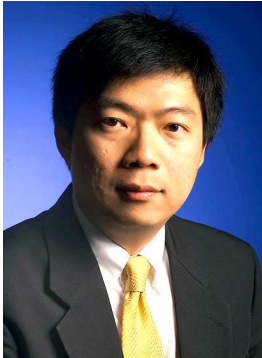


Lim Chong Kin



LL.B. (Hons), National University of Singapore
LL.M., National University of Singapore
Admitted to the Roll of Advocates and Solicitors of Singapore, 1996
Solicitor, England & Wales, 1999

Phone + 65 6531 4110 Fax + 65 6535 4864 Email chongkin.lim@drewnapier.com

CORPORATE COMMERCIAL

Competition Law

Telecommunications and Technology

Media and Entertainment Law

About Chong Kin

Chong Kin is a Director with Drew & Napier LLC. He heads the firm's Telecommunications, Media and Technology (TMT) Law Practice Group and co-heads the Competition Law Practice Group.

Chambers Asia 2009 ranked Chong Kin as the only Singapore lawyer in Band 1 for Telecommunications, Media and Technology for the second consecutive year, describing him as “the go-to lawyer for anything competition-related in Singapore,” and “he possesses incredibly astute legal and business judgement.” *Chambers Asia 2008* ranked Chong Kin as the only lawyer in Band 1 for TMT and describes him as “friendly, efficient, committed and approachable” and clients appreciate that “he quickly understands the issues and is sensitive to our tight deadlines”.

Drew's Technology, Media and Telecommunications Practice Group headed by Chong Kin attained a *Chambers Asia 2009* ranking as the only Band 1 firm in Singapore for the second year running. The team has been described as “the best I know of”, “with superior strength in regulatory matters”, and which clients found to “bring a high degree of understanding of our requirements, and the regulator's priorities. They know what will realistically succeed and give accurate advice on what to expect”.

Asia Pacific Legal 500: 2008/2009 edition recognised Chong Kin's TMT practice group as a Tier 1 practice in Singapore; and describes Chong Kin as a “very energetic and capable” lawyer.

The International Who's Who of Competition Lawyers 2008 and the *International Who's Who of Regulatory Communications Lawyers 2008* both recognise Chong Kin for his strength in regulatory and competition advisory work.

Profile

Who's Who Legal: Singapore 2008 has also cited Chong Kin as a Leading Lawyer in the fields of Competition Law and Regulatory Communications.

Practical Law Company's Which Lawyer Survey 2008 describes Chong Kin as a recognised lawyer in Competition/Anti-trust.

Asialaw Leading Lawyers 2008 names Chong Kin as a leading Competition/Anti-trust lawyer.

Areas of Practice

Chong Kin practices corporate and commercial law with strong emphasis in the specialist areas of competition law and TMT law. He regularly advises on competition, regulatory, licensing, and market access issues. Apart from his expertise in preparing “first-of-its-kind” competition legislation, Chong Kin also has broad experience in corporate and commercial transactions including mergers and acquisitions.

Competition and Regulatory Experience

Chong Kin played a key role in the development of sectoral competition regulation in Singapore, in particular, in the telecommunications, media and postal industries. Since 1999, he has routinely advised the sectoral competition regulators on liberalisation, market access, competition regulation, merger reviews and enforcement issues. In 2000, he was engaged by the telecoms regulator as the lead Singapore counsel to draft the country's first competition law framework to facilitate full liberalisation of the industry (the *Telecom Competition Code*). He was re-appointed in 2004 to revise the Telecom Competition Code and to draft the accompanying Advisory Guidelines. This included the drafting of a merger control framework in the form of the Consolidation review guidelines.

In 2009, Chong Kin was retained – *for the eleventh (11th) consecutive year* – as the telecoms regulator's Singapore counsel. He is routinely relied upon to advise the telecoms and media regulators on competition, regulatory, licensing, and market access issues, including successfully defending the regulators in various Ministerial appeals. Chong Kin is presently advising the telecoms regulator on competition and regulatory issues concerning infrastructure and open access in relation to the Next Generation National Broadband Network (*NGNBN*) project.

With regard to the media industry, Chong Kin was appointed to draft the first Media Market Conduct Code 2002, which enables fair market conduct and effective competition in the provision of mass media services in Singapore. To date, Chong Kin continues to advise the media regulator on the implementation and enforcement of this competition code.

In recognition of his competition law expertise, Chong Kin was also engaged by the postal regulator to advise on the liberalisation of the postal industry and assisted in drafting the proposed Postal Competition Code.

When the Singapore Competition Act came into force in 2006, Chong Kin was commissioned by the Competition Commission of Singapore (*CCS*) to lead a study on the effects of price recommendations by trade and professional association on competition in Singapore.

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Thereafter, with the coming into force of merger control regulation under the Singapore Competition Act in July 2007, Chong Kin secured the first-ever successful merger clearance in Singapore – namely, for STM and Intel in respect of their US\$3.6 billion proposed worldwide merger. Since then, Chong Kin has worked on three other merger filings before the CCS. In addition, Chong Kin's transactional experience includes most of the significant telecoms M&As including securing competition law clearance for AT&T/SBC, Sprint/Nexel, Reliance/FLAG, AsiaNetcom/C2C and Connect Holdings/Pacific Internet.

Early 2008, Chong Kin led an international consortium that was awarded a prestigious project to study and recommend competition policy and law for implementation in East Asian economies. This project required him to lead a team to conduct extensive interviews of competition authorities, policy-makers and other stakeholders in Asia.

Subsequently, Chong Kin lead a study jointly commissioned by the Singapore media, telecoms and competition regulators to examine competition issues in convergent media and telecommunications markets. This will, *inter alia*, involve assessment of the state of development and competition in the pay TV market in Singapore, in particular the impact of exclusive carriage agreements, as well as the effects of bundling of media and telecoms services on these convergent markets.

In 2009 Chong Kin was commissioned by the CCS to conduct a study into the medical services industry. The scope of the study includes amongst other things, an assessment of the state of competition in the medical services sector and the implications of fee guidelines for medical services in Singapore.

Additional notable competition law experience

Other notable competition law matters handled by Chong Kin include:

- Advised an international airline on the application of section 47 to business practices including the imposition of vertical restraints on downstream retailers, and resale price maintenance
- Advising one of the world's largest airlines on the competition law issues arising from their proposed share acquisition of a Chinese airline company
- Advised a multi-national imaging company on its distribution arrangements and other business practices in relation to a possible abuse of dominance
- Advising VISA International Network on its notification of decision to the CCS in relation to the Multilateral Interchange Fees
- Advising a major industry participant on competition law compliance relating to LNG importation and aggregation in Singapore's liberalisation of the LNG industry
- Advising one of the world's largest pharmaceutical companies on the possible impact of investigations of third party pharmaceutical companies by the CCS
- Advising on Singapore merger filing requirements in respect of a €5.3 billion worldwide acquisition of the business line of a leading food & beverage MNC
- Acting for acquiring parties in securing unconditional merger clearance from the Singapore telecoms regulator in respect of the takeover of Pacific Internet, a NASDAQ-listed telco and regional ISP-services giant
- Lead Singapore counsel in advising an association in the financial industry on its worldwide restructuring exercise which necessitates a filing made to competition authorities
- Assisting various trade associations and multinational companies on instituting competition law compliance programmes

Profile

- Lead Singapore counsel in advising and acting for a major trade association in the financial industry on competition law in relation to its worldwide restructuring exercise
- Advising various companies on enforcement issues with respect to competition law investigations

Telecommunications and Technology Experience

Chong Kin's extensive telecommunications and technology-related experience includes the following:

- Lead Singapore counsel in drafting the Telecom Competition Code 2005, Telecom Consolidation framework and Code guidelines to regulate competition in Singapore's telecommunications industry
- Presently appointed by IDA to assist in its second triennial review of the TCC. The project involves the drafting of all necessary public consultation documents, assisting IDA in the review of public comments, and revising the TCC, regulations and guidelines to take into account relevant suggestions and policy considerations.
- Presently leading an international consortium that appointed to provide consultancy services relating to the establishment of a national, neutral Internet exchange platform in Singapore.
- Lead Singapore counsel in advising and assisting in the review of the Dominant Licensee's Reference Interconnection Offer
- Advising leading global and local telecommunications and broadcasting operators on corporate, commercial, licensing and regulatory issues. Chong Kin successfully assisted a new entrant to obtain a Facilities-based Operator (FBO) Licence to deploy a regional sub-sea cable system
- Lead Singapore counsel in drafting the licensing, regulatory and auction framework for the allocation of radio frequency spectrums for WBA radio-communications
- Lead Singapore counsel in advising on the liberalisation of the Postal industry in Singapore including drafting of the Postal Competition Code
- Advising Microsoft on regulatory compliance in respect of the proposed roll-out of several novel products featuring convergence of traditional media with internet communications
- Acting as regional coordinating counsel in the rollout of a presence and branding initiative for a major online search engine. Tasks involve instructing and directing local counsel; drafting template service and distributor agreements and adapting end user software licensing agreements

Media and Entertainment Experience

Chong Kin's vast experience in media and entertainment-related matters includes:

- Appointed by the media regulator to advise on and draft the Media Market Conduct Code to regulate the media and print industry in Singapore
- Appointed by the media regulator to advise on and draft the Media Market Conduct Code to regulate the media and print industry in Singapore
- Acting for leading media content providers (including an international sports broadcast network) in the following media and entertainment-related agreements:
 - Broadcast licence agreements – advised client in conferring rights to a media company to broadcast, in a designated territory, an international sporting event via various forms of transmissions or distribution channels. Also advised client in reviewing, drafting and negotiating regional broadcast rights for *le Tour de France '07*

Profile

- Preparation of Host Venue Agreement for staging sporting event in KL, Malaysia
- Acquisition of licensing rights of a famous musician's characteristics for use in an international sporting event
- Service agreement – assisted clients in drafting service provider agreements for the construction and set-up of props and various tournament equipment for both indoor and outdoor venues
- Mobile service agreements – advised and assisted client in reviewing and drafting of the collaborative arrangements made with various international football clubs for the rights to exploit mobile content services in the nominated territory of these football clubs
- Manufacturing and Content License Agreement – advised & assisted client in reviewing of a licensing agreement with an established PRC handset manufacturer to manufacture mobile telecommunication handsets and accessories under our client's brand name
- Advising a leading international media content provider on compliance with local gaming laws in respect of a proposed regional poker (and other card games) tournament
- Advising the largest worldwide broadcasting corporation (in terms of audience numbers) and the leading music-television channel on its regulatory and licensing affairs in Singapore.

Corporate and Commercial Experience

Some of the notable corporate transactions which Chong Kin has handled include:

- Acting as the Asia-Pacific co-coordinating counsel for SABIC in a US\$11.6 billion worldwide acquisition of the plastics business of GE. Apart from instructing local counsels across Hong Kong, Korea, Australia, Malaysia, Thailand and India, Chong Kin advises on all aspects of the deal, including cross-jurisdictional acquisition of related companies, incorporation and restructuring
- Lead Singapore counsel in advising and acting for a major association in the financial industry in a worldwide restructuring exercise
- Acting in many significant telecommunication mergers and acquisitions in Singapore including AT&T/SBC, Sprint/Nextel, Reliance/FLAG, AsiaNetcom/C2C and Connect Holdings/Pacific Internet
- Advising several MNCs on establishment of presence in Singapore and the accompanying licensing, regulatory and compliance obligations
- Advising leading MNCs on all aspects of corporate, employment, commercial, licensing and regulatory issues

Appointments / Membership

- Member of the Law Society of Singapore
- Member of the Singapore Academy of Law
- Member of the Law Society of England and Wales
- Member of the Pacific Telecommunications Council
- Member of the Inter-Pacific Bar Association
- Associate Member of the American Bar Association