

KWONG CHIEW EE

kwong.chiewee@rahmatlim.com

+6012 268 0908

Kuala Lumpur, Malaysia

Bachelor of Laws (Hons), University of London

Master of Laws, London School of Economics and Political Science

Advocate & Solicitor, High Court of Malaya

PROFESSIONAL BACKGROUND

Current Position

- **Partner**, Rahmat Lim & Partners

Professional Affiliations

- **Advocate & Solicitor**, High Court of Malaya (2012 – now)
- **Fellow**, Chartered Institute of Arbitrators (2020 – now)
- **Panel Adjudicator**, Asian International Arbitration Centre (2023 – now)
- **Panel Arbitrator**, Thailand International Arbitration Centre (2022 – now)
- **National Rapporteur for Climate Change Litigation**, Sabin Center for Climate Change Law at Columbia University, New York (2022 – now)

SELECTED EXPERIENCE IN RESTRUCTURING & INSOLVENCY

- Advised an aircraft engine lessor in relation to its MYR4.31 billion claims as an unsecured scheme creditor in the AirAsia X Berhad scheme of arrangement (Airasia X Bhd v BOC Aviation Ltd & Ors – [2021] 10 MLJ 942)
- Assisted in preparation of the opinion of the expert witness on Malaysian law on behalf of Malaysia Airlines in its application for scheme of arrangement under Part 26 of the English Companies Act 2006. The expert evidence (which was adopted by the English High Court in Re MAB Leasing [2021] EWHC 379 (Ch) covers issues of cross-border scheme of arrangement under Malaysian law
- Acted for the largest unsecured creditor in opposing the KNM Group restructuring scheme. The case is notable as it is the first known case where the Malaysian High Court approves the appointment of approved liquidator of the scheme creditors' choice to assess the viability of the proposed scheme under section 367(1) of the Companies Act 2016
- Acted for ARRIS Solutions, Inc, a US-based telecommunications equipment company in opposing an application for scheme of arrangement involving the
- Asian Broadcasting Network (M) Sdn Bhd, with value of debts of the client in excess of MYR48 million. The matter involved question of recognition of the Malaysian moratorium order in Singapore (ARRIS Solutions Inc & 2 Others v. Asian Broadcasting Network (M) Sdn Bhd [2017] SGHC(I) 01)
- Acted for the Sapura Energy Group in the schemes of arrangement involving the group and its subsidiaries in one of the largest debt restructuring schemes in Malaysia with value of debts in excess of USD2.5 billion. This case is also notable as it raised novel

questions pertaining to cross-border schemes of arrangements in Malaysia, where we successfully obtained a convening and restraining orders for the foreign subsidiaries of the group and obtained recognition of the orders in other jurisdictions (*Sapura Energy Bhd & Ors v Martin Bencher (Malaysia) Sdn Bhd* [2024] MLJU 65).

- Acted for the petitioners in the winding up petitions and applications for appointment of joint and several interim liquidators over the Fusionex group of companies, which are companies owned by Hitachi, Ltd (Japan) due to mismanagement of the companies. The insolvency proceedings include proceedings commenced in other jurisdictions to wind up the subsidiaries within the group, including in Singapore (*Re Fusionex Pte Ltd* [2024] SGHC 51)
- Acting for and advising the creditors-nominated liquidators of the Serba Dinamik group of companies, one of the largest oil and gas service and equipment companies in Malaysia with assets overseas
- Acting for and advising the creditors-nominated liquidators of London Biscuits Berhad, the largest domestic confectionery manufacturer in Malaysia
- Acted for Scomi Energy Services Berhad and its 3 subsidiaries in obtaining a judicial management order for the purpose of rehabilitating the group and restructuring its debts
- Acted for the Malaysian subsidiary of a Dutch maritime company in opposing the application for appointment of a judicial manager made by a mortgagee that had created a ship mortgage in favour of the client to secure debts in the amount of approximately RM24 million

AWARDS & RECOGNITION

- **ALB Southeast Asia Awards 2023** – Finalist for Young Lawyer of the Year
- **ALB Malaysia Law Awards 2023** – Finalist for Young Lawyer of the Year
- **Asian Legal Business' Asia 40 under 40 (2022)** - list of Asia's top 40 lawyers under the age of 40
- **Asian Legal Business Malaysian Rising Stars 2022** – The list featured top 35 Malaysian lawyers under the age of 40

EDUCATION BACKGROUND

- **Master of Laws**, London School of Economics and Political Science
- **Bachelor of Laws (Hons)**, University of London
- **Winter Course on International Law**, The Hague Academy on International Law
- **ASEAN Law Academy Advanced Programme**, National University of Singapore

SELECTED PUBLICATIONS

- Halsbury's Law of Malaysia: Conflict of Laws (LexisNexis, 2024)
- Commercial Conflict of Laws in Malaysia (Sweet & Maxwell, 2022)
- The Asset Tracing and Recovery Review - Malaysian Chapter (2020), *The Law Reviews*
- Standard of Fault for Recipient and Accessory Liability (2019) *JMCL* Vol 46 Issue I
- Proprietary Remedy in Unjust Enrichment [2018] 4 *MLJ* lxx