

SURVEYORS

測量師時代
Times

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展望未來
STARTING A NEW PAGE



HKIS 2011-2012 General Council

香港測量師學會2011-2012年度理事會

Office Bearers 執行理事

President 會長	Serena Lau 劉詩韻測量師
Senior Vice President 高級副會長	Stephen Lai 賴旭輝測量師
Vice President 副會長	Simon Kwok 郭志和測量師
Honorary Secretary 義務秘書	Robin Leung 梁志添測量師
Honorary Treasurer 義務司庫	Gary Yeung 楊文佳測量師

Council Members 理事

Building Surveying Division 建築測量組

Chairman 主席	Vincent Ho 何鉅業測量師
Vice Chairman 副主席	Andrew Kung 龔瑞麟測量師
Immediate Past Chairman 上任主席	Kenneth Yun 甄英傑測量師

General Practice Division 產業測量組

Chairman 主席	Francis Ng 吳恒廣測量師
Vice Chairman 副主席	Chiu Kam Kuen 趙錦權測量師
Honorary Treasurer 義務司庫	Edward Au 區成禧測量師

Land Surveying Division 土地測量組

Chairman 主席	Koo Tak Ming 古德明測量師
Vice Chairman 副主席	Lesly Lam 林力山測量師
Vice Chairman 副主席	Chan Yue Chun 陳宇俊測量師

Planning & Development Division 規劃及發展組

Chairman 主席	Raymond Chan 陳旭明測量師
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Property & Facility Management Division 物業設施管理組

Chairman 主席	Dick Kwok 郭岳忠測量師
Vice Chairman 副主席	Edmond Cheng 鄭錦華測量師
Honorary Treasurer 義務司庫	Eddie Hui 許智文測量師

Quantity Surveying Division 工料測量組

Chairman 主席	Thomas Ho 何國鈞測量師
Vice Chairman 副主席	Keith Yim 嚴少忠測量師
Honorary Secretary 義務秘書	Paul Wong 黃國良測量師

Young Surveyors Group 青年組

Chairman 主席	Kenny Chan 陳志雄測量師
Vice Chairman 副主席	Michelle Chung 鍾敏慧測量師

Ex-Officio Members 當然成員

Immediate Past President 上任會長	Wong Bay 黃比測量師
Chairman, Board of Education 教育委員會主席	to be elected 待定
Chairman, Board of Membership 會籍委員會主席	to be elected 待定
Chairman, Board of Professional Development 專業發展委員會主席	to be elected 待定

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Calendar of Events 活動日誌



New Office Bearers and General Council members were elected at the Institute's Annual General Meeting on 9 December 2011 and members of Divisional Councils and YSG were elected at the respective Divisional Council's or YSG's Annual General Meetings. You will hear from the new President of the Institute, new Chairmen of Divisional Councils and YSG and some of the Council Members for the new council year as each month, this newsletter will bring you their latest reports.

This newsletter has been helping the Institute to promote services of surveyors to the public. The Institute sends this newsletter each month to various government departments, university and public libraries and other professional bodies and institutes (including those in the mainland and overseas). This newsletter needs more articles from you to help the Institute to achieve this aim.

Each article, which should not be longer than 2 pages of this newsletter, may be in English or Chinese and should be submitted in the Microsoft Word format with the title of the paper and author's details. For articles in Chinese, a summary in English is required. Submissions must not have been published previously elsewhere. Publication of any article shall be at the discretion of the Editorial Board whose decision shall be final. Please email your article to steditor@hkis.org.hk or to your divisional representative at the editorial board.

I wish to take this opportunity, on behalf of the Editorial Board, to wish you all a happy and prosperous 2012.

Gilbert Kwok

Hon Editor

steditor@hkis.org.hk



Serena Lau

Presidential Address

It is my honor to have your support and trust to let me be the President of the Hong Kong Institute of Surveyors ("HKIS") for the term of year 2011-2012.

Founded 28 years ago, HKIS is now one of the respected professional institutions in Hong Kong and is widely recognized by International professional organizations as well.

I have always been bearing in mind that our success is based on the contributions of members who have shown the highest standard of integrity and professionalism to the public over the years; all past and current council members and volunteers who have devoted their valuable time to run the Institute; and all staff at our administrative office who have worked so hard for members under limited resources.

In spite of this, we are well aware of that there are numerous challenges in front of us.

While we are pleased to see that Hong Kong shall further move toward universal suffrage, we acknowledge that the influence of being a member of functional constituency, at the same time, shall be diminished. We should be clear that the success of surveying profession is backed by the public and therefore we could be able to get a membership at the functional constituency at such time.

As such, we must continue to reinforce and enhance the image of surveying profession in the society. I believe the below are the fundamental elements of success of HKIS as well as the surveying profession:-

- (i) we set the standard;
- (ii) we set the best practices;
- (iii) we recruit the best quality members;
- (iv) we attract the public's attention through our professionalism; and
- (v) we protect interest of our members and the public.

We need to promote all of the above and our scope of competency to the public including the community in the mainland China. I believe, our spokesmen, including but not limited to our Vincent Ho and Dr Lawrence Poon, shall keep very busy in the coming years.

Looking forward, we shall address to the following issues which are on the pipeline:

- Having the number of members near 8,000, it is time to start reviewing the Corporate Governance and Governing Structure to pave the way for our future growth. Under the review, we should focus on how to encourage our young members to participate in council work and nurture them to become future leaders. Our

founding President, Mr FY Kan will lead a working group with members including two Past Presidents, Mr Daniel Lam and Mr Francis Leung, to study the above important topics.

- Strengthening our administrative support would enhance our services to members in a timely and quality manner. To take the first move, the General Council has approved the recruitment of a suitable CEO.
- We must identify and decide our future office premises by the middle of this year and take necessary follow up action. Our Past President, Mr Tony Tse is now leading a working group to handle this mission.
- We need members' support to achieve our goals. Communication is a key to have members to stay united, and through communication, we can gain their support by better understanding about our work. I anticipate that we shall organize more member forums to gather members' views and to update the latest moves on various topics.

There is pressure to keep up the good work under the leadership of the Immediate Past President. As the President

of this council year, I will apply the wordings that the IPP used in the annual dinner: I am **"cautiously optimistic"** to the work in the year ahead. I am sure I am not alone. The team over the years have proof that our members, like you, are always supportive to each others.

May I take this opportunity to say thank you to my father, one of the founding members and Past President of HKIS, Professor Francis Lau. Without him, I would not realize how great surveying profession is and I would not participate in such a meaningful service for this profession throughout these years.

Thanks in advance to my colleagues because they will share more company work due to my current role in HKIS.

Last, may I ask for your favor? For internal communication, please do not hesitate to call me "Serena" instead of "President". This can make me feel that I am still a pretty lady!

Let's join hands to make things happen!

Serena Lau
President





會長就職演辭

我能夠出任 2011-2012 年度香港測量師學會（「學會」）會長一職，深感榮幸之餘，實有賴各位的支持和信任。

學會成立至今已 28 年，現時已是香港其中一家備受推崇的專業學會，並得到多個國際專業組織的認可。

我常常提醒自己，學會的成功建基於各會員齊心協力向公眾顯示高度誠信及專業、所有歷任及現任理事成員及義務工作會員奉獻寶貴時間、以及辦事處的職員在有限資源下努力為會員服務，才取得今天的成果。

與此同時，我們意識到學會未來仍會面對多項挑戰。

我們樂意看見香港邁向全民普選，亦注意到學會作為功能組別的一員之影響力將逐步減少。然而，我們必須認清一點，學會的成功是由於公眾對測量專業的尊重，才得以在當時成為功能組別的成員之一。

因此，我們必須繼續鞏固及提升測量專業在社會上的形象。我相信，以下的因素是行業成功的基石：

- (一) 我們訂立標準；
- (二) 我們確立最佳行業準則；
- (三) 我們吸納最優秀的會員；
- (四) 我們的專業性吸引公眾的注意；
- (五) 我們維護會員與公眾的利益。

我們需要向本地及中國內地的公眾推廣以上各點及我們的能力範疇。我相信，各位發言人在未來將會繼續向這方面努力。

展望未來，我們將會處理以下事項：

- 學會將近有 8,000 名會員，需要對企業管治及管治架構作出檢討，從而為學會未來長遠發展奠下更佳的基礎。此外，我們亦需設法吸納和培育更多年輕會員參與會務，成為未來領袖。學會創會會長簡福銓測量師將與兩位前會長林濬測量師及梁立基測量師成立一個工作小組，檢討此重要議題。
- 我們需要透過強化行政支援，向會員提供適時及優質服務。因此，理事會已踏出第一步，通過為辦事處招聘合適的行政總裁。
- 我們必須在今年中旬前物色及決定未來辦事處的事宜，並採取相應跟進行動。學會前會長謝偉銓測量師現時正領導一個工作小組處理有關事宜。
- 溝通是凝聚及取得會員支持的一個重要方法，致使學會工作得以達成。我希望可以舉辦更多會員論壇，使會員能在不同議題上取得資訊及發表意見。

在上任會長的領導底下，去年工作取得很大的成果，我亦因此感到壓力。容許我引用上任會長於週年晚宴的說話，我對來年的工作「審慎樂觀」。雖然面對壓力及挑戰，我肯定我並不孤單。過去多年以來的工作，印證了測量師團隊、各位會員一直不斷互相扶持及提供協助。

我亦想藉此機會，向家父劉紹鈞教授測量師致以由衷的感謝。他亦是學會的創會會員及前會長。他讓我知道測量專業，並引領我參與服務會員這有意義的工作。

我亦需要預先感謝公司的同事。由於我需要撥出更多時間處理學會事務，他們可能需要分擔處理更多公司事務。

最後，歡迎各位會員在內部溝通時以「Serena」來稱呼我，使我感覺更加年輕。

讓我們攜手一起創造未來吧！

會長 劉詩韻註冊專業測量師

The HKIS Annual General Meeting 2011

The Annual General Meeting (AGM) of HKIS was held on 9 December 2011. Ms Serena Lau was elected as the 2011-2012 President of the HKIS taking over from Mr Wong Bay, who would retire as Immediate Past President.

The AGM also announced that Mr Stephen Lai and Mr Simon Kwok were elected as Senior Vice President and Vice President respectively, while Mr Robin Leung and Mr Gary Yeung were elected as Honorary Secretary and Honorary Treasurer.



Members of General Council 2011-2012

The following are members of the General Council 2011-2012:-

Office Bearers

LAU Sze Wan, Serena 劉詩韻測量師	President
LAI Yuk Fai, Stephen 賴旭輝測量師	Senior Vice President
KWOK Chi Wo, Simon 郭志和測量師	Vice President
LEUNG Chi Tim, Robin 梁志添測量師	Honorary Secretary
YEUNG Man Kai, Gary 楊文佳測量師	Honorary Treasurer

Members

Building Surveying Division

HO Kui Yip, Vincent 何鉅業測量師	Chairman
KUNG Sui Lun, Andrew 龔瑞麟測量師	Vice Chairman
YUN Ying Kit, Kenneth 甄英傑測量師	Immediate Past Chairman

General Practice Division

NG Hang Kwong, Francis 吳恒廣測量師	Chairman
CHIU Kam Kuen 趙錦權測量師	Vice Chairman
AU Sing Hei, Edward 區成禧測量師	Honorary Treasurer

Land Surveying Division

KOO Tak Ming 古德明測量師	Chairman
LAM Lik Shan, Lesly 林力山測量師	Vice Chairman
CHAN Yue Chun 陳宇俊測量師	Vice Chairman

Planning and Development Division

CHAN Yuk Ming, Raymond 陳旭明測量師	Chairman
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Property and Facility Management Division

KWOK Ngok Chung, Dick 郭岳忠測量師	Chairman
CHENG Kam Wah, Edmond 鄭錦華測量師	Vice Chairman
HUI Chi Man, Eddie 許智文測量師	Honorary Treasurer

Quantity Surveying Division

HO Kwok Kwan, Thomas 何國鈞測量師	Chairman
YIM Siu Chung, Keith 嚴少忠測量師	Vice Chairman
WONG Kwok Leung, Paul 黃國良測量師	Honorary Secretary

Young Surveyors Group

CHAN Chi Hung, Kenny 陳志雄測量師	Chairman
CHUNG Man Wai, Michelle 鍾敏慧測量師	Vice Chairman

Ex-Officio Members

WONG Bay 黃比測量師	Immediate Past President
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HKIS Outstanding Final Year Dissertation Awards 2011 HKIS Dissertation/Thesis Awards for Postgraduate Students

The Research Committee of the Hong Kong Institute of Surveyors (HKIS) has organized the “Outstanding Final Year Dissertation Awards” for final year students of our accredited first degree courses. The purpose of the Awards is to promote research amongst our future surveyors and reward the efforts of the students.

The Awards are based on merits in research as well as the applicability of the research output to the Surveying profession. Having assessed the papers nominated by universities, the panel of assessors has awarded prizes to the following candidates:-

Grand Prize

Division	Awardee	University	Project Title
PFMD	JIAO Lidan	City University of Hong Kong	Innovative Facilities Management for Enhancing Quality of Life of Elders in Care and Attention Homes and Public/Subsidized Housing in Hong Kong

Top Award

Division	Awardees	University	Project Title
BSD	TO Joyce	The Hong Kong Polytechnic University	Critical Analysis on the Effects of Building Regulations Governing Natural Lighting and Ventilation on the Design and Forms of Private Residential Buildings in Hong Kong
GPD	LIN Hiu Tung	The Hong Kong Polytechnic University	The Impacts of West Rail Line on Residential Land Values
LSD	ZHANG Anshu	The Hong Kong Polytechnic University	GIS for Indoor Fire Evacuation System
PDD	LEUNG Kwan Ngan	The University of Hong Kong	Developers’ Pricing Strategies on Recreational Facilities
PFMD	JIAO Lidan	City University of Hong Kong	Innovative Facilities Management for Enhancing Quality of Life of Elders in Care and Attention Homes and Public/Subsidized Housing in Hong Kong
QSD	MOK Kin Ping	The University of Hong Kong	The Effectiveness of Behavioral Safety Management on the Hong Kong Construction Sites

Second Award

Division	Awardees	University	Project Title
BSD	TAM Ka Yu	City University of Hong Kong	Curtain Wall System: Equalization Between Environment and Economy
GPD	WAN Mathias Sze Man	The Hong Kong Polytechnic University	The Impacts of Green Features on the Residential Property Prices: The Case of Hong Kong
LSD	SIU Carmen	The Hong Kong Polytechnic University	Real Time Vegetation Monitoring Program for Register of Old and Valuable Trees
PDD	AU Chin Chuen	The Hong Kong Polytechnic University	Relaunch of Home Ownership Scheme: An Approach to Solve the Current Housing Problem
PFMD	PANG Nga Yin	The University of Hong Kong	The Effects of Regulatory Control to Promote Green Features in Apartment Buildings on the Value of Apportioned Common Area
QSD	MAK Mei Yu	City University of Hong Kong	Enhancing Value Management through exploring the existing difficulties

The Research Committee has also organized the "Dissertation/Thesis Awards" for postgraduate students. The purpose of the Awards is to promote research amongst our industry.

The Awards are based on merits in the research contribution to the industry, innovation and application to the Surveying profession. Having assessed the papers nominated by universities, the panel of judges has awarded prizes to the following candidates:-

PhD Category

Awardee	University	Project Title
CHOW Pui Ting	City University of Hong Kong	Phas Transition Drivers of Withdrawing Behaviour in Construction Project Dispute Negotiation

MPhil Category

Awardee	University	Project Title
PANG Hoi Yan	City University of Hong Kong	Anatomy of Construction Disputes

MSc Category

Awardee	University	Project Title
ZHAN Xiao Xin	City University of Hong Kong	A Quantitative Model to Volume Forecasting of Tunnel Projects under BOT Mode in Hong Kong



HKIS Necktie

The Institute has refilled the stocks of yellow and blue-coloured neckties. Members may purchase the necktie with a discounted price of HK\$90 each, while HK\$150 each for non-members' purchase.

Council Members Reaching Out

2 December 2011	Happy Hour Gathering with Secretary for Development, Ms Carrie Lam organized by Prof Hon Patrick Lau	Mr Simon Kwok, Mr Koo Tak Ming Mr Chan Yue Chun
4 December 2011	2011 International Volunteer Day Recognition Ceremony organized by the Agency for Volunteer Service	Mr Kenny Chan
4 December 2011	The Ceremony of Leadership Bauhinia Volunteer Award organized by the Agency for Volunteer Service	Mr Wong Bay
6 December 2011	Meeting with the Transport and Housing Bureau on the Public Consultation on the Proposed Legislation to Regulate the Sale of First-hand Residential Properties	Mr Wong Bay, Ms Serena Lau, Mr Nathan Lee, Mr Thomas Tang, Mr Joseph Ho, Mr C K Lau, Mr Patrick Lee, Mr Stanley Fung, Dr Lawrence Poon
7 December 2011	Expert-led Workshops on "Heritage Conservation Policy and Issues" organized by Asia Society Hong Kong Center	Mr Wong Bay
8 December 2011	Cocktail Reception to honour the retirement of Chief Executive Officer Mr C K Chow of MTR Corporation	Mr Wong Bay
8 December 2011	Monthly Thursday Luncheon organized by Executive Council Secretariat	Mr Wong Bay
8 December 2011	Meeting with Development Bureau on Energizing Kowloon East	Ms Serena Lau, Mr Vincent Ho Mr Raymond Chan, Mr Tony Wan Mr C K Lau, Mr Samson Wong
11 December 2011	Welcome Reception of International Conference on Heritage Conservation 2011 "Conservation and Development - Partners or Rivals?" organized by Development Bureau	Ms Serena Lau Mr Stephen Lai
12 December 2011	Annual Dinner of the Hong Kong Institute of Real Estate Administrators	Ms Serena Lau
12 December 2011	Luncheon of Heritage Conservation International Conference organized by Development Bureau	Mr Stephen Lai, Mr Simon Kwok Mr Antony Man, Mr Vincent Ho
14 December 2011	The Launching Ceremony for Works of Hong Kong Boundary Crossing Facility of Hong Kong-Zhuhai-Macao Bridge organized by Highways Department	Ms Serena Lau
20 December 2011	Christmas Reception of Fire Services Department	Mr Vincent Ho
23 December 2011	Buildings Department Christmas Party 2011	Mr Kenneth Yun
23 -27 December 2011	National Studies Programme (中華文化學院國情班) organized by the Academy of Chinese Culture (中華文化學院)	Mr Cheung Man To, Mr Yu Wai Wing Alberich Ms To Ka Yi, Mr Wong Kwai Sang Dr Mei-yung Leung, Mr Lo Ming Yan
31 December 2011	The Hong Kong Medical Association 91st Anniversary Ball	Mr Stephen Lai
31 December 2011	The Hong Kong Dental Association Annual Ball 2011	Mr Wong Bay

Congratulations to the Following who were Elected as HKIS Members on 28 November 2011

MEMBERS (8)

BS DIVISION

HO CHI HUNG ASHLEY
LEUNG ANGEL

GP DIVISION

CHAN PUI KEI
LEUNG KIN WING
LIU WAI PAN
WONG KWOK KEI GARY
WONG SIU HANG

LS DIVISION

CHAN YUK YING

CORPORATE MEMBERS REGISTERED IN OTHER DIVISIONS (5)

BS DIVISION

CHAN KIN KEI

PD DIVISION

WONG LOI FAT ALEX

PFM DIVISION

LEE MAN HO
NG KO FUNG
YEUNG WONG PAN

RESIGNATION (2)

CHAU KAI YIU
MIU KING IP ISAAC

Building Surveying Division Chairman's Message



Vincent Ho BSD Council Chairman

BSD AGM and Annual Dinner

BSD AGM and Annual Dinner were held on 2 December 2011. We have our new office bearers and council members elected who succeeded from Council of 2010-2011. It is my pleasure to have the chance again to serve the Division in this position in 2011-2012 together with the Vice Chairman Mr Andrew Kung, the Honorary Secretary Ms Rebecca Lo, the Honorary Treasurer Mr Kenny Tse and the Council members elected as mentioned in the table on the right.

I have briefed BSD's work done in year 2010-2011 and our plan in the coming year in the Chairman report. For details, you may visit <http://www.hkis.org.hk/hkis/general/report/bsd-chairmanrpt2011.pdf>. We did have a perfect closing for the AGM and the Annual Dinner with joy, laughter and warmth throughout. I believe that our new Council can continue to work in unity and harmony to promote our profession's development and the welfare of members in the coming year.

- SIN Kwok-leung, Alan
- LAM Wai-keung, Andrew
- LAW Chin-keung, Jason
- YUE Wai-chu, Jessie
- WONG Se-king, Peter
- DY Wai-fung, Peter
- LEE Hoi-tat, Nathan
- CHAN Ka-man, Margaret
- CHEUNG Man-to Arthur
- CHANG Wai-yip, Daniel
- HUNG Kam-ying, Caskie
- PONG Yiu-po, Daniel
- HO Siu-leung, Nelson
- WONG Kin-ye, Billy



Group photo for new Council 2011-2012



Happy moments on the Annual Dinner

Communication Meeting with Architectural Services Department

A communication meeting with the senior directorates of Architectural Services Department (ArchSD) led by Director Mr K K Leung and Assistant Director Mr S W Fong was arranged on 7 December 2011 shortly after the election of the new BSD council with the attendance of Mr Andrew Kung, Mr Kenny Tse and I as the representatives of BSD and the Professional Building Surveying Consultants Association (PBSCA). This is an annual event set up by ArchSD which provides an informal platform to exchange views and ideas on surveying profession and matters of interest to the attending parties. We took the opportunity to relate the practitioners' concern on the unhealthy fee competition to ArchSD's projects/ consultancies and suggest adoption of two-envelope system in consultancy services tender,

aiming at a more quality-oriented service delivery by the out-sourced consultancy services. On the other hand, the Director expressed his wish to have more building surveying firms applying for registration in the AACSB list of Building Surveying firm so as to ensure sufficient supply of resources to handle the forth-coming consultancy works from ArchSD. I would like to encourage the newly established private building surveying consultant companies to register as I can see there is great demand for building surveying services both from the public as well as the private sector in the coming future. Being registered in the AACSB list not only renders the firm opportunities to bid for the government and other NGO works but also provides it a quality label in competing other large scale private or quasi-government projects.

How much do you know about our BSD Council?

In this issue, I would like to introduce our **Expert Determination Panel** which is led by our Council members Mr Peter Wong and Ms Margaret Chan. Why should we set up this panel? To answer this question, let's have a better understanding on expert determination!

Water seepage disputes are one of the most common disputes in buildings. HKIS has been receiving requests from parties in litigation for appointment of expert pursuant to court directions. A number of our professional building surveying members have been involving in preparing expert reports as well as acting as expert witnesses.

Whilst expert witnesses in traditional litigation proceedings would be required to address on the causes, provision of remedial proposal does not usually fall within their scope and is not an issue before the court. The court would have greater concern on the liability and the corresponding damages, while normally the grieved party would need a solution to stop the water seepage problem. This is where expert determination should be considered as an alternative to litigation.

Expert determination has long been widely accepted and used as a form of Alternative Disputes Resolution (ADR) in other countries such as the UK and Australia. Nonetheless, it has not gained popularity in Hong Kong as other forms of ADR e.g. mediation and arbitration.

The features of expert determination were discussed in the case of *Mayers v. Dlugash* [1994] 1 HKLR 442. Kaplan J said at p.444:-

"Arbitration is a tried and tested method of dispute resolution where the parties do not wish to litigate their differences before state courts. Expert determination, although having been used for centuries, is perhaps not so widely known. The classic features of expert determination are:

- (a) The expert makes a final and binding decision.
- (b) The decision can only be challenged in the most exceptional circumstances such as where the


expert answers the wrong question (see *Jones v. Sherwood Computer Services Inc.* [1992] 1 WLR 277; *Campbell v. Edwards* [1976] 1 WLR 403 and *Nikko Hotel (UK) Limited v. NEPC* (1991) 28 EG 86).

- (c) The expert can be sued for negligence in the absence of an agreed immunity (*Arenson v. Casson Beckman Rutley* [1975] 3 WLR 815).
- (d) The expert's determination cannot be enforced as an arbitral award."

In brief, expert determination is a private and confidential method whereby disputing parties by agreement appoint an expert to determine a matter of fact, valuation or law in a final and binding manner.

With our expertise on building defect diagnosis, we are ready to provide expert opinion on the potential causes of water seepage, and more importantly the solution for such. Expert determination on water seepage disputes therefore can provide an effective and efficient solution for the parties in dispute to resolve the water seepage, saving parties' costs and effort to go for full litigation.

We believe that expert witness and expert determination on water seepage disputes would be areas which our professional building surveyors should further explore. That's why we have the Panel to promote on this area of specialization.

To echo the social and market needs on expert witness, we are preparing a list of expert witness and adjudicator for water seepage disputes so as to provide a platform for the public to access to these professional services. Here, you are cordially invited to show your interest by filling in the application form which can be downloaded from the HKIS website at http://www.hkis.org.hk/en/download_area.php?nid=4 for inclusion into the purported list of expert witness. 

General Practice Division Chairman's Message



Francis Ng GPD Council Chairman

New GPD Council Formed



As members are aware, the GPD AGM was held on 17 November 2011 at the HKIS Surveyor Learning Centre. As much as 214 members turned up to elect 20 council members, out of 23 candidates. A total of 213 valid votes were casted and the result was as follows:

GPD AGM on 17 November 2011

Name	No. of Votes
Au Sing Hei, Edward	122
Chan Chak Sum, Jason	125
Chan Chak Wa, Jason	116
Chan Chiu Kwok, Charles	80
Chan Hon Kwong, Louie	51
Chan Kwok Kin	46
Chan King Man	100
Chiu Kam Kuen	69
Eugina Fok	121

Fung Kin Shing	122
Ho Chin Choi, Joseph	52
Lam Chun Chiu, Ringo	55
Lam Yam On, Jim	116
Lau Chun Kong	98
Lee Tat King, Patrick	118
Lee Wai Kin, Alan	37
Ng Hang Kwong, Francis	130
Pang Ho Chuen, Lawrence	84
Poon Wing Cheung, Lawrence	94
Tang Chiu Man, Thomas	48
Tse Wai Hung, Cliff	62
Wan Wai Ming, Tony	59
Yu Kam Hung	38

In the first GPD Council Meeting (for the new term) held on 30 November 2011, election of office bearers and key post holders were conducted. The following members were nominated and elected by the Council:-

Post	Name
Chairman	Ng Hang Kwong, Francis
Vice-chairman (Internal Affairs)	Eugina Fok
Vice-chairman (External Affairs)	Chiu Kam Kuen
Vice-chairman (Professional Standards)	Ho Chin Choi, Joseph
Vice-chairman (Local Affairs)	Pang Ho Chuen, Lawrence
Honorary Treasurer	Au Sing Hei, Edward
Honorary Secretary	Wan Wai Ming, Tony

Francis Ng, K K Chiu and Edward Au were nominated as representatives of GPD to the HKIS General Council. Members also agreed to nominate Mr Slayman Chan and Simon Poon and Ms Elsa Ng and Connie Hung as Co-opted Members.

Other nominations were also conducted to take up the posts within GPD Council and also in HKIS Boards/ HKIS Committees/ Working Groups. The list of nominations was as follows:

GPD Working Panels	Convenors
Valuation Standards Panel	Joseph Ho
CPD Panel	Chan Chak Wa K M Chau Louie Chan Jim Lam Simon Poon
Education Committee	Thomas Tang Louie Chan

HKIS Boards	Representative
Board of Education	Lawrence Poon Thomas Tang
Board of Membership	Eugina Fok Augustine Wong
Board of Professional Development	Patrick Lee Charles Chan
Editorial Board	Edward Au
Surveyors Registration Board	Lawrence Poon Tony Wan C K Lau
HKIS Committees	Representative
Annual Conference Organizing Committee	Eugina Fok Cliff Tse
Annual Dinner Organizing Committee	Kason Cheung
CEPA Committee	Charles Chan K K Chiu
Community and Charity Services Committee	Cliff Tse Slayman Chan
Dispute Resolution Committee	Lawrence Pang Louie Chan
IT Committee	Cliff Tse
Mainland Affairs Committee	Lawrence Poon K K Chiu
Finance Committee	Edward Au
Members Welfare Committee	Kason Cheung
Project Management Committee	Joseph Ho
Public and Social Affairs Committee	Thomas Tang Ringo Lam

Strategic Planning Committee	Francis Ng Jason Chan Chak-sum
Research Committee	Jim Lam S K Pang
HKIS/ RICS Liaison Committee	Joseph Ho
Administration Committee	Eugina Fok
Standing Committee on Code of Measuring Practice (PS)	Stanley Fung Kin-shing Ringo Lam
Mediation Training Working Group (in connection with Dispute Resolution Committee)	Lawrence Pang Louie Chan Thomas Tang

HKIS Panel / Working Group	Representative
Housing Policy Panel	Lawrence Poon Francis Ng Thomas Tang
HKIS Office Premises Working Group	Jason Chan Chak-sum Cliff Tse

2011 Election Committee Subsector Elections - Architectural, Surveying and Planning Subsector

Two GPD Council Members Mr Francis Ng and Dr Lawrence Poon were elected as members of the Election Committee under the "Architectural, Surveying and Planning Subsector" to

elect the Chief Executive in the 2012 Election. Congratulations to both of them.

Consultation on Regulation of Sale of First-hand Residential Properties by Legislation

A Report of the Steering Committee on Regulation of Sale of First-hand Residential Properties by Legislation was just published the Housing Bureau. GPD Council Member Dr Lawrence Poon is the HKIS representative in the Steering Committee. He offers comments and suggestions on enforcement. A series of pragmatic recommendations in relation to the regulation of sale of first-hand residential properties by way of legislation are now introduced by the administration. A public consultation exercise on the proposed legislation is now being conducted.

In the past few months, Dr Poon gave advice on the types of, and specifications for, property information in relation to sales, including saleable area and pricing information in any types of publicity including sales brochures, price lists, show flats, and promotional materials at all stages of sale. He came up with practical recommendations to the Steering Committee. Members may wish to note the public consultation document and offer views to the Bureau, if appropriate. 🇭🇰

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Someone with an eye for detail and skills to perform;

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Deputy Project Manager

Mechanical and Electrical Manager

Quantity Surveying Manager

Interior Design Manager

LOCATION

Hong Kong, Mainland China, Australia, Fiji, Ghana, Indonesia, Philippines, Turkey, Sri Lanka

REQUIREMENTS

- High integrity, result-oriented, self-motivated and able to work independently
- Excellent negotiation and communication skills
- Excellent managerial skills with hands-on approach

LANGUAGE

Fluency in written and spoken English is required for all project sites.

Excellent command of written and spoken Chinese (Mandarin) is a must for project sites in Mainland China.

APPLICATION

If you are interested in any of the above positions, please complete the online application form on our career page www.areyoushangri-la.com, enclosing your CV.

Please indicate the preferred location in your CV.

Applicants with less experience and qualification may be considered for deputy managers.

Please be advised that only shortlisted applicants will be notified.

Personal data collected will be treated in confidence and used for recruitment purposes only.



SHANGRI-LA

HOTELS *and* RESORTS

Summary of HKIS CPD / PQSL Events 11 January 2012 - 21 March 2012

DATE	CODE	EVENT	CPD HOUR(S)	SPEAKERS	RUN BY	PQSL
11 Jan	2012004	Claims for Finance Charges, Contractual and Statutory Interest	1.5	Martin Downey	QSD	
19 Jan	2012001	Considerations in Analysing Delay in Construction Contracts	1.5	Philip Allington	QSD	
31 Jan	2012002	Dogs no Allowed	1.5	Lawrence Pang	YSG	
08 Feb	2012003	Construction Insurance - The Fundamentals	1.5	Nicholas Longley	QSD	
09 Feb	2012005	China - HK Property Backdrop under the European Debt Crisis	1.5	Chi Lo	GPD	
20, 27 Feb, 05 Mar	2012010	English for Surveyors (PQSL for BSD Probationers)	4.5 PQSL in aggregate	Fung Keung Victor	BSD	✓
13 Feb	2011103	Prolongation and Loss and Expense Claims (originally Scheduled on 14 Dec 11 and 23 Feb 12)	1.5	Mike Allen	QSD	
29 Feb	2012009	How to become a World City: Lessons from London	1.5	Franklin Lam	GPD	
07 Mar	2012007	The use of Technology in Dispute Resolution	1.5	Kate Wyllie, Farhat Jabeen	QSD	
13 Mar	2012006	Conditions of Building Contract	1.5	Colin B. Lee	QSD	
21 Mar	2012008	Preparing Independent Valuation Submissions	1.5	Paul Varty, Paul Dwyer	GPD	

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

CPD/QSD/2012004

Claims for Finance Charges, Contractual and Statutory Interest

Speaker	Mr Martin Downey – Partner, Stephenson Harwood		
Date & Venue	7:00 pm – 8:30 pm Wednesday 11 January 2012 Surveyors Learning Centre, Suite 811, 8/F., Jardine House, Central, Hong Kong		
Details	<p>Martin is a partner of Stephenson Harwood Solicitors and has practised in Hong Kong for 25 years. He specialises in commercial litigation, arbitration, mediation, and alternative dispute resolution (ADR) proceedings in Hong Kong, Asia, and internationally with a particular emphasis on disputes arising in the Construction industry. These include claims for delay and disruption, loss and expense, defective work, insurance claims, alleged corruption, health and safety and environmental issues.</p> <p>He has represented clients in dispute proceedings in England and Wales, France, the United States, Hong Kong, China, Philippines, Singapore, Thailand, Vietnam, Malaysia, Indonesia, Dubai, Saudi Arabia, India, Pakistan, and Bangladesh. Mr. Downey has considerable experience of arbitrations conducted under the auspices of the ICC, LCIA, AAA, CIETAC, the Hong Kong International Arbitration Centre (HKIAC) and the Singapore International Arbitration Centre (SIAC) as well as ad hoc arbitrations.</p> <p>He has also represented clients in various Courts including the Privy Council and the Hong Kong Court of Final Appeal.</p> <p>Mr. Downey is an arbitrator and mediator and has also received appointments as legal assessor to arbitral tribunals. He sits on the Executive Committee of the CPR Institute.</p> <p>An overview of claims for finance charges and interest covering:-</p> <ol style="list-style-type: none"> 1. Finance charges as a head of damages <ul style="list-style-type: none"> - When may such claims arise - The criteria required to establish a claim 2. Contractual Interest <ul style="list-style-type: none"> - Examples of contractual provisions - HKIAC Domestic Rules 3. Statutory Interest <ul style="list-style-type: none"> - Rules of High Court - Arbitration Ordinance - Discretions to be exercised by Court/Arbitrator <ul style="list-style-type: none"> • Simple or Compound Interest • Rate of Interest • Date for Calculation of Interest 		
Language	English	Fee	HK\$120 per member; HK\$150 for non-member (HK\$20 walk-in surcharge for all pricings listed); Free of charge for full time university student (subject to availability)
Deadline	3 January 2012	Priority	QSD Member; First-come-first-served

CPD/QSD/2012001

Considerations in Analysing Delay in Construction Contracts

Speaker	Mr Philip Allington		
Date & Venue	7:00 pm – 8:30 pm Thursday 19 January 2012 Surveyors Learning Centre, Suite 811, 8/F., Jardine House, Central, Hong Kong		
Details	<p>Philip Allington is a partner with EC Harris based in Hong Kong and a Head of Service for Contract Solutions locations in Asia. He leads project programming in the Asia region and EC Harris' global forensic delay analysis community. He practices as programming expert to facilitate resolution of construction and engineering disputes.</p> <p>There has been talk for a decade or more on standardisation of a delay analysis technique but over the same period there have been complaints about the inappropriate use of standardised techniques which have not been helpful to those who must negotiate or make decisions. The reality is that there are several key but disparate factors that influence how delay analysis should be approached whilst keeping it relevant and proportionate to the issue. Mr Allington will introduce the subject simply and set out a framework for choosing workable and useful methods.</p>		
Language	English	Fee	HK\$120 per member; HK\$150 for non-member (HK\$20 walk-in surcharge for all pricings listed); Free of charge for full time university student (subject to availability)
Deadline	5 January 2012	Priority	QSD Member; First-come-first-served

CPD/YSG/2012002

Dogs no Allowed

Speaker	Mr Lawrence Pang, FHKIS FRICS AACI MBA MSc (Finance) CFA		
Date & Venue	7:00 pm – 8:30 pm Tuesday 31 January 2012 Surveyors Learning Centre, Suite 811, 8/F., Jardine House, Central, Hong Kong		
Details	It was a surprise when District Court decided a case in Mei Foo in 2008 that dogs may be kept despite the prohibition by the house rules. The building managements were at a loss whether they could enforce similar provisions. Fortunately, this Mei Foo decision appears not to be followed in subsequent cases, giving a sign of relief to the many Managers. Mr. Pang is going to share with us what has happened and what were indeed said in the various DMC on whether dogs or pets can be kept.		
Language	Cantonese supplemented by English	Fee	HK\$100 for member; HK\$150 for non-member; (HK\$20 walk-in surcharge for all pricings listed)
Deadline	17 January 2012	Priority	YSG Member; First-come-first-served

CPD/QSD/2012003

Construction Insurance - The Fundamentals

Speaker	Nicholas Longley, partner in the construction team at the Hong Kong office of Holman Fenwick Willan		
Date & Venue	7:00 pm – 8:30 pm Wednesday 8 February 2012 Surveyors Learning Centre, Suite 811, 8/F., Jardine House, Central, Hong Kong		
Details	Nicholas Longley has been in Hong Kong for 13 years. Nick specializes in construction and construction insurance law. He advises governments, employers, main contractors, specialist subcontractors, construction professionals and insurers on all aspects of construction law including procurement, contract production and negotiation and claims preparation and dispute resolution. He is a member of the Chartered Institute of Arbitrators, the Law Society of Hong Kong's Insurance Law Committee as well as being on Hong Kong General Panel of Mediators. This seminar will focus on the practical application of insurance law to the construction industry. It will cover the following topics: <ol style="list-style-type: none">1. An introduction to the different types of Insurance2. The scope of the Insurance cover under a CAR Policy and how Insuring Clauses and exclusions operate3. Who is covered under the Insurance policy; principles of subrogation and indemnity4. Claims and notification provisions.		
Language	English	Fee	HK\$120 per member; HK\$150 for non-member (HK\$20 walk-in surcharge for all pricings listed); Free of charge for full time university student (subject to availability)
Deadline	21 January 2012	Priority	QSD Member; First-come-first-served

CPD/GPD/2012005

China - HK Property Backdrop under the European Debt Crisis

Speaker	Mr Chi Lo, CEO, HFT Investment Management (HK) Limited		
Date & Venue	7:00 pm – 8:30 pm Thursday 9 February 2012 Surveyors Learning Centre, Suite 811, 8/F., Jardine House, Central, Hong Kong		
Details	<p>Mr Lo is currently a CEO of HFT Investment Management (HK) Limited. Before joining HFT, Chi Lo is Head of Overseas Investment and Chief Economist at Ping An of China Asset Management (Hong Kong) Company Limited.</p> <p>He is the author of seven books and has published research work in international periodicals and newspapers, and appeared as commentator on international media and speaker at international seminars by the Asian Development Bank, International Monetary Fund and the World Economic Forum.</p> <p>Before working in Asia, Mr. Lo was an economic advisor to the Canadian Treasury in Canada. His other experience includes international research firms in North America, regulatory bodies for securities trading in Toronto and London, and blue-chip international investment banks in America, England and Asia.</p> <p>This seminar will cover the following topics:</p> <ul style="list-style-type: none"> • Europe's financial contagion to Asia • Impact on China and HK's liquidity environment and economy • Relevance to the Greater Property Market - Risks and Outlook 		
Language	Cantonese supplemented by English	Fee	HK\$120 for member; HK\$150 for non-member HK\$30 walk-in surcharge for all pricings listed)
Deadline	27 January 2012	Priority	GPD Member; First-come-first-served

PQSL/BSL/2012010

English for Surveyors (PQSL for BSD Probationers)



Speaker	<p>Mr Fung Keung Victor M.Phil, Cambridge (int'l relations); M.S.Sc, HKU (public Admin); B.S.Sc, CUHK (journalism & English, graduated first in class), who began his career as staff reporter for The Wall Street Journal/ Asia. He was then deputy chief editor of the South China Morning Post before becoming editor-in-chief of Reader's Digest in Hong Kong. He later became director of communications at two local universities. He was appointed principal lecturer (equivalent to associate professor) at HKBU in 9.2008 and director of the MA in International Journalism program in 9.2010.</p> <p>In 2009, he published a book entitled "Enhancing your English skills with editorials" 《瘋讀社論強化英語》; and in 6.2010 he was co-author of 《Improving English skills with governors' speeches 最後六任港督的聲音》(Commercial Press). In 2011, Victor published 2 books: 《生活英語小智慧》(Enhancing wisdom with current English) and 《學會演說、改變你的人生》(Good speaking skills will change your life). Victor runs a "current English discussion group" at deanfungenglish.blogspot.com.</p>		
Date & Venue	6:30 pm – 8:00 pm Monday 20 and 27 February, and 5 March 2012 Surveyors Learning Centre, Suite 811, 8/F., Jardine House, Central, Hong Kong		
Details	<p>A training course titled English for Surveyors will be conducted on 3 consecutive Mondays in February/March 2012 as follow:</p> <p>Lecture one : How to improve your English scores from IELTS 6.5 (Masters course entrance requirement and civil servants' basic requirement) to 8</p> <p>Lecture two : English language writing skills (for reports, papers, letters etc.)</p> <p>Lecture three :How to speak English confidently in public and speech-writing skills</p>		
Language	English	Fee	\$300 for BS Probationers with priority \$400 for all others on first come first serve basis subject to availability of space
Deadline	13 February 2012		

CPD/QSD/2011103

Prolongation and Loss and Expense Claims

Speaker Mr Mike Allen BSc FRICS MHKIS MCI Arb FA CostE FAE CEDR Accredited Mediator

Date & Venue 7:00 pm – 8:30 pm Monday 13 February 2012 (originally scheduled on 14 Dec 11 and 23 Feb 12)
Surveyors Learning Centre, Suite 811, 8/F., Jardine House, Central, Hong Kong

Details Mr Allen is a partner of EC Harris LLP, Built Asset Consultancy. He is the Group head of Contract Solutions, which is a service that includes the assessment and valuation of construction disputes. He was a Council member for many years of the Society of Construction Law and is a member of the British Chamber of Commerce, procurement sub-committee. He works and advises on many EC Harris projects, as well as acts as an Expert Witness in Litigation, Arbitration and Mediation both in Asia and other parts of the world.

As a follow-up to a previous talk on the valuation of delay and disruption costs. This talk will focus upon some of the key elements that contribute to the successful identification and subsequent valuation of such Prolongation/Loss and expense claims.

Language English **Fee** HK\$120 per member; HK\$150 for non-member (HK\$20 walk-in surcharge for all pricings listed); Free of charge for full time university student (subject to availability)

Priority QSD Member; First-come-first-served

CPD/GPD/2012009

How to become a World City: Lessons from London



Speaker Mr Franklin Lam

Date & Venue 7:00 pm – 8:30 pm Wednesday 29 February 2012
Surveyors Learning Centre, Suite 811, 8/F., Jardine House, Central, Hong Kong

Details In the immediate years, Hong Kong has a real opportunity to join the ranks of New York & London and beat the race against Singapore in becoming a World City, and confirm its status as the global IFC in Asia. Facts and figures show that the one Chinese city that can reach World City status is Hong Kong but it cannot get there without the full support of China, specifically by implementing a 'One-Country, One-Market' policy that would increase the porosity of talents coming to Hong Kong. Despite the geographical advantage of being positioned in the center of Asia and boasting a world class service industry (e.g. shopper's paradise, culinary capital, tax haven), Singapore is catching up with Hong Kong in certain key areas, most notably in the finance sector, which is critical as finance acts as an enabler of economic activity. Hong Kong has severely underperformed in the past decade; from 2000 to 2010, total GDP per capita of Hong Kong only grew by 25%, whereas that of Singapore grew by 87%. While Hong Kong has the IFC-BEST* attributes, the government must implement policies to support this initiative. In "How to Become a World City: Lessons from London", Mr. Franklin Lam will share some interesting statistics and provide answers to how Hong Kong can propel itself into a World City. * Inspiring, Free, Convenient, Business-friendly, Exciting, Safe and Trustworthy.

Language Cantonese **Fee** HK\$120 for member; HK\$150 for non-member
HK\$30 walk-in surcharge for all pricings listed)

Deadline 15 February 2012 **Priority** GPD Member; First-come-first-served

CPD/QSD/2012007

The use of Technology in Dispute Resolution



Speakers Ms Kate Wyllie, Business Development Manager, Merrill Corporation
Ms Farhat Jabeen, Litigation Support Specialist, Merrill Corporation

Date & Venue 7:00 pm – 8:30 pm Wednesday 7 March 2012
Surveyors Learning Centre, Suite 811, 8/F., Jardine House, Central, Hong Kong

Details Kate Wyllie, Business Development Manager, Merrill Corporation, has worked for Merrill for over five years, first as Operations Manager and now as Business Development Manager responsible for the company's court reporting, transcription and litigation support services around Asia. Prior to this, Kate was editor and publisher for over 13 years with an international law publisher based in London and Hong Kong.

Farhat Jabeen is a Litigation Support Specialist with Merrill Corporation. She has extensive experience in computer forensics and evidence management, and has provided expertise to legal and business enterprises in Hong Kong. Since joining Merrill in October 2011, Farhat has worked closely with law firms to assist with litigation matters and arbitration proceedings. She currently leads Merrill's Asia litigation support offerings and specializes in all aspects of trial preparation including document review and processing, case management, and electronic discovery.

This CPD presentation gives an overview of the various technologies available for dispute resolution and shows how they can help you more efficiently manage cases on any scale.

Speakers will provide an outline of the legislation relating to the use of technology in hearings, the available tools for case preparation, e-discovery and document management, and present the latest trial technology including realtime transcription and electronic presentation of evidence.

Speakers will combine a practical discussion with live software demonstrations.

Course Outline

Legislation relating to the Use of technology

Overview of the case lifecycle

Case preparation tools
Digital recording and transcription
Witness interviews and covert recording
Video-conferencing

Preparation of documents
Evidence collection
Hard copy scanning, OCR, coding
E-discovery issues and considerations
Document management solutions
Demonstration - document hosting platform

Hearing room technologies
Realtime transcription
Electronic presentation of evidence
Evidence reconstruction
Technology courts
Demonstrations – realtime transcription, evidence presentation, evidence reconstruction

Language	English	Fee	HK\$120 per member; HK\$150 for non-member (HK\$20 walk-in surcharge for all pricings listed); Free of charge for full time university student (subject to availability)
Deadline	28 February 2012	Priority	QSD Member; First-come-first-served

CPD/QSD/2012006

Conditions of Building Contract



Speaker Mr Colin B. Lee, FRICS, FHKIS, FHKICM, FCIOB, MICArb, AHKIArb, RPS, HKIAC Accredited Mediator, Dispute Resolution Advisor, Executive Director of The Contracts Group Ltd.

Date & Venue 7:00 pm – 8:30 pm Tuesday 13 March 2012
Surveyors Learning Centre, Suite 811, 8/F., Jardine House, Central, Hong Kong

Details Colin B. Lee is a Chartered Quantity Surveyor with over 46 years' experience in the construction industry, the last 30 years in Hong Kong. Colin has a diverse range of experience gained on all types of construction projects, and specializes in expert advice and assistance on contract administration, quantum, programming, commercial negotiations including the preparation of supplemental agreements, contractual claims, contract documentation and dispute resolution. Colin has acted as an Expert Witness on a number of arbitrations, for both quantum and programming, in which he has been cross-examined. Colin is an accredited mediator, qualified to practice in Hong Kong, and has provided assistance in several mediations.

In order to encourage a more interactive debate between the Speaker and Seminar attendees, the Speaker will provide his answers to questions, or give his views on topics, related to the Conditions of Building Contract, which have been raised by attendees in advance of the Seminar. Attendees may then ask further questions arising from the answers or views provided.

Attendees please send questions or topics to cpd@hkis.org.hk on or before 28 February 2012..

Language	English	Fee	HK\$120 per member; HK\$150 for non-member (HK\$20 walk-in surcharge for all pricings listed); Free of charge for full time university student (subject to availability)
Deadline	28 February 2012	Priority	QSD Member; First-come-first-served

CPD/GPD/2012008

Preparing Independent Valuation Submissions



Speakers Mr Paul Varty, BSc Hons FRICS FHKIS FHKIArb MCIArb Acc Med
Mr Paul Dwyer, Dip. Val FHKIS MRICS RPS(GP) MAE

Date & Venue 7:00 pm – 8:30 pm Tuesday 21 March 2012
Surveyors Learning Centre, Suite 811, 8/F., Jardine House, Central, Hong Kong

Details Mr Paul Varty has over 30 years experience in Hong Kong real estate and has been appointed as Independent Valuer or Arbitrator on numerous occasions.

Mr Paul Dwyer is well known in his role as landlord's representative for some of Hong Kong's major landlords and for his considerable experience with the legal aspects of rent review valuations.

Practical guidelines to the preparation of Independent Valuer or Arbitrator Submissions from two of the most experienced practitioners in Hong Kong.

This will be an invaluable presentation for those involved or aspiring to be involved in the area of client representation in rent review disputes. Practical examples will be given of the best and worst cases from real life submissions with advice on what to cover and what not to cover. The legal aspects of the "hypothetical" tenancy in the review will also be explained.

Language	English	Fee	HK\$120 for member; HK\$150 for non-member HK\$30 walk-in surcharge for all pricings listed)
Deadline	7 March 2012	Priority	GPD Member; First-come-first-served

Land Surveying Division Chairman's Message



Koo Tak Ming LSD Council Chairman

My first year in office passed quickly and it seem that the last AGM was just held not long ago. I wish to thank all the Council members and Office Bearers for their dedication in the work of the Division. I also wish to thank all committee/working group chairmen and members for their contribution to keep the business of the Division so successful.

With the mission of contributing our professional expertise to serve the community, we have provided views in various areas for development of public policies. We have submitted our views to the Chief Executive relating to the 2011 Policy Address, in particular on (a) Determination of land boundaries and (b) Establishment of Cadastre system for engaging the public to participate in management of land resources of Hong Kong.

We support the Government the enactment of legislation for determination of land boundaries, in order to administer the leased and un-leased land, control land use and formulate policies for planning and land development. The provision should best be incorporated in the Land Survey Ordinance (Cap 473) such that the standard and control of relevant professional are already in place. We also urge the Government to consider establishing a cadastre system in Hong Kong in facilitating efficient access of relevant land boundary information by the public.

For driving the development of spatial data infrastructure, we have organized the conference on Spatial Data Infrastructure in Hong Kong on 12 May 2011. This event had created a platform to foster collaboration in the industry.



2011-2012 LSD Council members

The conference is co-organized by HKIS, the IT Division of the Hong Kong Institution of Engineers, the Hong Kong Polytechnic University (PolyU) and the Chartered Institute of Civil Engineering Surveyors.

In 2012, LSD will continue to strengthen our relationship with our International counterparts through international conferences e.g. FIG, SEASC and ISPRS and so on. We shall also enhance our communication with the Mainland surveyors through various discussions, meetings and conferences.

We shall ensure that we have close cooperation with the academia and provide HKIS views through various

channels including regular liaison meetings and the Advisory Committee Meeting of the Department of Land Surveying and Geo-Informatics (LSGI) of (PolyU).

We shall conduct series of Continuous Professional Development (CPD) sessions for surveyors at all levels are designed to enhance members' knowledge and to share our knowledge with counter-parts.

We shall have to amend our Rules and Guide for the APC/ATC for our Division. The Divisional Education Committee shall study various possible options to ensure that LSD is able to widen our scope in addressing the needs to application of membership in both professional grade and technical grade.

Supplement VIII to Closer Economic Partnership Arrangement (CEPA)

The Government reached agreement with the Central People's Government on the enhancement of economic and trade co-operation and exchanges between Hong Kong and the Mainland China on 13 December 2011 under the Mainland and Hong Kong CEPA.

It is mentioned in the Annex page 15 under the supplement VIII to CEPA as saying that it is to allow Hong Kong permanent residents to take qualification examination for land surveyors in the Mainland, and a certificate will be issued to those who pass the examination.

Full details of the supplement VIII to CEPA is available at <http://www.tid.gov.hk/english/cepa/legaltext/cepa9.html>. You may also visit Trade and Industry Department website at www.tid.gov.hk/english/cepa/index.html for any further updates on CEPA.

In 2012, we shall further explore the issue related to our Mainland counterparts and the details of the training and other matters about the examination. You may like to express your views on the issue through the below contact points.

LSD Contact Points

If you have any views on the work of the Council, please feel free to send them to the Hon Secretary at lsd@hkis.org.hk or

to me at lsdchairman@hkis.org.hk. 

Planning & Development Division Chairman's Message



Raymond Chan PDD Council Chairman

The Annual General Meeting of the Division was held on 29 November 2011, during which the following council members were elected to serve the Division:-

CHAN Yuk Ming, Raymond	Chairman
LAU Tak, Francis	Vice-Chairman
SO Chun Hin, Albert	Vice-Chairman
PONG Kam Keung, James	Vice-Chairman
LAM Wing Ah, Fanny	Honorary Secretary
MOK York Yee Cyrus	Honorary Treasurer
CHAN Jing Yun, Stephen	Council member
LEUNG Tony Ka Tung	Council member
TSANG Ching Lun, Edwin	Council member
YEW Yat Ming, Edmond	Council member
YU Kam Hung	Council member
CHONG Wing Hong, Ben	Co-opted member
LAM Ka Fai, Francis	Immediate Past Chairman

I am pleased to see that the number of members of the Division has increased to 52 last year. It seems that the profession and the public in general have accepted the need of providing more planning and development surveyors. Members of the Division have been engaged in more planning and development works, both in private sector and on public projects. We have also been actively advising Government on planning and development matters in the past year.

I am also pleased to inform you that 3 members in our division, including myself, Mr Wu Moon Hoi, Marco & Mr Chung Hung Kwan, Barnabas, have been elected as members of the Election Committee in the recent Subsector Election.

A lot of people may think that the year of 2012 will be a tough one. For me, whenever there is risk, there is chance as well. Along this line, the council members will soon formulate the goal and work plan for the next year. As the Lunar New Year is coming, may I use this opportunity to wish all members a smooth and prosperous year ahead. 🇭🇰

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Property & Facility Management Division Chairman's Message



Dick Kwok PFMD Council Chairman

Being the newly elected Chairman, I would like to express my salute to all three past chairmen, Michael Price, Kenneth Chan and Gary Yeung to their enormous contribution to the growth and development of the division. Thanks for the support of fellow members and council, I will continue the visionary leadership of the past chairmen to lead the council to cope with the new challenges and opportunities. There are two major tasks for this term of council. The first one is the legislation of Licensing the Property Management Companies and Practitioners. We note that Home Affairs Department (HAD) is inviting professionals, practitioners and expertise to

form a committee to assist the legislations and drafting of the bill which will be submitted to the Legislative Council by Year 2013. At the first council meeting, we have decided to form a special task force to follow up and actively participate in the discussion and drafting of these new legislations. It is of paramount importance that your valuable inputs would be included when we formulate our comments to HAD. The second important task is to further establish closer relationship and co-operation with our China counterparts in Beijing, Shanghai and Guangdong under CEPA arrangement. Another task force will be formed to follow this up.

PFMD Conference 2011

The PFMD Conference 2011 "Corporate Real Estate – Value Enhancement or Business Support" held on 2 December 2011 has received overwhelming response with around 180 members, non-members, students and guests. The Conference was inaugurated by the Secretary of Development Bureau, Mrs. Carrie Lam with an inspiring opening keynote speech. Mrs. Lam deliberated how the Government planned to diversify office supply from Central focus to different parts of the Territory especially Kowloon Bay which is one of the major land supply areas. The Conference was well received by all participants. Many of the "heavy-weight" speakers (senior practitioners, professionals and academia of PFM field) had shared their invaluable experience and insights which were echoed with deafening applause. Special thanks to the Organizing Committee led by Daniel Hui (Chairman), Gary

Yeung, Raymond Chan, Elaine Chow, Hannah Tse, Rebecca Mau and Alan Wong, whose input has made this Conference so successful.



Members Outreaching

Gary and I had been invited to meet a group of around 30 nos. HKU BSc Surveying Students including a few of Master degree students on 24 November 2011. We shared with them the bright career prospects of PFM surveyors and the development of our division. Though most of them were yet to set their career path, they were all eager to learn about how to become a PFM surveyor and the respective career prospect.

On 30 November 2011, more than 100 students of the two IVE Higher Diploma (Real Estate and Facilities Management) programmes, who were led by their lecturer, Mr. YL Cheung, visited HKIS office. They were received by our Immediate

Past Chairman, Gary Yeung, Vice Chairman, Edmond Cheng, Chairman of BOM, Thomas Tang and Council Member of BSD, Peter Dy. We have introduced the history and divisional structure of HKIS to our visitors, and also shared with them our new APC structure, before a guided tour to the Surveyors Learning Centre, Library and Administration Office. IVE was invited to apply for accreditation for these two Higher Diploma programmes so that its graduates may access to Part I of our APC. Pursuance to the new APC structure, candidates who possess relevant training experience and passed Part I of the APC will be eligible to become our Associate Member.

PFMD Annual General Meeting

Our AGM was successfully held on 17 November 2011 with a total of 27 corporate members attending the meeting and 18 proxy forms were received. We had our new Council Members elected and Dick Kwok (Chairman), Edmond Cheng

(Vice Chairman) and Eddie Hui (Hon Treasurer) were thereafter appointed to represent PFMD to the General Council 2012. Members had enjoyed the chat, food and wine at the Small Chow section after the AGM adjourned.



CEPA

On 25 November 2011, I had joined the CEPA committee led by Stephen Lai, Senior Vice President, to attend a meeting with David Tong of the Development Bureau. Representatives from different Divisions reported the progress and results of the CEPA Committee Beijing Visit (1- 4 November 2011). I also reported the results of our meetings with the China Property Management Institute and Beijing Property Management

Institute. David had expressed congratulations to the success of HKIS Beijing Visit and was glad to see solid progress in different divisions and committed to provide us with all necessary assistance. We have planned to visit Beijing again the coming year to seek for co-operation on issues that are of mutual interests to our China Counterparts.

Green Building Award 2012 – Towards Zero Carbon

The GBA 2012 is organized by the Hong Kong Green Building Council with Professional Green Building Council and supported by HKIS which is now opened for nomination. The Award aims to provide recognition to building-related projects with outstanding performance and contributions in sustainability and the built environment. Members are cordially

invited to make submission in particularly the “Facilities Management” Sub-Category under the Existing Building Category. The deadline for submission of nomination is on 17 February 2012. For details, please visit the official website: www.gba.hk/main.html.

CPD Event

Having deliberation in the last council meeting, we are going to co-opt with Universities to organize some structure CPD courses in year 2012 in a bid to provide probationers with a

professional and systematic syllabus covering core and non-core competence subjects under the APC regulations. 🇺🇸

Quantity Surveying Division Chairman's Message



Thomas Ho QSD Council Chairman

QSD AGM

On 2 December 2011, the Quantity Surveying Division Annual General Meeting was successfully held at Craigengower Cricket Club, Happy Valley, Hong Kong and the following Council Members were elected for the year 2011-2012:

- Chairman:** HO Kwok Kwan Thomas (何國鈞)
- Vice-Chairman:** YIM Siu Chung Keith (嚴少忠)
CHAN Siu Hong Honby (陳少康)
- Honorary Secretary:** WONG Kwok Leung Paul (黃國良)
- Honorary Treasurer:** CHAN Chi Ho Sunny (陳志豪)
- Immediate Past Chairman:** MAN Chi Chuen Antony (文志泉)
- Council Members:** CHAN Chi Lung Poleon (陳之龍)
CHEUNG Ka Ki Kathy (張嘉琪)
FOK Ching Yin Amelia (霍靜妍)
Kam Ka Fai Raymond (甘家輝)
KONG Chau Ming Raymond (江就明)
KWOK Kim Sang Evenlyn (郭劍生)
NGAI Chi Hang Tim (魏志衡)
TANG Chi Kin Steven (唐致乾)
TANG Ki Cheung (鄧琪祥)
TANG Lai Yee Sandy (鄧麗儀)
WONG Chi Kin Jesse (王志健)
WONG Yuan Chin Tzena (黃浣菁)
WU Kam Fai Joe (胡錦輝)
YAM Kwan Sum (任鋸森)
YEUNG Kai Yu Franki (楊啟裕)
YEUNG Kam Lan Daisy (楊金蘭)
- YSG Representatives:** YU Tsz Wai Steve (余梓維)
LAM Man Yi Mandy (林敏儀)

I would like to take this opportunity, on behalf of the Council, to express our sincere thanks to the immediate past Chairman, Mr Antony Man, for his hard work during the chairmanship last year. He has laid down the groundwork on various aspects such that we can build on it this year.



2012 Year Plan

The meetings of the QSD Council in 2012 will be held at Suite 810, Jardine House and the dates are as follows:

5 January 2012	5 July 2012
2 February 2012	2 August 2012
1 March 2012	6 September 2012
5 April 2012	4 October 2012
3 May 2012	1 November 2012
7 June 2012	30 November 2012 (AGM)

All members are welcome to attend the QSD Council meetings and to participate in the QSD matters.

This year, The QSD Council will emphasize on the following key tasks:

- To enhance the coherence with Mainland;
- To continue building up international network and to enhance collaboration with overseas institutes;
- To enhance collaboration with local construction professional institutes, quantity surveying organizations and government bodies;
- To publish and update standard professional documentation;
- To provide training to members and to strengthen the communication between members and Divisional Council;
- To promote quantity surveying profession to the public and to attract youths to join the profession; and

- To review the professional development and to explore new initiatives to enhance the sustainability of the profession

To accomplish these tasks, the following Sub-Committees/ Organizing Committees will be formed:

Mainland Sub-Committee	PAQS 2014 Congress Organizing Committee
International Sub-Committee	QSD Annual Dinner Organizing Committee
Contract Sub-Committee	Public Affairs Sub-Committee
Divisional Education Sub-Committee	New Members Welcoming Party Organizing Committee
Promotion Sub-Committee	Education and Research Sub-Committee
Professional Practice/Practice Notes Sub-Committee	Fee Scale Sub-Committee
CPD Sub-Committee	Social and Welfare Sub-Committee
Training Sub-Committee	Liaison Sub-Committee
SMM Review Sub-Committee	Professional Sustainability Sub-Committee
BIM Measurement Sub-Committee	

Wishing you all a prosperous and fruitful year of 2012.

Chairman's Report for Year 2010-2011

The immediate past chairman, Mr Antony Man, presented his Chairman's Report for Year 2010-2011 under five main areas in the Annual General Meeting and he thanked the QSD Council and all fellow members for their continuous support and participation which made success of the various activities and events in the last Council Year. His report is briefly summarized as follows:

To promote continuously the quantity surveying profession to the public and to attract the new generation to the profession

- Visit to St. Louis School by QS old boys was arranged in May 2011. 2 presentations were made at the Information Days of the City University of Hong Kong (CityUHK) on 15 and 16 October 2011.

- Presentation ceremony for the HKIS Quantity Surveying Division Scholarship was held at the HKIS Surveyors Learning Centre in September. 14 donors were invited to present the scholarship to the 30 awardees of the University of Hong Kong (HKU), the Hong Kong Polytechnic University (HKPU) and CityUHK.
- A training course on the Standard Form of Building Contract 2005 edition was arranged in October / November 2011.
- 26 sessions of CPD (including site visit) had been arranged in the last Council year.
- The new APC/ATC Guidelines were being drafted. It would be finalized and issued soon.

To strengthen the communication channel between members and the Divisional Council

- Newly Elected Members' Welcoming Party was held in February 2011.
- The QSD Annual Dinner was held at Royal Plaza Hotel in June 2011 with 19 tables fully seated. The Permanent Secretary for Development (Works), Ir Wai Chi Sing, JP was the Guest of Honour.
- Gatherings with the QS Association of the Housing Department at their Headquarters and the Architectural Services Department at Queensway Government Offices were held in September and October 2011 respectively.
- A visit to a member, who is suffering from spinocerebellar ataxia and is staying at PLK Y C Cheng Centre at Tai Wai, was arranged.

To publish and update standard professional documentation

- Amendments to the Standard Form of Building Contract 2005 edition was in progress and would soon be finalized.
- Wrapping up of comments for the new Maintenance Contract was at the final stage.
- Preliminary draft of the Good Practice Notes for Quantity Surveyors (Tendering, Cost Control and Financial Statement, Valuation for Interim Payment Certificate, Valuation of Variations, Contractual Claims and Final Account) had been completed for review by the QSD Council prior to publication.
- Research on professional fees scale commissioned by HKPU was in progress.

To enhance the coherence with the counterpart in the Mainland

- PRC Cost Engineer Qualification Certificate and HKIS Diploma Presentation Ceremony was held in October 2011. Madam Zhang Yunkuan, President of the China Engineering Cost Association (CECA), was invited to present the Qualification Certificates to our members. A total of 166 HKIS members obtained the qualification in the 2nd batch. This could facilitate further development of the HKIS members in the PRC.
- A visit to the General Department of Project Construction Cost Management, Guangdong Province was arranged in June 2011 to discuss the further communication and co-operation with our counterpart in Guangdong Province.
- Attended the meeting with a delegation from the Bureau of Housing and Construction of Shenzhen Municipality, which was arranged by the Development Bureau HKSAR in August 2011.
- Visit to Beijing with other delegates of HKIS CEPA Committee in November 2011.

To continue building up international network with overseas professional institutions

- The 15th Pacific Association of Quantity Surveyors (PAQS) Congress and the International Cost Engineering Council (ICEC) Region 4 Board Meeting were held in Colombo, Sri Lanka between 24 and 27 July 2011. HKIS had 9 delegates (including the President) attended the PAQS Congress and the ICEC Board Meeting. Congratulations to Dr Mei-yung Leung who was presented the PAQS Academic Excellence Award.
- Our Past President also QSD Past Chairman, Mr T T Cheung was appointed as one of the Advisors of the PAQS Council of Advisors for a term of 2 years.
- Meetings were arranged with Mr David Bucknall, Chairman of RICS Quantity Surveyors and Construction Professional Group Board in February 2011, and Mr Ong See Lian, President of RICS in May 2011 when they visited Hong Kong.
- Meeting was set up with the representatives from the Building and Construction Authority of Singapore. During the meeting, we discussed about the effective ways to raise the profile of Quantity Surveying profession and the means of attraction to quality graduates to join the QS profession. 

Young Surveyors Group Chairman's Message

Kenny Chan YSG Committee Chairman



The Beginning of an Amazing Journey

It was 9 years ago. It was my first time to visit the HKIS Secretariat at Jardine House. I was one of a few fresh-graduates sitting in a corner in the meeting room. We were together with a large group of young and smart professional surveyors, attending the monthly meeting of the Junior Organization (now the Young Surveyors Group). Although I cannot recall what exactly were discussed in the meeting, the spirit of "Work Hard, Play Hard" has embedded in my mind.

At that moment I stepped into the meeting room, I could never imagine I would have gained so many invaluable opportunities and memorable experience: winning the

Dragon Boat Championships, visiting the victims of Sichuan Earthquakes, attending the Shanghai World Expo, joining the HKIS delegations to International conference, and etc.. Without YSG, my life will never be the same.

The hard works of the passionate and energetic JO / YSG Committees have demonstrated to me the unlimited possibilities of young professionals. They created all the above magical moments, events, people and places, which have enriched my life, as well as many other young members' memories.

YSG Annual General Meeting 2011

I am honored to have the opportunity to take up the Chairmanship of YSG in the coming year. In the YSG AGM held on 25 November 2011, our incoming YSG Committee was successfully elected. We will try to maintain our traditions, team spirit and values to our young members today and tomorrow. It will never be an easy task for us, given the numerous achievements and successful track records in our proud history. I hope our works in the coming year, could become the beginning of many other amazing journeys for our fellow young members.

I must express my sincere thanks to Arthur Cheung, our Immediate Past Chairman, for his dedication in paving a bright path for us and leading us to a new height in the past year. I must also thank our new team of Office Bearers and Committee Members for their contributions of time and efforts that they have committed to our profession in advance.



The members of the newly elected YSG Committee 2011-2012 are listed as follow:-

Chairman	Kenny Chan	
Vice-Chairman	Michelle Chung	Kason Cheung
Honorary Treasurer	Joanmi Li	
Honorary Secretary	Steve Yu	Bessie Liu
Committee Members	Alison Lo	Angela So
	Bette Sinn	Billy Mak
	Cyrus Siu	David So
	Gary Chan	Hazel Tee
	Iris Chau	Jack Ng
	Jeff Chan	Mandy Ko
	Mandy Lam	Mark Chan
	Phyllis Yuen	Rex Ying
	Ryan Wong	Simon Wong
	William Chau	William Lai
Immediate Past Chairman	Arthur Cheung	

Apart from the names above, we will need one more big-name to be added in the list to make things happen: It's your name! We need your ideas, suggestions, support and active participation for our coming events. You may email us at ysg@hkis.org.hk, or attend our YSG committee meetings, which will be held on the first Friday of each month.

Highlights of the Month

We are pleased to have 2 experienced surveyors to be our guest speakers for our CPDs in December 2011. Mr Lawrence Pang have introduced some cases regarding the hot topic of residual development potential in his talk of "Residual Development Potential: What counts? ", while Mr K.C.

Tang shared his experience through an open floor interactive dialogue in tender invitation, tender submission, tender analysis and contract award in the "Dialogue on Tendering from Invitation to Award (not a one way talk)".



Coming Soon

CPD Events

We will have Mr Lawrence Pang to share his insight in his talk "Dogs not allowed: What is said in DMC", covering the pet-related clauses and provisions in DMC, with a review in recent court cases on 31 January 2011. Don't miss it!

Education & Career Expo 2012

Hosted by the Hong Kong Trade Development Council (HKTDC), the annual Education & Careers Expo for 2012 will be held in the Hong Kong Convention & Exhibition Center on 9 – 12 February 2012. Students and job-seekers can find the

information on education, career and training from over 700 exhibitors in the Expo. Feel free to visit the HKIS booth located at Hall 1C-E11.

One-Day Seminar in Contract Management 2011/12

Jointly held with CIArb-YMG, CIBSE-YEN, HKIE-YMC, HKIS-YSG, ICE-G&S and Law Society-YSG, the One-Day Seminar in Contract Management will be held on 3 March 2012 at the Hong Kong Polytechnic University. Please stay tuned for further details.

Merry Christmas and Happy New Year

On behalf of the YSG Committee, may I take this opportunity to wish all of you a merry Christmas, and a happy and

prosperous year of 2012! 

New Measures for Residential Flat Sales



Tony Tse Wai Chuen

General Practice Surveyor, Past President of the HKIS

After almost one year of study, the government is finally proposing new regulations for the sale of first-hand residential property. While it is a welcoming time for the whole society to re-examine how best to balance the wishes of buyers, developers and agents, it might be worth a bit of time to take stock of the present situation.

For developers, every development project is a massive investment, and there is no threshold for mistakes. How keen this competition is among various developers is never clearer demonstrated by the avalanche of new flats put into the market during the recent rather gloomy period. While logic would presume waiting until better conditions thus achieving higher prices a more prudent choice, the very real fear against a shrinking market would drive developers to snap up as many purchasers as available before demand dries up.

In this competitive and versatile industry, marketing plays an indispensable role as its ability to transcend a residential flat into THE PERFECT LIFE is crucial in clinching a sale.

In normal circumstances, a well thought out site should involve the marketing and sales team at its most initial stages in informing the development crew members about the latest market trends and position. The naming of the property is the first cannon of this long battle, and we would no doubt notice the similarities of diction used at a particular period of time. These names, as always bear no indication of the location or the caliber of its clientele.

The design of the common area may have little direct relevance to the quality of the internal part of each flat, but its significance in weaving the Perfect Life façade cannot be stressed more. High-ceiling domed lobbies glittering with palatial crystal chandeliers, replicas of famous artwork are the first greeting which meets the eyes of residents and visitors, and its grandeur certainly reinforces a good feeling of refined taste and culture. Inside a flat, a connoisseur grade coffee machine may not cost much for the developers, but its presence would increase the flat's value in the residents' mind, and ultimately, the price of the property.

Moreover, such provisions would often overshadow other issues that are more important for the purchasers in making their decision to buy.

Media promotion and sales brochures are two powerful tools in creating an image of the perfect life, and they are definitely employed to the developers' greatest advantage. Presently it is not unusual to see minimal, if any, indication of where the property is located in advertisements. Nor is it uncommon for artistic impressions to as prominent or even sole representation of the development or surrounding areas. Photos in sales brochures are often big close-ups of scantily clad women relaxing next to shimmering blue, happy families looking into the horizon and cute grinning babies looking right at the reader. These may not be the most relevant images informing the details of the development, but nevertheless a great opportunity to highlight the bliss of living in the development regardless of the shape and size of the swimming pool and how the interior of the flat is really like.

Last but not least, show flats are the ultimate experience to the aspirations in a person's quality of life. It is the final step to put an abstract idea into reality. Designed by the best decorators with the goal to impress and dazzle, practicality may not be the priority in the innovative displays of fixtures and furniture. In certain cases, precision in the dimensions may even be in doubt.

With the publication of a report on regulating the sale of first-hand residential properties by legislation, it is the best time for all parties in the industry to ponder and contribute their insights, or the end result of these proposals may not be what the authorities intended.

Surveyors with their expertise and professionalism should voice out their opinion. This short report will be of utmost importance to the future layout of the industry, and as major stake holders we have the right and the responsibility to make sure the final legislation is well thought out, productive to Hong Kong's economy and protective to both buyers and sellers in the market. ■

The Contractor waives the loss and / or expenses for the 1st 'Certain' (e.g. 90, 120, etc.) days of EOT granted by the Project Manager – What are the implications under the recent High Court case *Brington Engineering Ltd. v Cheerise Asia Ltd.* [Aug 2011]



Hon Chi Yi, Ludwig

Professional Diploma (QS), Master of Arts (Arbitration & Dispute Resolution)
FHKIS, FRICS, AAIQS, RPS(QS), MCI Arb, AHKIArb, MAE, PRC Registered Cost Engineer (CECA)

Accredited Mediator (HKIAC), Mediator (HKIA & HKIS), Mediator (HKI Arb)

Director, C Y Hon Consultants Ltd.

Introduction

Loss and / or Expenses claims launched by the Contractors are very common in Hong Kong's construction industry, both for building, civil or E&M areas. Generally speaking, the General Conditions of Contract and Special Conditions of Contract in various contracts have respectively stipulated clearly and precisely the requirements for applying for such claim and the conditions also being inserted clearly and in express terms. There are some hurdles to make such claim to be successful, namely time bar for the notice, submissions of substantiations, etc.

With reference to the entitlement of loss and / or expenses, recently some of the Clients / Project Managers, in particular those fast-track projects in Macau, stipulated in the Special Conditions that **certain 1st days (e.g. 90 days, 120 days) ("1st 'Certain' days Exclusion Rule")** of the entitled Loss and / or Expenses under the General Conditions, the Contractor should agree, during the tender stage, to waive claiming for such 'certain' days. This shall inevitably reduce the total amount of Loss and / or Expenses to be entitled by the Contractors at the end of the day.

In this article, I shall go through the recent High Court Case in relation to this subject matter, which a contractor was citing to support their claims of loss and / or expenses recently (at which project I have been working as the in-house QS consultant for the Architectural firm).

Brington Engineering Ltd. v Cheerise Asia Ltd. [Aug 2011]

Facts of the Case

- 3 buildings had to be demolished in Central
- Plaintiff was a building contractor
- Defendant was a Sub-Contractor for hoarding and demolition works
- Dispute was on "Alternative Design"
- Contract period – Date of commencement: 21.9.2007
Date of completion: 16.6.2008
(270 days including Sundays + Holidays)
- Liquidated and Ascertained Damage – HK\$7,000 per day
- Practical Completion – 7.11.2008
- Loss and / or Expenses clause ("L & E Clause"):

“Notwithstanding the Special Conditions of Contract Clause SCC-11 and General Conditions of Contract Clause 24, it is now agreed after negotiation what you shall not be entitled to claim any loss and / or expense, extended preliminaries and prolongation costs whether directly or indirectly incurred in respect of any matter for which an extension of time has been granted pursuant to Clause 23 of the General Conditions of Contract for the first 120 days. From the 121st day of the extension of time onward.....”

- EOT granted by the PM [total 68 days]:
 - (a) 51 days – Hong Kong Electric’s obstruction to the works
 - (b) 17 days – late possession of site due to ground investigation works, change of shoring materials, disruption of site regular progress due to neighbourhoods emotional actions, making good of existing brick walls, additional works at the site boundary

Hence, the original completion date was extended from 16.6.2008 to 23.8.2008 (total 68 days extended)

Held

The Deputy High Court Judge, Ms. Teresa Cheng, SC held that:

- Clause 7 of the Sub-Contract Letter of Award (the above L & E Clause) refers to Special Conditions of Contract Clause SCC-11 (regarding Main Contractor’s claim for extension of time) and General Conditions of Contract Clause 24
- It is expressly provided there that the sub-contractor shall not be entitled to claim any loss and expense, extended preliminaries and prolongation costs incurred in respect of any matter for which an extension of time has been granted pursuant to Clause 23 of the General Conditions of Contract for the first 120 days
- The ground investigation works (EOT granted 17 days as refer to above) was completed within that first 120 days

- The Defendant had to pay the liquidated damages in the sum of HK\$532,000 (HK\$7,000 x 76 days delay), being from the extended completion date (i.e. 23.8.2008) till the Practical Completion Date (i.e. 7.11.2008) [i.e. 76 days], times the rate of HK\$7,000 per day

From the above case held by the Judge, although Ms. Cheng did not mention any dismissal of loss and / or expenses claimed by the Contractor. However, it was undoubtedly and obvious that there was no loss and / or expenses granted to the Contractor by the Judge, as per the decision made by her honour. This was simply, to my understanding, because the EOT granted by the Judge (i.e. 51 days + 17 days => total 68 days) was all fall into the “1st 120 days Exclusion Rule”.

Please note that this case’s dispute was on Alternative Design issue but not on loss and / or expenses issue. As a result, the Judge did not address a lot in her decision regarding loss and / or expense. In relation to los and / or expense, it was a bit simple in this case that the 1st 68 days EOT granted, though not clearly specified by the Judge, should likely entitle loss and / or expenses pursuant to the Conditions (though I do not know what Conditions that particular project was adopted, as not mentioned in the case, most of the Conditions adopted in Hong Kong contain similar grounds for entitling loss and / or expense). As a result, the “1st 120 day Exclusion Rule” barred any loss and / or expenses being entitled by the Contractor for that 68 days.

The scenario becomes more arguable and complicated if relating to – **when should be the start date of the “1st 90 day Exclusion Rule”**? Should it be calculated from the 1st EOT day granted by the Project Manager / Architect, irrespective whether it was entitling loss and / or expense or not (e.g. grounds like inclement weather – only entitling EOT but NOT loss and / or expense), or should it be calculated from the 1st day of EOT granted that MUST entitling loss and / or expense?

The author has an interesting case in relation to when to commence the “1st ‘Certain’ day Exclusion Rule” recently and shall share with the readers in a later date. ■



The Hong Kong Institute of Surveyors Sports Team / Interest Group



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

For members who are interested in participating in various sport activities, please contact the Chairman or Donna Yu at cpd@hkis.org.hk or +852 2526 3679 for registration.

HKIS Dragon Boat Team – Hong Kong Championships 2012

Team Captain: Young Surveyors Group

HKIS Dragon Boat Team will start its tough trainings right after the Lunar New Year. The team captain would like to recruit more members, who are interested in paddling and water sports, to join the team. We aim to get the championship trophies in various tournaments in 2012. We look forward to seeing you on the dragon boats. Please contact Donna Yu at cpd@hkis.org.hk or +852 2526 3679 for registration.



Join us and become a HKIS paddler!



HKIS Singing Team

Team Captain: Ms Michelle Chung

HKIS Singing Team will join Joint Professional Singing Contest on Sunday, 8 January 2012 at Grappa, Jardine House,

Central. You are welcome to attend and support the team from 2pm on that day.



HKIS Running Team – • Xtep Hong Kong 15K Challenge

- Standard Chartered Hong Kong Marathon 2012 (渣打馬拉松2012)

Team Captain: Mr Lesly Lam

“Xtep Hong Kong 15K Challenge” was successfully in the morning of 11 December 2011 (Sunday). 5 HKIS running team members, S K Pang, C Y Wan, Ronnie Fung, Johnny Yung and Y K Lam, joined the above event organized by Hong Kong Amateur Athletic Association (HKAAA). The route started near Choi Yuen Road in Sheung Shui, passing Long Yuen, and finally returned to Choi Shun Road in Sheung Shui to complete the challenge. The weather in the morning was chilly cold with temperature below 10°C, but dry and sunny. All runners successfully finished the challenge within 2 hours under such a relatively low temperature. S K Pang was

recorded as the fastest runner among the team. He finished the challenge at 1 hr. 13 min. 50 sec. Well Done!

“Standard Chartered Hong Kong Marathon 2012” (渣打馬拉松2012) had closed the registration. With your participation, we can build a stronger HKIS Running Team for the Joint Professional 10km, Half-Marathon and Full Marathon Tournament 2012! Please drop me an email at leslylam@hkis.org.hk if you have registered the event and let me know which category that you will participate in. The team captain has been recording more than 100 HKIS members registered in it. 🇭🇰

Recruitment of players is always open for all qualified members, probationers and student members.

We look forward to seeing you.



The Re-establishment of DD Boundaries, a Fact Finding or a Law Bidding

Eric Chan, LSD CPD Convenor

On 29 November 2011, we received great honour to have Mr Leung Shou Chun MBE, HKIS Past President, to share with us the seminar on “The Re-establishment of DD Boundaries, a Fact Finding or a Law Bidding”. The talk was well attended by over 70 members across different grades from different divisions.

In the beginning, the speaker delivered a message that the DD Sheet must be subject to interpretation by the expert, i.e. the land surveyor, and discussed the nature of DD Sheet, such as the errors and quality. For elaboration, Mr Leung explained with the citation from Land Court Reports, Newland Survey Report, Tate Survey Report and other various articles written by previous colonial land and survey officials.

Afterwards, he talked about the validity of the Block Crown Lease, including the DD Sheet, as a proper contract from the contractual spirit point of view and discussed about the interpretation of DD Sheet with the aid of different kinds of evidence. Throughout the speech, Mr Leung made use of interesting comics and real sample cases to illustrate his conception for the attendants’ ease of understanding.

During the Q&A session after the speech, there was a comprehensive discussion among the attendants and our honorable speaker, and undoubtedly, everyone on the floor was enlightened on DD boundary survey, in both technical and legal aspects.



CALENDAR OF EVENTS 活動日誌

Date	Event	Organiser	Location
2012			
Jan 10	Members' Forum - Administration Support and Recruitment of CEO	HKIS	SL, HKIS
11	HKIS Executive Committee Meeting	HKIS	Board Room, HKIS
Feb 8	HKIS General Council Meeting	HKIS	Board Room, HKIS
23	HKIS Executive Committee Meeting	HKIS	Board Room, HKIS
May 6-10	FIG Working Week	FIG	Rome, Italy
Jun 23-27	International Cost Engineering Council 8 th World Congress	KEC	ICC Durban, South Africa

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. SLC, HKIS = 811 Jardine House, 1 Connaught Place, Central, Hong Kong.

**Applications are now invited
for admission during the
2012/13 academic year for
both the full-time (normally
1 year) and part-time
(normally 2.5 years) taught
postgraduate programmes
for relevant professionals
working in the construction
and real estate sector**

MSc/PgD in Construction and Real Estate (CRE)

建築及房地產學 理學碩士學位/深造文憑 (Programme Code 04001)

Programme Structure

- Students pursuing the MSc award can opt for specializing in one of the three study disciplines, i.e. Construction, Planning and Development or Commercial Property

Entrance Requirements

- A Bachelor's degree with Honours; OR
- A Bachelor's degree in a construction or real estate related discipline; OR
- Corporate membership of a relevant professional institution with a substantial content in the construction and real estate sectors
- Relevant employment in industry, commerce or public administration is preferred

Professional Recognition

- The MSc programme is accredited by the Royal Institution of Chartered Surveyors (RICS) as meeting their academic requirements

MSc/PgD in Construction Law and Dispute Resolution (CLDR)

建築法及爭議解決學 理學碩士學位/深造文憑 (Programme Code 04001)

Programme Structure

- Supported by visiting practitioners, including Lawyers, Arbitrators, Mediators, experts from China and senior construction professionals. (A scholarship is provided by Davis Landon & Seah)

Entrance Requirements

- Bachelor's degree in a construction-related discipline or equivalent (including recognized professional qualifications) plus relevant work experience (preferably at least 2 years); OR
- Qualified Lawyer

Professional Recognition

- The PgD/MSc programme has full accreditation for membership (AHKIArb) from the Hong Kong Institute of Arbitrators
- Those students who opt to complete the mediation workshop of the programme will be exempted by various professional institutions in Hong Kong and overseas as achievement of approved mediation course leading to membership
- The MSc programme is accredited by the Royal Institute of Chartered Surveyors (RICS) as meeting their academic requirements

MSc/PgD in Project Management (PM)

項目管理 理學碩士學位/深造文憑 (Programme Code 04001)

Programme Structure

- Face-to-face contacts consist of three full-day lectures/workshops for each core subject (normally during weekends, including Saturdays and Sundays)
- Study Guides are provided for core subjects

Entrance Requirements

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

Professional Recognition

- The MSc programme is accredited by the Royal Institution of Chartered Surveyors (RICS) and the Chartered Institute of Building (CIOB) in the UK, as well as the Hong Kong Institute of Project Management (HKIPM), as meeting their academic requirements

	CRE	CLDR	PM
Info Seminars	31/1/2012 (Tue) 7pm-8:30pm 11/2/2012 (Sat) 3pm-4:30pm	14/1/2012 (Sat) 4:30pm-5:30pm	14/1/2012 (Sat) 3pm-4:30pm 16/2/2012 (Thu) 7:30pm-9pm
	Room TU 318, 3/F, Core T, HKPolyU, Hung Hom, Kowloon		
Enquiries	2766 7770 (Ms Lee) bsgracie@inet.polyu.edu.hk	2766 5800 (Prof. Chan) bsedchan@inet.polyu.edu.hk	3400 3819 (Ms Wong) bssywong@inet.polyu.edu.hk

Students must obtain 30 credits (10 subjects or 7 subjects plus a dissertation) for the MSc award and 21 credits (7 subjects) for the PgD award

Programme Flyer

http://www.bre.polyu.edu.hk/frameset/frameset_course.html

Entry Scholarship

Applicants with outstanding academic results (e.g. first class honours bachelor's degree or equivalent qualifications) from a reputable university, who submit applications to the programme on or before 1 March 2012 (Thu) will be considered automatically for award of the entry scholarship up to a maximum amount of covering the whole current tuition fee

Online Application

<http://www.polyu.edu.hk/study> before 1 March 2012 (Thu). Applications after this deadline may be considered only when places are available



Two subjects of each of the above programmes have been included in the list of reimbursable courses for Continuing Education Fund (CEF) purposes