



Dispute Resolution Practice Profile



ganpartnership

Advocates & Solicitors
Arbitrators
Adjudicators
Mediators
Registered Patent Agents
Registered Trade Mark Agents
Registered Industrial Design Agents

A:
D-32-02, Menara Suezcap 1,
KL Gateway,
No. 2, Jalan Kerinchi,
Gerbang Kerinchi Lestari,
59200 Kuala Lumpur, Malaysia.

T:
+603 7931 7060
F:
+603 7931 8063

E:
office@ganlaw.my
W:
<https://www.ganlaw.my>



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About

Gan Partnership is a dispute resolution law firm based in Kuala Lumpur, specialising in dispute resolution and intellectual property. Our partners sit as arbitrators in international and domestic arbitrations. With the practice experience of one of the largest law firms in Malaysia, our partners have seen how the wants and needs of clients can be addressed in a result-driven and cost-effective manner. Our strength and experience in handling complex matters and providing solution-oriented legal services, all in timely fashion, are what set us apart.

Within the first year of the firm's inception in 2011, we were recognised as a key dispute resolution practice by Legal 500. A testament to the expertise and high standards set by counsels that make up our firm.

"Gan Partnership's dispute resolution practice is led by litigator Gan Khong Aik, who handles industrial relations matters for clients such as Exxon Mobil. The practice has also been instructed on disputes related to the PKFZ scandal."

- ----**Legal 500 Asia Pacific, 2012 Publication**

We are further recognised by top international legal directories and independent research houses where the skills and expertise of our teams have been acknowledged by **Legal 500, Chambers and Partners, Who's Who Legal, Benchmark Litigation, Asian Legal Business and World Trademark Review.**

With wide access to a network of eminent international and local technical consultants and experts, the resourceful and multilingual team has all the resources to deliver comprehensive and innovative solutions to our clients - from prominent individuals to listed companies, from startups to multinational Fortune 500 entities.

Philosophy

Integrity is our core value and forms the basis of our legal practice.

We are driven by our Passion for the law, which is the foundation for a civil society.

What sets us apart is our Solution-Driven approach in providing legal services to our clients.

Capabilities

Dispute Resolution

Our litigation partners' expertise spread across most areas of advisory and dispute resolution within and beyond our borders, including:

- Arbitration
- Anti-Bribery & Corruption
- Antitrust & Competition
- Banking & Finance
- Boardroom Risk & Reputation
- Construction, Engineering, Infrastructure & Projects
- Corporate Governance & Compliance
- Corporate Litigation & Risk Management
- Crisis Management
- Employment, Benefits and Incentives & Industrial Relations
- Energy & Resources
- Healthcare & Life Sciences
- Insurance & Reinsurance
- Intellectual Property
- Mediation
- Real Estate
- Regulatory & Compliance
- Restructuring & Insolvency
- Technology, Media & Telecommunications

Corporate and Commercial Practice

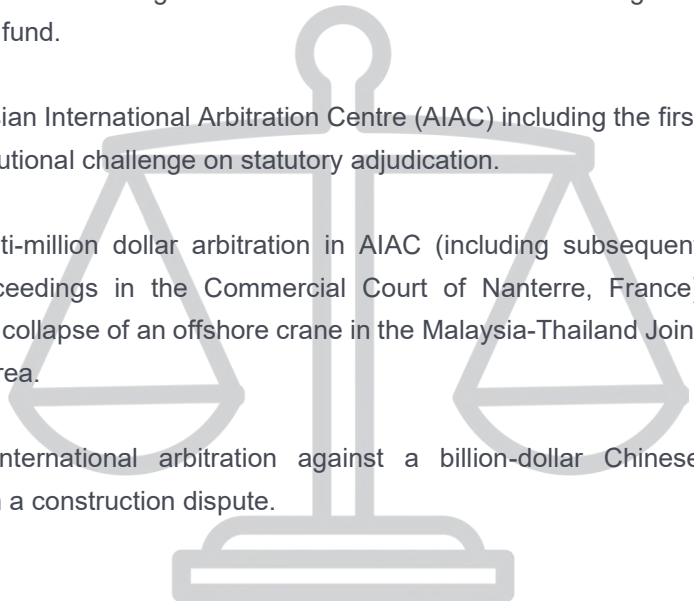
We are actively involved in all manner of commercial transactions, representing individuals, private firms, listed companies, multinational corporations and government-linked corporations. Our services in respect of corporate and commercial matters include:

- Business cooperation & transfer
- Commercial and services arrangement & establishment
- Competition Law
- Corporate restructuring and distress
- Data protection and privacy
- Employment and regulatory compliance
- International trade advice
- Properties transaction and management

Notable Transactions

Arbitration

- Regularly appointed as arbitrator or act as party representative in local and international arbitrations concerning commercial, construction, infrastructure, engineering, and energy disputes.
- Acted as a party representative for a claim concerning a breach of a technical warranty in relation to a Waste Water Treatment Plant for a sum of approximate RM7 million.
- Acted as a party representative for a claim concerning a construction dispute between main contractor and employer for an integrated development in East Malaysia for a principal claim of approximate RM66 million and a principal counterclaim of RM44 million.
- Acted as a party representative for a claim concerning a construction dispute between main contractor and subcontractor for the construction of a university campus for a sum of approximate RM240 million.
- Acted as a party representative for a claim concerning a Power Purchase Agreement in relation to a Power Plant in East Malaysia for a sum of approximate RM102 million and a counterclaim of RM180 million.
- Acted for an international conglomerate in an international arbitration against a foreign equity fund.
- Acted for the Asian International Arbitration Centre (AIAC) including the first reported constitutional challenge on statutory adjudication.
- Acted in a multi-million dollar arbitration in AIAC (including subsequent recovering proceedings in the Commercial Court of Nanterre, France) arising from the collapse of an offshore crane in the Malaysia-Thailand Joint Development Area.
- Acted in an international arbitration against a billion-dollar Chinese conglomerate in a construction dispute.



- Appeared before the apex court in a challenge against an arbitration award concerning novel constitutional and jurisdictional issues.
- Appeared before the apex court on significant legal points concerning limitation periods in arbitration.
- Appeared before the apex court to set aside a multi-million dollar arbitration award involving key questions on Arbitration Act 2005.

Corporate Litigation and Risk Management

- Frequently acts in corporate and commercial disputes and highly experienced in disputes concerning directors, shareholders and governance.
- Acted as a co-counsel before the apex court for the breach of a charter party agreement claiming for damages in the sum of approximately USD3.1 million.
- Acted as a lead counsel for a company in health food industry before the apex court in a matter concerning the exercise of the right of option to sell its shares pursuant to the joint venture agreement.
- Acted as a lead counsel in a highly publicised dispute involving Chinese Educationist in Malaysia over a shareholder oppression claim.
- Acted as a lead counsel in disputes involving renowned properties construction developers in Malaysia where one of the suits was against a state government for damages over RM25 million.
- Acted as one of the lead counsels in an appeal where the Court of Appeal decided over the power of liquidator vis-à-vis the power of minority shareholder for the first time and the subsequent leave application to the apex court was dismissed.
- Acted for a company in a suit to recover a sum of RM8.61 million against its director for breach of fiduciary duty and duty of fidelity.

- Acted in a matter concerning re-assessment of damages of a land worth more than RM12 million before the Court of Appeal.
- Acted in a RM1.3 billion dispute over a corporate sale deal which spans between Malaysia and Singapore.
- Acted in an action arising from a deadlock in a family-run company which tested the new company law regime.
- Acted in an action concerning a breach of contract arising from the damage to a gas turbine at a co-generation plant.
- Acted in multiple actions arising from the complex disputes between directors and shareholders of a company operating in the nature of a quasi-partnership.
- Advised and acted for a director in a dispute arose from the sale of a company which involved a claim sum in excess of RM640 million.

Employment, Benefits and Incentives & Industrial Relations

- Acted for a government-linked telecommunication enterprise in defending a claim by an employee who was on a fixed-term renewable contract for termination without just cause or excuse.
- Acted for an international-based banking institution in defending a claim by a former employee for forced resignation.
- Acted for an international-based manufacturing enterprise on unjust dismissal claim involving a retrenchment exercise arising from employment and operational restructuring.
- Acted for an oil dan gas multinational company in a judicial review proceeding before the High Court relating to the Minister's reference for unjust dismissal claim.
- Acted for tertiary educational group of companies in defending an unfair dismissal claim lodged by its former employee involving issue pertaining to conflict of interest.

- Advised group of companies in hospitality and entertainment industry relating to their employment issues.
- Advised on the employee's code of conduct in light of the newly enforced corporate corruption liability.

Engineering, Construction and Energy

- Acts for stakeholders in the construction industry in a broad spectrum of litigation matters in Malaysian courts, in arbitration and adjudication.
- Acted for a subcontractor in a construction claim in the oil and gas sector against the main contractor for a claim of about RM40 million.
- Acted for the developer to challenge the claims made by the contractor for earthworks and pavement works carried out by the latter, in two separate adjudications for sums in the region of RM36 million and RM9 million respectively.
- Acted for the developer to defend a claim brought by a piling contractor under the Construction Industry Payment and Adjudication Act 2012 (CIPAA) for a sum exceeding RM70 million.
- Acted in a series of disputes arising from a bridge collapse in Malaysia involving leading engineering experts from Europe and Asia.
- Acted in a state commission inquiry for a highly publicised hill slope failure.
- Acted in the Federal Court and the Court of Appeal in a dispute involving the interplay between insolvency laws and a direct payment provision of the CIPAA, resulting in a landmark decision in the construction dispute resolution industry.
- Advising the contractor in respect of a multi-billion ringgit railway project traversing Johor Bahru, Malaysia to Singapore
- Acted in the oft-cited landmark decision of the apex court on jurisdictional issues concerning CIPAA.

Insurance and Reinsurance

- Advises and acts for Insurers and Reinsurers in a wide range of issues relating to insurance policy, claims and disputes.
- Advised and acted for Insurers and Reinsurers in a RM125 million Machinery Breakdown/Loss of Profit claim arising from an aluminium smelter incident.
- Advised and acted for Insurers in a reinsurance claim on a Civil Engineering Completed Risks Insurance Policy over a collapse of folded plate retaining wall.
- Advised and acted for Insurers in a reinsurance claim over RM22 million involving fraudulent cheque payment by a bank.
- Advised and acted for Insurers in a RM16 million recovery arising from a slippage incident at a port.
- Advised and acted for Insurers in an occupier liability claim in respect of a high-profile escalator incident happened at a renowned shopping mall in Malaysia.
- Advised and acted for Insurers in respect of a RM20 million recovery arising from a hotel fire.
- Advised Insurers on coverage and defence in a RM12.5 million Directors & Officers liability claim initiated by a listed company against its former directors.



Partners

Gan Khong Aik *FCIArb*E:
khongaik@ganlaw.myM:
+60 12 297 1380

Gan Khong Aik is a dispute resolution partner with over 25 years' counsel experience before all levels of Malaysian courts. He is a Fellow of the Chartered Institute of Arbitrators (CIArb), United Kingdom, who sits on the panel of arbitrators of the Asian International Arbitration Centre and in various Chinese arbitration institutes which include international arbitration court. He is also a mediator with the Malaysian Mediation Centre and the Asian International Arbitration Centre.

Khong Aik's extensive practice experience includes corporate and commercial, insolvency and liquidation, land and property, anti-bribery and corruption, insurance and reinsurance claims, and employment and industrial relations disputes. He often represents directors, shareholders and companies in a wide range of high-value corporate disputes including reputational claim. His commercially practical and legally sound approach coupled with his responsiveness and humble personality made him an all-round counsel.

Khong Aik's notable matters include a landmark apex court decision which led to the significant developments in the arbitration landscape. Building on his wealth of knowledge and experience in corporate disputes, he advises companies on corporate governance and corporate liabilities.

Khong Aik has been recommended for his depth of legal knowledge and troubleshooting skill complemented by a meticulous and solution driven approach in managing the dispute strategy. Asia Business Law Journal listed Khong Aik as one of Malaysia's Top 100 Lawyers in 2021 and 2022, and recognised his practice in arbitration & ADR, Corporate Governance, Insurance & Reinsurance, Labour & Employment and Litigation. The Legal 500 Asia Pacific 2021 noted "*Mr Gan Khong Aik is a vastly experienced litigation lawyer who is meticulous, thorough and possesses troubleshooting skills.*" Khong Aik was listed as a Litigation Star in Commercial and Transactions, Dispute Resolution, and Labour and Employment by Benchmark Litigation.

Khong Aik has penned a book chapter on International Arbitration and articles on various emerging areas of law. His recent publications include a book titled "Manoeuvring Corporate Governance in Malaysia: Litigation Perspectives" and "Law and Practice of Employment Law in Malaysia". He is recently appointed as International Organisations Liaison Officer of the International Commerce and Distribution Committee, International Bar Association.


Foo Joon Liang *FCI Arb, FSI Arb, FHKI Arb*

E: joonliang@ganlaw.my M: +60 12 681 8512

Foo Joon Liang was called to the Malaysian Bar in 2000. He is a partner of Gan Partnership, a firm he co-founded in 2011. He is a Fellow of the Chartered Institute of Arbitrators (CI Arb), United Kingdom, Singapore Institute of Arbitrators (SI Arb), and Hong Kong Institute of Arbitrators (HKI Arb).

Joon Liang is the Chairman of the Malaysian Branch of CI Arb. He sits on the panel of arbitrators and adjudicators of the Asian International Arbitration Centre (AIAC), and is one of the first 10 Malaysian appointees to the panel of arbitrators of the Hainan International Arbitration Court. He also sits on the Securities Industry Dispute Resolution Center (SIDREC)'s Panel of Mediators and Adjudicators. He is part of the ICC Malaysia Arbitration Committee.

Joon Liang is listed as a *Future Leader in Construction* by Who's Who Legal (WWL) and ranked as a *Future Star in Construction, Dispute Resolution and International Arbitration* by Benchmark Litigation. WWL noted "Foo Joon Liang has impressive experience in high-value construction disputes across litigation and arbitration proceedings." He is also recommended by the Legal 500 Asia Pacific for Real Estate and Construction.

Joon Liang has spent the past 20 years building upon an active dispute resolution practice in arbitration, litigation and more recently in adjudication. He regularly appears as counsel in arbitration as well as at all levels of the Malaysian courts. He has advised and acted in a broad spectrum of disputes, from engineering, construction, power, contract, securities, to company and shareholder disputes.

In the past several years, Joon Liang has been focusing on construction disputes which involved engineering related incidents. Among the high-profile cases he handled were the highly publicised failure of a hill slope in Penang and a bridge collapse in the Klang Valley. He has acted in some of the leading cases in construction adjudication, including the first Construction Industry Payment & Adjudication Act 2012 (CIPAA) where the matter was heard at the Federal Court and the landmark case of *KL Eco City Sdn Bhd v Tuck Sin Engineering & Construction Sdn Bhd & Anor*.

Joon Liang often speaks at conferences and trains with the Malaysian Bar's advocacy training programme. He has authored several publications in Arbitration and Dispute Resolution. He is among the contributors to the book titled "*Law and Practice of Construction Law in Malaysia*" published by Sweet and Maxwell as well as one of the co-authors of the book titled "*Manoeuvring Corporate Governance in Malaysia: Litigation Perspectives*" published by Lexis Nexis Malaysia.

Tan Min Lee *FCIArb*E:
minlee@ganlaw.myM:
+60 12 912 7015

Min Lee focuses her practice on dispute resolution, particularly civil litigation, commercial litigation and arbitration in commercial and construction disputes.

Having represented various stakeholders in a wide range of construction related disputes, Min Lee is very adept at dealing with issues arising from the construction industry and advising on the commercial aspects of real estate development projects. Her capabilities in these areas are recommended by the Legal 500 Asia Pacific 2022 where she is recognized as “Next Generation Partner” in the Real Estate and Construction category.

An adjudicator certified by and impanelled with the Asian International Arbitration Centre (AIAC), Min Lee is recognised for her skills and experience in resolving disputes under the Construction Industry Payment & Adjudication Act 2012 (CIPAA) since its enforcement in April 2014. She acted for the main contractor in one of the first few adjudications commenced under CIPAA which became the first contested matter decided in the apex court.

Min Lee also has extensive experience in banking and finance disputes with an emphasis in assets and debts recovery. She advises and acts for leading financial institutions, from pre-litigation to enforcement and execution. She was, among others, involved in a complex matter commenced in Court, representing one of the leading financial institutions against a public listed company along with its subsidiaries for the recovery of debt exceeding RM180 million, made pursuant to multiple facility agreements, security documents and guarantees.

Min Lee reviews corporate documents, including tenancy/lease agreements, joint venture agreements and share sale agreements. She is solution-oriented when advising her clients and plays an instrumental role in achieving their desired commercial results. She advises one of the largest providers of flexible workspaces in Malaysia in respect of tenancy related issues. Her wealth of dispute resolution experience has made Min Lee a good representative for negotiations with landlords.

Min Lee consistently writes Litigation Newsletter for International Law Office. She co-authors the book titled “*Manoeuvring Corporate Governance in Malaysia: Litigation Perspectives*”, published by Lexis Nexis Malaysia in March 2021.

Min Lee obtained her Bachelor of Laws degree (Hons) from the University of Malaya and was admitted as an Advocate and Solicitor of the High Court of Malaya. She is also a Fellow of the Chartered Institute of Arbitrators, United Kingdom.

**Kang Mei Yee** *FCIArb (On Sabbatical)*E:
meiyee@ganlaw.myM:
+60 17 579 2280

Mei Yee is active in corporate, civil and construction dispute resolution. She appears and assists in proceedings before the courts of Malaysia and in arbitration.

She focuses on handling boardroom and shareholder disputes. She has experience in litigating actions on behalf of companies, shareholders and directors in various types of corporate disputes, including derivative proceedings, minority oppression suits, breach of directors' duties, breach of shareholders' agreements and joint venture disputes. As corporate disputes are often complex and prolonged, she ensures that the clients are properly guided throughout the litigation process.

Aside from corporate disputes, Mei Yee also handles contractual and investment disputes. She acts for both investors and financial advisors in disputes relating to various types of investment arrangements. Her experience includes defending financial advisors in professional negligence suits.

Mei Yee also manages, in both litigation and arbitration, contractual and construction disputes for various industry players, including the engineering, procurement and construction industries. Notably, she formed part of the defence team of an arbitral institution in an action which challenges the constitutionality of the adjudication regime in Malaysia.

She is also well-versed in industrial relations practices and regulatory compliance. Her clients include multinational oil and gas corporations, banking institutions, private companies and associations.

Mei Yee is a Fellow of the Chartered Institute of Arbitrators (CIArb), United Kingdom. She holds a Diploma in International Arbitration by the Chartered Institute of Arbitrators (CIArb), United Kingdom. She has co-authored the Malaysian chapter on International Arbitration in Global Legal Insights 2020. She is also an active contributing author to the publications by International Law Office (ILO). She is proficient in Mandarin and works closely with our clients in their collaborations with business partners based in Mandarin-speaking jurisdictions.

Lee Xin Div *FCIArb*

E:
xindiv@ganlaw.my

M:
+60 18 233 0068



Xin Div is a dispute resolution and litigation lawyer who appears in all tiers of the Malaysian courts and the Asian International Arbitration Centre.

His practice covers a variety of corporate, commercial and contractual disputes with a focus on boardroom risk and reputation, corporate governance and compliance as well as restructuring and insolvency. He has experience in disputes arising from mergers and acquisitions, as well as in law suits involving professionals such as architects and lawyers.

Xin Div works closely with senior counsel in complex boardroom tussles and high-value disputes in infrastructure and development projects. He was part of the team in a recent landmark decision involving a statutory direct payment remedy which ensures the financing of on-going construction projects in Malaysia. He is currently also involved in jurisdictional disputes between courts in East and West Malaysia over a Kuala Lumpur-seated arbitration.

As an aspiring young litigator, Xin Div has also taken on patent infringement and invalidation disputes. He works with our dispute resolution partner, a leading intellectual property dispute counsel, on these matters.

To date, Xin Div has acted for and advised major entities in several sectors including banking, insurance, construction, energy, timber, mining and telecommunication.

Xin Div graduated with a Bachelor of Laws (2nd Class Upper Honours) from the University of Adelaide in the top 15%. He then completed his Certificate in Legal Practice and admitted as an Advocate and Solicitor of the High Court of Malaya. He recently obtained his Executive Certificate in Islamic Finance issued by the INCEIF (set up by Bank Negara Malaysia).

Eri Fu Swee TheengE:
eri.fu@ganlaw.myM:
+60 14 516 9516

Eri Fu focuses on dispute resolution in her practice at Gan Partnership. She represents and advises multinational companies and leading Malaysian corporations on pre-litigation matters and appears as a counsel before all levels of Malaysian courts.

Eri is highly skilled in litigation relating to infrastructure and constructions. She acts for consultants, contractors, developers and employers in various disputes, ranging from real estate development projects to construction of hydroelectric power plant.

Eri takes the role of a lead counsel in adjudication proceedings initiated under the Construction Industry Payment and Adjudication Act 2012. Her notable representations include acting for developers and contractors in adjudication proceedings with claim sums exceeding RM50million.

Outside of courtroom, she reviews and drafts project documentation for million-dollar construction in Malaysia for local and foreign-owned companies. Her multilingual ability makes her an all-round lawyer for cross-border engagements.

Eri renders advice on human resources management and industrial relations practices. Her works in this area cover appointment of independent contractors, employment of fixed term employees, management of disciplinary and termination procedures.

Eri graduated with a Bachelor of Laws (Hons.) from the National University of Malaysia and was admitted as an Advocate and Solicitor of the High Court of Malaya. She was a recipient of Yayasan Tun Abdul Hamid Law Bursary Award and was awarded full scholarship by Wah Seong Corporation Berhad.

Lee Sze Ching, Ashley

E: szeching@ganlaw.my M: +60 17 543 2448



Ashley often acts and appears before all levels of Malaysian courts in the areas of corporate and commercial disputes, land and property disputes, employment and industrial relations actions as well as insurance and reinsurance claims.

Having represented corporations and employers in various sectors, Ashley is highly skilled in employment and industrial relations matters. Her exceptional performance as a young practitioner has won her tremendous compliments and praises, where the Legal 500 described her as *“meticulous”*, *“plan ahead and provide sufficient and appropriate guidance”*, *“smart solicitors with great grasp of how to balance business and legal concern”*, *“advice is always on point”*, *“responsive”*, *“knowledgeable on employment law and are able to provide clear and accurate advice”*, and *“very efficient”*.

Ashley’s works include review and drafting of employment contract and employment handbook, providing advice on disciplinary actions, advising on termination of employment on different grounds including retrenchment and misconducts, advising on recognition of trade unions and collective agreement, and representing employers and senior employees in courts. Ashley has also co-authored a chapter in an employment textbook on strikes and picketing.

Ashley also advises commercial entities and corporations on corporate liabilities since the introduction of section 17A of the Malaysian Anti-Corruption Commission Act 2009 in June 2020, including drafting and reviewing the anti-bribery and anti-corruption policy for the companies. She has co-authored a series of articles and contributed substantially to a book chapter discussing corporate liabilities relating to bribery.

Ashley’s practice covers a variety of corporate, commercial, and contractual disputes. To date, she has acted for and advised major entities in different sectors including banking, insurance, construction, telecommunication, and education, as well as professionals such as architects.

Ashley read law at the University of Adelaide, Australia under the Public Service Department scholarships awarded by the Government of Malaysia. She completed the Certificate in Legal Practice (CLP) examination and obtained second class upper. She was also the Book Prize recipient for Criminal Procedure in CLP. She was then admitted as an Advocate and Solicitor of the High Court of Malaya.



Connect With Us

We invite clients to our client education events including webinars and dialogue sessions where our partners will share their insights in respect of the latest legal developments and emerging legal issues.

Our partners also write and share legal updates with our clients on various latest legislative and judicial developments.

A:
D-32-02, Menara Suezcap 1, KL Gateway,
No. 2, Jalan Kerinchi, Gerbang Kerinchi Lestari,
59200 Kuala Lumpur, Malaysia.

T:
+603 7931 7060

F:
+603 7931 8063

E:
office@ganlaw.my

W:
<https://www.ganlaw.my>



