

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, real estate, 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 as well.

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.



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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 & Finance 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 as counsel for a financial institution in defending a claim for malicious prosecution, tort of abuse of process and defamation.
- Acting as counsel for a financial institution in defending a claim for forgery, tort of deceit, conspiracy and/or collusion, negligence, and breach of contract.

- Acting as counsel for an Islamic financial institution in defending a claim for negligence, tort of emotional distress and tort of harassment.
- Acting as co-counsel for a digital bank in a claim by its former employee for tort of conspiracy to injure, tort of harassment, breach of contract and negligence.

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.
- Acted for the liquidators of a company in a landmark decision restricting the right of a secured creditor in claiming interest against a company in liquidation: [2013] 2 CLJ 893, FC.
- Acted for the liquidators of a company whose lands in central Kuala Lumpur were sold for more than RM500 million, the surplus proceeds from which was the subject of serious dispute: United Overseas Bank Ltd v United Securities Sdn Bhd (In Liquidation) & Ors [2021] 9 CLJ 593, CA.

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: FMC Petroleum Equipment (Malaysia) Sdn Bhd v FMC Wellhead Equipment Sdn Bhd & Anor [2019] 1 LNS 758, HC.
- 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: E-Apaci Sdn Bhd v 7-Eleven Malaysia Sdn Bhd [2022] 1 LNS 1164, HC.
- 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.
- Acted as co-counsel for a major plantation company in a claim for breach of fiduciary duty against its former chairman and chief executive officer for loss arising from the acquisition of luxury condominiums: FGV Holdings Bhd v Mohd Isa Abdul Samad & Anor [2024] 6 CLJ 194, HC.
- Acted as lead counsel for an investment holding company in a claim for breach of fiduciary duty against its former chief executive officer: MARA Corporation Sdn Bhd v Badliyah Abdul Ghani [2024] CLJU 1245, HC.
- Acting as counsel for an international service provider for information technologies in claims for breach of contract against its customers, where the aggregate value of the claims total approx. RM70 million.

Competition & 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.
- Advised a major tobacco company 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 junior counsel for the Bar Council in opposing the appeals of lawyers struck out for their role in managing the trust monies of Orang Asli villagers: *Dinesh Kanavaji Kanawagi & Anor v Ragumaren N Gopal; Majlis Peguam (Intervener)* [2018] 2 CLJ 1, FC.
- 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 2024)* (Sweet & Maxwell)
- Contributor - *Bullen & Leake & Jacob's Malaysian Precedents of Pleadings (2017 to 2023)* (Sweet & Maxwell)
- Contributor - *Law and Practice of Construction Law in Malaysia (2021)* (Sweet & Maxwell)