

# Leong Kah Wah



## Head, Shipping & International Trade

Rajah & Tann Singapore LLP  
T +65 6232 0504  
E [kah.wah.leong@rajahtann.com](mailto:kah.wah.leong@rajahtann.com)

## Practice Areas

Shipping & International Trade  
International Arbitration  
Mediation  
Tax

## Qualifications

- LLB (Hons), National University of Singapore, 1990
- Advocate & Solicitor, Singapore
- Snr. Acc. Spec. (Maritime and Shipping), Singapore Academy of Law

## Active Sectors

Tax Consultancy  
Construction and Infrastructure  
Shipping & Maritime  
Technology &  
Telecommunications

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“He has considerable depth of legal wisdom and extensive experience. He is one of the most talented lawyers, able to provide reasonable and practical advice for clients in any dispute.” – *Chambers Asia-Pacific*

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**Leong Kah Wah** heads the firm's Shipping & International Trade practice group.

He has appeared as lead counsel in landmark Court of Appeal judgments of the STX Mumbai and the Bunga Melati 5 and was appointed Senior Accredited Specialist (Shipping and Maritime) by the Singapore Academy of Law.

Kah Wah is ranked in **Band 1** by *Chambers Asia-Pacific* and “is widely viewed as a prominent shipping litigator in Singapore. He assists clients with a range of complex matters, including in relation to debt restructuring, collisions and ship arrests”.

In *The Legal 500 Asia Pacific*, Kah Wah is acknowledged as a **Leading Lawyer** and described as “one of top negotiators and legal advisors in the world in terms of maritime law. He's not just someone who gives a textbook answer, he explains how to deal with things to reach the ultimate solution” and “an outstanding and experienced wet shipping lawyer and a good advocate who proposes solutions rather than disagreeing with opposing counsel for the sake of it.”

*Asialaw* identifies Kah Wah as an **Elite Practitioner** and someone who is “able to listen and understand the client's

position well enough to provide sound legal and commercial solutions”. He is also deservedly ranked as a **Global Elite Thought Leader** by *Who's Who Legal: Transport – Shipping 2024* and identified in *Asian Legal Business' Super 50 Disputes Lawyers 2022*.

Besides shipping and international trade, he has extensive experience in handling commercial disputes in Court litigation, arbitration and mediation. His perspective on commercial disputes is highly sought after as his expertise is developed from his regular appointments as counsel, arbitrator and mediator in diverse commercial areas and industries. He is most comfortable arguing from first principles, as can be seen from his win in *Re: Attilan Group Ltd* [2018] 3 SLR 898, where the Singapore High Court agreed with his arguments in a green field area on the requirements of super priority financing in a scheme of arrangement. His acute sense of commercial fairness can also be seen in the published decisions he has delivered on tribunals constituted by the Income Tax Board of Review to hear and decide tax appeals.

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## Notable Cases & Transactions

### Shipping

- Lead counsel for the Hanjin Ras Laffan in a collision with the Mount Apo which recently went to trial which involved issues on title to sue, unsafe crossing in a traffic separation scheme and impact of the radio communications, with electronic data and 3D simulations (*The Mount Apo* [2019] 4 SLR 909).
- Lead counsel for the Meghna Princess in a collision with the Dream Star in an appeal to the Court of Appeal which involved issues on when the crossing rule applied and impact of the radio communications on the apportionment of liability (*The Dream Star* [2018] 4 SLR 473).
- Lead counsel for the Eurohope in successfully challenging the arrest, with the seminal judgment that a Singapore arrest cannot be used to obtain security for a foreign court action (*The Eurohope* [2017] 5 SLR 934).
- Lead counsel for the owners of the Silvia Ambition, in seeking recourse from the Singapore Courts for an arrest in Lebanon effected by bunker suppliers for an invoice incurred by time charterers (*Best Soar Ltd v Praxis Energy Agents Pte Ltd* [2018] 3 SLR 423).
- Acted as lead counsel in *PT Sariwiguna Binasentosa v Sindo Damai Shipping Ltd and Others* [2015] 5 SLR 45 – Mareva injunction and summary judgment obtained for a misdelivery claim.
- Lead counsel for bunker suppliers in an appeal to the Court of Appeal, overturned the High Court decision where the claim was struck out and arrest was set aside at first instance. In reviving the claim and maintaining the arrest, the five-Judge Court of Appeal (a first for a shipping matter) handed down a seminal judgment on anticipatory repudiatory breach of an executed contract, effect of a group insolvency on a SPV, and wrongful arrest when the arrest was not successfully challenged (*The STX Mumbai* [2015] 5 SLR 1).
- Lead counsel for bunker suppliers in yet another landmark seminal judgment where the Court of Appeal laid down the now oft-cited five-step test for the invocation of admiralty jurisdiction and clarified the confusion on a merits test for an arrest, seemingly caused by an earlier decision of the Court in the *Vasilii Golovnin* (*The Bunga Melati 5* [2012] 4 SLR 546).
- Acted as lead counsel in *Regalindo Resources Pte Ltd v Seatrek Trans Pte Ltd* [2008] 3 SLR 930 – Resisted an anti-suit injunction against a Rule B attachment.
- Successfully defended a misdelivery claim at a trial where the cargo of chrome ore was finally abandoned by cargo interests to the port authority after protracted delays and failed negotiations (*The Feng Hang* [2002] 2 SLR 205).

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- Successfully challenged a renewal of an admiralty writ and a misinterpretation of a document, and on-going negotiations were not sufficiently good reasons for extension (*The Ching Ho* [2001] 3 SLR 840).

## International Arbitration

- Appointed as sole arbitrator in a charterparty dispute governed by English law and subjected to the SCMA Rules, which involved consideration of the tribunal's jurisdiction, and the liability and quantum of the demurrage and/or detention of the vessel.
- Appointed as sole arbitrator in disputes arising from two related coal contracts, governed by Singapore law and subjected to the SIAC Rules, which involved the issues of existence of the contract, their main terms and the quantum of damages.
- Lead counsel in a dispute involving letters of indemnity governed by English law and subjected to LMAA Rules, which involved a misdelivery claim, whether all reasonable defences have been taken upstream, shipowners' consent and acquiescence and quantum of damages.
- Lead counsel in a palm oil commodity contract dispute governed by the PORAM Rules, which involved issues of a chain or string contract, having been fulfilled, and a second contract being made in mitigation and whether such a step in mitigation was an intervening act, proper parties to the contracts and the quantum of damages.

## Mediation

- Appointed as a mediator in an investment dispute arising from loans and investments made to a real estate/property ownership and development group. Two separate investors brought proceedings against the group and directors for breach of the investment agreements and deeds of guarantee.
- Appointed as a mediator in an employment dispute where a senior executive in a digital cable and satellite television group was allegedly wrongfully terminated due to his alleged misconduct and breaches of fiduciary duty and fidelity duties.
- Appointed as a mediator in a shareholders' dispute arising from a joint venture between a Singapore entity and a Myanmar entity. The allegations involved breaches of directors' duties; oppression by the majority shareholders; business diversion, lack of accounting of revenue and profit, and failure to provide access to accounts and records.
- Appointed as a mediator in an employment dispute over the post-resignation conduct of the employee amounted to an unlawful use of confidential information of the company, and if so, the damages suffered by the company.

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## Tax

- Appointed as a member of the tribunal constituted by the Income Tax Board of Review to hear an appeal arising out of commercial property managed by the trustee of a REIT. Delivered the grounds of decision involving a novel point of law as to what amounts to control under Section 24(1) of the Income Tax Act such that capital expenditure allowances for a commercial building may be maintained despite the sale of the same for the purpose of restructuring a REIT (*GCC v The Comptroller of Income Tax* [2019] SGITBR 1).
- Appointed as a member of the tribunal constituted by the Income Tax Board of Review and delivered the grounds of decision in a dispute over whether a payment received on termination of employment was a redundancy payment and whether such payment was a gain or profit from employment under Section 10(1)(b) of the Income Tax Act (*GBS v The Comptroller of Income Tax* [2017] SGITBR 1).
- Appointed as a member of the tribunal constituted by the Income Tax Board of Review and delivered the grounds of decision in a dispute over the corporate structure of a medical practice and whether it satisfied Section 33(1) of the Income Tax Act, whether any exemptions apply to treat the compensation paid as part of the income of the tax payer (*GBF v The Comptroller of Income Tax* [2016] SGITBR 1).

## Memberships/Directorships

- Council, Singapore Shipping Association & Chair, Legal & Insurance Committee
- Member, Marine Insurance Committee, General Insurance Association
- Independent Director, Marco Polo Marine Limited
- President, Maritime Law Association of Singapore
- Principal Mediator, Singapore Mediation Centre
- Fellow, Chartered Institute of Arbitrators (FCIArb)
- Fellow, Singapore Institute of Arbitrators (FSIArb)
- Principal Lecturer and Subject Co-ordinator, Admiralty Practice, Singapore Institute of Legal Education
- Panel of Arbitrators, Singapore Chamber of Maritime Arbitration
- Panel of Arbitrators, Singapore International Arbitration Centre
- Senior Trainer, Law Society Advocacy Committee
- Counsel, Law Society of Singapore (disciplinary matters)
- Senior Mediator, Law Society Mediation Scheme