



Looi Ming Ming

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Profile

Practising in the specialist field of construction law for close to two decades, Ming brings to the table commercial acumen from her experience in building and infrastructure-related dispute resolution.

Previously with the Construction & Projects practice group at Rajah & Tann LLP, Ming is now with Eldan Law LLP, where she handles all facets of construction-related disputes *via* litigation in the High Court and Court of Appeal, at arbitrations under the major institutional rules (including the SIAC and UNCITRAL) and at adjudication proceedings under the Building and Construction Industry Security of Payment Act.

With her keen interest in construction law, Ming has since 2018 served on the Law Reform Committee Building & Construction Law Sub-Committee, which proposes law reform and practice guidelines in connection with construction law. She contributed to the second issue of the Singapore Journal of Construction Law in a paper titled "*Adjudication Determinations: Better Never than Late?*" [2016] 2 SingJCL 1, and has regularly contributed various other case commentaries for the journal.

Ming also has an active practice in general commercial litigation and mediation. Ming's dispute resolution insights are helpful for advisory work generally, and in the critical review of project tender documentation and contractual negotiations.

Qualifications

- LL.B. (Upper Second-Class Honours), National University of Singapore, 2002
- Advocate & Solicitor of the Supreme Court of Singapore, 2003

Select Experience

Dispute Resolution *Construction & Engineering*

2017 - 2020:

- Lead Counsel for an American architectural firm in an arbitration under the SIAC Rules against a Singaporean architectural firm, regarding lead medical planner services and interior design services as part of the \$48.6 million architectural consultancy services for a \$970 million integrated healthcare project.
- Lead Counsel for an environmental engineering firm in an SIAC arbitration brought by its mechanical piping sub-contractor on a NEWater plant for an account of performance bond proceeds, with a counterclaim involving rectification costs of microfiltration cones and pipe coatings, increased power consumption, and loss of revenue.
- Lead Counsel for the developer of 3 semi-detached houses in an arbitration commenced by the main contractor under the Singapore Institute of Architects (SIA) Rules, in a claim involving termination, extension of time, liquidated damages, prolongation costs and defects.
- Lead Counsel in HC/S405 of 2019 over breach of a settlement agreement in relation to redevelopment works for a boutique hotel in Hong Kong Street.
- Lead Counsel in SOP/AA430 of 2019, successfully resisting an adjudication claim brought by a civil & structural works sub-contractor against a main contractor in connection with a water treatment plant.
- Lead Counsel in HC/OS457 of 2019, seeking an injunction to restrain the liquidator of a ground engineering firm from continuing and/or commencing adjudication proceedings under the SOP Act.
- Lead Counsel in SOP/AA107 of 2019 and SOP/AA122 of 2019, successfully resisting a series of adjudication claims brought by the liquidator of a ground engineering firm against a Singapore-grown environmental engineering company in connection with upgrading works of a water treatment plant.
- Lead Counsel in SOP/AA042 of 2019 and SOP/AA208 of 2019, successfully resisting adjudication proceedings brought by a mechanical piping sub-contractor against the main contractor of one of the NEWater plants in Singapore.

- Lead Counsel in SOP/AA194 of 2019, successfully resisting adjudication proceedings brought by a mechanical piping sub-contractor against the main contractor of a pumping station water pipeline upgrading project.
- Lead Counsel in SOP/AA118 of 2018 (commenced by a pipe jacking sub-contractor), and SOP/AA474 of 2018 (commenced by a fire protection sub-contractor) SOP/AA 053 of 2017 (commenced by a foundation specialist sub-contractor), SOP/AA413 of 2017 (commenced by a mechanical installation sub-contractor), in successfully resisting adjudication proceedings brought by various specialist sub-contractors against a leading Singapore environmental engineering company in connection with a \$70 million complex flood protection infrastructure project built beneath the heart of Singapore's prime luxury residential and retail area between Holland Road and Tyersall Road.
- Successfully resisting adjudication proceedings by an air-conditioning and mechanical ventilation (ACMV) sub-contractor against a main contractor (joint-venture vehicle between Singaporean and Japanese contractors) in relation to a hospital project in Singapore.

2003 - 2016:

- Lead Counsel in SOP/AA 296 of 2015, SOP/AA297 of 2015, SOP/AA 383 of 2015, SOP 384 of 2015), successfully resisting a series of adjudication claims by a specialist piling sub-contractor against an Italian main contractor in connection with the construction of a \$226.92 million project for the public transport system in Singapore.
- Successfully resisting a series of adjudication claims by an electrical sub-contractor against a renowned Japanese main contractor in relation to the alteration & addition works of a major shopping mall (SOP/AA 169 of 2015, SOP/AA 287 of 2015).
- Lead Counsel in *RN & Associates Pte Ltd v TPX Builders Pte Ltd* [2013] 1 SLR 848 (HC), successfully resisting a main contractor's attempt to set aside an adjudication determination in favour of a sub-contractor.
- Successfully mounting an adjudication claim for a major interior design and branding corporation in its adjudication claim against the main contractor in connection with Southeast Asia's first movie theme park at Sentosa Island:

(SOP/AA102 of 2011).

- Acting for a Singapore statutory authority in arbitration proceedings in the aftermath of the collapse of the Nicoll Highway in a contractual dispute relating to the Circle Line.
- Acting for a listed mechanical & electrical works sub-contractor to mount a claim for payment in the region of S\$10 million against a main contractor in an arbitration involving a five-star hotel in Singapore.
- Acting for a government-linked corporation in arbitration proceedings against a sub-contractor for latent defects in timber works in an exclusive District 10 development of twelve (12) bungalows.
- Acting for a main contractor against the sub-contractor with regard to the construction of parallel and exit taxiways and associated works at the Singapore Changi Airport. The arbitration involved a claim of approximately S\$4 million and a counterclaim of approximately S\$25 million.
- Advising a Japanese energy & environmental engineering firm in its tender bid for one of two billion-dollar projects in connection with the treatment of water and solid waste, envisioned to be the first of its kind in the world, with the two facilities being completely energy self-sufficient.
- Advising a Singapore environmental engineering company against a mechanical installation sub-contractor in a dispute during negotiations & mediation under a tiered-dispute resolution clause in connection with a flood protection infrastructure project.
- Advising a Japanese contractor on strategic issues in a potential dispute with a leading Hong Kong-based developer in connection with the construction of a high-end residential and retail development in the heart of town.
- Advising an Indonesian government-owned corporation in its intended acquisition of the participating interest held by an Algerian entity under two production sharing contracts with a national state-owned entity of Algeria.
- Advising the owner on optimal positioning for potential arbitration worth over S\$80 million against a well-known Japanese design-build contractor for building and engineering defects in an iconic giant observation wheel on the Marina Bay waterfront.

**Advisory, Front-End
Construction &
Engineering**

- Advising one of Indonesia's leading engineering and mining contractors on a potential claim worth approximately US\$13 million for contractual misrepresentation and breach of contract arising out of an agreement for mining at East Kalimantan.
- Advising an American architectural firm on a joint venture agreement with an established Singaporean architectural firm while reviewing and negotiating design and consultancy contracts with the Singapore Government on a groundbreaking S\$400 million research facility project.
- Advising a French architectural firm on its design and consultancy contract with a Singapore government body for the preservation and transformation of the former Supreme Courts of the Republic of Singapore into the Singapore National Art Gallery.

Dispute Resolution
Oil & Gas

- Acting for one of Indonesia's leading engineering and mining contractors in their claim for outstanding payment against the main contractors for the fabrication and installation of a Catenary Anchor Leg Mooring buoy and mooring system at the Belanak Field of the Natuna Sea.
- Acting for the subsidiary of a public-listed Australian engineering firm in arbitration proceedings instituted by a Thai party claiming time being set at large, extensions of time, acceleration, disruption and prolongation costs and outstanding payment for variation orders, in connection with a project for the construction of a gas well fluid platform in the Gulf of Khambhat, off Gujarat, India.

Dispute Resolution
General

- Lead Counsel for two landscape contractors seeking relief against forfeiture of their State leases and successfully resisting the government's attempt to strike out the claims on account of the novelty of the issues of law involved: *Garden Hub Pte Ltd v Attorney-General* [2012] SGHC 20 (HC).
- Acting for a main contractor in its successful application to set aside an arbitral award in favour of the sub-contractor and to remit the award to the arbitral tribunal for reconsideration, in connection with a project for the construction of a condominium for the contract price of approximately \$87 million.
- Successfully applying to the High Court to set aside committal orders for prominent Indonesian-based

individuals in connection with worldwide *mareva* injunctions for conspiracy to commit fraud in the issuance of bonds worth over US\$100 million.

- Representing a management corporation in multiple law suits relating to an exclusive uptown condominium in the High Court and Court of Appeal on issues of land law, easements and issue estoppel: *Lee Tat Development Pte Ltd v Management Corporation of Grange Heights Strata Title No. 301 (No. 2)* [2004] 4 SLR 828 (HC); [2005] 3 SLR 157 (CA); *Management Corporation of Grange Heights Strata Title No. 301 v Lee Tat Development Pte Ltd* [2007] 2 SLR 554 (HC); *Lee Tat Development Pte Ltd v Management Corporation Strata Title Plan No 301* [2009] 1 SLR (R) 875 (CA); *Management Corporation Strata Title Plan No. 301 v Lee Tat Development Pte Ltd* [2010] 1 SLR 645 (HC); *Management Corporation Strata Title Plan No 301 v Lee Tat Development Pte Ltd* [2011] 1 SLR 998 (CA).
- Acting for Dow Chemical Pacific (Singapore) Pte Ltd in a High Court suit involving novel principles of insolvency, stakeholding and trust laws, which was amicably settled.
- Representing an Israeli company specialising in security infrastructure in arbitration proceedings against an American multi-national group in disputes arising from their joint venture agreement, concerning a project for a Singapore governmental Ministry.
- Acting for a well-known developer in defending a suit brought by the management corporation in contract and tort for building defects in a condominium.
- Representing a public-listed Hong Kong developer in its successful challenge before the Income Tax Board of Review of the Inland Revenue Authority of Singapore's assessment of income tax on its capital gains of \$24 million from the sale of an upmarket development: *TN v Comptroller of Income Tax* [2007] SGITBR 2.
- Successfully arguing for a costs order in favour of the defendant contractors despite judgment ostensibly having been given for the plaintiff owners of an adjacent building for part of their claim for damage caused by the contractors' construction works on neighbouring land: *Afro-Asia Shipping Co. Pte Ltd v Da Zhong Investment Pte Ltd v others (No. 2)* [2004] 3 SLR 274 (HC).

Publications & Conferences

- Commentary on the Honourable Quentin Loh J's decision in *Millenia Pte Ltd (formerly known as Pontiac Marina Pte Ltd) v Dragages Singapore Pte Ltd (formerly known as Dragages et Travaux Publics (Singapore) Pte Ltd) and other (Arup Singapore Pte Ltd , third party)* [2018] 2 SingJCL 413
- Commentary on the Honourable Chan Seng Onn J's decision in *Smile Inc Dental Surgeons Pte Ltd v OP3 International Pte Ltd* [2018] 1 SingJCL 35
- Commentary on the Court of Appeal decision in *Grouteam Pte Ltd v UES Holdings Pte Ltd* [2017] 1 SingJCL 85
- “*Adjudication Determinations: Better Never than Late?*” [2016] 2 SingJCL 1.
- *Singapore Precedents of Pleadings* (Singapore: Sweet & Maxwell, 2006), *Construction* (Contributor)
- Various seminars and workshops including:
 - A joint seminar with Nishimura & Asahi on the statutory adjudication regime for the Japanese Association of Singapore in February 2018
 - Seminars organised by the Singapore Institute of Surveyors & Valuers on the statutory adjudication regime in March 2017, October 2017 and May 2018
 - Various seminars and workshops organised by the Singapore Business Federation and Singapore Institute of Surveyors and Valuers in April 2017 and October 2017
 - Various Weekend Seminars organised by the Singapore Institute of Architects, including seminars in May 2012, May 2014 and November 2014, May 2015
 - A Crimson Logic Masterclass Workshop on Contract Law Fundamentals in February 2015
 - A Magnuslink Design & Build Contracts and Risk Management Seminar in October 2012
 - A Building and Estate Management Alumni Seminar on “*Developments in Construction Law*” in May 2009
 - A LexisNexis Workshop on “*Handling Insolvency in Construction*” in April 2009

Memberships

- Member, Law Reform Committee, Building & Construction Law Sub-Committee (2018 - present)
- Member, Editorial Board of the LawNet Commercial Precedents Database, Eldan Law LLP representative (2019 - present)
- Member, Society of Construction Law, Singapore (2008 - 2010)
- Committee Member, Civil Practice Committee of the Law Society (2007)
- Committee Member, International Relations Committee of the Law Society (2006)
- Member, Society of Construction Law
- Member, Law Society of Singapore
- Member, Singapore Academy of Law