

**Foo Joon Liang** FCI Arb, FSI Arb, FHKI Arb

Partner

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Foo Joon Liang was called to the Malaysian Bar in 2000. He is a partner of Gan Partnership, a firm he co-founded in 2011. He is a Fellow of the Chartered Institute of Arbitrators (CI Arb), United Kingdom, Singapore Institute of Arbitrators (SI Arb), and Hong Kong Institute of Arbitrators (HKI Arb). Joon Liang is the Chairman of the Malaysian Branch of CI Arb. He sits on the panel of arbitrators and adjudicators of the Asian International Arbitration Centre (AIAC), and is one of the first 10 Malaysian appointees to the panel of arbitrators of the Hainan International Arbitration Court.

Joon Liang is listed as a Future Leader in Construction by Who's Who Legal and as a Future Star in Construction, Dispute Resolution and International Arbitration by Benchmark Litigation.

Joon Liang has spent the past 20 years building upon an active dispute resolution practice in arbitration, litigation and more recently in adjudication. He regularly appears as counsel in arbitration as well as at all levels of the Malaysian courts. He has advised and acted in a broad spectrum of disputes, from engineering, construction, power, contract, securities, to company and shareholder disputes.

In the past several years, Joon Liang has been increasingly involved in engineering related incidents in construction projects. Amongst the more notable matters he was involved in were the highly publicised failure of a hill slope in Penang, and a bridge collapse in the Klang Valley. He has acted in some of the leading cases in construction adjudication, including the first Construction Industry Payment & Adjudication Act 2012 (CIPAA) matter heard at the Federal Court.

Practice Areas

- Arbitration
- Boardroom Risk & Reputation
- Corporate Governance & Compliance
- Corporate Litigation & Risk Management
- Construction, Infrastructure & Projects
- Energy & Resources
- Regulatory & Compliance
- Restructuring & Insolvency

Admission

Advocate and Solicitor of the High Court of Malaya

Languages

English, Malay

Qualifications

- LL.B (Hons), University of Nottingham
- Certificate in Legal Practice

Memberships

- Fellow, Chartered Institute of Arbitrators (CI Arb), United Kingdom
- Fellow, Singapore Institute of Arbitrators (SI Arb)
- Fellow, Hong Kong Institute of Arbitrators (HKI Arb)
- Arbitrator and Adjudicator, Asian International Arbitration Centre (AIAC)
- Arbitrator, Hainan International Arbitration Court

Notable Matters

Arbitration

- Acting for the main contractor against the subcontractor in arbitration for, inter alia, damages in the region of RM240 million in view of the latter's breach in carrying out its works resulting in the exercising of step-in right by the former.
- Acted as a party representative for a claim concerning a construction dispute between main contractor and consultant for the construction of a university campus involving a sum of approximate RM305 million.
- Acted as a party representative for a claim concerning a construction dispute between main contractor and employer for an integrated development in East Malaysia for a principal claim of approximate RM66 million and a principal counterclaim of RM44 million.
- Acted as a party representative for a claim concerning a Power Purchase Agreement in relation to a Power Plant in East Malaysia for a sum of approximate RM102 million and a counterclaim of RM180 million.
- Acted as an arbitrator in an action on a consolidated development of a construction project for a claim of approximate RM10 million and a counterclaim of about RM38 million.
- Acted in the Federal Court 's case on an important issue concerning limitation periods in arbitration reported as Christopher Martin Boyd v. Deb Brata Das Gupta [2014] 9 CLJ 887.

Adjudication

- Acting for a subcontractor in a construction claim in the oil and gas sector against the main contractor for a claim of about RM40 million.
- Acting for the subcontractor in an action for direct payment from the developer for a sum of approximate RM9 million in the Court of Appeal reported as CT Indah Construction Sdn Bhd v BHL Gemilang Sdn Bhd [2020] 1 CLJ 75.
- Acted for the Asian International Arbitration Centre (AIAC) including in the first constitutional challenge on statutory adjudication reported as Mega Sasa Sdn Bhd v Kinta Bakti Sdn Bhd & Ors [2020] 4 CLJ 201.
- Acted in the first adjudication under the Construction Industry Payment and Adjudication Act 2012 ("CIPAA 2012") decided in the Federal Court reported as View Esteem Sdn Bhd v Bina Puri Holdings Bhd [2019] 5 CLJ 479.
- Defended the main contractor in a claim brought by an M&E contractor under CIPAA 2012 for a sum exceeding RM37 million.

Notable Matters

Construction Litigation

- Acting for the subcontractor against the main contractor for sums due and owing in adjudication and in court including an action against the developer for direct payment.
- Acted as for a leading property developer in Malaysia and successfully struck out a suit relating to a land dispute worth around RM359 million.
- Acted for the main contractor in respect of disputes involving the acquisition of land and the development of the Port Klang Free Zone.
- Acted for the specialist structural steel contractor in disputes in respect of the construction of the Putrajaya Mosque.
- Represented the consultant engineer in a state commission inquiry to inquire into the collapse of a temporary slope in an ongoing construction.

Dispute Resolution

- Acting for a developer company to claim for a sum of more than RM303 million against a railway company for losses suffered due to realignment of railway lines.
- Acted for a communication technology company listed on the main board of Bursa Malaysia to terminate the winding up of its main subsidiary.
- Acted for a director to resist a claim in excess of RM640 million in a suit brought by the world leading glove manufacturer in a merger and acquisition dispute.

Awards & Accolades

Among others, Joon Liang has been recognised by independent rankers and client testimonials as, *inter alia*:

“Foo Joon Liang has impressive experience in high-value construction disputes across litigation and arbitration proceedings”

Publications

Joon Liang has authored/ co-authored various publications including:

- Malaysia Chapter, International Arbitration 2017-2020, Global Legal Insights
- Arbitration and Dispute Resolution, Getting The Deal Through
- Articles:
 - Courts discretion to hold virtual hearings
 - Court rules on challenges to AIAC and statutory adjudication
 - Arbitration clauses - an overriding promise
 - Direct payment under CIPAA where main contractor is in liquidation
 - High Court rules on statutory adjudication
 - Arbitration awards may be enforced within 12 years of registration
 - COVID-19 and Construction Sites - Effects of CMCO on Extension of Time and Loss & Expense Claims
 - COVID-19 - Movement Control Order and its Effect on Construction Contracts
 - COVID-19 & FIDIC Form of Contracts – The Impact of the MCO or Lockdown Order on Building Sites
 - COVID-19 - The Impact of the Movement Control Order on Building Sites
 - COVID-19 and the AIAC SFC - The Impact of the Movement Control Order on Building Sites
 - COVID-19 - Legal Mechanisms for Companies and Individuals Facing Financial Distress
 - Section 30 of CIPAA: apex court maintains mandatory direct payment obligation against employer under receivership