

測量邁銀禧 專業惠社群
Building our Community
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25th Anniversary

周年



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香港測量師學會

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- 援建工作在四川 Relief Works at Sichuan

The Institute successfully held its 25th Anniversary Birthday Party on Sunday, 26 April 2009 at the American Club Hong Kong. In his speech given during the Birthday Party, the President gave a brief account of the development and achievements of the Institute.

Further to an open forum, the GPD Council will discuss further with CIREA on the possibility of having another membership reciprocity arrangement between the two institutes in May 2009.

Delegates from BSD Council attended the 2009 Mainland and Hong Kong Construction Industry Forum held in Chengdu in April 2009. The forum reviewed existing practices and planned ahead on the prevention of natural disaster. The spokesman of BSD Council was also interviewed by the Friends of the Earth on light pollution and energy efficiency and energy saving.

70 QS candidates passed the Assessment Professional Competence Test. The QSD Council held a Welcoming Party for new QS members on 27 March 2009 to acquaint them with the Institute.

The LSD Council will establish a Working Group to study the implication of establishing a utility survey profession in Hong Kong.

Wuziqiao (Bridge to China) Charitable Foundation is a charitable organisation in Hong Kong. The PFMD Chairman shares his experience in participating in a meaningful bridge project in Yunnan.

Dr Paul Ho
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學會的25周年銀禧聯歡會已於2009年4月26日假美國會所舉行，會長梁立基於致歡迎辭時簡介了學會的發展及多年來的成就。

繼公開論壇後，學會產業測量組將與中國房地產估價師學會於五月份進行磋商，討論舉行第二次資格互認的安排。

建築測量組的代表於4月份於成都出席了2009年內地與香港建築業論壇。論壇主要探討防災減災與優質建設的議題。建築測量組發言人亦接受了地球之友有關光污染、能源效益及節約能源的訪問。

70名學員通過了工料測量組的專業評核試。工料測量組於2009年3月27日舉行了聯歡派對，與他們會面。

土地測量組將成立工作小組，研究於香港設立管線測量師的可行性。

「無止橋」慈善基金是香港的慈善團體，物業設施管理組主席與會員分享了他於雲南參與這個富有意義的計劃的經驗。

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The following is a speech given by the President Francis Leung at the HKIS 25th Anniversary Silver Jubilee Birthday Party on 26 April 2009

The Honourable Mr CY Leung, the Honourable Mrs Carrie Lam, distinguished guests, members, ladies and gentlemen, welcome to the 25th anniversary party of the Hong Kong Institute of Surveyors.

As YC just rightly said, it is an occasion for relaxation, fun and laughter. But still I think a few formal words are appropriate and necessary to mark this very memorable event in celebration of our birthday.

First of all, I wish to thank all our guests and members for sacrificing the tranquility of the Sunday morning which should otherwise belong to your families and loved ones. Despite the beautiful scenery along the way, the drive from city centre to here must have been a bit tiring (that is, if you managed to get yourself a car parking space in the first place). I hope we will make up for whatever inadequacies on our part by making the rest of the afternoon as comfortable and as enjoyable as possible.



I have been privileged to witness the growth and development of our Institute. To have the opportunity to be the President and serve a term coinciding with the Silver Jubilee is indeed the highest honour imaginable.

Over the past 25 years, we have strived to accomplish ourselves as the leading professional organisation in surveying, real estate and construction in Hong Kong.

Prior to our establishment in 1984, our presence as surveyors was known principally through a UK professional institution, the Royal Institution of Chartered Surveyors. The HKIS was established on 26 April 1984, exactly this day 25 years ago. Our founding President, Mr Kan Fook Yee, who is with us here today, had the vision of establishing an institute that would give surveying a local identity, foster its development in the community, and better pursue the interests of the profession and its members. The years following saw rapid growth of the Institute, in terms of membership and activities, with the number of membership reaching 5,000 in 1999. In 2004 and 2008, the numbers broke 6,000 and 7,000 respectively.



Our local identity in Hong Kong did help us prepare our members for entering into the Mainland. Paramount, of course, was the foresight of our past Presidents and Councils, who opened up dialogues and built up strong connections with the Mainland and formed mutual recognition with our Mainland counterparts. The implementation of CEPA has also removed many barriers for Hong Kong surveyors to acquire Mainland professional qualifications and to practice there. I cannot, of course, fail to mention the Honourable CY Leung, one of our highly respected past presidents, who has contributed so enormously to opening up opportunities and cementing our relations with the Mainland over these years.

Our role in society has become more important. At the beginning, imagine 25 years ago when the political landscape was entirely different, the role of the Institute was more technical oriented. As the Government became more open

and transparent, HKIS began to take a more active role in the consultation process of Government policy making, by initiating or responding to plans and proposals on various issues affecting housing, planning, property, and the built environment.

As the debates on issues become more political, HKIS has succeeded in meeting the challenges. We enjoy a reasonably good working relationship with the Government. We treasure this relationship, although I must admit that we are not always in total agreement with Government on all issues.

Furthermore, there has been increased participation of the Institute and its members in community services and activities. This is borne out by our members' immediate response to the Sichuan Disaster last year, by way of financial donations and participation in the relief and reconstruction works, which is still going on, and will do so for some years.

Just this morning, we had a press conference to launch a booklet, printed in Chinese, on Compulsory Sale for Redevelopment (Chapter 545). In addition to being a working guide for surveyors, the purpose was to help the lay public understand more about the topic, the respective rights, obligations and risks of the parties involved. This is another recent example of surveyors' participation in community services and activities.

On the membership development front, membership growth has continued to be steady. In 2004, we saw the first admission of Technical Grade members as well as Corporate Members from the Mainland via the mutual recognition agreement.

We continue to explore opportunities for expanding our membership. In recent years we have entered into reciprocity agreements and cooperation arrangements with professional institutions over the world and in the Mainland. We are working on a direct membership scheme for broadening our base of expertise whilst maintaining the highest quality of our membership.

We are in the midst of the Global Financial Crisis. We wish we knew when and how it will end. During these hard times the Institute is particularly alert to the needs and

wants of our members. We see the plight of members, from job insecurity to financial hardship. The Government's pledge to increase expenditure on infrastructure and public works projects is particularly timely. We have also obtained the Government's agreement that there would be an increase in the employment of surveying graduates in government departments this summer. We will be in discussion with surveying firms and employers for giving members a sense of job security.



One of the pledges that I have made to our members is that, in the present economic climate, our celebration of the 25th Anniversary will be humble. I think to host a party in a prestigious private club like the American Club, we are slightly off the mark. However, the hard work and achievement of all members over the past 25 years do deserve of some kind of recognition. I would also hasten to add that most of the expenditure today is met by the very generous sponsorship that we have received.

May I take this opportunity to thank the Chairman of the 25th Anniversary Organising Committee, the Honourable CY Leung and all the team members. Thank you for your efforts and in particular for securing the very generous sponsorship, without which today's event would not have been possible.

Finally, once again, I thank all those who have contributed to bringing the Institute to where we are today, and please join me to wish the Institute and our members every success in the years to come.

Thank you.

Francis Leung
President

香港測量師學會會長梁立基於25周年銀禧聯歡會中致辭 2009年4月26日

尊敬的梁振英先生、林局長、各位嘉賓，歡迎大家今天出席學會的25周年聯歡會。

正如剛才司儀所說，今天是一個輕鬆及歡樂的日子，但我總覺得一些較隆重的歡迎說話是必要的。

首先，我衷心感謝今天出席的嘉賓及會員，今天本來應是屬於家人及摯愛的，你們的出席使聯歡會生色不少。儘管從市中心來到這裡的路途風景秀麗，但要各位嘉賓舟車勞頓，總教人有點兒過意不去，我希望我們能夠彌補任何不足之處，在這裡渡過一個舒適和愉快的中午。

我有幸目睹了學會的成長和發展，有機會當選為會長，更恰逢銀禧誌慶，這確實是一個最高的榮譽。

過去25年來，我們致力提升學會於香港的測量、房地產和建築業的專業領導地位。於1984年前當學會尚未正式成立時，專業測量師在香港的工作大都是透過一個英國專業組織—英國皇家特許測量師學會推展。及至1984年4月26日學會成立，創會會長簡福銓先生願景提升測量業於本土的地位、協助測量師於本土的發展，以及為行業會員爭取利益。學會經過多年的發展，會員人數於1999年已達5,000人；至2004及2008年更分別突破6,000及7,000人。

憑著學會推動本土地位，會員得以進入內地執業。這全賴於學會的前會長們及過往理事會的遠見。CEPA的落實和推行亦消除了香港測量師於獲取內地專業資格及執業時的阻礙。在此，我不得不提到一位德高望重的前會長梁振英先生，多年來梁會長為學會及會員於內地的機遇作出了極大的貢獻。

學會於社會上的角色亦愈趨重要。回想起25年前的政治環境與現時的截然不同，學會當時亦較著重技術層面的推廣；隨著政府的透明度逐漸提高，學會於政府制定政策上亦擔當了一個重要的諮詢角色，對房屋、規劃、房地產及建築環境等議題提供意見。由於部份議題較為政治化，學會亦恰當地迎接挑戰。學會與政府維持了良好工作關係，但我亦得承認，學會並不是所有議題與政府的看法是一致的。

學會及會員亦參與了不少社會公益服務及活動。我們的會員對於去年的四川地震作出了即時的支援，包括募捐及參與救援和重建的工作，而且這些都仍在進行當中。

今天早上，我們舉行了記者會，發佈新編制的「強制售賣」概覽，小冊子除了是供會員作參考外，亦協助市民大眾認識有關議題、他們的權利、以及相關的潛在風險等。這亦是測量師參與社會服務的另一個例子。

於會員發展方面，會員人數有穩定的增長。於2004年，我們有第一位的技術會員級會員，以及第一位通過與內地資格互認的正式會員。

我們亦正積極研究如何擴大會員人數。近年，學會與海外及內地多個專業學會簽訂資格互認協議或合作備忘錄；我們亦正探討推行直接錄取會員計劃，一方面擴大會員的專業基礎，同時維持優質的專業水平。

我們正處於全球金融危機當中，不知危機何時及如何可以結束。在這些艱難時期，學會特別注意會員的需要。我們感覺到會員工作欠安全感，以及財政的困難。政府承諾增加基建及公共工程項目的開支可說是十分合時；我們亦得悉政府原則上同意於今夏增加政府部門聘請見習測量師的配額。此外，我們亦將會與各測量師行聯絡，鼓勵他們為會員提供工作聘用保障。

我曾經向會員承諾，於現時的經濟環境下，學會的25周年慶祝活動應該是謙恭的。在這個私人會所舉行聯歡會，可能有點兒奢華，但各位會員於過去25年來對學會所作出的貢獻實在值得一點認同。我也在此補充，今天大部分的支出將可從各有好機構贊助中彌補。

藉此機會，我謹向25周年籌委會主席梁振英先生，以及各籌委會成員致以感謝，他們協助尋求贊助商，以及成功籌備今天的聯歡會。最後，我衷心感謝各位曾為學會作出貢獻的會員，希望各位與我一同祝願學會於未來事事順利。

多謝各位！

梁立基
會長

【以上為譯本，原文以英文發表】

援建工作在四川 Relief Works at Sichuan

香港測量師學會及中華建設基金會為了視察「四川省北川縣通口鎮人畜供水系統項目」的建設成效，在2009年4月9日至11日期間派出了義工人員包括8位測量師及1位工程師，總共10人一團分開三個小組實地檢察通口鎮11個指定單位的供水系統項目，其中包括黎明村、通泉村、幸福村、茶元村、青雲村、小坪村、花龍村、井泉村、同樂村、清泉村及街道村。檢測團主要工作有以下兩項：

- (1) 視察各村的人畜供水系統項目，利用照片及文字記錄實地供水系統有關設施包括儲水池、過濾池及水管經修復或新建的品質情況。我們根據負責人所提供的竣工設計圖進行實地抽樣驗收，評定出儲水池修復或新建情況、水管物料及尺寸、水管工程鋪設等安排都符合緊急供水成效，證明11個指定村已全面恢復供水。
- (2) 探訪村民及進行問卷調查，經村幹部帶領下到各村的有關代表直接與村民進行面對面訪問。其中問卷內容包括以下：
 - 地震後重新修復村上供水系統對村民前後的分別
 - 村民是否需要攤派供水系統費用
 - 供水時間、水量及水質滿意程度
 - 供水情況是否穩定
 - 對供水系統的意見、要求或建議

依據項目負責及執行人所提供的資料，各村的供水系統在2009年1月中已經開始使用。本項目資助機構是香港明愛，而義工人員已經完成有關報告給與明愛以供參考；包括共11份由各村的村委員會所提供的滿意書 / 感謝信、共11份對村民代表的問卷調查及共11份由檢測團所填寫供水系統項目的檢驗記錄。

另一方面，在2009年4月11日至13日期間組成訪問團到北川等地，探訪當地居民及拜訪政府部門研討四川重建項目，以促使香港及四川人兩地加強溝通。這次訪問有會長梁立基先生、前會長余錦雄先生以及有5位會員參與。訪問團主要行程如下：



梁會長訪問通口鎮小學

- (1) 通口鎮供水系統項目竣工儀式
- (2) 北川縣及通口鎮領導座談
- (3) 視察防疫及康復中心選址及討論具體工作
- (4) 訪問通口鎮小學及致送紀念品給學童
- (5) 視察新縣城縣址及計劃中重建項目地點
- (6) 庄部長及汶川縣領導開會



通口鎮趙書記及中華建設基金會劉主席

於2009年4月11日，在竣工儀式典禮上村民為歡迎我們到訪參觀，他們穿上充滿文化特色的羌族少數民族服裝為我們表演舞蹈。其後到訪通口鎮小學，同學們為訪問團的到訪感到高興及致熱烈的歡迎。在當天晚上，訪問團與當地政府北川縣及通口鎮領導等研討防疫及康復中心選址及工作具體方案。

於2009年4月12日，訪問團得到地方政府準許，能夠進入北川縣城遺址近距離感受災區現場的震撼，大家都深深感受到大自然的威力及人類的渺小。建築物大部份已經倒塌了，據了解現場遺址埋葬了數千名當地居民，為此各團代表在現場送上鮮花及默哀一分鐘以表示對死者的尊重。其後訪問團視察新縣城縣址及計劃中重建項目地點包括防疫及康復中心等。在當天晚上，訪問團與庄部長及汶川縣領導開會討論四川災後重建工作。



北川縣城遺址



北川縣城遺址

檢測團及訪問團名單

名稱	參加團
梁立基 (Francis Leung)	訪問團
余錦雄 (Kam-hung Yu)	訪問團
林力山 (Lesly Lam)	訪問團
張文滔 (Arthur Cheung)	訪問團
邵家偉 (Cyrus Siu)	訪問團
霍桂泉 (John Fok)	檢測團及訪問團
曾佩雯 (Iris Tsang)	檢測團及訪問團
蔡善牟 (Samuel Choy)	檢測團及訪問團
符俊賢 (Frank Fu)	檢測團
林建昇 (KS Lim)	檢測團
李可培 (Jay Li)	檢測團
黃賢偉 (Eric Wong)	檢測團
蘇學修 (Lawrence Soo)	檢測團
鍾建偉 (KW Chung)	檢測團
李名揚 (Joseph Li)	檢測團

會員感想

地震破壞了房屋和家園，但並沒有破壞北川人民的信心和團結。我很高興看見重建工作的進度迅速，以及村民的團結。在供水系統儀式上迎接我們的村民、青年人和老年人，都充滿了喜悅。村民已經習慣了用他們的笑聲忘卻地震的傷痛。



梁立基 (訪問團)

5.12 四川大地震事發到現在已過一年了，地震對當地建築物的破壞依然四處可見。在得到各界的支持下，重建工作得以繼續進行。

這次參加供水系統修復項目的工程，令我們專業學會會員了解到內地政府對重建工作的關注並藉著探訪的機會

與村民互相溝通，加深了我們對祖國的認識。我個人認為參與四川重建工作並不只是簡簡單單的幫助受災的居民，反而透過這次工作，令我有所得著。讓我感受的、見識的往往比給予他人的更多，在此呼籲各會員如有能力請各盡一點心來幫助我們的四川同胞。

余錦雄 (訪問團)

相片中的小孩是攝於我們今次探訪的村子，在供水工程修復後，村民都能過回原來簡單純樸的生活，看見他們樂天的笑容，令我體會到今次活動的意義，實在不枉此行。



李可培 (檢測團)

這次四川重建之旅讓我體會到四川人民的堅強和樂天知命。沒有自怨自憐，反而處處感謝中國同胞的支持，令我非常感動。

林建昇 (檢測團)

感到很榮幸有機會參與這次訪問團，能親身到訪多個村落，看到每個村民都得到二十四小時無間斷潔淨食水的供應，生活上基本問題得到解決，心裡感到很安慰。期望將來有更多會員參與有關重建工作，使四川同胞能更快更好的建設美好家園！

曾佩雯 (檢測團)

村落很多道路正在修葺，舊的房子復修，新的房子在地勢較平的土地上建造，將來讓山上的村民搬下來居住。村民靠山食山，靠水食水，種植了不同的農作物，自給自足。

親眼見到北川廢城遺址，這場景是真實得連片場和電腦效果也不能堆砌出來。人是多麼的渺小，大自然的威力是多麼強大。天災不能避免，但人禍絕對能夠減少，希望好人好事好種子繼續撒到人的心田萌芽生長，國家明天會更好。

李名揚 (檢測團)

更多有關檢測團及訪問團的照片已刊於封底。

2009內地與香港建築業論壇 「可持續城市形態： 防災減災與優質建設」

由國家住房和城鄉建設部及香港特別行政區政府發展局合辦的「2009內地與香港建築業論壇」，已於4月8日至10日於四川省成都市香格里拉酒店舉行。



香港測量師學會、香港規劃師學會及香港園境師學會獲委任為是次「論壇」籌備委員會的聯合主席，並由香港測量師學會負責團員的報名事宜及聯絡工作。是次「論壇」

參加人數為歷屆之冠，港方報名人數達240人；中方出席論壇的人數約150人，而學會亦委派了十多名不同組別會員參與，會長梁立基亦代表籌備委員會於開幕禮中致辭。

「論壇」邀得多位資深學者、官員及專業人士就災後重建和執行的經驗、加強防災、減災能力的建設及規劃作出探討，並就優質城市建設等課題發表講話。亦有特別安排團員到訪都江堰市作實地考察，了解當地重建工作的進程、並視察大熊貓園及熊貓疾病控制中心的重建選址。期望藉著此次「論壇」交流所得到的寶貴經驗，可促進本港與內地建築專業的互動交流，也可使各與會者深入地分享建設優質城市的經驗。

有關「論壇」詳細報告及相片，請留意下期「測量師時代」。



Press Conference on Compulsory Sale (Cap 545)

On 26 April 2009, a press conference for the launching of a booklet on Compulsory Sale (Chapter 545) 「強制售賣概覽」 was held just before the HKIS 25th Anniversary celebrations at the American Club in Tai Tam.



President Francis Leung, Senior Vice President Stephen Yip, Chairman of the General Practice Division Dr Lawrence Poon and Chairman of the Building Surveying Division Mr Kenneth Yun, briefed the media about the subject and took questions from them.

The booklet in Chinese was prepared to allow the layman to have a better understanding about compulsory sale for the private redevelopment of buildings.

All HKIS members will receive a copy of the booklet with this month's Surveyors Times. The booklet is also available from the HKIS website at www.hkis.org.hk.

A press release (in Chinese) was issued on the subject and can also be viewed at the HKIS website.



CONGRATULATIONS TO THE FOLLOWING WHO WERE ELECTED AS

HKIS MEMBERS ON 26 MARCH 2009

MEMBERS (118)

BS DIVISION

CHAN KWOK PIU GEORGE
 CHENG WAI LUN
 CHEUNG MAN FAI
 CHOW SIU HUNG STEVEN
 CHUNG MAN WAI
 KUNG CHING HONG
 KWONG WING KAM
 LAI CARMEN
 LAW FUK CHUEN
 LEUNG LIK HANG
 POON CHOR KUEN ERIC
 TAN YUI CHING JENNY
 TONG YEE MAN
 WONG KING YUE CLEMENT
 YEUNG CHUN HING

GP DIVISION

ANDERSON NEIL JOHN
 CHAN CHI WAN
 CHAN CHING MAN
 CHAN FOOK SENG
 CHAN KA YEE CARRIE
 CHAN SHEUNG WAH
 CHENG HO YIN
 CHEUNG KASON
 CHIU CHING NGAI
 CHOI KA WING JANET
 CHUNG HO KA
 HUNG KWING HEI
 HUNG WING YEE
 KO KA FAI
 KWOK LAI SAN
 LEE MING WAI
 LEUNG CHING CHING
 LEUNG LIN CHEONG LOUIS
 LI CHING MAN
 LI CHING YI
 LI WAI CHUNG
 NG PING KWAN
 POON LAI CHING
 TAI KOON HO DHUBAL
 WONG CHI FUNG
 WONG MEI YAN MICHELLE
 WU CHEUK NAM
 YEUNG KIU SING
 YEUNG MAN YIN
 YIM WAI KUAN
 YUEN LOK YAN PHYLLIS
 YUNG PUI I

PD DIVISION

MOK YORK YEE

QS DIVISION

AU KIT PIK CLARA
 CHAN HING LUN JOSEPH
 CHAN KA WING
 CHAN KIN PANG
 CHAN KWONG LEONG
 CHAN PUI CHI
 CHAN SHING FAT
 CHAN WAI KA
 CHEN KA MIN
 CHEUNG CHI LOK
 CHEUNG LAI IAN
 CHIM PUI SHAN
 CHOW CHAN HO
 CHU LI LI LILY
 CHUI CHI LEUNG
 CHUNG MEI YEE
 HUNG HOI CHAU
 HUNG YUEN MEI REBECCA
 IP LAI KI
 KAN YIN LING
 KO KA LI KELLY
 KWOK KA YING
 KWOK TIM WAI
 LAI WING HANG
 LAM HON FAI
 LAM MAN YI
 LAM PO LAI
 LAM WAI MAN
 LAU HOI MING DOMANICA
 LAU ON NI
 LAU WING SEE
 LEE KIN CHUN
 LEE KOON SHING
 LEE KWAN CHING
 LEE WAI WAH JENNIFER
 LEE WEI BIK
 LEE YIM WAI
 LEUNG SHUK CHING
 LEUNG WAI KEUNG
 LEUNG WAI YIP
 LI KA YAN
 LIU CHING YAN
 LIU SIU MAN JOSEPH
 LO KUI MUN
 LUK WING KAM
 MAN YIU WING
 MOK CHI KAI

NG CHI WAI
 NG MAN FU MICHAEL
 NG WAI FAN
 NGAI CHI HANG
 PANG SIU KAI
 TAM TAT CHI
 TAM WAI HUNG
 TANG WING MAN VERONIC
 TING YUEN CHUN ERIC
 TO MAN YEE
 TSANG WAI YI
 TSANG YUK YIU
 WAN CHI HONG
 WAN SZE KIT
 WONG KIM MAN
 WONG KIN HANG
 WONG VINCENT
 WONG WAI YEE CHRISTINA
 WONG WING YAM
 YAM FUNG
 YEUNG KA MAN
 YEUNG SAI KIT
 YUEN KING YAN

CORPORATE MEMBERS REGISTERED IN OTHER DIVISIONS (6)

PD DIVISION

LAM MEI PO MABEL (QS)
 WU MOON HOI MARCO (GP, PFM)

PFM DIVISION

CHAN TAK SUM (BS)
 CHIU YAT KING (GP)
 TANG WING YEE (GP)
 TSE KA KI (GP)

RESIGNATIONS

CHEUNG YAN KI FIONA
 CHEUNG YIN FAT
 CHU CHEUK TING
 HO YU KEE ALBERT
 JEONG HAI YEUN HANNAH
 KEITH JOHN HEALY
 LAM WAI KEUNG
 LEE HON TING
 NG NGA CHUN
 PAUL JAMES CRESSWELL
 TANG WING HUNG
 WONG MAN KI

LIST OF HKIS MEMBERS EXPUNGED

FOR NON-PAYMENT OF SUBSCRIPTIONS 2008/2009

Approval was given by the General Council to expunge the following members for non-payment of subscriptions for the year 2008/2009 with effect from 26 March 2009:-

DIVISION	NAME	HKIS NO.	CLASS	DIVISION	NAME	HKIS NO.	CLASS
BS	CHAN, KWOK LEUNG	81835	PROBATIONER	GP	KWONG, KWOK CHEUNG	84095	PROBATIONER
BS	CHAN, WAI HANG	83338	PROBATIONER	GP	LAI, KIN PONG	85564	PROBATIONER
BS	CHAN, YUNG KIT	84953	PROBATIONER	GP	LAI, WAI LEUNG	85165	STUDENT
BS	CHANG, HOI PUI	85056	PROBATIONER	GP	LAU, YAN HO	85166	STUDENT
BS	CHENG, KAM YUEN	84905	PROBATIONER	GP	LEE, YUK YUN	82904	PROBATIONER
BS	CHOW, CHI KWONG	85736	STUDENT	GP	LEUNG, MARISA YIN PING	82449	PROBATIONER
BS	CHOW, CHI WAI	84804	PROBATIONER	GP	LEUNG, YUEN HAN	85731	STUDENT
BS	CHOW, HIU FUNG MICHELLE	85749	STUDENT	GP	LIU, SHU	85809	PROBATIONER
BS	FUNG, CHAU LOK	84041	PROBATIONER	GP	LUI, CHI KIM JERRY	85271	PROBATIONER
BS	FUNG, KAR CHUN	84054	PROBATIONER	GP	MANN, JAMES ROBERT	85179	PROBATIONER
BS	HO, KIN FUNG FRANKY	85757	STUDENT	GP	MUI, WAI KIN	84607	PROBATIONER
BS	HO, KWAI WAI	83488	PROBATIONER	GP	NG, CHU KEI	84162	PROBATIONER
BS	HUI, LOK SHAN	85105	PROBATIONER	GP	NGAN, SHUN KAI	85565	PROBATIONER
BS	IU, LAI LING	85323	PROBATIONER	GP	SUEN, WAI YU	85672	PROBATIONER
BS	KONG, SAI YIN	1759	FELLOW	GP	TANG, KWOK KEI	82607	PROBATIONER
BS	KWOK, YAU HANG	84645	PROBATIONER	GP	TANG, WAI KIT ARNOLD	85980	PROBATIONER
BS	LAI, SHING MAN	83191	PROBATIONER	GP	TSAI, SIU WONG	85567	PROBATIONER
BS	LAM, PING CHEUNG	83418	PROBATIONER	GP	TSUI, CHIN WANG	83202	PROBATIONER
BS	LAU, CHUN HUNG	83276	PROBATIONER	GP	WONG, KIN CHEE	0139	FELLOW
BS	LAU, WING SZE	83766	PROBATIONER	GP	WONG, LUEN WO STEPHEN	84871	PROBATIONER
BS	LEUNG, CHEUK HIN	85750	PROBATIONER	GP	WONG, YUK LEUNG	82951	PROBATIONER
BS	LEUNG, SIU PING	82024	PROBATIONER	GP	WU, KIN WAH	82125	PROBATIONER
BS	LEUNG, TUNG	83595	PROBATIONER	GP	YU, MEI KUEN	81874	PROBATIONER
BS	LEUNG, WING TAI	83856	PROBATIONER	LS	CHANG, YUK YIN	85848	STUDENT
BS	LI, CHI SAN	85073	PROBATIONER	LS	CHENG, LAP KUN SYDNEY	84424	PROBATIONER
BS	LI, DICK MAN MARTIN	83421	PROBATIONER	LS	CHENG, PAK CHUI	85539	PROBATIONER
BS	LI, SUK KWAN	82336	STUDENT	LS	CHEUNG, CHI SHING	4743	TECHNICAL ASSOCIATE
BS	LI, YAN TAI EDWARD	84805	PROBATIONER	LS	CHEUNG, KA YAN	85845	STUDENT
BS	LOUIE, YUK MAN SUKY	81940	PROBATIONER	LS	HO, LAI WA	85847	STUDENT
BS	LUI, YUEN TING JOANNE	85357	PROBATIONER	LS	IP, WING KIT	82958	PROBATIONER
BS	MA, WAI SHING	81412	PROBATIONER	LS	LAM, MAN YI	85852	STUDENT
BS	MAK, KAM FAI	84791	PROBATIONER	LS	LAM, PUI MAN	85861	STUDENT
BS	NG, CHI KIN	84899	PROBATIONER	LS	LAM, TIN CHEUNG	4747	TECHNICAL ASSOCIATE
BS	NIP, KAI TUNG	81942	PROBATIONER	LS	LEE, NAI CHING	85098	PROBATIONER
BS	PANG, CHUN YIN	84392	PROBATIONER	LS	LEUNG, CHU PONG	82680	PROBATIONER
BS	SZE, CHI LUN	84891	PROBATIONER	LS	LEUNG, WAI SHA	85841	STUDENT
BS	TAM, HO YIN	82706	PROBATIONER	LS	LI, YAN TIK	85859	STUDENT
BS	TSANG, KWOK MAN	81332	PROBATIONER	LS	LOK, HO CHEONG	83334	PROBATIONER
BS	WONG, CHI HIM	85995	PROBATIONER	LS	SEE, KWOK LEUNG	83631	PROBATIONER
BS	WONG, HUNG HO	85253	PROBATIONER	LS	SIU, SIN YI	85844	STUDENT
BS	WONG, LOK YAN	85789	STUDENT	LS	TAM, HO MING	85839	STUDENT
BS	YANG, YAT SUM	84414	PROBATIONER	LS	TAM, MAN WA	85855	STUDENT
BS	YU, HUNG KWAN JASON	83502	PROBATIONER	LS	TANG, CHUN NANG JORAN	85842	STUDENT
GP	AU, YUE KEI KENNETH	81970	PROBATIONER	LS	TUNG, KA HUNG	85843	STUDENT
GP	CHAN, CHUN KWOK	83923	PROBATIONER	LS	YAU, EVIZA	84657	PROBATIONER
GP	CHAN, HO WAH TERENCE	83973	PROBATIONER	LS	YIP, KAM CHU	84243	PROBATIONER
GP	CHAN, KAM PING MARCOS	84412	STUDENT	QS	BICKHAM, PAUL ANDREW	2902	MEMBER
GP	CHAN, SIN CHING	85214	PROBATIONER	QS	BUT, WING KEUNG	85703	STUDENT
GP	CHEUNG, CHUN CHUNG	85729	STUDENT	QS	CHAN, KA LOK	83222	PROBATIONER
GP	CHEUNG, CHUN MING	85400	PROBATIONER	QS	CHAN, TAK KWONG ROY	85336	PROBATIONER
GP	FAN, SIU HEI	85726	STUDENT	QS	CHAN, WAI KEI SIMON	82629	PROBATIONER
GP	FAN, YU KIT	84741	PROBATIONER	QS	CHAN, WING KEUNG ANDY	0583	MEMBER
GP	HO, KIN FUNG	85158	STUDENT	QS	CHAN, WING KING PHEMIE	83233	PROBATIONER
GP	HUI, KWONG YI	85559	PROBATIONER				
GP	HUNG, YIK KWAN STEVE	85097	STUDENT				

DIVISION NAME	HKIS NO.	CLASS	DIVISION NAME	HKIS NO.	CLASS		
QS	CHENG, KWUN WAH	85421	PROBATIONER	QS	NG, HUNG FAI	85110	PROBATIONER
QS	CHEUNG, NGAI PIU	83248	PROBATIONER	QS	POON, TAT KIN	82345	PROBATIONER
QS	CHEW, KA LOK	3298	MEMBER	QS	SHIH, WEI CHUN	81856	PROBATIONER
QS	CHIU, WING CHUNG	83237	PROBATIONER	QS	TANG, TAI CHEUNG	85423	PROBATIONER
QS	CHUNG, KING MAN	82848	PROBATIONER	QS	TONG, YIU KWONG ALEX	85668	PROBATIONER
QS	HO, PUI LAM ENRICA	85053	PROBATIONER	QS	TSUI, BUN CHEUNG	81575	PROBATIONER
QS	HOLGATE, MARK RICHARD	3190	MEMBER	QS	TSUI, WING HIN	85119	PROBATIONER
QS	LAM, KAI MAN	84070	PROBATIONER	QS	TUNG, MAN KAI	82694	PROBATIONER
QS	LAM, KING YIP	85881	STUDENT	QS	WONG, CHUNG LUN	3735	MEMBER
QS	LAU, SIU MING	2799	MEMBER	QS	WONG, KA ON	85382	PROBATIONER
QS	LAW, KWONG YIU PETER	83925	PROBATIONER	QS	WONG, KIT FU KEITH	85122	PROBATIONER
QS	LAW, MAN WAI	82585	PROBATIONER	QS	WONG, SIU HO	84395	PROBATIONER
QS	LEE, LI MING	85914	PROBATIONER	QS	WONG, SIU KWAN	85708	STUDENT
QS	LEE, PO MAN	81441	PROBATIONER	QS	WONG, TIN SUNG	80627	PROBATIONER
QS	LEUNG, MAN SHUN	83861	PROBATIONER	QS	WONG, WAI LING	83779	PROBATIONER
QS	LO, KIN BONG	83182	PROBATIONER	QS	YAU, WAN FONG	86036	STUDENT
QS	LO, YIP KWAN STEPHEN	83231	PROBATIONER	QS	YU, HEUNG CHING JASON	83315	PROBATIONER
QS	MAK, YIU FAI	81953	PROBATIONER	QS	YU, KWOK LEUNG	84450	PROBATIONER
QS	MIU, YIN LAI REBECCA	80918	PROBATIONER				

Report from HKIS 25th Anniversary Organising Committee

25th Anniversary Website

- A 25th Anniversary website has been established. Updated news and photos will be posted to the website. Members are welcome to visit the website at <http://www.hkis.org.hk/hkis/html/25/index.htm> for details.

25th Anniversary Souvenirs

- Different kinds of souvenirs have been made in celebration of the 25th Anniversary. Some of them have already been distributed to members and the public.
- Members will have received an Octopus Cardholder, which was enclosed with the January issue of Surveyors Times. A 4-color pen was also enclosed with the Annual Subscription 2009-10 and Membership Renewal Form, which was mailed to members in early April.
- For those members who settle their annual subscription before 30 May 2009, a Redemption Coupon for a 25th Anniversary Porcelain Mug will be sent to you together with the official receipt of the annual subscription. Members can redeem the porcelain mug from the Administration Office.

- Other souvenir items have also been made and will be distributed at different occasions.

Ceremonial Events

- An exhibition booth was set up at the HKTDC's Education and Careers Expo from 19 to 22 February 2009 for promotion of HKIS.
- A Silver Jubilee Party will be held on 26 April 2009 at the American Club Hong Kong in Tai Tam.

Upcoming Events

- The HKIS **Silver Jubilee Cup Horse Racing Day** will be held on 9 May 2009 at Shatin Racecourse.
- The **2009 Annual Conference**, with the theme of "Surveyors in Urban Regeneration" will be held on 26 September 2009 at the Conrad Hong Kong. The Secretary for Development Mrs Carrie Lam has been invited as the keynote speaker. Details to be announced at a later stage.
- The **2009 Annual Dinner** will be held in mid-November 2009.

Details of all the above events will be made available on the HKIS website at www.hkis.org.hk or the 25th Anniversary website at www.hkis.org.hk/hkis/html/25/index.htm.

HKIS voices its concerns on the lack of surveying related services in Government infrastructure projects

HKIS has recently expressed its concern on the lack of surveying-related services in government infrastructure projects in a letter to the Secretary for Development on 2 April 2009. The Institute while supportive of the government's initiative on the launching of infrastructure projects for the sustainable development of Hong Kong has noted a lack of recognition of the functional importance and expertise of surveying practitioners, both professional (land surveyors and quantity surveyors) and technical support in the implementation of such projects and consultancies.

Surveying related posts have been taken up or replaced by other professionals or technicians eg engineers. We consider that the skills and experience obtained by surveying practitioners cannot be replaced by other professionals. Progress and quality of the infrastructure projects which would inevitably be impaired

The Institute hopes the Government reviews the current situation and resolves the problems by specifying the distinct and independent roles of land surveyors and quantity surveyors in the consultancies and works contracts and for the consultancies to retain a sufficient level of surveying staff to monitor the work projects.

A full copy of the letter to the Secretary for Development may be obtained from the website at http://www.hkis.org.hk/hkis/html/newsroom_position.jsp

HKIS Annual Subscription 2009-2010

By now, all members should have received the Annual Subscription 2009-2010 and Membership Renewal Form. It is obligatory upon a member to pay the annual subscription without reminders. For payment after 30 June 2009, a

surcharge will be charged to cover administrative costs.

If members have not received their Annual Subscription 2009-2010 and Membership Renewal Form, please contact Ms Cindy Tang at 2526 3679 or email a_cdept@hkis.org.hk. For change of correspondence address, please contact Ms Sally Leung at 2526 3679 or email sallyleung@hkis.org.hk

Council members reaching out

8-11 April 2009

Mainland and Hong Kong Construction Industry Forum organised by the Ministry of Housing and Urban-Rural Development (MOHURD) and Development Bureau – Chengdu, China
Mr Francis Leung, Mr Stephen Yip, Mr Lesly Lam
Mr Edwin Tsang, Mr Joseph Chong, Mr Nathan Lee
Mr Honby Chan, Mr T T Cheung, Mr Koo Tak Ming
Mr Antony Man

9 April 2009

Annual Dinner of Institution of Civil Engineering Surveyors
Mr Daniel Ho, Mr Thomas Ho, Mr Sung Hon Kwong
Mr Simon Kwok

15 April 2009

Panel on Development meeting on Review of the Urban Renewal Strategy organised by Legislative Council
Dr Lawrence Poon

16 April 2009

Outstanding PolyU Alumni Award 2009
Mr Stephen Yip, Mr Wong Bay

Inauguration Ceremony of the 65th Council of Hong Kong Construction Association
Mr Francis Leung

21 April 2009

Annual Dinner of the East Asia Branch of the Chartered Institute of Arbitrators
Mr Francis Leung

23 April 2009

廣東省物業管理協會到訪
Mr Gary Yeung, Mr Dick Kwok

Towards a Quality and Sustainable Built Environment Policy Forum from the Social-economical, Regulatory and Design Perspectives organised by the Hong Kong Polytechnic University

Mr Vincent Ho

25 April 2009

World Association of Valuation Organisation Board Meeting in Singapore

Mr Chiu Kam Kuen

28 April 2009

Labour Day Reception of the Labour and Welfare Bureau

Mr Francis Leung

Dinner Reception: College of Science and Engineering in celebration of the 25th Anniversary of City University of Hong Kong

Mr Francis Leung

Report on HKIS Golf Society activities 2009

TT Cheung, Chairman, HKIS Golf Society

HKISGS Golf Day

24 members joined the HKISGS Golf Day held in Kau Sai Chau East Course on 18 February 2009. Members were grouped into 6 teams to compete under the Texas Scramble, stroke play format. It was fun and all enjoyed the team work. The winning team comprising Paul Cheung, Amy Tang, Chan Choi Hing and Leslie Ha scored a brilliant 67 strokes (5 birdies and 13 pars). The 1st runner-up team members

were James Law, Jonathan Li, Daniel Ho and Jesse Wong and the 2nd runner-up team members were Baldwin Ko, Nelson Cheng, Samson Wong and Bernard Wu.



The winning team receives a prize from TT Cheung (from left: Chan Choi Hing, Paul Cheung, Amy Tang and Leslie Ha)

Joint Professional Golf Tournament 2009

The HKIS team came second in the Joint Professional Golf Tournament 2009 held in Kau Sai Chau on 11 March 2009. The winning team went to the doctors and the dentists came second. The accountants and surveyors were joint second runner-ups as we scored the same total points. The HKIS team members were Amy Tang, Andrew Kam, Baldwin Ko, Chan Chi Kai, Chan Choi Hing, Eric Au, Freddy Hung, Henry Chan, Jacky Tull, James Law, Jesse Wong, Jonathan Li, Leslie Ha, Nelson Cheng, Paul Cheung, Rock Tsang, Raymond Chan, Sam Mak, Samson Wong, Simon So, TC Ng and TT Cheung. Other than coming third at the team competition, our members won the following individual trophies:

Best Gross Score (South Course)	Jonathan Li
Gross Score (East Course)	Leslie Ha
Highest Stableford Point	TT Cheung
Nearest to Pin (Hole #13 East Course)	Simon So
Nearest to Pin (Hole #15 East Course)	Baldwin Ko
Longest Drive (Hole #4 East Course)	Leslie Ha
Longest Drive (Hole #3 South Course)	Samson Wong

logo of competing teams



the prizes



Best Gross Champion (South Course) – Jonathan Li



Longest Drive winner – Samson Wong



Highest Stableford Point winner – Nearest to Pin winner – Simon So
TT Cheung

The event would not have been successful and enjoyable without the support of our keen golfers and the organiser, Hong Kong Institute of Certified Professional Accountants. If you are interested in representing HKIS, please watch for your diary next March.

HKISGS Annual Fee

The HKISGS Committee resolved to waive the annual fee from 2009 onwards and hope it would attract more surveyors to join the HKISGS activities to enjoy the friendship gradually developed amongst surveyor golfers. If you are interested, just drop us a note at organizer@hkisgs.hk.

HKIS 25th Anniversary Golf Competition

Lastly, we are planning for the HKIS 25th Anniversary Golf Competition in autumn. Please watch your diary.

Calling for Professional Papers

To promote the real estate industry of Hong Kong as well as to broaden professional knowledge, publication of professional papers or reports on topics related to the industry from our professionals is highly encouraged.

Professionals may consider writing on topics in relation to the following:

- **Building Surveying:**
Building Management and Maintenance, Building Safety etc
- **General Practice Surveying:**
Valuation, Development Consultancy, Sales and Letting etc

- **Land Surveying:**
Mapping, Land Management and Information Technology etc
- **Planning and Development:**
Property Development, Town Planning etc
- **Property and Facility Management:**
Property Asset Management, Facility Management etc
- **Quantity Surveying:**
Contract and Cost Management, Value Engineering, Project Management etc
- **Others:**
Dispute Resolution etc

Selected papers (with names of their authors) will be published and distributed to Government bodies, professional bodies, education institutes, business enterprises etc. Please note that all professional papers submitted will be vetted by relevant Divisions, the Promotion Committee and Executive Committee, and will only be published subject to all approvals being obtained. If you have any enquiries, please contact Mr Yu Kam Hung on 2820 2832.

Your contribution to our industry would be highly appreciated. If you are interested, please send a soft copy of your professional paper to: coody@hkis.org.hk or you may contact Mr Coody Ko on 2526 3679 for further information.

Surveying and Built Environment — Call for papers

Property rights, regulations and sustainable development

Contributions are welcome for the next issue of Surveying and Built Environment (Journal of the Hong Kong Institute of Surveyors) in 2009 in the fields of surveying and development, with a focus on property rights, regulations and sustainable development. Both theoretical and practical contributions are welcome.

Submissions must not have been published previously and

should be in Word format. Submission Guidelines can be obtained from the HKIS website at www.hkis.org.hk.

Only articles that demonstrate novelty and a theoretical or practical contribution (in the form of propositions and/or verifiable hypotheses) in the context of a rigorous literature review can be considered. Evidence of ethics clearance by relevant institutions must be provided for papers involving human data collected by social surveys.

All submissions will be screened first by the Chief Editor before they are blind refereed. A definite decision by the Editorial Board will be made within 60 days of submission. Comments of referees and editors will be disclosed to authors if their works are refereed.

Please send contributions by email in the first instance to Professor Lawrence Lai at wclai@hku.hk or to editor@hkis.org.hk.

Deadline for submission of papers is 31 May 2009.

News from Sports and Recreation Committee

Chairman: Lesly Lam, leslylam@hkis.org.hk

*Vice-Chairman: Michelle Chung,
michellechung@hkis.org.hk*

Secretary: Carmen Wong, carmen.wkm@gmail.com

Treasurer: Cyrus Siu, cyrus.siu@gmail.com

HKIS Runners in Hong Kong Marathon 2009 – Joint Professional 10km Run Competition

Team Captain: Mr Lesly Lam

The Institute formed a strong running team in the Hong Kong Marathon 2009 held on 8 February 2009. We had a superb performance and got many good results. In the Joint Professionals 10km Run Competition, we finally ended up as the 1st Runner-up with teammates (1) PONG Yiu Po Daniel; (2) WONG Ching Kit Joe; (3) LAM Lik Shan Lesly and (4) TSUI G Kin Paul. The results are as follows.

Results	Professional Bodies	Total Time	Average Time (per person)
Champion	HKICPA (Accountants)	03:25:53	51:18
1 st Runner-up	HKIS (Surveyors)	03:37:42	54:25
2 nd Runner-up	HKIA (Architects)	03:42:07	55:32
3 rd Runner-up	HKMA (Doctors)	03:54:49	58:42
4 th Runner-up	LSHK (Lawyers)	04:06:55	01:01:44

Daniel Pong, who is a Building Surveyor, was also the Individual's Champion among the professional bodies with his superb time of 41 minutes and 21 seconds for the 10km Run. Congratulations!

Joint Professional Golf Tournament 2009

Team Captain: Mr TT Cheung

The HKIS team came second in the Joint Professional Golf Tournament 2009 held in Kau Sai Chau on 11 March 2009. A detailed report written by the Golf Society Chairman Mr TT Cheung can be found on page 13. There are many golf activities coming ahead. Please stay-tuned.

Joint Professional Soccer League 2009

Team Captains: Mr Cyrus Siu / Mr Lesly Lam

The Joint Professional Soccer League 2009 has just begun. It lasts for 8 months from April 2009. The 1st match was held on the HKIS Silver Jubilee Birthday on 26 April 2009 at Ma On Shan Stadium. Our soccer team is one of the best sports team in the HKIS. Many prizes have been won. All soccer teammates were specially selected from past HKIS soccer competitions.

The details of the Joint Professional Soccer League can be found on the web-page as follows.

<http://www.hksla.org/jpfl/mainpage.htm>

日期	時間	地點	主場	附屬	裁判	性質	備註
2009 MAY 01	21:00	瑞士瑞士體育高爾夫球場 Hong Kong Playground #1	香港法律師公會 HKBA	香港律師公會 LAW SOC	李國輝	聯賽	
2009 MAY 03	13:30	海馬戲士體育高爾夫球場 Horse Valley #1	香港會計師公會 CPA	香港醫學會 HKMA	李國輝	聯賽	
2009 MAY 06	21:30	延克利街賽馬場 Stanley Street Racecourse	香港工程師公會 LAIB SOC	香港醫學會 HKMA	李國輝	聯賽	
2009 MAY 08	21:00	瑞士瑞士體育高爾夫球場 Hong Kong Playground #1	香港特種師公會 HKMA	香港律師公會 LAW SOC	李國輝	聯賽	
2009 MAY 11	21:00	瑞士瑞士體育高爾夫球場 Hong Kong Playground #1	香港醫學會 HKMA	香港特種師公會 HKMA	李國輝	聯賽	
2009 MAY 22	21:00	瑞士瑞士體育高爾夫球場 Hong Kong Playground #1	香港特種師公會 HKMA	香港律師公會 LAW SOC	李國輝	聯賽	

HKIS Snooker Team – More interested members required! Team Captain: Mr Willie Tang

To prepare for the Joint Professional Snooker Tournament this summer, our Snooker Team has started to practice already. The team captain would like to appeal for more interested members to join the snooker team. Ladies are also welcome.



HKIS Soccer Team

Joint Professional Volleyball Tournament 2009 Team Captain: Miss San KWOK

The 1st Joint Professional Volleyball Tournament will be held in the second half of this year. Our Volleyball Team is composed by strong teammates with ex-universities' teammates. It is in good shape already. Please stay-tuned to this competition, which is one of the most exciting tournaments.

Joint Professional Badminton Tournament 2009 Team Captain: Mr Sunny Chan

The Joint Professional Badminton Tournament will be held on 5 July 2009 (Sunday) at MacLehose Medical Rehabilitation Center ("MMRC"), Sha Wan Drive, Pokfulam, Hong Kong. Regular and tough practice has been conducted frequently. Like the other HKIS Sports Team, another superb result is expected soon.



HKIS Volleyball Team –
Friendly match with the doctors and lawyers on 3 May 2009

Joint Professional Tennis Tournament 2009 Team Captain: Mr Harry Jan

The Joint Professional Tennis Tournament will be held in August 2009 at Kowloon Tong Club. According to the tennis team captain, regular and tough practice has been conducted frequently. All teammates are confident in achieving a much better result in the tournament this year.

- Volleyball teammates include:
- | | |
|---------------|-------------|
| Chester Leung | Karl Li |
| Connie Hung | San Kwok |
| Carmen Wong | Hubert Chan |
| Elaine Ng | Timothy Lam |
| Chris CHAN | Lesly Lam |
| Ka Yan TSUI | |

Ski and Snowboard Interest Group – News will be announced soon

Group Convener: Mr Lesly Lam

Quite a few members have shown an interest and joined this interest group. The group convener will send out details to them very soon. News about training and ski/snowboard trips will be announced. The convener is liaising with the HK Ski and Snowboard Association 香港滑雪論壇 to organise the training and trips. Meanwhile, you may surf through the following site for information about ski and snowboarding: <http://www.hkssa.net/index.php>.

You can find plenty of useful information about equipment and tailor-made ski/snowboard trips.

For members who are interested in participating in the various sports, please contact Donna Yu at cpd@hkis.org.hk or 2526 3679 for registration. The Chairman, Lesly LAM, will then contact you shortly.

Quantity Surveying Division Annual Dinner 5 June 2009

Reception : 6.30 to 7.30 pm
Dinner : 7.30 to 10.30 pm
Venue : 5/F, Voting Members Box
Members Stand I
Happy Valley Racecourse

The QSD Council cordially invites you to join this special event and to mingle with your fellow members.

For further details about the event, sponsorship packages and reservation form, please visit the QSD webpage at www.hkis.org.hk/hkis/html_qsd/index.jsp.

STANLEY DRAGON BOAT RACE 2009



**CAN YOU SEE OUR INTENSIVE TRAINING?
CAN YOU SEE OUR PROGRESS IN
CHALLENGING THE CHAMPION?**

Let's JOIN and SUPPORT our
HKIS Dragon Boat Team in the

STANLEY INTERNATIONAL DRAGON BOAT CHAMPIONSHIP

on TUEN NG FESTIVAL, 28 May 2009 (Thursday)

**SEE YOU ALL AT STANLEY MAIN BEACH!
YOUR SUPPORT IS OUR MAIN FORCE!**



For enquiries, please contact our Team Captain
- William Lai at williamlai@hkis.org.hk

Professional Volunteer Accreditation Programme

Organized by:

The Hong Kong Council of Volunteering
Agency for Volunteer Service
The Hong Kong Institute of Surveyors

Recognition through Accreditation:

1. Download the <Application Pack> at HKIS website and read the Program Brief.
2. Return the completed Application Form to HKIS.
3. Record your volunteer services on the Record Sheet during the accreditation period.
4. Submit the completed Record Sheet to HKIS before the submission deadline.

A Certificate of Accreditation will be awarded to members meeting the required volunteer service hours within the accreditation period.

Criteria for Accreditation:

Level of recognition	Minimum Requirements
Silver	75 hours
Gold	150 hours
Leadership Award	More than 225 hours

* Please refer to the application form for detailed Criteria for Accreditation

Time:

Accreditation Period - 1 July 2008 - 31 December 2009

Deadline for Record Submission - February 2010

Download Application Pack:

http://www.hkis.org.hk/hkis/general/broadcast/PVAP2009_ApplicationPack.zip

For enquiries, please call 2526 3679 or email: coody@hkis.org.hk

同心展關懷

Building Surveying Division Chairman's Message



Kenneth Yun BSD Council Chairman

Integrity and Quality Building Maintenance and Renovation

On 2 April 2009, officers from the ICAC delivered a talk on Integrity and Quality Building Maintenance and Renovation. Mr Alpha LEUNG and Ms Brenda SO, senior officer of ICAC presented the common traps and dilemmas in building maintenance and renovation projects through a case study. They highlighted the importance of a professional building surveyor who acts as a consultant in handling such kind of projects in order to secure the best interests of property owners. Professional Building Surveyors shall at all times exercise impartiality, integrity and maintain high standard of professional conduct throughout the process.

Moreover, the Building Surveying Division has cooperated with the ICAC during the past years. Our council members have attended several district workshops and radio spot series organised by the ICAC, Home Affairs Department and Hong Kong Housing Society in order to promote our professional services in building maintenance and renovation to building owners, Incorporated Owners and the general public as well.

Mainland and Hong Kong Construction Forum at Chengdu

The 2009 Mainland and Hong Kong Construction Industry Forum was successfully held in Chengdu from 8 to 10 April 2009. Speakers included government officials, scholars and professionals from the construction industry, who delivered speeches on useful topics which reviewed the existing practices and planned ahead on the prevention of a natural disaster, how to lessen its impact and achieve quality construction. BS members, Mr Cheung Hau Wai, Mr Samson Wong and Mr Nathan Lee were three of the HKIS delegates who attended the Forum. Mr Cheung also chaired a discussion forum named "建設優質城市" and Mr Wong was one of the speakers who delivered a talk on "可持續城市與房

屋的優質維修及管理". We would like to extend our sincere thanks to the delegates and members who had contributed in the preparation of materials for the presentation.

Operation Building Bright

Members are encouraged to visit the website [http://www.ura.org.hk/usrAtt/500000/OBB_\(Eng\).pdf](http://www.ura.org.hk/usrAtt/500000/OBB_(Eng).pdf) to study about details of the proposed scheme as building surveyors should be one of the major stakeholders in this scheme. I look forward to your active participation, and help the owners of target buildings so that the image of the city can be enhanced.

Building Energy Efficiency Funding Schemes

The Government announced details of the Building Energy Efficiency Funding Schemes on 8 April 2009. As reflected in the Institute's response to the HKSAR Budget 2009-10, we opined that a majority of the allocated funding should be assigned for improvement works to enhance energy efficiency. This message was reiterated by Mr Gary Yeung during his interview by Now TV on 9 April 2009. Members are encouraged to visit the website: <http://www.building-energy-funds.gov.hk/en/about/index.html> in order to acquaint yourself with the funding schemes. For details about carrying out energy-cum-carbon audits, you may visit the following website: http://www.emsd.gov.hk/emsd/e_download/pee/Guidelines_on_Energy_Audit_2007.pdf.

We have discussed in our Council Meeting to approach a training institute in order to train up building surveyors to become competent energy-cum-carbon auditors if there is such a demand from practitioners. You are encouraged to voice out your opinion on this issue.

As our spokesmen are gaining popularity with the media, a corner has been set up under this column to report their efforts in the past month.

Spokesman's Corner

Interview with the Friends of the Earth on light pollution(光害) and energy efficiency and energy saving(節能)

Noticing that the HKIS has been actively offering advice and comments on environmental issues, the Friends of the Earth (地球之友) (the "FoE") recently approached HKIS to seek our views on the current hot topics on built environment on light pollution and energy efficiency and saving. Mr Vincent Ho met with representatives of FoE, Catherine Lau and Cheng Sze Ling to exchange views on the two topics.

Mr Ho opined that following the government policy on allowing signboard erection over public streets, more large-scale signboards have appeared in recent years. As a side effect, the very intensive and high illumination signboard lighting has caused adverse impact to the people living nearby. If there is no effective self-regulation on lighting design and usage by the signboard owners or operators, it may be necessary to consider legislative control on "light pollution" thus caused in order to alleviate the excessive nuisance to the public. However, control on "light pollution"

should not only focus on signboards but also on the overall lighting effect arising from the use of buildings e.g. the external feature lighting of many new buildings. In this connection, a very comprehensive and thorough study shall be conducted by the Government with sufficient discussion among the society at large.

On the energy efficiency issue, Mr Ho shared the views of HKIS with FoE that a majority of the proposed funding on the recently announced Building Energy Efficiency Funding Schemes should be assigned to the works for improving energy efficiency of the electrical installation in buildings. On this issue, it is very encouraging to learn at the end of the interview that the FoE believes that members of the HKIS, and particularly, the building surveyors should have a more active role to play in the energy audit and assist the public in carrying out the necessary improvement works. Mr Ho echoed and added that the effective implementation of the energy efficiency improvement works should be a concerted effort of various building professionals including building services engineers, surveyors with expertise on building maintenance and property management works together with manufacturers and suppliers of equipment, plants and electrical fittings.

Date : 19 June 2009 (Friday)
Time : 7:00 pm to 10:30 pm
Venue : Sai Kung
Gathering Point : 6:45 pm at Star Ferry Pier, Tsim Sha Tsui, Kowloon
Cost : HK\$200 per person (including dinner)
Quota : 40 (First-come-first-served)
Registration deadline : 12 June 2009

Building Surveying Division Squid Fishing

Code no. BSD/S/200904

Remarks: BS members, family members and friends are welcomed. Please complete the standard CPD Reservation Form and return together with payment to the HKIS office. For enquiries, please e-mail to cpd@hkis.org.hk.

General Practice Division Chairman's Message




Dr Lawrence Poon GPD Council Chairman

Membership Reciprocity with the China Institute of Real Estate Appraisers and Estate Agents (CIREA)


Further to the forum on 19 March 2009 on the subject issue, the GPD Council is prepared to discuss with CIREA on the possibility of having another membership reciprocity arrangement between the two institutes. As such, Mr Stephen Yip, Senior Vice President, has been requested by the Council to make use of his visit to Beijing in mid May to discuss the subject issue with CIREA. The Council is now in the course of estimating the number of HKIS members who have met the reciprocity requirements and are interested to apply, based on which a quota will be set for CIREA members to become HKIS members under the subject reciprocity arrangement and vice versa. Therefore, if you are qualified and interested to apply, please send a reply with your full name and contact details to the Council through the HKIS office by e-mail at info@hkis.org.hk before 10 May 2009.

I have to emphasize that at this stage, whether the second membership reciprocity arrangement will be made depends very much on the outcome of our discussion with the CIREA. If agreement can be reached, a formal invitation with details of arrangement will be sent to all GP members.



中国房地产估价师学会和香港测量师学会

资格互认协议证书



为促进内地和香港共同发展，加强两地房地产估价领域的交流与合作，经中国房地产估价师学会和香港测量师学会协商，就内地房地产估价师与香港测量师（产业）进行资格互认（以下简称“资格互认”），签署本协议证书。

一、资格互认的原则

- (一) 对等原则；
- (二) 总量和户籍控制原则；
- (三) 侧重互认专职人员原则。

二、资格互认的条件

(一) 香港测量师申请内地房地产估价师资格的条件

- 1、户籍：
香港永久性居民。
- 2、专业资格：
(1) 香港测量师学会专业会员或资深专业会员（产业）；
(2) 成为香港测量师学会专业会员后的年限不少于5年。
- 3、工作经验：
过去3年内不少于1年（可以累计）在内地从事房地产估价、开发、代理、调研、顾问的工作。

(二) 内地房地产估价师申请香港测量师资格的条件

- 1、户籍：
中华人民共和国公民（内地）。
- 2、专业资格：
(1) 中国房地产估价师协会会员；
(2) 取得房地产估价师执业资格并经注册后的年限不少于5年。
- 3、工作经验：
在房地产估价机构不少于5年从事房地产估价业务的专职注册房地产估价师；或大学房地产方面的教授、副教授；或现任或在过去3年内其中1年曾担任中国房地产估价师学会的理事。


三、与有关评估资格的互认

- (一) 若中国房地产估价师学会或香港测量师学会的会员资格是通过与其他国家或地区之间的资格互认安排而获得的，不适用于作为申请资格互认协议书的资格使用；反之，根据资格互认协议书所取得的对方资格，也不适用于作为申请中国房地产估价师学会或香港测量师学会与其他国家或地区之间的资格互认协议使用。
- (二) 若中国房地产估价师学会与香港有关评估领域开展资格互认，应事先征求香港测量师学会的书面同意。香港测量师学会与内地有关评估领域开展资格互认，应事先征求中国房地产估价师学会的书面同意。

四、协议生效

- (一) 有关资格互认的申请和条件审核，资格互认的考核方式，资格的取得及名称的使用、注册和执业，详列于资格互认协议书中。
- (二) 资格互认协议书经双方签订后生效。
- (三) 经双方同意，可按情况进行协商和检讨资格互认协议书的内容，并可以作出调整修改。


中国房地产估价师学会



法定代表人

二〇〇三年十一月四日

香港测量师学会



会长

二〇〇三年十一月四日

Summary of HKIS CPD / PQSL Events

18 May - 08 Sep 2009

DATE	CODE	EVENT	CPD HOUR(S)	SPEAKERS	RUN BY
18 May	2009035	Bond, Indemnity and Guarantee, and Warranty. Can you see the difference?	1.5	Cheung Kwok Kit	YSG
19 May	2009036	Do you know how to set the Maintenance and Management Fees for the Residential Housing?	1.5	Dr Leung Mei-yung	PFMD
21 May	2009039	The Concept of Construction Programming and an Introduction to Delay Analysis	1.5	D S Chan	QSD
02 Jun	2009042	Aerial Survey in Hong Kong	1.5	Lee kwok-leung	LSD
02 Jun	2009043	'Love my Tender' The risk of non-reciprocity remains, but do submitted tenders need to be considered fairly?	1.5	Edward McMullen	QSD
03 Jun	2009040	Planning Law and Practice in Hong Kong	1.5	Fiona Lung	PDD
04 Jun	2009041	Devil of "Common Areas"	1.5	James Kenneth K K Pong Gary M K Yeung	BSD
09 Jun	2009034	Green Series - Introduction to BEAM and its applications in practice	1.5	Ir David Yau	YSG
10 Jun	2009046	How Hong Kong can play key role in developing global valuation norms?	1.5	Nicholas Brooke	YSG
13 Jun	2009051	Technical Visit to Stonecutters Bridge	2	Representative from the Highways Department, HKSAR	LSD
15 Jun	2009052	歷史建築的保護和利用	1.5	湯國華教授	BSD
18 Jun	2009044	Elderly Housing - Challenges & Opportunities	1.5	Daniel Lau	GPD
20 Jun	2009047	GPD APC Workshop 2009 Part One	2	Members of Education Committee of General Practice Division	GPD/YSG
23 Jun	2009045	中華智慧與現代管理 — 《六慧管理》導論	1.5	彭泓基	YSG
26 Jun	2009048	Negotiation Skills in Mediation	1.5	Paco Tsang	YSG
30 Jun	2009049	NEC Contract	1.5	Gilbert Kwok, Yeung Man Sing	QSD
21 Jul	2009037	建築合同：損失索償之籌備及追討損失及開支的索償	1.5	黃正言	QSD
08 Sep	2009050	Civil Justice Reform and Case Law Update	1.5	Gilbert Kwok, Yeung Man Sing	QSD

STANDARD RESERVATION FORM

Event Date : _____ Event Code : _____
Event Name : _____

Member details

Surname : _____ Other names : _____

Grade of membership* : F M TA P TT S HKIS No. : _____

Division* : BS GP LS PD PFM QS

Postal address (only to be completed if the address is different from your membership record details):

Tel no. : _____ Fax no. : _____ E-mail : _____

Payment method

I enclose a cheque payable to **"Surveyors Services Ltd"**. Cheque no. _____ Amount HK\$ _____

Please charge my HKIS Titanium MasterCard/Visa Platinum Card (Shanghai Commercial Bank Limited)

Please charge my American Express card

Ref.: [____]

To: Credit Card Service Department

I would like to pay the reservation fee HK\$ _____ to Surveyors Services Limited by charging my HKIS Credit Card account as follows:

Cardholder Name : _____ HKIS No. : _____

Card Number : - - - Expiry Date : _____

Cardholder's Signature : _____ Date : _____ / _____

For Bank Use Only

Approved by :

Date:

Notes

- 1 A separate reservation form is required for each event / application. Photocopies of the form are acceptable.
- 2 Reservations should be returned by post/ by hand to the HKIS office.
- 3 Payment can be made by cheque or by HKIS Credit Card (Shanghai Commercial Bank Ltd./American Express)
- 4 A **separate** cheque or HKIS Credit Card payment instruction form is required for each event / application.
- 5 Reservation by fax, telephone and cash payment is not acceptable.
- 6 For number of seats or priority of allocation of seats, please refer to the individual event details.
- 7 Reservation cannot be confirmed until one week prior to the event.
- 8 An official receipt/ admission ticket, which must be presented at the event, will be returned by post upon confirmation of reservation.
- 9 Incomplete or wrongly completed reservation forms will not be processed.
- 10 In the event a Typhoon Signal No. 8 or above or Black Rainstorm Warning is hoisted, the event will be postponed and a new arrangement will be announced. Should the aforesaid warnings be lowered 4 hours before the event, the event will proceed as normal.
- 11 If you have not received any reply from our Institute within 7 days of the event, you may call HKIS at 2526 3679 to check the progress of your reservation.



CPD/YSG/2009035

Bond, Indemnity and Guarantee, and Warranty. Can you see the difference?

Speaker	Mr Cheung Kwok Kit Partner, Deacons Hong Kong BSc (Hons), LLB (Hons), FHKIS, FRICS, MCI Arb, Member of Panel of Arbitrators of HKIS, Member of Panel of Arbitrators of China International Economic and Trade Arbitration Commission (CIETAC).		
Date & Venue	7:00 pm – 8:30 pm Monday 18 May 2009 SLC, HKIS		
Details	<p>Mr Cheung is a partner in a leading international law firm based in Asia and Hong Kong. He specializes in arbitrations and litigation in Hong Kong and across China. He has wide experience in handling major construction disputes and has acted for the developers, contractors and sub-contractors. Mr Cheung has also been appointed as arbitrator and mediator in resolving construction disputes from time to time. He is also experienced in presenting public seminars on contractual issues.</p> <p>Construction projects in nowadays are getting more complex in terms of both design and contractual arrangement. Bond, Indemnity and Guarantee, and Warranty are vital in which they set out the liabilities of the parties involved during and after the construction stage. Disputes related to these issues often arise, it is therefore important to distinguish between them. Mr. Cheung will cover the fundamental principles and significance of these critical elements. He will also share a number of legal cases and claims with us in the seminar.</p>		
Language	Cantonese supplemented by English	Fee	HK\$100 for member, HK\$150 for non-member
Priority	First-come-first-served		(HK\$20 walk in surcharge for all pricings listed)

CPD/PFMD/2009036

Do you know how to set the Maintenance and Management Fees for the Residential Housing?

Speaker	Dr Leung Mei-yung, Assistant Professor of City University of Hong Kong
Date & Venue	7:00 pm – 8:30 pm Tuesday 19 May 2009 SLC, HKIS
Details	<p>Dr Leung has more than fifteen years of practical/teaching experience in the construction industry/education and has participated in a number of prestigious construction projects in Hong Kong. Dr Leung is a Chartered Quantity Surveyor in the RICS in the UK and the HKIS in HK and a Chartered Builder in the CIOB in the UK and AIB in Australia. Her current interesting researches cover construction project management, value management, facility management, cost estimation and construction education. She has attracted over HK\$ 9.5 million as Investigator in professional and research grants in recent years, including a research project supported by the HKIS(PFM) in 2007-08. Over eighty refereed journal and conference papers in construction engineering and management have been published or accepted for publishing.</p> <p>As each property involves different variables such as the electrical supply system, landscaping, security, and the like, it is very difficult to identify and agree upon fair property/facility (PF) maintenance and management fees for different residential properties. Therefore, the HKIS(PFM) supported a PFM research project in 2007-08 for identifying the benchmarks of maintenance and management fees for residential buildings in HK. The seminar will present the findings and recommend some suggestion for property and facility managers in Hong Kong.</p>
Language	English mainly with Cantonese supplement if necessary
Fee	HK\$150 per person (Each participant will get a copy of the booklet for these research findings)
Priority	PFMD members

CPD/QSD/2009039

The Concept of Construction Programming and an Introduction to Delay Analysis

Speaker Mr D S Chan, Technical Director, MJ-Alpha Consultants Ltd. (A member of the MJ Group)

Date & Venue 7:00 pm – 8:30 pm Thursday 21 May 2009 SLC, HKIS

Details Mr Chan has gained considerable and wide-ranging experience in design, planning, construction, and management of major infrastructure and building projects through over 26 years participation in the industry. He has been engaged as the person-in-charge of planning and engineering of various major civil works contractors in Hong Kong and responsible for a variety of landmark projects within the territory including KCRC Kowloon Southern Link, KCRC West Rail, Infrastructure for Penny's Bay Development Contract and the Chek Lap Kok Airport infrastructures.

Mr Chan will share his experience on the concept of construction programming and illustrate the basic in the proper establishment of construction programmes. He will demonstrate the ability and importance of a well prepared programme as a powerful tool in project management. He will also introduce various delay analysis methodologies commonly used in dispute resolution.

Language Cantonese supplemented by English

Fee HK\$120 for member; HK\$150 for non member
(HK\$20 walk in surcharge for all pricings listed)

Priority QSD Members; First-come-first-served

CPD/LSD/2009042

Aerial Survey in Hong Kong



Jointly organized with LSGI and LSGIAA of the Hong Kong Polytechnic University

Speaker Mr Lee kwok-leung, Land Surveyor/Air Survey, Photogrammetric & Air Survey Section, Survey & Mapping Office, Lands Department

Date & Venue 6:30 pm – 8:00 pm Tuesday 2 June 2009 Room HJ302, The Hong Kong Polytechnic University

Details Lands Department is the only government department responsible for the provision of large format aerial photography in Hong Kong. Taking large format vertical aerial photographs over the territories of Hong Kong using metric camera on the platform of government aircrafts have been established since 1970's.

Today, aerial photographs and related products of Lands Department have been frequently used by government departments and the public for various applications such as land management, environmental and hazardous prevention studies, project planning and monitoring, evidence of ground situation for the decision in the court room, producing image plans for presentation and updating line maps of Hong Kong.

The presentation will focus on how to acquire the primary data in the recent situation of Hong Kong and the latest development on aerial survey.

Language Cantonese

Fee HK\$100 per person

Deadline 29 May 2009

Priority First-come-first served (maximum 40 persons)

CPD/QSD/2009043

'Love my Tender' The risk of non-reciprocation remains, but do submitted tenders need to be considered fairly?



Jointly organised with the Hong Kong Institute of Project Management

Speaker Mr Edward McMullen

Date & Venue 7:00 pm – 8:30 pm Wednesday 2 June 2009 SLC, HKIS

Details Edward McMullen has been a solicitor of the Supreme Court of England and Wales since 2002. In 2006 he moved to Hong Kong to join the Australian law firm Minter Ellison – the largest law firm in the Asia-Pacific region. He is a Senior Associate and Registered Foreign Lawyer, specialising in advising clients on procurement and the drafting and negotiation of building contracts and professional adviser appointments. He has worked with clients across a range of sectors, including local government regeneration projects; hotel, retail and gaming; commercial property developments; power generation; health and education.

Edward recently won 1st prize in the HKSCSCL inaugural 2008 writing competition The Society of Construction Law Hong Kong Prize. His talk is a presentation based on that winning paper.

This talk considers the etiquette to be followed once the tender process begins. The bidding relationship between the procuring party and those bidding for success is a contractual one. But what are the terms of those contracts? What is the nature and extent of the procuring party's duty (or implied duty) to act fairly towards those who tender their affections?

Language	English	Fee	HK\$120 per person for members of HKIS or HKIPM; HK\$150 for non-member (HK\$20 walk in surcharge for all pricings listed)
Deadline	22 May 2009	Priority	First-come-first-served

CPD/PDD/2009040

Planning Law and Practice in Hong Kong

Speaker Ms Fiona Lung, Chief Town Planner of Planning Department

Date & Venue 7:00 pm – 8:30 pm Wednesday 3 June 2009 SLC, HKIS

Details This briefing will give an overview of the planning law and practice in Hong Kong. The following areas will be covered :

- plan-making process
- planning application system
- power and function of the Town Planning Board and Town Planning Appeal Board
- enforcement against unauthorized development
- other related Ordinances

Language	Cantonese supplemented by English	Fee	HK\$100 per person
Deadline	20 May 2009	Priority	First-come-first-served

CPD/BSD/2009041

Devil of “Common Areas”

Speakers	Mr James Kenneth K K Pong, FHKIS, FCI Arb., Master of Corporate Governance (with distinction), MSc (Property Investment), Member of the Association of Building Engineers, Chartered Surveyor, Chartered Town Planner, Chartered Secretary, Authorized Person, Barrister		
	Mr Gary M K Yeung, BSc(Hon), LLB, MBA, Dip.Proj.Man., FHKIS, F.PFM, MRICS, MCI OB, MHKICM, ACI Arb		
Date & Venue	7:00 pm – 8:30 pm Thursday 4 June 2009 SLC, HKIS		
Details	<p>Many people perceive the term “common areas” as a collective noun describing the areas that are outside individual units of a building. If one carefully scrutinizes some old DMCs, one may realize that variations do exist. Moreover, common area of different natures may attract different legal and property management complications. The speakers will endeavour to explore the purview of “common areas” in light of the Building Management Ordinance Cap. 344 and some of the legal precedents such as I.O. of Cheong Wang & Cheong Wai Mansion v HKSARG (2000), Uniland Investment Enterprises Limited v I.O. of Sea View Estate & Guardian Property Mgt Ltd (1999), Jumbo King Ltd v Faithful Properties Ltd & Other (1999) and a recent Lands Tribunal case Chi Fu Fa Yuen Ltd v Cho Wai Man, Raymond (2007).</p> <p>It will not be uncommon that there will be more than one kind of common area within a development and rights of some owners in using certain common area may be different from the others. The experience learned from “Growth Bright Ltd. v The Incorporated Owners of Grandview Building (2000)” will also be discussed.</p>		
Language	English	Fee	HK\$120 for member, HK\$200 for non-member (\$30 walk in surcharge for all pricings listed)
Deadline	20 May 2009	Priority	BSD Members; First-come-first served

CPD/YSG/2009034

Green Series - Introduction to BEAM and its applications in practice

(Jointly organized with BEAM Society)

Speaker	Ir David Yau, BSc(Hons), MSc, CEng, FICE, FHKIVM, MHKIE, RPE		
	David is a chartered civil engineer with over 20 years experience in construction and project management. He is a Deputy General Manager in the Project Management (1) Department of Henderson Land Development Co Ltd. He is in charge of several projects in Guangzhou, Xi'an and Hong Kong.		
	David is an executive council member of BEAM Society, committee member of Association for Project Management and the past president of Hong Kong Institute of Value Management. He also sat in several steering committees in studies conducted by BD and EMSD.		
Date & Venue	7:00 pm – 8:30 pm Tuesday 9 June 2009 SLC, HKIS		
Details	<p>The BEAM Society is the non-profit organisation that owns and operates, on a self-financing basis, the Building Environmental Assessment Method (BEAM). The society oversees the on-going development and implementation of BEAM standards for building assessment, performance improvement, certification and labelling. This is undertaken as an industry led, voluntary initiative to benefit the community.</p> <p>As an executive council member of HK-BEAM, David will introduce the HK-BEAM Standard, its applications and benefits.</p>		

CPD/PQSL EVENTS

As a Deputy General Manager in the Project Management Department, David will share with members his experiences in obtaining BEAM certification and what benefits his company actually gained from BEAM Certification.

Language	English	Fee	HK\$100 for member, HK\$150 for non-member (HK\$20 walk in surcharge for all pricings listed)
Deadline	26 May 2009	Priority	First-come-first-served

CPD/YSG/2009046

How Hong Kong can play key role in developing global valuation norms?



Speaker Mr Nicholas Brooke, BBS, JP, FRICS, FHKIS, RPS

Chairman of Professional Property Services Limited, Chairman of Hong Kong Science and Technology Parks Corporation and Chairman of Hong Kong Coalition of Services Industries.

Mr. Brooke is an expert on land administration and planning matters and has provided advice in these areas to several Asian Governments as well as the US State Department. Mr. Brooke is a Past President of the Royal Institution of Chartered Surveyors and a founding member of the Hong Kong Institute of Surveyors.

He has also dedicated much of his time to public service and is currently a member of the Hong Kong Harbour-front Enhancement Committee, a member of the Election Committee and a former Deputy Chairman of the Hong Kong Town Planning Board and a former member of the Hong Kong Housing Authority.

Date & Venue 7:00 pm – 8:30 pm Wednesday 10 June 2009 SLC, HKIS

Details Reassessment of asset values and the repricing of attendant investment risk are under way to take account of the upheaval created in markets by the global financial crisis. It is essential to forge new standards with robust, transparent and single set of globally recognized valuation procedures. Mr. Brooke has recently been appointed as a trustee of the International Valuation Standards Council and will share with us how Hong Kong can play a key role in developing global valuation norms.

Language	English	Fee	HK\$100 for member; HK\$150 for non member (HK\$20 walk-in surcharge for all pricings listed)
Deadline	27 May 2009	Priority	First-come-first-served

CPD/LSD/2009051

Technical Visit to Stonecutters Bridge



Speaker Representative from the Highways Department, HKSAR

Date & Venue 9:00 am – 11:30 am Saturday 13 June 2009 Stonecutters Bridge

Gathering Point 9:00 am at Junction of Somerset Road and Kent Road, Kowloon Tong

Details Stonecutters Bridge is one of the world's longest cable-stayed bridge with two single-pole towers 290 m high and a twin aerodynamic deck. It is 1,596 m long with dual 3-lane and a clear span of 1,018 m.

The bridge forms a major part of the section of Route 8 between Tsing Yi and Cheung Sha Wan, which is a major route connecting the Airport to the New Territories. The bridge straddles the Rambler Channel at the entrance to the busy

CPD/PQSL EVENTS

Kwai Chung Container port. It is situated at the back-up land of the Container Terminal 8 (CT8) at the eastern side on Stonecutters Island. At the western side, it is built on the back-up land formed for Container Terminal 9 (CT9) on Tsing Yi Island.

The closure segments of the Stonecutters Bridge were successfully lifted into position in March 2009, marking the achievement of an important milestone before the final completion of the bridge construction. This event is certainly an invaluable chance to situate oneself in this fabulous structure shortly before it will be opened to traffic.

Language	Cantonese supplemented with English	Fee	HK\$150 (including transportation and insurance)
Deadline	10 June 2009	Priority	First-come-first served (maximum 30 persons)

CPD/BSO/2009052

歷史建築的保護和利用

New

導師 湯國華教授
南理工大學工學博士，廣州大學建築與城市規劃學院教授，廣東省文物保護專家委員會委員（古建築），廣州大學嶺南建築研究所所長

日期 2009年6月15日（星期一）

時間 下午7:00時至下午8:30時

地點 香港中環康樂廣場1號怡和大廈8樓811室測量師研習中心

課程內容

1. 歷史建築的概念和保護利用的對策，包括歷史建築的概念，歷史建築保護的2套體系及目前容易混淆的幾個問題；
2. 文物建築的保護與利用，包括文物保護與利用的原則，文物建築保護和利用的成功例子及文物建築保護和利用的失敗例子；
3. 歷史建築的保護與更新，包括歷史建築保護與更新的原則，歷史建築保護和更新的成功例子及歷史建築保護和更新的失敗例子。

語言 廣東話

截止日期 2009年6月3日

費用 港幣\$120；港幣\$150未經報名人士

名額 建築組會員優先

CPD/GPD/2009044

Elderly Housing - Challenges & Opportunities

New

Speaker Mr Daniel Lau, BSocSc MHKIS, MRICS, General Manager (Property Development), Hong Kong Housing Society

Date & Venue 7:00 pm – 8:30 pm Thursday 18 June 2008 SLC, HKIS

Details Being common in many developed cities, purposely- built housing for the elderly is completely new in Hong Kong. This type of product, being an integration of hardware construction and software services, aims to provide a one-stop solution for the elderly, to enable them to enjoy “healthy aging” and “aging in place”. Targeted at the middle income elderly, the 2 pilot projects developed by the Hong Kong Housing Society, Jolly Place and Cheerful Court, were well received in that all the units thereof have been leased out and many eligible elderly are currently on the waiting queue.

Our speaker will share with you the various hurdles that have been gone through in the development of such new housing product, from initial planning, design, land grant, disposal, marketing, to eventual management. These practical experiences should be helpful to the GP surveyors interested in this new housing type with anticipated growing demand in the face of the fast-increasing aging population in Hong Kong.

CPD/PQSL EVENTS

Language	English	Fee	HK\$120 per person; HK\$150 per person for walk-in participants (subject to availability)
Deadline	4 June 2009	Priority	GPD members

CPD/GPD/YSG/2009047

GPD APC Workshop 2009 Part One

New

Speakers	Members of Education Committee of General Practice Division		
Date & Venue	2:00 pm – 6:00 pm Saturday 20 June 2009 SLC, HKIS		
Details	Speakers will give an outline of written APC topics, namely, asset management, agency, rating, & business valuation; candidates (to sit for the coming written APC in October) should attend. Tentatively, revision courses on valuation, development, and resumption will follow shortly and a separate announcement will be made. Revision Workshop Part Two on the remaining topics will be held in August or early September.		
Language	English supplemented with Cantonese	Fee	HK\$120
Deadline	15 June 2009	Priority	GPD Students & Probationers

CPD/YSG/2009045

中華智慧與現代管理 — 《六慧管理》導論

New

導師	彭泓基 (雋道)，1973年香港大學理學士，1975年獲香港中文大學MBA學位，現為中華智慧管理學會創會會長、天策市場及顧問有限公司和北京天楚博文公關公司董事長。他也是香港市務學會前會長、院士及顧問、香港城市大學協席教授及市場學系顧問、香港浸會大學商學院名譽院使，北京中國人民大學博士研究生、香港國際武術節名譽會長、並曾任香港政府中央政策組諮詢組員。彭氏曾主管多家著名企業的市場銷售，涉獵不同行業，成績斐然。九十年代獨力拓展中國大陸市場，建立全國網絡，成為香港及國內最成功的企業家之一。近年專心鑽研中華文化、音樂與中華智慧管理學，融合中西文化精粹，創《六慧管理》，卓有貢獻，並勤習太極拳與中華武術，於國際比賽中獲多項金牌及獎譽。		
日期	2009年6月23日(星期二)		
時間	下午7:00時至下午8:30時		
地點	香港中環康樂廣場1號怡和大廈8樓811室測量師研習中心		
課程內容	講座主要對象為現代的管理層，介紹中華智慧與中國式管理的精粹，配合西方的管理方法，如何適用於香港及國內環境、修己安人、建立有效團隊、凝聚內部資源、增強競爭力、審時度勢、慮定謀略、決勝千里。 中華文化博大精深，對宇宙間的自然規律和演化，有極細緻的觀察和深刻的體悟。推天道以明人事，五千年輝煌的歷史，見證著炎黃子孫的成敗得失，對人性的瞭解、如何因勢利導、揣摩人心，凝聚了獨特而深邃的智慧。現代教育以西方理念為主，香港多年來在英國的殖民統治下，不少人對中華文化往往感到陌生。其實中西文化各有其優劣之處，「中學為體，西學為用」，管理者若能瞭解其精妙處，尤其是天地萬物變化的規律、審時度勢、道的體悟和知人之學，於工作上應用，當能事半功倍，成多敗少。此講座內容包括： (1) 中華智慧的基本概念 (2) 中西文化與管理異同 (3) 變易與成敗：中華文化大道之源 -- 易經的智慧和應用 (4) 儒釋道精義於現代管理的實用舉隅		
語言	廣東話	費用	會員港幣\$100；非會員港幣\$150
截止日期	2009年6月9日	名額	先到先得

CPD/YSG/2009048

Negotiation Skills in Mediation

New

Jointly organized with Hong Kong Mediation Centre

Speaker Mr Paco Tsang
BEng(Hons), MSc, CEng, CPEng, MICE, MIEAust, RPE, MHKIE, MCI Arb, MHKICM, MHKIVM

Paco is a Chartered Civil Engineer with more than 20 years experience in the field of civil and geotechnical engineering. He has particular expertise in project management, conducting partnering workshop, negotiation and mediation.

He is the President of Hong Kong Mediation Centre, a council member of the Hong Kong Institute of Construction Managers and the Hong Kong Institute of Value Management.

Date & Venue 7:00 pm – 8:30 pm Friday 26 June 2009 SLC, HKIS

Details The Objectives of this seminar are:-

- Understand the principles of negotiation/mediation and the benefits of this approach---Professional, Efficient and Cost-effective
- Acquire key negotiation/mediation skills (communication , active listening , questioning, reframing , option generating , building rapport, emotion handling, and overcoming impasses)

In this seminar, the speaker will cover the following:-

- 1) Illustrate the process of negotiation/mediation
- 2) Enhancing communication, listening and understanding the needs of parties
 - Joint session and caucus
 - Questioning skills
 - Reframing skills
 - Skills of option generation and exploration
 - Building rapport
 - Skills on overcoming impasses
 - Skills on emotion handling
- 3) How to deal with difficult people
- 4) Cases sharing
- 5) Questions and Answer

Language Cantonese supplement by English **Fee** HK\$100 for member; HK\$150 for non member
(HK\$20 walk-in surcharge for all pricings listed)

Deadline 12 June 2009 **Priority** First-come-first-served

CPD/QSD/2009049

NEC Contract

New

Speakers A team from the Construction and Engineering Group of Li & Partners led by its partners Gilbert Kwok and Yeung Man Sing
Gilbert Kwok, FHKIS, FRICS, LLB (English law), LLB (Chinese law), Past Chairman of the Quantity Surveying Division, HKIS

Mr Kwok is a qualified quantity surveyor and a Hong Kong lawyer. He specializes in drafting and advising on construction contracts, consultancy agreements and other relevant contracts relating to a wide range of construction projects in the region including Hong Kong, Macau and the Mainland. He has also acted on behalf of employers, contractors and consultants in various construction litigations and arbitrations.

CPD/PQSL EVENTS

Yeung Man Sing, FHKIS, FRICS, LLM, FCIArb, Chartered Arbitrator, Accredited Mediator and Adjudicator, Past Chairman of the Association of Cost Engineers (HK) Region

Mr Yeung is a qualified quantity surveyor and a Hong Kong lawyer. He has extensive construction experience in providing legal and contractual advice to developers, construction professionals and contractors, pre-contract and post contract services including preparation of tenders and contract documents, and also representing parties in resolving Mainland, Hong Kong and Macau construction disputes through litigation, CIETAC and domestic arbitrations. He is on the panel of a number of arbitral appointing bodies and has been appointed as arbitrator and mediator in various disputes. He is a council member of CIArb (EAB) and a member of the Department of Justice Accreditation and Training Sub-group of Mediation.

Date & Venue	7:00 pm – 8:30 pm Tuesday 30 June 2009 SLC, HKIS		
Synopsis	The Hong Kong government wants to promote the NEC contract. It is now the most widely used contract in UK civil engineering work. This standard form has been endorsed by the UK Office of Government Commerce and recently by the London Olympic Delivery Authority. This seminar will examine this form in details.		
Language	Cantonese with English terms	Fee	HK\$120 for member; HK\$150 for non-member (HK\$20 walk in surcharge for all pricings listed)
Deadline	16 June 2009	Priority	QSD Members

CPD/QSD/2009037

建築合同：損失索償之籌備及追討損失及開支的索償

導師	黃正言 Mr Jeffrey Wong - B Construction Management and Economics, PgD(Const Law and Arb), AAIQS, MHKIS, RPS(QS), MCIArb		
日期	2009年7月21日		
時間	下午7時至8時30分 (星期二)		
地點	香港中環康樂廣場1號怡和大廈8樓811室測量師研習中心		
課程內容	黃正言先生現任職為趙志敦·馬田·建造合約顧問有限公司的董事；過往10年參與澳洲及香港的建設項目及合約顧問事宜。他現為客戶提供專業顧問意見，商業及合約策略，申請延長建築期限及成本計算等工作。 內容提要： <ul style="list-style-type: none">• 普通法下索償的權利及合約下追討額外開支的權利• 證明及敘述索償報告的技巧• 提交通知及有關資料的需要• 建築期延長及其它開支的索償• 利潤的損失• 追討利息的不同方法• 計算方法：單息或複息？		
語言	廣東話	費用	港幣\$120會員，港幣\$150非會員 (港幣\$20 附加費如未經報名人士)
截止日期	2009年7月7日	名額	工料測量組會員優先，先到先得

CPD/QSD/2009050

Civil Justice Reform and Case Law Update



Speakers A team from the Construction and Engineering Group of Li & Partners led by its partners Gilbert Kwok and Yeung Man Sing

Gilbert Kwok, FHKIS, FRICS, LLB (English law), LLB (Chinese law), Past Chairman of the Quantity Surveying Division, HKIS

Mr Kwok is a qualified quantity surveyor and a Hong Kong lawyer. He specializes in drafting and advising on construction contracts, consultancy agreements and other relevant contracts relating to a wide range of construction projects in the region including Hong Kong, Macau and the Mainland. He has also acted on behalf of employers, contractors and consultants in various construction litigations and arbitrations.

Yeung Man Sing, FHKIS, FRICS, LLM, FCIArb, Chartered Arbitrator, Accredited Mediator and Adjudicator, Past Chairman of the Association of Cost Engineers (HK) Region

Mr Yeung is a qualified quantity surveyor and a Hong Kong lawyer. He has extensive construction experience in providing legal and contractual advice to developers, construction professionals and contractors, pre-contract and post contract services including preparation of tenders and contract documents, and also representing parties in resolving Mainland, Hong Kong and Macau construction disputes through litigation, CIETAC and domestic arbitrations. He is on the panel of a number of arbitral appointing bodies and has been appointed as arbitrator and mediator in various disputes. He is a council member of CIArb (EAB) and a member of the Department of Justice Accreditation and Training Sub-group of Mediation.

Date & Venue 7:00 pm – 8:30 pm Tuesday 8 September 2009 SLC, HKIS

Synopsis The Civil Justice Reform which has a significant impact on the Hong Kong litigation system has become effective since 2 April 2009.

This seminar will explain the reform and to update members on some recent construction cases.

Language Cantonese with English terms **Fee** HK\$120 for member; HK\$150 for non-member
(HK\$20 walk in surcharge for all pricings listed)

Deadline 25 August 2009 **Priority** QSD Members

Land Surveying Division Chairman's Message



Sung Hon Kwong LSD Council Chairman

第六屆京港澳測繪技術交流會論文集徵稿的通知

第六屆京港澳測繪技術交流會主辦單位北京測繪學會辦公室於2009年3月6日發出論文集徵稿的通知。第六屆京港澳測繪技術交流會擬定於今年11月14—16日在北京召開。為了適應資訊化、數位化、全球化經濟生活的需求，加速城市資訊化發展，更好地為建設小康型社會服務，主辦單位將本屆京港澳測繪技術交流會的主題定為：“城市資訊化測繪技術發展及應用”。圍繞這個主題，主辦單位將安排來自北京、香港、澳門的測繪科技工作者做會議交流。有關徵文事項通知的細則如下：

一、論文要求從八個方面撰寫：

- 1、北京奧運工程施工測量技術研究與實施
- 2、三維鐳射掃描技術發展及應用
- 3、城市環境監測技術研究
- 4、城市工程測量、施工測量新技術新方法
- 5、“3S”技術在城市防災、減災中的應用研究
- 6、城市地下管線測繪與管理
- 7、空間資訊基礎設施建設及管理機制研究
- 8、測繪技術發展與展望

二、論文格式：採用Microsoft Word 2003簡體中文

三、論文末頁請詳細注明作者姓名、性別、單位、職務、職稱、地址、郵編、論文摘要、關鍵字、參考文獻、通訊位址、電子郵箱及聯繫電話（最好寫手機）。

四、論文全文提交時間：2009年8月31日前

五、提交方式：電郵或郵寄至組委會辦公室

聯繫人：張海燕

電話：010-63966138 13901291837

地址：北京市海澱區羊坊店路15號北京測繪學會

郵編：100038

電郵：zhanghy1963yj@163.com

會議網址：<http://www.bjchxh.com>

Working Group on Utility Survey

In order to assess the implication of the establishment of the utility survey profession in Hong Kong, the LSD Council has decided to establish a Working Group to study the issue. The Working Group is chaired by Mr Terry SHAM with Mr CHENG Wai Pun, Mr YIU Ka Ming, Mr NG Wai Tak, Dr Conrad TANG, Mr CHAN Yue Chun, Mr Lesly LAM, Ms Maris Lo and Mr Raymond CHOI as members. I will keep you posted on the development as and when appropriate.

Planning & Development Division Chairman's Message



Edwin Tsang PDD Council Chairman

2009 Mainland and Hong Kong Construction Industry Forum

The Chairman represented the Division to participate in the 2009 Mainland and Hong Kong Construction Industry Forum jointly organised by Ministry of Housing and Urban-Rural Development and Development Bureau "Sustainable Urban Form: From Disaster Risk Reduction and Prevention to Quality Construction", held on 8 to 10 April 2009 in Chengdu, Sichuan.



Post Forum Site Visit



HKIS delegates at the Forum

The Forum was a whole day conference on 9 April 2009, preceded by a Signing Ceremony between Hong Kong and Chengdu's Officials on 8 April 2009 and a post conference visit to various restoration sites.

Membership Development

Two further members have been recommended by the P&D Membership Committee on 16 April 2009 to the Board of Membership for admission as P&D members through the multiple membership arrangement.

CPD Talk

A CPD talk by Miss Fiona S Y Lung on Statutory Planning Law & Practice will be held on 3 June 2009 at the HKIS Surveyors Learning Centre. For details, please refer to the CPD/PQSL events section of this newsletter. A second CPD talk by Dr Tony Leung is being arranged.

Visit to China

A joint CPD visit with the General Practice Division to Guangzhou will be organised in conjunction with the Mainland Committee in early September 2009. We are now working on the details.



Signing Ceremony

Property & Facility Management Division Chairman's Message

Kenneth Chan Jor Kin PFMD Council Chairman



Wuziqiao (無止橋) in Yunnan (雲南)

This year's Easter Holiday has been particularly special for me as I had the opportunity of participating in a meaningful bridge building project in Yunnan. This is the third time that I have built a bridge in China. Back in July 2005, I joined the first bridge building project initiated by the Chinese University of Hong Kong. It was a remote village in Gansu where villages including primary students were separated by a river. The daily ritual by primary students going to school was wading through water. Students had to stay home when the water in the river rose higher than knee level. The bridge built for winter would be washed away when the spring rain and floods came. It took us about six days to build the 75 metres (5 metre span) long bridge at that time. (See my report of the same in ST in 2005.)

This time the bridge was only 45 metres long but the individual deck was a 9-metre span and it took us, with the aid of about 30 villagers, four and a half days to complete the bridge for pedestrian traffic.



First day on the field

The bridge was erected over a river in the township of Panhe (盤河鄉) that would be used by villagers and secondary school students from a mountain village, Fangmaba (放馬霸村), to access the town for trading and supplies and for secondary school students to attend school there.



Technical and safety briefing to volunteers before work commencement

The project was led by two professors and twenty eight students from the Architecture Department of Chongqing University. Twenty volunteers of Hong Kong professionals and students from the various universities here also participated in supporting the bridge building project.



Student volunteers sewing the wire-mesh gabions to be filled with rocks for supporting the bridge beams and decks

The weather for the first two days was not particularly favourable with spring rains. That did not deter our programme as only preparation works were involved. The weather in the remaining period was fine and cool which enabled us to complete the bridge one day ahead of schedule.



First steel framed gabion was completed on other gabions with stones to form the support for the bridge beams and decks

Positioning of the first u-channel bridge beam (there are a total of 20 such 9m long u-channels) by the end of the second day on the field



When we started to brace together the four numbers of u-channels to form the bridge deck, it was found that they were deflected and twisted, possibly due to hot dip galvanization and mishandling during transport. We just didn't have the necessary equipment to 'reform' or 'square' the channels. We finally resorted to the use of hydraulic jacks

and handmade clamps to push together the channels to their designed dimensions. Cross braces were then fixed with bolts and nuts. This last task was also challenging as we had to align the holes in the four channels with the prefabricated cross braces. All available methods and manual tools were exhausted in order to complete the works.



Twisted channels in the far end as compared with those squared and braced with the aid of hydraulic jacks and clamps

Having mastered the methods and procedures in assembling the channels, the remaining tasks were relatively straightforward. Students divided into work groups were assigned to participate in the different stages of the bridge building works. The bridge decks were basically completed on the fourth day we arrived at the field with the erection of railing and roof covering to be completed on the fifth day. (We only worked half a day on the first day on the field.)



First section of the bridge decks was completed early on the third day



Bamboo railings were installed



Patience and coordination were central to completing the tasks seamlessly



Works at high level

It was also challenging in terms of construction safety to see some forty people packed on the bridge engaged in completing the railings and covering at low and high levels. Activities are manifold such as measuring, drilling, fixing of bolt and nuts, fixing with steel wires, welding, filing of sharp edges, bamboo shooting, etc. We were glad that at the end, the various tasks were completed without any injury.



Bridge nearing completion

After the completion of the bridge, we had the opportunity of visiting the villagers and primary school students in the mountain village on 10 April 2009. The students were lovely even though the learning environment was not particularly good. We handed some stationery and supplies to the students which were received with smiles and excitement.



First villager crossing the bridge with a load of goods for home in the mountain village some 700 metres up



Students at play



Author with pre-school students



Last shot of the bridge from the upstream side just before the team left the field for home



Three generations working together in the field

In the visit to the village, I found out that the farming there was organic. Villagers/ farmers used composted fertilisers. A whole family of three generation of females was involved in ploughing the ground to receive seeds.



Composted materials as fertilisers

I am glad that I had the opportunity in participating in this meaningful bridge building project. I hope you will join me next time in spending your valuable vacation time in doing something to make the life of others better.

Wuziqiao (Bridge to China) Charitable Foundation was registered in 2007 as a charitable organisation in Hong Kong. By mobilising university students, professionals and volunteers to actualise sustainable bridge projects, with the aim to:

1. **Integrate** Hong Kong into the Mainland China by encouraging young generations to help the needy in the motherland, and building a spiritual bridge with love, appreciation and mutual understanding through an inter-university initiative;
2. **Improve** livelihood of the poor from remote rural areas with urgent bridge-building needs;
3. **Inspire** appreciation, respect and preservation of local culture and ecological environment, promote and enhance sustainability.

The author is one of the founding members and currently a member of the Management Council.

Quantity Surveying Division Chairman's Message



Daniel Ho QSD Council Chairman

Newly Qualified QS Welcoming Party

As reported in the Chairman's message in February's Surveyors Times, 70 candidates passed the Assessment of Professional Competence Test in year 2008 and will become our members shortly. To welcome these newly qualified members and to acquaint them with the organisation of the HKIS, in particular the QSD Council, they were invited to join a Welcoming Party for New QS Members on 27 March 2009 at the Backstage Live Restaurant in Central. We also invited the representatives from the General Council and the Young Surveyors Group.

We were glad to meet with all the young and fresh faces in this casual and jovial event. This was a precious opportunity for us to get to know the new members as well as introduce the structure of the QSD including various sub-committees. It also provided a great opportunity for the new members to mingle with the senior members.

I would like to take this opportunity to give my special thanks to the organising committee of the welcoming party, the newly qualified members, our council members, the office bearers of the General Council and the YSG members for coming to the party and creating a spectacular and enjoyable evening.

I look forward to the QSD Annual Dinner for another opportunity to gather and share the joyful times with all of you. Full details of the Annual Dinner will be announced soon on the QSD webpage at www.hkis.org.hk/hkis/html_qsd/index.jsp.



The drinking relay hurry up!



Passing on ... ready for the finishing line



The big penalty (from left) - Antony Man (QSD Vice Chairman), Lesly Lam (HKIS Hon Treasurer), Hubert Chan (new member)



Daniel Ho (QSD Chairman) introducing the QSD Council



Presenters in the mingling game



Thumbs up by newly qualified members



All the cheerful faces at the end of the night



(From left) Alan Cheung (OC), Tzena Wong (OC), Louise Wong (MC), Louis Yuen (MC), Raymond Kam (OC) and Ricky Chan (QSD Honorary Treasurer)

Visit by the Institution of Civil Engineering Surveyors (ICES)

The ICES signed a Memorandum of Agreement with the HKIS in year 2005. The key purpose of the agreement was to explore the possibility of having mutual recognition of qualifications and membership of the two organisations. In the past three years, the QSD has continually exchanged information and held discussion with the commercial management section of the ICES.

The President, Mr Steve Jackson, of ICES together with their regional representatives viz Mr Andrew Keung (Immediate Past Regional Chairman, 2007-09), Mr Eric Poon (Regional Chairman), Mr Michael Wong (GE Moderator) and Mr Alan Cheung (CM Moderator) paid a courtesy visit to the office of the HKIS on 8 April 2009. Our Vice President, Mr Wong Bay, together with the representatives of the QSD, viz Mr Thomas Ho (QSD Honorary Secretary), Mr Sam Cheng (QSD Past

Chairman), Mr Franki Yeung and I, had a meeting with them to discuss the progress of the mutual recognition exercise. The representatives of both institutes were satisfied with the current progress and would continue to explore the possible mutual recognition arrangement. We had also concurred that we could organise the continuing professional development activities together for the members of both institutes in future.

The ICES invited the QSD representatives, viz Mr Thomas Ho, Mr Franki Yeung and I, to join their Annual Dinner on 9 April 2009 for celebrating its 40th anniversary. The ICES President announced at the Annual Dinner that the ICES had become a royal chartered institution. Our congratulations to the ICES.



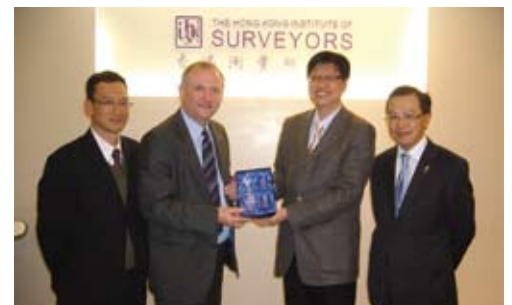
Presentation of souvenir to HKIS



Presentation of souvenir to ICES (from left) Mr Daniel Ho, Mr Steve Jackson, Mr Wong Bay, Mr Eric Poon, Mr Andrew Keung



Group photo of HKIS and ICES Representatives



Presentation of souvenir to HKIS



Dinner reception after the meeting

Young Surveyors Group Chairman's Message



Joseph Chong YSG Committee Chairman

Jobs for Fresh Graduates and Students

Recently, I met with some year 3 surveying students and they shared with me their worries in getting a job in the surveying field. I was told that some companies had delivered careers talk in the university however they were not recruiting any graduates. While on the other hand, some year 1 and 2 surveying students are interested in jobs in surveying firms but they do not know how to start with the job search.

May is drawing near and many surveying students are looking for summer jobs or trainee positions. Two years ago, YSG started to refer some summer jobs to surveying students, so that they could gain practical experience in choosing their interested division for their career development after graduation. If your company is offering any vacancies, do send your job details to us and we will try to pass them to the student representatives in different universities for their dissemination to fellow students.

YSG visit to HKU Surveying

On 1 April 2009, the YSG visited some surveying undergraduate students at the University of Hong Kong jointly with the Board of Education. Mr Arthur Cheung (YSG Vice-Chairman), Ms Evangeline Chan (YSG Honorary Secretary), Mr Philip Tse, BOE Chairman Mr KC Tang and BOE members including Dr KW Lam, Mr Franki Yeung, Mr Raymond Kam, Mr Francis Lam, Mr Thomas Tang and myself, joined the visit and shared with the students about the surveying profession and career prospects.



YSG Study Tour

During the past few years, the YSG has organised study trips to different cities in Mainland China for our young members to gain insights in the local real estate and construction development. We have been to Chengdu, Dalian, Taipei, Beijing and Shanghai. This year we have decided to take our journey one step further to a place outside China. Our organising sub-committee has picked Malaysia as our destination. This sub-committee is co-chaired by Hazel Tee and Steve Yu. The tour is tentatively scheduled to be held in late September and early October.

Joint Mingle Party with HKIE and HKICPA Young Groups

YSG will organise a joint mingle drink party with the engineers' and accountants' young groups on 12 June 2009 at 7.00 to 10.00 pm at Pi Club. All young members are welcome to join the party and meet with other professionals. The Chairmen of other professional young groups will also be invited to join in this function.

2009 Mainland and Hong Kong Construction Industry Forum

The Development Bureau of the HKSAR Government and Ministry of Housing and Urban-Rural Development of the Central Peoples' Government had organised a forum for the construction industry at Chengdu, Sichuan on 8-10 April. More than 200 delegates from Hong Kong had joined this forum.

I represented the YSG to join this meaningful activity and some other post-forum site visits where the earthquake took place, such as 都江、德陽 and 綿陽. We had a chance to visit some schools, hospitals and house reconstruction projects and a testing laboratory. Most of these buildings which we visited are funded by the HKSAR Government.



Call for helpers

If you are interested in joining YSG, and offer help to our fellow young members and accelerate your personal development, please contact Ms Evangeline Chan, our Honorary Secretary at evangeline@hkis.org.hk and attend our monthly meetings. You can also join our Facebook Group at <http://www.new.facebook.com/group.php?gid=4654184098> to understand more about us.

Inauguration Ceremony of Surveying Society, AS, HKUSU

Jeffrey Wong and Evangeline Chan were invited to attend the Inauguration Ceremony of Surveying Society, AS, HKUSU, Session 2009 - 2010 on 25 March 2009. The opening speech was conducted by Dr Poon Sun-Wah, the Deputy Head of Department of Real Estate and Construction, University of Hong Kong, followed by Jeffrey Wong, the Senior Vice Chairman of HKIS YSG and Thomas Lam, the Chairman of RICS Matrics. On behalf of HKIS YSG, may we congratulate Chan Hiu Yeung, the Chairman of Surveying Society of 2009 - 2010 and other committee members, for a successful year.



(From left) Vice Chairman Cedric But and Internal Secretary Louisa Yip of Surveying Society, AS, HKUSU, and Jeffrey Wong and Evangeline Chan of HKIS YSG



(From left) Jeffrey Wong receiving a souvenir from Wesley Chan, Chairman of Surveying Society, AS, HKUSU

Joint Mingle Party

organized by YSG with the young groups of Hong Kong Institute of Certified Public Accountants (HKICPA) and Hong Kong Institution of Engineers (HKIE)

Date: 12 June 2009 (Fri)
 Time: 7pm - 10pm
 Venue: Pi Club (28/F, 8 Wyndham Street, Central)
 Quota: 30 (priority to YSG members)
 Price: \$280

Food & Unlimited Drinks
Friends are also welcome!

Enquiries: email to Joanna Kwok at kwokyuenki@hotmail.com
 Registration deadline: 30 May 2009

For registration, please fill in the Standard CPD Reservation Form and return to the HKIS Office with payment.



EXPERT DETERMINATION AS A MEANS IN RESOLVING SURVEYING DISPUTES - HONG KONG PERSPECTIVE (PART II)

Ricky K T Yu

MHKIS, MRICS, MHKICM, MCI Arb, BSc(Hons)QS, MA Arb

Further to Part I of this article introducing the common surveying disputes and expert determination mechanism, this Part 2 consists of the analysis and conclusion of the questionnaire and interview information in order to determine whether expert determination should be further developed to resolve surveying disputes in Hong Kong.

FINDINGS AND ANALYSIS

Generally

Chart 1 indicates the distribution of the questionnaire participants' professional areas. Four senior participants by experienced in different kinds of surveying disputes were further invited to an interview for obtaining more information. Interview Participant P (P) is a registered quantity surveyor in Hong Kong and a chartered quantity surveyor in UK who has experience as an expert witness in arbitration but has not been involved in expert determination. P has been interviewed based on his experience in construction and financial funding agreement disputes. Interview Participant Q (Q) is a registered general practice surveyor in Hong Kong who has experience as an expert in expert determination in property valuations and rent review disputes. Q has been interviewed based on his experiences in property valuations and rent review disputes. Interview Participant R (R) is a registered architect in Hong Kong who has been involved in

disputes regarding town planning and property development and building control when he was being a representative to a developer. R has been interviewed based on his experiences in town planning and property development and building control disputes. Interview Participant S (S) is a registered land surveyor in Hong Kong who has experience as an expert in expert determination in resolving boundary disputes. S has been interviewed based on his/her experiences in boundary disputes.

Town Planning and Property Development Disputes

Charts 2 and 3 indicate the current means of dispute resolution to be adopted by the participants and participant's concerns when choosing dispute resolution methods in resolving town planning and property development disputes respectively. R explained that if town planning and property development disputes arose, the property developer always has an informal discussion with the Town Planning Board in their rejection to the property developer's submission. However, if negotiation fails, the property developer should refer the disputes to the Town Planning Appeal Board. R did not agree expert determination is feasible to resolve town planning and property development disputes under the current Town Planning Ordinance (Cap.131) which do not provide the expert determination mechanism. Furthermore, the expert in town planning and property development may not be well trained to resolve disputes which involve complicated legal matters. Other disputes or problems may arise prior to the commencement or during the expert determination process such as disputes on expert's jurisdiction, appointment of expert, matters regarding expert's fees and expenses, expert's immunity, enforceability of expert's decision, etc. Moreover, town planning and property development disputes may involve the interpretation of ordinances, regulations, etc. which may not be appropriated to be resolved by expert determination. However, R addressed that the current system of appeal causes a long waiting time, i.e. approximately six to nine months of the cases. R agreed it is appropriate to invent new alternative dispute resolution methods to resolve the disputes in order to reduce the waiting period. Detailed investigation should be carried out in order to promote expert determination as a means of town planning and property development disputes

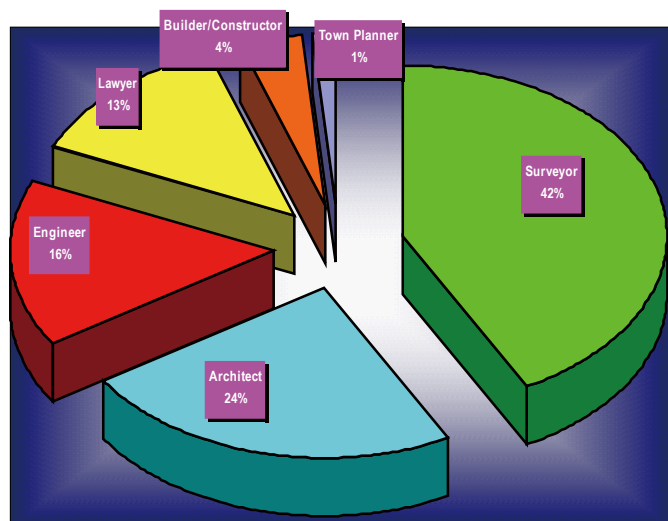


Chart 1 - Distribution for the Participants' Professional Areas



resolution. The statutory framework should be established in order to allow the application of expert determination to resolve the town planning and property development disputes based on the consensus of the disputed parties (i.e. the government and the property development) before the application to the Town Planning Appeal Board. The problem of enforceability, challenge of expert's decision, etc. should also be overcome. In addition, the availability and education of experts in this area and their ability to manage legal matters could be a limitation of the development which should also be overcome.

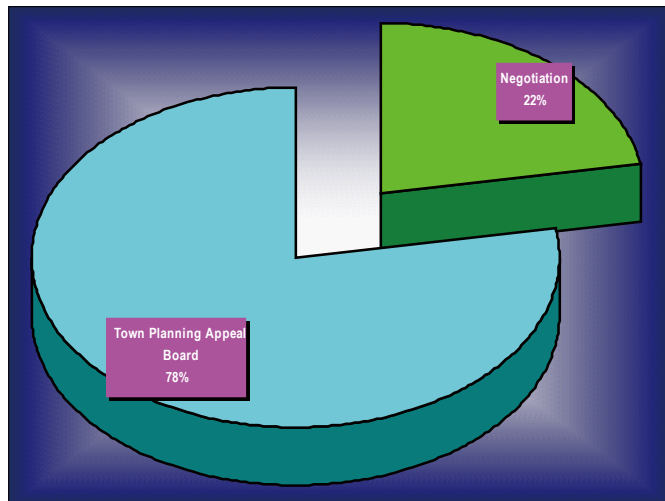


Chart 2 - Current Means of Dispute Resolution to be adopted by the Participants to resolve Town Planning and Property Development Disputes

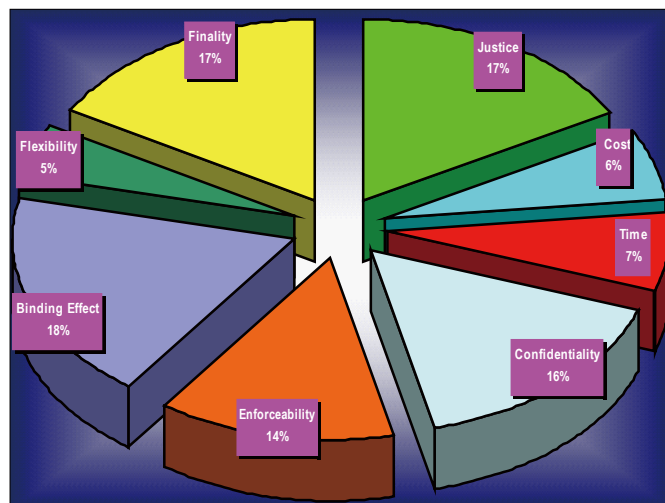


Chart 3 - Participants' Concerns when choosing Dispute Resolution Methods in resolving Town Planning and Property Development Disputes

Boundary Disputes

Charts 4 and 5 indicate the current means of dispute resolution to be adopted by the participants and participant's

concerns when choosing dispute resolution methods in resolving boundary disputes respectively. S wondered why so many boundary disputes have been referred to litigation and arbitration. S explained that boundary disputes occur between the owners of two adjacent properties especially for those plots of land in the rural areas. The owners tend to tackle their disputes emotionally by standing their own principles and perception rather than evaluating the relative merits of different possible alternatives for settlement. In this regard, expert determination is definitely a good means to resolve boundary disputes in a timely, low cost and flexible manner. If boundary disputes arose, the party should do their own research. For instance if there is an encroachment case, the party should carry out their own survey first. The party may get a copy of the conditions, covenants and restrictions to study any restrictions on the usage of the land. Once the party finishes the research, the party is advised to attempt by resolving the disputes with the neighbour by negotiation. If eventually negotiation fails, expert determination is a good choice as the boundary disputes are basically a technical matters. S emphasized that early appointment of an expert is a key to resolve the boundary speedily and successfully. Accurately identifying the boundary between properties needs special knowledge. The line drawn around a property on a Land Registry plan only shows the general boundary. It does not identify whether the boundary runs along the centre of a hedge or along one side of it. Moreover, boundaries can change over time for many reasons. The reasons for the changes are seldom recorded and hence the expert may also investigate on the evolution of the properties. S has been appointed as an expert in expert determination to resolve a boundary dispute. S said further disputes may arise for reaching parties' agreement to resolve the boundary disputes by expert determination as there is no expert determination clause and the appointment of an expert. This may be the reason that only 17% of the boundary

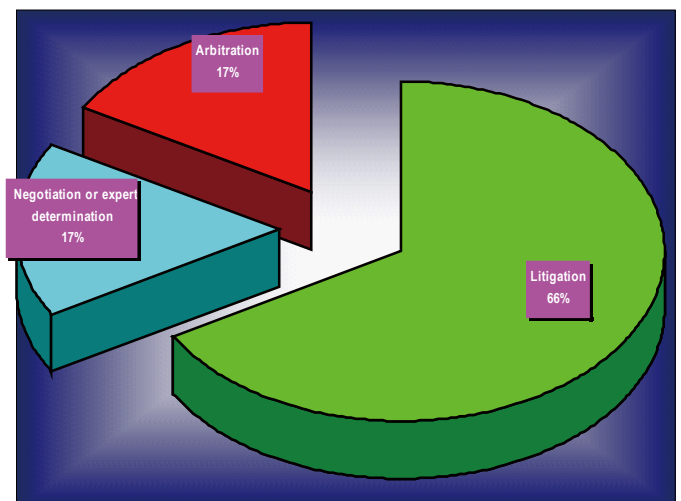


Chart 4 - Current Means of Dispute Resolution to be adopted by the Participants to resolve Boundary Disputes

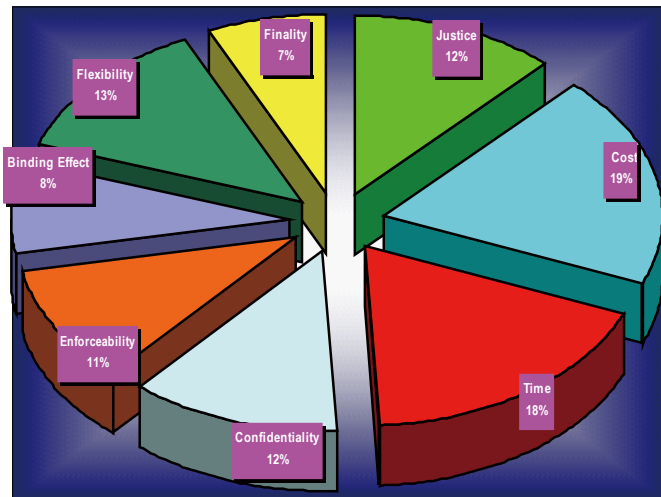


Chart 5 - Participants' Concerns when choosing Dispute Resolution Methods in resolving Boundary Disputes

disputes have been resolved by expert determination in the result of the questionnaires research. S further considered that all registered land surveyors have been well trained to make professional judgment for boundary demarcation. However, not all registered land surveyors are trained to be an expert to process expert determination. S advised that structural training and accreditation in expert determination could be provided to the young land surveyors by the relevant institutions in order to promote the use of expert determination as a means in resolving boundary disputes.

Property Valuations Disputes

Charts 6 and 7 indicate the current means of dispute resolution to be adopted by the participants and participant's concerns when choosing dispute resolution methods in resolving property valuation disputes respectively. Q said property valuations disputes always referred to litigation because the valuation rationale is always challenged in a court proceeding. Property valuations must depend on the documents governing the property including tenancy agreements, agreements for sales and purchase, the Lease and the Deed of Mutual Covenant. Q opined that expert determination should be at least a starting point for resolving property valuations disputes as litigation is a cost and time consuming inflexible procedure. Cases referred to litigation must be opened to public. Litigation could not satisfy the participants' concerns, i.e. flexibility, cost, time and confidentiality, in resolving property valuations disputes. However, the expert's decision regarding the principles of valuations may be challenged in court. Surveyors acting as experts in property valuations should be well trained in order to support their valuations and explain their rationale of valuations. Q has experienced acting as an expert witness in a property valuation case in litigation and was appointed to give opinion to the valuations of a general practice surveyor

for compensation claims and was asked to give opinions on the steps and principles of the general practice surveyor's methods of valuations to achieve the decision. There is no strict and hard rule to reach the valuations. Valuations are an imprecise science. It is based on the application of methodical calculation to a combination of known and assumed information. The surveyor should rely on his experience and close monitoring of the local property market to produce meaningful figures. The property valuations cannot provide definite values no matter how skilled or experienced the surveyor. The valuations are always the best estimate based on the markets that what a purchaser would reasonably be prepared to pay. Accreditation in expert determination could be provided to the general practice surveyors by the relevant institutions in order to promote the use of expert determination as a means in resolving property valuation disputes.

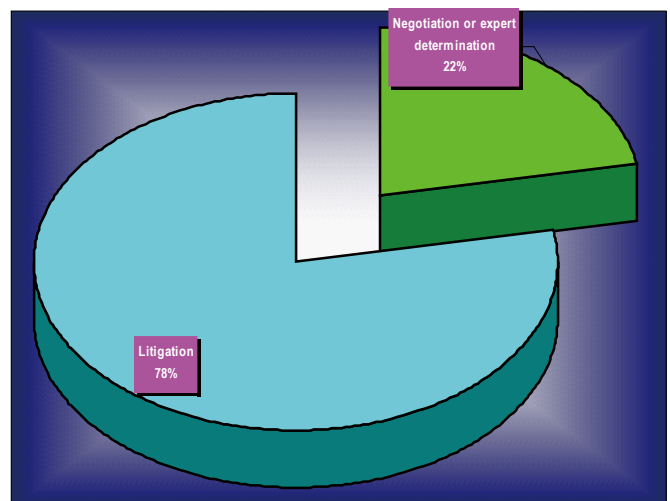


Chart 6 - Current Means of Dispute Resolution to be adopted by the Participants to resolve Property Valuation Disputes

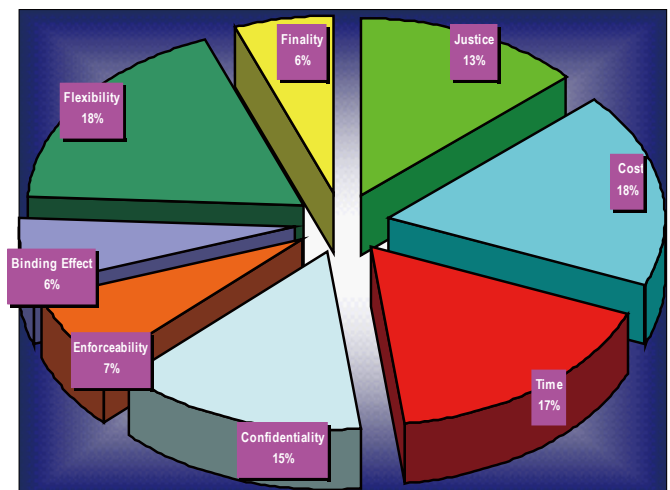


Chart 7 - Participants' Concerns when choosing Dispute Resolution Methods in resolving Property Valuation Disputes

Building Control Disputes

Charts 8 and 9 indicate the current means of dispute resolution to be adopted by the participants and participant's concerns when choosing dispute resolution methods in resolving building control disputes respectively. R said that the results indicate the participants are not satisfied with the current statutory dispute resolution system, i.e. the Appeal Tribunal Panel. In the current system governed by the Buildings Ordinance (Cap.123), any appeal to the decision of the Building Authority for building control submission or issues should refer to the Appeal Tribunal Panel which is a costly and timely procedure. Certain property developers or applicants who are dissatisfied with the decision of the Appeal Tribunal Panel may refer the cases to litigation which is certainly an even much costly and timely procedure. Certain property developers or applicants may attempt to negotiate with the Building Authority for compromise solutions but which cannot reach a final, binding and enforceable decision. R concluded that the currently used dispute resolution methods in resolving building control disputes are not satisfactory. Expert determination must be a satisfactory means to resolve the building control disputes because it owns the characteristics of alternative dispute resolution, i.e. flexible, cheap and time consuming and can provide a final and binding decision. Promotion of expert determination in resolving building control disputes could certainly reduce the waiting period. However, the statutory framework should be established in order to allow the application of expert determination to resolve the building control disputes based on the consensus of the disputed parties (i.e. the government and the applicants) before the application to the Appeal Tribunal Panel. The problem of enforceability, challenging an expert's decision, etc. should also be overcome. One of the obstacles to promote expert determination in resolving building control

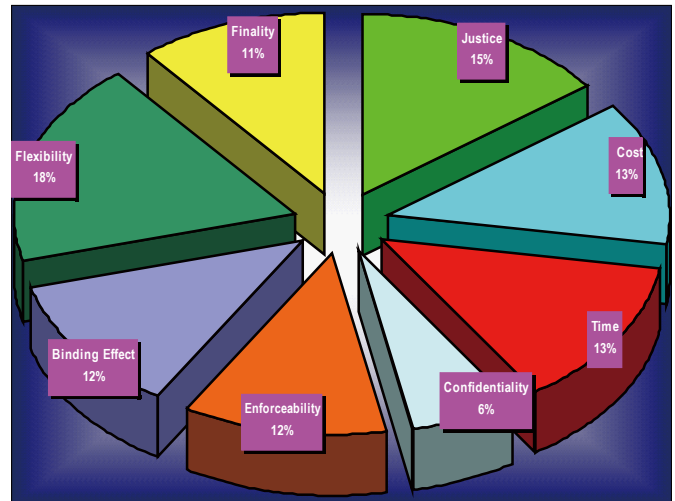


Chart 9 - Participants' Concerns when choosing Dispute Resolution Methods in resolving Building Control Disputes

disputes might be the availability and education of experts in this area. An expert should be able to manage the expert determination process and familiarize with legal matters as well. A structural training and accreditation system should be established to educate expert to professional quality.

Financial Funding Agreement Disputes

Charts 10 and 11 indicate the current means of dispute resolution to be adopted by the participants and participant's concerns when choosing dispute resolution methods in resolving financial funding disputes respectively. P said that the currently dispute resolution methods, i.e. mediation and negotiation are not focused on justice. Both mediation and negotiation focus on the parties' interests and aim at obtaining a mutual benefit outcome. However, the outcome

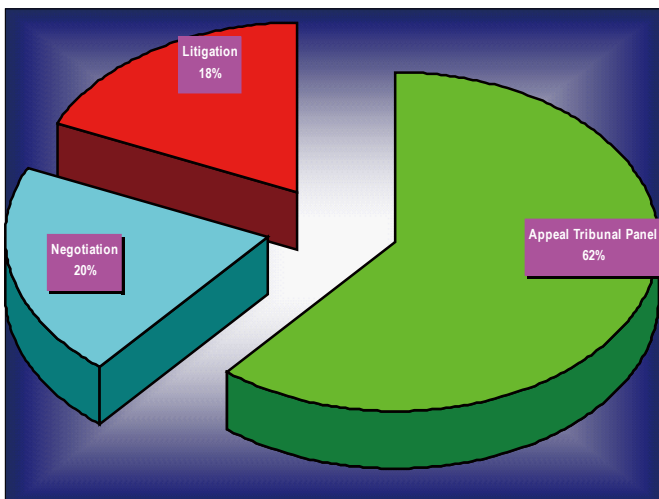


Chart 8 - Current Means of Dispute Resolution to be adopted by the Participants to resolve Building Control Disputes

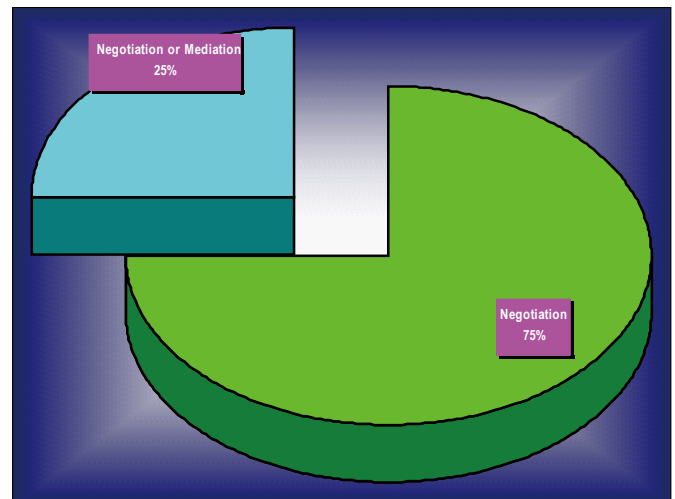


Chart 10 - Current Means of Dispute Resolution to be adopted by the Participants to resolve Financial Funding Agreement Disputes

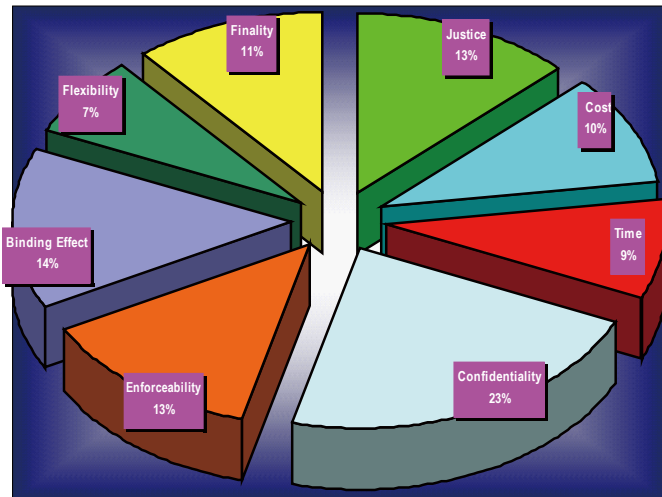


Chart 11 - Participants' Concerns when choosing Dispute Resolution Methods in resolving Financing Funding Agreement Disputes

must be highly related to the bargaining powers of the parties. In practice, it is difficult to make parties liable to what they have verbally confirmed during the negotiation. In mediation, the mediator acts as a facilitator to negotiate and the mediator would lay down the parties' agreement in written form. However, the enforceability is the contractual one. Litigation and arbitration can satisfy the parties' concerns on the binding effect, justice, enforceability and finality. However, both litigation and arbitration are costly and timely and the confrontation approach would definitely adverse the parties future business relationship. Expert determination may be a solution to the situations. However, P said that the application of expert determination to resolve financial funding agreement disputes should be further investigated and tested for its practical feasibility but it could be a good trial.

Construction Disputes

Charts 12 and 13 indicate the current means of dispute resolution to be adopted by the participants and participant's concerns when choosing dispute resolution methods in resolving construction disputes respectively. P responded that the construction contracts always contain a dispute resolution clause. Disputed parties always tried to resolve the disputes by negotiation first. If negotiation fails, the parties should refer the disputes to the dispute resolution methods specified in the dispute resolution clause. Traditionally, the common use of dispute resolution methods to resolve construction disputes is mediation and arbitration. However, recent criticism has put the doubt on the effectiveness of mediation and arbitration. For instance, mediation cannot provide a final and statutory binding decision, instead only a settlement agreement in contractual basis can be provided and arbitration can only be commenced after the issuance of certificate of practical completion by the contract administrator. In Hong Kong, contractual adjudication was firstly introduced in the construction contracts in the Airport

Core Programme in early 1990's. Contractual adjudication is a process that provides for the referral of a dispute arising under the contract at any time during the contract period, to an expert as the adjudicator, who acts impartially on the basis of such information as the parties to the dispute are able to provide him or he is able to ascertain for himself, in a very limited time scale reaches conclusions as to the parties' rights and obligations under their contract on the basis of that information. The conclusion being set out in a decision is contractually binding on the parties until the original dispute is finally determined by legal proceedings or by arbitration or by agreement between parties. It is considered as a form of expert determination which can offer an interim decision by an appointed expert during the course of the construction project. P further emphasized that statutory adjudication is implemented in the United Kingdom. The right of the parties to refer disputes to adjudication is not only a contractual right. It is a statutory right and it exists regardless of the express terms of contract. It follows that all construction contracts must be drafted with appropriate provisions in respect of the right to refer any disputes to adjudication according to the requirements as set out in the Housing Grants, Construction and Regeneration Act 1996. John Redmond¹ said, 'One of the great benefits of the adjudication process is the ability to present a case to an independent person for decision during the currency of the work, perhaps before allegedly defective work is removed or covered up. It may be a mistake to delay the start of the procedure until that facility is lost.' P has experienced in adjudication under a construction contract for resolving a dispute regarding the valuations of variations. The contractor declared that the failure of the client's representative for valuations of variations timely and incorporated into the interim payment is a repudiated breach of the contract by the client and hence the contractor refused to process the contract works upon the repudiation of the contract. The whole process of the adjudication lasted for 28 working days. P emphasized that the emergence of adjudication during the progress of the works would provide a quick resolution of any disputes which, if unresolved quickly, would cause significant delay to the completion of the project. However, unlike the United Kingdom, the decision in the adjudication is only contractually binding but not statutory binding which may cause an enforceable problem. P advised the statutory adjudication could be implemented in the Hong Kong construction industry. Although someone may criticize that adjudication may not be appropriate for the complicated cases and the decision in the adjudication may always be considered as a rough justice, the advantages of speed and limited costs as well as an immediately binding decision to avoid delaying the progress of the contract works by spending time to arguing the disputes could overcome the drawback and give its practical use in the construction

¹ J. Redmond (2001), *Adjudication in Construction Contract*, Oxford; Malden, MA: Blackwell Science, p.58.



industry. P advised the government to provide a statutory framework of adjudication in the Hong Kong construction industry similar to the framework in the United Kingdom. A statutory adjudication should be implemented in Hong Kong and such shall only be applicable to certain kinds of disputes, for instance, payment assessment, valuations of variations, etc., as these kinds of dispute are straight forward and adjudicator can reach a decision within the time limit as stipulated in the contract.

the owner and the tenant can attempt to agree the rental after the specified period with a fixed amount of rental. The clause always allows the parties to negotiate and attempt to reach an agreement. If agreement cannot be reached, a third party expert should be appointed for valuation of the rental according to the market situations. Q has experienced acting as expert in expert determination in resolving rent review disputes. Most of the disputes can be resolved by the expert determination but for certain cases, one of the parties will be dissatisfied with Q's decision and make a challenge to the court. Q said experts should be able to support their own decision and give rationales of their decision to rebut the challenge. Similarly to Q's suggestions for the property valuation disputes, Q advised that accreditation in expert determination could be provided to the general practice surveyors by the relevant institutions in order to promote the use of expert determination as a means in resolving rent review disputes.

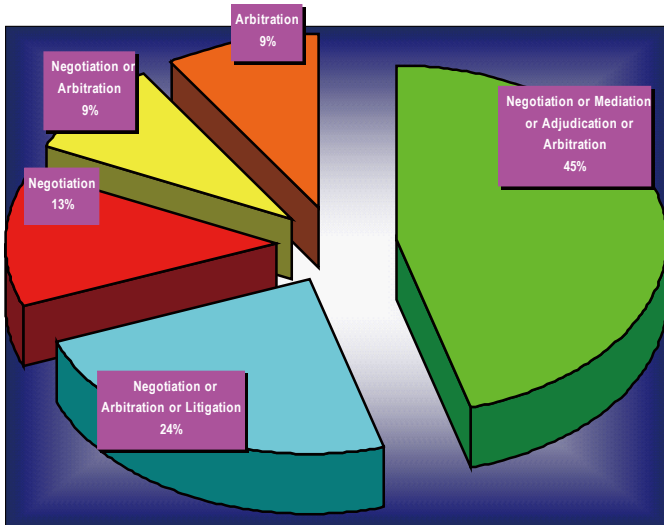


Chart 12 - Current Means of Dispute Resolution to be adopted by the Participants to resolve Construction Disputes

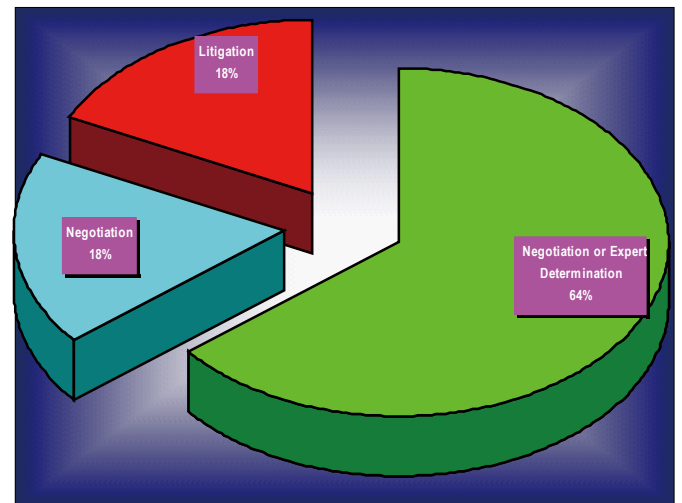


Chart 14 - Current Means of Dispute Resolution to be adopted by the Participants to resolve Rent Review Disputes

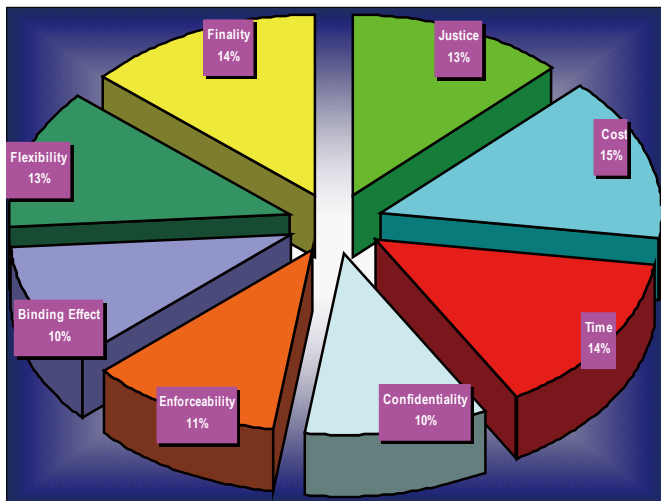


Chart 13 - Participants' Concerns when choosing Dispute Resolution Methods in resolving Construction Disputes

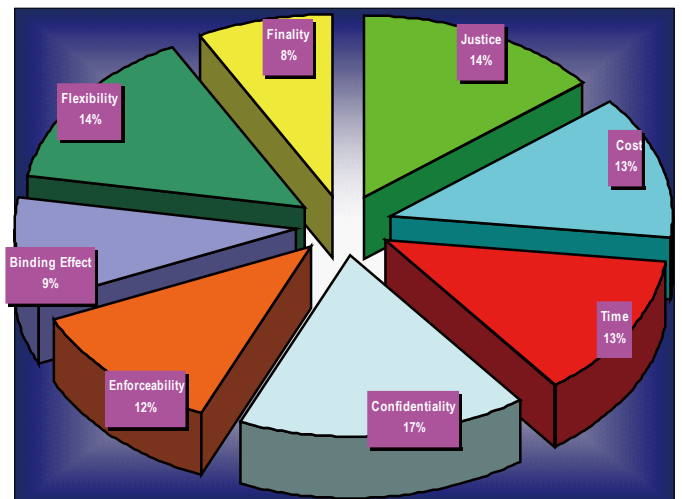


Chart 15 - Participants' Concerns when choosing Dispute Resolution Methods in resolving Rent Review Disputes

Rent Review Disputes

Charts 14 and 15 indicate the current means of dispute resolution to be adopted by the participants and participant's concerns when choosing dispute resolution methods in resolving rent review disputes respectively. Q explained most of the long leases in Hong Kong always contain a rent review clause, a clause which provides a mechanism so that



CONCLUSION

Generally

Analysis of findings indicates the dissatisfaction of the current dispute resolution in resolving surveying disputes. An ideal surveying dispute resolution should balance all concerning factors (i.e. confidentiality, flexibility, justice, enforceability, binding effect, finality, cost, time, etc.). Expert determination is definitely the means of dispute resolution to balance all these concerning factors.

Models

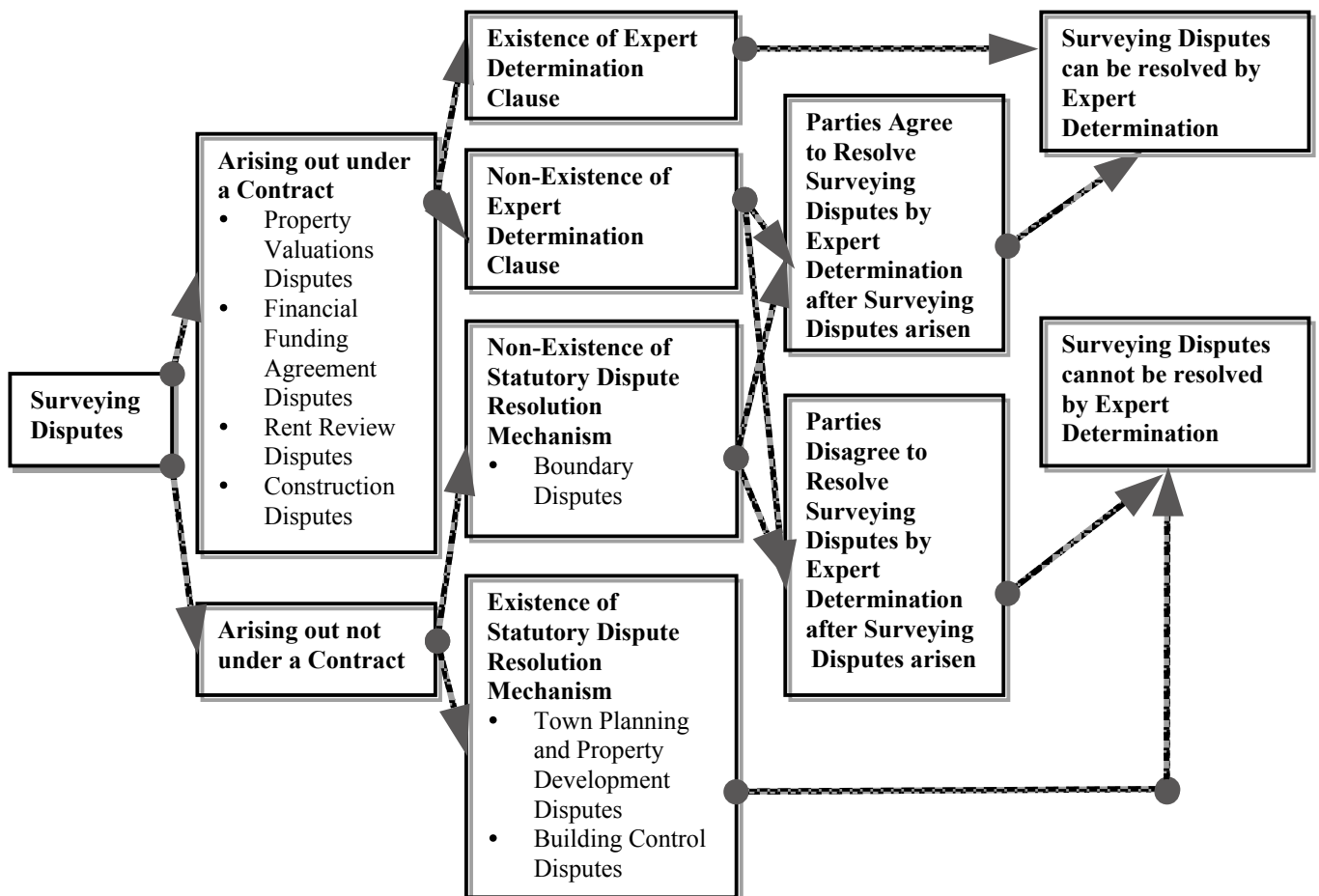
In conclusion of the research results, 2 models are set out. Model 1 indicates the application of expert determination to resolve surveying disputes as summarized below:-

- Expert determination can only be carried out when there is an expert determination clause or subsequent agreement

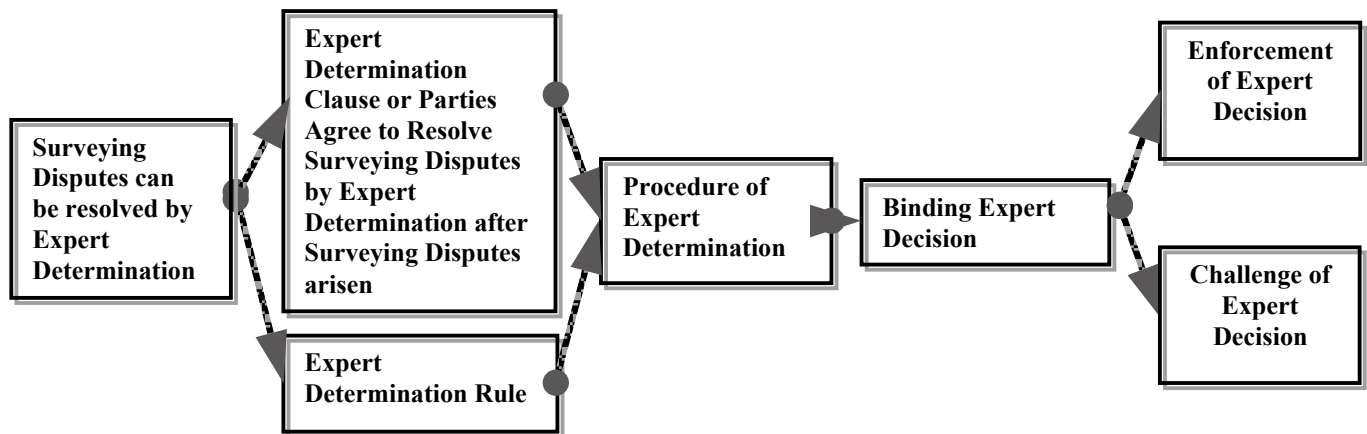
between the disputed parties to enter into expert determination.

- Expert determination can be applied for resolving all surveying disputes arising out under a contract in order to obtain a final and binding decision.
- For surveying disputes not arising out under a contract in which no statutory dispute resolution mechanism exists, expert determination can be applied to resolve the surveying subject to the subsequent agreement of the disputed parties.
- For surveying disputes not arising out under a contract in which statutory dispute resolution mechanism exists, expert determination cannot be applied for dispute resolution even if there is a subsequent agreement of the disputed parties.

Model 2 indicates the legal and procedural matters of expert determination to resolve surveying disputes.



Model 1 - A Model indicating the Application of Expert Determination as a Means for Resolving Surveying Disputes



Model 2 - A Model indicating the Procedure and Relevant Matters of Law for Application of Expert Determination to resolve Surveying Disputes

Future Development

Application of expert determination must be the future trend in resolving surveying disputes as it can provide a fast, inexpensive, flexible, confidential, final, binding and enforceable decision by experts who are experienced and have expertise in surveying disputes. It is advised that expert determination should be the first attempt to resolve all kinds of surveying disputes.

However, there are still certain problems to be resolved when expert determination should be broadly applied to resolve surveying disputes such as further disputes may arise regarding expert's jurisdiction, appointment of expert, enforceability issues, challenge to the expert's decision, training and education of expert, etc. In order to overcome the problems as mentioned and provide platforms for the application of expert determination for resolving surveying disputes, the following are advised:-

- Standard expert determination clause with guidelines for particular amendment of the extent of jurisdiction and matters of appointment should be added to contracts in regard to surveying activities such as leasehold, rental lease, construction, etc. to provide the contractual mechanism for resolving surveying disputes.
- Statutory expert determination should be implemented in resolving surveying disputes which is similar to the statutory adjudication implemented in the United Kingdom so that the right of the parties to refer surveying disputes to expert determination is not only a contractual right. It is a statutory right and it exists regardless of the express terms of contract.

- The statutory dispute resolution mechanisms currently existing under the Town Planning Ordinance (Cap.131) and Building Ordinance (Cap. 123) should be amended and adapted to include expert determination as the first attempt to resolve town planning and property development disputes and building controls disputes.
- Relevant institutions could provide a structural training and accreditation system in expert determination not only providing for the training for technical knowledge but also the knowledge of managing expert determination process and the knowledge in the matter of laws regarding expert determination.
- Relevant institutions could provide a code of practice for conducting expert determination in resolving surveying disputes.
- Relevant institutions could provide an expert determination rule so that the parties entering into the expert determination clause can refer the expert determination rule as a basis for conducting the expert determination.

The suggestion to promote expert determination in resolving surveying disputes are in the conceptual stage. As the suggestion would probably involve substantial changes of the existing legal frameworks and assistance of the relevant institutions for the education of expert determination, more consultation and investigation should be carried out. However, in view that there are limited researches made in examining this area, this article aims at providing the starting platform on examination of the feasibility in terms of a legal point of view as well as practical and procedural matters for the application of expert determination to resolving surveying disputes in Hong Kong.



兩地建設工程合同法律實務專欄

內地建築工程同位階法的衝突解決問題

郭靖華 FHKIS, LLB(Chinese Law)

在本專欄第一篇《內地建設工程合同法律及其適用方法》中我們提到，內地規範建築工程合同的法律規範是由建築法律、行政法規、部門規章和地方法規相結合的法律法規體系。如何在現有法律法規體系下清晰整理內地建築法律法規的脈絡和衝突調和方法，成為內地建設工程合同管理實務中不可或缺的角色。作為一個普通法系下從事建築工程法律工作多年的律師，我在與我的助理陳靖（已獲得中國法律職業資格但尚未獲得律師執照）探討的過程中，發現香港和內地在建築工程方面有許多法律理念和操作辦法分別很大，在實務中也需要大量的熟悉兩地相關法律的專業人士。撰寫該專欄的目的之一，也是為了拋磚引玉，希望兩地的專業人士就兩地建築工程方面的法律與我進行更多的溝通和探討。

一、《合同法》與《建築法》的位階關係

我們的團隊時常接觸內地建築工程所涉及的法律法規。在解讀和研究這些紛繁複雜的法律文件時，我們發現同位階之間的法律有時存在一些不完全一致的情況，因而如何在法律和諧統一的理念下解決這些問題，成為我們探討的話題。在法律層面應當特別注意的是，除了第一篇文章中提及的有關建築工程合同的法律規範，在建築合同管理實務中還應當遵循該領域的其他相關法律。例如，在現行《合同法》（1999年）施行之前，1998年3月1日施行的《中華人民共和國建築法》（下稱“《建築法》”）從建築許可、發包與承包、建築工程監理、建築安全生產管理、建築工程質量管理等方面對建築活動進行規制，為建築工程合同的訂立提供了大致的權利義務導向。

那麼，首先需要解決的問題是，《合同法》和《建築法》是否屬於同位階法律？由於《合同法》和《建築法》分別由全國人大和全國人大常委會制定，而憲法第57條規定：“中華人民共和國全國人民代表大會是最高國家權力機關。它的常設機關是全國人民代表大會常務委員會。”既然全國人大常委會屬於全國人大的常設機構，從廣義的角度而言，二者制定的法律則屬於同一機關制定的法律，這些法律屬於相同位階（或者准相同位階）。

二、同位階法的衝突解決

根據《立法法》的相關規定，對相同位階（或准相同位階）的法律規範的衝突，其使用的法律用語是“不一致”，對不同位階的法律規範之間的衝突使用的是“相抵觸”。

如上所述，《合同法》和《建築法》屬於同位階法律（或准相同位階法律）。我們在對照兩部法律的過程中，發現了一些條文中“不一致”的情況。

例如，《合同法》第270條規定：“建設工程合同應當採用書面形式”。相類似地，《建築法》第15條規定：“建築工程的發包單位與承包單位應當依法訂立書面合同，明確雙方的權利和義務”。那麼，《合同法》第270條規定的“建設工程合同”，是否與《建築法》第15條規定的“合同”一致呢？根據《合同法》第269條“建設工程合同是承包人進行工程建設，發包人支付價款的合同”的規定，我們可以看出，《合同法》中規定的“建設工程合同”，也屬於發包單位與承包單位之間簽訂的書面合同。因此不難看出，《合同法》第270條和《建築法》第15條的規定，雖然字面表述不一致，但實際上規定了同樣的內容。

又例如，《合同法》和《建築法》均對建設工程的發包、轉包和分包做出了限制性規定。《合同法》第272條規定：“...發包人不得將應當由一個承包人完成的建設工程肢解成若干部分發包給幾個承包人...總承包人

或者勘察、設計、施工承包人經發包人同意，可以將自己承包的部分工作交由第三人完成...承包人不得將其承包的全部建設工程轉包給第三人或者將其承包的全部建設工程肢解以後以分包的名義分別轉包給第三人...禁止分包單位將其承包的工程再分包。建設工程主體結構的施工必須由承包人自行完成。”；《建築法》第24條規定：“提倡對建築工程實行總承包，禁止將建築工程肢解發包...不得將應當由一個承包單位完成的建築工程肢解成若干部分發包給幾個承包單位。”《建築法》第28條規定：“禁止承包單位將其承包的全部建築工程轉包給他人，禁止承包單位將其承包的全部建築工程肢解以後以分包的名義分別轉包給他人”，第29條規定：“...施工總承包的，建築工程主體結構的施工必須由總承包單位自行完成...禁止分包單位將其承包的工程再分包。”

從以上的例子可以看出，有時同位階的不同法律之間的規定，雖然表述不一致，但是實際上規定的內容是基本一致的，此時我們在理解上並不會有太大的困難；但是，如果出現表述不一致並且實際上規定的內容是不一致的情況，此時則可能出現理解和操作上的障礙。那麼，這個問題需要如何解決？學理上，我們將同位階的法律間出現其所規定的內容的不一致的情形大致分以下幾種可能（以同一機關制定為前提）：

- (1) 對同一事項的新的規定與舊的一般規定不一致；
- (2) 對同一事項的新的特別規定與舊的特別規定不一致；
- (3) 對同一事項的新的特別規定與舊的一般規定不一致；
- (4) 對同一事項的新的規定與舊的特別規定不一致。

根據《立法法》第83條的規定，“同一機關制定的法律、行政法規、地方性法規、自治條例和單行條例、規章，特別規定與一般規定不一致的，適用特別規定；新的規定與舊的規定不一致的，適用新的規定”。可見，《立法法》採用了“新法優於舊法、特別法優於一般法”的原則。

針對第一種情況，當對同一事項分別存在新舊兩個一般規定時，兩個一般規定之間不存在特別法和一般法的區分問題，所以這裏適用新法優於舊法的原則，結論是適用新法。

針對第二種情況，當對同一事項分別存在新舊兩個特別規定時，由於兩個特別規定之間同樣不存在特別法和一般法的區分問題，所以這裏適用新法優於舊法的原則，結論是適用新法。

針對第三種情況，當對同一事項分別存在新的特別規定與舊的一般規定時，同時適用特別法優於一般法和新法優於舊法的原則，結論是適用新法和特別法。

對於第四種情形，《立法法》第85條第1款規定：“法律之間對同一事項的新的規定與舊的特別規定不一致，不能確定如何使用時，由全國人民代表大會常務委員會裁決。”值得注意的是，在第四種情形出現時，並非都需要送請全國人大常委會裁決。原因是，在實踐中，通常是由司法機關先行確定適用，只有當司法機關不能確定適用的規則時，才由司法機關逐級上報到最高人民法院或最高人民檢察院，再由最高人民法院或最高人民檢察院送請全國人大常委會裁決。

English Summary

Gilbert Kwok, FHKIS, LLB(Chinese Law)

Contract law and construction law are two important pieces of legislation under PRC construction law. In this article we will discuss: (1) whether they have the same legal effect; and (2) if they have the same legal effect and are inconsistent, means of resolving such inconsistency.



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Union Hospital (沙田仁安醫院)

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Note: The HKIS will not be privy to any contracts between the HKIS members and the agency concerned. We will not be responsible for the administration of or the consequences arising from these contracts, including any personal data that HKIS members may agree to provide to the agency. No liability of any kind will be borne by the HKIS. All business transactions made under the membership benefits of HKIS are strictly between the merchant and HKIS members. The HKIS will not be involved in any complaints made by any party in any business transaction. All enquiries should be made to merchants directly.

Caltex StarCard

A discount of HK\$1.20 per litre gasoline for all successful application of the Caltex StarCard. Enquiries please call the hotline of Ming Xing Investment Co Ltd on **2851 3297**.

Shell Card

A discount of HK\$1 per litre gasoline for all successful application of the Shell Card. Enquiries please call Alex Au of Kingsway Concept Ltd on **2541 1828**.

Esso Card

A discount of HK\$1 per litre gasoline for all successful application of the Esso Card. Enquiries please call Cres Wong of Ace Way Company on **2807 3001**.

HKIS

Welcome to the HKIS Shop

Pattern style
Blue, Gold



Yellow and light blue silk tie, weave details with single HKIS embroidered logo.

- Member Price: HK\$90
- Non-Member Price: HK\$150



HKIS square lapel pin with HKIS logo and is suitable for both gentlemen and ladies.

- Member Price: HK\$30
- Non-Member Price: HK\$50



Beige silk scarf with single HKIS embroidered logo.

- Member Price: HK\$100
- Non-Member Price: HK\$150



Dark blue lanyard with HKIS logo, key ring and mobile phone connecting thread.

- Member Price: HK\$20
- Non-Member Price: HK\$25

HKIS Shop sells a range of attractive gifts bearing the HKIS logo. To view the range of goods or place an order, please call the Secretariat on 2526 3679 or visit www.hkis.org.hk



Stylish white or black mesh caps with extended peak, perfect for outdoor sun-screening, embroidered with HKIS logo.

- Member Price: HK\$35
- Non-Member Price: HK\$55



A4 folder, crafted from fine leather and made to high standards, beautifully lined and embossed with the HKIS logo.

- Member Price: HK\$180
- Non-Member Price: HK\$250

Date	Event	Organiser	Location	
2009				
May	3-8	FIG Working Week 2009	FIG	Eilat, Israel
	9	HKIS Silver Jubilee Cup Horse Racing	HKIS	Sha Tin Racecourse, Hong Kong SAR
	21	HKIS Executive Committee meeting	HKIS	Board Room, HKIS
	21	HKIS General Council meeting	HKIS	Board Room, HKIS
	22	HKIS Diploma Presentation	HKIS	Eaton Hotel, Hong Kong SAR
	29	Surveyors Happy Hour	HKIS	Library, HKIS
Jun	5	QSD Annual Dinner	HKIS QSD	Happy Valley Racecourse, Hong Kong SAR
	25	HKIS Executive Committee meeting	HKIS	Board Room, HKIS
	26	Surveyors Happy Hour	HKIS	Library, HKIS
Jul	7	Board of Membership meeting	HKIS	Board Room, HKIS
	23	HKIS Executive Committee meeting	HKIS	Board Room, HKIS
	23	HKIS General Council meeting	HKIS	Board Room, HKIS
	31	Surveyors Happy Hour	HKIS	Library, HKIS
Aug	17-19	PAQS 13th Conference	PAQS	Kuala Lumpur, Malaysia
	27	HKIS Executive Committee meeting	HKIS	Board Room, HKIS
	28	Surveyors Happy Hour	HKIS	Library, HKIS
Sep	24	HKIS Executive Committee meeting	HKIS	Board Room, HKIS
	24	HKIS General Council meeting	HKIS	Board Room, HKIS
	25	Surveyors Happy Hour	HKIS	Library, HKIS
	26	HKIS Annual Conference	HKIS	Conrad Hotel, Hong Kong SAR
Oct	22	HKIS Executive Committee meeting	HKIS	Board Room, HKIS
	30	Surveyors Happy Hour	HKIS	Library, HKIS
Nov	11	Board of Membership meeting	HKIS	Board Room, HKIS
	26	HKIS Executive Committee meeting	HKIS	Board Room, HKIS
	26	HKIS General Council meeting	HKIS	Board Room, HKIS
	27	Surveyors Happy Hour	HKIS	Library, HKIS
Dec	11	HKIS Annual General Meeting	HKIS	SLC, HKIS
	18	Surveyors Happy Hour	HKIS	Library, HKIS

For details, please visit www.hkis.org.hk or contact the HKIS office on 2526 3679. Board Room, HKIS = 810 Jardine House, 1 Connaught Place, Central, Hong Kong. Library, HKIS = 801 Jardine House, 1 Connaught Place, Central, Hong Kong. SLC, HKIS = 811 Jardine House, 1 Connaught Place, Central, Hong Kong.

援建工作在四川 Relief Works at Sichuan

供水系統項目竣工儀式



供水系統項目竣工儀式



通口鎮學生致詞



通口鎮的景色



余錦雄 (訪問團)



羌族少數民族舞蹈表演



訪問通口鎮小學



林建昇(檢測團)



李名揚(檢測團)



曾佩雯 (檢測團)

