



## **ANNUAL GENERAL MEETING 11 JUNE 2015**

### **CHAIRMAN'S REPORT**

**Douglas Wardale**

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## **1. Overview**

1.1. Yet again 2014-2015 proved to be another busy and successful year for the Society of Construction Law Hong Kong ("SCLHK" or "the Society"). We have conducted a busy calendar of well-attended seminars and apart from our regular events such as evening seminars, the One Day International Conference and the Christmas Cocktails, we re-introduced a special event at the midpoint between our annual conferences. Financially we saw a continued growth in our annual surplus which when combined with our healthy bank account has allowed the SCLHK to enhance our prizes to the universities as well as introducing a Scholarship Scheme. Presentations to the winners of the SCLHK Scholarship will be made at the end of this AGM.

## **2 SCLHK Council**

2.1 SCLHK's Council typically includes a mix of representatives from various sectors of the construction law field, including solicitors, the Bar, Government, consultancy firms and contractors. The Council for 2014-15 was no different, although we were without a contractor representative, which we hope will be addressed in the future. We had a full Council of 16 as allowed by the Constitution together with 4 further co-opted members of the Council during the year. The SCLHK Council for 2014-15 including co-opted members was as follows:-

- Douglas Wardale (Consultant), Chairman
- Colin Dodd (Solicitor) Vice Chairman and Publicity Coordinator
- Nicholas Cooney SC (Barrister) – Scholarship Sub- committee
- Ian Pennicott SC QC (Barrister), Secretary
- Simon Wu (Consultant), Treasurer
- Venna Cheng (Solicitor), Assistant Secretary,
- Nicholas Turner (Solicitor), Assistant Treasurer
- James Longbottom (Consultant), Membership Secretary
- John Cock (Consultant), Council Member
- Ian Cocking (Solicitor), Council Member
- Thomas Lee (Barrister), Council Member
- Graham McNeill (Consultant), Council Member
- Ken Somerville (Solicitor), Council Member
- Keith Wingrad (Solicitor), Council Member)

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- Kim Barton (Solicitor), Council Member
  - Edmund Wan (Solicitor) Council Member
  - Tony Kwok (Consultant) (co-opted Council Member)
  - Mike Allen (Consultant), (co-opted Council Member)
  - Alan Chan (Consultant), (co-opted Council Member)
  - Calvin Cheuk (Barrister), (co-opted Council Member)
- 2.2 The Council met on 11 occasions during the year and the meetings were well attended.
- 2.3 In accordance with the Constitution of the SCLHK, one third of the Council is required to retire each year. As we have a full Council of 16 members that means 5 members have to retire from the Council. 5 members of the Council namely John Cock, Ian Cocking, Nicholas Cooney SC, Nicholas Turner and Ken Somerville have stood down and Messrs. Cooney, Turner and Somerville have indicated that they do not wish to be re-nominated to Council. Messrs. Cock and Cocking are deemed to have put themselves up for nomination and thus 3 places on Council are available for 2015-2016.
- 2.4 In addition to the 2 members deemed to have placed themselves up for nomination (in paragraph 2.3 above), a further 3 nominations have been received for election to the 2015-2016 Council from Alan Chan, Calvin Cheuk and Sheona Campbell. A consolidated list of members standing for election 2015-2016 is contained in Attachment 1.
- 2.5 Based on the vacancies left on the Council and the above nominations, a vote for the 2015-16 Council can be done ‘en bloc’..
- 2.6 The Council welcomes members to volunteer as co-optees. In practical terms, co-optees form an important part of Council and are as valuable as elected Council members. We have received expressions of interest from Mike Allen, Richard Lyons and Tim Hallworth to become co-optees for 2015-2016. This will be discussed at the first meeting of the new Council.
- 2.7 As I have mentioned above this year 3 of our longest serving Council members have decided to retire. Ken joined Council in 2001, was chairman in 2005-2006 and has provided a valuable contribution in organizing our sponsorship of the university prizes. Nicholas Turner joined Council in 2008 and was chairman in 2011-2012. Nicholas has contributed in many areas of the running of SCLHK including Treasurer and dealing with issues pertaining to statutory and constitutional matters. The last of the retirees is

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Nicholas Cooney. Nicholas joined council in 2008 and has been a staunch supporter of Council over the past years and was instrumental in coordinating the introduction of our new initiative – the SCLHK Scholarship.

- 2.8 On behalf of all the members I would like to thank all three of you for your invaluable contributions to making the SCLHK a success over the past years.

### **3 Events & Meetings**

- 3.1 Not including this evening's AGM, we have held 12 events under the current Council. A complete list of these events is shown in Attachment 2. It goes without saying that we are indebted to all our speakers for taking the time and trouble to share their thoughts with us and for preparing such outstanding papers and talks. We are aware of the time and effort that goes into this activity and are grateful for all of their contributions. Papers, where provided by speakers, have been placed on our website in the special member's area and hard copies will, as usual, be distributed to members.
- 3.2 I would like to express my thanks to Kim Barton and Edmund Wan who have supported me throughout the year. Finding and convincing people give talks, lectures and seminars is quite a demanding exercise, as is the organizing of the venues.
- 3.3 It was always going to be a challenge to come up with another successful format for the One Day Conference. The Conference was held on the 7<sup>th</sup> November 2014 at the Hong Kong Football Club with a new format centred around panel debates. The 4 sessions focused on the process of dealing with a dispute from commencement through to the hearing. Again, this was conducted in front of a capacity audience. The pre-conference cocktails were held at the China Club in the Old Bank of China Building and this function and the expenses of our keynote speaker were covered by our sponsors; Atkin Chambers, 39 Essex Street, Keating Chambers, 4 New Square, 4 Pump Court from the UK and Des Voeux Chambers, Gilt Chambers and Pacific Chambers from Hong Kong.
- 3.4 We were very honoured to have Madam Justice Mimmie Chan who delivered the Opening Address and The Hon. Mr. Justice Edwards-Stuart, from the Technology and Construction Court in the UK, who not only delivered the Keynote Address but also chaired the final session of the day.
- 3.5 As I mentioned in the Overview we re-introduced a special event on the 28<sup>th</sup> May 2015. This consisted of a half day workshop and evening seminar on Adjudication and was delivered by Mr. Justice Peter Coulson, another judge from the TCC in the UK.

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Sir Peter was joined at the workshop by Philip Boulding QC and Peter Clayton (from Pinsent Masons). Both events were very successful and well attended especially the afternoon workshop which compared adjudication in various jurisdictions but concentrated on Hong Kong in particular. I thank all those involved in the organization of and the participation in the event.

- 3.6 Finally, we also held an annual Christmas cocktails event on Wednesday 10<sup>th</sup> December 2014 again held at the Foreign Correspondents' Club (FCC) at which members and guests were entertained by a musical duo. I would like to thank the sponsors below (in no particular order), as without their assistance the event would not have been possible:

Fried Frank; Mayer Brown JSM; Haley & Co; Hogan Lovells; Minter Ellison; Clyde & Co; Holman Fenwick Willan; Pinsent Masons; Deacons; Jones Day; Stephenson Harwood; King & Wood Mallesons; and Li & Partners.

- 3.7 Following our usual tradition, donations were collected from those attending the cocktail event and I am pleased to report that HK\$19,000 was raised for the Lighthouse Club on the evening which will be used to help the families of workers killed or injured in construction accidents in Hong Kong.

#### **4 Membership**

- 4.1 Over the past few years we have seen a gradual growth in the membership ; 2012-2013 256 members, 2013-2014 members 306 and 2014-2015 members 315.
- 4.2 James Longbottom our membership secretary reports that renewals for the 2015-16 year have improved on 2014-15 with current membership already standing at 252 as of the end of May 2015.

#### **5 Finance**

- 5.1 The SCLHK's Treasurer, Simon Wu, will report separately on the Society's financial position. However, it is worth noting that our financial strength is allowing SCLHK to commit to financing initiatives such as the university student prizes and law scholarships.
- 5.2 For the past several years, we have offered members the option of renewing their membership at a higher "all-inclusive" rate. By paying this "all-inclusive" rate, members are entitled to free entry to all events apart from the special events. This option will be continue to be offered and is becoming more popular each year, although

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the Council needs to keep a close eye on this, in particular the problem of members registering for events but not attending, this causing our catering ordering to be inaccurate.

## **6 Website**

- 6.1 SCLHK maintains a website (www.scl.hk) as a service to members. Continual improvements are made to the site for the benefit of members, and online renewal of membership is now possible. Further improvements include the ability of members to update their own personal details such as passwords, email address and correspondence address in the member's area so as to keep in touch with the Society.
- 6.2 As with previous Conferences, the SCLHK developed a special "mini-site" for the 2014 One Day International Conference, which enhanced promotion and delivery of the Conference, as well as acting as a site for the storage of presentation materials and photographs from the conference. I would like to thank John Cock for all his efforts in maintaining the site over the past year.

## **7 SCLHK Student Prizes and Scholarships**

- 7.1 This year saw the first students receiving prizes in construction related law subjects. Council has agreed to increase the prize money to the universities and discussions are ongoing as to how this will be implemented. My thanks go to Ken Somerville and Calvin Cheuk for all their efforts in running this
- 7.2 A new addition this year was the Society of Construction Law Hong Kong Scholarship. Council had decided to sponsor up to 4 candidates who would be undertaking pupillage with a practicing barrister whose practice is in the area of construction. We received 4 applications of which 2 were recommended by the Scholarship Committee for the award. These were Mr. Matthew Cheung and Mr. Kaiser Leung who are here tonight to receive their awards. My thanks go to Nicholas Cooney SC, Ian Cocking and Calvin Cheuk for making this happen.

## **8 SCL International**

- 8.1 During this year the existing SCL bodies around the world formed "SCL International" with the objective of establishing and maintaining the identity of SCL International along with developing co-operation between the various SCL's. There are currently about 20 members worldwide of the organization and each SCL will load any papers

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onto the SCL International website and access is available to all SCL members. Regular conference calls maintain communication between the member Societies.

## **9 Thanks**

- 9.1 I wish to thank the members of the Society for their continuing interest in and attendance at our events.
- 9.2 Whether mentioned in this report or not, I take this opportunity to thank all of my fellow Council members for supporting me throughout the year. The running of the Society of course is a team effort and all our Council members have contributed without hesitation for the benefit of the Society, and I am grateful to them.
- 9.3 Finally, I would also like to thank the staff of HKIAC who, under the direction of Primrose Law, have provided administrative services for the Society since our inception and without which we would be unable to function effectively. Sadly Primrose is leaving the HKIAC at the end of August and we wish her every success in whatever she decides to do.

**Doug Wardale**  
**Chairman Society of Construction Law Hong Kong**  
**2014-2015**



**ATTACHMENT 1 – NOMINATIONS**

- Douglas Wardale (Consultant),
- Colin Dodd (Solicitor),
- Ian Pennicott QC (Barrister),
- Simon Wu (Consultant),
- Venna Cheng (Solicitor),
- James Longbottom (Consultant),
- John Cock (Consultant),
- Ian Cocking (Solicitor),
- Thomas Lee (Barrister),
- Graham McNeill (Consultant),
- Keith Wingrad (Solicitor),
- Kim Barton (Solicitor),
- Edmund Wan (Solicitor)
- Alan Chan (Consultant),
- Calvin Cheuk (Barrister),
- Sheona Campbell (Solicitor)

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ATTACHMENT 2 – EVENTS 2014-2015

No	Date	Event	Speakers(s)
1	17-Jul-15	Evening talk - Global Disputes by Numbers	Mike Allen (Arcadis)
2	11-Sep-14	Evening talk - NEC3 Lessons Learned	Steve Beaumont (Quantum ME)
3	13-Oct-14	Evening talk - The Issue of Concurrency	Dr. Franco Mastrandrea and Mr Steve Briggs, (Hill International)
4	07-Nov-14	One Day International Conference	Various UK and Local
5	13-Nov-14	Evening talk - Can an Employer ever be under a duty to instruct a variation?	Michael Sergent (Holman Fenwick Willan)
6	27-Nov-14	Evening talk - Expert Determination – What is it and how should it be used?	Michael Cohen and Augustus Ullstein
7	10-Dec-14	Christmas Cocktails	
8	15-Jan-15	"Constructing Compliance – The Competition Ordinance and the Hong Kong Construction Industry"	Joshua Cole ( King & Wood Mallesons)
9	12-Feb-15	Evening Talk - Adjudication: The Good, The Bad, and The Ugly	Jeremy Nicholson QC , 4 Pump Court/ Arbitration Chambers HK
10	28-Apr-15	Evening talk - Supplemental Agreements - what could go wrong?	Anthony Houghton SC Des Voeux Chambers
11	28-May-15	1/2 day Adjudication Workshop -	Sir Peter Coulson - TCC UK, Philip Boulding QC - Keating Chambers and Peter Clayton - Pinsent Masons
12	28-May-15	Evening talk - Adjudication in the UK: 20 Years On	Sir Peter Coulson, TCC UK

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