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# REGIONAL ROUND-UP 2022: SINGAPORE



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# Introduction



Throughout 2022, we have been keeping you up to date on noteworthy developments across the region with our Regional Round-up Publications. As we start 2023, we are pleased to share with you our *2022 year-in-review of the Regional Round-up* for our Offices in the Rajah & Tann Asia network.

In each jurisdiction, we recount the key milestones along the path in 2022, as well as consider the terrain of the road that lies ahead in 2023. In the "**Looking Back: 2022**" section, we highlight the key legal and regulatory developments affecting each jurisdiction in 2022. In the "**Gazing Into: 2023**" section, we look ahead to some key areas of development that you should take note of in the year to come, referencing the legal and business trends shaping the potential legislative and regulatory changes in each jurisdiction.

We hope that this year-in-review edition of the Regional Round-up provide valuable insight on the legal landscape of the jurisdictions across the region. As always, please feel free to contact our lawyers if you have any queries or for further discussions.

Please click on the links below to access the full collection of our country-specific *2022 year-in-review of the Regional Round-up*.

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## Looking Back: 2022

Staying focused on fulfilling Singapore's commitments under the United Nation's 2030 Sustainable Development Agenda and Paris Agreement, in 2022, the Singapore Government continued to roll out various measures and incentives to help businesses and its people transition to sustainable development and sustainable living. According to a study by McKinsey ([as reported in January 2022](#)), an extra S\$3.5 trillion is required each year for the world to get to net-zero in 2050. Therefore, **financing** is critical to support Singapore's commitment to achieve **net zero emissions by 2050**.



To this end, the **Singapore Green Bond Framework** was launched to lay the foundation for the issuance of green bonds by the Singapore Government to finance expenditures in support of the Singapore Green Plan 2030, such as green infrastructure projects.

To boost investors' confidence on sustainable financing products, the Monetary Authority of Singapore (MAS) has tightened the **disclosure and reporting guidelines for retail ESG funds**. Investors and financial institutions now have access to **better quality environmental, social and governance ("ESG") data on ESGnome**, an online disclosure portal set up by Singapore Exchange (SGX) to improve ESG reporting by listed issuers.

Singapore endeavours to grow our digital economy and maritime industry while advancing our climate change agenda. So, environmental sustainability standards are introduced for **data centres**, the Green Ship Programme and Green Port Programme were enhanced to incentivise the use of **low or zero-carbon marine fuel** and a legislative framework was put in place to govern and facilitate **charging of electric vehicles**.

The "social" and "governance" elements in ESG are not overlooked as **directors and chief executives** of companies are to observe the principles in a new Code of Practice to prevent lapses in **workplace safety and health** and companies are required to keep a **register of nominee shareholders**.

As part of Singapore's continuing efforts to further enhance its capabilities and attractiveness as an international dispute resolution and debt restructuring hub, a new **framework for conditional fee agreements** was introduced and the **Singapore International**



**Commercial Court (SICC)** is given jurisdiction over **international restructuring and insolvency matters**.

Even before the "crypto winter" descended on us in mid-2022, MAS has cautioned that cryptocurrency trading is highly risky and not suitable for retail investors. A set of guidelines outlining **restrictions on promoting digital payment tokens (incl. cryptocurrencies) to the Singapore public** were issued. As the cryptocurrency market suffered a setback in 2022, Singapore emerges as the crypto restructuring hub. The Singapore Courts granted the **first reported freezing injunction against "persons unknown"** for stolen cryptocurrency assets. Separately, another landmark decision by the Singapore Courts recognised **non-fungible tokens (NFTs) as property**.

The following developments took place in line with the Singapore IP Strategy 2030, a 10-year blueprint to strengthen Singapore's position as a **global intangible assets and intellectual property ("IP") hub**:

- new simplified track for IP litigation;
- legislative changes enabling a more efficient and business-friendly IP registration system;
- enhanced IP border enforcement measures.

To combat the proliferation of **online scams, banks and financial institutions** are required to implement security measures to deal with scams and **e-commerce marketplaces** are given safety ratings. In addition, **cybersecurity service providers** are subject to a new **licensing framework**.

Other key areas with important developments include:

- New **converged Code of Practice for Competition** in the provision of

telecommunication and media services was issued.

- **Tax incentive schemes for family offices** in Singapore were enhanced.
- New guidance to financial institutions on **assessing responsible artificial intelligence (AI) use** was issued.
- **Trade sanctions were imposed on Russia** in response to its invasion of Ukraine.

Summaries of the key developments relating to the above areas are provided below.

### **Sustainable Financing – Singapore Green Bond Framework to Support Singapore Green Plan 2030**

On 9 June 2022, the Ministry of Finance published the Singapore Green Bond Framework, a regulatory and governance framework for green bond issuances by the Singapore Government under the Significant Infrastructure Government Loan Act 2021. The Singapore Government has announced that the public sector intends to issue up to S\$35 billion of green bonds by 2030 to finance expenditures in support of the Singapore Green Plan 2030. Click [here](#) for more information.

### **Sustainable Financing – Enhanced Disclosure and Reporting Guidelines for Retail ESG Funds**

On 28 July 2022, the Monetary Authority of Singapore (MAS) enhanced the disclosure and reporting requirements/guidelines for retail Environmental, Social and Governance ("**ESG**") funds. The guidelines which took effect on 1 January 2023 aim to combat greenwashing of retail ESG funds and boost investor confidence. Click [here](#) for more information.

### **Sustainable Financing – New Online Disclosure Portal to Improve ESG Reporting by Listed Issuers**

On 12 September 2022, the Monetary Authority of Singapore (MAS) and Singapore Exchange (SGX) jointly launched ESGenome, an online disclosure portal for

issuers listed on the Singapore Exchange Securities Trading Limited (SGX-ST) to report their environmental, social and governance ("ESG") data in a structured and efficient manner. Investors and financial institutions benefit from the access provided by ESGenome to relevant and comparable ESG data. Click [here](#) for more information.

### **Sustainability – Legal Framework Governing Charging of Electric Vehicles**

The Electric Vehicles Charging Bill was passed in Parliament to set out a legal framework to: (1) regulate the safe charging of electric vehicles ("EVs"); (2) create a licensing regime for EV charging operators to ensure EV charging network and services are reliable; and (3) make the EV charging network easily accessible. Click [here](#) for more information.

### **Sustainability – Enhancements to Maritime Singapore Green Initiative**

The Green Ship Programme and the Green Port Programme supported by the Maritime Singapore Green Initiative were enhanced to underscore Singapore's enduring commitment towards low and zero carbon future of shipping, as a responsible Flag and Port State. Click [here](#) for more information.

### **Sustainability – Environmental Sustainability Standards Introduced for Data Centre**

In March 2022, the Singapore Government announced the lifting of a 2019 moratorium on the construction of new data centres ("DCs"). Following the lifting of the moratorium, a pilot DC-Call for Application Exercise was launched in July 2022 requesting for proposals for greener DCs to support Singapore's digital economy without compromising the fulfilment of Singapore's environmental commitments. Click [here](#) for more information.

### **Corporate Governance – New Requirement to Keep Register of Nominee Shareholders**

By 5 December 2022, Singapore companies and foreign companies registered in Singapore must maintain a non-public Register of Nominee Shareholders which sets out

the prescribed particulars of the nominee shareholders and their nominators. Click [here](#) for more information.

### **Corporate Governance – Code of Practice on Chief Executives' and Directors' Workplace Safety and Health Duties**

On 19 September 2022, the Code of Practice on Chief Executives' and Board of Directors' Workplace Safety and Health ("WSH") Duties was issued. The Code of Practice sets out the principles that chief executives and directors should observe in improving WSH performance and management. Under the Code, WSH includes both physical health and mental well-being. Click [here](#) for more information.

### **Restructuring & Insolvency – SICC Given Jurisdiction over International Restructuring & Insolvency Matters**

Legislative amendments took effect on 1 October 2022 to provide the Singapore International Commercial Court (SICC) jurisdiction over international restructuring and insolvency matters. This development is expected to further enhance Singapore's capabilities and attractiveness as a forum of choice for cross-border insolvency. Click [here](#) for more information.

### **Dispute Resolution – New Avenue for Legal Funding**

On 4 May 2022, the framework for conditional fee agreements ("CFAs") in Singapore came into operation. A CFA is an arrangement between a lawyer and his/her client whereby the lawyer receives payment of his/her legal fees only in specified circumstances, for example where the claim is successful. The new CFA framework applies to international and domestic arbitrations and SICC proceedings. Click [here](#) for more information.

### **Digital Payment Token ("DPT") – Restriction on Promotion of DPT Services to Singapore Public**

To discourage trading of cryptocurrency by retail investors, MAS issued a set of guidelines outlining restrictions on DPT service providers concerning the promotion of DPT services to the Singapore public. Click [here](#) for more information.

## Digital Token – "Persons Unknown" Order Issued by Court in Cryptocurrency Case

The Singapore High Court granted the first reported freezing injunction against "persons unknown" in Singapore for S\$9.6 million worth of cryptocurrency assets stolen from the claimant in a matter. Click [here](#) for more information.

## Digital Token – Singapore Court Recognises NFT as Property

The Singapore High Court issued a landmark decision granting an injunction over a non-fungible token ("NFT"), recognising that NFTs are capable of giving rise to proprietary rights. Click [here](#) for more information.

## Intellectual Property ("IP") – Simplified Track for IP Litigation

On 1 April 2022, new rules came into force to implement a simplified optional track for IP litigation, which has some features that facilitate faster and more cost-effective dispute resolution for IP disputes. Click [here](#) for more information.

## Intellectual Property – More Efficient and Business-Friendly IP Registration System

On 26 May 2022, provisions in the Intellectual Property (Amendment) Act 2022 came into force to amend a number of IP statutes with the objective of creating a more efficient and business-friendly registration system in Singapore. Click [here](#) for more information.

## Intellectual Property / Trade – Enhanced IP Border Enforcement Measures

On 21 November 2022, enhanced border enforcement measures which apply to goods that infringe IP rights relating to geographical indications and registered designs came into force. The new provisions aim to fulfil Singapore's border enforcement obligations under the European Union-Singapore Free Trade Agreement. Click [here](#) for more information.

## Technology / Cybersecurity – Licensing of Cybersecurity Service Providers

On 11 April 2022, the licensing framework for cybersecurity providers was put in place to: (1) better safeguard consumers' interests; (2) address the information asymmetry between consumers and cybersecurity service providers; and (3) improve cybersecurity service providers' standards and standing over time. Click [here](#) for more information.

## Technology – Initiatives to Combat Online Scams

Banks and other financial institutions are required to put in place stricter security measures to prevent, detect and manage scams and secure digital banking. Click [here](#) for more information. In addition, in May 2022, the "E-commerce Marketplace Transaction Safety Ratings" ("TSR") was launched. Under the TSR, e-commerce marketplaces are given an overall safety rating based on the extent to which they have implemented certain safety measures that are identified as critical in combating e-commerce scams. Click [here](#) for more information.

## Technology / Competition – Converged Code of Practice for Competition in the Provision of Telecommunication and Media Services

On 2 May 2022, the Code of Practice for Competition in the Provision of Telecommunication and Media Services 2022 took effect. The Code aims to maintain fair market conduct and effective competition, and safeguard consumer interest in the telecommunication, broadcasting, and newspaper media markets. Click [here](#) for more information.

## Family Office – Tax Incentive Schemes Updated

On 18 April 2022, the conditions for the two tax incentive schemes available for family offices in Singapore were updated to improve the professionalism of family office professionals in Singapore and enhance the positive spillovers to the Singapore economy. Click [here](#) for more information.

## **Financial Institutions / Technology – Guidance on Assessing Responsible AI Use in Banking and Insurance Sectors**

In 2018, the Monetary Authority of Singapore ("MAS") issued a set of principles centred around the key concepts of Fairness, Ethics, Accountability and Transparency ("**FEAT Principles**") to guide FIs on the responsible use of Artificial Intelligence and Data Analytics ("**AIDA**"). Further to that, MAS and the financial industry collaborated on the Veritas project to provide guidance to financial institutions to evaluate their AIDA-driven solutions against the FEAT Principles. Click [here](#) for more information.

## **Trade – Sanctions Against Russia**

On 5 March 2022, Singapore imposed sanctions against Russia in response to its invasion of Ukraine. Broadly, the sanctions include: (1) a ban on the export, transit, and transshipment to Russia of strategic military and high technology goods which can be used for both commercial and military purposes; and (2) prohibitions imposed on FIs in Singapore against dealing with, among other things, designated Russian banks as well as fund-raising activities benefiting the Russian government. Issuers listed on the Singapore Exchange Securities Trading Limited (SGX-ST) are required to review, assess and disclose exposure or nexus to sanctions-related risks. Click [here](#), [here](#) and [here](#) for more information.



## Gazing Into: 2023

Following from the 26<sup>th</sup> Conference of Parties (COP26) to the United Nations Framework Convention on Climate Change ("UNFCCC") in 2021, Singapore announced in October 2022 that it will raise its national climate target to **achieve net zero emissions by 2050**. This is part of Singapore's Long-Term Low-Emissions Development Strategy ("LEDS") document to the UNFCCC.



Among other things, the following key areas will be actively explored to support Singapore's LEDS:

- Leveraging low-carbon hydrogen as an alternative fuel and industrial feedstock. The **National Hydrogen Strategy** was announced to support this.
- Strengthening collaborations with international partners on **carbon markets**, green finance and low-carbon technologies. A **global carbon marketplace** based in Singapore was launched to provide for secure and reliable high-quality carbon credit trading.
- Implementing an effective carbon tax regime. Legislative changes to the Carbon Pricing Act 2018 were passed by Parliament to **increase carbon tax rate progressively** from 2023 to 2026.
- Scaling up use of solar power as **renewable energy** alternatives. There have been active developments in the area of solar energy, which remains Singapore's most promising renewable energy source.

In September 2022, the Monetary Authority of Singapore ("MAS") published the "Financial Services Industry Transformation Map (ITM) 2025" which outlines the vision of further developing Singapore as a leading financial centre in Asia. The strategies to do so include, among other things, developing the potentials in the following areas:

- Development of innovative solutions to scale up **sustainable and transition financing**. The Green Finance Industry Taskforce in Singapore aims to finalise a new **taxonomy** for Singapore-based financial institutions that

will help businesses and investors **identify with greater certainty projects and investments that promote sustainability**. This would in turn encourage more capital flow towards sustainability activities.

- Enhancement of **payments connectivity**. Apart from embarking on innovative projects like [Project Nexus](#) and [Project Orchid](#), Singapore regulators are proposing regulatory changes to support innovation in **e-payment** landscape and strengthen participation in **SGQR code scheme**.
- Building an **innovative and responsible digital asset** ecosystem. In this regard, MAS sought comments on the regulatory approach for **stablecoin**.

MAS will maintain its policy against cryptocurrency speculation and tighten the regulation of **digital payment token ("DPT")** service providers. It has proposed to **enhance regulatory measures for DPT service providers** to reduce the risk of consumer harm in cryptocurrency trading and to regulate **Singapore DPT service providers carrying out activities outside Singapore** for the purposes of anti-money laundering and countering of the financing of terrorism.

In addition, the following key trends or developments are to be noted:

- Need for **regulatory frameworks** to govern responsible use of **metaverse** as a primary computing platform and the commercialisation of metaverse.
- New obligations on regulated online communication services and internet access service providers to ensure **online safety**.
- Enhanced corporate governance practices on **board renewal** and **remuneration disclosures** for issuers listed on the

Singapore Exchange Securities Trading Limited (SGX-ST).

- Proposed legislative changes to address **data, digitalisation** and **corporate transparency** issues for business entities in Singapore.
- Proposed new regulatory framework for **collective management organisations** for copyright owners.
- Proposed new **disclosure framework** to increase transparency and commercialisation of **intangibles** of business entities.
- Enhancements to **healthcare services** framework to strengthen safeguards for **patient safety and welfare**.

Summaries of the 2022 developments leading to the trends highlighted above are provided below.

### Sustainability – Singapore Raises Its Climate Ambition

On 25 October 2022, Singapore announced its commitment to raise its climate ambition to: (1) achieve net zero emissions by 2050; and (2) reduce emissions to around 60 million tonnes of carbon dioxide equivalent (MtCO<sub>2</sub>e) in 2030 after peaking emissions earlier. Click [here](#) and [here](#) for more information.

### Sustainability – Leveraging Hydrogen to Achieve Net Zero Emissions Target

Singapore outlines the National Hydrogen Strategy to leverage the potential of hydrogen to support its commitment to achieve net zero emissions by 2050. Click [here](#) for more information.

### Sustainability – Launch of Global Carbon Marketplace

Climate Impact X (CIX), a global marketplace and exchange for high-quality carbon credits based in Singapore launched Project Marketplace, a digital platform that allows businesses and carbon project suppliers to list, discover, compare, buy and retire quality carbon credits. Click [here](#) for more information.

## **Sustainability – Progressive Increase in Carbon Tax Rate**

The Parliament has passed laws to amend the Carbon Pricing Act 2018 to increase the carbon tax rate progressively from 2023 to 2026. The legislative changes will also enable the surrender of eligible international carbon credits in place of fixed-price carbon credits for paying the carbon tax. Click [here](#) for more information.

## **Sustainability – Renewable Energy Being Developed in Singapore**

Given Singapore's land scarcity, resource constraints, and local weather conditions, its renewable energy options remain somewhat limited. However, there have been active developments in the area of solar energy and Singapore continues to support research and development for low-carbon alternatives in key areas such as hydrogen and carbon capture, utilisation and storage. Click [here](#) for more information.

## **Sustainable Financing – Taxonomy in the Works**

In May 2022, a second consultation paper was released to seek feedback on the implementation details of a sustainability financing taxonomy for Singapore-based financial institutions. This consultation exercise followed an earlier one conducted in January 2021 to seek comments on the general principles and approach for the taxonomy which will help businesses and investors identify projects and investments that promote sustainability with greater certainty. There was broad-based support for the taxonomy from the respondents to the first consultation exercise. Click [here](#) for more information.

## **Financial Services – Transformation Map 2025 to Further Develop Singapore as Asia's Leading International Financial Centre**

On 15 September 2022, the Monetary Authority of Singapore (MAS) shared the "Financial Services Industry Transformation Map (ITM) 2025". With the vision of further developing Singapore as a leading international financial centre in Asia, the transformation map sets out growth strategies to connect global

markets, support Asia's development and serve Singapore's economy. Click [here](#) for more information.

## **Digital Payment – Revision of Restrictions on E-Wallet to Support E-Payments Landscape**

The Monetary Authority of Singapore (MAS) proposes to revise the caps on funds to be held in the personal e-wallet of a user for better customer convenience and to support innovation in e-payments landscape. Click [here](#) for more information.

## **Digital Payment – Initiatives to Strengthen Participation in SGQR**

Singapore regulators sought public comments on new guidelines, fee structure and more to increase participation in Singapore Quick Response ("SGQR") Code Scheme with an aim to preparing SGQR to be interoperable to enable local and cross-border QR code payment connectivity. Click [here](#) for more information.

## **Digital Token – MAS Seeks Views on Regulatory Approach for Stablecoins**

The Monetary Authority of Singapore ("MAS") intends to develop an innovative and responsible digital asset ecosystem in Singapore by leveraging on the innovative combination of tokenisation and distributed ledgers. Against this backdrop, MAS sought comments on the regulatory approach on stablecoin-related issuance and intermediation activities. Click [here](#) for more information.

## **Digital Token – Singapore Digital Token Service Providers Carrying out Activities Abroad to be Regulated**

On 5 April 2022, the Financial Services and Markets Bill was passed in Parliament to implement a financial sector-wide regulatory approach for financial services and markets. When in force, the Financial Services and Markets Act 2022 will, among other things, extend Singapore's regulatory regime to a Singapore corporation which carries on a business of providing digital token services outside Singapore for anti-money laundering and countering of the financing of terrorism purposes. Click [here](#) for more information.



### **Digital Payment Token ("DPT") – Regulatory Measures for DPT Service Providers to be Enhanced**

To reduce the risk of consumer harm in cryptocurrency trading, the Monetary Authority of Singapore (MAS) proposes to introduce consumer access measures for retail customers of DPT service providers, business conduct measures and enhanced measures to manage technology and cyber risks for DPT service providers. Click [here](#) for more information.

### **Technology – Need for Regulatory Framework for Metaverse**

As the workplace continues to evolve, businesses and employers have begun to look towards the next destination – the Metaverse. It is anticipated that how we live our lives, including how we work, will shift towards the virtual space. There are issues in fair employment in the Metaverse, including the adaptation of legal concepts such as workplace harassment, discrimination and employee data protection. Click [here](#) for more information.

### **Technology – Law to Enhance Online Safety**

When in force, the Online Safety (Miscellaneous Amendments) Act 2022 will impose new obligations on regulated online communication services and internet access service providers to minimise exposure of users of social media services to harmful content. Click [here](#) for more information.

### **Corporate Governance – Listed Issuers Subject to Enhanced Requirements on Board Renewal & Remuneration Disclosures**

Issuers listed on the Singapore Exchange Securities Trading Limited (SGX-ST) will be subject to new requirements that impose a mandatory nine-year tenure limit on their independent directors and mandate the disclosure of remuneration details of each individual director and the CEO of the issuers. Transitional arrangements are in place for the listed issuers to comply with the new requirements. Click [here](#) and [here](#) for more information.

### **Corporate Governance – Changes Relating to Data, Digitalisation and Corporate Transparency for Business Entities**

In January 2022, the Accounting and Corporate Regulatory Authority ("ACRA") consulted on legislative changes to achieve the broad objectives of, among other things: (1) providing ACRA with greater flexibility in collecting, sharing and using personal data; (2) facilitating Government-to-Business digital correspondence; (3) enhancing transparency of beneficial ownership of companies and limited liability partnerships in order to reduce the chances of Singapore business entities being used for illicit purposes. Click [here](#) for more information

### **Intellectual Property – New Regulatory Framework for Collective Management Organisations**

Singapore regulators consulted on the regulatory framework for Collective Management Organisations (CMO), namely, organisations which manage the copyrights in the works of the copyright holders. This is part of an ongoing review of Singapore's copyright regime. Click [here](#) for more information.

### **Intangible Assets – Disclosure Framework to Increase Transparency & Commercialisation of Intangibles**

Singapore regulators are seeking comments on an Intangibles Disclosure Framework which aims to standardise information about intangibles to enable businesses make more informed assessment of their business and financial prospects. Intangibles include technologies, brand recognition, data, trade secrets and intellectual property. Click [here](#) for more information.

### **Healthcare – Healthcare Services Framework to be Enhanced**

Amendments to the Healthcare Services Act that will introduce measures to strengthen safeguards for patient safety and welfare are targeted for implementation in June 2023. Click [here](#) for more information.



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