

TAN SWEE IM



<u>Surname, First name</u>	TAN Swee Im
Address	39 Essex Chambers (Kuala Lumpur) #02-9, Bangunan Sulaiman, Jalan Sultan Hishamuddin, 50000 Kuala Lumpur, Malaysia
Telephone	+6012 2833918
Fax	Not Applicable
Email	SweeIm.Tan@39essex.com
Nationality / Date of Birth	Malaysian / 11 April 1964

Educational/Professional Memberships

Barrister-at-Law (Middle Temple)
Advocate and Solicitor of the High Court of Malaya
Diploma in International Commercial Arbitration
Chartered Arbitrator
Fellow of the Chartered Institute of Arbitrators
Fellow of the Malaysian Institute of Arbitrators
Fellow of the Asian Institute of Alternative Dispute Resolution
Fellow of the Chartered Institute of Building
Fellow of the Malaysian Society of Adjudicators
Fellow of the Dispute Board Federation
Qualified adjudicator with Asian International Arbitration Centre
Malaysia Construction Industry Development Board Accredited Mediator
Asian International Arbitration Centre – Panel Arbitrator, Adjudicator, Mediator
Singapore International Arbitration Centre – Panel Arbitrator
Hong Kong International Arbitration Centre – Panel Arbitrator
Hainan International Court of Arbitration – Panel Arbitrator
Beihai Asia International Arbitration Centre – Panel Arbitrator

Current Position

International Arbitrator Member of 39 Essex Chambers
Principal at Chambers of Tan Swee Im

Professional Experience

1987	Called to The Middle Temple
1988	Admitted as an Advocate & Solicitor of the High Court of Malaya
1988 – 1990	Associate in M/S Shook Lin & Bok handling banking litigation and construction advisory and disputes matters
1990 – 1993	In-house counsel at YTL Corporation handling range of legal matters including the drafting and negotiation of joint venture and shareholder agreements, hotel

	management and technical assistance contracts, property related privatisation projects, construction contracts for the Government of Malaysia projects and private developments. Projects included the first independent power plants in Malaysia Nucleus Hospitals Project, Eastern and Oriental Express Luxury Train.
1993 - 1995	Associate at M/S Abu Talib Sharom & Zahari, seconded to Masons (now Pinsent Masons) team as principal legal advisors to KL International Airport Berhad, the developers of the new KL International Airport, on all construction related matters, including development of procurement strategy, drafting of standard form contracts for the engagement of consultants, contractors (build only and design and build) and Operations and Maintenance contractors, assessment of tenders, negotiations and finalisation of contracts. On privatisation packages, advising on the privatisation strategy, drafting privatisation agreements and negotiating with concessionaires, in particular for the District Cooling System for the provision of chilled water and electricity. Similar services for Malaysia – Singapore Second Crossing.
1995 - 1999	Partner at M/S David Chong & Co, Kuala Lumpur. Partner in charge of Construction and Privatisation, and Commercial and Company Secretarial services. Commercial practice included the major areas of joint ventures, foreign investment, development agreements and hotel projects, ranging from advising on structures of investment to drafting of contracts and negotiations. Construction practice encompassed all aspects of the construction industry from the outset of procurement strategy to drafting of procurement contracts for construction and consultancy and dispute resolution, including advisory role during administration of contract. Handling of arbitrations involving claims in excess of RM100 million as well as performance bond issues. Advisory and contract drafting on privatisation projects in Malaysia, Cambodia, Myanmar.
1999 - 2015	Founded Tan Swee Im & Co, legal firm focused on construction and energy sectors. Acting for developers and contractors in dispute resolutions particularly arbitrations. Advising on project procurement strategy, drafting contracts, advising on contract administration and on contractual claims. Advising construction industry consultants. In 2006 reorganisation of the firm resulting from merger of two established law firms, Tan Swee Im & Co and P.Y. Hoh & Tai into the single firm of M/S Tan Swee Im, P.Y. Hoh & Tai. In 2015 further reorganisation of the firm resulting in M/S Tan Swee Im, Siva & Partners
	1999 - Construction Industry Development Board Malaysia (CIDB) Standard Form of Contract for Building Works 2000 – key member of drafting committee
	2005 – Proposed Construction Industry Development Board Malaysia (CIDB) Standard Form of Contract for Design and Build – led drafting committee
	2015 – Pertubuhan Akitek Malaysia (PAM) 2006 Review Sub-Committee
2016 – July 2019	Consultant at M/S Tan Swee Im, Siva & Partners
	2017 - AIAC Standard Forms of Contracts Expert Advisory Committee
Oct 2018	International Arbitrator Member of 39 Essex Chambers
Aug 2019	Founded Chambers of Tan Swee Im

Arbitration Experience

- 1989 Assisting lead counsel - representing contractor against city council
- 1990 In-house counsel instructing external solicitors – representing contractor against developer of Shopping Centre in Johor Bahru
- 1992 In-house counsel instructing external solicitors – representing contractor against developer of luxury hotel in Kuala Lumpur
- 1995 Lead counsel, working in conjunction with claims consultant – representing contractor against developer of 4 star hotel in Kuala Lumpur
- 1996 Lead counsel – representing contractor against developer of 4 star hotel in Cameron Highlands
- 1996 Lead counsel – representing sub-contractor against main contractor of major mixed development in Kuala Lumpur
- 1997 Lead counsel, working in conjunction with claims consultant – representing contractor against developer of headquarters and factory in Kuala Lumpur
- 1998 Lead counsel – representing sub-contractor against main contractor of project at Westport
- 1998 Lead counsel – representing contractor against developer on KLCC package
- 1999 Lead counsel – representing contractor against developer of condominium in Kuala Lumpur
- 1999 Lead counsel – representing contractor against developer of 4 star hotel in Kuala Lumpur
- 1999 Lead counsel – representing Contractor against developer of privatised project at KLIA
- 1999 Lead counsel – representing developer of budget hotel in Kuala Lumpur against contractor
- 1999 Lead counsel, working in conjunction with claims consultant – representing Contractor against developer of Shopping Centre in Kuala Lumpur
- 1999 Lead counsel – representing sub-contractor against main contractor of KLCC package
- 2000 Lead counsel – representing main contractor of MAS facility at KLIA against sub-contractor
- 2000 Lead counsel, working in conjunction with claims consultant – representing contractor against developer of auction house in Kuala Lumpur
- 2000 Lead counsel – representing contractor against developer of Condominium in Kuala Lumpur
- 2000 Lead counsel – representing developer of Shopping Centre in Melaka against contractor
- 2000 Lead counsel, working in conjunction with claims consultant – representing developer of 3 star hotel in Kuala Lumpur against contractor
- 2001 Lead counsel, working in conjunction with claims consultant – representing sub-contractor on petrochemical plant in Kuantan
- 2001 Lead counsel, working in conjunction with claims consultant – representing developer of privatised facility against consultants
- 2001 Lead counsel, working in conjunction with claims consultant – representing housing developer against contractor
- 2002 Lead counsel, working in conjunction with claims consultant – representing housing developer against main contractor
- 2002 Lead counsel, working in conjunction with claims consultant – representing main contractor against subcontractor
- 2002 Lead counsel – representing developer of office block in Penang against main contractor
- 2003 Lead counsel – representing developer of Shopping Centre in Penang against main contractor
- 2003 Lead counsel – representing developer of infrastructure works for marina in Penang against main contractor
- 2003 Lead counsel – representing developer of 74 units of shop offices in Penang against main contractor
- 2003 Lead counsel – representing developer of 18 units shop offices in Penang against main contractor
- 2003 Lead counsel – representing main contractor against developer
- 2003 Lead counsel – representing main contractor against subcontractor
- 2004 Lead counsel – representing main contractor against subcontractor
- 2004 Lead counsel – representing main contractor against developer in Singapore

- 2006 Lead counsel – representing main contractor of privatised residential facility against subcontractor
- 2007 Lead counsel – representing developer of entertainment facility against contractor
- 2007 Lead counsel – representing main contractor against developer of residential development
- 2007 Arbitrator – dispute between company and employee on training contract
- 2008 Lead counsel – representing sub contractor against main contractor of oil and gas facility
- 2008 Lead counsel – representing sub contractor against main contractor of privatised infrastructure facility
- 2008 Lead counsel – representing sub contractor against main contractor of power station
- 2008 Lead counsel – representing sub contractor against main contractor on privatised facility
- 2009 Lead counsel – representing developer of residential facility against main contractor
- 2011 Lead counsel – representing main contractor against developer on 2 separate contracts on same development
- 2011 Arbitrator – dispute between main contractor and public works department on road construction project
- 2012 Lead counsel – representing main contractor against developer of port facility
- 2013 Co counsel – representing main contractor against developer of a warehouse
- 2014 Co counsel – representing sub contractor against main contractor on cable stay bridge
- 2015 Arbitrator – dispute between main contractor and sub contractor on helicopter hangar project
- 2017 Lead counsel – representing sub contractor against Main Contractor for an apartment housing construction project in Ipoh
- 2017 Lead counsel – representing sub contractor against main contractor for a hotel development project in Penang
- 2018 Lead Counsel – representing main contractors against sub contractor in DAB adjudication on civil works of power plant
- 2019 Arbitrator – dispute between main contractor and project manager on shopping mall project
- 2019 Chairman of 3 person tribunal – dispute between developer and main contractor on process engineering plant project
- 2019 Arbitrator – dispute between government and main contractor on institutional project
- 2020 Arbitrator – dispute between main contract and sub-contractor on institutional project

Publications

Case Reviews – Construction Industry Construction Law Reports
 Case Reviews – Construction Adjudication Reports of Malaysia
 The International Comparative Legal Guide To Construction Law 2014 and 2015
 The Turkish Commercial Law Review - Construction Procurement Strategy: Key Principles
 Numerous articles for various construction law publications and newsletters

Languages

English – first language
 Bahasa Malaysia – fluent written and spoken
 Hokkien – conversational, spoken only