

Surveying

news

Volume 9 Issue 10,
November 2000



Mr Francis Ng

Message from the President

INTERVIEW WITH THE HON. P. C. LAU (劉炳章) LEGCO MEMBER

Author: President, Mr. Francis Ng

President, Mr. Francis Ng (Ng)

Hon. P. C. Lau (Lau)

Ng: Congratulation on your success in winning a seat in the Architectural, Surveying and Planning Functional Constituency (ASPFC) of the 2000 Legislative Council Elections and thank you for agreeing to this interview for the Surveying newsletter.

Lau: You are welcome. I also take this opportunity to thank voters and will do my utmost to serve the community and the 4 professions.

Ng: To start with, may I ask you how you would enhance the relationship of the surveying profession with other professions and the Government?

Lau: I have been elected to represent the 4 professions in the ASPFC and shall act as a channel of communication. To do a good job, I shall endeavor and work hard to further understand the 4 professions especially the voters' concern and their wishes. These will include monthly attendance at the respective Institute's General Council meetings, meetings with the 4 Presidents, working with representatives of these Institutes regarding the formulation and commenting on Government policies. My focus will be on specific subjects rather than general issues e.g. review of the Town Planning Ordinance which will affect all 4 professions.

Ng: Could you tell us your objectives and targets?

Lau: I shall represent the interests of the ASPFC which should be integrated with the interests of the community at large. Having said that, I shall try to balance interests between the private and public sectors and find the best solution.

Ng: Can you put up a private member's bill?

Lau: Yes, if the private member's bill is not on matters like public finance. However, such bill will require heavy resources input and the best approach is to persuade the Government to take over proposals which are in line with existing policies.

Ng: Would some sort of Property Managers Registration Bill as suggested by some members be likely?

Lau: If the profession, the Government and the public can all benefit, I do not see any problems in pursuing such a proposal as property management covers not just housing but includes offices, industrial, commercial and various types of development. I think the public should support such an idea as these services affect their daily livelihood and interests in property.

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Surveying

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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 Hon. Editor at the office of the Institute before the 10th of each month.

Information & Contents

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

Ng: There is a general impression that you are pro-government? How do you think?

Lau: To me, the current confrontational attitude and antagonising atmosphere between the Legislature and the Government are not healthy development. The emphasis of media coverage on poor performance will only cast bad image and unfavourable influence on the young generation. There are positive aspects of the society and good performance to be appreciated. We should work and educate people on good attributes and instil good value and traditional time tested Chinese virtue and culture of pride and respect into the Hong Kong society.

Ng: How would you plan your schedule and do you have sufficient time to handle business and LegCo work?

Lau: I have been a Past President of the HKIS, Convenor of the Joint Professional Centre and have continual involvement and participation in professional affairs which as you know are very time consuming. Nevertheless, I learn to make a balance in work and manage time effectively. Thanks to the support from local and international partners in my company and the understanding of my family members.

Ng: I understand that you disagree with the current tender awarding approach to the lowest tenderer, what is the development lately?

Lau: Before being elected, I have been working on the best awarding method for some time with an aim to have a 3-win situation for the Government as principal, contractor/consultants, and the general public. The objectives are to achieve reasonable costs, reduce burden and liability in the physical life of properties/structure and encourage

better and economical designs. The Government as a major principal/user has adopted new methods in trial recently.

Ng: Do you have any comments on the Corporatisation of the Survey and Mapping Office (SMO)?

Lau: I think HKIS should comment objectively from the academic, public interest and professional points of view. The staff of the SMO will be able to comment from the employees' view point. We should try to strike a balance between various interests which would not be an easy task and would take quite some efforts.

Ng: There had been reports on conflict between the legislature and the administration. How would you see yourself fitting in?

Lau: My fundamental stance is that comments should be addressed on facts and not individuals. We should not be exhausting efforts in blaming on scapegoats. We should rather suggest and find ways for improvement. The lowering and the lack of harmony might lead to instability and major changes. Structural reorganisation should be mild and moderate.

As for the LegCo, there are 60 members and more than 300 staff in it taking up a large public bill. I do not think the public is only looking for criticism amongst legislators and complaints all the time. Rather, the public is expecting solutions and positive proposals from LegCo on top of its monitoring function.

Ng: You will have a 4-year term and how would you keep to your promises?

Lau: I shall aim at achieving a balance between sectorial interest and public interest at large as I do not think individual interest should override and conflict with those of the public. All in all, I don't see any problem.

Ng: Lastly, do you have any other expectations?

Lau: HKIS as well as other professional bodies should have more representation in advisory boards/committees so that the Government could have early and well informed views from professionals in formulation of policy. Civil servants should be encouraged to participate actively in community activities. The present situation is not satisfactory that most people adopt a lay-back attitude. They don't have much initiative to serve the community. Apart from their routine work, they do not seem to care about anything. In

this respect, the current government policies which discourage participation should be reviewed. The Mainland market should not be overlooked and professionals are encouraged to export their services to the Mainland.

Ng: On behalf of the members, I wish you every success in fulfilling your commitments. We will surely voice our concern on various issues through your representation at LegCo. 

News from the Divisions

GENERAL PRACTICE DIVISION

K K Chiu, Vice Chairman

IVSC AGM

The Annual General Meeting of the International Valuation Standards Committee (IVSC) was held on 3rd October 2000 in London. 60 representatives from 30 professional bodies attended the meeting. The Hong Kong Institute of Surveyors, a member of IVSC, was represented by Tony Tse, Chairman of the General Practice Division and K.K. Chiu, Vice Chairman of the General Practice Division.

It was, in principle, agreed by most of the members that a global valuation standard should be adopted. The International Valuation Standard (IVS2000) prepared by

IVSC was published in July 2000 and members were requested to submit their comments before the end of this year. It is hoped IVS 2001 and IVS 2002 will be available for comments in mid 2001 and 2002 respectively.


The Professional Practice and Standard Affairs Panel of the General Practice Division has been reviewing the IVS2000 and will reply to the IVSC in due course. The Panel was also requested to review whether the IVS2000 could be incorporated into the Guidance Notes for Asset Valuation of our Institute. Any members who have

WESTERN DEVELOPMENT 中國西部大開發

The President, Mr. Francis Ng and Senior Vice-President, Mr. Stephen Liu attended the 2000 Western Forum of China between 20 and 22 October in Chengdu, Sichuan and would ask members to pay attention to the central government's strategy of West Development which would give rise to enormous business potentials. The President has deposited the Forum documentation including Forum FAQs, theses, a graphic briefing on Sichuan Province, Chengdu projects for foreign investors, foreign investment projects in Aba Tibetan and Qiang Autonomous Prefecture in the HKIS library for reference purposes. 

comments on the IVS 2000 may contact Mr. K.K. Chiu by fax at 2530 1502 or e-mail at kkchiu@dtz.com.hk.

NEW PUBLICATION

With the assistance of Mr. Gordon Moffoot together with his team members, the Guidance Notes for Surveyors acting as Independent Experts in Commercial Property Rent Reviews is available for sale. Any members interested in purchasing a copy of the Guidance Notes should contact the Administrative Office of the Institute at 510, Jardine House, Central, Hong Kong. 

Building Surveying Division

ANNUAL GENERAL MEETING AND ANNUAL DINNER

The 16th Annual General Meeting of the Building Surveying Division will be held at 6:00 p.m. on Friday, 1 December 2000, at 8/F Happy Valley Stand, Happy Valley Race Course, Hong Kong Jockey Club, Sports Road, Happy Valley, Hong Kong. The deadline to submit nominations for officers and members of the Divisional Council is 13 November 2000. The AGM will be immediately followed by the Annual Dinner and the charge is HK\$200.00 per person. There will be a lot of prizes and fun planned for the dinner.

BUILDING SURVEYORS' CONFERENCE

This year's BS Conference entitled "Moving forward with New Technologies" was successfully held on 14 October 2000 at the Marriott Hotel in Queensway with 170 participants. We were very honoured to have ten very outstanding guests in the Conference. The opening of the Conference was addressed by the Honourable Tang Ying Yen. Following the keynote speech by the Honourable Sin Chung Kai, we were delighted to have the presentation by eight distinguished speakers, guiding us through various aspects of new technology applications in the building arena. The topics covered a very wide scope of interests, including intelligent buildings, 3D computer presentation, capturing of architectural plans' digital information, use of pulse radar, use of handheld PC, data centre construction and automatic refuse collection system. It was definitely a pity for those who missed the interesting presentations and interaction with our excellent speakers.

Members, who would like to have an insight of the Conference presentations, may visit the Institute's website at www.hkis.org.hk. The digital format of the presentations will be available in phases. The BSD council would like to take this opportunity to thank all the contributors to the Conference including the officiating guests, distinguished speakers, sponsors, organisers and helpers. Finally, we look forward to having all your support for the 2001 BS Conference.



STUDY TOUR - JAPAN BUILDING CONTROL SYSTEM 27TH TO 31ST JANUARY 2001, TOKYO, JAPAN

This is a joint CPD event organised by HKIS/BSA and WBOB (HK Committee). Apart from some usual sightseeing and social activities, the highlight of this event will be organised by the Building Centre of Japan and will include:

- *Site tour of a building at the stage of interim inspection*
- *Outline of building permission and inspection system in Japan and discussion*
- *Building site tour*

The cost for the whole trip is HK\$7,990.00 per person and a single supplement will be charged at HK\$2,200.00 per person. We need a group of at least 16 to make this visit. Please watch out for application particulars.

WORKSHOP ON REPAIRS AND MAINTENANCE OF PRIVATE RESIDENTIAL BUILDINGS

Eight members of the Building Surveying Division conducted a workshop organised by the Home Affairs Department for its Liaison Officers on 21st October 2000. The theme of the workshop was on repairs and maintenance. Mr Samson Wong delivered a talk on "維修保養知多少?". Other speakers were Mr K K Lau and Mr Patrick Lau who spoke on tendering and contracting administration of repairs and maintenance projects. Practical guidelines were given on essential conditions to be included in contracts of these kind of works. ☐

LAND SURVEYING DIVISION

GUIDANCE NOTES FOR LAND BOUNDARY SURVEY

The Boundary Survey Advisory Committee (BSAC) has submitted to LSD Council a draft of the "Guidance Notes for Land Boundary Survey" which is now being distributed for members' comments. The guidance notes set out the survey principles and requirements for carrying out land boundary surveys in Hong Kong SAR, and serve as a general reference for members of the Land Surveying Division of the Hong Kong Institute of Surveyors.

Your written comments should reach the Secretary for BSAC, Ms Rina Tsoi, c/o HKIS office at Suite 510, Jardine House, 1 Connaught Place, Central, Hong Kong, or via fax: 2868 4612, on or before 6 November 2000. The guidance notes will also be a discussion item on the agenda of the upcoming LSD Annual General Meeting to be held on Wednesday, 15 November 2000.

1999/2000 LSD AGM

Please be reminded that the Annual General Meeting of the Land Surveying Division will be held on:
Wednesday 15 November 2000, 6:30 pm
Room 407, Hong Kong Convention and Exhibition Centre, Wanchai, Hong Kong

Looking forward to seeing you at the AGM.

THE 3RD ACROSS-THE-STRAIT GEOMATICS CONFERENCE, HONG KONG

The Conference will be held on 11-14 December 2000 at the Sheraton Hotel & Towers, 20 Nathan Road, Kowloon, Hong Kong. It is jointly organized by the HKIS, HKIES and HKPolyU, and the theme is "Surveying for Sustainable Development".

Further information is available from the Conference Secretariat at LSGI, HKPolyU:

Tel: (852) 2766 5968
Fax: (852) 2330 2994
Email: lsconf3@polyu.edu.hk
Web site: <http://www/lsgi/polyu.edu.hk/surveyconf3/>

Mark your calendar and plan to be there!

FIG WORKING WEEK 2001, SEOUL, KOREA

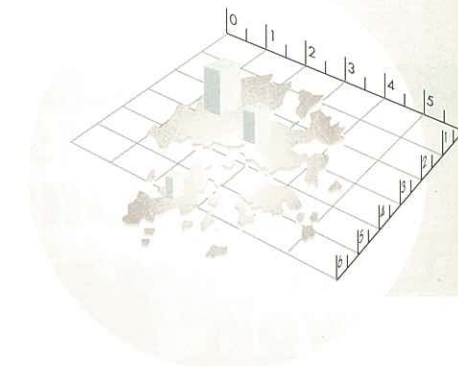
The Working Week will be hosted by the Korea Confederation of Surveyors in Seoul, Korea on 6-11 May 2001. The theme is "New Technology for a New Century". There will be technical sessions by all the 10 Commissions, in addition to their annual or other Commission meetings, and social programs, as well as optional technical tours, daily and post-conference tours. This Working Week in Seoul will be the last FIG Working Week before the next FIG Congress that will be held in Washington in April 2002.

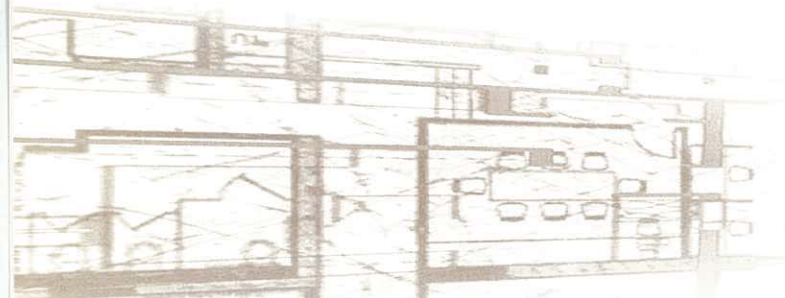
Further information is available from:

FIG Office
Lindevangs Alle 4, DK-2000 Frederiksberg, Denmark
Tel: + 45 3886 1081
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Email: markku.villikka@fig.net

Organising Committee, FWW 2001
Korea Cadastral Survey Corporation
Tel: + 82 31 335 0851
Fax: + 82 31 335 0853
Email: juhkim@kcsc.co.kr

FIG Working Week 2001 homepage:
<http://www.fww2001.or.kr> ☐





QUANTITY SURVEYING DIVISION

TT Cheung, Chairman

APC 2000

The APC 2000 was held on 23 and 24 September 2000 at the HITEC, Kowloon Bay with over 600 candidates attempting the assessment this year. Assessment of the papers will be carried out in the coming months. Professional interviews will be conducted tentatively in January 2001. An assessors dinner meeting will be held on 3rd November 2000. Thank for you for your support as assessors.

AGM

The date of the QSD AGM is scheduled on 4 December 2000. Time and venue will be announced later. Nomination forms for the new QSD Council will be sent to members in due course.

PRC

The tentative trip schedule is as follows:

- | | |
|----------------------------|---|
| <u>November - Shanghai</u> | Organizing a CPD event to RICS members in Shanghai and to meet the Standard & Norm Department and Construction Bureau to update planning for WTO in Shanghai. |
| <u>December - Beijing</u> | 2 nd Organizing Committee meeting on 2001 International Cost Conference and to attend the Cost Conference jointly organized by the Works Bureau and the Ministry of Water Resources to be held on 14-15 December 2000. |

Members are welcome to join our visits at their own cost.

DIRECT PROFESSIONAL ACCESS TO BARRISTERS

We are in the final stages of the scheme. We will be organizing a CPD to explain in detail the concept and operational aspects of the DPA and hope that members can benefit from the alternate route that is now available to surveyors.

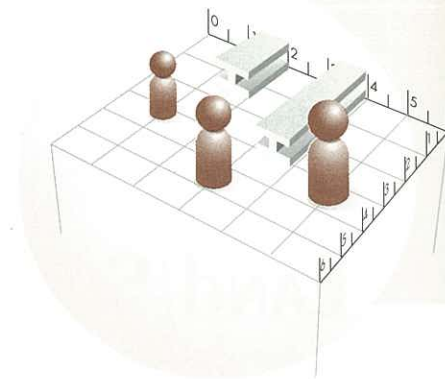
INDEPENDENT ROLE OF QS IN INFRASTRUCTURE WORKS

Thanks for the effort of our newly elected Legco member, Mr. P.C. Lau, who has been lobbying various government departments for the past 2 years. It is encouraging to see the positive attitude of the government that there may be a chance of the scheme for some selected pilot projects in the near future.

CPDs

We have organized a series of events for members as follows:

- | | |
|------------------|---|
| 31 October 2000 | Compulsory engagement of QS in Government Projects by Mr P C Lau |
| 30 November 2000 | Mock mediation by Mr Philip Nunn and a team of lawyers from Simmons & Simmons |
| December 2000 | Direct Professional Access to Barristers by Mr H F Leung |



Membership

CONGRATULATIONS TO THE FOLLOWING WHO WERE ELECTED AS HKIS MEMBERS ON 14 SEPTEMBER 2000

FELLOWS (9)

QS DIVISION

CHEUNG CHIT KONG
FOK CHUCK LEUNG
HON CHI YI
KAM SIU CHEE
LAM CHING KAM

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RAWLING, BRIAN EDWARD
YEUNG MAN SING
YIM SIU CHUNG

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BS DIVISION

CHAN HOI, HENRY
FONG CHI WING
FONG WING WAI
HO KWOK LUN, TOMMY
LAM YIU WA
MAK CHAK KWONG
TANG KIT WAI
WAN CHIU YIN
WONG CHUNG WAI

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HO KWOK CHIU
TAM YIU MING, EUGENE
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Date : 15 -16 January 2001, Hong Kong
Speaker : **Andrew Leicester**, Project Management, Training & Development Consultant, Australia

Course 3

Design and Construction Liability in Construction

Date : 15 - 16 January 2001, Hong Kong
Speaker : **Professor Anthony Lavers**, Professor of Law, The Oxford Centre for Real Estate Management, Oxford Brookes University, U. K.

Course 4

Causes and Cures for Indoor Air Quality (IAQ)

Date : 5 February 2001, Hong Kong
Speaker : **Peter Williams**, Head of Property and Construction, University of Melbourne, Australia

Course 5

Appraisal and Rectification of Building Defects

Date : 5 - 6 February 2001, Hong Kong
Speaker : **Stephen Pullen**, Technical Consultant for Building Materials/Products Failure and Testing, Australia.

Course 6

Deep Excavations

Date : 5 - 6 March 2001, Hong Kong
Speaker : **Chris Harnan**, Former Group Operations Director and Deputy Managing Director, Bachy Soletanche Ltd. U. K.

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HOS OWNERS TO GET ADDITIONAL STRUCTURAL ASSURANCE

Over 160,000 flats sold under the Housing Authority's subsidized home ownership schemes, completed over the past decade, will be given extra protection under a ten-year structural guarantee approved by the Authority. Another 14,000 units in Tin Shui Wai will enjoy a longer period of protection following the offer of a 20-year guarantee in view of the complex geological conditions and the recent piling problems there.

At a joint meeting of the Authority's Building Committee and Home Ownership Committee, Members noted that the exact length of the protection would vary from block to block, depending on the date of completion, until they reached ten years old.

Under the guarantee, the Authority will be responsible for all structural repairs, including those necessitated by spalling and cracking, to any structural component of the building to uphold its structural stability and integrity. This would exclude defects not related to structural stability and integrity, such as water seepage through ceilings or windows, cracks in plaster, and repair works in the external areas and facilities, as well as those arising from structural alterations or improper usage of the building.

The guarantee aims to provide additional assurance to owners on the structural safety and integrity of the buildings and it is not intended to take over owners' maintenance responsibility. Owners will be required to make referrals to their respective property management agents in standard forms, complete with detailed information and photograph for identification.

During the initial trial period of six months, the Housing Department will endeavour to arrange for inspection of the alleged defects within 14 working days, after which owners will be advised of the Authority's

responsibility or otherwise within the following 14 days. Repair works, if required, will commence within four weeks.

Where the Authority may have recourse from the responsible party, the Department will expedite recovery action as far as possible and endeavour to commence work within eight weeks.

A Structural Guarantee Action Group will be set up to oversee and monitor the implementation process. It will review the operation procedures and the progress of work from time to time.

BUILDING PLANS APPROVED IN JULY

The Buildings Department approved 20 building plans in July — three on Hong Kong Island, four in Kowloon and thirteen in the New Territories. The approved plans covered eight for apartment and apartment/commercial developments, seven for factory and industrial developments, and five for community services developments.

In the same month, consent was given for works to start on 11 building projects, which will provide on completion 84,487 square metres of usable domestic floor area and 41,558 square metres of usable non-domestic floor area.

The department also issued 13 occupation permits — seven on Hong Kong Island, two in Kowloon and four in the New Territories. Of the buildings certified for occupation, the usable floor areas for domestic and non-domestic uses were 35,690 square metres and 13,789 square metres respectively. The declared cost of the new buildings completed in July totalled about \$1.310 billion.

In addition, seven demolition consents involving seven buildings and structures were issued.

The department's Control and Enforcement Division received 616 complaints against unauthorised building works in July, and issued 130 removal orders on unauthorised works.

BUILDING PLANS APPROVED IN AUGUST

The Buildings Department approved 25 building plans in August — five on Hong Kong Island, six in Kowloon and fourteen in the New Territories.

The approved plans covered thirteen for apartment and apartment/commercial developments, one for commercial developments, five for factory and industrial developments, and six for community services developments.

In the same month, consent was given for works to start on 22 building projects, which will provide on completion 21,024 square metres of usable domestic floor area and 7,059 square metres of usable non-domestic floor area.

The department also issued 18 occupation permits — nine on Hong Kong Island, two in Kowloon and seven in the New Territories.

Of the buildings certified for occupation, the usable floor areas for domestic and non-domestic uses were 54,468 square metres and 41,588 square metres respectively.

The declared cost of the new buildings completed in August totalled about \$2.241 billion.

In addition, eleven demolition consents involving eleven buildings and structures were issued.

The department received 1,217 complaints against unauthorised building works in August, and issued 244 removal orders on unauthorised works.

RESIDENTIAL MORTGAGE SURVEY RESULTS FOR AUGUST 2000

New mortgage lending rose in August, according to the HKMA's monthly survey of residential mortgage lending. The amount of gross new loans made in August increased by 13.9% to HK\$11.5 billion after falling by 0.3% in July. The average size of new loans increased to HK\$1.40 million in August from HK\$1.35 million in July.

However, new loans approved during the month fell by 19.2% to HK\$10.6 billion compared with a rise of 6.1% in July, largely driven by a decline in loan approvals in the primary market. Refinancing loans fell in absolute terms for the third consecutive month, and accounted for 29.5% of new loans approved in August, a slight decline from the ratio of 30.5% in July. Loans approved during the month but not yet drawn decreased by 29.8% to HK\$7.3 billion in August from HK\$10.4 billion in July.

The average loan-to-value ratio of new loans approved further rose slightly to 59.1% in August from 58.9% in July. The average contractual life shortened marginally to 205 months from 206 months in July. 99.3% of loans were related to owner-occupied properties.

THREE PRE-SALE CONSENTS ISSUED IN SEPTEMBER

The Lands Department issued three consents for the sale of 2,586 residential units in three uncompleted development projects in September 2000. The projects, located in Kowloon, are estimated to be completed between August 2001 and March 2002.

At the end of September, there were 15 applications for pre-sale consent involving a total of 9,694 residential units across the SAR. The units are expected to be completed between December 2000 and August 2002.

In addition, there were four applications for pre-sale consent concerning commercial developments in Kowloon.

Applications for consent to assign being processed included one residential project involving a total of 705 units in Kowloon.

EIGHT PRE-SALE CONSENTS ISSUED IN THIRD QUARTER 2000

The Lands Department issued a total of eight consents for the sale of residential units in uncompleted developments between July and September 2000. All of them were issued within the Department's performance target time limit. These consents involved the sale of 6,279 residential units on Hong

Kong Island, Kowloon and Sai Kung. The majority is estimated to be completed in 2001 or 2002.

As at 30 September 2000, a total of 15 applications were pending approval for pre-sale consents to sell 9,694 residential units located in various parts of the Special Administrative Region. There were four other applications in respect of non-residential developments pending approval.

Of the residential developments pending approval, three are estimated to be completed in 2000, five in 2001 and the remaining seven in 2002.

A BETTER PLANNED CITY WITH GREENER BUILDINGS

The goal of the planning and lands team in the Special Administrative Region Government is to make Hong Kong a better planned city, with a pleasant living environment and safer, better maintained and "greener" buildings.

The Secretary for Planning and Lands, Mr Gordon Siu, made the statement at a press conference 18 October 2000 when he explained the policy initiatives in the planning and lands area, as outlined in the Bureau's Policy Objective booklet entitled "Developing Hong Kong".

"As regards land use and land supply strategy, we have to plan for the future needs of our growing population and meet their aspirations for a better environment and improved standards of living," Mr Siu said.

"We will apply the principle of sustainable development when we design the next generation of new towns," he said.

Mr Siu pointed out that the Government was conducting a number of major planning studies, including the recently announced Western District Development; the Metroplan Study; the Development Strategy for Southeast New Territories and Southwest New Territories; the West Kowloon Reclamation Development; and the Aberdeen Harbour Focus Study.

Through the study "Hong Kong 2030: Planning Vision and Strategy", the Government will develop a long-term land use, transport and environmental strategy, with a wider geographical scope and a range of development options.

"As regards urban renewal, we need to examine how best to tackle the problem of urban decay in our older urban areas," Mr Siu added.

To speed up the regeneration of our older urban areas, the Urban Renewal Authority will be set up early next year. The Authority will implement a 20-year urban renewal programme.

"Our plan for the next 20 years is to complete 200 urban renewal priority projects, including the redevelopment of 1,400 dilapidated buildings; rehousing 16,000 households; and providing 50,000 square metres of open space and 70,000 square metres of community facilities," he said.

"Our strategy is to renew older built-up areas by redevelopment, rehabilitation and conservation. Only dilapidated buildings will be redeveloped. We will try to rehabilitate buildings so as to reduce the degree of dislocation to residents in older areas. We will try to conserve our heritage by preserving buildings of historical, cultural and architectural interest."

"We shall adopt a people-oriented approach in carrying out urban renewal. Our guiding principles are that we will provide fair and reasonable compensation for property owners; arrange proper rehousing for tenants, and improve the local community by replanning and restructuring."

"For existing buildings, owners need to take up their responsibility for maintaining their own buildings. Government will assist and enhance support for them," he said.

The Task Force on building safety and maintenance has been studying ways to promote timely maintenance, to tackle unauthorized building works and to control signboards. The aims are to ensure public

safety, arrest dilapidation and prevent premature aging of buildings.

The Buildings Department will continue to step up action against unauthorized building works and to remove risk from illegal rooftop structures, particularly those on single-staircase buildings.

The Task Force will first be going to the relevant LegCo Panels for views, and in parallel, consulting professional institutes and other bodies concerned in the coming weeks. As these are complex issues, the Task Force will be taking them up in a series of sessions.

To improve our built environment, the Government will take the lead in encouraging innovative designs for new buildings and the use of modern building technology.

"The first step towards achieving a healthy built environment is quality construction. The Government will take steps to promote quality construction," he said.

"We propose to introduce a self-financing registration system to tackle safety hazards caused by abandoned signboards."

"As regards green buildings, we need to promote environmentally friendly buildings that are compatible with nature and of better quality," he said.

"We will encourage better design for natural ventilation and lighting and the inclusion of sky gardens and more balconies in new buildings. These facilities will create better air flow and provide extra green space for residents."

Mr Siu said, "the Government will take steps to modernize and liberalize building rules and regulations and to remove barriers to innovative design and modern technology."

As incentives for the private sector to construct "greener buildings", the Government will fast track plan approval for new building designs and techniques, examine the possibility of exempting green facilities from gross floor area calculation, and give open commendation for outstanding green buildings.

"Our vision is a safe and healthy built environment and an attractive city outlook, worthy of a dynamic world-class city. We aim to achieve this in partnership with the community through consultation," Mr Siu said. ■

Feature

Feature

QUANTITY SURVEYORS AS PROJECT MANAGERS

John B Molloy, LLB (Hons), BSc (Hons), FHKIS, FRICS, MCI Arb, FInstCES, RPS (QS)

For a number of years now it has been common for quantity surveyors, in an effort to broaden the scope of their work, to put themselves forward as project managers, either simply on the basis of their experience as a quantity surveyor or on the basis of some additional courses that they have taken.

But what exactly are the qualifications necessary to be a project manager? What duty does he owe in the performance of his services? These are difficult questions because project management is not a primary qualification such as being a quantity surveyor, an architect or an engineer, and whilst professional organisations for project managers do exist and courses are offered there is no universal standard by which a project manager's performance can be judged.

These questions have recently been examined by the Technology and Construction Court in the United Kingdom in the case of **Pride Valley Foods v. Hall & Partners** where the Court examined the performance of a quantity surveyor acting as project manager and in particular considered whether he had a duty to warn clients of potential fire hazards in the design and specifications for the works.

Pride Valley were a small company specialising in baking pitta and nan breads in the North East of England. They decided that in order to expand they needed a purpose built factory and commenced preliminary discussions with a contractor with a view to entering into a design and build contract with them.

Pride Valley had no experience in construction and so their financial backers

suggested that they approach Hall & Partners a well-known local firm of quantity surveyors and estate agents to advise them.

Hall & Partners offered two project management services to Pride Valley. Option 1 was a full service from inception to design, construction, commissioning and hand-over, whereas Option 2 was for a service which would commence only once a successful contractor had been appointed.

In the event Pride Valley went ahead with Option 1 and engaged Hall & Partners as project managers for the project, and the extent of the services to be provided was set out in Appendix 1 to a letter of appointment.

This appendix detailed that the services to be provided included preparation of a schedule of employer's requirements and specifications, development of these into a design brief, preparation of outline sketches and consideration of materials to be selected, all of which would form the Employer's Requirements against which contractors would submit competitive, design and build, tenders.

Pride Valley made it clear in all its meetings with Hall & Partners that specifications should be set and the factory built to the minimum standard (and thus price) possible to meet building, hygiene and fire regulations. This proved to be an important point later.

Hall & Partners prepared various estimates and outline specifications and these included the specification of expanded polystyrene insulated wall panels.

A contract was duly entered into with a contractor and the works commenced in April 1993 and were completed in December

of the same year. On 11 December 1995 at 6.00 am there was a fire at the factory which was not brought under control until 10.00 am by which time the factory had been destroyed.

Expert evidence agreed that the fire had developed at the bottom of a flue serving the pitta bread line due to a build up of cooking deposits in the flue, and spread to the expanded polystyrene wall panels which rapidly spread the fire through the entire building with such force that it was too dangerous for fire-fighters to even enter the building in order to put the fire out.

Pride Valley claimed that the fire was caused by Hall & Partners' negligence in failing to discharge their contractual duty of care as project managers and in particular their failure to warn them against the use of expanded polystyrene panels. Pride Valley said that if such advice had been given this would have prevented or limited the spread of fire.

In the course of the proceedings both parties tendered evidence from expert witnesses with regard to project management services. The expert for Pride Valley was an architect with experience of acting as a project manager and for Hall & Partners the expert was a building surveyor also with experience of acting as a project manager. Both experts gave evidence as to what they would have done in similar circumstances.

The judge, rejected most of this evidence as being of no use to the court. He said, the evidence which was no more than an expression of opinion as to what one expert would have done in the same circumstances, did not assist the court.

This was because, due to the nature of project management services, there was no established professional procedure that conduct could be compared with, and the judge even commented that he doubted whether it would ever be possible to accept expert opinion evidence as to project management.

The judge said the overriding consideration had to be, not what another project manager would have done in the circumstances, but

what the project manager had expressly agreed to do in the terms of his consultancy agreement.

In this case the judge concluded that whilst the consultancy agreement did not require Hall & Partners to undertake detailed design (because the main contract was design and build), they were nonetheless required to undertake a design brief and draft appropriate employers' requirements. These duties included specifying the materials to be used, which in turn gave rise to a duty of care to advise upon the risks of fire and the dangers which existed with such materials.

Hall & Partners maintained that they had given such advice, and had warned that the expanded polystyrene panels carried with them a fire risk, in verbal discussions with Pride Valley. However the judge did not accept this assertion. He did not consider that a professional firm would have failed to expressly provide such warnings in writing, particularly as there was a large amount of correspondence on other matters.

Accordingly he held that Hall & Partners owed a contractual duty of care to Pride Valley to have warned them of the dangers of using expanded polystyrene panels and that they were in breach of this duty for failing to do so.

Quantity Surveyors, when putting themselves forward as project managers therefore, need to carefully consider their terms of agreement to ensure that the services required of them are services that they are qualified and able to perform.

However in this case, Hall & Partners were lucky because although the judge found that they had been negligent he further held that Pride Valley would not have taken their advice even if it had been given. This was because they continually made it clear that they wanted the cheapest building legally possible and an example of this was that a proposal for the construction of a firewall between the production area and offices was rejected on the basis that this was not a requirement of the relevant regulations. On this basis the judge rejected Pride Valley's claim. ■

Leisure

TICKETS TO Ride

Francis Ng

When I was a primary school pupil, I used to take the bus (CMB) between Wanchai and Chai Wan. For daily travelling, a monthly ticket at \$6 was purchased. It gave me the right to ride on a bus four times a day, except on Sundays and public holidays. A hole would be punched on the ticket, against a specific date, whenever a trip was taken.

For a commuter taking fewer trips, one could just pay the exact fare to the conductor for a ticket. As for tram, the fare was 10 cents (in the early 60's) in the lower deck and 20 cents on the upper deck. At every tram stop, one could easily find dozens of abandoned tickets scattering everywhere. Perhaps the provision of litter bins was not that common then.





Bus, tram and ferry were the basic modes of public transport. Public light buses were introduced in the

late 60's, Mass Transit Railway (MTR) on 1st October 1979, electric trains (KCRC) in the early 80's and Light Rail Transit in the summer of 1988. To meet passengers' need, trailers were added to the rear of trams in the 70's. However, the fare was charged on the basis of the upper deck.

The issue of tickets to passengers was gradually abandoned as coin boxes were installed next to the drivers' seats. In the early days of the MTR, tickets were sold for single trips. Frequent users, however could buy a stored value ticket. The end value of a such ticket could be used for any trip, despite the amount chargeable. With the introduction of the Octopus cards in early 1999, there was a gradual drop in the sale of single trip tickets. The sale of stored value ticket was stopped. The merits of having such a card are obvious as efficiency and accuracy are of prime importance in a competitive business world.

In the past 22 years of service, MTRC has issued quite a variety of tickets. Some are to commemorate major events/festivals while some are for advertisement purposes. Like telephone cards, these tickets have proved to be a popular item for collectors. The good points being that the designs are appealing. They are easy to keep and store. One major significance is that these tickets/cards, once used for a particular period, would be out of public circulation. As I said in an earlier issue of this newsletter, such collection may incidentally result in enhancement of value.

Letter to the Editor

Civil ENGINEERING MEASUREMENT DisPUTES

Vincent WU, FHKIS

I refer to Mr Molloy's article in the September issue of the Newsletter.

Mr Molloy has referred to the SMM for Civil Engineering Works published by the Hong Kong Government which, I believe, is the 1988 Edition. The current version of the SMM is the 1992 Edition and there are 16 items listed under General Preamble No.2 instead of 11 items quoted by Mr Molloy.

I agree with Mr Molloy that it is difficult to deal with situations where works are required but there is no applicable item in the SMM nor are the works covered by an "Item coverage" of another item. In the building contracts, the bills of quantities (or the descriptions of the BQ items) play a more important role than they do in the civil engineering contracts. This can be reflected from Clause 59(1) of the General Conditions of Contract for Building Works (published by the Government of HKSAR) which stipulated that 'the quality and quantity of the work included in the Contract Sum is deemed to be that which is set out in the Bills of Quantities'. There is no similar stipulation in the GCC for Civil Engineering Works. It adopts the 'Item coverage' concept provided for in the SMM. In a building contract, the contractor is expected to be able to price a BQ item without referring to the Drawings for details at tender stage.

In civil engineering contracts, the Drawings play an important role in reading the BQ. One major principle to note when pricing a

BQ item is General Preamble No.2 of the SMM which states that "In these Bills of Quantities, the sub-headings and item descriptions identify the work covered by the respective items, but the exact nature and extent of the work to be performed is to be ascertained by reference to the Drawings, Specification and Conditions of Contract, as the case may be, in conjunction with the matters listed against the marginal headings "Item coverage"".

It is understood in the civil engineering field that the items listed under the "Item coverage" of the relevant BQ item are not exhaustive in covering everything necessary for the execution of the work of that item. If an item is missed out from the list, it does not automatically become a missing item which entitles the contractor to extra payment as Mr Molloy has indicated. I can easily pick an example from the SMM. In item 5.15 of the SMM, the "Item coverage" of a manhole does not include any concrete at all. On the basis of General Preamble No.2 as quoted above, it is obvious that either the heading of the BQ item or the Drawings have indicated that the manholes are to be constructed in concrete and the contractor should allow for its cost when pricing the manholes. In my view, GCC Clause 59(3) shall operate for an omitted item if that item of work is required by the Drawings and required to be measured as an item by the SMM. The application of this clause is not straightforward for a missing item in the "Item coverage".



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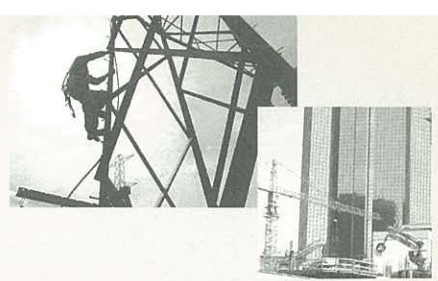
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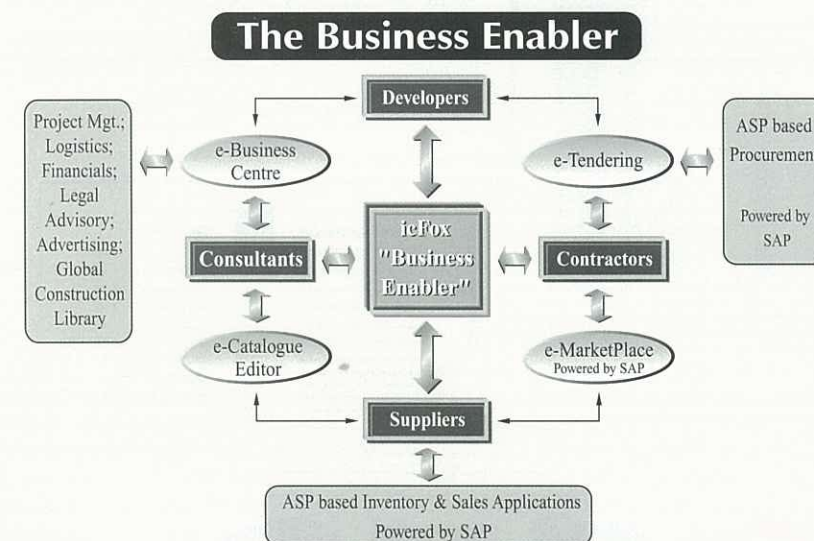
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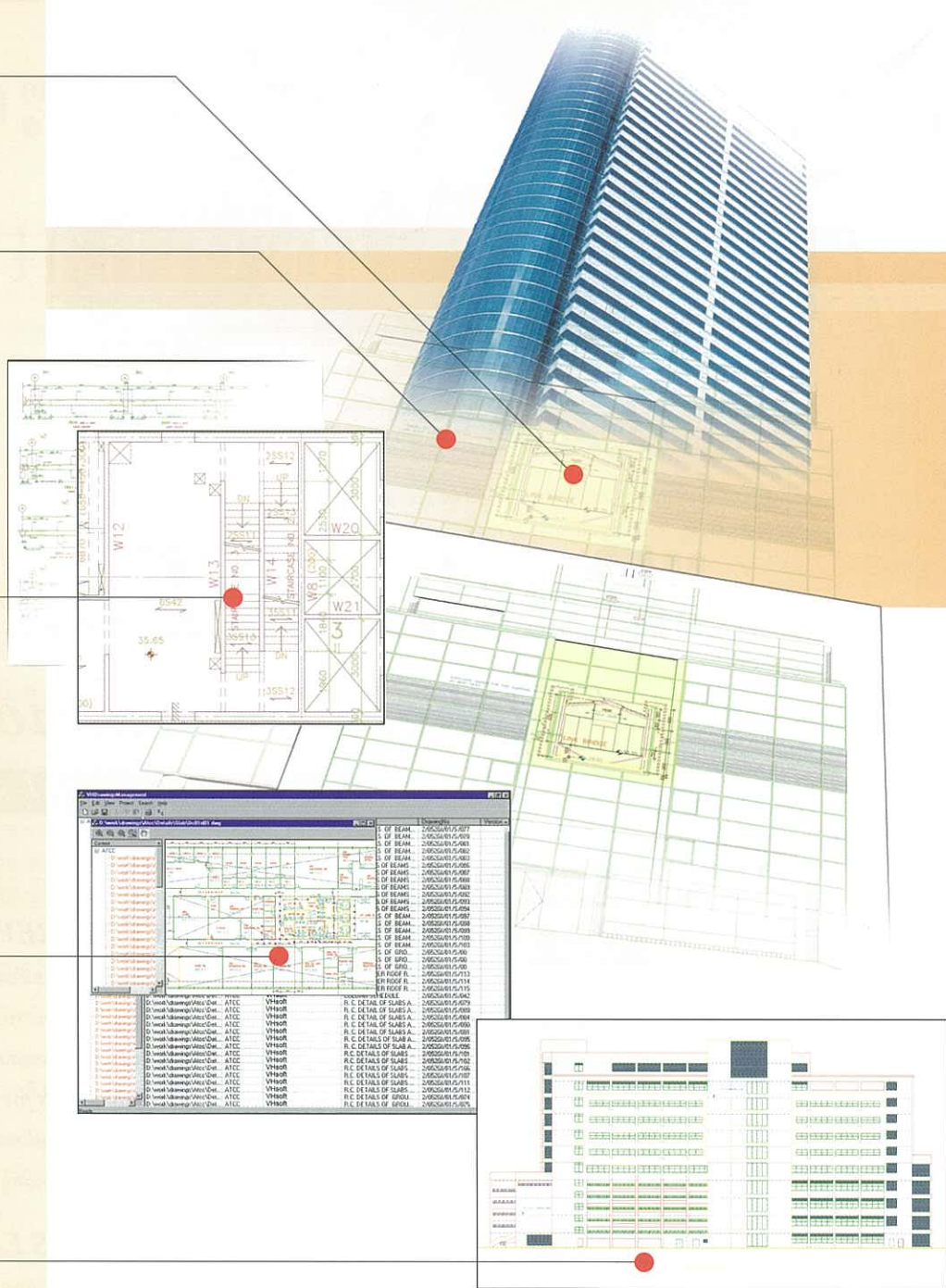
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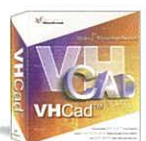
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