

ESTHER ONG HUI CHUEN

Senior Partner Messrs. Esther Ong Tengku Saiful & Sree (ETS)
Advocate & Solicitor, High Court of Malaya
Registered Patent Agent
Registered Industrial Design Agent
Registered Trademarks Agent
Certified Mediator & Arbitrator

Academic Qualification LL.B.(Hons.), University of London -1992

Professional Qualification Certificate of Legal Practice (CLP) – 1994

Date of Admission to Malaysian Bar: 27th October 1995

Date of Admission as Patent Agent: 27th July 2004

Date of Admission as an Associate Member of the Malaysian Institute of Arbitrators (MIArb): 31st October 2017

Professional Experience & Track record

Born and bred in Kuala Lumpur in a family of entrepreneurs and businessmen, Ms. Ong has displayed her outstanding ability in academics and extra-curricular activities during her schooling time. With her strong determination and commitment, she successfully obtained her LL.B. honours degree from the University of London in 1992 and CLP (Hons.) in 1994.

She did her pupillage with Messrs. Lim Kean Siew & Co. in Kuala Lumpur (January 1995 – September 1995). She later worked as a legal assistant in Messrs. Jerald Gomez & Associates, a firm which are well known for civil & criminal litigation work (November 1995 – December 1997). After two years, Ms. Ong moved on to Messrs. Lee Boon Peng & Co. (Jan 1998 – March 1999) and was exposed to conveyancing, corporate, civil and banking litigation works.

Therefore, with her well-balanced and extensive exposure in conveyancing, corporate and litigation areas, she embarked on a new journey of professional excellence by establishing her own firm (Messrs. Esther Ong Tengku Saiful & Sree) in 1999.

As Senior Partner of the firm, Ms. Ong has vast experiences in the various areas of legal practice summarised as follows:

- **Conveyancing and Corporate Matters**

Ms. Ong practises general conveyancing, which includes advising on and drafting general agreements on sale and purchase, rental of real property and loan documents, including but not limited to Islamic Loan financing for Public Bank, OCBC, Standard Chartered and Hong Leong Bank Berhad.

She specialises in handling banking documentation including overdraft loan documents, trade financing, corporate financing documents, general agreement concerning land and company matters, and debt restructuring (reconstruction and restructuring).

Ms. Ong has a particular interest and passionate in providing legal advisory services for small and medium industries (SMIs) from their setting up to their crucial stage of growth and drafting of contracts on company and attending issues in their journey of entrepreneurship particularly in their shareholding agreements, sale of shares agreement, joint venture agreement and so on.

Recently, together with her legal team had successfully helped a client to oppose a claim of more than RM3 Million for breach of Investment Agreement by arguing that the relevant share sales and issuance of shares do not fall within the definition of "Trade Sale" in the Investment Agreement.

- **Civil Litigation**

Ms. Ong has extensive exposure to civil litigation and has represented individuals and corporations in various pre-trial strategy, risk evaluation and full trial especially in areas of disputes among shareholders, winding-up, receivership, debt collection, late delivery, rental recovery, execution proceeding, specific performance, injunction, foreclosure proceeding, land acquisition, matrimonial proceeding, etc

She is also well versed in employment matters and labour Law, accident matters, bankruptcy matters and estate matters (contested or otherwise). Together with her legal team, she has defended an employer from the claim of unlawful termination made by an employee in the Industrial Court up to an amount of almost RM400,000.

Recently, she handled a landmark case wherein the Court of Appeal overturned the decision of the High Court and held that a joint management body formed pursuant to the Strata Management Act 2013 ('SMA') has no power to set different rates of maintenance charges for different types of parcels comprised in a mixed stratified development project.

- **Criminal Litigation**

Ms. Ong has experience in most areas of criminal litigation especially in arrest, assault, bail, theft, drug related cases, etc.

She has been invited to assist on the drafting of the new Contempt Proceedings Bill, which has been finalised by the Attorney General Chambers of Malaysia.

- **Intellectual Property**

Ms. Ong is also the Trademarks Agent and Industrial Designs Agent registered under the Intellectual Property Division of the Ministry of Domestic Trade and Consumer Affairs Malaysia. Therefore she is very keen in the promotion and awareness of intellectual property rights among business owners and corporations.

Recently, she won a Federal Court case for leave to appeal in a claim for the breach of infringement of registered trade mark as well as tort of passing off. She has also achieved success in defending her client in a suit of breach of copyright.

- **Franchising**

Ms. Ong always has the passion in development of franchise businesses. She provides advice on the setting up of a franchise business, creating a master franchise, sub-franchise, registration of franchise with the relevant authorities, etc. She has successfully assisted entrepreneurs to expand their businesses into a franchise group that has grown throughout Malaysia and overseas.

- **Other Areas**

Throughout her professional career, Ms. Ong serves:

- In the Legal Aid Bureau of Bar Council Malaysia, rendering legal assistance to the public.
- From 1992 to 1993 she also involved herself actively in community care and social advocacy in non-governmental organisations (NGOs), working as a volunteer in Malaysian Care
- In 1995, she was involved in the organisation of a Child Protection Conference held in Kuala Lumpur.

- She also participated in the 12th Commonwealth Law Conference which was held in Petaling Jaya in 1999.
- One of the committee members of the Young Lawyers' Committee of the Conference.
- As a trainer linked with the Open University of Malaysia to conduct courses for company directors, a 2-day training programme made compulsory by the SSM for all company directors to attend.
- She has written legal articles in magazines that are circulated internationally.
- She has been invited to speak internationally, in Singapore, Hong Kong and other countries.
- Ms. Ong is also a speaker to Asia Business Forum.

Recent Involvements

Committee member in charge of Government & NGO Liason and PR & Corporate Communication in Asean Retail & Franchise Federation (ARFF) – Women Entrepreneur Bureau (WEB)

Elected as the Official Legal Counsel of International Music Video Awards Festival (IMVAF) wherein this project is going to be held in 16 countries.

Speaker for legal talks in “The Malaysia Employment Law Conference 2019” organized on 3/7/2019 and 6/8/2019.