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SURVEYORS

測量師時代
Times

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Man proposes and God disposes
克盡己任

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From the Editor 編者話

Members may be aware that the June issue of **Surveyors Times** was delayed for a few days. This was due to a technical problem on the publication process and I must apologize.

Starting the last issue of **Surveyors Times** and **Surveying & Built Environment**, we have, upon mailing of the publications, made a web broadcast to 7000+ members announcing the publications and the availability of their electronic version (in pdf format) on HKIS website.

The hit count in response to the email was 527 for ST and 253 for SBE on the first day, gradually increasing to 1253 for ST and 699 for SBE on the 10th day. The hit count does not include those who visit the HKIS website directly and view the electronic publications on their own. Indeed the figure is encouraging as it is a positive indication that members do visit our website to have a sight on our electronic publications, apart from reading the hardcopies.

However the present format of our electronic version of the publications may not be perfect enough, it does not support interactive, editing or searching functions. The Editorial Board will continue to look for ways and means to improve the quality of our publications. If members have any views or ideas in this connection, please feel free to let us know.

Ben W H Chong
email : bwhchong@hkis.org.hk

由於技術問題，「測量師時代」6月號比以往晚了出版；就此，我先向各位道歉。

從上個月開始，我們在「測量師時代」和「Surveying & Built Environment」出版的當天，即時向學會超過七千位會員發送電郵，通知大家刊物已經出版，並且可以從電郵直接連線到學會網頁，以「可攜式文件格式」閱讀。

按翌日數據顯示，通過電郵直接連線到「測量師時代」版面的有527人次，而「Surveying & Built Environment」則是253人次。在電郵發送後10日，數字分別是1253和699人次。這些數字並不包括其它直接瀏覽學會網頁而閱讀這兩個刊物的人次。這個情況是令人鼓舞的，因為它意味著讀者們確實會通過瀏覽網頁閱讀電子刊物，而並非單純依靠印刷版。

然而，現在的電子版並沒設置任何網上互動，書寫或編輯功能。「編輯委員會」將就此課題再三研究，提升學會出版事業的質量。如果各位有任何想法或意見，請隨時跟我聯繫。

莊永康
電郵：bwhchong@hkis.org.hk



God disposes and Man proposes

It was 27 June last year when we were in Beijing to sign the reciprocity agreement with the China Association of Engineering Consultants and after many months of hard work by both parties, the training and assessment for reciprocal recognition took place in Shenzhen in July 2007. It is expected that the professional knowledge and experience of the building surveyors from Hong Kong can contribute towards the continued growth of CAEC.

The re-definition of saleable area within the 1999 Code of Measuring Practice has been going on for a while and recently the Housing Panel of the LegCo heard HKIS latest proposal presentation on 17 July. As this latest proposal has incorporated some significant changes, we shall start another round of consultation with interested parties and consider their opinion.

Mrs Carrie Lam, the Secretary for Development, met with representatives from the Institute on 17 July. We have expressed our concern on matters relating to surveyors'

participation in development policy, preservation and conservation of heritage buildings, working harmony among government departments and private sector.

On 19 July, I delivered a speech to a delegation from Xian in a seminar organized by the Trade Development Council. The delegation comprises senior government officials and executives of private enterprises from Xian. Xian is a fast developing city in the Mainland. Members of the delegation are looking for development opportunities in Hong Kong as well as suitable professional services for their developments in Xian. I have briefly introduced to them the property market and the expertise of surveyors in Hong Kong. They appeared to be deeply impressed.

Raymond Chan
President

克盡 己任

去年6月27日學會在北京與「中國建設監理協會」簽訂互認協議，經過多個月的努力，獲取互認資格的培訓和考核試，本月終於在深圳舉行。香港建築測量師在國際市場上所取得的寶貴經驗和廣闊視野對「中國建設監理協會」的發展必然起著正面作用。

有關1999「量度作業守則」裡，銷售面積一詞的修訂工作，在7月17日我代表學會出席立法會房屋事務小組的會議，彙報了學會的最新建議。這新建議結合多方面的重要改變，我們會再次向各方諮詢及考慮其意見。

同日，我和幾位理事代表學會應邀會見「發展局」局長林鄭月娥，會上我們表達了測量界對參與推動基建、文物保

護和公私營合作關係的關注。

7月19日，我代表學會出席由「貿易發展局」主辦的研討會，向來自西安民企的代表團演講。代表團成員眾多，包括政府官員和企業代表。在中國，西安是一個正在高速發展的城市，代表團成員都希望能在香港找到合適的專業服務用以發展其城市。這次演講我以物業市場及專業測量為題，向他們作出介紹，他們表示了濃厚的興趣。

陳旭明
會長

HKIS Diploma Presentation



A total of around 130 members (Fellows, Members and Technical Associates) have been elected on 27 July, 23 November 2006, 25 January and 22 March 2007. A diploma presentation was held on 25 June in the Hong Kong Jockey Club to

celebrate their attainment. 88 members from Building Surveying Division, General Practice Division, Land Surveying Division and Quantity Surveying Division attended and received their diploma from the President.

The President Raymond Chan in his speech has highlighted that members' participation in various community related issues is essential for enhancing the image of the Institute. The President encouraged members to support and participate in events and affairs of the Institute at all times.



During the event, Council Members of the Young Surveying Group introduced to the newly elected members various activities organized by the YSG and welcomed young members to join and contribute to the Institute.



Professor Barnabas Chung, Chairman of the Board of Professional Development, congratulated members who have obtained the diploma, and briefed members on the proposed

Certified Surveyors Scheme and the newly commenced Mandatory CPD.

Members of the General Council have joined and extended their welcome to the newly qualified members, which made an enjoyable and remarkable evening.



Presentation of Appointment Certificates to Honorary Legal Advisors

The President Raymond Chan, presented a souvenir and certificate to Anthony Houghton, who has been serving as the Honorary Legal Advisor for the Institute in the past 3 years, for his professional legal advices and contribution to the HKIS.



In this Council year, the General Council has appointed 3 Honorary Legal Advisors, they are Robert Chan, Gilbert Kwok and Samuel Wong. Appointment Certificates were also presented during the Diploma Presentation.



HKIS Outstanding Dissertation / Project Awards 2006

The HKIS Outstanding Dissertation/Project Awards is dedicated to the pursuit of surveying and built environment knowledge and acknowledges outstanding research work in this arena.

Winners of the HKIS Outstanding Dissertation/Project Awards 2006 (Undergraduates and Postgraduates) received Certificates and Prize Cheques from the President.

Undergraduates

Grand Prize & Top Award (GP) - CHAN Sheung Wah,
University of Hong Kong



An Empirical Study of the Major Determinants of Industrial Property Prices in Hong Kong

Grand Prize & Top Award (QS) - LI Yi Man,
University of Hong Kong

Effectiveness of Various Construction Safety Measures in Hong Kong

Top Award (BS) - CHOW Chun Fai,
Hong Kong Polytechnic University



Smoke Control of Fire in Underground Subway Station

Top Award (LS) - CHAN Tze Man,
Hong Kong Polytechnic University

Noise Mapping in Hong Kong

Second Award (BS) - YUNG Pui I, University of Hong Kong



Building Safety in Hong Kong: An Empirical Inquiry into the Proliferation of Unauthorized Building Works in Residential Buildings

Second Award (GP) - YUEN Lok Yan,
Hong Kong Polytechnic University



A Study on the Effect of Provision of Public Open Space on Premium Paid for Balcony and its Size on Housing Price in Hong Kong

Second Award (QS) - LI Ching Man,
University of Hong Kong



Examination of the Relationship between Organizational Culture and Communication of Construction Companies in Hong Kong

Second Award (LS) - LAM Hoi Lee,
Hong Kong Polytechnic University

Remote sensing of Air Quality in Hong Kong using MODIS Satellite Data

Postgraduates

Grand Prize (PhD) - YIU Tak Wing,
City University of Hong Kong



A Behavioral Analysis of Construction Dispute Negotiation

Grand Prize (MPhil) - CHIU Wing Cheong,
City University of Hong Kong

Multicriteria Decision Making Models for Studying Construction Safety

Grand Prize (MSc) - WU Yat Cheung,
Hong Kong Polytechnic University



Application of GIS for Flooding Study in Hong Kong

Final Report on the FIG Working Week 2007

Hak Chan
Chairman of FIGWW2007 Organising Committee

Audited Account

The final account for the FIGWW2007 has been audited with a handsome surplus of about HK\$300,000. It is with the tremendous effort of those members of the Organising Committee in monitoring the budget and sourcing for value-for-money services and materials whilst not compromising on the quality and quantity of all facilities and supplies for the event that such a surplus could be achievable. This amount will be shared equally between HKIS and FIG and hopefully will be utilized for the furtherance of the surveying profession in Hong Kong and elsewhere.

Meeting with FIG President



The Chairman and the Congress Director had a meeting with the FIG President in the FIG Office in Copenhagen to review the results of the WW and the final account for the WW. It was agreed that the

WW had been conducted totally in accordance with agreement made between the two parties and had achieved the desired results, and both parties had fulfilled their obligations respectively. A symbolic presentation of the share of the surplus was made on behalf of HKIS to Prof Stig Enemark.

Meeting with the Organising Committee of the FIGWW2008 of The Swedish Association of Chartered Surveyors



The Swedish Organising Committee of the FIGWW2008 invited the Chairman and Congress Director to a meeting

held inside the Royal Palace of Sweden in Stockholm to go through how the Hong Kong Organising Committee had organised the FIGWW2007 with particular reference to those critical issues to be aware of. There was so much to talk about that the meeting had to continue over dinner by the quayside. The Swedish Organising Committee extended a warm welcome to members of HKIS to participate in their WW next year.



Closing down of FIGWW2007 Website

The FIGWW2007 Website will be closed down on 31 July 2007, and after that, the WW photographs and Technical Papers will be transferred to the FIG Website. All the email accounts under the domain name of the website will also be closed. HKIS will continue to handle registration enquiries from delegates, and others will rest with FIG.

Closing of the HKIS-FIGWW2007 Bank Account

The bank account, named HKIS-FIGWW2007, which was specially opened for the Working Week will be closed when all the outstanding payments and accounts receivable are fully settled.

Dissolution of the Organising Committee

With the conclusion of the FIGWW2007 and having tidied up all ensuing issues, the Organising Committee has by now fully discharged its duties and has come to a time for its dissolution after four years of its existence. During this period there had been several changes of membership and chairmanship. But in the end the Committee managed to gain whole-hearted and expert support from several of the key members and staged the Working Week in the most dignified and glamorous manner. I wish to express my most sincere thanks to those who had contributed to the Working Week 2007, including, members of the Organising Committee, plenary speakers, authors and presenters of technical papers, chairs and rapporteurs of technical sessions, sponsors, advertisers and exhibitors.

香港專業聯盟 「慶祝香港特別行政區成立十周年 專業論壇暨晚宴」

HKCPS Forum to celebrate the 10th anniversary of the Establishment of the HKSAR



香港專業聯盟於7月12日假香港會議展覽中心舉行論壇，以慶祝香港特別行政區成立十周年。內地相關行業官員、學者、及本地相關專業界別的代表分別就行業的專業服務及發展政策發表講話。論壇出席者達200多人。

上午的論壇由政務司司長唐英年擔任主禮嘉賓，香港恆隆集團主席陳啟宗、衛生部副部長黃潔夫、建設部市場管

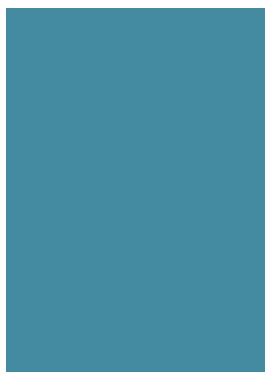
理司副司長王早生、財政部會計司副司長李玉環及司法部律師公正工作指導司副司長周院生分別發表講話。

下午的論壇主要圍繞著國際專業管理經驗分享，並由戴德梁行亞太區主席梁振英、安永會計師事務所中國區主席孫德基、中華醫學會會長鍾南山教授、上海交通大學船舶海洋與建築工程學院劉西拉教授及香港律師會會長何君堯，分別就行業的管理和經驗實踐作出交流。

另外，下午的論壇設有分組討論環節，學會高級副會長余錦雄主持了房地產界別分組討論，當中，中國建築學會會長及中國房地產估價師學會會長宋春華、中國建設監理協會會長張青林、及中國城市規劃

學會秘書長石楠，向與會者分享了香港與內地專業的發展及實例。





香港專業聯盟於同日晚上假香港君悅大酒店舉行晚宴，延開37席。是次晚宴邀得財政司司長曾俊華擔任主禮嘉賓，中華醫學會會長鍾南山教授晚宴中同時發表講話。

學會在本次晚宴中佔五席，並邀得屋宇署署長張孝威、建築署署長余熾鏗、差餉物業估價署署長老興忠及立法會議員劉秀成等作晚宴嘉賓。另外，中國建設監理協會、廣東省房地產估價師與房地產經紀人學會，以及紳耆市不動產估價學會亦應邀派代表出席，場面熱鬧。

Secretary for Development officiating HKIS Annual Conference 2007



Vice President and Chairman of the HKIS Annual Conference 2007 Organizing Committee Francis Leung has said that Secretary for Development of the Hong Kong Special Administrative Region Government Mrs Carrie Lam will be the Guest of Honour at the HKIS Annual Conference 2007 to be held Saturday 13 October in the JW Marriott.

Mrs Lam joined the Administrative Service in August 1980, and rose to the rank of Administrative Officer Staff Grade A1 in September 2006. Mrs Lam had served in various bureaux and departments. She was Director of Social Welfare from August 2000 to October 2003, Permanent Secretary for Housing, Planning and Lands (Planning and Lands) from November 2003 to May 2004, Director-General, Hong Kong Economic and Trade Office in London from September 2004 to March 2006. She was Permanent Secretary for Home Affairs before her appointment as the Secretary for Development.

President meets Secretary for Development

On 17 July, President Raymond Chan led a HKIS Delegation to meet with the Secretary for Development of the HKSAR Government, Mrs Carrie Lam, in the CGO on Ice House Street.

The HKIS Delegation comprised Senior Vice President Yu Kam Hung, Quantity Surveying Division senior member TT Cheung, Chairman of Property & Facility Management Division Michael Price, Chairperson of General Practice Division Serena Lau, Chairman of Planning & Development Division Edwin Tsang and Land Surveying Division senior member Henry Chan.

The Development Bureau was established on 1 July 2007 following the re-organisation of the Policy Bureaux of the Government Secretariat. In his election platform, the Chief Executive has highlighted, inter alia, a number of policy priorities for the third term Hong Kong SAR Government. These include advocating a progressive view on development, alleviating poverty through job creation, and raising quality of life. The work of the Development Bureau is to contribute to these priorities.

Infrastructure development is one of the driving forces of Hong

Kong's economy. It is hoped that this Bureau will speed up the implementation of large scale projects and enhance efficiency in planning and delivery through better co-ordination. At the same time, the public is acutely aware of rising public aspirations for spacious and cleaner environment, higher quality of living and preservation of our heritage. By placing planning, land use, urban renewal, public works and heritage under one roof, the Bureau has to ensure that Hong Kong is in a better position to respond positively to those aspirations.

President meets Mei Ho House Competition jurors

On 17 July, the President, Raymond Chan, represented the Institute at a luncheon with the Adjudication Panel in the Kowloon Club. Building Surveying Division immediate past chairman Edwin Tang accompanied the President.

Also present at the luncheon were President of the HKIA Dr Ronald Lu, President of the HKIE Ir Dr Lo Wai-kwok, Chairman of the Antiquities Advisory Board Edward Ho, Chairman of Shamshuipo District Council Tam Kwok-kiu, Vice-chairman of the Shamshuipo School Liaison Committee Chan Shiu-choy, Chairman of the HKIA Board of Local Affairs Wong Kam-sing. The Hong Affairs Bureau was represented by Chief Executive Office (Heritage) Elsa Wong.

Hong Kong Shenzhen Cooperation Forum

The Central Policy Unit of the HKSAR Government has extended an invitation to the Institute to a forum to be held in the Hong Kong Convention and Exhibition Centre on 13 August. The theme of the Forum is *Jointly Developing a World-class Metropolis* and aims at discussing the strategic significance of the development of Hong Kong and Shenzhen into a world-class metropolis.

Speakers at the Forum include Mayor of the Shenzhen Municipality Xu Zongheng, Chief Executive of the HKSAR the Honourable Donald Tsang, Director of the National Economic Research Institute Professor Fan Gang and Ralph Lewis Professor of Sociology of the University of Chicago Professor Saskia Sassen.





HKIS Annual Conference 2007

Surveyors in Heritage
- Preserving and Adding Value

Saturday 13 October 2007
JW Marriott Hotel Hong Kong
Pacific Place
88 Queensway
Hong Kong

Guest-of-Honour

Mrs Carrie Lam JP
Secretary for Development
Hong Kong Special Administrative Region Government

For enquiries, please email coody@hkis.org.hk or call the Secretariat on 2526 3679.

Local Affairs Committee

Development of a new cruise terminal at Kai Tak

In October 2006, Government announced its plan to proceed with the development of a New Cruise Terminal at the southern end of the former runway in Kai Tak. Government intends to invite an open tender in Q4/2007 immediately after the completion of the necessary town planning procedures under the Town Planning Ordinance. The Tourism Commission has recently developed some proposed development parameters for the Project and invited the HKIS to an exchange session on 9 May held at the Central Government Offices.

According to the consultancy studies commissioned by the Tourism Commission and Hong Kong Tourism Board, Hong Kong will require an additional berth between 2009 and 2015, and one to two berths beyond 2015 to sustain its development as a regional cruise hub. If a new Cruise Terminal is developed, there is strong potential for Hong Kong to become a premier cruise hub in the Asia Pacific region. The consultancy studies estimated that the economic benefits of the new Cruise Terminal can reach HK\$1.4 billion to HK\$2.2 billion per annum by 2020. It may also support some 6,900 to 10,900 employment opportunities in 2020. It is noted that the tourism industry generally supports the development of a new Cruise Terminal in addition to the existing cruise terminal in Tsim Sha Tsui.



The reason given by Government for locating the new Cruise Terminal at Kai Tak is this is the only site within the Victoria Harbour with the capability to provide two or more berths without reclamation. It has a deep seabed and large

manoeuvring space along the former runway for receiving mega cruise vessels. However, there are also constraints in Kai Tak. In view of the vast totally undeveloped Kai Tak area, the development in the vicinity of the new Cruise Terminal will take many years to mature. The new Cruise Terminal may become isolated at its early stage of operation. As an interim measure, there will be an access road connecting the site with the existing Cheung Yip Street. The access within and outside the Kai Tak development area would be a major issue before the completion of the proposed Shatin-to-Central Link, Central Kowloon Route and Trunk Road T2. Therefore, Government should speed up construction of these strategic transport infrastructures.

The successful bidder should be responsible for the design, build, operate and maintenance of facilities throughout the 50-year term of the land lease:

- Berthing Facilities for two alongside berths adjacent to the Cruise Terminal building;
- Supporting Facilities essential for cruise operation such as customs, immigration and health quarantine facilities, baggage handling system, ticketing offices, waiting areas;
- The Commercial Area of the Cruise Terminal building with a maximum non-domestic GFA of 50,000 sq m inside as well as cruise terminal building.

While the Berthing and Supporting Facilities are essential, whether it is necessary to include such a large Commercial Area in the project would need careful planning. According to the Draft Kai Tak OZP, a Tourism Node has been planned in its immediate vicinity, allowing the development of hotels, retails and entertainment facilities (including a landmark building with a public observation gallery) and the Runway Park to accommodate facilities of aviation and other themes. It is also noted that the successful bidder will be allowed to complete the 50,000 sq m Commercial Area in phases by 2020 in view of the significant lead-time for the whole Kai Tak development to mature. If most developments in this Tourism Node can be developed in the similar timeframe, the Commercial Area within the new Cruise Terminal can be significantly reduced. Under such circumstances, no phased development on the Commercial Area would be required, and the successful bidder would not face paying and locking up a large land premium on certain portion of undeveloped land.

On the other hand, as the Kai Tak OZP has been planned and re-planned for more than ten years, if there was uncertainty on its future planning and development, it would be desirable to make the Cruise Terminal self-contained as much as possible. Under such circumstances, a sizeable Commercial Area would be necessary. In any event, the Commercial

Area should be sustainable by its own demand; otherwise, the commercial risk involved would be reflected on the land premium payable for the Commercial Area.

It is noted that the bidders would be required to have a proven track record of

- 3 years experience in operating, managing and maintaining a Cruise Terminal of international standards and with a throughput of 500,000 passengers per years, and
- 10 years experience of developing, managing and marketing large commercial projects of minimum HK\$3 billion and total GFA of 50,000 sq m.

Relatively speaking, it appears that Government emphasises more on bidder's experience in the property development rather than Cruise Terminal operation. Based on these requirements, the Cruise Terminal operator would have to find a property developer as a joint venture partner in the project.

Government wishes to select a bidder who will

- Design, build and operate a world-class New Cruise Terminal which is at least at a par with international standards;
- Market Hong Kong as a regional cruise hub and develop cruise itineraries for Hong Kong;
- Attract cruise vessels home-porting at the new Cruise Terminal; and
- Respond to market demand and engage the industry.

Government should assign a relatively higher weighting to the qualitative aspects than the land premium, say at the ratio of 70:30, in assessing the bids. In principle, this tender assessment approach is supportive in order to achieve the objectives. However, given the large amount of land premium involved and relative competitiveness of the cruise industry, how it may work in practice is interesting.

Open Forum on Tamar Development

A Central Government Complex and a Legislative Council Complex, together with an open space, will be developed at the Tamar site in Central, Hong Kong Island. Four pre-qualified tenderers were earlier invited by Government to submit tenders for the design-and-build contract for the project. In view of the uniqueness and significance of the Tamar project, Government has organised an exhibition during the tender evaluation stage to provide an opportunity for the public to comment on the tender design proposals before final selection by the Special Selection Board. In this regard, the Local Affairs Committee and Young Surveyors Group organised

an open forum on Tamar Development on 19 May. Christine Loh, CEO of Civic Exchange and Freddy Wong, a practising architect, were invited to give their views on the four design proposals of the project.



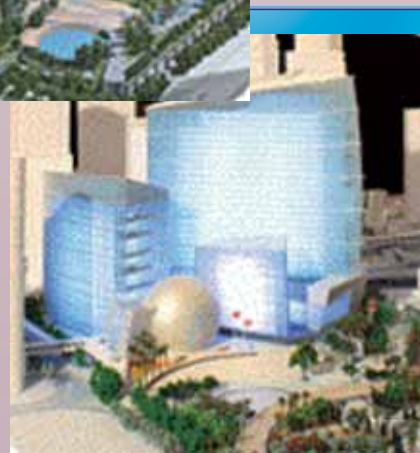
Design A



Design B



Design C



Design D

The forum started with an introduction by Chairman of the Local Affairs Committee, Dr Paul Ho, followed by a slide presentation on the four design schemes based on the available information. Freddy introduced and compared the various aspects of the four design schemes. He commented that while the public might be impressed by the landscaping design around the promenade, they might not be built because it would not be part of the site area. He also pointed out that some buildings proposed in two design schemes would be built on the GIC area and, therefore, town planning submission would be required. He further pointed out that most design proposals had only provided a visualized view from Kowloon side, yet the views from Hong Kong Island were not mentioned. Freddy further shared his experiences on the designs of some famous overseas government buildings.



Christine commented that the proposed Central Government and Legislative Council Complexes would be a showcase of Hong Kong and should be designed and built with the highest quality. However, she did not believe that such quality could be achieved in this project. Following these speeches, public views quoted from newspapers were shown. In general, this event was a great success with over 170 participants.

Greening Master Plan for Wan Chai and Causeway Bay

Government is determined to promote greening in Hong Kong and has established a cross-departmental working group to commission such task. CEDD is now actively preparing the Greening Master Plans (GMP) for urban areas.

A GMP seeks to define the overall greening framework of an area by identifying suitable locations for planting with desirable themes and species. It serves as a guide to the planning, design and implementation of greening works to ensure consistent results. In 2005 GMPs have been developed for Tsim Sha Tsui and Central with short-term works completed in March 2007.

GMPs for Mong Kok, Yau Ma Tei, Sheung Wan, Wan Chai and Causeway Bay are being developed by CEDD. As part of the consultation process, community forums are organized to collect views of the public and stakeholders, the HKIS has been invited to attend such forums.



Such public forums are meant to gauge the opinion and suggestion of the residents in the affected neighborhoods. The Community Forum for CEDD to

listen to the views and needs of the local residents and stakeholders on the Greening Master Plan for Wan Chai and Causeway Bay was organized on 9 June. The Local Affairs Committee was pleased to have Stephen Yip attending the Forum as a representative of the HKIS. The following enlightening views have been transpired from the presentations and discussions expressed during the forum.

In principle, Government departments should be charged with the duty to initiate and coordinate greening works within the urban environment whilst encouraging support from local community and stakeholders.

Greening along pavements may be opposed by shop owners as there could be conflicts on blocking the frontage or reducing road side parking which affects the value of the properties. Thus the details of the works have to be carefully worked out. To facilitate greening it might be necessary to reduce traffic lanes to provide more space for planting along pavement. The alternative could be set-back of building lines but that takes time to implement. Future maintenance of the green features was also a serious concern as in recent years Government departments tend to decline maintenance responsibilities.

With the recent lowering of population growth rate and the consequential reduced pressure on development, it could be an opportunity for increasing efforts on greening.

There were suggestions from the environmental perspectives that the choice of trees should be of the "friendly" type to other elements of the ecological spectrum such as birds.

Greening is a means to improve environment and thus requires comprehensive planning. It is part of urban design and should include consideration on other micro climatic issues such as ventilation and sunlight.



The abundant utilities running underneath pavements and carriageways could be an obstacle to planting and our community should be prepared to adopt new approaches to accommodate underground utilities such as "utility tunnels".

Greening on roofs and terrace gardens should be encouraged to save energy on cooling. Likewise, hard paving on internal estate roads and

emergency vehicular access should be replaced by landscaping.

As there are lots of foreign plant species that could be imported, there should be an office in Government to coordinate and promote such imports.

All these points are useful and relevant for surveyors to take on board in various practices when commenting and designing new developments.

URA Project K7



Dr Ernest SW Lee, Project Director for the URA Kwun Tong Redevelopment has written to the Institute, expressing the Authority's gratitude to a visit by about 50 HKIS members on 30 June to the Kwun Tong community office of URA and, in particular, to the tremendous assistance rendered by Senior Vice President Yu Kam-hung and senior member Stephen Yip in initiating and arranging the event.

A presentation on the latest design concept of the Kwun Tong Town Centre Redevelopment Project was made. The opportunity was taken by URA executives to respond in detail to the various views and suggestions that the HKIS K7 Working Group had given to the URA in October 2006.

URA executives have taken the opportunity to further examine the wide range of suggestions and comments made by HKIS members which include implementation by phasing, packaging arrangements for compensation and clearance, use of environmental building materials, design and provisions for tourists, facilities for an ageing population and the role of social service teams.

Senior Vice President Yu Kam-hung has urged members to further furnish views and suggestions on the Kwun Tong Redevelopment and says that the HKIS Project K7 Working Group will continue to comment on and monitor the progress of the Project.

Security of payment legislation

The Hong Kong Construction Association has written to the Institute on 5 July, seeking support in pursuit of security of payment legislation in Hong Kong.

At present there is no legislation in Hong Kong which provides for security of payment or controls/bans pay when/if paid clauses in construction contracts. Question arises as to whether this position may change in the light of the Report of the Construction Industry Review Committee to the then Chief Executive of January 2001 (the CIRC Report) which suggested inter alia that:

"...Good cashflow management is essential to the success of contractors and subcontractors. Clients should recognize the contractors' business viability depends more upon cashflow than profit margins. Subcontractors are likewise dependent on cashflow. The prospects of prompt payment for completed work offer a strong incentive to contractors and subcontractors to deliver quality service. We observe, however, that locally 'pay-when-paid' and 'pay-if-paid' arrangements are common in the industry. There is much room for improvement in the area of security of payment to contractors and subcontractors... We recommend that further consideration should be given to the merits of, and the need for, enacting security of payment legislation having regard to local circumstances and in the light of overseas experience..."

Practical difficulty to get through the legislative process is perceived given the employer dominant culture which is still prevailing in Hong Kong. If you have any views on this, please send via email at linda@hkis.org.hk to the Local Affairs Committee. A CPD on Pay-when-paid/pay-if-paid has been held by the Institute on 27 March and was conducted by senior QS member Bernard Wu, who is also a barrister-at-law currently.

The Local Affairs Committee Chairman Dr Paul Ho appeals to fellow members to be active in various public consultations and share with all members those materials and arguments sparked during the consultation process. Please contact the LAC via linda@hkis.org.hk.

Mei Ho House - ideas competition

The Competition site boundary comprises the area of Shek Kip Mei (SKM) Estate Redevelopment Phase 3 and 7, located in Shamshuipo. Phase 3 redevelopment site is occupied by Blocks 37, 39, 40 and 41 (Mei Ho House). Blocks 37, 39 and 40 will be demolished this year. The Phase 7 site is cleared without building. The SKM Redevelopment Phase 1 was completed in 2006. Phase 2 and 5 are scheduled for completion in 2012. Land use of Phase 6 is to be ascertained.

Site Area of Phase 3 is approximately 7,200 sq m and that of Phase 7 is approximately 2,500 sq m. The sites are zoned Residential (Group A) in the SKM Outline Zoning Plan Number S/K4/21.

Mei Ho House is a reinforced concrete building with load bearing walls subdividing the blocks into residential flats on each level. External walls are paint finishing on plaster with timber frame louver windows installed inside the balconies. Internal walls are mainly paint finish with mosaic tile finish at staircases and ceramic tile at balcony areas. Mei Ho House and the existing residential blocks sit on stepped terrace platforms at the south-eastern slope of a small hill. The platform is generally level and is surrounded by surface covered uphill slopes on the north-western and north-eastern side.

Right across Pak Tin Street is the future Jockey Club Creative Arts Centre, which is being renovated from a flatted factory building. There are several schools in the vicinity, including Lingnan University Alumni Association Primary School, Faith Lutheran Church and School as well as the Kow Kong Commercial Association School. There is a Community Hall at Nam Cheong Street.

Please browse www.meihohouse.hk for more information, if you wish to get in touch with Edwin Tang, HKIS representative in the Steering Committee, please email linda@hkis.org.hk. The competition closes at 6pm on Friday 31 August.



The President, Raymond Chan, will join the adjudication panel for the Competition on Monday 10 September.

Quality Building Award 2008

QBA2008 will extend its territory beyond Hong Kong in order to further promote the concept behind QBA worldwide. Nomination has commenced on 1 July 2007.

QBA2008 carries a special theme: **Set No Boundary for Quality Buildings**. The Award now comprises **Projects outside Hong Kong Category** besides the **Residential Building Category** and **Non-Residential Building Category**, which have been a tradition of QBA since 2002.

A brand new award category, **Special Awards** is pioneered to acknowledge heritage, innovative and sustainable elements of projects as well as projects outside Hong Kong.

For the **Projects outside Hong Kong Category**

- Nominated buildings must be outside the territorial limits of Hong Kong Special Administrative Region with no limitation in size and cost.
- Nominated projects **MUST** be endorsed by a nominee (either the applicant **OR** one of the project team members) who is also a registered member of any of the 9 professional organizing institutes of QBA2008.

For the most up-to-date details of QBA, please visit www.QBA.com.hk. The Institute's representatives in the QBA 2008 Committee are Daniel Ho, Antony Man and Gilbert Kwok.

西安民營企業研討會 Xian private enterprises seminar

7月19日，會長陳旭明代表學會出席了由「香港貿易發展局」，「中國國際貿易促進委員會西安市分會」和「西安市工商業聯合會」主辦的《透過香港，走向國際》研討會並以「香港物業市場近況與相關服務」為題，向西安市代表團詳細陳述特區情況和不同範疇的測量師如何可以配合內地發展。

陳旭明特別強調了學會與世界各地測量師學會的良好關係，又提到香港專業測量師所擁有的廣闊國際視野和項目經驗。研討會在灣仔海港中心舉行。

On the move



New Appointments

QSD members **James B Longbottom FHKIS** has become managing director and **Partrick J O'Neill MHKIS** has become director of ADR Partnership. Mr Longbottom and Mr O'Neill will be responsible for developing ADR's Hong Kong and Macau client base, providing specialist commercial and contractual services to the Asia Pacific construction industry.

測量師歡樂時光 Surveyors happy hour

6pm to 8pm at HKIS Library
last working Friday of every month
黃昏6至8 · HKIS圖書室
每月最後一個工作星期五



Yu Chun Fai (4714) - 3rd from right
Kam Kin Pong (81471) - 2nd from right



Surveyors Happy Hour in 2007 are on
27 July, 31 August, 28 September,
26 October, 30 November, 28 December

Please email:
info@hkis.org.hk or
telephone (852) 2526 3679



Up and about

2007 All Professionals Super Cup

To celebrate the 10th Anniversary of the return of Hong Kong to the Motherland, the Hong Kong Coalition of Professional Services held the 2007 All Professionals Super Cup in Aberdeen Sports Ground, Wong Chuk Hang on 8 July 2007.

The ten professional body members of the Coalition participated in the All Professionals Super Cup were: the Hong Kong Institute of Certified Professional Accountants (HKICPA), the Hong Kong Institute of Architects (HKIA), Hong Kong Bar Association (HKBA), Hong Kong Dental Association (HKDA), the Hong Kong Institute of Engineers (HKIE), the Hong Kong Institute of Landscape Architects (HKILA), the Law Society of Hong Kong (HKLS), the Hong Kong Medical Association (HKMA), the Hong Kong Institute of Planners (HKIP) and the Hong Kong Institute of Surveyors (HKIS).

The teams were divided into two groups and played in matches under the single round robin system. Scores and goal differences were then used to determine which team would be qualified to play the finals for different trophies in the afternoon - cup, plate, bowl, shield and vase.

The Coalition was very pleased to have Secretary for Home Affairs Tsang Tak Shing as the Guest of Honour to officiate the kick-off ceremony. The Coalition also had the pleasure of the Secretary for Food and Health York Chow to present trophies to the teams.

During the kick-off ceremony, the Hon Leung Chun-Ying, Chairman of the Coalition, said that celebrating the 10th Anniversary through holding soccer matches was extraordinary and that professionals usually leave people with the impression of being scholarly and gentle, but through the All Professionals Cup, professionals prove that they could be a man of letters as well as sports. He also pointed out that regardless of



who won or lost, all participants displayed strong perseverance so characteristic of Hong Kong professionals and also the true spirit of sports.

Congratulations to the Hong Kong Medical Association which won the 2007 10th Anniversary of the Return of Hong Kong to Motherland All Professionals Cup.

Results of the all the major trophy matches of 2007 10th Anniversary of the Return of Hong Kong to Motherland All Professionals Cup are as follows.



Trophy	Champion	1st Runner-up	Result
Cup	HKMA	HKIE	1 : 0
Plate	HKIS	HKLS	1 : 0
Bowl	HKIA	HKDA	1 : 0
Shield	HKILA	HKIP	3 : 1*
Vase	HKICPA	HKBA	1 : 0

* Determined by a penalty shoot-out.

Joint Professional Tennis Tournament 2007

On 24 June, the HKIS Tennis Team participated in the Joint Professional Tennis Tournament 2007 playing alongside the Hong Kong Medical Association, the Hong Kong Dental Association and the Law Society of Hong Kong in the Kowloon Tong Club.



We found the HKIS strongest Men's Double combination - Ben Li and Eric Tsang. Both gentlemen spent their efforts without doubts, simply gave a superbly impressive performance and won sets.





The HKIS Tennis Team is looking for new blood, if you are interested, please contact Lesly Lam via email linda@hkis.org.hk.

Dragon Boat Championship 2007

Like they always do, the Young Surveyors Group takes the dragon boat seriously. Practice started in chilly March this year and went throughout the warm seasons and black storm signals, no matter what. Some broke their arms, some broke their legs ended up with a bandaged body on many Monday mornings. Yet they did not stop.

The big day was 19 June, a sunny day after a dismal cloudy fortnight just before that. Rumours had it that they made serious contingency plans for dragon-boat-in-the-rain, first time



ever in the history of HKIS dragon boat manoeuvres.

According to Team Coach Joseph Wong, current vice chairman of the Young Surveyors Group, he has the following facts and figures:

- We won 2 trophies (Men's Team 1&2) for 2nd runner up in Race 2 & 4
- We won 1 trophy (Men's team 1) for 1st runner up in Chinese Men B Cup Final
- We sent 4 boats to join the race, 2 x men's, 1 x mixed and 1 x ladies
- A total of 72 paddlers and 4 pretty drummers
- 20 helpers, 2 photographers
- Senior Vice President Yu Kam-Hung was invited by the Stanley Dragon Boat Association to join the dragon boat "eye-dotting" ceremony
- Hot and Sunny on Race Day that everyone got sun burn
- We have drunk 10 pitches of beers to celebrating our "1st runner up in Chinese Men B Cup Final".



Not a very long list but does show the enthusiasm and how much the dragon boat means to the YSG and of course the Institute.



SURVEYORS IN HERITAGE AND CONSERVATION

HKIS Photo Competition 2007

CATEGORIES

- Group 1** Contrast of our Past and Present 是時候新舊對照
- Group 2** Rehabilitation and Reoccurrence 回復青春 重現眼前
- Group 3** New Life and New Mission 新生命 新里程
- Group 4** Unforgettable History 歷史印記 永誌難忘

ENTRIES BY SEPTEMBER 2007



Prizes

photographic equipment cash coupon worth HK\$2,500 for the winner of each Category

Otherwise, help is also needed from members of all grades as

- helpers of the task force
- members of the judging panel

Interested parties, please email: linda@hkis.org.hk or call 2526 3679.

Capture our History on Camera

Members of all grades are invited to take part in this photo competition

History is the study of events in time in relation to humanity. In general, the sources of historical knowledge can be separated into three categories: what is written, what is said, and what is physically preserved, and historians often consult all three. Our past can be divided chronologically, culturally, and topically. These three divisions are not mutually exclusive, indeed often with significant overlaps. For many, history has become a "general" term meaning the study of "everything" that is known about the human past and has been studied simply out of intellectual curiosity.

香港日 - 成都 Chengdu Seminar



6月21日，前會長廖凌康代表學會出席由香港特別行政區政府駐成都經濟貿易辦事處舉辦的「香港日」，同時在一個名為「香港專業服務研討會」的場合作為演講嘉賓之一。研討會上，廖凌康播放了香港測量師學會介紹短片，隨後探討兩地工程造價管理比較。建築師學會則介紹小戶型房子設計特點，園景師學會則介紹景觀價值概念。

點，園景師學會則介紹景觀價值概念。



6月22日上午，「香港日」又安排了另一研討會，為內地企業利用香港進軍國際市場。研討會非常成功，參與人仕約有250位。

為慶祝香港回歸十週年，駐成都經濟貿易辦事處舉辦了「香港日」，另外一個主辦單位是「成都市房地產管理局」，協辦單位是「成都住宅與房地產業協會」。香港方面，支持單位有「香港專業聯盟」，「香港測量師學會」，「香港建築師學會」及「香港園景師學會」。參加研討會的大部分人仕均來自西部五省一市，包括四川省，雲南省，貴州省，湖南省，陝西省及重慶市。



香港主禮嘉賓為當時的財政司司長唐英年。

9th International Surveyors' Congress

28 to 29 June, Vice President Francis Leung has represented the Institute at both the 9th International Surveyors' Congress and the ISM Annual Dinner organized by the Institution of Surveyors, Malaysia in Kuala Lumpur.

The theme of the Congress was Managing the Unexpected and the event was officiated by the Malaysia Minister of Works, YB Dato' Seri S Samy Vellu. The plenary session included topics ranging from *Transforming and Sustaining the Malaysian Business to Meet the Global Challenge to Minimizing Risk in the Futuristic Environment*.

The ISM President, Sr Hj Abdullah Thalith Md Thani, and the new council for 2007/08 were sworn in at the 46th Anniversary Dinner held on 30 June.

Awards were presented to the *Malaysian Surveyor of the Year* and *Outstanding Journalist on Property and Construction*. The highest honour, *Lifetime Achievement Award*, went to Sr



Hj Mahyuddin Shahabuddin, a land surveyor member (aged 91) since inaugural, who was graced with a standing ovation when receiving the award from the Minister of Works, YB Dato' Seri S Samy Vellu.

The Institute has a reciprocity agreement with the ISM and both institutes are founding members of the Surveyors Alliance Asia which was inaugurated in November 2004. Please visit www.ism.org.my for more information.

Summary of HKIS CPD Events

09 Aug – 17 Sep 2007

DATE	CODE	EVENT	CPD HOUR(S)	SPEAKER(S)	RAN BY
09 Aug	2007070	Hong Kong QS consulting firms in Mainland China - barriers and opportunities in the market after CEPA	1.5	Joseph HC Chong	QSD
13 Aug	2007072	A walkthrough from tender invitation to binding of the contract documents	1.5	KC Tang	YSG
15 Aug	2007065	Renovation of shopping malls - regenerating the Shatin New Town Plaza	1.5	Michael KW Yen	YSG
16 Aug	2007074	Technical Due Diligence in Merger & Acquisition Transactions	2	Kenny Suen	BSD
18 Aug	2007078	Review of the China Real Estate Planning & Development Process and its phenomena	2	Dr Tony KT Leung	PDD
23 Aug	2007075	How to maximize headroom space and other benefits by using UFAC	1.5	Waigo Ng	PFMD
28 Aug	2007076	Construction law update	1.5	Timothy Hill Damon So	YSG
01 Sep	2007077	GPD APC Workshop 2007	-	Lawrence Pang	GPD
08 Sep	2007077	GPD APC Workshop 2007	-	Lawrence Pang Louie Chan	GPD
12-16 Sep	2007064	大連學習交流團2007	10		YSG
17 Sep	2007079	Collective Sales in Hong Kong	1.5	Charles CK Chan Gabriel Cheng	YSG

Details of individual CPD/PQSL events are provided in the *Surveyors Times* and/or HKIS Website www.hkis.org.hk. Please use the STANDARD REGISTRATION FORM overleaf for registration.

For enquiries, please email cpd@hkis.org.hk or call the Secretariat on 2526 3679 if you wish to know the exact number of CPD hours each event is entitled to.

STANDARD RESERVATION FORM

Event Date: _____ Event Code : _____

Event Name: _____

Member details

Surname : _____ Other names : _____

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

Division* : BS GP LS PD PFM QS

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

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

Payment method

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

Please charge my HKIS Visa Platinum/Gold MasterCard as follows:

HKIS Visa Platinum/Gold MasterCard - Payment Instruction for HKIS Event Reservation Fee Ref.: [_____]

To: Shanghai Commercial Bank Limited - Credit Card Service Department

I would like to pay the reservation fee HK\$ _____ to Surveyors Services Limited by charging my HKIS Visa Platinum/
Gold MasterCard account as follows:

Cardholder Name : _____ HKIS No. : _____

Card Number : [] [] [] [] [] - [] [] [] [] [] - [] [] [] [] [] - [] [] [] [] [] Expiry Date : _____ / _____

Cardholder's Signature : _____ Date : _____

For Bank Use Only

Approved by :

Date:

Notes

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



CPD/QSD/2007070

Hong Kong QS consulting firms in Mainland China - barriers and opportunities in the market after CEPA

Speaker Joseph HC Chong, BSc(Surv)(HKU), MSc(IDM)(HKU), MHKIS, MRICS, RPS(QS), Cost Manager, ISG Asia (Hong Kong) Limited

Date & Venue 7pm - 8:30 pm Thursday 9 August 2007 SLC, HKIS

Details Joseph is a cost manager in an international bank. He graduated with a first class honours degree in surveying and a master degree in interdisciplinary design and management from HKU. He is an active player in professional and alumni affairs. Currently he acts as a director of HKU Alumni Association, working committee of CARE Hong Kong, Hon Treasurer of YSG and Council Member of QSD. He was the Chairman of the Young Engineers Group of Gammon and Vice-President of HKU Graduates Association.

Although CEPA IV has been signed between Hong Kong and Mainland China to facilitate trade in goods and services, there are still many difficulties for quantity surveying firms to fully develop their business in the Mainland market and receive 'national treatment'. A research was undertaken in 2004 to study the barriers and opportunities of a Hong Kong construction professional working in the Mainland, but it did not focus on a specific type of professional. In this talk, Joseph will share the result of his interviews with 7 directors of major Hong Kong QS firms about whether CEPA has effectively help Hong Kong QS firms to develop in the Mainland market. This talk would give some insights for QS/ QS firms when they consider entering this new market after China's accession to the WTO.

Language Cantonese supplemented with English
Deadline 2 August 2007

Fee HK\$120 per person
Priority QSD Members

CPD/YSG/2007072

A walkthrough from tender invitation to binding of the contract documents

Speaker KC Tang FHKIS, FRICS, RPS(QS)

Date & Venue 7pm - 8:30 pm Monday 13 August 2007 SLC, HKIS

Details KC Tang is the Director of K C Tang Consultants Ltd with over 29 years professional experience in quantity surveying. KC has also been the APC assessors for many years.

In this seminar, KC will discuss the whole process from tender invitation to binding of the contract documents, including issuing tender documents, issuing tender addenda, answering queries, receiving and opening tenders, tender analysis and reporting, tender interviews, awarding the contract, and preparing the formal contract documents.

Language English

Fee HK\$100 per person; HK\$150 for non member
HK\$20 walk in surcharge for all pricing listed

Deadline 5 August 2007

Priority Probationers and student

CPD/YSG/2007065

Renovation of shopping malls - regenerating the Shatin New Town Plaza

Speaker Michael KW Yen MHKIA Registered Architect AP (List 1)

Date & Venue 7pm - 8:30pm Wednesday 15 August 2007 SLC, HKIS

Details New Town Plaza (namely NTP, Phases 1 to 4) have undergone a series of transformations and the process continues. Being one of the largest, busiest and most profitable shopping malls in Hong Kong, NTP is a hot place for shopping, entertainment, dining and leisure. To respond to the ever-changing demand of shoppers, many phases of renovation works are being planned and now putting in place. As the project manager, Mr Yen will give an account on the design and project development concept behind, especially

CPD/PQSL EVENTS

on circulation planning (including the addition of new escalators), attractions, fulfilling the shoppers' and tenants' expectations ; and challenges encountered during the whole process.

Language	English supplemented with Cantonese	Fee	HK\$100 per person; HK\$150 for non member HK\$20 walk in surcharge for all pricing listed
Deadline	8 August 2007	Priority	Probationers and student

CPD/BSD/2007074

Technical Due Diligence in Merger & Acquisition Transactions



Speaker Kenny Suen, Managing Director of Vigers Asia Pacific Holdings Ltd.

Date & Venue 7pm - 9pm Thursday 16 August 2007 SLC, HKIS

Details

1. The importance of due diligence investigations to investors.
2. Managing various professional parties involved in a due diligence process.
3. The areas of investigations in a technical due diligence survey.
4. Exploring the application of surveyors' skills on due diligence matters.

Language	English	Fee	HK\$120 (HK\$150 for walk-in participants)
Deadline	9 August 2007	Priority	BSD Corporate Members

CPD/PDD/2007078

Review of the China Real Estate Planning & Development Process and its phenomena



Speaker Dr Tony KT Leung, PhD, MSc(IRE), BSc, MRICS, MHKIS, RPS (GP&PDD), FHIREA, Chairman, TL Property Consultants International Ltd, Shanghai TL Hotel Management Ltd.

Date & Venue 2 pm - 4 pm Saturday 18 August 2007 SLC, HKIS

Details In this seminar, the speaker will cover:

The current China real estate planning and development

- Development Model
- Development process
- The approval procedure - major government departments concerned

The structural problems of China real estate planning and development

- Management problems
- System problems
- Foreign developers facing strong competition from local developers

The series of talks will be in the form of forums with discussions amongst the speakers facilitated by Mr Wu.

Language	Cantonese	Fee	HK\$100 per person
Deadline	16 August 2007	Priority	GPD & PDD Members

CPD/PFMD/2007075

How to maximize headroom space and other benefits by using UFAC



Speaker Waigo Ng, Bachelor of Science (Honors) in Mechanical Engineering, Director of AET Flexible Space (Hong Kong) Limited

Date & Venue 7pm - 8:30 pm Thursday 23 August 2007 SLC, HKIS

Details This CPD provides an insight into the benefits of using underfloor air conditioning, especially for refurbishment of old building, speed of return to market place compared with knock down and rebuild. Headroom can be maximized without increase the floor to ceiling height of the building compared with the ceiling type air conditioning system. This headroom increase often makes the project viable and in others adds extra quality to the office space. This seminar will cover following:

1. Principles of Design
2. Components of the System
3. Comparison to VAV & Fan Coil Systems
4. Energy Consumption and Part L
5. Impact of the System on Construction Costs
6. Its use in Height Limited Refurbishment
7. Ease & Low Cost
8. IAQ & User Satisfaction Levels

Language Cantonese
Deadline 16 August 2007

Fee HK\$100 per person
Priority Corporate Members

CPD/YSG/2007076

Construction law update



Speakers Timothy Hill, Partner; Damon So, Senior Associate of Projects (Engineering & Construction) Group of Lovells

Date & Venue 7pm - 8:30 pm Tuesday 28 August 2007 SLC, HKIS

Details Tim leads Lovells Projects (Engineering and Construction) Practice in Asia and has extensive experience in relation to advisory work in the construction industry and construction disputes. He has written and spoken widely on topics relating to dispute resolution including being the co-author of the chapter on arbitration in Halsbury's Laws of Hong Kong.

Damon initially qualified as a Chartered Civil and Structural Engineer and later qualified as a solicitor in Lovells Projects (Engineering and Construction) Practice. Damon has undertaken a wide range of construction work in respect of building and civil projects. He has spoken on a wide variety of topics relating to construction law.

The presentation will focus on two recent court decisions. The first relates to the recovery of monies where the claiming party has acquired a site and suffered loss as a result of services provided to the original owner. Hitherto, concerns have been expressed that such claims might fall into a legal "black hole". The second relates to use of expert determination as a means for resolving disputes. A recent case suggests that the formal requirements placed on experts may be greater than previously considered.

Language English

Fee HK\$100 per person; HK\$150 for non member
HK\$20 walk in surcharge for all pricing list

Deadline 21 August 2007

Priority Probations and students

CPD/GPD/2007077

GPD APC Workshop 2007



Speakers Lawrence Pang, Louie Chan

Date & Venue 2pm - 6pm Saturday 1 or/and 8 September 2007 SLC, HKIS

Details 1 September 2007 (2pm - 3:45pm)

Speaker : Lawrence Pang
Topic : 1 Management for Surveyors' Practice Update
2 Basic Business Valuation Principles

8 September 2007 (2pm - 3:45pm)

Speaker : Louie Chan
Topic : Laws relating to Agency Practice/ Asset Management

8 September 2007 (4pm - 6pm)

Speaker : Lawrence Pang
Topic : General Valuation Principles

Language English supplemented with Cantonese
Deadline one week before the event

Fee HK\$100 per person for each event
Priority GPD Students & Probationers

CPD/YSG/2007064

大連學習交流團2007

地點 大連市

日期 2007年9月12至16日(星期三至星期日)

費用 待定(包括來回機票及5日4夜之食宿)

行程 12/9 - 黃昏乘坐航機至大連

13/9 - 拜會市建委、規劃局、國土資源管理局及測繪局

14/9 - 參觀土地儲備交易中心、大連理工大學建築學院、大型住宅樓盤、發展中大連時代廣場地盤及拜訪港資發展商

15/9 - 參觀各大名勝景點如日俄監獄舊址、星海公園及虎灘樂園等；另安排與建築協會會員共襄午膳

16/9 - 中午乘坐航機返港

人數 40人(先到先得)

截止報名日期 2007年8月15日

以上詳情可能因實際情況，作出更改，查詢電郵cpd@hkis.org.hk 或 michellechung@hkis.org.hk。

CPD/YSG/2007079

Collective Sales in Hong Kong



Speakers Charles CK Chan, FHKIS FRICS RPS(GP), Managing Director of Savills Valuation and Professional Services Ltd
Gabriel Cheng, Director of Savills (Hong Kong) Limited, Head of Collective Sales Team

Date & Venue 7 pm - 8:30 pm Monday 17 September 2007 SLC, HKIS

Details Hong Kong has thousands of old and obsolete buildings. Some buildings are located in prime location with high redevelopment potential. The collective sales of such properties would be another way out for individual owners.

CPD/PQSL EVENTS

Charles Chan's team comprises leading professionals in the field. They have successfully obtained 7 orders for sale under the Land (Compulsory Sale for Redevelopment) Ordinance (Cap 545). The speaker will share from a surveyor's point of view his experience on valuation and the process of applying such ordinance in practice.

Gabriel Cheng leads the collective sales team in Investment Department of Savills to work on different collective sales projects. Amongst the extensive fruitful experience, the team has successfully sold around 92% interests in Kam Kwok and National Buildings in Wanchai at \$825 Million in 2006. There are many difficulties in pursuing these projects which needed a close alliance amongst owners, purchasers and other parties. The speaker will explain and share such experience with the audience.

This presentation is beneficial for surveyors working with project investment and are interested in collective sales.

Language	Cantonese	Fee	HK\$100 per person, HK\$150 for non-member, HK\$20 walk in surcharge for all pricing listed.
Deadline	3 September 2007	Priority	Probationers and Students



LLB (Hons) Open Learning (Reg. No. 251625)

- 4 - 6 years' study via a flexible and effective learning mode
- **module based progression** - only repeat failed modules
- assessed by coursework and examinations giving students better grasp of knowledge
- fees amount to approx. **£4,000** (12 modules incl. exam fee)
- **exemptions** given to non-law Degree and Diploma holders

LLM Commercial Law (Reg. No. 250631)

- **2 years'** study via a flexible and effective learning mode
- **accredited** by The Law Society of Hong Kong and The Law Society of England and Wales as approved CPD
- tuition fees amount to approx. **£4,000**
- 100% assessed by assignment - **no examination; no lecture**

Other Master of Laws options via purely distance learning:

LLM International Commercial Law*

LLM International Trade Law**

LLM Advanced Legal Practice⁺

- accredited by the Law Society of Hong Kong
- # accredited by the Law Society of England and Wales
- + **admit only qualified barristers and solicitors, and PCLL, BVC or LPC holders to complete the programme within 18 months**

It is a matter of discretion for individual employers to recognize any qualification to which the course may lead.

Best New University in UK

(Ranked by Times Good University Guide 2005)

Northumbria University School of Law

- the University first established as Newcastle Polytechnic in 1969 and its School of Law is currently the largest law department in the North of England
- has a strong tradition of innovative teaching and was selected as 1 of only 5 institutions outside of London to provide the Bar Vocational Course
- is validated by the Law Society of England and Wales and the Bar Council for Legal Education UK to run professional development programmes
- has received an "Excellent" rating in teaching from the Higher Education Funding Council for England

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September 2007 Intake
Open for Application Now

HKIS

Annual Dinner 2007

20 November 2007

The Grand Ballroom
Grand Hyatt, Harbour Road, Hong Kong



For enquiries,
Please call the Secretariat on
2526 3679 or email: info@hkis.org.hk

Building Surveying Division Chairman's Message



Alex Wong BSD Council Chairman

Reciprocal arrangements with CAEC

The training and assessment for both HKIS BS members and CAEC members from the Mainland was successfully held in Shenzhen. The event lasted for 10 days and was completed on 16 July 2007. A total of 232 BS members (including 6 trainers and 26 interviewers) had taken part in the two-day training, assessment and interview.

These are not only training and assessment but also a valuable event for exchange of professional knowledge, management skills and have helped to establish a communication platform for all building surveying professionals from the Mainland and Hong Kong SAR.

Sincere thanks to all trainers, interviewers, working group members, YSG and participants. Without your contribution and participation, the event would not be successful.



Nomination of Distinguished Building Surveyor

Building Surveying Division now invites nominations for Distinguished Building Surveyor in recognition of contributions made by individual building surveying division members to the profession in Hong Kong. This is essentially the Hall of Fame for Building Surveyors and criteria for inclusion in the List are:

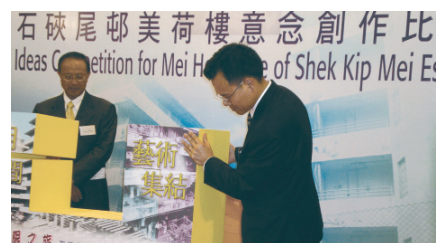
- 1 He/She must be a member of the Building Surveying Division of the HKIS and who have been practising in Hong Kong for over 20 years
- 2 He/She must have either been the President or Vice-President of the HKIS or Chairman or Vice-Chairman or long serving member of the Building Surveying Division Council.
- 3 He/She has made noticeable contribution to and including the promotion of the Building Surveying profession in Hong Kong in the fields of education, professional practices, services on Government boards or committees so on and so forth.

The BSD Council shall act upon the nomination made by at least six Fellow Members of Building Surveying Division of the HKIS for individual member's application. Certificates will be presented to the Distinguished Building Surveyor at the BS Annual Dinner later on this year. Distinguished Building Surveyors promise to continue to use their best endeavour to promote the Building Surveying Profession in Hong Kong and act as Advisors to the Building Surveying Divisional Council. They may be called upon by the BSD Council from time to time to address issues of common interest to Building Surveyors in Hong Kong.

Nomination form may be downloaded from the website of the HKIS or obtained from the HKIS Office. The closing date for application this year is 31 August 2007.

Mei Ho House Ideas Competition

I have represented the Institute at the opening ceremony of the Competition on 28 June.



BS Conference 2007

Saturday 29 September 2007



Future Development in Hong Kong Foresight, Innovation & Sustainability

Auditorium of the Hong Kong Science & Technology Parks,
Shatin, NT, HKSAR

For enquiries, please email: info@hkis.org.hk

BS APC Practical Task 2007

Monday 5 to Thursday 8 November 2007

Applications should be made on Form APC6 / BS

Re-applications should be made on Form APC6R / BS
together with application fees of HK\$1000-

All applications will be accepted only within the month of August 2007

Late applications will be rejected. Incomplete applications will not be entertained.

General Practice Division Chairman's Message



Serena Lau GPD Council Chairperson

This summer has commenced with abundant sunshine! We found our long missing lovely blue skies but are also faced with unbearable high temperature days! We are told that in the future, we may not have winters anymore! Don't think it is not relevant to our profession. A lot of the situations have and will impact on asset value and investment strategies. For example, the concern of wall effect has impacted on development density; high street shopping habits may change due to unbearable and unpleasant temperature variations; etc. What do you think?

Dinners with mainland counterparts in Hong Kong

The Hong Kong Coalition of Professional Services organized a Forum and Dinner to celebrate the 10th Anniversary of the establishment of HKSAR. Taking this opportunity, GPD has invited our mainland counterparts to join the function. We are glad to have delegations from:

- the Shenzhen Institute of Property Appraisers, led by Vice President and Secretary General Li Jia-lin
深圳市不動產估價學會李加林常務副會長和代表團

- the Guangdong Institute of Real Estate Appraisers, led by Secretary General Liu Rui-pin
廣東省地產估價師與房地產經紀人學會劉瑞萍秘書長和代表團
- the China Institute of Real Estate Appraisers and Estate Agents led by President Sung Chun-hua and Secretary General Chai Qiang
中國房地地產估價師與房地產經紀人學會宋春華會長柴強秘書長和代表團

We also invited Shanghai Institute of Real Estate Appraisers and due to prior engagement, President Madam Wu could not attend the function. Meanwhile, she has sent us a message as attached and is looking at closer cooperation with us.



上海市房地产估价师协会

致香港测量师学会的函

香港测量师学会

产业测量组刘诗韵主席:

贵会六月十八日的来函我会已收悉,十分感谢贵会的热诚邀请。我会因近期工作繁忙,难以赴港参会,谨致歉意!

香港回归祖国十周年纪念日,是国人的盛典,也是全球华人共同的节日。香港繁荣发展的今天,证明了邓小平“一国两制”伟大决策的英明正确。香港专业联盟籍庆祝特区成立十周年之际筹办“香港专业论坛”,为提高内地服务业在国际市场的竞争力,做大做强专业服务公司,提供了与香港同仁合作交流的平台。“专业论坛”同时也为香港回归十周年庆典增色添彩,具有现实意义和历史意义。我会预祝“专业论坛”结出丰硕果实、取得圆满成功!

香港测量师学会与上海市房地产估价师协会之间的友好交流至今已近十年。十年来,贵我双方多次互访、交流,并签署有合作备忘录。贵会来函中提及希望续签合作备忘录,商讨加强未来信息及活动交流事宜,我会深表赞同。希望贵我会继续加强沟通,约定具体签约时间。

上海市房地产估价师协会

吴豪峰 会长

二〇〇七年六月二十二日

will soon again, after five years, recruit GP surveyors! It is certainly good news to members. Meanwhile, I have attended another committee of the Trade Development Council and the discussion concerned the lack of competitiveness of our services industry. We noted that developers from Hong Kong also looked for overseas professionals to work for their mainland projects. That is because Hong Kong professionals cannot demonstrate local experiences. We have already experienced a tough time in the late 90s and we should beware that Hong Kong is a small but developed city. These years, we shall enjoy the economic growth and good employment opportunities locally. However, what will happen with the next economic cycle? Particularly for younger members?

APC workshops and call for helpers

APC workshops will be arranged again this year. Meanwhile, convenor of the panel, Susanna Kwan is looking for assistance from being workshop speakers to assessors. Please let Susanna know if you can spend your valuable time on APC issues.

CPD Events

Several good topics and events are on the way – Valuation in litigation cases, legal update on compensation assessments, the HKIS Annual Conference ... As mentioned before, members are now subject to CPD audit! With the discussion with mainland counterparts, we may arrange site visit to Shenzhen soon.

Future Opportunities and challenges

At the same function, our guest, Commissioner of Rating and Valuation Department, HC Lo informed me that R&VD

GPD APC Final Assessment 2007

The Written Assessment of GPD APC Final Assessment 2007 will take place on 8 October 2007 (10am - 1pm) at the Southorn Stadium, 111 Johnston Road, Wanchai and Oral Assessment will be held in December 2007.

Application forms for the Final Assessment are now available from the HKIS Office or may be downloaded from www.hkis.org.hk.

Completed forms must be returned to HKIS

no later than 5:30pm, Friday, 31 August 2007.

Late submissions will not be accepted.

Land Surveying Division Chairman's Message

Sung Hon Kwong LSD Council Chairman



CPD Visit to T3 Road Project and Shatin Heights Tunnel and Approaches of Route 8

On Saturday 23 June, LSD organised a CPD technical visit to the construction site of T3 Project - Elevated Viaducts and Slip Roads and Route 8 Project - Shatin Heights Tunnel at Tai Wai, Sha Tin. In the hot and sunny morning, over 40 HKIS members were warmly welcomed by the resident site staff of the two projects.

TN Wong, our past HKIS President and past FIG Vice-President (2003-05), Terry Ng together with their colleagues working on the two projects introduced the extent of the two projects. They also elaborated the scope of work of land surveyors in the projects with particular emphasis on how they controlled the surveying quality throughout the construction period of the 'drill and blast' tunnel and the 'balanced cantilever' precast segmental bridge. Animations on the installation of the precast segments were shown. We had taken a walk around the site to appreciate the engineering marvels. It was not difficult for us to realise the hard work of the site staff and the contribution of land surveyors in an engineer project through close cooperation between the surveyors and the engineers.

Our next technical visit will be to the Stonecutters Bridge of Route 8 Project sometime in November so watch out for the relevant CPD notice.

"GIS Development" and "Location"

The publisher of the two land surveying related magazines "GIS Development" and "Location" has kindly offered to provide free subscription to LSD members. Interested members

may make use the following links to subscribe on-line for the free magazines.

Location magazine subscription:

<http://www.location.net.in/magazine/subsa.asp?Magazine=yes>

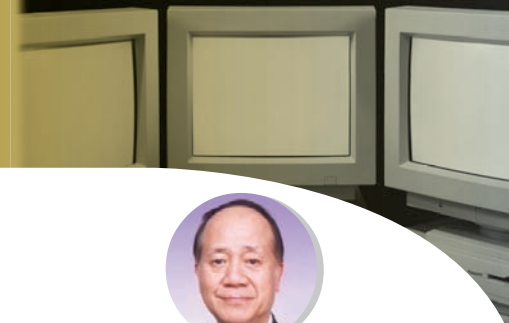
Location E-newsletter: <http://www.location.net.in/master/subscribe.htm>

GIS Development Magazine:

<http://www.gisdevelopment.net/magazine/magsubform.htm>

GIS Development Ezine: <http://www.gisdevelopment.net>





Planning & Development Division Chairman's Message



Edwin Tsang PDD Council Chairman

CPD Programmes

CPD Tour on Saturday 4 August

Simon Tam of Kerry Properties HK Ltd will be giving a guided tour and talk on the Megabox in Kowloon Bay. Please contact the Institute for details.

CPD Talk on Saturday 18 August

Tony KT Leung, an experienced GP and P&D Surveyor will be talking on the Review of the China Real Estate Planning & Development Process and its phenomena. The areas will include: -

- 1 China Current real estate planning and development
 - a) Development Model
 - b) Development process
 - c) Approval procedure - major government departments concerned

- 2 Structural problems of China real estate planning and development
 - a) Management problems
 - b) System problems
 - c) Foreign developers facing strong competition from local developers
- 3 Trend of future real estate development and major development cities

CPD Tour to Shenzhen in late October

The P&D Division will be organising with the GP Division a joint CPD tour to Shenzhen in October. Details will be announced later. The Zhuhai and Zhongshan visit will be in 2008.

The Institute has received an enquiry from a student.

Questions

I am a F.5 student and am interested in knowing more about Planning and Development (PD) Surveyors. After searching the HKIS website, I still have some puzzles on PD surveyors.

PD surveyors and city planning

- 1 I heard the Planning Department has a post called "Survey Officer (Planning)", will the surveyor be called a PD surveyor?
- 2 As PD surveyors concentrate their work on city planning, are there differences between the work of a City Planner and PD surveyor?
- 3 As the number of members of the Planning and Development Division in HKIS is fewer than the other divisions, are there not many posts in Hong Kong?

Becoming a PD surveyor

- 1 On local degrees recognized by HKIS, I find degrees leading to BS, GP, QS, LP and PFM. Are there any degree courses in Hong Kong that would lead to the professional



recognition of a PD surveyor? or any in the coming future as known?

- 2 How can a college student become a member of PDD in HKIS?
- 3 Can a graduate of Master of Urban Design or MSc in Urban Planning become a professional member in PDD in HKIS?
- 4 If the post of "Survey Officer (Planning)" is not for a PD surveyor, which stream should I study (BS, GP, QS, LS or PFM) to attend that post?

It would be great if information can be provided. Thank you very much.

Answers

PD surveyors and city planning

- 1 Planning & Development Surveyors are qualified surveyors with interest and practices or jobs in planning and development of real estate development projects. Planning & Development Surveyors have a long history in the UK. In Hong Kong, Planning & Development Surveyors work in Government and private practices, like the late AF Meyers who was head of the Town Planning Office (1960's to 1980's) and other officers in the Lands Department, Hong Kong Government.

Planning & Development Surveyors and General Practice Surveyors have the same core interest and training, except GP Surveyors major in valuation whereas Planning & Development Surveyors major in Planning & Development aspects of property development, including more focused interest in Town Planning and the front end feasibility studies of project and development monitoring.

Survey Officer (Planning) is a technical grade in Planning Department. A similar Grade is Survey Officer (Estate) in Lands Department. These posts are not P&D Surveyors.

- 2 Town Planners in Planning Department are professional town planners who have passed recognised degrees in town planning and acquired 2 years professional practice and passed the professional examination of the relevant Planning Institutes. Similarly, the P&D Surveyors are professional surveyors who have obtained a degree recognised by the Institute and acquired 2 years professional experience in the field of planning & development and passed the P&D APC of the Institute. Supervisors need not be P&D surveyors. However the candidate must find an external adviser who must be P&D members. Experience in China will be counted. The APC examination does not include a written examination. The APC guidelines can be downloaded from the HKIS website.

The work of the Town Planner and that of the PD surveyors is different. Town Planners deal with Town Planning including town regional and countryside planning and control of development on the public side whereas P&D surveyors deal with planning of development projects in the real estate sector on the private side.

- 3 In early years, P&D surveyors mostly worked in the Town Planning Office and Lands Office and very few worked in the private sector. GP Surveyors deal with mostly

valuation work, property agents and estate management. Because of limited vacancies, the work of P&D surveyors are often dealt with by GP Surveyors who have moved up as heads of the real estate development departments of property developers. P&D Surveyors are similarly competent, if not better, to do the work.

P&D Surveyors would find more interesting work in mainland China where the scales of development are much bigger than those in Hong Kong. There are no recognised Planning & Development Surveyors as yet in China.

In China, the real estate appraisers deal mainly in valuation of real estate and land properties and not with Planning & Development as such. The scope of work in P&D field is thus tremendous and unlimited in China.

Becoming a PD surveyor

- 1 The under-graduate degrees in Surveying offered by the University of Hong Kong and HK Polytechnic University are acceptable for entrance to APC of BS, GP, QS, P&D and PFM. However, the BSc in Surveying of the University of Hong Kong will be up for re-accreditation at the 2007 academic year. The re-accreditation panel recommends that Basic Principles of Town & Country Planning should be included in the course modules for BSc (GP & P&D) streams.

- 2 A college student can opt for P&D stream as early as possible in the BSc course and work after graduation in professional firms or with property developers in the P&D Division. Many developers have a P&D Division which may not be headed by P&D Surveyors. But the relevant experience will be counted for APC examination.

- 3 a) Undergraduate Non-cognate Degrees

The Institute has a route to Membership for undergraduates of approved non-cognate degrees with 5 years surveying practice.

- b) Postgraduate Degrees

The Division will be investigating a much shorter route for Master of Urban Design & MSc in Urban Planning graduates, possibly with only a top up course.

- 4 Students can take any stream, preferably P&D and that they have to pass the APC examination of the P&DD.

Property & Facility Management Division Chairman's Message



Michael Price PFMD Council Chairman

There was no council meeting in July due to the summer recess as council members take a well earned break. May I and your council, wish you and your family a great summer.

PFMD Conference

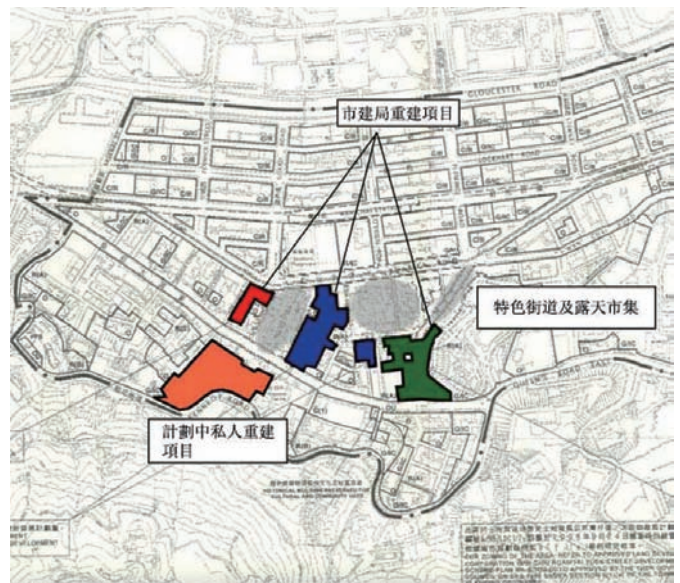
However our conference team under the able leadership of Alan Wong is progressing well. The conference will be held in mid November and deal with Property Asset Management. A series of distinguished speakers is being lined up, in co-operation with RICS. All members should support this great initiative. It will certainly count for many CPD points, and provide you with much valuable knowledge in your work. Members are asked to come forward and help, and even sponsor.

Heritage Working Group

Regarding heritage, the working group have arranged for well known UK Heritage Surveyor Stephen Boniface to talk at the regional ACCF cultural conference organized by the Home affairs Department. The session he took part is related to Living Heritage, and also involved speakers from Melbourne and Singapore. We have met Stephen during his stay, and he shared some great ideas and experience we can use for the future.

The working group has finished the first draft of an opinion paper for the HKIS on heritage, which will be circulated for members input in the near future. As well as the recording, and the ongoing maintaining of Heritage Buildings, we will be looking at their ongoing usage, and into such ideas as transference of development rights, in some special cases. It will give practical solutions to some of the heritage problems we now find in Hong Kong.

HKIS has been asked to give comments to the Legislative Council on the retention of street markets in Wanchai, at Tai Yuen and Cross Streets. We support such as a vital part of the urban streetscape, and living heritage of Hong Kong. Of interest in coming months will be whether it is possible to retain the Bauhaus designed Wanchai market. Originally and currently rated class 3 by the Antiquities Advisory Board, no doubt it would be in the highest category now. How things have changed!



We have also asked RICS to co-operate with us in this area. Any member, who is keen to volunteer in this area, is welcome to join in. I would expect to have a number of volunteers in the future ready and willing to render advice to owners of heritage buildings.

Quantity Surveying Division Chairman's Message



Spencer Kwan QSD Council Chairman

Meeting the Secretary for Development

Following the restructuring of the HKSAR government set up, the previous ETWB has been renamed Development Bureau and the new Secretary of this Bureau, Mrs Carrie Lam had arranged to meet HKIS representatives on 17 July for an one-hour session.

TT Cheung represented the QS division to voice out the general concerns of the QS council. In view of the short time duration, only 4 major ones were raised and they were [1] registration of HKIS QS members in China, [2] QS participation at the civil engineering works [3] consultancy fee bidding of QS work and lastly and the most important one [4] representation of QS professional in the government.

As expected, there was not sufficient time for us to deliberate our concerns and Mrs Lam invited us to submit a written report with details and argument of our concerns.

Security of Payment to subcontractors

Follow on with the technical briefing by the lawyer commissioned by HKCA on the 7 June, HKCA has written to HKIS seeking for support on the legislation on the captioned issue and QSD has delegated a team to look into the issue.

Calling for help of APC assessors

There are now 320 applications for APC written examination which has been scheduled for 20 and 21 September. Each paper will be assessed by 3 assessors and we will need a few hundred assessors. You are invited to lend us your help in this assessment by a separate letter. Mandatory CPD is in place from 1 June 2007, these hours serving as an assessor count as CPD under the category of contribution to the Institute. If you would like to know please feel free to participate.



PAQS 12th Annual Congress
Construction in Challenging Environment
16-18 June 2008
Edmonton, Canada

CALL FOR PAPERS

The PAQS 2008 Congress Planning Committee is actively looking for dynamic speakers willing to share their expertise, knowledge and insight with others in support of the conference

"Construction in a Challenging Environment"

Abstracts must be submitted by no later than **15 October 2007**.

Please visit www.paqs2008.com for further details.

Young Surveyors Group Chairman's Message



Victor Lau YSG Chairman

Study Tour

A study tour to Dalian will be held between 12 to 16 September. The tour includes visits to various government departments, private construction companies and a few tourist attraction areas. It will be a great chance to meet with government officials and practitioners of our mainland counterpart and keep abreast of the most updated information on the surveying profession development in Dalian.

CPD

Two CPD seminars on Contract Law Review and Dispute Resolution were completed with overwhelming responses last month. Solicitors from Minter Ellison and Richards Butler's Litigation Practice Group had given the presentations.

A site visit to a church in Wong Tai Sin was held on 14 July to enrich members' practical experience with regard to renovation and refurbishment works.



The APC Camp - Mock Assessment for Practical Task was held on 23 June to provide a mock exercise for the Building Surveying APC candidates before they are taking their real examination. Experienced assessors had given their valuable comments to the candidates' works.

The CPD programmes ahead include a seminar on tendering process, site visit to Shatin New Town Plaza and a visit to the Olympic equestrian venue.

Social Event

A gathering for fresh graduates and newly qualified surveyors is planned under way in August. We are also planning to organize a recreation event for all members such as BBQ or yacht trip during the summer times. Please watch out our website for the update.

External

YSG had supported a seminar on Elite Leadership organized by the Hong Kong Jayceettes Junior Chamber on 30 June. The former CEO of Hong Kong Jockey Club Dr Lawrence Wong and Mr N Mark Lam talked on the road to become a successful leader.

YSG members had joined a forum and dinner organized by the Hong Kong Coalition of Professional Services to celebrate the 10th Anniversary of the HKSAR. The forum had discussed the development potentials of Hong Kong professional services in China. The Hon C Y Leung as well as various local government officials had given us the speeches.



The Education Expo organized by the TDC was held on 7-8 July in Hong Kong Convention and Exhibition Centre. YSG members had helped to introduce the HKIS.



CPD/YSG/2007064

香港測量師學會 青年組 大連交流團2007

地點: 中國大連市

日期: 2007年9月12至16日(星期三至星期日)

費用: 約港幣\$3,200 (包括來回機票及5日4夜之食宿)

行程:

12/9 (三)	1530 1730	香港國際機場集合 乘搭航機至大連，到達後返酒店休息
13/9 (四)	上午 下午 晚上	參觀大連港、星海公園及廣場、奧林匹克廣場及大連城市建設 聯合拜會大連市建委、規劃局、國土資源管理局及測繪局 大連市委統戰部宴請晚膳 夜遊大連晚市
14/9 (五)	上午 下午 晚上	參觀土地儲備交易中心、大連理工大學建築學院及大型住宅樓盤及 示範單位 參觀發展中大連時代廣場地盤及拜訪港資發展商瑞安建築 瑞安建築宴請晚膳
15/9 (六)	上午 中午 下午 晚上	極地海洋動物館、虎灘樂園 與建築協會會員午膳 旅順 - 日俄監獄舊址及其他名勝或自由於大連市內購物參觀 晚餐於旅順市內餐廳 返酒店休息
16/9 (日)	上午 1000 1200	早餐於酒店/ 自由活動 離開酒店 乘搭航機返港

人數: 40人

截止日期: 2007年8月15日 (先到先得)

可計算持續專業發展10小時

以上詳情可能因實際情況作出適當調整，本會將保留最終決定權。查詢及報名可發電郵至
cpd@hkis.org.hk 或 michellechung@hkis.org.hk。



Land resumption - public interest and compensation 符合公共利益與足額補償 — 徵收土地的兩項基本要求

簡福齡

香港大律師和香港測量師學會創會會長，全國人大港區第八、九和現屆港區代表，中國政法大學法學博士研究生，上海市前土地制度改革小組顧問（主任江道涵先生），深圳特區開發時期土地顧問，現任香港陽光房地產投資基金主席。

導言

本年三月，溫家寶總理向第十屆全國人民代表第五次大會的報告被輿論界高度讚揚為重點不在追求 GDP 高增長，而是著重改善民生的一份好報告。由於政府顯示它要決心整頓徵地施行上的種種弊端，「報告」中提到有關對土地與房地產方面的問題不少於四處之多：土地徵收、房屋拆遷損害群眾利益的問題；促進房地產持續健康發展；要節約集約用地；在維護社會安定前題下，強調要落實群眾利益的各項政策，其一就是要堅決糾正土地徵收徵用中損害群眾利益的行為，其二是征地必須依法作出足額土地補償，和維護被征地人的其他種種合法權益。綜合這四點，要旨就在於：防止土地濫被徵收和徵用，縮小對群眾利益的損害面；保障合理補償，就是把被征地的人所承受的損害減至最少。和諧社會的基本要求恰恰就是不做或儘量少做損害群眾利益的事；如果是基於公共利益的要求，而不可能完全避免損害群眾利益時，也要對受害者作出合理補償。

第十屆全國人大第五次會議還通過舉國翹首頌望的「物權法」，其中對徵收徵用土地要符合公共利益和足額補償這兩項基本要旨，有如下規定：

- 1 為了公共利益需要，依照法律規定許可權限和程序，可以徵收集體所有土地和單位，個人房屋以及其他不動產。(第四十二條第一款)。
- 2 徵收集體所有土地、應當依法足額支付土地補償費、安置補助費、地上附著物和青苗的補償費等費用，

安排被征地農民社會保障費用，保障被征地農民生活，維護被征地農民合法權益(第四十二條第二款)。

- 3 徵收單位、個人房屋及其它不動產，應當依法給予折遷補償，維護被徵收人的合法權益；徵收個人住宅的，還應當保障被徵收人的居住條件。(第四十二條第三款)。

- 4 建設用地使用權期間屆滿前，因公共利益需要提前收回該土地的，應當依照本法第四十二條，對該土地上的房屋及其它不動產給予補償，並退還相應出讓金。(第一百四十八條)。

「物權法」上述四點規定，儘管在原則上是明確的，但是在具體施行上，究竟什麼才算是公共利益的需要，徵收土地時，該依照什麼法律規定的權限和程序，什麼是足額的土地補償費等等，都是具有很大爭議性的先決問題。這些問題還有待將現時的有關法律、法規作相應修改或就徵收土地，徵用房屋等方面專門作出一部單行法，作為物權法在這方面規定的具體補充，以便實施。在這兩者之中，筆者是屬意於另立專門單行法，因為這樣，立法者可以把所有問題的方方面面都統一起來處理，免却任何疏漏。如果只把現時有關法律和法規作相應修改，則有可能把立法者局限在原有法律的條條框框內進行，既增加了立法難度，也會造成日後執行上困難。

為了未來立法需要，筆者特將一些在香港和外國有關征地的規範和程序，以及補償準則等引入此文，以供參考。首先有兩點需要說明一點：一是，對於「土地」一詞的定義，無論香港或是英國、

英聯邦國家和美國，在征地法裡，它都包括所有權和沒有所權的土地；二是，香港和這些國家都採納「房隨地走」這個法律概念；在這個概念之下，房屋所依附的土地使用權、一旦期滿，業主就喪失了對它的用益權，同時使房屋也喪失了作為商品的一個重要屬性，當土地和房屋的屬權已歸還政府，業主也就喪失了補償的法定權利，如果政府仍作出任何補償，那只能是屬於撫恤性而非法定的了。

收地許可權：公共利益和法定程序之規範

筆者是絕對認同，把緊征地當局收地權限的兩道閘門，即嚴格限制收地必須符合公共利益和把收地程序強制依法定程序進行，是防止土地被濫收的有效法門。要在徵收土地方面做到合法，必須這兩道閘門都能通過。即使是收地目的是符合公共利益所需，但若是繞過了法定程序，仍不算是合法。國外有很多這樣的案例，筆者在下文引述的案子有些也是在這種情況下，收地被推翻了。

具體地來說，在國外，征地的權限除了通過征地的法律具體設置之外，還可經由土地規劃來設定限制、抑制土地用途的隨意改變，防止土地被恣意納入被征範圍。在國外，城市土地的總體或分區規劃一般都是根據比較嚴謹的法定程序制定的，其中包括有法定的公眾參與權利。一經制定的規劃，不能隨便改變，要做任何改變，就必須按原制定規劃的法定程序再走一遍。從外國經驗看，公眾參與是屬於強勢參與，而公眾實際是地方群眾，和在法律、土地發展，城市

規劃等領域的專業人士及法律界的整合，對負責規劃當局有一定的約束力。

香港

在香港，涉及徵用土地以作公共用途的法例有好幾條，諸如：「城市規劃條例」、「市區重建局條例」、「道路、(工程、使用及補償)條例」、「地下鐵路(收回土地及有關規定)條例」、「收回土地條例」等。其中「收回土地條例」是適用於一般徵用土地情況，其它的幾個條例都是為特殊發展所需而引至土地徵用的專項立法，如：土地重新規劃及發展，新交通幹線或道路擴建，發展地下鐵路或集體運輸等等。這些專項立法使得政府有權徵用土地作專項用途，有些收地專項立法則直接引用「收回土地條例」的相關條文作為土地徵收權的依據。在香港，除突發情況之外，如在60年代，政府需徵收農地以敷設水管引進從廣東省東江輸來的飲用水，或徵收小量作公共設施用地，無論是徵收較大的土地，以作分區重新規劃，或交通樞紐建設，香港政府都需要預先有規劃，把分區土地用途按規劃大綱規範下來。所有分區規劃大綱必須經過頒佈，徵詢，(即讓市民提意見和建議，包括反對的和要求修改的)的法定程序。「城市規劃委員會」在處理(包括上訴)所有意見和建議後，規劃大綱才具有法定效力。當然，若有市民對「城市規劃委員會」的上訴裁決仍不滿意，他還可以向法院提出司法覆核。這一種預設的規劃程序實際上是對土地徵收設下的一道難於逾越的關卡。

香港特別行政區的法律在均衡公共利益，與保護私有產權兩者之間的選擇，不在公共利益的含義上加以限制，而是把征地是否符合公共利益的審查權交給特區的最高行政權力機關，即特區首長會同行政會議去裁定。在立法的安排上，特區的征地條例是把公共利益的檢定取決於所徵收的土地是否會用作公共

用途，而以下列出的用途按「收回土地條例」第三條俱被認為是符合公共用途定義：

- 1 收回衛生情況欠佳的物業，以改善該物業情況或以合衛生情況的物業代之。
- 2 收回造成或導致其他建築物不合適人居住或危害其居民健康之物業；
- 3 徵地為軍方所需。
- 4 行政長官會同行政會議所決定為公共用途的任何用途均是公共用途，不論該用途是否類屬以上第1至第3的任何一項用途。

顯然，上述的1至3項屬公共用途是毫無疑問的。但是，公共用途卻遠不止這三項，更不可能盡羅列。還有些用途究竟應否被列入公共用途，則頗受爭議了，譬如，通過徵地把土地整合再流進市場給發展商發展，這種征地能說是為了公共利益嗎？我相信有很多人會不同意，但是從另一個角度看，把不合現代規劃的，利用價值低的土地通過徵收重新整合發展，實現土地應有的價值，同時也改善了市區環境，這能不被認為是符合公共利益嗎？顯見，公共利益的定義是可以因時制宜、因地制宜的，香港政府在這方面採取了一項務實的措施，那就是在「收回土地條例」第三條另作一項不確定性的條文，讓政府的行政長官會同行政會議在有突發需要時，可以在他們認可之下把任何徵地視作公共需要。儘管如此，在香港，征地條例也正如其他法例一樣，是可以受到司法覆核的挑戰的。在1945年後港英管治期間，港府就曾兩度遭受土地業權人的挑戰，雖然，結果英國樞密院對這兩個征地案件都裁定，港府對「收回土地條例」第3條第四款的決定是不可推翻的。茲特把此兩案件在以下作簡介。

第一宗是陳留芳控告香港政府律政司一案(1990)，該案因政府按城市規劃發展需要徵用荃灣海霸村土地而起。業主經在香港兩審後，不服上訴至英國樞密院

作終審。終審的結果是樞密院維持港督按「收回土地條例」所作的征地指令有效。在審判中雙方都提出了一些重要原則：

1. 上訴方業主提出的有：
 - 甲、除非法例已有清晰和明確的規定，否則它不可能被用作徵收私人財產的依據；
 - 乙、只有法例已實際批准了要用於某一特許用途之土地才可以被徵收。業主之所以特別提出此兩條，旨在加強他的指控：征地指令所指令要徵收的土地並不包括他在那發展區的土地。
2. 被上訴方律政司提出有：
 - 甲、港督會同行政局針對征地對「公共用途」的審定有寬鬆的權限；
 - 乙、除特殊情况(如：失實或有歪情理)外，征地機構對什麼是「公共用途」有最終裁決權。律政司提出的甲點，旨在說明「收回土地條例」第三條第四款給予政府的權限是寬鬆的，而乙點強調的是，政府對公共用途的裁決是最終的。

第二宗從香港上訴到樞密院案件是1997年霍麗玲與港督會同行政局一案。在這一案中，征地條例的第3條受到來自另一角度的挑戰。上訴人是一個住宅單位業主，她認為政府在引用征地條例第3條徵用其住宅時，必須按照香港人權法第14條保障個人在不受非法干擾情況下，給予業主合理機會提出反對。樞密院的終審決定是：當某一項法規賦予任何行政權力，行使這權力時必須遵照公平原則。其中一項公平原則是，受影響者必須獲得適當通知。雖然，在這案子中上訴人並未有受到不公平的對待。此外，終審法官就自然公義或公平原則指出當前(即1997年)英國是以上議院一宗判決，即RV Secretary of State for Home Department exp

Doody[1994]，為準繩並覆述了馬士提爵士在審結庭案的判詞要點：

- 1 當某項立法賦予一定的行政權力，其立法原意是，在任何情況之下行使該權力都必須要遵照公平原則。
- 2 公平的標準不是一成不變的。
- 3 公平的原則不能機械式地運用於任何情況。
- 4 在行政決定作出之前，受影響者須獲得機會作出呈請，藉以獲得合理看待；如呈請是在決定後作出，他所期望的是行政決定會有所改變。
- 5 在公平原則之下，受影響者可以在得悉其受影響之程度才需要作出回應。

最後，樞密院法官還就香港人權法第14條對人權，保障條文作出釋義；雖然此條文聲稱，法律保障任何人就某些特定個人人權免受專橫的或非法的干擾，但就什麼行為才會被視為專橫(arbitrary)或非法(unlawful)，樞密院法官指出：根據聯合國人權委員會的**第16號評議檔案文件**，「非法」是指不在法律允許之下，而「專橫」是指雖則干擾是在法律允許之下，但其執行並沒有在合理情況下作出。「專橫」不一定要違反法律，它的含義可包括「不合適的因素」，「不符合公義」和「缺乏可預測性」。

筆者認為，這個案子為我國法律工作者就「公平」、「非法」、「專橫」的法律解釋提供了可供參考的外國價值觀念。此外，對於國家行政工作者提供了一條重要行政守則：行使立法賦予的行政權力要遵照公平原則。

新加坡

政府征地權力來自「土地徵收法」(Land Acquisition Act)第5條第1款。根據第5(1)條，土地可以被徵收來作任何用途。這個權力可以被政府、企業、法定機構和私人發展商行使以獲得土地。這第5(1)條的具體規範如下：

「當任何土地須要用作；

- a 公共用途；
 - b 任何人，企業或法定機構的工程或生產運作而這種用途是被部長認可是為公共利益的或有公共效用或使公眾獲公益；或
 - c 任何住宅，商業或工業用途；
- 總統可以在憲報發出通告宣佈該土地將被收回用作憲報上登載的用途」。

無論是「公共利益」、「公共效用」、「公眾得益」都沒有定義。在一宗上訴到英國樞密院的案子(1914)，上訴方是Hamabai Framjee Petit，樞密院法官們認為原審法官的判決：「我並未嘗試去準確地為'公共利益'下定義，我只需要說，無論這一詞語有什麼其他意義，它指的是一種利益，其目的是與公眾一般利益，而不是私人利益，有直接和重要的關連」是正確無誤的。

雖則「公共利益」是要與「公眾」一般利益有直接和重要的關連，但「公眾」這一詞並非指社會全體，社會的一部份而非只是幾個人或者是一小撮人就可以被認作是公眾。^{註1}

值得我們注意的是，按5(1)a條款，是不是公共用途的審查帶一定的客觀性；而該條b款的規定只需部長認可什麼用途是公共用途，則意味著部長的認可是決定性的，法院亦不會質疑。^{註2}

至於c款的作用，是使政府可以把征收回來的土地出讓給發展商而不致受到質疑。^{註3}

英國

強制收地權力(Compulsory Purchase Powers)可由不同途徑獲得：

- 1 國會通過法律直接賦予收購某些土地權力。常見例子是通過地區政府或公共機構催生的非官方立法。

- 2 國會通過法律授與普適收地權力以免除進一步授權。這種權力一般只授與某一行政機構。
- 3 國會通過授與強制性收地權力，但在收地前要完成一定程序，如，收地計劃要先行擬定並須經主管部門批准。

英國之強行收地程序自1946年以後越來越規範化和統一。到現在，絕大多數強行收地要受到「收地法1981」的條文所規範。收地權力一般都是由國會經立法程序賦予地區當局或公共機構，包括政府部門；而國會的授權立法都會按上述3.模式。實際上收地的進行是分兩個階段，第一階段是國會通過授權進行收地；第二階段，是以一個確定收地計劃來開始，計劃確定後，收地的一方宣佈這計劃和所有影響土地之數據，同時對所有受影響土地發出「強制收購令」(Compulsory Purchase Order)，這個收購令還需有關「部長」(Minister)確認(Confirmed)才生效。一般而言，有關部長在獲知計劃受到反對，就要進行公開聽証才能把收購令確認下來。

除立法以外，由於英國是一個著重判例國家，在征地法和賠償法方面有大量判例，茲特羅列幾則以供讀者參考：

- 1 地區當局在強制收購令被確實之前改變了其在前宣佈之收回土地用途，法院裁定撤銷其收購令。(London and Westelitt Properties Ltd v. Minister of Housing and Local Government [1961] 1 WLR)。
- 2 申請人以下列兩項有違公義的行政行為，申請撤銷已確認之收購令：
 - (i) 地區政府在作出強行收購令是有其他附隨目的，並參照了其其他不該參照因素；
 - (ii) 申請人被拒獲得應有數據進行申請城規批准；申請撤銷已確認之收購令。結果：申請被撤銷，理由是申請方證據不足。(Hanks v Minister of Housing

and Local Government [1962]3 W.L.R.)

- 3 地區議會按照海岸保護法公佈建造海堤計劃，計劃當初只需徵收少部份土地，及後計畫被修改以在堤上加建海浜水道，計劃在批准前，沒有接到反對書。上訴人在房屋及地區政府部長確認「強制土地收購令」後提出申請撤銷該收購令。理由是所涉及的土地只有小部份都是按照「海岸保護法」下築堤所需，而大部份要強制收購土地是用作修路而不是為了保護海岸，當局應先行與業主協商購買，協商收購不成才可量情強行收購。結果上訴法院以3比2裁決撤銷收購令。

從征地權力的授與來看，香港的徵地法與英國的徵地法十分接近；兩者共通之處有：

- 1 公共機構所需土地能通過官方立法徵收，(香港的「地下鐵路(收回土地及有關規定)條例」就是一個例子)
- 2 將普適收地權力授予某一行政機關(在香港普適收地權力按「收回土地條例」由地政署行使)
- 3 英國的分兩階段實施徵地在總體上香港也實施；只是，在法律規定方面，在英國徵地的那兩階段，即先授權後確認，是由同一個專項法律規定；在香港可由不同的兩個法例規定，在實施方面，階段之間沒有時間限定。

足額補償

在英聯邦國家以及香港特別行政區，一般而言，足額補償指的是以該被征土地或房子的市價為基礎的法定補償。而在普通法適用的地區，一些早期確立的補償準則，除非是為當地立法所廢棄，否則很多還是繼續被引用，例如：

- 1 普通法的最基本假設、沒有強制征收是可以免於給予補償的，是早在1903年英國上訴庭於 *Commissioner of Public Works (Cape Colony) v Logan* 就已確定；

2 英國樞密院在 *Fraser v City of Fraserville* [1917] 申明在計算市價方面，它可以包括未來發展的可能性。

建設用地的潛在價值是估值師長期爭議的問題，在 *Maori Trustee v Ministry of Works* [1959]AC 一案，樞密院裁決：雖然補償是可以包括土地的可分割性，但是卻不能把土地作為已分割為小塊來計算補償。在樞密院審理的另一宗案子，*Melwood Units Pty Ltd v Commissioner of Main Roads* [1979] AC，雖則被徵收土地經法定的規劃已降低了它的市價，但是樞密院認為征地計畫對被征土地做成的不良影響是不該作為評估其市價補償的因素。

對於財產被徵收的補償，<香港特別行政區基本法>的第一百零五條規定是以「相當於該財產當時的**實際價值**」來作補償。這一條同樣適用於不動產和動產的補償，所以也就既適用於有所有權的土地和只有使用權的土地和房產。「實際價值」的定義是什麼，<基本法>沒有說明，但它卻用這一詞來代替了香港特區按普通法一向慣用的「市價」來作為補償的準則。香港的<收回土地條例>第12(d)條對於被征地的補償就是以該地按自願情況在市場公開出售所得的市價作為基準。那麼究竟**實際價值**是不是等同於**市價**？雖然在一宗筆者也曾參與其間在終審庭訴訟並已審結的土地補償案子中，終審法官對此已有結論，但是法律界仍有很大的爭議。在這個案子 *Nam Chun Investment Company Limited and The Director of Lands (FACV No. 13 of 2004)* 中的業主要求以土地的市價作為計算征地補償的基準，而地政署署長則認為業主所認定的市價並不正確地反映被征土地只能作為農業用途的市價；業主要的市價補償，實際上隱含

了購買者對該地會獲得批准改變為建築用地這種不現實的期望。但是<收回土地條例>的第12(c)條卻規定在裁定應支付的補償時，不得因預期獲得或有可能獲得政府的任何特許而給予補償。審判結果、終審庭接納了地政署的主張同意了任何預期用途會獲得改變是按<收回土地條例>第12(c)條規定，不得給予補償。

終審法官們在這案子中特別指出在另一宗農業用地征地案件：*Suen Sun Yau v Director of Buildings and Lands* [1991] HKDCLR33，土地審裁處以該地的市價是按購買者認為其用途的特定限制可獲政府撤銷的基礎而定，從而作出相應的補償裁決是錯誤的。法官們認為這樣的裁決等於把土地本身根本沒有的價值也把它算入地價，並把業主本不應得的補償裁決給他了。主審的一位終審法官，米勒爵士(Lord Millet)在針對業主要求按<香港特別區基本法>第105條所規定的征地補償應以它的「實際價值」來計算時，指出容許農地改變作建築用地這個權力是屬於政府的，在沒有獲得任何批准改變之前，政府是無須為它仍未行使的權力付出額外的補償。

筆者以為，在國內類似上述案件，征地者與農民對補償評定基礎的不同理解應該也是常有的。對於如何評估「市價」或什麼才算是「足額補償」涉及兩個不同層面的爭論：一是，評估的基礎；二是，即使是按同一基礎，評估結果的高低。前一個問題是法律問題，而後一個問題是估值的問題了。

針對內地情況幾點建議

筆者對於國內的征地權限，程序和補償所知鳳毛麟角，但是，我可以指出香港和國外在這些方面的規範，無論是從概念，原則到具體法律條文，與我國的同類規範相比較，從上文就可以察覺到有一些頗堪借鏡的地方，比如，在法律規範條文和法律執行方面：(1)外國的法律

規範是比較細緻、深入和明確；(2)法律的執行不只是忠於規範所需，同時也兼顧到程序公義。對此，國內土地經濟學者也有指出，土地征用相關正當程序有缺失^{註4}，主要是我國土地征用在審查階段，欠缺對實質內容包括征地目的之審查和行政機構批准征地的依據。

針對我國政治架構分為中央、省和自治區，市區，縣和在經濟格局劃分為東、中、西部、東北老工業區，京津和長三角優先開發區這種情況，我對征地權限、程序包括審批，有以下幾點粗略的建議，當然以後還需要作進一步研究和探討：

征地權限

綜觀我國有關征收土地法律規範，無論是「憲法」和「物權法」對征收土地設限，即只能是為了公共利益需要，或是「土地管理法」規定，即征收基本農田，基本農田以外的耕地超過三十五公頃，或其他土地超過七十公頃，由省、自治區，直轄市人民政府批准，更或是所征收土地若是農用地，還需辦理農用地轉用審批等等，都不失為屬於嚴緊規定。就如國內土地經濟學者指出，從建設項目本身審批級別來劃分，由國家審批固定資產投資項目用地應屬最高層次的公共目的用地；其次則是省級基本建設固定資產投資項目用地；而其他基本建設項目用地則屬於公共目的性最低層次的項目用地。^{註4}這第三類用地一般是國有企業建設項目用地和城市居民住宅建設用地，包括省級以下批准的開發區。而征收權的濫用，也以發生於這一類的項目為最多。^{註5}考其究竟，眾多是指一些地方政府在利益驅使之下機會主義行為所造成。針對這種情況，我建議：由於問題發生多出於征地執行權和落實權的行使，因此建議多設一道關卡，在地方政府執行和落實征收土地之前，還需要獲得省級國土資源部對征地方案、征地審批，和涉及農用地轉為建設用地的批文等等進行稽核，防止有任何越權或

規避法律措施以進行不合法收地。而有關稽核完成後還須發給稽核證明，征地才可開始。在征地完成後，省級國土資源部還得對項目作最後複核確保項目在按原批准文號，征用土地的用途、範圍、面積以及征地補償標準完成。

征地程序

首先，征地程序應是征地法的一部份。按我國現行土地管理法實施條例，征地方案經批准後，但在實施之前，要將批准征地機關、批准文號，征用土地的用途、範圍、面積以及征地補償標準、農業人民安置辦法和辦理征地補償的期限等予以公告，對於這種做法筆者給予兩點肯定：一是、公告作為征地程序的一部份，二是、公告的主要內容。但是筆者對公告作出的時間，建議它應是在征地方案一經制定之後，而不是在方案獲得批准之後，這樣才更符合民主程序。假若是這樣，則公告內容可以增加二項，即：

- 1 反對者或對方案有修改意見者達同反對和修改理由，可以在公告指定限期之前提出。
- 2 限期結束後，征地單位將舉行聽證會聽取反對或修改意見。

這些反對和修改意見，如經聽證後提出者仍不撤回，則須呈交給審批當局作最後決定。

此外，有關審批程序方面，筆者建議，應著重實質內容審查；尤應對計劃的可行性和補償標準及補償預算等問題特別予以關注。前者對濫征土地和征而不用有抑制作用，並使補償標準有一定透明度，後者對補償的發放有較佳保障。

足額補償

至於民間對征地補償不公而產生的怨憤筆者已時有所聞。我以為補償之高與不高，公與不公都帶有一定主觀性。從表面上看，地區政府以建築用地的十分之一或甚至更低價征收農地，這就是不

公。但這果真如此嗎？只要征地一方的地區政府，對補償計算作一個公開而透明的解說，教育群眾，也許可使他們放棄成見來客觀地考慮補償標準的合理性問題。首先是被征得人必須認識現行(2004年)土地管理法對征收補償的規定(見第47條)是把被收土地規定在按照原用途來給予補償。實際上一個地區政府，要從土地開發獲得利潤也不一定是有把握的事，全國各地，不成功的開發區，多的是。要開發獲利，除了土地出售價能達標之外，還要看可供出售土地與征地的比例，這決定於區內無經濟收益的設施，如：道路、綠化、社區用地等等面積的多少，此外，開發成本除了征地補償外還要加上所有其他開發配套成本。人們有了這些認識，對征地補償標準的基礎，便會有更好的理解。當然，正如上文指出：對補償基礎的爭議是法律問題，解決這方面的紛爭最後只有通過法律途徑。

餘下的兩個問題，也是常常出現的問題，一是補償額的多寡，二是補償金被拖欠問題。前者是估值的公正性問題，它還可經由仲裁渠道解決；後者一般涉及行政行為，只能由上級行政機關或通過司法程序解決了。

司法覆核

無論是土地征用、審批程序或是對補償都缺乏司法覆核，這些問題早已為國內土地經濟學者指出^{註6}。司法覆核權的缺少等同剝奪了被征得人一種非常重要的保障；顯然，現在在征地方面出現的種種流弊與集體和個人的利益僅能依賴行政機關，而司法保障和救濟手段則被排除不無關連。

註1：“Compulsory Land Acquisition - Singapore and Malaysia” by N Khwblall 第40頁

註2：見註1之第41頁

註3：全上

註4：「中國土地法理論研究」第360-361頁 劉俊著，法律出版社2006年出版

註5：全上之第362-363頁

註6：全上之第353-354頁



In the first 5 months of this year, QSD has organised 7 CPD events covering a variety of topics, and the Convenor Thomas Ho has submitted these reports.

Lucky factor

An interesting CPD on Lucky Factor was held on 5 February when Joseph Ho, Managing Director of Zenith Cosmetics and the most outstanding trainer of Junior Chamber International gave us a talk.



Joseph explained what the lucky factor is and how we can increase our lucky factor by increasing our knowledge, resources, improving our interpersonal skills, information

handling, work systems and technology. The talk was attended by over 70 participants all of whom participated actively in the exercises and tests conducted. Thanks to Joseph for such an interesting and motivating talk.



Feng Shui and architecture

On 9 February, Michael Chiang, architect and a distinguished scholar in Chinese architecture, garden designs and Feng Shui gave us a talk.



Michael explained the basic Feng Shui principles, how they apply to architecture and interior design by quoting examples of good and bad architecture in Hong Kong. The talk was impressive and attended by over 100 participants. Thanks to Michael for sharing his expertise .



A practical guide to the measurement of building services under the new HKSM4

HKSM4 was introduced in view of advancement in architectural design, engineering technology and the ever increasing sophistication of the construction industry in Hong Kong. The new HKSM4 has adopted the tabulated format which is similar to the United Kingdom and Australia, while still keeping the trade section rather than an elemental format. It also combines the previous plumber section of the HKSM3 with the mechanical installations.

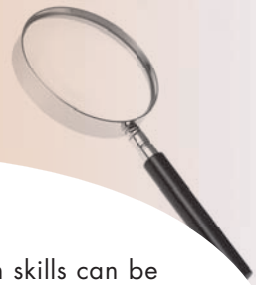


In the seminar held on 14 March which was attended by over 120 participants, Raymond Kam, Director of a local

QS consultancy practice, highlighted major differences between the old and new SMM in respect of the building services sections, explained and commented on the new HKSM4.



Thanks to Raymond for sharing his expertise .



'Pay when Paid'/'Pay if Paid' under the new Standard Form of Building Contract

'Pay when paid' clause had in the past brought about difficulty to the relationship between Main Contractors and Nominated Sub-contractors. In UK, s113(1) of the Housing Grants, Construction, and Regeneration Act 1996 was drafted to tackle this issue. In Hong Kong, clause 29.12 of the Standard Form of Building Contract 2005 Edition was drafted with a similar aim.



In the talk held on 27 March which was attended by over 120 participants, Bernard Wu, an experienced quantity surveyor and also a Barrister-at-law and an Arbitrator, examined the rulings in different common law jurisdictions

on 'Pay when paid / Pay if paid' clause and discussed the interpretation of clause 29.12 of the Standard Form of Building Contract 2005 Edition. The talk was impressive and participants were active in discussions.



Thanks to Bernard for sharing his view.

How to use mediation skills to avoid disputes

Thanks to David Newton, Managing Director of Accord Group and one of Australia's most experienced dispute resolution specialists who gave us a talk on mediation skills on 25 April.



David gave his insight as to how mediation skills can be used to avoid disputes and explained the process of mediation and went through the various mediation skills such as assisting the parties to understand the issues in dispute, identifying creative options to resolve the dispute and finalising agreement. After that, he summarized the benefits of mediation as a recognised and well accepted alternative to litigation, how it can save cost and result in a fast and effective solution to a complex problem.

The talk was attended by over 120 participants.



The essence of an arbitration clause

Thanks to Christopher To, Secretary-General of the Hong Kong International Arbitration Centre and the Asian Domain Name Dispute Resolution Centre, one of the most distinguished 250 Young Global Leaders of the world awarded by the World Economic Forum, for giving us a talk on 2 May.



Christopher shared with us the essence of an arbitration clause, procedure of arbitration, development of arbitration and other alternative dispute resolution methods in



Hong Kong over the past ten years. He also shared his experience and achievement as Secretary-General of the HKIAC and the ADNDRC. The talk was attended by over 120 participants.

Members' Privileges *(With your HKIS membership card, you can enjoy these special offers.)*

Cosmos Bookstore (天地圖書)

15% discount on books and 10% on stationery purchases (except fix priced and special priced items) in the Cosmos Bookstore on 32 Johnston Road, Wanchai and 96 Nathan Road, Tsimshatsui until 31 December 2007. Enquiries please call **2866 1677**.

Caltex StarCard

A discount of HK\$1 per litre gasoline for all successful application of the Caltex StarCard. Enquiries please call Eric Law of Ming Xing Investment Co Ltd on **2851 3297**.

Shell Card

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

Esso Card

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

Union Hospital (沙田仁安醫院)

A privilege offer of \$3060 (original \$4650 for male) and \$2880 (original \$4390 for female) for all HKIS members and their families. Plan inclusive of TWO Doctor Consultations, Physical Examination (Weight, Height, Blood Pressure & Pulse) & Medical History, Chest X-ray, Electrocardiogram, Kidney Function (Urea & Creatinine), Liver Function (SGPT & SGOT), Complete Blood Count, Diabetic Screening (Fasting Glucose), Rheumatology Screening (Uric Acid & RA Factor), Lipid Profile (Total Cholesterol, Triglycerides HDL and LDL), Thyroid Screening (T4), Urine Test (Urinalysis), Occult Blood, Colon Cancer Screening (CEA), Hepatitis Profile (HBsAg, HBsAb), Prostate Specific Antigen for male, Pap Smear for female. Offer valid till 30 June 2008. Enquiries please call **2608 3170** or visit www.union.org.

Note: The HKIS will not be privy to any contracts between the HKIS members and the agency concerned. We will not be responsible for the administration of or the consequences arising from these contracts, including any personal data that HKIS members may agree to provide to the agency. No liability of any kind will be borne by the HKIS. All business transactions made under the membership benefits of HKIS are strictly between the merchant and HKIS members. The HKIS will not be involved in any complaints made by any party in any business transaction. All enquiries should be made to merchants directly. For general enquiries, please call Linda Chan, Secretary of the Members' Welfare Committee, on 2526 3679 or email: linda@hkis.org.hk.

HKIS

Pattern style
Blue, Gold



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

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



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

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



Beige silk scarf with single HKIS embroidered logo.

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



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

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

Welcome to the HKIS Shop

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



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

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



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

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

Date	Event	Organiser	Location	
2007				
Aug	09	HKIS Executive Committee Meeting	Board Room, HKIS	
	31	Surveyors Happy Hour	Library, HKIS	
Sep	13	HKIS Executive Committee Meeting	Board Room, HKIS	
	27	HKIS General Council Meeting	Board Room, HKIS	
	28	Surveyors Happy Hour	Library, HKIS	
	29	BS Conference 2007 Future Development in Hong Kong - Foresight, Innovation & Sustainability	HKIS / BSD	Auditorium of the Hong Kong Science & Technology Parks, Shatin, NT, Hong Kong SAR
Oct	11	HKIS Executive Committee Meeting	Board Room, HKIS	
	13	HKIS Annual Conference 2007 Surveyors in Heritage - Preserving and Adding Value	HKIS	JW Marriott, Hong Kong SAR
	26	Surveyors Happy Hour	HKIS	Library, HKIS
Nov	08	HKIS Executive Committee Meeting	HKIS	Board Room, HKIS
	20	HKIS Annual Dinner	HKIS	Grand Hyatt, Hong Kong SAR
	22	HKIS General Council Meeting	HKIS	Board Room, HKIS
	30	Surveyors Happy Hour	HKIS	Library, HKIS
Dec	12	HKIS Annual General Meeting	HKIS	SLC, HKIS
	28	Surveyors Happy Hour	HKIS	Library, HKIS

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

Mandatory CPD

started on
1 June 2007

Update your
CPD profile record
regularly for
mandatory checking

Go e- for latest CPD news and log sheet

Webmail Login

- 1) Go to www.hkis.org.hk
- 2) Click "Webmail"
- 3) Enter your

- a) User ID (choose one from: bs, gp, ls, pfm, pd, qs, then your HKIS number)
- b) Password (the preset password is your birthday in yyyyymmdd; change this by all means when your first log in)

CPD Log Sheet

Record your CPD attendance on a CPD Log sheet on-line:

- 1) Go to www.hkis.org.hk
- 2) Click "Members Corner", then "CPD Profile"
- 3) Enter your Login Name, then Password

- a) Login Name = HKIS number (e.g. Membership No. 3042, login name is 3042)
- b) Preset password: see above

- 4) Click "Add Log"
- 5) Submit your event information as requested

Problems encountered with login, please contact i_t@hkis.org.hk

Plate Champion : HKIS Soccer Team



Special thanks to our past presidents, CY LEUNG, Marco WU, PC LAU and current HKIS Vice-president Francis LEUNG who came to support us.



Last Row

Henry LEUNG (LS), Frankie YIP (LS), Tsz-kin YU (LS), Sing CHONG (LS), Wing-shing LEUNG (LS), Wilson AU YEUNG (LS), Pierre CHAN (GP)

Middle Row

Yau-ping HUI (LS), Guy LAM (BS), Eddie WONG (LS), Ivan NG (GP), Jerry LUI (GP), Lesly LAM (LS)

Front Row

Justin NG (GP), Fred Mok (BS), Wilfred Wu (LS), Patrick CHOY (LS), Cyrus SIU (BS), Dennis WAT (BS), Rico LOK (BS)

Not in the Photo

Horace LAM (BS), Ray NG (LS), Daniel LO (LS), Vapor CHAN (BS), Joe LAW (LS), Adam LEE (GP)

