



Co-Managing Partner | Advocate & Solicitor (High Court of Malaya)

**Chuck Siew Ka Wai**

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#### **QUALIFICATIONS**

Advocate and Solicitor, High Court of Malaya

University of Liverpool, LL.B.

#### **EMPANELMENTS**

Accredited Mediator, Malaysian International Mediation Centre

#### **MEMBERSHIPS**

Member, Malaysian Bar

Member, Society of Construction Law Malaysia

Chuck is one of the Founding Partners of Tan, Siew & Lee (TSL Legal). Prior to setting up TSL Legal, he worked at two top-tier law firms in Malaysia. He has advised and represented clients in arbitrations conducted in accordance with various institutional rules such as ICC, AIAC, SIAC, IEM, PAM and GAFTA and ad hoc arbitrations.

Chuck's primary area of practice is in commercial dispute resolution with a focus on complex disputes relating to construction & engineering, oil & gas and infrastructure projects. He regularly advises clients on adjudication proceedings commenced pursuant to the Construction Industry Payment & Adjudication Act 2012 (CIPAA) as well as claims brought under arbitration and the Malaysian courts, among other things. He also advises clients in relation to drafting and negotiation of construction & engineering related agreements.

He also advises clients on international trade and trade remedies matters, including anti-dumping investigations, regulatory proceedings and related judicial review actions.

Chuck also acts for private individuals and corporations in complex civil and commercial disputes, matters concerning civil fraud and breach of fiduciary duties by senior management and directors, shareholder's disputes, and criminal defence for white collar crime offences. He also regularly represents and advises ship owners, P&I Club, and charterers on the arrest and release of vessels, shipbuilding / repair, collisions, constitution of limitation funds, and enforcement of maritime claims.

## WORK HIGHLIGHTS

### TRADE REMEDIES

- Represented one of Malaysia's leading cold-rolled coil (CRC) manufacturers, alongside Mexico's legal representatives, Uruchurtu y Abogados Consultores, in connection with resisting an anti-dumping exporters' investigation in Mexico.
- Acting for leading Malaysian steel manufacturers in preparing and filing anti-dumping petitions with the Ministry of Investment, Trade and Industry (MITI) against imports of cold-rolled steel products from China, involving complex analysis of pricing, cost structures and injury to domestic industry.
- Acting in a landmark judicial review on behalf of Malaysian steel producers challenging the rejection of an anti-dumping petition, involving key issues under the Countervailing and Anti-Dumping Duties Act 1993, including the interpretation of "subject merchandise", "like product" and anti-circumvention measures.
- Advising and representing Malaysian exporters in cross-border anti-dumping investigations, including proceedings before Mexico's International Commercial Practices Unit (UPCI) in relation to cold-rolled steel imports from Malaysia, the United States and China.
- Advising domestic manufacturers on anti-dumping actions concerning imports of welded pipes and tubes from China, including strategy, regulatory engagement and preparation of petitions.

### CONSTRUCTION & ENGINEERING

- Advised on the development and construction of tank farms 1 to 6, jetties 1 to 3, associated buildings, utilities infrastructure and a land bridge at the reclaimed island off Tanjung Bin, Johor, Malaysia, formerly known as Johor Petroleum Island or Pulau Petroliam Johor, for a landmark project valued at approximately US\$600 million. The development forms part of a major petroleum and energy infrastructure initiative in the region.
- Acted for an Italian Sub-contractor-based company in Malaysia on disputes concerning the Merdeka 118 Tower, which once completed will be the second tallest building in the world after the Burj Khalifa, including:
  - (i) Acted in arbitration proceedings. The disputed amount exceeds the sum of RM300 million.
  - (ii) Successfully resisted a Fortuna Injunction against the Contractor.
  - (iii) Successfully obtained an injunction against the Contractor to restrain the call on the Performance Bond of RM15 million.
  - (iv) Successfully secured an adjudication decision in adjudication proceedings. The disputed amount exceeds the sum of RM80 million.
- Acted for a sub-contractor in arbitration proceedings against the appointing contractor in relation to a work package for the Rapid Steam Cracker Complex (SCC) Project in Johor. The total amount in dispute exceeds the sum of RM260 million.

- Advised an oil & gas company (operator of the PM8 oil and gas block as well as the Seligi oil field) in an arbitration proceedings relating to EMEPMI Painting Works. The disputed amount exceeds the sum of RM80 million.
- Successfully acted for an electrical power technology contractor in obtaining an injunction in respect to a demand made on a Performance Bond of RM15.9 million.
- Advised a major oil & gas, marine company relating to a potential claim by Sarawak Energy in relation to the construction of the Bakun Hydroelectric Plant.
- Advised a government linked company in relation to a dispute by the purchasers concerning claims for losses and damages arising out of alleged defects in the property.
- Acted for a sub-contractor relating to the construction of a commercial property in Kota Kinabalu, Sabah in arbitration proceedings.
- Advised on various standard form of construction contracts in major projects, including reviewing various standard terms agreements such as:
  - (i) Public Works Department (Jabatan Kerja Raya) – JKR;
  - (ii) Malaysian Institute of Architects (Pertubuhan Arkitek Malaysia) – PAM;
  - (iii) Construction Industry Development Board (Lembaga Pembangunan Industri Pembinaan) – CIDB;
  - (iv) Institute of Engineers Malaysia - IEM; and
  - (v) International Federation of Consulting Engineers – FIDIC.

#### **CIVIL AND COMMERCIAL LITIGATION**

- Acted for a government linked company in litigation proceedings against former directors and officers in respect of their role and involvement in hydropower, oil and gas, and ship building projects in Malaysia and the Middle East where the total amount in dispute exceeds RM390 million.
- Advised a group of minority shareholders involving minority oppression of the transfer of ownership of the company's intellectual property rights of a technology application / platform worth US\$ 130 million.
- Advised a Madagascar company in relation to a breach of confidentiality and directors' obligations.
- Advised an individual against a company in relation to one of the biggest ponzi scheme.
- Advised a logistic company involving claims of fraud, misrepresentation, and unlawful means conspiracy in relation to a rental of equipment on a Vessel.

#### **SHIPPING & MARITIME**

- Acted for the owners of the Oriental Dragon vessel in proceedings against Asia Capital Commodities Trade Sdn Bhd in Worldport v ACC. Successfully obtained leave from the Federal Court to appeal

on several novel and complex questions of law concerning admiralty jurisdiction in Malaysia in relation to a financial claim arising from alleged casino-related liabilities.

- Advised a Singaporean company involving a breach of commodity of supply and delivery of 1000 metric tonnes of broken Thuka Rice under the Grain and Fee Trade Association (“GAFTA”) Arbitration Rules.
- Advised in ship arrests and setting aside orders for ship arrests in connection with various maritime claims.
- Advised shipowners in shipping-related insolvency matters and the interplay between arbitration and winding up.
- Advised shipowners in relation to the constitution of limitation fund.

#### **WHITE COLLAR CRIME**

- Advised directors of public listed companies in relation to the disclosure of consolidated financial statements against regulatory bodies.

#### **PUBLICATIONS / EDITORIAL CONTRIBUTIONS**

- Contributor of the Chambers Construction Law 2023, Malaysia Global Practice Guide.
- Contributor of the Malaysian Civil Procedure (White Book), 2024.