



ASIAN ROUNDTABLE ON CORPORATE GOVERNANCE

**OFFICIAL PRESENTATION of the WHITE PAPER on
CORPORATE GOVERNANCE IN ASIA**

QUESTIONNAIRE

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Questions for Asian Roundtable Workshop

1. Please describe how the following factors affect the decision to pursue criminal, civil or administrative sanctions:

SC would consider all relevant circumstances and would take into account a wide range of factors in determining the appropriate enforcement actions for a particular case. The 4 factors listed are among the factors that the SC takes into consideration when deciding on what type of enforcement actions to embark upon. Other factors include the nature and seriousness of the offence and whether the proposed enforcement action would be in the interest of the public. These factors as a whole will be evaluated accordingly, before any enforcement action is decided upon.

Depending on the circumstances of the case at hand, it may warrant the SC to initiate administrative action, civil action and criminal prosecution. For instance, SC would first initiate administrative action to revoke a licence and at the same time file a civil action in court to appoint receivers and managers over the operation of the licensee, while criminal prosecution would ensue if there is sufficient evidence upon completion of investigation.

2. Please fill in the following tables for the latest year in which data are available:

- The following information is for the period 1999-2003. It is upon the commencement of investigation when the appropriate enforcement action to be undertaken would be determined i.e. criminal, civil and/or administrative. Thus, there is no separate categorisation of investigation under criminal, civil or administrative action.

Breakdown of investigations and enforcement actions by numbers (indicate whether data are approximate or actual):

Type of Action	Number of investigations underway	Number of investigation begun	Number of enforcement actions underway	Number of enforcement actions begun	Number of enforcement actions concluded with sanction	Number of enforcement actions concluded without sanctions
Criminal	65 cases	165 cases	19 cases	50 cases	45 cases	4 cases (currently on appeal)
Civil	n/a	n/a	Nil	Nil	1 case	Nil
Administrative	n/a	n/a	n/a	85 cases	85 cases	Nil

- The following information on how an investigation is triggered is for the year 2003. As stated, there is no separate categorisation for investigation under criminal, civil or administrative action.

Breakdown of source of information (indicate whether data are approximate or actual):

Type of Action	% of investigations triggered by news reports	% of investigations triggered by review of regulatory filing	% of investigations triggered by tip from another governmental agency	% of investigations triggered by tip from insider	& of investigations triggered by tip from investor	% of investigations triggered by tip from supplier or customer	% of investigations triggered by tip from competitor	% of investigations triggered by tip from another source
Criminal/ Civil/ Admin.	0	38	19	5	24	0	0	14

- **For each 100 public companies, what is the approximate number of personnel employed by the securities regulator:**

To date SC's staff strength is 563.

N.B: The above information has been obtained from the Securities Commission of Malaysia and is submitted solely for the purpose of the floor discussion on enforcement issues during the OECD Asian Roundtable Workshop. The information should not be published or used for any other purpose by any party without the prior consent of the Securities Commission of Malaysia.