

LAU KWAN HO

Assistant Professor of Law
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BIOGRAPHY

Lau Kwan Ho is an Assistant Professor of Law at the Yong Pung How School of Law, Singapore Management University (SMU). He is a graduate of the National University of Singapore (NUS) and the New York University School of Law. Prior to joining SMU, he was a Senior Associate at Allen & Gledhill LLP and a Justices' Law Clerk with the Supreme Court of Singapore. He also worked as in-house counsel at the Government of Singapore Investment Corporation (GIC).

Kwan Ho is concurrently the Deputy Director of the Centre for Commercial Law in Asia. His main research areas are in contract law and private law. He writes as well on judicial decision making in the common law and on the development of the legal profession. His work is cited by courts in Singapore (High Court and Court of Appeal) and Hong Kong (Court of Appeal), by sitting Commonwealth judges in extra-judicial speeches, by regulatory bodies and in academic treatises and articles regularly. He has given expert evidence on Singapore law in foreign court proceedings.

APPOINTMENTS

- ASSISTANT PROFESSOR OF LAW, SMU, 2018 to Present
- DEPUTY DIRECTOR, Centre for Commercial Law in Asia, SMU, 2021 to Present

OTHER POSITIONS

ACADEMIC

- SENIOR FELLOW, Melbourne Law School, University of Melbourne, 2023 to Present
- PROFESSORIAL FELLOW, AGC-Legal Service Academy, 2022 to Present
- COURSE COORDINATOR & FACILITATOR, Part A Bar Examinations Course, Singapore Institute of Legal Education (SILE), 2020 to Present
- SPECIAL NATIONAL RAPPORTEUR, International Academy of Comparative Law, 2021–2023
- LEE KONG CHIAN FELLOW, SMU, 2021 to Present
- D.S. LEE FOUNDATION FELLOW, SMU, 2020–2021

VISITING

Asia

- VISITING LECTURER, Faculty of Law, University of North Sumatra (November 2023)

- VISITING ACADEMIC, Faculty of Law, University of Hong Kong (December 2022 to January 2023)
- VISITING SCHOLAR, Faculty of Law, Chinese University of Hong Kong (October 2022)

Australia

- VISITING ACADEMIC, Melbourne Law School, University of Melbourne (August 2023)
- VISITING ACADEMIC, ANU College of Law, Australian National University (November 2022)
- VISITING ACADEMIC, Faculty of Law & Justice, UNSW Sydney (November 2022)

PROFESSIONAL

- ASSESSOR, Panel of Assessors for COVID-19 Temporary Relief, Ministry of Law of Singapore, 2020–2021
- SENIOR ASSOCIATE (2016–2018), ASSOCIATE (2014–2015), Allen & Gledhill LLP
- JUSTICES’ LAW CLERK, Supreme Court of Singapore, 2012–2014
- ADVOCATE & SOLICITOR, Supreme Court of Singapore, 2014 to Present
- MEMBER, Singapore Academy of Law, 2012 to Present

UNIVERSITY

- MEMBER, University Senate, SMU, 2022 to Present
- CO-INVESTIGATOR, Centre for Computational Law, SMU, 2020 to Present
- MEMBER, Futures Thinking Group, SMU, 2020 to Present
- MEMBER, Curriculum Review Committee, Yong Pung How School of Law, SMU, 2018 to Present
- MEMBER, Futures Committee, Yong Pung How School of Law, SMU, 2020 to Present
- MEMBER, Publicity Committee, Yong Pung How School of Law, SMU, 2019 to Present

GRANTS & FUNDING

- “Research Project in Computational Law” (Co-Investigator) (National Research Foundation, Singapore; approximately S\$15 million)

EDUCATION

- LL.M., New York University
- LL.B. (First Class Honours), National University of Singapore

PUBLICATIONS

BOOKS

1. Damian Clifford, Kwan Ho Lau & Jeannie Marie Paterson (eds), *Data and Private Law* (Hart Publishing, 2023)

ARTICLES

1. “Novation and Advance Consent” [2022] *Cambridge Law Journal* 581–609
2. “Negligence and the Unfair Contract Terms Act: Experiences in Hong Kong and Singapore Compared” [2021] *Journal of Business Law* 596–624
3. “Revisiting the Precedential Status of Crown Court Decisions” (2021) 85 *Journal of Criminal Law* 17–25
4. “Precedent Within the High Court” (2020) 40 *Legal Studies* 397–418
5. “On Mandatory Criminal Sentences, Legislative Interpretation, and the Prospective Application of the Law: A View from Singapore” (2020) 41 *Statute Law Review* 96–124
6. “Enlarged Panels in the Court of Appeal of Singapore” (2019) 31 *Singapore Academy of Law Journal* 907–943
7. “The High Court as *De Facto* Court of Appeal: A Revisitation of Leave Requirements in the Criminal and Family Court Jurisdictions” [2019] *Singapore Journal of Legal Studies* 108–123
8. “The 1994 Practice Statement and Twenty Years On” [2014] *Singapore Journal of Legal Studies* 408–418
9. “Enhancing Sentences in the Absence of a Prosecution Appeal” [2014] *Singapore Journal of Legal Studies* 229–237
10. “Creating Access to Quality Legal Representation – The Queen’s Counsel (Re)Appears in Singapore” (2012) 42 *Hong Kong Law Journal* 481–529

SHORTER ARTICLES AND NOTES

1. “Recovering Cost of Cure Damages: The Necessity of Showing an Intention to Cure” (2024) 140 *Law Quarterly Review* (forthcoming)
2. “Damages on the Reliance Measure: Musings in Singapore” (2024) 2 *Contract and Commercial Law Review* (forthcoming)
3. “Contractual Novations: The ‘Partial Novation’ Phenomenon and Is Advance Consent Absolute?” [2023] 1 *Journal of International Banking and Financial Law* 8–11
4. “No Oral Modification Clauses: Autonomy, Certainty or Presumption?” [2021] *Cambridge Law Journal* 443–446

5. “High Court Masters and the Upper Tribunal” (2021) 40 *Civil Justice Quarterly* 249–255
6. “Neither Contract Nor Tort: *Salomon* Triumphant?” [2020] *Lloyd’s Maritime and Commercial Law Quarterly* 13–20
7. “Negotiating Damages Once Again” [2019] *Lloyd’s Maritime and Commercial Law Quarterly* 508–517
8. “Contractual Estoppel and the Fork in the Road” [2019] *Lloyd’s Maritime and Commercial Law Quarterly* 334–343
9. “Taking Bills of Exchange into Arbitration” (2018) 134 *Law Quarterly Review* 548–552
10. “Injunctive Relief: But Let’s Agree Not to Have It?” (2016) 79 *Modern Law Review* 468–476
11. “Basis Clauses and the Unfair Contract Terms Act 1977” (2014) 130 *Law Quarterly Review* 377–382 (with Tan Ben Mathias)
12. “The Use of Domestic Precedents in Proving Foreign Law” [2014] *Lloyd’s Maritime and Commercial Law Quarterly* 461–465
13. “Should Claims on a Bill of Exchange Be Stayed in Favour of Arbitration?” [2014] *Lloyd’s Maritime and Commercial Law Quarterly* 146–151
14. “Unilateral Transfers of Contractual Obligations” (2013) 129 *Law Quarterly Review* 491–495

BOOK CHAPTERS

1. “Contract Law”, in *Law and Technology in Singapore* (Simon Chesterman, Goh Yihan & Andrew Phang Boon Leong, eds) (2nd edn, Academy Publishing, 2024) (with Goh Yihan) (forthcoming)
2. “Singapore”, in *New International Commercial Courts: A Comparative Perspective* (Yip Man & Giesela Rühl, eds) (Intersentia, 2024)
3. “Data Rights Incursions: Two Hurdles in the Pursuit of Damages”, in *Data and Private Law* (Damian Clifford, Kwan Ho Lau & Jeannie Marie Paterson, eds) (Hart Publishing, 2023)
4. “Introduction to Data and Private Law”, in *Data and Private Law* (Damian Clifford, Kwan Ho Lau & Jeannie Marie Paterson, eds) (Hart Publishing, 2023) (with Damian Chalmers & Jeannie Marie Paterson)
5. “Third Parties”, in *The Law of Contract* (Roger Halson, ed) (7th edn, LexisNexis, 2022) (with Greg Tolhurst)
6. “Contract Law”, in *Law and Technology in Singapore* (Simon Chesterman, Goh Yihan & Andrew Phang Boon Leong, eds) (Academy Publishing, 2021) (with Goh Yihan)

7. “Judges in Singapore”, in *Status prawny sędziego: Państwa pozaeuropejskie. Tom I (Legal Status of a Judge: Non-European Countries. Volume I)* (Bogusław Przywora & Aleksander Wróbel, eds) (Institute of Justice Press Poland, 2020)
8. “Illegality and Public Policy”, in *Principles of Singapore Business Law* (Loo Wee Ling, ed) (3rd edn, Cengage Learning, 2019) (with Anne Magdaline Netto)
9. “A Study in Separate Judgments”, in *Singapore Law: 50 Years in the Making* (Goh Yihan & Paul Tan, eds) (Academy Publishing, 2015)

OTHERS

1. “Hearing Essential and Urgent Court Matters During the COVID-19 Pandemic”, in *Law and COVID-19* (Aurelio Gurrea Martínez, Mark Findlay & Goh Yihan, eds) (SMU School of Law e-Book, 2020) (with Daryl Xu) (<https://ssrn.com/abstract=3686357>)
2. “A New Appellate Structure in the Supreme Court: Bigger, and Better” *Singapore Law Gazette* (December 2019) (with Paul Tan) (<https://lawgazette.com.sg/feature/new-appellate-structure-supreme-court>)
3. Book Review of *Rectification of Documents* by John Tarrant (The Federation Press, 2020), in (2020) 32 *Singapore Academy of Law Journal* 1264
4. Book Review of *Legal and Equitable Property Rights* by John Tarrant (The Federation Press, 2019), in [2020] *Singapore Journal of Legal Studies* 358

CONFERENCE AND SEMINAR PRESENTATIONS

1. “Adhering to Shareholder Agreements” (Melbourne Centre for Commercial Law research talk, University of Melbourne; Melbourne, Australia; August 9, 2023)
2. “Private Law Damages for Incursions of Data Rights: A Model Case for State Intervention?” (Obligations Conference X; Banff, Canada; July 13, 2023)
3. “An *Amerind* in Jersey? A Comparative Analysis of ‘Trust Creditor’ Remedies” (UWA Private and Commercial Law Annual Conference 2022; Perth, Australia; December 9, 2022) (with Eu-Jin Teo)
4. “Damages in Data Rights Claims” (Second Data Rights and Private Law Workshop; Canberra, Australia; November 23, 2022)
5. “An Exploration of Contract Law of the Future (aka Who Says It Has to Evolve?)” (Allens Hub for Technology, Law and Innovation, UNSW Sydney; Sydney, Australia; November 16, 2022)
6. “Contractual Novations and the Giving of Advance Consent” (Herbert Smith Freehills China International Business and Economic Law Centre research seminar, UNSW Sydney; Sydney, Australia; November 9, 2022)

7. “Technology and Contract Law: Visions of the Future” (Chinese University of Hong Kong research seminar; Hong Kong; October 26, 2022)
8. “Damages and Wrongful Incursions of Data Rights” (UWA Private and Commercial Law Annual Conference 2021; Perth, Australia; December 10, 2021) (with Goh Yihan)
9. “Damages in Data Rights Claims” (Data Rights and Private Law Colloquium; Canberra, Australia; December 1, 2021) (with Goh Yihan)
10. “Challenges for CBDCs, Stablecoins and Digital Payments: Singapore and Beyond” (UNSW seminar on “Digital Bank and Digital Currencies: A New World of Banking & Money?”; Sydney, Australia; May 21, 2021) (with Nydia Remolina León)
11. “Consent in Novation” (Asia-Pacific Private Law Conference 2021; Hong Kong; May 20, 2021)
12. “Masters and *Stare Decisis* in the High Court” (Society of Legal Scholars Annual Conference 2020; Exeter, England; September 3, 2020)
13. “A Tortious Study of the Unfair Contract Terms Act in Hong Kong and Singapore” (Third Asian Private Law Workshop; Singapore; May 28, 2020)
14. “Advance Consent in the Law of Novation” (Contracts Conference 2019; Melbourne, Australia; December 5, 2019)
15. “The Curious Case of the Commercial Loan and the Law of Novation” (Society of Legal Scholars Annual Conference 2019; Preston, England; September 4, 2019)
16. “What’s in a Canon of Construction? A Study of the Contractual Exclusion of the *Contra Proferentem* and *Ejusdem Generis* Principles in English Law” (14th Annual International Conference on Contracts; New Orleans, USA; March 9, 2019)
17. “The Tort of Negligence and the Unfair Contract Terms Act: Experiences in Hong Kong and Singapore Compared” (Torts Conference 2018; Melbourne, Australia; December 6, 2018)

PROFESSIONAL SEMINARS

1. “Contract-Related Remedies: Some Recent Developments” (AGC-Legal Service Academy; Singapore; November 7, 2023)
2. “Principles and Practice in the Incorporation of Terms” (AGC-Legal Service Academy; Singapore; July 18, 2023)
3. “Contractual Estoppel: A First Look at *First Tower Trustees* in Hong Kong” (Asian Institute of International Financial Law, University of Hong Kong; Hong Kong; January 5, 2023)
4. “Consenting in Advance to Novation: Risks, Benefits and Pitfalls” (Centre for Comparative and Transnational Law, Chinese University of Hong Kong; Hong Kong; October 28, 2022)

5. “Non-Absolute Contractual Obligations: Endeavours and Discretionary Clauses” (AGC-Legal Service Academy; Singapore; September 27, 2022)
6. “Recent Case Law Developments on the Variation of Contracts” (SMU Law Academy; Singapore; September 23, 2022)
7. “Contract Law in a World of New Technology” (Singapore Judicial College; Singapore; September 21, 2022)
8. “Contractual Variations: Some Recent Developments” (AGC-Legal Service Academy; Singapore; May 26, 2022)
9. “A Comparative Overview and Update of Contract Law in Singapore 2019” (SMU Law Academy; Singapore; October 22, 2019)
10. “A Comparative Overview and Update of Contract Law in Singapore” (SMU Law Academy; Singapore; August 8, 2019)

CONFERENCE CONVENOR AND ORGANISER

Recurring

- Asia-Pacific Private Law Conference series (annual)

2022

- Conference on Sustainable Banking and Financial Regulation in Asia: Principles, Practice and Innovation (August 31, 2022)

2021

- Conference on Sustainable Development and Commerce in ASEAN Cities (November 12, 2021)

2020

- Conference on Global Public-Private Law Approaches to the COVID-19 Pandemic (September 10, 2020)
- Third Asian Private Law Workshop (May 20, 2020)

COURSES TAUGHT

- Business Law
- Contract Law
- Corporate Law

REFEREE WORK

- Routledge (monograph)
- Asia Pacific Law Review

- Erasmus Law Review
- Legal Studies
- Singapore Academy of Law Journal
- Singapore Journal of Legal Studies
- Singapore Law Blog
- Singapore Law Journal

HONOURS & AWARDS

RESEARCH

- Lee Kong Chian Fellowship, SMU, 2021, 2022 and 2023
- D.S. Lee Foundation Fellowship, SMU, 2020

TEACHING

University-level

- Most Promising Teacher Award, SMU, 2022
- Nominee for Most Promising Teacher Award, SMU, 2021
- Nominee for Undergraduate Innovative Teacher Award, SMU, 2020

School-level

- Dean's Teaching Excellence Award, Yong Pung How School of Law, SMU, 2021, 2022 and 2023
- Top LGST Teacher Award, School of Law, SMU, 2020
- Most Promising Teacher Award, School of Law, SMU, 2019

ACADEMIC

- Prize for the Best Student in Criminal Litigation Practice, Part B Bar Examinations, SILE, 2012
- Overall Dean's List, Faculty of Law, NUS, 2012
- Dean's List, Faculty of Law, NUS, 2009, 2010 and 2011
- Law Society of Singapore Book Prize (Best Student in 3rd Year), NUS, 2011
- Lucien Wong Prize (Corporate Finance Law), NUS, 2011
- Peter English Memorial Prize (Criminal Law), NUS, 2009
- First Prize, Legal Essay Writing Competition 2009, Stephenson Harwood and NUS, 2009