



## ANNUAL CONSTRUCTION LAW UPDATE 2017

Wednesday, 18 January 2017, 5.00 - 7.30pm

Royal Palm, 6 Eu Tong Sen Street, #04-86/87, The Central (Clarke Quay), Singapore 059817

### About this Seminar:

Since the Inaugural Annual Construction Law Updates seminar in January 2011, SCL (Singapore) has organised an annual update which has been well-received as a key landmark in each year's construction law-related training calendar. SCL (Singapore) is pleased to present its must-attend annual overview of key legal issues affecting the construction law industry in Singapore this past year.

Our distinguished speakers, Mr. Edwin Lee and Mr. Ian de Vaz, will discuss the recent developments in adjudication under the Security of Payment (SOP) Act and other developments in construction law and recent cases in Singapore.

### Seminar Programme:

5.00 - 5.30pm	Registrations & Networking for Delegates
5.30 - 5.45pm	<p><b>Opening Remarks by Chairperson:</b>  <b>Mr Lee Chau Ee – Council Member, Society of Construction Law (Singapore);</b>  <b>Partner, King &amp; Wood Mallesons</b></p>
5.45 - 7.00pm	<p><b>Recent Developments in adjudication under the SOP Act</b>  <b>Speaker: Mr Edwin Lee Peng Khoon, Partner, Eldan Law LLP</b></p> <p>The speaker will discuss the significant cases in 2016, and their impact on the adjudication landscape. Emerging issues will also be discussed. Issues that will be covered includes:</p> <ul style="list-style-type: none"> <li>• Enforcement of adjudication determinations by way of bankruptcy proceedings.</li> <li>• Whether payment claims can still be made after a final claim has been issued?</li> <li>• What happens in an adjudication review?</li> <li>• Once a Respondent applies for review, can an adjudicator review everything – even those items which the Respondent did not submit for review?</li> <li>• Can a bad part of an adjudication determination be severed, to preserve the validity of the rest of the adjudication? Or is the whole determination to be invalidated?</li> </ul>
	<p><b>Developments in Construction Law in Singapore in 2016</b>  <b>Speaker: Mr Ian de Vaz – Partner, WongPartnership LLP</b></p> <p>The speaker will critically survey the more thought-provoking construction cases in 2016 that are likely to have wide-ranging implications for industry players and practitioners alike. The talk explores facets of the High Court's decision in <i>Management Corporation Strata Title Plan No 3322 v Mer Vue Developments Pte Ltd &amp; Ors</i> [2016] 2 SLR 793, where the scope of the "independent contractor" defence was extended.</p> <p>Next, the ambit and limits of temporary finality of certificates under the SIA Conditions of Contract will be examined considering the judicial pronouncements in <i>Ser Kim Koi v GTMS Construction Pte Ltd</i> [2016] 3 SLR 51. The third case, <i>Goh Eng Lee Andy v Yeo Jin Kow</i> [2016] 4 SLR 292, sheds light on whether a lump sum contract is invariably a hallmark of "design and build" contracts.</p> <p>Finally, the speaker invites consideration of how, in view of the UK Supreme Court's landmark decision in <i>Cavendish Square Holding BV v Talal El Makdessi</i> [2015] UKSC 67 (where the traditional test for penalties was refined), the approach to liquidated damages clauses in construction contracts is likely to evolve.</p>
7.00 - 7.30pm	Q&A Session

## Continuing Professional Development



Practice Area: Construction  
Training Level: Update  
Public CPD Points: 1.5



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### **About the Speakers:**

#### **Mr Edwin Lee Peng Khoon, Partner, Eldan Law LLP**

Edwin Lee is one of the founding partners of Eldan Law LLP, a law firm with an extensive practice in building and construction law. Practising for more than 20 years, Edwin has argued both major courtroom disputes and arbitrations.

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. Edwin is also an accredited adjudicator in Malaysia, under the Construction Industry Payment and Adjudication Act 2012. Apart from his active legal practice, Edwin is also an Adjunct Associate Professor with the National University of Singapore, Adjunct Assistant Professor with the Singapore University of Technology and Design, and a trainer for the Building & Construction Authority on Construction Law.

Edwin's is also a contributor to the book *Law & Practice of Injunctions in Singapore* (2004), co-author of *Confidentiality in Arbitration* (2007), one of the general editors of the annual *Singapore Construction Adjudication Review*, and a contributing editor to the *Singapore Journal of Construction Law*. His latest book is the recently published *Building Contract Law in Singapore*, 2016 (3rd Edition).

#### **Mr Ian de Vaz – Partner, WongPartnership LLP**

Ian de Vaz has been consistently recognised as a leading construction lawyer in various legal directories such as *Chambers Global*; *Chambers Asia-Pacific*; *The Legal 500: Asia Pacific*; *The Legal 500: Europe, Middle East & Africa*; *IFLR1000: Energy and Infrastructure*; *Asialaw Profiles*; and *Best Lawyers*.

Ian has appeared as lead counsel in the Court of Appeal, the High Court, and in both ad hoc and institutional arbitrations. He also serves as an adjudicator of construction claims coming under the Building and Construction Industry Security of Payment Act (Cap 30B).

Outside of practice, Ian is an Adjunct Associate Professor at the NUS Faculty of Law where he teaches construction law. He was the Firm's lead contributor to the construction section in *Singapore Precedents of Pleadings* (2006, 2015 editions) and was given special mention by the author, Mr Chow Kok Fong, for his contribution to Singapore's leading textbook on construction law, *Law and Practice of Construction Contracts* (4th edition, 2012) and in *Security of Payments and Construction Adjudications* (2nd edition, 2013). Ian has been invited to contribute to the Building and Construction volume of *Halsbury's Laws of Singapore*, due to be published in 2017. Most recently, he was appointed as Contributing Editor for the *Singapore Journal of Construction Law*, the inaugural edition for which was launched in June 2016.

### **About the Chairperson:**

#### **Mr Lee Chau Ee – Council Member, Society of Construction Law (Singapore); Partner, King & Wood Mallesons**

Chau Ee has a 'cradle-to-grave' construction and engineering practice advising clients from conception, inception to completion of a project life-cycle. His spread of knowledge, experience and expertise is across construction sectors including energy, infrastructure, water and waste-water, and offshore and marine, having worked on these projects throughout Asia, the Middle East and the UK.

For the majority of his career, he worked in UK and US law firms, initially in Singapore, and thereafter in London and Dubai, before returning to Singapore in 2014. Chau Ee has been consistently ranked as a leading lawyer and expert in Construction in leading international legal directories such as *Who's Who Legal in Construction*, *Euromoney's Guide to World's Leading Experts in Construction*, *Legal 500 Europe Middle East Africa and Asia Pacific* and *Chambers Global*, and *Chambers Asia Pacific*.

Besides a law degree, Chau Ee also possesses an MSc in Construction Management (Project Management).

**Continuing Professional Development**



Practice Area: Construction  
 Training Level: Update  
 Public CPD Points: 1.5



SINGAPORE

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REGISTRATION CLOSING DATE: <u>11 January 2017</u>	FEES (includes refreshments & materials, if any)
SCL (Singapore) Members	<b>S\$35.00</b>
Guests of SCL(S) Members, Members of international SCLs, Members of: Chartered Institute of Arbitrators (Singapore) Ltd (CI Arb), Chartered Institute of Building (CIOB), Lighthouse Club (Singapore) (Lighthouse), Royal Institution of Chartered Surveyors (RICS), Singapore Contractors Association Ltd (SCAL), Singapore Institute of Architects (SIA), Singapore Institute of Arbitrators (SI Arb), Singapore Institute of Building Ltd (SIBL), Singapore Institute of Surveyors and Valuers (SISV), Society of Project Managers (SPM), Tunneling and Underground Construction Society (Singapore) (TUCSS), Full Time Students & Faculty of NUS Faculty of Law, Marine Offshore Oil & Gas Association (MOOGAS)	<b>S\$70.00</b>
Others	<b>S\$90.00</b>

Please return the registration form below, together with your cheque, if applicable, made payable to "Society of Construction Law (Singapore)", "Society of Construction Law (Singapore), 6 Eu Tong Sen Street, #05-07, Clarke Quay Central, Singapore 059817" or Fax to (65) 31273797.

**REGISTRATION, REFUND & CANCELLATION POLICY**

- Places are limited and can only be allocated in order of priority upon receipt of registration and any payment due.
- We regret that we generally do not issue invoices or accept payments at the event.
- Refunds for cancellation are not possible after the registration closing date.
- We reserve the right to refuse to register or admit any participant, and to cancel or postpone the event.
- I fully consent to the collection, use and disclosure of my personal data as appears in this form by SCL (Singapore) for the purposes set out on our website

For further enquiries, please contact the SCL (SINGAPORE) SECRETARIAT  
 Tel & Fax: 31273797 (no 6-prefix required) E-mail: [secretariat@scl.org.sg](mailto:secretariat@scl.org.sg)  
 You may also register online for this event on our website at [www.scl.org.sg](http://www.scl.org.sg)

**REGISTRATION FOR SCL (SINGAPORE) MEMBERS & THEIR GUESTS (Please use 1 form per Member)**

Name: \_\_\_\_\_ NRIC/Passport No.: \_\_\_\_\_ SCL Membership No.: \_\_\_\_\_

Tel: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

- I will be attending and I enclose my payment of \$35.00. (A valid email address is required for confirmation of registration.)
- Check if CPD points are required SILE €BOA-SIA SI Arb €SISV AAS no. \_\_\_\_\_ (for practicing lawyers requiring SILE CPD points)  
 BOA-SIA / SI Arb / SISV Number (Please select as appropriate): \_\_\_\_\_
- Please reserve \_\_\_\_\_ seats for my guests and I enclose payment of \$70.00 per guest. My guest(s) are:

Name(s)	Organisation	Check if CPD Points are required	AAS No.	Email

I enclose a cheque for SGD \_\_\_\_\_ made payable to "Society of Construction Law (Singapore)".

**REGISTRATION FOR NON-SCL (SINGAPORE) MEMBERS (Please use 1 form per registrant.)**

I am a: (Please select as appropriate.)

- SCL Mbr: \_\_\_\_\_ pls state branch  CI Arb Mbr  CIOB Mbr  Lighthouse Mbr  MOOGAS Mbr  RICS Mbr
- SCAL Mbr  SIA Mbr  SI Arb Mbr  SIBL Mbr  SISV Mbr  SPM Mbr  TUCSS Mbr
- Full Time NUS Law Student/NUS Law Faculty  Others

Name (Dr/Mr/Mrs/Miss/Mdm): \_\_\_\_\_

Name and Address of Organisation: \_\_\_\_\_

Position in Organisation: \_\_\_\_\_ NRIC/Passport No: \_\_\_\_\_

Membership No: \_\_\_\_\_ (Mandatory to process registration. Please check with your respective membership body.)

- Check if CPD points are required SILE €BOA-SIA SI Arb €SISV AAS no. \_\_\_\_\_ (for practicing lawyers requiring SILE CPD points)  
 BOA-SIA / SI Arb / SISV Number (Please select as appropriate): \_\_\_\_\_

Tel: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_  
 (A valid email address is required for confirmation of registration.)

I enclose a cheque for SGD \_\_\_\_\_ made payable to "Society of Construction Law (Singapore)"

**SILE Attendance Policy**

Participants who wish to claim CPD Points are reminded that they must comply strictly with the Attendance Policy set out in the CPD Guidelines. This includes signing in on arrival and signing out at the conclusion of the activity in the manner required by the organiser, and not being absent from the entire activity for more than 15 minutes. Participants who do not comply with the Attendance Policy will not be able to obtain CPD Points for attending the activity. Please refer to <http://www.sileCPDcentre.sg> for more information.