

PROFILE

**Partner**

Dispute Resolution
Engineering & Construction
Arbitration and Mediation
Infrastructure & Projects

Shearn Delamore & Co., Kuala Lumpur, Malaysia

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Qualifications

LL.B (Hons, 2nd Class Upper), University of Sheffield
Barrister-at-Law, Lincoln's Inn

Advocate & Solicitor, High Court of Malaya

Adjudicator, Asian International Arbitration Centre

Languages

English, Malay, Chinese

ALEXIUS LEE

ABOUT ALEXIUS

Alexius has rich experience in litigation, arbitration, adjudication and mediation in the area of building and construction law.

He further supports clients with the drafting and negotiation of building, engineering and development agreements as well as providing strategic legal advice on the implementation and enforcement of such contracts in areas such as residential housing, office and residential tower blocks, shopping malls and tower blocks, school and university campuses, concrete batching plants and related facilities, biodiesel plant facilities, power plant facilities, roads, highways, railways, Light Rail Transit systems, Monorails, bridges and other infrastructure, electricity cables, water reticulation systems, sewerage systems and other public utilities, dams, river embankments and waterways, and port cranes and related facilities.

As a qualified adjudicator empaneled with the Asian International Arbitration Centre (AIAC), he has also adjudicated on several payment disputes brought under the Construction Industry Payment and Adjudication Act 2012.

EXPERIENCE

Dispute Resolution

- Represented a sub-contractor in arbitration proceedings against the appointing contractor in relation to a work package for the Electrified Double Track Project. An award was made in favour of the sub-contractor in excess of RM10 million, which was settled.
- Acted as counsel for Prasarana Malaysia Bhd in injunction proceedings brought by the contractor Scomi Transit Projects Sdn Bhd in relation to the Kuala Lumpur Monorail Fleet Expansion Project. The injunction applications were dismissed, and the dispute was eventually settled between the parties.
- Representing the Sime Darby Group of Companies in litigation proceedings in Malaysia against former directors and officers in respect of their role and involvement in hydropower, oil and gas and ship building projects in Malaysia and the Middle East. The matter is now pending assessment of damages where the total amount claimed is in the region of RM390 million.
- Acting as counsel for Sabah Electricity Sdn Bhd in proceedings brought by an independent power producer in the High Court at Kota Kinabalu, Sabah in relation to disputes over the amount of capacity payments payable under a Power Purchase Agreement entered into between the parties. The total amount in dispute, including counterclaim, is close to RM50 million.
- Representing a sub-contractor in arbitration proceedings against the appointing contractor in relation to a work package for the Rapid Steam Cracker Complex (SCC) Project in Pengerang, Johor. The total amount in dispute is in the region of RM160 million.

Projects, Infrastructure & Energy

- Acted for Jimah East Power Sdn Bhd in preparing and reviewing agreements relating to the development of 2x 1000MW coal-fired power plant in Mukim Jimah (Project 3B), including Power Purchase Agreement, Coal Supply and Transportation Agreement, Transmission Line Agreements, Transmission Works Agreements, Operation and Maintenance Agreement and Owner's Engineers Agreements.
- Acted for Malaysian Resources Corporation Berhad in reviewing and negotiating a Management Contract and EPCC contract modelled on the FIDIC Silver Book form of contract for the development of a new township in Sungai Buloh, Selangor, for a provisional contract value of RM3.1 billion.
- Acted for Prasarana Malaysia Berhad in reviewing and negotiating a supplemental contract with the contractor Scomi Transit Projects in respect of the Kuala Lumpur Monorail Fleet Expansion Project. The supplemental contract, which was eventually signed between the parties, is unique in that it sought to revive the original contract that was previously terminated and to provide for terms for the recommence and completion of the remaining works.
- Acted for the Prudential Group of Companies in Malaysia in reviewing and negotiating an Agreement to Build and Lease ("ATBL") and lease agreements in respect of their new office building within the Tun Razak Exchange (TRX) in Kuala Lumpur. The ATBL and lease agreements were executed, and Prudential has since moved into and are now occupying the new premises.
- Acted for MRCB George Kent Sdn Bhd in reviewing and negotiating the relevant agreements in respect of the design, development and construction of the Light Rail Transit Line 3 (LRT 3) Project from Bandar

Utama in Petaling Jaya to Johan Setia in Klang. The engagement was initially based on a project delivery partner concept but was later remodeled into a fixed price lump sum turnkey contract concept.

ACCOLADES

- **Chambers Asia-Pacific (2024)**

“Band 4” in Construction

“His legal expertise, coupled with strong commercial awareness and strategic thinking, has proven invaluable to us. He consistently delivers timely and well-considered advice, tailored to our needs.” – Chambers Asia-Pacific 2024

- **IFLR1000 (2018 - 2023)**

“Notable Practitioner” in Project Development and Real Estate Acquisitions

- **The Legal 500 Asia-Pacific (2022 and 2023)**

“Other Key Lawyer” in Real Estate and Construction

“Alexius Lee work well supporting clients through difficult disputes.” – The Legal 500 Asia-Pacific 2023

APPOINTMENTS/MEMBERSHIPS

- Member, MemberMalaysian Bar
- Member, International Bar Association (IBA)
- Member, The Society of Construction Law (KL & Selangor)

PUBLICATION

- Co-authored the Chapter on Law & Practice (Malaysia) in Chambers Global Practice Guide on International Arbitration [2019 - 2022]