



KUCHING BRANCH

CHAIRMAN'S REPORT

2024

ADVOCATES ASSOCIATION OF SARAWAK
KUCHING BRANCH
CHAIRMAN'S REPORT
(ANNUAL DELEGATES CONFERENCE 2024)

20

(Period: 24th November 2023 TO 22nd November 2024)

Fellow Delegates,

This report covers the activities of Kuching Branch from 24th November 2023 to 22nd November 2024. The activities and events that took place during the period are set out under the various headings appearing below.

30

1. BRANCH'S SUB-COMMITTEES

The following sub-committees have been set up in the 1st Branch Committee meeting since this committee took office on 22-11-2022:

40

- (i) Civil Procedure – Mr. Desmond Sahathevan
- (ii) Criminal Procedure – Mr. Daniel Ling
- (iii) Law Awareness – Ms. Catherine David
- (iv) Young Lawyers & Sports – Mr. Alan Bong
- (v) YBGK & Human Rights – Ms. Dayangku Sa'adiah & Mr. Bartholomew Lopez
- (vi) Bar Room & Secretariat – Mr. Benny Zaidy bin Jalil, Mr. Nicholas Wung & Mr. Liew Tang Chieh
- (vii) Website & IT – Mr. Emeric Teo & Mr. Nicholas Wung
- (viii) Native Customary Rights – Mr. Bartholomew Lopez
- (ix) Dinners / Annual Dinner – Ms. Dayangku Sa'adiah & Mr. Liew Tang Chieh
- (x) Informal Get Togethers – Mr. Liew Tang Chieh & Mr. Alan Bong
- (xi) Industrial & Labour Law – Mr. Liew Tang Chieh
- (xii) Conveyancing & Corporate – Mr. Emeric Teo (with Mr. Louis Ng)
- (xiii) Syariah – Mr. Benny Zaidy bin Jalil & Ms. Dayangku Sa'adiah
- (xiv) Continuing Legal Education – Mr. Desmond Sahathevan & Ms. Catherine David
- (xv) Etiquette & Advocacy Courses – Mr. Desmond Sahathevan

50

60 **2. ANNUAL DELEGATES CONFERENCE 2023**

The Annual Delegates Conference was held on Saturday, 9th December 2023 at Auditorium at Ultimate Professional Centre, Kuching. One of the agendas was to vote on the following notice of motion adopted by Kuching branch Annual General Meeting 2023 :

1. That the manner of calculating branch delegates be amended from the current method of geometric progression to a fixed number of fifty (50) ordinary members per Branch Delegate.
- 70 2. That in the event the motion in Item 1 above is adopted by the Kuching branch annual general meeting 2023 but is subsequently not approved by the Annual Delegates Conference 2023, the Kuching Branch delegates are to immediately move for the Annual Delegates Conference 2023 to call for a general meeting of all members of The Advocates Association of Sarawak as provided for by Articles 30 (1) to (4) of the Constitution.

80 The Annual Delegates Conference 2023 decided on Mr. Sarbjit Singh Khaira's **first** motion as follows:

Decision: Rejected by majority votes

For the motion: All of the Kuching branch delegates (8)

Against the motion: All of the Sibü, Bintulu and Miri branch delegates

The Annual Delegates Conference 2023 decided on Mr. Sarbjit Singh Khaira's **second** motion as follows:

90 Decision: Rejected by majority votes

For the motion: All of the Kuching branch delegates (8)

Against the motion: All of the Sibü, Bintulu and Miri branch delegates

- 100 **3. CONVENING OF GENERAL MEETING OF ALL MEMBERS OF THE ADVOCATES ASSOCIATION OF SARAWAK AT THE BALLROOM, HILTON KUCHING ON FRIDAY, THE 2ND DAY OF FEBRUARY, 2024 AT 2.30 P.M.**

On 2nd day of February, 2024 at 2.30 p.m. at The Ballroom, Hilton Kuching, the general meeting of all members passed Item No.1 and 2 of the Agendas as reproduced below with 206 members in favour and 1 member abstaining:

110 1. To vote on the proposed amendment to the Constitution of The Advocates Association of Sarawak on the calculation of branch delegates by any one (1) branch by replacing the existing Article 12 (5) (a), (b) and (c) as follows:

"12 (5)(a) The Branch Chairman and the Branch Secretary shall be entitled as of right ex officiis to attend at the Delegates Conference as Branch Delegates.

120 12 (5) (b) In addition, each Branch shall be entitled to send an additional Delegate as a Branch Delegate at increments of fifty (50) Ordinary members, the first additional Delegate to commence when the said Branch reaches fifty (50) Ordinary members with the entitlement to additional Delegates occurring when the said Branch reaches one hundred (100) Ordinary member, one hundred and **fifty** (150) Ordinary members and so on.

130 12 (5) (c) The Branch Treasurer and the Branch Vice-Chairman shall be automatically selected as one of the Branch's Branch Delegates, in that order of priority. All the other remaining vacancies for the Branch Delegates (if any) shall be filled by that Branch's Branch committee members in line with the descending order of the number of votes that they each received when they were elected at the Branch annual general meeting. Any Branch committee member selected as a Branch Delegate may decline the post and the next Branch committee member in the descending order of the number of votes may fill the vacancy.

140 12 (5)(d) In the event that there are insufficient voluntary Branch committee members to fill all the posts of Branch Delegates available, such vacancy(ies) of the Branch Delegates shall be filled by nomination and election in the like manner as that for Branch committee members.

12 (5) (e) In the event that there was no contested election for the posts of Branch committee members and in the further event that the number of Branch Delegates do not exceed the number of Branch committee members, the Branch committee (including the Branch office bearers) shall nominate and elect the Branch Delegates from among the Branch committee members.

150 12 (5) (f) Save that the number of Branch Delegates from each Branch shall be determined based on the number of Ordinary members from each Branch who have fully updated and/or paid their annual subscription fees before the commencement of each Branch general meeting, there shall be no maximum limit as to the number of Branch Delegates."

2. In the event that Item No.1 of the Agenda is carried by not less than two thirds of the general meeting of all members, to discuss and vote on the period of time for Central Committee of the Advocates Association of Sarawak to apply for the Registrar of Societies' approval for the amendment in Item No.1 of the Agenda in light that Section 11 of the Societies Act prescribes that such application shall be made within 60 days from the date of the decision.

160 The total attendance at the aforesaid general meeting of all members was 207 members comprising 147 members physically attending and 60 proxies held.

4. ROS SHOW CAUSE LETTER DATED 14TH MARCH 2024

170 The Chronology of events is as follows:

14th March 2024 AAS Kuching Branch received ROS show cause letter to de-register Kuching Branch as Kuching Branch is not in existence.

20th March 2024 Kuching Branch Committee paid a courtesy call on Dato Georgina Apphia Ngau, the director of the department of registry of societies, Sarawak and was informed that ROS has no record of annual returns of Kuching Branch since 1994.

9th April 2024

I paid a courtesy call on Dato Georgina and submitted the annual returns of Kuching Branch from 1994 to 2011 with a request for an extension of time in respect of some information which is still pending

12th April 2024

Datu Georgina has an online meeting with Central and representatives of 4 branches. Emeric Teo and myself represented Kuching branch.

As of to date, ROS only received reply of Kuching branch and Sibuluan branch to ROS's notice. Miri branch and Bintulu Branch informed that their replies are otw via courier service.

As far as the annual returns for years 1994 – 2011 are concerned, only Kuching branch has submitted to ROS with a request for an extension of time in respect of some information which is still pending.

ROS agreed to grant extension of time for other branches to submit their arrears of annual returns for years 1995 – 2010.

Datu Georgina also informed that ROS will issue an order under Section 13A(2) Societies Act 1966 asking AAS to amend its constitution in respect of, among others, the Association's registered address and cycle of financial closing and AGMs.

17th April 2024

ROS issued a letter to Kuching Branch stating that Kuching Branch is cleared of any non-compliance and no action will be taken against Kuching Branch.

180

5. COURTESY CALL ON DATO GEORGINA APPHIA NGAU, THE DIRECTOR OF THE DEPARTMENT OF REGISTRY OF SOCIETIES, SARAWAK

On 20th March 2024, Kuching Branch Committee paid a courtesy call on Dato Georgina Apphia Ngau, the director of the department of registry of societies, Sarawak

6. ROS's ORDER TO AMEND THE CONSTITUTION OF AAS

190 By a copy of letter dated 17th April 2024, ROS ordered AAS to amend its constitution within 30 days from the date thereof.

By a copy of letter dated 21st May 2024, ROS granted an extension of 60 days upon the request of AAS.

What happened next is Dato Georgina was appointed as Unit for Other Religions (Unifor) director in July 2024 and no more letter from ROS on the amendment of constitution.

200

7. REGISTRAR OF SOCIETIES' ENGAGEMENT SESSION WITH AAS ON 30 APRIL 2024 AT IMPERIAL HOTEL

The engagement session was well attended by 28 principal office bearers from AAS Central Committees and Branch Committees.

210

8. BREAKFAST WITH SARAWAK GOVERNOR, HIS EXCELLENCY TUN PEHIN SRI DR. HAJI WAN JUNAIDI BIN TUANKU JAAFAR, DEPUTY MINISTER IN THE PREMIER'S DEPARTMENT (LAW, MA63 AND STATE-FEDERAL RELATIONS), DATUK SHARIFAH HASIDAH AND SARAWAK ATTORNEY-GENERAL, DATU SAFERI ALI

220 On 1st May 2024, Upon invitation by Sarawak Governor, His Excellency Tun Pehin Sri Dr. Haji Wan Junaidi bin Tuanku Jaafar, AAS office bearers had breakfast at his private residence together with Deputy Minister in the Premier's Department (Law, MA63 and State-Federal Relations), Datuk Sharifah Hasidah

and Sarawak Attorney-General, Datu Saferi Ali where various issues faced by the members and the association were raised and discussed.

We were also informed by Datuk Hjh Sharifah Hasidah and Datu Saferi that they maintain to work with KL AIAC to set up AIAC Sarawak branch despite different views from some Sarawak advocates.

230

9. TOWNHALL MEETING WITH THE RIGHT HONOURABLE CHIEF JUDGE OF SABAH & SARAWAK ON 21 JUNE 2024 AT 2:00P.M. AT LEVEL 17, AUDITORIUM BANGUNAN SULTAN ISKANDAR, SIMPANG TIGA, KUCHING

240

On 21 June 2024, a dialogue session with the right honourable chief judge of Sabah & Sarawak was organised by the court at Level 17, Auditorium Bangunan Sultan Iskandar, Simpang Tiga, Kuching where various issues faced by the members and the association were raised. The dialogue session was well attended by Sarawak advocates.

10. EXTRAORDINARY GENERAL MEETING ON 25TH JULY 2024

250

The outcome of the Extraordinary General Meeting of Kuching Branch ("KB EGM") are as follows:

(1) To discuss and to vote on the amendments to the constitution of the Advocates Association of Sarawak
KB EGM unanimously voted to reject the proposed amendments based on the version "AAS Constitution — Draft Amendments 06.07.2024 Clean" as detailed in Annexure "A" enclosed herewith.

260

(2) To discuss and to vote the model on the formation of a statutory body for the legal profession in Sarawak

In regards to the model for the formation of a Statutory Body for the legal profession in Sarawak as proposed by Central Committee vide your email dated 9 July 2024, KB EGM unanimously voted:

(a) to reject the said proposed model; and

- (b) to adopt the Sabah model where all positions of the main committee will be directly elected according to the principle of "one man, one vote"

270

- (3) To discuss the organisation of opening of legal year 2025 dinner in Kuching

Although Kuching members welcome the selection of Kuching to host OLY 2025 as decided by CJSS, nevertheless it was unanimously voted during KB EGM for the Central Committee or another branch to be responsible for organising the dinner for OLY 2025 in light of the following factors:

280

- (a) as the responsibility of organising the dinner for OLY has traditionally rotated among all the branches, the responsibility for the dinner for OLY 2025 event should be organised by another branch or by Central Committee, as the Kuching Branch had hosted the dinner for OLY 2020 and should therefore follow the said rotation;
- (b) for Kuching Branch to be responsible to organise the dinner for OLY 2025 so soon after its turn in 2020 and ahead of schedule would place an undue burden on the finances of the Kuching Branch as well as its members;
- (c) due to the advances in technology, tasks such as the printing of the commemorative magazine, the printing of the dinner tickets, the procurement of sponsorships and others can be carried out by the organising committee wherever the organising committee is based and not necessarily by the branch where the dinner is being hosted; and
- (d) Kuching Branch is ever willing to assist the success of the dinner for OLY 2025 by promoting the event to Kuching members and encouraging them to attend the said dinner.

290

300

11. EXTRAORDINARY DELEGATES CONFERENCE ON 3RD AUGUST 2024

It was resolved that working sub-committees be set up for Amendments to the Constitution of the AAS and model on the formation of a Statutory body for the Legal Profession in Sarawak.

310 **12. CONTINUING LEGAL EDUCATION / PROFESSIONAL DEVELOPMENT**

Kuching Branch continues to organise seminar with speakers from Kuala Lumpur as follows:

- (1) SEMINAR ON “RECENT DEVELOPMENTS IN THE LAW OF CONTRACT”
28th June, 2024 @ 2.00 p.m. to 5.00 p.m.
UPC Auditorium
Speaker Choong Shaw Mei

- 320 (2) SEMINAR ON “CLASH OF THE BUBBLES : CASE STUDY ON PRACTICAL ISSUES SURROUNDING TRADEMARK, COPYRIGHT AND CONFIDENTIAL INFORMATION.”
6th September 2024 @ 2.00 p.m. to 5.00 p.m.
UPC Auditorium
Speaker Cindy Goh Joo Seong

- 330 (3) SEMINAR ON “AMLA and Technology: Getting an Overview of the AML/CFT Framework in Malaysia and Understanding How Digitalisation of AMLA Compliance is the Way Forward for Legal Firms”
13th December 2024 @ 2.00 p.m. to 5.00 p.m.
UPC Auditorium
Speaker Yong li Yang

The seminar were well attended by members. I would like to express my sincere appreciation to my fellow committee members and Colin Lai for their efforts in organising the seminars.

340 **13. INFORMAL GET TOGETHERS**

Kuching Branch continues to organise the Informal Get Together without charging pupil who attends this event.

- (1) Informal Get Together – 26 January 2024 Friday at Perdu Bistro
5:30pm – 8:30pm
Speaker Bibi Waheeda Binti Arman Khan on “The Expectations of In-house Counsel”

- (2) Informal Get Together – 22 March 2024 Friday at Perdu Bistro
5:30pm – 8:30pm
Speaker Nicholas Wung on "Industrial Court and its appeal to Civil Court"
- (3) Informal Get Together – 3 May 2024 Friday at Perdu Bistro
5:30pm – 8:30pm
Speaker Amera Binti Mohd Yusof on "Introduction to Intellectual Property Law: Bird eyes view on Trademark, Industrial Design & Copyright laws"
- (4) Informal Get Together – 29 November 2024 Friday at Star on Stage
5:30pm – 8:30pm
Speaker Abdul Rahman on "YBGK, a Public Defender"

360

370

The Informal Get Together were well attended by members and pupils and it enables members and pupils to get to know each other. I would like to express my sincere appreciation to the speakers for their time and effort to share their knowledge with our members as well as Mr. Alan Bong for assisting me in co-ordinating our monthly informal get togethers.

14. YBGK TRAINING COURSE

380

On 16th November 2024, Kuching Branch organised the Yayasan Bantuan Guaman Kebangsaan ('YBGK') Training Course for Part 1 and Part 2 at the Ultimate Professional Centre Auditorium and it was well attended by members.

The Branch continues to organise YBGK training sessions, particularly in light of the pledges taken by newly admitted advocates at their call to the Bar.

390

15. YBGK LEGAL CLINIC

On 22nd October 2024 and 26th November 2024, Kuching Branch organised visiting of Puncak Borneo Prison as well as YBGK Legal Clinic at Puncak Borneo Prison and it was well attended by members

400 I would like to express my sincere appreciation to the trainers for their time and effort to share their knowledge with our members. A word of thanks to Ms. Dayangku Sa'adiah binti Awang Hipni for heading Kuching Branch's YBGK committee.

16. ETIQUETTE COURSE

On 22nd June 2024, Kuching Branch organised Etiquette Course from 9am to 5pm at the UPC Auditorium and it was well attended by members.

410 My sincere appreciation to the trainers and Desmond Sahathevan for organising Etiquette Course.

17. ADVOCACY TRAINING COURSE

420 Advocacy Training Course is organised by AAS Kuching Branch in collaboration with the Borneo Advocacy Training Centre ("BATC"), and is primarily aimed at improving the standards of advocacy and producing better advocates. It will be held on 30 November 2024 & 1 December 2024 @ 9am -5pm at Kompleks Mahkamah Kuching

My sincere appreciation to the trainers for their time and effort to share their knowledge with our members. A word of thanks to Desmond Sahathevan for organising Advocacy Training Course.

18. INVITATION TO GIVE CAREER TALKS AT ST JOSEPH'S INTERNATIONAL SCHOOL

430 Kuching Branch Committee was invited to give carer talks at St Joseph's International School on 26 July 2024 and Mr Sarbjit Singh Khaira, Clarice Chan and myself attended the talks.

440 **19. JEMPUTAN MENGHADIRI DIALOG TAHUNAN SURUHANJAYA SYARIKAT MALAYSIA (“SSM”) 2024**

Kuching Branch Chairman was invited to have a dialogue session with SSM at Imperial Hotel Kuching on 21 November 2024 and Ms. Dayangku Sa’adiyah binti Awang Hipni attended and represented the Branch Chairman.

450 **20. OPENING OF THE LEGAL YEAR OF THE HIGH COURT OF SABAH AND SARAWAK 2024**

The date for OLY 2024 has been set on 10th January 2025 and it will be held in Kuching. I encourage members to support this event by joining in the functions as well as taking up advertisements in the souvenir magazine.

21. CLOSING REMARKS AND APPRECIATION

460 In closing, I would like to express my sincere thanks and appreciation to my fellow Kuching Branch Committee Members, namely Mr. Desmond Sahathevan, Mr. Benny Zaidy bin Jalil, Mr. Nicholas Wung, Mr. Emeric Teo, Mr. Bartholomew Lopez, Ms. Dayangku Sa’adiyah binti Awang Hipni, Mr. Alan Bong, Mr. Daniel Ling, Ms. Catherine David and all our members, friends and contributors for your kind cooperation, time and commitment to Kuching Branch and the Association in all our activities and programmes.

If there have been any shortcomings, as Branch Chairman, I accept full responsibility and I apologise for the same.

470 Thank you.

Dated 18th November 2024



LIEW TANG CHIEH
Branch Chairman 2022-2024
Advocates Association of Sarawak (Kuching Branch)