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BIOGRAPHY

Yorkie is an Associate in the Construction Disputes team in London. She has significant experience in advising employers, main contractors and sub-contractors on construction and engineering disputes domestically and internationally, covering issues such as extension of time, defects, professional negligence, building safety and termination. Her experience includes arbitration, adjudication, and providing contract advice on both industry standard forms and bespoke contracts.

SPOKEN LANGUAGES

- English

- Chinese (Mandarin)
- Chinese (Cantonese)

ADMISSIONS

- Hong Kong

RELATED PRACTICE AREAS

- Construction Disputes
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- Business & Commercial Disputes
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RELATED INSIGHTS

Insights

Nov 20, 2024

Recovering adjudicators' fees and interest: recent guidance

In this Insight, first published in PLC, Yorkie Fong considers the decision in *A&V Building Solution Ltd v J&B Hopkins Ltd* [2024] EWHC 2295 (TCC), which clarified the binding nature of an adjudicator's decision on their fees and what constitutes a "substantial remedy" for interest under the Late Payment of Commercial Debts (Interest) Act 1998.

Insights

Jun 12, 2024

Conditions precedent and time bars, getting around them

When a party fails to comply with a condition precedent, especially if such a provision includes a time limit for the fulfilment of the obligation, it will often advance various arguments to avoid the consequences of non-compliance. The case of *ISG Retail Ltd v FK Construction Ltd* [2024] EWHC 878 (TCC) is an interesting example of the issues that may arise in this scenario. In this Insight, Shy Jackson and Yorkie Fong take a closer look at this case.

Insights

May 29, 2024

Hong Kong Security of Payment Bill gazetted

The long-anticipated Construction Industry Security of Payment Bill ("Bill") was gazetted on 17 May 2024 and was introduced into LegCo for its first reading on 29 May 2024. The Bill aims to establish a legislative framework for addressing improper payment practices among contracting parties in the Hong Kong construction industry. Once in force, the Bill will replace the Development Bureau's pilot scheme for the introduction of security of payment provisions into public sector construction contracts which we discussed in our earlier Insights at Security of payment circular issued by the Development Bureau of Hong Kong – to take effect from 31 December 2021 and The new security of payment regime in Hong Kong – key issues to consider before its implementation.

Insights

Feb 13, 2024

Can you smash & grab and argue about true value in the same adjudication?

In the case of *Bellway Homes Limited v Surgo Construction* [2024] EWHC 10 TCC, the court addressed whether it is possible to start a smash & grab adjudication but also a claim based on true value adjudication as a secondary position. Despite novel arguments to the contrary, the court determined that these are not separate disputes but rather form a single dispute that could be determined in one adjudication.

Insights

Nov 06, 2023

Adjudication decision rendered unenforceable due to inadmissible without prejudice material

Without prejudice is a phrase often used in communications between parties seeking to reach settlement. Whether or not communications will be regarded as without prejudice will depend on their substance and we recently looked at a decision that highlighted the uncertainty that this can create in normal commercial discussions. This Insight takes a look at the recent TCC decision of *AZ v BY* [2023] EWHC 2388 (TCC), which looked at the effect of referring to without prejudice material in adjudication. In this case, this led to the decision not being enforced.