there is one issue I am eager to promote but sadly that has not been put into agenda. As most of the people in this world are all eyeing on the huge market opportunity in PRC China following its WTO entry, we surveyors should not be a latecomer to this treasure land. One way to put forward our steps is to encourage our young members to work in China. They are most suitable because they are young to take risks. They have less family burdens so that they can be more adventurous. However, the current APC system discourages them to do so because working experience in China has not been recognized as a part of the required training. Therefore, I hope the new JO can gear up efforts to reflect this issue to all divisions and hopefully the APC system could be reviewed as soon as possible."

Sunny Chan
2002 - 2003 JO Chairman



"I am very proud of the achievements we made this year. We go forward, because we have the vision; we do things differently because we observe no custom and we must be bold in our thinking and fear no mistakes; we work harder because we have heard so many touching stories from our young members battling with hard times and we are driven by these.

In JO we foster the value of freedom and spirit of reinvention amongst our young members. We provide encouragement and support. The only thing we ask is Be Creative!

Our journey is not finished. As the new JO Chairman, my task ahead is nothing but daunting and yet challenging. Your strongest support and commitment to JO are important to make 2003 JO reach another new height.

My mission in 2003 will be to strive for excellence in our professional standard and a brighter future for the surveying profession, through organising more quality CPD events, APC workshops and technical visits."

New JO New Vision

You have heard this before: the JO experience is unique and enriching. The activities are fun and pleasurable. The friendship is real and lasting. Join the 2003 JO team now to expand your horizon and enhance your skills. Send an e-mail to the new JO Chairman at sunny.chan@hld.com to find out more about the JO vision in 2003.

Defining the Leading Edge

What are the top US Real Estate schools teaching now? Ideas for young surveyors to sharpen the competitive edge.

We have recently done a research on what the top US Real Estate schools are now teaching. They offer a wide array of programs focusing on real estate issues, some of them which were not available during our time as students. The study has shed some lights on the interesting developments in real estate and areas where we as professionals should work on more.

Real estate in future will become more liquid, more public, and more global. These changes have attracted financial innovators, offering new opportunities and posing new market challenges. As a result, while traditional disciplines such as development, construction and finance continue to provide important tools and perspectives, there are new techniques that the successful real-estate practitioner must utilize.

Real Estate Capital Market by Columbia Business School

Examination and analysis of the growing integration of real estate finance and global capital markets. Covers real estate equity and debt securitization, IPO structuring, debt underwriting and rating agency processes, swaps and other hedging instruments, CMBS structure and pricing and the role of corporate versus project finance. The course includes a real estate mutual fund portfolio game, with presentations to a panel of real estate finance professionals.

International Real Estate Investment and Finance by the University of Wisconsin-Madison

Historically, real estate was a local business. What was happening on the other side of the street was important, but what was happening on the other side of the world was not. Over the past 20 years, however, the real estate and its capital markets have gone global. Today, investment capital and property finance know

few boundaries, as investors and lenders seek out opportunities far from home. For example, the recent restructuring of the German financial services system has significantly impacted on US real estate capital markets and cross-border investment finance transactions around the world. This course is designed to give a thorough and timely introduction to the globalization of the real estate capital markets and a practical understanding of the risks and rewards of doing business globally.

Urban Economic Development and Real Estate Market Analysis by Kellogg School of Management, Northwestern University

This course deals with why cities exist, where they are located and grow, and how real estate values flowing from such urban development are sustained or eroded. It examines concepts such as economic base analysis, multiplier/accelerator, leading indicators, and other tools of high value in local real estate market analysis. The concepts are applied to office, retail, industrial, hotel, and residential properties through cases, problems, and specific property analysis.

E-Commerce and Real Estate by the Haas School of Business, University of California Berkeley

The course teaches the steps to create an e-commerce firm. The methods and analysis apply to all e-commerce firms, but include key examples and special applications to real estate. The course challenges students to create business strategies that allow for the correct mix of bricks and clicks in such diverse activities as retailing, auctions, warehousing/distribution, insurance, and real estate services.

Real Estate Entrepreneurship by Wharton MBA Real Estate Program University of Pennsylvania

Commercial real estate represents a fertile area for young entrepreneurs as its asset base and relatively predictable cash flows allow for substantial debt financing for entrepreneurs possessing limited equity. This course focuses on identifying

realistic opportunities, how to develop the concept, identifying and mitigating risks, raising capital, and exiting.

Leadership in Real Estate by MIT Center for Real Estate

Success in the real estate industry is driven in large part by effective business relationships, from deal making through project completion. What makes the process work well from beginning to end? Beyond finely tuned technical skills, what does it take to close a deal and complete a project? What is the art behind the science? It's all about "leadership". This seminar focuses on the individual participant and the development of his or her "leadership" capabilities.

CPD/PQSL Event Reports

**Denotes the presentation files are available from the JO website*

Dim Sums of Compensation Claims

written by Danny Cheung

Compensation for Land Resumption in HK and Expropriation in Canada on 19 September 2002*

Under the Lands Resumption Ordinance, owners can ask for compensation under various heads of claims. The claims look as salivating as the dim sum dishes, except that they can not be ordered frivolously. The reasonableness of each claim must follow the strict set of rules stipulated in the Ordinance and many other legal precedents, says the CPD speaker **Daniel Cheng** of Chesterton Petty, a firm that has a land resumption specialist team for the West Rail, East Rail Extension and SPUR Line project.

Through an intriguing land resumption case study of a site in Vancouver, Canada, in which three adjoining site owners claimed a higher compensation for their site values could fetch higher in a joint redevelopment, Daniel highlighted the salient similarities and differences between the Expropriation Act in Canada and our Lands Resumption Ordinance. He also compared two Hong Kong

Lands Tribunal cases with the Canadian one to see the similarity of their compensation principles and rationales. In addition, he shared his views on what provisions could be included in the Ordinance, by reference to the Expropriation Act, to give further protection to the claimants and to shorten the claim time.

We thank Daniel for this interesting talk. Daniel also gave a similar talk two months ago in our PQSL program. That talk was also over-subscribed and received a hearty response from our participants.



Build on Ground Knowledge Project Management of an Elderly Center Renovation Project on 28 September 2002*

We have been told many times that a good project manager needs solid technical knowledge as well as strong skills in managing people. But how does it really translate into the day-to-day work? In this PQSL on project management **Horace Lam**, a building contractor with 20 years on-site experience, shared with 30 members the hands-on experience, for example, the approach to handle clients, consultants and property managers, the proactive solutions to manage project delay, the cost-effective ways

to clear up debris, an area easily overlooked by most but a worthwhile effort to salvage the already thin profit margin. Illustrated with lots of real-life examples, he disclosed the problem-solving techniques in the big five areas of most concern by an experienced project manager, namely quality control, progress control, budget planning, safety provision and site management. This was a very insightful experience-sharing session and our audience was captivated by Horace's outstanding presentation.



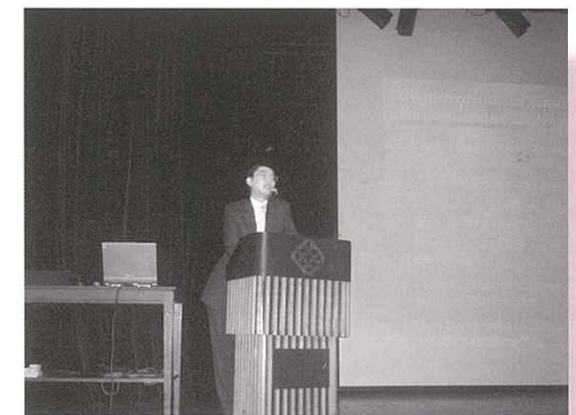
JO's note: Both Daniel Cheng and Horace Lam are active members of the newly found Surveyors Fellowship, which meets once a month. Members who are interested in joining their next gathering please e-mail to Horace at lam_horace@hotmail.com

Yau Tong Bay Redevelopment Has Cleared One Major Hurdle : Case Study on Yau Tong Bay Environmental Impact Assessment on 10 October 2002*

Yau Tong Bay is an old, worn-out and dirty industrial and shipyard town. The exiting land use form increasingly looks incompatible with the mass residential developments at the back of the site. But redeveloping the area is a mammoth task.

First, it involves multiple land ownership and most of the big developers in town have an interest. It had taken more than 10 years for the developers to bundle their interests together and form a joint-venture consortium in the redevelopment project, and yet there are still three remaining lots refusing to join the pack. Second, it involves reclamation on our harbour and under the Environmental Impact Assessment Ordinance (Cap.499), the developer is required to submit a detailed Environmental Impact Assessment (EIA) report to the Environmental Protection Department (EPD). With the increasing awareness of the public towards environmental protection and more stringent controls posted by the EPD, the developer needs to pull all the stops to convince the government and the public that they will take great care to clear up the contaminated land and the project will benefit the society with clean air, better transport, more open space and removal of an urban eyesore.

In this CPD, Mr Augustine Wong, general manager of Henderson Land Development Co. and the lead project manager, shared how his project team has tackled a myriad of environmental issues in the past two years. The project finally got the EIA approval in April 2002. We thank Mr Wong for this insightful talk and his presentation file can be downloaded from the JO website <http://devoted.to/hkisjo>.



PQSL Schedule in December 2002

Date	Topic	Speakers
7 Dec	Records related to Land Boundary Survey	Winky Wai, Lands Dept
14 Dec	Brief Introduction to Building Legislation	Anny Law, Buildings Dept
21 Dec	Residential Investment and Management Practice	Cherry Lai, Hongkong Land
28 Dec	How to Value a Residential Site?	Macey Ho, Asia Pacific Properties

For the latest CPD/PQSL presentation files, visit the JO website: <http://devoted.to/hkisjo>

School Visit

Young Surveyors Pay Their Debts in a Visit to their Old School's Careers Day on 10 October 2002

For both David Wan, the immediate past JO Chairman, and Jim Yip, the current JO Hon. Secretary, participating in La Salle College's careers day had a special meaning to them. It was the same careers talk some ten years ago that helped them leave behind the predicament of leaving without a job and further schooling - a term we are now very familiar with "double whammy kid".

"Thanks to old boy Francis Choi, former partner of Jones Lang Wootton and a speaker at that time, we got a job in the firm as valuation trainees and a study opportunity from the College of Estate Management," says David. So speaking on the school's careers day is the least thing they could do to show their gratitude, according to Jim, also the convenor for the old boy real estate chapter (<http://lscsurveying.blogspot.com/>).

The career program, seen as the most comprehensive one in

recent years, boosted a wide range of careers' talks from the music industry to entrepreneur to surveyors/ architect. Beginning with a story of the school's early 80s' property deal with a developer that resulted in a new campus, David and Jim trumpeted loud the significant contributions that surveyors have made in modern society and introduced the four disciplines of the profession to students. Nicholas Wong, a former investment banker, shared with the students his work and experience in real estate investment banking business.

JO recognizes that the secondary school visit is the most important venue to promote surveying profession. By meeting and speaking directly to college students, not only can we raise the profile of the profession but we can also draw in more talents to take on the surveying course and career. So far we have visited two secondary schools this year. The next visit will be made to St Paul's Co-ed College on 22 October 2002.



Meeting the future surveyors from La Salle College

Send your comments to jimyiphk@yahoo.com

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- 歡迎有經驗管理人員參加，未有學士學歷者亦可報讀

開課日期： 2003年3月

截止報名日期： 2003年1月

WWW.HKMA.ORG.HK Tel: 2774 8500 Fax: 2365 1000

Top Floor Unit M, Phase III, Kaiser Estate, 11 Hok Yuen Street, Hunghom, Kowloon

索取章程 Master of Environmental Engineering Management (MEEM-42921-2003-1) 工程管理碩士課程 (MEMB-42948-2003-1) MSUR

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A CASE FOR MEDIATION

John B Molloy, LLB(Hons), BSc(Hons), FHKIS, FRICS, FInstCES, MCI Arb, RPS(QS)
Managing Director, James R Knowles (Hong Kong) Limited



I am a big fan of mediation. Over the last ten years I have seen many disputes resolved by mediation that both parties initially thought impossible to settle. The time and expense of arbitration proceedings were thus avoided. It is for this reason that whenever a client tells me that he has a dispute, which is unsuitable for mediation, because it is too large, too important or just too difficult, I always recommend that mediation be at least attempted.

Mr Justice Lightman in the High Court of Justice in England echoed this positive approach in the case of **Hurst v Leeming**. He said that when the parties are making an objective assessment of the prospects of mediation, the starting point must be the fact that the mediation process itself can and does often bring about a more sensible and more conciliatory attitude on the part of the parties than might otherwise be expected to prevail before the mediation, and may produce a recognition of the strengths and weaknesses by each party of his own case and of that of his opponent, and a willingness to accept the give and take essential to a successful mediation. What appears to be incapable of mediation before the mediation process begins, he commented, often proves capable of satisfactory resolution later. This entirely reflects my experience.

The case of *Hurst v Leeming* is in fact a very interesting one because it shows the current attitude of the courts in England to alternative dispute resolution and in particular, mediation. The facts are also interesting because they show a case where one party becomes so obsessed with pursuing its case that all reason seems to disappear.

Mr Hurst was a solicitor who had a major disagreement with his partners. He brought proceedings against them, in which he was represented by a firm of solicitors called Penningtons and in turn by Mr Leeming as his barrister. His failure in those proceedings led him to bankruptcy, and he was so disappointed with Mr

Leeming's performance that he attempted to take action against him for the negligent manner in which he thought he had handled his case.

However, at that time it was not possible to sue a barrister for negligence in his handling a case in court, and so Mr Hurst firstly sued his solicitors Penningtons on the basis that they were vicariously liable for the negligent conduct of the proceedings by Mr Leeming.

When that action was struck out as hopeless he then commenced fresh proceedings against Penningtons for their purported negligence in employing Mr Leeming. However, that action was struck also out, this time because it was an abuse of process.

But Mr Hurst was not to be denied, and he then had what he considered was a stroke of good fortune because the House of Lords in the landmark cases of **Arthur J S Hall & Co v Simons** [2000] 3 WLR 543 decided that a barrister could be sued for negligence in the conduct of proceedings.

Mr Hurst duly brought an action directly against Mr Leeming in negligence, but whilst this case at least got to trial it was again dismissed and again Mr Hurst lost.

The question of costs then arose. Mr Hurst argued that Mr Leeming should not be entitled to reimbursement of his costs (as he normally would have been) because he had invited Mr Leeming to mediate the dispute rather than litigate and that offer had been refused.

So, the first question before the court was whether one party's refusal to mediate should be taken into account by the Court when making its award on costs?

The court answered in the affirmative. They confirmed that a refusal to mediate, where mediation offered a realistic prospect of resolving a dispute, could result in that party being penalised in costs. In making this decision it was recognised that whilst

mediation is not compulsory the professional negligence pre-action protocol lays down that in proceedings for professional negligence, if one party offers to proceed to mediation, and the other party refuses, that party should state his reasons. The court said that it was implicit in this protocol that a party who refuses to proceed to mediation without good and sufficient reasons may be penalised for that refusal.

So did Mr Leeming have good and sufficient reasons to refuse to mediate? Well the court examined Mr Leeming's five reasons, and its commentary on these reasons provides a very good indication of the factors that the courts do and do not consider relevant when considering whether a refusal to mediate was reasonable.

Mr Leeming's reasons were that:

- He had already incurred significant legal costs in the threat of proceedings and if he went to mediation he would not be entitled to claim these costs back from Mr Hurst.
- The allegations against him were very serious in that they were that he had been professionally negligent.
- The claims against him totally lacked substance.
- There was a lack of any real prospect of a successful outcome to the mediation proceedings. This was particularly because it was clear that Mr Hurst's intention in proposing mediation was to obtain a substantial financial payment from Mr Leeming when in fact there was no merit in the claim.
- The character of Mr Hurst was of a man obsessed with the notion that an injustice had been perpetrated on him, who would not be able or willing to adopt in the course of mediation the attitude required if mediation was to have any prospect of success.

In examination of these points the court, firstly, did not accept that the fact that heavy costs had already been incurred was any form of justification. This was merely a factor to be taken into account in the mediation process and any settlement. Nor did the court accept that it was sufficient that there was an allegation of professional negligence. It was considered that practically all allegations of negligence against a professional man were serious but that was no reason why an attempt should not be made at mediation. Thirdly, the court did not accept the fact that a party believes that he has a watertight case again is justification for

refusing mediation. The court considered that many litigants were of that frame of mind when entering litigation.

The court considered however that the critical factor was whether the mediation had any real prospect of success. If mediation can have no real prospect of success, the court held, a party may refuse to proceed to mediation without fear of criticism. But whilst the judge noted that this was a difficult test to satisfy he also noted that the character of the parties may well be significant in any such considerations.

In this particular case the judge held that he accepted that Mr Leeming was justified in taking the view that mediation was not appropriate because it had no realistic prospect of success for five reasons as follows.

- First, Mr Hurst, despite being a solicitor, had appeared incapable of appreciating the full and clear explanation given refuting his claim.
- Second, prior to the present action, Mr Hurst had already commenced two hopeless and entirely un-meritorious actions against Penningtons.
- Third, Mr Hurst was a bankrupt who had nothing to lose in the proceedings.
- Fourth, the evidence and pleadings revealed that what really concerned Mr Hurst was the conviction that his former partners were fraudulent, and the conduct of the trial by his legal advisers let them get away with it. However, Mr Hurst never alleged fraud in the partnership action.
- Fifth, and finally, Mr Hurst was out to obtain a substantial sum in the mediation process. He was not likely to accept any mediation which did not achieve that result, though his claim plainly entitled him to nothing.

So Mr Leeming was justified in refusing mediation, but as can be seen above the courts will not accept a refusal lightly, and will only do so if it is clear that mediation in the circumstances stands little or no chance of success.

An interesting case, and whilst it is not directly applicable to Hong Kong (because the new Civil Procedure Rules do not apply here), it does however indicate the way that the courts are moving in England regarding alternative dispute resolution, and it is probably only a matter of time before we follow suit. ■



LEVYING THE CORRECT AMOUNT OF LEVY

Patrick O'Neill of Brian E. Rawling & Associates



The Construction Industry Training Authority (CITA) was established in September 1975 by the enactment of the Industrial Training (Construction Industry) Ordinance 1975 (Cap 317). The Training Authority, which is regulated by the Hong Kong Government, is responsible for providing industrial training to the construction industry covering a wide variety of trades and crafts, from basic craft courses, such as bamboo scaffolding and sign writing, to qualified supervisor training programmes and adult short courses on safety, management and technology. The CITA's aim is to provide the industry with the necessary trained craftsmen, operatives and technicians it requires. In 2001 alone, in excess of 170,000 trainees completed their industrial training with the assistance of the CITA.

Statutory Functions of the CITA

As a result of the Industrial Training (Construction Industry) (Amendment) Bill 1999, the statutory functions of the organization were amended and expanded to reflect the role that the CITA were expected to play in the modern Hong Kong construction industry. The functions were identified as being:-

- (a) to provide training courses for the construction industry;
- (b) to establish and maintain industrial training centres therefor;
- (c) to assist, including financial assistance, in the placement of persons who have completed the training courses;
- (d) to make recommendations with respect to the rate of levy charged by the CITA to the industry;
- (e) to assess the standards of skills achieved by anyone in any kind of work involved with or in connection with the construction industry, conduct examinations or tests, issue or award certificate of competence and establish the standards to be achieved in respect of such work.

The CITA therefore are responsible for performing a highly creditable service to the construction industry, however all this comes at a price.

In 2001, the CITA employed 618 staff and operated three full-time construction training centres at an annual cost of some HK\$365 million. Income to enable the CITA to undertake these duties stems from 2 main sources:-

1. The charges for the course fees themselves; and
2. The income from the construction industry levy that is imposed on all Hong Kong construction works.

The Construction Industry Training Levy

The vast majority of the CITA's income is generated from the construction industry training levy which is imposed on all construction works at a rate that is prescribed by the Legislative Council under Section 22 of the Ordinance. The levy is imposed at the current rate of 0.4% on the value of all "construction work" (both private and public sector works) exceeding HK\$1 million. Construction works, the value of which does not exceed HK\$1 million, are exempt from the levy.

According to Section 2 of the Ordinance, "construction works" include any kind of work involving or in connection with the following:-

1. Building works;
2. The laying out, construction, alteration or repair of any street, tunnel; airport runway, canal, reservoir, pipe-line, railway or tramway;
3. Trench works carried out by or for any public utility; and
4. River training works.

Thus, the calculation of the amount of levy due for a new building in Central, Hong Kong would appear to be as straightforward as:-

$$\begin{aligned} &\text{Value of building works} \times 0.4\% \\ &= \text{amount of levy due} \end{aligned}$$

However, the reality is not as straightforward in practice since the Ordinance provides that certain construction works are excluded from the definition of "construction works" and accordingly the value of such works is exempt from the levy. Section 2 of the Ordinance provides that for the purpose of the levy assessment, the following items are not included in the definition of "construction works":-

1. The installation, repair and maintenance of any:-
 - (i) air conditioning plant;
 - (ii) electricity supply system, including the wiring, appliances and fittings;
 - (iii) lift, escalator or belt conveyor system;
 - (iv) fire services installation or equipment;
2. Manufacture, repair or maintenance of movable furniture;
3. Demolition.

The implications of the above exemptions mean that an adjustment is necessary to the total value of the building works in order to strip out the proportion of value that is for exempted works. This is necessary in order to determine the correct amount of levy that would then be chargeable based upon the remaining project value. In acknowledging that this adjustment is required to be made, the correct formula for determining the amount of levy due should be:-

$$\begin{aligned} &\text{Value of building works (less value attributable} \\ &\quad \text{to exempted works)} \times 0.4\% \\ &= \text{amount of levy due} \end{aligned}$$

Calculating the Adjustments

The exempted works identified in Section 2 of the Ordinance above are very loosely defined and it is not difficult to imagine differences of opinion ensuing as to precisely what particular aspects of a mechanical services installation falls under the definition of "air conditioning plant". However, the CITA do operate a levy objection procedure to deal with differences of opinion and an objector who disagrees with any decision of the CITA has the facility of appealing to the district court against any such decisions.

A greater problem, however, is determining with precision the value of building works attributable to exempted works, when assessing the correct amount of levy that should be paid. Bear in mind that the value of the finished works (and thus the value upon which the levy is based) may be substantially different from

the original contract value due to adjustments that have been made in respect of:-

- (i) expended provisional and prime cost sums;
- (ii) attendance and overheads on prime cost sums;
- (iii) variations;
- (iv) daywork amounts;
- (v) reimbursement of loss and expense claims related to prolongation and / or disruption of the works;
- (vi) payments made for special measures.

Where such adjustments have been made, the task of excluding amounts related to exempted works becomes a much more daunting exercise, since adjustments to possibly all of the above cost headings may need to be made if the total value of the building works includes amounts associated with say "air conditioning plant" i.e. exempted works. Some amounts will be easier to determine than others. So for example, the value of variations and dayworks related to air conditioning plant may be easily identified, however the amount of direct loss and/or expense claims specifically related to exempted works may be more difficult to determine with precision.

Notwithstanding the fact that it may be a difficult exercise to undertake, it must nevertheless be performed since the final value of "construction works" must exclude amounts associated with exempted works, prior to the correct amount of levy being determined.

In instances where the employer has acknowledged that he is responsible for the cause of critical delays to the exempted works and the contractor has been reimbursed the costs resulting as a direct consequence of these delays, then the financial consequences of the exempted works delays need to be identified and isolated.

A similar undertaking would be necessary in connection with any amounts assessed in respect of any disruption and special measures claims. To the extent possible, the cost claims attributed to exempted works should be identified and isolated since these amounts will be excluded from the levy calculation.

The degree to which all this will be possible will depend on the circumstances of each case and the extent to which the assessment of the contractor's entitlement to direct loss and/or expense prove the causal connection between the employer's breach (delays to exempted works) and the contractor's loss.

In short, all the cost claims need to be particularised to the extent that the assessed amounts specifically related to exempted works are identified and set to one side prior to the levy being calculated. To the extent that the claims have been presented and assessed in a logical and comprehensive manner, clearly identifying the losses associated with individual compensable events, it should be possible to identify with some degree of precision the amounts related to claims associated with exempted works. However, in instances of where a global award of money has been assessed under a contract for delay in situations where no specific amounts have been proved to flow from any one single event, an assessment of the amounts individually related to exempted works should nevertheless be undertaken in order to comply with the ordinance.

It is submitted that the onus is on the contractor to demonstrate to the CITA the specific amounts of the financial claims that are related to non-leviable exempted works and the like. In practice this can only be successfully done with the assistance of the employer in providing the contractor with a breakdown of how much of the financial claims specifically relate to exempted works, as opposed to building works generally.

Both contractors and employers should bear in mind that procedures should be put in place to ensure that an accurate assessment of the value of exempted works can be determined, including the financial claims associated therewith, since this information is a key factor in being able to calculate the correct amount of levy that will ultimately be due to the CITA.

For further information please contact bera@netvigator.com ☎

Feature



區域性購物中心 —綜合顧問服務

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陳志華，世邦魏理仕助理董事



大型購物中心或商場是指一個統一管理、集各類商品店鋪和百貨店的購物步行街或中心區。這是一個提供顧客最大限度的方便和舒適，發揮商店最大的售貨潛力的場地。一個成功的購物中心其地理位置無疑是重要，亦需要配合市場定位、總體佈局和經營管理，才能發揮商場的最大效益。

要準確針對目標客群，便要提前做好前期市場策劃、設計研究等工作。發展商若隨意跟風抄作，或錯誤定位、日後建成的商場未必成功吸引消費者到來。

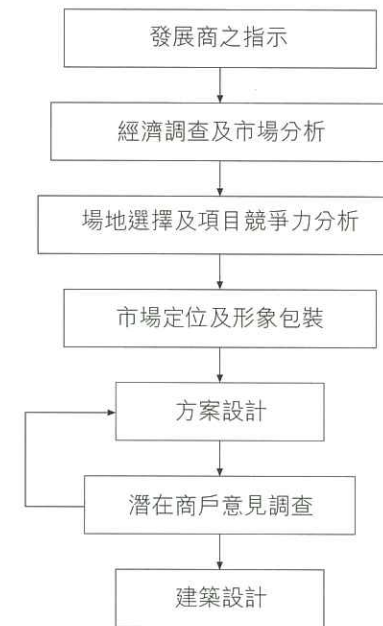
開發一個購物中心，物業顧問公司能夠擔當重要角色，尤其在前期市場策劃和研究工作中，提供專業意見和市場信息，為建設成功的購物中心奠定基礎。這裡，與大家探討物業顧問公司在發展購物商場中可提供的服務和作用。

顧問公司可提供的服務可大致分為三大項：

- 1) 前期市場策劃及研究
- 2) 市場推廣及招商
- 3) 物業管理及經營

1. 前期市場策劃及研究

這項工作是發展初期一項重要任務。雖說前期，實質是連續性工作，按市場變化不斷反饋和調整，直至商場全面開業。顧問公司需要與建築師、工程師等專業密切配合，從而為發展商規劃一個最具競爭力的購物中心。有關的工作可用一個流程簡述如下：



經濟調查及市場分析

在任何規劃活動之初和獲得土地之前，顧問公司要對擬建中心基地周邊的預期貿易區(Catchment Area)作一次全面的調查。這個貿易區的界限決定於汽車開到中心的合適駕駛時間。一般將貿易區分割成一個初級區，這裏有很高百分比的居民要到中心購物；和一個或更多的二級區，那裏由於競爭和其他原因，百分比預計較少。

若擬建中心基地位於集體運輸交通樞紐旁邊或沿線，則可獲得較廣闊輻射面，其貿易區的界限相對擴大。

進行調查多採用訪問調查方法，進行調查的地點除擬建中心基地周圍，還選擇在競爭對手商場和商業中心區進行。

市場調查收集的資料包括現有人口、人口發展趨勢、收入水平、人流方向、購物模式、消費額、購物貨品種類、喜歡到的購物中心類型和檔次、擁有汽車者、現有購物設施、興建中和計劃中的商場設施等。根據收集的資料，整理分析後，便把家庭收入額大概分配到不同之用品和消費，從而為各種消費作出估計，如食品、服裝、鞋、藥品、家具、百貨商店的購物貨類之消費等等。

分析結果以圖表顯示需要的總建築面積和各類商品及服務項目所分配的建築面積。如果購物中心的規模，即總商業面積太大，它不能充分出租，而租不出去的面積很可能導致項目失

敗。如果規模太小，這會招致人家來建造另一商場與之競爭，並可能由於這種競爭而失敗。

香港由於面積小和人口稠密，50萬平方呎便稱得上大型商場。在東南亞和國內城市，人口眾多，一般商場也有40萬至50萬平方呎。大型商場往往達100萬平方呎或以上。

項目競爭力分析

項目競爭力可分為顯性和隱性兩種。顯性競爭力是客觀的如區位優勢。隱性競爭力是指項目獨有的，如企業品牌、開發管理經驗等。這種優勢是競爭對手較難於短時期超越的。

要認識項目本身的競爭力，可利用SWOT方法進行分析。另購物中心的競爭優勢可按其特性進行塑造，從產品的創新設計、環境規劃和增加產品的附加價值等方面去完成。這些因素能提高購物中心的價值，並讓商戶和消費者感覺到真正的物有所值，讓市場較容易接受，同時也可使場地定價維持在區內相對較高的水平。

市場定位

適當的市場定位和形象包裝是商場能否營運成功的重要因素之一，市場定位必須切合市場的需求，發揮項目有利條件，以收最大的經濟效益。

市場定位包括主題功能和檔次定位。項目功能定位可以是綜合性購物商場，集購物、消閑、娛樂和餐飲於一體的，或者是主題性商場如電腦城、家電商場或潮流時裝商場。項目的檔次定位需要配合其功能定位。高檔次的包裝，針對高消費的富裕人士，亦可招引名牌商戶。中檔次項目可容納較多元化的產品商店在內經營，吸引的消費客群亦相對較多，人流自然較高。其次，商場的服務和管理檔次，商品的多元化和層次化都是功能定位的考慮因素。

形象包裝

若要在競爭激烈的商業市場中佔一席位，並取得成功，不但項目市場定位要適當，更需賦予項目更豐富的內涵，樹立個性鮮明的形象，才能在競爭者中創造獨樹一格的吸引點，使消費者樂於到本項目商場中購物。形象包裝亦是將項目的主題功能色彩化、生動化展現給人看。

方案設計

方案設計階段主要由建築師和顧問公司協力進行。建築師根據經濟調查和市場分析資料擬定一份簡單方案。包括建築物大小、功能佈置、樓層高度、出租面積、人流和貨流動線、公共



SURVEYOR'S SURF

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服務場所、停車場佈局、進出路、上落客區、御貨區等設計。設計的主要原則為(1)顧客提供最大方便和舒適，(2)商戶和商品最大的售貨潛力。場地寬敞，步行距離適當，行人上商店的路線簡單又可直達，最少的障礙和不便，都是提供顧客方便的元素。最大的售貨潛力意味著給予項目中每個商店以一個合理地相等機會去獲得部分顧客的光顧。

方案設計是一項循環不息的工序。顧問公司會於前期市場策劃階段不斷向各類商戶查詢，了解各商戶對擬建項目的興趣。厘定業態組合和分佈，回饋給建築師。按照市場反應，建築師不時修改優化項目方案。直至各項細節定案，才可落實設計方案興建。

若項目在興建中或已建成才找顧問公司進行市場策劃，由於結構不能更改，業態組合和功能分佈會受到很大限制，未能發揮項目的潛在價值。

2. 市場推廣及招商

一個好項目若招商推廣工作做不足，或策略不宜，亦可能令項目失敗。市場推廣活動應在設計方案厘定後全面推展。在這階段顧問公司會為發展商厘定宣傳策略、租售策略和招商引資。

宣傳策略

宣傳活動是以廣泛的媒體和多種手段，以求在短時間內帶出一特定的信息，以配合某些租售活動。常見的宣傳工作有在報章、雜誌刊登廣告、在電視、電台播放廣告、設立網站、招開新聞發佈會、設立展銷廳和舉行嘉年華會等。另外，一些軟性宣傳亦日漸普遍，如贊助大型娛樂節目，發行購物優惠卡等等。

要達到理想的宣傳效果，宣傳工具是少不了的。常見的宣傳工具有樓書、單張、模型、效果圖、展板、地盤掛畫、路牌廣告、VCD等。

項目工地亦可作為宣傳工具，如圍牆、廣告牌和旗幟。展銷廳或租售處可設於工地上，以收現場效果。

租售策略

顧問公司會因應發展商的意向建議項目租售比例，銷售方案和租賃策略。

若項目部份出售，顧問公司會建議多個銷售方案和付款方式。一些方案如利潤分成計劃、回購保證等在香港較少見，但在國內及亞洲地區較為普遍。

利潤分成是返租的一種形式。買家可選擇一次性收取分成或分期收取分成。回購保證一般在樓花發售期，發展商為一次性付款之買家提供最高九成的回購保證。

對零售商戶而言，一般新商場並不吸引或缺乏信心。要吸引商戶的興趣，必須先引進具一定影響力的龍頭大戶、國際性品牌、百貨、超市進場。為項目樹立品牌，為未來的目標商戶增加入場經營的信心，帶動整個項目租售。

一般品牌百貨、超市和餐飲對租用面積、樓層高度、承重量、來去水和貨流等都有要求，因此對這些龍頭大戶越早招商越有利，方案設計可及早配合。若後期才引進這類商戶，可能要更改圖則來滿足他們。

為給予商場更大彈性，發展商興建商場時可能不會用盡法定容積率。以便日後重組業態組合時，更改圖則。

3. 物業管理及經營

購物中心開業初期會遇到各種大小問題，亦是商場設施和管理人員接受考驗的階段。管理人員需要觀察人流動向和流量，店鋪運作情況，貨品搬運，場地保安和清潔等事宜，作出即時應變措施。

剛開業的商場，部份店鋪舉行開張典禮，部份店鋪仍在裝修中。各項活動需要協調，不致對顧客造成不便或影響店鋪營業。還有，部份商店會在開業初舉行速銷減價，會吸引大量顧客，尤以百貨、超市和品牌店，可能造成擠塞和安全問題。管理公司需要控制人流。曾有一個大賣場在開業第一日以減價速銷，計劃早上八時開門營業，但早上七時已有超過數百人排隊等候，人龍更見越來越長。管理人員與大賣場負責人商討後，提早七時半開門營業，以避免迫破玻璃情況發生。這類事情在香港較少見，但在國內不足為奇。

購物中心進入營運階段時，管理公司會定期舉辦宣傳推廣活動，如邀請歌影視名星、名人到場助慶，服裝表演、展覽等，以吸引顧客進場消費，推廣活動在開業初期或具競爭性的新商場出現，會較為頻密。目的是要保持商場的知名度、吸引力和競爭力。

總結

現今商業市場競爭激烈，消費潮流日新月異，要觸摸潮流市場脈膊是不易之事，大型購物中心的開發更見困難。顧問公司能夠為這類發展項目提供一站式的綜合顧問服務，以其豐富的經驗和專業知識，為發展商提供專業意見和市場資訊，為項目未來的成功，奠定穩固基礎。■

"Before you start reading this column, please be warned that the mere activity of reading by itself may lead to poorer eyesight, eyesore, dizziness, headache, neck injury, blindness, and the like, and the content contained herein may cause brain damage, emotional spur, panicking, high blood pressure, heart attack, kidney stones, and an overall detriment to one's health. Readers are advised to seek proper professional or medical opinion prior to proceeding and the author does not assume any responsibility for medical / financial / health / mental / personal claims, losses or damages. Read at your own risk." NOW this is what your author would have to include someday IF the trend of treating everyone like idiots, e.g. having to print warning notices on a hot cup of tea that a hot cup of tea may cause skin injuries if carelessly spilled etc, or the weather station having to tell people to bring an umbrella or wear an extra sweater every time rain or cold weather is predicted, continues as pioneered in some American societies (or by some of their lawyers to be exact). After the tobacco-smoking debacle, the latest news indicate that fast food chains may face huge legal slaps for not having warned people that their food items may lead some people to gain weight, grow fatter, or incur heart problems (you mean there are people out there who really think burgers + fries + milkshake + ice cream + apple pie = health food?). What has ever happened to common sense or people taking responsibilities for their own well being? This reminds your author of a story, i.e. an unsubstantiated event that he heard many years ago while in school in the USA. A burglar tried to enter a home via a skylight on the roof. However, the skylight structure could not support his weight and he fell down injured and got caught. Naturally he was criminally indicted. Nonetheless, at the same time, he filed a civil suit against the homeowners for having unsafe roof skylights and won his case and damages from them. This still sounds pretty bizarre even today (Notice to burglars: descend at your own risk). The following

webs may cause your brain to improve, so be warned should you decide to stay idiotic:

<http://www.skyscrapers.com/english/worldmap/city/sketches/09/101300/ht2/index.html>

This is part of the skyscrapers.com website and as its name suggests, it focuses on tall buildings in the world. In addition, it also contains global estimates on the number of cities in each continent and countries and other macro statistical data.

<http://www.archives.sh.cn/>

With Shanghai being a hot tourist, business and investment spot for Hong Kong people, it may be worthwhile to get to know a bit more about its past and history. Here's a perfect source.

<http://www.hkbu.edu.hk/lib/subguides/hk.html>

This site introduces the content that you may expect to find in the Baptist University's library. Of particular interest is the statistical guide on various aspects of Hong Kong. A good tool for those with research and data sourcing needs.

<http://www.stats.govt.nz/>

New Zealand for most means a country with clean air, clean water, sparse population (more sheep than people), and a good tourist or vacation spot. Nonetheless, there are also economic and business prospects, and this site may help in gaining an insight.

<http://www.ggassoc.com/trends.htm#sept02>

This site features several articles by a Dr. Claude Gruen with a focus on real estate. These are easy to read and offer a glimpse of events in North America.

<http://www.hackwriters.com>

This site features fiction, reviews and travel articles and what's more, they welcome you to contribute or submit your works to

them. Perhaps even a good reference site for those who wish to improve their writing skills.

<http://www.dianying.com/b5/>

For movie lovers, this site is one that should not be missed and it focuses on being a database for Chinese movies (though not always complete). One precious feature of the site is its search facility, and you may choose between finding a movie by name or a movie star by name.

<http://www.battlefront.com/index.htm>

This site sells battle / war software games with a concentration

on WWII events. Your author has not tried out any of the games yet though the products seem comprehensive enough ranging from airborne operations to tank battles, and from both Allies and Axis perspectives.

This is a substantiated story: your author saw this himself once when visiting the Guam / Saipan islands. There was this beach with a sign saying "Toxic waste. No unauthorized swimming." Now, wonder who would like to breach that beach regulation?

Send your suggestions and comments to stephenchung@real-estate-tech.com 

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Book

Review 

Think & Grow Rich

Written by Napoleon Hill

ISBN 0-449-221492-3

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Last Christmas, I was eventually persuaded by my friend, a residential agent in our firm, to buy and read the book *Rich Dad Poor Dad*, which had already become a best seller ever since it was published in 1997. At first I refused to read the book because I thought this must be another get-rich-quick book aimed at poverty-stricken readers in the recent economic downturn, but the author of this book has successfully used a fictitious approach to contrast how his poor and rich dads taught him about the different meanings of money. It reminds us that many middle class people tend to earn more in order to spend even more on luxury flats, shiny Mercedes Benz cars and being taxed more by the government. When they think they are buying assets, they are actually burying into liability without noticing they have fallen into the trap "Rat Race" and becoming poor men. The book then shows you how you should make use of money to buy assets to earn money for you and not work for money. Sounds intuitive! If you want to learn more on how to enjoy financial freedom, the book advises you to buy "Rich Dad" series for more ideas. So even without applying any tricks from the book, I realized that a fast track way to earn big bucks quick is to write a book about getting rich and give it an attractive title like "How to be a millionaire before 30", or "How to retire and live freely before 45" etc.

Nonetheless, I would recommend another one how-to book, which reveals secrets of making money with more practical and timeless ideas. The book's title is direct and punchy: **Think And Grow Rich**, i.e. think first and then grow rich. Unlike many positive-thinking books, this book is based on the actual experience of people whom many would like to emulate. All the secrets were first brought to the author's attention by Andrew

Carnegie (founder of US Steel). Hundreds of wealthy men whom he had analyzed more than 20 years applied the Carnegie secret reaching high stations in life. These well-known men were, but not limited to, Henry Ford (Ford Motors), George Eastman (Kodak), Charles Schwab (same name), Thomas Edison (General Electric) and Dr Alexander Graham Bell (AT&T).

This 13-step program helps readers assess their desires and abilities, teaches them to use their minds to their fullest capacities, and arm them with tools to achieve riches. The very first point of all achievements is desire. As the title suggests - think and grow rich. You fix the exact amount of money you desire and establish a definite date when you intend to possess the money you desire. Write a concise statement of the amount of money you intend to acquire, and describe clearly the plan through which you intend to accumulate it. But your desire may not be materialized if you do not have faith, or a positive belief in attainment of desire. Besides desire and faith, specialized knowledge is another key step. Knowledge will not attract money, unless it is organized through practical plans of action and direct plan to a definite end. Once these are ready, you do need organized planning to crystallize the desire into action and to reach your goal. But for longer-term desire, lack of persistence is one of the major causes of failure. Stick to your plan and persist to the end. These secrets are all findings by the author on the best way to make money, or more specifically make wealth.

All these secrets are equally applicable in many situations (some may not be measurable in dollars). For example, lots of surveying probationers are preparing for the forthcoming Assessment of Professional Competence these days. Their drive to get a pass is mainly driven by the desire to qualify as a professional surveyor.



They have the positive attitude (faith) to pass the assessment. They organized study groups to exchange information and planned to get through rigorous trainings in their firms. They exert persistence to study relevant materials diligently for the written assessment. With a subconscious mind they would present their projects at the oral interview as if they were professionals, etc. The above steps work! In fact their desires of becoming surveyors are already the first step towards success.

More recent research shows that those who accomplish the most in their lives are those who have written goals at a fairly young age, and continue to focus on those goals. Just like my previous

recommendation on a book written by Norman Vincent Peale, a positive thinking towards desire/goal is of fundamental to success in life. Without goals, most people wander around aimlessly and accomplish less than their full potential. Contrasted with Rich Dad Poor Dad, this 254-paperback is more resourceful for self-help development. So no matter whether you are reading this book to learn get-rich quick methods, or to learn the secrets of successful men in the last century, this should be a good book for all members. ☺

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Tentative Program

- 2 Nov Registration
- 3 Nov Official Congress Opening, Keynote Address, Technical Sessions
- 4 Nov Plenary Session, Technical Sessions, Melbourne Cup Horse Racing, Welcome Reception, Exhibition opens at 12:00 noon
- 5 Nov Plenary Session, Technical Sessions, Exhibition
- 6 Nov Plenary Session, Technical Sessions, Exhibition, Congress Banquet
- 7 Nov Plenary Session, Technical Sessions, Closing Ceremony, Boat Trip, Exhibition closes at 2:00pm
- 8-9 Nov Post Conference Tour

Venue: Kowloon Shangri-La (www.shangri-la.com)

Registration:

Please visit the Congress web site at www.seasc2003hk.org for detailed information.
Deadline for early bird registration: 31 July 2003.

Call for Papers:

Submission of Technical Paper Abstract: 28 February 2003
Notification of acceptance of Abstract: 30 April 2003
Submission of Full Technical Paper: 30 June 2003
(Please visit the Congress web site for detailed information)

General Enquiries: enquiry@seasc2003hk.org

Exhibition Enquiries: hakchan@hkis.org.hk

Virtual Gateway to HK Professionals - www.hkprofessionals.org

The virtual gateway to Hong Kong's professional services - www.hkprofessionals.org, jointly developed by the Joint Professional Centre (JPC) and the Hong Kong Productivity Council (HKPC), was officially launched in September 2002.

The website serves to promote Hong Kong professional services and provide a collective and additional marketing platform. Furthermore, it not only helps to promote Hong Kong professional services to overseas, but also facilitates cross-border exchange of ideas and information among disciplines.

Update of GOVERNMENT PRACTICE NOTES

Department	Practice Note/Reference#	Description	Date	Home Page
Environment, Transport and Works Bureau	Technical Circular (Works) No. 41/2002	Correction Rules for Tender Errors.	20 Sept 2002	www.etwb.gov.hk/cswp
	Technical Circular (Works) No. 38/2002	Computer-Aided-Drafting Standard for Works Projects.	17 Sept 2002	

* Please note that the above Practice Notes can be downloaded from the corresponding home page.





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