

Building Surveying Division Chairman's Message



Vincent Ho BSD Council Chairman

March usually denotes the end of a financial year asking for a review of achievements in the immediate past year. In 2012, March may also symbolize the start of some change in our society, at least, in some people's eyes. Being a member

of the Election Committee in the CE Election, I have tried to collect views from our surveyors and wished to make a representing vote as long as the election system can provide.

Structured Learning Course of Expert Witness on Water Seepage Disputes

A series of Structured Learning Course of Expert Witness on Water Seepage Disputes has been launched in March. We have our first and second strikes of the series on 17 March and 22 March 2012, namely "Provisional List of Expert Witness on Water Seepage Disputes - Preparation of expert report" by speaker Mr David Chan and "Professional ethics and role of expert witness" by Professor James Pong. The third lesson of the series on Law of Evidence for Surveyors was delivered by Professor Leung Hing Fung on 27 March 2012.

beneficial in the light of the forthcoming implementation of MBIS. If you have missed this time, please pay attention to our announcement in future.

It is our wish and determination 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 court from time to time. The achievement is undoubtedly relied on your participation and indefinitely it is a win-win assignment for the development of our profession and the convenience to the general public to enquire the professional service provided by our members.

The provisional list will be open to those BSD members who:-

- a. are Fellow members or with a minimum of 10 years post-qualification experience;
- b. have prepared at least 5 expert witness reports on water seepage dispute for litigation purpose in the past 5 years; and
- c. have attended court to give evidence on water seepage dispute.

Notwithstanding the above three criteria, any member who has acquired comparable experience in the related dispute resolution cases may make an application for consideration. In this regard, you are cordially invited to subscribe to the list by completing and returning the Application Form at <http://www.hkis.org.hk/hkis/general/broadcast/2012027AF.docx> for the consideration of Expert on Water Seepage Appointment Panel. The above criteria will be subject to revision and the provisional list will lapse should the full list be in force or as determined by BSD.



CPD event "Provisional List of Expert Witness on Water Seepage Disputes - Preparation of expert report?" held on 17 and 22 March 2012 respectively

We wish the course could be held regularly in the long run, and only those members who completed this structural learning course with the relevant qualification and experience will be eligible for application for inclusion in the full list of Expert Witness on Water Seepage Disputes. I find the series

CPD Events

There were a number of CPD events held in March:

On 12 March 2012, “Briefing Session on Buildings (Amendment) Ordinance 2011 for MBIS and MWIS” was delivered by Mr Tsui Ho, Patrick, Chief Building Surveyor of the Buildings Department. The Buildings (Amendment) Bill 2010 was passed on 29 June 2011 as the Buildings (Amendment) Ordinance 2011. The Mandatory Building Inspection Scheme (MBIS) and Mandatory Window Inspection Scheme (MWIS) which we have heard for years will soon come into operation (in the second quarter of the year). You can visit <http://www.hkis.org.hk/hkis/general/events/cpd-2012028.pdf> for presentation notes of the CPD. The Buildings Department has already opened the application for registration as the Registered Inspectors (RI). Here, I would like to encourage again our members to grasp the opportunity to apply for registration as Registered Inspector (RI) to the Buildings Department in order demonstrate our capability as an expert in the field of building inspection, maintenance and repair.



Mr Vincent Ho presenting a souvenir to Mr Tsui Ho Patrick at the CPD event held on 12 March 2012

On 14 March 2012, “What is the meaning of ‘site’ from the perspective of property development?” was jointly delivered by Mr. Louie Chan and I. It was worth noting that two recent appeals [HCAL49/2010 and HCAL20/2011] from Appeal Tribunal (Buildings) to Court of First Instance had challenged the Buildings Authority’s decisions on the extent to which the development potential as shown proposed in the plans submitted for the underlying development and they were used for discussion in the CPD. The legal issues taken by the developer and the Building Authority were briefed and our practitioners were addressed on various issues in the practice of property development.



CPD event “What is the meaning of ‘site’ from the perspective of property development?” held on 14 March 2012

Talks for HAD and HKHS on Building Maintenance and Repair Projects

I have delivered two talks for the workshop held by HAD and HKHS for Tuen Mun and Yuen Long districts on 29 February and 21 March respectively. I have addressed the participants on how to select the consultant and contractor for the repair and maintenance works as well as the key issues in monitoring the performance of the appointed consultant and contractor. I am glad that the talks are well received by the participants and see the drive and anxiety of the owners to seek the “proper” professional advice and guidance of building professional and of course the help

of building surveyors. However, I have received a very clear message and concern from the owners that what assistance could be provided by the respective professional institute including the HKIS to them in case they encounter a “non-performing” consultant. On this issue, I trust more education on profession ethic to our members would be essential. In parallel, we should do more introduction to the public of the disciplinary power of HKIS on complaint against our members on non-ethical and unprofessional act.

