

Chooi Jing Yen

Partner

LL.B. (*Cum laude*),
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ABOUT JING YEN

A career litigator, Jing Yen regularly advocates at all Court levels and has been endorsed by clients for his “*sharp mind*” and “*calm demeanour*”. He is featured in several reported judgments in the Court of Appeal and has published several commentaries in various publications, including the Singapore Law Gazette.

Significant Arbitration Matters:-

- **SIAC arbitration involving a dispute over legal fees:** A novel dispute engaging the question of whether a dispute over legal fees charged to a Singapore entity by a foreign law practice was arbitrable on the ground of public policy, or should be sent for taxation in the Singapore High Court.
- **SIAC involving a construction project:** A US\$6m cross-border arbitration involving the jurisdictions of Singapore and Myanmar. At issue was whether the agreements in question were in any way varied by new policies introduced by a change in government in Myanmar, and whether an implied term under Singapore law was consequently introduced into these agreements.

Significant Litigation Matters:-

- **Ang Jian Sheng Jonathan & Anor v Lyu Yan @ Lu Yan [2021] 1 SLR 1091; [2021] SGCA 12:** Mounted a challenge to a USD 3 million claim that was illegal under Chinese law, leading the Court of Appeal to clarify (in some part) the interplay between the *Foster v Driscoll* doctrine ([1929] 1 KB 470) and the *Ochroid Trading* framework ([2018] 1 SLR 363).
- **Jay Machinery Pte. Ltd. v C T Environmental Services Pte. Ltd. & Another [2018] SGDC 246:** Discharged a Mareva injunction on the basis that the opposing party had not produced solid evidence that there was a real risk that our client was about to dissipate \$2.9m worth of assets. The opposing party’s appeal to the High Court was dismissed.
- **HC/OS 210/2017:** Acted for the Japanese Trustee in Bankruptcy of Masahiko Nishiyama, who had been adjudicated a bankrupt in Japan and who had dissipated his assets worldwide in a bid to thwart recovery by his creditors. Successfully persuaded the High Court, in the first known case of its kind, to recognise a foreign bankruptcy order. Media coverage: [Court okays seizure of \\$124m of bankrupt Japanese director's assets](#)

Significant Criminal Matters:-

- ***Wu Zhi Yong v Public Prosecutor*** [2021] SGHC 261: Lead counsel before the Honourable Chief Justice in possibly the first hybrid drink driving case to go on appeal following amendments to the Road Traffic Act 1961 effective November 2019. A young *amicus curiae* was appointed to assist the Court and a new sentencing framework was laid down.
- ***Public Prosecutor v Wee Teong Boo*** [2020] 2 SLR 533: Part of the team that secured a complete acquittal for a doctor who was accused of raping and molesting his patient. Media coverage: [Court of Appeal acquits doctor of sexually assaulting and molesting patient in clinic](#)
- ***Public Prosecutor v Low Ji Qing*** [2019] 5 SLR 769; [2019] SGHC 174: Defended an appeal brought by the prosecution against a sentence of 10 months' imprisonment meted out to a repeat theft offender suffering from Fetishism. The judgment written by the Honourable Chief Justice grapples with the principles of proportionality and specific deterrence and is now an important part of the jurisprudence on criminal sentencing. Media coverage: [Chief Justice dismisses appeal for higher sentence for man with fetish for stealing women's wallets](#)
- ***Public Prosecutor v Wong Chee Meng & Chia Sin Lan*** [2020] 5 SLR 807: Reported in the media as the Ang Mo Kio Town Council corruption case, the judgment by the Honourable Chief Justice set out a new sentencing framework for corruption offences. Media coverage: [Jail terms increased for ex-GM of Ang Mo Kio Town Council and company director in corruption case](#)
- ***Public Prosecutor v Miya Manik*** [2020] SGHC 164: Assisted in the defence of a Bangladeshi national charged under Section 300(c) read with Section 34 of the Penal Code for sharing in a common intention with two others to murder a fellow Bangladeshi national. This arose out of a turf war between rival syndicates over the sale of illegal cigarettes in Tuas. After a full trial, the High Court acquitted the accused and convicted him on a reduced charge of voluntarily causing grievous hurt with a dangerous weapon instead. Media coverage: [Bangladeshi jailed 15 years for role in fatal attack of rival in contraband cigarette turf war](#)
- ***Wham Kwok Han Jolovan v Attorney-General and other appeals*** [2020] SGCA 16: Assisted in defending two individuals against charges of contempt of court by scandalising the judiciary, in the first such prosecutions brought under the Administration of Justice (Protection) Act 2016. Media coverage: [Contempt of court: Apex court dismisses appeals by opposition politician John Tan, activist Jolovan Wham](#)

Selected Publications:-

- **April 2022, *Singapore Law Gazette***: [Disclosure of a Prosecution Witness's Prior Statements](#) (co-authored with Mervyn Cheong)
- **October 2021, *Lexis Advance® Annotated Laws of Singapore***: Annotations to the *Misuse of Drugs Act 1973* (co-authored with Mervyn Cheong)
- **September 2021, *Lexis Advance® Annotated Laws of Singapore***: Annotations to the *Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992* (co-authored with Mervyn Cheong)

- **September 2021, Singapore Law Gazette:** [Reasonable doubt, guilt and the new hybrid of composition A commentary on Teo Seng Tiong v Public Prosecutor \[2021\] SGCA 65](#)
- **July 2021, Eugene Thuraisingam LLP publication:** [The 2005 Hague Convention on Choice of Court Agreements: Boon or Bane?](#)
- **June 2021, Eugene Thuraisingam LLP publication:** [Plying for hire: When does a private hire car driver cross the line and break the law? Road Traffic Act – Singapore](#)
- **January 2021, Singapore Law Gazette, The Young Lawyer:** [Moving from Second to First Chair: How to Fail at it](#)
- **September 2020, Eugene Thuraisingam LLP publication:** [Recognition of Indonesian bankruptcy orders in Singapore, Insolvency Case Update: Paulus Tannos v Heince Tombak Simanjuntak and others \[2020\] SGCA 85](#)
- **May 2020, Eugene Thuraisingam LLP publication:** [Keeping Up With COVID-19: A commentary on the pace of legislative change](#)
- **September 2019, Singapore Law Gazette:** [Legal Unsustainability and Order 18 Rule 19 of the Rules of Court](#)

Selected Media:-

- **22 January 2022, TODAY:** [The Big Read: Burnt out and disillusioned, young lawyers head for the exit – and the industry is worried](#)
- **25 April 2021, TODAY:** [Should accused persons in Singapore be named before conviction? Lawyers, media academics have split views](#)
- **23 October 2020, TODAYOnline:** [‘Civil duty’ to file police report against ex-lecturer, even if alleged victims did not: NUS](#)
- **22 July 2020, The New Paper:** [NUS student's case sparks MHA review of penalty framework](#)
- **7 June 2020, CNA:** [COVID-19 court cases: Why have some people not been charged?](#)
- **27 April 2020, The New Paper:** [Shut down carpooling chat group, urge experts](#)
- **23 April 2020, The Straits Times:** [Privately arranged ride-hailing trips illegal under new Covid-19 circuit breaker rules](#)
- **13 April 2020, Channel News Asia:** [Necessary for Singapore to fast-track COVID-19 laws amid unprecedented situation: Lawyers](#)
- **12 October 2019, TODAYOnline:** [How young women are using social media to fight back against men behaving badly](#)
- **27 September 2019, South China Morning Post:** [Singaporeans decry judge's move to spare NUS student Terence Siow from jail for molest charge](#)

- **8 August 2019, *The Straits Times*:** [Ex-senior StanChart executive fined for \\$500k blackmail threat](#)