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From the Editor

編者話

A new section "Getting to know Council Members" has been introduced since January 2005 in the **Surveyors Times** to allow the Institute's management (to use the President's words) to connect with our members.

Readers have heard of the three things that **TT Cheung** is proud of and the three things that he would like to achieve as our new President. **CH Wong** (Senior Vice-president) is a surveyor who commands a lot of respect but leaves nothing to chance, as was evident from his solid record of achievement. Readers have also followed the career path of **Raymond Chan** (Vice-president), who started as a General Practice surveyor, finds himself ending up to be a successful building surveyor, and is still working hard to help boost the image of the surveying profession.

In this issue, it is my privilege to be able to share with readers the work of the Hon. Secretary as well as the Hon. Editor (Page 34). Although there is no such requirement in the Constitution, it has been the practice that the Hon. Secretary takes up the duties of the Hon. Editor of the **Surveyors Times** and the **Hong Kong Surveyor Journal**. Having now been the Hon. Editor for a few issues, I totally support this practice. In my interview, I said that the Hon. Secretary should be the focal point of communication between members at large and the General Council. He should also be up-to-date with regard to members' needs and concerns. Members are expected to rely on the **Surveyors Times** and other HKIS publications for latest news about the Institute, people, professional practices, education and training opportunities, etc. In this respect, the Hon. Secretary is the person to make sure that the right messages are brought to the members in a timely manner.

I would have felt guilty had I not insisted that **Margaret Yung** and **Linda Chan** also joined the interview. They have been of tremendous help to me in discharging my duties, although, on reviewing the transcript, they did not seem to have their fair share of the interview. I am also grateful to **Emily Ling** and her team, the reporters nominated by the **Junior Organization (JO)**, for projecting a very positive, if not larger than life, image of a humble post.

Francis Leung



On the Move



I am writing this president's message while I am on a train from London to Cheshire where the Institution of Civil Engineering Surveyors ("ICES")

is located. You may be interested to know what the life of a president looks. Let me give you a glance of my schedule in April.

2 April	Election Committee meeting; presenting CPD talk for JO
4 - 8 April	Attending RICS International Governing Council meeting in London; meeting with RICS President and Chief Executive in London; meeting with ICES President and Executive Director in Cheshire, UK
9 April	Meeting with the new president of HKCA
11 April	Meeting with members working in the Housing Department; launching of the Standard Form of Building Contracts 2005; attending the HKIA Annual Award ceremony.
12 April	Meeting with RICS President and Chief Executive in Hong Kong
13 April	Meeting with ETWB on the proposed Building Affairs Tribunal (BAT)
14 April	Ex-com meeting with the 3 Boards
15 April	Lunch meeting with REDA on premium calculation; attending CI Arb annual dinner
18 April	HKIS EGM
19 - 24 April	Attending FIG presidents meeting in Cairo, Egypt; meeting with FIG President and Executive on FIG HKSAR Forum and HKIES issue
26 April	Opening ceremony of HKIS library
28 April	Ex-com meeting
29 April	HKIE Building Division annual dinner

The prerequisites of the president are dedication, hardworking and have the drive for the Institute. For me, besides being criticized as workaholic, I am very vocal on our communication and transparency which is one of the key factors of making HKIS a strong local professional institution.

The passing away of the Pope is saddening and makes us feel as if a light has been put out. This has come on top of the resignation the Chief Executive, when Mr. Tung had been supportive of surveyors' related matters including but not limited to urban renewal, building maintenance, land sales and the development of professional services in the mainland. We do hope the new CE of the HKSAR will understand more about our surveying profession and will appreciate the importance of having continual

dialogues with the HKIS for the betterment of Hong Kong in the years to come.

April is an important month for HKIS. Besides the preparation of the re-election of the Chief Executive, I shall be dealing with the long debated HKIS/RICS relation and the relation between HKIS and HKIES. We will have important events to attend: the launching of the new Standard Form of Building Contract to be officiated by the Hon Henry Tang, Financial Secretary of the HKSAR, on 11 April 2005; the proposed formation of the PFM division at the EGM on 18 April 2005 and the opening of our new library facility on 26 April 2005.

In March, I led a HKIS delegation to Beijing for the final negotiation on the reciprocity between HKIS QS and the

China Cost Engineering Association. I'm glad to report that the draft reciprocity has been cleared with the Ministry of Construction and is now pending comments from the Ministry of Personnel. It is the Council's decision that HKIS should explore any possible opportunity to have more reciprocity arrangement with sister organizations

of comparable standard. Besides the formation of the SAA last year, I am pleased to report that we are currently opening up dialogues with ICES, AIQS, CIQS, JREAS, AIB, etc. I shall report more in the months to come.

T T Cheung *President*

與時並進



期的「會長的話」是我從倫敦往柴郡 ICES 的火車途中執筆的。您會否有興趣知道作為會長

的生活作息是怎樣的？現在就和大家分享一下我四月份的日程表：

四月二日	參與推選委員會會議；為學會青年組持續進修講課
四月四至八日	到倫敦參加英國皇家特許測量師學會國際管治議會會議； 在倫敦與英國皇家特許測量師學會主席和總裁會面；到英國柴郡與 ICES 主席和總裁會面 與香港建造商會新主席會面
四月九日	跟服務於香港房屋協會的學會會員見面；
四月十一日	出席「建築標準合約 2005」發佈會；出席香港建築師學會週年頒獎典禮
四月十二日	在香港與英國皇家特許測量師學會主席和總裁見面
四月十三日	與特區政府環境運輸公務局商談有關建議中的「樓宇事務審裁處」事宜
四月十四日	主持學會執委會會議，跟進會籍、教育及持續進修委員會的事務
四月十五日	與香港地產商會午餐會議；出席特許仲裁學會晚宴
四月十八日	香港測量師學會會員特別大會
四月十九至二十四日	前往埃及開羅參加 FIG 主席會議； 與 FIG 主席及理事談論有關 FIG 香港論壇及香港工程測量師學會事宜
四月二十六日	主禮香港測量師學會圖書館落成開幕典禮
四月二十八日	主持學會執委會會議
四月二十九日	出席香港工程師學會建築組週年晚宴

擔當會長的先決條件除了要擁有為學會開拓新領域的抱負以外，還得奉上時間和精力具體把目標落實。除了被喻為工作狂以外，我對加強測量之聲的態度是勇往直前的，因為只有這樣做才可以把學會的溝通和透明度提高，從而使它成為一個強大和備受尊重的專業學會。

教宗若望保祿二世安息主懷就如明燈轉暗，而同樣令人惋惜的是一直非常關心測量專業發展的前特首董建華先生又在三月份離任。董先生在任期間不但關心市區重建，對樓宇維修，土地買賣以至測量專業在內地發展的方向和進度都不遺餘力。我們衷心希望新任特首會同樣的理解和關注測量專業持續發展對香港特區的重要性。

對學會來，四月是一個挺重要的月份。除了新特首的推選以外，我們還要處理香港測量師學會分別與英國皇家特許測量師學會及香港工程測量師學會的關係。其他具代表性的事情包括：4月11日由特區政府財政司司長唐英年先

生主禮的「建築標準合約 2005」典禮；4月18日有關建議成立一個新的物業及設施管理組的會員特別大會；還有4月26日學會圖書館落成的開幕典禮。

三月中旬，我率領學會代表團前往北京為工料測量組與內地工程造價管理協會的互認協議作最後努力。我現在可以欣然的向大家說：協議的草稿已經得到建設部的同意，而人事部亦已經開始有關審。理事會是非常贊同積極開拓學會與世界各地其他對口單位的互認關係。除了去年成立的「亞洲測量聯盟」以外，與英國 ICES，澳大利工料測量師學會，加拿大工料測量師學會，日本估價師協會，澳大利建造學會等等機構的對話經已打開，我希望儘快的向你們彙報最新的進展。

張達棠 會長

>...Towards 21

SURVEYORS

A time when we have so much to glance back on and even more to look forward to
A junction where many issues are so fresh and so unexplored



Come and join the celebrations in the **NEWLY RENOVATED** HKIS office
801 Jardine House, 1 Connaught Place, Central, Hong Kong
Tuesday 26 April 2005 at 6:00 pm.

For enquiries, please call the Secretariat on 2526 3679.

HKIS Outstanding Final Year Dissertation/Project Awards 2004

The diploma presentation was held on Friday 4 March 2005 in the Surveyors Learning Centre.

The President, TT Cheung, welcomed members to the ceremony which has always been considered a milestone for all up and coming surveyors. The President, apart from

updating members present on both the local and international fronts, has also reminded them the importance of continuing professional development and that life-long education has become part of life; that they should pursue their dreams, face the changes and take action when opportunities arise.

A time to share our pride and joyfulness! This year, the awards go to:



Top Award (GP) – Chui Ho Ting Liza

An empirical study of the relationships between economic growth, real estate prices and real estate investments in Hong Kong



Top Award (LS) – Yau Fong Chau

A study on the Hong Kong land boundary system

Top Award (BS) – Wong Wai Ping

Critical analysis and time series forecasting of electrical energy use in university buildings – a case study of the University of Hong Kong



Top Award (QS) – Lam Bing Chuen

Bureaucracy and red tape:
a comparison between public and private construction project organizations in Hong Kong

Second Award (BS) – William Chau

Fire evacuation simulation in a subway station in Hong Kong by SGEM

Second Award (LS) – Lo Ka Wai

The passage right of village roads in the New Territories



Second Award (GP) – Leung Man Kit

A study of the inflation-hedging effectiveness of real and financial assets in Hong Kong



Second Award (QS) – Kwok Chor Wo

Competencies of project managers in Hong Kong

From the Board of Professional Development

**持續進修 提昇專業水平 鞏固基礎 發揮專長
終生學習 發展全人理想 擴張領域 啟發潛能**

The Board of Professional Development was inaugurated in early 2004 and the objectives of the Board are to establish and maintain a high standard of professional competence of members and to organize and promote continuing professional development of members. The Board is considering policies and the control mechanism for mandatory continuing professional development and lifelong learning to help members enhance not only their professional competence but also their social status as professional surveyors.

Chairman of the Board, Professor Barnabas Chung, says that the ultimate objective is to require all professional and technical members to engage themselves in a continuous process of sharpening their expertise and broadening their specialist knowledge base. Professor Chung further points out that only with consistently high and ever-improving professional competence of its members that the Institute

may strengthen its strategic position in the property industry, for the long-term sustainability of the surveying profession in Hong Kong.



Throughout 2004, 101 CPD events were organized by the various Divisions and the JO, many of which also served as PQSL for APC candidates.

Education and Careers Expo 2005



The Education and Careers Expo 2005 was held from 19 to 22 February 2005 at Hall 5 in the Hong Kong Convention & Exhibition Centre. At the Expo, HKIS provided information on the latest development and employment opportunities in surveying profession to the public, students and young people. The double booth attracted lots of interested people enquiring how to join the surveying profession and to receive relevant training.



Hoi Marco had accepted our invitation as interviewees to share their success stories.

Lastly, we would like to take this opportunity to thank our sponsors namely Surveyors Registration Board, Albert So Surveyors Limited, Bentley Systems Hong Kong Limited, C.S. Toh & Sons & Associates, DTZ Debenham Tie Leung, K. T. Liu Surveyors Limited, LandElite Surveyors Limited, Lawson David & Sung Surveyors Limited, Leica Geosystems Limited, Levett and Bailey Chartered Quantity Surveyors Limited, Northcroft Hong Kong



On Saturday, 19 February 2005, the President, Mr. T T Cheung and divisional chairmen and vice chairmen made a presentation in one of the careers seminars on **The Surveying Profession** to an audience of students, parents as well as the general public.

This year, the Working Group for the Expo, chaired by Vice President, Mr. Raymond Chan, had come up with a new idea of producing a video with a series of short interviews with 1-2 prominent surveyors from each division to share their career success with our prospective young students. We were pleased that Mr. Kan Fook Yee, Mr. David C Lee, Mr. Leung Chun Ying, Mr. Leung Hing Fung, Mr. Wong Chik Wing Mike, Mr. Wong Thien Nyen and Mr. Wu Moon



Limited, Raymond Chan Surveyors Limited, RHL International Property Consultants Limited, Topcon Optical (HK) Limited and Widnell Limited for their kind sponsorship to the HKIS booth in the Education and Careers Expo 2005. Many thanks also go to the Working Group members who contribute their valuable time and effort in organizing the HKIS booth in the Expo.



Legco hears more from HKIS on the WKCD development project



HKIS has presented a submission in respect of the West Kowloon Cultural District (WKCD) development project to the Legislative Council on 31 January 2005 when it was suggested that after reviewing the three proposals submitted and taking into account public opinion thus far, Government should determine what arts and cultural facilities would best serve the community. A master layout plan should be drawn up for the whole WKCD development site together with a revised scheme for arts and cultural facilities by adopting a **mix and match** approach based on the three shortlisted proposals. The revised scheme should be subject to a further round of public consultation. Once a publicly accepted scheme is finalized, this would then form a common basis for a second round of tender, involving the shortlisted three and more proponents around the world.

HKIS has further suggested that Government should follow some best international practice in implementing this public private partnerships (PPPs) project by preparing its **business case** comprising at least a Public Sector Comparator, cost benefit analysis, risk analysis and detailed output specifications based on a publicly accepted scheme. In doing so, Government would be able to assess value-for-money for each proposal submitted and to justify the amount of land values being used for subsidizing the arts and cultural facilities.

Following the above submission, HKIS was approached by some Legco members who were keen to understand more about our proposed idea and good PPP practices to ensure value-for-money. HKIS also informally met some government officials to exchange various views.

HKIS was invited by the Legco's Subcommittee on West Kowloon Cultural District Development to elaborate our views on good PPP practices in relation to the WKCD project at its meeting held on 16 March. During that meeting, HKIS addressed

three agenda items; namely, (1) the principles adopted by Government for its PPP projects; (2) deviations, if any, in the approach adopted for the WKCD development from standing practices and general principles; and (3) the appropriateness of using PPP for developing WKCD.

HKIS was invited again by the Legco to express views on the highly successful Guggenheim Museum Bilbao and the WKCD projects in respect of their planning, governance structure, financing, design and operational aspects at its meeting held on 23 March 2005. Through these submissions, it is believed that HKIS has provided professional quality input for Legco members for their deliberations of some contentious issues in the WKCD project.

Dr Paul Ho, Vice Chairman of QSD, has been at the Legco speaking on behalf of the Institute to the Subcommittee on WKCD Development on 23 March 2005. There has been put forward to the lawmakers an array of considerations to have included: planning, governance structure, financing, design and operational aspects. For more on the Institute's views on the WKCD, please visit: www.hkis.org.hk/hkis/cms/uplod/NewsEvent/nwevta1253_0.htm

Meanwhile, part I of a series of article on **Good public private partnership practices and West Kowloon Cultural District Development Project** can be found within SURVEYING PRACTICE in this issue of the Surveyors Times.



Surveyors luncheon heard more on PFI



A floor of nearly 50 surveyors and guests have heard David Lane speaking on PFI experience from the UK and how that could apply in Hong Kong on 22 March 2005 in the Hong Kong Bankers Club.



Guests at the luncheon included Au King Chi, Deputy Secretary of the Housing, Planning & Lands Bureau; Kwan Pak Lam from the Civil Engineering & Development Department; Patrick Lau, the Director of Lands; Kenneth Pang, Commissioner of the Rating & Valuation Department; Marco Wu, the Director of Buildings Edwin Chan from the Hong Kong Institute of Architects; the Hon Lau Sau Shing.

According to Lane, PFI (Public Finance Initiative) is driven by the need to increase public sector capital works infrastructure spending without increasing the tax burden or public borrowing but by making use of private sector expertise in management, PFI is a form of public private

partnerships which has not been used in Hong Kong. Hong Kong may need PFI, says Lane, because it can help to deliver quality standard long term services, provide quality social infrastructure whilst negating variables in public sector maintenance budgets; PFI can be implemented by increasing awareness of the mechanisms and benefits of the concept, of course, it will be very important to identify a deal stream with the private sector responsive and participative.



David Lane is a chartered structural engineer by profession and has more than 10 years of experience in the consultancy advisory roles for implementing PFI, for both government departments and the private sector. He is currently in a team negotiating the first PFI project in China.



HKIS writes to Lantau Development Task Force



Pursuant to the 2004 Policy Address, the Lantau Development Task Force, chaired by the Financial Secretary, was set up in February 2004 to provide a high-level policy steer on the economic and infrastructure development in Lantau.

“The Lantau Island is well recognized for its tremendous development potentials as well as its nature conservation and recreation values ... we would like to develop with the public together a development framework for Lantau which will strike a delicate balance between economic development on one hand, and conservation of the island’s beautiful nature and valuable cultural heritage on the other...” said Mr Tang, Chairman of the Lantau Development Task Force, on 28 November 2004.

“The concept plan has initially identified a few key development themes and proposals for community discussion. They include economic infrastructure and tourism proposals to enhance Hong Kong’s economic competitiveness, theme attractions based on heritage, local character and natural landscape, maximizing the recreation potential of country parks, and meeting nature conservation needs to achieve balanced planning... the proposals put up for public consultation are conceptual in nature for community discussion at this stage. Comments and suggestions from members of the public are most welcome, and they will be fully taken into account in firming up the concept plan.” Mr Tang added.

The Institute has written to the Task Force covering:

Overall Planning Concept for Lantau

The Institute is agreeable to the overall planning concept of focusing on major economic infrastructure and urban development in North Lantau, while protecting the other parts of Lantau comprising high-quality landscape and an ecologically sensitive natural environment.

Lantau Logistics Park at Siu Ho Wan

The Institute acknowledges the need for logistics facilities

to strengthen Hong Kong’s role as the preferred international and regional transportation and logistics hub, and is aware of similar logistics facilities set up at the Hong Kong International Airport. Yet, the Institute is concerned that there may be a duplication of logistics facilities in North Lantau in the future, and that there may be other, better uses for the reclamation at Siu Ho Wan. In this connection, the Institute would like to receive additional information about the proposed logistics park and to participate in subsequent consultations for the park.

Possible Theme Park or Recreational Uses in Tung Chung East

As recommended in the Consultation Digest, there will be a large portion of land reserved for tourism / recreational use along the North Lantau Coastline, including Siu Ho Wan, Sunny Bay and Tsing Chau Tsai, the Institute, however, has reservations on retaining a large portion of land at Tung Chung East for theme parks or recreational facilities. It is noted that the establishment of additional commercial and logistics facilities along the North Lantau Coastline in the future would generate extra demand for commercial or residential properties. While Tung Chung East forms part of the new town, with better infrastructure, the area would be appropriately reserved for commercial / residential use in order to cater to the future development of North Lantau. Indeed, a theme park or recreational uses are incompatible with the role of Tung Chung New Town, and it is doubtful on the appropriateness of establishing theme parks or recreational facilities in a location that is in close proximity to the airport, as disturbance from flight noise is considered one of the serious problems for such facilities.

Golf Course cum Resort at Tsing Chau Tsai East

The Institute supports the provision of additional golfing facilities in Hong Kong in view of the extra demand, however, it is of concern that the site is too close to the North Lantau Highway, which may affect its attractiveness; the Institute would like to be consulted later should a detailed study be completed.

Introducing Theme Attractions & Maximizing the Recreation Potential of Country Parks

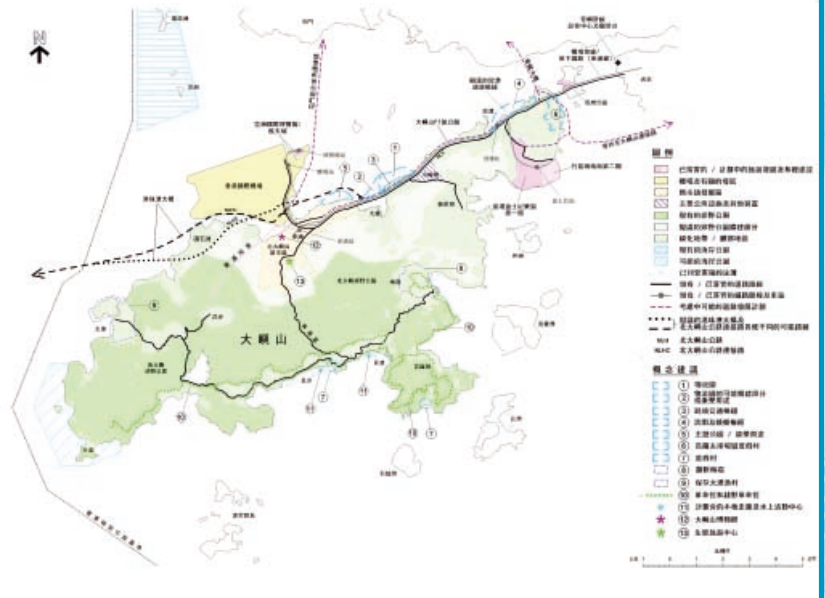
The Institute welcomes Government’s proposal to

introduce theme attractions and maximize the recreation potential of country parks in order to enrich the tourism and recreational resources in Central and South Lantau and further believes that local professionals will be able to provide good advice and more than happy to participate in these proposed projects.

Proper Management of Transportation Networks Linking North and South Lantau

Notwithstanding the fact that the Institute supports various proposals for the development of themed attractions and recreational facilities along South Lantau, it has urged Government to ensure proper management of the transportation networks linking North and South Lantau. It is concerned that, if it is too convenient for tourists to drive into South Lantau, it may not be possible for the country environment to be retained along the Southern Coastline of the island; the widened Tung Chung Road would, on the one hand would be convenient, but, on the other hand, would

spoil the environment. The Institute has suggested that Government considers improvements to the transportation network, with a view to both practical and environmental needs.



LIST OF HKIS MEMBERS EXPUNGED FOR NON-PAYMENT OF SUBSCRIPTIONS 2004/2005

Approval was given by the General Council to expunge the following members for non-payment of subscriptions for the year 2004/2005 with effect from 17 February 2005

DIVISION	NAME	HKIS NO.	CLASS	DIVISION	NAME	HKIS NO.	CLASS	DIVISION	NAME	HKIS NO.	CLASS
BS	DAVIES, ROGER MURRAY	2633	MEMBER	GP	WOO, TAK CHEONG	82217	PROBATIONER	QS	HAN, CHOONG LEARN	82248	PROBATIONER
BS	CHAN, HO KUEN	84522	PROBATIONER	GP	YEUNG, LAI HAR SABINA	83702	PROBATIONER	QS	HOANG, VAN ANH	82554	PROBATIONER
BS	CHAN, PAK SHING	82412	PROBATIONER	GP	YIP, FU KEUNG	84590	PROBATIONER	QS	HON, SIU YOUNG MARTIN	82569	PROBATIONER
BS	CHEUNG, TSZ NANG	83667	PROBATIONER					QS	HUI, CHEUK LIM	82236	PROBATIONER
BS	CHOW, HAU LEUNG	82013	PROBATIONER	LS	TAN, CHIN HOR	1055	FELLOW	QS	IP, CHI FAI	82095	PROBATIONER
BS	HUNG, WAI TUNG RUDY	84489	PROBATIONER	LS	CHEUNG, KIM FUNG	84240	PROBATIONER	QS	KOO, CHI KIT	83392	PROBATIONER
BS	LAM, CHI WAH	82917	PROBATIONER	LS	CHEUNG, KING YAN	83723	PROBATIONER	QS	KWONG, CHING	81629	PROBATIONER
BS	LAU, KA MAN	84796	PROBATIONER	LS	KWOK, KA YEUNG	84606	PROBATIONER	QS	LAU, CHUN HANG DOWES	84190	PROBATIONER
BS	LEUNG, HO CHEUNG	82683	PROBATIONER	LS	LAU, KA YEE KAREN	83358	PROBATIONER	QS	LAU, MAN YEE	84697	PROBATIONER
BS	LIN, CHI MING	82097	PROBATIONER	LS	LEE, SZE MAN	84419	PROBATIONER	QS	LAW, KWOK CHOI	84029	PROBATIONER
BS	TAI, CHEUK HUNG	80797	PROBATIONER	LS	SHUM, WAI MAN	82439	PROBATIONER	QS	LEE, LAM SZE NANCY	82857	PROBATIONER
BS	TJER, HUNG FU	80352	PROBATIONER	LS	TANG, SHU FAN	84242	PROBATIONER	QS	LEUNG, MAN YIU	83513	PROBATIONER
BS	YEUNG, KA KI	82797	PROBATIONER	LS	TSANG, MONG LAM	84427	PROBATIONER	QS	LEUNG, TIM CHU	81401	PROBATIONER
BS	YIP, KIN WA	80390	PROBATIONER	LS	TSE, CHI MEI	84422	PROBATIONER	QS	LI, HO YIM	82999	PROBATIONER
BS	YIP, SING	83501	PROBATIONER	LS	YUNG, YUEN SANG	3941	TECHNICAL ASSOCIATE	QS	LI, KWAN LING	82203	PROBATIONER
BS	YUEN, CHUNG CHING	83560	PROBATIONER					QS	LO, CHUN YU	84696	PROBATIONER
				PD	KONG, MAN KIT SIMON	84061	PROBATIONER	QS	LO, KAI LEUNG	82603	PROBATIONER
GP	CLARKE, MICHAEL PETER	0238	FELLOW					QS	MA, WING HANG	84296	PROBATIONER
GP	CHEUNG, WAI LUN	1519	MEMBER	QS	JAMIESON, BRETT KERR	3357	FELLOW	QS	MAK, CHI KIN	83063	PROBATIONER
GP	CRICHTON, DOUGLAS RICHARD FYVIE	3229	MEMBER	QS	CHEUNG, WING WAH COSMAS	0912	MEMBER	QS	MAN, SIU SIU	83808	PROBATIONER
GP	GALLIFORD, NEIL PETER	1945	MEMBER	QS	LEE, BOON KWEE	0537	MEMBER	QS	MON, YEE PO	81989	PROBATIONER
GP	PALMER, NEIL PATRICK	0820	MEMBER	QS	NG, CHI WAI VINCENT	3519	MEMBER	QS	NG, WAI KEE	82802	PROBATIONER
GP	CHAN, SENG LEONG	80592	PROBATIONER	QS	PANG, YIU MING ELLIS	2603	MEMBER	QS	NGAI, TSZ HO	84542	PROBATIONER
GP	CHAN, WAI KIT PAUL	80830	PROBATIONER	QS	RITCHIE, ANDREW	2984	MEMBER	QS	O'SULLIVAN, COLLEEN MARY	84316	PROBATIONER
GP	CHEUNG, MAN YEE	84481	PROBATIONER	QS	AU, YING MAN	84634	PROBATIONER	QS	SHEUNG, CHUEN SANG	81192	PROBATIONER
GP	CHOW, CHI FONG ELAINE	84366	PROBATIONER	QS	CHAN, CHI FUNG	83267	PROBATIONER	QS	SIN, HUNG RICHARD	82168	PROBATIONER
GP	LAI, CHEE KWAN ROBERT	81549	PROBATIONER	QS	CHAN, MAN FAI	84772	PROBATIONER	QS	TANG, SAMSON	82499	PROBATIONER
GP	LAU, KWOK TIM	83174	PROBATIONER	QS	CHAN, SIU LING TERENCE	81178	PROBATIONER	QS	TANG, WING YI WINNIE	83807	PROBATIONER
GP	LAU, YIK OI	82527	PROBATIONER	QS	CHAN, YU PO	83343	PROBATIONER	QS	TSUI, MAN SHEK	81636	PROBATIONER
GP	LEUNG, KA LOK	84599	PROBATIONER	QS	CHEUNG, CHUNG KO	83938	PROBATIONER	QS	WONG, CHAM MING	82456	PROBATIONER
GP	LEUNG, YAT YI	84404	PROBATIONER	QS	CHEUNG, HO	82093	PROBATIONER	QS	WONG, SHU NA SARAH	84546	PROBATIONER
GP	NG, CHEUK KWAN	81842	PROBATIONER	QS	CHEUNG, WAI HO	83989	PROBATIONER	QS	YEUNG, CHUNG SHING	83331	PROBATIONER
GP	TANG, LAI YING	84166	PROBATIONER	QS	CHIU, WAI SING	83961	PROBATIONER	QS	YIU, CHIU WAI OSWELL	81229	PROBATIONER
GP	WONG, YUEN PUN CINDY	82492	PROBATIONER	QS	HA, CHI FAI PATRICK	84202	PROBATIONER	QS	YU, TIN YAU WARREN	84763	PROBATIONER

Media like HKIS open forum on land application list



Instead of a press release, the Institute has welcomed reporters from at least 15 media to each of two open forums one on 18 February and another one on 14 March 2005 in response to the Kowloon Bay land sale and 2005/2006 Land Application List respectively.

The idea is to launch a forum where members can share their own views on the land policy, the related issues such as sales of Housing Ownership Scheme (HOS); the supply of housing in the long run and the lots of lands to be applied. The forum was co-chaired by President, TT Cheung and chairman of the GPD Council, Yu Kam Hung.

From the HKIS point of view, the government should further improve the transparency of land policy, resume land auction and continue the land sales application list simultaneously. To conclude, the HKIS suggests shortening land premium process and more land auctions to off set the effect of high land value policy.



There were heated exchanges among the surveyors, this has been a rarely occasion for the media to collect such a variety of professional views at one go from the Surveyors Learning Centre!



President met GP firm representatives over luncheon



Rock Tsang of Landbase, Spencer Wong of Larry Tam, Vincent Sung of Lawson David & Sung, Elsa Ng of LCH, Memfus Wong of Memfus Wong, William Wong of Savills Hong Kong, SK Pang of SK Pang & Co and Tony Chan of Vigers Hong Kong.

The President, TT Cheung, hosted an informal luncheon for representatives from general practice surveying firms on 2 March to update them on development of the Institute and to listen to views and suggestions for the Institute. Those who joined the luncheon included: Harry Chan of CB Richard Ellis, KK Chiu of DTZ, Brian Lee of Dudley, Anthony Lau of Knight Frank, CK Lau of Jones Lang Lasalle,



HKIS getting ready for dragon boat festival



Remember how real-time kinematic technology (RTK) was used last year at the dragon boat race? Well, before the technical part,

the guys and gals are already getting ready for the rowing bit at least, they are meeting at the Stanley Main



Beach every Sunday afternoon for not just a warm up, but starting from basic skills, stamina training, very serious hands-on rowing and to get to know the sea better; every one must be equipped with SPF45 lotion says coach Joseph Wong.



HKIS editorial board has new head



Professor KW Chau, Chair of Real Estate & Construction, Dean of Architecture of the Department of Real Estate and Construction of the University of Hong Kong has become the Chairman and Editor-in-Chief of the Institute's journal, HKS. The Editorial Board local members comprise : Anita Liu (QSD); Chan Man Wai (BSD); Cheung Sai On (QSD); Conrad Tang (LSD); Daniel Ho (BSD); Eddie Hui (QSD); Esmond Mok (LSD); Franco Cheung (QSD); KF Man (GPD) and KK Lo (BSD). The Honorary Editor is Francis Leung, Honorary Secretary of the Institute.



榮、副會長陳旭明、建築測量組主席鄧海坤及義務司庫梁志添作了接待。會上，雙方除了交換最新專業發展情況及意見以外還就其他事宜作出積極探討。當天晚上，學會又設宴款待客人，進一步增進友誼。

中國建設監理協會來訪學會



3月16日中國建設監理協會一行6人到訪學會。代表團由中國建設監理協會林之毅副秘書長率領，團員包括中國建設監理協會培訓部溫健主任、深圳大學王家遠教授、北京交通大學劉伊生教授、中咨建設監理工程公司邱闖總工程師，上海同濟建設監理諮詢有限公司楊衛東總經理及深圳市建藝建設監理有限公司傅曉明董事長。學會會長張達

成都房產潛力無限



學會參加了由香港貿發局主辦的第六屆「香港房地產服務及城市建設博覽」，博覽會於3月6日在成都國際會議展覽中心隆重揭幕，是次展覽旨在向西部市場全面介紹香港多元化的房地產增值服務，促進兩地業界交流合作，發展新的合作夥伴關係。這次博覽會學會出席三位代表包括：副主席陳旭明、前任青年組主席溫偉明及現任青年組主席林力山。



作為西部大開發之重鎮，成都的房地產業在過去數年都錄得理想的升幅。在CEPA帶動之下，香港企業較容易前往內地發展，所以近年很多企業已北上開拓業務，發展

情況大好。是次博覽為兩地房地產企業提供一個有效的交流平臺，兩地的企業可透過是次博覽內一系列的研討會、專題講座及商貿配對活動，掌握市場訊息、瞭解香港房地產服務的最新發展。

近年成都房地產二手市場興起，進一步加大對外商服務提供的需求。而成都作為西部大開發的重點城市之一，不少外商已經加快進入成都的步伐，地產公司、財團和海外基金亦相繼登陸，務求抓緊西部都市化的商機。香港累積了多年建築發展的經驗，相信能協助內地業界，發展並建設現代大都會。

另一位出席開幕禮的嘉賓，香港立法會議員劉秀成先生說：「香港的房地產服務多元化，可以為內地房地產開發商提供一站式的優質服務，更擁大批熟悉國際標準及經驗豐富的專業人士，能夠配合內地城鎮化的需求。相信是次博覽會將有

助內地企業認識香港的房地產服務，以香港的成功經驗作為借鏡，協助內地發展建設一級的國際城市。」是次博覽會之焦點包括兩場大型專業研討會及十二場專題講座，主題為「現代城市建設之成功要素」及「現代城市建設之商業策略」。大會邀請了多位香港城市建設及房地產服務業的翹楚主講。

香港測量師學會副會長陳旭明主講了「香港測量師如何協助國際資金流入內地房地產市場」。



內容主要包括：

國際資金的形式	投資的內容	投資物業形式
<ul style="list-style-type: none"> 個人 公司 機構 基金 	<ul style="list-style-type: none"> 設備 人才 推廣 / 廣告 物業 	<ul style="list-style-type: none"> 租 買 (新 / 舊) 自建 “自建”的考慮 “合適”的土地 “合適”的設計 造價控制 進度控制 運作及維修的考慮 資金流轉
行業種類	考慮	
<ul style="list-style-type: none"> 製造業 服務業 房地產發展 	<ul style="list-style-type: none"> 回報 (租金、升值) 市場運作 (訊息、交易費用、交易手續) 保障 	

香港的測量師

- (1) 產業測量 = 估值、市場分析、發展構想
- (2) 工料測量 = 造價、成本控制、成本效益
- (3) 建築測量 = 設計與使用、質量監控、保養考慮
- (4) 規劃及發展 = 發展規劃
- (5) 土地測量 = 地圖、地標、地界

Building Surveying Division Chairman's Message



Edwin Tang
BSD Council Chairman

Reciprocal Recognition of Professional Qualification with the Supervision Engineers in Mainland



Representatives from the China Association of Engineering Consultants (CAEC)(中國建設監理協會) visited us on 16 to 18 March 2005. The delegation comprises 2 official members of the Association, 2 from academic and 3 from private practice. They visited the Buildings Department, Housing Department, Property Services Branch of the Architectural Services Department, Henderson Land Development Co. Ltd. and David C Lee Surveyors Ltd. to familiarize with BS professional practices in HKSAR. The Discussion Forum on 17 March 2005 was well attended by members from different fields. The Deputy Secretary-General of the CAEC, Mr. LIN Zhi-yi, transpired that Building Surveying Division of the HKIS is the most



appropriate organization for further discussion on possible reciprocal recognition.

In order to have a close encounter with those practitioners in Mainland, we are planning to visit Guangzhou, Shanghai and Beijing from 20 to 25 April 2005. We intend to visit 2 companies and 2 work sites in each place and hopefully have a concluding meeting on April 25 in Beijing. The BSD Council will invite suitable representatives from various fields to participate in this visit and decide on the subsidy.

Building Affairs Tribunal (BAT)

The Working Group has fine-tuned our proposal and HKIS has submitted a report to the HPLB on 8 March 2005. Another discussion meeting has been scheduled for 13 April 2005 and HAD may send her representatives.

An update from the BSD Technical Advisory panel

There was a Joint Meeting of BSC & AP / RSEC on 11 March 2005 and the following are brief notes of the discussion at the meeting:-

Draft New Part of the Code of Practice for Means of Access for Firefighting and Rescue (MOA Code) for Emergency Vehicular Access (EVA) – 3rd Revision BD was asked to liaise with FSD in the interpretation in measuring perimeter.

Registration of Building Service Engineers (BSE) BD has just received the Scope of Study in respect of building

control under the BO which might need building services engineering input. Will respond after study of the Scope.

Review of Lighting and Ventilation (L&V) Requirements in Building The consultant has completed the refinement to the computer simulation model which was being circulated for comment.

Green Building – Comprehensive Environmental Performance Assessment Scheme (CEPAS) BD had meetings with representatives of HKBEAM and Professional Green Building Council (PCICB) and reported that PCICB would form a working group (WG) to work out the detailed

implementation proposal. The final report would be ready by end of March 2005 and wider consultation would be conducted afterwards. The target date for completing the current study was end of May 2005.

PNAP 269 on Fast-track Processing of Alteration and Addition (A&A) Plans for Signboards The revised PNAP would be issued in due course.

Streamlining of Approval Process for Land and Building Developments Joint PNAPs would be issued on the definition of common parameters and exemption of void areas in duplex flats.

Review on the Issue of PNAPs A meeting was scheduled for 23 March 2003.

Review of the Design and Construction of Hoarding and Covered Walkway The working group had 3 meetings and was making good progress. It was highly likely that the existing details could be further simplified.

Review of Buildings Ordinance and Building Regulations on Sanitary Fittings, Plumbing and Drainage Provisions for Building BD would issue an advisory letter on the recommendation provision of female lavatories for industry to follow in the interim before the current regulations were amended which was not likely to happen in this legislative year.

Revised Minor Works (MW) Control System It was anticipated that the current review would be finalized by end of May 2005.

The Proposed Integrated Site Supervision System (ISSS) BD was considering comments received during the last round of consultation and the revised Technical Memorandum would be submitted to the LegCo for negative vetting.

Draft Guidelines on Prevention of Water Seepage in New Buildings - 2nd Revision Revised PNAP was being printed for circulation.

Draft Revised PNAP 248 and PNRC 47 on Aluminium Windows - 2nd Revision Revised PNAP was being printed for circulation. Textural comments were received which would be included in the next round of amendment.

Draft Revised PNAP 71 and PNRC 6 on Demolition Works Measures for Public Safety Would be issued after completion of the current hoarding review.

Draft PNAP 295 on Protection of Natural Streams / Rivers from Adverse Impacts arising from Construction Works Comments on temporary diversion of stream courses were received and draft PNAP being revised.

Draft Revised PNAP 279 and PNRC 55 on Kowloon-Canton Railway Corporation Railway Protection, Railway Ordinance, Buildings Ordinance Scheduled Area No. 3 The current scheduled areas would be uploaded on to BD's website.

Loading Requirements for Buildings, Proposed Amendment to Building (Construction) Regulation 16, 17 & 18 (Cap. 123 Sub. Leg B) This was to make way for the implementation of the new CoP on Loading.

Control of Wet Fixing External Wall Finishes HKCA submitted a letter to BD urging BD to consider controlling wet fixing external wall finishes. AP / RSEC members' views were diverse. Our representative mentioned to the meeting that a research was being carried out on the Specification of External Wall finishes in Hong Kong. It was concluded that the best could be done has already been done in the issue of the circular letter two years ago on external wall finishes. There was yet widely accepted scientific method of controlling.

Contributors wanted 歡迎投稿

The SURVEYORS TIMES welcomes any surveying related articles from its members. Articles should be no more than 2 full pages, either Chinese or English, preferably with photographs, Please email to: editor@hkis.org.hk

香港測量師學會月刊「測量師時代」歡迎會員投稿。篇幅以兩版為限，更歡迎提供照片。稿件請電郵到 editor@hkis.org.hk

General Practice Division

Chairman's Message



Yu Kam Hung
GPD Council Chairman

Business Valuation (Convenor: Mr KK Chiu)

Requirements for the qualification of Business Valuation practitioners are under discussion in the Business Valuation Forum. The panel continues to communicate with Universities and it is noted that a Business Valuation course will be included in the GP surveying degree offered by the Hong Kong Polytechnic University.

CPD and Internal Communication (Convenor: Mr Ronald Cheung)

In response to members' needs, more CPD events on different topics will be organised, and the panel is currently considering and selecting appropriate topics.

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

The panel continues to be busy in various local affairs and liaison with government departments. It is noted that Mr Tony Wan from the Lands Department will join the Joint Forum.

International Affairs (Convenor: Ms Monita Leung)

The Japan visit is scheduled for 29 March 2005; Mr Kam-hung Yu, Mr K K Chiu and Mr SW Ho will represent the Institute.

Mainland Affairs (Convenor: Ms Serena Lau)

There will be a Joint Conference with CIREA and FIG later this year. Mr Kam-hung Yu will be in charge, and Mr Tony Wan, Mr Samuel Young and Mr Harry Chan will take part.

Public Relations (Convenor: Mr Daniel Mak)

In various lunch gatherings with PriceWaterHouse, KPMG, Baker & McKenzie and Linklaters, we had introduced our GP profession to other famous account and law firms. In the next month, we shall visit Hysan Development.

Property Management (Convenor: Mr W L Mak)

The Chairman, Mr. Michael Price, and some other members

of the Property and Facility Management Forum were invited to attend the GPD Council meeting on 3 March 2005. Mr Price briefed the Council on the latest progress of their work concerning the proposed formation of a new Property and Facility Management Division. Members raised some concerns that GP members would use this as a reciprocal recognition arrangement. Since the proposed formation of a new division affects the whole Institute's development, members are advised to have a thorough understanding of the issue before making their decision.

In the GPD Council, we have members expressing positive and negative opinions to the formation of this new division.

Sales and Lettings (Convenor: Mr Ronald Cheung)

Preparation work for the HKIS Property Marketing Award 2005 is in progress.

Technical Associates (Convenor: Dr. Lawrence Poon)

Dr Lawrence Poon is reviewing the Rules and Regulations in order to incorporate Technical Associates membership.

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 about our work and practice.

Get Wired

and stay tuned for e-alerts
please update your email address
whenever necessary via
e2005@hkis.org.hk
or call the Secretariat
on **2526 3679**

Land Surveying Division Chairman's Message



Dominic Siu
LSD Council Chairman

Visit to Department of Land Survey and Geo-informatics (LSGI) of HKPU

The new LSD council visited LSGI of HKPU on 18 March 2005 and met the lecturing staff headed by Professor YQ Chen. Views on various issues concerning the interest of both parties were exchanged

- Promotion of the land surveying profession to secondary school students
- Eligibility of degree / diploma graduates becoming MHKIS / TAHKIS
- Low submission rate of APC by probationers
- Problems of GIS experts joining LSD of HKIS
- Processing of HKPU lecturing staff membership application.

Though we were facing many problems ahead, both parties considered that the meeting was very constructive and had enabled us to have a better understanding with each other and to cultivate closer working relationship toward the goal of educating quality land surveyors in our profession.



Boundary Survey Advisory Committee (BSAC)

The BSAC had held a meeting on 2 March 2005. Following

the enactment of Land Title Ordinance last year, BSAC would prepare a draft letter addressed to HPLB proposing the provision of boundary determination in the proposed Amendment Bill to Land Registration Ordinance (Cap 128).

Technical Membership Application and Representation in LSD Council

According to the assessment result, by 1 April 2005 there will be 64 applicants qualified for submission of ATC. There are 16 applicants who require less than 3 months experience and another 52 applicants who require more than 3 months experience in order to fulfill the experience requirement of technician grade membership stipulated in the constitutions before they can submit the ATC.

The Chairman with LSD office bearer met a few TAHKIS members on 28 February and invited them to join the LSD council as Co-opt members.

Draft Reciprocity Agreement (RA) HKIS/RICS and HKIS/ICES

The draft RA proposed by the Working Group on HKIS / RICS Relationship which was tabled and endorsed in the Exe Com Meeting on 24 March. Basically, there are two conditions laid down in the proposed RA with RICS;

- One year post qualification practice relevant to a division of HKIS
- Professional interview conducted by HKIS to verify the applicant's competence and suitability for admission to the relevant division.

Regarding the of RA with ICES, I am personally quite open to the issue so long members of the other Institute are of comparable standard to HKIS.

For your information, HKIS President is going to meet President of ICES in UK in early April to discuss the Reciprocity issue.

Quantity Surveying Division Chairman's Message



Sam Cheng
QSD Council Chairman

Surveyors Lunch

The HKIS Surveyors Lunch was organized by the QSD on 22 March 2005 at the Hong Kong Bankers Club. Mr David Lane of Currie and Brown Widnell Ltd was our guest speaker and he delivered a talk on "**Private Finance Initiatives – Hong Kong and United Kingdom**". Some distinguished guests included Ms C K Au,



Deputy Secretary of Housing, Planning and Lands Bureau, Mr Marco Wu, Director of Building, Mr Kenneth Pang, Commissioner of Rating and Valuation, Mr P L Kwan, Project Manager, Kowloon, and the Hon Patrick



Lau, Legislative Councillor, Architectural, Surveying and Planning Functional Constituency was also present. All participants enjoyed the luncheon.

Reciprocity Agreement between CECA and HKIS QS Division

With the support of Environmental, Transport and Works Bureau of the HKSAR Government, a formal meeting was held on 23 March 2005 in Beijing when the President TT Cheung, QSD Chairman, Sam Cheng and Hon Secretary, Spencer Kwan met the senior representatives of the Ministry of Construction and Ministry of Personnel to follow up the progress on the signing of the Reciprocity Agreement. All parties now aim to sign the proposed reciprocity agreement in May 2005 whenever possible. After the meeting, the HKIS delegation also met with CECA to discuss arrangement for the required training and assessment. If everything goes as planned, the assessment of professional competences to HKIS and CECA applicants will take place in September 2005.

West Kowloon Cultural District Project

In response to the current public consultant on the West Kowloon Cultural District project, HKIS has presented a paper to the Legislative Council at its meeting held on 31 January 2005. Following this submission, HKIS held

informal meetings with some government officials and Legco members to further discuss and exchange our suggestions. HKIS was subsequently invited by the Subcommittee on West Kowloon Cultural District Development of the Legislative Council to elaborate our views at its meetings held on 16 March and 23 March 2005. It is worth mentioning that HKIS was the only organisation being invited at these meetings. HKIS's submissions provided high-quality and impartial input for LegCo members to deliberate on relevant contentious issues.

New Standard Form of Building Contracts 2005

The existing standard form of building contract used since 1968 is a faithful copy of the JCT contract 1963 version. Over the past 37 years, the construction industry has undergone drastic changes, but there are not many amendments made to the existing standard form of building contract. As a result, there are a number of disputes being resolved by judiciary means, and some developers have resorted to drawing up their own contract conditions. With more than seven years of concerted effort by the Joint Contracts Working Committee (JCWC), the new Standard Form of Building Contracts 2005 will be officially launched on 11 April 2005 to replace the existing Standard Form of Building Contracts. Initially, this Standard Form of Building Contracts comprise three documents, namely standard form of main contract (with quantities), nominated sub-contract works and nominated supply works. The Honourable Henry Tang Ying-yen, GBS, JP, Financial Secretary of the HKSAR, will be the officiating guest at the launch ceremony.

Junior Organization Chairman's Message



Lesly Lam
JO Chairman

HKIS JO Team – The earliest dragon in Stanley (赤柱的第一條龍)

The JO spirit in striving for excellence is now being demonstrated in Stanley every Sunday until Tuen Ng Festival. On 20 Mar 2005, the HKIS JO Dragon Boat Team had begun our first practice. It is believed that we are the first team among all others to maneuver the dragon boat in Stanley. There is a will and there must be a way. With stamina training and practice for nearly 3 months, we definitely have the greatest confidence to show you something in the final dragon boat competition at Tuen Ng Festival.



Million appreciations should go to our magnificent coach – Joseph Wong (the guy in white as shown in the photo), who is a land surveyor and a sophisticated paddler representing one of the champion team, **UT & UBC team**, last year in Stanley.

On 23 Mar 2005, we took wines from cellar to the most gorgeous place – Lan Kwai Fong, for tasting again. Upon

training by the wine expert from Watson's Wine Cellar in our other event **Wine Tasting with HKJJC** on 11 Mar 2005, we put our acquired knowledge into practice in a wine bar. The Italian Chianti, Spanish Rioja, French Bordeaux and Chinese Chairman's Reserve indeed gave us a great sense of relaxation and fulfillment after our exhausting office works. Many senior members also came to share the joy with us in these few happy hours. Thank you very much to the event organiser – Danny Cheung!

Moreover, you must find that JO's engine is being turned up to the highest in organizing both CPD and PQSL events. Million thanks are still not enough to express our greatest appreciation to those convenors including Joseph Chong, Kelvin Ng, Kenny Chan, Vincent Lim, George Leung, KK Yung and last but not least, our JO representative in the Editorial Board, Emily Ling, who is now doing many great jobs in the HKIS newsletter Surveyors Times. She and Karen Kong handle the corner **Getting to know the Council** and arrange interviews with our dearest council members. Please don't miss this corner.

Beyond enjoying our excellent voluntary services for you, please do join JO to share our great fun as well. I am confident we can count on your continued support and commitment to achieve greater heights in the years ahead. My email and ICQ are leslylam@hkis.org.hk and **2145098** respectively.

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**CPD: Being a Real Estate Writer
 (CPD/JO/2005026)**

Guest Speaker Mr. Stephen Chung
 BS Bldg(HKU) MS(MIT) MRICS MHKIS
 MAACE PQS RPQ-QS F.PFM NAREIT
 Managing Director, Zeppelin Real Estate
 Analysis Limited
 Director of Assets, Zeppelin Property
 Development Consultants Limited

**Date, Time
 & Venue** Thursday, 5 May 2005
 7:00 pm – 8:30 pm
 SLC, HKIS

Details Stephen has been a real estate writer for a number of years, and his articles and analyses have been / are published in various media and websites, including the Hong Kong Economic Journal, China Daily, centanet.com, e-finet.com, the HKIS Journal, PM Network Magazine, and the like. He has also created and developed his company's website www.real-estate-tech.com through which real estate ideas are shared with interested parties.

Stephen has a background in quantity surveying, project management, and brokerage, and has been involved in real estate development, investment, and asset management in Hong Kong / China, Asia and North America. More recently, his focus has turned to real estate analysis and investment strategy. Stephen hopes to share his experience as a real estate writer with members.

Language English (plus Chinese where applicable)

Fee HK\$100 per person

Deadline 28 April 2005

Priority Probationers and Student Members

**CPD: Foreign Investment in Asian Real Estate - Obstacles and Opportunities
 (CPD/JO/2005031)**

Guest Speaker Mr. Andrew Moore
 – MHKIS, MRICS, Pamfleet (HK) Limited

**Date, Time
 & Venue** Tuesday, 10 May 2005
 7:00 pm – 8:30 pm
 SLC, HKIS

Details Pamfleet is an independent group of companies providing real estate investment and development advisory services throughout Asia, formed in November 2000.

In 2003, Pamfleet was involved in the acquisition of a 400,000 sq.ft office called Vicwood Plaza in Sheung Wan for HK\$842.8 million with Morgan Stanley Real Estate Fund, both as an investor and local operating partner.

In 2004, Pamfleet being the lead manager for the consortium comprising Morgan Stanley Real Estate Fund and Pioneer Global Group Ltd successfully bid for the holding company that owns in excess of HK\$2 billion of retail and office assets (Paliburg Plaza, a 24 storey office building in Causeway Bay (217,000 sq. ft.) and Kowloon City Plaza (640,000 sq. ft.)). Pamfleet serves as local operating partner of the project.

Mr. Andrew Moore has been heavily involved in property investment and asset management. In this talk, he will share his experience in their recent acquisitions, in the context of "foreign investment in Asian real estate – obstacles and opportunities."

Language English

Fee HK\$100 per person

Deadline 26 April 2005

Priority Probationers and Student Members

**CPD: Innovation in Construction
 – Robotics, Pre-fabrication and Space
 Architecture (CPD/QS/2005029)**

Guest Speaker A Scott Howe, BUS(Utah), M Arch(Utah), MS (Mich), PhD(Mich), NCARB, AIAA, Assistant Professor, Department of Architecture, University of Hong Kong

**Date, Time
 & Venue** Thursday, 12 May 2005
 7:00 pm – 9:00 pm
 SLC, HKIS

Details Dr. Howe is an Assistant Professor in the Department of Architecture, HKU, where he is teaching design studio and computer media as well as doing research on Kit-of-Parts Theory and automated constructions.

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He is one of the committee members on the American Institute of Aeronautics and Astronautics (AIAA) Design Engineering Technical Committee (DETC) Aerospace Architecture subcommittee, establishing policy, design principles and working on various NASA projects. He has spoken in many seminars regarding construction robotics and construction systems used by various contractors in Japan.

In this talk, he would talk to us about the latest construction robotics and construction systems being used in Japan, as well as his latest research projects full of innovation ideas. Definitely this talk would inspire the surveyors of the latest trend of construction technology.

Language	English
Fee	HK\$100 per person
Deadline	28 April 2005
Priority	Quantity Surveying Members

CPD: Mobilising your Facilities Management Workforce (CPD/P&FMForum/2005013)

Guest Speaker Mr. Antony Lee, MBA (Hong Kong University of Science and Technology), BSc (Hon) in Electrical Engineering (University of Michigan, USA), Certified Information Systems Security Professional (CISSP) by ISC2

Date, Time & Venue Thursday, 19 May 2005
7:00 pm – 8:30 pm
SLC, HKIS

Details In the highly competitive service industries, quicker response to client is key to success. Challenge is to lower operation cost by increasing field force productivity. The promising advancement of wireless communication technologies and mobile devices makes it easy for mobile workforce to access service details in real-time. Service organizations can leverage the high mobile data bandwidth offered by 2.75G, 3G or WIFI connections. From the clients' perspectives, they will experience quicker service response to emergencies and receive more accurate service status information.

Mr. Antony Lee will illustrate the details by

the Anyware Service System developed by Richwap in order to show the benefits for the entire facilities management operation. The Anyware Service product family enables enterprises (mainly Property Management Companies, Building Services Companies, Facilities Vendors like elevator or air-conditioning companies, and Electrical and Mechanical "E&M" Contractors) to manage their workforce remotely via mobile devices. The initial project of Anyware Service has been granted the Mobile Multimedia Communication Design Award by the Hong Kong Institution of Engineers. Subsequently, the Innovation and Technology Commission approved funding for the productisation of Anyware Service, the project has been completed in 2004. The University of Hong Kong plays an advisory role in providing leading-edge mobile technologies while industry partners provide professional opinions from users' perspective guiding the entire development.

Language	English
Fee	HK\$100 per person
Deadline	5 May 2005
Priority	First-come-first-served basis

CPD: Design & Build Contracts (CPD/QS/2005036)



Guest Speakers Mr David Goldstein, Partner in Minter Ellison's Asian Construction team
Mr Brian Downie, Senior Associate in Minter Ellison's Asian Construction team
Mr Ilan Freiman, Senior Associate in Minter Ellison's Asian Construction team

Date, Time & Venue Thursday, 19 May 2005
7:00 pm – 8:30 pm
Lecture Room, Joint Professional Centre, Unit 1, Ground Floor, The Center, 99 Queen's Road, Hong Kong

Details The talk will cover issues such as introduction to the traditional form of contracts and design & build contracts, key contractual issues for design & build contracts and common areas of dispute under design & build contracts.

David Goldstein has considerable

experience in the drafting and negotiation of building contracts and development agreements, advising on building contracts and on contractual issues and strategies arising during the course of a construction project. He is also highly experienced in all kinds of dispute resolution in relation to the construction industry.

Brian Downie is highly experienced in both contentious and non contentious construction-related work. His work with the construction industry includes advising on contract formation, project delivery strategies, project risk analysis, contract administration and project monitoring.

Ilan Freiman – has drafted and advised on development agreements, construction and engineering contracts, project and construction management agreements, consultancy agreements and supply agreements for large scale infrastructure projects and property developments. In addition, he has negotiated asset management agreements and commercial and retail leases for major shopping centre and office tower developments. Ilan also regularly acts for clients in all forms of dispute resolution in the construction and property development industries.

Language English

Fee HK\$100 per person

Deadline 12 May 2005

Priority QS Members

CPD : REIT (CPD/JO/2005039)

New

Guest Speaker Mr Paul Hart, JP (Queensland, Australia), FRICS, FHKIS, RPS, API

Date, Time & Venue Monday, 23 May 2005
7:00 pm – 8:30 pm
SLC, HKIS

Details In the presentation Mr Paul Hart will look at REITs' from a number of perspectives.

Paul will highlight the qualities of REITs which make them attractive investment vehicles, drawing direct comparisons with other real

estate and equity investment options. From an international overview of REITs he will lead on to a more detailed look at Asia, focusing on Japan, Korea and Singapore. He will discuss the factors, such as legislation and regulation of the REIT environment, which have influenced the varying degrees of success and failure experienced in these markets. This international perspective allows Paul to establish reference points for how he believes Hong Kong's REITs will perform.

Working at Chesterton Petty Ltd as Executive Director, Mr Paul Hart is a Chartered Surveyor with a broad base of experience covering asset management, property due diligence and development consultancy. Paul is an advisor to HSBC on the management of their Hong Kong Estate including the disposal of repossessed properties. He has also advised institutional and corporate clients such as Hang Seng Bank, Standard Chartered Bank, Macquarie Bank, Goldman Sachs, UBS, KCRC, MTR Corporation, Housing Authority, Cathay Pacific, Farport (the Frankfurt airport authority), and Schiphol Airport. Before joining Chesterton Petty, Paul ever worked at The Airport Authority, Rating & Valuation Department in HK, Richard Ellis & Queensland Electricity Commission in Australia.

Paul works closely with the Asset Management Services, Valuation and Business Space & Investment Divisions in Hong Kong and China.

Language English

Fee HK\$100 per person

Deadline 13 May 2005

Priority Probationers and Student Members

CPD: Hong Kong Land Boundary Survey – Future Development and Career Aspects (CPD/LS/2005038)

New

Guest Speakers Mr Au Yeung Ping-kwong, Deputy Director of Survey and Mapping Office, Lands Department;
Mr Wong Chung-hang, Senior Vice President of HKIS; Chief Land Surveyor of Highways

Date, Time & Venue	<p>Department; Prof Leung Shou-chun, MBE, Director of Leung Shou Chun Surveying Consultant Ltd; Dr Conrad Tang, Associate Professor, Department of Land Surveying and Geo-Informatics, The Hong Kong Polytechnic University.</p> <p>Wednesday, 1 June 2005 6:00pm – 7:50pm (Speech Section); Room No. TU201, The Hong Kong Polytechnic University, Hungghom, Kowloon;</p> <p>8:00pm – 9:30pm (Dinner Section, Optional); Four Seasons Chinese Restaurant, 14/F, Li Ka Shing Tower, The Hong Kong Polytechnic University, Hungghom, Kowloon</p>
Details	<p>We land surveyors understand that our land boundary system is far from perfect. There are ways that we could contribute to the betterment of the property market. Recently, with the enactment of the Titles Registration Ordinance, the new boundary determination clauses give a new solution to handle boundary survey work. We also look forward to the improvement of Land Survey Ordinance to provide a full coverage of land boundary surveying works. Facing increasing demands of Authorized Land Surveyors, it is opportune for our industry to set a formal development path for young land surveyors to acquire the Authorized Land Surveyors status. This seminar invites four speakers to speak from the viewpoints of the government, our professional institute, the private practitioner and the academics.</p>
Language	Chinese with complement of English
Fee	HK\$100 per person (Speech Section ONLY) HK\$150 per person (For BOTH Speech and Dinner Sections)
Deadline	25 May 2005
Priority	LS Members

CPD: Hong Kong and PRC Construction Law (CPD/QS/2005032)

Guest Speaker Mr. Gilbert Kwok, FHKIS, LLB (English law), LLB (Chinese law), Immediate Past Chairman

Date, Time & Venue	<p>of the Quantity Surveying Division, HKIS, Partner and Head of the Construction Group of Li & Partners</p> <p>Thursday, 9 June 2005 7:00 pm – 8:30 pm SLC, HKIS</p>
Details	<p>Gilbert Kwok is a chartered surveyor and a qualified Hong Kong lawyer. He has extensive experience in drafting and advising on construction contracts consultancy agreements and other relevant contracts relating to a wide range of construction projects in Hong Kong, Macau and PRC. He has also acted on behalf of employers, contractors and consultants in various construction litigations and arbitrations. He has given lectures in various cities of China including Chongqing, Harbin, Beijing, Tianjin and Guangzhou on various construction and development related subjects.</p> <p>In this seminar, Mr Kwok will share his experience with us in both the non-contentious (contract drafting) side of his practice and his dispute resolution practice. He will also provide us with an update on current construction issues and cases. This is a seminar that should not be missed.</p>
Language	Presentation in Cantonese (with English/Chinese Handout)
Fee	HK\$100 per person
Deadline	26 May 2005
Priority	Quantity Surveying Members

CPD : Gaining an Insight of Contract Administration to typical Conditions of Contract for Civil Projects (CPD/JO/2005034)



Guest Speaker	Mr Michael Yu BSc (Hons) MRICS MHKIS MinstICES, Deputy Director, Widnell Limited
Date, Time & Venue	<p>Thursday, 28 July 2005 7:00 pm – 8:30 pm SLC, HKIS</p>
Details	In recent years, the contract value of civil engineering projects, e.g. bridge, highway

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and railway projects, dominates in the overall annual construction work in Hong Kong. Knowledge in contract administration for civil projects is becoming an important and crucial topic for QS practitioners, particularly for those who have always been working in building projects.

Mr Michael Yu, a Chartered Quantity Surveyor, holds the position of Deputy Director in Widnell Limited. He has an extensive experience in contract administration work in different civil engineering projects. In this CPD event, Mr Yu will introduce the typical conditions of contract used for civil works in Hong Kong. Based on his extensive experience in contract administration gained in a recent West Rail project, Mr Yu will also present us the key Conditions in the KCRC Form of Contract.

Language	Cantonese with English supplement
Fee	HK\$100 per person
Deadline	30 June 2005
Priority	Probationers and Student Members

PQSL : Application of Navigation System by using Geo-information System (GIS) and Global Positioning System (GPS) (CPD/JO/2005011)

New

Guest Speakers	Mr. Eric Ma, Mphil(GPS), BSc, RPS(LS), MHKIS, MRICS, MHKSPRS Survey Manager, Fugro Geotechnical Services Ltd. Ms Sandra Au, MSc(IT), BSc Consultant, Horizon Technologies Ltd. (CAD & GIS Solution Centre)
Date, Time & Venue	Thursday, 16 June 2005 7:00 pm – 8:30 pm SLC, HKIS
Details	The talk will review the state of art of the

applications of navigation system by using Geo-information System (GIS) and Global Positioning System (GPS). The talk will introduce the different approaches of GPS positioning at sea and on land, which have recently been applied successfully in civil engineering projects in Hong Kong. Speakers will also share their experience in using GIS for car navigation and mapping purposes. Integration of GIS and GPS systems in a PDA handheld system will be shown in the talk. The advantages and challenges of applying the integrated system in our daily life will also be discussed in detail. Outdoor demonstration of the PDA handheld system (a mobile GIS that has GPS built in) is arranged after the talk and the speakers will explain some basic functions of the system to the members.

Language	Conducted in Cantonese supplemented with English
Fee	HK\$70 per person
Deadline	9 June 2005
Priority	Probationers and Student Members

PQSL – QS Consultancy Practice Sharing - Interim Payment (CPD/JO/2005035)

New

Guest Speaker	Ms Doris Wong BSc (Surveying) (HKU) MHKIS MRICS
Date, Time & Venue	Thursday, 21 July 2005 7:00 pm – 8:30 pm SLC, HKIS
Language	Conducted in Cantonese supplemented with English
Fee	HK\$70 per person
Deadline	7 July 2005
Priority	Probationers and Student Members



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Good public private partnership practices and West Kowloon Cultural District – part 1

Dr Paul H K Ho
Vice Chairman QSD

This paper examines the development approach adopted by the Government in the West Kowloon Cultural District (WKCD) development project, any deviations from internationally established good principles and practices, and the appropriateness of using Public Private Partnership (PPP) for developing the WKCD¹.

Development Approach in the WKCD Project

In face of the huge fiscal deficit in 2003 and 2004, the Government wishes to utilise the commercial experience and financial resource of the private sector for the planning, design, finance, construction, maintenance and operation of the whole WKCD project for a period of 30 years. Thus, WKCD is clearly a PPP project. However, based on its Invitation for Proposals (IFP), it appears that the development approach adopted by the Government largely follows the old-fashioned design-operate-transfer model.

The Government's Efficiency Unit issued a document entitled **An Introductory Guide to Public Private Partnerships (PPPs)** in August 2003, but the IFP was issued on 5 September 2003. Many of good principles and practices developed in other countries for PPP projects have been neglected, leading to wide criticisms by the public.

Deviations from Good Principles and Practices

The Government argued that **the IFP process is well in line with the underlying key principles of the Introductory Guide and the WKCD project can satisfy the common elements of the PPPs set out in the Introductory Guide.** The Government also argued that **while the Introductory Guide sets out the general guidelines for PPPs, it is well recognised from the outset and as stated in the Introductory Guide that detailed**



arrangements for PPPs can and should be crafted individually to suit the particular circumstances that are encountered in each instance². While the Efficiency Unit should be in a better position to comment the Government's practices, one may consider whether the Government has properly implemented the WKCD project from the perspective of good PPP practices established in some overseas countries.

Financially Free-Standing or Subsidized Project

According to the Government's Introductory Guide, if a PPP project requires funding support, the client department should submit a bid for funds through the Resource Allocation Exercise process. For capital costs, the bureau will need to secure capital funding under the Capital Work Reserve Fund. For operating costs, the bureau has to confirm whether it can absorb the recurrent funding or whether it needs topping up from the centre. **On the other hand, a financially free-standing project would require no formal legislative or financial approvals from the LegCo (p.10).** Apparently, the Government argues that the WKCD is a **self-financing project** and therefore, there is no need to seek funding approval from the Finance Committee of LegCo.

On the other hand, the Introductory Guide also clearly stipulates that **a project where the government intends to grant land for less than the paid-up market value would normally require consultation with the LegCo (p. 10)** and also that **the client department must ensure that the private partner is not permitted to sell, sublet or otherwise dispose of the land, or reduce its economic value without the approval of the government (p. 51).** The Introductory Guide further stipulates that **the client department needs to consider how to ensure that the public purse receives its fair share. This might involve ... the cross-subsidy of loss making services that the private partner must provide. As a general point, these arrangements should be as transparent as possible. If there are to be cross-subsidies, ... it should be made possible for the extent of the subsidy to be determined (p. 52).**

It is clear that the arts and cultural provisions of the WKCD project cannot be self-financed without cross-subsidies through property development within the 40 hectares of land. Therefore, some LegCo members feel that the Government has circumvented the normal procedure of

seeking approval for expenditure in the WKCD project. In many other countries, a financially free-standing project is defined as the cost of the project fully met by users of the services. All public projects procured either through PPP or traditional approach are subject to similar stringent approval procedures. If there is any transfer of Government's assets (such as land and property) to the private partner, it should be fully accounted at its market value.

Project Justification by Business Case

In line with some good practices developed in other countries, the Government's Introductory Guide also requires that **once the client department has identified a project or a service that is required, and is considered to have potential as a PPP, a feasibility study including an initial assessment of the business case should be conducted (p. 9)**. Unfortunately, the Introductory Guide provides no specific detail in respect of the functions and contents of the required business case, thus creating a grey area in the consultation / approval process.

In the United Kingdom³, the sponsoring department must justify its PPP projects by means of a business case submitted for approval in two stages. An outline business case should be submitted at an early stage of the project, and a final business case should be submitted before entering into any contract with the preferred private partner. Typically, an outline business case consists of at least the following two essential elements:–

- 1 **Options appraisal** to identify the preferred project and procurement option,
- 2 An assessment of the **economic benefits, value for money, affordability and bankability of the preferred service delivery option**.

Appraisal of Project Options

Options appraisal typically consists of two stages; firstly, the appraisal of project options to identify the project that best meets the service delivery needs, and secondly, the appraisal of procurement options to identify the procurement route that is likely to offer best value. In respect of the WKCD project, the appraisal of project options is to identify the types and standards of arts and cultural facilities and services that will best serve the community at large. It includes the analysis of existing arts and cultural facilities and services, key service standards and outputs, the condition of current assets, trends in public opinion about

the arts and cultural facilities and services, and the overall cultural policy of Hong Kong. Should this appraisal exercise has been thoroughly conducted, there should be more precise output specifications for various arts and cultural facilities and services and fewer criticisms from the arts and cultural sector.

Appraisal of Procurement Options

The appraisal of procurement routes is to identify the potential procurement options (i.e. traditional, PPP or other approaches) available to deliver the arts and cultural facilities of the WKCD project, and also to establish which route is likely to offer the best value for money. The Government stated that **the development of the WKCD is a Public Private Partnership (PPP) project which fosters a long term relationship between the Government and the private sector in the development of world class arts and cultural facilities and the provision of high quality arts and cultural programmes by bringing in the private sector's financial strength and commercial knowledge and expertise (p. 4)**⁴. The Government also argued that the conventional way of dividing the project into smaller packages and inviting tenders would require the Government to draw up its own master layout plan based on uncertain assumptions of what would be commercially viable in an integrated development. The Government considers that tendering out smaller packages with a view to using the land sale proceeds for developing the cultural facilities impractical and this would involve hypothecating the general revenue³. It appears that the Government has directly decided to adopt the PPP model for the development of WKCD project based on two key reasons: tapping the financial resources of the private sector and utilizing their commercial knowledge and expertise as **the market-sensitive business sector can bring in more innovative ideas and greater flexibility**⁵.

Some overseas experiences indicate that when the government faces a budget deficit while the public demands for more and better public facilities, there is a strong temptation for them to adopt the PPP model to deliver public facilities. This situation also appears in the WKCD project as observed from the following speech given by the Chief Secretary for Administration:

"It is unfortunate that we have to face a huge fiscal deficit at this time. There will not be sufficient public resources to support such a mammoth project worth over \$20 billion in the next five years or beyond. We all know that while the Government has limited resources, the resources of outside world are in abundance. The

private market is having a very strong liquidity ... It is the ideal time to bring in the partnership of the business sector in public facilities development⁶.

While appreciating the Government's good intention for provisions of better public arts and cultural facilities, the following comments made by the UK's National Audit Office may also be valid:

"The attractiveness of not having to find the money up front to meet the initial capital cost creates a strong incentive for departments to present their PFI⁷ deals as the preferred choice simply to get them to proceed. Departments may also be under pressure to choose the PFI option so as to keep debt off the public sector balance sheet. These potential risks underline how important it is that the PFI route should be chosen only after a robust value for money assessment of all the options."

In other words, budget deficit should not be a good reason for adopting the PPP approach. The second reason for adopting PPP approach is based on the belief that the private sector is superior to the public sector in terms of commercial management, expertise, efficiency and quality for the provision of relevant arts and cultural facilities and services. Should the alleged benefits exist

either in quantitative or qualitative terms, the Government should be able to demonstrate so as all proponents have already submitted their preliminary proposals. In this regard, one should bear in mind that the same or similar local and international architects, museum operators and other consultants can also be appointed directly under the conventional approach.

Endnotes (for Part 1 only)

- 1 This is a summary of the paper presented to the Legislative Council at its meeting held on 16 March 2005.
- 2 The paper (No. WKCD-91) submitted by the Housing, Planning and Lands Bureau to the Subcommittee on WKCD Development of the Legislative Council in February 2005
- 3 There are also similar practices in other developed countries. The preparation and submission of a justifiable business case is an essential element of a PPP project
- 4 Same reference as Endnote 2
- 5 Background Brief of the West Kowloon Cultural District [LC Paper No. CB(1) 318/04-05(02)]
- 6 Speech by the Chief Secretary for Administration on the Motion on West Kowloon Cultural District Development Project in the Legislative Council on 26 November 2003
- 7 PFI means private finance initiatives, which is one type of PPP models in the UK.

Design liability of contractors



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

Under most standard forms of Contract the Contractor's design liability is limited to the design of Temporary Works and any Permanent Works expressly stated in the Contract as being the Contractor's responsibility.

The Kowloon and Canton Railway Corporation (KCRC) General Conditions of Contract Clause 12(1) is a typical example of this principle:

The Contractor shall design:

- a) the Temporary Works, save to the extent expressly provided to the contrary in the Contract; and*
- b) any part of the Permanent Works expressly required by the Contract to be designed by the Contractor*

Generally elements of the Permanent Works to be designed by the Contractor are expressly detailed in the Particular Specification.

Therefore where the Permanent Works are designed by the Employer (or his Architect of Engineer) the Contractor has no liability for such design under the Contract. Also at common law, the attitude of the courts is now to exclude the Contractor from any liability, for the Employer's design.

This was not always the situation however as can be seen by the case of **Brunswick Construction v Nowlan (1974)**.

In this case the Employer had engaged an architect to design a building. The Architect's design was defective in that he had not made any allowance for ventilation of the roof space. The Contractor completed the building and

defects appeared in the roofing and in particular the timbers of the roof due to the lack of ventilation. The Employer duly sued the Contractor (who was a bigger organisation than the self employed Architect and thus more readily able to pay!). The Contractor argued that it had simply constructed the works in accordance with the Architect's design. A reasonable defence one would think. However the court held the Contractor had an implied duty to warn the Employer of the poor design.

This seems harsh, and may well have been decided on the specific facts of the case (in particular the fact that the Architect had not been employed to supervise the works and the Employer had relied on the skill of the Contractor).

However the Courts have now moved away from this position. In **University of Warwick v Sir Robert McAlpine (1988)** it was held that a contractor was under no implied duty to ensure that a specified remedial process was fit for its purpose, and in **University of Glasgow v William Whitfield and John Laing Construction (1988)** it was held that contractors owe no general duty to the employer to warn of design deficiencies, i.e. the opposite of the Brunswick case.

When the Contractor is responsible for the design of the Permanent Works, or at least an element of the Permanent Works, then unless the Contract expressly states to the contrary it will be implied (by reason of the Sale of Goods Ordinance) that the Contractor is liable to produce a design that is fit for the purpose intended.

This is a different, and far more onerous level of liability than, for example, an architect or engineer when engaged by the Employer to produce a design for them. In such circumstances the liability is the same as for any professional man engaged in his profession, i.e. a duty to provide the services with all proper professional skill and care befitting a person in his profession.

A good example of the difference between the **fit for purpose** and **reasonable professional skill** standards can be seen in the well known case of **Independent Broadcasting Authority v EMI Electronics Ltd and BICC Construction Ltd, HL 15 May 1980**.

The case concerned the construction of a television mast for the Independent Television Authority (ITA), in the United Kingdom. The mast was cylindrical and nearly a quarter of a mile in height, with a diameter at its base of a mere nine feet. In March 1966 the mast collapsed.

ITA had engaged EMI Electronics as main contractor for

the design, supply and erection of the mast. The design however had not been carried out by EMI (although they were of course contractually liable for it). The design had been subcontracted to BICC, who were recognized specialists in the design and construction of latticed steel masts. It was decided however that this mast would not be a latticed steel mast but would be formed of a cylindrical steel construction tied back to the ground with steel cable stays. This was unique and had never been done in the United Kingdom before.

The applicable British Standard at the time required that the mast should be capable of withstanding wind speeds of 80 miles per hour at 40 feet above the ground. In the event, the mast collapsed with wind speeds of no more than 20 miles per hour.

The investigation indicated that the very cold weather conditions had played a part. There had been snow and freezing rain which had produced ice on the mast and its cable stays. This ice loading had been asymmetric, i.e. only present on one side of the mast (the side facing the prevailing winds). The result was that the mast was pulled over towards the cables which were laden with ice, creating tension on the opposite side and this caused the collapse.

The court proceedings went as far as the House of Lords where BICC accepted that it had not taken into account ice loading in its design of the mast, having assumed wrongly that ice would be blown off the cables long before critical wind speeds were reached.

Notwithstanding this admission, BICC argued that the duty it owed in carrying out design work for the mast was to exercise reasonable skill and care, i.e. the level of a professional consultant engineer. This meant that it was not enough simply to show that the mast had failed. It would be necessary to show that BICC had not met the standard of the ordinarily competent structural engineer.

As no similar masts had been designed or built in the United Kingdom at that time, the design was very much **state of the art**, and BICC argued that they were not liable because the failure of the mast was not something that an ordinarily competent engineer could have foreseen.

However the Court did not accept BICC's argument. They held that in entering into a contract for the design, supply and erection of the mast, EMI had impliedly undertaken a duty towards its client that the mast would be reasonably fit for its intended purpose. The judges made it clear that

in the absence of words to the contrary, contractors who undertake to design the whole or part of structures will be taken to have accepted liability to design that structure to be fit for the purpose intended.

This is quite different the court said to a professional architect or engineer engaged by the Employer who is under a duty to exercise all proper professional care and skill, but with no guarantee of success.

It seems harsh that a Contractor who carries out design of an element of the permanent works is under a greater duty with regard to his design than the Consultant who has designed the remainder and it may be for this reason (as well as the difficulties encountered by Contractor's in getting insurance cover for fit for purpose design) that have encouraged some employers to expressly reduce the

Contractor's design liability under the Contract to the same duty as would be owed by a professional architect or engineer, i.e. the duty of all proper professional care and skill. A good example of this is the KCRC Clause 12 (3):

"..... to the extent of his design obligations, the Contractor warrants to the Employer that:

a) he has exercised and shall continue to exercise in his design of the Temporary works and the relevant part of the Permanent Works, all the skill and care to be expected of a professionally qualified and competent designer experienced in undertaking the design of works of a similar nature and scope?"

which is clearly a far more reasonable approach than the common law would provide.

Special circumstances of any kind whatsoever

Clause 50(1)(b) ground (xi) of the General Conditions of Contract (GCC) for Civil Engineering Works, 1999 edition, refers to a cause of delay described as:-

"(xi) any special circumstances of any kind whatsoever."

This cause of delay provides the contractor with an entitlement to extensions of time but, as the same cause of delay does not appear in GCC Clause 63, then there is no reimbursement of any additional costs which may have been incurred by the contractor due to this cause of delay.

So what are "any special circumstances of any kind whatsoever"?

Employer's Default

Well they are not delays caused by an employer's default. In **Peak v. McKinney (1970)** it was held that to entitle the employer to grant extra time for his own defaults, the extension of time clause must provide, expressly or by necessary inference, for an extension of time on account of such default or breach on the part of the employer.

Further, the cause of delay referred to in GCC Clause 50



Brian E Rawling
FRICS FASI MCIArb FCIQB FHKIS
MAE MEWI RPS (QS)
Managing Director
Brian E Rawling & Associates Limited

(1)(b) ground (vii) covers disturbance to the progress of the Works which has been caused by the employer, or engineer, or a specialist contractor:-

"(vii) a disturbance to the progress of the Works for which the Employer or the Engineer or a Specialist Contractor is responsible including but not restricted to any matter referred to in Clause 63, or"

Outwith the Contractor's Control

It is generally understood that for a cause of delay to be classified as **any special circumstances of any kind whatsoever** it must have been outwith the contractor's direct control. Such causes would include shipping delays, or a tsunami, or SARS, or material shortages, to name a few causes.

Albeit that the contract makes the contractor responsible for the timely supply of all things necessary for completing the Works by the date for completion, there are the provisions in GCC Clause 50(1) which entitle the contractor to extensions of time if delays are caused by the excusable causes of delay listed in GCC Clause 50(1)(b) grounds (i) to (xi). Therefore, even if the contractor is responsible under the contract for the timely supply of materials and labour and

the timely performance of its subcontractors, if it is delayed by a cause outwith the contractor's direct control then it becomes entitled to an extension of time under the provision referring to **any special circumstances of any kind whatsoever**.

The terminology used to describe this cause of delay; i.e. **any special circumstances of any kind whatsoever** is very wide particularly in the words **of any kind whatsoever**. Indeed, it is difficult to imagine a cause of delay, outwith the contractor's direct control, that would not be covered by this terminology.

Foreseeability

If, at contract award, the contractor could reasonably have been expected to have foreseen an event occurring which caused delay (not that such event could occur but there was a reasonable expectation that it would occur), and the extent of the delay so caused was also reasonably foreseeable, then it is thought that that delaying event would not be covered by the provision **any special circumstances of any kind whatsoever**.

Authorities

There are few authorities on what causes of delay are covered by the provision referring to **any special circumstances of any kind whatsoever**. In the 4th edition of Keating, on page 493, the author referred to a similar provision in the ICE 5th edition **other special circumstances of any kind whatsoever**. The author of Keating states that the words **of any kind whatsoever** prevent the operation of the **ejusdem generis** rule so that the cause of delay need not be limited to the kinds of delay referred to in GCC Clause 50(1)(b) grounds (i) to (x). The author of Keating stated:-

*"Whether particular facts can amount to **special circumstances** will depend upon construction of the whole contract, including any special terms or conditions. Prima facie, delay by a sub-contractor, nominated or direct, cannot rank as a special circumstance."*

With regard to the comment on subcontractor delays, these may be excusable (refer to later comments on subcontractors).

The author of Keating also stated:-

"While the provision entitles the contractor to an extension in respect of any circumstance falling within the ordinary meaning of the words, such general words

will not be construed as entitling the engineer to grant an extension in respect of delay due to the employer's default. Unless such default falls within an express ground for extension, such delay will invalidate the liquidated damages clause, as will the failure to grant an extension to which the contractor is entitled. The engineer should therefore grant any extension, the necessarily for which is a default by the employer, under any of the express grounds (i) to (xii) supra which apply, and should not rely upon the general ground."

Therefore, if there are two or more causes of delay referred to in GCC Clause 50(1)(b) grounds (i) to (xi) which cover the event for which the contractor is seeking an extension of time, one of which is GCC Clause 50(1) ground (xi), then the engineer should award the extension of time under the other provision.

This rule would equally apply to the knock-on effects of an earlier delay; e.g. additional work ordered under GCC Clause 60, which caused later works to be delayed into a period where, for instance, there were material shortages and this caused further delay. The appropriate provision under which the further extension of time should be granted in these circumstances would be GCC Clause 50(1)(b) ground (iv):-

"(iv) a variation ordered under Clause 60."

Materials

So what about the failure to obtain materials on time where the supply of such materials is delayed by factors outwith the contractor's control; e.g. a shortage of steel reinforcement or the unavailability of some particular pipe fittings for a watermain diversion? A lot will depend upon the details of the particular case.

If the contractor had failed to order the materials on time, and that was the cause of the shortage or unavailability, then that would not qualify for consideration for an extension of time under GCC Clause 50(1)(b) ground (xi).

However, if the contractor had ordered the materials on time and it was circumstances completely outwith its control that caused the delay in delivering the ordered materials then that would appear to be covered by this provision.

Further, if the contractor had been unable to order the materials on time, for instance, due to lack of information from the employer, and then there were shortages of

materials, or certain materials became unavailable, then that would appear to be covered by this provision but it would also be covered by the cause of delay referred to in GCC Clause 50(1)(b) ground (vii) quoted above.

Labour

So what about labour shortages? Under the contract the contractor is responsible for the provision of adequate labour resources.

Given the present state of the industry, it is difficult to imagine a shortage of labour where it would be outwith the contractor's direct control. However, during the height of the ACP there were labour shortages and government imposed restrictions on the import of labour by rationing the issue of appropriate labour importation permits. Therefore, in those circumstances, delays caused by insufficient numbers of workers could qualify to be considered as a cause of delay covered by GCC Clause 50(1)(b) ground (xi).

SubContractors

What about delays by subcontractors? Delays by nominated subcontractors are covered by the cause of delay referred to in GCC Clause 50(1)(b) ground (x):–

“(x) delay on the part of any Nominated Sub-contractor for any reason specified in sub-clauses (b)(i) to (ix) of this Clause and which the Contractor has taken all reasonable steps to avoid or reduce, or”

So, if the nominated subcontractor is delayed by a cause of delay, for which the contractor is also entitled to an extension of time, then the contractor is entitled to an extension of time to compensate for the delays caused by the nominated subcontractor. The same would apply to domestic subcontractors.

However, there appears to be a drafting glitch as GCC Clause 50(1)(b) ground (x) does not encompass GCC Clause 50(1)(b) ground (xi). Therefore, if a nominated subcontractor was delayed by **any special circumstances of any kind whatsoever**, then the contractor would not be entitled to any extension of time unless the contractor was also delayed by the same cause of delay.

If a nominated subcontractor caused delay due to a cause of delay not covered by GCC Clause 50(1)(b) ground (x), then the contractor would not be entitled to an extension of

time under GCC Clause 50(1)(b) ground (xi) unless the contractor was also delayed by the same cause. Such causes of delay to a nominated subcontractor and not covered by GCC Clause 50(1)(b) ground (x) could include the provision of inadequate resources, defective work, late preparation of shop drawings and the like.

However, if the subcontractor was domestic and the cause of the subcontractor's delay was covered by the terminology **any special circumstances of any kind whatsoever** then the contractor would be entitled to an extension of time.

The Grove Report

The Grove Report recommended the avoidance of catch-all clauses such as **any special circumstances of any kind whatsoever**. The Grove report stated:–

“This is an invitation to stretch ingenuity and the results are unpredictable. This is not to say that supplemental agreements should not be based on special circumstances, only that such ambiguities do not belong in the contract itself.”

With all due respect to the Grove report, there is no ambiguity in GCC Clause 50(1)(b) ground (xi) and, if that provision was not in the contract, then an engineer could not consider it and an employer would be unlikely to enter into a supplemental agreement to excuse the contractor for delay caused by **any special circumstances of any kind whatsoever** when that cause of delay was not an excusable cause of delay.

However, Ian Duncan Wallace expressed similar views to those stated in the Grove Report in his books **Construction Contracts : Principles and Policies in Tort and Contract** at paragraph 23-39 and Hudson's Building and Engineering Contracts (10th edition) at page 653. Mr. Wallace stated that such a provision could make the extension of time provisions unenforceable in common law countries.

Conclusions

To qualify for an extension of time under GCC Clause 50(1)(b) ground (xi); i.e. **any special circumstances of any kind whatsoever** the cause of the delay must be:–

1. outwith the direct control of the contractor; and
2. unforeseeable at contract award.

內地和香港解決建築合同糾紛的方法 有甚麼不同 — 第二部



Gilbert Kwok
Immediate Past Chairman
QS Division

糾紛解決

在建築糾紛解決方面，國內和香港主要有以下幾種方法：—

A 訴訟

1 分類

國內 根據最高人民法院2000年10月30日以法發[2000]26字印發試行的《民事案件案由規定》，建設工程合同糾紛包括以下五種：

- (a) 建設工程勘察合同糾紛；
- (b) 建設工程設計合同糾紛；
- (c) 建設工程施工合同糾紛；
- (d) 建設工程分包合同糾紛；
- (e) 建設工程監理合同糾紛。

香港 香港高等法院（處理超過港幣100萬元以上的案件）沒有類似的分類，但有一個建築及仲裁庭，處理與建築及仲裁有關的訴訟。

2 外國法的適用

國內 有些學者認為，我國國際民事訴訟中很少有關於外國法是事實還是法律的爭議，但傾向於把外國法視為法律的，因為《民法通則意見》第193條在確認外國法的查明方法的時候，首先要求的是法院確認外國法的內容。

香港 跟英國法律一樣，香港採取外國法事實說，把外國法視為事實，而非法律。由於事實問題的證明責任在於當事人，當事人不舉證，法院不給於適用。

3 法律依據

國內 跟草擬合同一樣，審理建設工程合同案件應依照《合同法》第十六章關於建設工程合同的規定。

香港 香港法庭審理建築工程合同案件的依據一般是按普通法的規定。

4 語言

國內 人民法院是用中文，或按《民事訴訟法》第11條的規定，在少數民族聚居或者多民族共同居住的地區，用當地民族通用的語言、文字來進行審理。

香港 在1997年前，法庭是用英文。現在大部份法庭都可以讓當事人選擇用英文或中文。

5 程序

國內訴訟和香港訴訟程序上最主要有以下兩點

交換證據和證人證供程序

普通法的民事訴訟的其中兩個最重要的程序是交換證據（即當事人向對方展示證據）和證人證供。一般這兩個程序的律師費可能佔整個訴訟的費用的五份之二或以上。這是由於建築糾紛主要是關於工程延誤和工程瑕疵等涉及大量證據的糾紛。

國內訴訟沒有這兩個程序，所以訴訟的費用可能會比較低一點。

但由於建築訴訟的複雜性，在開庭時才提出證據有機會會延誤審訊，所以國內的訴訟應考慮加進這兩個中間的程序或類似的程序。

法庭收集證據

人民法院可以根據《民事訴訟法》第64條的規定調查和收集證據。這種職權，只能在當事人及其代理人因客觀情況而不能收集證據，或人民法院認定有必要時，才採取的措施。有學者認為，這種權力有助於提高人民法院查明案件真實，從而作出判決提供前提基礎。

B 仲裁

國內仲裁和香港仲裁最主要有以下分別

機構仲裁

國內仲裁是機構仲裁，仲裁是由有關的機構全面安排。香港雖然也有仲裁中心（香港國際仲裁中心），但該中心一般只委派仲裁員及提供仲裁場地，其它的事項一般都由仲裁員自己來安排。

仲裁庭

國內的本地仲裁是由3名仲裁員或者1名仲裁員組成（《仲裁法》第30條）。

香港的本地仲裁的仲裁庭是由1名仲裁員組成。涉外的仲裁才由3名仲裁員組成。

仲裁員費用

國內仲裁的仲裁員費用已包括在仲裁費用內。而仲裁費用通常按仲裁爭議的數目的百份比來計算。

香港仲裁員的收費一般按時間來計算，一般大概是港幣2,000元至8,000元一個小時（按仲裁員的資歷而定）。因此，即使爭議的數目可能很少，但如果爭議的問題比較複雜，仲裁費用可能會超過爭議的數目，使權利人可能要放棄追討欠款。

C 調解

調解是在建築合同的第三方主持下的合同雙方的糾紛和解談判。如果調解成功，雙方要簽訂和解協議。

如果調解要成功，調解人必須要對建設工程、合同等有豐富的知識，而且調解人要中立、客觀和公正。

國內 在國內的調解方式主要有以下三種類型：

1. 行政調解
是在上級業務主管部門主持下的調解。
2. 法院調解或仲裁調解
是在法院或仲裁機構主持下進行的調解。如果當事人不自動履行調解協議時，人民法院可以強制執行。
3. 民間調解
是指非由上述1或2項下機構主持的調解。這應該包括中國國際商會等機構，按其調解程序和規則所進行的調解。

香港 跟國內不同，香港沒有行政調解。

關於這方面，香港國際仲裁中心，可以提供場地和調解規則，以供合同雙方使用。

另外，政府的標準合同也有調解協議。如果有糾紛，政府工程合同的雙方要進行調解，如果調解失敗，才能用仲裁來解決糾紛。

在私人工程方面，即使有調解協議，私人工程的調解，有機會被合同的一方用作拖延解決糾紛的方法，即在進行調解後幾個月也沒有和解，最後還是用仲裁或訴訟來解決糾紛。

反而在政府工程方面，由於業主是政府，應該沒有拖延解糾紛的意圖。

D 其它

爭端評審

所謂爭端評審，無論是評審委員會，或者是評審專家，是指合同雙方通過事前的協商，選定獨立的第三者或委員會，對爭議作出決定，約定合同雙方都願意接受該約定所約束的一種非正式糾紛解決方法和程序。

國內 FIDIC 標準合同，以及世界銀行貸款的項目中所提出的，以爭端評審委員會（DRD）方式解決爭議的方式，已經被我國的水利水電施工項目借鑒，逐步引入。在一些大型施工項目如二灘水電站等上開始運用。而且，在水利部、國家電力公司和國家工商行政管理局於2000年2月23日發佈的《水利水電土建工程施工合同條件》（GF-2000-208）中（第44.2及44.3條），規定水利水電工程建設，可以通過由合同雙方在合同開始執行時聘請的爭議調解組進行爭議評審和調解。

香港 上文提及的香港九廣鐵路標準合同，有爭端評審委員會的安排。

至於爭端評審專家，幾年前便在建築署的工程中開始使用，在建築合同簽訂前，建築商要和政府議定委托一個爭端解決顧問，在有糾紛時，可以由該顧問作出決定。

可能是由於這幾年建築署爭端解決顧問的成績不錯，這項安排已經在房屋署的工程上被應用。

總結

從上文第1段和第2段的分析，可以看到國內和香港在建築合同，以及糾紛的解決各方面都有多方面的不同。

在訴訟方面，香港的程序可能會對建設糾紛較為合適，但在仲裁方面是國內的程序比較適合。

但有一點是肯定的。近幾年，國內的工程數量和所涉及的金額是香港甚至世界其它地區或國家都無法達到的。在前幾個月的「時代周刊」一篇文章內，美國的著名建築師說，他在國內5年的經驗，可能是他一輩子在美國也不可能有的。

因此，本人認為，香港的工程專業人員，尤其是測量師，應該利用本身的知識，在了解國內和香港在建築合同和糾紛解決的分別的前提下，支持並投入我國的建設工程。

Site visit to Langham Place

Gary Yeung
Vice-Chairman
Property and Facility Management Forum

On 26 February 2005, more than 50 members of the Property & Facility Management Forum were accompanied by Mr David Chiu, Assistant General Manager of Great Eagle Properties Management Co Ltd to tour around the office show suite on the 55th Floor and the magnificent shopping mall. It has been an honour to have David and



their Senior Marketing Manager, Ms Yvette Ng, sharing their experience on the taking-over and marketing of the new development. Their presentation was marvelous especially on the study of catchments area and trade mix.



The secret of success of the top ten Property Marketing Award winners



Kelvin Ng
JO Committee

Subsequent to the **HKIS Property Marketing Award 2004** launched by the General Practice Division, Mr Ronald Cheung, the CEO of Midland Realty Ltd, current committee member & Convener of the Sale & Letting & CPD Panels of the General Practice Division shared with us the secret of success of the top 10



Property Winners through prior face to face interviews with those winners.

Mr Cheung began the seminar by recapitulating the ideas of the marketing award and defining what is successful

property marketing i.e. achieved good sales result, the audiences would find it enlightening. The CPD culminated in a climax when Ronald analysed the factors to success by Cases Studies of individual winners with 'the buzzwords'. The CPD ended with a big applause. We hope Ronald will soon unveil the next secrets of success in 2005.



深圳商場及百貨業 — 香港測量師北上竅門



鄭威文 BSc(Hons), MSc
JO Committee
JO Mainland Affairs Convenor
梁偉聰 BSc(Hons), MRICS, MHKIS, AISC
JO Hon. Secretary
JO Mainland Affairs Convenor

測 測量師在香港的商場市場上，主要工作包括市場調查及研究、策劃、招商和物業管理等，而一般都是以發展商，顧問公司及物業管理公司為主。香港土地資源有限，每年新落成的商場寥寥可數，測量師的工作大部份都集中在續租及換入、換出租戶，有點砌積木的感覺，未能全面發揮測量專業知識。隨著國內房地產迅速發展，加上香港發展商不斷擴大國內投資發展，甚至連經營商場很出色的香港地鐵也開始了深圳地鐵商業發展，促使測量師在商場租戶組合及市場定位等方面的經驗帶進內地。



專業意見；現在不單是港資發展商僱用香港測量師北上發展，國內發展商也漸漸重視香港測量專業參與。

中央的宏觀調控，另國內不少商場建設放慢下來，但這卻造就了國內有實力的發展商，減少競爭，集中力量發展現代化的大型商場。作為長期資產增值的工具，縱然投資建設商場比住宅要複雜，回報要更長時間才反映，但效益往往會更大。而國內商場項目亦注意到長期經營成功並不是單單招滿租戶這麼簡單，在前期規劃、市場定位、租戶組合等都需要專業人才去處理；香港測量師的經驗不單可以滿足這方面需求，更提供了土地發展分析、財務安排等一切與土地運用的



國內商場在這兩年發展得比較成熟，這可能是大部份商場都已懂得找香港或國際級的商場策劃及管理人才去處理項目發展。隨著消費者對商場消費模式改變，集購物及娛樂於一身的大型綜合性商



例子有「萬象城」及「金光華廣場」，傳統的百貨業也慢慢從領導地位退下來。

商戶組合是商場的靈魂。在CEPA效應下，不少中小型的香港連鎖店都開始北上開拓市場。然而他們在國內經驗較少，不知如何選擇合適的舖位，在街舖，商場或者百貨公司；且不熟國內商貿法律法規，加上國內稅制複雜，往往令他們行動緩慢，甚至不敵國內的競爭者；因不熟各項法規，遲遲未能出牌，生意未開展已賠了本。



場，包括餐飲、電影院、甚至溜冰場等檔次較高，全面提供Shoppertainment的地方，深圳的

這批企業亦明白要成功打入國內市場，借用國內力量，而國內地大物博，在省與省以至縣與縣都有不同的政策及關係，所以很多品牌連鎖店都交由當地有實力、經驗及關係網絡的代理商，透過他們的關係去開拓他們熟識的市場，如KFC及7-11都是全交由內地代理去開拓市場，而像六福珠寶及恆豐金業等則會將部分店舖交給代理，當中以二線城市較常見。



筆者提醒往國內開拓零售業的朋友，必須全面視察整個行業，落點周圍環境，可用市場比較法去估算租金，亦可找測量師提供全面投資風險評估、回報、物業用途及租賃合同的細節。在租金計算方面，除了固定租金，亦有部份商場可按底租加營業額比例計算，而一些較知名或有特色的商戶如大型餐飲或電影院，亦可要求由業主付裝修費及設備系統，將投資風險減低。另外，香港免租期主要是留給客戶作裝修用途，但在國內則可額外要求免租期作開業推廣之用，而大部份商場都會在管理費上另加推廣費；各式各樣計算方法雖然複雜，但配合得宜，對零售商戶可提供更大的彈性。

報、物業用途及租賃合同的細節。在租金計算方面，除了固定租金，亦有部份商場可按底租加營業額比例計算，而一些較知名或有特色的商戶如大型餐飲或電影院，亦可要求由業主付裝修費及設備系統，將投資風險減低。另外，香港免租期主要是留給客戶作裝修用途，但在國內則可額外要求免租期作開業推廣之用，而大部份商場都會在管理費上另加推廣費；各式各樣計算方法雖然複雜，但配合得宜，對零售商戶可提供更大的彈性。

一般人認為香港大型連鎖店受惠於自由行，近兩年度生意大幅上升，應會放慢國內發展步伐，但事實上剛剛相反，雖然自由行帶旺了市面，但業主的反應比市場更快，加租的幅度之大，比自由行來得更厲害，這反使他們有更大的需要去拓展國內市場。以某珠寶店為例，今年將會在國內多開100間分行，在國內店舖數目會增至400間，可見市場發展潛力之大。一些個別的行業，如化妝品及珠寶是最受自由行國內遊客歡迎的，亞洲人對黃金需求特別高，當中華人佔大比例，這包括在嫁娶，節日慶典及傳統上有特別意義，但國內金飾營運商反映自由行不能完全代表國內市場，畢竟能到香港的只佔少數，而且在交通及時間成本可能更高，所以對國內顧客影響不大，加上國內經濟增長速度迅速，已足夠抵銷自由行流失的客戶。

另外，不少企業在進入國內市場初時都未有利潤，雖然在人工及租金成本上大大減輕，但大多進口物品都有非常高的進口稅，而在其他稅項支出方面也較高，員工服務未達標準，需要大量的培訓工作才可提昇到滿意。這方面的支出也不能少看。另外，分店數目少，造成入貨、物流等成本上漲也令商戶本身的優勢減低。

Christian

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The Lord is my shepherd, I shall not want.
Psalm 23:1

Getting to know the council

理事專輯

Francis Leung – Honorary Secretary

Emily Ling
(Editorial Board - JO Representative)
Karen Kong, Vincent Lim & Sylvia Mok
(JO Committee)

It must be quite a challenge to be the Hon. Secretary of our Institute which has over 6,000 members. Tell us more about your job.

First of all, it is my honour to be able to serve the Institute and our members. My service with the Institute can be traced back to some ten years ago when I first served on the Quantity Surveying Divisional Council. During the past years I have met and worked with a lot of nice people. I am indebted to them for the guidance and support. It has been great fun working with them too. I guess some good knowledge about the operations of the Institute is an important ingredient of my present job as the Hon. Secretary. I cannot adequately describe it without mentioning two key members of the Administration Office: **Margaret Yung** on my left and **Linda Chan** on my right. They have been of enormous help. Margaret and her team give strong administrative support to the day-to-day running of the Institute. Linda helps me as the editor of the **Surveyors Times** and the **Hong Kong Surveyor Journal**.

Some of the Hon. Secretary's duties are in fact "constitutional", insofar as they are stipulated in our Constitution and Bye-laws. For example, I am required under Bye-law 2.1 to keep a Register of all members in the various grades. My post is also empowered to communicate with members, on behalf of the General Council, on matters in connection with professional conduct and regulatory actions. Of course I am not expected, nor should I be allowed, to act alone. In this regard, I am the agent overseeing the implementation of various decisions of the General Council. I see myself as the focal point of communication between members at large and the management of the Institute. I have to be always up-to-date on members' needs and concerns and make sure that the General Council, as the executive vehicle, is well-informed, well-positioned and well-equipped to respond to



▲ Left to Right : Linda Chan, Emily Ling, Francis Leung, Sylvia Mok, Margaret Yung

them. I sometimes joke with **TT Cheung**, our President, that if something gets done, it's because of the CEO's vision and leadership, but if anything fails, it's either because the CEO acts on inaccurate information or because there is inadequate administrative / executive support, both of course being the Hon. Secretary's responsibility!

What makes you work for the Institute?

I just said I am privileged to have met a lot of nice people. I mean it. That I think is the driving force. As you know, my full-time employment is a civil servant, who, by nature of his work, does not need too much interaction with people apart from official dealings. Working with the Institute has allowed me a good chance to broaden my base of contacts, beyond quantity surveying as my own field of specialization, to people in other surveying disciplines, and to other fields, related or not related to surveying. Through the various contacts, I am able to look at things from many different angles. I guess that helps me to look deeper into issues, step into others' shoes, and come up with solutions geared to people's real needs and concerns. That helps me a lot in my personal development, and I hope my career too. That I see is the real reward of the job.

Quantity Surveying seems to be a profession

confined only to the British Commonwealth. Being an ex-chairman of the QS Council, what are your comments?

As your present series of interviews will soon cover **Sam Cheng** (Chairman of the current QS Council), I'd better leave the strategic issues concerning quantity surveying to **Sam**. But you are right, QS is a profession relatively unknown outside British ties. That does not mean that there is no demand for our services. In countries such as the United States and Japan, they have professions called cost engineers or contract engineers to look after cost planning and contract administration in construction. In fact, in the Mainland, you won't find people practising as quantity surveyors. However they do have a national association of cost engineers, with which the HKIS is in very close contact as our counterparts (對口單位). I'm sure when you meet **Sam** he will tell you more about how the HKIS managed to assist our counterparts in the Mainland to set up their contract management and tendering systems, a gradual migration from their previous practice of fixed-price (定額) to market economy.

What is your view on the heated debate on the procurement of the West Kowloon Cultural District (WKCD)?

Again not to pre-empt the views of our Working Group on WKCD or the QS council, I would confine my comments to the principles of Public Private Partnerships (PPP). I say this from my experience of convening the HKIS 20th Anniversary Conference on PPP last year (May 2004), when together with **Dr. Paul Ho** (Vice-chairman of QS council), we had a good chance of getting first-hand knowledge about PPP practices in other countries, such as Australia, Canada and UK. As PPP is new to the HKSAR, we all are in the learning phase. Nobody can claim himself to be an expert. However, we surveyors, with our expertise in procurement, real estates and lands, are best placed to build



up a knowledge-base and help devise PPP models and protocols that are suitable to the local context. With reference to the "good practices" governing PPP, the present mode of procurement for WKCD is inadequate in terms of competitive tension, risk allocation and transparency. The good news is that, from our dialogues with PPP experts in other parts of the world, they have all gone through the same hurdles, or to put it bluntly, committed the same mistakes in their early stages of PPP. It is kind of fortunate that we will learn from others' mistakes, if – a big if – we see our shortcomings and are ready to learn. In the President's meeting with **Mrs. Rita Lau** (Permanent Secretary for Housing, Planning and Lands) (see page 5, March issue), and the Working Group's subsequent meetings with the LegCo Panel, the HKIS has made comments and proposals around these principles. Our comments and proposals have been well received. I am glad to see the HKIS contributing to this landmark project.

Can you share with us some of your unforgettable projects?

One slight regret of being a QS is that you can never claim "ownership" of a project. The best you can say is that you are a part of it. Yet, I am proud to be involved in a number of big and successful projects. I was the secretary of a number of Implementation Committees which represented the Government in overseeing the construction of government-funded projects, including the HK Convention & Exhibition Centre Extension, the North District Hospital, and the Tseung Kwan O Hospital. All these multi-million dollars projects, under the supervision of the Government and its agents, were completed on time, within budget, and to the satisfaction of all. Although I may seem biased, you will understand why personally I am not too critical of the Government's ability and goodwill in managing the West Kowloon Cultural District project. On the other hand, it must be acknowledged that the public now expects much more from the Government than before: being able and fair is not good enough; it must also be seen to be so.

What do you do during your leisure time?

Hobbies of a typical boring QS! My definition of leisure time includes family time. Reading, swimming and simple circuit training. They are good ways to help me get away and stay relaxed. One good thing of these hobbies is that you are really on your own, meaning total flexibility in scheduling. In my case, it is office work, Institute work, family and hobbies, in that order.

Women in Surveying**測量半邊天****Daphine Wong - a passion for cafe, from building surveying to building own business**Kelvin Ng
JO Committee

On a hazy day, while on the way to visit a client at Hanyee Building on Hankow Road, the aroma of coffee from a café captured my attention, I could not help looking and caught sight of a familiar face whom I have not seen for 3 years. It was Daphine Wong, who was preparing coffee for her customers. She greeted me with a cup of freshly brewed coffee. At which time, I asked why a qualified Building Surveyor should turn into a waitress in a Café!

Where did you obtain your degree in Surveying? Why did you choose this profession?

Hong Kong Polytechnic University. I was not qualified to enter the Faculty of Architecture and since I was very interested in the building industry, I put down Building Surveying as the second choice and got accepted.

Why does the surveying profession attract women?

There is not much sex discrimination in surveying. In fact, I found many women assume high position in this profession and are responsible for sizable projects, may be because women are more cautious than men, and they think in a more systematic manner. These are the pre requisites for surveying work.

What was your experience as a surveyor?

Right after graduation from university, I worked in the Buildings Department as a Building Surveying Graduate responsible for the enforcement of Ordinances and Regulations. After that, I worked in the Housing Society as a Maintenance Officer, and then the Buildings Department as Building Surveying Officer, finally in DTZ as an Assistant Project Manager.

How long have you been working in the property related field? What is your view on property market & real estate professional services in China?

About 3 to 4 years. Nowadays, people in mainland China are becoming more and more concerned with their living environment and building safety as their education level and

general living standard escalate. I therefore strongly believe the demand for building / real estate professional services in China will increase drastically in the coming years.

How did you get to this stage of your business?

After I quitted my last job due to personal reasons, I was perplexed with my career path. I found that working in the building industry cannot fulfil me as I know that I am more interested in the kind of jobs that relates to 'people' rather than technical projects. Also, owning a café was my one of my dreams, I decided to develop my own business and try something completely new. To be honest with you, it really is not an easy task as developing a new business is such a great challenge to me.

Do you have any plans for a second Café?

Haha... No. Café is only one of my dreams, but I have many dreams and want to make all of them come true. When my cafe runs smoothly and my staff can operate it well independently, I may try to work in an elderly home, or may leave Hong Kong and go around other countries for a year, or study abroad, or be a volunteer in third-world countries.

Describe your work in a typical day? What is the most demanding part of your business?

I have to make all the preparations in the morning. When the café is opened, I serve customers, cook food and make drinks in bar counter. Meanwhile, I have to control the stock level and make sure the availability of foods and brewery is sufficient for the day. If the café is not too packed, I like to read books and chat with customers or friends. Each night after the café is closed, I will have to record the day's income and expenditure.

I guess I need all the energy in the world to run my business. When the café was first open for business, I have to work 15-16 hours per days and 7 days a week without any rest. Moreover, as the owner of the café, profitability of the business always worries me, and I am constantly under great pressure for that.

What are the differences between working in the surveying industry and running your own business? What are the essential personal skills for the success in running a business?

Working in the building surveying requires much technical knowledge, which may include building contract administration, lands and licensing, maintenance and building technique, building control regulations, construction materials and technologies.

Running my own business is completely different from working in the building industry. Fostering good relationship with customers and suppliers is the main concern of my day-to-day task. For me, working in the building surveying industry is a technical career, whilst running a café calls for high interpersonal skills. One should be confident, hard working, sensitive to the market (i.e. customers' needs), capable of overcoming any unpredictable problem, always equipped with contingency plans, and have visions, ... In particular, you must always remind yourself that difficulties may come anytime and you must always be well prepared, be alert, go all the way to achieve success, and leave the rest to our kindest God.

What do you think of the prospect in surveying? Will you come back?

It was said that 'A Building Surveyor is equivalent to the doctor of Buildings'. However, I believe a good building surveyor should not just assume the role of a doctor, but also be a nutritionist of buildings. He / she should not only help the buildings to recover from any damage, more importantly, the main task should be to ensure that the building is a healthy, bright, fit to live in, environmental and user friendly one. I believe building surveyors can achieve this by starting from building design, and make use of advanced maintenance / construction technology to foster a more ecological living environment.

I really do not know whether I will return to the building industry, however, I must admit that I'm still interested.

What do you do in your spare time? Do you have any particular interest?

Outdoor activities, we should not imprison ourselves in

air-conditioned / covered spaces. We must keep in close contact with sunshine, fresh air and the nature from God. I like photography, astronomy, cooking, hiking, sailing, music, swimming and am fond of all kinds of activities that are interesting and appeal to me. However, I must admit that I am not an expert in any of the above.



Which is your favorite building in Hong Kong?

Hong Kong Museum of Coastal Defense (海防博物館).

After all, Daphine is the boss of the café, not a waitress. If you happen to stroll along the streets of Tsim Sha Thui and want to rest your legs at Peace Square, let Daphine offer you a fine cup of freshly brewed coffee. Perhaps, Peace Square will become the surveyors gathering locus.

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Date	Event	Organiser	Location	
2005				
April	16 – 21	FIG Working Week 2005 and XXVIII General Assembly	FIG (International Federation of Surveyors)	Cairo, Egypt
	18	HKIS EGM on Formation of Property & Facility Management Division	HKIS	SLC, HKIS
May	28 – 31	Value Management for Design & Construction Methodology & Application	HKIS/City University of Hong Kong	Island Pacific Hotel, HKSAR
	31	Sustainability/LEED & Life Cycle costing – Their Role in Value-Based Design Decision-making (VM) City University	HKIS/City University of Hong Kong	SLC, HKIS
June	2 – 3	VM International Conference “Why re-invent the wheel?”	HKIS/HKIVM (HK Institute of Value Management)	HKECC, HKSAR
	4	An interactive session: function analysis	HKIS/City University of HK	Island Pacific Hotel, HKSAR
	23	Hebei-Hong Kong Week – Infrastructure and Real Estate Services Seminar	HKSAR Government Beijing Office	Hebei, PRC
September	27 – 29	9 th PAQS Congress 2005 PAQS (Pacific Association of Quantity Surveyors/ CECA (China Engineering Cost Association)	PAQS/CECA	Dalian, PRC
	6 – 8	MOC Conference – Construction Economics, Real Estate and Urban Disaster Prevention	ETWB & Ministry of Construction	Xian, PRC
	7 – 9	第四屆京港澳測繪技術交流會	澳門特別行政區政府地圖繪製暨地籍局	澳門特別行政區
	27 – 29	2005 World Sustainable Building Conference	Japanese Ministry of Land, Infrastructure and Transport (MLIT)	Tokyo, Japan
	(tentative)	HKIS Annual Conference	HKIS	Hong Kong SAR
October	16 – 22	International Property Valuation Conference & FIG Commission 9 Working Week	FIG/HKIS/CIREA (China Institute of Real Estate Appraisers and Agents)	Beijing, PRC
	31	IVSC AGM	IVSC (International Valuation Standards Committee)	Brazil
November	(tentative)	HKIA, HKIE and HKIS Joint Conference	HKIA, HKIE & HKIS	Hong Kong SAR
	18	HKIS Annual Dinner 2005	HKIS	Hong Kong SAR
	18	WOBO Annual Meeting	World Organization of Building Officials (WOBO)	Hong Kong SAR
	19	WOBO Conference 2005	World Organization of Building Officials (WOBO) / HKIS BSD	Hong Kong SAR
December	(tentative)	第八屆兩岸城市地理資訊系統學術論壇會議	CUHK/HKIS (LSD)	Hong Kong SAR
		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				
May	12 – 17	FIG Working Week 2007 and XXX General Assembly	FIG/HKIS	Hong Kong SAR

For further details, please contact the HKIS office on 2526 3679 or visit www.hkis.org.hk

NB: SLC = Surveyors Learning Centre, 811 Jardine House, 1 Connaught Place, Central, Hong Kong

Wine Tasting

Ross Marks, wine expert from Watson's Wine Cellar was in the Surveyors Learning Centre to lead us through wine guessing, the history, background and categories of various red wines on 11 March 2005 organised by the JO. We are also pleased to have the Hong Kong Jayceettes Junior Chamber, the lady chapter of the Junior Chamber International to join in this unforgettable evening.

Apparently, wines are grouped by varietal;

- Burgundy
- Chianti
- Rioja
- Pinot Noir
- Shiraz

We hear that the sensorial and organoleptic tasting of wines is a practice requiring lots of commitment, concentration and a continuous training. The knowledge of theory and of the techniques of tasting is certainly useful and represents a valid tool and a starting point in order to plan a good strategy in the sensorial evaluation. After all, wine cannot be understood just by reading it on books: what improves the skill of a taster is what has been poured on his or her glass and that was **read** by his or her senses, and most important, the taster knows the wine because he or she is able to recognize it.



Jean Cheng
Jo Deputy Hon Secretary

