

Building Surveying Division Chairman's Message



Vincent Ho BSD Council Chairman

Bills Committee Meeting on Buildings Legislation (Amendment) 2011

The government has put forward a legislation amendment proposal on the Buildings Ordinance to introduce new measures for further enhancing building safety. I have attended on behalf of the Institute a Bills Committee meeting held on 13 February 2012 at the Legislative Council and presented our views on the proposal. The proposed amendments cover 5 main items namely,

- a) surcharge on defaulted works;
- b) penalty against persons who refuse to share cost of works by owners' corporation (OC) for compliance with statutory orders or notices;
- c) warrant for entry into interior of individual premises;
- d) signboard control system; and
- e) registered inspectors to comprehensively report exterior unauthorized building works (UBWs) under the Mandatory Building Inspection Scheme (MBIS).

BSD is basically in support of the enhancement to the Buildings Ordinance and the empowerment of the Building Authority to enforce the law with better efficiency to deal with the building safety problem apparent in recent years. However, we hesitate to widen the scope of duties of the Registered Inspector under the MBIS to cover inspection and notification of unauthorized building works (UBWs) present

within the private area or at other location outside the building. Under the proposal, UBWs at:

- a) the common parts of the building;
- b) any external wall, **roof or podium of the building (other than the common parts);**
- c) **any yard or slope adjoining the buildings; or**
- d) **any street on which the building fronts or abuts shall be notified to BA by the RI.** (The items in bold and italic are new requirements.)

However, it was not the MBIS's original legislation intention to cover the non-common parts of buildings. We understand it will be convenient for authority to collect all UBWs information of a building through the MBIS inspection report. At the same time, the authority should also understand the practical difficulties of a RI in seeking access to the private parts of a building for the necessary inspection and assessment of the UBWs condition. We can foresee the potential conflicts between the RI and the concerned owners because of this requirement. I have raised my objection on this proposed amendment in the Bills Committee meeting as well as in the recent Building Sub-committee meeting held with the Building Authority.

Application for RI Registration

Follow up with my message in the last issue of Surveying Times, I would further invite interested members who could

meet the registration requirements of RI to submit application for registration as soon as possible.

Nominations to various HKIS committees and working groups

BSD has recently made the following nominations to various committees and working groups under the HKIS:

Committees/Working Groups	BSD Representative
Administration	Rebecca Lo
CEPA	Robin Leung and Nathan Lee
Community and Charity Services	Jason Law and Arthur Cheung
Dispute Resolution	Anderson Chan and Margaret Chan
Editorial Board	Jessie Yue
Finance	Kenny Tse
HKIS/RICS Liaison	Andrew Kung
IT	Tang Chi Wan
Mainland Affairs	Edgar Li and Robin Leung
Members Welfare	Denny Yeung
Project Management	Alex Wong and Billy Wong Kin Yee
Public and Social Affairs	Kenneth Yun and Vincent Ho
Research	Dr Daniel Ho and Louis Wong Ka Chi
Strategic Planning	Vincent Ho
HKIS Annual Conference	Jason Law
HKIS Annual Dinner	Caskie Hung

I would like to thank our representatives for sparing their time and efforts in serving the above.

Heritage Working Group

In response to the increasing attention of the society to the preservation and adaptive reuse of historical and heritage buildings in Hong Kong, the government has launched over 20 heritage revitalization projects in the past few years. There are a few urban renewal projects undertaken by the Urban Renewal Authority, and some private development projects which involve elements of heritage preservation. Maintenance, repair, conservation, preservation and conversion of heritage buildings are traditionally the expertise of building surveyors. Members who studied Chudley's *Construction Technology*, Barry's *The Construction of Buildings*, and the "Mitchell's Building Series" should not have forgotten the construction of the timber floors and pitched roofs, brick walls, strip foundations and a number of other building technologies relating to the construction of heritage buildings. Due to the emphasis on new construction methods in Hong Kong's ultra-high buildings in the past few

decades, the skills and expertise of building surveyors in the area of conservation have not been adequately maintained or developed, not to say promoted. The public may not notice that many historical and heritage buildings are being taken care of by building surveyors who work in the Architectural Services Department and building surveying consultant firms.

In order to foster a long term development and consolidate training and promotion of the expertise of building surveyors in this aspect, the BSD has resolved in its last council meeting to set up a Heritage Working Group to work on this subject. Our co-opted member Ms Idi Chan who is the fore-runner in this area has kindly agreed to act as the convenor of the working group. Interested members are invited to join this working group to help the development of building surveyors in of this field.

Control of Subdivision of Flats through the Minor Works Control System (MWCS)

The Development Bureau has recently announced a proposal to control sub-division of flat units through an amended minor works control system (MWCS). The Buildings Department has also circulated a paper to our representatives in the Building Sub-committee on the proposed amendments to MWCS. It has been proposed to extend the control on the erection and alteration of partition walls, as well as floor screed laying works. The proposal aims to put any solid wall construction inside a unit with certain ratio of the length of wall to the floor area of a unit be subject to the MWCS's control. Any floor screeding works over 25mm thick will also be classified as Class III or Class I works, depending on the overall thickness of the floor screed.

A new definition on "subdivision of a flat unit" is proposed as "subdivision of a flat unit shown on the approved plans

by alteration of internal layout of such unit resulting in three or more flat units intended or adapted for sleeping with the provision of lavatory basin, sink, water-closet fitment, shower or bath". Such works shall be regarded as Class I works requiring design and supervision by building professionals. BSD is in general support of the proposal to regulate the works on subdivision of flats. However without adopting a modified set of design requirements on certain non-safety related aspects such as window requirement for natural lighting and ventilation, I guess it would be virtually impossible to have the subdivision works in full compliance with the current building regulations. I also have great doubt on whether it is practically possible for an AP to certify a typical subdivided flat unit with open pantry in an existing building to be in full compliance with the current building regulations.

Structured Learning Course on Expert Witness on Water Seepage Disputes

The demand for expert witness on water seepage disputes is on the rise which is evident from the steady stream of requests for nomination addressed to the HKIS. This offers a thriving opportunity for our building surveying members with proficiency and expertise on defect diagnosis.

In this respect, a structured learning course comprising a series of seminars and workshop will be held with a view to equipping our members with the necessary knowledge to act as an expert witness. For members who are yet to have plan or relevant experience to act as expert witness, the structured course would also be beneficial in the light of the forthcoming implementation of MBIS. The course would certainly help strengthen and sharpen our skills in defect diagnosis and preparation of survey report.

The course will be launched in March 2012 by our members with extensive experience in water seepage disputes and

expert witness. Legal practitioners will also be invited to explain issues further from the legal perspective. Please refer to the corresponding email broadcast for details.

Whilst we are on the way to establish a full list of expert witness on water seepage disputes which will be accessible to the general public, a provisional list will be set up in the meantime to deal with requests for nomination received from litigating parties and the courts from time to time. Members will be notified of the subscription details under a broadcasting email.

In the long run, the course will be held regularly. Only members who completed this structured learning course with the relevant qualifications and experiences will be considered for inclusion in the full list of Expert Witness on Water Seepage Disputes. 