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## WORKSHOP ON DISPUTE AVOIDANCE – NO.4

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

Date : 27 August 2019 (Tuesday)  
Time : 5.30pm to 7.30pm  
Venue : C&S & TUS Lecture Room, 2<sup>nd</sup> Floor, Wisma IEM, Petaling Jaya  
Panel : Ir. Khoo Chong Keow, Ir. Leon Weng Seng & Mr. Ooi Huey Miin

BEM Approved  
CPD/PDP Hours: 2.0  
IEM19/HQ/348/W

### 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.

Participant who manage contract will benefit by learning from the experience of others and avoid disputes by taking active steps to deal with issues at an early stage.

### SYNOPSIS

This is the Fourth Workshop on **Dispute Avoidance**, in a series of workshops to be conducted regularly.

During the First Workshop held on 25 August 2016, Second Workshop held on 28 November 2016 and Third Workshop held on 26 July 2017, 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 to third 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 Fourth Workshop where the focus will be on

- (a) specific ISSUES which could arise with regard to **Loss and Expense** claims.
- (b) Calderbank offers as a method for early resolution and avoidance of disputes.

Participants are encouraged to submit case studies for discussion (see box below).

Yours sincerely

Ir. Khoo Choong Keow

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. IC Arb •P.Eng •Chartered Engineer  
•Chartered Arbitrator •FIEM •FICE •FCI Arb •FMI Arb •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 **CI Arb** 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 (**CI Arb**), Malaysia Branch •Past **President**, Malaysian Institute of Arbitrators (**MI Arb**) •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 (CI Arb) Malaysia Branch. He is sitting as arbitrator in many on-going arbitrations.

**MR. OOI HUEY MIIN** has been in legal practice since his admission as an Advocate and Solicitor of the High Court of Malaya in August 1999. He holds a Bachelor of Laws degree from the University of Sheffield, England and was called to the English Bar in October 1998 as a member of the Honourable Society of Middle Temple.

He practises in the field of commercial and civil dispute resolution with a focus on commercial alternative dispute resolution. He has appeared as counsel in all first instance and appeal levels of the Malaysian courts and in arbitrations, both domestic and international, on disputes covering a diverse range of areas.

In addition to acting in a representative capacity in litigation and arbitration disputes, he also sits as an arbitrator and adjudicator. He is a member of the Kuala Lumpur Regional Centre for Arbitration's arbitration, mediation and adjudication panels, a Fellow of both the Malaysian Institute of Arbitrators and the Chartered Institute of Arbitrators and also serves as a member of the Disciplinary Committee of the Malaysian Advocates & Solicitors Disciplinary Board and a Trainer in the Malaysian Bar Council's Advocacy Training Courses."

**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 RM15 (inclusive of SST) 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 RM20 (inclusive of SST).

**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 RM50 (inclusive of SST).
- (5) The bank account detail : IEM Account No. 6403-2001-0020-215 [Alliance Bank Malaysia Berhad]. Please send by email/fax a copy of the receipt/bank-in slip once the payment has been made with the registration form to [rahanum@iem.org.my](mailto:rahanum@iem.org.my).

**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.