

Surveying

news



Stephen Liu

Message from the President

Spring symbolizes the beginning of life. In the months of spring, I wish you a happy and prosperous year and good health.

Life is much busier than before since I became the president of the Institute. A lot of things have happened in the past few months and I would like to update members on some of the important issues.

NEW OFFICE FOR HKIS

The working group has finalized the design of the new office. Tenders for the fitting out works were received and the Contract was awarded to Li Ling Decoration Engineering Company Ltd.

The new office will be ready for occupation by early May.

(A copy of the new office layout plan is shown on page 3 for members' information).

HKIS ANNUAL CONFERENCE

The annual conference was held on 10 March in the J W Marriott Hotel. The theme of the conference was "Innovation in our Living and Working Environment". Nearly 200 members and guests attended the conference. It proved to be another successful high level CPD event. Thanks to the hard work of the CPD Panel Convenor, Mr. David Faulkner, and the working group, in particular Mr. Gordon Wong, who had spent the past few months putting together this meaningful event. A detailed report of the conference will be covered in next month's newsletter.



The President, Mr. Stephen Liu, and representatives from the divisions, speaking to visitors in a seminar introducing the surveying profession.

EDUCATION AND CAREERS EXPO

The Institute participated in the Education and Careers Expo held during 15-18 February in the Hong Kong Convention and Exhibition Centre, organized by the Labour Department. A display booth and a seminar were arranged, and these were well attended by students and visitors. Thanks to the JO and the members who attended the booth and for making the exhibition a success.

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Surveying

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

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QSD rep.	Stephen Chung - 鍾維傑
	Francis Leung - 梁立基
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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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Advertising
All advertisements and small ads are welcome. SURVEYING is reaching over 5,500 readers. For detailed information and advertising rates, please contact Ms Margaret Yung of the Secretariat office at 2526 3679.

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香港測量師學會

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



Visitors to the HKIS booth obtain first-hand information about the profession.

REAL ESTATE EXPO IN BEIJING

A Real Estate Expo organized by the Trade Development Council, and co-organized by HKIS will be held between 15 to 17 March in Beijing. A delegation of eight members, led by Hon C.Y. Leung and the President will be attending the Expo. A booth will be set up in the Expo and HKIS members will be giving talks in the seminar, promoting the services of Hong Kong professional surveyors. A detailed report of the Expo will be covered in the next month's newsletter.

LOW PASSING RATE FOR APC

The low passing rate for the Assessment of Professional Competence (APC) is attracting more and more attention. It reflects a negative image on the Institute as this indicates either a reduction in the professional standard of the student members or the standard of the assessment may not be appropriate. All Divisional Chairmen and the Board of Education are looking at the problem and will put forward ideas for improvement. If members have any views or comments on this matter, please forward them to your Divisional Chairmen or the Secretary General direct.

ESTATE AGENT'S ORDINANCE AND THE HOUSING MANAGER'S REGISTRATION ORDINANCE

The two ordinances had attracted a lot of criticism by our members in the past. We had meetings with the Estate Agents Authority and the Housing Bureau in the past two months to raise the Institute's concern again with a hope to influence the relevant authorities to adopt the comments and opinions of the Institute. This is not an easy job and I will keep members informed of any progress in this matter.

PROPOSED OPEN FORUM FOR THE CORPORATISATION OF SURVEY AND MAPPING OFFICE

An Open Forum will be organized by the Land Surveying Division on 2 April 2001 to discuss this hot topic. The Institute will not give support nor oppose the proposed corporatisation but will only give opinion and comments on the draft ordinance and arrangement which will affect the interest of the members and the public as a whole.

FORTHCOMING EVENTS

The Institute will organize more conferences and visits to the Mainland and overseas to strengthen our relationship with our counterparts.

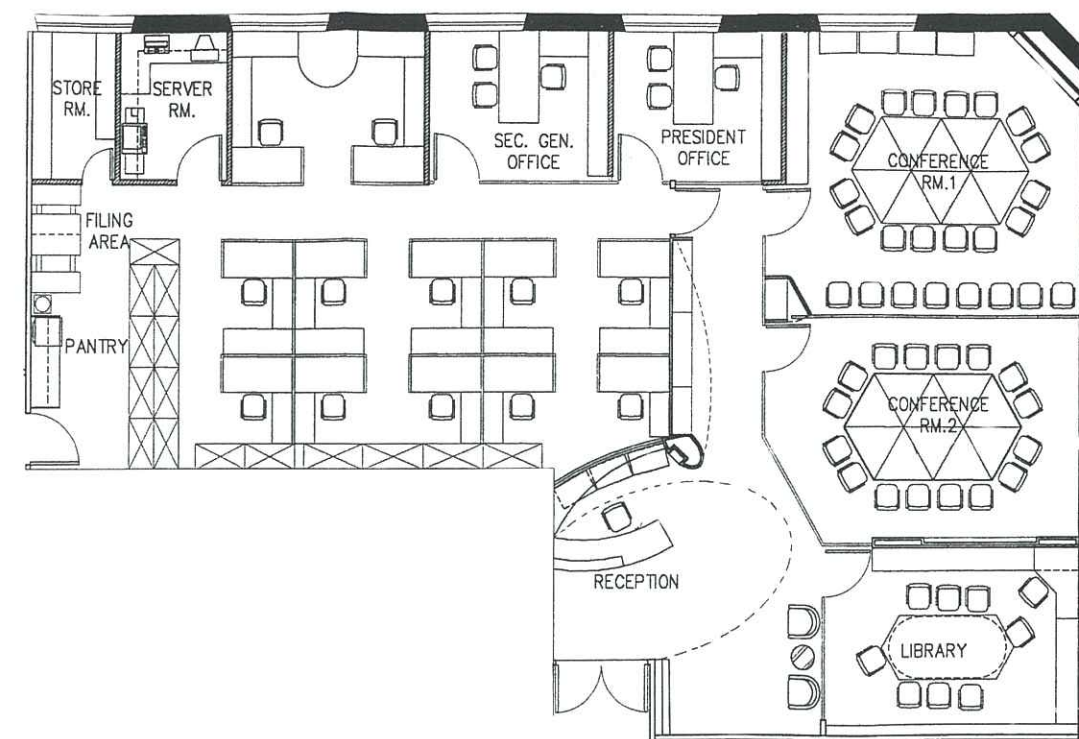
In April, we will visit Shanghai together with nine other professional institutes and bodies.

In May, we will be attending the FIG Conference in Korea, the International Project Cost Conference in Beijing and the PAQS/ICEC meeting in Hong Kong.

In June, there will be an International Conference on Construction for Tomorrow's City in Hong Kong, organized by the Works Bureau and co-organized by HKIS.

Members are encouraged to participate in these conferences and visits. 

Office Layout of 801 Jardine House




News from the Divisions

Building Surveying Division

March seems to be a quiet month for the division. However, we had two term visits to the Hong Kong Polytechnic University and the University of Hong Kong on 2 and 29 of March respectively.

The luncheon meeting with the president of Kohm Pederson Fox Associates PC, is tentatively scheduled in April 2001. In order to match with the tight schedule of Mr Paul Katz, the notification will be issued at short notice through the BS communication network. Please check with the coordinator in your organisation.

A site visit to the new Hong Kong Central Library will be arranged on 7 April 2001 and a CPD talk on 28 April 2001 for Thomas More's Utopia.

An important annual event of the building surveyors, the BS Conference 2001, is scheduled to be held on 20 October 2001, at the JW Marriott Hotel, Admiralty. We would like you to inform us of the topics that you are interested in. We believe that our Conference Chairman, Mr Richard Cheung, will be able to fulfil your wishes through his insight and leadership. 

GENERAL PRACTICE DIVISION

Tony Tse, Chairman

APC REVIEW WORKING GROUP

At the GPD Council meetings held on 16 January and 1 February 2001, the latest GPD's APC results (overall passing rate 9%) were discussed and most of the GP Council members gave their comments. It was generally felt that the APC results were unsatisfactory and we should examine means to assist our students to achieve better results. Following the discussions, it was approved that a Working Group be set up to study the matter, and their terms of reference and membership are as below :

TERMS OF REFERENCE

- (1) To identify the expectation of the industry and the Institute for a newly qualified GP Surveyor.
- (2) To review the existing APC system, including the area, and period of training, the format of assessment, etc., and to provide recommendation.
- (3) To make recommendation on ways to enhance the quality of the APC candidates.

MEMBERSHIP


Member	Company	Fax No.	Member	Company	Fax No.
Tsang Kwok Ming, Rock (Convenor)	Lanbase Surveyors Ltd	2301 1869	Poon Yiu Tung, Eric	Rating & Valuation Department	2152 0118
Chiu Kam Kuen	DTZ Debenham Tie Leung Ltd	2530 1502	Price, Mike	Swire Properties Ltd	2560 0619
Chiang, Sophia	Lands Department	2231 3377	Tam Shiu Hong	Dudley Surveyors Ltd	2877 0378
Faulkner, David	Insignia Brooke	2827 8118	Tsang Ching Lun, Edwin	C L Tsang & Partners	2834 6779
Fung, H M	Rating & Valuation Department	2152 0118	Wan, David	Jones Lang LaSalle	2918 0135
Hastings, B	HKU	2559 9457	Wan, Tony	Jones Lang LaSalle	2968 0078
Lam Ka Fai, Francis	MTRC	2993 7742	Wong K C, Andrew	HKPU	2764 5131
Lau Chun Kong	Jones Lang LaSalle	2968 0078	Young, Samuel	FPD Savills	2530 0756
Mak Yiu Man, Daniel	FPD Savills	2530 0756	Yuen, Danny	HK Housing Authority	2794 5743
Poon Wing Cheung, Lawrence	City University of Hong Kong	2788 9716			

It is expected that the Working Group will last for about 1 year and an interim report will be submitted to the GPD Council by June 2001. Members are welcome to let the Working Group have their comments relating to the issue.

THE HONG KONG REAL ESTATE SERVICES EXPO, BEIJING 2001

The Hong Kong Real Estate Services Expo, organized by the Hong Kong Trade Development Council and co-organized by HKIS and two other organizations, will be held on 15-17 March 2001 in Beijing. A seminar mainly organized by the Institute will be held in the morning of 16 March 2001. Set out below are the guest speakers and the topics for members' information:

Topic	Guest Speaker	Title
1 專業測量師培訓及兩地資格認可之展望	Mr. Francis Ng 吳恆廣先生	香港測量師學會前會長 廣州大學客座教授
2 測量師論市場資料公開化對房地產服務業的重要	Mr. Bernard Chan 陳國輝先生	陳國輝測量師有限公司董事 香港地政總署前地政專員
3 測量師如何利用新資訊科技提升專業服務	Mr. K K Chiu 趙錦權先生	香港測量師學會會籍委員會主席 香港測量師學會產業測量組副主席
4 測量師論市場研究、規劃對項目發展的重要	Mr. Alexander Lam 林增榮先生	香港測量師學會資深會員 戴德梁行董事

The HKIS will also take the opportunity to promote the services provided by our members to the PRC, and a HKIS booth will be set up during the Expo distributing information about our Institute. Members are welcome to visit our booth and attend the seminar. 

LAND SURVEYING DIVISION

CPD TECHNICAL VISIT TO GUANGZHOU

WONG Chung-hang, Chairman

I would like to remind members that the LSD is organizing a 3-day technical visit to Guangzhou. The visit is arranged by the Guangdong Province Society of Surveying and Mapping and will take place from 17 to 19 May 2001 as a CPD event for members of the Institute. The first two days are for official visits to various surveying and urban planning related organizations in Guangzhou. These include the Guangzhou City Planning Bureau, the Land and Resource Department of Guangdong Province and the Guangzhou Underground Railway. An optional city tour to some historical sites of urban development interests will be organised for the third day. Details of the CPD technical visit are as follows:

Thursday 17 May (4 CPD hours)


- * Luncheon meeting to be arranged by the Guangdong Province Society of Surveying and Mapping.
- * Briefing at the Guangzhou City Planning Bureau on some of the recent Guangzhou urban renewal projects.
- * Visit to the Land Information Centre of the Land and Resource

Department of Guangdong to see the computerised land record system.

Friday 18 May (6 CPD hours)

- * Visit to the Land Record Office of Guangzhou City Land Bureau where the historical Qing Dynasty land records are kept.
- * Visit to a new town development area.
- * Tour along the Guangzhou Underground Railway and visit to a work site of its Phase II project.

Saturday 19 May (Optional - no CPD hour)

- * City tour (including historical sites of town planning and urban development interests).
- Members who are interested in joining the CPD technical visit please contact Mr. Lesly Lam at 2683 9201 or Mr. Simon Kwok at 2231 3489. The maximum number of places is 80. The deadline for application is Tuesday, 10 April 2001. 

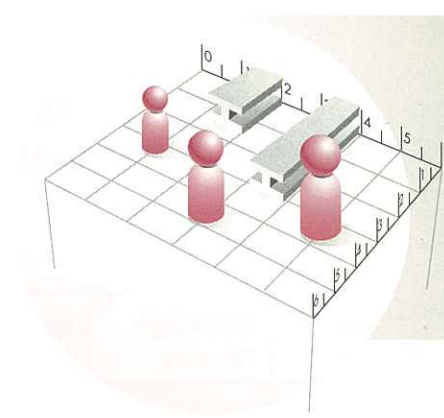
OBSERVATIONS OF THE 20TH CENTURY GLOBAL SEA LEVEL RISE - CPD EVENT ON 5 MARCH 2001

LAM Lik-shan, Lesly

The signal of the global sea level rise brings to mind the frightening scenario of the inundation of coastal regions. Some people even picture skyscrapers emerging from the waters like sleeping flamingos standing in the shallows of a lake. It is observed that relative sea level is rising in most coastal regions and causing major problems, just at the time when rapid coastal development is taking place. It was our honour that on 5 March 2001, Dr. C K Shum, who is currently working in the Laboratory for Space Geodesy and Remote Sensing Research of the Ohio State University, came to deliver a very valuable talk about his

research in global sea level rise. Dr. Shum has received a number of professional honours, including the NASA Public Service Group Achievement Award. Most importantly, he was born and had studied in Hong Kong. Nearly 100 members were nourished by environmental sense through his wonderful presentation.

Firstly, Dr. Shum introduced to us the approaches in measuring global sea level. Over the last century, global sea level change has typically been estimated from tide gauge measurements by long-term averaging.



The most recent estimates of global mean sea level rise from tide gauge measurements has ranged from 1.7 to 2.4 mm/yr. Alternatively, satellite altimeter measurements can be combined with precisely known spacecraft orbits to provide an improved measurement of global sea level change.

The most interesting thing described by Dr. Shum was the Post Glacial Rebound (PGR) from the last deglaciation 18,000 years ago. It is obvious that any attempt in estimating global sea level rise from tide gauge data must take PGR into account. It is manifested over the entire planet, not just at locations ice-covered at the last glacial maximum. To detect the PGR effect on the tide gauge movements, Global Positioning System (GPS) receivers can be used. However, difficulties still exist to interpret any value for global sea level rise because there are so many contributors to it. Ice accumulation at high latitudes, ocean thermal expansion and changes of circulation, melting of small glaciers, and water storage in large and small artificial reservoirs can affect one another.



From the above perspectives, Dr Shum pointed out that global sea level rise was an indicator of climate change such as global warming, expansion of the ocean and changes of circulation. He further pointed out that the measurement of global sea level would provide important corroboration of predictions by climate models of global warming as a result of an increase in the anthropogenic atmospheric "greenhouse" gases. Finally, Dr Shum concluded that a rise of a few millimeters per year of the sea, although not threatening, would still have an important effect. It would cause inundation of low-lying areas, erosion of beaches and bluffs, salt intrusion into aquifers and surface waters, higher water tables, and an increase in flooding and storm damage. They would continue to have a dramatic impact on coastal regions worldwide. Millions of human beings would be affected, and that direct economic

losses and mitigation measures would pose serious financial burdens. So, let's save our planet together.

The Land Surveying Division would like to express its deepest thanks to Dr. Shum for his wonderful talk.



UPCOMING CPD EVENT


Spatial Data Infrastructure of Hong Kong (香港空間數據之基礎設施)

Guest speaker: Mr Wong Chung Hang, FHKIS, FRICS, Chief Land Surveyor/Land Information Centre, Lands Department of HKSAR Government.

Date : 24 April 2001

Time : 6:30 pm to 8:00 pm

Venue : Rooms 406-407(Old Wing), HK Convention and Exhibition Centre, 1 Harbour Road, Wanchai, Hong Kong

Content: Topography, cadastre, land use, population, transportation and utility are the common types of spatial data maintained by Geographic Information Systems (GIS) in Hong Kong. The economy relies on these types of information for land administration, town planning, infrastructure development, environmental protection, property management and many other business activities in the private sector. The users of spatial information have become increasingly sophisticated and demand access to quality data. Spatial Data Infrastructure (SDI) comprises the policy framework, procedures, technology and standards for facilitating the use and sharing of spatial data. The presentation will give an account of the SDI initiatives in Hong Kong and the various types of spatial data that can be obtained from the Land Information Centre of the Lands Department. 

QUANTITY SURVEYING DIVISION

Nelson Cheng, Chairman

CPD

The site visit to the construction site on On Lee Road took place on 2 March. The coming CPD events in April will cover topics including construction contracts, wind tunnel test, construction cost control etc. Please watch out for the dates and registration forms.

CHINA VISITS

The Mainland sub-committee, headed by Mr Jacob Lam, visited the Guangdong Province Department of Standard and Norm on 3 March. The team members comprised our secretary Gilbert Kwok, council members Daniel Ho, Alfred Ho and myself. The team gave a one day technical seminar to around 60 officers from 30 cities in the Guangdong province, mainly introducing the HKIS and QS practices in Hong Kong, especially the tendering method and contractual arrangement. The seminar was very successful. Similar visits to other cities will be organised throughout the year.

2001 BEIJING COST CONFERENCE UPDATE

The 2001 International Conference on Project Cost Management will be held in Beijing from 25 to 27 May. The aim of this international conference is to explore current practices and development in project cost management from the perspectives of project participants, including clients, consultants, contractors, and researchers in the construction industry.

The conference will be attended by over 30 representatives from the PAQS member countries, over 20 overseas speakers and more than 200 delegates from all provinces of the Mainland. It is a good chance for the Hong Kong QS professionals to meet with professionals from overseas and the Mainland. The organising committee has made a lot of effort since last May in order to make this international event a success. All members are requested to show their support by joining the conference.

The registration form and hotel information can be obtained from the website www.srb.org.hk/2001_conf. Members can contact me (tel: 2823 1808, email nelsoncheng@levettandbailey.com) regarding registration procedures and details.

PAQS SEMINAR UPDATE

The 5th PAQS (The Pacific Association of Quantity Surveyors) Seminar and Board Meeting will be held in Hong Kong on 22 and 23 May 2001, prior to the conference. The ICEC Region IV Meeting will also be held at the same time. A technical seminar has been arranged in the morning of 23 May and will be held at the City University of Hong Kong. This will be a CPD event and speakers will be from the member countries of the PAQS. Further details and the registration form can be obtained from the website www.srb.org.hk/2001_conf/paqs.htm 



2001 INTERNATIONAL CONFERENCE ON PROJECT COST MANAGEMENT BEIJING, CHINA, MAY 2001

CONFERENCE PROGRAMME

Time / Date	24 May 2001 Thursday	25 May 2001 Friday	26 May 2001 Saturday	27 May 2001 Sunday
a.m	Registration	Opening ceremony Chair: Mr. Li Xiankui, Dept. of International Relations, Ministry of Construction * Speaker from the Ministry of Construction (to be confirmed) * Mr. Qi Ji, Director, Dept. of Standards and Norms, Ministry of Construction * Mr. P.C. Lau, Legislative Councilor, Hong Kong S.A.R. * Mr. Yang Sizhong, President, China Engineering Cost Association * Mr. Stephen Liu, President, The Hong Kong Institute of Surveyors Photo session	Keynote speech Mr. T.T. Cheung, The Hong Kong Institute of Surveyors. President of the Pacific Association of Quantity Surveyors. Plenary sessions (English and Chinese sessions) Project Management	* Technical Tour - project site visits (optional)
9.00				
9.10				
9.20				
9.30				
9.40				
9.50				
10.15		COFFEE	COFFEE	
10.40		Keynote speeches Professor Steven Male University of Leeds Speaker from China: to be confirmed Presidents from professional institutions (to be confirmed)	Plenary sessions (English and Chinese sessions) Education, training and practice	
11.05				
11.30				
p.m.				
12.30		L U N C H		
2.00	Registration	Keynote speeches Speaker from China: to be confirmed Professor D. McGeorge University of New South Wales Plenary sessions (English and Chinese sessions) Value Management and I.T. applications	Discussion Forum (All conference delegates and representatives from professional institutions) Chair: PAQS President Development of Project Cost Management Practices	
2.25				
2.50				
3.45		COFFEE	COFFEE	
4.00		Plenary sessions (English and Chinese sessions) Tendering and Cost Control	Discussion Forum Closing ceremony Conference Chairman	
6.30	Cocktail reception	Conference Dinner and a night at the Beijing Opera	"Happy Hour" music & drinks	

Government

Briefing

CONSTRUCTION OF "FLATS FOR TOMORROW" STARTS

The Secretary for Planning and Lands, Mr Gordon Siu, and British Minister for Trade, the Rt Hon Richard Caborn, today (February 9) jointly launched the construction of the "Flats for Tomorrow" at Tamar in Central.

Officiating at the ground-breaking ceremony, Mr Siu said that the INTEGER Hong Kong Pavilion is an action research demonstration project to test how intelligent and green concepts can be applied to the challenging high-rise and high-humidity environment of Hong Kong.

As a joint-venture partner, the Hong Kong Government has made available a section of the Tamar site for the duration of the project.

The pavilion comprises two parts: two modular flats representing a segment of a 40-storey tower and a large exhibition area.

"The flats are constructed in a pre-fabricated modular manner to reduce waste and improve quality. These are important concerns recognised in the recent Construction Industry Review Committee report," he said.

The flats will incorporate means to increase energy efficiency as well as to control the cooling load from a central air-conditioning plant.

Structured cabling in the flats is designed to enable future occupants to meet their personal and business telecommunication needs and to control the flat's systems, including energy usage and security.

"The flats will truly be flats for tomorrow," he added.

Mr Caborn said that INTEGER is a very exciting project because it addresses one of the great challenges for all communities - the need to

build high-quality economical housing using the efficiencies which modern technology can provide, and at the same time protect and sustain the environment.

"The INTEGER Hong Kong Pavilion is an excellent example of Hong Kong and UK public and private sectors working together in partnership.

It is an exciting illustration of how initiatives taken by the Governments can make a major contribution to global environmental issues."

The pavilion will be open to the public in September this year.

Joining the HKSARG, the UKG and INTEGER of the UK in this project as founders are: Gammon Construction Limited; Swire Properties Limited; CLP Power; the Hong Kong Housing Society and the Hong Kong Housing Authority. 

Membership

Membership

CONGRATULATIONS TO THE FOLLOWING WHO WERE ELECTED AS HKIS MEMBERS ON 8 MARCH 2001

FELLOWS (3)

BS DIVISION

SUEN WAI CHEUNG

QS DIVISION

LEUNG SIU HONG

YAU KONG FOO

ASSOCIATES (111)

BS DIVISION

AU KAM KWONG

AU SIU KEE

CHAN CHEONG KI

CHAN CHI NGON

CHAU KWOK CHEONG

CHENG WAI YEE

CHIM WAI SUM

FAN CHOR KIT

LEUNG HO MAN

LO KAI YUAN

NG KAM TUNG, BROWNING

PANG KWOK SHING

TAM WAI KI

TO KWOK WAI

TSE WING HO, JEREMY

WONG HO MING, DANIEL

WONG WAI YIN

GP DIVISION

CHOU WAI KIN
CRICHTON, DOUGLAS RICHARD FVIE
FOK YIP SANG
FOO WAI LEY, WILFRED
TAM SIN HANG
YEE LAI CHU

LS DIVISION

TAM KAM BIU

QS DIVISION

AU CHUNG YU
AU SAI KIT
CHAN CHI WING
CHAN CHUNG HANG
CHAN PUI KEUNG
CHAN SIU CHUNG
CHAN SIU LAI
CHAN SUK LAI
CHAN WAI SUM
CHAN YEE WA, GLORIC
CHAN YIU KONG
CHEE CHUN KIT
CHENG CHIU YAN
CHEUNG KA WAI
CHEUNG KIN
CHEUNG KWOK SUN
CHEUNG TAT SUM
CHEUNG YUET HA
CHEW KA LOK
CHIANG CHUNG YUEN
CHIU CHUNG WING
CHIU YIN FAN
CHOW HAU MING
CHOW KWONG WAI
CHU CHEUK YIN
CHUM HIN KWONG

FUNG HON SUN
HALLWORTH, TIMOTHY STEPHEN B.
HO KAM WAN
HO KIM YAN, ELISA
HUANG SHU YUK
HUI YAN YAN
HUNG WING FAI
KO KA CHUN
KONG WING SANG
KWAN KIT HUNG
LAI HUNG FAI, LAWRENCE
LAI KA LUN, ALLEN
LAI WAI LOK
LAM CHUN TO
LAM SHUK YEE
LAM WAI KI, DAVIE
LAU KWOK HUNG
LAW CHI KWONG
LEE KIN WAI
LEE KWAN MO
LEE MEI YI
LEUNG KA WAH
LEUNG KA WAI, FANNY
LEUNG YEE MAN
LI HO PUI
LI KWOK WAI
LI WING MAN, CATHERINE
LO SZE WING
MAK MING YIU
NADARAJAH, RAGUPATHY
NG KIM FAI
POON CHI WAI
POON WAI KIT, NEVILLE
PUN CHING BOON
SIT TSANG FAI
SIU LEUNG MAN, LAWRENCE

SIU MAN LEI, SHARON
SUM YORK SHAN, ANDREW
TAI FUNG YIN
TAM KIN PING
TAM KONG LUN, ALAN
TANG WING CHONG
TONG CHONG YIN, RONNIE
TSANG HIN TONG
TSE MAN CHI
TSO YEE MEI, STEPHANIE
TSOI YEE MAN, HAILY
WONG CHI WAI
WONG KA MING, ANDREW
WONG KIN YAN
WONG TAK HUNG
WONG WAI MING
WONG WING CHEUNG
WOOD, MICHAEL TERENCE
YAN CHUNG MAN
YEUNG KIN NGAI, JERRY
YEUNG YAT SING
YEW KAM TONG, TOMMY
YU CHI KIN
YUEN WAI YI, GRACE
YUEN YING WAI

RESIGNATIONS (8)

BAKER, THOMAS CUNDALL
BLEACH, TERESA ANN
HAU CHUI SHAN, SANDRA
KWAN CHI HONG
MACKENZIE, IAIN STUART
RANKIN, ALASDAIR MACGREGOR
WONG YIM
XU TING TING



A FACELIFT IN WHAMPOA GARDEN SHOPPING CENTRE

Jim Yip, AHKIS, ARICS, JO Editorial Board Representative



Mr Tony Tsui

From a seedy massage parlour, to probably one of the most successful shopping centres offering local mouth-watering dishes, Wonderful World of Whampoa hits the headlines again these days as the hotpot of Hong Kong's most authentic local food specialities. Mr. Tony Tsui, a general practice surveyor and the development and marketing director of Hutchison Whampoa's property arm and the chef of this sizzling dish, discloses his recipe.

WHAMPOA GOURMET PLACE HITS A BIG TIME RIGHT NOW

If Donghuamen and Shilin Night Market are the names for local delicacies in Beijing and Taipei respectively, Mr Tsui certainly wants Whampoa Gourmet Place in Wonderful Worlds of Whampoa (formerly known as Whampoa Garden Shopping Centre) to be the equivalent in Hong Kong.

Whampoa Gourmet Place, better known as Chua Lam Place (which is named after one of the most popular Hong Kong food connoisseur, Mr. Chua Lam), hits a big time right now. Every month, more than 300,000 people flock to this newly established food court. At every weekend from 6 p.m. to 11 p.m., the restaurants there serve over 40,000 eaters.

The Whampoa Gourmet Place is not big, only 42,000 sq.ft. The décor is warm and cosy, showing the elegance of ancient Chinese culture. The atrium courtyard, the red lanterns and the wall design - a replica of the Palace Hall entrance door - have created an imperial dining experience for the dinners. Redolent of an appetizing aroma, the Gourmet Place houses 12 eateries, each serving a special local dish from wanton soup to typhoon shelter style stir-fried crabs and clams.

"Things aren't any better, if not worse, here."

Recently, I met Mr Tsui at his brainchild Whampoa Gourmet Place. He has put on weight these days, thanks to the gourmet sampling tour with Mr. Chua Lam in the previous six months.

While touring the food court, Tony explained the background of each restaurant operator to me. I was like a schoolboy listening to some magical tales. My attention was later caught by the long waiting queue at Wing Lai Yuen restaurant, which is renowned for its spicy Sichuan Dan Dan noodle.

Wing Lai Yuen restaurant has now reopened at Whampoa Gourmet Place after the structure housing its old shop in Tai Hom Village, Diamond Hill was demolished in December last year. I recalled my first visit to the restaurant last April which was miserable. The waiting queue, which extended from the shopfront to the Diamond Hill MTR exit, forced me to head back.

"Things aren't any better, if not worse, here." Tony said with a smile. He advised eaters to watch the thriller Vertical Limit at the nearby UA cinema while waiting for their places at the restaurant. "It could be a good feeling by trapping yourself in an ice-bound mountain cave before savouring a spicy hot bowl of Sichuan noodles!" Tony said. He still commanded a shrewd sense of humour.

"We believe an authentic food court could only survive if it has good quality food, not the hype."

By clustering some famous authentic food shops under one roof, the Whampoa Gourmet Place is betting on people's loving for local

dishes. This is a nice theme. However, similar to any theme restaurant, there is a risk that business may become tepid once the hype fades.

Nevertheless, Tony still believes his idea will work. First, there is not yet another centre in the market operating in the same scale. Second, the teaming-up with Mr. Chua Lam gives him access to some well-known food speciality operators.

"From the outset, we have firmly believed that the concept of an authentic food court could only survive if it has good quality food, not the hype," said Tony, in a radiating confidence. "We want eaters to come back for a second, third... and many more times."

Sitting and dining in the Tasty Congee and Noodle Wonton Shop, Tony unfolded the flour wrapper of one wonton and told me the secret of good stuffing. I am sure he could be a good teacher in a cooking class. He, formerly a surveyor with the Rating and Valuation Department, teaches valuation techniques to his young colleagues in his office.

Tony and his dedicated marketing team took six months to search for quality food operators. They have visited and tried out the food in every restaurant in Hong Kong that has a rating in food guides or that has been recommended by colleagues or relatives.

Identifying the most admirable brand names in the industry is one thing, getting their nods to operate in Whampoa Gourmet Place is another thing. Tony admitted that was the most difficult part of the project and he, together with his team, made a lot of effort in

persuading their targeted tenants to come to the shopping centre.

From his track record, Tony has not failed to deliver good results, even for an odd project. He is a marketing veteran (see Table 2). Back in the early 1990s, when he was leading the marketing assignment of Hong Kong International Distribution Centre (HIDC), a 5.5mn sq.ft. warehouse complex in Kwai Chung, every warehouse operator was baffled by the double rent the new warehouse charged. The leasing was sluggish at the beginning. He went to meet potential tenants one by one and took them to site visits. Very soon they came to realise the 16ft ceiling height and the location at the heart of Kwai Chung Terminals could save them money. In less than six months, this gigantic compound was quickly filled.

"It is a win-win situation"

By picking the acclaimed food operators, he has built up the most formidable authentic food portfolio for the Gourmet Place. But that was not enough for him, he wanted assurance of the highest food quality from each operator throughout the tenure.

He persuaded each operator into agreeing to a special clause, which is probably the most unprecedented clause in any retail tenancy agreement: a clause guaranteeing food quality. Under that clause, each tenancy can be terminated earlier if the tenant repeatedly fails to achieve agreed quality.

"If they don't have confidence in themselves, how could they convince people to have confidence in them?" explained Tony. "Our tenants are quite happy with the clause. They understand the highest food quality is vital for the long-term success of the Gourmet Place. It is a win-win situation for the tenant and the landlord."

"The incomes from the turnover rent have actually increased our investment yield quite

substantially."

Tony doesn't like his tenants charging an exorbitant price for their food. He wants the Gourmet Place appealing to the general public. "We are not doing an upmarket thing here. Price must be very affordable and reasonable if we want our customers to come back" said Tony. "According to our survey, the most acceptable spending package is ranging from HK\$40 to HK\$150 per head. We want our tenant to charge within that range."

To do that, he sets a base rent that each food operator would find comfortable enough to start with. He charges an additional rent if the turnover of a restaurant exceeds an agreed level.

The booming trade in the Gourmet Place's first three months' operation has left the operators' initial figures looking very conservative. "Most of the tenants have reported a double or triple jump in trade," Tony said proudly. "For example, The Noodles of Hong Kong is selling 2,000 bowls of noodles a day."

A POS (Point of Sales) computerised billing system designed by Hutchinson has already been installed at each shop. It helps to keep track of the business volume of each food operator and, of course, bills its turnover rent accurately.

"We thrive if our tenants thrive" said Tony. "The incomes from the turnover rent have actually increased our investment yield quite substantially."

"Now one out of ten Hong Kong people knows about Whampoa Gourmet Place."

Even before the opening of the Gourmet Place, Tony's marketing team has already turned on the powerful public relationship machine. From December last year to February this year, hardly a day went by without news on the Whampoa Gourmet Place through newspapers, websites and television channels.



The PR team has run a smart promotional campaign. They carved out different stories for the restaurants to attract wider media exposure. For example, for Wing Lai Yuen, the famous Sichuan restaurant, there was a programme on TVB about its old shop and its history just before its closure at Tai Hom Village. Less than a week, another story was run on HK Economic Daily. This time it was about Stephen Chow, the famous movie star, who had snapped up all the 1950s' dining tables and seats at the old shop.

"Now one out of ten Hong Kong people knows about Whampoa Gourmet Place." Tony said, "Some of the eaters tells us that they know the place from the media coverage."

TENANT COMES FIRST

Seeing the Whampoa Gourmet Place getting popular amongst Hong Kong people, Tony envisages a far brighter prospect for the Gourmet Place. "We are now talking to the Hong Kong Tourist Association. We have a plan to turn the Gourmet Place into a tourist spot. This will not only help the local tourism but also bring enormous business opportunities for us." he said.

We finished the interview at 10 p.m. But Tony's work had not yet finished at that time. "I've got another appointment with the Esprit shop management," said Tony, "We have an excellent idea for them to boost sales."

Adding values, is Tony's forte. I believe he will make sure that his tenants' interest is properly served. 

TABLE 1

The Winning Strategy of Whampoa Gourmet Place	
1. Team up with an excellent household name - Mr. Chua Lam	It helps in the identification of quality food operators, image build-up and promotions.
2. Selectively pick operators	Each operator must be unique and well known, and is able to draw large crowds.
3. Size does matter	The size of each food speciality shop is fixed at 2,000 - 3,000 sq.ft., a good balance between optimising the scale of business operation and catering for eaters' satisfaction.
4. The tenant mix	Each tenant specialises on one local favour. The tenant mix not only enhances the business of each tenant, but also further strengthens the Whampoa Gourmet Place's image as a centre-point for Hong Kong's traditional cuisine.
5. Food quality control	Ensure the quality of the food court achieve the highest standard to preserve the centre's reputation.
6. The centralised POS (Point of Sales) billing system	Structure a flexible rental package, with part of the income coming from the turnover rent.
7. The dedicated PR work	Produce lots of press releases for wide media exposure and organise regular promotional events. Team up with the Hong Kong Tourist Association to promote the Whampoa Gourmet Place as a tourist spot.

TABLE 2

Tony Tsui - Hutchison Whampoa Property's Marketing Guru		
	Project	Achievement
1992	Hong Kong International Distribution Centre	Achieved 100% occupancy at this 5.5mn sq.ft. modern warehouse, one of the biggest building complex in the world.
1995	The Harbourfront	Another 100% leasing achievement for this twin towered office complex at Hung Hom harbourfront, a location that has never been tested for high quality decentralised office use.
1996	Wonderful World of Whampoa	Re-engineered a massive renovation and marketing programme for this shopping centre at one of the largest private estates in Kowloon. Retail spaces over 1.4 mn sq.ft. were repackaged into different shopping themes. A challenge took 3 years to complete.
1998	Cheung Kong Centre	When the redevelopment at this former Hilton hotel site was completed in 1998, the market was dogged by an office oversupply and the post effects of Asian Financial Turmoil in 1998. With a tough battle, his team managed a 100% pre-lease rate at this 1.2mn sq.ft office tower.



PAY FOR PROGRAMMING - THE CYBER APPROACH

James B. Longbottom, Brian E. Rawling & Associates (BERA)

This is the first in a series of articles intended to provide consultants with some ideas for drafting alternative contractual provisions where experience shows that the usual contractual provisions often do not achieve their aims. The first article is about programming.

It has long been recognised that the construction process is better co-ordinated, controlled and monitored if there is a construction programme. The most effective programmes are those that show the intended progress and co-ordination of the various trades by using activities of meaningful durations that can be used as a yardstick against which actual progress can be monitored.

COMMON FAILURES TO BE ADDRESSED

Contractors and subcontractors often fail to submit a meaningful programme which reflects the reality of the construction process. It is not uncommon for a contractor to submit a "baseline" construction programme based upon the information available at day one of the project and then:-

- * fail to provide regular updates as events occur which render the planned intentions unfeasible.
- * monitor progress gains or slippages against the obsolete programme (such programmes are sometimes referred to as "Delay Demonstration Programmes").

AIMS OF PROGRAMMING

Programming should be dynamic and respond to events. A programme prepared at "day one" becomes obsolete as soon as events occur

which prevent the contractor from being able to follow it. This happens very frequently, therefore, to be effective, the programmes require frequent updates if they are to be used to co-ordinate, control and monitor progress.

Employers require programmes, primarily to know when projects can be completed and, secondly, to be able to monitor progress. The task of monitoring and reporting should not be entrusted to a contractor, but performed either by the employer's own staff or a consultant.

Consultants require programmes to know by what dates a contractor requires information. A contractor who contends that all information is required on day one, or at unreasonably early dates, is deluding itself when there are unreasonably long lead-in times between the dates on which such programmes show that the information is required to the planned start of the activity for which it is used. That is not to say that lead-in times are not needed for such things as co-ordination and shop drawings, but the periods must be realistic.

Computerised programming techniques can now cater for the most difficult projects and the usual rule is that the more difficult the project, the more need there is for comprehensive, dynamic programming.

C-PML'S APPROACH

Cyber-Port Management Limited (C-PML) is responsible for the project management of Cyberport, a multi-million dollar development that will provide an information technology and telecom base for the Asian information service sector at Telegraph Bay, Pokfulam.

C-PML realised that quality planning and

programming by its contractors would be an important factor in the timely completion of the development and they had also experience on other projects of contractors neglecting the contractual provisions for such programmes.

C-PML had adopted a set of comprehensive planning and progress reporting procedures which are well tested in Hong Kong's construction industry. However, C-PML also wanted to avoid the situation where the contractor, having produced an initial construction programme, thereafter failed to update this programme to reflect actual progress and revised intentions after events made such programme incapable of performance.

A "carrot" and "stick" approach was considered to entice the contractor to comply with the contractual programming obligations:-

- * The "carrot" approach was to provide an incentive for the contractor to implement the planning and progress reporting procedures. As far as BERA is aware, this approach was new to Hong Kong.
- * The "stick" approach was to withhold a percentage of the progress payments until the contractor fully complied with its monthly programming obligations. This approach had already been used in Hong Kong, apparently with success, by Levett & Bailey on a large office development in Central.

C-PML decided that if the planning and progress procedures were to be implemented effectively, it was best that the contractor be a willing participant in the scheme - this made the "stick" approach undesirable.

Consequently, a "pay for programming" scheme was introduced whereby the contractor was paid, via its monthly progress payments, if it submitted dynamic programme updates, method statements and the like, which responded to events and planned ahead.

Under the scheme, the contractor is required to provide, as a supplement to the Preliminaries Bill, an itemised breakdown of the amounts included in the tender with respect to the various planning and programming obligations. The sufficiencies of the itemised breakdown, as well as the contractor's outlook with respect to planning and programming, are then considered as part of the overall selection criteria of the successful bid and a pay for programme bill is prepared with remeasurable items for the provision of the initial programme and method statements, the updates thereof and any special circumstances which may occur. The bill is priced based upon the contractor's allowances in the tender for planning and programming and the amounts in the Preliminaries Bill reduced accordingly.

The key features of the scheme are:

- * Planning and programming are treated as measurable items for payment purposes;
- * The contractor submits programmes, and updates thereof, which, if they comply with the contractual planning and progress reporting procedures, qualify for payment at the predetermined rates for the appropriate measurable items;
- * The contractor is also paid for submitting additional programme updates to those submitted on a monthly basis whenever

requested by the consultants and/or the contractor considers it appropriate; and

- * The planning and programming obligations are not measured and valued if the updates are not provided, are late, or are non-compliant with the contract.

Whilst the first main building contract at Cyberport is still in its early stages of construction the initial feedback is that "pay for programming" is working reasonably well. The C-PML approach may yet turn computerised critical path programming into the effective site management tool it was always meant to be.

AN ALTERNATIVE TO C-PML'S APPROACH

Another approach to pricing the pay for programming bill, which was rejected by C-PML, was for the tender documents to have pre-priced items in the bill which were only measured and certified if the contractor performed its contractual obligations for programming.

In this alternative approach a developer can fix the amount he wishes to pay for a monthly update programme.

DELAY DEMONSTRATION

When used properly, a programme is a useful tool for delay demonstration purposes. Programming should be dynamic by responding to events and be used to plan ahead. A programme update which merely monitors progress gains or slippages against a "baseline" programme often ignores reality. Further, case law shows that such an approach does not fulfil the contractor's aim of showing time entitlement for contractual claims, as the

"baseline" programme had been rendered incapable of performance before the event occurred for which an extension of time is required. Hence, proper dynamic planning is needed for delay demonstration programming and claims management.

Further, the use of dynamic programming for delay demonstration purposes provides the opportunity for a contractor to re-programme activities for a variety of reasons, not solely to demonstrate delays. Examples might include, *inter alia*:

- * changed construction methods;
- * current production outputs;
- * current lead-in times;
- * current procurement times;
- * current design approval times;
- * the effects of contractual constraints; and
- * the construction logic linking activity to activity.

A "baseline" programme is obsolete if it is not feasible and shows pre-impacted intentions prior to a delaying event. A programme is of no use in demonstrating cause and effect if it is already out of date and bears little relationship to what had happened or was intended to happen before an event occurred. As Keith Pickavance said in a paper entitled *The Proof of Excusable Delay* "It is the common experience of everyone in the construction and civil engineering industry that timings change rapidly and that desire is rarely reflected in performance for more than a few weeks at a time".

For further information, please contact: bera@netvigator.com 

Is the PROPERTY MARKET FINALLY COMING OUT FROM THE BOTTOM?

Jim Yip, AHKIS, ARICS, Senior Research Analyst, Asia Financial (Securities) Ltd.

A FLURRY OF GOOD NEWS TO LIFT THE PROPERTY MARKET

February this year was a Christmas time for the property market. Never before were we lashed out with so many presents (see the right-hand side chart), from the far-away Uncle Sam and from Mr. Tung's government as well.

We saw eager buyers flocking back to the market and snapping up units lest they would have to buy at higher prices later. Developers yearned for an upward price revision at the second batch of their pre-sale projects.

	Good News	Immediate Market Impact
1 February	Interest rate cut by a further 50 bps, the second time in less than a month's time.	Close the gap between the mortgage and rental payment. Flat buying becomes more attractive.
2 February	Housing Authority reduced income limit for HOS	Push approximately 30,000 potential buyers to the private market.
12 February	Lands Dept reduced land supply next year	A strong signal that the government wishes to stabilize property prices at this level.
16 February	Housing Bureau relaxed control on property sales	More flexibility for developers to manage property sales
19 February	Better than expected land auction results	Show a strong market confidence.
22 February	Amid intense competition, some banks offered a record low mortgage rate incentive (i.e. prime - 3% p.a.) for the first three years.	New buyers are tempted with a lower mortgage rate (an additional 50bps).

Source: Asia Financial (Research)

Some small developers simply resorted to suspending sales plan until they had worked out a new pricing strategy. Such scenes were reminiscent of the heydays during the 1997 property boom.

Once again, we are faced with the most difficult question: Is the property market finally coming out from the bottom?

LESSON FROM THE PAST

The residential market in Hong Kong is very much a sentiment-driven market. This is quite understandable, given the decade long ever-rising property price pattern, which was effectively put to an end by the crash of the property market in 1997. A sense of infallibility of our residential prices, nevertheless, is still inbred in most people's mind.

In March 1998, bargain-hunters attracted by a 30% discount in price, were drawn to the market, only to find deep regret later on. At the end of 1999, spurred by a series of interest rate cuts in the year, buyers returned to the market and moved prices up, but only for a short term.

These buyers made mistakes on overlooking the change in market fundamentals. The measures that used to work wonders with property price in the past can no longer be much effective nowadays. After the Asian financial crisis, the economic shake-up and various lands and housing policies, which have been introduced into the market since, have well changed the landscapes in the property market.

For example, the over 50% collapse in property price has left some 300,000 owners with negative asset values. This effectively locks them up in a liquidity trap and cripples their abilities to trade-up their homes. Demand from the first-time buyers has become the backbone in the sales market. Developers and the Housing Authority ("HOS") are vying against each other to attract sales. Activities in the secondary market, as a result, become further squeezed out. Moreover, the large inventories held by developers have helped checked the price growth. Take a look at the illustration below. The demise in the secondary market has accounted for the shrinking market transactions in recent years.

A "WINDOW OF OPPORTUNITY" FOR DEVELOPERS TO OFFLOAD

After all, it may be wrong to hope that February's good news would pull the market out of limbo. The effects of a shrinking secondary market, the large number of flat owners in "negative asset trap" and a sales market weighted towards developers' could not be underestimated.

These were the forces that have dragged the market over the past three years and would likely remain so in the short term. Unless there are significant measures to solve this bottleneck, the current strength buoyed up by good sentiments might wane. Property price trend after a brief climb would return to its sliding trajectory.

Developers usually got the most benefits in every market turnaround (see chart below). This time proves no exception. However, they are not in the upper hand in pricing. Recent sales indicate that if the sales price is increased too aggressively, potential buyers would flee on their feet.

Perhaps those developers who could ride on the current market turnaround and actively push sales ahead of the others would have a big smile this time next year. ☺

Who get most of the benefits?					
	Interest Rate Cut	Lower HOS Income Limit	Cut Land Supply	Lift Property Sales Control	Lower Mortgage Rate for New Loan
First-time Buyers	✓	✗	✗	✗	✓
Existing Owners	✓	✗	✗	✗	✗
Developers	✓	✓	✓	✓	✗

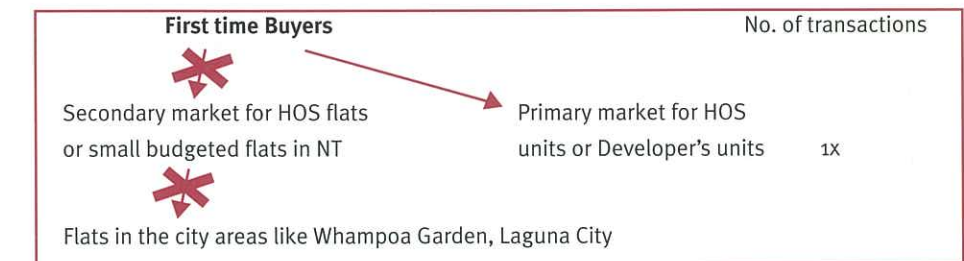
Source: Asia Financial (Research)

Housing Model in Pre-crash Era - Trade-up demand: the engine for housing demand



Source: Asia Financial (Research)

Housing Model in Post-crash Era: that's why transactions dwindle and market is insipid.



Source: Asia Financial (Research)

Secondary Market Owners Profile

Types of Owner	Market Share	Description
A. "Disgruntled" Owner Property Value < Loan Value < Purchase price	30%	- Stuck in the negative asset trap, the most pressing need for them is to wait for a market recovery to sell off the debts.
B. "Dismayed" Owner Loan Value < Property Value < Purchase Price	50%	- Some went into market only after the property crash and was dismayed by the falling prices. - The loss on disposal will hamper their desires to trade up in the property market
C "Desirable" Owner Purchase Price < Loan Value < Property Value	20%	- The lucky few that has the liberty to trade up. - However, the low liquidity in the secondary market means it is harder for them to sell the existing one before buying a new one. - A large proportion of owners in this sector may have bought their properties some 15 to 20 years ago, tendency for them to trade-up now is small.

Source: Asia Financial (Research)



CONCLUSIVENESS OF THE FINAL CERTIFICATE

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

A year ago I wrote an article in the Newsletter entitled 'How Final is the Final Certificate' which considered the effect of the issue of the Final Certificate upon claims for defective works and looked at the important case of Crown Estate Commissioners v. John Mowlem and Co Ltd (1994).

Well the matter has recently come before the courts in the United Kingdom in the case of **London Borough of Barking & Dagenham v Terrepin Construction Limited (July 2000)** where further interesting comments and clarifications were made.

You will recall that the case of Crown Estate Commissioners v. John Mowlem and Co Ltd considered Clause 30.9.1 of the JCT 1980 form of contract:

"..... the Final Certificate shall have effect in any proceedings arising out of or in connection with this Contract (whether by arbitration under article 5 or otherwise) as conclusive evidence that where and to the extent that the quality of materials or the standard of workmanship is to be to the reasonable satisfaction of the Architect the same is to such satisfaction."

and held that the wording made the Final Certificate conclusive evidence that the works have been completed in accordance with the contract, and that effectively once the Final Certificate has been issued, the employer loses his right to take action against the contractor for defects that may be present but not noticed, i.e. patent defects or defects that may subsequently appear, i.e. latent defects.

The only exception to this rule being where there has been fraud.

This was a controversial decision because the intention of this clause was that where in the contract the architect was required to be satisfied with particular works the Final Certificate indicated that he was so satisfied. It was certainly not the intention of the draftsman that upon issue of the Final Certificate the employer would no longer be able to pursue a claim against the contractor for defective works.

The decision did not have any relevance to Hong Kong Government conditions of contract that provide at Clause 80(3) that:

"The issue of any certificate including the maintenance certificate shall not be taken as relieving either the Contractor or the Employer from any liability ... arising out of ... the contract"

However it has relevance in part to the Private Form of Contract that provides at Clause 30(7):

"..... the said certificate shall be conclusive evidence in any proceedings arising out of this Contract (whether by arbitration under clause 35 of the Conditions or otherwise) that the Works have been properly carried out and completed in accordance with the terms of this Contract.....except....:

(a) Fraud, dishonesty.....

(b) Any defectin the Works ...which reasonable inspection or examination at any reasonable time during the carrying out of the

Works or before the issue of the said certificate would not have disclosed...."

The decision in the Crown Estates case is therefore relevant to the local Private Form (and will continue to be relevant in the soon to be published updated version) in respect of patent defects, i.e. defects that are visible at the time of the issue of the Final Certificate, but not latent defects that subsequently arise.

Thus, in the local form, the Architect must be vigilant and ensure that his final inspection is very thorough.

Similar issues have now come before the courts in the United Kingdom in July 2000 in the case of **London Borough of Barking & Dagenham v Terrepin Construction Limited**, again concerning the JCT forms of contract, but this time the JCT Design and Build Contract (1981 Edition).

The Contractor, Terrepin Construction entered into a contract with the Borough in 1991 whereby they were to design and build new and refurbished works at a school in Dagenham, a suburb of London. Work started in December 1991 and Practical Completion was achieved in November 1992 with the defects liability period expiring one year later.

Subsequently, substantial defects appeared and the Employer brought an action for damages for breach of contract, breach of statutory duty and negligence in respect of the alleged defects in design workmanship and materials.

The Contractor argued that all the Employer's claims were barred by Clause 30.8.1 that provided:

"the Final Account and Final Statement when they are agreed.....have the effect in any proceedings arising out of or in connection with this contract (whether by arbitration under article 5 or otherwise).....as conclusive evidence that where it is stated in the Employer's Requirements that the quality of materials or the standard of workmanship are to be to the reasonable satisfaction of the Employer the same are to such satisfaction..."

In the initial proceedings the judge held that all the Employer's claims were barred by this 'conclusive evidence' clause save for those claims based upon a failure to meet statutory requirements which (under Clause 6 of the Contract) was the Contractor's responsibility.

Neither party was satisfied with this decision. The Employer did not agree that it was correct that it should not be able to claim in respect of patent and latent defects, and defects in design, and the Contractor considered it incorrect that it should be liable for materials that failed to meet statutory requirements. Both parties appealed to the Court of Appeal where the following decision was reached:

1. The term Employer's requirements referred to the requirements of the contract as a whole and did not have to be to any separate document expressly defining the said

requirements. This was important in construing what yardstick the design, materials and workmanship had to comply with.

2. Clause 30.8.1. should be construed in the same way as the Court of Appeal construed the clause in the Crown Estates case.
3. Clause 30.8.1 did not relate to or include design defects. Therefore, the Contractor could not avoid a claim relating to defects in its design of the works.
4. Clause 30.8.1. made no distinction between patent and latent defects, and accordingly, the agreement of the final account and the final statement provided conclusive evidence of the employer's satisfaction as to the quality and standard of all materials and workmanship.
5. This conclusiveness of quality of materials and standard of workmanship extended to compliance with statutory requirements.

This case has therefore confirmed the previous decision in the Crown Estates case, and further confirmed that whilst the Final Certificate (or in this case the Final Account) was conclusive proof that the materials were compliant with statutory requirements, this did not extend to the Contractor's design responsibilities in a design and build contract. **■**



We have decided to continue publishing members' movement for 2 more months on a complimentary basis. Please send your details by e-mail to the Hon. Editor at editor@hkis.org.hk.

This newsletter reaches members of the Institute, government departments in Hong Kong and the Mainland and a number of professional and other organisations in other parts of the world as well as appearing on the website of the Institute. **■**

UPCOMING SURVEYING CONFERENCES

New Technology for a New Century

Date: 6-11 May 2001
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A Spatial Odyssey

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SWOT! The Surveying Profession 2001 Strengths Weakness Opportunities Threat

Venue: Museum of New Zealand, Te Papa Tongarewa, Wellington
Date: 11-13 October 2001
Contact: Colin McElwain
Email: colin@cuttriss.co.nz **■**

A SHORT NOTE OF SHENZHEN EXPERIENCE

Stephen Lai, Levett & Bailey

The following incident is a real case which happened to one of my colleagues under my supervision in his recent trip to Shenzhen.

On a sunny weekday, after attending a site meeting, my colleague took a taxi directly from the site to Lo Wu Train Station. It was around 4 to 5 pm in the afternoon with a lot of people on the street. The taxi driver refused to drive into the station due to the traffic jam at the entrance and stopped under the footbridge attached to the Lo Wu Commercial Centre.

I believe you should be familiar with that location if you have been to Shenzhen. It is very close to the train station and is a busy place where you should feel safe.

However, as my colleague got off the taxi and

started to walk towards the station, he was obstructed by a guy in front. Just when he wanted to force his way out, he found that there was another guy standing behind him. As he felt that there was something pointing at his waist my colleague did not struggle. The guy at the back searched his pocket and seized his Nokia 8850.

It was lucky that he was not hurt and the robbers did not take away his passport or identity card.

I believe that as more and more Hong Kong professionals are working in the PRC, more people might be facing the same situation. If you need to travel to China for work or holiday, you should consider taking the following

precautions:

1. Don't take too many valuables to China especially credit cards. The gangsters need the passwords of your credit cards and may need you to accompany them to take cash from automatic teller machines. This creates a greater risk especially if you forget your passwords.
2. Be alert at all times even in a place where you feel safe.
3. Put your money, mobile phone and passport in different pockets.
4. If possible, be accompanied.
5. Don't struggle if you should unluckily get robbed. ☒

KNOW MORE - SOMETHING ABOUT THE LAW, AND ETHIC

Corruption Prevention Department, ICAC

It needs no elaboration that professional competence and ethics go hand in hand when it comes to the essential qualities of a professional. In the wake of the recent spate of corruption incidents in the construction industry, professionals in the industry all the more should pay special attention to issues concerning ethic. To understand the related legislation is but the prerequisite. The following example relates to an engineer.

A CASE EXAMPLE

Peter was an electrical engineer of the main contractor for building a bridge. He was responsible for supervising the electrical installation and maintenance work carried out by workers of the sub-contractors. He,

however, demanded and accepted more than \$200,000 from a sub-contractor in return for hiring workers from the sub-contractor to perform electrical works relating to the project. Though he was clever enough to instruct the sub-contractor to cover up the corrupt payments by claiming wages for one to two bogus workers each day, the case came to the ICAC. Peter was later charged and was sentenced to two years and nine months in jail.

PREVENTION OF BRIBERY ORDINANCE

It is an offence for an employee (agent) to solicit or accept advantages in relation to his official duties without the permission of his employer (principal). Similarly, professionals also act as agents for their clients under the

consultancy agreements. Peter, in the above case, committed a bribery offence because he accepted advantages without permission from his employer in return for hiring workers of a sub-contractor. On the other hand, any person who offers advantages to the employee is also guilty of an offence. Under the law, both the acceptance and the offering of bribes constitute a corruption offence, and the maximum penalty is imprisonment of seven years and a fine of \$500,000.

ADVANTAGE AND ENTERTAINMENT

The definition of "advantage" is manifold, including money, gifts, loan, employment, service, favour, etc. "Entertainment" is not defined as an advantage under the law, but

one must not intentionally or unintentionally misinterpret the definition of "entertainment" nor hold a casual attitude towards the acceptance of entertainment. According to the law, "entertainment" is the food or drink for immediate consumption on any occasion. A professional should at all times maintain a cautious attitude in accepting entertainment with those they have business dealings, especially if the entertainment provided is too lavish and frequent. While the acceptance of frequent or lavish entertainment will easily give others an impression that there may be a corrupt motive, it is true that entertainment has often been used as a means to achieve sweetening effects, as reflected from many past ICAC cases.

OBSERVING THE LAW AND THE PROFESSIONAL CODE

Observing the law is the minimum requirement for every citizen, not to mention a professional, who is much respected for his expert knowledge and professional judgement. Apart from bribery offences, one should steer clear of any other illegal acts such as deception, false accounting, conspiracy to defraud, etc. A young engineer, for instance, was recently convicted for conspiring with others to defraud the project developer and the government department concerned by constructing substandard bored piles at a project.

The importance of professional conduct and ethics has never been greater in this era of

increasing public scrutiny. By understanding and abiding by the law, professionals will continue to enjoy the high level of trust the public has in them.

Things are never straightforward, and dilemmas do occur at work any time. One should always refer to the code of ethic of their own professions if they have any doubts. The ICAC has also set up an Advisory Services Group for the private sector consultation on matters of corruption prevention. Individuals can call the ICAC advisory services hotline at 2526 6363 to obtain free and confidential advice. ☒



化繁為簡

吳恆廣

漢字化繁為簡，其實古已有之，只是近代才大規模和有系統地推行簡體字。有些簡體字在坊間使用多年，有些甚至是源自宋朝及元朝的俗字，至今正式收錄在《現代漢語通用字表》。簡體字的來源，可分為數大類：沿用古字、俗字、草書及創製新字。漢字簡化有不少方式，由於篇幅所限，今次我只談談屬「會意字」一類的簡體字。所謂「會意字」，是說字的整體意義由其各部分的意義合成。例如「信」字，是由「人」字和「言」字合成，表示人說的話有信用。利用這種方式構成的簡體字，較其原字更能清楚表達字義。

筆 笔 古時候的書寫工具
主要以竹枝和動物的
體毛製造。

孫 孙 另一小孩附在兒子的
背上。

塵 尘 微小的沙土。

簾 帘 在窗「穴」的位置
掛上一幅布
「巾」。

體 体 人的本身。

從 从 兩個人在一起，一
人跟隨另一人。

眾 众 由三個「人」字組
成，比喻人數眾多。

淚 泪 在眼目中的水滴。

滅 灭 「火」上的「一」表示
覆蓋物，即把「火」壓
下。

舊 旧 一天已過去，發生
的事物已成往事。

願 愿 原來發自內心的希望。

陽 阳 「阜」為地勢，「日」
為太陽。

陰 阴 「阜」為地勢，「月」為
太陰。

國 国 有珍貴美好物品之地。

寶 宝 屋宅內珍貴之物。

傭 佣 供人差使利用的人。

寧 宁 人在家居之中，表
示安樂無憂。

時 时 一日之小部份。

巖 岩 山峰由石頭構成。

竈 灶 用磚製成的生火做
飯設施。☒



SURVEYOR'S SURF

Stephen Chung, QSD Editorial Board representative

We have 'discovered' a few interesting sites for reference and we hope you will like them. Comments and suggestions may be e-mailed to stephenchung@real-estate-tech.com.

<http://www.register.com>

Wish to know who owns a certain website domain name? This site can help you. Simply type in the domain name in question and presto you would know if it has already been purchased / owned. If so, you may find out who owns it and / or the contact numbers etc. There are other sites offering the same (free) service yet this is one of the earlier sites that do so. You can also buy domain names from them too (though literally there are perhaps tens or hundreds such sites that can sell you a domain name! Competition is keen and 'popular' yet still available names are few and far between, so do shop around).

<http://www.idc.com/default.htm>

To know something about the future of the internet technology or e-commerce, go to this site. The company behind it is called IDC, which is part of IDG (International Data Group), and they specialize in analyzing the future of the IT / internet industry. Naturally, you would need to pay for their products and services listed there, yet you would also find free articles and commentaries.

<http://www.mls.ca/mls/home.asp>

To buy a residence in Canada, or simply to get a feel of how relatively easy it is to search for a residential property there, click this URL. You will see a map of Canada, select the province you want, then select the part of the province

you want, and then perhaps the municipality/ city you want, and finally the district of the municipality / city you want. Fill in the real estate search requirements and you will know whether there is anything under the sun over there which meets your stated requirements. The service is offered by the Canadian Real Estate Association and 'MLS' in the URL stands for "Multiple Listing Service", i.e. an arrangement through which any real estate listing obtained and put up by a member real estate broker (or 'agent' as we call them in Hong Kong) can automatically be shown and sold by another member real estate broker. Neat eh?

<http://web.mit.edu/krugman/www/>

Wish to learn something about economics from one of the well-known gurus yet without having to deal with highly technical (and sometimes maddening) economic jargon? Visit Paul Krugman's "official" website! While there are some very challenging (to read) articles, there are also many written for common folks, and topics range from the USA economy to emerging markets. To those who have not heard of him, he is the guy that years before the Asian financial crisis said Asia basically relied on "perspiration rather than aspiration" (or something like that). Notwithstanding the 'MIT' in the above URL, he has relocated to Princeton (Can't blame him, the campus is much better. The author can attest to that).

<http://www.buildings.com/default.asp>

This site contains some interesting resources and articles on the latest building technologies, systems and trends in North

America, albeit the site is also a commercial portal for some of these products and equipment and offers building journals for subscriptions. Good for learning the practices in other parts of the world and / or for research purposes.

<http://www.hkgpss.com/>

Probably a significant portion of our members would have come across this site already, though to be on the safe side, it is thought that it should be brought to the attention of all. The site contains a lot of useful links and resources for (Hong Kong's) practicing and aspiring surveyors, especially those in the valuation / general practice stream. As it does not contain a lot of useless graphics and so on, it is easy to navigate. Well done!

Surfer's gossip = www.surveyors.com is up for sale! Presumably, the owner is a guy called Tom Jennings, who might have been involved in (the sale of) other popular names too. Based on the indicative prices for those other names, Tom could be a US\$ millionaire many times over. By the way, the name 'Tom', wonder where we have heard it before...tom...? ☺

MEMBERS' MOVEMENT

Vincent TOGHER has been promoted to Director of the Valuation Department with leading international property consultancy, Vigers Hong Kong, with effect from April 1, 2001. Mr. Togher qualified as a Chartered Surveyor in 1985 and has around 20 years of experience in surveying, mostly in Hong Kong.

Jim YIP, AHKIS, ARICS, has been appointed as a Senior Property Research Analyst with Asia Financial (Securities) Ltd., after having more than ten year's property investment experience in Hong Kong. ☺

"THE HONG KONG SURVEYOR" CALL FOR CONTRIBUTIONS

The first issue of "The Hong Kong Surveyor", the journal of the Hong Kong Institute of Surveyors, is expected to be published in June 2001. We invite you to submit articles to us.

You may either send your articles by e-mail to the Hon Editor at editor@hkis.org.hk or let us have a hard copy of the article plus a diskette in Word format on or before 20 April 2001. Our address is Suite 510, Jardine House, Central, Hong Kong.

Your submissions should include a short description of yourselves in not more than 50 words and a colour photograph of yourselves.

Please note that the Editorial Board reserves its right to reject and edit any submissions. ☺

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