

Contents

目錄

- 2 From the Editor 編者語**
- 3 President's Message 會長的話**
- 5 HKIS News 學會簡訊**
 - Hong Kong 香港**
 - Surveyors Alliance Asia Signing Ceremony
 - HKIS Annual Dinner 2004
 - HKIS 20th Anniversary Photo Competition
 - Surveyors Luncheon
 - Property & Facility Management Forum Luncheon
 - Hong Kong-Zhuhai-Macau Bridge Research Study
 - 「香港專才在中國內地市場發展的機會」研究報告
 - 2004年『十大樓盤頒獎典禮』
 - 海南省房地產估價師協會拜訪學會
 - 發改會來訪學會
 - 武漢房地產代表團來訪學會
 - 學會設午宴款待國土資源部常務副部長
 - Mainland 內地**
 - 粵港澳測量學術交流2004
- 21 Divisional News & Activities 組別簡訊**
- 22 Surveying Practice 測量事務**
 - The Measured Mile
 - Consultants and Employees as Expert Witnesses
 - Valuation of Copyright Intangibles-Part 2
 - Slice of Luck? Not Likely
- 30 Education 增值空間**
 - Some Thoughts on the Use of Expert Evidence in Construction Litigation
 - A New Proactive Way to Control the Cost of Variations
 - Techniques and Strategies for Preparation of APC Written Examination
- 32 A Snapshot of Women in Surveyors 人物訪問**
 - Anita Liu
- 34 Calendar of Events 活動日誌**
- 35 After Hours 工餘**
 - HKCPS Charity Walk

From the Editor

編者話

We live in an age when information highways are growing in different forms and shapes, virtual and tangible. Whilst we cannot possibly board a plane without the laptop, it is equally unimaginable to travel without a publication of our choice, after all, reading is a good habit – what parents have been saying for centuries; it still takes a while for them to say surfing is a good habit.

To this end, the Institute dedicates resources to the revamp of its publications.

The SURVEYORS TIMES you read today is the fruit of a diligent editorial board which meets every month to make sure that the readers get what they want in terms of quality and quantity; some board members vote by actually writing articles, excellent! These good people include (name in no particular order) Vincent Ho, Catherine Pang, Conrad Tang, James Longbottom and Danny Cheung. Of course, we must thank the many individuals who have written great articles for us, the CPD sub-committees of the divisions for their good reports on CPD/PQSL events, the JO Committee for their lovely recap and photos on social events which fundamentally builds up the energy of the newsletter.

The Institute's official journal, the HONG KONG SURVEYOR, has a paradigm shift too. Apart from the skin-deep changes on the cover and layout, we now have an International Referee Panel consisting of nearly 20 academicians from throughout the world. A peer-reviewed journal would be the Institute's pride, we want the publication to become the world's first bi-lingual prime source journal on the surveying profession, unmatched at any front. This breakthrough comes from, again, the good work of a lot of people (names in no particular order) including Anita Liu, Chan Man Wai, Cheung Sai On, Conrad Tang, Daniel Ho, Eddie Hui, Esmond Mok, KF Man, KK Lo, Franco Cheung who all help stretch the network, bring the HKS into the international forefront in the pursuit of surveying knowledge.

These lovely products are accessible to all our members and to a revised database consisting of non-members whom we believe have an eye on us. We like the world to know who we are and what we do, and we shall tell them through whatever means possible; like one fine day they happen to have a minute by their coffee table and spot a copy of the Institute's publication, that would be nice.

Lastly we are grateful to the President's encouragement and the administrative office support to make all this possible.



Year 2004

- My Presidential Year

Year

2004 is a year of significance. To most people in Hong Kong it is a year of changes, and for the better. After almost 7 years gloomy time we are pleased to see that the property price has regained a rising trend and Hong Kong is returning to prosperity. No doubt, it would be everyone's wish that there could be steady improvement in the economy in the years ahead.

In year 2004, the Institute has maintained a high profile. The Council and I have had a busy year and have been active in issues of public and institutional interests. There were increasing contacts with Government bodies and related professional organizations, both local and outside Hong Kong. Needless to say, the Mainland is very much on the top of the list. The very full agenda for the year was matched by the dedication of many members, particularly the Council members, without which the profession would not have accomplished its tasks for the year. Last December, in my Presidential Address, I called for the Institute to "Change with the Time – 因時制宜". Over the year the Council has been working hard to effect good and appropriate changes. I would like to highlight some of the major items.

Membership

The widening of membership base is of great importance to the future development of the Institute. Year 2004 is the first year, the Institute began to admit Technical Grade Members. Since the announcement a few months ago, we have already received more than 200 applications. None will deny the significant contributions from technical staff to the success of the real estate and construction industry. Admitting them as our members would help to increase the representation of the surveying profession

whilst enabling them to share the glory of the Institute, all for the good sake of our profession. In the coming years it is essential to provide structured quality training to these newly admitted members and to facilitate them enhancing their knowledge and skill, which in turn, will attract more talented people joining us.

Apart from Technical Grade Members, we have also admitted more than 100 professional members of the China Institute of Real Estate Appraisers (CIREA) in August as our Corporate Members. Following the signing of the Reciprocity Agreement with CIREA in November last year, a Training and Test session was conducted in Shenzhen in March and all those attending (about 200) passed the Test. Subsequently, 97 professional members of the General Practice Division received the Registration Certificate in August permitting them to practise and provide professional valuation service in the Mainland.

With the increasing number of members working in the Mainland, it is essential to strengthen the communication link and cooperation of these members. As such, a Working Group has been recently set up to advise the Institute on the strategy and policy for membership development in the Mainland. Apart from proceeding with the translation of the Chinese version of the Institute's main documents, such as Constitution and Bye-Laws, Rules of Conduct, the Working Group is formulating recommendation on ways and means to enhance the standing and link of the members.

By November 2004, the total membership of the Institute surpassed 6,320 which is about 5.1% increase over the last year. Set out in the table is a comparison for members' reference.

It is noted that there is a net increase of 245 Corporate

Members, representing an increase of 7%, which is much higher than the increase of 187 Corporate Members achieved in year 2003.

Administration and Management

Over the past years, the Institute has relied heavily on members in dealing with issues affecting our profession. However, as the Institute is becoming larger there are mounting pressures to respond to matters of institutional interest promptly and in a proactive manner. We need a strong and well structured administration office, professionally run, to assist us in formulating and implementing plans directed by the Council to meet the demands of tomorrow's market place. It is most important for us to be fully aware of our strengths and weaknesses, threats and opportunities. To plan our way forward, the Council has appointed a management consultant to look into the many aspects of our Institute, the strategic direction, the branding, and most important of all, how to serve the members better. The consultancy report is being finalized and we would be advised how efficient and effective our existing setup is and whether a change needs be considered. If so, members' views will be sought.

Contacts outside Hong Kong

None will deny the great potential of the Mainland market. Over the past months, apart from the local affairs, much effort has been spent to enhance contacts with the government and professional bodies in the Mainland. It is aimed to elevate the standing of the HKIS qualification as well as the scope of quality professional services provided by our members.

Whilst we are pushing ahead in the Mainland, efforts have also been made in building up better link and communication with surveying professional organizations in other regions. Through the hard work of the members, the Institute has recently reached agreement with The Institution of Surveyors, Malaysia and the Singapore Institute of Surveyors and Valuers to form an alliance of surveyors named "Surveyors Alliance Asia". The Alliance aims at, among others, the promotion of the best surveying practice in the region and the recognition of academic qualification in other members' countries. A wide recognition of the HKIS qualification in other countries and regions is crucial in maintaining our leading edge which, in turn, could have repercussions of facilitating the Institute in gaining further grounds in the Mainland.

Training and Professional Development

To meet the demands of the increasingly knowledge-based economy, the Institute attaches great importance to providing our members with more and better training and to furthering their professional development. Our celebration of the Institute's 20th Anniversary on 26th April also marked the official opening of the Surveyors Learning Centre on the 8th Floor of Jardine House. With this new facility of an area over 300 square metres and seating capacity of about 200 persons, it has facilitated our organization of more conferences and training sessions for members. During the past 6 months, there have already been over 100 CPD events conducted in the Centre. Furthermore, works will be started soon to enhance our library and its publication collections, and more resources have been allocated on research projects. All these are aimed at enabling the members to understand more about the latest development of the financial, real estate and construction fields and be better equipped to meet the challenges ahead.

Conclusion

The primary objective embarked on during my Presidential year is how the Council can facilitate and enhance the competitiveness of our profession and members and the Institute can serve the members better. Whilst there should never be room for complacency, I am pleased to report that the profession as a whole in the past year has made the right decision, is moving in the right direction and stands to grow from strength to strength.

Without the unwavering support of the Council members, the Secretary General and his staff, this would not have been possible. To them, as your President I am indebted.

Tony Tse *President*





2004年 主席報告



2004

是豐盛的一年。對大部份香港市民來說，今年總比去年好。經過了七個艱苦的年頭以後，我們終於看見房地產市場穩步上揚，經濟復甦在望。毫無疑問，每個人都非常希望經濟不斷發達，繼續向好。

對香港測量師學會來說，2004是繁忙辛勤的一年。理事會及我本人一直致力於與測量專業有關連的公眾事務及如何增進學會和會員權益的事情。學會與政府部門及海外同業機構的聯繫與日俱增；內地事務無可置疑地處於首位。日程表裏密密麻麻的工作專案就在學會同僚的不斷努力下達標。

去年本人就任會長時提出了『因時制宜』的想法，理事會在過去一年給了積極的配合，從而另學會在不同層面得益；我列舉其中數點如下：

會籍

會籍的開拓對學會是意義深長的。2004年學會首次收納了「技術協佐會員」，公佈發出不消數月，就收到了超過兩百多個申請書；相信大家都會認同技術協佐會員的產生，標誌著我會的概括性比以前更深、更全面。在未來的日子裡，學會將為這些會員提供優質的培訓，好讓他們能通過持續進修獲得更多知識，同時亦為吸引行業新血奠下基礎。

除了技術協佐會員以外，學會亦收納了超過一百位中國房地產估價師學會的會員為專業會員。根據去年十一月學會簽定了互認協議以後，有關會員參加並順利通過了今年三月份在深圳舉行的考核。產業測量組亦有97名會員通過是次考核，並順利取得『國家註冊測量師會員證』，擁有在內地執業的資格。

鑒於愈來愈多本會會員將會在內地工作，學會已經成立工作小組探討和提出策略性建議如何去強化學會與身處內地會員的聯繫及提供適當的支援。除了現正進行翻譯學會章程、專業守則等等為中文以外，小組正在商討其他與在內地工作的會員加強溝通及聯繫的方法。

直至2004年11月學會會員人數已超越6,320名，比去年同期增加百分之五以上；兩年會員人數的比較如表。總的來說，新加入的專業會員有245人，而2003年為187人，增長達到百分之七。

行政及管理

多年以來學會一直非常依賴個別會員的參與、執行及處理對測量行業有關的事宜。隨著學會日漸擴大，會務變得繁重複雜；很多工作除了在時間上處理得宜以外還必須擁有前瞻性。在瞬息萬變及急速融合的市場裏，坐擁門戶之利並不代表良機已在握，反之，我們必須深入洞悉市場，方可決勝千里；學會明顯地需要一個強而有力

的行政架構作為後盾來支援日新月異的要求。有見及此，理事會通過決議，聘請管理顧問公司，深入研究學會營運架構及效率之餘，更大程度上是要去理解及分析學會面臨的宏觀挑戰、並提出針對新生問題的方案；學會的社會地位及會員服務都佔有主導地位。管理顧問報告完成在即，我們都盼望報告能為學會提供明確的分析、有見地的方案，為學會勾畫一個藍圖以供理事會作出決定。所謂有容乃大，我們一定尋求並尊重所有會員的意見。

衝出特區

內地市場的龐大潛力無庸置疑。過往的日子裏，我們努力建立和強化與內地單位企業的關係，目的是要把香港測量師學會所代表的專業資格地位確立及提升。

除了在內地的推廣工作以外，我們也不斷擴大與其他海外測量專業組織聯繫。通過各會員的努力，學會在十一月與新加坡測量師及估價師學會及馬來西亞測量師學會簽定「亞洲測量師聯盟」；其共同綱領及目的包括：推廣及提升地域性的優秀測量專業、在科研專案上共同參與、為彼此會員提供支援、及對三方高等院校測量本科生的學術資格相互承認等等。擴大香港測量師學會所代表的專業資格在各地的認同，定能為會員帶來莫大的裨益。

培訓及持續發展

為了應付知識型經濟的需求，學會在會員培訓及持續發展方面投放了大量資源。今年四月，位於怡和大廈811室、佔地超過三百平米、可以容納兩百多人的「測量師研習中心」正式開幕，中心的啟用除了為學會提供了一個理想的學習場地以外，更標誌著我們對學術提升的決心；在短短的半年裏，已經有超過一百個進修班，在測量師研習中心舉辦，成績令人鼓舞。除此以外，學會投放資源加強圖書館藏書之餘更倍增科研經費。我們希望這一系列重點工作能提高會員的專業知識，滿有能力地面對房地產業、建造業及經濟發展所帶來的變化、挑戰及機遇。

結束語

我上任時訂定的目標是如何去促進、增強本行業的競爭力及改善學會服務會員的素質。今天我欣然報告這一年的工作及成果，我們所走的大方向是對的，我們的決定為往後豎立根基，十年樹木、百年樹人。

在此，我衷心感謝所有理事會的成員、總幹事及他的同僚把具體工作完成。作為學會現屆會長，對他們給與的支持，我無以為報。

謝偉銓 會長

Number of Members 會員人數

| Division 組別 | Professional Grade 專業會員 | | Technical Grade 技術協佐會員 | | Training Grade 培訓級會員 | |
|-------------------------------|----------------------------|----------------------|---------------------------|----------------------|-------------------------|----------------------|
| | Nov 2003 2003年11月 | Nov 2004 2004年11月 | Nov 2003 2003年11月 | Nov 2004 2004年11月 | Nov 2003 2003年11月 | Nov 2004 2004年11月 |
| Building Surveying 建築測量組 | 656 | 666 | 0 | 0 | 584 | 663 |
| General Practice 產業測量組 | 1,210 | 1,373 | 0 | 1 | 523 | 514 |
| Land Surveying 土地測量組 | 187 | 191 | 0 | 28 | 93 | 103 |
| Planning & Development 規劃及發展組 | 7 | 7 | 0 | 0 | 1 | 1 |
| Quantity Surveying 工料測量組 | 1,404 | 1,472 | 0 | 8 | 1,349 | 1,296 |
| Total總數 | 3,464 | 3,709 | 0 | 37 | 2,550 | 2,577 |

Surveyors Alliance Asia Signing Ceremony on 19 November 2004



In 1997, HKIS signed a Reciprocity Agreement with the Singapore Institute of Surveyors and Valuers (SISV) and a Memorandum of Understanding for cooperation with The Institution of Surveyors, Malaysia (ISM) in 2001. In July 2004, the HKIS proposed to the SISV and ISM on the formation of an alliance of surveyors in Asia to strengthen the relationship among the various professional institutes in the region. In October 2004, HKIS, SISV and ISM agreed to become the three Founding Partners and to enter into an alliance agreement on the formation of the Surveyors Alliance Asia.

The mission of the Surveyors Alliance Asia includes:- the promotion of the best surveying practice in Asia; the promotion of dialogue among Partners; the encouragement of regional cooperation in the practice of surveying; the fostering of research appropriate to the better understanding of building and property practice in Asia; the rendering of assistance to members of Partners working in other Partners' countries / cities; the promotion of recognition of academic qualifications of relevant courses in universities in other Partners' countries / cities.



Officiating Officers at the ceremony were: Tony Tse, President of The Hong Kong Institute of Surveyors; Lee Li-Chuan, President of Land Surveying Division, Singapore Institute of Surveyors and Valuers and John SC Loh, President of The Institution of Surveyors, Malaysia.



HKIS Annual Dinner 2004

Celebration surrounds the Institute in November with all the 20th Anniversary events culminating in the Annual Dinner on 19 November in the Grand Hyatt.

Among over 500 guests is the Honorable Michael Suen, GBS, JP, Secretary for Housing, Planning & Lands of the HKSAR who complements the Institute's contribution towards the continuous development and practice of the surveying profession as well as in the shaping and sustaining the built environment of the Hong Kong SAR. The Honorable Michael Suen looks forward to the Institute continuing to spearhead its initiatives in building a better future for Hong Kong.

The President, Tony Tse, speaks on the Institute's development over the last two decades and the fact that it remains one of the most influential professional organizations in Hong Kong. To underline the Institute's commitment to providing a high quality service to members as well as the people of Hong Kong, the President reminds us that in face of the ever-increasing demand from a knowledge-based economy,

it is most important that members maintain their competitive edge. The opening of the **Surveyors Learning Centre** in April, the allocation of more resources in enhancing library collections and research work, the strengthening of the Administration Office to provide better member services support, all would help in achieving such ends.

Whilst the admission of Technical Grade Members opens up vertically, the admission of Corporate Members from the China Institute of Real Estate Appraisers and the formation of the **Surveyors Alliance Asia** among the HKIS, SISV and ISM opens up geographically.

Looking ahead, the President says, the Institute must continue to uphold its high professional standard and strive for excellence.

The Chairman of the **Annual Dinner Organizing Committee**, Wong Chung Hang, gives his thanks to Edgar Li, Amy Wong, Joseph Wong, Chan Yue Chun, Antony Man and Lesly Lam for their contribution to the event management.

Speech by the Honourable Michael Suen Ming-yeung, GBS, JP, Secretary for Housing, Planning and Lands HKSAR at the HKIS Annual Dinner 2004

Mr President, distinguished guests, ladies and gentlemen

Good evening. It is my great pleasure to be the Guest of Honour at your Annual Dinner and to address such a distinguished group of top class surveyors in Hong Kong.

Property Development is the bread and butter of your profession. The local property market has seen its ups and downs in the past few years. These swings pose a serious challenge to making meaningful market forecasts. Indeed, market analysts, property developers, academics and commentators have, from time to time, made their own forecasts about the property market using different methodologies and assumptions. These forecasts cater for different target groups and are each intended for very different purposes. Some of the forecasts may well have been derived from historical data released by Government departments. However, the different sets of data released by Government departments are, very often, intended to reflect very different phenomena. It is, therefore, difficult, and even misleading, to try to make direct comparison between them.

It was against this background that I mentioned in July last year that we were devising a common and comprehensive database within the Administration to monitor the private housing situation. We have made good progress with this database in consultation with the relevant Government departments concerned.

Apart from the above, I have also indicated my wish to compile a set of simple government data relating to private housing supply. Our aim is to try to enhance the transparency of the supply side of the private housing market by giving the public a clearer picture of the actual number of new units under construction as well as the quantity of unsold stock in the primary market at the end of each quarter. What these figures show will be a snapshot of the actual situation at a particular moment in time, based on the best available information.

Since then, I have quoted updated snapshot figures of this nature on several public occasions. Each time, it attracted considerable media interest and coverage. This initiative was well received by market analysts and commentators monitoring the private property market. However, the interpretation of such figures does not follow any particular pattern. I have seen them being used by various people to justify diametrically opposite points of view. A typical example is the use of them by some to suggest that Government was trying to boost the property market by under-estimating the supply situation, alongside counter claims. Similarly, when I referred to some of our latest statistics at a Legislative Council Panel meeting last month, most reported it as Government trying to allay concerns of a future shortfall in supply and to cool down an overheated market; while a small minority allude it to Government trying to gloss over the shortfall by referring to abundance of supply in the medium term. Although

we have all been taught to treat any statistics with a very heavy pinch of salt, I still find all these somewhat disquieting. And I find it difficult to fight back suspicion of probable ulterior motives somewhere.

Tonight, I am happy to announce to you that we are now ready to launch Government's Quarterly Statistics on Private Housing Supply in Primary Market. This is a simple set of factual data covering three areas. First, the number of new residential units under construction; second, the actual completion of private residential units, and third, the number of completed, but unsold, units. There is a detailed explanatory note to help users to reconcile the data compiled in this form with the source data released by various Government departments.

Our purpose is simple. We want to avoid any misunderstanding and to obviate the need for any second-guessing as to where and how our published figures are sourced and derived. We do not want to leave any gaps for contrary interpretation by the un-initiated. Our aim is to enhance transparency and to help the public to get a better picture of the current supply situation based on the actual data available. We do believe that our data will provide that little extra reference information to members of the public. However, we are not interested in making supply forecast or influencing public perception of market trends. Our figures should not be interpreted as depicting a full and complete picture of the future supply situation in the years to come. They portrait only a partial picture in the form of a snapshot in the passage of time. Market circumstances do continue to evolve, and many things will happen after the snapshot is taken at the present moment. These happenings will bring about subsequent changes.

We have kept our data set simple to make it easy to understand. We want the general public to be

readily able to get an overall view of the current market situation without having to go through a clutter of tables and charts. We want to put our data within the reach of a wider audience than seasoned practitioners, like the audience in front of me tonight, who are adept in handling bulky data sets. For this reason, we have avoided to provide detailed breakdowns.

The market is dynamic and will re-align its position in its own best interest at any point in time. I am sure that the market will take on board the latest situation as it sees it and make rational decisions to obtain the best results. These are important factors which the market will consider in determining the best strategy for specific timetables for constructing, completing and selling new flats for the future.

In this day and age, we are only too well aware of the need to provide instant access to data of this nature. We also need to be user friendly to enable the tracking of the changes in order to keep in sight a full view of the overall evolving picture. With this in mind, we have established a dedicated homepage in the Housing, Planning and Lands Bureau website which will allow, before the end of this week, access by anyone interested in this information. Data for each new quarter will be made available in the month following that quarter. That is to say, we will publish four rounds of updated data in the year 2005, in January, April, July and October.

This week, the International Monetary Fund has announced its latest assessment of Hong Kong's economic and financial position, making favourable comments in a number of areas, including our policies towards the property market. The IMF considers that our initiative in providing timely information about Government's plans on the supply of land would help reduce uncertainty and

mitigate any associated instability in property prices. We are encouraged by such international recognition of our efforts. We will continue to maintain a clear, consistent and comprehensive housing policy, which will help facilitate the stable and healthy long-term development of the private property market.

Purchasing any property involves substantial investment and should not be a decision taken lightly. Prospective home buyers need to carefully consider their needs and financing ability before making such investment decisions. They should assess rationally and cautiously their own circumstances and all relevant market information, and should also seek professional advice if necessary.

Looking into the future, surveyors will continue to make important contributions to our well being as the Government continues to push forward infrastructural projects which will sustain our economic growth.

On my part, it goes without saying that I am duty bound to ensure that our invaluable housing and land resources are put to the best use. In the course of my work, I know that I can count on the surveying profession in order to foster synergy and work together for a better Hong Kong.

Thank you.





Annual
Dinner

HKIS 20th Anniversary Photo Competition – Life Through the Eyes of a Surveyor



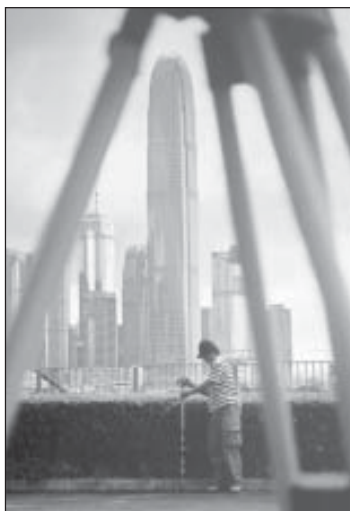
George Leung
Gand Prize
"Modern Building with Modern Technology"



Antony Man
Innovation Prize
"方圓"



George Leung
Theme Prize
"In the City of Surveying"



Tong Ping Tat
Photo Prize
"Contemporary Architecture"



Surveyors Luncheon



That Wednesday 24 November in the Dynasty Club, over 50 members and guests heard how the Guest Speaker, the Hon Patrick Lau, wants to turn himself into a 'not so many okay man' – apparently the Speaker, an architect and academic by profession, is known to many people as an 'okay man' – in the face of political pressure and accountability to his functional constituency. Not to lose any time, the Hon Patrick Lau did a mini-survey just before

dessert and said that he is working towards a grand alliance of all construction industry related professions; he believes unity is power and welcome views from all members of the Institute.



Property & Facility Management Forum Luncheon



Nearly 40 members met over luncheon on 30 November in the World Trade Centre Club to hear the progress on the formation of a new property and facility management division. The SVP and Chairman of the P&FM Division Working Group, TT Cheung, says that the Working Group has recommended on the formation of such a new division and that the matter will be put to an EGM as soon as the details are worked out.



HKIS to conduct research study on Hong Kong - Zhuhai-Macau Bridge

The Institute is to conduct a research study in conjunction with the Department of Building and Real Estate of the Hong Kong Polytechnic University, to investigate the potential impact of this infrastructure development upon the property markets in Hong Kong, Zhuhai and Macau as well as to explore any real estate opportunities that can be generated by the Bridge project and the associated works.

Whilst the investigation of property price gradient will be used to predict the impacts by correlating with the changes of factor mobility, the hedonic pricing model will help to estimate the spatial-temporal residential property price indices along the KCR corridor.

The report is expected to be released by Q1/2005. For further information about the Bridge, please visit www.etwb.gov.hk

LINKING THE DELTA
Bridging the Pearl River Delta

CONGRATULATIONS

TO THE FOLLOWING WHO WERE ELECTED AS HKIS MEMBER ON 25 November 2004

FELLOWS (4)

GP DIVISION

CHAN KWOK FAI
MAK YIU MAN DANIEL

QS DIVISION

HO JEAN PETER
TUNG YAU MING

MEMBERS (33)

BS DIVISION

SIU SUN HUNG HERON

GP DIVISION

KUNG CHUNG LAI
LEUNG KA TUNG
NG KA YIP (REINSTATEMENT)
WONG PING TAK
WOO WING SUM SAMUEL

QS DIVISION

CHAN CHAU YUEN
CHAN KA MING
CHAN KAN CHEONG
CHAN WAI IP
CHOI HO YUE

CHOI TIN SHING
KONG YEE WAH
KWOK KWAI KEUNG
LAI CHI KEI
LAM YAN KIT
LAW KWOK FAI
LI KIM MAN
LO SIU PING
LOK WAI LAM
MOK WAI KUEN
NG KAM KONG
NG PUI PING
POON CHUNG DUNG
SZE YUK YUI
SZETO SIU YIN ROY
TAI KING LEUNG
TAM KIM MAN MARCO
TIN YU YAN
TONG KIN NING
TSOI PAK KAY
YUEN KING YIP
YUNG SHEUNG CHI JIMMY

RESIGNATION (1)

TO KIM KIU SAMMY

「香港專才在中國內地市場發展的機會」研究報告



十一月四日香港測量師學會舉行了有關研究報告新聞發佈會。發佈會上，香港測量師學會會長謝偉銓指出學會一直致力促進測量專業的發展，不斷在各層面及地區推動發展。特區政府於2002年10月推出「專業服務發展計劃」，支持及推動專業服務的發展，尤其是針對國內的發展。香港測量師學會大力支持，並發揮了學會的代表性功能，前後籌組了三個研究計劃，獲得政府的支持，以幫助測量師在特區及內地的發展。

有鑑於國內發展空間的龐大及具吸引力，卻沒有具體的數據和調查資料可作為厘定商業策略及支援發展計劃之用；為了瞭解在不同的重要城市的市場上及競爭環境上的差異，本會於2003年初提出了「香港專才在中國內地市場發展的機會」的研究課題，通過與香港理工大學及北京清華大學合作，並得到特區工商局及科技局的贊助，專題研究順利完成而且極具權威性。

香港理工大學「建築及房地產經濟研究中心」黃君華教授公佈了研究的結果。調查顯示，內地企業及本港測量業均認為，內地的「法律法規」、「行政審批程式」及本港測

量業專才「對內地情況、環境認識不足」都是港人往內地發展時比較重要的障礙；同時內地企業表示香港測量專業服務的收費較高確實影響他們跟香港專才合作的意慾。

而在加強香港測量業專才競爭力的因素方面，約兩成本港受訪公司認為「放寬內地現時對外資投資相關行業的限制」及「簡化審批手續」均能讓港商更易進入內地市場。內地方面則認為「放寬內地現時對外資投資相關行業的限制」、「加快城市化」、「政府優惠政策」、「簡化審批手續」等因素均有助港商往內地發展。

另外，調查又發現雖然超過六成本港受訪測量顧問公司希望在內地提供「可行性研究」的服務，但只有三成受訪內地企業需要香港專才提供此類服務，反之約有三成半受訪內地企業希望香港專才可提供「投資/融資」、「開發策劃建議」及「房地產代理/營銷」等服務。



黃君華教授表示，雖然宏觀調控及市場飽和等因素均影響內地企業對香港測量業專才的需求，但個別省市對房地產的需求依然殷切，香港專才在內地的發展空間仍然充裕，如北京、重慶等地均為香港測量業專才值得考慮開發的市場。

香港測量師學會會長謝偉銓則表示香港測量師學會將繼續與內地對口單位保持緊密接觸並加強交流，增加香港測量師在內地的競爭力並為會員提供相關協助。

2004年『十大樓盤頒獎典禮』



物業市場經歷多番起伏，發展商亦因時制宜地安然渡過經濟低潮，更在物業推廣、營銷策略及樓宇設計方面日見專業。香港測量師學會深感實在有

必要表揚他們對民生的建樹、肯定同業對業界的努力及付出、希望與眾發展商一同努力更上一層樓，將香港建設為一個更理想的城市，真正達至安居樂業！

香港測量師學會第一次舉辦「十大樓盤頒獎典禮」，主要對



2003年度內優異的住宅項目作出表揚。作為首屆主辦是頗艱巨，特別是2003年一共推出2萬多個新住宅單位，如何突圍而出成功創造有市有價的佳績，絕對不是易事，所以，得獎單位絕對是實至名歸。我們希望今年是一個好開始，並且可以每年定期舉辦，令更多同業得到認同，使普羅大眾對各專業在物業市場所提供的服務有更深瞭解及認識。頒獎典禮於11月26日舉行。

評審工作

評審委員會首先擬定評審的標準及評估機制，通過了差不多3個月的的工作，從50個參選專案裏嚴格甄選30個入圍項目，從中再甄別10個進入候選名單。評審團不單從樓盤本身質素：包括質量、設計、銷售策略、樓書設計、推廣意念、媒體運用、對市場瞭解等作出評審，亦會評核其他能突出該項目的優勢的手法，配合市場及有利銷售的付款方法亦是評審團會考慮的因素。



主席

梁振英先生
香港專業聯盟主席

名譽顧問

謝偉銓先生 香港測量師學會會長

學術顧問

許智文博士 香港理工大學房地產系副教授
鄒廣榮博士 香港大學房地產及建設系教授
潘永祥博士 香港城市大學建築系副教授

副主席

余錦雄先生
香港測量師學會產業測量組主席

評審委員

王永霖 第一太平戴維斯
宋梓華 羅迅測量師行
張一輝 美聯測量師行
陳國輝 陳國輝測量師行

陳超國 卓德測量師行
麥耀文 九廣鐵路
葉星 仲量聯行
廖敬棠 廖敬棠測量師行

廖希聖 世邦魏理仕
劉炳章 香港測量師學會前會長
劉詩韻 永利行國際

獎項摘要

2004年十大市場推廣大獎

強調市場推廣對物業銷售的重要性，一個好的市場推廣是一個整體的宣傳策略，由用料、設計、選用推廣媒體、處理傳媒手法、印製樓書及宣傳刊物、善用地產代理、設計付款方法和優惠等，都能切合既定的方針來鎖定目標群，從而加強銷售能力。最重要的是每一個推廣項目都有本身的弱點，市場推廣策略是以包裝的方法，減低弱點的影響力，透過明確主題包裝加上創意，提升項目的整體形象。

2004年十大樓書大獎

售樓說明書（俗稱「樓書」）在物業推廣計劃中佔有極其重要的地位，它既是物業資訊的主要來源，亦是展現推廣主題的最佳媒介，而一本好的樓書應適當地平衡資料性與藝術包裝，以細緻用心及創意，吸引準買家注目，並在他們心中建立良好的第一印象。而樓書作為介紹物業狀況的最主要途徑，其首要作用是向準買家提供全面而準確的物業資料，讓他們無須親臨樓宇現場便可從樓書中瞭解有關的物業。本獎項的設立目的是為提高各界對售樓說明書的注意程度，並提倡樓書的編排應從買家的角度出發，提供清晰、齊備及容易閱讀的資訊，讓買家更能掌握物業狀況。

得獎名單

宇晴軒 貝沙灣
君頌峰 傲雲峰
綠意居 逸樺園
維景灣畔 藍天海岸
藍澄灣 YOHO Town



「2004年最佳市場推廣大獎」
貝沙灣

得獎名單

宇晴軒 貝沙灣
君頌峰 海堤灣畔
莊士維港軒 綠意居
維景灣畔 藍天海岸
藍澄灣 YOHO Town



「2004年最佳樓書大獎」
貝沙灣

2004年十大樓則大獎

住宅樓宇是日常生活的必需品，它的設計好與壞將會直接影響住客的生活質素。本獎項的設立是為提倡優質住宅單位設計應從用家的角度出發，除考慮建築面積及實用面積之比例，更要結合人與大自然等軟性原素，讓住宅建築在解決基本生活需求的同時，更可照顧到住客的品味、生活習慣，以至健康、環保、舒適感等更深層的概念。

得獎名單

- 貝沙灣 君頤峰
- 港灣豪庭 將軍澳廣場
- 傲雲峰 綠意居
- 維景灣畔 蔚藍灣畔
- 藍澄灣 YOHO Town



「2004年最佳樓則大獎」
君頤峰

海南省房地產估價師協會來訪學會



11月16日海南省房地產考察團一行十人自瓊來到香港特區專誠拜訪學會。考察團包括了海南省房地產估價師協會、海南匯立房地產評估有限公司、海南匯德諮詢有限公司、海南政和房地產評估交易有限公司、海南中建銀房地產評估事務所、海南省建設



專案規劃設計研究院、海南省價格認證中心及海口晚報等單位代表。學會主席謝偉銓，產業測量組副主席劉詩韻，理事張一輝及會員謝海給客人介紹了學會架構和產業測量組的現況。會上雙方積極交流意見並表示得益不少，又希望繼續深化雙方聯繫的願望。



11月12日發改會代表拜訪學會



國家發展和改革委員會對外經濟研究所一行數人於11月12日拜訪學會；會長謝偉銓及學會其他代表接待了客人。

發改會今年的重點課題是：CEPA 後，發揮香港服務業優勢、促進兩地經濟共同發展；希望通過與各行業的接觸，分析CEPA 對香港、珠三角以至整個內地服務業和經濟結構的影響。



武漢房地產代表團來訪學會



劉詩韻對特區測量行業作出介紹，雙方又交換了有關測量行業今後在武漢市及香港特區之間合作前景的意見，並承諾繼續發展工作關係。

11月26日武漢房地產代表團一行22人到港來訪學會，代表團成員包括了武漢市十來家房地產開發公司的主要負責人，團長是建委主任暨武漢房地產開發企業協會會長陳培生先生。會上，學會會長謝偉銓及產業測量組副主席



學會設午宴款待國土資源部副部長



學會於12月7日在「香港銀行家會所」設午宴款待國土資源部李元常務副部長一行五人。大約八十位會員參加了這次聚餐，同時出席的包括了香港專業聯盟主席梁振英，差餉物業估價署署長彭贊榮，規劃署署長馮志強及屋宇署副署長張孝威。



餐會上，學會會長謝偉銓及李部長均提到土地管理的重要性。李部長談到土



地政策在國家改革開以至宏觀調控一直肩負重要的角色，通過不斷地開展土地市場的清理及整頓，務求土地的有償使用能達到效果；同時，更要處理環境安全、經濟穩定及社會穩定等種種因素。李部長並讚譽香港在土地使用制度上為內地提供了寶貴的參考資料。

香港大學
AD



PQSL – Santal Limited case – A bar to business loss claim? CPD/JO/2005002

Guest Speaker Mr. Wong Yung-shing (黃雍盛), LLB(Hons) (London) B.Sc.(Hons)(Land Adm.)(London) Prof.Dip.(Est.Mgt.)(HKPU) MRICS MHKIS MCI Arb AHKI Arb RPS (GP), Managing Director & Chartered Surveyor, Dynasty Premium Asset Valuation & Real Estate Consultancy Limited

Date, Time & Venue 14 January 2005 (Friday);
7:30 pm - 9:30 pm;
Surveyors Learning Centre, HKIS,
Suite 811, 8/F, Jardine House,
1 Connaught Place, Central, Hong Kong.

Contents

1. Nature of business loss claim
2. Item 4 to the Part II of the Roads (Works, Use and Compensation) Ordinance (Cap. 370)
3. Santal Limited case – is it a legitimate, rational conclusion?
4. Impact

Details The recent Lands Tribunal case, Santal Limited v SFT, is regarded as the precedence of a shield in rejecting the claim for disturbances in respect of business loss compensation. In reality, the compensation valuers would have realized that most compensation claims have been rejected by the Government via Lands Department after the emergence of the case, whether the disturbances are caused by road works or railway works or not.

The speaker does not have the same opinion from his working experience because the decision of the case in the Lands Tribunal does not still explain the crux of the problems, though the Lands Tribunal lays down some opinion of how the disturbances can be treated for future claim cases.

The speaker, who has been handling resumption compensation cases for 15 years, will point out the reasons to the loss of the case and how the relevant ordinance(s)

should be applied.

Since the disturbance claim cases involve several aspects of legal principles in torts, the speaker will also point out how they are applied in the cases of nuisance.

Language Presentation in Cantonese

Fee HK\$70 per person

Registration Please complete and return the Standard Reservation Form to HKIS before 7 January 2005 together with payment. In the event of over-subscription, priority will be given to the Probationer and Student and/or placed in draw.

CPD: Innovative Tendering and Negotiation Strategies and Tactics (CPD/QS/2005001)

Guest Speaker Mr. Johnson W. L. So, FHKIS, FRICS, RPS

Date, Time & Venue 19 January 2005 (Wednesday);
7:00 pm – 9:00 pm;
Surveyors Learning Centre, HKIS,
Room 811, 8/F, Jardine House,
1 Connaught Place, Central, Hong Kong.

Details Focus on this seminar is to explore the various practical tendering and price negotiation strategies and tactics in light of competitive advantage, positioning, pricing and financial perspective and value considerations, etc., when facing the ever-changing business environment. This program highlights the wisdom in forming tender strategies, and also reviews the anatomy of cost matrix and pricing together with the behavioural trend of negotiation.

Mr. Johnson So is an experienced Chartered Quantity Surveyor working in his profession for years. Presently he is a Senior Project Manager working with Central Waterfront Property Project Management Co., Ltd., administrating

project and cost management for a number of multi-billion projects. He has deeply involved in various tender and negotiation processes and will share his practical experience in this aspect with us.

Language Presentation in Cantonese with English Handout

Fee HK\$100 per person

Registration Please complete and return the Standard Reservation Form to HKIS before 13 January 2005 together with payment. In the event of over-subscription, priority will be given to the Quantity Surveying Division Members and/or placed in draw.

CPD: REIT Code (HK) and Valuation Methodologies - the 180 Retail and Carparking Facilities (CPD/GP/2005003)

Guest Speaker Mr. Yu Kam-hung, Executive Director, Valuation and Advisory Services Asia, CB Richard Ellis

Date, Time & Venue 28 January 2005 (Friday);
7:00 pm - 8:30 pm;
Surveyors Learning Centre, HKIS,
Suite 811, 8/F, Jardine House,

Details

1 Connaught Place, Central, Hong Kong.

The recent launch of the Public Offering of The Link Real Estate Investment Trust ("The Link REIT"), the first local property trust to be sold by the Hong Kong government, has aroused the tremendous public interest. Our guest speaker, Mr. K.H. Yu will share his view and provide valuation methodologies for REITs with The Link as an example.

Mr. Yu Kam-hung is currently the chairman of the General Practice Division (GPD) and Executive Director of CB Richard Ellis Limited. Mr. Yu is a property veteran in Hong Kong and Mainland markets specializing in valuation, investment and development site sales, litigation and property development.

Language English

Fee HK\$100 per person

Registration Please complete and return the Standard Reservation Form to HKIS before 14 January 2005 together with payment. In the event of over-subscription, priority will be given to the General Practice Division Members and/or placed in draw.

The Winners' Secret of Success

HKIS Property Marketing Award 2004

Come and share the experience in a CPD event 26 January 2005

Subsequent to the HKIS Property Marketing Award 2004, a CPD has been scheduled for 26 January 2005 in the Surveyors Learning Centre. Ronald Cheung of the Organizing Committee will share his experience in not only organizing the event, but also the views he has gathered from the top ten winners, highlights on their precious marketing technique and experience.

Not to be missed, please call the Secretariat on 2526 3679 for more details.

粵港澳測量學術交流 2004

陳志端
中國事務委員會



香港測量師學會土地測量組和廣東省及澳門同業互相交換切磋已有十餘年歷史，今年三地決定於十一月四日及五日共同訪問粵北韶關市，既可增進友誼，更可增廣見識。

韶關市是中國優秀旅遊城市之一，全國衛生城市先進市，至今已有一千多年歷史，是廣東省的歷史文化名城。韶關市工貿旅三業發達，經濟繁榮，是粵北政治、經濟、宗教、文化和交通中心。

香港代表團一行廿人，由林利華主席和邵偉青副主席率領，於四日早上在乘專車出發，下午到達韶關市，粵方各地代表和澳門代表早已到達。學術交流會準時於下午二時三十分在韶關市國土資源局二樓會議室舉行。會議共分兩個階段，韶關市國土資源局聶雲祥局長介紹參加交流會各代表後，第一階段便告開始。

交流會原本決定由何為星副市長致開幕詞，但因何副市長趕往另一會議，改由市人民政府李德軍副秘書長致開幕詞，他代表市政府熱烈歡迎各列席人士及講述韶關市的位置、面積、人口、地貌、氣候和行政區劃。韶關市是一個資源極豐富的城市，農業條件得天獨厚，廿二種礦產產量為全省之冠，是中國重點林區，擁有國家級風景區、保護區和森林公園等。



第二位發言的是廣東省國土資源廳張新民副廳長，張廳長是我們的老朋友，每次訪問地點都是由他穿針引線，他講述粵港澳三地測量界過往的交流、合作和互相支持，最近粵港聯測便是一個好例子，他更講述

廣東省近期測繪的發展。兩位重量級人士致詞後，各地代表互相交換禮物，第一階段便在一片掌聲和拍照聲中結束。

第二階段可分為四部份，第一部份是港澳代表發言，第二部份是韶關市各單位領導人發言，第三部份是自由交談，最後部份是參觀國土資源局。

林利華主席首先發言，他讚揚廣東省測繪事業發展迅速，希望港澳可以借鏡，他並期望此次交流可增加各方友誼，增廣見識。澳門特別行政區政府地圖繪製暨地籍局資料處譚光民先生發言指出澳門回歸五年來，經濟蒸蒸日上，所以他感謝祖國對澳門的支持。

港澳代表發言後，韶關市規劃局文超祥副局長首先再介紹韶關歷史、地理和最新資料，規劃局的組織和韶關城市總體發展概念。國土資源局趙志剛副局長講述測繪工作的規範、各級測繪單位的數目、數字化韶關的進展和韶關市測繪學會的最新狀況等。他還指出每年土地使用權拍賣面積和收入都有增加，當局還會深化土地政策，方便投資人。對外貿易經濟合作局外資科李英明科長講述韶關投資的優勢和特點，地價平、電價平和穩定、交通發達、勞動力和人才供應充足，所以韶關極希望港澳商人來此投資和考察。

座談於三時四十五分開場，黃仲衡副會長首先介紹香港測量師學會組織和工作，他希望土地測量師也能像其他組別測量師一樣，和中國大陸對口單位互認資格。廣東省測繪學會王衛民理事長向各人再介紹香港測量師地位崇高，在社會上很有代表性，省國土資源廳楊林安總工程師，測繪處葉炳楷處長，張玉平副處長和測繪院林良斌副院長等均參予討論，最後張新民副廳長總結這是一個複雜問題，需要時間解決，因為中國是一個很大的國家。

最後是代表們參觀了國土資源局辦文系統、交易中心和儲備中心，到處電視螢幕都出現歡迎港澳測量師的句子。各有關官員都詳細解釋代表們的查問，韶關拍賣土地已有多年歷史，每一塊地的使用權限和有關資料都有詳加說明，和香港差不多。

晚上韶關市人民政府特在武江區西河灣大酒店設盛宴款待各代表，何為星副市長親自出席，並代表市政府再三歡迎各地代表，當晚氣氛隆重、熱鬧和親切，賓主盡歡，並祝賀國家國運昌隆，人民生活幸福和快樂。



筵後市政府特別邀請各代表乘船夜遊三江（武江、浚江和北江），只見兩面堤岸整潔寬闊，岸邊和各大橋都裝上各色霓虹光管，一望無際，各大廈均有美麗燈飾，做出不同圖案，千變萬化，另人目不暇給。在鐳射照射下，我們彷彿進入仙境。在船上趙志剛副局長詳細解釋兩岸將來規劃，未來市中心區、商業區及住宅區位置等，使我門上了一堂地理課，聽說韶關堤岸夜色，全國只有一、兩城市可媲美。最後船上來了一批從香港來的老公公和老婆婆，我們立即讓位他們，將香港的美德宣揚出去，遊船雖然只是一小時，那詩情畫意真叫人難念。

十一月五日為考察團的最重要一天，早上八時團員乘車往西

部五十多公里的乳源自治縣泉水電站參觀。開始時車子在寬闊的國道上行走，但不久便進入山區，兩旁的樹木有點像北方的松柏，這時我們已進入原始森林區，兩旁綠色一片，梯田處處，也有不少工廠和希望小學，大概一小時後我們到達侯公鎮，這裏縣領導人許爾華副縣長迎接我們，真正的旅程現在才展開，我們的車子夾在車隊中間，好不熱鬧。

車子愈行愈慢，道路更崎嶇曲折，兩旁風景更加迷人，最後終於見到泉水電站的廠群，我們心中都覺得這是訪問的地方，怎不知這只是下遊的發電站，我們下車和電站的領導人寒暄問候後，車子便繼續向上爬行，終於十時左右到達上游的大壩。

泉水大壩是混凝土雙曲簿拱壩，最大壩高60米，壩頂弧張200米，壩底厚9米，壩頂厚3米，大壩於1970年興建，1976年完工，建築期間正值文革時期，那時中國非常閉關，物質非常缺乏。所以這個工程的完成，我們對工作人員付出的血汗，真是令人肅然起敬。這水庫除用來發電外，還兼顧防洪工作。

電站人員解釋了大壩的結構後，便介紹現在監測大壩的方法。原有的內部觀察儀器已於2000年全部到期作廢，現在採用的是外部監測，計有大氣鐳射準直系統觀察，壩頂水準及垂直位移，徠卡T1800電子經緯儀作前方交會法等。他們的數據表示壩身有大約有三釐米季節性移動，這主要是受到水溫和水深的影響，比例大約是二比一，每一個監察站都有一個亭狀上蓋，以便廿四小時全天候觀測。代表們提出了很多問題，電站人員都一一作答，最後參觀電腦中心，但因時間緊張，只能在極不願意下離開這個活的教室。在此我謹代表港澳團員向有關當局安排這個訪問致以最大的謝意。

午飯後我們訪問了人民政府行政服務中心，這個中心是江門市首創，在韶關已成立一週年，它佔地三萬尺，車庫可容車百五架，位於市中心區。政府有關重要機構包括國土資源局等都在此設有辦事處，替市民和外來投資者提供一站式服務。中心設有行政科，綜合科和投訴科，去年這裏共解決了四萬宗事項。

中心的李主任告訴我們中心有四大優點，第一是提高效率，改善各項施政，第二是提供合理服務，各單位駐中心代表均是領導人員，除重要事項外，一般事務可立即作出決定，而且在服務承諾監管之下，所有工作不能逾期。第三是快速方便，市民不但可以一站式和政府打交道，也可以立即和市內電訊及電力公司接觸。其他如國稅局、地稅局等都有辦事處，最後一點是各政府部門加強監督協調合作，人民和工作人員距離更近，發生磨擦機會更少，尤其對外商投資極端方便。

離開行政服務中心後，代表團在各領導人帶領下，經曲江橋到三江廣迫遊覽，這裏可飽覽整個城市，景點的中央便是三江相連的江心島，那種詩情畫意，鳥語花香，真是另人回味。因時間緊迫，我們只逗留片刻。車子跟著沿著剛完成的

河邊新路飛馳，旁邊長長的雕塑長廊差不多有一里長。這是沿江建造的新休憩區，建有各種各樣的歷史雕塑，例如有曹仲稱象，司馬光打破大水缸救人等。不久便到了市南的南楓碧水小區參觀，南楓集團物業管理有限公司吳宇勳總經理介紹小區特色，風光明媚，規劃洽當，配套良好，治安良好，所以幾十座樓宇均已售空。小區已成韶關市一大景點，省和各市領導人參觀此小區駱驛不絕，區內設施應有盡有。

當天的重點訪問在四時三十分才告開始，車隊駕進佔地達三千多畝的韶關學院，學院前身為韶關大學，2000年和韶關教育學院合併成為韶關學院。學院院訓為立志，崇儉，勤學和創新，現在學院有學生二萬多人，將來有三萬多人，學校仍在不斷擴建中，訪問團首先訪問霍英東生物工程學院，觀看各種研究成果和各種貴重儀器，跟著羅校長帶我們參觀剛成立的圖書館大樓，設計追上時代，頂層是圓形玻璃建成，很像我們剛成立的朗豪酒店，羅校長在頂層向我們指出將來學院的發展藍圖。跟著他領導車隊經過學校各大廣場，校園，醫學樓，音樂樓，體育樓，資訊工程學院大樓等，只見各大小球場滿是學生，和香港分別很大，車子離開學院時，已是萬家燈火了。

這天晚上，我們特選了市區最佳酒家之一的東龍宮大酒樓宴請市領導人、國土資源局、外經局、規劃局、旅遊局和滇江區政府領導等，短短數十小時，雙方已經很熟悉了，我們更和測繪學會及中山、惠州等地代表商討，希望下次訪問這些地方，這晚氣氛熱鬧，敬酒連場，把整個交流訪問推向另一高峯。

十一月六日代表團旅遊中國紅石公園-丹霞山風景區，丹霞山是紅砂岩峰林地帶，到處是懸崖峭壁，景色奇特。它是嶺南第一奇山，廣東四大名山之首，國務院特定為國家級風景名勝區，聯合國也特定為世界遺產。雖然年輕的導遊苦口婆心力勸團員乘吊車上山，但大部份的團員仍選擇步行，結果是團員都寶刀未老，每一段行程都要停下等待那個喘着氣的導遊。丹霞山風景區真是名不虛傳，我們還乘船漫遊錦江和龍翔湖，兩岸風景酷似桂林，各山峯都有特色，因為時間緊迫，我們無暇參觀附近的博物館。

十一月七日我們兵分兩路，一部份人參觀千年古剎南華寺，一部份人到城郊打哥爾夫球，午餐後乘專車回港，結束了這個有意義的交流訪問。



General Practice Division

Chairman's Message



Yu Kam Hung
GPD Council Chairman

Before the usual reporting, I would like to take this opportunity to invite all of you to join our AGM, scheduled for 6 December 2004. Please make the most of this opportunity to give us your comments and opinion.

As usual, we have been busy with many issues; here are some of this month's highlights:

Education and APC (Convenor: Mr Simon Wang)

- The 2004 GPD APC written examination was completed on 16 October. The results will be announced later.

Government Practice and Local Affairs (Convenor: Mr CK Lau)

- The panel works closely with the Lands Department in the Liaison Group Meeting and continues to discuss various topics with the government, including the checklist for the Certificate of Compliance, landscaping approval and assessment of land premium. The panel is currently busy with the topic on lease modification and a written report regarding the proposed improvements to lease modification procedures will be prepared. In addition, the panel will follow up on other important issues, including the Kai Tak Airport planning review, public consultation on the Causeway Bay Pedestrian Plan, a research paper on the proposed Hong Kong-Zuhai-Macau Bridge.
- The panel has decided to form a Working Forum for young surveyors to enhance communication between the private and public sectors for this important group.

IT Support (Convenor: Mr Andrew Fung)

- More photos of GPD events will be posted on the GPD website.
- As suggested by the panel on Government Policies and Local Affairs, Mr Fung will study the feasibility of establishing a chat-room/newsgroup for members.

International Affairs (Convenor: Ms Monita Leung)

- The visit to Japan in November will be re-scheduled.
- The Australia Property Institute will cooperate with HKIS to organise a trip to China. Mr. Kam Hung Yu will be in charge of the visit.

Mainland Affairs (Convenor: Ms Serena Lau)

- The Shenzhen valuation forum was held successfully on 2 November. Mr Lawrence Pang and Mr Lee Wing Kwan represented HKIS at the forum.

- There will be a visit by representatives from Hainan on 16 November.
- The panel will follow up on Membership Reciprocal Recognition with CREVA. The panel has already started dialogue with CREVA and more information about CREVA and the Reciprocal Recognition will be obtained for members.

Public Relation (Convenor: Mr Daniel Mak)

- In order to hold more gatherings with the public and private sectors, a lunch with the MTRC will be arranged by the panel.
- The panel is currently inviting guests to the forthcoming HKIS Annual Dinner on 19 November.

Professional Development (Convenor: Ms Serena Lau)

- The surveys distributed to members will be gathered and analysed. The results and analysis will be reported as soon as possible.

Property Management (Convenor: Mr W L Mak)

- The Chairman has not yet received comments from members about the APC Training and Professional Experience drafted by Mr Michael Price.
- The panel will further discuss the proposed formation of a separate Property and Facility Management Division. Mr. Mak will prepare a paper summarising their standpoint/opinion.

Sales and Lettings (Convenor: Mr Ronald Cheung)

- Preparation work for the HKIS Property Marketing Award 2004 is underway. Mr Cheung will follow up on preparations for the ceremony, including the budget, promotion, assessment and invitation of guests.
- Mr Cheung is also working on the reciprocal recognition arrangement among real estate agencies in Hong Kong and Mainland China.

Valuation Practice (Convenor: Mr Charles Chan)

- The Chairman has not yet received any comments from members about the Property Valuation Standard. The document will be published following approval by the General Council.

The GPD Council has become increasingly busy and we need more help. If you are available to assist, please call me on (+852) 2820 2932. We welcome any comments and/or suggestions on our work and practice.

The Measured Mile



James B Longbottom
Brian E Rawling
& Associates Limited

Last month I considered **global claims** and the Scottish Court of Appeal case of **John Doyle Construction Limited v Laing Management (Scotland) Limited** (11 June 2004). This month I shall consider another interesting aspect of the judgment which elaborated and commented in some detail on how Doyle calculated its the disruption claim. Essentially, the method used was a technique known as the **measured mile** where productivity achieved in a non-disrupted area (the measured mile) was compared with productivity achieved in a disrupted area. The case provides a useful guide upon how to advance a claim on such a basis:

- 1 Doyle compared labour productivity actually achieved by them on site when work was largely free from disruption (referred to as **normal** work) with labour productivity achieved when work was disrupted (referred to as **disrupted** work).
- 2 Doyle's analysis measured productivity over several weeks thus smoothing out productivity fluctuations.
- 3 **Normal** productivity levels were derived for the construction of the principal parts of the works by an examination and analysis of selected areas of work where there was little disruption. This was derived from an analysis of daily labour allocation sheets which Doyle prepared to record the resources on site and what work they were doing. Since these **normal** productivity levels were derived from the actual productivity which Doyle achieved in practice, they contained a reasonable allowance for any disruption for which Doyle was responsible.
- 4 The **normal** productivity levels were then applied to the work scope as detailed at the time of the contract award to establish an estimate of the **Contract Work Content** (expressed in man hours) as could have been contemplated at the start of the works.
- 5 Doyle then compared the **Contract Work Content** with the total man hours actually expended. Again, this was calculated with reference to the daily labour allocation sheets. Doyle claimed that the difference between the two totals comprised:-

- 5.1 the labour element in additional and varied works (for which compensation had been partly made through the variation account);
 - 5.2 the labour element for a **tidy-up gang** and a **gate gang** which had been included in the prolongation claim; and
 - 5.3 disruption as a result of matters for which the respondent was liable (for which Doyle sought compensation).
- 6 Doyle went on to make adjustments for the items referred to in paragraphs 5.1 and 5.2 to avoid double counting (see Figure 1).

Figure 1 - Labour Reconciliation

| | Man Hours |
|---|------------------|
| Labour actually expended | 373,283 |
| Contract work content | (188,792) |
| Additional labour supplied | 184,491 |
| Labour for additional and varied works | (44,702) |
| Labour for prolongation of gate gang and tidy-up gang | (13,068) |
| Additional man hours caused by disruption | 126,721 |
| Average hourly labour cost | GBP8.00 |
| Total claim for labour disruption | GBP1,013,768 |

- 7 An advantage of Doyle's method of evaluation was that:
 - 7.1 it was independent of the provisions made in the tender and also the contractor's programmes and, as such, avoided difficulties associated with tender pricing levels or programme optimism;
 - 7.2 it made a reasonable allowance for disruption for which Doyle was liable in **normal** work, by taking productivity achieved in practice (and any inefficiencies) rather than the productivity assumed in the tender; and
 - 7.3 it was made based upon contemporary records which were auditable.

Their Lordships made the following comments about the above method of calculation:-

“The claim for uneconomic labour costs as summarized ... above is not a global claim in the sense of a total cost claim. It does not involve a comparison of [Doyle’s] total actual costs with its tender estimate for the same works. In the first place, it is confined to uneconomic labour costs, and in fact excludes certain labour costs that can be calculated on the basis of delay rather than disruption ... It also excludes the additional costs of the [Doyle’s] site establishment resulting from the 22 week delay, and overheads and finance costs. In the second place, actual labour costs ... are not compared with the tender estimate. Instead they are compared with actual labour costs incurred on parts of the contract that were not, it is said, subject to any disruption. This goes some way towards ... the need for [Doyle] to show that its tender price was realistic.”

The principle of the measured mile was, therefore, accepted by the Scottish Court of Appeal subject to Doyle being able to prove its case at trial.

The measured mile is, of course, nothing new to Hong Kong or for that matter the English Courts (see **Whittal Builders v Chester-Le-Street DC** in 1988) and has been used by BERA in the preparation of a number

disruption claims for its clients. It is a very simple to understand and an effective approach that can be used where work is repetitive and isolated areas of disrupted and non-disrupted work can be identified; e.g. multi-storey office and residential blocks or projects comprising a number of similar structures.

A problem arises on large infrastructure projects where things go awry on day one and never get any better. This makes it less easy to identify areas of normal working.

If there is no incident of normal working then areas of least disruptive working may be used as the measured mile and an adjustment done for the disruption in the least disruptive areas. In this way the problems with a **total cost claim** do not arise to the same extent as, the uncertainty is in the adjustment to the measured mile, not the loss of productivity in comparison to the measured mile.

Of course, if the claimant has not kept detailed contemporary records than it will not be able to identify the measured mile or the extent of disruption and it may have no alternative but to rely on a **total cost claim**. In such circumstances, the failure to keep adequate contemporary records could be very expensive indeed.

Consultants and Employees

as Expert Witnesses



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

Consultancy firms are often employed by contractors to provide contract administrative advice and assistance throughout the duration of a project. As the project progresses this service will include the preparation of claims for extensions of time and the associated costs of prolongation.

If these claims are disputed by the Architect or the Engineer and the matter cannot be resolved through the ordinary contractual negotiation the claims may well have to be resolved in arbitration or litigation.

As part of these proceedings it will be necessary for the contractor (and indeed the employer) to appoint expert witnesses. The role of an expert witness is to provide independent, objective and unbiased evidence of their opinions in respect of specialist or technical matters. Their evidence is given to assist the arbitrator or the judge to

arrive at a decision in respect of such matters that may well be outside their area of expertise. In our example, it would be normal for a planning expert to be appointed for the extension of time claims and a quantity surveyor for the prolongation cost claims.

The contractor often finds it annoying that it will have to appoint experts who have no knowledge or familiarity with the project (or often their company) as they will not be able to appoint individuals either from the consultancy firm who they have employed to assist them with the project or individuals from within their own company.

The contractor’s annoyance stems from the fact that this means that there will be a duplication of costs as not only will the expert have to spend time familiarising himself with the project but he will also then inevitably undertake similar exercises to those already carried out by the consultant.

The reason why the contractor (or the employer) will not be able to appoint individuals either from the consultancy firm who they have employed to assist them with the project or individuals from within their own company to act as expert witnesses is because the court has traditionally taken the view that expert witnesses must provide independent opinion and the presumption has been that such would not be possible where the expert had a close relationship with the contractor.

This traditional position of the courts was clearly affirmed in 2001 in the case of **Liverpool Roman Catholic Archdiocesan Trust v David Goldberg QC** where the court would not accept expert evidence given by a barrister who was in the same set of chambers and was a personal friend of the defendant.

In reaching its judgment the court emphasised that the test was not whether the conclusions of the expert were biased or not. Indeed in this case there was no suggestion that the expert had been biased in his evidence. The test is that the evidence **should be seen to be the independent product of the expert**. The court held that if a reasonable observer might consider the relationship between the expert and the party was sufficiently close to be capable of affecting the experts views then as a matter of public policy the evidence would be inadmissible.

In November 2001, I wrote an article in this publication discussing this case entitled **Know Your Expert – But Don't Know Him Too Well**.

However the position of the courts in this respect now appears to have changed in this respect, firstly in the United Kingdom in the case of **Regina (Factortame Ltd and Others) v Secretary of State for Transport [2002] 3WLR 1104** and secondly here in Hong Kong in the Court of Appeal case of **Tang Ping Choi & Another v Secretary for Transport [2004] 2 HKLRD 284**.

The facts of the Hong Kong case are straightforward. The matter concerned a compensation claim arising out of the resumption of land for the West Rail Project. The land resumed by the Secretary for Transport had previously been used by the Appellant for growing lily bulbs. The Appellant had claimed compensation of HK\$19 million which included loss of profit from the harvest of the flowers. The Land Tribunal only awarded compensation in the sum of \$268,434, and so the Appellant appealed.

In the appeal the Secretary for Transport employed two expert witnesses to give opinion on the average price of harvested lily flowers.

However the Appellant sort to exclude the evidence of the experts on the basis that it could not be considered as independent because they were both employees of Chesterton Petty and Chesterton Petty had been employed by the Secretary for Transport to provide consultancy services in relation to the resumption of the land in the first place. On this point the Appellant relied upon the aforementioned case of **Liverpool Roman Catholic Archdiocesan Trust v David Goldberg QC**.

The court however did not follow the decision in this case and unanimously ruled that:–

- An employee, of a consultant engaged by a client, can give expert evidence for that client. The court had no apparent difficulty in arriving at this decision. It was felt that to do otherwise would put a consultant company in an impossible position because it would be hampered as to what it could do in situations where litigation may subsequently occur. The consultant company could not give advice to anyone who was considering engaging one of its employees as an expert witness and once one of its employees was engaged as an expert witness the consultant company could not give any advice to its client.
- An employee can give expert evidence for their employer. The court considered that whilst it was always desirable that an expert had no apparent or actual interest in the outcome of the proceedings in which he gives evidence, such disinterested is not automatically a pre-condition to the admissibility of his evidence.

However the court emphasised that the evidence given from either employees of consultants firms or of the party itself:

“Should not be biased and the content of the evidence should not, in any way be influenced by the outcome of the litigation.”

The decision will be considered as good news for contractors who have previously been restricted to providing advice as a consultant or providing expert evidence but not both and thus losing out on business as a result thereof but great care must nonetheless be taken by the appointed expert to ensure that his evidence is professional, objective and unbiased.

Valuation of Copyright Intangibles – Part 2

Wong Yung Shing
BSc(Hons)(Land Adm)(London)
Prof Dip (Est Mgt) (HKPU)
MRICS, MHIS, MCI Arb, MHKIArb, RPS(GP)

Valuation methods

3 common valuation methods are adopted, including : cost approach; market approach and income approach.

Cost approach

Both creation cost and re-creation cost methods are used. Since copyrights represent a creative or artistic type of intellectual property, the term **creative cost** is used more commonly than the term **re-placement cost**. Likewise, the term **re-creation cost** is used more commonly than the term **reproduction cost**. But there are conceptual and procedural similarities between creation cost and replacement cost and between re-creation cost and reproduction cost.

In the cost approach analysis, it is important for the valuer to consider the developer's profit and entrepreneurial incentive. This is because in the case of intellectual properties (as a specific subset of intangible assets), developer's profit and entrepreneurial incentive can represent the largest component of value in the total cost.

The limitation of the cost approach is that the copyright grants the copyright-holder exclusive or monopolistic rights of using a work in question. The cost approach is based on the economic principle of substitution. The principle of cost approach is established based on the presumption that an investor will pay no more for a property than the cost to purchase or construct a substitute property. However, it is not legally possible to purchase or construct the same copyright of a substitute property. Copyright is only granted with regard to the uniqueness and originality of a work. Therefore, the hypothetical investor who attempts to purchase or construct a substitute property has conceptually committed infringement of the copyright of a work. Therefore, a willing buyer in a copyright market value transaction cannot legally re-create the copyright in question and the willing seller will not sell for less than his or her cost (ie. amount of investment capital). For this reason, the cost approach can often provide a minimum indication of value with regard to a copyright.

Market approach

Market approach method is commonly used. There is often

an active market in connection with the sales and purchase of copyrights. This is true for all types of copyrighted materials, especially movie transaction within the film production industry in Hong Kong.

However, the transaction details are not publicly disclosed and it is most difficult for financing bankers and film production practitioners to analyse and develop a comparison basis in order to extract a market-derived pricing multiples from these transaction data. Therefore, it is impossible to convert the pricing data regarding the actual sale of a copyright into a meaningful pricing multiple, such as value per picture, per lyric or per word.

Since the market for the licences of all types of copyrighted materials is active nowadays, royalty rate or similar license analysis becomes the most common market approach method adopted. However, developing a basis of comparison is a problem for the royalties if the selected empirical license agreements demand for a fixed periodic payment – say HK\$1 million per year. But many copyright license agreements are either a royalty rate formula or a per-use formula. With regard to the royalty rate formula, the license agreement typically compensates the author by a percentage of the total revenues generated through the use of the copyrighted materials. Meanwhile, the per-use formula is that the license agreement typically compensates the author an amount for each time the copyrighted material is performed or displayed.

Income approach

Income approach is very commonly used for the valuation and economic analysis of copyrights. The various income approach methods typically involve some form of :

- (a) **Incremental analysis** – the estimation of the difference between (i) the amount of income that a business enterprise entity would generate with the use of the copyright in question and (ii) the amount of income the same enterprise entity would generate without the use of the copyright in question.
- (b) **Profit-split analysis** – the estimation of the total income that a business enterprise entity would generate from the use of the copyright in question

where the total income estimate is allocated (in part) to the copyright and (in part) to all of other tangible and intangible assets that contribute to the generation of the total income estimate.

(c) **Royalty income analysis** – the estimation of the total amount of royalty income that the author of the work could generate through the licensing of the copyrighted material.

With regard to all of the above income approach methods, the copyright income is projected over an estimate of the remaining useful life of the income stream. Typically the remaining useful life estimate is shorter than the period associated with the legal life of the copyright. Most often, the remaining useful life is an expectation of period of popular and commercial acceptance of the copyrighted work. The present value of the income projection over this expected remaining useful life is an indication of the value of the copyright.

Relevant data for valuation analysis

When cost approach method is used in the copyright analysis, the internal data or the financial data provided by the author are most relevant. When market approach method is used, external data are most relevant. When income approach method is used, both external and internal data are relevant.

Internal data

The valuer will have to obtain the relevant information either from the original author of the copyrighted material or from the current owner of the copyrighted material. This information can be obtained through interviews or through analysis of historical and/or prospective documents. The business valuers should not be unfamiliar with the following requisite information about the general issues for valuation analysis :

- 1 the remaining legal life of the copyright (including the date of the original copyright);
- 2 the expected economic life of the copyright right;
- 3 historical customer (ie. subscriber, advertiser, listener, viewer) attrition pattern;
- 4 a description of overlapping value with any other intangible assets;
- 5 a listing of all of the copyright rights currently in use;

- 6 appropriate rates of return on all assets adopted to generate copyright-related income;
- 7 forecast of the economic trends in the industry of a work in question;
- 8 analysis of the ability and management capability of any key people associated with the creation or exploitation of the copyrighted material;
- 9 restrictions to the copyright exploitation rights;
- 10 details of revenue and expenses stream for the exploitation of the specific copyright;
- 11 forecast of future revenue in connection with the copyright in question;
- 12 extent of investment capital required to commercialize or exploit the copyright;
- 13 nature of the competitive environment in which the copyright will be exploited;
- 14 availability of any tax benefits associated with the amortization of the copyright value;
- 15 history of the development of the copyrighted material;
- 16 all historical and prospective financial information regarding the commercialization of the copyright;
- 17 any specific market and industry studies;
- 18 details of historical / forecast unit sales of similar copyright materials, if available;
- 19 estimate of the cost of capital for the industry and the company in question;
- 20 life cycle and operating data on comparable copyrights;
- 21 pricing data of sale and/or license transaction of comparable copyrights; and
- 22 strategic, marketing, and business plans regarding the historical and the planned commercialization of the copyright in question.

The above relevant information can vary according to the different types and development of a copyrighted material.

External data

External data include intellectual property law periodicals, agents for licensing, on-line data bank, and intellectual property trade and professional societies. The data about the transfer of intellectual properties can be obtained by way of subscription.

A Slice Of Luck? Not Likely

Scott Adams
CEng MICE MCI Arb MAPM MAE

Construction Delay Analysis in the High Court of Hong Kong

Disputes concerning delay, disruption and extensions of time (EOT) are, sadly, part and parcel of the construction business. This may continue to be so for some time; the problem is that certain fundamental issues continue to polarise opinion, causing schisms of a seemingly intractable nature.

One such EOT dispute has recently reached the High Court of Hong Kong. The decision by Reyes J in **Leighton Contractors (Asia) v Stelux Holdings Ltd. (HCCT 29/2004)** will be of great interest to those who are tasked with either preparing or defending an EOT claim. The case involved a request to the court by Leighton to seek to appeal an arbitrator's award against it.

The decision is potentially significant because it involves a judicial interpretation of Clause 23 of the Standard Form of Building Contract, Private Edition – Without Quantities, 1st RICS Edition. The judgment makes no reference to any amendments to the clause, or any special conditions (for reasons which are not germane here, it is unlikely that Leighton would have launched an appeal at all if the clause was non-standard).

Space does not permit a complete recital of Clause 23. The material words of the clause (as quoted in the judgment, but with my emphasis supplied), for the purposes of this article, are:

*"(1) Upon it becoming reasonably apparent that the progress of the Works **is delayed, or is likely to be delayed**, the Main Contractor shall forthwith give written notice to the Architect ..."*

*"(2) If, in the opinion of the Architect, upon receipt of any notice ... given by the Main Contractor under sub-clause (1) of this Condition, the completion of the Works **is likely to be or has been delayed beyond the Date for Completion [by]:**"(The reasons are then set out)*

"... then the Architect shall, as soon as he is able to ... make in writing a fair and reasonable extension of time for the Works."

The emphasis has been added to show that the clause contemplates two types of delay: **actual** delay, and **likely** delay. The small, disjunctive word 'or' connotes that they are different beasts. Naturally, a **likely** delay can only occur in the future, although it follows that, in order to submit the EOT notice, something must have happened in the present to trigger the likelihood.

Leighton's claims were that: (1) the Arbitrator misapplied Clause 23 because it was held that it only operated when there was an actual delay to the construction work; and (2) the Arbitrator failed to consider whether certain activities were **likely to cause delay**. In effect, as the judge noted, these are just two sides of the same coin. In short, it was being claimed that the Arbitrator had effectively ignored the words **likely to be** as underlined above.

What makes the judgment even more of interest is that, apparently, both Leighton and Stelux pleaded their respective cases on delay using a **time-slice** method. Arguably, this is the best method to use when faced with an EOT clause like Clause 23, since the method can model both types of delay. However, the approach of Stelux's expert in applying the method was crucially different. The judge gives us a snippet from the Arbitrator's award:

*'[Stelux's Expert] does not consider off-site delays until they affect **on-site** activities and then only to the extent that they do. In my view, such an approach is entirely consistent with Clause 23(2) ... and is correct.'*

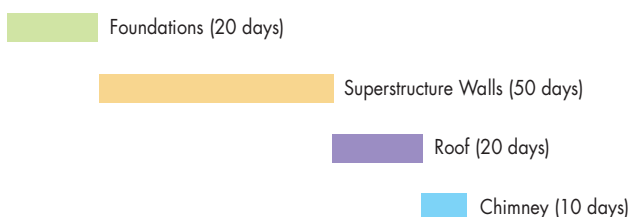
We are also told that the Arbitrator rejected the approach of Leighton's expert, who "focussed on the prospect of a delay resulting from an event at a given time, regardless of whether in retrospect the event had actually caused delay."

The judge held that he could not see how the Arbitrator's approach could be faulted. Leave to appeal was denied. Leighton's application thus failed.

But, hang on a minute, does not the quote from the Arbitrator's award actually demonstrate the validity of the claim? If consideration of **on-site** delays are **only** analysed 'when they are affected', is this not considering just

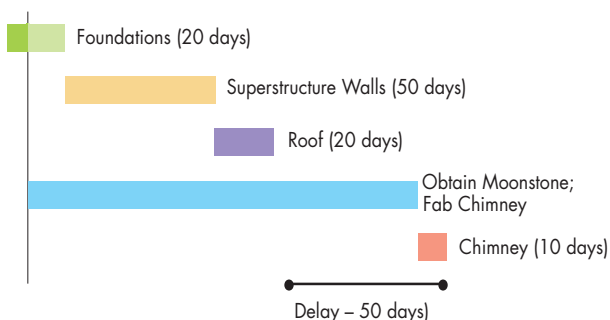
actual delay, and ignoring totally the **likely** variety? Are there not two types of delay in play in Clause 23? And surely, Leighton’s expert was right (at least in principle) to examine prospective delay. If a **likely** delay **must** cause an **actual** delay to generate an entitlement to EOT, are there not too many words in Clause 23?

In order to examine the issues at stake here, it is best to make a digression by means of a simple example. Let us say that we are a main contractor. We have contracted to build a house; the time for completion is 100 days. Our programme for the works is as follows (Time-Slice 1):–



Time-Slice 1: Initial 100-day Programme for House

We commence the foundations as planned. Things are going swimmingly, when on Day 10 the Architect issues an instruction concerning the chimney. For architectural reasons, he wants it made of pure moonstone (this is a frivolous example, but it will suffice to illustrate the principles). We, the contractor, will now have to wait for the next manned mission to the moon before we can get our hands on the material for the chimney. This is commonly known in the trade as a **procurement problem**. We get in touch with NASA, and make all the requisite enquiries of the European Space Agency. The earliest time by which the materials can be retrieved, fashioned into a chimney, and erected on the house is by Day 150. Thus we produce an updated programme, and submit it with a Clause 23(1) notice (Time-Slice 2):–



Time-Slice 2: Programme after Chimney Variation

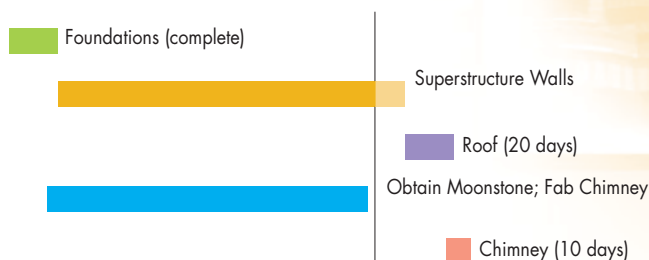
Thus the variation produces a **prospective** delay of 50

days. We shall assume – for this discussion – that the chimney is vital to completion of the house, and cannot be taken out of the programme as **outstanding works**. On seeing this programme, of course, the Architect might consult with the Employer to see if he really wants the moonstone feature; he can also consult with us (or possibly even ask questions to NASA) as to the validity of the programme. But if he is satisfied that the procurement programme is valid, and the Employer really wants that moonstone chimney, then he surely must award an EOT to us. This is so not only because it is good project management, and not only because Clause 23 imparts a sense of urgency (note the language above: “.. forthwith”, “..as soon as”, but because it is fair and reasonable. We cannot possibly finish before Day 150 now, can we? If the Architect is asked, at this juncture: is the moonstone chimney likely to cause delay, how can he say it is not? Is it not a purpose of Clause 23 to account for delays such as this one? Otherwise, why bother with the words **is likely to**?

The delay in Time-Slice 2 above is an **off-site** delay. Heavens, if we must get stone from the moon, it is an **off-the-face-of-the-earth** delay. But now consider that, after the variation on Day 10, we totally mess up the superstructure walls. Our workmanship is poor; our sub-contractor goes bankrupt; the material supplier fouls up his order for the bricks; our replacement sub-contractor is under-resourced.

While this **wall-to-wall** catastrophe unfolds, man goes to the moon, brings back the booty; the manufacturer then makes the chimney and delivers it to site. But we are not ready for it. The messed-up walls are (say) only 60% complete.

The roof is thus still to be constructed because the (unfinished) walls have proved to be such a nightmare. Therefore we have a programme time-slice such as below (Time-Slice 3):–



Time-Slice 3: Chimney Delivered; Walls Incomplete

Now what? Well, on the **Stelux view** the moonstone variation has caused no delay because the **on-site** chimney activity was not delayed by it; the variation made no difference. The chimney was **actually** delayed by our

wall problems. Does this mean that the 50-day entitlement has been **extinguished**? Well, once an EOT has been awarded, it cannot be rescinded. The corollary is that if Stelux (and hence the Arbitrator, and Reyes J) are correct, any decision on an EOT claim for prospective (likely) delay must be held in abeyance to see if there is any **actual** delay. Whilst this conclusion is seemingly in the teeth of clause 23, contractors may, on this view, have to wait a long, long time to see if **likely** delays become **actual** delays. The decision could have far-reaching ramifications for contract administration in Hong Kong.

Of course, arbitrations are private, and the programmes used in the case (quite properly) do not form part of the judgment. We do not even know if the judge was presented with any programmes to peruse by the parties.

Nor do we know the (de)merit(s) of the individual delays claimed. Nonetheless, on principle, if one of the two permissible species of delay was ignored, or was **demoted** somehow, then surely something has gone awry.

This writer has always been of the opinion that critical delays should be treated on a 'first-in-line' approach. In the simple example above, the contractor would thus be entitled to 50 days EOT due to the variation, because when it happened it was likely to cause that delay; the remainder of the delay, an actual delay – due to the walls – would be treated separately and consecutively.

It appears that, by having **likely** delays only considered in their time-slices if they later caused **actual** delay, Leighton has perhaps had a slice of bad luck.

AD

歡迎一家大細 或一班朋友一齊來玩！ GOLF & BBQ FUN DAY

日期：26-12-2004
時間：17:30-22:30
地點：屯門龍門路高球港 (近內河碼頭)
人數：50 人
收費：HK\$50.00/位 (大小同價)

程序表：

17:30 荃灣地鐵站恒生銀行集合
(百佳超級市場樓下)
17:35-18:00 乘旅遊車到高球港場
18:00-19:00 發球道打高爾夫球
(5人共用1條球道連教練指導)
19:00-22:00 燒烤會 (10人共用1爐)
22:00-22:30 乘旅遊車返荃灣地鐵站解散

Remark：

額外球道 \$40.00/小時 Putting Green\$30.00/半小時

Reference webpage：

<http://www.rivertradegolf.com>

如有查詢，請電學會秘書處 2526 3679

Some Thoughts on the Use

of Expert Evidence in Construction Litigation

Sunny Chan
QSD CPD Sub-committee

On 12 November 2004, it was our pleasure to have the Hon Mr Justice Reyes, the judge in charge of the High Court Construction and Arbitration List, to conduct a CPD seminar on the above topic. The aim is to provide our members with the knowledge on "how can expert witnesses do a perfect job in construction litigation cases in the High Court" from the point of view of judges.

The Hon Mr Justice Reyes emphasized the most important thing is that expert witnesses must be in a precise manner when they appear in court to give evidence. That means they must be direct in their professional points.



Besides, he expressed a perfect expert report is also another very important part. It should include detailed supporting evidences to each point. In his opinion, quantum expert witnesses must show reasonable figures on the report to support the evidence but not only state "more/lesser quantity is better"



etc. He also took a foundation court case to show what kind of quantum information should be included in the expert report.



After the brilliant talk a few members on the floor raised their questions related to the topic in the Question and Answer Section. The speaker tried his best to answer all the questions based on the judge's principle. He also emphasized he has no personal view to any questions.

At the end of the seminar, Mr T T Cheung, the Senior Vice-President of HKIS, delivered the closing speech. On behalf of the QS Division, Mr Gilbert Kwok, Chairman of QS Division presented a souvenir and expressed sincere thanks to the speaker for his invaluable time and effort in conducting such an informative talk.

A New Proactive Way to Control

the Cost of Variations

Victor Lau
JO Committee

Controlling the costs of variations is critical to the success of a development project when budget is of great concern. In this seminar on 14 October, Keith Ng, Quantity Surveying Manager of Nan Fung Development Ltd introduced a web-based software system for the cost control of variations and architects instructions ("CVI system" for the construction projects.)

The CVI system is the first Virtual Private Network (VPN) system used by the local



developer. The design concept of the CVI system is to provide a useful and effective tool to the project team in controlling the variations aiming at tackling with the upsurge demand for speedy construction. Keith explained the merits of the system by incorporating the concept of Management Contracting, Teamwork and Partnership. He also outlined the setting up of procedures and illustrated the functional details of the system by a computer demo display.

Techniques and Strategies for

Preparation of APC Written Examination

Chris Ng
PQSL (QS) Working Group Member

On 27th October 2004, the JO organized this PQSL event in the Surveyors Learning Centre. We were pleased to have Mr. Franco Cheung, Instructor in the Department of Building and Construction, City University of Hong Kong, as our speaker to share his views on preparing for the APC written examination.



Franco started by introducing the components of APC working experience, pre-qualification structured learning, submission of diary and logbook, written exam, which is the main part of this seminar, and professional interview. He gave some statistics showing that the passing rate of APC exam has been quite steady

in recent years. The passing rate was around 11.0 to 14.0%. The average passing rates for the third to fifth attempts were higher, which implied that 'reattempted candidates learnt from their failure'.

There were five main areas to study for the written exam referring to the areas of approved experience described in logbook. They were cost advice and cost planning, contract documentation, tendering and contractual arrangement, contract services, and specializations. Exam questions from the past five years were shown. The questions could be divided into 17 areas based on the flow of a typical construction project. They were Estimating; V.O. measurement; Procurement, contractual arrangement & sub-contracting; Contract documentation; Tendering arrangement and evaluation; Contractual issues and common law principles; Payment valuation; Valuation of variations; Insurance; Programme; Professional ethics; Cashflow; Value engineering; Office procedures and management; Determination procedures; Quality assurance as well as Type of drawings.



A review of the questions in the past 5 years showed that candidates were demanded to attempt quite a number of tasks, so time control was quite essential. If candidates underperformed in a particular task, a similar might be asked again the next year.



To prepare for the written examination, candidates should form peer group for revision. Online forum could be set up for discussions. Textbooks on various aspects, office manual and Standard Conditions of Contract (SCC) were advised to be read. Candidates should select useful materials for the 2 files for attempting APC. The files should include index of prices, rough cost data, SCC, SMM, candidates own set of notes,

sample letters, well written correspondence and standard documents, some relevant cases for contractual issues. Candidates should carry out mock examination to train their time management skill.

Franco pointed out troubles that candidates faced when preparing APC exam. They might not have enough time to do revision because of heavy workload. They might never participate in a particular task area, or were unsure about the proper approach to solve a particular problem. Time management during examination was once more emphasized. Franco suggested candidates should start preparing APC exam one year before by gathering

reading information. Continuous study was advised. Mock examinations should be carried out one month before. At the end of the seminar, Franco sincerely hoped that candidates could prepare for APC exam in a more organized way.

We would like to convey our appreciation to Franco for such a practical and useful presentation.

Anita Liu

– Associate Professor, The University of Hong Kong

words from bottom of a scholar surveyor's heart



Kelvin Ng
JO Committee

Where did you obtain your degree in surveying?

University of Reading, UK.

Why did you choose this profession?

I often wonder about that myself.

How did you get started with the surveying career?

Finished the degree programme in Reading, thought I would not want a career as a QS nor a job in UK, turned down a job offer in USA, wondering what to do next, came back to Hong Kong for holidays, got bored, applied for a QS job, got it, and took it with commitment. End of holidays, start of career.

How long have you been working?

Longer than I would want to remember.

How can surveying attract more women?

It is already doing that.

What was your first job?

Assistant QS, Levett and Bailey.

What were your first experience as a surveyor?

I was given the office keys on the first day of work and I wondered why. (Soon found out!)

What is your career path?

Started off at Levett and Bailey and had a wonderful time there. I then went on to join the government's Public Works Dept. as a graduate surveyor. After that, I joined a main contractor and mainly worked on China projects and local public projects in the 80s. I then left the construction company to join City Polytechnic and later, University of Hong Kong.

What is your job title?

Non-clinical teacher (this is the official title); otherwise more commonly known as Associate Professor.

How long have you been working in universities?

Since end of 1986.



When did you develop an interest in education?

Ever since I realized I wanted to learn – beyond what was required for my daily tasks. Primarily, I join a university to learn; teaching is part of what I am asked to do.

Describe a typical day?

Full of dichotomous behaviours. Example (1): from developing increasing degree of impaired vision through facing the computer screen as a result of a move towards paperless administration to getting increasingly buried under piles of paper, books and reports as a result of the preferred means of communication by most. Example (2): from being capable of speaking with enthusiasm for almost three hours non-stop to being incapable of uttering a word due to slow recovery from brain damage throughout the day.

How did you get to this stage of your career?

Natural course.

What would you say is the most demanding part of your job?

Stay sane and not be buried under the piles of literary great works by the wise.

What are the differences between working in the University & the private sector?

First, I would say "job nature" is different but this varies among organizations in the private sector as well. Second, we deal with people; while most private sector businesses view people as "human resources" i.e. human as a resource to accomplish something else, we treat people as both the input and output in the whole transformation (education) process. Third, I do not have a secretary.

What is your greatest professional achievement?

Seemingly been able to balance the requirements and demands of the major client (the one who employs me) and the interests of six stakeholders in my organization (the family).

What are the essential personal skills for the success in career?

Be able to consolidate practices into theories

A SNAPSHOT | OF WOMEN IN SURVEYING

人物訪問

and be able to apply theories into practices. Only when you could do the former would you realize a larger picture beyond your daily tasks and it is the latter that tests your ultimate understanding of why you do things your way.

After several years of working in the industry, what are the key attributes that you see as important in career?

Take a wider perspective in LIFE.

What do you think about the future prospect in surveying field?

Darwinism.

What is your advice to young people thinking of entering the surveying profession be?

Good choice. Sustain.

Has your career met your expectations?

Yes, because I do not have much expectation. Only surprises matter.

Are you involved in China projects?

Yes. Please visit web site
<http://hkusury2.hku.hk/chinanetwork/index.htm>

How often do you work in China?

Whenever necessary.

Are you willing to station in China?

Yes, I am in China.

What do you do in your spare time?

P-DLE.

Investigating P-DLE as a tool in PDI (not PFI); in short, to create new acronyms. By the way, P-DLE stands for "paradigm-deconstruction by lateral examination"; and PDI stands for "paradigm-deconstruction interpretivism"; that means trying to figure out the meaning of words and random integration of alphabets, **i.e.** What are they REALLY saying?

Do you have any particular interest?

Yes. Philosophising.

Which is your favorite building in Hong Kong?

Where I live.

What are your predictions for the property industry in 2004?

Good. (Only a few more weeks to go.)

Engineering Doctorate (Building & Construction)

工程學博士(建造工程)

The Engineering Doctorate (EngD) at City University is a part-time 4-year professional doctorate degree aiming at developing students' innovative thinking through tackling strategic, important industrial projects meeting the specific needs of the building and construction industry.

Candidates will pursue engineering study and industrial research of a high level while carrying out their professions the originality and value of their research are assessed within the specific professional and industrial context. As professional activity is usually multi-disciplinary and business/management-driven, the EngD programme will include a wide variety of coursework on the Built Environment and Project Management.

EngD graduates can use the abbreviation "Dr." before their names."

Application Deadlines: January 31, 2005
Starting period of Spring intake: January, 2005



香港城市大學
City University
of Hong Kong

Building & Construct



Inquiry, please refer to:
http://www.cityu.edu.hk/sgs/applicants/applicants_e.htm
For Application and General Enquiry:
Tel: 2788 9075/ 2788 8224 Fax: 2788 7097
For Programme Curriculum:
Tel: 2788 7609 Fax: 2788 7612 (Dr. Richard Yuen, Dr. SM Lo)

| Date | Event | Organiser | Location |
|------------------------------|---|---|----------------------------------|
| 2004 | | | |
| December 13 | HKIS Annual General Meeting | HKIS | Surveyors Learning Centre, HKIS |
| 13 | HKIS Diploma Presentation | HKIS | Surveyors Learning Centre, HKIS |
| 15 | Corrosion Protection and Monitoring in Existing and New Concrete Structures | HKIS Property & Facility Management Forum (CPD) | Surveyors Learning Centre, HKIS |
| 17 | GIS Application in Property Valuation | HKIS LSD (CPD) | Surveyors Learning Centre, HKIS |
| 2005 | | | |
| January 14 | Santal Limited case – A bar to business loss claim? | HKIS JO (PQSL) | Surveyors Learning Centre, HKIS |
| 19 | Innovative Tendering and Negotiation Strategies and Tactics | HKIS QSD (CPD) | Surveyors Learning Centre, HKIS |
| 26 | The Winners' Secret of Success – HKIS Property Marketing Award 2004 | HKIS GPD (CPD) | Surveyors Learning Centre, HKIS |
| 28 | REIT Code (HK) and Valuation Methodologies – the 180 Retail and Car Parking | HKIS GPD (CPD) | Surveyors Learning Centres, HKIS |
| February 19–22 | Education & Careers Expo | HKTDC | HKCEC, Hong Kong SAR |
| March 8-9 | Real Estate Services Expo | HKTDC | Chengdu, China |
| April 16–21 | FIG Working Week 2005 and XXVIII General Assembly | FIG | Cairo, Egypt |
| (tentative) | WOBO Conference 2005 | WOBO/HKIS | Hong Kong SAR |
| June (tentative) | PAQS Congress 2005 | HKIS | Dalian, China |
| September (tentative) | MOC Conference | ETWB & MOC | Xian, China |
| October (tentative) | HKIA, HKIE and HKIS Joint Conference | HKIA, HKIE & HKIS | Hong Kong SAR |
| November | HKIS Annual Dinner 2005 | HKIS | Hong Kong SAR |
| December | HKIS Annual General Meeting | HKIS | Hong Kong SAR |
| 2006 | | | |
| July (tentative) | Quality Building Award 2006 | HKIS | Hong Kong SAR |
| October 15–20 | FIG XXIII Congress and XXIX General Assembly | FIG | Munich, Germany |
| 2007 | | | |
| July 2–7 | FIG Working Week 2007 and XXX General Assembly | FIG/HKIS | Hong Kong SAR |

For further details contact the HKIS office at 2526 3679 or visit the website www.hkis.org.hk

HKCPS Charity Walk

The moment with all participants had their colour cap on was tremendous!

It was a sunny day, member institutes of the HKCPS gathered at the Peak for the same goal - to complete the charity walk organized by the HKCPS.

HKIS senior members including the Hon CY Leung, Stephen Liu, PC Lau, Tony Tse, TT Cheung, Yu Kam Hung, Lam Li Wah were joined by nearly 20 JO members; they completed the walk in 45 minutes, a total of nearly 150 kilometres in distance!

We all had another great moment of sharing when everybody looked out from the same direction and talked about the West Kowloon Cultural District and Hunghom Peninsula.



Jeffrey Wong
JO Committee
MRICS, RPS (GP)

