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

Circular 2/21

14 Jan 2021

To Members and Pupils in Chambers of the Penang Bar,

### **Penang Bar Annual General Meeting 2021 and Related Matters**

Kindly be informed that the Penang Bar Annual General Meeting (AGM) for 2021 was scheduled to be held on the afternoon of 25 Feb 2021 (Thurs) at the Bayview Georgetown Hotel, Penang. However due to the ongoing Movement Control Order (MCO) and current situation of high numbers of new Covid-19 cases being reported daily, the Committee has several concerns pertaining to the organising of the AGM in these conditions.

Section 70 of the Legal Profession Act 1976 (LPA) stipulates as follows:

“The Secretary of each State Bar shall, before the first day of February in each year, summon all members of the State Bar to an annual general meeting to be held in the month of February at a time and place to be fixed by him. ...”

As the Malaysian Bar is a statutory body created under the LPA and all State Bars come under its purview, the AGM must be held within the stipulated time prescribed by the LPA. The AGM must also, without any exception, transact the matters provided for by the LPA, which include the passing of the previous year's AGM Minutes, approving and adopting the Annual Report, electing the Chairman, Committee, Bar Council Representative and considering any Motions that are tabled.

As Members are aware, in the previous years, the Notice notifying Members of the AGM was issued together with the Annual Report in hard copies in accordance to the time-line required by the LPA. The modes of issuance of the Notice and Annual Report were via the Court Boxes located at the Penang High Court (for firms that subscribe to them) or postal service (to all other firms). The Notice of the AGM (without the Annual Report) was also sent to Members via e-mail.

However due to the ongoing MCO that is in force from 13 Jan 2021 to 26 Jan 2021, Members would be aware that the Court premises is currently off limits and inaccessible. The Committee is also cognisant of the fact that the MCO (if extended beyond 26 Jan 2021) or even a Conditional Movement Control Order (CMCO) (if imposed in place of the MCO) would render the holding of a physical meeting on 25 Feb 2020 impossible and/or illegal.

In view of these and other concerns and restrictions related to the holding of the 2021 AGM in the midst of the ongoing MCO and Covid-19 pandemic, the Penang Bar Committee had therefore deliberated and decided during its 11<sup>th</sup> Committee Meeting for the current term that was held on 13 Jan 2021 as follows:

1. The Notice on the holding of the 2021 AGM will be sent to Members via e-mail. To this end, we request Members who are still not on the mailing list to provide your current e-mail addresses to the Secretariat via [secretariat@penangbar.org](mailto:secretariat@penangbar.org) to ensure that you receive the Notice of AGM and other related information.

We wish to note that our mailing software features and data show us that many members Unsubscribe from receiving e-mail that is issued by the Secretariat and therefore do not receive our Circulars and Notifications. The Committee wishes to state that those Members who Unsubscribe from our mailing list run the risk of not receiving the Notice of the AGM and related information. The Penang Bar Committee will not bear any responsibility of the consequences of this action or neglect by the Members concerned.

2. The Committee is engaging with the Bar Council and other State Bar Committees who are similarly affected by the MCO restrictions at their respective states with the view of holding a fully online/virtual AGM whereby the voting process and transaction of all other matters as stated in the Notice and Agenda for the AGM will be done online. We are in the midst of speaking to a few service providers and consultants who are experienced in conducting virtual meetings and elections to seek their advice and views on the best and most practical methods that can be put in place to allow us to hold an online/virtual AGM that is compliant with the requirements of the LPA.
3. We will update Members once we have more concrete information and details on how we can proceed to hold the online/virtual AGM.

We therefore appreciate Members' cooperation and understanding in this matter while we explore the options available to us. We also welcome views and suggestions, especially from Members who have the relevant experience and knowledge in the area of holding online AGMs.

**Lee Guan Tong**  
**Chairman**