

SURVEYORS

測量師時代
Times

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集思廣益

Draw on collective wisdom



HKIS 2011-2012 General Council

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香港測量師學會

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'Members Corner' needs more contributions from you!

'Members Corner' is a regular column in Surveyors Times as a members' sharing platform. The objective of the column is to share views among fellow members and readers of other professions and interested parties. It is expected that there will be feedback if readers think that there are alternative ways of looking at the same issue. Views on current topics and future trends, implications of new technologies and recent court decisions, the sharing of lessons learnt in your professional practice, the highlights of new practice notes, the introduction of practical apps and ideas gained during members' recent gatherings with fellow professionals, humorous jokes, etc., etc., are all potentially good articles for the column.

The nature of an article is not necessarily nor directly related to the professional practice of a surveyor, but it is not just an expression of a member's views on anything either. The article should have a link or implications for fellow members, be they serious thoughts on the constitution or future of the profession or simply as a gadget or trick that benefits the day-to-day practice of surveyors. I would like to see articles that are not perceived as political, directly related to one's personal benefit, or risk potential defaming somebody.

The article is also not expected to be academic. As an 'academic', I am fully aware that an academic article needs a lot of time and effort to review, investigate, and argue, to explain and arrive at a finding, including the empirical collection and analyses of data, and not simply 'views'. I urge members to submit academic articles to the Surveying and Built Environment journal's editorial board for consideration of publication.

'Members Corner' definitely needs to be supported by members' contributions, and I hope that it will become the most popular and diverse column of all the contents in Surveyors Times.

Daniel C.W. Ho
Hon. Editor



Serena Lau

By the time I wrote this message, members' attention should be attracted by the recent news about the unauthorized building works (UBWs) in Kowloon Tong. Though it is unfortunate to reveal another UBW case in Hong Kong, it raises public awareness on UBWs and it gives an opportunity for surveyors to assist the general public to have a better understanding on buildings and land matters with our professional knowledge.

While we play a role to educate the public with our professional knowledge on building matters, we also look forward to recruiting more quality and enthusiastic teenagers to join our team as Surveyors. With the full support of YSG, the Institute met a lot of students and parents at the Education and Careers Expo 2012 held from 9 to 12 February 2012. Apart from this annual event, some divisions organize visits to secondary schools from time to time to meet students with potentials. In order to let our young people in schools get to know the surveying profession at an earlier stage, I would like to invite members, who are active alumni of your mother schools, to identify opportunities for visits or career talks. Our YSG, Public and Social Affairs Committee, Divisional Councils and/ or Office Bearers are expecting good news from you.

Over 24 General Council members attended a Retreat at the Surveyors Learning Centre on 4 February 2012. The retreat is not only a meeting for daily operation but also a brainstorming session for creative and innovative ideas for the future development of the surveying profession and the

Institute. I am writing to highlight some key items discussed in the meeting as follows:

- Could formation of a foundation be an alternative source of funding to support special research works, sponsorship to students as well as members, and even donation on meaningful events?
- What should be the Institute's role in mainland China? Should the Institute primarily position to serve members who stationed in the mainland, and then to extend our arms to admit quality mainland candidates in the long run?
- The Institute has resolved to add "測量師" after surveyors' names on the Institute's publicity materials as a kind of promotion of the profession. Should there be a need for an English abbreviation for the term "Surveyor"? If all agree, what do you suggest? "Syr" and "Sr." are two abbreviations proposed in the retreat for discussion and consideration.

The Strategic Planning Committee led by Senior Vice President Mr Stephen Lai will follow up on the above ideas. Members are encouraged to share your thoughts to make our discussion more comprehensive.

General Council has endorsed the appointment of the Chairpersons and/ or Convenors for various committees, standing committees, working groups and task forces in the meeting dated 10 February 2012. Please find below the details of the appointment.

Committee	Chairman / Convenor	Term of Office
Administration	Simon Kwok	Jan 2012 - Jan 2013
- WG on Office Premises	Tony Tse	Till end of issue
CEPA	Stephen Lai	Jan 2012 - Jan 2014
Community and Charity Services	Billy Wong	Jan 2012 - Jan 2014
Dispute Resolution	Daniel Ho	Jan 2012 - Jan 2014
Editorial Board	Dr Daniel Ho	Jan 2012 - Jan 2013
Finance	Gary Yeung	Jan 2012 - Jan 2013
HKIS/RICS Liaison	Wong Bay	Jan 2012 - Jan 2014
IT	Lesly Lam	Jan 2012 - Jan 2014
Mainland Affairs	Cheung Hau Wai	Jan 2012 - Jan 2014
Mainland Forum - Beijing	Simon Tam	Jan 2012 - Jan 2014
Mainland Forum - Guangzhou	Edwin Tsang	Jan 2012 - Jan 2014
Mainland Forum - Shanghai	Iris Lee	Jan 2012 - Jan 2014
Members Welfare	T T Cheung	Jan 2012 - Jan 2013
Project Management	Samson Wong	Jan 2012 - Jan 2014
Public and Social Affairs	Stephen Lai	Jan 2012 - Jan 2013
- WG on Heritage	Raymond Chan	Jan 2012 - Jan 2014
Research	Prof Eddie Hui	Jan 2012 - Jan 2014
Sports and Recreation Committee	Lesly Lam	Jan 2012 - Jan 2014
Strategic Planning	Stephen Lai	Jan 2012 - Jan 2013
2012 HKIS Annual Conference	Simon Kwok	Till end of issue
2012 HKIS Annual Dinner	Simon Kwok	Till end of issue
Standing Committee on Code of Measuring Practice	Dr Lawrence Poon	Jan 2011 - Jan 2013
Housing Policy Panel	Dr Lawrence Poon	Jun 2010 - end of issue
WG on Public Consultation on Subsidising Home Ownership	Dr Lawrence Poon	Till end of issue
WG on Review of Disciplinary Procedures	Daniel Lam	Till end of issue
WG on Corporate Governance	Kan Fook Yee	Till end of issue

During the meeting, the Council also identified Building Information Modeling (BIM) to be a cross-divisional project. A new working group will be set up accordingly. I would like to invite members who are familiar with this topic to tender your assistance to the working group.

Chairman of the Professional Green Building Council (PGBC) Mr Sam Cheng, who is also the Institute's representative at PGBC, was invited to report the latest progress of Green building issue at the executive meeting on 10 February 2012.

He brought to our attention that there are rooms for more participation by surveying professionals.

The Four Professional Institutes – The Hong Kong Institute of Architects (HKIA), The Hong Kong Institute of Landscape Architects (HKILA), The Hong Kong Institute of Planners (HKIP) and The Hong Kong Institute of Surveyors (HKIS) held a joint institute's forum on 8 February 2012 to facilitate the institutes' members for a better understanding of the policy platform and/ or policy stands and principles of the Chief Executive Candidates. We were delighted to have the participation of Mr Henry Tang Ying-yen, Mr Leung Chun-ying and Mr Albert Ho Chun-yan. During the forum, 4 set questions were posted by the institutes' Presidents. Members also had a chance to raise questions directly to the 3 Chief Executive Candidates.



On behalf of the General Council, I would like to send my gratitude to the following gentlemen who agree to become the Institute's Honorary Legal Advisors for the council year 2011-2012. They are:

Chan Yuk Kwan, Robert
 Cheung Kwok Kit
 Chung Kwok Fai
 Kwok Ching Wa, Gilbert
 Leung Hing Fung
 Tsang Kwok Kei, David
 Wong Kwok Hay, Samuel
 Wu Shek Cheong, Bernard
 Yeung Man Sing

Serena Lau
 President

執筆之時，傳媒正在報導位於九龍塘的僭建的新聞，相信會員定必十分關注。雖然僭建問題再次被揭示，可是，事件的確引起大眾對僭建的關注，為測量師提供另外一次契機，運用我們的專業知識協助市民大眾認識建築物及土地等相關事項。

在教育大眾有關建築物資訊的時候，我們亦期望更多具質素及富熱誠的年輕人加入我們測量師的隊伍。2012年2月9日至12日，學會在青年組的全力支援下，在2012年教育及職業博覽中，與眾多學生及家長會面。除了這一年一度的活動外，有些組別亦不時組織中學探訪，接觸有潛質的中學生。為了讓更多在學的年輕人更早認識測量專業，我謹在此邀請一些活躍於母校的會員，為學會物色更多接觸中學生的機會。我們的青年組、公共及社會事務委員會、組別理事會、執行理事等待各位的好消息。

2012年2月4日，理事會在測量師研習中心舉辦了退修會，逾24名理事會成員出席。是次退修會不僅討論學會日常會務，而是為測量專業及學會未來發展思考富創意和創新的計劃及概念。以下是會上幾個主要討論議題：

- 為支持學會的研究工作、贊助學生及會員，以及捐助有意義的活動，成立基金是否一個集取資金的合適途徑？
- 學會應該如何界定自己在中國內地的角色？學會是否應主要支援長期在內地工作的會員，最終以逐步招收合資格的會員為目標？
- 學會議決在名字後面加上「測量師」的稱謂，宣傳測量專業。英文方面亦是否有此需要？如需要，你有何建議？會上，與會者提議「Syr」及「Sr.」這兩個簡稱以供討論及考慮。

由高級副會長賴旭輝測量師領導的策略計劃委員會將跟進以上議題。會員可向委員會發表意見及想法，使我們的討論更加完整。

在2012年2月10日的會議上，理事會已確認各個委員會、工作小組和專責小組的主席/召集人委任。以下為有關委任的詳細資料：

委員會	主席/召集人	任期
行政	郭志和測量師	2012年1月-2013年1月
- 辦公室物業工作小組	謝偉銓測量師	至項目完成為止
內地與香港關於建立更緊密經貿關係的安排	賴旭輝測量師	2012年1月-2014年1月
社區及公益事務委員會	黃健兒測量師	2012年1月-2014年1月
調解糾紛	何志偉測量師	2012年1月-2014年1月
編輯委員會	何志榮博士測量師	2012年1月-2013年1月
財務	楊文佳測量師	2012年1月-2013年1月
HKIS/RICS 聯絡	黃比測量師	2012年1月-2014年1月
資訊科技	林力山測量師	2012年1月-2014年1月
內地事務	張孝威測量師	2012年1月-2014年1月
北京議會	譚成基測量師	2012年1月-2014年1月

廣州議會	曾正麟測量師	2012年1月-2014年1月
上海議會	李佩華測量師	2012年1月-2014年1月
會員福利	張達棠測量師	2012年1月-2013年1月
項目管理	黃山測量師	2012年1月-2014年1月
公共及社會事務	賴旭輝測量師	2012年1月-2013年1月
- 古蹟工作小組	陳旭明測量師	2012年1月-2014年1月
研究	許智文教授測量師	2012年1月-2014年1月
體育及康樂	林力山測量師	2012年1月-2014年1月
策略計劃	賴旭輝測量師	2012年1月-2013年1月
2012 HKIS 周年會議	郭志和測量師	至項目完成為止
2012 HKIS 周年晚宴	郭志和測量師	至項目完成為止
量度作業守則	潘永祥博士測量師	2011年1月-2013年1月
房屋政策小組	潘永祥博士測量師	2010年6月至項目完成為止
資助居者有其屋公眾諮詢工作小組	潘永祥博士測量師	至項目完成為止
紀律程序檢討工作小組	林澹測量師	至項目完成為止
學會管治工作小組	簡福銓測量師	至項目完成為止

會議中，理事會認為「建築資訊模型」為跨組別項目。學會將為此成立新工作小組。我特別在此邀請熟悉這議題的會員加入工作小組。

學會環保建築專業議會代表兼該議會主席鄭森興測量師獲邀出席於2012年2月10日執行委員會會議，匯報環保建築事宜。他於會議上指出測量專業人士在議會仍有許多參與的空間。

四個專業學會 - 香港建築師學會、香港園境師學會、香港規劃師學會和香港測量師學會於2012年2月8日共同舉辦論壇，讓四個專業學會的會員對各行政長官參選人的政綱及政治理念有更多的理解。我們很榮幸邀請到唐英年先生、梁振英先生及何俊仁先生出席論壇。期間，四個學會會長分別向參選人發問預設問題。會員更有機會在台下即席向各參選人提問。

我謹代表理事會向以下2011-2012年度學會榮譽法律顧問的人士致謝。

陳鏗先生
張國傑測量師
鍾國輝測量師
郭靖華測量師
梁慶豐測量師
曾國基測量師
黃國熹測量師
胡錫昌測量師
楊文聲測量師

劉詩韻測量師
會長

The Four Professional Institutes dialogue with Chief Executive Candidates Address the Architectural, Surveying and Planning Subsector's Concerns

The Hong Kong Institute of Surveyors (HKIS), together with The Hong Kong Institute of Architects (HKIA), The Hong Kong Institute of Landscape Architects (HKILA) and The Hong Kong Institute of Planners (HKIP), organized a joint institute's forum for a dialogue with the Chief Executive Candidates (CE Candidates), respectively Mr Henry Tang Ying-yen, Mr Leung Chun-ying and Mr Albert Ho Chun-yan, on Wednesday, 8 February 2012. The forum aimed to facilitate the 4 professional institutes' members in the Architectural, Surveying and Planning Subsectors for a better understanding of the policy platforms and/ or policy stands and principles of the CE Candidates.

The forum received a very positive response from the four professional institutes' members. At the same time, members could submit questions to the forum at the stage of registration. The questions were summarised and translated into 4 set questions as below which were posted to the CE candidates at the forum.

- Q1. The need for additional land for housing is predicated on a population projection of 8.9 million people in Hong Kong by 2039. This might require anything up to 700,000 new residential units, quite apart from the need to ensure quality and affordability as well as quantity, and Government has identified a need for 2,500 hectares of land for new development through a combination of development intensification and new reclamation. What do you think are the best ways of achieving this, and meeting housing demand in both the Private and Public Sectors?
- Q2. An issue that indirectly relates to land supply, is what can only be described as wasteful and environmentally despoiling use of land in certain 'rural' parts of the New Territories. This includes the perennial issue of outstanding New Territories Exempt house entitlements, and problems of managing sensitive environments such as Wetlands. We appreciate that this is a loaded issue, but it is something we cannot run away from and needs to be resolved by whatever means. Can you tell us your views on this?
- Q3. There is great concern in Hong Kong about quality of our urban environment – that in our increasingly crowded city, there is a lack of pedestrianisation and

good landscape, poor air quality, uncertain means to protect even Grade 1 listed buildings, and an urban renewal policy that many people claim prioritises redevelopment over regeneration to the disbenefit of the city. There have also been many concerns raised about such things as sub-division of flats and unauthorised structures. We have opportunities on our doorstep to improve the city image and identity in terms of good urban design and low carbon development, including for example Kowloon East. Could you tell us what ideas you have for improving the quality of the urban area for citizens and visitors alike, and give some idea of the principles that should guide the work of a new Harbour Authority?

- Q4. Moneys from land premium payments etc have to go into the Capital Works Reserve Fund and this can only be spent on capital works projects which generally means infrastructure of one sort or another. This tends to mean that urban infrastructure dominates the development agenda, often to the detriment of good urban design which in many cases requires different priorities. Do you agree with this and do you foresee the need for any changes?

In order to allow members from the 4 professional institutes having a direct dialogue with the CE Candidates, the forum also reserved time for members to post questions from the floor. Members were very active in posting questions to the CE Candidates.



HKIS Retreat 2012

A retreat was held on 4 February 2012 at the Surveyors Learning Centre and attended by 24 General Council Members. The aims of the retreat are to identify current/future issues and opportunities for the development of the short, medium, and long term strategic plan.

The retreat started with an introduction by the President, Ms Serena Lau and led by the Senior Vice President, Mr Stephen Lai. Issues on financial aspect, professional and social status enhancement, market development, international communication and administration were discussed among the participants.

The Retreat turned out to be a very productive event. With the enthusiastic participation by members, constructive ideas

and suggestions which form the basis for the formulation of a strategic plan emerged. They would be further deliberated in the Strategic Planning Committee to be chaired by the Senior Vice President.



Guest Day Lunch at LegCo Dining Hall

Executive Committee members were invited to attend a Guest Day Lunch at the LegCo Dining Hall hosted by Legislative Councillor Professor Hon Patrick Lau on 10 February 2012. 10 Executive Committee members attended the activities. The members of the Executive Committee had a communications with Professor Hon Patrick Lau during lunch at the LegCo Dining Hall and had a tour at the new LegCo Complex.



Invitation of Expression of Interest - Design and Project Management Consultancy for HKIS Office Fitting-out works

The HKIS is now inviting members' companies to express interest in providing design and project management service for the HKIS Office fitting-out works with an approximate office area of 5,000 square feet. Interested companies, please write and enclose the following documents in a sealed envelope marked "Confidential – EOI for HKIS Office Fitting-out works" and send to The Hong Kong Institute of Surveyors, Suite 801, 8/F, Jardine House, 1 Connaught Place, Central, Hong Kong on or before 30 March 2012 for consideration.

1. Copy of company business registration certificate
2. Company history and organization chart
3. List of fitting out works of similar scale, preferably with client's contact details for verification and appreciation letter from client, if available
4. Company's expertise and experience in designing green office with project details
5. Curriculum vitae of key members of the proposed project director, design team, E&M team and green building team
6. Copy of Professional Indemnity Insurance, if available

The HKIS reserves the absolute right to include or exclude a company in the list of tenderers for the proposed fitting out works without giving explanations.

Council Members Reaching Out

3 February 2012	Spring Cocktail Reception of The Hong Kong Professional Property Services Alliance	Ms Serena Lau
6 February 2012	Secretary for Development's Spring Reception 2012	Ms Serena Lau
7 February 2012	Spring Dinner of Hong Kong Dental Association	Ms Serena Lau
7 February 2012	Luncheon with Under Secretary for Home Affairs, Ms Florence Hui, JP	Ms Serena Lau, Mr Stephen Lai Mr Robin Leung, Mr Gary Yeung Mr Wong Bay, Mr Vincent Ho Mr Dick Kwok
10 February 2012	Guest Day Lunch organised by Prof Hon Patrick Lau	Ms Serena Lau, Mr Stephen Lau Mr Simon Kwok, Mr Gary Yeung Mr Wong Bay, Mr Vincent Ho Mr Joseph Ho, Mr Koo Tak Ming Mr Raymond Chan, Mr Dick Kwok Mr Thomas Ho
11 February 2012	2012 Change Maker Forum on "Small Hobby, Big Accomplishment, Celebrities Teach You How to be Successful!" organised by Junior Chamber International Hong Kong	Ms Michelle Chung, Ms Sylvia Leung Mr Cyrus Siu, Mr Jerry Li
13 February 2012	Bills Committee Meeting on Buildings Legislation (Amendment) Bill 2011 organised by Legislative Council	Mr Vincent Ho
14 February 2012	Chinese New Year Cocktail Reception of the Hong Kong International Arbitration Centre	Ms Serena Lau
14 February 2012	Luncheon with Secretary for Development Bureau, Ms Carrie Lam, GBS, JP	Ms Serena Lau, Mr Stephen Lai Mr Simon Kwok, Mr Gary Yeung Mr Robin Leung, Mr Vincent Ho Mr Francis Ng, Mr Raymond Chan Mr Dick Kwok, Mr Koo Tak Ming Mr Thomas Ho, Mr Kenny Chan Mr Wong Bay
16 February 2012	Opening Ceremony on 2011-12 Hong Kong & Shenzhen Bi-city Biennale of Urbanism/Architecture co-organised by The Hong Kong Institute of Architects, The Hong Kong Institute of Planners, Hong Kong Designers Association and Urban Planning, Land and Resources Commission of Shenzhen Municipality	Mr Simon Kwok
20 February 2012	Lunch meeting with Secretary for Transport and Housing, Ms Eva Cheng, GBS, JP	Ms Serena Lau, Mr Stephen Lai Mr Simon Kwok, Mr Robin Leung Mr Francis Ng, Dr Lawrence Poon Mr Wong Bay
20 February 2012	Stakeholder Round Table Discussion on Specification for Recording of Historic Buildings co-organised by Architectural Heritage Research and Centre for Architectural Heritage Research	Mr Raymond Chan Ms Serena Lau
21 February 2012	Spring Reception of The Hong Kong Chapter of IFMA	Mr Dick Kwok
23 February 2012	Construction Industry Resource Centre cum JobsNet Opening Ceremony co-organised by Development Bureau and Construction Industry Council	Ms Serena Lau
25 February 2012	MTR Society Link Gathering on "Becoming a Learning Organisation"	Mr Kason Cheung
28 February 2012	Spring Dinner cum Safety of Occupation Signing Ceremony of the Hong Kong General Building Contractors Association Ltd.	Ms Serena Lau

Congratulations to the Following who were Elected as HKIS Members on 10 February 2012

FELLOW (1)

FONG KWAN LOK

GP DIVISION

LEUNG TONY KA TUNG

MEMBERS (42)

BS DIVISION

CHAN HEI YEUNG

CHENG KAI FAT

FUNG LOK YAN ESTHER

NG CHEUK LUN

SIT SAI WO

SO WING TING

TEE LEE WAI

LS DIVISION

CHENG SHUK TEH ESTHER

WONG KA KEUNG

PFM DIVISION

MUI HEUNG FU DENNIS

QS DIVISION

CHAN LAI MIU

CHAN MAY KUEN

CHAN WAI CHUEN

CHAN WAI YIN

CHEUNG KAI MAN

CHOI PUI NANG

KONG CHUN MAN

KOON WAI MAN

KWONG KA HUNG

LAI CHUN PAK

LAM CHUN YIP

LEUNG KIN FUNG

LO WING KEI

MA HO MAN ATHENA

NG KA KI

NG KAI TO

NG SZE KEUNG STEPHEN

NGAI WAI MAN

OR MAN HO DARWIN

PHUA CHING CHUEN ANDREW

POON YUK KWAN

SHAM KA YAN

TSANG HIN HUNG

TSANG TSZ KIN

TSE MIU LIN

TSE SUI YIN

WANG YUK FOON

WONG KWOK CHO

WONG SHING WAI

WONG YIU KIN

WONG YUEN MAN

CORPORATE MEMBERS REGISTERED

IN OTHER DIVISIONS (1)

PFM DIVISION

KUNG CHING HONG

RESIGNATION (2)

CHUNG TSZ HUEN ANNA

TSAI KA FAI

Building Surveying Division Chairman's Message



Vincent Ho BSD Council Chairman

Bills Committee Meeting on Buildings Legislation (Amendment) 2011

The government has put forward a legislation amendment proposal on the Buildings Ordinance to introduce new measures for further enhancing building safety. I have attended on behalf of the Institute a Bills Committee meeting held on 13 February 2012 at the Legislative Council and presented our views on the proposal. The proposed amendments cover 5 main items namely,

- a) surcharge on defaulted works;
- b) penalty against persons who refuse to share cost of works by owners' corporation (OC) for compliance with statutory orders or notices;
- c) warrant for entry into interior of individual premises;
- d) signboard control system; and
- e) registered inspectors to comprehensively report exterior unauthorized building works (UBWs) under the Mandatory Building Inspection Scheme (MBIS).

BSD is basically in support of the enhancement to the Buildings Ordinance and the empowerment of the Building Authority to enforce the law with better efficiency to deal with the building safety problem apparent in recent years. However, we hesitate to widen the scope of duties of the Registered Inspector under the MBIS to cover inspection and notification of unauthorized building works (UBWs) present

within the private area or at other location outside the building. Under the proposal, UBWs at:

- a) the common parts of the building;
- b) any external wall, **roof or podium of the building (other than the common parts);**
- c) **any yard or slope adjoining the buildings; or**
- d) **any street on which the building fronts or abuts shall be notified to BA by the RI.** (The items in bold and italic are new requirements.)

However, it was not the MBIS's original legislation intention to cover the non-common parts of buildings. We understand it will be convenient for authority to collect all UBWs information of a building through the MBIS inspection report. At the same time, the authority should also understand the practical difficulties of a RI in seeking access to the private parts of a building for the necessary inspection and assessment of the UBWs condition. We can foresee the potential conflicts between the RI and the concerned owners because of this requirement. I have raised my objection on this proposed amendment in the Bills Committee meeting as well as in the recent Building Sub-committee meeting held with the Building Authority.

Application for RI Registration

Follow up with my message in the last issue of Surveying Times, I would further invite interested members who could

meet the registration requirements of RI to submit application for registration as soon as possible.

Nominations to various HKIS committees and working groups

BSD has recently made the following nominations to various committees and working groups under the HKIS:

Committees/Working Groups	BSD Representative
Administration	Rebecca Lo
CEPA	Robin Leung and Nathan Lee
Community and Charity Services	Jason Law and Arthur Cheung
Dispute Resolution	Anderson Chan and Margaret Chan
Editorial Board	Jessie Yue
Finance	Kenny Tse
HKIS/RICS Liaison	Andrew Kung
IT	Tang Chi Wan
Mainland Affairs	Edgar Li and Robin Leung
Members Welfare	Denny Yeung
Project Management	Alex Wong and Billy Wong Kin Yee
Public and Social Affairs	Kenneth Yun and Vincent Ho
Research	Dr Daniel Ho and Louis Wong Ka Chi
Strategic Planning	Vincent Ho
HKIS Annual Conference	Jason Law
HKIS Annual Dinner	Caskie Hung

I would like to thank our representatives for sparing their time and efforts in serving the above.

Heritage Working Group

In response to the increasing attention of the society to the preservation and adaptive reuse of historical and heritage buildings in Hong Kong, the government has launched over 20 heritage revitalization projects in the past few years. There are a few urban renewal projects undertaken by the Urban Renewal Authority, and some private development projects which involve elements of heritage preservation. Maintenance, repair, conservation, preservation and conversion of heritage buildings are traditionally the expertise of building surveyors. Members who studied Chudley's *Construction Technology*, Barry's *The Construction of Buildings*, and the "Mitchell's Building Series" should not have forgotten the construction of the timber floors and pitched roofs, brick walls, strip foundations and a number of other building technologies relating to the construction of heritage buildings. Due to the emphasis on new construction methods in Hong Kong's ultra-high buildings in the past few

decades, the skills and expertise of building surveyors in the area of conservation have not been adequately maintained or developed, not to say promoted. The public may not notice that many historical and heritage buildings are being taken care of by building surveyors who work in the Architectural Services Department and building surveying consultant firms.

In order to foster a long term development and consolidate training and promotion of the expertise of building surveyors in this aspect, the BSD has resolved in its last council meeting to set up a Heritage Working Group to work on this subject. Our co-opted member Ms Idi Chan who is the fore-runner in this area has kindly agreed to act as the convenor of the working group. Interested members are invited to join this working group to help the development of building surveyors in of this field.

Control of Subdivision of Flats through the Minor Works Control System (MWCS)

The Development Bureau has recently announced a proposal to control sub-division of flat units through an amended minor works control system (MWCS). The Buildings Department has also circulated a paper to our representatives in the Building Sub-committee on the proposed amendments to MWCS. It has been proposed to extend the control on the erection and alteration of partition walls, as well as floor screed laying works. The proposal aims to put any solid wall construction inside a unit with certain ratio of the length of wall to the floor area of a unit be subject to the MWCS's control. Any floor screeding works over 25mm thick will also be classified as Class III or Class I works, depending on the overall thickness of the floor screed.

A new definition on "subdivision of a flat unit" is proposed as "subdivision of a flat unit shown on the approved plans

by alteration of internal layout of such unit resulting in three or more flat units intended or adapted for sleeping with the provision of lavatory basin, sink, water-closet fitment, shower or bath". Such works shall be regarded as Class I works requiring design and supervision by building professionals. BSD is in general support of the proposal to regulate the works on subdivision of flats. However without adopting a modified set of design requirements on certain non-safety related aspects such as window requirement for natural lighting and ventilation, I guess it would be virtually impossible to have the subdivision works in full compliance with the current building regulations. I also have great doubt on whether it is practically possible for an AP to certify a typical subdivided flat unit with open pantry in an existing building to be in full compliance with the current building regulations.

Structured Learning Course on Expert Witness on Water Seepage Disputes


The demand for expert witness on water seepage disputes is on the rise which is evident from the steady stream of requests for nomination addressed to the HKIS. This offers a thriving opportunity for our building surveying members with proficiency and expertise on defect diagnosis.

In this respect, a structured learning course comprising a series of seminars and workshop will be held with a view to equipping our members with the necessary knowledge to act as an expert witness. For members who are yet to have plan or relevant experience to act as expert witness, the structured course would also be beneficial in the light of the forthcoming implementation of MBIS. The course would certainly help strengthen and sharpen our skills in defect diagnosis and preparation of survey report.

The course will be launched in March 2012 by our members with extensive experience in water seepage disputes and

expert witness. Legal practitioners will also be invited to explain issues further from the legal perspective. Please refer to the corresponding email broadcast for details.

Whilst we are on the way to establish a full list of expert witness on water seepage disputes which will be accessible to the general public, a provisional list will be set up in the meantime to deal with requests for nomination received from litigating parties and the courts from time to time. Members will be notified of the subscription details under a broadcasting email.

In the long run, the course will be held regularly. Only members who completed this structured learning course with the relevant qualifications and experiences will be considered for inclusion in the full list of Expert Witness on Water Seepage Disputes. 

General Practice Division Chairman's Message



Francis Ng GPD Council Chairman

FIG Working Week in Rome, Italy

This year the conference will be held from 6 to 10 May. The theme is "Knowing to manage the territory, protect the environment, evaluate the cultural heritage". To date, the organizers have received more than 700 papers from different countries which will be presented in 90 different technical sessions and forums.

GPD's attendance was discussed at recent council meetings. It was decided to send 2 representatives who would write

and present papers at the forum. Edward Au and Francis Ng had prepared abstracts of presentations and were accepted. The titles of their papers are:

- (i) Re-vamping Land Usage to Meet Updated Needs
- (ii) Re-vitalization of Industrial Premises

Construction Costs for Valuation Submission

In recent months, there are increasing concerns from practitioners that construction costs adopted by the government in land premium assessment have not been able to adequately reflect the actual construction costs of development projects. Such deficiency together with the time consuming appeal process has great impact on viability of the project. Furthermore, it is understood that certain items, like site formation works, deep foundation in reclamation

area, external works etc are usually not fully reflected in the government's premium valuation.

As a results, the GPD council has agreed to set up a working group to take up this issue. The convenor is CK Lau. Charles Chan, Joseph Ho, Lawrence Poon and Tony Wan will serve as members. 🇺🇸

Planning & Development Division Chairman's Message



Raymond Chan PDD Council Chairman

Accreditation – Bachelor of Arts in Urban Studies

PDD council resolved to accept in principle the accreditation of the BA course in Urban Studies offered by the Faculty of Architecture, The University of Hong Kong. This is a good step forward in providing local academic training for

Planning and Development surveyors. A working group with 4 members, including myself, Francis Lau, James Pong, Edwin Tsang, has been formed to help to fine tune the course and liaise with The University of Hong Kong. 🇺🇸

Summary of HKIS CPD / PQSL Events 07 March 2012 - 13 June 2012

DATE	CODE	EVENT	CPD HOUR(S)	SPEAKERS	RUN BY	PQSL
07 Mar	2012007	The Use of Technology in Dispute Resolution	1.5	Kate Wyllie, Farhat Jabeen	QSD	
13 Mar	2012006	Conditions of Building Contract	1.5	Colin B. Lee	QSD	
14 Mar	2012012	What is the meaning of 'Site' from the Perspective of Property Development?	1.5	Louie Chan, Vincent Ho	BSD/GPD	
20 Mar	2012021	Integrated Procurement : Procuring for Innovations using 3-envelope System	1.5	Ada Fung	QSD	
20 or 23 Mar 27 or 30 Mar	2012024	QSD BIM News Broadcast No. 1 - Introductory Hands-on Training Classes on Revit	3 per class		QSD	
21 Mar	2012008	Preparing Independent Valuation Submissions	1.5	Paul Varty, Paul Dwyer	GPD	
28 Mar	2012015	Letters of Intent	1.5	Rachael Guan	QSD	
14 Apr or 21 Apr	2012018	Visit to Epoxy Coating and Waterproofing Materials Factory	3		YSG	
16 Apr	2012023	Building Information Modelling (BIM) Development in HK and Quantities Take Off from BIM	1.5	Ir Francis Leung	QSD	
23 Apr	2012020	Consultant's Roles in PRC Projects including LDI	1.5	Johnson W L So	QSD	
24 Apr	2012022	NEC: Lessons from Nearly 20 Years in the UK and Elsewhere : Implications for Hong Kong	1.5	Richard Patterson	QSD	
17 May	2012026	Enhancing Sales with Marketing	1.5	Tony Tse Wai Chuen	GPD	
13 Jun	2012019	Slope Hazards and their Mitigations in Hong Kong	1.5	Dr C K Lau	GPD	

Details of individual CPD/PQSL events are provided in the Surveyors Times and/or HKIS Website www.hkis.org.hk. Please use the STANDARD RESERVATION FORM overleaf for registration. For enquiries, please email cpd@hkis.org.hk or call the Secretariat on 2526 3679.

CPD/QSD/2012007

The Use of Technology in Dispute Resolution

Speakers Ms Kate Wyllie, Business Development Manager, Merrill Corporation

Ms Farhat Jabeen, Litigation Support Specialist, Merrill Corporation

Date & Venue 7:00 pm – 8:30 pm Wednesday 7 March 2012
Surveyors Learning Centre, Suite 811, 8/F., Jardine House, Central, Hong Kong

Details Kate Wyllie, Business Development Manager, Merrill Corporation, has worked for Merrill for over five years, first as Operations Manager and now as Business Development Manager responsible for the company's court reporting, transcription and litigation support services around Asia. Prior to this, Kate was editor and publisher for over 13 years with an international law publisher based in London and Hong Kong.

Farhat Jabeen is a Litigation Support Specialist with Merrill Corporation. She has extensive experience in computer forensics and evidence management, and has provided expertise to legal and business enterprises in Hong Kong. Since joining Merrill in October 2011, Farhat has worked closely with law firms to assist with litigation matters and arbitration proceedings. She currently leads Merrill's Asia litigation support offerings and specializes in all aspects of trial preparation including document review and processing, case management, and electronic discovery.

This CPD presentation gives an overview of the various technologies available for dispute resolution and shows how they can help you more efficiently manage cases on any scale.

Speakers will provide an outline of the legislation relating to the use of technology in hearings, the available tools for case preparation, e-discovery and document management, and present the latest trial technology including realtime transcription and electronic presentation of evidence.

Speakers will combine a practical discussion with live software demonstrations.

Course Outline

Legislation relating to the Use of technology

Overview of the case lifecycle

Case preparation tools
Digital recording and transcription
Witness interviews and covert recording
Video-conferencing

Preparation of documents
Evidence collection
Hard copy scanning, OCR, coding
E-discovery issues and considerations
Document management solutions
Demonstration - document hosting platform

Hearing room technologies
Realtime transcription
Electronic presentation of evidence
Evidence reconstruction
Technology courts
Demonstrations – realtime transcription, evidence presentation, evidence reconstruction

Language English **Fee** HK\$120 @ for member; HK\$150 @ for non-member (HK\$20 walk-in surcharge for all pricings listed); Free of charge for full time university student (subject to availability)

Priority QSD Member; First come first served

CPD/QSD/2012006

Conditions of Building Contract

Speaker Mr Colin B. Lee, FRICS, FHKIS, FHKICM, FCIQB, MICArb, AHKIArb, RPS, HKIAC Accredited Mediator, Dispute Resolution Advisor, Executive Director of The Contracts Group Ltd.

Date & Venue 7:00 pm – 8:30 pm Tuesday 13 March 2012
Surveyors Learning Centre, Suite 811, 8/F., Jardine House, Central, Hong Kong

Details Colin B. Lee is a Chartered Quantity Surveyor with over 46 years' experience in the construction industry, the last 30 years in Hong Kong. Colin has a diverse range of experience gained on all types of construction projects, and specializes in expert advice and assistance on contract administration, quantum, programming, commercial negotiations including the preparation of supplemental agreements, contractual claims, contract documentation and dispute resolution. Colin has acted as an Expert Witness on a number of arbitrations, for both quantum and programming, in which he has been cross-examined. Colin is an accredited mediator, qualified to practice in Hong Kong, and has provided assistance in several mediations.

In order to encourage a more interactive debate between the Speaker and Seminar attendees, the Speaker will provide his answers to questions, or give his views on topics, related to the Conditions of Building Contract, which have been raised by attendees in advance of the Seminar. Attendees may then ask further questions arising from the answers or views provided.

Attendees please send questions or topics to cpd@hkis.org.hk on or before 28 February 2012..

Language English

Fee HK\$120 @ for member; HK\$150 @ for non-member (HK\$20 walk-in surcharge for all pricings listed); Free of charge for full time university student (subject to availability)

Priority QSD Member; First come first served

CPD/BSA/GPD/2012012

What is the meaning of 'Site' from the Perspective of Property Development?

Speakers (1) Mr Louie Chan, FHKIS, Barrister-at-law, General Practice Divisional Council Member
(2) Mr Vincent Ho, MA, FHKIS, AP(S), RPS(BS), BEAM Pro, Chairman of Building Surveying Division

Date & Venue 7:00 pm – 8:30 pm Wednesday 14 March 2012 Surveyors Learning Centre, Suite 811, 8/F., Jardine House, Central, Hong Kong

Details Two recent appeals [HCAL49/2010 and HCAL20/2011] from Appeal Tribunal (Buildings) to Court of First Instance took challenge on the Buildings Authority's decisions on the extent to which the development potential as shown proposed in the plans submitted for the underlying development can be taken into account. Mr Louie Chan will go through the legal issues taken by the developer on one side and those taken by the Building Authority on the other. Mr Vincent Ho will address various issues from the viewpoint of a practitioner in the practice of property development, inter alia, the issue of ownership in the submission of plans for approval by the Building Authority.

Language English/Cantonese

Fee HK\$120 @ for member; HK\$150 @ for non-member (HK\$30 walk-in surcharge for all pricings listed)

Priority BSD and GPD Members/Probationers: First come first served

CPD/QSD/2012021

Integrated Procurement : Procuring for Innovations using 3-envelope System



Speaker Ms Ada Fung, JP, FHKIA, RIBA, ACI Arb, FCIOB, FHKIPM, FHKIBIM, MHIREA, Registered Architect
Deputy Director of Housing (Development & Construction), Hong Kong Housing Authority

Date & Venue 7:00 pm – 8:30 pm Tuesday 20 March 2012
Surveyors Learning Centre, Suite 811, 8/F., Jardine House, Central, Hong Kong

Details Ms Ada Fung, JP is an Architect by profession. She is an active member in the Architectural field as well as in the construction industry in Hong Kong.

In her career as Deputy Director of Housing, she supervises the Development & Construction Division of the Housing Department, overseeing all facets of work covering project management, planning, design and contract management, as well as establishing operational policies on procurement, design, construction, quality, performance assessment, dispute resolution, research and development, safety and the environment for public housing development in Hong Kong. She also promotes partnering, value management, risk management, ethical integrity, corporate social responsibility, sustainable development, green building and Building Information Model in the industry. She is the Chairman of the CIC Task Force on Site Safety of Working in Lift Shaft.

She is also an accredited mediator on the Hong Kong International Arbitration Centre's Panel of Mediators, and she is the Chairman of the Architects Registration Board and Vice President of the Hong Kong Institute of Architects.

For the first time in history, the Hong Kong Housing Authority has adopted "Integrated Contract" for the design and construction of over 8,000 public rental housing flats at Kai Tak Site 1B, where some existing piles had been completed some years ago. There was a window of opportunity to innovate in a risk-reduced environment.

With an aim to procure for innovations, a 3-envelope tendering system has been developed. This procurement system is an innovation on its own, being the first-ever in both the local and global arena. Why should it be done this way? What are the risks involved and mitigated? What are the achievements? This talk gives an account of the development of this procurement system, its risk-mitigation measures, key performance results and achievements, as well the way forward.

Language	English	Fee	HK\$120 @ for member; HK\$150 @ for non-member (HK\$20 walk-in surcharge for all pricings listed); Free of charge for full time university student (subject to availability)
Deadline	13 March 2012	Priority	QSD Member; First come first served

CPD/QSD/2012024

QSD BIM News Broadcast No. 1 - Introductory Hands-on Training Classes on Revit



Date & Venue Revit Architecture: Same class on Tuesday, 20 March 2012 or Friday, 23 March 2012 (4:00 pm - 7:00 pm)
Revit MEP: Same class on Tuesday, 27 March 2012 or Friday, 30 March 2012 (4:00 pm - 7:00 pm)
Training room at Summit Technology (Hong Kong) Limited, Room 1903, Aiken Vanson Centre, 61 Hoi Yuen Road, Kwun Tong, Kowloon

Details The initial terms of reference of the BIM Measurement Sub-committee, a new Sub-committee of the Quantity Surveying Divisional Council as follows:

- To keep members updated on the use of BIM (Building Information Modelling) in measurement by updating the development of the use of BIM.
- To arrange seminars, workshops on BIM measurement.
- To arrange visits to organizations using BIM, for example, HA.

We see that BIM is an important technology and its application is a definite trend. We should learn and use in order to gain the best benefit out of it.

While our initial terms focus on promotion and education, proper, effective and efficient adoption of BIM on Quantity Surveying Services would also be our goal. This would include a study on how a BI Model should be built up to suit the generation of quantities for pricing. This may involve proper classification and coding, and may need some adjustments to the Standard Method of Measurement and preambles. A common standard may need to be devised.

Autodesk's Revit is one of the softwares deploying BIM. Summit Technology, which is one of Autodesk's authorized dealers in Hong Kong, has kindly given the introductory training classes to our members.

Language	Cantonese with English supplement	Fee	HK\$120 @ per class for member;
Deadline	6 March 2012	Priority	QSD Member; In case of over-subscription, selection priority would be determined by drawing lots. (with maximum quota of 10 per class)

CPD/GPD/2012008

Preparing Independent Valuation Submissions

Speakers Mr Paul Varty, BSc Hons FRICS FHKIS FHKI Arb MCI Arb Acc Med
Mr Paul Dwyer, Dip. Val FHKIS MRICS RPS(GP) MAE

Date & Venue 7:00 pm – 8:30 pm Wednesday 21 March 2012
Surveyors Learning Centre, Suite 811, 8/F., Jardine House, Central, Hong Kong

Details Mr Paul Varty has over 30 years experience in Hong Kong real estate and has been appointed as Independent Valuer or Arbitrator on numerous occasions.

Mr Paul Dwyer is well known in his role as landlord's representative for some of Hong Kong's major landlords and for his considerable experience with the legal aspects of rent review valuations.

Practical guidelines to the preparation of Independent Valuer or Arbitrator Submissions from two of the most experienced practitioners in Hong Kong.

This will be an invaluable presentation for those involved or aspiring to be involved in the area of client representation in rent review disputes. Practical examples will be given of the best and worst cases from real life submissions with advice on what to cover and what not to cover. The legal aspects of the "hypothetical" tenancy in the review will also be explained.

Language	English	Fee	HK\$120 @ for member; HK\$150 @ for non-member (HK\$30 walk-in surcharge for all pricings listed)
Deadline	7 March 2012	Priority	GPD Member; First come first served

CPD/QSD/2012015

Letters of Intent

Speaker	Ms Rachael Guan Senior Associate, Hogan Lovells' Projects (Engineering and Construction) practice, Hong Kong		
Date & Venue	7:00 pm – 8:30 pm Wednesday 28 March 2012 Surveyors Learning Centre, Suite 811, 8/F., Jardine House, Central, Hong Kong		
Details	<p>Ms Rachael Guan specialises in the preparation of construction and engineering contracts, and in the course of practice has advised in relation to different types of project – commercial buildings, hospitals, schools, roads and power stations.</p> <p>Construction projects involve a variety of technical and practical elements ranging from development of design, access to site through to selection of materials etc. Parties frequently spend their time pre-commencement focused on ensuring that these aspects of the project are agreed. However, there is likely to be pressure to commence work as soon as possible. Therefore, it is not unusual for parties to still be negotiating the contract when they need to start to procure materials, commence site preparations or even the works.</p> <p>Thus parties may turn to a letter of intent. This can provide flexibility, allowing the contractual agreement to be worked out separately, while facilitating the commencement of preparatory work. However, a common problem with letters of intent, which are often hastily agreed, is that it is difficult to work out exactly what either party's actual liability is – especially in terms of payment. In this talk, Rachael Guan will run through some of the common pitfalls with letters of intent, illustrated with examples from actual cases. She will also provide a useful checklist of issues to include in future letters of intent.</p>		
Language	English	Fee	HK\$120 @ for member; HK\$150 @ for non-member (HK\$20 walk-in surcharge for all pricings listed); Free of charge for full time university student (subject to availability)
Deadline	14 March 2012	Priority	QSD Members; First come first served

CPD/YSG/2012018

Visit to Epoxy Coating and Waterproofing Materials Factory



Date & Venue	2:30 pm – 5:30 pm Saturday 14 April 2012 or 21 April 2012 Chematco Ltd. Yuen Long Industrial Estate, 8 Wang Lee Street, Yuen Long, New Territories		
Gathering Time	1:15 pm at Exit A, Prince Edward MTR Station <i>(Successful registration will receive details of the visit.)</i>		
Details	Chematco is a manufacturer and specialist applicator of epoxy, PU, polyurea and other high performance polymers for building construction and industrial applications having a factory in Yuen Long. A presentation on the technical aspects of epoxy flooring (materials and installation) and waterproofing with PU and Poiyurea systems would be given followed with a demonstration on use of surface preparation equipment and hands on application of the materials.		
Language	Cantonese	Fee	HK\$250 @ for member (including transportation and insurance)
Deadline	17 March 2012	Priority	First come first served (Max. 23 persons per visit)
Remark	Members should only apply either visit, otherwise their applications may not be accepted		

CPD/QSD/2012023

Building Information Modelling (BIM) Development in HK and Quantities Take Off from BIM



Speaker	Ir. Francis Leung, Chairman of Hong Kong Institution of Building Information Modelling (HKIBIM)		
Date & Venue	7:00 pm – 8:30 pm Monday 16 April 2012 Surveyors Learning Centre, Suite 811, 8/F., Jardine House, Central, Hong Kong		
Details	<p>Building Information Modelling (BIM) is the process of generating and managing building data during its life cycle. Typically, it uses three-dimensional, real-time, dynamic building modelling software to increase productivity in building design and construction. The process produces the Building Information Model (also abbreviated BIM), which encompasses building geometry, spatial relationships, geographic information, and quantities and properties of building components.</p> <p>Ir. Francis Leung is the Founding Chairman of HKIBIM and director of BIM department of a multi-disciplinary consulting engineering company. He will give our members an introduction and update of BIM development in the construction industry of Hong Kong and discuss, using structural element as example, the constraints and approaches to achieve accuracy in quantities take-off from BIM model.</p>		
Language	English	Fee	HK\$120 @ for member; HK\$150 @ for non-member (HK\$20 walk-in surcharge for all pricings listed); Free of charge for full time university student (subject to availability)
Deadline	2 April 2012	Priority	QSD Member; First come first served

CPD/QSD/2012020

Consultant's Roles in PRC Projects including LDI



Speaker	Mr Johnson W. L. So FHKIS, FRICS, MBA, BSc (Sun Hung Kai Properties – Special Projects Department)		
Date & Venue	7:00 pm – 8:30 pm Monday 23 April 2012 Surveyors Learning Centre, Suite 811, 8/F., Jardine House, Central, Hong Kong		
Details	<p>Facing the globalization of business nowadays, especially in the properties market in PRC, which provides huge opportunities in business development, many Hong Kong / Overseas Consultants are actively joining the consultancy services for both Local and Overseas Developers.</p> <p>This topic covers a wide range of Consultant's practices and their roles in comprehensive PRC projects including the combination of various Local Design Institutes (LDI). It highlights the scope of services of different disciplines and demarcation of the duties amongst Local and Overseas Consultants including those from Hong Kong. The aim is to address the key issues and interaction arising from the Consultant's and PM team during the course of works, and the ways to avoid conflicts between parties.</p> <p>This seminar also touches on the fee scales, liability and copy right, fee payment issues / payment mechanism from Developer's point of view. A SWOT analysis is to be presented to explore the future opportunities in running projects in PRC by the Consultants.</p> <p>Mr. Johnson So will share his knowledge and experience in this aspect.</p>		
Language	Cantonese with English supplement	Fee	HK\$120 @ for member; HK\$150 @ for non-member (HK\$20 walk-in surcharge for all pricings listed); Free of charge for full time university student (subject to availability)
Deadline	5 April 2012	Priority	QSD Member; First come first served

CPD/QSD/2012022

NEC: Lessons from Nearly 20 Years in the UK and Elsewhere : Implications for Hong Kong



Speaker Mr Richard Patterson, BA MBA CEng MICE
Procurement and NEC Specialist, Mott MacDonald Group

Date & Venue 7:00 pm – 8:30 pm Tuesday 24 April 2012
Surveyors Learning Centre, Suite 811, 8/F., Jardine House, Central, Hong Kong

Details Mr Richard Patterson is a chartered civil engineer and procurement and NEC specialist with global development, engineering and management consultant, Mott MacDonald Group. Richard has more than 21 years' experience with Mott MacDonald in the UK and in Australia, Bahamas, Botswana, Ethiopia, Hong Kong, Lesotho, New Zealand, Pakistan, Romania, Russia, St Kitts and Nevis, Turkey and Vietnam. Many of his international works have been on bank funded projects, often using FIDIC forms of contract.

Richard has key skills in procurement (in particular NEC), collaborative working, knowledge management, and facilitation and training. He advised on possibly Mott MacDonald's first use of NEC in 1996 and has been working with NEC ever since. He supports Mott MacDonald's teams and their clients in all sectors from the Halley VI research station on the Antarctic, Transnet in South Africa, the Jumeriah Golf Estates in Dubai and now in Hong Kong, where he has supported Mott MacDonald Hong Kong as NEC Specialist on a total of five commissions advising Architectural Services Department (ArchSD), Highways Department and Drainage Services Department of the Government of Hong Kong SAR on their trial NEC projects covering the use of Engineering and Construction Contract and Term Service Contract including target and lump sum options with Employer's and Contractor's design.

Richard delivered a speech – "Working in Collaboration – A Step Forward" in ArchSD 25th Anniversary Symposium in April 2011. He is a frequent contributor to the NEC Newsletter, and has had a number of NEC papers published in ICE's Proceedings and sits on the Editorial Advisory Panel of the ICE's journal, Management, Procurement and Law.
(See: <http://uk.linkedin.com/in/coolsoberandsmiling>)

With his wide NEC experience in the UK and other countries and his involvement in the Hong Kong Government's trials of the New Engineering Contract (NEC), Richard will share some of the key lessons from over 20 years of its application in the UK and elsewhere and how the lessons learnt should provide insight to the trial use of NEC in Hong Kong. Richard will include issues relating to collaboration and risk management and lessons from target (Option C and D) contracts that have not gone so well.

Language	English	Fee	HK\$120 @ for member; HK\$150 @ for non-member (HK\$20 walk-in surcharge for all pricings listed); Free of charge for full time university student (subject to availability)
Deadline	5 April 2012	Priority	QSD Member; First come first served

CPD/GPD/2012026

Enhancing Sales with Marketing



Speaker	Mr Tony Tse Wai Chuen, Founder and Director of Brand Star Limited, a property development consultancy firm		
	Mr. Tse Wai Chuen Tony, a general practice surveyor and past president of the Hong Kong Institute of Surveyors, with over 35 years' experience in real estate business. Mr. Tse had been the general manager of the Sales Department of a major listed development company for over four years and was involved in the sales of a number of major development projects.		
Date & Venue	7:00 pm – 8:30 pm Thursday 17 May 2012 Surveyors Learning Centre, Suite 811, 8/F., Jardine House, Central, Hong Kong		
Details	The speaker would like to share his experience in how a well planned marketing could enhance sales of residential property; and also the likely implications on marketing as a result of the proposed legislation on regulating the sales of first hand residential property.		
Language	Cantonese	Fee	HK\$120 @ for member; HK\$150 @ for non-member HK\$30 walk-in surcharge for all pricings listed)
Deadline	3 May 2012	Priority	GPD Member: First come first served

CPD/GPD/2012019

Slope Hazards and their Mitigations in Hong Kong



Speaker	Dr C K Lau		
	Dr Lau is a Director of Fong On Construction Limited and James Lau & Associates Limited. He obtained his PhD in Soil Mechanics from Cambridge University.		
	He is the Founder Chairman of AGS(HK), a Past Chairman of HKIE Geotechnical Division, an Adjunct Professor of HKCityU and an Honorary Fellow of HKUST. He is also an AP(List of Engineers), RSE and RGE.		
	Dr Lau has co-authored a Technical Text Book on Slope Stabilization and published technical papers in Geotechnique, Canadian Geotechnical Journal and HKIE Transactions etc.		
Date & Venue	7:00 pm – 8:30 pm Wednesday 13 June 2012 Surveyors Learning Centre, Suite 811, 8/F., Jardine House, Central, Hong Kong		
Details	The man-made slope and natural terrain hazards are first reviewed. The strengthening of the sub-standard man-made slopes as well as the mitigation measures for rockfall and debris flow events are then introduced. Finally, the steps taken by government in reducing the hazard risks for both existing and new development projects are discussed. Some of the issues related to Buildings Department's Dangerous Hillside Orders and routine maintenance of slopes will also be addressed.		
Language	Cantonese with English Supplement	Fee	HK\$120 @ for member; HK\$150 @ for non-member HK\$30 walk-in surcharge for all pricings listed)
Deadline	30 May 2012	Priority	GPD Member: First-come-first-served

CPD/PQSL EVENTS

Date : 14 Apr & 21 Apr 2012 (2-day course on Saturdays)
Time : 4:00 pm – 6:00 pm
Venue : S.C.A.A. Sports Complex, 88 Caroline Hill Rd,
Causeway Bay, Hong Kong
Fee : \$330 (Golf balls and clubs will be provided)
Quota : 20 (priorities to YSG members, first-come-first-served)
Deadline : 6 Apr 2012

YSG/S/201202

This course is basically designed for beginners, you will be taught how to swing with the right pose by professional coaches in S.C.A.A. Sports Complex.

Please complete the CPD Reservation Form and return together with the payment to HKIS Office. For more information, kindly contact Ms. Donna Yu at 2526 3679 or email to cpd@hkis.org.hk

Golf-learning Class

Oyster Shucking Class

YSG/S/201201

Speaker: Tutor in Seasonal Oysters Club
Event Date: 25 March 2012 (Sunday)
Event Time: 3:30 pm – 5:00 pm
Venue: Room 512, 16/F, Nathan Apartments, 510-512 Nathan Road, Yau Ma Tei, Kowloon.
Organizer: Young Surveyors Group
Closing Date: 16 March 2012
Fee: HK\$308 @ for member
(priority will be given to YSG members on a first come first served basis)
Quota: 17
Level: Beginner
Language: Cantonese
Equipment: Oyster knife and gloves will be provided. (Oyster knife can be taken as a gift)
Details: In this hands-on class, you will learn how to open oysters with skill and finesse served with wine, we will try 5 types (totally 7 number) of oysters during the class.

Please wait at the Exit C of Yau Ma Tei MTR Station on concourse level at 3:15pm.

Land Surveying Division Chairman's Message



Koo Tak Ming LSD Council Chairman

Surveyor as a Career

A lady raised a question for her son about the path to be a surveyor in the talk given by Ms Serena Lau, our President, in the Education and Careers Expo 2012 on 12 February 2012. The son is so fortunate to have his mother's support in joining the surveying profession in Hong Kong.



It reminded me of my good old days when I joined the profession as a young surveyor. By the time, the public did

not know land surveyors very well and usually asked if we were taking videos/ pictures with our theodolites!

Thanks to the hard work of the Institute, divisions and YSG throughout these years, surveyors have been developing our reputation as well as our professional image in Hong Kong. We care, we act and we support the society to become a better place to live and to work.

We shall keep up the good work, like what we have been doing in the Education and Careers Expo and other occasions, to further strengthen our professional image with a wider scope over all spectrum of the society.

Under the new university system, which will soon commence this year, I believe that university graduates will encounter another wave of challenges in the course to become professional surveyors. We shall help them to overcome the impact.

Article in Wen Wei Po (文匯報)

Articles from the Institute are currently published every other Tuesday in Wen Wei Po. The article "測量與科技共舞" was printed in Wen Wei Po (page B08, property news) on 21 February 2012.

You may wish to read the article via the link:
<http://paper.wenweipo.com/2012/02/21/ME1202210010.htm>.



LSD Contact Points

If you have any views on the Council's work, please feel free to send them to the Honorary Secretary at lsd@hkis.org.hk or

to me at lsdchairman@hkis.org.hk. 

Property & Facility Management Division Chairman's Message



Dick Kwok PFMD Council Chairman

Busy meetings schedule was set after the Lunar New Year apart from the various regular council meetings.

4 February 2012 General Council Members Retreat. Members shared and brainstormed the issues that might change our way forward in future.

7 February 2012 Luncheon with Ms Florence Hui, the Under Secretary for Home Affairs and the ExCom Members. We spent a fruitful hour with Florence. We shared different insights on many social events and also the importance to display more positive messages to the public and to promote love and care amongst different spectrums of the community.

8 February 2012 2012 Chief Executive Election – Architectural, Surveying and Planning Subsector Forum.

10 February 2012 Luncheon with Prof Hon Patrick Lau at LegCo complex and tour visit. At the luncheon, I requested Patrick to urge and follow up with Home Affairs Department to raise HKIS involvement on the consultation of the proposed Licensing of Property Management Companies and Property Manager, and BMO Review.

14 February 2012 Luncheon with Mrs Carrie Lam, the Secretary for Development and the ExCom Members. It was a very meaningful and enjoyable meeting with Carrie. We exchanged our views on Building Safety, UBW, MBIS, Land Supply Policy, CEPA, Licensing of Property Management Companies and Property Managers, etc.

As reported last month, an Advisory Committee for the Regulation of Property Management Industry was formed under Home Affairs Department and four sub-committees were formed. They are Sub-Committee on Property Management Practitioners, Sub-Committee on Property Management Company Licensing, Sub-Committee on Finance & Administration and Sub-Committee on Promotion. Some of our council members have joined the first three sub-committees. Issues of our concern are the tiers and licensing requirements for the licensing regime for both Property Management Companies and Practitioners, grandfathering rules and exemption for the licensing regime for property managers. Suitable consultation will be followed when more details come up.

I was recently interviewed by the Deloitte Consulting which is appointed by the Efficiency Unit and Government Property Agency (GPA) to conduct a consultancy study to review the existing outsourcing model for providing property management services to Government properties under GPA. I shared my experience with pros and cons on operations from a service provider's point of view. As a professional PFM surveyor, I emphasized the paramount importance to strike a balance between costs and service standards, and the ways to monitor and execute contract as the keys to success.

Thanks for the assistance from Daniel Hui and Raymond Chan who arranged a CPD event on Enhancing Land Supply Strategy, Reclamation outside Victoria Harbour and Rock Cavern Development on 15 February 2012. Mr Robin Lee, Deputy Head of Civil Engineering Office (Port and Land), Mr Raymond Wong, Assistant Director of Planning Department, and Mr Ricky Wong, Senior Engineer of Civil Engineering and Development Department made presentations with supporting figures regarding the existing land supply options and challenges and exploring the new land supply options in line with the progressive development of Hong Kong. The talk was well received with 72 members attended and enthusiastic responses in the Q&A session. The powerpoint presentation is now available for viewing at the HKIS PFMD web page.



Following the enactment of the Buildings (Amendment) Ordinance 2011 and completion of the legislation procedures, the Mandatory Building Inspection Scheme (MBIS) is planned to be fully implemented in the second quarter of 2012 according to a press release of the Buildings Department (BD). BD will select a suitable number of buildings (aged 30 years or above except domestic buildings not exceeding three storeys) and issue statutory notices to owners requiring them to appoint Registered Inspectors (RI) to carry out inspections and repairs as necessary, of the external walls, common parts, projections and signboards of their buildings (remarks: will be once every 10 years). Please note that, at present, RI can be a registered professional surveyor from the building surveying or quantity surveying division. Another newly introduced scheme at the same time is the Mandatory Window Inspection Scheme (MWIS). Under the MWIS, owners of

buildings aged 10 years or above (except domestic buildings not exceeding three storeys) are required to carry out inspections (and, if necessary, repair works) of all windows of the buildings once every 5 years. According to BD, they will endeavour to synchronise the implementation of the MBIS and MWIS under the same cycle as far as practicable. Therefore, owners can carry out inspections and repair works under both schemes simultaneously.

Members please note that the deadline for submission of Green Building Award 2012 - Towards Zero Carbon is extended to 29 February 2012. Please visit the official website : www.gba.hk/main.html for details.



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Quantity Surveying Division Chairman's Message



Thomas Ho QSD Council Chairman

Results of the QSD Assessment of Professional Competence (APC) in September 2011

The Assessment of Professional Competence for the Year 2011 has been completed. There were a total of 255 attempts and 75 candidates have satisfied the assessment criteria and eligible to becoming our members. All candidates have been notified of the results.

I would like to take this opportunity to congratulate the candidates who have passed the APC and to welcome them for becoming our members. I would also like to express my sincere thanks to the members of the Divisional Education

Committee, the members of the APC Panel, the APC assessors and interview panels for their precious time and tremendous effort in this APC.

A new set of Rules and Guides for QSD APC will soon be announced in April 2012. There will be a few changes introduced in the new Rules and Guides. The new QSD APC will be introduced in Year 2012 and will gradually substitute the old APC which will still be organized until Year 2014.

Newly Qualified Members' Welcoming Party

On 17 February 2012, the QSD organized a Newly Qualified Members' Welcoming Party at the Surveyors Learning Centre of HKIS to meet the newly qualified QS this year.

The QSD Council Members and past QSD Chairmen were glad to meet with the young and fresh faces in this jovial and casual event. It was also a great opportunity for us to know the new members and to introduce the various QSD Sub-Committees to them. It was our great honour to have our President of the Institute, Ms Serena Lau, to attend the event and give an impressive speech to the new members. We were also grateful to have the attendance of our Senior Vice President, Mr Stephen Lai, Vice President, Mr Simon Kwok, Honorary Secretary, Mr Robin Leung, other Divisional Chairmen and YSG Chairman to this party. To facilitate submission of the

application for membership, we again arranged for signing and gathering of membership application forms of new members during the event.

The creative games brought cheerful atmosphere to the party. They got everybody to blend in and enjoy. The Party ended with a lucky draw with the grand prize of an iPad 2.

I would like to take this opportunity to thank the Welcoming Party Organizing Committee and the Chairman of the Organizing Committee, Mr Honby Chan, for their great effort in organizing such a successful event. I would also like to thank all new members, their friends and families, our Council Members and Past Chairmen for their participation in this enjoyable evening.





QS Member Mr Benny Chi Yan Lee (李志仁)

Benny Chi Yan Lee, a Corporate Member of the HKIS, QS Division, had been taken seriously ill with Hepatitis B and listed for a liver transplant.

Having broadcast the news to all members and the media, we were glad to receive a number of enquiries, and expression of will to offer assistance to Benny. The Institute had referred the callers to contact the hospital or Mrs Lee for further arrangement.

Benny had finally received a liver transplant from a deceased donor on 2 February 2012 morning and he is now recovering at the Queen Mary Hospital. We hope Benny will fully recover soon. Taking this opportunity, I would like to thank you for your concern and help as well as the donor and his family for the donation.

PAQS Accreditation Panel Visit: 22 to 23 February 2012

Our Vice Chairman, Mr Honby Chan, representing HKIS together with other PAQS Panel Members, Professor Anthony Mills (AIQS Rep), Assoc. Professor Khairani Ahmad (ISM Rep), Mr Paul Bunkall (NZIQS Rep) and the Facilitator, Mr John Granville (NZIQS Executive Director) carried out a PAQS Accreditation Visit to Massey University, New Zealand for the Bachelor of Construction (Quantity Surveying) programme from 22 to 23 February 2012. The workload for this visit was extremely heavy and the Panels' Members must be commended for their diligence and efforts. Apart from pre-study of the documents submitted by Massey University, the Panel Members gathered and met at a motor inn on 21 February 2012 for a pre-meeting briefing before the formal visit to the university. The 2 days accreditation visit included sessions with the programme team, meeting with teaching staff, tour of facilities, scrutiny of documents, meeting with students and graduates, meeting with the Industry Advisory Committee and employers, and

attending a number of private meetings of the Panel and feedback sessions.



QSD Annual Dinner 2012

The QSD Annual Dinner is scheduled to be held on 25 May 2012. Please jot down this important event in your diary. Last year, we have 19 tables fully seated. You are cordially invited to this Annual Dinner which provides an opportunity

for meeting our friends in the profession. Further details of the Annual Dinner will be announced in due course and I am looking forward to seeing you there. 🇬🇧

Young Surveyors Group Chairman's Message

Kenny Chan YSG Committee Chairman



New YSG Co-opted Members

Our YSG team has been growing bigger continuously. This month, we have one more new co-opted member, Mr Anderson Lam, joined our YSG Committee 2011/12 as

endorsed in our YSG monthly meeting held on 3 February 2012. Come and join us, we are waiting for you!

Highlights of the month

31 January 2012 - CPD Events – “Dogs not allowed” by Mr Lawrence Pang

We are very pleased to have Mr Lawrence Pang to share with us the latest cases related to the house rules and provisions in the Deed of Mutual Covenant for stopping tenants to keep dogs and pets in their homes. Thanks Mr Pang for showing us the rationales behind the court’s judgments for property managers and dog lovers.

7 February – HKDA Spring Dinner

We are honored to be invited by the Young Dentists Group of The Hong Kong Dental Association (HKDA) to attend their Spring Dinner. It was a very entertaining and unforgettable evening to have the chance to listen to the Secretary for Food and Health Dr York Y N Chow’s singing performance! Our Vice Chairman Miss Michelle Chung was also one of the guest singers with the dentist’s band show. We also met leaders of other young professional groups during the dinner, and discussed the potential to host more joint professional social events in the coming year. Stay tuned.

9-12 February – Education & Career Expo 2012

The Education & Careers Expo for 2012 was successfully held between 9 and 12 February 2012. President Ms Serena Lau delivered a talk subjected “Prospects and Entry Requirement of Surveying Profession” to students and parents. Our YSG helpers also introduced the works of professional surveyors, and shared their own experience in study and work as a surveyor to the visitors. Many visitors showed their interests

in our work, and asked about the route to professional membership. LSD Chairman Mr Koo Tak-ming and QSD Chairman Mr Thomas Ho also visited our booth and showed supports to our helpers during the Expo.



Our student helpers from LSGISS introducing surveyors’ work at the booth



President Serena Lau giving a talk about the prospects and entry requirements of the surveying profession

I would like to express my special gratitude to our helpers, including Mark Chan, Jeff Chan, Billy Mak, Michelle Chung, Gigi Mok, Mandy Ko, Billy Mak, Rex Ying, Ryan Wong and Steve Yu from YSG Committee, Samuel Chong, Johnny

Yeung, Ron Ma and Carlos Sze from PolyU LSGISS, and also Fiona Yau, Elsie Wong and Karen Au from PolyU BRESS for their contributions to make the Expo successful!

Coming Soon

CPD Events – “Visit to Epoxy Coating and Waterproofing Materials Factory” on 14 or 21 April 2012

We shall have an opportunity to visit a manufacturer and specialist applicator of epoxy and other high performance polymers in its factory at Yuen Long in April 2012. Live demonstration of their applications on site, with a technical presentation of the materials for building construction and industrial applications will be available. Limited seats only!

Social Events

Social events team is going to launch many events for our members to enrich members' lives. We shall roll out Oyster

Shucking Class and Golf Learning Class for beginners in the coming months. Please check out the details from HKIS email broadcasts, and our announcements in YSG website & Facebook page. Don't miss it!

Stanley International Dragon Boat Championship 2012

The flying dragons of HKIS are ready! Our legendary HKIS Dragon Boat Team will start our series of practices very soon in order to prepare for the Championship. Want to be one of our paddlers, drummers, steersmen or cheer-leaders? Please drop us an email at ysg@hkis.org.hk.

Contact YSG

We need your ideas, suggestions, support and active participation for our coming events. You may email us at ysg@hkis.org.hk, or join us in our YSG committee meetings which will be usually held in Room 810, Jardine House on the first Fridays of each month, except public holidays (i.e. 2 March, 13 April, 4 May, 1 June, 6 July, 3 August, 7 September, 5 October and 2 November).

Find us on Facebook, give us a LIKE:
<http://www.facebook.com/HKISYSG>





HK-China Property under the European Debt Crisis

Olivia Tsang, GPD CPD Helper

The European debt crisis is not only upsetting the global economy, but also extending its gloomy impact to various parts of Asia. To render a clearer picture on how the crisis affect the property market of Hong Kong and China, a seminar titled "HK-China Property under the European Debt Crisis" was successfully conducted by Mr Chi Lo on 9 February 2012. Mr Lo, CEO of HFT Investment Management (HK) Limited, shared with us his research work on the linkage

between the crisis and HK-China's liquidity environment and economy. Supported by his statistical analysis, he also forecasted that Hong Kong property market would be slowing down or even dropping in the 1st half year of 2012. Global attention would be reverted to America's economy after the settlement of the European debt. In this seminar, we all benefited a lot from Mr Lo's splendid research and comments. ■



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Speeding up the Implementation of City Planning



Tony Tse Wai Chuen

General Practice Surveyor, Past President of the HKIS

Outline Zoning Plans (OZP), Development Permission Area Plans (DPA Plans) and Development Scheme Plans (DSP) are the blueprints of how the government thinks best in the layout and the land uses in the city. They give us a master layout of the “perfect city” with optimal use of plots of land, aiming at achieving a better living environment and/or economic synergy. With these well planned schemes the question is the way it could be changed from paper to the real thing! It is often the most frustrating experience to witness those good plans have never reached their expected end.

It is always easier to faithfully execute a brand new zoning plan for a plot of undeveloped land, as witnessed by the easy availability of amenities and facilities in satellite towns like Shatin and Tseung Kwan O. Filling empty plots according to intended plans is a much simpler process than changing established ones, as there would be a lot less confrontation against news plans. In stark contrast, to change the use of a developed area faces a lot more challenges, and even when the government has thoughtfully planned for more public facilities to a better life, these well-intended demarcations fall on deaf ears as there are not enough incentives for private owners to take heed.

Most of the developed land in the urban area of Hong Kong is under the post-70s OZPs and since their existence there were numerous reviews and changes in land uses followed by changes in social, environment, and economic conditions. The changed land uses shown on the plans do not have an execution dead-line. Lot owners concerned would normally adopt a wait-and-see attitude. They may not be willing to tear down a building still yielding rent and build another which involves paying a land premium for change in land use and also exposing to economic risk. If the buildings are of strata title, the above complications are compounded and a consensus may take a long time to get reached, during which the economic conditions may change drastically.

On the other hand, recent measures in optimizing the use of industrial land, aka revitalizing industrial buildings, may

signify a change in government’s long standing philosophy in letting market forces a free reign. Before its implementation in 2010, obsolete industrial buildings which show minimal care have stood in areas of which the land use had been changed for more than a decade, creating not only disharmony among latest developments, but also incurring great opportunity costs for the whole society. Despite the huge surplus in industrial space there has been very little compliance from the private sector to adhere to planning and changes. The Development Bureau recently introduced a package of measures to facilitate redevelopment and wholesale conversion of existing industrial buildings. Under the new measures, more incentives are granted to owners of industrial buildings in non-industrial zones for wholesale conversion. Whilst it may be still a little too early to evaluate the effect of these incentives, when comparing with the situation in the past two decades, the momentum to adapt to planning changes is definitely gaining speed.

It is my humble opinion that more can be done to accelerate this process. For example relaxing requirements to the conversion of those old industrial buildings, including the ratio of parking and loading bays common facilities, open space, etc. to a more attainable standard. The government’s aim in implementing this plan is, after all, to make these transitions possible. Moreover, some more initiatives from government to upgrade and improve the public infrastructures, the road network and the general environment of the industrial areas would definitely help the pace of conversion.

I am happy to see the government taking the initiative to facilitate implementation of its master plan for the optimum use of the territory’s very limited land resources. Let’s applaud for its brave first step and hope for more of these similar actions to prevent the zoning plans from becoming only ink blots on paper! 🇭🇰

What is "Med-Arb"? What are the Pros and Cons of it?



Hon Chi Yi, Ludwig

Professional Diploma (QS), Master in Arts (Arbitration & Dispute Resolution)
FHKIS, FRICS, AAIQS, RPS(QS), MCI Arb, AHKIArb, MAE, PRC Registered Cost Engineer (CECA)

Accredited Mediator (HKIAC), Mediator (HKIA & HKIS), Mediator (HKI Arb)
Director, Sweett Group Dispute Resolution

Introduction

Undoubtedly, we all agree that disputes are nearly unavoidable in the construction industry in Hong Kong, as well as globally.

Apart from the common perception of being a costly, highly-pressured, and time consuming means of resolving disputes by court, most of the commonly adopted Conditions of Contract in Hong Kong stipulates that the contracting parties shall go for alternate dispute resolution (ADR) method in resolving those disputes. Examples of these alternative means, which most readers are familiarized with, included "arbitration" under the old Hong Kong Standard Form of Building Contract (1986), and "mediation" under the latest Hong Kong Standard Form of Building Contract (2005). Arbitration in Hong Kong is extensively adopted since the 1970s while mediation prevalently implemented since the year 2000, especially after the Civil Justice Reforms which took place in 2009.

However, there is another means of ADR which is a bit rare but similarly effective. It is "Med-Arb" in abbreviation, which is a short-hand reference to mediation ("Med") and arbitration ("Arb").

I would like to discuss what is "Med-Arb" first, followed by highlighting the pros and cons of it in this article.

What is "Med-Arb"

According to Roebuck¹, the practice of combining "mediation" and "arbitration" by the same neutral has been traced back to ancient Greece and Ptolemaic Egypt.

"Med-Arb" is a hybrid² and fusion³ format of ADR, in which the parties in advance agree that they will participate in mediation first, and if the parties cannot reach a mutually agreeable agreement in mediation, the mediation process will terminate with an agreement to commence an arbitration proceeding directly⁴. Any decision in the arbitration shall be final and binding except on points of

law and / or serious irregularities with which the parties may appeal to the court.

The parties mutually determine whether the same mediator shall be the arbitrator at the later stage if mediation failed⁵. Normally, the same individual shall act both as the mediator and the arbitrator, in order to save time and money, though different individual may also be adopted.

In short, "Med-Arb" is a hybrid process that, firstly, a mediator tries to bring the parties closer together and facilitates them to reach their own initiated agreement. If the parties cannot settle or reach an agreement, they will proceed to arbitration in front of the same individual or before a different arbitrator so as to go for a final and binding decision from the arbitral award.

Pros of "Med-Arb"

The following are some pros of adopting "Med-Arb"

3.1 Disputes MUST Resolve

By adopting "Med-Arb", the disputes must be resolved, either by mediation, or if mediation is unsuccessful, shall be resolved via arbitration.

3.2 Confidentiality

Confidentiality can be maintained with the resolution of the disputes. This is because, no matter the disputes are to be resolved by mediation or arbitration, both ADR systems can maintain confidentiality of both parties.

3.3 Cost

Cost may be saved because a relatively short but binding arbitration by the same neutral who is fully familiarize with the disputes, will quickly follow a failed but economical mediation⁶. The parties thus will not worry about how long it will take to resolve the dispute and with what cost. Further, if mediation resolves

1. Roebuck, D "The Myth of Modern Mediation (2007)" 73 Arbitration 1, 105 at 106
2. Costello E J, "Med-Arb (2007)"
3. "Dispute Management, Australia (2009)"
4. "Boston Law Collaborative (2011)"
5. "Interventus ADR Services (2010)"
6. Flake R P, "Med/Arb – a viable ADR vehicle?"

the disputes, surely it is absolutely economical. Other author⁷ claims that the neutral is already "up to speed" when putting on hat from one role to another and may gain insights during mediation that could contribute to a more appropriate and speedy arbitral award later on. This again, is saving both time and money.

3.4 *Narrow the Disputes*

Very likely, mediation can assist in resolving some, though may not all, disputes while leaving those unresolved to arbitration⁸. This will certainly reduce both time and cost eventually.

3.5 *Fully Flexible*

The parties can select to settle the disputes by adopting their own creative and innovative options in mediation or, if failed, opt for resolution by a final and binding decision by an arbitrator⁹. This implies that the parties are the ones who choose the means to resolve the disputes.

Cons of "Med-Arb"

The following are some cons of adopting "Med-Arb":

4.1 *Suitability*

This hybrid format of ADR is only appropriate for certain types of disputes, i.e. not all kinds of disputes are suitable to adopt "Med-Arb" For instance, "Med-Arb" is only suitable for those lengthy and expensive litigation i.e. desirable for the parties, like¹⁰:

- (a) Home owner disputes;
- (b) Condominium association disputes;
- (c) Real estate binder disputes; and
- (d) Construction disputes.

4.2 *Confident to Share*

As the neutral may be the subsequent arbitrator after mediation fails, the parties may be reluctant to share confidential information within the process of mediation. This is because the parties may think that those confidential information may be detrimental to their own case during the arbitration process later on. Since sharing of confidential information, in many cases, is the key and backbone to resolving disputes by mediation, this may highly reduce the chance of an amicable settlement by mediation.

4.3 *Qualified Neutral*

It is clear that the mediation and arbitration processes require different skills, techniques, and qualifications of the neutrals in order to proceed satisfactorily. There may not be sufficient number of trained "Med-Arb" neutrals to be selected by the parties in their specific field of disputes. If that is the case, the parties may

be forced to select a neutral whose expertise is not relevant to the fields under dispute.

4.4 *Influence on the Neutral*

The neutral may confer with certain private and confidential information during mediation and finally may influence the neutral if he/ she has to become an arbitrator later on¹¹. This shall conform to the original principles of both mediation and arbitration. As stated under the South Australian Duke Group case¹², allowing an arbitrator to receive private and confidential information during mediation creates an appearance of bias of the arbitrator when determining the dispute later on.

4.5 *Cost*

The process, though claimed on one hand likely to be economical as per above, may be costly on the other. This is because the parties may be required to pay both the costs for mediation and arbitration, if mediation fails.

4.6 *Threat by the Mediator*

Suggestions by the mediator may be taken as a kind of threat to impose adverse decision(s) as the arbitrator later on, if mediation fails¹³. There will be pressure on the neutral in exercising his skills carefully in facilitating a settlement in mediation, and not exerting pressure to the parties.

Conclusions

From the above, in my opinion, the concerns in those claimed to be "cons" out-weighted those claimed to be "pros". As a result, all those "cons" have to be dealt with carefully before the actual "pros" emerge. This may be the reason why, to the best of my knowledge, the number of each of mediation and arbitration cases is far more than the number of cases of "Med-Arb" More effort needs to be spent to address those "cons" pro-actively and wisely by the neutrals and the society before "Med-Arb" is more commonly acknowledged by the parties in dispute. ■

7. Limbury A L, "Med-Arb – Getting the best of both worlds (2010)"

8. "Mediation-Arbitration" Mediation and Arbitration CDRS

9. Supra 7

10. Supra 5

11. Supra 2

12. The Duke Group Ltd. (In Liq.) v Alamain Investments Ltd. & Ors, (2003) SASC 272

13. Supra 8

Concept and Misconception



Terry K. Y. NG

MSc MRICS MHKIS MCIQB

Introduction

In this article I shall look at some concepts and misconceptions related to the application of the Buildings Ordinance (BO) and its allied legislation. One may find the items fairly piecemeal but they are all practical and may be interesting to young practitioners. However I have to stress that the followings are my personal opinions and are based on my experience and interpretation of the legislation.

BO s. 16(1) (d) and 16(1)(i)

These two subsections are grounds for refusing building submission. If contravention of the appropriate BO section or Regulation can be identified, BO s 16(1)(d) should be invoked instead of 16(1)(i). The latter requires the Authorized Person (AP) to provide further information. This piece of information must be necessary for Building Authority (BA) to make a decision under the BO. In other words, the reason for requiring the information must relate to an issue within the ambit of the BO. If sufficient information has been provided and the contravention is obvious, demonstration compliance with the BO is no longer a refusal ground and BO s 16(1)(i) should not be invoked.

BO s. 16(3)(d)

Some people consider that a building approval lasts for two years only. This is because pursuant to BO s. 16(3)(d), BA may refuse an application for commencement of work if a period exceeding two years has elapsed since the approval of any of the plans in respect of the building works. In my opinion, this subsection only allows BA to exercise discretion to refuse consent application if the circumstances warrant. For instance, during the preceding two years, some regulations or requirements came into operation which entail substantial amendment to the approved plans for compliance with them. Otherwise, consent may still be granted but the AP has to comply with the new regulations or requirements before the application of occupation permit.

BO s. 21 (6)(a)

This subsection concerns grounds for refusing application for occupation permit (OP). Sometimes this subsection is invoked

for defects discovered in the building but without mentioning contravention of the appropriate section of the BO or the Building Regulation. It should be pointed out that the defect must cause a contravention of the legislation in order to qualify as a ground for refusing the OP application. If the defect does not cause a contravention of the legislation but should be rectified from a user point of view, it can only be mentioned as a note to the AP and client. Typical examples are improper fixing of windows, accumulation of building debris on top of AC hoods, and missing of a water basin in the master bathroom, which are not material deviations from the approved plans.

BO s. 21(6)(c)

Some people think that when a lift certificate has not been issued by the Director of Electrical and Mechanical Services, the OP application can be refused. This is not entirely true. This subsection can only be invoked when the lift has not been installed and the lift opening has not been properly protected. The absence of a lift certificate only indicates that the lift cannot be used yet. If it is a firemen's lift or a disabled lift, the absence of a lift certificate can then be used as a ground for refusing the OP application. However BO s. 21(6) (a) should be invoked instead of 21(6)(c). This is because the contravention would be related to Building (Planning) Regulations 41B, 41C or 72, as the case may be.

BO s. 25

This section concerns material change in use of a building. What the proponent submits to BA is a notice and not an application for approval. If BA considers that the building is not suitable for the use submitted, BA may prohibit the use (if it has not taken place) or discontinue the use (if it has already taken place). BA does not disapprove or refuse the change in use. In practice, it is seldom to find a change in use not involving any alteration and addition work that requires approval. The provisions under BO s. 25 as an easy-way-out is considered not very useful in practice.

BO s. 15(1) & Building (Administration) Regulation 30

These two provisions concern submission to Buildings Department (BD) for approval. They stipulate the length of

period within which BA has to notify the applicant, otherwise the submission is deemed to be approved. This statutory period (the period) commences from the date of submission. Sometimes the AP does not submit sufficient copies for BD to circulate to other government departments or organisations. Some people opine that the period should start from the date when sufficient plans are submitted. I reckon that the test should be whether the first submission qualifies as an application under this submission. If the answer is affirmative, the period should start from the date of submission. Further submission of additional copies of plan does not alter the situation, bearing in mind there is no such mechanism in the Regulation as to defer the commencement date or to postpone the last day of the period.

Building (Planning) Regulation 72

If a building is not reasonably expected to be accessed by a person with a disability, it does not have to be designed to allow disabled person to access and use the facilities of the building. Even if an application for exemption of the regulation is submitted, BA usually does not grant a formal exemption. In some cases BA would simply reply that the AP's application is accepted. In other cases there is no reply from BA at all but it implies acceptance by approving the building proposal. Some people opine that it is a tradition for BA not to grant the exemption of Building (Planning) Regulation 72 formally. I reckon that it is not a tradition but rather the acceptance of the situation by BA already provided under the regulation.

If a building does not fall into a category in which the buildings are not reasonably expected to be accessed by people with a disability but, under special circumstances BA waives the requirement, then BA would formally grant the exemption.

Lot description

Lot description is not mentioned anywhere in the BO and its allied legislation. Apparently it is more a 'lease' than a 'building' matter. In fact it is a very significant point that one may deeply regret if one makes a mistake. Under the BO, a site has to be defined for every building. Lot description reflects what the site is. I use a case when a number of lots are involved in a building development but not all the lots are built upon to demonstrate how significant the lot description is. If the vacant lots are missing in the lot description of the OP and the vacant lots are sold later, complication may arise. Purchaser of the vacant lots may argue that the vacant lots should be considered as a separate site. This situation may lead to a lawsuit which can be avoided in the first place.

In passing, OP can only be registered against the title of lots described in the permit. If some lots are missing in the OP, it cannot be registered in the register of the lots. Any subsequent action to rectify the situation will still end up with an imperfect OP, as the original OP, once issued and distributed, cannot be replaced. The flaw will exist as long as the lease before expiry.

Building proposal to replace existing unauthorized building work

Supposing in an alteration and addition submission, an AP proposes to remove the existing unauthorized building work and to replace it with work which is different from the existing one. The AP may be required to state on the plan that the existing unauthorized building work is to be removed prior to application for commencement of work. Does this statement safeguard BA's position? What will happen if the AP breaks his/her promise and submits an application for commencement of work by submitting a Form BA 8 without any removal works carried out? It should be noted that the grounds for BA to refuse a consent application are limited to those laid down in BO s. 16(3). None of the grounds in the subsection is applicable in the above-mentioned situation. In fact the AP's statement on the plan is superfluous. This is because if the unauthorized building work is not removed, the new work cannot be carried out as they are in the same position. The only situation where this statement is useful is for a proposal to demolish and rebuild the unauthorized building work. One may be afraid that the AP does not carry out any work at all but intends to obtain retrospective approval of the unauthorized work only. If the AP breaks his/her promise and still submits a Form BA 8, BA is not put in a difficult situation. In this case, BA can restrict the grant of initial consent to demolition of the unauthorized building work only.

Epilogue

I have to emphasise that the view point in this article is entirely my own and does not represent that of any organisation or body. Readers may or may not agree with me. It is common to have different view on the same matter.

Editor's note

This article presents the views of the author only, and is not construed to be views of any organization or anybody. ■



Sports and Recreation Committee Chairman's Message



Lesly Lam Chairman

HKIS Running Team in the Hong Kong Marathon 2012 – Superb Results!

Team Captain: Mr Lesly Lam/ Miss Kathy Cheung

The Institute formed a very strong running team with about 100 runners to join the Hong Kong Marathon 2012 held on 5 February 2012. We had a superb performance and got many good results in 10km Run, Half Marathon (21km Run) and Full Marathon (42.195km Run). The best results are still under consolidation and will be listed out in the March Surveyors Times. For the time being, the team captain knows that the best Full Marathon, Half Marathon and 10km Run results are fall within 3 hours & 20 minutes, 1 hour & 30 minutes and 43 minutes respectively. We are of great chances in winning prizes in each category of the Joint Professional Marathon Competitions. Please stay tuned!

Last but not the least, we would like to express our sincere thanks to the following teammates for their participation in the Hong Kong Marathon 2012, and CY Wan for being our photographer. Please keep an eye here on the next big running events in the year. HKIS running singlet will be available soon for new teammates.

Full Marathon	Half Marathon	10km Run	
Chan Ka Kui	Lesly Lam	Chan Siu Lai	Ho Wing Yan
Pang Shiu Kee	Choi Chun Tong	Ho Ming Cheong	Fong Sau Kuen
Johnny Yung	Arthur Chan	Lee Pok Wai	Ho Sze Ming
Frankie Fan	Philip Lo	Tam So Yan	Pang Nga Yin
ST Kwok	Andy Leung	Cheung Lit Wah	Yu Kam Hung
Ng Wai Tak	Tam Ka Sing	Fong Jea Chee	Calvin Chio
Choi Pui Nang	Wong Chi Ho	Cheung Ho Ting	Ivan Ng
Si Yau Li	Kwok Chun Hei	Bai wentao	Paul Tsui
Angel Ng	Chan Wai Sing	Yu Wai Kei	Joe Wong
Patrick Yip	Ng Chun Sang	Tam Kwok Lun	Daniel Pong
Cheung Chu Wah	Szeto Yee Wo	Dong Lipei	Ben Chong
Kathy Cheung	Allen Lam	Ho Bo King	Steven Tang
Jason Koo	Patrick Woo Yiu Fai	Lee King Yiu	Jeffrey Wong
Joe Lam	Jonathan Li	Kwong Man Ho	
Antony Man	Kelvin Fu	Lai Ka In	
Winnie Wong	Amy Lau	Lai Shing Wai	
Chan San Ngai	Augustine Wong	Yu Kwan Kit	
	Jimmy Lam	Chan Wing Yan	
	Fu Kai Chung	Yu Tsz Man	
	Leung Chi Keung	Hung Wai Sang	
	Ng Ka Ho	Yau Peggy	
	Ronnie Fung	Lui Kat Pand	
	Li Man Ting	Chau Hoi Wan	
	Louis Lo	David So	

The HKIS Running Team in the Hong Kong Marathon 2012



Getting ready for the marathon in the morning



HKIS runners joining Full Marathon



Full Marathon teammate - Kathy



Full Marathon teammate - Kelvin



Full Marathon runner achieving the best record among HKIS female runners - Angel



Half Marathon team



Half Marathon teammate - Lesly



The HKIS Running Team Captain Lesly Lam and HKICPA's President & HKICPA's Dragonboat Team Captain

Moreover, we would like to express our sincerest thanks HKICPA's kindest invitation to the HKIS runners by having drinking and physiotherapy after running in its booth.

Recruitment of players is always open for all qualified members, probationers and student members. Members who are interested in participating in various Sports Teams and Interest Groups managed by the Sports and Recreation Committee, please contact the Chairman or Donna Yu at cpd@hkis.org.hk or 2526 3679 for registration. We look forward to seeing you.

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