



## SOCIETY OF PROJECT MANAGERS

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19 April 2013

### CONSTRUCTION ADJUDICATION IN THE CONTEXT OF PROJECT MANAGEMENT

**Seminar followed by the launch of the second edition of the book  
SECURITY OF PAYMENTS AND CONSTRUCTION ADJUDICATION  
16 May 2013**

Dear Friends,

I am writing this letter to welcome you to a seminar on “**Construction Adjudication in the Context of Project Management**”. This seminar provides for the first time a look at Construction Adjudication in the context of the management of a construction project. It features two lawyers who have been exceptionally busy in this circuit both as adjudicator and counsel. **Edwin Lee** will present a paper on the Contractor’s Perspective of Adjudication – essentially how a claimant should strategize and conduct himself in adjudication in the light of a number of recent decisions on the subject, including the Court of Appeal decision in *Chua Say Eng v Terrence Li* (2012). Edwin successfully argued for the claimant in that case before the Court of Appeal. **Ian de Vaz** will present a paper on the Employer’s Perspective of Adjudication – taking the other vantage of defending, diffusing and dismantling an adjudication claim. Ian was the adjudicator in the *Chua Say Eng* case whose decision was ultimately upheld by the Court of Appeal. Chairing the session will be **Melvin Chan** who was the lawyer who successfully argued for the other land mark decision in *Chip Hup Hup Kee Construction v Ssangyong Engineering and Construction* (2009).

This seminar is timed with the launch of the second edition of the established textbook on the subject, **Security of Payments and Construction Adjudication** by **Chow Kok Fong** who was the founding President of our Society. This book is cited in many of the leading decisions on adjudication and is practically the bible on the subject. Kok Fong has been in the construction and real estate sectors for more than 35 years, leading many organisations including the Construction Industry Development Board, Changi Airport International and he was Chairman of the Society of Construction Law. His passion for this subject has led him to pen down his analyses and thoughts through 8 books, including the two volume work *Law and Practice of Construction Contracts*. The launch will be officiated by the Honourable the **former Chief Justice of Singapore, Chan Sek Keong**. Chief Justice Chan has been described variously as Singapore’s leading jurists and has penned many important decisions, including the Court of Appeal decision in *Chua Say Eng*.

There will be few occasions when we can have so many authorities on construction adjudication together in one event. I urge you to find time to attend. There is one other good incentive to attend. The publishers of Mr Chow’s book have agreed to offer 20% to all seminar participants who purchase the book at the Launch.

I look forward to see you at the Seminar and Book Launch.

Yours sincerely,

SEAH CHOO MENG  
President  
Society of Project Managers

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## SOCIETY OF PROJECT MANAGERS



### CONSTRUCTION ADJUDICATION IN THE CONTEXT OF PROJECT MANAGEMENT

Seminar organised in conjunction with the Official launch of

#### CHOW KOK FONG

### SECURITY OF PAYMENTS AND CONSTRUCTION ADJUDICATION

#### SECOND EDITION

(SPM CPD: 4 POINTS / PEB: PDU to be Advised)

Accredited by PE Board & SISV CPD Programme (TBA)

Please register the following

|                                                                                       |           |
|---------------------------------------------------------------------------------------|-----------|
| _____ places for SPM fellows and members @ S\$ 100.00 each                            | S\$ _____ |
| _____ places for CIJC Members @ S\$ 110.00 each                                       | S\$ _____ |
| _____ places for non-member guests @ S\$ 120.00 each                                  | S\$ _____ |
| _____ places for participants who had purchased book from LexisNexis @ S\$ 75.00 each | S\$ _____ |
| Total                                                                                 | S\$ _____ |

I enclose a cheque \_\_\_\_\_ (bank & cheque no.) for S\$ \_\_\_\_\_ made payable to "**Society of Project Managers**". I accept that the amounts paid are non-refundable in the event that I withdraw or otherwise amend this booking.

NAME \_\_\_\_\_  
COMPANY \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CONTACT (Office) \_\_\_\_\_ (Handphone) \_\_\_\_\_  
NUMBERS: (pager) \_\_\_\_\_ (Fax) \_\_\_\_\_

(If paying for participants beside yourself, kindly list their names as in the following list)

**Please return this form with remittance not later than 5pm on 13 May 2013 to the following:**

**Email:** christinechai@sg.langdonseah.com & pmpps@sg.langdonseah.com

**Address:** 1 Magazine Road, #03-12, Central Mall, Singapore 059567

**Attention:** Bernard Ho / Christine Chai

Registration – Sample:

| No. | NAME | H/P | OFFICE | SPM Member/Associate | Remark |
|-----|------|-----|--------|----------------------|--------|
| 1   |      |     |        |                      |        |
| 2   |      |     |        |                      |        |
| 3   |      |     |        |                      |        |
| 4   |      |     |        |                      |        |

*Please note that invoice will be generated upon request.*

## **EVENT DETAILS**

**16 MAY 2013**

**GRAND COPTHORNE WATERFRONT HOTEL,  
MAIN BALLROOM**

**2:30 pm – 6:30pm**

This event is sponsored by



**VANGUARD**  
I N T E R I O R S

## **PROGRAMME**

- I. Registration – 2.30pm**
- II. Seminar – 3.00pm**
  - a. Key Note and welcome from President SPM, Seah Choo Meng
  - b. Highlight of some developments on the subject since 2005 by Chow Kok Fong
  - c. Edwin Lee's presentation – Claimant's Perspective
  - d. Ian de Vaz's presentation – Respondent's Perspective
  - e. Panel Discussion Chaired By Melvin Chan.
- III. Short Coffee & Tea break – 5.00pm**
- IV. Launch of the Book – from 5.15pm**
  - a. Welcome by President, SPM Seah Choo Meng
  - b. Short speech by M.D. (SEA) LexisNexis Ms. Ella Wang
  - c. CJ (Retd) Chan Sek Keong's address
  - d. LAUNCH
  - e. Paul Sandosham's review of the Book
  - f. Acknowledgements by Chow Kok Fong.
- V. Snacks & finger food with coffee/ tea – till around 6.15pm**

# THE PRESENTATIONS

## Adjudication from the Claimant's Perspective

The impact of the recent landmark Court of Appeal decision of Chua Say Eng on adjudications from the Claimant's perspective will be discussed. It will take into account the subsequent High Court decisions in JFC Builders, Shin Khai, and Australian Timber Products.

From the preparation of payment claims to the filing of adjudication applications, and the submissions during the adjudication conference, the seminar will address what the practice is likely to be from now on in relation to adjudications. Latest commonly encountered issues such as that relating to repeat claims, certificates, and gaps in the payment claim will be discussed.

## Adjudication from the Respondent's Perspective

The impact of the recent landmark Court of Appeal decision of Chua Say Eng on adjudications from the Respondent's perspective will be discussed. It will take into account the subsequent case law and adjudication determinations that have applied (or sought to distinguish) Chua Say Eng.

The seminar will explore the practical implications of adjudications for a respondent, from the preparation of payment responses to the filing of adjudication responses. The speaker will share commonly encountered issues and strategies that are employed by a respondent defending an adjudication application.

## Edwin Lee

### Partner

### ELDAN Law LLP

Edwin sits on the Construction Adjudication Accreditation Committee, which trains and assesses adjudicators. He successfully acted for the claimant in the landmark adjudication case of Lee Wee Lick Terence v Chua Say Eng, and is the author of Building Contract Law, co-author of Law & Practice of Injunctions, Confidentiality in Arbitration, and a general editor of the annual Construction Adjudication Review.



## Ian de Vaz

### Partner

### WongPartnership LLP

Ian has been recommended as a leading practitioner for Projects & Energy work in Chambers Global – The World's Leading Lawyers for Business 2012 and in Chambers Asia Pacific – Asia Pacific's Leading Lawyers for Business since 2011. In Asialaw Profiles – The Guide to Asia-Pacific's Leading Law Firms 2011, Ian is recognized as one of the "distinguished names" in the Construction field. Ian is an accredited Adjudicator appointed under the Building and Construction Industry Security of Payment Act (Cap 30B). Outside of practice, Ian is an Adjunct Assistant Professor in the Faculty of Law at the National University of Singapore, where he teaches construction law.



## Melvin Chan, LL.B. (Hons)

### Director

### TSMP Law Corporation

Melvin has extensive experience in construction and engineering disputes, particularly in construction adjudication claims where he acts for both claimants and respondents. Melvin successfully acted for the claimant in the landmark adjudication case of *Chip Hup Hup Kee Construction v Ssangyong Engineering and Construction*, and also successfully defended the respondent in the recent case of *JFC Builders v Lioncity Construction Company*. Melvin is a Fellow of the Singapore Institute of Arbitrators, and is also appointed as an Ad-hoc Referee of the Small Claims Tribunal, Subordinate Courts of Singapore.



## Paul Sandosham, FCIArb, FSIArb

### Partner

### Clifford Chance Asia

Paul is on the roll of solicitors of England and Wales and is admitted to the Singapore Bar. Paul is an accredited mediator with the Centre for Effective Dispute Resolution in London (CEDR) and an incorporate member of the Chartered Institute of Building (CIOB). He is a director of The Chartered Institute of Arbitrators (Singapore) Ltd and is the current vice-chairman of the Society of Construction Law (Singapore).

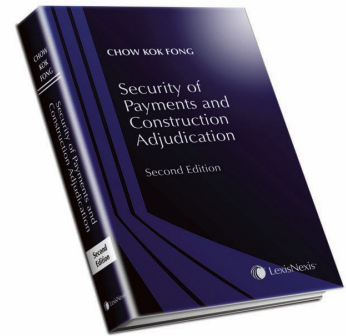
Paul is recognised as a leading construction and arbitration lawyer and has been commended in numerous prominent legal publications including *The Legal 500: Europe, Middle East & Africa*, *Chambers Global - The World's Leading Lawyers for Business*, *Global Arbitration Review's 100, Who's Who Legal – The International Who's Who of Construction Lawyers* and *Asian Legal Business*.



# Security of Payments and Construction Adjudication

Second Edition

by Chow Kok Fong



The first edition of this book was published in 2005 when the Building and Construction Industry Security of Payments Act 2004 first came into force. Since then, nearly 800 adjudication applications have been filed. The Second Edition of the book will be an extensive revision of the First Edition. The text has been expanded by more than a third, and the book now contains 21 chapters. Important updates have been made to the various chapters as a result of the significant volume of case law material from the Singapore courts. Crucially, the new edition considered the Court of Appeal decision in *Chua Say Eng v Lee Wee Lick Terence* which was delivered in November 2012. The revised text discusses the functions of the adjudicator as laid down in that decision and the impact this is likely to exert on the positions which parties are likely to take as a consequence. Chan Sek Keong CJ who delivered the judgment on behalf of the Court in that case also contributed a very substantial 7-page Foreword which discusses some of the broader policy considerations in that decision.

## Excerpt from the Foreword to the Second Edition

Chow Kok Fong has vast practical experience in the construction industry and in adjudicating disputes between various tiers of contracting parties in the industry. He is legally qualified and well versed in construction law in Singapore... This book has made a great contribution in assisting adjudicators and the courts in developing the law and practice on the subject of securing progress payments for claimants in the construction industry in Singapore since it was first published in 2005. The second edition has built on the wealth of lessons learnt from the adjudication determinations and the increasing body of case law over the past 7 years. The author's comments and observations on the practical implications of many of the provisions and structure of the Act deserve to be seriously considered. The author is to be congratulated for providing a highly accessible guide to the subject for adjudicators, parties and their legal advisors

**CHAN SEK KEONG**

Chief Justice of Singapore (2006-2012)

## Comments on the First Edition

"This book is not merely an academic treatise, although the research and learning that it displays are prodigious. It is also a practical guide to the operation of the Act, supplemented (where appropriate) with suggested forms and procedures....I see the work as having tremendous value and utility to all those engaged in the industry, and to all those who advise them. It is indeed a pity that no equivalent book has been produced in New South Wales."

The Honourable Justice Robert McDougall  
*Judge of the New South Wales Supreme Court*

"The author presents an extensive and impressive review of both the statutes and case law from the United Kingdom and New South Wales alongside an analysis of the new Act. Despite the large volume of material to be covered, the text is eminently readable and user-friendly, with many helpful precedents and flow-charts outlining key points of procedure....The author as well as being dual-qualified, has wide experience of construction industry matters from several perspectives. His book will be of great benefit to the construction industry in Singapore and in the international field as well...."

Professor John Uff  
CBE, QC, PhD, CEng, FICE, FRAE  
*Emeritus Professor of Engineering Law at King' s College* Writing in the *Construction Law Journal*, 2006

## About the Author

**Chow Kok Fong** is a Chartered Arbitrator and Chartered Quantity Surveyor. He currently practises as a mediator, arbitrator and adjudicator. He has been appointed to arbitration tribunals under ICC Rules and Rules of the SIAC as well as Dispute Adjudication Boards. Since the inception of the SOP Act, he has been appointed as an adjudicator or review adjudicator in respect of 52 matters. Presently, he is Chairman of the Construction Adjudicators Accreditation Committee. Mr Chow spent 32 years in a corporate career which included appointments as Chief Executive Officer of Changi Airports International, Managing Director of Capitaland Commercial Ltd and Director of Projects of City Developments Ltd. Prior to joining the private sector he was Chief Executive and General Manager of the Construction Industry Development Board (now the Building and Construction Authority). He is Founder President of the Society of Project Managers and Past Chairman of the Society of Construction Law. His other books include *Law and Practice of Construction Contracts* (2 Volumes) (now in its 4th Edition 2012); *Construction Contracts Dictionary* (2007); *The Construction Agenda* (1989) and *Construction Joint Ventures* (1985). He is currently General Editor of the *Singapore Construction Adjudication Review*.

## BOOK ORDER FORM

(All registered participants to this seminar will enjoy a 20% on-site discount  
when they purchase this book at the seminar)

| Qty                     | Title                                                                                             | ISBN          | Unit<br>Price<br>(SG\$) | GST<br>(SG\$) | Nett<br>Price<br>(SG\$) | Total<br>(SG\$)* |
|-------------------------|---------------------------------------------------------------------------------------------------|---------------|-------------------------|---------------|-------------------------|------------------|
|                         | Security of Payments and<br>Construction Adjudication,<br>Second Edition,<br>Original Price       | 9789812369789 | 250                     | 17.50         | 267.50                  |                  |
|                         | Security of Payments and<br>Construction Adjudication,<br>Second Edition,<br>20% Discounted Price | 9789812369789 | 200                     | 14.00         | 214.00                  |                  |
| * Price includes 7% GST |                                                                                                   |               |                         |               |                         |                  |
| TOTAL AMOUNT (SG\$)*    |                                                                                                   |               |                         |               |                         |                  |

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