

**Anti-Bribery  
And  
Anti-Corruption  
Policy  
(ABC POLICY)**

# **ANTI-BRIBERY AND ANTI-CORRUPTION POLICY**

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## **1. ANTI-BRIBERY & ANTI-CORRUPTION POLICY STATEMENT**

Siew Lee & Co (hereinafter referred to as “SLC”) adopts a zero-tolerance approach to corruption in providing legal services in Malaysia and anywhere outside Malaysia. SLC emphasizes the following four (4) criteria:

- (A) Policy, Legislation and Regulations
  - (i) Understand and comply with laws, regulations and any other anti-corruption directives in force.
  - (ii) Implement anti-corruption elements in policy formulation to enhance internal control over governance weaknesses and integrity breaches.
- (B) Working Systems and Procedures  
Identify, examine weaknesses and enhance working systems and procedures which can open up to avenue and opportunity for corruption, abuse of power and malpractice.
- (C) Strengthening Governance and Integrity  
Disseminating, educating and nurturing integrity as well as strengthening governance in delivering services.
- (D) Detection, Compliance, Punitive and Rehabilitation
  - (i) Empower and disseminating reporting mechanics on corruption, abuse of power and malpractices.
  - (ii) Ensure compliance with regulations, taking punitive action on violations of the code of conduct and perform rehabilitation efforts.

## **2. SCOPE**

This Policy applies to all SLC personnel as defined below. This policy should also be used as guidance by stakeholders, business partners or any third parties (whether individual / organisation) that deals with SLC personnel / facilities.

## **3. OBJECTIVE**

The establishment of this Policy is as a source of reference on corruption, reporting channel and corruption prevention.

## **4. DEFINITION**

### **Corruption**

Corruption under the Malaysian Anti-Corruption Commission Act 2009 (*Act 694*) (hereinafter referred to as “*Act 694*”) is defined as giving or offering, receiving or

soliciting or agrees to receiving or soliciting gratification directly or indirectly as an incentive or reward to perform or not to perform a task related with official duties.

### **Bribery**

Bribery refers to the interpretation of 'gratification' under Section 3 of *Act 694*.

### **SLC Personnel**

Officer and employee who serves at SLC whether through permanent appointment, part-time or temporary basis. SLC Personnel shall include the Partners, Legal Associates and senior managers of SLC.

## **5. CORRUPT OFFENCES**

Corrupt offences under the Malaysian Anti-Corruption Commission Act 2009 [*Act 694*] are as follows:

### **5.1 Offence of accepting gratification under Section 16 of Act 694**

5.1.1 Any person corruptly solicits or receives or agree to receive for himself or for any other person any gratification as an inducement to or a reward for doing or forbearing to do anything in respect of any matter or transaction; or

5.1.2 Any person corruptly gives, promises or offers to any person whether for the benefit of that person or of another person any gratification as an inducement to or a reward for doing or forbearing to do anything in respect of any matter or transaction.

### **5.2 Offence of giving or accepting gratification by agent under Section 17 of Act 694**

5.2.1 Any person being an agent corruptly agrees to accept or obtain from any person for himself or for any other person, any gratification as an inducement or a reward for doing or forbearing to do, in relation to his principal's affairs; or

5.2.2 Any person being an agent corruptly gives or agrees to give or offers any gratification to any agent as an inducement or a reward for doing or forbearing to do, in relation to his principal affairs.

### **5.3 Offence of intending to deceive principal by agent under Section 18 of Act 694**

Any person who gives to an agent, or being an agent he uses, with intent to deceive his principal, any receipt, account or other document in respect of which the principal is interested, and which he has reason to believe contains any statement which is false or erroneous or defective in any material particular, and is intended to mislead the principal.

**5.4 Offence on bribery of officer of public body under Section 21 of Act 694**

Any person who offers to an officer of any public body, or being an officer of any public body solicits or accepts, any gratification as an inducement or a reward, notwithstanding that the officer did not have the power, right or opportunity to do so, or accepted the gratification without intending to do so, or that the inducement or reward was not in relation to the affairs of the public body.

**5.5 Offence of using office or position for gratification under Section 23 of Act 694**

Any officer of public body who uses his office or position for any gratification, whether for himself, his relative or associate.

**5.6 Penalty under Section 24 of Act 694**

5.6.1 Any person who commits an offence under sections 16, 17, 21 and 23 of Act 694, shall on conviction be liable to:

- (i) Imprisonment for a term not exceeding twenty (20) years; and
- (ii) A fine not less than five (5) times the sum or value of the gratification which is the subject matter of the offence, or ten thousand ringgit (RM10,000), whichever is the higher.

5.6.2 Any person who commits an offense under Section 18 of Act 694, shall on conviction be liable to:

- (i) Imprisonment for a term no exceeding twenty (20) years; and
- (ii) A fine not less than five (5) times the sum or value of the false or erroneous or defective material particular, or ten thousand ringgit (RM10,000), whichever is the higher.

**5.7 Duty to report bribery transactions under Section 25 of Act 694**

5.7.1 Any person to whom any gratification is given, promised, or offered shall report such gift, promise or offer together with the name, if known, of the person who gave, promised or offered such gratification to MACC officer.

5.7.2 Any person who fails to comply with that subsection shall on conviction be liable to:

- (i) a fine not exceeding one hundred thousand ringgit (RM100,000); or
- (ii) imprisonment for a term not exceeding ten (10) years or to both.

5.7.3 Any person from whom any gratification has been solicited or obtained or an attempt has been made to obtain such gratification, shall report such soliciting or obtaining of, or attempt to obtain the gratification together with the full and true description and if known, the name of the person

who solicited, or obtained, or attempted to obtain, the gratification from him to MACC officer.

5.7.4 Any person who fails to comply with that subsection shall on conviction be liable to:

- (i) a fine not exceeding ten thousand ringgit (RM10,000); or
- (ii) imprisonment for a term not exceeding two (2) years or to both.

**5.8 Offence of obtaining any valuable thing, without consideration, from person concerned under Section 165 of Penal Code (Act 574)**

Whoever, being a public servant, accepts or obtains, or agrees to accept or attempts to obtain, for himself or for any other person, any valuable thing, without consideration, or for a consideration which he knows to be inadequate, from any person he knows to have been, or to be, or to be likely to be concerned in any proceeding or business transacted, or about to be transacted, by such public servant, or having any connection with the official functions of himself or of any public servant to whom he is subordinate, shall be punished with imprisonment for a term which may extend to two (2) years or with the fine or with both.

**5.9 Offence of forgery under Section 465 of Penal Code (Act 574)**

Whoever commits forgery shall be punished with imprisonment for a term which may extend to two (2) years or with fine or with both.

**5.10 Offence by Commercial Organization under Section 17A of Act 694**

5.10.1 A commercial organization commits an offence if a person associated to the commercial organization corruptly gives, agrees to give, promises or offers to any person any gratification whether for the benefit of that person or another person with intent:

- (i) to obtain or retain business for the commercial organization; or
- (ii) to obtain or retain an advantage in the conduct of business for the commercial organization.

5.10.2 Where an offence is committed by a commercial organization, a person-  
(i) who is its director, controller, officer or partner; or  
(ii) who is concerned in the management of its affairs, at the time of the commission of the offence,  
is deemed to have committed that offence unless the person proves that the offence was committed without his consent or connivance and that he exercised due diligence to prevent the commission of the

offence as he ought to have exercised, having regard to the nature of his function in that capacity and to the circumstances.

- 5.10.3 Section 17A (6) defines a person associated as a director, partner, an employee or a person who performs services for or on behalf of the commercial organization.

## **6. OTHER LAWS AND REGULATIONS IN FORCE**

- 6.1 Others laws and regulations related to corruption are as follows:

Section 3 of *Act 694*:

- (i) Any offence under Penal Code (Act 574) as specified in the Schedule – Paragraph 3 (a), interpretation “prescribed offence” under Act 694:
- (ii) an offence punishable under Section 137 of the Customs Act 1967 (Act 235);
- (iii) an offence under Part III of the Election Offences Act 1954 (Act 5);
- (iv) an attempt to commit any of the offences referred to in paragraph (a) to (c); or
- (v) an abetment of or a criminal conspiracy to commit (as those terms are defined in the Penal Code) any of the offences referred to in paragraphs (a) to (c), whether or not the offence is committed in consequence thereof.

- 6.2 Any applicable guidelines on How to Manage Disciplinary Cases Referred by the Malaysian Anti-Corruption Commission (MACC).

## **7. ROLES AND RESPONSIBILITIES OF SLC PERSONNEL**

- 7.1 In an effort to curb any space and opportunity for corruption, SLC personnel should take necessary actions as follows:

### **DO NOT SOLICIT**

SLC personnel are prohibited from soliciting or receiving any forms of gratification.

### **REFUSE**

SLC personnel should refuse any offer of gratification.

### **REPORT**

SLC personnel shall at the **earliest opportunity lodge a report** on any corruption activities to the Partners, senior manager or MACC.

7.2 SLC personnel may report any corruption activities with the submission of at least basic information as follows:

- (i) Who is involved?
- (ii) When did the incident occur?
- (iii) Where did the incident take place?
- (iv) What were the offences?
- (v) Why did the offence occur?
- (vi) How did the offence occur?
- (vii) Witness or related document (if necessary)

## **8. Fighting Bribery, Corruption and Unethical Practices**

### **8.1 Solicitation, Bribery and Corruption**

SLC personnel are not permitted to pay, offer, accept or receive a bribe in any form. SLC personnel are strictly NOT allowed to:

- (i) offer, pay or give anything of value to any parties in order to obtain business or anything of benefit to SLC.
- (ii) act illegally including bribes, blackmail, inducements, secret commissions, other rewards and similar improper actions.
- (iii) attempt to induce any parties to do anything illegal, unethical and permit any parties to violate the rules.
- (iv) give any advantage inconsistent with law and wrongful or unlawful use of official position to procure some benefit or personal gain.
- (v) corruptly give, promise or offer to any person gratification with the intent to secure business or an advantage for SLC.
- (vi) offer, give, receive or solicit, directly or indirectly, anything of value to influence improperly the actions of another party.

### **8.2 Receiving Facilitation Payments**

SLC Personnel are prohibited from, directly or indirectly, accepting or obtaining or attempting to accept or obtain or offering or attempting to offer facilitation payments from/to any person for themselves or for any other person subject to this policy.

The term “facilitation payments” generally means payments made to secure or expedite the performance by a person performing a routine or administrative duty or function.

### **8.3 Prohibition on Commissions, Discounts and Secret Profits**

SLC Personnel must not, directly or indirectly, receive or obtain, in respect of any goods or services purchased or other business transacted (whether or not by them) by or on behalf of SLC, any discount, rebate, commission, service, interest,



consideration of value or other benefit or payments of any kind (whether in cash or in kind) which is not authorised by SLC's policies or procedures.

#### **8.4 Receiving Gifts, Entertainment, Hospitality and Travel**

SLC Personnel are required to comply with the following policy and procedures relating to the receipt of gifts and entertainment:-

- (a) Offering or receiving any gifts, hospitality and sponsored travel that may be perceived to unfairly influence a business relationship must be strictly avoided at all time. They should only be provided and received where they are appropriate, consistent with reasonable business practice, and would not be perceived to have any improper influence on the recipient.
- (b) SLC personnel should use good judgment in offering or receiving the above-mentioned. In determining whether a specific gift item lies within the bounds of acceptable business practice, SLC personnel are encouraged to discuss the issue with the Partners or senior legal associates.
- (c) SLC personnel must not request, accept, offer or provide gifts or hospitality designed to induce, support or reward improper conduct in connection with any business or anticipated future business involving SLC.
- (d) SLC personnel must never avoid their obligation to report or seek approval for any business gift by paying personally for it in circumstances where they would otherwise be required to report and/or seek approval for it.
- (e) All giving of Gifts, Hospitality and sponsored Travel must get necessary approval from the Partners or management of the firm.
- (f) All receipt of Gifts, Hospitality and sponsored Travel must be registered with the firm within 48 hours of receiving it or as soon as practically possible thereafter. All registration and/or declaration must be made in the SLC personnel's best interests.
- (g) In addition, when giving and/or receipt of Gifts, Hospitality, sponsored Travel or any other benefit directly or indirectly to or by the SLC personnel, SLC personnel must make sure that it:
  - (i) is aimed at nothing more than general relationship building;
  - (ii) could not be perceived as an attempt to gain influence in respect of any particular matter;
  - (iii) is lawful in the country in which it was made.

### **9. Political Contributions, Sponsorships and Donations**

#### **9.1 Political Contributions**

SLC does not make or offer monetary or in-kind political contributions to political parties, political party officials or candidates for political office.

## **9.2 Sponsorships and Donation**

- (a) SLC Personnel must ensure that all sponsorships and donations are not used as a subterfuge for bribery or used to circumvent or avoid any of the provisions of this ABC policy, in particular, the prohibition on bribery.
- (b) In accordance with SLC's commitment to contribute to the community coupled with its values of integrity and transparency, all sponsorships and donations must comply with the following:
  - (i) ensure such contributions are allowed by applicable laws;
  - (ii) obtain all the necessary approval/authorisation;
  - (iii) be made to well-established entities with an adequate organisational structure to guarantee the proper administration of the funds;
  - (iv) be accurately stated in the firm's accounting books and records; and
  - (v) not to be used as a means to cover up an undue payment or bribery.

## **10. Conflicts of Interest**

10.1 Conflicts of interest occurs when an individual or organization is involved in multiple interests, one of which could possibly corrupt, or be perceived to corrupt, the motivation for an act in another. A conflict of interest may be actual, potential or perceived and may be financial or non-financial.

10.2 It is the responsibility of SLC and SLC personnel, that any ethical, legal, financial or other conflicts of interest be avoided and that any such conflicts (where they do arise) do not conflict with the obligations to SLC. SLC requires all personnel to:

- (i) avoid any situation or activity that compromises, or may compromise, their judgement or ability to act in the best interest of SLC.
- (ii) avoid being in a position where their personal interests are in conflict (or could be in conflict) with the interests or business of SLC.
- (iii) avoid engaging in activities that will bring direct or indirect profit, commercial or business advantages to the SLC's competitor.
- (iv) avoid acting in ways that may compromise SLC's legality.
- (v) identify and disclose any conflicts of interest.

## **11. Reporting of a Concern and Whistleblowing**

11.1 Recognizing the aforementioned values, SLC provides an avenue for all SLC Personnel, members of the public and stakeholders to disclose any improper conduct within SLC.

11.2 If anyone becomes aware of any actual or suspected breach of this Policy, they must report this to the designated whistleblowing channel via [elaineyap@siewleeco.com.my](mailto:elaineyap@siewleeco.com.my) immediately. SLC Personnel are not permitted to ignore, or fail to report, any suggestion of a bribe.

11.3 Proper investigation will be conducted followed by appropriate action taken (if any). The matters which may be reported under the Whistleblowing Policy include (but are not limited to):

- (i) concerns about bribery and corruption.
- (ii) concerns about any other criminal activity or failure to comply with legal obligations.
- (iii) concerns about any conduct likely to damage SLC's reputation.
- (iv) concerns about possible money laundering or sanctions breaches.
- (v) the deliberate concealment of any of the above matters.

11.4 If any of the relevant parties has any doubts or queries with regard to the application of this Policy, the relevant party may also contact the whistleblowing channel via [elaineyap@siewleeco.com.my](mailto:elaineyap@siewleeco.com.my)

## **12. Record-Keeping**

SLC shall keep detailed and accurate financial and other records and shall have appropriate internal controls in place as evidence of all payments made. SLC shall report and keep a record of the amount and reason for gifts, hospitality and entertainment received and given, including donations, sponsorships and expenses of similar nature, and understand that such expenses are subject to management review.

## **13. Approval**

This Policy shall be adhered to at all times by SLC Personnel. Any amendments to the Policy must be concurred by the Partners. Any deviation or waiver from this policy must also be approved by the Partners.

## **14. Administration of Policy**

14.1 Requests for additional guidance or interpretation regarding this Policy can be directed to the Partners or designate.

14.2 Regular assessments of this policy should be carried out to ensure its scope, policies, procedures and controls match the bribery and corruption related risks faced by the firm.

14.3 The Partners and Management reserves the right to amend, modify, suspend or terminate this policy at any time, with or without notice.