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## WORKSHOP ON DISPUTE AVOIDANCE – NO.3

Organised by the Subcommittee on Dispute Avoidance and Resolution Practice, PPC, IEM

Date : 26 July 2017 (Wednesday)  
 Time : 5.30pm to 7.30pm  
 Venue : C&S & TUS Lecture Room, 2<sup>nd</sup> Floor, Wisma IEM, Petaling Jaya  
 Panel : Ir. Khoo Choong Keow, Ir. Leon Weng Seng & Ir. Ho Kin Wing



### INTRODUCTION

The Subcommittee on Dispute Avoidance and Resolution Practice (DARP) is launching a series of Workshops aimed at training Engineers to gain skills in Dispute Avoidance by dealing with ISSUES which arise and resolving such ISSUES expeditiously before they fester and become full-blown DISPUTES. The Workshops will be conducted on case studies submitted by participants. This will provide the maximum benefit to those who submit case studies as it would give them direct experience of the problems they encounter.

### SYNOPSIS

This is the Third Workshop on **Dispute Avoidance**, in a series of workshops to be conducted regularly at quarterly intervals.

During the First Workshop held on 25 August 2016 and Second Workshop held on 28 November 2016, participants discussed: the time-consuming and unproductive nature of Disputes and Disputes Resolution processes; developing dispute AVOIDANCE techniques by distinguishing between ISSUES and DISPUTES; and resolving ISSUES by mutual agreement in real time before such ISSUES fester and degenerate into DISPUTES, calling on (if required) the assistance of DRA, DRB, DAB or Experts.

During the First and Second Workshop, participants raised from the floor many ISSUES which were frequently encountered and there were responses from the panel and the participants as to how such ISSUES could be dealt with. We look forward to the same lively response in this Third Workshop where the focus will be on specific ISSUES which could arise with regard to **Loss and Expense** claims. Participants are encouraged to submit case studies for discussion (see box below).

Yours sincerely  
 Ir. Dr. Ooi Teik Aun  
 Chairman, Subcommittee on Dispute Avoidance and Resolution Practice, PPC, IEM

**PARTICIPANTS IN THIS WORKSHOP SHALL NOTE THAT THE WORKSHOP IS NOT INTENDED TO PROVIDE ADVICE ON THE RESOLUTION OF DISPUTES AND THE SOLE PURPOSE OF THE WORKSHOP IS FOR SHARING OF KNOWLEDGE IN THE PRACTICE OF DISPUTE AVOIDANCE.**

Participants who wish to submit case studies should do so **not later than 7 days before the actual date** of the scheduled Workshop. Information required in the description of the case study are:

- (1) The ISSUE
- (2) Background and the relevant contractual provisions :-
  - Conditions of Contract
  - Specification
  - Bill of Quantities (if relevant)
  - Any other provisions
- (3) How the ISSUE arose and developed

Names of Parties are not required, but Parties may be identified as the “Employer”, the “Developer”, the “Engineer”, the “Contractor”, etc.

(Please fax the Case Studies / Problems Encountered to 03-7957 7678 or email to [sec@iem.org.my](mailto:sec@iem.org.my))

### CPD HOURS CONFIRMATION

Name of Member	:
Membership No.	:
Date	:
Signature	:

## BIODATA OF PANEL

### **Ir. KHOO CHOONG KEOW**

**PROFESSIONAL QUALIFICATIONS** •B.Sc (Glasgow) in Civil Engineering, 1963 •Dip. ICARB •P.Eng •Chartered Engineer  
•Chartered Arbitrator •FIEM •FICE •FCIARB •FMIARB •MASCE •MACEM

**ENGINEERING EXPERIENCE** dams; tunnels; water supply; sewerage; drainage & irrigation; flood control; highways; structures; residential, commercial & industrial buildings; aquaculture; reclamation; and project management.

**EXPERIENCE IN ARBITRATION AND ADR** Since 1984 appointed by IEM, KLRC, the High Court of Malaya and directly by Parties for more than 50 cases of arbitration, mediation and contractual adjudication. Acted as Expert Advisor to Parties for settlement of claims. Principally responsible for drafting and updating the IEM Arbitration Rules (2003, 2012 & 2016).

**TRAINER IN ARBITRATION** • Course Director and Tutor for CIARB Courses in Arbitration. • Visiting Lecturer for arbitration module for LLM course at University of Malaya. • Coach for Vis Moot Teams from University of Malaya and Diplomatic Academy of Vietnam.

### **POSITIONS IN PROFESSIONAL ORGANISATIONS**

•Past Chairman Chartered Institute of Arbitrators (CIARB), Malaysia Branch •Past President, Malaysian Institute of Arbitrators (MIARB) •Past Vice-President Institution of Engineers, Malaysia (IEM) •Past Vice-President Malaysian Invention & Design Society (MINDS) •Trustee, Invention Foundation of Malaysia

**Ir. LEON WENG SENG** graduated with Bachelor degree in Civil Engineering in 1980 and went on to obtain an honours degree in law with the University of London and a postgraduate Diploma in Arbitration with the University of Reading. He is a corporate member of The IEM and a registered professional engineer and is an advocate and solicitor of the High Court of Malaya (non practising).

Ir. Leon is the principal of a civil and structural engineering consultancy firm. He has vast experiences in the administration of construction contracts including giving advice on contractual, mediation, adjudication and arbitration matters. His other areas of particular interest are forensic engineering and investigation of collapsed structures and slopes, and assessment of fire damaged structures. He acts as expert witness in courts and arbitration. Ir. Leon is also a CIDB accredited mediator, Fellow and a Chartered Arbitrator of The Chartered Institute of Arbitrators in London and an Adjudicator of KLRC.

He is a committee member of the Subcommittee on Dispute Avoidance and Resolution Practice of the IEM and the past Chairman (2008–2010) of the Chartered Institute Arbitrators (CIARB) Malaysia Branch. He is sitting as arbitrator in many on-going arbitrations.

**Ir. HO KIN WING** BEng MSc CEng PEng MIEM MIStructE FCIARB holds a Bachelor's of Engineering degree in Civil Engineering and a Master of Science in Construction Law and Arbitration.

Wing started his career as a Structural Engineer in the late 80s in London, UK where he obtained his degrees and chartered engineer qualification. Since then he has worked in Malaysia as well as in a number of other Asian countries and in Europe, with projects in Africa, Asia, Europe and the Middle East. Projects that he has been involved in includes commercial and industrial buildings and plants, high rise residential developments, waste water treatment plants, integrated transportation hub and railway stations, river, railway and road bridges, off-shore platforms, sub-sea pipelines, floating, storage and offloading vessels, on-shore crude oil and gas processing facilities, LNG and petrochemical processing plants.

Wing became a Chartered Engineer in the UK in 1994 and a Professional Engineer in Malaysia since 1999. He has been a corporate member of the Institute of Structural Engineers UK since 1993 and a corporate member of the Institution of Engineers Malaysia and the Chartered Institute of Arbitrators since 1999.

He is on the panel of Arbitrators, Adjudicators and Mediators with the Kuala Lumpur Regional Centre for Arbitration and was accredited as a mediator by the Construction Industry Development Board, Malaysia.

He is a committee member of the IEM Subcommittee on Dispute Avoidance and Resolution Practice and Subcommittee of Engineering Contracts and was the Honorary Secretary of the Society of Construction Law Malaysia and Deputy Chairman of the Chartered Institute Arbitrators Malaysia Branch.

## **REGISTRATION AND FEES**

### **IEM Members**

- (1) Members are encouraged to pre-register online for this workshop not later than 7 days before the event. Payment of fee of RM10 (inclusive GST) shall be made online to <http://www.myiem.org.my>.
- (2) Registration is subject to availability of seats (limited to 100 first-come-first-served).
- (3) Late Registration and walk-in participants will be accepted subject to availability of seats and the fee is increased to RM15 (inclusive of GST).

### **Non-Members**

- (4) Non-members may register online (see para 1 above), or walk-in, subject to availability of seats, and payment of fee of RM25 (inclusive of GST).

## **PERSONAL DATA PROTECTION ACT**

I have read and understood the IEM's Personal Data Protection Notice published on IEM's website at <http://www.myiem.org.my> and I agree to IEM's use and processing of my personal data as set out in the said notice.