

測量週銀禧 專業惠社群
Building our Community
Contributing our Professionalism



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SURVEYORS

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Upholding our Professionalism
維護專業精神



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香港測量師學會

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The Development Bureau is seeking members' views on a number of policy options affecting the quality and sustainability of our built environment including the GFA concession. A task force has been set up to formulate a response to this issue. Members' views are welcome.

The Government is reviewing the implementation of the Land Titles Ordinance and has initiated a consultation in this regard. Before formulating a response to the Government and LegCo, the LSD Council is looking forward to hearing members' views.

The GPD Council is exploring another membership reciprocity arrangement to obtain CIREA membership. In this regard, a forum will be held to solicit members' views on the subject matter.

The QSD Council has planned a series of events for the discussion of the 2nd batch of mutual qualification recognition, extension of current Mutual Recognition Agreement, and PAQS international conference. Members are welcome to participate in these events. It is encouraging that a total of 71 APC candidates satisfactorily passed both the written assessment and professional interview, representing a passing rate of 24%.

The Institute consists of 4,771 young members, representing 40% of the total members. It is very important that the Institute can take care of the interest of our young members. While the YSG works very hard for its young members, they would like to invite more young members to join them as a co-opted member or helper.

As a decent professional Institute, we would like to see more professional papers published in Surveyors Times. Please submit your paper to the Surveyors Times by email to editor@hkis.org.hk if you would like to share your good experience, practice or insight with other members.

Dr Paul Ho
bshkho@cityu.edu.hk

香港特區政府發展局現正向業界諮詢各項有關優質及可持續居住環境的政策，當中包括總樓面面積豁免。學會已成立專責小組進行研究及回應有關政策，歡迎各會員提供意見。

香港政府亦正就《土地業權條例》的檢討及推行向業界進行諮詢，學會的土地測量組正整理學會立場，提交政府及立法會，歡迎會員提供意見。

學會產業測量組現正與中國房地產估價師與房地產經紀人學會研究另一次資格互認的安排。學會亦將安排公開論壇，聽取有關意見。

學會工料測量組亦已籌備推行多項計劃，包括第二批資格互認的安排、延長資格互認協議的有效期、以及亞太工料測量師協會的周年會議等等，各位會員歡迎參與。另外，71位學員通過了工料測量組的專業評核試（筆試及面試），合格率为24%。

學會的年青會員人數為4,771，佔全體會員的40%。因此，年青會員是被受關注的一群。學會青年組籌辦多項活動，現邀請各有志者加入協助。

作為一個專業學會，我們鼓勵各位會員提交專業文章於測量師時代中刊登。各位會員如有興趣與其他會員分享個人經驗，有關文章可電郵至editor@hkis.org.hk。

何學強博士
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A Simple Recipe for Upholding our Professionalism

Let him who is without sin cast the first stone. Writing about professionalism is as difficult as defining professionalism, drawing a line between right and wrong, or satisfying oneself that the line, once drawn, will never be crossed. 3 February was not a particularly good day for surveyors, when two of our members were sentenced by magistrate courts to imprisonment on account of offences of dishonesty. That these cases are subject to appeal has prevented me from going into specifics. Still, I think the best way to respond is to talk about the subject, after the initial phase of denial as one would inevitably go through when bad news strikes.

In welcoming a new member, a letter, signed by the President, draws the member's attention to three important documents: the Constitution and Bye-laws, the Guidance Notes for Mandatory CPD, and the Rules of Conduct. Yet, I doubt how many of us have studied in great detail these documents. I have, but I must admit it is mainly because of my administrative duties at the Institute. I should not blame those who have not, because, after all, to act professionally, one simply needs to follow his / her conscience.

The introductory paragraph of the HKIS Rules of Conduct provides that "no member shall conduct himself in a manner unbecoming a Member of the Institute". It goes on

to describe the responsibilities of a Member in three broad areas, namely, responsibility to the profession; to the members; and to the clients. Respectively, a Member shall "order his conduct so as to uphold the dignity and reputation of the Institute and the surveying profession"; "compete fairly with other Members for instruction of work"; and "discharge his duties to his client with integrity and in accordance with the highest standard of business ethics". These are statements of generalized connotation, setting out broad principles, but not specific dos and don'ts. From a practical angle, the rules are used more for establishing suspected guilt, or passing verdict on proven guilt. So I just hope that a real need for consulting these rules will never arise!

In our day-to-day work and encounters as surveyors, we are put to numerous temptations, some more apparent than others, and some even without our knowing them. How about making a more-than-optimistic forecast to suit a client's needs? "Erring on the high side" in the valuation of a piece of land? Making buy/sell decisions having had access to inside information? Tipping the scale one way or the other in exercising our "professional judgement" or "discretionary powers"? Or, "convincing" a subordinate to agree with you on an issue or else face the consequences of your displeasure?

As professionals we all see the predicament that we face in these scenarios. Stepping into the shoes of the surveyor concerned, hand on heart, how would you respond? I am not surprised if any of the following may have crossed your mind:

- the act, or lack thereof, is difficult to prove;
- others are practising it;
- I may lose out to those who have practised it;
- although morally unsatisfying, it may not be illegal.

The real challenges to surveyors and the Institute in collectively upholding professionalism are not setting standards per se, but rather, ensuring that the standards are met. “The highest standard of business ethics” is called for in our Rules of Conduct. What exactly is the highest standard? Should it be absolute or relative? Does it vary with culture and change with time?

Maybe not many of us are qualified to “cast the first stone”, but working towards the highest standard and being respected as a profession practising to the highest standard has been the cornerstone of success of the surveying profession in the HKSAR. That in fact is one of the unique qualities setting us apart from some of our counterparts in other countries.

The services that we provide to our clients and society at large command pride and respect which cannot be measured in financial terms. In turn, I believe it is the pride and respect, more than financial remuneration that underpins our professionalism. That also explains why so many of our members, despite temptations and in difficult times, still hold out the highest integrity and provide the best possible services to our clients.

At the Institute we strive to project a positive image of surveying and nurture a sense of belonging to the profession. A Promotion Committee has been set up and tasked, amongst other things, to publish best practice guides to assist members in various disciplines in our day-to-day work and decisions. We will continue to enhance the surveyor’s identity and make surveying a profession we all can be proud of. You will hear more from us on draft proposals for a new designation of Certified Professional Surveyors.

Meanwhile, there is one simple recipe for upholding professionalism: follow our own conscience.

Francis Leung
President

維護專業精神

「誰自認沒罪者可先投石」。描寫「專業」與解釋「專業」同樣困難，是非對錯亦難以概括而論。2月3日對測量師來說並不是一個好日子，兩名學會專業會員因不誠實行為被裁判法院判處監禁。因上訴程序進行當中，我亦不便在此對案件多作評論。然而，我認為最理想的回應方法不是迴避，而是對事件本質多作探討。

每一名新會員均會收到由學會會長簽發的通知信，並提醒會員留意三份學會的重要文件—「章程及則例」、「持續專業發展指引」、及「專業操守規則」。不期然猜想多少會員曾詳細閱讀該三份文件的內容。我雖曾詳細閱讀，但不得不承認，這全是因為學會行政上的需要而已。我並不是在此怪責那些未曾詳閱該三份文件的會員，其實要維護專業標準，每個會員只須順著個人的良心而行事。

於「專業操守規則」內的介紹段規定，「任何會員均不得作出與其會員身份不相稱的操守以致損害本學會其他會員之利益」。接著，「規則」描述了會員對測量專業、其他會員、以及客戶所應有的責任。當中分別提到，「本學會會員須以維護本學會及測量行業尊嚴及聲譽之方式行事」；「本學會會員在招徠業務時，須與其他會員公平競爭」；「本學會會員須按照最高的專業道德標準，持正履行其對客戶之責任」，但這些概括的陳述只提供了操守指引，並不代表行為的準則。從實際角度來說，有關的規則多數只用作調查懷疑過失，或通過裁決已定罪行。我則希望需要應用這些「規則」的情況永不發生。

在我們測量師的日常工作中，少不免受到利誘；當中有些是明顯的，但亦有些是不知不覺間的。我們有否過份樂觀評估產業價值？以「捨低取高」方式評估地價？取得內部機密資訊後才作出買賣決定？因傾向某一方而作出「專業判斷」或「酌情處理」？又或者是過份游說下屬同意您對某事件的看法？

作為一位專業人士，以上的情況使我們面對著這些不利的處境。而作為一位專業的測量師，您又會如何面對？相信您亦曾經迴旋於以下的考慮：

- 有關的舉動很難得到証實；
- 這是其他同業現行的做法；
- 如不跟從，我可能較其他同業有所損失；
- 雖然道德上說不過去，但嚴格來說並沒有觸犯法例。

測量師以及學會為維持專業形象所面對的挑戰，就其本身而言，並不單是要制訂標準，而是要確保能達致標準。

學會的「專業操守規則」提倡最高的專業道德標準，這是否完全絕對，又或是相對的？「規則」應否隨著時間和文化而改變？「規則」又是否切合實際的商業運作？

相信只有少數會員認為自己有資格作為「先投石者」，但致力實現最高標準，並從這最高標準執業所帶來尊重，便是測量界於香港取得成功的因素。

我們為客戶及社會提供的專業服務所帶來的尊重，是不可以用金錢來衡量的。再者，我相信這自豪感和尊重，是鞏固我們專業精神的基石。這也解釋了為何這麼多的會員，儘管受到誘惑，或在最困難的時候，仍然堅持了最高層次的忠誠，以及給客戶提供最佳的專業服務。

我們正努力建立測量界的正面形象，以及培養業界的歸屬感。學會已成立宣傳及推廣委員會，並將出版實用手冊，為會員於日常的工作及決策作出指引。我們將繼續致力提高測量師的專業形象，使測量業成為一個使我們感到自豪的專業。各位會員稍後將會收到我們對成立「註冊專業測量師」稱謂的建議。

一個簡單維護專業精神的方法：憑良心而行。謹以共勉。

梁立基
會長

North Point Harbour Conceptual Design Competition

Mr Kenneth Chan, Chairman of Property & Facility Management Division, will represent the Institute as a juror on the assessment panel for the North Point Harbour Conceptual Design Competition, which was launched on 23 February 2009. The competition is promoted by the Working Group on Waterfront Development in Eastern District of Planning, Works and Housing Committees, Eastern District Council and HKIS is one of the co-organisers.

“North Point Harbour” formerly known as the “North Point Estate” is the largest and most valuable undeveloped waterfront site in the entire Eastern District of Hong Kong. Its future development has drawn great concerns from local residents and focus groups. The competition is being organised in order to seek talented firms, groups, and individuals to redesign “North Point Harbour” into a comprehensive development area and turning it into a vibrant and accessible waterfront for the public. For further details, please visit http://www.districtcouncils.gov.hk/east_d/english/main.htm.

Building Maintenance Toolkit

With the input from professional bodies including the HKIS, the Independent Commission against Corruption (ICAC) and Hong Kong Housing Society have jointly published a practical and user-friendly *Building Maintenance Toolkit* to help property owners, owners’ corporations, property management companies, consultants and contractors perform their tasks effectively.

You are welcome to download the toolkit from the ICAC’s thematic website www.bm.icac.hk with which HKIS website has been hyperlinked. To get a CD or printed copy, please call ICAC at 2929 4555.

Members are also advised to make reference to the standard forms of construction contract and professional services engagement agreement published by the HKIS in connection with building renovation and maintenance works for the public.

CONGRATULATIONS TO THE FOLLOWING WHO WERE ELECTED AS

HKIS MEMBERS ON 22 JANUARY 2009

FELLOWS (3)

BS PFM DIVISION

LEE HOI TAT NATHAN
WONG SE KING PETER

GP PFM DIVISION

YIM WAI MAN CHRISTINA

MEMBERS (15)

BS DIVISION

CHAN YUEN KWAN
CHOW KIN KEUNG
FUNG JACKY
KAN KWUN KIT

LEUNG HING LING

LUNG HOI MAN

MAK HANG LAM

NG CHI WAI

NG SIU FAI

NG WING MAN

TSANG CORINE WAN CHI

WONG WAI PING

YUEN WING SHAN

GP DIVISION

CHIC SHU KEUNG

PFM DIVISION

LO YUK WING ALFRED

CORPORATE MEMBERS REGISTERED IN OTHER DIVISIONS (1)

PD DIVISION

CHAN JING YUN STEPHEN (GP) (PFM)

RESIGNATION (7)

KWONG YUET HING

LAM MING KAI

LAU YEE TING

LUI KWAN LOK

PO CHI KWONG

SIN WAI CHI

YEUNG KUN TIN

Education & Careers Expo



The HKIS participated in the HKTDC's Education & Careers Expo from 19 to 22 February 2009 at the Hong Kong Convention and Exhibition Centre. During the period, various HKIS publications were distributed. Routes to membership were also introduced to visitors and students. Sincere appreciation goes to the student helpers who offered their assistance during the exhibition period. For more photos, please visit the HKIS website at www.hkis.org.hk.



News from Beijing Forum Ski Trip, NanShan, Beijing

Herman Chui, Event Convenor of Beijing Forum

A one-day ski trip to Nanshan, Beijing was organised as the first activity for our members this year. On 8 February 2009, a fine Sunday morning, the drive from Beijing to Nanshan took less than one hour as there was not much traffic.

A total of 12 members turned up. After we were properly registered, we changed into standard ski gear - ski jackets and pants, ski boots, goggles and gloves. A few members, including myself were beginner skiers. We tottered into the snow behind the experienced members.



We took the chairlift to the slope. Members with skiing experience warmed up by doing a few laps and practicing small jumps. As for the beginners, we practiced switching on both sides. Within the group, a lot of our members were professional skiers and we were very fortunate to have a lot of tutors around us, demonstrating the right moves and turns. In the afternoon, all members were beginning to master the slopes and could go out alone.



Despite the aches and pains, it was still a worthwhile experience and a day of fun for all the members.

2009內地與香港建築業論壇 「可持續城市形態：防災減災與優質建設」

由國家住房和城鄉建設部及香港特別行政區政府發展局合辦的「內地與香港建築業論壇」，將於4月8日至10日於四川省成都市舉行。

香港測量師學會、香港園境師學會及香港規劃師學會獲委任為籌備委員會聯合主席。本屆「論壇」主題為「防災減災與優質建設」，並於成都舉辦以突顯對災後重建的支持。我們更邀得多位資深學者、官員及專業人士就災後重建和執行的經驗、加強防災、減災能力的建設及規劃作出探討，並就優質城市建設等課題發表講話。我們亦特地安排團員到訪都江堰市作實地考察，了解當地重建工作的進程、並視察大熊貓園及熊貓疾病控制中心的重建選址。我們期望藉著此次「論壇」交流所得到的寶貴經驗，可促進本港與內地建築專業的互動交流，也可使各與會者深入地分享建設優質城市的經驗。

有關「論壇」的詳細資料及參加表格，請瀏覽學會網頁，學會並會透過電郵通知各位會員，敬請留意。

Council members reaching out

3 February

Secretary for Home Affairs Spring Reception
Mr Ben Chong

5 February

The Spring Reception of the Chinese General Chamber of Commerce

Mr Stephen Yip

Chinese New Year Cocktail Reception of the Hong Kong International Arbitration Centre

Mr Francis Leung

6 February

Spring Cocktail Reception of the Hong Kong Institute of Real Estate Administrators, Chartered Institute of Housing Asian Pacific Branch, the Hong Kong Association of Property Management Companies and the Hong Kong Institute of Housing

Mr Francis Leung

7 February

Premiere of RTHK Feature Programme "History of Hong Kong Lands" (老土正傳) cum Guest Talk

Mr Ben Chong, Mr Lesly Lam

Public Forum: Specific Issues - The construction of the Central Kowloon Route section at Kowloon Bay, re-provisioning of facilities and enhancement opportunities organised by Highway Department

Mr Terry Sham, Mr Raymond Choi, Mr Joseph Chong

Mr Rex Ying

8 February

Spring Dinner of the Hong Kong Dental Association

Mr Stephen Yip

9 February

Annual Spring Reception of the Law Society of Hong Kong

Mr Francis Leung

13 February

Spring Dinner of the HK General Building Contractors Association

Mr Antony Man

16 February

Spring Dinner of the Society of Chinese Accountants & Auditors

Mr Lesly Lam

Panel on Development meeting on Public Facilities in Private Developments organised by Legislative Council
Dr Lawrence Poon, Mr Tony Wan

20 February

Lunch with Legislative Councillor, the Hon Patrick Lau

Mr Francis Leung, Mr Stephen Yip, Mr Ben Chong

Mr Lesly Lam, Mr Joseph Chong

24 February

ASHRAE President-Elect Reception and Membership Night 2009

Mr Francis Leung

28 February

Urban Design Study for the New Central Harbourfront organised by Harbour-front Enhancement Committee

Mr Kenneth Chan

News from Sports and Recreation Committee

Lesly Lam, leslylam@hkis.org.hk

Carmen Wong, carmen.wkm@gmail.com

Cyrus Siu, cyrus.siu@gmail.com

Michelle Chung, michellechung@hkis.org.hk

HKIS runners in Hong Kong Marathon 2009 – Very good results obtained

The Institute formed a strong running team in the Standard Chartered Hong Kong Marathon 2009 held on 8 February 2009. We had a superb performance and got many good results in the 10km run, Half Marathon (21km run) and Full Marathon (42.195km run). The best results are listed as follows:-

Male

PONG, Yiu Po Daniel (BS) – 41:21 for 10km run

FAN, Chor Kit Frankie (BS) – 01:55:11 Half Marathon

CHAN Kam Wa (BS) – 03:45:55 for Full Marathon

Female

CHUNG, Ka Wai Maria (QS) – 01:00:35 for 10km run

LAU, Wing Yan Amy (GP) – 1:57:46 for Half Marathon

WONG, Kar Man Carmen (GP) – 04:31:19 for Full Marathon

One of the team photos is shown here.

More photos can be found on the back cover page.



The whole list of the HKIS Running Team in HK Marathon 2009 is as follows.

HKIS 10km Run Team

CHAU, Wai Lim William	LAM, Lik Shan Lesly
CHONG, Wing Hong Ben	MOK, Fred
CHUNG, Ka Wai Maria	TSIN, G Kin Paul
CHUNG, Man Wai Michelle	WONG, Ching Kit Joe
FUNG, Ronnie	WONG, Yiu Cho Joseph

HKIS Half Marathon Team

CHAN, Gilbert	KOO, YS
CHEUNG, Ka Ki Kathy	LAU, Wing Yan Amy
FAN, Chor Kit Frankie	TSE, Kay Chung Philip
KONG, Fredrick	YEUNG, Peter C W
KO, SC	

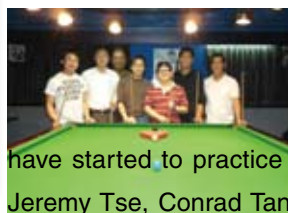
HKIS Full Marathon Team

CHAN, Kam Wa	WAN, Chi Yin
CHEUNG, Chu Wah	WONG, Kar Man Carmen
KWOK, Sek Tung	

Joint Professional 10km Competition in Hong Kong Marathon 2009 – Prizes for HKIS is guaranteed

For the 10km competition, the HKIS running team even joined the competition with the other professions including HKIA (architects), HKICPA (accountants), HKMA (doctors), HKDA (dentists), and LSHK (solicitors). Each institute had to submit the 4 best results of its members who participated in the 10km run. Determination of the winning team would be based on the shortest time taken for any team of 4 runners. At the moment of writing, results from two institutes are still to be received. However, the results of the HKIS 10km Run team are the best so far. Please look out for a further report here and see whether the HKIS team can win the joint professional competition successfully. The 4 best 10km runners in the HKIS running team are Daniel Pong, Joe Wong, Lesly Lam and Paul Tsin.

HKIS Snooker Team – Regular Practice begun



To prepare for the Joint Professional Snooker Tournament this Summer, our Snooker Team have started to practice already. The team now includes Jeremy Tse, Conrad Tang, Derek Lai, Andy Chan, Willie Tang, Wilson Au Yeung, Lionel Tang, Bernard Wu and Vincent Tang. For those members who are interested in joining the Snooker Team, please contact Donna Yu at cpd@hkis.org.hk or 2526 3679 for registration. The snooker team captain – Willie Tang will then contact you shortly.



HKIS Volleyball Team in Shape

To prepare for the Joint Professional Volleyball Tournament in the second half of this year, our Volleyball Team is in shape already. On 5 March 2009, the Volleyball Team will have a second friendly match with the Law Society's Volleyball Team. For those members who are interested in joining the Volleyball Team, please contact Donna Yu at cpd@hkis.org.hk or 2526 3679 for registration. The Volleyball Team captain – San LAI and Carmen Wong will then contact you shortly.

Ski and Snowboard Interest Group in Shape



The Chairman of Sports and Recreation Committee – Lesly Lam, ex-YSG Chairman – Sunny Chan and Event Convenor of Beijing Forum – Herman Chui, recently had their ski and snowboard trips at Vancouver's Whistler, Tokyo's Naeba and Beijing's Nanshan respectively. Tentatively, training courses and ski & snowboard trips will be organised by the Sports and Recreation Committee this year. For those members who are interested in joining the Ski and Snowboard Interest Group, please contact Donna



Yu at cpd@hkis.org.hk or 2526 3679 for registration. The group leader – Lesly Lam will then contact you shortly.

Building Surveying Division Chairman's Message



Kenneth Yun BSD Council Chairman

LegCo Panel Paper on Inspectors for MBIS & MWIS

The Development Bureau has submitted a paper to the LegCo Panel on Development on 20 January 2009 to seek members' views on the regulation of service providers under the proposed Mandatory Building Inspection Scheme (MBIS) and Mandatory Window Inspection Scheme (MWIS). The paper can be found in the following link: <http://www.legco.gov.hk/yr08-09/english/panels/dev/papers/dev0120cb1-570-6-e.pdf>. BSD is now formulating comments on this paper.

In 2007, we submitted our comments to the Buildings Department (BD) on the proposed requirements for Registered Inspectors (RI), proposed registration procedures and AP/RSE application for registration as RI. In September 2008, we expressed our views from a practitioners' point of view on the draft Code of Practice for MBIS to Buildings Department. After receiving a response from the BD, we are preparing another round of suggestions for their consideration.

Furthermore, we have revisited the Building Affairs Tribunal proposal in light of the government's response. We are going to propose a pilot scheme on Expert Determination to help resolve disputes on water seepage and other building defects.

LegCo Panel Paper on Public Engagement on Measures to Foster a Quality and Sustainable Built Environment

The Development Bureau has also submitted a paper in December 2008 to seek members' views on a number of policy options affecting the quality and sustainability of our built environment, GFA concession and invited members' continued involvement in the public discussion on the

subject in a public engagement exercise to be launched by the Administration in collaboration with the Council for Sustainable Development ("SDC") to gauge public views. Details can be found at <http://www.legco.gov.hk/yr08-09/english/panels/dev/papers/dev1219cb1-396-5-e.pdf>. BSD is working on comments in relation to the topic as discussed in the LegCo Panel of Development. A task force within the Institute has been set up to formulate a response to the paper.

Seminar on Earthquake Resistant Design of Buildings and Cases Analysis

The Development Bureau organised a seminar on Earthquake Resistant Design of Buildings and Cases Analysis on 11 February 2009. The seminar was presented by the guest speaker Professor Zhou Fu-lin of Chinese Academy of Engineers. During the seminar, Professor Zhou talked about different principles of earthquake resistant design of buildings with solutions and applications. For details of the presentation, please visit: http://www.rjcsichuanrebuild.org/doc/press/Earthquake_Resistant_Design%20of_Buildings_and_Cases_Analysis.pdf.

Comments invited on new registration criteria for Mainland Supervision Engineer

Further to the new registration criteria for Mainland Supervision Engineer published in the Surveyors Times (January 2009), members who possess the Mainland Supervision Engineer qualification are cordially invited to email your views to info@hkis.org.hk so that we can formulate a proposal to aid members to practice in Guangdong when we meet the Guangdong officials.

General Practice Division Chairman's Message



Dr Lawrence Poon GPD Council Chairman

Forum on Reciprocity Agreement with the China Institute of Real Estate Appraisers

Members may be aware that the HKIS signed a reciprocity agreement with the CIREA on 4 November 2003 and since then 97 GP members have obtained the CIREA membership through the reciprocity agreement. The GPD Council is now exploring another membership reciprocity arrangement for our GP members to obtain CIREA membership and vice versa. In this regard, the Council will hold a forum on 19 March 2009 at 6:30 pm at Suite 811, HKIS SLC, to solicit the views of our members on the subject matter. Members will be informed of the details of the forum by e-mail.

Valuation Standards

The Council would like to remind all GP members that the

HKIS Valuation Standards on Properties (First Edition, 2005) and the HKIS Valuation Standards on Trade-related Business Asset and Business Enterprises (First Edition, 2004) are MANDATORY standards. If members do not follow these standards, they may be subject to disciplinary actions.

Assessment of Professional Competence - Referred Oral Assessment 2009

The GPD Referred Oral Assessment 2009 will take place in June 2009. The application form (APC6/GP/F11) for the Referred Oral Assessment 2009 is now available from the HKIS office or may be downloaded from the HKIS website www.hkis.org.hk (HKIS main page -> Professional Development -> APC/ATC -> GPD). Completed forms must be returned to the HKIS office no later than 5:30 pm, Wednesday, 30 April 2009. Please call the Education Department on 2526 3679 for more details.



East Asia
Branch

CIArb

**Chartered Institute of Arbitrators
(East Asia Branch)**

特許仲裁學會(東亞分會)

CPD points being applied
from the Law Society of
Hong Kong

Entry Course

The Chartered Institute of Arbitrators (East Asia Branch) is accepting applications from suitably qualified professionals for a 2-day course leading to entry to the Institute as an Associate (which is the first grade). Applicants should hold recognised professional or industry qualifications appropriate to their profession.

Subjects covered include: **Powers & Jurisdiction of the Arbitrator; Preliminary Meetings; Submission to the Arbitrator; Procedure at a Hearing; Awards; Costs & Interest and International Arbitration**, concluding with a written examination.

The examination consists of two elements:

a pre-course assignment which must be handed in on the 1st day of the course	- 20% marks
a 2-hour written paper	- 80% marks

The course will be held at Hong Kong International Arbitration Centre on Saturday 9 and 16 May 2009 from 9:00am to 5:00pm followed by an examination on Saturday afternoon 2:15pm to 4:30pm 23 May 2009.

The cost of the full course will be HK\$3,400 including course materials, a VCD and the examination fee. **The closing date for receipt of applications is 5:00pm on Friday 6 March 2009.**

Please send your applications giving (1) **name and ID No.** (2) **occupation, details of education and professional or industry qualifications** (3) **address**, (4) **email address** and (5) **day telephone number**, along with a cheque for HK\$3,400.00 made payable to the "Chartered Institute of Arbitrators (East Asia Branch)", c/o Hong Kong International Arbitration Centre, 38/F Two Exchange Square, Central, Hong Kong. Cheques will be returned for unsuccessful applications.

In the event of any queries please contact Paul Barrett by email paulnbarrett@gmail.com.

Land Surveying Division Chairman's Message



Sung Hon Kwong LSD Council Chairman

The 6th Beijing, Hong Kong and Macao Geomatics Conference 第六屆京港澳測繪技術交流會

Do you still remember that our Institute, together with other organisations, had successfully held the 5th Beijing, Hong Kong and Macao (BHM) Geomatics Conference in Hong Kong back in October 2007? The photos of the event can still be viewed on the relevant website. The BHM Geomatics Conference is held every two years and the 6th Conference will be held in Beijing in November this year. Our Institute, being one of the supporting organisations of this event, was invited by the organiser, the Institute of the Beijing Survey and Mapping (北京測繪學會), to attend the preparatory meeting held in Zhuhai (珠海) on 13 February 2009. Mr Simon KWOK, Vice-Chairman of LSD, represented the Institute to attend the meeting. The theme of the 6th Conference is “城市信息化測繪技術發展及應用”.

This year is also the 50th Anniversary of the inauguration of the Institute of the Beijing Survey and Mapping and the organiser will arrange a celebration of the Golden Jubilee of the Institute during the Conference. Other than presentation of technical papers, the organiser will also arrange technical visits to the China National Opera House (中國國家大劇院) and the Olympic Stadium. As a supporting organisation, we will certainly sponsor some members to attend the Conference. If you have a paper to present and wish to be sponsored by the Institute, please contact our Honorary Secretary, Mr George Leung, at georgecy@netvigator.com. The call for paper will be announced soon and the deadline for submission of paper is end of August. Get ready and be prepared to contribute and to participate!

Consultation on Amendments to Land Titles Ordinance

The government is now reviewing the implementation of the Land Titles Ordinance (Cap 585) and has initiated a consultation whose details can be found in the following website http://www.landreg.gov.hk/consultation/en/LR_message.html. Your Council has referred the case to the Boundary Survey Advisory Committee for follow-

up action. Secretary of the Committee, Dr Conrad Tang, has contacted Dr Lawrence Poon, Chairman of GPD, with a view to formulating a joint paper for submission to the government. Other divisions may have input as well. If you have any comment to offer, please contact Dr Tang at lstang@polyu.edu.hk. The LegCo Council of the Panel on Development and Panel on Administration of Justice and Legal Services has invited our Institute to attend a meeting to be held on Thursday, 19 March 2009 to give further views on Amendments to Land Titles Ordinance. Written submission with oral presentation will be delivered at the said meeting.

Outstanding LSGI Alumni Award 2010

As most of us land surveyors are graduates of the Hong Kong Polytechnic University, I am happy to inform that the Department of the Land Surveying and Geo-informatics of University has launched the "Outstanding Alumni Award 2010" this year. The award is given biennially to give public recognition to the outstanding graduates of the Department for their accomplishment in their professions and their contributions to the community. Nomination can be given by the bona fide graduates of the PolyU, current staff of the PolyU or any members of the public. For details, please visit the website http://www.lsgi.polyu.edu.hk/alumni_award/. The deadline for nomination is 30 November 2009.

測量精英 不斷提升 Surveying Professionals in Search of Excellence

持續專業發展
Continuing Professional Development

Surveyors Learning Centre, 8/F Jardine House,
1 Connaught Place, Central, Hong Kong
香港中環康樂廣場1號怡和大廈8樓

測量師研習中心

For reservation, please call the Secretariat on
2526 3679 or email: slcbooking@hks.org.hk
歡迎預定設施，請電 2526 3679 或
電郵 slcbooking@hks.org.hk

Planning & Development Division Chairman's Message



Edwin Tsang PDD Council Chairman

Promotion Committee

The Promotion Committee encouraged members to submit professional papers which could be issued in Surveyor Times or other publications of the Institute. Review of the promotional handouts is in progress.

Mainland Affairs Committee

The Mainland Affairs Committee held its first meeting of the year on 11 February 2009. Year 2009 will focus on further liaison with Universities in Beijing, Shanghai and other Universities to organise post-graduate degrees for students and practitioners in Hong Kong and China. Closer liaison will be made with Shenzhen real estate / building supervision and cost control professionals, and we have also decided to participate in a conference to be held in Kunming, which was postponed from year 2008.

Fellowship Dinner

The Joint GPD and P&D Fellowship Dinner was held on 21 January 2009 and attended by some 70 persons including current General Council Members, Past President Mr Francis Ng, (former Deputy Director of Lands) and members of both Divisions. It was the first fellowship dinner for the two Divisions since the establishment of the Institute in 1984, where members chatted and exchanged views amidst entertainment. We look forward to future joint junctions in a more relaxing atmosphere.



Surveyors in Urban Regeneration

The Institute will hold the 2009 Annual Conference in September with the theme of "Surveyors in Urban Regeneration". A Workshop or think-tank will be held to discuss issues in compensation, Cap 545, rising expectations from people displaced and the public, over-view of the URA Ordinance, 4R principles and other planning and development aspects. It is hoped that the outcome will form some proposals and guidelines for the formulation of position papers for the Institute. Please look out for further details.

Membership Development

Two members have been recommended by the P&D Membership Committee to the Board of Membership in February for admission as P&D members through the multiple membership arrangement.

Property & Facility Management Division Chairman's Message

Kenneth Chan Jor Kin PFMD Council Chairman



Green and Intelligent Facilities – MITRE CENTER



MITRE Main Street is a friendly community meeting spot where anyone can grab a cup of coffee, linger for a few minutes in comfortable seating, or plug in a laptop to accomplish some work.



Attention was given to the detailed layout of the various facilities to facilitate communication and encourage collaboration or even just for relaxing after intensive work engagement in the staffer's individual working environment.

I have recently had an opportunity to tour a corporate facility in Bedford, Massachusetts. The MITRE Institute was set up in the fifties of the last century as a government funded agency specialising in providing consultancy services in the area of civil aviation. Due to changing requirements of the serving departments, some 1,000 employees had to be relocated to other facilities leaving the current facilities somewhat requiring restructuring and rationalisation in line with modern facility planning strategy.

The café was first placed right at the cross-road resulting in congestion in that area and under-utilisation of other spaces intended for communication and collaboration. The Facility Manager had to relocate the café to the other side of the cross-road and fitted out the area to a more casual environment.

The MITRE CENTER was unlike other buildings in the campus that were isolated from each other. It was built with collaboration and sustainability in mind. The Center is connected to two existing buildings making it a hub for collaboration, conference, networking, etc. The Center is the town square of the Bedford campus and on the second floor where the bridges to Block D and K converge, is MITRE Main Street.

The internal circulation spiral staircase was designed in such a way that two persons walking down the staircase confiding with each other would allow sufficient space for another staffer to pass by up or down the staircase.



Summary of HKIS CPD / PQSL Events

10 Mar - 20 Jun 2009

DATE	CODE	EVENT	CPD HOUR(S)	SPEAKERS	RUN BY
10 Mar	2009017	汶川大地震建築物毀分析及重建思考	1.5	陳廣言教授	工料測量組
14 Mar	2009019	Workshop for Water Leakage	3	Albert Wong Siu-hung William Yuen, Kevin Ng, David Chan	BSD
17 Mar	2009018	金融海嘯對中國建築業的影響	1.5	陳廣言教授	工料測量組
31 Mar	2009020	Value Management in Construction	1.5	Professor Geoffrey Q.P. Shen	YSG
02 Apr	2009025	Integrity and Quality Building Maintenance and Renovation	1.5	Alpha Leung, Brenda So	BSD
17 Apr	2009023	A Review on Licensing Mechanism of Club in Hong Kong	1.5	Kenny Tse Chi Kin	YSG
18 Apr	2009022	Critical aspects in Project Planning	3	K.H. Fok, Amanda Wong	YSG
22 Apr	2009027	The Purposes and Practice of Construction Insurance	1.5	Adrian King	YSG
23 Apr	2009028	HKSAR Conditions of Contract for Civil Engineering Works - Practical use of Important Clauses	2	David Leung	QSD
30 Apr	2009029	Special Conditions of Contract for Mega Engineering Projects	1.5	David Leung	QSD
13 May	2009026	Green Series - Introduction to LEED-NC (New Construction) and its application in practice	1.5	Shawn Dolley	YSG
23, 30 May 06, 13, 20 June	2009030	專業會話普通話課程		資深普通話導師	YSG

STANDARD RESERVATION FORM

Event Date : _____ Event Code : _____
Event Name : _____

Member details

Surname : _____ Other names : _____

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

Division* : BS GP LS PD PFM QS

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

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

Payment method

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

Please charge my HKIS Titanium MasterCard/Visa Platinum Card (Shanghai Commercial Bank Limited)

Please charge my American Express card

Ref.: [____]

To: Credit Card Service Department

I would like to pay the reservation fee HK\$ _____ to Surveyors Services Limited by charging my HKIS Credit Card account as follows:

Cardholder Name : _____ HKIS No. : _____

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

Cardholder's Signature : _____ Date : _____ / _____

For Bank Use Only

Approved by :

Date:

Notes

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



CPD/QS/2009017

汶川大地震建築物毀分析及重建思考

導師 陳廣言教授

日期 2009年3月10日 (星期二)

時間 下午7時至8時30分

地點 香港中環康樂廣場1 號怡和大廈8樓811 室測量師研習中心

課程大綱 陳廣言 (教授一博士)，造價工程師，仲裁專家，房地產估價師，高級工程師，為深圳市造價工程師協會會長

內容提要： 播放一部《四川地震及救災》短片

- 1、汶川地震巨災損失慘重
- 2、房屋建築的震害特徵和震害原因分析
- 3、建築震害規律總結及災後恢復重建的思考

語言 廣東話

費用 港幣\$120會員

港幣\$150非會員 (港幣\$20 附加費如未經報名人仕)

名額 工料測量組會員優先，先到先得

CPD/BS/2009019

Workshop for Water Leakage

Date & Venue 9:30 am - 12:30 pm Saturday 14 March 2009 SLC, HKIS

Details Building Surveyors are always required to carry out inspection to water leakage to verify the cause(s) of water leakage. Joint Office of FEHD and BD would be the first department to involve in the case once the owner launch complaint to them. Building surveyor would be the next as in most of the case the owner's solicitor or the tribunal would require them to employ surveyor to submit a report to verify the cause(s) of water leakage. Visual inspection and scientific testing are essential parts of the survey report. This workshop aims at providing a full picture and guidance in dealing with cases in water leakage.

Time	Topics	Speakers
0915	Registration	
0930 - 1015	How the Joint Office Help in water leakage	Mr Albert WONG Siu-hung, Buildings Department
1015 - 1030	Break + Refreshment	
1030 - 1130	Water leakage tests and their pros and cons	Mr William Yuen, Contract Manager Mr Kevin Ng, Quality Manager Building Diagnostic Consultants Limited
1130 - 1230	Report writing on water leakage	Mr David Chan, Director Wellgo Archdecor Consultancy Ltd.

Language Cantonese

Fee HK\$230 per person;

HK\$250 per person for walk-in participants (subject to availability)

Priority BSD members

CPD/QS/2009018

金融海嘯對中國建築業的影響

導師 陳廣言教授

日期 2009年3月17日 (星期二)

時間 下午7時至8時30分

地點 香港中環康樂廣場1 號怡和大廈8樓811 室測量師研習中心

課程大綱 陳廣言 (教授一博士)，造價工程師，仲裁專家，房地產估價師，高級工程師，為深圳市造價工程師協會會長

內容提要： 1、我國擴大內需促進增長10項措施
2、世界金融危機對中國建築業的影響及機遇
3、深港跨境基建不能再等了

語言 廣東話

費用 港幣\$120會員

港幣\$150非會員 (港幣\$20 附加費如未經報名人仕)

名額 工料測量組會員優先，先到先得

CPD/YSG/2009020

Value Management in Construction

Jointly organized with HKIVM

Speaker Prof. Geoffrey Q.P. Shen, BEng, PhD, VMF, CVS, FHKIVM, MIVM
Chair Professor of Construction Management, Head of Department of Building & Real Estate, The Hong Kong Polytechnic University

Geoffrey is an active researcher in collaborative working in construction, supported by information technology. He has managed a large number of research and high-level consultancy projects with total funding over HK\$15 million, and has published extensively in both academic and professional journals and international conferences. He teaches in these fields mainly at the postgraduate level, and has successfully supervised a large number of PhD, MPhil, MSc, and BSc students. Professionally, he is the **President of the Hong Kong Institute of Value Management (HKIVM)** and member of the Institute of Value Management (IVM) in the UK. As a Certified Value Specialist (CVS) and Value Management Facilitator (VMF) recognised by the Hong Kong SAR Government, he has professionally facilitated a large number of value management and partnering workshops for a variety of large client organisations in both the public and private sectors.

Date & Venue 7:00 pm - 8:30 pm Tuesday 31 March 2009 SLC, HKIS

Details The talk will cover the following:
• Definitions of VM Methodology
• Historical Development of VM Methodology
• Components of VM Methodology
• VM Methodology and Job Plan
• VM Applications

Language Cantonese supplemented by English

Fee HK\$100 for member of HKIS/ HKIVM

HK\$150 for non-member

(HK\$20 walk in surcharge for all pricings listed)

Deadline 17 March 2009

Priority First-come-first-served

CPD/BSD/2009025

Integrity and Quality Building Maintenance and Renovation

New

Speakers Mr Alpha Leung and Ms Brenda So, Senior Officer, ICAC

Date & Venue 7:00 pm - 8:30 pm Thursday 2 April 2009 SLC, HKIS

Details The course aims to promote integrity and professional ethics in building maintenance and renovation works through a case study on how to handle ethical dilemma and prevent corruption through procedural safeguards and integrity management. The seminar would be delivered by the senior ICAC officers who are responsible for building management and maintenance.

Language Cantonese **Fee** Free-of-charge (Reservation can be accepted by fax, confirmation will be sent by email)

Deadline 19 March 2009 **Priority** BSD members

CPD/YSG/2009023

A Review on Licensing Mechanism of Club in Hong Kong

New

Speaker Mr Kenny Tse Chi Kin
BSc, MHKIS, MRICS, MHKIVM, RPS (BS & PFM), HKMC Accredited Mediator

Kenny is the Director of Raymond Chan Surveyors Limited and council member of BSD of HKIS. He is an experienced Building Surveyor and Project Management Surveyor with over 10 years professional experience in relation to licensed properties and A&A works in existing buildings.

Date & Venue 7:00 pm - 8:30 pm Friday 17 April 2009 SLC, HKIS

Details The seminar generally covers the following areas:-

- Introduction of Club License
- Examples of premises which club license is required
- Selection of appropriate premises
- Main concerns of respective licensing authority
- Common problems encountered and its solution

Language Cantonese supplemented by English **Fee** HK\$100 for member, HK\$150 for non-member (HK\$20 walk in surcharge for all pricings listed)

Deadline 3 April 2009 **Priority** First-come-first-served

CPD/YSG/2009022

Critical aspects in Project Planning

New

Jointly organized with APM - HK Branch

Speakers Mr. K.H. Fok

KH has worked in various positions in Civil and Foundation Engineering for over 20 years, successfully managed more than 50 construction projects. He still holds the record of installing the deepest 2.5m diameter bored pile at 155m in Hong Kong. KH's extensive practical experience has qualified himself to provide expert advice on engineering issues for arbitration and court cases particularly for piling and foundation projects.

CPD/PQSL EVENTS

Ms. Amanda Wong

Amanda graduated from the B.Sc. (Hons) course in Construction Project Management of the UCL in London. She has extensive work experience in project management gained in various segments such as railways construction, civil & infrastructure, building (hotels), E&M as well as data centers in Hong Kong, Macau, Taipei and Korea.

Date & Venue 9:30 am - 12:30 pm Saturday 18 April 2009 SLC, HKIS

Details Programme Management is one of the key aspects in project management and is required at any stages in a project. In project management, programme, cost and resources are all closely related and will generally be considered as one bundle. The project plan shall therefore be prepared and presented in a way that all project team members can understand and be able to use it.

Participants will be given an opportunity to experience the planning process in doing an interactive exercise. An experience sharing session will be held afterward to summaries the findings.

Language Cantonese supplemented by English

Fee HK\$120 for member of HKIS/ APM - HK Branch
HK\$150 for non-member
(HK\$20 walk in surcharge for all pricings listed)

Deadline 3 April 2009

Priority Limited number of participants: 50
First-come-first-served

CPD/YSG/2009027

The Purposes and Practice of Construction Insurance



Speaker Mr. Adrian King
Senior Consultant, Energy and Construction, Aon Hong Kong Limited

Adrian King has 46 years experience as a professional insurance broker, the last 34 years in Hong Kong and the last 17 of those years concentrating on the insurance management of major projects. During this time he has been Aon's appointed Project Director on most of the major Owner Controlled Project Insurance Programs in Hong Kong including the New Airport Core Program and related transportation infrastructure including the Tsing Ma Bridge and five major new railway projects. Most recently, he was the Project Director for the Cyberport campus development project, the Hong Kong Disneyland Resort including two hotels, the major new Route 8 Highway including the Stonecutters Bridge, the Kowloon Southern Link Metro and the City of Dreams Casino Complex in Macau.

Date & Venue 7:00 pm - 8:30 pm Wednesday 22 April 2009 SLC, HKIS

Details Adrian's address will cover the types of insurance needed on construction projects and will examine the complexities and pitfalls which can arise if the policies are not properly or adequately issued. He will also examine the purpose of insurance, not only what it is but why it is needed and why contract insurance conditions must be written to reflect the particular and specific needs of each project rather than simply to apply a blind proforma in each case. Adrian's talk will include numerous examples of real case situations and claims which he has personally experienced.

Language English

Fee HK\$100 for member, HK\$150 for non-member
(HK\$20 walk in surcharge for all pricings listed)

Deadline 8 April 2009

Priority First-come-first-served

CPD/QSD/2009028

HKSAR Conditions of Contract for Civil Engineering Works - Practical use of Important Clauses



Speaker Mr. David Leung

CPD/PQSL EVENTS

Date & Venue 7:00 pm - 9:00 pm Thursday 23 April 2009 SLC, HKIS

Details Mr. David Leung has about 30 years experience working as a chartered civil engineer for various civil engineering projects. In the past ten years, he worked as a Contract Adviser in the Major Works Office of the Highways Department for Route 8, Deep Bay Links, Shenzhen Hong Kong Western Corridor etc. He has been lecturing and giving talks to several Institutes and the Construction Industry Training Council over ten years. David is also the sole author of the book "A practical approach to General Conditions of Contract for Civil Engineering Works".

Introduction to the HKSAR Conditions of Contract for Civil Engineering Works with emphasis on the practical use of various important clauses such as extension of time, care of the works and third party liability, works programme, re-rating due to changes in quantities and variation orders.

(attendees are advised to bring along a copy of the HKSAR Conditions of Contract for Civil Engineering Works 1999 Edition)

Language English

Fee HK\$120 for member

Deadline 9 April 2009

Priority QSD Members; First-come-first-served

CPD/QSD/2009029

Special Conditions of Contract for Mega Engineering Projects

New

Speaker Mr. David Leung

Date & Venue 7:00 pm - 8:30 pm Thursday 30 April 2009 SLC, HKIS

Details Mr. David Leung has about 30 years experience working as a chartered civil engineer for various civil engineering projects. In the past ten years, he worked as a Contract Adviser in the Major Works Office of the Highways Department for Route 8, Deep Bay Links, Shenzhen Hong Kong Western Corridor etc. He has been lecturing and giving talks to several Institutes and the Construction Industry Training Council over ten years. David is also the sole author of the book "A practical approach to General Conditions of Contract for Civil Engineering Works".

Introduction to special conditions of contract for mega projects which are modified from the previous Airport Core Projects Conditions of Contract. Explaining various clauses such as works programme, extension of time, liquidated damages and the term Stages and Key Dates.

(attendees are advised to bring along a copy of the HKSAR Conditions of Contract for Civil Engineering Works 1999 Edition)

Language English

Fee HK\$120 for member

Deadline 16 April 2009

Priority QSD Members; First-come-first-served

CPD/YSG/2009026

Green Series - Introduction to LEED-NC (New Construction) and its application in practice

New

Speaker Mr. Shawn Dolley
BA (French), BA (Art History), M Arch, AIA, LEED AP, Registered Architect (State of Maine, US)

Shawn is the Head of Sustainability of Aedas Ltd. Shawn is a LEED Accredited Professional, currently serving as a LEED consultant on a fit-out project in Beijing targeting LEED Gold. Shawn also teaches a course on the LEED building rating system and sustainable architectural practice.

CPD/PQSL EVENTS

Date & Venue 7:00 pm - 8:30 pm Wednesday 13 May 2009 SLC, HKIS

Details The Leadership in Energy and Environmental Design (LEED) is a voluntary, consensus-based green building rating system for developing high-performance, sustainable buildings. LEED addresses all building types and emphasizes common-sense and state-of-the-art strategies in five areas: sustainable site development, water savings, energy efficiency, materials and resources selection, and indoor environmental quality. LEED was developed in the US, however, it has gained international recognition and is experiencing rapid uptake in China, India, Brazil, and UAE.

In this seminar, Shawn will discuss the following areas:-

- I. What is LEED?
- II. Overview of Credits
 - A. Sustainable Sites
 - B. Water Efficiency
 - C. Energy and Atmosphere
 - D. Materials and Resources
 - E. Indoor Environmental Quality
 - F. Innovation in Design
- III. Conclusion with some real-life examples

Language English **Fee** HK\$100 for member of HKIS
HK\$150 for non-member

Deadline 29 April 2009 **Priority** First-come-first-served

CPD/YSG/2009030

專業會話普通話課程

New

導師 資深普通話導師

日期 2009年5月23, 30日及6月6, 13, 20日(星期六)

時間 下午2:00時至下午6:00時

地點 香港中環康樂廣場1號怡和大廈8樓815室測量師研習中心

學習重點 學習日常工作普通話會話、認識專業詞匯及用語，掌握普通話語音基礎；提升運用普通話的口語能力。

課程內容

I. 專業會話課文部分	II. 普通話語音部分	III. 師生對話交流部分
1. 普通話禮貌用語、問候語	1. 音節結構、發音方法	1. 自我介紹、破冰對話
2. 時間、數字、測量單位	2. 香港人的語音難點	2. 普通話數字遊戲
3. 百家姓	3. 聲調、聲母(一)	3. 香港人容易讀錯的姓氏
4. 日常工作普通話用語	4. 聲母(二)、零聲母	4. 工作趣事分享
5. 專業建築相關詞匯及用語	5. 單韻母	5. 廣普對照 / 課程評估
6. 商務約會	6. 複韻母	6. 情境對話：商務約會
7. 專業產業相關詞匯及用語	7. 鼻韻母	7. 廣普對照、國內流行語
8. 商務應酬及禮儀	8. 「一」、「不」及三聲變調	8. 角色扮演、國內禮儀文化
9. 會議用語	9. 輕聲	9. 模擬會話練習 / 複習
10. 北京、上海、深圳 / 測試	10. 兒化	10. 課程總結 / 課程評估

課程評估及測試 期中及期末進行課程評估共2次；最後1小時進行普通話口語測試，測試及格獲頒香港專業普通話學校證書，證書費每張\$30。

* 首兩位成績優秀的同學可各得《新華字典》一本

語言 普通話 **費用** 港幣\$1,000 (港幣\$1,500非會員)

截止日期 2009年3月31日 **名額** 20人 (青年組會員優先)

Quantity Surveying Division Chairman's Message



Daniel Ho QSD Council Chairman

I am most pleased to advise you that the result of the Assessment of Professional Competence (APC) has been finalised and we will have 71 new members joining the quantity surveying division shortly.

Congratulations to all 71 new members!

Unfortunately, there are recent accusations that the Institute has a pre-determined passing rate in the APC in order to control the number of qualified members. To clarify this misunderstanding, I would like to reiterate the assessment process for the information of the members and candidates.

For those candidates who will sit for the Assessment of Technical Competence (ATC), your particular attention is drawn to the deadline of registration for the coming assessment on 24 April 2009.

Finally, we will be arranging several visits/ meetings outside Hong Kong this year. I would like to give you advance notice of these events such that you can mark your diary and join us if you are interested.

APC (QS Division) Final Assessment - September 2008

Assessment result

A total of 295 candidates enrolled in the written practice problems of the APC (QSD) final assessment in September 2008. A passing rate of 29% (a total of 82 candidates) excluding the 12 withdrawals was achieved in the written test.

Candidates who passed in the written test and those who scored marginally below the passing mark were allowed to attend the professional interview. Together with those candidates who had to re-sit the interview this year, the number of candidates attending the interview was 93. However, 13 of these candidates are required to re-submit the Critical Analysis and/or supplement with additional hours of pre-qualification structured learning (PQSL) and/or training. The final result showed that a total of 71 candidates satisfactorily passed both the written test and interview,

representing a total 24% (see table below for the detailed analysis).

No. of Candidates				Total	
	(a)		(b)	(a) + (b)	
Passed in written test, marginal cases (*) AND passed in interview (both Sept 2008) (1)	64		Passed in written test (in previous years) and passed in interview (Sept 2008) (3)	7	71 (24%)
Passed in written test, marginal cases (*) (Sept 2008) BUT failed in interview (2)	18		Passed in written test (in previous years) but failed in interview (4)	4	22 (8%)
<i>Sub-total (1) + (2)</i>	82	<i>(29%)</i>	<i>Sub-total (3) + (4)</i>	11	93
Failed in written test (Sept 2008) (5)	201	<i>(71%)</i>		-	201 (68%)
<i>Sub-total (1) + (2) + (5)</i>	283	<i>(100%)</i>		11	294 (100%)
Withdrawal	12		Withdrawal	2	14
Total:	295		Total:	13	308

(*) Marginal cases mean candidates who scored marginally below the passing mark of 55% in the written test.

Of the 82 passed in the written practice problems of September 2008 and marginal cases, only 19 were from the first attempt, and the remaining 63 were from candidates who had attempted the written test for more than one attempt.

Eligibility of joining APC in September 2008

It was the first time and under the November 2007 amendment to the Rules and Guide to the APC (QSD), that candidates with only 24 months (instead of 33 months under the previous Rules and Guide) of professional training and experience were also eligible to apply for the APC final assessment. Those candidates under the new scheme were required to undertake a pre-qualification structured learning (PQSL) of at least 96 hours (instead of 40 hours under the previous Rules and Guide) prior to taking the written test. They were required to submit a 3,000-word Critical Analysis to demonstrate their analytical and reflective thinking as well as their problem solving ability, as part of the final assessment.

Objectives of APC

One of the objectives of the APC scheme is to have a mechanism to assess the competency of the candidates in order to demonstrate to the Institute their ability to carry out competently the work of a professionally qualified quantity surveyor. A professionally qualified quantity surveyor would need to have the knowledge base as well as to have attained the practical skills of the core and optional competencies as prescribed in the Rules and Guide. There are accusations that the Institute has a pre-determined passing rate in the APC in order to control the number of qualified members. This in fact contradicts with the Institute's general policies. It is the Institute's intention to promote continuously to the industry at large the value of its members and what they could provide as a profession. Attracting younger talents from the industry to becoming members has been and will be one of the priorities of the Institute.

Details of assessment

The assessment criteria in the APC written test are based on the candidates' ability to demonstrate their understanding of the problems, to use technical skills appropriately and to provide sound judgment / advice in their answers. A detailed guideline to provide a uniform level of assessment is used by assessors in determining whether an answer is satisfactory. Each of the two papers is assessed independently by three assessors (possessing at least 5-years post qualification experience), selected from panels comprising members with varying degree of seniority, experience and background, to ensure fairness in the assessment. A paper is considered as a 'straight pass' if two or more of the assessments are at 55% (the passing mark) or above. Candidates are then required to attend an interview. If these candidates fail in the interview, they will need to re-sit the interview at the next attempt.

Where one of the three assessments achieves the passing mark and another assessment is marginally below the passing mark, candidates are also granted the chance for an interview. Candidates under this category are examined with in-depth questions on technical issues, and upon satisfactory performance during the interview they will be considered as passing the assessment. Failing the interview will mean failing the whole assessment, and these candidates will need to re-sit the written test in the next attempt.

Candidates passing one paper (out of the two papers) are allowed to retain this result for two years. This means they will only need to re-take the failed paper in the next attempt. If candidates fail to achieve a pass on this paper within two

years, they will need to re-take both papers in a subsequent attempt.

Candidates who pass the written test and interview, but have not satisfied the assessors on the assessment criteria for the Critical Analysis, PQSL and/or diary submission will need to supplement the necessary submissions before being eligible for membership.

Assessors' feedbacks

While the spectrum of these competencies is widespread, the APC questions aim to focus on practical issues that professional quantity surveyors are expected to deal with in their professional life. It is generally observed that candidates tend to provide answers from an academic perspective, examples include quotes from textbooks, very convincing arguments but do not necessarily and properly address the issues raised in the problems. Another observation is that letters/ reports are often written in fragmented form and answers do not appear to be definite and conclusive.

A strong technical knowledge base is generally important in answering the written problems, and candidates should also be aware of the ways in answering these problems. When candidates are asked to provide advice to a problem, they are expected to identify the key issues in the problem, identify the options / rationales available and eventually a recommendation or conclusion can be given. The answer, either in a letter or a report form, should be given in a clear and concise manner such that the content can be communicated to the readers.

It is also observed that candidates generally run out of time in answering the problems towards the end of the paper. Improvement has been seen in the last APC practice problems as the questions were generally shorter, and candidates were allowed to have more time in answering the questions in depth.

It is acknowledged by the QSD APC Sub-committee the different on-the-job experience and background of candidates. When drafting the questions, consideration have been given to the nature and background of the questions such that candidates, who have practiced in different types of organisations, would be familiar with. It is the intention of the Sub-committee to consider more diversified topics as a background to the questions but testing the core and optional competencies remains the key function of the test. This is to capture candidates from different backgrounds who aim to

become a professionally qualified quantity surveyor, and may not necessarily be from the traditional “building” sector of the construction industry.

Compliments

Due to the large number of candidates who passed the written test and had also attended the interviews, many members of the Division voluntarily participated in assessing the written test and/or conducting the professional interviews. The Institute would like to express its gratitude to those members for their valuable time and effort in this task. We look forward to your continual support.

The Institute would also like to congratulate those who passed the APC and who will be elected as a member of the Institute shortly. The Institute looks to you as an ambassador for the Institute and for the profession as a Quantity Surveyor.

ATC (QS Division) Final Assessment – May 2009

The ATC (QSD) Final Assessment 2009 will be held in May this year. The ATC Final Assessment comprises two parts, viz written assessment and interview. The written assessment will be held on Friday, 15 May 2009 and the interview will be conducted in June 2009. Successful candidates will become a Technical Associate (TAHKIS) of the Institute. For information, the passing rate in the ATC Assessment 2008 was 100%.

Application forms for the ATC (QSD) Final Assessment 2009 are now available from the HKIS office or candidates may also download the application form (ATC3/QS) and the “Rules and Guide to ATC (QSD)” from the HKIS website www.hkis.org.hk (HKIS main page -> Professional Development -> APC/ATC -> QSD). Duly completed application forms and the application fees must be submitted to the HKIS office no later than 5:30 pm on Friday, 24 April 2009.

If you have any queries or need further details about the ATC (QSD) Final Assessment 2009, please call the HKIS Education Department on 2526 3679.

QSD Mainland Sub-committee

The Sub-committee led by Mr Stephen Lai has scheduled the following tentative visits/ meetings this year:

Item	Tentative Date	Events
1	March/April 2009	QSD council members to meet CECA in Beijing for: <ul style="list-style-type: none"> • discussion of 2nd batch of mutual qualification recognition • arrangement for registration of the remaining HKIS members who have obtained the CECA qualification • extension of the Mutual Recognition Agreement which will expire in late May 2009
2	May / June 2009	Visit Guangzhou or Shenzhen 建委
3	September 2009	Conference (CPD) in Shanghai
4	November 2009	QSD delegates return visit to CECA Beijing

CECA has stated that the 2nd batch of qualification recognition and the extension of the Mutual Recognition Agreement would hinge on the number of the HKIS members who have at least 4 years post qualification and would like to obtain the qualification in China. To facilitate the discussion with CECA, a survey form titled “Express of Interest for Qualification Recognition” has been issued. Members, who have received the survey form, are encouraged to return the duly completed form before the deadline.

Other scheduled events are intended to enhance the established network with CECA and the related local authorities and to arrange CPDs for HKIS members stationed in the Mainland. Details of those events will be announced later. Members, who are interested in joining the Sub-committee or participating in the events, should contact the HKIS office on 2526 3679 or by e-mail info@hkis.org.hk.

International Sub-committee

Similar to past years, representatives of QSD will attend the annual board meeting of the Pacific Association of Quantity Surveyors (PAQS) before attending the 13th PAQS Annual Congress that will be held in Kuala Lumpur, Malaysia from 17 to 18 August this year.

13th PAQS Annual Congress

The theme of the 13th PAQS Congress is “the global forum linking Quantity Surveyors (QS) and Cost Engineers (CE) from the Asia Pacific Region”. This congress invites you to examine insightful and novel ways of exploiting opportunities brought about by the changing and emerging markets and the new global work environment. The focus of the congress is on rationalizing our minor differences and building upon many similarities towards merging our roles and common services by expanding possibilities of collaboration in the areas of research, education, training, practices, accreditation and mutual recognition of qualifications as a way forward in **“Building the Future Together”**.

The annual PAQS Congress provides a perfect platform for professionals in the built environment to meet and look into challenges and to upgrade our professional development in the region. With the rapid pace in information and computer technology development and changes in political trends, the need to increase interconnectedness, cross cultural cooperation, mutual development and innovation among the QS and CE are becoming very critical to the survival of QS and CE. Intense competition for markets makes adaptiveness and innovation in the QS and CE practices necessary.

For registration details and information please go to <http://www.paqs2009.com>.

Your attention is drawn to the following important dates for submitting papers and attending the Congress:

Submission Deadline for Proposals : **30 March 2009**
Notification of Acceptance of Paper : **2 May 2009**
Final Submission Due : **15 June 2009**
Early Registration Ends : **15 March 2009**
Presentation / Congress Dates : **17-18 August 2009**

HKIS involvement in PAQS

I would like to give a brief recap on our involvement in PAQS as follows.

The activities of PAQS for the past 15 years can be found at the PAQS website: <http://www.paqs.net>. HKIS is one of the founding members of PAQS. The works by many of our concerted members' contribution for the past years have covered the recognition of HKIS as the only international set up from Hong Kong for Quantity Surveyors, co-operative researches, exchange of knowledge between PAQS members on various topics, good practice guide, accreditation manual, comparing university programmes, helping China to develop

QS model compatible with that of ours (not the US or Russian model). One of the most important achievements is to help the CECA (China Engineering Cost Association, 中國建設工程造價管理協會) become a member of PAQS and thus affirms HKIS's important position in getting into the China market. With the recognition of PAQS that HKIS is an international set up, our members are viewed as having international stance when doing business in China.

Members may also note that through PAQS, HKIS has entered into reciprocal agreements with AIQS, NZIQS, BSIJ, CIQS in addition to that with SISV and CECA. These arrangements enable our members to get reciprocated membership status if our members are going to practice in these countries. Such relationships/agreements with different QS societies in the world are recognised in assisting the promotion of the surveying courses, especially to the mainland students, since the potential careers of the students may be outside Hong Kong.

Since last year, HKIS has more commitment to PAQS with Dr Paul Ho elected as Chairman of the Research Committee, Professor Anita Liu continuing to be the Secretary of the Education and Accreditation Committee and Mr TT Cheung appointed as Chairman of the Sustainable Development Committee, which was tasked to form a Young Surveyors Group for PAQS. All these would require support from HKIS QSD. We hope that our performance in PAQS in these leading positions would demonstrate to PAQS members and other international delegates that HKIS has a lot of capable members with quality that can lead international projects.



Young Surveyors Group Chairman's Message



Joseph Chong YSG Committee Chairman

How many members in YSG?

I was impressed by the President's message in the last issue of Surveyors Times, with statistics showing the growth of the Institute. In the past, we seldom analyse the position of ourselves before planning our events. The President took a good initiative and gave us insight by showing these useful statistics. He wrote, "our member population is relatively young. The average age of qualified members is 42.76." I would like to highlight another finding from the distribution of qualified members in 2008 (see the table below):

Division	BS	GP	LS	PD	PFM	QS	Total
20-40 (Qualified YSG Members)	357	619	58	10	242	855	2,141
Total HKIS Qualified Members	779	1,556	206	30	681	2,057	5,309
Percentage of Qualified YSG Members vs all Qualified Members	46%	40%	28%	33%	36%	42%	40%

Table 1: Qualified YSG Members (up to end of 2008)

From the above, you can see that up to 2008, 2,141 qualified members in HKIS are YSG Members (40% of all qualified members). If we add the above figures with 280 student members and 2,350 probationers, we come up with a total of 4,771 YSG members in HKIS.

Qualified Members	2,141
Students	280
Probationers	2,350
Total YSG Members	4,771

Table 2: Composition of YSG Members (up to end of 2008)

In conclusion, YSG should take care of 4,771 members and we are representing the voice of 40% of professional members. After taking up the chairmanship, I always stress to our committee members that we should organise events to take care of the interest of our YSG members, and not only for some committee members or for only certain interest

groups. There is only one way to make our young group stronger and sustainable – get our members' participation and involvement.

Public Forum - Kowloon Bay, reprovisioning of facilities & enhancement?

I attended the captioned forum on 7 February 2009 on behalf of HKIS. The forum aimed to collect the public's opinion for the plan to relocate a public pier and a bus station for the construction of Central Kowloon Route (CKR) (for project details, please refer to last issue of Surveyors Times or visit <http://www.central-kowloon-route.com.hk/>).

In this forum, most of the participants were engineers, district board members and local resident representatives. We were divided into 5 groups to visit the affected areas and brainstorm ideas about the proposed relocation plan.

For the construction of the eastern exit of the tunnel, there will be 2 phases of temporary reclamation which will take about 40 months in total near the Kowloon City Ferry Pier area. Cut and cover - diaphragm wall method will be used. The existing Ma Tau Kok Public Pier and Bus Station will be relocated as construction work will be carried out there. The existing car cross-harbour ferry pier structure will be converted for use as a public pier. It was a consensus in most of the groups that this project would be a good opportunity for the seaside promenade construction.



I have suggested to them that a basement can be built on top of the tunnel for re-provisioning of car park and public facilities. The ground area can then be freed for building a park for the public to enjoy. It was interesting for me to find that an under-utilized car examination centre is occupying a big parcel of government land there, which could be considered for other potential use.



Diploma Presentation

YSG has been entrusted by the General Council to organise the Diploma Presentation cum Outstanding Dissertation Award this year. The Presentation Dinner will be held in the Diamond Ball Room at Eaton Hotel on 22 May 2009. Newly qualified members and their guests will be invited to join this Dinner by mail. YSG committee members will join in at each table to introduce themselves. Questionnaires will also be distributed to collect feedback from our young members in this occasion.

YSG Brochure

YSG has set up a Promotion Sub-committee which will be led by Evangeline Chan and Alison Lo. This Sub-committee will be responsible for drafting a brochure for introducing YSG, which will be forwarded to the HKIS Promotion Committee for publication. The brochure will be distributed to students and other institutes during our overseas visits in the future.

External Matters

YSG is going to organise a mingle party jointly with other young professionals in June. The young group of HKICPA (accountants) has preliminarily agreed to co-organise the event and more details will be announced soon.

I was contacted by Ms Kate Fairlie, Regional Coordinator of FIG (an international surveying body) Young Surveyors Working Group recently. She told me that in Australia, the UK, Canada and the US, a downward trend in surveying candidates has been witnessed, with not enough graduates to fill available positions. She would like to understand the situation in Asia. Also, she had raised whether YSG can become a regional coordinator in creating and coordinating a regional network of young surveyors in Asia. Our committee will have a conference call with them very soon to discuss this in detail and will update members of our latest decision.

Call for Helpers

Once again, YSG would like to invite you to join us as co-opted members/ helper. We need to expand our team to support our own events, as well as events organised by other boards and divisions. Don't hesitate and email your name to Ms Evangeline Chan, our Honorary Secretary at evangeline@hkis.org.hk today. You can also join our Facebook Group at <http://www.new.facebook.com/group.php?gid=4654184098> to understand us more.

Social Event - YSG Valentine's Kitchen

Reported by William Lai and Jasmine Kong
YSG Social Events Sub-committee

The "YSG Valentine's Kitchen" was successfully held on 7 February 2009. 24 members attended the cookery class for making the Baileys Irish Cream Cheesecake and Liqueur Chocolate. All the participants were very attentive and showed their great creative skills in designing the desserts. The class did not just provide us a chance to prepare something sweet for our loved ones, but also a platform for members from different divisions to meet each other. We had a fantastic afternoon and hope you can join us next time!



Charity Event - Young surveyors' steps show our care to the community

Reported by Kenny Chan and Evangeline Chan
YSG Charity Sub-committee

In the morning after the romantic St Valentine's Day, our love and care was not limited to our loved ones, but extended to the community. Young surveyors, together with family members, friends, and pets, formed a team of 26 persons and completed the "New Territories Walk for Millions" hosted by the Community Chest on 15 February 2009. The HKIS team, led by the YSG, started from the Hong Kong Science and Technology Parks and enjoyed a leisurely walk along the Tolo Harbour Cycle Track for 1.5 hours on Sunday morning.

Every step of our surveyors at the walk contributed to the "Family and Child Welfare Services" of 21 social welfare organisations; supported their services to maintain and strengthen family bonding; and assist the family members to establish mutual support relationships. We would like

to thank the enthusiastic participation and generous contribution of all participants and donors.





"Back-to-Back" Provisions in Hong Kong's Building Contracts - Points to Note from Some Recent Hong Kong Court Cases



Hon Chi Yi, Ludwig

Professional Diploma (QS), Master of Arts (Arbitration & Dispute Resolution)
 FHKIS, FRICS, AAIQS, RPS(QS), MCI Arb, AHKI Arb, MAE
 Accredited Mediator (HKIAC), Mediator (HKIA & HKIS)
 Director, C. Y. Hon Consultants Ltd.

Edited by:

Robert Pegg, MBA, MHKIS, MRICS, MCI Arb, Executive Consultant, Evans & Peck (HK) Co. Ltd.

(Part 2 - continued from the last issue)

Case 6: *WH-SCG JV Limited v Hong Kong Construction (Holding) Limited (2006)*

Case Details

- In November 1999, AP City as Employer engaged Hong Kong Construction (HKC) as Main Contractor for a Stubbs Road residential development. HKC sub-contracted the work to WH-SCG.
- WH-SCG claimed that certain amounts were due under its sub-contract with HKC. HKC denied this. WH-SCG commenced this action against HKC for the amounts said to be due and unpaid.
- By its application, HKC sought to stay WH-SCG's action to arbitration. According to HKC, under the Sub-Contract, WH-SCG agreed that disputes would be referred to arbitration.
- The question was whether HKC was right.
- Clause 1 of the Particular Conditions of the Sub-Contract (the Particulars) provides as follows:-

"[WH-SCG], being the Sub-Contractor, shall assume, perform and comply with all obligations and liabilities of the Main Contract between AP City ("the Employer") and HKC ("the Main Contractor") on the captioned Hang Lung Project.

Wherever the term Main Contractor is used in the Contract Document between the Employer and the Main Contractor, it shall refer to [WH-SCG] ("the Sub-Contractor") as described in these documents.

Wherever the term Contract is used in the Contract Document between the Employer and the Main Contractor, it shall refer to [WH-SCG's] Sub-Contract as described in these documents.

....."

- The Conditions of Contract ("the Conditions") forming part of the Main Contract were annexed to the Sub-Contract.
- Clause 35 of the Conditions provided for the arbitration of disputes under the Main contract.
- Mr. Simon Westbrook SC (appearing for HKC) argued that, under the Sub-Contract, it was intended that WH-SCG should perform HKC's obligations under the Main Contract. Mr. Westbrook continued to submit that the parties intended by Particulars cl. 1 above, that WH-SCG's and HKC's names should be substituted for the words "Main Contractor" and "Employer" respectively wherever they appear in the Conditions (including cl. 35).
- The result, as Mr. Westbrook said, was that Conditions cl. 35 would constitute an arbitration agreement between WH-SCG and HKC.



Points to note

However, in this case, Judge Hon Reyes J said that (underlined, bold added),

"I am not persuaded by Mr. Westbrook's argument. I think that the meaning and effect of Particulars cl. 1 are plain.

*By the 1st paragraph of Particulars cl. 1 WH-SCG agreed to assume '**all obligations and liabilities**' of HKC under the Main Contract.*

*As far as arbitration is concerned, it would be odd to describe arbitration as either an '**obligation**' or '**liability**' of HKC under the Main Contract.*

Arbitration is rather a means of resolving disputes relating to the performance of HKC's obligations and liabilities under the Main Contract.

.....

The 2nd paragraph of Particulars cl. 1 has to be read as impliedly subject to the 1st paragraph. It is the means by which the parties have chosen to implement the responsibilities assumed by WH-SCG under the 1st paragraph.

Thus, in the absence of clear words, I do not think that the 2nd paragraph necessarily applies to all appearances of the term "Main Contractor" in the Conditions. The 2nd paragraph must be read as implicitly subject to a qualification.

.....

The 3rd paragraph of Particulars cl. 1 must be read as similarly qualified....."

From the above, it can be seen that, even "back-to-back" provisions has been deemed incorporated, it will be subject to the express terms stated in the "back-to-back" provisions. For example, in this case, "back-to-back" provisions only applied to those "**obligations and liabilities**" but not the other terms.

Judge Reyes has implied that, in order successfully to incorporate what specific terms under the Main Contract into the Sub-Contract, it is better to have clear and precise words to what is agreed to be incorporated.

Lastly, Judge Reyes concluded that (underlined added),

"....'back-to-back' is at best a vague expression. It is neither a legal nor a technical term.....'back-to-back' can mean many things. It may simply mean, for example, that it was envisaged that WH-SCG would undertake, 'back-to-back' all HKC's performance obligations and liabilities under the Main Contract. Use of the expressions does not necessarily imply that the arbitration agreement in Condition cl. 35 was intended to apply between HKC and WH-SCG."

From what Judge Reyes said, "back-to-back" is really a vague expression and using the expression without defining expressly what it is intended to mean introduces doubts and potential ambiguities into a contractual relationship. Consequently, instead of using the vague term of "back-to-back" in an attempt to incorporate the main contract terms and conditions into the sub-contract, it is more advisable to precisely and expressly state all the contractual requirements that a sub-contractor is required to comply with upon signing the Agreement.

Case 7: Falcon Building Materials Company Limited v Fine View Engineering Limited (2008)

Case Details

- The Defendant was the main contractor of government contract ("Main Contract") titled "Design, Supply and Installation 16 sets of Automatic Door System with associated Accessories at Tseng Kwan O Hospital ("Works") administered by the Electrical and Mechanical Services Department ("EMSD").
- The Plaintiff was the Defendant's sub-contractor pursuant to Sales Contract dated 7 April 2005 ("Sales Contract") and varied by the Plaintiff's letter to the Defendant dated



12 July 2005 ("Variation Letter") (collectively, "sub-contract").

- The Sales Contract set out, inter alia, the price of the Works (HK\$851,536.00) and the following express terms:

"Payment Terms:

.....

Remarks:

This Contract shall be executed on a back-to-back basis in accordance with the relevant clauses within the Main Contract ["Back-to-back" Provision]."

Points to note

In this case, Judge Marlene Ng said (underlined and bracket added),

"(b) Back-to-back Provision

39. I am not with Mr. Kung's (the Plaintiff) assertion that the Back-to-back Provision merely required the Plaintiff to supply and install the System in accordance with the technical requirements under the Main Contract. I prefer Mr. Wong (the Defendant)'s evidence that by such provision the parties agreed that the terms of the Main Contract insofar as they were relevant to the Sub-Contract would be applied mutatis mutandis (meaning - with the necessary changes having been made; with the respective differences having been considered).

40. Mr. Kung conceded that the General Conditions were applicable to the Sub-Contract and that the Plaintiff was aware of the General Conditions, General Specification and Particular Specification prior to entering into the Sales Contract....the specifications concerning O & M Manuals, drawings, T & C and safety sensors....were necessarily applicable to the Sub-Contract on a back-to-back basis."

As pointed out by Judge Ng and can be interpreted that, the introduction of a provision referring to a "back-to-back" contract link with the main contract conditions means that the sub-contractor shall not merely supply and deliver of

the required materials in accordance with the technical requirements under the Main Contract, but also agrees that all the terms and conditions of the Main Contract insofar relevant to the Sub-Contract would be applied with necessary difference / respective differences having been made / considered ("mutatis mutandis").

Further, Judge Ng concluded that all the Main Contract's conditions, specifications, etc. shall be incorporated into the Sub-Contract, provided that:

- (a) the Sub-Contract was made on a "back-to-back" basis; and
- (b) the Sub-Contractor was aware of the existence of all these documents, prior to entering into the Sub-Contract.

Conclusions

Points that need to be noted relating to "back-to-back" provisions, from the above court cases, are:

1. When successfully adopt a "back-to-back" provision, the terms of the Main Contract (Sub-Contract) insofar as they were relevant to the Sub-Contract (Sub-Sub-Contract) would be applied mutatis mutandis [**Falcon case (2008)**].
2. On a valid "back-to-back" basis, if the Sub-Contractor (Sub-Sub-Contractor) is aware of the existing of the General Conditions, General Specifications and Particular Specifications prior to entering into the Contract (Sub-Contract), all these Conditions and Specifications were necessarily applicable to the Sub-Contract (Sub-Sub-Contract) [**Falcon case (2008)**].
3. In order to incorporate a specific term under the Main Contract into the Sub-Contract, it is better to have a clear and precise wording to incorporate, otherwise, qualifications may exist for the "back-to-back" provisions [**WH-SCG JV Case (2006)**].
4. "Back-to-back" is a vague expression which can mean many things. As a result, it is more advisable to list down all the terms and conditions in the Main Contract that you



are intended to incorporate into the Sub-Contract, for the Sub-Contractor to agree and sign the Sub-Contract, in lieu of a vague term "back-to-back" [**WH-SCG JV Case (2006)**].

5. For a "back-to-back" provision, there is a compelling feature that it requires the Sub-Contractor (Sub-Sub-Contractor) carefully examines all those documents that stated to be binding on the parties outside the contract itself [**Tapbo Case (2006)**].
6. Wording of the contract (Sub-Contract) governs the terms and conditions that to be complied with, as agreed between two parties in a contract (Sub-Contract) [**Massford Case (2005)**].
7. Each contract is individually construed and it is unlikely that the construction of this contract (e.g. the Main Contract) would be of assistance (by the link of "back-to-back" provision) in construing any other (e.g. the Sub-Contract) [**Massford Case (2005)**].
8. Lack of provision as to the actual terms and conditions of the agreement between two parties may have a high chance of disputes [**Wo Hing Case (2000)**].
9. Once a contract has been entered into, based on a precise terms and conditions as quoted from the Main Contract which are applicable to the sub-contract works, the Sub-Contractor should carry out the works on the same terms and obligations as that under the Main Contract [**Wo Hing Case (2000)**].
10. Incorporation of the relevant Main Contract terms is successful only if without the incorporation, there can hardly be any meaning [**Tridant Case (2000)**].
11. The wholesome incorporation of clauses from main contracts into sub-contracts, and from sub-contracts to sub-sub-contracts, is often attempted without careful consideration as to how it is to be done successfully [**Aughton Case as quoted in Jardine Case (1992)**].
12. If the intention for incorporation of some terms and conditions of the Main Contract into the Sub-Contract is to fill the identified lacunae, then this shall not be easily

accepted by the Judges in Hong Kong [**Aughton Case as quoted in Jardine Case (1992)**].

As a final comment, the incorporation of a "back-to-back" provision into a sub-contract is frequently seen as an expedite method of incorporating main contract provisions into sub-contracts without the necessary to restate the relevant main contract provisions. It is clear from the above cases that drafting of sub-contract provisions need to take need of certain minimum requirements for a successful "back-to-back" provision and if possible ensure that:

1. Relevant main contract provisions are bound into the sub-contract.
2. Reference is made to those contract provisions which are specifically required to be linked to the contractual relationship, e.g. pay when paid provision.
3. Reference is made to the inclusion of all of the main contract provisions in relation to the provisions of the sub-contract.
4. It is doubt to include an express reference to an sub-contract obligation.

For sub-contractor, be ensure that a brief reference to "back-to-back" provisions can lead to a raft of additional obligations not expressly stated in the sub-contract. In such circumstances, it may need be deemed to be incumbent upon you to against your self with all obligations prior to entering into a sub-contract on these terms. At the very last is make good commercial sense for you to do so since in this case ignorance will not suffice an excuse.



One-day Seminar on Contract Management 2009

Kathy Cheung

Young Surveyors Group Career Support Sub-committee and Member of Organising Committee on Contract Management 2009

The one-day seminar on Contract Management 2009 was held on 31 January 2009 at the Chiang Chen Studio Theatre, the Hong Kong Polytechnic University. This seminar was jointly organised by Young Surveyors Group (YSG) of HKIS together with other young professionals from the Hong Kong Institution of Engineers (HKIE), the Chartered Institute of Arbitrators (CIArb), the Chartered Institution of Building Services Engineers (CIBSE), the Institution of Civil Engineers (ICE), and the Law Society of Hong Kong.



Ivan Cheung illustrated the Project Risk Management in Collaborative Working Environment; Mr Andy Walsh depicted the Time Audit - Accounting for Time; and Professor Peter Hills highlighted the Implications of Global Climate Change for Urban Development in Constructing Sustainable Cities.



Overwhelmingly, the seminar attracted over 220 participants and provided a platform for practitioners in the construction industry to share experience, address problems and explore new practice in handling various contractual and legal issues for various engineering contracts.

Special thanks to Ms Kathy Cheung, Ms Joanna Kwok and Ms Katherine Wong of the Organising Committee and about 20 representatives from Young Groups of other Professional Institutes for coordinating a successful and impressive seminar, which also provided us with a valuable opportunity to gain interflow experience with other professionals.

A panel of distinguished guest speakers from different disciplines was invited to discuss on various contract management issues. Mr Stephen Lai shared with us the Procurement (Contract) Strategy commonly used in Hong Kong and Macau; Mr David Bateson discussed the Recent Trends in Construction Arbitration and Mediation; Mr



How the project quantity surveyor can make a difference

Kathy Cheung

Vice Chairman of CPD Sub-committee, Quantity Surveying Division

QSD CPD event 'How the project quantity surveyor can make a difference' by Mr Kenneth Poon, the Managing Director of Davis Langdon & Seah HK Ltd, was successfully held on 11 February 2009. The event attracted more than 160 members. Thank you very much to Kenneth. The Chairman of CPD Sub-committee, Mr Sunny Chan, presented a souvenir to Kenneth at the end.

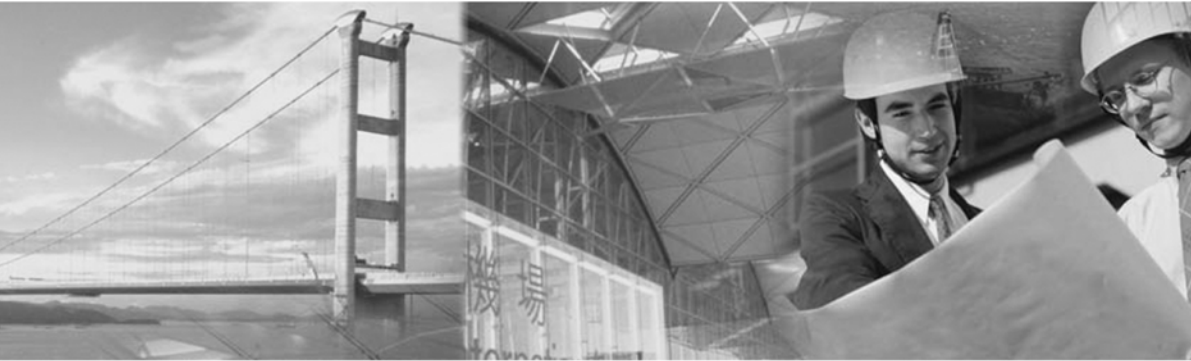




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Information Session

Date	Time	Venue
28 Mar 2009 (Sat)	2:00pm - 3:00pm	TU 318, PolyU

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Enquiries: Please contact Miss Queenie Wong Tel: 3400 3819 Email: bssywong@inet.polyu.edu.hk

Online application website: www.polyu.edu.hk/study before 31 March 2009.
Applications after this deadline may be considered only when places are available

MSc/PgD in CONSTRUCTION AND REAL ESTATE 建築及房地產學 理學碩士學位/深造文憑
(Programme Code: 04001 Stream Code: RFM/RFP for Full-time Mode and
RPM/RPP for Part-time Mode) September 2009 Intake

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- Students pursuing the MSc award can opt for specializing in one of the three study disciplines, i.e. Construction, Planning and Development or Commercial Property.
- Two subjects have been included in the list of reimbursable courses for Continuing Education Fund (CEF) purposes . Medium of instruction: English
- Total tuition fee: HK\$81,000 for MSc award and HK\$56,700 for PgD award

Entrance Requirements

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- A Bachelor's degree in a construction or real estate related discipline; OR
- Corporate membership of a relevant professional institution with a substantial content in the construction or real estate sectors.
- Relevant employment in industry, commerce or public administration is preferred.
- In exceptional circumstances, applicants with qualifications other than those mentioned above may be admitted.

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Programme Flyer

http://www.bre.polyu.edu.hk/frameset/frameset_course.html
or contact the Programme Leader, Dr Daniel WM Chan Tel: (852) 2766 4387 Email: bsdchan@inet.polyu.edu.hk

Entry Scholarship

Applicants with outstanding academic results (e.g. first-class honours bachelor's degree or equivalent qualifications) from a reputable university, who submit applications to the programme **on or before 31 March 2009 (Tue)** will be considered automatically for award of the entry scholarship up to a maximum amount of covering the whole current tuition fee.

Enquiries

For enquiries, please contact Mrs Gracie IP
Tel: (852) 2766 7770 Fax: (852) 2764 5131
Email: bsgracie@inet.polyu.edu.hk

Application

On-line application website: <http://www.polyu.edu.hk/study>
Application deadline (full-time mode): **31 March 2009 (Tue)**
Application deadline (part-time mode): **31 March 2009 (Tue)**

Information Seminars	
Date	17-MAR-2009 (Tue)
Time	7:00 pm - 8:00 pm
Venue	TU318, 3/F, Core T, PolyU, Hung Hom

Date	Event	Organiser	Location
2009			
Mar	11	5th Joint Professional Golf Tournament	Professional institutes
	18	Board of Membership meeting	HKIS
	26	HKIS Executive Committee meeting	HKIS
	26	HKIS General Council meeting	HKIS
	27	Surveyors Happy Hour	HKIS
Apr	8-10	2009 Mainland and Hong Kong Construction Industry Forum	MOHURD & DEVB
	23	HKIS Executive Committee meeting	HKIS
	24	Surveyors Happy Hour	HKIS
May	3-8	FIG Working Week 2009	FIG
	21	HKIS Executive Committee meeting	HKIS
	21	HKIS General Council meeting	HKIS
	22	HKIS Diploma Presentation	HKIS
	29	Surveyors Happy Hour	HKIS
Jun	25	HKIS Executive Committee meeting	HKIS
	26	Surveyors Happy Hour	HKIS
Jul	7	Board of Membership meeting	HKIS
	23	HKIS Executive Committee meeting	HKIS
	23	HKIS General Council meeting	HKIS
	31	Surveyors Happy Hour	HKIS
Aug	17-19	PAQS 13th Conference	PAQS
	27	HKIS Executive Committee meeting	HKIS
	28	Surveyors Happy Hour	HKIS
Sep	24	HKIS Executive Committee meeting	HKIS
	24	HKIS General Council meeting	HKIS
	25	Surveyors Happy Hour	HKIS
	26	HKIS Annual Conference	HKIS
Oct	22	HKIS Executive Committee meeting	HKIS
	30	Surveyors Happy Hour	HKIS
Nov	11	Board of Membership meeting	HKIS
	26	HKIS Executive Committee meeting	HKIS
	26	HKIS General Council meeting	HKIS
	27	Surveyors Happy Hour	HKIS
Dec	11	HKIS Annual General Meeting	HKIS
	18	Surveyors Happy Hour	HKIS

For details, please visit www.hkis.org.hk or contact the HKIS office on 2526 3679. Board Room, HKIS = 810 Jardine House, 1 Connaught Place, Central, Hong Kong. Library, HKIS = 801 Jardine House, 1 Connaught Place, Central, Hong Kong. SLC, HKIS = 811 Jardine House, 1 Connaught Place, Central, Hong Kong.



HKIS 25th Anniversary Running Team in the Hong Kong Marathon 2009

8 February 2009



51,272 runners competed in the 10km, full marathon and the half marathon races. The HKIS Running Team did not miss the opportunity to take part in this successful marathon event starting in Tsim Sha Tsui, Kowloon and finishing in Victoria Park, Hong Kong. Well done to all participating members!

