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HKIS Annual Dinner 2009 香港測量師學會周年晚宴2009



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香港測量師學會

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Representatives of the BSD Council have convened a working group to submit a paper on behalf of the Institute in response to the public consultation on "Building Design to Foster a Quality and Sustainable Built Environment". They have also formed a working group to formulate a plan for resolving disputes related to water seepage through expert determination, while at the same time establishing a list of experts for this purpose.

A team of delegates from the LSD Council attended the 6th Beijing, Hong Kong and Macao Geomatics Conference held in Beijing on 12-15 November 2009, observing a great development in GIS and remote sensing. They also attended the first preparatory meeting for the 6th Across-the-strait Geomatics Conference in Beijing on 16 November 2009.

In conjunction with the GPD, the PDD Council organised a fruitful visit to Zhuhai and Macau on 6 November 2009. During the visit, they met with relevant Zhuhai Authorities as well as the Planning Authorities and Land Registration Department of Macau.

The PFMD Council visited the Guangdong Property Management Institute on 13-14 November 2009 and signed the "Memorandum on the Cooperation and Exchange Programme" which will create a closer collaboration between the two institutions.

The Chartered Institution of Civil Engineering Surveyors visited the QSD Council on 27 October 2009 and also invited them to participate in their Institute Charter Launch. A team of delegates from the Shanghai Construction Consultants Association visited the QSD Council on 16 November 2009 and showed interest to explore the possibility of co-operation in project management. The President and QSD Chairman also visited the Tianjin University of Technology on 1 November 2009 to deliver two speeches relating to the QS practices. They also visited the China Engineering Cost Association in Beijing to discuss the second reciprocity assessment and the registration of cost engineers.

The YSG was invited by the Department of Real Estate and Construction, HKU, to give a talk on HKIS to secondary school students during their Information Day on 24 October 2009. The YSG also sponsored a joint University Drinks Party organised by surveying students in the CityU, PolyU and HKU on 6 November 2009.

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由建築測量組領導的工作小組，提交了學會對「優化建築設計締造可持續建築環境」諮詢文件的意見。組別亦特別成立工作小組，研究由專家裁決漏水糾紛的計劃，同時正為此組織專家名單。

土地測量組的代表於 2009 年 11 月 12 日至 15 日於北京出席了第六屆京港澳土地學術研討會，探討地理資訊系統及遙測技術的最新發展。組別代表亦於 2009 年 11 月 16 日於北京出席了第六屆海峽兩岸土地學術研討會的第一次籌備會議。

產業測量組聯同規劃及發展組於 2009 年 11 月 6 日到珠海及澳門考察，與珠海市相關部門代表、澳門規劃局及地籍局代表會面。

物業設施管理組於 2009 年 11 月 13 日至 14 日拜訪廣東省物業管理行業協會，並與該會簽訂了合作交流備忘錄，為兩會建立了更緊密的合作關係。

土木工程測量師學會於 2009 年 10 月 27 日到訪工料測量組，並邀請工料測量組出席該學會的憲章啟動儀式。上海建設工程諮詢行業協會於 2009 年 11 月 17 日拜訪工料測量組，探討於項目管理範疇合作的可行性。學會會長及工料測量組主席於 2009 年 11 月 1 日到訪了天津理工大學，向學生講解了工料測量的操作實務；另外，於北京期間亦到訪了中國工程造價管理協會，商討第二次資格互認的細節安排。

香港大學房地產及建設學系邀請了青年組代表，於 2009 年 10 月 24 日出席資訊日，向中學生舉行講座。青年組亦贊助了於 2009 年 11 月 6 日由香港城市大學、香港理工大學及香港大學測量系學生舉辦的聯合飲品派對。

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The following is a speech given by President Francis Leung at the HKIS Annual Dinner on 17 November 2009

The Honourable Henry Tang, the Honourable CY Leung, Distinguished Guests, Fellow Surveyors, Ladies and Gentleman,

It is a great honour for me to have this very unique forum, for the next 10 minutes or so, to let you know how we Surveyors have contributed to our society, and how we will continue to do so in the years to come.

I must however, be careful not to turn this into a boring Annual Report, which should otherwise be reserved for our AGM which comes up in less than a month's time. But this year, as some of you may already know, our AGM will not be boring.

I prepared this speech two days ago, on a Sunday morning, in a hotel in Beijing, where I was attending a conference. I was scheduled to return to Hong Kong today. But as you know, because of the heavy snow in Beijing these few days there was a great risk that I could not return to Hong Kong in time for tonight's dinner. So I prepared two versions of my speech. If I missed tonight, then Stephen Yip, our very able Senior Vice President, would deliver Version 2 of the speech. But I did hope that I could deliver Version 1, because, firstly, it is a great event that I would not like to miss, and secondly, the speech contained some personal experiences and some personal observations that I would very much like to share with you myself.



I would like to share with you my very rewarding experience as the Institute's president, some events I attended, some reports I presented on the Institute's behalf, and some people I met during this very worthwhile course.

Perhaps I would start with the preparation of our election platform for the presidential election last year. When we prepared our election platform last year, our profession was in great uncertainties. The Global Financial Crisis had just struck. Everything was in a panic mode. Everyone was set for the worst time in the history of our profession. So the very first item on our agenda was to keep the whole profession together, not to lose confidence in our future, and be united. Secondly, we drew up some plans to ask the Government to do whatever it could to shore up the capital expenditure on construction and infrastructure projects. Fortunately, now one year after the Global Financial Crisis, we can say, with a bit of relief, that the Crisis was not as severe as it was first thought. Recent financial figures, in the US, Hong Kong, or other parts of the world, have indicated gradual recovery of economy. For Hong Kong, I think much credit goes to the Government, in its timely expenditure on capital works projects. The speeding up of the Ten Infrastructure Projects, the Operation Building Bright, and the very timely pledges in speeding up payment to contractors and consultants are all firm evidences of the Government's support to our industry. I cannot, of course omit mentioning Mrs Carrie Lam, the Secretary for Development. Many in the industry are very grateful for her timely help and support. I remember attending some dinners hosted by the Hong Kong Construction Association Ltd and some associated contractors / sub-contractors associations, where Mrs Lam received rounds and rounds of applause.

Next, I would like to talk about our 25th Anniversary. An Organising Committee had been set up, under the chairmanship of the Honourable CY Leung, one of our respected Past Presidents, and with full support by our young surveyors. But by any standard, it would not seem appropriate, amidst uncertainties of the Global Financial Crisis, to be lavish with our celebrations. So I remember a last minute amendment was made to our election pledge, to the effect that we would have a humble yet eventful celebration of our 25th Anniversary. Now one year after the celebrations having been concluded, I have received very positive comments from many many members and friends on our celebrations, which culminated in our Birthday Party in the American Club on 26 April, and the HKIS Silver Jubilee Cup Horse Race on 9 May. Thanks to CY, Stephen Yip, and all members of our 25th Anniversary Organising Committee.



Contributing to the community in Hong Kong and China continued to be the prime mission of the Institute. Along with other professional institutions, we continued to provide technical support to the Development Bureau in the SAR's effort in Sichuan re-construction. In April, through co-operation with the Zhong Hua Construction Foundation (led by Professor Francis Lau, to whom I am much grateful and obliged) I had the opportunity of visiting a small town bordering between Chengdu and Beichuan to witness some re-construction works in Sichuan. What struck me most was that, despite the huge trauma that they had gone through, loss of their beloved families and loved ones, the villagers had the amazing resilience to

bounce back. For those of you who have read my report in a subsequent issue of the Surveyors Times - the Institute's monthly newsletter, you will remember I mentioned a young girl from Shandong who risked her life to take part in the emergency relief and reconstruction work. After the article was published, I received very positive feedback from fellow members, sharing their thoughts on how Hong Kong people should follow the little girl's good deeds and her exemplary self-less contribution. Quite true, those of us who work in the Mainland will agree: if we in Hong Kong do not catch up, we will soon lose out to many of our counterparts in those prospering cities in the Mainland.



On technical issues, the Institute has also accomplished quite a lot. We have made written submissions to the Government and attended many Legislative Council panels, covering a wide range of topics, including:

- Provision of Public Facilities on Private Development
- Facilities of Urban Re-development by the Private Sector
- Amendments to the Land Titles Ordinance
- Building (Minor Works) Regeneration, etc, etc

In April, we published a Guide on Compulsory Sale for Re-development (Chapter 545).

At Division and Institute levels, we have hosted three Conferences on the very timely subjects of:

- Sustainable Development
- Urban Regeneration
- A Greater China Perspective of Property and Facility Management

Just last week, we made our written submission to the Council of Sustainable Development, setting out the Surveyors' views on the subject of Building Design in Fostering a Quality and Sustainable Built Environment.

The above, ladies and gentlemen, is a very brief and casual report. As I said, I will present a more detailed report at the upcoming AGM. You will appreciate that what we have achieved has been the collective effort of many many members in various councils, boards, committees, and working groups. As President, I take pride in our members achievement. In a month's time, a

new council will be formed. I am sure that, given the very solid achievement of the Institute for the past 25 years, the new council will lead us to meet the challenges in the years to come. Please join me to wish the Institute and our members every success.

Thank you very much.



香港測量師學會會長梁立基先生於 2009年周年晚宴上致辭 2009年11月17日

尊敬的唐英年司長、梁振英先生、各位嘉賓、各位會員：

我十分榮幸能藉著這個機會，以十數分鐘時間，向各位簡單講解一下測量師對社會的貢獻，及對社會未來的貢獻。

但在這裡，我得要謹慎，免得使今天的開幕辭變成了下月舉行的周年大會沉悶的工作報告。但相信有些會員已得知，今年的周年大會將不會沉悶。

前兩天星期日早上，我在北京一間酒店預備今天的演辭，當時我於北京是出席一個研討會。原定於今早返港，但正

如大家所知，北京於這幾天正下著大雪，我可能未能及時回港出席今天的晚宴。因此我特別準備了兩份演辭，若我真的未能趕及回港，學會高級副會長葉滿華先生將會代我讀出第二份演辭。但在這個重要的時刻，我十分渴望能趕及回港，向各位嘉賓發表講話，因為我實在不想錯過學會的周年晚宴，亦因為演辭當中包含了我的個人經驗及看法，而我十分渴望能親身向大家分享。

我首先想與各位分享一下我作為會長的寶貴經驗、我曾參加過的活動、代表學會所發表的一些報告、以及這段期間我曾接觸的一些人物。

或許我該從去年的競選綱領開始說起。去年當我們草擬競選綱領時，測量業的前景仍然不明朗，全球金融危機剛剛發生，一切都在恐慌當中，各人都認為這是測量專業最低潮的時候。因此，我們第一項任務是要團結行業，共同努力，不要對未來失去信心。第二，我們制定了一些方案，要求政府盡一切所能支撐基礎設施項目建設的資本開支。幸運地，全球金融危機過了一年，可以說，這場金融危機有稍微緩和，並沒有當初想像般那麼嚴重。最近的金融數據顯示，在美國、香港或世界其他地方，經濟正逐步復甦。就香港而言，我認為主要歸功於政府推行的一系列措施，適時地增加工程撥款、加快落實十大基礎設施項目、推行「樓宇更新大行動」、加快支付承建商及顧問費用，這都是政府支持我們測量專業的表現。我當然不得不提發展局局長林鄭月娥女士，很多業界人事非常感激她適時的幫助及支持。還記得我出席香港建造商會及一些承建商的晚宴時，發展局局長林鄭月娥女士獲得了全場的掌聲。

現在我想講述一下學會的二十五周年誌慶。學會成立了二十五周年活動籌備委員會，由學會前會長梁振英先生領導，以及得到一眾青年測量師的支持及協助。但是，在全球金融危機的不明朗因素下，學會舉行奢華的慶祝活動，以任何標準來說似乎不太恰當。因此，我還記得我最後一刻修正了我競選綱領，承諾舉辦一連串謙恭而多元化的二十五週年慶祝活動。現在，一年過去了，我接獲很多會員及朋友對慶祝活動正面的評價，包括4月26日於美國會舉行的二十五周年銀禧聯歡會，以及5月9日舉行的香港測量師學會銀禧紀念盃賽馬日。我特別在此感謝梁振英先生、葉滿華先生、以及二十五周年活動籌備委員會成員所作出的貢獻。

對社會作出貢獻一向都是學會首要的任務。學會聯同與其他專業學會，就香港特區政府發展局對四川災後重建提出了技術支援。於本年四月，學會與中華建設基金會〔基金會由劉紹鈞教授領導〕簽訂了合作備忘錄，我亦因此有機會探訪四川和北川之間的小鎮，見證四川災後的重建工程。對我印象最深的是，災害儘管為村民帶來的巨大創傷、他們經歷了失去自己心愛的家人和親人，但他們仍充滿不屈不撓的生命力。各位如果曾閱讀我於「測量師時代」〔學會的月刊〕中的文章，可會記得我曾經提及一位山東的小女孩，冒着生命危險，主動義務參與救災和重建工作。文章刊登後，我收到會員非常積極的回應，認為港人應該以小女孩無私的奉獻作為榜樣。真的，在內地工作的會員可會同意：如果我們在香港不奮起直追，我們將會很快失去優勢，被內地迎頭趕上。

於技術層面，學會完成了不少工作，向政府提交了多項意見書，亦出席了不止立法會相關小組的會議，當中的議題包括：

- 在私人發展項目提供公眾設施
- 私人設施的市區重新發展
- 《土地業權條例》修訂
- 《建築物〔小型工程〕規例》，等等

於本年四月，學會還出版了「強制售賣」〔第545章〕概覽。

於組別及學會層面，我們舉辦了三個適時的研討會，主題包括：

- 可持續發展
- 市區再生
- 物業設施管理於大中華區的機遇

於上星期，學會向可持續發展委員會遞交了意見書，闡述了測量師對樓宇設計締造出優質及可持續建築環境的立場及意見。

各位嘉賓，以上只是我簡短的報告，正如我之前所說，我將於周年大會中發表一份較詳細的工作報告。大家可以看到，學會所取得的成就，是集合各組別理事會、委員會及工作小組努力的成果。作為學會會長，我為此感到驕傲。新一屆的理事會將會於下月組成，我相信，憑著學會於過去二十五年來所建立的成就，新一屆的理事會將會領導學會迎接未來的挑戰，我謹祝願學會及各會員事事順利。

多謝各位。

梁立基
會長

〔以上為譯本，原文以英文發表〕

HKIS Annual General Meeting 2009

Members are reminded that the HKIS AGM will be held on Friday, 11 December 2009 at 7.00 pm in the Surveyors Learning Centre. Notice and Agenda of the AGM and a list of nominations received for the Office Bearers and Councillor to the General Council for the year 2009-2010 have been sent to all Corporate Members and the soft-copies are available on the HKIS website at <http://www.hkis.org.hk/hkis/html/index.jsp>.

In accordance with HKIS Bye-Law 3.2.1, the Office Bearers and the Councillor who is a member of the Technical Grade shall be elected by the Corporate Members present in person at the AGM. As more than one nomination has been received for the posts of President and Honorary Secretary, there shall be a voting at the AGM by written ballot for the election of the respective posts.

The General Council has appointed Mr Daniel Lam (President 1986/1987) and Mr Kenneth Chan (President 2002/2003) as Co-Chairmen of an Election Administration Committee to handle the administration aspects of the election of office bearers.

DTZ Postgraduate Scholarship Scheme - 2010 Entry

A scholarship scheme was set up in 2008 to encourage and sponsor talented qualified surveyors of the Hong Kong Institute of Surveyors to pursue further studies overseas, and upon completion of studies to pursue his/her career in Hong Kong and contribute to the Hong Kong surveying profession. The first recipient of the scholarship scheme was Ms Winnie Yu, a member of the General Practice Division and the second recipient was Ms Candy Cheung, also of the General Practice Division.

Corporate Members of the HKIS are now being invited to apply for the 2010 scholarship. **Deadline for application is 31 December 2009.** For further details and an application form, please visit the website at www.hkis.org.hk/hkis/html/index.jsp.

EGM on Proposed Amendment to HKIS Constitution postponed

Members are reminded that the Extraordinary General Meeting on the proposed amendment to the HKIS Constitution scheduled for 11 December 2009 has been postponed. For more details, please refer to the Honorary Secretary's letter dated 19 November 2009 or contact the HKIS Secretariat at 2526 3679.

API National President visits HKIS

The National President of Australian Property Institute (API) Mr David Moore took time out from his busy schedule to visit the Institute on 17 November 2009. Our Senior Vice President, Mr Stephen Yip was on hand to give him a warm welcome and to provide a brief update of the latest activities of the Institute.

Mr Moore took the opportunity to inform that the API would be organising the International Property Conference 2010 in Perth, Western Australia on 21 to 23 April 2010, and welcomed HKIS members to submit papers and to attend the Conference. Please visit the Conference website <http://ipcp Perth2010.com/> for more details.



MIPIM ASIA 2009

The 4th MIPIM Asia Exhibition and Conference was held in Hong Kong on 18 to 20 November 2009. It was the first time that the HKIS was a supporting organisation for the event. Thanks to the effort of our Immediate Past President Mr YU Kam-hung and the coordinators Ms Tzena Wong, Ms Jo Lau and Mr Ben Tse, the HKIS booth was erected to outreach to the property investors throughout the world. The theme for this year's MIPIM was China focused and our booth introduced how Hong Kong surveyors could assist investors in their perspective property investments in the China market.

A special HKIS discussion panel was held on the second day of the event. The topic of "Real Estate Financing in the Greater China: Trend and Change" was facilitated by Mr Yu Kam-hung with a panel of speakers:-



Mr Stephen Jones, Regional Managing Principal - Woods Bagot

Mr Charles Lam, Managing Director - Pramerica

Mr Richard Ho, Partner and Head of Real Estate - Deloitte

Mr Andrew Taylor, Chief Executive Officer - Macquire World Real Estate Fund

The panel, with limited promotion by MIPIM, had attracted more than 100 attendees from different countries. The attendees were very excited, with numerous questions for the panel speakers even after the panel discussion.



Call for articles on professional surveying practices

Do you have something about professional surveying practice which can be shared with our members? The Editorial Board would welcome such contributions for publication in Surveyors Times.

Articles can be in English or Chinese and should be submitted in Word format and include the title of the paper and author's details. For articles in Chinese, a summary in English will be required. Submissions must not have been published previously. Publication of article will be at the discretion of the Editorial Board whose decision shall be final. Please email articles to editor@hkis.org.hk.

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

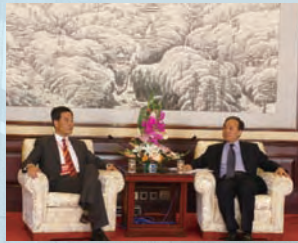
For reservation, please call the Secretariat on
2526 3679 or email: slcbooking@hkis.org.hk
歡迎預定設施，請電 2526 3679 或
電郵 slcbooking@hkis.org.hk

Coalition visits Beijing on 1-3 November 2009

Reported by Stephen Liu, representative of HKIS in the Coalition

As one of the Founding Members of the Hong Kong Coalition of Professional Services ('the Coalition'), the HKIS joined the delegation to visit Beijing to meet the government officials of the various Central Government Bureau from 1 to 3 November 2009.

There were a total of 30 delegates representing the various professional bodies of accountants, lawyers, barristers, doctors, dentists, architects, engineers, planners, landscaped architects and surveyors.



The Coalition was led by the Honourable C Y Leung as the Chairman and Mr P C Lau as Vice Chairman.

The HKIS was represented by President Mr Francis Leung, Senior Vice President Mr Stephen Yip, Vice President Mr Wong Bay and Past President Mr Stephen Liu (as representative of HKIS in the Coalition).

The delegation left the Hong Kong International Airport in the evening on 1 November 2009. Due to the heavy snow in Beijing, the flight was delayed and the delegation only arrived at the hotel at around 2:00 am on 2 November 2009.



In the morning on 2 November 2009, the delegation was greeted by 國務院港澳辦副主任周波。



In the afternoon, the delegation had two meetings, firstly with 商務部副部長姜增偉 and his colleagues, then the delegation was greeted by 全

國人大常委會副委員長陳昌智及中央統戰部副部長尤蘭田(女士)。



In the morning on 3 November 2009, the HKIS joined with the Hong Kong Institute of Architects, Hong Kong Institution of Engineers, Hong Kong Institute of Planners and Hong Kong Institute of Landscape Architects in

a visit to the Ministry of Housing and Urban-Rural Development (MOHURD) to exchange views and arrangement on the recognition of professional qualification and the problem of opening up professional practices in the Mainland.



At the meeting, HKIS delegates discussed the progress of mutual recognition arrangements with our counterparts in the Mainland. In particular, it was reported that the General Practice Division and Quantity Surveying Division are planning the second round of recognition arrangement. SVP Stephen Yip also raised that both the Land Surveying Division and Property Facility and Management Division would like to establish relationship with the counterparts in the Mainland with a view to proceeding mutual recognition in due course and thus would seek support from the MOHURD.

The delegation returned to Hong Kong in the afternoon on 3 November 2009, after a short but meaningful visit to Beijing for meeting with many different government officials and Bureau.



HKIS Annual Dinner 2009

The HKIS Annual Dinner was successfully held on 17 November 2009 at the Grand Hyatt Hong Kong as a round off event for the celebrations of the Institute's 25th Anniversary in 2009. We were honoured to have the Honourable Henry Tang Yin-yen, GBM, GBS, JP, Chief Secretary for Administration of the Government of the Hong Kong Special Administrative Region to deliver an opening speech.



While enjoying the dinner, the President Mr Francis Leung presented awards to the winners of the Young Surveyors Award. The Award is the first award to recognize young HKIS qualified surveyors under the age of 40 who excelled and have made significant contributions in the surveying profession.

Following the welcome speech by President Francis Leung, members of the current Executive Committee and 18 Past Presidents held a toast to all the guests. The Vice President, and also Chairman of the Annual Dinner Organising Committee, Mr Wong Bay, gave a vote of thanks to the guest of honour.



As in the previous Annual Dinner, a charity element had been incorporated in this year's Annual Dinner. A charity sales booth of Make-A-Wish Foundation of Hong Kong was set up besides our reception counter. An appeal was also made to guests to make a donation to the Make-A-Wish Foundation of Hong Kong and the Hong Kong Society for the Deaf. Donations from guests amounted HK\$4,420 and HK\$6,110 respectively. Mr Billy Wong, Chairman of the Community and Charity Services Committee, briefed attendees about the community events and projects organised by the HKIS.



As this was the silver jubilee anniversary of the HKIS, the Honourable C Y Leung, Past President and also the Chairman of the 25th Anniversary Organising Committee, briefed the attendees about the history of the Institute and also the major achievements in the past years; while Mr Stephen Yip, Senior Vice President and also Convenor of the 25th Anniversary Organising Committee, gave a presentation on the 25th Anniversary celebration events held throughout the year.



A charity auction session was also held during the evening. The funds raised during the auction would become the initial donation to the HKIS Charity Trust. We were most honoured to have the Honourable Henry Tang Yin-yen to sign on a red wine decanter for the auction. The auction was chaired by two of the awardees of the Young Surveyors Award - Mr Lesly Lam and Mr Tony Wan. After several rounds of bidding, the decanter was sold jointly to the Immediate Past President Mr Yu Kam-hung and Past President Mr Raymond Chan for HK\$16,800.



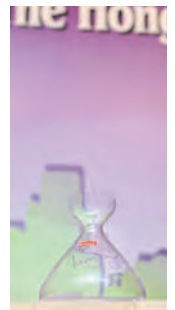
The welcoming speech of the President is published under the President's Message on page 3. For a copy of the special newspaper supplement and the 25th anniversary commemorative publication, please visit the HKIS website at <http://www.hkis.org.hk>. Members will also receive a copy of the publication in due course.



The dinner was well attended by member firms as well as prominent guests including but not limited to Mrs Carrie Lam, Secretary for Development, Professor Patrick Lau, Legislative Councillor, Mr Barry Cheung, Chairman of Urban Renewal Authority, Mr Pan Yonghua, Director General of the Education, Science and Technology Department of the Liaison Office of the Central People's Government in the HKSAR, Mr Zhang Qing Lin, Chairman of the China Association of Engineering Consultants Mr Ong See Lian, Chairman of RICS Asia Pacific, Mr Timothy Tong, President of the Hong Kong Polytechnic University, etc. Other guests included directorates of government departments, presidents of relevant professional institutions, representatives from the academia, etc.







The Community Chest New Territories Walk for Millions - Stonecutters Bridge

Reported by Jasmine Kong

HKIS volunteers marched on the world's second longest cable-stayed span in the world - the Stonecutters Bridge on 15 November 2009 for the Community Chest New Territories Walk. This event aimed to raise funds to enhance "Children and Youth Services" subvented by the Chest. Despite its charitable nature, the event was particularly meaningful to the HKIS as participants could set foot on the bridge, which was an accomplishment of the Hong Kong construction industry.



A total of 45 participants, including members and their families, together marked their footprints on the Route 8, crossing the Rambler Channel between Stonecutter and

Tsing Yi on the Stonecutters Bridge, and then passed through the Nam Wan Tunnel. We had the chance to stroll along and admire the magnificence of the world's second longest cable-stayed bridge before its official opening.

The HKIS team took about two hours to complete the whole journey and raised funds of HK\$20,670 to support the Community Chest's Children and Youth Services. We look forward to your continuous support and contribution to charitable activities in future.



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 the Chairman or Donna Yu at cpd@hkis.org.hk or 2526 3679 for registration.

HKIS Sports Night 2009 – All members are welcomed!

Another big gathering event for all members - HKIS Sports Night 2009 will be held on Saturday, 28 November 2009 from 5.00 pm until late at the United Services Recreation Club, 1 Gascoigne Road, King's Park. More than 100 participants from all HKIS Sports Teams will enjoy a memorable night. A full report will be published in the next issue of Surveyors Times.

HKIS Swimming Team – 34th New Year Winter Swimming Lifesaving Championships

Team Captain: Mr William LAI / Ms Carmen WONG

第 34 屆元旦冬泳拯溺錦標大賽 www.hklss.org.hk
 34th New Year Winter Swimming Lifesaving Championships
 賽道: 香港中灣泳灘 至 香港淺水灣石堤 (約 600 米)
 Route: From Middle Bay Beach to Repulse Bay Jetty (approximately 600m)
 比賽日期: 2010 年 1 月 1 日 10 時
 Date: 1 January 2010 (Friday) at 10.00 am



由香港拯溺總會主辦的元旦冬泳拯溺錦標大賽，都吸引不少香港泳兒參加。

HKIS 會替各有興趣的會員及家屬報名，由於有關主辦單位的報名資料將於 11 月初公布，並於 12 月初截止報名。比賽分為 2 個組別：奪標組（設有獎項予每組首六名完成賽事之運動員）及暢泳組（旨在鼓勵各公眾人士參與冬泳及拯溺運動）。故有興趣的會員可以向 Donna Yu 查詢或報名。

HKIS Sailing Team – Around the Island Race

Team Captains: Ben CHONG / YU Kam Hung / Christopher WONG / Lesly LAM

Around the Island Race was held on 22 November 2009. It is Hong Kong's largest and most exclusive sailing event, open to Cruisers IRC and HKPN, Catamarans, Dinghies, Sports boats, One Design Classes and Outrigger Canoes.

The sailing teammates including Christopher Wong, Ben Chong, Lesly Lam, Claudia Chan, Simon Lynch, etc. joined the race on various boats.

Members would be pleased to learn that Simon Lynch and his cruiser *Scrumphy* was the 1st runner-up in the HKPN Mono Cruiser Division 1. Congratulations!!! Let's have rounds of scrumpy to celebrate.



More than 200 sail boats on the Victoria Harbour



Fastest sail boats in the match

HKIS Running Team – Hong Kong Marathon 2010

Team Captain: Mr Lesly LAM / Miss Kathy CHEUNG

Thanks to the enthusiasm of members, a strong HKIS running team with more than 30 teammates is now formed. More members are welcomed. Our teammates are well distributed in 3 categories including 10km Run, Half Marathon and Full Marathon. Practices have commenced and we look forward to a fruitful result in the Joint Professional Running Competition.

Moreover, the Hong Kong 10km Challenge was successfully held on 15 November 2009 at Tin Shui Wai under freezing temperatures. Our teammates - Kathy Cheung, Kelvin Lai, Joe Lam and Lesly Lam tackled this challenge.

On 22 November 2009, our teammates Lesly Lam, Joe Lam, ST Kwok and Patrick Yip will participate in the UNI-CEF Charity 10km 2009 and Half Marathon Run at Hong Kong Disneyland Resort.



HKIS Basketball Team – More strong players required!

Team Captain: Mr Ming SHUM / Mr Arthur CHEUNG

The Joint Professional Basketball Tournament will be held in January/February 2010 again. Our basketball team has been in shape with 20 plus teammates now. Tough training will soon commence.

HKIS Singing Team cum Surveyors Band – Joint Professional Singing Competition 2009

Team Captains: Ms Michelle CHUNG / Mr Kenny CHAN

The Joint Professional Singing Competition was successfully held on 1 November 2009 from 1.00 - 6.00 pm at Backstage Restaurant, Central. Three singers from HKIS

Mr Esmond YU, Mr Chris MOOK and Ms Michelle CHUNG participated in the competition. I am pleased to report that Esmond won the prize "最具個人風格獎 Best Personal Style Award". Congratulations!

All singers received many valuable professional comments from the judges who were music practitioners. Thanks to Winson, Eva, Lesly, Evangeline, Serena, Bessie, Cyrus, Nathan, Jeffrey and Victor for coming to support our team. Moreover, William Lai and Kenny Chan as MCs, gave a professional performance in front of other professional bodies including HKICPA (Accountants), LawSoc (Lawyers) and HKMA (Doctors).

You are welcomed to join the HKIS Singing Team.



Congratulations to Esmond Yu for his performance of the song 把根留住

HKIS Table Tennis Team – Joint Professional Table Tennis Tournament 2009

Team Captain: Mr CY JIM / Mr William LAI

The Joint Professional Table Tennis Tournament will be held as follows:

Date : 13 December 2009 (Sunday)

Time : 2.00 - 8.00 pm

Venue: Luen Wo Hui Sports Centre, 3/F, 9 Wo Mun Street, Luen Wo Hui, Fanling, New Territories

You are welcomed to come and support the HKIS Table Tennis Team.

HKIS Volleyball Team – Joint Professional Volleyball Tournament 2009

Team Captain: Miss Evangeline Chan / Miss San Kwok

The Joint Professional Volleyball Tournament as follows:

Date : 1 December 2009 (Tuesday)

Time : 8.00 - 10.00 pm

Venue: Wong Nai Chung Sports Centre, Happy Valley

You are welcomed to come and support the HKIS Volleyball Team.



HKIS Snooker Team – Seasonal league has commenced

Team Captain: Mr Willie Tang

A HKIS internal snooker league has just commenced. For those members who are interested to join the snooker team, please contact Donna YU at cpd@hkis.org.hk or 2526 3679 for registration. The snooker team captain Willie TANG will then contact you shortly.

Recruitment of players for other teams is still open. Look forward to seeing you.

- HKIS Tennis Team
- HKIS Skiing and Snowboarding Group
- HKIS Chess Team
- HKIS Dance Interest Group
- HKIS Badminton Team
- HKIS Dragon Boat Team
- HKIS Squash Team
- HKIS Swimming Team
- HKIS Soccer Team
- HKIS Bowling Team

Council members reaching out

1-3 November 2009

專業聯盟北京訪問團
Hong Kong Coalition Professional Services Beijing Visit

梁立基先生、葉滿華先生、黃比先生、廖凌康先生
Mr Francis Leung, Mr Stephen Yip, Mr Peter Wong, Mr Stephen Liu

4 November 2009

「澳門衛星定位系參考站服務網 - 開通儀式暨應用工作坊
Macao Satellite Positioning Reference Station Service (MoSRef) launching ceremony and application workshop

宋漢光先生、古德明先生
Mr SUNG Hon Kwong, Mr KOO Tak Ming

5-7 November 2009

IVSC Standards and Management Board Meetings & AGM in Madrid, Spain

Mr K K Chiu

6 November 2009

The Association of Consulting Engineers of Hong Kong (ACEHK) 32nd Annual Dinner 2009

Mr Francis Leung

7 November 2009

Urban Renewal Strategy Review - Wan Chai District Forum organised by Wan Chai District Council

Mr Stephen Yip

7 November 2009

The Hong Kong Institute of Landscape Architects Annual Dinner

Mr Francis Leung

9 November 2009

《建築物(小型工程)(費用)規例》小組委員會會議由立法會主辦
Subcommittee Meeting on Building (Minor Works) (Fees) Regulation - The Legislative Council

何鉅業先生
Mr Vincent Ho

14 November 2009

西九文化區管理局 - 第一階段公眾參與活動
Stage One Public Engagement Exercise for the West Kowloon Cultural District

林力山先生、何學強博士
Mr Lesly Lam, Dr Paul Ho

14-16 November 2009

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

梁立基先生、宋漢光先生、郭志和先生、鄧永麟先生、杜嘉儀小姐
Mr Francis Leung, Mr SUNG Hon Kwong, Mr Simon Kwok, Mr Willie Tang, Miss Lizzy To

16 November 2009

上海市建設工程諮詢行業協會到訪香港測量師學會
Shanghai Construction Consultants Trade Association visits the Hong Kong Institute of Surveyors

何國鈞先生、文志泉先生、賴旭輝先生、伍又宜先生、劉振業先生、鄭森興先生
Mr Thomas Ho, Mr Antony Man, Mr Stephen Lai, Mr Peter Ng, Mr Anthony Lau, Mr Sam Cheng

21 November 2009

The Hong Kong Institute of Architects Annual Dinner 2009

Mr Francis Leung

24 November 2009

Hong Kong Association of Property Management Companies Annual Dinner 2009

Mr Gary Yeung

25 November 2009

WAVO (World Association of Valuation Organisations) MOU signing ceremony in Guilin, China

Mr K K Chiu, Mr Francis Ng

第一批之香港測量師及其他專業人仕的無私奉獻

(寫在香港測量師學會的25週年與中國華誕60週年 - 中國改革開放三十年)

曾正麟

前言

2009 年是特別的一年，是香港測量師學會成立二十五週年，也是祖國六十年華誕，也是改革開放了三十年。回顧過去不平凡的 60 年，國家發生了翻天覆地的變化，經濟社會發展取得了巨大成就，人民生活水平顯著提高。這些成績的取得，無不凝結着包括廣大港澳同胞 (包括香港測量師及其他等人仕)、及海外華人的海外赤子的心血和奉獻。

回顧六十年中，國家是從無到有，從貧窮到富強，早三十年是鞏固根基，後三十年是飛黃騰達，期中發展是經過一個過程，並不是一步到岸。

後三十年的回顧。一九七八年鄧小平開展改革開放政策。

回顧過去三十年 (1978 — 2008)，中國已由一個極貧窮國家進升為世界超級經濟大國，是真的不容易，全因是鄧小平的智慧和中國人民的素質和勤奮拚搏精神，但也不要忘記香港小島為國家築上橋樑，在國際工商、科技、知識、視野與資金之投放及一班熱愛祖國情懷人仕的一些貢獻，歷史及精神上是不會忘記的。

鄧小平主任乃中國改革開放，及現代化建設之總設計師，自從 1978 年改革開放以來，中國已由「閉關自守」的農業國家提升至世界經濟大國之一。其發展過程中香港以一個小島，擔任着一不可缺少角色，要在香港吸收國際的資本市場經驗。

1. 改革開放前的中國

七十年代中國還是一個整體落後國家，人口龐大、資源貧乏、資金缺乏、基礎建設落後，文革後沒有現代化法

律，金融會計制度、專業服務制度，人民文化水平一般不高，總的說只有十多億人口和一片農產落後大地和一些國有虧本的工業 / 企業，要養活龐大的人口，真的不容易。

2. 改革的思路

面對上述的情況，及文革的教訓，鄧小平說“不改革不行”。因此一九七八年十一屆三中全會總結以發展生產為中心，從封閉後固守成規轉到各方面的改革。改革和開放是手段，目標是分三步走發展我們的經濟。第一步是達到溫飽水平。第二步是在二十世紀末達到小康水平，還有十二年時間，看來可以實現。第三步是下個世紀再花五十年時間，達到中等發達國家水平，這是很不容易的。關鍵是本世紀內的最後十年，要為下個世紀前五十年的發展打下基礎，創造比較好的條件和環境。

1978 年，鄧小平並提出了工業、農業、國防、科技的「四個現代化」目標，同時，以改革經濟體制，對內搞活、對外開放，要讓一部份人及地區先富起來。在深圳、珠海、汕頭、廈門設立經濟特區，隨後又開放 14 個沿海港口城市，令中國的經濟迅速發展。

鄧小平更提出一國兩制，讓香港回歸後五十年保持資本主義不變，「馬照跑、舞照跳」。並珍重香港擁有國際工商專業經驗，法律健全。在工商業方面要引進外資發展，在法律、專業真空的期間，要從香港要引進外來的科技、法律、人才與資金。在鄰近香港的深圳，設立特區之特區，但是香港與大陸由於當時政策關係，香港行資本主義，大陸行社會主義，國內官員與香港政府的溝通有重重障礙，接觸極之困難，只有經過民間之交往。



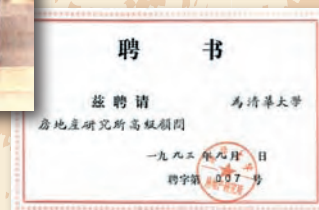
中國房地產估價師學會成立暨房地產估價師頒證大會 94.9

香港第一批測量師及其他專業人仕之貢獻

專業人仕訪問、專題講座及成果

專業人仕作出貢獻之先鋒隊 — 香港現代化協會

為促進四個現代化領導的目的，香港的一班熱愛祖國的人仕首先組織了香港促進現代化協會，由廖瑤珠律師發起、由劉紹鈞、簡福貽、梁振英測量師、曾正麟城市規劃師、測量師、劉家駿建築師及其他律師（如：陳子鈞、溫嘉旋、何耀棣、李業廣）、會計師（如：陳文裘、歐陽亦芴）、商人（如：古勝祥、馮慶鏘）等等，築起民間橋樑。於一九七九年10月10日成立，無私地奉獻，自掏腰包不定期在深圳、廣州等地點講解香港城市規劃、土地政策、條例、建築條例、法律制度、會計制度等等。回憶當年過關相當麻煩，要過五、六個檢查點，還要登記手錶、相機等，開會及講課地點相當簡陋，就在華僑僑社或深圳文化宮或蛇口小石屋。當年第一任書記張勳甫與市長，也只能在鐵路站旁的臨時建築物的春苑酒樓午餐。



地區工作深圳發展

深圳市建設成為具有相當水平的工農業結合的生產基地和對外加工基地，建設成為吸收港澳遊客的遊覽區，成為新型的邊防城市的決定，結合我市實際，在堅持四項基本原則下，積極努力，大胆放手，敢字當頭，採取特殊政策和靈活措施，利用僑資，外資，引進先進技術設備，發展換匯率高，港澳及國外市場暢銷的輕工業產品和農副土特產品，發展旅遊事業。同時要充分利用國內資源，建立起電力、石化、建材等基礎工業，興建港口、機場、修築公路、鐵路、逐步建立起具有自己特點的出口能力強的現代化城市。

當時發展是沒有甚麼正當規劃，規劃局由文化局局長擔任，規劃師是由蘇聯大學畢業學士，沒有任何規劃工作經驗，當時深圳羅湖人口只有數千人，全寶安只有三至四萬人。根據一九八零年三月一日深圳市建設規劃座談會參考資料，2000年全市人口將為二百萬人，其中市區人口為一百萬人。當時參與深圳規劃座談會有劉紹鈞、周爽南、何鐘泰、曾正麟等。國內有林克明教授、杜汝儉教授、趙文元城建局局長、蔡培茂城市規劃科等等。

於1980年1月由廖瑤珠會長組團訪問北京，團員有：廖瑤珠、劉紹鈞、簡福貽、陳子鈞、梁振英、溫嘉旋、何耀棣、曾正麟等等。討論內容有法律、規劃、房地產等等。

1. 地政

土地市場價值由於1978年當時國內並沒有土地管理，並奉行國家公有制，所有土地是國家的，是以行政無償劃撥方式持有，沒有土地市場價值觀念。香港是奉行資本主義的市場經濟，沿用英國的有年期有價值的擁有制。國家的土地由「無償使用」改為「有償使用」，實行土地所有權與使用權分離 — 徵收土地使用費，便令國家擁有無限財力資源。



2. 土地價值與估值：香港第一批測量師的貢獻

香港之測量師介紹源於英國的香港估價原理、制度，如何規劃、善用土地及培訓第一批國內估價師，國家建設部頒發十位香港測量師學會測量師之為高級顧問，包括簡福貽、林濬、劉紹鈞、梁守肫、鄔滿海、張皓生、梁振英、莫錦鈞、吳恆廣、曾正麟等，見證2003年第一批200人中國估價師授証。

3. 土地公開競投

為保證國家土地資源不賤賣，國家首次在深圳與上海競投，賣地條款草擬，由梁振英前會長負責，及香港測量師學會送出拍賣槌。

總結

卅年前改革初期，國家閉關自守，缺乏西方專業知識，但國家新領導了解到「發展是硬道理」，因此測量師與其他專業人士，無私地作橋樑，引進西方的管理技術，如城市規劃發展、土地使用、建築工程，特別是如何使用國土資源辦法，今天的國家之興旺，不可忘記早期的專業人士的無私奉獻。

This Article describes how the professionals in the early modernization period since 1978 helped the Nation without obligation of any kind, in providing lectures in respective professional disciplines, such as town planning, land use, regulations, construction, law, accountancy, etc.

The forerunners included surveying profession, the past presidents, surveyors and other related professionals.

CPD/PFM/2010002

Open Discussion Forum - Proposed Reciprocal Recognition with the Hong Kong Institute of Housing



New

Speaker Mr Gary Yeung, Chairman, Property and Facility Management Division

Date & Venue 6:30 pm - 7:30 pm Monday 4 January 2010 SLC, HKIS

Details PFM Members who have read the Surveyors Times regularly may have been aware that the PFM Divisional Council has commenced a dialogue with the HKIH to explore the possibility of reciprocal recognition between the two institutes. As a conclusion of the Council Meeting held on 23 November 2009, it was decided that a members' open discussion forum would be held on 4 January 2010 with an aim to gather PFM Members opinion in this respect. PFM Members are encouraged to attend this important event and offer your valuable advice to the Council.

Language Bilingual (English and Cantonese) **Fee** Free of Charge

Deadline 28 December 2009 **Priority** First-come-first-served

PQSL/QSD/2010001

HKIS QSD Pre-Qualification Structured Learning (PQSL) Series 2010 - 2011 Basic knowledge on Measurement, General Contract Administration Documentation and Contract Documentation



New

Speakers Experienced Practitioners, Academics and APC Assessors

Date & Venue 2:30 pm - 5:30 pm Saturday 16 January 2010 SLC, HKIS

Details This seminar forms part of the HKIS QSD PQSL Series 2010 - 2011 and aims to enhance candidates' knowledge in:

- a) Measurement aspect
 - Apply the industry standard methods of measurement (e.g. SMM4, measurement principle, preamble, etc.).
 - Organize and supervise the measurement, billing, editing, checking, printing and dispatch process.
- b) General contract administration documentation aspect
 - Interpret the use of contract administration document (e.g. format of interim payment, tender analysis report, financial report and final account report, etc.).
- c) Standard contract document aspect
 - Interpret contract document (e.g. Form of tender, tender/contract drawing, condition of tender, standard contract conditions, supplementary contract conditions, specification, letter of intent and BQ, etc.).

Language English **Fee** HK\$100

Deadline 2 January 2010 **Priority** QSD Probationers and Students



CPD/PQSL EVENTS

HKIS Happy Hour cum Birthday Party

Meet with the new HKIS General Council

Friday, 18 December 2009

6:00pm - 8:00pm

Venue: HKIS Surveyors Learning Centre

Fee: Free-of-charge

For registration, please complete the Standard Reservation Form and fax to 2868 4612 or email to cpd@hkis.org.hk



The Company specializes in providing expert services to the Construction Industry in both quantum and planning matters for arbitration and litigation.

Quantity Surveyors

The Company is currently seeking to recruit to assist with the preparation of expert witness reports.

The position requires professionally qualified individuals with between 7 – 12 years experience with a QS consultant.

Suitable candidates are invited to submit a detailed resume, by email, to **Mr. John Molloy, Managing Director – info@constructionexpertservices.com**

THE
ACADEMY
OF
EXPERTS

CONSTRUCTION EXPERT SERVICES LIMITED

10/F Queen's Place, 74 Queen's Road Central, Hong Kong



BUILT ENVIRONMENT PROGRAMMES (2010 INTAKE)

HKU SPACE, in collaboration with the School of Architecture and Construction of the University of Greenwich, United Kingdom, offers the following postgraduate programmes by distance learning.



Master of Science in Project Management Master of Science in Real Estate Master of Science in Facilities Management

The MSc programmes in built environment are developed in response to the growing demands for different professionals with the right mix of capability in the property field.

- The MSc programmes in built environment have developed in response to the growing demands for different professionals with the right mix of capability in the property field.
- MSc in Project Management is designed for the construction professionals who wish to further develop their capability in managing changes effectively in the construction and property industries.
- MSc in Real Estate is designed for property professionals who wish to further strengthen their knowledge and analytical skills in the context of property development and investment.
- MSc in Facilities Management focuses on developing professional abilities to manage facilities in the way that allows people and organizations to operate effectively in the physical workplace.

Accreditation: RICS (The accreditation applies to students from the September 2008 intake and intakes after)

Master of Science in Safety, Health and Environment Master of Science in Occupational Hygiene

- These MSc programmes provide continuing professional training and development for professional practitioners in occupational hygiene, safety, health and environment.
- Graduates have entered from a wide range of employment sectors, including: private firms, government authorities, education institutions, environmental groups, and non-profit organizations.

Accreditation: IOSH, BOHS, HKIOEH (Graduates will be eligible to apply for membership)

Closing Date for Application: 31 December 2009

INFORMATION and APPLICATION

Please contact Mr. Tommy Ng at  tommy.ng@hkuspace.hku.hk
 (852) 2508 8869

These are exempted courses under the Non-Local Higher and Professional Education (Regulation) Ordinance. It is a matter of discretion for individual employers to recognize any qualification to which these courses may lead.



Building Surveying Division Chairman's Message



Kenneth Yun BSD Council Chairman

I would like to take this opportunity to congratulate our BS Fellow member, Mr Cheung Hau-wai who was awarded with the Silver Bauhinia Star in the 2009 HKSAR Honours List.

Public Consultations

As advised last month, the BSD's representatives have convened a working group to prepare a response to the Invitation to Response issued by the Council for Sustainable Development on "Building Design to Foster a Quality and Sustainable Built Environment". The working group, on behalf of the Institute, has finalised and submitted the paper in early November. You may be aware that there was media coverage about our comments. A copy of the response paper can be downloaded from the HKIS website at http://www.hkis.org.hk/hkis/html/newsroom_position.jsp.

Regarding the public consultation on Air Quality Objectives Review, a working group led by Mr Richard Cheung and representatives from the Property and Facility Management Division has been formed and they are busy preparing the response paper for submission before the deadline at the end of November.

Annual General Meeting and Annual Dinner of BSD

Our Annual General Meeting is scheduled on Friday, 4 December 2009 at the World Trade Centre Club. I believe you will have received the notice of meeting recently. By the time you receive this issue of Surveyors Times, a new BSD Council should have been elected. I would like to take this opportunity to thank all outgoing council members for their support and wish the incoming council have a prosperous and fruitful term. The council has resolved to invite newly qualified members to join the AGM and Annual Dinner free of charge so that they will meet other members including the outgoing and incoming council.

Water Seepage in Buildings

You may recall that the HKIS has proposed to form a Building Affairs Tribunal to tackle disputes on water seepage and other building management issues in multi-owned buildings. As the proposal has not been adopted by the Government, we are considering a mechanism to resolve disputes related to water seepage through expert determination. A working group has been formed comprising of Mr James Pong, Mr Edwin Tang, Mr Peter Wong Se-king, Mr Gary Yeung and Miss Margaret Chan to formulate an action plan. In parallel, we are going to publish a list of experts with adequate experience on water seepage cases.

聘任顧問參考細則 (樓宇維修適用)

You may not be aware that the BSD has issued the above reference document in August 2008 when we were promoting planned building maintenance. It covers the normal services provided by a consultant in a building maintenance project. Members may download the document (in Chinese only at the moment) from the HKIS website at http://www.hkis.org/hkis/html_bsd/index.jsp and adopt it in Appendix A to our "Agreement for the Appointment of Building Surveyors". May I urge you to help promote this reference document in the maintenance works industry as it will provide standardized agreement terms, which other building professionals may have to follow.

3rd China Construction Supervision Summit Conference

Initial details were provided in last month's Surveyors Times and full details were announced through email broadcast to members. The summit will be held on 15 December 2009 at Nanning, Guangxi. The BSD has resolved to send a group of delegates to attend the summit in order to maintain our contact with our Mainland counterparts.

Recruitment of graduate Building Surveyor by URA

We are pleased to learn that the Urban Renewal Authority (URA) has started the recruitment of graduate BS recently. Training of BS graduates at URA covers the "4R strategy" and graduates have been involved in running redevelopment and rehabilitation projects as well as the playing of supporting role on URS. We believe the graduates have already started their professional development with good base at the URA and look forward to further opportunities for graduate building surveyors in other organisations.

Meeting with Director of Architectural Services

Representatives from the BSD Council and private practitioners met with the Director of Architectural Services on 29 October 2009. During the meeting, we introduced the profile of Building Surveyors in Hong Kong and current employers of professional services. We believe regular dialogue between the management of Government departments and practitioners could enhance our future co-operation.

General Practice Division Chairman's Message



Dr Lawrence Poon GPD Council Chairman

Chairman's Report presented at the AGM of the General Practice Division on 12 November 2009

An Uncertain Year

Last year, I used "A Challenging Year" to begin my Chairman's Report as our economy was seriously hit by the then financial tsunami with the Hang Sang Index dropping by more than 50% within a few months. Financial institutions were reluctant to release loans and as a result many potential property buyers could not proceed with deals that would otherwise be within their ability to complete. It was one of the reasons for the downturn of the property market with residential property prices suddenly decreasing by more than 20%. The scale and pace of the financial tsunami might be out of the expectation of most, if not all, investors and financial advisors, but equally out of our expectation was the pace and extent of "recovery" of our economy particularly in the stock and luxury property markets we have now. However, this so-called recovery is full of uncertainty as many global economic indicators are unclear and even contradictory. In Hong Kong, we are under the worry of whether the hot money will flow out in a pace and scale that our economy can bear not mentioning the possible rise of interest rate. In my last Chairman's Report, I mentioned that while individual members might have their own ways to deal with the challenges ahead, the Council would continue to make its endeavor to work for our members, creating the best environment for them to meet such challenges. Although the current economic environment is very different from that of last year, it seems the said statement can also be adopted in my Chairman's Report this year. With our concerted effort, the uncertain year will turn out to be a prosperous year for us.

Members of the Council, Committee and Panels

The current Council comprises the following office bearers and members:

General Practice Division 2007-2009 Office Bearers and Council Members

Chairman:	POON Wing Cheung Lawrence
Vice Chairmen:	CHAN Chiu Kwok Charles CHIU Kam Kuen FOK Eugina PANG Ho Chuen Lawrence
Honorary Secretary:	WAN Wai Ming Tony
Honorary Treasurer:	AU Sing Hei Edward
Council Members:	CHAN Hon Kwong Louie CHAN Kwok Kin Slayman CHAN Tat Shing Jeremy CHENG Hoi Lai Simon CHEUNG Yat Fai Ronald HO Chin Choi Joseph HO Kwong Ngai Eric HO Siu Keung Alan LAM Yam On Jim LAU Kin Man Clement LEE Suk Yee Ruth TANG Chiu Man Thomas TSE Wai Hung Cliff
Immediate Past Chairman:	LAU Sze Wan Serena
YSG Representatives:	Jeffrey Wong Evangeline Chan

To deal with the wide range of demanding divisional works in an efficient and quality manner, one committee and eight panels have been formed under the Council; they

are the Education Committee (Louie Chan and Thomas Tang as Co-Chairmen), Business and Property Valuation Standards Panel (Joseph Ho as Convenor), CPD Panel (Serena Lau as Convenor), Disciplinary and Professional Ethics Panel (Jim Lam as Convenor), External Affairs Panel (K K Chiu as Convenor), Internal Communications Panel (Jeremy Chan as Convenor), Professional Practice Panel (Simon Cheng and Tony Wan as Co-Convenors), Public Relations Panel (Serena Lau as Convenor) and Sales and Marketing Panel (Ronald Cheung as Convenor).

Members may note that for the Education Committee and Professional Practice Panel, there are respectively co-chairmen and co-convenors to reflect the importance and heaviness of their works.

Highlighted in this report are some of the works accomplished by the Council during the past year.

Education Committee

Apart from the perusal of interim reports and approval of diaries, the Education Committee had organised a de-briefing on 12 January 2009 where we had 16 panel assessors attending to share their views on the oral assessment with a view to improving our assessment. The Committee also organised an APC workshop on 11 July 2009 to help probationers and students to enhance and update their knowledge in this area from four distinguished practitioners. Dr Andrew Chan, a veteran town planner and the Managing Director of PDI Consultants Ltd, discussed issues and problems involved in town planning applications. Ms Daisy Wong, Senior Estate Surveyor of the Lands Department, gave an outline of the major aspects of development control under the lease conditions, followed by applications to vary lease conditions to implement planning intention. Mr Andy Leung, an experienced architect and the Managing Director of Ronald Lu & Partners, shared his insight about the building plan approval process. Mr Eric Ho, Senior Manager of Cheung Kong (Holdings) Ltd and Council Member of the GP Division provided his side of the story as a practising surveyor. Mr Ho also reviewed previous APC questions relating to property development.

The Committee, together with the Board of Education, is also in the course of reviewing the APC system aiming at having the review completed next year.

Continuous Professional Development Panel

We had CPD events covering a wide spectrum of topics this year. We were delighted to have speakers who are our senior fellow members, experienced practitioners as well as professionals from other professions. The topics covered were:

Date	Topics	Speaker(s)
10 February 2009	Plant and Machinery Valuation Procedures	Mr Mario Maninggo
26 February 2009	Development Potential and the Buildings Ordinance	Professor Barnabas Chung
18 June 2009	Elderly Housing - Challenges & Opportunities	Mr Daniel Lau
11 July 2009	Property Development in Hong Kong	Dr Andrew Chan, Ms Daisy Wong, Mr Andy Leung and Mr Eric Ho
6 August 2009	The latest PRC regulations in real estate and its effect on the property yield	Mr Yu Kam Hung
17 September 2009	Hotel Markets and Trends in Values	Mr Dan Voellm
29 October 2009	Performance and Growth Prospects of Hong Kong REITs	Mr Tony Tse
30 October 2009	Visit to Shenzhen	Joint CPD with YSG and Guangdong Forum
6 November 2009	Visit to Zhuhai and Macau	Joint CPD event with Planning and Development Division

Membership Reciprocity with the China Institute of Real Estate Appraisers and Estate Agents (CIREA)

A forum on the possibility of having another membership reciprocity arrangement with the China Institute of Real Estate Appraisers and Estate Agents (CIREA) was held on 19 March 2009 to solicit members' views on the subject issue. Further to the forum, the Council has decided to proceed with the reciprocity arrangement and a working group has been set up to follow up the matter with CIREA.

According to the current schedule, applications will be invited early next year aiming at having the reciprocity arrangement completed in the first quarter of 2010. Tentatively, we will adopt the same quota that was set for the first batch i.e. around 100 for both HKIS and CIREA.

Memorandum of Understanding for Recognition of Designations

Thanks to Mr KK Chiu, Convenor of the External Affairs Panel, an agreement between the Australian Property Institute (API), Appraisal Institute of Canada (AIC), The Hong Kong Institute of Surveyors (HKIS), Property Institute of New Zealand (PINZ) and Singapore Institute of Surveyors and Valuers (SISV), who are all members of the World Association of Valuation Organisations (WAVO), has been reached so that a member of any one of the said professional institutes will be recognized by all other institutes. It is targeted to sign a Memorandum of Understanding for Recognition of Designations at the 4th WAVO Valuation Congress to be held in Guilin during the period 23 to 26 November 2009. It will be the first time we have a mutual recognition with an appraisal professional institute from North America.

Closer Relationship with Taiwan and Macau

To recognize the importance of outreaching our profession not only to the Chinese Mainland but also to other parts of Greater China, visits have been played to Taiwan and Macau to foster our link and explore the business opportunities for our surveying profession in these areas. Agreement has been reached to organise a land conference by our Institute in Hong Kong jointly with Macau, Taiwan and Mainland counterparts.

Joint GPD & PDD Fellowship Dinner

The General Practice Division and Planning & Development Division held a joint fellowship dinner on 21 January 2009 at the World Trade Centre Club in Causeway Bay, Hong Kong, with great success. It was the first fellowship dinner for the two Divisions since the establishment of the Institute in 1984. The event was even more meaningful as it happened in the first month of 2009, which is the year our Institute will celebrate its 25th anniversary.

We were most honoured to have our President, Immediate

Past President, Office Bearers and other Divisional Chairs joining the dinner. As the dinner was open to HKIS members only, members could chat under a very relaxing environment or exchange views on the future development of the Institute with the senior and council members. Views have been expressed by the members that we should make this fellowship dinner an annual event of our Division.

Professional Practice Panel

The various hot issues that have been dealt with include Building Design to Foster a Quality and Sustainable Built Environment, Urban Renewal Strategy Review, Revitalization of Industrial Building, Land Supply System, Re-implementation of Home Ownership Scheme, Provision of Public Facilities in Private Developments, Provision of Information in Sales Brochure, and Development in the Closed Area.

In addition to submission of our position papers on some issues, we have also published a booklet explaining how the Land (Compulsory Sale for Redevelopment) Ordinance (Cap 545) is operated from the laymen's perspective. A press conference was also held on 26 April 2009 for the launch of the said booklet.

Business and Property Valuation Panel

Due to recent changes to the financial reporting standards and the development of the commercial sectors, the Business and Property Valuation Panel is in the process of rewriting the HKIS Business Valuation Standards and the Property Valuation Standards to meet the current changes in Hong Kong.

At the same time, the Panel is now reviewing the Guidance Notes for Surveyors acting as Independent Experts in Commercial Property Rent Reviews (1st Edition, 31 October 2000) to cope with the current market need.

Vote of Thanks

Finally, I would like to take this opportunity to express my wholehearted thanks to all the Council members, Committee and Panel members, and other members in various working groups and subcommittees for their efforts and hard work, without which our Divisional works would not have been so successful.

Land Surveying Division Chairman's Message



Sung Hon Kwong LSD Council Chairman

Launching Ceremony of the Macao Satellite Positioning Reference Station Service [MoSRef]

TM Koo and I attended the launching ceremony of the Macao Satellite Positioning Reference Station Service [MoSRef] on 4 November 2009 in the Auditorium of the Macao Museum. The MoSRef provides free RTK and post-processing services to the public via mobile and internet respectively. Simon Kwok was invited to deliver a presentation about the Hong Kong Satellite Reference Station services provided by the Lands Department. Professor Mok of the Hong Kong Polytechnic University and Professor Xia of Zhongshan University also delivered presentations on the subject of GNSS. The delegates were warmly welcomed by the Director (局長) of the Macao Cartography and Cadastre Bureau, Mr Chan Hon-ping (陳漢平). More than 80 participants, including experts from Guangdong, joined the ceremony.



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

The 6th Beijing, Hong Kong and Macao (BHM) Geomatics Conference was held successfully in Beijing between 12-15 November 2009. The theme of the 6th Conference was "城市信息化測繪技術發展及應用". As this year was also the 50th Anniversary of the inauguration of Beijing Society of Surveying and Mapping (北京測繪學會), the Society had organised celebration activities for their Golden Jubilee during the Conference. I could see that there was a great development in the application of GIS and remote sensing. Simon Kwok also delivered a presentation on his experience in the development of Satellite Reference Station services in Hong Kong. A copy of the proceedings of the Conference is kept in the library of our Institute for reference by interested members. Besides presentation of technical papers, the organiser also arranged for the delegates from Hong Kong and Macao to view the ballet **Don Quixote** (唐吉訶德) at the China National Opera House (國家大劇院) and to visit the National Stadium (國家體育場 [鳥巢]) as part of the programme of the Conference. The delegates from Hong Kong and Macao were warmly welcomed by the Chairman (理事長) of the Society, Mr Yang Bogang (楊伯綱) and the Past Chairman, Mr Hong Libo (洪立波). The 7th BHM Geomatics Conference will be held in Macao in 2011.





6th Cross-the-strait Geomatics Conference (第六屆海峽兩岸測繪發展研討會)

The first preparatory meeting of the 6th Cross-the-strait Geomatics Conference scheduled on 13 to 16 October 2010 in Macao, was held in Beijing on 16 November 2009. Simon and I attended this preparatory meeting on behalf of the Institute. In fact, our Institute has been one of the organisers since the first Conference. The delegates from Hong Kong, Macao and Taiwan were warmly welcomed by the Director (局長) of the State Bureau of Surveying and Mapping of China (國家測繪局), Mr Xu Deming (徐德明). Arrangement was made for the delegates to tour around the new 26 floor building of the Bureau at Fengtai District (豐台區). I was particularly impressed by the series of old maps of China displayed on the wall of the first floor of the premises. Maps are dated back to ancient China through Han, Ming, Ching Dynasty (漢、明、清朝) to the mid 20th Century. Part prints of the Hotu (河圖) and Luoshu (洛書) were also on display. There is a gallery on the 26th floor of the building showing the history and achievements of the Bureau. I would strongly recommend members to pay a

visit to the State Bureau of Survey and Mapping of China when the opportunity arises.



Council member (理事) of the Chinese Society for Geodesy, Photogrammetry and Cartography (中國測繪學會)

Simon Kwok was nominated by the Institute to be a Council member of the Chinese Society for Geodesy, Photogrammetry and Cartography. Council members of the Society include head figures of the survey and mapping organisations from different provinces of the Mainland. The next Council meeting will be held in early December 2009 in Beijing. Simon's presence in the Society would certainly enhance the relationship, communication and cooperation of the two institutes.

Planning & Development Division Chairman's Message



Edwin Tsang PDD Council Chairman

CPD Events

Health Management

A talk on "Health Management in the Workplace" was given by Dr SO Yui Chi on 20 October 2009. Dr So explained to professionals on how to prevent and control heart diseases.

Site Visit to Zhuhai and Macau on 6 November 2009

A CPD Visit to Zhuhai and Macau was held on Friday, 6 November 2009. It was a joint function of the General Practice Division and Planning and Development Division. In Zhuhai, our 35 delegates were received by representatives from Zhuhai authorities including the Planning Department, Transport Department and Lands Department, who gave a briefing on planning and property aspects in Zhuhai and Heng-quin橫琴. In the afternoon, we were received by the Planning Authorities and Land Registration Department of Macau. The delegates found the CPD visit very fruitful.



Forthcoming CPD event include the following:-

Linear City

A talk on "Linear City" by Past President of HKIS, Mr LAM Chun Daniel, (林濬) will be held on Wednesday, 25 November 2009 (event code CPD/PDD/2009093).

Membership

Membership as at 30 October 2009 stands at 52, including 16 Fellows, 31 Members, 4 Probationers and 1 Student.

Education

PolyU visit

The Chairman attended a visit organised by the Board of Education (BOE) to the Faculty of Construction and Land use of Hong Kong Polytechnic University on 14 October 2009. During the visit it was learned that the last BOE visit was back in 2005, prior to the formation of the P&D Divisional Council in 2006. It is a pity that the Faculty is not aware that current students can join the P&D stream because they believed that the P&D stream has not yet obtained formal accreditation. On 20 October 2009 the Faculty submitted an application to BOE for formal accreditation.

AGM 2009

The Divisional Annual General Meeting will be held on Wednesday, 2 December 2009.

Property & Facility Management Division

Chairman's Message



Kenneth Chan Jor Kin PFMD Council Chairman

Reciprocal Visit to the Guangdong Property Management Industry Institute (廣東省物業管理行業協會) and Signing of "Memorandum on the Cooperation and Exchange Program" between GPMII and HKIS (合作交流備忘錄)

Following the visit by the Guangdong Property Management Institute (廣東省物業管理行業協會) on 23 April 2009, a group of ten members paid a reciprocal visit to the Institute in Guangzhou on 13 and 14 November 2009.

Several things had been achieved during this visit. We have signed the "Memorandum on the Cooperation and Exchange Programme" between GPMII and HKIS; made agreement on the provision of training course for HKIS members for the Certified Property Manager examination, which would likely be conducted next year; and visited four developments respectively, managed by international firms and local management companies. During the various discussions with the President, Mr XU Jian Hua (許建華會長), it was proposed that a closer and deeper collaboration between the two organisations be forged in forming a forum for property management firms in Guangdong and Hong Kong SAR and the provision of HKIS Property and Facility Management experts to the Guangdong Institute to participate in their annual evaluation of performance of property management companies. It was expected that such collaboration would lead to eventual reciprocal recognition of property management professionals between Hong Kong and the Mainland. It was also agreed that the HKIS Property Management Awards be extended to cover buildings and developments in the Guangdong province. There are a lot of tasks for the incoming council to follow up.

President XU is very dynamic person who had previously been involved in the liaison with overseas Chinese. We visited one of the facilities managed by President XU's property management service company. All of us admired the standard and level of services provided by the company in the management of the "Guangdong Provincial Archives" (廣東省檔案館). I personally have

never visited a building in the Mainland in which the windows, and especially the skylights, are free of dust and stains. Congratulations and a salute to the good work and example that President XU has set for the industry. I have found it very encouraging that we could have the opportunity of working with this dynamic person and the Institute under his leadership. He told us that HKIS is the Institute that he had identified during the last visit to Hong Kong to go into closer and deeper relationship with the Guangdong Institute in good property management practices.

We have also distributed to them the various divisional publications for their reference.

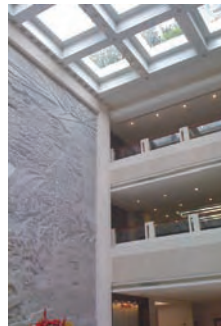
A copy of the memorandum can be obtained from <http://www.hkis.org.hk/hkis/html/index.isp>.



President XU and Chairman CHAN in the exchange of souvenir



Good quality, tidiness and cleanliness in the Potable Water Tank and Pump Room in Skyfame



Dust free and crystal clean in Guangdong Provincial Archives



Group photograph at China Plaza



Signing of Memorandum on the Cooperation and Exchange Programme



Group photograph at R&F Plaza in Zhu Jiang Xin Zhen in Tianhe District

Quantity Surveying Division Chairman's Message



Daniel Ho QSD Council Chairman

Visit by CICES

The representatives of the Chartered Institution of Civil Engineering Surveyors (CICES) paid their second visit this year to HKIS on 27 October 2009. The team was led by the Chief Examiner for Commercial Management of CICES, Mr Ian Cowling, together with four other representatives viz. Mr Andrew Keung, Mr Alan Cheung, Mr Honby Chan and Ms Miranda Lui.

The team was welcomed by the QSD Office Bearers, viz. Vice Chairman, Mr Antony Man, Honorary Secretary, Mr Thomas Ho, Honorary Treasurer, Mr Ricky Chan, and I. We had short discussions on the arrangements adopted by both organisations for assessment of the professional competence of new members, and also exchanged views on the CPDs offered to members. The discussions were continued during the delicious lunch hosted by CICES. It was agreed that there would be ample opportunities for arranging continuous professional development events to the members of both organisations in future.

CICES is now a chartered institution. To celebrate this great achievement, it held an Institution Charter Launch at the Foreign Correspondents' Club in the evening of 27 October. We were invited to attend and witness the ceremony. This signified a big milestone for CICES. Our congratulations to CICES.



QSD Chairman Daniel attended CICES Charter Launch



Meeting with representatives of CICES



Lunch hosted by CICES



QSD Chairman Daniel introduces the HKIS publications to Mr Ian Cowling



Presentation of souvenir to CICES (from left) Mr Thomas Ho, Mr Ian Cowling, Mr Daniel Ho, Mr Andrew Keung, Mr Ricky Chan, Mr Honby Chan, Mr Alan Cheung and Ms Miranda Lui

Visit by Shanghai Construction Consultants Association (SCCA)

A seven-member delegation of the Shanghai Construction Consultants Association (SCCA) led by the President, Mr Yan Hong Hua, visited HKIS on 16 November 2009. They had a meeting with seven QSD representatives, viz. the Chairman of the Mainland Sub-committee and Immediate Past Chairman, Mr Stephen Lai, Vice Chairman, Mr Antony Man, Honorary Secretary, Mr Thomas Ho, Past QSD Chairman Mr Sam Cheng, and three Council Members viz. Mr Keith Yim, Mr Anthony Lau and Mr Peter Ng.

They were briefed by Mr Stephen Lai and Mr Antony Man on the progress of the reciprocity agreement between HKIS and CECA, and the registration of the HKIS members as cost engineers in China. In return, SCCA showed their interest to explore the possibility of having co-operation between HKIS and SCCA in the area of project management.

After the meeting, the HKIS representatives showed the delegates the HKIS office viz. the library, the Surveyors Learning Centre and the meeting rooms. The delegates appreciated our reception and invited us to the Shanghai Expo next year.



Presentation of souvenir to SCCA President Mr Yan Hong Hua by QSD Immediate Past Chairman Mr Stephen Lai



Group photo of QSD and SCCA representatives



Meeting with representatives of SCCA



Audience of presentation by Daniel Ho



Audience of presentation by Francis Leung

As requested by the university, the speeches were delivered mainly in English and supplemented in Putonghua. The topics of our speeches were:

- "Tendering and Contract Management in Hong Kong Special Administrative Region" (「招投標及合約管理 - 香港特別行政區經驗」) by Mr Francis Leung
- "An Overview of Cost Estimating in Development Projects" (「物業發展的工程成本估算實務探索」) by Mr Daniel Ho

We were impressed by the enthusiasm of the students in raising questions and in exploring their knowledge on the topics. Some of them were even looking forward to carrying on their studies in the universities in Hong Kong SAR.

Seminar in Tianjin

On 16 November, I had a precious opportunity to share my knowledge and experience in quantity surveying in Tianjin. Our President, Mr Francis Leung, and I were invited by Professor Yin Yi Lin [尹貽林教授 - 天津理工大學管理學院院長] of the Management School of the Tianjin University of Technology (TUT) to attend a technical seminar with the students of TUT.

We arrived at the university in the early morning. The weather was sunny but freezing cold. Walking on the streets at -5°C was a new experience for me. My ears were almost frozen by staying outside for just a short while.



Poster for seminar Daniel Ho, Professor Yin and President Francis Leung

Notwithstanding the low temperature, the lecture room was filled up with lecturers and about 200 students. Most of the students were studying their bachelor degrees in cost engineering or construction management. The rest included master degree students and doctoral degree students specializing in related fields.

CECA meeting and 3rd batch of registration of cost engineers

Prior to rushing back to Hong Kong for joining the HKIS Annual Dinner, the President and I took the opportunity to have a meeting with the China Engineering Cost Association (中國建設工程造價管理協會) (CECA). We discussed on the detailed arrangements on the second reciprocity assessment and the registration of the remaining qualified HKIS members as cost engineers in Mainland. The meeting was fruitful. The members will be informed of the detailed arrangements of the reciprocity assessment and the registration in due course.

PAQS 2010

The 14th Congress of the Pacific Association of Quantity Surveyors (PAQS) will be held in Singapore from 23 July to 27 July 2010. The theme is "Sustainable Cost Management: Borderless Innovation". Members are encouraged to participate in the Congress by submitting papers.

As an incentive and subject to meeting certain criteria, QSD may consider funding part of the expenses incurred by the QSD members attending the Congress for presenting their papers as the HKIS representatives. The deadline for submitting an abstract of your paper in not more than 250 words is 31 December 2009. Please contact the HKIS office if you need any further details.

Young Surveyors Group Chairman's Message



Joseph Chong YSG Committee Chairman

This is my last message as the Chairman of the Young Surveyors Group. While I will miss the more active involvement with the YSG that I experienced as the Chairman, I believe the incoming Chairman would inject more new ideas and introduce some more activities to the YSG. The YSG will continue to grow with more new volunteers. I want to thank General Council members for their support and assistance and the contributions of our office bearers and committee members. I wish them and all of you, a season's greetings and a very happy new year.

Our YSG Annual General Meeting will be held on 3 December 2009. If you are a member or probationer aged 40 or under or a student member, you are welcome to attend our AGM and join us as co-opted members.

YSG Annual Dinner

The YSG Annual Dinner was successfully held on 23 October 2009 at Taiji Restaurant. The theme of the night was traditional Chinese, so most of us dressed differently in 道士袍, 中山裝, 宮女服, 中國軍服, 小鳳仙, 旗袍 etc. Other than the Shanghainese cuisine, we had a Chinese wine drinking game, National Day video Q&A game and a lucky draw with attractive prizes including a netbook and IPod. At the same occasion, Certificates of Appreciation were presented to YSG committee members for their hard work during the past year. Our Executive Committee members, Mr Leo Chan and Mr Johnson Lee, Chairman of HKIE's and CIARB's young groups, joined us as guests of the event.

I would like to thank all the guests, sponsors, participants, and in particular, the organising subcommittee led by Josephine Lee and Linda Lui. Their tremendous effort had made the event a great success and I believe all the guests enjoyed it very much.



HKU Information Day

On 24 October 2009, the YSG was invited by the Department of Real Estate and Construction of University of Hong Kong (HKU) and the Surveying Society to give an introduction of HKIS to the high school students and their parents during the HKU Information Day for Undergraduate Admission 2009. During the event, I introduced the Institute and our Divisions to them. Mr Daniel Ho, Chairman of the Quantity Surveying Division was also invited to introduce the quantity surveying profession to the students. Many questions were received from the students regarding the passing rate of APC and the career prospect of being a surveyor.



Joint University Function on 6 November 2009

A Joint University Drinks Party was organised jointly by surveying students from the City University of Hong Kong, Hong Kong Polytechnic University, and the University of Hong Kong on 6 November 2009 at Club No. 9, Central. This is an annual event sponsored by the YSG to facilitate surveying students from different universities to foster a closer relationship before they graduate.



Visit to LSGI, PolyU

On 3 November 2009, the YSG was invited by the Land Surveying and Geo-informatics Students' Society of Hong Kong Polytechnic University for a Careers Talk. Lesly Lam (HKIS Honorary Treasurer), Joseph Wong (YSG Immediate Past Chairman), and Kenny Chan (YSG Committee Member) attended and gave a brief introduction of the career prospects in land surveying profession and the HKIS APC to LSGI students. Over 30 students attended the talk.



「專業調解」在建築物管理上的應用

陳炳煥律師 SBS, JP
琬芬女士

「衣、食、住、行」乃生活基本需要。在香港，因「住」而引發的糾紛尤其繁多。住戶、業主、法團、管業公司之間的矛盾衝突若處理不善，會招致金錢上的重大損失，1994年「添喜大廈塌簷蓬」事件便是一例。這些年來，筆者積極推動以調解解決物業管理糾紛，雖然土地審裁處的調解計劃已落實成為永久計劃，但筆者認為調解始終未獲業界及業主的廣泛接受。原因有二：

概念混淆 協商調停誤作調解

筆者多個月前聽另一位調解員說起他的經歷。該調解員在報章看到平等機會委員會（平機會）代表一位傷殘業主向某大廈提出訴訟後，便連同另外兩位調解員一同約見該大廈的法團委員，希望藉由會面解釋調解程序。豈料見面之初，法團主席即表明已知調解是什麼。調解員不疑有他，便向各委員了解案情，可是見面的氣氛很不友善。調解員以為這是因雙方初次見面的原故，但其後越說越覺出奇，法團主席竟謂調解員是「平機會的人」。至此調解員終於明白，原來對方一直認為調解員是平機會派來的。理由是平機會曾向法團表示，會代表業主和法團「調解」，引起這場誤會。

很多物業經理告訴筆者：「我經常都在調解。」我回答說：「是嗎？你是那一間機構認可的？用什麼調解規則？爭議者都簽署同意調解協議書保障保密權嗎？」那些物業經理一臉茫然，不知如何回答，因為他們並不了解調解程序，把調解與一般「排解糾紛」或「商討和解」混淆一起。還有一次一名法團委員告訴我調解沒有用處。我問他為何這樣說，他告訴我他曾向消費者權益機構投訴管業公司，經「調解」後被指理據不足，管理公司拒絕和解，與原先的期望背道而馳。其實該機構採用的是「調停」程序（conciliation），有法定的權力和方式處理消費者投訴，亦有不能和調解混為一談。

對調解缺乏認知並沒有什麼可責怪的，畢竟在民事司法改革實行以前，認真對待調解的人寥寥無幾。但對調解一知半解卻自以為無所不知，繼而混淆概念，任由被扭曲的觀念以訛

傳訛，不但剝削用家了解和使用調解的機會，更阻礙他們為調解會議作適切的準備，影響成功率。長遠而言，讓不良的印象累積，對整體調解的發展構成威脅。因此筆者認為有必要從基本開始，讓業界重新認識調解的工作定義，釐清調解與「調停」的分別，和在建築物管理糾紛中使用調解的困難。

為了避免語文運用上的混淆，筆者選用「專業調解」一詞，與中文「排解紛爭」等義的「調解」區別開來。「專業調解」的概念源自西方，是由中立及獨立第三者（專業調解員）主持的保密會議。專業調解員在過程中協助參與者界定要處理的事項，制定議題，促進參與者互相了解對方的需要，協助他們跨過原有的既定立場，構思不同方案，最後以客觀標準選擇方案，再與最佳替代方案（BATNA，即專業調解之外的最佳「後著」）比較，讓雙方達至「知情協議」（Informed Consent），並由專業調解員把協議記錄、各方簽署作實。

專業調解員不會代表任何一方作出決定、裁決對錯或提供專家意見。相反，他們透過「主動聆聽」和「發問」，了解參與者需要，釐定清晰目標。若會議中參與者的情緒高漲，專業調解員會以專門的技巧疏導情緒，先對人、後對事，兩者兼而顧之。若有需要，專業調解員會分開見面參與者，在保密的情況下進一步探討雙方的困難和解決方法。由於調解會議的內容和所披露的文件不能呈堂，因此在調解會議開始前，調解各方必須簽署同意調解協議書以保障雙方。此外，專業調解員還需要確定參與者的權限，確保一旦達成協議，雙方均有權簽署協議書，落實協議的法律效力。

一些機構如申訴專員公署、消費者委員會、平機會和勞工處均會由機構職員為合適個案進行「調停」（conciliation）。用者需要注意的是這些部門同時需要執行法律賦予的職責，並需按法例提供意見或和解建議，就故此並非完全中立和獨立，與專業調解在性質上有明顯分別。專業調解不但適用於解決糾紛，也可用於交易買賣、地方規劃、制定政策和管理屋苑事務。



調解員會協助：

訂立公平及客觀的程序；
商討及確定受爭議的事項；
探索各方實際需要和權益所在；
擴大和解方案的選擇範圍，並評估各方案的可行性；
發掘各方共同關注的利益方案；
共建客觀的標準，實行方案；
議訂詳細的和解協議，就每項爭議列出各方所同意的解決方案。

意識薄弱 解決糾紛欠缺策略

除了對專業調解認知不足外，調解未被業界廣泛接受的另一原因，與香港密集式多層建築建築物息息相關。在這種高密度居住環境下發生的糾紛，涉及眾多爭議者，意見難以統一。每一宗很少的問題，如漏水、冷氣機滴水、噪音等，都能成為關係不和的源頭。當人際關係不和，再遇到大廈管理上的意見分歧，如大廈管理費及維修費用的攤分、管理委員會的委任等事情，業主之間變會針鋒相對。物業管理公司在處理這些情況，有時一下子便處理糾紛的實際內容，忽略了潛藏的人際衝突，便會不得要領。

筆者在《調解》一書中看到一則故事¹。該書作者在一次研討會後，被管業公司的高層問及一個棘手問題：兩名業主，A 君住樓上，B 君住樓下。某天 A 君投訴 B 君的一部分體式冷氣機的散熱器發出很大的噪音，對他構成滋擾，要求物業管理公司執行職務，拆除該發熱器。管理公司經查察後，證實 B 君沒有違反大廈公契，管理公司無權清拆。可是 A 君並不罷休，令管理公司陷於兩難境況。作者聽了個案後，沒有追問案件的細節和爭拗內容，反而問管理公司高層 A 君和 B 君之間有沒有什麼過節。這才發現雙方的積怨，是由 A 君作為前任法團主席開始。他們的過節在此不贅，筆者只希望帶出一點，就是處理糾紛時若對制定全盤策略的意識薄弱，只著眼於表面情況和爭拗內容，沒有嘗試了解根源，即使能解決當下問題，但人事關係未能化解，之後又會冒出其他紛爭，沒完沒了。

當衝突持續升級，到了訴訟的地步，人際關係已難以復和，爭議者參加調解的機會便大為降低。即便參與調解，亦難

以要求雙方以合作的態度解決問題。訴訟產生的另一問題，便是律師往往把問題化作法律上的爭議，在狹窄的法律定義中爭拗，對解決人際衝突毫無幫助。訴訟者只能從「贏得官司，讓對方得到教訓」來洩心頭之氣。業主、法團甚至管業公司在這種訴訟文化熏陶下，在分析問題時的第一個反應，往往是分析「誰對誰錯」。當認為錯不在己，便單純地固守立場。專業調解員的核心訓練和日常工作，就是要擺脫這種思考模式。要了解人及其背後的真正需要，從而制定對事亦對人的協調程序，儘量擴大可商討和達成協議的範圍，此為之「關注式協商」的精神，專業調解的基石，是需要長期歷練才能握其精要。

慎密的爭議解決策略並非單靠專業調解解決所有問題。事實上世界各地的經驗顯示，若任何一方不願參與調解，便需要訴訟機制互補使用，才能雙得益彰。另外，一些涉及工程或技術上的問題，像樓上樓下的漏水問題，爭議各方亦可共同聘請一名專家提供「專家裁斷」服務，找出問題的根源及建議解決的方法；若爭議者希望同時獲得具有約束力的裁決和將事件保密的優點，可透過「仲裁」方式，將案件交由仲裁員而非法庭審理並作出裁決。仲裁裁決書的地位類似法庭的判決並可強制執行，並在極例外的情況下方可提出反對。若爭議涉及一些合約與公契的釋義，爭議各方可在調解開始後協商共同聘請一名訟務律師提供「中立評核」服務，就個案的法律觀點作出非約束性的裁斷，給爭議者作為調解談判的參考²。

解決糾紛的機制是多樣化的。爭議各方可按建築物管理的爭議情況和需要選用不同的服務組合，即「專業調解」與「中立評核」、「專家裁斷」及「仲裁」混合使用。這樣，既享有自主決定和解決方案（專業調解）的優點，又有由法庭執行裁決（仲裁）的保障，將會是處理建築物管理爭議的理想方向。管業經理在遇到複雜的個案時，在得到上級的許可下，亦可與專業調解員商討應付策略，免得錯過了調解的時機和徹底解決問題的機會。

(This article is on the subject of mediation in building management.)

¹ 資料來源：《調解：談判突破困局》鄭會圻著

² 資料來源：《調解手冊》陳慶生編



Whether the employment costs of staff are recoverable as damages under a quantum claim?



C. Y. Hon, Ludwig¹

Professional Diploma (QS), Master of Arts (Arbitration & Dispute Resolution)
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1. Introduction

This article is a series of two articles relating to two recent court cases regarding the issue, "Whether the employment costs of staff are recoverable as damages under a quantum claim, and in what extent?"

In this article, I shall firstly detail and discuss issues in relation to the Court of Appeal case Aerospace Publishing Limited v Thames Water Utilities Limited [2007] (The Aerospace Case). In the next article, I shall then detail and discuss another case Bridge UK Com Ltd. (Trading as Bridge Communications) v Abbey Pynford Plc [2007] (The Bridge Case).

I shall, by reviewing the Aerospace Case and Bridge Case, summarize and detail out the findings of each case and try to conclude whether the employment costs of staff are recoverable as damages under a quantum claim and in what extent.

It should be noted that, as raised by Fox O² of Brewer Consulting, although the claim in Aerospace Case was brought in tort, the principles discussed and applied by the court would apply equally to claims for damages for breach of contract, e.g. in building and construction works.

2. The Case

The Court of Appeal Case: Aerospace Publishing Limited v Thames Water Utilities Limited [2007]

2.1 In 2001, a water main owned by Thames Water (Thames) burst. This flooded the basement in Hammersmith that were occupied by Aerospace Publishing Limited (Aerospace).

- 2.2 Aerospace, and its sister company Midsummer Books Limited (Midsummer), were specialist publishers in the fields of aviation and military history.
- 2.3 Aerospace and Midsummer archives of photographic art and reference materials was located in the basement, which was flooded due to the said burst, and was extremely damaged by the flooding.
- 2.4 Those archives were a core asset of the businesses which contained the information required to efficiently produce and illustrate the high standard publications for which Aerospace was well known.
- 2.5 It was not disputed that this private archive was unique in the world.
- 2.6 Thames admitted liability in tort for the consequences of the burst pipe but disputed the level of damages claimed by Aerospace.
- 2.7 The case came to trial in the High Court in October 2005.
- 2.8 The main issue in dispute was whether Aerospace's damages should be calculated by reference to:
 - (a) the cost of retaining the damaged archive; or
 - (b) its reduction in value as a consequence of the damage.

¹ Director of C. Y. Hon Consultants Ltd. - tel: 9285-1243
 e-mail: ludwighon@yahoo.com.hk

² Fox O., "Staff costs as damages", Brewer Consulting, 14 February 2007



- 2.9 The financial difference between 2.8(a) and (b) above was significant.
- 2.10 The High Court Judge held that it was proper to assess the damages by reference to the more expensive option, i.e. the cost of reinstating the damaged archive. Further, the High Court Judge held that both the costs of those employees and the two free-lancers (temporary staff) were admitted as damages to the Claimant.
- 2.11 In Thames' view, the High Court Judge gave insufficient reasons for his conclusion, and so they sought leave to appeal, which was given.
- 2.12 A full re-hearing was required based upon the documents used in the original hearing and transcripts of the evidence heard, in the Court of Appeal.
- 2.13 The main point in issue at appeal was obviously the principle to be applied to the calculation of damages.
- 2.14 The Court of Appeal held that the approach originally adopted by the High Court Judge was correct.
- 2.15 Thames also queried on the treatment of staff costs within Aerospace's claim for damages.
- 2.16 Thames' key objection to pay Aerospace claimed staff costs in respect of spent salvaging archive materials and undertaking various re-organizational tasks due to the flood was that these staff costs would have been incurred by Aerospace in any event. They were not additional and should not, therefore, be considered as damages. (Author's note: Under building and construction contracts, similar arguments are commonly put forward, like para. 2.16, for those claims like head office overheads, existing site staff and other resources.)
- 2.17 In response to Thames, Aerospace replied that, were it not for the fact of their staff being engaged on those additional works due to flooding, they would have been engaged upon their proper work, i.e. undertaking revenue generating activities. Hence, Aerospace's claim was really in respect of this loss of opportunity to gain revenue. (Author's

note: As per Fox O³, this argument is commonly adopted by building contractors in relation to their quantum claims, to which clients frequently respond by inviting the contractor to prove the income generating opportunities it had actually lost.)

3. The Three Key Principles

Lord Justice Wilson, after having a detailed analysis of the authorities, identified the following three key principles to apply to the question of whether management / staff costs can be recovered:

3.1 **1st Principle⁴:** The fact and extent of the diversion of staff time must be properly established

- Forbes J⁵ confirmed that, "*the expenditure of managerial time in remedying an actionable wrong done to a trading concern can properly form the subject matter of a head of special damage.*"
- However, in this above case, the claimant's claim failed.
- This was because, a reasonable man would believe, the modern office environment undeniably allows for the record of time spent by individual employees on specific projects and in the above case, the claimant had not sufficiently established the amount of time diverted, as well as the extent to which the employees' trading routine had been disturbed by that diversion.
- Further, Judge Brousher QC⁶, in considering the decision in *Tate & Lyle case*, held that, "*it is not the case that where there is no evidence, there can be no recovery. Rather, where a claimant has not adduced evidence they can reasonably be expected to adduce, they are at risk of a finding that the diversion of staff time has not been established.*"

³ Supra 2

⁴ Franklin R., "The Recovery of management and staff costs as damages", Edwin Coe LLP, Summer 2007

⁵ *Tate & Lyle Food v Greater London Council* [1982] 1 WLR 149

⁶ *Horace Holman Group Ltd v Sherwood International Group Ltd* [2001] All ER (D) 83 (Nov)



3.2 **2nd Principle**⁷: The diversion of staff time must have caused significant disruption to the business

- It must be proved that the diversion of staff time caused a significant disruption to the business.
- It is obvious that it would be more difficult for large organizations to prove than for smaller organizations.
- Further, the question of significant disruption causing difficulty for large business to prove⁸. In this case, there was a claim for part of an employee's salary and the cost of sending the employee abroad. The court refused the claim on the basis that there was no suggestion that there was a significant disruption to the bank's business, or any loss of profits or increased expenditure by doing so.

3.3 **3rd Principle**⁹: It is reasonable for the Court to infer from the disruption that, had the employees' time not been so diverted, they would have been engaged in revenue-generating activities for the claimant and at least equal in value to their salary for the period of time of the diversion

- Stanley Burton J¹⁰ held that to claim for payments that would have been made to staff in any event, the claim had to be formulated as one for loss of revenue as a result of the diversion of staff time, and accordingly, that the loss of revenue had to be evidenced.
- Subsequently, the above decision was considered in another case by Gloster J¹¹. He held that, notwithstanding the lack of evidence showing the loss of revenue, the costs of wasted staff time could be recovered provided it is demonstrated with sufficient certainty that the wasted time was spent on investigating or mitigating the wrongful act of the Defendant.
- Then, Wilson LJ, in the Aerospace Case, held that whilst the claim should be presented in terms of loss of revenue that is attributable to the diversion of staff time, it would normally be reasonable for the court to infer that the diverted staff would have generated revenue. The quantum should be at least equal to the costs of

employing them during the time, although it was always open to the Defendant to establish to the contrary.

- Pinsent Masons¹² pointed out that, both the High Court judge and the Court of Appeal judge accepted that this was sufficient evidence to infer that the diversion had resulted in loss of revenue:

"...the diversion of the time of a significant number of [Aerospace] employees, particularly their senior employees, was set in detail and adequately established, and in that there could be no sensible challenge to a conclusion that their business was thereby disrupted, indeed substantially so, the judge was entitled to draw the inference that the employees had been diverted from revenue-generating activities..."

4. Conclusions

- 4.1 In this particular case, the court considered that the Claimant had sufficiently established that the time of a significant number of its employees, including senior employees, had been diverted. As a result, there could be no serious challenge to the conclusion that its business had been disrupted significantly.
- 4.2 The only exception, which the reader must note, was that in relation to the two free-lancers (temporary staff) whose costs had been claimed as damages, but who actually appeared to have been involved in preparing the claim and writing witness statements. The judge thus considered these sums

⁷ Shah S., "Time to Recover?", Bond Pearce, 17 February 2007

⁸ *Standard Chartered Bank v Pakistan National Shipping Corporation* [2001]

⁹ *Supra 2, Supra 4*

¹⁰ *Admiral Management Services Ltd v Para-Protect Europe Ltd* [2002]

¹¹ *R + V Versicherung AG v Risk Insurance and Reinsurance Solutions SA* [2006]

¹² Pinsent Masons, "Commercial Dispute Resolution: Recovering wasted staff costs - Is it getting easier?", Pinsent Masons Update, June/July 2007



were not appropriately recovered as damages but should better (or be more appropriately) be treated as costs in the action.

- 4.3 Decisions and the three key principles in this case accords with common practice in relation to building and construction claims and it is a timely reminder to all concerned of the importance of establishing that particular resources were re-allocated or retained as a consequence of the matters giving rise to a claim¹³.
- 4.4 The current law, as confirmed by the Aerospace Case, seems to be that a claim for wasted staff costs will be allowed even if no additional expenditure or loss of revenue of profit can be shown. However, this is subject to the proviso that it has to be demonstrated with sufficient certainty that the wasted time was indeed spent on investigating and/or mitigating the relevant breach¹⁴.
- 4.5 As per Glover J¹⁵, the Court of Appeal has given valuable guidance as to what you need to do to prove a claim for wasted management time. The key is "detail" (quotation added by the author) - how much time is claimed? How and why were the staffs diverted from their work activities? And remember that the records must be sufficient such that a third party: be they judge or arbitrator or adjudicator: can make clear sense of them many months (or even years) after the event.
- 4.6 More precisely, for those who would like to claim the employment costs of staff as part of the damages in their quantum claims, and would like to claim them successfully, I would like to quote the recommendations as given by Howell A¹⁶:

"If a business is carrying out an investigation, or dealing with a problem that might result in litigation (author add: mediation, arbitration, etc.), it should:

- 4.6.1 *Keep a record of time spent on this by each employee.*
- 4.6.2 *Include a description of the work done.*
- 4.6.3 *Be able to justify the decision to use that employee for that task.*

4.6.4 *Record that specific work the employee would have undertaken if not occupied with that task."*

- 4.7 Further, Davies Arnold Cooper¹⁷ has given some good guidelines to the question, "What should a company do to make a successful claim?", as follows:

"Have a time recording system in place which enables its staff to record precisely how much time was diverted. Ensure that its staff not only record their diverted time on that system, but also make contemporaneous notes describing:

- 4.7.1 *What they were doing during that time.*
- 4.7.2 *What normal business activities they would have been carrying out but for the diversion.*
- 4.7.3 *How those activities, if carried out, would have generated income for the company.*

Carefully and comprehensively prepared notes should mean that the company does not have to rely on the court to infer lost revenue."

- 4.8 To end this article, I must stress that, it seems fair that the Aerospace Case is not only getting easier for Contractors, Sub-contractors, etc. to claim the developers, but the Case also allow developers to claim building contractors to compensate them for time wasted on Contractors / Sub-Contractors claims more easier, as pointed out by Lal H¹⁸. This is because it is a common scenario that the finance director or development director of a property developer and may have (author add: forcefully) spent many hours in dealing with a dispute raised by the Contractor.

¹³ Supra 2
¹⁴ Supra 12
¹⁵ Glover J, "United Kingdom: The Recovery of Internal Management And Staff Costs?", Real Estate, UK, 18 January 2007
¹⁶ Howell A, "Staff and Management Time - Recovering the Costs", Focus PLC Magazine, August 2007
¹⁷ Davies Arnold Cooper, "Reviews the Year's Highlights - Construction: 2007 Top Ten Case Review", 2007
¹⁸ Lal H., "Paying for Time", Property Week, 21 December 2007



兩地建設工程合同法律事務專欄 內地標準施工招標文件基本概述

郭靖華 FHKIS, FRICS

這兩期文章中，我們試從兩地最新使用的標準合同方面進行介紹和比較。繼上一篇文章介紹了香港最近從外國新引進的 NEC 合同條件後，在本期專欄中，我們特向大家介紹內地建設工程標準合同方面的內容。

一、《標準文件》的出台

為進一步規範招投標活動，國家發展改革委、財政部、建設部、交通部、鐵道部、信息產業部、水利部、民航總局、廣電總局（“九部委”）在總結現有各行業施工招標文件範本實施經驗，針對實踐中存在的問題，並借鑒世界銀行、亞洲開發銀行做法的基礎上，聯合編制並發布了《標準施工招標資格預審文件》和《標準施工招標文件》（統稱“《標準文件》”），該《標準文件》於 2008 年 5 月 1 日起試行。

二、《標準文件》的合同條款及格式

在《標準文件》的第四章規定了合同條款及格式，其中包括通用條款、專用條款和合同附件格式（包括合同協議書、履約擔保、預付款擔保三部分）三節。

需要引起注意的是，九部委在《《標準施工招標資格預審文件》和《標準施工招標文件》試行規定》（“規定”）中要求，（1）行業標準施工招標文件中的“專用合同條款”可對《標準文件》中的“通用合同條款”進行補充、細化，除“通用合同條款”明確“專用合同條款”可作出不同約定外，補充和細化的內容不得與“通用合同條款”強制性規定相抵觸，否則抵觸內容無效（規定第六條）。（2）試點項目招標人編制招標文件中的“專用合同條款”可根據招標項目的具體特點和實際需要，對《標準施工招標文件》中的“通用合同條款”進行補充、細化和修改，但不得違反法律、行政法規的強制性規定和平等、自願、公平和誠實信用原則（規定第九條）。

三、《標準文件》與《示範文本》的比較

（1）適用範圍的區別

相信接觸過內地工程項目的讀者也了解，內地建築工程近年來多使用住房和城鄉建設部 1999 年的 [GJ-1999-0201] 建

設工程施工合同（“《示範文本》”）作為建築工程的標準合同。

但九部委在規定中說明：“《標準文件》在政府投資項目中試行。”根據這個強制性規定，自 2008 年 5 月以來，內地的政府投資項目都必須採用該《標準文件》，而非先前的《示範文本》。此外，《示範文本》仍可用於非政府投資項目，當然，在非政府投資項目中是否採用《示範文本》，取決於當事人的約定。

（2）結構的區別

《示範文本》由協議書、通用條款和專用條款三部分組成，另加三個附件（附件 1 為承包人承攬工程項目一覽表；附件 2 為發包人供應材料設備一覽表，附件 3 為工程質量保修書）。

而如前所述，《標準文件》的合同條款及格式，由通用條款、專用條款和合同附件格式（包括合同協議書、履約擔保、預付款擔保三部分）三部分組成。

所以，《示範文本》和《標準文件》，與其他標準工程文件一樣，都由通用條款、專用條款和合同協議書組成，二者的區別只是附件的不同。

（3）合同文件及其解釋順序的區別

《示範文本》的通用條款第 2.1 條規定，除專用條款另有約定外，組成本文件的文件及優先解釋順序如下：

- 1、本合同協議書
- 2、本合同專用條款
- 3、本合同通用條款
- 4、圖紙
- 5、招標答疑及補遺書
- 6、標準、規範及有關技術文件
- 7、工程量清單
- 8、工程報價單或預算書
- 9、投標書及其附件
- 10、中標通知書

合同履行中，發包人承包人有關工程的洽商、變更等書面協議或文件視為本文件的組成部分。



而《標準文件》第1.4條則規定，除專用合同條款另有約定外，解釋合同文件的優先順序如下：

- 1、合同協議書；
- 2、中標通知書；
- 3、投標函及投標函附錄；
- 4、專用合同條款；
- 5、通用合同條款；
- 6、技術標準和要求；
- 7、圖紙；
- 8、已標價工程量清單；
- 9、其他合同文件。

需要引起注意的是，在《示範文本》中，投標文件和中標通知書的優先次序較低，列於合同文件的最後兩位，其優先次序遠遠次於合同協議書、專用合同條款和通用合同條款；並且投標書及投標書附件優先於中標通知書。然而在《標準文件》中，投標文件和中標通知書的優先次序較高，其僅次於排在合同文件第一位的合同協議書之後，優先於專用合同條款和通用合同條款，而且，中標通知書優先於投標函及投標函附錄。各位讀者如已習慣了《示範文本》，在用新的《標準文件》時需特別注意這一點。

（4）通用條款的內容

由於專用條款一般是由當事人及其顧問在考慮了某個特定工程的有關因素後對通用條款作補充、細化和修改，所以每一份合同中的專用條款都不同。因此，我們在這裡僅討論通用條款部分。

相比起《示範文本》而言，《標準文件》的通用條款針對實踐中的情況，增添了许多新的內容。我們通過以下的簡單比較進行闡述。

- 1、第一節《一般約定》中增加了嚴禁賄賂的條款（第 1.9 條），這反映了國家禁止施工招標過程中各當事人的不當行為，引導施工招標行為往規範化方向發展的動向。
- 2、第十一節《開工和竣工》增加了異常惡劣的氣候條件（第 11.4 條），由於出現專用合同條款規定的異常惡劣氣候的條件導致工期延誤的，承包人有權要求發包人延長工期。異常惡劣氣候條件的範圍由專用合同條款明確。相比較而言，《示範文本》中沒有關於異常惡劣氣候條件出現而承包者可延期工程的規定。所以，在這方面，《標準文件》增加了對承包人的權利的保護。
- 3、第十六節《價格調整》增加了物價波動引起的價格調

整（第 16.1 條）和法律變化引起的價格調整（第 16.2 條）。然而在《示範文本》中，有固定價格合同、可調價格合同和成本加酬金合同。只有在可調價格合同中，合同價款的調整因素包括了“法律、行政法規和國家有關政策變化”和“工程造價管理部門公布的價格調整”，在固定價格合同、成本加酬金合同中，除非當事人在專用條款中有約定，否則就不存在物價波動引起的價格調整和法律變化引起的價格調整。所以，相比較而言，《標準文件》對價格調整的規定，適用於所有的施工招標合同，範圍比較廣泛。

- 4、第二十三節《索賠》增加了承包人索賠處理程序（第 23.2 條）。與《示範文本》規定的 28 天不同，《標準文件》指出，監理人在收到索賠通知書或有關索賠的進一步證明材料 42 天內，將索賠處理的結果答復承包人，如合同雙方或其中一方不接受監理人的處理結果，按爭議糾紛解決約定處理。
- 5、第二十四節《爭議的解決方式》增加了提請爭議評審組評審這一種方式。《示範文本》中，當事人發生爭議的，可以和解或者要求有關主管部門調解。當事人不願和解、調解或者和解、調解不成的，雙方可以在專用條款內約定以仲裁或訴訟的方式解決爭議。而在《標準文件》中，當事人發生爭議的，除了可以友好協商外，還可以提請爭議評審組評審。友好協商解決不成、不願提請爭議評審組評審或者不接受爭議評審組意見的，可以在專用條款中約定以仲裁或訴訟的方式解決。所以，《標準文件》為當事人多提供了一種爭議解決的途徑。

《標準文件》定位於通用性，着力解決各行業施工招標文件編制中帶有普遍性和共同性的問題。由上述內容可以看出，相比《示範文本》而言，它在很多事項上的規定都更加細緻全面。同時，該文件的出台，具有很強的操作性，它按照施工合同的性質和特點編制招標文件，切實解決了內地有些領域缺乏相應規範文件的問題。

English Summary

Gilbert Kwok, FHKIS, FRICS

We have explained in the last article the latest contract form (NEC) introduced into the construction industry of Hong Kong. In this article, we will briefly explain a new standard form of contract, which was introduced by the Mainland government last year and the main differences between this new form and the former standard form of the PRC Ministry of Housing and Urban-Rural Development.



Civil Justice Reform and Case Law Update

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

A QSD CPD event "Civil Justice Reform and Case Law Update" by a team from the Construction and Engineering Group of Li & Partners, led by its partners Mr Gilbert Kwok and Mr Yeung Man Sing, was successfully held on 8 September 2009. Both Gilbert and Man Sing are qualified quantity surveyors and Hong Kong lawyers, and Gilbert was also the Past Chairman of QSD. There were also speakers from Africa and Australia who delivered their talks through video conference. It was a breakthrough in HKIS CPD. Thank you very much to all the speakers. Many questions were also raised from the participants in the Q&A session. On behalf of QSD, I presented souvenirs to the five speakers at the end of the seminar.



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Health check-up packages are offered to all HKIS members and their family at a privilege offer of HK\$2,990 for male (original price HK\$4,640) and HK\$3,390 for female (original price HK\$5,205). Plan inclusive of Physical Examination & Medical History (weight, height, blood pressure & pulse); Medical Report & TWO Doctors Consultations; Complete Blood Count; Diabetic Screening (blood sugar level); Lipid Profile (Cholesterol, Triglyceride, HDL & LDL); Hepatitis Profile B (HbsAg & HbsAb); Liver Function Test (ALT, AST); Renal Function Test (urea, creatinine); Thyroid Screening Test (T4); Gout Screening (Uric Acid); Urinalysis; Stool & Occult Blood; Resting ECG; Dental Check-up; Prostrate Specific Antigen, Chest X-Ray and Kidneys, Urethra & Bladder X-Ray for male; Pelvic Examination including Pap Smear and Mammogram/Ultrasound for female. Offer valid until 31 December 2009. For enquiries, please call **2608 3170** or visit www.union.org.

Caltex StarCard

A discount of HK\$1.2 per litre gasoline for all successful application of the Caltex StarCard. Enquiries, please call the hotline of Ming Xing Investment Co Ltd at **2851 3297**.

From 1 September to 31 December 2009, you can experience a HK\$1.5 gasoline rebate at any Caltex Station every Tuesday and Friday with your Caltex StarCard.

Esso Discount Card **Sizzling Hot Offer**

Petrol is first fully paid by credit card at Esso station with rebate directly credited to the customer's bank account.

Other benefits of the card include:

- (1) From 16 October to 15 December 2009, customers can enjoy a discount of HK\$1.60 per litre for total consumption exceeding 80 litres per monthly period; otherwise it is HK\$1.20 per litre.
- (2) From 19 October to 13 December 2009, with each HK\$300 petrol purchase, customer has the option to obtain a HK\$50 Mannings voucher at 20% discount (subject to terms and conditions of Esso).
- (3) Additionally at Esso Homantin station, the same HK\$300 purchase will entitle customers to receive a can of coke or a box of tissues (offer only valid while stock lasts).

Esso Fleet Card

New applicants and existing card holders can enjoy a discount of HK\$1.3 per litre for a monthly consumption of above 80 litres. Basic discount rate is HK\$1.0 per litre. Enquiries, please call Cres Wong of Ace Way Company at **2807 3001**.

Shell Card

A discount of HK\$1.0 per litre gasoline for all successful application of the Shell Card. Enquiries, please call Alex Au of Kingsway Concept Ltd, at **2541 1828**.

Note: The HKIS will not be privy to any contracts between the HKIS members and the agency concerned. We will not be responsible for the administration of or the consequences arising from these contracts, including any personal data that HKIS members may agree to provide to the agency. No liability of any kind will be borne by the HKIS. All business transactions made under the membership benefits of HKIS are strictly between the merchant and HKIS members. The HKIS will not be involved in any complaints made by any party in any business transaction. All enquiries should be made to merchants directly.

HKIS

Pattern style
Blue, Gold



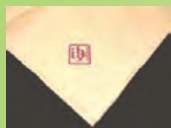
Yellow and light blue silk tie, weave details with single HKIS embroidered logo.

- Member Price: HK\$90
- Non-Member Price: HK\$150



HKIS square lapel pin with HKIS logo and is suitable for both gentlemen and ladies.

- Member Price: HK\$30
- Non-Member Price: HK\$50



Beige silk scarf with single HKIS embroidered logo.

- Member Price: HK\$100
- Non-Member Price: HK\$150



Dark blue lanyard with HKIS logo, key ring and mobile phone connecting thread.

- Member Price: HK\$20
- Non-Member Price: HK\$25

Welcome to the HKIS Shop

HKIS Shop sells a range of attractive gifts bearing the HKIS logo. To view the range of goods or place an order, please call the Secretariat on 2526 3679 or visit www.hkis.org.hk



Stylish white or black mesh caps with extended peak, perfect for outdoor sun-screening, embroidered with HKIS logo.

- Member Price: HK\$35
- Non-Member Price: HK\$55



A4 folder, crafted from fine leather and made to high standards, beautifully lined and embossed with the HKIS logo.

- Member Price: HK\$180
- Non-Member Price: HK\$250

Date	Event	Organiser	Location	
2009				
Dec	2	PDD Annual General Meeting	HKIS PDD	Board Room, HKIS
	3	QSD Annual General Meeting	HKIS QSD	World Trade Centre Club, Hong Kong SAR
	3	YSG Annual General Meeting	HKIS YSG	SLC, HKIS
	4	BSD Annual General Meeting	HKIS BSD	World Trade Centre Club, Hong Kong SAR
	11	HKIS Annual General Meeting	HKIS	SLC, HKIS
	18	Surveyors Happy Hour cum Birthday Party	HKIS	SLC, 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.






Project Manager – Interior Fitting-Out (Ref: #WOPM/HKIS)

In taking up this challenging position, the appointee will be responsible for executing new and refurbishment project for Wellcome. You will be actively involved in the whole process of fitting-out projects, like preparing tender documents, collecting quotations, carrying out physical site survey, reporting any site irregularities, monitoring the performance of contractors, and coordinating with different internal and external parties to achieve an agreed scope of works and work schedule. Upon completion of works, you will also participate in verifying invoices so as to make sure that equipment, fixtures, services, and general decoration are controlled within budget and standard.

The successful candidate profile should be:

- Building Surveying background preferred with at least 5 years' project management experience;
- Knowledgeable in building regulations and statutory requirements is a must;
- Experienced in the retail interior fitting-out work supervision;
- Skillful in negotiation with landlords and government officials;
- Good command of spoken and written English and Chinese

Competitive pay package will be offered. Please send your resume to: **The Recruitment Centre, The Dairy Farm Company Ltd., 8/F Saxon Tower, No. 7 Cheung Shun Street, Lai Chi Kok, Kowloon.** Alternatively, email us on recruitment@dairy-farm.com.hk, quoting the reference the subject box. (in rich text format only)

For details of Dairy Farm, please refer to <http://www.dairyfarmgroup.com>

Personal data collected will be kept and handled confidentially by authorized personnel for recruitment purposes only. Applications of candidates not selected will be retained for a maximum period of 12 months after the selection process is finalized.




Professional MCs ▶



▲ Immediate Past President's speech



▲ Chairman of Joint Professional Sports Committee - Ambrose Lam



▲ Harmonious & comfortable atmosphere

▼ Speech by Chairman of Planning and Development Division



HKIS No. 1 Singer - 把根留住 ▶



▲ Prize Presentation by the Chairman of Sports and Recreation Committee



▲ Past President's speech

▼ Prize presentation by the President of HKIA - Ms Anna Kwong



Sports Stars in 1960s ▶



▼ Table Tennis Team



▲ Sports Night 2009 Well done!!!

▲ Best Dressed Awardees

THE HKIS SPORTS NIGHT 2009

Organised by Sports and Recreation Committee

It was successfully held on 28 November 2009 (Saturday) at the United Services Recreation Club, 1 Gascoigne Road, Kowloon. Around 100 teammates from various teams, their family members and guests from different professional bodies came to enjoy a harmonious night with fun. Appreciation should be given to all helpers including Lesly Lam, Michelle Chung, Carmen Wong, Cyrus Siu, Jasmine Kong, Kathy Cheung, Kason Cheung, Rex Ying, Jessica Chong, William Lai, Tzena Wong and various team captains who prepared many charming presentations to promote their teams.