



LYNN FOO

PARTNER, CONSTRUCTION, PROJECTS & ENERGY
HAROLD & LAM PARTNERSHIP

Lynn focuses primarily in Infrastructure, Construction & Engineering law. She advises clients on all stages of construction and energy related projects, from initial procurement strategy to negotiation and drafting of construction contracts, to contract administration and the avoidance and resolution of disputes.

Lynn regularly advises and represents developers, contractors and professional consultants on projects across a variety of industries including retail, residential, powerplant, MRT, healthcare, tourism and highways.

On contentious matters, she is experienced in high-value complex construction disputes in arbitration, courts, and all forms of alternative dispute resolution such as construction adjudication and mediation. Lynn also assists clients on various non-contentious issues, such as, drafting and vetting consultancy, building and other construction related contracts such as pre-bid agreements, concessions agreements, power purchase agreements, EPC contracts, etc.

Lynn is also one of the main liaison partners for HLP's China Desk. She has represented large Chinese corporations in building and power plant projects in Malaysia.

Apart from the above, Lynn has also been regularly engaged as a speaker and panellist in talks and webinars.

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Areas of Practice

- Construction and Engineering
- Energy and Utilities
- Dispute Resolution
- Project Management and Contract Drafting

LYNN'S AREAS OF PRACTICE AND SELECTED EXPERIENCE

Construction Dispute Resolution and Advisory

- Acted as the lead counsel for an employer for a dispute for the development of the largest international cruise jetty in South East Asia which is situated in Melaka;
- Acted for an employer for a project billed as the “largest and most ambitious” of China’s Belt and Road initiatives in Malaysia in relation to the design and build contract for the reclamation and related works project for the disputed sum valued in excess of RM230 million;
- Acting as a Co-Counsel for a Chinese Contractor who is among one of the top 500 Chinese Corporations in relation to disputes relating a development project valued in excess of RM80 million;
- Advising one of Hong Kong's largest contractors in relation to disputes relating to an upmarket high-rise development located in the strategic location in the heart of Kuala Lumpur;
- Advising one of Malaysia’s largest conglomerates in relation to issues relating to the Mass Rapid Transit (“MRT”) 2 Project;
- Advised a large Malaysian MNC in relation to disputes relating to the construction and completion of the works of a MRT Project with contract value in excess of RM 2 billion;
- Acting as a Co-Counsel in a noteworthy case in the Court of Appeal and Federal Court pertaining to the applicable principles relating to the interpretation of the provisions of the Construction Industry Payment and Adjudication Act 2012 (“CIPAA”). The Court of Appeal decision on this matter is reported as **IRDK Venture Sdn Bhd v Econpile (M) Sdn Bhd [2020] MLJU 939**;

- Acted as a co-counsel for a reputable main contractor in Malaysia. Successfully resisted an application made by the Nominated Sub-Contractor to challenge the arbitrator's impartiality or independence. The High Court decision of this matter is reported as **SJEE Engineering Sdn Bhd v Al-Ambia Sdn Bhd and another appeal [2018] MLJU 888;**
- Acted as a Co-Counsel for a main contractor for a dispute arising from the supply and installation of the façade glass panels for a commercial office building in Kuala Lumpur. The High Court decision on this matter is reported as **Al-Ambia Sdn Bhd v Foremost Prospect Sdn Bhd [2019] MLJU 1246;** and
- Acted as a co-counsel for a nominated sub-contractor for a 5 stars hotel project in Johor Bahru Malaysia. Successfully enforced the adjudication decision in the High Court against the Main Contractor and also, successfully resisted the Main Contractor's application to set aside and/or stay the adjudication decision. The High Court decision of this matter is reported as **Malaysian Resources Corporation Bhd v Eco Interiors International Sdn Bhd [2020] MLJU 1799**

Contract Drafting, Construction Compliance and Project Management

- Advised one of Malaysia's largest conglomerates in relation to the development of the district cooling system solution premised on a build, own, operate and transfer ("**BOOT**") concept, with an estimated contract value of RM1 billion. The foregoing includes drafting and reviewing of BOOT agreement and reviewing the lease agreement;
- Engaged by one of the reputable companies in Malaysia mainly involved in property investment/ development, construction, interior design & fit-outs, Manufacturing and E-Commerce to review and advise the company on their construction contracts, on a retainer basis;

- Providing advisory to two reputable companies in the construction industry (a reputable contractor which specialises in construction, fabrication and erection of oil & gas facilities and a multi-discipline engineering consultancy firm) on their joint venture to undertake the engineering, procurement, construction and commissioning (“**EPCC**”) works for various components of the refinery, the utilities and facilities for the largest Refinery Complex in Malaysia. The contract sum for the project is in excess of RM128 million. The foregoing includes drafting and reviewing the consortium agreement, supplementary agreement and advising the parties on their rights and obligations under the main contract with the Employer.
- Advised one of the leading construction companies with international presence in relation to their joint collaboration with an international competitive Chinese state-run corporation to bid for the development of a large scale solar photovoltaic plant with total capacity of 500MW in Peninsular Malaysia;
- Advised one of the reputable construction companies specialising in constructing medical facilities on its joint venture to undertake the design, construct and complete the extension building to a hospital in Sarawak, including the drafting of a Sub contract Agreement;
- Advised and drafted various agreements for a reputable construction company on various legal issues arising from the construction of the RM 351 million multi-level carpark and upgrades in the Sarawak General Hospital (the largest hospital in the state of Sarawak) by way of development of new buildings and facilities;
- Advised a Chinese Contractor who is among one of the top 500 Chinese Corporations on various construction related contracts or their projects in Malaysia;
- Advised a reputable developer with international presence with the negotiation and reviewing of various consultancy services

agreements with its consultants for an upmarket high-rise development in Malaysia;

- Advised a progressive Malaysian Japanese contractor in respect of its appointment with a world's largest online retailer and prominent cloud services provider on their prospective projects in Malaysia; and
- Advised one of the world's leading integrated multi-disciplinary design firm, with a network of global offices delivering architectural and related professional services on consultancy services agreement.

Information Technology

- Engaged by one of the largest Chinese Multinational providers of various services (i.e., product engineering services, software engineering services, new vehicle electronic architecture, IT services) to review and advise the company on various agreements, including but not limited to: consultancy agreements, service agreements, tenancy agreement, and other commercial agreements;
- Advising a leading property management software solutions company on various agreements i.e., drafting of service agreement, terms and conditions and website policy;
- Advised an American Multinational Computer Technology and Consulting Corporation on various contracts and agreements; and
- Advised a Singapore based Business Process Management Company on various contracts and agreements i.e. drafting of service agreement, terms and conditions, website policy and disclaimer, privacy policy and non-disclosure agreement.