

The Law Society of Singapore & Society of Construction Law

Jointly Present:



THE LAW SOCIETY
OF SINGAPORE

CONSTRUCTION LAW CONFERENCE 2005

Carlton Hotel
Friday, 19th August 2005
9.00 a.m. to 5.30 p.m.



About this Conference

For the 2nd year running, the Law Society of Singapore and the Society of Construction Law 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 for a discussion on recent developments and current issues affecting the construction industry.

The morning session will kick off with a discussion on one of the key events of the industry in 2004-2005, the recent collapse of the ongoing excavation works of the Circle Line station at Nicoll Highway. Mr. Philip Jeyaretnam SC, who represented one of the two main parties in this matter, will explore the relevance of the doctrine against conflicts of interest to making decisions on safety.

Next, there will be a recap and discussion on 2 key pieces of legislation introduced this year, the Building & Construction Industry Security of Payment Act and the Building Maintenance & Strata Management Act.

The afternoon session will include a session on the role of natural justice in construction arbitration, as well as an in-depth overview of recent construction case law developments, including:

- The Court of Appeal's landmark decision in *Chia Kok Leong v Prosperland Pte Ltd* [2005] SGCA 12 on the issue of the proper party to sue an architect for breach of contract in failing to exercise due care in the design and supervision of the project leading to defects; and
- Lessons from and implications of the case of *MCST No. 2297 v Seasons Park Ltd (No. 2)* [2005] 1 SLR 613; [2005] SGCA 16.

In addition, the concept of Public Private Partnerships newly introduced in Singapore late last year as a procurement model for public sector projects will be explored in detail. Join the eminent Professor Philip Capper as he shares the UK perspective of the issues faced and lessons learnt.

Program Outline

SESSION 1:

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| 9.00 – 9.30 a.m. | Registration & Welcome Refreshments (Session 1) |
| 9.30 – 9.40 a.m. | Opening Address |
| | <i>Mr. Chow Kok Fong - Chairman, Society of Construction Law</i> |
| 9.40 – 9.50 a.m. | Overview of Morning Session |
| | <i>Dr Anne Magdaline Netto</i> |
| 9.50– 10.50 a.m. | After the Nicoll Highway Collapse - The Relevance Of The Doctrine Against Conflicts Of Interest To Making Decisions On Safety |
| | <i>Mr. Philip Jeyaretnam SC -President, The Law Society of Singapore; Partner, Rodyk & Davidson</i> |
| 10.50 – 11.10 a.m. | MORNING BREAK |
| 11.10 a.m. –12.10 p.m. | Legislative Updates |
| | <i>Mr. George Tan – Partner, ChanTan LLC</i> |
| 12.10 p.m. – 12.30p.m. | Panel Discussion / Question & Answer Session |
| 12.30 - 2.00 p.m. | LUNCH |

The Law Society's vMCPD Scheme:
Programme Category: Professional Practice
Training Level: Update

Practice Area: Category 6 (Construction)
CPD Hours: 6hrs 20 minutes

Who Should Attend

- Lawyers
- In-house counsel & legal officers working in the construction industry
- Architects, developers, 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

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SESSION 2:

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| 2.00 – 2.10 p.m. | Overview of Afternoon Session |
| | <i>Mr. Basil Vareldzis – SI Arb Honorary Treasurer and Chair of its Construction Arbitration Group</i> |
| 2.10– 3.10 p.m. | Natural Justice & its Role in Construction Adjudication |
| | <i>Mr. Chow Kok Fong - Chairman, Society of Construction Law</i> |
| 3.10 –4.10 p.m. | Public Private Partnerships – The UK Perspective |
| | <i>Professor Philip Capper- Visiting Professor of Construction Law, King's College London; Partner, Lovells</i> <i>Mr. James Harris – Partner, Lovells Lee & Lee</i> |
| 4.10 – 4.30 p.m. | BREAK |
| 4.30 – 5.30pm | Case Law Updates |
| | <i>Dr. Philip Chan – Associate Professor, School of Design & Environment, National University of Singapore</i> |
| 5.30 – 5.50 p.m. | Panel Discussion / Question & Answer Session |
| 5.50 – 6.00 p.m. | Closing Remarks <i>Mr. Chow Kok Fong</i> |

About the Speakers

Mr. Philip Jeyaretnam SC – Partner, Rodyk & Davidson

Mr Philip Jeyaretnam SC was admitted to the Singapore Bar in 1988 and was appointed Senior Counsel in January 2003. He holds a First Class Honours degree in law from Corpus Christi College, Cambridge University (1986), and was called to the English Bar in 1987. He was a Visiting Fulbright Fellow at Harvard Law School in 1991. He was the first Chairman of the Society of Construction Law, Singapore (2002–2004), and is currently President of The Law Society of Singapore. He has been co-author of the section on building and construction law for the Singapore Academy of Law's Annual Review for the years 2000, 2001, 2002, 2003 and 2004. He has published articles in the Malayan Law Journal on bills of exchange and insurance law. He is a regular speaker in the fields of construction law, international trade and investment, evidence, civil procedure and international arbitration. He is a Partner in the firm Rodyk & Davidson, where he leads the Projects, Construction and Investment Practice Group.

Mr. George Tan - Director, ChanTan LLC

George Tan LLB (Hons), FSI Arb, FCI Arb is a director of ChanTan LLC specialising in Building and Construction Law. He is the author and co-author of the following books, Building and Construction Title of Halsbury Laws of Singapore, Construction Law in Singapore and Malaysia, Annual Review of Building and Construction Law (Academy of Law). George has been involved as counsel and arbitrator in SIAC, SIA, ICC, PAM and UNCITRAL arbitrations. He is a member of the Dispute and Compensation Resolution Panel, National Electricity Market of Singapore and is now on SMC's register of adjudicators. He is also an Adjunct Associate Professor for the joint King's College-NUS MSc Programme in Construction Law and Arbitration.

Professor Philip Capper – Visiting Professor of Construction Law, King's College London; Partner, Lovells

Phillip Capper MA(Oxon) BA(Dunelm) became Visiting Professor of Construction Law at King's College London in 1988, then in 2003 Nash Professor of Engineering Law in succession to John Uff. He is a partner in the international law firm, Lovells, whom he joined in 1999. Before that, he was a senior partner in Construction and Engineering, and Head of International Arbitration, at Masons. For several years, Phillip led a very large team of lawyers, French and English, for the consortium designing and constructing the Channel Tunnel. Phillip's practice has specialised in international dispute resolution in engineering and construction, as adviser, advocate and as arbitrator. Before joining Masons in 1988 he was Chairman of the Faculty of Law at the University of Oxford. He has been a Fellow of Keble College, Oxford for over 20 years. He was also a lecturer in law at the University of Durham. Phillip drafted the Adjudication and Disputes clauses of the New Engineering Contract 2nd ed. He was also retained by the ICE to draft and advise on the

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ICE disputes provisions for the 1996 UK legislation. For CIRIA he wrote the legal risk management aspects of its report Risk for Construction: Preparation of a Client's Guide (1996). The French Association of International Contractors (SEFI) engaged Phillip as an independent expert to write a critical evaluation of FIDIC's test edition of its EPC Turnkey Silver Book. Phillip is a UK member of the ICC Commission on International Arbitration, which sits in Paris, and of the European Advisory Committee of the CPR Institute for Dispute Resolution, based in New York. Phillip has specialised in contractual risk management for over 25 years, writing also on bonds and financing instruments. As Editor from its inception in 1983 until 1990, Phillip wrote the Construction Industry Law Letter. Recent publications include Construction Industry Arbitrations in the 3rd edition of Sweet & Maxwell's Handbook of Arbitration Practice. He is a former General Editor of Emden's Construction Law.

Mr. James Harris – Partner, Lovells Lee & Lee

James Harris is the head of Lovells Lee & Lee's projects practice for South East Asia. He is the managing partner for Lovells' Singapore office with a background in project finance and privatisation, general banking and property finance. James deals principally with infrastructure projects and has experience in the waste, water, energy, transport and health sectors in several jurisdictions across Asia Pacific, the Middle East and Europe. He has advised governments, corporates and lenders in the Asian region on numerous project financed transactions, including public private partnerships (PPP).

Dr. Philip Chan – Associate Professor, School of Design & Environment, National University of Singapore

Dr Philip Chan is an Associate Professor with the National University of Singapore. He is the Deputy Head (Finance & Admin) of the Department of Building, School of Design & Environment, and the Programme Director of the KCL-NUS MSc (Construction Law & Arbitration) programme.

About the Conference Chairperson

Mr. Chow Kok Fong

LL.B.(Hons), B.Sc.(Bldg)(Hons), M.B.A., F.R.I.C.S., F.C.I.S., F.C.I.Arb., F.S.I.Arb., F.S.Proj.M

Mr Chow Kok Fong is a chartered arbitrator, chartered quantity surveyor, accredited construction adjudicator and an accredited mediator. He is Managing Director of Equitas Corporation and Chairman of the Society of Construction Law. 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) as an adjunct associate professor at the National University of Singapore. Mr Chow has authored seven books, including a leading text, *Law and Practice of Construction Contracts* (3rd Edition) and the recently released *Security of Payments and Construction Adjudication*.

About the Session Chairpersons

Dr Anne Magdaline Netto

Dr Netto (LLB, MSc, PhD,) is currently practicing as a lawyer and arbitrator. She is an adjunct lecturer with the Singapore Management University. She has wide ranging experience both in the academia and commercial litigation. Dr Netto was the first Programme Director, KCL-NUS MSc (Construction Law & Arbitration). She was the first Singaporean to obtain the MSc in Construction Law & Arbitration at King's College London. Dr Netto has authored several articles on construction law in Singapore and the UK which have been published in leading journals. She is the lead author of Singapore Building Control Handbook(2003).

Mr. Basil Vareldzis – SI Arb Honorary Treasurer and Chair of its Construction Arbitration Group

Basil Vareldzis is the Honorary Treasurer of the Singapore Institute of Arbitrators. He graduated with Honours from Imperial College of Science and Technology – London University – in both Electrical and Civil Engineering. Basil has worked in the Construction and Industry on major Civil Engineering and Building

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Projects both in the United Kingdom, the Middle East, and Singapore. He is an Associate of the Chartered Institute of Insurers by Examination, and a Fellow of both the Chartered and Singapore Institute of Arbitrators. In 1996, Basil joined China Construction in Singapore first as a Director of Projects, and later as a Director and General Manager. In 2003, he set up his own office, Vesco Construction Services, whereby he offers project management and claims consultancy services, and is available for appointment as Arbitrator and Expert Witness in Delay Claims.

Venue:
Carlton Hotel
Empress 2 and 3, Level 2
76 Bras Basah Road, Singapore

Registration starts at 9.00 am.

REGISTRATION FORM

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

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

Position in Law Firm/Law Corporation/Organisation: _____

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

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

Tel number: _____ Fax number: _____ Email: _____

(Please note that contact details may be provided to Society of Construction Law)

Law Society Member **Member of Society of Construction Law**
Employee of Singapore law practice **SCCA Member** **Non-member**

Mode of payment: GIRO **Cheque** **Credit Card**

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

Cardholder's Name: _____ Signature: _____

Please tick as appropriate.

| | NORMAL RATES | EARLY BIRD DISCOUNTS (if you register before 29 July 2005) | GROUP DISCOUNTS (for 3 or more registrants from same organisation) |
|--|--------------|--|--|
| Member of the Law Society of Singapore | \$210.00 | \$189.00 | \$189.00 |
| Member of Society of Construction Law | \$210.00 | \$189.00 | \$189.00 |
| Others | \$294.00 | \$264.60 | \$264.60 |

Cheque payments should be made payable to "The Law Society of Singapore" & arrive at our office with your completed registration form before the closing date, **Friday, 12 August 2005**:

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

1. Registrations will be confirmed upon receipt of full payment accompanied by a duly completed registration form.
2. The Organisers reserve the right to refuse to register or admit any participant, and to cancel or postpone the course.
3. Substitute delegates are welcomed, subject to the Law Society Training Department being notified at least 2 working days before the course of the details of the substitute delegate
4. 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 made later than 24 hours before course commencement. 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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