



Andre Yeap SC

Head, International Arbitration
Senior Partner, Dispute Resolution

Practice Area:

International Arbitration
Commercial Litigation

Get in touch

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Called to the Bar in 1987, Andre was appointed Senior Counsel in January 2003.

Andre has developed a broad-based corporate, commercial and insolvency-related litigation practice which includes banking, securities, shareholder disputes, fraud, breach of fiduciary duties, trust and estate matters, often with strong cross-border elements. He is also active in international and domestic arbitrations. Many of his cases are landmark cases, setting precedent for various areas of the law.

The Asia Pacific Legal 500 has stated 'Andre Yeap SC is a pillar of strength in commercial matters' and he has also been cited or recommended in the area of dispute resolution by other publications, such as Chambers and AsiaLaw Profiles.

Andre holds the office of Deputy Chairman of the Income Tax Board of Review. He was also appointed as a member of the Competition Appeals Board.

Qualifications

- LLB (Hons), National University of Singapore
- Advocate & Solicitor, Supreme Court of Singapore
- Senior Counsel, Supreme Court of Singapore

Experience

Andre specialises in a broad range of corporate and commercial dispute work. Often acting for financial institutions, Andre has represented an insurance conglomerate in a dispute over a highly complex US\$220 million securitization transaction involving pulp and paper receivables, and had successfully restrained the execution and implementation of a series of collateralised equity leveraged loan securities backed notes in excess of US\$180 million.

In his varied commercial practice, Andre has also been involved in some of the largest property disputes in Singapore, including the \$500 million en-bloc sale of Horizon Towers, and the \$550 million en-bloc sale of Gillman Heights. He also represented the Commissioner of Estate Duty in a dispute relating to the valuation of one of the largest estates in Singapore.

Andre has acted and advised in various insolvency and liquidation matters. He has represented the Official Assignee / Receiver of the State of Queensland; was responsible for the compulsory liquidation of Daewoo Singapore Pte Ltd with debts well in excess of \$400 million, one of the largest insolvencies in the Singapore corporate scene; was involved in the international liquidation of the CHS Group, then one of the largest disk-drive producers in the world; and has oversight of the restructuring and liquidation of the Lehman Brothers Group in Singapore and India, part of which was named “Insolvency and Restructuring Deal of the Year, 2009”, by both International Financial Law Review and Asian Legal Business and which is potentially the largest insolvency in the region. He is also leading the legal team in relation to the liquidation of MF Global Singapore.

In addition to his corporate, commercial and insolvency related litigation practice, Andre has a significant construction law practice. Apart from disputes relating to building projects, he has been involved in cases concerning the construction of vessels, oil rigs and a collapsed silo facility.

With a diverse portfolio of domestic and international arbitration cases to his name, Andre has acted in a billion dollar dispute involving a steel plant, and other disputes involving hotel ownership and management, power plants, telecommunication systems, and underwater channels, and has also represented telecommunication giants such as AT&T.

With a long historical involvement in some of Singapore’s oldest and largest trusts and estates, he has acted for some of the most prestigious trust corporations in Singapore, including British & Malayan Trustees. In addition, he successfully led the prosecution, on behalf of the Law Society of Singapore, on a complaint made by a Court of Appeal Judge, against certain lawyers who had fraudulently caused the Supreme Court to wrongfully pay out about \$4.3 million in respect of the administration and distribution of a Muslim estate which was embroiled in a series of competing claims.

Banking and Securities

- Successfully acted for Centre Solutions, a member of the Zurich Group, in judicial management proceedings brought by Deutsche Bank against Asia Pulp & Paper Ltd, in relation to a dispute arising from a highly complex securitization transaction in excess of US\$220 million involving future pulp and paper receivables, for which there was substantial recovery.
- Obtained judgment for an international merchant bank, CEF Capital Markets (a joint venture between the Canadian Imperial Bank of Commerce and the Cheung Kong Group), for US\$25 million against a major property developer in relation to financing for the failed takeover of a publicly listed Malaysian company, Seng Hup Ltd. The trial of this highly complex case, which involved allegations of misrepresentation, fraud, conspiracy, market rigging and breaches of Malaysian Securities laws lasted 56 days, making it one of the longest trials ever in the Supreme Court.
- Successfully represented a syndicate of international banks in a US\$40 million claim against one of the largest steel conglomerates in India.
- Successfully represented cargo owners against shippers in a case which turned on a novel point of law as to whether shippers should be liable for goods discharged under forged bills of lading.

- Successfully represented OCBC Securities, a major stockbroking firm, in a claim for several million dollars against a customer, which involved alleged breaches of duties on the part of the stockbrokers. This has become a leading case on the duties and standard of care of stockbrokers.
- Successfully representing a syndicate of banks in relation to a US\$140 million claim against the estate of an Indonesian tycoon.

Shareholder Disputes, Winding Up & Insolvency

- Successfully restrained, on behalf of minority shareholders, the provision of financial assistance by a Singapore company, and its Cyprus holding company (and its subsidiaries) for the repayment of US\$180 million (borrowed by a shareholder for the acquisition of a majority stake in the Cyprus holding company) pursuant to certain collateralised equity leveraged loan securities created by a major international financial institution. This highly complex case involved the double lifting of corporate veils, the application of the corporate reflective loss principle and allegations of wrongful and illegal financial assistance as well as conspiracy to cause a fraud on minority shareholders by various individuals and entities involved, including the said financial institution.
- Successfully acted for a minority shareholder in an oppression action against the majority shareholders to wind-up a holding vehicle having control of Keck Seng Ltd, a publicly listed property giant, with substantial real assets across the world. This case involved the division of assets in excess of a billion dollars and the successful recovery of several hundred million dollars worth of assets.
- Acted for a shareholder in bringing one of the first modern day oppression actions against other shareholders to wind-up one of Singapore's leading nightclubs where a favourable buy-out was orchestrated.
- Successfully acted for the Korean Asset Management Corp, a Korean state owned entity, in the compulsory winding-up of and liquidation of Daewoo Singapore which involved debts in excess of US\$200 million which were allegedly caused by various fraudulent and improper activities.
- Representing a beneficiary in the estate of a deceased tycoon involving shareholder disputes in various companies in which the beneficiary and the estate are shareholders, with assets worth several hundred million dollars.
- Successfully represented the Official Assignee/Receiver of the State of Queensland in a highly unusual and unique case involving the restoration of a series of companies which had been struck off the Singapore Register of Companies so as to facilitate the prosecution of certain claims against and the tracing of the proceeds of various transnational fraudulent activities of a rogue accountant.
- Successfully acted for an Indonesian conglomerate in claims brought by a syndicate of banks in determining whether they were bound by certain schemes of arrangement arising out of a restructuring exercise conducted under the Indonesian law regime.
- Leading a legal team representing the Lehman Brothers Singapore entities in relation to matters arising from the insolvency of Lehman Brothers in USA. This is potentially the largest insolvency in Singapore and the region. He also successfully led the defence of a test case brought by certain investors against Lehman Brothers in respect of the Lehman Brothers Minibonds, which was a S\$10 billion note programme.
- Leading a legal team representing MF Global Singapore in relation to matters arising from the collapse of MF Global entities worldwide, and which involves assets in excess of US\$600 million.

Commercial Litigation

- Successfully represented Credit Suisse First Boston in a multi-million dollar employment dispute with the former head of its research department which also involved allegations of insider trading and fraud on the revenue authorities of Singapore. Its Court of Appeal judgment is widely acknowledged as one of the most significant contributions to Singapore legal jurisprudence by the then Chief Justice Yong Pung How.
- Successfully represented the developers of John Hancock Building in a dispute with the Strata Title Management Committee concerning naming rights to the building. The first reported case of its nature, this has become the landmark case in this area.
- Successfully represented various members of the royal family of Brunei in defending a claim relating to breach of contract and misrepresentation valued in excess of £40 million.
- Represented Standard Chartered Bank in a S\$100 million claim for fraudulent and or negligent misrepresentation against a firm of auditors, which arose out of one of Singapore's largest corporate insolvencies. This is one of the leading cases on the duties of auditors and the scope of such duties.
- Represented a divorced widow and certain beneficiaries in a dispute against the executrix of the estate of her late husband involving allegations of breach of trust and the division and tracing of assets across numerous jurisdictions and assets valued in the region of S\$100 million, which was eventually favourably resolved. This case, which also deals substantially with Indonesian law, raised several novel and complex issues of conflict of laws and has since led to a ground breaking pronouncement of law in a favourable Court of Appeal decision.

Fraud, Breach of Fiduciary Duties & Confidentiality

- Successfully acted in a major fraud/conspiracy case involving the sale of timber where worldwide mareva injunctive and Anton Pillar reliefs were obtained to facilitate a tracing remedy based on constructive trust principles. Besides being probably the first case where the Singapore Courts granted a worldwide mareva injunctive relief, it is believed that this case remains to date the only reported case where both the injunctive and anton pillar reliefs were successfully obtained at the ex-parte stage and sustained all the way to the highest appellate body, the Singapore Court of Appeal. This has also become one of the leading reported cases on privilege and the right against self-incrimination.
- Successfully represented certain companies against their former managing director who had acted in breach of his covenants against non-competition, non-solicitation and non-disclosure of confidential information and trade secrets together with various ex-employees and two companies incorporated as vehicles for the carriage of contracts diverted from the company. The claims were founded on breach of contract, tort of inducing breach of contract, breach of fiduciary duty, breach of copyright, breach of confidence and conspiracy. The case involved the successful execution of a mareva injunction and Anton Piller order which yielded thousands of documents containing confidential information. The case also involved the assessment of damages suffered by the company as a result of:- (a) the diversion of contracts for numerous projects outside Singapore; (b) the loss of various agencies for product lines, and (c) the diversion of various business opportunities in and outside Singapore.
- Acted for certain liquidators/administrators of various members of the CHS Electronics Group of Companies (then one of the world's largest producers of disk-drives) in a claim against certain employees for fraudulently hijacking ownership of their Dubai and Singapore operations and the utilization and restructuring of their assets in the creation and development of a new billion dollar business enterprise. This highly challenging case, which featured the successful execution of an Anton Pillar Search and Seizure Order, involved allegations of misrepresentation, fraud, conspiracy,

breach of trust and complex corporate and tracing issues under Singapore law, Swiss law and Dubai law and was favourably resolved.

Property

- Successfully acted for property giant, CapitaLand, in a dispute arising from their S\$550 million en-bloc acquisition of Gillman Heights, which involved the determination of the novel question whether former HUDC Estates were intended to be covered by the en-bloc legislation regime.
- Successfully acted for certain members of the original sale committee in their appeal against the decision of the Strata Title Board disallowing the S\$500 million en-bloc sale of Horizon Towers.
- Successfully acting for the majority sellers in the en-bloc sale dispute in relation to Dragon View Park.
- Successfully acting for the majority sellers in the en-bloc sale dispute relating to the Minton Rise HUDC Estate.
- Acting for the purchasers in a dispute arising from the S\$220 million purchase of a block of luxury apartments, wherein the purchasers are seeking recovery of deposits of about S\$43 million and the vendors, damages computed in the region of S\$65 million.

Trust, Estate, Family & Matrimonial

- Acted for the trustees and or beneficiaries of some of the largest estates and family trust in Singapore, including the Salim Talib Estate where the Court sanctioned the unprecedented reconstruction of previously rent controlled premises into serviced apartments.
- Representing the administrators of the estate of a deceased Muslim in a dispute over property jointly owned by the deceased. This case involves the novel question whether the ownership of the property following the death of the deceased should be governed by common law or Muslim law principles.
- Acted in a cross-border matrimonial dispute involving the division of substantial matrimonial assets and succeeding in obtaining a custody order for certain children in favour of a mentally unsound mother. This was the first time the Singapore Courts had been persuaded to grant such a custody order.

Revenue & Tax

- Representing the Commissioner of Estate Duty / IRAS in a dispute over the valuation of the Estate of Tan Keng Siong Deceased, the son of the late Tan Sri Tan Chin Tuan. The heart of the dispute dealt with the valuation of the shares held by the Estate of the deceased in 2 companies which had been set up by the late Tan Sri Tan Chin Tuan for the preservation and accumulation of family wealth. Apart from being the only Singapore reported case dealing with the correlation between Section 22 and 24 of Estate Duty Act, it also endorsed the appropriate mode of valuation utilized by the Commissioner of Estate Duty. The case also determined the appropriate value of the 2 companies involved and the discount to be given for the valuation of estate's minority interest in these companies. This case is expected to have a significant impact in valuation, tax and estate duty practices.

International Arbitrations

- Acted for a prestigious international hotel chain in a dispute with the owner of a hotel in Indonesia concerning the wrongful termination of the hotel management agreement, which involved Indonesian law and several complex cross-border issues.
- Acted for the distributor of a major vehicle franchise against the manufacturers in a dispute involving the termination and distribution rights of the vehicle franchise.
- Acted in an international arbitration on behalf of a subsidiary of a publicly listed MNC in relation to a joint venture dispute concerning a major power plant in China.
- Successfully represented one of the world's largest telecommunication giants in an international arbitration against a major Chinese telecommunications group in a dispute concerning an international half channel and which involved US Federal Telecommunication laws.
- Successfully acted in an international arbitration in a joint venture dispute concerning the fabrication and installation of base transmission telecommunication systems in Indonesia.
- Successfully acted in a Philippines law international arbitration for the owners of a steel plant in Philippines in a dispute involving various financial instruments and the failure of the vendors to provide title to the plant free of encumbrances attributable to certain tax liens, which involves claims and assets in the region of US\$1 billion, for which a favourable partial award valued in the region of US\$700 million has been obtained, and is now representing the owners in the Singapore Courts in resisting 3 separate applications to set aside the partial award.
- Successfully represented the Claimant in an international arbitration claim valued at about US\$70 million against an Indonesian conglomerate arising from the sale of pulp and paper wherein various novel underlying Indonesian law issues have been raised.
- Acted in an international arbitration for a regional distributor of commercial vehicles in respect of claims for wrongful termination of an assembly and distribution franchise by a major vehicle manufacturer which was governed by Japanese law, wherein damages claimed exceed US\$300 million, for which a favourable settlement was achieved.
- Acted for a financial institution in an international arbitration arising from joint-venture disputes concerning certain Libyan oil concessions, involving Indonesian and Cayman Island laws, with claims in excess of US\$160 million which he successfully resisted.

Construction, Power, Oil & Gas

- Successfully recovered possession and ownership of an oil rig in a dispute against the builders in respect of the rig's ability to withstand a 100 year storm.
- Successfully represented a professional engineer in a dispute arising from the collapse of a cement silo.
- Advising and representing certain authorities in relation to the application of the Network Code and the Gas Act in Singapore.

Administrative Law

- Advised certain authorities in relation to the administrative law aspects concerning various licensing schemes and procedures in relation to the Network Code and the Gas Act.

Reported Cases

- AAR and another v AAS (liquidator and trustee of B and others) and others [2009] SGHC 139
- Kok Chong Weng and Others v Wiener Robert Lorenz and Others (Ankerite Pte Ltd, intervener) [2009] SGCA 7
- Syed Abbas bin Mohamed Alsagoff and Another v Islamic Religious Council of Singapore (Majlis Ugama Islam Singapura) [2009] SGHC 281
- Public Prosecutor v Goh Kah Heng alias Shi Ming Yi and Another [2009] SGDC 500
- Goh Kah Heng (alias Shi Ming Yi) v Public Prosecutor and Another Criminal Motion [2009] SGHC 61
- Murakami Takako (executrix of the estate of Takashi Murakami Suroso, deceased) v Wiryadi Louise Maria and Others [2008] SGCA 44
- Murakami Takako v Wiryadi Louise Maria and Others [2008] SGHC 47
- Law Society of Singapore v Nor'ain bte Abu Bakar and Others [2008] SGHC 169
- Chang Mei Wah Selena and Others v Wiener Robert Lorenz and Others and Other Matters [2008] SGHC 97
- Sin Yong Contractor Pte Ltd (in liquidation) v United Engineers (Singapore) Pte Ltd [2008] SGHC 43
- The Law Society of Singapore v Nor'ain Bte Abu Bakar and Others [2007] SGDSC 9
- Siow Doreen and Others v Lo Pui Sang and others (Horizon Partners Pte Ltd, first interveners and Reghenzani Claude Augustus and others, second interveners) [2007] SGHC 174
- Siow Doreen and Others v Lo Pui Sang and Others (Horizon Partners Pte Ltd, first interveners and Reghenzani Claude Augustus, second interveners) [2007] SGHC 167
- Murakami Takako (executrix of the estate of Takashi Murakami Suroso, deceased) v Wiryadi Louise Maria and Others [2007] SGCA 43
- Takako Murakami v Louise Maria Wiryadi and Others [2007] SGHC 6
- Abdul Jalil Bin Ahmad Bin Talib and Others v A Formation Construction Pte Ltd [2007] SGCA 29
- Chong Barbara v Commissioner of Estate Duties [2005] 4 SLR 771; [2005] SGHC 172
- Tan King Hiang v United Engineers (Singapore) Pte Ltd [2005] 3 SLR 529; [2005] SGCA 32
- Jeyasegaram David (alias David Gerald Jeyasegaram) v Ban Song Long David [2005] 1 SLR 1
- United Engineers (Singapore) Pte Ltd v Lee Lip Hiong and Others [2004] 4 SLR 305
- Burby, Mark v Koo Khin Yong and Others [2004] SGHC 194
- Korea Asset Management Corp v Daewoo Singapore Pte Ltd (in liquidation) [2004] 1 SLR 671
- Essar Steel Ltd v Bayerische Landesbank and Others [2004] 3 SLR 25
- Latham v Credit Suisse First Boston [2000] 2 SLR 693
- The 'Arktis Sky' (No 2) [2000] 1 SLR 80
- The 'Arktis Sky' [2000] 1 SLR 57
- Buckman Laboratories (Asia) Pte Ltd v Lee Wei Hoong [1999] 3 SLR 333

- OCBC Securities Pte Ltd v Yeo Siew Huan [1998] 2 SLR 965
- Sansin Investment Pte Ltd v MCST Plan No 1917 [1998] 3 SLR 391
- MCST Plan No 1917 v Sansin Investment Pte Ltd [1998] 1 SLR 770
- Re Caveat No CV/21366D lodged by Lim Saw Hak and another [1996] 2 SLR 196
- International Polymers (Pte) Ltd V BHP Trading (S.E.Asia) Pte Ltd [1994] SGHC 218
- Federal Computer Services Sdn Bhd v Ang Jee Hai Eric [1993] 3 SLR 388
- Tan Gim Huat Contractors (Pte) Ltd V Malayan Banking Berhad [1993] SGHC 252
- Standard Chartered Bank and Another v Coopers & Lybrand (sued as a firm) [1993] 3 SLR 712
- Tokyo Investment Pte Ltd and Another v Tan Chor Thing [1993] 3 SLR 170
- SP Chua Pte Ltd v Lee Kim Tah (Pte) Ltd [1993] 3 SLR 122
- Re Pan Electric Industries Ltd [1992] 2 SLR 437
- Nikkomann Co Pte Ltd and Others v Yulean Trading Pte Ltd [1992] 2 SLR 980
- Yeo Hiap Seng v Australian Food Corp Pte Ltd & Anor [1991] 3 MLJ 144; [1991] SLR 567
- Wong Boon Pin & Anor v Wong Boon Wah & Ors [1989] 2 MLJ 87; [1989] SLR 296

Memberships / Directorships

- Member, Singapore Institute of Arbitrators
- Honorary Legal adviser, Anglican Welfare Services
- Director, ASL Marine Holdings Ltd (listed company)
- Member, Competition Appeal Board (September 2005 – 2009)
- Deputy Chairman, Income Tax Board of Review
- Member, Law Society of Singapore
- Member, Singapore Academy of Law