

NOTES OF MEETING
PEMUDAH Private Sector Meeting No. 13/2020
9 July 2020

PENGARAH
PCD

1. OPENING REMARKS

- Chairman YBhg. Dato' Dr. Ir. Andy Seo Kian Haw commenced the **Thirteenth PEMUDAH Private Sector Meeting of 2020** via Cisco Webex video conferencing at 11.00 a.m. on 9 July 2020. He thanked everyone for their attendance at the meeting.
- Chairman informed that the first PEMUDAH meeting with YBhg. Datuk Seri KSN in attendance had been confirmed to be held on 23 July 2020 from 9.30 a.m. On 12 June 2020, Datuk Seri KSN agreed the PEMUDAH meetings would be held on a monthly basis. YBhg. Datuk KPPA will chair the meeting for those times when Datuk Seri KSN is not able to chair. The indication is that the meeting on 23 July 2020 will be held face-to-face and this will be re-confirmed nearer the date whether the meeting will be face-to-face or a hybrid of face-to-face and virtual.
- The presentation papers to be tabled for the monthly PEMUDAH meetings should be scheduled out and include recommendations to enhance national competitiveness in particular on the ease of doing business.
- Chairman encouraged PEMUDAH private sector members who are co-chairs of technical working groups (TWG) to commence discussions with their group members to surface recommendations for issues that can improve the ease of doing business. Issues that cannot be resolved at the TWG level should be presented to a PEMUDAH meeting. He expected two or three TWGs to present papers at each PEMUDAH meeting to report on their work progress as well as their reaching-out to the business sector and the general public. This was for the continuing relevancy of PEMUDAH.
- YBhg. Dato' Abdul Latif Abu Seman (MPC Director General) re-affirmed MPC's support for the initiatives of the PEMUDAH public-private sector partnership. MPC also connects with other platforms especially the Productivity Nexuses to drive national productivity in the nine main economic sectors. The Nexuses have been presenting issues to PEMUDAH.
- PEMUDAH had extended initiatives to the State level such as the recent engagements held with the Chief Minister and the State Secretary of Sabah. PEMUDAH had met with the Perak State Exco, Datuk Shahrul, the chair for industries, investments and corridor development, and he was receptive to PEMUDAH establishing a presence in Perak.
- Dato' Abdul Latif added that, on 8 July 2020, Encik Zahid Ismail (MPC Deputy Director General) and himself met with YBhg. Tan Sri Prof Nor Azlan, Special Economic Adviser to Minister (EPU), in one of a series of sessions organised by EPU. MPC together with relevant agencies such as MIDA and Matrade are grouped into a working committee tasked to look at how Malaysia will be in the

new global landscape. A workshop will be held on issues and solutions which will be presented to the Economic Council and quality participants are being identified to participate in it. Dato' Abdul Latif referred to the issues and challenges that were collated by YBhg. Prof Datuk Dr Wong Lai Sum from various engagements during the MCO and proposed that the same as well as inputs from the Productivity Nexuses and the PEMUDAH recommendations submitted to Datuk Seri KSN be the basis for the workshop deliberations.

- Radical recommendations will be presented to the Government to relax certain regulations in order to support business recovery from the Covid-19 challenges.
- Dato' Abdul Latif assured PEMUDAH of MPC's unwavering support for competitiveness initiatives that were related to Malaysia's performances in the international ranking reports published by the World Economic Forum and the International Institute for Management Development on competitiveness and by the World Bank Group on regulatory efficiency.

(i) The meeting agreed that:

- a. The presentation papers to be tabled for the monthly PEMUDAH meetings should be scheduled out and include recommendations to enhance national competitiveness in particular on the ease of doing business.
- b. Two or three TWGs are to present papers at each PEMUDAH meeting to report on their work progress as well as their reaching-out to the business sector and the general public.

Action: All TWGs / Secretariat

2. PAPER 1: PUBLIC SECTOR DATA SHARING POLICY BY MALAYSIAN ADMINISTRATIVE MODERNISATION AND MANAGEMENT PLANNING UNIT (MAMPU)

A. YBrs. Dr. Norlida binti Ramly, Chief Senior Assistant Director, ICT Strategic & Architecture Development Section, MAMPU presented as follows:

(1) The presentation informed about the initiative to develop a public sector data sharing policy to address issues related to data sharing between public sector agencies:

- Unclear policy on data sharing, current Acts or procedures impede data sharing, and private and sensitive data cannot be shared;
- A complicated and non-automatic data integration mechanism;
- Various data formats and duplicated sources, and data in non-machine readable format; and
- Lack of awareness on data sharing importance and of promotion, and unwillingness of Ministries and Agencies to share data and a heavy workload.

(2) End-to-end services and public sector big data analytics cannot be implemented due to inter-agency data sharing restrictions.

(3) The process flow of developing a public sector data sharing policy was briefed to the meeting. The data sharing framework will include single-source reliable data, data security, quality integrity and administration, ethical use of data, legislation and an Act.

(4) *Jawatankuasa Pemodenan dan Pendigitalan Sektor Awam* (JPPSA) had set out the following direction:

- MAMPU and KKMM, with cooperation from Ministries, will study and identify laws that restrict digital transformation of the Government's service delivery in particular data sharing and online integrated services; and
- MAMPU as the lead agency will identify laws and procedures that hinder data sharing and take action to enable inter-agency data sharing. Ministries and Agencies are required to cooperate with MAMPU.

(5) In total, there are 24 federal ministries in addition to the Prime Minister's Department and 191 Agencies, all of which are empowered through 457 Acts.

(6) MAMPU had commenced a survey in December 2019 to develop a public sector data sharing policy amongst all federal government entities, state governments and local authorities to:

- Study Acts, procedures and policies that promote or hinder data sharing;
- Study workflow of data management including open data management and Big Data analytics; and
- Collate data from Ministries and Agencies.

(7) The governance and workflow structures and roles within the policy formulation process of MAMPU was briefed to the meeting. Ultimate approving authority rests with *Jawatankuasa Perakuan Dasar Dan Pekeliling MAMPU* chaired by MAMPU Director General.

(8) The project timeline was shown and explained to the meeting to culminate in the issuance of a Circular on a Public Sector Data Sharing Policy in February 2021.

B. The meeting noted that:

(1) YBhg. Tan Sri Teo Chiang Kok (PEMUDAH Member) enquired which authority decided what data was private and sensitive not to be shared and which data could be shared. Dr. Norlida referred to the Official Secrets Act (OSA) which categorised government information as open (available for sharing), restricted, confidential, secret or highly secret. An officer in every agency is tasked to classify information according to these categories. Some Acts do specify certain information as secret.

(2) Tan Sri Teo also enquired whether an avenue existed for people to appeal against certain information being classified as sensitive and for the

classification to be reviewed and the information made available for sharing. Dr. Norlida informed there was an appeal process which involved obtaining approval from the Director General of an agency. For example, a committee within the National Registration Department decides on such appeals. Certain Acts specifically forbid sharing of data.

- (3) YBhg. Tan Sri Soh Thian Lai (PEMUDAH Member) said individuals represented their associations in meetings with the Government and asked how the data sharing would affect such individuals. Dr. Norlida replied that when vendors had projects with the Government, as a standard procedure, they were not to disclose information related to the projects with third parties.
- (4) Tan Sri Teo added that at meetings with the Government every document was labelled as "rahsia" but at times it was necessary to extract or quote information from a meeting. He asked whether this would be deemed to have broken the law. Dr. Norlida personally interpreted that such action would not be in breach but proper interpretation had to be sought from the relevant authority.
- (5) Chairman referred to the many Ministries, Agencies and Acts and enquired whether YAB Prime Minister was the person who had the authority to "unlock" classified information or even the Prime Minister had to undergo the required procedures to access to information. Dr. Norlida informed before MAMPU commenced the survey, MAMPU realised each Agency had its own Act and Acts were of "level status" across Agencies and only an Agency could seek amendments to its Act. Director Generals are empowered to approve policy changes. Any amendment to an Act has to be tabled to the Parliament.
- (6) Chairman enquired whether the private sector could request access to government information pertinent to the doing of business. Dr. Norlida informed MAMPU was studying a platform to allow the sharing of information by the public and the private sectors with the use of a digital ID. Chairman believed public consultations should be held for businesses to indicate what government data was important and needed for their use in doing business.
- (7) Chairman suggested MPC, PEMUDAH Secretariat and MAMPU organise a workshop to be participated in by PEMUDAH private sector members on how to go about sharing government information. Dr. Norlida replied MAMPU could consider the suggestion as MAMPU welcomed any inputs from PEMUDAH members that might be useful in the survey to develop a public sector data sharing policy.
- (8) Dato' Abdul Latif said data resided in various government agencies such as MITI and SME Corp both having data on SMEs. It is necessary to consolidate data from different sources into a single source for ease of reference. Dr. Norlida shared a similar view as expressed by Dato' Abdul Latif but said it would take time to materialise the consolidation of data as currently a policy for data sharing was being built and thereafter "the moments of truth" would be sought between agencies for data consolidation.

C. The meeting agreed that:

(1) MAMPU, MPC and PEMUDAH Secretariat organise a workshop to be participated in by PEMUDAH private sector members on how to go about sharing government information.

Action: MAMPU / MPC / PEMUDAH Secretariat

3. PAPER 2: STANDARD OPERATING PROCEDURES (SOP) TRACEABILITY MECHANISM IN RELATION TO RECOVERY MOVEMENT CONTROL ORDER (RMCO)

A. YBrs. Encik Muhammad Hafiz bin Abdul Rahim, Deputy Director, Gerak Saraf Perang Saraf Division, National Security Council (MKN) presented as follows:

(1) The presentation informed about the Standard Operating Procedures (SOPs) imposed throughout the different Movement Control Order (MCO) periods.

(2) The Government chose to safeguard the health of Malaysians over the interests of the business sector but later on rules and regulations were relaxed to enable businesses to resume.

(3) Since the initial Movement Control Order (MCO) right to the current Recovery MCO, MKN, the Ministry of Health (MOH) and MITI meet daily or a few days in a week depending on the situation to discuss what procedures are necessary to be made into SOPs and which SOPs can be relaxed.

(4) For example, the feasibility of allowing hair saloons to resume business was comprehensively discussed. SOPs drafted for it were presented to the technical meeting wherein Ministry and Agency senior management decided whether to adopt the draft SOPs. Once adopted, the draft SOPs were escalated to a committee comprising Ministers that decide whether to approve them and when saloons could resume operation and how the resumption would be done. Once approved, the draft SOPs were forwarded to MOH for gazetting under Act 342 for public compliance and breaches would be subject to enforcement action.

(5) Apart from announcements made by the Ministry of Defence on what can or cannot be done by which sectors, MKN has been flooded with telephone calls and emails (17,000) from the public and the business sector on what could and could not be done. MKN uses its website and social media and work with various Agencies such as the Information Department and MCMC to channel SOP information to the public.

(6) SOPs cannot be drafted for every activity. The public have to be made aware of the different SOPs and that certain SOPs are inter-related. MKN identifies issues involving SOPs such as certain terms used which, when translated, can give rise to different meanings or multinational companies face difficulty in translating SOPs from Bahasa Melayu into another language of their overseas companies. MITI also offers assistance to companies to clarify SOPs.

- (7) The Government will evaluate the evolving situation through MOH and may reduce the reliance on SOPs if the number of new Covid-19 cases is gradually declining. To-date, Malaysians including the business sector have generally complied closely to SOPs. *MySejahtera* app should be widely used as it helps MOH in contact tracing.
- (8) SOPs are modified from time to time to allow a return to normalcy. Businesses have to adhere with SOPs such as social distancing and handwashing in order to operate until a vaccine is discovered.

B. The meeting noted that:

- (1) YBhg. Dato' Seri Wong Siew Hai (PEMUDAH Member) enquired whether companies could apply for approval for foreign technical experts to enter Malaysia to install or repair machinery or for customers to qualify the companies' products. Encik Hafiz replied a foreign visitor had to be tested for the virus and, if the result was negative, the visitor would have to undergo a 14-day home quarantine, and, if positive, he had to be hospitalised.
- (2) Dato' Seri Wong also enquired whether and how Malaysians could leave the country for business such as setting up machinery overseas e.g. in Viet Nam. Encik Hafiz clarified that an application for approval had to be submitted to the Immigration Department and thereafter only a company seeks approval from the host country.
- (3) Chairman suggested that foreign technical experts be allowed to quarantine themselves at the host companies/factories and perform their work there. Encik Hafiz advised appeals complete with safeguard protocol could be submitted to MOH for consideration.
- (4) Chairman enquired whether Malaysians and Singaporeans could be allowed into each other's country based on Covid-19 testing results obtained from the home country. Encik Hafiz informed the Government was still in negotiation with the Singapore Government on this aspect. Chairman met with YAB Prime Minister in the previous week and such a request was made known to him as many Malaysians and Singaporeans needed to cross into each other's country for work. He had convinced his counterpart in the Malaysian Singapore Business Council to work with the Ministry of Health, Singapore and their MKN-counterpart for mutual recognition of test results between the two countries for cross-border travelling. Chairman requested and Encik Hafiz agreed to study the matter.
- (5) Chairman welcomed MKN to consult with the PEMUDAH Secretariat and MPC to gauge whether proposed SOPs might pose a burden to the business sector before roll-out.

C. The meeting agreed that:

- (1) Encik Hafiz assists with the suggestion for MKN to study PEMUDAH's request that Malaysians and Singaporeans be allowed into each other's country based

on Covid-19 testing results obtained from the home country.

Attention: Encik Hafiz (MKN)

4. OTHER MATTERS

The following matters were raised to be addressed / noted by the meeting:

(1) **Contracting with the Government- Doing Business Report's New Indicator**

Chairman requested that an update be presented to the next meeting on Contracting with the Government which will be a new indicator in the World Bank Group's Doing Business Report 2021. The Secretariat was requested to update the meeting whether Technical Working Group on Contracting with the Government which is co-chaired by Encik Foo Chek Lee (PEMUDAH Member) has convened its meetings and what its work progress is. If no meeting has been convened yet, the Secretariat is requested to liaise with the group to commence its meetings and work.

(i) **The meeting noted that:**

- a. Puan Wan Fazlin Nadia (Secretariat) informed that the World Bank Group preferred Technical Working Group on Contracting with the Government to engage with JKR and not with DBKL as DBKL was a local authority whereas JKR worked at the federal level. The group had given a briefing to YBhg. Datuk Osman Semail TKSP (MOF) on the initial results from the World Bank Group. MOF suggested that the group could commence its work in November 2020 after the launching of the Doing Business Report.
- b. Chairman suggested Technical Working Group on Contracting with the Government presents an update in the next meeting and also commence reporting at the weekly PEMUDAH private sector meetings. The group should give a paper presentation at the second PEMUDAH meeting so that Datuk Seri KSN would be briefed of the new indicator.

(ii) **The meeting agreed that:**

- a. Technical Working Group on Contracting with the Government presents an update to the next meeting and commence their reporting at the weekly PEMUDAH private sector meetings. The group should give a paper presentation at the second PEMUDAH meeting so that Datuk Seri KSN will be briefed of the new indicator.

**Action: Secretariat /
Technical Working Group on Contracting with the Government**

(2) **Technical Working Group on e-Payments (TWGEP)**

Chairman requested the Secretariat to follow-up with TWGEP for the group to present their update paper to the next meeting on their work status in relation to government e-payment systems.

(i) **The meeting agreed that:**

- a. Secretariat follow-up with TWGEP for the group to present their update paper to the next meeting on their work status in relation to government e-payment systems.

Action: Secretariat/TWGEP

(3) **GST Refund Claims**

Chairman informed the issue of GST refund claims would be updated at the forthcoming PEMUDAH meeting in particular to look into the status of refunds after 22 June 2020.

(i) **The meeting noted that:**

- a. YBhg. Dato' Chua Tia Guan (PEMUDAH Member) informed that he read RMCD Director General's announcement in a newspaper that a total of RM1.2 billion of GST refunds had been paid out as at the previous week out of the total claims of about RM7 billion. Further refunds are expected.
- b. Chairman requested Dato' Chua to provide a refund payment update to the Secretariat on GST claims in particular how much had been refunded. The Secretariat will forward the same to him before he meets up with the new Director General of RMCD together with Tan Sri Soh.

(ii) **The meeting agreed that:**

- a. Dato' Chua provide a refund payment update to the Secretariat on GST claims in particular how much had been refunded. The Secretariat will forward the same to Chairman before he meets up with the new Director General of RMCD together with Tan Sri Soh.

Action: Dato' Chua / Secretariat

(4) **COVID-19 Bill**

Dato' Abdul Latif informed that in a post-Cabinet briefing held at MITI it was said that a total of 395 proposals / inputs / feedback were received from the business community, partly due to MITI's initiative to engage with businesses. Sixty-four of the 395 responses were received through the UPC Portal working with the Productivity Nexuses. MPC had met up with the Deputy Director General *Bahagian Undang-Undang* as *Bahagian Undang-Undang* is spearheading the work on the draft bill.

(i) **The meeting noted that:**

- a. Mr. David Jones (PEMUDAH Member) enquired whether it was known which chambers of commerce were consulted on the drafting of the bill. Dato' Abdul Latif believed that most of the chambers were consulted including trade attaches of foreign diplomatic missions.
- b. Dr. Asmawi (MITI) informed he would obtain and provide to the Secretariat a list of the local and international chambers that were consulted. Dato' Abdul Latif said the list would be forwarded to PEMUDAH private sector members.

(ii) **The meeting agreed that:**

- a. Dr. Asmawi (MITI) will obtain and provide to the Secretariat a list of the local and international chambers that were consulted. The list will be forwarded to PEMUDAH private sector members.

Action: Dr. Asmawi (MITI)/Secretariat

(5) **PEMUDAH Webinars**

Chairman informed to-date PEMUDAH had held five webinars which attracted in total about 30,000 participants and viewers. He encouraged each of the twelve technical working groups to hold at least one webinar to educate the public about PEMUDAH and their related Doing Business indicators. He suggested the Secretariat work with TWG secretariats to hold at least one webinar weekly.

(i) **The meeting agreed that:**

Each of the twelve technical working groups is to hold at least one webinar to educate the public about PEMUDAH and their related Doing Business indicators. The Secretariat is to work with TWG secretariats to hold at least one webinar weekly.

Action: All TWGs / Secretariat

(6) **Unified Public Consultation Portal (UPC)**

Chairman suggested MPC give a short brief at the next meeting about UPC for the benefit of the members.

(i) **The meeting noted that:**

- a. Dato' Abdul Latif added that MITI had conducted extensive consultations with MPC in support through the Productivity Nexuses. MPC had shared with *Bahagian Undang-Undang* the PEMUDAH private sector recommendations and information that were submitted to Datuk Seri KSN.
- b. Encik Zahid Ismail informed Chairman the Secretariat would register Chairman's and the members' names with the UPC and Chairman and the members would need to confirm the registrations via email in the portal.

(ii) **The meeting agreed that:**

- a. MPC gives a short brief at the next meeting about UPC for the benefit of the members.

Action: MPC

- b. The Secretariat will register Chairman's and the members' names with the UPC and Chairman and the members will need to confirm the registrations via email in the portal.

Action: Chairman/Members/Secretariat

(7) Surfacing of Issues & Recommendations

Chairman encouraged PEMUDAH private sector members to liaise with their associations to surface issues and recommendations to the PEMUDAH private sector weekly meetings and the same will be forwarded to Datuk Seri KSN wherever relevant.

5. CONCLUDING REMARKS BY YBHG. DATO' ABDUL LATIF

Dato' Abdul Latif thanked Chairman and everyone else especially the two paper presenters from MAMPU and MKN for their attendance and contributions

The annual Productivity Report launched by MITI Minister was related to the initiatives undertaken by PEMUDAH through the Productivity Nexuses. The Minister had shared with members of the Asian Productivity Organisation (APO) in a 20-minute talk session on some of these initiatives and also about how the Malaysian Government addressed issues related to the impact from Covid-19 and the MCO.

Members will be updated of developments in the PEMUDAH initiatives being undertaken as led by Puan Wan Fazlin Nadia of the Secretariat.

6. ADJOURNMENT OF MEETING

Chairman adjourned the meeting at 12.30 p.m. with a word of thanks to the members and the presenters for their presence and contributions to the meeting.

The date and time of the next meeting will be determined and notified to the members.

SECRETARIAT

PEMUDAH - THE SPECIAL TASK FORCE TO FACILITATE BUSINESS

10 JULY 2020