



a Tribute

A KEYnote from the Board...

*At ATC, we believe education is more than the traditional classroom learning and learning should never stop at textbooks. In the era of globalisation, besides, the knowledge gained in the classroom, the knowledge of foreign and regional developments is of significant importance as it plays a pivotal role in developing one's horizon and career developments. As the saying goes, "Knowledge is the key to success". Recognising the need to better equip our students, developing a student-friendly newsletter is conceived. Hence, we now present the ATC's newsletter, **KEY – Knowledge, Education and You**.*

This inaugural issue is dedicated to our Dr. Danny, for his immense contributions and unwavering dedication in developing ATC.

THANK YOU, Dr. Danny!

and a KEYword from us...

Each KEY encapsulates the most significant developments in the legal industry and business arena! Written and presented in a simplified and student-friendly manner, the KEY contents keep our students in the know of the latest developments locally and regionally.

As the faculties of the college are growing, we also incorporate latest and upcoming events to ensure that no one would miss out on any academic and extracurricular activities.

We hope you find the KEY interesting and beneficial!

the KEY members...

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In Malaysia...



Defaming government? A five-man Federal Court bench has affirmed unanimously the ruling delivered by the Court of Appeal in *Government of the State of Sarawak & Anor v Chong Chieng Jen*, which allows the federal and state government to sue individuals for defamation pursuant to s.3 of the Government Proceedings Act 1956.

Exclusion clause no longer a shield The Federal Court in *CIMB Bank Berhad v Anthony Lawrence Bourke & Anor* handed a landmark ruling on the validity of the exclusion clause. It was held that s.29 of the Contracts Act 1950 could be invoked to strike down an exclusion clause that barred the right of a contracting party to seek for damages against the other party in a loan agreement.

First licence to employ a foreign lawyer The Bar Council has issued the first licence under s.40H of the Legal Profession Act 1976 to employ a foreign lawyer to *Azmi & Associates*, a Kuala Lumpur-based law firm. The firm has hired England and Wales and France-qualified *Pierre Brochet* to practise in corporate finance, capital markets, banking & finance, and derivatives.

Regulating crypto-currencies The Capital Markets and Services (Prescription of Securities)(Digital Currency and Digital Token) Order 2019 (“the Order”) has come into effect on 15 January 2019. As a result, both the digital currency and digital token are regarded as securities under the Capital Markets and Services Act 2007. The Securities Commission Malaysia will issue the relevant guidelines to regulate the offering and trading of digital assets.

New minimum wages rate from 2019 The new minimum wages rate of RM1,100, which applies across Malaysia since 1st January 2019. However, the new rate is not applicable to a domestic servant.

“Paternity” vs “Legitimacy” The Court of Appeal in *C.A.S v M.P.P.L & H.Y.S.L* ruled that the “paternity” and “legitimacy” of a child are two distinct, albeit inter-related concepts. The presumption of legitimacy of a child under s.112 of the Evidence Act 1950 does not prohibit an enquiry into the paternity of a child. The right of a child to know his biological parents shall be considered in determining whether a paternity test ought to be ordered.

Significant developments in family law The enforcement of the Law Reform (Marriage and Divorce) (Amendment) Act 2017 on 15 December 2018 has resolved a legal conundrum in the interfaith marriage. Upon conversion of a party of a civil marriage to *Islam*, either party or both parties to the marriage may petition for a divorce to the civil court. Another notable development is that a maintenance order may be ordered for a child who is pursuing higher education and that the order shall only cease when the child completed his higher education.

Across the causeway... in Singapore



Adoption of a surrogate child by his gay father The High Court in *UKM v Attorney General* has allowed an appeal by a gay father who has a gay partner, to adopt his own biological son, whom he fathered through a

surrogacy arrangement in the United States because the adoption order would advance the child’s welfare. This decision is first of its kind as Singapore does not legally recognise same sex marriages and surrogacy.

Create+65 Law firm *Clifford Chance* has set up its Singapore innovation lab, *Create+65* which seeks to deliver new legal technology solutions. The participants of the lab will address problems faced by law firms and clients in the delivery of legal services and to tap “cleaned” data sets to develop test solutions.

First Bitcoin trial The *Singapore International Commercial Court* (SICC) has heard the first cryptocurrency *Bitcoin* dispute in Singapore. The plaintiff, electronic market maker *B2C2 Ltd* sues the defendant, a crypto-currency exchange operator *Quoine Pte Ltd* over an alleged “unilateral reversal” of seven orders placed by *B2c2 Ltd* on *Quoine’s* platform. The disputed sum is estimated to be more than USD14million.

Higher minimum legal age for smoking The minimum legal age for the purchase, use, possession, sale, and supply of tobacco products has been increased from 18 years old to 19 years old on 1 January 2019. The minimum legal age will increase progressively every January until 2021 where the minimum legal retirement age will be 21 years old.

New Variable Capital Company A new entity, Variable Capital Company (VCC) has been introduced *via* the enactment of the Variable Capital Company 2018. The introduction of VCC would benefit the fund management industry in Singapore.

Singapore Convention on Mediation

The first United Nations treaty named after Singapore, Singapore Convention on Mediation (“the Convention”) allows a mediated settlement agreement from cross-border commercial agreement to be enforced by courts of jurisdictions that are signatories to the Convention, thus addressing the lacking of an effective measure to enforce mediated settlement agreements. The Convention is expected to be signed on 7 August 2019 in Singapore.

Meanwhile... in Hong Kong



Intellectual Property specialist court

Considering a growing caseload of intellectual property disputes, the judiciary in Hong Kong is appointing specialist judges to hear intellectual property disputes.

Regulating virtual assets The *Securities and Futures Commission* (SFC) released the governing rules for funds that invest in virtual assets and the virtual assets trading platforms operators on 1 November 2018. “Virtual assets” is widely defined to include digital tokens and any other virtual commodities, crypto assets and other assets of essentially the same nature. The new regime only permits professional investors to trade.

Third party funding The newly enforced *Hong Kong International Arbitration Centre Administered Arbitration Rules 2018* (“2018 HKIAC Rules”) provides for third party funding arrangement. Article 44 of the Rules requires a funded party to disclose the

existence of a funding agreement, the identity of the funder, and the subsequent changes to the arrangements. Further, the disclosure of arbitration-related information by the funded party to the funder is not barred on the ground of Confidentiality, as provided in Article 45 of the Rules. A code of practice for third party funding is also in the pipeline.

Proposal for stricter foreign lawyer rules

The Law Society of Hong Kong has mooted several changes relating to foreign lawyers. The proposal includes classifying the Mainland China-qualified lawyers as foreign lawyers, limiting foreign lawyers to advise cases involving the jurisdiction they registered only, and requiring Hong Kong-based international firms to hire two domestic lawyers for each foreign lawyer. The Legal Practitioners Ordinance will be amended if these changes are accepted.



Lastly... in the United Kingdom

Article 50 of TEU and Brexit

The European Court of Justice has ruled that the United Kingdom government has the power to revoke Article 50 of the Treaty on European Union (TEU) to reverse *Brexit* before the conclusion of a withdrawal agreement between the European Union and the relevant member state, or before the expiry of the two-year period from the date of the notification of the member state’s intention to leave the EU and any possible extension, if no such withdrawal agreement is concluded.

Cliff Richard v BBC The High Court in *Cliff Richard OBE v. The*

British Broadcasting Corporation and The Chief Constable of South Yorkshire Police has ruled that the reporting by the BBC of a police investigation (which was later closed without prosecution) into Sir Cliff Richard and televised search of his home using a helicopter flying above it violated his right to privacy flowing from Article 8 of the European Convention on Human Rights. This ruling poses the difficulty when balancing between the right to privacy and the freedom of expression as advocated by the BBC. The BBC was ordered to pay Mr Richards GBP210,000.

First data leak class action

Morrison’s, the fourth largest supermarket chain in the United Kingdom, was sued by its employees in a class action for a data breach where its senior internal auditor had posted the payroll data of the retailer’s employees online and send such data to newspapers. The High Court ruled in favour of the employees and the ruling has been upheld by the Court of Appeal upon appeal. *Morrison’s* will appeal to the Supreme Court.

The “gay” cake row

The Supreme Court has ruled unanimously that there was no discrimination on the grounds of sexual orientation when an evangelical Christians-owned bakery refused to bake a cake iced with the message “support gay marriage” requested by a gay customer as the refusal was due to the bakers’ disagreement to the message but not the sexual orientation of the customer.

Recent Developments on Civil Partnership and Heterosexual Couples in the United Kingdom...

In June 2018, the United Kingdom Supreme Court (“UKSC”) in *R (on the application of Steinfeld and Keidan) v Secretary of State for International Development*¹ unanimously ruled on a controversial area, the eligibility of heterosexual couples to register their union as civil partnerships under the Civil Partnerships Act 2004 (“CPA”).

A Legal Anomaly ? The CPA was first enacted to enable same sex couples to enter a legally binding civil partnership, which would accord them the rights that heterosexual couples could enjoy through a marriage. Section 1 of the CPA emphasises that a civil partnership is a relationship between two people of the same sex. Similarly, section 3 of the CPA stated that two people of different sex are ineligible to register as civil partners.

At the time of enactment of the CPA, same sex couples were not allowed to marry under English law. The legal landscape changed upon the introduction of the Marriage (Same Sex Couples) Act 2013 (“MSSCA”) which permits marriage of same sex couples on 1 March 2014. As a result, the same sex couples are given two options in formalising their relationship, either to marry under the MSSCA or to enter a civil partnership under the CPA. On the other hand, the heterosexual couples do not enjoy an equal treatment as they can only formalise their relationship by way of marriage.

The Legal Challenge... The appellants, a heterosexual couple did not want to get married as they felt, amongst others, marriage had negative implications for the role of women and its “*historically patriarchal nature*”. However, they were committed to a long term relationship which they wished to formalise as a civil partnership. The appellants then challenged the legitimacy of barring a heterosexual couple to enter a civil partnership.

The issue was whether the prohibition for a heterosexual couple to enter a civil partnership breaches the appellants’ rights guaranteed under Article 14 of the European Convention on Human Rights (“ECHR”) - the prohibition on discrimination read in conjunction with the right to respect for private life guaranteed in Article 8 of the ECHR.

The UKSC allowed the appeal and declared that Sections 1 and 3 of the CPA, to the extent that they prevent a heterosexual sex couple from entering a civil partnership, are incompatible with Article 14 of the ECHR, taken in conjunction with Article 8 of the ECHR.

A Legitimate Aim? In arriving at the decision, Lord Kerr stated the creation of an inequality based on sexual orientation of the two groups upon the enforcement of the MSSCA was acknowledged by the government. While accepting that such inequality is unjustifiable, the government sought for the tolerance of such discrimination while a proper solution to address such discrimination is being determined. The UKSC rejected the government’s request to have more time because the request was not a “*legitimate aim*” which would justify the continuance of the discrimination. Even if the interference to the appellants’ rights was in pursuit of a “*legitimate aim*”, a “*fair balance*” had not been struck between the interests of the appellants and those of the wider community.

The Implications... Declarations of incompatibility by the courts have in the past led to pressure on Parliament to change the law. In early October 2018, the Prime Minister, Theresa May, has stated that civil partnerships will be opened to heterosexual couples in the future. At the time of writing there is a Private Members’ Bill entitled *The Civil Partnership, Marriages and Deaths (Registration Etc.) Bill 2017-2019* (“Bill”) which has now reached the Committee Stage of the House of Lords on 1 February 2019. It remains to be seen whether the Bill will become law in the near future. If it does, civil partnership will become available to heterosexual couples as well, at last.

¹ (2018) UKSC 32

THE CHILD BRIDE

A Poem in Protest against Child Marriage in Malaysia

Mummy,

Why did you let him marry me?

You felt my fears, saw my tears,

Surely you must have known,

The wedding dress you sewed,

That I wore when betrothed,

Would be ruined, torn beyond repair,

As I lay under the old man in despair.

See my bruised, battered body,

Yes, it is me, your baby, bloody.

Please, you said to me,

I cannot do anything.

Don't you see, darling?

Yes, Mummy, I do see.

And so I said yes.

Daddy,

Why did you let him marry me?

I was your princess, you always said.

You hugged me and kissed my head.

We shared dreams to go to university,

You promised I could despite adversity,

But recently you spoke of my wedding,

The beautiful gown I would be wearing.

Just like in a fairy tale, you whispered,

With a handsome prince, you persisted.

Please, you said to me,

It would help us pay the bills.

Don't you see, darling?

Yes, Daddy, I do see.

And so I said yes.

Husband,

Why did you marry me?

I am the bride you took for a ride.

When you said to sit by your side.

I did not know that you would do,

The things you do that hurt me so.

You forbid me to call my friends,

Unless I give in to your demands.

Only eleven, you broke my heart,

My child's body you ripped apart.

Fellow Malaysians,

Why did you allow him to marry me?

I was a child of eleven years old,

When by my parents I was sold.

My innocence was shattered,

As though it never mattered.

Does no one hear me cry?

Or will you wait till I die?

Devoid of compassion

And basic humanity,

Is this the "New Malaysia"

You wish to see?

by **Meera Badmanaban** (Meera Badmanaban is a law lecturer who wonders whether the "New Malaysia" that we elected into power in May 2018 will introduce effective laws to eradicate the cruel and feudal practice of child marriage in Malaysia).

In Memoriam



DR. DANNY CHOONG EWE LEONG

(9 August 1953 – 17 May 2018)

Of his early life... Dr. Danny was born on 9.8.1953 in Penang. He completed his primary, secondary and tertiary education in *St. Xavier's Institution*, Penang, where he was an exemplary student. An avid reader, he held the post of Chief Editor of the 'Xaverian Newsletter' from 1983 to 1984. He was also the Debating Head of the 'Literary, Debating & Drama Society' where he played an active role in both debating and the performing arts. As Assistant Head Prefect, he undertook many responsibilities and enriched diverse aspects of student life.

Coming from a close knit-family, he was a fun loving individual who enjoyed good food and company.

On his academic achievements... The study of law was always his passion, and he began his undergraduate studies in 1985 by enrolling on the University of London Bachelor of Laws (LLB) External Programme where he excelled, and graduated with Honours in 1988. He also conferred a Master of Laws Degree with Merit in Commercial and Corporate Laws (LLM) from the University of London; wherein he obtained distinctions in various subjects. He then pursued his Masters in Business Administration (MBA) in 1989 and a PhD thereafter at La Jolla University (California, San Diego), where he was conferred a Doctor of Philosophy in Human Behaviour in 1993.

Of his professional memberships... Dr. Danny was the Past Treasurer, Council Member and Life Member of the ASEAN Law Association; the past Vice President and Executive Committee Member of the National Association of Private and Independent

Educational Institutions, Malaysia; Member of the Chartered Company Secretaries of Malaysia and Member of the Standing Committee on Legal Education and Training of the Legislative Council of Hong Kong SAR.

Of his roles at the ATC School of Laws...

Dr. Danny joined Advance Tertiary College (ATC) School of Laws in July 1988 as a lecturer in law and taught Constitutional Law on the Associated Examining Board A-Levels and the University of London Intermediate Programme. He also taught the Law of Tort on the A-Level English Law paper, and on the Final Part 1 of the law degree programme.

Dr. Danny was also given management responsibilities and grew with the institution. He dedicated himself to the dynamic growth of ATC School of Laws. As a result, it blossomed under his stewardship, which led to the establishment of a flourishing sister campus of ATC in Penang in 2000. He also played a crucial role in the setting up of ATC's sister school, Intech (ITC) School of Law in Singapore, in 2000. ITC has grown over the last two decades to emerge as an important key provider of legal education for students in Singapore.

Dr. Danny was also a pioneer in bringing the University of London External programme to students in Hong Kong, and what started off as a small venture in 2003 has now become a highly successful strategic partnership with the School of Professional Education and Executive Development (SPEED) in the Hong Kong Polytechnic University. The latter is now the second largest institution offering tuition on the University of London International Programme there.

Dr. Danny was a visionary leader and was instrumental in the growth of ATC. He was also the Principal and Group CEO of ATC from 1998 onwards; Director of ITC Singapore and Programme Director at Hong Kong Polytechnic University.

As an educator... Dr. Danny spent over three decades actively involved in the teaching of law, in particular subjects such as Company Law, the Law of Tort and Constitutional Law. As Principal and Senior Lecturer in Laws, his passion and zeal for teaching was unparalleled, and many graduates in both the legal profession and other fields remember him with utmost respect and admiration.

As a lecturer, Dr. Danny had a distinctive style of teaching, whereby he would inundate students with reams of handwritten notes, which were later to become typed materials which he would painstakingly go through with them. He would tirelessly connect the dots for students and could present even the most complex areas of law with clarity and depth. His approach to answering examination questions was a specific skill he coached students to develop, guiding them to structure their answers with precision, skill and analysis.

He was very proud of his students and was selfless in spending his time, both in and outside the classroom, in explaining the law and its application to them. He used to be a most diligent marker of the tons of scripts and assignments he doled out. It was no surprise that he quickly became a trusted teacher – always taking care of the best interests of students, and keen on pushing them to excel. Patient, and with a unique sense of humour, he made them laugh too!



Dr. Danny was a deeply compassionate human being and this was reflected in his approach to students. He believed in people and their potential, and over the years, contributed to the betterment of many who were taught by him. He became much more than a lecturer to many of them. He was a friend, confidante, mentor, and role model.

He had a prolific memory for names and faces, and this proved useful for checking on delinquent students. He gave it unselfishly to those who needed his support. He offered financial scholarships to those in need – some through the institution and some from his own pocket. This was because he cared deeply about education being a basic human right that ought to be accessible to all students.

His teaching methodologies were legendary and this will be one of his main legacies – the imparting of legal skills to equip students with the necessary techniques to excel in their law examinations. Testimony to this is the excellent results that were achieved by many of his former students who have gone on to become highly successful individuals in their respective fields.



As a mentor... He also had a great influence over the teaching faculty and staff of ATC, many of them had been his former students. His direct approach in handling issues that arose, his instinctive ability to connect with individual faculty members, and his sincerity and commitment to them as individuals allowed him to guide the quality of legal education received by students at ATC.

He was instrumental in holding the different institutions and the people in it together, and harmoniously implemented and coordinated the policies and guidelines for the ATC group of colleges, primarily in the provision of tertiary, undergraduate and postgraduate education.

All will deeply miss his absence.

From all of us...

Dr Danny Choong.

It is still hard to believe Danny has died; although I have known for many years he had a serious ongoing condition his ability to cope with it, his perseverance, his quiet joy for life, gave him invincibility that meant one expected him to always come through whatever fate was throwing at him. To now know that we will no longer share in his physical presence, his smile and engaging calmness, his *Facebook* postings, his enthusiasm for hunting out a different place to eat, is deeply saddening. His presence continues in our memories and in the collective impact he has had on so many students and on their futures.

I first came to Malaysia in 1990 and have witnessed great changes. I had met Danny before I became Director of the UoL International Program for Law, but during that period and subsequently, Danny has been a constant feature in my life. I certainly valued his outstanding characteristic, namely his humanness; rather than seeing students as boxes in which to deposit 'knowledge' he saw them as engaged your people often struggling with their own issues. Both in and out of the classroom, in and out of ATC, Danny had class, intelligence and charm; unassuming in public he was a complex person with depths not always apparent at first meeting. While he exuded an efficient calmness, he mixed commitment and controlled energy in diverse ways.

Danny has been a constant point of reference professionally and personally. IN many ways he was Mr ATC and a lot of the family atmosphere came from his personality. Both Malaysia and I have lost a personality, a friend and an inspiration. He is sorely missed.'



~ **Professor Wayne Morrison**
Queen Mary University of London



'Danny will be remembered by many; and each will have their own reasons. I will remember him first, as a great educator who enabled others to achieve greatness in their education and second, as someone who loved food and enabled others to join him at lovely dinners!'

~ **Rev. Simon Askey**
Director (Undergraduate Laws), University of London

Danny is remembered by many as a visionary leader who is instrumental in the development of the college, a friend to many students at ATC, and a confidant to the colleagues. Personally, I remember Danny as a mentor and a role model. We miss his unmistakable presence and boundless energy, and stalwart support to all our efforts. We continue to strive for the stars in the loving memory of Danny.'

~ **Kevin Leong**
Principal & Group CEO



'ITC in Singapore came about in 1997, 22 years have gone by and today, ITC is the ONLY private law school in Singapore running the University of London LLB and this is in large part due to Danny Choong's believe in us being a success and for giving me a chance to grow as a professional and as an individual. Through every challenge that we went through, in those early years, I was always comforted in the knowledge that we had Dr Danny Choong as our support, our advisor, our colleague, our confidant and most importantly our leader.

As a teacher, he was a perfectionist. Danny believed that teaching was about the imparting of knowledge and to this end, he researched cases thoroughly, looked up the footnotes in textbooks and taught all of us how to think critically, to question the law. However well-versed he was in a subject, you would still see him sitting down and preparing before walking into a class. He believed that we should never short-change a student in class and everything that he prepared and delivered in class was of the highest quality.

There are many students who have walked through the halls of ATC who would not have been able to do so but for Danny Choong. To the students who were unable to afford their fees, he gave scholarships and rebates on school fees. To the students who didn't even have money for a meal because they were paying their way through school, he would give them allowances out of his own pocket. Many of these students are today successful men and women in theirs, who have themselves given scholarships to students as their way of paying it forward. This would not have happened if Danny himself did not offer a helping hand in the first instance.

To me personally, he was first my teacher, then my colleague and subsequently my boss. But he was much more than that, he was my mentor, my confidant, my guardian angel. He always looked out for me in both my personal and my professional life, he was there for all the ups and downs in my life – praying for me when things were bad and rejoicing with me when it was good.

He believed in me more than I believed in myself. He had more confidence in me than I had in myself and because he believed in me, I believed in myself and had the confidence to run a school in a foreign land and make it into the modest success that it is today.

Thank you Danny, thank you for being you and for everything that you have been to us at ITC and mostly to me and my family personally.'

~ **Ananthi Durai Raj Ratnarajah**
Principal, ITC School of Laws



'To my dearest teacher, guide, boss and friend: You will always remain synonym to ATC despite your absence. Your warm big heart, countless selfies, infectious laugh and childlike tantrums leave an indelible imprint in each of our memories. Though you are deeply missed, we each find comfort in knowing our lives have been so enriched because of times shared with you. May you rest in eternal peace Dr. Danny.'

~ **Linda Christabel Felix**
CEO, ATC Penang

'You never quit teaching me. You scolded and moulded me to do better. i am very grateful you 'arm-twisted' me to teach because i will not find a better vocation. i miss your silence but i see you in the work i do every day.'

~ **Vaani K. Nadarajah**
Principal, ATC Penang



'Having worked with Dr.Danny Choong for more than two decades in ATC, I feel his absence immensely. There is a void in college, a vacuum in the space, he filled in our workplace and lives. As a teacher, he was someone who taught, guided and inspired students to always strive for excellence. As a boss, he was strict but caring, and always had a listening ear whenever I wanted to talk to him. He had a unique sense of humour and I miss the sound of his laughter. When I think of him, I remember his kindness and compassion, his empathy for people and his willingness to help them. He was someone who genuinely cared about ATC - the students, staff, the institution and its future. He is greatly missed.'

~ **Meera Badmanaban**
Senior Lecturer in Laws, ATC Kuala Lumpur

'A life that touches others goes on forever.'

The Malaysian Budget 2018... The Malaysian Budget 2018, the first budget by the new Malaysian government was first unveiled on 2 November 2018. The key takeaways of the Budget 2018 on the several sectors are presented as below:

Industry 4.0... Industry4WRD - the National Policy on Industry 4.0 is one of the major focuses of the Budget 2018. Several measures have been developed and a substantial sum has been allocated to support the implementation of Industry4WRD. The measures, among others, include the establishment of Knowledge Resource for Science and Technology Excellence (KRSTE.my) to enable collaboration between private and public sectors and the setting up of Industry Digitalisation Transformation Fund to speed up the adoption of smart technology.

Digital Economy... Another highlight of the Budget 2018 is the regulation of the digital currency and digital token. A new regulatory framework, the Capital Markets and Services (Prescription of Securities)(Digital Currency and Digital Token) Order 2019 has come into effect on 15 January 2019. Subsequently, the Securities Commission Malaysia will issue the relevant guidelines to regulate the offering and trading of digital assets.

Employment... The labour laws will be reviewed to improve the worker welfares and to prohibit discriminatory practices by employers. The establishment of an Industrial Appeals Court has been proposed to accelerate dispute resolution between employers and employees. Presently, no appeal jurisdictions are provided for industrial courts under the Industrial Relations Act 1967.

Policies to encourage employment of retirees – individuals who aged above 60 years old are proposed. To incentivise the employment of retirees, a proposal to reduce the mandated Employees Provident Fund (“EPF”) contribution rate borne by an employer from the present 6% to 4% on 1 January 2019 has been forwarded. It is also suggested for the retirees that remain in the workforce to be exempted from contributing to the EPF. Additional tax deduction, which is capped at a monthly salary of MYR4,000, has been proposed for employers who employ or retain the retirees in their respective organisations.

Property... To address the financing issue for house ownership, a new “Property Crowdfunding” platform has been proposed to serve as an alternative financing source for first home buyers. The Securities Commission Malaysia regulates such platform under the peer-to-peer financing framework.

The Real Property Gains Tax (“RPGT”) for disposal of properties or shares in property holding companies after the fifth year has been revised. In this regard, for disposal by companies and foreigners, the RPGT rate is increased from 5% to 10% of chargeable gains. On the other hand, the disposal by the individual is subject to the RPGT rate of 5%. However, the sale of low cost, low-medium cost and affordable housing below MYR200,000 will be exempted from RPGT. The rate for stamp duty relating to the transfer of property, which is valued at more than MYR1,000,000, is revised from the current 3% to 4% of the purchase price.

Service Tax... Following the introduction and enforcement of the Sales and Services Tax Act on 1 September 2018, a new measure – exemptions for specific business-to-business Service Tax for registered Service Tax entities, has been rolled out on 1 January 2019. Another tax-related measure, which is enforced on 1 January 2019, is the imposition of Service Tax on imported services.

It shall also be noted that online services provided by foreign service providers are required to be registered with the Royal Malaysian Customs and will be mandated to charge and remit the relevant Service Tax from 1 January 2020. Example of online services are the downloading of software, music, or video and digital advertising.

Upcoming... Several new legislation aiming at improvising the transparency and fiscal performance are expected to be introduced. The proposed Fiscal Responsibility Act, which seeks to avoid reckless expenditures will be tabled by 2021. New legislation, Government Procurement Act will be rolled out to legislate government procurement processes and to improve competitions in the private sector.

Learning Corporate Social Responsibility through the *Gifts of Hope*... A group of 20 students from the Diploma in Management and Diploma in Marketing, ATC School of Business had their corporate social responsibility (CSR) project organised. The target of their CSR project entitled “Gifts of Hope” is a visit to *Siddharthan Care Centre*, a shelter home for children and teenagers between 3 to 17 years old.

Prior to the visit, the team had organised a donation drive in the campus to collect donations from the students and staff for the shelter home. Besides, the team also handcrafted uplifting motivational quotes on paper for distribution among the children living in the shelter home to spread positivity, confidence, and hope.



On 25 October 2018, the representatives, accompanied by their lecturer, Ms. Sukma Murni had visited the shelter home and delivered the donation items of RM 500 and gifts.



The CSR project seeks to achieve several objectives, among others, inculcating a sense of social responsibility in the participants and empowering students in making positive impacts on the societal cause. Further, the students were able to develop their interpersonal skills through the implementation of the CSR project, such as teamwork, leadership, and effective communication skills.

At ATC, we wish to produce employable graduates that are caring and compassionate.



A special mention to the team supervised by Ms Sukma Murni (according to alphabetical order): *Amirtham Amuthan, Angeline Susay, Avinaash Ryan James, Charlene Chin Poh Yee, Christina Daniel, Gayathri Divya, Guhendhran Parathi Nesan, Hoo Lai Qing, Kausalya Mathaven, Kavinash Pahicker, Khoo Ze Yu, Lee Brich, Logeni Rajaratnam, Nishalini Nair Vejayan, Sanshana Mardad, Robert Cemba, Sia Jo Sfin, Subashnair Gunaseelan, Tan Ngiap Choon, and Vanessa Yong Phei Ling.*

ATC Student Council



Meet the 2018/2019 student representation body formally known as the Student Council of ATC KL (SC of ATC). The role that the student council takes on at ATC is to represent the student population on issues related to ATC College as well as to assist in organising activities and events related to ATC College. This year we have an active and vibrant team from various intakes and courses that are eager to serve and do their best in maintaining a fun, beneficial and comfortable environment for all students and staff at ATC.

President: **Halach Peter** (School of Laws, LLB)

Vice President: **Chong Mun Fai** (School of Laws, LLB)

Honorary Secretary: **Christina Daniel** (School of Business & Management)

Honorary Treasurer: **Thum Shi Yhing** (A'Level)

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This newsletter, **KEY** – Knowledge, Education and You, is to update our students and readers on the significant and latest developments in the legal industry and business arena in Malaysia and other countries. We appreciate your comments and feedback to help us to improve the KEY better, please keep in touch with any of the KEY members.

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