

ESSEX COURT CHAMBERS DUXTON (SINGAPORE GROUP PRACTICE)



COLIN LIEW

Essex Court Chambers Duxton
(Singapore Group Practice)

Call: 2012 (Singapore)
2015 (England & Wales)

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PROFESSIONAL PRACTICE

Colin has acted in a wide range of disputes before the State Courts, the High Court and the Court of Appeal. Colin specialises in arbitration-related litigation, company and trusts law, as well as complex fraud and cross-border asset tracing and recovery. In addition, Colin has on several occasions provided expert evidence of Singapore law to the High Court of England and Wales, the Supreme Court of New South Wales and other foreign courts.

Colin has represented clients in a number of reported cases involving novel points of law in areas such as choice of law rules, legal professional privilege, winding-up and public international law. His submissions have been praised by the High Court as having provided “*able and diligent assistance*”, while his legal skills have been described as “*outstanding*”.

Colin graduated with a First Class degree in Jurisprudence from the University Of Oxford, where he was ranked top of his cohort and won numerous academic prizes. He was also one of his year’s top candidates in the Singapore Bar Examinations.

Prior to practising at the Bar, Colin was a Justices’ Law Clerk in the Supreme Court of Singapore. He is a member of the Rules of Court Working Party and a frequent contributor of articles to academic journals. Colin is also a solicitor of the Senior Courts of England and Wales, a registered arbitrator with the Pacific International Arbitration Centre, and a member of the Singapore Institute of Arbitrators.

AREAS OF EXPERTISE

- Civil fraud and asset recovery
- Commercial dispute resolution
- Conflict of laws and private international law
- International commercial arbitration and related court challenges
- Public international law
- Regulatory law and investigations

- Corporate law

- Trusts

CIVIL FRAUD & ASSET RECOVERY

- ***Monetary Authority of Singapore v Huang Zhong Xuan and another [2013] SGHC 242***: Colin acted in High Court proceedings under the Securities and Futures Act (Cap 289) on behalf of the Monetary Authority of Singapore in successfully obtaining a statutory freezing order against a high net worth individual.
- Colin acted in High Court proceedings for a foreign government in obtaining a freezing injunction against a high net-worth individual as part of cross-border litigation spanning more than five jurisdictions involving allegations of corruption, fraud and breaches of fiduciary duty.
- Colin advised various investors of an Australian company in respect of a “pump and dump” scheme, involving advice on the Securities and Futures Act (Cap 289) and Companies Act (Cap 50).
- Colin advised an offshore trust as part of a multi-jurisdictional team in respect of long-running corporate fraud, involving allegations of breach of fiduciary duty, constructive trust, dishonest assistance and knowing receipt.
- Colin advised a listed palm oil conglomerate as part of a multi-jurisdictional team in respect of a large-scale corporate fraud worth approximately US\$50 million, involving allegations of corruption and breaches of fiduciary duty.

COMMERCIAL DISPUTE RESOLUTION

- ***Alliance Concrete Singapore Pte Ltd v Sato Kogyo (S) Pte Ltd [2014] 3 SLR 857***: Colin acted in Court of Appeal proceedings worth approximately S\$10 million, involving issues of breach of contract and contractual frustration.
- ***Bulk Trading SA v Pevensey Pte Ltd and another [2015] 1 SLR 538***: Colin was appointed as *amicus curiae* in High Court proceedings concerning the circumstances in which a company will be permitted to represent itself in civil proceedings under the Rules of Court (Cap 322, R 5).
- Colin acted in High Court proceedings involving actions against an international bank for wrongful dismissal arising out of the potential manipulation of benchmark rates, successfully resisting an application for pre-action discovery of documents.

CONFLICT OF LAWS AND PRIVATE INTERNATIONAL LAW

- **BCY v BCZ [2017] 3 SLR 357**: Colin acted in High Court proceedings under the International Arbitration Act (Cap 143A) on behalf of a regional development bank in successfully appealing a jurisdictional award involving the proper law of an arbitration agreement.
 - Colin acted as leading counsel in High Court proceedings in successfully staying a substantial trust action on the grounds of *forum non conveniens*.
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CORPORATE LAW

- **Perennial (Capitol) Pte Ltd v Capitol Investment Holdings Pte Ltd [2017] SGHC 84**: Colin acted in winding-up proceedings in the High Court under the Companies Act (Cap 50) involving a joint venture behind the Capitol Singapore, valued at approximately S\$1 billion.
 - **Bulk Trading SA v Pevensey Pte Ltd and another [2015] 1 SLR 538**: Colin was appointed as *amicus curiae* in High Court proceedings concerning the circumstances in which a company will be permitted to represent itself in civil proceedings under the Rules of Court (Cap 322, R 5).
 - Colin acted in High Court proceedings on behalf of a minority shareholder of a global shipping conglomerate in an action under section 216 of the Companies Act (Cap 50), successfully obtaining an order for rectification of a company's register of directors, managers, secretaries and auditors.
 - Colin advised an Australian mining conglomerate in relation to proceedings concerning issues of contract, trusts, company and insolvency law in a dispute worth AUD\$3.5 billion.
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INTERNATIONAL COMMERCIAL ARBITRATION

- Colin presently acting as senior counsel in High Court proceedings under the International Arbitration Act (Cap 143A) in applying to set aside an SIAC arbitral award worth approximately US\$35 million.
- Colin is presently acting as junior counsel in High Court proceedings under the International Arbitration Act (Cap 143A) in applying to set aside an ICC arbitral award worth approximately US\$50 million.
- **Heartronics Corporation v EPI Life Pte Ltd and others [2017] SGHCR 17**: Colin acted as leading counsel in High Court proceedings under the International Arbitration Act (Cap 143A) in successfully resisting an attempt to stay the proceedings in favour of arbitration. Colin also successfully defended the decision on appeal. In both cases, the other side was represented by Senior Counsel.

- ***BCY v BCZ* [2017] 3 SLR 357**: Colin acted in High Court proceedings under the International Arbitration Act (Cap 143A) on behalf of a regional development bank in successfully appealing a jurisdictional award involving the proper law of an arbitration agreement.
- ***Government of the Lao People's Democratic Republic v Sanum Investments* [2015] 2 SLR 322**: Colin acted in High Court proceedings under the International Arbitration Act (Cap 143A) on behalf of the Government of Laos in appealing a jurisdictional award arising out of an investor-State arbitration involving the applicability of a bilateral investment treaty concluded between Laos and the People's Republic of China to the Special Administrative Region of Macau.
- ***Quarella SpA v Scelta Marble Australia Pty Ltd* [2012] 4 SLR 1057**: Colin acted in High Court proceedings under the International Arbitration Act (Cap 143A) on behalf of an Australian company in successfully resisting an application to set aside an arbitral award exceeding AUD\$1 million.
- Colin acted in High Court proceedings on behalf of a Mauritian investment fund, successfully obtaining an anti-suit injunction restraining parallel proceedings before the National Company Law Tribunal in Calcutta, India.

REGULATORY LAW AND INVESTIGATIONS

- Colin is presently acting as leading counsel in High Court judicial review proceedings seeking leave to quash decisions of a Complaints Committee of the Singapore Medical Council.
- ***Rahimah bte Mohd Salim v Public Prosecutor* [2016] 5 SLR 1259**: Colin acted as leading counsel in High Court criminal revision proceedings in successfully quashing a decision of the lower court and obtaining a retrial due to the wrongful admission of privileged material in criminal proceedings on charges of money-laundering under the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Cap 65A). The charges were dropped by the Public Prosecutor following this decision, which is the leading judgment on litigation privilege in criminal proceedings in Singapore.

TRUSTS

- Colin acted in High Court proceedings under the Trustees Act (Cap 337) on behalf of a trustee company in successfully obtaining Court approval to participate in litigation in the United States concerning trust assets exceeding US\$35 million.

- Colin advised an Australian mining conglomerate in relation to proceedings concerning issues of contract, trusts, company and insolvency law in a dispute worth AUD\$3.5 billion.

EDUCATION

2009: BA (Jurisprudence) (First Class Hons), St Peter's College, University of Oxford

AWARDS

2009: Martin Wronker Prize for Best Overall Performance

2009: Gibbs Prize for Best Overall Performance in Contract, Tort, Land Law and Trusts

2009: All Souls Prize in Best Performance in Public International Law

2009: Norton Rose Prize for Best Performance in Company Law

2009: Carl Albert Prize for Best Graduate of St Peter's College

2008: Best Oralist, Finals, Philip C Jessup International Law Moot Court Competition

2008: United Kingdom Champion, Philip C Jessup International Law Moot Court Competition

2008: Latner Prize for Top Second-Year Law Student of St Peter's College

2007: Latner Prize for Top First-Year Law Student of St Peter's College

PUBLICATIONS

Colin's publications include:

2018 (forthcoming): Colin Liew and Tham Lijing, *Legal Professional Privilege* (Sweet & Maxwell)

2018: "Multi-Tiered Dispute Resolution Clauses: Law and Practice" in *Singapore International Arbitration: Law and Practice* (David Foxtton QC and David Joseph QC, eds) (LexisNexis, 2nd Ed, 2018)

2017: "Taxing the Costs of International Arbitration Proceedings", *Singapore Law Gazette*

2017: “A New Test for Medical Negligence: The *Montgomery* Test” and “*Montgomery* and *Bolitho* – Is there a Practical Difference?”, *SMA News* (co-authored by Tham Lijing)

2014: “Sins of the Father: *Patrick Adrian Anwar v Ng Chong & Hue LLC*”, *Singapore Journal of Legal Studies*

2012: “A Leap of Good Faith in Singapore Contract Law”, *Singapore Journal of Legal Studies*

2012: “Keeping it Spick and *Spandeck*: A Singaporean Approach to the Duty of Care”, *Torts Law Journal*