



**CHAIRMAN'S REPORT TO THE
ANNUAL GENERAL MEETING**
by Paul Starr, Partner, Mallesons Stephen Jaques

7 May 2002

*Hong Kong is in Canton, by famous Shenzhen city.
The Shatin River deep and wide, throws up toxic waste at summertide
A smellier sight you've never spied
But when begins my ditty, almost two full years ago
To see the townsfolk of Hong Kong suffer so from vermin was a pity.
Judges ...*

*Extract from Paul Starr's address to Mr Justice Ribeiro and Mr Justice Hartmann, Seminar 12
March 2002*

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A. INTRODUCTION

Trepidatious as I was to follow in the steps of El Duce, our founding Chairman James Niehorster, I have thoroughly enjoyed my season as the Society's second Chairman. I am welling up with tears now as I think of those "stalwarts" from my Council who took the trouble to attend nearly every meeting. Douglas Wardale deserves special mention, for acting behind the scenes to mastermind almost every event - and more significantly for negotiating with British Airways to sponsor the visit by Lord Mustill (is this a first for Hong Kong academic societies?).

I have been deeply touched by those of you - both on and off the Council - who have encouraged me to stand again for the Chairmanship. I have decided not to. The most difficult task for any relatively new society must be to secure a stream of speakers. I have bullied and cajoled enough. It is better for new blood to bear principal responsibility for the task.

That is not to say that I will not continue vigorously to promote the Society both from within and outside the Council.

B. MEMBERSHIP

I am delighted to report that from a start two years ago of some 8 members, and reaching 152 at the 2001 Annual General Meeting, we are today honoured by a membership of 263.

This season saw introduction of two additional forms of membership: overseas; full-time student, both of which attract substantial discounts.

C. SUPPORT FROM THE UK SOCIETY OF CONSTRUCTION LAW

The UK Society continued to provide support for us over the past season, in particular through constant attention from Mr John Burgess. We now have our very own page on the UK website, accessed via a new overseas link at the top and bottom of each screen. Go to www.scl.org.uk.

While not yet formalised, the two societies have agreed in principle reciprocal arrangements for membership transfers. Members who choose to attend an event provided by either Society should only need to pay the attendance fee (if any) prescribed for members.

Perhaps our third Council will actually get around to formalising matters!



D. EVENTS

A list of our events since the last AGM is as follows:

Date	Events	Speaker(s)	Paper
29 June 2001	Principles and Policies in Delay Analysis	Keith Pickavance	v
10 September 2001	New Engineering Contract (NEC)	Dr Martin Barnes and Dr Arthur McInnis	
28 September 2001	Annual Lunch	Philip Capper	
15 November 2001	Mr John Tackaberry QC	John Tackaberry QC	v
28 November 2001	Race Night with Lord Mustill		
29 November 2001	Keynote Address 2001 - Construction Arbitration - Dead or Alive?	Rt. Hon Lord Mustill	
13 December 2001	Lighthearted Lawyers Libation	Andrew Aglionby Glenn Haley Dr Art McInnis Geoffrey Chan Timothy Hill David Bateson Dean Lewis Peter Gilham Philip Nunn David Boyle	
5 March 2002	The Construction Industry and The Environment - Sinners or Sinned Against	Christine Loh, Tony Miller, Nicholas Sallnow-Smith, Michael Chiu, Martin Hadaway, Bruce Coghlan, Glenn Frommer	
12 March 2002	Revolution in the Hong Kong Courts: The Civil Procedure Proposals	Justice Robert Ribeiro and Justice Michael Hartmann	
11 April 2002	Keynote Address 2002 - An International Perspective - Issues of Construction Law affecting Hong Kong	Sir Anthony Mason	v



Date	Events	Speaker(s)	Paper
7 May 2002	AGM and post AGM presentation "Relationships: Partnering, Alliancing & other Affairs"	Doug Jones	v

Leaving aside Lord Mustill's address which attracted an audience of 250, our average attendances have exceeded 100 per seminar. Thanks to the good offices of Clyde Yee on our Council, the Law Society has started to award CPD points for attending solicitors. It is hoped that other professional bodies will follow suit.

To describe our Keynote Addresses as highlights would be doing disservice to our other speakers. Each event was brilliant in its own right. When the Society was first formed, those of us on the initial Council were worried about whether we could attract a sufficient mix of local speakers. The above programme shows that we have so far succeeded.

At the end of the day, however, I am most indebted to Lord Mustill and to Sir Anthony Mason, not only for giving up their precious time, but for devoting to the Society one of their very few Hong Kong seminar appearances. Both warmly embraced our invitations, and I cannot forget Lord Mustill's enthusiasm on the telephone when our Council invited him to the Races, as opposed to some other pre-seminar dinner.

Most raucous event was the pre-Christmas lighthearted lawyers libation, sponsored by ten of Hong Kong's most magnificent construction law practices. Two teams of lawyers attempted to play charades (of well known cases such as Peruvian Guano!) and "Just a Minute" - which after their performance should be renamed "Just an Hour" - compered by Hong Kong's own Nicholas Parsons, Mr Simon Westbrook SC.

I should like to offer a special thanks to Mr Doug Jones for agreeing to address us after this AGM. AGMs are strange creatures - one never knows how many members will choose to turn up - and thus his kind participation is that much more valuable.

I must strongly thank both British Airways and the Peninsula Hotel for sponsoring Lord Mustill's visit. British Airways were truly exceptional in their generosity. They not only allowed the upgrading of an economy ticket, but also sponsored two amazing "floor" prizes, being return tickets for two. The Peninsula hotel showed no hesitation in extending to Lord Mustill a package which was in fact better than their heavily discounted Hong Kong residents package.

E. REQUEST FOR MEMBERS' COMMENTS RE CHIEF JUSTICE'S PAPER FOR CIVIL JUSTICE REFORM

As part of the above events, we were treated to a superb summary of this consultative paper by two of the working party: Mr Justice Robert Ribeiro and Mr Justice Michael Hartmann. Written comments from Members have been requested, as the Society has



been invited to proffer a formal response. Our Council subsequently sent around a pro-forma questionnaire on which comments could be marked. We have received a fair number of responses. The consultation period has now been extended to the end of June 2002, and so we have decided to keep open the invitation for Members to send in their responses until the end of May.

Non-proforma responses should be sent to me please through the HKIAC.

Alternatively, the pro-forma itself contains an e-mail address, and that should please be used. If Members require sight of the proforma, they should ask either myself or Douglas Wardale.

F. OUR COUNCIL

For record purposes, I append a table of the first two Councils:

2000	2001
Chairman: James Niehorster	Chairman: Paul Starr
Society Secretary: Geoffrey Chan	Society Secretary: Geoffrey Chan
Treasurer: Stephen Rae	Treasurer: Mark Phillipson ¹
	Membership Secretary: Ian Cocking
Events: Peter Turner Arthur McInnis Mark Phillipson	Events: Peter Turner Arthur McInnis Mark Phillipson
Publications: Clyde Yee	Publications: Clyde Yee
Full Committee: 15 1. John <u>Battersby</u> [batty@asiaonline.net] 2. Peter <u>Caldwell</u> [psc@pscaldwell.com] 3. Geoffrey <u>Chan</u> [gymc@jsm.com.hk] 4. Teresa <u>Cheng</u> [tywcheng@netvigator.com]* 5. Monique <u>Ciochetto</u> [shadbolt@netvigator.com]* 6. Anthony <u>Houghton</u> [thought@pacific.net.hk]* 7. Bruce <u>Humphrey</u> [bhconslt@netvigator.com] 8. John <u>Luk</u> [johnluk@shkp.com.hk]	Full Committee: 15 1. John <u>Battersby</u> [johnbattersby@bkasiapacific.com] 2. Peter <u>Caldwell</u> [psc@pscaldwell.com] 3. Geoffrey <u>Chan</u> [gymc@jsm.com.hk] 4. Ian <u>Cocking</u> [ian.cocking@simmons-simmons.com] [#] 5. Bruce <u>Humphrey</u> [bhconslt@netvigator.com] 6. Edmund <u>Li</u> [yml@leechan.com.hk] [#] 7. John <u>Luk</u> [johnluk@shkp.com.hk] 8. Arthur <u>McInnis</u> [mcinnis@hku.hk]



9. Arthur <u>McInnis</u> [mcinnis@hku.hk]	9. James <u>Niehorster</u> [james.niehorster@citex.com]
10. James <u>Niehorster</u> [james.niehorster@citex.com]	10. Mark <u>Phillipson</u> [mphillipson@bkasiapacific.com]
11. Mark <u>Phillipson</u> [mphillipson@bkasiapacific.com]	11. Paul <u>Starr</u> [paul.starr@msj.com.au]
12. Stephen <u>Rae</u> [swrae@jrk.com.hk]*	12. Peter <u>Turner</u> [shadbolt@netvigator.com]
13. Paul <u>Starr</u> [paul.starr@msj.com.au]	13. Doug <u>Wardale</u> [dwardale@netvigator.com] [#]
14. Peter <u>Turner</u> [shadbolt@netvigator.com]	14. Clyde <u>Yee</u> [clyde.yee@msj.com.au]
15. Clyde <u>Yee</u> [clyde.yee@msj.com.au]	15. Ken <u>Somerville</u> [ken.somerville@wb.gov.hk] [#]

* withdrawn in 2001

co-opted in 2001

1 resigned April 2002. Acting Treasurer is Mr Nicholas Seymour's co-optee.

We were particularly delighted when Ken Somerville accepted co-option. Ken is one of the Hong Kong Government's principal legal advisers at the Works Bureau.

G. NEXT SEASON'S COUNCIL

It is superb to see the enthusiasm which has been shown for joining next year's Council, by way of the new nominations which the Society has received. Our Constitution provides for compulsory retirement of one-third Council members, if necessary in order of longevity. It also provides for a maximum 16 Council members.

Happily, our total for next year is to be exactly 16, with Mr Somerville (co-optee) as 17.

Retiring

John Luk, Mark Phillipson, Edmund Li, Peter Turner.

Existing

1. Paul Starr
2. Doug Wardale
3. John Battersby
4. Peter Caldwell
5. Geoffrey Chan
6. Ian Cocking
7. Bruce Humphrey
8. Art McInnis
9. James Niehorster
10. Clyde Yee
- [11. Ken Somerville]



Nominees

12. Susan Ho, Citex, QS
13. Timothy Hill, Lovells, Solicitor
14. Christopher Morgan, Cannonway, QS
15. Nicholas Seymour, Battersby Kingsfield, QS
16. Julian Hill, CMS Cameron McKenna, Solicitor
17. John Cock, Meinhardt, Architect

H. PROPOSED AMENDMENTS TO THE SOCIETY' S CONSTITUTION

The Secretary, Geoffrey Chan, will speak to this at the AGM. For debate and resolution at the AGM.

I. THE SOCIETY' S COFFERS

Member should please not get alarmed by my announcement that our Treasurer, Mark Phillipson, has suddenly fled Hong Kong!

Due to Mark's sudden departure - to take up a business assignment in Thailand - his colleague Nicholas Seymour has very kindly agreed to step into the breach. He has been co-opted by our Council to try and produce a Society Account ready for this AGM. Mr Seymour or I will speak to this Account at the AGM.

My understanding is that we are sufficiently in funds to feed and water Members who take the trouble to attend the AGM.

J. SPONSORSHIP OF THE POST-GRADUATE DIPLOMA IN CONSTRUCTION LAW AND ARBITRATION

Through the good offices of Dr Arthur McInnis, one of our founding and "stalwart" Council members, the Society was honoured to sponsor this post-graduate diploma, offered by the School of Professional and Continuing Education (SPACE) at the University of Hong Kong. Dr McInnis and I attended the prize giving on Sunday 11 November 2001. Very generously, Butterworths the publishers donated a handsome book token, whilst our Society commissioned a plaque. The winner of the prize was Mr Scott Adams of Messrs James R Knowles. I have nothing but admiration for all of these "students", who had to combine their hectic worklife with the rigours of this course.

It will be for the third Council to decide whether or not automatically to sponsor this every year, but for myself I would strongly support it.



K. HONG KONG INTERNATIONAL ARBITRATIONAL CENTRE AND ITS JOINT CONSULTATIVE COMMITTEE

The HKIAC has been our administrator for the past two years, and through recent negotiations will be our administrator for Season Three. I don't know what the HKIAC would do without Primrose Law. She is unflappable, charming, hyper-efficient, and ought by now to be Head of Hong Kong's Civil Service.

Christopher To, the HKIAC Secretary General, follows the "can-do" attitude of his eminent predecessors (one of whom is on our Council). It is always a pleasure dealing with Christopher, and one cannot help but get caught up in his boundless enthusiasm for the Centre.

Under the auspices of Mr Neil Kaplan QC, the HKIAC has set up a joint consultative committee, to be attended by its principal users, including our Society. One meeting has so far been held. From our Society's perspective, an important advantage will be to ensure that information is exchanged with the other societies, so as to minimise duplication and triplication of seminar speakers. It will be for our Society's new Chairman to advance this further.

L. SOCIETY OF CONSTRUCTION LAW SINGAPORE

James Niehorster and I were honoured to have been invited to the first Committee meeting of this fledgling society. We explained the history of the UK Society, and gave tips on establishment, incorporation, administration. Mr Philip Jeyaretnam of Helen Yeo & Partners will be their first Chairman, and they intend to convene a Council of some 30 individuals from across Singapore's Industry.

While it will be a matter for our third Council, for my part I would suggest close ties with the Singapore Society, particularly with regard to trying to secure mutual attendance by invited speakers.

M. THE WAY FORWARD

I would find it of benefit to have debated at the AGM what our Members would like to see by way of forthcoming events. Is our existing seminar style attractive, or would Members prefer other forms of meeting such as debates and workshops?

General discussion on the way forward should be attempted at the AGM.

N. CLOSING

I apologise if there are important topics which I have left out of this report. I should welcome a prompt about them at the AGM.

Paul Starr, Chairman