

Advocates Association of Sarawak

President's Report

For the year 2024

Delivered at the Annual Delegates Conference 2024

Introduction

1. I am pleased to present the 3rd Report of the President. The 1st Report was delivered to all members by email on 22nd February 2023, the 2nd Report was delivered during the Annual Delegates Conference (“**ADC**”) on 9th December 2023.
2. How we decide on the matters during this Delegates Conference will have a lasting impact on the Association and on the practice of law in Sarawak – hence, with the overriding importance of this conference entrenched under **Clause 25 (a) of the Constitution**, I hope all delegates attend the ADC with the full understanding of their respective roles. At this juncture, I declare that apart from chairing committee meetings, I have no voting rights during the ADC or EDC, and thus, all decisions are made by the delegates from the respective branches.
3. The Association through the Central Committee and the Branch Committee undertakes a wide range of activities in accordance to the Objects and Powers of the Association as set out under **Clause 3 of the Constitution**.
4. During the Annual Delegates Conference on 10th December 2022, the following members were elected as members of the Central Committee:-

President
Gurvir Singh Sandhu (Miri)

Immediate Past President
Antonio P K Sim (Miri)

Vice Presidents
Liew Tang Chieh (Kuching)
Tonny Hii Yik (Sibu)
Lee Jin Wen (Miri)
Ma Seong Yuin (Bintulu)

Honorary Secretary
David Teo Seng Wee (Miri)

Assistant Secretary

Christine S H Lim (Sibu)

Honorary Treasurer
Timothy Lim Teng (Sibu)

Assistant Treasurer
Eric Lau Lian Jing (Bintulu)

Committee Members
Janting Antalai (Bintulu)
Desmond Sahathevan (Kuching)
Benny Zaidy Bin Jalil (Kuching)
William Ting Siew Chon (Sibu)
Bartholomew Lopez (Kuching)
Boston Ho Teck Howe (Sibu)

Meeting of the Association

5. I chaired the following meetings of the Central Committee in 2024:-

No.	Date	Meeting	Venue
1.	27 th January 2024	Central Committee Meeting	Zoom
2.	17 th February 2024	Central Committee Meeting	Zoom
3.	21 st June 2024	Central Committee Meeting	UPC Kuching
4.	3 rd August 2024	Extraordinary Delegates Conference	UPC Kuching
5.	25 th August 2024	Central Committee Meeting	VVIP 73 Bintulu
6.	2 nd November 2024	Central Committee Meeting	VVIP 73 Bintulu
7.	7 th December 2024	Annual Delegates Conference 2024	Tanahmas Hotel Sibu

6. The Association also had a number of other meetings which were called to attend to urgent matters which include the discussions towards the petitions for admissions, ad hoc petitions etc. While we are on the subject of meeting, I find it important to lay out the attendance record of the Central Committee Members for our members attention as below.

AAS Central Committee Meetings 2022-2024 Attendance List

No.	Name	13.01.23 MYA	20.05.23 Zoom	27.06.23 Zoom	28.10.23 Zoom	27.01.24 Zoom	17.02.24 Zoom	21.06.24 KCH	23.08.24 BTU	02.11.24 BTU
1	Gurvir Singh Sandhu	√	√	√	√	√	√	√	√	√
2	Antonio PK Sim	√	√	√	√	√	√	√	√	√
3	Liew Tang Chieh	√		√	√	√	√	√		
4	Tonny Hii Yii Yik	√	√	√	√	√	√	√	√	√
5	Lee Jin Wen	√	√	√	√	√	√	√	√	√
6	Ma Seong Yuen	√	√	√	√	√	√		√	√
7	David Teo Seng Wee		√	√	√	√	√	√	√	√
8	Christine S H Lim	√	√	√	√	√	√	√	√	√
9	Timothy Lim Teng	√	√	√		√	√	√		√
10	Eric Lau Lian Jing		√		√	√	√		√	√
11	Janting Antalaj	√		√		√	√	√	√	√
12	Desmond Sahatheyan	√	√			√		√		
13	Benny Zaedy Bin Jalil							√		
14	William Ting Siew Chon		√		√		√	√		
15	Bartholomew Lopez	√		√	√	√	√			
16	Boston Ho Teck Howe	√	√	√	√	√	√	√	√	

Note: A “tick” denotes that a committee member had attended the meeting and a “blank” denotes that the committee member was absent with apology.

7. Attending and participating in Central Committee meetings is an integral part of the workings of the Association, and it is my hope that the next Central Committee members would offer themselves or take up positions in the subcommittees and perform their responsibilities accordingly.
8. The Association also utilizes the Central Committee Chat Group as a means to discuss and decide on certain urgent matters. Thereafter, the issues decided upon shall be ratified in the Central Committee Meetings.

Administration of the Association

9. The members would note that at present, the Association is operating from the Bar Room in the Miri Court Complex. We are grateful to the Association’s Miri Branch in welcoming the Central Committee’s use of its Bar Room, and we also acknowledge the assistance and the support rendered to the Central Committee over the years by the Kuching and Miri Bar Room.
10. The Association operates its administrative responsibilities through the Secretariat. The Secretariat comprises of the President together with the Honorary Secretary Mr. David Teo, the Assistant Secretary Ms. Christine Lim and Ms. Ina from the Bar Room – these individuals are the bedrock to the Association, where they manage the day-to-day functions of the Association, a role which includes a wide range of responsibilities from

reviewing of the papers submitted for your Practicing Certificates to organising meetings/engagement sessions and following up with the relevant authorities/court on pending matters.

11. One of the biggest tasks for the Secretariat is reviewing the LONO applications filed by Advocates in Sarawak. I am sure members can imagine the volume of paperwork the Secretariat has to vet through for each LONO application, where are at least **8-10 pages** for each application, multiplied by **1075** number of practicing advocates. No small feat.
12. I cannot stress how important the role of the Secretariat is to the Association, and I would like acknowledge their hard work and unwavering commitment to the Association.
13. The tasks completed by the Secretariat is listed in the Honorable Secretary's Report tendered at Committee Meetings.
14. On the status of legal practice of our members, I am pleased to report that there were 1075 practicing certificates issued in 2024, whereas the Roll of Advocates have reached 1949.
15. The Bar Room in Miri has employed the following support staff:
 - a. Razina Binti Jinal; and
 - b. Melissa Audrey Binti Vincent Buyun.
16. The Association's Branches consist of the Kuching Branch, Sibu Branch, Bintulu Branch and Miri Branch – where the branches operate their own bar rooms to cater for their respective members. I believe that the report of the Chairman of each individual branch has been tendered during the respective branch AGM.

Sub-Committee Reports

17. The following sub committees was set up in the 1st Central Committee Meeting:-
 - i. Court Practice (Criminal) - Boston Ho Teck Howe
 - ii. Court Practice (Civil) – Gurvir Singh Sandhu
 - iii. Conveyancing and Land Matters - William Ting Siew Chon
 - iv. E-Legal - Tonny Hii Yii Yik
 - v. YBGK & Young Lawyers - Christine S. H. Lim
 - vi. Legal Aid & Law Awareness – Bartholomew Lopez
 - vii. Industrial Law & Labour Law - Liew Tang Chieh
 - viii. Etiquette & Advocacy Training Courses - Desmond Sahathevan
 - ix. Continuing Legal Education - Eric Lau Lian Jing
 - x. Sports - Ma Seong Yuin
 - xi. Syariah Law - Benny Zaidy Bin Jalil

xii. Native Customary Rights – Janting Antalai

xiii. Personal Injury - Lee Jin Wen

Meetings/Functions attended by the President

18. The following are the engagements of the Association attended by the President:-

JANUARY 2024

NO.	DATE	PROGRAM
1	4.1.2024	ATTENDED MESYUARAT JAWATANKUASA KERJA BAGI MERATIFIKASI THE UNITED NATIONS CONVENTION ON INTERNATIONAL SETTLEMENT AGREEMENTS RESULTING FROM MEDIATION DAN MEMINDA AKTA-AKTA YANG BERKAITAN / MENGGUBAL AKTA BAHARU BERKAITAN PENGANTARAAN (JAWATANKUASA KERJA) BIL 1 TAHUN 2024 BY WAY OF ZOOM
1	7.1.2024	ATTENDED DINNER HOSTED BY PRESIDENT AND COUNCIL OF MEMBERS OF LAW SOCIETY SINGAPORE
2	8.1.2024	ATTENDED OPENING OF SINGAPORE LEGAL YEAR 2024 IN SUPREME COURT
3	14.1.2024	ATTENDED BAR LEADERS' ROUNDTABLE DISCUSSION ATTENDED DINNER HOSTED BY MALAYSIAN BAR
4	15.1.2024	ATTENDED OPENING OF LEGAL YEAR 2024 OF PUTRAJAYA, INTERNATIONAL CONVENTION CENTRE
5	18.1.2024	ATTENDED OPENING OF LEGAL YEAR SABAH AND SARAWAK 2024 WELCOMING DINNER
6	19.1.2024	DELIVERED AN OPENING SPEECH AT THE OPENING OF LEGAL YEAR SABAH AND SARAWAK 2024 AT SICC, KOTA KINABALU
7	21.1.2024	ATTENDED WELCOMING DINNER AT CARDINAL POINT
8	22.1.2024	ATTENDED OPENING OF LEGAL YEAR HONG KONG AT CITY HALL, HONG KONG
9	29.1.2024	ATTENDED YBGK BOARD MEETING BY WAY OF ZOOM

FEBRUARY 2024

NO.	DATE	PROGRAM
1	1.2.2024	ATTENDED OPENING OF LEGAL YEAR 2024 BRUNEI

MARCH 2024

NO.	DATE	PROGRAM
1	7.3.2024	ATTENDED LAUNCHING OF SARAWAK COURT MUSEUM GALLERY AT KUCHING COURT
2	8.3.2024	ATTENDED LAUNCHING OF TAN KEE HENG'S BOOK AT SHERATON HOTEL, KUCHING
3	9.3.2024	ATTENDED RESENTENCING WORKSHOP WITH REPRIEVE AT MERITIN HOTEL KUCHING
4	10.3.2024	ATTENDED RE-SENTENCING WORKSHOP WITH REPRIEVE AT WATERFRONT HOTEL, KUCHING

APRIL 2024

NO.	DATE	PROGRAM
1	4.4.2024 – 5.4.2024	ATTENDED CONSULTATION SESSION WITH STAKEHOLDERS AND EXPERTS ON AMENDMENT TO ARBITRATION ACT 2005 AND THE CONSTRUCTION INDUSTRY PAYMENT & ADJUDICATION ACT 2012 BY WAY OF ZOOM
2	27.4.2024	ATTENDED MEETING WITH THE RIGHT HONOURABLE CHIEF JUDGE OF SABAH AND SARAWAK (AICOS SLIDE) AT SIBU COURT COMPLEX
3	30.4.2024	ATTENDED SESI LIBAT URUS BERSAMA PERSATUAN PEGUAMBELA SARAWAK (THE ADVOCATES ASSOCIATION OF SARAWAK) WITH REGISTRAR OF SOCIETIES AT IMPERIAL HOTEL, KUCHING

MAY 2024

NO.	DATE	PROGRAM
1	1.5.2024	ATTENDED BREAKFAST SESSION WITH TUN PEHIN TYT AT HIS EXCELLENCY RESIDENCE IN KUCHING
2	3.5.2024	ATTENDED SESI LIBAT URUS INISIATIF KE ARAH PENGUBALAN DAN PINDAAN KEPADA PERUNDANGAN BERKAITAN JENAYAH DALAM TALIAN BERSAMA BADAN BUKAN KERAJAAN (NGO), PERTUBUHAN MASYARAKAT MADANI (CSO), BADAN PEGUAM DAN AHLI AKADEMIK BY WAY OF ZOOM
3	10.5.2024	ATTENDED WELCOMING DINNER FOR JUSTICE AMELATI ANAK PARNELL ORGANIZED BY AAS BINTULU BRANCH IN GOLDENBAY HOTEL, BINTULU
4	13.5.2024	ATTENDED MEETING ON PELAKSANAAN PROSES JAMIN DI MAHKAMAH-MAHKAMAH DI SELURUH MALAYSIA BY WAY OF ZOOM
5	15.5.2024	ATTENDED RULES COMMITTEE MEETING BIL 1/2024 AT PALACE OF JUSTICE, PUTRAJAYA
6	16.5.2024 – 17.5.2024	ATTENDED PROFESSIONAL INDEMNITY FOR LAW SOCIETY FORUM AT KUALA LUMPUR
7	20.5.2024- 21.5.2024	ATTENDED SESI LIBAT URUS KE ARAH PENGUBALAN AKTA KEBEBASAN MAKLUMAT BERSAMA AGENSI KERAJAAN, BADAN BUKAN KERAJAAN, PERTUBUHAN MASYARAKAT MADANI, BADAN PEGUAM DAN AHLI AKADEMIK BAGI ZON SARAWAK AT PUSTAKA NEGERI SARAWAK, KUCHING

JUNE 2024

NO.	DATE	PROGRAM
1	11.6.2024	ATTENDED MESYUARAT JAWATANKUASA PEMANDU BILANGAN 2 TAHUN 2024 BAGI KAJIAN BERHUBUNG CHILD SEXUAL ABUSE AND EXPLOITATION: RESEARCH ON CHILDREN'S JOURNEY TO JUSTICE IN PUTRAJAYA
2	21.6.2024	ATTENDED AAS CENTRAL COMMITTEE MEETING IN KUCHING
3	21.6.2024	ATTENDED TOWNHALL WITH CHIEF JUDGE OF SABAH AND SARAWAK IN KUCHING

4	20.6.2024	ATTENDED MESYUARAT STATUS PELAKSANAAN KAJIAN HUKUMAN GANTIAN TERHADAP HUKUMAN MATI MANDATORI TAHUN 2024 OLEH BHEUU BY WAY OF ZOOM
5	27.6.2024	ATTENDED MESYUARAT CONSULTATIVE COMMITTEE ON INDUSTRIAL LAW (CCIL) BIL 1/2024 BY WAY OF ZOOM

JULY 2024

NO.	DATE	PROGRAM
1	9.7.2024	ATTENDED MESYUARAT PENAWARAN PROGRAM SARJANA MUDA UNDANG-UNDANG DI MALAYSIA BY WAY OF ZOOM
2	9.7.2024	ATTENDED SESI PERBINCANGAN BERHUBUNG PENYEDIAAN 2 DRAF ARAHAN AMALAN AT PALACE OF JUSTICE, PUTRAJAYA
3	10.7.2024	ATTENDED YBGK BOARD MEETING AT AIAC, KUALA LUMPUR
4	12.7.2024	ATTENDED MESYUARAT STATUS PELAKSANAAN KAJIAN HUKUMAN GANTIAN TERHADAP HUKUMAN MATI MANDATORI TAHUN 2024 - BHEUU BY WAY OF ZOOM
5	17.7.2024	ATTENDED YBGK AGM BY WAY OF ZOOM
6	29.7.2024	PREPATORY MEETING IN CONJUNCTION WITH THE OPENING OF LEGAL YEAR 2025 KUCHING IN KUCHING COURT COMPLEX
7	30.7.2024	ATTENDED MESYUARAT PENYELARASAN MENGENAI CADANGAN PENAMBAHBAIKAN AKTA PROFESION UNDANG-UNDANG (LEGAL PROFESSION ACT 1976) BY YB KULA BY WAY OF ZOOM

AUGUST 2024

NO.	DATE	PROGRAM
1	3.8.2024	ATTENDED EXTRAORDINARY DELEGATES CONFERENCE IN KUCHING
2	12.8.2024	ATTENDED TEMUBUAL KUMPULAN BERFOKUS BAGI KAJIAN PENYELIDIKAN DI BAWAH LEMBAGA KELAYAKAN PROFESION UNDANG-UNDANG (LPQB) BY WAY OF ZOOM
3	13.8.2024	ATTENDED PREPATORY MEETING IN CONJUNCTION WITH THE OPENING OF LEGAL YEAR 2025 KUCHING IN KUCHING COURT COMPLEX
4	14.8.2024	ATTENDED DNFBP WORKING GROUP COMMITTEE MEETING ON DATA AND COMPLIANCE REPORT (DCR2024) BY WAY OF ZOOM
5	19.8.2024	ATTENDED MESYUARAT PERBINCANGAN MENGENAI CADANGAN PINDAAN BERKAITAN AKTA PROFESION UNDANG-UNDANG 1976 (AKTA166) DAN PERKARA-PERKARA BERKAITAN BY WAY OF ZOOM
6	23.8.2024	ATTENDED LAWATAN KERJA RASMI YB TIMBALAN MENTERI DI PEJABAT PERDANA MENTERI (UNDANG-UNDANG DAN REFORMASI) AT MAHKAMAH LIMBANG
7	25.8.2024	ATTENDED 8 TH CENTRAL COMMITTEE MEETING FOR TERM 2022-2024 AT NU HOTEL, BINTULU
8	28.8.2024	ATTENDED SESI PERBINCANGAN KUMPULAN BERFOKUS (FGD) KEDUA BERHUBUNG KAJIAN PENYELIDIKAN PINDAAN AKTA PEMEGANG AMANAH 1949 (AKTA 208) BY WAY OF ZOOM

SEPTEMBER 2024

NO.	DATE	PROGRAM
1	9.9.2024	ATTENDED PREPATORY MEETING FOR OPENING OF LEGAL YEAR 2025 KUCHING BY WAY OF ZOOM
2	10.9.2024	ATTENDED SESI LIBAT URUS BERHUBUNG SERAHAN SECARA ATAS TALIAN BY WAY OF ZOOM
3	10.9.2024	ATTENDED MEETING ON FEEDBACKS REGARDING THE UPDATED LIST OF SUSPENSION / REMOVAL OF LAWYERS FROM THE ROLL IN THE EKSS SYSTEM WITH PMTSS BY WAY OF ZOOM
4	13.9.2024	ATTENDED PREPATORY MEETING FOR OPENING OF LEGAL YEAR KUCHING 2025 IN MAGISTRATES COURT 4, MIRI COURT COMPLEX
5	13.9.2024	ATTENDED MESYUARAT BERKENAAN PENAWARAN PROGRAM SARJANA MUDA UNDANG-UNDANG DI MALAYSIA BIL 2/2024 BY WAY OF ZOOM
6	30.9.2024	ATTENDED COMMONWEALTH BAR LEADERS BRIEFING AND NETWORKING LUNCH IN LAW SOCIETY HALL, LONDON, UNITED KINGDOM
7	30.9.2024	ATTENDED SESI LIBAT URUS SECARA DALAM TALIAN BERSAMA MAJLIS PEGUAM MALAYSIA, SABAH LAW SOCIETY DAN ADVOCATES ASSOCIATION OF SARAWAK BERHUBUNG DERAF-DERAF ARAHAN AMALAN BERSAMA KETUA PENDAFTAR MAHKAMAH PERSEKUTUAN MALAYSIA BY WAY OF ZOOM
8	1.10.2024	ATTENDED OPENING OF LEGAL YEAR UNITED KINGDOM AT WESTMINSTER ABBEY, LONDON
9	1.10.2024	ATTENDED PRIVATE DINNER HOSTED BY PRESIDENT OF LAW SOCIETY OF ENGLAND AND WALES WITH BAR LEADERS FROM ASIA

OCTOBER 2024

NO.	DATE	PROGRAM
1	14.10.2024	ATTENDED PREPATORY MEETING IN CONJUNCTION WITH THE OPENING OF LEGAL YEAR 2025 KUCHING IN KUCHING COURT COMPLEX
2	16.10.2024	ATTENDED MAJLIS PENGHARGAAN INSTITUSI MAHKAMAH PERUSAHAAN MALAYSIA AT RENAISSANCE KUALA LUMPUR HOTEL & CONVENTION CENTRE
3	22.10.2024	ATTENDED MESYUARAT BERKENAAN PENAWARAN PROGRAM SARJANA MUDA UNDANG-UNDANG DI MALAYSIA BIL 2/2024 BY WAY OF GOOGLE MEET
4	22.10.2024	ATTENDED EVENING RECEPTION ON BOARD HMS SPEY ORGANIZED BY BRITISH HIGH COMMISSIONER TO MALAYSIA MR DAVID WALLACE IN KUCHING
5	23.10.2024	ATTENDED MEETING TO DISCUSS ON GALA DINNER IN CONJUNCTION OF OPENING OF LEGAL YEAR SABAH SARAWAK 2025 IN KUCHING BY WAY OF ZOOM
6	24.10.2024	ATTENDED MESYUARAT WITH PROTOKOL ASTANA REGARDING OLYSS KUCHING 2025 IN KUCHING COURT COMPLEX
7	24.10.2024	ATTENDED SESI PERBINCANGAN JAWATANKUASA PILIHAN KHAS SEMAKAN UNDANG-UNDANG (JKPK SUU), MAJLIS MESYUARAT DEWAN NEGARA 2024 AT BANGUNAN DEWAN UNDANGAN NEGERI SARAWAK, KUCHING BY WAY OF ZOOM
8	28.10.2024	ATTENDED YBGK BOARD MEETING AT AIAC, KUALA LUMPUR

NOVEMBER 2024

NO.	DATE	PROGRAM
1	2.11.2024	ATTENDED 9 TH AAS CENTRAL COMMITTEE MEETING AT BREW 73, BINTULU
2	21.11.2024	ATTENDED THE LAW SOCIETY OF HONG KONG 7 TH BELT AND ROAD CONFERENCE BY WAY OF ZOOM
3	27.11.2024	ATTENDED RULES COMMITTEE MEETING IN PALACE OF JUSTICE
4	28.11.2024	ATTENDED LUNCH WITH YB DATO' SRI AZALINA OTHMAN SAID MENTERI DI JABATAN PERDANA MENTERI BAGI JAWATANKUASA PENYELARASAN MEKANISMA PENYEMAKAN SEMULA PELAKSANAAN HUKUMAN GANTIAN TERHADAP HUKUMAN MATI MANDATORI DAN HUKUMAN PEMENJARAAN SEPANJANG HAYAT DI HOTEL PULSE GRANDE, PUTRAJAYA

DECEMBER 2024

NO.	DATE	PROGRAM
1	3.12.2024	ATTENDED MEETING TO DISCUSS ON GALA DINNER IN CONJUNCTION OF OLYSS KUCHING 2025 BY WAY OF ZOOM
2	3.12.2024	ATTENDED SESI TAKLIMAT BERKENAAN PENGGUBALAN RANG UNDANG-UNDANG (RUU) KESELAMATAN DALAM TALIAN BY WAY OF ZOOM
3	7.12.2024	ANNUAL DELEGATES CONFERENCE 2024 IN SIBU

Opening of the Legal Year 2025 – Kuching Sarawak

19. OLY 2025 was announced to be held in Kuching during the OLY 2024 in Kota Kinabalu, Sabah. I had personally communicated the decision of the Association that the AAS Sibu Branch agreed to host the OLY 2025 to the Judiciary, however, we were informed that the Judiciary had decided and hence the announcement for the program to be held in Kuching in 2025.
20. The National Symposium on Islamic Banking and Finance 2025 is to be held on 11th to 12th January 2025 with the collaboration with the Association of Islamic Banking Institutions Malaysia (AIBIM).
21. The OLY is a significant event for advocates and the Judiciary marking the opening of the new legal term. The OLY 2024 event in Kota Kinabalu was very well supported by the members of the SLS where we were informed that there were at least 500 local advocates participating in the ceremonial processions and the Gala Dinner. Since there are more practicing advocates in Sarawak, we should be more than able to produce a higher turnout and it is my sincere hope that our members would participate and support the OLY events in Kuching 2025 from the 9th January 2025 to the 12th January 2025.

Welcoming Dinner	9 th January 2025
OLY 2025 Procession	10 th January 2025

OLY 2025 Gala Dinner	10 th January 2025
National Symposium on Islamic Banking and Finance 2025	11 th to 12 th January 2025

22. I record that the AAS Kuching Branch had communicated their mandate from the AGM 2023 that the OLY 2025 is to be hosted by a branch other than Kuching Branch. During the EDC on the 03.08.2024, Kuching Branch has reiterated their stand and informed that the Kuching Branch will encourage their members to attend and participate in the OLY 2025. Subsequently, the Association’s Sibul Branch and Bintulu Branch took up the task of co-organising the OLY Gala Dinner and National Symposium on Islamic Banking and Finance on behalf of the Advocates Association of Sarawak.

Bar & Bench Relations

23. Over the past years, the Association has held a strong relationship with the Bench, which is a testament of the event organised together. We hope that this tradition would be continued by the newly elected Branch Committees. Some of the events include OLY 2023, the Bar & Bench Games in Sibul and Bintulu, the Community Outreach Program in SK Batu Bungan – Mulu, the Niah Caves Conservation Program, Young Lawyers and Pupils Workshop in Kuching, the Re-Sentencing Workshop with REPRIVE in Kuching and the Tripartite Bar Games 2023 in Bintulu – where such events were jointly organised with the Judiciary and/or members of the Judiciary participated in the same.

ADR in Sarawak

24. As previously reported, we take cognisance that there is an inevitable move towards ADR, where such move includes a proposal to amend the Rules of Court 2012 to include a mandatory provision for all cases to be sent for mediation before such cases proceed to hearing/trial. BHEUU is also reviewing existing laws to include the Singapore Convention on International Mediation to be implemented in Malaysia.
25. On the front of an ADR centre in Sarawak, we were briefed that the cabinet has approved the setting up of AIAC Sarawak and recently, we were informed that BHEUU is in the midst of preparing formal documents on the setting up of AIAC Sarawak. The matter is pending at governmental level and we look forward to hearing further updates.
26. Recently, our members have also set up the Sarawak Institute of Arbitration & Dispute Resolution (SiDAR) which is led by retired High Court Judge Datuk Yew Jen Kie – where this organisation is declared to be “an institution dedicated to advancing and fostering the practice of Alternative Dispute Resolution (ADR) in Sarawak”, where they “strive to create an environment that encourages fellowship, professional development, and the exchange of

knowledge among ADR practitioners”. In my opinion, the Association should support SiDAR in any meaningful way as it is our combined interest to advance the practice of ADR in Sarawak.

LONO

27. This has become a hot topic among Advocates in Sarawak. Following an inquiry made by a member, I had on 2nd February 2024 issued an email to share the information we had regarding the LONO requirement. Yang Arif Leonard David Shim had also shared, during the Townhall with CJSS held in Kuching, that the imposition of LONO was introduced during Yang Arif's tenure as the President, but stated that it was raised for the purposes of funding the Inquiry Committee. However, the Secretariat is unable to source for documents/minutes to confirm any of such restrictions. The secretariat has gone through the available records and have located an email issued by AAS Central dated 03.12.2014 enclosing the email from the then Registrar of the High Court of Sabah & Sarawak, Tuan Ismail Brahim, where I note that AAS Central had informed all members that AAS Central will be charging a fee of RM50 for members and RM100 for non-members for verification. There were also two further letters from the Registrar of the High Court of Sabah & Sarawak dated 08.11.2016 and 07.11.2017 – copies of which are enclosed to this report collectively as **“A”**.
28. Hence, the requirement of LONO was carried forward from the past committees over the last 10 years.
29. Although the Central Committee received its mandate to increase the LONO fees, the decision to raise the same has been stayed pending the other pressing issues concerning the Association which are issues with deregistration and Statutory Body. The e-LONO on AAS website is ready and members will have the option of submitting application through e-LONO on AAS website for PC2026.
30. Another issue which recently occurred is the “K” requirement in the LONO forms. This was an administrative request to aid the Secretariat in obtaining up to date information regarding the applicants' status in Sarawak to ensure that the applicants fulfil who are non-Sarawakians continue to maintain their individual Sarawak Connections. A example of why this request was made is the Chen Jie case where the court had found him to have “Sarawak Connection” subject to him being married to his Sarawakian Wife, whereby his status is now changed after this recent divorce. Hence, there is good cause for the request of this information to keep the Secretariat updated.

It is necessary to distinguish between the following 2 items:

(1) Admission as an Advocate of the High Court of Sabah and Sarawak in the State of Sarawak.

(2) Issuance of Practicing Certificate to practice as an Advocate in Sarawak.

As you may all know, non-Sarawakians are primarily admitted as an Advocate based on their marriage to a Sarawakian. The marriage itself serves as a Sarawak Connection. However, admission as an Advocate does not give rise to an automatic entitlement to a Practicing Certificate. As prescribed by Immigration Laws of Sarawak, a non-Sarawakian, if not having been granted a permanent residency in Sarawak, would require a professional pass to practice as an Advocate.

Another live issue is where the Secretariat have come across an Advocate who in the past had relied on his marriage to a Sarawakian to maintain his Sarawak Connections to obtain his Practicing Certificate. After a change in his marital status and upon inquiry from the Secretariat, he was constrained to obtain a professional pass to apply for the issuance of LONO.

Therefore, it cannot be interpreted that once a non-Sarawakian is admitted as an Advocate, you are automatically qualified to practice. AAS have been entrusted by the Judiciary to carry out this exercise of vetting all Advocates LONO applications including the non-Sarawakians. By this entrustment of the Judiciary through the directive of the then CJSS and upon our obligation to our members and the State Government, we are constrained to carry out the duties accordingly as we are answerable to both the judiciary and our members.

The above examples are non-exhaustive.

31. I would also like to refer members to the judgment by Tan Sri David Wong Dak Wah on Portia Tham's admission as annexed to this report as "**B**" where Tan Sri stated that:-

*"... That said, this does not mean that the Petitioner is entitled to obtain a practicing certificate in the state as of right. This is simply an application of the immigration law in the state of Sarawak. anyone who is not a Sarawakian cannot work without the relevant work permit. **Any person who is not a Sarawakian and wants to obtain the practicing certificate must possess a certificate of status (work permit).**"*

[emphasis added]

32. I also refer to the recent publication in the newspapers where it was reported that the "Sarawak Immigration Department will stop issuing long-term social visit facilities to Malaysians from peninsular Malaysia living in the state upon

the death of their Sarawak-born spouse or upon their divorce” which is annexed to this report as **“C”**. This information was communicated at the winding-up the debate in the Sarawak Legislative Assembly by the Minister in the Premier’s Department Datuk Seri John Sikie Tayai.

33. The Secretariat is guided by the relevant laws and regulations in Sarawak and perform its duties within the parameters prescribed thereof.
34. The Association’s stand in safeguarding Sarawak Advocates’ interest is in line with the rights we are seeking under Malaysian Agreement 1963.
35. Nonetheless, considering limitations in the earlier LONO forms as highlighted by the Hon Secretary on 05.12.2024, I will raise this issue as a matter for discussion during the ADC 2024 under AOB.

YBGK

36. YBGK pledges were introduced by YAA Tun Richard Malanjum (the then CJSS) in 2015. Since then, all pupils admitted to the bar are required to sign and declare a pledge to the Chief Judge of Sabah & Sarawak that upon admission that they shall complete 20 YBGK cases within the first 12 months of practice.
37. During our dialogue with the Judiciary this year, we were inquired on the low number of YBGK cases taken up by advocates in Sarawak despite the pledges given during admission and non-fulfillment of the pledge. Thereafter, the Secretariat had noted that a number of advocates had persistently been asking for extension of time to comply with their pledges, despite having been admitted to the bar for more than 9 years.
38. Thus, the Association is constrained to monitor the pledges and update the same to the Judiciary. The key point here is that the pledges are given to the Chief Judge of Sabah & Sarawak to be completed within 12 months from admission and at present, it is the Association that has been granting extension of time to advocates to comply with their pledges.
39. However, since the issue of YBGK pledges have become an issue, I will raise the same during the ADC 2024 under AOB for delegates to consider.

Inquiry Committee

40. The present term of the Inquiry Committee is helmed by Datuk Stephen Chung, with the following other members:-
 - 1 Datuk Stephen Chung Hian Guan - Chairman (Sibu)
 - 2 Mr. Benny Zaidy Bin Jalil - Secretary (Kuching)

3	Mr. Jason Wong Seng Ho	-	Member (Miri)
4	Ms. Merlyn Toh Ai Mei	-	Member (Miri)
5	Mr. Tonny Hii Yii Yik	-	Member (Sibu)
6	Mr. Tiong Ing Hock	-	Member (Sibu)
7	Mr. Orlando Chua Siau Wei	-	Member (Sibu)
8	Ms. Ting Huong Kheng	-	Member (Bintulu)
9	Ms. Magdalene Lucas	-	Member (Bintulu)
10	Ms. Wong Woan Sii	-	Member (Bintulu)
11	Mr. Khairil Azmi Bin Mohamad Hasbie	-	Member (Kuching)
12	Mr. Colin Lai Hon Chiong	-	Member (Kuching)
13	Mr. Gerry Wong Swee Kee	-	Member (Kuching)
14	Mr. Wong Siong Ling	-	Member (Kuching)

41. I am also a member of the Inquiry Committee by virtue of the seat of the President.

Admission and Exemption Hearings

42. The following are the Admission Hearings:-

Date: 02.02.2024

Numbers of Petition: 12 petitions for admission

AAS Representative for Interview: Christine S H Lim

AAS Representative for Admission Hearing: Christine S H Lim

All Petitions were duly heard and order in terms by the Honourable High Court Judge, Dato Dr. Haji Alwi Bin Haji Abdul Wahab

Date: 28.03.2024

Numbers of Petition: 11 petitions for admission

AAS Representative for Interview: Desmond Sahathevan

AAS Representative for Admission Hearing: Christine S H Lim

All Petitions were duly heard and order in terms by the Honourable High Court Judge, Tuan Leonard David Shim

Date: 24.05.2024

Numbers of Petition: 8 petitions for admission

AAS Representative for Interview: Jacquelyn Hii

AAS Representative for Admission Hearing: Liew Tang Chieh

All Petitions were duly heard and order in terms by the Honourable High Court Judge, Dato Dr. Haji Alwi Bin Haji Abdul Wahab

Date: 12.07.2024

Numbers of Petition: 8 petitions for admission

AAS Representative for Interview: Gurvir Singh Sandhu

AAS Representative for Admission Hearing: Liew Tang Chieh

All Petitions were duly heard and order in terms by the Honourable High Court Judge, Tuan Leonard David Shim

Date: 11.10.2024

Numbers of Petition: 14 petitions for admission

AAS Representative for Interview: Christine S H Lim

AAS Representative for Admission Hearing: Christine S H Lim

All Petitions were duly heard and order in terms by the Honourable High Court Judge, Tuan Dean Wayne Daly

Date: 29.10.2024

Numbers of Petition: 11 petitions for admission

AAS Representative for Interview: Daniel Ling

AAS Representative for Admission Hearing: Liew Tang Chieh

All Petitions were duly heard and order in terms by the Honourable High Court Judge, Tuan Leonard David Shim

43. As per the practice of the previous term of office, all Petitions were discussed and deliberated upon by the AAS Advisory Sub-Committee consisting of the President and 4 Vice Presidents, and the Secretariat and

their decisions were then endorsed by the Central Committee prior to hearings of the said Petitions.

44. The following Petitioners were admitted to the Rolls of Advocates of the High Court of Sabah and Sarawak in the State of Sarawak and the AAS Central Committee extends our warmest congratulations and welcome the following Advocates to the Bar:-

1.	Aaron Sia Khuan Chin (Messrs Louis Achuk & Co. Advocates, Miri)
2.	Allyse Nura Anak Brawi (Messrs Willis Angela Company, Kuching)
3.	Kevin Lai Thien Teck (Messrs David Allan Sagah & Teng Advocates, Kuching)
4.	Kee Siew Wen (Messrs Henry & Low Advocates, Miri)
5.	Adrian Bian Acho (Messrs Baru Bian Advocate, Kuching)
6.	Shanfaranzi Bin Rosli (Messrs Yong Wong & Chin Advocates, Miri)
7.	Dayang Mardhiyah Binti Abg Azhari (Messrs Irawan and Partners Advocates, Kuching)
8.	Ling Hang Chou (Messrs Raphael Ling & Associates Advocate, Sibul)
9.	Chiam Xin Yuen (Messrs Benedict Khu Advocates, Kuching)
10.	David Lim Hsi Chiat (Messrs Clement And Company)
11.	Che Muhamad Daniel Bin Che Rafidi (Messrs Dzulfadzli Hanizah & Co. Advocates, Bintulu)
12.	Chai Ching Ching (Messrs Baru Bian Advocate, Kuching)
13.	Wilson Mok Hui Yen (Messrs David Allan Sagah & Teng Advocates, Kuching)
14.	Dayang Mardhiyah Binti Abg Azhari (Messrs Irawan and Partners Advocates, Kuching)
15.	Georgina Anak John Micheal (Messrs Irawan and Partners Advocates, Kuching)
16.	Siti Nurul Adillah Binti Mohamad Zaki (Messrs Sandhu & Company Advocates, Kuching)
17.	Phang Lee Mean (Messrs Sia Alvin Wong & Partners, Kuching)
18.	Lai Eddy (Messrs Thomas, Shankar Ram & Company Advocates, Kuching)
19.	Nurul Alia Binti Ab Aziz (Messrs Azlina Dahlan and Company, Kuching)
20.	Mohd Ikmal Iqbal Bin Baharuddin (Messrs Firdaus & Company, Miri)
21.	Muhammad Zharif Bin Asbi

	(Messrs Firdaus & Company, Miri)
22.	Klinsmann Anak Robin (Messrs Beriak Tham Advocates, Kuching)
23.	Dingun Juna Anak Mit (Messrs Chan Chuah and Su Advocates, Kuching)
24.	Doreen Chung Shiu Hua (Messrs Chung And Company Advocates, Kuching)
25.	Jasmine Lo Huey Tyng (Messrs S.N. Voon & Associates, Kuching)
26.	Aileen Kumang Anak Tambat (Messrs Chan Chuah and Su Advocates, Kuching)
27.	Shalene Durie Anak Christopher Danan (Messrs Chan Khoon Moh Advocates, Kuching)
28.	Muhammad Farith Redza bin Zulkefli (Messrs Harizan Hamzah and Company, Kuching)
29.	Tim Low Yew How (Messrs George Lo & Partners, Kuching)
30.	Grace Ngu Koh Ming (Messrs Tang & Partners Advocates & Solicitors, Kuching)
31.	Celine Ting Jia-Hui (Messrs Gala and Tomik Advocates, Kuching)
32.	Joanne Lau En Ling (Messrs Simon Siah, Chua and Chow Advocates, Kuching)
33.	Ezekiel John Chong Yun Min (Messrs Alvin Chong & Partners Advocates, Kuching)
34.	Marriane Sian Anak Thomas Abun (Messrs Kay Ting & Associates, Advocates, Kuching)
35.	Alan Wong Teck Wei (Messrs Clement And Company, Kuching)
36.	Leong King Yap (Messrs Battenberg & Talma, Advocates SibU)
37.	Joyce Sharon Sigar (Messrs David Allan Sagah & Teng Advocates (Miri)
38.	Audrey Chieng Hui Sieng (Messrs Tiong, Lim, Wong & Co. Advocates (Sibu))
39.	Leslie Kong Chie Yong (Messrs Yong Advocates, Sarikei)
40.	Ling Leeqi (Messrs Yong Advocates, Sarikei)
41.	Mohammad Syafiq Samry (Messrs Ziyad Mohammad & Company Advocates, Kuching)
42.	Maxcellian Tang Kui Huei (Messrs Sandhu Lee & Co., Miri)
43.	Manisha Kaur Toor (Kadir, Wong, Lin & Co. Advocates, Kuching)
44.	Kimberly Rungu Baru (Messrs Simon Siah, Chua and Chow Advocates, Kuching)
45.	Clement Hii Zhi Kang (Messrs Boston Alexander Advocates, SibU)
46.	Nur-Shaffinah Binti Abdul Rahman

	(Messrs Azlina Dahlan & Co. Kuching)
47.	Darriell Adam Anak Donald (Messrs Low & Chen Advocates, Miri)
48.	Wong Biin Ong (Messrs David Allan Sagah & Teng Advocates, Sibü)
49.	Nigel John Shim Wei Sing (Messrs Wung & Co Advocates, Kuching)
50.	Ann Marie Siaw Yee Wern (Messrs Mustafa Kueh and Tambi Advocates, Kuching)
51.	Norajemah Binti Umar (Messrs Ranbir S. Sangha & Co. Advocates, Miri)
52.	Nur Maisara Syahirah Binti Zainal Abidin (Messrs Firdaus & Company, Miri)
53.	Nurzayana Binti Tharic (Messrs Firdaus & Company, Miri)
54.	Siti Huszaini Binti Hajman @ Hamjeman (Messrs Yong & Wong, Sibü)
55.	Flora Usun Ding (Messrs David Allan Sagah & Teng Advocates, Bintulu)
56.	Eugene Jong Wan Yen (Messrs Chung, Lu & Co Advocates, Miri)
57.	Wong Jen Ni (Messrs Chung, Lu & Co Advocates, Miri)
58.	Chin Kian Yu (Messrs Henry & Co. Advocates, Miri)
59.	Norita A/K Tambi (Messrs Tan, Yap & Tang Advocates, Kuching)
60.	Pauline Goh Ai Ling (Messrs S.K. Ling & Tan Advocates, Kuching)
61.	Sidharth Shankar Asnani (Messrs Thomas, Shankar Ram & Company Advocates, Kuching)
62.	Russell Geramong Anak Wilson Nyabong (Messrs Thomas, Shankar Ram & Company Advocates)
63.	Amelia Ho Choon May (Messrs Tang & Partners Advocates & Solicitors, Kuching)
64.	Angel Wong Ann Kee (Messrs Yong Wong & Chin Advocates, Miri)
65.	Adilla Nabilah Binti Unus (Messrs David Allan Sagah & Teng Advocates, Kuching)

45. I record the Central Committee's and my sincerest appreciation and thanks to all the named representatives of the AAS above whom had taken their time to represent and assist the Central Committee in the admission and exemption hearings.

Recognition of the Association

46. Members would note that from the list of engagements under paragraph 18 above, that the Association has started being recognised by international Bars and organisation as the sole and exclusive organisation in Sarawak

concerning Advocates. At present, the Association has been in active engagements with our counterparts from the United Kingdom, Singapore, Hong Kong and Brunei.

47. The list of meetings/events also shows that the Association is now been consulted more frequently than previous years for matters concerning amendments to the laws in Malaysia to even matters concerning the lifting of moratorium to set up law faculties in Sarawak.

Conclusion

48. In closing, I would like to express my gratitude and my appreciation to all the committee members for their hard work over the 2024 period. To our members, I thank you for your passionate support of the Association and its activities – for an Association is only as strong as its active members.
49. I hold strong that I have served the Association to the best of my abilities despite all the limitations and hurdles set before me. In fact, the active committee members have served with tremendous personal and professional sacrifice – where we served with ‘fire on our backs’. With that, I conclude my term as the President of the Advocates Association of Sarawak. I leave it to the delegates to democratically elect the next President and Central Committee to serve you all.

Thank you.

Gurvir Singh Sandhu

President of the Advocates Association of Sarawak 2022-2024

----- Forwarded message -----

From: **Advocates' Association of Sarawak** <aas@sarawak-advocates.org.my>

Date: Wed, Dec 3, 2014 at 3:49 PM

Subject: New Guidelines for Renewal of Practicing Certificates

To: Wee Wui Kiat <specialk588@gmail.com>, Ma Seong Yui <syma68@yahoo.com>, Sibul Advokates <aas_sibu@googlegroups.com>, Bar Room Miri Ina <geemask79@gmail.com>, Patrick Liaw <patrick.liaw@jimmywee.com>, AAS Sibul <sibubarroom@gmail.com>, AAS Miri Branch <aasmiribar@gmail.com>, Emeric Teo <emeric.teo@chtaypartners.com>, Jacquelyn Hii <jachspring@gmail.com>, Nicholas Wung <nicholas.wung@reddi.com.my>, Jezamine Dior <jezzdior@gmail.com>, Saifunnizam <saifunnizam.sam@gmail.com>, Sarbjit Singh Khaira <khairaco33@yahoo.com>, Benny Zaidi Bin Jalil Hamzah & Ong Advokates <benzaidy@gmail.com>, Louis Ng <louis.ng@kadirwonglin.com>, Desmond Sahathevan <dsahathevan@battenbergtalma.com>, Liew Tang Chieh <liewtangchieh@yahoo.com>, Daren Ling <darenling@hotmail.com>, Antonio Sim <kadirwonglin@gmail.com>, Arthur C.A. Lee <alca9335@gmail.com>, Musa Dinggat <musadinggat@gmail.com>, Ranbir Singh Sangha <ranbir5001@gmail.com>, Adrian Lee Chew <adrian.lee.chew@gmail.com>, George Lim <georglim8@yahoo.com>, Azmi & Co. Advokates <azmi.coadvocates@yahoo.com>, Leonard Shim <Leonard.shim@reddi.com.my>

NOTE TO BRANCHES: PLEASE CIRCULATE. ASAP.

TO ALL ADVOKATES:

The Office of the Registrar, High Court of Sabah & Sarawak wishes to notify all advokates of new guidelines for the renewal of practicing certificates.

Please note also that the AAS will be charging a fee (RM50.00 for members and RM100.00 for non-members) to conduct the verification exercise.

RE: RENEWAL OF PRACTICING CERTIFICATES

In relation to the above matter, please be informed that all advokates must apply for and renew their practicing certificates for the year 2015 on or before 12 December 2014.

If there is any delay in submitting their applications, advokates are to provide the Court with a written explanation for the delay. A copy of the written explanation must also be forwarded to the Advocates Association of Sarawak (AAS).

2. The Right Honourable Chief Judge of Sabah & Sarawak, Tan Sri Datuk Seri Panglima Richard Malanjum instructs that a copy of each submission to the Court must also be extended together with all supporting documents to the AAS for verification purposes, which includes checks with the Insolvency Department, Inquiry Committee and any other relevant authorities.

3. The AAS is required to give its views within 14 days upon receipt of such application. The Court will take into consideration the views given by the AAS before issuing any practicing certificate.

4. Every application must be supported by the following documents:

(i) A bankruptcy search issued by the Insolvency Department in respect of the advokate applying for the practicing certificate;

(ii) An Accountant's Report in compliance with Rule 16 of the Advocates Accounts Rules 1988. In relation to the accountant's report, please take note of the following.

a. The Accountant's Report should be for the last accounting period of the advokate's legal firm immediately prior to his/her application (ie. Ending 30 June 2014 at the earliest).

b. The Accountant's Report should be signed by an approved company auditor as defined in the Companies Act 1965 (not just any accountant).

- c. The Accountant's Report should state clearly whether the advocate named is the sole proprietor, partner or legal assistant of the legal firm concerned;
- d. Applications for renewal of practicing certificates should not be accompanied by audited accounts.
- e. Applications supported by an undertaking to deliver audited accounts and/or the Accountant's Report will be rejected.

Thank You.

[signed]
ISMAIL BRAHIM
Registrar
High Court of Sabah & Sarawak

--
Advocates Association of Sarawak
Bar Room Judicial Department
Jalan Gersik Petra Jaya
93050 Kuching
Tel: 082-448077 Fax: 082-449427
Website: www.sarawak-advocates.org.my



Pejabat Pendaftar Mahkamah Tinggi Sabah & Sarawak

*Kompleks Mahkamah Kuching,
Jalan Gersik, 93050 Petra Jaya,
Kuching, Sarawak.*

*Telefon : 082-311373
Kawat : REGCOURT
No. Faks : 082-311575*

Ruj. Tuan:

Ruj. Kami: (15) dlm JUD/134 Jld. 7

Tarikh: 8 November 2016

The President
Advocates Association of Sarawak
Bar Room
Kompleks Mahkamah Kuching
Jalan Gersik, Petra Jaya
93050 Kuching
Sarawak

Dear Sir,

RENEWAL OF PRACTICING CERTIFICATES


In relation to the above matter, please be informed that all advocates must apply for and renew their practicing certificates for the year 2017 on or before 16 December 2016.

2. If there is any delay in submitting their applications, advocates are to provide the Court with a written explanation for the delay. A copy of the written explanation must also be forwarded to the Advocates Association of Sarawak (AAS).
3. The Right Honourable Chief Judge of Sabah and Sarawak, Tan Sri Datuk Seri Panglima Richard Malanjum instructs that a copy of each submission to the Court must also be extended together with all supporting documents to the AAS for verification purposes, which includes checks with the Insolvency Department, Inquiry Committee and any other relevant authorities.
4. The AAS is required to give its views within 14 days upon receipt of such application. The Court will take into consideration the views given by the AAS before issuing any practicing certificate.
5. Every application must be supported by the following documents:
 - (i) A bankruptcy search issued by the Insolvency Department in respect of the advocate applying for the practicing certificate;
 - (ii) An Accountant's Report in compliance with Rule 16 of the Advocates Accounts Rules 1988. In relation to the accountant's report, please take note of the following.
 - a. The Accountant's Report should be for the last accounting period of the advocate's legal firm immediately prior to his/her application (ie. Ending 30 June 2016 at the earliest).
 - b. The Accountant's Report should be signed by an approved company auditor as defined in the Companies Act 1965 (not just any accountant).

- c. The Accountant's Report should state clearly whether the advocate named is the sole proprietor, partner or legal assistant of the legal firm concerned;
- d. Applications for renewal of practicing certificates should not be accompanied by audited accounts.
- e. Applications supported by an undertaking to deliver audited accounts and/or the Accountant's Report will be rejected.

Thank you.

Yours faithfully,



(DEAN WAYNE DALY)
Registrar
High Court of Sabah and Sarawak

- c.c.:
- 1. Secretary to
The Right Honourable Chief Judge of Sabah and Sarawak
Federal Court
Putrajaya
 - 2. File



Pejabat Pendaftar Mahkamah Tinggi Sabah & Sarawak

Kompleks Mahkamah Kuching,
Jalan Gersik, 93050 Petra Jaya,
Kuching, Sarawak.

Telefon : 082-311373
Kawat : REGCOURT
No. Faks : 082-311575

Ruj. Tuan:

Ruj. Kami: RHC/C/131/Jld. 1 (38)

Tarikh: 7 . November 2017

Presiden
Advocates Association of Sarawak
The Bar Room
Kompleks Mahkamah Miri
Jalan Merdu, P.O. Box 1695
98008, Miri



8/11/17
[Signature]

Sir,

RENEWAL OF PRACTICING CERTIFICATE: LETTER OF NO OBJECTION FOR ALL APPLICANTS

We respectfully refer to the above matter.

2. Following from the meeting between the Chairman and Committee members of Advocates Association of Sarawak (AAS) Kuching Branch with the Right Honourable The Chief Judge of Sabah and Sarawak on 1st November 2017, it has been agreed that for renewal of Practicing Certificate in Sarawak, the applicant can submit his/her application directly to the Registrar's Office in Kuching after obtaining the letter of no objection from AAS accompanied with:

- i. Form of Accountant's Report
- ii. Bankruptcy Search Result
- iii. A cheque of RM100 being the annual renewal fees payable to "Akauntan Negara Malaysia".

Thank you.

Yours sincerely,

(AMELATI PARNELL)

Registrar
High Court of Sabah and Sarawak
KUCHING

c.c. 1. The Right Honorable The Chief Judge of Sabah and Sarawak

2. Registrar of the Subordinate Courts of Sabah and Sarawak

3. Chairman

Advocates Association of Sarawak
Kuching, Sibul, Miri and Bintulu Branch
(Kindly circulate to all lawyers)



1 MALAYSIA
2 IN THE HIGH COURT IN SABAH AND SARAWAK AT KUCHING
3 ADVOCATES ADMISSION NO: KCH-18-36/8-2018
4 PORTIA THAM ONG LENG PETITIONER
5 BEFORE HIS LORDSHIP
6 YAA DATUK SERI PANGLIMA DAVID WONG DAK WAH
7 IN OPEN COURT
8 NOTES OF PROCEEDINGS

9 3rd December 2018 (Monday) @ 2.46 p.m.

10 For Decision.

11 For the Petitioner: Mr Lim Heng Choo together with Mr Steven Sia.

12 For SAG Chambers: Mr Supian Tarmizi Mohamad Tazuddin.

13 For the AAS: Mr Leonard Shim.

14 Stenographer: Ms. Voon.

15

16 Court: The issue before me is whether or not the Petitioner is
17 ordinarily resident with continuous residence for a period
18 of 5 years as required by section 2(2)(b) of the Advocates
19 Ordinance. The factual matrix is not disputed by anybody,
20 so I will not list it out. Safe to say that the Petitioner has
21 been working as a Magistrate since 2008 in Kuching
22 Sarawak. The position of the Petitioner is basically that in
23 view of the Petitioner's continuous work as a Magistrate
24 in the Kuching Court satisfied section 2(2)(b) of the
25 Advocates Ordinance. However, the position of the State
26 Attorney General's Chambers and the Advocates
27 Association of Sarawak is simply that she does not possess
28 a certificate of status from the Immigration Department

1 and the Advocates Association of Sarawak relies on the
2 letter issued by the Registrar of the High Court of Sabah
3 and Sarawak dated 29th March 2018. This letter concerns
4 an application to commence pupillage in Sarawak by one
5 Stephanie Radha Ong Kesavan. That application was
6 rejected on the ground that she did not have a certificate of
7 status.

8 Having considered the respective submissions, I am of the
9 view that the Petitioner had acquired the relevant Sarawak
10 connection to be admitted to the Sarawak Bar.

11 In respect of the letter by the Registrar, it is my view that
12 that letter does not apply to the situation before me. That
13 letter was correctly issued by the Registrar as anyone who
14 wanted to commence his or her pupillage must have a
15 work permit. Without it the pupillage would be tainted
16 with illegality and any application to be admitted as a
17 member of the Bar would be viewed by the Court with
18 severe consequence. There is no evidence before me that
19 when the Petitioner started her work here in 2008 that she
20 did not possess the relevant certificate of status. Hence, I
21 dismiss the objection raised by the Advocates Association
22 of Sarawak and the State Attorney General's Chambers.

23 That said, this does not mean that the Petitioner is entitled
24 to obtain a practicing certificate in the state as of right.
25 This is simply an application of the immigration law in the
26 state of Sarawak. Anyone who is not a Sarawakian cannot
27 work without the relevant work permit. Any person who
28 is not a Sarawakian and wants to obtain the practicing
29 certificate must possess a certificate of status (work
30 permit). So, I order accordingly. To 4.12.2018 @ 9.00
31 a.m. for admission.

KCH-18-36/8-2018
PORTIA THAM ONG LENG

1 3.05 p.m. – 03.12.2018

2 – SGD –

3 (YAA DATUK SERI PANGLIMA DAVID WONG DAK WAH)

4 CHIEF JUDGE SABAH & SARAWAK

5 HIGH COURT, KUCHING

MALAYSIA

Peninsular Malaysians living in Sarawak ineligible for long-term pass upon death of Sarawakian spouse or divorce, legislative assembly told



Minister in the Premier's Department Datuk Seri John Sikie Tayai said that peninsular Malaysians who want to continue living in Sarawak can apply for temporary visit passes instead. — Picture courtesy of Sarawak Public Communications Unit

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By Sulok Tawie

Monday, 13 May 2024 4:52 PM MYT

KUCHING, May 13 — The Sarawak Immigration Department will stop issuing long-term social visit facilities to Malaysians from peninsular Malaysia living in the state upon the death of their Sarawak-born spouse or upon their divorce, Minister in the Premier's Department Datuk Seri John Sikie Tayai explained today.

He said if they intend to continue living in Sarawak, they can apply for other long-term pass facilities, such as an employment pass or temporary work visit pass if they are working in the state.

“For those aged 60 and above, they can apply for a long-term social visit pass facility under the elderly policy.

“If they are newly married to Sarawakian citizens, they can re-submit their application for a long-term social visit pass facility under the couple policy to a Sarawak Malaysian citizen,” Sike said when winding-up the debate in the Sarawak Legislative Assembly.

Sike also said that the state government is in the final stage of developing a Foreign Workers Transformation Approach (FWTA) System.

He said currently, it is in the midst of a pilot test which started in January this year.

“The pilot exercise is expected to end next month, and a full-fledged implementation is expected by the year’s end,” he said,

He said the state government is undertaking a digital transformation initiative in relation to the management of the immigration and labour matters, and to provide efficient service delivery to stakeholders, industry players and the people.