

Lim Heng Seng

Heng Seng, a senior partner of LHAG who is himself ranked as a Band 1 practitioner by Chambers Asia-Pacific 2022, leads the Employment & Industrial Relations Department, known for its “value and commitment”. Before entering private practice, he served in various capacities with the Malaysian Judicial and Legal Service including a seven-year spell as Chairman of the Industrial Court where he also served as Chairman of the Social Security (SOCSO) Appellate Board.

Heng Seng’s practice covers all aspects of employment and industrial relations law, with a particular focus on corporate advisory work. He advises widely on corporate reorganization and restructuring where management of transition and migration of people requires sensitive and sensible handling.

Heng Seng has also developed expertise in advising corporate clients on the due and proper exercise of their managerial prerogatives based on good and accepted industrial relations practices and well-established principles of industrial jurisprudence.

Heng Seng’s forte is strategic and close collaboration with client’s human resource and/or legal personnel in identifying people issues and proposing systemic solutions aimed at avoidance, resolution and settlement of workplace issues. This intentional approach immunizes corporate clients from time-consuming and expensive litigation.

Heng Seng selectively litigates employment and industrial relations cases in the High Court, Court of Appeal and Federal Court. He chairs the firm’s Pro Bono Committee and actively acts as counsel in strategic litigation cases involving aboriginal and native peoples’ fundamental rights.

Heng Seng’s clients include international household names with significant operations in Malaysia, such as: (i) BASF (Malaysia) Sdn Bhd; (ii) Orange Business Services Malaysia Sdn Bhd; (iii) ACCA Malaysia Sdn Bhd; (iv) HRD Aero Systems, Inc.; (v) CIBA VISION Johor Sdn Bhd; (vi) CHEP (Malaysia) Sdn Bhd; (vii) Samsung Electronics (M) Sdn Bhd; (viii) Vesta Partners; (ix) DHL Asia Pacific Shared Services Sdn Bhd; (x) ORIX Leasing Malaysia Berhad; (xi) Games Workshop Group PLC; (xii) Cochlear Malaysia Sdn Bhd; (xiii) Deloitte Touche Tohmatsu Tax Services Sdn Bhd; (xiv) OTL Asia Sdn Bhd (f.k.a. CKE Transport Agency Sdn Bhd); (xv) Valmont Industries, Inc.; (xvi) Teknion Furniture Systems (M) Sdn Bhd; (xvii) Schenker Logistics (Malaysia) Sdn Bhd; (xviii) Alfred Kärcher SE & Co. KG; (xix) Cathay Pacific Airways Limited; (xx) COHU Malaysia Sdn Bhd; and (xxi) Rizing, LLC; as well as leading Malaysian corporates.

Heng Seng’s legal advisory expertise have also been sought by local and foreign government and statutory bodies, diplomatic missions, and international organisations such as: (i) Bank Negara Malaysia (Central Bank of Malaysia); (ii) the United States of America Department of Justice; (iii) Islamic Financial Services Board; (iv) International Committee of the Red Cross; (iv) International Rescue Committee, Inc. and (v) The South East Asian Central Banks (SEACEN) Research and Training Centre.

Heng Seng has been a member of the Editorial Advisory Board for the Industrial Law Reports published by the Malaysian Current Law Journal since 2004.

Heng Seng is a regular speaker and panellist in employment and industrial relations law seminars and conferences, where he shares his knowledge and experience on topics of current interest to practitioners. Benchmark Litigation Asia-Pacific 2022 ranked him as a “*Litigation Star*” in the Labor and Employment category. Heng Seng is also recognized as a “*Leading Individual*” in the Labor & Employment in The Legal 500 Asia Pacific 2022 rankings. He is one of three senior partners ranked as an “*Elite Practitioner*” in asialaw Profiles 2022.



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Qualifications

- LLB (Hons), University of Malaya
- LLM, London School of Economics & Political Science, University of London
- Advocate & Solicitor of the High Court of Malaya

Practice Areas

- Employment and Industrial Relations
- Migration of Staff pursuant to Corporate Restructuring, Mergers and Acquisitions
- Employment Documentation in New Startups
- Public Sector and Statutory Bodies Employment Disputes
- Administrative and Constitutional Law

Notable Transactions

- Advised BT Group on issues relating to the closure of several Malaysian BT entities and migration of staff into BT Systems (Malaysia) Sdn Bhd.
- Represented Holiday Villages of Malaysia Sdn Bhd, the Malaysian entity of the renowned French holiday operator Club Med Trade, in a trade dispute concerning a collective agreement between the client and the Union of Hotel, Bar & Restaurant Workers, Peninsular Malaysia in the High Court and the Court of Appeal.
- Represented Equant Integration Services Sdn Bhd, a Malaysian entity of Equant N.V. Amsterdam at the Court of Appeal and the Federal Court.
- Represented the Islamic Financial Services Board at the High Court and the Court of Appeal, where he successfully argued that the Board enjoys privileges and immunity pursuant to the Islamic Financial Services Board (Privileges and Immunities) Regulations 2002, and is therefore immune from lawsuits and the legal process.
- Represented the United States of America in a judicial review application at the High Court, where he successfully argued that the United States of America and its Embassy are immune from the jurisdiction of the Industrial Court by virtue of the doctrine of sovereign immunity in respect of an unjust dismissal claim made by a former employee who was employed to perform security functions in the Embassy of the United States of America in Kuala Lumpur.

Publications

- Contributor — *Breaking the Silence: Voices of Moderation, G25 Malaysia* (Marshall Cavendish International (Asia) Private Limited, 2016)
- Advisory Editor — *Malaysian Court Forms* (Malayan Law Journal)
- Author — *Assessment of Damages in Personal Injury and Fatal Accident Claims*, a prescribed textbook for the Certificate in Legal Practice examination conducted by the Legal Profession Qualifying Board
- Author — “The Role of the Industrial Court”, published in the CLJ
- Author — “Industrial Adjudication — Critical Areas” — published in the ILR