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建設綠色及可持續發展未來

Building a Green and Sustainable Future

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香港測量師學會

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2 From the Editor 編者話

3 President's Message 會長的話

6 HKIS News 學會簡訊

- Ideas Competition for Bruce Lee's Residence
- Urban Renewal Strategy Review - Road Shows, Public Forums and Topical Discussions Series
- Land (Compulsory Sale for Redevelopment) Ordinance (Cap 545)
- News from Community and Services Committee
- Council members reaching out
- Membership news
- News from Shanghai Forum
- News from Sports and Recreation Committee
- When Distance Measurement Expert meets Time Measurement Expert

16 Divisional News & Activities 組別簡訊

43 Surveying Practice 測量事務

- 兩地建設工程合同法律事務專欄 — 香港建築工程損害賠償的基本法律概念及與中國法的比較

45 Education 增值空間

- NEC Contract
- Impact of the Global Financial Crisis on the QS Profession in the Region
- 中國智慧與現代管理 — 《六慧管理》導論

46 Calendar of Events 活動日誌

47 Back Cover

- Members' Happy Hour cum Birthday Party

The President has expressed his appreciation to the Young Surveyors Group for their enormous contributions to the Institute, including celebrations of the Institute's 25th Anniversary, web-site for 25th Anniversary, reconstruction of Sichuan, annual conference, annual dinner and numerous sports and social events. In recognition of their contributions, the Institute has established a Young Surveyors Award 2009 which is now open for nomination. Full details of the Award are available from the Institute's website.

A team of 14 delegates from the QSD Council visited Beijing and Tianjin on 21-24 June 2009. The delegates met with HKIS members in the Beijing Forum, signed a supplemental agreement for the extension of the validity of the reciprocity agreement with the China Engineering Cost Association, and visited the Tianjin Construction Engineering Construction Cost Management Association and various related government departments. The Chairman of the Pacific Association of Quantity Surveyors (PAQS), Mr Trevor Main, visited the Institute on 6 July 2009. Mr Main gave a talk titled "Impact of the Global Financial Crisis on the QS Profession in the Region" in a CPD event.

The BSD Council has organised a series of APC Revision Courses for probationers. In response to the public engagement exercise on "Building Design to Foster a Quality and Sustainable Built Environment", the Institute has set up a working group to study the relevant issues and prepare a submission to the Council of Sustainable Development.

The PDD Council has participated in the Cross Strait /4 Land Conference on 2-3 July in Kunming. The Institute will host the next conference in July 2010. The PDD Council will organise a CPD event entitled "An introduction to real estate project development procedures in Mainland China" in September.

The Young Surveyors Group has actively organised and participated in a number of activities including the MTR Society Link, CPD events, HKIE YMC Annual dinner and SOE HK Symposium 2009.

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編者話

學會會長感謝青年組的積極參與，協助學會籌辦了多項二十五周年的慶祝活動、設立二十五周年網頁、四川重建工作、周年會議、周年晚宴，以及多個體育及聯誼活動。為此，學會特設立2009年青年測量師獎，以表揚青年組會員所作出的貢獻。獎項現已接受提名，詳情可參閱學會網頁。

工料測量組一行14人，於2009年6月21至24日到訪北京及天津。代表團與學會駐北京議會會面、及與中國建設工程造價管理協會簽訂資格互認的補充協議、亦拜訪了天津建設工程造價管理協會及其他相關政府部門。亞太工料測量師協會主席Mr Trevor Main於2009年7月6日到訪學會，並於持續專業發展項目活動中講述全球金融危機對工料測量業的影響。

建築測量組為見習學員舉辦一系列的專業評核試檢討論課程。為了回應可持續發展委員會的「優化建築設計 締造可持續建築環境」諮詢文件，學會特成立工作小組研究有關文件的內容及草擬意見。

規劃及發展組參加了7月2日至3日於昆明舉行的第五屆兩岸四地土地學術研討會。來屆的研討會將於2010年7月舉行，並將由學會負責統籌。規劃及發展組將於9月份舉行持續專業發展項目，講題為「簡介內地房地產項目的發展流程」。

青年組積極參與及舉辦多項活動，包括地鐵公司社會聯網、持續專業發展項目、香港工程師學會青年委員會周年晚宴、及營造工程師2009年香港論壇。

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"Lead, follow, or get out of the way!"

Our children are our future. In the case of the Hong Kong Institute of Surveyors, our children are the Young Surveyors Group (YSG). Yet, children may not be a totally appropriate term, in the context of implying immaturity, inexperience, or even naivety. Our children, as we see them, are energetic, exploratory, team-oriented, receptive to new ideas, and eager to contribute. It is these latter attributes of our young members, more than the to-be-handed-down knowledge and experience of those fully primed, that help ensure healthy growth and development of our Institute.

The YSG, better known to some once-young young members as the Junior Organization (JO), is enacted under the Constitution. Every Member and Technical Associate of age below 40 and whose office and basic practice is in Hong Kong is entitled to the YSG membership. All students are entitled to participate in the activities of the YSG. To allow maximum autonomy, the authority vested in the YSG is deliberately wide under the Constitution and Bye-Laws. Bye-Law 4.3.1 states that "The YSG Committee shall have sole responsibility for the direction and management in all matters affecting the YSG alone and not otherwise provided for by the Constitution or Bye-Laws", subject only to the proviso that "in all matters affecting the Institute generally including finance and the constitution of the YSG and in matters affecting the Divisions, the General Council shall have overriding authority".

To stay as a united profession and speak in one single voice representing the interests of a diversity of expertise is a critical success factor of our Institute. The YSG's con-

tribution is paramount. Through many cross-disciplinary functions and activities, and at "buddy" level, our members of different disciplines cement their working relationship. Many seminars, conferences, expos and study tours have been successfully organised as a result of their relentless efforts.

My encounters with the YSG have always been enjoyable and enlightening. To have the opportunity to interact with the young generation, understand them, and fill the "generation gap" is an exciting experience. Many endeavours and activities of the Institute, be they academic, sports or social, could not have been successful, or even made possible, without the active participation by the YSG members.

From my many years of experience working with the YSG and members from various disciplines, I will not describe the relationship as one of mentor-mentee, not just for fear of implication of superiority-inferiority, but also for some very valid reasons. The YSG provides a good opportunity for the less experienced young members to learn from the more experienced veterans, through coaching, experience-sharing or simply the opportunity of being able to participate. So, the setting is real but the consequences are controlled. On the other hand, there is a lot the veterans may



stand to gain too. When we say we are open-minded, most of the time we mean that we will listen to ideas from people who are more senior, more experienced than us. Have we stopped to think that, in venturing into uncharted areas, it is not experience, but wisdom and courage that count?

Some years ago, I was responsible for organising a big function on behalf of the Institute. Those who know me well will know my style of work, asking for plans and reports, and attending to details, excessively so sometimes perhaps. Anyway, with the good help of YSG members the function turned out to be a big success. The next year, when the same event came up, the General Council decided to assign it to the YSG. With no apologies for occasionally “watching over their shoulders” at one stage I was worried, noting that the venue had not been fixed; invitation letters had not been issued; and a firm budget was not yet available. Whilst my worries were real, when it came to the grand opening, things went as smoothly as the year before. There might have been some glitches but they were not as apparent to me as to all the other guests who attended the event. Indeed, the guests highly praised the Institute for a job well done.

So, I would more comfortably describe it as a mutual learning process. The young generation learns from our way of work, and our way of generating solutions. We learn that our solution is not the only solution. We also learn that we have to shape our delivery in line with the virtues and value of the young generation, on whom we will have to depend for moving our profession forward. A fellow surveyor of my age once asked me whether I preferred to greet a young guy with “what’s up” or “how do you do?” I am also reminded of an often-quoted motto: “Lead, follow, or get out of the way!”

The objectives of the YSG are well set out in their (your) web-site, namely:

(a) To promote and enrich the professional, educational, social and cultural life among members of the YSG

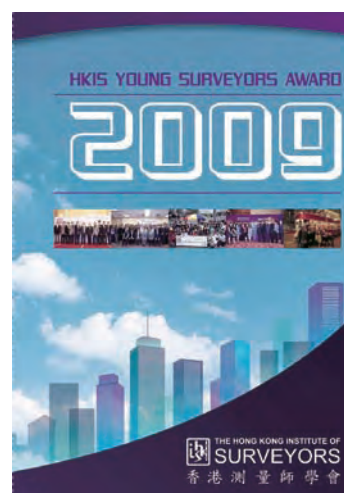
(b) To promote the views and represent the interests of members of the YSG

(c) To serve as a link between the Institute and the probationers, technical members and students.

Issues of immediate concern include: sustainability, serving young members, demonstrating professionalism, enhancing local knowledge, and going international.

The YSG is represented at the HKIS General Council, giving support to numerous policy issues and initiatives. YSG's active participation in the Institute's affairs has not only brought about an increase in our achievement, but also a positive image of the surveying profession.

With full participation from the current YSG Council and Chairman Joseph Chong, the YSG has helped in many activities of the year, including celebrations of the Institute's 25th Anniversary, web-site for 25th Anniversary, reconstruction of Sichuan, annual conference, annual dinner, and numerous sports and social events. Feasibility studies are being carried out into the setting up of a charity trust fund. The Young Surveyors Award 2009 is now open for nomination. I see this as a very positive way to acknowledge the input and contribution of our young members. Members will have received the nomination documents in the mail. Full details of the Award are also available from the Institute website.



Where the YSG flag is flown, at the Dragon Boat Competition, inter-institutional sports events, and overseas exchanges, it symbolizes unity of surveying, not only the young members, but also the Institute and the profession as a whole.

As I said, young members in this context should preclude immaturity, inexperience, and naivety, but even if the contrary is true, why not?

Francis Leung
President



YSG Council from left 青年組理事會（左起）：

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Joanna Kwok 郭婉琪	Honorary Secretary (External Affairs) 青年組秘書(外務)
Michelle Chung 鍾敏慧	Council Member 青年組委員
Joanmi Li 李詠珊	Council Member 青年組委員
Bette Sinn 冼婷璧	Honorary Treasurer 青年組司庫
Evangeline Chan 陳慧珠	Honorary Secretary (Internal Affairs) 青年組秘書(內務)
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Kenny Chan 陳志雄	Council Member 青年組委員
Tang Chi Wang 鄧智宏	Council Member 青年組委員

選賢與能

現在的孩子便是我們的未來。對於香港測量師學會來說，孩子便是學會的青年組會員。然而，用孩子一詞未免不太恰當，亦暗示了不成熟，缺乏經驗，甚至思想單純。我們可以感受到，學會的孩子都是充滿活力、敢於探索、賦有團隊精神、接受新思想，並且樂於作出貢獻。我們青年會員的這些特質，遠超越了傳統所學到的知識和經驗，這亦確保了學會日後的發展。

青年組是根據會章成立的組別。學會所有40歲以下的正式會員及技術會員於香港工作或執業，則成為青年組的會員，而

所有學生會員則可參與青年組的活動。學會章程及則例賦予了青年組最大的自主權。則例第4.3.1說明：「青年組理事會對青年組的領導和發展方向需承擔全部責任..包括章程及則例未有提及而涉及青年組的所有議題」，條件是「若有關學會財政、有違青年組章程、或涉及學會其他組別，理事會對有關議題均保留最終權力」。

維持團結，以及統一各不同測量組別的意見，是學會成功的關鍵因素，青年組在這方面的貢獻至為重要。透過跨組別的活動，學會不同組別的會員建立了相互的工作關係。藉此，

學會成功舉辦了多個講座、會議、展覽及考察團等。

我與青年組一向合作無間，關係總是愉快及富啟發性的。有機會了解年輕一代，跨越代溝，是一個令人興奮的經驗。許多學會的成果，當中包括學術、體育及社會工作，均有賴青年組的積極參與。

就我多年來與青年組及其他不同組別的合作經驗，我不會形容彼此為「導師與學員」關係，我不單反對「尊卑」的含意，也因為一些更正面的原因。透過模擬的工作環境及實質合作的經驗，青年組會員能夠從中學習；與青年會員溝通的同時，資深會員亦可獲益。我們常說對事物持開放態度，但撫心自問，我們是否只樂意聽從比自己較資深的朋輩或長輩？可否想到在一些創新的領域上，智慧及勇氣遠比經驗重要？



數年前我代表學會籌辦了一個大型活動。認識我的會員也許清楚我的工作方式，我總經常查問計劃及進度，細節安排等，我得承認，有時我會過份謹慎。但無論如何，在青年組會員的努力下，活動取得了空前成功。翌年，當籌辦相同活動時，理事會決議由青年組負責統籌。從旁觀察，眼看活動地點尚未落實、邀請函件尚未發出、具體預算未能出台，我曾十分焦急。但當活動展開時，所有流程也與以往一樣流暢。縱使我仍察覺有一些小問題，但參加活動的嘉賓們對安排給予高度評價，學會還因此得到很多贊許。

由此可見，這是一個互動，互相學習的過程。年輕一代學會了我們的工作態度以及解決問題的方法，我們亦意會到解決方案並不是單一絕對的。我們也應調整思維，配合年輕一代的道德和價值觀。我們就是依賴他們推動測量專業的未來發展。曾經有一位資深會員問我：「向年青人問好，可會說『啥事？』或『你好嗎？』。」這使我想起了一個經常引用的西諺：「你可選擇領導、跟隨或退出」。較謙卑的中文格言則是：「選賢與能」。

青年組的宗旨已列於網頁內，當中提到：

1. 促進青年組會員的專業、教育、社會和文化生活；
2. 促進青年組會員的意見交流及維護會員的利益；
3. 作為學會與見習學員、技術會員、以及學生的溝通橋樑

青年組直接關注的問題包括：可持續發展、服務青年會員、表現專業精神，提高知識水平，並走向國際。

青年組亦分擔學會理事會的工作，為多項學會政策給予支持。青年組積極參與學會事務，不單加深年青會員的成就，亦提升了測量專業的形象。



全賴青年組理事會及現任青年組主席莊學正的參與，學會籌辦了多項二十五周年的慶祝活動、設立二十五周年網頁、四川重建工作、周年會議、周年晚宴，以及多個體育及聯誼活動。學會慈善基金的研究工作正在進行，而2009青年測量師獎現正接受提名。這個項目正正表揚青年測量師的努力及貢獻。有關提名表格已郵寄所有會員，詳情亦可於學會網頁下載。

青年組的旗幟於龍舟競賽、專業學會的運動賽事、以及海外交流中飄揚。它象徵著測量業的團結，不僅代表了年輕會員，而是整個學會以致整個測量專業。

總結上文，年青並不同不成熟、欠缺經驗或思想單純。但若反之，為何不可？

梁立基
會長

Ideas Competition for Bruce Lee's Residence

The Ideas Competition for Bruce Lee's Residence was launched on 20 July 2009 at a joint press conference with the property owner, Mr Yu Pang-lin and the Secretary for Commerce and Economic Development, Mrs Rita Lau.

The Competition is jointly organised by the Hong Kong Institute of Architects, the Hong Kong Institute of Planners and the Hong Kong Institute of Surveyors, and supported by the Tourism Commission, Commerce and Economic Development Bureau. The Organising Committee of the Competition is chaired by our Past President, Mr Raymond Y M Chan.



The property located at No. 41 Cumberland Road, Kowloon Tong is the former residence of international film star Mr Bruce Lee. The property owner, Mr Yu Pang-lin, has agreed to donate the property to the Government with a view to restoring and preserving the original appearance of Bruce Lee's residence, which will be opened to the locals and tourists. The restored residence is to commemorate Bruce Lee's contribution to martial arts and the film industry.

The competition is open to all in Hong Kong, the Mainland and overseas countries. The competition comprises two categories, namely the Professional Group and the Open Group. Members, who are interested in participat-

ing, should first register by submitting an entry form on or before 31 August 2009 and then submit their entries by 15 October 2009. For further details of the Competition, please visit the website: <http://www.bruceleeresidence.com>.

Urban Renewal Strategy Review - Road Shows, Public Forums and Topical Discussions Series

The Urban Renewal Strategy (URS) Review launched by the Government in July 2008 has completed its first phase of "Envisioning", and is currently at its second phase stage of "Public Engagement" (February to December 2009). The second phase stage aims to allow the public to thoroughly understand the issues and status quo of urban renewal in Hong Kong, inviting public participation, discussions, proposals, as well as allowing the public to study discuss its related issues.

To encourage the public to participate in the URS Review, a series of programmes including Road Shows, Public Forums and a number of Topical Discussions of the essential issues related to urban renewal have been organised until November 2009.

Urban renewal is an important issue in Hong Kong to ensure that all residents can enjoy a quality living environment while at the same time to protect and to preserve the unique character of the city. The Institute has supported the public engagement exercise by providing facilitators in the topical discussion series organised by URA on 27 June and 4 July. HKIS members will also act as facilitators for the coming topical discussion events from August to October. The Institute also organised an open discussion forum on URS review for members on 20 July. Two workshops are also being proposed.

For an update of the URS Review programme and events, please visit the website at www.ursreview.gov.hk.

Land (Compulsory Sale for Redevelopment) Ordinance (Cap 545)

The Panel on Development (the Panel) of the Legislative Council held a meeting on 16 July 2009 on the "Proposals to facilitate redevelopment by the private sector: application threshold under the Land (Compulsory Sale for Redevelopment) Ordinance". The Government provided a paper on its proposals and the paper can be viewed at the following link: <http://www.legco.gov.hk/yr08-09/english/panels/dev/papers/dev0623cb1-1947-5-e.pdf>.

In response to an invitation for views on the subject, the HKIS submitted a written submission to the Panel. The Senior Vice President Stephen Yip and Chairman of General Practice Division Dr Lawrence Poon represented the Institute to attend the Panel meeting.

For a copy of the written submission (in Chinese only) as well as other submission of papers by HKIS, please visit the website at http://www.hkis.org.hk/hkis/html/newsroom_position.jsp.

News from Community and Charity Services Committee

Billy Wong

Chairman of Community and Charity Services Committee

Agency for Volunteer Service - Territory-wide Flag Day

The Agency for Volunteer Service held a territory-wide Flag Day on 11 July 2009 to raise funds for volunteer service promotion and development. The HKIS Community and Charity Services Committee formed a team of volunteers to help sell flags on the day.



Council members reaching out

1 July 2009

Flag Raising Ceremony cum Reception of 12th Anniversary of the Establishment of the Hong Kong Special Administrative Region of the People's Republic of China organised by Home Affairs Department

Mr Francis Leung

1-3 July 2009

第五屆「兩岸四地土地學術研討會」主辦單位中國人民大學土地管理系

葉滿華先生、曾正麟先生、林力山先生、黃耀祖先生、張文滔先生、黃正行先生

6 July 2009

PAQS Chairman Visit

Mr Francis Leung, Mr Stephen Yip, Mr Lesly Lam, Ms Serena Lau, Mr Simon Kwok, Mr Edwin Tsang, Mr Daniel Ho, Mr Antony Man, Mr Thomas Ho, Mr Joseph Chong, Mr Jeffrey Wong, Mr Yu Kam Hung, Mr Tang Ki Cheung, Mr Evelyn Kwok

8 July 2009

基建與地產服務合作論壇「加強兩地基建與地產服務，共同開拓海外市場」- 國家商務部和香港貿易發展局合辦

余錦雄先生

9 July 2009

香港地方誌工程 - 飯局聚會

梁立基先生

10 July 2009

Sports and Recreation Club Inaugural Dinner of Hong Kong Institute of Certified Public Accountants

Mr Lesly Lam, Ms Michelle Chung

11 July 2009

HKIA & PGBC Forum on Building Design to Foster a Quality and Sustainable Built Environment

Prof Barnabas Chung

16 July 2009

Panel on Development proposals to facilitate redevelopment by the private sector: application threshold under the Land (Compulsory Sale for Redevelopment) Ordinance organised by Legislative Council

Mr Stephen Yip, Dr Lawrence Poon

20 July 2009

Wan Chai District Building Management Certificate Training Course 2009-2010

Mr Kenneth Yun, Mr Vincent Ho

21 July 2009

政務司司長宴請廣東省及九市領導 organised by Commerce and Economic Development Bureau

梁立基先生

22 July 2009

URA - 大角咀福全街/晏架街發展項目抽籤程序

梁立基先生

23 July 2009

Consumer Council's 35th Anniversary Symposium: Promotion of Consumer Rights and Equity Culture 推動消費權益 宣揚公平文化

Mr Ben Chong

29 July 2009

Joint Institutes' Dinner organised by Hong Kong Institution of Engineers

Mr Francis Leung, Mr Wong Bay, Mr Lesly Lam

30 July 2009

Forum on proposed gradings to the 1,444 historic buildings organised by Antiquities Advisory Board

Mr Stephen Yip, Mr Raymond Chan

31 July 2009

Annual Cocktail Reception 2009 cum Construction Manager of the Year Awards (CMYA) 2008 of the Chartered Institute of Building (Hong Kong)

Mr Francis Leung, Mr Ben Chong, Mr Yu Kam Hung

31 July 2009

香港與珠三角九市落實《珠江三角洲地區改革發展規劃綱要》交流會 - 商務及經濟發展局常任秘書長(工商及旅遊)

林力山先生、陳佐堅先生

Membership news

Mr Russel HUI, MHKIS, QS Division
Mr LI Kin Kwok, MHKIS, BS and PFM Divisions

At a meeting held on 23 July 2009, the General Council decided to temporarily suspend the above members from membership of the Hong Kong Institute of Surveyors with immediate effect pending the outcome of the enquiry by a Committee of Investigation in accordance with Rules 2.2 of the Rules of Conduct.

News from Shanghai Forum

CPD Event “Visit to 1933 Creative Hub in Hongkou District, Shanghai”

Iris Lee, Chairlady of Shanghai Forum

A half-day CPD event was held in the morning on Saturday, 13 June 2009 at 1933. The theme was a development located near Suzhou Creek at Hongkou District named “1933”. It was an old art deco abattoir designed by British architects and developed and built by the Chinese using concrete imported from the UK. The building was completed in 1933. It was utilized as a medicine plant from 1970-2002, then lay dormant until 2007 when the developer, Axons Concepts, started restoration and rejuvenation of the premises.

The architecture of 1933 is remarkable: behind a striking art deco façade, there are flowering columns, a complex system of sculpted concrete ramps, flyovers and spiral staircases leading to the grand centerpiece: a theatre-in-the-round with a polished glass stage and expansive rooftop terraces. We wondered what was being written in the design brief for an abattoir that turned out to be so artistic.

The CPD started with a talk by Mr Paul Liu who is the Chairman of the developer. Before starting his own business, Paul was the Executive Director and CFO of Three on the Bund. Paul shared with us the hoops and hurdles as well as the risks and rewards in historic renovation in Shanghai.

When asked about the distinctions between 1933 and other creative hubs in Shanghai, such as Bridge No. 8 (八號橋), Tian Zi Fang (田子坊), Red Town (紅坊), etc., Paul said that 1933 focused on three core elements: design, lifestyle and learning. 1933 provides a platform for learning, personal development and expression. In doing so, Axons Concepts is very selective in tenants, by limiting the percentage of retail spaces and allocating more spaces for design companies, artists’ guilds, creative F&B. His keyword is to ‘persevere 堅持’.

After the talk, Paul took the group on a tour around the whole development. Then we had lunch at a restaurant in the vicinity called ‘Factory’, which was an Andy-Warhol type of space with high ceilings, raw floor and wall surfaces. There were about 25 participants joining the CPD event.

Next time when you visit Shanghai, there is one more place you can go – 1933.



1933 elevation



Stairs at Factory



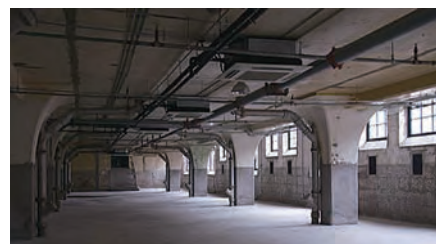
Inside Factory



Chit-chat before the seminar



Paul Liu and Iris Lee



Inside 1933

News from Sports and Recreation Committee

Chairman: Lesly LAM, leslylam@hkis.org.hk

Vice-Chairman: Cyrus Siu, cyrus.siu@gmail.com

Secretary: Carmen WONG, carmen.wkm@gmail.com

Treasurer: Michelle Chung, michellechung@hkis.org.hk

For those members who are interested in participating in the various sports, please contact Donna YU at cpd@hkis.org.hk or 2526 3679 for registration.

HKIS Bowling Team - More interested members required!

Team Captain: Mr Kelvin LI

The Joint Professional Bowling Tournament will be held in October 2009 at Olympian City again. Our bowling team captain would like to appeal for more interested members to join the team. Ladies are welcomed.

Regular practices have begun and are held on each Saturday morning from 10 am to 12 noon at the Olympian City Bowling Centre. Photos taken in the 1st practice are shown below:-



HKIS Singing Team and Surveyors' Band

Team Captain: Ms Michelle CHUNG / Mr Kenny CHAN

The 2nd Joint Professional Singing Competition will be held in September 2009. Our singing team captain would like to form a strong team to compete. The team captain is arranging a few practice sessions. Details will be announced later. Please stay-tuned.

Moreover, the Sports and Recreation Committee would like to form a Surveyors' Band 測量師樂隊. The band will then be arranged to perform at various HKIS's activities. We need your excellent skills in keyboard, drum, bass, guitar, etc.



Band performance in the HKIS Annual Dinner 2006

Joint Professional Table Tennis Tournament 2009

Team Captain: Mr CY JIM / Mr William LAI

Regular practices have been conducted smoothly. More members, who are very skilled in playing table tennis have joined the HKIS table tennis team. The coach tuned the skills of the team-mates precisely. Good results are expected in the Joint Professional Table Tennis Tournament, which is going to be held in September 2009.



The coach (in blue tee-shirt) fine-tuning the skills of a team-mate - Mr FC Tam

Joint Professional Soccer Cup - One Day Tournament

Team Captains: Mr Cyrus SIU / Mr Lesly LAM

Beyond the Joint Professional Soccer League, a one-day tournament - Joint Professional Soccer Cup will be held on Saturday, 15 August 2009 from 1-6 pm at Kings Park Pitch. You are most welcome to come to support the HKIS soccer team-mates.

Joint Professional Tennis Tournament 2009

Team Captain: Mr Harry JAN

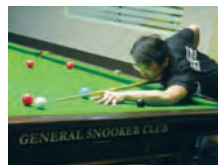
Due to bad weather conditions, the Joint Professional Tennis Tournament scheduled on 5 July 2009 was postponed. The tournament will be re-scheduled to Sunday, 16 August 2009 from 7-11 pm at the Chinese Recreation Club (CRC) 中華遊樂會. Your support to us in the tournament is most welcome.

Joint Professional Snooker Tournament 2009

Team Captain: Mr Willie TANG / Mr Wilson AU YEUNG

The Joint Professional Snooker Tournament was successfully held on 12 July 2009 at the General Snooker Club - 尖沙咀名將桌球城.

Our snooker team was the 2nd runner-up and the team captain, Mr Willie TANG was the best player of the HKIS snooker team. Congratulations! Photos taken in the tournament are as follows.



The HKIS snooker team-mates in the tournament (Willie Tang, Ho Chi Shing, Eddie Kwok, Jeremy Tse, Conrad Tang, Derek Lai, Andy Chan)



Being the Vice-chairman of Joint Professional Sports Committee, I presented the 2nd runner-up prize to the HKIS snooker team.

HKIS Swimming Team - More swimmers required!

Team Captain: Mr William LAI / Ms Carmen WONG

The Joint Professional Swimming Gala will be held in October 2009. Our swimming team captain would like to appeal for more interested members to join the team to compete for the 4x100m joint professional relay. Ladies are welcomed.

To boost up the stamina and normal technique, regular practices are held every Wednesday at the City University of Hong Kong. Please register in advance.

Joint Professional Badminton Tournament 2009

Team Captain: Mr Sunny CHAN and Mr Kim TSUI

The Joint Professional Badminton Tournament is re-scheduled to Sunday, 30 August 2009 at the Sports Hall of Shatin College. More regular and tough practices have been arranged. If you are a skillful badminton player, please come and join the HKIS badminton team and win prizes in the tournament.

When Distance Measurement Expert meets Time Measurement Expert

A joint effort of the HKIS Surveyor and Seiko Time Measurement contributing to a wholly fair dragon boat competition at Stanley on 28 May 2009

Reported by Lesly LAM

HKIS Honorary Treasurer, Chairman of Sports and Recreation Committee



HKIS Honorary Treasurer, Lesly LAM and YSG Immediate Past Chairman, Joseph WONG, assisted the racing lane demarcation with the aid of the land surveying equipment - Leica Total Station together with the Seiko precision

camera. An alignment was set on the ground with sub-centimeter accuracy, so that the Seiko camera could take photos along the finishing line of the racing lane exactly.



Led by another YSG Council Member - Kenny CHAN, helpers from Leica Geosystems and HK Polytechnic University used the Global Positioning System (GPS) to conduct a counter-check on the demarcation. Dragon boats were still mooring behind them.

Shown below is the finishing photo of a final race taken from the Seiko precision camera. The HKIS dragon boat team is in the photo.

Special thanks to Leica Geosystems in providing the Total Station and GPS.

20090528 06:50:00

Stanley IDBC 2009 - 42
Camera 1
Start: 2009/05/28 16:38:30.34

Place	Time	Time
1	20	1:19:02
2	3	1:19:01
3	4	1:20:02
4	5	1:21:32
5	7	1:23:31
6	8	1:24:31
7	11	1:25:01
8	21	1:24:55
9	8	1:24:49
10	1	1:21:41

SEIKO TIME WATCH CO., LTD. (878)



HKIS Annual Conference 2009 SURVEYORS IN URBAN REGENERATION

Date: 26 September 2009 (Saturday)

Time: 0900 - 1700

Venue: Grand Ballroom, Conrad Hong Kong
Pacific Place, 88 Queensway, Hong Kong

About the Conference

Urban Regeneration has become an important issue in Hong Kong as there are many private buildings aged over 30 years old. The primary aims of urban regeneration are to tackle the problem of urban decay and to improve the life for people living in dilapidated buildings and the local community at large. It involves not only technical, social and economic issues but also numerous stakeholders. As a result, many disputes are encountered in many urban regeneration projects. While redevelopment can effectively revamp an old urban area by upgrading the relevant buildings, street design and community amenities, there are also growing concerns that wholesale redevelopment will destroy the old Hong Kong relics, disrupt the social network of occupants and affect the local economic activities. In order to succeed in urban regeneration, it is necessary to properly balance among a number of controversial issues such as development versus preservation, the interests of individual owners/tenants versus the public, and the financial sustainability versus compensation demanded by affected owners/tenants. This conference will address some of these issues and also provide an invaluable opportunity for the government officials, developers, construction related professionals and other relevant stakeholders to exchange their views relating to urban regeneration.

Registration Fee

Member of HKIS

- HK\$1,000/head or RMB880 or US\$130

Member of Supporting Organizations

- HK\$1,000/head or RMB880 or US\$130

Non-member

- HK\$1,200/head or RMB1,050 or US\$155

Student member

- HK\$600/head or RMB530 or US\$80

Speakers



Welcome Speech

Mr Francis LEUNG Lap Ki

President, Hong Kong Institute of Surveyors



Opening Keynote Speech

Mrs Carrie LAM Cheng Yuet Ngor, JP

Secretary for Development, HKSAR Government



Urban Regeneration under the Existing Urban Renewal Strategy: Achievements and Challenges

Mr Barry CHENG Chun Yuen, JP

Chairman, Urban Renewal Authority



Public Engagement in Urban Renewal

Mrs Ava NG Tse Suk Ying, JP

Director of Planning, Planning Department, HKSAR Government



Rising Expectations from Peoples Affected and from Community

Dr LAW Chi Kwong

Associate Professor, Department of Social Work and Social Administration, University of Hong Kong



A Critical Look at Compensation Issues

Mr Lawrence PANG Ho Chuen

Vice Chairman, General Practice Division, Hong Kong Institute of Surveyors



Urban Regeneration in Japan

Dr Norihiro NAKAI

Professor of Urban Planning, Department of Social Engineering, Tokyo Institute of Technology



Urban Regeneration in Taiwan

Professor HUANG Chien Eil

Professor of Urban Affairs & Environmental Planning Department
Chinese Culture University



'Kainos' Renewal: Promoting Urban Regeneration as a Quality and as Nature

Dr Mee Kam NG

Associate Professor, Department of Urban Planning and Design, Faculty of Architecture, University of Hong Kong



Guidelines for Adaptive Reuse of Heritage Buildings

Mr MO Kim Ming

Assistant Director, Buildings Department, HKSAR Government



Closing Remarks

Dr Paul HO Hok Keung

Chairman of 2009 Annual Conference Organizing Committee

Q & A Moderators

Professor Anthony G O YEH

Head and Chair Professor, Department of Urban Planning and Design
University of Hong Kong

Mr James PONG Kam Keung

Honorary Secretary, Planning and Development Division, Hong Kong Institute of Surveyors

Remarks

- Official language is English.
- The organizer reserves the right to cancel or reschedule the conference at their discretion.
- No refund can be made for cancellation but a substitute delegate is normally permitted.

Supporting Organizations



Enquiries and Registration Form Download

Ms Donna Yu / Mr Coody Ko

Tel: (852) 2526 3679 Fax: (852) 2868 4612

E-mail: cpd@hkis.org.hk / coody@hkis.org.hk

Website: <http://www.hkis.org.hk>

Annual Dinner

Tuesday 17 November 2009

THE HONG KONG INSTITUTE OF
SURVEYORS
香港測量師學會

Guest of Honour

The Hon Henry TANG Ying-yen, GBM, GBS, JP

Chief Secretary for Administration

The Government of the Hong Kong Special Administrative Region

**The Grand Ballroom, Grand Hyatt Hong Kong
1 Harbour Road, Hong Kong**



• Reception : 6:00 pm • Dinner : 7:00 pm • Dress: Black tie •

• Reservation Form •

To : The Hong Kong Institute of Surveyors, 801 Jardine House, 1 Connaught Place, Central, Hong Kong

Fax: 2868 4612 E-mail: coody@hkis.org.hk

Please reserve for the **HKIS ANNUAL DINNER 2009**

_____ No. of tables (12 persons) @ HK\$ 11,760

_____ No. of tickets@ HK\$ 980

Name/Contact Person: _____ Title : Mr/ Mrs/ Miss/ Others _____

Company name : _____

Address : _____

Telephone : _____ Fax : _____ Email : _____

Payment Method (please tick appropriate box) :

By cheque payable to **Surveyors Services Limited** Amount HK\$ _____ Cheque No. _____

By HKIS Titanium MasterCard / Visa Platinum Card (Shanghai Commercial Bank Limited)

By American Express Card

Payment Instruction for HKIS Event Reservation Fee Ref.: [_____]

HKIS ANNUAL DINNER 2009

To : Credit Card Service Department

I would like to pay the reservation fee HK\$ _____ (HK\$ 11,760 per table, HK\$ 980 per ticket) to Surveyors Services Limited by charging my HKIS account as follows:

Credit Card No : _____

HKIS No. : _____ Cardholder Name : _____ Expiry Date : _____ / _____

Cardholder's Signature : _____ Date : _____

For Bank Use only

Approved by : _____

Date : _____

Conditions:-

1. Reservations are on a first-come first-served basis.
2. Reservations will only be confirmed upon receipt of **FULL PAYMENT**.

Building Surveying Division Chairman's Message



Kenneth Yun BSD Council Chairman

APC Revision Course 2009

I would like to take this opportunity to remind probationers to note the BS APC Revision Course 2009. We have lined up senior experienced practitioners of BSD to deliver talks on topics like condition survey and diagnosis of building defects; basic E&M design considerations; review of Building Ordinance and Building Regulations; review of fire resisting construction; review of barrier free access; review of means of escape in case of fire; how to develop your scheme for practical task; preparation of tender/contract documents and tender analysis report; techniques and strategies for written assessment in APC. Probationers can learn skills and knowledge they may not come across frequently during their daily work. I am sure even practitioners will find the above topics useful in their career. Please submit your enrolment form early in order to ensure a place has been reserved for you. May I take this opportunity to thank our CPD panel members and the speakers for their precious time and effort spent in the preparation work before and during the course.

Maintaining CAEC Membership

Members who have obtained the qualification to register as China Supervising Engineer through the Mutual Recognition exercise in 2007 are reminded to fulfill the CPD requirements as laid down by the CAEC through the following link - <http://www.zgjsjl.org/newsdetail.aspx?ID=5164&cid=3&page=2> if they apply for registration after 3 years from obtaining the qualification i.e. expiring in December 2010. In this regard and according to 註冊監理工程師繼續教育暫行辦法 (http://www.mohurd.gov.cn/zcfg/jswj/jzsc/200611/t20061101_158801.htm), you are required to submit a record of at least 96 hours of approved Continuous Education together with your application for registration. For details, please see the link. Kindly note

that there are online Continuous Education courses at the website of CAEC and you can meet the Continuous Education hours by going through the courses and then passing the examination at a cost of RMB960, i.e. RMB10 per each CPD hour. We are still checking whether Hong Kong members can use such system and there is still ample time from the expiry of the 3 years period for initial registration. In this connection, we are liaising with CAEC for organising recognized courses that are tailor made to HK Building Surveyors having the qualification. Further information will be announced in due course.

Ideas Design Competition for Bruce Lee's Residence

Our past President, Mr Raymond Chan is leading the organising committee for the Ideas Design Competition for Bruce Lee's Residence. Three senior members from the Building Surveying Division, Mr Alex Wong, Mr Edwin Tang and Mr Andrew Kung are representing the Institute in the organising committee. Moreover, our President, Mr Francis Leung will be a member of the Jury while two building surveyors, Mr Daniel Chang and Ms Grace Cheng will join the technical committee. I will keep you informed about progress of the design competition.

Public Engagement Exercise on Building Design to Foster a Quality and Sustainable Built Environment

Members are reminded about the commencement of the public engagement exercise on Building Design to Foster a Quality and Sustainable Built Environment through the website of the Council of Sustainable Development. The Invitation for Response Document can be found at <http://www.susdev.org.hk/en/irdoc/index.aspx>. It covers the proposed reviews to building separation, building setback,

urban greenery, GFA concessions, energy efficient building design installations, etc. As surveyors are playing an important role in the above mentioned aspects, the Institute has formed a working group to study the Invitation for Response Document. The working group will prepare a response paper and arrange a forum for the Institute's members to express their views. If you are interested to join the working group or you have specific views on this issue, please inform any council members of BSD.

CPD Event

A CPD event was held on 15 June 2009. A brief report about the event is extracted below.

《歷史建築的保護和利用》

六月十五日專題講座

古建築就如一座活歷史，讓我們體驗並學習前人的智慧。但如何去保護並利用這個活歷史，則要涉及很多專業的知識和學問。是次專題講座中，我們有幸邀請到廣東省文物保護專家委員會委員(古建築)暨廣州大學嶺南建築研究所所長湯國華教授為我們分享其於歷史建築保護和利用的豐富經驗，我們實在獲益良多。

在講座當晚，湯教授分享了好幾個歷史建築保護及活化再利用的例子，例如廣州的石室聖心大教堂和沙面的紅樓。在他的分享中，指出一個重要的訊息，就是要『因材施教』。我們要明白歷史建築有其獨特價值，在活化再利用的同時，除了考慮經濟因素，還要考慮該建築物的可塑性。湯教授經常教導說：「我們總不能叫一個老婆婆硬穿上少女的服飾！」這句說話實在值得我們深思。

此外，湯教授亦分享不少活化再利用時所遇到的實際問題，例如教授分享了在移動及穩固一幅歷史結構牆時，除了要考慮該建築物的歷史和特性外，還要加上地利人和，和現代技術的配合，才能達致一個最適切的方案。

保護和活化再利用古建築是一件藝術與科學結合的事情。對

我們這群測量師來說，實在是一個富挑戰性又值得深思的題目。



右起：湯國華教授、建築測量組副主席梁志添

Social Event

Last month, our squid fishing social event was cancelled owing to a poor response from members. May I take this opportunity to invite suggestions for future social events.

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@hkis.org.hk
歡迎預定設施，請電 2526 3679 或
電郵 slcbooking@hkis.org.hk

Summary of HKIS CPD / PQSL Events

7 Aug - 18 Nov 2009

DATE	CODE	EVENT	CPD HOUR(S)	SPEAKERS	RUN BY
07 Aug	2009070	專業形象及禮儀講座	2.5	Professor Desmond Chan	YSG
11 Aug	2009062	21世紀中國建築業管理改革	1.5	余立佐	YSG
15 Aug	2009054	QSD APC Revision Course 2009	2 per lecture	K C Tang, Patrick S Y Chan, Dr. Paul Ho, Stephen Lam and Experienced Practitioners, Academics and APC Assessors	QSD/YSG
12, 19, 26 Aug, 2, 9, 17, 23, 30 Sep, 7 Oct	2009068	BSD APC Revision Course 2009	1.5 per lecture	Kenny Tse, KW Wong, Vincent Ho, Peter Chan, Tony Chu, Junkers Lam, Nathan Lee, Alan Sin, Alex Wong and Experienced Practitioners and APC Assessors	BSD/YSG
20 Aug	2009072	Construction life-cycle's beginning phase - How to ensure we have a construction contract	2	Steven Yip, James Yeung	QSD
22 Aug	2009077	GPD APC Revision Course on Resumption and Workshop on some recent cases relating to land and landlord & tenant	2	Lawrence Pang, Louie Chan	GPD/YSG
27 Aug	2009058	What can a quantity surveyor see in technical specification?	1.5	Shirley C S Ho	YSG
29 Aug	2009078	GPD APC Workshops on Property Management and Agency Practice	2	Lawrence Pang, Louie Chan	GPD/YSG
29 Aug	2009076	Site Visit to The One	3	Chi Wing Leung, Jason Wong	YSG
03 Sep	2009067	An introduction to Real Estate Project Development Procedures in Mainland China	1.5	Dr. Tony K T Leung	PDD
05 Sep	2009065	Building Surveyors Conference 2009	6	Refer to page 16	BSD
05 Sep	2009081	GPD APC Revision Course on Valuation II and Workshop on Rating	2	Wilson Siu, Thomas Tang	GPD/YSG
08 Sep	2009050	Civil Justice Reform and Case Law Update	1.5	Gilbert Kwok, Yeung Man Sing	QSD
12 Sep	2009082	Open Discussion Forum on Building Design to Foster a Quality and Sustainable Built Environment	3	HKIS Working Group	HKIS
12 Sep	2009066	Technical Site Visits at Shenzhen, PRC	6	Representative from the factories	QSD
17 Sep	2009084	Hotel Markets and Trends in Values	1.5	Dan Voellm	GPD
22 Sep	2009083	The Concept of Planning and Development Control in Hong Kong	1.5	P Y Tam	PDD
28 Sep	2009079	A Quantity Surveyor as a Project - Experience Sharing on Managing Interior Fitting Out Projects	1.5	Jimmy Leong	YSG
30 Sep	2009064	YSG Study Tour 2009	10	Refer to page 29	YSG
14 Oct	2009073	Construction life-cycle's execution phase - How to ensure performance under a construction contract	2	Steven Yip, Judy Man, Scarlett Cheung	QSD
18 Nov	2009074	Construction life-cycle's completion phase - How to ensure proper termination of a construction contract	2	Steven Yip, Dennis Wong	QSD

Details of individual CPD/PQSL events are provided in the Surveyors Times and/or HKIS Website www.hkis.org.hk. Please use the STANDARD REGISTRATION FORM overleaf for registration. For enquiries, please email cpd@hkis.org.hk or call the Secretariat on 2526 3679.

CPD/YSG/2009070

專業形象及禮儀講座

講者	Professor Desmond Chan Imageologist™, ND (Research), B.Bus, MBA, AICI, CIP, CPAC, CPBA, CPVA, CAIA, CTRI, CSL, CPA (Aust.), CPA 陳子賢先生擁有超過十年教授及培訓學士位、碩士學位以至專業課程的經驗,曾受聘及合作的大學及專業機構有:香港城市大學、嶺南大學、香港大學、澳洲科廷科技大學、澳洲維多利亞商學院、澳洲蒙納斯大學、英國龍比亞大學及澳洲會計師公會等等。現任 永安會計師事務所 企業形象認證服務首席顧問、歐洲大學全形象 TM 學教授、並為美國國際形象顧問協會 - 香港分會創會主席 (2004-06)。		
	陳氏在全形象 TM 培訓事業中可謂桃李滿門,門生中不乏律師、會計師、銀行家、演藝文化界名人、模特兒、大學講師、美容師、治療師、髮型師、人力資源培訓導師以及 NLP 執行師等等。由 2003 年在香港創辦第一個國際認可形象顧問課程至今,已培育了數百位全職或兼職的專業形象顧問。德文斯集團屬下之培訓學院亦與香港各大學及專上學院多次合辦形象課程。		
日期	2009 年 8 月 7 日(星期五)		
時間	下午 7 時至 9 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		
內容	有關專業人士應有形象和社交、商務及餐桌禮儀,令個人提升專業形象。 講座分為二部分,第一部分為專業形象,第二部分為餐桌禮儀。		
語言 名額	廣東話 先到先得 (青年組優先)	費用	會員港幣 \$50; 非會員港幣 \$100

CPD/YSG/2009062

21世紀中國建築業管理改革

講者	余立佐 中國建築學會會員、中國造價工程師執業資格、中國建築學會工程管理研究分會理事、中國高等院校香港校友會聯合會理事 Mr L C Yu, DMS, PGC(HKLaw), PGC(PMgt), MA(ArbDR), MEng, FCIArb, FHKIrb, FInstCES, MRICS, MHKIS, MHKIPMC, MCIQB, MCMI, MAPM, AIC, IEng, AMICE, CEnv, RPS(QS), RSO, Chartered Quantity Surveyor, Chartered Builder, Chartered Environmentalist 中國港灣工程有限責任公司 香港代表: 振華工程有限公司 董事、人力資源部門經理兼公司法律顧問及總工料測量師,負責中國、香港、臺灣、東南亞、中東及拉美等地區的仲裁及訴訟與工程合同及商務管理工作。三十多年來,在香港及國際工程有廣泛經驗,曾負責許多大型工程項目及公司人力資源管理工作。		
日期	2009年8月11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		

CPD/PQSL EVENTS

內容 自1978年以來，中國建築業實行了多項改革，制定了一系列新的法規和政策，推動了行業的發展，但是，該行業存在的問題還相當嚴重。如何借鑒工業發達國家建築業管理的成熟經驗，深化我國建築業管理改革，使之逐漸與國際慣例接軌，適應當代國際建築市場一體化發展的要求已成當務之急。為我國建築業管理制度的深化改革提供理論依據，同濟大學工程管理研究所（以同濟大學建設監理研究所）受住房及城鄉建設部（當時的建設部）委託對美國、英國、德國、法國、日本、新加坡及香港特別行政區的建築業管理的體制、法制和機制進行了深入系統的研究分析。

從建設部課題“國際建築業管理體制、法制和機制的研究”的研究成果報告中摘要概括介紹（以下*五個方面），對我國建築業管理的思考和建議：

- 1) 政府建設主管部門對建築業管理和任務及其組織結構
- 2) 建築業管理的法規
- 3) 建築市場運行的機制
- 4) 建築產品的生產及生產控制
- 5) 建築市場和建築產品的生產管理的資訊系統

國際建築管理體制、法制、機制和國際建築業的組織〔包括：政府建築設主管部門、專業人士組織（學會）、行業協會、業主、專業人士、承包商和供應商等〕的共性和特點對21世紀中國建築業管理體制、法制、和機制改革所引起的相互關係作用。

語言 廣東話 **費用** 港幣\$100會員，港幣\$150非會員 (港幣\$20 附加費如即場報名人士)
名額 先到先得

CPD/QSD/YSG/2009054

QSD APC Revision Course 2009

Speakers Mr K C Tang, Mr Patrick S Y Chan, Dr Paul Ho, Mr Stephen Lam and Experienced Practitioners, Academics and APC Assessors

Date & Venue 7:00 pm – 9:00 pm on week day nights and 2:00 pm – 4:00 pm on Saturdays 12 June, 17 June, 24 June, 8 July, 15 July, 22 July, 29 July, 1 August, 8 August, 15 August 2009 SLC, HKIS

Details The purpose of the revision courses is to help QSD probationers to prepare for the APC to be held in September this year. The courses will be delivered in 10 lectures covering the following topics:

1. Cost Estimating and Planning (held on 12 June 2009)
2. Tender Documentation (held on 17 June 2009)
3. Contractual Arrangements and their Practical Implementation (held on 22 July 2009)
4. Tender Analysis, Interview, Award and Contract Documentation (held on 24 June 2009)
5. Payment Valuation and Post Contract Cost Monitoring (held on 8 July 2009)
6. Variations and Final Account (held on 15 July 2009)
7. Liquidated Damages and Extension of Time (held on 29 July 2009)
8. Direct Loss and Expense Claims (held on 1 August 2009)
9. Dispute Resolution (held on 8 August 2009)
10. QS Services and Professional Conduct (15 August 2009)

Language Cantonese supplemented by English **Fee** HK\$100 per person per lecture, HK\$50 for student member (additional charge of HK\$20 for walk-in)

Priority QSD Probationers and Students

CPD/PQSL EVENTS

CPD/BSG/YSG/2009068

BSD APC Revision Course 2009

Speakers Mr Kenny Tse, Ms KW Wong, Mr Vincent Ho, Mr Peter Chan, Mr Tony Chu, Mr Junkers Lam, Mr Nathan Lee, Mr Alan Sin, Mr Alex Wong and Experienced Practitioners and APC Assessors

Date & Venue 7:00 pm - 8:30 pm Wednesdays 12, 19, 26 August, 2, 9, 23, 30 September, 7 October and Thursday 17 September 2009 SLC, HKIS

Detail	Topic	Date	Name of Speaker
1	Condition survey and diagnosis of building defects	12 August (Wednesday)	Mr. Kenny Tse
2	Basic E&M design considerations: What a building surveyor needs to know in handling A&A works	19 August (Wednesday)	Ms. K. W. Wong
3	Review of Buildings Ordinance and Building Regulations	26 August (Wednesday)	Mr. Vincent Ho
4	Review of FRC	2 September (Wednesday)	Mr. Peter Chan
5	Review of BFA	9 September (Wednesday)	Mr. Tony Chu
6	Review of MOE	17 September (Thursday)	Mr. Junkers Lam
7	How to develop you scheme for practical task?	23 September (Wednesday)	Mr. Nathan Lee
8	Preparation of Tender/ Contract Documents and Tender Analysis Report	30 September (Wednesday)	Mr. Alan Sin
9	Techniques and Strategies for Written Assessment in APC (BS)	7 October (Wednesday)	Mr. Alex Wong

Language Cantonese supplemented by English Terms **Fee** HK\$100 per lecture, HK\$50 for student member (HK\$20 walk-in surcharge for all pricings listed).

Deadline 2 weeks prior to the event date **Priority** BSD Probationers and Students

CPD/QSD/2009072

Construction life-cycle's beginning phase - How to ensure we have a construction contractSpeaker:



Speakers Mr Steven Yip and Mr James Yeung

Steven is the partner of projects, construction and infrastructure group of the law firm Minter Ellison, he has extensive experience for advising construction issues and dispute resolution. He handled a number of major arbitration and litigation proceedings for building and civil engineering works.

James is the senior associate of Minter Ellison, his experience includes handling litigation, arbitration and mediation proceedings, where he advises clients on the merits of contractual disputes, and provides legal opinions on the drafting of building contracts.

CPD/PQSL EVENTS

Date & Venue 7:00 pm - 9:00 pm Thursday 20 August 2009 SLC, HKIS

Details The construction life-cycle generally begins with the parties signing a construction contract. It is important therefore to identify at an early stage whether there is a valid contract in place. This seminar will look at formalities of contract, namely, the elements constituting a valid construction contract, circumstances where the court will not enforce such contract and the rights of a third party who is not privy to the contract.

Language Cantonese supplemented by English terms **Fee** HK\$120 per member; HK\$150 for non-member
(HK\$20 walk in surcharge for all pricings listed)

Priority QSD Members; first come first serve basis

CPD/GPD/YSG/2009077

GPD APC Revision Course on Resumption and Workshop on some recent cases relating to land and landlord & tenant



Speakers Mr Lawrence Pang, FHKIS, FRICS, AACI, MBA, CFA, Senior Land Administration Surveyor, MTR Corporation Ltd

Mr Louie Chan, MHKIS, MRICS, Barrister-at-law

Date & Venue 2:00 pm - 6:00 pm Saturday 22 August 2009 SLC, HKIS

Details Mr. Pang will provide a revision on resumption and compensation whereas Mr. Chan will lead a discussion on some recent decided court cases on land, landlord & tenant and agency practice. This course is an integral part of the APC Revision Program and candidates who intend to sit for the coming APC are advised to attend..

Language English supplemented with Cantonese **Fee** HK\$120 per person
(additional charge of HK\$20 for walk-in)

Deadline 19 August 2009 **Priority** GPD Students & Probationers

CPD/YSG/2009058

What can a quantity surveyor see in technical specification?

Speaker Ms Shirley C S Ho, BA(AS), MHKIS, MRICS, MHKIVM (Treasurer), Value Management Facilitator, Construction Specification Institute (Professional Member), LEED-AP

Shirley is the Head of Specification of Aedas Ltd. Shirley Ho is a multi-disciplinary professional in construction industry. With architectural background, she is a chartered quantity surveyor, workshop facilitator, as well as specification writer. Currently she works with Aedas Ltd. to specialize in writing technical specification for architectural projects.

Date & Venue 7:00 pm – 8:30 pm Thursday 27 August 2009 SLC, HKIS

Details Traditionally, technical specification is responsible by architects. Practically, technical specification may be prepared by any construction professional who can apply contractual sense and technical knowledge by way of writing. As experienced writer of contract conditions and preliminaries specification, can you be a technical specification writer?

In this seminar, Shirley will cover the following:-

CPD/PQSL EVENTS

1. function of technical specification;
2. difference between prescriptive specification and performance specification;
3. knowledge and skills required to prepare technical specification;
4. how to prepare technical specification;
5. common problems & potential disputes

Language	Cantonese supplement with English	Fee	HK\$100 for member; HK\$150 for non-member (HK\$20 walk-in surcharge for all pricings listed)
Deadline	13 August 2009	Priority	First-come-first-served

CPD/GPD/YSG/2009078

GPD APC Workshops on Property Management and Agency Practice

New

Speakers	Mr Lawrence Pang, FHKIS, FRICS, AACI, MBA, CFA, Senior Land Administration Surveyor, MTR Corporation Ltd Mr Louie Chan, MHKIS, MRICS, Barrister-at-law		
Date & Venue	2:00 pm - 6:00 pm Saturday 29 August 2009 SLC, HKIS		
Details	Mr. Pang will give an outline of property management with particular emphasis on the operation of BMO whereas Mr. Chan will cover the topics agency practice and marketing. This course is an integral part of the APC Revision Program and candidates who intend to sit for the coming APC are advised to attend.		
Language	English supplemented with Cantonese	Fee	HK\$120 per person (additional charge of HK\$20 for walk-in)
Deadline	19 August 2009	Priority	GPD Students & Probationers

CPD/YSG/2009076

Site Visit to The One

New

Speakers	Mr Leung Chi Wing and Mr Jason Wong		
Date & Venue	9:30 am - 12:30 pm 29 August 2009 (Saturday) Nos.1-19 Granville Road & No.100 Nathan Road, Tsim Sha Tsui, Kowloon, Hong Kong (Assemble place: outside the Entrance of Miramar Shopping Centre at the Junction of Nathan Road and Kimberley Road at 9:15 am)		
Details	<p>The One, formerly known as Tung Ying Building is located at the heart of TST, one of the busiest district in Kowloon Peninsula.</p> <p>This Project is full of programme and site logistic challenges, whereby only very limited time is remained after the structure is topped out.</p> <p>In addition, the critical plant rooms are located at the mechanical floors on Level 14 and L15. Timely completion of the Works is a must before FSD and OP inspection.</p> <p>Implementation of TTM in different stages for the external works and material handling is challenging in order to ensure the traffic is not adversely affected.</p>		

CPD/PQSL EVENTS

Remark	Participants are encouraged to wear safety shoes. Safety helmet will be provided by the site, but participants are encouraged to bring their own.		
Language	Cantonese Supplement with English Terms	Fee	HK\$100 for member HK\$150 for non-member (Insurance included)
Deadline	21 August 2009	Priority	YSG Members (Max.30); First-come-first-served

CPD/PDD/2009067

An introduction to Real Estate Project Development Procedures in Mainland China

Speaker	Dr. Tony K T Leung Ph.D, MSc(IRE)(Dist), BSSc(Hons), MHKIS, FRICS, RPS(GP), FHIREA, EA Licence: E-157240 Dr. Leung has more than thirty years' experience in real estate development and hotel development in Hong Kong, PRC, S.E.Asia and Canada. He is a Member of HKIS and a Registered Professional Surveyor. He started his career in the Lands Department, the Hong Kong Government and thereafter worked for several real estate developers. Currently, he is the Chairman of TL Property Consultants International Ltd., TL Property Consultants (Shanghai) Ltd. and Shanghai TL Hotel Management Ltd.		
Date & Venue	7:00 pm - 8:45 pm Thursday 3 September 2009 SLC, HKIS		
Details	The talk intends to highlight the preliminary project development procedures in Mainland China, commencing from acquisition of land, financial and technical feasibilities, project design, all relevant government approvals prior to commencement of site work, and selection of main contractor etc. The talk is to cater for planning & development surveyors and other disciplines who have involved in Mainland projects and those who are prepared to work in Mainland China.		
Language	English	Fee	HK\$100
Deadline	20 August 2009	Priority	First-come-first-served

CPD/GPD/YSG/2009081

GPD APC Revision Course on Valuation II and workshop on Rating



Speakers	Mr Wilson Siu, MHKIS, MRICS, Principal Valuation Surveyor, Rating & Valuation Department Mr Thomas Tang, FHKIS, Senior Director of CB Richard Ellis Hong Kong		
Date & Venue	2:00 pm - 6:00 pm Saturday 5 September 2009 SLC, HKIS		
Details	Mr. Siu will give an outline of rating valuation whereas Mr. Tang will continue with the remaining topics on valuation which is a mandatory question in the written APC. Both speakers will go through the principles behind the various methods of valuation as well as some practical issues for valuation surveyors in practice. This course is an integral part of the APC Revision Program and candidates who intend to sit for the coming APC are advised to attend.		
Language	English supplemented with Cantonese	Fee	HK\$120 per person (additional charge of HK\$20 for walk-in)
Deadline	28 August 2009	Priority	GPD Students & Probationers

CPD/QSD/2009050

Civil Justice Reform and Case Law Update

Speakers A team from the Construction and Engineering Group of Li & Partners led by its partners Gilbert Kwok and Yeung Man Sing
Gilbert Kwok, FHKIS, FRICS, LLB (English law), LLB (Chinese law), Past Chairman of the Quantity Surveying Division, HKIS

Mr Kwok is a qualified quantity surveyor and a Hong Kong lawyer. He specializes in drafting and advising on construction contracts, consultancy agreements and other relevant contracts relating to a wide range of construction projects in the region including Hong Kong, Macau and the Mainland. He has also acted on behalf of employers, contractors and consultants in various construction litigations and arbitrations.

Yeung Man Sing, FHKIS, FRICS, LLM, FCIArb, Chartered Arbitrator, Accredited Mediator and Adjudicator, Past Chairman of the Association of Cost Engineers (HK) Region

Mr Yeung is a qualified quantity surveyor and a Hong Kong lawyer. He has extensive construction experience in providing legal and contractual advice to developers, construction professionals and contractors, pre-contract and post contract services including preparation of tenders and contract documents, and also representing parties in resolving Mainland, Hong Kong and Macau construction disputes through litigation, CIETAC and domestic arbitrations. He is on the panel of a number of arbitral appointing bodies and has been appointed as arbitrator and mediator in various disputes. He is a council member of CIArb (EAB) and a member of the Department of Justice Accreditation and Training Sub-group of Mediation.

Date & Venue 7:00 pm – 8:30 pm Tuesday 8 September 2009 SLC, HKIS

Synopsis The Civil Justice Reform which has a significant impact on the Hong Kong litigation system has become effective since 2 April 2009.

This seminar will explain the reform and to update members on some recent construction cases.

Language Cantonese with English terms **Fee** HK\$120 for member; HK\$150 for non-member
(HK\$20 walk in surcharge for all pricings listed)

Deadline 25 August 2009 **Priority** QSD Members

CPD/HKIS/2009082

Open Discussion Forum on Building Design to Foster a Quality and Sustainable Built Environment



Facilitators HKIS Working Group on Building Design to Foster a Quality and Sustainable Built Environment will lead the discussions on various key issues as proposed by the Council for Sustainable Development

Date & Venue 9:00 am - 12:00 noon Saturday 12 September 2009 SLC, HKIS

Details The Council for Sustainable Development has recently commenced a public engagement exercise on "Building Design to Foster a Quality and Sustainable Built Environment" and published an Invitation For Response Document (also available at www.susdev.org.hk). As one of the partner organizations, HKIS has formed a cross-division Working Group to study the subject and to gauge members' views on the Document. In order to stimulate members' discussion on how a quality and sustainable built environment may be achieved, a Members' Discussion Forum has been set up on HKIS Homepage www.hkis.org.hk and an Open Discussion Forum will be held on 12 September 2009. All interested members are welcomed to attend the forum.

CPD/PQSL EVENTS

Remark	Coffee/Tea will be available		
Language	English/Cantonese	Fee	Free of charge (Please fax the reservation form to 2868 4612 or email to cpd@hkis.org.hk. Confirmation will be sent by email.)
Priority	All HKIS members		

CPD/QSD/2009066

Technical Site Visits at Shenzhen, PRC

Speakers	Representatives from the factories		
Date & Venue	8:00 am - 5:00 pm Saturday 12 September 2009 Longgang and Longhua town, Shenzhen, PRC		
Gathering Point	Depart at 8:00 am in Central Post Office sharp, pick up at Kowloon Tong MTR Station at 8:20am (5:00 pm - Dismiss in Central; successful registration will receive details of the visit.)		
Details	Visit a timber manufacturing factory and a precast concrete manufacturing factory in Shenzhen (1) Timber manufacturing factory (morning session):- Introduction of how various types of timber doorsets, door frames are manufactured in factory, tour of doorset manufacture line and T&C control. (2) Precast concrete manufacturing factory (afternoon session):- Introduction of different types of precast concrete products and components, tour of manufacturing plant and production line to see how pre-cast concrete products are made and the T&C control.		
Remark	The details will be given to a successful participants and please bring the valid travel document		
Language	Cantonese	Fee	HK\$400 per person (Including lunch, transportation to and back from Shenzhen and insurance)
Deadline	21 August 2009	Priority	First-come-first served (maximum 45 persons)

CPD/GPD/2009084

Hotel Markets and Trends in Values



Speaker	Mr Dan Voellm, Director of HVS Hong Kong		
Date & Venue	7:00 pm – 8:30 pm Thursday 17 September 2008 SLC, HKIS		
Details	<p>Mr Voellm will give a presentation on hotel markets and trends in hotel values. The focus will be primarily on Hong Kong but also cover key mainland Chinese markets and major regional markets.</p> <p>He has provided advice in major regional markets including China, South Korea, Hong Kong SAR, Taiwan, Thailand, Vietnam, Cambodia, Singapore and Indonesia. Prior to heading the Hong Kong office, Daniel Voellm was Vice President at HVS' global headquarters in New York conducting a wide range of appraisals, market studies and underwriting due diligence services in 22 states as well as Canada.</p> <p>He brings a strong understanding of the hospitality industry to HVS. His experience in hotel and food and beverage operations in Germany, Switzerland, England and the United States is complemented by an Honours Bachelor of Science Degree from Ecole hôtelière de Lausanne in Switzerland.</p>		

CPD/PQSL EVENTS

Language	English	Fee	HK\$120 per person; HK\$150 per person for walk-in participants (subject to availability)
Deadline	9 September 2009	Priority	GPD Members

CPD/PDD/2009083

The Concept of Planning and Development Control in Hong Kong



Speaker Mr PY Tam, BA(Arch Studies), FHKIP, President of HKIP

Date & Venue 7:00 pm - 8:30 pm Tuesday 22 September 2009 SLC, HKIS

Details The talk is to explain to the participants (probationers and practitioners) how Planning and Development Controls in Hong Kong has been framed. It illustrates how Planning and Development Controls in Buildings (Planning) Regulations has been constructed and the emphasis to the plot ratio controls under current outline zoning plans. It illustrates the concept of bonus plot ratios and how excessive plot ratios in certain sites have resulted. It also covers the effectiveness of the Planning Standards and Guidelines and also touches upon how proper development controls can foster a quality and sustainable built environment.

Language	Cantonese supplement with English	Fee	HK\$100 per person
Deadline	15 September 2009	Priority	First-come-first-served

CPD/YSG/2009079

A Quantity Surveyor as a Project Manager - Experience Sharing on Managing Interior Fitting Out Projects



Speaker Mr Jimmy Leong, Director, Davis Langdon & Seah Hong Kong Ltd.

Date & Venue 7:00 pm - 8:30 pm Monday 28 September 2009 SLC HKIS

Details Jimmy leads the fitting out and project management team in QS consultant firm and has been providing QS & PM services for various types of interior fitting out projects, such as, office, investment bank, hotel and retail. His sharing will focus on the role of project manager, methodology of project management as well as the opportunities and challenges of a quantity surveyor to act as project manager.

Language	English	Fee	HK\$100 for member of HKIS, HK\$150 for non-member (HK\$20 walk-in surcharge for all pricings listed)
Deadline	14 September 2009	Priority	First-come-first-served

CPD/QSD/2009073

Construction life-cycle's execution phase - How to ensure performance under a construction contract



Speakers Mr Steven Yip, Ms Judy Man and Ms Scarlett Cheung

Steven is the partner of projects, construction and infrastructure group of the law firm Minter Ellison, he has extensive experience for advising construction issues and dispute resolution. He handled a number of major arbitration and litigation proceedings for building and civil engineering works.

CPD/PQSL EVENTS

Judy is the senior associate of Minter Ellison. Her principle areas of practice include advising contractual issues, project administration and documentation, commercial property transactions and leasing matters.

Scarlett is the senior associate of Minter Ellison. Her experience includes advising clients on construction, infrastructure development and related project finance.

Date & Venue 7:00 pm - 9:00 pm Wednesday 14 October 2009 SLC, HKIS

Details Once the construction contract is entered into, there are specific obligations required of both parties in executing the contract. This seminar will examine some obligations that are specific to the employer and the contractor to ensure performance during the life of the project. Topics include what constitutes valid variations and how they will be assessed, the requirement of notices before a claim for extension of time or additional payment will be entertained, obligations as to design and quality of materials and works, defects and liquidated damages for late completion.

Language Cantonese supplemented by English terms **Fee** HK\$120 per member; HK\$150 for non-member (HK\$20 walk in surcharge for all pricings listed)
Deadline 30 September 2009 **Priority** QSD Members; first come first serve basis

CPD/QSD/2009074

Construction life-cycle's completion phase - How to ensure proper termination of a construction contract



Speakers Mr Steven Yip and Mr Dennis Wong

Steven is the partner of projects, construction and infrastructure group of the law firm Minter Ellison, he has extensive experience for advising construction issues and dispute resolution. He handled a number of major arbitration and litigation proceedings for building and civil engineering works.

Dennis is the senior associate of Minter Ellison. He assisted with a number of arbitration cases, drafting witness statements, conducting discovery, preparing bundles and negotiating settlements.

Date & Venue 7:00 pm - 9:00 pm Wednesday 18 November 2009 SLC, HKIS

Details In the construction life-cycle's completion phase, the speakers will look at the right of a party to rescind or terminate a contract because of breach by the other either pursuant to the terms and conditions of the contract or under common law. The circumstances giving rise to the right to terminate and the consequences flowing from such termination will be examined. In addition, the speakers will look at the parties' rights and liabilities in relation to suspension of contract.

Language Cantonese supplemented by English terms **Fee** HK\$120 per member; HK\$150 for non-member (HK\$20 walk in surcharge for all pricings listed)
Deadline 4 November 2009 **Priority** QSD Members; first come first serve basis

HKIS Happy Hour cum Birthday Party

28th August 2009 (Friday) 6:00-8:00 pm

Guest Speaker (from Building Surveying Division): **Mr. Raymond Chan**

Title: **Introduction to Wine**

CPD Code No: **CPD/HKIS/2009090**

CPD Hour: **One hour (7.00 pm - 8.00 pm)**

Free of Charge for all Birthday Boys and Girls in the Month of August

HK\$30 for non-birthday members (payable to "Surveyors Services Ltd.")



Surveyors Learning Centre

Suite 811, 8/F, Jardine House,
Central, Hong Kong



Building Surveyors Conference 2009

- **Keynote Remarks:**
Dr. Kitty Poon, *Under Secretary for the Environment, Environment Bureau, HKSAR*
- **Proposal on the Mandatory Implementation of the Building Energy Codes**
Mr. Alfred WH Sit, *Assistant Director, Electrical and Mechanical Services Department, HKSAR*
- **BEAM or LEED? Green or Greed?**
Mr. KS Wong, *Chairman, Professional Green Building Council*
- **Build Green - the Hong Kong Challenge**
Mr. CW Tse, *Assistant Director (Environmental Assessment) for Director of Environmental Protection*
- **Nature in the City**
Prof. CY Jim, PhD, JP, *Chair Professor, Department of Geography, The University of Hong Kong*
- **Planning for Sustainability - a Project Stakeholder's Perspective**
Dr. MW Chan, *Vice President, Projects and Facilities, Hong Kong Science and Technology Parks Corporation*
- **Case Studies of Green Building Projects in China**
Dr. Raymond Yau, *Director, Ove Arup & Partners Hong Kong Ltd*
- **Implementation of Energy Saving Measures in Existing Buildings**
Mr. Ian Lee, *Business Development Manager, Energy Services, CLP Engineering Ltd*

Category	Registration Fee	Remarks
Early Bird Registration (Payment received on or before 7 Aug 2009)	HK\$880	Registration fee includes a set of conference proceedings, two refreshments and lunch.
Standard Registration	HK\$980	
Student Registration	HK\$250	Registration fee includes a set of conference proceedings, two refreshments while lunch is NOT included. Limited seats are reserved for concessionary rates and will be allocated on a first-come, first-served basis.

Enquiries:

Please contact the Conference Secretariat: Mr Bernie Wong/ Mr Dennis Kwan Tel: (852) 2892 7340 or e-mail: bernie@bernie-idealab.com
You may download the Registration form at: <http://www.hkis.org.hk> or <http://www.bernie-idealab.com>

Building a Green and Sustainable Future

5 September 2009 (Saturday)
Grand Ballroom 1/F Harbour Plaza Hotel Hung Hom Hong Kong

Joint Conference on “Property and Facility Management: A Greater China Perspective”

Date : 31 October 2009 (Saturday)
Venue : Grand Ballroom, 1/F, Harbour Plaza Hong Kong
Address : 20 Tak Fung Street, Whampoa Garden, Hunghom, Kowloon, Hong Kong

OBJECTIVE

In view of the emerging market of property and facility management expertise in Greater China and the rapidly growing demand of property and facility management, the Property & Facility Management Division of the Hong Kong Institute of Surveyors and the Royal Institution of Chartered Surveyors Hong Kong (RICS) jointly invited experts from Mainland, Taiwan and Hong Kong to discuss the direction on the industry development. Issues such as positioning upon property or facility sector, and strategic partnering with or without developer association will be explored at the conference. We believe the conference can provide an interactive platform where professionals, academia and practitioners can share their valuable experiences and insights on the property and facility services in Greater China.

SPEAKERS (*By alphabetical order)

Mr. Henry CHAN
President, The Hong Kong Institute of Housing
Executive Council Member, Standing Committee of CPMI

Mr. Larry HUI
Vice President
China Vanke Company Limited

Dr. Johnnie CHAN, JP
Past President, The Hong Kong Association of Property Management Companies
Chairman of Education and Training Committee,
The Hong Kong Association of Property Management Companies

Mr. Vincent LUK
Managing Director East China
DTZ

Mr. Francis CHIU
Executive Director
Urban Group (Member of New World Group & NWS Group)

Mr. WONG Koon Kau
Chairman of Facilities Management Professional Group Committee
RICS Hong Kong

Dr. FAN Cheuk Hung
Managing Director
Synergis Management Services Limited

Mr. YEN Shih Li
Former General Secretary
Property Managers Association, Taiwan

Prof. Eddie HUI
Professor
Department of Building and Real Estate
The Hong Kong Polytechnic University

Mr. YU Qing Xin
Chairman
Jumbo Chains Property Management

REGISTRATION FORM

Full Name (Mr. / Mrs / Ms. / Ir / Prof. / Dr.): _____

Company: _____

Position: _____ Tel.: _____

E-mail: _____ (For sending confirmation)

* All information collected will be used for this conference only

REGISTRATION FEE

Category	Registration Fee
<input type="checkbox"/> Early Bird Registration (On or before 31 Aug 2009)	HK\$ 800
<input type="checkbox"/> Standard Registration	HK\$ 950
<input type="checkbox"/> Discount for Members of HKIS, RICS & Supporting Organization Registration	HK\$ 850
<input type="checkbox"/> Full-time Student Registration*	HK\$ 500

*Please provide your student card copy

PAYMENT METHOD

By cheque : Payable to “Surveyors Services Ltd.”

Cheque No.: _____

Amount: HK\$ _____

Addressed to:

Conference Secretariat - Creative Consulting Group
Room 1106-08, C. C. Wu Building,
302-308 Hennessy Road,
Wanchai, Hong Kong.
Attention : Ms. Polly Tsang

A confirmation notice will be sent to you by e-mail one week before the conference.

REMARKS

- Official medium of presentation will be English; individual medium of speech is subject to speakers' preference.
- The registration fee entitles each applicant a copy of conference proceedings and entry to two coffee breaks and lunch.
- The conference is a 7-hour CPD event.
- Should any circumstances arise, the organizers reserve the right to cancel or reschedule the conference at their discretion.
- The organizers reserve the right to change speakers without prior notice.
- No refund is allowed. A substitute delegate is accepted with a written request sent to the Conference Secretariat at least one week prior to the conference.
- In the event that Typhoon Signal No.8 or above or Black Rainstorm Warning is hoisted two hours before the event, the event may be rescheduled and the Conference Secretariat will inform the participants for the new arrangement on the subsequent business day.

ENQUIRIES

For enquiries, please contact the Conference Secretariat :

Ms. Kate Kwan / Ms. Polly Tsang

Tel : +852 2372 0090

E-mail : kate@creativegpm.com/ polly@creativegpm.com

SUPPORTING ORGANIZATIONS



The Hong Kong Association of
Property Management Companies

The Hong Kong Institute of Facility Management

The Hong Kong Institute of Housing

General Practice Division Chairman's Message



Dr Lawrence Poon GPD Council Chairman

List of Independent Valuers

The Council would like to invite members who meet the following criteria to apply to the HKIS Office for inclusion of their names in the List of Independent Valuers:

- 1 A Fellow or Member of HKIS;
- 2 10 years' post-qualification experience in Hong Kong;
- 3 The immediate past 5 years' experience should mainly involve property valuation; and
- 4 Not having been sued successfully for professional negligence in the past.

Members should note that even if their applications have been successful and their names have been included in the list, before they can be appointed as an independent valuer for a particular case, they have to declare that they still meet the said inclusion criteria and the following requirements at the time of appointment:

- (a) that the subject matter of the dispute falls within the sphere of his own normal professional practice (not

- merely that of his firm);
- (b) that he will be able to undertake the task with reasonable expedition;
- (c) that, having made enquiries within his firm, no reasonable possibility of conflict of interest exists;
- (d) that he complies with any special requirements of the Lease;
- (e) that he is not currently engaged as an Arbitrator or Expert in another case where his duties and functions to the parties would conflict with his duties and functions to the parties in the case; and
- (f) that he has appropriate professional indemnity insurance.

Members may refer to the HKIS Guidance Notes for Surveyors Acting as Independent Experts in Commercial Property (1st Edition, 2000) for details including the role of an independent valuer.

For further enquiries, please contact Ms Margaret Yung at 2526 3679 or email info@hkis.org.hk.

Mandatory CPD

Update your
CPD profile record
regularly for
mandatory checking
in future

Go e- for latest CPD news and log sheet

Webmail Login

- 1) Go to www.hkis.org.hk
- 2) Click "Webmail"
- 3) Enter your
 - a) User ID (choose one from: bs, gp, ls, pfm, pd, qs, then your HKIS number)
 - b) Password (the preset password is your birthday in yyyyymmdd; change this by all means when your first log in)

CPD Log Sheet

Record your CPD attendance on a CPD Log sheet on-line:

- 1) Go to www.hkis.org.hk
- 2) Click "Members Corner", then "CPD Profile"
- 3) Enter your Login Name, then Password
 - a) Login Name = HKIS number (e.g. Membership No. 3042, login name is 3042)
 - b) Preset password: see above
- 4) Click "Add Log"
- 5) Submit your event information as requested

Problems encountered with login, please contact i_t@hkis.org.hk

Land Surveying Division Chairman's Message



Sung Hon Kwong LSD Council Chairman

LS APC Workshop in the pipeline

In response to the request of the probationers, the LS Divisional Education Committee (LSDEC) is now working hard to organise a LS APC Workshop. The Workshop will briefly introduce the APC system and the Rules and Guides. The general content of Cadastral and Engineering surveying will be touched upon. Comments from the assessors and typical mistakes and wrong conceptions of candidates will also be discussed. If you are interested, please watch out for an announcement in the Surveyors Times for the date and time of the event.

Report on Technical Visit to Stonecutter's Bridge

Raymond CHOI, Council Member, Land Surveying Division

After our first visit to the Stonecutter's Bridge in 2007, another technical visit to the bridge was successfully held under typhoon signal no.1 on 11 July 2009. Our Vice-Chairman, Mr Simon KWOK and 20 participants had a close look at this gigantic and magnificent construction that would become one of the longest cable-stayed bridges in the world.

We were warmly welcomed by the resident site staff of the project. Ir Luk, the resident engineer, gave us an introduction of this notable project, like the use of jumpform in the construc-

tion of the two giant towers (about 300m high) and the erection arrangement of the precast bridge decks over the busy Rambler Channel. We were pleased to note that the last segment of the bridge had been successfully lifted into position in March 2009. Equipped with reflective vest, safety helmet and also the full body harness, we took a walk on the bridge deck. It was not difficult for us to realize the hard work of the site staff and the contribution of the land surveyor and the survey team in an engineer project.

To express our gratitude, Mr Simon KWOK presented a souvenir to the Highways Department and the Consultant, Ove Arup & Partner (Hong Kong) Ltd, for their hospitality and their kind support to the Institute.



LSD Annual Dinner 4 September 2009

Eaton Hotel Hong Kong
Nathan Room III-Hall, 1/F
No. 380 Nathan Road
Kowloon, Hong Kong

Registration and Drinks Reception: 6:30-7:30 pm

Dinner Buffet: 7:30-10:00 pm

Fee: HK\$300 per person

(Special rate of HK\$200 for Probationer/
Technical Trainee/ Student Member)

Registration: Complete Standard Reservation Form for CPD/PQSL



Enquiries: Ms Donna Yu at 2526 3979 or email cpd@hkis.org.hk or
Ms Maris Lo at 9257 1695

Planning & Development Division Chairman's Message



Edwin Tsang PDD Council Chairman

Cross Strait /4 Land Conference 兩岸四地學術研討會

The 5th Cross Strait /4 Land Academic Conference was held from 2 to 3 July 2009 in Kunming. The Conference was hosted by the Peoples' University of Beijing and was attended by delegates from China, Taiwan, Hong Kong and Macau. Ten delegates from HKIS included Mr Stephen Yip, Mr Lesly Lam, Mr Edwin Tsang, Dr Lawrence Poon and representatives from the Mainland Committee, various Divisions and the Young Surveyors Group.

Over 50 papers were presented, mostly from the Peoples' University. All the papers were interesting. But what struck me most was the paper on "Study on Evaluation of Urban Land Intensive Use – A Case Study in Anhui Province" (城市土地集約利用評價研究). At the end of the Conference, it was decided that the next Conference would be hosted by the Hong Kong Institute of Surveyors in July 2010. The theme of the next Conference will be decided as early as possible and will be discussed at the coming Executive Committee meeting.



Membership Development

Membership now stands at 47 with 16 Fellows and 31 Members. Experienced senior members joining recently include Mr Marco M H Wu (GP), Professor Barnabas Chung (BS), Mr Daniel Lam (BS), Mr C K Lau (BS) and Mr Mike C W Wong (BS).

CPD Event

A CPD event entitled "An Introduction to Real Estate Project Development Procedures in Mainland China "中國房地產開發項目前期工作介紹" is scheduled to be held on Thursday, 3 September 2009 at the HKIS Surveyors Learning Centre with Dr. Tony K T Leung as the speaker. For more details, please refer to the CPD/PQSL events section (event code CPD/PDD/2009067).

CPD Visit

It is proposed that a joint CPD site visit to Macau as well as HengQin ZhuHai (珠海橫琴), will be held in late October 2009 with the GP Division.

Table Tennis Practice

Table Tennis Practice will be held on alternate Monday evenings at a Table Tennis Club near Tai Koo Shing. Mr YU Kam-hung has kindly sponsored the cost of a table tennis trainer at the practices until the Joint Professionals Tournament scheduled tentatively in September 2009.

HKIS POP Musical Band

The Sports and Recreation Committee Chairman, Mr Lesly Lam, announced that a HKIS Surveyors Band would be formed to perform at various HKIS activities. What is lacking principally is a keyboard player. If any member would like to volunteer as the band's keyboard player, please contact Mr Lesly Lam at email leslylam@hkis.org.hk. Other musical instrument players or vocal singers are also welcome.



Property & Facility Management Division

Chairman's Message



Kenneth Chan Jor Kin PFMD Council Chairman

PROPERTY AND FACILITY MANAGEMENT CONFERENCE – 31 OCTOBER 2009

The theme of this biennial event of the Property and Facility Management Division to be held on 31 October is entitled: **“Property and Facility Management: A Greater China Perspective.”** We are planning to tap the perspective and specialist market knowledge of government officials, industrial practitioners, services providers, etc. to share the insight of the development potential of property and facility management services in the Greater China market. We will have distinguished speakers from the Mainland, Taiwan and Hong

Kong to share and discuss with us the opportunities. Please diarise and make an effort to attend this important event of the Division.

BUILDINGS ENERGY EFFICIENCY FUNDING SCHEMES

The Environment and Conservation Fund has allocated \$450 million for private building owners to conduct energy-cum-carbon audits and energy efficiency improvement projects. It is expected that the schemes will benefit over 1,600 projects. Here is a summary of the two schemes for general reference by members.

	Energy-cum-carbon Audit Projects (ECA)	Energy Efficiency Projects (EEP)
Nature of Projects	<ul style="list-style-type: none"> To encourage existing building owners to carry out energy-cum-carbon audits To systematically review the use of energy and quantifying the greenhouse gas (GHG) emissions associated with their buildings To identify opportunities for enhancements of energy efficiency and conservation and reductions in the level of GHG emissions arising from building operations To be carried out in communal areas of residential, commercial, industrial buildings or composite buildings 	<ul style="list-style-type: none"> To encourage existing building owners to carry out alteration, addition or improvement works to upgrade the energy efficiency performance of building services installations for communal use in residential, commercial, industrial buildings or composite buildings Building services installations include lighting, electrical, air-conditioning and lift and escalator installations
Who may apply?	<ul style="list-style-type: none"> Owners' Corporations registered under the Building Management Ordinance (Cap. 344), owners' organisations or residents' organisations of residential, commercial, industrial buildings or composite An application can also be submitted by a property management company or a qualified service provider on behalf of an applicant under the latter's authorisation 	<ul style="list-style-type: none"> Owners' Corporations registered under the Building Management Ordinance (Cap. 344), owners' organisations or residents' organisations of residential, commercial, industrial buildings or composite buildings An application can also be submitted by a property management company or a qualified service provider on behalf of an applicant under the latter's authorisation
What are the funding limits?	<ul style="list-style-type: none"> Funds will be granted on a matching basis For applications involving a single building, a limit of 50% of the approved total actual expenditure spent for the audit and subsequent reporting will be reimbursed subject to a maximum of HK\$150,000 per application For applications involving more than one building, a limit of 50% of the approved total actual expenditure spent for the energy efficiency projects will be reimbursed without a maximum cap 	<ul style="list-style-type: none"> Funds will be granted on a matching basis For applications involving a single building, a limit of 50% of the approved total actual expenditure spent for the energy efficiency projects will be reimbursed subject to a maximum of HK\$500,000 per application For applications involving more than one building, a limit of 50% of the approved total actual expenditure spent for the energy efficiency projects will be reimbursed without a maximum cap

What is the duration of each project?	<ul style="list-style-type: none"> Each project should last for at least four years, with the first audit to commence within six months after the approval of the application 	<ul style="list-style-type: none"> The energy efficiency projects should commence within 12 months and complete within 24 months after the approval of the application
How to apply?	<ul style="list-style-type: none"> Applicants have to fill in an application form which can be obtained from: <ul style="list-style-type: none"> EMSTF Buildings Energy Efficiency Funding Schemes Office Room G013C, 3 Kai Shing Street Kowloon, Hong Kong Tel No.(852) 3757 6025 Fax No.(852) 3521 0062 Email : beefs@emsd.gov.hk 	

USEFUL GUIDELINES

Property and Facility Managers may make reference to two useful guidelines published by the Electrical & Mechanical Services Department and Environmental Protection Department for commissioning or undertaking the above schemes.

- **GUIDELINES ON ENERGY AUDIT**
- **GUIDELINES TO ACCOUNT FOR AND REPORT ON GREENHOUSE GAS EMISSIONS AND REMOVALS FOR BUILDINGS (COMMERCIAL, RESIDENTIAL OR INSTITUTIONAL PURPOSE) IN HONG KONG**

Guidelines to Account for and Report on Greenhouse Gas Emissions and Removals for Buildings (Commercial, Residential or Institutional Purposes) in Hong Kong

2008 Edition

Quantity Surveying Division Chairman's Message



Daniel Ho QSD Council Chairman

Delegation to Beijing and Tianjin in June

Our President, Mr Francis Leung and I led a team of 14 delegates of the Quantity Surveying Division to pay a visit to Beijing and Tianjin from 21 June to 24 June 2009. The visit was organised by the Chairman, Mr Stephen Lai, and the Vice-Chairman, Mr Antony Man, of the Mainland Subcommittee, Mr TT Cheung and Mr CY Wong.

The purpose of the visit was three-folds: (1) meeting with the members in the Beijing Forum; (2) signing of a supplemental agreement for the extension of the validity of the reciprocity agreement with the China Engineering Cost Association (CECA); and (3) paying visits to Tianjin Construction Engineering Construction Cost Management Association (TCEA) and various related government departments.

Beijing Forum

On 21 June, late Sunday afternoon, we arrived at the new Beijing Capital International Airport, Terminal 3. Our first impression was that the design, materials, signage etc. of both the new Beijing airport and the Hong Kong airport were quite similar. No wonder it would not be difficult to tell that they were the work of the same design team.

After departure from the airport, the President together with the delegates then rushed to meet 13 members of the Beijing Forum at the restaurant (崇文門便宜坊烤鴨店) next to our hotel. They were mainly general practice surveyors and quantity surveyors. Some of them have in fact migrated to the Mainland with their families. During that evening, the members shared their life and experience in Beijing



Dinner with Beijing Forum

and other provinces. They strongly felt that the Mainland would be the future of the surveyors in Hong Kong. They suggested that the Institute should set up an office in the Mainland in order to build a better linkage with the Mainland and the members staying there. The suggestion was then submitted by me to the General Council for consideration immediately after returning from the Mainland.

Signing of the supplemental agreement

In the early morning of the next day, we arrived at a convention centre, which was very close to the Ministry of Housing and Urban-Rural Development. We were welcomed by the President, Madam Zhang, and the Secretary-General, Madam Ma, of CECA. Before the signing ceremony, the Deputy Director General of the Standard and Norm Department, Madam Xu, Madam Zhang and our President gave their speeches. The supplemental agreement for extending the validity of the existing reciprocity agreement between CECA and HKIS was then signed by the presidents of both institutes in the presence of 11 delegates from CECA and 12 delegates from HKIS. The ceremony was simple but serious.



Signing of the Supplemental Agreement for extending the validity of the existing Reciprocity Agreement between CECA and HKIS

Subsequently, we took the opportunity to discuss briefly with CECA on related matters such as the arrangement of the second round of the reciprocity training and examination, and the issues encountered by our members in registration of their quantity surveying companies in other provinces. The discussions were fruitful and laid a foundation for the future reciprocity arrangement.



Group Photo with CECA after the signing of the Supplemental Agreement



Group Photo at the Ministry of Housing and Urban-Rural Development

(The supplemental agreement has been uploaded to the HKIS website at http://www.hkis.org.hk/hkis/html/about_us.jsp)

Visit to Tianjin and other related government offices

On 23 June, we departed from Beijing to Tianjin at 7.30 am by an express train. The train travelled at the maximum speed of 330km/hr and we arrived in Tianjin in just around 30 minutes. After being welcomed by Mr Yu Ye Wei, President of TCEA, and other TCEA representatives, we attended a half-day seminar organised by TCEA in the Tianjin Polytechnic University.



Seminar at Tianjin Polytechnic University

The seminar was triggered off with opening speeches delivered by Mr Zhao Bin, Deputy Director of Tianjin Construction Administration Commission, our President and me. The three speakers for the seminar included Mr Xing Chun Sheng, 天津濱海研究院副院長, and our members, Mr Lo See Wing and Mr Daniel Leung. The topics were:

1. 介紹天津濱海區新區發展規劃;
2. The application of bills of quantities by the quantity surveyors; and
3. Tender assessment and analysis - Hong Kong practice.



Speakers, from left to right, Mr Xing Chun Sheng, Mr Daniel Leung and Mr Lo See Wing



Group Photo with the President and representatives of TCEA after the Seminar

In the afternoon, Mr Yu arranged our visit to the Tianjin Planning Exhibition Hall. After being welcomed by the curator, Mr Ge Long, we were briefed in detail the future development of Tianjin including an eco-town through a number of models. The largest model was even bigger than a basketball court.

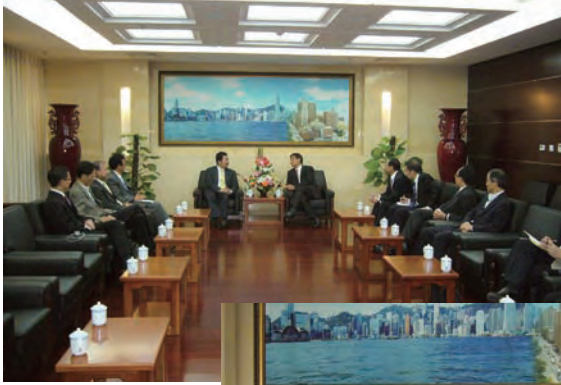
We were amazed at the rapid development of Tianjin. The size of Bo Hoi (濱海新區) would be about two times of the size of Hong Kong. The development would be accomplished tentatively in the coming 10 to 15 years. Not surprisingly, we found a number of construction sites working actively on both sides of the river during the afternoon boat tour.



Visit to Tianjin Planning Exhibition Hall with the President and Representatives of TCEA



Group Photo at HKSARO



Meeting with Mr Zian Lijun, Director-General of the Department of Exchange & Cooperation in the HKMAO



Before our departure to Hong Kong on 24 June, we visited the Hong Kong and Macao Affairs Office of the State Council (HKMAO) and the Office of the Government of the HKSAR (HKSARO) in Beijing. We were welcomed by Mr Zian Lijun, Director-General of the Department of Exchange & Cooperation in the HKMAO, and Mr Sidney Chan, Deputy Director in the HKSARO. Our discussions included the reciprocity arrangement with CECA and the issues encountered by members in setting up companies in the Mainland. Both Mr Zian and Mr Chan gave their precious advice on tackling the issues.

Before heading towards the airport, the President bought the delegates a nice lunch in a Hakka restaurant within a walking distance from HKSARO and situated next to a lotus pond. The visit ended when we arrived at the Hong Kong International Airport at around 9.00 pm on 24 June.

I would like to take this opportunity to express my sincere thanks to the President for leading the visit, and the members and the companies, viz. Davis Langdon & Seah Hong Kong Limited, Rider Levett Bucknall Limited, Widnell Limited and WT Partnership (HK) Limited, for their support and participation in the visit.

Visit by Chairman of PAQS

The Chairman of the Pacific Association of Quantity Surveyors (PAQS), Mr Trevor Main, visited one of its member countries, China, at the end of June. On his return trip to Australia, he also paid a visit to its other members, viz.

HKIS and the representatives of Australian Institute of Quantity Surveyors (AIQS) in Hong Kong on 6 July 2009.

In the evening, both institutes held a welcoming function together for Mr Main. We started with a simple but warm reception. There were about 30 attendees including the President of HKIS, office bearers of HKIS, representatives of various divisions and AIQS.



Meeting the Chairman of PAQS, Mr Trevor Main



Trevor Main gives a talk on "Impact of the Global Financial Crisis on the QS Profession in the Region"

In return, Mr Main gave a talk titled "Impact of the Global Financial Crisis on the QS Profession in the Region" in a CPD event. He pointed out the impact of the economic downturns to the construction industry and the property market in Asia. He also emphasized the importance of having foresight of the economy in quantity surveying services. A dinner reception was held after the CPD event, in which he continued to share his views on the economy and the future of Asia with the attendees.



HKIS President Francis Leung and AIQS representative, Mr Peter Ng, presents a souvenir to Mr Trevor Main



Dinner Reception after the CPD talk

Young Surveyors Group Chairman's Message



Joseph Chong YSG Committee Chairman

MTR Society Link

I attended a gathering of the MTR Society Link on 13 June 2009. A presentation about the recent developments of MTR was given by Andrew McCusker, Operations Director, followed by a gathering with some senior MTR railway operations staff and representatives of NGOs. For the second half of 2009, they will organise some other tea gatherings and publish e-newsletters to strengthen the connection between the MTR and NGOs.



CPDs

On 23 June 2009, we had invited Mr Lawrence Pang, Chairman of China Wisdom Association to talk about 'Application of Chinese Wisdom to Modern Management'. Please refer to a report on page 45.



HKIE YMC Annual Dinner

I was invited to attend the 24th Annual Dinner & Annual Seminar organised by HKIE's Young Members Committee (YMC). Every year they have a talk before the Dinner and this year the speaker was Mr Tom Mehrmann, the Chief Executive of Ocean Park Corporation. He talked about the market strategy of Ocean Park and how they changed from a company with many years deficit to earning profits.

On 26 June 2009, we held a joint CPD with the Hong Kong Mediation Centre (HKMC) and Mr Paco Tsang, President of HKMC was the guest speaker.

SOE HK Symposium 2009

YSG was one of the supporting organisations of The Society of Operations Engineers HK Region (SOE HK) Symposium 2009 held on 20 June 2009. The morning session topics included building-integrated photovoltaic technologies, energy audit and recycling of demolition materials etc. I joined the morning session of the Symposium and received a souvenir from their Chairman Mr Jeffrey Yung.





HKIS YSG
Annual Dinner 2009

Date: 23 October 2009 (7pm - 11pm)
Venue: Tai Ji Restaurant, 4/F, The Phoenix,
23 Luard Road, Wan Chai
Quota: 150
Fee: HK\$150 (Members) HK\$100 (Students)
*Fee includes food, lucky draw and drinks
Registration Deadline: 16 October 2009
Enquiries: Please email to cpd@hkis.org.hk
For registration, please use the Standard CPD Reservation Form and return to the HKIS Office together with payment

YSG STUDY TOUR 2009

Destination: Kuala Lumpur, Malaysia

Date: 30 Sep (Wed) to 4 Oct (Sun) 2009 (5 Days)

- Itinerary:
- The Institution of Surveyors, Malaysia
 - National Institute of Valuation (INSPEN), Valuation & Property Services Department, Minister of Finance, Malaysia
 - Local government departments, construction sites and surveying firms
 - Sightseeing

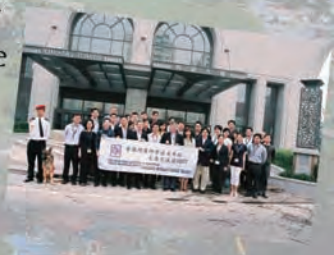
Fee: HK\$3,999 (Including accommodation, meals, transportation, air tickets and tax)

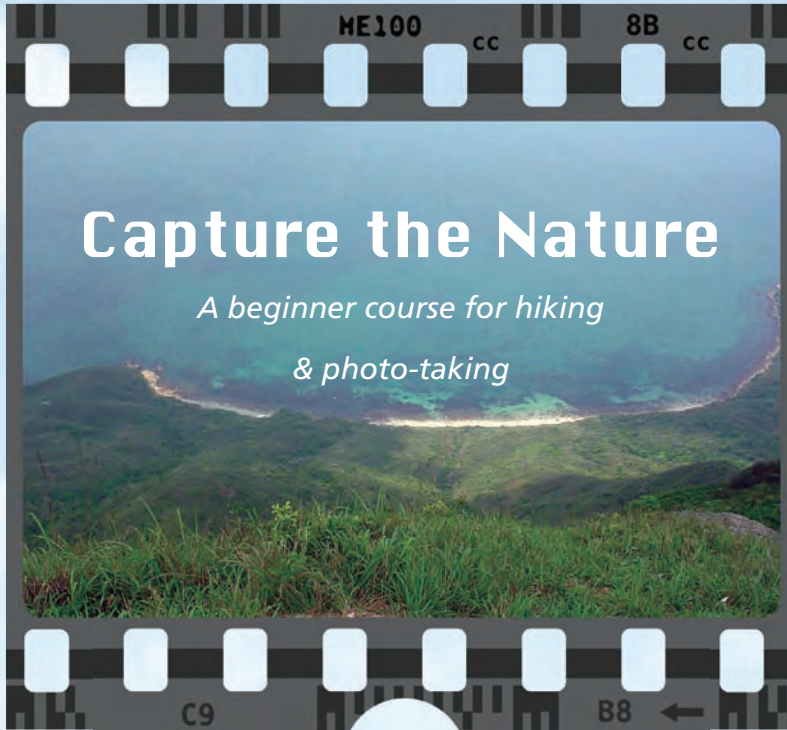
Quota: 40 (First-come-first-served, priority given to YSG members)

Remarks: Members are recommended to arrange their own travel insurance.

For registration, please use the Standard CPD Reservation Form and return to the HKIS Office together with payment.

CPD/YSG/2009064 (10 CPD HOURS)





Capture the Nature

*A beginner course for hiking
& photo-taking*

Date & Time:

11 October 2009 (Sunday), 2-5 pm

Hiking Route:

Tsuen Wan district (To be confirmed)

Cost:

HK\$ 20

Capacity:

25 places (first-come, first-served)

Note:

Tutors will share photo taking skills in small groups (Participants need to bring their own camera & hiking equipment)



Please contact **Ms Katherine Wong** for further details or register your interest at email kat@hkis.org.hk or cpd@hkis.org.hk

CPE (HONG KONG) CONTINUOUS PROFESSIONAL EDUCATION CENTRE
(香港) 持續專業教育•培訓中心



HERIOT-WATT UNIVERSITY, U.K. 英國赫瑞瓦特大學
英皇御授大學

Professional Part-time Degree in
Surveying / Building Construction

(programmes jointly organized with Heriot-Watt University, U.K.)

- Heriot-Watt is a Royal Charter University (different to ordinary teaching college).
- Top university ranking in U.K.
- The highest student number QS programme in Hong Kong.
- Coming intake no. 14 for BSc in QS and CM.
- Coming intake no. 10 for MSc in CFM.



Heriot-Watt University — Hong Kong Graduation Ceremony 2008

RICS accredited MSc Programmes in:

- Quantity Surveying
- Construction Financial Management
- Building Surveying
- Real Estate Investment & Finance*

BSc/ BSc (Hons)* Programmes in:

- Quantity Surveying*
- Construction Management
- Building Surveying
- Real Estate Management

Holder of Higher Diploma from:

- IVE, PolyU, CityU, etc.

Remark:

* Registration is in progress

It is a matter of discretion for individual employers to recognize any qualification to which these courses may lead.

CPE Website: <http://www.cpegroup.hk>

Tel: 3579 5652 / 3579 5653 Fax: 3547 6244

E-Mail: info@cpegroup.hk



兩地建設工程合同法律事務專欄

香港建築工程損害賠償的基本法律概念及與中國法的比較

郭靖華 FHKIS, LLB(Chinese Law)

我們在前兩篇文章探討了中國合同法中的違約責任問題。繼上兩篇文章的內容，在本篇中我們會跟大家討論香港建築法的損害賠償制度。

一. 損害賠償 (Damages)

就香港法而言，違反合同的損害賠償，和中國法律一樣，可以分為有補償性的損害賠償 (compensatory damages) 及懲罰性的損害賠償 (exemplary damages)。但是香港法庭原則上並不認可懲罰性的損害賠償。

補償性的損害賠償旨在賠償原告所遭受到的損失，而損失可分為財產上（金錢性）的損失 (pecuniary loss) 和非金錢性的損失 (non-pecuniary loss)，例如精神上的痛苦 (mental distress)。當然，建築合同的損失大部分都是財產上（金錢性）的損失。

二. 約定的損害賠償在香港法中的應用與分類

在這裡我想跟大家集中談一談建築合同中經常出現的合同雙方約定的損害賠償問題，並且與前兩次專題談及的中國合同法下的違約金作比較，以探討兩地建築合同的不同之處。

跟中國合同法下的違約金一樣，合同當事人可以預先約定違反合同時應支付的金額。約定損害賠償有兩種功能，一是為了處理賠償時的方便並節省訴訟時間及費用，二是在心理上強制當事人履行合同。

另外，香港法下的約定損害賠償會再分類為懲罰性賠償 (penalty) 及合理的算定損害賠償（這就是我們建築合同中常見的 liquidated damages）。

三. 懲罰性的賠償 (Penalty) 在普通法上的否定

追溯英國的法律歷史，其實英國法庭在很久以前是認可懲罰性的損害賠償的。英國中世紀的約定損害賠償制度採用了主

合同以外的金錢債務用印證書 (penal bond)，作為強制債務人履行合同義務的手段。該等金錢債務用印證書約定的賠償金額一般都相當高，以便確保金額足夠補償違合同時債務人的損失並加強對債務人的心理壓力以確保合同的履行。雖然當時的普通法承認這些金錢債務證書是有效的，但是衡平法 (Law of Equity) 卻在十七世紀以後禁止根據金錢債務證書提起訴訟，到十七世紀後半葉，英國普通法也追隨了衡平法的規定。

到十八世紀，英國已不再使用約定的損害賠償的金錢債務用印證書，取代它的是在合同中約定在違反合同時違約方支付一定數額的金錢。不過這種約定的法律效力在當時並不明確。

四. 算定損害賠償 (Liquidated Damages) 在英國及香港的案例

後來，在一個重要的英國案例¹中，上議院判決指出：“算定損害賠償額的本質是在事前評估真實損害而約定的金錢 (genuine pre-estimate of loss)”。而懲罰性的損害賠償金額，其本質是為了使可能會違反合同的當事人感到恐懼而約定的。英國上議院認為，算定損害賠償的約定可以強制執行，而懲罰性的損害賠償不能強制執行。

這個案例還確定了的四個分辨算定損害賠償的原則，因篇幅有限，我們就不在這裡詳談了。

在此之後，香港有關算定損害賠償的案例都跟隨了以上的判決。

另外，近期香港終審庭在一個案件²中審理按金 (deposit) 與算定損害賠償的差別時重申，算定損害賠償應以“事前評估真實損害 (genuine pre-estimate of loss)”的準則去衡量。終審庭說，就算損害賠償數額在合同中被稱為算定損害賠償，但在實際上是合同一方透過該筆損害賠償金來迫使合同另一方履行其合同責任，這筆損害賠償金就會被視為懲罰性



損害賠償從而在法律上被視為無效。只有在合理和可預見違約情況下計算的補償性的算定損害賠償，香港法院才會認為是有效的。

五. 內地的違約金與香港的算定損害賠償的比較

就前兩次專題談過的，中國合同法第 114 條規定的違約金是“當事人約定一方違約時應當根據違約情況向對方支付一定數額的違約金，也可以約定因違約產生的損失賠償額的計算方法”。雖然這個定義看上去跟香港普通法下的約定損害賠償的定義差不多，但實際上兩者並不完全相同。

(1) 懲罰性的損害賠償

與香港法不同，中國合同法下的違約金定義上並沒有把違約金再分類為懲罰性的損害賠償及合理的算定損害賠償。相反地，在香港，如有關係款被認定是懲罰性的損害賠償，該約定就被視為無效，損害賠償額就要按實際損失去評定。

(2) 違約金的調整

此外，香港普通法下的算定損害賠償額，如有關係款有效，法庭或仲裁庭都不會對其進行調整。但是，根據中國合同法第 114 條第 2 款以及《最高人民法院關於適用〈中華人民共和國合同法〉若干問題的解釋（二）》，人民法院或者仲裁機構是可以在建築工程合同糾紛解決時對合同違約金進行相應的調整。這一點已在前兩次的文章內作出解釋。

(3) 未完工證書

香港最常用的標準合同，即香港測量師學會出版的標準香港建造工程合同 (Standard form of Hong Kong Building Contract)，規定了業主向承建商收取合同的算定損害賠償前，必須要建築師出具未完工證書 (certificate of non-completion)，指出承建商可以合理地在完工日期 (date for completion) 或已延長的完工日期 (extended date for completion) 完成工程但卻沒有完工。

但中國住房和城鄉建設部 (前稱中國建設部) 1999 年版的中國建設工程施工合同示範文本 (GF-1999-0201) 則沒有這個規定。

另外，香港部分標準合同也沒有這個規定。這包括了香港政

府現行的標準工程合同及政府渠務署剛開始試用的 NEC3 (New Engineering Contract 3rd Edition) 的標準工程合同。

有關的未完工證書，在香港近期的一個建築案例³中有提及到。

該案的建築合同採用了上述的測量師學會版本的標準香港建造工程合同。

該案件的業主一方要求其建築師發出未完工證書但卻被拒絕，所以就要求法庭 (1) 判定承包商是否可以在沒有未完工證書下的情況下也要支付算定損害賠償；或 (2) 代替建築師出具一張這樣的證書。

法庭聽取完雙方的理據後，作出這樣的判決：雖然法庭同意部分的延誤日期是由承建商引起的，但是基於合同有明文規定，業主不能在沒有未完工證書的情況下，向承建商收取約定的算定損害賠償。另外，法庭認為，因為法院不是建築師，而合同訂明未完工證書是建築師的獨立意見，所以就算法庭同意部分延遲是由承建商引起，法庭也不能代替建築師出具其證書。

文章提及的案例：

- 1 Dunlop Pneumatic Tyre Co. Ltd v New Garage & Motor Co. Ltd [1915] A.C.79
- 2 Polyset Ltd v Panhandat Ltd [2003] 3 HKLRD 319
- 3 W Hing Construction Co. Ltd v Boost Investments Ltd [2009] HKEC 236

English Summary

Gilbert Kwok, FHKIS, LLB (Chinese Law)

In this article, we explain the types of remedies under Hong Kong law to which an innocent party is entitled and compare such remedies with those under Chinese law. We also discuss the developments of the concepts of penalty and liquidated damages from the 17th century and a few relevant Hong Kong and English cases.



NEC Contract

Kathy Cheung, Vice Chairman of CPD Sub-committee, Quantity Surveying Division

A QSD CPD seminar was held on 30 June 2009, with the topic "NEC Contract". Thanks to the four speakers including Mr Gilbert Kwok, Mr Yeung Man Sing, Mr Justin Yuen and Ms Christy Yiu from the Construction and Engineering Group of Li & Partners. Mr Kwok was the Past Chairman of QSD and Mr Yeung was the Past Chairman of the Association of Cost Engineers (HK) Region. The seminar was successful in which there were more than 120 participants, and many questions were raised during the Q&A session. At the end

of the seminar, Mr Sunny Chan, Chairman of the QSD CPD Sub-committee, presented souvenirs to all the speakers.



From left: Honby Chan, Christy Yiu, Yeung Man Sing, Gilbert Kwok, Justin Yuen, Sunny Chan and Kathy Cheung

Impact of the Global Financial Crisis on the QS Profession in the Region

Kathy Cheung, Vice Chairman of CPD Sub-committee, Quantity Surveying Division

The CPD event 'Impact of the Global Financial Crisis on the QS Profession in the Region' by Mr Trevor Main was successfully held on 6 July 2009. It was an event held jointly by HKIS QSD and the Australian Institute of Quantity Surveyors (AIQS). Mr Main is the Chairman of Pacific Association of Quantity Surveyors (PAQS), the Past President of AIQS and the Director of Trevor Main & Associates. He has over 30 years' experience in the construction industry in Australia. At the end of the seminar, Mr Peter Ng, the

representative of AIQS and Mr Francis Leung, the President of HKIS were invited to present a souvenir to Mr Main.

A copy of the presentation can be downloaded from http://www.hkis.org.hk/hkis/html/professional_cpd.jsp



From left: Peter Ng, Trevor Main and Francis Leung

中華智慧與現代管理 — 《六慧管理》導論

青年組委員陳榮基報告

本會青年組舉辦的持續專業發展項目講座「中華智慧與現代管理 — 《六慧管理》導論」已於 2009 年 6 月 23 日測量師研習中心舉行。現為中華智慧管理學會創會會長、天策市場及顧問有限公司和北京天楚博文公關公司董事長的彭泓基 (雋道) 先生, 發表了他對中華智慧如何應用在現代管理的一番見解, 令人耳目一新。

他認為中華文化博大精深, 對宇宙間的自然規律和演化, 有極細緻的觀察和深刻的體悟。如管理者若能瞭解其精妙處, 尤其是天地萬物變化的規律、審時度勢、道的體悟和知人之學, 於工作上應用, 當能事半功倍, 成多敗少。

他也解釋了《六慧管理》是「中華智慧管理學」的一部分, 專注於應用中華智慧于現代商業與企業管理的獨立《品牌》, 重企業與實踐績效, 較少談理論。目的是以中華智慧為主, 配合西方管理, 去解決企業內一些棘手、敏感而複雜

的問題, 尤其是有關選賢任能、人事管理、人際關係、矛盾、政治、思維理念、競爭策略、市場銷售、談判對弈、倫理與文化等較抽象的範疇, 通過不同的培訓、輔導與專業策略計畫, 改造及提高企業及個人的績效。《六慧管理》融和中西文化的管理智慧, 總結出:

《六慧要訣》

1. 智慧之道, 誠為終始;
2. 自知知人, 洞察世情;
3. 先後本末, 知所取捨;
4. 審時度勢, 慮定謀略;
5. 鑒古知今, 窮理深思;
6. 修齊治平, 圓融無礙。

講座後本會青年組主席莊學正致送紀念品給講者彭泓基先生以感謝他的精闢講解。

Date	Event	Organiser	Location	
2009				
Aug	16	PAQS Annual Board Meeting	PAQS	Kuala Lumpur, Malaysia
	17-19	PAQS 13th Annual Congress	PAQS	Kuala Lumpur, Malaysia
	27	HKIS Executive Committee meeting	HKIS	Board Room, HKIS
	28	Surveyors Happy Hour cum Birthday Party	HKIS	Library, HKIS
Sep	4	LSD Annual Dinner	HKIS LSD	Eaton Hong Kong Hotel, Hong Kong SAR
	5	BSD Annual Conference	HKIS BSD	Harbour Plaza Hotel, Hong Kong SAR
	22	HKIS Executive Committee meeting	HKIS	Board Room, HKIS
	22	HKIS General Council meeting	HKIS	Board Room, HKIS
	25	Surveyors Happy Hour cum Birthday Party	HKIS	Library, HKIS
	26	HKIS Annual Conference	HKIS	Conrad Hotel, Hong Kong SAR
Oct	19-22	7 th FIG Regional Conference	FIG & VGCR	Sheraton Hotel, Hanoi, Vietnam
	22	HKIS Executive Committee meeting	HKIS	Board Room, HKIS
	30	Surveyors Happy Hour cum Birthday Party	HKIS	Library, HKIS
	31	PFMD Annual Conference	HKIS PFMD	Harbour Plaza Hotel, Hong Kong SAR
Nov	11	Board of Membership meeting	HKIS	Board Room, HKIS
	17	HKIS Annual Dinner	HKIS	Grand Hyatt Hong Kong, Hong Kong SAR
	26	HKIS Executive Committee meeting	HKIS	Board Room, HKIS
	26	HKIS General Council meeting	HKIS	Board Room, HKIS
	27	Surveyors Happy Hour cum Birthday Party	HKIS	Library, HKIS
Dec	11	HKIS Annual General Meeting	HKIS	SLC, HKIS
	18	Surveyors Happy Hour cum Birthday Party	HKIS	Library, 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.

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6.00 pm to 8.00 pm

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Special topic/theme each month

Next scheduled Happy Hour cum Birthday Party events in 2009 will be held on 28 August, 31 October, 27 November and 18 December

For enquiries, please email cpd@hkis.org.hk or telephone (852) 2526 3679