



Society of Construction Law Hong Kong  
香港建築法學會

# SOCIETY OF CONSTRUCTION LAW HONG KONG

# SCLHK ONE DAY INTERNATIONAL CONFERENCE 2018

SCLHK is pleased to invite you to its 2018 One Day International Conference

## DATE AND TIME

Friday 9 November 2018 at 9:00am (with registration from 8:30am)

## VENUE

Hong Kong Football Club, 3 Sports Road, Happy Valley, Hong Kong

## THE CONFERENCE

The theme for this year's conference is **Defects, Quality and Workmanship – Presenting the Evidence**.

Defective work and poor workmanship are problems which have been around for a long time. In Hong Kong, high profile cases include the short piling cases almost 20 years ago, and more recently a collapsing sports centre roof, lead in water pipes, controversy over wave absorbing blocks on the Hong Kong-Zhuhai-Macau Bridge and alleged defective works on the MTR Shatin to Central Link. Conversely, employers are frequently withholding money based on little evidence, often with liability between design and workmanship far from being established. This conference will examine typical standard provisions which deal with defective work, quality and workmanship, why such provisions do not always achieve their aims, and how evidence in such cases should be recorded and subsequently presented to a tribunal.

We are delighted to announce that The Honourable Rimsky Yuen, GBM, SC, JP, former Secretary for Justice, will be our Keynote Speaker.

## PROGRAMME

### COCKTAIL RECEPTION

Wednesday 7 November 2018, China Club, Central from 6:30pm to 9:30pm

### CONFERENCE (Friday 9 November 2018)

**Keynote Address – The Honourable Rimsky Yuen, GBM, SC, JP**

#### Morning Session 1 Defects and Workmanship

A review and discussion of the issues which commonly arise including general contractual provisions to deal with defective work, including what is a defect, remedies for non-conformity; common failures and whether such provisions achieve their objectives in HK, e.g. disputes on liability (design issues), common standards, interpretation of specifications, cash flow issues, poor supervision, unrealistic programmes, multi-layered subcontracting; how to manage serious defects in a project, e.g. potential structural failures or fraudulent work, mitigation of loss and when to engage other contractors to rectify defects.

Panellists include **Mr Tony Houghton SC**, Des Voeux Chambers; **Mr Sean Brady**, Brady Heywood Pty Ltd; **Mr Jack Lam**, Senior Engineer, Arup; **Mr Lee Smollett**, Cranborne Consulting; and **Mr John Latter**, former Head of Property Project Management, Hong Kong Jockey Club.

#### Morning Session 2 Documentary Evidence

A review and discussion of issues including use of technology in construction projects (BIM, AI, Drones, WhatsApp / WeChat, email, Big data), legal implications and admissibility of such evidence; how does technology alter the presentation of evidence; keeping of records / evidence in relation to defects and progress; how to reduce volume of documentary evidence in construction disputes.

Panellists include **Mr Richard Coplin**, Keating Chambers; **Mr Paul Morris**, Head of Innovation, Gammon Construction; **Mr Francois Bolduc**, Integrated Design; and **Mr Glenn Haley**, Bryan Cave Leighton Paisner.

#### Afternoon Session 3 Factual Witnesses / Evidence

A review and discussion of issues including a QC's perspective on factual evidence and factual witnesses, witness' perspectives, dos and don'ts, presentation of factual evidence in ADR (mediation / expert determination / adjudication), and differences between litigation/arbitration and different forms of ADRs, preservation of factual evidence for defects expert, and interviewing and taking factual witness statements.

Panellists include **Mr Andrew Goddard QC**, Atkin Chambers; **Mr Nick Turner**, Pinsent Masons; **Mr Derek Elliott**, Maeda Corporation; **Mr John Cock**, On Q Consulting Limited; and **Mr Thomas Lee**, Sir Oswald Cheung's Chambers.

#### Afternoon Session 4 Expert Witnesses / Evidence

A review and discussion of issues including a QC's perspective on expert evidence and expert witnesses, judge/arbitrator's perspective on expert evidence and expert witnesses; expert's perspectives; dos and don'ts, instructing and managing experts, single joint experts, hot tubbing, and use/necessity of experts / expert evidence in ADR.

Panellists include **Mr Ben Pilling QC**, 4 Pump Court; **Mr Wayne Martin AC QC**, former Chief Justice of Western Australia, 39 Essex Chambers; **Mr Ian Cocking**, Clyde & Co; and **Mr Patrick O'Neill**, ADR Partnership.

## Joint Sponsors

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Friday 9 November 2018

## Registration Fees

## Rates (per ticket)

	Early Bird	Regular
• SCLHK members:	HK\$2,200	HK\$2,550
• Members of supporting organisations:	HK\$2,400	HK\$2,650
• Non-members:	HK\$2,650	HK\$2,850

Discounts are also available for multiple tickets for non-members booked as a group:

• 5-9 tickets:	HK\$2,400	HK\$2,650
• 10+ tickets:	HK\$2,200	HK\$2,450

- Early bird rates apply for tickets booked and paid for in full on or before Friday, 19 October 2018.
- All rates include conference materials, lunch and refreshments throughout the day.
- Lawyers please note that CPD accreditation will be applied for from the Law Society of Hong Kong.
- Priority will be given to members, thereafter places will be allocated on a "first come, first served" basis. Please register by returning the registration application slip below with your cheque to the address noted.

## Special SCLHK Membership Offer

We are pleased to announce that attendees of this year's Conference can apply for a special SCLHK membership deal.

For HK\$1250 you will receive the inclusive membership package for the 2019/2020 session and we will include the balance of the 2018/2019 session. We will also waive the joining fee.

The inclusive membership package covers entrance to all of our evening talks during the periods mentioned above.

This offer is valid until 14 December 2018.

## Supporting Organisations

City University of Hong Kong, Department of Architecture and  
Civil Engineering

Hong Kong Bar Association

Hong Kong Institute of Project Management

International Sister Societies of Construction Law

International Chamber of Commerce, Hong Kong

Institution of Civil Engineers, Hong Kong Office

The Academy of Experts

The Chartered Institute of Building (Hong Kong)

The Construction Industry Council

The Hong Kong Construction Association, Limited

The Hong Kong Institute of Surveyors

The Hong Kong Institution of Engineers

The Lighthouse Club, Hong Kong Branch

## REGISTRATION FORM

Name \_\_\_\_\_

Please reserve tickets for the following:

\_\_\_\_\_ SCLHK members; \_\_\_\_\_ Members of Supporting Organisations; \_\_\_\_\_ Non-members

Early Bird (on or before Friday, 19 October 2018)

I enclose a cheque for HK\$ \_\_\_\_\_ payable to "Society of Construction Law Hong Kong"

My address is \_\_\_\_\_

Tel (daytime) \_\_\_\_\_ Fax \_\_\_\_\_

Email \_\_\_\_\_

More information at [www.scl.hk/meetings.php](http://www.scl.hk/meetings.php)

Please register by sending form by fax to +852 2524 2171 or

by email to [admin@scl.hk](mailto:admin@scl.hk) or

post Society of Construction Law Hong Kong, 38/F, Two Exchange Square, Central, Hong Kong