

SHIM DE ZHEN

PARTNER



Profile

Mr. Shim De Zhen is a founding partner of Messrs Yeoh Shim Siow & Lay Kuan.

His practice encompasses the many aspects of corporate & commercial law. These include corporate structuring, contracts and agreements preparation and review, financing arrangements, employment management, shareholders and directors relationship governance and disputes, debt recovery, corporate debt restructuring and insolvency. He is versed in the various stages of dispute resolution, from mediation to appeals at the Court of Appeal.

Prior to joining the firm, De Zhen headed his own practice, Messrs DZ Shim, after gaining experience at two reputable legal firms specialising in corporate and commercial matters.

Publications

- Contributor to “Law and Practice of Corporate Insolvency in Malaysia” (2019, Sweet & Maxwell)
- Contributor to “Malaysian Civil Procedure” (2018, Sweet & Maxwell)
- Contributor to “Malaysian Civil Procedure” (2021, Sweet & Maxwell)

Qualifications

- LLB (Hons) University of Liverpool, United Kingdom (1st Class)
- Bar of England and Wales, Member of Middle Temple Inn
- Advocate & Solicitor of the High Court of Malaya
- Accredited Mediator of the Malaysian Mediation Centre
- Associate Member of the Insolvency Practitioners Association of Malaysia

Practice Areas

- Corporate and Debt Restructuring and Insolvency
- Corporate and Commercial Dispute Resolution
- Corporate & Commercial Transactions and Structuring



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Experience/Notable Transactions

Corporate and Commercial Transactions

- Advised on the structuring of a beauty and aesthetics education group in preparation of fund-raising exercise, internal compliance, and tightening of contracts with students and collaborators.
- Advised on the internal restructuring of a ceiling fan company to ensure compliance with existing laws and to tighten contracts with customers and sales representatives.
- Advised on the internal restructuring of a scaffolding company group in preparation for a listing/corporate exercise.
- Advised on the structuring of the consortium, land arrangement, and legal documents for the Corporate Green Power Programme under the Energy Commission.
- Advised on the acquisition of a foot-ware company group of value RM100 million.
- Advised on the equity financing structure for a solar company raising RM25 million and corporate restructuring in preparation for an IPO and/or bond issuance.
- Advised an aquaculture company group including reviewing existing contracts and rearranging group structure in preparation for an IPO.
- Advised on contracts structure and administration for the leasing of IT equipment to the Ministry of Education.
- Advised on the preparation, review and management of contracts including EPCC projects for a group of companies dealing in solar and LED lighting technology.
- Advised on a joint venture and investment exercise involving leases of land and the construction of shrimp farming facilities by a companies group specialising in aquaculture.
- Advising on employee share structures for a group of companies dealing in consultancy services for plantations.
- Advising on the restructuring of a group of companies dealing in LED lighting technology for the purposes of raising fresh funds and procuring more tenders and projects.
- Advised on employment contracts and policies as well as employee disciplinary proceedings for an international software development companies' group and an education institution.
- Advised on the transition from employment engagements to independent contractor arrangements for an outsourced human resource services provider.
- Advised on the acquisition of constructed swiftlet houses in Sabah and assignment of contracts involving the management and sales of bird's nest products.
- Advised on the acquisition of assets and business of branches of 'The Alley' bubble tea chain.
- Advised on alternative expansion strategies for a hotpot chain as a transition in moving towards franchising requirements in Malaysia.

Restructuring & Insolvency

- Acted for a creditor in obtaining interim judicial management, as a lead up to full judicial management, over a fund-raising company whose management's actions were jeopardising the interests of the company's creditors, as a means of introducing stability to the company and recovering the confidence of the company's employees, clients and creditors in general.
- Acted for a creditor in initiating and obtaining interim judicial management and subsequently judicial management over Trans Fame Offshore Sdn Bhd, a player in the oil & gas industry, in what may be the first creditor commenced judicial management exercise in Malaysia (Kuala Lumpur High Court Originating Summons No: WA-28JM-21-09/2020).
- Acted for Jepak Holdings Sdn Bhd in successfully obtaining a contested judicial management application allowing the company to focus on claiming against the Government of Malaysia for work done on a large-scale solar hybrid project for schools in rural Sarawak (Kuala Lumpur High Court Originating Summons No: WA-28JM-4-01/2020).
- Advising on the liquidation of the Malaysian arm of an international event organising group of companies as part of a downsizing effort arising from the Covid-19 pandemic economic downturn.
- Acted for a creditor in resisting attempts by relative contributories to invalidate a conversion to a creditors' voluntary winding up and to remove the appointed joint liquidators.
- Assisted in the debt restructuring of Megasteel Sdn Bhd via a scheme of arrangement proposed by the company (High Court of Kuala Lumpur Originating Summons No.: WA-24NCC-172-04/2016).
- Assisted in the debt restructuring of Sabah Forest Industries Sdn Bhd via a scheme of arrangement proposed by appointed receivers and managers (High Court of Sabah and Sarawak at Kota Kinabalu Originating Summons No.: BKI-24NCVC-72/7-2017 (HC2)).

Corporate and Commercial Dispute Resolution

- Acting for suppliers to recover monies from the Sapura Group of companies.
- Acting a beneficial owner of shares in recovering shares in a company being held by an errant trustee.
- Acted for a placee in disputing 'parties acting in concert' allegations arising from a shareholders' dispute over a public listed company dealing in securities trading.
- Acted for a shareholder in disputing allegations of participating in the orchestration of an unlawful takeover of a public listed company in breach of the Capital Markets and Services Act 2007.
- Acting for an LED Lighting Technology manufacturer and supplier in disputing claims brought by its previous joint venture business partner in a deal which soured involving a project for KLCC.
- Acted for a high net worth individual in defending against attempts by a previous business partner to re-open a claim based on alleged fresh evidence and corporate manoeuvring arising from a coal power plant in India.
- Acted for a company and a shareholder in claiming for damages arising from wrongful winding up petitions initiated by another shareholder (High Court of Kuala Terengganu Suit No.: TA-23NCVC-4-12/2018) and subsequently removing the shareholder from the register of the company.
- Acted for a contractor supplying LED Lighting Technology in claiming for monies owed by a government linked company.