

Building Surveyors

May

2001

Issue No. 12

MESSAGE FROM THE EDITOR

The Editorial Board wishes to give our thanks for the continuous supports from our members to contribute the invaluable articles for this issue.

In addition, the Editorial Board is calling for editorial contribution from our members in the coming publications. If you wish to submit your article, please contact the editor directly.

Editorial Board

Edgar Li	Editor
Kenneth Chan	Member
Nelson Ho	Member
Wong Kin Yip, Andy	Member

ANNOUNCEMENT

Congatulation to new fellow members and associate members elected during the period between 9 Nov 2000 and 8 Mar 2001!!!

by Nelson Ho

New Fellow Members

PONG Kam Keung
SUEN Wai Cheung

New Associate Members

AU Kam Kwong
AU Siu Kee
CHAN Cheong Ki
CHAN Chi Ngon
CHAU Kwok Cheong
CHENG Wai Yee

CHIM Wai Sum
FAN Chor Kit
LEUNG Ho Man
LO Kai Yuan
LOW Yung Kwok
NG Kam Tung, Browning

PANG Kwok Shing
TAM Wai Ki
TO Kwok Wai
TSE Wing Ho, Jeremy
WONG Ho Ming, Daniel
WONG Wai Yin

Coming CPD Events of BSD

by Gary Yeung

Schedule Date	Proposed Topic	Suggested Speakers
21 May 2001	Fire Engineering Approach to Building Design in Hong Kong	Dr Ming Chun Luo
31 May 2001	The Role of Building Surveyor to act as Authorised Person under the Buildings Ordinance	Raymond Chan Augustine Chow Kenneth Chan Richard Cheung
early June 2001	Thomas More's Utopia and Modern Town Planning	Lawrence Lai

ANNOUNCEMENT

A website relating to building surveying profession is now under preparation by the Council of Building Surveying Division. The address of the web page will be www.hkbs.org and its framework is proposed to include the below features. Please send your suggestion or comments to Nelson Ho (e-mail nelsonho@hkapa.edu).

Welcome to HKIS BSD Website

1. About Building Surveyor

- 1.1 History of Building Surveyor
- 1.2 How to become a building Surveyor
- 1.3 How Building Surveyors can Help you

2. What's New

- 2.1 CPD
- 2.2 Social Functions
- 2.3 New Election of Members
- 2.4 Career Movement
- 2.5 Legislation

3. BSD Council

- 3.1 Council Members
 - 3.1.1 *List of Council Members*
 - 3.1.2 *Meeting schedules*
- 3.2 Skills Panels
 - 3.2.1 *Corporate Affairs Panel*
 - 3.2.1.1 *List of Panel Members*
 - 3.2.1.2 *Meeting Schedule*
 - 3.2.2 *CPD Panel*
 - 3.2.2.1 *List of Panel Members*
 - 3.2.2.2 *Meeting Schedule*
 - 3.2.3 *Facilities Management Panel*
 - 3.2.3.1 *List of Panel Members*
 - 3.2.3.2 *Meeting Schedule*
 - 3.2.4 *Editorial Board*
 - 3.2.4.1 *List of Panel Members*
 - 3.2.4.2 *Meeting Schedule*
 - 3.2.5 *Research and Technical Publication Panel*
 - 3.2.5.1 *List of Panel Members*
 - 3.2.5.2 *Meeting Schedule*
 - 3.2.6 *Social Function and Communication Panel*
 - 3.2.6.1 *List of Panel Members*
 - 3.2.6.2 *Meeting Schedule*
 - 3.2.7 *Technical Advisory panel*
 - 3.2.7.1 *List of Panel Members*
 - 3.2.7.2 *Meeting Schedule*

3.3 BS Representatives

- 3.3.1 *Government Committee*
- 3.3.2 *HKIS Committee*

4. Communication

- 4.1 Networking
 - 4.1.1 *BSD Members*
 - 4.1.2 *BS Firms*
- 4.2 Members Chatroom
- 4.3 Letters to Editor

5. Events

- 5.1 CPD
 - 5.1.1 *Upcoming CPDs*
 - 5.1.2 *Past Presentations*
- 5.2 Social Functions
 - 5.2.1 *Upcoming Functions*
 - 5.2.2 *Photos of past events*
- 5.3 BS Conference

6. Publication

- 6.1 BS Newsletter
- 6.2 HKIS Newsletter
- 6.3 Research
- 6.4 Conference Papers
- 6.5 CPD Presentations

7. Related Legislation

- 7.1 New Legislations
- 7.2 PNAP (with hyperlink to government webpage)
- 7.3 Code of Practices
- 7.4 Ordinances (with hyperlink to government webpage)

8. Career Information

- 8.1 Jobs from BS Firms
- 8.2 Jobs from Public Sector
- 8.3 SCMP Classified (hyperlink to SCMP website)

9. Contact Us

10. Useful Links

HKIS, RICS, Universities, Works Bureau Websites, HKIA, HKIE, HKIP, HKIFM ,others please suggest



Coming Publication

Call for Papers for the Coming Journal of Building Surveying

The Journal is to promote practical and theoretical knowledge in building surveying. This provides a forum for practitioners as well as researchers to present, develop and discuss innovative ideas in the field of building surveying and the related construction industry.

Papers describing advances in building surveying and other building or construction related areas are welcomed. The journal is a cross-disciplinary journal, and we encourage manuscripts addressing issues in building / construction technology, building maintenance, construction project management, facilities management, real estate development, building laws, and other areas related to the building industry. Publishing decisions on manuscripts are based on technical content, originality, validity, usefulness, and presentation. The Council of the Building Surveying Division of the Hong Kong Institute of Surveyors will oversee this process upon the recommendation of eminent specialists and practitioners in relevant field.

Inquiries, manuscripts, and correspondence should be sent to the journal's co-ordinator, Dr. S.M. Lo of Department of Building and Construction, City University of Hong Kong, Tat Chee Avenue, Kowloon Tong, Hong Kong, or fax (852) 2788 7612, or e-mail bcsmli@cityu.edu.hk.



Feature

New Heights in the Education and Training of Professional Building Surveyors (Summary Proposal for Consultation)

By *Kenneth Chan*

Current Situations and Requirements

Candidates holding an accredited degree (mostly bachelor degree) may be admitted to student B class of membership of the Hong Kong Institute of Surveyors and commence the Assessment of Professional Competence process for a minimum of two years. The current APC requirements (introduced in July 1997) comprise:

- Diary and Logbook for a minimum of two years (480 days)
- Practical Task
- Written Submission
 - Critical Analysis
 - Summary of Experience
 - Pre-Qualification Structured Learning
- Professional interview

Current Educational Attainment

The current higher educational trend is for the all round training of undergraduates to achieve a general understanding of the studied subject and acquire the basic management skills to undergo professional training. University graduates will need more than narrow expertise, they will need "breath". With the same years of study (3 years), it is not possible to acquire the necessary "depth" of knowledge. It is, however, noticed that the academic training provided is not of sufficient depth. Training with a higher degree in full time or part time is believed to be appropriate.

The Proposal

The Pre-Qualification Structured Learning element of the APC shall be modified to be known as:

Enhanced Academic Advancement (EAA)

The following attainments will satisfy the EAA requirements:

Principal Path

- Completion of a recognised **full time master degree** in building surveying/ building engineering/ facility management/ project management/ construction laws/ etc.
- Candidates with the above qualification can proceed immediately to professional training for a minimum of two years before presenting themselves for practical task and professional interview.

Alternative Path 1

- Completion of a recognised **part time (minimum two years) master degree** in building surveying/ building engineering/ facility management/ construction laws/ etc.

Candidates with a bachelor degree attending the above course could only have one out of the many years of studying the course been counted for experience and additional minimum two more years of training before presenting themselves for practical task and professional interview.

Alternative Path 2

- Completion of a minimum of **16 credits of recognised post-graduate courses** in building surveying/ building engineering/ facility management/ construction laws/ etc.

Candidates with a bachelor degree attending recognised course could only start their professional training after completing 8 credits in a period of not less than one year and additional minimum two more years of training before presenting themselves for practical task and professional interview.

Academic Institutions' Recognition

It is expected that if HKIS impose this requirement, universities would promptly provide suitable courses to suit HKIS's need. No problem for the implementation.

Implementation

It is recommended that the Rules and Guides of BSD

APC be revised to incorporate the above and the proposal be implemented as and when it is suitable.

Transition

A transition period of **3 years** for students registered with the 1997 APC requirements to pass the same assessment otherwise they have to attain EAA status before being finally assessed under the new system.

Writer's Note:

Further to the publication of the above proposal, the BSD Council moved to set up a Working Group for the Review of Education and APC requirements for qualifying professional building surveyors. The Working Group had a number of meetings and substantial consensus and progress in bring the principle of the proposal further. In the interim, it is envisaged that an **Academy for Building Surveying** will be formed with senior members of the division to coach trainees in the practical and professional aspects of building surveying practices. It is expected that the new APC requirement will be in place as of 1 July 2001. Eventually, a MSc degree will become the minimum entry requirement to the Assessment of Professional Competence of the Building Surveying Division.

Members of the Working Group for Review of Education and APC

Chairman	<i>Mr Peter WONG</i>
Member	<i>Mr David CHAN</i>
	<i>Dr CHAN Man Wai</i>
	<i>Professor Barnabas CHUNG</i>
	<i>Dr Daniel HO</i>
	<i>Mr Andrew IP</i>
	<i>Mr C K LAU</i>
	<i>Mr K K LO</i>
	<i>Dr S M LO</i>
	<i>Mr Kenny SUEN</i>
	<i>Mr Samson WONG</i>
Secretary	<i>Mr Kenneth CHAN</i>

Please send your views and comments to Kenneth CHAN (E-mail: kjkchan@dtz.com.hk) direct.



Feature

STUDENT SURVEYORS' BULLETIN

By James Kenneth PONG

Recently, I am lecturing at the Hong Kong Polytechnic University as a visiting lecturer. Most of the students, I found, were very interested in some of the legal decisions involving the Buildings Department when they were exercising their power to approve/reject building plans submitted to them by the authorized persons.

I endeavour to take this opportunity to share some of those cases with you which you might find them interesting too.

Can a developer of two adjacent sites, which are separated by a scavenging lane, merge the two sites and incorporate the scavenging lane into one single site for site area calculations in his proposed redevelopment? Can one argue that the lane ceased to be a lane once the two existing buildings on adjacent lots be demolished?

It was what happened in the landmark case of *Hinge Well Co Ltd v Attorney General (1988) 1 HKLR 32* [the "Hinge Well" case] to which no doubts all senior members of the Institute are cognizant with.

The Buildings Authority refused to approve the proposed development on the grounds that the plots should be regarded as two separate sites and that the proposal infringed the restrictions in the relevant regulations as to site coverage and plot ratio.

The developer sought judicial review against the decision of the Buildings Authority. The judge held that the sites should be treated as one site and not two separate sites. Such findings were overturned by the Court of Appeal and the developer appealed to the Privy Council [the decision of which would be final at that time].

The two main issues before the Lordships were :- (1) whether the trial judge had been correct in treating the sites as one instead of two; and (2) whether the Buildings Authority had erred in regarding the scavenging land as a "street" within Regulations 23(2) and so no account

should be taken of the land in computing the site area for redevelopment.

Perhaps it would be convenient to the student surveyors if I recapitulate Regulation 23(2) of the Building (Planning) Regulations here. Regulation 23(2) stipulates :-

"In determining for the purposes of regulation 20, 21 or 22 the area of the site on which a building is erected:-

- (a) no account shall be taken of any part of any street or service land ; and
- (b) *there shall be included any area dedicated to the public for the purposes of the passage."*

It was held by the Privy Council that :-

- (1) The width of the street or service lane had no relevance to whether account should be taken in computing the area of a site for the purpose of Regulations 20 and 21 of the Building (Planning) Regulations (i.e. the plot ratio and site coverage).
- (2) *The material time for determining whether there was a service lane or not within the meaning of Regulation 23(2) was the time at which the proposed development was to be undertaken.*
- (3) The adjoining owners have subsisting rights of passage over the service lane. Prior to the demolition of the existing buildings on the sites, the service or scavenging lane was a street within the statutory definition and it did not cease to be a street simply because the physical landmarks which previously delineated it had disappeared. The area was apt to serve exactly the same objective as it served before.
- (4) The Buildings Authority was entitled to refuse approval for plans incorporating the scavenging lane into site area calculations and was correct in its assertion that a modification of the Building

(Planning) Regulations was required under s.42 of the Buildings Ordinance. Also the Buildings Authority was entitled to impose conditions upon the granting of permission to build in accordance with the plans.

Is the physical landmark or character the sole determining factor in deciding whether a service lane should be included into site area calculations or not? What about if the service lane is a lane where the developer has full control or fortiori a private lane? Can the owner of the lane be included into the site area calculations?

In R v The Building Appeal Tribunal ex parte Widearn Investment Limited (1994) MP No. 600 of 1994 (unreported), the Building Appeal Tribunal held that the area marked in pink on a plan adjoining the east and south sides of Appellant's land at Fort Street was a street. Accordingly, the site area calculations under Regulation 23(2) of the Building (Planning) Regulations excluded such area. The Appellant sought judicial review of the decision. It was undisputed that the Appellant maintained full control over all of the land marked in pink although it did not do so in respect of an adjoining area, marked in yellow because an easement by way of a mutual grant of rights of way with adjoining owners had been granted and reserved. The issue before the court was whether it had been open to the Appeal Tribunal to simply consider the physical characteristics of the land in question or whether it was necessary to go on to consider the nature of any rights which might or might not have been acquired in relation to the land.

It was held that :-

- (1) the Building Appeal Tribunal was in error in determining that the physical characteristics of the land would be sufficient to enable them to treat the area in pink as a street;
- (2) the control exercisable by a landowner was a relevant factor [*Hinge Well Co Ltd v AG of Hong Kong (1988)* and *Cho Hsun Co Ltd v AG (1982)* (unrepresented) considered]; and
- (3) the area marked in pink was not a street within the meaning of Regulation 23(2).

For the sake of completeness, I have found that there are 2 PNAPs (Practice Notes for Authorized Persons & Registered Structural Engineers) which touch on this concept of street/lane in relation to Site Areas Calculations, they are PNAPs No. 118 & PNAP No. 179. While PNAP 118 deals with the internal access road and open space etc in a large private development site, PNAP 179 provides the following amplifications on whether private lanes can be incorporated in the site area calculations :-

"Where an abutting private lane is in the ownership of the developer but is not specifically required for any purpose under the Buildings Ordinance for the proposed scheme, the Building Authority will give favourable consideration to including the relevant area of such lane in site coverage and plot ratio calculations. Where the legal status of a lane has been clearly established by the existence of rights-of-way, it would be necessary to apply formally for a modification of Building (Planning) Regulation 23(2)(a).

Where an area designated as a private lane has been included in site coverage and plot ratio calculations, it must on completion of the building works be free of any structures. The only exception is where structures have been approved and taken into account in the calculations.

It is often in the interest of a developer as well as good urban planning to amalgamate sites. This can result in the extinguishment and diversion of existing lanes. Generally speaking, if a diverted lane is required only for a useful neighbourhood pattern and not specifically for a proposed development, then the Building Authority will give favourable consideration to including the relevant area of such lane in site coverage and plot ratio calculations."

James Kenneth PONG

BSc., MSc., LLB., PCLL., PCED., DipArb.,
 FHKIS., FCI Arb., ARICS., MAIBS., F.PFM.,
 Authorized Person
 Barrister-at-Law

Dated this 12th Day of March 2001

[NB : as a follow up to my previous article, please be informed that the use of the words "RICS (HK) Branch" in the Arbitration Clause in the Standard Form of Building Contract for use in Hong Kong had all been charged to "HKIS" now]



Update

A BRIEF SUMMARY TO PRACTICE NOTES FOR AP AND RSE FROM DECEMBER 2000 TO MARCH 2001

By Wong Kin Yip, Andy

PRACTICE NOTE FOR AP AND RSE ISSUED BY BUILDINGS DEPARTMENT

135 Imaging Standards for Plans

This revision December 2000

In addition to the microfilm record storage system, the Buildings Department is now exploring the development of a Building Record Management System based on electronic images of approved plans. This practice note gives some guidelines on drawing standards suitable for such imaging.

143 Procedure for Payment of Fees on Submission of Plans Building (Administration) Regulation 42

This revision December 2000

A minor amendment to update the titles from 'Hong Kong Government' / 'Development Division' to 'Hong Kong Special Administrative Region Government' / 'New Buildings Division'. This practice note also specifies that payment of fees is not applicable to "proposals for work" in response to an advisory letter on building safety, fire safety and slope safety issues.

245 Waste Minimization Provision of Fitments and Fittings and Fittings in New Buildings

This revision December 2000

This practice note clarifies the undertaking required when AP apply for modification to permit certain sanitary fitments be not installed at the time of issuing an occupation permit.

249 Structural Requirements for Alteration and Addition Works in Existing Buildings

First issue December 2000

This practice note gives guidance on the structural aspects of A&A submissions. All submissions of structural plans for A&A works should be accompanied by an assessment on the structural viability of the proposal. All new structural elements in the A&A works should be designed in accordance with the current Building Regulations and relevant codes of practice. The structural adequacy of an existing building should be checked according to the then prevailing Building Regulations and codes of practice.



Communication Network and Job Movement

HONG KONG BUILDING SURVEYORS COMMUNICATION NETWORK

ORGANIZATION	CONTACT PERSON	TEL	FAX
ACADEMIC			
City University	S.M. LO	2788 7683	2788 7612
HK Academy for Performing Arts	Nelson S. L. HO	2584 8690	2824 2651
HK Institute of Education	CHAN Man Wai	2948 6838	2948 6839
HK Polytechnic University	K.K. LO	2766 5878	2764 5131
HK University	Daniel HO	2859 2128	2559 9457
HK University of Science & Technology	Roger DAVIES	2358 6431	2358 1450

ORGANIZATION	CONTACT PERSON	TEL	FAX
FIRMS PROVIDING BS SERVICES			
Babtie Asia Ltd	David KNIGHT / Yennie NG	2880 9788	2565 5561
Brown Property Consultants Ltd	Tommy FUNG	2328 3232	2328 5252
Calibre Consulting Ltd	Gordon ROBINSON	2861 1689	2840 0525
Chesterton Petty	David CONNELL	2377 7004	2317 5533
China-Tech Surveyors Ltd	Eddte S LEE	2833 0979	2893 3229
Citex	Shaun EDDIESTON	2521 0137	2526 8834
Crafer Dillon	Sean DILLON	2866 6460	2866 1948
Crow Maunsell Surveyors	Malcolm PEARSON	2317 5911	2317 5901
Danny Kwok & Associates	Danny KWOK	9026 5008	2512 8415
David C Lee Surveyors	David LEE / Vincent HO	2802 8336	2802 8270
David S K AU & Associates Ltd	David S K AU	2560 8811	2513 1828
DCL	Daniel LAM / Kenny KONG	2516 7868	2565 9890
DTZ Debenham Tie Leung Project Services Ltd	Kenneth CHAN	2507 0587	2147 3859
John Y.H. Hsi & Associates	John HSI	2311 2389	2525 4407
Jones Lang La Salle	Samson CHAN / Kevin CHUNG	2846 5000	2968 1133
Kenward Consultancy Ltd	Robin HOWES	2526 0466	2840 0525
L C Surveyors	Eddie LEE / Albert CHAN	2882 7100	2881 5905
Lee Mark & Associates	LEE Chun Fat	2827 8222	2827 8773
Multiple Surveyors Ltd	Benson WONG	2840 1022	2877 2811
Professional Surveyors & Engineers Ltd	Christopher WONG	2838 0636	2539 8117
Prudential Surveyors International	Dennis WONG	2507 8303	2598 6576
Raymond Chan Surveyors	Raymond CHAN	2722 7270	2311 3436
Raymond Cheng Property Consultants	Raymond CHENG	2610 0626	2610 0779
Samson WONG & Associates	Samson WONG	2881 6166	2890 5469
SLJV	Samson WONG	2577 0503	2890 5469
Spence Robinson	Francis CLEARY	2544 7007	2543 9975
TMK & Associates	TANG Hau Ki	2377 1970	2377 1625
Vigers Hong Kong	Kenny SUEN	2377 1234	2377 3166
Wellgo Archdecor Consultancy	David CHAN	2865 3128	2865 3100
DEVELOPERS & PROPERTY MANAGEMENT COMPANIES			
Asia Build Ltd	Lawrence LAI	2866 1198	2865 3173
Cheung Kong	Willie TSE	2526 6911	2845 1641
H.K. Land	Albert FONG	2842 8157	2845 9226
Henderson	C.K. LAU	2525 5902	2521 7913
Hong Yip	Dominic CHAU	2828 0810	2828 0868
Kai Shing	Gordon LEE	2828 5133	2827 1702
MTRC Ltd	CHAU Sai Hung	2529 9136	2557 7507
Shui on Properties Mgt Ltd	Gary YEUNG	2879 1800	2511 3532
Sino Base	Barry TSE	2588 1802	2511 7331
Sun Hung Kai	Mike WONG	2832 5221	2838 4085
Swire Properties	Jim DALE	2535 1400	2590 7502
GOVERNMENT			
Architectural Services Department	Kenneth YUN	2773 2501	2765 8423
Buildings Department	Catherine YIU	2626 1435	2626 1437
GPA	C.C. LAU	2123 8303	2596 0859
Housing Department	Gordon WONG	2761 5066	2714 3328
PUBLIC COMPANIES			
HK Telecom	Alan GRANT	2888 6145	2962 5477
Housing Society	Augustine CHOW	2839 7608	2882 2432
KCRC	Patrick MAN	2688 1262	2688 0314
LDC	Chris CHEUNG	2588 2839	2827 0176
Salvation Amy	Daniel W. L. HUI	2783 2250	2385 4500
Tung Wah Groups of Hospitals	Cheuky CHEUK	2859 7753	2548 5710
OTHERS			
Andrew Lee KF & Associates	Joy LEUNG	2525 0008	2868 5371
Hip Hing Construction Co Ltd	S K KWAN / John CHUNG	2180 9223	2180 9946
Tactful	Boris YEUNG	2381 5098	2381 0019
Union Contractors Ltd	Daniel PONG	2393 0399	2789 9031

Please notify Catherine Yiu of any changes or your e-mail address for publication
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Mar 2001

Editorial Contributions

"Building Surveyors" encourages article queries and submission. Article submissions should include both hard (printed) copy and a diskette in word format. Contributors should contact the editor, Mr. Edgar Li at Tel. 2839 7606 or Fax. 2882 2432

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