

PROFILE



Partner

Dispute Resolution
Transportation

Shearn Delamore & Co., Kuala Lumpur, Malaysia

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Qualifications

LL. B (Hons), University of London

Certificate in Legal Practice

Advocate & Solicitor, High Court of Malaya

Languages

English, Malay, Chinese

**WAI FONG
LAI**

ABOUT WAI FONG

Wai Fong has rich experience in corporate and commercial disputes, insurance disputes, tort, aviation disputes and land litigation. She appears regularly in the High Court, Court of Appeal and Federal Court as Counsel for trials and appeals and is involved regularly in some complex and high profile matters.

Wai Fong graduated with a Bachelor's degree in Law (LL.B) from University of London in 1998 and obtained a Second Class Upper Honours. She was awarded the Book Prize for Constitutional Law and for outstanding performance. She completed the Certificate of Legal Practice (CLP) in 1999 and was awarded the Book Prize for the Law of Evidence.

She was admitted to the Malaysian Bar in 2000 as an Advocate & Solicitor. She has been a Partner of the Firm since 2010.

She has been an Advocacy Trainer since 2016. She is a member of the Advocacy Training Committee of the Malaysian Bar.

EXPERIENCE

She has been involved in some complex and high profile matters.

- **Landmark Federal Court decision in JW Properties Sdn Bhd v Pentadbir Tanah Daerah Kuala Selangor**

Acted as lead Counsel in a landmark Federal Court decision on the question of law of whether Section 29 of the Land Acquisition (Amendment) Act 2016, which reduced the rate of late payment charges, has

retrospective effect. This decision will likely impact all land reference proceedings where the Land Administrator had taken possession of the acquired lands prior to the amending Act coming into force on 1st December 2017.

- **Judicial review arising from compulsory acquisition of land for the development of the Muar Timber Industrial Park**

Represented Johor Corporation, the state investment arm of the Johor State Government, in respect of an exercise to facilitate the development of the Muar Timber Industrial Park and relocation of the furniture industry, an industry which contributed to the overall export value for the Malaysian furniture industry to the tune of about RM7billion at the time of litigation.

- **Landmark aviation decision in All Nippon Airways Co Ltd v Tokai Marine & Trading**

This is the first judgment of the Malaysian Court of Appeal, sitting as an apex court, which affirmed the application of the Warsaw Convention in the Malaysian landscape for the first time. This remain the only reported judgment of an apex Court on the effect of the Warsaw Convention in the Malaysian context.

- **MH370 and MH17 litigation against Malaysia Airlines**

Acted for the Administrator of Malaysia Airlines in respect of certain claims arising from the MH370 incident and claims filed by the crew of Malaysia Airlines arising from the MH17 incident respectively.

- **First Islamic bond litigation involving Pesaka Astana (M) Sdn Bhd**

This is the first leading Islamic bond litigation in Malaysia involving various transaction players, which litigation entailed interpretation and application of various securities legislation, including the Securities Commission Act 1993 and the Capital Markets and Services Act 2007. The dispute involved the issuance of the '*Al-Bai Bithaman Ajil*' bonds for the sum of RM140 million.

- **Judicial Review arising from the compulsory acquisition of the Ampang Park Shopping Centre**

She was involved in the Judicial Review arising from the compulsory acquisition of the Ampang Park Shopping Centre for the purpose of the development of the Klang Valley Mass Rapid Transit Project (the MRT Project) in respect of the Sungai Buloh-Serdang-Putrajaya Line (MRT Line 2). The proposed Ampang Park station was intended to facilitate the inter connectivity and integration between the MRT Line 2 and the Kelana Jaya LRT Line. As the Ampang Park Shopping Centre is considered an iconic landmark in the heart of the city of Kuala Lumpur, the compulsory acquisition of the Shopping Centre generated wide publicity.

- **Arbitration involving a groundwater resources development project**

She acted as lead Counsel for a government linked conglomerate in pursuing a substantial and complex arbitration claim arising from a groundwater resources development project for certain states in Peninsula Malaysia.

ACCOLADES

- **Who's Who Legal (2023)**
"National Leader" in Commercial Litigation

APPOINTMENTS/MEMBERSHIPS

- Member, Malaysian Bar
- Member, Advocacy Training Committee of the Malaysian Bar
- Member, Corporate and Commercial Law Committee of the Malaysian Bar
- Member, Inter-Pacific Bar Association (IPBA)
- Member, Aviation and Aerospace Committee of the IPBA
- Member, International Bar Association (IBA)

PUBLICATIONS

- Wai Fong is the author of the Malaysian chapter on Lexology Getting The Deal Through - Air Transport 2020
- Wai Fong is one of the authors on LexisNexis Practical Guidance
- Wai Fong co-authored the *Doing Business 2020 Report* in respect of the Malaysian Chapter published by The World Bank Group
- Wai Fong co-authored the *Doing Business 2019 Report* in respect of the Malaysian Chapter published by The World Bank Group