

Hoi Jack S'ng

Jack's primary area of practice is banking litigation. He often acts for banks in high value and complicated recovery proceedings as well as defends banks for various causes of action arising from banking operations and transactions. He also represents liquidators and receivers and managers in complex insolvency and restructuring matters.

Additionally, he has experience in civil and commercial litigation covering sectors such as manufacturing, construction, consumer and retail, and media.

Further, he has, over the years, advised and defended corporations and individuals investigated and/or prosecuted for statutory offences under, for instance, the Environmental Quality Act 1974 and the Occupational Safety and Health Act 1994.

He also regularly advises multinational clients on competition and antitrust issues. He has supported clients through investigations by the Malaysia Competition Commission. He has also conducted mock dawn raids and compliance programs.

He takes on many cases concerning professional discipline on a *pro bono* basis for the Malaysian Bar and the Advocates and Solicitors Disciplinary Board.

Jack is a contributor for several practitioner guides including Law and Practice of Construction Law in Malaysia, in which he contributed to the chapter on construction insolvency. He was also seen as a recommended lawyer in **The Legal 500 Asia Pacific 2024** rankings.



E: hjs@lh-ag.com | T: +603 6208 5908 | F: +603 6201 0122

Qualifications

- LLB (Hons), University of the West of England, Bristol
- Called to the Bar of England and Wales (Lincoln's Inn)
- Advocate & Solicitor of the High Court of Malaya

Practice Areas

- Banking & Finance Litigation
- Restructuring & Insolvency
- Civil & Commercial Litigation
- Competition & Antitrust
- Environmental, Social & Governance (ESG)
- Occupational Safety & Health

Notable Transactions

Banking and Litigation

- Acted as junior counsel for a financial institution in defending a claim for damages of RM240 million for breach of contract: MS Smart Recycling Sdn Bhd v RHB Bank Berhad [2011] 1 LNS 100, HC.
- Acted as junior counsel for a financial institution in defending a claim for defamation arising from a dishonoured counterfeit instrument: RHB Bank Berhad v Moon Trading Sdn Bhd [2014] 5 CLJ 443, CA.
- Acted as junior counsel for a financial institution in defending a claim for damages of RM33 million for breach of mandate in honouring forged cheques: Shorubber (M) Sdn Bhd v CIMB Bank Berhad [2016] 2 CLJ 158, HC.
- Acted for a financial institution in defending a claim for malicious prosecution, tort of abuse of process and defamation.
- Acting for a financial institution in defending a claim for forgery, tort of deceit, conspiracy and/or collusion, negligence, and breach of contract.

Restructuring & Insolvency

- Acted as junior counsel for the liquidators of a property developer whose asset was Lot 1 of the JB Waterfront City, a RM6 billion project.
- Acted for the liquidator of a rubber products manufacturer to resolve various issues surrounding the winding-up of the company's subsidiaries and branches located around the world namely USA, UK, Germany, France, Spain, Portugal, Japan and Hong Kong.
- Acting for the liquidators of a company whose lands in central Kuala Lumpur were sold for more than RM500 million, the surplus proceeds from which is now the subject of dispute.

Civil & Commercial Litigation

- Acted as co-counsel for the local subsidiary of a multinational oil and gas company that is listed on the NYSE and Euronext Paris in resisting a winding-up petition presented against it.
- Acted for a convenience store chain operator in successfully defending against a claim for specific performance of a contract and damages, in addition or in lieu of, amounting to approximately RM10 million.
- Acted for a television news network in defending a defamation claim filed by a former Member of Parliament: Manikavasagam Sundaram v Astro Awani Network Sdn Bhd [2020] 1 LNS 1698, HC.
- Acting as co-counsel for a major plantation company in a claim for breach of fiduciary duty and negligence against its former chairman and chief executive officer for loss arising from the acquisition of luxury condominiums.
- Acting as co-counsel for a local subsidiary of an international service provider for information technologies in a claim for breach of contract against its customer.

Competition and Anti-trust

- Advised an international sportswear manufacturer on a membership program and compliance to the Competition Act 2010.
- Conducted a compliance program for a multinational food and beverage company, including conducting mock dawn raid and compliance training.
- Advised a major oil and gas corporation in relation to a competition dispute.
- Advised one of the leading firms in automotive industry on competition issues arising from its distributor agreement in Malaysia

Environment; Occupational Safety & Health

- Acted as co-counsel for the local subsidiary of a multinational food manufacturing company in securing an acquittal for an offence under the Environmental Quality Act 1974.
- Acted for a highway developer in securing a discharge not amounting to acquittal for an offence under the Environmental Quality Act 1974.
- Acted for the local subsidiary of a multinational logistics company in securing a discharge not amounting to acquittal for offences under the Occupational Safety and Health Act 1994.
- Acted for an integrated water supplier charged for an offence under the Occupational Safety and Health Act 1994 in respect of an accidental death case.

Pro Bono

- Acted as co-counsel in defending Dr. Wong Chin Huat, a founding member and steering committee member of Bersih 2.0, in a claim for breach of statutory duty and negligence by the Government of Malaysia, and counterclaiming for damages for wrongful arrest and detention as well as assault: Kerajaan Malaysia v Ambiga Sreenevasan & Ors [2016] 5 MLJ 721, CA.
- Acting as co-counsel in defending the Malaysian Bar and its current President in a claim for defamation by Dato' Zaid Ibrahim and his partners arising from a press statement published in connection with the conduct of the criminal appeals of Datuk Seri Najib Razak.

Publications

- Contributor - Hishamudin Yunus: Celebrating Judicial Independence (2018)
- Contributor - The Malaysian Civil Procedure (2015 to 2021) (Sweet & Maxwell)
- Contributor - Bullen & Leake & Jacob's Malaysian Precedents of Pleadings (2017 & 2020) (Sweet & Maxwell)
- Contributor - Law and Practice of Construction Law in Malaysia (2021) (Sweet & Maxwell)