Dear Readers,

As our battles against the Covid-19 pandemic continues, we must remain vigilant to hold our heads up high and to be positive in our thoughts and actions. The current expectation as it stands is for Covid-19 to become endemic, which essentially means that the pandemic will not end with the virus disappearing. Instead, what is expected is for enough people to gain immunity as a result of vaccination and from natural infection such that there will be less transmission of Covid-19-related hospitalizations and deaths. As we continue to hope and pray for the best, we simultaneously wish to provide you with some good reading material on the latest legal issues in Malaysia which we cover in this edition of *Empower*.

The first article in this edition highlights a recent decision of the Court of Appeal in *Chin Hong Seng v Kumpulan Hartanah Selangor Berhad And Mahkamah Perusahaan* which concerns an appeal made by an employee against the decision of the High Court which dismissed the employee’s application for judicial review to quash the award made by the industrial court. The case concerns matters in relation to the employee’s misconduct and to the employee’s defence that he was victimized at work and the decision of the Court of Appeal has evidently set a clear precedent on this issue.

The second article is a write up which is in respect of the exemptions that apply to Real Property Gains Tax which is provided for under the Real Property Gains Tax 1976. As most of you would know, Real Property Gains Tax is imposed on the gains made from the difference between the disposal price and acquisition price of a property and this article succinctly sets out how the exemptions operate.

The third article sets out a summary of the recent amendments to the Capital Markets and Services Act 2007 made by the Capital Markets and Services (Amendment of Schedules 5, 6 and 7) Order 2021 and it explains how the Order would help to create an investment-friendly environment in Malaysia as it now allows for more categories of investors to qualify as sophisticated investors which consequentially creates broader investment opportunities in the country.

Our fourth and final article titled “Section 42 Arbitration Act 2005: On The Horns Of A Dilemma” is of tremendous significance as well as it sets out the most recent decisions of the Malaysian courts that have dealt with this repealed provision and whether the repeal is to meant to apply prospectively or retrospectively.

Finally, do check out our *Inside Out* section to have a peek at our most recent activities.

We hope that all of you thoroughly enjoy reading this edition!