



Yee Keong was named one of Singapore's 18 most influential lawyers under 40 by the Singapore Business Review in 2021. He is a consummate disputes lawyer with complementary legal experience as NUS Legal Skills Instructor, PIPD Committee Member, CLC Committee Member, CLAS Defence Counsel, former Young Amicus Curiae to the Supreme Court and SMC Accredited Mediator.

**Civil and Commercial Litigation:**

- Disputes on ownership of properties (e.g. houses, bank accounts, company shares, chattels) that are jointly-held or on trust or prior representations made.
- Company or shareholders disputes, e.g. breach of director's duties, forgeries, true ownership of shares, unauthorised use of funds, unauthorised communication with clientele or vendors, etc.
- Lead Counsel in successfully defeating a civil claim in High Court, and appeal to the Appellate Division, for unrecovered costs of prior divorce proceedings, by invoking the *Maryani* prohibition rule, issue estoppel, extended doctrine of *res judicata*, and no entitlement to 100% full indemnity on costs but only taxation on indemnity basis: see *CGG v CGH* [2021] SGHC(A) 7.
- Acting for parents and student (a minor) against a school for negligence and breach of contract. Lead counsel in successfully resisting interlocutory application for gag order in *GCP (a minor) (suing by her father and litigation representative, GCQ) and others v GCS* [2020] SGDC 122.
- Advising on employment, e.g. Employment Act, Retirement and Re-employment Act, restraint of trade clauses, conclusive evidence clauses, reasonable endeavors clauses, employees' collective agreement, implied terms, incorporation of terms, etc.

- Achieved settlement for an international airline on the claims by disgruntled passengers, some of whom had their flights re-accommodated, while others did not arrive at the boarding gate in time, which involved cross-jurisdictional and interagency investigation.
- Advised corporate shareholders and an individual guarantor on their respective liability exposure in the event of winding-up of the parent and related entities.
- Acted for a chain of hair salons against employee for loans, theft, and poaching clientele and staff.
- Advising businesses and individuals on defamatory statements.
- Advising on insurance terms, e.g. coverage, repudiation, liability, entitlement, etc.

**Asset Recovery, Restructuring and Insolvency:**

- Advised and acted for creditors and debtors on enforcement actions, insolvency and restructuring options, such as scheme of arrangement, judicial management, liquidation, bankruptcy, etc.
- On the panel of lawyers for the Singapore Government for the provision of legal services in relation to debt / property recovery.
- Acted for a REIT in its ~SGD 108 million claim against the Hyflux Group for premature termination of long-term leases, which court proceedings involve pre-scheme moratoriums, parallel schemes of arrangement, judicial management, and winding-up.
- Advised a creditor in its claim against Dimbulah Coffee (S) Pte Ltd, which had applied to Court for a pre-scheme moratorium.

**KOK YEE KEONG**

Partner

T +65 6361 9390

F +65 6438 0550

E YeeKeongKok@harryelias.com



- Acted for an institutional client in its multi-million claims against a construction company and its individual guarantor (the shareholder and director), which involve matters of company winding-up, individual voluntary arrangement, mareva injunction, COVID-19 Assessor determination, and applications to lift the COVID-19 moratorium and leave to continue proceedings against the company under winding-up.
- Acted for applicants in *SK Engineering & Construction Co Ltd v Conchubar Aromatics Ltd and another appeal* [2017] SGCA 51, a landmark decision on schemes of arrangement on novel issues of law, e.g. discounts on creditors' votes, certainty of schemes and assessing creditors' relatedness.
- Registration of commonwealth and Hong Kong judgments in Singapore High Court for enforcement.
- Enforcement of share charge in suspended counter on SGX-ST Catalist board.
- Advised on successful private restructuring of a company with ~S\$1.4 million debts.
- Obtained summary judgment of over S\$6 million for a creditor under a convertible loan agreement, and enforcement of judgment, including examination of judgment debtor (EJD), writ and seizure (WSS) of sale of shares and court auction, winding-up proceedings, representations to ACRA, engaging auditors to trace assets and directors' misfeasance, etc.
- Routine debt collection (e.g. demand letters, court proceedings and enforcement actions) for major landlords, REITs, a leading integrated private healthcare provider in Asia, an accredited registrar and classification society with global operations in more than 100 countries, etc.

### Construction and Engineering:

- Acted for numerous MCSTs and unit owners on construction defects – see MCST matters below.
- Acted for a replacement main contractor to successfully stay court proceedings by former main contractor in favour of parallel arbitration proceedings by employer, and subsequent successful strike-out of the court proceedings due to arbitral findings.
- Acted for individual landowners on construction of houses, e.g. main contractor failed to complete ~S\$2.55 million works, damage to neighbouring land, and encroachment of boundary lines.
- Advised on breaches of joint venture agreement between companies in relation to a construction project.
- Acted for builder to restrain the unconscionable call of performance bond by employer.
- Advised main contractor in the termination of contract by employer and defects liability period.
- Acting in proceedings under the Building and Construction Industry Security of Payment Act 2004 (SOPA). Projects ranges from Design-Build-Own-Operate projects, executive condominiums, school buildings, government-linked projects, etc. Claims include original contract works, variation works, liquidated damages, fit-for-purpose obligations, changes due to authorities, etc. Achieved Adjudication Determinations of up to ~S\$4.5 million or full dismissal on jurisdiction. Example: *BDM Pte Ltd v BDN Pte Ltd* [2020] SCAJr 480.



### Landlords and tenants:

- Advises and acts for various major commercial landlords, REITs and managing agents, in a gamut of tenancy matters, e.g. review of leases, rental arrears, breach of tenancy terms, option to renew, reinstatement, premature termination and re-entry and forfeiture.
- Advised a tenant in its successful premature termination of lease and substantial reduction of the landlord's initial claim for ~S\$280,000.
- Advised a statutory board on retrospective claim for unauthorised subletting after a court judgment found a sub-tenancy arrangement between lessee and occupier.
- Acted for an embassy to defend against a landlord's claim for damage to tenanted ambassador's residence.
- Advising on licensing agreement for the interfacing of 2 commercial buildings in CBD.
- Advised tenant on wrongful conduct of landlord including breach of quiet enjoyment.
- Advised landlord on severe no-fault damage to the leased premises resulting in substantial areas being untenable and the tenant's obligations owed to tenant under the compromised lease.
- Advised individual landlord on the successful eviction of tenant holding over a residential unit.
- Advising landlords and tenants on the COVID-19 (Temporary Measures) Act 2020, including the notification for relief, assessor determination, passing on property tax rebate, and rental relief framework for SMEs.

### MCSTs and Managing Agents:

- Advised or acted for over 150 MCSTs of residential, commercial, retail, industrial and mixed developments.
- Routine debt collection for MCSTs against subsidiary proprietors, e.g. demand letters, MCST Charges, exercising MCST's power of sale, court proceedings for judgment and enforcing the judgments including bankruptcy and winding-up.
- Advising MCSTs on estate issues, e.g. unapproved renovation works, no proper handover of records by developer and previous managing agent, potential breach of duties by previous council members, privatisation levy, common property, dealing with contractors, breach of by-laws or BMSMA, etc.
- Acted for a MCST in its High Court suit against builder, architect and engineer on their use of monolithic tempered glass for balustrades despite its susceptibility to spontaneous shattering. The statutory regulation requiring laminated glass was only introduced after the building was completed. The Building and Construction Authority (BCA) has filed an AEIC to weigh in.
- Acted for a MCST in its High Court suit against the developer, main contractor and subcontractors on outstanding rectification works under various warranty agreements.
- Acting for a MCST in relation to disputes with Main Contractor on a settlement agreement concerning various defects to the development such as sunken soil areas in the development and debonded titles in the water features.



- Acted for a MCST in claims against neighbouring MCST for encroachment, soil erosion and damage to separating retaining wall.
- Acted for a subsidiary proprietor of multiple levels in a development in its High Court suit against the architect for non-compliance with the Fire Code 2002 due to lack of smoke stop lobbies at the exit staircase of the building, as well as advising on legal options against the MCST for the same.
- Defending a MCST against court proceedings by subsidiary proprietors seeking mandatory injunction to restrict or convert the use of shallow pool which allegedly cause noise and water pollution to their ground floor unit.
- Successful settlement of court claims by subsidiary proprietor against Managing Agent for water damage from sprinklers allegedly being left open for excessive period after fire was extinguished.
- Acted for Managing Agent in claims against rogue employee who embezzled estate monies.
- Achieved ~S\$1.7 million settlement for an employee injured in the Middle East, with resulting disabilities.
- Successful dependency claims for parents of deceased in a fatal motor accident where driver faced parallel criminal proceedings.
- Achieved ~S\$100,000 settlement of a motor accident court action at 3-year impasse within 8 months.
- Advised the insurer of a main contractor in a government project, on the ~S\$330,000 claim by a passer-by who had tripped and fallen due to uneven surface of a public footpath.
- Private Prosecution (Magistrate's Complaint) for victim against perpetrator for causing hurt and assault.
- Advised and acted for a motor insurer to defend its insureds, e.g. handling claims, negotiation, court mediation, trials on liability and assessment of damages hearings.

**Other experiences:**

**Personal Injury and Property Damage (PIPD):**

- On the panel of lawyers for the Singapore Government for the provision of legal services in relation to motor accidents
- Member of the PIPD Committee of The Law Society of Singapore since 2019
- Successfully acted for claimants where the defendant's insurer repudiated policy liability.
- Instructed by an Embassy to advise and act in civil claim for its national who was injured in a group attack where perpetrators face parallel criminal proceedings.
- Singapore's 18 most influential lawyers under 40 by the Singapore Business Review in 2021.
- Best Feature Article by a Young Lawyer 2021, Law Gazette, Law Society of Singapore
- Part of the Editorial Team, for the practitioner textbook, Chow Kok Fong, *Security of Payments and Construction Adjudication* (LexisNexis, 3rd Ed, 2022)
- Appointed *amicus curiae* in *Tan Song Cheng v PP and another appeal* [2021] SGHC 138, which is a watershed judgment on sentencing for tax evasion offences, where the Honourable Justice See Kee Oon recorded his appreciation to Yee Keong "for diligently preparing an objective, detailed and comprehensive analysis from which [the Judge] derived considerable assistance".



- Legal Skills Programme Instructor, National University of Singapore (NUS), Law Faculty, since 2016: <https://law.nus.edu.sg/people/yee-keong-kok/>
- Member, PIPD Committee since 2019, The Law Society of Singapore.
- Member, Community Legal Clinics (CLC) Committee since 2020, Law Society Pro Bono Services.
- Accredited Mediator of the Singapore Mediation Centre (SMC).
- Volunteer Defence Counsel, Criminal Legal Aid Scheme (CLAS), Law Society Pro Bono Services. Handled drugs offences, unlicensed moneylending, voluntarily causing hurt, theft and disorderly behaviour, etc.
- Volunteer lawyer at community legal clinics, dispensing free legal advice on bread-and-butter issues to residents, e.g. debt recovery, employment, family law, wills and probate, motor accidents, neighbour disputes, criminal offences, etc.
- Called to the Singapore Bar in 2015; LLB (2nd Class Upper Honours) from NUS in 2014; NUSS Medal for Outstanding Achievement 2014; Ella Cheong Intellectual Property Scholarship 2012.
- Avid mooter: ECC-SAL Int’l Moot 2016 (Singapore) - Semi-Finalist Team; William C. Vis Int’l Commercial Arbitration Moot 2014 (Vienna) - Honourable Mention Oralist; GNLU Int’l Moot 2013 (Gujarat) - Best Oralist and Champion Team; 13<sup>th</sup> D. M. Harish Memorial International Moot (Mumbai) 2012 - 13<sup>th</sup> Speaker & 10<sup>th</sup> Team; Advocacy Cup 2012 (Singapore) - Semi-Finalist; Red Cross Int’l Humanitarian Law Moot 2011 (Hong Kong) - Semi-Finalist Team; etc.

#### Client testimonials:

- *“Yee Keong has the ability to make complex matters understandable. He has demonstrated a strong leadership and practical management skills, as well as personal commitment.”* – Legal counsel of a well-known REIT.
- *“We appreciate Yee Keong’s responsiveness and attentiveness no matter the task at hand. In addition, he is proactive and often takes the initiative to offer solutions which empathize with our business needs.”* – Legal counsel of a company with global operations in over 100 countries.
- *“Yee Keong is very responsive and provides comprehensive and thorough advice even when he has to work with tight deadlines”* – Legal counsel of another established REIT.
- *“Yee Keong is our company’s go-to lawyer whenever we need legal advices, and he always without fail give us very clear and precise replies. Most importantly, his promptness and eagerness to deliver his advices make him different from the others”* – Director of Managing Agent of commercial properties in prime areas.
- *“Yee Keong gave concise, commercial and practical advice in relation to legally and factually complex issues. His assistance and expertise was appreciated and will be sought again in future.”* – instructing solicitor from a leading Australian law firm.

#### Publications:

- E-briefing, *“Keep Calm and Carry On Restructuring (While Paying Rent)”*, 21 June 2024: see <https://tinyurl.com/IRDAmoratorium> (Also featured on Singapore Law Watch > Commentaries > Judgments, on 25 June 2024: see <https://www.singaporelawwatch.sg/Commentaries>)



- E-briefing, “Second bite of the cherry on legal costs?”, 26 August 2021: see <https://tinyurl.com/legalcosts> (Also featured on Singapore Law Watch > Commentaries > Judgments, on 1 September 2021: see <https://www.singaporelawwatch.sg/Commentaries>)
- The Singapore Law Gazette, “Perhaps It is Time to Consider a Spandek Approach to Developing Sentencing Frameworks”, Featured Article, May 2021: see <https://lawgazette.com.sg/feature/perhaps-it-is-time-to-consider-a-spandek-approach/>
- E-briefing, “New code of conduct to be introduced for fairer lease negotiations”, 7 April 2021: see <https://tinyurl.com/TenancyNewCode>
- E-briefing, “August 2020 must-knows for commercial landlords – Keeping abreast with recent amendments to the COVID-19 (Temporary Measures) Act and its (Rental and Related Measures) Regulations 2020”, 12 Aug 2020: see <https://tinyurl.com/COVID19RentalRelief>
- E-briefing, “Summarising the Covid-19 (Temporary Measures) Act 2020 for Commercial Landlords”, 10 Apr 2020: see: <https://tinyurl.com/COVID19forLandlords>
- The Singapore Law Gazette, “Demystifying the Assessment of Damages for Personal Injury Claims”, Featured Article, Oct 2019: see <https://lawgazette.com.sg/feature/demystifying-assessment-of-damages-personal-injury-claims/>
- Asia Law Network, “Strategic use of Offers to Settle (OTS) to negotiate motor accident claims”, 26 Jul 2019: see <https://tinyurl.com/OfferToSettle>
- E-briefing, “The Final Phase of Singapore’s Efforts to Modernise and Strengthen Its Corporate Rehabilitation and Debt Restructuring Regime”, 15 Oct 2019: see <https://tinyurl.com/OmnibusRestructuring>
- E-briefing, “What to do in a motor accident? A comprehensive practical guide to motor accident claims in Singapore”, 8 Jul 2019: see <https://tinyurl.com/accidentguideHEP>; adopted as further reading for the Legal Aid Bureau Practitioner’s Guide, Chapter 1, Accident & Personal Injury Claims, October 2021, page 13: see <https://lab.mlaw.gov.sg/resources/publications/>
- E-briefing, “Open, says me! Basic Guide for Re-entry by Landlords in Singapore”, 2 Nov 2018: see <https://tinyurl.com/landlordsreentry>
- E-briefing, “Whose scheme is it anyway? The law on schemes of arrangement in Singapore after SK Engineering Construction Co Ltd v Conchubar Aromatics Ltd and another appeal [2017] SGCA 51”, 28 Sep 2017: see <https://tinyurl.com/schemesofarrangement>

Get connected: [www.linkedin.com/in/kokyeekeong](http://www.linkedin.com/in/kokyeekeong)