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*The Society of Construction Law (SCL)
& The Malaysian Bar Council proudly present*

SCL's Inaugural

International Construction Law & Arbitration Conference

23 October 2004
9am – 6pm
Shangri-la Hotel,
Kuala Lumpur, Malaysia



*Society of
Construction Law
(KL & Selangor)*



*Malaysian
Bar Council*

Organised by:

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SESSION CHAIRS

*Dato' Syed Ahmad Idid
Dato' Dr Cyrus Das
Dato' Mahadev Shankar
Chow Kok Fong*

SPEAKERS

*John Barber
Prof Phillip Capper
Philip Chan
David Cheah
Teresa Cheng, SC
Chong Thaw Sing
Ho Kin Wing
Michael Hwang, SC
Philip Jeyaretnam, SC
K Sri Kandan
Lim Chong Fong
Rajendra Navaratnam
Anne Netto
Ong Hock Tek
Mohan Pillay
Vinayak Pradhan
Sundra Rajoo
Harbans Singh KS
Emeritus Prof John Uff, QC
Grace Xavier*

This is the inaugural conference of the Society of Construction Law (KL & Selangor). It presents current topics in construction law and arbitration with an international dimension. The topics are of great interest to those involved in the construction industry, including engineers, architects, surveyors, lawyers, developers and contractors. Participants will be updated with the latest knowledge and kept abreast of the latest developments in the construction industry. It is intended to enhance professionalism in the industry. Speakers include eminent practitioners and academics from England, Hong Kong, Singapore and Malaysia.

Profiles

Session Chairs

Dato' Syed Ahmad Idid

Dato' Syed Ahmad Idid is the Director of the Kuala Lumpur Regional Centre for Arbitration. Formerly Judge of the High Courts of Borneo and Malaya, Youth Welfare Officer, Superintendent of Royal Customs and Excise Kedah North and Perlis, Stipendiary Magistrate in Brunei Darussalam and Kedah/Penang and Company Director in Hong Kong. Director of Legal Division in the Public Bank Group. Served in Dunlop and Guthries. Barrister-at-Law of the Honourable Society of the Inner Temple, London; ABMP (AIM Manila), General Management of Sundridge Centre, U.K. Fellowships: Institute Bank-Bank Malaysia; Institute of Management Consultants, Malaysia, Malaysian Institute of Human Resource Management, Malaysian Institute of Arbitrators and of London/Goodenough House. Held Fellowship in the British Institute of Management, Institute of Directors (UK) and of Institute of Industrial Management (UK). Member of International Bar Association, Commonwealth Lawyers' Association and Commonwealth Magistrates' and Judges' Association.

Dato' Dr Cyrus Das

LLB(Hons). Ph.D. *Dato' Dr Cyrus Das* was called to the Malaysian Bar in October 1973 and later the Singapore Bar. He was Past President Malaysian bar 1997-1999, and Past President Commonwealth Lawyers Association 1999-2003. He is a Member of the Advocates & Solicitors Disciplinary Board. He is External Examiner for Post-Graduate Studies University of Malaya law faculty and University Putra Malaysia (Graduate Studies Dept.). He has appeared in numerous cases in court and before arbitrations.

Dato' Mahadev Shankar

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.

Chow Kok Fong

Chow Kok Fong is Managing Director of the Equitas Corporation where he practices as an arbitrator and mediator. He is concurrently an adjunct professor at the National University of Singapore and consultant to three major multi-nationals. He was previously Managing Director (International) for Capitaland Commercial Ltd where he was responsible for investments in projects in Japan, United Kingdom and China. Prior to that he was Director of Projects for City Developments Ltd where his projects include the tallest building in Singapore, Republic Plaza, 8,000 units of homes and several hotels in the region. Earlier he had been the Chief Executive of the Construction Industry Development Board (now the Building and Construction Authority) and has consulted with the World Bank as a construction industry specialist. He has written 6 books including the *Law and Practice of Construction Contracts* (currently in its 3rd Edition). He is Founding President of the Society of Project Managers in Singapore and currently serves on the board of the Singapore Mediation Centre where he is Chairman of the Advisory Committee on Construction Mediation. Recently he was also elected Chairman of the Society of Construction Law in Singapore.

Speakers

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. *Sundra Rajoo* is a Chartered Arbitrator, Architect and Town Planner. He is also called to the Malaysian Bar as an Advocate and Solicitor. He is one of the most highly qualified Malaysians in the field of arbitration. 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. He is President of the Society of Construction Law (KL & Selangor), Past Chairman of the Chartered Institute of Arbitrators Malaysia Branch and Past Deputy President of the Malaysian Institute of Arbitrator. 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, Malaysian Standard Form of Building Contract (PAM 1998 Form)*, 2nd Edition, 1999 and Arbitration title of the *Halsbury Laws of Malaysia*, 2002. All of them are published by LexisNexis (Butterworths).

Speakers

Vinayak Pradhan

Vinayak Pradhan obtained his LLB (Hons) from the University of Singapore in 1973. He was called to the Malaysian Bar in 1974 and the Singapore Bar in 1991. 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 is also a member of the Court of Arbitration for Sport and is on the Register of arbitrators of the Olympic Council of Malaysia. 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 has written a number of articles on arbitration and construction law and has been a guest lecturer at the University of Malaya, Law Faculty's arbitration course for LLM students. He has also lectured at training courses for arbitrators run by the Regional Centre for Arbitration, Kuala Lumpur as well as the Chartered Institute of Arbitrators, Malaysian branch.

Michael Hwang, SC

Senior Counsel, Arbitrator Singapore. *Michael Hwang* is a practicing lawyer, and received his legal education (both undergraduate and post-graduate) at Oxford University where he was a College Scholar and Prizewinner. He then took up a teaching appointment at the Faculty of Law at the University of Sydney before returning to Singapore to commence private practice in 1968. In 1991 Mr Hwang was appointed a Judicial Commissioner of the Supreme Court (a full time post equivalent to the office of an acting High Court Judge) for a fixed term which expired at the end of 1992. During his term of office Mr Hwang dealt with a full caseload across the whole range of civil litigation. 15 of his judgments are reported in the Singapore Law Reports and several of them have been referred to with approval by other courts and academic commentators. He returned to private practice at the beginning of 1993, as the Head of Litigation at the law firm of Allen & Gledhill, Singapore. In 1997 Mr Hwang was appointed as one of the first twelve Senior Counsels (SC) of the Supreme Court of Singapore (an appointment equivalent to Queen's Counsel in England). He established his own specialist practice as Senior Counsel and Arbitrator with effect from 1st January 2003. Mr Hwang's practice areas range over the whole field of commercial litigation including banking, real property, corporate disputes, trusts, intellectual property, securities, insurance and construction. He is also a specialist in international arbitration and has held a number of important international appointments, including positions with the United Nations, the Permanent Court of Arbitration and the International Chamber of Commerce. Mr Hwang is an accredited mediator of the Singapore Mediation Centre, and has conducted several successful mediations, both in Singapore and overseas. Mr Hwang is a frequent lecturer and writer on legal matters, both in Singapore and overseas. In 1999 Mr Hwang served as a full time Visiting Professor at the NUS teaching advocacy, civil procedure and commercial arbitration. He is listed in various international legal guides as one of Singapore's leading litigation lawyers as well as a leading international arbitrator. He has served as a director of various public and private companies and is currently a director of 3 publicly listed companies: The Straits Trading Company Limited, Econ International Limited and Del Monte Pacific Limited. He is also Chairman of the Singapore Dance Theatre Limited (a non-profit public company) as well as a former director of PSA Corporation Ltd (the Port of Singapore Authority). Mr Hwang is Singapore's Non-Resident Ambassador to Switzerland.

Teresa Cheng, SC

SC, JP, Chartered Arbitrator, Chartered Engineer and Accredited Mediator. *Teresa Cheng* is a Vice Chairperson of the Hong Kong International Arbitration Centre and Fellow of the Chartered Institute of Arbitrators, the Hong Kong Institute of Arbitrators and Singapore Institute of Arbitrators as well as Member of the Institution of Civil Engineers and Hong Kong Institution of Engineers. She is an experienced arbitrator and mediator and has been involved in many mediations, arbitrations and litigations in Hong Kong and abroad. She is a Chairman of the Appeal Tribunal Panel (Buildings), the Chairman of the Environmental Impact Assessment Appeal Board Panel and a Deputy Chairman of the Town Planning Appeal Board. She is also a member of the Provisional Construction Industry Co-ordination Board. She has lectured in various universities in Hong Kong SAR and Mainland China.

Emeritus Prof John Uff, QC

CBE QC PhD BSc (Eng) FICE FCI Arb FEng. *John Uff* originally qualified in engineering, but has practised as a barrister since 1970, specialising in all types of engineering and construction disputes, both as Counsel and as Arbitrator. He has extensive experience of international disputes in most parts of the world, most recently in Australia and Thailand. He also writes and lectures extensively in construction law and dispute resolution. He was the founding Director of the Centre of Construction Law at King's College, London, where he held the Nash Chair of Engineering Law until 2002 and is now Emeritus Professor. He has sat on many influential boards and committees including the DTI Committee on arbitration law, ICE Council and legal affairs committee, DOE committee on liability and insurance and the Standing Committee on Structural Safety. He is a member of the Court and a vice-president of the LCIA and, since June 2004, President of the Society of Construction Arbitrators. Public appointments have included Chairman of the Inquiry into Yorkshire Water (1996) Chairman of the Inquiry into the Southall Railway accident (1999) and joint Chairman, with Lord Cullen, of the Inquiry into Railway Safety (2001). He was appointed CBE in 2002 and awarded the ICE Gold Medal in 2003.

John Barber

MA LLB CEng FICE FCI Arb. *John Barber* practices as an independent consulting civil engineer, arbitrator, adjudicator and conciliator and is listed in the ICE Lists of Arbitrators, Adjudicators and Conciliators. He is also a part-time lecturer on the MSc in Construction Law and Arbitration at King's College, London and National University of Singapore. He lectures regularly on award writing and acts as lead examiner for the award writing module. He has served as a member of the ICE Advisory Panel on Legal Affairs and Arbitration Advisory Panel for 3 years each, and as Chairman of the Chartered Institute of Arbitrators' East Anglia Branch for 2 years.

Lim Chong Fong

BSc(Bldg) Hons (NUS), MRICS, MISM, MCI Arb, LLB Hons (Lond), CLP, Barrister at Law. *Lim Chong Fong* graduated with a degree in building from the National University of Singapore and started his career as a quantity surveyor in a construction firm in Singapore from 1985 to 1990. He subsequently graduated with a degree in law from the University of London and started his career in law at Messrs Azman, Davidson & Co. in 1991. He is a Chartered Quantity Surveyor and is admitted to the Malayan, English and Brunei Bar. He is presently involved principally in construction law and dispute resolution as Counsel in both arbitrations and the Courts. He also acts as an Arbitrator or Adjudicator. He is a past Deputy Chairman of the Chartered Institute of Arbitrators, Malaysia Branch and has contributed to the Construction Law title for Halsbury's Laws of Malaysia and Malaysian Court Forms for Arbitration and Construction Law titles. In 2003-2004, he undertook research on the topic *Securing Payment and the Expedient Recovery of the Unpaid Builder's Claim* under the Malaysian Fulbright scholarship at the William S Richardson School of Law at the University of Hawaii at Manoa, USA.

Speakers

Dr Philip Chan

Dr Philip Chan is an Associate Professor with the National University of Singapore and he teaches and researches in construction law and arbitration in the Department of Building, School of Design and Environment. His PhD work touched on the development of construction law and arbitration in Singapore. He has written, by himself and with others, 6 books and many articles in these areas. He also teaches on the joint KCL-NUS MSc in Construction Law and Arbitration. He has been invited by both public and private sector organizations to conduct in-house talks, seminars and short courses in his area of specialisation. Dr Chan is currently a Fellow and Council Member of the Singapore Institute of Arbitrators. He is also on the SIAC's Regional Panel of Arbitrators. Besides his teaching, he practices as a lawyer and an arbitrator. He is a former Executive Director and Registrar of the Singapore International Arbitration Centre (SIAC).

Rajendra Navaratnam

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.

Philip Jeyaretnam, SC

Philip Jeyaretnam was admitted to the Singapore Bar in 1988, and was appointed Senior Counsel in January 2003. He holds a First Class Honours degree in law from Corpus Christi College, Cambridge University (1986), and was called to the English Bar in 1987. He was a Visiting Fulbright Fellow at Harvard Law School in 1991. He is currently President of The Law Society of Singapore and was the founding Chairman of the Society of Construction Law, Singapore. He has been co-author of the section on building and construction law for the Singapore Academy of Law's Annual Review for the years 2000, 2001, 2002 and 2003. A commercial litigator, Philip leads the Projects, Construction and Investment Practice Group in Rodyk & Davidson.

Dr Anne Netto

LLB, MSc (Construction Law and Arbitration), PhD. *Anne Netto* is the Programme Director of the joint MSc in Construction Law & Arbitration offered by King's College London and the National University of Singapore. She teaches Construction Law and Arbitration at the Department of Building, NUS. With teaching experience from UK she joined legal practice and was involved in commercial litigation work before joining NUS in 1996. Her PhD on *Third Parties' Rights for Latent Defects in Buildings* was obtained under the supervision of the distinguished Emeritus Professor, John Uff QC. Many of her articles on construction law in Singapore and the UK have been published in leading journals. She has participated in several conferences and seminars in Singapore and internationally. As part of her thesis was on professional negligence, she was instructed in the landmark Court of Appeal decision on the liability of medical practitioners, *Dr James Khoo v. Madam Gunapathy Muniandy* [2002] 2 SLR 404. She is also the lead author of *Singapore Building Control Handbook* published by Butterworths in 2003.

David Cheah

B.Arch., M.Urb.Plan., DipArb, APAM, APPM, RIBA, RAlA, FSIArb, FCIArb. *David Cheah* is a Chartered Arbitrator, Architect and Town Planner. He is currently practising as an architect and town planner with experience in projects of various sizes and complexity. He has extensive experience in the management of international design-and-build projects. In addition to practice, his other interests lie in construction law and dispute resolution. He believes that behind the camouflage, disputes are like architecture. It is about passion and the game of possibilities, where play within boundaries have been exchanged for playing with boundaries. He is on the Panel of the Regional Centre for Arbitration Kuala Lumpur (KLRC), Pertubuhan Akitek Malaysia (PAM) and Panel of Chartered Arbitrators with CIArb (UK). He is currently the Honorary Treasurer of the Chartered Institute of Arbitrators (Malaysia branch) and the Malaysian Institute of Arbitrators (MIArb).

K Sri Kandan

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 KS

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.

Speakers

Grace Xavier

LLB(Hons)(Lond), LLM(Mal), CLP, Dip.Int.Comm.Arb(CI Arb)(Lond), FCI Arb, Lecturer, Faculty of Law, University of Malaya. *Grace Xavier* is a lecturer with the Faculty of Law, University of Malaya. She lectures in Land Law, Ethics and Professional Practice, at the undergraduate level and the Law of Arbitration at the Post-graduate level. Her areas of specialization are Construction Law and Law of Arbitration. Mrs Xavier obtained the LLB Degree with Honours from the University of London in 1988 and the Certificate in Legal Practice the following year. She was admitted to the Malaysian Bar in 1990 and practiced shortly. She has been a non-practising Advocate and Solicitor of the High Court of Malaya since 1992. Mrs Xavier was awarded the LLM from the University of Malaya in 1994, and obtained the Diploma in International Commercial Arbitration in 1999. She was admitted as a Fellow of the Chartered Institute of Arbitrators the following year. Currently Mrs Xavier is pursuing her doctoral studies at Bond University, Australia, as a part-time candidate. Mrs Xavier is a Visiting Fellow, Centre for Construction Law and Management, King's College London (since 2000) and lectures on the joint MSc Programme in Construction Law and Arbitration conducted by the NUS-King's College London (since 2003). She has also advised as Consultant on a number of projects including the KLIA project during the years 1996-1999. Mrs Xavier has published in local and international journals on areas of Land Law, Law of Arbitration and Construction Law. She authored the book, *Law and Practice of Arbitration in Malaysia* published in 2001, and co-authored the Chapter on Malaysia with Datuk PG Lim in the book *Dispute Resolution in Asia*, 2nd edition, edited by Michael Pryles, published in 2002.

Ir. Chong Thaw Sing

Chartered Arbitrator, B. Eng. (Hons), Dip Arb, MIEM, FCI Arb, P.Eng. *Chong Thaw Sing* graduated from University of Malaya in 1979. He has been practicing as a geotechnical engineer and has gained extensive experience locally and in the Asia Pacific region for over two decades. He has varied experiences as a professional engineer and specialises in geotechnics and in geotechnical studies and design for offshore structures foundations. He has embarked on a second career in the area of dispute resolution in all facets of the construction industry. He heads CADR Consultants, which provides the full spectrum of contractual advice in construction contracts from procurement stage to completion. He is a trained arbitrator, accredited with the KL Regional Centre for Arbitration and is one of ten Chartered Arbitrators in Malaysia. He is also on the Committee of the Chartered Institute of Arbitrators (Malaysia Branch) and the Malaysian Institute of Arbitrators.

Ong Hock Tek

BSc(Hons) MSc MBA DipM DipICarb MMIArb MIVMA MISM ICECA MMIM FCI OB FRICS FSI Arb FCI Arb. *Ong Hock Tek* is a well-qualified multi-disciplinary consultant experienced in pre and post contract quantity surveying duties, commercial and contractual administration and management of various types of construction projects, gained from working for architectural practice, quantity surveyors, project managers, civil engineering and building contractors and specialist consultants. His specific experience and expertise includes contracts administration, claims preparation/defense and dispute resolution. Specialising in alternative dispute resolution, particularly in arbitration advisory and support services, documentation and proceedings, he is an Accredited Mediator to the Mediation Panel, Construction Industry Development Board Malaysia, a Panel Arbitrator of the Kuala Lumpur Regional Centre for Arbitration and a Regional Convenor of Institution of Value Management Australia. He is also the Deputy President of The Chartered Institute of Building Malaysia and the past Treasurer General of Institution of Surveyors Malaysia. He has also organised and conducted many public and in-house seminars/workshops for various institutions and private/public listed companies on several areas, in particular construction contract, procurement, management/administration, value and risk management. Mr. Ong is the Managing Director of Entrustly Group, is a multi-disciplinary group of companies providing project, commercial, contract, risk, cost, quality and value management and recruitment services to various industries, particularly in construction and petrochemical, both locally and internationally.

Ir. Ho Kin Wing

Chartered Engineer, Professional Engineer, Accredited Mediator, BEng(Hons) Civil Eng, MSc Const. Law & Arb, Ceng, Peng, MIEM, MISTruTE, MCI Arb, MMIArb, MCS. *Ho Kin Wing* first graduated with a degree in civil engineering and subsequently obtained a master's degree in construction law and arbitration from King's College London. He started his career as a civil and structural engineer in the UK and upon his return to Malaysia he worked in the areas of construction, engineering and property development specialising in commercial, project and contract management and dispute avoidance and resolution. He is both a Chartered Engineer and Professional Engineer in the United Kingdom and Malaysia respectively. He is also an Accredited Mediator on the Construction Industry Development Board's Panel. Currently the Deputy Chairman of the Chartered Institute of Arbitrators Malaysia Branch and sits on the Institution of Engineers Malaysia's Dispute Resolution Practice Committee as the Secretary. He speaks at seminars and he is an approved lecturer of the Chartered Institute of Arbitrators and is also a visiting/part-time lecturer at universities/colleges and has also contributed articles in the various specialist/technical journals. He is currently the Commercial Director of the Asia wide consultancy group, BK Asia Pacific Ltd Malaysia office.

Mohan Pillay

Mohan R. Pillay, LL.B Hons (Sing); LL.M (Lon); FCI Arb; (Adj) Assoc. Prof, Faculty of Law, Nat. Univ. of Singapore, is a Partner at Wong Partnership, one of Singapore's leading law firms, where he heads the firm's Construction and Civil Engineering Practice Group. In addition to an active practice, Mohan teaches building contracts, construction law and international arbitration at the Nat. Univ. of Singapore where he is an Adjunct Associate Professor at the Faculty of Law. He is a member of the Singapore International Arbitration Centre's main panel of Arbitrators, as well as an Accredited Mediator with the Singapore Mediation Centre and The Law Society of Singapore. He has also recently been appointed to the Lay Person Panel of the Disciplinary Committee of the Singapore Institute of Architects.

Prof Phillip Capper

Phillip Capper is head of the worldwide Engineering and Construction Projects practice of Lovells international law firm, and is the Nash Professor of Engineering Law at King's College, University of London. He is a former Chairman of the Faculty of Law at the University of Oxford and was a Fellow of Keble College Oxford for over 20 years. He is a specialist in international dispute resolution, as adviser, advocate and as arbitrator. Phillip has worked on projects for highways, rail, power, oil production, defence, and process plant, building and construction in many countries worldwide. He acted for TML, the Channel Tunnel contract consortium, and has advised state electricity generator/distributors, national gas distributors, high-speed rail authorities and suppliers, metro and light rail projects, and privately financed infrastructure projects. He drafted the disputes clauses in NEC 2nd ed and ICE 7th and was engaged as expert by French Association of International Contractors (SEFI) to evaluate FIDIC's EPC Silver Book. For CIRIA's *Client's Guide to Risk in Construction* he wrote on legal risk management. Founding Editor of *Construction Industry Law Letter*, his recent publications include *Construction Industry Arbitrations in Sweet & Maxwell's Handbook of Arbitration Practice* (3rd ed), former General Editor of *Emden's Construction Law*, editor of *International Arbitration: The Handbook* (3rd ed, 2004). Phillip is a UK member of the ICC Commission on International Arbitration in Paris; and is Director of the International Diploma of the Chartered Institute of Arbitrators.

REGISTRATION FORM

Inaugural International Construction Law & Arbitration Conference 23 October 2004

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Conference Fee

• Early Bird Registration Fee **RM 800**
(for registrations on or before 14 October 2004)

• Normal Registration Fee **RM 880**
(for registration from 15 October 2004 onwards)

CPD points will be allocated for this conference

Administrative Details

Kindly return completed form(s) with cheque(s) to
KPK RESEARCH SDN BHD
18-6 & 18-7, Block B
18th Floor, Megan Avenue II
12 Jalan Yap Kwan Seng
50450 Kuala Lumpur, Malaysia

For further conference enquiry, kindly contact Ms Indrani
at 603-21668000 or email her at KPK@kpkqs.com

Cancellation Policy

75% of the registration fee will be refunded for
cancellations received before or on 15 October 2004. No
refunds will be made for cancellations after 15 October
2004.

CONFERENCE PROGRAMME

0800	Press Conference
0815	Registration
0845	<ul style="list-style-type: none">Welcome Address – President, SCL (KL & Selangor), Sundra RajooConferment of Honorary MembershipPresentation – Chairman, SCL Singapore, Chow Kok FongPresentation – President, SCL (KL & Selangor), Sundra Rajoo

Towards More Efficient Arbitration – New Methods, Techniques and Procedures

Session 1	Chair: Dato' Syed Ahmad Iddid (Director KLRC)
0900	<i>Arbitration Practice in Malaysia: Ills and Cures</i> Sundra Rajoo & Vinayak Pradhan
0930	<i>Unconventional Techniques in Construction Arbitration</i> - Michael Hwang, SC
0950	<i>Arbitration in China</i> Teresa Cheng, SC
1010	<i>Accelerated Arbitration – Lessons Learned from Adjudication in the UK</i> – Emeritus Prof John Uff, QC
1030	Panel Discussion and Q&A
1050	Tea Break
Session 2	Chair: Dato' Dr Cyrus Das
1110	<i>Pitfalls of Award Writing</i> John Barber
1130	<i>Challenges to Awards</i> Lim Chong Fong & Philip Chan
1200	Panel Discussion and Q&A
1220	Lunch

Current Issues Facing The Construction Industry

Session 3	Chair: Dato' Mahadev Shankar
1330	<i>Tort Liability for Defective Construction Work</i> Rajendra Navaratnam & Philip Jeyaretnam, SC
1400	<i>Enforceability of LAD Provisions</i> Anne Netto & David Cheah
1430	<i>Variation Claims</i> K Sri Kandan & Harbans Singh K S
1500	<i>Overcoming Certification Problems</i> Grace Xavier & Chong Thaw Sing
1530	Panel Discussion and Q&A
1550	Tea Break

Trends and Developments In The Construction Industry

Session 4	Chair: Mr Chow Kok Fong (Chairman, SCL Singapore)
1610	<i>Today's Construction Industry – More Challenges and Dilemmas than Solutions – Malaysia's Perspective</i> - Ong Hock Tek & Ho Kin Wing
1640	<i>Contractor's Project Cash Flow Problems – The Singapore Perspective Today</i> - Mohan Pillay
1700	<i>Construction Contracts Old & New: Are We Learning the Lessons?</i> - Prof Phillip Capper
1720	Panel Discussion and Q&A
1740	Closing – President, SCL (KL & Selangor), Sundra Rajoo