

測 量 師 導 報

# SURVEYING

VOLUME 7 ISSUE 10, October 1998

## Message from the President

MESSAGE FROM THE PRESIDENT

### Towards a sustainable future

Survival through the changing nature of professionalism due to new technological development, business conditions, more quality services demanded by clients, more competitions and accountability has alerted surveyors to equip with themselves, not just meeting the specific requirements of becoming a member of a professional body but to extend themselves to re-appraisal of professional values and ethics, professional education and training, the delivery of professional services and the evaluation of professional performance.

New technological development had encouraged an explosion in the production and availability of information which is now accessible to a variety of audiences.

As customers and sponsors alike have become better informed, they have become more demanding about the services delivered by professionals.

With the growing demands for accountability, previously implicit aspects of professionalism are expected to become more transparent. Professional competence should

not only be interpreted in terms of mastery of specific technical skills and of a professional behaviour and ability to deal with ethical dilemmas.

Due to the changes occurring in the market place for better and diversified surveying services, the organisation of professionals should shift from operating as 'sole practitioners model' through 'partnership model' where groups of professionals with complementary skills offer a range of specialist services to increasingly complex multi-disciplinary professional service organisations.

Surveyors should see themselves increasingly move towards a more formal recognition as business problem solving consultants. The skills required by surveying professionals, if they are to compete with other professionals including accountants, lawyers, management consultants, software houses and a range of engineering and other service providers, are much broader than those required for the core technical roles fulfilled by surveyors. If surveying professionals were to compete in these new areas of practice, they must have an



enhanced level of expertise in issues ranging from business management, financial management, consulting problem solving capabilities, charge management and above all enhanced levels of ability to deal with unfamiliar problems in unfamiliar contexts.

**IMPORTANT  
ANNOUNCEMENTS  
ON PAGES 2 and 3**



SURVEYING is the newsletter of the HKIS. It is distributed to members, students and friends of the surveying profession free of charge. Anyone wishing to receive a copy may contact the office of the Institute.

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E-mail: editor@hkis.org.hk	

#### Editorial Contributions

Surveying encourages article queries and submissions. Article submissions should include both hard (printed) copy and a diskette in Word format. Contributions should reach the editor at the office of the Institute before the 10th of each month.

#### Information & Contents

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#### Advertising

All advertisements and small ads are welcome. SURVEYING is reaching over 5,000 readers. For detailed information & advertising rates, please contact Ms Margaret Yung of the Secretariat office at 25263679 OR Mr. Charles Yiu of Corporate Culture at 2802 6949.



#### The Hong Kong Institute of Surveyors

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http://www.hkis.org.hk

#### Office Hours:

Monday to Thursday 9:30am - 5:30pm  
Friday 9:30am - 5:00pm  
Saturday 9:30am - 12:30pm

## Message From The Hon Editor

By Winnie SHIU

### Calling for Editorial Contributions

While you are reading this Newsletter, I believe that you all enjoyed reading the re-launch of the Institute's Journal. The Hong Kong Surveyor (Volume 9, Issue 1, October 1998). The success of the publication of the Journal was not only from the effort of the Editorial Board, but mainly from the surveying professionals' contributions.

We initially planned to publish the Journal at a quarterly or half yearly interval. The experience that we have got so far told us that we have to keep a half yearly schedule for the first two issues.

I am now calling for contributions for the next issue, which is scheduled to be published in April 1999. To facilitate editing work, please submit your contributions in both hard and soft copies (in Microsoft Office 97 WORD .doc format) to the

HKIS office, marked for the attention of your divisional representative (listed on the left of this newsletter), on or before 31 December 1998. Pictures or illustrations are most welcome to enhance the contents of the articles.



## Launch of HKIS Homepage

The HKIS Homepage was completely re-structured to provide more information to members. The revised homepage was recently launched and yet there are still a lot of areas that need improvement. Please do spend some time to explore the homepage and let us have your valuable advice. You are welcome to convey your message to us at editor@hkis.org.hk.

# ANNOUNCEMENTS

THE HONG KONG INSTITUTE OF  
SURVEYORS  
EXTRAORDINARY GENERAL MEETING  
*on the Proposed Amendments of the HKIS  
Constitution and Bye-Laws*

WEDNESDAY 25 NOVEMBER 1998  
Room 405, Hong Kong Convention and  
Exhibition Centre 1 Harbour Road,  
Wanchai, Hong Kong  
6:30pm

THE HONG KONG INSTITUTE OF SURVEYORS  
ANNUAL GENERAL MEETING  
TUESDAY 15 DECEMBER 1998

Room 606-7, Hong Kong Convention and Exhibition Centre  
1 Harbour Road, Wanchai, Hong Kong  
6:30pm  
(details circulated separately)

GENERAL PRACTICE SURVEYING DIVISION  
ANNUAL GENERAL MEETING

Date: Thursday, 10 December 1998  
Venue: Room 405, Hong Kong Convention  
and Exhibition Centre, 1 Harbour  
Road, Wanchai, Hong Kong  
Time: 6:30pm  
(further details to be circulated separately)

JUNIOR ORGANISATION  
ANNUAL GENERAL MEETING

Date: Thursday, 3 December 1998  
Venue: Thornton Room, 3/F South Tower,  
The YCMA of Hong Kong, 41  
Salisbury Road, Tsimshatsui,  
Kowloon  
Time: 6:30pm  
(details circulated separately)

BUILDING SURVEYING DIVISION  
THE 14th ANNUAL GENERAL MEETING

PRESENTATION OF DISTINGUISHED BUILDING  
SURVEYOR AWARDS

BUILDING SURVEYORS ANNUAL DINNER

Date: Tuesday, 24 November 1998  
Venue: Happy Valley Suite 22/F Hong Kong  
Football Club, 3 Sports Road, Happy Valley,  
Hong Kong  
Time: 6:30pm for AGM  
7:30pm for Annual Dinner (buffet will be  
served)  
(details circulated to BSD members separately)

LAND SURVEYING DIVISION  
ANNUAL GENERAL MEETING

Date: Friday, 4 December 1998  
Venue: Room 604, Hong Kong  
Convention and Exhibition  
Centre, 1 Harbour Road,  
Wanchai, Hong Kong  
Time: 6:30pm  
(details circulated separately)

# NEWS FROM THE SECRETARIAT

## HKIS DIPLOMA PRESENTATION

On 29th October 1998, a diploma presentation was held for HKIS members, elected on 8th September 1998, at the HKIS secretariat office. The Senior Vice President, Mr Samson Wong, presented the diplomas to members of all 4 divisions, in the presence of the divisional chairmen, office bearers and guests of the members.



*The Senior Vice President, Mr Samson Wong and the chairman of the Quantity Surveying Division, Mr T T Cheung, presents a diploma to a Fellow member, Mr LAW Kwok Leung.*



*The Senior Vice President, Hon Secretary and divisional chairmen with the elected members*

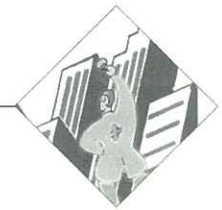
### Obituary

Miss LAM Mui Yin (林妙研), General Practice Division, a member since 1989, passed away on Sunday, 18th October 1998.

### He is not one of us

On 23 September 1998, a man was caught filming up women's skirts with a hidden camera and was bound over for 2 years. He described himself as a Land Surveyor and it has caused some concern on the conduct of surveyors amongst members as well as the public. We would take this opportunity to inform you that he is NOT a member of our Institute.

# BUILDING SURVEYING



## News from the Building Surveying Division

By Kenneth J K Chan, Chairman

### Professional Building Surveying Consultants Association of Hong Kong Limited (PBSCA)

[香港專業建築測量顧問公會有限公司]

The "Professional Building Surveying Consultants Association of Hong Kong, Limited" has been duly incorporated on 9 September 1998 as a limited company by guarantee. The four subscriber-firms, namely: Multiple Surveyors Limited, David C. Lee Surveyors Limited, L.C. Surveyors Limited and First Pacific Davis (H.K.) Limited were elected in the Annual General Meeting on 22 October 1998 to form the first Executive Committee of the Association.

### DISTINGUISHED BUILDING SURVEYORS [卓越建築測量師]

The Divisional Council approved the eight nominations for senior members to be honoured with the DBS Award. They are

*Raymond A BATES*

*Michael R MANN*

*Raymond W M CHENG*

*Daniel C LAM*

*Barnabas H K CHUNG*

*LAU Chi Keung*

*David Chris T H LEE*

*Peter B WONG*

The above senior members of the Building Surveying Division have had over 20 years of professional experience in Hong Kong and were great supporters and promoters of the Building Surveying profession in Hong Kong. An award presentation ceremony will be

conducted during the Annual Dinner of the BSD on 24 November 1998.

### BUILDING SURVEYORS CONFERENCE 1998

It was another successful BS Conference with over 300 members, guests and delegates attending the event on 24 October 1998 at the Great Eagle Hotel in Tsim Sha Tsui. The main theme of the conference was "Safety and Health Hazards in Buildings." Professor Barnabas H K CHUNG delivered the Keynote Address that was most stimulating to the attendants. Nine other speakers delivered their messages in three different sessions including topics in fire safety, air quality in buildings, monitoring of canopies, removal of asbestos, risks associated with renovation works, etc. Arrangements was made in collaboration with PBSCA for the Hong Kong Economic Times to publish once again a special supplement to commemorate the occasion. Thanks to the organizer and helpers in making this conference a success.



### NEW APC ASSESSORS

The following members were approved to be assessors for the APC Practical Task and Professional Interview to be held in November (in alphabetical order):

Dickson K W AU,  
Kenneth C H CHAN,  
Cliff C K CHOW,  
Wilson W S CHOW,  
John Y K HO,  
HUNG Chi Kin,  
Anthony L C HUNG,  
LAU Gown Yeung,  
Frank M C LI,  
LI Kam Chuen,  
POON Yau Man,  
SETO Sai Wah,  
TAM Wing Cheung,  
TSE Lap Wa,  
Stephen S M TSE,  
Megan R WALTERS,  
Billy C H WONG,  
WONG Kin Yip,  
Peter S K WONG,  
Joseph K H YU.

### AMENDMENTS TO THE HKIS CONSTITUTION AND BYE-LAWS

Building Surveying members are urged to support the proposed amendments by returning the postal vote before 23 November 1998.





# GENERAL PRACTICE

## News from the General Practice Division

by Tony Tse, Chairman

### 1. Working Group on Development Approval Procedure, Environmental Friendly Buildings and Better Housing Units

A Working Group chaired by the Secretary for Planning, Environment and Lands to study the above issue has recently formed. Mr. David Lee and Mr. Tony Tse are the representative of the Hong Kong Institute of Surveyors. Members of the Working Group also comply representative from the Real Estate Developers Association of Hong Kong, Hong Kong Institute of Architects, Hong Kong Institution of Engineers, Hong Kong Institution of Planners and the Department Heads of various departments concerned. On the first meeting held on 22 September 1998, the following Terms of Reference were endorsed :-

- (a) to review the implementation of the current simplified development approval procedure and consider ways for further improvements and streamlining;
- (b) to explore ways and means of promoting environmental friendly buildings; and
- (c) to explore the feasibility of encouraging the construction of bigger and better housing units, without affecting the overall planned provision of housing units and infrastructural capacity, by the provision of concessions.

Should members of the General Practice Division have any proposal of views relating to the above issue, please contact Mr. Tony

Tse (Tel. No. : 2835 6626; Fax No. : 2893 5937).

### 2. Standard Form of Agreement for Sale and Purchase

The Legal Advisory and Conveyancing Office of Lands Department is considering an overall in-depth review of the terms of Agreement for Sale and Purchase under the Lands

Department Consent Scheme. The Hong Kong Institute of Surveyors is asked to submit proposed amendments for improvements to reflect both our members' interests, as well as those of consumers or other parties involved so as to make the document more user friendly. The General Practice Division is asked to co-ordinate members' views on the issue. Should any members have comments or proposal, please contact the members of the working group as listed below :-

Name	Contact Tel. No.	Fax No.
Mr. K. L. Leung	2908 8819	2523 3286
Mr. Francis T. Lau	9096 1168	2762 1783
Ms. Hazel Y. H. Chan	2835 6789	2893 5937





## NEWS FROM THE LAND SURVEYING DIVISION

By K L MOK, Chairman

### The Chinese Society of Geodesy, Photogrammetry and Cartography (CSGPC)

#### 中國測繪學會

Since HKIS is the only recognised and legal surveying professional institute in Hong Kong, and Hong Kong is a Special Administrative Region, CSGPC cannot absorb HKIS as their Corporation Member. The Land Surveying Division is thus accepted as one of the Corporation Members of CSGPC. The diploma of membership has been issued and is now placed in the Institute's office. CSGPC also welcomes Hong Kong land surveying practitioners to be their members. If LSD members wish to become a member of CSGPC, please contact Mr. K L MOK on telephone no. 2370 4856.

### Proposal for the 3<sup>rd</sup> Conference for the Exchange of Survey & Mapping Technology Across the Straits

The 2<sup>nd</sup> Conference for the Exchange of Survey & Mapping Technology Across the Straits was held at Tainan, Taiwan. There were more than 10 LSD members and other Hong Kong land surveying practitioners attending the conference and presenting papers. The 1st Conference was held in Chengdu and hosted by our Mainland counterparts.

It is proposed to organise and to hold the 3<sup>rd</sup> Conference in Hong Kong. LSD representing HKIS is trying to be the host or co-organiser with HKPU and with the support of HKIES and Lands Department for the 3<sup>rd</sup> Conference in the year of 2000 or later.

### The LSD Council

As you are reading this message, there should be a newly elected council. Being the Chairman of the Council for the year 1997-1998, I would like to express my sincere thanks to all my council members and members of ad-hoc and standing committees for their hard work and initiatives for the divisional affairs. Also many thanks to our LSD members for their full support to the council.

### Report on The 2<sup>nd</sup> Conference for the Exchange of Survey & Mapping Technology Across the Straits

(第二屆兩岸測繪學術研討會)

By CHAN Kai-hong, Donald

The 2<sup>nd</sup> Conference for the Exchange of Survey & Mapping Technology Across the Straits was successfully held in the National Cheng Kung University (NCKU), Taiwan, on 7 September 1998. The conference was organised by the Department of Surveying Engineering of NCKU and was well attended by about 150 participants respectively from the mainland China, Taiwan and Hong Kong. The HKIS's delegation consisted of members from various fields including an academic institute (HKPU), government departments (Lands, Housing, Highways and Marine) and private firms. Mr. MOK King-leung,





# LAND SURVEYING

Chairman of LSD and Mr. CHAN Hak, Deputy Director/ Survey & Mapping of Lands Department were invited to deliver a speech in both the opening and closing ceremonies.

It's worth mentioning that Professor Wang Zhizhuo (王之卓) of WTUSM, who was the most well-known person in the surveying science in China, attended this conference at the age of 90. Prof. Wang was invited to deliver the first presentation of the conference and attended most of the presentation throughout the conference. His dedication to the surveying and mapping career gained the highest admiration from every participant. His presence also drew the local media's attention and was interviewed by a newspaper.

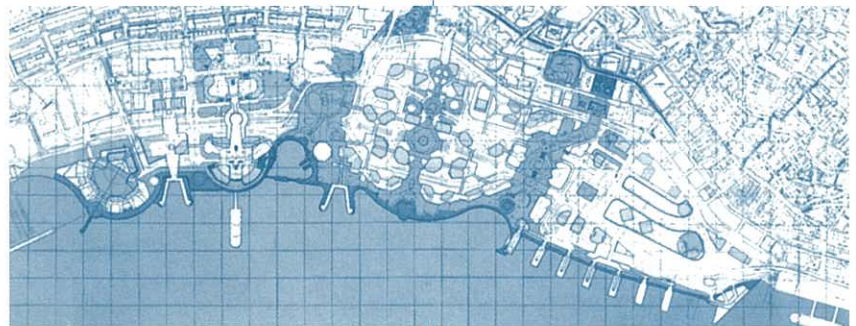
The conference was divided into the following topics:

- \* Geodetic Surveying, GPS
- \* Cadastral Surveying, Project Management
- \* Engineering Surveying, Development of Surveying Education
- \* Photogrammetry and Remote Sensing
- \* Geographic Information System, Mapping Technology

A total of 138 papers were submitted to this conference and 9 of them were from Hong Kong. These 9 submissions covered most of the above-mentioned topics and their presentations drew active discussion from the floor. We were glad to have such encouraging support from our members in introducing and promoting the land surveying development in Hong Kong to the counterparts from both side of the straits.

Apart from the indoor presentation programme, the organiser also provided the participants a nice city tour. The tour was very interesting and informative for those who were interested in the history and geography of the ancient city of Tainan.

In the forum held on the last day of the conference, there were many constructive discussions and echoes queued one after the other. On top the technical issues and




professional opinions, there was an "FAQ" across the stage and the floor: "The 1<sup>st</sup> conference was held in the mainland China, the 2<sup>nd</sup> one is now held in Taiwan, where and when would the 3<sup>rd</sup> one be held?"

In summary, the conference served the purpose of providing an opportunity for the land surveying and mapping professionals across the straits to exchange their experience and the latest development in their respective areas. We all understand that surveying and mapping are for drawing boundaries, but there should be no boundary in surveying and mapping. Therefore, such exchange is essential for keeping us abreast of this information era, in particular the Geographic Information.

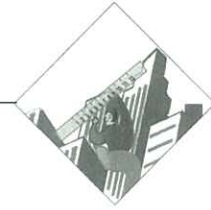
## CPD Event

*By Ms. LO Hoi-yin*

A CPD event entitled "GIS and the Environment" was held on 17th September 1998 at the Hong Kong Convention & Exhibition Centre. Our guest speaker, Mr. William F. Shepherd, reviewed the trends of GIS technology and discussed the applications of GIS in environment analysis and planning. Thanks to Mr. Shepherd for such an informative and interesting talk. 



# QUANTITY SURVEYING



## News from the Quantity Surveying Division

By TT Cheung, Chairman

The Annual General Meeting of the QS Division was held on Monday, 12th October 1998 at the Hong Kong Football Club. The following office bearers and committee members were elected:

POST	NAME	OFFICE
Chairman	T T CHEUNG	Panda Group Ltd
Vice Chairman	Alexander HO	KPK QS (HK) Ltd
Hon. Secretary	Kent KAM	Northcroft HK Ltd
Hon. Treasurer	Mickey WONG	Architectural Services Department
Members	Nelson CHENG	Levett & Bailey
	Stephen CHUNG	Zeppelin Property Consultants Ltd
	Derek DREW	HK Polytechnic University
	HO Chui Yin, Liwina (MS)	Binnie Black & Veatch HK Ltd
	Peter HO	Davis Langdon & Seah
	Evenlyn KWOK	Northcroft HK Ltd
	Jacob LAM	Frank & Vargeson (HK) Ltd
	Jacqueline LAM (Ms)	Airport Authority
	Ellen LAU (Ms)	City University of HK
	Rowson LEE	HK Polytechnic University
	LEE Yu Meng (Ms)	China State Construction (HK) Ltd
	LOW Hon Hing	HK Polytechnic University
	SUEN Mau Hing	Hong Kong Land
	KC TANG	K C Tang & Co
Thomas TSE	B+B Ltd	
WONG Kwong On	Consultants Associates (HK) Ltd	

The first Divisional Council meeting will be held on 2nd November 1998. A full list of QS representatives in various sub-committees will be available at the next issue of Surveying.

## Report from Eric Chung, Chairman 1997/98

Hong Kong entered into a new era in 1997. 15 months have gone and contrary to what we might have thought last year today, the change of sovereignty did not impact much our lives as did the financial turmoil sweeping through the region or the change of the SAR Government's

land and housing policies. The magnitude of this impact was unprecedented. Ahead of us are big challenges. The future of our profession will depend to a large extent on how we adjust ourselves and respond to such challenges.

Reviewing what one did in the past always provides fruit for thought on planning for the future. My report therefore summarizes what

the QSD did last year and the incomplete missions at the domestic and the international levels. I will deal with the domestic matters first.

## 1. At Domestic Level

### 1.1 Education

**1.1.1** The future of our profession depends on the quality of the new entrants. It is encouraging to hear that the new entrants to the undergraduate surveying courses in the last couple of years were among the best. The Hong Kong

University surveying course produces graduates with common training, breaking up all the traditional barriers among the divisions. Statistics however show that there is a tendency of their graduates going for the GP stream resulting in a dramatic drop in new entrants into the QS profession. Though there are reasons for some degree of optimism in view of the swing of the Government's land policy which will make a repeat of the property boom witnessed during the past decade very unlikely in the foreseeable future, we at the Institute level must do all we possibly can in order to attract the most talented to the surveying field as a whole and to the QS profession in particular. The General Council has recently completed a 5-Year Plan which mapped out the road for the surveying profession in the medium term. I hope and have every reason to believe that the new Divisional Committee, which will be elected a few minutes later, will actively participate in its implementation which will help modernise our great profession to suit the ever changing environment.

**1.1.2** The Institute has now taken over the Branch's accreditation role following its dissolution in September 1997. One of the tasks of the recently set up Board of Education is to carry out a comprehensive review of the existing accredited surveying courses, both locally and overseas. The QSD has two seats on the Board, who together with two leading practitioners also sit on the Surveying Courses Board ensuring that the views of the future employers of our graduates are more properly and timeously reflected to the teaching institutions from time to time.



**1.1.3** As in previous years, the QSD joined the Institute's annual term visits to the University of Hong Kong, the Hong Kong Polytechnic University and the City University. This was held in April this year. During the visits, the QSD members brought to the surveying students the latest employment prospects and shared with them their experience of the real working environment and conditions in different sectors of the industry.

## 1.2 APC

The APC this year, which was just held in the middle of last month, completely scrapped the office environment portion and further reduced the examination time. The QSD believed the new format would ensure a much greater degree of fairness and openness, though at the expense of some inconvenience to candidates, as in previous years they were allowed unlimited access to their usual office aids and standard documentation. We believed with carefully set questions together with the permission to bring into the examination hall a reasonable amount of reference materials of candidates' own choice, such inconvenience could be and was kept to a minimum and should be fully compensated by the added transparency in return. I wish to take this opportunity to pay tribute to the hard work of the APC Sub-Committee, and in particular to its Chairman/Convenor, Mr Stephen Liu for his good work and his dedication in the past few years.

## 1.3 Technician Grade of Membership

The RICS has opened its membership to technicians by creating a technician grade of membership, short of corporate membership status. The RICS has requested the Institute to consider a similar arrangement with the local technicians who are members of the Society of Surveying Technicians. The RICS's initiative came from the fact that after dissolving the Branch, it is no longer able to offer assistance to these technician members, unlike its corporate members whose interests here the Institute undertook to look after when agreeing to the terms for dissolving the Branch. The General Council has set up a working committee to study the desirability of extending the Institute's membership to technician surveyors and the possible implications that may have upon the Institution's administration, resources allocation and status, etc. I am certain that you will have the opportunity to be fully briefed and to give your opinion before any action to move towards amending membership rules.

## 1.4 New Form of Conditions of Building Contract/New SMM

Mr Denis Levett has recently completed the drafting of a new form of building contract. The inaugural meeting among the constituent bodies was held on 7 October which endorsed its format and formally commenced discussions on its content. The new form follows generally the format of the existing form, incorporates the numbering system of the JCT80 and introduces

more definitive procedures for consultants and contractors to follow with the purpose to reduce disputes to a minimum and to enhance their resolution at an early stage. I am representing the Institute on this Committee and will from time to time report progress to the Divisional Council and to the Institute.

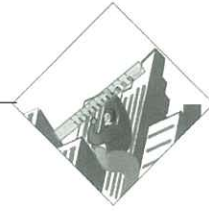
The progress on the new SMM has quickened quite a lot since the change of the quorum about a year ago. The SMM Committee has now commenced discussion on the Steel and Metal Works trade and had it not been for Mr Goodbourn's (its Chairman) injury progress would have been even better.

## 1.5 Direct Access to the Bar

The Institute's representatives (from all divisions) met their counterpart from the Bar Association in August. Both felt optimistic about an early treaty to enable surveyors in Hong Kong to gain direct access to Barristers' service either on behalf of mutual clients or for their own affairs. The draft model terms of engagement and the draft guidance notes to surveyors are being reviewed and once completed will be submitted to the Bar Association for endorsement. As soon as the Bar Code of Conduct is amended to cover surveyors, we will be allowed direct access to practicing barristers. It is most likely that will happen within the new term.

## 1.6 CPD Events

During the last 12 months, the CPD Convenor organized 11 CPD events most of which were oversubscribed. Like



previous years these events provided the main source of income to support our activities for the year. Members of the QSD and those benefiting from the events should thank Mr Stephen Chung without whom very few of these events could have been possible.

## 2. At International Level

### 2.1 Pacific Association of Quantity Surveyors

The PAQS Annual Conference was held on 23 June this year in New Zealand. As in the last year Miss Ellen Lau attended the Annual Conference on behalf of the Institute. It is important that we maintain some kind of association and connection with our neighbouring counterparts via an organisation such as the PAQS in order to enable us to continue to exert our influence over and contribute to the development of the surveying profession at the international stage. There are however member countries which look for a much closer relationship than that and are actively seeking mutual recognition of professional qualifications. Such move will depart from the main objectives which the QSD set when accepting the invitation to join the PAQS as its founding members. Both the QSD and the Institute are viewing such move with great caution, though both in general are in favour of internationalising the HKIS provided of course the quality of membership will not be compromised in any way through reciprocity agreements with such overseas professional institutes.

The new Divisional Council I am sure will carefully review our policy towards

the PAQS and find a suitable replacement for Mr Adrian Smith who served as the Second Vice-President of the PAQS until earlier this year when he returned to the UK.

### 2.2 Australian Institute of Quantity Surveyors

The AIQS have expressed immense interests in having a mutual recognition with the HKIS. The QSD endorsed by a majority the proposal to move further with the AIQS's initiative, but expressed reservations on an unconditional reciprocity arrangement in view of the disparity between the AIQS's two years training requirements and the HKIS's which require a minimum of three years. This is another matter which will rank high in the new Divisional Council's agenda on international affairs.

### 2.3 The China Association for the Management of Construction Costs

Immediately after its formation, the Association launched its first nationwide professional examination for cost engineers in the PRC in October 1997. The QSD sent delegations to three of their examination centres - Beijing, Shanghai and Guangzhou - to witness the examination process. The Association gave us detailed account of how the administration was conducted and of the format of the examination, which was partly similar to our APC. While there still existed considerable room for improvement, the QSD were impressed by the Association's efforts and encouraged

by the direction it set towards registration of and regulating cost engineers in the PRC. The Association has made an invitation to the QSD to make a visit to Beijing in the last quarter of the year, which could emerge as the first delegation of the incoming Committee.

I said at the outset our future depended on our ability to adapt to the changed environment. The Chief Executive's Second Policy Speech offers little immediate impetus to reviving the building activities on which most of our jobs depend. Nor was there any clear indication given on when land sale would be resumed. The Government policy to increase capital expenditure on infra-structure projects as a means to stimulating economy and creating employment is unquestionable. Can we, if so how to, take benefit from the pledged HK\$235 billion expenditure? Our opportunities surely will enhance if we have the right quality of service to offer and there is a general recognition of the availability of that service by the Government and the relevant statutory clients. The Works Bureau has set as its task to complete the review of the existing conditions of contract by December, 1999. We met the Government's external consultant responsible for the review in May and lobbied him for the appointment of independent QS in infra-structure projects. We must do a great deal more between now and then if we wish to better place ourselves to benefit from this Government's rescue plan.

Finally, I wish to thank all the members of the Divisional Committee many of whom I have known and worked with for a number of years. Without their support none of the above could be achieved.



## Reports from Sub-Committees of Land and Building Advisory Committee

by Stephen M W Yip

There are 3 Sub-Committees under the LBAC viz Building, Lands and Planning. The HKIS nominates representatives to the main committee (LBAC) and also to these 3 sub-committees. Reproduced below are the recent papers submitted by the HKIS Planning and Land representatives to the respective Sub-committees. Views of members on these subjects or other issues could be channeled to the Government authorities through these members. Please forward your ideas and comments to the Administration office.

### Review of the Imposition of Building Covenant Periods Discussion Paper for Land Sub-committee of the LBAC

jointly submitted by representatives of HKIS and REDA

Recently, there had been changes to laws, regulations and practice of the construction industry and also the customer expectations which affect the progress of building works and requiring longer time for completion of developments.

Some estimates indicate that as a general rule of thumb, the existing BC period should be increased by 30% to 40% in order to cope with the actual situations. If the site is on sloping ground or in designated areas with suspect of marble formation underlying, even more time will be needed. A research into the number of applications for BC extensions over the past five years will help to fully understand the situation.

The policy guidelines for imposing the length of BC periods for development sites have been in use for a long time. There are more and

more cases where applications for extension of BC periods have become necessary. It is therefore high time that a review of the policy guidelines was made.

### Changes in Laws and Codes of Practice

There are many factors affecting the timely completion of a development. Lately the following aspects have lengthened the construction process:

- (a) the need for approvals and consents to the precautionary measures before the commencement of demolition works;
- (b) the need to separate demolition of substructure, eg the caps and foundations, from the demolition of the superstructure of old buildings to make way for redevelopment. Separate applications for approvals and consents are also necessary;
- (c) the Noise Control (Amendment) Ordinance newly implemented strictly forbids the carrying out of building works (in most cases including minor decoration works etc) on Sundays and public holidays and after 7:00 pm on weekdays;
- (d) the more and more stringent requirements on supervision on site formation and geotechnical work, such requirements will be extended to all building work when the "supervision plan" is implemented by the end of this year; and
- (e) the ban on hand-dug caisson has substantially increased the time required for foundation works, particularly for

sloping sites where access and installation of pilling rigs are extremely difficult.

### Infrastructure Works

Due to the saturation of the urban areas, developments are now mainly in more remote areas in the NT where infrastructural supports are often inadequate. Extra site works are often required from the developers, eg drainage, access roads, sewage treatment plant, etc. Such extra site work would also entail extra construction time.

### Labour Shortage

Labour shortage in particular for skilled labour is posing a threat to the whole construction industry. The situation will be even more critical following the Chief Executive's pledge of speeding up housing supply in the coming years. This factor adds to the uncertainty in maintaining the scheduled construction programme.

### Customer Expectation

Home buyers nowadays regard quality, provisions and facilities as their top priorities. In order to respond to the market demand, developers need to place much emphasis in the finishes, provisions and facilities. These will all need extra time to provide.

### Resources Implication

If a longer BC period is allowed, the workload on the Lands Department can also be significantly reduced in not requiring to deal with the many applications for extensions. Furthermore, the spirit of imposing the BC period is to ensure market availability and guarding against intentional abuse. Its imposition has never been intended as a tool to generate revenue by means of heavy fines. Thus it will only be fair that the matter be

carefully reviewed by the government to correspond to the changing conditions.

It is concluded that here is a justified need to review the current basis of imposing BC period in the lease conditions to reflect the real situation of the industry.

There should be a general increase of the current scale for imposing BC periods and for large sites some form of scale which links the BC to site area and/or permissible GFA should be adopted.

It is still important to examine difficult or special sites (of all sizes) on case by case basis.

## **Implementation of sites zoned CDA Discussion Paper for Planning Sub- committee of the LBAC**

*submitted by representative of HKIS, Mr  
Roger Nissim*

A number of new CDA sites have been included in the major revisions that have just been gazetted for Yau Tong (OZP No. S/K15/9) and Ma Tau Kok (OZP No. S/K10/8).

From a land administration point of view these proposals for rezoning throw up a number of issues which are fundamental to the whole question of implementation, namely land ownership patterns and practicality of site assembly/site amalgamation and secondly the question of incentives to undertake such type of redevelopment projects.

Looking at the Yau Tong OZP the notes to the plan indicate 4 CDA sites with a total site area of about 29.13 hectares. The total maximum g.f.a. for these 4 sites has also been set out with 812,000sm g.f.a. for domestic use and 87,600sm for non-domestic use. This totals 899,600sm which is equivalent to an overall

average plot ratio of 3.09.

As stated in the notes to the OZP the three CDA sites within Yau Tong Industrial Area are mainly occupied by obsolete industrial buildings. A check on land ownership reveals that there are 3 or 4 buildings in multiple ownership in each of these CDAs making the problems of site assembly a very real one. If at the end of the day the new plot ratio is low then there would be a big question mark against the economic viability of proceeding with site assembly with all the attendant problems, including the time taken to be balanced against the volume and value of the new scheme.

I would predict that given the large redevelopment sites indicated, averaging 4 hectares each, coupled with the relatively low plot ratios being proposed that these CDAs will not proceed as envisaged and an alternative planning mechanism will need to be established that takes cognisance of the land ownership pattern.

For the two Ma Tau Kok CDAs the proposed scale of development with plot ratios of 9 is more generous and likely to provide a better incentive for site assembly given the present low rise, low density of the existing buildings.

However the question of buildings in multiple ownership again is a major problem. The CDA site identified as site C on the plan is bisected by 11 streets with over 90 separate subsections all of which are in multiple ownership! Site assembly here could only be undertaken by HKHS or LDC, no private sector organization would begin to contemplate such a complex project.

For Site B there is one large lot in multiple


ownership plus a site granted to the HK Society for the Blind. In addition there are the Government Kennels that would need relocating. Again not a straightforward site assembly process.

It is interesting to note that the sites identified as D1 and E on the same plan have been rezoned R(A) rather than CDA. Site E is the gasworks site and presumably in single ownership. Why cannot all these sites be zoned R(A)? This would allow considerably more flexibility in assembling sites allowing smaller packages of development to proceed once an economically viable scheme has been put together.

Unless this is done the only way the multiple ownership problem can be resolved is by the use of statutory measures which restricts the possible participants to HKHS and LDC.

If Government is serious about the private sector participating in the urban renewal process then sites in multiple ownership should be zoned R(A), or C/R as appropriate, with perhaps a minimum size of site indicated as being acceptable for new development ( e.g. 400sm) in order to avoid a proliferation of 'pencil' shaped buildings.

Without this I cannot see how any private sector agency will be encouraged to undertake these redevelopments if they remain zoned CDA with such large parcels of land envisaged. As a result the existing buildings will remain and continue to deteriorate, in other words an opportunity for urban renewal, by the private sector will be lost, and these sites will remain sterilized. Surely this is not what is intended ?

The Planning Department need to have a serious re-think as to the implementation aspects of their rezoning proposals. 

## When Time is at Large

By John B Molloy,  
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Managing Director, James R Knowles (Hong Kong) Limited

If an employer in a construction contract requires that liquidated damages for late completion be imposed, then it is necessary for a date for completion to be stipulated in the contract. This is because there must be a definite date from which to calculate liquidated damages.

However, in every contract there are two terms implied which may affect these provisions. The implied terms are firstly that the employer will do all that is reasonably necessary to co-operate with the contractor, and secondly that the employer will not prevent the contractor from performing the contract.

Accordingly, if the employer, or his agent the architect or the engineer, carries out some act that prevents the contractor completing the works by the Date for Completion, by for example failing to give possession of the site on the due date, then he can no longer insist that the contractor finishes his works by the stipulated Date for Completion. This principle has been established in cases going as far back as *Holme v. Guppy* in 1838.



In such circumstances, time is said to be at large and the Contractor's duty is then to complete the works within a reasonable time. Further, where time is *at large* the employer loses his right to liquidated damages, and any claims for damages for late completion (beyond what may be considered a reasonable time) will have to be made on the basis of general or unliquidated damages, the quantum of which must be proved.

Of course in practice almost all construction contracts get round this problem by including an express clause giving either the architect or the engineer the power to grant extensions of time for completion for delays caused by the employer or his agents. A classic example of such a clause is seen in the Government of Hong Kong forms of contract at GCC Clause 50(1)(b)(vii) which gives the architect or the engineer the power to grant extensions of time for "*disturbance of the Works for which the Employer or the Architect/Engineer is responsible*".

In such cases where the Employer causes a delay the architect or the engineer simply grants an extension of time compensating the Contractor for the delay and resetting the Date for Completion. In this way the liquidated damages provisions are maintained.

The contract provisions need to be as explicit as set out above because it has been established that an employer can not rely on "catch all" phrases such as '*other causes beyond the contractor's control*'. The court in *Wells v. Army & Navy Co-operative Society Ltd (1902)* held that words such as these did not cover delays caused by interference of the employer or the architect, and accordingly as no extension of time could be granted, time was at large and liquidated damages ceased to apply.

These principles are well established and are well known, and mentioned previously, almost all standard forms of contract in existence today include provisions enabling the architect or the engineer to grant extensions of time for delays caused by the employer.

One of the only forms of contract which did not make such provision was the United Kingdom, JCT 1963 Edition which whilst containing an extension of time clause at clause 23, famous or rather infamously, did not include provisions for employer's delays.

The JCT 1963 Edition has now long since been replaced by the JCT 1980 Edition which corrected this fundamental error.

However, and most importantly for this article, the form of contract most commonly used for private works in Hong Kong today, i.e. the Agreement & Schedule of Conditions of Building Contract for use in Hong Kong

# FEATURE

and published by the (now defunct) RICS (HK Branch) is based directly on the JCT 1963 Edition, and at clause 23 provides no mechanism for time to be extended as a result of delays caused by the employer.

Whenever this standard form of contract is used in its un-amended form, if the employer causes a delay, the architect has no power to extend time. Therefore time becomes at large, the liquidated damages become inapplicable, and the contractor's duty is then to complete within a reasonable period of time.

Of course most architects and quantity surveyors are aware of this problem, and when preparing contract documentation, include a special condition of contract adding a sub-clause to clause 23 permitting the architect to grant extensions of time for employer's delays.

However, surprisingly I still see many contracts where this amendment is not made, presumably because the contract draftsman has failed to realise the significance of the omission. Quantity surveyors responsible for preparing contract documentation, and contractor's tendering, would be wise to carefully check this point.

If time is *at large*, then the contractor's duty is to complete within a reasonable time but what is a reasonable time. There appear to be two schools of thought:

- The original completion date indicates a reasonable time without the delaying events, so it should be used as the basis for calculation with an allowance made for the delay caused. Therefore if the original contract period is 12 months and the employer's act caused a 1 month delay, then a reasonable time is 13 months.
- Once the contract period no longer applies it has no further significance. Therefore, using the same example as above, if it can be shown by the contractor that the original contract period was unreasonable and should have been 15 months, then a reasonable time for completion is 16

months (15 months for the original works plus 1 month delay caused by the Employer).

There is no authority regarding which of the above is correct, and whilst some authors appear to consider that the latter is the correct position from a theoretical viewpoint, it appears to me that this ignores the fact that the contractor when tendering will have priced the works on the basis of carrying them out in 12 months, and so to be consistent with the bargain which both parties entered into, the former method of assessing a reasonable time should be adopted. [15]



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