

# The Legal Duty and Negligence Liability of Site Supervisors



By LEE KWOK WENG

## INTRODUCTION

The Court of Appeal in its written decision on 20 January 2011 held that a site supervisor (then known as clerk of works) owes a duty of care to the developer or owner of project and is therefore directly liable for negligence. As reported, the said site supervisor was subsequently ordered to pay S\$26.5 Million compensation.

This is a very significant development in law involving specifically RTOs & Res. In fact, the Court of Appeal itself had said that this appears to be the first time this role (site supervisor) has arisen for consideration in the Singapore courts. Therefore this decision is equally, very significant to RTOs & REs as this is the highest court of Singapore which ruled that a site supervisor carrying out his work can be directly liable for losses! Hence it is important that all site supervisors should know about their duty of care and possible liability for damages as well as how to contain such risks of liability.

This course is timely and will be useful to REs & RTOs as well as Engineers and other Technical professionals with foreign qualifications, as well as to local graduates too, and others who wish to acquire an essential knowledge of &/or be updated on the law behind the duty of care and negligence.

It is even more beneficial in that the trainer in this course, who is an engineer-lawyer, has been involved in this case when it was first heard in the High Court, as he was the lawyer for one of the parties. The trainer will share the background of the case, the principles of law involved and suggested checklist and guidelines as to how to mitigate if not avoid such possible liabilities.

## PROGRAMME DETAILS

Date	: 22 JAN 2019
Duration	: 3 Hours
Time	: 7.00 pm – 10.00 pm
Venue	: IES Academy @ Jurong East Devan Nair Institute, 80 Jurong East St 21 Singapore 609607
Organizer	: IES Academy
CPD Programme	: 3 STU (Structural) (To be Confirmed)
Course Fees	: \$128.40 (IES Members) \$149.80 (Non- Members)
	<ul style="list-style-type: none"><li>• Fees inclusive of 7% GST, course materials and dinner</li><li>• Limited seats available (first-come-first-served basis)</li><li>• Certificate of Attendance will be given to participants with 100% attendance.</li></ul>

## **OBJECTIVES**

This particular module will discuss the background of this Court of Appeal case and its direct impact on site supervisors as well as their employers. The course will also provide participants with an up-to-date essential knowledge of Singapore's laws on negligence and the common law duty of RTO & RE (as well as engineers and other technical professionals) which are relevant to the engineering building construction (ECB) industries and are faced by or connected with ECB projects.

## **FOR WHOM**

All Site Supervisors, Resident Engineers (REs) and Resident Technical Officers (RTOs), engineers and also Site Managers & all Technical & Non-Technical Staff.

## **COURSE OUTLINE**

1. Introduction, Source of Singapore Laws & Framework of the Singapore Legal System
2. What are common law and the principles behind common law?
3. An Overview of the law of negligence affecting site supervisors (REs & RTOs), engineers & technical professionals and their employers
4. The possible direct liabilities of site supervisors (REs & RTOs), engineers & technical professionals and their employers.
5. Suggested checklist and guidelines as to how to mitigate and if not avoid such possible liabilities

## **CV OF SPEAKER**

**Mr Lee Kwok-Weng**, B.Eng(Mech.), M.Sc(Ind.Eng), DipBA(NUS), GradDipMktg, LLB(Hons), LLM, Barrister-at-Law, Advocate & Solicitor, Supreme Court of Singapore, Accredited Arbitrator, Accredited Mediator, MMIS, FIES, MSIArb, is a “lawgineer” as he started of as an engineer and worked as an engineer & project manager in engineering, design and construction projects before he switched career as a lawyer.

Mr. Lee is in fact a senior lawyer with nearly 24 years of experience and currently in private legal practice, running his own law firm.

He has been for many years, and still is the Honorary Legal Advisor to the Institution of Engineers Singapore and the Singapore Institute of Safety officers.

He has been for many years an Adjunct Associate Professor at the Faculty of Business Administration, National University of Singapore, and teaching Business Law in the MBA programme as well as an Adjunct trainer with BCA Academy. Currently he is a part-time lecturer in NTU.

He specializes in Business Contracts, Negligence, Risk Management, Information Technology, Intellectual Property, Facilities Management, Occupational Safety & Health, Construction, Engineering and Building Laws as well as criminal, employment, immigration and financial laws.

He is a very experienced lecturer and trainer and is well-versed in the engineering, technical, OSH & facilities management fields, marketing and management practice too. Mr. Lee brings with him considerable industrial, occupational safety & health, project and facilities management experience, having worked for more than 12 years as an engineer in-charge of facilities management & environmental & public health matters in a government ministry and later as a project manager in a leading Multi-national engineering and construction corporation serving the oil and gas industries onshore and offshore.

# Registration Form

## Legal Duty and Negligence Liability of Site Supervisors 18<sup>th</sup> Run

**Date:** 22 JAN 2019 (Tuesday)  
**Duration:** 3 Hours  
**Time:** 7pm – 10pm  
**CPD Programme:** 3 STU (Structural) –To be Confirmed  
**Venue:** IES Academy @ Jurong East  
**Course Fee:** \$128.40 (IES Member) / \$149.80 (Non-member)  
**Course Coordinator:** Verline Chiam  
64604241  
verline.chiam@iesnet.org.sg  
**Last Date of Registration:** 14 JAN 2019

### Participant Details

\*Name (as per NRIC): \_\_\_\_\_ \*NRIC/FIN No: \_\_\_\_\_  
\*Designation: \_\_\_\_\_ RE/RTO/PE No: \_\_\_\_\_  
Company: \_\_\_\_\_  
\*Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\*Email: \_\_\_\_\_ Postal Code: \_\_\_\_\_  
\*Contact No: \_\_\_\_\_ Fax: \_\_\_\_\_  
Please Indicate:  IES Member No: \_\_\_\_\_  
 Non-member  Vegetarian

### Contact Person (HR or Finance if sponsored by company or if applicable)

Name: \_\_\_\_\_  
Tel: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Payment Details

Nets / Cheque No: \_\_\_\_\_ Amount: \_\_\_\_\_  
 Sponsored by company  

- All fees inclusive of 7% GST
- Cheques should be made payable to "Engineers Singapore Pte Ltd"

Name: \_\_\_\_\_

Signature \_\_\_\_\_

## **TERMS & CONDITIONS COURSE REGISTRATION**

### **Registration**

Any registration, whether on-line or fax will be on a ***first-come-first-served basis*** and will only be confirmed upon receipt of full payment by Engineers Singapore Pte Ltd unless otherwise invoice to company.

All registrations must be submitted with duly completed registration form.

### **Closing Date & Payment**

The closing date of the event will be 1 week prior to event commencement date or earlier. Cheques should be crossed 'A/C payee only' and made payable to 'Engineers Singapore Pte Ltd', with the ***Title of The Event indicated clearly written on the back of the cheques,*** and submitted with the duly completed registration forms to:

Att: Verline Chiam  
IES Academy@Jurong East  
Devan Nair Institute for Employment and Employability,  
80 Jurong East Street 21, #04-10  
Singapore 609607

### **Confirmation of Registration**

Confirmation of registration will be given at least 1 week before the commencement date via email. ***If you do not receive the said confirmation email, you are required to contact IESA at 6463 9211 during office hours.***

IESA reserves the right to allow only confirmed registrants to attend the Event.

### **Withdrawals/Refunds of Fees**

Written notice ***at least 1 week in advance*** before the commencement of the event

Full course fee shall be refunded subjected to ***4.5% transection charge.***

➤ **NO** refund otherwise.

No show of participant would not be accepted as a valid reason for withdrawal/refund.

One time replacement is allowed only if written notice is received by us at least 1 week before the commencement of the event. However, when an IES member is replaced by a non-member, the participant has to pay the difference in the relevant fees.

### **Cancellation/Postponement**

Changes in Venue, Dates, Time and Speakers for the Events can occur due to unforeseen circumstances. IES reserves the full rights to cancel or postpone the Event under such circumstances without prior reasons. Every effort, however, will be made to inform the participants or contact person of any cancellation or postponement.

Fees will be refunded in FULL if any Event is cancelled by IESA.

**UTAP (Union Training Assistance Programme)** is an individual skills upgrading account especially for NTUC members. As a member, you enjoy UTAP funding at 50% of the unfunded course fee capped at \$250 every year.

**SkillsFuture Credit (SFC)** "All Singaporeans aged 25 and above can use their \$500 SkillsFuture Credit from the government to pay for a wide range of approved skills-related courses. Visit the SkillsFuture Credit website ([www.skillsfuture.sg/credit](http://www.skillsfuture.sg/credit)) to choose from the courses available on the SkillsFuture Credit course directory."

Please visit <https://www.ies.org.sg/ies/Skillsfuture & UTAP.pdf> for more information on SFC & UTAP claim.

### **PERSONAL DATA PROTECTION ACT**

I consent to the processing by Institution of Engineers, Singapore of personal data, including sensitive personal data as defined in the Data Protection Act 2014, about me for the proper purposes of Institution of Engineers, Singapore (IES). I undertake to observe the provisions of the Data Protection Act 2014 in relation to any personal data I may myself hold and process as a Members of Institution of Engineers, Singapore, and I agree to indemnify Institution of Engineers, Singapore from liability for any claims or damages that may arise from the processing of this data. For more information kindly refer to: [www.ies.org.sg/PDPA](http://www.ies.org.sg/PDPA).

### **Enquiries**

For further enquiries, please contact IESA general office at Tel: 6463 9211.