



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

# SOCIETY OF CONSTRUCTION LAW HONG KONG

# SCLHK ONE DAY INTERNATIONAL CONFERENCE 2019

SCLHK is pleased to invite you to its 2019 One Day International Conference

## DATE AND TIME

Friday 8 November 2019 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 **Change Management and Claims**.

Change is an unavoidable part of every construction project. Hundreds if not thousands of changes can be ordered in a construction project. This conference will explore the typical contractual mechanisms concerning change, how to manage any such changes and the consequences of such changes including the valuation of the changes, their delaying and disruptive effects and their associated costs.

We are delighted to announce that Mr CHAN Ka-kui, SBS, JP, Chairman of the Construction Industry Council, will be our Keynote Speaker.

## PROGRAMME

### COCKTAIL RECEPTION

Wednesday 6 November 2019, China Club, Central from 6:30pm to 9:30pm

### CONFERENCE (Friday 8 November 2019)

**Keynote Address – Mr CHAN Ka-kui, SBS, JP, Chairman of the Construction Industry Council**

#### Morning Session 1 **How are changes ordered?**

A review and discussion of the standard provisions and principles for ordering change, including:

- Typical contractual mechanism for ordering change and comparison with different standard form contracts;
- Whether the change constitutes a variation – within contract scope, build-ability obligations, design obligations, ambiguities and discrepancies etc;
- Power to order change – limits on type and timing of change, omission of work, authority to order change etc; and
- Express and implied duty to order change – impossibility, contractor proposals etc

Panellists include **Ms Fiona Sinclair QC**, 4 Pump Court Chambers; **Mr Bevis Mak**, AECOM; **Mr Raymond Au**, MTRC; and **Mr Brian Stewart**, Gammon Construction Limited.

#### Morning Session 2 **The valuation of change**

A review and discussion of the standard provisions and principles for valuing change, including:

- Typical contractual mechanism and comparison with different standard forms;
- Use of bills of quantities and schedules of rates;
- lump sum v measurement contracts;
- valuation provisions, practice notes and case law - Henry Boot v Alstom Combined Cycles on rates being "sacrosanct", Maeda-Hitachi-Yokogawa Hsin Chong Joint Venture v HKSAR CACV 230/2011 on re-rating under GCC Clause 59(4)(b), recent Maeda China State JV v Bauer case HCCT 4/2018 on fair valuations, HKHA v Leighton HCCT 101/2003 on composite rates, etc)

Panellists include **Mr Andrew Goddard QC**, Atkin Chambers; **Ms May Ng**, DLA Piper Hong Kong; **Mr WY Wong**, China State Construction International Holdings Limited; **Mr TT Cheung**, JP, Aria & Associates Limited; and **Mr Mark Derisley**, Derisley Consultancy Services.

#### Afternoon Session 3 **Assessing delaying and disruptive effects caused by change**

A review and discussion of the standard provisions and principles for assessing its delaying and disruptive effects, including:

- prolongation costs – core and non-core costs, allocation of costs, etc;
- disruption costs - measured mile, computer models, work studies, etc;
- global claims – myriad of change making it impractical to isolate additional costs;
- management of change costs – recording of change costs, assessing thickening of resources, are claim preparation costs recoverable?

Panellists include **Mr Justin Mort QC**, Keating Chambers; **Mr Timothy Hill**, Hogan Lovells; **Mr Mike Allen**, Secretariat International; **Mr David Gibson**, DGA Group.

#### Afternoon Session 4 **Assessing entitlement to extensions of time**

A review and discussion of the standard provisions and principles for assessing its entitlement to extensions of time, including:

- appropriate methods of delay analysis;
- identification of the cause of the delay; and
- concurrent delay.

Panellists include **Mr Wayne Martin AC QC**, 39 Essex Chambers; **Mr Phillip Rompotis**, Prince's Chambers Hong Kong; **Mr Trevor Lam**, CTBH; and **Mr Tony Farrow**, Ankura.

## Joint Sponsors

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Hong Kong Football Club, 3 Sports Road, Happy Valley, Hong Kong  
Friday 8 November 2019

## 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, 11 October 2019.
- 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 2020/2021 session and we will include the balance of the 2019/2020 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 20 December 2019.

## REGISTRATION FORM

Name \_\_\_\_\_

Please reserve tickets for the following:

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

Early Bird (on or before Friday, 11 October 2019)

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