

# ALLEN & OVERY



**Shaun Leong**  
Associate - Singapore

**Contact**  
Tel +65 6671 6093  
Mob +65 9138 4688  
shaun.leong@allenoverly.com

Shaun is an international dispute resolution lawyer with specialisation in international arbitration. He represents clients in cross-border complex commercial disputes seated across common and civil law jurisdictions.

Upon graduating with First Class Honours, Shaun served as a Justices' Law Clerk to the Chief Justice and Judges of the Supreme Court in 2009. Between 2010 and 2014, Shaun was judicially appointed an Assistant Registrar and Magistrate of the Supreme Court of Singapore during which he decided many applications in a wide range of complex commercial disputes.

Shaun was the Head of the Court of Appeal Section in the Supreme Court Registry, and was involved in the management of complex commercial appeals, such as the arbitral dispute in *PT First Media TBK v Astro Nusantara International BV*. He was integrally involved in the establishment of the Singapore International Commercial Court (SICC) as Secretary to the SICC Committee.

His experience includes a placement with the Royal Courts of Justice and the UK Bar's magic circle set Essex Court Chambers in London.

Shaun is a contributing author to the leading text on civil procedure, the *Singapore Civil Procedure* ("The White Book"), on the chapters relating to international arbitration, domestic arbitration and the SICC.

His experience includes representing a global bank in a complex arbitration on an international banking dispute involving elements from across five different jurisdictions, including England the British Virgin Islands. In addition, he acts for a leading Japanese-based international manufacturing company in a substantial arbitration before the SIAC concerning complex contractual disputes with an Asian counterparty. He represents a Japanese global company in a JCAA (Japan Commercial Arbitration Association) arbitral dispute with a Middle East entity.

Shaun issued several notable written decisions, including the following:

*FirstLink Investments Corp Ltd v GT Payments Pte Ltd and others* [2014] SGHCR 12: It was held that the law governing an arbitration agreement should ordinarily be the law of the seat where parties fail to expressly set out the law of the agreement. The decision is referred to in *Arbitration in Singapore: A Practical Guide* (Editor in Chief: The Honourable the Chief Justice Sundaresh Menon), and is highlighted as a notable decision by former Justice of the UK Supreme Court, Lord Collins of Mapesbury in Singapore Academy of Law Journal Special Issue, *Conflicts of Laws in Arbitration*, (2014). The decision is commented favourably in Paul Tan, *Survey of Singapore Arbitration Case Law on Conflicts of Laws Issues in International Arbitration* (2014), and is described as a "forceful" decision which offers "well-reasoned clarity" (Clifford Chance, June 2014). It is regarded as a "significant" and "landmark" decision by local (Jonathan Choo, Shaun Lee,

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Arbitration in 2014: Looking Ahead to 2015, Law Gazette March 2015) and foreign lawyers (Prof. Erika Sondahl Levin, A New York Practitioner's guide to Arbitration and the Applicability of the CISG, Rutgers, The State University of New Jersey, January 2015).

The “Titan Unity” [2013] SGHCR 28: The decision sets the *prima facie* threshold to determine the existence of an arbitration agreement, in order to mandate a stay of court proceedings in favour of arbitration. It is cited with approval by the Court of Appeal of Singapore in *Tomolugen Holdings v Silica Investors*, and referred to in leading texts such as David Joseph QC and David Foxton QC, *Singapore International Arbitration: Law & Practice* (LexisNexis 2014); and described as an “instructive” and “welcome” decision which “enhances Singapore’s desirability as a seat for international arbitrations” in the Global Arbitration Review, 17 January 14 and Kluwer International Arbitration (Michael Hwang SC and Elaine Lim, 21 February 2014), and a “significant judgment” which provides “important guidance to litigants as to how the Singapore courts will determine the existence of arbitration agreements” (Barry Stimpson and Jody Wood, *Singapore High Court once again confirms its support of arbitral proceedings and the principle of kompetence-kompetence* (Reed Smith, 13 January 14).

The “Titan Unity” (No 2) [2014] SGHCR 04: The decision sets out the principles behind the court’s power to order a non-signatory to be joined to an existing arbitration. This decision is endorsed and relied upon in High Court Judgment in *Silica Investors Ltd v Tomolugen Holdings Ltd and others* [2014] SGHC 101, and is commented favourably in an article by a Supreme Court Judge, Justice Quentin Loh, *The Limits of Arbitration*, McGill Journal of Dispute Resolution, Vol. 1, No. 1, 2014.

Marina Bay Sands Pte Ltd v Ong Boon Lin Lester [2011] SGHC 73: The first lawsuit in Singapore commenced by the Marina Bay Sands casino against a patron. The patron refused to pay a gambling debt on the ground that the casino had illegally extended credit to him as he was allegedly not a premium player entitled to credit. For the first time, the Singapore courts decided on the novel question on the meaning and statutory interpretation of “premium player” under the Casino Control Act. Both parties appealed against the decision. Both appeals are dismissed.

Chan Miu Yin v Philip Morris Singapore [2011] SGHC 161: In this much publicized employment dispute between Philip Morris and its former employee, it was held that Singapore law may recognize a cause of action based on the unfair manner of dismissal and dismissal of an employee in bad faith. The decision is cited in several chapters of a leading local text on employment law, Rivi Chandran, *Employment Law in Singapore* (Lexis Nexi, 3rd ed, 2011).

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*Surface Stone Pte Ltd v Tay Seng Leon and another* [2011] SGHC 223: This is the first published decision on electronic discovery made by an assistant registrar, and the first reported decision on the discovery of computer hard drives. The decision sets out the guiding principles under Singapore law for the discovery of electronic storage devices. This was reported and commented upon in several international publication: *The Dispute Resolution Review* (London), April 12, p 698; Daniel Garrie, *E-discovery in Cross-Border Litigation*, Legal Solutions Thomson Reuters, February 13; Litigation Edge Asia, January 12; Michael Lew, *Is eDiscovery a game change for lawyers in Singapore?*, RSM Chio Lim Stone Forest

*Dirak Asia Pte Ltd and another v Chew Hua Kok and another* [2013] SGHCR 1: The decision sets out the analytical framework to determine if emails held in a “cloud” can be subject to discovery. The decision is placed on the recommended reading list by a leading Electronics Discovery specialist, Litigation Edge Pte Ltd.

*Muharrem Unsal v M K Sivalingam Jaganathan* [2010] SGHC 2014: This decision laid down the guiding principles in granting a summary judgment. It was held that a defendant could not raise a triable issue to prevent a summary judgment from being granted simply by raising contrarian assertions on affidavit. This is because court should not accept uncritically every fact in issue raised in the affidavits and should not ignore undisputed documentary and contemporaneous evidence which are clearly inconsistent with the assertions found in the affidavits.

## Career history

- Assistant Registrar, Magistrate, Supreme Court of Singapore, 2010-2014
- Justices’ Law Clerk, Supreme Court of Singapore, 2009-2010

## Professional qualifications

- Advocate & Solicitor, Supreme Court of Singapore

## Academic qualifications

- LLB (First Class Hons), National University of Singapore

## Publications

- *FirstLink Investments Corp Ltd v GT Payments Pte Ltd and others* [2014] SGHCR 12
- *The “Titan Unity”* [2013] SGHCR 28
- *The “Titan Unity” (No 2)* [2014] SGHCR 04
- *Marina Bay Sands Pte Ltd v Ong Boon Lin Lester* [2011] SGHC 73
- *Chan Miu Yin v Philip Morris Singapore* [2011] SGHC 161
- *Surface Stone Pte Ltd v Tay Seng Leon and another* [2011] SGHC 223
- *Dirak Asia Pte Ltd and another v Chew Hua Kok and another* [2013] SGHCR 1
- *Muharrem Unsal v M K Sivalingam Jaganathan* [2010] SGHC 241

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- *ABB Holdings Pte Ltd and others v Sher Hock Guan Charles* [2010] SGHC 267
- *A Commentary on the Supreme Court Practice Directions Amendment No 1 of 2012*, Law Gazette, March 2012 (co-authored with SAR Yeong Zee Kin)

## Professional memberships

- Member, Law Society of Singapore Member, Singapore Academy of Law

## Languages

- English, (Level 1 - Fluent/Bilingual)
- Cantonese Chinese, (Level 5 - Understanding spoken)
- Mandarin Chinese, (Level 1 - Fluent/Bilingual)