



and IBC Legal are proud to present the inaugural

FIDIC Asia-Pacific Contract Users' Conference

The essential review of the latest developments in FIDIC contracts brought to you by international FIDIC experts

29th - 30th June 2009 • InterContinental Hotel, Hong Kong

Register by 5th June 2009 to save **USD200**

Following 21 years of success in London, the premier FIDIC Contract Users' Conference is coming to Hong Kong!

Don't miss this unique opportunity to:

- **Uncover best practice for the operation of FIDIC contracts in Asia-Pacific** by sharing the recent experiences of contractors, lawyers and banks in the region
- **Update your understanding of the full range of FIDIC contracts** and the latest developments, including:
 - The Design-Build-Operate Form
 - MDB Harmonised Edition
 - The new draft Construction Subcontract
 - Construction, Plant and Design Build contracts
 - EPC/Turnkey contract
- **Extend your international network of contacts** involved in FIDIC contracts in the Asia-Pacific region
- **Discuss the upcoming amendments to the FIDIC suite of contracts** with the exclusive first opportunity to hear directly from those responsible for drafting the updated contracts
- **Resolve disputes in a timely and cost-effective manner** with an analysis of the DAB process and alternative dispute resolution tools
- **Hear from 19 international FIDIC experts from 11 countries** including Hong Kong, The Philippines, Japan, Singapore, Thailand, Indonesia and Malaysia

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"So much
wisdom at the same
time in the same place."
(2008 FIDIC London delegate)

Your panel of international FIDIC experts includes:

- Axel-V. Jaeger**, Consulting Services, Germany; *Chair*, FIDIC Contracts Committee
- Bernhard Zentgraf**, *Principal Procurement Specialist*, Asian Development Bank, Thailand
- David Y K Leung**, *Former Contract Adviser*, Major Works Office of Highways Department; LCP Lawyers, Hong Kong
- Timothy Hill**, *Partner & Head of Project (Engineering & Construction) Practice in Asia*, Lovells, Hong Kong
- Svend Poulson**, *Project Director*, Atkins, Denmark; *Chair*, FIDIC Updates Task Group
- John Battersby**, *Group Managing Director*, BK Asia-Pacific, Hong Kong
- Bevis Wai-Lung Mak**, *Executive Director*, Maunsell AECOM, Hong Kong
- Rusli bin Idrus**, *Managing Director*, TNB Fuel Services Sdn Bhd, Malaysia
- Dr. Sarwono Hardjomuljadi**, *Vice Chairman*, Indonesian National Board for Construction Services Development, Indonesia
- Paul Darling QC**, Keating Chambers, UK
- Alex Wong**, *Of Counsel*, Lovells Lee & Lee, Singapore
- Teresa Cheng SC JP**, *Vice Chairman*, Hong Kong International Arbitration Centre, Hong Kong
- Michael Mortimer-Hawkins**, *Civil Engineer; Adjudicator; Special Advisor*, FIDIC Contracts Committee, UK
- Salvador P. Castro Jr.**, *Chairman*, SPCastro and Associates, Inc., Philippines
- Dr. Cyril Chern**, *Barrister*, Crown Office Chambers, UK; *Chartered Architect; Chartered Arbitrator; Member*, FIDIC President's List of Approved Adjudicators and FIDIC Assessment Panel for Adjudicators; *Chair*, Evaluation Committee - Dispute Board Federation
- William Godwin**, *International Counsel*, Debevoise & Plimpton LLP, UK
- Dr. Toshihiko Omoto**, *Professor*, Kyoto University, Japan; *Arbitrator; Mediator*; FIDIC Assessment Panel for Adjudicators,
- Isolino Gomes**, *Head of Legal Department*, Mota-Engil Polska, Poland; *Member*, EIC Working Group "Contract Conditions"
- Daniel Lam BBS JP**, *Council Member*, Hong Kong International Arbitration Centre, Hong Kong

FIDIC Asia-Pacific Contract Users'

InterContinental Hotel, Hong Kong • 29th – 30th June 2009

Dear Colleague,

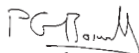
For 21 years FIDIC contract users from across the globe have convened in London at the annual international contract users' conference. At the last meeting 150 engineers, lawyers, project managers, commercial directors and contract and procurement specialists from 33 different countries came together to update their understanding of the range of FIDIC documents and how they are used in practice.

In response to the ever-increasing number of projects that are operating under the FIDIC contracts in the Asia-Pacific region, FIDIC and IBC Legal Conferences are delighted to announce the inaugural FIDIC Users' Conference in Hong Kong.

This is a unique opportunity to hear from world-leading FIDIC experts, carve out valuable new business opportunities and take advantage of the exclusive first chance to discuss the upcoming contract changes with those responsible for drafting the amendments.

We look forward to seeing you there!

Best wishes,



Peter Boswell
General Manager
FIDIC



Catherine Watson
Senior Conference Producer
IBC Legal



FIDIC: Enabling International Dialogue

- FIDIC is the international federation of national associations of consulting engineers. The members of each national association comply with FIDIC's code of ethics which calls for impartial advice, competence and fair competition
- Today FIDIC membership numbers 80 member associations from all parts of the globe and represents most of the independent practising engineers in the world
- FIDIC acts as a forum for the exchange of views and information and actively encourages the discussion of matters of mutual concern among member associations. FIDIC publishes best-practice guides as well as widely used and internationally recognized services agreements and works contracts
- FIDIC can be contacted by telephone on +41 (22) 799 4900, or visit the website at www.fidic.org.

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DAY ONE

09:00 Registration and Coffee

09:30 Introduction from the Chair

Axel-V. Jaeger, Consulting Services, Germany; *Chair, FIDIC Contracts Committee*

09:45 Introduction to FIDIC Contracts

A summary of FIDIC's professional services agreements and works contracts that are widely used industry standards. Attend this session to learn about FIDIC's:

- Client/Consultant Model Services Agreement
- Joint Venture, Subconsultant and Representative Agreement
- Short Form of Contract
- Construction and Plant and Design-Build Contracts
- Construction Subcontract
- EPC/Turnkey Contract
- Design-Build-Operate Contract
- Procurement procedures

Axel-V. Jaeger, Consulting Services, Germany; *Chair, FIDIC Contracts Committee*

10:30 Refreshment Break

11:00 Recent FIDIC Developments and their Practical Implications

An essential update of recent changes to the FIDIC suite of contract documents and of future developments. Attend this session to:

- Discuss work in progress and future developments
- Examine new publications and the use, sale, translation and licensing of FIDIC contracts
- Benefit from an update of the Client-Consultant, Subconsultant and Joint-Venture Agreements
- Understand the principles behind the Construction and Plant and Design-Build Subcontracts

Svend Poulsen, Project Director, Atkins, Denmark; *Chair, FIDIC Updates Task Group*

Axel-V. Jaeger, Consulting Services, Germany; *Chair, FIDIC Contracts Committee*

Edward Corbett, International Construction Lawyer, Corbett and Co, UK; *FIDIC Adjudicator; Author of "FIDIC 4th – A practical legal guide"; Member, FIDIC Subcontracts Task Group*

12:00 Selecting the Most Appropriate FIDIC Form

An update and analysis of Asian experience of the use of FIDIC Forms including considerations of risk allocation and "bankability" with particular emphasis on the Red and Silver Books.

Timothy Hill, Partner & Head of Project (Engineering & Construction) Practice in Asia, Lovells, Hong Kong

Alex Wong, Of Counsel, Lovells Lee & Lee, Singapore

12:30 Lunch

13:45 Operating Under the FIDIC DBO Contract

The DBO approach to contracting combines design, construction and long-term operation and maintenance of a facility into one single contract awarded to a single contractor.

- Examine the Design-Build-Operate form of contract
- Hear about the contract's use
- Review elements of the contract that will bear upon the future development of other FIDIC contracts

Chair

Michael Mortimer-Hawkins, Civil Engineer; Adjudicator; Special Advisor, FIDIC Contracts Committee, UK

Panellists

Axel-V. Jaeger, Consulting Services, Germany; *Chair, FIDIC Contracts Committee*

Bevis Wai-Lung Mak, Executive Director, Maunsell AECOM, Hong Kong

Rusli bin Idrus, Managing Director, TNB Fuel Services Sdn Bhd, Malaysia

Book on-line at: www.ibclegal.com

14:45 **MDB Harmonised Construction Contract**
Following inconsistencies with Multilateral Development Banks' use of tender documents, the MDBs adopted a harmonised edition of the FIDIC Conditions of Contract for Construction for their projects.

- Hear FIDIC's experience of using the document
- Gain an insight into the perspective of a multilateral development bank and their experience of working with the MDB Harmonised Edition
- Identify and analyse variations between the original FIDIC Construction Contract and the MDB edition
- Increase your understanding of the contractor's perspective of the MDB Harmonised Edition

Svend Poulson, *Project Director, Atkins, Denmark; Chair, FIDIC Updates Task Group*

Bernhard Zentgraf, *Principal Procurement Specialist, Asian Development Bank, Thailand*

15:45 Refreshment Break

16:15 **FIDIC Construction Subcontract**

FIDIC has recently released for review the final draft version of the new FIDIC Construction Subcontract that replaces the Red Book Subcontract, 2nd Edition 1992. This session will highlight everything you need to know regarding the changes and how this will affect how you operate under the contract.

Edward Corbett, *International Construction Lawyer, Corbett and Co, UK; FIDIC Adjudicator; Author of "FIDIC 4th – A practical legal guide"; Member, FIDIC Subcontracts Task Group*

Isolino Gomes, *Head of Legal Department, Mota-Engil Polska, Poland; Member, EIC Working Group "Contract Conditions"*

17:00 **Chair's Closing remarks**

Axel-V. Jaeger, *Consulting Services, Germany; Chair, FIDIC Contracts Committee*

DAY TWO

09:00 **Opening remarks**

Axel-V. Jaeger, *Consulting Services, Germany; Chair, FIDIC Contracts Committee*

09:15 **FIDIC Construction and Plant and Design-Build Contracts – Recent Experience**

FIDIC's Construction and Plant and Design-Build Contracts are widely used in both the private and public sectors.

- Understand key aspects of the contracts including measurement and payment, the role of the engineer and variations
- Discuss why these conditions of contract are widely used in a variety of different jurisdictions and circumstances
- Adapt the contract to fit a particular project through appropriate drafting of specific provisions

Chair

Paul Darling QC, *Keating Chambers, UK*

Panellists

David Y K Leung, *Former Contract Adviser, Major Works Office of Highways Department; LCP Lawyers, Hong Kong*

Dr. Sarwono Hardjomuljadi, *Vice Chairman, Indonesian National Board for Construction Services Development, Indonesia*

Rusli bin Idrus, *Managing Director, TNB Fuel Services Sdn Bhd, Malaysia*

10:15 Refreshment Break

10:45 **Effectively using the FIDIC EPC/Turnkey Contract in Asia-Pacific**

- Hear more on recent experience of the FIDIC EPC/Turnkey Contract
- Discuss the FIDIC EPC/Turnkey Contract risks and reservations

William Godwin, *International Counsel, Debevoise & Plimpton LLP, UK*

11:30 **EXCLUSIVE INSIGHT: Upcoming Amendments to the FIDIC Suite of Contracts**

Future editions of the widely used FIDIC Construction and Plant and Design-Build Contracts will both adopt innovations introduced in the Harmonised Construction Contract and in the new DBO Contract as well as take into account extensive feedback on the 1999 editions from clients, consultants, contractors and lawyers. This is the **exclusive first** opportunity to discuss the forthcoming changes with those leading the reforms. Time will be specifically allocated for questions from the floor.

- Future development of the Construction, Plant and Design-Build and EPC/Turnkey Contracts
- Changes that are being considered and have been made to the FIDIC suite of contract documents

Chair

Svend Poulson, *Project Director, Atkins, Denmark; Chair, FIDIC Updates Task Group*

Panellists

Axel-V. Jaeger, *Consulting Services, Germany; Chair, FIDIC Contracts Committee*

Michael Mortimer-Hawkins, *Civil Engineer; Adjudicator; Special Advisor, FIDIC Contracts Committee, UK*

12:30 Lunch

13:45 **Latest Developments in Dispute Resolution under FIDIC Contracts**

Discuss the various methods through which a dispute regarding a FIDIC contract can be resolved. Get the facts so you are well-equipped to make the right choices in order to move towards an early and cost-effective resolution.

- Impact of the global economic crisis on the types of disputes arising and their resolution
- Successful use of international adjudication
- Litigation trends and developments
- Effective alternative methods of dispute resolution

Chair

Timothy Hill, *Partner & Head of Project (Engineering & Construction) Practice in Asia, Lovells, Hong Kong*

Panellists

Teresa Cheng SC JP, *Vice Chairman, Hong Kong International Arbitration Centre, Hong Kong*

Paul Darling QC, *Keating Chambers, UK*

Daniel Lam BBS JP, *Council Member, Hong Kong International Arbitration Centre, Hong Kong*

15:00 Refreshment Break

15:30 **Navigating the DAB Process: Recent Practical Experiences and Advice**

The DAB procedure was introduced as FIDIC's method for primary dispute resolution and has now been adopted by the MDBs for the MDB Harmonised Construction Contract. Attend this workshop to gain practical hints and tips on:

- Procedural developments
- Recent examples of DABs
- Differences between the various forms of DAB
- Construction industry trends affecting disputes and claims
- Perceived barriers to DABs
- Issues concerning the use of DABs in various types of projects
- Cost savings and other benefits as a direct result of DABs

Chair

Dr. Cyril Chern, *Barrister, Crown Office Chambers; Chartered Architect; Chartered Arbitrator; Member, FIDIC President's List of Approved Adjudicators and FIDIC Assessment Panel for Adjudicators; Chair, Evaluation Committee, Dispute Board Federation, Geneva; Author of "Chern on Dispute Boards" and "International Commercial Mediation", UK*

Panellists

Dr. Toshihiko Omoto, *Professor, Kyoto University; FIDIC Assessment Panel for Adjudicators; Arbitrator; Mediator, Japan*

John Battersby, *Group Managing Director, BK Asia-Pacific, Hong Kong*

Salvador P. Castro Jr., *Chairman, SPCastro and Associates, Inc., Philippines*

16:30 **Chair's Concluding Remarks**

16:45 Close of the Conference

29th - 30th June 2009, InterContinental Hotel, Hong Kong

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Register by 5th June 2009

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WHEN AND WHERE

KW8050
29-30 June 2009

Venue: InterContinental Hotel Hong Kong
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