

**Session 1—Recent Developments in relation to the
Security of Payment Act**

**Session 2—A Collaborative approach to Managing
Projects & Claims**

Session 3—Challenges for Non-Lawyers Adjudicators

Chairman



Lee Keng Seng
CPD Committee Member
Singapore Institute of Surveyors and Valuers

Keynote Speaker



Chow Kok Fong
Chartered Arbitrator and Chartered Surveyor

Speakers



Christopher Chuah
Partner
Head—Infrastructure, Construction
and Engineering Practice
WongPartnership LLP



Anil Changaroth
Director
CHANGAROTH CHAMBERS LLC



Christopher Nunns
Managing Director
FTI Consulting

Sponsors:



Program

- 1.30pm** Registration
- 2.00pm** **Opening Remarks by Chairman**
- **Lee Keng Seng**, CPD Committee Member
Singapore Institute of Surveyors and Valuers
- 2.05pm** **Remarks by Keynote Speaker**
- **Chow Kok Fong**, Chartered Arbitrator and Chartered Surveyor
- 2.25pm** (Session 1) **Recent Developments in relation to the Security of Payment Act**
- **Christopher Chuah**, Partner, Head—Infrastructure, Construction and Engineering Practice
WongPartnership LLP
- 3.30pm** Tea Break cum Networking
- 3.50pm** (Session 2) **A Collaborative approach to Managing Projects & Claims**
- **Anil Changaroth**, Director, **CHANGAROTH CHAMBERS LLC**
- 4.30pm** (Session 3) **Challenges for Non-Lawyers Adjudicators**
- **Christopher Nunns**, Managing Director, FTI Consulting
- 5.00pm** Questions & Answers Session
Panelist: Lee Keng Seng
Chow Kok Fong
Christopher Chuah
Anil Changaroth
Christopher Nunns

CPD Accreditation

SISV, QS Division & AIQS = 4 CPD Points

Every SISV, QS Division Member (Honorary Fellows, Fellows, Members, Probationers and Technical Members) must complete at least 20 CPD points each year.

BOA-SIA = 3 CPD Points

Qualified for 3 PDUs by PEB

Certificate of Attendance will be awarded upon successful completion of the seminar.

Upcoming Activities

- * Young QS Bowling Nite 2016, 1 September 2016
- * Certificate in Building Contract Law (5th Intake) commencing 3 October 2016
- * QS Seminar: October 2016 (to be confirmed)
- * QS Networking Nite 2016

For sponsorship details, please call us at 64240286.



Chairman



Lee Keng Seng is a Director (Quantity Surveying) at Surbana Jurong Consultant Pte Ltd and a member of Singapore Institute of Surveyors and Valuers. He holds a Bachelor of Science (Building), NUS, Graduate Diploma in Business Administration, SIM and also a Master degree in Construction Economics and Management from University College London, United Kingdom.

As a practitioner, Keng Seng has over 25 years experience, in various roles and capacities for developers, consultants and contractor, in the areas of cost and contracts management for development and construction projects of different types, size and complexities. He led and supervises QS teams in the provision of multi-disciplinary design and QS consultancy services. In addition, he has also undertaken and responsible for various roles in feasibility studies, design management, procurement management, project management and facilities management for projects of different nature and scale.

Keynote Speaker



Chow Kok Fong is a Chartered Arbitrator and Chartered Quantity Surveyor and has been appointed for more than 230 arbitration, adjudication and mediation references in Asia. Until October 2008, he was CEO of Changi Airports International, an airport investment and management group. Earlier he was Chief Executive of the Construction Industry Development Board following which he served as Chairman of Guthrie Engineering, Director of Group 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. He has authored 17 books on construction law, joint ventures and the economics of the construction industry including the Law and Practice of Construction Contracts (now in the two-volume 4th Edition 2012) and Security of Payments and Construction Adjudication (now in its 2nd Edition 2013) and is the Founding General Editor of the Singapore Construction Adjudication Review and the Singapore Journal of Construction Law. On 1 November 2013, he was awarded the quinquennial Singapore Academy of Law Award 2013 for contributions in promoting and advancing the development of Singapore law.

A wide-angle photograph of a construction site in an urban area. Several tall buildings are under construction, with numerous cranes and scaffolding visible against a clear sky.

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Session 1

Recent Developments in relation to the Security of Payment Act

In this presentation, the speaker will examine recent case law which affects adjudication proceedings under the Security of Payment Act. This area of the law continues to remain dynamic and responsive to the evolving construction environment.

The cases touch on a wide spectrum of issues affecting the industry including provisions concerning termination and rights post termination and how parties should deal with jurisdictional objections to payment claims and adjudication applications.

Industry players like developers, consultants and contractors would benefit from keeping abreast of the latest developments which will help them to avoid some of the pitfalls in drafting and administration of construction contracts.



Christopher Chuah heads the Infrastructure, Construction & Engineering Practice and is a Partner in the China and Myanmar Practices. His main areas of practice encompass both front-end drafting/advice and construction disputes (including FIDIC standards), both litigation and arbitration. He is a leading light in the field of building and construction law and has authored various books on this subject. He is one of the General Editors of the Singapore Construction Adjudication Review.

Christopher has acted as leading counsel in numerous reported landmark cases on construction law including acting for Mer Vue Developments Pte. Ltd., the developers of The Seaview Condominium, in a landmark High Court decision that clarifies the extent and scope of the liability of the developer, main contractor and architect in a claim for building defects. We successfully defended tortious claims made by the Management Corporation Strata Title Plan No. 3322 for alleged defects in the development amounting to approximately S\$32 million; Asplenium Land Pte. Ltd., a developer in respect of a residential project, in a landmark Court of Appeal decision on the enforceability of a contractual clause limiting an employer's right to restrain a call on a performance bond against a main contractor who was terminated. This landmark decision by the Court of Appeal would mean that it is now possible for employers to exclude or limit the grounds for an injunction to fraud only in the case of unconditional bonds; Kimly Construction Pte. Ltd. in a successful claim against the subcontractor arising from the collapse of a tower crane at the National University of Singapore; a Singapore-listed construction company involved in a payment dispute with the owner of Park Regis Singapore and in proceedings involving an application for injunction to restrain payment of a performance bond; and a developer defending claims for defects in common property, brought by the management corporation of an upmarket condominium in Singapore. He has also acted for subcontractors, main contractors and developers in numerous arbitration disputes both domestic and international.

In infrastructure/projects, Christopher has been involved in acting for Changi Airport Group (Singapore) Pte. Ltd. in two major infrastructure projects being undertaken at Changi Airport, Singapore – Project Jewel which is a S\$1.47 billion project for the development, construction, lease and management of the iconic aviation-related mixed-use complex at Changi Airport; and in the development of Terminal 4 at Changi Airport on the site of the former Budget Terminal. When completed, Project Jewel and Terminal 4 will boost Changi Airport's handling capacity and augment its position as a leading global air hub.

Session 2

A Collaborative approach to Managing Projects & Claims

Anil will review some of the issues that arise in managing projects and claims and consider a Collaborative approach at dealing with these so that disputes are avoided from the onset.

Session 2 (Cont'd)



Anil a Mediator and Arbitrator (Fellow of the Chartered and S'pore Institutes of Arbitrators), Advocate & Solicitor of S'pore and Solicitor of England & Wales, has been in practice since 1995 having graduated as a Barrister of England and Wales (Middle Temple) and a five-year career as an infantry officer with the Singapore Armed Forces before that.

Having also been In House Counsel and head of Davis Langdon & Seah (Arcadis)'s Contract Advisory and Dispute Management division (2006-2008) and with the arbitration practice group of the international law firm Hogan Lovells Lee and Lee (2008-2009), his work involves commercial, civil, corporate & criminal dispute resolution and front end advisory work with focus on construction and infrastructure work (including managing and consulting on Construction Projects and Claim) and represents parties in Singapore and the region including Australia, China, Hong Kong, India, Indonesia, Pakistan, Philippines, Sri Lanka and Vietnam. He has been trained in Adjudication and International Investment Treaty Arbitration with the Kuala Lumpur Regional Centre for Arbitration, and is conversant with Mandarin, Malay, Tamil and Malayalam besides English.

The chairman of the Society of Construction Law (Singapore) (2012–2014) and its permanent representative to the SCL (International) Liaison Committee; honorary treasurer of the Singapore Institute of Arbitrators (2011-2013); and honorary legal advisor to the Singapore Institutes of Architects and the Institute of Valuers & Surveyors; secretary to Singapore Sri Lanka Business Association and honorary advisory to Asia Pacific Corporate Counsel Association, he established the law chambers CHANGAROTH CHAMBERS LLC on 1st July 2014, focusing on Counselling the Business and the Business of Counselling with Appropriate Dispute Resolution.

Session 3

Challenges for Non-Lawyers Adjudicators

- ◆ Emphasis on procedural compliance, not technical merit
- ◆ Uncertainty as to status of SOP case law as precedent to be followed
- ◆ Amendment of the Act lagging far behind legal developments
- ◆ Should BCA have introduced 'rolling' guidance notes, to address concerns?
- ◆ Increasing expectation by legal representatives that a conference will be a mini-hearing



Christopher Nunns is Managing Director of Construction Solutions Asia for the Forensic and Litigation Consulting services sector of FTI Consulting Inc.

Prior to joining FTI Consulting, Chris has over 35 years experience in the international construction industry working with both contractors and consultants. For the last 30 years he has been based in Singapore. He has given expert evidence for arbitration and court proceedings on numerous occasions and is a regular speaker at seminars and conferences in Singapore. Chris is an accredited adjudicator in Singapore. Chris is Immediate Past Chairman of the Society of Construction Law in Singapore and is a member of the ICE Editorial Advisory Panel.

Chris graduated from Oxford University in 1976 and joined the Geotechnics Division of Arup in London. He then moved to Singapore to work with an international contractor on a major Tunnelling contract. Chris then joined a specialist consultancy providing contractual and project management services in Singapore and internationally.

REGISTRATION FORM

Closing date for registration: **16 September 2016**

(Session 1) Recent Developments in relation to the Security of Payment Act

(Session 2) A Collaborative approach to Managing Projects & Claims

(Session 3) Challenges for Non-Lawyers Adjudicators

Date: 23 September 2016 (Friday)

Time: 2pm to 5.30pm (Registration starts at 1.30pm)

Venue: Carlton Hall, Level 2, York Hotel, 21 Mount Elizabeth Singapore 228516

We offer group discounts:
5% discount for Group of 3 to 6
8% discount for Group of 7 or more

Fees/Category (includes GST, seminar notes and refreshments)

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★S\$85 Staff of SISV Member Firms

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★S\$130 Non Members

★S\$15 SISV Student members and Full time Students

Name of Participants

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Invoice company

Notes

Registration is on a first-come-first-served basis. Registration by fax or email will only be accepted upon receipt of payment. **Confirmation of registration will be given via email or fax. No cancellation is allowed once registration is confirmed.**

Fees paid are not refundable under any circumstances. This will also apply to participants who are unable to attend on that day. However, substitution can be made in writing at least 3 days before the seminar. In the case of a non-member substituting a member, the non-member will have to pay the fee difference.

SISV reserves the rights to change the programme or cancel the seminar as may be necessary. Every effort will be made to inform participants of any cancellation and full refund will be made to participants.

For seminar enquiries and registrations, please contact:

Dina 6424 0286 dina@sisv.org.sg

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