

IT/PUBLICITY SUB-COMMITTEE REPORT

CHAIRPERSON: NURUL JANNAH BINTI KHAIRUL ANUAR



Being able to serve as a committee for the Perak Bar had taught me a lot especially during the tenure of Mr. Kenny Lai Choe Ken as the Chairman of the Perak Bar. Knowing our Chairman as a tech-savvy person, all discussion, news, notices and every detail that we should know are made at the tips of our fingers. With these new technologies, all information can be disseminated faster and not to mention cheaper since most of us nowadays carry with us the smart phones.

Our main communications with the members are usually via e-mails i.e perakbar@perakbar.org and perakbar@gmail.com. Members can update their e-mail address with the secretariat to make sure that members will receive all the news update within our legal fraternity. We received complaints from members saying that they never receive our e-mails and for those who encounter such problems, kindly check the spam column as our e-mails might be directed to your spam e-mails.

To avoid such problems and any miscommunication, we are also updating our website perakbar.org, our twitter [@ThePerakBar](https://twitter.com/ThePerakBar), which we have 71 followers and our **Perak Bar Facebook Group** which is a close group and members can request to join our group and we will approve your request. Until to-date, we got 264 members in our facebook page and hoping to get all the Perak Bar Members into our group so that any complaints and discussions can be made fast, anytime and anywhere!

Dated 13th January, 2016

(sgd)

NURUL JANNAH BINTI KHAIRUL ANUAR

Chairperson

Information Technology & Publicity Sub-Committee
2015/2016

LAPORAN TAHUNAN JAWATANKUASA KECIL CONVEYANCING

Sekitar bulan Oktober tahun 2015 yang lalu, masyarakat khususnya pengamal undang-undang dikejutkan dengan pengumuman berkenaan Lembaga Pinjaman Perumahan Sektor Awam (LPPSA) yang mana sebelum ini ia dikenali sebagai Bahagian Pinjaman Perumahan (BPP).

Antara transformasi BPP ke LPPSA ialah penjawat awam boleh memohon pembiayaan perumahan melalui laman sesawang LPPSA (www.lppsa.gov.my). Berbanding dahulu, penjawat awam hanya perlu membayar pinjaman perumahan melalui peguam-peguam dan seterusnya mereka akan menguruskannya kepada BPP.

Selain itu, LPPSA telah memperbaharui peraturan sedia ada yang mana pihak LPPSA telah melantik Penel Peguam bagi menguruskan dokumen pembiayaan. Namun begitu, syarat ini masih belum lagi di gunapakai sepenuhnya sehingga tarikh yang akan dimaklumkan kelak. Hal ini bermakna, peminjam masih boleh memilih samada mahu menggunakan perkhidmatan Panel Peguam yang telah dilantik oleh LPPSA ataupun peguam yang bukan panel LPPSA bagi urusan dokumentasi tersebut.

LPPSA turut menetapkan syarat baharu yang mana salah seorang rakan kongsi peguam yang hendak dilantik sebagai Penel Peguam LPPSA hendaklah mempunyai 10 tahun pengalaman amalan perundangan dalam bidang litigasi dan penyediaan dokumen pinjaman. Hal ini sedikit sebanyak dilihat seolah-olah akan menutup 'periuk nasi' firma-firma guaman kecil, yang mana ada di antara firma-firma guaman kecil tersebut hanya mempunyai peguam-peguam yang beramal dalam bidang perundangan kurang daripada 10 tahun.

Seterusnya, seiring dengan transformasi BPP ke LPPSA yang telah dimulakan pada 1 Januari 2016 yang lalu, para peminjam yang lama dengan menggunakan dokumen pembiayaan atas nama BPP perlu membuat penyerahan akhir kepada LPPSA pada atau sebelum 31 Januari 2016 untuk diproses. Mulai 1 Februari 2016, hanya dokumen pembiayaan atas nama LPPSA sahaja yang akan diterima bagi permohonan baru.

Tambahan pula, LPPSA turut menetapkan bahawa pihak mereka akan melantik Panel Insurans baru bagi memantapkan lagi transformasi yang telah dibuat. Hal ini bertujuan untuk memudahkan segala urusan firma guaman bagi menguruskan dokumen pembiayaan peminjam. Semua permohonan yang menggunakan Panel Insurans LPPSA telah dimuat naik di laman sesawang LPPSA di www.lppsa.gov.my mulai 1 Januari 2016.

Sehubungan dengan itu, melalui usaha secara sukarela daripada Dato' Shamsuriah Binti Sulaiman peguam senior seperti Puan Nor Ashikin dan Puan Junainah di Perak telah turut menyuarakan bantahan dan cadangan bagi penambahbaikan LPPSA. Mereka yang turut menyumbang kepada usaha majlis Peguam Malaysia telah membawa kepada beberapa perubahan kepada syarat-syarat menyatakan bahawa syarat-syarat yang telah ditetapkan tersebut merupakan syarat yang boleh memberikan kesan negatif kepada firma-firma guaman.

Beliau yang juga mempunyai niat murni bagi membantu para peguam yang lebih junior juga berpandangan bahawa bagi syarat-syarat untuk menjadi peguam Ad-Hoc LPPSA juga adalah syarat-syarat yang tidak wajar dan tidak membantu firma guaman kecil sama sekali. Persoalan yang sering bermain di fikiran kalangan peguam adalah bagaimana untuk menyiapkan satu file dalam tempoh 6 bulan (kerana peguam ad-hoc hanya diberi kuasa atau tempoh enam (6) bulan sahaja), sedangkan secara praktikalnya satu file memakan masa 10-12 bulan untuk diselesaikan.

Oleh itu, segala pandangan dan suara hati para peguam adalah wajar untuk diambil oleh pihak yang selayaknya kerana pihak inilah yang akan menguruskan dokumen-dokumen berkenaan serta ia menunjukkan kesatuan komuniti yang bersaing secara sihat.

Sekian, terima kasih.

Yang Benar,

(t.t)

RAHIMI BINTI RAMLI

Pengerusi

Jawatankuasa Kecil Conveyancing

2015/2016

COURTS SUB COMMITTEE REPORT

Courts Sub Committee: Navit Kaur Randhawa
Nur Azean Lee @ Lee Pooi Mun
Raam Kumar
Vengetraman Manickam
Purshotamdas Nathermal Thadani
Julian Leon Moon Wan
Chong Kok Yew
Gary Abraham a/l Xavier
Fey Aqis
Zarith Satina Bt Md Sani
Syakira Binti Abdul Khair @ Khairuddin

There are changes a foot in the Courts system and to move with the times, the Courts are becoming increasingly more advanced technologically and thus the old days where members would prepare their legal document and then deliver it to the Court with their filing fee and collect their payment receipt is a thing of the past.

E filing system by OMESTI

1. The e filing system is, to my mind, brilliant when it is installed successfully and works smoothly but lawyers embarking on the installation would have realized that there are several hurdles one will have to understand to comprehend the workings of the e filing system.
 - a) The system is **user unfriendly to install**. Previously in the year 2012 when it was first launched in Ipoh, there was a comprehensive manual for the installation of the software which is now inapplicable as the system and the token issued has evolved over the last 3 years. If one were to follow the steps listed at the kehakiman website, the installation of the software and the e filing component does not work (*Something I had tried myself in January this year and finally called OMESTI for them to take control of the computer remotely to solve the problem.*).
 - b) The system has **limitations in terms of server capacity**. In plain language, there are too many lawyers using the system which is in need of expansion and upgrade. As a result, at times, it leads to the system being overloaded and lawyers would then be experiencing excruciatingly slow uploading speeds and also the reason why the system was offline at times.
- 1.1 I have highlighted these two issues to the OMESTI (formerly FORMIS) representative who was stationed at the Ipoh High Court. He understood but was hobbled by the inherent weakness in the system.
2. It was heartening to hear the Chief Justice at the opening of the legal year say that the e filing system is something the Courts are working to improve.
3. Members who are facing problems with the installation or operation of the e filing system are reminded that the helpline for OMESTI is now - **03 2631 5678**.

E filing Codes

4. With the advent of e filing, members are also responsible for ensuring that their papers are filed correctly under the correct codes. Over the year, there have been complaints raised of the filing fee paid being forfeited after the documents that were filed under the wrong codes were rejected.
5. Our former Pengarah, Puan Sabariah Bt Othman, before she was transferred, had agreed to collate and provide to us the list of codes for e filing when we raised the issue of members losing their filing fee when their documents were rejected when filed under the wrong code. The same has been provided by the Courts in December 2015, for which we are grateful. This list has been disseminated to members via email blast and is also accessible on the Perak Bar social media. Members are also advised that since the dissemination there were two further circulars issued by the Courts introducing further new e filing codes as at 1.1.2016 and members can add on the new codes to the list disseminated as and when they are issued.
6. It was explained at the meeting with the Lower Courts dialogue on 28.10.2015 that the division of the codes into sub classifications was to enable easier extraction of statistics. If in doubt, members are encouraged to call the Registrar in charge to confirm the filing code prior to filing.

E filing complaints hotline

7. The Chairman of the Perak Bar has also on the Bar Council's request set up the e filing hotline to address queries for a quick reference and resolution to OMESTI by members and as at writing this report, there has been not even one complaint or query received. For members who are still unaware of the hotline, it is clcperakbar@gmail.com.

Circulars

8. I have also over the course of the year, issued circulars on various matters to be notified to the members by email blast. Members who do not have an email address are encouraged to get one and register it with the Perak Bar Committee as soon as possible.

GST and the Court Ordered Auctions

9. The advent of GST has impacted practice and in the context of the Court order Auctions, the commercial properties valued above RM500,000.00 being sold by public auction. There was a circular issued by the Courts on 31.3.2015 stating, amongst others, that the **Plaintiff bears the tax** with a caveat that e Registrar's Practice Direction will be issued in due course. Ms. Nur Azean @ Lee Pooi Mun and I made a representation to the Bar Council Courts Liaison Committee on this issue in May 2015 this year hoping to nip this matter in bud before the Registrar's Practice Direction on this matter is issued on the grounds that the current position on the payment of tax and by whom *vis a vis* the Circular was in a nutshell not in accordance with:-
 - a) the express provisions of the Goods and Service Tax Act; and
 - b) is ultra vires the National Land Code 1965.

10. Todate, we have not received any feedback on the issue raised and there has also been no practice direction issued.

Dialogue with the Lower Courts,

11. The Courts Sub committee met with the Judges, Magistrates and the Registrars of the Lower Courts Ipoh on 28.10.2015 where several issues were raised by both sides to enhance co operation between the Bar and the Bench.
12. One issue that was raised was the issue of the necessity to “confirm the payment” when the e filing is done at the service bureau and it was explained that this was due to the fact that the e filing system which is used for filing the documents is not intergrated with the e finance system which is used for payment of filed documents and therefore there is the necessity for the extra step to “confirm payment” by the counter staff. When the payment is not confirmed, the document cannot be viewed by the Judicial officers and is catergorised as “status not paid” in the e filing system. We were informed that although there are plans to intergrate the system, it is pending due to technical reasons.
13. Members are advised to make sure they receive a receipt with a “thumbs up” which would indicate that the payment has been confirmed.
14. Members who have not received their deposits after a reasonable period are requested to contact the Pengarah and check if there is a discrepancy in the documents provided.
15. On the issue of the late return of deposits, the Pengarah informed that the Ipoh Lower Courts do not issue vouchers for payment of the deposit anymore and this is now done in Kuala Lumpur. The Courts in Ipoh merely compile the documents and send them over to Kuala Lumpur for processing.
16. In response to a issue raised by the Bar following a written complaint by a member regarding the Ipoh High Court library being in disarray, the Pengarah informed us that she will look into it.
17. In response to a issue raised by the Bar following a written complaint by a member regarding the issue of the uncertainty in the tabulation of costs when filing a Judgement In Default, the Courts confirmed that they do not approve draft Judgments in Default and as regards the assessment of the costs, members who are claiming costs which are unique to their case are advised to attach the receipts and vouchers to justify the costs claimed.
18. Members who are mentioning on behalf of other solicitors are advised to obtain a proper brief before appearing before the Courts as the Courts have raised this issue that the mentioning solicitors often have no knowledge when queried by the Courts on the case for which they are mentioning.
19. The Courts also raised the issue of multiple representation in criminal matters between private representation and YBGK representation which in turn delays the proceedings which the YBGK sub committee chair informed the Courts that where the accused who has appointed them confirms that he has private representation, the YBGK lawyer will discharge himself.

20. It was raised by the Courts that there has been an instance where a member of the Perak Bar was sitting at the Bar table during proceedings despite not being appropriately attired. Members of the Perak Bar are advised to be appropriately attired when attending Court and members who are not properly attired are not to sit at the Bar table even when they are not addressing the Court.

Intended dialogue with the High Courts

21. In October 2015, we have also requested a dialogue with the Registrars of the High Court and await their response of their free dates.

Transfers of Judges, Judicial Commissioners and Officers

22. As of 16.12.2015, Puan Sabariah Bt Othman has been promoted and transferred to Putrajaya and our new Pengarah of the Lower Courts in Perak is Puan Tan Hooi Leng. Tuan Rushan Lutfi Bin Mohamed has been transferred to the Ampang Sessions Court and his last day in Ipoh was on 23.12.2015.
23. Yang Arif Noorin Bt Badaruddin has also been transferred and she is replaced by Yang Arif Puan Haytul Binti Akmar, who was formerly the Pengarah of the Courts in Seremban.
24. We also have a new Penolong Pengarah Jabatan Insolvensi Malaysia, Puan Hezlin Bt Haldi.
25. It has been a pleasure serving with my fellow sub committee members to whom I am grateful for taking time to serve on the sub committee .

Signing off on 2015!

(sgd)
NAVIT KAUR RANDHAWA
Chairperson
Courts Sub-Committee
2015/2016

SPORTS COMMITTEE 2015/2016 REPORT

Chairman : **Kenny Lai Choe Ken**

Members : **1. Purshotamdas Nathermal Thadani (Kiko)**
2. Chong Kok Yew
3. Hafiz Jalil
4. Nahtan Krishnan
5. Stephen Su
6. Jagjit Singh
7. Zaizuraimy
8. Sakhtivel
9. Loong Chet Siew
10. Nurul Jannah
11. Lee Jia Jin
12. Abbey Chiang Mei Wan

The Sports Committee had a busy year in organising and carrying out the Interstate Bar Games 2015. The interstate bar games this year was held in Ipoh Perak on the 1/8/2015 and it was one with one of the biggest attendance with teams coming from Johor, Kelantan, Selangor, Kuala Lumpur, Penang, Malacca and of course Perak. Only 7 games were played this time round. Golf, Netball, Badminton, Football, Volleyball, Basketball and Ladies Futsal.

It was decided that the point system was to be used where the winner would get 3 points and the Runner Up would get 3 points. And If the runner up team was from the same state (KL BAR has 2 teams) then the 3rd placed team would get the 3 points. And for ladies Badminton the winner gets 3 points and the runners up gets 1 point.

Overall Selangor took the title of ISBG 2015 Champions with 26 points and Kuala Lumpur coming in 2nd with 24 points and Perak and Kelantan joint 3rd with 3 points each.

The dinner was held at the Andersonian Club where we had a crowd of almost 200 people for the dinner making it one of the biggest attendance at dinner for the ISBG ever. The food was scrumptious and the spirits were high.

This year we also travelled to Penang for the annual Perak-Penang Bar Games. The participation for the games this year was appalling. Whilst some of the participants missing may be due to the rescheduling we had to do due to the EGM by Bar Council, the numbers that actually travelled were so low that we had to cancel some games like netball, bowling, basketball and snooker. Overall we somehow managed to win the games by winning tennis, football and darts whilst we lost futsal and badminton. I do hope that this is a one off incident and that it should not repeat itself. Participation must be increased. The idea is to challenge ourselves and make friends along the way and of course to try our best to beat the competition. This is the 51st year of the games, we MUST continue it and renew its strength. There are not many games like the Perak-Penang Games anymore. I hope we rally ourselves and continue to support the games as well as the Perak Bar



I would like to extend my deepest gratitude to all my convenors and all the players for the various games who had sacrificed in ensuring the success of the team this year. I hope that the camaraderie and the sporting excellence we have achieved will be surpassed in the years to come.

(sgd)

LAI CHOE KEN, KENNY

Chairperson

Sports Sub-Committee

2015/2016