

Jointly Organised by:



Endorsed by:



One-day International Conference on Avoiding and Resolving Construction Disputes

Thursday, 22 September 2016 ★ Armada Hotel, Petaling Jaya, Malaysia



BEM – 3 CPD pts
LAM – 2 CPD pts
BQSM – 3 CPD pts
CIDB – 10 CCD pts

Essential topics featured for this conference

The subject of this one-day conference will be of interest to everyone involved in the Construction Industry, both in Malaysia and overseas, and is a **Continuing Professional Development (CPD)** programme.

- ◆ Integrated Project Management – The KLIA Experience
- ◆ Dispute Avoidance and Resolution – The Hong Kong Experience
- ◆ Construction Management and Safety
- ◆ Defects – Implications and Management
- ◆ Reviewing the PAM 2006 – The Issues Behind
- ◆ Resolution of Disputes through Alternative Disputes Resolution
- ◆ CIPAA Updates and Its Recent Cases

Introduction

This one-day International Conference entitled “Avoiding and Resolving Construction Disputes” is jointly organized by Chartered Institute of Building (“CIOB”) Malaysia, Chartered Institution of Civil Engineering Surveyors (“ICES”) and Lighthouse Club (“LHC”).

This Conference is to be held on Thursday, 22 September 2016 at Armada Hotel in Petaling Jaya, focus on meeting new challenges and reducing risks in construction by avoiding and resolving construction disputes, through effective project and construction management, safety and welfare, defects management, alternative dispute resolution, improvements in standard form of contract (PAM 2016) and use of new legislation (recent CIPAA 2012) to benefit the construction industry.

This Conference covers the following pertinent and interesting topics in avoiding and resolving construction disputes;

- How KLIA challenges and experience can help in defining and streamlining Integrated Project Management through better organization, effective project planning and control.
- How Hong Kong experience can help in the avoidance and resolution of construction disputes through proactive introduction of Dispute Resolution Advisor (DRA), Non Contractual Partnering, Collaborative Contracting (via NEC Form), mediation, etc.
- Dispute avoidance through project safety practices, design, construction, controls, communication protocols, etc.
- Avoiding disputes on outstanding, non-compliant and defective works through effective defects management.
- Recent ADR developments in international construction disputes.
- Issues and practical problems in resolving disputes using CIPAA and its implications on the construction industry.
- Review and changes to PAM Form of Contract (2006) leading to its 2016 edition.

This is a unique opportunity for all those who are involved in the Construction Industry to listen to the views of experienced practitioners within the Industry, in Malaysia and internationally, who are actively involved in managing, consulting, advising and assisting their clients on different aspects of Project/Construction and Contract Management and Alternative Dispute Resolution, to raise issues in the Q & A session, as well as partake in lively debate on those topics and related issues during the panel discussion.



About the Institutions

The **Chartered Institute of Building (“CIOB”)** is the world's largest and most influential professional body for construction management and leadership. CIOB promotes for the public benefit, the science and practice of building and the advancement of public education in the science and practice of building, including research. CIOB's members work worldwide in the development, conservation and improvement of the built environment. CIOB Malaysia has over 600 members from students to construction professionals who play an active role in promoting professionalism and innovative thinking in the construction industry. CIOB Malaysia has played an important role in the region by organising events, seminars and the annual International Construction Conference relevant to the industry.

The **Chartered Institution of Civil Engineering Surveyors (ICES)** is a professional association in the field of civil engineering surveying. ICES members consist mainly of quantity surveyors and geospatial engineers working and studying within civil engineering surveying. ICES is an internationally recognised qualifying body established to regulate, educate and train surveyors working within civil engineering. ICES has its headquarters in the United Kingdom with 11 regions each consisting of volunteer-led committee members and is a member of the International Federation of Surveyors (FIG).

The **Lighthouse Club (LHC)** is a non-political organisation that raises money through social activities, to assist less fortunate persons who are associated with construction industry. Its motto the Latin expression “Aliis cum Humanitate”, which translates as “Consideration for Others”. There are over 8000 members, with 20 branches in UK and 8 overseas clubs. The Lighthouse Club Asia Pacific Region (LHCAPR) was established in 1998 incorporated branches in Hong Kong, Bangkok, Kuala Lumpur, Macau, Manila and Singapore. Lighthouse Club Kuala Lumpur (LHCKL) branch, started in 1994, has over 200 members today, primarily professional expatriates working in Malaysian construction industry. Donations from Lighthouse Club national body and its branches, all proceeds to Lighthouse Club Charity Funds.

Conference Programme

08:30 – 09:00	Registration
09:00 – 09:15	Welcome and Introduction Sr. Ong Bok Siong , President, The Chartered Institute of Building Malaysia
09:15 – 09:45	Keynote Address Integrated Project Management – The KLIA Experience Tan Sri (Dr) Ir. Jamilus Hussein , Past CIDB Chairman (2006-2010) and Chairman, KLIA Premier Holdings Sdn Bhd
09:45 – 10:30	Dispute Avoidance and Resolution– The Hong Kong Experience Mr. Robert W Pegg , ICES/BK Surco Representative and Consultant Director, BK Asia Pacific
10:30 – 11:00	Morning Refreshment Break
11:00 – 11:45	Construction Management and Safety Mr. Anthony Edwards , LHC KL Representative and Senior Contract Manager, Daewoo Engineering and Construction
11:45 – 12:30	Defects ~ Implications and Management Sr. Ong Hock Tek , ICES Representative (Malaysia) and Director, BK Entrusty
12:30 – 14:00	Conference Luncheon
14:00 – 14:45	Reviewing the PAM 2006 – The Issues Behind Mr. Steven Thang Boon Ang , Council Member Pertubuhan Arkitek Malaysia (PAM), Director, NVT Architects Sdn Bhd
14:45 – 15:30	Resolution of Disputes through ADR Mr. Ben Olbourne , Barrister, 39 Essex Chambers
15:30 – 15:45	Afternoon Break
15:45 – 16:30	Construction Industry Payment and Adjudication Act (“CIPAA”) and Recent Adjudication Developments and Legal Cases in Malaysia Mr. Lam Wai Loon , Chairman, Chartered Institute of Arbitrators Malaysia and Partner, Harold & Lam Partnership
16:30 – 17:30	Panel Discussion (Chaired by Mr. Roderick Noble, President, LHC KL) involving the day’s Speakers
	CONFERENCE ENDS

Speakers' Profile



Tan Sri (Dr) Ir. Jamilus Hussein has well over 49 years experience in the design, construction and management of building and infrastructure projects. He is a recognized personality in the construction industries not only for his experience and technical knowledge but also as one who constantly advocates and disseminates sound project management practices. One of his outstanding achievements is, as Managing Director of KLIA Berhad, his leadership in harnessing the efforts of a large number of professionals of diverse disciplines to complete the huge technically sophisticated airport project the "KL International Airport". Prior to the KLIA project, he has held various key management positions in the Public Works Department, Malaysia: State Director of Pahang, Terengganu and Perak and also Director of the Road Division. He was also a former academia at the University Technology Malaysia, his last post being the Department Head for Soil Mechanics and Geology in the Civil Engineering Faculty. Presently he is the Chairman of Board of Director of University Tun Hussein Onn Malaysia. He is the founding President and the main driving force to achieve the vision of the company. He is an ardent believer of the need to upgrade the PROJECT MANAGEMENT practice and TECHNICAL capabilities of professional engineers in the country. Towards this end, despite his busy schedule, he regularly gives talks at seminars locally and abroad. He is also involved with Universities as Adjunct Professor and Industry advisors.



Robert W Pegg is a Chartered Quantity Surveyor (Hong Kong) and NEC Accredited Project Manager having worked in the construction industry for 37 years based on training in contracting and quantity surveying and 20 years of project experience in Hong Kong and elsewhere in the Asia Pacific region. He is a Fellow of the Royal Institution of Chartered Surveyors and a member of Hong Kong Institute of Surveyors, Chartered Institute of Arbitrators, Association of Project Management, and Centre for Effective Dispute Resolution Accredited Mediator. Robert has 25 years acting at partner/director level in the successful delivery of projects and the resolution of disputed time and money issues for contractors, construction consultancies government and private employers. He also has 24 years of specialist experience in dealing with the delivery of projects and the resolution of disputed issues on behalf of employers and contractors. He has an in depth working knowledge of building and engineering construction, construction procurement and construction management, legal process, contract administration and the various standard forms of contract, methods of measurement, specifications and other related documentation in use both locally and internationally. On the basis of this experience and knowledge, he has lectured extensively and conducted management training workshops on NEC contracts, procurement, commercial and contract management issues, dispute avoidance and resolution. Also, as an NEC Accredited Project Manager, he provides advice to employers, consultants and contractors working under the NEC3 forms of contract. He has been appointed as expert advisor and expert witness on more than ten occasions in mediation and arbitration in respect of additional cost/loss and expense/damages claims and valuation of variations and programming issues. He is also an Accredited mediator and dispute resolution advisor.



Ben Olbourne is an experienced advocate, advisor and arbitrator specialising in international commercial disputes. He has practised as an English barrister since 2003. Since 2012, he has been based in Singapore where he regularly acts for clients based in all parts of Asia alongside his practice in London. Ben has acted as counsel in arbitrations under many different governing laws and subject to a range of arbitral rules, including ICC, SIAC, LCIA, UNCITRAL, LMAA, SCMA, ICSID, GAFTA, FOSFA and RSA. His recent work has been principally in the general commercial, international trade and commodities, construction, insurance/reinsurance, energy, natural resources and shipping/carriage of goods sectors. Ben accepts appointments as an arbitrator, is a Fellow of the Chartered Institute of Arbitrators, and has sat or is sitting as arbitrator under ICC, SIAC, LCIA and LMAA rules. He has also acted in mediations, both as mediator and as party representative. Ben regularly presents at conferences on aspects of international arbitration law and procedure and other forms of alternative dispute resolution.

Speakers' Profile



Sr. Ong Hock Tek ("HT") is a Fellow of eight professional institutions. Being a Chartered Quantity Surveyor and Civil Engineering Surveyor, Chartered Builder, Registered Quantity Surveyor (BoQS) and Certified Construction Project Manager (CIDB), he is a well-qualified multi-disciplinary and specialist consultant, experienced in pre and post contract quantity surveying duties, commercial and contractual administration/management of various types of construction projects, gained from over 30 years of working experience with architectural practice, quantity surveyors, project managers, civil engineering and building contractors and specialist consultants in the UK, Singapore and Malaysia. His specific experience and expertise include project and contracts management/administration, claims preparation/defense, dispute resolution, risks and value management, specializing in alternative dispute resolution, particularly in arbitration advisory and support services, documentation and proceedings. He also acts as an Arbitrator, Mediator, Negotiator, Counsel and Expert (quantum) on technical, commercial and contractual disputes/differences between the contracting parties, at both main and sub-contract levels on various types of project in the construction industry. Being a Master Trainer, he has organised and spoken in many public and in-house conferences, seminars and workshops for professional institutions and private/public listed companies on several subject areas, in particular construction contracts, ADR, risks and value management. He has also lectured part-time for bachelor and master degree programmes in the same areas for many years and has been a regular contributor to the Master Builders Journal on construction contract and management issues since 2002.



Anthony Edwards is a Senior Contract Manager of Daewoo Engineering and Construction CO. Ltd with Commercial and Quantity Surveying background. He has worked in construction industry for nearly 40 years in such location as United Kingdom, Africa, Caribbean, Middle East and Asia. He also is a construction company owner which involve in Construction and Contract Management, commercial and quantity surveying roles including claim works in a range of varying projects high rise, factory, hotel developments.



Lam Wai Loon is a founding partner of Messrs. Harold & Lam Partnership. He is a Chartered Arbitrator (CI Arb, UK) and is a qualified adjudicator to adjudicate disputes under the Construction Industry Payment and Adjudication Act 2012 ("CIPA Act 2012"). Wai Loon is the current Chairman of the Chartered Institute of Arbitrators, Malaysia Branch [2016 -2017], and Deputy President of the Society Construction Law, Malaysia [2016-2017], and the Vice President of the Malaysian Society of Adjudicators [2016-2017]. His recent publications include a co-authored comprehensive legal text titled 'Construction Adjudication In Malaysia' [CCH-Kluwer, 2013], and a co-authored Chapter on 'Arbitration In Malaysia' published in the text titled 'International Commercial Arbitration In Asia' [3rd Edition, 2013, JurisNet LLC].



Ar. Steven Thang Boon Ann is a Director of NVT Architects Sdn Bhd. He is a Professional Architect for 24 years (since 1990), Professional Interior Designer for 9 years (since 2005), Registered Building Conservator and Certified Adjudicator since 2015. His professional services includes Architecture Master Planning, Feasibility studies, Project Management, Interior Design, Historical Building Conservation, Theme Design, Building Survey and Inspection, Building Forensic Investigation (Expert Witness), Consultation and Advisory services and Expert Evidence/Witness. He is currently a Council Member of PAM (2011-2017) and Chairman of PAM Alternate Dispute Resolution (ADR) Committee 2015-2017. He is also Committee Member, SIRIM Industry Standards Committee on Building and Civil Engineering (ISC D) and Chairman, SIRIM, Technical Committee (ISO TC59) on Building Design and Construction since 2006. He was awarded with STAR Award (Anugerah Standard), Ministry of Science, Technology and Innovations in 2014.

Conference Outline Contents

Integrated Project Management – KLIA Experience

– Tan Sri (Dr) Ir. Jamilus Hussein

- Project Background And Objective
- Project Strategy
- Development Process
- Organization
- Project Planning
- Project Control
- Challenges

Construction Management and Safety

– Anthony Edwards

- Outline of Safety Practices
- How to manage avoidance such as defining the responsibilities and management structure of the project management team,
- Organizing and leading by implementing project controls, defining roles and responsibilities,
- Developing communication protocols,
- Identifying elements of project design and construction likely to give rise to safety claims
- Further defining the impact of safety through proper management controls and the repercussions due to the lack thereof.

Resolution of Disputes through ADR

– Ben Olbourne

- Introduction to alternative dispute resolution (ADR) of international construction disputes;
- Overview of the typical means of ADR, namely mediation, adjudication and arbitration;
- Recent developments in mediation and arbitration, including;
 - Establishment and progress of Mediation Centre e.g. SIMC;
 - New rules and approaches to multi-party proceedings,
 - Independence and impartiality of arbitrators,
 - Emergency and expedited proceedings,
 - “arb-med-arb” procedures.,
- Potential advantages and disadvantages of litigating in international courts.
- Conclusion

Dispute Resolution and Avoidance - The Hong Kong Expertise

– Robert W Pegg

- Dispute Resolution Advisors
- Statutory Adjudication and Security of Payment
- Mediation
- Non Contractual Partnering
- Collaborative Contracting – The NEC

Defects ~ Implications and Management

– Sr. Ong Hock Tek

- What Are Defects?
- Patent and Latent Defects
- Outstanding, Non-compliant and Defective Works
- Relevant Contractual Provisions
- Relevant Legal Cases
- Defects Management
- Conclusion

CIPAA Updates and Recent Cases

– Lam Wai Loon

- Scope of CIPAA – Sections 2, 3 and 41, and the Exemption Order 2014;
- Issues and practical problems commonly faced by the Claimant, the Respondent and the Adjudicator in an adjudication proceeding;
- Enforcement of adjudication decisions;
- Recourse against adjudication decisions;
- Recent court decisions and their impact on adjudication practice in Malaysia.

Reviewing the PAM Form of Contract 2006

– The Issue Behind It

– Ar. Steven Thang Boon Ann

- Introduction to PAM Form of Contract 2006
- Need to review.
- Major consideration for review.
- Cases that may influence.
- Industry comments and feedback.
- Deliberations.
- Draft (2016 edition).
- Summary/Conclusion.

Registration Form

Please submit your form to:

The Chartered Institute of Building Malaysia
5th Floor, No. 8 Jalan Bangsar Utama 9
Bangsar Utama
59000 Kuala Lumpur

Contact : Miss Shakirah/Ms. Audrey Chen

Tel: 03-2284 5754

Fax: 03-2284 9754

Email: admin@ciob.org.my / achen@ciob.org.my

No	Name	Profession/Designation	Institution	Membership No.
1				
2				
3				
4				
5				

Company Address :

Tel: Fax: Email:

Contact Person: Date :

Registration Fees

	Fee (RM per Pax)	No. of Pax	Amount (RM)
Member Fee (CIOB/ ICES/LHC)	480		
Non Member Fee (sponsoring/endorsing institutions)	530		
Standard Fee	580		
Student (Undergraduates)	250		
Total			

Fee is inclusive of the GST, conference proceedings, materials, refreshment and lunch.

Payment Details

Cheque payable to "The Chartered Institute Of Building Malaysia "

Cheque No.:

Total Amount:

Please charge my credit card

Visa

Master Card



Name on Card:

Expiry Date: Mobile:

Signature:

Date:

NOTE:

- 1 Booking will be confirmed upon receipt of payment in full. All payments must be made not later than one (1) working day prior to the stipulated date.
- 2 Should you be unable to attend, an appropriate substitute or replacement may be made two (2) days before the conference at no additional charge. There will be NO REFUND for cancellations.
- 3 The organizer reserves the right to vary any aspect of the programme at any time.