

## Continuing Professional Development



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



## ANNUAL CONSTRUCTION LA UPDATE 2019

Monday, 28 January 2019, 5.00 - 7.30pm

Room 801, Level 8 NTUC Centre, One Marina Boulevard, Singapore 018989

### 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. Ho Chien Mien and Ms. Monica Neo, 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 & Refreshments for Delegates
5.30 - 5.40pm	<b>Opening Remarks by Chairperson</b> <i>Mr. Toh Chen Han – Chairman, Society of Construction Law (Singapore); Partner, Pinsent Masons MPillay LLP</i>
5.40 - 7.10PM	<b>Recent Developments under the SOP Act</b> Speaker: <i>Mr. Ho Chien Mien – Partner, Allen &amp; Gledhill LLP</i>  <i>Chien Mien would cover the key amendments to the BCISPA which were passed by Parliament on 2 October 2018.</i> <i>Generally, the amendments seek to clarify and improve the administration adjudication proceedings. This talk will concentrate on key amendments to the provisions expanding and clarifying the scope of the Act, and those seeking to improve or enhance the payment claims and responses processes, and the adjudication process itself.</i>
	<b>Developments in Construction Law 2018</b> Speaker: <i>Ms. Monica Neo - Partner, Chan Neo LLP</i>  <i>The year 2018 sees two decisions on construction torts, one involving the responsibilities of the main contractor, sub-contractor and engineer to the building owner for fallen stone panel from the building façade some 7 years after practical completion, and the other concerning the extent to which the contractor, architect and engineer are each liable to the owner for deviation and inconsistencies in the architectural, structural and approved drawings. The speaker will attempt to review these 2 cases.</i> <i>The speaker will also attempt to review the cases decided in 2018 on restraining demands on performance bonds, and finally the decision made in 2018 concerning the validity of the delay certificate, termination of delay certificate and further delay certificate issued by the architect under the SIA Conditions of Contract.</i>
7.10 – 7.30pm	<b>Panel discussion and Q&amp;A on the issues discussed by Speakers</b>

### About the Speakers:

#### Mr. Ho Chien Mien – Partner, Allen & Gledhill LLP

Chien Mien undertakes a wide range of contentious and non-contentious construction and engineering related work. On the contentious side, he has extensive litigation, arbitration, adjudication and mediation experience – both domestic and international. On the non-contentious side, he has been involved in some of the largest building and infrastructure projects in Singapore and Asia Pacific, including greenfield developments of power and utilities plants, oil storage and LNG terminals and regasification plants, petrochemical and pharmaceutical plants, data centres, airport terminals, mega-malls and transportation hubs, prime office towers, hotels and condominium developments.

He was among the inaugural batch of select practitioners to be recognised as a Senior Accredited Specialist in Building and Construction Law by the Singapore Academy of Law. He also sits as a senior adjudicator under the SOP Act and has been appointed arbitrator for arbitrations administered by SIAC, ICC and the AIAC (formerly KLRCA). Further, he has contributed to various domestic and international publications and is the editor of the construction section of Atkin's Court Forms (Singapore ed). Most recent instructions have seen him being instructed on the development of some of the largest mixed-development projects in Singapore and on disputes relating to the construction of power plants, a hydroelectric power station and the modernisation of an international airport in neighbouring ASEAN countries.

#### Ms. Monica Neo - Partner, Chan Neo LLP

Monica has practiced exclusively in Building and Construction law for over 25 years. She has acted as Counsel in all sorts of construction disputes and in courts, arbitrations, adjudications under the Singapore Building and Construction Industry Security of Payment Act (SOPA), mediations, and all forms of construction dispute resolution. She also presides as sole arbitrator in construction disputes, and is on the Panel of Arbitrators of the Singapore Institute of Arbitrators and the Law Society Arbitration Scheme. She is a

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- BCA – 2 CET Hours
- BOA-SIA – 3 CPD Points
- PEB– 2 PDUs
- SISV, QS Division – 2 Hours
- SPM – 2 CPD Points
- RICS – 2 CPD Hours

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Court Referee of the Singapore Small Claims Tribunal, and has been appointed as the Investigative Tribunal of the Law Society of Singapore which regulates the legal profession in Singapore. Monica also serves as Honorary Legal Advisor to SCAL and the Singapore Institution of Engineers, and has lectured at the Singapore and Temasek Polytechnic, and tutored at the School of Architecture of the National University of Singapore. She is a lecturer of the Certificate Course in Construction Law & Contracts conducted by BCA, and has written a number of books and/or commentaries on construction law and construction contract, including “The Singapore Standard Form of Building Contract – An Annotation” (Lexis Nexis, 2000), “Construction Defects: Your Rights and Remedies” title of the Sweet & Maxwell’s Law for Layman Series (2004), and the chapter on “Construction Contracts” in Law Relating to Specific Contracts in Singapore (Sweet & Maxwell 2008). She is also involved in the drafting of the 1st edition of the REDAS Design and Build Conditions of Contract. In the 2008/2009 edition of the Asia Pacific Legal 500, she is described as being “respected” in the Projects and Energy sector.

### About the Chairperson:

**Mr. Toh Chen Han – Chairman, Society of Construction Law (Singapore); Partner, Pinsent Masons MPillay LLP**

Chen Han focuses on the resolution of construction, engineering and commercial disputes. He is the Chair of the Society of Construction Law (Singapore), a Fellow of the Singapore Institute of Arbitrators, and is described by *Legal 500* as a *go-to individual for complex delay claims*, who is *unafraid to dive into details*.

He has acted on major infrastructure projects such as the construction of power plants in Borneo and South Africa, international airports in India and Vietnam, the Red Line Commuter Train Project in Thailand and numerous large-scale projects in Singapore including the iconic Marine One development, Sports Hub, Tuas Desalination Plant, Biopolis, Fusionopolis, Kallang-Paya Lebar Expressway, the Thomson and Eastern Region mass rapid transit lines, and Lower Seletar Water Works. He also acts on commercial disputes, including claims in professional negligence, tracing and restitution of misappropriated monies, conspiracy, claims against former directors and employees, and hotel management disputes.

Chen Han is one of the two Contributing Editors of Singapore’s leading construction law textbook, *Law and Practice of Construction Contracts* (Chow Kok Fong, 2018), co-authored the *SICC Handbook – A Guide to the Rules and Procedures of the Singapore International Commercial Court* (Sweet & Maxwell, 2016) and the chapter on *Enforcement of Foreign Judgments and Foreign Arbitral Awards* in the *Law and Practice of Commercial Litigation in Singapore* (Sweet & Maxwell, 2015). He is also a Contributing Editor for the *Singapore Journal of Construction Law* and writes for various other publications including the *International Construction Law Review*.

REGISTRATION CLOSING DATE: <u>21 January 2019</u>	FEES (includes refreshments & materials, if any)
SCL (Singapore) Members	S\$35.00
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)	S\$70.00
Others	S\$90.00

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) 6225 9426.

### REGISTRATION, REFUND & CANCELLATION POLICY

1. Places are limited and can only be allocated in order of priority upon receipt of registration and any payment due.
2. We regret that we generally do not issue invoices or accept payments at the event.
3. Refunds for cancellation are not possible after the registration closing date.
4. We reserve the right to refuse to register or admit any participant, and to cancel or postpone the event.
5. 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: 6551 2783 (no 6-prefix required) Fax: 6225 9426 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)

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

Name: \_\_\_\_\_ 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  PEB  SISV  SPM  RICS  BCA-CET

AAS no. \_\_\_\_\_ (for practicing lawyers requiring SILE CPD points)

BOA-SIA / PEB / SISV / SPM / RICS (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: \_\_\_\_\_

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

- Check if CPD points are required  SILE  BOA-SIA  PEB  SISV  SPM  RICS  BCA-CET

AAS no. \_\_\_\_\_ (for practicing lawyers requiring SILE CPD points)

BOA-SIA / PEB / SISV / SPM / RICS (Please select as appropriate): \_\_\_\_\_

Tel: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_  
 (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. For this activity, 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.