

Surveying Newsletter

測 量 師 導 報

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Message from the President

Samson Wong

A Comprehensive Proposal by HKIS towards the Up-Coming Mandatory Building Safety Inspection Scheme

Responding to the decision made by the Secretary for Planning, Environment and Lands (SPEL) to put forward once more their proposal of mandatory building safety inspection scheme (BSIS) to the Legislative Council for further debate in the coming year, HKIS would like to contribute its concrete support by presenting a comprehensive proposal to the SAR Government regarding the actual functioning of the scheme.

As far as efficiency is concerned, a number of new policies and legislation amendments have to be implemented in order to successfully execute the proposed mandatory building safety inspection scheme. The following are the suggestions of HKIS:

(1) Instead of just focusing on those properties which are over 20 years old, we propose that *all buildings in the territory be subject to regular inspections*. New buildings should go through an inspection cycle in every ten years while older buildings should be inspected within a shorter period of time. The following transitional arrangements are proposed for all existing buildings for the first inspection:

Class of Buildings	Age	No. of year(s) to comply	Inspection Cycle
A	Over 30	1	5
B	Over 20 but not exceeding 30	1 to 3	5
C	Over 10 but not exceeding 20	1 to 6	7
D	Under 10	1 to 9	10
E	New Buildings	10	10

(2) Inspections should be at two distinct levels, namely :

a) *General Appraisal* - all buildings are subject to General Appraisal at the inspection cycle. The Building Authority shall include professional examinations in three critical areas, namely the integrity of external finishes and features, condition of structural elements and condition of fire resisting constructions and means of escape;

b) *Detailed Investigation* - if Detailed Investigation is recommended after completion of the General Appraisal, the Building Authority shall issue a Detailed Investigation Order (DIO) on a specific identified problem. The Building Authority shall take action, either to issue a Structural Repair Order or instigate a Closure Order, after consideration of the professional report.

(3) The SAR Government should, as a reminder for the public, by notice in the Government Gazette **publish a list of buildings requiring general appraisal and report to the Building Authority** at the beginning of every year.

(4) To ensure sufficient competent persons to carry out inspection works, in addition to the authorized persons, **Registered Professional Surveyors** (Building Surveying) should be included to supervise the General Appraisal and Detailed Investigation. They are experts in the diagnosis of building defects, performance and behaviour of buildings in use, maintenance management repairs and



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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 2526 3679 OR Mr. Charles Yiu of Corporate Culture at 2802 6949.



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Monday to Thursday 9:00am - 5:30pm
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remedial measures and have served the public in building management jobs for a long time.

- (5) Apart from the Buildings Safety Improvement Loan Scheme which was set up to make loans to those property owners who voluntarily wish to carry out inspections and maintenance work, *expenses in genuine building maintenance and statutory inspections should be made deductible from personal income and property taxes.*
- (6) The Government should consider a very low interest rate for those who apply for the Fund or even a **total interest-free loan** offered to those who are required to carry out inspections and maintenance works.
- (7) Government should revamp the Building Management Ordinance and order *the formation of Incorporated Owner or hiring of competent property management agencies* to facilitate the up-coming inspections and maintenance works needed.
- (8) Developers would be asked to contribute 0.75% of the proceeds from property sales for the *setting up of a Maintenance Fund for the properties*. This will ensure that the Management will start off with a solid financial footing.
- (9) Territorial wide district building safety organization be set up to publicize and educate building owners on building management and maintenance and to **set up more**

Building Management and Maintenance Resources Centres.

- (10) *Better control over the existence of unauthorized building works (UBWs) and advertising signs* should be performed at the same time when required inspections and maintenance works are carried out so as to fully utilize the attributable resources :
 - a) The **present policy concerning UBWs should be amended** so as to discourage building owners to erect UBWs and it should be made clear that no UBWs will be tolerated. The present procedure for dealing with UBWs is both time and labour intensive. It would be prudent to simplify the procedure and allocate more resources to the Enforcement section. An alternative solution to clear the current backlog will be to sublet certain inspection and enforcement works by out sourcing;
 - b) **New policy concerning the existing advertisement signs** should be included to supplement with the proposed mandatory BSIS;
 - c) **Owners of advertising sign must appoint a Registered Signage Contractor** to inspect the sign on an annual basis and the said signage contractor will issue the appropriate maintenance certificate to confirm that the sign is in satisfactory condition.
- (11) **Exemption and appeal mechanisms should be provided in the system**, for example, those properties

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managed by registered property management firms employing suitably qualified personnel with a planned maintenance system and have been well maintained could be exempted from the system in so far as the production of maintenance certificate is concerned.

(12) A new enactment, **Building (Maintenance and Inspection) Regulations** should be brought forward so as to give weight to the issue and to give the general public a clear indication of the Government's determination to call for building owners to conduct proper maintenance of their buildings.

HKIS gave a similar proposal to the Government concerning the mandatory scheme two years ago (in response to the very first motion made by the Buildings Department to introduce such a scheme in August 1997), but after prolonged discussion, the proposal still was not accepted.

The SAR Government has decided to devote most of its resources on the two main initiatives of "environmental protection" and "sustainable development". The maintenance of building safety is actually the very first step that has to be taken in order to keep up with such vision and that is why the Government should strive to have the new legislation confirmed and enacted within the shortest period of time in order to protect the public interests as a whole.

HKIS Surveyors Annual Dinner 1999

will be held at

The Grand Hall, HK Convention and Exhibition Centre, Wanchai

on

Friday, 19th November 1999

Guest of Honour

Mr Gordon K C Siu, JP

Secretary for Planning, Environment and Lands Bureau

To ensure you are not left out from this year's 15th Anniversary Dinner, please book early. Reservation forms are available from the Secretariat Office or can be downloaded from the HKIS website at <http://www.hkis.org.hk>

MEMBERSHIP APPLICATIONS 1999

Deadline for submission

Monday, 4th October 1999, for Membership Committee meeting on 18th November 1999, and General Council Meeting on 1st December 1999.

All applications received later than the submission deadline (including those, which do not meet the full requirements), will be processed at the next meeting.

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SUMMARY OF RESULTS FOR THE OPINION SURVEY ON THE FORMATION OF TECHNICAL GRADE SURVEYORS IN THE HKIS

By Alexander HO - Chairman, SST Working Group

1.0 RESULT OF SURVEY

It seemed that most of the members had shown poor interest in the subject and, disappointedly, only 206 responses to the survey on the formation of technical grade surveyors in the HKIS were received. However, the SST Working Group believes that this should have been done better as the disappointing outcome might also be due to the insufficiency of information and the user-unfriendliness of the format contained therein the opinion survey as pointed out by some of the members. The result of the opinion survey is reported below: -

Question 1: Except for the GP Division, which most members marked Option B, i.e. long-term formation of a technical grade within the HKIS, majority of all other divisional members marked Option E, i.e. to keep a partnership arrangement similar to the previous RICS/SST relationship in U.K., while Option B being the second most favorable option.

Question 2 - 7 Except those for Question 6, marked by the corporate members, and Question 4, by the student members, majority of the HKIS members support all the proposals put forward by the Working Group for sharing the same journals and relevant working groups with the SST, HK members; for providing "Bridging Facilities" to the SST, HK members in future and inviting them to CPD events held by the HKIS; and for electing technical grade members, if there is any in the future, to join the General Council/Divisional Council while only giving them limited voting rights on the matters of the HKIS.

2.0 RESULT OF SST, HK OPINION SURVEY

At the request of the Working Group, the SST, HK had also sent out an opinion survey similar to that of the HKIS to their old members. According to their results, a total of 280 responses were received, out of which 275 marked the option for long-term formation of a technical grade within the HKIS, while 5 marked the option for keeping the current relationship between the HKIS and the SST, HK, and all 280 responses chose "yes" to Questions 2 to 7 inclusive.

3.0 OPINIONS / SUGGESTIONS RECEIVED

Some members included opinions/suggestions in their returned responses or via telephone/fax to individual members of the Working Group. The suggestions might be grouped into three categories, i.e. for, against, and suggest further study on the subject. A summary of the suggestions is listed below: -

3.1 Agree to take in SST, HK members and/or to form a technical grade within HKIS

3.1.1 It would be of long-term benefit to the surveying industry as a whole by uniting the professionals and technicians in a single institute, but attention shall be drawn to the standards and admission requirements of the technical grade membership; the HKIS should recognize the need of technicians in the surveying industry and support them while controlling their quality through a registration system; the HKIS should consider each application from the SST, HK members independently and form a separate standing committee for handling same; the HKIS should provide "Bridging Facilities" or more routes, such as structural and non-structural training as well as examinations, for technical members to be transferred to corporate membership so to increase the number of corporate members; the technical grade members shall be allowed to attend AGM/EGM but without any voting rights; lastly, the HKIS should clarify



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to the community, differences between corporate members and technical members.

3.1.2 The HKIS should follow exactly what has been done by the RICS regarding the SST matter. Some members suggested that more background and information as to the benefits of amalgamation should have been put into the opinion survey and pointed out that the reasons for the RICS suggesting the HKIS to take the SST, HK on board were 1) they thought it would be beneficial to the HKIS and 2) it would prevent any possibility of an embarrassing TechRICS Branch being formed in the HKSAR.

3.1.3 The HKIS should grant corporate membership to all the SST, HK members. However, some members suggested that they would prefer granting corporate membership only to those SST, HK members with local experience while some other members suggested that those SST, HK members with a bachelor degree should be, in a one-off process, granted corporate membership by the HKIS up to year 2000.

3.1.4 Any probationer who failed more than 3 times in the APC should become technical grade members.

3.1.5 The HKSAR Government will consider again granting incremental credits to technicians if they are the technical grade members of the HKIS, and the HKIS could substantiate that their qualities and standards are equivalent to those of the previous SST, HK members.

3.2 Against to take in SST, HK members and/or to form a technical grade within HKIS

3.2.1 As there are no technical members in the HKIA and HKIE, the HKIS shall, therefore, not form such grade but to maintain as a professional institute and concentrate all efforts and resources on the existing members.

3.2.2 Option E might be a good choice for the technicians from the Mainland China.

3.3 Suggest further study on taking in SST, HK members and/or forming a technical grade within HKIS

3.3.1 HKIS should find out the distribution of FSST, MSST and AMSST, and whether the option for forming a long-term technical grade within the HKIS would deviate from the existing objective of the HKIS. The HKIS should also evaluate whether there will be sufficient resources to handle the sudden substantial increase in the membership if SST, HK members are taken in.

3.3.2 A long-term formation of technical membership is in fact a better choice but would depend very much on the local education system and the government employment structure. However, this would involve a structural change in the industry. A survey for the need for technician GP/QS, carried out in 1993/4, had received very positive result as it reflected the actual practice of the industry, but different divisions may have their own needs which shall be catered for.

3.3.3 The HKIS should provide the members with more information on the merger of the RICS and SST and ramification of the options and study whether there are any similar arrangement in other professions, e.g. engineers, architects, etc.

4.0 RECOMMENDATIONS

4.1 The Working Group is of the opinion that the samples obtained might be too small for any decision-making when taking into account of the total number of membership. Particularly, it is noted that only 166 corporate members returned their responses to the main question of the opinion survey to express their opinion on whether the HKIS should form a technical grade within the HKIS.

4.2 According to the observations by members of the Working Group, a lot of the members of the HKIS, particularly those working in the Government, are not interested in the subject and, therefore, not returning their responses while other members, particularly those junior members who have no contacts with any SST, HK members in their daily lives and know little

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about the history between the two bodies, seem to resist strongly to take them into the HKIS.

4.3 Majority of the Working Group members believe that the formation of a technical grade within the HKIS is of long-term beneficial to the Institute as well as to the surveying profession and the whole Working Group is of consensus to recommend the following actions, which have been endorsed by the General Council during the meeting on 7.7.99, to be carried out by the Institute:-

4.3.1 For those members without any interest on the subject, it is strongly recommended explaining to them its benefits to the HKIS or to the surveying profession, e.g. 1) by having a wide spectrum of membership, including student members, technical members and corporate members, the Institute could support well penetration into the community; 2) the Institute could be better received by the community and the surveying profession could be promoted more effectively while the surveying professionalism could then be disseminated efficiently with the supports by both professional and technical members; 3) the professional and technical standards can be maintained, improved and ensured through the contribution of the members both in the professional and technical levels; 4) a substantial increase in the financial income could be achieved by taking in the SST, HK members as technical members, etc.. It is also suggested to lobby them to support the proposals via newsletter, personal contacts, etc.

4.3.2 To hold forums or seminars so that the senior members could discuss or explain the issue to those members who have no contacts with any SST, HK members in their daily lives and know little about the history while inviting the SST, HK members to attend such forums and seminars.

4.3.3 To form a regular column or a Q&A section in the newsletter in order to convey the message across all the members or to answer their queries or clear their worries.

4.3.4 Should there be any other questionnaire on the subject, it should be shorter, more concise and user friendly.

4.4 The Working Group has also been requested by the General Council during the said meeting to come up with an action plan for the coming one year period with a view to form a technical grade within the HKIS in the future.

SURVEYORS LUNCH

Mr Thomas H K Ho, Property Director of MTRC, was the Guest of Honour at a luncheon held on 24th August 1999, in the Hong Kong Convention and Exhibition Centre. Mr Ho gave a speech on "The Partnership between Public and Private Sectors: the Fulfillment of Goals and Aspirations", and participants were shown slides of the latest developments by MTRC.



Obituary

Mr HO Cheong Ling (何昌齡), Vincent, AHKIS, Quantity Surveying Division, member since 1997, passed away on 24th July 1999.



News from the Building Surveying Division

By Kenneth Chan, Chairman

Building Safety Inspection and Maintenance

In response to the recent tragedy of fallen concrete eaves, the Institute called for the immediate enactment of mandatory inspection of private buildings in Hong Kong. An well-attended press conference was conducted on 11 August 1999. David Chan and myself presented our position during the conference. In the press release we called for:

Since the proposition of "Voluntary Building Safety Inspection Scheme" at the beginning of 1997, the owner's response has not been enthusiastic. It reflects the inadequacy of this scheme and the need to establish an ordinance for control and monitoring. The problem of the lack of building maintenance is becoming serious and widely known to the public. Unfortunately, the government has not been able to formulate a long-term policy to solve such problem. The Institute is of the opinion that the government and the relevant departments should quickly establish the ordinance of mandatory building safety inspection and maintenance to meet the needs of the public at large;

When we first proposed mandatory inspection in 1997, the media was not quite receptive and quoted a lot of excuses for the building owners, such as unfairness, financial burden, etc. We expected the media might pose the same questions. But to our surprise, they didn't. I believe it could be the tragedy that softened their stance. On the following day, the press gave good coverage to the position of the Institute and the editorial of four Chinese newspapers supported the suggestions. It has been a good PR exercise for the Institute. Thanks to the organizer, PR Concepts.

As a follow-up action, your President had sent out a copy of our response report to the consultation paper on building safety inspection (October 1997) to the Chief Executive, Chief Administration Secretary, SPEL, SHA, DB, DL, Legislative Councilors, and Executive Councilors. The report was the comprehensive proposal of the Institute on Building

Management, Building Maintenance and Safety Inspection of Private Buildings. A copy of this report is available in the Administration Office for viewing and on the HKIS web-site at <http://www.hkis.org.hk>

Fire Safety Engineering Course

I reported last month that the introductory course in fire engineering jointly organized by the Division with CityU Professional Services Ltd. had been well received by members of the Division and other building professionals. In view of the success of the first course, a second course Introduction to Fire Safety Modelling will be organized to be conducted from 13 November 1999 to 11 December 1999 at City University of Hong Kong. The course will cover the following topics: Introduction to fire engineering, fire dynamics and plume theory; Introduction to fire/ flame/ smoke modelling principles (zone/ field modelling techniques); Introduction to evacuation modelling principles and risk assessment; and Application of computer programs & case studies I and II.

Re-organization of the Buildings Department

Your Working Group has completed its review of the proposed re-organization, vis-à-vis the Organization and Management Study of the Buildings Department and produced the following position paper for consultation and eventual representation to government.

1. *It has always been the HKIS's view that the consultancy report should clearly identify the deficiency in the existing organization and that the compartmentalization of the two professional and technical grades is not the main issue for consideration or the driver for the change.*
2. *HKIS supports the idea to re-organize the BD's function to improve the efficiency and effectiveness on the control of existing buildings. The major deficiency in the current set up of the organization for existing buildings creates uncoordinated control and administration. For instance, the owner in the same building*



News from the Building Surveying Division

- may receive different types of building orders at different or the same time such as an investigation order for drainage works, a repair order for external wall, an order to remove UBW at external wall, an investigation order for cantilevered canopy, fire safety improvement directions, a repair order to slopes, etc., which are initiated from different functional units without coordination. The owners have to liaise with so many different officers in different sections/ units. This would create confusion to the owners who would find it extremely difficult to meet with BD's requirements and to plan/ arrange the works in a coordinated and cost effective manner.
3. HKIS's view on the current model of plan processing functions for new development and A&A works is well-developed and proved to work well and be very efficient, and therefore should be retained.
 4. BD should take into account of the current model of private practices in the industry, which are organized in such a way to meet with the needs of the ever-demanding development process, in which the AP and RSE perform different and distinctive roles and we do not believe that the respective roles developed and acquired through many years of education and experience that are not inter-changeable. In fact, the current model of plan processing functions in the BD by having building surveying and structural engineering disciplines is in line with the model in the industry. The proposal to combine the roles of Building Surveyors and Structural Engineers will destroy the well-established and most effective professional specialization and cause confusion to the building industry as the private practitioners will not be able to identify professional counterparts in the Buildings Department.
 5. The three options of proposed organizational structure identified in the consultancy report are too academic and should be considered individually. In practical situations, the operations of the BD would demand a combination of the three options. Additionally, the evaluation criteria selected for assessment of the advantages and disadvantages of the three options are too arbitrary and without sound justification. As a result, the recommended process-based structure so selected for the organization cannot truly meet with the needs of the BD.
 6. HKIS would recommend to the BD to concentrate on streamlining the BDs functions towards existing buildings. It would be appropriate to deal with existing buildings on a regional basis and to provide a one-stop service encompassing all the building control matters related to an existing building. For the control of new developments, the existing organizational structure should be continued to maintain the high level of service that has received well recognition and acceptance from the industry.

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Applications should be sent in confidence to **Nicholas Brooke, BBS, JP, FRICS, FHKIS, Chairman, Brooke International, 815 Sun Hung Kai Centre, 30 Harbour Road, Hong Kong.**



News from the General Practice Division

By Tony Tse, Chairman

1. 1999 Manpower Survey Report of the Real Estate Services Industry

The Real Estate Services Training Board of the Vocational Training Council was set up by the HKSAR Government in 1998 to be responsible for determining the manpower situation and training needs in the real estate services industry. The Training Board conducted its first manpower survey in January 1999 covering the sectors of real estate development with services, real estate maintenance management, real estate brokerage and agency, real estate surveying, valuation and consultancy and public sector real estate services.

The survey revealed that the real estate services industry employed 118,352 people, including 68,678 technical employees and 49,674 non-technical employees. It also showed that the real estate maintenance management sector had 31,064 employees, accounting for 45.2% of the total real estate services workforce, followed by the public sector real estate services (16,761 employees or 24.4%), the real estate brokerage and agency sector (14,770 employees or 21.5%), real estate development with services sector (5,035 employees or 7.3%) and real estate surveying, valuation and consultancy sector (1,048 employees or 1.5%).

There are also details of figures on vacancies, turnover, manpower projection, education, training and qualification requirements and salary level. A copy of the report is kept in the Hong Kong Institute of Surveyors Administration Office.

2. IVSC AGM and China Appraisal Societys Valuation Forum in Beijing

The General Council of the Hong Kong Institute of Surveyors has approved the participation in the above event to be held in October 1999 in Beijing. Mr. Francis H K Ng and Mr Tony Tse will be representing the Hong Kong Institute of Surveyors to

attend the AGM. The Council of General Practice Division also approved Mr. K K Chiu, Mr. Simon Lai and Mr. Charles Chan as our representatives to participate in the Valuation Forum.

3. Nominations

The Council of General Practice Division on 15 July approved the following nominations to the various Standing Committees of the Hong Kong Institute of Surveyors. Should any members have any suggestions and comments relating to the following Committees you are welcome to contact the members concerned:-

		Tel No.	Fax No.
(a) Fees and Professional Charges			
Mr. Gordon Moffoot	Chesterton Petty	2840 1177	2840 0600
Mr. Raymond Foo	Accuracy Estate Surveying	2724 8281	2724 6232
Mr. Stephen Yip	LandElite Surveyors	2869 7138	2869 6010
(b) Geographical Information System			
Mr. Eureka Cheng	Hong Kong Land	2842 8435	2845 9226
Mr. Andrew Fung	Sun Hung Kai Properties	2828 7716	2802 7156
Mr. Rock Tsang	Lanbase Surveyors	2301 1869	2739 1913
(c) Government Policy			
Mr. Kan Fook Yee	Knight Frank	2810 8123	2845 0649
Mr. Nick Brooke	Brooke International	2879 1168	2827 8118
Mr. Alex Lam	C Y Leung & Co	2507 0507	2530 1562
(d) Information Technology			
Mr. C M Mo	C M Mo Consulting Surveyors	2622 2622	2622 2621
Mr. Kempis Lam	Lands Department	2300 1719	2782 2523
Mr. Peter Loi	Centaline Surveyors	2501 1635	2521 6910
(e) Research and Statistics			
Mr. David Faulkner	Brooke International	2879 1188	2827 8118
Dr. Li Ling Hin	University of Hong Kong	2859 8932	2559 9457
Mr. Lawrence Poon	City University of Hong Kong	2788 9754	2788 9716
(f) Urban Renewal			
Mr. C K Lau	Jones Lang LaSalle	2846 5544	2968 0078
Mr. Edwin Tsang	Tsang Hassell	2893 1003	2834 6779
Mr. Tony Wan	Chesterton Petty	2840 1177	2104 5725
Mr. Francis T Lau	Good Rich Consultants Ltd	9096 1168	2762 1783
Mr. David Faulkner	Brooke International	2879 1188	2827 8118



News from the Land Surveying Division

專業持續進修活動之珠海技術交流

徐玉儀

本年度土地測量組持續進修活動—外訪參觀考察已於七月十六日（星期五）順利完成。是次活動土地測量組聯同澳門地圖測繪局張紹基副司長及十多名澳門同業前往珠海進行一天的技術交流。今次活動共有八十位香港測量師學會會員參加。

當日，早上七時四十分各會員齊集港澳碼頭，並於八時半乘飛翔船出發往珠海九洲港。當天風和日麗，真是適合外遊。經過一個多小時的航程，終於到達目的地。到步後，廣東省測繪學會王衛民理事長及珠海市規劃國土局李志康主任已在邊防檢查站外迎接，並安排了交通工具接送各會員到珠海賓館參加交流會。

是次技術交流會共分二個主要部份，第一部份是上午的專題報告。交流會由珠海市規劃國土局劉超宜副局長致歡迎詞後，便正式開始。第一個報告由唐曦文先生發表的「珠海市城市總體規劃」。隨後，由鄒接華先生介紹珠海市測繪工作情況。最後是由鄧國英女士報告有關珠海市地籍數碼化管理情況。他們的報告提供了很多寶貴的資料、經驗給我們香港同業參考。期間，香港測量師學會土地測量組主席莫景良先生、澳門地圖測繪局張紹基副司長、廣東省測繪學會王衛民理事長及珠海市規劃國土局劉超宜副局長更互相交換紀念品。並由產業測量組莫志明先生、土地測量組副主席杜振國先生及秘書陳婉琪小姐分別致送紀念品給講者唐曦文先生、鄒接華先生及鄧國英女士。

享受了一頓豐富的午飯後，接著便是第二部份之參觀項目。第一個參觀項目是珠海小區建設情況，由珠海特區房地產開發總公司接待及帶領我們及澳門同業遊覽其中一個小區。隨後，由建築測量組莊永康先生致送紀念品給珠海特區房地產開發總公司代表。而另一個重點參觀項目是伶仃跨海大橋工程，項目是珠海伶仃洋大橋集團公司副經理張若芬女士介紹發展及興建情況，並提供了跨海大橋的資料。伶仃洋大橋主要是貫通珠海市及香港之陸上交通，加強珠江三角洲的高速公路網之佈局。伶仃洋大橋工程由西起珠海市金鼎鎮，東達香港屯門爛角咀。全橋共分淇澳大橋、橫門東航道橋、伶仃西航道橋及伶仃東航道橋。大橋總長約二十七公里。初步計劃施工期為一九九八至二零零四年。各會員對此項工程都非常感到興趣，但由於時間緊迫，祇能跑馬看花地作基本了解。參觀完畢後，由工料測量組林清錦先生致送紀念品給珠海伶仃洋大橋集團公司副經理張若

芬女士。其後，在往九洲港回程時，更順道參觀了九洲城，並在此拍照留念，整天行程在六時回程香港完滿結束。

在此，我們特別感謝廣東省測繪學會及珠海市規劃國土局的完善安排及熱誠招待，令這次活動得以順利舉行。另外，多謝各位會員的踴躍參加和支持，但由於接待人數有限，未能令所有有興趣之會員參與。但請各會員繼續支持土地測量組將來所舉辦之專業持續進修活動。

CPD Event - Technical Visit to Zhuhai City

By Yvonne Cheu

On July 16 (Friday), LSD conducted a CPD event - a one-day Technical Visit to Zhuhai. It attracted 80 members. Participants included more than 10 staff led by Mr. Cheung Shou-Ki, Assistant Director of Direcção dos Serviços de Cartografia e Cadastro, Macau, who were interested and joined in as well.

All participants gathered at HK-Macau Ferry Terminal at 7:40 a.m. to take the ferry to Zhuhai. Upon arrival at Zhuhai, we received a warm reception from Mr. Wang Wei-Wen and Mr. Li Zhi-Kon of Guangdong Province Survey and Mapping Society and Zhuhai City Lands and Planning Bureau.

The visit comprised morning and afternoon sessions. Before the presentation, Mr. Liu Chao-yi, Deputy Head of the Zhuhai City Lands and Planning Bureau, delivered a welcome speech. There were three technical reports presented in the morning session. Firstly, Mr. Tang Xi-Wen introduced us to some issues on Zhuhai City's town planning. Subsequently, Mr. Zou Chieh-Hua shared his experiences on the recent development of survey and mapping in Zhuhai. This session came to an end after Ms. Deng Guo-Ying gave us a report on the management of digital cadastral information in Zhuhai City. Members acquired valuable information and experiences through these speeches. In appreciating the speakers' effort, souvenirs were presented by Mr. Mok Chi-Ming (General Practice Division), Mr. Jacky Tull (LSD Vice Chairman) and Miss Helen Chan (LSD Secretary), to them respectively. Completing this memorable event, representatives from Hong Kong, Macau and Zhuhai exchanged souvenirs to each other.



News from the Land Surveying Division



After a delicious lunch, we proceeded to the afternoon session. In this session, we visited a housing estate and the Lingdingyang Highway Bridge Project which was the main focus in this CPD event. The bridge facilitates the connection between the Zhuhai City and the Hong Kong Tuen Mun area, and will strengthen the road network in the Pearl River Delta. The Lingdingyang Highway Bridge consists of four main sections, namely Qi' ao Bridge (淇澳大橋), East Hegment Channel Bridge (橫門東航道橋), West Lingding Channel Bridge (伶仃西航道橋) and East Lingding Channel Bridge (伶仃東航道橋). The total length is about 27 km and the construction period is planned to take 6 years (1998 - 2004). Members showed their great interest in this bridge project by raising many questions during the visit. Lastly, Mr. Chong Wing-Hong (Building Surveying Division) and Mr. Lam Ching-Kam (Quantity Surveying Division) presented souvenirs to the representative from the housing estate and Ms Zhang Rou-Fun of Lingdingyang Highway Bridge Project Company respectively to acknowledge their contribution for our visit.

On the way to the ferry terminal back to Hong Kong, we also visited one of the most famous shopping mall, and took a group photo there. The one-day visit finished at 6:00 p.m.

We would like to express our gratitude to our China counterparts for their hospitality and sincerity. Special thanks should be given to our helpers and members for their support in this CPD event. We are looking forward to having your continuous support to our future CPD event.

Gifts received from the Zhuhai Technical Visit

By W F YIK

Four books and a pamphlet were received from the technical visit. They are :-

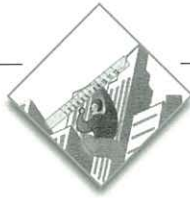
- <<廣東省志·測繪志>> "Survey and Mapping Almanac of Guangdong"*
- <<廣東歷史地圖集>> "Atlas of Guangdong History"*
- <<廣東省自然災害地圖集>> "Atlas of Natural Disasters in Guangdong Province"*
- <<珠海市地圖集>> "Atlas of Zhuhai"*
- "珠海至香港伶仃洋公路大橋工程" (Zhuhai - Hong Kong The Lingdingyang Highway Bridge Project) * translated name

Members who have interest in the survey and mapping history, particularly in the region of Guangdong, would find books 'a' and 'b' useful, as these two books abstract a lot of information from the historical records and research papers. With dates back to the Qing (清) Dynasty, valuable references, such as the structure and organizations of survey and mapping in the region; the approaches and development of geodetic survey, topographical survey, cadastral survey, hydrographic survey... etc., can be obtained from these books. Readers may also appreciate the presentation format and style of the Chinese maps prepared both in the past and the present dates.

All these books and pamphlet are now kept in the HKIS library.

LSD Annual Dinner 1999

LSD Annual Dinner '99 is scheduled to be held on 29th October 1999 (Friday) in the hotel of The Royal Garden (帝苑酒店) in Tsimshatsui East, Kowloon. Details of the event together with the reservation form are being distributed. *Don't miss this joyful event, as it most probably is the last LSD Annual Dinner before we step forward to the 21st century.*



News from the Quantity Surveying Division

By T T Cheung, Chairman

1. APC 1999

The QSD APC will be held on 20th and 21st September 1999 at the HITEC Centre, Kowloon Bay. We shall be shortly asking you to serve as assessors and/or moderators. An APC Workshop organized by QSD was well attended by over 200 candidates on 24th July 1999. The general weaknesses of candidates were poor time management, failure to appreciate the questions in depth, and a tendency to derive quick answers without analysing the questions critically. Candidates should appreciate that this APC is modeled from a typical office environment and therefore we are concerned more on how candidates analyse the problems, and the way they form their judgement, rather than just giving an "answer".

2. PRC

Tommy Yim, Chairman of the PRC Subcommittee, attended the Third General Meeting of the China Association for the Management of Construction Cost (CAMCC) held in Inner Mongolia on 7 August 1999. The General Meeting is held every four years, at which members of the General Council are elected. About 160 representatives from all provinces attended the meeting. The President in his Report to the Council, mentioned in particular CAMCC's useful meetings with HKIS QSD in 1995, 1996 and 1999. The seminar held in Shandong Province in April 1999, at which QSD members gave technical presentations, was also covered and highly appreciated.

CAMCC is our national-wise counterpart organisation in China responsible for setting qualification

requirements and registration of qualified cost engineers practising in China. It is therefore important for HKIS to establish a close relation with CAMCC in the long term.

3. International Committee

Ms Ellen Lau and Mr. Stephen Chung will represent HKIS to attend the 3rd Annual PAQS Congress in Kuala Lumpur, Malaysia held between 25th - 29th August 1999. Ms Lau will deliver a paper on "Partnering: a cultural myth". A full set of seminar papers will be available after the Congress.

A PAQS delegate comprising senior officials from AIQS, NZIQS, SISV, ISM, will join HKIS QSD to visit CAMCC in Beijing and Shanghai after the PAQS Congress during the period 31st August to 3rd September for exchange. This is the first ever PAQS visit to China and is an important step in fostering professional quantity surveying practices in the region. I shall report more upon my return of the trip.

4. Listing of firms on HKIS Homepage

We have maintained two lists in HKIS Homepage. The first list is a list of Private QS practices who satisfy the definition of PQS firms as suggested by HKIS QSD and has duly submitted their declaration form. The second list is a list of firms providing quantity surveying services. The listing criteria are that such firms should have a least one Corporate member of HKIS in the QS Division as director. Those who would like to be listed in HKIS Homepage under the 2 lists are advised to contact the HKIS Office to get a copy of the declaration form/ registration form.

5. Revised Standard Form of Building Contract

The revised Standard Form of Building Contract is in a good shape under the hand of Mr. Eric Chung. Before the issue of the new form, we have re-printed the Standard Form of Building Contract (both with and without quantities) to incorporate some minor changes to reflect the post-1997 situation. The newly printed forms are available for purchase at the HKIS Office. At the back page of the Standard Form, there are notes detailing the minor changes. We are also in the process of amending the Form of Minor Works Contract.

6. IT in Qsing

The working group had a preliminary meeting on this subject. There are two possible approaches to the subject: to apply IT technology to the current practice to uplift the image of QS; and to suggest changes to the current practice in view of future IT development. The latter would require support from the industry and practitioners and the government. Members' views are welcome. Please email me at ttcheung@iname.com or Mr. Evelyn Kwok, the working group chairman.

7. Direct Access to Barristers

The matter is now in the hands of our barrister counterpart. I hope that the matter can be resolved within the next month.

8. AIQS

Some members are concerned with the progress of reciprocity with AIQS. The AIQS President will visit Hong Kong in early September to discuss the matter in more detail. I shall keep members informed of the progress of the discussion.

Education

International IT Conference on Geo-Spatial Education (6th -8th July 2000)

By Dr. Bruce King
(Conference Organising Committee)
Department of Land Surveying and Geo-Informatics
The Hong Kong Polytechnic University

The Department of Land Surveying and Geo-Informatics of The Hong Kong Polytechnic University has taken the initiative to host the inaugural International IT Conference on Geo-Spatial Education. The conference audience is estimated to be up to 1,000 persons and will include primary, high school, vocational institute and university level teachers from Hong Kong and overseas, and providers of IT and geo-spatial technology. The aims of the conference are to:

1. bring international experience in teaching geo-spatial science subjects in primary, secondary and tertiary education institutions;
2. share local experience in teaching spatial science subjects at the same three levels;
3. investigate existing and new education techniques and IT technology related to geo-spatial education;
4. review policies for the implementation of IT to the teaching of geo-spatial sciences at all levels.

This will be achieved by providing forums for academic papers, short articles, workshops, poster sessions,

exhibitions and technical sessions, interest group discussions and demonstrations. Topics will include:

- curriculum development;
- education theory;
- computer-aided teaching and learning;
- distance learning;
- multi-media technology;
- applications of GIS in high school education;
- web-based spatial science education;
- applications of remote sensing in high school education;
- children and cartography;
- map-based teaching;
- virtual reality

As education is an issue that affects us all, participation from people outside of the target audience is encouraged. If you would like to learn

more about this Conference, please visit the Conference web site at <http://www.lsgi.polyu.edu.hk/itcgse2000/> or contact the Conference Secretary, Miss Berlina Ho by fax on 2330 3994 or by e-mail at lsitcgse@polyu.edu.hk.



Feature

A Question of Interest

By John B Molloy, LLB (Hons), BSc (Hons), FHKIS, FRICS, ACIArb
Managing Director, James R Knowles (Hong Kong) Limited

The question as to when a contractor is entitled to claim interest is one, which arises regularly, and is one, which traditionally causes confusion.

The position at common law is settled, if somewhat surprising in the current commercial world, and is that a debt which is paid late does not give an entitlement to interest. This position derives from the famous case in 1893 of **London, Chatham and Dover Railway v South Eastern Railway**, and was more recently affirmed by the House of Lords in the **President of India v. La Pintada Cia Navegacion** (1984).

Therefore if a contract provides that the employer shall pay to the contractor any sums certified within 14 days of the date of certification, if he fails to make payment until say 60 days later, the debt is discharged and the contractor can not bring an action for interest arising from the late payment.

However, there are exceptions to this general rule, and there are four situations where a contractor can claim interest. These are as follows:

- Where there is an express term in the contract providing for interest in specific circumstances.

A good example of this is the Government of Hong Kong SAR General Conditions of Contract Clause 79(4)(a) that provides "*In the event of the failure by the Employer to make payment to the Contractor in compliance with the provisions of this Clause (Interim and Final Payments) the Employer shall pay to the Contractor interest at the judgement debt rate...*".

Therefore in the Government contracts if the Employer fails to pay to the Contractor a sum certified within 21 days, the Contractor can claim interest for the late payment.

It is interesting to compare this with the ICE Form of Contract that contains similar but importantly different wording in that it provides "*In the event of failure by the Engineer to certify or the Employer to make payment. the Employer shall pay to the Contractor interest...*".

The ICE conditions thus enable the Contractor to seek interest on sums that he considers he was due but which the Engineer has failed to certify in an interim certificate. This is significantly wider than the Government Conditions that only permit interest on sums, which have already been certified but paid late.

With regard to other contracts in use in Hong Kong the KCRC Conditions follow the same line as the Government Conditions, but the RICS/HKIA Private Form of Contract which is used in almost

every private development contain no provisions entitling the Contractor to interest for late payment and so the Contractor has no entitlement to claim interest for an Employers late payment under these conditions.

- Where the interest forms a constituent part of the claim itself.

Interest or finance charges can be validly claimed where such charges have been incurred by reason of matters giving a contractor entitlement to claim either loss and expense (under the RICS/HKIA Private Form) or Costs (under the Government forms) because the interest or finance charge are part of the loss or expense or the Costs incurred.

This is an important area and a topic that I will address in detail next month.

- Where statute provides for the payment of interest

There are a number of situations where statute provides that interest may be paid on settlement of a debt.

For example, and with most relevance to the construction industry, if a dispute between a contractor and an employer is taken to court or arbitration, then the provisions of the High Court Ordinance (Cap 4), or the Arbitration Ordinance (Cap 341) empowers the court or an arbitrator

Feature

to award interest on sums awarded.

The interest will normally be awarded from the date on which the payment should have been made, unless, for example there has been unreasonable delay on the part of the contractor in pursuing his claim.

It is important to note, however, that the contractor can only claim interest at the court or arbitrators discretion on a sum that is being claimed as due, and a claim for interest alone can not be made. For example, consider a dispute where the contractor is claiming entitlement to \$100,000 for some additional dredging carried out in January 1998. The Engineer refuses to certify payment and the contractor serves notice of arbitration in July 1999. The contractors statement of claim for the arbitration will be for \$100,000 plus interest at the discretion of the arbitrator. If the matters proceeds to arbitration and the arbitrator finds for the contractor he will normally award \$100,000 plus interest running from January 1998, i.e. the date when the payment should have been made. However if the employer decides to pay the \$100,000 in June 1999 then (because of the common law rule) the debt is discharged, and it is not possible for the contractor to serve notice of arbitration solely to get the interest to which he considers himself entitled.

- **Where interest is claimed as a special damage.**

The final exception to the general rule that a person cannot claim interest merely because money has been paid late is where interest is claimed as a special damage. The developments in this area are the most interesting challenges to the old common law rule, and ones which may be of great significance to the construction industry.

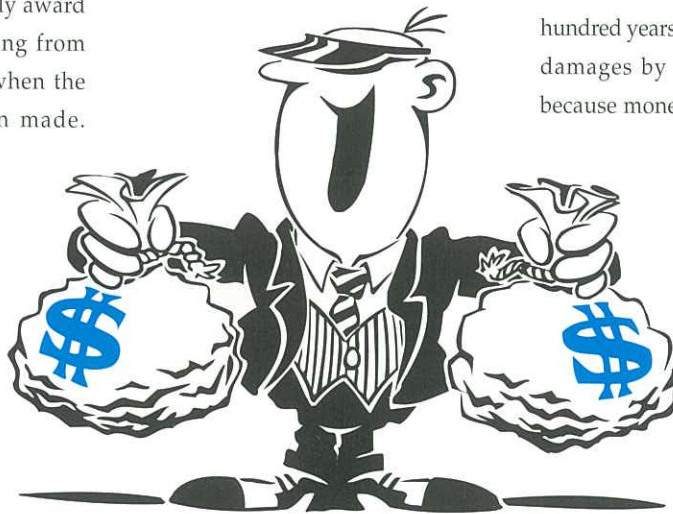
In accordance with the landmark case of *Hadley v Baxendale* (1854) a wronged party is entitled to those damages that naturally arose from the breach of contract (the first limb of the decision known as general damages) and those damages that may reasonably be supposed to have been in the contemplation of both parties at

the time the contract was made as a probable result of the breach (the second limb of the decision known as special damages).

In the case of *Holbeach Plant Hire Ltd v Anglican Water Authority* (1988) the court accepted that a contractor may be entitled to claim interest on sums that the Engineer should have certified as special damages, if it could be proven that the fact that the contractor would incur finance charges in the event that a late payment was made was in the contemplation of both parties at the time the contract was made.

This must be at least arguable in every construction contract in Hong Kong where contractors traditionally operate in an overdraft situation.

Whilst the common law position has remained unchanged for over one hundred years that a payee cannot claim damages by way of interest merely because money has been paid late, the situations above indicate the exceptions to the rule, and the final exception, the area of special damages has the potential to make significant inroads into the traditional rule.



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