

Surveying news

Volume 9 Issue 3,
April 2000



Message from the President

Mr Francis Ng

A QUARTERLY ROUND-UP

Since taking up the presidentship, life is much busier than before. The work in the secretariat office is never ending in that there is always something in the in-tray. Although work on certain aspects are not as good as expected, we, the General Council, do achieve good progress on most areas. In this issue of the Newsletter, I would highlight some major issues for members' information:

JPC

The General Council resolved that HKIS would not take up the tenancy of the Joint Professional Centre. Instead, the 10 professional bodies would ask the Hong Kong Productivity Centre to act as the co-ordinator and management agent of the Centre. The initial cost of setting up including decoration, equipment, etc. amounts to as much as \$4.5 million. HKIS together with the other 9 professional bodies will contribute through fund raising campaigns up to \$1.5 million to the set-up cost. The remaining amount will be funded by HKPC through its own financial resources. HKIS's contribution in any event is limited to HK\$300,000, excluding any amount collected through fund raising campaigns. Messrs. P C Lau and Albert So are representing the Institute to take up the matter with LDC, HKPC and various Institutes.

ExPo

The Institute participated in two recent ExPos. One in Shanghai (January) and the another in Hong Kong (February). The intention was to promote our profession and our services. A report on the Shanghai ExPo was published in the Newsletter last month. With regard to the Education and Careers ExPo in Hong Kong, about 100 persons attended the HKIS briefing at the Convention Centre on 26th February. Divisional representatives gave a detailed account of the surveyors' training and their services to the society. It was well received and quite a lot of questions were raised. A report can be found in News from Junior Organisation on page 8.



From right to left: Mr Francis Ng, President, Mr Stephen Liu, Senior Vice President, Mr Tony Tse, GPD Chairman and Mr Richard Cheung, BSD Chairman, at a briefing during the Education and Careers Expo 2000.

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Surveying

news

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

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EDITORIAL CONTRIBUTIONS

Surveying encourages article queries and submissions. Article submissions should include both hard (printed) copy and a diskette in Word format. Contributions should reach the Hon. Editor at the office of the Institute before the 10th of each month.

Information & Contents

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Advertising

All advertisements and small ads are welcome. SURVEYING is reaching over 5,200 readers. For detailed information and advertising rates, please contact Ms Margaret Yung of the Secretariat office at 2526 3679.



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Office Hours:

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

CONFERENCE

The HKIS Conference 'Building - Our Heritage in the New Millennium' was held on 4th March at the Conrad Hotel, Admiralty. About 240 persons attended. There were 8 speech presentations and one panel discussion. The guest of honour was Mr. Patrick Lau, Acting Secretary for Planning and Land.

All the speakers unanimously emphasised on the importance of preserving quality old premises. Also, a message was given to build new premises with good features and architectural design so that future generations would appreciate the magnificent architecture of our time.



The President presenting a souvenir to one of the speakers, Ms Hilary Cordell of Baker McKenzie, during HKIS Conference 2000.

OPEN FORUM

Discussion on the consultative document on 'Quality Housing' was held on 13th March at the City University. Over 250 persons attended. Speakers from the Institute included: Messrs. Eric Chung, Francis Lam and Samson Wong. Mr. Daniel Lam acted as the spokesman for the Housing Authority and Ms. Ada Fung, for the Housing Department.

This event turned out to be a big success. The Institute will put together all the valuable comments and send a written reply to the Housing Authority by the end of this month (March).

CPD

It is noted that quite a number of CPD events have taken place and there will be more to come.

Members are asked to participate in CPD events as far as possible, not because of a likely random check by the end of the year but the importance of equipping oneself with the latest development in technological changes and updated practices.

BILLS

Our comments on the URA Bill were sent to the Planning and Lands Bureau in late

January. Meanwhile, the Town Planning Committee had considered the Town Planning Bill and our views were sent to the Bills Committee 《Legislative Council》 on 11th March 2000.

PROPERTY MANAGEMENT

The Institute is assisting the Land Bureau in Guangzhou to organise a course. Thanks to the dedication of the members of the Property Management Committee, the course commences in March and comprises of 64 hours of teaching.

SST

Possible creation of a technical grade within the Institute is being considered by a working group. The latest status of the progress of the working group is found on page 13.

FORTHCOMING EVENTS

The Ministry of Construction PRC will host its annual conference in mid April in Chongqing. Mr. Wong Chung Hang, Chairman of the Land Surveying Division and I will attend on behalf of the Institute.

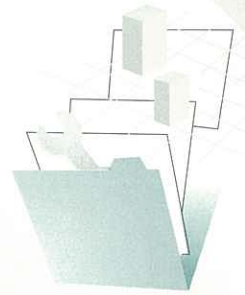
There will be an exhibition (by invitation only) of antiquity maps at the Hong Kong Arts Centre in late March/early April. A few hundred maps will be on display. Some are back dated as early as the Ming Dynasty.

In my recent discussion with Professor Scott of the Polytechnic University, it was agreed that a short course on 'Intangible Assets' would soon be put in place.

Tenure of our accommodation at Room 510 Jardine House will come to an end in mid 2001. We will have to consider the renewal option, alternative accommodation and the possibility of buying our own premises. A working group will soon be formed.

To conclude, despite of the somewhat hectic schedule day after day, I find the assignment most enjoyable realizing that I am a key personnel of a renowned institute. I have great pride in my appointment. Meanwhile, I must thank the Divisional Chairmen, Council members, and the Junior Organisation for their generous support to the Institute.

Things are looking good. I am sure we are heading for the right direction and will have a better future. ☑



BUILDING SURVEYING DIVISION

By Nelson Ho, Honorary Secretary

PUBLIC ACTIVITIES

The first quarter of year 2000 is comparatively quiet for the Building Surveying Division. Perhaps members are busy in preparing for the new millennium both for their job and the profession. Yet, works are still going on to serve both the public and our fellow members.

Our Divisional Chairman, Mr Richard Cheung, attended an open forum in the Education and Career Expo 2000 to brief the public on careers in the Building Surveying profession.

The Past Chairman, Mr Kenneth Chan spoke at a Building Management Seminar organized by the Yuen Long District Office on 11 March 2000. The title of the talk was "Maintenance and repairing works for common parts of buildings". 200 copies of our pamphlet "Building Maintenance and Repairs Management" were distributed to attendees of the seminar.

BUILDING SAFETY AND PREVENTIVE MAINTENANCE

On the professional side, our divisional Chairman together with the HKIS President had an informal meeting with Ms Helen Yu, Head of the Task Force on Building Safety and Preventive Maintenance to exchange preliminary views on future directions of the task force in end February 2000. Two of our members, Mr S. K. Kwan and Mr Gary Yeung, together with our GP counterparts attended a Bills Committee meeting of the LegCo to express the views of HKIS upon resolution of the Standing Committee on Property Management on 9 March 2000 afternoon.

EDUCATION AND APC

Dr S M Lo is leading a working group to study the usefulness of the diary and the role of supervisors as raised by the Board of Education. Views from members can be channeled to Dr Lo through our communication network as published in our divisional newsletter that was issued in mid March 2000.

CPD EVENT

Members are reminded of our upcoming CPD event entitled "The Role of Building Surveyor to act as Authorized Person and the Current Mechanism of Assessment under the Buildings Ordinance" to be held on 17 April 2000. Please watch out for the enrollment form, as this is an event that you can not afford to miss.

PENALTIES FOR SERIOUS OFFENCES UNDER THE B.O.

The Government Working Group on Built Quality has put forward the following options on penalties for 6 serious offences for consideration by the Building Sub-Committee:

Options

- 1- No change
- 2- Increase according to inflation, approx. 6 times since 1979, from \$250,000.00 to \$1.5 million
- 3- Make it more deterrent by increasing to \$2.5 or \$3 million
- 4- Increase according to suggestion in a prosecution case to \$5 million

A comprehensive review will be carried out on the level of fines for the other offences.

REVISED CODE OF PRACTICE FOR SITE SAFETY SUPERVISION PLAN

Buildings Department identified simplification and revisions in the revised Code and here are some of the changes:

Form-filling

A 5-page form of the supervision plan, which replaces the original 21-page OSSP and DSSP is introduced.

Checklist to facilitate work

A list of essential items for specific tasks to be selected by the AP, RSE and RGBC/ RSC for devising precise checklists pertaining to individual site for their own TCPs is compiled to replace the original long checklists.

TCP reports on non-conformity direct to AP/RSE

A new set of procedures for dealing with non-conformities is proposed to replace the existing complicated procedures involving parallel and multiple reporting.

New way to determine extent of supervision required

A new set of "basic values" (based on money values and size of individual types of works in a project) is introduced to determine the extent of and power for the particular types of works involved.

However, the sections on "Assessment of Degree of Complexity", "Supervision Requirements" and "Additional Safety Supervision Requirements" have not been changed. The Technical Advisory Panel is maintaining a close monitoring and commenting on the proposed changes. ■



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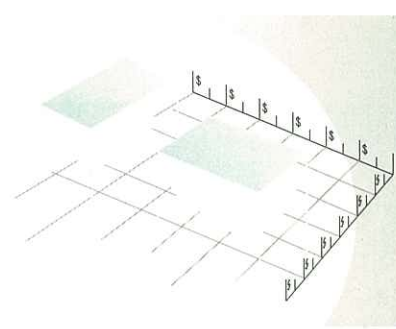
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GENERAL PRACTICE DIVISION

By Tony Tse, Chairman

PROMOTION OF REAL ESTATE SERVICES PROVIDED BY SURVEYORS

Following the success of the Hong Kong Real Estate Services Expo in Shanghai in January 2000, the Hong Kong Trade Development Council (TDC) has proposed another Expo be held in Beijing some time between September and November 2000. HKIS will be one of the three co-organizers and details will be announced in due course. Furthermore, in order to promote the real estate services, TDC is proposing to organize a Study Mission to Nanjing and Ningbo in June to study the recent market development, the associated policies and law governing the real estate market in these regions. It is also aimed to strengthen the business links with the counterparts in these cities, inclusive of the government officials and industry associated and to explore business opportunities. Our President, Mr. Francis Ng supports HKIS to participate and encourage our members to join the Study Mission as well. Further details will be announced in due course.

LAND SUB-COMMITTEE OF LBAC

Mr. K L Leung, our representative in the Land Sub-Committee of LBAC, reported that the following matters are being considered by the Sub-Committee. Members who have comments or would like to have further information about the matters could either contact Mr. K L Leung or Mr. Gordon Ng, Secretary-General of HKIS.

Car Parking Clause

Flexibility of plus or minus 5% will be allowed in the number of car parks required to be provided in developments. Relevant clause to such effect is now being scrutinized by the Lands Department.

Land Authority Consent Scheme

A working group was convened to review the scheme. The time taken to process the government approval e.g. DDH, landscaping and DMC approval was one of the key problems. Alternatives to the Consent Scheme will be examined.

Development of GIC Sites

Existing policy regarding development of GIC sites e.g. joint venture is under review.

Assignment of Service Apartments

Government has no objection in principle to the assignment of service apartments subject to retention of central management. Draft clauses are under review.

Premium Assessment

The existing premium assessment system needs improvements. Comments on the issue will be welcomed.

Landscaping Proposal

Lands Department is preparing a Practice Note to streamline the processing of landscaping proposal.

Certificate of Compliance

A pilot scheme will be carried out for three cases with issue of a checklist to the developers to facilitate the speed up of issuance of Certificate of Compliance.

Land Title Bill

Relevant parties are being consulted and Government will introduce the Bill to LegCo in 2000/2001.

Club Houses in Residential Development

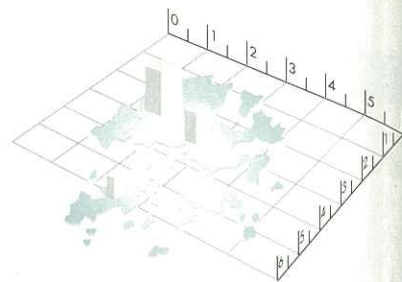
Lands Department is reviewing, with relevant departments, to relax the uses/facilities from GFA calculations. A draft Practice Note will be prepared and relevant parties will be consulted.

TOPICS FOR CPD EVENTS FOR YEAR 2000

The Education, Membership, APC and CPD Affairs Panel has proposed the following topics for CPD events for the coming year. Details will be announced in due course:-

- Town Planning Bill
- Valuation of Special Property - Rating Purpose
- Urban Renewal Authority
- Land Registration
- Property Management
- Short Course on Preparation of APC
- Lands Tribunal
- Development Financing
- Arbitration
- Land Resumption - Compensation Claim
- I.T. and Valuation 





LAND SURVEYING DIVISION

CORPORATISATION OF THE SURVEY AND MAPPING OFFICE OF THE LANDS DEPARTMENT

By WONG Chung-hang, Chairman

The Government has completed a feasibility study on the corporatisation of the Survey and Mapping Office (SMO) of the Lands Department.

The SMO is the Land Survey Authority under the Land Survey Ordinance. The proposed corporation will undertake survey and mapping related commercial activities. Members of our Institute, particularly those in private practice, are very concerned about the roles to be played by the proposed corporation in the future.

The Institute has written to the Secretary for Planning and Lands for a copy of the feasibility study report prepared by the Government's consultant. The Government is also requested to keep the Institute informed of the latest development of the feasibility study. The HKIS should be consulted if the Government decides to go ahead with the proposed corporatisation. A working group will be set up by the LSD Council to assess the impact on our profession.

MAINLAND AND INTERNATIONAL NEWS

By T N WONG & Conrad TANG

FIG Commission 7 Annual Meeting 2000 Cadastral and Land Management

14-19 MAY 2000

HAMBURG, GERMANY

The Annual Meeting is organized by DVW (German Institute of Surveyors), FIG Commission 7 and the Office of Geoinformation and Surveying in Hamburg. There are three Work Groups in the Commission, and discussion and reports will be made during the meeting:

Work Group 7.1 Reforming Cadastre

Work Group 7.2 Cadastral Systems in Developing Countries

Work Group 7.3 Land Management

The cost of the meeting package is US\$900 for 6 days per delegate and US\$300 per partner of the delegate. The fee includes accommodation in the conference hotel, all meals and tea, and technical and sightseeing tours. Payment should be made on registration. Further information can be obtained from Conrad TANG at Tel 27665963 or Email lstang@polyu.edu.hk, or by visiting the web site <http://www.fig7.org.uk/>

The 2nd Trans Tasman Surveyors Conference

20 - 26 AUGUST 2000

QUEENSTOWN, NEW ZEALAND

This is the second joint conference between the Institution of Surveyors, Australia (ISA) and the New Zealand Institute of Surveyors to be held in the Millennium Hotel in the heart of Queenstown. The theme of the conference is **The Challenge of Sustainability - Personal, Practical, Professional.**

Further information can be obtained from Vickie Hill, Conference Manager, at Email vickieh@voyager.co.nz or by visiting ISA's web site <http://www.isaust.org.au/2000>.

The 3rd Across-The-Strait Geomatics Conference

11 - 14 DECEMBER 2000

HONG KONG SAR

The conference is jointly organised by HKIS, HKIES and The Hong Kong Polytechnic

University (HKPolyU). Mr Hak CHAN, Junior Vice-President of the Institute, is the Chairman of the Steering Committee. Professor Y Q CHEN, Head of the Department of Land Surveying and Geo-Informatics, HKPolyU, is the Program Director. The theme of the conference is **Surveying for Sustainable Development.**

Participants are expected from the Mainland, Taiwan and Macau SAR. It will provide the venue for us to meet with fellow surveyors and experts from the region and to have a good time together. Members are invited to contribute papers on any aspects of surveying relating to and contributing towards sustainable development. The notice publicising the event should be out by the end of March.

HKIS CORRESPONDENTS/ REPRESENTATIVES FOR THE ISPRS COMMISSIONS

By CHEUNG Wai-man, Hon Secretary

The following LSD members have been nominated to take up duty for HKIS for another term of appointment in the following Commissions:

Commission I	Sensors, Platforms and Imagery	MAN Wing-kan
Commission II	Systems for Data Processing, Analysis and Representation	Esmond MOK
Commission III	Theories and Algorithms	Esmond MOK
Commission IV	Mapping and Geographic Information System	WONG Chung-hang
Commission V	Close-range Technique and Machine Vision	YIP Sair-wing
Commission VI	Education and Communication	CHAN Kai-hong
Commission VII	Resource and Environmental Monitoring	TONG Kwan-yuen


BOUNDARY SURVEY ADVISORY COMMITTEE (BSAC)

By Ms. Rina TSOI

The first meeting of Boundary Survey Advisory Committee (BSAC) was held on 14 February 2000. Terms of Reference for the Committee have been reviewed and amended, and approved by the LSD Council as listed below.


Terms of Reference

1. To examine, advise and make recommendations to the LSD Council on Legislation, Bills and Ordinances relating to Land Boundary Survey Matters.
2. To develop, implement and review guidelines/guidance notes in Land Boundary Survey Practice for members' general reference.
3. To support LSD Council in providing means of communication amongst HKIS members, ALS, RPS(LS) and the Survey Authority under Ordinances which relate to Land Boundary Survey.
4. To develop plans for promotion of Land Boundary Survey Services to the general public.

A meeting was also held between Land Survey Authority and ALSs on 13 December 1999. Copies of the meeting's minutes and related documents have already been sent to each ALS for reference. Any ALS who has not yet received the aforesaid documents may contact Ms. Rina TSOI at tel. no. 2231 3440 or fax no. 2877 8520. 

SUBMISSION OF LAND BOUNDARY PLANS TO THE DISTRICT SURVEY OFFICES

By K L Mok

There will be a new arrangement with effect from 1st April 2000, for RPS (LS) to submit land boundary plans to the District Survey Offices for incorporation into the land boundary record for reference by any interested parties. Please contact the Registrar of SRB for details if any RPS (LS) has not received the notice from the Board. 

News from the Divisions

QUANTITY SURVEYING DIVISION

By TT Cheung, Chairman

1. PRC

A delegation of 16 members from QSD visited our counterpart in Beijing in late February to discuss the preparation of the International Cost Conference to be held in Beijing in May 2001. The conference will be co-organized by the Ministry of Construction, China Engineering Cost Association and HKIS. Dr. Anita Liu is appointed HKIS's chairperson of the organizing committee. Those who are interested in offering their assistance, please contact Dr. Liu.

We were briefed by the Director Chief of the Standard and Norm Department that 2 new regulations (MOC Nos. 74 and 75) governing the practice of foreign consultant companies in China and the registration requirement of certified cost engineers, would be implemented in March 2000. We were given a copy of the said regulations at the meeting. We will print the full text at the next issue of Surveying upon consent from our China counterpart in due course.

Delegates from QSD were TT Cheung, Kent Kam, Nelson Cheng, Jacob Lam, Tommy Yim, Anita Liu, Ellen Lau, Thomas Tse, Peter Ho, Rowson Lee, Y M Lee, Francis Leung, George Nip, Sam Cheng, Daniel Ho and Antony Man from JO.

2. INTERNATIONAL COMMITTEE

The next PAQS Congress will be held in Cairns, Australia in June 2000. HKIS still maintain the view that PAQS should remain as a social organization amongst members' countries for academic exchange rather than an organization that deals with formal matters like reciprocity, joint university accreditation, etc.


3. DIRECT PROFESSIONAL ACCESS TO BARRISTERS

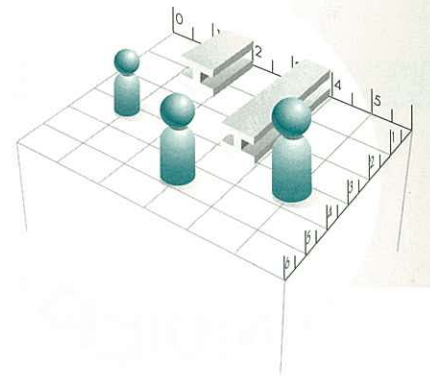
The matter has been in the hands of our fellow Barristers for some time. We are given to understand that finally they have set up a meeting to discuss the matters in detail sometime in March 2000 to conclude the matter.

4. REVISED SMM AND STANDARD BUILDING CONTRACT

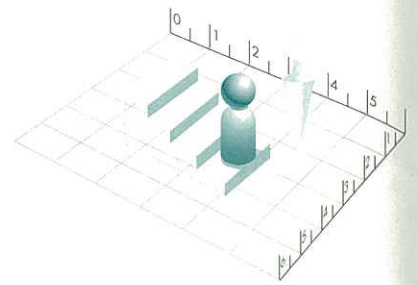
The sub-committee had its 171st meeting on 13th March 2000. The revised draft is now concentrated in the final few trades. The revised Standard Building Contract is now being reviewed again by the sub-committee. I would expect that the draft document be available in year 2000.

5. WELCOMING GATHERING WITH THE NEWLY QUALIFIED QSs

As with the previous year, we will organize a welcoming gathering with the newly qualified QSs in April. This is an important event that QSD would like to continue every year to bring our fellow QS members together. With the increase in membership, we need to have some mechanism to ensure that views from various levels are heard. 



QSD delegates visit Beijing



JUNIOR ORGANISATION

By Y C Chan, Chairman

THE EDUCATION AND CAREERS EXPO 2000

The Careers Expo was successfully held from 24th to 27th February 2000 at The Hong Kong Convention and Exhibition Centre. As with previous years, there was a booth from The Hong Kong Institute of Surveyors, promoting the surveying profession. You may have patronized our booth and may have some comments for future improvement. Please do not hesitate to contact us with your valuable advice and comments.

Although there was a shortage of time available for the preparation and arrangement works, the outcome was still well received by those attending. There were many visitors to our booth including students and our friends in the surveying profession. Because of the overwhelming response, the leaflets with detailed information of the different surveying divisions ran out of stock within a short space of time. This is a reminder for us to improve in the following year.

Special thanks must be given to all helpers from all the divisions in contributing their time and effort in the event.

CPD EVENT - CHINESE & WESTERN ARCHITECTURE APPRECIATION

An upcoming CPD event has been arranged in April as follows:

Title	: Chinese & Western Architecture Appreciation
Date	: 13th April 2000 (Thursday)
Time	: 6:45 pm to 8:30 pm
Venue	: Room HJ305, Hong Kong Polytechnic University
Speakers	: Mr. S.L. Lam, MHKIA, AP, Senior Property Service Manager, Architectural Services Department
Fee	: \$100

You are cordially invited to join in this CPD event. The reservation form will be distributed in due course.

CPD EVENT - SHOPPING CENTRE PLANNING

A CPD event entitled "Shopping Centre Planning" was held on 2nd March 2000 at The Hong Kong Polytechnic University. Our speaker, Mr. Anthony Banfield, from The College of Estate Management, gave us a comprehensive review of the latest shopping center management and leasing skills including the landlord and tenant relationship, the mechanism for charging turnover rent etc.

In particular, Mr. Banfield brought up a new concept of changing the mode of the traditional shopping center into a "showroom" and to allow customers to choose the products first and then buy them via electronic media such as Internet. Under this new system, no rent will be charged to the tenants but an entrance fee will be lodged to the customers for each patronage. This interesting concept may be a new direction for the future shopping center. For those senior management of shopping centers, you may wish to explore the possibility in applying this concept in Hong Kong.

Besides giving our sincere thanks to Mr. Banfield for this significant and informative talk, we must especially thank Ms. Cherry Cheung for coordinating the event. ❏

HKIS SOCCER COMPETITION 2000

By Lam Lik-Shan, Lesly

The first Soccer Competition in the new millennium was successfully held on 20th and 27th February 2000 at the Sheung Shui - Kwu Tung Grass Soccer Pitch. A total of 10 teams from various government departments, private sectors and graduates participated in this most renowned event organised by the Junior Organisation each year. All participants and spectators were enthusiastic about the play of the day.

1st Runner-up Team



In fact, the shadow of Rivaldo, Beckham, Owen, Carlos, etc. were easily found throughout the competition. As some teams could pile up a cricket score to beat their competitors, sometimes it is an awesome show of power football. Finally, the last champion team won again. They played very well. To the losing teams, please remember that it is not the end of the world. Do lift up your heads and think about the next champion match in the coming year. ❏

Champion Team





MANDATORY CPD

By David Faulkner, CPD Panel Convenor

1st September 2000 is an important date for all Associates and Fellows of The Hong Kong Institute of Surveyors as this marks the third anniversary of the introduction of mandatory CPD. The requirement is for all Associates and Fellows to complete 60 hours of CPD over a three-year period, and consequently this year will be the first year that a sample of member's CPD records will be called for review by the CPD Panel.

Given the high attendance at many CPD events, I am sure that most members will have no difficulty in meeting the Institute's CPD requirements, but it will be necessary for each member to ensure that his or her CPD Profile Card is correctly completed by 1st September in case it is selected for review. The HKIS will send each member an additional CPD Profile Card shortly in case those issued when the scheme was first set up have been mislaid.

The definition of what can be counted for CPD hours is fairly broad and includes both HKIS organised events, events organised by other bodies, in-house seminars and also preparation time for members presenting at CPD events. The details are set out in the Guidance Notes for Continuing Professional Development, which are available from the HKIS office.

Future articles will explain the procedures for selecting and reviewing member's records in more detail. Meanwhile the CPD Panel looks forward to seeing our members at future CPD events. ❏

SURVEYORS LUNCH

Mr Kim A Salkeld, Deputy Secretary for Environment and Food Bureau, HKSAR Government, was Guest of Honour for the HKIS Surveyors Lunch held at the HK Convention and Exhibition Centre on 22nd February 2000. A speech on "Working for a World Class Environment" was well received by members and guests. ❏



Mr Kim Salkeld receives a souvenir from the president, Mr Francis Ng. Mr Kim Salkeld's speech will be published in the next issue.



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Email : distance.learning@britishcouncil.org.hk

Web : <http://www.britishcouncil.org.hk/english/elcdls.htm>

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

COMMENTS ON TOWN PLANNING BILL 2000

By LAU Tak, Francis
Chairman, Committee on Town Planning

The Committee on Town Planning had submitted on 11 March 2000 the following comments to the Bills Committee of LegCo. The comments followed the order of the proposed Bill.

SECTION 3 - TOWN PLANNING BOARD

Over the numerous previous consultations we have always expressed the view that in order for the Board to be not only fair, but to be seen to be fair, it is vital that the Chairman and Vice Chairman are not public officials. There are many examples such as the Housing Authority, Hospital Authority, LDC etc. where this role is taken by an unofficial. For the same reason the secretariat that supports the Board should also be independent from the Planning Department. In addition there should be a wider representation on the Board from the professional bodies and institutes and the real estate development sector.

SECTION 6(4) - ZONINGS FOR PUBLIC PURPOSE

If a piece of land is zoned for a public purpose Government is not obliged to resume the land and redevelopment is not permitted even if there is no restriction under the lease. We wish to draw the Administrations attention to what was stated in the Comprehensive Review of the Town Planning Ordinance - Consultative Document - July 1991 that:

"There exists an administrative policy for land owners to request the Government to resume their land. If a development proposal on land zoned for a public purpose (e.g.

Government/Institution/Community or Open Space use) is rejected by the T.P.B. and if further upon a petition to the (former) Governor in Council, the decision to reject the development proposal is still maintained the Government will either acquire the property within the next financial year or permit the applicant to develop in accordance with the lease".

There are of course other zonings such as Conservation Area, Sites of Special Scientific Interest, Coastal Protection zones etc. which also clearly fall within the context of public purpose and we feel that it would be both right and equitable for Government to formally acknowledge this and give a right for land owners to ask for resumption if their land is so affected. The Bill should be amended to allow for this.

SECTION 9 - CONTENTS OF DRAFT PLANS GENERALLY

It is inadvisable to impose statutory control over matters which are subjective in the nature of their consideration. Legislation should provide certainty on land use, density of development and where appropriate pre-determined levels of site coverage and building height. It should not go into areas of building design or aesthetics. In particular we object to the inclusion of the words 'number of flats and disposition' in Section 9 (1) (a). Section (3) provides for the Secretary for Planning and Lands to designate by regulation any class or description of development as designated development without public consultation. This goes against the whole spirit of the Bill and we feel that such designations should be subject to the draft plan procedures.

SECTION 12 - PUBLICATION AND INSPECTION OF PLANNING STUDY

We welcome the opening up of the planning process to include full consultation of planning studies as well as OZPs. This is in fact recognizing what is already occurring administratively. We emphasize that this is the correct stage to have full public participation in the planning process;

SECTION 15 - GOVERNMENT POLICY IN PLANNING PROCESS

In order that there is certainty in this area we suggest that the Planning Statement which currently accompanies the OZP and the Notes, but which does not have any legal status, should be formally included as part of the plan. This will ensure that all Government's policy objectives behind the preparation of the plan are properly included, again after the full consultation process.

SECTION 29 - AMENDMENT OF DRAFT OR APPROVED PLAN BY BOARD ON APPLICATION OF ANY PERSON

We welcome this formal recognition of the right to make rezoning applications but the clause does not go far enough as it fails to provide for the Applicant to be entitled to a review hearing if the Boards initial decision is disputed. We consider that there should be a right for a hearing similar to that given to a representer under the objection process.

SECTION 31 - RESTRICTIONS ON DEVELOPMENT OR USE WITHOUT PLANNING PERMISSION

The development industry requires certainty as far as possible. As stated previously we welcome the opening up of the planning process at the planning study and OZP preparation stage but once that process has been completed there must be a clear indication to the industry that proposals

which comply with such approved OZPs should be allowed to proceed without the need for further consultation or invitation to object. Where development proposals are in contravention of the OZP, are potentially an offensive trade or otherwise a 'bad neighbour' then additional consultations should be invited. We suggest a list of what falls into this category of development needs to be drawn up and spelt out now, not left till later. The list should be included as part of the consultation process and properly included into the Notes of each OZP.

In a worst case scenario there could be many OZP's with blanket objections say if Government decides to introduce development height profiles along the north shore of Hong Kong Island and the southern part of the Kowloon peninsula. This is bound to be controversial and raise multiple objections. As presently drafted all development is likely to be frozen whilst such objections are being dealt with resulting in at least 9 months delay. Is this what the administration wants? A mechanism needs to be found to allow the conforming development to proceed.

SECTION 32(2) - APPLICATION FEE

It is noted that in urban and new town Outline Zoning Plans (OZPs), temporary uses of less than 5 years are permitted as of right in all zones. However, in rural OZPs, all developments (Except existing uses), even they are temporary in nature, require a planning permission. To be fair to those applicants, and land owners, in rural OZP districts, it is suggested that for applications of temporary uses of less than 5 years, no application fee be required.

SECTION 32(3)(C) - CONSIDERATION OF SIMILAR PLANNING APPLICATION

The right of making application to the Board, at any time, should not be removed, particularly if a fee is to be charged.

SECTION 37 - CONDITIONS RELATING TO PROVISION OF PUBLIC FACILITIES WHICH MAY BE IMPOSED ON GRANT OF PLANNING PERMISSION

The whole philosophy of provision of public facilities needs to be re-thought. As a matter of general principle if Government requests the inclusion of certain public facilities within a project that go beyond the needs of the project itself it seems right and proper for (i) Government to pay for the construction and (ii) Government to maintain them. Why should the developer bear these cost particularly when in a significant number of cases a full land premium will be charged by the Government through the land exchange mechanism following on from the planning approval? At the moment there is a contradiction in policy because where GI/C requirements are put into sites sold by public auction or tender then there is either a mechanism to pay for the construction costs included in the lease conditions or else the requirement is known and can be reflected in the bidding. For T.P.B. approval cases the developer not only has to pay full premium but also bear the full construction costs without by refund. The time has come for Government to pay its way in all cases and planning policy needs to reflect this thinking.

SECTION 45(3) AND (6) - GROUNDS ON WHICH BUILDING AUTHORITY SHALL REFUSE TO GIVE HIS APPROVAL OF BUILDING PLANS OF BUILDING WORKS

The subsections of (6) are so wide-ranging and subjective in nature that we foresee the Director of Planning being placed in a very difficult position in the exercise of his authority under this condition. If in doubt he must say 'No' which will inevitably lead to a review of the decision as provided for in Section 46 which in practice will occur in virtually every case.

SECTION 49 - UNAUTHORIZED DEVELOPMENT

In the Bill, this part is only applicable to lands within certain areas e.g. development permission areas, and rural OZP areas. Any person who commits an offence is liable to a fine up to a maximum of HK\$1,000,000 or \$2,000,000 of second or subsequent conviction. However, there is no control for Unauthorized Developments in land outside the mentioned areas, for example, land in urban OZPs. It appears that different treatment is given to different district in the same act. Consideration should be given if this would violate the rules of (i) natural justice, (ii) Bill of Right, (iii) discrimination, and (iv) equal opportunity;

If the new planning mechanisms are put in place the Administration needs to recognize the knock-on effect of the potential/actual delay and extend the length of building covenants in both new and existing lease to reflect this. ❏



HKIS BOARD OF MEMBERSHIP 2000-2001

CHAIRMAN

CHIU Kam Kuen

DEPUTY-CHAIRMAN

KWOK Kim Sang, Evenlyn

DIVISIONAL REPRESENTATIVES:-

CHOW Kon Man BSD
CHEUNG Tin Cheung BSD

WONG Kin Chee GPD
Mona WOO GPD

WONG Thien Nyen LSD
YEUNG Kin Fai LSD

TSE Che Wah, Thomas QSD
HO Kam Ming, Peter QSD

LEE Hoi Tat J.O.
NG Shui Kwong J.O.

David CHAN (Immediate Past Chairman)

MEMBERSHIP APPLICATIONS

Deadline for submission of Corporate membership applications 2000:-

1. Thursday, 20 April 2000 for Board of Membership Meeting on 25 May 2000 and General Council Meeting on 8 June 2000.
2. Thursday, 27 July 2000 for Board of Membership Meeting on 31 August 2000 and General Council Meeting on 14 September 2000.
3. Thursday, 21 September 2000 for Board of Membership Meeting on 26 October 2000 and General Council Meeting on 9 November 2000.

All applications (including those which do not meet the full requirements) received later than the submission deadline will be processed at the following next meeting.

Application Fees

With effect from 28 September 1999:-


1. Any person applying for admission into membership shall pay an application fee which shall be non-refundable whether or not such person is admitted into membership.

Student Class A : \$ 250.00

Student Class B : \$ 615.00

Associate : \$1,230.00

Fellow : \$1,700.00

2. Any corporate member or student shall be liable to pay the annual subscription for the ensuing year upon admission into membership and upon expiry of the annual subscription for the current year. (Financial year runs from 1st April to 31st March). 

CONGRATULATIONS TO THE FOLLOWING WHO WERE ELECTED AS HKIS MEMBERS ON 9TH MARCH 2000:-

FELLOWS (1)

HO CHI WAI (QS)

ASSOCIATES (62)

BS DIVISION

CHAN PING CHUEN

CHAN TAK SHING, ANTONY

CHAU KAM YIU

CHEUNG MEI YEE, ANGELA

CHIU HON FAI

DING CHOI HING, DONALD

HO SZE MAN

HUI HUNG WAI

LAU PAK WO

LEE KIT CHEONG

LEUNG KIN TAK

MA TING MO

MAN KIT BIU

MAN TAK WAH

MOK WING KWONG, RAYMOND

NG WAI YUK

PONG CHI FAI

POON KAM LUN

POON WAI LAM, WILLIAM

SETO KIN YAN

SHIH HSIAO HUNG

TAM CHUN MAN

WONG KIN YEE

GP DIVISION

CHAN CHE HONG

CHAN SUK HAN

CHAN SUK MAN, CELIA

CHEUNG MEI KUEN, CHERRY

FAN CHI SUN

FAN TAK MAN, TERESA

FUNG KIN PONG, DERRIC

FUNG WAI MAN

HO SZE MUN

HUNG YUEN CHUN

KING TAK WAI, DAVID

KWAN LAI YING

LAW CHUN LEUNG

LEE BUN, BENSON

MAO CHIU DIK, WILLIAM

MOK WAI CHI

MUI KING HUNG, ALICE

NG KA TAT, DESMOND

SHEK MEI CHI, SHIRLEY

TAM KA YEE, EVA

TAM KWOK LEUNG

TONG YIU CHUNG

TSANG KAM MAN

WONG HEUNG KIU, TINA

WONG PUI YEE

WONG WAI LEUNG

WUN KA TSUN

YAU KWOK MING

YIU CHO YUEN

YIU TSANG WING

LS DIVISION

HO SAU MAN

LAM LIK SHAN

TSOI, RINA

WAI WING KEE

WONG PUI YU, AMY

QS DIVISION

KWOK CHING WA,
GILBERT

PANG CHI SHING

RAE, STEPHEN WILLIAM

TANG CHI FAI, DAVID

RESIGNATION FROM HKIS

GRAHAM, SAMUEL R

PEACOCK, JOHN

TECHNICAL MEMBERSHIP Q&A SECTION

By Mr Alexander Ho, Chairman, SST Working Group

Listed below is the latest status of the progress of the Working Group.

1. Term of Reference

It was agreed by the Executive Committee during its meeting on 2nd March 2000 to set the following terms of reference for the Working Group:-

- 1.1 To consider and advise the General Council on the possible creation of a new technical grade within the Institute.
- 1.2 To gauge HKIS members' opinion and feedback from the SST (HK members) on the proposal.
- 1.3 To advise the implementation plan, if appropriate.

2. General Council and Divisional Support

I have written to the President and the Divisional Chairmen and all of whom have expressed their support for the Working Group, and agreed to hold CPD/forums on the proposed new technical membership and explain its benefits to the members.

3. Survey on the Demand of Technical Surveyors

The Divisional Representatives had carried out surveys to the private surveying firms on the creation of the Technical Membership as well as on the demand of technical surveyors. Basically, the employers from all three divisions are very positive towards the creation of the Technical Membership by the Institute

and there is also a very big demand for technical surveyors.

4. Progress of the Working Group

At the moment, the members of the Working Group are concentrating on the drafting of the relevant marketing plan, entry requirements/qualifications and the bridging facilities, obligations and rights. The details will be revealed to members for comment once they are available. We are also planning to hold CPD/forums by the Institute/individual division on the proposed new technical membership.

5. RICS Enquiry

RICS has recently referred to the Institute, two cases regarding enquiries by the TechRICS in Hong Kong, about admittance to its APC. While RICS had advised them that, under the terms of the Co-operation Agreement, it had undertaken not to admit to its APC for candidates who normally work or study in Hong Kong and that it was not in a position to assess them under the RICS APC, the RICS also told the TechRICS members that it was currently negotiating with the HKIS the most appropriate route to membership and was awaiting a favorable reply from the HKIS.

6. Development of Registered Engineering Technicians

I think the latest development of the Engineering Technicians would give us some indication of the trend in the

Construction Industry. Recently, the Engineers Registration Board expressed its support of the establishment of a register for technicians, similar to the register for engineers. The reasons were that technicians should be registered as they were the only level not properly regulated in the engineering profession and registration of technicians also matched with the current international trend.

On the other hand, the HKIE was suggesting to the HA to have the technicians properly registered and therefore bound by a code of conduct. The HKIE is offering Associate Membership to sub-degree holders, Higher Diploma/Certificate holders who are properly educated to technician level, trained to technician level and with adequate subsequent technical experience. The HKIE recommended to the HA that all technicians employed by the HA should be Associate Members of the HKIE so that their quality, conduct and competence would be properly monitored and be held responsible for their work according to their Institutional Rules. The HKIE said that this move certainly would enhance the quality of the mid-stream personnel and release the pressure on the demand of professional engineers, directly reducing the cost and wastage.

Should members have any view on the above, please do either write to the HKIS or to my e-mail address at Alex.Ho@kpkqs.com.hk.



LAST MONTH IN LEGCO

By Hon. Edward S.T. Ho, SBS, JP, Legislative Councillor, representative of Architectural, Surveying and Planning Functional Constituency

Upon the request of your QSD Editorial Representative, I shall be contributing a column on the latest events in LegCo that have some relevance to our functional constituency.

ANNUAL BUDGET

The most recent event was the unveiling of the 2000-01 Annual Budget by the Financial Secretary on 8th March. Debate on the Budget will take place on 29th and 30th March. I will hold a Discussion Forum for all members on 16th March at the HKIA premises on 19th floor, One Hysan Avenue, Causeway Bay.

Though the Budget did not spring any surprises on taxation, no doubt members have their opinions on many aspects of life in Hong Kong. Please do come to the Forum.

MASS TRANSIT RAILWAY BILL

The Bill which enabled the privatisation of the MTRC was passed in LegCo on 23rd February after a heated debate lasting some 8 hours. Fortunately, MTRC will retain its prudent commercial principles. It will not become a Government-subsidised railway, which would be the result if some proposed amendments by members were to be passed.

GOVERNMENT EXPENDITURE ON BUILDING AND CIVIL ENGINEERING WORKS TO MAINTAIN

In response to a question I put to the Government in LegCo on 23rd February, Government confirmed that the annual average expenditure will be increased in the next three years rather than diminished.

Annual average expenditure on building works will be \$14 billion, and civil engineering works \$19 billion, while Housing Authority's building works will be about \$22 billion in the next three years. (Past three years averaged \$13 billion, \$16 billion and \$18 billion respectively.)

PRIVATISATION OF SURVEYING AND MAPPING OFFICE

Government intends to "corporatise" the Surveying and Mapping Office of the Lands Department to increase efficiency and business opportunities. Staff can choose to remain as civil servants, or switch to employees of the corporation.

Government will consult staff before implementation and legislative proposals.

WEST KOWLOON RECLAMATION COMPETITION

Government intends to hold a development/design competition for the 40 hectares site, with core facilities on culture and entertainment. Financial feasibility and development proposals will be part of the competition. The international competition will be held in April for a 3-month period, and a decision on the results to be made in October.

ON-GOING BILLS COMMITTEES

LegCo has started to scrutinise the Town Planning Bill, the Urban Renewal Authority Bill, and the Building Management (Amendment) Bill 2000. Member Institutes have submitted views. More details in the next Issue. ■

124 CONVICTED POLLUTION CASES IN JANUARY

A total of 124 convictions were recorded in court in January for breaching anti-pollution legislation enforced by the Environmental Protection Department. Of these cases, 29 were convictions made under the Water Pollution Control Ordinance, 24 under the Noise Control Ordinance, 39 under the Air Pollution Control Ordinance, 31 under the Waste Disposal Ordinance and one under the Ozone Layer Protection Ordinance. The fines ranged from \$500 to \$200,000.

A record fine of \$200,000 was handed down last month on Chevalier (Construction) Company Limited for violating the Noise Control Ordinance. The company was also fined \$100,000 for committing another offence under the same ordinance.

RESIDENTIAL MORTGAGE SURVEY RESULTS FOR JANUARY 2000

The recovery in new mortgage lending slowed in January, according to the HKMA's monthly survey of residential mortgage lending.

The amount of gross new loans made in January was flat at \$10.5 billion compared with a 36.1% advance in December. The average size of new loans decreased to \$1.41 million in January from \$1.45 million in December.

New loans approved during the month decreased by 9.0% to \$13.1 billion from \$14.4 billion in December. Refinancing loans fell in absolute terms for the first time since August 1999, but still accounted for 52.6% of new loans approved (51.1% in December). Loans approved during the month but not yet drawn decreased by 6.3% to \$10.1 billion in January from \$10.8 billion in December.

The average loan-to-value ratio of new loans approved decreased slightly to 57.0% from 57.6% in December. The average contractual life decreased to 187 months from 194 months. Of these loans, 99.3% were related to owner-occupied properties.

On the pricing front, 75.3% of the new loans were granted at the best lending rate, down from 85.3% in December. Loans granted at below the best lending rate for the whole term of the mortgage rose to 20.4% of the new loans approved, up from 10.5% in December.

The amount of outstanding mortgage loans was flat in January, compared with a rise of 0.21% in December. The annualised rate of growth of outstanding loans rose by 0.4% in the three months to January, compared with flat growth in December. The average change over the last twelve months fell to 3.6% from 4.0% in December.

The loan delinquency ratio (measured by the ratio of mortgage loans overdue for more than three months to total outstanding mortgage loans) rose to 1.16% in January from 1.13% in December.

"The mortgage war has continued to intensify and has reached the point in some cases where the margin barely covers funding costs in the initial year of the loan. The HKMA considers that this is an unhealthy development." said Mr. David Carse, Deputy Chief Executive of the HKMA.

Gross loans made for the purchase of properties in Mainland China increased to \$167 million in January from \$163 million in December. The amount of outstanding loans increased by \$7 million to \$6.49 billion.

THREE LOTS SOLD FOR \$677.2 MILLION AT LAND AUCTION

Three government lots were sold for a total of \$677.2 million at a public auction held by the Lands Department on 29 February 2000.

The first lot, Rural Building Lot No. 1148, is a site of about 13,570 square meters on Severn Road, Hong Kong. It was sold to Time Plus Ltd. for \$490 million. The opening bid was \$350 million. The developer has to complete a gross floor area not less than 3,270 square metres on or before September 30, 2004.

The second one, Shau Kei Wan Inland Lot No. 845, is site of about 880.8 square metre

on Yiu Hing Road, Shau Kei Wan. It was sold to Mega Royal Ltd. for \$170 million. The opening bid was \$110 million. The developer has to complete a gross floor area not less than 4,775 square metres on or before March 31, 2003.

The third lot, Lot No. 736 in Demarcation District No. 332, is a site of about 3,380 square metre site in Cheung Sha, Lantau Island. It was sold to Billion Gain Ltd. for \$17.2 million. The opening bid was \$6 million. The developer has to complete a gross floor area not less than 900 square metres on or before March 31, 2003.

The lots on Severn Road and in Cheung Sha are for private residential purposes excluding service apartments, while the lot in Shau Kei Wan is designated for non-industrial uses excluding godown, petrol filling station, hotel and service apartments.

LAND SALE AND DEVELOPMENT PROGRAMMES ANNOUNCED

The Government announced on 29 February 2000 the Land Sale Programme from April 2000 to March 2001, and the Land Development Programme from April 2001 to March 2005.

For the 12 months from April 2000 to March 2001, public auctions and tenders will be conducted according to a land sale timetable to make available a total of 16 hectares of land for private housing, 6 hectares for the Private Sector Participation Scheme (PSPS) and 0.5 hectare for non-housing uses. Moreover, 16 hectares of land for private housing and 9 hectares for non-housing uses will be available for application in the same period. Another 69

hectares of land will be available for disposal by way of private treaty, comprising 58 hectares for private housing and 11 hectares for non-housing uses.

Altogether, 90 hectares of land for private housing will be available for disposal in 2000/01, compared with 52 hectares in 1999/2000. The increase is mainly due to the land grant of 32 hectares for a MTR-related development project at Tsung Kwan O which would proceed in phases. The increase has also taken into account the need to provide land to accommodate the demand for private housing arising from the Housing Authority's new loan scheme commencing in 2003/04.

Under the Land Development Programme, for four years from April 2001 to March 2005, 333 hectares for private housing will be available. The timing and the method of land sale for the period from April 2001 to March 2002 will be announced in early 2001.

The 5-year Land Sale and Development Programmes were first launched after the resumption of Government land sale in April last year. The system of publishing a list of sites for application was also introduced at the same time.

Since April 1999, over 22 hectares of land were sold by auction and tender, comprising 17 hectares for private housing (including the sites sold on 29 February 2000), 5 hectares for PSPS and 0.3 hectare for non-housing uses.

2000/01 Auctions and Tenders

No. of Area	Use	Sites	(hectare)
1.	Residential (high density)	9	10.58
2.	Residential (low density)	6	5.25
3.	Private Sector Participation Scheme	3	6.29
4.	Industrial/Office	1	0.55
	Total	19	22.67

2000/01 Application List

No. of Area	Use	Sites	(hectare)
1.	Commercial	3	3.52
2.	Commercial/Residential, Residential (high density)	7	6.79
3.	Residential (low density)	8	9.2
4.	Industrial/Godown & Industrial/Office	6	1.95
5.	Others	4	3.05
	Total	28	24.51

Land Sale Programme Auctions

April 2000 ~ March 2001

Sale Date	Lot No.	Location	Use	Area (ha)	Plot Ratio
25 Apr 2000 (Concert Hall, H.K. Cultural Centre TST)	NKIL 6275	Site 9, Northern Part of West Kowloon Reclamation	Residential R1	1.6064	9
	RBL 1143	Adjacent to 16 & 18 South Bay Road	Residential R3	0.1925	0.9
12 Jun 2000 (Concert Hall, H.K. Cultural Centre TST)	Lot 943 in DD 94	Ex-Beas Stable Married Quarters, Sheung Shui	Residential R4	2.2973	0.4
	KIL 11122	J/O Carmel Village Street and Hau Man Street	Residential R1	0.1420	9
29 Aug 2000 (Concert Hall, H.K. Cultural Centre TST)	TWTL 404	Area 40, Route Twisk (Site B)	Residential R3	0.6970	3
	STTL 481	Site 10, Area 77, Ma On Shan	Residential R2	1.0800	5
11 Oct 2000 (Concert Hall, H.K. Cultural Centre TST)	KIL 11145	J/O Farm Road and Ma Tau Wai Road, To Kwa Wan	Residential R1	0.2765	9
	Lot 214 in DD 387	Sham Tseng	Residential R3	0.7845	2.1
7 Dec 2000 (Concert Hall, H.K. Cultural Centre TST)	KIL 11140	Site F/A14, West Kowloon Reclamation	Residential R1	1.4300	7.5
	Lot 1588 in DD 243	Pik Sha Road, Pik Sha Wan, Clear Water Bay	Residential R4	0.7646	0.4
19 Feb 2001 (Concert Hall, H.K. Cultural Centre TST)	STTL 483	Site 12, Area 77, Ma On Shan	Residential R2	0.7300	5
	Lot 1144 in DD 215	Tui Min Hoi, Sai Kung	Residential R3	0.5140	0.75

Land Sale Programme Tenders

April 2000 ~ March 2001

Invitation Date	Lot No.	Location	Use	Area (ha)	Plot Ratio
Apr 2000	KIL 11118	Ex-British Military Hospital, King's Park	Residential R2	3.6006	2.339
Jun 2000	KCTL 486	Kwai Shun Temporary Housing Area	Private Sector Participation Scheme	0.4700	4.37/ 1.15
Aug 2000	NKIL 6280	J/O Wang Mau Street/Wang Tai Road/Sheung Yee Road, Kowloon Bay	Industrial / Office and LPG Vehicle Repair Workshop	0.5480	12
Sep 2000	STTL 507	Area 11, Shek Mun, Shatin	Private Sector Participation Scheme	4.0800	6.32/ 0.14
Oct 2000	IL 8955	Sai Wan Ho Ferry Concourse	Residential R1	1.2200	10
Jan 2001	TKOTL 77	Area 73B, Tseung Kwan O	Private Sector	1.7400	7.33/ 0.15
Feb 2001	IL 8914	Ex-Hollywood Road Police Quarters	Residential R1	0.4900	10

Land Sale Programme

List of Sites for Sale by Application

(Application List)

April 2000 ~ March 2001

Lot No.	Location	Use	Area (ha)	Plot Ratio	Estimated Earliest Available Date	Deposit (HK\$M)
IL 8920	Ex-Government Supplies Depot, Oil Street	Commercial/ Residential	1.1700	10.55	Apr 2000	50
TWTL 400	Sze Pei Square	Commercial/ Residential	0.0390	5/9.5	Apr 2000	10
KIL 11152	Site E/A3, West Kowloon Reclamation (Site A)	Residential R1	2.0100	7.5	Sep 2000	50
KIL 11146	Site E/A3, West Kowloon Reclamation (Site B)	Residential R1	2.2600	7.5	Dec 2000	50
Lot 1003 in DD 40	Site 16 Sha Tau Kok	Residential R1	0.3250	3.6	Apr 2000	10
TMTL	Area 16, Tuen Mun	Residential R1	0.6090	5	Apr 2000	40
Lot 2051 in DD 121	Ping Shan	Residential R1	0.3750	2.66	Jul 2000	10
Lot 673 in DD Peng Chau	Site 2, Tung Wan, Peng Chau	Residential R3	0.1093	0.75	Apr 2000	0.5
TWTL 395	Area 40, Route Twisk (Site A)	Residential R3	2.5630	3	Apr 2000	50
TMTL 422	Area 58, Tuen Mun (Ex-Pearl Island Quarters)	Residential R3	1.4900	1.3	Apr 2000	30
TMTL 449	Area 58, Tuen Mun	Residential R3	1.6693	1.33	Apr 2000	30
Lot 1848 in DD Cheung Chau	Shui Hang, Cheung Chau	Residential R4	1.0382	0.4	Apr 2000	2
Lot 245 in DD 331	Former site of South Lantau Hospital, Lantau	Residential R4	1.6600	0.4	Apr 2000	5
Lot 14 in DD 231	Chuk Kok, Sai Kung	Residential R4	0.2790	0.4	Apr 2000	2
TMTL 430	Area 52, Tuen Mung	Residential R4	0.3900	0.4	Apr 2000	2

Land Sale Programme
List of Sites for Sale by Application
(Application List)
April 2000 ~ March 2001

Lot No.	Location	Use	Area (ha)	Plot Ratio	Estimated Earliest Available Date	Deposit (HK\$M)
KIL 11103	Hung Hom Bay Reclamation	Commercial and Multi-storey Carpark	0.9940	12	Apr 2000	50
NKIL 6195	Cha Kwo Ling Road, Kwun Tong	Commercial and Multi-storey Carpark	0.4878	12	Apr 2000	20
KIL 11110	Hung Hom Bay Reclamation	Hotel/ Service Apartment	2.0364	5.28	Apr 2000	50
KCTL 478	Wing Kin Road, Kwai Chung	Industrial/ Godown/ Multi-storey Carpark and LGP Vehicle Repair Workshop	0.3707	9.5	Apr 2000	2
NKIL 6310	J/O Wang Tai Road/ Sheung Yuet Road/ Wang Chiu Road, Kowloon Bay	Industrial/ Office	0.5012	12	Jun 2000	10
NKIL 6311	J/O Wang Tai Road/ Sheung Yuet Road, Kowloon Bay	Industrial/ Office	0.2690	12	Sep 2000	5
NKIL 6312	Between Wang Chiu Road and Lam Lee Street, Kowloon Bay	Industrial/ Office	0.4580	12	Oct 2000	10
Lot 1142 in DD 215	Hong Tsuen Road, Sai Kung Tuk, Area 3, Sai Kung	Industrial/ Godown and Vehicle Repair Workshop	0.2400	5	Apr 2000	0.5
Lot 2035 in DD 121	Tong Yan San Tsuen, Yuen Long	Industrial/ Godown	0.1090	3	Aug 2000	0.5
TYTL 164	Tsing Keung Street, South Tsing Yi	LPG Vehicle Repair Workshop and Ancillary Facilities	0.5939	2.5	Apr 2000	30
TYTL 161	Tsing Keung Street, South Tsing Yi	Concrete and/ or Asphalt Production	0.4880	2.5	Aug 2000	2
TYTL 162	Tsing Keung Street, South Tsing Yi	Concrete and/ or Asphalt Production	0.4920	2.5	Aug 2000	2
Lot 119 in DD 88	Man Kam To Road, Fu Tei Au, Sheung Shui	Lorry and Container Vehicle Parking and Repairing	1.4717	1.97	Dec 2000	1

OWNERS/OCCUPIERS GUILTY OF FAILING TO UPGRADE FIRE SAFETY INSTALLATIONS

Seven owners/occupiers of two specified commercial buildings were found guilty on 3 March 2000 in the Western Magistracy for failing to comply with Fire Safety Improvement Directions issued by the Fire Services Department (FSD) to upgrade the fire services installations in their buildings. They were fined a total of \$17,500 by the court.

An FSD spokesman said it was the first time that FSD had taken prosecutions under the Fire Safety (Commercial Premises) (Amendment) Ordinance 1998 which came into force in June 1998 requiring the fire safety installations of pre-1973 commercial buildings i.e. "specified commercial buildings" to be upgraded to modern standards.

The spokesman added that the Department had inspected a total of 333 specified commercial buildings since June 1998 and issued a total of 5,481 Fire Safety Improvement Directions. A total of 287 of these Directions were found complied with.

LAND REGISTRY STATISTICS FOR FEBRUARY 2000 RELEASED

The Land Registry last month (February) received 5,698 sale and purchase agreements on residential and non-residential building units, which represented a decrease of 18.1 per cent over January and a decrease of 31.9 per cent from February last year.

The total consideration of these agreements in February was about \$15.9 billion, down 20.9 per cent and 18.4 per cent respectively when compared with the month before and February 1999.

BUILDING HERITAGE INTEGRATED INTO TOWN PLANNING

The Government aims to integrate Hong Kong's building and cultural heritage into new towns, the Acting Secretary for Planning and Lands, Mr Patrick Lau Lai-chiu said.

"Within and near our proposed new towns in the New Territories, like Fanling North and Hung Shui Kiu, there are many sites of great historical value, such as walled villages, ancient Chinese study halls and ancestral halls. The Government will build good pedestrian connections to link up these heritage trails, such as the Lung Yeuk Tau and Ping Shan Heritage Trails to facilitate visits by local residents and tourists, he told the participants of the HKIS Conference 2000 organised by the Institute on 4 March 2000.

In addition to planning new strategic growth areas which are to be found largely in the New Territories, the Government is also mapping out a new urban renewal strategy which will transform the existing urban areas. Despite what some may think about the loss of developers' interest for redeveloping the older parts of the urban areas, there are opportunities for us to make better use of the existing land resources and to rejuvenate some heritage buildings. Preserving and maintaining the heritage features not only accords with the objective of sustainable development but also facilitates the retention of the local characteristics of the different districts, adds interest and variety to our urban fabric and helps promote tourism. In the Urban Renewal Authority Bill put to the Legislative Council for consideration, preservation of buildings of historical, cultural and architectural interest in urban renewal areas has been made one of the statutory responsibilities of the proposed Urban Renewal Authority.

Examples of heritage buildings rehabilitated into popular touristic spots, such as the former Stanley Police Station and the Western Market, which are turned into a restaurant and a shopping arcade respectively.

The Government has been receiving more and more proposals from within the Government, from the Land Development Corporation and the private sector to give a new life to Hong Kong's older buildings. For example, we are undertaking a study of the use to which the former Tsim Sha Tsui Marine Police Headquarters (built in 1884) can be put. We expect the results of this study to be available in the middle of this year, he said. Recent proposals have been put forward suggesting that the Government's planning and building control mechanism should be reviewed to allow the transfer of plot ratio from the site of the building to be preserved to other sites within the same district.

We are now considering the practical implications of such proposals. The Government is prepared to give full support to assist in preservation and maintenance of both heritage features and other existing buildings. We are currently reviewing the Buildings Ordinance and Regulations to help develop 'green' buildings in new developments and redevelopments, and we are formulating a scheme to help maintain the existing stocks of buildings. We will create more room for building professionals to design and build quality homes, to preserve existing buildings stocks and to conserve heritage with imagination and skills."

SIX PRE-SALE CONSENTS ISSUED IN FEBRUARY

The Lands Department issued six consents for the sale of 2,492 residential units in uncompleted developments in February. The developments, located in various parts of Hong Kong, are estimated to be completed between March 2000 and June 2001, a Lands Department spokesman said on 3 March 2000.

A consent to assign was also given for 2,230 residential units under a development project in Kowloon.



At the end of February, there were 10 applications for pre-sale consent involving a total of 3,771 residential units across the territory that are expected to be completed between June 2000 and November 2001. In addition, there were four applications concerning commercial developments.

Applications for consent to assign being processed included six residential projects involving a total of 5,434 units in various districts.

BUILDING PLANS APPROVED IN JANUARY

The Buildings Department approved 16 building plans in January – seven on Hong Kong Island, six in Kowloon and three in the New Territories. The approved plans covered 12 for apartment and apartment/commercial developments, one for factory and industrial developments, and three for community services developments.

In the same month, consent was given for works to start on 22 building projects, which will provide 255,466 square metres of usable domestic floor area and 45,015 square metres of usable non-domestic floor area on completion.

The department also issued 18 occupation permits – seven on Hong Kong Island, six in Kowloon and five in the New Territories. Of the buildings certified for occupation, the usable floor areas for domestic and non-domestic uses were 101,001 square metres and 16,668 square metres respectively. The declared cost of new buildings-completed in January totalled about \$2.636 billion.

In addition, eight demolition consents involving eight buildings and structures were issued.

The department's Control and Enforcement Division received 1,227 complaints against unauthorised building works in January, and issued 748 removal orders on unauthorised works. ■

BILL TO IMPROVE PUBLIC SAFETY OF KARAOKE ESTABLISHMENTS

A Bill which seeks to improve fire and public safety of karaoke establishments through a statutory licensing system has been proposed by the Administration, said a government spokesman on 8 March 2000.

According to the Karaoke Establishments Bill, which has been endorsed by the Chief Executive-in-Council, all establishments providing karaoke facilities, including those attached to restaurants or other licensed premises, will be brought under the control of a licensing scheme administered by a licensing authority. These karaoke establishments will be required to obtain a licence or permit for their operations. However, bona fide restaurants will be exempted from the licence requirement.

Under the Bill, a bona fide restaurant is one serving food and drinks as its main business with the aggregate area of all karaoke cubicles not exceeding 30 per cent of its total seating area, and the number of karaoke cubicles not exceeding its total seating area divided by 100 square metres.

For karaokes in restaurants or premises serving light refreshment, the Director of Food and Environmental Hygiene will act as the licensing authority. In all other cases, including karaoke establishments attached to hotels or clubs, the Secretary for Home Affairs will be the licensing authority.

"The one-stop approach to focus the licensing responsibility on the same authority within the premises should help streamline the licence processing procedures, rendering the licensing scheme more user-friendly to the karaoke operators. It should also help minimise possible duplication of regulatory efforts by the Government," the spokesman said.

The spokesman explained that at present, karaoke establishments were often partitioned into small cubicles and accessed through long and narrow passages. Such layout made it difficult to escape in case of fire.

In order to safeguard fire and public safety in karaoke establishments, the Bill also stipulates that an applicant for a karaoke licence will be required to meet prescribed fire safety, building safety, public safety and health requirements.

However, for existing karaoke establishments, a transitional licence or permit with a grace period of 12 months will be granted, and extended for another period of up to 12 months if necessary, to allow time for their compliance work. Penalties will be imposed for premises operating karaoke activities without a licence or permit.

The Bill was gazetted on 10 March and introduced into the Legislative Council on March 15. ■

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PROGRAMMING TO COMPLETE EARLY - THE RAMIFICATIONS

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

In the ever more competitive construction industry in Hong Kong contractors are continually looking for that edge when pricing their tenders that will win them the contract.

Sometimes, if it is considered that the contract period is generous a contractor may seek this edge by tendering on the basis that it will complete the works in a shorter period thus saving site and head office overheads.

Contractors who tender on such a basis are generally reluctant to let this be known at tender stage, and it will generally only become apparent to the client that the contractor intends to finish early when the initial works programme is produced after the contract has been awarded.

The ramifications of such actions have been considered by the courts in a number of cases and need to be understood by contractors, clients and their advisors. I will attempt to summarise the position below:

Is a contractor entitled to programme the works to finish early, and work in accordance with that programme to complete on the programmed earlier date?

This is of course the fundamental question considering whether such action is permitted in the first place. This point was considered in the leading case on this subject, that of *Glenlion Construction Ltd -v- The Guinness Trust* (1987) 39 BLR 89 where it was held that the contractor (Glenlion) was entitled to complete before the date of completion because of the wording of JCT 1963 Edition

Clause 21 which provides that the contractor shall ".....complete the same on or before the Date for Completion...", and that he was entitled to carry out the works in such a way as to enable him to achieve the earlier completion date whether or not the works were programmed in such a manner.

The JCT 1963 Edition is identical in this respect to the local RICS/HKIA Private Form of Contract so this principle is directly relevant to private works in Hong Kong, and also it is suggested Government projects due to the similar wording of GCC Clause 49 i.e. "The Works .. shall be completed within the time or times stated....".

If the contractor programmes to finish the works early must the Architect or the Engineer issue drawings and details in time to enable such early completion?

This point was again considered in the *Glenlion case* where the contractor argued that there should be a term implied into the contract that if the programme showed a completion date before the date for completion the employer by himself, his servants or agents (i.e. the Architect or the Engineer) should so perform the said agreement as to enable the contractor to carry out the works in accordance with the programme and to complete the works on the said completion date.

However the court disagreed. It was held that since it was not suggested by the contractor that he was both entitled and obliged to finish by the earlier completion date, if there was such an implied term as set out above it would impose an obligation on the employer (Guinness) but not on the contractor (Glenlion).

It follows therefore that a contractor is entitled to complete the works earlier than the contract completion date and has a right to do so. However there is no corresponding duty on the part of the Employer to permit him to do so, and in particular to furnish him with information or otherwise positively co-

operate so as to enable him to do so. The contractor is merely free from any contractual restraint and may complete earlier. The employer must not prevent him from doing so but this does not mean that the employer is bound to facilitate in a positive way the implementation of the contractor's privilege or liberty.

If the contractor programmes to finish the works early and a delay occurs which prevents such early completion (but not completion by the original date) can the contractor claim its prolongation costs?

This is a difficult question. In such a situation the contractor is not entitled to an extension of time because despite the delay he will still complete by the Date of Completion or within the Time for Completion. But what of his prolongation costs?

The point appears to be open to doubt. In *Keating on Building Contracts* (Sixth Edition) Keating states:

"Where the programme date is earlier than the Date for Completion stated in the Contract, it may be that some direct loss and /or expense may be recoverable on the grounds of disruption. However, provided that the contractor can still complete within the Contract Period, he cannot recover prolongation costs".

Keating's position has been followed in the *South Africa case of Ovcon (Pty) Ltd -v- Administrator of Natal* (1991) a case where the contractor showed completion in eleven months with a contract period of fifteen months. Three months delay to the programme period was caused by the Employer. The Court refused to award additional preliminary costs saying:

"if the contractor had taken its contemplated fifteen months these expenses would have been incurred in any event."



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However courts in the USA have taken a different line. In **Sun Shipbuilding and Dry Dock Co -v- United State Lines Inc** (1977) the courts view was that:

"cost are no less damaging merely because they occur fortuitously before a contract dead line rather than after."

"the Government may not hinder or prevent earlier completion without incurring liability"

"Whilst it is true that there is not an "obligation" or "duty" of defendant [owner] to aid a contractor to complete prior to the completion date, from this it does not follow that the defendant may hinder and prevent a contractor's early completion without incurring liability. It would seem to make little difference whether the parties contemplated early completion, or even whether the contractor contemplated an early completion. Where the defendant [owner] is guilty of "deliberate harassment and dilatory tactics" and a contractor suffers loss as a result of such action, we think that the defendant is liable".

All cases therefore appear clear that (at least under the local Private Form of Contract and the Government General Conditions) a contractor is entitled to programme to, and complete early, but that in such circumstances the Architect or the Engineer is not obliged to issue drawings and details to facilitate such early completion. However whether a contractor would be entitled to prolongation costs when a delay occurs to prevent that early completion is viewed differently in different jurisdictions. ■

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LEISURE READING

CHINESE LITERATURE — ADVENTURE IN APPRECIATION

By Francis Ng

Although I was not particularly good in 'Classical Chinese' in my school days, I still remember some essays which, I believe, do convey philosophical messages. On this occasion, I would share with you the prose 春夜宴桃李園序 which was written by Li Bai (李白). The original text being:

夫天地者，萬物之逆旅；光陰者，百代之過客。而浮生若夢，為歡幾何？古人秉燭夜遊，良有以也！

況陽春召我以煙景，大塊假我以文章。會桃李之芳園，序天倫之樂事。群季俊秀，皆為惠連；吾人詠歌，獨慚康樂。幽賞未已，高談轉清。開瓊筵以坐花，飛羽觴而醉月。不有佳作，何伸雅懷？如詩不成，罰依金谷酒數。

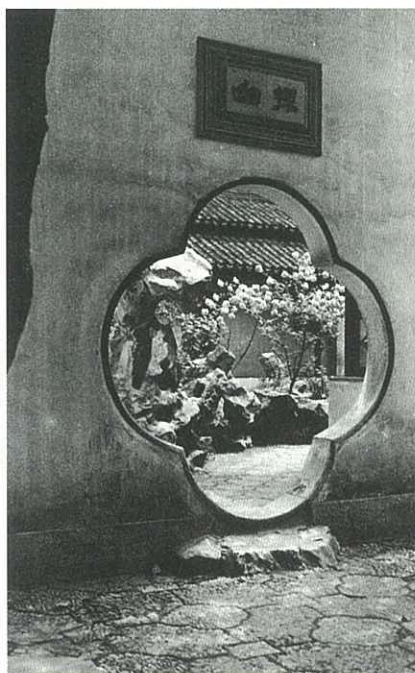
語體文譯文

天與地是萬物的旅舍，光陰是世世代代的過客。人生在世就像做夢一樣，歡樂的時光能有多少？古人夜裏拿著燭光玩，實在是有点道理的啊！

況且溫暖的春天用煙霞美景召喚我。廣闊的天地給我提供了燦爛的文采。我們會集在桃李芬芳的園中，一起暢談天倫樂事。諸位兄弟人才俊秀，一個個都像謝惠連（古代詞人謝靈運的族弟）般有才情；我們詠詩，總覺得不如謝靈運那樣好。幽雅賞花，還沒有完結，大家從高談闊論轉為婉言清談。坐在鮮花叢中擺設華美的筵席，在明亮的月光下醉醺醺地頻頻舉杯。沒有好的文華，怎能抒發高雅的情懷？如果詩歌沒有即席做好，就依照金谷（地方名稱）的規例罰酒三杯。

ENGLISH TRANSLATION

Heaven and earth are lodging places for all. Time is an endless journey for generation after generation. Life is only a dream. How much time does it give us lasting pleasures? That accounts for why our ancestors had candlelight gatherings at night time.



Warm spring and beautiful scenery arouse me. The never-ending universe inspires me to write essays. We gathered in a fragrant-fruit garden and talked frankly about daily happenings. Attendees were talented scholars. We wrote poems, sang songs and only felt shameful for not as good as the ancient poet Xie Kang Le. That joyful spirit never ended although arrogant speeches gradually tuned down to friendly talks. We sat at tables decorated with beautiful flowers and had drinks in a moonlit night. If there were no good essays done, how could we give vent to our inside feelings? Should we fail to complete a poem on the spot, each would be fined, according to the rules in Golden Valley, to drink three glasses of wine. ☞



A member had e-mailed in and suggested that the content be further enhanced by including market statistics. We have then obtained the permission from the Rating and Valuation Department to publish its Quarterly Market Statistics. The first of such publication will appear in the next issue of selected statistics of the 4th quarter of 1999 if the same is available then.

Reports from standing committees of the Institute will be regular features of the newsletter. This helps members to understand the work of the Institute through the diligent effort of members of various committees.

Do you agree that there is a need for reform in the education and training of surveying students?

What about a technician class of membership?

How about introducing a path of entry into membership for mature candidates?

You are welcome to contribute your view to these issues at the OPEN FORUM in the Newsletter.

This is the third issue of the publication of the Newsletter for the year 2000. By now you must have formed a view of the publication. I urge you to come forward to offer your valuable comments for our continuous improvement.

THIS IS YOUR NEWSLETTER! ☞