

DATE

23rd May 2017 (Tuesday)

VENUE

KLRCA Auditorium

Bangunan Sulaiman, Jalan Sultan
Hishamuddin, 50000 Kuala Lumpur

TIME

8.30am-4.00pm

REGISTRATION FEE

1 pax:

RM110

3 pax joint signup:

RM291 (RM97 per pax)

MIArb & supporting organization member:

RM100

Avoiding and Resolving Construction Disputes

This is a joint conference organised by
the KLRCA, MIArb and CIDB Malaysia.

8.30 am Registration

9.00 am Welcome Address by Director of KLRCA,
Datuk Professor Sundra Rajoo

9.05 am Welcome Address by CEO of CIDB Malaysia,
Dato' Ir Ahmad 'Asri Abdul Hamid

9.10 am Welcome Address by President of MIArb,
Kevin Prakash

9.15 am Keynote Address by The Honourable Justice
Dato' Lee Swee Seng, Judge of Kuala Lumpur
Construction Court

9.45 am **Session 1: Common Claims and Disputes in
the Construction Industry**

Speaker: Ir. Harbans Singh K.S.

10.45 am Tea Break

11.15 am **Session 2: Resolving Construction Disputes
through Adjudication (CIPAA)**

Moderator: Victoria Loi

Panellists: Sudharsanan Thillainathan, Ir. Oon
Chee Kheng, Muhammad Faisal Moideen

12.15 pm Lunch

1.00 pm **Session 3: Resolution of Construction Disputes Through
Arbitration: Where Does Arbitration Stand Now?**

Moderator: Hor Shirley

Panellists: Kevin Prakash, Rajendra Navaratnam, Dato' Nitin Nadkarni

2.00 pm **Session 4: Avoidance of Disputes Through Front-end
Modern Legal Drafting**

Part 1: Key considerations when negotiating construction contracts

Speaker: Lam Wai Loon

Part 2: Drafting in modern plain legal language

2.1 *Plain legal drafting guidelines – an international perspective*

2.2 *Before & after illustration of clauses from standard forms
of contracts including PAM, PWD, SIA, FIDIC, and CIDB*

2.3 *Case studies on the development and use of the STCC-RSP 2015
(the first published construction contract in the world to attain the
Plain Language Commission's Clear English Standard accreditation)*

Speaker: Sr. Dr. Noushad Ali Naseem Ameer Ali

4.00 pm End



**THE HONOURABLE JUSTICE
DATO' LEE SWEE SENG**

Dato' Lee See Seng graduated with a Bachelor of Laws degree and completed his Master of Law from University of Malaya. He also holds a Master of Business Administration (MBA) from Southern Cross University. On 31 May 2010, Justice Lee Swee Seng was appointed as Judicial Commissioner of the High Court of Malaya. He is now a High Court Judge at the Construction Court in Kuala Lumpur.



**DATO' IR AHMAD'ASRI
ABDUL HAMID**

Dato' Ir Ahmad'Asri Abdul Hamid was appointed as the Chief Executive of the Construction Industry Development Board Malaysia (CIDB) effective 1 March 2016.

He was formerly the Senior General Manager of the Management Sector in CIDB, and has a 16 years experiences in serving the organisation under various capacities, including heading the Business and Corporate Divisions and the Development sector.

Dato' Ir Ahmad'Asri has been in public service for more than 32 years, including as a mechanical engineer in the Public Works Department for 13 years. He also served as the President for the Professional Service Development Corporation (PSDC) for three years, where he was responsible for developing the capability of the professional service sector in facing with the challenges of liberalisation.



KEVIN PRAKASH

Kevin Prakash is the President of the Malaysian Institute of Arbitrators (MIArb). He has an active practice in dispute resolution and has been involved in complex disputes in various forms since being called to the Malaysian Bar in 1998.

He is regularly engaged in trial and appellate advocacy at the High Court or the superior Courts in Malaysia and as counsel in arbitration. He has wide experience in diverse types of disputes including corporate and commercial disputes, contractual, civil and shipping disputes.

His principal practice is in engineering and construction disputes and has represented a diverse set of clients including employers, main contractors and subcontractors in court litigation and arbitration. He is a partner in Mohanadass Partnership.



VICTORIA LOI TIEN FEN

Having completed her pupillage at Shook Lin & Bok, Victoria joined Shook Lin & Bok as an Associate in 2008. She rose through the ranks, becoming a Senior Associate in 2012 and a Partner in 2016.

Victoria's main areas of practice are building, construction and engineering, arbitration, and general litigation. She possesses a diverse portfolio of experience in dispute resolution, having appeared as counsel in court, arbitration, adjudication and commission of enquiry proceedings. She also advises clients on matters relating to arbitration, construction, contract and tort.

Alongside legal practice, Victoria is currently the Honorary Secretary of the Malaysian Institute of Arbitrators (MIArb) (2015 – 2017) and Honorary Treasurer of the Society of Construction Law (Malaysia) (SCL) (2017 – 2018). She formerly served as a Council Member of MIArb and Editor of the MIArb Newsletter (2013 – 2015) and as a Committee Member of SCL (2016 – 2017).

Victoria also writes and speaks on subjects relating to her areas of practice. She lectures on an ad hoc basis on the Diploma in International Arbitration Course (Brickfields Asia College in collaboration with MIArb).



**DATUK PROFESSOR
SUNDRA RAJOO**

Datuk Professor Sundra Rajoo is the Director of the Kuala Lumpur Regional Centre for Arbitration (KLRC) and President of the Chartered Institute of Arbitrators (2016). 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 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.

Datuk Professor Sundra Rajoo has authored, co-authored and edited several books on arbitration, contract and construction law, including, *Law, Practice and Procedure of Arbitration*, 2nd Edition, 2016, Lexis Nexis; *Arbitration in Malaysia: A Practical Guide*, 2016, Sweet & Maxwell; *Construction Law in Malaysia*, 2012, Sweet & Maxwell; *The Malaysian Arbitration Act 2005 (Amended 2011) – An Annotation*, 2013, Lexis Nexis; *The PAM 2006 Form*, 2010, Lexis Nexis; *The Arbitration Act 2005 – UNCITRAL Model Law as Applied in Malaysia*, 2007, Sweet & Maxwell; *The Malaysian Standard Form of Building Contract (The PAM 1998 Form)*, 1999, Malayan Law Journal. He also wrote the chapter on Annulment of Investment Arbitration Awards, *The Investment Treaty Arbitration Review*, 2016 edited by Barton Legum, Law Business Research.

In July 2015, Datuk Professor Sundra Rajoo was conferred an Honorary Doctorate in Laws from the Leeds Beckett University in England.



IR. HARBANS SINGH K.S.

Ir. Harbans Singh K.S. is a Professional & Chartered Engineer, Chartered Arbitrator, Mediator, Adjudicator, Advocate and Solicitor (non-practising). He commenced his career with the Public Works Department, Malaysia before joining an international German engineering consultancy practice with whom he worked locally and then in Koblenz, Germany as a designer, resident engineer and contract administrator. Later Ir. Harbans served with a local consultancy firm in various professional capacities and is presently domiciled in Malaysia where he is active in construction law and dispute resolution.

He is a regular contributor to "The Ingenieur", the Malayan Law Journal, The Law Review and other professional publications. He is the recipient of a number of awards including Institution of Engineers Malaysia's Tan Sri Haji Yusoff Prize (2001), the Cedric Barclay Award and the Chartered Institute of Arbitrator's Award for the Diploma in International Commercial Arbitration examination (2003).

Ir. Harbans is also the author of a series of four books entitled '*Harbans's Engineering and Construction Contracts Management*', coauthor of '*The PAM 2006 Standard Form of Building Contract*' and '*Construction Law in Malaysia*', contributor to '*The Malaysian Standard Precedents and Forms: Engineering & Construction Contracts (Vol.N)*' and is a regular speaker at courses, seminars and conferences.



SUDHARSANAN THILLAINATHAN

Sudharsanan Thillainathan joined Shook Lin & Bok in 1997 as an associate. He became a partner in 2004.

His main practice areas are Civil, Corporate and Insurance Litigation with a focus on complex commercial and corporate disputes and fraud. Sudhar also has an active International & Domestic Arbitration practice both as Counsel, Arbitrator and Adjudicator involving commercial, construction, energy and infrastructure disputes. His practice areas also cover Tax and Competition Law and he is the Deputy Head of the Tax Department as well as the Competition and Anti-Trust Law Department.

Sudhar is the Deputy President of the Malaysian Institute of Arbitrators for the 2015-2017 term, having earlier served as Vice President for the 2014-2015 term.

Sudhar is listed as a leading lawyer in the field of Dispute Resolution in Asialaw Profiles 2015. Sudhar was also listed as a recommended lawyer in the field of Dispute Resolution in the Legal 500 Asia Pacific and is described there as "a rising young star". In addition, Sudhar is recognised as an expert in Commercial Arbitration by Expert Guides.

Sudhar participated in the inaugural Singapore International Arbitration Academy (SIAA) in 2012, presented by the Centre for International Law, National University of Singapore where he was a recipient of the Award for Excellence in Advocacy. Subsequently, he was invited to be a member of the SIAA Faculty for 2013 and again for 2015.



MUHAMMAD FAISAL MOIDEEN

Faisal bin Moideen is the Managing Partner of Moideen & Max. His areas of specialisation is litigation in the various areas of the law, including construction arbitration.

Faisal also regularly represents clients in various CIPPA-related disputes including, relating to jurisdictional challenges. Amongst his notable cases is the case of UDA Holdings Bhd v Bistraya Construction Sdn Bhd & Anor And Another case [2015] 11 MLJ 499. He has also successfully enforced an adjudication award relating to a Floating Production Storage and Offloading ("FPSO") which in effect placed FPSO building contracts under the ambit of CIPAA.

Faisal is a trainer for the Advocacy Training Course organized by the Malaysian Bar Council.



HOR SHIRLEY

Ms. Hor Shirley graduated from the University of Wales, Aberystwyth with a Bachelor of Laws degree and was called to the Malaysian Bar in September 2008. Before joining Raja, Darryl & Loh in March 2010, she practised with another firm of solicitors in Kuala Lumpur for over a year focusing on construction litigation (including arbitration). Promoted as a Senior Associate in September 2012, Shirley became a partner on 1st January 2015.

She practises commercial dispute resolution, with a focus on construction related disputes. Her experience includes advisory work, project documentation, formal dispute resolution and recognition and enforcement of arbitral awards. She has appeared as counsel in both court and arbitration proceedings and has been involved in superior and appellate court proceedings in the Malaysian courts with a number of reported decisions to her credit. Ms. Shirley has been cited for her construction dispute resolution work in the Asia Pacific Legal 500 for 2014. Formerly an Honorary Secretary of the Malaysian Institute of Arbitrators (MIArb), she is now the Vice President of MIArb. She also currently lectures on certain topics in the Diploma in International Arbitration Course for Brickfields Asia College in Kuala Lumpur.



IR. OON CHEE KHENG

Ir. Oon Chee Kheng graduated with a civil engineering degree from the University of New South Wales, an LLB from the University of London and an MBA from Edinburgh Business School. He is a Fellow of The Institution of Engineers, Malaysia (IEM), a Fellow of both Chartered Institute of Arbitrators and Malaysian Institute of Arbitrators and is a registered professional engineer (civil) with the Board of Engineers, Malaysia.

Ir. Oon is the former Vice President of IEM as well as the past chairman of IEM Legal Advisory Panel, IEM Sub-Committee on Dispute Resolution Practice and IEM SubCommittee on Engineering Contracts. Ir Oon has also served in different capacities in Construction Industry Development Board, Malaysia (CIDB) and Master Builders Association Malaysia and is also a member of the Bar Council Arbitration and Dispute Resolution Committee and the Deputy Chairman of its Construction Law Committee. He is a member of the drafting team that produced the CIDB Standard Form of Contract for Building Works and CIDB Standard Method of Measurement for Civil Engineering Works. He was commissioned by IEM to produce the second edition of IEM Conditions of Contract for Works of Civil Engineering Construction which was published in 2011.

Ir. Oon is a registered construction industry mediator with CIDB and is a panel arbitrator and adjudicator registered with Kuala Lumpur Regional Centre for Arbitration. He was called to the Bar (High Court in Malaya) in 1995 and is now practising mainly in the area of construction arbitration and litigation as well as contract advisory after more than 12 years as an engineer involved mainly in highway construction including being a General Manager in a listed infrastructure company.

Ir. Oon has acted as counsel in arbitrations and litigations and has been appointed as arbitrator and mediator for disputes in the construction industry. He has also been appointed as the adjudicator for five (5) World Bank-financed-projects. He was a former external legal consultant to the Ministry of Works (Kementerian Kerja Raya) and is the co-author of the book "Adjudication of Construction Payment Disputes in Malaysia" (LexisNexis 2014).



DATO' NITIN NADKARNI

Dato' Nitin Nadkarni heads the Energy, Infrastructure & Project, and International Arbitration teams at Lee Hishammuddin Allen & Gledhill, having been involved for more than 30 years of practice as counsel and arbitrator in over 100 arbitrations, many of which were of industry significance. He read law at the London School of Economics and was called to both the English Bar and the Malaysian Bar. Nitin is registered on the Kuala Lumpur Regional Centre for Arbitration panels for arbitrators and mediators respectively, and the reserve panel of arbitrators for the Singapore International Arbitration Centre. He regularly sits as an arbitrator and is engaged as external counsel both by local and foreign solicitors. He is the Contributing Editor responsible for authoring the commentary on Order 69 (Arbitration Proceedings) in the Malaysian edition of the White Book.

Nitin has been described over the years as having an "excellent reputation" in construction disputes by Asia Legal 500, and as a "sharp advocate who presents his cases decisively and convincingly" by Chambers. Chambers Asia has, for several years, recognized him as a market-leading figure (Band 1) in the field of construction, arbitration, and litigation. His practice covers a wide range of international and domestic arbitration, commercial litigation and dispute resolution encompassing all aspects of the construction, engineering, energy, and electricity sectors, as well as supply disputes in the oil and gas sector; and disputes arising in the real estate and transport sectors.



RAJENDRA NAVARATNAM

Rajendra Navaratnam obtained his first degree in Electrical Engineering and practiced as an Engineer for 10 years before becoming a lawyer. He started his legal career with Azman Davidson & Co in 1988 and has been a partner since 1993.

Rajendra practices primarily in technology related law in both litigation and arbitration. He regularly appears as counsel in the Court of Appeal and the Federal Court.

He is a Chartered Arbitrator and sits in international and domestic arbitrations. He was a past Chairman of the CIArb Malaysia Branch and is on the panel of arbitrators of the KLRCA, ICC, SIAC, HKIAC, VIAC, PIAC and the Institution of Engineers Malaysia.

He is also a registered Adjudicator on the panel of KLRCA.



LAM WAI LOON

Mr. Lam is an Advocate & Solicitor in Malaysia, specialising in the field of construction adjudication, arbitration and litigation. He holds an LL.B (Bachelor of Laws) degree from the University of London and a Masters Degree in Business Administration from the Heriot-Watt University, Scotland. Before setting up Messrs. Harold & Lam Partnership, he was a partner in the Construction & Engineering Unit of one of the largest law firm in Malaysia. In addition to the legal qualifications, he is a Fellow of the Chartered Institute of Arbitrators (UK) and is on the Kuala Lumpur Regional Centre for Arbitration's panel of arbitrators and adjudications.

Mr. Lam's practice focuses on dispute resolution of building construction related disputes. He has acted as counsel for various large construction companies in a variety of construction disputes. He sits as an arbitrator and is a qualified adjudicator to adjudication disputes under the Construction Industry Payment and Adjudication Act 2012.

Mr. Lam is a regular speaker at conferences on arbitration, adjudication and construction law and has contributed various articles to legal publications. His recent publications include a book titled 'Construction Adjudication In Malaysia' and a Chapter on 'Arbitration In Malaysia' published in the text titled 'International Commercial Arbitration In Asia'.

He is the current Deputy President of the Society of Construction Law, Malaysia (2014-2015), the Vice Chairman of the Chartered Institute of Arbitrators, Malaysia Branch (2014-2015), and the Vice President of the Malaysia Society of Adjudicators (2014-2015).



SR. DR NOUSHAD ALI NASEEM AMEER ALI

Naseem has a Bachelors honours degree in Quantity Surveying from Reading University, a Masters degree in Architecture (Building Economics and Management) from University College London, another Masters degree in Construction Law and Arbitration from King's College London, and a PhD in Civil Engineering focused on statutory adjudication from the University of Auckland. He is a registered quantity surveyor in Malaysia and New Zealand, Chartered Quantity Surveyor, Chartered Construction Manager, Fellow of the Chartered Institute of Arbitrators, and an accredited mediator and adjudicator.

Naseem has worked in Malaysia, the UK, and New Zealand. He was a construction professional in the construction industry for over 20 years. Over the past 7 years he has been a senior lecturer focused on researching and teaching construction law, dispute resolution, construction project management, and construction economics. He initiated and now leads the delivery of the first Masters degree with a construction law focus at Massey University, New Zealand. He envisions expanding this highly successful programme to Malaysia in collaboration with a Malaysian University.

Naseem's current particular research interests include modern plain language legal drafting of construction contracts and construction adjudication. One of the outcomes of his research led to his authorship of the Standard Terms of Construction Contract for Renovation and Small Projects (STCC - RSP 2015) published by the Construction Industry Development Board Malaysia. The contract was endorsed by a policy committee with representatives from professional and trade organisations. It is the first construction contract in the world to be accredited with the Clear English Standard by the Plain Language Commission, United Kingdom.

REGISTER NOW!

Kindly complete the registration form as below and send it together with your payment by 20 MAY 2017 via:

FAX: 03 2271 1010 EMAIL: events@klrca.org / info@miarb.com

COURIER: KLRCA, Bangunan Sulaiman, Jalan Sultan Hishamuddin, 50000 Kuala Lumpur, Malaysia

Full Name: _____

Company/Organisation: _____

Designation: _____

Address: _____

Tel: _____ Fax: _____ Email: _____

Mode of Payment: (Please tick one) (Please ensure that payments are free of any bank charges)

Cheque payable to "KLRCA Events"

Credit card payment (via Paypal) – Please contact Paul Savuriar at paul@klrca.org / +603-2271 1000

Bank Transfer/ Account Deposit

Bank details: Maybank Berhad, Wisma Genting SSC, Jalan Sultan Ismail, 50250 Kuala Lumpur

Account Number: 5143-5650-4056

Swift Code: MBBEMYKL

Payment by bank transfer or account deposit must be evidenced by a copy of the bank-in slip or transaction reference and submitted with the registration form. Registration will be confirmed after receipt of payment. No cancellations allowed after confirmation but you may send another person to attend in your place. The organisers reserve the right to (1) postpone or change the timing and content of the programme and venue at any time; or (2) cancel the event at any time and under such circumstances, will refund the registration fee in full.

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