



CORE SKILLS

- Arbitration
- Mediation and Adjudication
- Dispute Resolution and Avoidance
- Expert Witness and Adviser
- Architecture and Design
- Construction Defects
- Contract Documentation and Administration

QUALIFICATIONS

Professional:

- Chartered Arbitrator (CArb)
- Accredited Mediator
- Accredited Adjudicator
- Registered Architect (Hong Kong and Queensland, Australia)
- Practising Member (MAE) and Qualified Expert Determiner, The Academy of Experts (TAE)
- APM Project Management Professional (APMP)
- Accredited Designer – Industrial, Graphic and Interior Design (DIA)

Institutional:

- Fellow, Chartered Institute of Arbitrators (FCIArb)
- Member, Hong Kong Institute of Architects (HKIA)
- Fellow, Australian Institute of Architects (FRAIA)
- Fellow, Design Institute of Australia (FDIA)
- Fellow, Hong Kong Institute of Construction Adjudicators (FHKICAdj)
- Practitioner Member, Resolution Institute (PRI) [formerly MIAMA]
- Member, Association for Project Management (MAPM)

Academic:

- LLM – Construction Law & Practice (U of Salford)
- Postgrad Dip in Arbitration (CEM)
- Bachelor of Architecture (QUT)
- Grad Dip Industrial Design (QIT)
- Bach of Applied Science (Built Environment – Arch & Ind Des) (QIT)

CONTACT DETAILS

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As a Chartered Arbitrator, Accredited Mediator and Accredited Adjudicator, John acts as third-party neutral and to provide advice and support to parties in commercial disputes, particularly those involving architectural or building issues. He has also been appointed as Dispute Resolution Advisor for seven Hong Kong Government building and civil works contracts to date.

Apart from his technical qualifications, John has been awarded a Master of Laws (LLM) in Construction Law and Practice with Distinction from the University of Salford, UK, and a Postgraduate Diploma in Arbitration from the College of Estate Management, Reading, UK. A Practising Member on the Register of Experts and a Qualified Expert Determiner of the Academy of Experts (TAE), John has been appointed as expert witness or party adviser in numerous construction and related disputes in HK and internationally, relating to building defects and professional practice.

John's background is as an architect, designer and project manager, with experience in Hong Kong, Australia and South-east Asia. As an architect, he has specialised in design development, project documentation, specification, contract administration and statutory compliance issues, primarily for commercial, retail and institutional building projects. In addition, he offers specialist skills in contract and practice administration and forensic architectural consulting. John's experience also includes consultancy services relating to implementation of partnering and risk management.

John is a member of the arbitration panels of CIArb, HKIAC, HKIA-HKIS, HKIA, CIETAC, AIAC, KCAB, IIAM and SCIA, the mediation panels of HKIAC, HKMAAL, HKIA-HKIS, HKIA, AIAC and Resolution Institute (formerly IAMA) and the adjudication panels of HKIAC, HKIA, HKICAdj and AIAC. He is also a CIArb Faculty Member and since 2005 has taught and tutored on numerous courses run by CIArb, HKIAC, HKIA, College of Estate Management and TAE for training of arbitrators, mediators, DRAs and expert witnesses.

John is a Past Chairman of both the Society of Construction Law Hong Kong and the Chartered Institute of Arbitrators (East Asia Branch), and currently serves as a member of the latter's Branch Committee. He also currently serves as a Council member of the Academy of Experts, a Council member of HKIAC and on the ARCASIA/CAA Committee, under the Board of External Affairs of the Hong Kong Institute of Architects.

He now runs his own consultancy practice based in Hong Kong, and is affiliated as a consulting expert with UK-based Hanscomb Intercontinental and a Senior Adviser with the 27Group, based in Malaysia.

Examples of Previous Experience

Experience as Arbitrator

Sole arbitrator in Hong Kong domestic arbitration between Specialist Sub-contractor and Main Contractor concerning the design and construction of curtain wall and facade works under a design-and-build contract for a new institutional facility in Hong Kong (matter settled).

Presiding arbitrator in international commercial arbitration (seated in Hong Kong) over electronics supply contract between Hong Kong and Russian parties (final award published).

Party-appointed arbitrator for panel of 2 plus umpire in Macau domestic arbitration for an insurance dispute (stayed at interlocutory stage).

Sole arbitrator in Hong Kong domestic arbitration between Main Contractor and Subcontractor in relation to electrical and mechanical building services works (final award published).

Examples of Previous Experience (continued)

Experience as Arbitrator (continued)

Sole arbitrator in domestic arbitration between nominated sub-contractor and main contractor about supply and installation of lifts and escalators for a HK commercial building development (settled at interlocutory stage).

Sole arbitrator in Hong Kong domestic arbitration between Main Contractor and Supplier concerning building materials supply contract (two awards published on merits and taxation of costs respectively).

Sole arbitrator in Hong Kong domestic arbitration between Main Contractor and Sub-contractor concerning building works contract (two awards published on merits and allocation of costs respectively).

Sole arbitrator in Hong Kong domestic arbitration between Main Contractor and specialist Sub-contractor concerning civil works project (matter settled during interlocutory stage).

Sole arbitrator in Hong Kong domestic arbitration between Sub-contractor and specialist Sub-sub-contractor concerning provision of waterproofing systems for roofing works (final award on merits and costs published).

Sole arbitrator in Hong Kong domestic arbitration between Main Contractor and Sub-contractor concerning supply and installation of partitions and acoustic panels under contract for Housing Authority residential development (arbitration stayed to mediation and settled by the parties).

Sole arbitrator in two Hong Kong domestic arbitrations between Main Contractor and Sub-contractor concerning supply and application of coating and painting systems under contract for residential renovation works (submissions for the two references received sequentially and a single combined final award published dealing with the merits and costs for both matters).

Sole arbitrator in Hong Kong domestic arbitration between factory owner and manufacturing plant supplier in re dispute over plant quality (settled during interlocutory stage).

Six appointments as arbitrator under the Arbitration Scheme for the Travel Industry (ASTI), UK (6 awards published).

Experience as Dispute Resolution Advisor

Dispute Resolution Advisor (DRA) on Contract No. HY/2014/07 – Central Kowloon Route – Kai Tak West for Highways Department and Gammon Construction Limited (2018-ongoing).

Dispute Resolution Advisor (DRA) on Contract No. NE/2015/01 – Tseung Kwan O - Lam Tin Tunnel for Civil Engineering & Development Department and Leighton China State JV (2017-ongoing).

Dispute Resolution Advisor (DRA) on Contract No. HY/2010/08 – Central-Wanchai Bypass – Tunnel (Slip Road 8 Section) for Highways Department and China State Construction Engineering (Hong Kong) Ltd (2013-ongoing).

Dispute Resolution Advisor (DRA) on Contract No. HY/2007/09 – Reconstruction and Improvement of Tuen Mun Road – Eastern Section for Highways Department and Gammon Construction Ltd (2009-18).

Dispute Resolution Advisor (DRAd) on Contract No. SS X301 – Redevelopment of Kwun Tong Swimming Pool and Kwun Tong Recreation Ground for Architectural Services Department and Gammon Construction Ltd (2011-16).

Dispute Resolution Advisor (DRAd) on Contract No. SS T322 – Design and Construction of North Lantau Hospital for Architectural Services Department and Leighton-Able Joint Venture (2010-2013).

Dispute Resolution Advisor (DRAd) on Contract No. SS S313 – Design and Construction of New Civil Aviation Department Headquarters on Airport Island for Architectural Services Department and Dragages Hong Kong Limited (2009-2012).

Other Dispute Resolution Experience

Independent expert jointly appointed by 3 parties to advise on remedial works pursuant to a mediated settlement agreement for a dispute arising from a building renovation project in Hong Kong (resolved).

Mediator in dispute between architect and client in respect of fees for a major redevelopment project, Hong Kong (concluded).

Mediator in small claims court case in re dispute over truck repairs, San Diego CA, USA (settled after mediation).

Independent expert advisor / de facto mediator in dispute between Employer (consumer) and contractor on defects / under residential design-and-build construction project (settled following informal mediation).

Expert evaluator in dispute between private client and architect relating to architectural consultancy agreement for proposed redevelopment of private residence, Brisbane, Australia (settled without formal dispute resolution).

Examples of Previous Experience (continued)

Expert Witness / Adviser Experience

Architectural expert witness appointed by Contractor (Claimant) in arbitration with Employer in respect of alleged defects in the works for construction of a new logistics building in Hong Kong. (2020-ongoing)

Architectural expert witness for an arbitration in relation to an EPC contract for an infrastructure development project in Hong Kong, to provide opinion regarding the Employer's approvals of the Contractor's architectural design scope. (2020; settled)

Expert adviser appointed by Specialist Sub-contractor in respect of alleged defects in waterproofing works for a rail tunnel project in Hong Kong. (2020)

Expert adviser appointed by Contractor to provide contract advice under NEC4 ECC (Option D) for a major airport civil works project in Hong Kong. (2020-ongoing)

Architectural expert witness appointed by Contractor (Claimant) in arbitration with Employer in respect of alleged defects in the works for a new commercial-residential tower project in Hong Kong. (2019-ongoing)

Architectural expert witness for an arbitration in relation to an EPC contract for a petrochemical refinery project in Vietnam, to provide opinion whether certain Employer's instructions constituted variations to the Contractor's architectural design scope (2016-17; stayed by consent). Matter recommenced with new tribunal (2019-ongoing).

Independent architectural/project management expert appointed by hotel owner to advise on interface issues relating to proposed major A&A works in adjoining retail premises in Tsim Sha Tsui, Hong Kong (2019-20).

Architectural expert witness appointed by Plaintiff (Tenant) in Hong Kong High Court Action regarding Landlord-Tenant dispute over high profile retail premises in Central, for which the parties have agreed to proceed in the first instance via mediation (2019-stayed).

Architectural expert witness appointed by Employer (Developer) in arbitration with Main Contractor in respect of alleged defects in the works for a mixed-use redevelopment project in Hong Kong (2018-19; stayed).

Architectural expert witness in HK High Court, to opine on statutory compliance of certain built works in adverse possession case (2018-ongoing).

Member of team advising on statutory procedures and practice for a problematic building alterations and additions project in Hong Kong (2018).

Architectural and construction contract subject matter expert for independent check on construction company as due diligence prior to proposed award of trade package contract for a major mixed-use development project in Kuala Lumpur, Malaysia (2018).

Architectural expert appointed by Employer (Developer) for potential arbitration(s) against one or more parties relating to alleged defects in the works under the main contract and/or a nominated sub-contract for a new residential development project in Hong Kong, consisting of a group of 3-storey luxury townhouses (2017-18).

Expert witness in Macau Court case, appointed by Defendant 2nd-tier Subcontractor against Plaintiff 1st-tier Subcontractor, in relation to alleged defects and variations in fitting-out works for a new hotel/casino project in Macau (2017-ongoing).

Expert advising the Employer (Incorporated Owners Association) on alleged defects in the works and other issues relating to a contract for renovation of luxury multi-residential complex in Repulse Bay, Hong Kong, pending formal dispute resolution (2017).

Architecture expert for an arbitration relating to alleged latent defects in the works under a contract for construction of a mixed-use project in Hong Kong. Matter settled (2016-19).

Expert adviser to review claims for additional fees, extensions of time, loss and expense for an architectural consultancy agreement under a design and build contract for a new metro rail system in the Middle East (2017).

Member of expert team advising the employer on alleged defects in the works relating to a contract for construction of two new institutional buildings in Hong Kong, pending formal dispute resolution (2016-17).

Member of expert team advising the employer on claims by the Contractor relating to a major contract for design and construction of a new hospitality and gaming project in Macau (2016-17).

Expert adviser to the employer (Incorporated Owners Association) on alleged defects in the works and other issues relating to a contract for renovation of luxury multi-residential complex in Mid-Levels, Hong Kong. Multiple actions against various parties were pending or under way; currently stayed (2012-18).

Expert witness in Hong Kong High Court case between developer and contractor on defects in construction of a religious institutional project in New Territories, Hong Kong. Prepared Provisional, Joint, Final and Supplemental Reports and gave oral evidence at trial. Judgment delivered: *Chun Wo v Metta* [HCCT 29/2013] (2014-16).

Examples of Previous Experience (continued)

Expert Witness / Adviser Experience (continued)

Expert adviser to a major multi-national investment bank on issues related to potential defects in fitting-out works for its regional headquarters in Hong Kong, including advising on the relative responsibilities of the designer, contractors and others (2016).

Expert adviser to main contractor in dispute with specialist sub-contractor in respect of alleged defects in cladding works under a multi-residential refurbishment contract at The Peak, Hong Kong (2016).

Expert witness in arbitration between developer and contractor on defects in construction of a luxury single-residential project in Mid-Levels, Hong Kong. Prepared Provisional, Joint and Final Reports and gave oral evidence at hearing. Award published (2015-16).

Expert witness in Hong Kong High Court case between employer and contractor on alleged defects in the works under a design-and-build contract for renovation of a luxury residential flat in Mid-Levels, Hong Kong. Prepared Provisional, Joint, Final and Supplemental Reports. Matter settled prior to hearing (2014-15).

Expert witness in arbitration between developer and contractor on alleged defects in the works for construction of high-rise multi-residential development in Mid-Levels, Hong Kong. Provisional, Joint, Final and Supplemental Reports prepared and submitted. Matter settled mid-hearing (2014).

Expert adviser to a party in a Hong Kong High Court action between unit owner and Incorporated Owners of multi-storey industrial building in Cheung Sha Wan, Hong Kong in respect of alleged water leakage and other defects. Judgment issued: ***Wing Ming Garment v IO of Wing Ming Industrial Centre*** [HCCT 60/2006] (2011-15).

Expert witness in arbitration between developer and contractor on defects in the works for construction of low-rise multi-residential development in Kowloon Tong, Hong Kong. Matter settled following preparation of Provisional and Joint Expert Reports (2010-14).

Architectural expert advice relating to specification and execution of stonework for fitting out of major international investment bank premises, Hong Kong (2010-11).

Expert witness on defects and quantum in arbitration between an employer and a design-and-build contractor for works including interior design services, decoration and fit-out works for a commercial office fit-out in Central, Hong Kong. Action abandoned by Claimant, due to receivership (2012-13).

Expert adviser to 2 owners of separate commercial premises within a strata title commercial/residential building in Causeway Bay, Hong Kong, in relation to alleged unauthorized building works in a Building Appeals Tribunal matter. Orders withdrawn by the Building Authority after preliminary hearings (2013-15).

Expert adviser to owner of restaurant premises within strata title commercial/residential building in Causeway Bay, Hong Kong, in relation to leakage and damage, in anticipation of formal dispute resolution (2013-14).

Expert adviser to the owner to assist with resolution of issues arising out of a renovation contract for a detached house in Clearwater Bay, Hong Kong, due to defects in design and construction of waterproofing and other systems, including advising on the relative responsibilities of the architect and contractor. Resolved without formal dispute resolution (2012-13).

Architectural expert in a personal injury case involving a British tourist at a Kowloon, HK, hotel, heard in the Oxford County Court, England. Judgment delivered: ***Travelbag v Holiday Inn*** [Claim No. 1UC1295] (2012-13).

Submitted expert reports and gave oral evidence in a contempt of court action in Hong Kong High Court brought by a unit owner against the Incorporated Owners of a multi-storey commercial/residential building in Causeway Bay, Hong Kong, and others for failure to remove unauthorized building works pursuant to a court order. Judgment delivered: ***Chow Shing Kee v IO of Malahon Apartments & Ors*** [HCMP 1729] (2012).

Prepared expert report for submission to Hong Kong High Court in action between consultant and developer over alleged breach of agreement and unpaid fees in relation to proposed resort development project in Sai Kung district, Hong Kong. Action withdrawn by Plaintiff (2009-11).

Submitted expert report to Hong Kong High Court in action between unit owner and Incorporated Owners of multi-storey commercial/residential building in Causeway Bay, Hong Kong, in respect of alleged unauthorized building works and to assess feasibility of undertaking certain works by Court order. Judgment delivered: ***Cogi & Ors v IO of Malahon Apartments*** [HCA 816/2004] (2010).

Advised Employer (consumer) on defects in the works under residential renovation design-and-build contract dispute for a house in Stanley, Hong Kong. Matter settled in mediation (2009-10).

Examples of Previous Experience (continued)

Expert Witness / Adviser Experience (continued)

Prepared expert report, participated in meetings of experts and prepared joint experts' statement in arbitration between contractor and employer over alleged defects in the works for high end retail fitting out project in Macau. Matter settled before hearing (2010).

Expert witness in Hong Kong High Court action between unit owner and Incorporated Owners of commercial/residential building in Causeway Bay, Hong Kong, to assess feasibility of undertaking certain works by Court order. Judgment delivered: *Cogi & Ors v IO of Malahon Apartments* [HCA 816/2004] (2010).

Prepared expert report for submission in arbitration between contractor and employer over alleged defects in the works for a major hotel refurbishment project in Kowloon, Hong Kong. Matter settled prior to hearing following exchange of reports and meetings of experts (2009-10).

Prepared expert report and presented oral evidence in arbitration between architect and employer over allegedly unpaid fees and variations following early termination of major casino/commercial development project in Macau. Matter settled following hearing (2009-10).

Advised employer (Incorporated Owners Association) on defects in the works under contract for renovations to low-rise multi-residential development in Stanley, Hong Kong. Settled without formal dispute resolution (2009-10).

Prepared expert report and gave evidence in HK High Court, in respect of defects in the works under residential construction contract for a terrace house in Sai Kung, Hong Kong. Judgment delivered: *Artlane v Chan* [HCCT12/2008] (2008-09).

Submitted expert report to Hong Kong High Court regarding defects in works under residential design-and-build renovation contract for a detached house at Shatin, Hong Kong. Settled during hearing (2006-08).

Presented report and oral evidence as expert witness in professional misconduct action relating to interior design contract in Victoria County Court, Australia. Judgment delivered (2001-03).

Advised architect in two claims against D&C contractors over consultancy fees for a series of service station refurbishments and a retail/commercial redevelopment project in Australia. Resolved by negotiation (2000-01).

Advised legal team on building code and related issues in Queensland Supreme Court action in relation to refurbishment as retail complex of an historic building in Brisbane, Australia. Several interlocutory judgments were delivered including by the Queensland Appeal and Federal High Courts, however I do not know the substantive outcome of the case: *Mercantile Mutual Custodians v Village/Nine Network & Ors* [1998] QSC 276 (1999-2001).

Member of expert advisory team in "conclave" structured negotiations ordered by NSW Supreme Court to resolve construction defects in dispute over design-and-build contract for redevelopment as a retail mall of a heritage building in Sydney, Australia. Judgment delivered: *Walter v Walker* [2001] NSWCS 283 (1999-2000).

Contract Preparation Experience

John has advised on the formulation of contracts for a range of construction projects in Hong Kong including Kellett School, Kowloon Bay and two major commercial fit-out projects in ICC, West Kowloon.

He has also advised on contract documentation, technical specification and dispute avoidance/resolution provisions as a member of EC Harris/Arcadis specialist NEC advisory teams to a number of HKSAR Government Departments including Highways, Water Supplies, Drainage Services and Architectural Services Departments.

Preparation of specifications for contract documentation for major projects, including commercial, industrial, hospital, hospitality and institutional buildings, working with a specialist architectural sub-consultancy.

Contract documentation work with The Buchan Group, Fairweather Proberts Architects and 3D Developments in Australia and with Kumpulan Perunding Sdn Bhd in Malaysia, from 1996 until 2001.

Other Relevant Experience

Trained as a facilitator including "The Dynamic Facilitator" and "The Advanced Dynamic Facilitator" course. He is also a HKIAC Accredited Mediator and Mediator Assessor.

Facilitated partnering, risk and value management activities on both Government and private sector projects including airport, commercial, hotel, casino and retail projects in Hong Kong and Macau (since 2005).

Provided specialist advisory services on partnering and risk management for Drainage Services Department (DSD) Agreement No. DP/022006 – Appointment of Consultant for New Engineering Contract (2006-2008) and on and risk management for Civil Engineering and Development Department (CEDD) Wan Chai Development Phase II engineering works Contracts HK/2009/01 and HK/2009/02.

Academic / Teaching / Presentation Experience

Presented at conferences and seminars in Hong Kong and internationally (including India, Ireland, Singapore, USA, Malaysia, Korea, Brazil and USA) on arbitration, ADR, construction law and related topics (2005-).

Taught and tutored on HKIA Adjudicators Accreditation Course (2017).

Part-time lecturer/tutor on expert witness courses by the Academy of Experts in HK and Australia (2014-).

Tutor (2006-2011) and Faculty Member (2011-) of the Chartered Institute of Arbitrators; taught and tutored on CIArb (East Asia Branch) courses in Hong Kong, Taiwan, Singapore and the Philippines since 2006.

HKIAC Hong Kong Mediation Council Accredited Mediation Assessor (2005); taught and tutored on mediation training courses in Hong Kong since 2005.

Taught and tutored on HKIAC Dispute Resolution Advisor Course (2012).

Part-time lecturer/tutor for College of Estate Management Diploma of Arbitration course in HK (2005-12).

Part-time lecturer at Queensland University of Technology and Queensland University, teaching specification drafting for construction contracts to undergraduate architecture students (1998-2001).

Part-time lecturer at Queensland Institute/University of Technology, teaching design presentation to undergraduate industrial design students (1984-95).

Dispute Resolution Training

2018 LLM Construction Law and Practice (Distinction), University of Salford, UK (by distance learning) – winner of the 2019 Hill Dickinson Prize for Best LLM Dissertation in Construction Law and Practice, with the subject “Judicial Review of Statutory Adjudicators’ Decisions in the UK and Australia: A Comparative Study”

2017 HKIA Accreditation for Panel of Adjudicators

2012 KLRCAs Adjudication Conversion Course

2009 HKIAC Adjudication Training and Assessment Course

2006 HKIAC Mediation Assessor Training Course

2006 Mediation internship at Mediation Offices of Gregg F. Relyea Esq. and others, San Diego, CA, USA.

2004 Mediation Training Refresher Course, Global Mediation Services, Hong Kong.

2001 Practitioners Certificate in Mediation and Conciliation, IAMA.

2000 Arbitration pupillage in UK, for admission by CIArb as Chartered Arbitrator.

2000 Postgraduate Diploma in Arbitration, College of Estate Management, Reading, UK (by distance learning).

2000 Expert Determination Workshop, IAMA, Australia.

Career History

2018 – current On Q Consulting Limited, Director (Hong Kong)

2021 – current Hanscomb Intercontinental, Consulting Expert (UK, USA & South Africa)

2018 – current 27Group, Senior Adviser (Malaysia)

2011 – 2017 Arcadis, Executive Director [formerly EC Harris, Partner, until Sep 2015], Contract Solutions, Asia (Hong Kong)

2005 – 2011 Evans & Peck (HK) Co Ltd, Principal [Senior Associate until 2010] (Hong Kong)

2004 – 2005 Steel Storage Asia Pte Ltd, General Manager (Singapore)

2001 – 2004 Meinhardt (HK) Ltd, Manager – Meinhardt Facilities (Hong Kong)

1998 – 2001 On Q Design & Management Pty Ltd, Director (Brisbane, Australia)
Freelance consultancy and regular subconsultancy work with The Buchan Group, Architects, Fairweather Proberts Architects and Professional Specifications

1996 – 1998 Kumpulan Perunding Sdn Bhd, Senior Project Architect (Kuala Lumpur, Malaysia)

1995 – 1996 Winterwood Investments Pty Ltd, Director (Brisbane, Australia)

1993 – 1995 Feather & Co, Partner (Brisbane, Australia)

1983 – 1995 Q Form Design Group Pty Ltd, Director [Partner until 1989] (Brisbane, Australia)

1979 – 1983 Plastic Products & Signs Pty Ltd, Industrial Designer / Project Manager (Brisbane, Australia)