



SOCIETY OF CONSTRUCTION LAW (SINGAPORE)

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LAW SOCIETY OF SINGAPORE

JOINT CONSTRUCTION LAW CONFERENCE 2008

Grand Plaza Park Hotel City Hall

Thursday, 31 July 2008, 9.00 a.m. to 5.00 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 fourth year. The high turnout of participants at past conferences, as well as the ability to attract distinguished professionals in their relevant field of construction to speak or chair modules at the event, attest to the success of this annual collaborative event.

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.

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

Program Outline

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| 8.45 – 9.00am | Registration & Refreshments |
| 9.00 – 9.15am | Welcome Address Mr. Michael Hwang SC – President, The Law Society of Singapore |
| Morning Module: "Engineering & the Law" Chairperson: Mr. Philip Jeyaretnam SC – Partner, Rodyk & Davidson LLP | |
| 9.15 – 10.30am | Session 1 – Bridging the Gap between Construction Law and Construction Projects Challenges: <ul style="list-style-type: none">▪ Key challenges faced in Construction Projects in Singapore▪ Major issues and disputes arising on Construction Projects in Singapore, which can be resolved without formal dispute resolution |
| | Speaker: Ms. Audrey Perez – Head of Department QSE & Maintenance, Dragages Singapore Pte Ltd |
| 10.30 -10.45am | Morning Break |
| 10.45am – 11.45am | Session 2 – "Engineering 101 for Non-Engineers – Common Technical Considerations" This session provides a summary description/definition of a standard building and discusses the related issues that could lead to disputes through-out the construction period, from the concept design stage until post Defect Liability Period. |
| | Speaker: Ms. Audrey Perez – Head of Department QSE & Maintenance, Dragages Singapore Pte Ltd |
| 11.45am-12.45pm | Session 3 - "Engineering the Law – Science or Art?" The practice of Construction Law is interesting for its blend of engineering technicalities and legal issues. Often, a good understanding of engineering and technical matters arising from a construction dispute is the key to a successful claim or defence. This is especially so if the dispute extends beyond strictly legal issues, and involves complex technical concepts. The involvement of technical experts at an early stage will assist both client and lawyer to focus on the crux of the dispute between the parties. Construction disputes are notorious for their endless days of hearings and voluminous documents, the bulk of which may not even see the light of day. An appreciation of engineering issues before the commencement of proceedings is critical not only for the proper and concise formulation of a claim or defence, but will also result in savings time and costs for all parties. Engineering is a science. The practice of law is an art. To be effective either as counsel or arbitrator, one needs a comprehensive grasp of both. This session will discuss some of the ways to fuse science and art to your advantage. |
| | Speaker: Mr. Tan Chee Meng SC – Head, International Projects & Partner, M/s WongPartnership LLP |
| 12.45-1.00pm | Morning Panel Discussion & Q&A Session Discussion Moderator Mr. Philip Jeyaretnam SC – Partner, Rodyk & Davidson LLP Panelists: ER Lauw Su Wee - LSW Consulting Engineers Mr. Tan Chee Meng SC Ms Audrey Perez |
| 1.00 – 2.00pm | Lunch Break |

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| 1.45 – 2.00pm | Registration for Afternoon Module |
| Afternoon Module: "Construction Law Updates 2008" | |
| Chairperson: Mr. Thio Shen Yi SC – Joint Managing Director and Head, Litigation, TSMP Law Corporation; Director, Allens Arthur Robinson TSMP | |
| 2.00 – 3.15pm | <p>Session 4 – Update and Review on Developments in Construction Law This update highlights several recent decisions of the Singapore High Court and the Court of Appeal which raises issues pertaining to building and construction law. Of particular interests are decisions which deal with the liability and duty of care of construction professionals, the scope of recovery of damages and an update on cases relating to the Building and Construction Industry Security of Payment Act (Cap. 30B).</p> |
| | <p><u>Speaker:</u> <i>Mr. Latiff Ibrahim – Managing Partner, M/s Harry Elias Partnership</i></p> |
| 3.15 – 3.30pm | Afternoon Break |
| 3.30 – 4.35pm | <p>Session 5 – Non-Compliance with the Security of Payment Act: Are the Adjudications invalid? - Other current issues in connection with construction industry adjudications Strict compliance with the Security of Payment Act appears to be the accepted orthodoxy, to the extent that it has been said that non compliance with any of its provisions will render the adjudication commenced thereunder invalid, and any adjudicator's appointment void. This position seems to be supported by various recent English decisions. The Singapore Court of Appeal has made many pronouncements of late regarding the consequences of non-compliance with statutory provisions, the most recent being the decisions in the collective sale cases of Horizon Towers and Phoenix Court. What lessons and what implications do these decisions hold for cases under the Security of Payment Act? Would non-compliance necessarily be fatal?</p> |
| | <p><u>Speaker:</u> <i>Mr. Edwin Lee – Partner, M/s Rajah & Tann</i></p> |
| 4.35 – 4.55pm | <p>Afternoon Panel Discussion & Q&A Session <u>Discussion Moderator</u> <i>Mr. Thio Shen Yi SC – Joint Managing Director and Head, Litigation, TSMP Law Corporation; Director, Allens Arthur Robinson TSMP</i> <u>Panellists:</u> <i>Mr. Latiff Ibrahim – Managing Partner, M/s Harry Elias Partnership</i> <i>Mr. Edwin Lee – Partner, M/s Rajah & Tann</i></p> |
| 4.55 – 5.00pm | <p>Closing Address <i>Mr. Naresh Mahtani – Chairman, the Society of Construction Law (Singapore)</i></p> |
| 5.00pm | End |

About the Session Speakers and Chairpersons (in alphabetical order)

Mr. Latiff Ibrahim – Managing Partner, M/s Harry Elias Partnership

Mr Latiff Ibrahim is the Managing Partner of the law firm of Harry Elias Partnership. He heads their Construction, Engineering and Infrastructure Projects Practice. He has extensive experience in both front-end and dispute resolution aspects of construction, engineering and infrastructure projects in Singapore and the region. On front-end work, he has advised on various infrastructure projects in Singapore and the region such as commercial and residential developments, various chemical, cement and process plants, sea ports, hospitals, roads and integrated resort. On dispute resolution, he has acted as counsel in a variety of construction and engineering disputes. Latiff is an accredited Adjudicator of the Singapore Mediation Centre under the Building and Construction Industry Security of Payment Act and a member of the Regional Panel of Arbitrators of the Singapore International Arbitration Centre. He is also an Advisory Board Member of the School of Business, Singapore Management University and was a member of the Board of Trustees of the Singapore Management University. He has also been consistently cited for his expertise in Construction Law by the Asia-Pacific Legal 500, a leading international law firm appraisal publication.

Mr. Philip Jeyaretnam SC – Partner, Rodyk & Davidson LLP

Philip Jeyaretnam was the first chairman of the Society of Construction Law, Singapore (2002-2004) and is immediate past president of the Law Society (2004-2007). Appointed senior counsel in 2003, he is a partner in the law firm Rodyk & Davidson LLP.

ER Lauw Su Wee - LSW Consulting Engineers

Lauw Su Wee is a principal consultant at LSW Consulting Engineers and he obtained a B.Sc (Eng) Hons from the University of Aberdeen, Scotland and is a registered professional engineer in Singapore as well as a chartered engineer in the UK with work experience for over 30 years. He has been constantly engaged as a consultant to government agencies, private developers and contractors for a variety of works but in particular, temporary works, pre-cast concrete construction and the design of steel and concrete structures. Er Lauw is an accredited checker and has introduced several innovative construction methods for the industry locally and overseas. He is also a senior member in the Institution of Engineers Singapore and a fellow member in the Institute of Structural Engineers UK.

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Mr. Edwin Lee – Partner, M/s Rajah & Tann

In his 15 years of practice, Edwin has conducted both cases in court as well as at arbitration, and has advised government authorities, developers, contractors, and consultants on numerous aspects of building contract law. He has advised on a variety of projects, from luxury hotels, industrial buildings, condominiums, roads and tunnels, mass rapid train stations, oil tanks, petrol stations, offshore rigs and jetties, to power plants. Edwin's recent major projects include advising the employers on the construction of the largest solar manufacturing project in the world, worth \$6.3 billion; advising American architects on a University Town project worth \$400 million; advising French architects on the \$400 million National Art Gallery project; and advising a major Singapore contractor in relation to the construction of the GE Imagination Centre for the Beijing Olympics. He has been invited to hold adjunct lecturing positions in Singapore's 3 major universities -- National University of Singapore Law Faculty (International Projects course), Nanyang Technological University Business Faculty and the Singapore Institute of Management/Royal Melbourne Institute of Technology (Building Contract Law course). He is the author of the book, *Building Contract Law in Singapore*, now into its 2nd Edition (2003), a co-author of *Law & Practice of Injunctions in Singapore* (2004), contributor to the Construction section of *Singapore Precedents of Pleadings* (2006), and is also co-author of *Confidentiality in Arbitration* (2007). He is recommended in the area of infrastructure and energy by *AsiaLaw Profiles* (2007).

Ms. Audrey Perez – Head of Department QSE & Maintenance, Dragages Singapore Pte Ltd

Audrey Perez is a Civil Professional Engineer graduated from ESTP in Paris. She joined Bouygues, Dragages Singapore's Mother Company in 1994. She was transferred to Singapore in 1995 where she worked on Construction Projects, from site engineer until project manager. She covered Procurement, Design, Tendering, Construction and hand-over of milestone projects for Dragages such as the Ritz-Carlton Hotel, The Fullerton Hotel, The Ladyhill residences and several other projects. In 2006, she was called to join the management team to head two departments, Quality-Safety-Environmental and Completed Projects. She takes over cases from projects when technical and legal issues are interlinked to prevent disputes. Lead auditor for Dragages, she occasionally audits as well for Bouygues Construction on overseas projects. In 2007, she successfully completed the NUS-Faculty of Law Graduate Certificate for International Arbitration. Audrey is a Fellow of the SIArb. She participates to various committees to help bridging the gap between Construction Law and in-situ Construction challenges.

Mr. Tan Chee Meng SC – Head, International Projects & Partner, M/s WongPartnership LLP

Tan Chee Meng, Senior Counsel is the Head of International Projects and is a Partner in the Litigation & Dispute Resolution Department at WongPartnership LLP. His main areas of practice are construction and engineering dispute resolution, general civil litigation, criminal law and disciplinary proceedings. Formerly a Civil Engineer, Chee Meng has acted for major construction firms and developers in respect of projects in Singapore and Vietnam. He was the lead counsel for the project insurers in the 89-day inquiry into the collapse of tunneling works along Nicoll Highway.

Chee Meng was the first specialist judge appointed in Singapore in 2006. He has extensive experience as arbitrator, mediator as well as counsel in construction law and is on a number of local and regional panels of arbitrators. He is also an accredited adjudicator appointed under the Building and Construction Industry Security of Payment Act 2004. Chee Meng authored the defamation chapter in Atkins Court Forms and was one of the consultants for the 2006 Edition of the Singapore Court Practice.

Mr. Thio Shen Yi SC – Joint Managing Director and Head, Litigation, TSMP Law Corporation; Director, Allens Arthur Robinson TSMP

Thio Shen Yi read law in Cambridge University and graduated in 1991, after which he topped the English Bar examinations in 1992. He is one of the founding partners of TSMP Law Corporation and he has been the head of the litigation and arbitration practice at TSMP since 1998. He is concurrently a Director of Allens Arthur Robinson TSMP, a Joint Law venture between AAR & TSMP. He is also a Fellow of the Singapore Institute of Arbitrators. Shen Yi was appointed Senior Counsel in 2008.

His wide-ranging commercial litigation practice includes corporate litigation (such as minority oppression actions and shareholder disputes), insolvency and restructuring, banking and securities litigation, insurance and international trade disputes. He has also had a strong focus on construction and engineering law since the commence of his practice, and represents and advises international and domestic clients in a wide range of disputes.

Shen Yi's team at TSMP has been consistently rated as one of the major dispute resolution and arbitration practices by the Asia Pacific Legal 500 and *Asialaw Profiles*, and was described as being one of the top two construction litigation teams in Singapore in *Asialaw Profiles* (2007 edition).

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REGISTRATION FORM

(Registrations close 21 July 2008)

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 SELECT ONE:

SCL (Singapore) Member **Law Society Member** **Lighthouse Club Member**

SCL (Malaysia) Mbr **SCL (UK) Mbr** **NUS Student** **(pls state Faculty)** **CIOB Mbr** **IES Mbr** **IStructE Mbr**

SCAL Mbr **SCCA Mbr** **SIA Mbr** **SIArb Mbr** **SIP Mbr** **SISV Mbr** **Other**

MEMBERS OF LAW SOCIETY OR SOCIETY OF CONSTRUCTION LAW (SINGAPORE):

Please select as appropriate.

| NORMAL RATES | GROUP DISCOUNTS (for 3 or more registrants from same organisation) |
|---|--|
| MORNING MODULE: Sessions 1, 2 & 3 only (\$150.00, excludes lunch) | MORNING MODULE: Sessions 1, 2 & 3 only (\$135.00, excludes lunch) |
| AFTERNOON MODULE: Sessions 4 & 5 only (\$150.00, excludes lunch) | AFTERNOON MODULE: Sessions 4 & 5 only (\$135.00, excludes lunch) |
| FULL DAY (\$280.00, includes lunch) | FULL DAY (\$252.00, includes lunch) |

MEMBERS OF SCCA, SCL(MALAYSIA), SCL(UK), LIGHTHOUSE CLUB, NUS STUDENT/STAFF, CIOB, IES, ISTRUCTE, SCAL, SIA, SIARB, SIP, SISV

Please select as appropriate.

| NORMAL RATES | GROUP DISCOUNTS (for 3 or more registrants from same organisation) |
|---|--|
| MORNING MODULE: Sessions 1, 2 & 3 only (\$180.00, excludes lunch) | MORNING MODULE: Sessions 1, 2 & 3 only (\$162.00, excludes lunch) |
| AFTERNOON MODULE: Sessions 4 & 5 only (\$180.00, excludes lunch) | AFTERNOON MODULE: Sessions 4 & 5 only (\$162.00, excludes lunch) |
| FULL DAY (\$325.00, includes lunch) | FULL DAY (\$292.50, includes lunch) |

OTHERS: Please select as appropriate.

| NORMAL RATES | GROUP DISCOUNTS (for 3 or more registrants from same organisation) |
|---|--|
| MORNING MODULE: Sessions 1, 2 & 3 only (\$200.00, excludes lunch) | MORNING MODULE: Sessions 1, 2 & 3 only (\$180.00, excludes lunch) |
| AFTERNOON MODULE: Sessions 4 & 5 only (\$200.00, excludes lunch) | AFTERNOON MODULE: Sessions 4 & 5 only (\$180.00, excludes lunch) |
| FULL DAY (\$350.00, includes lunch) | FULL DAY (\$315.00, includes lunch) |

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)", "c/o INTELLITRAIN PTE LTD, 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 | Development Bank of Singapore |
| | 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 |
| Account Name | Society of Construction Law (Singapore) |
| 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 registration and any payment due.
2. We regret that we generally do not issue invoices or accept payments at the event.
3. We reserve the right 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.