

THE HONG KONG INSTITUTE OF SURVEYORS
 香港測量師學會

FIG Working Week 2007
 Strategic Integration of SURVEYING SERVICES
 同心共策 測量服務

Hong Kong SAR, 13th - 17th May 2007

Technical Session 5E
Mutual Recognition

**Mutual Recognition of Surveying Qualification:
 Theory, Concept, Reality**

The XXX FIG General Assembly and Working Week 2007, Hong Kong SAR, 13th - 17th May 2007

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**Mutual Recognition of Surveying Qualification:
 Theory, Concept, Reality**

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Mutual Recognition of Surveying Qualification:
 Theory, Concept, Reality

1. Profession's Response

2. Pragmatic Process

3. Political Impetus

4. Progressing Reality

Concluding Remarks

Introductory Comments

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Mutual Recognition Agreement is an international agreement by which two or more countries agree to recognize one another's conformity assessments. MRAs have become increasingly common since the formation of the World Trade Organisation in 1995.

MRAs are most commonly applied to goods, such as various quality control MRAs and sometimes applied to the recognition of professional qualifications as well.

(Conformity assessment is any activity to determine, directly or indirectly, that a process, product, or service meets relevant standards and fulfills relevant requirements)

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European Commission opined that Mutual Recognition Agreements (MRAs) have the objective of promoting trade between the European Union and third countries by facilitating market access. They are bilateral agreements, and aim to benefit industry by providing easier access to conformity assessment procedures.

In Australia, it has been accepted that the purpose of mutual recognition is to promote economic integration and increased trade between participants. It is one of a number of regulatory techniques available to governments to reduce regulatory impediments to the movement of goods and provision of services across jurisdictions.

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Profession's Response

FIG responded with its Publication No. 27 - Mutual Recognition of Professional Qualifications in February 2002. This was the culmination of a four-year work plan by the FIG Task Force on Mutual Recognition of Professional Qualification.

FIG establishes that *Mutual recognition* is a process which allows the qualifications gained in one country (the home country) to be recognised in another country (the host country).

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Pragmatic Process

FIG's recommended an approach that allows each country to retain its own kind of professional education and training (*this being regarded by many as a sovereignty issue*). The approach is based, not on the process of achieving professional qualifications, but on the nature and quality of the outcome of that process.

The approach does not require any jurisdiction to change the way its surveyors become qualified.

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Pragmatic Process (contd)

FIG response include a proposed methodology that require an individual's competence in the host country to be assessed. The precursor being the need to recognise and accept the professional status and competence of the individual in the home country.

The methodology calls for the national professional organisation in the host country to establish the nature and level of professional competencies within a range of surveying activities required of a fully-qualified professional in the host country and to assess an applicant against that content and standard of professional competence.

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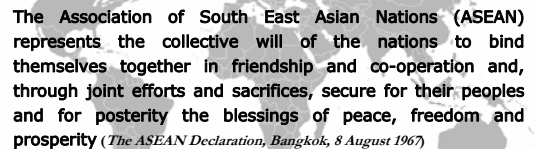
Pragmatic Process (contd)

The pre-conditions for managing this process are –

- an individual must be professionally qualified in the home country;
- a similar profession must exist in the host country;
- a representing organisation must exist in the host country; and
- political will must be available to support the process.

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Political Impetus



The Association of South East Asian Nations (ASEAN) represents the collective will of the nations to bind themselves together in friendship and co-operation and, through joint efforts and sacrifices, secure for their peoples and for posterity the blessings of peace, freedom and prosperity (*The ASEAN Declaration, Bangkok, 8 August 1967*)

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Political Impetus (contd)

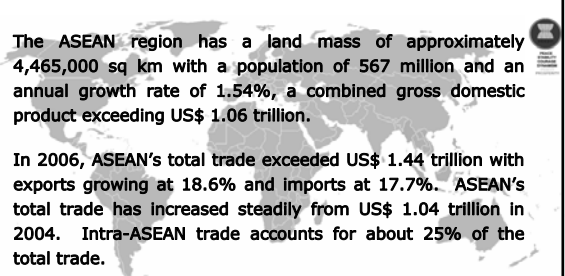


ASEAN Framework Agreement on Services (AFAS) was signed on 15 December 1995 in Bangkok, Thailand. AFAS is aimed at:

- **Strengthen cooperation among service suppliers in ASEAN.**
- **Reduce restrictions to trade in services.**
- **Progressively liberalize trade in services among ASEAN countries.**

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Political Impetus (contd)



The ASEAN region has a land mass of approximately 4,465,000 sq km with a population of 567 million and an annual growth rate of 1.54%, a combined gross domestic product exceeding US\$ 1.06 trillion.

In 2006, ASEAN's total trade exceeded US\$ 1.44 trillion with exports growing at 18.6% and imports at 17.7%. ASEAN's total trade has increased steadily from US\$ 1.04 trillion in 2004. Intra-ASEAN trade accounts for about 25% of the total trade.

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Political Impetus (contd)

The Ten ASEAN Leaders adopted the Declaration of ASEAN Concord II (*Bali Concord II*) to -

- reaffirm ASEAN as a concert of Southeast Asian nations, bonded together in partnership, in dynamic development and in a community of caring societies; and
- agreed to an ASEAN Economic Community.

The realization of a fully integrated economic community requires implementation of both liberalization and co-operation measures, amongst others, *mutual recognition of qualifications*.

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Progressing Reality

The ASEAN Economic Community represents both a legal and political commitment by ASEAN's ten member countries and this included trade liberalisation measures including the conclusion of mutual recognition arrangement, which is accepted as the precursor to the mobility of professionals.

Since the Bali Concord II (2003) the ten ASEAN Member Countries has concluded MRAs on -

- Engineering Services (2005)
- Nursing Services (2006)

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Progressing Reality (contd)

And have under negotiations, MRAs on -

- Medical Services
- Dentistry
- Accountancy Services
- Architecture Services; and
- Surveying Qualifications

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Progressing Reality (contd)

In addition, it is must be noted that under the Mainland and Hong Kong Closer Economic Partnership Arrangement (CEPA), there are -

- The Hong Kong Institute of Architects (HKIA) and the National Administration Board of Architectural Registration signed in Beijing on 17 February 2004 an agreement on *mutual recognition of professional qualification in architecture*.
- The Hong Kong Institution of Engineers (HKIE) and the National Administration Board of Engineering Registration (Structural) signed in Beijing on 27 August 2004 a *reciprocal recognition agreement for structural engineers*

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Progressing Reality (contd)

Under the Mainland and Hong Kong Closer Economic Partnership Arrangement (CEPA), there are -

- The Hong Kong Institute of Surveyors (HKIS) and the China Institute of Real Estate Appraisers signed a reciprocity agreement on 4 November 2003 for *estate surveyors in Hong Kong and real estate appraisers in the Mainland*.
- The Hong Kong Institute of Planners (HKIP) and the National Administration Board (NAB) of Professional Planners System of the Ministry of Construction signed an agreement on *mutual recognition of professional planning qualifications* between Hong Kong and the Mainland on 24 May 2005

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Progressing Reality (contd)

Under the Mainland and Hong Kong Closer Economic Partnership Arrangement (CEPA), there are -

- The Hong Kong Institute of Surveyors (HKIS) and the China Engineering Cost Association signed on 24 May 2005 a *mutual recognition agreement for quantity surveyors* in Hong Kong and cost engineers in the Mainland
- The Hong Kong Institute of Surveyors (HKIS) and the China Association of Engineering Consultants (CAEC) signed on 27 June 2006 a *mutual recognition agreement for building surveyors* in Hong Kong and engineering consultants of the CAEC in the Mainland

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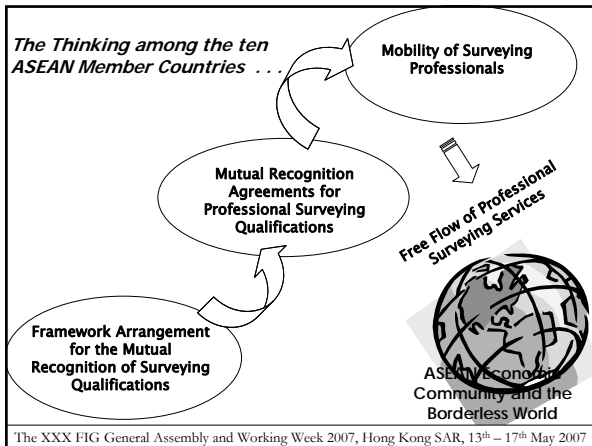
Progressing Reality (contd)

Under the Mainland and Hong Kong Closer Economic Partnership Arrangement (CEPA), there are –

- The Financial Services and Treasury Bureau of the HKSARG and the Ministry of Finance of the People's Republic of China signed on 27 August 2004 an arrangement for the exemption of professional examination papers in the accounting sector

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The Thinking among the ten ASEAN Member Countries . . .



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ASEAN' Framework Arrangement for the Mutual Recognition of Surveying Qualifications

A Framework Arrangement with a broad statement of mutual respect and shared objectives that identifies aims and objectives and establishes procedural arrangements and if necessary, timetable, for further negotiations.

It basically set the terms and conditions which are pre-positioned for areas of work not yet carried out.

Framework Arrangement sets the stage for future substantive and progressive liberalization and build trust by agreeing on a statement of mutual respect which is very important in the development of a more comprehensive and lasting agreement.

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Key Provisions

Definition

Surveying Services refers to one or more of the activities, which may occur, either on, above or below the surface of the land or the sea and may be carried out in association with other professionals as defined by the International Federation of Surveyors.

Education

An applicant who seeks recognition (in the host country) must have met the educational requirements in effect in the home country and such applicant's educational credentials may be assessed and accepted as having satisfied the educational requirements of the Host Country.

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Examinations

(a) There may be a need to require the applicants to pass an examination or examinations designed to assure that the applicants have satisfactory knowledge of relevant local and national legislation, standards, and practices in the host country

(b) The applicants who have been granted recognition by national competent authority or body by the applicant's home country may not be required to complete the entire qualifying examination (if any) in order to qualify for recognition in the host country.

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Experience

(a) The completion of a minimum period of post graduating surveying experience is a requirement for recognition. The amount and nature of experience required must be equivalent to the experience requirement of the host country granting the recognition.

(b) If the experience acquired by an applicant in the home country does not meet the requirements of the host country, the applicant may be permitted to complete prescribed experience in the host country before becoming eligible.

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Discipline and Ethics

The ethical behavior of professional surveyors and the practice of professional surveying in each jurisdiction shall be governed by her existing laws, regulations, rules and by laws relevant to govern and regulate the discipline and ethical behavior of professional surveyors in that jurisdiction.

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Concluding Remarks

The objectives of the ASEAN Framework Arrangement for the Mutual Recognition of Surveying Qualifications are:

- To identify the framework and establish the basis for Competent Authorities to observe while negotiating MRAs between or amongst each other to facilitate the mutual recognition and mobility of surveying professionals
- To exchange information in order to promote trust and adoption of best practices on surveying standards and qualifications.

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Concluding Remarks (contd)

In negotiating this MRA, *flexibilities* were accorded and *sensitivities* taken care. Amongst others, it was recognised that ASEAN Member Countries may have different nomenclatures and requirements.

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FIG's *Definition of the Functions of the Surveyor* and FIG's pragmatic approach in the *Mutual recognition of Professional Qualification* was adopted as a basis of this multilateral MRA -

- ✓ do not require any jurisdiction to change the way its surveyors become qualified;
- ✓ an individual must be professionally qualified in the home country;
- ✓ a similar profession, though different in nomenclature, must exist in the host country;
- ✓ a representing organisation must exist in the host country; and
- ✓ political will must be available to support the process

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Concluding Remark

The output from FIG's Task Force on Mutual Recognition of Professional Qualification, namely FIG Publication 27 (2002), has contributed significantly towards a multilateral MRA on Surveying Qualification.

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Mutual Recognition of Surveying Qualification: A Reality

THANK YOU

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