

# Siang Pheng Lek

## Deputy Managing Partner



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Singapore

D +65 6885 3606

siangpheng.lek@dentons.com

## Overview

Lek Siang Pheng is the Joint Deputy Managing Partner for Dentons Rodyk. He is also a senior partner and Head of Dentons Rodyk's Litigation and Dispute Resolution and Arbitration practice groups.

Siang Pheng handles civil and commercial litigation, including banking cases (banking advice, loan and mortgage recovery actions and bankruptcy actions), insolvency matters (work-outs, receivership, scheme of arrangement, judicial management and liquidation) China investment disputes, partnership and shareholders' disputes, domestic and international arbitration, contractual disputes, corporate disputes, medical litigation and insurance cases. He represents banks, companies and individuals, medical defence organisations and insurance companies in the course of his work.

He has acted as counsel in both domestic and international arbitrations, and also in several State Court and High Court trials, as well as appeals to the High Court and Court of Appeal. He has also appeared as counsel in numerous coroner's inquiries and disciplinary proceedings before the Singapore Medical Council.

His notable cases, in his 27 years of litigation and arbitration practice, include acting for lenders and borrowers in various insolvency and debt restructuring cases at the height of the Asian financial crisis and the Lehman financial crisis; various high profile and successful defences of hospitals and doctors in malpractice cases; the successful claim in a high value international arbitration case arising from a failed joint venture in China; the successful dismissal of a commercial claim by way of a preliminary application on behalf of a respondent in an international arbitration case; the successful defence of a Chinese state-owned enterprise in an international arbitration case on a breach of a contract for purchase of crude oil, the successful defence of a settlor against a claim in the Singapore High Court by her son for his share of the assets in a high value offshore trust.

Siang Pheng is a Fellow of both the Chartered Institute of Arbitrators and the Singapore Institute of Arbitrators. He is also a Fellow of the Insolvency Practitioners Association of Singapore. He has been appointed by the Singapore International Arbitration Centre as sole arbitrator and co-arbitrator in international arbitrations.

## Experience

- **International arbitration:** Representing parties (mainly foreign clients) in various commercial types of

disputes arising from joint ventures, international trade transactions, sale & purchase agreements, with special experience in handling China-originated disputes.

- **Medical defence:** Representing doctors and hospitals in successful defence of a number of medical malpractice suits in the High Court and Court of Appeal, including *Denis Harte v Dr Tan Hun Hoe and Gleneagles Hospital, JU and Another v Dr See Tho Kai Yin, Tong Seok May Joanne v Dr Yau Hok Man Gordon and Chua Thong Jiang Andrew v Dr Yue Wai Mun and Singapore General Hospital* and the successful defence of Dr Ang Pek San Lawrence in the Singapore Medical Council disciplinary inquiry case on appeal to the Court of Three Judges with its seminal judgment for an unprecedented costs award against the statutory regulator.
- **Insurance:** Acting for defendant insurance company in a suit brought by 2 private schools over the loss of income resulting from their suspension from an accreditation scheme administered by CASE. One of the requirements for accreditation is the protection of foreign students' tuition fees under a student protection scheme which the 2 private schools obtained through the insurance company. Acting for five insurance companies in the Singapore courts in their successful defence against a fraudulent insurance claim in respect of an alleged drowning of the insured in Cambodia
- **Insolvency:** Acting for all 11 distributors (banks and stockbroking firms) in Singapore of the Lehman Brothers Minibond notes in their dealings with the Monetary Authority of Singapore and the trustee of the notes programme. The Lehman Brothers Minibond notes case made local headlines after the collapse of Lehman Brothers, with about 8,000 noteholders having invested about S\$500 million in the notes programme. Also advising some of the distributors individually in firstly developing their response mechanism for dealing with the complaints by the noteholders and secondly on the ongoing process of reaching a resolution with noteholders on the latter's complaints of 'mis-selling'.
- **Restructuring:** Acting for more than 20 creditor banks in the restructuring (scheme of arrangement) of SGX-listed TT International Limited (TT). TT has close to 80 subsidiaries in various jurisdictions around the world, which gave rise to challenging cross-jurisdictional legal and practical issues in the restructuring; also TT's creditors comprise mixed group with widely divergent interests (including over 20 bank lenders). TT successfully obtained a court order to convene meeting of creditors for entering into a scheme of arrangement. High Court has since issued order approving the scheme. Acting for Four Seas Construction Pte Ltd, a large local construction company (CIDB Grade 8) in their corporate rescue. The company had over 400 creditors (secured and unsecured) and a total indebtedness in excess of S\$65 million. The company applied to Court for and successfully obtained approval for a scheme of arrangement pursuant to section 210 of the Companies Act.

## Recognition

- *Best Lawyers in Singapore:* Recognized in the area of Insolvency and Reorganization Law, 2020 – 2022
- *ILO Client Choice Awards:* Recognized in the area of Litigation in Singapore, 2014
- *Chambers Asia:* Recognized lawyer, 2011
- *Asialaw:* Recognized lawyer, 2011

## In the Media

- "Two doctors appeal against misconduct decisions by SMC", *The Straits Times*, July 28, 2017

## Insights

- "Changes to the Singapore Medical Council (SMC) disciplinary process," *Dentons Rodyk Reporter Issue 01 (2021)*
- "Singapore codifies the legal test to determine the standard of care for the provision of medical

advice," *Dentons Rodyk Reporter Issue 01 (2021)*

- "Legal update: The Report on Recommendations issued by the Ministry of Health (MOH) Workgroup to Review the Taking of Informed Consent and Singapore Medical Council (SMC) Disciplinary Process," *Dentons Rodyk Reporter Issue 03 (2020)*
- "Legal Update: High Court dismisses suit against neurosurgeon and hospital," *Dentons Rodyk Reporter Issue 01 (2020)*
- "A timely reminder of the exercise of the Singapore Medical Council's independent prosecutorial discretion," *Dentons Rodyk Reporter Issue 05 (2019)*
- "Legal Update: Delayed detection of lung cancer – a patient's suit against a hospital and its doctors ," *Dentons Rodyk Reporter Issue 02 (2019)*
- "Medical Negligence - The new legal test in Singapore to determine the standard of a doctor's duty," *Dentons Rodyk Reporter - Litigation Brief, July 2017*
- "Do not break the trust after a trust is created - The law on concurrence examined," *Dentons Rodyk Reporter - Litigation Brief, August 12, 2016*
- "High Court Refuses To Set Aside An International Arbitration Award," *Rodyk Reporter - Arbitration Review, December 2015*
- "The Singapore Medical Council Disciplinary Process - A Study Of A Recent Case," *Rodyk Reporter - Litigation Brief, July 2015*

## Activities and Affiliations

- Fellow, Chartered Institute of Arbitrators
- Fellow, Singapore Institute of Arbitrators
- Fellow, Insolvency Practitioners Association of Singapore
- Honorary Legal Adviser, Singapore Medical Association
- Honorary Legal Adviser, College of Family Physicians Singapore
- Member, National Healthcare Group Research Ethics Committee
- Member, NHG Domain Specific Review Board "C"
- Member, Parkway Independent Ethics Committee
- Member, Changi General Hospital Medical Ethics Committee

## Prior and Present Employment

- Senior Partner - Dentons Rodyk & Davidson LLP (formerly Rodyk & Davidson LLP) (2002 - present)
- HelenYeo & Partners (1992 - 2002)
- Allen & Gledhill (1989 - 1992)

## Areas of focus

### Practices

- Arbitration
- Restructuring, Insolvency and Bankruptcy
- Commercial Litigation
- Professional Liability Litigation
- Insurance Litigation and Arbitration

## Industry sectors

- Life Sciences

## Education

- National University of Singapore, 1988, LLB (Hons)

## Admissions and qualifications

- Advocate & Solicitor, Singapore, 1989