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The Singapore Contractors Association Ltd (SCAL) will cease the printing, publication, and circulation of the SCAL Contractor Newsletter and will be going all-digital from issue 2 (2023). For more information, please visit www.scal.com.sg or email us at hello@scal.com.sg.

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Message From the President

Dear members,

Last year, SCAL marked 85 years of service to the local construction industry. For an organisation with such a grand history, the more things change, the more they remain the same. And one such thing that has retained its consistency is the passing on of the baton from one Council to the next, one President to another. Having received the baton at the 2023 SCAL Annual General Meeting, it is my humble duty to pen this message as President of SCAL.

As a long-standing member of SCAL and having served on many Councils over the years, I know more than most that I benefit from standing on the shoulders of giants. Working directly with my good friend Mr. Ng Yek Meng throughout his eventful and unprecedented term as President, I directly witnessed the impact of the COVID-19 pandemic, I saw first-hand the many vulnerabilities of our industry, and I was reminded of the immense and growing importance of coming together as an industry—with SCAL as our rallying voice.

I intend to continue to build on these foundations as President and work with you and the SCAL Council and Secretariat towards realising the vision of a Productive, Progressive, and Professional - construction industry!

The Contractor—our flagship publication for these many long years—is both an important avenue and a vital supplement for our journey towards the three Ps. As a source of best practices, latest information, and industry developments, it serves as a path for our members to strive towards improvement and progress. As a chronicler of SCAL's events, milestones, and stories, The Contractor has also been a supplement. Through the President's Message, I look forward to reaching out to you via these pages in the future issues to come!

In this issue of The Contractor, the theme focuses on the people at the heart of change as much as the change itself. From the diverse and refreshed new Council and Committee members—featuring the next generation of industry leaders—to how better human resources management can help our industry transform, and from thoughts on how we can better attract and retain younger Singaporeans to best practices in mediation and dispute resolution.

Optimism is cresting the horizon for our industry. The next few years promise to be exciting, challenging, transformative, and revealing for our industry. My hope is that all members will work closely with SCAL and leverage SCAL as an essential resource for the exciting and challenging times to come.

Mr Lee Kay Chai
President
The Singapore Contractors Association Ltd

Presidential Spotlight: Envisioning the Future of SCAL & Our Industry

This year, SCAL welcomes its new President, Mr. Lee Kay Chai, to helm the association. Seasoned by 29 years in the built environment industry, his knowledge and experience within the field runs deep and wide. Having first entered the industry under his family's business, Mr. Lee earned his degree in Civil Engineering in 1994, leading him towards his current position as the Executive Director of Lian Soon Construction.





Mr. Lee, together with the guest of honour, Mr. Muhammad Faishal Ibrahim, Minister of State for the Ministry of Home Affairs and the Ministry of National Development, during the SCAL Luban Birthday Celebration on 30 July 2023.



In this photograph: Mr. Lee, along with his team and colleagues from Lian Soon Construction Pte Ltd, attended the SCAL Annual Dinner 2022, where Minister Desmond Lee was the guest of honour.

Having served as a Council Member and the Vice-President of SCAL in previous terms, Mr. Lee had witnessed and supported efforts by preceding Presidents to lead the industry towards its goal of becoming progressive, productive, and professional. Through the collective efforts of SCAL's Presidents and Councils, the built environment industry has made strides towards that aim in recent years. Greater technological adoption has enhanced work processes like designing and pre-fabrication, while the move to decarbonise the industry through integrated, aggregated, smart facilities management has begun — and these are just a few of many initiatives that have been set in motion.

Still, there remain long-standing concerns around matters such as more equitable risk-sharing that need to be addressed, as well as teething issues from upcoming policy changes as seen with the reduced Dependency Ratio Ceiling (DRC). Such changes that will affect our member companies are being actively kept in mind as SCAL steps forth with its new leaders.

As the newly elected President, Mr. Lee has now assumed the challenge of changing the entrenched perceptions and practices that presently define the built environment industry.

To Mr. Lee, professionalism is what undermines the paradigm shift that is needed to take the industry forward. "If we don't change our mindset, nothing can be done well," he said, adding that professionalism is in fact a precursor to becoming truly productive and progressive.

There are three dimensions to the way Mr. Lee views professionalism — first, being a certified technical expert; second, understanding one's scope of work; and third, to not be swayed by peripheral factors and pressures. Taking

the word professionalism in the most literal sense of being a trained professional, whether as an architect or engineer, then makes it clear who should be responsible for different parts of any given project. "Because people tend to do that — giving excuses to say this is not in my scope but I can always pass it to someone else to do it," said Mr. Lee.

In such occasions, companies might find themselves in a little dilemma – finding the balance between keeping bid prices low and remaining accountable for getting quality work done. At the end of the day, Mr. Lee concluded that being accountable ultimately works in the business's interest.

"I really hope that the younger generation can see that this industry is very bright and will come in, take the baton, and transform it,"

As modernisation and digitalisation continue to change the way things work, the dynamic nature of the built environment industry presents ample opportunities for individuals to shape it to be better than before.

"I really hope that the younger generation can see that this industry is very bright and will come in, take the baton, and transform it," said Mr. Lee, adding that SCAL's efforts to be an effective voice for built environment professionals has been an important means to garner the recognition industry players deserve.

As Mr. Lee takes the mantle as SCAL's President, it is his goal to improve the built environment industry's standards, not only in quality, but also in its overall approach. Just as expectations compound with every successful project, so too must future outputs improve exponentially.

Building upon his own experiences, as well as the efforts of the outgoing Council of Management and fellow SCAL members, the road leading the industry to greater professionalism standards has commenced construction under Mr. Lee's watch.

Unlocking Human Capital in Our Industry



In recent years, retaining and attracting talent within the built environment industry has become increasingly challenging. Within the existing workforce, technological advancements have changed the way things work, adding new demands to already-labourious tasks. The lowered Dependency Ratio Ceiling (DRC) taking effect from Jan 2024 further urges the adoption of technology to automate and ease the reliance on foreign workers. There is a need for young talents who are educated and familiar working with technology—a need left unmet as young graduates are opting to pursue other career paths outside of the industry.

As we catch up on projects and recover from labour shortages, there is still a ripple effect of lingering problems. The industry has to tide through a manpower crunch like never before. More than ever, companies need to develop and deploy sustainable approaches including investing in human capital.

Defined as a blend of employee knowledge, skills, know-how, good health, and education, human capital plays a huge part in enabling organisations to grow. During a seminar organised by SCAL titled ‘Unlocking Potential: Best Practices for Contractor HR Transformation’ in June 2023, HR representatives from SCAL member companies came together to hear from experienced practitioners and experts representing Woh Hup (Private) Limited, Teambuild Construction Group, The Institute of Human Resource Professionals (IHRP), as well as the Tripartite Alliance for Fair and Progressive Employment Practices (TAFEP) on ways to harness human capital potential and practice strategic workforce planning.

The first hurdle lies in how to retain talent in the built environment industry. Young engineers, on one side, are finding themselves inclined towards exploring alternative career avenues, while senior professionals, on the other, are hesitant to recommend it as a career choice. Rigorous governance and control can sometimes lead to delays, impacting project timelines and finances, causing frustration and unproductivity. There has to be a clear value proposition for a career in the industry; from more forgiving project timelines, work hours, and better remuneration, to growth opportunities where engineers feel trusted, where their ideas and opinions contribute to decision making processes. Overall, the industry needs to be perceived in a more positive light by making it a safer, more attractive and well respected—like the prestigious profession it once was.

In the face of technological advancements, new opportunities to become familiar with digital tools and AI-driven solutions within the industry have emerged. For one, using tools like BIM is becoming a project requirement, raising the need for initiatives like the Job Reskilling and Redesign Upskilling scheme. Technological change is inevitable in the industry,



Invited speakers from Woh Hup (Private) Limited, Teambuild Construction Group, Tripartite Alliance for Fair and Progressive Employment Practices (TAFEP) the Institute for Human Resource Professionals (IHRP).

with recent advancements having already changed how the industry—and its operations—are run.

Post-pandemic, flexible working arrangements for selected job functions became the norm thanks to digital solutions. These practices were able to maintain business productivity, and in some situations even increase it. Today, granting these arrangements for administrative departments like operations, finance, or human resources is perceived as a privilege rather than a need, with some organisations disallowing flexible working arrangements altogether. The ultimate consequence is employee dissatisfaction and attrition.

Being able to work remotely, or on stipulated days, would cater to an untapped demographic, such as freelancers, retirees, new mothers, among others. For these groups, flexible working arrangements will allow them to balance their jobs against rising demands from their new stage in life. While overwhelmingly most positions in the construction sector will still remain on-site, the augmentation from a reliable but remote support workforce can boost productivity, improve morale (nobody likes to be in an organisation with high attrition), and improve on-site performance with better planning, finance, and administrative support. Just as structural elements need good formwork, on-site contractor staff need good office support.

To better manage on-ground needs, employees must have a safe environment to voice their complaints, with a redressal process in place to ensure that grievances are resolved. These skills are essential for supervisors and managers, who should be trained to handle and resolve such cases fairly and efficiently. While the process might initially seem confrontational, on the contrary, it is vital for cultivating trust, retaining talent, and preserving workplace harmony. When

"To better manage on-ground needs, employees must have a safe environment to voice their complaints, with a redressal process in place to ensure that grievances are resolved."



SCAL's inaugural HR event curated for HR professionals in SCAL member companies.

the culture of a company thrives internally, it is reflected on the outside in the form of its reputation and branding. From collaborations and partnerships to accolades earned and staff events, updates can be shared on platforms like social media to drum up pride among staff. Not only does this present a chance to showcase the industry as productive, progressive, and professional, but it also functions as the gateway to attract new talent.

Engineering graduates may veer away from the construction industry, in favor of other industries that are perceived to be trendier, with flexible work arrangements, perks like fitness classes, and comfortable air-conditioned offices as working environments. On the other hand, the construction industry may be perceived to have less work-life balance and conditions that are 'dangerous' and 'dirty'. However, with certifications like the Tripartite Standards, employee concerns around employment standards may be easily addressed at the organisational level.

At the industry-level, there is no silver bullet to address challenges surrounding the attraction and development of a firm's human capital. Given the differing growth stages and priorities each company has, areas of improvement will vary. As a start, the Human Capital Diagnostic Tool can help to assess companies' ability to attract, engage, and develop their workforce, highlighting opportunities and recommendations to consider.

Regardless of approach, efforts to develop human capital rely on the same principle: to help employees achieve their full potential. Building a strong workforce begins first by cultivating an environment where employees are respected and valued, presenting a gateway to becoming the employer, or better yet the industry, of choice.

Dispute Consultation Clinic (DCC): Guiding You Through Legal Conflicts



Given the complex nature of the built environment industry, it is no surprise that contractual disputes are commonplace. Each project involves balancing the interests of various stakeholders, while also remaining susceptible to circumstances that prevent completion from being on-time and on-budget. Furthermore, shortened construction timelines have truncated contract administration processes, providing fodder for issues later on. What begins as a squabble could evolve into repercussions on profits and business relationships.

Starting this year, companies seeking an efficient and cost-effective means to resolve construction-related disputes can turn to the Dispute Consultation Clinic (DCC). Soft launched in August by Singapore Construction Mediation Centre (SCMC), a subsidiary under SCAL, DCC provides specialised consultation services to companies on how they can best arrive at an optimal solution – whether mediation might be possible, which is an amicable, faster, and cheaper conflict resolution mechanism, or whether it going to court will be recommended.

While the immediate knee-jerk response to such conflicts might be to turn to litigation, the time and money spent in that would amount to a hefty sum. Although arguably, the bigger price paid would be the loss of good working relationships during the process.

“If you start suing immediately you are jeopardising the commercial relationship between parties which makes it very difficult, especially if there are projects ongoing for the parties,” said Mr. Christopher Chuah, Managing Director of Christopher Chuah Lw Chambers who is on the legal panel of SCAL and a consultant at DCC.

Mr. Chuah added that many disputes center around the



Mr. Christopher Chuah
Managing Director of Christopher Chuah Lw Chambers,
SCAL legal advisor,
Consultant at Dispute Consultation Clinic (DCC).

"Being able to make informed decisions is a right that everyone has and with that belief, DCC's services have been made available to both SCAL members and the public alike."

Security of Payment Act, which aims to improve cash flow in the construction industry. Although it has been in operation since 2005, amendments made to the Act in 2019 have changed its scope of application, associated processes, and nature of legal personnel involvement, which adds layers to an already complex structure.

Unlike litigation, mediation sits on the other end of the spectrum of conflict-resolution mechanisms – being voluntary, confidential, and impartial, it provides the necessary environment to preserve business relationships. Although it is comparatively quick and inexpensive, its effectiveness fundamentally relies on disputants' willingness to collaborate to arrive at a solution that takes both parties' considerations into account. The moment either party holds the view that projects are a zero-sum game, mistrust will stand in the way of joint problem-solving.

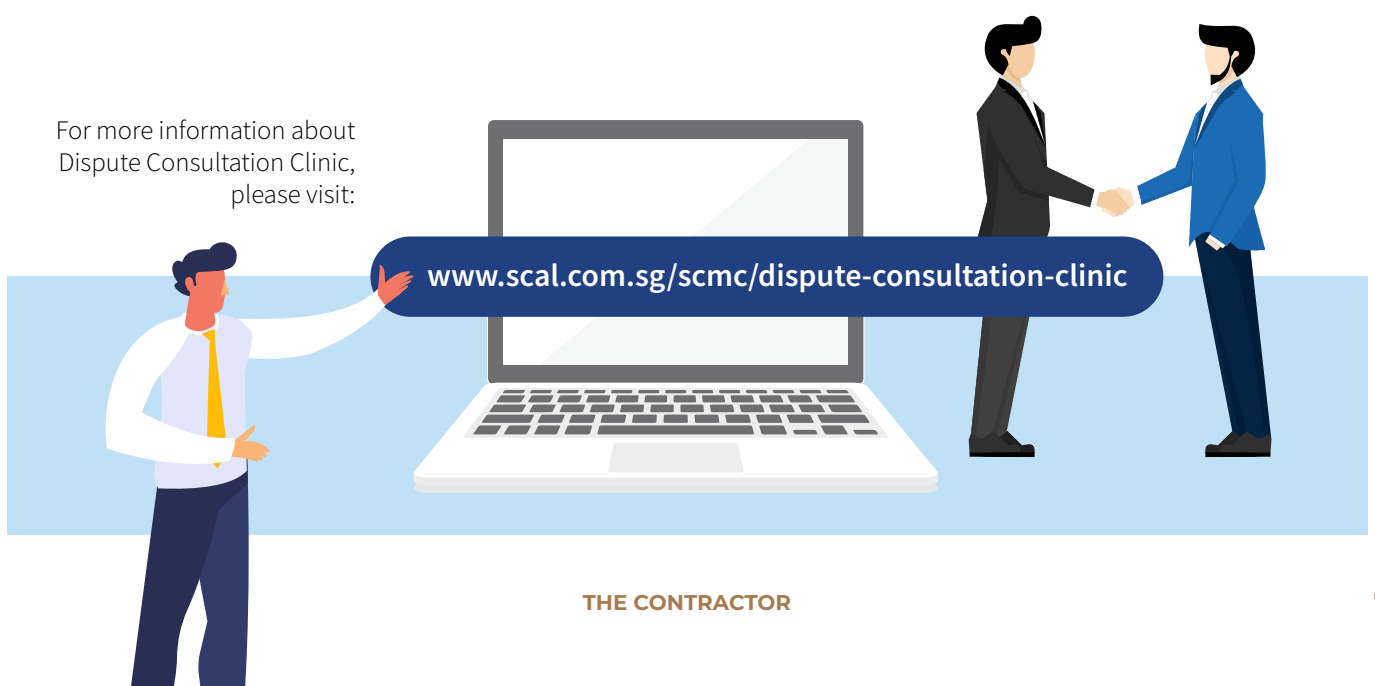
Shifting such attitudes cannot "happen overnight", said Mr. Chuah, adding that industry players need to realise "there is not always the case of more for me, less for you (or vice versa), but rather, how we can collectively grow the pie in a way that is a win-win."

"It takes two hands to clap. Both parties must be prepared basically to enter into it in the spirit of good faith, trust and compromise," said Christopher. The same principles undermine collaborative contracting, which is presently on track to becoming common practice.

However, upholding this mindset is easier said than done. When additional stakes come into play, such as being subject to multi-national laws and jurisdictions by way of working on an international project, falling back into legal battles might come naturally.

That can be avoided through SCAL's DCC. Our expert consultants are no strangers to complex cases, and are experienced with the unique nuances that surround the built environment industry – having been a Senior Accredited Specialist in Building and Construction Law since 2018, Mr. Chuah himself has seen through disputes around an excess of MYR \$1 billion arising out of a power plant project in Malaysia, as well as preparing infrastructure and construction-related documents for large-scale projects like Sentosa's integrated resort, among other cases.

Being able to make informed decisions is a right that everyone has and with that belief, DCC's services have been made available to both SCAL members and the public alike. Beyond fostering positive working relationships, settling disputes through mediation, taking a collaborative approach with mutual understanding is a precursor to transforming the industry's culture to be progressive, productive, and professional, priming it to grow in a way that is optimal for all players involved.





NEGOTIATION? MEDIATION? ARBITRATION? LITIGATION?

Introducing Dispute Consultation Clinic:
A new conflict resolution mechanism for
the construction industry.

About Dispute Consultation Clinic (DCC)



The construction industry is known for its complexity and the potential for disputes to arise during project lifecycles.

Recognizing the need for effective conflict resolution mechanisms, SCAL launched the DCC to assist construction companies in navigating and resolving construction-related disputes.

The Clinic will provide consultations in relation to disputes arising out of building and construction projects and allow companies to make an informed decision on how you can proceed with the next steps.

Find Out More



Expert Consultants

Each DCC is facilitated by two (2) highly skilled and experienced construction consultant (1 lawyer and 1 practitioner).



Alternative Solutions

The consultants will collaborate with all parties to grasp the unique details of the dispute. They'll then work together to help find alternative solutions



Time and Cost Efficiency

DCC aims to expedite the resolution process, reducing the time and expenses associated with litigation or arbitration.



Preserve Business Relationships

Through open communication and a focus on finding acceptable options, the consultants help foster amicable resolutions that preserve long-term partnerships and collaborations.



Confidentiality and Impartiality

DCC's consultants approach each case with impartiality, ensuring fairness and promoting a neutral environment conducive to productive discussions.

Fresh Faces in SCAL's Council of Management: Charting a New Path Forward



During SCAL's Annual General Meeting in June, batons were passed from outgoing council members to newly elected ones. Comprised of long-time SCAL members as well as new faces, SCAL's Council of Management for the term 2023 to 2025 presents a diverse mix of experience and perspectives. The younger members, guided by the long-serving members, are expected to contribute fresh takes on the evolving changes that confront the industry. By the same token, they hold a myriad of ambitions and goals that bear the same vision: To lead the construction industry in building a sustainable future for Singapore.

New challenges in the overall business cost trajectory are disrupting the fragile, hard-earned peace and status quo after the pandemic. Through rising materials costs, high inflation, increased manpower costs due to structural shortages, compliance costs, etc., flaws in the old ways of working have once more become apparent. In spite of this, Co-Chair of the Singapore List of Trade Sub-Contractors (SLOTS) Committee Foong Yu Han believes that projects must be done with cost savings in mind, without compromising specifications and qualities required by clients or architects.

“If I’m asked to do something, I will not just blindly do it. Including [demands] always has a domino effect. In the end, everything goes back to the consumer. We have to be fair,” she said, adding that the counsel provided by those lower in the “food chain” has proven to be valuable. “[Subcontractors] are the ones supporting the works for [main contractors]. We

“We have implemented a lot of software [solutions] in the past two years... whether we can successfully implement them depends very much on end-users,” said Co-Chair of the Contracts and Practices Committee Yheng Yee Foon. As the technological adoption leader in Chuang Hua Construction, Yee Foon has largely introduced mainstream software with the intention to understand how they are utilised by others.

“We want to be a better adopter rather than asking vendors to customise to our ‘needs;” he said, adding that solutions become a “white elephant” when they do not fit into existing company processes. “Our workflow might not be the best, so we want to make it more open... making use of the software’s incumbent functions and [changing our] workflow internally.”

At the current pace, it is possible that there will be fewer people on site 10 years from now, said Seah Kah Howe,



Mr. Andy Lu
Deputy Chief Executive Officer
Wee Hur Construction Pte Ltd



Ms Foong Yu Han
Director
Foong Ah Weng Construction Pte Ltd



Mr. Joshua Koh
Deputy General Manager
Wee Guan Construction Pte Ltd

are doing the specialised work, and they are like the ship captain directing us on the works and datelines,” said the Director of Foong Ah Weng Construction, a subcontractor focusing on painting services.

Even if synergies between stakeholders improve, the ongoing manpower crunch has left many projects in a tight spot. Raised levies and reduced manpower quotas with the updates in dependency ratio ceiling have left the industry “squeezed in all directions”. Hiring foreign manpower, an option that was previously perceived as cheaper, came at the cost of project resilience. “We have to look at manpower planning more holistically,” said Andy Lu, Co-Chair of the Manpower and Policy Committee, emphasising that attracting new talent and upskilling existing workers must form the basis of resource planning strategies. Tapping into emerging technologies that seek to improve productivity could be a good start, he added. “At the beginning, it’s going to be costly, right? At some point, there’s going to be a switch and that’s where policy comes in to see how to help the industry,” said Andy.

This shift has begun with digital processes like Building Information Modelling (BIM). With the growing use of such technologies today, it’s no surprise that BIM is required in projects.

Council member of SCAL and Project Director of Seah Kim Cheok Construction Co. (Pte) Ltd. “Our migrant brothers who are building [projects] are starting to use apps more efficiently and they are getting better with smartphones,” he said. Together with a few partners, Kah Howe rolled out Grow Studio a year ago—an application that helps foreign workers learn English. “Improving English communication is one way of ensuring that they know what is the correct material to use, how to use it. And there’s no rework. There’s no waste of materials,” said Kah Howe.

Concrete, sand, timber – materials derived from natural sources – form the basis of all construction work. Therefore, it is not possible to have “no damage” to the environment when building, said Kah Howe. To be environmentally conscious is to consider ways to minimise material wastage and even reuse it, which points back to fundamental principles of being resource- and cost-efficient. No more, no less.

If what we do is not sustainable for the environment or for the company, [everything] will come to an end someday,” said Joshua Ng, incoming Council Member of SCAL and Deputy General Manager of Wee Guan Construction. With the onset of climate change, environmental sustainability is increasingly

becoming an evaluation criterion during tenders. While Wee Guan Construction is committed to sourcing for longer-lasting materials and repurposing used ones, an individual company's efforts are limited. "As a contractor, we need more active participation from the ecosystem – builders, regulatory bodies and stakeholders — and see how we can collectively contribute to a sustainable future," said Joshua.

Given the technical nature of the industry, sharing of expertise across the value chain is the key to maximising outputs. Taking inspiration from Henry Ford, Joshua said: "I don't have all the answers, but I know who to find to get them."

When it comes to specialist knowledge, senior professionals are the most proficient. However, many have expressed their intent to retire, threatening the pool of wisdom available within the construction industry. The concern is compounded by the

"It's something as simple as sitting your team down, chatting with them one on one, understanding that there are needs at home, and knowing them on a more personal basis," said Zhi Li. "Conversations can't just happen by the watercooler or in the lift... it helps you show that you care more at some point."

At the end of the day, it is the hands behind every project that forms the foundation of the construction industry. Therein lies responsibilities that "cannot be replaced by artificial intelligence" according to Joshua, and a need to be fair to foreign workers who, as Yu Han said, "slogged for hours and hours to build [our] houses".

As incoming leaders across SCAL's committees, the responsibility to further nudge the construction industry towards becoming progressive, productive, and professional lies atop these council members' shoulders. Recent



Mr. Koh Zhi Li
Contracts Manager
Koh Kock Leong Enterprise Pte Ltd



Mr. Seah Kah Howe
Project Director
Seah Kim Cheok Construction Co. (Pte) Ltd



Mr. Yheng Yee Foong
General Manager
Chang Hua Construction Pte Ltd

dwindling pool of civil engineering graduates in Singapore, due to prevailing perceptions that the industry's salary, work environment, and career prospects are unfavourable. To the Co-Chair of the Membership and Welfare committee Koh Zhi Li, these are "hygiene factors" that ultimately boil down to a more fundamental question for prospective and existing industry professionals alike: Do employees feel engaged and valued in the construction industry?

"It's a chicken and egg thing ... When you have great welfare and people know about it, more will join. And then more young leaders can come forward and create that camaraderie," he said. As part of the committee that drives SCAL's Young Leader's Programme, Zhi Li believes that creating such an environment requires a cultural and mindset shift that "starts from the top".

experiences leave us cognisant of the changes needed to be resilient against future disruptions, and it is now imperative to turn words into action. Whether it is putting in place policies that help manpower planning, or accelerating widespread technology adoption to enhance productivity, as Andy put it: "We cannot just brush [these matters] aside or just pay lip service ... everyone in the ecosystem needs to do it."

For further information about the various industry committees under SCAL, please website:

<https://www.scal.com.sg/who-we-are/committees>



Flying Singapore's Flag High - Samwoh Wins ASEAN Energy Award



ASEAN ENERGY AWARDS 2023



At the recent ASEAN Energy Awards 2023 held on 25 August 2023, Samwoh Corporation Pte Ltd, a leading integrated engineering and construction company, was honoured with the Energy Efficiency and Conservation Award under the Zero Energy Building category.

The winning project, Samwoh Smart Hub, serves as Singapore's pioneering positive energy building and is a testament to the remarkable progress Singapore has made in the sustainable construction and innovative practices sector within the region.

Nestled in the burgeoning Sungei Kadut Eco-District, the Hub aims to set a new standard in collaborative and people-centric workspaces. The 15,600m² Hub sits within a 3.5 hectare compound and encompasses mixed-use spaces, including facilities for asphalt production, storage, a training centre, a purpose-built 480-bedder air-conditioned dormitory, and the pioneering Samwoh Innovation Centre, Singapore's

largest research and development facility for the construction industry. Adorned with around 2,600 solar panels, which has the capability of powering up to 300 HDB four-room flats every month, the Hub has achieved an impressive energy surplus of approximately 25%.

Officially inaugurated by Mr Heng Swee Keat, Deputy Prime Minister and Coordinating Minister for Economic Policies, on 6 December 2022, the Samwoh Smart Hub has welcomed over 1,000 visitors, including government representatives, industry partners, and students, from both local and overseas. It embodies Samwoh's mission to educate and foster industry growth.

"The completion of Samwoh Smart Hub is Samwoh walking the talk in our sustainability journey. We aim to provide a fruitful learning ground for built environment and energy professionals and a platform to showcase and inspire others in the drive towards greater sustainability."



Mr Eric Soh, CEO of Samwoh, expressed, "The completion of Samwoh Smart Hub is Samwoh walking the talk in our sustainability journey. We aim to provide a fruitful learning ground for built environment and energy professionals and a platform to showcase and inspire others in the drive towards greater sustainability." He added, "We also expect the Hub to deliver real benefits to Singapore by lowering carbon emissions, supporting the development of the Sungei Kadut Eco-District, and serving as a centre for the innovation of more sustainable construction materials and environmental technologies."

The ASEAN Energy Awards, established in 2001, are Southeast Asia's highest recognition in the industry for energy-efficient technologies and business models. This year, six distinguished organisations from Singapore received these prestigious awards alongside Samwoh Corporation.



Listen with EARS PleaSe Mediation Strategies Model

Article contributed by Lee Kok Eng



In my recent Conference talk on Effective Mediation Strategies for Dispute Resolution in the Construction Sector for CIOB-SCAL Conference on “Building Collaborative Contracting” on 24 August 2023, I introduced a Model for Mediation Strategies, known as “Listen with EARS PleaSe or L-EARS-PS” Model.

The effectiveness of this model hinges on how effective the mediator adopting these strategies could at the shortest possible time during the mediation process wins parties TRUST, RESPECT and RAPPORt.

This is how the model can be applied in mediation: -

The **Listen with EARS PleaSe** (L-EARS-PS) Model is situation-based, and its application will commence from **Mediator** Opening Statement till the conclusion of mediation session. Mediators shall demonstrate all the required mediation skills having the model in mind as follows:

Listen with EARS PleaSe (L-EARS-PS) are as follows:

- L** is Listen,
- E** is Empathy,
- A** is Ask Questions for Understanding and make Statements with Attention,
- R** is Respect,
- S** 1st S is Setting Limits,
- P** is Problem Solving,
- S** & 2nd S is Speak Respectfully.

- A** Mediator Opening Statement – Set Ground Rules = **Setting Limits (S)** of the Model
- B** Parties Opening Statement –
 - (1) Listen = **Listen (L)** of the Model
 - (2) Use Empathetic Statement = **Empathy (E)** of the Model
 - (3) Ask Questions = **Ask Questions for Understanding (A)** of the Model
 - (4) Make Statement = **Attention (A)** of the Model
 - (5) Reframe and Rephrase with Respect = **Respect (R)** of the Model
 - (6) Make Summary with Respect = **Respect (R)** of the Model
 - (7) Enforce Ground Rules = **Setting Limits (S)** of the Model
- C** Agenda Setting stage – Repeat L-EARS of the Model
*Note: By this stage, the Mediator should have gained **Trust** (Improved Relationship with whomever), **Respect** (Accept and Recognise the Appointment) and **Rappor**t (lead to efficient information exchange, listening, respect and trust) of the Parties. The Mediator should focus on gaining Trust, Respect and Rappor*t within this stage, and **NOT** rushing to the next stage.
- D** Exploration of Issues Stage –
 - (1) **Problem Solving = (P)** of the Model
 - (2) **Speak Respectfully = (S)** of the Model
- E** Private Session Stage – Repeat **L-EARS-PS**
- F** Joint & Closing Session Stage – Repeat **L-EARS-PS**

To illustrate how I applied the “ListenwithEARSPlease or L-EARS-PS” model, I would like to share a mediation I conducted.

I mediated a family dispute with 2 factions, with both factions comprising of a few persons each. While this was a mediation involving many people, there was an individual who could only understand Hainanese, whilst the rest could understand both Hainanese and Mandarin.

This was a re-mediation where I was specially appointed to mediate as the earlier mediation had concluded with chaos. Prior to my appointment, the mediation organisation was well-aware of my language capacity: I am proficient in Mandarin, but do not understand Hainanese. As such, an experienced Court Interpreter in Hainanese was required especially as one of the parties involved only understood Hainanese.

Unfortunately, during the proceedings, we encountered a hiccup with the Hainanese Interpretation. While the Official Hainanese Court Interpreter had delivered his interpretations in official Hainanese language, we encountered several instances where the Hainanese-speaking party could not understand my (interpreted) questions. We found that many of the official Hainanese interpretations on my (mediator) questions and statements were of no use to the Hainanese-speaking party, as several responses were either not in accordance with, or inconsistent with my questions and statements. This could be due to the Official Court Interpreter not being familiar with market Hainanese used by the Hainanese-speaking party, or perhaps even that he was not permitted to interpret market Hainanese – a dialect. In those moments, the mediation was in disarray from the breakdown of communication, but I pressed on and refused to give up mediating.

By following the Model strictly, ie, L-EARS of the model, before the Exploration stage, I observed an improvement of the relationship with me as the mediator, and the parties had TRUST in me...

The mediation commenced with a standard Mediator Opening statement in Mandarin. Among others, I set the ground rules tantamount to the Setting Limits (S) of the model, which were then duly interpreted. All parties from both factions took turns to deliver their respective opening statement in Mandarin, which was then duly interpreted in Hainanese for the benefit of the party who spoke only Hainanese.

As a mediator, I listened actively with appropriate body language, utilising Listen (L) of the Model. When I ascertained that each Party completed his/her opening statement, I asked relevant questions for clarification, aligned with Ask Questions for Understanding (A) of the Model.

I made statements to demonstrate to the respective party that I gave attention to his/her opening statement, according to the Make Statement for Attention (A) of the Model. In my statements for attention, they were as much as possible to be Empathetic statements to show the respective party that I empathized with him/her statements and experiences he/she was going through without agreeing or disagreeing with him/her as the Empathy (E) of the Model.

To ensure I had correctly understood the respective party, I reframed and rephrased the opening statements with Respect through words, tone, and action, as per the Respect (R) in the Model. After verifying my understanding and completeness of the respective party's opening statements, I summarized and articulated them with appropriate words, phrases, tone, and body language, to convey Respect (R). These processes were repeated and equitably carried out to all parties, and duly interpreted for the party who only understood Hainanese.

Although the parties were in discord, the decorum was duly accorded to me as the mediator, and there was no need to enforce ground rules with Setting Limits (S) of the model. We then proceeded to the Agenda Setting stage, and with a mixture of Mandarin and Hainanese interpretation, I (mediator) made statements in mind with the L-EARS of the Model. Issues were elicited and agreed upon by the parties with the help of the Interpreter.

By following the Model strictly, ie, L-EARS of the model, before the Exploration stage, I observed an improvement of the relationship with me as the mediator, and the parties had TRUST in me. My full and equal respect to all, whether young, old, educated, less educated, rich looking, not so rich looking, able-bodied or not, I sensed that all parties had come to accept and recognize me as their mediator for this mediation, treating me with the corresponding RESPECT. The reality is when there is no Trust and no Respect from parties to the mediator, Rapport will not be formed. However, as there were spontaneous disclosures, divulging and sharing of information between parties, it was a sign that the RAPPORT had led to efficient information exchanges between parties and mediator, creating a situation where parties are listening to the mediator and at time parties and parties with respect and trust already blossomed on mediator. That was RAPPORT.

It was therefore an appropriate time to commence the Exploration Stage. The typical parties talking through the mediator happened, but with mediator encouragement for effective communications, the parties from opposing factions were talking directly with each other where I appropriately facilitated or intervened as the mediator. I adopted the (P) of

the Model for problem-solving, encouraging and facilitating parties to generate workable options to offer to each other. As mediator, I was mindful to Speak Respectfully to all parties for the (S) of the Model. Parties except the Hainanese-speaking party were in negotiations with each other where they exchanged options with interests, concerns, alternatives, and objective criteria in mind. Inadvertently, parties exhibited wholesome and unwholesome relationships, demonstrated through their behaviours resulting in disagreements more than agreement between parties. At this stage, the Hainanese-speaking party being dormant, most of the deliberations and communications between parties were in Mandarin and they were then selectively needed to be interpreted for the benefit of the Hainanese-speaking party.

There was ONE Private session to each faction. At private session, I (mediator) repeated the full Model, ie, L-EARS-PS. When private session with no Hainanese-speaking party, there is no need for interpreter while private session with the Hainanese-speaking parties, the Interpreter was involved.

With two opposing factions of parties, anyone would doubt the reliability and objectivity of interpretations. How credible would the interpretations be, especially when I, the mediator, cannot understand Hainanese and confirm it? It is a logical doubt that anyone would have, but as a Mediator, I was in the situation of a Devils and the Deep Blue Sea where I was already in the middle of the seas. In the exact same situation, I am in the midst of a Complex Family Dispute mediation where I had to give up the Court Interpreter to interpret for me while the mediation session was still in progress.

I had no choice, then, to rely on party interpretation for me and the Hainanese-speaking party. Otherwise, I would have to close the mediation, adjourn it to have another interpreter assigned, or continue. I chose the third option to continue on the basis that I had established Trust, Respect and Rapport with all parties involved.

Just like the parties had trusted me, I trusted that they had respect for me and would not wish for myself as the mediator,

...The reality is when there is no Trust and no Respect from parties to the mediator, Rapport will not be formed.

After lunch, the joint session then resumed. With the unexpected difficulty experienced by the Official Court Interpreter delivering his interpretations only in official Hainanese language which was not understood by the Hainanese-speaking party, I made the decision to discontinue the Interpreter service after lunch. This decision was made with prior consultations and agreement with all the other parties, except the Hainanese-speaking party as I trusted the other parties can be my interpreters moving forward. All parties agreed, and as such, we proceeded to the Afternoon session without the Court Hainanese Interpreter.

Since there will be no Court Interpreter in the afternoon session, I decided to conduct my afternoon mediation session without Private Session but only Joint Session for simple reasons that I will disclose later. With no Court Interpreter for the Afternoon session, I conducted my afternoon session without private sessions and only joint sessions. I deployed the full Model of L-EARS-PS throughout all the stages until closing.

All parties communicated seriously with commitment, visiting and re-visiting their relationships for the interest of the Hainanese-speaking parties and exchanged honest options, considered interests, alternatives, and objective criteria. Where the Hainanese-speaking party was required to know and understand of such, one person in the faction would make the interpretation, and then for my benefit, interpret their response to me in Mandarin. The exchanges in communications, options, interests, alternative and objective criteria considerations, and testing were forthcoming and effective – eventually, an amiable resolution was reached.

and the Hainanese-speaking party to be compromised with no interpreter mediation after lunch. The parties and I had rapport built for this mediation in trying to solve their family dispute, and they would have had no reason to want to be the liar. Incidentally, all parties served as counterchecks whenever any party tried to be dishonest in giving wrong interpretations to me as they were all having their own, or common interests for this complex family problem. As such, all these considerations were the reason why I had chosen to do away with the Private Session.

Party interpretation for the mediator can be risky and inappropriate, but in this case, it was appropriate and possible, because I had deployed the ListenwithEARSPlease Model, calming the upset parties down and building trust, respect, and rapport with all parties. Thus, from this mediated case, we can conclude that trust, respect, and rapport is key to a successful and appropriate mediation for all parties, even in such a difficult situation. When it comes to mediation, all of us have a responsibility and commitment to these values to ensure the best possible outcome.



Mr Lee Kok Eng

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24 October 2023

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15 November 2023 | 2.00pm
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1 November 2023
CUT by Wolfgang Puck @ MarinaBaySands

Exclusive by-invitation only