



Edwin Lee Peng Khoon

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Profile

EDWIN LEE is one of the founding partners of Eldan Law LLP. Practising for more than 25 years, he is recognised by the Singapore Academy of Law as a Senior Specialist in Construction Law.

He is also cited as a leading Singapore construction law practitioner in *Euromoney's Guide to the World's Leading Construction Lawyers (2017)*. The *Chambers Asia-Pacific Guide 2017* has cited him as “an authority on domestic construction adjudications”.

Edwin is a Senior Adjudicator with the Singapore Mediation Centre, and a member of the Construction Adjudicator Accreditation Committee, which oversees the selection and assessment of adjudicators. He has conducted hundreds of adjudication cases, variously as counsel, adjudicator and review adjudicator. He has argued many of the landmark Court of Appeal cases on construction law, and on adjudications. He co-authored the Law Reform Committee report on amending the Building and Construction Industry Security of Payment Act, which saw the introduction of amendments to the Act in 2018.

Edwin is also an accredited adjudicator in Malaysia, under the Malaysian Construction Industry Payment and Adjudication Act 2012.

Significant matters he has handled include advising on a large solar manufacturing project worth \$6.3 billion, advising on the University Town project worth \$400 million and the National Art Gallery project. Edwin has also advised the Singapore University of Technology and Design (SUTD) on its contracts and tender documents for Singapore's 4th university.

Apart from his active legal practice, Edwin is also an Adjunct Associate Professor with the National University of Singapore, Adjunct Assistant Professor with the Singapore University of Technology and Design, and a trainer for the Building & Construction Authority on Construction Law.

Edwin is the co-author of *Confidentiality in Arbitration (2007)*, a general editor of the annual *Singapore Construction Adjudication Review*, and a contributing editor to the *Singapore Journal of Construction Law and the Construction Law* editor for the Singapore Academy of Law's online journal *SAL Practitioner*. He is the author of the book *Building Contract Law in Singapore (2016, 3rd Edition)*.

Qualifications

- LL.B. (Upper Second-Class Honours), National University of Singapore, 1993
- M.Sc (Real Estate Development)
- Advocate and Solicitor, Supreme Court of Singapore, 1994
- Senior Accredited Specialist (Building and Construction), Singapore Academy of Law
- Fellow of the Singapore Institute of Arbitrators
- Accredited Adjudicator in Singapore & Malaysia (CIPAA)
- CEDR Accredited Mediator

Notable matters

- Front-End & Advisory**
- Drafted contracts for the construction of an international airport
 - Advised international consultants on design and build contracts in relation to a \$1.4 billion commercial cum residential development in Singapore.
 - Advised the Singapore University of Technology and Design (SUTD) on its contracts and tender documents for Singapore's 4th university.
 - Advised a major public-listed EPC contractor on a petro-chemical plant project on Jurong Island, Singapore.
 - Advised Renewable Energy Corporation, a public-listed Norwegian solar cell manufacturer, in relation to the development and construction of Asia's largest solar cell manufacturing facility in Singapore, with project value in excess of \$6.4 billion.
 - Advised an American architectural firm in relation to design and consultancy contracts with the Singapore Government on a \$400 million research facility project.
 - Advised a French architectural firm acting in collaboration with other major architectural, engineering and quantity surveying consultants in design and consultancy contracts with a Singapore government agency on a \$400 million National Arts Gallery project.
 - Advised a major earthworks and excavation specialist contractor on a \$50 million contract in relation to the Marina Sands Integrated Resorts Project.
 - Advised on contracts for excavation and tunnelling in relation to Mass Rapid Transit stations and depots.
 - Advised a major Indian company Punj Lloyd in its acquisition of one of Singapore's largest international construction companies, Sembawang Engineers and Constructors.

- Advised a major Indian company Certus, associated with Tamilnadu Petroproducts Ltd, in the setting up of a petrochemical plant with a capacity of 100,000 MTPA Normal Paraffin at Jurong Island, Singapore, and a suite of contracts including the EPCM contracts, consultants' contracts, process licensing contracts and off-take agreements.
- Advised a government body on contracts and land issues, including underground works, tunnels, train stations and piling related to the construction of the new Downtown MRT Line in Singapore.
- Advised multinational oil company in drafting construction contracts for its fuel oil systems and facilities at one its oil terminals.
- Advised a Japanese Contractor on engineering procurement and construction contracts for marine facilities relating to the construction of a \$750 million Oil Tank Farm on Jurong Island. With a storage capacity of 2.28 mil cubic metres, the facility is billed as Singapore's largest independent storage terminal.
- Carried out extensive review and update of contracts for procurement contracts, including those for construction, and consultancy, from tender to award for a major power generation company, a major port operator and a multinational oil company.
- Reviewed and advised on numerous contracts relating to the transfer of power generation assets between the power generation companies and the power transmission company.
- Drafted consultancy contracts for a Singapore government body relating to the construction of Fusionpolis, a development consisting of 120,000 sq metres of gross floor space intended to house research institutes for infocomm research, high performance computing and data storage.
- Advised on contracts and negotiations in relation to the diversion of underground services, and the construction of tunnels in relation to the construction of a bridge
- Drafted management contracts for the construction of Biopolis Phase 2, a business park development for bio-medical research.

**Dispute-Resolution
(Arbitration &
Litigation Work)**

- Acted for a Japanese international contractor on one of the largest adjudication claims against a Hong Kong based developer in relation to a luxury mixed commercial and residential development.
- Acted for a Singapore government body on issues with a major Japanese contractor and a major Japanese specialist equipment supplier relating to the construction of

Singapore's largest district cooling plant.

- Acted for a public-listed Australian engineering firm in a dispute with a large Korean contractor on the construction of an offshore oil-drilling platform in Indonesia, with a contract value of US\$343 million.
- Acted for a public-listed Australian engineering firm in an arbitration with a Thai party concerning the construction of a gas well fluid platform in the Gulf of Khambatt, India.
- Acted for a Singapore government body in arbitration proceedings arising from the collapse of the Nicoll Highway and its impact on existing construction contracts including underground works, bridges and MRT stations.
- Acted for a major Japanese contractor in relation to claims relating to the construction of a luxury residential development.
- Acted for international contractors in relation to claims relating to the construction of Universal Studios Singapore, and the Resorts World theme park.

Reported cases

- Represented main contractor to successfully defend an adjudication review determination in its favour, on issues dealing with the review adjudicator's jurisdiction: **CMC Ravenna v CGW Construction & Engineering Pte Ltd** [2017] SGHC 263
- Represented Defendant to successfully defend claims in relation to alleged breaches of the Building Maintenance and Strata Management Act and the Land Titles (Strata) Act: **Fu Loong Lithographer Pte Ltd v Mok Wing Chong** [2017] SGHC 97
- Represented Claimant to set aside an adjudication determination, on issues of waiver: **Audi Construction Pte Ltd v Kian Hiap Construction Pte Ltd** [2017] SGHC 165; [2018] SGCA 4
- Counsel for partially successful appellant in the Court of Appeal on a case involving implied terms for due diligence, delays and termination of a construction contract: **CAA Technologies Pte Ltd v Newcon Builders Pte Ltd** [2017] SGCA 53
- Represented contractor to claim for sums due for wrongful termination of a construction contract under the public-sector standard conditions of contract: **TT International Ltd v Ho Lee Construction Pte Ltd** [2017] SGHC 62
- Represented Plaintiff successfully to reclaim monies under a re-measurement contract: **Mansource Interior Pte Ltd v CSG Group Pte Ltd** [2017] SGHC 41

- Represented claimant on a successful application to set aside an adjudication review decision: **Ang Cheng Guan Construction Pte Ltd v Corporate Residence Pte Ltd** [2017] SGHC 9
- Represented claimant on a successful appeal before the Court of Appeal on novel issues involving partnership law and limitations: **Chiam Heng Hsien v Chiam Heng Chow et al** [2015] SGCA 27
- Represented claimant successfully to claim for payment under a facility and shareholders' agreement: **Bounty Resources Armenia Ltd v Li Haidong** [2015] SGHC 188
- Represented contractor in relation to adjudication issues concerning jurisdiction and compliance: **Citiwall Safety Glass Pte Ltd v Mansource Interior Pte Ltd** [2014] SGCA 61; [2015] SGCA 42
- Represented subsidiary proprietors of a management corporation on issues involving the conduct of meetings: **Fu Loong Lithographer Pte Ltd and others v Mok Wai Hoe and others** [2014] SGCA 30
- Represented a contractor to successfully defend an adjudication determination in his favour: **Australian Timber Products Pte Ltd v A Pacific Construction & Development Pte Ltd** [2013] SGHC 56
- Represented an arbitrator on issues relating to the discharge of the arbitrator: **Anwar Siraj v Teo Hee Lai Building Construction Pte Ltd** [2013] SGHC 200
- Represented a beneficiary successfully on a claim against an executor of an estate for proper accounts: **Ng Foong Yin v Koh Thong Sam** [2013] SGHC 87
- Represented landowner on issues involving land law and adverse possession to reclaim title to land, succeeding in both the High Court and Court of Appeal: **Chua June Ching Michelle v Chai Hoi Tong** [2011] SGHC 180
- Represented claimant on a successful appeal before the Court of Appeal in the landmark decision on adjudications, in **Chua Say Eng v Lee Wei Lick Terence** [2011] SGHC 109, [2012] SGCA 63
- Represented the appellant before the Court of Appeal, successfully applying for the setting aside of the High Court's judgment which was based on findings in an arbitration, in relation to **Excalibur Land (S) Pte Ltd v Win-Win Aluminium Systems Pte Ltd** [2011] SGHC 37.
- Represented a developer in the Court of Appeal on issues concerning demands made against a performance bond: **JBE Properties Pte Ltd v Gammon Pte Ltd** [2010] SGCA 46.
- Represented a contractor in the Court of Appeal in 2010 on issues concerning causation, remoteness of damage, delays

and extensions of time, on appeal from the High Court case of **Ho Pak Kim Realty Co Pte Ltd v Revitech Pte Ltd** [2007] SGHC 194.

- Represented a major logistics company in its construction and development claim of an industrial development: **Tentat Singapore Pte Ltd v Win Bo Pte Ltd** [2010] SGHC 283.
- Represented vendors in a collective sale dispute involving administrative law and strata titles issues on a \$76 million project: **Lim Choo Suan Elizabeth v Goh Kok Hwa Richard** [2009] 4 SLR(R) 193.
- Represented contractors in the first adjudication appeal to the High Court: **SEF Construction Pte Ltd v SKOY Connected Ltd** [2009] SGHC 257.
- Represented a Hong Kong developer to reclaim tax from the sale of a \$24 million development before the Income Tax Board of Review: **TN v Comptroller of Income Tax** [2007] SGITBR 2 (Income Tax Board of Review).
- Represented a main contractor to defend claims for misuse of material and equipment in the construction of an industrial building: **GIB Automation Pte Ltd v Master Contract Services Pte Ltd** [2006] SGDC 49 (District Court, affirmed on appeal by the High Court).
- Represented a Management Corporation in a multi-million dollar suit in the High Court and Court of Appeal on issues relating to land law, right of way over a neighbouring lot of land and issue estoppel: **Lee Tat Development Pte Ltd v Management Corporation of Grange Heights Strata Title No. 301 (No. 2)** [2004] 4 SLR 828, and [2005] 3 SLR 157 (Court of Appeal).
- Acted for a main contractor to defend a claim for reconstruction of adjacent building by its owners caused by the main contractor's construction works: **Afro-Asia Shipping Co Pte Ltd v Da Zhong Investment Pte Ltd & 4 others** [2003] SGHC 286 (High Court, affirmed on appeal by the Court of Appeal).
- Defending claim for trade mark and copyright infringements, including anton pillar injunctions: **Expanded Metal Manufacturing v Expanded Metal Co** [1995] 1 SLR 673 (Court of Appeal).
- Singapore's first reported multi-level marketing and pyramid selling prosecution case: **Tan Un Tian v PP** [1994] 3 SLR 33 (High Court).

Publications & Conferences

Books / Journals

- Subject Editor, Singapore Academy of Law (SAL) Practitioner, on Construction Law
- Building Contract Law in Singapore (3rd Edition) (2016)
- Contributing Editor of the Singapore Journal of Construction Law (2016 - 2017)
- General editor of the Singapore Construction Adjudication Review (2009 - 2017)
- Co-author (with Justice Quentin Loh), Confidentiality in Arbitration: How Far Does it Extend? (2007)
- Contributor to the Construction section of the book Singapore Precedents of Pleadings (2006)
- Co-author, Law & Practice of Injunctions in Singapore (Sweet & Maxwell, 2004)

Articles

- 'Pyramid Selling – the Need for Regulations' (1995) 7 Singapore Academy of Law Journal 412
- Consultants' Liability to Third Parties in Building Contracts' (1999) 23 Asia Business Law Review 20
- 'An Analysis of Pay-When-Paid Clauses' (2003) 40 Asia Business Law Review 14
- 'Pay When Paid or Pay if Paid?' (2003) November / December issue, Southeast Asia Construction
- 'One Chapter Closes, Another Opens' – article on adjudications in SCL(S) S'pore Construction Law Newsletter No. 19 (2013) Jan/Feb 2013
- 'Proposals for Amending the Building and Construction Industry Security of Payment Act' (2016) 1 SingJCL 19

Seminars

- Delivered papers in seminars organised by:
 - Asia Business Forum
 - Building and Estate Management Alumni
 - Chartered Institute of Building
 - CPG

- Hill International
- National University of Singapore Alumni
- Landscape Contractors' Association
- Law Society of Singapore
- LegalNet Asia
- Lexis Nexis
- Singapore Academy of Law
- Singapore Contractors' Association
- Singapore Institute of Architects
- Singapore Institute of Building
- Singapore Institute Of Surveyors & Valuers
- Singapore Manufacturer's Federation
- Singapore Mediation Centre
- Society of Construction Law

Professional History

Jan 2010 – present	Founding Partner, Eldan Law LLP
Apr 2003 – Dec 2009	Partner, Rajah & Tann / Rajah & Tann LLP
2002 – 2003	Director, CTLC Law Corporation
1999 – 2002	Partner, Chong Yeo & Partners
1994 – 1999	Associate / Senior Associate, Wong Partnership
<i>Concurrent Appointments</i>	
2012 – present	Adjunct Trainer on Construction Law, Building and Construction Authority Singapore
2007 – present	Adjunct Associate Professor, National University of Singapore
2016 -- 2018	Adjunct Assistant Professor, Singapore University of Technology and Design
2012	Consultant Instructor, Nanyang Business School MBA Programme
2008 – 2011	Adjunct Associate Professor, Nanyang Technological University
1998 – 2013	Adjunct Lecturer, Singapore Institute of Management & the Royal Melbourne Institute of Technology

Memberships

- Member, Law Society of Singapore
- Member, Singapore Academy of Law
- Member, Society of Construction Law, Singapore
- Fellow, Singapore Institute of Arbitrators
- Accredited Adjudicator, Singapore & Malaysia

Committees

- Construction Adjudication Accreditation Committee, Singapore Mediation Centre
- Senior Adjudicator, Professional Conduct Panel, SMC
- Law Reform Sub-Committee on Proposals for Amending the Construction Industry Security of Payment Act
- Construction Specialist Accreditation Committee, Singapore Academy of Law
- Advisor to the Singapore Institute of Architects Contracts Committee, SIA