

# Construction Disputes Asia: Evolution or Revolution?

Friday, 17 September 2010  
Pan Pacific Hotel, Singapore

jointly presented by



## ABOUT THIS CONFERENCE

This prestigious conference will bring together APAC regional experts and leading arbitration practitioners from the construction industry to discuss recent developments, issues and cases. This will also be the first public event to examine the New SIAC 2010 arbitration rules and their application as a method of resolving construction disputes.

## 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

## PROGRAMME OUTLINE

08:30 – 09:00	Registration & Refreshments
09:00 – 09:15	Opening remarks
09:15 – 09:45	Keynote speech Sir Vivian Ramsey, High Court Judge and Head of the Technology and Construction Court in London, joint editor of <i>Keating on Construction Contracts</i> and formerly Head of Keating Chambers
09:45 - 11:00	<u>First Session: The New SIAC 2010 Rules</u> This panel will examine the New SIAC 2010 arbitration rules and their application to construction contracts and future role of arbitration as a method of resolving construction disputes. Chair: Graham Easton, Arbitrator and Mediator (Australia) 1. Gordon Smith, Partner, Kennedys (Singapore) 2. Paul Teo, Consultant, Hogan Lovells Lee & Lee (Singapore) 3. Chow Kok Fong, Chartered Arbitrator (Singapore)
11:00 – 11:20	Break
11:20 – 12:35	<u>Second Session: An inside view of the Expert in Arbitration</u> Experts feature regularly in construction arbitration. They assist the tribunal in their areas of specialisation. This session focuses on the problems and challenges of using experts in construction arbitration from the perspective of the tribunal, counsel and expert. Chair: Sir Vivian Ramsey 1. Jon Prudhoe, Director, Trett Consulting (Singapore) 2. Professor Colin Wall, Commercial, Mediation & Arbitration Services Ltd (Hong Kong) 3. Latiff Ibrahim, Managing Director, Inca Law LLC (Singapore)
12:35 – 14:00	Lunch
14:00 – 15:15	<u>Third Session: Aspects of Energy Construction Contracts</u> Construction contracts in the energy sector differ from standard building and civil engineering contracts. Project delivery and completion; delay, disruption and prolongation are common problems confronting all sectors of the construction industry. However, these issues are given unique and different treatments in their respective industries which will be addressed and discussed by the panelists in this session. Chair: Johnny Tan Cheng Hye, Managing Partner, LT&T Architects 1. Alastair Henderson, Partner, Herbert Smith (Thailand) Ltd 2. Ho Chien Mien, Partner, Allen & Gledhill (Singapore) 3. Marcus Gordon, Partner, Watson, Farley & Williams LLP (Singapore)
15:15 – 15:35	Break
15:35 – 17:05	<u>Fourth Session: Effective ADR for the Construction Industry – an International Perspective</u> This session explores how effective and creative models are shaping dispute resolution in the construction industry. The Panel will review the experience in the United Kingdom, Hong Kong, Malaysia and Australia with input from leading construction practitioners from these countries. Chair: Mohan R Pillay SCL (S) Chairman [2008-2010] 1. SCL (UK) Chairman: Adrian Hughes QC, Thirty Nine Essex Street, [UK] 2. SCL (Aus) Chairman: Prof Ian Bailey SC, Wentworth Chambers, [Australia] 3. SCL (HK) Chairman: John Cock, Evans & Peck (Hong Kong) Co. Ltd, [Hong Kong] 4. SCL (KL) Chairman: Wilfred Abraham, Zul Rafique & Partners, [Malaysia]
17:05 – 17:15	Closing address: Christopher Nunns, Chairman, SCL (Singapore)
17:15 – 18:30	Post-Event & networking drinks

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## ABOUT THE KEYNOTE SPEAKER

### The Honourable Mr Justice **RAMSEY**, United Kingdom

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)

### Wilfred **ABRAHAM** @Zul Rafique & Partners, Malaysia

Wilfred Abraham is head of the Arbitration and Alternative Dispute Resolution Practice Group at Zul Rafique & Partners. Particular area of practice being alternative dispute resolution, with particular emphasis on arbitration. Appears as Counsel and Arbitrator in many arbitrations, including arbitrations conducted under the auspices of the International Chamber of Commerce, the Kuala Lumpur Regional Centre for Arbitration (KLRC) rules and the UNCITRAL rules. Presently, he is on the committee of the Rules for Arbitration of the KLRC and is also on the panel of arbitrators of the KLRC. Has presented and written articles on arbitration and was the co-author of the FIDIC and how it can be used in Malaysia.

### Professor Ian **BAILEY SC** @Wentworth Chambers, Australia

Professor Ian Bailey SC is a barrister specialising in construction disputes. He is a Professorial Fellow of the University of Melbourne Law School and has been involved in the development and conduct of the Construction Law masters program since 1998.

For ten years before 1980 he was a practising architect in Sydney. He was National Vice President of the Institute of Arbitrators and Mediators Australia 2004 to 2008 and is a Grade 1 arbitrator. He has conducted numerous major construction and commercial domestic arbitrations and Court References. He has been the sole appointee in two international arbitrations.

He is the founding Chairman of the Society of Construction Law in Australia.

Author *Construction Law in Australia* (3<sup>rd</sup> Edn late 2010) and Chapter 27.7: Professional Liability, Architects and Engineers in *Laws of Australia*. Co-author with Matthew Bell, of *Understanding Australian Construction Contracts* 2009.

### **CHOW Kok Fong** @Chartered Arbitrator and Chartered Quantity Surveyor, Singapore

Chow Kok Fong is a Chartered Arbitrator and Chartered Quantity Surveyor. At present he practices as a mediator, arbitrator and adjudicator. Since 1990, he has been appointed for more than 160 arbitration, adjudication and mediation references in Asia. He has undertaken management consulting work for multi-lateral agencies such as the World Bank and leading international companies. Until October 2008, he was Chief Executive Officer of Changi Airports International. Earlier he was Chief Executive of the Construction Industry Development Board, now the Building and Construction Authority following which he was Chairman of Guthrie Engineering Pte Ltd, Director of Projects with City Developments and Managing Director for the International Division with the Capitaland Commercial Group. Mr Chow is the founder President of the Society of Project Managers and was Chairman of the Society of Construction Law. Currently, he is also on the board of the Singapore Mediation Centre and Chairman of the Accreditation Committee for Construction Adjudicators. Mr Chow has authored 8 books on construction law, joint ventures and the economics of the construction industry including the *Law and Practice of Construction Contracts* (which had gone into its 3<sup>rd</sup> Edition), *Security of Payments and Construction Adjudication* and *Construction Contracts Dictionary*.

### John **COCK** @Evans & Peck (Hong Kong) Co. Ltd, Hong Kong

John is an architect, designer and project manager, with experience of commercial, retail and institutional projects in Hong Kong, Australia and South-east Asia. John is experienced in design development, specification, project documentation and coordination, statutory compliance, contract and practice administration, arbitration, dispute resolution and forensic architectural consulting.

A Chartered Arbitrator, Accredited Mediator and Accredited Adjudicator, John acts as third-party neutral, expert witness and party advisor for parties in commercial disputes, particularly those involving architectural or building issues.

John is currently Chairman of the Society of Construction Law Hong Kong and Immediate Past Chairman (2007-9) of the Chartered Institute of Arbitrators (East Asia Branch).

### Graham **EASTON** @Arbitrator and Mediator, Australia

Graham Easton is a barrister and civil engineer with 40 years experience in the construction industry, initially as a construction engineer and later as a lawyer, arbitrator, mediator and DRB member. He currently works as an independent dispute resolution specialist covering all aspects of engineering, mining and related technologies. He has acted as an arbitrator, mediator and court referee in more than 200 construction disputes in Asia, all the States of Australia, New Zealand and the Pacific.

Graham is a Barrister of the Supreme Court of New South Wales, a Fellow of the Chartered Institute of Arbitrators (UK), a member of the SIAC Panel of Arbitrators, SIARB, the London Court of International Arbitration (LCIA) and the Institute of Arbitrators and Mediators, Australia (IAMA). He is also an Australian Chartered Professional Engineer.

### Marcus **GORDON** @Watson, Farley & Williams LLP, Singapore

Marcus Gordon is the head of the Watson, Farley & Williams LLP (Singapore) International Litigation and Arbitration Group. He specialises in cross-border construction and engineering disputes with a particular focus on: rig/shipbuilding disputes, FPSO conversion disputes, oilfield development/construction disputes, power station design & construction disputes, heavy equipment failures and liquidated damages/delay & disruption claims.

As well as being listed in the Asia Pacific Legal 500 and endorsed in PLC's Which Lawyer? ranking, Marcus is on the SIAC international panel of arbitrators and the SIAC SGX-DC: Futures Contract Arbitration Panel. Marcus is currently acting as an arbitrator in SIAC Rule and ad hoc arbitrations.

### Alastair **HENDERSON** @Herbert Smith (Thailand) Ltd, Thailand

Alastair Henderson is co-head of Herbert Smith's dispute resolution practice in Southeast Asia, is managing partner of the firm's office in Bangkok, and is internationally recognised as one of Asia's leading construction and arbitration lawyers. He graduated in law from Oxford University and worked for 5 years in London before moving to Asia in 1993.

Alastair's practice covers a wide range of projects and disputes across Southeast Asia and beyond. He has particular experience in the infrastructure, construction, engineering and energy sectors, and in wider international trade and investment disputes. He advises Governments, multinationals and private companies on complex projects around the region, and in conducting domestic and international arbitration and local and multi-national litigation. He also serves as an arbitrator appointed by regional and international institutions and he is a regular speaker at regional and international conferences.

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## **HQ Chien Mien** Partner, Allen & Gledhill LLP, Singapore

Ho Chien Mien is a Partner in Litigation & Dispute Resolution and Energy and Infrastructure. Chien Mien's areas of practice encompass a wide range of contentious and non-contentious work in the areas of construction, engineering and infrastructure projects. His experience in contentious matters includes disputes relating to major office buildings, retail malls, hotels, condominiums, warehouses, power, utilities, desalination and petrochemical plants, water treatment facilities, roads and tunnels, sports complexes, and aircraft hangars.

Chien Mien graduated from Bristol University with an LLB (Hons) degree in 1989. He qualified as a Barrister-at-Law at Gray's Inn in 1990 and was called to the Singapore Bar in 1991, when he joined Allen & Gledhill. He became a Partner in Litigation & Dispute Resolution in 1997. He is Accredited Adjudicator with the Singapore Mediation Centre. He is also a Fellow of the Singapore Institute of Arbitrators and Accredited Arbitrator under the Law Society Arbitration Scheme.

## **Adrian HUGHES QC** Thirty Nine Essex Street, United Kingdom

Adrian Hughes has practised construction and commercial law at the Bar since leaving the Royal Navy in 1984. He took silk in 2006.

Adrian's main areas of expertise lie within the construction and commercial fields and also include information technology, insurance, energy, project finance, rail, shipping, international trade and professional negligence cases.

A particular focus of Adrian's work in his fields of practice is international arbitration and dispute resolution. He regularly conducts commercial and construction arbitration work both as counsel and arbitrator in many different jurisdictions. He has particular experience of arbitration in China and sits on the CIETAC panel. He is chairman of the China Law Council in the UK and current Chairman of the Society of Construction Law in the UK.

## **Latiff IBRAHIM** Inca Law LLC, Singapore

Latiff Ibrahim is the Managing Director of Inca Law LLC. Called to the Singapore Bar in 1986 he spent the most part of his legal career advising in various infrastructure projects locally and in the region.

He is an accredited adjudicator and a member of the SIAC panel. His prominent cases include advising the project insurers in the Nicoll Highway Collapse, the owners of the 3 Church Street, a case relating to a major structural failure in a building and the owner of the Marina Bay Sands Integrated Resort on its construction and supply contracts.

## **Mohan PILLAY** Mpillay, Singapore

Mohan is the Managing Partner of the Singapore law firm M Pillay. He is a Singapore and UK qualified dispute resolution lawyer with over 20 years experience in advisory, commercial litigation and regional arbitration work, particularly in construction and engineering projects.

He is a Chartered Arbitrator and has been appointed Arbitrator (both sole and presiding) in domestic and international arbitrations. Mohan is Chairman of the Society of Construction Law (Singapore) (2008-2010), Vice President of the Singapore Institute of Arbitrators, Vice Chair of the Dispute Resolution & Arbitration Committee, Inter-Pacific Bar Association (IPBA) and Immediate Past Chair of the International Construction Projects Committee, IPBA. In addition to an active practice, Mohan is also Adjunct Associate Professor at the Faculty of Law, Nat. University of Singapore and Visiting Professor at the Centre of Construction Law, King's College London.

## **Jon PRUDHOE** Trett Consulting, Singapore

Jon Prudhoe is the Director of Trett Consulting's six Asia-Pacific regional offices and is based in Singapore. He is a Chartered Quantity Surveyor, Fellow of the Institute of Arbitrators (Singapore and UK), a Fellow of the Academy of Experts and an accredited Mediator and Adjudicator in several countries.

He has over 30 years construction, engineering and energy sector experience with 20 years as a consultant specifically dealing with complex contract disputes and claims. This includes over 40 appointments acting as Quantum and Planning Expert Witness on matters of delay, disruption, acceleration, extension of time as well as preparing and defending contractors and sub-contractors claims or advising on employer's liability arising from contractor's claims. He has also undertaken several Expert Determination appointments.

## **Gordon SMITH** Kennedys, Singapore

Gordon Smith is a Partner in Kennedys' Singapore office, and is responsible for Kennedys' Asian engineering and construction law practice. He has been resident in Asia for 10 years, and has over 30 years experience in the engineering and construction industries. His principal area of practice is the conduct of complex international commercial arbitrations, principally related to oil & gas, energy, and infrastructure projects. He has conducted arbitrations in London, Hong Kong, Singapore, Tokyo, Kuala Lumpur, Bangkok and Jakarta under institutional rules ICC, SIAC, KLRCA, TAI, Bani and ad-hoc arbitrations (UNCITRAL). He has also conducted a major investor-State dispute under the auspices of ICSID.

Gordon is a Fellow of the Institution of Engineers, Australia, and an Australian Chartered Professional Engineer. He is also a Fellow and Chartered Arbitrator of the Chartered Institute of Arbitrators, United Kingdom, a Fellow of the Singapore Institute of Arbitrators, and is an arbitrator on the Singapore International Arbitration Centre Panel of Arbitrators and the Chartered Institute of Arbitrators Panel of Arbitrators.

## **Johnny TAN Cheng Hye** LT&T Architects, Singapore

Johnny Tan is Principal Partner of LT&T Architects. A Colombo Plan Scholar, he graduated from the University of Western Australia.

Johnny has been on the Singapore Institute of Architects Panel of Arbitrators since 1993 and a Mediator from 1997. He is also on the panel of the Singapore International Arbitration Centre (SIAC), Hong Kong International Arbitration Centre (HKIAC), Dubai International Arbitration Centre (DIAC), Kuala Lumpur Regional Centre for Arbitration (KLRCA) and Arbitration Association of Brunei Darussalam (AABD). Johnny is also a Neutral Evaluator and accredited Adjudicator with the Singapore Mediation Centre.

In addition, Johnny is also active in several professional bodies. In the Singapore Institute of Architects, he held the posts of Honorary Secretary, 2nd Vice-President and 1st Vice-President between 1995 and 2000. He has also held several positions in the the Singapore Institute of Arbitrators and has been its President since 2007. Johnny is one of the founding committee members of the Society of Construction Law (Singapore) and is currently Assistant Honorary Treasurer and Chairman, External Relations Committee.

## **Paul TEO** Hogan Lovells Lee & Lee, Singapore

Paul is a Consultant in the international arbitration practice of Hogan Lovells Lee & Lee. He is responsible for leading the Projects, Engineering and Construction team in Singapore.

He has more than 13 years' experience and he has advised on a broad range of contractual issues and disputes arising out of many significant infrastructure, building, energy and telecommunications projects across Asia, including Singapore. Paul is qualified in Singapore, England and Wales, and Hong Kong. He is a Fellow of the Chartered Institute of Arbitrators, the Singapore Institute of Arbitrators and the Hong Kong Institute of Arbitrators. He is listed as an arbitrator with the Singapore International Arbitration Centre and the Hong Kong International Arbitration Centre.

Paul has delivered many talks and written papers on various construction and arbitration topics in Singapore and in the region.

## **Professor Colin WALL** Commercial, Mediation & Arbitration Services Ltd, Hong Kong

Colin is a Past President of the Chartered Institute of Arbitrators (CIArb) and Co-President of the Union Internationale des Avocats' World Forum of Mediation Centres. He is a Chartered Arbitrator, a Fellow of the CIArb (Arbitration and Mediation). Colin has spent the last 20 years as a full time dispute resolution professional based in Hong Kong and is an experienced arbitrator and mediator practising mainly in the construction and engineering fields.

Colin is a member of numerous mediation and arbitration panels, including the CIArb's Panel of Accredited Mediators and the panel of Arbitrators in both Hong Kong and London. He is on the panel of Distinguished Neutrals of the International Institute for Conflict Prevention and Resolution, the SIAC Panel of Arbitrators, an International Member of the Singapore Mediation Centre Principal Panel of Mediators and the HKIAC Panel of Arbitrators. Colin is also Member of the Society of Construction Arbitrators and honorary Professor at The University of Hong Kong.

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## REGISTRATION FORM (Registrations close 10 September 2010)

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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 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.
3. 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.

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Contact Person: Sylvia Beetsma

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