



NEC Contracts in Hong Kong

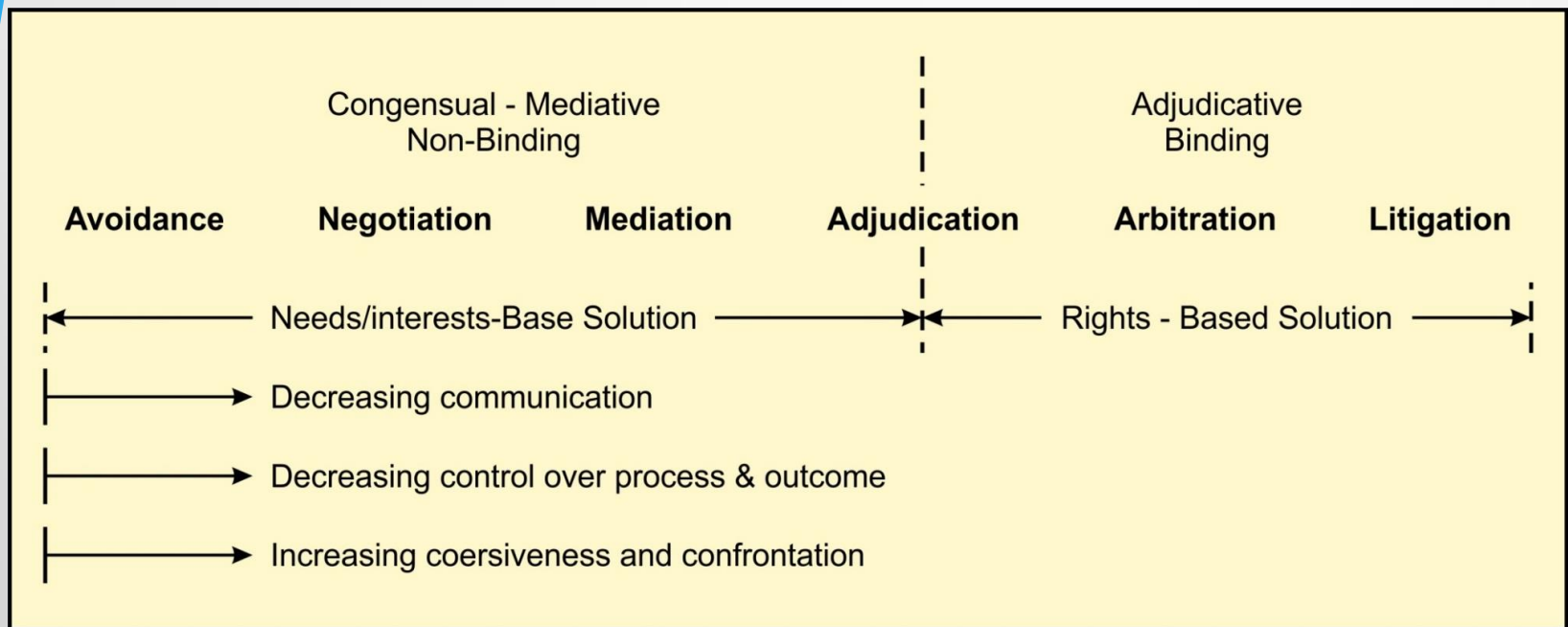
The Legal Landscape and Beyond

Beyond NEC and Lawyers?

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Dispute Resolution Continuum



Latest Technologies in International Project

Drones



Visual Aids



Paperless Systems



GPS Tracking



Latest Technologies in International Project (cont'd)

Phone Apps



Common data environment and BIM



Offsite fabrication and MIC



FIDIC

- i) The rainbow suite originally in 1999
 - a) The Red Book for building and engineering works
 - b) The Yellow Book for plant and design build
 - c) The Silver Book for engineering, procurement and construction and turnkey projects
 - d) The Green Book for short form contract.
 - e) In December 2017, Amended Red, Yellow and Silver Books launched

FIDIC

(cont'd)

- ii) FIDIC Red Book used in more countries around the world than any other form of contract.
- iii) 2016/2017 update philosophy. *"FIDIC's fundamental principles of balanced risk sharing while seeking to build on the substantial experience gained from its use over the past 18 years."*
 - a) Enhance project management tools and mechanisms
 - b) Achieve a balanced risk allocation
 - c) Achieve clarity, transparency and certainty
 - d) Reflect current international best practice

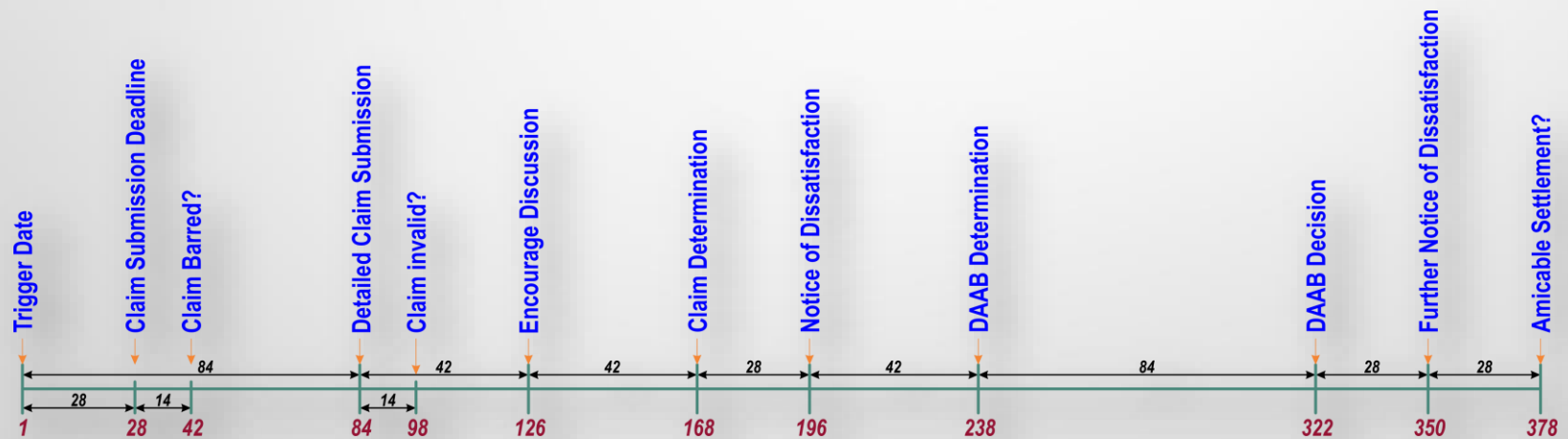
iv) Summary of changes

- a) Defined terms
- b) Engineers' role
- c) Claims and determining claims
- d) Programme. *“ The Contractor shall proceed in accordance with the Programme, subject to the Contractor's other obligations under the Contract. The Employer's Personnel shall be entitled to rely on the Programme when planning their activities.”*

FIDIC

(cont'd)

- v) Clause 20 notification of claims and their determination
- vi) Dispute Avoidance and Adjudication Board



Role of Construction Professionals

- Mediator
- Adjudicator
- Arbitrator
- Dispute Resolution Advisor
- Expert