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CONSTRUCTION LAW CONFERENCE

25 September 2018, Concorde Hotel Kuala Lumpur

This Conference promises to provide participants with clear and informative construction law and practice updates. It will provide an invaluable opportunity for participants to discuss issues involving construction contract law and management, construction ADR and other important and current matters affecting the construction industry in Malaysia.

It has been an exciting period for the construction industry in the past few months which saw a number of important developments in the construction law and practice in Malaysia. These developments include the recent Federal Court decision in the case of Far East Holdings Bhd and Another v Majlis Ugama Islam dan Adat Resam Melayu Pahang and 2 Other Appeals that immediately drew contentious debates among arbitration practitioners and users of arbitration and resulted in the subsequent statutory changes made to our arbitration law by the enactment of Arbitration (Amendment) Act 2018 which came into effect on 8.5.2018. An equally crucial development can also be seen in the adjudication law such as the decision from the Federal Court in View Esteem Sdn Bhd v Bina Puri Holdings Sdn Bhd and the Court of Appeal decision in Bauer (M) Sdn Bhd v Jack-In-Pile (M) Sdn Bhd. These decisions had changed the prior law and practice in the statutory adjudication, which also at the same time, highlighted the distinct features in our adjudication regime that one do not see in the other jurisdictions having similar statutory adjudication regime. Besides the changes in the construction ADR, there have also been developments in the construction law touching on the usually controversial and fundamental construction issues such as extension of time, variation, liquidated damages and practical completion, as well as the recent revised versions of the various standard construction forms that are available in the Malaysian market. Adding to these exciting developments is the recent change in the Malaysian Government that will see major reforms to be made. This Conference will discuss and advise on not only the legal and practical issues affecting the current construction practice but will also explore the challenges and opportunities which may be presented to the stakeholders in the Malaysian Construction Industry in the current economic and political environment.

WHO SHOULD ATTEND

Construction legal practitioners, arbitrators, adjudicators, contractors, architects, quantity surveyors, project managers, developers, property owners, government departments, public bodies, local authorities, universities, multi-national corporations, trade associations, architects, engineers and building surveyors.

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Suite 33-01, 33rd Floor, Menara Keck Seng,
 Jalan Bukit Bintang, 55100 Kuala Lumpur
www.legalplus.com.my | E-mail : secretary@legalplus.com.my
 T : +603 2116 5894 | F : +603 2116 5895

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TUESDAY
25 SEPT 2018

8.00 am Registration

9.00 am WELCOME ADDRESS

By **YA Bhg Tun Zaki Azmi**
Retired Chief Justice, Malaysia
and Chairman of Legal Plus Sdn Bhd



9.05 am "Expectation from the Construction Bench"
YA Dato' Lee Swee Seng, Judge
High Court Malaya

10.00 am **COFFEE BREAK AND NETWORKING**

10.30 am **CHANGES AND OPPORTUNITIES IN THE NEW ERA OF CONSTRUCTION INDUSTRY**
The speakers will examine the potential impact from the intended changes in law such as the abolishment of GST, the potential re-calibration of huge infrastructure projects put in place by the previous Government, the potential shift in focus on investments in infrastructure and other government projects in Malaysia.

11.30 am **TACKLING THE COMMON LEGAL CONSTRUCTION ISSUES**
The following are some the commonly encountered legal construction issues:

- Extension of Time;
- Claims and Variations;
- Liquidated Damages;
- Practical Completion;
- Performance Bond;
- Rectification of Defective Works;
- The effectiveness of multi-layered Dispute Resolution Clauses

The speakers will examine the usual circumstances which give rise to these issues and propose ways to overcome them.

1.00 pm **LUNCH BREAK**

2.00 pm

MORE THAN 4 YEARS SINCE ITS ENACTMENT - DOES CIPAA 2012 ACHIEVE ITS INTENDED OBJECT ?

The speakers will give their views on this important aspect of the effectiveness of statutory adjudication under CIPAA 2012 in the resolution of construction disputes and easing cashflow in the construction industry. In this session, the speakers will also discuss the impact from the recent decisions on CIPAA 2012 from the appellate courts, such as the Bauer case and the View Esteem decision.

3.30 pm

COFFEE BREAK AND NETWORKING

4.00 pm

THE CONSTRUCTION ARBITRATION LANDSCAPE IN MALAYSIA :

The panellists will examine:

(a) the effect of CIPAA 2012 on construction arbitration in Malaysia;

(b) with the increased effectiveness in disposing of construction cases by the Specialist Construction Courts, would the parties prefer to have their disputes litigated rather than arbitrated;

(c) would the recent changes in the Arbitration Act 2015 improve the confidence in the construction stakeholders?

Moderator : YA Dato' Mary Lim
Judge, Court of Appeal, Malaysia



5.30 pm

CLOSING ADDRESS
By **YBhg Tan Sri James Foong**
Retired Judge of Federal Court and
Director of Legal Plus Sdn Bhd



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Justice Dato' Mary Lim

Judge
Court of Appeal, Malaysia

Justice Dato' Mary Lim read law at the University of Leeds. She was called to the English Bar by the Honorable Society of

Lincoln's Inn.

She obtained a Master of Laws degree from the University of Western Australia. Dato' Mary Lim served various positions in the Attorney General's Chambers until her elevation to the Bench where she was the first Judge of the Construction Court in Kuala Lumpur. Dato' Mary Lim is a qualified advocacy trainer with the Malaysian Bar Council and has conducted numerous courses on this subject. She has also delivered many public lectures of various topics associated with the law both nationally and internationally. Justice Dato' Mary Lim was elevated as Judge, Court of Appeal on 21 March 2016.

She recently taught at the Advanced Advocacy Course at Keble College Oxford.



Justice Dato' Lee Swee Seng

Judge
High Court, Malaya

Justice Dato' Lee Swee Seng graduated with Bachelor of Laws (Hons) degree from University of Malaya and obtained his Master of Laws from the same university.

He also holds a MBA degree from University of Southern Cross, Australia. Justice Dato' Lee was called to the Malaysian Bar in February 1985 and was in active legal practice until May 2010 when he was appointed a Judicial Commissioner of the High Court of Malaya. He was made a Judge of the High Court of Malaya in 2014 and currently is the Judge of the Construction Court in Kuala Lumpur.

He has presented numerous papers and spoken at seminars and conferences on corporate and securities law, intellectual properties, franchise and competition law, mediation, contractual disputes and many other topics. He was also a visiting fellow of Taylor University Law School and a part-time lecturer with UM Law Faculty for the LLM Masters Programme.

Justice Dato' Lee is a trained advocacy trainer with the Malaysian Bar and has conducted numerous courses on this subject.



Datuk Professor Sundra Rajoo

Director
Asian International Arbitration Centre

Datuk Professor Sundra Rajoo is the Director of the Asian International Arbitration Centre (AIAC). He is the past President of the Chartered Institute of Arbitrators (2016) and Chairman of the Asian Domain Name Dispute Resolution Centre (ADNDRC).

His roll of honour includes being Founding President of the Society of Construction Law, Malaysia and the Malaysian Society of Adjudicators. He is also the Past President of the Asia Pacific Regional Arbitration Grouping (APRAG), which is a federation of nearly 40 arbitral institutions in the Asia Pacific region. Datuk Professor Sundra Rajoo is a Chartered Arbitrator and an Advocate & Solicitor of the High Court of Malaya (non-practising). He is a Professional Architect, Registered Town Planner and a Fellow of the Royal Institution of Chartered Surveyors. He has had numerous appointments as chairman, co-arbitrator of three-man panels and sole arbitrator in international and domestic arbitrations. He serves on the panel of numerous international arbitral institutions and organisations. He is an Adjunct Professor at the Law Faculty of University of Malaya, Visiting Professor at the Faculty of Built Environment, University of Technology Malaysia and past Visiting Professor at the Law Faculty, National University of Malaysia.

He is a member in the Monetary Penalty Review Committee set up under the Malaysian Financial Services Act 2013. In November 2017, Datuk Professor Sundra Rajoo was appointed Deputy Chairman of the Adjudicatory Chamber of the Ethics Committee by the FIFA Council.



Mr. Lam Ko Luen

Partner
Shook Lin & Bok

Ko Luen joined the firm in 1996 as an associate until 2000. He was subsequently admitted to the Sarawak Bar in 2001 and re-joined the firm as a partner in 2005. He is currently the Head of the firm's Building, Construction & Engineering department and the Deputy Head of the International & Domestic Arbitration department. Ko Luen's areas of practice focus on International & Domestic Arbitration, Building & Construction Contract Disputes and General & Civil Litigation. He appears as counsel in court, arbitration and adjudication hearings.

Ko Luen also sits as an arbitrator in arbitration proceedings and an adjudicator in adjudication proceedings.



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**Mr. Lam Wai Loon**

Founding Partner
Messrs. Harold & Lam Partnership

Lam Wai Loon is a founding partner of Messrs. Harold & Lam Partnership. He is a Chartered Arbitrator (CI Arb, UK) and is a qualified adjudicator to adjudicate disputes under the Construction Industry Payment and Adjudication Act 2012 ("CIPA Act 2012").

Wai Loon is the current President of the Society Construction Law, Malaysia [2017-2018], the Immediate Past Chairman of the Chartered Institute of Arbitrators, Malaysia Branch and, and the Deputy President of the Malaysian Society of Adjudicators [2016-2017].

His legal publications include a co-authored text titled 'Construction Adjudication In Malaysia' (2nd Edition, Sweet & Maxwell, 2018), a Chapter on 'Arbitration In Malaysia' published in the text titled 'International Commercial Arbitration In Asia'; and Chapter 17: Construction Adjudication in the recently published text "Arbitration In Malaysia: A Practical Guide".

**Mr. Foo Joon Liang**

Partner
Gan Partnership

Foo Joon Liang was called to the Malaysian Bar in 2000. He is a partner with Gan Partnership, a firm he co-founded in 2011. Joon Liang's practice focuses on dispute resolution, primarily in construction, insurance and securities transaction disputes. He is also involved in advisory work, and regularly appears as counsel at all levels of the Malaysian courts and in arbitration. He advises a wide range of clients including ministries and government-linked entities, developers and contractors, financial institutions as well as foreign and local broking houses across a broad spectrum of matters in court, arbitration and in adjudication. Joon Liang is a Fellow of the Chartered Institute of Arbitrators, United Kingdom, and is currently a director of the Malaysian Chapter of the Chartered Institute of Arbitrators, United Kingdom. He also sits on the panel of arbitrators of the Asian International Arbitration Centre (AIAC) and is certified by the AIAC as an adjudicator. Apart from appearing as counsel in arbitration and adjudications, Joon Liang also sits as arbitrator in both construction and non-construction related disputes, and as adjudicator in construction disputes.

Joon Liang also authored several publications, including the Malaysian chapters for the "Arbitration" and "Dispute Resolution" issues of the "Getting the Deal Through" international publication over several years.

**Mr. Ivan Loo Yew Fook**

Partner
Skrine

Ivan Y. F. Loo graduated from the University of Bristol, United Kingdom and was called to the Bar of England and Wales (Gray's Inn) in 1991 and to the Malaysian Bar in 1992.

He is an Advocate and Solicitor and heads the Construction and Engineering Practice Group in Skrine. Ivan has been engaged in a variety of commercial and civil cases. A significant portion of his practice involves the construction industry where he appears as lead counsel in arbitration, adjudication and litigation proceedings on construction related disputes. Ivan also sits as arbitrator in both international and domestic arbitrations conducted under various rules of arbitration including AIAC, SIAC, ICC, and UNCITRAL. He also sits as adjudicator under the Construction Industry Payment & Adjudication Act 2012 and as mediator with the Malaysian Mediation Centre.

Ivan is also involved in reviewing, drafting and negotiating building and engineering contracts for the construction of buildings, factories, infrastructure works, plants, housing developments, and various other engineering and government projects using various contracting options including traditional procurement and turnkey contracts.

**Mr. Belden Premaraj**

Principal Partner
Belden Advocates & Solicitors

Belden Premaraj is the principal partner of Belden Advocates & Solicitors, a construction & engineering, energy & utilities and oil & gas dispute resolution and advisory practice. Belden is a Barrister of the Honourable Society of Lincoln's Inn and an advocate and solicitor of the High Court of Malaya. Belden is also a Fellow of both the Chartered Institute of Arbitrators, UK and the Malaysian Institute of Arbitrators.

He is listed in the Panel of Arbitrators and Panel of Adjudicators for AIAC. He is a ranked Dispute Resolution/Construction practitioner for Malaysia in Chambers and Partners.

Belden's area of practice have focused on arbitration and advisory practice for over 23 years primarily in the construction, engineering, energy & utilities and oil & gas industries. He is also regularly appointed as an arbitrator, adjudicator, DAB panel member and mediator for various construction & engineering and oil & gas domestic and international disputes.




Mr. Rajendra Navaratnam

 Partner
 Azman Davidson & Co

Rajendra Navaratnam obtained his first degree in Electrical Engineering and started his career as an Engineer in the Power industry. He has worked in wide and various capacities in the then National Electricity Board of Malaysia, ranging from construction and maintenance of high voltage transmission lines and substations, test and instrument functions, culminating in managing international procurement contracts, for about 10 years before he retrained in law and started his legal career with Azman Davidson and Co in 1988.

He became a Partner in 1993.


Mr. Chang Wei Mun

 Partner - Construction & Energy
 Raja, Darryl & Loh

Chambers Asia Pacific 2018 had this to say about him : "Chang Wei Mun wins the acclaim of market sources as *"an extremely competent and meticulous advocate ..."* while AsiaLaw Profiles 2018 described him as *"very knowledgeable and innovative"*.

Wei Mun's practice includes all forms of dispute resolution in respect of the construction industry, particularly in arbitration, both domestic and international, adjudication and litigation.

Over the years, many of his cases have been reported in the law journals. He is currently acting for KL Eco City Sdn Bhd (part of the SP Setia Group) in multiple legal proceedings arising from the collapse of a pedestrian link bridge across the Klang River.

Wei Mun is also well-versed in advisory work and the drafting of construction and other related contracts. His project work includes the Light Rapid Transit System and the Mass Rapid Transit System, Klang Valley, the Electrified Double Track Rail System, Gemas to Johor Bahru and Duopharma Biotech Bhd's state-of-the-art plant and warehouse in Klang, Selangor.

He has been appointed as sole arbitrator as well as co-arbitrator and president of 3-member tribunals in respect of various arbitrations locally and abroad.

He has resolved disputes based on various foreign laws including Sudanese, Indian, Singaporean and English laws.


Datuk Matthew Tee Kai Woon

 Group Executive Director
 Bina Puri Holdings Bhd

Datuk Matthew Tee, aged 43, is currently the Group Executive Director of Bina Puri Holdings Bhd, a public listed company on Malaysia's stock exchange, with core business in construction, property development, utilities and highway concession. He is an Executive Director of KL-Kuala Selangor Expressway Berhad or LATAR Expressway and also the Independent Non-Executive Director of Chin Teck Plantations Berhad.

He holds a Bachelor of Commerce (Accountancy and Marketing) from The University of Auckland, New Zealand. He is a Chartered Accountant, admitted by Malaysian Institute of Accountants (MIA) since 2002. He is also a Certified Financial Planner (Financial Planning Association of Malaysia) and was duly awarded the status, Fellow Certified Practising Accountant/FCPA by CPA Australia in March 2016. Datuk Matthew Tee is also active in the construction industry and other public roles. He is the former President of Master Builders Association of Malaysia (MBAM) for term 2012-2014 and 2014-2016. He continues to serve MBAM as the Immediate Past President and will continue to contribute actively towards the growth of the Association for the term 2016-2020. Previously, he also serves on the Board of Directors of Construction Industry Development Board Malaysia (CIDB) for term 2013-2015 and 2015-2016.

At present, Datuk Matthew Tee sits in the Board of Advisory of Construction Labour Exchange Centre Berhad (CLAB) and was appointed a member of the Advisory Committee on Hotel and Tourism Management by the Chinese University of Hong Kong (CUHK) for term 2017-2020. He is also the Honorary Treasurer General of Malaysian Steel Structural Association (MSSA) since 2011 and the Council Member of the Road Engineering Association of Malaysia (REAM) for term 2017-2019. He serves as a Board Member of Malaysian Industry-Government Group for High Technology (MIGHT) and Chairman of Board Audit Committee. He sworn-in on 2nd June 2017 as the 44th President of the International Federation of Asian and Western Pacific Contractors' Associations (IFAWPCA).

CONCORDE HOTEL, KUALA LUMPUR
25 SEPT 2018

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 Suite 33-01, 33rd Floor, Menara Keck Seng, Jalan Bukit Bintang
 55100 Kuala Lumpur | www.legalplus.com.my
 E-mail : secretary@legalplus.com.my
 T : +603 2116 5894 | F : +603 2116 5895

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Each form is valid for **one delegate only**.
Use only capital letters

Construction Law Conference Concorde Hotel, 25th Sept 2018	Register & pay BEFORE/ON 15th Sept 2018	Register & pay AFTER 15th Sept 2018
Registration Fee	RM 950.00	RM 1,250.00

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Website Online Registration
www.legalplus.com.my

E-Mail
secretary@legalplus.com.my

Telephone
+603 2116 5894

Fax
+603 2116 5895

Contact Person
Jennie Chew

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F. GENERAL

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