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PHILLIP ROMPOTIS

Admissions

2019	Barrister, Hong Kong
2004	Barrister, Victoria, Australia
2002	Solicitor-Advocate, Hong Kong
1998	Solicitor, Hong Kong
1994	Barrister & Solicitor, Supreme Court of Victoria & High Court of Australia

Academic

1992	Bachelor of Laws (Hons) / Bachelor of Arts (Hons), University of Melbourne, Victoria, Australia
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Practice profile

Phillip has over 30 years' experience as a disputes lawyer, arbitrator, mediator and adjudicator across a range of commercial practice areas including arbitration, construction, infrastructure & engineering, financial services, joint venture & shareholders agreements, technology, winding-up and bankruptcy proceedings, trusts, property and landlord & tenant (including rating).

Phillip graduated with LLB/Arts (Hons) degrees from the University of Melbourne, where he was awarded the Gadens Ridgeway Law of Security & Security Transactions Prize for leading student, and listed as a member of the Honours Degree Class List. Phillip joined Mallesons Stephen Jaques (now King & Wood Mallesons), working in their Melbourne and Hong Kong offices. Phillip then worked at Herbert Smith (now Herbert Smith Freehills) and CMS Cameron McKenna in Hong Kong until 2001, prior to returning to Melbourne where he practiced as a barrister in Melbourne until 2012. Phillip returned to Hong Kong in 2012, joining Stephenson Harwood, where he was a Partner in the Litigation Group (Construction and International Arbitration) before being called to the Hong Kong Bar in 2019.

Rankings

He is ranked in the leading directories, including:

Legal 500 Asia 2024: Leading Junior: "Phillip is hard working and meticulous in his preparation, leaving no stone unturned. He is an excellent advocate and communicator and is always on point with his strategy and advice."

Who's Who Legal 2023: "Thought Leader: Construction", the only non-silk barrister to be so recognised; and "Global Leader – Construction 2023" for China & Hong Kong

Global Law Experts 2023: Sole construction lawyer from Hong Kong

Legal 500 Asia Pacific (2021, 2023) – Leading Junior - "Deep knowledge of arbitration law in Hong Kong and globally. Sharp intellect and tenacious."

Doyles – Leading Barrister (Construction) 2020.

Legal 500 Asia Pacific (2017) – Leading Individual – "never fails to meet the needs of clients" (Construction); "adopts an extremely detailed approach and is a good tactician" (dispute resolution).

Chambers Asia Pacific (2016) – "valued for his ability to understand the technicalities of the legal situations and guide you through the matter". Leading Individual for Dispute Resolution: China Litigation (2016, 2017, 2018)

Commercial arbitration

Phillip has extensive experience in arbitration and international arbitration matters, with an intimate knowledge of the UNCITRAL Model Law and enforcement actions under the New York Convention.

Phillip is a Fellow of the Chartered Institute of Arbitrators and the institute of arbitrators in Hong Kong, Singapore and Malaysia, as well as being an accredited adjudicator and mediator. He is also a member of various Lists/Panels of arbitrators, including the HKIAC, SIAC, MIArb, AIAC, CEAA, RIA, SCCA, TAI and KAIC.

Phillip has been appointed as Sole Arbitrator (and as part of a three-member panel) in over 35 arbitration proceedings including:

- Proceedings arising out of contractual obligations where one of the parties was subject to the sanctions regime.
- Proceedings arising out of three sub-contracts valued in excess of HK\$250 million in relation to works carried out at a premier Macau casino
- HKIAC proceedings in relation to a master agreement for the supply of technical goods, governed by the United Nations Convention on Contracts for the International Sale of Goods
- HKIAC proceedings relating to a dispute between a listed PRC state owned gas company and Ethiopian entities regarding the supply of sophisticated monitoring equipment, materials and specialist labour for an oil/gas project undertaken in Ethiopia
- SIAC proceedings in relation to a put option agreement between a listed Singapore entity and a Mainland China entity for the sale of shares in a joint venture operating medical facilities in Mainland China
- HKIAC proceedings relating to the construction of a hotel and various property related issues in Mongolia
- HKIAC proceedings relating to the supply of construction machinery by Chinese entity to Laos entity; amount in dispute in excess of USD3m
- numerous shareholder/joint venture disputes, including a dispute arising out of a joint venture between Mainland Chinese-based investors and prominent businessman for the construction of a USD\$20m food processing plant; a joint venture between Indonesian and Mainland Chinese equity investors and a local commercial contractor in respect of a USD\$35m commercial property development; a joint venture between Thai based private equity investors and local construction company in relation to the construction of a USD\$15m high rise residential/commercial complex; a joint venture agreement entered into by prominent commercial construction company in relation to construction of USD\$50m residential tower
- a dispute arising from a tripartite agreement between pension fund employer, prominent commercial contractor and financiers involving enforcement of on-call performance bonds for failure to adequately progress works during the construction of a USD\$30m shopping centre
- disputes in the property and construction sector including (i) proceedings involving employers and contractors for extra time, extra payment, defective works, etc; and (ii) landlord and tenant disputes in relation to market rent payable under open market rent review provisions
- a dispute between two real estate consultants (one based in Mainland China, the other in the USA) and USA-base property developer/investor in relation to rights for payment of commission concerning the purchase, redevelopment and sale of a US\$89m property investment in Chicago USA by Shanghai-based investors pursuant to a Mainland Chinese law governed consultancy agreement
- two separate arbitration proceedings between employer and contractor concerning the construction of major industrial food production premises valued at USD\$15m, pursuant to ad-hoc arbitration rules
- a dispute between joint venture commercial contractors concerning ownership of assets and entitlements to payment following termination of building contract by employer concerning the construction of a major USD\$35m shopping centre

- a dispute between a Government Department and long term leaseholder of ski fields concerning ownership of assets, insurance issues, government guarantees, etc., following regional bushfires, pursuant to the UNCITRAL Arbitration Rules

Notable engagements as counsel in arbitration proceedings include:

- in proceedings arising out of the construction of a major infrastructure project in Hong Kong, with claims valued in excess of HK\$7 billion
- in HKIAC proceedings concerning claims for payment under a distributorship agreement in the travel ware industry against one of the world's largest sourcing companies
- in 10-day trial (ICC proceedings) valued in excess of HK\$100m concerning claims for payment under a distributorship agreement arising out of supply of aircraft parts against one of the world's largest aircraft manufacturers
- in 5-day trial (SIAC proceedings) on behalf of a subsidiary to a Hong Kong listed company owned by PRC interests in relation to the sale and purchase of over USD\$75m worth of crude oil from the Middle East
- In 8-day trial (HKIAC proceedings) on behalf of USA-based entertainment company for sums exceeding US\$4m against a theme park provider in Guangdong for fees pursuant to a Design Consulting Services Agreement
- In 12-day trial acting for Indian-based employer in dispute with contractor relating to the calling of performance bonds during the construction of AUD\$20m regional food processing plant and commercial premises and subsequent disputes regarding quality of construction
- Acting for developer in respect of various disputes between the developer of a large-scale residential project and retail investors following the 2007-2008 financial crisis involving complex contract and property law issues, and trial of preliminary issues

Commercial litigation

Extensive litigation experience (over 30 years in total, 15 years as a Barrister (in Hong Kong and Australia) and 15 years as a Solicitor / Solicitor Advocate (in Hong Kong and Australia).

Notable cases:

- *Tobrix B.V v HongKong Tripod Ltd*, 8-day trial concerning sale of goods during pandemic, judgment pending
- *Sze Fung Engineering Ltd v Trevi Construction Co Ltd* [2023] HKCFI 419; 8-day trial concerning the construction of Black Point Power Station
- *Hydrotech Waterproofing Solutions Ltd v Shun Yuen Construction Co Ltd* [2022] HKCFI 1170; application to join a non-party for costs purposes
- *Hydrotech Waterproofing Solutions Ltd v Shun Yuen Construction Co Ltd* [2021] HKCFI 2785, 3-day trial concerning contractual relationship between parties
- *KH Foundations Company Ltd v Chun Yip Construction Company Limited* [2021] HKCFI 1368, application for specific discovery in relation to construction of luxury residential building in Deep Water Bay
- *KH Foundations Company Ltd v Chun Yip Construction Company Limited* [2021] HKCFI 682; application concerning scope of expert evidence in relation to construction of luxury residential building in Deep Water Bay
- *KH Foundations Company Ltd v Chun Yip Construction Company Limited* [2020] HKCFI 3019; application for particulars in relation to construction of luxury residential building in Deep Water Bay
- *Astro Nusantara International BV and Ors v PT Ayunda Prima Mitra and Ors* [2018] HKCFA 33; CFA costs judgment following CFA hearing concerning

principles applicable to resisting enforcement of SIAC arbitration awards under the New York Convention (written advocacy)

- *Astro Nusantara International BV and Ors v PT Ayunda Prima Mitra and Ors* [2018] HKCFA 12; CFA judgment concerning principles applicable to resisting enforcement of five SIAC arbitration awards under the New York Convention (written advocacy)
- *Astro Nusantara International BV and Ors v PT Ayunda Prima Mitra and Ors* [2017] HKCFA 50; judgment of the Appeal Committee granting leave to appeal to the CFA concerning principles applicable to resisting enforcement of five SIAC arbitration awards under the New York Convention (written advocacy)
- *Astro Nusantara International BV and Ors v PT Ayunda Prima Mitra and Ors* [2017] HKCA 133; leave to appeal to the CFA concerning principles applicable to resisting enforcement of SIAC arbitration awards under the New York Convention (written advocacy)
- *Astro Nusantara International BV and Ors v PT Ayunda Prima Mitra and Ors* [2016] HKCA 595; CFA judgment concerning principles applicable to resisting enforcement of SIAC arbitration awards under the New York Convention, including extension of time and good faith in arbitration (written advocacy)
- *Win Win Way Construction Co Ltd v Judea Construction Co Ltd & Anor* [2017] HKCFI 1771
- *Astro Nusantara International BV and Ors v PT Ayunda Prima Mitra and Ors* [2015] HKCFI 274; 4-day trial concerning resisting five SIAC arbitration awards (written advocacy)
- *Astro Nusantara International BV and Ors v PT Ayunda Prima Mitra and Ors* [2013] HKCFI 1185; sole advocate in 10-day trial concerning funds garnished in Hong Kong in support of the enforcement of five arbitration awards obtained in Singapore
- *Astro Nusantara International BV and Ors v PT Ayunda Prima Mitra and Ors* [2013] HKCFI 775; application to require Hong Kong party to cast its vote in a particular way in bankruptcy proceedings in Indonesia following arbitration awards obtained in Singapore (written advocacy)
- *C & J Mortgages Pty Ltd v Neville* [2009] VCAT 984; concerning security for costs arising out of assignments during the construction of luxury residential premises
- *Di Manno Enterprises Pty Ltd v Nicholas Murray Architects* [2011] VCAT 1236; expert evidence arising out of construction of luxury residential renovation
- *McConnell Dowell Constructors (Aus) Pty Ltd v Gas Transmission Services WA (Operations) Pty Ltd & Ors* [2007] VSC 301; strike out application on the basis of agency and common enterprise between parent and subsidiary companies and piercing of corporate veil
- *M B Marlow Engineering v Alliance Constructions Australia & Commercial Industrial Construction Group Pty Ltd* [2009] VCC 832; security for costs application
- *Becon Construction (Aust) Pty Ltd v Richmond Commercial Pty Ltd, County Court of Victoria (Shelton J)*, 8th September 2010
- *Clements v Barlow & Wilbur* [2010] VCAT 1211
- *Alstom Power Ltd v Yokogawa Australia Pty Ltd & Gas Transmission Services WZ (Operations) Pty Ltd & Ors (No.4)* [2006] SASC 298
- *Borg v Cassar* [2005] VCAT 2908
- *Secretary for Justice v The Hong Kong and Yaumati Ferry Co Ltd and Anor* [2001] HKCA 422; extension of time for leave to appeal (written advocacy)
- *Secretary for Justice v The Hong Kong and Yaumati Ferry Co Ltd and Anor* [2001] HKCFI 1286 (written advocacy)

Phillip acted as the lead solicitor in relation to a well-known and high-profile dispute concerning resistance of enforcement of Singapore arbitration awards in Hong Kong and

the subject of a number of reported decisions from the Courts of Hong Kong, including *Astro Nusantara Internasional BV and Ors v PT Ayunda Prima Mitra and Ors* [2018] HKCFA 12 (11 April 2018).

Other notable engagements as counsel in litigation proceedings include:

- acting for one of Australia's largest domestic insurer in relation to claims brought by home owners, involving insurance coverage and technical issues, including appearing at numerous mediations and hearings before the Victorian Civil and Administrative Tribunal. Conducted numerous trials (usually 2-4 days) in relation to insurance coverage and damages
- acting for a telecommunications company in relation to Supreme Court proceedings brought against them by civil contractors in relation to an AUD\$10m claim for additional payment arising out of the construction and installation of underground cabling
- acting for prominent residential/commercial building contractor in relation to proceedings arising out of the construction of a 15 level residential/commercial tower involving enforcement of contractual terms in relation to payment, calling of bank guarantees, claims for additional costs for variations, defending liquidated damages claims, ex-parte mareva injunctions, statutory demands and liquidation of proprietor.
- acting for civil engineers in relation to Supreme Court proceedings against main contractor arising out of the AUD\$150m redevelopment of the Melbourne Cricket Ground

Mediation

Phillip is an accredited Mediator and has appeared in numerous mediations as counsel, and has been appointed Sole Mediator in over 40 mediations in respect of a broad range of commercial disputes.

Property, leasing and rating

- Advised in respect of compulsory land resumption and compensation payable in relation to prominent site in Hong Kong
- Acted for subsidiary of major Hong Kong-based conglomerate in complex Hong Kong arbitration proceedings involving the largest ever open market rent review arbitration in Hong Kong (1m+ sq.ft. industrial premises in Kwai Chung), involving sums in excess of HKD\$5b. Appeared as co-counsel in trial conducted over 8-days before sole arbitrator
- Advised in respect of ratings dispute for major global multinational bank located in International Commercial Centre, Hong Kong
- Appeared before the Town Planning Board in relation to land used as a columbarium

Transaction experience

- Negotiated and drafted a bespoke turnkey contract for the design, supply, installation and commissioning of a gas-fired combined cycle with an approximate capacity of 120MW and associated documentation; long term service agreement associated with gas turbines, alternators and associated auxiliaries; operation and maintenance contract for major Korean contractor for project in Nouakchott, Mauritania, West Africa for the Societe de Production d'Electricite a partir du Gaz (SPEG), involving construction works in excess of US\$350m
- Negotiated and drafted all relevant documentation (including tripartite deed, construction contract, management and service agreements) in relation to the financing, design and build of major commercial shopping centre and residential development, with works valued in excess of US\$75m
- Negotiated and drafted contract documentation in relation to a range of gaming and commercial fit-out contracts and A & A works in Hong Kong and Macau including for a New York based international bank, comprising the design and build of commercial premises, valued at US\$8m; for Hong Kong based law firm, comprising the fit out of new premises in Admiralty, Hong Kong; for a global insurance company, comprising project managed works, valued at

US\$5m; for multinational bank, comprising design and build works at Cheung Kong centre, valued at US\$15m; for an Architect/main consultant in relation to US\$20m Additions and Alteration works to various casinos in Macau; for global data centre operator in relation to fit out works for premises located in Tsueng Kwan O valued in excess of US\$15m; for a Hong Kong school in relation to the design and build of major renovations and additions to school premises, including swimming pool, with works valued in excess of US\$15m

Publications

- Author of "Construction Arbitration", chapter in "Construction Arbitration in Hong Kong: A Practical Guide", a collection of chapters written by a number of selected Hong Kong construction practitioners, published by Wolters Kluwer CCH in April 2015