



Swee Im Tan is a Barrister-at-Law (Middle Temple), 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 and an arbitrator, adjudicator and mediator on the panel of the Asian International Arbitration Centre, a member of the SIAC Panel of Arbitrators, a member of the HKIAC Panel of Arbitrators, a qualified adjudicator, a Malaysia Construction Industry Development Board Accredited Mediator, and holds a Diploma in International Commercial Arbitration.

Swee is also an Advocate and Solicitor of the High Court of Malaya, and founded a legal firm in Malaysia which focuses on the construction, infrastructure and energy sectors. She was in-house counsel for a public listed company and has extensive arbitration experience. She was a key member of the drafting team on the first independent power plants in Malaysia, the Kuala Lumpur International Airport, the Malaysia-Singapore Second Crossing projects and many other major projects in Malaysia as well as internationally.

Swee's experience in the construction industry ranges from the early procurement strategy stage, contract drafting, advisory during the project life, through to dispute resolution. She is known for her logical and practical approach to matters, with a great ability to keep the big picture in mind without losing focus on the detail. Solution orientated without getting lost in the law, she is a sought after resource by industry stakeholders.

In construction, Swee has had a role in much of Kuala Lumpur's skyline and in infrastructure she has been involved in many of the major infrastructure projects including airports, bridges, highways, heavy rail and light rail. Internationally she has been involved in projects in South East Asia, Indo-China, Middle East, Australia, as well as trans-national pipelines. Power plants, co-generation facilities, crude oil terminals are included in her energy experience.

Swee regularly sits as arbitrator and adjudicator, in addition to her many years as counsel in arbitrations and adjudications. Her appointments are institutional as well as party agreed.

Swee is a regular speaker at conferences, seminars as well as practical workshops in contract administration. She is a great communicator and a lively speaker and passionate about the education of construction professionals in dispute avoidance. Swee has contributed many articles, case commentaries and led a team to develop standard forms and procedures guide for statutory adjudication. She has always been an active contributor to industry associations.

PRACTICE AREAS

- Construction
- Arbitration and Adjudication

PRACTICE AREAS

CONSTRUCTION

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ARBITRATION AND ADJUDICATION

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MEMBERSHIPS

- Fellow of the Chartered Institute of Arbitrators
- Fellow of the Chartered Institute of Building
- Fellow of the Malaysian Institute of Arbitrators
- Fellow of the Malaysian Society of Adjudicators
- Fellow of the Asian Institute of Alternative Dispute Resolution
- Fellow of the Dispute Board Federation
- Arbitrator on the panel of Asian International Arbitration Centre
- Qualified Adjudicator with Asian International Arbitration Centre (Construction Industry Payment and Adjudication Act)
- Mediator on the panel of Asian International Arbitration Centre
- Accredited Mediator with the Malaysia Construction Industry Development Board

- Member of Society of Construction Law
 - Member of Lighthouse Club (Construction Industry Charity)
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QUALIFICATIONS

Barrister-at-Law, Middle Temple (1987)

Advocate & Solicitor of the High Court of Malaya (1988)

Diploma in International Commercial Arbitration (2011)

LLB London School of Economics, University of London

EDUCATION:

London School of Economics and Political Science

University of London

LLB Hons (2nd Class Upper Division)

ADDITIONAL INFORMATION

PREVIOUS EXPERIENCE:

TAN SWEE IM, SIVA & PARTNERS, Advocates & Solicitors January 2016 – present

Resulting from reorganisation of firm.

Projects include:

LRT 3

Redevelopment of Lembaga Getah Malaysia Campus

Kwasa Land Plot C8

Star Residences

Medini Lakeside Development

Manjung 4 Power Plant

Central Plaza I-City

TAN SWEE IM, P.Y. HOH & TAI, Advocates & Solicitors October 2006 – December 2015

Resulting from merger of two established law firms, Tan Swee Im & Co and P.Y. Hoh & Tai.

Construction and commercial practice, acting for developers and contractors in dispute resolutions including

arbitrations.

Advising on project procurement strategy, drafting contracts, advising on contract administration and on contractual claims. Advising construction industry consultants.

Projects include:

KL International Financial District
Al Reem Island Developments, Abu Dhabi
Al Falah Community Housing, Abu Dhabi
Underground Commercial Complex, Ho Chi Min City
JV Development of 800 acres of land in Langkawi
Solaris Dutamas
Mukah Coal Fired Power Station
Miri Crude Oil Terminal
Coca Cola Bottling Plant
Rare Earth Plant

TAN SWEE IM & CO., Advocates & Solicitors July 1999 – October 2006

Construction and commercial practice in continuation of work carried out while at David Chong & Co.

Led the Company Secretarial practice of the firm, supervising a chartered company secretary. Appointed as Company Secretary for about 40 companies.

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.

Familiar on all of the above on standard form contracts including FIDIC Red Book and Orange Book, JCT Design and Build, JCT 1963 (PAM 1969), Public Works Department forms (JKR 203A), North-South Expressway forms and KL International Airport forms.

Privatisation work included the Privatisation of the Pochentong International Airport (Phnom Penh, Cambodia), Privatisation of the Teachers Housing Quarters (Malaysia), proposal for the Privatisation of a new international airport for Bosnia-Herzegovina.

Clients are principally expatriate contractor organisations and Malaysian public listed companies.

Projects include:

Phnom Penh Airport, Cambodia
New Yangon Airport, Myanmar
Proposed new Privatised Airport for Bosnia-Herzegovina
Kuala Lumpur City Centre (for Contractor)
New Securities Commission Building
Plaza Rakyat Kuala Lumpur
Berjaya Star City Kuala Lumpur

ABU TALIB SHAROM & ZAHARI, Advocates & Solicitors August 1993 – April 1995

Legal Assistant – New Kuala Lumpur International Airport Project (KLIA)

Malaysia – Singapore Second Crossing Project

New KL – KLIA Expressway Project

Seconded to Pengurusan Lintas Berhad who provided Management Support Services including Contracts and Procurement Services to KLIA. The Legal Team consisting of lawyers from Masons of London and myself acted as the principal legal advisors to KL International Airport Berhad, the developers of the new KL International Airport, on construction related matters.

Advice commenced early in the design stages of the project and centred on the formulation with the client of procurement strategies to meet the requirements for the client to maintain control over design while balancing pricing considerations against minimisation of liability.

Thereafter the Legal Team drafted standard form contracts in discussion with the client and his technical advisors for the engagement of consultants, contractors and Operations and Maintenance Contractors. These standard form contracts included build only and design and build forms. In addition the Legal Team assisted with the preparation of Tender Documents and conducted Tender Presentations.

Assessment of tenders as participants of the Tender Boards of various packages involved close cooperation with KLIAB's technical and financial advisors. Regular presentations to the Procurement Committee consisting of directors of several government departments were made on the results of these tender reviews. The participants of the Tender Boards were required to substantiate their views and make recommendations. Following selection the Tender Boards conducted negotiations with the potential contractor and the Legal Team advised on and drafted amendments to the standard forms.

Of particular interest was the Systems Integration Contract for the Total Airport Management System which involved a complicated procurement structure to achieve the desired division of liability between the contractors which had to be balanced against the requirement of a high level of control by the client.

The development of KLIA also involved numerous privatisation packages to which Miss Tan was a key member of the Privatisation Committee Secretariat which advised on the privatisation strategy, drafted Privatisation Agreements and negotiated with concessionaires. Of note is the District Cooling System for the provision of chilled water and electricity.

Similar type of services was provided for the Malaysia – Singapore Second Crossing Project and the New KL – KLIA Expressway Project. However in relative terms these were smaller projects and the services provided were therefore co-extensive with that for KLIA. Masons were not involved in the New KL – KLIA Expressway Project and this project was handled by Miss Tan alone.

YTL CORPORATION BERHAD July 1990 – July 1993

Assistant Manager, Legal Affairs – Assistant to the Legal Manager and was assigned to handle a variety of legal matters as well as coordination of special projects. The position included hand-on drafting of legal documents, as well as supervising external solicitors but also encompassed managerial roles.

The YTL Group was involved principally in construction, housing development, hotel and leisure projects. It was

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also the first Independent Power Producer in Malaysia of two gas powered combined cycle plants and is a shareholder of the Eastern and Oriental Express Luxury Train.

Range of legal matters handled included the drafting and negotiation of numerous Joint Venture and Shareholder Agreements, Hotel Management and Technical Assistance contracts, property related privatisation projects, construction contracts for Government Projects and private developments.

Special Projects where a more managerial role was undertaken included the Friendship Housing Project in South Africa which was a gift of residential units by the Government of Malaysia to the ANC undertaken just before the election of the Mandela government, the Papua New Guinea Housing Quarters Project for the Army, Police and Prisons and the proposed Westin Resort in Langkawi.

Involvement in Government projects included the Nucleus Hospitals Projects (12 hospitals nationwide), Airport in Sibul (Sarawak), Airstrip in Layang-Layang (Spratleys) and the South Africa Project.

SHOOK LIN & BOK, Advocates & Solicitors July 1988 – July 1990

Legal Assistant – Banking Litigation and Construction

Commenced practice as a Legal Assistant upon completion of pupillage at Shook Lin & Bok. Principally involved in bank recovery work resulting from the 1980's recession. Construction work involved advisory services as well as dispute resolution and injunctions against calls on performance bonds. Regular court attendances included appearances in the Supreme Court.

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