

The Law Society of Singapore & Society of Construction Law

Jointly Present:



THE LAW SOCIETY
OF SINGAPORE

3rd ANNUAL CONSTRUCTION LAW CONFERENCE 2007

Grand Plaza Park Hotel City Hall
Tuesday, 17 July 2007, 9.00 a.m. to 5.00 p.m.



About this Conference

For the 3rd time, the Law Society of Singapore and the Society of Construction Law (Singapore) are proud to present this collaborative feature in the annual calendar of the construction industry, with the aim of promoting an exchange of perspectives and experiences between the various industry stakeholders.

This full-day Conference brings together well-known practitioners in construction law and practice for a discussion on recent developments and current issues affecting the construction industry, as well as in-depth sessions on handling technical evidence and workplace health and safety. Join us for this MUST-ATTEND update.

Program Outline

Who Should Attend

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

8.45 – 9.15am	Registration & Refreshments
9.15 – 9.30am	Welcome Address Mr. Philip Jeyaretnam SC – President, The Law Society of Singapore; Partner, Rodyk & Davidson LLP
9.30 – 10.30am	Session 1 – Some Current Construction Issues (also an Introduction to the three working committees of SCL Singapore): <ul style="list-style-type: none"> ▪ Review of the Standard Forms of Contract – minimizing the incidence of disputes ▪ Costs of Dispute Resolution – what can be done to avoid excessive charges? ▪ Code of Practice for consultants advising on contentious matters – how to define professionalism? Panel Discussion and Q & A
	Session Chair: Mr. Naresh Mahtani Speakers/Panellists: <ul style="list-style-type: none"> ▪ Mr. Christopher Nunns – Partner, EC Harris Singapore Pte Ltd ▪ Mr. Mohan Pillay – Managing Partner, M/s MPillay ▪ Mr. Naresh Mahtani – Consultant, M/s Alban Tay Mahtani & de Silva
10.30 – 10.45am	Morning Break
10.45am – 12.15pm	Session 2 – Handling Technical Evidence <ul style="list-style-type: none"> ▪ <u>Perspective of an expert witness</u> Presenting technical evidence concisely and clearly whilst avoiding over-simplification <ul style="list-style-type: none"> □ Managing the Detail □ Key Issues – Key Documents □ Presentation Techniques ▪ <u>Perspective from a legal practitioner</u> ▪ Effective advocacy with limited technical knowledge ▪ <u>Perspective from the Tribunal</u> Panel Discussion and Q&A Session
	Session Chair: Mr. David Haslam – Principal, Evans & Peck (Asia) Pte Ltd Speakers/Panellists: <ul style="list-style-type: none"> ▪ Mr. Stephen Rae – Regional Director, Asia Pacific, Systech International Pte Ltd ▪ Mr. Paul Wong – Partner, Rodyk & Davidson LLP ▪ Mr. Michael Hwang SC – Proprietor, M/s Michael Hwang
12.15 – 2.00pm	Lunch Break
1.45 – 2.00pm	Registration for Afternoon Session
2.00 – 3.15pm	Session 3 – Update and Review on Developments in Construction Law <ul style="list-style-type: none"> ▪ Case update: <ul style="list-style-type: none"> □ Compact Metal Industries Ltd v PPG Industries (Singapore) Ltd [2006] SGHC 242 (This case discusses the nature and purpose of affidavits of evidence-in-chief; the proper inquiry as to whether conditions arising under a statute ought to be implied into a contract for sale; and the standard or test of "satisfactory quality" under the Sale of Goods Act.) □ Lian Teck Construction Pte Ltd v Woh Hop (Pte) Ltd and Ors [2006] 4 SLR 1 (This case clarifies the procedural law regarding whether applications for stay and interim payment ought to be heard together.) □ Management Corporation Strata Title Plan No. 2504 v Hyundai Engineering & Construction Co Ltd and Anor [2007] SGHC 63 (This case considers the changes to the definition of the term "common property" and the consequent duties of the management corporation,

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	<p>arising from the amendment to the Land Titles (Strata) Act and the coming into force (in April 2005) of the Building Maintenance and Strata Management Act.)</p> <ul style="list-style-type: none"> □ Geowin Construction Pte Ltd (in liquidation) v Management Corporation Strata Title No. 1256 [2006] SGHC 245 (This case considers the legal principles applicable to an expert assessor's role and responsibilities, including when his report or award can be challenged.) □ Sato Kogyo (S) Pte Ltd v RDC Concrete Pte Ltd [2006] SGHC 213 (This case considers what constitutes "direct loss" due to a delay in the construction schedule caused by non-delivery under a supply contract.) ▪ A perspective of the impact of the adjudication experience since the implementation of the Building and Construction Industry Security of Payment Act 2004 <p>Panel discussion & Q&A Session</p>
	<p><u>Session Chair:</u> Mr. Ho Chien Mien – Partner, M/s Allen & Gledhill</p> <p><u>Speakers/Panellists:</u></p> <ul style="list-style-type: none"> ▪ Mr. Chow Kok Fong – Chief Executive Officer, Changi Airports International Pte Ltd ▪ Mr. Choy Chee Yean – Partner, M/s Rajah & Tann
3.15 – 3.30pm	Afternoon Break
3.30 – 4.45pm	<p>Session 4 – Workplace Safety and Health Act 2006</p> <ul style="list-style-type: none"> ▪ Overview of the Act and recent updates ▪ Guiding principles and legislative purposes of the Act ▪ Key reforms ▪ Legal liabilities and duties of Stakeholders ▪ Risk management ▪ Enhanced penalties, Remedial and Stop-Work Orders ▪ Recent cases ▪ Workplace safety management risk assessment – a practical approach to making the workplace a safer place <p>Panel discussion & Q&A Session</p>
	<p><u>Session Chair:</u> Mr. Anil Changaroath – Director, DLS Contract Advisory & Dispute Management Services Pte Ltd</p> <p><u>Speakers/Panellists:</u></p> <ul style="list-style-type: none"> ▪ Mr. Tan Liam Beng – Director, Drew & Napier LLC ▪ Mr. Chris Vickery – Principal, Elton Road
4.45 – 5.00pm	<p>Closing Address Mr. Naresh Mahtani – Chairman, the Society of Construction Law (Singapore)</p>
5.00pm	End

About the Session Speakers and Chairpersons (in alphabetical order)

Mr. Anil Changaroath – Director, DLS Contract Advisory & Dispute Management Services Pte Ltd

Anil a lawyer by profession and is the Director and head of Davis Langdon & Seah's Contract Advisory and Dispute Management Services Pte Ltd (CADM). He was in private legal practice as a litigator for 11 years dealing with commercial, construction, corporate, matrimonial and criminal matters before he joined DLS CADM in early 2006.

At DLS CADM, working closely with and supporting DLS, developers, building owners, construction professional and lawyers, Anil deals with and advises on all legal aspects of DLS's internal operations; front end contract advisory work on DLS's projects; CADM's external work involving expert and technical advisory work, legal and litigation support, dispute management (avoidance and resolution) and claims assessment; Evaluation, Mediation, Adjudication and Arbitration; and carries out seminars, short courses, publication, research and training for DLS. Anil is a Fellow of Singapore Institute of Arbitrators and sits on the Law Society's International Relations Committee.

Mr. Chow Kok Fong – Chief Executive Officer, Changi Airports International Pte Ltd; Immediate Past Chairman, Society of Construction Law (Singapore)

Chow Kok Fong is a chartered arbitrator, chartered quantity surveyor, accredited construction adjudicator and an accredited mediator. He is CEO of Changi Airports International Singapore Pte Ltd (a subsidiary of the Civil Aviation Authority of Singapore, the business of which is to invest, develop and operate airports outside Singapore) and the Immediate Past Chairman of the Society of Construction Law (Singapore). Earlier in his career he was Chief Executive of the Construction Industry Development Board (now the Building and Construction Authority), Director of Projects with City Developments Ltd and Managing Director of the International Division with Capitaland Commercial. He has consulted as a construction industry specialist with the World Bank and was founding President of the Society of Project Managers. Presently he also serves on the Board of Directors of the Singapore Mediation Centre (SMC) and as an adjunct associate professor at the National University of Singapore. Kok Fong has authored seven books, including a leading text *Law and Practice of Construction Contracts* (3rd Edition) and *Security of Payments and Construction Adjudication*.

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Mr. Choy Chee Yean – Partner, M/s Rajah & Tann

Choy Chee Yean is an experienced arbitration lawyer who focuses on commercial and engineering law in Singapore and Hong Kong. He consistently ranks among the top arbitration lawyers in Singapore in various legal publications.

Chee Yean has represented clients in complex disputes involving building construction, civil engineering and telco infrastructure across the region. His experience includes arbitrations under the ICC, UNCITRAL, CITEC, LCIA, SIAC and KLRCA rules. Chee Yean is a Fellow of the Chartered Institute of Arbitrators and also a member of the Singapore International Arbitration Centre's Main Panel of Arbitrators.

Apart from speaking engagements, Chee Yean has also tutored in Practical Law Course in Singapore in Arbitration, Insolvency, Commercial Practice and Civil Procedure. He was also a Visiting Lecturer in Construction Law at the National University of Singapore and is a joint author of a book on Contract Administration for projects under the Singapore Standard Form of Building Contract.

Mr. David Haslam – Principal, Evans & Peck (Asia) Pte Ltd

David Haslam is a Principal with Evans & Peck, a leading Australian infrastructure management consultancy providing advisory services to clients in Australasia, the Middle East and Asia. Prior to taking up his current position in 2005 he was an Executive Director of Northcroft, a leading British construction consultancy. He is a chartered quantity surveyor with over 25 years experience in the construction and infrastructure sectors with extensive experience in the contractual administration, cost management, project management and risk management of projects in Europe, the Middle East and Asia.

David is a Member of the Royal Institution of Chartered Surveyors, a Member of the Chartered Institute of Arbitrators and a Fellow of the Singapore Institute of Arbitrators. He is also an accredited Adjudicator under the Building & Construction Industry Security of Payment Act 2004. He has been based in Singapore since 1990 during which time he has advised clients in the construction and infrastructure sectors in several countries throughout South-East Asia.

Mr. Michael Hwang SC – Senior Counsel & Arbitrator, M/s Michael Hwang

Michael Hwang received his legal education (both undergraduate and post-graduate) at Oxford University. He then took up a teaching appointment at the Faculty of Law at the University of Sydney before returning to Singapore to commence private practice in 1968.

In 1991 Mr. Hwang was appointed a Judicial Commissioner of the Supreme Court for a fixed term which expired at the end of 1992. During his term of office Mr Hwang dealt with a full caseload across the whole range of civil litigation. 15 of his judgments are reported in the Singapore Law Reports and several of them have been referred to with approval by other courts and academic commentators. He returned to private practice at the beginning of 1993, as the Head of Litigation at the law firm of Allen & Gledhill, Singapore. In 1997 Mr Hwang was appointed as one of the first twelve Senior Counsel of the Supreme Court of Singapore. He established his own specialist practice as Senior Counsel and Arbitrator at the beginning of 2003.

Mr. Ho Chien Mien – Partner, M/s Allen & Gledhill

Ho Chien Mien is a Partner of Allen & Gledhill. His areas of practice encompass a wide range of general commercial and common law litigation, with particular emphasis in the areas of construction and engineering, where he has extensive litigation, arbitration adjudication and mediation experience – both domestic and international. His experience includes disputes relating to office towers, retail malls, hotels, condominiums, warehouses, petrochemical, plastics and power plants, water treatment facilities, tunnels, sports complexes, college campuses and aircraft hangars. He has conducted various ICC, SIAC and ad hoc arbitrations as lead counsel.

Chien Mien also has a broad non-contentious practice that encompasses work connected with the construction and engineering industry. He has experience with all the major project delivery methods, including Design and Build, PPP, DBOO, EPC, and EPCM for projects such as oil storage terminals and berthing facilities, biologics, pharmaceutical, plastics and petrochemical plants, condominiums, office towers, hotels, and retail malls. Chien Mien is an Accredited Adjudicator with the Singapore Mediation Centre and also a Fellow of the Singapore Institute of Arbitrators.

Mr. Naresh Mahtani (FSI Arb, FCI Arb) – Consultant, Alban Tay Mahtani & de Silva; Chairman, Society of Construction Law (Singapore)

Naresh has been in legal practice for the past 25 years in commercial litigation, construction projects and dispute resolution. He is currently Chairman of the Society for Construction Law and a Council Member of the Singapore Institute of Arbitrators. He is a member of several dispute resolution panels, including the Regional Panel of the Singapore International Arbitration Centre, Asia-Pacific Regional Grouping (APRAG) Panel of Arbitrators; Disputes & Compensation Resolution Panel of Singapore Wholesale Electricity Market, Adjudication Panel of the Financial Industry Disputes Resolution Panel; as well as an Accredited Adjudicator at the Singapore Mediation Centre. He is currently a consultant at Alban Tay Mahtani & de Silva (ATMD), a firm which he co-founded, and is engaged as an advisor in construction projects and in dispute resolution as arbitrator and counsel in Singapore and the region.

Mr. Christopher Nunns – Partner, EC Harris Singapore Pte Ltd

Mr Nunns has 30 years experience in the international construction industry working with both contractors and consultants. For the last 20 years he has been based in Singapore and principally involved in dispute resolution, arbitration, contract administration and claims management. He has given expert evidence for arbitration and court proceedings on numerous occasions and is a regular speaker at seminars and conferences in Singapore. Mr Nunns is a Contracts Advisor to the Singapore Contractors Association Ltd and is accredited as an adjudicator in Singapore. Mr Nunns is currently Vice Chairman of the Society of Construction Law in Singapore.

The Law Society's vMCPD Scheme:

Programme Category: Professional Practice
Training Level: Update

Practice Area: Category 6 (Construction)
CPD Hours: 5 hrs 30 mins



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Mr. Mohan Pillay – Managing Partner, MPillay; Adj. Assoc. Prof., Faculty of Law, Nat. Univ. of Singapore; Visiting Professor, Centre of Construction Law & Management, King's College London

Consistently identified as a leading Asian and Singapore lawyer in construction and arbitration, Mohan has 20 years experience appearing before both Singapore Courts and arbitration tribunals. He has represented clients in complex disputes involving building construction, civil engineering, power and incineration plants, and oil and gas production facilities, in various jurisdictions and under ICC, UNCITRAL, SIAC and other arbitration rules.

Mohan is a Panel Arbitrator of the SIAC, Singapore Institute of Arbitrators and the Kuala Lumpur Regional Centre for Arbitration. He is also a Principal Mediator with Singapore Mediation Centre and a Fellow of the Singapore and Chartered Institute of Arbitrators. He is an accredited Adjudicator under the Building & Construction Industry Security of Payment Act 2004. He has acted as Adjudicator, Arbitrator and Mediator.

Mohan has recently been appointed Consultant to Pinsent Masons, which ranks in the top 15 of UK law firms and the top 100 of law firms globally in term of size. He is the managing partner of the Singapore legal firm, "MPillay". In addition to an active practice, Mohan is also an Adjunct Associate Professor at the Faculty of Law, National University of Singapore, and a Visiting Professor at the Centre of Construction Law & Management, King's College London, University of London.

Mr. Stephen Rae – Regional Director, Asia Pacific, Systech International Pte Ltd

Stephen Rae has 25 years experience in the construction and engineering industries, 12 of which have been gained in Asia. Stephen has provided contract consulting and dispute resolution services as advisor, expert or lay counsel on some of Asia's foremost construction and engineering projects. His experience covers oil & gas, petrochemical, pharmaceutical, shipbuilding, power generation, rail, civil engineering and building projects. A founder member of the Society of Construction Law in Hong Kong and Singapore, Stephen is the author of numerous articles published in regional and international journals and frequently lectures on construction contract matters. Stephen is based in Singapore as Systech International's Regional Director responsible for the Asia Pacific region.

Mr. Tan Liam Beng – Director, Head - Building and Construction Business Group, Drew & Napier LLC

Tan Liam Beng is a Director and heads the Building and Construction Business Group in the law company of Drew & Napier LLC. Prior to practising law, he worked as a civil and structural engineer and had experience in design and construction of engineering and building projects. Besides being an advocate and solicitor, he is also a registered Professional Engineer in Malaysia. Liam Beng is a Fellow of the Chartered Institute of Arbitrators in UK, Fellow of the Singapore Institute of Arbitrators and Malaysian Institute of Arbitrators, Member of the Institution of Engineers in Singapore and in Malaysia. He has been appointed to the Main Panel of Arbitrators of the Singapore International Arbitration Centre and also appointed as an Accredited Adjudicator under the Building & Construction Industry Security of Payment Act. Currently, Liam Beng does both contentious as well as non-contentious legal work in relation to building and engineering matters. The contentious work includes Litigation, Arbitration, Mediation and Adjudication of large civil claims. He had acted as defence counsel in the prosecution of the Compassvale and Fusionpolis incidents. He is also an adjunct Associate Professor for the joint King's College-NUS MSc Programme in Construction Law and Arbitration.

Dr Chris Vickery – Principal, Elton-Roade (B.Sc(Hons) Arch from Aston University, UK; M.Sc in architecture from Bristol University, UK; Ph.D from Bristol University, UK)

Dr Vickery has practised architecture in Singapore since 1979 and is involved in both private and public sector projects. He is now a Principal of his own architectural practice which he set up in 1993. He is currently completing the final year of his M.Sc in Construction Law and Arbitration at NUS-Kings College London. His professional memberships include:

- Registered with Board of Architects, Singapore
- Member of Singapore Institute of Architects
- Member of Royal Institute of British Architects
- Fellow of Singapore Institute of Arbitrators

Mr. Paul Wong – Partner, Rodyk & Davidson LLP

Paul Wong is a Partner in Rodyk & Davidson LLP's Litigation and Arbitration Practice Group. Paul's practice includes construction, banking and insolvency, and general commercial litigation. He has acted as counsel in numerous construction disputes both in arbitration and litigation with a specific emphasis on engineering related issues. Notably, he was one of the counsel acting for the main contractor of Circle Line Contract C824, the main potential defendant in the inquiry into the collapse of Nicoll Highway on 20 April 2004. His clients include developers, quantity surveyors, architects, contractors and sub-contractors. Apart from dispute resolution, Paul also advises his clients in the drafting of construction-related transactions, including numerous forms of construction contracts. He has acted for main contractors in major infra-structure projects in Singapore both in an advisory role and also as counsel. Construction-related cases Paul has worked on include the MRT Circle Line contracts, the Deep Tunnel Sewerage System contracts, the Marina Barrage contracts and Marina South District Cooling Plant contracts. Paul is a Fellow of the Singapore Institute of Arbitrators and is also admitted to the Malaysian bar.



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REGISTRATION FORM

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

Name and Address of Law Firm/Law Corporation/Organisation:

Date of Admission: _____ Number of years in Practice: _____

AAS No: _____ NRIC/Passport No: _____
(Law Society Members) (Law Society Associate Members & Non Law Society Members)

Position in Law Firm/Law Corporation/Organisation: _____

Tel number: _____ Fax number: _____ Email: _____

(A valid email address is required for confirmation of registration.)

☐ **Law Society Member** ☐ **SCL Member** (_____,
please specify branch) ☐ **Employee of Singapore law practice** ☐ **Non-member**

Mode of payment: ☐ **GIRO DDA**
(Only for law practices with
GIRO accounts with the Law Society) ☐ **Cheque** ☐ **Credit Card**

Credit card: Mastercard/Visa No. _____ **Card Expiry Date:** _____ (MM/YY)

Cardholder's Name: _____ **Signature:** _____
Kindly note that an administration charge of 3% is applicable for payments made via credit card.

MEMBERS OF LAW SOCIETY OR SOCIETY OF CONSTRUCTION LAW & EMPLOYEES OF SINGAPORE LAW PRACTICES:

Please select as appropriate.

NORMAL RATES <i>(inclusive materials & 7% GST)</i>	GROUP DISCOUNTS <i>(inclusive materials & 7% GST)</i> (for 3 or more registrants from same organisation)
MORNING MODULE: Sessions 1 & 2 only (\$128.40, excludes lunch)	MORNING MODULE: Sessions 1 & 2 only (\$115.56, excludes lunch)
AFTERNOON MODULE: Sessions 3 & 4 only (\$128.40, excludes lunch)	AFTERNOON MODULE: Sessions 3 & 4 only (\$115.56, excludes lunch)
FULL DAY (\$231.12, includes lunch)	FULL DAY (\$208.00, includes lunch)

OTHERS: *Please select as appropriate.*

NORMAL RATES <i>(inclusive materials & 7% GST)</i>	GROUP DISCOUNTS <i>(inclusive materials & 7% GST)</i> (for 3 or more registrants from same organisation)
MORNING MODULE: Sessions 1 & 2 only (\$181.91, excludes lunch)	MORNING MODULE: Sessions 1 & 2 only (\$164.00, excludes lunch)
AFTERNOON MODULE: Sessions 3 & 4 only (\$181.91, excludes lunch)	AFTERNOON MODULE: Sessions 3 & 4 only (\$164.00, excludes lunch)
FULL DAY (\$327.42, includes lunch)	FULL DAY (\$294.68, includes lunch)

Cheque payments should be made payable to "The Law Society of Singapore" & arrive at our office with the completed registration form on or before the closing date, Wednesday, 10 July 2007:

The Training & CPD Department
The Law Society of Singapore
39 South Bridge Road (S) 058673

For further enquiries, please contact
The Training & CPD Department at
Tel: (65) 6557 2747 Fax: (65) 6557 2751
E-mail: cpd@lawsoc.org.sg
CPD Portal: www.lawsociety.org.sg/CPD
Website: www.lawsociety.org.sg

REGISTRATION, REFUND & CANCELLATION POLICY

- Registrations will be confirmed upon receipt of full payment accompanied by a duly completed registration form.
- The Organisers reserve the right to refuse to register or admit any participant, and to cancel or postpone the course.
- Substitute delegates are welcomed (e.g. member for member, non-member for non-member), subject to the Law Society Training Department being notified at least 2 working days before the course of the details of the substitute delegate.
- The Organisers reserve the right to impose a cancellation fee in the event any registrant wishes to withdraw from the course after the registration closing date.
- 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.