

## Tentative Programme

**SEMINAR – ARBITRATION AND DISPUTE AVOIDANCE**  
**Grand Ballroom 1, Harbour Grand Hong Kong**  
**2:00 pm – 5:00 pm**  
**16 November 2011**

**2:00 to 2:15**

**Welcome Speech (HKCA and/or HKIAC representatives)**

**2:15 to 2:35**

**Opening remarks/Keynote Speech (20 minutes)**

*Highlight Hong Kong's experience in resolving dispute in construction contract and the use of dispute avoidance measures during the works, and the role played by HKIAC.*

**2:35 to 3:45**

**Construction Arbitration**

*Types of construction arbitration in common use (short form, documents only, post-completion);*

*Pros and cons of arbitration (final and binding, no or minimal court interference, awards enforceable under New York Convention, choice of arbitrators, confidentiality, split liability and quantum);*

*Handling of evidence (vast amount of documentary evidence, factual witnesses, expert evidence to be dealt with separately);*

*Case study on how some issues are considered and dealt with in arbitrations (valuation of variations, technical disputes, defective works, legal issues, extension of time/liquidated damages claim)*

**3:45 to 4:00pm**

**Tea Break**

**4:00 to 5:00**

**Dispute Avoidance – Dispute Resolution Advisor**

*Advantages of use of DRA, the perspectives from the employer and contractor, role and duties of the DRA and training provided by HKIAC*

**-End of Day 1-**

## Tentative Programme

**SEMINAR – DISPUTE AVOIDANCE AND EXPERTS**  
**Grand Ballroom 2, Harbour Grand Hong Kong**  
**2:00 pm – 5:00 pm**  
**17 November 2011**

**2:00 to 2:05**

**Welcome Speech**

HKCA/HKIAC

**2:05 to 2:55**

**Dispute Avoidance and Dispute Resolution Clauses**

*Given the importance of just and equitable contracts, explore and comment on the adequacy of the actual terms commonly in use in achieving equity; structure of suitable dispute resolution clauses (suitability of post completion arbitration clause, provisions for stepped procedures, DRA or dispute review board); compare the different clauses in standard contracts around Asia.*

**2:55 to 3:45**

**Immediate dispute resolution**

*Given the importance of cash flows, do methods, such as adjudication, mediation, expert determination and independent expert certifier provide an effective remedy to the parties for resolving their disputes immediately as and when it arises.*

**3:45 to 4:00**

**Tea Break**

**4:00 to 5:00**

**Use of Experts in arbitrations and other dispute resolution mechanisms**

*Ways in which expert evidence are tendered (party-appointed, tribunal expert or technical assessor, single joint expert);*

*role and duties of experts (to the party as well as to the tribunal);*

*ways in which expert evidence are adduced and used (reports, without prejudice meetings, hot-tubbing in arbitrations, assessments in mediation)*

**-End of Day 2-**