

## Wong Han Wey

Han Wey, a key member of the Banking & Insolvency Practice Group of the Firm, read law at the University of Leeds. He was called to the Bar of England and Wales in 2017 before being admitted as an advocate and solicitor of the High Court of Malaya in 2018.

With a well-established robust practice focused on complex, high-value debt recovery and lender liability disputes, Han Wey has worked alongside practice head, Senior Partner Kumar Kanagasigam, regularly representing the nation's leading financial institutions on landmark issues concerning Islamic finance, enforcement of securities, guarantees, and indemnities. His experience in dealing with financial disputes spans across a wide range of industries, including agriculture, telecommunications, renewable energy and property development.

Han Wey has appeared before all levels of the Malaysian courts, including the apex court, on diverse matters. He regularly advises clients on a range of insolvency matters including liquidation, receivership, personal insolvency, corporate restructuring and corporate rescue mechanisms. He is a member of the pilot cohort of INSOL Future Leaders Malaysia with INSOL International.

In addition to his primary focus, Han Wey maintains a diverse portfolio of litigation work, representing both private and public corporations on various types of contractual and commercial disputes. His experience also extends to advising and representing government-linked companies and statutory bodies in some of the nation's largest fraud cases and disputes involving fiduciary breaches. This breadth of experience demonstrates his versatility and understanding of complex legal frameworks across both the private and public sectors.

Beyond his practice, Han Wey has contributed to several practitioners' guides such as the *Malaysian Civil Procedure (White Book)* and *Bullen & Leake & Jacob's Malaysian Precedents of Pleadings*. He has co-authored various articles published by the firm's Banking and Insolvency Practice Group.



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### Qualifications

- LLB (Hons), University of Leeds
- Bar Professional Training Course, City University London
- Barrister-at-law (Lincoln's Inn)
- Advocate and Solicitor of the High Court of Malaya

### Practice Areas

- Banking and Financial Services Litigation
- Restructuring and Insolvency
- Civil and Commercial Litigation
- Civil Fraud

### Publications

- Contributor – The Malaysian Civil Procedure (2021 & 2024) (Sweet & Maxwell)
- Contributor – Bullen & Leake & Jacob's Malaysian Precedents of Pleadings (2023) (Sweet & Maxwell)
- Co-author – LHAG Legal Herald (Issue 01|2024) – Companies (Amendment) Act 2024: Key Amendments To Corporate Rescue Mechanisms

## Notable Experience

### Banking & Finance Litigation

- Acting for a development financial institution in respect of a claim for the recovery of a RM400 million facility and defending a counterclaim by the borrower for conspiracy and economic sabotage in excess of USD100 million.
- Acting for a development financial institution in securing a judgment in excess of RM450 million against a personal guarantor in a decision that reaffirmed the law on the liability of personal guarantors.
- Acted for a development financial institution in a successful appeal on the law of indemnity and guarantees, particularly on the impact of variations on a guarantor's obligations.
- Acting for a government-owned financing agency in an action against the borrower, directors, and other third parties to recover monies fraudulently utilised by the borrower.

### Restructuring & Insolvency

- Advising and acting for the liquidator of a solvent public company with surplus assets of RM200 million in respect of various contentious issues arising from the liquidation process.
- Advising and acting for the receivers and managers appointed to recover misappropriated funds exceeding RM30 million by the company's sole director and shareholder.
- Advising and acting for a development financial institution in successfully opposing a judicial management application by a developer of a large-scale mixed development in the heart of Kota Kinabalu.

### Civil & Commercial Litigation

- Advised a government-linked company in connection with the recovery of misappropriated funds totalling over USD4.5 billion by its former directors, management, and other third parties who conspired to launder the funds through the global financial system.
- Advising and acting for a federal statutory body and its investment arm in a claim for conspiracy, breach of fiduciary duty, and dishonest assistance totalling over RM1 billion against their former directors and other third parties relating to a joint venture development project on a prime land in the centre of Kuala Lumpur.
- Acted for a public listed company to successfully set-aside dubious agreements entered into by the former management with third parties for influence peddling.
- Acting for a government-linked company in a claim for recovery of RM6 million against a co-proprietor of 47 acres of land in Pulau Pinang pursuant to an agreement to exchange lands and defending a counterclaim by the co-proprietor for damages exceeding RM330 million.
- Acted for a public listed company in successfully defending an arbitration action for breach of contract in respect of trading of tin metal on the Kuala Lumpur Tin Market.

## Reported cases

- *Ketheeswaran M Kanagaratnam v Bank Pembangunan Malaysia Berhad* [2024] CLJU 1357
- *Asian Broadcasting Network (M) Sdn Bhd v Bank Pembangunan Malaysia Berhad* [2024] CLJU 853
- *Bank Pembangunan Malaysia Berhad v Aries Telecoms (M) Berhad & Ors* [2023] CLJU 2686
- *Abdul Kadir Haji Sheikh Fadzir v Menara Jutamas Sdn Bhd* [2023] CLJU 2736
- *Ong Hock An & Anor v XSPEC Resources Sdn Bhd & Ors* [2023] CLJU 2581
- *XSPEC Resources Sdn Bhd v Zul Azmi Abu Hussin* [2023] CLJU 2581
- *Abd Rahman Soltan & Ors v Federal Land Development Authority & Anor and Other Appeals* [2023] 7 CLJ 705
- *Bank Pembangunan Malaysia Berhad v Ketheeswaran M Kanagaratnam* [2022] 6 CLJ 513
- *Bank Pembangunan Malaysia Berhad v Spring Hill Bioventures Sdn Bhd* [2020] 4 CLJ 15
- *Bank Pembangunan Malaysia Berhad v Pesaka Technologies Sdn Bhd* [2019] CLJU 412