



Listed in *Legal 500* for
International Arbitration
Leading Individual for Dispute
Resolution - Chambers Asia
2009

"An academically strong
aggressive and tactically
impressive practitioner"
"An impressive presence",
"pleasant demeanour and
thoroughness"

Recommended Lawyer
(Dispute Resolution, Foreign)
– *Chambers Global, 2008*
Leading Lawyer

(Construction) – The Asia
Pacific Legal 500, 2008/2009
Listed in Who's Who Legal –
for both Commercial
Arbitration and Construction
for many years.

Highly Recommended
(Construction), Recommended
(Dispute Resolution) – PLC
Which Lawyer 2009

Andrew Aglionby is an independent neutral third-party, accepting appointments as arbitrator, mediator, dispute board member and adjudicator. He applies more than 30 years of experience as a lawyer specialising in dispute resolution, and commits to providing an efficient and cost-effective service for parties to disputes.

Since 1984, Andrew has worked on matters involving projects and parties from, among other places, Abu Dhabi, Azerbaijan, Bahamas, Bermuda, China, Denmark, Dubai, Egypt, France, Germany, Hong Kong, India, Indonesia, Iraq, Israel, Italy, Japan, Kazakhstan, Korea, Kosovo, Lebanon, Malaysia, the Netherlands, Norway, Pakistan, Palau, Panama, Poland, Philippines, Qatar, Russia, Singapore, Spain, Sudan, Sweden, Switzerland, Taiwan, Thailand, Turkey, the United Kingdom and the United States.

Representative Matters As Arbitrator

- Appointments as arbitrator in disputes concerning: disputed termination of contracts; obligations for the provision of technology; interpretation and application of option provisions in the energy sector and related financial remedies; revision and application of escalation pricing provisions in long-term design, build, operate arrangements; retention and use of confidential information; obligations arising from long-term space sharing shipping agreements; and issues arising from contracts for the international sale of goods of various kinds (including coal, steel and poultry).

Construction, Energy and Real Estate

- Advice on FIDIC Silver Book based provisions and physical conditions revealed by post-contract site investigations in relation to a hydro project in the CIS.
- Advice on recovery of loss for defects in the works of Sub-Contractors, and measurement and payment issues arising in a metro project in a Northern European country.
- Advice relating to termination of contract following suspension of works, allocation of risks, adequacy of design, application of force majeure provisions and physical conditions in a FIDIC Red Book project in Turkey.
- Advice concerning dispute board process over a number of disputes arising in relation to a FIDIC Red Book form for a hydro project in Malaysia including variations, re-rating, measurement of and payment for work undertaken under a Supplementary Agreement.
- Advice concerning dispute board processes and disputes arising from road projects under a FIDIC MDB form in a Central Asian country.
- ICC arbitration over the disputed termination of a construction contract for a multi-structure hotel, commercial and residential development in Baku, Azerbaijan.
- Advice on recovery of sums arising from the disputed termination of a cost-plus contract for the construction of a hotel in the former CIS states, and related ICC arbitration process.
- Advice on the structure of contractual loss allocation and change

of control provisions in the event of default in a joint venture agreement.

- Advising on delay and defect issues in a substantial residential construction project in England.
- Acting in court proceedings and a successful mediation concerning alleged late service of notices for the renewal of a lease, and liabilities of the solicitors advising on that transaction.
- Acting for a hotel and leisure client in negligence and breach of contract claims arising from damage to an asset in London, and recovery from insurers and insurance brokers.
- Advising a developer client on recovery of sums paid out in an adjudication concerning delay to completion, and acting in the resulting court proceedings.
- Ad Hoc arbitration in Hong Kong resolving disputes arising from refurbishment of premises.
- Acting for a retail and leisure client in pursuing negligence and insurance claims arising from damage to an asset in England.
- Disputed termination of a construction contract in the CIS for a Chinese client, arbitration in Stockholm.
- Advising in relation to ground condition claims for civil engineering works in Asia Pacific.
- Valuation and delay issues concerning a substantial lump sum earthworks contract in Asia Pacific.
- Advising on disputed entitlements concerning design and supervision during construction of a technology park.
- Advice on the disputed application of material change provisions in a production sharing contract in the energy sector.
- Advising on issues arising from a TBM tunnel project in Hong Kong during expansion of a well-known theme park.
- Acting as legal advisor to the developer on contracting issues arising during construction of two separate and well-known theme park expansions.
- Advice on possible investor-state remedies arising from changes to feed-in tariffs for renewable energy projects in a European State.
- Civil Engineering sub-contract disputes arbitrated under HKIAC Domestic Rules.
- Advice to the joint developers on management of risk during construction of a new port development in Hong Kong.
- Advice to a regional power producer concerning its entitlements and liabilities in relation to an LNG supply agreement.
- Acting for a sub-contractor in its claims for extensions of time and loss and expense in relation to a railway project in Hong Kong.
- Advice to the Owners consortium concerning the construction and commissioning of a 550MW combined cycle power plant in Asia Pacific including advice on the management and settlement of claims from the EPC and Supply Contractors.
- Advising a Hong Kong holding company in relation to disputes arising from a substantial port concession agreement in Spain.
- Acting in two arbitrations for a contractor engaged in foundation work.
- Party counsel in a mediation concerning disputes arising from the terms of a long-term agreement for the supply of aggregates in Greater China.

- Party representative in several successful negotiations between European suppliers concerning disputes arising from the supply of plant and machinery to end-users in Greater China.
- Representing a public sector body in Hong Kong arbitration against a contractor in a large residential development. The disputes concerned delay, disruption, variations and allegations of lack of independence in the actions of the supervising architect.
- Advice on the termination of a construction contract in the PRC for non-performance and fraudulent conduct in obtaining regulatory approvals.
- Acting for the individual directors of an insolvent construction company in relation to claims made against them by the liquidators relating to conduct in management of the company before liquidation.
- Acting in arbitration for a large public sector employer seeking damages for negligent design and contract administration during a major civil engineering project in Hong Kong.
- Advice to the project owner on the settlement of disputes concerning defects in the design or construction of a sliding roof to a public entertainment facility in Hong Kong.
- Advice to one joint venture partner in a major chemical facility being constructed in the PRC concerning delay in performance, acceleration, omission of works and interpreting scope of work obligations disputed by the Contractor.
- Advice to an EPC Contractor on liabilities and risk management arising from the delayed construction of a coal-fired power station in Greater China and possible European based arbitration.
- Advice to the owners' consortium on the defective performance and delayed commissioning of a multi-phase gas turbine power station and issues arising under affected Gas Supply, Power Purchase and Operation and Maintenance Agreements in Greater China.
- Advising a consortium of contractors in relation to substantial disputes (ground conditions, delay, variations and acceleration) arising from a multi-purpose dam project in Greater China. This included a Dispute Review Board procedure and issues surrounding an arbitration in Stockholm.
- Advising employer in a disputes and resulting arbitration over delayed completion, fitness for purpose, adequacy of testing and defects in mechanical apparatus and computerised control systems for automated batches of plant provided under a design and construct contract for use in a port facility.
- Acting in a CIETAC arbitration for foreign contractors in a lapsed joint venture responding to sub-contractor claims.
- Acting for a public sector employer in Hong Kong in multi-million dollar delay and defects claims and arbitrations arising from several large residential (building) projects.
- Acting for several contractors as respondents in different arbitrations commenced by building developers. The arbitrations concerned alleged inadequacy in bored piling foundations in large residential developments. The amounts in dispute in the arbitrations varied from HK\$600 million to HK\$1.3 billion.
- Acting in a public enquiry into defective large diameter bored piling.
- Adjudication between joint developers concerning cost split on a

major project (including analysis of how land premiums were calculated by the Hong Kong Government).

- Judicial review of a decision by the Hong Kong Housing Authority to remove a contractor from its list of approved contractors.
- CIETAC arbitration concerning termination and defective work (PRC law heard in Beijing).
- Drafting a FIDIC based engineering contract for a works in excess of €1 billion.
- Drafting project documentation for the construction of new port and port-related facilities in Asia and Central America.
- Drafting operating system contracts for railway development in Hong Kong. These contracts involve detailed integration requirements, many of which affect control systems.
- Drafting agreements for commercial and industrial developments in the PRC.
- Drafting alteration and addition contracts and associated consultancy agreements
- Drafting onshore and offshore consultancy agreements and construction contracts for a natural produce process facility in the PRC.
- Drafting numerous arbitration agreements for a variety of industry sectors and arbitration venues.

Technology and Media

- Advice on termination of a contract for system integration services in the telecoms sector.
- Acting in a LCIA arbitration for the recovery of sums under a contract for the provision of media content in Asia Pacific.
- LCIA arbitration in the media content sector concerning financial adjustment provisions in an international contract.
- ICC arbitration between a provider of software and a European state-owned telecoms provider of telephone services concerning the disputed termination of two contracts and associated loss of income claims, and further acting in enforcement of the same.
- LCIA arbitration over payments and other rights relating to media content.
- Ongoing advice concerning contractual interpretation and early dispute resolution in various software supply agreements for different clients.
- Advice on contractual remedies appropriate for inclusion within a contract for the joint development of mobile telephone infrastructure.
- An ICC arbitration arising from disputed termination of a contract for the supply of LTE mobile telephone network equipment.
- Acting in two ICC arbitrations concerning licences for exploitation of on-line computer games.
- Acting in a dispute concerning termination of a hosting agreement in the gaming sector, and as party representative in a successful mediation.
- Advice on structuring of arbitration agreements, exclusion of liability and limitation of liability provisions in complex network sharing agreements.
- Disputed termination of a sale and purchase agreement involving investment in Korea.

- Acting in an arbitration concerning alleged breaches of representations and warranties in the sale and purchase of a microchip business.
- An arbitration concerning adequacy of sub-contracted software and its interface with other software forming part of an electronic delivery system.
- Arbitration over inadequate and delayed performance leading to a disputed termination of a licensing and technology agreement in the microchip business.

Commercial Disputes

- Advising on a LCIA arbitration concerning the application of a pre-emption provision in a shareholders agreement.
- LCIA arbitration (and related court proceedings) concerning asset-backed structured finance documents and recovery of losses alleged to have been suffered in the use of associated derivative products.
- Acting for a life sciences company in negotiating settlements with multiple parties and insurers arising from a fire in a manufacturing facility.
- Court proceedings objecting to enforcement of US arbitral awards in England and Wales.
- Commencing court proceedings appealing a London arbitration award, acting for an Italian party.
- Acting in court proceedings brought by a planning consultant seeking payment of an alleged success fee relating to a landmark development in London, and as party representative in the successful mediation.
- Arbitration over disputes arising from a proposed joint venture to distribute PRC produced goods in the United States, subject to arbitration in Hong Kong, connected with RICO proceedings in the United States with a claim for over US\$1.4 billion.
- Acting in a SIAC arbitration arising from supply of commodities, and disputes as to quality.
- Advising several parties on contractual remedies arising from trading in carbon credits.
- Acting in several disputes concerning the international sale of goods.
- Advising an Italian client on termination of an agency agreement in the PRC, and possible related HKIAC arbitration.
- Acting as party representative in a linked series of 11 CIETAC arbitrations concerning long-term supply and distribution arrangements between a multi-national life sciences company and its Chinese distributors.
- Assisting overseas counsel in Hong Kong-related issues concerning a claim before ICSID.
- Advising on structuring of investments taking into consideration rights to benefit from investor/state arbitration.
- Acting for a PRC company facing arbitration in Hong Kong where the arbitration agreement calls for a seat in "China".
- Acting as party representative in CIETAC arbitration proceedings concerning enforcement of security over shares.
- Advising a company director on fiduciary duties and shareholder matters.

- Shipbuilding arbitration concerning delay, payment and termination (Dutch law and venue).
- Arbitration for substantial sums concerning shareholders rights in PRC assets (Texas law, Swiss venue).
- Arbitration of franchise agreements (Japanese law).
- Acting in a CIETAC arbitration concerning payment and time for performance under an international trade agreement.

Honours, Memberships, and Professional Activities

- A Chartered Arbitrator and Fellow of the Chartered Institute of Arbitrators.
- A Fellow of the Hong Kong Institute of Arbitrators.
- A CEDR Accredited Mediator.
- On the List of Arbitrators and Panel of Adjudicators of Hong Kong International Arbitration Centre.
- On the panel of CIETAC Arbitrators, Beijing, People's Republic of China.
- A Mediator on the panel of the US-China Mediation Council (Beijing/New York).
- Panel Mediator of the China Council for the Promotion of International Trade/China Chamber of International Commerce (CCPIT/CCIC) Mediation Centre.
- On the CPR (New York) Global/International Panel of Distinguished Neutrals.
- A member of the CPR Construction Committee.
- A member of the ICC Commission on Arbitration and ADR.
- A member of the Advisory Council of the Straus Institute for Dispute Resolution, Pepperdine University.
- Consulting Editorial Board member LexisPSL Arbitration.
- Member of the Society of Construction Law (formerly a council member in Hong Kong).
- A member of the International Bar Association.
- Lifetime member Lighthouse Club Hong Kong.
- Vis Moot East arbitrator for many years

Background and Education

Andrew was called to the Bar of England and Wales in 1984 (Inner Temple) and later re-qualified as a solicitor in England and Wales and in Hong Kong.

- 1980 to 1983 – University of East Anglia, Norwich, England, LLB
- 1983 to 1984 – Inns of Court School of Law (Bar School)
- 1984 to 1986 2 Harcourt Buildings, Temple (chambers of Quentin Iwi, now Henderson Chambers), London, Pupil Barrister and Barrister
- 1986 to 1990 DJ Freeman & Co. (London) Assistant Solicitor, Litigation Department
- 1990 to 1993 Denton Hall Burgin & Warren (London), Assistant Solicitor, Construction Group
- 1993 to 2010 Baker & McKenzie (Hong Kong), Assistant Solicitor (1993), and Partner (1996).
Head of International Arbitration, Asia Pacific (coordinating

- the practice across 14 offices)
- Head of Construction – Hong Kong (also covering China)
- Member Global International Arbitration Steering Committee
- Member Asia Pacific Disputes Steering Committee
- 2010 to 2015 Olswang LLP (London), Partner, Head of Arbitration International Best Friends Partner, running the global best friends law firm network
- Training partner, litigation
- 2015 to date JAMS International
- Independent neutral dispute resolution, acting as arbitrator, mediator, dispute board member and adjudicator.

Publications and Presentations

- Co-author (with Catherine Mun) of chapter on arbitration agreements in Chitty on Contracts, Hong Kong Specific Contracts, 2008 to date (4th edition 2014).
- Andrew was contributing editor to “Arbitration in China: a practical guide”, “Arbitration in Hong Kong: a practical guide” (Sweet and Maxwell) and a contributor to “International Arbitration Checklists” (Kluwer Law).
- He co-authored the chapter on International Arbitration in the China Briefing publication “Business Guide to the Greater Pearl River Delta”.
- “Arbitration outside China: the alternatives” Journal of International Arbitration 2007.
- CPD Casts on arbitration – various (most recent concerning the 2014 LCIA rules).
- Solicitors Journal September 2014 – The Changing Landscape of Arbitration in Asia.
- LexisWebinars – IT Disputes, November 2014
- Andrew has given many presentations on construction and international arbitration to audiences of up to 200 in London, Hong Kong, Beijing, Shanghai, Bangkok, Sydney, New York, Chicago, Houston, Miami and Palo Alto. In 2014 he chaired an ICC Symposium in London on efficiency and speed in arbitration.

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