



Practice Area: Construction
 Training Level: Updates
 CPD points: 2 Public CPD
 Points



Seminar

SINGAPORE

Negligence in the Construction Industry

(The Court of Appeal case of *Jurong Primewide PL vs Moh Seng Cranes PL*)

Wednesday, 21 May 2014, 5.00 - 7.30pm

Intelloffices, 146 Robinson Road, Singapore 068909

About this Seminar:-

This seminar aims to give a brief description of the law of negligence in this area (i.e. affecting the construction industry) as well as an outline of the main issues arising from there, such as the question of apportionment of liability of between a main contractor and its subcontractors. Topics to be covered include the following:

1. Highlighting two historical cases of precedent leading to the CA case of *Jurong Primewide PL vs Moh Seng Cranes PL*.
2. The facts of *Jurong Primewide PL vs Moh Seng Cranes PL*, what the CA decided in that case, and why, particularly how did the CA rule vis-à-vis legal responsibility for worksite safety, the relationship between the statutory framework and common law duties and the applicable standard of care?
3. A critique on the CA decision in *Jurong Primewide PL vs Moh Seng Cranes PL* and highlight its legal and/or practical implications, including from the insurers' perspective.
4. A discussion on whether there are still any unresolved issues in the CA case of *Jurong Primewide PL vs Moh Seng Cranes PL*? Where do we go from here?

Seminar Programme:-

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| 5.00-5.30pm | Registrations & Networking for Delegates |
| 5.30-5.40pm | Opening Remarks by Chairperson Mr. Brendon Choa – Lawyer, ACIES Law Corporation |
| 5.40-7.00pm | <i>An Interface between Duty of Care in Negligence and Statutory Duty under Workplace Safety and Health Act</i> - Ms. Lynette Chew – Director, Stamford Law Corporation <ul style="list-style-type: none"> • The interface between duty of care in negligence and statute, in particular, the court's application of the Spandeck test in the context of workplace safety • Part IV of WSHA and duties on stakeholders of workplace • The CA's guidance on how Spandeck test ought to be applied in the case of <i>Chandran a/l Subbiah v Dockers Marine Pte Ltd [2010] 1 SLR 786</i>; and <i>Tan Juay Pah v. Kimly Construction Pte Ltd and others [2012] 2 SLR 549</i> • Standard of Care in the context of Jurong's case. <i>Worksite Mishaps: Who's Responsible and For What</i> <i>Legal and Practical implications / issues arising from the Court of Appeal decision in Jurong Primewide Pte Ltd v Moh Seng Cranes Pte Ltd and others [2014] SGCA 6</i> - Mr. Raymond Lye - Managing Partner, Union Law LLP |
| 7.00-7.30pm | Q&A Session facilitated by Chairperson |

About the Speakers:-

Ms. Lynette Chew – Director, Stamford Law Corporation

Lynette specialises in civil commercial litigation, arbitration and mediation. She has extensive experience in a wide range of disputes, including construction and infrastructure, insurance, international trade, investment and general contractual disputes. In construction and engineering disputes, she has represented developers, main contractors as well as building owners. Lynette successfully defended one of the largest adjudication claims made under the Building and Construction Industry Security of Payment Act. She also has particular experience in handling construction insurance disputes, including counsel in one of the largest insurance claims in Singapore.

Apart from dispute resolution, Lynette also advises clients on front end construction contracts. Her clients include international and local developers, contractors and consultants, including statutory boards and government-linked companies. She also advises clients on project insurance coverage and claims in builders and contractors risks policies, fire and other general policies.

Mr. Raymond Lye - Managing Partner, Union Law LLP

Mr Raymond Lye is the Managing Partner of Union Law LLP. He specialises in litigation, arbitration and alternative dispute resolution including cases involving building and construction law.

The construction industry cases that Mr Lye has acted in include claims involving MCSTs, professional engineers / qualified persons / accredited checkers, employers, main-contractors, sub-contractors, workmen, suppliers and manufacturers of construction materials or equipment, including criminal prosecutions. He has also worked with various expert witnesses and testing laboratories in relation to these cases. His published cases include the important recent 2014 Court of Appeal judgement on tortious liability at building sites. Raymond is also an honorary legal advisor to Singapore Renovation Contractors and Material Suppliers Association. Prior to entering private practice, Raymond had served in the Legal Service as a Magistrate in the Subordinate Courts and tutored at the NUS Faculty of Law.

About the Chairperson:-

Mr. Brendon Choa – Lawyer, ACIES Law Corporation

Brendon has been in legal practice for about 22 years. Brendon read law at the University of Sussex, England where he graduated with a B.A. (Law) Honours in 1990. He was called to the English Bar at the Inner Temple in 1991 and was subsequently admitted to the Singapore Bar in 1992. Brendon joined ACIES Law Corporation in June 2003 after having been a Partner in the Construction/ Litigation Department of Helen Yeo & Partners / Rodyk & Davidson and before that, having worked at a number of medium-sized law firms. Brendon has been an active member of the Society of Construction Law (Singapore) since its inception in 2002. In August 2004, he was elected to the Management Committee of the Society of Construction Law (Singapore), where between 2006 and 2014 he held various posts of Secretary, Treasurer and Council Member in the Society's Council. In March 2006, Brendon was admitted as a member of the Singapore Institute of Arbitrators. Brendon is also an Accredited Adjudicator with the Singapore Mediation Centre, when he was admitted to the Register of Adjudicators for the Building & Construction Industry Security of Payment Act (SOP Act) in October 2009. Brendon has also been accredited as a CDP trainer for core-subjects (practice-related knowledge and issues) by the Council of Estate Agents and he currently conducts regular training on Core CDP courses for salespersons (levels 1) and experienced salespersons (level 2) at the Institute of Estate Agents.



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| REGISTRATION CLOSING DATE: 14 May 2014 | FEES (includes refreshments & materials, if any) |
| SCL (Singapore) Members | S\$35.00 |
| 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 Surveyors and Valuers (SISV), Tunneling and Underground Construction Society (Singapore) (TUCSS) Full Time Students & Faculty of NUS Faculty of Law, Marine Offshore Oil & Gas Association (MOOGAS) | S\$70.00 |
| Others | S\$90.00 |

Please return the registration form below, together with your cheque, if applicable, made payable to "Society of Construction Law (Singapore)",
 Level 3, 146 Robinson Road, Singapore 068909" or Fax to (65) 31273797.

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. When registering, please make a specific request for an invoice if required.
- 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.

For further enquiries, please contact the SCL (SINGAPORE) SECRETARIAT
 Tel & Fax: 31273797 (no 6 prefix required) 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: _____ NRIC/Passport No.: _____ SCL(S) Membership No.: _____

Tel: _____ Fax: _____ E-mail: _____

- I will be attending and I enclose my payment of \$35.00. (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 and I enclose payment of \$70.00 per guest. My guest(s) are:

| Name(s) | Organisation | Check if CPD Points are required | AAS No. | Email |
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I enclose a cheque for SGD _____ made payable to "Society of Construction Law (Singapore)".

REGISTRATION FOR NON-SCL (SINGAPORE) MEMBERS (Please use 1 form per registrant.)

I am a: (Please select as appropriate.)

- SCL Mbr: _____ pls state branch CI Arb Mbr CIOB Mbr Lighthouse Mbr MOOGAS Mbr RICS Mbr
 SCAL Mbr SIA Mbr SI Arb Mbr SISV 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: _____ NRIC/Passport No: _____

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: _____

(A valid email address is required for confirmation of registration.)

I enclose a cheque for SGD _____ made payable to "Society of Construction Law (Singapore)"

SILE Attendance Policy

Participants who wish to claim CPD Points are reminded that they must comply strictly with the Attendance Policy set out in the CPD Guidelines. 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.