



The Malaysian Bar
Council



The Society of Construction
Law (KL & Selangor)



THE CHARTERED
INSTITUTE OF
ARBITRATORS
(MALAYSIA)

proudly present

A Half-Day Seminar on

“PROFESSIONAL LIABILITY IN THE CONSTRUCTION INDUSTRY”

12 September 2005 (Monday)

2.30pm – 6.15pm

Plenary Theatre, Level 3, West Wing,
Kuala Lumpur Convention Centre,
KL City Centre, 50088 Kuala Lumpur

**PLEASE NOTE
THE CHANGE
IN VENUE**

KEYNOTE SPEAKER

His Honour Humphrey Lloyd QC
Former Judge of the Technology and Construction Court

SESSION CHAIR

Dato' Mahadev Shankar

SPEAKERS

Vinayak Pradhan
Wilfred Abraham
Rajendra Navaratnam

PANELISTS

Sundra Rajoo
Ir.C.K. Khoo
K. Sri Kandan
Ir.Harbans Singh

The Inaugural
Annual KPK
Construction
Law Lecture

sponsored by:
KPK Research Sdn Bhd

KPK

CPD points will be allocated for this seminar

PARTICIPATING ORGANISATIONS:



The Institution of
Engineers
Malaysia



The Institution of
Surveyors
Malaysia



Masters Builders
Association of
Malaysia



The Malaysian
Institute of
Arbitrators



The Chartered
Institute of
Building Malaysia



International
Chamber of
Commerce

The Construction Law Lecture Series is intended to be an annual lecture in Malaysia on current topics in construction law and arbitration with an international dimension. The invited speakers will include eminent practitioners and academics. The topics are intended to be of great interest to those involved in the construction industry, including lawyers, engineers, architects, quantity surveyors, developers and contractors.

The inaugural lecture is to be delivered by His Honour Humphrey Lloyd QC, former judge of the Technology and Construction Court. He will deliver an authoritative, stimulating and thought-provoking lecture on "*Professional Liability in the Construction Industry*".

PROFILES

KEYNOTE SPEAKER:

His Honour **HUMPHREY LLOYD QC**, was a judge of the Technology and Construction Court in London from 1993 until 2005. He has now returned to being an arbitrator in international commercial and construction disputes. Until 1993 he was a barrister (appointed Queen's Counsel in 1979) and arbitrator specialising in international and domestic construction disputes.

He was a founding member of the UK Society of Construction Law and its President 1985-1988. In 2004, he was awarded the President's Medal of that society. He is an Honorary Fellow of both the American and Canadian Colleges of Construction Lawyers, and a Fellow of the Chartered Institute of Arbitrators.

He chairs the Review Body for the UK Construction Industry Model Arbitration Rules and also the Architects Registration Board. He is a Senior Visiting Fellow at Queen Mary College in London, lecturing on International Construction Contracts and Arbitration. He is also Visiting Professor in Construction Law and Arbitration at Leeds Metropolitan University.

He has been a Co-Editor-in-Chief of *The International Construction Law Review* since its foundation in 1983. He was Editor-in-Chief of the *Building Law Reports* from 1987 to 1993 and is Consultant Editor to other publications.

He has been a Member of the Commission on International Arbitration of the ICC since 1980. He has recently chaired a group on the writing of arbitral awards in ICC arbitrations which will be published shortly. He was (with Dr Nael Bunni) the joint leader of a Report to the ICC Commission on Construction Industry Arbitration in 2001. He has also served on ICC working parties or task forces on Terms of Reference, Multi-Party Arbitration, Arbitration and Construction, the Pre-Arbitral Referee Procedure (of which he was co-chairman), Small Claims, IT and Arbitration, Experts and Dispute Review Boards.

SESSION CHAIR:

DATO' MAHADEV SHANKAR practised law for 27 years in Shearn Delamore & Company from 1956 till 1983. During this period he was actively engaged in general litigation and was a Board Member of several public companies including Malaysian Airlines System Bhd from 1975 to 1983. He was appointed Judge of the High Court in August 1983 and a Judge of the Court of Appeal in 1994. He retired from the judiciary in 1997. In the course of his legal and judicial career he has been a member of the Malaysian Bar Council for many years, and was appointed a member of the National Goodwill Council in 1969, a Royal Commissioner in 1971 for the Reform of the Laws of Marriage and Divorce in Malaysia and a member of the Legal Qualifying Board established under the Legal Profession Act.

In 1998 he was appointed a member of the Royal Commission of Inquiry into the Injuries sustained by Dato Seri Anwar Ibrahim whilst in police custody. He was one of the founder members of the Human Rights Commission of Malaysia which was established in 1999. He is an Honorary Fellow of the Malaysian Institute of Arbitrators, and is a registered panel member in the Regional Centre of Arbitration Kuala Lumpur and the International Chamber of Commerce, Malaysian Branch. He has been extensively concerned with the law and practice as a judge, arbitrator, commentator in the law journals, and as a keynote speaker and as a participant in numerous legal conferences.

PROFILES

SPEAKERS

VINAYAK PRADHAN obtained his LLB (Hons.) from the University of Singapore in 1973. He was called to the Malaysian Bar on 5 August 1974 and the Singapore Bar on 13 November 1991. Mr. Pradhan has practised widely in many areas of civil and commercial law, appearing at all levels of the courts in West Malaysia and has had *ad hoc* admission for specific cases in Sabah and Sarawak. He is a partner in Skrine and heads their construction and arbitration unit.

In 2003, Mr. Pradhan was appointed as a member of the Permanent Court of Arbitration, The Hague. He is a Chartered Arbitrator, a Fellow of the Malaysian Institute of Arbitrators and of the Chartered Institute of Arbitrators (UK) and was Chairman of the latter's Malaysian Branch. He appears as counsel and sits as arbitrator in domestic and international arbitrations and is on the panel of various international arbitral institutions. Mr Pradhan was a Commissioner with the United Nations Compensation Commission, Geneva, Switzerland, from August 1998 to July 2003 sitting on the construction and engineering claims panel assessing claims filed by corporate entities against Iraq arising out of the 1990 invasion of Kuwait, which are compensable pursuant to UN Security Council resolution 687 of 1991. Mr. Pradhan is a member of the Court of Arbitration for Sport, Lausanne, Switzerland and is also on the Register of Arbitrators of the Olympic Council of Malaysia.

WILFRED ABRAHAM was called to the Bar on 20th June 1975, being called to the Honourable Society of Middle Temple. He started practice with Shearn Delamore & Co until his exit from the firm. Wilfred came on board Zul Rafique & Partners on 1st January 2001. He is head of the Arbitration and Alternative Dispute Resolution Practice Group. Wilfred's area of practice is alternative dispute resolution, with emphasis on arbitration. He has appeared as Counsel and Arbitrator in many arbitrations, including arbitrations conducted under the auspices of various bodies such as the International Chamber of Commerce, the FIDIC form, the Architects Form of Contract, the KLRCA rules as well as the UNCITRAL rules.

He has written articles on aspects of arbitration in Malaysia and has co-authored the FIDIC Chapter and how it could be used in Malaysia. Wilfred also provides advice and drafts building contracts for specialised projects such as cement mills, power generation plants, and other infrastructure projects.

RAJENDRA NAVARATNAM obtained his first degree in Electrical Engineering in 1974 and started his career as an Engineer in the Power industry. He practiced as an Electrical Engineer for about 10 years before he retrained in law and started his legal career with Azman Davidson & Co in 1988. He became a Partner of Azman Davidson & Co in 1993, where he practises at present.

Rajendra practices primarily in the areas of construction law and insurance in both litigation and arbitration. He also appears as counsel in the Court of Appeal and the Federal Court. He acts for and advises employers, contractors and sub-contractors on construction issues, and mainly insurers on insurance claims with significant technical content. He also sits as Arbitrator in construction disputes. He is currently Chairman of the Chartered Institute of Arbitrators (Malaysia Branch) and sits on the Dispute Resolution and IEM Contract Review Committees of the Institution of Engineers, Malaysia.

PANELISTS:

SUNDRA RAJOO, B. Sc(HBP) Hons (USM), LLB Hons (London), Certificate in Legal Practice, Grad Dip in Architecture (TCAE), Grad Dip in Urban and Regional Planning (TSIT), M. Sc. in Construction Law and Arbitration (With Merit) (LMU), MPhil in Law (Manchester), Diploma in International Commercial Arbitration (London, CIArb) APAM, APPM, FCIArb, FMIArb, FSIArb, FICA, MAE, ARAIA, is a Chartered Arbitrator, Architect and Town Planner. He is also called to the Malaysian Bar as an Advocate and Solicitor. He won the Annual Prize, North-East Branch in 1996 and the Cedric Barclay Prize in 2002 of the Chartered Institute of Arbitrators, United Kingdom. He has lectured in the Masters of Law (LLM) Arbitration Law course at the Faculty of Law, University of Malaya and the Master of Science (MSc) course in Construction Law and Arbitration run jointly by the National University of Singapore and King's College, London.

Sundra Rajoo is President of the Society of Construction Law (KL & Selangor), Past Chairman of the Chartered Institute of Arbitrators (Malaysia Branch), Past Deputy President of the Malaysian Institute of Arbitrators and past Council Member of the Malaysian Institute of Architects. He is the Country Representative of the Dispute Review Board Foundation in Seattle, USA. The Malaysian Institute of Architects (PAM) commissioned him to complete revisions to the PAM/ISM 1969 Form which resulted in PAM 1998 Form which is Malaysian Standard Form of Building Contract. He is author of Law, Practice and Procedure of Arbitration, The Malaysian Standard Form of Building Contract (The PAM 1998 Form), 2nd Edition, 1999 and the Arbitration title of the Halsbury Laws of Malaysia, 2002. All published by Lexis Nexis (Butterworths).

Ir C.K. KHOO is a Civil Engineering graduate of the University of Glasgow. He has more than 35 years of experience as an Engineer in both the Government Sector and private practice. His fields of experience include DRAINAGE, IRRIGATION, FLOOD CONTROL, SEWERAGE, WATER SUPPLY, DAMS, AQUACULTURE, ROADS, BRIDGES, STRUCTURES, COMMERCIAL BUILDINGS, HOUSING DEVELOPMENT, INDUSTRIAL COMPLEXES, PROJECT MANAGEMENT, ARBITRATION AND INVENTIONS AND PATENTS.

Besides practising as a Consulting Engineer Ir Khoo has been regularly engaged in arbitration of construction industry disputes since 1984. He has conducted seminars and lectured on the subject of arbitration and related subjects such as contracts and project management.

Ir Khoo is a Professional Engineer, Fellow and former Vice-President of IEM and a former Vice-President of Malaysian Invention and Design Society. He is currently President of Malaysian Institute of Arbitrators and a Past Chairman of Chartered Institute of Arbitrators, Malaysian Branch, a Fellow of CIArb, Fellow of Malaysian Institute of Arbitrators and holds a Diploma in International Commercial Arbitration of the Chartered Institute of Arbitrators. He is listed on the Panel of Arbitrators of IEM, CIArb, Kuala Lumpur Regional Centre for Arbitration and World Intellectual Property Organisation and several other international arbitral organisations.

K. SRI KANDAN is a well recognised consultant in cost and contract management in the Construction Industry in Malaysia and the region. A quantity surveyor by training, he is a senior director in the KPK Group of Companies which now operate in eight countries in the Asia Pacific region. As a senior director of the KPK Group, he is jointly responsible for formulating policies, strategies and overall governance of the group. With more than 25 years experience in cost engineering and contract management of many large and prestigious projects, he brings with him a wealth of practical knowledge and first-hand project experience.

A selection of recent major projects under his portfolio include the KLCC Exhibition & Convention Centre, Kuala Lumpur; Prince Court Medical Centre, Kuala Lumpur; Universiti Teknologi Petronas, Perak; Asian Institute of Medicine, Science and Technology, Kedah; Palace of Justice, Putrajaya; 45-Storey Maju Junction, Kuala Lumpur; MAS Facilities, Sepang, Selangor; Shah Alam Stadium, Selangor; Shah Alam Town Centre, Selangor and Universiti Malaysia Sabah Phase 2. He is a Fellow of the Institution of Surveyors Malaysia and Fellow of the Australian Institute of Quantity Surveyors. He has presented papers on quantity surveying at seminars organized by International Conference Organisers and is also an accredited mediator with the Construction Industry Development Board.

Ir HARBANS SINGH B.E. (Mech) S'pore, LLB (Hons) London, CLP, DipICArb (CIArb), P.E., C. Eng., MIEM, MIMechE, MIHEEM, MASHRAE, MCIArb. Harbans Singh is a professional engineer, chartered engineer, arbitrator, mediator, conciliator, advocate and solicitor. He commenced his career with the PWD before joining an international German consultancy practice with whom he worked locally and then in Koblenz as a designer, resident engineer and contract administrator. Later Ir. Harbans served with a local consultancy firm in various professional capacities and presently is the Director of HSH Consult Sdn. Bhd. He is a regular contributor to Buletin Ingenieur and other publications and is the recipient of a number of awards including IEM's Tan Sri Hj. Yusoff Prize for an outstanding technical paper (2001), the Cedric Barclay Award and the Chartered Institute of Arbitrator's Award for topping the Diploma in International Commercial Arbitration examination (Oxford 2003), Ir. Harbans is also the author of a series of four books entitled Engineering and Construction Contracts Management, contributor to The Malaysian Standard Precedents and Forms and is a regular speaker at courses and seminars.

SEMINAR PROGRAMME

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| 2.00 pm | Registration |
| 2.30 pm | Welcome Address – President, SCL (KL & Selangor), Sundra Rajoo. Introduction by Session Chair – Dato’ Mahadev Shankar |
| 2.45 pm | Keynote Address - Humphrey Lloyd, QC - Professional Liability in the Construction Industry |
| 3.45 pm | Vinayak Pradhan - Payment Issues in the Malaysian Construction Industry |
| 4.15 pm | Q + A session |
| 4.30 pm | Tea Break |
| 5.00 pm | Wilfred Abraham - Consultants’ Duties of Care to Contractors : Malaysian Perspective |
| 5.30 pm | Raj Navaratnam - Falling Buildings and Rising Liabilities : Highland Towers |
| 6.00 pm | Q + A session |
| 6.15 pm | Close |

FEES

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| SCL Members | RM100.00 |
| Members of all hosting and participating organizations | RM150.00 |
| Others | RM200.00 |

REGISTRATION FORM

The Society of Construction Law (KL & Selangor)
Unit No. B11-09, Block B, Phileo Damansara 2,
No.15 Jalan 16/11, Off Jalan Damansara,
46350 Petaling Jaya, Selangor.

Tel : 03-7957 8748

Fax : 03-7957 8179

I wish to attend the Half-day Seminar on **“PROFESSIONAL LIABILITY IN THE CONSTRUCTION INDUSTRY”** on **Monday, 12 September 2005**. Enclosed is a crossed Cheque No. _____ of _____ Bank, made payable to "The Society of Construction Law (KL & Selangor)" for RM _____ (please add RM0.50 for outstation cheques).

Name : Dato’/Datuk/Datin/Prof./Mr./Mrs/Ms. _____

Institute/Organisation : _____ Membership No : _____

Profession _____ Address : _____

_____ Postcode : _____

Mobile No : _____ Office : _____ Fax : _____

E-mail : _____

It may be necessary for reasons beyond the control of the Organisers to change the content and timing of the programme, the speakers, the panelists or the venue and should this be necessary, the Organisers shall endeavour to reschedule but shall be held harmless from and against any and all costs, damages and expenses. The Organisers have applied for CPD points approval from the relevant professional bodies but shall not be held liable in the event that approval is not granted.

Participants are encouraged to use the PUTRA LRT and alight at the KLCC station. The Plenary Theatre is about 10 minutes walk from the station. Carparking is available at KL Convention Centre at a rate of RM3.50 for the 1st hour and RM1.50 for each subsequent half hour.