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**SURVEYORS IN
URBAN REGENERATION
測量師與市區再生**

SURVEYORS

測量師時代
Times

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香港測量師學會

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The HKIS will organise its Annual Conference entitled "Surveyors in Urban Regeneration" on 26 September 2009 at the Conrad Hotel. We have invited a good number of distinguished local and overseas speakers as well as many senior government officials to attend this Conference. Over 190 members and guests have been registered with the Conference. So, this will be a great event for the Institute.

The BSD Council has successfully held its BS Conference 2009 on 5 September 2009 at Harbour Plaza Hotel. The conference entitled "Building a Green and Sustainable Future" was attended by 200 members and guests. The BSD Council has also published a "Guide to Prepare a Building Maintenance Manual".

An agreement among the Australian Property Institute, Appraisal Institute of Canada, Property Institute of New Zealand, Singapore Institute of Surveyors and Valuers and the Hong Kong Institute of Surveyors has been reached so that a member of any one of these professional institutes will be recognised by all other institutes. It will be the first time the GPD Council has a mutual recognition with an appraisal professional institute from North America.

The LSD Council visited the Permanent Secretary for Development (Works) of Development Bureau on 25 August 2009 and discussed issues of mutual interest. The LSD Council also successfully held its Annual Dinner on 4 September 2009 at the Eaton Hotel. The Annual Dinner attracted some 70 guests and members.

An EGM of the PFMD was held on 7 September 2009 to consider the amendment of the Divisional Regulations in respect of the composition of the Divisional Council and requirements for election to members of the Divisional Council. The proposed amendments were passed unanimously.

The YSG has organised a study tour to Malaysia and will visit the Institution of Surveyors, Malaysia, National Institute of Valuation, a land surveying and a quantity surveying firm and a construction site. The YSG has been invited by the HKU Surveying Society to deliver a speech and introduce the surveying profession to Form 7 students and their parents.

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編者話

香港測量師學會於 2009 年 9 月 26 日，假港麗酒店舉行周年研討會，題為「測量師與市區再生」，邀得多名本港及海外學者、以及政府官員作講者。研討會獲逾 190 名嘉賓及會員登記出席，實為學會的一個大型活動。

建築測量組於 2009 年 9 月 5 日於紅磡海逸酒店舉行了建築測量師研討會，主題為「構建綠化及可持續的未來」，約 200 名會員及嘉賓出席。建築測量組亦印制了「製備樓宇維修手冊指引」。

學會與澳大利亞房地產學會 (API)、加拿大估價協會、新西蘭房地產學會 (NZPI)、新加坡測量師及估價師學會 (SISV) 達成協議，所屬專業學會的會員均可獲其他學會認同。此將會是產業測量組與多個北美洲的估價專業學會首次達成的共同互認協議。

土地測量組的代表於 2009 年 8 月 25 日與發展局常任秘書長(工務)會面，討論雙方關注的議題。土地測量組亦已於 2009 年 9 月 4 日假逸東酒店舉行周年晚宴，約 70 名嘉賓及會員出席。

物業設施管理組於 2009 年 9 月 7 日舉行了會員特別大會，就修改組別理事會的架構及理事的提名資格作出表決，有關的建議修訂獲一致通過。

青年組舉辦了馬來西亞考察團，拜訪馬來西亞測量師協會、國家估價協會、土地測量及工料測量公司，並將安排到建築工地作實地考察。青年組亦受香港大學測量學會邀請，向中七學生及其家長介紹測量專業。

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The following is a speech given by President Francis Leung at the HKIS Annual Conference on 26 September 2009

The Hon CY Leung, the Hon Mrs Carrie Lam, Mr Barry Cheung, Distinguished Speakers and Guests, Fellow Surveyors, Ladies and Gentlemen:

Good Morning.

First of all, I thank you all for being here with us today.

It gives me great pleasure to have this opportunity to speak on this very remarkable occasion, with so many professionals, practitioners, government officials, contractors, academia and students, all gathering here with the common goal of exchanging knowledge and experience on this very timely subject of "Surveyors in Urban Regeneration".



Our Institute has this very good tradition of hosting a conference every year, on a wide diversity of topics which attract the public's and the industry's attention and which merit serious discussion, and debate sometimes, in the hope of moving our profession and community forward. I am sure a good number of the audience here today have attended our previous annual conferences. The themes of past years have included:

- Public Private Partnerships
- Real Estate Investment Trusts (REITS)
- Surveyors in Heritage – Preserving and Adding Value, and
- Surveyors in Olympics.

For this year, no topic is more appropriate and timely than Urban Regeneration.

To better promote this year's Conference, and to be more aggressive with sponsorship, we have included this Conference into our 25th Anniversary Celebration Programme under the chairmanship of the Hon CY Leung. CY is of course one of our accomplished Past Presidents. He is with us today. Shall we show our appreciation to CY?

I would like to thank also Mrs Carrie Lam, who has been a key supporter of many of our Institute's activities and initiatives. In fact we also had the honour of Mrs Lam as the Guest of Honour at last year's annual conference. While the theme of last year's conference was Beijing Olympics, in delivering her keynote speech, Mrs Lam devoted no less than half of her time to giving us an outline of the Urban Renewal Strategies (URS) Review, which the Government had just officially launched a few days prior to our Conference on 26 July 2008.

During her speech, Mrs Lam gave an open invitation to the HKIS. She said if we would make the URS Review the theme of the following year's Annual Conference she would be pleased to be our Guest of Honour. That seemed to be an offer we couldn't refuse. Of course, that showed the importance that the Government attached to the subject. Surveyors should only be too pleased to have the Secretary for Development's open acknowledgement of our vital role in the urban renewal process. I remember I was sitting down there as a member of audience. I was



Senior Vice President then. I was worried. How could I, if elected President the following year, recommend to our Council this idea of hosting a conference with a theme “dumped” upon us by the Government? The last thing you want to admit, in this highly politicized arena, is that you are told what to do by the Government! So, when the General Council was elected by the end of last year, one of the first things I did was to ask Stephen Yip, our Senior Vice President, to be in charge of the URS Review, which would, by default, cover the Annual Conference. Thank you, Stephen, for tactfully solving this political conundrum.



I think our learned guests and members will agree that the Government has rightly drawn the public’s attention to the need for better and more responsive solutions to regenerate our decaying urban areas. It is timely for the roles of the Government, the statutory authorities, the owners / tenants, the developers, perhaps the professionals (surveyors in particular) to be reviewed. In her speech last year, Mrs Lam was candid with the background and objectives. She said (and I quote):

“On a continuous basis, difficult acts and decision are called for in urban renewal in trying to balance -

- *the interests and needs of individual owners/tenants versus the public;*
- *financial prudence and sustainability versus compensation demands; and*
- *development versus preservation.”*



The HKIS is a professional institute encompassing a wide diversity of knowledge and expertise in real estate development and construction. Our members are engaged in planning, building control and

regulation, building conditions survey, land acquisition, valuation, lease modification, land exchange, design economics, heritage economics, contract procurement, project management, maintenance, and property and facility management.

From this very wide range of services that we provide, I make no apology for saying that no profession is better-qualified and better-equipped than the surveyors to provide opinions and comments on urban regeneration. We surveyors are, of course, more than happy to give opinions and comments on this important subject. Many of our members have already taken part in the public engagement process of the URS Review. As a prelude to today’s Conference, the HKIS has organised a series of focused group discussions. The views, concerns and comments of our members are now being consolidated by our Senior Vice President Stephen Yip and our Conference Chairman Dr Paul Ho.



Without pre-empting today’s presentations and discussions, I would like to briefly highlight some preliminary views that we have heard from our fellow surveyors.

- To start with, the objectives of the Review, as I just briefly repeated what Mrs Lam stated in our last year’s Annual Conference, have been well received and agreed.
- Some suggest that the scope of urban regeneration can be expanded to include, for example, industrial buildings in residential zones.
- Some say that the term “urban renewal” sounds a bit restrictive, as it will otherwise exclude other “rural but not so rural” areas such as the townships in Tai Po and Yuen Long.
- There is a lot we as expert professionals can contribute in devising a fair and equitable compensation model. The comments on the current “7-year notional value” model are a bit diverse.
- Debates arise over the enhanced value of a re-development. Who is entitled to it and for what share? The small landlords, who collectively own the development rights? Or the potential developer, who makes the re-development possible? Again, there is a lot we surveyors can help to narrow the “knowledge gap” and the “expectation gap”.

As professional surveyors, we all can claim expertise in some areas of urban regeneration, but I don’t think any one of us can claim to be the expert of the whole of this very embracing topic. The points that I have highlighted

above are therefore preliminary. And as we all know, the co-ordination effort is horrendous.

I therefore congratulate Dr Paul Ho, and the Conference Organising Committee for presenting a good selection and a good balance of topics. All our members and guests will be assured of very informative, interesting and thought-provoking presentations from our learned speakers.



Finally, I would like to thank all our sponsors, whose names are separately acknowledged in the proceedings. I must once again thank all our speakers, and all members of the Organising Committee.

May I wish the Conference every success, and that all our guests and members will have a very enjoyable day.

Thank you very much.

香港測量師學會會長梁立基先生於周年研討會上致辭 2009年9月26日

尊敬的梁振英先生、林鄭月娥局長、張震遠主席、各位嘉賓、各位會員：

早上好。歡迎各位出席今天的周年研討會。

我很高興藉著這個機會，與各位專業界人士、政府官員、承辦商、學術界人士和學生，就今天的議題「測量師與市區再生」作出知識交流和經驗分享。

香港測量師學會每年都以公眾及業界關注的課題舉辦研討會，就與業界息息相關的議題作出討論交流，推動業界發展。我相信今天大部份的參加者都曾出席過學會以往的周年研討會。過去的研討會主題包括：

- 「公私營伙伴合作」
- 「房地產投資信託基金」
- 「測量師與保育發展」
- 「測量師與北京奧運」

今年，相信沒有一個主題比「市區再生」更為適合。

為了更有效地推廣研討會及邀請贊助，我們特意將研討會定為學會 25 周年誌慶的其中一項大型活動，並由學會前會長及 25 周年籌委會主席梁振英先生負責指導。梁先生現於座上，讓我們現在以掌聲表示對梁先生的感謝。

同時，我亦藉此機會感謝林鄭月娥局長對學會的活動及倡

議項目的支持。去年學會的周年研討會亦邀得林局長為主禮嘉賓。而去年的主題為「測量師與奧運」，林局長於開幕致辭中，以不少篇幅介紹了政府於 2008 年 7 月 17 日，即研討會數天前才推出的「市區重建策略檢討」。

在致辭當中，林局長向學會作出了公開邀請，若學會以「市區重建策略檢討」為來年的主題，她定當樂意作為主禮嘉賓。對於這個邀請，學會似乎是不可能拒絕。而這亦表示了政府對有關議題的重視。同樣地，測量師於市區重建的過程中所擔當的角色得到了局長的認同，我們無不感到驕傲。還記得當天我坐在台下，而當時身為學會高級副會長的我則有點兒擔憂，並在想，假若我當選為來年會長，我該如何向理事會推薦，以政府「決定」的「市區再生」作為周年研討會的主題？在這個高度政治化的社會，學會總不能只跟從政府的指示而辦事！學會於 2008 年底選出了新一屆理事會，我率先委托了高級副會長葉滿華先生負責統籌有關市區重建策略的事項，這亦成為了今次周年研討會的主題。我感謝葉先生巧妙地為學會解決了一個政治難題。

言歸正傳，我相信各位嘉賓和會員都會同意，政府已適當地向公眾灌輸正面訊息，使公眾關注到市區重建的需要。這亦是一個適當時機，就政府、法定機構、業主/租戶、與及發展商於市區重建的角色作出檢討。林局長在去年的發言中，已經直言有關的背景和目標。局長表示我亦在此再引述：

「市區重建是一項既漫長，且需要經過一輪艱巨的行動及決策，來盡量取得各方面平衡—

- 業主/租戶、與及公眾的利益和需要；
- 審慎理財和可持續性與賠償要求；
- 發展與保育。」

香港測量師學會是一個涵蓋多方面有關房地產及建築知識的專業學會，會員的工作範疇包括規劃、建築監控及規管、樓宇規劃、土地徵用、物業估值、契約修訂、土地互換、設計、保育、合約管理、項目管理、維修、以及物業設施管理。

從這些廣泛的範疇來看，可以說得上，沒有一個專業比測量師更合適於「市區再生」的議題上表達意見，而我們亦十分樂意就這個業界相關的議題提供意見。學會很多會員已經參與了市區重建策略檢討的公眾參與過程，在今天的研討會之前，學會已舉行了一系列的小組討論，所收集得到的會員意

見現正由高級副會長葉滿華先生及研討會籌委會主席何學強博士整理當中。

作為今天討論的前奏，我想簡單講解一下學會會員的初步意見：

- 首先，對於市區重建策略檢討的目的，一如我剛才提到局長於去年的陳述，受到會員充分的了解及認同。
- 一些會員建議市區重建的範疇可考慮擴展至住宅區的工業樓宇。
- 一些會員認為「市區重建」這個語彙有點兒規限，或許忽略了一些「不算太鄉村的鄉村地區」，如位於大埔及元朗的鄉鎮。
- 作為專業人才，會員可參與制定一個公平的賠償機制；而會員對於「7年樓齡」機制的意見則有點分歧。
- 重建後的增值引起了熱烈討論，誰可享有這權利及怎樣分配？是擁有發展權利的小業主？或是進行重建的發展商？測量師實可以提出協助，收窄這些「知識差距」及「期望差距」。

作為專業測量師，我們可以為市區重建的一些議題提出意見，但我相信沒有任何人可以稱自己是這個主題的專家，而我以上所說的亦只是初步觀點，正如我們都知道，有關的討論需要協調工作，路程漫長而艱難。

我在此要感謝何學強博士及研討會的籌備委員會，安排了一些優秀的主題演講，我相信今天的演講內容將會非常豐富，希望各位嘉賓及會員可從講者的演講中得到啟發。

我亦特別在此感謝各位贊助機構，它們的名字已經刊載於會議場刊內。另外，我亦要再次感謝各位講者及籌備委員會的成員。

我預祝今天的會議舉辦成功，亦祝願各位嘉賓及會員渡過一個充實愉快的一天。

謝謝各位。

梁立基
會長

(以上為譯本，原文以英文發表)

HKIS 5.12 Sichuan Reconstruction Work Committee – Interim Report 2009

YU Kam-Hung

Convener, HKIS 5.12 Sichuan Reconstruction Work

Over the past few months, we have not only contributed in the reconstruction works in the earthquake stricken area in Sichuan, but were also involved in various social services in other parts of mainland China and Hong Kong. Special thanks have to be given to those who had spent their effort in the reconstruction projects in Sichuan and the village relocation project in Gansu. More information is provided below.

HKIS Reconstruction Work Volunteers and the Core Team

I am pleased to announce that a total of 148 volunteers enrolled in the HKIS reconstruction work campaign; at the same time, two more members joined the Core Team this year. The Core Team comprises 14 core members from various divisions, including General Practice (2), Quantity Surveying (2), Building Surveying (3), Land Surveying (2), Planning & Development (1) and Property and Facility Management (2). Please refer to the table below for the latest Core Team information.

Table 1: List of Core Team Members

Name	Division	Remarks
YU Kam Hung	GP	Convener
Stephen LAI	QS	Alternative Convener
Joseph LI	GP	Member
Ricky CHAN	QS	Member
Daniel HUI	BS	Member
Danny CHENG	BS	Member
Nathan LEE	BS	Member
Lesly LAM	LS	Member
Ronald CHAN	LS	Member
Stephen YIP	P&D	Member
KWONG Siu Bun	PFM	Member
Eddy CHEUNG	PFM	Member
CHEUNG Hau Wai	BS	Member
CHAN Ka Kui	QS	Member

5.12 Reconstruction Work led by the HKSARG

Inspection of Shui Mo Secondary School of Wenchuan County (汶川縣水磨中學), Sichuan Province

During 1 to 2 September, 5.12 Sichuan Reconstruction Work Committee Member, Mr Cheung Hau Wai led a professional team of three surveyors (including himself, Mr Liu Pang Sun from the Building Surveying Division and Mr Rocky Chan from the Quantity Surveying Division) and three engineers from the Association of Engineering Professionals in Society (AES) to Sichuan. Appointed by the Development Bureau (DEVB), they carried out a completion check of Shui Mo Secondary School of Wenchuan County in Sichuan (四川省汶川縣水磨中學). The professional team reviewed the design drawings, completion drawings and on-site testing reports of the project.

Photos of Inspection of Shui Mo Secondary School of Wenchuan County (汶川縣水磨中學), Sichuan Province



Vetting and Commenting the Feasibility Reports of Sichuan Reconstruction Projects

Since January 2009, HKIS members have vetted and commented on over 150 feasibility reports of reconstruction projects provided by the Sichuan side. Contents of the

reports comprised schools, hospitals, health care centres, accommodation facilities, natural reserve and infrastructures.

Conferences with Hong Kong SAR Government and Sichuan Government Departments on Sichuan Reconstruction Projects

5 expert panel meetings and a workshop with Sichuan Government Departments and 3 professional body meetings with the Hong Kong SAR Government were organised since January 2009. The expert panel meetings and workshop covered reconstruction projects of Wolong Natural Reserve, hospitals and schools. They were either held in Shenzhen or Chengdu. Parties participating included the Transportation Department, Forestry Department and Development and Reformation Committee of Sichuan Provincial Government, and professional bodies from Sichuan and Hong Kong. Please refer to the table below for details.

Table 2: Meetings with HKSARG and Sichuan Government Departments

Date	Meeting Topics	Location	Parties
3 Jan 2009	Wolong Reconstruction Projects	Shenzhen	四川省方, HKIS and other HK Experts
17 Apr 2009	Wolong Reconstruction Projects	Chengdu	四川省發改委, HKIS and other HK Experts
27 Apr 2009	Wolong Reconstruction Projects	Chengdu	四川省方, HKIS and other HK Experts
22 May 2009	Hospital Projects	Chengdu	四川省發改委, HKIS and other HK Experts
4 to 5 Jun 2009	Schools and Hospital Projects	Chengdu	四川省方, HKIS and other HK Experts
29 Sep 2009	Future Development of Wolong Area (Workshop)	Shenzhen	四川省林業部, HKIS and other HK Experts

HKIS also attended various meetings with Development Bureau of the HKSAR Government. Meeting details are shown in the table below.

Table 3: Meetings with the Development Bureau of HKSARG

Date	Meeting Topics	Location	Parties
6 Jan 2009	Sichuan Reconstruction Projects	Hong Kong	DevB, HKIS and other HK Experts
9 Feb 2009	Monitoring Mechanism of Reconstruction Fund	Hong Kong	DevB, HKIS and other HK Experts

22 Jun 2009	Management and Monitoring System of Reconstruction projects	Hong Kong	DevB, HKIS and other HK Experts
-------------	-------------------------------------------------------------	-----------	---------------------------------

Joint Reconstruction and Charity Works with Non-Government Organisations

Working Group's Visit to Deyang (德陽市), Sichuan Province

During 22 to 24 June, a working group of the committee paid a visit to look at the Salvation Army's programmes to improve the medical facilities and irrigation water supply system which were seriously affected by the earthquake in Deyang (德陽市) of Sichuan. This programme included construction of 157 new medical clinics in Mianzhu (綿竹市), 72 in Luojiang County (羅江縣) and 68 in Shifeng (什邡市) respectively; upgrading the irrigation water supply system with a 2.7km long water channel and planting of several thousands of trees at Luojiang Xian (羅江縣).

Photos of Working Group's Visit to Deyang (德陽)



Reviewing the Reconstruction Projects in Tongku Town (通口鎮), Sichuan Province

During 4 to 7 July, HKIS volunteers were appointed by Zhong Hau Construction Foundation to visit Tongku Town in Beichuan County, Sichuan Province (四川省北川縣通口鎮) for the review of a series of proposed reconstruction projects, including epidemic and rehabilitation centre, health centre in thirteen villages, elderly impoverished residence centre and multimedia centre in primary school.

Site Inspection in Sushan Village (蘇山村), Gansu Province

During 11 to 13 July, two building surveyors as representatives of HKIS visited Sushan Village in Weinan Town of Maiji District, Gansu Province (甘肅省麥積區渭南鎮蘇山村). They met the Chief of Development Bureau, the Chief of Weinan Town, various constructors and consultancies, and discussed the relocation project of Sushan Village with them. According to the inspection report by volunteers, the Gansu side is pleased with the progress of this project with part of building completed. The estimated completion date of this construction is September 2009.

Photos of Site Inspection in Sushan Village (蘇山村)



Photos of Reviewing the Reconstruction Projects in Tongku town

Surveyors in Hong Kong Charity

Charity Tour in Disney Theme Park

In August, a working group of the committee had organised a tour for the children in Tin Shui Wai, accompanied by volunteers, to have fun at the Hong Kong Disneyland theme park. It was a valuable opportunity for the members to get a general understanding of social services and the development of volunteer services from our profession. Volunteers shared their happiness with the children and built up a harmonious relationship with the public in this meaningful activity.

Photos of Charity Tour in Disney Theme Park



Table 4: Joint Reconstruction and Charity Works with Non-Government Organisations

Date	Event	HKIS Participant(s)
22 to 24 Jun 2009	Working Group's Visit to Deyang	YU Kam Hung Daniel Hui Eddy Cheung Danny Cheng
4 to 7 Jul 2009	Reviewing the Reconstruction Projects in Tongku town	CHEUNG Hau Wai Lesly Lam HKIS Volunteers
11 to 13 Jul 2009	Site Inspection in Sushan Village	HKIS Volunteers
22 Aug 2009	Charity Tour in Disney Theme Park	YU Kam Hung Lesly Lam HKIS Volunteers HKIS Charity and Community Members

It has been over a year since the breakout of Sichuan Earthquake and the global financial tsunami. There has been recovery from the pain and the sadness has faded. Yet, there are still lots to be done to restore the normal lives of the suffering people. I believe our passion for the reconstruction work remains unchanged as time subsides. The HKIS reconstruction work will keep on going.

Arbitration Bill

The Legislative Council has set up a Bills Committee (the Committee) to scrutinize the Arbitration Bill. The Bill seeks to reform the law relating to arbitration and to provide for related and consequential matters.

The Bills Committee will be holding a meeting on 5 October 2009 and have invited the HKIS to give views on the Arbitration Bill. Mr Gilbert Kwok and Mr Bernard Wu will represent the HKIS to attend the meeting.

In response to an invitation for views on the Arbitration Bill, the HKIS has submitted a written submission to the Committee. A copy of the submission can be viewed at the website http://www.hkis.org.hk/hkis/html/newsroom_position.jsp.

Council members reaching out

2 September 2009

Lunch Briefing on Strategic MICE Promotion organised by Macau Government Tourist Office

Mr Lesly Lam

14 September 2009

18th Anniversary Dinner Celebration of the 60th Anniversary of National Day organised by the Hong Kong Association for the Advancement of Real Estate and Construction Technology Limited

Mr Francis Leung

14 September 2009

「珠三角一體化下粵港地產發展論壇」由香港房地產建築協進會

曾正麟先生

18 September 2009

Ceremony for Declaration of Waterworks Monuments cum World Water Monitoring Day organised by Water Supplies Department

Mr Lesly Lam

19 September 2009

The 4th Recreation and Sports Night 2009 organised by the Law Society of Hong Kong

Mr Lesly Lam, Ms Michelle Chung

21 September 2009

第五屆委員就職典禮暨創會九週年慶祝晚會由香港建築業承建商聯會主辦

梁立基先生

21 September 2009

Seminar on Regional Planning in the Greater Pearl River Delta Region organised by Planning Department

Mr Stephen Yip

22 September 2009

60th National day Celebration Dinner organised by Hong Kong Institute of Certified Public Accountants and the Society of Chinese Accountants and Auditors

Mr Lesly Lam

22 September 2009

慶祝中華人民共和國成立六十周年暨第二屆會董就職典禮由香港專業人士協會主辦

黃比先生

22 September 2009

Ceremony of Institution Re-designation to Institute of Clerks of Works and Construction Inspectorate (ICWCI) (Hong Kong)

Mr Ricky Chan

23 September 2009

「落實CEPA及服務業先行先試宣講會」由工業貿易署主辦

葉滿華先生、陳佐堅先生、賴旭輝先生

24 September 2009

HK Coalition of Professional Services 60th Anniversary National Day Celebration Dinner

Mr Francis Leung, Mr Stephen Yip, Mr Wong Bay, Mr Ben Chong, Mr Lesly Lam, Mr Robin Leung, Dr Lawrence Poon, Ms Serena Lau, Mr Sung Hon Kwong, Mr Simon Kwok, Mr Edwin Tsang, Mr Gary Yeung, Mr Dick Kwok, Mr Daniel Ho, Mr Antony Man, Mr Thomas Ho, Mr Joseph Chong, Mr Yu Kam Hung, Mr Kwok Kim Sang, Dr Paul Ho, Mr Nelson Cheng, Mr Francis Ng, Mr Stephen Liu



28 September 2009

香港建造界慶祝中華人民共和國成立六十周年國慶聯歡宴會 - 香港建造商會、香港機電工程商聯會、香港建造業總工會及建造業議會聯合主辦香港建造界國慶聯歡宴會

葉滿華先生、莊永康先生、林力山先生、甄英傑先生、劉詩韻女士、何國鈞先生、莊學正先生、王志泉先生、何志偉先生、郭志和先生

News from Sports and Recreation Committee

Lesly LAM
Chairman of Sports and Recreation Committee

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

HKIS Bowling Team – Joint Professional Bowling Tournament 2009

Team Captain: Mr Kelvin LI

The Joint Professional Bowling Tournament will be held on 11 October 2009 from 1.00-6.00 pm at Olympian City. Our bowling team members have had tough practice for months. They show a strong determination to win prizes in the tournament.

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

HKIS Sailing Team – More interested members required!

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

The Sports and Recreation Committee would like to form a Sailing Team. Some fellow members have shown strong support to take those interested members on board their sailboats. Look forward to seeing you flying on sea.

Don't worry if you have never tried. Please let us know if you are interested to join. Training will be provided. Please feel free to contact us for further details.



Surveyors in sailing



Take her to the sea, helmsman

HKIS Dragon Boat Team – 60th National Day Celebration Dragon Boat Invitation Race

Team Captains: Mr William LAI / Mr Lesly LAM / Mr Joseph WONG

The HKIS Dragon Boat Team has prepared well to achieve another excellent result in the 60th National Day Celebration Dragon Boat Invitation Race on 4 October 2009 at Shau Kei Wan Typhoon Shelter. The team members underwent tough training for a whole month again. The photos below were taken during our practices with the dragon boat team of the Law Society of Hong Kong at each weekend.



Law Soc Team and HKIS Team - Good friends at sea LawSoc Team practicing with HKIS Team - Synchronization

You are welcomed to come and support the HKIS Dragon Boat Team.

HKIS Squash Team – Interested members required!

Team Captain: Miss Tzena WONG / Miss Iris TSANG

HITTING THE WALL..... If you are interested in ball games and don't have "confined area syndrome", you might be interested in the sport SQUASH!

We are looking for interested/skilled members to form a squash team. All are welcome. Please register with the HKIS office. Captain Tzena and Iris will then contact you shortly.

HKIS Running Team – Appeal for Participations on behalf of the HKIS 聯合國兒童基金會慈善跑 2009 UNICEF Charity Run 2009

Team Captain: Mr Lesly LAM / Miss Kathy CHEUNG

"UNICEF Charity Run" will be held again at the Hong Kong Disneyland Resort and Sunny Bay for the rebuilding of Sichuan. The courses are flat, speedy and scenic. The HKIS Running Team members – Lesly, Kathy and Carmen have

registered and will run for the charity. Please let us know if you have registered for the charity run on 29 November 2009 (Sunday) as we would like to take a group photo before the start of the run. For online enrollment and event details please visit the event website at <http://www.unicef.org.hk/runforchildren>.

HKIS Dance Interest Group – More interested members required!

Group Leaders: Miss Tzena WONG / Miss Michelle CHUNG / Miss Bette SIN / Miss Iris TSANG / Mr Ricky CHAN

The Sports and Recreation Committee would like to form an interest group on dance. Social dance gatherings including Argentinian Latin, Cha Cha, Salsa, Rumba, Waltz, Quick Step, Tango, Foxtrot, Jive and others such as Jazz, Ballet, Hip Hop, Disco Dance are proposed.

Do not worry if you have never tried. If you are interested to assist in organising or joining the Dance Interest Group, please feel free to contact us for further details.

Joint Professional Badminton Tournament 2009 on 30 August 2009

Team Captain: Mr Sunny CHAN and Mr Kim TSUI

The Joint Professional Badminton Tournament was successfully held on 30 August 2009 (Sunday) at the Sports Hall of Shatin College. The HKIS Badminton Team made a significant advancement and got a much better result in the tournament this year with 7 teams from HKICPA, HKIA, HKBA, HKDA, HKMA, LawSoc and HKIS. As the Vice-chairman of the Joint Professional Sports Committee, I was proud to present medals to the HKIS badminton teammates as shown in the following photos.



Presenting medals to the teammates



HKIS Badminton Team



The best HKIS Badminton Doubles



Full of confidence!



Jump and hit!

HKIS Basketball Team – More strong players required!

Team Captain: Mr Arthur CHEUNG

The Joint Professional Basketball Tournament will be held in January/February 2010. Our basketball team captain would like to appeal for more strong players to join the basketball team.



Take the rebound!

HKIS Photography Interest Group – Interested members are invited!

Group Leaders: Mr Arthur CHEUNG / Mr YU Kam Hung / Mr Kim TSUI

The group leaders of the photography interest group would like to appeal for more interested members to join and share the beautiful photos and photographic knowledge. Tentatively, a few photo-taking sessions and trips are proposed. Models will be provided if required. In the future, group members will be invited to take photos in various important functions of the Institute.



A good photo can speak!

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

- HKIS Volleyball Team
- HKIS Tennis Team
- HKIS Singing Team and Surveyors' Band
- HKIS Table Tennis Team
- HKIS Snooker Team
- HKIS Swimming Team
- HKIS Running Team
- HKIS Skiing and Snowboarding Group
- HKIS Chess Team

Building Surveying Division Chairman's Message

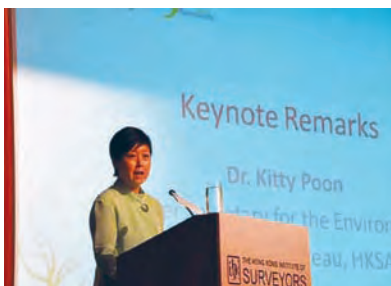


Kenneth Yun BSD Council Chairman

BS Conference 2009

BS Conference 2009 was successfully held on 5 September 2009 at Harbour Plaza Hotel. This year's Conference entitled "Building a Green and Sustainable Future" was attended by almost 200 members and guests. If you did not attend the Conference, I would like to share with you a summary of topics covered and viewpoints from the distinguished speakers below.

After the Welcome Speech by our President, Mr Francis Leung, the Under Secretary for the Environment, Dr Kitty Poon delivered the Keynote Remarks of the Conference which covered general environmental aspects and concerns in Hong Kong. Subsequently, Ir Alfred WH Sit of the Electrical and Mechanical Services Department introduced the proposed mandatory implementation of the Building Energy Codes which will be tabled for Legco's discussion later this year. Based on responses from the floor, building surveyors are supportive to the implementation of the Codes and are interested to become qualified energy auditors.



Keynote remarks of the Conference was delivered by the Under Secretary for the Environment Dr Kitty Poon

After the morning break, the Chairman of Professional Green Building Council, Mr KS Wong told us about the proposed formation of Hong Kong Green Building Council through the joint effort of the Professional Green Building Council, the Construction Industry Council, Business Environment Council and the HK-BEAM Society in November 2009, and elaborated about the HK-BEAM and LEED system of environmental assessment for buildings together

with experience gained in Singapore and Tokyo. After his speech, we understand that building surveyors should become qualified HK-BEAM professional/fellow or LEED professional in order to carry out environmental certification to buildings. Mr CW Tse of the Environmental Protection Department then presented from an environmental specialist's angle on how building activities affected the environment of Hong Kong, which included energy consumption, air pollution, noise control, water pollution and consumption, dust creation and recycling/reuse of construction waste and the ways to minimize these adverse effects.



(From right to left) The Under Secretary for the Environment Dr Kitty Poon, HKIS President Mr Francis Leung, our distinguished speakers Mr CW Tse and Mr Alfred WH Sit

In the last session before lunch, Professor CY Jim, Chair Professor of Geography at the University of Hong Kong told us about his research and experience on Green Roofs in Hong Kong. Rather than only presenting the results of research based on academic studies, Professor Jim delivered findings through his case studies with site photos and detailed design for lightweight green roofs. Apparently, green roofs on the one hand will reduce the temperature of accommodation right below the roof, and on the other hand, extend the life of waterproofing layer at roof level. However, selection of correct species, good workmanship in installation and proper management of green roofs should not be neglected.

In the afternoon session, Dr MW Chan from the Hong Kong Science and Technology Parks and Dr Raymond MH Yau of Ove Arup & Partners presented their case studies in Hong Kong and Beijing respectively on construction projects of sustainable buildings. Dr Yau illustrated his project in Beijing in a traditional manner but introduced to us about the formation of microclimate by installing an outer skin of glazing covering the whole building complex while Dr Chan threw questions to the floor and requested the audience to think about the ultimate goal of sustainability after presenting his case study on Phase 3 of Hong Kong Science Park from a critical manner.

The last speaker, Ir Ian YL Lee from China Light and Power shared with us about energy saving measures from the building services point of view. He presented figures on percentage energy saving in different types of building services installations like fluorescent tubes, chillers and heat pumps and household electrical appliances like induction cookers and air conditioners. The audience will have benefitted from acquiring more knowledge on different building services installations so that they can manage their consultants more effectively in future. Some of the presentations from speakers will be uploaded to the website under BSD for members' easy reference.

This is the 23rd year since we first organised our annual conference in 1987. The main objective of our conference remains unchanged. The Conference provides a platform for knowledge and experience sharing where we can learn from one another, particularly, from our partners in the building industry like engineers, architects, experts and our members in the building surveying profession. Moreover, we can visit exhibition booths set up by material suppliers or service providers, meet friends, ex-colleagues and even classmates in the Universities during the conference. It is our target to make HKIS Building Surveyors a learned profession so that quality service can be provided to our clients and employers.

I would like to take this opportunity to thank all the distinguished speakers for their insightful and informative presentations; to our Conference Sponsors; to the Conference Organising Committee led by Mr Nathan Lee with Mr Andrew Kung, Mr Daniel Pong, Mr Daniel Chang, Mr Denny Yeung and Mr Jason Law as committee members; and to all those who volunteered their time to help out in the Conference.



Souvenir presentations to our guests.



Thanks for the effort made by the Conference Organising Committee and the support of the HKIS President and the distinguished speakers

Guide to Prepare a Building Maintenance Manual

As stipulated in the "Revised Guidelines for Deeds of Mutual Covenant (DMC)" published by the Legal Advisory and Conveyancing Office (LACO) of the Lands Department in 2006, preparation of a building maintenance manual is essential for all new Deeds of Mutual Covenant. As Building Surveyor is the leading profession in building maintenance, BSD engaged the University of Hong Kong and the City University of Hong Kong to carry out a research, and then the preparation of the "Guide to Prepare a Building Maintenance Manual". I would like to take this opportunity to thank the working group and research team for their

concerted effort during the preparation of this publication. The working group was convened by Mr Kenny Tse with Mr Alan Sin, Mr Daniel Chang, Mr Gary Yeung, Mr Edwin Tang, Mr Peter Dy, Dr KK Lo and Ms Wong Kam Wah as members. The research team from the universities comprised three building surveyors, namely, Dr Daniel Ho, Dr Edward Yiu and Dr SM Lo. Corporate members of the Building Surveying Division will receive one free copy by collection from the HKIS Office by means of a redemption coupon (see below). Collection should be made no later than 7 November 2009.



Guide to Prepare a Building Maintenance Manual

Guide to Prepare a Building Maintenance Manual

(For collection by Corporate Members in the Building Surveying Division only)

Redemption Coupon

Full name of member: _____

Membership No. _____

I will collect in person, or

I hereby authorise Mr/Ms _____
holder of HKID card no. _____,
to collect on my behalf.

Signature of member: _____

Date: _____

Signature of authorised person: _____

Date: _____

*Please tick



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- internationally recognised

* registration at www.hkct.edu.hk



General Practice Division Chairman's Message



Dr Lawrence Poon GPD Council Chairman

One Day Visit to Shenzhen

The GPD Council has organised a CPD event in the form of a one day visit to Shenzhen scheduled for 30 October 2009 jointly with the Guangdong Forum and YSG. This visit will offer members a good opportunity to understand the current development of Shenzhen. In addition to visiting property development projects, members will be introduced the whole leasing process in the Mainland from identification of shopping premises to negotiation of lease terms and monitoring of renovation works. The highlight will be the site visit to Line 4 Underground to understand its planning, construction and property development along the line.

Memorandum of Understanding for Recognition of Designations

An agreement between the Australian Property Institute (API), Appraisal Institute of Canada (AIC), The Hong Kong Institute of Surveyors (HKIS), Property Institute of New Zealand (PINZ) and Singapore Institute of Surveyors and Valuers (SISV), who are all members of the World Association of Valuation Organisations (WAVO), has been reached so that a member of any one of the said professional institutes will be recognized by all other institutes. It is targeted

to sign a Memorandum of Understanding for Recognition of Designations at the 4th WAVO Valuation Congress to be held in Guilin during the period of 23 to 26 November 2009. It will be the first time we have a mutual recognition with an appraisal professional institute from North America.

Nomination of Council Members to the GPD Council 2009-2011

The current term of office of the General Practice Division Council will soon end. Election of Council Members for the term 2009-2011 will take place at the Annual General Meeting of the General Practice Division on 12 November 2009. All Corporate Members of the GPD are eligible to stand for election. Council Members shall hold office for a term of two years and the maximum number of Council Members is limited to 20 including Office Bearers. Under the Regulations of the GPD, Council Members shall be elected by Corporate Members present in person at the AGM and voting for the election shall be by ballot. Election of Office Bearers will take place at the first meeting of the new GPD Council by voting amongst the Council Members themselves. Forms for nomination of Council Members have been sent to members. The deadline for return of nomination forms is not later than 5.30 pm on 23 October 2009.

GPD Annual General Meeting 2009

Thursday, 12 November 2009

6.30 pm

HKIS Surveyors Learning Centre

Suite 811, 8/F, Jardine House

Central, Hong Kong

(Notice & agenda of meeting will be sent to members separately)

Summary of HKIS CPD / PQSL Events

14 Oct - 28 Nov 2009

DATE	CODE	EVENT	CPD HOUR(S)	SPEAKERS	RUN BY
14 Oct	2009073	Construction life-cycle's execution phase - How to ensure performance under a construction contract	1.5	Steven Yip, James Yeung, Dennis Wong, Scarlett Cheung	QSD
20 Oct	2009087	Health Management in the Workplace	1.5	Dr. So Yui Chi	PDD
21 Oct	2009086	How to Win Corporation & Influence People in Business	1.5	Anthony Solimini	YSG
22 Oct	2009100	(1) Constructing a Zero Energy Building (2) Green Cost; What are the considerations that go into cost estimates	1.5	Teoh Wooi-sin Khoo Sze-boon	HKIS
29 Oct	2009088	Performance and Growth Prospects of Hong Kong REITs	1.5	Tony Tse Wai Chuen	GPD
30 Oct	2009097	深圳考察團	6	please refer to page 17	GPD/YSG
30 Oct	2009099	Collectables in our daily life	1	Alan Cheung	HKIS
06 Nov	2009098	Visit to Zhuhai 珠海 and Macau 澳門	6	please refer to page 28	GPD/PDD
10 Nov	2009089	How to Ensure GPR Survey is Useful for Utility Management and Safety	1.5	Dr. Margie Chen	LSD
18 Nov	2009074	Construction life-cycle's completion phase - How to ensure proper termination of a construction contract	1.5	Steven Yip, Dennis Wong	QSD
25 Nov	2009093	Linear City	1.5	Daniel Lam Chun	PDD
28 Nov	2009096	Factory Visit of Eastern Pretech (HK) Limited E_mix Seminar on Renovation System Solutions	3	Dr Chan Chi Yui	YSG

STANDARD RESERVATION FORM

Event Date(s) : _____ Event Code : _____
Event Name : _____

Member details

Surname : _____ Other names : _____

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

Division* : BS GP LS PD PFM QS

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

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

Payment method

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

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

Please charge my American Express card

Ref.: []

To: Credit Card Service Department

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

Cardholder Name : _____ HKIS No. : _____

Card Number : / _____

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



CPD/QSD/2009073

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

Speakers Mr Steven Yip, Mr James Yeung, Mr Dennis Wong and Ms Scarlett Cheung

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

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

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

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

Date & Venue 7:00 pm - 8:30 pm Wednesday 14 October 2009 SLC, HKIS

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

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

Deadline 30 September 2009 **Priority** QSD Members; first come first serve basis

CPD/PDD/2009087

Health Management in the Workplace

Speaker Dr. So Yui Chi

Date & Venue 7:00 pm – 8:45 pm Tuesday 20 October 2009, SLC, HKIS

Details Professionals cannot avoid attending business lunches/dinners. But over-eating and lack of exercises often give rise to overweight, which may cause high cholesterol level, high blood pressure and heart diseases which is the 2nd largest killer in Hong Kong. No matter how hard work you are in acquiring qualifications, CPDs and jobs, ill health may cause health troubles during your career path, even at youthful age.

Dr. So Yui Chi, Specialist in Cardiology will deliver a talk on how to prevent and control heart diseases.

The talk will be open to other professional, such as architects, planners, landscape architects etc.

Language Cantonese **Fee** HK\$50

Deadline 8 October 2009 **Priority** First-come-first-served

CPD/YSG/2009086

How to Win Corporation & Influence People in Business

Speaker	Mr Anthony Solimini, Corporate Solutions Director of Dale Carnegie Training Hong Kong, and has been enthusiastically involved in the training field for over 6 years		
Date & Venue	7:00 pm – 8:30 pm Wednesday 21 October 2009 SLC, HKIS		
Details	Program Objectives: <ol style="list-style-type: none">1. Communicate professionally and confidently in business situations2. Engage and build relationships and deal effectively with difficult people3. Gain cooperation and influence people4. Use emotional controls to sustain success		
Language	English supplemented with Cantonese	Fee	HK\$100 for member of HKIS HK\$150 for non-member (HK\$20 walk-in surcharge for all pricings listed)
Deadline	7 October 2009	Priority	First-come-first-served

CPD/HKIS/2009100

(1) Constructing a Zero Energy Building (2) Green Cost; What are the considerations that go into cost estimates



Speakers	(1) Mr Teoh Wooi-sin, Executive Director, Davis Langdon & Seah Singapore Pte Ltd
	(2) Mr Khoo Sze-boon, Executive Director, Davis Langdon & Seah Singapore Pte Ltd

Date & Venue 7:00 pm - 8:30 pm Thursday 22 October 2009 SLC, HKIS

Details (1) **Constructing a Zero Energy Building**

Mr Teoh is currently an Executive Director in Davis Langdon & Seah Singapore Pte Ltd. He has over 20 years of experience in the construction industry and has completed a wide range and variety of projects in both the quantity surveying and project management fields. He is currently the Project Director for the S\$1 billion Business Financial Centre Phase 1 project and the proposed Jurong General Hospital Project. Before his current appointment in DLS, he was the Principal Project Control Manager in CPG Consultants Pte Ltd and was involved in project controls and project management of various mega sized projects including the SGD 2 billion Changi Water Reclamation Plant project. Before that, he was with the Public Works Department of Singapore where he had acquired a very unique and widespread experience in the fields of quantity surveying, building controls, legislative controls on building maintenance and management of strata titled developments, land use planning, and development control. He has a BSc in Buildings and an MSc in Project Management from the National University of Singapore. He is an Adjudicator for Security of Payment Act and a member of Singapore Institute of Arbitration. He is also a Fellow Singapore Institute of Surveyors and Valuers (SISV) and a member of Society of Project Managers, Singapore. He is currently the Chairman of Pacific Association of Quantity Surveyors (PAQS) and the Director of International Cost Engineering Council (ICEC) Region 4.

In 2006, the Singapore government revealed its 1st Green Building Master Plan outlining its plan to promote environmental sustainability. The Building and Construction Authority is tasked to lead the construction industry towards this goal. Apart from setting up the framework to encourage the local players to construct sustainable buildings, BCA also took the initiative to construct the first Zero Energy Building in Singapore as a showcase for the local construction industry to learn and study.

CPD/PQSL EVENTS

Besides consuming zero energy, this building also incorporates the latest state of the art technologies, e.g. stacked assisted solar chimney system and personalised ventilation system, into the building for further test-bedding purpose. Hence, given its technical complexity and as a first in Singapore, the process of realising this project has its challenges. This paper highlights these challenges and some of the lessons learnt for the construction of this Zero Energy Building.

(2) Green Cost; What are the considerations that go into cost estimates

Mr Khoo is currently an Executive Director in Davis Langdon & Seah Singapore office (DLS). He joined DLS as a Quantity Surveyor in 1999 and has progressed through the various appointments within the past 10 years.

He has been leading and managing project teams delivering professional services in various sectors that includes offices, retail, residential, hotel, industrial, health care and educational using both traditional, design & build procurement as well as hybrid procurement model. He has also undertaken projects for MNC delivering integrated project management and quantity services.

He graduated from University of Technology, Sydney in Bachelor of Building in Construction Economics with 1st Class Hons & University Medal and National University of Singapore with Master of Science in Project Management and Graduate Certificate in International Arbitration. Currently Sze Boon is a Fellow of Singapore Institute of Surveyors & Valuers, Singapore Institution of Arbitration and Member of Royal Institute of Chartered Surveyors, Australian Institution of Quantity Surveyor, Chartered Institute of Arbitrator and Society of Construction Law, Singapore.

He is also currently the Vice President of Singapore Institute of Surveyors & Valuers (SISV).

The Singapore government has been actively promoting the environment sustainability through its Green Building Master Plan. One of the key features of the Green Building Master Plan is the Building & Construction Authority (BCA) Green Mark Scheme which was launched in January 2005 to promote environmental awareness in the construction and real estate sectors. It is a benchmarking scheme which aims to achieve a sustainable built environment by incorporating best practices in environmental design and construction, and the adoption of green building technologies. There are four awards for the Green Mark scheme namely Certified, Gold, Gold Plus and Platinum. To achieve the Green Mark award, there will be cost premium to the developments. In order to estimate accurately the green cost for any project, one has to know the green building products and technologies (GBTs), the passive and active design considerations, the Green Mark Criteria, and how these GBTs and designs contribute to satisfying the Green Mark Criteria to achieve the desired Green Mark award.

Language	English	Fee	HK\$ 50.00 per person
Deadline	17 October 2009	Priority	First-come-first-served

CPD/GPD/2009088

Performance and Growth Prospects of Hong Kong REITs

Speaker Mr Tony Tse Wai Chuen, FHKIS, FRICS, RPS(GP), Chairman of the Real Estate Services Training Board of the Vocational Training Council and our past President.

He is the Chairman of Henderson Sunlight Asset Management Limited. Henderson Sunlight Asset Management Limited is the manager of Sunlight Real Estate Investment Trust.

Date & Venue 7:00 pm – 8:30 pm Thursday 29 October 2009 SLC, HKIS

Details It has been more than three years since the first listing of Real Estate Investment Trust in Hong Kong. The speaker will share his observations and view about the general performance of various REITs listed in Hong Kong and the factors affecting such performance, and also the factors affecting the growth prospects of REITs in Hong Kong.

CPD/PQSL EVENTS

Language	English	Fee	HK\$120 per person; HK\$150 per person for walk-in participants (subject to availability)
Deadline	15 October 2009	Priority	GPD members

CPD/GPD/YSG/2009097

深圳考察團



講者	香港測量師學會產業測量組、青年組、Guangdong Forum 合辦		
日期	2009年10月30日(星期五)		
時間	上午8:00時至下午5:00時		
地點	深圳		
內容	<p>深圳的基建及房地產發展迅速，並與香港連繫及互動。港鐵深鐵的廣告隨處可見，深圳前海等地方的發展也放在港聞頭版，深圳的發展值得大家多加關注。</p> <p>是次考察團內容分為三個部份，早上主要參觀當地樓盤及赴前海一帶考察。</p> <p>午餐將於一所海外公司投資的餐廳用膳，並由有關集團零售發展部朋友為大家介紹在內地由搜尋鋪位、商議租務條件、至裝修監控等各項情況。</p> <p>下午由港鐵深圳高層分享港鐵在深圳的發展經驗及介紹市場情況。</p>		
時間	上午	上午8:00時尖沙咀中間道15號多層停車場出入口集合、乘專巴出發到深圳福田區一帶考察	
	中午	午餐及內地零售發展介紹 臻苑(羅湖區春風一號新都酒店一樓)	
	下午	港鐵梅林辦公室介紹與座談(福田區梅林路) 上梅林站往龍華車輛段參觀上蓋發展 回福田口岸	
備註	參加者需自行購買個人所需的保險		
語言	廣東話	費用	港幣 \$390 (包午餐及交通)
截止日期	2009年10月22日	名額	35人

CPD/GPD/PDD/2009098

Visit to Zhuhai 珠海 and Macau 澳門



Date & Venue	8:00 am - 10:30 pm 6 November 2009 Friday Zhuhai 珠海 & Macau 澳門		
Assemble Place	8:00 am at the Departure Hall, China Ferry Terminal, 33 Canton Road, Tsim Sha Tsui, Kowloon		
Details	The Itinerary will be as follows :-		

CPD/PQSL EVENTS

A Arrive Zhuhai

- 8:30 Departure China Ferry Terminal, Tsim Sha Tsui, Kowloon
- 9:45 Arrive Zhuhai Pier (or earlier)
- 10:15 Visit Planning Department, Zhuhai - Discuss Planning of Zhuhai and Heng-quin 橫琴 (and to discuss property development and development opportunities in connection with the completion of the Cross Pearl River Bridge / Tunnel between Zhuhai, Macau & Hong Kong).
- 12:15 Lunch in Zhuhai

B Arrive Macau (through Heng-quin control point 橫琴)

- 2:15 Visit Public Works Officials, Macau (including Planning & Control, Lands Administration, Survey)
- 4:30 Visit Registration Office, Macau
- 6:30 Dinner in Macau with Government Officials
- 8:00 Night Tour in Macau
- 10:30 Leaves Macau

Language	Cantonese	Fee	HK\$650 for member (including return craft fare, coach, lunch and dinner)
Deadline	29 October 2009	Priority	First-come-first-served

CPD/LSD/2009089

How to Ensure GPR Survey is Useful for Utility Management and Safety

Joint with LSGI and LSGIAA

Speaker Dr. Margie Chen, Senior Geophysicist, EGS (Asia) Limited

Margie studied geophysics as the first degree at the Chengdu University of Technology, then continued at the same university for MPhil programme. She worked as a researcher at the Chinese Academy of Sciences before joining the University of Hong Kong for her PhD study. Her research at HKU concentrated on the applications of geophysics in Hong Kong cases. Now, Margie mainly involves in the daily management of the Geoscientist Division of EGS (Asia) Limited, a land and marine geophysical surveying company, and the research and development of geophysical techniques.

Date & Venue 6:30 pm – 8:00 pm Tuesday 10 November 2009 Room HJ305, The Hong Kong Polytechnic University, Hunghom, Kowloon

Details In Hong Kong, utilities like cable ducts, gas mains etc. are usually laid underneath our feet. To survey and map the utilities, digging trial pit may be the most straightforward way. However, temporary road closure, traffic diversion and reinstatement of the road are necessary and they would inevitably bring unpleasant impact to the road users. With the benefit brought about by technology, Ground Penetrating Radar (GPR) provides us an alternative method to detect and survey subsurface object in a non-destructive manner.

With worldwide working experiences, Dr. Margie Chen is familiar with various geophysical techniques. Margie has been participating in and supervising many GPR surveys since she joined EGS in year 2002. In this seminar, she will let us realize the principle, the applicability and also the limitation of the use of GPR in respect of a number of her surveying projects.

Language	English	Fee	HK\$100 per person
Deadline	3 November 2009	Priority	First-come-first-served (maximum 40 persons)

CPD/QSD/2009074

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

Speakers Mr Steven Yip and Mr Dennis Wong

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

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

Date & Venue 7:00 pm - 8:30 pm Wednesday 18 November 2009 SLC, HKIS

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

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

Deadline 4 November 2009 **Priority** QSD Members; first-come-first-served

CPD/PDD/2009093

Linear City



Speaker Mr Lam Chun Daniel, FHKIS, Past President of HKIS, Former Director, Property of KCRC (2000-2007)

Date & Venue 7:00 pm - 8:30 pm Wednesday 25 November 2009 SLC, HKIS

Details At the time when Mr. Lam joined the then KCRC in August 2000, he realized that property and railway has a unique and reciprocal relationship that manifest through our urban conditions. There were clearly shortcomings in the conditions traced to the existing model and approach as adopted. The urgency was acknowledged through a commitment to revisit the then business model and operational policies, for improvements that would make the railway business less dependent on subsidization from property. Resources could be reallocated for improvement to quality of life living along the railway line, and conserving resources for our future generations.

Furthermore, Mr. Lam recognized that the conditions for better service and greater success depend on intelligent and adaptive strategic operation in the face of constant changes. These challenges resulted in his commissioning of a collaborative research project called the "Linear City". Dedicated experts from all over the world participated in the research under a common belief that serving Hong Kong better is the way for it to succeed more. The Research was led by the Chinese University of Hong Kong, with participants including the University of Hong Kong, the Hong Kong Polytechnic University and Lingnam University.

The Linear City Research began with the general recognition of the importance of railway as an integral artery of Hong Kong. The research was carried out in five consecutive years, with cooperative effort from the then KCRC staff (par-

CPD/PQSL EVENTS

icipating as one of the teams) and a diversified team of researchers. It articulated the initial recognition leading to deeper insights into the place of railway in the life of the city, as well as the conditions for its success and sustainability.

The pre-requisites for such sustainability are adaptability to changing and emerging conditions in the then KCRC policies and, more importantly, in the government policies and ordinances that shape the Rail Transport operational environment. This environment involves diverse factors and policies vested in various government bodies with divergent, and at times, conflicting priorities although, as a whole, the government has acknowledged the importance of rail transport as a key to a sustainable future for Hong Kong.

The research also led to the conclusion that it is important to devise an instrument that can serve to coordinate the diverse factors and offer a simpler, more effective, model for such operations. The research has developed new directions of its own, and universities are extending it as a thesis program for final year and postgraduate students majoring in the study of "infrastructural urbanism".

Language	English	Fee	HK\$100 per person
Deadline	11 November 2009	Priority	First-come-first-served

CPD/YSG/2009096

Factory Visit of Eastern Pretech (HK) Limited E_mix Seminar on Renovation System Solutions



Speaker	Dr Chan Chi Yui, Senior Development Manager		
Date & Venue	14:00 pm - 18:30 pm 28 November 2009 (Saturday) No.7 Wang Lok Street, Yuen Long Industrial Estate, Yuen Long, New Territories		
Assembly Place	13:00 pm at Junction of Somerset Road and Kent Road, Kowloon Tong		
Details	Visit a pioneer local supplier of economical and environmental-friendly dry-mixed plaster and mortar:- - Company Introduction - E_Mix Product & System Introduction and Application - Factory & Warehouse Tour - Laboratory Tour & Product Demonstration		
Language	Cantonese supplemented by English terms	Fee	HK\$100 (including transportation and insurance)
Deadline	13 November 2009	Priority	YSG Members; first-come-first-served (maximum 45)

HKIS Happy Hour cum Birthday Party and CPD

30th October 2009 (Friday) 6:00-8:00 pm

Guest Speaker: **Mr Alan Cheung** (from Quantity Surveying Division)

Title: **Collectables in our daily life (CPD/HKIS/2009099)**

Contents : **Collectables which serves as a relaxation of pressure, all the stuff in fact we come across every day and find missing after time pass by. The value of such kind of stuff can really generate some treasure (due to Demand and Supply)**

CPD Hour: **One hour (7:00 pm - 8:00 pm)**

Free of Charge for all Birthday Boys and Girls in the Month of October • HK\$30 for non-birthday members (payable to "Surveyors Services Ltd.")

Surveyors Learning Centre Suite 811, 8/F, Jardine House, Central, Hong Kong

Land Surveying Division Chairman's Message



Sung Hon Kwong LSD Council Chairman

Meeting with Permanent Secretary of Development Bureau

To express our concern on the less than adequate surveying support to the government-led consultancy work projects and to discuss how better surveyors can assist the government in delivering quality services to the public, we met with the Permanent Secretary for Development (Works) of Development Bureau, Mr Mak Chai-kwong, on 25 August 2009. Our Senior Vice-President, Mr Stephen Yip, Simon Kwok, Lesly Lam and I together with Mr Alan Cheung and Mr Daniel Ho of the Quantity Surveying Division joined the meeting. We had a frank discussion on the subject matters and the two sides found the meeting fruitful. Mr Mak also agreed to have regular meetings with our Institute to discuss issues of mutual interest. Through such meetings with the Bureau, we hope that we can provide useful advice to the government.



LSD Annual Dinner

The Annual Dinner of the LSD was successfully held on 4 September 2009 at the Eaton Hotel in Yau Ma Tei, Kowloon. It attracted some 70 guests and members. Honourable guests included Dr Lilian Poon, representative of the Land Surveying and Geo-informatics of the Hong Kong Polytechnic University, and our President, Mr Francis Leung together with other Office Bearers and Divisional and Board Chairmen. The venue was the same as last year and we found it equally cozy. The food was delicious and the lucky draw prizes were fabulous. I hope that all those who attended had enjoyed the evening. I also wish to express my sincere thanks to the organising committee, which made the night most memorable.



FAQ on Rules and Guide of LSD APC

With the concerted effort of the LS Divisional Education Committee, a FAQ on the 2008 version of the Land Surveying Division Rules and Guide of Assessment of Professional Competence has been prepared and uploaded to our website for general reference. This would hopefully assist the probationers to facilitate them in pursuing their professional qualification. If you have further queries about the LSD APC R&G 2008, please send an email to lsdec@hkis.org.hk.

Planning & Development Division Chairman's Message



Edwin Tsang PDD Council Chairman

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

A Forum for HKIS members to express their views was held on 12 September 2009 at the HKIS Surveyors Learning Centre. The Division has also studied the consultation document and members are urged to express their opinion to the Division. The deadline for submission is 30 October 2009.

Visit to Zhuhai and Macau on 6 November 2009

A joint GPD and PDD two-day visit to Macau and Zhuhai had been proposed. However, in view that both Governments do not work on Saturdays, members may find it inconvenient to take two days (Thursday and Friday) off from work. Thus, a one-day visit is proposed on Friday, 6 November 2009, with a visit to Zhuhai in the morning and a visit to Macau in the afternoon. The Macau visit is limited to 25 persons only.



Senior Vice President Mr Stephen Yip, GPD Chairman Dr Lawrence Poon and PDD Chairman Mr Edwin Tsang on a pre-visit to Macau

For more details of the visit, please refer to the CPD/PQSL events section of this Surveyors Times (event code CPD/GPD/PDD/2009098).

CPD Events

The CPD event "An Introduction to Real Estate Project

Development Procedures in Mainland China" "中國房地產開發項目前期工作介紹" was held on 3 September 2009 with Dr Tony K T Leung as the speaker. The talk was well received.



From left: Mr LAU Tak, Dr Tony Leung, Mr Edwin Tsang

A CPD on "Health Management in the Workplace" will be held on Tuesday, 20 October 2009. Dr So (蘇睿智醫生) will be the guest speaker and talk about "心臟病與防治". For more details, please refer to the CPD/PQSL events section of this Surveyors Times (event code CPD/PDD/2009087).

A CPD entitled "Linear City" – Developing commercial and residential property on Railway Land will be held on 25 November 2009. The talk will be delivered by Mr Daniel C Lam, former Property Director of KCRC. Mr Lam will illustrate how railway transport can be implemented by way of associated property developments along the rail line. The Model has demonstrated success with distinct benefits. It is a major factor in shaping the city growth with developments of housing and urban / sub-urban centres such as Pat Heung and Tsuen Wan West. The talk is a good example of a planning and development project. For more details, please refer to the CPD/PQSL events section of this Surveyors Times (event code CPD/PDD/2009093).

Happy Hour / Birthday Party

The PDD is going to host the party on 27 November 2009. All are welcome to attend.

Property & Facility Management Division Chairman's Message

Kenneth Chan Jor Kin PFMD Council Chairman



Extraordinary General Meeting on 7 September 2009

An EGM of the PFM Division was called to consider the amendment of the provisions of the Divisional Regulations in respect of the composition of the Divisional Council and requirements for election to members of the Divisional Council. We had a quorum of over 12 members attending the EGM at 6.30 pm. We also received 38 proxies for the Chairperson, Vice Chairperson and Honorary Secretary. The proposed three amendments were passed unanimously. The new provisions are as follows:

“Clause 5.2(b)

Vice-Chairperson or such other **number of Vice-chairpersons** as considered appropriate by the Divisional Council

Clause 5.2(e)

At least five but not more than **fifteen** members from the following areas:

- i) Academia (minimum 1 number);
- ii) Facility Management (minimum 1 number);
- iii) Property Management (minimum 1 number); and
- iv) Government, Institution and Public Bodies (minimum 1 number).

Clause 5.3

Only Corporate Members of the Division shall be eligible to be Office Bearers or members [except for 5.2(g) and (h)] of the Council. The **Chairperson shall be a Fellow** of the Division.”

I am greatly encouraged by the support of the membership. I would also like to take this opportunity to appeal

to members to come and join the Council and contribute directly to the development of the Division. The Division needs your support.

HKIS Guide to Good Property Management Practices and Research Paper

These two publications have been sent to local related institutions, government and public bodies and we are receiving good comments. It has been a great encouragement to our efforts and I would like to once again thank those members of the Division who had made these possible. There were also enquiries about whether there was a Chinese version of the Guide.

Visit to Guangzhou on 13 to 14 November 2009

Following the visit by a delegation led by the President of the Guangdong Property Management Association (廣東省物業管理行業協會) in April this year, the Council proposes to pay a reciprocal visit to the Association. The date of the visit has been fixed for 13 and 14 November 2009. Apart from exchange gatherings and site visits, the Council intends to sign a Memorandum of Understanding for future cooperation in the training of property management personnel. Please contact the Honorary Secretary before 20 October 2009 if you are interested to join the delegation.

AGM 2009

The Annual General Meeting of the Division will be held on Monday, 23 November 2009 to elect a new Council for a term of office for TWO YEARS (2009-2011).

Quantity Surveying Division Chairman's Message



Daniel Ho QSD Council Chairman

Second Batch of Registration of Cost Engineers in Mainland

Eight applications for registration of cost engineers in the Mainland were received at the end of June 2009. After checking all the necessary documents, seven applications could be processed and have been submitted to China Engineering Cost Association (中國建設工程造價管理協會) (CECA) in July for further processing. It is expected that the registration could be done shortly.

Second Round of Training and Examination for Registration of Cost Engineers

It was discussed and agreed with CECA in June 2009 that the process of the training and examination for the reciprocity qualification should be streamlined. The proposed streamlined process and implementation programme are being considered by both CECA and HKIS. The imple-

mentation of the proposed process will involve drafting a new set of training materials and an enormous amount of preparatory work. However, we are working closely with CECA in order to agree on the revised process and commence the preparatory works as soon as possible. Hopefully, the training and examination will be held by the 2nd quarter of 2010.

Review of the Standard Form of Building Contracts 2005 edition (SFBC)

The SFBC was launched in April 2005. It has been used by the building industry for over four years. It is the appropriate time to review this SFBC by incorporating the suggestions and comments received from the stakeholders. A task force has been set up by the Contract Subcommittee to conduct the review. Hopefully, the SFBC can be updated within this year. Members, who would like to be involved in this review, are welcomed to join the task force.

QSD Annual General Meeting 2009

Thursday, 3 December 2009

6.30 pm

World Trade Centre Club Hong Kong

38th Floor

World Trade Centre

Causeway Bay, Hong Kong

(Notice & agenda of meeting will be sent to members separately)

Young Surveyors Group Chairman's Message



Joseph Chong YSG Committee Chairman

Study Tour

Since 2004, YSG has organised study tours to Beijing, Shanghai, Taipei, Dalian and Chengdu. The objective of these tours is to provide opportunities for our young members to visit government departments, professional bodies and private firms outside Hong Kong and learn the best practice and knowledge of the surveying profession in other countries. This year our destination will be Kuala Lumpur, Malaysia and we will visit the Institution of Surveyors, Malaysia (ISM), National Institute of Valuation (INSPEN), a land surveying and a quantity surveying firm, a shopping mall construction site, as well as some sightseeing spots. Our two Vice-Chairmen will join and lead the delegation.

HKU Information Day and BRESS Visit

This year, the University of Hong Kong (HKU) Information Day will be held on 24 October 2009. YSG has been invited by the HKU Surveying Society to deliver a speech and

introduce the surveying profession to Form 7 students and their parents. We will also distribute some of our publications to the visitors and answer their queries.

As in previous years, YSG office bearers and committee members will visit the surveying students from the Hong Kong Polytechnic University and deliver a seminar to them. This year the seminar will be held on Friday, 9 October 2009. We will introduce the Institute and our different divisions to the surveying high diploma and degree students and join small group sharing sessions.

Capture the Nature

On 11 October 2009, we will hold a hiking social event and young members can take some nice pictures along the route. We will arrange for some professional photo tutors to share their photo taking techniques to the participants in small groups. For more information, please contact Katherine Wong at kat@hkis.org.hk.

HKIS YSG
Annual Dinner 2009

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



兩地建設工程合同法律事務專欄 香港法及中國法下的潛在缺陷的法律責任及其比較 (下)

郭靖華 FHKIS,FRICS

我們在上一篇文章中談及了香港法下的潛在缺陷的責任問題。由於中國法下對建設工程潛在缺陷的責任性質、責任主體、責任範圍和期限均有所不同，因此，本篇專門闡述中國法下有關建設工程潛在缺陷的法律制度。

一、建設工程交付後的質量保修責任

質量保修責任，是指建設工程竣工驗收後，對於在保修期內出現的質量缺陷，責任人應當予以修復的責任。在當事人在合同中有約定保修條款的情況下，當一方認為建築工程不符合合同中質量條款的約定時，可以根據保修條款來主張責任人的違約責任。這種情況下質量保修責任屬於違約責任的性質。

(1) 質量保修責任的責任主體

《建築法》第 62 條規定：“建築工程實行質量保修制度。”《建築法》第 74 條還規定：“建築施工企業…造成建築工程質量不符合規定的質量標準的，負責返工、修理…。”

此外，國務院於 2001 年頒佈了《建設工程品質管制條例》（“《條例》”），該《條例》第 42 條規定：“建設工程在保修範圍和保修期限內發生質量問題的，施工單位應當履行保修義務，並對造成的損失承擔賠償責任。”從該規定可以看出，在保修期內，只要發現質量瑕疵，不管有無損害，施工單位均有義務進行修復，如果造成損失，還應當承擔賠償責任（見後述）。

(2) 質量保修責任的保修範圍和保修期限

解決了質量保修責任的責任主體問題之後，這裏需要解決的是該責任主體承擔質量保修責任的範圍有多大？期限有多長？如果建築工程的潛在缺陷在竣工驗收之後的很長一段時間內才顯現出來，那麼責任人是否仍然應當對該瑕疵負責？

《建築法》第 62 條規定：“工程的保修範圍應當包括地基基礎工程、主體結構工程、屋面防水工程和其他土木工程，以及電氣管線、上下水管線的安裝工程，供熱、供冷系統工程等專案；保修的期限應當按照保證建築物合理壽命年限內正常使用…具體的保修範圍和最低保修期限由國務院規定。”

根據上述《建築法》第 62 條的規定，《條例》第 40 條規定：“在正常使用條件下，建設工程的最低保修期為：（一）基礎設施工程、房屋建築的地基基礎工程和主體結構工程，為設計文件規定的該工程的合理使用年限；（二）屋面防水工程、有防水要求的衛生間、房間和外牆面的防滲漏，為 5 年；（三）供熱與供冷系統，為 2 個採暖期、供冷期；（四）電氣管線、給排水管道、設備安裝和裝修工程，為 2 年。其他專案的保修期限由發包方與承包方約定。”

這裏需要特別說明的是，基礎設施工程、房屋建築的地基基礎工程和主體結構工程，質量保修責任期間為設計文件規定的該工程的合理使用年限，這裏的“合理使用年限”是多長？《建築法》和《條例》中都沒有對此作出規定，但我們可以參考住房和城鄉建設部頒佈的《民用建築設計通則(GB 50352-2005)》的規定，臨時性建築為 5 年，易於替換結構構件的建築為 25 年，普通建築為 50 年，紀念性建築和特別重要的建築為 100 年。

(3) 訴訟時效與保修期限的關係

《民法通則》第 135 條規定，向人民法院請求保護民事權利的訴訟時效期間為二年。根據中國法的規定，該期限從權利人知道或應當知道其權利受侵害時起算。值得注意的是，在結合研究《民法通則》的關於訴訟時效期間的規定和上述法律中有關質量保修責任期間的規定時，我們發現，實踐中有可能出現這樣的情況：

- (a) 以上述屋面防水工程為例，其質量保修期間為 5 年，若竣工驗收後的第 1 年開發商就已經發現了該潛在缺陷，這時訴訟時效就開始起算。但如果開發商這時候不主張權利，而是過了 2 年（此時仍在質量保修責任期限內）才主張權利，那麼施工單位就可以以過了訴訟時效為抗辯理由，拒絕履行質量保修責任。由於中國不適用案例法體系，所以我們不能以中國的案例支持這個論點。此外，我們也沒有找到最高人民法院有關這個問題的司法解釋。但是，根據對上述法律規定的理解，不排除實踐中出現這種情況的可能性。所以大家要特別注意，這《條例》字面上規定的 5 年的質量保修期限，可能並沒有 5 年的保障。

- (b) 如果開發商在質量保修責任期限之後才發現潛在缺陷，那麼訴訟時效也從開發商知道或應當知道該缺陷時起計算。但此時，除非當事人在合同中另行作出約定，開發商不能要求施工單位承擔質量保修責任。

實務中，如果購房者從開發商手中購買了房屋之後才發現房屋存在質量缺陷，那麼在中國法下，由於他不是建設工程合同的當事人，所以他不能根據建築工程合同條款主張施工人的保修責任。但是，他可以根據商品房買賣合同的條款，主張開發商的違約責任；或者，在他的人身或財產受到侵害時，向施工人主張侵權責任，即下面第二部分所述的損害賠償責任。

二、建設工程交付後的損害賠償責任

《建築法》第80條規定：“在建築物的合理使用壽命內，因建築工程質量不合格受到損害的，有權向責任者要求賠償。”按致害原因，可將損害賠償責任分為因質量缺陷產生的賠償責任和保修不及時產生的賠償責任。

(1) 上述第一部分的保修責任與這裏的損害賠償責任的區別

- (a) 前者屬於違約責任，後者屬於侵權責任。例如，當施工人原因造了潛在缺陷並引起人身或財產損害時，屬於違約責任與侵權責任的競合，也就是說，施工人這時候既要承擔保修責任，對瑕疵缺陷進行修復，又要承擔損害賠償責任，對修復無法彌補的人身或財產損害賠償。
- (b) 保修期內發現任何潛在質量缺陷，施工人必須無條件地返工、維修，不要求一定有損害的發生；而承擔損害賠償責任的前提是，必須發生了人身或財產損害。
- (c) 保修責任期限中，基礎設施工程、房屋建築的地基基礎工程和主體結構工程的期限是合理使用年限，而其他普通部位的保修責任期限不同；損害賠償責任，並不區分建設工程的主次部位，均在合理使用期限內承擔損害賠償責任。

(2) 因質量缺陷產生的賠償責任

根據《建築法》第80條可知，該賠償責任的原因是建設工程質量不合格。這賠償義務人不僅限於施工人，還包括建設單位、勘察設計單位、工程監理單位、材料供應商等。《建築法》和《條例》均對上述責任主體作出了相應規定。例如，建設單位將工程發

包給無相應資質的承包人；勘察設計檔不符合勘察設計技術規範及合同約定等。

(3) 因保修不及時產生的賠償責任

與上述因質量缺陷產生的賠償責任不同，這是施工人應當對其拖延履行保修義務造成的損害承擔責任，責任人僅限於施工人。

(4) 損害賠償責任的訴訟時效

如果造成財產損害，那麼訴訟時效與上述質量保修責任相同，從權利人知道或者應當知道起兩年。但如果因身體受到傷害要求賠償的，則訴訟時效為一年，傷害明顯的，從受傷害之日起計算；傷害當時若未曾發現，後經檢查確診並能證明是由侵害引起的，從傷勢確診之日起算。

在闡述了香港法和中國法的有關潛在缺陷的法律責任後，下表對二者的主要區別作出比較，供讀者參考：

業主對有潛在缺陷的建築物的索賠	中國法	香港法
訴訟時效	<ol style="list-style-type: none"> 財產受損，自業主知道或應當知道起2年； 人身受到傷害，傷害明顯的，從受傷害之日起計算；傷害當時若未曾發現，後經檢查確診並能證明是由侵害引起的，從傷勢確診之日起算，1年。 	<ol style="list-style-type: none"> 財產受損，訴訟因由產生的日期起計6年，如業主知悉該訴訟因由的日期在該6年期限屆滿後，由知悉日期起計3年，但總時效不超過15年。 人身受到傷害，從知道之日，或從事件發生之日(如屬較後者)起計3年。

English Summary

Gilbert Kwok, FHKIS, FRICS

This is the second part of our two articles on defects liability under Hong Kong Law and PRC Law. In this second article, we will focus on the legal position in the Mainland and briefly compare the differences on this issue between the 2 systems of law.

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- Speakers** Yeung Man Sing & Leung Wai Keung, Richard
- Yeung Man Sing, FHKIS, FRICS, FCI Arb Chartered Arbitrator & Accredited Mediator / Adjudicator. He is a partner of Li & Partners, solicitors dealing with construction and commercial disputes. He has been acting as arbitrator and mediator in various disputes. He is now Vice-Chairman of CI Arb (EAB) and a member of the DOJ Accreditation and Training Sub-group of Mediation.
- Richard Leung, FCPA, FCIS, FCI Arb Chartered Arbitrator & Accredited Mediator. He is a practising barrister-at-law with Des Voeux Chambers specialized in company, commercial, tax and construction litigations. He is a qualified accountant and Chartered Secretary and was the former President of the Hong Kong Institute of Chartered Secretaries in 2006. He currently sits as a member in various statutory tribunals: Board of Review, Registration of Persons Tribunal, Guardianship Board, Appeal Board for the Hotel and Guesthouse Accommodation.
- Date & Venue** 7:00pm – 8:30pm Thursday 26 November 2009; Surveyors Learning Centre, HKIS, Suite 811, 8/F, Jardine House, Central, HK (Registration starting at 6:30pm).
- Details** The seminar aims to update local lawyers and construction practitioners on the latest developments in arbitration law, in particular UNCITRAL Model Law on International Commercial Arbitration to replace the domestic and international arbitration regimes in Hong Kong. This seminar is the Cantonese version of the seminar delivered on 16 July 2009 in English. The DVD for the Mock Arbitration of 6 June 2009 would be launched on the spot.
- Disclaimer** Any opinions, findings, conclusions or recommendations expressed in this material / any event organized under this Project do not reflect the views of the Government of the Hong Kong Special Administrative Region or the Vetting Committee for the Professional Services Development Assistance Scheme
- Language** Cantonese (supplemented by English seminar materials)
- Fee** Free of charge for all delegates, non-members of the Organiser and Co-Supporters are all welcomed.
- Deadline** 12 November 2009
- Priority** First-come-first-served



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Dr. Mei-yung LEUNG, Assistant Professor, City University of Hong Kong
PhD, MRICS, FHKIVM, List A Facilitator, CVS, MCIQB, MHKIS, MAIB

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- VE Approach to Projects
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- Job Plans
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- Evaluation Process
- Interpersonal skills
- VM standard and development

The Instructor

Dr. Leung has more than twenty years of practical/teaching experience in the construction industry/education and has participated in a number of prestigious construction projects in HK. At present, she is a vice-president of the Hong Kong Institute of Value Management. Dr. Leung is a Certified Value Specialist of the Society of American Value Engineers in USA and a Qualified Facilitator (list A) of the HKIVM in HK. At the CityU, Dr. Leung is conducting a VM course that has obtained the accreditation from the SAVE in USA. In the industry, she facilitated various VM workshops for construction professionals in HK, including public piers, traffic management, highway, sewages, water supplier, public housing and library.



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

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

Thanks to Mr Steven Yip and Mr James Yeung for delivering a CPD seminar on the topic 'Construction life-cycle's beginning phase - How to ensure we have a construction contract' on 20 August 2009 to the QSD. Both Steven and James have extensive experience in advising and handling construction dispute resolution matters. The seminar was successful in which many questions were raised from the audience during the Q&A session. At the end of the event, Mr Sunny Chan, Chairman of the QSD CPD Sub-committee, presented a souvenir to both speakers. We look forward to Steven and his colleagues delivering another CPD seminar on the topic 'Construction life-cycle's execution phase - How to ensure performance under a construction contract' on 14 October 2009.



Technical Site Visit to Shenzhen

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

The Technical Site Visit to Shenzhen, PRC, organised by the QSD was successfully held on 12 September 2009 with 40 members participating. Members visited the Kwong Yin Wing Koo Timber Company Ltd, a timber manufacturing factory and Yau Lee Wah Concrete Precast Products Company Ltd., a precast concrete manufacturing factory. Representatives of both the factories introduced how various products were manufactured and the techniques involved and gave a tour of the production in the factories. We were pleased to have invited Mr

T T Cheung, Past President of HKIS and Mr Sunny Chan, Chairman of the QSD CPD Sub-committee to exchange souvenirs with the representatives of both the factories.

Sincere thanks for the arrangement and support from Mr T T Cheung, Mr Sunny Chan and Mr Honby Chan, and for the participation from some QSD Council Members and other HKIS members.

More photos of the tour are shared on the back cover.



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	30	Surveyors Happy Hour cum Birthday Party	HKIS
	31	PFMD Annual Conference	HKIS PFMD
Nov	11	Board of Membership meeting	HKIS
	12	GPD Annual General Meeting	HKIS GPD
	17	HKIS Annual Dinner	HKIS
	19	LSD Annual General Meeting	HKIS LSD
	23	PFMD Annual General Meeting	HKIS PFMD
	26	HKIS Executive Committee meeting	HKIS
	26	HKIS General Council meeting	HKIS
	27	Surveyors Happy Hour cum Birthday Party	HKIS
Dec	3	QSD Annual General Meeting	HKIS QSD
	11	HKIS Annual General Meeting	HKIS
	18	Surveyors Happy Hour cum Birthday Party	HKIS

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

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Shell Card

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

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



Quantity Surveying Division
Technical Site Visit to
Shenzhen
12 September 2009

