



Practice Area: Building & Construction
Training Level: General
Public CPD Points: 2



SINGAPORE

SCL (S) Construction Expertise 101 – Architecture
Tuesday, 25 February 2020, 6.00pm – 8.30pm
LEFT BRAIN, Level 9, Capital Tower, 168 Robinson Road, Singapore 068912

About this Session:

Catherine Loke, an Architect, and Melvin Chan, a Lawyer, will examine the legal obligations and duties on Architects, with reference to the recent High Court case of *Wei Siang Design Construction Pte Ltd v Euro Assets Holding (S) Pte Ltd [2018] SGHC 182*.

The profession of the Architect has always been romanticised by the media. From the individualistic genius who defies convention in Ayn Rand's 1943 novel *The Fountainhead*, to the egotistical maniac who ignores the client's requirements in Monty Python's *Architect Sketch*, the profession is perceived as glamorous and mysterious at the same time. Architects are portrayed as people who wear black, wear bow ties, have a disdain for clients who do not understand their art, spend time sitting at a drawing board or admiring a model (an architectural model, that is), and wear hard hats while pointing vaguely at something in the distance.

Romance aside, the profession of the Architect carries heavy responsibilities. The Architect must be able to:

- help the client work out the design brief and budget
- design to satisfy the design brief and budget
- lead the project team and coordinate the inputs of the Engineers, the Quantity Surveyor and other consultants
- translate the design into technical information which can be accurately priced
- understand the legal and contractual framework and advise the client on the appropriate form of procurement
- manage the tender process to secure a competitive price
- establish the building contract to minimize disputes between the employer and the contractor
- administer the building contract to realise the design into its physical form whilst controlling cost, time and quality
- manage the handing over of the completed building to the client

There is an added responsibility unique to Singapore – that of the qualified person (QP). The QP plays an important role as Agent of the State to effect policy, and to protect national and public interests.

This seminar will broadly cover the history of the profession, the training and regulation of the Architect, the Architect's scope of service, as well as explore how contractual relationships can affect the duties and risk exposure of the Architect.

About this Series:

At the Opening of the Legal Year 2017, the Honourable Chief Justice announced the **Specialist Accreditation scheme designed to give due recognition to those who are experts in their field** – starting with building and construction lawyers."

In a similar vein, Singapore's Deputy Prime Minister (then also the Minister of Finance) Mr. Tharman Shanmugaratnam, on 30th October 2014 at the Inaugural Singapore Productivity and 20th Business Excellence Awards Ceremony, said: "... as a country, **we have to place much greater importance on continuous learning and the development of deep expertise, in every trade.**"

SCL(S) continually seeks to provide opportunities for its members in developing the appreciation and knowledge of what can broadly be referred to as *Construction Expertise*. SCL(S) strives to **provide essential understanding of the key disciplines in the Singapore construction industry.**

What Past Participants Say:

- *"Speaker was passionate, engaging and well-prepared."*
- *"Very insightful ... with very interesting real-life examples."*
- *"Extremely enlightening and useful for context from the perspective of a front-end drafter."*
 - *"Extremely well organised, well-structured and filled with value."*
 - *"informative & engaging!"*
- *"A brief but informative course that provides quick overview of the construction industry."*
 - *"very useful for practice."*

Continuing Professional Development



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BOA-SIA – 2 CPD Points



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Seminar Programme:

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|---------------|---|
| 6.00 - 6.15pm | Registrations & Networking for Delegates |
| 6.15 - 6.20pm | Introduction by: <i>Ar. Darren Bengler – Director, VivATA Pte Ltd; Council Member, Society of Construction Law (Singapore)</i> |
| 6.20 - 7.40pm | Presentation on “Architecture” <i>Ar. Catherine Loke - Partner, Lander Loke Architects</i> |
| 7.40 - 8.20pm | <i>Wei Siang Design Construction Pte Ltd v Euro Assets Holding (S) Pte Ltd [2018] SGHC 182</i> <i>Mr. Melvin Chan - Head of Litigation and Dispute Resolution, TSMP Law Corporation</i> |
| 8.20 - 8.30pm | Moderated Q&A Session |

About the Speakers:

Mr. Melvin Chan - Head of Litigation and Dispute Resolution, TSMP Law Corporation

Melvin heads TSMP's Litigation and Dispute Resolution Department. His main area of practice is in civil and commercial litigation, where he has extensive experience in contentious construction and engineering disputes, both in Court and arbitration.

Melvin has successfully argued a number of landmark decisions in the High Court and Court of Appeal, including *MCST Plan No 3322 v Mer Vue Developments Pte Ltd & Ors* where the Court of Appeal considered the extension of the independent contractor defence to consultants and main contractors; and in ***Wei Siang Design Construction Pte Ltd v Euro Assets Holdings (S) Pte Ltd***, where the Court had opportunity to consider the ambit of the consultants' duty of care to the employer with whom they had no contractual relationship.

Melvin has been consistently recognised as a key practitioner in various leading publications for his work in Construction and Engineering. Melvin is recommended for his expertise in the field of Construction and Engineering in both The Legal 500 Asia Pacific and Chambers and Partners Asia-Pacific. Melvin is also recognised as a "Distinguished Practitioner (Construction)" in Asialaw Leading Lawyers 2020, and as a Dispute Resolution Star for Construction and Commercial disputes in Benchmark Asia-Pacific 2019.

Melvin is an Accredited Adjudicator with the Singapore Mediation Centre, and a Fellow of the Singapore Institute of Arbitrators.

Ar Catherine Loke – Partner, Lander Loke Architects

Catherine obtained her Bachelor of Planning & Design in 1989 and Bachelor of Architecture (Hons) in 1992 from the University of Melbourne. She has worked briefly in Melbourne & Kuala Lumpur, and in Singapore since 1993. She has been a Registered Architect since 1998 and partner in Lander Loke Architects since 1999.

Catherine is currently the First Vice-President of the Singapore Institute of Architects (SIA) and also serves as Chairman of the Small & Medium Architectural Practice Committee, Architects' Appointment Committee and the SIA Minor Works Contract Working Group. Outside of SIA, Catherine served as the Chief Examiner for the Board of Architects Professional Practice Examination from 2014 to 2016. She was also a member of the BCA BIM Legal & Contractual Workgroup in 2013. She has given talks at the Society of Construction Law, and is currently Adjunct Associate Professor at the National University of Singapore, teaching architectural practice.

About the Moderator:

Ar Darren Bengler – Director, VivATA Pte Ltd; Council Member, Society of Construction Law (Singapore)

Darren received his Bachelor of Architecture degree with First Class Honours from the University of Adelaide, Australia in 1995, and registered with the Board of Architects, Singapore in 2001. Darren received the Graduate Certificate in International Arbitration (GCIA) from the National University of Singapore in 2008. Since 1996 Darren has resided in Singapore, and he is currently a Director of VivATA Architects Pte Ltd. Darren is the Immediate Past Chairman of the Society of Construction Law (Singapore).

Darren is also a Fellow member of the Singapore Institute of Arbitrators. Darren's involvement in the Singapore Institute of Architects includes election to Council for the 2007/08 to 2013/14 terms, and he has actively participated in various SIA committees, including involvement in the Building Contracts Committee since 2007/08, and the ADR Committee since 2008/09 (as chairperson since 2012/13). Darren is also on the SIA Panel of Expert Determinators. Darren has contributed as lecturer/tutor to the building contracts module of the Architectural Practice course for the National University of Singapore - School of Architecture since 2009. Darren has served as an expert witness in various Court cases and arbitrations, including one of the first experts 'Hot Tubbing' cases in the SGHC

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| REGISTRATION CLOSING DATE: <u>18 February 2020</u> | FEES (includes refreshments & materials, if any) |
| SCL (Singapore) Members | S\$50.00 |
| Guests of SCL(S) Members, Members of international SCLs, Members of: Chartered Institute of Arbitrators (Singapore) Ltd (CI Arb), Chartered Institute of Building (CIOB), Lighthouse Club (Singapore) (Lighthouse), Royal Institution of Chartered Surveyors (RICS), Singapore Contractors Association Ltd (SCAL), Singapore Institute of Architects (SIA), Singapore Institute of Arbitrators (SI Arb), Singapore Institute of Building Ltd (SIBL), Singapore Institute of Surveyors and Valuers (SISV), Society of Project Managers (SPM), Tunneling and Underground Construction Society (Singapore) (TUCSS), Full Time Students & Faculty of NUS Faculty of Law, Marine Offshore Oil & Gas Association (MOOGAS) | S\$90.00 |
| Others | S\$120.00 |

Mode of payment (Please tick one): PayNow Corporate Credit Card Cheque

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Cheque: Please return the registration form below, together with your cheque, if applicable, made payable to "Society of Construction Law (Singapore)", "Society of Construction Law (Singapore), 12 Eu Tong Sen Street #08-169 SOHO 2, Clarke Quay Central, Singapore 059819" or **Fax to (65) 6225 9426**

REGISTRATION, REFUND & CANCELLATION POLICY

- Places are limited and can only be allocated in order of priority upon receipt of registration and any payment due.
- We regret that we generally do not issue invoices or accept payments at the event.
- Refunds for cancellation are not possible after the registration closing date.
- We reserve the right to refuse to register or admit any participant, and to cancel or postpone the event.
- I fully consent to the collection, use and disclosure of my personal data as appears in this form by SCL (Singapore) for the purposes set out on your website. Visit www.scl.org.sg to read our Personal Data Policy.

For further enquiries, please contact the SCL (SINGAPORE) SECRETARIAT

Tel: 6551 2783 Fax: 6225 9426 E-mail: secretariat@scl.org.sg

You may also register online for this event on our website at www.scl.org.sg

REGISTRATION FOR SCL (SINGAPORE) MEMBERS & THEIR GUESTS (Please use 1 form per Member)

Name: _____ SCL Membership No.: _____
 Tel: _____ Fax: _____ E-mail: _____

- I will be attending and I enclose my payment of \$50.00. (A valid email address is required for confirmation of registration.)
 Check if CPD points are required AAS no. _____ (for practicing lawyers requiring SILE CPD points)
 Please reserve _____ seats for my guests. My guest(s) are:

| Name(s) | Organisation | Check if CPD Points are required | AAS No. | Email |
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I am a: (Please select as appropriate.)

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 SCAL Mbr SIA Mbr SI Arb Mbr SIBL Mbr SISV Mbr SPM Mbr TUCSS Mbr
 Full Time NUS Law Student/NUS Law Faculty Others

Name (Dr/Mr/Mrs/Miss/Mdm): _____

Name and Address of Organisation: _____

Position in Organisation: _____

Membership No: _____ (Mandatory to process registration. Please check with your respective membership body.)

- Check if CPD points are required AAS no. _____ (for practicing lawyers requiring SILE CPD points)

Tel: _____ Fax: _____ Email: _____ _1
 (A valid email address is required for confirmation of registration.)

SILE Attendance Policy

Participants who wish to obtain CPD Points are reminded that they must comply strictly with the Attendance Policy set out in the CPD Guidelines. For this activity, this includes signing in on arrival and signing out at the conclusion of the activity in the manner required by the organiser, and not being absent from the entire activity for more than 15 minutes. Participants who do not comply with the Attendance Policy will not be able to obtain CPD Points for attending the activity. Please refer to <http://www.sileCPDcentre.sg> for more information.