

Regional News for July 2011

Mediation Updates

YU Kwok Lit

26 July 2011: Further to the encouragement by the Hong Kong Government to adopt Mediation as an Alternative Dispute Resolution and together with the launch of the Civil Justice Reform in 2009, mediation is now one of the hottest topics in the construction industry. In this regard, we cordially invited Mr. Steven Yip, Partner of the Minter Ellison and the Honorary Legal Advisor of ICES (HK Region), to present a CPD seminar for this topic to our members. Apart from the brief introduction on the elements, merits, etc. of mediation and roles of the mediator, Steven selected several recent mediation cases from Hong Kong and UK to share with our members. Steven also shared his views for the implication from the judgment and particulars for each of these cases. 70 members and guests participated in the CPD seminar and many of them gained a valuable insight on mediation from Steven's presentation.



ICES (HK Region) Hon Legal Adviser, Mr. Steven Yip gave a presentation on the process of mediation and go through some of the recent cases in relation to mediation





Steven together with Committee Members and audience

Our Chairman Mr. Honby Chan expresses his appreciation for Steven's on going supports to the Hong Kong Region



Half Day Seminar on Construction Contracts

Steven Chan/ Denny Mak

30 July 2011: It was a CPD seminar in connection with construction contracts which was jointly organized by the Hong Kong Region, the Lighthouse Club and the Hong Kong Polytechnic University. We are honoured to invite two guest speakers, Mr. Julian Eynon-Lewis (Legal Counsel, BK Asia Pacific) and Mr. Justin Wong (Senior Consultant of EC Harris) delivering and sharing with us their valuable experience in Target Cost Contracting and Claims relating to Unforeseen Ground Conditions respectively.

Julian is a lawyer and quantity surveyor and has worked as both in the Construction and Engineering industry and related fields for more than 15 years. He briefly introduced the characteristics of Target Cost Contracts (TCC), and the reasons to use TCC. The structure and components of prices (costs and fees) under a TCC were given in details. He further explained the mechanism for adjustment of Target Cost and clarified what some types of costs should be disallowed in target cost. He also elaborated on the tendering mechanism and addressed the post contract difficulties of handling contractual issues. As there are more and more contracts adopting the target cost arrangement, Julian has given us some practical advice for running this contractual arrangement.

After a short break Justin introduced the contractual issues arising from unforeseen ground conditions. He gave examples on the site conditions/events which might give rise to claims by contractors. He further explained in details the contract provisions under various types of Hong Kong and international standard forms of contract, the position under common law and some court cases related to unforeseen ground conditions. Finally he introduced recent developments on measures to deal with unforeseen ground

conditions taking from two major Hong Kong clients (MTR Corporation and the Hong Kong Government)

The seminar was very fruitful and informative, and it was well-received by our members. The seminar was full house with around 100 numbers of ICES/ The Lighthouse Club members and guests participated in this CPD event.



Julian preferred using a more interactive mode to deliver his talk to our audience.

Time a bit overrun as many questions raised during Q&A session.



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Coming Events

26 Aug 2011: Department of Land Surveying and Geo-Informatics (The Hong Kong Polytechnic University) Orientation Day, Hong Kong Region will introduce ICES to PolyU's students.

5 Sep 2011: Dispute Resolution for Construction Project by Mr. Alfred Wu, venue to be confirmed.

16 Sep 2011: "BIG" BIM and how the Spatial Data Infrastructure Supports it.

17 Sep 2011: HKIS Annual Conference, ICES is one of the supporting organisations

27 Sep 2011: BK SURCO Training: Contract Surgeries: Risk Management by Mr. John Battersby, details to be confirmed.

8 Oct 2011: Technical Visit to Ocean Park: Thrill Mountain and Polar Adventure, details to be confirmed

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