

PROFILE

**Partner**

Dispute Resolution
Engineering & Construction
Arbitration and Mediation
Infrastructure & Projects

Shearn Delamore & Co., Kuala Lumpur, Malaysia

alexius@shearndelamore.com

T +603 2027 2837

Qualifications

LL.B (Hons, 2nd Class Upper), University of Sheffield

Barrister-at-Law, Lincoln's Inn

Advocate & Solicitor, High Court of Malaya

Arbitrator and Adjudicator, Asian International Arbitration Centre

Languages

English, Malay, Chinese

ALEXIUS LEE

ABOUT ALEXIUS

Alexius has been a legal practitioner in Shearn Delamore & Co since 2003 and was made Partner in 2012.

He specialises in building and construction law in the area of litigation, arbitration (domestic, international, institutional and ad-hoc arbitrations), adjudication (contractual and statutory) and mediation.

He further supports clients with 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 this respect, he has been engaged regularly to prepare and advice on construction and engineering contracts modelled on standard form conditions of contract including the PAM forms, PWD forms, FIDIC forms and IEM forms.

His clients include developers, contractors, sub-contractors, suppliers and specialist consultants within the construction industry, and under a variety of projects including residential housing, office and residential buildings, shopping malls, school and university campuses, concrete batching plants, biodiesel plant facilities, power plant facilities, roads, highways, railways, LRT, MRT and Monorail systems, bridges and other infrastructure, 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 adjudicated on several payment disputes brought under the Construction Industry Payment and Adjudication Act 2012. He is also a fellow of the Chartered Institute of Arbitrators and an arbitrator empaneled with the AIAC.

EXPERIENCE

Dispute Resolution

- Represented two sub-contractors in arbitration proceedings brought against the main contractor for works done and claims in relation to the Gerbang Selatan Bersepadu road and rail bridge project at Johor Bahru. Total claims were around RM113 million.
- Represented a contractor in arbitration proceedings brought against the appointing contractor in relation to a work package for the Electrified Double Track Project. Award made in favour of the claimant in excess of RM10 million.
- Represented a highway concessionaire in arbitration proceeding brought by a contractor for claims under three separate work packages. Amounts claimed total in excess of RM48 million.
- Represented a contractor in separate arbitration proceedings against two sub-contractors in relation to piping works for process piping under the Terengganu Gas Terminal Project. Total amounts in dispute were in excess of RM16 million.
- Represented a public utility company in East Malaysia in arbitration proceedings brought by an independent power producer under a power purchase agreement PPA. Total claim was around RM26 million.
- Representing a contractor in arbitration proceedings brought against the appointing contractor in relation to a work package for the Rapid Steam Cracker Complex (SCC) Project in Pengerang, Johor. Total amount in dispute is around RM250 million.
- Representing an employer in three separate arbitration proceedings against a contractor engaged for three separate housing project in Penang. Claims and counterclaims total in excess of RM35 million.
- Representing an employer in arbitration proceedings brought by a contractor engaged for a mixed development project in Selangor. Claim and counterclaim is around RM54 million.
- Acted for a foreign Government in litigation disputes relating to their Production Sharing Contract (Oil and Gas).
- Acted for an international contractor in a litigation claim brought against them for alleged negligence arising out of the construction of a paper mill project.
- 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.
- Acted for a major property developer in statutory adjudication proceedings brought by a contractor for claims arising out of construction of a mixed development in the Klang Valley. Claim amount is around RM60 million with set-off and counterclaim around RM95 million.

- Representing Sime Darby Group of Companies in litigation proceedings against former directors and officers in respect of their role and involvement in hydropower, oil and gas and ship building projects in Malaysia and Middle East. Total claim amount is around RM390 million.
- Acting as counsel for Sabah Electricity Sdn Bhd in proceedings brought by an independent power producer in relation to disputes over amounts payable under a Power Purchase Agreement. The total amount in dispute is close to RM50 million.
- Acting as instructing solicitors for a Malaysian party in proceedings commenced in Bangkok, Thailand, in respect of claims brought under a parent company guarantee relating to a construction contract for works in Pengerang, Johor.

Projects, Infrastructure & Energy

- Acted for Jimah East Power Sdn Bhd in preparing supplementary contract documents relating to the development of 2 x 1000MW coal-fired power plant in Mukim Jimah (Project 3B).
- Acted for Malaysian Resources Corporation Berhad in preparing a Management Contract and EPCC contract modelled on the FIDIC 1999 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.
- Acted for the Prudential Group of Companies in Malaysia in reviewing and negotiating an Agreement to Build and Lease and lease agreements in respect of their new office building within the Tun Razak Exchange (TRX) in Kuala Lumpur.
- 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.
- Prepared EPCC contract for a 250,000 MTPY Biodiesel Facilities at Teluk Kalung Industrial Estate, Kemaman, Terengganu.
- Prepared contract for the design and construction of re-development works on a 59.21 acres land situated in Tanjung Aru, Kota Kinabalu, Sabah, with the Sabah state government.
- Prepared Concession Agreement for the Build-Operate-Transfer of the Penang International Convention & Exhibition Centre and refurbishment works to the Penang International Sports Arena indoor stadium and aquatic centre with the Penang state government.
- Prepared contract documents for various work packages for the Light Rail Transit (LRT) Kelana Jaya and Ampang Line Extension Projects.
- Prepared Development Agreement for the setting up of a local campus by an English University in Iskandar Development Region in Johor.

- Prepared contractual documents relating to the Fourth Lane widening of the North-South Highway from Shah Alam to Rawang / Jalan Duta and Nilai Utara to Seremban.
- Prepared building and consultancy agreements relating to construction of the Mitsui Outlet Park at Kuala Lumpur International Airport (KLIA), Sepang, Selangor.
- Prepared construction contracts for an international school's new campus in Ampang, Selangor.
- Acted for Deloitte Restructuring Services PLT as liquidators for Mammoth Empire Land Sdn Bhd (In Liquidation) to negotiate and prepare the contractual documentation for the completion of the Empire Residence Project in Damansara, Selangor.

ACCOLADES

IFLR1000 (2018 - 2024)

"Notable Practitioner" in Project Development and Real Estate Acquisitions

The Legal 500 Asia-Pacific (2022 - 2024)

"Other Key Lawyer" in Real Estate and Construction

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

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

APPOINTMENTS/MEMBERSHIPS

- Member, Malaysian Bar
- Fellow, Chartered Institute of Arbitrators (FCIArb)
- Panelist (Arbitrator and Adjudicator), Asian International Arbitration Centre (AIAC)
- Member, International Bar Association (IBA)
- Member, The Society of Construction Law (KL & Selangor)