



HIGHLIGHTS IN THIS ISSUE

Lobby Reception  
Makeover

—  
PG2

Interview with former  
Managing Partner  
Too Hing Yeap

—  
PG3

Industrial Designs  
(Amendment) Act  
2013

—  
PG18

Personal Data  
Protection Act 2010

—  
PG19

## Contents

- 1 New Name and Look for Newsletter
- 2 Lobby Reception Makeover
- 3 Interview with Former Managing Partner  
Too Hing Yeap
- 6 Art Appreciation Outing
- 7 Steven Thiru's Election
- 8 Inter-Pacific Bar Association Conference 2013
- 9 18th Commonwealth Law Conference
- 10 The Financial Services Acts
- 11 Human Trafficking

### CASE UPDATES

- 12 Land Law
- 13 Administrative Law
- 14 Banking
- 14 Companies
- 16 Intellectual Property

### ARTICLES

- 18 Industrial Designs (Amendment) Act 2013
- 19 Personal Data Protection Act 2010
  
- 23 GE 13: Impressions of a First Time Voter
- 24 Interview with Staff
- 26 The Firm's Get-Together
- 27 The Malaysian/Singapore Bar Games 2013
- 28 SLB Collaborates with Kechara Soup Kitchen  
to Feed the Homeless of Kuala Lumpur

### EDITORIAL COMMITTEE

Head: Steven Thiruneelakandan

Ivan Ho Yue Chan  
Adrian Hii Muo Teck  
Goh Siu Lin  
Hoh Kiat Ching  
Tharmy Ramalingam  
Tan Gian Chung  
Ng Kim Poh  
David Dinesh Mathew

---

*The newsletter is also available on our website.*

*The contents of this publication are of a general nature and not intended as legal advice. For any specific legal advice, please contact the partners.*

© Shook Lin & Bok  
All rights reserved

**Shook Lin & Bok**  
20th Floor, AmBank Group Building  
55, Jalan Raja Chulan  
50200 Kuala Lumpur,  
Malaysia.  
Tel: (603) 20311788  
Fax: (603) 20311775/8/9  
www.shooklin.com.my  
general@shooklin.com.my

## A New Name and Look for Our Newsletter

After 8 years of being known as Legal Update, the Shook Lin & Bok newsletter has been renamed as Legal Nexus. This is the inaugural issue under the new name.

The change was inspired, not only by the recent change of guard which saw Dato' Dr. Cyrus Das taking helm of the firm, but also by the Editorial Committee's vision of turning the publication into a medium that reaches out to and connects with everyone valued by the firm, our network of cherished clients to our invaluable body of staff as well as our Partners and Associates.

*The word Nexus has two general definitions.*

*It could refer to **a means of connection** i.e. a link or a tie. It could also mean the core or centre of a particular matter. The Committee felt that this perfectly reflected its vision for the publication – **the core that links the Shook Lin family.***

The name change will also be accompanied by a sharpening of the newsletter's content focus. There is also a restyle of the design of the newsletter reflecting the recent renovations carried out to the Firm's reception which echoes the Firm's new, cutting-edge image.

Insofar as the content is concerned, the Committee will maintain the publication's core content of latest case law and legislative developments. At the same time, there will be an increase in non-core content such as more exciting photographs, a focus segment on the firm's Staff as well as sections dedicated to the firm's social and cultural events such as its lawyers' participation in sporting events, conferences, travels as well as CSR activities.

The Committee hopes that our readers not only enjoy the refreshed newsletter but also having read it, are left with a better understanding of the developments in the law as well as what makes the firm tick.

*Editorial Committee*

## The Firm's Reception Lobby Gets a Makeover.

In mid-February, 2013 renovation work on the firm's reception area and two adjoining conference rooms began in full swing. This lasted for more than a month. During this time, the entire reception area was demolished. The familiar dark wood wall cladding, blue carpets and light blue wallpaper were stripped away and replaced with an interior that reflected the firm's new corporate colours of beige and maroon.



A new prominent Shook Lin & Bok signage now hangs above the reception desk, greeting visitors to the firm. To provide a splash of colour, an oil painting by local artist Nik Rafiin entitled "Wayang Kulit Treasure" graces one wall whereas a contemporary piece by Balinese artist, titled "The Energy of Wind" graces another.

Frosted glass doors and mirrors were used to provide an illusion of space. One of the goals of the renovations was to use the existing area more effectively and to enhance existing facilities in the conference rooms. The result? A comfortable and chic environment for our lawyers and clients to meet.



## Interview with the Firm's Former Managing Partner, Too Hing Yeap



*The firm's former Managing Partner Too Hing Yeap retired at the end of 2012 after a distinguished 41 years with the firm and 15 years as Managing Partner. His outstanding stewardship of the firm saw the firm grow from strength to strength and he has left a lasting legacy. Goh Siu Lin and David Matthew took the opportunity to meet with him and he shares with us his memories of his long career and tenure as the head of the firm.*

*Q. Could you share with us a little bit about your background?*

*A.:* I was born in Ipoh. My father was a businessman and my mother, a housewife. I attended the Anglo Chinese School, Ipoh.

*Q.:* *What led you to choose a career in the law?*

*A.:* I was an Arts student. In those days this meant progressing to a university degree in Economics, Arts or Law. We had limited choices. I opted for law because that was, to me, the most interesting of the lot and went to the University of Singapore to read law.

*Q.:* *Could you take us back to how you became an associate with Shook Lin & Bok in 1972?*

*A.:* After I obtained my law degree, I wanted to practice in my hometown, Ipoh. However, the then Dean of the Law Faculty strongly recommended that I take up a placement with Shook Lin & Bok, Kuala Lumpur. The firm had written to the Dean and had asked for one student to be recommended by him for pupillage and he recommended me. I did not know anything about Shook Lin and Bok then and hardly knew anybody in Kuala Lumpur.

*Q.:* *How did you fare in the interview for pupillage at the firm? Who interviewed you?*

*A.:* The then Managing Partner, the late Mr. Robert KC Hoh, interviewed me. He told me in no

uncertain terms that the firm expected full commitment from its pupils and would keep only the best of the crop. The serious manner in which this was expressed to me, and the fact that many of the other pupils were from well-connected families, had a daunting effect on me. I had no connections and knew nobody so I worked my guts out. I was very relieved and pleased when the firm retained me as a litigation lawyer.

Q.: *What was it like being a practitioner in those days compared to now?*

A.: First, court proceedings were in English. The Judges were prepared to engage with the lawyers and oral submissions were the norm. When English was substituted as the language of the Courts, I felt that an important tool of our trade had been removed.

Q.: *What in your view are the biggest challenges faced by young associates today?*

A.: Universities do not prepare young graduates sufficiently for legal practice. However, clients' expectations of lawyers' skills and turnaround time are much higher. In my time as Managing Partner, I found that most of law graduates I interviewed did not meet our expectations. The standards of many of the graduates are way below the mark and many are, in my opinion, not employable as lawyers. Their command of the English language is in many cases appalling. This is an indictment on the people who are responsible for educating young Malaysians. As a provider of legal services, we have a duty and responsibility to ensure that the consumers of our services are provided with lawyers of a high standard.

Q.: *Could you share with us how the senior partners trained and assessed their young lawyers?*

A.: It has always been, and I believe still is, performance based. The emphasis has always been on problem-solving skills. Lawyers are encouraged to take their craft to an ever higher standard and told that they were assessed, inter alia, on how effective they were in their work. Some lacked the courage to advise clients what to do to such an extent that they would literally

“freeze” and would abdicate their responsibilities as lawyers. The partners need to constantly identify and nurture talent and to weed out those not suitable for practice.

Q.: *What is the most significant and memorable case in your 40+ years with the firm?*

A.: It was a case involving a Malaysian listed company with a shipyard and assets in Singapore. Our firm was retained by a group of 16 Singapore-based banks who had granted huge financing to this company. The borrower, as a pre-emptive step, had obtained an ex-parte injunction against the banks restraining the banks from commencing legal action against it. We were retained to dissolve the injunction and to apply for a court-appointed receiver and had only days to do this. The amount at stake was very large at that time. We successfully dissolved the injunction and also obtained a court order for receivers to be appointed. The application was fought tooth and nail for the better part of one week. It was a tough case with a lot of publicity. Now, these types of cases may no longer be unusual but in those days, such a case was rare. It even made the national and Singapore news. I hardly slept during that week as I was in court every day making submissions and on top of that, I had to deal with non-stop telephone calls from the distressed bankers. It was a very satisfying victory for me as our case set the tone for the other connected cases which followed in Singapore.

Q.: *What was the transition like, from being a litigation lawyer to a Managing Partner?*

A.: It was not by choice and I was not the most senior after the then Managing Partner. However, I was persuaded by my fellow partners to accept firstly the position of Deputy Managing Partner and then when the time came, that of Managing Partner. Being a litigation partner, I just had to look after my matters only. As a Managing Partner, however, I had to look at the business of running the firm and ensuring it stayed successful.

Q.: *You took up the role as the firm's Managing Partner in 1998, could you share with us what measures you had implemented during your tenure?*



A.: I wanted Shook Lin & Bok to be different. Basically, I wanted the firm to function like a corporation, looking at bottom-lines and yet stay relevant to our clients' needs in a changing legal landscape. I realized the firm could leverage on economies of scale and that we could spend on technology, which was beyond the financial capabilities of the smaller firms, and which paid us dividends in terms of efficiency and faster turnaround time. I emphasized the recruitment of the best lawyers we could get. It was a balancing game as the firm's expenses increased every year by 10-15%. If you take your eye off this ball – you perish. I also introduced incentive schemes to retain talent in our firm. The old mind-set that “no one is indispensable” had to be changed in the light of the difficulties to recruit and retain good lawyers. Without a large pool of good lawyers it would not be possible to grow and sustain the firm's business. Making it worthwhile for talent to stay with us is one of the most important responsibilities of the partners.

Also, I set up the Banking and Finance Litigation Department and I ensured it functioned as a unit of lawyers dedicated to doing only finance litigation work (in all aspects). Basically this

resulted in a team of lawyers who are highly trained and experienced in that area of law as opposed to other law firms where bank litigation work was just part of a larger portfolio of litigation work handled. What we did gave our lawyers an edge over other firms in securing success in the courts and satisfactory results for our clients. The emphasis always was getting positive results for our clients in the shortest possible time.

Q.: *Do you have any regrets? Would you do anything differently?*

A.: No, no regrets. It's been an exciting ride. It is with great pride that I see the firm growing from strength to strength.

Q.: *Is there anyone in particular who mentored and inspired you during your career?*

A.: Someone whom I respected greatly is Chan Siew Yoon (ex-senior partner of the firm, now retired) for his humanity and integrity. When I joined in 1971, Chan Siew Yoon was a partner then. I saw that in spite of the pressures of practice and work, he never forgot to put a human face to our practice. Because of him and other partners like him, these core values have been anchored into the psyche of the firm's partners.

- Q.: *What are your hobbies and could you share with us how you have been spending your retirement?*
- A.: I read a lot and have a keen interest in art. I have two Rottweilers whom I walk everyday for exercise.
- Q.: *With the knowledge you've gained in the 40-plus years as a lawyer, what advice would you give an aspiring young practitioner?*
- A.: I would say focus on an area of law that you are interested in and develop depth and expertise in that chosen area. One must persevere and not get tempted to venture into every “flavor of the month” that comes along. It will take time and one must do many files of that type before one can excel in that area of practice. It is a long process. The clients can see the difference in your performance as compared to your peers. Then will come the sweet reward of clients’ recognition that you are the best in that field – and the best part of it is, it is personal to holder. Nobody can take that away from you.

## Art Appreciation Outing



As part of the SWAT calendar, the firm held an “Art Appreciation morning” on the 27th April, 2013.

A group of lawyers were led by our Yoong Sin Min to view the works of Latiff Mohidin at the National Art Gallery. For the uninitiated, Latiff Mohidin is one of Malaysia’s greatest living artist and poet. Latiff was a child prodigy and held his first solo exhibition at 11, he was discovered in Singapore (then part of Malaya) and awarded a scholarship to study art in Berlin, Germany and there was no looking back from then on. This rare exhibition entitled “*Six Decades of Latiff Mohidin: A Retrospective*” which ran until 13th June 2013, showcased his works for a period spanning 5 decades, from the early 1960s to 2000 consisting of 344 of his artistic works created throughout his life from 28 collectors, including the famous Pago-Pago (which fetched RM572,000.00 at auction!), Mindscape and Langkawi.



## Steven Thiru elected as Vice President of the Malaysian Bar



The firm congratulates Steven Thiru on his election on 16 March 2013 as the Vice President of the Malaysian Bar.

Steven has held various positions in the Bar Council since 2006 including Chairman of the Industrial Court Practice Committee, Chairman of the Professional Standards and Development Committee, Co-Chairperson of the Committee on Orang Asli Rights, Chairman of the Ad-Hoc Committee on the Common Bar Course and Chairman of the Finance Committee. He was also Treasurer of the Malaysian Bar (2011 – 2013). Steven continues to chair the Ad-Hoc Committee on the Common Bar Course and serve in the Finance Committee as well as the Committee on Orang Asli Rights.

The firm wishes Steven well in his new position and is confident that he will keep the Malaysian Bar flag flying high.



IN THE PHOTO:

*Mr. Steven Thiru with partners and lawyers of the firm in a celebratory mood, upon the announcement of the election results at the Malaysian Bar Annual Dinner & Dance 2013.*

## Inter-Pacific Bar Association Conference 2013 in Seoul, Korea

The Inter-Pacific Bar Association (IPBA) recently organised its 23rd Annual Meeting & Conference in Seoul, Korea. The theme of the conference was “*Dynamic ASIA – New Opportunities & Challenges for Law & Business*” which provided a platform for vibrant legal discussion as well as networking opportunities with over 1,200 IPBA delegates from over 67 national jurisdictions globally.

There were 45 sessions divided into topical streams which included, Dispute Resolution & Arbitration, Cross-Border Investment, International Trade, Technology & Communications/ Intellectual Property, Corporate, Environmental Law, Insolvency, Banking Finance & Securities.

The keynote speaker was Dr. Il SaKong, Chairman of the Institute for Global Economics (IGE) in Seoul, former Chairman of the Presidential Committee for the Seoul G20 Summit, former Minister of Finance.

Sessions of interest included “*Hear from the CEOs*” where global business CEOs such as Dr. Yoon-Dae Euh (CEO, KB Finance Group), Dr. Chang-Gyu Hwang (former Samsung Electronics CEO), and Dr. Ben Verwaayen (Alcatel-Lucent CEO) discussed the Asian business market and the future perspectives for the region. Another session provided insights from the managing partners from the leading law firms of Asia, Europe, and America on the opportunities and challenges in the global legal market.

The firm was represented by our partners, Goh Siu Lin, Lam Ko Luen and Sudharsanan Thillainathan. During their time there, our partners paid a courtesy call to the offices of Messrs Kim & Chang and met with their team of lawyers from the International Arbitration and Cross-Border Department.



IN THE PHOTO ABOVE, FROM LEFT TO RIGHT:

*Martin Kagerbauer, Joel E. Richardson, Byung-Woo Im, Goh Siu Lin, Byung-Chol Yoon, Sudharsanan Thillainathan, Lam Ko Luen, Young-Suk Park*

## 18th Commonwealth Law Conference – 14-18 April, 2013



IN THE PHOTO,  
FROM LEFT TO RIGHT:

*Dr. Venkat Iyer (Editor of the  
Commonwealth Lawyer), Steven  
Thiru, Dato' Dr. Cyrus Das.*

The Commonwealth Lawyers Association (CLA) recently organised the 18th Commonwealth Law Conference in Cape Town, South Africa.

The theme of the conference was “*Common Challenges—Common Solutions: Commonwealth, Commerce and Ubuntu*” and it was attended by over 800 delegates. There were 48 sessions divided into 4 topical streams, namely: Corporate and Commercial Law, Legal and Judicial Profession, Constitutionalism, Human Rights and the Rule of Law and Contemporary Legal Topics. The firm was represented by our Managing Partner, Dato’ Dr. Cyrus Das and Steven Thiru. Dato’ Dr. Das is a Life President of the CLA and he chaired the session entitled “*Pluralistic Legal Systems: Custom, Tradition and Religion*”. Steven Thiru, who is a Council member of the CLA, delivered a paper on the **Lina Joy** case in the “*Unity and Diversity in the Commonwealth: Five interesting cases from across the Commonwealth*” session. Both sessions were very well attended and well received. Steven Thiru also spoke on behalf of the Malaysian Bar in the session entitled “*Lawyers in the Frontline*”.

The firm congratulates Steven Thiru on his election at the General Meeting of the CLA on 14 April 2013 as a Council member (Malaysia) for the term 2013 - 2015.

## The Firm's Presentation on the New Financial Services Acts

*On 14 March 2013, a team of the firm's Partners presented an overview of the Islamic Financial Services Act 2013 (IFSA) and the Financial Services Act 2013 (FSA) to Hong Leong Bank Berhad (HLBB) personnel, including senior management.*

Jal Othman (Head, Islamic Finance) gave an overview of the IFSA, including the regulatory objectives thereof which are to promote financial stability and Shariah compliance. Jal focused on Shariah compliance, including the statutory enforcement thereof. Under the IFSA, it is a statutory duty to ensure that the aims, operations, business affairs and activities of an Islamic financial institution (IFI) are all in compliance with Shariah. The consequences of non-compliance are severe, including the immediate cessation of the non-compliant business or activity and the possibility of revocation of the IFI's licence. Jal highlighted that the IFSA contemplates the issuance of Shariah standards by the Shariah Advisory Council (SAC) of Bank Negara Malaysia (BNM), and provides for deemed Shariah compliance where rulings of the BNM SAC are complied with.

Ivan Ho (Deputy Head, Corporate) spoke regarding ownership and control and transfer of business in relation to licensed financial institutions. Ivan dealt with maximum permissible holdings, control, the acquisition and disposal of interests in shares, amalgamation and reconstruction, as well as the transfer of business. Comparisons between the positions under the existing legislation and the positions under the IFSA and FSA were made. In particular, the IFSA provides for a vesting order to be available for the transfer of an IFI's business. Under the Islamic Banking Act 1983, there is no provision for such a vesting order, unlike the position under the Banking and Financial Institutions Act 1989.

Hoh Kiat Ching (Partner, Banking & Finance and Islamic Finance) gave an overview of the FSA. The regulatory objectives of the FSA are to promote financial stability and to protect the rights and interests of financial

consumers. The FSA deals inter alia with licensing and registration, prudential matters, corporate governance, transparency requirements, business conduct and consumer protection. Kiat Ching highlighted that the FSA imposes stricter requirements vis-a-vis consumer protection (such as the introduction of the Financial Ombudsman Scheme to cater for consumer complaints and dispute resolutions) and standards of business conduct to ensure that financial service providers are fair, responsible and professional when dealing with financial consumers.

Tan Gian Chung (Partner, Banking & Finance Litigation) spoke about litigation aspects under the IFSA and FSA, dealing in particular with winding-up, business conduct and consumer protection, and enforcement and penalties under the FSA. Gian Chung informed the attendees that under the FSA, prior approval of BNM is required for any voluntary winding-up of a licensed financial institution, and before any application to wind-up a licensed financial institution can be presented to Court. The FSA provides that BNM shall be a party to the proceedings, and the liquidator shall be of BNM's choice and his remuneration shall be determined by BNM. Further, the liquidator shall carry out his functions under BNM's direction and supervision.

There was lively interaction between the HLBB personnel and the SLB team, including an animated Q&A session.

## Human Trafficking in the Spotlight

On 8 September 2012, 8 lawyers and pupils were sponsored by the firm to attend an event titled “Bringing Human Trafficking to Light”. It was organised by Lexis-Nexis Malaysia, which aims to “*build informed individuals on this issue, to start a volunteer bank and to raise funds for our partners who actively and tirelessly work to combat human trafficking.*” This is the first event of many more in their long-term campaign on human trafficking.



We watched a documentary called “*Not My Life*”, which uncovered the realities of human trafficking and depicted stories of victims, perpetrators and those combating human trafficking. One of the more unforgettable scenes was forlorn little girls lined up for a potential client in a Cambodian brothel which has since been closed down thanks to international and local law enforcers and NGOs. This was followed by a panel discussion featuring three experienced speakers who spoke about labour trafficking (Anni Santiago), sex trafficking (Theresa Symons) and the findings of the U.S. Trafficking in Persons (TIP) report 2012. The panel discussion was moderated by Daniel Lo, Country Manager of Coalition to Abolish Modern-Day Slavery in Asia (CAMSA).



It was a shocking revelation to some of us that human trafficking occurred so close to home, as around 56% of victims (1.4 million people) of human trafficking around the world are located in our region, Asia and the Pacific. Furthermore, in 2006, for every 800 people trafficked, only one person was convicted. We learned that human trafficking is one of the most profitable businesses for international organised crime, alongside sales of drugs and arms. Therefore, in order to combat this large-scale criminal activity, it is clear that a concerted collaboration is needed between prosecutors, police, the government, businesses (i.e. through CSR and responsible business practices), and the public to bring justice to the victims and keep perpetrators accountable for their actions. Further, rescuing victims is not enough, as it is always better to prevent rather than to save, hence the aim of this event in raising public awareness of human trafficking.

*By Lee Lyn-Ni*

## CASE UPDATES

*The following lawyers contributed to the preparation of various case updates in this issue: Michael Soo, Hoh Kiat Ching, Tharmy Ramalingam, Tan Gian Chung, Ng Kim Poh, Ng Hooi Huang, Michael Anthony, Aretha Wan, Yeoh Tung Seng.*

### Land Law

**Bank's interest as registered chargee restored as current registered proprietor fails to prove he is bona fide purchaser for valuable consideration**

In *CIMB Bank Bhd v. Abdul Rafi Abdul Rajak & Ors* [2013] 3 CLJ 397, the firm's Partners, Tan Gian Chung and Ng Hooi Huang acted for the plaintiff bank in an writ action for declaratory relief to, inter alia, reinstate a charge of land originally created by the 3rd defendant in favour of Cempaka Finance Berhad ("Cempaka"), and to annul the transfers of the land from the 3rd defendant to the 1st defendant and from the 1st defendant to the 2nd defendant.

In 1996, Cempaka Finance Berhad ("Cempaka") granted credit facilities ("the Loan") to the 3rd defendant. The 3rd defendant created a charge ('the Charge') over the land in favour of Cempaka.

In 1998, the Loan was recalled and Cempaka obtained judgment against the 3rd defendant and its guarantors. Subsequently, a winding-up order was made against the 3rd defendant in 2000.

Pursuant to various vesting orders, the liabilities of Cempaka were ultimately vested in the plaintiff bank in 2006.

The plaintiff bank obtained an order for sale of the Land from the 4th defendant, the Land Administrator in 2000. In 2002, the plaintiff bank deposited the original title with the Kulajaya Land Office. Following three unsuccessful auctions, the matter was referred to the High Court but had not proceeded further.

Discharge of the Charge dated 26 August 1999 ('the Discharge of Charge') was registered with the Land Office. At the same time, a transfer form dated 21 April 2010 ("First MOT") for the transfer

of the land from the 3rd defendant to the 1st defendant was also registered at the Kulajaya Land Office.

Subsequently, on 19 August 2010 a transfer of the land from the 1st defendant to the 2nd defendant was registered at the Land Office.

The trial judge found that the transfer of the land to the 1st defendant was obtained by fraud as the transaction was executed without the knowledge of the Official Receiver and the plaintiff bank. The plaintiff bank did not execute the discharge of the charge; neither did the Official Receiver execute the First MOT. Further, there is no record of the consent of the State Authority being obtained for the transfer of the land to the 1st defendant, a non-citizen. The so-called legal firm which purportedly presented the transfer documents at the Land Office was a fictitious entity.

The court concluded that the 1st defendant's title to the land was defeasible as it was procured by fraud and a void instrument. Accordingly, the 1st defendant's title to the land was set aside under s. 340(3)(a) of the National Land Code ("NLC").

The trial judge also did not accept the principal thrust of the 2nd defendant's defence that his title is indefeasible because he acquired the land from the 1st defendant in good faith and for valuable consideration.

The court set aside the 2nd defendant's title to the land as the court was not satisfied that at all material times, the 2nd defendant was not aware that the 1st defendant's title to the land was suspect. The manner in which the sale transaction was entered into, the cash payments of the RM5 million purchase price, the transfer of the monies to the 1st defendant in India through a money changer, the creation of the irrevocable power of attorney in favour of the second defendant and the fictitious legal firm which purportedly presented the transfer documents at the Land Office were described as incongruous. The court concluded that the 2nd defendant failed to prove that he is a purchaser of the land in good faith for valuable consideration.

The 2nd defendant's appeal to the Court of Appeal was subsequently dismissed. The Court of Appeal upheld the trial judge's decision.

## Land Law

Land of a company that has been wound up cannot be forfeited for non-payment of rent assessment without leave of Court.

On 15 February 2013, the Court of Appeal in *Saratogoa Sdn Bhd v Pentadbir Tanah Johor Bahru (Civil Appeal No. J-01-310-07/2012)* held that the respondent Pentadbir Tanah Johor Bahru cannot proceed to forfeit the appellant's land without obtaining leave of Court pursuant to Section 226(3) of the Companies Act 1965 ("the Act").

The appellant was wound up on 12 April 2007 and a private liquidator was appointed to the appellant. The liquidator had applied for instalment payments of rent assessment but failed to settle the amount due on the agreed terms as stipulated by the respondent. Form 8A (Notice of Reversion to the State) under the National Land Code 1965 ("NLC") was duly gazetted on 23 June 2010.

The High Court held that the appellant itself had breached its legal obligations under Section 233(3) of the Act by not notifying the respondent of the winding up order and was, therefore, not in a position to ask that the order of the respondent be set aside as the respondent had proceeded to make the order without being officially notified that the appellant had by then been wound up.

The appellant appealed to the Court of Appeal, relying on Section 226(3) of the Act which states that no action or proceeding shall be proceeded with or commenced against a company when a winding up order has been made against, or a provisional liquidator has been appointed over, such company, except by leave of the Court.

The Court of Appeal allowed the appeal on the following grounds:

- (a) provision for forfeiture is quasi criminal in nature and procedural safeguards and compliance must be adhered to in the strict sense, particularly in the case of landed property, when constitutional safeguards must be strictly complied with;
- (b) in the case of the appellant which has been wound-up, it is not sufficient to comply with

the relevant NLC provisions; it is also necessary to comply with Section 226(3) of the Act failing which it will offend the fundamental guarantee afforded in the Federal Constitution in particular Article 13(1) regarding rights to property whereby no person shall be deprived of property save in accordance with law.

The Court of Appeal set aside the decision of the High Court and revoked the order of forfeiture.

## Administrative Law

### Judicial Review

In *Dr. Michael Jeyakumar Devaraj v Peguam Negara Malaysia* [2013] 2 MLJ 321, the facts were as follows. Dr. Michael Jeyakumar is a Member of Parliament. He was elected to that office by the people of Sungai Siput. Many charitable institutions and schools in Sungai Siput sought his assistance in various matters. Like most things in life, this required funds. Alas, the doctor claimed that he was not put in sufficient funds to carry out his duties. He then found out that there was in fact an allocation of public monies called the Special Constituency Allocation for Sungai Siput under the Federal Consolidated Funds.

The doctor wrote to the Director of the Perak State Development Office ("the 2nd Respondent") requesting for some funds. His letter particularized the various projects, activities and purchases of equipment for schools, associations and communities in Sungai Siput towards which the funds would be used. The requested funding fell within categories approved by the Director General of the Implementation Coordination Unit of the Prime Minister's Department ("the 1st Respondent").

How, then, did the 2nd Respondent reply? In the first reply, the doctor was informed that 56 projects had already been approved for Sungai Siput. The 2nd Respondent also stated that there was no allocation for victims of natural disasters but nonetheless requested that the doctor provide the names of the victims for its consideration. Lastly, the 2nd Respondent requested for details of the Parents-Teachers Associations ("PTAs") and account particulars of these PTAs in respect of which funds were requested.

The doctor provided the details requested for by the 2nd Respondent. He also sought clarification concerning the approved projects for Sungai Siput. In the second reply, the 2nd Respondent responded that funds for victims of natural disasters had already been rejected earlier. Further, it stated that the necessity of funding for some of the PTAs would be assessed and as for proposed projects in Orang Asli villages, the doctor was advised to approach the Department of Orang Asli affairs.

The doctor sought leave to institute judicial review proceedings. He also named the Government of Malaysia as the 3rd Respondent. The remedies he sought were, inter alia, for a writ of ‘*quo warranto*’ for the respondents to provide information on their respective authorities and/or discretion to disburse funds from the Federal Consolidated Funds under the Special Constituency Allocation; a declaration in line with Article 8(1) Federal Constitution i.e. the equality provision that the Special Constituency Allocation must be provided to all members of Parliament equally and equitably regardless of political affiliation; an order of certiorari to quash the decision of the 2nd Respondent and consequently, an order of mandamus to compel the 2nd Respondent to grant the doctor’s application for funds.

The respondents’ objection to the doctor’s application may be summed up in one word – policy. The respondents argued that its decision concerned public policy considerations and was related to its management prerogative. Therefore, it was not a justiciable issue. The learned High Court judge did not agree. Her Ladyship granted the application for leave on the basis that a mere assertion by the respondents of management prerogative and non-justiciability was insufficient, without more, to reject the application for leave.

The Court of Appeal reversed the High Court and when the case came before the Federal Court, two questions were put for determination, first, whether a decision that is alleged to have been made pursuant to policy considerations and/or management prerogative is ex facie non-justiciable, and second, whether the leave stage is the appropriate stage to make such a determination. The apex Court answered both questions in the affirmative and dismissed Dr. Michael Jeyakumar’s application for leave.

In His Lordship’s judgment, Raus Sharif PCA, observed as follows:

*“Unwarranted usurpation and transgression by the judiciary into the realm of the executive and vice versa will bring about disrepute to our system of government which upholds the separation of powers between the three main components vis a vis the executive, the legislature and the judiciary.”*

## Banking

Federal Court decides that leave to issue execution under Order 46 Rule 2 of the Rules of the High Court 1980 is not required in order to file bankruptcy proceedings on judgment which is more than 6 years old

In *Ambank (M) Bhd (yang dahulunya dikenali sebagai AmFinance Berhad) v Tan Tem Son and another appeal* [2013] 3 MLJ 179, the Federal Court analysed the plethora of conflicting decisions on the issue of whether leave of court is required to file bankruptcy proceedings based on a final judgment which is more than 6 years old. The Federal Court held that since bankruptcy proceedings are not a writ of execution within the meaning of Order 46 Rule 2 of the Rules of the High Court 1980, a judgment creditor is entitled to enforce a final judgment by instituting bankruptcy proceedings without leave of court, within the statutorily prescribed limitation period of 12 years for actions upon judgments.

## Companies

Federal Court compares the oppression provision under Section 181 of the Companies Act 1965 with the words ‘just and equitable’ under Section 218 of the Companies Act 1965

In *Jet-Tech Materials Sdn Bhd & Anor v Yushiro Chemical Industry Co. Ltd & 2 Others* [2013] 2 MLJ 297; [2013] 2 CLJ 277, the Federal Court was invited to determine various questions revolving around the interpretation of the words ‘oppressive manner’ found in Section 181 of the Companies Act 1965.

The appellant, Jet-Tech Materials Sdn. Bhd., being a minority shareholder of Yushiro-Jet Chemicals Sdn. Bhd. (“the Company”), filed a *Section 181 Companies Act 1965* oppression petition against, amongst others, Yushiro Chemical Industry Co. Ltd, the respondent (“Yushiro”), contending that Yushiro, as majority shareholder, had conducted itself in an oppressive manner.

The High Court held in favour of the appellant and decided that there was clear oppressive conduct by Yushiro. The Court of Appeal however overturned the decision of the High Court and held that the appellant’s complaints, even if made out, did not fall within the ambit of *Section 181* as the complaints relate to the agreement between shareholders and not in relation to the conduct and management of the affairs of the Company.

Leave to appeal to the Federal Court was granted and among the questions framed for determination by the Federal Court were:-

- (1) whether the interpretation given to the words ‘just and equitable’ by the House of Lords in *Ebrahimi v. Westbourne Galleries Ltd [1972] 2 All ER 492* and by the Privy Council in *Tay Bok Choon v. Tahansan Sdn. Bhd. [1987] 1 CLJ 441* in the **winding-up provision** of the *Companies Act 1965*, viz **Section 218(1)** with respect to a quasi partnership company apply to the interpretation of the **oppression provision** in the *Companies Act 1965* viz **Section 181**.
- (2) whether a breach by a majority shareholder of a written shareholder agreement would amount to ‘oppressive conduct’ or be ‘otherwise prejudicial’ to a minority shareholder within the meaning of *Section 181(1)(a)* or *(b)*, thereby entitling a court to grant relief pursuant to *Section 181(2)*.

The House of Lords in the case of *Ebrahimi* essentially held that in considering the words ‘just and equitable’ in relation to an application for a winding-up order under the then applicable *Section 222(f)* of the *UK Companies Act 1948* (equivalent to our *Section 218(1)(i)* of the *Companies Act 1965*), the relevant question to be determined is whether it is equitable to allow one to make use of his legal rights to the prejudice of his associates.

In relation to question (1), the Federal Court decided in the affirmative and held that the ‘just and equitable’ principles laid down by the House of Lords in the case of *Ebrahimi* may be applied to the oppression provision

under *Section 181*. Thus, an applicant who establishes that there were considerations of a personal character arising between individuals which would make it unjust or inequitable to insist on legal rights (or to exercise the legal rights in a particular way) would succeed in obtaining relief under *Section 181*. In *Ebrahimi*, the House of Lords further elucidated the ‘just and equitable’ provision to include circumstances where there existed a special underlying obligation in good faith or confidence between parties, an obligation so basic that if broken, the conclusion must be that the association must be dissolved.

In relation to question (2), the Federal Court answered in the negative and decided that breaches of a shareholders agreement cannot be a basis for bringing a petition under *Section 181*. The Federal Court reiterated that a complaint under *Section 181* must be confined to matters relating to the affairs of the company and dismissed the appeal by the appellant. The Federal Court was of the view that breaches of shareholders agreement are not matters relating to the affairs of the company and that such breaches are merely private matters enforceable by the parties to the shareholder agreement.

As a result of this decision, it is necessary for the Malaysian Courts to consider the ‘just and equitable’ principles as enunciated in the case of *Ebrahimi* when contemplating whether there is oppression under in *Section 181* of the *Companies Act*.

## Companies

Court of Appeal provides clarification on the rights of a company to deal with assets under a debenture

In *Tan See King & Anor v Anata Knitting Industry (M) Sdn. Bhd. [2013] 2 MLJ 284*, issues pertaining to the validity of the sale of motor vehicles prior to the appointment of a Receiver and Manager (“R&M”) were considered by the Court of Appeal.

The respondent, Anata Knitting Industry (M) Sdn. Bhd. had executed various debentures in favour of its financier, Bank Bumiputra Commerce Bank Berhad, as security for the credit facilities granted to the respondent. Pursuant to the terms of the debentures, a floating

charge was created over all assets of the respondent in addition to a fixed charge over all its motor vehicles.

On the 17th January 2006, the financier appointed an R&M over the assets, including the motor vehicles, of the respondent. However, the R&M was not able to take possession of the motor vehicles as these had already been sold by the respondent to the appellant, a second hand car dealer, prior to the appointment of the R&M. The appellant refused to hand over possession of the motor vehicles to the R&M on the basis that the appellant was a bona fide purchaser for value and a valid sale of the motor vehicles had been effected prior to the appointment of the R&M.

The Court of Appeal concurred with the High Court and decided that the sale of the motor vehicles to the appellant was invalid. The rationale for this is that upon the creation of the debenture, the motor vehicles of the respondent were encumbered with the interest of the chargee by the fixed charge, and consequently, the respondent had no interest that could be passed to the appellant. Even though the sale of the motor vehicles was completed before the appointment of the R&M, the Court held that the respondent did not have any right to sell them.

The Court of Appeal recognised that the properties forming the subject matter of a floating charge could be sold in the ordinary course of business pending crystallisation of the floating charge. However, this was not the same for properties the subject matter of a fixed charge as a company is not entitled to deal with these properties at all.

In order to ensure that an intended sale is not rendered invalid, intended purchasers may have to conduct a company search to ascertain that the property to be purchased is not the subject matter of a fixed charge under a debenture, before completing the sale.

## Intellectual Property

### Patents

In *Pfizer Ireland Pharmaceuticals v. Ranbaxy (Malaysia) Sdn. Bhd.* [2013] 3 CLJ 61, the Appellant is the patentee of Malaysian Patent No. MY-111446-A entitled

“**Pyrazolopyrimidinones for treatment of impotence**” (“**446 Patent**”) which concerns the use of sildenafil (an active ingredient in VIAGRA) for the treatment of erectile dysfunction.

The Respondent has plans to manufacture and distribute in Malaysia a generic drug called CAVERTA which contains sildenafil citrate (the same compound that is used in VIAGRA). Hence, the Respondent commenced legal proceedings against the Appellant under Ss. 56 and 57 of the Patents Act 1983 (“**the Act**”) before the High Court to invalidate the 446 Patent.

Shortly before commencement of trial at the High Court, the Appellant filed an application to amend the 446 Patent under Order 20 rule 8 of the Rules of High Court 1980 (“**RHC**”), s. 56 of the Act and/or inherent jurisdiction of the Court. The application was dismissed by the High Court and the decision was affirmed by the Court of Appeal.

In affirming the High Court’s decision, the Court of Appeal held that the 446 Patent could not be amended under Order 20 rule 8, RHC as it is not a court document or a pleading; and that the Court is not the forum to amend the 446 Patent in view of the fact that a patent is a creature of a specific statute, and all matters pertaining to the procedure of amending a granted is governed by the Act.

Further, the Court of Appeal agreed with the High Court that the discretion to allow amendment should not be exercised in the circumstances of this case because:-


- (a) the proposed amendment would have the effect of pre-empting a full hearing before the High Court and the Respondent would be deprived of its right and opportunity to seek redress in its invalidation proceedings under s. 56 of the Act;
- (b) the proposed amendment would change the character of the proceedings in the High Court and this would cause injustice to the Respondent which could not be compensated with costs; and
- (c) the Appellant would still have an opportunity to defend the validity of the 446 Patent during the trial.

The Federal Court had recently granted leave to the Appellant to appeal against the decision of the Court of Appeal.


## Intellectual Property


### Trade Marks

In *Xiamen King Long United Automotive Industry Co. Ltd v. KLM Motor Sdn Bhd* [2013] 1 LNS 19, the Applicant, Xiamen King Long United Automotive Industry Co. Ltd, was incorporated in 1988 in China and carries on business as a manufacturer, distributor and seller of buses and coaches, carrying the trade mark . The Respondent, KLM Motor Sdn Bhd, is a company incorporated in Malaysia on 16.11.2005.

The Applicant applied for and obtained registration of the trade marks  and **KING LONG** in many countries long before the Respondent was even incorporated.



The Applicant sold more than 200 buses in Malaysia in 2010 and 2011 respectively. Products bearing the Applicant's brand and logo are sold in over 80 countries and regions around the world, including Malaysia. On 08.07.2005, the Applicant appointed Euromawar Sdn Bhd to act as its agent and distributor in Malaysia for its range of city buses. Acting through Euromawar, the Applicant participated in a bid / tender for Syarikat Prasarana Negara Berhad, a wholly-owned Government company incorporated in Malaysia; subsequently winning the bid to provide the company with city buses on 13.04.2006. The Applicant later concluded further distributorship agreements with Euromawar, R&A Manufacturing Industries Sdn Bhd, and InterCoach Sdn Bhd.

The Applicant filed a trade mark application in Malaysia for the trade mark  on 22.06.2006 in Class 12 *vide* Application No. 06010738 in respect of “*Motor buses; motor coaches; electric vehicles; automobiles; vehicle chassis; vehicle bumpers; propulsion mechanisms for land vehicles; automobile bodies; automobile wheels; luggage carriers for vehicles; vehicle seats; upholstery for vehicles; anti-theft devices for vehicles; locomotives; motorcycles; bicycles; funiculars; two-wheeled trolleys; tires for vehicle wheels; axles for vehicles; all included in Class 12.*”

The Respondent is the registered proprietor of the trade mark  *vide* Registration No. 06003489 in Class 12 for “*vehicles spare parts for locomotion by land, air or water; all included in Class 12.*”

The Applicant filed an application in the High Court under S. 45 of the Trade Marks Act 1976 (“the Act”) to expunge the Respondent’s Registration No. 06003489.




### Issues

- (1) Whether the Applicant is an aggrieved person under S. 45 of the Act?
- (2) Whether the Applicant is the rightful owner of the trade mark?
- (3) Whether the Respondent’s trade mark  under Registration No. 06003489 is identical to the Applicant’s trade mark  under Application No. 06010738?

### Decision

The Court held that the Applicant is a person aggrieved and has *locus standi* under S. 45(1)(a) of the Act because the nature of goods of both parties is the same and, thus, the Applicant’s business will be affected by the Respondent’s Registration No. 06003489.

The Court also held that evidence clearly shows that the Applicant is the first user of the trade mark in Malaysia and, through its Malaysian partners, has made substantial, exclusive and continuous use of the trade mark in Malaysia for 6 years. The trade mark has become well known among members of the purchasing public and trade, and is distinctive of the Applicant.

Further, the Court was of the view that the Respondent’s trade mark  is identical to the Applicant’s trade mark . Thus, it may cause confusion in the minds of the public as the trade marks are used in the same Class, trade channels and target markets. There is a strong likelihood that existing and potential customers may be diverted from the Applicant to the Respondent resulting in loss and damage to the Applicant. Consequently, the Court ordered the Respondent’s Registration No. 06003489 for the trade mark  be expunged and cancelled from the Register of Trade Marks.

## ARTICLES

# Industrial Designs (Amendment) Act 2013

By Michael Soo and Ng Kim Poh



The Industrial Designs Act 1996 will be amended by the Industrial Designs (Amendment) Act 2013 (“the Amendment Act”) which will come into force on 1st July 2013.

The following is a summary of the important amendments which will be introduced by the Amendment Act.

### A. Requirement of newness or novelty is worldwide

In order for an industrial design to be registrable it must be new in Malaysia. An industrial design is considered not new if, before the priority date of application, it or an industrial design differing from it only in immaterial details or in features commonly used in the relevant trade was disclosed to the public anywhere in Malaysia.

The requirement of newness or novelty will be expanded by the Amendment Act whereby an industrial design will not be considered new if, before the priority date of application, the aforesaid disclosure to the public happens outside Malaysia.

### B. Longer registration period

Currently a registered industrial design is valid for a period of 5 years and may be extended for only 2 consecutive periods of 5 years each.

However, once the Amendment Act comes into force, an industrial design which is either pending registration or already registered may be extended for a total of 4 consecutive periods of 5 years each. In other words, the registration period of an industrial design will be extended from 15 to 25 years.

C. Registered industrial design is personal property  
The Amendment Act will also introduce the following important changes to the industrial designs regime:-

- (i) apart from being capable of assignment, transmission or being dealt with by operation of law in the same way as other personal or moveable property (subject to the provisions of the Act), a registered industrial design may be the subject of a security interest in the same way as other personal or moveable property;
- (ii) any transmission of a registered industrial design or an application for the registration of an industrial design is subject to any rights vested in any other person of which notice is entered in the Register or of which notice is given to the Registrar;
- (iii) there will be an express requirement for an assignment of a registered industrial design or an application for the registration of an industrial design – which must be in writing – to be signed by or on behalf of the assignor and the assignee or, as the case may be, a personal representative thereof;
- (iv) the owner of a registered industrial design will be conferred the express right to grant a licence to any person to use that registered industrial design; and
- (v) any rights in respect of a registered industrial design may be enforced in like manner as in respect of any other personal or moveable property.

It is pertinent to note that a person who becomes entitled to a registered industrial design or an application for the registration of an industrial design by way of assignment, transmission, operation of law or a security interest transaction, as the case may be, is required apply to the Registrar of Industrial Designs to record his title or interest in the Register.

Further, assignment, transmission, operation of law, or security interest transaction in respect of a registered industrial design would have no effect against third parties unless recorded in the Register.

### D. Costs in infringement proceedings

The Amendment Act will introduce a new provision which provides that in industrial design infringement proceedings the Court shall refuse to award costs to the owner of a registered industrial design who becomes entitled to the registered industrial design by way of assignment or transmission or by operation of law or by a security interest transaction in respect of an infringement unless:-

- (a) an application to record his title or interest is made before the end of the period of 6 months beginning from the date of the relevant transaction; or
- (b) the Court is satisfied that it was not practicable for the said application to be made before the end of that period and that an application was made as soon as practicable thereafter.

With the introduction of the said new provision, it is imperative that a person who becomes entitled to a registered industrial design by way of assignment, transmission, operation of law or a security interest transaction takes prompt action to register the transaction.

#### E. Intellectual Property Official Journal

Currently the Registrar publishes various important information in the government Gazette, such as notice of registration of an industrial design, notice of lapse of registration of an industrial design, and notice of intention to restore a lapsed registration.

Once the Amendment Act comes into force the Gazette will be replaced by the Intellectual Property Official Journal (“Official Journal”). The Official Journal will be available to the public on payment of the prescribed fee.

Further, it is pertinent to note the following regarding the Official Journal:-

- (i) publication in the Official Journal will constitute sufficient notice of any matter required to be published under the Act or any regulations made thereunder;
- (ii) a copy of the Official Journal is admissible in legal proceedings as evidence without further proof being given that the copy was so published; and
- (iii) a copy of the Official Journal is considered prima facie evidence of the facts stated therein

## The Personal Data Protection Act 2010

By *Lee Lin Li and Aretha Wan*



The Personal Data Protection Act 2010 (“PDPA”) was passed by the Malaysian Parliament on 5 April 2010, received the Royal Assent on 2 June 2010 and was gazetted on 10 June 2010. Apart from the PDPA, there is no law which governs the use and management of personal data that is of general application. Certain industries, for instance the financial institutions and private hospitals, are subject to industry specific secrecy requirements.

The PDPA plays a crucial role in managing and safeguarding the transfer and use of quite often, important information of individuals. Misuse of personal data would put individuals and their loved ones at risk of fraud or personal identity theft.

#### How Does it Work?

The PDPA is a self-compliance statute. “Personal Data” means any information in respect of commercial transactions, that relates directly or indirectly to an individual, who is identified or identifiable from that information alone or with other information in possession of a data user. The definition of Personal Data is wide in that so long as a piece of information, reveals the identity of the owner of that information, it is caught and may cover information such as name, address, gender, date of birth, telephone number, photographs and identification card numbers.

So long as the data to be processed falls within the definition of Personal Data, the PDPA applies and the Personal Data Protection Principles will have to be adhered to. The PDPA provides that anyone who contravenes the Personal Data Protection Principles

commits an offence and shall, on conviction, be liable to a fine not exceeding RM300,000 or to imprisonment for a term not exceeding 2 years, or to both.

#### Offshore Transmission and Retention of Data

The PDPA aims to regulate the flow of personal data outside Malaysia by prohibiting the transfer of personal data to any place outside of Malaysia unless the receiving country has in place equivalent data protection. If no equivalent protection is provided in the country to which the data is to be transferred, the data subject must consent to the transfer. The PDPA sets out exceptions to the requirement of equivalent protection or consent, such as where the transfer is necessary for the performance of a contract between the data subject and the data user.

#### To Whom Does it Concern?

The PDPA applies to any individual who processes and has control over the processing of any personal data in respect of commercial transactions. "Processing" is defined as the collecting, recording, holding, storing of personal data or carrying out operations which includes organizing, adapting, altering, retrieving, disclosing and destruction of such data.

This PDPA is specific about the rights and obligations of the three parties for whom it is intended, namely:-

- (a) Data Users – persons, including corporate organizations, who processes the personal data or gives authorization for the processing of the data.
- (b) Data processors – persons who, on behalf of the data user, processes the data.
- (c) Data subject – the individual to whom the personal data relates.

#### Exemptions

The PDPA applies to "Personal Data" held, used or to be used in Malaysia (whether recorded / processed manually or electronically) are subject to certain exemptions. The Federal and State Governments are exempted from the PDPA. Some examples of exemptions are data processed by data user for personal, family or household affairs, including recreational purposes. The PDPA is also not applicable in respect of data processed outside Malaysia, unless the personal data is intended to be further processed in Malaysia.

#### Personal Data Protection Principles

The PDPA provides 7 Principles that form the basis of protection of Personal Data and the free flow of information.

#### General Principle

This General Principle provides that a data user shall not process personal data unless consent is given by the data subject. There are certain circumstances where consent is not required such as where processing is necessary for the performance of a contract to which the data subject is a party. In the case of sensitive personal data, the data user shall not process such personal data unless the data subject has given explicit consent.

#### Notice and Choice Principle

Under the Notice and Choice Principle, a data user shall by written notice in the national or English language inform the data subject that his personal data is being processed by, or on behalf of the data user. The notice must contain matters that include the purpose for which the personal data is being processed, the source of the personal data and whether it is obligatory or voluntary for the individual to provide the personal data. The data user must also provide the data subject a choice and the means of limiting the processing of personal data, including personal data relating to other persons who may be identified from that personal data.

#### Disclosure Principle

The Disclosure Principle provides that personal "data shall not without the consent of the data subject be disclosed for any purpose other than the purpose for which the personal data was to be disclosed at the time of collection of the personal data or a purpose directly related to it, or be disclosed to a third party other than that specified in the notice.

However, this principle is subject to Section 39 of the PDPA that sets out the circumstances where personal data may be disclosed without the consent of the data subject. Some of the exemptions include the following circumstances:

- (a) Prevention of crime;
- (b) Investigations;
- (c) Compliance with court orders;
- (d) Reasonable belief of right to disclosure; and
- (e) Public interest.

**Security Principle**

The Security Principle provides that, when processing personal data, a data user shall take all practical steps to protect the personal data from any loss, misuse, modification, unauthorized or accidental access or disclosure, alteration or destruction.

**Retention Principle**

The Retention Principle provides that personal data processed for any purpose shall not be kept longer than is necessary for the fulfillment of that purpose.

**Data Integrity Principle**

The Data Integrity Principle specifies that personal data must be accurate, complete, not misleading and kept up-to-date.

**Access Principle**

The Access Principle provides that a data subject shall be given access to his personal data and be able to correct that personal data, except where compliance with a request to such access or correction is refused under the PDPA.

**Data User Forum, Commissioner and Code of Practice**

Under the PDPA, a Commissioner is appointed and performs an advisory role to the Minister on the national policy for data protection, to implement and enforce the laws of the PDPA, to promote awareness of the PDPA amongst the general public and to encourage and assist the general public in ensuring that their daily operations are in compliance with the PDPA.

The Commissioner may appoint a particular industry body as a Data User Forum (“the Forum”). The Forum may develop a self-regulatory Code of Practice (“the Code”) in which data users are to comply with. However, the Forum must ensure that the Code developed fulfills the requirements of the PDPA. In the event the Commissioner accepts and registers the Code, all data users in that specific group must comply with the Code. If the industry body fails to come up with the Code upon its own initiative, then the Commissioner may issue a Code for the specific group. The Commissioner issues different Codes to cater to different classes of data users. Failure to comply with the relevant Code constitutes a statutory offence and on conviction the data user shall be liable to a fine

not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both.

**The Public’s Response to the PDPA**

While some institutions are taking proactive steps towards complying with the PDPA, others prefer to adopt the “wait and see” approach. Initially planned to take effect in June 2011, the deadline for enforcement was postponed due to the need to finalize the regulations and rules related to the PDPA’s enforcement, such as the registration processes that companies need to undergo.

The PDPA provides a span of three months from the date of commencement of the PDPA for institutions to ensure that their operational activities are in compliance with the PDPA. Complying with the PDPA within three months may prove to be a tough feat for bigger institutions due to its large volume of employees in various departments and the larger scale processes it may have to go through. Institutions are expected to assess each and every department and operational activities of their employees to ensure that every piece of data collected is used appropriately and in compliance with the PDPA.

The enactment of the PDPA plays a crucial role in safeguarding the interest of individuals making it illegal for corporate entities or individuals to sell personal information or allow the use of data by third parties.

There are many instances in which complying with the PDPA might prove to be a challenge. Take for example the scenario below.

*A purchases furniture from Company B. Company B takes down particulars and personal details of A in order to process payment and delivery. Company B then engages C to deliver the goods to A. By doing so, B would have passed A’s personal details to C such as name, contact number and address. C would then be in possession of A’s details. To what extent is B able to ensure that C would not convey A’s details to another third party?*

**Effects of the PDPA**

The PDPA will, amongst others, help Malaysia to become a communications and electronics trade hub, an attractive location for investment in the multimedia

and communications industry as well as an international trade partner offering personal data protection assurance in accordance with international standards.

The security, integrity and protection of personal data are essential to propel our country from a manufacturing-based economy to a high-value knowledge economy through the support of ICT infrastructure. The rise of electronic-based transactions has assailed the status of personal data which previously did not have such high commercial value.

The PDPA hopes to see a change in the mindset of the general public and institutions in strengthening the protection of personal data not only to protect the privacy of an individual but also as a social obligation. This is important in order to safeguard the privacy of an individual, apart from the objective of producing responsible traders.

#### **Conclusion**

The PDPA is intended to give individuals better assurance on the security of their personal data after it is provided to a data user. The PDPA places the onus on data users to use the data in accordance with the 7 Principles. Consequently, organizations would be required to conduct ongoing data privacy audit exercises frequently in order to ensure adherence to the law as they are now faced with an increased responsibility and accountability in processing personal data disclosed to them.

So far the PDPA is only applicable to commercial transactions. Hence, information provided in non-commercial transactions such as signing up on social media applications remains unregulated and exposed to abuse.

## GE13: Impressions of a First Time Voter

By Gregory Das



The recent general elections were arguably the most enlivening in the country's history. I was very fortunate to have been a first time voter during this period. The Election Commission had me recorded as one of the 2.3 million registered maiden voters for the national polls (this statistic

was one of the indelible contributions of the EC to GE13). It was for me an enlightening experience to participate in my country's political process for the first time. I will now tell my GE13 story.

My Mum and I voted at a nearby school in my neighbourhood. We arrived a good ten minutes prior to the commencement of polling. I immediately received the customary maternal scolding for refusing to listen to Mum's advice to turn up earlier. I admit that I was in the wrong this time as the queues at our polling station were seemingly endless. I did not complain however as I was proud to be standing with my fellow *rakyat*, who all appeared visibly eager to exercise their constitutional right to vote (I do not of course, discount the possibility that their eagerness could also be to flee the swarm of mosquitoes outside the school compound).

It was this heightened sense of political awareness throughout the country that made the 13th General Election a watershed in Malaysia's history. Indeed a record turnout of 80% or so of the electorate had casted their votes in the May 5 elections. This air of patriotism and civic consciousness was palpable at most of the election *ceramahs* which preceded polling day. There were reports of community halls and sports stadiums being filled to full capacity by the supporters of political parties at these pre-election gatherings.

Many of the election *ceramahs* that I attended were heaving with young voters who all showed an excitement to participate in the country's political process. There was a recognition amongst all these voters that they had

a voice in the political discourse of the country and that they had a say in the way the country was to be governed for the next five years. It was this that I feel was at the heart of the rise in the level of political awareness amongst the young voters at the 13th General Election.

It was on the wave of this increased level of political consciousness that I willingly accepted the offer to assist as a campaign worker for one of the candidates in the important Lembah Pantai constituency on polling day. A friend and I were given the task of ferrying voters in the area to their respective polling stations. My trusty Peugeot was clad with the flags and banners of the candidate's party. With my car all suited and booted, I set off for the suburbs of Bangsar.

I have had my car for about a year and half now, but I am certain that that short trip from Kelana Jaya to Bangsar was the most glamorous car journey that I have ever taken. My friend and I were continuously treated to a series of appreciative honks and many a 'thumbs up' gesture from passing motorists conveying their support for the candidate we were assisting. Admittedly, the journey gave me a false sense of importance and I questioned whether there was ever this level of glamour in the legal profession!

There were many campaign workers assisting with the transportation of voters in the constituency on the day. This meant that we did not have many a voter to ferry. The one and only (but decidedly important and election-clinching) voter that we had the pivotal task of shuttling was an elderly gentleman who had some difficulty walking. As we approached the Jalan Telawi sidewalk to collect the gentleman, I sat upright in the driver's seat and put on the most professional appearance that I could muster in my crumpled shorts and unsightly flip flops. He instantly remarked how encouraging it was to see so many young, dedicated and hardworking volunteers on the campaign trail. If only he had known that he was my first and only passenger of the day!

The general elections are over but the sense of political awareness is not. The recent arrests of certain political leaders can only serve to further galvanize the scores of young voters in their clamour for more democratic space in our country. It is likely that the current climate of heightened political consciousness will remain embedded in our culture for many years to come.

## Interview with Staff Members, Husband and Wife Team, Petrus DeCruz and Esther Pushpamany



E = Esther, P = Petrus

Q.: *Good afternoon Petrus & Esther!*

P & E: Good afternoon

Q.: *Right. Thanks very much for agreeing to this interview. When did you both join Shook Lin & Bok?*

E: I joined on 10.3.1995.

P: I arrived on 4.1.1995.

Q.: *What made you join Shook Lin & Bok?*

E: A friend of mine told me about Shook Lin being a huge and long established firm and mentioned that I should give the firm a try. And so I did and as it turns out, I'm still here!

P: For me it was a bit different. My reason for joining was more to do with parental pressure! [laughs]. You see back then my dad was binding journals for legal firms and he had a fair bit of knowledge about the various firms in KL. One fine day he suddenly decreed that I should join Shook Lin because it is a reputable and long established firm. And so I did.

Q.: *Where did you work prior to joining Shook Lin & Bok?*

E: I was with Messrs Tay, Tee & Nasir

P: I was in Singapore with Ericsson

Q.: *So you both met while working in Shook Lin & Bok?*

E: Yup

P: That's right.

Q.: *So, Esther... Tell me. How did Petrus here ask you out on your first date?*

E: I think my close friends know the entire story but I guess it is ok for another rewind. It was during Nathan and Vanitha's (another husband and wife team at the firm) wedding reception.

Being naughty and since Petrus was still available at that time, I was teasing him by trying to match make him with a few girls at the wedding reception. He kept rejecting everyone I pointed to so finally I told him “maybe it will be easier if you can just tell me what kind of girl you are looking for”. That was when he gave me the shock of my life by saying “a girl just like you”. After recovering, I accepted his proposal. So actually, in a way, my first date was at that very wedding reception.

Q.: *Tell us a little bit about working together in the same firm. For example, would you say it is more convenient or do you get tired of seeing each other every day both at home and in the office? Tell the truth!*

E: Convenience is definitely a big “yes” in the sense of travelling together and even helping out each other when there are deadlines. Getting tired of seeing each other? Hmmm... you see... we used to have lunch with our respective group of friends. Now, after having 3 children, it is the other way around. We hardly have time to talk at home, especially on weekdays. So in the office, we catch up on things during lunch instead.

P: I would say that it is very convenient because I can easily get in touch with Esther when necessary. Tired of seeing her? Nah. I don't think I'll ever get tired of seeing her.....

Q.: *10,000 brownie points for your Petrus! Ok then. Moving on. How many children do you both have? Also, tell us a little about them.*

P & E: We have 3 children, Cassandra is the oldest and she is 10 while Leilani is 7 and lastly Joshua is 5. Both girls are in St. Mary's while our son is enrolled at a Smart Readers Kids Kindergarten.

Q.: *Which child is the naughtiest one and why? Tell lah..*

E: My eldest girl is the naughtiest. She is not afraid of simply demanding for whatever she wants. Leilani is the angel because she is the “giving in” type. As for Joshua, since he has a big craze for Hot Wheels cars, he'll be as good as Dr. Jekyll while busy playing quietly with his cars. If disturbed, he turns into Mr. Hyde!

Q.: *What are some of the main differences between SLB at the time you joined compared to now?*

P: Well now we have very advanced IT facilities which make work much easier and faster to complete.

E: When I first joined SLB, we only occupied one and a half floors at the AmBank Building but now we are occupying 2 floors (19 & 20) and there are 7 conference rooms on the 16th Floor. I hope and believe we will definitely grow more.

Q.: *Please tell us a funny story you remember that happened in SLB during your time here.*

P: It was when I had to do personal service of documents on a number of people in Kelantan. It was a really hot day and the whole exercise was very tiring. Anyway, after a few hours I managed to serve the documents on all the individuals except for one. A man from a village confirmed that he knew the person I was looking for and brought me straight to a grave yard. When I asked him exactly where the person was, assuming that he may be working at the grave yard, the village man pointed to his tomb stone!!!

Q.: *Hahahaha! That was mighty funny Petrus. Esther, how about you?*

E: In 1996, I took part in SLB's Annual Run Race (Woman - 1 km) at Taman Tasik Perdana. My friend and I were late and we reached the venue a few seconds after the starting whistle had been blown. We wanted to leave our sports bags on a bench but there was no one to take care of them. So as to not waste any more time and because we had no choice, we carried our bags along and ran with it for the whole race. Many of the passers-by were having a good laugh looking at us. We finished the race... and you know what? I got 1st placing!

Q.: *Well done Esther. That would be hard even for Usain Bolt. Ok. Next question. Can you name your favourite movie, music group and book?*

P: Since I was once in the army, I love all war movies. Adele is my favourite singer and the Bible is my favourite book.

E: My favourite movie would definitely be Ghost starring the late Patrick Swayze & Demi Moore.

I am a huge fan of Jennifer Lopez while the book *Roots* by Alex Haley has got to be my top ranked book ever.

Q.: *Tell us a joke... Please... or at least tell us the funniest joke you last heard.*

P: The two partners in a law firm were having lunch when one of them jumped up and said “Gosh! I’ve to go back to the office... I forgot to lock the safe!!” The other party calmly replied “What are you worried about? We are both here.”

E: You Might Be a Lawyer If... You are charging someone for reading these jokes. The shortest sentence you have ever written was more than eighty words long. You have a daughter named Sue and a son named Bill. Your other car is a BMW. When your wife says “I love you,” you cross-examine her.

Q.: *Oops look at the time. Only one more question. Name one famous personality (dead or alive) that you admire and why?*

E: Mahatma Gandhi. Because he was a very humble person and he had very strong will power to fight for justice without resorting to any violence.

P: Sir Winston Churchill because I agree with what he said: “Sometimes it is not enough that we do our best; we must do what is required.”

Q.: *Thanks Petrus and Esther for spending time with us. All the best and take care.*

E & P: Bye.

*Interview by David Mathew*

## The Firm’s Get-Together



The firm’s quarterly Drinks Night is often considered to be the occasion for the firm’s partners and lawyers to let their hair down in a relaxed setting (which can prove to be quite difficult for some in view of the nasty effects an active legal practice can have to one’s hairline!).

The first Drinks Night of 2013 was held on the 5th of April at TGI Friday’s at Menara Hap Seng. The well-attended event certainly served its purpose in providing the firm’s lawyers with a well deserved break from the taxing demands of their busy schedules. The Shook Lin lawyers once again displayed their unmatched ability to unwind as the revelries went on till well after last call.



## The Malaysian/Singapore Bar Games 2013 – The Good, The Bad & The Ugly



*The Malaysian/Singapore Bar and Bench Games. That annual event where the Malaysian Bar and Bench join forces to take on their Singaporean counterparts in (sometimes not so friendly) sporting competition.*

This year the games took place in Singapore over a period of 3 days from the 16th to the 18th of May 2013. I arrived in Singapore on the 17th all set to take on the Singaporeans in basketball. After a quick change, I headed off to the basketball arena. Actually it was not really an arena. It was a multipurpose court used to play anything from basketball to futsal to badminton to hopscotch and Konda kondi (probably). There were so many lines on the court that it was impossible to tell which lines were for which game.

Despite the poor court conditions, the Malaysians started strongly and at the end of the 2nd quarter we were leading. Unfortunately the team's luck then ran out. Despite our valiant efforts, and some pretty impressive runs, the Singaporeans eventually managed to level and finally overtake us. The Malaysians, though defeated in the game, were not so in spirit and immediately after challenged the Singaporeans to a rematch in KL at the next bar/bench games. The Singaporeans agreed. At least this time it would be on a proper court.

The next morning dawned with the hope of new beginnings. The first game of note to be played was Volleyball, where our Cilia Chong was a participant.

Malaysia started off strong securing a win in the 1st of 5 matches. Unfortunately, this momentum quickly nose-dived as Malaysia lost the next 2 games and was trailing in the 4th game with a score of 18 – 24. One more point to Singapore and they would have clinched not only the game but the overall title.

Despite the odds and tremendous pressure, the plucky Malaysians dug deep and embraced the “*Ini Kali-lah!*” spirit. They clawed their way back and snatched victory from the jaws of defeat scoring 7 successive points and thus securing a win in the 4th game and leaving the Singaporeans (and the Malaysians) stunned. Buoyed by this win, the unstoppable Malaysians went on to thrash Singapore in the remaining game thus securing the overall win for Volleyball. It would appear that for the Singaporeans a victory in volleyball would have to be “*Lain Kali-lah!*”.



The bar/bench games then culminated in the closing dinner which was held on the last night. At this dinner the traditional boat race was held. For the uninitiated, the boat race does not involve any boats. It is a competition where 5 members of the Malaysian Bar go head to head with the Singaporeans to see which team can down beer the fastest.

After months of practice, yours truly was selected to participate in this year's boat race and was selected as the team anchor. After receiving some “gentle encouragement” (translate: threats) from the Vice-President of the Malaysian Bar, I walked on stage

with my teammates. Needless to say it was a complete whitewash. Nothing beats the Malaysian Bar when it comes to drinking. We may have lost the overall games but not our pride and certainly not the boat race. By the time I had finished my mug of beer in 2.8 seconds (timed by our own Ms. Janice Anne Leo) the Singaporean anchor had not even started.

As the dinner drew to a close we were informed that Singapore had emerged the overall champion for this year's bar/bench games. Despite the obvious disappointment of losing, I feel that it was about time that the champion's cup was given to Singapore, since they had lost the previous 7 bar/bench games. Also, the cup was beginning to look a bit dusty so it is probably best that we give the cup to Singapore so that they can clean it before handing it back to us next year.

*By Aaron Mathews and Cilia Chong*

## SLB Collaborates with Kechara Soup Kitchen to Feed the Homeless of Kuala Lumpur - 8th June, 2013



SLB sent a team of approximately 40 lawyers to assist with food distribution to the street people of Kuala Lumpur. The briefing began at approximately 9pm and it was close to 11.30 pm before we left the Kechara Kitchen HQ to our designated areas to serve our "clients" (This is the term used by Kechara as the street people are so used to being unnoticed, ignored or abused, that for one night a week, this is their chance to be served by others).

Food distributed consisted of rice packets (with 2 types of vegetables), pears, a packet of Jacob's crackers, buns and mineral water. Food distribution starts late because we had to wait for the shops to close before the homeless settle down for the night. Newbies like us were sent to the easier and safer routes. My designated area was Chow Kit. We wove through back streets and alleyways that I never knew existed. By the time we arrived at the first stop, it was close to midnight. I saw young children, some as young as 2 years old still awake, waiting with the small crowd for our food. That shocked me. We met sex workers, drug addicts (one spoke excellent English and came from a wealthy family from Bangsar), odd job workers, friendly elderly men who requested for mosquito coils. Our shift ended at 2am. It has been a positive and unforgettable experience for all of us. Definitely not our last.



Many thanks to Elaine Chai and Tan Meng Yee who organised this event for the firm.

*by Goh Siu Lin*

# SHOOK LIN & BOK

EST 1918  
KUALA LUMPUR

## PARTNERS

Dato' Dr Cyrus V Das  
Ext 217  
[cydas@shooklin.com.my](mailto:cydas@shooklin.com.my)

Porres P Royan  
Ext 212  
[pproyan@shooklin.com.my](mailto:pproyan@shooklin.com.my)

Lai Wing Yong  
Ext 213  
[wylai@shooklin.com.my](mailto:wylai@shooklin.com.my)

Patricia David Saini  
Ext 288  
[patdavid@shooklin.com.my](mailto:patdavid@shooklin.com.my)

Nagarajah Muttiah  
Ext 216  
[naga@shooklin.com.my](mailto:naga@shooklin.com.my)

Michael CM Soo  
Ext 370  
[michaelsoo@shooklin.com.my](mailto:michaelsoo@shooklin.com.my)

Romesh Abraham  
Ext 241  
[romesh@shooklin.com.my](mailto:romesh@shooklin.com.my)

Jalalullail Othman  
Ext 204  
[jal@shooklin.com.my](mailto:jal@shooklin.com.my)

Yoong Sin Min  
Ext 242  
[smyoong@shooklin.com.my](mailto:smyoong@shooklin.com.my)

Khong Mei Lin  
Ext 221  
[meilinkhong@shooklin.com.my](mailto:meilinkhong@shooklin.com.my)

Steven Thiruneelakandan  
Ext 236  
[stevent@shooklin.com.my](mailto:stevent@shooklin.com.my)

Ivan Ho Yue Chan  
Ext 225  
[ivanycho@shooklin.com.my](mailto:ivanycho@shooklin.com.my)

Adrian Hii Muo Teck  
Ext 255  
[adrianhii@shooklin.com.my](mailto:adrianhii@shooklin.com.my)

Goh Siu Lin  
Ext 206  
[siulin@shooklin.com.my](mailto:siulin@shooklin.com.my)

Hoh Kiat Ching  
Ext 208  
[kchoh@shooklin.com.my](mailto:kchoh@shooklin.com.my)

Lam Ko Luen  
Ext 243  
[koluen@shooklin.com.my](mailto:koluen@shooklin.com.my)

Sudharsanan Thillainathan  
Ext 227  
[sudhar@shooklin.com.my](mailto:sudhar@shooklin.com.my)

Chan Kok Keong  
Ext 237  
[kkchan@shooklin.com.my](mailto:kkchan@shooklin.com.my)

Tharmy Ramalingam  
Ext 233  
[tharmy@shooklin.com.my](mailto:tharmy@shooklin.com.my)

Tan Gian Chung  
Ext 367  
[gctan@shooklin.com.my](mailto:gctan@shooklin.com.my)

Lau Kee Sern  
Ext 223  
[kslau@shooklin.com.my](mailto:kslau@shooklin.com.my)

Lee Lin Li  
Ext 240  
[linli@shooklin.com.my](mailto:linli@shooklin.com.my)

Ng Kim Poh  
Ext 365  
[kpng@shooklin.com.my](mailto:kpng@shooklin.com.my)

Ng King Hoe  
Ext 403  
[khng@shooklin.com.my](mailto:khng@shooklin.com.my)

Janice Anne Sevanathan  
Ext 369  
[janiceanne@shooklin.com.my](mailto:janiceanne@shooklin.com.my)

Ng Hooi Huang  
Ext 376  
[nghh@shooklin.com.my](mailto:nghh@shooklin.com.my)

David Dinesh Mathew  
Ext 332  
[davidmathew@shooklin.com.my](mailto:davidmathew@shooklin.com.my)

Poh Choo Hoe  
Ext 207  
[choohoe@shooklin.com.my](mailto:choohoe@shooklin.com.my)

## PRACTICE AREAS & PARTNERS

**Corporate**  
Patricia David Saini  
Ivan Ho Yue Chan  
Lai Wing Yong  
Jalalullail Othman  
Khong Mei Lin  
Hoh Kiat Ching  
Ng King Hoe

## Banking & Finance

Lai Wing Yong  
Jalalullail Othman  
Patricia David Saini  
Khong Mei Lin  
Ivan Ho Yue Chan  
Hoh Kiat Ching  
Ng King Hoe

## Real Estate, Commercial & Conveyancing

Lai Wing Yong  
Jalalullail Othman  
Patricia David Saini  
Khong Mei Lin  
Ivan Ho Yue Chan  
Hoh Kiat Ching  
Ng King Hoe

## Insurance

Porres P Royan  
Nagarajah Muttiah  
Dato' Dr Cyrus V Das  
Romesh Abraham  
Sudharsanan Thillainathan

## Banking & Finance Litigation

Yoong Sin Min  
Porres P Royan  
Adrian Hii Muo Teck  
Goh Siu Lin  
Chan Kok Keong  
Tharmy Ramalingam  
Tan Gian Chung  
Lau Kee Sern  
Ng Hooi Huang  
Poh Choo Hoe

## Islamic Finance

Jalalullail Othman  
Lai Wing Yong  
Patricia David Saini  
Khong Mei Lin  
Ivan Ho Yue Chan  
Hoh Kiat Ching  
Ng King Hoe

## International & Domestic Arbitration

Nagarajah Muttiah  
Lam Ko Luen  
Dato' Dr Cyrus V Das  
Romesh Abraham  
Sudharsanan Thillainathan

## General & Civil Litigation

Dato' Dr Cyrus V Das  
Porres P Royan  
Nagarajah Muttiah  
Romesh Abraham  
Steven Thiruneelakandan  
Adrian Hii Muo Teck  
Goh Siu Lin  
Lam Ko Luen  
Sudharsanan Thillainathan  
Tharmy Ramalingam  
Lau Kee Sern  
Janice Anne Selvanathan  
David Dinesh Mathew

## Intellectual Property, Information Technology & Licensing

Michael CM Soo  
Porres P Royan  
Lee Lin Li  
Ng Kim Poh

## Family, Probate & Trusts

Steven Thiruneelakandan  
Goh Siu Lin  
Dato' Dr Cyrus V Das

## Labour & Industrial Dispute

Romesh Abraham  
Steven Thiruneelakandan  
Dato' Dr Cyrus V Das  
Janice Anne Selvanathan  
David Dinesh Mathew

## Tax & Revenue

Porres P Royan  
Sudharsanan Thillainathan  
Dato' Dr Cyrus V Das

## Company Secretarial Services

Patricia David Saini  
Ivan Ho Yue Chan  
Adrian Hii Muo Teck  
Tharmy Ramalingam  
Ng King Hoe

## Loan & Debt Restructuring

Khong Mei Lin  
Jalalullail Othman  
Lai Wing Yong  
Patricia David Saini  
Ivan Ho Yue Chan  
Hoh Kiat Ching  
Ng King Hoe

