



AALCO HONG KONG REGIONAL ARBITRATION CENTRE

亞非法協香港區域仲裁中心

AALCO Hong Kong Regional Arbitration Centre

Adjudicator Training Programme

(4 Days)

(Version 11, as of 2/04/2025)

Organiser:

- **AALCO Hong Kong Regional Arbitration Centre**

Co-organisers:

- **Hong Kong Institute of Architects**
- **Hong Kong Institute of Engineers**
- **Hong Kong Institute of Surveyors**

Supporting Organisation:

- **School of Law, City University of Hong Kong**
- **The Hong Kong Bar Association**
- **The Law Society of Hong Kong**

Date: 5 - 6 April 2025 & 12 - 13 April 2025

Venue:

AALCO Hong Kong Regional Arbitration Centre
Former French Mission Building, 1, Battery Path, Central, Hong Kong

About the Venue

The Former French Mission Building is a declared monument located on Government Hill at 1, Battery Path, Central, Hong Kong. It housed the Court of Final Appeal of Hong Kong from 1 July 1997 to 6 September 2015.

Trainers:

- **The Hon. Justice Dato' Lee Swee Seng**, Judge, Court of Appeal, Malaysia
- **Prof. Christopher To**, Chairman of the Hong Kong Institution of Engineers Construction Dispute Resolution Committee, Hong Kong
- **Ms Ng Chu Yin**, Adjudicator empanelled with the AIAC. Advocate & Solicitor, Malaysia
- **Mr Zhu Shuying**, President, Jianwei Research Institute, Mainland China
- **Mr Nick Chan, BBS, MH, JP**, Director of AALCO Hong Kong Regional Arbitration Centre, Hong Kong

Day 1 (5 April 2025)

Foundations of Adjudication & Best Practices

Objective: Establish core principles of adjudication and introduce key legal frameworks.

9:00 AM – 10:10 AM

Opening Session

Welcome Remarks

- **Mr Nick Chan, BBS, MH, JP**, Director of AALCO Hong Kong Regional Arbitration Centre

Guests of Honour

- **Ms Bernadette Linn, JP**
Secretary for Development, the Hong Kong Special Administrative Region of the People's Republic of China
- **Ms Julia Lau, FHKIA, JP**
President of Hong Kong Institute of Architects
- **Sr Leung Chi Tim Robin**
President of the Hong Kong Institute of Surveyors
- **Ir Eric Ma Siu-cheung, GBS, JP**
President of The Hong Kong Institute of Engineers
- **Mr Zhu Shuying**
President of Jianwei Research Institute

Group Photo

10:10 AM - 10:15 AM | Refreshment Break

10:15 AM – 12:15 PM

Session 1: Introduction to Adjudication (2 hours)

Trainer: The Hon. Justice Dato' Lee Swee Seng, Judge, Court of Appeal, Malaysia

- Overview of adjudication as a dispute resolution mechanism.
- Comparative legal frameworks: Statutory adjudication (Hong Kong Construction Industry Security of Payment Ordinance Cap.652 ('SOPO'), UK, Australia, Malaysia)
- Meaning of Conditional Payment
- No Contracting Out of SOPO

12:15 PM – 12:30 Q & A

12:30 PM – 1:30 PM Lunch

1:30 PM – 3:30 PM

Session 2: Best Practices on Adjudication Case Preparation, Procedure Management and Decision Making (2 hour)

Trainer: The Hon. Justice Dato' Lee Swee Seng, Judge, Court of Appeal, Malaysia

- Disputes within Jurisdiction of Adjudicator
- Types of Disputes being referred to Adjudication
- Disputes outside Jurisdiction of Adjudicator
- Procedural Directions and Compliance
- Decision-making and Writing Adjudicator's Determination

3:30 PM – 3:45 PM | Refreshment Break

3:45 PM – 4:45 PM

Workshop 1: Structure and Essentials of an Adjudication Determination (1 hour)

Trainer: Ms Ng Chu Yin, Adjudicator empanelled with the AIAC. Advocate & Solicitor, Malaysia

4:45 PM – 5:45 PM

Workshop 2: Best Practices in Writing Adjudication Determination (1 hour)

Trainer: Ms Ng Chu Yin, Adjudicator empanelled with the AIAC. Advocate & Solicitor, Malaysia

5:45 PM – 6:00 PM | Q & A

Day 2 (6 April 2025)

Legal Framework, Powers of Adjudicator and Determination Writing

Objective: Deepen understanding of adjudication rules, conflict of interest, and ethical considerations.

9:00 AM – 10:30 AM

Session 3: Adjudication Legal Framework under SOPO (1.5 hours)

Trainers:

- **The Hon. Justice Dato' Lee Swee Seng**, Judge, Court of Appeal, Malaysia
- **Ms Ng Chu Yin**, Adjudicator empanelled with the AIAC. Advocate & Solicitor, Malaysia

- Addressing jurisdictional issues
- Meaning of “progress payment” and “payment claim”
- Payment Response
- Defences raised, Set-off, Counterclaim?
- The Adjudication Process

- Roles and duties of adjudicators: Declare and disclose interest, Independence and Impartiality, and procedural fairness and material denial of natural justice
- Resignation and removal of Adjudicators

10:30 AM – 10:45 AM | Refreshment Break

10:45 AM – 12:45 PM

Session 4: Setting Up Dispute Review Mechanism for Construction Projects in Chinese Mainland and Its Impact on the Guangdong Hong Kong Macao Greater Bay Area (2 hours)

Trainer: Mr Zhu Shuying, President, Jianwei Research Institute

12:45 PM – 1: 00PM | Q&A

1:00 PM – 2:00 PM | Lunch

2:00 PM – 3:30 PM

Session 5: Powers of Adjudicators (1.5 hours)

Trainer:

- **The Hon. Justice Dato' Lee Swee Seng**, Judge, Court of Appeal, Malaysia
- **Prof. Christopher To**, Chairman of the Hong Kong Institution of Engineers Construction Dispute Resolution Committee.

- Powers of adjudicators:
 - Jurisdictions of adjudicators
 - Time management
 - Management of/communication with parties
 - Conducting Conference and inspection
 - Resignation
 - Scope and limitations

- Case studies on the exercise of adjudicator powers in complex disputes.

3:30 PM – 3:45 PM | Refreshment Break

3:45 PM – 5:45 PM

- **Workshop 3: DEVB's Model Practice Note on Writing of Determination**

(2 hours)

Trainers:

- **The Hon. Justice Dato' Lee Swee Seng**, Judge, Court of Appeal, Malaysia
- **Trainer: Prof. Christopher To**, Chairman of the Hong Kong Institution of Engineers Construction Dispute Resolution Committee.
- **Nick Chan, BBS, MH, JP**, Director AALCO Hong Kong Regional Arbitration Centre

5:45 PM – 6:00 PM | Q&A

Day 3 (12 April 2025)

The Laws & DEVB's Model Adjudication Documents (I)

Objective: Understand the key features of the SOPO, Dev and the contractual principles of construction contracts.

9:00 AM – 10:30 AM

Session 6: Overview of the Construction Industry Security of Payment

Ordinance (SOPO) (Cap. 652) in Hong Kong (1.5 hours)

Trainer: Prof. Christopher To, Chairman of the Hong Kong Institution of Engineers Construction Dispute Resolution Committee.

- Scope
- Key features
- Details related to adjudication
- DEVB's model adjudication rules

10:30 AM – 10:45 AM | Refreshment Break

10:45 AM – 12:45 PM

Session 7: Contract Law in Construction Disputes (1 hours)

Trainer: Prof. Christopher To, Chairman of the Hong Kong Institution of Engineers Construction Dispute Resolution Committee.

- **Contract Law:** Key principles, formation, breach, and remedies.
- **Tort Law:** Negligence, duty of care, and liability in construction disputes.
- **Rules of Evidence:** Admissibility, burden of proof, and evidentiary standards in adjudication.

12:45 PM – 1:00 PM | Q&A

1:00 PM – 2:00 PM | Lunch

2:00 PM – 3:00 PM

Session 8: Evidence in Construction Disputes (1 hour)

Trainer: Prof. Christopher To, Chairman of the Hong Kong Institution of Engineers Construction Dispute Resolution Committee.

3:00 PM – 3:15 PM | Refreshment Break

3:15 PM – 4:45 PM

Session 9: Construction Contracts (1.5 hour)

Trainer: Prof. Christopher To, Chairman of the Hong Kong Institution of Engineers Construction Dispute Resolution Committee.

- Contract administration
- Standard form of contracts
- Assessment of claim (including extension of time)
- Valuation of variations

4:45 PM – 5:00 PM | Q&A

Day 4 (13 April 2025)

The Laws & DEVB's Model Adjudication Documents (II)

Objective: Discuss emerging trends in adjudication and get ready for future dispute resolution for construction industry.

9:00 AM – 10:30 AM

Session 10: Tort Law in Constructions Disputes (2 hours)

Trainer: Prof. Christopher To, Chairman of the Hong Kong Institution of Engineers Construction Dispute Resolution Committee.

10:30 AM – 10:45 AM | Refreshment Break

10:45 AM – 12:45 PM

Session 11: Jurisdictional Issues, Natural Justice & Case Management (2 hours)

Prof. Christopher To, Chairman of the Hong Kong Institution of Engineers Construction Dispute Resolution Committee.

- DEVB's model practice note on jurisdiction of adjudicators
- DEVB's model code of conducts for adjudicators
- DEVB's model practice note on case management

- DEVB's model practice note on adjudicator's fees, expenses and costs of proceedings

12:45 PM – 2:00 PM | Lunch

2:00 PM – 5:00 PM

Examination: Adjudication Determination Writing

5:00 PM – 6:00 PM

Group Photo, Closing & Networking

- **Certificates of Participation**
- **Closing Remarks by Mr Nick Chan, BBS, MH, JP**, Director of AALCO Hong Kong Regional Arbitration Centre