



**Derek Kang**  
Managing Director

**Contact Details**  
Cairnhill Law LLC  
30 Cecil Street  
#10-05 Prudential Tower  
Singapore 049712  
Office: 62390848  
E-mail:  
derek.kang@cairnhilllaw.com

**Qualifications**  
LL. B (Hons), 2000  
Advocate & Solicitor  
(Singapore)

**Language Ability**  
English (native)  
Mandarin (native)

## **Professional Experience**

Derek is a dispute resolution lawyer with a focus on commercial and civil litigation, as well as criminal matters. Derek represents and advises companies and individuals in a broad range of cases, including shareholders and directors' disputes, contractual and employment disputes and cases involving fraud and corruption. As a defence lawyer, Derek has represented clients in numerous investigations, trials and appeals and frequently obtained non-prosecutions or successful outcomes in court. Derek has conducted and won civil and criminal trials and appeals at all levels of the Singapore judicial system, including the Court of Appeal.

Derek studied at the National University of Singapore after being awarded the Public Service Commission Merit Scholarship to study law. After graduation, he served as Deputy Public Prosecutor with the Attorney-General's Chambers for 5 years, during which conducted dozens of trials and appeals on a wide range of offences covering insider trading and market manipulation under the Securities and Futures Act, breaches of directors' duties and fraudulent trading under the Companies Act, corruption, money-laundering, cheating and criminal breach of trust.

Derek subsequently entered private practice and spent more than a decade with Dentons Rodyk & Davidson LLP where he was a litigation partner.

Derek is currently the Chairman of the Criminal Legal Aid Scheme Committee of Law Society Pro Bono Services ("LSPBS"), on the Board of Directors of LSPBS, and has served on the Criminal Practice Committee of the Law Society since 2006.

Derek has taught Criminal Procedure for the Singapore Bar exam course (previously known as the Practice Law Course, now Part B) since 2004 as well as trained bar exam students in Advocacy.

## **Some matters of significance that Derek handled previously:**

Acted for PT ATPK Resources Tbk, a listed company in Indonesia, in a claim against several parties for conspiracy and conversion of shares. A Mareva injunction was obtained and subsequently defended at a 5-day hearing in the High Court. A cumulative judgment against the Defendants was obtained for the sum of IDR156.8 billion (approximately US\$17 million).

Acted for a regional MNC in obtaining a Mareva Injunction against its former General Manager and 10 other parties who had assisted him in siphoning more than S\$4 million from the company, as well as judgment or favourable settlements against all 11 parties. The MNC was assisted in making a report to the Commercial Affairs Department which resulted in the prosecution of the former General Manager for commercial crimes.

Acted for a private school in obtaining an Anton Piller order to search and seize the homes and offices of several former employees and defendants for evidence that they had stolen confidential information that was at real risk of destruction if not preserved ahead of a trial. After successfully defending against the setting aside of the Anton Piller order, the matter was settled very favourably for the client shortly thereafter.

Acted for an SME in the IT industry in obtaining a Mareva Injunction and Anton Piller order against a former director, followed by judgment in the High Court, as well as assisted the company in making a report to the Commercial Affairs Department which resulted in the prosecution of the former director for commercial crimes.

Acted for the Liquidators of a marine industry company in obtaining a Mareva Injunction against its former director and related parties. The matter was settled very favourably for the client shortly thereafter.

Acted for a global retailer with annual revenue of more than US\$3 billion in obtaining a Mareva Injunction and judgment against a former employee of its Singapore office for misappropriation of substantial sums of money.

Acted for an Ultra High Net Worth Individual in successfully defending at trial and on appeal in the High Court a novel claim against him for allegedly breaching the proprietary rights of another individual to certain Facebook Pages.

Acting for a client in respect of multiple claims for disputed investments made through her and/or with her company as well as in applying for a voluntary arrangement for the client in respect of S\$80 million of debt.

Acted for a Fortune 50 MNC by representing a number of its employees across Asia in respect of global internal audit investigations for the company into alleged misstatements of earnings amounting to more than US\$100 million.

Acted for contractors at trial in the High Court and on appeal in the Court of Appeal in successfully setting-aside an expert determination made pursuant to a settlement agreement between the contractors and the property developer and revoking on the ground of bias the appointment of the joint expert who made the expert determination.

Acted for a client who was defrauded of more than S\$10 million in the course of obtaining professional services. The case involved cross-border money laundering and a worldwide injunction was obtained to freeze assets traced to the fraud.

Acted for a client in obtaining a High Court judgment after trial declaring her to be the sole owner of a private property worth S\$3.5 million that was purchased jointly with another person.

Acted for a client in a minority oppression case involving a private company and successfully getting a High Court judgment after trial ordering the adverse party to buy out the client's minority shareholding at market value.

Acted for a client and her company in a claim by investors for alleged losses of about US\$12 million for alleged breach of contract, breach of fiduciary duties, negligence, misrepresentation and conspiracy. The matter was settled very favourably for the client shortly before trial commenced.

Acted for various employees in their employment disputes with their employers, including a partner of a Big 4 accounting firm, a partner of a large Singapore law firm, and Global department heads of Fortune 500 IT and financial services MNCs.

Led prosecution of the 63-day trial and co-prosecuted in the appeal against conviction and sentence in *PP v Wong Teck Long*. The accused was an Assistant Vice President of Bayerische Landesbank who accepted a bribe to fraudulently recommend more than RM\$100 million in Revolving Short-Term Multi-Currency Loans to several connected applicants.

Led prosecution of the 35-day trial in *PP v Mohd Fuad bin Abdul Samad & Another*. The accused persons attempted to cheat Asok Kumar s/o Naraindas, Managing Director of the Royal Brothers Group of \$2 million.

Led prosecution in *PP v Tan Poh Choon*. The accused was the Investment Director of Ginsystem Inc, a Ponzi scheme which obtained US\$3.4 million from more than 1800 investors worldwide. The accused was convicted after trial of cheating investors through the fraudulent promise that Ginsystem Inc

had access to genuine investments that could generate enough profit to pay them 2% returns per day.

Led prosecution in *PP v Patrick Soh Wee Teck & Another*, the first case of insider trading involving a lawyer/professional in Singapore.

Co-prosecuted in *PP v Elizabeth Khoo & Jacqueline Khoo*. After the death of their father Khoo Teck Puat, it came to light that the accused persons failed to meet certain disclosure obligations in respect of the listed company Goodwood Park Hotel under the Companies Act and Securities & Futures Act and they were prosecuted accordingly.

Acting for Yeo Jiawei and other parties in respect of 1MDB-related investigations and/or court cases.

Acting for various individuals in respect of CAD and MAS investigations into and prosecutions of alleged regulatory breaches or criminal acts under the Securities and Futures Act and Companies Act.

Acting for several persons involved in the City Harvest Church case in respect of police investigations against them. All of the clients were eventually not prosecuted in court for their involvement.

Acted for an independent director of a listed company in respect of a charge under the Securities and Futures Act. The client was successfully acquitted in 2021 of the charge after trial.

Acted for the Chief Executive Officer of an SME in respect of a sexual offence charge. The client was successfully acquitted in 2021 of the charge after trial.

Acted for the accused in *PP v Mark Tan Peng Liat* in successfully obtaining after trial a conviction on a significantly lower charge of reckless act causing death after client was originally charged with murder.

Acted for the accused in *PP v Tan Tian Chye* and obtained a sentence of 2 years 9 months' imprisonment for culpable homicide after client was originally charged with murder.

Acting in three separate rape cases in 2019 to 2020 after being appointed at the start of investigations. After representations were made in each case, no further action was taken against the clients and the cases were not prosecuted in court.

Acted for a former private banker who was charged for money-laundering offences. The charges were withdrawn by the prosecution in 2022 after representations were made to them that demonstrated that the private banker did not have 'reason to believe' that the transactions involved the proceeds of crime.

Acted for the Managing Partner of an international mid-sized accounting firm in respect of regulatory offences relating to proceeds of crime that passed through his personal bank accounts. The charges were withdrawn by the prosecution in 2022 after representations were made to them demonstrating that the elements of the regulatory offences in question were not made out on the facts.

Acted for a client facing a novel private prosecution under the Computer Misuse Act for allegedly tampering with his employer's computer systems during the course of his employment and successfully obtained an acquittal of the charges after trial despite expert evidence led at trial that implicated the client in the alleged offences.

Acted for Swiss national Oliver Fricker who was prosecuted for vandalism in respect of spray painting an MRT train carriage in a case receiving global media attention.

Acted for actor Christopher Lee in respect of various Road Traffic Act charges preferred against him.

Acted for the estate agency Dennis Wee Realty Pte Ltd in a CEA disciplinary proceeding in one of the first few prosecutions under the Practice Guidelines for Marketing of Foreign Properties.

Acting for other lawyers in respect of police investigations and criminal prosecutions, as well as disciplinary proceedings against them by the Law Society of Singapore.

### **Current Memberships**

Chairman, Criminal Legal Aid Scheme Committee, Law Society Pro Bono Services

Board of Directors, Law Society Pro Bono Services

Member, Criminal Legal Aid Steering Committee

Member, Criminal Procedure Committee, The Law Society of Singapore

## **Publications**

Co-Author, "Discovery Disputes Under The Criminal Case Disclosure Conference Regime - Process And Resolution", *Law Gazette*, April 2014 (Singapore: Law Gazette, 2014)

Co-Author, "The Enforceability Of Agreements To Restrain Complaints To Professional Bodies", *Law Gazette*, April 2014 (Singapore: Law Gazette, 2014)

"Criminal Discovery In The Criminal Procedure Code 2010", *Rodyk Reporter - Litigation Brief*, June 2011 (Singapore: Rodyk & Davidson LLP, 2011)

Interview (27 August 2009) on "Recognising Fraud During The Downturn", *Asian Legal Business*, Singapore