

Specification of Competency Standards
for the Arboriculture & Horticulture Industry
Unit of Competency

Functional Area - Arboriculture and Horticulture Project Administration and Management

Title	Handle contractual disputes
Code	109028L5
Range	This unit of competency is applicable to managers who are engaged in administrative work in arboricultural and horticultural organisations. Practitioners should be capable of conducting critical analysis and integration of extensive data, as well as using legal knowledge and negotiation skills to handle contractual disputes, with a view to protecting the benefits of the contracting parties.
Level	5
Credit	6 (For Reference Only)
Competency	<p>Performance Requirements</p> <p>1. Possess knowledge related to contractual dispute handling</p> <ul style="list-style-type: none"> • Comprehend the contents of project contracts • Possess basic legal knowledge related to contracts and contract management skills • Comprehend the methods and procedures for handling contractual claims and disputes <p>2. Handle contractual disputes</p> <ul style="list-style-type: none"> • Analyse the reasons for failure to comply with the contractual terms or complete the works projects, such as factors in respect of technical issues, economic benefits, environmental changes of the works projects and contractors' own problems • Propose all kinds of solutions based on the analysis results, and calculate the costs • Consult professional advice to comprehend the settlement methods (for example, negotiation, mediation, arbitration and litigation), or the possibility and justification of claims • Identify the most effective solution and draw up the details of the solution • Negotiate to reach a mutually acceptable solution • Choose the right professionals or government departments to assist in following up disputes or claims <p>3. Exhibit professionalism</p> <ul style="list-style-type: none"> • Handle disputes or claims fairly and impartially in accordance with the legal basis and the spirit of contract to protect the benefits of both parties
Assessment Criteria	<p>The integrated outcome requirements of this unit of competency are:</p> <ul style="list-style-type: none"> • Able to analyse the causes of disputes and suggest appropriate solutions; • Able to negotiate with relevant parties about the solutions; and • Able to seek the right professionals to handle contractual disputes or claims when needed.
Remark	