



SOCIETY OF CONSTRUCTION LAW (SINGAPORE)

&

LAW SOCIETY OF SINGAPORE

JOINT CONSTRUCTION LAW CONFERENCE 2009

Grand Park City Hall
Wednesday, 23 September 2009, 9.00 a.m. to 5.15 p.m.



THE LAW SOCIETY
OF SINGAPORE

About this Conference

The annual *Society of Construction Law (Singapore) & Law Society of Singapore Joint Construction Law Conference* is now into its fifth year. This year, we are pleased to have the Honourable Sir Vivian Ramsey deliver the Conference Opening Keynote Address. In addition, the Conference features a panel of luminary speakers from the region from the construction and legal sectors. This Conference is for anybody who has an interest in legal developments or legal aspects concerning the construction industry, including lawyers, architects, engineers, surveyors, developers and contractors.

Program Outline

9.00 am - 9.15 am	Registration & Refreshments
9.15 am - 9.30 am	Welcome Address <i>Mr. Mohan Pillay - Chairman, SCL (Singapore)</i>

MORNING MODULE: THE ECONOMIC SITUATION - WHERE WE ARE NOW AND WHAT DOES IT MEAN?

Chairperson: Mr. Philip Jeyaretnam SC - Partner, Rodyk & Davidson LLP; Founding Chairman, Society of Construction Law (Singapore); Immediate Past President, The Law Society of Singapore

9.30 am - 10.30 am	Session 1: Keynote Speech - "Construction Claims In Times Of Economic Uncertainty" Sir Vivian Ramsey, High Court Judge and Head of the Technology and Construction Court in London, joint editor of Keating on Construction Contracts and formerly Head of Keating Chambers, will review and discuss the impact of fluctuations in the economy on construction claims.
	Speaker: <i>The Honourable Mr. Justice Ramsey</i>
10.30 - 11.00am	Morning Break
11.00 - 11.45am	Session 2: "Managing The Risks Arising From Suspension/Termination And Insolvency" ▪ How do unpaid parties protect their position and what do they have to do to complete their project - examined from the point of view of an insolvent developer and an insolvent contractor ▪ Case studies from previous Asian crises - lessons to be learnt
	Speaker: <i>Mr. Y C Chee - Senior Partner, RSM Chio Lim LLP; Executive Director, Stone Forest Corporate Advisory Pte Ltd</i>
11.45am - 12.30pm	Session 3: "Protecting the Investment & the Future of Development Finance" ▪ Is the project viable? ▪ Old and new lending structures - PSSCOC, Contractor Financing or Other ▪ Funding Cost Overruns ▪ Lender's rights /obligations - what lawyers/contractors need to know ▪ Bankability ▪ Security requirements of the development
	Speaker: <i>Mr. James Harris - Managing Partner, Lovells Lee & Lee; Head, Projects & Infrastructure, South East Asia</i>
12.30 - 1.00pm	Morning Panel Discussion and Q&A Session Discussion Moderator: <i>Mr. Philip Jeyaretnam SC</i> Panellists: <i>Sir Vivian Ramsey, Mr. YC Chee, Mr. James Harris</i>
1.00 pm - 2.00 pm	Lunch Break
1.45 pm - 2.00 pm	Registration for Afternoon Module

AFTERNOON MODULE: TALES FROM THE FRONT LINE

Chairperson: Mr. Naresh Mahtani - Consultant, ATMD Bird & Bird LLP; Immediate Past Chairman, Society of Construction Law (Singapore); Former CEO, The Law Society of Singapore

2.00 pm - 3.10pm	Session 4: "Regional Legal Outlook" This session features a panel of leading lawyers from the region presenting their view on how the construction sectors in the countries where they are based are coping with the downturn and planning for the recovery. Moderator : <i>The Honourable Mr. Justice Ramsey</i>
	Panellists: <i>Mr. John Bishop - Partner, Pinsent Masons, China</i>

Who Should Attend

- Lawyers
- In-house counsel & legal officers working in the construction industry
- Architects, developers, contractors, engineers, project managers, consultants, managing agents, management corporations and other professionals involved in the construction industry who deal with legal, regulatory and contractual issues
- Construction consultants
- Law, building & construction academics and students



SOCIETY OF CONSTRUCTION LAW (SINGAPORE)

&

LAW SOCIETY OF SINGAPORE

JOINT CONSTRUCTION LAW CONFERENCE 2009

Grand Park City Hall
Wednesday, 23 September 2009, 9.00 a.m. to 5.15 p.m.



THE LAW SOCIETY
OF SINGAPORE

	<p>Mr. Chong Yee Leong - Partner, Kamilah & Chong, Malaysia; Partner, Rajah & Tann LLP, Singapore</p> <p>Mr. Paul Sandosham - Head of the Middle East Practice & Partner, Wong Partnership LLP, Abu Dhabi</p> <p>Mr. Benjamin Yap - Partner, Kelvin Chia Partnership, Ho Chi Min City</p>
3.10 pm - 3.40 pm	Afternoon Break
3.40 pm - 4.50 pm	<p>Session 5: "Insights from Industry" Panel Discussion</p> <p>A view from the top with senior management from key segments of the Singapore construction sector discussing the current state of the industry and prospects for the future as it seeks to recover from the current worldwide slump.</p> <p><u>Moderator :</u></p> <p>Mr. Seah Choo Meng - Director, Davis Langdon & Seah Singapore Pte Ltd</p>
	<p><u>Panellists:</u></p> <p>Mr. Jon Skipworth-Button - Director, Gammon</p> <p>Mr. Jeremy Choy - Project Director, Asia Square, MGPA Asia Developments</p> <p>Mr. Desmond Hill - Deputy General Manager of Penta-Ocean Construction Co Ltd, Singapore Branch Office</p> <p>Energy Sector - speaker TBC</p>
4.50 pm - 5.00 pm	<p>Conference Closing Remarks</p> <p>Mr. Thio Shen Yi SC - Chairman, Continuing Professional Development Committee, The law Society of Singapore</p>

About the Keynote Speaker

The Honourable Mr. Justice Ramsey

Sir Vivian Ramsey studied Engineering Science and Economics at Oxford University before working as a civil engineer in the UK and overseas. During this time he became a Chartered Engineer and a Member of the Institution of Civil Engineers.

After studying law he was called to the Bar in 1979 and was a practising barrister in Keating Chambers and from 2003 to 2005 Head of Chambers. He became a Queen's Counsel in 1992 and practised around the world as an advocate, arbitrator, adjudicator and mediator. He appeared in English and overseas courts and was called to the Bar in Hong Kong, Singapore, Brunei and Trinidad for particular cases in those jurisdictions. He acted as counsel in numerous arbitrations and was appointed as chairman, co-arbitrator or sole arbitrator in some 90 arbitrations including ICC, LCIA, UNCITRAL, SCC, JCCA and other institutional or ad-hoc arbitrations. He was also appointed as a mediator and an adjudicator as well as being an expert appointed by the ICC President and a member of Dispute Review Boards.

He is the current joint editor of Keating on Construction Contracts. He produced the 8th Edition and the recent 2009 Supplement. He was a founding editor of Construction Law Journal and continues as a Consultant Editor. He has edited or contributed to or is a member of the editorial board of a number of other publications. He is also a Special Professor in the Department of Civil Engineering at the University of Nottingham and has recently been appointed as a Visiting Professor at the Centre for Construction Law and Management at King's College, London. In November 2005 he was appointed as a High Court Judge in the Queen's Bench Division and in September 2007 was appointed Judge in Charge of the Technology and Construction Court.

About the Session Speakers and Chairpersons (in alphabetical order)

Mr. John Bishop - Partner, Pinsent Masons

John is the Partner in Pinsent Masons responsible for Asia Pacific and Chief Representative, Beijing and has previously been Head of Construction & Engineering, Managing Partner, Senior Partner and Board Chairman. John has 35 years experience in construction law and is also an Arbitrator, Adjudicator and Mediator. He is Life President of the Technology & Construction Solicitors Association, Member of the Editorial Board of the Construction Law Journal, ICC Committee (Hong Kong), Lighthouse Club Committee (Hong Kong); CIETAC panel arbitrator; Adjunct Lecturer University of Western Sydney, Lecturer Tsinghua University programme. Previous appointments include Board Member of the Civil Mediation Council, TCC Users Committee, Dean of the Faculty of Mediation & ADR, Vice Chairman of the Academy of Experts and Chairman of the LCIA consultative committee.

Mr. Jon Skipworth-Button - Director, Gammon

Jon Button is a Director of Gammon and has been leading their Singapore office since 2001. He has a wide range of experience as a contractor in both building and civil engineering and has been resident in HK and Singapore for the last 28 years, prior to which he worked in the Middle East and the UK. Landmark projects that he has been involved in include the Headquarters of the Hong Kong and Shanghai Bank in HK, the Bank of China in HK, the Bukit Panjang LRT, One Raffles Link, Chinatown MRT station, and ITE New College West, in addition to several commercial and industrial design and build projects in Singapore.

He believes passionately in improving the standards of safety in the industry and is instrumental in implementing Gammon's drive to achieve Zero Harm in Singapore by 2012. He graduated in Civil Engineering from Imperial College, London in 1974 and is a Fellow of the Institution of Civil Engineers.

Mr. Y C Chee - Senior Partner, RSM Chio Lim LLP; Executive Director, Stone Forest Corporate Advisory Pte Ltd

Mr. Y C Chee, CPA Singapore, FIPAS, CFE, started his career with KPMG. He moved to his current firm after 11 years. He is now a Senior Partner of RSM Chio Lim LLP and Executive Director of Stone Forest Corporate Advisory Pte Ltd., heading the Corporate Recovery / Restructuring and Forensic Accounting Services Division.

Y C is an approved liquidator and has 25 years practical experience in handling corporate insolvency and restructuring assignments including acting as liquidator, receiver, scheme administrator and judicial manager. He serves as a member of the Insolvency Practices Committee of ICPAS and the Omnibus Insolvency Act working group. He is also an adjunct with the Singapore Management University.

Mr. Chong Yee Leong - Partner, Kamilah & Chong, Malaysia; Partner, Rajah & Tann LLP, Singapore

Yee Leong has 19 years of experience in legal practice. He has extensive experience in international arbitration and litigation covering all aspects of commercial, energy and building disputes, with a focus on disputes arising from heavy civil engineering contracts, power, oil and gas, marine engineering, and land transportation projects as well as professional negligence. He also advises on insolvency issues.

Yee Leong concurrently serves as a partner in Rajah & Tann LLP, a law firm in Singapore and heads the International Arbitration Practice Group in Rajah & Tann LLP. He was a partner at Jones Day, international law firm from 2003 to 2007 and headed the International



SOCIETY OF CONSTRUCTION LAW (SINGAPORE)

&

LAW SOCIETY OF SINGAPORE

JOINT CONSTRUCTION LAW CONFERENCE 2009

Grand Park City Hall
Wednesday, 23 September 2009, 9.00 a.m. to 5.15 p.m.



THE LAW SOCIETY
OF SINGAPORE

Litigation and Arbitration Group in Singapore. He was the Deputy Head of the Projects and Infrastructure Practice Group at Rajah & Tann where he was a partner from 1995 until 2003 and concurrently served as a partner at Sakinah & Chong from 1997 to 1998. He was also a partner at Wong Partnership in 1994.

In addition to being a member of the Malaysian Bar, Yee Leong is also a member of the Law Society of Singapore, the Law Society of England & Wales and the Academy of Law Singapore. He is a Chartered Arbitrator, a Fellow of the Chartered Institute of Arbitrators and a Fellow of the Singapore Institute of Arbitrators. In addition, he was a visiting lecturer at the faculty of law at the National University of Singapore where he taught construction law from July 2000 to June 2002.

Mr. Jeremy Choy - Project Director, Asia Square, MGPA Asia Developments

Jeremy is Project Director for MGPA's landmark Asia Square development in Marina Bay, Singapore. In this role he leads the multi-discipline Asia Square development team in executing all aspects of the investment strategy. Previously, Jeremy was Managing Director for South East Asia, responsible for all acquisition and asset management activities in the region. Jeremy trained as an economist and has a Bachelor of Economics (Hons) from the National University of Singapore.

Mr. James Harris - Managing Partner, Lovells Lee & Lee; Head, Projects & Infrastructure, South East Asia

James is head of Lovells' projects and infrastructure practice for South East Asia. He is the managing partner of the Singapore office with a background in project finance and privatisation, asset finance, general banking and property finance. He has advised governments, corporates and lenders across South East Asia, the Middle East, in the UK as well as Australia on numerous infrastructure based transactions. He also heads the Lovells' Asia Infrastructure Group. James is recognised as a leading project finance lawyer in several industry publications and is a regular presenter at project finance conferences throughout South East Asia. He has been recently selected as Chairman of the International Project Finance Association in Singapore, and is a contributing editor for Asia with the prestigious International Financial Law Review.

Mr. Desmond Hill - Deputy General Manager of Penta-Ocean Construction Co Ltd, Singapore Branch Office

Mr Desmond Hill is the Deputy General Manager of Penta-Ocean Construction Co Ltd, Singapore Branch Office where he oversees construction activities, handles contracts administration and seeks potential business opportunities for the company both in the local and overseas market.

He studied at the National University of Singapore and graduated with a Degree in Bachelor of Engineering (Civil) in 1982. He has over 20 years of experience in large scale civil works such as MRT, and building projects such as HDB Public Housing, Singapore Post Centre, Wheelock Place and notable iconic developments such as the Esplanade - Theatres on the Bay, VivoCity, Singapore's largest shopping Mall and Ion Orchard a mixed development of retail and residential in the heart of Orchard Road. In addition, he is also actively involved in various private and public sector committees and Associations contributing and sharing his experience for the betterment of the industry.

Mr. Philip Jeyaretnam SC - Partner, Rodyk & Davidson LLP; Founding Chairman, Society of Construction Law (Singapore); Immediate Past President, The Law Society of Singapore

Philip Jeyaretnam, SC is a partner in Rodyk & Davidson LLP's Litigation & Arbitration Practice Group and heads the firm's Construction Practice. A commercial litigator, Philip's principal area of focus is project related disputes, including property, building and construction claims, and joint venture and investment disputes. Notable cases include having represented the international main contractor involved in Singapore's largest construction collapse (known as the Nicoll Highway Collapse) in all aspects: before the committee of inquiry, in relation to public liability and safety issues and in its contractual and insurance claims. Many of his cases involve a cross border element, and he regularly deals with jurisdictional disputes and conflicts of law issues, as well as the seeking of preemptive relief such as injunctions to stop disposal of assets. He pursues trade, competition and investment claims, including arbitration under international investment treaties. Philip was president of The Law Society of Singapore from January 2004 to December 2007. He was the founding chairman of the Society of Construction Law, Singapore. Philip acts as arbitrator, and is a member of the Regional Panel of Arbitrators, Singapore International Arbitration Centre. He is a Fellow of the Singapore Institute of Arbitrators.

Mr. Naresh Mahtani - Consultant, ATMD Bird & Bird LLP; Immediate Past Chairman, Society of Construction Law (Singapore); Former CEO, The Law Society of Singapore

Mr Naresh Mahtani, FCiArb, FSiArb, Consultant at ATMD Bird & Bird in Singapore, has been in active legal practice for 27 years in regional and international construction and oil and gas projects, commercial transactions and dispute resolution. He was the former Chairman of the Society of Construction Law, Singapore (2006-2008) and Council Member of the Singapore Institute of Arbitrators (2006-2008). He is on the Regional Panel of the Singapore International Arbitration Centre; on the Disputes & Compensation Resolution Panel of Singapore Wholesale Electricity Market; and an accredited Adjudicator with the Singapore Mediation Centre. His former engagements include his appointment as Chief Executive Officer of the Law Society of Singapore in 1999 to 2001. His interests in the area of construction law include the study of progressive forms of dispute resolution, such as the use of scientific probability analysis in resolving disputes, and the more efficient use of technical experts in expert determinations and in arbitrations.

Mr. Paul Sandosham - Head of the Middle East Practice & Partner, WongPartnership LLP

Paul is the Head of the Middle East Practice and a Partner at WongPartnership LLP. He is based in the Middle East. Paul has acted in court and arbitration proceedings for a range of clients in the construction industry. In addition to the contentious/disputes area of his practice, Paul is also actively involved in the drafting and review of building contracts and other project documentation, and assists clients in contract management and administration. The projects he has been involved in span across numerous jurisdictions including Singapore, Malaysia, Indonesia, India, Vietnam, Mauritius, UAE, Qatar, Bahrain and KSA. He is called to Singapore Bar, admitted to the Rolls of Solicitors (England & Wales) and is registered in the DIFC Courts register of practitioners. He speaks regularly at conferences on topics relating to the construction industry, and is an Adjunct Assistant Professor at the National University of Singapore where he teaches Construction Law. Paul is recognized as one of the "Hot 100 Lawyers of 2008" by Asian Legal Business.

Mr. Seah Choo Meng - Director, Davis Langdon & Seah Singapore Pte Ltd

Mr Seah Choo Meng recently stepped down from Executive Chairmanship after having been with the Partnership for over 40 years. Currently he is serving as a Director and is still involved on a broad range of public and private sector projects. His experience covers a wide range of practice on Development, Project Management and Quantity Surveying services.

Choo Meng is also an Accredited Mediator/Neutral Evaluator and Adjudicator with the Singapore Mediation Centre. Currently Choo Meng is in the Panel of Honorary Advisers to the Real Estate Developers Association of Singapore (REDAS), Singapore Institute of Architects, Lay Member to the Investigation Panel of the Professional Engineers Board Singapore and also the Board of Architects. He is also on the Advisory Committee of the School of Design and Built Environment, National University of Singapore. He is also a Panel Member of the



SOCIETY OF CONSTRUCTION LAW (SINGAPORE)
&
LAW SOCIETY OF SINGAPORE
JOINT CONSTRUCTION LAW CONFERENCE 2009

Grand Park City Hall
Wednesday, 23 September 2009, 9.00 a.m. to 5.15 p.m.



THE LAW SOCIETY
OF SINGAPORE

Strata Titles Board and also the President of the Society of Project Managers. Choo Meng, in the past, has held positions in both private and public listed companies.

Mr. Benjamin Yap - Resident Partner, Kelvin Chia Partnership Ho Chi Min office

Benjamin has worked in Vietnam since 2005 and has been involved in many Vietnam related business transactions and investments. The nature of the work in Vietnam has seen Benjamin being involved in a wide variety of work and a large part of this includes advising real estate related clients including developers, construction and engineering companies and other construction and engineering related consultants. The projects in which Benjamin has been called upon to participate and advise includes private building and public engineering related projects, infrastructure and utilities projects, residential and commercial property development projects, projects supporting the oil and gas industries and port related projects.

REGISTRATION FORM

(Registrations close 17 September 2009)

Name (Dr/Mr/Mrs/Miss/Mdm): _____

Name and Address of Organisation: _____

Position in Organisation: _____ NRIC/Passport No: _____

Tel: _____ Fax: _____ Email: _____
(A valid email address is required for confirmation of registration.)

Please tick if Certificate of Attendance Required

PLEASE SELECT ONE:

SCL (Singapore) Member Law Society Member SCL (Malaysia) Mbr SCL (UK) Mbr

CIOB Mbr Lighthouse Club Mbr SIA Mbr SIARB Mbr Full Time Student of NUS Law Faculty Other

Please select as appropriate.

	NORMAL RATES	GROUP DISCOUNTS (for 3 or more registrants from same organisation)
MEMBERS OF LAW SOCIETY OR SOCIETY OF CONSTRUCTION LAW (SINGAPORE)	\$280.00	\$252.00
MEMBERS OF SCL(MALAYSIA), SCL(UK), CIOB, LIGHTHOUSE CLUB, SIA, SIARB	\$350.00	\$315.00
FULL-TIME STUDENTS OF NUS LAW FACULTY		
OTHERS	\$395.00	\$355.50

Mode of payment: Cheque Telegraphic Transfer Internet Banking

Please return the registration form below, together with your cheque made payable to "Society of Construction Law (Singapore)" to 3 Raffles Place #07-01 Bharat Building S048617.

For payments via telegraphic transfer or Internet banking, please note our bank details below:

Account Name	Society of Construction Law (Singapore)
Name of Bank	DBS Bank Ltd
Address	6 Shenton Way DBS Building Tower 2, Singapore 068809
Account Number	7171 - 033 - 900 - 5215 (7171 required for telegraphic transfers only)
Account Type	DBS Current
SWIFT Code	DBSSSGSG

For further enquiries, please contact Secretariat, Society of Construction Law (Singapore)
Tel: 31273797 (no 6 prefix), Email: secretariat@scl.org.sg, Fax: +65-63299699

REGISTRATION, REFUND & CANCELLATION POLICY

1. Places are limited and can only be allocated in order of priority upon receipt of a duly completed registration form and any payment due.
2. The Organisers regret that we generally do not issue invoices or accept payments at the event.
3. The Organisers reserve the right to amend, change or substitute any part of the programme (including the speakers), to refuse to register or admit any participant, and to cancel or postpone the event.
4. The Organisers will not entertain any request for a refund of fees. However a confirmed registrant who has paid in full the course fees but does not turn up for the course will be entitled to collect a set of the materials provided.