

Co-organised by:



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香港法律培訓學院
Hong Kong Legal Training Institute

2-DAY SEMINAR

on 20 & 21 June 2014 @ The University of Hong Kong

CONSTRUCTION CONTRACT ESSENTIALS 2014

Legal Attitude for Dispute Resolution

With the construction industry keeps evolving, **legal knowledge** on contracts is even more crucial to the daily works of construction professionals and government officials and is further essential for securing the proper discharge of their functions and duties in the emerging ADR landscape.

The **Centre for Infrastructure & Construction Industry Development (CICID)** of the University of Hong Kong and the **Hong Kong Legal Training Institute (HKLTI)** co-organise this 2014 Annual Showcase Event. Riding on the overwhelming

successes of the 2012 & 2013 Seminars, this 2-day Seminar provides an updated and enhanced focus for the latest development of the law regulating construction contracts and emerging alternative dispute resolution methods. Participants are provided with a comprehensive and essential overview of the laws of contract material to their work. To facilitate direct application of knowledge, the Seminar is delivered with highlights in common areas of disputes encountered in daily situations of those standard forms of contracts. The Seminar also covers the latest trend and attitude for resolving construction disputes and examines the key cases with reference to local and overseas experience.



► **Welcome Address:** *Huen Wong JP*

► **Speakers:** *Prof. Anselmo Reyes, Glenn Haley, Gary Soo, Danny Choi, James Kwan, Thomas Lee, Catherine Mun, David Leung, Peter Cheng, Prof. Thomas Ng*

► **Programme:**

20 June 2014 (Friday) --- Day 1

0900	Registration
0925	Opening Remarks
0930	Welcome Address
0955	Presentation of Souvenirs
1000	Construction Contract and Dispute Avoidance --- NEC3 and Beyond
1100	Break & Refreshment
1120	Terms of Construction Contracts --- Parol Evidence, Implied Terms and Obligation of Good Faith
1245	Lunch Break (with light lunch)
1415	Interpretation of Construction Contracts --- Discrepancies, Rules and Implications
1530	Break & Refreshment
1550	Breach of Contracts --- Duties, Remedies and Legal Updates
1640	Panel and Q&A Session
1700	Close of Day 1

21 June 2014 (Saturday) --- Day 2

0900	Registration
0930	Recap
0945	Construction Dispute Resolution --- Adjudication, DRA and More?
1100	Break & Refreshment
1120	Updates on Non-payment, Repudiation and Termination of Construction Contract
1245	Lunch Break (with light lunch)
1415	Quantifying Changes and Time Impacts in Construction Contracts
1530	Break & Refreshment
1550	Disputing Misrepresentation, Waiver and Estoppel
1640	Panel and Q&A Session
1655	Closing Remarks
1700	Close of Seminar

Supporting Organisations:



香港建築師學會
The Hong Kong Institute of Architects



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RIBA HONG KONG
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香港營造師學會
HONG KONG INSTITUTE OF
CONSTRUCTION MANAGERS



香港建造商會
HKCA



HKFEMC
香港機電工程師商聯會

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Huen Wong JP Consultant, Fried, Frank, Harris, Shriver & Jacobson

The Chairman of the Arbitration Committee of the Law Society of Hong Kong and the Immediate Past Chairman of the Hong Kong International Arbitration Centre, Mr. Wong is also the Past President of the Hong Kong Institute of Arbitrators. He is the Past President of the Law Society of Hong Kong and currently the Vice President of the Inter Pacific Bar Association. Mr. Wong is the Chairman of the Copyright Tribunal and a Deputy Chairman of the Inland Revenue Board of Review.

Professor Anselmo Reyes Professor of Legal Practice, University of Hong Kong

He was a judge of the High Court of Hong Kong from 2003-12. As judge, he was in charge of the Construction and Arbitration List (2004-8) and the Commercial and Admiralty Lists (2008-12). He was called to the Hong Kong Bar in 1986, becoming Senior Counsel in May 2001. He was admitted to the Singapore Bar in 1995. In April 2013, he became Representative of the Asia-Pacific Regional Office of the Hague Conference on Private International Law.

Glenn Haley Partner, Clayton Utz in association with Haley & Co

Glenn Haley has more than 25 years' experience in all aspects of major projects, infrastructure and the construction and engineering sectors. This includes extensive experience in both contentious and noncontentious matters. Glenn has experience in handling and successfully resolving numerous dispute resolution processes, including litigation, arbitration, adjudication, mediation and amicable negotiation.

Gary Soo Barrister-at-law, Gary Soo's Chambers

Gary Soo is a practising Barrister and Chartered Engineer. He has been practising in areas of civil litigation involving commercial and construction disputes and arbitration. In 2008, Gary took up the position to serve as the Secretary-General of the Hong Kong International Arbitration Centre, until recently in 2010. Also, he was the President of the Hong Kong Institute of Arbitrators, from 2006 to 2008 and from 2011 to 2012. Gary is also the co-author of the book "Construction Law and Practice in Hong Kong" and a contributing editor to the book "Arbitration in Hong Kong: A Practical Guide".

Danny Choi Barrister-at-law

Prior to 1991, over 10 years' managerial experience in a shipping company and an civil engineering consultancy firm. Private practice as a barrister in Hong Kong since 1991, with a focus on construction and commercial disputes. Appeared in various courts in Hong Kong including the Court of Final Appeal. Appeared as an advocate in over 100 arbitrations, mostly construction-related. List on the HKIAC's International Panel of Arbitrators. Acted as sole arbitrator in many construction or commercial disputes. Also arbitrated in several international arbitrations

James Kwan Partner of Dispute Resolution Practice Group, Baker & McKenzie

Mr. James Kwan leads the Baker & McKenzie arbitration practice in Hong Kong. He has experience of arbitrating under the rules of the leading arbitral institutions. He is recognised as a leading arbitration lawyer in Asia Pacific Legal 500, Chambers Global and Asia Pacific, Practical Law Company's Which Lawyer?, Euromoney's Guide to the World's Leading Arbitration Lawyers, and Global Law Expert. Named as one of the Hot 100 Lawyers of 2011 by Asian Legal Business, he was described as "a world leader in arbitration and construction law".

Thomas Lee Barrister-at-law, Sir Oswald Cheung's Chambers

Thomas Lee has been a barrister in private practice in Hong Kong since 2000. He was formerly a solicitor and partner in an international law firm in HK. He was born in Malaysia, educated in Australia and has been living and working in HK since 1991. His professional experience originated in building and project development. His practice as a barrister now includes commercial litigation, mediation and arbitration; restructuring/insolvency and companies work; public/environmental law; professional negligence and insurance.

Catherine Mun Partner, Bird and Bird

Catherine has extensive experience advising international corporations in cross-border China related dispute resolution. Catherine specialises in commercial disputes and international commercial arbitrations, particularly those with a China flavour, as well as construction and engineering disputes. She has acted in various arbitrations under different arbitration rules including those of the HKIAC (international and domestic), ICC, UNCITRAL and SIAC.

David Leung Consultant, Wong & Lawyers

Mr David Leung is a Chartered Civil Engineer, a practicing solicitor, and is in the List of Dispute Resolution Advisor maintained by Architectural Services Department of the Government of HKSAR. He is also a Fellow of the Chartered Institute of Arbitrators. Mr Leung has also written a book on the Government HKSAR Conditions of Contracts entitled "A Practical Approach to Conditions of Contract for Civil Engineering Works" which analyses all the important clauses in the Conditions and crystallizes his many years of experience in the construction industry as a practical engineer, a contract adviser for the Government of HKSAR, as well as his legal qualifications and experience.

Peter Cheng Co-Founder of HKLTI

Mr Peter Cheng is a Director of a listed developer. He has a wealth of experience in property development and management. He took an active part in the development of the Hong Kong Convention and Exhibition Centre, the Macau Ferry Terminal and the drainage construction project in Macau and made substantial contributions to the China property projects. Mr Cheng is also an assessor of HKMC and has assessed more than 70 cases of simulated mediation assessment. He has mediation experience in both commercial disputes and family disputes.

Professor Thomas Ng Executive Director, Centre for Infrastructure & Construction Industry Development, HKU

Dr. S. Thomas Ng, is a Professor in the Department of Civil Engineering, HKU. He has more than 25 years of practical experience in the construction Industry and academic field. Thomas's research area focus on project delivery systems, time / cost performance, delay mitigation, sustainability, etc. He is the Editor of the Journal of Built Environment Project and Asset Management.

Supporting Organisations:



香港國際仲裁中心
Hong Kong International
Arbitration Centre



香港建築師學會
The Hong Kong Institute of Architects



THE HONG KONG
INSTITUTE OF ENGINEERS
香港工程師學會
Alternative Dispute Resolution Committee



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- ▶ The registration fee for this 2-day seminar is **HKD2,800**. For members of the supporting organisations, the registration fee is **HKD2,500**.
- ▶ Please complete and return the standard reply form together with a crossed cheque made payable to "**Hong Kong Legal Training Institute Limited**" addressed to Hong Kong Legal Training Institute, Rm 503, Tower Two, Lippo Centre, Admiralty, Hong Kong. For enquiries, please call (852) 28696322 or email to email@hklti.hk.

Registration Form

I, (Name with Title) _____,
(Position and Company) _____
would like to enroll for the **2-Day Seminar of "Construction Contract Essentials 2014"**.

Please tick as applicable.

- I enclose a cheque / bank draft of **HKD2,800** for the registration fee. **OR**
- I am a member of _____, one of the Supporting Organisations, and enclose a cheque / bank draft of **HKD2,500** for the registration fee.

I may be contacted in relation to this 2-Day Seminar via the contact details provided below. I also understand that each of the co-organisers intends to use my email / fax no. for sending me information of training / events organized or supported by either of the co-organisers and ***I may object to such use by ticking the box below.***

Mailing Address _____

Email Address : _____ Tel : _____ Fax : _____

Signature : _____ Date : _____

- I **object** to the use of my email or fax no. by the co-organisers for such direct marketing.

NOTE: 1. Registration is subject to confirmation by the organizer.

2. The organisers reserve the rights to cancel or change the logistics, including the speaker(s) and venue for the delivery of this event when necessary.

Please submit the registration form (by email at email@hklti.hk) and cheque / bank draft to:

Hong Kong Legal Training Institute

Rm 503, Tower Two, Lippo Centre, Admiralty, Hong Kong

Please make the cheque / bank draft payable to "**Hong Kong Legal Training Institute Limited**".

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