



ASSESSMENT AND VALUATION OF CLAIMS AND VARIATIONS UNDER HKSAR GOVERNMENT CONTRACTS

Seminar organized by the Lighthouse Club

Hong Kong Convention and Exhibition Centre
Friday, 24th October 2008, 9.00 am to 5.30 pm
(registration / coffee / tea from 8.30 am)

WHO SHOULD ATTEND

The subject of this one-day seminar organized by the Lighthouse Club will be of interest to everyone involved in the Construction Industry and has been designed to meet CPD requirements.

REGISTRATION FEE

The fee for the Seminar is HK\$2,800.00. Members of the Lighthouse Club and employees of Corporate Member companies are entitled to a discount and need pay only **HK\$1,900.00**. Those applying for membership of the Lighthouse Club at the same time as registration for the Seminar will also be entitled to the discount. (Seminar registration form and membership application form are attached.)

THE LIGHTHOUSE CLUB CHARITIES

The proceeds from this Seminar will directly benefit the Lighthouse Club Charities.

The Lighthouse Club Hong Kong Benevolent Fund is the only registered charity devoted to those in need within the construction industry. The Fund provides financial assistance to victims of accident or illness, and to their dependents where a fatal accident has occurred.

The Lighthouse Club James Battersby Educational Trust is intended to provide help to young people connected with the construction industry. The Trust's objectives are to assist in the training in the industry of disadvantaged young people, or to assist with the education of children who are suffering hardship as a result of the death, injury or illness of a parent or guardian employed in the construction industry.

SEMINAR PROGRAMME

Most of the disputes on Government Contracts that are referred to Mediation and/or Arbitration for their resolution concern the assessment of extensions of time under GCC Clause 50 and the assessment and valuation of claims and variations under GCC Clauses 59, 61 and 63. This seminar will address many of the common problems that arise on Government Contracts and seek solutions for their avoidance and resolution.

This is a unique opportunity for all those involved in the Construction Industry to listen to the views of some of the most experienced practitioners within the Industry and also to participate in what promises to be a very lively debate on these subjects by raising what you consider to be important issues during the panel discussion at the end of the afternoon.

The speakers at this seminar include engineers, builders and quantity surveyors who have acted as expert witnesses, mediators, arbitrators and advocates for Government and Contractors in respect of these matters.

Intentions behind the Drafting of the Government General Conditions of Contract

Peter Berry, former Hong Kong Government Quantity Surveyor and Consultant to HKCA

GCC Clause 50: Is it time for a Re-draft?

Scott Adams, Managing Director of Scott Adams Consultants Ltd.

Re-rating under GCC Clauses 59 and 61 and Proviso to GCC Clause 61(1) – General Principles and Problems and their Solutions

Paul Barrett, Consultant of Heller Ehrman

Prolongation – Fact or Fiction?

Colin B Lee, Chairman of Brian E. Rawling & Associates

BQ Problems – Errors and Omissions – how to avoid them?

John Battersby, Group Managing Director of BK Asia Pacific Limited

How to resolve Disputes on Government Contracts quickly, economically and amicably by Mediation - tips for both Government Officers and Contractors on how to maximize Benefits from the Mediation Process

Les Leslie, Director of Les Leslie Associates Limited

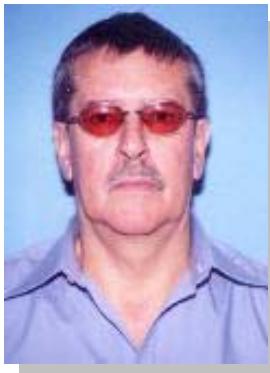
Panel Discussions

Chaired by John Battersby, and comprising the day's speakers and other experienced practitioners within the Construction Industry.

(biographical details of the speakers are attached)



About the Speakers



Peter Berry qualified as a Chartered Quantity Surveyor in 1959 and after spells working in England and Jamaica, arrived in Hong Kong in March 1963 to work for Bridgewater and Coulton. He joined Hong Kong Government Architectural Office in October 1963, acted as Senior Contract Adviser between 1975 to 1986 and was Chief QS in charge of building contract claims 1986 to 1990. He was then promoted to Directorate scale 2 and transferred to Works Branch until retirement in 1997. Peter also assisted in the drafting of Government's General Conditions of Contract from 1979 to 1985 and chaired the Conditions of Contract committee until retirement.

Since retirement he has been actively involved in mediation, and assisted the Hong Kong Construction Association on contract related policy matters, including the drafting of the Standard Form of Contract for Building (Private Edition) until its publication in 2005 and prepared the accompanying "Guidance Notes". He also assisted with the review of the Domestic Form of Sub-contract and continues to provide advice on a range of Hong Kong Government related matters.

Scott Adams BEng LLB PgD LLM CEng MICE FCIArb MAPM MAE is a chartered civil engineer who has worked in the construction claims business for the past nine years. Scott specialises in project management and in the resolution of time-related construction disputes. In addition to prosecuting or defending claims for extension of time, he regularly gives expert evidence to judicial tribunals in litigation or arbitration proceedings. He has been responsible for the planning and programming of major multi-disciplinary infrastructure projects to the value of over HK\$10 billion in both the tender and construction phases, and regularly carries out schedule risk analyses and project health checks for both employers and contractors. He is unafraid to question the status quo in respect of current practice for the prosecution and assessment/administration of construction delay claims. His recent paper "Better Ways than the Best Way? Improving the Society of Construction Law Delay and Disruption Protocol" was awarded a prize by the Society of Construction Law (UK).



Paul Barrett is Consultant and member of the Dispute Resolution Group of Heller Ehrman. Paul is a Chartered Quantity Surveyor and a Barrister, admitted in Hong Kong, England and Wales. He has specialised in ADR for 25 years and has been resident in Hong Kong for the past 18 years. Recent appointments include a firm of Construction Consultants and Denton Wilde Sapte (solicitors).

Paul's practice includes representing parties in all forms of dispute resolution, also sitting as arbitrator and mediator. He is a regular speaker and writer on matters concerning ADR and specialised construction disputes. He teaches and examines for the Chartered Institute of Arbitrators (CIArb) on their various courses. He is a past Chairman of the CIArb East Asia Branch.



The Lighthouse Club

The Construction Industry Charity

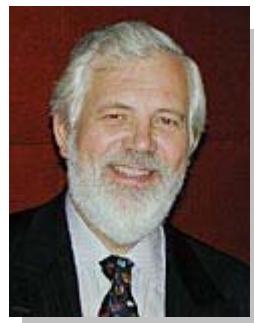
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Colin B Lee FRICS, FHKIS, FCIOB, FHKICM, MCIArb, RPS(QS), is a chartered quantity surveyor and a chartered builder with some 44 years experience in the construction industry, of which the past 26 years have been in Hong Kong. Initially he joined one of Hong Kong's largest construction companies, but for the past 18 years he has specialized in providing contractual and commercial advice to developers, contractors and sub-contractors on numerous matters related to construction principally in Hong Kong.

Colin is an accredited mediator and is on the list of Dispute Resolution Advisors with ASD, the Hong Kong Housing Authority and Science Park. He has acted as expert witness on several occasions on matters related to both quantum and programming. He is a past chairman of the Chartered Institute of Building (Hong Kong) and was instrumental in setting up the Hong Kong Institute of Building now known as the Hong Kong Institute of Construction Managers of which he is a Fellow member.

John Battersby is a Quantity Surveyor by profession having worked in the construction industry for 41 years, 25 years of which have been spent working on projects in Hong Kong, China and South East Asia. He is a Fellow of the Chartered Institute of Building, Hong Kong Institute of Construction Managers, Institution of Civil Engineering Surveyors, Chartered Institute of Arbitrators and Hong Kong Institute of Arbitrators and a Member of the Royal Institution of Chartered Surveyors and Hong Kong Institute of Surveyors. John has acted as an expert witness several times, both in arbitration and litigation, in respect of additional cost/loss and expense/damages claims, measurement issues, adjustment of rates, valuation of variations and causes and effects of delays to construction works. He has acted both as party appointed and "single joint expert" (or "tribunal expert"). He is a Practising Member of the Academy of Experts and accredited by the Academy as an Expert. He has also been appointed as Arbitrator, Assessor, Mediator and Dispute Resolution Advisor several times.



Les Leslie has been involved in the Construction Industry for over 40 years in project and general management for Major Contractors and latterly as a Consultant specializing in Project Management and Dispute Resolution.

Les is a Director of Les Leslie Associates Limited and in this capacity has undertaken a wide range of assignments for companies from Hong Kong, Asia and Europe providing Project Management, Construction Management and Commercial Services and Dispute Resolution on projects in Hong Kong, South East Asia and Africa.

Les Leslie is an Accredited Mediator and regularly undertakes mediation appointments in construction and general commercial disputes.



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SEMINAR REGISTRATION FORM

Please register the following delegate(s)

- | | | |
|----------|---|---|
| 1. Name: | _____

_____ | Title:

_____ |
| 2. Name: | _____

_____ | Title:

_____ |
| 3. Name: | _____

_____ | Title:

_____ |
| 4. Name: | _____

_____ | Title:

_____ |
| 5. Name: | _____

_____ | Title:

_____ |

Company: _____

Address: _____

Telephone: _____ Fax: _____

E-mail: _____

The registration fee is HK\$2,800.00. Members of the Lighthouse Club, employees of Corporate Member Companies and those applying for membership at the same time as registration for the Seminar are entitled to a discounted price of **HK\$1,900.00**.

I have enclosed a cheque No. _____ for HK\$ _____ made payable to: **"The Lighthouse Club, Hong Kong Branch"**.

Please mail completed registration form and cheque to:

The Lighthouse Club, Hong Kong Branch
Suite 407-8, 4th Floor, World Commerce Centre
11 Canton Road
Tsim Sha Tsui
Hong Kong
Telephone: 2687 2267
Fax: 2687 2252
E-mail: lighthousehkg@yahoo.com



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Telephone: 2687 2267 Fax: 2687 2252 E-mail: lighthousehkg@yahoo.com Website: www.lighthouseclub.com.hk

APPLICATION FORM FOR INDIVIDUAL MEMBERSHIP

Name:	
Company name:	
Company address:	
Home address:	
Occupation:	
Address for correspondence (home / office *):	
Contact telephone no. (home / office *):	
Contact fax no. (home / office *):	
E-mail address: <i>Please provide an e-mail address as all Lighthouse Club notices of events and other regular correspondence are sent by e-mail</i>	
DECLARATION (to be completed by all applicants)	
If accepted by the Committee as a member of the Lighthouse Club, I agree to abide by its rules, to promote the objectives of the Club to the best of my ability and to pay an annual subscription at a rate to be determined by the Committee.	
Signed:	Date:

1. This form should be completed by all applicants for Ordinary or Associate Membership. Ordinary membership is open to all persons connected with the construction industry, and Associate membership is available to non-industry persons. The joining fee is HK\$400.00 which includes annual subscription to 31st March, 2009.
2. Applications made under the Young Members' Scheme (open to persons 35 years of age or under at the time of application) are required to pay only 50% of the appropriate joining fee stated in 1. above. A copy of the applicant's Hong Kong ID card must accompany the application.
3. * Please delete as appropriate.
4. Please provide an e-mail address as all Lighthouse Club regular correspondence is sent by e-mail
5. All applications should be accompanied by a cheque for the appropriate amount made payable to "The Lighthouse Club, Hong Kong Branch" and forwarded to the Membership Secretary at the address above.



The Lighthouse Club

The Construction Industry Charity

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Correspondence address: Suite 407-8, 4th Floor, World Commerce Centre, 11 Canton Road, Tsim Sha Tsui, Hong Kong
Telephone: 2687 2267 Fax: 2687 2252 E-mail: lighthousehkg@yahoo.com Website: www.lighthouselclub.com.hk

APPLICATION FORM FOR CORPORATE MEMBERSHIP

Company name:	
Company address:	
Contact telephone no.:	
Contact fax no. :	
E-mail address: <i>Please provide an e-mail address as all Lighthouse Club notices of events and other regular correspondence are sent by e-mail</i>	
Person to contact:	
Names of proposed Nominees (maximum five):	
1.	2.
3.	4.
5.	
DECLARATION (to be completed by all applicants)	
If accepted by the Committee as a member of the Lighthouse Club, I agree to abide by its rules, to promote the objectives of the Club to the best of my ability and to pay an annual subscription at a rate to be determined by the Committee.	
Signed:	Date:

1. This form should be completed by all applicants. The joining fee is HK\$3,500.00 which includes annual subscription to 31st March, 2009.
2. Please provide the names of all proposed individual nominees.
3. Please provide an e-mail address as all Lighthouse Club regular correspondence is sent by e-mail. If each individual nominee member has a separate e-mail address, please also provide this.
4. All applications should be accompanied by a cheque for the appropriate amount made payable to "The Lighthouse Club, Hong Kong Branch" and forwarded to the Membership Secretary at the address above.