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不遺餘力
MAKE EVERY EFFORT

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From the Editor 編者話

By the time this newsletter reaches you, the HKSAR is celebrating its 10th anniversary of establishment. This is a uniquely memorable moment for the citizens of Hong Kong and a time to review our past challenges and successes, while look-

ing forward to a bright and prosperous future. Although we do not have any special celebration, the Hong Kong Coalition of Professional Services, in which HKIS is a founding member, will organize a Forum and Dinner on 12 July at the HKCEC to mark the special occasion. All members are welcome to participate in this event (more details are on www.hkis.org.hk).

Members might have noticed that, starting from the May issue, we have made some gradual changes to the style, format and presentation of the *Surveyors Times*. Some articles are in three columns instead of two. The CPD events format is revised and standardized after consultation with the Board of Professional Development. The Editorial Board will continue to look for ways and means to improve the quality of our publications. Members' views on our work are always welcome, in addition to contribution of articles to the *Surveyors Times* or *Surveying and Built Environment*. Please feel free to contact us via the Staff Editor, Linda Chan, at editor@hkis.org.hk.

The HKIS Conference 2007 will be held on 13 October in the JW Marriott. The theme is "Surveyors in Heritage - Preserving and Adding Value". The Vice President, Francis Leung, is actively leading a team to work out the programme. More details will be announced in due course. Please mark the date of the Conference in your diary.

Ben WH Chong

讀者們收到本刊時，香港特區正值慶祝回歸祖國十年。這時候，諸位大概都會回顧過去、展望未來，希望明天會更好。學會沒有安排特別活動，但作為「香港專業聯盟」的創會會員之一，我們將參與7月12日在會展中心舉行的「專業論壇暨晚宴」。我非常希望大家踴躍參加（活動的詳細資料可以在www.hkis.org.hk找到）。

大家可能留意到，本刊的版面設計從五月號開始有點不同，無論是圖案、格式、以至排版都有所改變。持續專業進修課程的表列方式也按照與「專業發展委員會」的討論結果從新設計。「編輯委員會」一直努力，希望不斷優化《測量師時代》的質和量。除了投稿本刊或是*Surveying and Built Environment*以外，各位對出版工作的寶貴意見是不可或缺的，請隨時跟責任編輯陳家玉聯繫，她的電郵地址是 editor@hkis.org.hk。

香港測量師學會2007年週年會議將於10月13日在萬豪酒店舉行，主題與古物保育有關。學會副會長梁立基正率領工作小組，把會議工作落實。我們會儘快向各位公佈詳細資料，請大家先把日子記下。

莊永康



MAKE EVERY EFFORT

The Institute always maintains a close working relationship with many institutes of surveyors in the Pacific Rim. We are pleased to have concluded two reciprocity agreements on 9 June during the Pacific Association of Quantity Surveyors Conference (PAQS) in Auckland. We trust these agreements are indeed to the mutual benefits of all concerned parties.

Two agreements were signed in Auckland with the Australia Institute of Quantity Surveyors (AIQS) and New Zealand Institute of Quantity Surveyors (NZIQS) respectively. Under these two agreements, their members, after satisfying HKIS professional interview, may acquire HKIS membership and vice versa.

I joined a mission tour led by the HKTDC to Vietnam from 18 to 21 June 2007. The event is labeled as "Hong Kong High-Level Business Mission to Hanoi and Ho Chi Minh

City, Vietnam". In this tight 4 days tour, we met separately with the following VIPs in Vietnam:

- Prime Minister of Vietnam
- Mayor of Ho Chi Minh City
- Minister of Trade
- Minister of Planning & Investment
- Ambassador Hu Qianwen of the People's Republic of China

We were also introduced to several major development projects in Hanoi and Ho Chi Minh City. It was an invaluable chance for the exchange of views and experience with senior officials in Vietnam, despite a very hot summer there.

Raymond Chan
President

不遺餘力

學會與大洋洲的多個測量師學會一直保持良好工作關係。在6月9日我們趁著前往屋克蘭參加PAQS召開的會議，分別與澳大利亞和新西蘭的工料測量師學會簽訂了互認協議。學會相信此舉能真正為大家帶來互惠互利的實效。

通過與「澳大利亞工料測量師學會」和「新西蘭工料測量師學會」在屋克蘭分別簽訂的這兩份協議，雙方會員可以憑著成功通過專業面試考核而取得對方學會會籍。

在6月18日至21日我被邀請參加了一個由香港貿易發展局主辦出訪越南的代表團。此次出訪被命名為“Hong Kong High-Level Business Mission to Hanoi and Ho Chi Minh City, Vietnam”。在這4天的緊密行程中，我很榮幸地分別拜訪

了以下的當地重要人仕：

- Prime Minister of Vietnam
- Mayor of Ho Chi Minh City
- Minister of Trade
- Minister of Planning & Investment
- Ambassador Hu Qianwen of the People's Republic of China

我們同時在河內及胡志明市參觀了多個主要的發展項目。雖然我經歷了非常炎熱的旅程，但能夠與多位越南高級官員交流經驗及意見，實在是難能可貴。

陳旭明
會長





緊急呼籲

Emergency Appeal for 救助雲南地震無家可歸災民

Assistance to Homeless Yunnan Earthquake Victims

An earthquake measuring Richter scale 6.4 struck Ning'er county of Yunnan province on 3 June 2007. The earthquake caused 3 dead, 313 injured, and more than 536,000 people affected. More than 90,000 houses collapsed and 270,000 houses were wrecked, with a total economic loss of RMB 2.5 billion. At present, lots of people are still staying in temporary shelters waiting for assistance.

The Hong Kong Red Cross has distributed rice valued RMB100,000 to the disaster victims, and more than 900 pieces of clothes are ready for dispatching to the disaster zones.

However, the victims' needs on food, houses and community reconstruction are still huge.

Please act to help the Yunnan Earthquake Victims!



Local Red Cross assessing disaster needs



Houses collapsed after the earthquake

Donation Slip

I would like to donate for the earthquake relief work in Yunnan:

HK\$500 HK\$800 HK\$1,000 HK\$ _____

Name(Mr/Ms): _____ Donor ID No (if any): _____

Address: _____

Daytime Tel: _____ Fax: _____ Email: _____

Donation Methods

Your personal data will only be used for issuing receipts, publications and donor surveys. If you don't want to receive the Red Cross publication, please put a "X" in the left square.

Crossed Cheque (Payable to the "Hong Kong Red Cross China Relief Fund" and mail to HKRC)

Direct Transfer (Please send the original pay-in-slip to us for official receipt)

HKIS

Hong Kong Bank: 004-567-650155-016

Hang Seng Bank: 024-267-175123-001

Bank of China: 012-806-0-0001617

Bank of East Asia: 015-514-40-39966-3

Credit Card (Fax to 28243693) Visa Master *American Express (*service charge waived)

Card No.: _____ Expiry Date: _____

Name of Cardholder: _____ Cardholder's Signature: _____

By PPS (Merchant Code: Hong Kong Red Cross – 9167)

(If you don't have Donor ID No., please contact us for details. Official receipt will be sent upon receiving the donation.)

On-line Donation: Please visit www.redcross.org.hk/donation/china/index-e.htm

(Donation will go towards relief and relevant rehabilitation operations, as well as necessary administrative expenses. In the event that, after the completion of the designated relief and rehabilitation projects, there is a balance of donated funds remaining, the HKRC will apply this residual balance to other disaster related projects).

Thank You For Your Generous Support !

Address: International & Relief Service Department, 33 Harcourt Road, Hong Kong

Tel.: 2507 7199

Web Site : <http://www.redcross.org.hk>

E-mail: china@redcross.org.hk

(a HKIS community service)

Surveyors luncheon



Edward ST Ho SBS JP has been the Guest Speaker at the Surveyors Luncheon in the Dynasty Club on Tuesday 5 June. Ho is an architect by profession.



Queen's Pier - People's Pier? Ho, chairman of the Government appointed Antiquities Advisory Board, admits that social value is indeed an important criterion in the grading of buildings apart from factors such as historic

value, architectural value, authenticity, rarity and integrity. The Antiquities Advisory Board is to advise the Government on any matters relating to antiquities and monuments and has two committees viz the Education and Publicity Committee and the Standards and Legislation Committee.

According to Mr Ho, there are now 81 declared monuments. For Graded Buildings, Grade I buildings are of outstanding merit, which every effort should be made to preserve if



possible. Grade II buildings are of special merit and efforts should be made to selectively preserve. Grade III buildings are of some merit, but not yet qualified for consideration as possible monuments. These are to be recorded and used as a pool for future selection.

Also present at the luncheon were Director of Buildings Cheung Hau Wai, Director of Lands Patrick Lau, Commissioner of Rating and Valuation Lo Chung Hing, URA Chief Executive Billy Lam, ASP Functional Constituency Legislator Professor the Honorable Patrick Lau, President of HKIA Dominic Lam, President of HKIE Lo Wai Kwok, President of HKI-LA Leslie Chen and President of HKIP YY Pong.



FIG Working Week 2007

Hak Chan
Chairman of FIGWW2007 Organising Committee

After four years since HKIS was awarded to host the FIG Working Week 2007 in Hong Kong, a year of intensive preparation work and a week long programme fully packed with meetings, technical sessions, technical visits, receptions and dinners and social programmes, the FIG Working Week 2007 finally came to a close on 17 May with a farewell party. The successful conclusion of the event to some would be a sigh of relief but to many, including members of the Organising Committee, would be a great rejoice and reward. The event was well attended. There were 518 delegates from 58 countries/regions, including 106 from Hong Kong and 39 from the Mainland.

Opening Ceremony

The highlight of the Working Week was the official opening by the Hon Donald Tsang, Chief Executive of HKSAR. He was accompanied by the HKIS President and FIG President to dot the eyes of the lions to mark the opening of the Working Week. Mr Lu Xinshe, Vice Minister of the Ministry of Land and Resources and Director General of State Bureau of Surveying and Mapping of the People's Republic of China, gave a congratulatory message at the opening ceremony.



Plenary and Technical Sessions

There was a high profile presence of Chinese leaders in surveying, mapping and lands, including Dr Xiao Ping, Deputy Director General of Surveying and Mapping of Shaanxi Province, who also delivered a plenary address, Mr Li Jialin and Mr Guo Renzhong, Deputy Directors of Land Bureau of Shenzhen and Mr Zhang Xinmin, Deputy Director of Land Bureau, Guangdong Province.



Other prominent persons who were invited to deliver plenary addresses included from Hong Kong, Dr the Hon CY Leung, Mr Tony Tse and Mr Albert Leung, and from overseas, Mr Keith Bell of the World Bank, Prof Theo Kotter of Bonn University, Prof Holger Magel and Prof Stig Enemark of FIG.

There were over 300 quality technical papers selected for presentation in the 64 technical sessions with eight sessions running in parallel.

Technical Tours

There were four technical visits to some of the fine examples of surveying achievement, including, the Land Information Centre and Geodetic Survey Section of Lands Department, the Hydrographic Office of Marine Department and the HK-Shenzhen Western Corridor of Highways Department, as well as a one-day post conference tour to Macau Cartography and Cadastre Bureau.



Post Conference Technical Tour

The post conference technical visit to the Macau Cartography and Cadastre Bureau, was very informative and enjoyable particularly to those delegates from overseas. Besides having an insight into the work of the Bureau delegates were led to have a panoramic view of Macau in a short but solid tour of this fabulous neighbour of ours. The Bureau as usual



extended the warmest hospitality to our delegates. The Organising Committee made a courtesy visit to the Bureau later to thank them for the generous support in arranging the technical visit.

Local and International Support

The Working Week received strong support from the local including the government, the education sector and the commercial sector. Such as, the Lands Department was the co-organiser and provided all the reprographic, photographic and stage setting services; the Hon Michael Suen, the Secretary for Housing, Planning and Lands, gave an address at the Gala Dinner; the Housing Department set up a display of



its work and Mr Bay Wong, Assistant Director, gave a speech at the Stanley Plaza during the Chinese Evening and FIG Foundation Dinner; the Link Management Ltd. sponsored the event and provided the venue in Stanley, and the Department of Land Surveying and Geo-Informatics of the Hong Kong Polytechnic University provided the computing equipment.

Patronage for the event was overwhelming. The Diamond, Gold and Silver categories of sponsorship were all taken up; all the exhibition booths were sold out as well as many pages of advertisement were put in the programme book. Their generous sponsorship made quite a substantial support to the event.



Behind the scene a lot of activities were going on at the venue and outdoor functions which required exact co-ordination, adequate provisioning, and most importantly, prompt action on last minute change of plan and all these required enormous staff resources. For example, the IT Support Team had to equip all the meeting rooms and technical session rooms with

audio visual and computing equipment and to reconfigure the settings quickly in between the room repartitioning; the Reprographic Team had to prepare well before the conference more than 50 backdrops and display boards and to set these up before each session beginning work as early as 7 a.m. at the venue; the Floor Manager had to deploy more than twenty Conference Assistants to assist in the various activities and to attend to any ad-hoc matters arising, and the energetic Conference Assistants who not only played the role of assisting in the progression of various activities but also as ambassadors for the Hong Kong surveying profession.



Special Thanks to the Congress Director

The Working Week would not have been so smoothly run and everything under control including the budget without the excellent directorship of the Congress Director. She had been most meticulous, thoughtful and considerate and was personally involved in every aspect no matter how minor with a view to ensuring the event satisfying most if not all of the expectations of the stakeholders.



Report by HKIS VP on attending the XXX FIG General Assembly

Before the Technical Session part of the Working Week there was the General Assembly of FIG on 13 May 2007. During the Assembly meeting, representatives from over 60 member associations deliberated on the FIG's vision and work plan. Representing the HKSAR were Mr Francis Leung, Vice President of HKIS and Mr Hon-kwong Sung, Chairman of the Land Surveying Division of HKIS. Mr Simon Kwok, Vice Chairman, represented the Land Surveying Division in the second session of the General Assembly held on 17 May.

The overall theme for the coming year was "Building the Capacity". As an international organization, the FIG aimed to enhance the global standing of the surveying profession, help eradicate poverty, promote democratization, and facilitate economic, social and environmental sustainability. It would interact with other international bodies such as the United Nations agencies and the World Bank and respond to the Millennium Development Goals endorsed by the United Nations. For developing countries, capacity would be needed to meet the challenges of fighting poverty and developing a basis for a sustainable future. Capacity would also be needed for developed countries to meet the challenges in institutional and organizational development in the areas of surveying and land administration.

The work plan for realizing these visions covered:

- promoting and enhancing the role of the FIG
- continuing and enhancing dialogue with member associations
- promoting FIG as a truly global organization
- responding to the Millennium Development Goals
- empowering commission activities



In the second session of the General Assembly held on 17 May, the Vice President of FIG reported on the Advisory Committee of Commission Officers meetings and Commission activities. The delegates also reported

on the arrangement of the 6th FIG Regional Conference 2007 in San Jose, Costa Rica; Working Week 2008 in Stockholm, Sweden; Working week 2009 in Israel; and FIG Congress 2010 in Australia.

Report by HKIS VP on attending the President's Meeting

The President's meeting held on 17 May permitted more in-depth discussions on the FIG's vision, work plan and various implementation issues from the perspectives of member countries. An integrated approach for the commission activities was advocated and agreed. Instilling the FIG goals and work plan to member associations and their respective members was another big challenge. With regard to promoting and enhancing FIG's roles, Mr Francis Leung, Vice President, on behalf of HKIS echoed the remarks that surveyors' roles in planning, building governance, costing, project management and related commercial aspects should be more vigorously pursued in order to correct the common public perception of equating FIG and the surveying profession with land and geometric activities only. Promotion of these other aspects of surveying would serve FIG's declared objective of broadening its membership base. As to promoting the benefit of being an FIG member, Mr. Leung proposed that the fee structure should be reviewed to effectively reflect the different levels of participation by surveyors from different disciplines within a same member association.

A lot of kind words were received from many delegates on the successful hosting of the FIGWW2007 by the Institute. The good efforts of the Organising Committee, led by Mr Chan Hak and Miss Winnie Shiu, were duly acknowledged in the Presidents' meeting and on other occasions. Mr T N Wong was also congratulated for his foresight in bidding for and winning the hosting rights. To host a significant international event as the FIG Working Week has been an exciting

experience for the HKIS. Through the public awareness the Working Week has generated, the event has helped to project a very positive image of the Institute and the surveying profession, both locally and internationally.

Thank you Messages from Delegates

"You were particularly outstanding before, during and after the congress. Please keep it up."

"We would like to send you, once again, our love for your care and hospitality during this year's major FIG event held in your country. It was really great !!!"

"Winnie, you, personally, should also be very proud. I know that you put in many hours fine tuning the operation to ensure that everything went off without a hitch, and it did! Great job! Congratulations!"

"Thanks. Our delegates had a good and rewarding time in Hong Kong. I as the Administrator at this end would also want to thank you for your warmth and assistance to our delegates at the preparatory stages especially with the visas. I appreciate your very timely responses to our needs."

"Thank you yourself for a well carried out conference. I hope we can do as good in Stockholm next year."

"Thanks for this Winnie, and congratulations on (another) well run and successful conference. Hopefully now you can relax a bit."

"Winnie, it is you that deserves the thanks for a great conference. I was extremely pleased with the organisation of the working week and congratulate you and your colleagues for a very successful conference. The HKIS should be very proud of the job that you have done in organising a great conference in Hong Kong."

"Thanks, I miss not being in Hong Kong personally but the reports are gratifying."

"It is really huge hospitality and reception of HK's Govt."

"This was my first FIG and enjoyed it immensely!"

"Much thanks to God, you and other FIG workers. Keep me in touch with every future FIG programmes."

"Although we didn't have the chance visiting and exploring HK we feel like being in a (big/Mega) Asian city covered by 50-60 floor towers (!!!)."

Conclusion

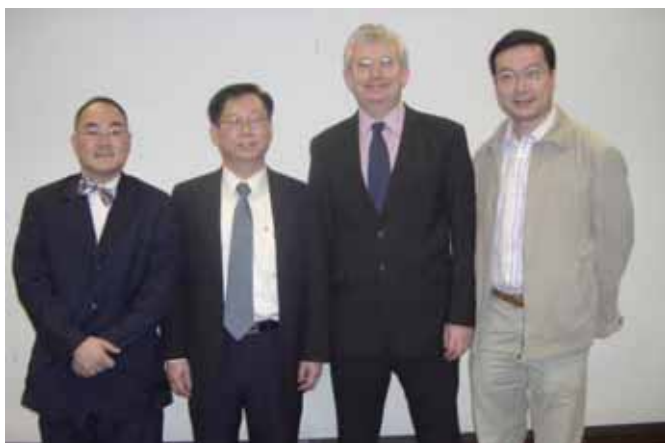
The Organising Committee had delivered the FIG Working Week 2007 in accordance with the terms and conditions as laid down in the original bid for the event and subsequent agreement reached with FIG and achieved a healthy balance of income and expenditure. The event had also won the acclaim and positive feedback from many of the delegates. In a more far reaching goal, it is expected that the event will further elevate the status of the Institute in the local as well as in the international scene. I wish to take this opportunity to thank everyone who had made substantial contribution to turn this Working Week into a reality.

PFMD CPD Committee

PFMD CPD Committee convener Alan Wong says that the Division has just completed its first series of structured CPD on 17 March, the programme started in June last year and was run in conjunction with the Hong Kong Polytechnic University.

A total of 8 seminars took place and provided 24 CPD hours within that span of time, the events were:

- Renovation of Shopping Centre: Mall in the Link REIT
- Regulatory Accounting Framework in Hong Kong
- Revisit Drafting and Administration of Deed of Mutual Covenants
- A Successful Building Manager & a Forward-Looking Approach on Resolving Building Management and Maintenance Disputes
- Conflict or Appreciation in Major Renovation Projects is all your Choice
- Financial Planning and Forecasting for Investment Property and the Performance of Retail Markets and Retail REITs
- Green Building and Facilities Management
- The Shaping of a Great Shopping Mall



In the last seminar of the series, Jimmy Wong shared on the shaping of a great shopping mall and PFMD Chairman Michael Price presented CPD Certificates to members then. Alan Wong is hopeful that the second series will be launched very soon.

Building Management and Maintenance Forum



On 12 May, Council members including Wong Bay, Professor Barnabas Chung, Gary Mak, Kenneth Yun, Edwin Tang, Ben Chong, Victor Lau and Billy Wong attended the Building Management and Maintenance Forum

in the Hong Kong Convention and Exhibition Centre.

The Forum was organized by the Hong Kong Housing Society. With a social mission to alleviate the problem of urban decay, the Housing Society launched the Building Management and Maintenance Scheme in February 2005 to provide 'one-stop' assistance to owners of old buildings in managing and maintaining their buildings. So far, the HKHS has served more than 83,000 units in over 1,600 buildings and assisted about 460 buildings to form Owners' Corporations. After running the scheme for two years, the HKHS wants to gauge more views from the stakeholders in order to make the scheme more effective.

There were altogether about 200 delegates from different sectors including district councils, the URA, academic, social workers and building owners.

HKIS President Raymond Chan delivered a talk on Implications of Building Design on Building Maintenance.

Greening forum

The Civil Engineering and Development Department has partnered with the Wanchai District Council to develop a greening master plan for Wanchai and Causeway Bay. The plan aims to define the overall greening framework of the area and serves as a guide for all people involved in planning, design and implementation of greening works. In addition to identifying suitable locations for planting, the plan will establish the greening themes and propose suitable planting species.

The Institute was represented by Stephen Yip of the GPD at the community forum on 9 June in the St James Settlement Ming Hua Hall in Wanchai.

Central Harbourfront



The Planning Department launched Stage 1 public engagement for the Urban Design Study for the New Central Harbourfront on 3 May in the hope of seeking public views on the urban design objectives, urban design issues and sustainable design principles for the new Central Harbourfront which essentially includes the possible locations and design ideas for reconstructing the old Star Ferry Clock Tower and reassembling Queen's Pier. The Stage 1 public engagement will last for two months till 30 June. For details of the Study, please visit www.pland.gov.hk/p_study/prog_s/CRUDS/index_eng.htm.

Representing the Institute at the Subcommittee to Review the Planning for the Central Waterfront (including the Tamar Site) on 28 June in the Chamber of the Legislative Council has been Dr Paul Ho.

HKIS joins lunches hosted by HPLB



On 16 May, office bearers Raymond Chan, Yu Kam Hung, Francis Leung and Ben Chong were invited to a luncheon in the Yung Kee Restaurant hosted by Permanent Secretary, Housing, Planning and Lands Bureau Rita Lau.

On 21 May, President Raymond Chan, Senior Vice President Yu Kam Hung and GPD Chairperson Serena Lau were invited to a luncheon in the Kowloon Club hosted by Deputy Secretary, Housing, Planning and Lands Bureau Mary Chow.

Shopping areas of Mongkok

Chairman of the Local Affairs Committee Dr Paul Ho and General Practice Division member Stephen Yip have attended a public forum conducted by the Planning Department in the Mongkok Community Hall on Saturday 2 June.

To help to enhance the overall attractiveness of the shopping areas and pedestrian experience in Mongkok, the Depart-

ment has commissioned a study and the specific objectives of the Study are to formulate an Area Improvement Plan. The specific objectives of the Study are to:

- formulate a robust urban framework that guides improvements to the area without losing its vibrancy;
- strengthen the identity, orientation, public penetration and visual legibility of the shopping areas;
- identify strategies and optimize opportunities for greening of the area;
- provide solutions to reduce pedestrian / vehicular conflict and improve the pedestrian environment;
- create cost effective and practical solutions that provide immediate positive impact on physical experience; and
- obtain public support to the improvements that benefit both locals and visitors.

The Study proposes a planning framework and three projects for early implementation. An overview of the Study key task and broad study programme can be found in the diagram below.

Please visit http://www.pland.gov.hk/p_study/prog_s/mk-ShoppingAreas/digest.pdf for more details on the planning digest.

Saleable area

The HKIS Saleable Area Working Group had another meeting on 6 June when comments arising from the Open Forum and the 2-week Consultation were reviewed. The revised draft has been endorsed by the HKIS Executive Committee in its meeting on 14 June and the document is currently going through legal vetting.

Meanwhile, the Institute has been invited to the LegCo Panel on Housing meeting on Tuesday 17 July when the Panel would like to follow up with relevant parties on progress in taking forward the proposed improvements. These include revising the code of measurement of saleable area, adopting the revised code in the Consent Scheme and REDA's guidelines, requesting disclosure of saleable area information on price list and provisional Agreement for Sales and Purchase and to use larger font size to highlight saleable information in sales brochures, improving REDA's guidelines to request developers to publish the complaint hotline numbers of REDA, Consumer Council, Estate Agents Authority and the Government in sales brochures as well as displaying the numbers in the sales office, and implementing measures to enhance consumer education and regulation of estate agents.

Ex Com members have lunch with RICS HK

Members of the HKIS Executive Committee were invited to a spring luncheon by RICS Hong Kong in the New Dynasty Restaurant on 5 March. They included Raymond Chan, President; Francis Leung, Vice President; Kenneth Yun, Vice Chairman, Building Surveying Division; Serena Lau, Chairperson, General Practice Division; Sung Hon Kwong, Chairman, Land Surveying Division; Edwin Tsang, Chairman, Planning and Development Division; Michael Price, Chairman, Property and Facility Management Division; Spencer Kwan, Chairman, Quantity Surveying Division; Victor Lau, Chairman, Young Surveyors Group; KC Tang, Vice Chairman, Board of Education.



RICS representatives included Marco Wu, Chair of RICS/HKIS Liaison Committee; David Tse, Chair of RICS HK Board; Simon Kwok, RICS International Geomatics Faculty Board Representative; Eric Poon, Vice Chair of RICS QS & Construction Faculty Committee; Tony Leung, Chair of External Affairs and Public Concerns Committee; Steven Gould, RICS Director of Professional Regulation and Consumer Protection; Diane Telford, RICS Head of Professional Regulation; Darren Jensen, Director of RICS Asia Pacific and Cindy Kwong, Head of Marketing and Development

HKIS new affinity card



HKIS President Raymond Chan says that the new affinity card is another milestone project of the MWC and further demonstrates the Institute's commitment to members' benefit.



Kenneth Lee, Vice President & Head of Charge Products of American Express in Hong Kong brought his team along for a detailed discussion with HKIS representatives on the agreement which is hoped to be signed in June. Mr Lee's team comprises Peter Burt, Head of Sales and Joelle Samaha, Business Development Manager of Kessler Financial Services Australia Pty Ltd in Sydney which is the agency responsible for putting the deal together. Other local American Express executives included Wendy Chow, Amy Ho and James Lo.

"We are looking at launching a co-brand card with a major financial institution in quarter 4 of this year", said Nelson Cheng, Chairman of the Members' Welfare Committee, after a meeting with representatives from the American Express on 30 May. The MWC is headed by Nelson Cheng, currently Honorary Treasurer of the Institute and divisional representatives include Nathan Lee, Ivan Ng, Penfield Lau, Eric Chan, Alvin Cheung, Antony Man, Sunny Chan, Jervis Chan and Sheldon Ip. If you wish to reach the MWC, please email linda@hkis.org.hk or call the Secretariat on 2526 3679.



LIST OF HKIS MEMBERS EXPUNGED FOR NON-PAYMENT OF SUBSCRIPTIONS 2006/2007

Approval was given by the General Council to expunge the following members for non-payment of subscriptions for the year 2006/2007 with effective from 22 March 2007

DIV.	NAME	HKIS NO.	CLASS
BS	AU YEUNG, WAN TIK WENDY	84282	STUDENT
BS	BALDWIN, GRAEME R.	0993	FELLOW
BS	CHAN, KAI PONG ALBERT	83737	PROBATIONER
BS	CHEK, YIU FAI	83080	PROBATIONER
BS	CHENG, CHUN WAI	84099	PROBATIONER
BS	CHEUNG, HON SUM	82915	PROBATIONER
BS	CHEUNG, KIN WAH	83190	PROBATIONER
BS	CHEUNG, SAU FAI	84055	PROBATIONER
BS	CHIU, CHUI MEI	84909	PROBATIONER
BS	HON, PUI KWAN	84595	PROBATIONER
BS	KWOK, LEUNG YAU	82368	PROBATIONER
BS	LEUNG, HOI YAN	82921	PROBATIONER
BS	LEUNG, HOK CHING	2522	MEMBER
BS	NG, KWUN TING	84533	PROBATIONER
BS	WONG, KWONG WAH	80789	PROBATIONER
BS	WONG, PUI SHAN HELENA	81516	PROBATIONER
BS	WONG, YIN KWAN	83197	PROBATIONER
BS	YUEN, SHUN WAN	84394	STUDENT
GP	AU YEUNG, KA YEE	84827	PROBATIONER
GP	BREEN, JOHN RICHARD PATRICK	0078	FELLOW
GP	CHAN, HO MEI ANGELA	82122	PROBATIONER
GP	CHAN, LAI KEI	81703	PROBATIONER
GP	CHAN, SING LUNG ROX	85152	STUDENT
GP	CHAN, YIN LING	85155	STUDENT
GP	CHAN, YUEN PING	83763	PROBATIONER
GP	CHEUNG, KIN HUNG GRACE	2649	MEMBER
GP	CHEUNG, MEI KUEN CHERRY	3078	MEMBER
GP	HO, PAK SUN	0102	MEMBER
GP	HO, PING LIN	85154	STUDENT
GP	HUNG, HAU CHEUNG	81068	PROBATIONER
GP	KO, CHI CHUNG RODNEY	83119	STUDENT
GP	KWOK, WING YEE WENDY	84405	PROBATIONER
GP	LAI, CHI WAI	82314	PROBATIONER
GP	LAI, KA MAN	84956	PROBATIONER
GP	LEE, YUK HAR ADA	81736	PROBATIONER
GP	LEUNG, HUNG CHEONG WALES	82076	PROBATIONER
GP	LEUNG, KA FAI	84019	PROBATIONER
GP	LEUNG, SUI TING PAT	84713	PROBATIONER
GP	MAK, WAI MING DOMINIC	83123	PROBATIONER
GP	MCGRAW, MALCOLM	0247	FELLOW
GP	NG, CHI KIN	82944	PROBATIONER
GP	TSE, WAI KEUNG	80834	PROBATIONER
GP	TSUI, YIG PUI SIMON	0134	FELLOW
GP	WONG, LAI KUEN	84935	PROBATIONER
GP	WONG, TAK KEE	80996	PROBATIONER
GP	WONG, WING YIN	84876	STUDENT
GP	YEUNG, WING KWONG	0953	MEMBER
GP	YU, SOOK YIN	82763	PROBATIONER
GP	ZEE, CHUK KWAN	81615	PROBATIONER
LS	HAYES, DOUGLAS MCLAREN	3577	MEMBER
LS	TSE, FUNG CHIU	84098	PROBATIONER
LS	WONG, KA KEUNG	3960	TECHNICALASSOCIATE
QS	CHAK, MAN LUNG	85015	PROBATIONER
QS	CHAN, HON KUEN	83839	PROBATIONER
QS	CHAN, KEE YIP KELVIN	80595	PROBATIONER
QS	CHAN, KIN YIP	83962	PROBATIONER

QS	CHAN, TIN PO JOSEPH	2798	MEMBER
QS	CHAN, WAI MING	80896	PROBATIONER
QS	CHAN, WING KIN	85112	PROBATIONER
QS	CHAN, YUK TING	85026	PROBATIONER
QS	CHENG, KAN CHOI	82970	PROBATIONER
QS	CHENG, MAN KIN	81307	PROBATIONER
QS	CHENG, WING KWA	82389	PROBATIONER
QS	CHEUNG, CHUN CHUEN	83177	PROBATIONER
QS	CHEUNG, WAI YIN	81272	PROBATIONER
QS	CHIU, SHIU WING CHARLES	83047	PROBATIONER
QS	CHIU, WING KEUNG MICHAEL	84561	PROBATIONER
QS	CHOI, WING YAN	83799	PROBATIONER
QS	CHOW, CHUN FAI	84289	PROBATIONER
QS	FONG, CHAK MAN	85126	PROBATIONER
QS	FONG, WAI KEI	82419	PROBATIONER
QS	FUNG, KWOK CHUNG	80524	PROBATIONER
QS	GUNNION, ROBERT STEWART MCINTYRE	84198	PROBATIONER
QS	HA, SUET CHING	82481	PROBATIONER
QS	HO, CHUN KIT	80903	PROBATIONER
QS	HO, MUN MAN RAYMOND	83473	PROBATIONER
QS	HUMPHREY, STEVEN	2238	MEMBER
QS	KO, CHEUK YING	83771	PROBATIONER
QS	KONG, PUI SHAN	82463	PROBATIONER
QS	KWAN, CHI WAI	84573	PROBATIONER
QS	LAI, SIU TONG	82089	PROBATIONER
QS	LAI, WAI HUNG	84334	PROBATIONER
QS	LAI, WAI LEUNG	82601	PROBATIONER
QS	LAI, WING KWAI	82153	PROBATIONER
QS	LAM, CHI KEUNG	81581	PROBATIONER
QS	LAM, WAI MING	83740	PROBATIONER
QS	LAU, CHI KEUNG	81894	PROBATIONER
QS	LAU, CHIN TING	84388	PROBATIONER
QS	LAU, KAM YAN KAREN	85010	PROBATIONER
QS	LEE, MING	83952	PROBATIONER
QS	LEUNG, LUNG CHING	84069	PROBATIONER
QS	LEUNG, YUET YUNG LOURDES CONNIE	1042	MEMBER
QS	LI, HING CHUNG	82330	PROBATIONER
QS	LIM, LILY	82800	PROBATIONER
QS	LUI, KING	84498	PROBATIONER
QS	MAK, KA SING	84747	PROBATIONER
QS	MARSH, IAN PHILIP	85127	PROBATIONER
QS	MOK, WAI MAN RAYMOND	85081	PROBATIONER
QS	NG, HO CHING	84179	PROBATIONER
QS	NG, KUK FOON AMY	1062	MEMBER
QS	PAK, CHUNG YIN	83600	PROBATIONER
QS	PAK, KA CHUN	82143	PROBATIONER
QS	ROBINSON, KENNETH GREY	1773	FELLOW
QS	SHAH, SAW LAY	2214	MEMBER
QS	SOONG, YIU WAI	83070	PROBATIONER
QS	SUN, WAI YIP	81617	PROBATIONER
QS	SUNG, CHI KIN	82590	PROBATIONER
QS	TANG, WAI HO	83765	PROBATIONER
QS	TO, KA WAH KEVIN	83633	PROBATIONER
QS	TO, WING	83871	PROBATIONER
QS	TSANG, MAN CHING	83016	PROBATIONER
QS	WHAWELL, CHRISTOPHER JOHN	3210	MEMBER
QS	WONG, CHI HIM	84863	STUDENT
QS	WONG, KA KI	84299	PROBATIONER
QS	WONG, KA YAN	84917	STUDENT
QS	WONG, MING CHI	83314	PROBATIONER
QS	WONG, WAI MAN	80506	PROBATIONER
QS	YEUNG, YI	83680	PROBATIONER
QS	YIP, CHEUK WAI	85373	PROBATIONER
QS	YIP, CHI HO	83601	PROBATIONER

國家測繪局代表團來訪學會 State Bureau of Survey and Mapping visits HKIS



國家測繪局代表團一行四人，由局長鹿心社帶領，在國際測量師聯合會(FIG)工作週期間，於2007年5月14日來訪學會，並與學會代表進行交流，促進兩地的專業合作。代表團其他成員為國家測繪局辦公室主任吳兆琪、陝西測繪局副局長肖平及國家測繪局港澳台辦主任王倩。

學會出席接待的代表除上任會長黃仲衡外，尚有副會長梁立基、土地測量組主席宋漢光、副主席郭志和、上任主席邵偉青、建築測量組主席黃來發、產業測量組主席劉詩韻及副主席趙錦權。

會議上，學會上任會長黃仲衡介紹了香港的測量專業範疇並



提及自CEPA簽訂後，學會分別與中國房地產估價師學會(2003年)、中國建設工程造價管理協會(2005年)和中國建設監理協會(2006年)簽訂互認協議。學會並於去年在上海、北京及廣州設立內地議會，以聯繫內地會員，推動行業發展。

國家測繪局局長鹿心社表示，當局已初步制定測繪行業的注冊測繪師制度，又已編製有關資格考試和資歷審核等辦法。土地測量組主席宋漢光會上表示，該組去年曾訪問北京，就資格互認事宜與有關部門進行過商討，希望日後能夠達成更具體成果。



鹿心社局長亦是國土資源部副部長，對香港的土地利用和城市發展很關心。產業測量組主席劉詩韻表達了學會會員在內地發展的願望，希望日後多作交流。

會上雙方同意增加合作空間，推動測量師在國內和國際的發展。

LETTER TO EDITOR

Put our heads together

HKIS should be consulted on all issues relating to the built environment and construction related matters. Likewise the HKIS should make every effort to participate in discussions and forums on such topics. I have mentioned in the Heritage WG led by Michael Price, our aim is to make HKIS and the surveying profession known to the community, hopefully that would create opportunities for surveyors. Members of the local affairs panel of the GPD should offer a helping hand to the Local Affairs Committee of the HKIS General Council.

Stephen MW Yip

Block 41 of Shek Kip Mei Estate, better known as Mei Ho House, was given a Grade 1 Historic Building status. A competition is now held to invite ideas on the future use of Mei Ho House and its integration with the neighbouring area in the redevelopment of Shek Kip Mei.

擁有五十多年歷史之石硤尾邨為本港公屋發源地，其中第41座「美荷樓」H型徙置大廈被列為一級歷史建築。為使美荷樓重注生命，並與毗鄰建築群的整體發展互相呼應，現歡迎各界提出創新構思，使石硤尾邨重建區新舊兼容及持續發展。

Entry Requirement

The Professional Group Competition is open to all fellow members and members of Hong Kong's professional institutes/association of Architects, Engineers, Planners, Surveyors, Landscape Architects and Designers. Professionals in the aforementioned categories who are registered in place of practice outside Hong Kong are eligible to enter in the Professional Group Competition.

Prizes for Professional Group

Three Winning entries : each wins HK\$25,000 cash coupon and certificate

Five Merit entries : each wins HK\$2,500 cash coupon and certificate

Competition Submission Deadline

Entries must be sent or delivered to the Hong Kong Institute of Architects (19/F, One Hysan Avenue, Causeway Bay, Hong Kong) between 18 August 2007 and 31 August 2007, 6:00 p.m.

Mei Ho House Open Days

30 June to 29 July 2007 (10:00 a.m. to 6:00 p.m. daily)

Note: Mei Ho House will be closed when any rainstorm warning or typhoon signal is issued

Enquiry

Website : www.meihohouse.hk

Fax : 2519 3364

Email : info@meihohouse.hk

無限之旅

無限之旅

石硤尾邨美荷樓意念創作比賽

In Infinity Journey Ideas Competition for Mei Ho House of Shek Kip Mei Estate

合辦機構



香港規劃師學會



香港工程師學會
建築分部及結構分部



香港測量師學會



香港設計師學會

支持機構



中小學建築

贊助機構



香港房屋委員會



民政事務局

第二屆中部博覽會



四月二十五日會長陳旭明赴河南鄭州，出席第二屆中國中部投資貿易博覽會（中部博覽會）。

第二屆中博會成功召開，對全省招商引資工作推動效果顯著。據統計，5月份全省實際到位省外資金接近200億元，達到192.9億元，實際利用外資3.54億美元，同比分別增長82.3%和268%。前5個月，全省累計實際到位省外資金602.5億元，同比增長76.6%。實際利用境外資金11.07

億元，同比增長66.11%，分別完成年度目標的50.2%和50.41%。大項目的資金實際落地，帶動全省利用境外、省外資金的迅速發展。



PAQS Conference and ICEC/PAQS Board Meeting in New Zealand



The PAQS International Conference took place in Auckland from 8 June to 12 June and there were around 10 delegates from HKIS, some delivered their papers and some attended the administrative board meetings of the PAQS (Pacific Association of Quantity Surveyors) and ICEC (International Cost Engineering Council).

As background information, these international conferences provide a platform whereby QS delegates from other parts of the world come together to unite themselves for an aim of globalization of professions. The delegates attending these conferences come from full members countries including Australia, Canada, China, Hong Kong, Japan, Malaysia, New Zealand, Singapore, United States and associates country member Brunei and observer from South Africa (all are in

alphabetic order).

There were 47 papers presented from all countries and among them Hong Kong presented 11 papers (refer to lists of topics). These papers from Hong Kong will be presented again in HKIS as CPD and the time table will be announced separately.

Before the opening of the conference, we have the honor and pleasure to have invited the President of HKIS, Raymond Chan to sign up 2 reciprocity agreements with two fellow institutions, namely AIQS and NZIQS. This provides vehicles in which their members, after satisfying our professional interview, can acquire HKIS qualification and vice versa from our members to obtain qualification of their Institutions. There are further collaboration with possibly two more Institutions, namely Institutions from Japan and Canada on possibility of reciprocity agreement.

6 - 7 June

The majority of our Hong Kong delegates took the evening flight departing Hong Kong on 6 June and arriving Auckland on 7 June in the afternoon. We met the New Zealand delegate Bruce Glennie, the NZIQS President-elect when we were having a drink and dinner together. We exchanged the similarities and differences of QS practices between Hong Kong and New Zealand. There was a good interflow of quan-

tivity surveying ideas among both parties throughout the dinner which was indeed a warm welcome to us by the New Zealand delegates.

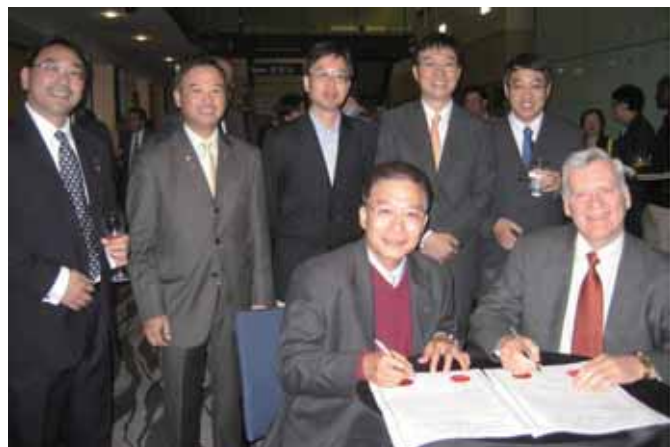
8 June

Four members from HKIS joined the annual PAQS golf tournament at the famous Gulf Harbour Country Club. It proved to be difficult to play in New Zealand with strong winds and thick rough. In the evening, we invited Mr Sato from Japan to continue the discussion of mutual recognition between HKIS and BSIJ. Mr Sato and our Hong Kong delegates are trying our best to establish an international visa in surveying field for the younger generation as we all understand the world is becoming unitised sooner or later. The younger surveyors are expected to travel all over the world to work and it will be to their best benefit if the HKIS qualification will be recognized all over the world. In fact, the International Committee of the QSD had try our very best to finalise the Reciprocity Agreement with the Australian Institute of Quantity Surveyors and the New Zealand Institute of Quantity Surveyors which will be elaborated in the next paragraph with photographs of the signing ceremony held on 9 June.

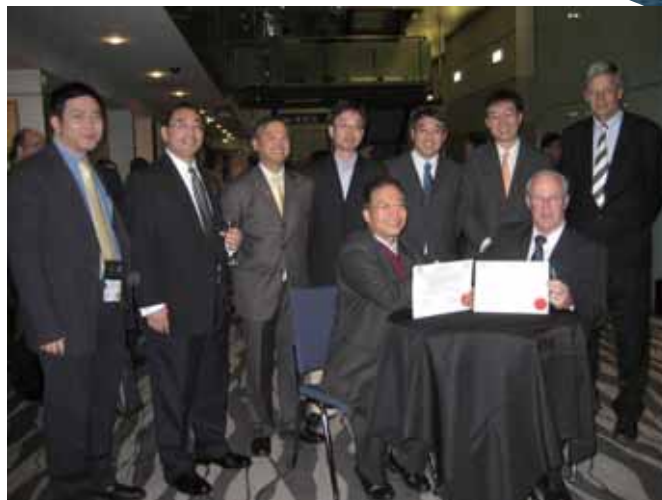
9 June

Signing of Reciprocity Agreements with AIQS and NZIQS

Playing golf was not the major event before the PAQS conference to be held a few days later. It was just a tool of getting acquaintance with overseas fellow surveyors. After playing golf with our Australian counterparts for a few years and getting acquainted with each other, we found trust and reliability in each other on various aspects, such as professionalism and standard. Through years of inspection on the stan-



HKIS President Raymond Chan and AIQS National President John Popplewell, signed the Reciprocity Agreement between HKIS and AIQS



HKIS President Raymond Chan and NZIQS President Paul Maynard, signed the Reciprocity Agreement between HKIS and NZIQS

dard and structure of each other party, the International Committee of the QSD recommended to the HKIS General Council which endorsed the signing of the Reciprocity Agreement between HKIS and AIQS. Similarly, the Reciprocity Agreement between HKIS and NZIQS was arranged as a major event during the International Reception Cocktail held on 9 June 2007 attended by over 100 international delegates.

During the cocktail reception, the Reciprocity Agreement between HKIS and NZIQS was signed in the presence of the PAQS delegates from different countries. This was followed by the signing of Reciprocity Agreement between HKIS and AIQS. Photos of the signing ceremonies of both Reciprocity Agreements can be found in the HKIS website. This is a major success for the HKIS through our years of effort and we are aiming at the signing of reciprocity Agreement with BSIJ of Japan and CIQS of Canada in the near future.



10 June

PAQS Board Meeting and ICEC Region IV Board Meeting

The rundown of this tightly scheduled full day meeting comprised of reports from official bearers, committees' chairmen and items to be discussed which covered the administrative and strategic ongoing directions of PAQS followed by board meeting of ICEC. A piece of good news from the PAQS Board meeting was that our immediate past QSD chairman, Dr Paul Ho, was awarded the PAQS Academic Excellence Award in recognizing his achievements in the academic field through the recommendation of HKIS, endorsed by the Award Selection Committee of the PAQS and approved by the PAQS Board. In the subsequent ICEC Board meeting, chaired by TT Cheung, ICEC Region IV Director, each country within this Region IV gave his individual report on the matters related to QS matters for the past year.

In the evening, there was a dinner followed by Karaoke. It was enjoyed by all attendants of the evening. In the beginning, delegates from each country sang by themselves but later in the evening, delegates from different countries sang along side by side. By this, delegates from different countries are getting closer to each other and this paved the way to our future mutual understanding and hopefully mutual recognition between institutes of quantity surveyors from different countries.



Dr Paul Ho from HKIS received the PAQS Academic Excellence Award from the PAQS Chairman, Mr Sato

11 ~12 June

PAQS Conference

The opening of the 11th PAQS Conference was an-

nounced with the Master of Ceremony introducing a group of Maori singers/dancers showing some traditional Maori singing/dancing. This was followed by a welcome speech from Sato Takayoshi, the PAQS Chairman, which was in turn followed by another welcome speech from Paul Maynard, President of the hosting country NZIQS. Afterwards, there was an address from National Party Leader, Hon John Key following by the keynote address by Roger Knowles on quantity surveyors' role in various procurement methods in construction industry including 'Design and Construct' and 'Guaranteed Maximum Price'.

After the morning tea, Session 1 of the PAQS Conference commenced. Among the other topics held forth by various speakers, Roger Knowles chaired a topic in Session 4 about Alternative Contract Procurement with speakers from New Zealand city councils sharing their experiences about partnering and alliancing which are new concepts of procurement based on a cooperative attitude among the developer, consultants, contractors and specialist subcontractors. This is exactly what we should learn as our traditional competitive, adversarial attitude in our Hong Kong construction industry are packed with claims/counterclaims and cutting corners/low quality products due to cut-throat competitions in a downturn economy. When will our government authorities/ developers learn?

The PAQS Conference went on the second day 12 June with speakers on various topics, some on professional practices while others were on research issues. Again, there was a session on the topic 'Benchmarking - The key to unlocking the door to successful Relationship Procurement'. As most attendants of the conference would have questions about Relationship Procurement methods such as partnering and alliancing, especially on those areas such as corruption, competitiveness, efficiency and value for money, this session on benchmarking showed us how to measure efficiency of Relationship Procurement. If we do not have a tool to measure the effectiveness of Relationship Procurement, it will be subject to attack because the price may be higher than a traditional competitive tendering method. We, quantity surveyors, should be the most suitable professional to lead on developing such tools to measure the effectiveness of Relationship Procurement, such as life cycle costing and tendering cost wasted in traditional competitive tendering methods. After explaining to the general public on the effectiveness of Relationship Procurement could we be supported to go ahead with such alternative procurement method with no adverse comment from the general public.



HKIS Papers at the PAQS Conference

Paper title	Presenter
Optimizing the planning efficiency of super tall buildings	Dr Paul HK Ho
A study on the pros and cons of the proposed private certification of building plan submission in Hong Kong	TT Cheung
Impact of organizational culture on the implementation of total quality management in construction firms	Anita Liu CWM Cheng R Fellows
An empirical study of modifying ordinary commercial buildings to intelligent buildings	Kenny Chan
Critical success factors for PFI projects in Hong Kong	Thomas Ng Mang-Hin Tse
Rationales behind the new Hong Kong Standard form of building contract	Bernard Shek Cheong Wu
Merits of the dispute resolution advisors system	Mickey Wong
Hong Kong QS firms in mainland China: barriers & opportunities in the market after closer economic partnership	Joseph Chong
Professional competencies of quantity surveying graduates	Mei-yung Leung Dongyu Chen
What a quantity surveyor can do in project financing - experience from Macau & mainland China	Jacob CK Lam
A review of the time and cost consequences of the standard forms of contract in the Pacific region	Ellen Lau KC Tang

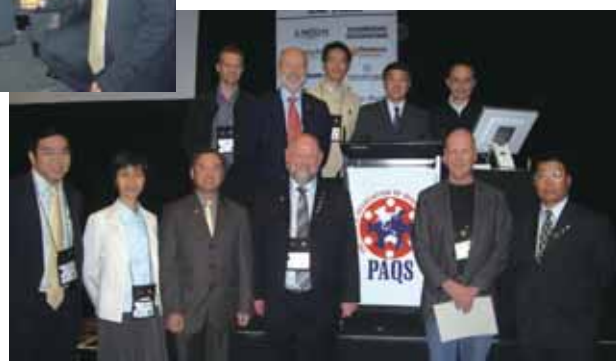
After this session on benchmarking of Relationship Procurement, the conference closed with the announcing of the 12th PAQS Conference to be held in Edmonton, Canada on June 16-18, 2008. All delegates from Hong Kong took group photos with the host of this 11th PAQS Conference, ie delegates from NZIQS.



In the evening, there was a gala dinner sponsored by Multiplex. During the cocktail session, we took group photos again with delegates from other countries, including Australia, New Zealand, Japan, Singapore, Malaysia, Brunei, Canada, etc. During the dinner, there were prize giving sessions. Dr Paul Ho has been awarded the PAQS Academic Excellence

Award and all delegates from Hong Kong were so delighted. The dinner was followed by a dancing session in which our delegates enjoyed until late evening.





For golfers



For those who would like to play golf in New Zealand you should be aware of the restriction on your golf gear. Upon the inspection by New Zealand Customs Department, all golfers had to take out their golf shoes and hand them over to the Customs officers for their cleaning. The New Zealanders are afraid of overseas bacteria hiding in the soil stuck on spiked shoes to intrude their country. It took about 30 minutes for their cleaning and the waiting was rewarding as the shoes were cleaned as if they were new.

At the course, because of the weather and mountain profiles, there would be a lot of winds and these strong winds all the way hammered the perseverance of golfers stances.



Summary of HKIS CPD Events

11 Jul – 20 Nov 2007

DATE	CODE	EVENT	CPD HOUR(S)	SPEAKER(S)	RAN BY
11 Jul	2007058	The Construction Industry Council - the likely impact	1.5	Ian Cocking, Steven Yip	YSG
14 Jul	2007063	Renovation and refurbishment of existing church	2	John Lau	YSG
17 Jul	2007060	An overview of the Standard Form of Building Contract 2005 Edition	1.5	Leading practitioners and academics	QSD
19 Jul	2007056	Practical methods in water seepage investigation	2	King Chu	BSD
23 Jul	2007071	Briefing session on Revised BS APC Rules and Guides	1.5	Professor Barnabas Chung	BSD
26 Jul	2007054	Subcontractor Registration in Hong Kong - Current Status and Future Development	1.5	Dr S Thomas Ng	QSD
31 Jul	2007047	Valuation in litigation cases	1.5	Yu Kam-hung	GPD
04 Aug	2007067	Visit to MegaBox	2	Raymond Lau	PDD
09 Aug	2007070	Hong Kong QS consulting firms on Mainland China - barriers and opportunities in marketing after CEPA	1.5	Joseph HC Chong	QSD
13 Aug	2007072	A walkthrough from tender invitation to binding of the contract documents	1.5	KC Tang	YSG
15 Aug	2007065	Renovation of shopping malls - regenerating the Shatin New Town Plaza	1.5	Michael KW Yen	YSG
21 Aug	2007060	An overview of the Standard Form of Building Contract 2005 Edition	1.5	Leading practitioners	QSD
25 Aug	2007066	Site visit to Olympic equestrian venue in Shatin 參觀奧運馬術比賽沙田場地	3	Representative from HKJC and Project Manager	YSG
12-16 Sep	2007064	大連學習交流團2007	10		YSG
18 Sep	2007060	An overview of the Standard Form of Building Contract 2005 Edition	1.5	Leading practitioners and academics	QSD
16 Oct	2007060	An overview of the Standard Form of Building Contract 2005 Edition	1.5	Leading practitioners and academics	QSD
20 Nov	2007060	An overview of the Standard Form of Building Contract 2005 Edition	1.5	Leading practitioners and academics	QSD

Details of individual CPD/PQSL events are provided in the *Surveyors Times* and/or HKIS Website www.hkis.org.hk. Please use the STANDARD REGISTRATION FORM overleaf for registration.

For enquiries, please email cpd@hkis.org.hk or call the Secretariat on 2526 3679 if you wish to know the exact number of CPD hours each event is entitled to.

STANDARD RESERVATION FORM

Event Date: _____ Event Code : _____

Event Name: _____

Member details

Surname : _____ Other names : _____

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

Division* : BS GP LS PD PFM QS

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

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

Payment method

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

Please charge my HKIS Visa Platinum/Gold MasterCard as follows:

HKIS Visa Platinum/Gold MasterCard - Payment Instruction for HKIS Event Reservation Fee Ref.: [_____]

To: Shanghai Commercial Bank Limited - Credit Card Service Department

I would like to pay the reservation fee HK\$ _____ to Surveyors Services Limited by charging my HKIS Visa Platinum/Gold MasterCard account as follows:

Cardholder Name : _____ HKIS No. : _____

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

Cardholder's Signature : _____ Date : _____

For Bank Use Only

Approved by :

Date:

Notes

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



CPD/YSG/2007058

The Construction Industry Council - the likely impact

Speakers Ian Cocking, Partner, Minter Ellison
Ian is a partner in the construction practice. His experience includes advising on building and engineering contracts in various parts of the Asian region, acting on behalf of employers, consultants, main contractors and sub-contractors. Ian is a past Chairman of the Hong Kong Society of Construction Law. He has recently been voted one of the 'Hot 100 lawyers' in the Asia Pacific Region 2006 by Asian Legal Business magazine.

Steven Yip, Senior Associate, Minter Ellison
Steven has extensive experience advising on construction issues and dispute resolution in Hong Kong and the Asian region. He has handled a number of major arbitration and litigation proceedings involving the construction of building works. A senior associate in the Asian Construction practice for the past couple of years, he has been involved in court proceedings for the Hong Kong Government arising from the construction of ferry piers and a potential development in Central, Hong Kong.

Date & Venue 7pm - 8:30pm Wednesday 11 July 2007 SLC, HKIS

Details One of the most important recommendations of the Tang Report in 2001 was the establishment of a body to guide the development of the construction industry in Hong Kong. It took until 1 June 2006 to pass the Construction Industry Council Ordinance, which provides for the establishment of the Construction Industry Council (CIC). The CIC starts coming into operation on 1 February 2007 and has the potential to become a central new figure in the Hong Kong construction industry. It has broad powers to make recommendations to the Government on major policy, improve the performance of the industry and impose a Construction Industry Levy. Will the CIC fulfil its potential, or will it be a toothless tiger?

This seminar will briefly introduce you to the legal framework of the CIC and consider the impact it is likely to make upon the construction industry. It will also revisit some of the other key recommendations of the Tang Report, and consider whether these are likely to feature on the CIC's agenda.

Language	English	Fee	HK\$100 per person, HK\$150 for non-member, HK\$20 walk in surcharge for all pricing listed
Deadline	6 July 2007	Priority	Probationer and Student

CPD/YSG/2007063

Renovation and refurbishment of existing church



Speaker John Lau, Project Manager

Date & Time 10:30 am - 12:30 pm Saturday 14 July 2007

Venue Hong Kong and Macau Lutheran Church

Gathering Point Wong Tai Sin MTR Exit D2, Kowloon

Details The church building has been built for over 20 years. Major building fabrics such as toilet fitment, plumbing and drainage system, wall and floor finishes, AC system, windows have come to an end of the service life and require renewal/ replacement in order to upkeep the building condition and operation.

The project manager will take you right from the design stage, through construction to a high-quality finished product including replacement of all the major building fabrics. Inside the chapel, interior fittings has been renewed including the assembly hall, pulpit, pews and the Cross. The project manager will explain the design, planning, procurements and supervisions to the Refurbishment Works.

John Lau is an experienced building surveyor and specializes in project management and project revitalization.

Language	Cantonese supplemented with English	Fee	HK\$150 (including insurance)
Deadline	7 July 2007	Priority	30 (first-come-first-served)

CPD/QSD/2007060

An overview of the Standard Form of Building Contract 2005 Edition

Facilitator Bernard S C Wu FHKIS, FRICS, FAIB, MCIArb, Barrister-at-law, Arbitrator (HKIA/HKIS Panel)

Mr Wu has worked as a quantity surveyor for more than twenty years before changing his career to become a barrister. He has extensive experience in contract administration of construction contracts and would like to share his experience with fellow professionals in the construction field.

Speakers Leading practitioners and academics

Date & Venue 7pm - 8:30 pm Tuesdays 17 July, 21 August, 18 September, 16 October & 20 November 2007 SLC, HKIS (total 5 talks)

Details The Standard Form of Building Contract 2005 Edition has been launched since 2005. However many practitioners still prefer to use the Old Standard Form although there are a lot of loopholes in the Old Form.

In these series of talks, Bernard Wu, together with other leading practitioners and academics, will examine and discuss the Standard Form of Building Contract 2005 Edition by comparing with the Old Form (with cross references to standard nominated sub-contract forms where appropriate), and by referring to the relevant Court cases in the following areas:

- An overview of the Old and New Form of Building Contract - The background of drafting of the New Form, comparison of the Old and New Form of Building Contract, the loopholes of the Old Form etc.;
- Dispute resolution - What improvement in the New Form in respect of dispute resolution such as the inclusion of 'Designated Representative', 'Mediation' and 'Early Arbitration' etc.;
- Payments and Certificates - The interpretation of the 'pay when paid'/'pay if paid' clause in the New Form, late payment by the Employer, ruling on certificates and payment, 'temporary finality' of interim certificate, nominated sub-contractors, defects and completion etc.;
- Extension of Time - What improvement to the Old Form in respect of Extension of Time and Damages for Non-Completion, the inclusion of 'Delay Recovery Measures' in the New Form etc.; and
- Loss and/or expense - Interpretation on direct loss and/or expense due to delay/disruption, condition precedent, assessment of direct loss/expense etc.

The series of talks will be in the form of forums with discussions amongst the speakers facilitated by Mr Wu.

Language English

Fee

HK\$400 per person for 5 talks, HK\$360 per person for 4 talks, HK\$300 per person for 3 talks and HK\$120 per person for each talk QSD Members. Non-members are also welcome.

Deadline One week before the event date

Priority

CPD/BSL/2007056

Practical methods in water seepage investigation

Speaker King Chu, Technical Consultant of Build & Test Instrument

Date & Venue 7pm - 9pm Thursday 19 July 2007 SLC, HKIS

Details Water Seepage is one of the most common building management and maintenance problems in Hong Kong. The number of complaints reported to the authority has been increasingly over 20% for the last couple of years. Water seepage causes nuisances to the occupants, waste of water supply, potential threat of infectious diseases, reinforcement corrosion, external wall de-lamination, acceleration of building aging, expensive and unexpected maintenance costs and potential threat to public safety.

CPD/PQSL EVENTS

This talk is to introduce various test methods for water seepage investigations, such as visual inspection, water spray test, flooding test, flow rate test, pressure test, dye test, fluorescent dye test, moisture meter, leak seeker, endoscope, ultrasonic tester, acoustic detection, Infrared Thermography and Microwave tomography.

Participants will have the chance to take a closer look at the equipment used in performing Infrared Thermography and Microwave tomography and understand how they operate.

Language Cantonese
Deadline 11 July 2007
Fee HK\$120 (HK\$150 for walk-in participants)
Priority BSD Members

CPD/BS/2007071

Briefing session on Revised BS APC Rules and Guides



Speaker Professor Barnabas Chung, The Hong Kong Polytechnic University

Date & Venue 7pm - 8:30 pm Tuesday 23 July 2007 SLC, HKIS

Details The Rules and Guides to the BS APC have been revised and all candidates should note the updated requirements which take immediate effect. The main purpose of the revision is to tighten up the administration arrangements so that candidates will not misconceive that they can unduly delay and prolong their APC. The briefing session will serve to explain the updated requirements and the rationale behind for such changes.

All BS candidates should try their best to attend to make themselves familiar with the updated requirements. Supervisors, counsellors and assessors are most welcome to attend as well.

Language English
Deadline 16 July 2007
Fee Free of charge
Priority Probationer

CPD/QSD/2007054

Subcontractor Registration in Hong Kong - Current Status and Future Development



Speaker Dr S Thomas Ng, Associate Professor, Department of Civil Engineering, The University of Hong Kong. He worked in the construction industry for more than ten years before embarking his academic career. Dr. Ng's research interests include accuracy of cost estimation, contractor and consultant selection, delays mitigation, time/cost relationship, and the application of information technology in construction management and economics.

Date & Venue 7pm - 8:30 pm Thursday 26 July 2007 SLC, HKIS (originally scheduled for Wednesday 4 July 2007)

Details Unpredicted workloads and the need for a multitude of specialised skills are the reasons for main contractors to subcontract their works. Despite the benefits of subcontracting, the quality of work may suffer if incapable or inexperienced subcontractors were employed. In response to the recommendations of the Hong Kong Construction Industry Review Committee, a Voluntary Subcontractor Registration Scheme has been set up since 2003.

In this seminar, the mechanism of the Voluntary Subcontractor Registration Scheme is compared with similar systems in other advanced countries. The effectiveness of the current subcontractor registration is then evaluated. With a great potential that the voluntary scheme will eventually be turned into a mandatory system, it is necessary to consider the essential factors to successfully promote and implement the subcontractor registration process in Hong Kong. The seminar will highlight the key findings of a series of government funded research studies into construction subcontractor registration and performance appraisal. Finally, the ways to integrate the results of subcontractor registration and subcontractor performance into tendering decisions are discussed.

Language English
Deadline 12 July 2007
Fee HK\$120 per person
Priority QSD Members

CPD/GPD/2007047

Valuation in litigation cases

Speaker	Yu Kam-hung FHKIS FRICS RPS(GP), Senior Vice President of the Hong Kong Institute of Surveyors, Senior Managing Director of the Valuation and Advisory Services Department, CB Richard Ellis Limited		
Date & Venue	7pm - 8:30 pm Tuesday 31 July 2007 SLC, HKIS (originally scheduled for Monday 4 June 2007)		
Details	<p>Valuations are often required for litigation cases in relation to rating appeals, compensation claims and other civil disputes. The valuation rationale is usually challenged in a court proceeding. In fact, the capital value of a property should reflect the contractual rights in money term as stipulated under the documents governing the property, including tenancy agreements, agreements for sales and purchase, the Lease and the Deed of Mutual Covenant. It is necessary for a surveyor to study and understand the content and the impacts on property value of the various terms and conditions of these documents to establish a sound reasoning for the value opinion.</p> <p>The speaker will introduce the impacts of the above documents on property value and will highlight the points a professional should pay attention to when presenting a valuation for litigation cases. His own experience will also be shared in the form of case studies. The presentation is targeted at surveyors who are interested in litigation cases apart from professionals related to the legal field.</p>		
Language	English	Fee	HK\$100 per person/ HK\$120 per person for walk-in participants (if seats are still available)
Deadline	23 July 2007	Priority	GPD Members

CPD/PDD/2007067

Visit to MegaBox



Speaker	Raymond Lau, Senior Project Manager, Kerry Project Management (HK) Limited		
Date & Venue	10am -noon Saturday 4 August 2007		
Gathering Point	Gather at the G/F lobby of Enterprise Square Three, 39 Wang Chiu Road, Kowloon Bay		
Details	<p>MegaBox is a large shopping complex in Kowloon Bay amidst industrial estates. The visit will start with a presentation by Kerry's marketing team (it takes around 30 minutes), visiting the sales office / show unit so that they can have a general understanding of the project and design. After that, Raymond Lau, Senior Project Manager can take members to MegaBox and explain to them particular aspects in planning, design and management during the site walk.</p>		
Language	Cantonese	Fee	HK\$100 per person
Deadline	20 July 2007	Priority	35 (first-come-first-basis)

CPD/QSD/2007070

Hong Kong QS consulting firms on Mainland China - barriers and opportunities in marketing after CEPA



Speaker	Joseph HC Chong, BSc(Surv)(HKU), MSc(IDM)(HKU), MHKIS, MRICS, RPS(QS), Cost Manager, ISG Asia (Hong Kong) Limited		
Date & Venue	7pm - 8:30 pm Thursday 9 August 2007 SLC, HKIS		

CPD/PQSL EVENTS

Details Joseph is a cost manager in an international bank. He graduated with a first class honours degree in surveying and a master degree in interdisciplinary design and management from HKU. He is an active player in professional and alumni affairs. Currently he acts as a director of HKU Alumni Association, working committee of CARE Hong Kong, Hon Treasurer of YSG and Council Member of QSD. He was the Chairman of the Young Engineers Group of Gammon and Vice-President of HKU Graduates Association.

Although CEPA IV has been signed between Hong Kong and Mainland China to facilitate trade in goods and services, there are still many difficulties for quantity surveying firms to fully develop their business in the Mainland market and receive 'national treatment'. A research was undertaken in 2004 to study the barriers and opportunities of a Hong Kong construction professional working in the Mainland, but it did not focus on a specific type of professional. In this talk, Joseph will share the result of his interviews with 7 directors of major Hong Kong QS firms about whether CEPA has effectively help Hong Kong QS firms to develop in the Mainland market. This talk would give some insights for QS/ QS firms when they consider entering this new market after China's accession to the WTO.

Language Cantonese supplemented with English
Deadline 2 August 2007
Fee HK\$120 per person
Priority QSD Members

CPD/YSG/2007072

A walkthrough from tender invitation to binding of the contract documents



Speaker KC Tang FHKIS, FRICS, RPS(QS)

Date & Venue 7 pm - 8:30 pm Monday 13 August 2007 SLC, HKIS

Details KC Tang is the Director of K C Tang Consultants Ltd with over 29 years professional experience in quantity surveying. KC has also been the APC assessors for many years.

In this seminar, KC will discuss the whole process from tender invitation to binding of the contract documents, including issuing tender documents, issuing tender addenda, answering queries, receiving and opening tenders, tender analysis and reporting, tender interviews, awarding the contract, and preparing the formal contract documents.

Language English
Deadline 30 July 2007
Fee HK\$100 per person; HK\$150 for non member
Priority HK\$20 walk in surcharge for all pricing listed
Probationers and student

CPD/YSG/2007065

Renovation of shopping malls - regenerating the Shatin New Town Plaza



Speaker Michael KW Yen MHKIA Registered Architect AP (List 1)

Date & Venue 7pm - 8:30pm Wednesday 15 August 2007 SLC, HKIS

Details New Town Plaza (namely NTP, Phases 1 to 4) have undergone a series of transformations and the process continues. Being one of the largest, busiest and most profitable shopping malls in Hong Kong, NTP is a hot place for shopping, entertainment, dining and leisure. To respond to the ever-changing demand of shoppers, many phases of renovation works are being planned and now putting in place. As the project manager, Mr Yen will give an account on the design and project development concept behind, especially on circulation planning (including the addition of new escalators), attractions, fulfilling the shoppers' and tenants' expectations ; and challenges encountered during the whole process.

Language English supplemented with Cantonese
Deadline 8 August 2007
Fee HK\$100 per person; HK\$150 for non member
Priority HK\$20 walk in surcharge for all pricing listed
Probationers and student

CPD/YSG/2007066

Site Visit to Olympic equestrian venue in Shatin 參觀奧運馬術比賽沙田場地



Speaker Representative from HKJC and Project Manager

Date & Time 9am -12:30 pm Saturday 25 August 2007

Gathering Point 8:45 am at Fo Tan KCR station

Details

9:15am	Brief introduction by HKJC
9:30am	Presentation by on site Senior Registered Engineer
10:15am	Site Visit - Hong Kong Sport Institute
11:15am	Site Visit - Panford Park
12:15pm	Conclusion

For the 2008 Olympic equestrian events in Hong Kong, the dressage and show jumping competitions will take place in a purpose-built main competition arena at the Hong Kong Sports Institute, Sha Tin, which will have a seating capacity of about 19,000. The Hong Kong Jockey Club will be the venue provider for the 2008 Olympics and Paralympics Equestrian events. It will provide facilities for all three events of the Equestrian programme, which comprises Jumping, Dressage and Eventing (three-day event) competitions.

Construction includes the modification of the Hong Kong Sports Institute (HKSI) and Penfold Park to provide an Olympic complex, main competition arena, and training arena which will accommodate the Dressage and Jumping events. The Club will also provide facilities at the Hong Kong Golf Club and the Beas River Country Club for the cross-country section of the Eventing competition.

Language Cantonese supplemented with English
Deadline 11 August 2007

Fee HK\$200
Priority 30 (first-come-first-served)

CPD/YSG/2007064

大連學習交流團2007



地點 大連市

日期 2007年9月12至16日(星期三至星期日)

費用 待定(包括來回機票及5日4夜之食宿)

行程 12/9 - 黃昏乘坐航機至大連

13/9 - 拜會市建委、規劃局、國土資源管理局及測繪局

14/9 - 參觀土地儲備交易中心、大連理工大學建築學院、大型住宅樓盤、發展中大連時代廣場地盤及拜訪港資發展商

15/9 - 參觀各大名勝景點如日俄監獄舊址、星海公園及虎灘樂園等；另安排與建築協會會員共襄午膳

16/9 - 中午乘坐航機返港

人數 40人(先到先得)

截止報名日期 2007年8月15日

以上詳情可能因實際情況，作出更改，查詢電郵 cpd@hkis.org.hk 或 michellechung@hkis.org.hk。



HKIS Photo Competition 2007

**SURVEYORS IN HERITAGE AND
CONSERVATION**

CATEGORIES

- Group 1** Contrast of our Past and Present 是時候新舊對照
- Group 2** Rehabilitation and Reoccurrence 回復青春 重現眼前
- Group 3** New Life and New Mission 新生命 新里程
- Group 4** Unforgettable History 歷史印記 永誌難忘

ENTRIES BY SEPTEMBER 2007

Prizes

photographic equipment cash coupon worth HK\$2,500 for the winner of each Category.

Otherwise, help is also needed from members of all grades as

- helpers of the task force
- members of the judging panel

Interested parties, please email: linda@hkis.org.hk or call 2526 3679.



Capture our History on Camera

Members of all grades are invited to take part in this photo competition

History is the study of events in time in relation to humanity. In general, the sources of historical knowledge can be separated into three categories: what is written, what is said, and what is physically preserved, and historians often consult all three. Our past can be divided chronologically, culturally, and topically. These three divisions are not mutually exclusive, indeed often with significant overlaps. For many, history has become a "general" term meaning the study of "everything" that is known about the human past and has been studied simply out of intellectual curiosity.

Entry Form

Category Entered

- Contrast of our Past and Present Rehabilitation and Reoccurrence
 New Life and New Mission Unforgettable History

Name _____ Membership No _____

Telephone _____ Email Address _____

I agree to abide by the rules and regulations of this Competition.

Signature

Date

Rules and regulations

- 1 All HKIS members are eligible to join. The competition is limited to ONE entry per person in any ONE of the four categories with a maximum of FOUR photographs in the entry.
- 2 Submitted photographs or digital images should not previously have been submitted to other contests or been on public display.
- 3 Submitted photographs must be original work of the entrant who should ensure there is no infringement of the rights of others (including copyright). The HKIS reserves the right to use the winning entries and their soft copies, negatives/positives in any HKIS owned media and publicity purposes without payment of royalty to the winners.
- 4 Entries submitted will not be returned.
- 5 The HKIS is not responsible for any lost, late or misdirected entries.
- 6 The HKIS reserves the right to interpret and amend these Rules and Regulations of the Competition.
- 7 The decisions of the Judging Panels on the results of the competition are final.

How to Enter

- 1 All entries must be submitted in 8R colour print format. If the photographs are taken with a digital camera, entries must be in 5.0 mega pixels or above.
- 2 Entries must be sent in with their negatives or digital image files together with a caption of not more than 50 words (in either English or Chinese). Please affix a completed entry form to the back of an 8R photograph and send it to: HKIS Photo Competition 2007, HKIS, 801 Jardine House, 1 Connaught Place, Central, Hong Kong.
- 3 Entries in colour and taken with a mobile phone or digital camera should be sent to: linda@hkis.org.hk with a completed entry form.

Building Surveying Division Chairman's Message



Alex Wong BSD Council Chairman

BS Conference 2007

The Building Surveying Division Conference this year will be held on Saturday 22 September and the theme of this annual event in 2007 would encompass sustainability and new development. Please mark your diary and watch out for future announcement.

Filming for promotion of planned building maintenance

BSD is producing a 20 minutes video to promote the importance of planned maintenance and repair of building defects to properties owners. The production is sponsored by the Coalition of Professional Services Atypical Pneumonia Charitable Trust. Led by Peter Dy and Gary Yeung, film shooting started in late May. Sincere thanks go to the guest actors Alan Wong, Daniel Hui, Billy Wong, Michelle Chung and Nathan Lee.

Mutual Recognition with Engineering Consultant on Mainland China

The working group led by Robin Leung has been very busy with preparations for the training materials and logistic arrangements for the training and assessment of CAEC members in early July. All working group members and trainers are putting their heads together to finalize the details.

In parallel, a Putonghua course was held successfully in June for members who are going to sit for the assessment under the mutual recognition agreement. They may now have a better understanding on common terms in building surveying practice and their pronunciation in Putonghua. Over one hundred members had attended the course and positive feedback was received.

Drafting of Standard Form Contract for Maintenance Works

BSD is working hand in hand with QSD to prepare a standard form of contract for maintenance works. It aims at providing a standard contract documents for renovation and maintenance works in private buildings. The draft standard form of contract is now under legal vetting.

Proposed Mandatory Building Inspection

The government has just published her report on the 2nd stage public consultation on mandatory building inspection. The Report is now available at http://www.hplb.gov.hk/eng/publication/mbi_report.htm. The Working Group on MBIS is studying and will formulate our responses in due course. In case you have any views on the Report, please feel free to email to garymkyeung@hkis.org.hk or fax to 2868 4612 by 20 July 2007.



General Practice Division Chairman's Message



Serena Lau GPD Council Chairperson

Resolutions from GPD Council on Saleable Area

Members are reminded to note the proposed amendments on the definition of Saleable Area ("the Proposal"). GP Surveyors are no doubt major users of the "saleable area" definition and any change will impact on our daily practice. There must be good reasons behind the changes; nevertheless, GPD Council has received concerns and hesitations from our GP members on the proposal. There are members who are concerned with the possible confusion thus created might indeed override all the good intentions behind the change. A resolution from GPD Council on Saleable Area was therefore submitted to Executive Council for discussion on 14 June. ("the Resolution") The details of GP's proposal are as follows:

- Maintain the existing "Saleable Area" (SA) and "Ancillary Accommodation" (AA) with necessary clarifications on which items should be included or excluded. The Ancillary Area shall not be termed as Saleable Area or part thereof.
- Against the adoption of Core Saleable Area ("SA") and Ancillary Saleable Area.
- Against the 3 criteria to be adopted (roofed, full headroom, and capable for full normal occupation).
- Cockloft area to be excluded from SA while balcony area to be included in SA.

Whilst I am the convenor of the working group appointed by the Executive Committee working closely with the President and other divisional representatives to encounter stakeholders in public, I hold the position to take care and to balance the interests of the Institute. Against this background, I have abstained from voting on the Resolution on 14 June. To align the perception of and the understanding on "saleable area" by the public with the GP mode has created the current dilemma and an undesirable quagmire. Probably other divisions which are not major users of the "saleable area" definition in their daily practice would stand on the same side as the laymen, joined by professional institutions and government agencies.

The proposal has touched upon a fundamental code of measurement criteria as well as an ethical issue which we must address as professionals and responsible citizens. Is this direction right or wrong? Or is it simply a matter of further addressing the content of the proposal? If members agree that HKIS is to involve itself in public issues, no doubt we will face more debates internally within the division and among divisions. Are we prepared to do so?

GPD Council meeting on 21 June further resolved that an EGM might be called to recommend members to adopt the above resolutions. Meanwhile, this Council will continue to liaise and lobby other divisions to appreciate that the existing definition has been adopted for a

long period of time and a substantial change may not be practical. Regardless of the final result, if GPD Council cannot stop the change, we should try to adapt and move one step ahead to get ready of such change.

Regulations for General Practice Division

The 2007 edition was endorsed by the General Council on 31 May. The Regulations can now be found in our web page. The new version aims at reflecting the recent amendments of the Constitution & By-laws. For example, the introduction of Technical Associates grade of membership and the change of name of Junior Organization to Young Surveyors Group. The Regulations also covered the recruitment of Co-opted members.

Professional fee and scope of work of Independent Valuers

Upon appointment by the President, the scope of work and the fee to be charged by the appointed independent valuer is entirely between the landlord / tenant and the valuer. In view of his / her duty to assemble information and his / her potential liability in negligence, the Independent Valuer may be justified in charging a fee higher. However, this Council has received enquiries, if not complaints, on the fee level and to a certain extent, Council has a concern that there is potential negative impact on the requirement to have our members to act as Independent Valuers. One of the potential solutions is to set a fee reference but we would like to think of this as the last resort. Council will discuss this issue and inform members in due course.

Registration as a PRC Real Estate Appraiser

The rules can be found in our web page under "What's New". Regarding the renewal of the membership and registration status, Convenor of the External Affairs Panel, KK Chiu will obtain further information and inform you once that is available and confirmed.

Assessment of Professional Competence - Referred Oral Assessment 2007

The GPD APC Referred Oral Assessment 2007 was held on 6 and 7 June. The passing rate of this assessment is 55%. There were 20 candidates:

Pass : 11 (55%)
Fail : 9 (45%)

Thanks to all the assessors, council members Yu Kam Hung, Louie Chan and Edward Au and Convenor of APC Panel, Susanna Kwan for their efforts in this APC arrangement.

Land Surveying Division Chairman's Message



Sung Hon Kwong LSD Council Chairman

Nomination to the Land Surveyors Registration Committee

I am pleased to inform that Tang Wing-lun, Jacky Tull and Henry Chan of LSD are nominated to sit in the Land Surveyors Registration Committee (LSRC) for another two years starting November 2007.

The Committee is formed under the Land Survey Ordinance (Cap 473) to establish and maintain a register of the authorized land surveyors. The tenure of office, function and proceedings of the LSRC are governed by the Section 8, 9 and 10 of the Ordinance.

"GIS Development" and "Location"

The publisher of the magazines "GIS Development" and "Location" has kindly offered to provide free subscription to LSD members. The magazines have a wide distribution network and reach readers in many countries. Members may submit papers to the magazines so that knowledge and experience of land surveyors in Hong Kong can be shared by relevant professionals in other parts of the world.

Meeting of the Working Groups of LSD HKIS and RICS on Joint APC

The working Group of LSD HKIS and Geomatics Faculty of RICS Hong Kong jointly studying the possibility of a joint

APC of two institutes had gathered on 2 June for a one day discussion to close the gap between the two institutes on the subject. If a joint APC is materialized, probationers can just attempt one of the institutes to secure membership of the two Institutes. Some ideas were exchanged and the two working groups will meet again in the near future to finalise a cooperation agreement between the parties. I will let you know the details when available.



Visit to Zhongshan

It is a regret to inform that the technical visit to Zhongshan planned for 14 - 16 June was cancelled due to unforeseeable difficulties. We are planning another visit again in early 2008. You will be informed on the development. I wish to express my gratitude to Maris Lo, Ted Chan, Ronald Chan and Lesly Lam for their efforts.

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Planning & Development Division Chairman's Message



Edwin Tsang PDD Council Chairman

Prospects

The scope of work for Planning & Development Surveyors is focused on project planning and development implementation. However, student enrolment in APC on Planning & Development since launching of the scheme in 2002 has not been strong.

In some universities, lectures on planning and development have not been emphasized. It is advised that GP probationers may also enroll in P&D APCs. Students should be aware of the abundant opportunities for planning and development work

on mainland China, in case they would like to pursue these areas in their future careers.

Future Programmes

In August, Tony KT Leung will give a CPD talk on Planning & Development on mainland China and the Division will be arranging CPD Tours to the Magabox in Kowloon Bay in early August, to Zhuhai and Zhongshan in October.



MSc/PgD in Project Management

(Programme Code 04001-PMM/PMP)

項目管理 理學碩士學位 / 深造文憑

Year 2007 Intake

Applications are invited for admission in the 2007/2008 academic year for the taught postgraduate programme for relevant professionals.

Entrance Requirements

Bachelor's degree in relevant disciplines or the equivalent (including recognised professional qualifications); and preferably with 2-year relevant working experience.

Programme Structure

- Three full-day workshops are provided in each semester (normally during weekends, including Saturdays and Sundays).
- Study Guides are provided for guided distance-learning.
- Students must complete 10 subjects OR 7 subjects plus a dissertation.
- Earn 30 credits for the MSc award and 21 credits for the PgD award.
- Two subjects below are included in the list of reimbursable courses for Continuing Education Fund (CEF).

Programme Accreditation

The programme is accredited by the CIOB and the RICS as meeting their academic requirements.

Enquiries

For enquiry, please contact Ms. Irene Wu Tel: 2766 4367
email: bsyywu@polyu.edu.hk

Application

Online application website: www.polyu.edu.hk/study

Strategic Management; Managing People in Projects

Property & Facility Management Division Chairman's Message



Michael Price PFMD Council Chairman

This will be a brief report as unfortunately I was not at the last council meeting, due to illness. This month we had 2 very good CPD function, firstly, a lunch and then a presentation on amendments to the Building Management Ordinance by Homes Affairs Department.

PFMD Luncheon

About 40 members joined the first Luncheon of the Property and Facility Management Division of the year on 13 June in the World Trade Centre Club, Causeway Bay. The guest speaker was the Assistant General Manager of Airport Land of the Airport Authority of Hong Kong, Charles Lai. His presentation was on 'The Role of Terminal 2 and Sky Plaza, Hong Kong International Airport from Corporate Real Estate perspective'.

Charles shared his experience on the development of Terminal 2 and Sky Plaza and the important roles played by Property and Facility Management surveyors. He put particular emphasis on the planning and research aspects, as well as getting the right tenants, in order to meet customer needs. The event provided an effective platform for exchanging experience among PFMD members.



APC

We have started the planning for our conference, in co-ordination with the RICS, to take place in November this year under the able leadership of Alan Wong. No doubt he is looking for others to help. The conference will be useful to us all as practitioners, emphasizing on benefits of best practice, and covering all aspects of successful Property Asset Management. If you can help, please contact him at alanwong@hongyip.com.hk.



On the APC front, we are continuing our dialogue with the RICS, to finalize the issues. I am extremely glad to report that we have accredited the degree in Property Management from the Hong Kong Polytechnic University for entry into our APC, backdated to 2005. We are still working on the degree issues with the University of Hong Kong .

Editorial Board

In my last message, I appealed for members to step forward and be divisional representative at the HKIS Editorial Board. So far this has not been successful and our seat remained vacant. I will ask again who is interested to step forward to take up this role.

If you are not receiving our regular notices by e-mail, please advise my secretary Rebecca Tsoi at rebeccatsoi@swireproperties.com, so we can add you to our list. If you are working in the Property and Facility Management field and not our member, my message remains the same, join now.



Quantity Surveying Division Chairman's Message



Spencer Kwan QSD Council Chairman

Celebrate 10th Anniversary of HKSAR

The HKCPS (Hong Kong Coalition of Professions Services) has organized a dinner reception for the celebration of the 10th Anniversary on 12 July in the Hong Kong Convention and Exhibition Centre.

The official guests invited from the QS division are Madame Zhang from CECA and her delegates. The theme of the dinner is "Developing Competitive Professional Practice between the Mainland and Hong Kong". Senior officials from the Ministry of Construction, PRC and from HKSAR will deliver their speeches. Please register for enrollment if you are interested.

Security of Payment to subcontractors

The current practice of back to back payment between the main and sub-contractors has been criticized as not enforceable and Environment, Transport and Works Bureau (ETWB) has a task force focusing on this issue. In the mean time, Hong Kong Construction Association (HKCA) has organized a technical briefing which will be conducted by construction lawyers on 3 July on Security of Payment issues relevant to the construction industry, or possibly legislation issues. For those who are interested, please make enquiry to HKCA direct as soon as possible.

PAQS Conference in New Zealand & reciprocity agreement (RA) signing

Please refer to International News on the PAQS conference. Upon the signing of these two RA's, new membership

enrollment form will soon be launched to take effect of the latest recognition status of AAIQS and ANZIQS.

It has also been indicated that the HKIS may come to an agreement with QS in Japan for another agreement in fall.

New form of contract

The Standard Form of Building Contract 2005 has been in use for almost 2 years. This new form is meant to cover the holes of the old form briefly on time at large, pay when paid etc and to provide an acceptable formula for risk allocation between employers and contractors.

QSD keeps on organizing seminars on these topics and please feel free to attend some of these for career enhancement. On the same issue, the QS council will revisit the feedback of new Standard Form and may cease reprinting the old form when time is mature.

Mandatory CPD

The Institute officiated the Life Long Learning process and made Continuing Professional Development (CPD) mandatory from 1 June 2007. Corporate members and Technical Associates of the Institute are required to update themselves with latest technical knowledge to commensurate with their titles as professional. The Institute will check CPD record profiles regularly and for those who fail, they are required to make up their CPD hours within a certain period.



Young Surveyors Group Chairman's Message



Victor Lau YSG Chairman

Time flies. I have gone through half of my term as the young group chairman. I would like to thank all our committee members for their contributions. We have been doing quite well over the last six months. I am fortunate to have an experienced and hard working committee, and we will continue to take care of our young members' interests.

CPD

We have completed a few CPD including topics on global investment strategy, concrete repair, Tamar site design and how to managing rental costs in corporate real estate so on and so forth.

The CPD programme ahead includes a seminar on Contract Law Review 2007, APC (BS) Camp, Leadership and, last but not least, Dispute Resolution and Liquidation.

A China study tour to Dalian is being planned underway for September 2007.

Social event



After three months of practice, we have now come to the ultimate dragon boat competition. The race took place on 19 June in the Stanley Main Beach and we came second.

The Joint Institute Hiking on Lamma Island was called off due to the bad weather. Instead, members had enjoyed the bowling games at Olympic Kowloon Station on 9 June.

External

I have attended the young group meeting with representatives from Sweden during the FIG Week 14-17 May to discuss forthcoming activities.

Joseph Chong attended the PAQS Conference 2007 (The Pacific Association of Quantity Surveyors) in New Zealand this month and would have introduced to them various activities of HKIS Young Surveyors Group. PAQS are interested to

form a similar young group within their organization.

I was invited to attend the HKIE Young Member Committee Dinner on 8 June and it has been great to meet members of other young group including HKIE, CIARB, HKIP, HKILA, ASHRAE and IEEE.

Future

There are several things I would like to explore in the next few months - to tailor-make our young group T-shirt for joining external activities, organize a mini-conference and a gathering with the newly qualified members.

YSG Social Event - Yoga

Event	Introduction to YOGA at work and at home
Instructor	Yoga Alliance Certified Instructors Annisa Tong - Registered Yoga Teacher with experience in India, Hong Kong & Hangzhou Joy Wang - Yoga Practitioner
Period	August/ September, 2007 (Every Monday & Thursday)
Time	7pm to 9pm
Venue	Harbour Road Sports Complex, Wanchai (TBC later)
Fee	\$450 per person for 8 lessons
Quota	15-20 (First Come First Served)
Props	Bring your own mat (optional: block, straps, blanket)
Dress Code	Comfortable fitting exercise clothes, no skirts or dresses, no shoes
Closing Date	20/7/2007
Details	This 2-Part Beginner course is an introduction to basic Hatha Yoga poses that can be practiced at work environment (part 1) and at home (part 2). The first part of the program introduces the concept of yoga, stress management, and yoga poses that can be practiced at work using a chair, a wall, or a desk. Part Two of the program introduces the different elements of yoga, flow sequence on a mat, and meditation technique that can be practiced at home.
Remarks	The course will be bilingual (English and Chinese).



Does the new private form of nominated sub-contract go far enough

Gregory Tung

James R Knowles (Hong Kong) Limited

Until April 2005 when the new private forms of building contract and nominated sub-contract were published, the standard nominated sub-contract form used in the private sector, more commonly known as the "Green" form, was first published in 1968 under the sanction of the Hong Kong Institute of Architects, the then Royal Institution of Chartered Surveyors (Hong Kong & China Branch) and the Society of Builders, Hong Kong, which form was in fact based on the English 1963 NFBTE/FASS (ie under the sanction of the National Federation of Building Trades Employers and the Federation of Associations of Specialists and Sub-Contractors) form of sub-contract, the interpretation of which has been the subject of many court decisions.

The current new (and latest) standard form of nominated sub-contract ("NNSC") is published by the Hong Kong Institute of Architects, the Hong Kong Institute of Construction Managers and the Hong Kong Institute of Surveyors. Surprisingly, whilst there have been ample articles, lectures, seminars and talks on the new private form of main contract, very little or nothing has been written or said on NNSC.

NNSC is finalized as a result of industry negotiations and adopts a less bias approach than the Green Form. Apart from now being more comprehensive in comparison with the Green Form, there are improvements in NNSC.

NNSC Clause 1 provides for definitions of terms. It is worth noting that unless programmes form part of the contractual correspondence, programmes do not form part of the sub-contract by definition.

NNSC aims to be used either with sub-contract bills or based on sub-contract drawings and specification. However, these alternatives do not go smoothly under NNSC.

NNSC Clause 1.7(1) provides that if bills of quantities are included in the tender documents, then quality and quantity of works included in the Sub-Contract Sum shall, as provided in NNSC Clause 14, be deemed to be that which is set out in

the Sub-Contract Bills. However, NNSC Clause 14 is **not** an optional clause and the clause itself does not cater for the situation where the Sub-Contract is let on specification and drawings. It is submitted that if the Sub-Contract is let on specification and drawings, NNSC Clause 14 should be deleted.

More importantly, since NNSC Clause 14.1 says the quantity and quality of works included in the Sub-Contract Sum shall be deemed to be that set out in the Sub-Contract Bills, it means the Sub-Contract Bills are both the qualitative and quantitative bases on which the Sub-Contract Sum to be related. Thus any change in billed quantities is arguably a variation even if the concerned quantities are measured as provisional, bearing in mind that the clause draws no distinction between firm and provisional quantities.

NNSC Clause 2 combines Green form Clauses 1 and 3. It is submitted that same problems regarding incorporation of main contract terms remain. Very often, sub-contracts try to incorporate terms of main contracts. This is discussed at paras 1039 to 1042 of Emden's Construction Law Vol 1 :-

"Knowledge of the terms of a principal contract is not, by itself, sufficient to prove that the sub-contractor agreed with the principal contractor to be bound by the terms of that contract.

Where the sub-contractor has agreed to carry out work in accordance with the terms of the principal contract this does not necessarily incorporate all relevant terms of the principal contract into the sub-contract. This is particularly so where the sub-contract expressly incorporates some but not all of the principal contract terms.....

Where a sub-contractor expressly contracts to be bound by the terms of a principal contract, provisions as to retention money will be applied to him proportionately in the ratio that the sub-contract sum bears to the whole contract. However, the courts have been reluctant to construe a sub-contract as creating an implied assignment to the sub-contractor of any

right to retention moneys enjoyed against an employer by a main contractor who has since become insolvent."

NNSC Clause 3 states that a nominated sub-contractor's ("NSC's") obligations include those to organize and to co-ordinate. These words are very often abused by construing them to include design elements, for example, to arrange and distribute flanges of pipes at various locations: is this a design obligation or simply co-ordination? On the basis that the Employer's design team should produce drawings and specification which the contractor and/or NSC can construct according to such drawings and specification without any further input or development from the contractor and/or NSC, drawings which show "design intent" cannot be considered as "complete design" as they are insufficient to enable the contractor and/or NSC to build without further development. It is submitted that in the above example, an adequate and competent design by the Employer's design team should include the exact positions of flanges of pipes so that the contractor and/or NSC can fix such flanges at positions shown on drawings designed by the Employer's design team. To design is to decide and this must include deciding the locations of these flanges.

NNSC Clause 4 changes Green form Clause 5. Now main contractor is responsible for care of the Sub-Contract works except for damages due to NSC's faults or Excepted Risks.

Under Green form Clause 5, only damages due to fire, lightning, typhoon, flood, earthquake, aircraft or aerial devices of articles dropped therefrom are at the main contractor's risks. Thus damage due to heavy rainfall for example, is at NSC's risk under Green form but now, this is at the main contractor's risk under NNSC.

Under Green form, there is no express provision deals with the question of protection of sub-contract works. However, NSC's principal obligation is spelt out in Clause 2 of the Green form, ie he must execute the works in accordance with the contract documents and deliver same up on completion. The question of protection, and responsibility therefore, will normally be set out in other sub-contract documents; eg the Preliminaries.

Assuming that the Preliminaries is silent, then apart from the insured risks listed in Clause 5 of the Green form, such as fire damage, lightning, typhoon, flood, earthquake, etc, it is submitted that NSC is responsible for the safety of his own works.

Since the main contractor's prime obligation is to carry out and complete the works, it is therefore, submitted, that as an incident of that duty he must make good any damage to the works, such as due to vandalism and theft - they both fall outside the insured risks. Therefore the main contractor is responsible to the Employer for the whole of the contract works. Since the principal obligation of NSC is the same as the main contractor, and there is no warranty that the main contractor will take responsibility for protection of sub-contractor's works the duty to protect sub-contract works would rest with the sub-contractor himself.

Many sub-contractors find it perplexing that in the main contract the Preliminaries require the main contractor to protect all works including that of the sub-contractors', but at the same time the Preliminaries in the sub-contract says that the sub-contractor has to protect his own. There is no difficulty with this. The main contractor's responsibility in respect of all works is owed to the Employer whereas the sub-contractor's responsibility is to the main contractor. For example, if, due to the sub-contractor's failure to protect, damage occurs in his own works the main contractor is still nevertheless ultimately responsible for making good the damage and deliver the completed works to the Employer, and when this happens the main contractor is entitled to set-off a sum for the cost of repair if the sub-contractor does not comply with an Architect's Instruction to make good the damage himself.

NNSC Clause 4 now brings the arrangement the same as the Hong Kong Government Form of Sub-Contract (deals with this matter in Clause 13), ie the main contractor is responsible for the care of the Sub-Contract Works except insofar as the damage arises from the sub-contractor's faults, negligence or Excepted Risks.

As to materials on site etc, under NNSC Clause 4.2, the position is that they are at NSC's risk, including damages due to fire, lightning, typhoon, flood, earthquake, aircraft or aerial devices of articles dropped therefrom, unless they are due to main contractor's defaults or due to persons for whom the main contractor is responsible.

However, NNSC Clauses 4 and 22 do not sit well. Under NNSC Clause 4(1), the main contractor is not responsible for care of the Sub-Contract Works if the loss and damage arise from Excepted Risks. NNSC Clause 22.2 on the other hand provides that NSC shall be responsible for restoration

of lost or damaged Sub-Contract Works except for those covered by the Contractors' All Risks insurance policy ("CAR"), by Excepted Risks or by main contractor's / Employer's default. So who is responsible for damages caused by Excepted Risks? Presumably, damages caused by Excepted Risks are intended to be at the Employer's risk but it is unfortunate that this is not spelt out in NNSC.

If damages to Sub-Contract works are not covered by CAR, NSC is responsible for restoration under NNSC Clause 22.2. Moreover, NNSC Clause 22.4(2) limits NSC's recovery for damages covered by CAR to its share under the CAR. Thus contrary to NNSC Clause 4(1), NNSC Clause 22 puts NSC to take care of the Sub-Contract Works. It is submitted that proper amendments need to be made to these clauses in order to harmonize its intended arrangement.

NNSC Clause 23 now provides for two alternative treatments regarding completion of the Sub-Contract Works. One is to complete Sub-Contract Works by a certain date and the other is to suit main contractor's progress. It is expected the latter will be adopted in most cases. This arrangement, whilst harsh, is a compromise with practicality. A construction site cannot work if sub-contractors carry out their works without adhering to the main contractor's progress. If this arrangement is adopted, decided cases seem to accept such harsh arrangement.

Provisions to give effect to such arrangements were considered in **Tridant Engineering Co Ltd v Mansion Holdings Ltd and Mansion Fire Engineering Co Ltd v Tridant Engineering Co Ltd**, 15 June 2000, HCCT 3 & 66 of 1996. There was a clause that "the completion date of the whole project given above is the date when the complete building is to be handed over to the Employer and the Sub-Contractor will be required to complete this work in advance of the above date to enable other trades to complete their works". This was incorporated into the sub-contract between the parties to the cases. Deputy High Court Judge To's conclusions can be summarised as follows:

- In Tridant's sub-contract with the main contractor KGJV, Tridant had to conform to the main contractor's programme of works.
- Since Tridant and Mansion's sub-contract was "back to back" with Tridant's sub-contract with KGJV, Mansion's obligation was to conform to Tridant's or KGJV's pro-

gramme of works.

- There were no definite completion dates, or key dates for the various stages of works. The completion dates were therefore 'ambulatory'.
- These sub-contracts were extremely unfavourable, or even draconian, to the sub-contractor. Not only was there no certainty as to time, the Main Contractor could change the programme of works, or even accelerate the programme.
- The sub-contractor was bound to conform to the programme without compensation.
- As a result of delay in concreting work, Mansion's programme had been compressed, Mansion would be bound by any of these programmes because of the harsh terms of the sub-contracts they had entered into.

In the case **Kitsons Sheet Metal Ltd v Danish Contracting and Development Co Ltd** (1989) 47 BLR 82, a sub-sub-contract required work to be in accordance with the dictates or instructions of the defendants. There was a clause requiring works to be proceeded with all due speed and in compliance with the periods shown in the (contract) programmes and to be completed "within the period or periods specified in part IV of Appendix A hereto or within such extended period or periods as may be granted....". The court considered that the plaintiffs had to do what the defendants ordered (or to act as required by them). Although the variation clause defined a variation as including an alteration of manner or sequence of working, since the defendants had the right to instruct the plaintiffs on an "as required" basis, an alteration of manner or sequence could not constitute a variation.

In both cases, the courts' rulings were based on the obligations under sub-contract provisions requiring a party to conform with programmes and progress of the others.

NNSC Clause 24 governs damages for delay in completing the sub-contract works, viz NSC is liable to the main contractor for its loss and damages and liquidated damages ("LD") which are caused by the sub-contractor's failure to complete.

At first sight, it seems "obvious" that if a sub-contractor's fail-

ure to complete does not cause the main contractor any loss and damage, he is not liable. This is however an over-simplification and can lead to an illogical result, eg if several sub-contractors are concurrently in delay, it means none of them will be liable because even if a particular sub-contractor has not been in delay, the main contractor will still have suffered the same loss and damage resulting from other sub-contractors' concurrent delays; and the main contractor will have to take up all loss and damage irrespective of how innocent it is in the matter.

It is unfortunate that the law is unclear on the matter. Keating on Building Contracts 7th Edition at para 8-26 et seq, for example, discussed various approaches (it is submitted that these are on the issue of loss and damage, not on the issue of extension of time):-

Devlin Approach - If one of two causes of delay constitutes a breach of contract e.g. late instruction it will take precedence over a neutral cause of delay e.g. inclement weather.

Dominant Cause Approach - Where more than one delay occurs at the same time, if one cause is dominant, for example, involves a greater area of the project than the others, or begins earlier and ends later than the others, then it will take precedence.

Burden of Proof Approach - If one cause of delay is a breach of contract by the claimant e.g. defective work, the claimant must be able to demonstrate that the other matters caused delay over and above the delay caused by the claimant.

Tortious Solution - The claimant recovers if the cause on which he relies caused or materially contributed to the loss.

Emden's Construction Law Vol 1, Division III, para 122 provided similar discussion:-

"The position is more complex when the alternative cause is concurrent with the defendant's breach, rather than subsequent and separate. In a claim in tort, it is usually enough for a claimant to show simply that the defendant's breach was a cause, even if not the only cause, of his loss. Although in most cases the same seems to hold true for contractual claims, they are not as straightforward. First of all, if the claim is brought under an express contractual provision, the terms of that provision may determine the matter of causation in the same way that any express agreement can displace

the general rules of the common law. Second, in many cases the claimant will be entitled to recover in full notwithstanding that the loss was partially caused by his own fault. Additionally, in contractual claims assessments have sometimes been made of the relative importance, or efficacy, of competing causes. This approach has been disapproved in more recent times, but it continues to command support in some circumstances."

Thus there is no hard and fast rule concerning which delay takes precedence where a number of delays affect the completion. Each case has to be judged on its own merit.

A more helpful discussion concerning which delay takes precedence, where a number of delays affect the completion date, however, can be found in A Practical Legal Guide to FIDIC 4th by Corbott who gave a very sensible approach to concurrent delays. This is as follows:

- (i) Overlap between Contractor's default and neutral delay - contractor receives extension of time but obviously no Costs.
- (ii) Overlap between Employer's default and neutral delay - contractor receives extension of time and Costs.
- (iii) Overlap between Contractor's default and Employer's default - contractor receives extension of time but no Costs.

Even if a sub-contractor's breach is established as a legal cause of the main contractor's loss, it does not follow that he is liable for the full extent of that loss. The rule is that the loss must not be 'too remote'. In contract, the leading case is **Hadley v Baxendale** (1854) 9 Ex 341, where it was said that in order to be recoverable, a loss claimed must have been (i) naturally arising from the breach, or (ii) within the contemplation of the parties at the time they made the contract as a likely consequence of such a breach. Para 12-64 of Keating, op.cit. gave a good discussion on limb (ii) at the sub-contract level regarding main contractor's LD:-

"The second limb of the rule in Hadley v Baxendale has particular application as the sub-contractor frequently knows of the losses the contractor is likely to suffer as a result of his default. Thus he will be liable for the amount of liquidated damages payable as a result of his delay if he has notice of such liability in the main contract. He will not be liable if he



does not have notice, as the liability to pay liquidated damages is not a natural consequence of delay, but he will be liable for such damages as he should, as a businessman in the trade, have contemplated as a serious possibility (or not unlikely) to result from his breach, and such damages may in many cases be no less than the liquidated damages payable under the main contract. If the contractor has settled a claim by the employer arising out of the sub-contractor's default, the amount of the settlement is admissible prima facie evidence of the amount of the loss caused by the sub-contractor, but not of his liability. And if the contractor has to pay damages to a claimant arising out of the sub-contractor's breach which he would not have had to pay if there had been no breach, the contractor's right to damages from the sub-contractor for that breach is not affected by the fact that the claimant recovered against the contractor and another defendant."

Paras 1049 and 1050, Division 1 Vol 1 of Emden, op.cit., contained similar discussion.

NNSC Clause 24 now makes it clear that main contractor's LD which are caused by the sub-contractor's failure to complete are within the contemplation of the parties at the time they made the Sub-Contract as a likely consequence of NSC's delay.

A main contractor will not be able to recover from a sub-contractor losses which he could have taken steps to avoid. This is the duty of mitigating ones loss.

NNSC Clause 25 deals with extension of time. It requires NSC to submit notice of claim within 28 days of commencement of an event likely to cause delay to completion of the Sub-Contract Works and to submit substantiation and particulars within 28 days of the first notice or within 28 days of commencement of an event likely to cause delay to completion of the Sub-Contract Works if the event commences later than 28 days after the first notice. The clause is self-explanatory. It is however submitted that submissions of these notice, substantiation and particulars are not condition precedents to NSC's entitlement to extension of time.

NNSC Clause 28 deals with NSC's claim for loss and expense but unlike the Green form, it now covers those caused by the main contractor's breach. By virtue of NNSC Clause 29, NSC is required to submit notice of claim within 28 days of it becoming apparent that an event has occurred giving

rise to a claim and to submit particulars within 60 days of the first notice or within 60 days of commencement of the effect of the event giving rise to the claim if the effect of the event commences later than 60 days after the first notice. Unlike the case in extension of time, submissions of the notice and particulars are condition precedents to NSC's entitlement to loss and expense.

NNSC Clause 33.1(7) remains a "pay when paid" clause "with 14 days Of the Contractor receiving payment from the Employer." Thus arguments relating to the "pay when paid" issue will continue, for example, whether receipt of \$1 amounts to payment from the Employer and thereby triggering the main contractor to pay NSC's payment as certified by the Architect in full? Arguments relating to the "pay when paid" issue justify the length of a full and separate article and it is submitted that the following may not fully cover the subject.

Cases like **Hong Kong Teakwood Works Ltd v Shui On Construction Co Ltd** [1984] HKLR 235, **Schindler Lifts v Shui On Construction** (1985) 29 BLR 95, **Brightside Mechanical & Electrical Services Group Ltd & Anor v Hyundai Engineering & Construction Co Ltd** (1998) 41 BLR 110 and **Durabella Ltd v J Jarvis and Sons Ltd** (2001) 1998 ORB 33 support the contention that the main contractor has no obligation to pay his nominated sub-contractor unless and until he has received actual payment from the Employer. Para 5-140 of Chitty on Contracts Hong Kong Specific Contracts also supports this contention:-

*"The meaning of the words "receipt of payment" in the HKIA Form Subcontract has been considered at the interlocutory stage in several Hong Kong cases [citing **Hong Kong Teakwood** (supra), **Schindler Lifts** (supra) and **Chung Kiu Development Ltd v Sung Foo Kee Ltd** [1995] 2 HKC 777, CA]. Although not placing any final construction on the meaning of the words, the Hong Kong courts have leaned towards the interpretation that "receipt of payment" means "actual payment" by the employer and does not cover amounts set-off by the employer against main contract sums due to the main contractor. Further, receipt of certificates for payment does not necessarily mean receipt of payment [citing **Nin Hing Electronic Engineering v Aoki Corp** (1987) 40 BLR 107], and the set off of liquidated damages from payment also does not necessarily mean receipt of payment [citing **Ryoden Engineering Co Ltd v Paul Y Construction Co Ltd** [1994] 2 HKC 578]. It would therefore*

seem that sub-contractors using the HKIA Form Subcontract in Hong Kong would only be entitled to payment from the main contractor on the latter receiving "actual payment" from the employer [further referring to **Pyrok Industries v Chee Tat Engineering** (1988) 41 BLR 127, **Schindler Lifts -v- Shui On Construction** [1994] 3 HKC 598 and **Grand Choice Construction Co Ltd v Dillingham Construction (HK) Ltd** (unrep CA No 27/1992)]."

An analysis of the House of Lords' decision on **North-West Metropolitan Regional Hospital Board v TA Bickerton & Son Ltd** [1970] All ER 1039 may lead to the same conclusion. In that case, Lord Reid emphasized on the contractor's lack of concern with NSC's price, which is firstly negotiated by the employer at the tender stage and finally settled also by him during the final account stage. This being the case, the main contractor shall not be taken as underwriting NSC's solvency. Thus, Viscount Dilhorne in the same case said:-

"The employer's contention that, on a nominated sub-contractor repudiating its contract, the contractor immediately became liable in damages for the failure to carry out the sub-contract work was strenuously and persistently argued. This would mean that the contractor had entirely underwritten the execution of the sub-contract, that it had guaranteed its performance by a person whom it had had no part in selecting and was liable in damages, which might be very heavy, to the employers which it might be unable to recover from the nominated sub-contractor if that sub-contractor had repudiated owing to bankruptcy or liquidation."

The main contractor does not underwrite to the Employer the absolute performance of a NSC and its solvency. Lord Reid and other law lords attributed this decision to their finding that the main contractor had had no part in the nominated sub-contractor's selection and had no concern either with his sub-contract price - which is a matter between him and the Employer.

By the same token, **Bickerton** can be relied upon to support the proposition that the main contractor does not underwrite to NSC the Employer's performance and solvency. The main contractor cannot be taken to guarantee to NSC the Employer's performance in relation to its payment obligation respecting the prime cost work.

The cases **Smith & Smith Glass Ltd v Winstone Archi-**

tectural Cladding Systems Ltd [1992] 2 NZLR 473 and **Wo Hing v Pekko** (1998) are very often used to argue against the "pay when paid" argument. However, it is important to note that the relevant clause in **Smith & Smith Glass Ltd v Winstone Architectural Cladding Systems Ltd** reads: "We will endeavour (this is not to be considered as a guarantee) to pay these claims within 5 days after payment to Winstone Architectural Ltd of monies claimed on behalf of the Sub-Contractor" and **Wo Hing v Pekko** contained the clause "This contract is based on back to back basis including payment terms." Both cases are on clauses with different wordings from the Hong Kong nominated sub-contract forms in issue and it is difficult to see how these cases could assist interpretation of the Hong Kong nominated sub-contract forms.

Whilst in **Yiu Wing Construction Co Ltd v Ryoden Engineering Co Ltd** (2001), the court refused to grant leave to appeal against an arbitrator's decision that "receipt of payment" did not mean mere transfer of money but also included situations where a set off had been made or other deductions had been made by the Employer, it is submitted that the case should not be relied upon too heavily as authority on the issue. It was a case on seeking leave to appeal. The court gives leave to appeal against an arbitration award if it is obviously wrong in law. Thus a high threshold is required to be overcome. In that case, the arbitrator considered that "receipt of payment" included the Employer's set off. He found that there was no set off and the main contractor had received money. The court refused to grant leave to appeal merely indicated that the said high threshold test had not been passed to justify giving leave to appeal.

NNSC Clause 33.13 now provides that late payment carries interest.

NNSC Clause 33.14 provides that late payment entitles to suspension of works.

NNSC Clause 33.9 to 33.11 deals with conclusiveness of the final certificate, ie conclusive in materials, workmanship, works, final account, extension of time and loss and expense under the Sub-Contract.

NNSC Clause 34 provides that surety to be provided up to the issue of certificate of substantial completion yet Schedule 1 provides for surety to be up to issue of certificate of defects liability.

NNSC Clause 37 now provides for NSC's determination of its employment. This is new as under the "Green" form, NSC has no contractual right of determination.

NNSC Clause 41 now requires main contractor's set off subject to pre-condition of serving notice by special delivery at least 7 days before deduction. However, it is submitted that this does not exclude the main contractor's legal or common Law set off and equitable set off (see **Gilbert-Ash (Northern) Ltd v Modern Engineering (Bristol) Ltd** (1973) 1 BLR 73) though it is worth noting that in **Chinney Construction Co. Ltd. v Po Kwong Marble Factory Ltd** (December 2003), the Hong Kong Court of Appeal made obliqua dicta (see para 6 of Roger VP's judgment) that ".....I, for my part, can only express difficulty, at this stage, in associating myself with some of the reasoning in some of those decisions where it was held that it was arguable that the main contractor could withhold payment where there had been a set off which had arisen from matters wholly unconnected with the subcontractor....."

Before leaving the subject of set off, it may be worth discussing another related matter. Under most sub-contracts, main contractors can recover damages from sub-contractors for delay caused by sub-contractors. It is quite common for a main contractor to blame a sub-contractor for causing the main contract to run late and thereby claiming against the sub-contractor for the main contract LD and the main contractor's own direct cost by deducting the same from sub-contractor's payment, notwithstanding that the main contractor also recovers the same alleged loss from other sub-contractor (s) or that the Employer never claims any LD, or that the alleged loss is deliberately exaggerated and far exceeds the actual loss. However, it appears that most main contractors do not realize the potential criminal liability of such practice.

Section 2(1) of the Theft Ordinance Cap 210 provides inter alia that "A person commits theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it ...". Section 9 further provides that any person being found guilty of theft shall be liable to imprisonment for 10 years.

Moreover, if a sub-contractor has been deceived by a main contractor by the latter's lies such that the sub-contractor pays up in a situation as said above, ie the lies or conduct of the main contractor have operated in the sub-contractor's

mind, the main contractor may be liable under Section 17 of the Theft Ordinance for criminal deception. Section 17(1) provides that "Any person who by an deception (whether or not such deception was the sole or main inducement) dishonestly obtains property belonging to another, with the intention of permanently depriving the other of it, shall be guilty of an offence and shall be liable on conviction upon indictment to imprisonment for 10 years." By virtue of Section 17(4), deception includes deception by words or conduct as to fact, law, intentions or opinions, whether deliberate or reckless. Conduct which implies something which turns out to be untrue suffices.

In both offences, dishonesty is a subjective concept and the jury has to assess the accused's actual beliefs no matter how unreasonable. The Court in **R v Ghosh** [1982] 1QB1053 set out a two-stages test for dishonesty. First, was what was done dishonest according to the standards of the ordinary decent person? If no, the accused is not guilty. If yes, ask whether the accused knew that ordinary decent people regard what he did as dishonest? If yes, he is guilty, and if no, he is not. It is all up to which way a jury would turn.

It makes no difference that the alleged theft by an employee merely benefited his company. Section 2(2) of the said ordinance provides that it "is immaterial whether the appropriation is made with a view to gain, or is made for the thief's own benefit." The employee, if found guilty is the thief. The victim can recover the wrongly paid monies from the company by way of a civil action - if it will not volunteer the cash.

NNSC Clause 42 deals with dispute resolution. In short, it provides that at the request of either party, the Architect has to refer dispute to designated representatives. If the dispute is not resolved, it has to be resolved by mediation, and if it remains unresolved, to be resolved by arbitration. Certificate which is final and binding under main contract is also final and binding on the Sub-Contract.

NNSC Clause 43 sets out situation where NSC can borrow the main contractor's name to arbitrate against the Employer, viz on the Quantity Surveyor's valuations, the Architect's failure to consent to grant extension of time, amounts certified by the Architect and other involvement of the Quantity Surveyor or of the Architect which NSC considers unfair.



Global investment strategy 2007

Kenneth Chan
YSG CPD Team

On 11 May, we were pleased to have Michael Wong 黃敏碩, Director of Research of the Hantec Group, to give us a presentation on Global Investment Strategy 2007. Michael works in stock market investment, fund strategy and analysis, and has been in the financial industry for over 10 years. He writes financial commentaries for local newspapers and many electronic media.



During the seminar, he introduced some important factors which affect the China stock market recently, namely QDII, CPI. Then he moved on to explain in detail potential kinds

of stocks, for example, real estate, banking, mineral resources. Michael also addressed the worthiness of investment of major foreign currencies, such as Euro, Japanese Yen and UK pounds. He reiterated that the inflation of RMB and other foreign currencies will definitely affect the economy of China.

Last but not least, many inspiring questions were raised by the audience. We would like to give our sincere thanks to Michael for such an informative presentation which was quite different from our core practice.



The importance of conservation of historical buildings in Hong Kong

Thomas Ho
QSD CPD Convenor

Thanks to Alan Cheung, Vice Chairman of the Institution of Civil Engineering Surveyors, Hong Kong Region, and also the Vice President of the Hong Kong Collectors Society, who gave us a talk on the importance of conservation of historical buildings of Hong Kong on 29 May. The talk was impressive and was attended by over 120 participants.

In the talk, Alan presented to us photographs of various historical buildings in Hong Kong and explained the history

behind them, in particular the development of the Star Ferry Pier and the Queen's Pier.

From the photos presented by Alan, it is noticed that lots of memorable historical buildings were demolished in the past 50 years and as such many historical landmarks vanished. Alan also pointed out to us the importance of conservation of these historical buildings to make Hong Kong more attractive to the tourists.



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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



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Date	Event	Organiser	Location	
2007				
Jul	12	HKIS Executive Committee Meeting	HKIS	Board Room, HKIS
	26	HKIS General Council Meeting	HKIS	Board Room, HKIS
	27	Surveyors Happy Hour	HKIS	Library, HKIS
Aug	9	HKIS Executive Committee Meeting	HKIS	Board Room, HKIS
	31	Surveyors Happy Hour	HKIS	Library, HKIS
Sep	13	HKIS Executive Committee Meeting	HKIS	Board Room, HKIS
	27	HKIS General Council Meeting	HKIS	Board Room, HKIS
	28	Surveyors Happy Hour	HKIS	Library, HKIS
Oct	11	HKIS Executive Committee Meeting	HKIS	Board Room, HKIS
	13	HKIS Annual Conference	HKIS	JW Marriott, Hong Kong SAR
	26	Surveyors Happy Hour	HKIS	Library, HKIS
Nov	8	HKIS Executive Committee Meeting	HKIS	Board Room, HKIS
	22	HKIS General Council Meeting	HKIS	Board Room, HKIS
	30	Surveyors Happy Hour	HKIS	Library, HKIS
Dec		HKIS Annual Dinner	HKIS	Grand Hyatt, Hong Kong SAR
	12	HKIS Annual General Meeting	HKIS	SLC, HKIS
	28	Surveyors Happy Hour	HKIS	Library, HKIS

For further 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.

Buildings Department Deletion of PNAP 130 and PNRC 16

Reference to the Code of Practice for
Installation of Electrically Operated Sliding Gates,
Sliding Glass Doors and Rolling Shutters issued by
the Electrical & Mechanical Services Department can be found in PNAP 115
(on Legislation and Publications Affecting the Building Industry).

Frequent visits to the Buildings Department homepage at

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