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**1 CPD point being applied for from the Law Society of Hong Kong**

Dear Members and Friends in the industry

17 July 2015

**“Consultation on Security of Payment by Development Bureau : Future trend for Adjudication” presented by Mr Peter Clayton, Mr K K Cheung and Mr Wilson Lam at Hong Kong International Arbitration Centre, 38/F Two Exchange Square, Central, HK, on Tuesday 28 July 2015 at 6:30pm**

The Hong Kong Institute of Arbitrators (HKI Arb) is pleased to invite members to attend a talk supported by Hong Kong Federation of Women Lawyers (FIDA) on the topic of “*Consultation on the Proposed Security of Payment Legislation*”. The talk will be held on 28 July 2015 at 6:30pm at Hong Kong International Arbitration Centre, 38/F Two Exchange Square, Central, HK.

The Development Bureau of HKSAR Government had launched a public consultation upon consultation with a Task Group from the Building and Construction Sector as well as Department of Justice since 2011.

The Hong Kong Institute of Arbitrators is delighted to invite distinguish speakers from arbitration, adjudication and construction sector to introduce the key areas of this consultation to members, interested colleagues and professionals from legal discipline and construction sector. Some of the areas to be discussed are highlighted below:

- 1) Scope of the proposed Security of Payment Ordinance in future - implications to Government contracts, private sector construction contracts, consultants and suppliers, as well as all sub-contracts down the pipeline.
- 2) Written and/or Oral Contracts to be covered.
- 3) Exclusions under the proposed Security of Payment Ordinance.
- 4) Payment Rights - "Pay when Paid" clauses to be ineffective; Proposed Statutory Payment Period; Statutory and Contractual rights of payments in construction contracts; suspension of works for non-payment.
- 5) Types of disputes - Payments and Extension of Time. How the substance and scope of disputes can be clearly defined under the proposed new legislation?
- 6) Adjudication - Future trend; rights to adjudication; adjudicators training and qualification; rights to arbitration and litigation.
- 7) Impacts to legal, arbitration and ADR professionals etc.

### **About the Speakers**

**Mr Peter Clayton** is a Hong Kong solicitor and partner in international law firm Pinsent Masons. He specialises in construction and engineering law and has extensive experience advising on contract terms and live project issues as well as acting in arbitrations, mediations and court proceedings.

Peter began his career in the UK and has 16 years of experience pursuing and defending adjudications under the UK's security of payment legislation including acting for the successful contractor in one of the UK's leading Court of Appeal cases relating to enforcement of adjudicator's decisions, Carillion Construction Ltd v Devonport Royal Dockyard Ltd 2005. Peter is advising the Hong Kong Government on the proposed introduction of security of payment legislation for the construction industry in Hong Kong including rights to resolve disputes by adjudication.

Peter has a Masters Degree in Construction Law and Arbitration, is a Fellow of the Chartered Institution of Civil Engineering Surveyors in Hong Kong and regularly lectures on a variety of construction law topics.

**Mr K K Cheung** is a partner in Deacons in charge of their Construction and Arbitration Practice Group. He is fellow member of the Hong Kong Institute of Surveyors and Royal Institution of Surveyors. He acted for developers, contractors and sub-contractors in major construction dispute resolution. KK also has wide experiences in handling cross-border disputes, particularly those between Hong Kong and Mainland China. He acted for both local and overseas clients in arbitrations and litigation in Hong Kong and various parts of Mainland China. He is a member of the panels of the arbitrators in the Hong Kong Institute of



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Surveyors, Hong Kong International Arbitration Centre and China International Economic and Trade Commission and other arbitration bodies in PRC. He has been appointed as arbitrator and mediator in resolving commercial and construction disputes from time to time.

**Mr Lam Wai Pan Wilson** is a registered architect and authorized person in Hong Kong. He is a member of the Hong Kong Institute of Architects and corporate member of the Royal Institute of British Architects. He has 20 years of experience in architectural practice, building construction and project management. He had worked in both private and public sector to cover a wide range of commercial and residential developments, prestigious offices, urban design and redevelopments, and institutional buildings such as hospitals, schools, infrastructure and government complex. Besides, he is a Project Management Professional, BEAM Professional, Prince 2 Practitioner and Agile Practitioner and is experienced in various types of project management strategies. He is now working at the Architectural Services Department. He has also served the Hong Kong Institute of Architects in various committees including Urban Planning and Design Committee, Building and Lands Committee as well as Contract and Dispute Resolution Committee.

#### **Details of the talk**

<b>Date &amp; Time</b>	Tuesday 28 July 2015, 6:30pm-7:30pm (Registration at 6:15pm,)
<b>Venue:</b>	HKIAC, 38/F Two Exchange Square, Central, HK
<b>Fee</b>	Free of charge
<b>Remarks:</b>	Refreshments will be provided

Please register by returning the reply slip below to us by email [adr@hkiarb.org.hk](mailto:adr@hkiarb.org.hk) or fax no. (852) 2524-2171. 1 CPD point being applied for from the Law Society of Hong Kong. Seats are limited and registration is on first-come first-served basis.

I hope to see you at the talk.

Yours sincerely

Samuel Wong  
President

#### **Reply Slip**

To: HKI Arb, 38/F Two Exchange Square, Central, Hong Kong Fax: +852 2524 2171  
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I would like to attend the above talk on 28 July 2015 at 6:30pm at HKIAC, 38/F Two Exchange Square, Central, HK

Full Name: \_\_\_\_\_ Email: \_\_\_\_\_

Company: \_\_\_\_\_

Tel : \_\_\_\_\_ Fax: \_\_\_\_\_