



Patrick J O'NEILL

LLB(Hons) BSc(Hons) DIPArb FRICS MHKIS FCI Arb
FHKI Arb MACostE HKIAC Accredited Mediator

Director

Key Experience:

Patrick O Neill is a Chartered Quantity Surveyor and has attained a detailed knowledge of all aspects of commercial management and contractual matters relating to the built environment. Patrick is experienced in traditional contracting, management contracting, design and build and lump sum performance contracting relating to civil engineering, building, electrical / mechanical & systems related works and has a thorough knowledge of the construction industry, having been employed by government bodies, local authority organisations, private practice quantity surveying firms, private practice consultants and main contracting organisations, both in the UK and overseas. Patrick's expertise is in providing commercial and contractual advice to clients, the preparation of claims for time and cost, independent opinions and appraisals of commercial positions, providing assistance in construction mediations and the provision of expert witness services for quantum matters in both High Court actions and construction arbitrations.

Patrick is a regular contributor of articles on contractual matters to local construction related publications and has lectured on claim matters in China.

Career Summary:

2007 – Present: Director of ADR Partnership Limited (ADR)

Director providing commercial, contractual and expert witness services and advice to clients in Hong Kong:

- > Appointed by Legal Advisory Division to act as Quantum Expert for Government in arbitration.
- > Appointed by Baker and McKenzie to provide commercial and contractual advice concerning a residential development in Kowloon.
- > Appointed by Minter Ellisons to act as Expert Witness for Hong Kong Housing Authority in arbitration.
- > Appointed by Minter Ellisons to act as Expert Witness for a Hong Kong steelwork contractor in arbitration.
- > Appointed by Minter Ellisons to act as Expert Witness for Hong Kong Housing Authority in arbitration.
- > Appointed by Siao, Wen & Leung to act as Expert Witness in a High Court case between a Contractor and sub-contractor.
- > Appointed by Minter Ellisons to act as Expert Witness for a Hong Kong hotel development dispute in arbitration.
- > Providing contractual and commercial advice to the Joint Venture concerning the reclamation works at Central Reclamation Phase III.
- > Providing contractual and commercial advice to a contractor regarding time and cost claims on a 2 X 50MW power plant in Perth, Australia.
- > Providing contractual and commercial advice to a contractor regarding time and cost claims on a 2 X 50MW power plant in New Caledonia, Australia.
- > Providing contractual and commercial advice to a Contractor concerning development works at Hong Kong International Airport.
- > Providing commercial and contractual advice to a Contractor concerning a private commercial development in Singapore.
- > Providing advice to Government Works Bureau (Legal Advisory Department) concerning a mediation between Drainage Services Department and a Contractor.
- > Providing advice to Government Works Bureau (Legal Advisory Department) concerning an arbitration between Highways Department and a Contractor.
- > Providing commercial advice to a contractor providing facilities for the Hong Kong equestrian jumping events at Sha Tin as part of the Beijing 2008 Olympic Games.

Career Summary (Cont'd):

- > Providing commercial advice to a sub-contractor refurbishing the HKJC Beas River facilities for the equestrian cross country events as part of the Beijing 2008 Olympic Games.
- > Appointed by Mallesons Stephen Jacques to act as Expert Witness in a dispute between a Contractor and a Developer concerning a residential block in Kowloon City.
- > Instructed by Siao, Wen & Leung to act as quantum expert between a contractor and a developer and preparation of an expert report for use in an arbitration concerning a Lai Chi Kok property development.
- > Instructed by Mallesons Stephen Jacques to act as Expert Witness in a dispute between a Nominated Sub-Contractor and a Developer in a High Court Action concerning a Tsing Yi housing development.
- > Kowloon Southern Link – West Kowloon Station and Tunnels – Jordan Road to TST East – Claims Manager responsible for the preparation and negotiation of all of time and cost claims for the HK\$2bn Kowloon Southern Link project.

2001 – 2007: Managing Consultant with Brian E Rawling & Associates Limited (BERA)

Managing Consultant with Brian E. Rawling and Associates, providing commercial direction and contractual advice to a varied selection of clients in Hong Kong. The typical duties undertaken and the skills required were as follows:

Projects for the preparation, defense and negotiation of contractual claims include:-

- > Kowloon Southern Link between Nam Cheong Station and Tsim Sha Tsui East Station (Joint Venture) – Claims Manager involved in the preparation of delay and disruption claims.
- > Housing Authority Development – Preparation of an Expert Report on quantum matters concerning a dispute between Housing Authority and a Contractor.
- > Penny's Bay Reclamation Stage 2 – Preparation of all time and financial claim submissions for the Main Contractor in relation to the Disney Stage 2 public fill reclamation at Penny's Bay.
- > Jordan Road Reclamation - Providing commercial and contractual advice to a Main Contractor concerning all of the financial aspects of a reclamation project in West Kowloon.
- > Providing commercial advice to a fit-out Sub-contractor concerning the fit out of a hotel development in Kowloon.
- > Tsim Sha Tsui KCRC Station – Preparation of delay and disruption claim submissions for the Main Contractor in relation to the Tsim Sha Tsui East Rail station structure.
- > Tsing Yi Reclamation – Providing commercial and contractual advice concerning all of the financial aspects of a reclamation project in North Tsing Yi.
- > Venetian Macau West Podium – Preparation of financial claims for the Works Contractor and providing commercial and contractual advice on insurance matters.

Projects involving arbitration, High Court actions and mediation proceedings include:-

- > Appointed by Siao Wai and Leung to act as Expert Witness in a dispute between a Contractor and a Developer concerning a residential block in Kowloon
- > Appointed by a Hong Kong Government Department and a Contractor to act in the capacity of Non-Binding Joint Appointed Expert Determinator in a dispute concerning extensions of time and additional cost.
- > Appointed by the liquidators of a Hong Kong Piling Contractor to provide technical support in recovering money from debtors.
- > Instructed by Mallesons Stephen Jacques to provide expert advice in the matter of an Arbitration between a Hong Kong Consultant and a Hong Kong Government Department. Acted as Expert Witness in the arbitration.
- > Instructed by Mallesons Stephen Jacques to act as Expert Witness in a dispute between a Nominated Sub-Contractor and a Developer for a Tsing Yi Housing Development.
- > MTRC – appointed by the MTRC to perform a financial and technical audit on a Contractor's accounts in relation to an Arbitration for the MTRC Tsueng Kwan O extension.
- > Foundations for West Kowloon Reclamation – instructed by Johnson Stokes & Master to provide expert advice in the matter of an Arbitration between a Hong Kong Contractor and the Hong Kong Housing Authority.

Career Summary (Cont'd):

- > Government Works Bureau (Legal Advisory Department) – Tseung Kwan O Reclamation Works – instructed by LAD to prepare reports on quantum and a position paper for use in a mediation between Civil Engineering Department and a Contractor for a reclamation.
- > Cathay Pacific Airways Limited – Cathay City Headquarters. Advised CPA in a mediation with the Contractor concerning the works associated with the construction of Cathay City. The parties successfully settled the dispute at the conclusion of the mediation.
- > MTRC – advising the MTRC in the matter of an Arbitration with the Airport Authority concerning the Ground Transportation Centre, including providing expert advice and independent reports on liability and quantum – participated in the preparation of technical pleadings and the mediated settlement of the dispute.

Projects involving corporate restructuring:-

- > Gammon Skanska Limited – appointed by the directors of Balfour Beatty Group Limited to carry out due diligence exercises on Gammon as part of Balfour Beatty's takeover of Skanska's interest in Gammon.
- > Due diligence report – instructed by KPMG to prepare a due diligence report on a local Hong Kong construction company undergoing financial restructuring.

1995 – 2000 – Contracts Engineer I – Airport Authority, Hong Kong

Employed within the Contracts and Controls Division of the Airport Authority, dealing exclusively with the recording, assessment and reporting of time and cost claims for all airport-related electrical / mechanical and specialist systems contracts. Prior to the involvement in claims assessment and reporting, the duties were concentrated on the post-contract administration of numerous airport-related mechanical / electrical and systems contracts. The responsibilities encompassed the full range of post contract cost control and administration duties including the resolution of all claims.

1993 – 1995 – Project Quantity Surveyor – Taylor Woodrow Design & Build Limited

Project Quantity Surveyor on a \$5m contract for a passenger transfer extension to Heathrow Terminal 3. The responsibilities encompassed all aspects of the pre and post contract commercial duties expected of a Main

Contractor's Project Surveyor including the preparation of feasibility studies and reports into the viability of the project, negotiating the terms and conditions of the main contract with the employer, and the pre-qualification and subsequent procurement of sub-contract packages for undertaking the works. Post contract duties included management of sub-contract accounts, valuation of variations, preparation of prolongation and disruption claim submissions, internal accounting, cash flow management and undertaking value engineering exercises on a regular basis.

1992 – 1993 – Quantity Surveyor – Taylor Woodrow Management Limited

Quantity Surveyor on a \$12m contract for the refurbishment of 58 No. London Underground stations. Responsible for the pre-qualification of both building and mechanical & electrical contractors in order to determine their suitability and qualifications for carrying out works. Preparation of tender invitation documentation, carrying out tender assessments, negotiations on submitted tenders and preparing recommendation reports on successful tenders, and subsequent preparation of contract documentation.

1990 – 1992 – Site Quantity Surveyor – Taylor Woodrow Construction Limited

Site Quantity Surveyor on a \$22m contract for the construction of Charing Cross Police Station in Central London. Responsibilities comprised the full range of post contract commercial duties, up to and including the eventual agreement of the final account.

Academic Qualifications:

- > LLB(Hons) Degree University of Wolverhampton 2007
- > Post Graduate Diploma in Arbitration Studies Holborn College 1998
- > BSc(Hons) Degree, Quantity Surveying Bristol Polytechnic 1990

Professional Qualifications:

- > Fellow The Royal Institution of Chartered Surveyors, 2005
- > Accredited Mediator Hong Kong International Arbitration Centre, 2004
- > Fellow The Hong Kong Institute of Arbitrators, 2003
- > Member The Adjudication Society, 2003
- > Member The Hong Kong Institute of Surveyors, 2001
- > Fellow The Chartered Institute of Arbitrators, 2001
- > Member The Association of Cost Engineers 1997

Service on Technical / Professional Bodies:

Council Member / co-opt member of the Quantity Surveying Division, The Hong Kong Institute of Surveyors, since 2002, Member of the Surveyors Registration Board, The Hong Kong Institute of Surveyors 2002 – 2004, Member of a CPD Committee for organizing a conference on Dispute Resolution 2002, APC Assessor (Quantity Surveying Division), The Hong Kong Institute of Surveyors since 2003, Member of the Sub Committee on Hong Kong Conditions of Contract and Legal Matters, The Hong Kong Institute of Surveyors since 2001, Member of the Mainland Chinese Sub Committee, The Hong Kong Institute of Surveyors since 2001, Member of the Dispute Resolution Sub Committee, The Hong Kong Institute of Surveyors since 2003, Co-ordinator of the HKIS Expert Witness Sub Committee since 2003, Member of the Society of Construction Law Hong Kong since 2000, Member of the Lighthouse Club, Hong Kong branch since 2000. Member of the British Chamber of Commerce since 2009; Member of the British Chamber of Commerce Construction Procurement sub-group since 2009.

Public Service Duties

- > Member of the Hong Kong Inland Revenue Board of Review, 2010 onwards
- > Member of the Catholic Diocese Building Professional Advisory Group, 2008 onwards

Publications and Presentations:

- > Co-editor of the English / Chinese construction dictionary published jointly by the China Engineering and Cost Association and the Hong Kong Institute of Surveyors, 2002
- > P.J.O'Neill; *"Joint Ventures"*, Hong Kong Institute of Surveyors Journal, volume 11, Issue 3, March 2002
- > P.J.O'Neill; Speaker in the conference on claims preparation, assessment and settlement, Shanghai, June 2002
- > P.J.O'Neill; Conference organizer of the conference titled Alternative Dispute Resolution, Conrad Hotel, September 2002
- > P.J.O'Neill; *"Levying the correct amount of levy"*, Hong Kong Institute of Surveyors Journal, volume 11, Issue 10, November 2002
- > P.J.O'Neill; *"Claims Preparation, Assessment and Settlement"*, Hong Kong Institute of Surveyors Journal, volume 11, Issue 8, September 2002
- > P.J.O'Neill; *"Joint Venture Agreements"*, CECA China Construction Journal, February 2003
- > P.J.O'Neill; *"Mediation – The importance of being prepared for the mediation I"*, Hong Kong Institute of Surveyors Journal, December 2003
- > P.J.O'Neill; *"Mediation – The importance of being prepared for the mediation II"*, Hong Kong Institute of Surveyors Journal, January 2004
- > P.J.O'Neill; *"Mediation – The importance of being prepared for the mediation III"*, Hong Kong Institute of Surveyors Journal, February 2004
- > P.J.O'Neill; *"Without Prejudice Negotiations"*, Hong Kong Institute of Surveyors Journal, October 2004
- > P.J.O'Neill; *"The difference between an expert witness and a witness who is an expert"*, Hong Kong Institute of Surveyors Journal, December 2004
- > P.J.O'Neill; *"Learning Curves as part of Disruption Claims"*, Hong Kong Institute of Surveyors Journal, July 2005
- > P.J.O'Neill; *"A Comparison between Contract Price Fluctuations and the Real Increases in Construction Costs"*, BERA Bulletin, Spring 2006

- > P.J.O'Neill; *"Advancing a Claim for Additional Payment on a Quantum Meruit Basis"*, BERA Bulletin, Autumn 2006
- > P.J.O'Neill; *"Cash Retention: Severing the Over-reliance"*, ADR Digest, Autumn 2007
- > P.J.O'Neill; *"When does a claim become a dispute and why does it matter ?"*, ADR Digest, Summer 2008
- > P.J.O'Neill; *"Challenges to Liquidated Damages"* ADR Digest Autumn 2008
- > P.J.O'Neill; *"Ascertaining the Cost of Termination"*, ADR Digest Spring 2009
- > P.J.O'Neill; *"Quantifying Acceleration Costs"*, ADR Digest, Summer 2009