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CHAMBERS



## PHILIP BOULDING QC

**Call:** 1979 / **Silk:** 1996

**pboulding@keatingchambers.com**

### Areas of practice

- Construction & Engineering
- Energy & Natural Resources
- Professional Negligence
- IT & Technology
- Arbitration
- Adjudication
- Mediation

### Clerks' Details

**Declan Redmond**

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### Practice overview

Philip Boulding QC was called to the Bar of England and Wales in 1979 and has been a member of Keating Chambers since 1980. He is now based in Asia and specialises in the fields of construction, engineering, technology law and related professional negligence work.

Philip's practice comprises primarily international arbitration work and his clients include local authorities, government departments, major national and international construction and engineering companies, energy and utility companies and developers.

Recent cases have included:

- arbitrations in Hong Kong relating to major housing and mixed hotel/office/housing projects in Kowloon;
- advising the Taiwan High Speed Rail Corporation in relation to the new bullet train line between Taipei and Kaohsiung (Tsoying);
- advising contractors working on the Nino Aquino International Airport in the Philippines;
- acting for a Hong Kong Government Department in arbitration proceedings relating to a dispute arising out of enabling works for the construction of a well known and internationally recognised theme and leisure park;

- advising and acting for a Singaporean shipbuilding company working out of China in relation to two separate and unrelated sets of arbitration proceedings arising out of the construction of vessels to be used, amongst other things for use in the decommissioning of offshore oil and gas structures;
- advising (under Philippine law) a Macanese company in relation to the suspension of a project in Macau comprising the construction of a casino resort and hotel complex due to financial problems experienced by the USA owners;
- advising and acting for Irish contractors involved in disputes on contracts with West Indian government departments relating to the construction of roads and associated infrastructure works in the Caribbean;
- advising and acting for Irish contractors involved in dispute on a contract relating to the construction of a motorway in Ireland;
- advising and acting in arbitration proceedings arising out of a dispute between a Hong Kong sub-contractor and an Australian main contractor concerning the construction of an 88km length of highway in the Philippines, with the dispute being subject to Philippine Law (sum in issue US\$20M+);
- advising and acting for a Hong Kong Government Department in relation to a dispute with an international construction company;
- advising international contractor specialising in the design and installation of signalling works in respect of a dispute with a Japanese corporation arising out of the construction of the CKS International Airport Access MRT System, Taiwan;
- acting for Hong Kong construction and engineering company in arbitral proceedings concerning a project for the Peoples' Liberation Army, Hong Kong;
- acting for Australian mining company in relation to a dispute arising in connection with a mining contract for exploitation of coal at the Khushuut Mine, Mongolia;
- acting for South African consultancy company in an arbitration concerning the greenfield development of iron deposits in the Republic of Guinea, Africa, involving the design and construction of mines and mining infrastructure, approximately 655km of rail and port facilities; acting in arbitration for Japanese Joint Venture involved in the construction of a Maritime Self Defence Force Base in Djibouti, Africa for the Japanese Defence Force;
- acting for a hotel management company involved in an arbitration concerning a dispute with a Chinese property development company relating to the construction of a hotel in Beijing, China (PRC law, dispute value approximately US\$18m);
- acting for a Hong Kong based contractor against the Hong Kong Government in arbitration proceedings arising out of the construction of a public recreational park in the New Territories;
- advised Australian contractors involved in a dispute over the construction of a cigarette factory in the Philippines, Korean contractors in relation to a large engineering project in Singapore and an International JV involved in a dispute arising out of the construction of a railway in Scandinavia, as well as advising a commercial trading/investment organisation on the issues involved in gas emissions trading under the auspices of the Kyoto Protocol.

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## Recent Cases

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### Construction & Engineering

- Acting for a Hong Kong based construction company in relation to a dispute with its JV partners concerning the development of a casino/hotel complex in Macau (including references to the Independent Disputes Referee under the JV Agreement).
- Advising contractors designing and constructing a motorway in Ireland in relation to a claim for unforeseen archaeological conditions against employing a Government Department. Claim value £40m.
- Acted for the Hong Kong Airport Authority on various substantial actions arising out of the construction of the Chek Lap Kok International Airport in Hong Kong, as well as the associated MTR station.
- Advised and acted in arbitration proceedings for a major international airline on disputes over a new hangar for jumbo jets.

- Acting for a major supermarket chain in a TCC action regarding the construction of a multi deck car park.
- Advised and acted for civil engineers in TCC proceedings regarding a fire at a cold storage unit.
- Acted for a subsidiary of a major international corporation on arbitration proceedings relating to the development of a landfill site in the Midlands and the escape of toxic substances therefrom.
- Advising property developers in relation to loss and expense claims regarding a substantial residential development in the North West of England.

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*“Hard-working, very responsive and extremely competent team player.”*

**Chambers & Partners Asia, 2015**

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- Acted for a multi national JV in arbitration proceedings relating to the construction of the Tsing Ma Bridge suspension bridge in Hong Kong.
- Advising and acting in arbitration proceedings for International JV in a dispute with the designers of the Kap Shui Mun Bridge, Hong Kong.
- Advising the Taiwan High Speed Rail Corporation in relation to the construction of and disputes relating to the high speed 'bullet train' project in Taiwan linking Taipei and the south of the island.
- Acted for a sub-contractor on disputes relating to the construction of RORO car ferries in Belfast.
- Advising Australian contractors involved in a dispute arising out of the construction of a cigarette factory in the Philippines.
- Acting for an International JV involved in a dispute with a Scandinavian Government arising out of the construction of a metro system.
- Advising a UK rail company in relation to a subsidence claim against a mining company resulting in damage to railway tracks, interrupted services and a large claim for repair costs and consequential losses.
- Acting for Hong Kong steel supplier in a dispute with Macau casino owner arising out of the cancellation of the steel supply contracts. Dispute subject to the Law of Macau. Seat of arbitration Macau.
- Acting for a British/Japanese JV in a dispute with an Asian Government department arising out of the design and construction of a bridge.
- Acting for European contractors engaged by a Hong Kong corporation for two substantial diaphragm wall sub-contracts concerning the MTRC Express Rail Link.
- Acting for Hong Kong curtain walling company on claims arising out of construction works at Hong Kong University.
- Acting for Hong Kong construction company on adjudication concerning the construction of service facilities at Chek Lap Kok airport, Hong Kong.
- Acting for Hong Kong joint venture partners in relation to a dispute with the Airport Authority Hong Kong concerning the construction of the Airport Skyplaza extension adjacent to Chek Lap Kok airport, Hong Kong.
- Acting in arbitration for Japanese Joint Venture involved in the construction of a Maritime Self Defence Force Base in Djibouti, Africa for the Japanese Defence Force.
- Acting for Hong Kong construction and engineering company in arbitral proceedings concerning a project for the Peoples' Liberation Army, Hong Kong.
- Acting for Hong Kong piling sub-contractor in relation to a project to construct a special school for the physically disabled in Area 16, Tuen Mun, Hong Kong.
- Acting for Hong Kong contractor involved in substantial dispute referred to adjudication relating to a development at Chek Lap Kok airport, Hong Kong.

- Acting for a hotel management company involved in an arbitration concerning a dispute with a Chinese property development company relating to the construction of a hotel in Beijing, China (PRC law).

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*“first-rate, automatic choice for significant mandates.”*

Chambers & Partners Asia, 2015

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#### Energy & Natural Resources

- Acting for EC Bank in an adjudication in relation to a dispute concerning a nuclear energy facility in Lithuania. Claim value E41m.
  - Acting for a major power generation equipment manufacturer in relation to a dispute concerning the construction of a power plant in the UK incorporating a steam turbine.
  - Acted for a South American engineering company in ICC arbitration proceedings arising from the design, fabrication and construction of an oil pipeline, pumping stations and associated communication system and marine oil terminal in East Africa.
  - Acting for a multinational JV in arbitration proceedings relating the construction of an oil treatment and stabilisation facility in the Middle East.
  - Advised a major Italian oil and gas construction contractor regarding a facility comprising of an oil treatment and stabilisation and gas compression facility.
  - Advised and acted in arbitration proceedings in Singapore for a regional subsidiary of a major oil company concerning issues relating to the fabrication of oil rig platforms in Brunei to be erected in the South China Sea.
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*“He is extremely thorough and hardworking, leaving no stone unturned.”*

Legal 500, 2014

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- Advised various customers of the British Nuclear Fuels Industry on disputes over the terms of agreements concerning the safe treatment and disposal of nuclear waste.
- Acted for a network utility company in adjudication and court proceedings regarding delay and defects claims arising from the laying of a gas pipeline.
- Advising an oil and gas company on the contract documentation relating to the opening up of a new oil field in the North Sea.
- Advising and acting in an Expert Determination for a construction company on environmental issues arising out of the construction of a power station in Northern England.
- Acting for a Texan company involved in a Technology and Construction Court dispute arising out of work carried out to a North Sea oil and gas rig.
- Acting for a British construction company in a dispute with a Korean company arising out of the in connection with the development of a Heavy Naptha Hyrotreater and Continuous Catalytic Regeneration Platform Unit and new 66kv/12kv Substation at the Point-A-Pierre refinery in Trinidad. Seat of arbitration New York.
- Acting for Australian mining company in relation to a dispute arising in connection with a mining contract for exploitation of coal at the Khushuut Mine, Mongolia.

- Acting for South African consultancy company in an arbitration concerning the greenfield development of iron deposits in the Republic of Guinea, Africa, involving the design and construction of mines and mining infrastructure, approximately 655km of rail and port facilities.

### Professional Negligence

- Acting for a leading architect's practice which is being sued in the TCC (together with the contractors) for alleged design/workmanship defects in substantial improvement works carried out to one of the world's most famous and prestigious tennis stadiums (claim value approximately £5m).
- Advising a UK local authority in relation to claims against its professional team arising out of the substantially increased cost of constructing a new school in Dorset (contract value £20m+).
- Arbitration proceedings in Hong Kong concerning the enforceability of an insurance policy issued by a Hong Kong insurer which was intended to indemnify the contractor in respect of injuries to and deaths of its workmen caused by an explosion in a fabrication yard.
- Acting for a Hong Kong Government Department in arbitration proceedings alleging negligence against its professional advisers in connection with the design and construction of a tunnelling scheme.
- Acting for a Hong Kong Government Department in arbitration proceedings alleging negligence against its professional advisers in connection with the design and construction of a bridge.

### IT & Technology

- Acted for a technology company in an intellectual property case against a Swiss company relating to the manufacture worldwide of Ball Grid Array products and Microvias using laser technology for use in electrical products such as mobile telephones.
- Acted for a major Hong Kong based corporation in dispute with Japanese manufacturers of computerised quay cranes for use at the Hong Kong container port.
- Acted for the Port Authority in Singapore in a dispute arising out of faulty computer technology installed in bridge cranes supplied by Japanese manufacturers.
- Advising a global management consulting, technology services and outsourcing company in relation to claims relating to time over run on the installation of a unified computer system.
- Advised and acted in arbitration proceedings for an international computer company in relation to the provision of an enhanced computerised ticketing system (the London Oyster Smartcard which was intended to replace the existing magnetic strip type tickets) for London Underground and Buses which was designed, amongst other things, to increase revenues and reduce fraudulent transactions.

### Appointments as arbitrator

- Appointed by the International Chamber of Commerce as co-arbitrator on a dispute relating to commercial property in Bahrain.
- Appointed sole arbitrator on a matter relating to a commercial property complex in the Caribbean.
- Appointed sole arbitrator on an engineering dispute in the United Kingdom.
- Appointed sole arbitrator on a dispute between a property developer and contractor concerning a development on Humberside.
- Appointed co-arbitrator (3 man panel) on ICC arbitration concerning construction dispute in Qatar (place of arbitration Doha, Qatar). Qatar Law.
- Appointment as sole arbitrator on a dispute between a construction company and the Hong Kong Government (place of arbitration Hong Kong).

### Appointments as adjudicator & mediator

- Acting as adjudicator in a dispute between a railway service provider and engineering professional arising out of a contract for civil works and signalling installation, signalling design, E&P testing and commissioning in the SE of England (claim value approximately £30m).

- Acting as mediator in a dispute between a leading retail DIY store and a paint supplier in relation to breach of a vendor supply agreement. Claim value approx £10m.
- Acted as adjudicator on two adjudications relating to target price mechanisms.
- Acted as adjudicator on a £35 million commercial development dispute relating to damages for defects and delay.
- Acted as mediator on a dispute relating to the construction of a shopping centre in the North of England.

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## Selected Reported Cases

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- *Maersk Oil UK Ltd (formerly Kerr-McGee (UK) Plc v Dresser-Rand (UK) Ltd* [2007] EWHC 752 (TCC)
  - *Multiplex Constructions (UK) Ltd v Honeywell Control Systems Ltd* [2007] BLR167 TCC
  - *Safeway Stores v Interserve* [2005] All ER (D) 07 TCC
  - *Hong Kong Arbitration Award* [2005] Con LJ Vol. 21 No. 4 321
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## Education & Professional Career

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B.A. (Law) (1st Class Honours) Downing College, Cambridge University	1976
Elected to title of Scholar of Downing College	1976
Harris Scholar, Downing College	1976
Pilley Scholar	1976
Rebecca Flowers Squire Scholar, Awarded by the Cambridge University Law Faculty	1976
Senior Harris Scholar, Downing College	1977
Postgraduate LL.M., Cambridge University	1977
Gray's Inn Holker Entrance Award	1977
Gray's Inn Senior Holker Award	1978
MA, Cambridge University	1979
Called to the Bar (Gray's Inn)	1979
Keating Chambers	1979
Committee Member of the Official Referees' Bar Association (now Technology and Construction Bar Association)	1994-1999
Queen's Counsel	1996
Called to Hong Kong Bar (first of many ad hoc calls)	1996
Chairman, Keating Chambers Pupillage Committee	1997-2006
Elected Bencher of Gray's Inn	1997-2006
TECBAR Accredited Adjudicator	2004
Public Access Training	2004 & 2014
Gray's Inn Continuing Education Committee	2005
Consultant Editor of the Construction Law Reports	2006-2009
Contributor to Keating on Construction Contracts	2007
Committee Member of Technology and Construction Bar Association	2008 - 2012
Appointed Hong Kong International Arbitration Centre Panel of Arbitrators	2012
Approved Mediator, Kuala Lumpur Regional Centre for Arbitration	2014
Approved Arbitrator, Kuala Lumpur Regional Centre for Arbitration	2014

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## Memberships

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Commercial Bar Association (COMBAR)

Technology and Construction Bar Association (TECBAR)

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## Seminars, Publications & Papers

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- Society Construction Law Hong Kong Half Day Workshop - Adjudication: Practice, pitfalls and issues (2015)
  - Deacons, solicitors, client seminar – “What is really required from an expert witness” (2015)
  - Hong Kong Mediation Council (Jan 2014) - Mediation advocacy
  - Academy of Experts, Hong Kong (March 2014) - ‘Hot-tubbing’ of expert witnesses
  - Hong Kong Government Department of Justice “Expert witness immunity, or lack of it, after Jones v Kaney” (2013)
  - Construction Mediation interest Group of the Hong Kong (2013)
  - Mediation Counsel – Mediation panel session 2013
  - “The Role of the expert witness, a QC’s perspective – Society of Construction Law Hong Kong 2013
  - Keating Chambers Hong Kong Seminar – “NEC 3: Knotty Problems and Practical Guidance” [Chairman]
  - Chartered Institute of Arbitrators (South East Asia Branch, Hong Kong) - The decisions in Jones v Kaney (2011)
  - Hong Kong Society of Construction Law - The End of Expert Immunity (2011)
  - An Introduction to Hong Kong Arbitration – Law and Practice. Hong Kong Department of Justice (July 2010)
  - “The Assessment of Damages by Experts” – The Academy of Experts, London (March 2009)
  - “The Local Democracy, Economic Development & Construction Bill – Cambridge Forum for the Construction Industry (2009)
  - “The new JCT suite of contracts” – various venues in the UK during 2006
  - “Global Claims” – Society of Construction Law. Hong Kong (August 2006)
  - “The New Engineering Contract: A Progress Report” - Society of Construction Law, Hong Kong (Oct 2006)
  - Contributor, Keating on Construction Contracts - Ninth Edition Editors: The Hon Sir Vivian Ramsey and Stephen Furst QC 29 February 2012 (plus Supplement Summer 2013).
  - TECBAR - Jones vs Kaney: The end of expert immunity Philip Boulding QC TECBAR Review - Autumn Issue 2011
  - Asian Dispute Review (October 2011) - The Immunity of Expert Witnesses and the Impact of Jones v Kaney
  - Consultant Editor to the Construction Law Reports
  - Contributor, Keating on Construction Contracts - Eighth Edition Editors: The Hon Sir Vivian Ramsey & Stephen Furst QC 13 October 2006
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## Additional Information

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Cambridge Rugby 'Blue'	1975-1976
Member of Cambridge University Hawks Club Committee	1976-1977
Hon. Sec. of Cambridge, University R.U.F.C	1976
England U-23 XV	1977
Bedford R.U.F.C. 1st XV	1975-1982
President, Cambridge University Amateur Boxing Club	1990-1994
Vice-President C.U.A.B.C	1994-1999
Governor of Hills Road Sixth Form College, Cambridge	1996-1999
Senior President, Downing College 'Griffins'	2005

Philip is a regular contributor as both speaker and Chairman of Construction Conferences held in the UK and abroad.