

WEBINAR - WORKSHOP ON DISPUTE AVOIDANCE - NO. 5

Date : 24 November 2020 (Tuesday)

Time : 10.00 am to 12.00 noon

Platform : Zoom

Panelists

1. Ir. Shanmugaraj Pillai
2. Ir. Leon Weng Seng
3. Ir. Ho Kin Wing

Moderator : Ir. Zafrul Mahmood

LIMITED TO 90 PAX ONLY

Register Online at www.myiem.org.my

Fees : Members RM15.00 / Non Members RM70.00

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 Fifth Workshop on **Dispute Avoidance**, in a series of workshops to be conducted regularly at quarterly intervals.

During the first part of the workshop, members of the panel will share their insights on dispute avoidance and resolution processes from their experience working on a wide spectrum of engineering projects including buildings, water supply and treatment, solid waste treatment, infra-structure, offshore platforms and onshore oil fields. As part of dispute avoidance, the members of the panel will share their experience on how good project and contract management processes can avoid and reduce disputes as well as to how to settle potential disputes amicably.

The second half of the Workshop is to discuss any case studies submitted or any queries raised by participants.

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 AND DISPUTE RESOLUTION PROCESSES.

Participants who wish to submit case studies should do so **not later than 14 days before the actual date** of the scheduled Workshop. Information required in the description of the case study are:

The ISSUE

Background and the relevant contractual provisions related to the ISSUE

How the ISSUE arose and developed

Expected learning from the Case Study

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

(Please EMAIL to rahanum@iem.org.my the Case Studies / Problems Encountered call to 03-7968 4006)

BIODATA OF PANELS AND MODERATOR

PANELIST 1 : Ir. SHANMUGARAJ PILLAI graduated with a B. Engineering degree from University Malaya in 1979 and a degree in Law from the University of London in 1989 and Certificate in Legal Practice in 1990. He has a postgraduate Diploma in International Commercial Arbitration. He is a registered Professional Engineer with the Board of Engineers since 1985 and was practicing as a consultant engineer with various engineering consultancy firms for 12 years until 1991. He was called to the bar in 1992 and has been practicing law for the past 29 years specializing in construction and building law and arbitration. He is a committee member of the Subcommittee on Dispute Avoidance and Resolution Practice. He sits as an arbitrator and acts as arbitration counsel in a number of current arbitrations. He is a Fellow of the Chartered Institute of Arbitrators, a Mediator registered with the Bar Council and an Arbitrator on the panel of arbitrators of AIAC and IEM and an Adjudicator on the panel of AIAC.



PANELIST 2 : 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 AIAC. 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.

PANELIST 3 : Ir. HO KIN WING 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, the Middle East and in Europe, with projects in Africa, Asia, Europe and the Middle East working on a wide range of projects including buildings, infrastructure, oil and gas and petro-chemical plants. Wing is a Chartered Engineer, UK and a Professional Engineer, Malaysia He is also a Fellow of the Chartered Institute of Arbitrators. He is on the panel of Arbitrators, Adjudicators and Mediators with the AIAC and is 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 IEM Subcommittee of Engineering Contracts.



MODERATOR : Ir. ZAFRUL MAHMOOD P. Eng, FIEM, FCI Arb, FMI Arb holds a Bachelor of Science in Civil Engineering from the Northern Arizona University (1988) and a Post Graduate Diploma in Arbitration from College of Estate Management, Reading (2007). He has been a practising Professional Engineer and project manager , locally and abroad with various contractors and client organisations in the field of highway, rail and port. He is currently the Executive Vice Chairman of a multi disciplinary engineering consulting firm. He is on the panel of arbitrators of AIAC and IEM and Adjudicator on the panel of AIAC. He had previously served as Honorary Secretary of the Malaysian Institute of Arbitrators and presently, committee member of the Subcommittee on Dispute Avoidance and Resolution Practice.