



The Lighthouse Club

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Lighthouse Club International Construction Conference

**Design for Safety
and
Collaborative Contracting
to deliver
Safer, Sustainable Infrastructure Projects
on Time and within Budget**

**Hong Kong Convention and Exhibition Centre
Wednesday, 17th January 2024**





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Introduction

Lighthouse Club International is delighted to present this Construction Conference entitled “Design for Safety and Collaborative Contracting to deliver Safer, Sustainable Infrastructure Projects on Time and within Budget”. With the adoption of the NEC form of contract by the Hong Kong Government as standard practice on public works projects and its regular use by other clients on their infrastructure projects in Hong Kong and overseas, this conference will focus on collaborative contracting as being the most effective contracting model under which project management teams can work together to deliver safe and sustainable projects on time and within budget.

This will be of particular interest to all those who participate in the construction industry both in Hong Kong and elsewhere. Whatever their role, all construction professionals will have faced challenges, whether that be in relation to the health and safety of personnel under their supervision on site or potential defects in designs causing safety hazards and rectification work or risk of claims and disputes through poor contract documentation or poor contract administration or such other pitfalls inherent in any construction project. Such challenges are being addressed by initiatives such as BIM, NEC and other collaborative initiatives to improve performance and ensure that health and safety, sustainability and time and cost targets are met.

In addition to the opportunity for those attending of sharing new ideas in improving the performance of the construction industry through collaboration, this conference will provide:

- unique networking and marketing opportunities for developers, contractors, subcontractors, suppliers, consultants, lawyers, trade associations, professional institutions and individuals within and associated with the construction industry; and
- continuing professional development opportunities for individuals who need to further develop their capabilities in order to be better prepared to deal with the global economic challenges faced by the construction industry, through increased efficiency, innovation and motivation.

The Lighthouse Club Charity

The proceeds from this Lighthouse Club Conference will directly benefit **the Lighthouse Club International Benevolent Trust** which is devoted to:

- relieving poverty and financial need suffered by persons employed or formerly employed within the construction industry and the dependants of such persons, where such persons, widows, widowers, children and dependants are suffering hardship as a result of accident, disability or ill-health;
- providing or assisting with the provision and advancement of education for persons employed or formerly employed within the construction industry, and the widows, widowers, children and dependants of such persons, where poverty is preventing such persons and dependants from fulfilling their education; and
- providing or assisting with the provision and advancement of education, being education and training in the construction industry, for persons who desire to obtain such education and training, but where poverty is preventing such persons from fulfilling such education and training.

Organization

The Lighthouse Club Hong Kong Branch is proud to organize this conference on behalf of Lighthouse Club International.



Conference Programme

Main Sessions (09:00 to 12:45) – Room S421 (Main Hall)

(Moderator: Mr. John Battersby)

- 09:00 **Welcome and Introduction**
Mr. John BATTERSBY
Honorary Life Chairman and President of Lighthouse Club International
- 09:10 **Opening Address**
Ar Prof Ada Y S FUNG, BBS
President of the Lighthouse Club Hong Kong Branch
- 09:30 **CEDD's Collaborative Contracting Programme**
Keynote Address by:
Ir Michael FONG Hok Shing, JP
Director of Civil Engineering and Development
- 10:00 **Collaborative Contracting with the MTR Corporation**
Presentation by:
Ir Carl DEVLIN
Capital Works Director, MTR Corporation Limited
- 10:30 Coffee Break – Room S421 (Foyer)
- 11:00 **Safety in Construction**
Presentation by:
Ir Thomas HO On-sing, JP
The Chairman of Construction Industry Council
- 11:30 **Legal Points arising from NEC4**
- Are the duties of acting in a spirit of mutual trust and co-operation enforceable at law?
 - Does the Project Manager have a duty to act impartially as an independent certifier when assessing payments and the time and cost effects of compensation events?
 - When assessing a compensation event after its effects have occurred, is the Project Manager still under an obligation to forecast Defined Cost of work not done by the dividing date, taking account of risk allowances for cost (including cost of time risk) for matters which had a significant chance of occurring and were not compensation events?
 - Would the Project Manager's failure to carry out any of his duties under NEC4 ECC (e.g. under 1 to 3 above and under core clause 64.1) amount to a compensation event under clause 60.1(18)?
- Panel Discussion among leading Construction Industry Lawyers
- Chair:
Mr. Ben BURY
Director, Group General Counsel, Gammon Construction Limited
- Panelists:
- | | | |
|---|---|--|
| Mr. Edmund WAN Partner King & Wood Mallesons | Mr. Bernard ANG Partner Pinsent Masons | Mr. Glenn HALEY Partner Bryan Cave Leighton Paisner LLP |
|---|---|--|
- 12:45 Lunch – Rooms S426 – S429
- 14:00 Concurrent Breakout Sessions (14:00 – 17:00)
- 15:15 Tea Break (15:15 – 15:45) – Room S421 (Foyer)
- 17:00 **Design for Safety Awards**
(all together in main hall [Meeting Room S421])



Conference Programme

Concurrent Breakout Sessions (14:00 to 17:00)

Breakout Session No. 1 (Meeting Room S425)

Design for Safety Workshop

comprising presentations by Finalists of Lighthouse Club International Design for Safety Awards and discussions among workshop participants

- 14:00 Introduction
Mr. Robert GORDON
Director, Buro Happold, Hong Kong
- 14:13 MTR Corporation Limited
- 14:26 Gammon Construction Limited
- 14:39 PERI (Hong Kong) Limited
- 14:52 PERI (Hong Kong) Limited
- 15:05 Leighton-Chun Wo JV
- 15:15 Tea break (Room S421 – Foyer)
- 15:45 Gammon Construction Limited
- 15:58 Yau Lee Construction Limited
- 16:11 China Road and Bridge Corporation
- 16:24 CLP Power Hong Kong Limited
- 16:37 Group Discussion
- 16:50 Wrap up

Breakout Session No. 2 (Meeting Room S421)

NEC4 Workshop

comprising presentations by and discussions among Experienced Construction Industry Practitioners

- 14:00 Introduction by **Mr. John BATTERSBY** and preliminary comments by panelists on “Mutual Trust and Co-operation – what does it mean?”
- 14:25 “Effective risk management through selection of NEC4 procurement options”
presentation by **Mr. Robert GERRARD**
Senior NEC Consultant, Thomas Telford Limited
- 14:50 “Improving planning and programming performance to avoid time overruns”
presentation by **Mr. Ben BURLEY**
Managing Director, Secretariat
- 15:15 Tea Break (Room S421 – Foyer)
- 15:45 “Effective management of change through proactive cost and time estimation”
presentation by **Mr. James JOHNSON**
Director, The Contracts Group
- 16:10 “Keys to successful target cost contracting”
presentation by **Mr. Raymond CHU**
Director – Contract Services,
BKAsiaPacific (Hong Kong) Limited
- 16:35 “Involving subcontractors in NEC4 and challenges of SOP”
presentation by **Mr. John BATTERSBY**
Group Managing Director, BKAsiaPacific

Breakout Session No. 3 (Meeting Rooms S423-S424)

Safety Workshop

(Workshop Leader: **Mr. Tony SMALL**)

Understanding Safety Violations of Hong Kong Construction workers by adapting the Theory of Planned Behaviours

- 14:00 Presentation by: **Dr. Ada TSANG**, PHD HKU

Adoption of advanced technologies and innovation in construction for enhancing Health, Safety and Sustainability

- 14:45 Presentation by: **Milwaukee Tool Asia**
- 15:15 Tea Break (Room S421 – Foyer)
- 15:45 Presentation by: **Hilti (Hong Kong) Ltd.**
- 16:15 Presentation by: **Digital G Limited**

- 17:00 Design for Safety Awards**
(all together in main hall [Meeting Room S421])



Introducing the Conference Speakers

The Conference Speakers, in the order of their appearance, are as follows:

Ar Prof Ada Y S FUNG, BBS, FHKIA, FCIQB, Registered Architect, is Honorary Professor of the Faculty of Architecture, and Adjunct Professor of the Department of Civil Engineering of the University of Hong Kong.

She is a member of the HKSAR's Occupational Safety and Health Council, President of Lighthouse Club (HK), President of Temporary Works Forum (HK), President of Hong Kong Alliance of Built Asset & Environment Information Management Associations, Chairperson of Hong Kong Chapter of buildingSMART International, Advisor to the Hong Kong Federation of Occupational Safety & Health Associations, Advisor to the Institute of Occupational Safety and Health (HK) etc.



Ada is a member of HKSAR's Advisory Council on the Environment, Logistics and Supply Chain MultiTech R&D Centre, Panel of Advisors for Land Sharing Pilot Scheme, Green Tech Fund Assessment Committee etc.

She is Former Deputy Director of Housing of HKSAR Government, Former Director and Board Secretary of World Green Building Council, and Former Director of Hong Kong Green Building Council.

Ir Michael FONG Hok Shing, JP is currently the Director of Civil Engineering and Development, leading the Department in taking forward Hong Kong's new town development and land supply projects, among which are the Northern Metropolis and the Lantau Tomorrow Vision that serve as the two key drivers for the social and economic growth of Hong Kong.

Over the past 30 years, Ir Fong held numerous positions in various works departments and the Development Bureau (DEVB), including Chief Assistant Secretary of DEVB, Assistant Director / Projects and Development of Drainage Services Department, Deputy Project Manager of the West Development Office of Civil Engineering and Development Department (CEDD), and Head of Sustainable Lantau Office of CEDD.

Ir Fong is widely known in the construction industry as a determined champion of construction safety and innovation technologies.





Introducing the Conference Speakers

Ir Carl DEVLIN is the Capital Works Director of MTR Corporation Limited, responsible for leading the Capital Works Business Unit and overseeing the Company's capital works portfolio, covering new railway extensions and operations projects.

Ir. Devlin possesses extensive experience across a range of large-scale, complex, and multi-disciplinary projects in different sectors including transport, rail and civil infrastructure, aviation, energy, oil and gas. He has a strong project management background with solid business leadership experience and has worked successfully with stakeholders and international companies in the United Kingdom, New Zealand, Australia, United States of America, Canada, and Japan.

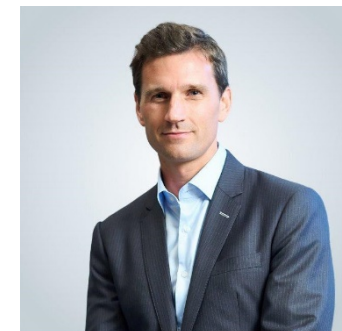


Ir. Devlin is a Fellow Member of The Hong Kong Institution of Engineers and a Chartered Member of Engineers Ireland.

Ir Thomas HO On-sing, JP is the Chairman of the Construction Industry Council (CIC). The mission of CIC is to CONNECT, LEAD and EXCEL. He possesses over 40 years of experience in construction industry. He has been dedicated to spearheading project management and general management, safety initiatives, sustainable development and innovation excellence in the construction industry. He is recognised by the industry as the figurehead in promoting excellence in construction management, safety leadership, as well as sustainable and quality construction. After joining CIC, he promoted Mi-Infinity, Integrated Common Data Environments and holistic Robotic Construction, he also insisted Design for Safety, High Productivity and Sustainability in the future of Construction. Livability and Well-being will be the ultimate game. In recognition of his advanced mindset in advocating innovative and green construction initiatives, Ir HO received the Outstanding Achievement Award from Hong Kong Institute of Construction Managers in 2018.



Mr. Ben BURY is Director, Group General Counsel of Gammon Construction Limited. Ben joined Gammon in 2023. For more than 18 years, Ben has worked on the legal aspects of major construction projects in Hong Kong, Singapore and across the globe. He is qualified in Hong Kong, England and Wales and was a Registered Foreign Lawyer in the Singapore International Commercial Court. Prior to joining Gammon, Ben was a Partner in the construction team at a large international sector-focused law firm. He has been based in Asia since 2011 and has been involved in complex assignments across the region. Ben is highly commended in the legal directories and, in 2021, at the age of 38, Ben was named by Asia Legal Business on their list of the 40 best lawyers in Asia under 40. Ben oversees the Legal Department covering governance, legal advice, compliance, insurance, and company secretarial services.





Introducing the Conference Speakers

Mr. Edmund WAN is a partner in the Hong Kong office of King & Wood Mallesons. He has a broad disputes practice involving construction, commercial, banking and finance, insolvency, competition and employment, frequently with cross-border issues. He is experienced in conducting litigation, arbitration and mediation in these areas. He is also a CEDR Accredited Mediator.



Edmund advises contractors, consultants and developers/employers on building and infrastructure projects in Hong Kong and around Asia, including conducting mediations, conciliations, arbitrations and litigations. He advises on all aspects of construction, including project documentation and drafting, project management issues, safety and environmental regulations, and negotiation and management of claims and disputes.

Edmund also represents a wide variety of clients in commercial mediation, arbitration and litigation involving private equity investments, distribution agreements, manufacturing and supply contracts, assessment of land premium, breach of good faith, rights issues, placing and underwriting of shares, shareholders disputes, conversion of personal property, general contractual disputes and professional services matters.

Edmund has been recognised as Leading Construction and Dispute Resolution (Litigation) Lawyer by *Chambers Greater China Region*. He is a co-author of *Chitty on Contracts - Hong Kong Specific Contracts, Arbitration in Hong Kong - A Practical Guide*, and *Commercial Litigation in Hong Kong - A Practical Guide*.

Mr. Bernard ANG is a partner of Pinsent Masons. He is a construction lawyer specialising in large infrastructure projects. He has over 30 years post qualification experience in construction, having previously worked in Singapore and Australia, before moving to HK in 1998. He is qualified in Hong Kong, Singapore and in England and Wales.



Within the wider construction practice at Pinsent Masons Hong Kong, Bernard leads a team of specialist transactional lawyers who advises clients in the region throughout all stages of a construction project, with a particular focus on initial procurement advice/structuring, contract and tender preparation and negotiation. He has a significant track record in continuing to advise clients, post contract, on project risks mitigation strategies, claims management and dispute avoidance, helping clients achieving completion to targets.

Bernard is recognised as a leading Hong Kong construction lawyer in *Who's Who Legal* since 2015.



Introducing the Conference Speakers

Mr. Glenn HALEY has 40 years' experience in all aspects of major projects, infrastructure and the construction and engineering sectors, in both contentious and non-contentious matters.

He is considered one of Hong Kong SAR's pre-eminent dispute resolution practitioners as is recognised by Who's Who of Construction Lawyers, Legal 500 Asia Pacific, Chambers & Partners Greater China Region and Asia Law. He has been listed in Legal 500's "Hall of Fame, Construction, Hong Kong" since 2021.



He has also represented government and semi-government bodies in the implementation of numerous large-scale infrastructure developments, including airports, rail projects, bridges, roads, tunnels, power generation projects and commercial structures.

Glenn is a Chartered Arbitrator, and as well as his considerable and varied experience in both litigation and arbitration, Glenn has been a Chairman of the Buildings Appeal Tribunal, a Hong Kong Law Society Prosecutor and has acted in various disciplinary tribunals for professional bodies and sporting bodies.

Glenn has lived and worked in Hong Kong SAR for the past 35 years, handling matters throughout the Asia Pacific region.

Mr. Robert GORDON, MEng CEng FICE FHKIE RPE (CVL) MAPM, is a Director of Buro Happold, Hong Kong. Robert has over 28 years' engineering consultancy experience, with the last 12 years in Hong Kong leading multi-disciplinary engineering teams. Robert is a Fellow of both the Institution of Civil Engineers and the Hong Kong Institution of Engineers. Initially implementing his engineering skills across highway and railway infrastructure projects in the UK, Taiwan, Hong Kong and other locations in Asia, Robert's portfolio of experience broadened at a management level to include universities, theatres, waste facilities, high-rise mixed use buildings, metro stations, master planning studies, and airport buildings. Some examples include the Bangkok Elevated Expressway, the Taiwan High Speed Railway, Xiqu Centre and Freespace Theatre at West Kowloon, NEOM Oxagon N&S and NEOM Epicon in KSA. Robert volunteers with Lighthouse Club International (Chairman) and with Lighthouse Club Hong Kong (Immediate Past Chairman), encouraging fellowship, learning and charity across the construction industry in both Hong Kong and internationally. Robert has also been leading the organisation and judging for the Lighthouse Club's annual International Design for Safety Competition since its inception in 2015.





Introducing the Conference Speakers

Mr. John BATTERSBY is Honorary Life Chairman and President of Lighthouse Club International. He is Group Managing Director of BKAsiaPacific Limited and a Registered Professional Quantity Surveyor (Hong Kong) and Chartered Construction Manager having worked in the construction industry for 57 years, 41 years of which have been spent working on projects in Hong Kong, China and South East Asia. He is a Fellow of the Chartered Institution of Civil Engineering Surveyors, Chartered Institute of Building, Hong Kong Institute of Construction Managers, Chartered Institute of Arbitrators and Hong Kong Institute of Arbitrators and a Member of the Royal Institution of Chartered Surveyors and Hong Kong Institute of Surveyors.



John has acted as an expert witness several times, both in arbitration and litigation, in respect of additional cost/loss and expense/damages claims, measurement issues, adjustment of rates, valuation of variations and causes and effects of delays to construction works. He has acted both as party appointed expert and “single joint expert” (or “tribunal expert”). He is a Practising Member of the Academy of Experts and accredited by the Academy as an Expert. He has also been appointed as Arbitrator, Assessor, Adjudicator, Mediator and Dispute Resolution Advisor several times.

From his firsthand experience of what can go wrong on various building and civil engineering projects, John understands the importance of dispute avoidance through collaborative/cooperative contracting. He has also worked on target cost contracts utilizing collaborative/cooperative working procedures as well as NEC lump sum and measurement contracts and has conducted numerous seminars and workshops on these subjects.

Mr. Robert GERRARD, BSc(Hons), FRICS, FCInstCES, NECReg, is Senior NEC Consultant and Secretary of NEC Users’ Group.

Robert specialises in NEC contracts, both setting these up and successfully managing them. He has 41 years’ experience in contract management and carries out training and consultancy around the world. Robert is based in Hong Kong and works as a Senior NEC Consultant for Thomas Telford Limited.



He is an examiner for the Institution of Civil Engineers Certificate in Law and Contract Management course and has also held the position of NEC Users’ Group Secretary from 2006 to date. Robert was an NEC4 Contract Drafter, part of the NEC3 contracts working group and an Accredited NEC4 ECC Project Manager.

Robert is also an Accredited Mediator through the London School of Mediation, registered through the UK Civil Mediation Council and is a member on mediation panels in UK, Hong Kong and New Zealand. He is currently studying an online Master in Laws (LL.M.) degree programme in Mediation and International Commercial Dispute Resolution at Newcastle University, UK.



Introducing the Conference Speakers

Robert's publications include NEC3 and NEC4 Compared (2017), NEC2 and NEC3 Compared (2005), joint author in NEC4 Avoiding and Resolving Disputes (2019), NEC4 Practical Solutions (2017) and NEC3 Practical Solutions (2015).

Mr. Ben BURLEY is a Managing Director with Secretariat, specialising in consulting on construction projects in the area of delay analysis. Mr. Burley is an experienced Expert and specialises in high value complex International Arbitrations with a particular focus on APAC and EMEA. Mr. Burley's practice involves analysis of delay, disruption and acceleration arising to construction and engineering projects or programs of work to assist in the resolution of complex disputes.



His clients benefit from his extensive delay, planning, programming and project controls experience. He has developed his skills in multiple sectors including building, infrastructure, shipbuilding and oil and gas projects. He has been appointed expert witness relating to time, delay, concurrent delay and disruption. Mr. Burley has provided expert reports and oral evidence in support of his opinion to various dispute resolution forums, specifically litigation, arbitration, adjudication and mediation. As well as traditional cross examination Mr. Burley is also experienced in witness conferencing or 'hot tubbing' in multiple different forms.

Mr. James JOHNSON is a Director of The Contracts Group. James, a seasoned Chartered Quantity Surveyor with 30 years of experience in the Hong Kong construction industry, is a distinguished expert in project controls and risk management. Specialising in contract and commercial issues, dispute resolution, and legal matters, James is an accomplished professional. His extensive background includes consulting on NEC projects and a pivotal role in the preparation of DevB's NEC practice notes. With an unwavering commitment to integrity and a knack for deciphering complex project documentation, James brings a wealth of experience. As he delves into effective change management through proactive cost and time estimation, anticipate a blend of expertise, practical insights, and a proven track record.





Introducing the Conference Speakers

Mr. Raymond CHU, BSc(QS), LLB(Hons), LLM(Arb & DR), MHKIS, MRICS, MCInstCES, RPS(QS), Accredited General Mediator (HKIAC and HKMAAL), Accredited Adjudicator (HKIS Panel), Certified NEC Professional, is a Director – Contract Services, of BKAsiaPacific (Hong Kong) Limited. Raymond is a Quantity Surveyor by profession, Accredited General Mediator, Expert Witness (Quantum), Accredited Adjudicator (HKIS Panel) and provider of Contract and Commercial Management services to various clients and also a NEC Advisor.



He has 30 years' experience in the construction industry on projects in Hong Kong and China, with 25 years specializing in infrastructure, civil engineering projects and, in particular, railway projects.

Raymond is the NEC Advisor of ArchSD contract SS H503 (a pilot building project using NEC 3 Option C) – this project won the 2023 NEC Award Building/FM Category. It is a recognized example of the successful implementation of NEC Option C and collaborative teamwork. In March 2023, Raymond together with other team members of the SS H503, gave a presentation to the delegates from the Singapore's Building Construction Authority for experience sharing.

Since 2021, Raymond has been appointed by different organisations to provide guidance to them the transitions from traditional contract forms to NEC and assisted them in tendering NEC4 contracts for HKG and MTR projects and post-contract administration.

Dr. Ada TSANG works for Chinachem Group as Assistant Quantity Surveying Manager, responsible for construction cost management and contract administration. She is also a lecturer of Vocational Training Council for Technically Competent Person training course and Chu Hai College of Higher Education for Bachelor of Engineering (Hons) course in Construction Engineering and Management. She is passionate about construction safety management and has completed a doctoral research degree for investigating safety violations of the construction workers in Hong Kong.



This research has won two awards from the Hong Kong Institution of Engineers as well as the Occupational Safety and Health Council.

Before joining Chinachem, she was a Project Quantity Surveyor of Gammon Construction Limited and was responsible for various building and civil projects in Hong Kong. She graduated with a PhD in Construction Safety Management and a BSc in Surveying from the University of Hong Kong.



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Supporting Organisations

The Lighthouse Club is grateful for the support of the following organisations for assisting in the promotion of this conference, and whose members are entitled to a discounted rate for conference registration.



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