



LEGALINK
INTERNATIONAL BUT PERSONAL

THE INTERVIEWS
SERIES

#27

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H.Y. Chong

Azman Davidson & Co.

Azman
Davidson
& Co



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— AZMAN
DAVIDSON & CO.

“Legalink is a good platform to
make personal contacts.”

What practice areas would you mention as leading practice areas in your firm? Which practice areas are the most in demand in your firm?

Our strength is in construction-related legal work, from the aspect of dispute resolution as well as advisory and transaction services. Demand for our services in litigation, arbitration, adjudication, and contract documentation, from our domestic and international clients in the construction business remains strong.

To name a few recent major work in this area: we represented a German tunnelling contractor in a dispute involving the SMART Project (a tunnelling project designed to reduce flooding and assist traffic flow in Kuala Lumpur); represented a Japanese boiler manufacturer in a dispute relating to a power plant project; and advised a multinational contractor in the construction of the tallest building in the Tun Razak Exchange.

Our experience in construction law is a culmination of over 30 years of practice in

this area, starting with Bill Davidson, the founder of our firm. He was a pioneer in arbitration and construction law practice in Malaysia and had the vision to build a team of lawyers having a particular interest of the construction business.

Recognition of our knowledge in this area of law is reflected in our involvement in the law reform of our Arbitration Act, and the drafting of the Construction Industry Payment and Adjudication Act.

Another part of our practice which has seen growth in recent years is in the area of corporate and commercial matters, in particular, mergers and acquisitions and real estate.

We have advised a Singapore-controlled developer in the development of a luxury hotel and serviced apartments in the Kuala Lumpur City Centre area; and, most recently, we acted for a major public-listed property development company in the acquisition of assets worth over MYR1.8 billion and issuance of securities.

What is new with your firm? Is there any recent news you would like to mention?

To strengthen our practice, we have over the last couple of years added four new partners to the firm. They are very capable and dedicated. Their addition has changed the dynamics of our firm for the better.

Of late, we have been recognised by Asialaw as an outstanding firm in construction. And our senior partner, Rajendran Navaratnam, was appointed a member of the ICC International Court of Arbitration for a term ending 2021.

In terms of the cross-border work, what are the most relevant jurisdictions for your firm?

For the last few years, I would say China is the most important jurisdiction for us in

terms of cross-border work. Chinese contractors have a significant presence in building and infrastructure works in Malaysia, and we advised a number of these contractors.

Relationship between Malaysia and China was choppy for a while after a change in government here for the first time in 2018. However, with the improvement in our relationship with China after our Prime Minister's visit to Beijing, a number of big projects with Chinese participation, such as the East Coast Rail Link (ECRL) and Bandar Malaysia project (a massive mixed-use, transit-oriented development in the south of Kuala Lumpur) are seeing a revival.

Chinese companies have also gone beyond construction business, increasingly venturing into other businesses in Malaysia, ranging from manufacturing, agriculture and even education.

While there are some challenges for doing business with Chinese companies, we nevertheless see, for the foreseeable future, opportunities not only for local firms but also international ones to supply or service the business of these Chinese entities in Malaysia.

No less important are Japan and Europe (in particular, the UK, Germany and France). We service a number of international companies from these jurisdictions, having businesses here as diverse as car manufacturing, engineering, oil and gas, construction, education, interior design, and fragrance.

Worthy of mention is South Korea. Korean construction companies have long presence in Malaysia, and we have acted for some of them. Most recently, two Seoul-based firms invited us to participate in a their bid for work to advise a Korean power company's investment in the development and operation of a power plant in Malaysia.

Can you share an example of cross-border work with another Legalink member?

We have represented one of the "big four" Chinese banks in a syndicated loan of over three billion renminbi for a steel manufacturing plant. We worked with Grandway Law Office on certain aspects of the loan facility involving PRC law.

The China client was referred by us to our fellow member. The bank has a presence in Malaysia, and the facility was for a Chinese manufacturer operating in Malaysia who required the facility in renminbi.

You could say that this was a case of "reverse" referral in the Legalink network.

Are there any projects you are working on that you would like to share with our members? Is there any in particular interesting case you are or were working on that you would like to share?

Right now, we are working on a worldwide patent for a sports equipment that could make the sport more accessible and playable in challenging environment.

We are also in the early stages of work for a supply chain company's plan to build one of the biggest logistic hub in South East Asia, and for a local company to capture and process biogas from one of the largest palm oil producers in Malaysia.

On a more direct level, I have conducted a case which eventually lead to a decision from our highest court early this year that has a major implication on retention sums practices in building contracts in Malaysia.

As regards to Legalink, are you happy about your firm's membership? What can we do better?

If I'm not mistaken, Azman Davidson is one of the early members of Legalink. We are happy being part of the network all these years.

I believe knowing a person personally beforehand makes it easier to establish a working or professional relationship with that person. Legalink is a good platform to make these personal contacts. We get to know legal practitioners from other jurisdictions on a more personal level, and make friends with them. Putting a human face on a member firm therefore gives us confidence, where opportunity arises, to work with that firm or to recommend our clients to them.

To build rapport takes time. Over the years, our lawyers have made friends with many from other member firms, but over the same time, I think we also have lost contacts with many due to changes within a member firm, or have not been able to keep up in building new contacts due to changes in membership within the network itself.

The biannual conferences no doubt are where rapport is built. But I think budget and time constraints limit the number of people from a member firm who can actually attend such conferences to establish meaningful relationship with colleagues from other member firms.

That is why the coming October conference which Azman Davidson is hosting is a good opportunity for more of our lawyers, who normally don't get to go for these conferences, to meet our Legalink friends.

(On a side note, we have an exciting series of events lined up for the October meet, and are all looking forward to welcoming our Legalink friends to Kuala Lumpur.)

Hosting a conference may not be the palatable way for every member firm to give more of their lawyers interaction with lawyers from other member firms.

I believe it has been suggested before that Legalink help set up more practice groups

of different disciplines, and encourage more people within the individual member firm to get involved in these practice groups and hold discussions via video conferences or other electronic media.

This may be a more practical way to raise the numbers and diversity of lawyers within Legalink that get to have personal interaction with each other.

What are your views on Legalink expansion?

I think it's a good thing to have more members. My impression however is that membership from Asia is lagging behind other continents.

What is your favourite thing to do in your spare time?

Travelling, catching up on some reading, and looking for good food. All in one go.

The other is supporting the red end of a famous footballing city in England (let's keep it at that to avoid supporters of the "other" reds taking issue with which city is better known for football) and watching their matches.

Thank you very much!
H.Y. Chong