30 May 2016

SEMINAR ON DEVELOPMENTS ON THE LAW RELATING TO THE CERTIFIER AND OTHER ISSUES IN CONSTRUCTION CONTRACTS

JOURNAL LAUNCH – “SINGAPORE JOURNAL OF CONSTRUCTION LAW”

Dear Friends & Colleagues,

Singapore prides itself in having a world class legal framework to support the continued growth of its flourishing construction industry. As a common law jurisdiction, Singapore’s courts play an important role in ensuring the development of law.

In the past year, Singapore courts have passed several landmark judgments that have had a significant impact on the construction industry, not only in Singapore, but around the world. Most notably, the Court of Appeal’s decision in PT Perusahaan Gas Negara (Persero) TBK v CRW Joint Operation [2015] SGCA 30 was one of the runner-ups in the GAR Awards 2016 for “the most important decision” category.

Since decisions of the Court often result in the formulation of new law, it is essential not only for legal practitioners but also contractors, employers, architects, consultants and other players in the construction industry to keep abreast of the latest decisions and their practical impact. A practical understanding of the law in force will enable parties to better understand their rights and obligations. The Singapore Journal of Construction Law is an invaluable tool in this regard.

The journal provides a convenient compilation of the latest cases relevant to the construction industry. Each case is preceded by a useful digest that highlights the salient aspects of the decision. This will no doubt be of great utility to parties who routinely deal with construction contracts. With an Editorial Advisory Board that consists of eminent scholars and practitioners headed by Mr Chow Kok Fong as the General Editor. The journal will provide invaluable insight into the practical implications of such cases as well as being a forum for discussion of topics of interest. Mr Chow Kok Fong was also the Founder President of the Society of Project Managers.

In conjunction with the launch of this pioneering journal, the Society of Project Managers has organised a seminar which involves a discussion of some of the recent and important issues in the construction industry.

Mr Mohan Pillay is the Joint Head of the Singapore Joint Law Venture, Pinsent Masons MPillay LLP and has nearly 30 years of experience in construction litigation and arbitration. He is an accredited Adjudicator and a Chartered Arbitrator. Mr Pillay will be providing us his views on Re-examining the Independence of the Certifier in a Building Contract.
Mr Melvin Chan is the Head of Litigation and Dispute Resolution at TSMP Law Corporation. He is an admitted Fellow of the Singapore Institute of Arbitrators and has extensive experience in representing parties in construction disputes both in litigation and arbitration. Mr Chan will be speaking on Application of the Independent Contractor Defence to Consultants.

Mr Christopher Chuah is the Head of the Infrastructure, Construction and Engineering Practice Group at Wong Partnership LLP and he will be conducting a session on the operation of Section 36 of the SOP Act and post termination claims, that will include a discussion on the decision of the High Court in Choi Peng Kum and another v Tan Poh Eng Construction Pte Ltd [2014] 1 SLR 1210 and examine the applicability of the SOP Act in relation to post-termination claims.

The seminar will be chaired by Mr Edwin Lee, founding partner of Eldan Law, Advocates & Solicitors. Mr Lee is a leading lawyer in construction disputes and has authored several books on the subject.

The journal will be launched by the Honourable Justice Quentin Loh, one of the most highly respected High Court judges and an expert in construction law. Justice Loh was in private practice for several years before his elevation to the bench specialising in construction and insurance matters.

I sincerely encourage you to attend the launch of the Singapore Journal of Construction Law and the seminar.

Yours faithfully,

Ting Seng Kiong
President
Society of Project Managers
SEMINAR ON
DEVELOPMENTS ON THE LAW RELATING TO THE CERTIFIER
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LAUNCH OF JOURNAL
BY CHOW KOK FONG, CHRISTOPHER CHUAH, MOHAN PILLAY
“ SINGAPORE JOURNAL OF CONSTRUCTION LAW”

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EVENT DETAILS

1 JULY 2016

NATIONAL GALLERY SINGAPORE
AUDITORIUM & FOYER

1:30 pm – 6:30pm

This event is sponsored by

PROGRAMME

1.30pm  Registration

2.00pm to 2.10pm  Welcome Speech by Immediate Past President, SPM (Mr. Seah Choo Meng)
                   Address by SAL (Chow Kok Fong)

2.10pm to 2.40pm  Christopher Chuah
                   “Operation of Section 36 of the SOP Act and Post-Termination Claims”

2.40pm to 3.10pm  Melvin Chan
                   “Application of the Independent Contractor Defence to Consultants and Contractors”

3.10pm to 3.40pm  Mohan Pillay
                   “Re-examining the Independence of the Certifier in a Building Contract ”

3.40pm to 4.20pm  Coffee Break

4.20pm to 5.00pm  Panel Discussion
                   Chairman: Edwin Lee
                   Panellists: Christopher Chuah; Mohan Pillay; Melvin Chan; Chow Kok Fong

5.00pm to 5.15 pm  Speech by Ella Wang, Managing Director, LexisNexis Southeast Asia

5.15pm to 5.30pm  Official Launch by The Honourable Justice Quentin Loh

5.30pm to 5.40pm  Speech by SAL

5.45pm to 6.30pm  Buffet Dinner

Journal Launch –  Singapore Journal of Construction Law
PROFILES AND PRESENTATIONS

Seah Choo Meng is the Director of Langdon & Seah Singapore Pte Ltd and Arcadis Project Management Pte Ltd, having been Executive Chairman from January 1999 to December 2008. Choo Meng is a Chartered Quantity Surveyor by profession. In a career spanning more than 45 years, he has led the firm in handling numerous construction projects covering all aspects of investment studies, project management and quantity surveying services in the construction industry in Asia Pacific. Choo Meng sits on the Board of Directors of publicly listed Mapletree Industrial Trust Management and is a member of its Audit & Risk Committee. He is also a Board Director of Ren Ci Hospital and Chairman of its Building Committee.

Seah Choo Meng
Immediate Past President
Society of Project Managers

He was previously a Board Member of publicly listed Sembawang Resources Ltd and Chairman of its Audit Committee. He was also a Director in Pidemco Land Ltd up to November 2000, when it merged with DBS Land and became CapitaLand Limited. He served as Chairman / Director of Pemac Land International Ltd, previously a wholly owned subsidiary of CapitaLand Limited. He was previously Council Chairman of the Singapore Institute of Surveyors and Valuers, as well as its Past President. He is also the Immediate Past President of the Society of Project Managers.

Christopher Chuah heads the Infrastructure, Construction & Engineering Practice and is a Partner in the China and Myanmar Practices. His main areas of practice encompass both front-end drafting/advice and construction disputes, both litigation and arbitration. He is a leading light in the field of building and construction law and has authored various books on this subject. He is one of the General Editors of the Singapore Construction Adjudication Review. Christopher graduated from the London School of Economics. He is admitted to the English Bar and to the Singapore Bar. Apart from a law degree, Christopher has a Diploma in Surveying (Distinction) from the College of Estate Management, Reading, UK.

Christopher Chuah
Partner
Wong Partnership

Christopher is a legal advisor to the Singapore Contractors Association Limited ("SCAL"), as well as a member of the Committee for International Construction and Building Contracts. He is a Fellow of the Singapore Institute of Arbitrators and Chartered Institute of Arbitrators, as well as the Chartered Institute of Building. He has also been appointed to the Singapore International Arbitration Centre's Main Panel of Arbitrators and is also on the Panel of Arbitrators of the Kuala Lumpur Regional Centre for Arbitration (KLRCA). Christopher is an accredited adjudicator under the Building & Construction Industry Security of Payment Act (Cap 30B), who is part of the first group of such appointments. He is a member of the Construction Adjudicator Accreditation Committee which was formed by the Singapore Mediation Centre to assist with the training and accreditation of adjudicators.

Mohan Pillay is the Joint Head of Singapore Joint Law Venture, Pinsent Masons MPillay LLP and Managing Partner of the Singapore constituent practice of MPillay.

He is a Singapore and UK qualified lawyer with nearly 30 years of experience in commercial litigation and regional arbitration work, particularly in construction and engineering projects. He has appeared as lead Counsel before High Court and Court of Appeal in Singapore. Mohan is a Chartered Arbitrator & accredited Adjudicator, and on Panels of SIAC, SIarb and KL Regional Centre for Arbitration.

Mohan Pillay
Partner and Joint Office Head of Office, Singapore

He is currently Co-Chair of the Dispute Resolution & Arbitration Committee, Inter-Pacific Bar Association (IPBA). His past appointments include President, Singapore Institute of Arbitrators (2011-2013), Chairman of the Society of Construction Law (Singapore) (2008-2010) and Committee Chair, International Construction Projects Committee, IPBA (2007-2009). His teaching appointments have included Adjunct Associate Professor, Faculty of Law, National University of Singapore (2003-2011) and Visiting Professor, Centre of Construction Law, King’s College London (2005-2011).
Melvin Chan
Head, Litigation & Dispute Resolution
TSMP Law Corporation

Melvin is an Executive Director in TSMP Law Corporation where he heads the Litigation and Dispute Resolution Department. He has extensive experience in contentious construction and engineering disputes, both in Court and arbitration, and is cited as a leading individual for litigation and construction and engineering respectively in Asialaw Profiles (2014) and Chambers Asia-Pacific (2016).

Melvin graduated with an LL.B. (Hons) from King’s College, London, where he was awarded various academic prizes. He is an Accredited Adjudicator with the Singapore Mediation Centre (under the Building and Construction Industry Security of Payment Act), a Fellow of the Singapore Institute of Arbitrators, as well as an Ad-Hoc Referee of the Small Claims Tribunal in the State Courts of Singapore.

In the field of building construction litigation, Melvin has successfully argued a number of landmark decisions in the High Court and Court of Appeal, including the seminal case of Chip Hup Hup Kee Construction v Ssangyong Engineering and Construction [2010] 1 SLR 658 under the Building and Construction Industry Security of Payment Act, and most recently, the case of MCST Plan No 3322 v Mer Vue Developments Pte Ltd & Ors [2016] SGHC 38, where the High Court decided for the first time in a claim by an MCST against an architect, that the architect can rely on the independent contractor defence. The decision was recently upheld by the Court of Appeal.

Edwin Lee Peng Khoon
Partner
Eldan Law LLP

Practising for more than 20 years, Edwin has argued both major courtroom disputes and arbitrations. He is one of the founding partners of Eldan Law LLP. He is cited as a leading Singapore construction law practitioner in Euromoney’s Guide to the World's Leading Construction Lawyers (2013 & 2015).

Edwin is an accredited adjudicator with the Singapore Mediation Centre, and a member of the Construction Adjudication Accreditation Committee, which oversees the selection and assessment of adjudicators. He successfully argued the landmark Court of Appeal case of Lee Wee Lick Terence v Chua Say Eng, and the cases of Australian Timber v A Pacific and Mansource v Citiwall.

Apart from his active legal practice, Edwin is also an Adjunct Associate Professor with the National University of Singapore, Adjunct Asst Professor with SUTD, and is a trainer for the Singapore Building & Construction Authority on Construction Law.

Edwin is the author of Building Contract Law in Singapore, 2nd Edition (2003), a co-author of Law & Practice of Injunctions in Singapore (2004), co-author of Confidentiality in Arbitration (2007), and one of the general editors of the annual Singapore Construction Adjudication Review.

Chow Kok Fong
Founding President
Society of Project Managers
Author of the book
Singapore Public Sector Construction Contracts

Chow Kok Fong is a Chartered Arbitrator and currently practices as a mediator, arbitrator and adjudicator. He was previously CEO of Changi Airports International, Managing Director of CapitaLand Commercial Ltd, Director of Projects of City Developments Ltd and Chief Executive and General Manager of the Construction Industry Development Board (now the Building and Construction Authority). He is Founder President of the Society of Project Managers, Past Chairman of the Society of Construction Law and currently Chairman of the Construction Adjudicators Accreditation Committee. He has authored 14 other leading text books including the two volume work Law and Practice of Construction Contracts (1st, 2nd, 3rd and 4th editions 2012); Security of Payments and Construction Adjudication (1st and 2nd editions 2013) and Construction Contracts Dictionary (1st and 2nd editions 2014). He had also authored commentaries on two other standard forms – the SIA Standard Form (2013) and the REDAS Design and Build Contract (2014). On 1 November 2013, he was awarded the quinquennial Singapore Academy of Law Merit Award 2013 for contributions in promoting and advancing the development of Singapore law.

Kok Fong is the General Editor for the Singapore Journal of Construction Law.
Singapore Journal of Construction Law

General Editors: Chow Kok Fong, Christopher Chuah, Mohan Pillay
Editorial Advisory Board: Justice Quentin Loh, Sir Vivian Ramsey, Professor Michael Furmston

This journal serves as a report on cases which are considered to be relevant to the practice of construction law and a forum for analysis and discourse on subjects of contemporary interest in this area of law.

While the presentation of the reports and editorial materials in each issue will be familiar to construction lawyers and specialist advisers, several features have been introduced to ensure that the contents are easily accessed by contract administrators, architects, quantity surveyors and engineers who have to deal with construction contracts. For this reason each reported case is fronted by a case digest pointing out the salient aspects of the decision as well as its practical implications. Similarly the articles and commentaries are published on the basis of topicality and the significance of the subjects for practitioners at large.

Key Features

- First journal in Singapore dedicated to publication of cases and articles on significant developments in building and construction law
- Highlights and discusses evolving and current issues
- Topical arrangement of cases
- Features fully head noted case reports
- General editors are seasoned, well-regarded building and construction law practitioners
- 2 issues per annum
- Editorial Advisory Board helmed by internationally renowned experts in building and construction law

About the General Editors

Chow Kok Fong is a Chartered Arbitrator and currently practices as a mediator, arbitrator and adjudicator. He was previously CEO of Changi Airports International, Managing Director of CapitaLand Commercial Ltd, Director of Projects of City Developments Ltd and Chief Executive and General Manager of the Construction Industry Development Board. He is Founder President of the Society of Project Managers, Past Chairman of the Society of Construction Law and currently he chairs the Construction Adjudicators Accreditation Committee of the SMC. On 1 November 2013, he was awarded the quinquennial Singapore Academy of Law Merit Award 2013 for contributions in promoting and advancing the development of Singapore law.

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