



The Reporter

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Executive Summary

In the last issue of *The Reporter*, SC introduced the Equity Crowdfunding Framework (ECF) and the registration of six platforms as recognised market operators. These ECF platforms facilitate financing of local small businesses and offer investment opportunities to both foreign and local investors. Total funds raised from successful ECF campaigns as at end August 2016 is RM4.492 million.

This issue features:

- ▶ Corporate governance initiatives to further bolster the corporate governance ecosystem
- ▶ Fit and proper requirements for licensed representatives and employees of financial institutions

As always, we would like to hear from you. Please send your feedback and ideas for future editions to the Editorial Team at reporter@seccom.com.my.

Embedding principles of good governance for wealth creation and preservation

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Promoting Trust and Confidence through Good Corporate Governance

In April, the SC issued a public consultation paper, seeking feedback on the proposed draft of the Malaysian Code on Corporate Governance (MCCG) 2016. Bursa Malaysia had also amended its listing requirements to raise the standards of disclosure and corporate governance, for example, through the introduction of poll voting and sustainability reporting. These initiatives reinforce SC's continued emphasis and efforts in promoting and enforcing corporate governance in the capital market.

Trust and confidence form the bedrock of the capital market as they provide assurance to investors that the market operates in a fair and orderly manner. Governance processes and procedures are essential in:

- Building safeguards against fraud, corrupt practices and corporate misconduct;
- Providing the public with the necessary confidence that capital market intermediaries and corporations are well-managed institutions to which investors and lenders can confidently commit their funds;
- Embedding principles of good corporate governance to ensure a sustainable business model that contributes towards wealth creation and preservation; and
- Managing and mitigating conduct risk.

Post the global financial crisis, regulators and international standard setting bodies have taken various measures to rebuild investors' trust, which was severely eroded by, among others, mis-selling of complex financial products and bad business practices by banks. Regulations were put in place to align sales practices with investors' interests and risk profiles, promote greater transparency in opaque markets, and encourage higher standards of corporate governance among those managing the affairs of companies.

In advocating higher standards of corporate governance, there has been a renewed emphasis on the roles and responsibilities of board members, given their role in shaping the company's culture. Culture in this context is the underlying mindset of a company – shaping and influencing attitudes and behaviours towards investors as well as compliance with rules and standards.

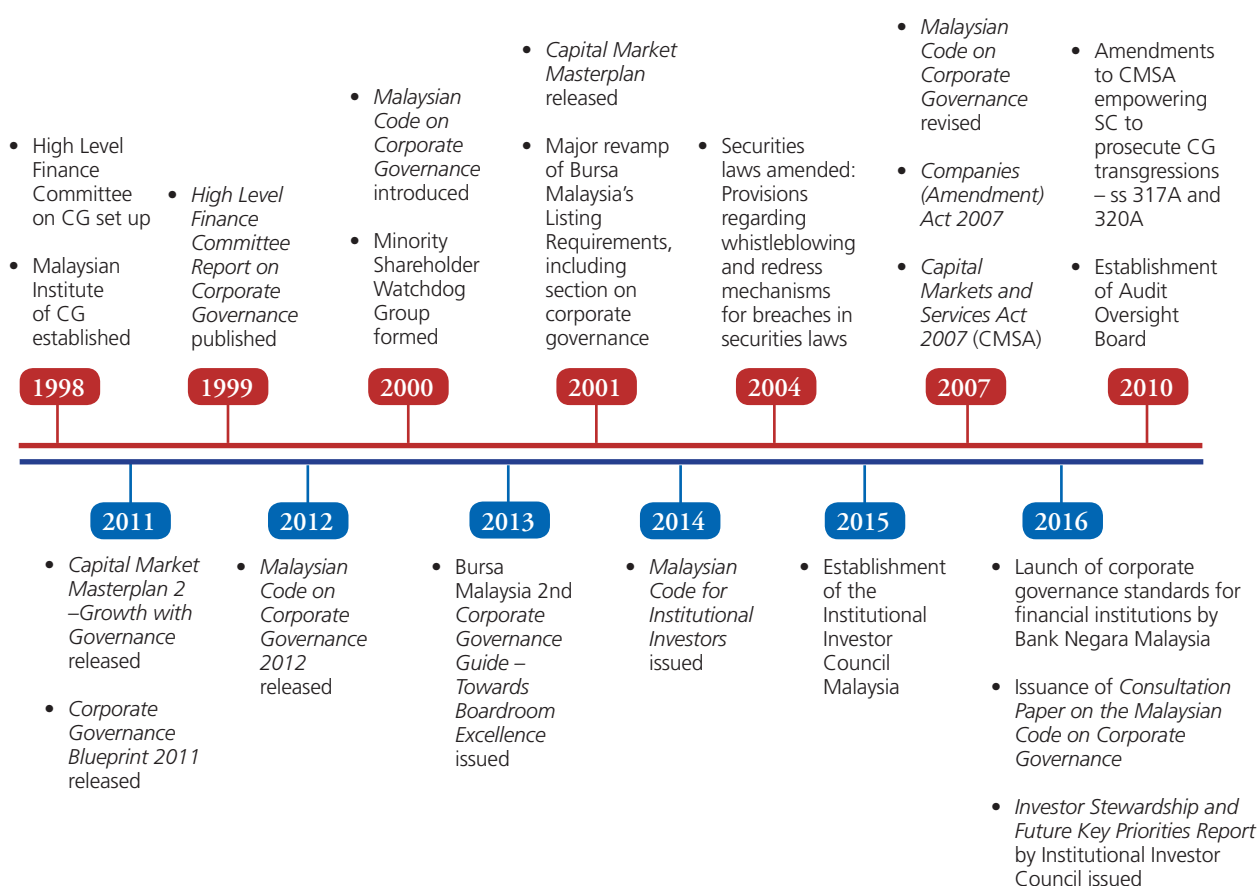
Corporate governance values such as fairness, transparency and accountability are vital in shaping culture. When these values are practised by companies, the risk of abuse of power is mitigated and stakeholders' interests are prioritised over the interests of those in control of the companies' affairs. This in turn will enhance the companies' value and brand image, making them more attractive in the eyes of investors.

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Building a Strong Foundation for Corporate Governance

In promoting and regulating corporate governance, SC has undertaken various initiatives together with the industry since 1998 to continuously enhance corporate governance standards in Malaysia. These include the issuance of the *Malaysian Code of Corporate Governance* (MCCG) in 2000 and 2012, *Corporate Governance Blueprint 2011* (CG Blueprint) and the *Malaysian Code for Institutional Investors* in 2014.

Diagram 1
Malaysia's Corporate Governance Journey



In 2011, SC published the CG Blueprint to provide a roadmap for the next phase of our corporate governance efforts¹. It sets out the strategic directions and specific action plans with 35 recommendations to be implemented over a 5-year period. To date, 89 per cent of the recommendations have been implemented.

¹ To understand the in-depth discussions of SC's CG efforts in 2000-2010, refer to *The Reporter*, June 2010 edition on the www.sc.com.my.

The remaining recommendations have been deferred after receiving industry feedback. Those recommendations will be reviewed in our multiyear reform of the capital market regulatory framework.²

The CG Blueprint leaves behind the aged approach of looking at corporate governance through compliance with rules. Instead, it seeks to ignite the internalisation of good corporate governance by encouraging practices that change attitudes and behaviours. To achieve this, the CG Blueprint lays down principles to deepen trust between companies and their stakeholders by clarifying board's role in governance, requiring disclosure of reliable and timely information, and emphasising the stewardship role of institutional investors.

As the first major deliverable of the CG Blueprint, the MCCG was revised in 2012 to reflect the changing market dynamics and international developments to ensure that the Malaysian corporate governance framework remains relevant and effective.

From Compliance to Culture

While regulators, including the SC, have laid down the foundation for corporate governance, the next phase requires proactive participation by all stakeholders to ensure a sustainable development and inculcation of corporate governance culture.

Enhancing the role of institutional investors

Due to their substantial shareholding, institutional investors are in a unique position to influence the corporate governance practices of their investee companies. This can be done through the exercise of their voting power at general meetings and by taking their concerns directly to the board.

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² Remaining recommendations:

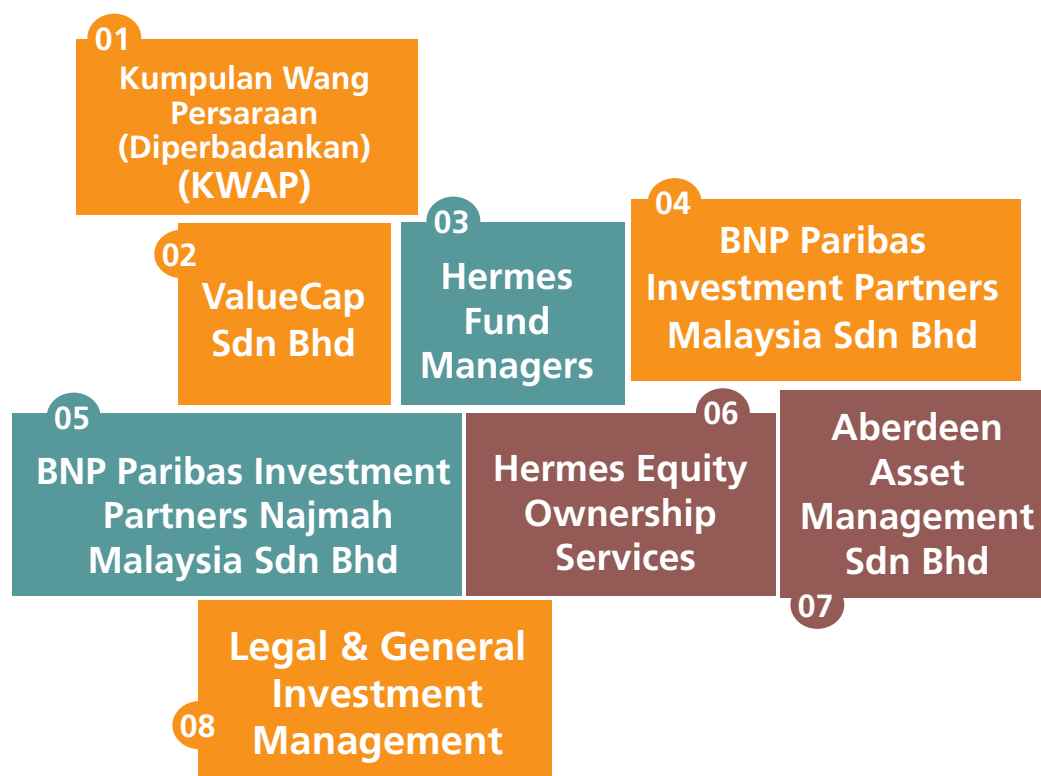
- **Recommendation 6**
Enable companies to provide information directly to beneficial owners of shares.
- **Recommendation 29**
Explore extending whistleblowing obligations to corporate advisers and company secretaries.
- **Recommendation 31**
Establish a responsibility sharing arrangement for corporate advisers in advising on corporate transactions.
- **Recommendation 35**
Study whether the SC should be empowered to initiate action for oppression and unfair prejudice.

In 2014, the SC and the Minority Shareholder Watchdog Group (MSWG) launched the *Malaysian Code for Institutional Investors* (the Institutional Investor Code) to promote greater leadership in governance and responsible ownership by institutional investors. The first of its kind in Southeast Asia, the Institutional Investor Code sets out broad principles of effective stewardship by institutional investors such as their disclosure of stewardship policies, monitoring of and engagement with investee companies and management of conflict of interests.

This industry-driven code, which was one of the recommendations of the CG Blueprint, was collectively developed with Malaysia's largest institutional investors namely:

- Employees Provident Fund (EPF);
- Permodalan Nasional Bhd (PNB);
- Kumpulan Wang Persaraan (Diperbadankan) (KWAP);
- Social Security Organisation (SOCSO);
- Lembaga Tabung Angkatan Tentera (LTAT); and
- Lembaga Tabung Haji (LTH).

Though the Institutional Investor Code is voluntary, institutional investors are encouraged to be signatories to demonstrate their commitment to adopt these best practices. To date, eight institutional investors have become signatories:



To shape and influence a wider sphere of corporate governance culture among investee companies, the Institutional Investors Council (IIC) was established in 2015. This year, the IIC released the *Investor Stewardship and Future Key Priorities Report 2016* which outlines six key strategic priorities from 2016 to 2020.

2016 to 2020 SIX KEY STRATEGIC PRIORITIES

1. Enhance governance in the capital market
2. Promote Environmental, Social and Governance (ESG) agenda
3. Advocate efforts to encourage all institutional investors to become signatories of the Institutional Investor Code
4. Platform for discussion on common issues and challenges faced by institutional investors
5. Develop the structure and funding of the IIC
6. Build global relationships with similar institutions

Promoting self-governance among directors

To accelerate the adoption of self-governance among directors, the Institute of Directors (IoD) will be established. The IoD will drive the efforts to professionalise corporate directors in Malaysia and provide a platform for directors to promote corporate governance practices among peers. As an independent body with membership comprising corporate directors, the IoD will be managed by members for members and designed to be self-sustaining.

Review of the Malaysian Code of Corporate Governance 2012

This year, the SC initiated a post-implementation review of the MCCG 2012 and subsequently issued a public consultation paper containing proposals for the review of several principles and practices. The proposed changes will address several key issues such as remuneration, risk management, disclosure, board diversity and stakeholder engagement.

The public consultation received a total of 82 responses from a cross-section of public-listed companies (PLCs), local associations, accounting firms as well as international bodies and investors such as:

- The World Bank;
- Asian Corporate Governance Association;
- International Corporate Governance Network;
- Hermes Investment Management; and
- Blackrock.

Enforcement of Corporate Governance Standards

Besides putting in place a robust framework for corporate governance, the SC also enforces corporate governance standards through its surveillance, supervision and enforcement actions.

Pre-emptive actions

In conducting corporate surveillance, we scrutinise corporate transactions as well as financial and non-financial disclosures to deter misconduct and take pre-emptive action. We also regularly engage directors of PLCs, auditors and advisors to review corporate transactions that raises concern.

Over the years, the SC has successfully taken action to pre-empt PLCs from implementing corporate transactions which are detrimental to shareholders' interests. Examples of the actions taken are as follows:

▶ Preventing dissipation of assets

- SC took a court injunction to prevent a PLC and its director from dealing in the proceeds of sales of the company's assets, as the transaction was carried out without shareholders' approval.

▶ Stopping questionable transactions

- Pre-empted questionable asset acquisitions at inflated prices, e.g. acquisition of shares at significant premium without obtaining control over the investee.
- Pre-empted disposal of landed properties by PLCs at undervalued prices.
- Pre-empted questionable business disposals where the sale consideration was not properly justified, and the disposal appeared to be benefitting certain parties at the expense of the PLC and its shareholders.

- Pre-empted a fundraising exercise which was premeditated with the intention of siphoning out the proceeds from the PLC.
- Issued a public statement which resulted in the withdrawal of a questionable takeover offer.

Restitution of monies to PLC

- As a result of SC's inquiries, monies which were earlier paid by a PLC without proper justifications and disclosure were refunded to the PLC.

Requiring shareholders' approval

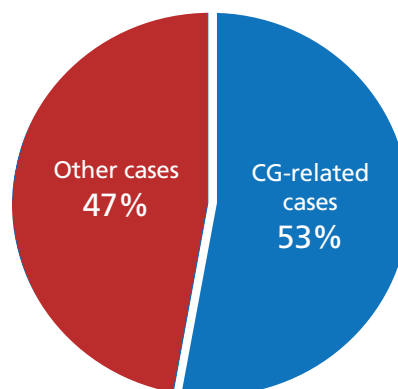
- Required PLCs to subject transactions to their shareholders' approval in cases where the PLCs deliberately avoided seeking shareholders' approval.

Criminal and civil actions

The SC applies dissuasive sanctions to achieve credible deterrence where there are serious corporate governance transgressions. From 2011 to August 2016,

- ▶ 53 per cent of the total criminal charges filed were for corporate governance-related breaches. Actions were taken against CEOs, executive directors, non-executive directors, advisers and auditors for various offences including insider trading, inflation of profits, market manipulation and misappropriation of company's funds. As a result of the SC's enforcement actions, these individuals have been convicted and sentenced to imprisonment terms ranging from three months to five years and a fine of up to RM5 million; and

Chart 1
Criminal charges filed between 2011 and August 2016



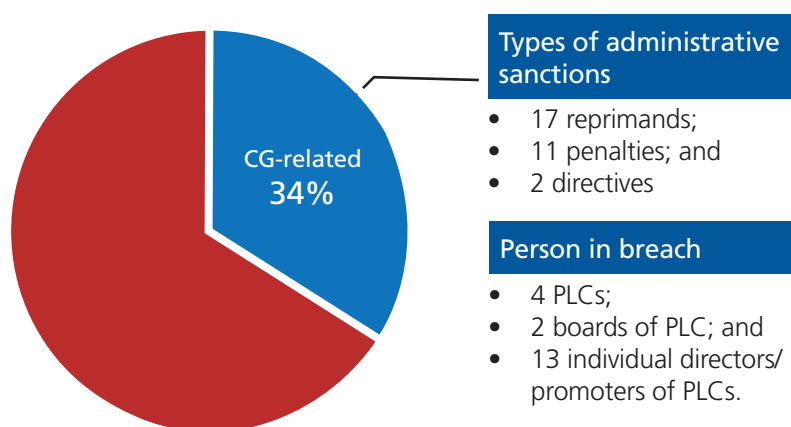
- ▶ SC also instituted civil actions against 25 individuals and three companies for offences such as fraudulently inducing the public to invest in securities, trading on inside information and providing fictitious and grossly inflated sales figures in the prospectus. Out of the 28 civil suits, five involved key persons in the PLC, including the Executive Chairman and directors. In the same period, SC reached 32 regulatory settlements relating to insider trading and market manipulation offences, seven of which involved directors. Of the total RM18.2 million in settlement amount, RM9.5 million (52 per cent) in illegal proceeds were disgorged from these seven directors.

Apart from directors of PLCs, SC also expects directors of capital market intermediaries such as Capital Markets Services Licence (CMSL) holders and auditors to demonstrate good corporate governance practices. In 2013, SC filed a civil suit against two directors of a fund management company (who were also holders of the Capital Markets Services Representative's Licence (CMSRL) for fund management) for fraudulently inducing investors to deal in securities. In October 2015, a licensed audit partner was sentenced to one-year imprisonment for abetting a PLC in inflating the PLC's profit before tax, causing the PLC's financial statements to be false or misleading.

Administrative actions

Apart from taking criminal and civil actions, SC also addresses corporate governance transgressions through imposition of administrative sanctions. Out of 89 administrative sanctions imposed from 2011 to August 2016, 30 were in relation to corporate governance-related matters, including penalties amounting to RM1.03 million collectively.

Chart 2
Administrative Actions from 2011 to August 2016



Administrative sanctions were imposed for the following breaches:

- ▶ **Non-compliance with approved accounting standards by PLCs**, where a PLC and its directors failed to measure its obligations under several corporate guarantees on bank borrowings by its former wholly-owned subsidiary, contrary to the *Financial Reporting Standards 139*³;
- ▶ **Submission of false or misleading information**, where a PLC and its board of directors reported a lower impairment loss in the revised version of its audited financial statements, which was found to be false or misleading;

³ FRS 139 – Financial Instruments: Recognition and Measurement.

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- ▶ **Failure to inform SC of any statement or information that may be false, misleading or materially incomplete** in relation to an application which was pending SC's approval. The PLC and its promoter failed to inform SC of a suspension of licence to carry out an activity; and
- ▶ **Disposal of assets by a PLC without obtaining shareholders' approval** subsequent to an announcement of a possible takeover offer.

Corporate governance: What good looks like

Good corporate governance consists of a multitude of components. In this illustration, we have identified several important traits⁴ which should be more visible in our corporate governance ecosystem.

1. Directors demonstrating professionalism, competency, ethics and integrity.
2. Independent directors being wholly and truly independent.
3. Shareholders' interests being put above the personal interests of those who control the company.
4. High quality and meaningful disclosure of corporate reporting.
5. Shareholders exercising their rights at shareholder meetings and in courts.
6. Diversity on boards and at senior management level.

⁴ The traits are not exhaustive.

SC's Fit and Proper Requirements for Licensed Representatives and Employees of Financial Institutions

Our regulatory framework seeks to ensure that only fit and proper persons are licensed or registered to carry out regulated activities¹ in the capital market. Conduct requirements are imposed on such persons to ensure that they treat investors fairly and always act in a manner that promotes a fair and orderly market.

SC licenses both the principal (the entity) and their representatives, each holding the Capital Markets Services Licence (CMSL) and the Capital Markets Services Representative's Licence (CMSRL) respectively. Under section 59A of the CMSA, a CMSRL holder is considered to be an agent of the principal when he is, for example, approaching clients or investors to deal in securities. As an agent, he is deemed to be acting on behalf, and with the authority, of the principal.

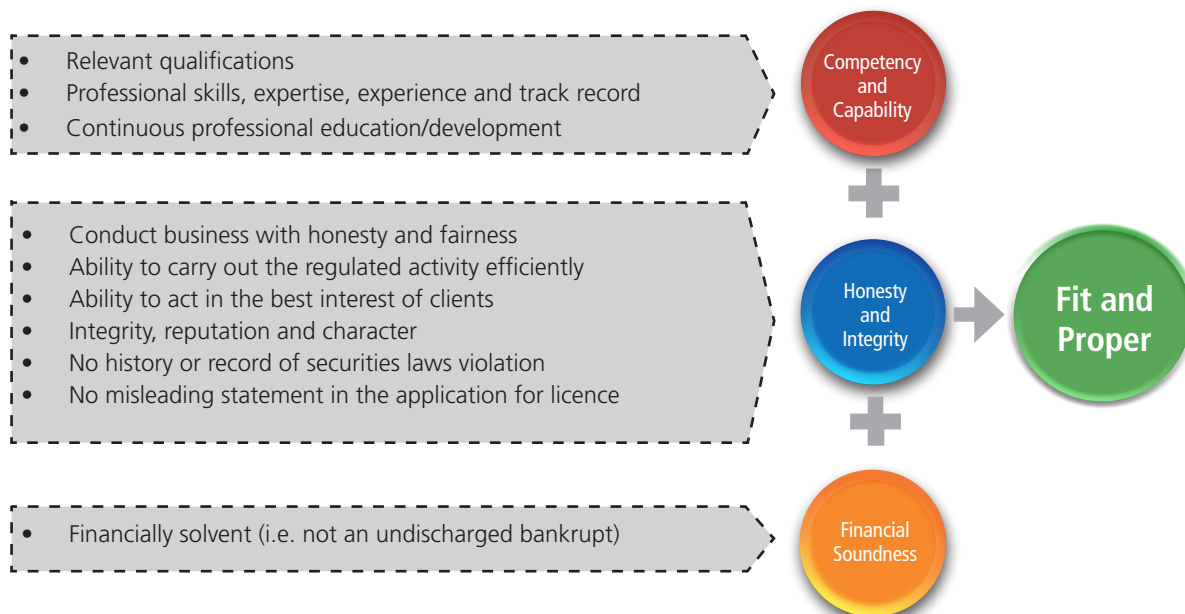
Under Part 1 of Schedule 4 of the CMSA, financial institutions (FIs) are deemed to be registered persons² for the purposes of the CMSA and are permitted to carry out regulated activities specified in the same Schedule. Registered persons are required to comply with all guidelines issued by the SC in relation to the relevant regulated activity carried out by them.

In order to ensure parity between employees of FIs carrying out regulated activities and holders of the CMSRL, the *Guidelines on Investor Protection* were jointly issued by SC and Bank Negara Malaysia in 2010. Pursuant to these Guidelines, employees of FIs carrying out regulated activities are required to meet similar fit and proper requirements as a CMSRL holder for that regulated activity. Employees of FIs are required to pass the requisite licensing examinations and comply with similar conduct requirements on an ongoing basis.

¹ "Regulated activities" as defined in Schedule 2, CMSA.

² See section 76 CMSA.

Fit and proper requirements under the CMSA can be summarised as follows:



Competency and Capability

CMSRL holders

When assessing a prospective licence holder’s competency to carry out a regulated activity, the SC reviews the applicant’s educational and professional background. Apart from these, the SC also considers other criteria such as relevant working experience and prior track record. The requisite level of education, working experience and track record are provided in the table below³:

Table 1

Minimum Qualification and Experience Requirement for CMSRL Applicants

Regulated Activity	Degree	Professional Qualification	Diploma		Sijil Pelajaran Malaysia	Without the relevant educational qualification	Relevant experience – capital market	Relevant experience in specific areas
			Relevant fields	Other than relevant fields				
Dealing in Securities (DIS)	✓							
		✓						
			✓					
				✓			✓ Min. 2 years	
					✓		✓ Min. 4 years	
						✓ Licensed in a recognised jurisdiction for DIS (at least 3 years)	✓ Min. 5 years Direct and relevant experience	

³ Table 2 of paragraph 4.05 of the *Licensing Handbook* provides a more comprehensive view of the qualification and experience requirements.

Table 1 (Continued)

Regulated Activity	Degree	Professional Qualification	Diploma		Sijil Pelajaran Malaysia	Without the relevant educational qualification	Relevant experience – capital market	Relevant experience in specific areas
			Relevant fields	Other than relevant fields				
Dealing in Derivatives (DID)	✓							
		✓						
			✓					
				✓			✓ Min. 2 years	
					✓		✓ Min. 4 years	
					Licensed in a recognised jurisdiction for DID (at least 3 years)	Min. 5 years Direct and relevant experience		
Fund Management (Portfolio Management ⁴)	✓							✓ Min. 2 years – Portfolio management
		✓						✓ Min. 2 years – Portfolio management
						✓		✓ Min. 5 years – Portfolio management
Fund Management (Asset Management)	No specific qualification requirements.							
Advising on Corporate Finance	✓							
		✓						
						✓		✓ Min. 5 years – Advising on corporate finance
Investment Advice	✓							
		✓						
						✓		✓ Min. 5 years – Investment advice

To illustrate, a person seeking to obtain a CMRSL for dealing in securities who holds a diploma in finance (which is a relevant field of study) is not required to also prove prior relevant experience in the capital market. However, if the applicant holds a diploma in a subject other than the relevant field, the applicant will also need to prove that he has a minimum of two years' relevant experience in the capital market.

Besides having the minimum qualification and experience as stated above, applicants are also required to pass the necessary licensing examination⁵ for the

⁴ Including boutique portfolio management company.

⁵ Table 3 of paragraph 4.05 of the *Licensing Handbook*.

relevant regulated activity. CMSRL holders and employees of FIs are required to undertake continuous professional education of at least 20 points annually to keep abreast of capital markets and regulatory developments.

CMSRL holders who hold responsible positions⁶ and controllers⁷

Licensed directors are required to have a minimum of 10 years' experience in the relevant regulated activity, while heads of regulated activity are required to have eight years of relevant experience. These requirements were put in place to ensure that persons who hold responsible positions have the appropriate range of operational and management skills and expertise. Controllers are also required to fulfill the fit and proper criteria under section 64 of the CMSA.

The cases below illustrate situations where SC has:

- (a) rejected applications from individuals who have applied for responsible positions; and
- (b) suspended CMSRL and position of a responsible person.

▶ Mr X was the Head of Corporate Finance in Licensed Entity A. Licensed Entity B had applied to the SC seeking approval for Mr X to hold the position of Head of Corporate Finance in Licensed Entity B. The SC rejected Licensed Entity B's application, taking into account Mr X's involvement in previous corporate proposals which were rejected by the SC.

▶ Licensed Entity C applied to the SC seeking approval for Mr Y to hold the position of Head of Dealing (Derivatives). The SC rejected Licensed Entity C's application, taking into consideration Mr Y's previous involvement in insider trading activities.

▶ Mr K was a CMSRL holder and the Head of Dealing in Licensed Entity D. Mr J, a CMSRL holder of Licensed Entity D, was under the supervision of Mr K. The SC suspended Mr K's CMSRL when he failed to make the necessary enquiries and take appropriate action to stop and report incidents of abuse of clients' accounts by Mr J. Mr K's position as Head of Dealing in Licensed Entity D was also suspended for six months.

⁶ Refers to the licensed director and head of regulated activity.

⁷ As defined in section 60(7) of the CMSA to mean a person who:

- (a) is entitled to exercise, or control the exercise of, not less than 15 per centum of the votes attached to the voting shares in the licensed entity;
- (b) has the power to appoint or cause to be appointed a majority of the directors of such licensed entity; or
- (c) has the power to make or cause to be made, decisions in respect of the business or administration of such licensed entity, and to give effect to such decisions or cause them to be given effect to.

For the position of controller, the SC had rejected applications when we have reasons to believe that the controller may not be able to act in the best interest of clients, considering his reputation and character:

1. Involved in civil suits and disputes relating to companies managed by him

2. Suspected to have been previously involved in market manipulation

Honesty and Integrity

CMSRL holders are expected to act honestly and ethically, and to treat investors fairly as they occupy a position of trust. As representatives of the licensed entity, they are the conduit between investors (their clients) and the licensed entity, entrusted to ensure that monies paid by their clients are received by the licensed entity and instructions to trade are appropriately carried out in the best interest of their clients.

CMSRL holders who breach clients' trust cause irreparable damage to both their reputation as well as that of their principal. Where a CMSRL holder is found to have breached securities laws, SC takes a very strict approach when considering the appropriate sanctions to be meted out.

SC views seriously breaches of securities laws relating to:

- ▶ Protection of clients' assets;
- ▶ Dissemination of accurate and timely disclosure; and
- ▶ Prevention of fraud and mis-selling.

Under section 65 of the CMSA, the consideration of whether a CMSRL holder is still fit and proper is not predicated merely upon a conviction or a civil or administrative action taken by a regulatory authority. The SC may find a CMSRL holder as not being fit and proper where the CMSRL holder—

- is subject to any disciplinary proceedings by the licensed entity;
- has engaged in deceitful, oppressive, or improper conduct or otherwise reflect discredit on his method of conducting business;
- is subject to any action for breach of any provisions under securities laws;

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- is subject to any investigation by a regulatory authority, law enforcement agency or professional body⁸, where the investigation relates to fraud or dishonesty; or
- is charged for a criminal offence relating to fraud or dishonesty.

Instances where applications for licences have been rejected and licences revoked

Applications rejected

1. Applicant contravened securities laws, within or outside Malaysia

2. Applicant submitted forged examination results, incorrect details of experience or failed to disclose previous actions taken by other regulators against him

Licences revoked

1. CMSRL holder engaged in market manipulation

2. CMSRL holder abused clients' accounts in the course of engaging in market manipulation

If a CMSRL holder is found to have committed a breach in respect of one regulated activity, this breach will affect his fit and properness to continue holding a CMSRL for the other regulated activity.

Financial Soundness

The requirement for an applicant to demonstrate financial soundness in his application for a licence⁹ takes into account the applicant's ability to remain solvent and exercise financial prudence.

In considering financial soundness, the SC will consider whether–

- (a) there are indications that the individual is unable to meet his debts as they become due;

⁸ The SC will take into consideration any investigation or action taken by–

- any law enforcement agency such as the Royal Malaysia Police;
- any local or foreign regulatory authority, for example, the Monetary Authority of Singapore;
- Bursa Malaysia for breach of its rules, e.g. where a licensed person is suspended by Bursa Malaysia for engaging in trading offences; and
- a self-regulatory organisation, locally or abroad e.g. Federation of Investment Managers Malaysia (FIMM) or Financial Industry Regulatory Authority (FINRA), for breach of its rules.

⁹ This is also a continuous obligation on the licence holder.

- (b) the individual has been the subject of any judgement debt or award that remains outstanding or has not been satisfied; or
- (c) the individual has filed for bankruptcy or has been declared a bankrupt.

A CMSRL holder who has been declared a bankrupt must notify¹⁰ the SC and cease the regulated activity immediately.

Enforcement against CMSRL holders

From 2011 to August 2016, SC has taken various enforcement actions against CMSRL holders who have breached securities laws.

Criminal and civil actions

Number of criminal charges filed	Offence
1	Market manipulation
4	Insider trading

Number of civil actions instituted	Offence
2 ¹¹	Breach of requirements in the <i>Guidelines on Compliance Function for Fund Managers</i> ¹²

In 2011, the Court of Appeal affirmed the conviction of two CMSRL holders in relation to separate criminal charges filed by the SC. The offence for each CMSRL holder is as follows:

- (a) an offence under section 87A(c) of the *Securities Industry Act 1983* for making a false statement of a material fact to his client relating to the purchase of shares by his client. The sentences of RM1 million fine and three years' imprisonment were affirmed;
- (b) 30 offences of short selling. The sentence of two years' imprisonment for each offence, to be served concurrently, was also upheld.

¹⁰ Section 74 CMSA. The principal of the CMSRL, i.e. the CMSL holder, is also under an obligation to report this matter to the SC (Paragraph 7.02(13)(b) of the *Licensing Handbook*).

¹¹ An administrative action was also imposed against one of the CMSRL holders.

¹² SC sought for an order that the two CMSRL holders be barred from being a CEO or Director, or from being involved in the management of any public company, for a period of 10 years.

Administrative Actions

Number of CMSRL revoked	Reason
5	Involvement in market manipulation
2	Submission of false and misleading documents – examination results
1	Facilitating the mis-utilisation of clients' monies
1	Fraud
2	Undischarged bankrupt

Administrative Actions, Infringement Notices and Supervisory Engagements

ADMINISTRATIVE ACTIONS

From 1 April to 31 August 2016, we had imposed a total of 20 administrative sanctions against:

- 3 licensed entities;
- 5 licensed individuals; and
- 4 individuals¹.

The sanctions were imposed for breaches relating to the CMSA, our guidelines and licensing conditions.

Table 1

Administrative sanctions from 1 April to 31 August 2016 by type of sanctions and parties in breach

Parties in breach	Type of sanctions			
	Directive	Reprimand	Penalty	Suspension / Revocation of licence
Licensed person	1	5	3	2
PLC	–	–	–	–
Director of PLC	–	–	–	–
Individual	1	4	4	–
TOTAL	2	9	7	2

¹ A director and shareholder of a company submitting an application for a CMSL and three unit trust consultants registered with the Federation of Investment Managers Malaysia (FIMM).

During this period, we also imposed penalties amounting to RM1,065,000.

Table 2

Penalties imposed from 1 April to 31 August 2016

Party in breach	Amount (RM)
AmFunds Management Bhd	420,000
SJ Securities Sdn Bhd	270,000
Lim Hung Chiang	100,000
Kahar Mohd Tahir	75,000
Afkariah Md Norani	75,000
Gurdeep Nathi Singh	75,000
Ezral Ghazali Shahudin	50,000
TOTAL	1,065,000

Enforcing compliance with SC's fit and proper requirements

As mentioned in the article on *SC's Fit and Proper Requirements for Licensed Representatives and Employees of Financial Institutions*, we expect our CMSRL holders to act honestly and ethically, and to treat investors fairly. As such, a CMSRL holder who had engaged in business practices which are deceitful and improper is regarded as no longer fit and proper to be licensed.

On 26 April 2016, we revoked the CMSRL of Chan Yew Mun (Jason), a CMSRL holder for dealing in securities, who had allocated proceeds from 10 cheques amounting to RM2.5 million from four of his clients into the trading account of his wife. These cheques were purportedly for fixed deposits to be placed with RHB Investment Bank Bhd (RHB IB). Jason then issued fraudulent Fixed Deposits Acknowledgement Slips to these clients and the proceeds in his wife's trading account were subsequently withdrawn for his personal use.

On 15 July 2016, administrative sanctions were imposed on Zainol Aswan Mukhtar, Lim Hung Chiang and Nan Azazi Azman, who had, without written authorisation from their clients, accepted and acted on instructions from a third party in relation to the trading accounts of their clients. We reprimanded Zainol and Nan Azazi, and also accepted their notices to cease being CMSRL holders. We also reprimanded and imposed a penalty of RM100,000 on Hung Chiang. Hung Chiang applied for a review of the penalty amount and alternatively, for the RM100,000 to be paid in 10 monthly instalments. The review has been dismissed and the quantum of penalty is maintained at RM100,000 to be paid in five equal monthly instalments.

To be fit and proper, a CMSRL holder must also demonstrate that he is able to remain solvent. On 29 February 2016, we revoked the CMSRL of Syed Fahmi Syed Omar when he was declared a bankrupt.

Dealing with unlicensed persons undertaking regulated activities

On 11 August 2016, an administrative action was taken against Kahar Mohd Tahir, an investor with RHB IB, for carrying out the regulated activity of fund management without holding a licence, which is a breach of section 58(1) of the CMSA. Between July 2015 and December 2015, a total of RM1,103,000 were allocated into Kahar's securities and derivatives trading account with RHB IB by third party depositors, who were approached by Kahar together with Gurdeep Nathi Singh and Afkariah Md Norani. Kahar subsequently used these monies to trade in equities and futures on behalf of these third party depositors. In return, Kahar received monies from Afkariah for his services in carrying out the trades while Afkariah retained a percentage of the proceeds of the trading activities by Kahar as consideration for recommending the third party depositors.

Kahar was reprimanded, imposed a penalty of RM75,000 and directed to reconstitute the third party depositors. Taking into account Afkariah and Gurdeep's involvement, administrative actions were also taken against the two for abetting Kahar in carrying out the regulated activity of fund management without a licence. Both Afkariah and Gurdeep were reprimanded and imposed a penalty of RM75,000 respectively. Gurdeep and Kahar's applications for the SC to review the penalty imposed were dismissed.

Ensuring true and accurate information to the SC

All persons making a submission to the SC, including an application for a licence, are expected to ensure that the information given is not false or misleading in a material particular.

On 14 July 2016, Ezral Ghazali Shahudin, a director and shareholder of Isoquant Sdn Bhd (Isoquant), was reprimanded and imposed a penalty of RM50,000 for breaching section 71 of the CMSA for making statements that were false or misleading in a material particular in relation to an application for a CMSL for Isoquant. The false or misleading statement relates to Ezral's representation that Isoquant Capital Management Pte Ltd Singapore, a sister company of Isoquant, was registered with the Monetary Authority of Singapore (MAS) and that he was licensed by MAS.

Enforcing anti-money laundering and counter-financing of terrorism requirements

As a capital market regulator and a supervisory authority under the *Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001*, the SC also enforces the obligation for intermediaries to implement anti-money laundering and countering the financing of terrorism (AML/CFT) measures through the *Guidelines on Prevention of Money Laundering and Terrorism Financing for Capital Market Intermediaries* (AML/CFT Guidelines). Among others, intermediaries are required to:

- (a) adopt a risk-based approach (RBA) in identifying, assessing and understanding their money laundering/terrorism financing (ML/TF) risks and take the necessary AML/CFT measures to mitigate them; and
- (b) exercise vigilance in the monitoring of suspicious transactions and where applicable, lodge a suspicious transaction report (STR) with the Financial Intelligence and Enforcement Department (FIED) of Bank Negara Malaysia without delay.

In accordance with the AML/CFT Guidelines, on 15 August 2016, we reprimanded and imposed a penalty of RM270,000 on SJ Securities Sdn Bhd (SJ) for failure to:

- (a) adopt a RBA in identifying and assessing its ML/TF risks; and
- (b) adopt and implement an effective internal control system to assess, profile and address ML/TF issues.

SJ was also directed to appoint an external auditor to review its AML/CFT framework and for the board of directors and key management personnel to attend two AML/CFT trainings. SJ's application for a review of all sanctions imposed has been dismissed.

A penalty of RM420,000 was also imposed on AmFunds Management Bhd (AmFunds) for failure to sufficiently:

- (a) establish reasonable grounds for its decision not to lodge a STR concerning transaction patterns that were deemed suspicious; and
- (b) record documentary evidence to support its decision not to lodge a STR.

INFRINGEMENT NOTICES

From 1 April to 31 August 2016, we issued 105 infringement notices² to, among others:

- PLCs for failing to submit periodic financial report or audited annual accounts;
- Board of directors' of PLCs for failure to make any formal application for the delay in complying with the Bumiputera equity condition following listing on the ACE Market of Bursa Malaysia; and
- CMSL holders for failure to comply with the minimum shareholders' funds requirement.

Table 3

Infringement notices issued from 1 April to 31 August 2016

Type of infringement notices	Apr	May	Jun	Jul	Aug	Total
Supervisory letter	1	–	2	–	3	6
Warning letter	–	1	1	2	1	5
Non-compliance letter	22	38	13	7	14	94
TOTAL	23	39	16	9	18	105

² Non-statutory enforcement tools issued where the breaches of securities law detected do not warrant the initiation of a formal enforcement action.

SUPERVISORY EXAMINATIONS AND ENGAGEMENTS

In carrying out our oversight and supervisory functions of intermediaries and market institutions, we rely on a variety of supervisory tools for detection of risks and market irregularities. Besides carrying out on-site examinations, we also rely on engagements with market participants to address concerns, supervisory findings and communicate regulatory expectations.

Table 4

Number of supervisory examinations and engagements³ conducted by SC from 1 April to 31 August 2016

Entity	Number of examinations conducted	Number of engagements conducted
Firms (securities, derivatives and fund management)	12	17
Bond market service providers ⁴	23	–
Market institutions ⁵	1	66
PLCs	–	11
Auditors	–	8
Other stakeholders ⁶	–	6

³ These statistics are exclusive of engagements conducted by the Authorisation and Licensing and Market Surveillance departments.

⁴ Rating agencies, bond pricing agency and trustees.

⁵ Bursa Malaysia, FIMM, Private Pension Administrator Malaysia and Recognized Market Operators.

⁶ Bursa Malaysia and an audit firm performing limited review on transactions.

Criminal Prosecutions and Civil Actions

From 1 April to 31 August 2016, we instituted criminal charges against seven individuals for various securities offences (Table 6). Three individuals were charged for offering and issuing securities without registering a prospectus with SC. Another four individuals were charged for insider trading, one of whom was also charged for making false statements which were likely to induce the purchase of shares in a PLC.

We had also succeeded in maintaining a conviction in a case involving the making of misleading statements in connection with the purchase of securities. In this case, the court had imposed an imprisonment sentence of one year for each of the three charges which were to run concurrently and a fine of RM3 million against a director of an asset management company for omitting a material fact in the statements of account pertaining to the purchase of securities.

Table 6

Details of criminal prosecution from 1 April to 31 August 2016

No.	Nature of offence	Offender(s)	Description of charge(s)	Date charged
1.	Offering and issuing securities without registering a prospectus with SC	Raja Samsul Bahri Raja Muhammad Abdul Malek Yusof Noor Aida Abdullah	Raja Samsul Bahri Raja Muhammad, Noor Aida Abdullah and Abdul Malek Yusof were charged at the Kuala Lumpur Sessions Court for abetting Astana Resources Bhd (Astana), formerly known as JPG Holdings Bhd, in the offering and issuing of more than 6.9 million shares between 30 April 2010 and 19 November 2012 without registering a prospectus with SC. At the material time, Raja Samsul was the Chief Executive Officer (CEO) of Astana while Noor Aida and Abdul Malek were directors of the company. All three claimed trial to the charges preferred against them and were each granted bail of RM200,000 with one surety.	1 June

Table 6 (continued)

No.	Nature of offence	Offender(s)	Description of charge(s)	Date charged
2.	<p>Misleading statement in a material particular that is likely to induce the purchase of securities</p> <p>Insider trading</p>	Datuk Ishak Ismail	<p>Datuk Ishak Ismail was charged at the Kuala Lumpur Sessions Court for making a misleading statement which was likely to induce the purchase of Kenmark Industrial Co Bhd (Kenmark) shares by other persons. The alleged misleading statement was published in <i>The Star</i> newspaper dated 5 June 2010.</p> <p>Datuk Ishak was also charged with two counts of insider trading for selling 58,691,900 units of Kenmark shares on 9 and 11 June 2010 while in possession of material non-public information. SC alleged that the material non-public information referred to in the charges relates to two clients of Kenmark being declared bankrupt and EON Bank Bhd's refusal to uplift its receivership on Kenmark.</p> <p>Earlier in 2010, SC had successfully obtained an injunction from the Kuala Lumpur High Court to freeze RM4.8 million of the proceeds from the impugned trades by Datuk Ishak.</p> <p>Datuk Ishak claimed trial to all three charges and was granted bail of RM600,000 with one surety.</p>	13 June
3.	Insider trading	<p>Yeow Kheng Chew</p> <p>Paulene Chee Yuet Fang</p> <p>Tan Yee Chee</p>	<p>Yeow Kheng Chew (Yeow) was charged at the Kuala Lumpur Sessions Court for acquiring 1,159,000 units of Kencana Petroleum Bhd (Kencana) shares on 8 July 2011 while in possession of the material non-public information, which is referred to in the charge of information which relates to the proposed merger of Kencana and SapuraCrest Petroleum Bhd. This was announced to Bursa Malaysia on 11 July 2011.</p> <p>Yeow, a former executive director of Kencana and is alleged to have acquired the shares through the account of Paulene Chee Yuet Fang (Chee) with HwangDBS Investment Bank.</p> <p>Chee and her remisier, Tan Yee Chee (Tan) were charged for abetting Yeow in the commission of the offence.</p> <p>All three claimed trial to the charges preferred against them. Yeow was granted bail of RM1 million with two sureties while Chee and Tan were each granted bail of RM800,000 with two sureties.</p>	29 July

Table 7

Outcome of criminal appeals from 1 April to 31 August 2016

Nature of offence	Offender(s)	Description	Sentence
Misleading statements in connection with the purchase of securities	Wahid Ali Kassim Ali	<p>On 27 May 2016, at the re-hearing of the appeal by Wahid Ali Kassim Ali (Wahid Ali) against his earlier conviction by the Sessions Court, the Kuala Lumpur High Court dismissed the appeal and affirmed the sentence of the Sessions Court.</p> <p>Wahid Ali was found guilty by the Sessions Court on 30 June 2009 for omitting to state a material fact in the statements of account to Aiwanna Asset Management Sdn Bhd's (Aiwanna) client, Eastern Pacific Industrial Corporation Bhd (EPIC), pertaining to EPIC's investments, whereby the material fact was necessary to make the statement of accounts not misleading.</p>	<p>Imprisonment for a term of one year and a fine of RM1 million for each of the three charges. The imprisonment terms were ordered to be served concurrently. The High Court in the meantime has stayed the execution of the sentence pending Wahid's appeal to the Court of Appeal.</p>

Enforcement Highlights

Ongoing trials at the Sessions Court

April 2016

PP v Dato' Goh Hock Choy and Siow Chung Peng

Dato' David Goh Hock Choy was charged on 4 September 2012 under section 84(1) of the *Securities Industry Act 1983* (SIA) for manipulating Lii Hen Industries Bhd (Lii Hen) shares between March and October 2004. He was alleged to be indirectly concerned in the sale and purchase of Lii Hen shares that did not involve any change in the beneficial ownership of the shares. Siow Chung Peng was charged under section 84(1) of the SIA read together with section 122C(c) of the SIA for abetting Dato' Goh. The trial continued in the months of April, May, July, August and September 2016 and is scheduled to continue in October 2016.

PP v Dato' Seri Stanley Thai Kim Sim and Tiong Kiong Choon

In December 2014, the SC charged Dato' Seri Stanley Thai Kim Sim with one count of communicating material non-public information, an offence under section 188(3) of the CMSA. Dato' Seri Thai was said to have communicated the information to Tiong Kiong Choon who was at the material time, a remisier with Inter-Pacific Securities Sdn Bhd. Dato' Seri Thai was at the material time, the CEO of APL Industries Bhd (APLI). SC also charged Tiong for disposing APLI shares while in possession of the material non-public information. Trial against both individuals continued in the months of April, June, July, August and September 2016 and is scheduled to continue in October, November and December 2016, and February 2017.

PP v Dato' Ch'ng Poh @ Ch'ng Chong Poh

Dato' Ch'ng Poh was charged on 10 January 2014 with 58 counts of insider trading for trading in Malaysian Pacific Corporation Bhd (MPAC) shares while in possession of material non-public information, an offence under section 188(2)(a) of the CMSA. He filed an application in court by way of notice of motion for a declaration that he is unfit to stand trial. The Sessions Court struck out the application and the defence has since filed an appeal to the High Court against the decision of the Sessions Court. The High Court has stayed the trial at the Sessions Court and fixed 28 November 2016 for mention.

PP v Alice Poh Gaik Lye and Goh Bak Ming

Alice Poh Gaik Lye, a former business co-ordinator of Liqua Health Corporation Bhd (Liqua), was charged on 14 June 2010 under section 87A(a) of the SIA for allegedly committing a scheme to defraud Liqua in connection with the purchase of Liqua shares between 23 February and 31 July 2007. Goh Bak Ming, a former director of Liqua was charged on 8 June 2010 for abetting Poh in committing the offence. The trial against Poh and Goh continued in the months of April, May, June, July, August and September 2016 and is scheduled to continue in October and November 2016.

PP v Dato' Norhamzah Nordin, Mohd Azham Mohd Noor and Helen Lim Hai Loon

Dato' Norhamzah Nordin, Mohd Azham Mohd Noor, and Helen Lim Hai Loon were charged for offences under section 122B(a)(bb) of the SIA and section 369(a)(B) of the CMSA involving the furnishing of false information to the stock exchange. Dato' Norhamzah and Azham were charged with furnishing false statements to Bursa Malaysia in eight of Kosmo Technology

Industrial Bhd's (Kosmo Tech) quarterly reports for financial years 2006 and 2007, while Lim was charged with abetting the company in furnishing the said false statements. At the material time, Dato' Norhamzah was the Managing Director, Azham was a director and Lim was an accounts manager of Kosmo Tech. The Prosecution closed its case on 25 April 2016 and the Sessions Court acquitted the accused persons on 23 September. The SC has since filed an appeal to the High Court against the acquittal.

May 2016

PP v Tan Bee Hong and Datin Seri Tan Bee Geok

On 15 December 2014, the SC charged Datin Seri Tan Bee Geok, under section 188(3) of the CMSA, with one count of communicating the material non-public information to Tan Bee Hong, between 23 October 2007 and 31 October 2007. Datin Seri Tan was at the material time, the Group Executive Director of APLI. Tan Bee Hong was charged with disposing, on 31 October 2007, 350,000 units of APLI shares held in her account while in possession of the same material non-public information. The trial continued in the months of May, August and September 2016.

June 2016

PP v Ramesh Rajaratnam

On 29 April 2015, the SC charged Dato' Ramesh Rajaratnam with three counts of insider trading in the shares of Malaysian Merchant Marine Bhd (MMM) under section 188(2) of the CMSA. Dato' Ramesh was at the material time the Executive Deputy Chairman of MMM. The trial against Dato' Ramesh commenced in the month of June 2016 and continued in September 2016 and has been fixed to continue in October and November 2016.

PP v Raja Samsul Bahri Raja Muhammad, Abdul Malek Yusof and Noor Aida Abdullah

On 1 June 2016, the SC charged Raja Samsul Bahri Raja Muhammad, Abdul Malek Yusof and Noor Aida Abdullah for abetting a company known as Astana Resources Bhd (formerly known as JPG Holdings Bhd) in the offering and issuing of more than 6.9 million shares between 30 April 2010 and 19 November 2012 without registering a prospectus with SC. (Please refer to Table 6 above for further details)

PP v Datuk Ishak Ismail

On 13 June 2016, the SC charged Datuk Ishak Ismail with one count of making a statement that is misleading in a material particular and two counts of insider trading. Trial against Datuk Ishak has been fixed for November, December 2016, March 2017 and May 2017. (Please refer to Table 6 above for further details).

July 2016

PP v Yeow Kheng Chew, Paulene Chee Yuet Fang and Tan Yee Chee

On 29 July 2016, the SC charged Yeow Kheng Chew (Yeow) for insider trading. Paulene Chee Yuet Fang and Tan Yee Chee were charged for abetting Yeow in committing the said offence. (Please refer to Table 6 above for further details)

Appeals and Applications

High Court

May 2016

PP v Wahid Ali Kassim Ali

The High Court confirmed the conviction and sentence imposed against Wahid Ali Kassim Ali for omitting to state a material fact in the statements of account to Aiwanna's client pertaining to its client's investments. (Please see Table 7 above for further details)

June 2016

PP v Alan Rajendram

Alan Rajendram was charged with four counts of permitting the furnishing of false information to the stock exchange. The false information was contained in four unaudited quarterly reports of LFE Corporation Bhd which were submitted to the stock exchange. On 10 October 2012, the Sessions Court had convicted and sentenced Alan to one year imprisonment and RM300,000 fine for each charges respectively. Alan had appealed to the High Court against the conviction and sentence. The High Court has fixed 11 October 2016 for clarification and/or decision of Alan's appeal.

Court of Appeal

May 2016

Tiong Kiong Choon v PP

In December 2014, the SC charged Tiong Kiong Choon for disposing APLI shares while in possession of material non-public information. In the charges preferred, the SC alleged that the material non-public information was in relation to the audit adjustments proposed by APLI's auditors which would result in APLI reporting a higher loss for the financial year ended 30 June 2007, as compared to the previously reported unaudited fourth quarter results for the same financial year and that APLI would be classified as an affected issuer pursuant to the *Listing Requirements of Bursa Malaysia Securities and Practice Note 17/2005*.

In March 2015, Tiong filed an application at the High Court to strike out the charges preferred against him on the basis that the charges were defective and illegal. The application was dismissed by the High Court in May 2015 and Tiong then filed an appeal to the Court of Appeal, and the matter was heard on 24 February 2016. At the hearing, the Court raised the question of whether the Court of Appeal had jurisdiction to hear such an application. On 11 May 2016, the Court of Appeal struck out the appeal on the basis that the application was premature.

Ang Pok Hong and Wendy Wong Soon Soon v PP

In February 2015, the SC charged Ang Pok Hong, with four counts of insider trading for having purchased 204,000 units of TH Group Bhd (TH Group) shares while in possession of material non-public information. Wendy Wong Soon Soon was charged with three counts of abetting Ang by allowing Ang to use her trading account for the purpose of acquiring the said shares. In the charges preferred, the SC alleged that the non-public information referred to in all the charges related to the proposed privatisation of TH Group via a selective capital repayment exercise announced on 29 September 2008.

On 10 March 2015, both Ang and Wong filed an application at the High Court to strike out the charges preferred against them on the ground that they were defective. On 27 May 2015, the High Court dismissed Ang and Wong's application. Ang and Wong then filed an appeal to the Court of Appeal. On 11 May 2016, the Court of Appeal struck out the appeal on the basis that the application was premature.

June 2016

Lei Lin Thai v PP

In January 2015, Lei Lin Thai was charged at the Sessions Court with 53 counts of insider trading under section 188(2) of the CMSA for allegedly acquiring 2,766,600 units of TH Group shares between 5 June 2008 and 22 September 2008 while in possession of material non-public information. In the charges preferred, the SC alleged that the non-public information referred to in all the charges related to the proposed privatisation of TH Group via a selective capital repayment exercise announced on 29 September 2008.

On 26 August 2015, Lei filed an application at the High Court to strike out all 53 charges preferred against him. The matter was heard by the High Court on 25 February 2016. On 30 March 2016, Lei's application was dismissed by the High Court. Lei appealed to the Court of Appeal against the High Court's decision. On 8 June 2016, the Court of Appeal struck out Lei's appeal on the basis that the application to strike out was premature.

Federal Court

August 2016

PP v Gan Boon Aun

In July 2007, Gan Boon Aun, a former Chief Executive Officer of Transmile Group Bhd (Transmile), and Khiudin Mohd, a former Executive Director of Transmile, were charged before the Sessions Court under section 86(b) read together with section 122C(c) of the SIA. An alternative charge was also preferred against both of them under section 122B (a)(bb) read together with section 122(1) of the SIA. In March 2011, the Sessions Court ordered Gan and Khiudin to enter their defence on the alternative charge. In June 2011, both the accused filed an application in the High Court to challenge the constitutionality of section 122(1) of the SIA. In November 2011, the High Court upheld the challenge and ruled that the provision was unconstitutional. The SC then filed an appeal to the Court of Appeal against the decision of the High Court. On 28 September 2015, the Court of Appeal overturned the decision of the High Court and held the provision to be valid and constitutional. The case is now before the Federal Court for hearing of the constitutional issue. The hearing proceeded on 30 August 2016 and on 22 September 2016 and is to continue in October 2016.

Civil Trials

August 2016

Securities Commission Malaysia v Chan Soon Huat

In May 2015, the SC filed a civil suit against Chan Soon Huat at the Kuala Lumpur High Court for insider trading in the shares of WCT Bhd (WCT). The SC alleged that Chan had breached the insider trading provisions under the CMSA by disposing a total of 2,414,600 shares and 1,236,700 warrants in WCT between 30 December 2008 and 5 January 2009 while in possession of material non-public information. The trades were said to have been made in his own account and those of two other individuals, namely, Chan Choon Chew and Leong Weng Wah.

In its suit, the SC alleged that the material non-public information related to the cancellation of a contract for the proposed construction of the Nad Al Sheba Dubai Racecourse in Dubai, United Arab Emirates which was awarded to a joint-venture company set up by WCT and one Arabtec Construction L.L.C. The announcement relating to the material information was only made public on 6 January 2009. The SC is seeking disgorgement of three times the losses avoided by the defendants from the insider trading. The SC is also claiming for a civil penalty of RM1 million from each of the defendants and for them to be barred from being a director of any PLC. Trial against Chan resumed in August 2016, and is scheduled to continue in October 2016 and January 2017.

Criminal prosecutions and civil actions – ongoing trial calendar

Trial date	Accused/Defendants	Offence
SEPTEMBER 2016		
5–6	Alice Poh Gaik Lye	• s. 87A(a) SIA 1983
8	Goh Bak Ming	• s. 87A(a) read together with (“rtw”) s.122B(c) SIA 1983
19–20	Ramesh Rajaratnam	• s. 188(2)(a) CMSA 2007
20–21	Ang Pok Hong	• s. 188(2)(a) CMSA 2007
	Wendy Wong Soon Soon	• s. 370(c) rtw s. 188(2)(a) CMSA 2007
23	Tan Bee Geok	• s. 188(3)(a) CMSA 2007
	Tan Bee Hong	• s. 188(2)(a) CMSA 2007
27	Dato’ Jackson Tan Han Kook	• s. 369(b)(B) CMSA 2007
	Derec Ching Siew Cheong	• s. 369(b)(B) CMSA 2007
27–28	Dato’ Goh Hock Choy	• s. 84(1) SIA 1983
	Siew Chung Peng	• s. 84(1) rtw s.122C(c) SIA 1983
OCTOBER 2016		
4–7	Dato’ Jackson Tan Han Kook	• s. 369(b)(B) CMSA 2007
	Derec Ching Siew Cheong	• s. 369(b)(B) CMSA 2007
5	Alice Poh Gaik Lye	• s. 87A(a) SIA 1983
	Goh Bak Ming	• s. 87A(a) rtw s.122B(c) SIA 1983
10–11	Ramesh Rajaratnam	• s. 188(2)(a) CMSA 2007
12–13	Chan Soon Huat	• s. 188(2)(a) CMSA 2007
	Goh Chin Liong	• s. 188(3)(a) CMSA 2007
	Leong Ah Chai	• s. 188(2)(a) CMSA 2007
17–20	Alan Rajendram	• s. 369(b)(B) CMSA 2007
21	Tiong Kiong Choon	• s. 188(2)(a) CMSA 2007
	Dato’ Seri Thai Kim Sim	• s. 188(3)(a) CMSA 2007
31	Koh Tee Jin	• s. 122B(b)(bb) SIA 1983 • s. 188(3)(a) CMSA 2007
	Lee Han Boon	• s. 122B(b)(bb) SIA 1983 • s. 369(b)(B) CMSA 2007
	Saipuddin Lim	• s. 122B(b)(bb) SIA 1983 • s. 369(b)(B) CMSA 2007
	Lee Koon Huat	• s. 122C(c) rtw s. 122B(b)(bb) SIA 1983

NOVEMBER 2016

7–11 14–16	Tan Mong Sing	<ul style="list-style-type: none"> • s. 84 SIA 1983 • s. 85 SIA 1983 • s. 87A SIA 1983 • s. 14 SIA 1983 • s. 15 SIA 1983
	Aeneas Capital Management LP	<ul style="list-style-type: none"> • s. 84 SIA 1983 • s. 85 SIA 1983 • s. 87A SIA 1983 • s. 14 SIA 1983 • s. 15 SIA 1983
	Priam Holdings Ltd	<ul style="list-style-type: none"> • s. 84 SIA 1983 • s. 85 SIA 1983 • s. 87A SIA 1983 • s. 14 SIA 1983 • s. 15 SIA 1983
	Aeneas Evolution Portfolio Ltd	<ul style="list-style-type: none"> • s. 84 SIA 1983 • s. 85 SIA 1983 • s. 87A SIA 1983 • s. 14 SIA 1983 • s. 15 SIA 1983
	Aeneas Portfolio Co. LP	<ul style="list-style-type: none"> • s. 84 SIA 1983 • s. 85 SIA 1983 • s. 87A SIA 1983 • s. 14 SIA 1983 • s. 15 SIA 1983
	Acadian Worldwide Inc	<ul style="list-style-type: none"> • s. 84 SIA 1983 • s. 85 SIA 1983 • s. 87A SIA 1983 • s. 14 SIA 1983 • s. 15 SIA 1983
	Thomas R Grossman	<ul style="list-style-type: none"> • s. 84 SIA 1983 • s. 85 SIA 1983 • s. 87A SIA 1983 • s. 14 SIA 1983 • s. 15 SIA 1983
	Richard Benjamin Cohen	<ul style="list-style-type: none"> • s. 84 SIA 1983 • s. 85 SIA 1983 • s. 87A SIA 1983 • s. 14 SIA 1983 • s. 15 SIA 1983
	John Sugila	<ul style="list-style-type: none"> • s. 84 SIA 1983 • s. 85 SIA 1983 • s. 87A SIA 1983 • s. 14 SIA 1983 • s. 15 SIA 1983
7–8 24–25	Tiong Kiong Choon	• s. 188(2)(a) CMSA 2007
	Dato' Seri Thai Kim Sim	• s. 188(3)(a) CMSA 2007
9	Ramesh Rajaratnam	• s. 188(2)(a) CMSA 2007
9-11	Dato' Jackson Tan Han Kook	• s. 369(b)(B) CMSA 2007
	Derec Ching Siew Cheong	• s. 369(b)(B) CMSA 2007
21–22 28	RBTR Asset Management Berhad	• s. 360 CMSA 2007
	Al-Alim bin Mohd Ibrahim	• s. 360 CMSA 2007
	Valentine Khoo	• s. 360 CMSA 2007

NOVEMBER 2016 *(Continued)*

	Locke Guaranty Trust (NZ) Ltd	<ul style="list-style-type: none"> • s. 87(1) SIA 1983/ s. 178(1) CMSA 2007 • s. 15A SIA 1983/ s. 58 CMSA 2007 • s. 15B SIA 1983/ s. 59 CMSA 2007
	Locke Capital Investment (BVI) Ltd	<ul style="list-style-type: none"> • s. 87(1) SIA 1983/ s. 178(1) CMSA 2007 • s. 15A SIA 1983/ s. 58 CMSA 2007 • s. 15B SIA 1983/ s. 59 CMSA 2007
	Isaac Paul Ratnam	<ul style="list-style-type: none"> • s. 87(1) SIA 1983/ s. 178(1) CMSA 2007 • s. 15A SIA 1983/ s. 58 CMSA 2007 • s. 15B SIA 1983/ s. 59 CMSA 2007
	Joseph Lee Chee Hock	<ul style="list-style-type: none"> • s. 87(1) SIA 1983/ s. 178(1) CMSA 2007 • s. 15A SIA 1983/ s. 58 CMSA 2007 • s. 15B SIA 1983/ s. 59 CMSA 2007
	Nicholas Chan Weng Sun	<ul style="list-style-type: none"> • s. 87(1) SIA 1983/ s. 178(1) CMSA 2007 • s. 15A SIA 1983/ s. 58 CMSA 2007 • s. 15B SIA 1983/ s. 59 CMSA 2007
28	Koh Tee Jin	<ul style="list-style-type: none"> • s. 122B(b)(bb) SIA 1983 • s. 369(b)(B) CMSA 2007
	Lee Han Boon	<ul style="list-style-type: none"> • s. 122B(b)(bb) SIA 1983 • s. 369(b)(B) CMSA 2007
	Saipuddin Lim	<ul style="list-style-type: none"> • s. 122B(b)(bb) SIA 1983 • s. 369(b)(B) CMSA 2007
	Lee Koon Huat	<ul style="list-style-type: none"> • s. 122C(c) rtw s. 122B(b)(bb) SIA 1983
30	Tan Bee Geok	<ul style="list-style-type: none"> • s. 188(3)(a) CMSA 2007
	Tan Bee Hong	<ul style="list-style-type: none"> • s. 188(2)(a) CMSA 2007

DECEMBER 2016

1, 5–8	Tiong Kiong Choon	<ul style="list-style-type: none"> • s. 188(2)(a) CMSA 2007
	Dato' Seri Thai Kim Sim	<ul style="list-style-type: none"> • s. 188(3)(a) CMSA 2007
4	Tan Bee Geok	<ul style="list-style-type: none"> • s. 188(3)(a) CMSA 2007
	Tan Bee Hong	<ul style="list-style-type: none"> • s. 188(2)(a) CMSA 2007
5–8	RBTR Asset Management Berhad	<ul style="list-style-type: none"> • s. 360 CMSA 2007
	Al-Alim bin Mohd Ibrahim	<ul style="list-style-type: none"> • s. 360 CMSA 2007
	Valentine Khoo	<ul style="list-style-type: none"> • s. 360 CMSA 2007
	Locke Guaranty Trust (NZ) Ltd	<ul style="list-style-type: none"> • s. 87(1) SIA 1983/ s. 178(1) CMSA 2007 • s. 15A SIA 1983/ s. 58 CMSA 2007 • s. 15B SIA 1983/ s. 59 CMSA 2007
	Locke Capital Investment (BVI) Ltd	<ul style="list-style-type: none"> • s. 87(1) SIA 1983/ s. 178(1) CMSA 2007 • s. 15A SIA 1983/ s. 58 CMSA 2007 • s. 15B SIA 1983/ s. 59 CMSA 2007
	Isaac Paul Ratnam	<ul style="list-style-type: none"> • s. 87(1) SIA 1983/ s. 178(1) CMSA 2007 • s. 15A SIA 1983/ s. 58 CMSA 2007 • s. 15B SIA 1983/ s. 59 CMSA 2007
	Joseph Lee Chee Hock	<ul style="list-style-type: none"> • s. 87(1) SIA 1983/ s. 178(1) CMSA 2007 • s. 15A SIA 1983/ s. 58 CMSA 2007 • s. 15B SIA 1983/ s. 59 CMSA 2007
	Nicholas Chan Weng Sun	<ul style="list-style-type: none"> • s. 87(1) SIA 1983/ s. 178(1) CMSA 2007 • s. 15A SIA 1983/ s. 58 CMSA 2007 • s. 15B SIA 1983/ s. 59 CMSA 2007
14, 16	Alan Rajendram	<ul style="list-style-type: none"> • s. 369(b)(B) CMSA 2007

JANUARY 2017

4-5	Raja Samsul Bahri Raja Muhammad	• s. 370(c) rtw s.232(1) CMSA 2007
9-12	Abdul Malek Yusof	• s. 370(c) rtw s.232(1) CMSA 2007
16-19	Noor Aida Abdullah	• s. 370(c) rtw s.232(1) CMSA 2007
6	Tiong Kiong Choon	• s. 188(2)(a) CMSA 2007
	Dato' Seri Thai Kim Sim	• s. 188(3)(a) CMSA 2007
9-11	Dato' Goh Hock Choy	• s. 84(1) SIA 1983
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