



Tel : 04-2615669  
Fax/Tel: 04-2628664  
E-mail : secretariat@penangbar.org  
Website : www.penangbar.org

No. 4, Green Hall,  
1st Floor,  
10200 Penang,  
Malaysia.

## **JAWATANKUASA PEGUAM PULAU PINANG PENANG BAR COMMITTEE**

Court Liaison 4/17

12 May 2017

To Members of the Penang Bar,

### **Issues from Meeting with Penang Subordinate Courts**

Members of the Penang Bar Committee recently had a meeting with the Judges and Judicial Officers of the Penang Subordinate Courts.

A summary of the issues discussed at the said meeting is produced below for members' information and attention:

1. **Disposal of cases**

The Court informed the Committee that the new Chief Justice recently met with the State Directors of the Courts nationwide and stressed on integrity and disposal of cases. Apparently Penang has not adhered to the prescribed timeline for disposal and has therefore been directed to clear old cases.

The given timeline for disposal of cases is as follows:

- Criminal – within one (1) year for Magistrate and Sessions Courts from the date of registration
- Civil – Magistrate Courts: within 6 months  
- Session Courts - ideally within 6 months, with accident cases taking up to 9 months

2. **Touting**

The problem of touting is very bad in several areas around the country, namely Kuala Lumpur, Petaling Jaya and Bukit Mertajam. The Court informed the Committee that the MACC is currently looking into it as usually several parties are involved in touting incidents.

3. **Punctuality**

The Court authorities stressed on the importance of punctuality with Courts sitting at sharp 9:00am and urged for members' cooperation in this regard.

#### 4. Complaints and Feedback

The Court has set up a complaints box and so far they have received 2 complaints from lawyers, one with regard to hooks being placed in the ladies' restrooms and the other a complaint about inefficient Court staff. Both matters have been addressed and attended to by the Court authorities.

The Court welcomes constructive complaints and criticism, and urged members to continue to use the complaints box if they have any matters to bring up with the Court.

#### 5. E-Filing and E-Court System (Phase 2)

The Court service bureaus for the High Court and Subordinate Courts have been combined into one (1).

Phase 2 of the E-Court System in Penang will commence on 26 May 2017 (see *Bar Council Circular 91/2017 for details on this*). The Court once again encouraged all lawyers and law firms to subscribe to e-filing which is currently available at a rate of RM150.00 for 2 years.

Criminal Law practitioners are to take note that Criminal cases will also be included in Phase 2. However there is still no confirmation as to whether e-filing would be extended to other courts within the state (i.e. Butterworth, Bukit Mertajam, Jawi and Balik Pulau) but it is understood that e-filing will be implemented nationwide by 2018.

The Committee raised its concern with e-filing, namely long waiting periods for filing documents at the service bureau. In Penang for instance, the waiting time is approximately 2 to 3 hours and a lot of time is wasted due to this. We enquired if there is any solution to reducing the waiting time or cutting down the processes/steps involved i.e. taking a ticket, waiting for the number to be called, etc.

The Court replied that the delay is due to the data migration from Phase 1 to Phase 2 and that the Court is also facing the same problem in accessing the e-filing system as Phase 1 is currently at a critical stage and is on the verge of breaking down. They have been made to understand that Phase 2, being an upgraded system, will be faster. A new system for queuing and filing at the service bureau will also be implemented between 15 and 19 May 2017 which will hopefully speed up the waiting time.

The Committee urged the Court to take into account last minute urgent filings when the online system is down and accommodate requests for manual processing of documents during such instances. The Court replied that they have always practised this and will continue to do so.

We also requested for some kind of a notification or prompt when the e-filing token is about to expire. The Court however said the lawyers/users are to keep track of this feature themselves.

#### 6. Mediation Centre

The Court informed us that that the Court Mediation Centre was set up more than a year ago in Penang while another is being planned for Butterworth. The Chief Registrar (CR) has informed the Courts authorities here that a permanent mediation officer will be assigned to the Centres in the future, instead of the current practice which requires the officers to take turns.

7. Delays in Georgetown Sessions and Magistrate (Civil) Courts

The Committee requested for an additional Magistrate to hear Civil Cases in Georgetown as they are currently being heard by Sessions Court Judge, Tuan Khairul Anuar Bin Abdul Halim, who has his own Sessions Court cases to hear. This practice is causing undue delay as there is a long waiting time for the parties involved or when Tuan Khairul is on leave, the Magistrate's Court cases are held up as they are not heard.

The Court replied that they had already requested for a new Magistrate but the CR's Office had instructed them to emulate what is being done at the Shah Alam Courts, whereby the Sessions Court Judge handles both Sessions and Magistrate's Court cases in the same court room, and they are able to cope with it.

The Committee said in Penang, there is a high volume of cases at the Magistrate's Court and this practice is also unfair for the Judge, as the delays and the long waiting times are not his fault. We stressed on the Court authorities that it is difficult enough for the lawyers to secure the attendance of all parties, expert witnesses, investigating officers, etc. and further expect them to wait for uncertain and lengthy periods of time.

We informed them that this matter would be brought to the attention of the Bar Council's Court Liaison Committee to request for a further Magistrate from the CR's Office and the Court welcomed our decision to do so.

The Committee further requested in the meantime for a current sitting Magistrate to assist with Mentions for running down cases to help with the backlog.

8. Over-crowding at Penang Remand Prison

The Committee brought up the issue of over-crowding at the Penang Remand Prison which was recently brought to our attention by the Prison Director during a meeting. One of the reasons given for the over-crowding was the high bail amount being fixed by the Court. 80% of the cases involved drug-related offences and the bail amounts apparently differ greatly among the different Courts.

The Prison's concerns with the over-crowding is a lack of manpower on their part as well as health and safety problems.

The Court said they would look into this and perhaps stand down cases where the Accused is not represented so the Interpreters can get in touch with the YBGK lawyers who can then act for the Accused and request for bail or for a reduction to the bail amount, as the case may be.

The Court added that there is also a delay and backlog for obtaining chemist's report due to a fire that razed the laboratory, as well as delays in obtaining pathology reports. Both the Court and Committee agreed that these issues will have to be addressed with the relevant parties such as the Chemist's Department and Forensic Department.

We once again urge members to inform us of any Court-related issues or problems by submitting them in writing to the Penang Bar Secretariat (e-mail: [secretariat@penangbar.org](mailto:secretariat@penangbar.org) / fax: 04-262 8664).

**T, Tharumarajah**  
**Chairman**