



Australian Government

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ASEAN AUSTRALIA DEVELOPMENT COOPERATION PROGRAM
PHASE II (AADCP II)

ROADMAPPING CAPACITY BUILDING NEEDS IN CONSUMER PROTECTION IN ASEAN

Consumers International

COUNTRY REPORT: MALAYSIA

(Revised 3 June 2011)

“The final report was prepared by the Consumers International Kuala Lumpur Office (“CIKL”), a not-for-profit company limited by guarantee, as the approved Contractor on the *Roadmapping Capacity Building Needs in Consumer Protection in ASEAN* (“Project”) under the Special Services Agreement signed by and between the ASEAN Secretariat and the CIKL on 9 August 2010. The views expressed in this report do not necessarily represent or are not necessarily endorsed by the relevant agencies in ASEAN Member States. Mention of specific entities, departments and/or government agencies do not necessarily imply endorsement of it by the relevant entities, departments, and/or government agencies of ASEAN Member States. The author of this report can be contacted at consint@ciroap.org.”

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ABSTRACT

This report is the result of an assessment of the capacity-building needs in Consumer Protection (CP) in Malaysia, with specific focus on six selected consumer areas, to contribute towards formulating a regional framework. The research project addressed gaps in both human and institutional capacities related to specific needs for improved effectiveness and long-term sustainability in dealing with consumer issues and consumer protection areas. A general survey was successfully completed by 29 out of 37 selectively identified stakeholders, including government and regulatory agencies, business sectors and non-governmental organisations, with relevant interests and work in consumer protection and issues.

The information collected through the General Survey was further supplemented with Key Informant Interviews involving 10 key informants and a further 16 participants at a roundtable discussion. The findings suggest that Malaysia needs further advancement in its CP programme implementation. In particular, more advanced technology applications should be explored to systemise complaint handling or redressal mechanisms. Inadequate financial resources or funding was suggested as one area of difficulties that need to be addressed, apart from inadequate human resources with appropriate experience or qualifications; inadequate laws; inadequate training opportunities and facilities; and limited coordination among relevant agencies or organisations.

This report highlights human and institutional capacity gaps and recommendations for CP agencies and organisations in Malaysia, through a proposed national roadmap and best practices in consumer protection programme.

Keywords: Consumer protection, capacity-building, redress, best practices, Malaysia.

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ABBREVIATIONS

AADCP II	ASEAN Australia Development Cooperation Program Phase II
ACCP	ASEAN Committee on Consumer Protection
ADR	Adverse Drug Reaction
AKPK	Agensi Kaunseling dan Pengurusan Kredit (Credit Counselling and Management Agency)
APC	Annual Practising Certificate
ASEAN	Association of Southeast Asian Nations
ASEAN ISIS	ASEAN Institute of Strategic and International Studies
ASEC	ASEAN Secretariat
BM	Bahasa Malaysia
BMB	Banking Mediation Bureau
BNM	Bank Negara Malaysia (Central Bank of Malaysia)
CAP	Consumers Association of Penang
CBC	Community Broadband Centres
CBD	Convention on Biological Diversity
CBL	Community Broadband Library
CCPID	Competition, Consumer Protection, and Intellectual Property Rights Division
CEP	Consumer Education Programme
CETDEM	Centre for Environment, Technology & Development Malaysia
CHC	Community Household Composting
CI	Consumers International
CIKL	Consumers International Kuala Lumpur
CMA	Malaysian Communications and Multimedia Act
CMP	Consumer Master Plan
CP	Consumer Protection
CPA	Consumer Protection Act 1999
CPC	Code of Professional Conduct
CPI	Consumer Price Index
CRRC	Consumer Research and Resource Centre
CSO	Civil Society Organisations

DCA	Drug Control Authority
DOE	Department of Environment
STANDARDS MALAYSIA	Department of Standards Malaysia
FAMA	Federal Agriculture Marketing Agency
FMB	Financial Mediation Bureau
FMM	Federation of Malaysian Manufacturers
FOMCA	Federation of Malaysian Consumers Associations
FSQD	Food Safety and Quality Division
GDP	Gross Domestic Product
GHS	Globally Harmonised System
GMP	Good Manufacturing Practice
GS	General Survey
ICT	Information and Communication Technologies
IEC	International Electro Technical Commission
ISO	International Organisation for Standardisation (ISO)
KII	Key Informant Interviews
M2K	Minggu Kesedaran Kewangan (Money Awareness Week)
MADRAC	Malaysian Adverse Drug Reactions Advisory Committee
MC	Mark of Conformity
MCMC	Malaysian Communications and Multimedia Commission
MDTCC	Ministry of Domestic Trade, Cooperatives and Consumerism
MMA	Malaysian Medical Association
MMC	Malaysian Medical Council
MoAAI	Ministry of Agriculture and Agro-based Industry
MoH	Ministry of Health
MOSTI	Ministry of Science, Technology and Innovation
MPF	Malaysian Plastics Forum
MPMA	Malaysian Plastics Manufacturers Association
MS	Malaysian Standards
MSQH	Malaysian Society for Quality in Health
NCAC	National Consumer Advisory Council
NCCC	National Consumer Complaints Centre

n.d.	Not dated
NEAC	National Economic Advisory Council
NGO	Non-Governmental Organisation
NPCB	National Pharmaceutical Control Bureau
PSA	Public Service Announcement
QoS	Quality of Service
RM	Ringgit Malaysia
RTD	Roundtable Discussion
SEACC	Southeast Asian Consumer Council
SIRIM	Standards and Industrial Research Institute of Malaysia
T/CM	Traditional and Complementary Medicine
TC	Technical Committee
TCC	Tribunal for Consumer Claims
UNDP	United Nations Development Programme
WTO	World Trade Organisation

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EXECUTIVE SUMMARY

Malaysia, a member of ASEAN and WTO, is a multicultural nation and one of the fastest growing developing economies in Asia. Consumer market demand in Malaysia is relatively sophisticated, coupled with a relatively high purchasing power. Consumers in Malaysia have high level of confidence in the products and services that are sold in the market. Generally the goods and services are safe, but there are still some issues pertaining to safety, while quality remains a critical challenge to the government, industries and consumers. Consumer complaints have shown an increasing trend, which may suggest that consumers in Malaysia have become more aware of their rights, or that there are more substandard products and services entering the Malaysian market.

This project, in which information and relevant data was collected from the relevant stakeholders in consumer protection in Malaysia through key informant interviews, roundtable discussions, general surveys and secondary materials, found that Malaysia needs to further advance its CP agenda, particularly in addressing consumer complaints through technology-assisted redress mechanisms.

In addition, capacity-building assistance should also be further provided to the Ministry of Domestic Trade, Cooperatives and Consumerism (MDTCC) to increase its effectiveness in reforming laws, monitoring and enforcing the CPA. In supporting the role of MDTCC and other agencies to protect consumers, other stakeholders have also proposed that assistance is required to overcome difficulties in addressing inadequate:

- Finances;
- Staff with appropriate experience and qualifications;
- Numbers of staff;
- Laws; and
- Inter-agency coordination.

It was also found that good practices in standards development and enforcement contribute importantly to consumer protection. Ensuring compliance of products and services to minimum standards requirements, or by making certain standards become mandatory, may help place consumer protection in all industrial or professional codes of conduct, founded on strong ethic and social responsibility.

1. INTRODUCTION

1.1 STUDY BACKGROUND

This country report, which complements a Regional Report, is part of the research titled *Roadmapping Capacity-Building in Consumer Protection in ASEAN*. It is a project of the ASEAN Australia Development Cooperation Programme Phase II (AADCP II), which aims to strengthen consumer protection in the region as well as in individual ASEAN Member States (AMSs). The major output of this research is a regional capacity-building roadmap on consumer protection and supporting roadmaps for each of the AMS. The roadmaps are based on the following information that was gathered and presented in this report:

- A mapping of consumer protection policies, laws and regulations in AMSs;
- Consumer education programmes, initiatives and best practices; and
- Capacity-building needs of major stakeholders in consumer protection and recommendations.

The overarching framework of the study is primarily based on the 8 fundamental rights of consumers:

1. The right to basic needs;
2. The right to safety;
3. The right to information;
4. The right to choose;
5. The right to representation;
6. The right to redress;
7. The right to consumer education; and
8. The right to a healthy environment.

The following key principles are also adhered to in the development of the national road map, contributing towards the regional framework:

Protection: Consumers should be protected from unfair practices;

Responsibility: Transparent legislation, in addition to effective consumer programmes to enable consumers to have sufficient information in order for them to exercise their responsibilities;

Enforcement: There should be prompt and efficient enforcement of legislation to deter breaches of consumer protection laws by businesses;

Change: New and emerging consumer issues are identified, so that legislation is updated and consumers have access to relevant information on these issues in order to make informed choices;

Competition: Free and open competition is generally beneficial for consumers and government regulations and legislation help to ensure a fair environment in the marketplace for consumers and businesses; and

Representation: Legitimacy for representation by non-governmental consumer organisations must be recognised such as the right to association

Consumers International Kuala Lumpur (CIKL) Office carried out the study in cooperation with its members in the AMS and partners, or appointed local focal points. In Malaysia, the

Federation of Malaysian Consumers Associations (FOMCA) was appointed as the local focal point for the study.

CI is a not-for profit federation of consumer groups that serves as the only independent and authoritative global voice for consumers. Founded in 1960 and with over 220 member organisations in 115 countries, it is building a powerful international movement to help protect and empower consumers everywhere. The KL office is CI's regional office for Asia Pacific and the Middle East.

Organisation of Report

This report is organised into 6 Chapters. Chapter 1 provides general background on Malaysia and a general state of consumer protection in the country. Chapter 2 outlines the methods applied for data gathering that led to the outcomes and findings presented in this report. Findings of the project are presented in Chapters 3, 4 and 5. The general mapping and situational analysis on national legislation and consumer protection programmes are presented in Chapter 3. Chapter 4 covers the assessment on the capacity-building needs of the various stakeholders that took part in the project, and Chapter 5 presents some recommendations and the national Roadmap for capacity-building needs in consumer protection at the national level. Finally, Chapter 6 draws an overall conclusion of the report.

1.2 COUNTRY BACKGROUND

In the second quarter of 2010, the population of Malaysia stood at 28.91 million, consisting of an estimated 6.285 million households¹. In 2009, the urban population made up 62% of the total population.

Malaysia enjoyed a GDP growth of 4.5% in the fourth quarter of 2009, attributed to an increase in exports and foreign investment flow into the country.² Stimulus packages have helped to drive hundreds of job-creating infrastructure projects. Currently, the future development of Malaysia is driven by the New Economic Model delivered through the Government Transformation Programme and the Economic Transformation Plan to be implemented through the 10th and 11th Malaysian Plans. The implementation of the New Economic Model is primarily based on three principles, namely high income, sustainability and inclusiveness.

As stated in the National Economic Advisory Council (NEAC) Report (2010), Malaysia is targeting to improve its per capita annual income from the current US\$7,000 to US\$15,000 by focusing on specific key sectors, or the National Key Economic Areas, such as the electrical and electronics sector, resource-based industries in the palm oil and oil and gas sectors, the tourism sector, the high value agriculture sector, high value green industries and services; and others such as the financial services and Information Technology industries. The target to improve per capita income would contribute to higher spending power of Malaysian consumers.

¹ Data provided by MCMC during Key Informant Interview.

² Keynote Address by the Hon. Dato' Seri Mohd. Najib Tun Razak, the Prime Minister of Malaysia at Invest Malaysia 2010. Shangri La Hotel Kuala Lumpur, 30 March 2010.

1.3 CONSUMER PROTECTION IN MALAYSIA

1.3.1. General Overview

The confidence of Malaysian consumers in the market could be implied through an increased level of spending. The Consumer Price Index (CPI) for the period January to September 2010 increased by 1.5% (Table 1) to 113.6 compared with 111.9 in the same period of 2009.³ Table 1 also indicates a decreased spending on food and non-alcoholic beverages, as well as on utilities such as water and electricity and transportation, compared with 2009-2008.

Malaysian consumers, in general, are still complacent about their rights and require efforts to raise their awareness. However, for most Malaysians, Consumer Protection (CP) means they should be protected from:⁴

- Ever-increasing prices for goods and services;
- Shortages of essential goods;
- Price manipulation by cartels and monopolies;
- Unethical and dishonest businesses;
- Poor quality goods; and
- Poor quality service.

The National Consumers Complaints Centre (NCCC) received a total of 2,120 consumer complaints in 2009. The complaints were mainly related to electrical appliances, vehicles, electronic products and computers. One of the reasons that complaints have become more prevalent may be attributed to the possible dumping of cheap and low quality products imported or smuggled into the country. Complaints related to housing were also common in the previous years (before 2009).⁵ Since 2009, however, the nature of complaints has changed and recorded “scams/direct sales” as more prominent. As for product and services, the main consumer complaints in Malaysia are generally related to:

- Non-compliance with implied guarantees;
- Poor quality, lack of after sales service;
- Non-compliance with description;
- Delay in repairing products;
- Unsafe or unreliable products; and
- Unavailability of spare parts.

Nonetheless, the efforts to enhance CP in the country are apparent through various mechanisms that have already been established. The National Consumer Movement Council for Consumer Protection, established in 1973, marked the positioning of consumer protection agenda in Malaysia. In 2002, the National Consumer Policy was launched and set out consumer protection strategies aiming towards:

³ Department of Statistics Malaysia

⁴ Mohamed Iqbal b Mohd Shafi. Presentation on 18 June 2010. National Conference on “The New Economic Model, Globalization and the Malaysian Consumers.” Federation of Malaysian Consumers Associations. Kuala Lumpur, Malaysia.

⁵ Based on NCCC Annual Reports (2006, 2007, 2008, 2009)

- Raising the standard of living;
- Enacting laws to protect consumers;
- Promoting fair and ethical trade;
- Enhancing and carrying out consumer education;
- Promoting sustainable consumption;
- Establishing effective redress mechanisms; and
- Establishing consumer forums between government, manufacturers and consumers.

Table 1: Contribution of the Changes in the Overall Consumer Index by Main Groups in 2010.

Group	Wt.	2009 / 2008		Sept 2010 / 2009		January - Sept 2010 / 2009	
		% Change	% Contribution	% Change	% Contribution	% Change	% Contribution
TOTAL	100.0	0.6	100.0	1.8	100.0	1.5	100.0
Food & Non-Alcoholic Beverages	31.4	4.1	199.7	2.7	50.8	2.3	48.1
Alcoholic Beverages & Tobacco	1.9	6.1	18.8	3.1	3.7	3.1	4.2
Clothing and Footwear	3.1	-0.9	-3.8	-0.4	-0.6	-1.5	-2.5
Housing, Water, Electricity, Gas & Other Fuels	21.4	1.4	41.1	1.3	14.1	1.1	13.6
Furnishings, Household Equip. & Routine Household Maintenance	4.3	2.9	18.0	0.8	1.8	0.6	1.8
Health	1.4	2.3	4.3	1.7	1.2	1.6	1.3
Transport	15.9	-9.4	-234.7	1.8	15.5	1.3	13.1
Communication	5.1	-0.5	-3.6	0.0	-0.2	-0.3	-0.9
Recreation Services & Culture	4.6	1.5	10.1	0.3	0.6	2.1	5.7
Education	1.9	2.4	6.2	1.6	1.6	1.7	1.9
Restaurants and Hotels	3.0	2.9	13.2	2.3	3.9	1.7	3.5
Miscellaneous Goods & Services	6.0	3.8	30.7	2.3	7.6	2.8	10.2

Source: Adapted from Statistics Malaysia⁶

The National Consumer Master Plan 2003-2013⁷ was later conceived to further outline the strategies, and national objectives to be implemented in Malaysia to realize holistic consumer protection, which include:

- To raise the level of consumer protection;
- To promote ethical and responsible commerce.
- To give priority to consumer education;
- To promote and support sustainable consumption; and

⁶ Department of Statistics Website (Consumer Price Index-September 2010) updated 22 October 2010.

⁷ Fernandez, J. (2002) Consumer master Plan 2003-2013 for Ministry of Domestic Trade and Consumer Affairs (Malaysia). ©Ministry of Domestic Trade and Consumer Affairs 2002

- To encourage the tripartite relationship between consumers, manufacturers and the government.

Consumer protection agenda has been well taken up not only by the government, but also by NGOs and industry players. The Ministry of Domestic Trade, Cooperatives and Consumerism (MDTCC) has played the key role in protecting consumers through legislation, consumer education, developing consumer organisations and research. Generally, consumer protection in the country has been carried out through the enforcement of laws, introducing new laws and amending old ones, and providing avenues for consumer redress.

MDTCC provides channels for Malaysian consumers to lodge their complaints on the website and channel for redress through the Tribunal for Consumer Claims (TCC). MDTCC's official site features consumerism education, the TCC, goods under price and supply control, related laws, statistics, forum, e-aduan (online complaints) and e-tribunal.

Currently, five main types of institutional consumer structures have been established under MDTCC to enhance the effectiveness of consumer protection programmes in the country:⁸

- National Consumer Movement Council;
- State Consumer Movement;
- District Consumer Movement;
- National Consumer Advisory Council (NCAC); and
- Registered Consumer Organisations.

The NCAC, in particular, has specific Working Groups tasked with:

- Consumer Education and Awareness;
- Consumer Economics;
- Distribution and Pricing;
- Law, Enforcement and Consumer Protection;
- Sustainable Consumption; and
- Quality, Standards and Certification.

Consumer education programmes are vital components of CP. In Malaysia, various programmes and activities such as seminars, forum and conventions, or specific programmes for women are commonly conducted in schools and universities. Establishment of school consumer clubs, for instance, is one of the key initiatives being encouraged and supported.

To support the initiatives of the government, consumer organisations have also played critical roles in keeping a check-and-balance on consumer issues and policies in the country. The main consumer organisations in the country include:

- The Federation of Malaysian Consumers Associations (FOMCA);
- Persatuan Pengguna Islam Malaysia⁹; and

⁸ Ibrahim Abu Bakar: Malaysia's Plan for Consumer Protection in the ASEAN Free Trade Area. Presentation at the Southeast Asian Conference on Consumer Protection.

⁹ Muslim Consumers Association of Malaysia

- Consumers Association of Penang (CAP)

Encouraged by the government, consumer organisations also play an important role in promoting CP in Malaysia, through grants, smart partnerships and joint programmes. Further, an organisation such as FOMCA has established its consumer representative roles in various government and expert platforms or councils. FOMCA is the largest consumer organisation, with 15 other consumer organisations throughout the country as members, and three independent expert organisation members – the Consumer Research and Resource Centre (CRRC), the Malaysian Association of Standards Users (Standards Users) and the National Consumers Complaints Centre (NCCC).

In the industry sector, CP is also one of key development components adopted in business practice. A business-based association, the Federation of Malaysian Manufacturers (FMM) incorporates values of CP in its membership principles. The FMM Ethical Business Practices Committee is specifically set up to inculcate good ethics and moral values, as well as good corporate governance.

The six main principles in the FMM's Generic Handbook on Code of Ethics promotes sincerity, responsibility to customers, society and the environment, geniality towards fellow humans, moderation in business dealings, fair treatment and zeal in business-building.

An FMM survey has shown that many of its member companies have drawn up and applied Codes of Conduct in their workplaces, including the adoption of ISO 26000 on Social Responsibility. In addition, FMM Institute offers not only a wide range of functional corporate training programmes to cater to the diverse needs of the manufacturing and services sectors, but also social responsibility as well as building awareness in the areas of consumer protection .

1.3.2 Product safety and labelling

Malaysian consumers generally perceive that products placed on the shelves are safe and endorsed by the regulators. Thus, the role of the Ministry of Domestic Trade, Cooperatives and Consumerism (MDTCC) has become very important, requiring diligent efforts to ensure consumer safety through enforcement of mandatory safety standards for products and services through coordination with various agencies. An example of the positive coordination among the relevant stakeholders to ensure consumer safety was apparent in 2009 with the introduction of mandatory safety standards for children's toys through the cooperative efforts of MDTCC, Standards Malaysia and the Standards Users Association. The mandatory safety standards have since been enforced following critical cases of high lead levels in some children's toys.¹⁰

The implementation of this mandatory safety standard is crucial to ensure that children's toys marketed in Malaysia are safe. Compulsory declaration of various categories of products and minimum standards of compliance are used to ensure product safety, particularly against the potential flooding of substandard products.

¹⁰ "Malaysia: Domestic Trade and Consumer Affairs Ministry Will Investigate Toys for High Amount of Lead." (Nov 1, 2007)

A number of other standards have also been revised and made mandatory, instead of being voluntary. By 2009, 225 MS have been made mandatory.¹¹ Apart from toys,¹² some standards for consumer products, such as seatbelts, tyres, helmets and electrical equipment, have also been made mandatory. Consumers are able to distinguish safe products through specific markings, such as the ‘MS’ mark (for helmets, electrical appliances) and “Mark of Conformity” (‘MC’ mark for toys). However, there are still many consumer products in the market that are being sold with no such marks and thus, to a certain extent raise doubts as to their safety status.

The Department of Standards Malaysia (DSM), also known as Standards Malaysia under the Ministry of Science, Technology and Innovation (MOSTI), is the National Standards and Accreditation Body of Malaysia that has been mandated to develop, promote and advance standards and accreditation for the sustainability of the Malaysian economy, environment and consumers’ safety. The National Standards Strategy & Action Plan (NSSAP) has been formulated to provide a common approach and understanding among all stakeholders to enhance Malaysia’s standardisation activities, including the development of Education Curriculum on Standardisation in institutes of higher learning.

As such, standards have been strategically adopted in trade and commerce, which are facilitated through balanced social and economic advancement. Standards Malaysia has continued its mission towards development of Malaysian Standards (MS) with the target of 450 MS per year. In 2009, for instance, a total of 443 MS were developed, which exceeded the targeted number of 300 MS.¹³ Malaysia currently has about 6,000 standards and 328 are being used in regulations.

In addition, Standards Malaysia operates three accreditation schemes, which are Malaysia’s Laboratory Accreditation Scheme (*Skim Akreditasi Makmal Malaysia* - SAMM), Accreditation of Certification Bodies (ACB) and Malaysia Inspection Bodies Accreditation Scheme (MIBAS).

SAMM covers non-medical testing laboratories, which include calibration and testing laboratories (MS ISO/IEC 17025) and medical testing laboratories (MS ISO 15189).¹⁴ The ACB scheme offers accreditation to any certification body, governmental or privately owned, that has demonstrated compliance with published criteria and requirements of Standards Malaysia. MIBAS is a formal accreditation of the competence of an inspection body and its inspectors. Inspection bodies are accredited based on MS ISO/IEC 17020:1998.¹⁵

In Malaysia, standards are applied as minimum requirements to ensure safety across products and services.¹⁶ Most of the national standards development activities are outsourced by Standards Malaysia to SIRIM Bhd, which is a corporate standards development agency. SIRIM Bhd, through its subsidiary, SIRIM QAS International Sdn Bhd, is a nationally and

¹¹ Department of Standards Malaysia, (2009). Annual Report.

¹² *New Malaysian Toy Safety Requirements*. (2009, August).

¹³ Department of Standards Malaysia, (2009). Annual Report.

¹⁴ Skim Akreditasi Makmal Malaysia (SAMM) Medical testing Laboratories MS ISO 15189. Standards Malaysia JSM/SAMM-MT/Leaflet 1. Issue 4, 15 September 2009.

¹⁵ Malaysian Inspection Bodies Accreditation Scheme (MIBAS). MS ISO/IEC 17020:1998. Standards Malaysia JSM/MIBAS/Leaflet 1. Issue 2, 31 December 2009.

¹⁶ SGS Consumer Testing Services (2010, September 10)

internationally-accredited product testing and certification agency that supports the promotion of Malaysian and international standards for the industries.

In order to provide harmonised standards through good standards development practices, a consumer organisation, such as Standards Users, has been formed through the initiative of FOMCA and support from Standards Malaysia, as a platform whereby all the relevant stakeholders, particularly from the three main groups i.e. the government, industry, and consumers can equally contribute to and benefit from the applications of standards. This initiative reflects the importance of consumers, not only in creating the market demand, but also as drivers for standards to ensure safety and quality of products and services.

Thus, consumer education and sensitisation to standards, such as the ISO and Malaysian Standards (MS), and their relevance to safe products have been key programmes for Standards Users, as well as industry's initiatives such as the Federation of Malaysian Manufacturers (FMM) and the Malaysian Plastics Manufacturers Association (MPMA). In MPMA, for instance, specific Committees and Working Groups are established for standards development, such as for plastic products, plastic films and lamination, as well as woven/non-woven products and geosynthetics.

In addition, the involvement of consumer organisations is also strategically encouraged by Standards Malaysia through having balanced representation in the policy/standards development ISO/IEC committees or standards working groups at the national and international levels. As a consumer organisation, Standards Users has been proactive in advising ISO on standards and their relevance to consumers, including the recently developed ISO 26000. Standards Users also plays proactive roles in information sharing on product recalls, announcements and alerts.¹⁷

Business-based associations, such as FMM and MPMA, also play important roles in disseminating information to members (manufacturers) on relevant regulations/acts/directives related to product quality and safety.

The concerns related to safety of consumers in Malaysia stem from various reasons especially related to exposure to a multitude of hazardous chemicals at varying levels and duration in various consumer products such as:

- Food
- Drugs
- Cosmetics
- Household Chemicals (such as insect or aerosol sprays)
- Detergent
- Pesticides
- Building and construction (materials and structures)
- Perfumery – air fresheners,
- Household paints /varnishes

¹⁷ Toy Recalls and Toy Safety Information Website
<http://toys.about.com/od/toyreviews/u/ToyRecallInformation.htm>

- Motor vehicles (safety features, parts, maintenance, etc)

The Food Safety and Quality Division (FSQD) under the Ministry of Health (MoH) is the agency that has been given the mandate to ensure safe food supply for the country by enforcing relevant food related laws and regulations. The scope of FSQD’s activities encompasses mandatory food inspection, sampling, analysis and enforcement on food, promoting food safety assurance systems, provision of advice to the food industry, as well as consumer education and the protection of the national economic interest in the highly competitive food market. To ensure comprehensive safety coverage of all consumers throughout Malaysia, FSQD plans to establish a Food Safety and Quality Unit at district levels and all entry points, with Food Safety and Quality Laboratories to be established at the state level.

In addition, as Malaysia’s population is also largely Muslim, increased requirements for *halal* (kosher) products are also nationally placed. The Malaysian Standards (MS) ‘Halal Food: Production, Preparation, Handling and Storage – General Guidelines (MS 1500:2009), developed by Standards Malaysia, is one of five government initiatives towards the realisation of Malaysia as a centre for *halal* food.¹⁸

Specific mechanisms to ensure safe fresh vegetables and fruits produced locally as well as imported are also put in place to protect consumers’ interests through harmonised packaging, grading and labelling of fresh produce to enhance traceability. The Ministry of Agriculture and Agro-based Industry (MoAAI) and the Federal Agriculture Marketing Agency (FAMA) play important roles in promoting the adoption of good agricultural practices and certification schemes as enforced under the relevant regulations (*see Chapter 3*).

Labelling of products is also regulated in Malaysia. Product labels should display not only contents, but also the weight or volume and prices. Prices should be displayed at retail points, or may carry recommended retail prices on the packaging. Labelling requirements also call for products to be labelled in the national language, Bahasa Malaysia (BM) and/or in English (English and BM for imported products, BM for locally made products).

1.3.2.1 Issues and challenges

In general, with regard to product safety and labelling, Malaysian consumers are still concerned about:

- Undeclared ingredient contents;
- Misleading claims;
- Insufficient information on the products or instruction of use;
- The absence of contact details of manufacturers for consumers to get more information;
- Presence of unsafe ingredients or chemicals (such as lead in toys or food preservatives);
- Counterfeit products; and
- Infiltration of banned products through the “black market” or smuggling.

Some of the challenges that still hamper the effectiveness of providing safety and protection for consumers in Malaysia may be attributed to:

¹⁸ Department of Standards Malaysia. (2010). *Halal Standard – Protection of Muslim Consumers*.

- The absence of a systemised or consolidated and analysed data on injuries caused to consumers by defective products or services, such recording household chemical- related injuries. The injury data will help the regulators to identify which area of consumer protection requires improvement in terms of policy, standards or enforcement;
- Inadequate regulations on many household chemicals, including potentially hazardous products such as air fresheners, detergents and cleaning fluids;
- Low level of information sharing among experts, government ministries and civil society who do work or research activities in areas related to product safety;
- Diverse sets of standards placed nationally, regionally and internationally that affect the progress in the harmonisation of standards;
- Inadequate guidance or support to ensure proper implementation of safety standards or systems such as the Globally Harmonised System (GHS); and
- The lack of expertise and manpower in TCC to address specific product safety-related injuries, which may affect the ability of consumers to obtain appropriate compensation.

1.3.3 Phone and Internet Services & E-Commerce

Malaysia has experienced rapid growth and expansion in the Information and Communication Technologies (ICT) in the last few decades. Several factors have contributed to this, including a growing economy and an increase in educational and training opportunities in ICT, as well as global developments. The government's development strategy, to a large extent, has also contributed tremendously to the ICT expansion with the launch of the Multimedia Super Corridor.

In 2009, the Communications and Multimedia Industry contributed 6.2% to the total GDP of Malaysia, with a value of RM32.2 billion. According to MCMC, penetration rates¹⁹ as of October 2010²⁰ were:

- Broadband 41.8% (per 100 households)
- Fixed phone lines 43.6% (per 100 households)
- Mobile phones 108.1% (per 100 population)

In Malaysia, community access to the Internet or ICT is mainly provided through Community Broadband Centres (CBC), Community Broadband Libraries (CBL), Community Communications Development Programmes and Rural Internet Centres.²¹ CBC and CBL projects have been specifically carried out to enable the rural community to have access to the Internet and exposure to the use of ICT equipment.²² In 2008, for instance, the MCMC Report indicates that only 14% of the total households with Internet access in the country were in the rural areas, with 85% being in the urban areas.

¹⁹ The penetration rate refers to the total number of subscriptions divided by total population and multiplied by 100. A penetration rate of over 100% can occur because of multiple subscriptions. Source: Malaysian Communications & Multimedia Commission

²⁰ Data provided by MCMC during Key Informant Interviews

²¹ MCMC (2010) Annual Report.

²² Ibid

The application of Internet services in the banking industry has also prompted the Malaysian Central Bank to allow commercial banks to offer Internet banking services. In 2000, Maybank Bhd, became the first bank to offer Internet banking services in Malaysia.^{23 24}

Malaysia was also one of the first countries in the region to introduce a specific set of laws, or cyber laws, covering Internet services and protocols. The cyber laws include the Computer Crimes Act 1997, the Digital Signature Act 1997, and the Telemedicine Act 1997. The Malaysian Communications and Multimedia Act (CMA) 1998 was later enacted, prescribing the set up of a regulatory arm, which is MCMC for the Ministry of Energy, Communications and Multimedia, known as the Malaysian Communications and Multimedia Commission (MCMC) in 1998. The MCMC regulates communications and multimedia activities including telecommunications, broadcasting, and more recently, postal services.²⁵

The emergence of wireless and mobile networks has made possible the application of e-Commerce to a new area, Mobile Commerce or m-Commerce). In 2004, a Consumer Satisfaction Survey conducted by MCMC found the performance of the overall mobile telephone industry services recording average standards, while mobile users expect peak performance in priority areas. Goi (2008) identified these priority areas to include:

- Network geographical coverage;
- Disclosed charges for other services, other than for calls;
- Network quality;
- Quality of other services;
- Attractiveness of promotions;
- Promptness of getting answers from customer services;
- Getting satisfactory solutions from customer services;
- Speed of handling complaints;
- Speed of restoring service disruptions;
- Effectiveness of handling complaints; and
- Accessibility to customer service.

The Malaysian Communications and Multimedia Content Code published by the Communications and Multimedia Content Forum Malaysia has helped to protect consumers by ensuring that the contents carried through the ICT medium “*are decent, appropriate and true, and not menacing or offensive*”. The Code also provides equal roles for women and men in Malaysian society based on “the principles of fair and equitable demographic diversity, taking into account age, civil status, race, ethno-cultural origin, physical appearance, background, religion, occupation, socio-economic condition and leisure activities”. The Code also plays an important role in assuring safety or protection of children, in the manner in which children are portrayed, and the impact of multimedia contents on children’s behaviour and actions. In general, the Content Code calls for compliance to:

- (a) Meet and support the national policy objectives set out in the Act;

²³ Balachandher Suganthi and Balachandran. Internet Banking Patronage: An Empirical Investigation of Malaysia. Center for Multimedia Banking.

²⁴ Mohamad Rizal Abdul Hamid, Hanudin Amin, Suddin Lada. (2007). *A Comparative Analysis of Internet Banking in Malaysia and Thailand*. Journal of Internet Business (Issue 4)

²⁵ MCMC Website

- (b) Ensure effective self-regulation of the development, production and dissemination of Content;
- (c) Empower users of Content to make an informed selection of the Content they consume;
- (d) Recognise and keep updated with international as well as national standards, trends and sensitivities in applying and reviewing this Code; and
- (e) Ensuring compliance through a regular process of monitoring.

In 2008, 403 cases were investigated by MCMC for various offences under the Communication and Multimedia Act 1998, while NCCC received 2,512 complaints in this sector related to the same Act. Generally, these complaints are related to:

- Poor broadband services (frequent breakdowns and poor customer service);
- Service providers not taking complaints seriously;
- Spam SMS from service providers that is charged to consumers (also known as “Premium SMS”);
- Rates and billing disputes - very high charges, irregularities and inclusion of access fee;
- Unfair contracts and terms;
- Poor coverage and speed of Internet services - frequent breakdowns on weekends and public holidays;
- Service disruptions;
- Phishing; and
- Non-compliance with the directives of MCMC.

According to Kiranjit Kaur (2005), the primary concerns of the consumer related to e-commerce or online-based transactions include:

- Unfair marketing practices;
- Insufficient information disclosure, for example, refund policies, cancellation terms and warranty information;
- Contract terms enforceability and unfair standard contracts;
- Merchandise and delivery practices, for example, failure to perform and lateness;
- Payment, for example, recovering fraudulent charges if credit card information falls into criminal hands;
- Transaction confirmation and cancellation policies, for example, consumer’s lack of knowledge on cancellation rights for online transactions, including for mistakenly made purchases;
- Fraud and deception, and the means to authenticate merchandise purchased online;
- Unsafe products (not described, misrepresented);
- Insecure payment methods;
- Loss of personal privacy;
- Risk of misuse of personal information;
- Other concerns such as computer fraud, hacking, virus, interception and alteration of financial data;
- Cyber security, especially for children; and
- Invasion of privacy and safety,

Determination No 1 of 2007, Mandatory Standards for Quality of Service (QoS) for Broadband Access Service, is the instrument used to ensure compliance by service providers with minimum standards for broadband access service. It has been enforced since Jan 1, 2008, and consists of 14 standards. Service providers are required to submit their network performance reports, based on the QoS Mandatory Standards, to the MCMC every six months.

1.3.4 Consumer Credit and Banking

The banking system is the largest provider of household credit in Malaysia, accounting for 84% of the total household debt in 2007.²⁶ As at the end-2007, car loans accounted for 23% of total household loans, while credit card loans grew by 17.8% a year on average from 2001–2007, accounting for slightly more than 5% of total household debt in 2007,²⁷ while house financing accounted for 55% of total household debt in 2007.²⁸ The Malaysian government has adopted tighter regulations in the 2011 Budget to curb potential dangerous run-up in consumer credit card spending and speculative activities in the property market.²⁹

The central bank, Bank Negara Malaysia (BNM), requires banks to allow only a maximum loan-to-value (LTV) ratio of 70% for the third and subsequent house financing facility taken out by a borrower. New measures are also put in place to curb over-indebtedness on credit cards use, such as the RM50 annual tax on each credit card. The annual income requirement to hold a credit card has also been raised from a minimum of RM18,000 to RM24,000.

Pawnshops are alternate sources of credit in Malaysia, especially for the low-income group, and are subject to legislative controls. However, there are certain areas that require special attention, particularly in relation to their business operations. Although governed by the Pawnbrokers Act 1972, problems still persist in the conduct and services of pawnbrokers. People in the lower income groups are vulnerable to unscrupulous dealings of pawnbrokers.

The common consumer complaints related to pawnbroking include:³⁰

- High interest rate;
- Low compensation on items lost;
- Unfair auction procedures; and
- Skimming of gold items pawned

Licensed and unlicensed moneylenders are other avenues for credit for consumers in Malaysia.³¹ The use of “loan sharks”, locally known as “Ah Long”, to obtain credit has shown an increasing trend and posed concerns among civil societies and government as well regulatory bodies. These “Ah Long” are known to use criminal tactics to recover loans.

²⁶ Norhana Endut & Toh Geok Hua. (n.d.). *Household debt in Malaysia*. BIS Papers No 46

²⁷ Norhana Endut & Toh (n.d.)

²⁸ Ibid

²⁹ “Tighter squeeze on credit card spending?”. (2010). Malaysian Mirror.

³⁰ Yap Kon Lim. *Consumer Credit Regulations in Malaysia: A Country Report*. Consumers Affairs Division, Ministry of Domestic Trade and Consumer Affairs, Malaysia.

³¹ Yeap Ghim Guan. (2003). *The Long and Short of the "Along" Problem*.

1.3.5 Environment

The establishment of the Water Commission (known locally as SPAN) is a key initiative of the government under the Water Services Industry Act 2006 and Water Forum Malaysia (under the initiative of FOMCA) to provide consumers with avenues for redress on matters related to water supply and sewerage services, implementation and enforcement. Productivity of the water supply and sewerage services industry and the monitoring of operator compliance with stipulated service standards, contractual obligations, fair and efficient mechanisms for the determination of tariffs for both consumers and licensees and to implement tariffs established through appropriate mechanism and tools, as well as ensuring long-term sustainability of quality of water and sewerage services come under the Act. Water Forum Malaysia carries the responsibility for, among others, presenting feedback and recommendations to SPAN on any matter concerning the interests of consumers, representing the interests of consumers and safeguarding consumer interests in relation to the tariffs and standards for water supply and sewerage services.

The right of consumers to a safe and healthy environment is also projected through the promotion of sustainable consumption. One of the efforts in environmental conservation and sustainable consumption is in the rainwater harvesting programme. The 1999 “Guidelines for Installing a Rainwater Collection and Utilisation System” introduced by the Ministry of Housing and Local Government formed the initial phase of the rainwater harvesting policy in Malaysia.³² Introduced after the 1998 drought, it aims at reducing dependence on treated water and provides a convenient alternative during emergency or a shortfall in the water supply. On March 27, 2006, the prime minister announced that rainwater harvesting would be made mandatory for large buildings and proposed the construction of “mini dams” or rainwater tanks in urban areas to complement the rainwater collection and utilisation system.³³

In August 2006, the Town of Country Planning Department formulated the National Urbanisation Policy. The policy in particular stresses that cities need to improve water management efficiency, with emphasis on the use of alternative sources, adoption of non-conventional rainwater harvesting and water recycling. Under the policy, the relevant agencies for implementation are the Ministry of Energy, Green Technology and Water, the Water Supply Department as well as state and local authorities. To date, the Ministry of Energy, Green Technology and Water has initiated a water campaign with FOMCA, making rainwater harvesting an important component in the water-saving and sustainable consumption efforts. In its long-term plan, the ministry aims to install rainwater harvesting systems in new government buildings and schools.

Malaysia is a party to various multilateral agreements, such as:

- Convention on Biological Diversity (CBD), 1992;
- Cartagena Protocol on Bio-safety, 2003;
- United Nations Framework Convention on Climate Change Protocol, Kyoto, 1997;
- Montreal Protocol on substances that deplete the Ozone, 1987³⁴;

³² Mohd. Shahwahid H. O., Suhaimi A. R., Rasyidah M. K, Ahmad Jamaluddin S, Huang Y.F. and Farah M.S. *Policies and Incentives for Rainwater Harvesting in Malaysia*.

³³ Head, Water Resources Management Division, National Hydraulic Research Institute of Malaysia.

³⁴ See UNDP (2007). *Protecting the Ozone Layer: Malaysia Implementing the Montreal Protocol*. United Nations Development Programme (UNDP), Malaysia. ISBN 983-40995-9-2

- Stockholm Convention on Persistent Organic Pollutants, 2001;
- Basel Convention on the Control of Transboundary Movement of Hazardous Wastes, 1989;
- ASEAN Agreement on Transboundary Haze Pollution (2002) (signed but not ratified);
- National Policy on Biological Safety; and
- National Energy Policy 1979.

The National Biodiversity Policy, launched in 1998, has been one of the most important documents to implement and fulfil Malaysia's CBD obligations. The policy provides directives and guidance to all government agencies, including state governments, on the conservation and management of biological diversity in the country. The Biosafety Act complements the implementation of the National Policy on Biotechnology (2005).

In 2009 and 2010, the Malaysian government implemented various initiatives to educate consumers on environmental issues, and also launched a tax relief programme to push energy efficient products and promote sustainable consumption. As a result, many manufacturers are investing in research and development to come up with more energy efficient products and maintain a good brand image. More and more consumers, with increasing concern for the environment, are also turning away from certain environmentally disruptive concepts, such as printing and photo printers, in an effort to save the environment.³⁵

The roles of the private sector in Malaysia are also commendably apparent in promoting sustainable production and consumption. In its contribution to conserving and protecting the environment, safety and health of consumers in general, MPMA has formed a Taskforce on Plastics Waste Management and established the Malaysian Plastics Forum (MPF).³⁶

1.3.6 Healthcare and Healthcare Services

Quality is an important aspect in healthcare and services not only because it is one of the most important factors in individual and community health, but also because it helps to improve the health status, control diseases and the burden of diseases, as well as extend the lifespan.

Jannatul Madihah *et al* (2009) notes six main aspects for quality in healthcare delivery, including access to services, suitability to the needs, effectiveness, equity, social acceptance and efficiency. Quality, therefore, should be taken from the perspective of the consumers and the providers. Some of the issues surrounding quality assessment are identifying and balancing between the different perspectives among the stakeholders, producing accountable frameworks for assessment and finding suitable criteria for outcome assessment.

The establishment of the Malaysian Health Promotion Board is essentially aimed at:³⁷

- a) Developing the capacity of organisations, including health-related and community-based organisations, for health promotion;

³⁵ Euromonitor International (2010).

³⁶ MPMA Annual Report 2009.

³⁷ Section 14 of the Malaysian Health Promotion Board Act 2006

- b) Planning and implementing health promotion programmes and activities for the benefit of the community, with a particular focus on youth;
- c) Developing and supporting multi-strategy programmes that promote and support healthy lifestyles and healthy environments through various settings and sectors;
- d) Developing and supporting programmes to improve population health by preventing, reducing or stopping the use of tobacco products;
- e) Funding research relevant to health promotion; and
- f) Funding and supporting sporting, recreational and cultural organisations to promote healthy lifestyles and healthy environments.

The National Policy on Traditional and Complementary Medicine (2001) also provides consumers with wider options for healthcare. The Policy sees the integration of Traditional and Complementary Medicine (T/CM) into the Malaysian healthcare system and ensures quality and safe use of T/CM practices and products to attain optimal potential in healthcare. Traditional and Complementary Medicine in Malaysia are categorised into:

- Malay Traditional Medicine
- Chinese Traditional Medicine
- Indian Traditional Medicine
- Homeopathy
- Complementary Medicine

The promotion of the proper practice of T/CM in accordance with standard ethics, particularly in the primary healthcare delivery system, includes appropriate education and training of T/CM practitioners, as well as adherence to acceptable standards of safety and quality for products and practice; facilitating the development of responsible advertisement with relevant agencies; and establishing of strong research and development activities in T/CM.

T/CM products are regulated under the Control of Drugs and Cosmetics Regulations 1984, which was promulgated under the Sale of Drugs Act 1952. This regulation provides for the establishment of the Drug Control Authority (DCA) under the Ministry of Health, which is an executive body tasked to regulate pharmaceutical, natural (traditional) and cosmetic products for human as well as animal use. The National Pharmaceutical Control Bureau (NPCB) is its operational arm and serves as the secretariat to the DCA.

In Malaysia, adverse drug reactions are handled by the Malaysian Adverse Drug Reactions Advisory Committee (MADRAC). Hospitals and healthcare professionals are encouraged to submit reports of any adverse events that occur. Aside from this, NPCB also conducts surveillance on registered/notified products in the marketplace. This programme includes laboratory testing of product samples to ensure adherence to the required specifications as stated in the registration dossiers as well as to ensure compliance with labelling and package inserts.

Due to concerns over counterfeit and unregistered pharmaceuticals in Malaysia, the MoH issued the *Directive on the Use of the Hologram Security Device*. The implementation of hologram technology, One Hologram for all Medicinal Products in Malaysia, or the “MediTag” Hologram, was recorded as the first in the world. This directive requires all pharmaceutical products,

including health supplements and traditional products, to carry a hologram security label. The label has a unique serial number, which verifies that the product has been registered with the DCA and can be traced to the licensed manufacturer or importer of the product.

Healthcare services in Malaysia are provided by the government and private sectors, with each sector having its own advantages, disadvantages and challenges. Some of the consumer complaints noted by Jannatul Madihah *et al* (2009) include:

- Billing disputes as more patients seek treatment at private hospitals. Many are caught unaware of the many components to the total cost of treatment, such as laboratory charges, operating theatre equipment and supplies, among.
- Unprofessional conduct of medical practitioners, mostly related to the lack of communication, rudeness, incomplete and delayed medical reports and also unresponsive doctors and health workers.
- NCCC has also received complaints of doctors and hospital staff failing to provide the medical attention required by patients.
- Unethical marketing practices. Complaints have also been received on “viral marketing”, where private healthcare providers are able to obtain the personal information of consumers and send them promotional offers. Complaints were also received about unethical marketing and promotional tactics on the part of private healthcare providers

1.3.7 Professional services

According to FOMCA,³⁸ five types of professional services are often sought by consumers in Malaysia, namely:

- Medical
- Legal
- Accountancy
- Real estate valuation
- Architecture

However, in this study limits the discussion on professional services to the two most commonly sought after by consumers in the ASEAN region – medicine (doctors) and legal matters (lawyers).

1.3.7.1 Medical Professionals

Apart from access to medical services, CP also provides means against possible incidents of professional negligence, malpractice or unethical practices. In forming a doctor-patient relationship, it is necessary for both consumers and doctors to know about their duties and obligations, understand the doctor-patient contract and what constitutes professional negligence.³⁹ Apart from negligence, consumers, in general, expect doctors to provide them with relevant information when they seek treatment, such as:

- The necessity of the treatment;
- Other alternative modalities to the treatment;

³⁸ Based on Secondary Data collection by FOMCA for this Project

³⁹ Also see Medindia. Consumer Protection Act and Medical Profession (n.d.).

- Risks of pursuing the treatment, including inherent complications of drugs, investigations, procedures and surgery;
- Duration of the treatment;
- Prognosis of patient's condition (no exaggeration or minimising the gravity of the situation); and
- Expenses, fees and a breakdown of the charges.

The advances in e-Health as another form of delivery of healthcare services would also have an impact on consumers' rights and access to medical care. As today's consumers become more empowered through the sharing of knowledge and information on the Internet, they are able to take advantage of online processes, health portals and doctors' or physicians' web pages and e-mails.⁴⁰ The new breed of Internet-savvy consumers would expect greater integrity and ethics to boost a new form of doctor-patient relationship, through increased efficiency, reliability and accuracy, as well as strengthened communication between doctors and patients.

The duties and obligations of the medical profession are stated in a number of national laws and international declarations and codes of ethics, such as:

- Declaration of Geneva (Physician's Oath);⁴¹
- Declaration of Helsinki - Ethical Principles for Medical Research Involving Human Subjects;⁴² and
- International Code of Medical Ethics.⁴³

There are also various legal instruments and programmes that have been put in place to ensure ethical practices, including those related to advertising by doctors in Malaysia (also see Section 3.1.7.1).

In Malaysia, Medical Practitioners with full registration are required to apply for an Annual Practising Certificate (APC) (Section 20 of the Medical Act). According to the 2008 Report of the Malaysian Medical Council (MMC), the Registrar of Medical Practitioners issued 20,280 APCs in 2008, compared with 18,284 in 2007. In 2008, 10,274 and 10,008 of the APCs were issued to public and private sector respectively. The number of foreign medical practitioners granted registration, according to sector and employer for the year 2008, was 245 in the public sector and 107 in the private sector.

The MMC is a corporate body established under Section 3 of the Medical Act 1971, with the objective of safeguarding patients and guiding doctors. In the effort to keep registered practitioners abreast of ethical and medico-legal issues that have been cropping up of late, the MMC has revised its various ethical guidelines and makes them available through its website.

⁴⁰ Marion J. Ball and Jennifer Lillis. (2001). *E-health: Transforming the Physician/Patient Relationship*. The International Journal of Medical Informatics 61 (1): 1-10.

⁴¹ Declaration of Geneva (1948). Adopted by the General Assembly of World Medical Association. <http://www.cirp.org/library/ethics/geneva/>

⁴² Adopted by the 18th WMA General Assembly, Helsinki, Finland, June 1964. <http://www.wma.net/en/30publications/10policies/b3/index.html>

⁴³ Adopted by the Third General Assembly of the [World Medical Association](http://www.wma.net) at London in October 1949. (World Medical Association Bulletin, vol. 1, no. 3, October 1949, pp.109, 111).

Medical practitioners have been suspended on various grounds⁴⁴. Up to 2008, 138 complaints, including 97 for the year 2008, were filed against medical practitioners in Malaysia.

MMC has established different committees to look into different areas of medical practice. For instance, the Evaluation Committee among other things looks into the registration of medical practitioners, including evaluating foreign medical practitioners and regulating their conduct and ethics as well as accrediting medical institutions (both local and foreign). Other committees in MMC include the Ethics Committee, the Medical Act and Regulations Amendments/Revision Committee and the Preliminary Investigation Committee. MMC also assesses applications for registration from practitioners who are unable to perform their professional duties by reason of their mental or physical condition. MMC's Code of Professional Conduct (CPC) aims to support and promote medical professionalism, facilitate good medical practices and enhance doctor-patient relationship. There are four main categories of 'Infamous Conduct' for which a complaint against a registered medical practitioner can be inquired into:

1. Neglect or disregard of professional responsibilities;
2. Abuse of professional privileges and skills;
3. Conduct derogatory to the reputation of the medical profession; and
4. Advertising, canvassing and related professional offences.

The Code of Medical Ethics published by the Malaysian Medical Association (MMA) outlines the ethical obligations of doctors to patients on consent for medical examination and treatment; fees; professional confidence; treating and handling a dying patient; statutory requirements on disclosure; keeping medical records and reports; issuance of medical certificates; privileged communication; non-orthodox (traditional) forms of healthcare; telemedicine; intimate examination; and termination of pregnancy.

MMA also requires all doctors to be familiar with the CPC issued by the MMC and the Guidelines on Public Information by Private Hospitals, Clinics, Radiological Clinics and Medical Laboratories. Good communication between the doctor and patient is essential for consent. Patients should be given adequate information in a way they can understand to enable them to make decisions about their medical care. It is a general rule that doctors should examine and treat patients only with their consent.

With regard to charges, medical practitioners are encouraged to price their fees reasonably and this should be discussed with the patient prior to investigation or treatment, while adhering to the MMA Schedule of Fees. Professional confidence implies that a doctor shall not disclose voluntarily, without the consent of the patient, preferably in writing, information that he has obtained in the course of his professional relationship with the patient. The patient is entitled to a written report of the care that has been given to him. The doctor is obligated to provide him such a report without any unreasonable delay. The withholding of information of the care given to the patient is unethical. Other practices, such as the issuance of sick certificates to patients without a medical examination, are also considered unethical and may lead to disciplinary action by the Malaysian Medical Council.

⁴⁴ MMC (2008). Annual Report

A total number of 87 complaints were received against medical practitioners in 2008. According to MMC (2008), this averaged at 4.3 per 1,000 registered medical practitioners (see Table 2) based on the 20,280 APCs issued in 2008.

According to the 2008 MMC Annual Report, complaints against medical practitioners were mainly related to:

- Association with an unqualified and unregistered person to attend to and treat patients, and prescribe scheduled drugs;
- Abuse of professional privilege and skills in producing false, misleading and improper reports;
- Use of a patient's medical report in civil suit at without the consent of the patient;
- Harassment and molestation of a patient while examining without the presence of a chaperone; and
- Disregard and neglect of professional responsibilities, such as:
 - ignoring patient's choice of treatment despite being informed;
 - not explaining the risks or not giving prior notification or not seeking prior consent; and
 - failing to carry out competent and considerate inquiries post-surgery.

Table 2: Number of complaints against medical practitioners received, 2004-08.

YEARS	TOTAL COMPLAINTS RECEIVED	TOTAL APCS ISSUED	COMPLAINT PER 1000 PRACTITIONERS
2004	9	15392	0.6
2005	50	15797	3.2
2006	69	14986	4.6
2007	41	18284	2.2
2008	87	20280	4.3

Source: MMC (2008)

Non-orthodox (traditional) medical healthcare is also strategically promoted in Malaysia. A doctor cannot practice or prescribe any form of traditional therapy unless he has undertaken recognised training and is registered to do so. To provide a wider healthcare reach-out, telemedicine is practised in Malaysia, particularly applied as a tool to exchange medical information as part of the consultation with distant medical experts, be it foreign or local, in the course of the treatment of patients. This is a rapidly evolving area of medical practice in the country. In practising telemedicine, medical practitioners should also adhere to a particular set of conduct. MMA stresses that the use of e-mail should not diminish the quality of care patients receive. Consultation and prescribing by e-mail may seriously compromise standards of care where:

- a) The patient is not previously known to the doctor;
- b) There is little or no provision for appropriate monitoring of the patient or follow-up care; or

c) The patient cannot be examined.

Most clinical applications of telemedicine in Malaysia, however, have not been subjected to systematic comparative studies that assess their impact on the quality, accessibility, acceptability and cost of healthcare.

1.3.7.2 Legal Profession

A consumer is likely, at some point, to seek the services of a lawyer or an advocate. It is quite common for consumers, in general, to use the services of lawyers or advocates in writing wills or to file the legal forms required to start a business. Moyer *et al* (n.d.) says consumers may also seek the services of lawyers or advocates on family matters, such as divorce or custody issues, and in cases where they are accused of a crime or are being sued.

Lawyers have a duty to advise and help their clients understand the legal system. In doing so, consumers expect lawyers to protect their legal rights as clients, help them solve legal problems, defend and guard them, as clients, against abuses of potential rights violators.

Thus, it is seen that the services of legal professionals have relatively direct implications on consumers. Legal professional services are particular sought by consumers to represent their interests in the court-based system. The advancement in cross-border transactions may further necessitate consumers seeking professional legal services in this era of globalisation.

Before legal professional services, consumers are generally concerned about a number of factors such as:

- Background, qualifications and experience of the practitioner;
- Disciplinary history;
- Service fees (hourly, flat fee, on retainer or contingent fee); and
- Professional liability

In general, consumers also expect their hired lawyers to:

- Work hard to represent them;
- Apply good judgment and remain neutral so as not to have any conflicts of interest;
- Perform according to their desired legal goals;
- Respect the confidentiality of information provided or shared;
- Charge a reasonable fee;
- Provide updates on their cases or positions; and
- Be fair, respectful and unbiased regardless of their background (race, age, gender, national origin or disability).

Currently, the Malaysian Bar Council lists 5,956 legal firms and 13,342 lawyers in the country.⁴⁵ Fifteen Legal Aid Centres have been established in the states of Peninsular Malaysia. The Malaysian Bar Council also makes public its Disciplinary Orders and Summary of Orders on its

⁴⁵ The Malaysian Bar Website (Statistics)

website, sharing relevant information with the public. In 2010⁴⁶, some of disciplinary actions against the identified lawyers and firms included:

- Charging excessive fees and disbursements in connection with the preparation of a Sale and Purchase Agreement and a Loan Agreement;
- Failing to act in the best interests of the client;
- Acting in gross disregard of the client's interests;
- Deceiving, committing breach of trust and acting mala fide in relation to the preparation of loan documentation for clients;
- Failing to attend diligently to the work at hand despite repeated promises to the client; and
- Abusing one's position as an advocate and solicitor by securing the execution of a charge from the complainant by misrepresentation and deception.

1.4 Enforcement of Consumer Protection (CP)

In Malaysia, enforcement of CP is carried out by the relevant authorities or regulatory bodies based on the specific nature of the issues and complaints. However, the main body that enforces the rights of consumers is the Ministry of Domestic Trade, Cooperatives and Consumerism (MDTCC).

For specific products or service matters, the following authorities shall be responsible to enforce the relevant laws and regulations:

Product safety and Labelling

- Food Safety and Quality Division (FSQD, MoH)
- SIRIM
- Malaysian Rubber Board
- National Pharmaceutical Control Bureau (NPCB)
- MoAAI
- Energy Commission
- Road Transport Department

Phone & Internet services and e-Commerce

- Ministry of Information, Communication and Culture
- Ministry of Domestic Trade, Cooperative and Consumerism
- Malaysian Communication & Multimedia Commission

Consumer credit and banking

- Bank Negara Malaysia
- Ministry of Housing and Local Government

⁴⁶ The Malaysian Bar Website (Summary of Orders made by the Disciplinary Board at its 157th to 161st Board Meetings). Retrieved 17 Jan 2011.

Environment

- Ministry of Energy, Green Technology and Water (for water and energy)
- Ministry of Housing and Local Government (waste management)
- Ministry of Natural Resources and Environment
- Ministry of Science, Technology and Innovation
- Department of Environment (DOE)
- National Solid Waste Management Department, Energy Commission and Water Commission

Healthcare

- Malaysian Medical Council
- Drug Control Authority (DCA)
- National Pharmaceutical Control Bureau (NPCB)
- Medical Services Unit (MoH)

Legal Profession

- Advocates and Solicitors Disciplinary Board
- Bar Council
- Sabah & Sarawak Ordinance

Medical Profession

- Malaysian Medical Council
- Malaysian Medical Association
- Medico-legal Unit, MoH

2. METHODOLOGY

2.1 SCOPE AND LIMITATIONS

2.1.1 Scope

In developing the capacity-building roadmap for consumer protection in ASEAN, this research covered two main areas of consumer protection. It looked at:

- Consumer protection laws in the country vis-à-vis enforcement; and
- Capacity-building needs of the relevant agencies in implementing the relevant laws.

The study focused on the aspects of consumer protection that have been specifically identified by AADCP II as being of particular relevance to the ASEAN goal of becoming a single market. As such, it has been mutually agreed that in addition to the general consumer protection measures, six key consumer areas will be specifically addressed in the project. The following are the areas covered in this study:

Table 3: Selected Key Consumer Areas and Aspects

<u>Key consumer areas</u>	<u>Specific aspects</u>
<ul style="list-style-type: none"> ▪ Product safety and labelling 	Consumer products, including food but excluding drugs and medicines
<ul style="list-style-type: none"> ▪ Phone & Internet services, and e-Commerce 	Including broadband services, online purchase, rates and charges, access, quality of services
<ul style="list-style-type: none"> ▪ Consumer Credit and Banking 	Banking and financial institutions providing loans; money-lending, hire purchase or other financial assistance to consumers
<ul style="list-style-type: none"> ▪ Environment 	Policies, laws and programmes for safe and healthy environment, products or services related to water, energy and air
<ul style="list-style-type: none"> ▪ Healthcare services 	Public and private healthcare services, pharmaceuticals.
<ul style="list-style-type: none"> ▪ Professional services 	Laws related to chargeable fees and accountability with regard to the legal and medical professions, consumer redress/access

Across all relevant consumer protection laws, the study also examined these areas:

- Legal provisions that provide for consumer redress vis-à-vis the mechanisms already in place; and
- Initiatives and best practices for consumer protection being implemented by relevant government agencies and non-governmental and business organisations.

For the capacity-building needs, the study covered enforcement agencies that are principally in charge of carrying out the provisions of consumer protection laws in the six major areas listed above. Particularly, the agencies' capacity to enact, enforce and implement the relevant laws was

studied. The capacity-building needs of non-governmental organisations and business groups in the country were also considered.

2.1.2 Limitations

Due to the time constraints, some relevant stakeholders were not able to participate in the survey, key informant interviews and the RTD.

Further, the availability of detailed materials primarily depended on the available resources and publications or reports available through Internet search. Data were also mainly based on secondary compilation by the focal points, key informants and general survey respondents, who were selected by the local focal points. However, it was also noted during the course of interviews that some participants had limited knowledge or experience in answering some of the questions pertinent to areas related to but beyond their scope of functions.

Complete data representation on enforcement was also critically lacking in this report due to the lack of participation of government enforcement units or departments. Only passing references and general remarks were made by a number of respondents and key informants, without any specific mention of or reference materials, cases or statistics provided.

2.2 APPROACHES

The approach in carrying out the study was hinged on the review of the Formal Operating Context (FOC) vis-à-vis the Actual Operational Context (AOC) of consumer protection in the country. The analysis and findings from this exercise served as the basis in developing the recommendations for capacity building needs in consumer protection.

The **FOC covered** the assessment of

- The national consumer laws and regulations, including those that are being drafted or are awaiting enactment,
- National consumer protection programmes and initiatives
- Key stakeholders' views and analysis

While in the **AOC** of consumer protection legislations and programmes, the following activities were carried out:

- Evaluated how well laws and programmes are actually implemented and enforced, and
- Review human and institutional capacities to draft and enforce consumer legislations and implement related programmes.

Reviews of available records, databases, reports and documents related to consumer protection, including stakeholders' annual reports, were also performed. Soft and hard copies of laws, reports and publications were obtained where possible.

2.3 DATA COLLECTION PROCESS

A major activity under the analysis approach was the national mapping exercise. A compilation of national consumer protection legislation, programmes in the country as well relevant regional agreements, plans and targets in relation to consumer protection was done. All these were reviewed vis-à-vis actual situations within the national context.

The following research activities were implemented in carrying out the mapping of available records, database, reports and documents, including annual reports:

- Desk research of consumer laws, programmes, initiatives and reviews;
- A general survey of national laws, programmes and implementation with national government stakeholders as well as on the issues, needs and expectations;
- Key informant interviews in relation to consumer protection implementation and on issues and gaps in national consumer laws and enforcement; and
- Roundtable discussions with key stakeholders.

At the national level, stakeholders were identified based on their direct and indirect involvement in consumer protection in the six main sectors that have been specified:

- Government entities (the relevant ministries with relevance to the sector specified, including consumer tribunals and courts);
- Local authorities;
- Regional institutions or inter-governmental organisations such as the ASEAN Secretariat (ASEC), Competition, Consumer Protection and IPR Division (CCPID), ASEAN Committee on Consumer Protection (ACCP) and SEACC;
- Policy makers (Members of Parliament);
- Training institutes for government officers;
- Industries/business associations;
- National non-governmental organisations (NGOs)/civil society organisations (CSOs) including consumer associations;
- Academic or think-tank institutions such as ASEAN ISIS, and
- Professional bodies of the legal and medical services.

The first step for this study was done by mapping out the consumer protection laws and programmes for Malaysia. This was done by CI and its appointed experts by looking at the important and most applicable laws for consumer protection. These encompass many areas and sectors and thus involved many different ministries and departments. There were also some areas identified for consumer protection that did not fall under any ministry's jurisdiction and this exercise enabled the administrators to highlight these to the respondents, during the following stages of the survey, key informant interviews and the roundtable discussions, to get better feedback and suggestions. The consumer protection law was also compiled.

Next, the stakeholders were identified and divided into three categories:

- Government/Regulatory Agencies
- Civil Society Organisations (NGOs)
- Business Organisations

These stakeholders were identified based on their work and relevance to the consumer issues. Once they were identified, invitation letters from ASEAN and CI were sent to the heads of the government departments, heads of NGOs or chief executive officers of the companies by the focal person in Malaysia to fix appointments to meet them. The mapping of the stakeholders was done based on FOMCA's experience with the agencies as it was able to provide CI with the contact details.

2.3.1 Secondary Data Gathering

The Secondary Data Collection instrument was designed by CIKL with the main objective of generally mapping consumer protection status in Malaysia. Secondary data related to capacity-building needs and consumer protection-related matters from various agencies, ministries and organisations in all countries involved in the study were also gathered and reviewed. This included laws, rules and regulations, codes of conduct, government policies and consumer protection programmes.

The sources of information included annual reports from the relevant agencies and any report or study related to this study, including the preliminary findings of the study conducted by CI in 2009 entitled *The Asia Pacific Consumer Laws Analysis*, where baseline information of consumer protection and competition laws in Asia Pacific were established.

2.3.2 General Survey Questionnaire

The General Survey (GS) instrument was designed by CIKL, with the questionnaire structured to map information on consumer protection laws, regulations, policies, codes of conduct, consumer protection programmes and initiatives; redress mechanisms; human and institutional gaps in the selected consumer protection areas such as product safety and labelling, phone and Internet services and e-Commerce, consumer credit and banking, environmental issues, healthcare and professional services. Other areas of interest expressed by the respondents will also be noted to be taken up for further deliberations during KII and RTD.

The GS was distributed locally by FOMCA from Sept 13 to 17, 2010. The number of stakeholders targeted for this phase was 37 and out of that figure, CI successfully completed the questionnaire with 29 stakeholders (*please refer Appendix 1*).

2.3.3 Key Informant Interviews

In addition to the general questionnaire is the interview with Key Informants in each of the countries. The Key Informants are persons in senior positions within relevant organisations who are involved in policy making or enforcement, or individuals who are acknowledged experts in the field. These individuals will be identified in consultation with members/contacts of CI- KL in the respective countries.

The Key Informant Interviews (KII) utilised open-ended questions to probe for more detailed information based on the findings from the general survey. This includes probing into recommendations and prioritisations as well as short-, medium- and long-term strategies and focus areas for capacity development in consumer protection for the relevant institutions, nationally and regionally.

For this session, it was important for CI to target the Key Informants from the agencies that participated in the general survey. This is to facilitate better, in-depth to get more information on what was provided in the general survey. However, not all the stakeholders were able to be interviewed due to their own constraints. The background on the Key Informants and the Schedule of KII are provided in Appendix 2 and Appendix 3 respectively. In this phase, CI was able to contact 10 stakeholders in Malaysia. The KII was conducted from Oct 12 to 27, 2010. This phase took a longer time due to the Muslim fasting month holidays of Hari Raya Puasa,

when many staff members were away on their festive season break. As CI did not have enough KII, session was extended until there was a minimum number of KII had been interviewed.

2.3.4 Roundtable Discussion

The roundtable discussion had a better stakeholder involvement. Some of them who were not able to participate during the Key Informant Interviews took part in the roundtable discussion, one good example being the Financial Mediation Bureau. This session was mainly to present the findings and tabulations from the general survey and key informant interviews. The stakeholders were invited to give inputs and further suggestions based on the slide presentations made to them. During the discussions, CI took note of the comments and recommendations from the participants. The roundtable discussion was held on Nov 3, 2010 at the Institute of Marketing Malaysia. There were 16 participants from 3 different stakeholder groups (government, industry, non-government organisation) present. *(Please see Appendix 4 for RTD Participants)*

2.4 DATA ANALYSIS

2.4.1 Secondary Data Analysis

The review and analysis of policies and laws entailed the identification of existing consumer protection related laws, the scope of the relevant Acts such as the areas or elements covered, how the Act is implemented and regulations enforced; and how consumers seek redress under the Act.

The analysis of the Principal Consumer Protection Law was carried out by mapping the provisions of the key consumer rights components applying CI's expert, John Wood's Matrix Model on "*What Consumer Laws Should Do*"⁴⁷. The process also involved reviewing of consumer protection regimes in other parts of the world where consumers enjoy a fairly higher degree of protection. Legal, structural, institutional and regulatory arrangements for consumer protection found in the European Union, Australia, United Kingdom and United States of America were examined with a view to establish a basis for a consumer protection regime that would be appropriate for the ASEAN region.

In analysing the other aspects of data and information collected, it was necessary to take into account the socio-economic, cultural and political characteristics of Indonesia. By drawing upon examples of good practices from the more advanced consumer protection regimes and adopting or adapting them to the requirements of the country, key components of a comprehensive consumer protection regime were identified.

2.4.2 General Survey Analysis

Six types of analysis were performed on the data from the General Survey using the 17.0 version of Statistical Package of Social Sciences (SPSS) in order to identify priority areas for capacity building and gaps in consumer protection (Table 2.2).

⁴⁷ Matrix developed by John T.D. Wood (1996).

Table 2.2: Types of Statistical Analysis Used

Type of Analysis	SPSS analysis
Normality test of the data	Kurtosis and skewness, P-P Plot
Reliability test of the data	Cronbach alpha
Organisational profile and consumer protection measures	Frequencies
Level of difficulty in implementing consumer protection programmes and activities	Frequencies, Index
Capacity building needs and form of assistance required	Frequencies, Index
Relationship between level of difficulties and capacity building needs	Pearson correlation, T-Test

Qualitative information obtained from Key Informant Interviews and Key Informant Interviews was used to substantiate or supplement quantitative information obtained from the general survey. The open-ended Key Informant interviews and the Round Table Discussions served as a sounding board to fill in the gaps in formation, to check the validity and relevance of the capacity building needs of the AMSs.

Based on the findings from the General Survey, secondary data collection, key informant interviews and roundtable discussions at country levels, strategies and recommendations as well as a road map for strategic thrust areas for consumer protection was developed for the short, medium and long terms.

2.4.3 Capacity Building Needs Analysis

The identification of the capacity building needs was accomplished by making a systematic analysis of the information gathered through the general survey, especially with regard to difficulties expressed by respondents, and the types and forms of assistance which they needed. The information gathered from the above-mentioned analysis was used to identify weaknesses and gaps in the existing operating context for consumer protection among the stakeholders in the country.

An index was developed to measure capacity building needs, using an interval scale of 1 to 7. Level 1 is the least priority and level 7 is the highest priority. The Index level was based on the total scores (i.e. the total computed score for all items related to capacity building needs) and the mean for each area of capacity building need. The mean for the total score is called the Index for each item listed in the questionnaire.

The Index was also used to measure the level of difficulty in implementing consumer protection programmes and activities, and the preferred forms of assistance required by the stakeholders for work on consumer protection.

By making reference to a proposed framework for comprehensive consumer protection regime, it was possible to identify capacity building needs that would assist Indonesia to make the transition from the current state to the desired state of consumer protection at the national and regional levels.

2.5 PROFILE OF STAKEHOLDERS

At the national level, stakeholders were identified based on their direct and indirect involvement in consumer protection and the six main sectors that have been specified such as:

- The government entities (the relevant ministries, particularly with relevance to the sector specified, including consumer tribunals and courts;
- Local authorities
- Regional Institutions or inter-government organisations such as ASEAN Secretariat (ASEC) Competition, Consumer Protection, and IPR Division (CCPID), ASEAN Committee on Consumer Protection (ACCP) and SEACC;
- Policy makers (Members of parliament)
- Training Institutes for government officials;
- Industries/business associations;
- National non-governmental organisations (NGOs)/civil society organisations (CSOs) including consumer associations,
- Academic or think-tank institutions such as ASEAN ISIS
- Professional bodies of legal and medical services

2.5.1 Overview of Consumer Movement

The Federation of Malaysian Consumer Associations (FOMCA), a member of CI, is a national non-profit non-governmental organisation, voluntary, non-political and civic-oriented umbrella body of the consumer organisations in Malaysia. Rather than being a typical consumer organisation, FOMCA has opted to work collaboratively with the government and other stakeholders because it believes that cooperation can lead to better achievement and output for the consumers. This practice has led FOMCA to cultivate a good relationship with a wide range of stakeholders.

Thus, for the purpose of the survey, CI organised several discussion sessions with FOMCA in order to reach consensus on the identification of the best stakeholders with strong relevance and representation to contribute to the study, to be involved in the secondary data collection, general surveys, key informant interviews and roundtable discussions. Collection of data at the national level was assisted by FOMCA.

3. MAPPING AND SITUATIONAL ANALYSIS OF CONSUMER PROTECTION LEGISLATION AND PROGRAMMES IN MALAYSIA

3.1 LAWS AND REGULATIONS RELATED TO CONSUMER PROTECTION⁴⁸

In realising the goals and objectives of the ASEAN Economic Blueprint to drive towards a people-centred ASEAN Community, consumer protection is considered an essential means in its market integration agenda.⁴⁹

In mapping the relevant laws, this study examined specific or general provisions that capture or provide for access to, safety and quality of products and services in relation to the 8 fundamental rights of consumers as per the UN Guidelines (*see Chapter 1, Section 1.1*), including consumers' and (products and services) providers' responsibilities and obligations. Provisions where the authorities are involved, and their enforcement powers, are also examined in line with the rights of consumers seeking redress.

In Malaysia, the principal consumer protection law, along with many other consumer-related laws (discussed in the following sub-sections) are already in place covering different areas, products and services to protect consumers.

The number of CP-relevant laws show the commitment of the relevant stakeholders to consumer protection, which not only lies upon the Ministry of Domestic Trade, Cooperatives and Consumerism (MDTCC), but also on other ministries and agencies that have placed CP and consumer's welfare in all their initiatives. A firm basis for CP can be implied from Article 5(1) of the Constitution of Malaysia, which states, *No person shall be deprived of his life or personal liberty, save in accordance with law*. Further, Article 8(1) implies mechanisms for consumers to seek redress, whereby, *All persons are equal before the law and entitled to the equal protection of the law*. These two articles generally provide consumers with the means to uphold their rights to dignified life and protection, including fundamental rights to shelter, food, clothing and environment.

3.1.1 Principal Consumer Protection Act

The Consumer Protection Act (CPA) 1999 is the principal act providing protection of consumers, which drives the establishment of various CP mechanisms such as the National Consumer Advisory Council and the TCC. It also has to be noted that the Act bridges gaps that may occur in other major laws, which may be inadequate in protecting consumers. The Act has undergone several amendments since its enactment to cover various emerging issues related to consumers, including the inclusion of e-Commerce and Unfair Contract Terms.⁵⁰

⁴⁸ All relevant laws of Malaysia were extracted from the Attorney-General's Chambers Website and Parliament Malaysia Official Website (Bills)

⁴⁹ ASEAN Secretariat (2009).

⁵⁰ "Consumer Protection (Amendment) Bill 2010 deals with unfair contract terms" (2010, July 5).

In this study, a general analysis on Consumer Protection Act 1999 was carried out using Wood's (1996) Consumer Law Matrix (*please see details in Appendix 6*), which is based on the parameters of the 8 consumer rights. The analysis suggests that the CPA contains strong provisions protecting consumers on their rights to safety, to be informed, to choose and to seek redress. However, provisions relating to protecting consumers on their rights to consumer education, to healthy environment and to the satisfaction of basic needs seems to be lacking, which may need to be addressed through appropriate amendments.

Under the CPA, the National Advisory Council for Consumers' Protection was established to advise the minister on:

- a) Consumer-related issues and the operation of Consumer Protection Act 1999;
- b) The promotion of consumer protection awareness in consumer affairs; and
- c) Any other matter which may be referred to it by the minister for the proper and effective implementation of this Act and for the protection of consumers.

Sections 19-24 of Part III exemplify the provisions to ensure consumers' rights to safety. Section 19 (2) refers to the importance of safety standards in relation to the performance, composition, contents, manufacture, processing, design, construction, finish or packaging, testing, content of markings, warnings or instructions of manufactured product. Section 20 states that *No person shall supply, or offer to or advertise for supply, any goods or services which do not comply with the safety standards determined under Section 19.*

The CPA also defines and explains the rights of consumers against different parties, including manufacturers, suppliers and distributors. This act excludes certain professional and healthcare services.

Part II, Sections 8 to 15, describe prohibitions on misleading and deceptive conduct, false representation and unfair practices. These include, among others, prohibitions on

- Deceiving the public as to the nature, characteristics, suitability for a purpose or quantity of the goods or services supplied;
- Claiming that the goods or services are of a particular kind, standard, quality, or grade;
- Giving to a consumer a misleading indication as to the price at which any goods or services are available;
- Advertising to supply goods or services at a specified price, for which the advertiser does not intend to offer for or is able to supply (bait advertising);
- Offering any gift, prize or other free item when there is no actual intention of providing these; and
- Claiming that the goods are limited, when they are not, unless there is a pre-determined maximum quantity.

Part III Section 9 implies that MDTCC has the right to prescribe the safety standards in respect of any goods or class of goods and any services or class of services where no safety standard has been prescribed, after giving due regard to the nature of the goods or services concerned.

Section 23 of the CPA prohibits the supply of unsafe goods and services that have caused or are likely to cause injury to any person. An order may be issued to the supplier, under Subsection (2), to:

- (a) Recall the prohibited goods;

- (b) Stop the supply of, or the offer to supply, the prohibited goods;
- (c) Stop the advertisement of the prohibited goods;
- (d) Disclose to the public any information relating to:
 - (i) The characteristics of the prohibited goods which render them unsafe;
 - (ii) The circumstances in which use of the prohibited goods are unsafe; and
 - (iii) Any other matter relating to the prohibited goods or the use of the prohibited goods as may be specified;
- (e) Repair or replace the prohibited goods; and
- (f) Refund to any person, to whom the prohibited goods were supplied, the price paid or the value of the consideration given for the prohibited goods or any lesser amount as may be reasonable, having regard to the use that that person has had of the prohibited goods.

The CPA also lists offences and penalties for each violation under Part 1 (misleading and deceptive conduct, false representation) and Part 2 (safety of goods and services). Adding value to the Act, defences are also listed in case the traders have a valid and fair defence.

Section 27 implies guarantee as to fitness for a particular purpose, where the goods are reasonably fit for any particular purpose that the consumer makes known, expressly or by implication, to the supplier as the purpose for which the goods are being acquired by the consumer and that the goods are reasonably fit for any particular purpose for which the supplier represents that they are or will be fit.

Section 34 states assurance for consumers to imply that the guarantee on goods supplied shall correspond with their description. The same applies to the prices of goods as stated in Section 3, which implies guarantee on the price of goods supplied to a consumer shall imply that the consumer *shall not be liable to pay to the supplier more than the reasonable price of the goods where the price for the goods is not determined by the contract; left to be determined in a manner agreed by the contract or is left to be determined by the course of dealing between the parties.*

Similar provisions are also implied for guarantee on repairs and spare parts, whether imported or locally manufacture, are supplied to a consumer (Section 33), whereby *the manufacturer and the supplier will take reasonable action to ensure that facilities for the repair of the goods and the supply of spare parts for the goods are reasonably available for a reasonable period after the goods are so supplied.*

Consumers in Malaysia, have the right to redress as prescribed under Section 39-42, when the goods fail to comply with the implied guarantee as to acceptable quality or when the goods fail to comply with the implied guarantee as to the description or the material description applied to the goods by or on behalf of the manufacturer, or fail to comply with the implied guarantee as to repairs and spare parts. Sections 50-55 further state the consumer's right to redress against manufacturers. Section 68 on Liability for Defective Products states that where any damage is caused, wholly or partly by a defect in a product, the producer of the product, the person whose name appears on the product or using a trade mark or other distinguishing mark in relation to the product, are liable for the damage.

Section 56 implies guarantee as to price (services). It states that a consumer is not liable to pay to the supplier more than the reasonable price for services where the price for the service is not determined by the contract and left to be determined in a manner agreed by the contract.

Enforcement

This act has also codifies the power of enforcement officers and the need for compliance. Penalties, offences, power to investigate, rights to search with a warrant, right to demand documents, authority cards, right to forfeiture and protection for informers.

Redress mechanism

Legal means for consumers to seek redress are appropriately set through the establishment of the Tribunal of Consumer Claims (TCC) under the CPA (Section 85). The Tribunal has nationwide jurisdiction to hear and determine disputes between consumers and traders. Consequently, with the powers conferred under Section 22, the minister establishes the terms and procedures for consumer disputes and claims handling in all states throughout the country under the Consumer Protection (Tribunal for Consumer Claims) Regulations 1991. This mechanism enables consumers to legally claim for rightful compensation at a minimum charge of RM5 (US\$1.64), and to be heard, without the presence of lawyers, by a qualified judge who can ensure just and fair outcomes. Under Section 112, the Tribunal may make awards within 60 days from the first day the hearing. The Tribunal can make the following orders:

- (a) A party to the proceedings pays money to any other party;
- (b) The goods be supplied or re-supplied as per the Act or the contract to which the consumer is a party;
- (c) The goods supplied or re-supplied to the consumer be replaced or repaired;
- (d) The price or other consideration paid or supplied by the consumer or any other person is refunded to the consumer;
- (e) A party complies with the guarantee;
- (f) Money is awarded to compensate for any loss or damage suffered by the claimant;
- (g) The contract be varied or set aside, wholly or in part;
- (h) The costs to or against any party be paid;
- (i) The interest be paid on any sum or monetary award at a rate not exceeding 8% a year, unless it has been otherwise agreed between the parties; and
- (j) The claim is dismissed.

Under Section 117, failure to comply with the Tribunal's award is an offence and upon conviction, the person is liable to a fine not exceeding RM5,000 (US\$1,637) or to a jail term not exceeding two years, or both. In cases of continuing offence, the offender is liable to a fine not exceeding RM 1,000 each day.

The CPA has been amended since its enactment to include emerging consumer concerns such as:

- i) In the 2010 (Amendment) Bill, a new Part (Part IIIA) on Unfair Contract Terms was inserted with new sections 24A to 24J to address issues related to standard form contracts, which forces on consumers terms excluding or limiting their liability, or other terms that are generally considered unfair. (Consumer Protection (Amendment) Bill 2010)⁵¹
- ii) In the 2007 (Amendment) Bill, an insertion was made under Section 2 to cover e-Commerce transactions, *including any trade transaction conducted through electronic means.*

⁵¹ "Consumer Protection (Amendment) Bill 2010 deals with unfair contract terms." (2010, July 5).

In 2006, through the initiative of FOMCA, the Act was collectively reviewed by experts.⁵² A number of recommendations were covered under the review, which addressed some potential weaknesses in the Act, including:

- i. The definitions or interpretations of “goods” and “services”;
- ii. Misleading and Deceptive Conduct (Part II);
- iii. Safety of Goods and Services (Part III);
- iv. Guarantees in respect of supply of goods and services (Part VI, VII, VIII);
- v. Product liability (Part X);
- vi. The National Consumer Advisory Council (Part XI);
- vii. The Tribunal for Consumer Claims (Part XII); and
- viii. Insertion of a new part on “Unfair Contract terms”

This review helped in bringing about amendments made to the CPA as discussed earlier, for example, the 2010 Amendment on Unfair Contract Terms.

3.1.2 Laws on Product Safety and Labelling

The Standards of Malaysia Act 1996 codifies provisions related to standards, including the establishment of the Standards and Accreditation Council and its functions to promote the use of standards. It also promotes engagement in voluntary standards formulation, testing, certification and accreditation. The Act also governs the issuance of accreditation and registration certifications in relation to a conformity assessment for organisations, laboratories for testing or calibration, training organisations for conformity assessment and to persons qualified to perform conformity assessments and related services (Section 16).

As mentioned in Section 1 of this report, the Food Act 1983 and its Food Regulations 1985 under the Ministry of Health is an important law that protects consumers against unsafe food, which also carries specific provisions on labelling and nutrition. Section 3A of the Act specifies that only approved laboratories with a Certificate of Approval from the minister are allowed to conduct any food testing. Section 10 of the Food Act 1983 specifies provisions related to hygiene and sanitary conditions of food premises involved in the preparation, preservation, packaging, storage or sale or, in the case of a vehicle, for the conveyance, distribution or sale of any food.

Section 13 states provisions related to prohibitions on substances that are injurious to health, food unfit for human consumption, and adulterated food. Compliance with labelling standards and advertising is covered under Sections 15, 16 and 17, with particular prohibitions on false, misleading or deceptive labelling or advertisement with regard to the character, nature, value, substance, quality, composition, merit or safety, strength, purity, weight, origin, age or proportion of the food. Section 29 states that imported food is also subjected to similar treatment for labelling requirements.

Under Section 10 of the Food Regulations 1985, labelling of food must be in Bahasa Malaysia for food produced, prepared or packaged in Malaysia, or can be either in BM or English for imported food, and may include translation thereof in any other language. The regulations also provide specific requirements for packaging materials, claims or declarations on contents and

⁵² Federation of Malaysian Consumers Associations. (2006). *Review of the Consumer Protection Act 1999*.

expiry dates. Matters related to food additives and nutrient supplements are covered under the regulations.

The Halal Guidelines are intended as a guide and reference for the lawful authority certificate issuer to specify a product is halal (kosher). This guide also aims to provide understanding and clarification to the operators and the general public, whether Muslim or non-Muslim, about the aspects of halal according to Islamic law covering the preparation, processing, storage, packaging, handling and transportation of food, beverages and consumables of Muslims.

Also with regard to food, the Federal Agricultural Marketing Authority [FAMA] (Grading, Packaging and Labelling of Agricultural Produce) Regulations 2008⁵³ is another key regulation put in place recently, which requires all agricultural produce to be graded, packaged and labelled accordingly before they are marketed (domestic, export or import). The regulations are expected to be put into force in July 2011. The stringent requirements expected from producers, importers and retailers are considered challenging and have received unpopular acceptance. The FAMA Regulations also complement the Pesticides Act 1974, which relates to the control of pesticide usage in agricultural production through the registration of pesticide products and published minimum residual limits through lists of active ingredients allowed or banned in Malaysia.

The Consumer Protection Act 1999 also provides general safety requirement measures for consumers prohibiting *any goods which are not reasonably safe having regard to all the circumstances, including the manner in which, and the purposes for which, the goods are being or will be marketed, the get-up of the goods, the use of any mark in relation to the goods; and instructions or warnings in respect of the keeping, use or consumption of the goods.* (Section 21)

The Consumer Protection (Certificate of Conformance and Conformity Mark of Safety Standards) Regulations 2010 came into operation on Aug 1, 2010, complementing the Consumer Protection (Safety Standards for Toys) Regulations 2009 and Consumer Protection (Safety Standards for Toys)(Amendment) Regulations 2010 and specifies that *any person who intends to supply, or offer to or advertise for supply or import any goods shall apply to the authorised agency for a conformity assessment report.*

In Malaysia, cosmetics are regulated by the Drug Control Authority (DCA). The National Pharmaceutical Control Bureau (NPCB), is the operational arm. It serves as the Secretariat to the DCA and is responsible for:

- (1) The safety and quality of cosmetics;
- (2) Providing consumers with adequate information in order to choose the best products for themselves; and
- (3) Monitoring all cosmetic products, from the manufacturing process to the marketplace.

The regulatory environment for cosmetics is defined under the Control of Drugs and Cosmetic Regulations 1984. This regulation provides specifications for manufacturing, labelling, distribution and sales. In conformance with the harmonisation of cosmetic regulations in the ASEAN region, the registration system for cosmetic products was replaced with a new procedure as of 1 January 2008, whereby instead of registration, companies are now required to

⁵³ Federal Agricultural Marketing Authority (2009)

only notify/declare to the DCA their compliance with the ASEAN Cosmetic Directive. However, the NPCB will actively conduct post-market surveillance to ensure compliance. The requirements of the ASEAN Cosmetic Directive have been adapted into the Guidelines for Control of Cosmetic Products in Malaysia.⁵⁴ This active product monitoring via the post-market surveillance programme is carried out through the following:

- Audit on the Product Information File for compliance with the regulations;
- Sample collection and testing;
- Audit of premises to ensure compliance with the ASEAN Guidelines for Cosmetic Good Manufacturing Practice (GMP);
- Investigation of complaints;
- Initiation of warning and information sharing system between ASEAN countries; and
- Monitoring of adverse reactions from cosmetics products.

The Poison Act 1952 and Poison Regulations 1952 relate to the import, transport, storage, and labelling of poisons to be used for industry, agriculture or horticulture that prohibit storing of poisonous substances on a shelf or near food. It also regulates labelling of dispensed medicine (Section 12). Suggestions have been made to amend the Poisons Act 1952, to provide for stiffer sentences on offenders who sell health supplement products and traditional medicines adulterated with scheduled poisons.⁵⁵

The advancement of modern biotechnology, including genetically modified organisms, and its potential impact on the safety of consumers' health and environment is also being addressed through the Biosafety Act 2007 under the MOSTI.

Also important to consumer safety is the Electricity Supply Act 1990, which provides for *the regulation of the electricity supply industry, the supply of electricity at reasonable prices, the licensing of any electrical installation, the control of any electrical installation, plant and equipment with respect to matters relating to the safety of persons and the efficient use of electricity and for purposes connected therewith.*

3.1.3 Laws on Phone and Internet Services and e-Commerce

The Malaysian government has committed itself to providing a comprehensive regulatory framework of cyber laws and intellectual property laws to facilitate and assist the development of ICT and e-Commerce. In fulfilling this commitment, the government has enacted relevant laws such as the Digital Signature Act 1997, which provides an avenue for secure online transactions through the use of digital signatures, the Computer Crimes Act 1997, the Communications and Multimedia Act 1998 and the Personal Data Protection Act.

The Malaysian Communications and Multimedia Commission (MCMC) Act 1998 states the regulatory functions of the Commission, which include, among others,

- The implementation and enforcement of the provisions of the communications and multimedia laws; and
- The regulation of all matters relating to communications and multimedia activities.

⁵⁴ National Pharmaceutical Control Bureau (NPCB) Website.

⁵⁵ "Malaysia: MoH May Propose Amendment to Poison Act for Stiffer Penalties" (2010, November 3)

To complement the MCMC Act, the Communications and Multimedia Act (CMA) 1998 states provisions on matters related to the consumer code, including model procedures to reasonably meet consumer requirements, the handling of customer complaints and disputes, including an inexpensive arbitration process other than a court, and procedures for the compensation of customers in case of a breach of a consumer code, and/or the protection of consumer information. In addition, the matters the consumer code may address may include, but are not limited to, the provision of information to customers on the services, rates and performance, the provisioning and fault repair of services, the advertising or representation of service, customer charging, billing, collection and credit practices and any other matter of concern to consumers.

Apart from the CMA 1998, the Internet and multimedia contents are also regulated under various other Acts, including:

- Film (Censorship) Act 1976;
- Printing Presses and Publications Act 1984;
- Penal Code;
- Sedition Act 1948; and
- Internal Security Act 1960

To further protect consumers in Malaysia, the Computer Crimes Act 1997 provides provisions for dealing with offences relating to the misuse of computers, particularly on criminalisation of *any person's conduct which causes a computer to perform any function with intent to secure access to any programme or data held in any computer*. The misuse of computers includes unauthorised access to computers, programmes, data and other IT information offences such as unauthorised access to computer material; unauthorised access with intent to commit or facilitate further offences; unauthorised modification of the contents of any computer; and wrongful communication of the means of access.

The Personal Data Protection Act 2009 regulates the processing of personal data in commercial transactions. The Act also states an individual's rights and expectation related the usage of his or her private, including prescribed fee for data access or formal request in writing and approval.

The Electronic Commerce Act 2006 provides for legal recognition of electronic messages to fulfil legal requirements and to enable and facilitate commercial transactions through the use of electronic means and matters that protect consumers from illegal e-commerce transaction

The Digital Signature Act 1997 has also been put specifying the scopes of the legal validity, enforceability and admissibility of digital signatures. Additionally, the Act addresses the functions of certification authorities, the general requirements for a licensed certification authority, and the application procedures to become a licensed certification authority. This Act also subjects the licensed certification authorities to annual performance audits.

3.1.4 Laws on Consumer Credit and Banking

All banks and financial institutions in Malaysia must be licensed under the Banking and Financial Institutions Act 1989, which specifies provisions on licensing and regulation of banks

and financial institutions.⁵⁶ The Islamic Banking Act 1983 provides for the licensing and regulation of Islamic banking business. Islamic banks are prohibited from granting advances, loans or credit facilities to any of their directors, officers or employees or other persons being persons receiving remuneration from the bank (Section 25.) Restriction of credit to a single customer is specified under Section 27, whereby *No Islamic bank shall grant any customer any credit facilities or incur any other liabilities on his behalf to an aggregate amount in excess of such percentage as may be determined from time to time by the Central Bank...*

The Hire Purchase Act 1967 regulates hire purchase activities, scheduled payments, rates and default payments, including an implied condition that the goods are of merchantable quality. The Act also states that “merchantable quality” may not be implied where the consumer has examined the goods and found defects, or if the goods are second-hand.

The Hire Purchase (Terms Charges) Regulations 1968 state that the terms charges in relation to a hire-purchase agreement shall not exceed 10% per annum in respect of all goods specified in the First Schedule of the Act (Section 2). The Hire-Purchase (Compounding of Offences) Regulations 1993, which came into force on the March 1, 1993, state that the amount of compound payable in respect of a compoundable offence shall not exceed the maximum fine that may be imposed for that offence [Section 3(1)]. Hire Purchase (Recovery of Possession and Maintenance of Records by Owners) Regulations 1976, Section 2 states that *An owner shall not serve on the hirer a notice in the form set out in the Fourth Schedule of the Act in pursuance of Section 15 (1) of the Act, unless there had been two successive defaults in respect of the last payment relating to the payments of instalments.*”

The Moneylenders Act 1951 regulates and controls the money lending business and protects borrowers of monies lent in the course of such business. A “Moneylender” is defined by Section 2 of the Act and *includes every person whose business is that of money lending or who carries on or advertises or announces himself or holds himself out in any way as carrying on that business, whether or not that person also possesses or earns property or money derived from sources other than the lending of money and whether or not that person carries on the business as a principal or as an agent.*

Section 5 prohibits any money lending business without a licence under the Act, or otherwise that person shall be “...*liable to a fine of not less than twenty thousand ringgit but not more than one hundred thousand ringgit or to imprisonment for a term not exceeding five years or to both, and in the case of a second or subsequent offence, shall also be liable to whipping in addition to such punishment.*”

Advertisements by moneylender are also restricted under Section 11(1), which states that *No advertisement regarding the business of money lending carried on by a moneylender shall be issued or published or caused to be issued or published by the moneylender, unless an advertisement permit in respect of that advertisement has been granted by the Registrar.*”

On the interest rates for secured and unsecured loans, Section 17A states that *the interest for a secured loan shall not exceed twelve per centum per annum and the interest for an unsecured loan shall not exceed eighteen per centum per annum.*

⁵⁶ For other acts related to banking and finance, go to the Bank Negara Malaysia Website at <http://www.bnm.gov.my/>

The Pawn Brokers Act 1972 regulates and controls the business of pawn broking, the protection of those who pawn valuables and pledges pawned in the course of such business. The Acts states that “A licensee may take profit on a loan on any pledge in pawn by way of charges at such rates as may be prescribed by regulations made under this Act, and shall not demand or take any profit in excess of the prescribed rate, or demand or take any sum whatever in respect of any pawning, other than such profit.” In addition, the Act also states that *every pawnbroker at any time within six months from the pawning of any article to him or within such longer period as may have been agreed upon by him with the pawner, shall deliver up the pledge to any person who may present the pawn-ticket issued by him in respect thereof and may tender payment of the sum borrowed thereon, and shall give to that person a receipt for all such moneys received from that person and shall record the particulars of that person in the pawnbroker’s book.*”

Also important in managing consumer credits and banking is the Bank Negara Malaysia Credit Bureau, which collects credit information on borrowers from lending institutions and furnishes the credit information collected back to the institutions in the form of credit report via an on-line system known as Central Credit Reference Information System. This is provided under Section 47, Central Bank of Malaysia Act 2009. The credit report is also available for individuals to check and obtain their own credit information at the Central Bank’s branches. The Credit Bureau plays an important role in the area of credit risk management and the promotion of a sound credit culture in the financial system of the country.

Statutes relating to the financial industry are currently being reviewed and are expected to be replaced in 2012.

3.1.5 Laws on Environmental Quality and Services

The Environmental Quality Act 1974 relates to the prevention, abatement, control of pollution and enhancement of the environment quality. The Act covers environmental aspects, meaning the physical factors of the surroundings of the human beings, including land, water, atmosphere, climate, sound, odour, taste, the biological factors of animals and plants and the social factor of aesthetics. The Act restricts unlicensed activities related to:

- Emission or pollution or discharge of any environmentally hazardous substances, pollutants or wastes into the atmosphere (Section 22);
- Emission of any noise greater in volume, intensity or quality above the acceptable conditions (Section 23);
- Pollution of the soil or surface soil (Section 24);
- Pollution of inland waters by emission, discharge or deposit of any environmentally hazardous substances, pollutants or wastes (Section 25); and
- Discharge of oil into Malaysian waters (Section 27).

Section 29A prohibits open burning by any person on any premises. Section 30B of the Act empowers the minister to specify rules on deposit and rebate schemes for collecting environmentally unfriendly products and those that may cause adverse constraints on environment products, so they be disposed of efficiently through recycling or disposed of in an environmentally sound manner.

The Water Act 1920 covers the conditions of rivers and streams, and prohibits actions or intrusions, without approval or licence, such as cutting down any tree so that it falls into a river, obstructs or interferes with any river; or the building of any bridge, jetty, or landing stage (other than a bath-house) over or beside any river at a point where the width of such river exceeds 20 feet.

The Sewerage Services Act 1993 was derived through amendments and consolidations of the laws relating to sewerage systems and sewerage services, with the purpose of improving sanitation and the environment and promoting public health. Section 9 (i) states that the interests of customers of sewerage services or connection services provided by any person licensed should be reflected through:

- (i) The prices to be charged for the services;
- (ii) The quality of the services; and
- (iii) In relation to sewerage services, the continuity of the services.

The Water Services Industry Act 2006 was put in place to ensure uniformity of law and policy for the proper control and regulation of water supply and sewerage services throughout Peninsular Malaysia and the Federal Territories of Putrajaya and Labuan. The Act also facilitates the establishment of a Water Commission to regulate and control the water and sewerage industries and the establishment of Water Forum Malaysia to hear and resolve consumer issues and disputes, whose general duties include dealing with consumers and handling their complaints; ensuring the security, integrity and safety of water supply and sewerage systems, ensuring supply of water and maintaining appropriate water pressure.

3.1.6 Laws on Health and Healthcare Services

In general, Malaysia has also put in place relevant laws to regulate its healthcare industry, through the:

- Medicine Act (Advertising and Sales 1956);
- Private Hospitals Act 1971;
- Telemedicine Act 1997 (Act 564);
- Private Healthcare Facilities and Services Act 1998;
 - Private Healthcare Facilities and Services (Private Medical Clinic or Private Dental Clinics) Regulations 2006; and
- Sale of Drugs Act 1952
 - Control of Drugs and Cosmetic Regulations 1984.

The Private Hospitals Act 1971 outlines provisions for the registration and inspection of private hospitals, nursing homes and maternity homes. The Private Healthcare Facilities and Services Act 1998 regulates healthcare facilities and services, ensuring private medical institutions provide consumers quality healthcare services and regulated charges. Selangor's private clinics registry system was introduced in 2006 following the gazetting of the Private Healthcare Facilities and Services Act.

The Medicine Act (Advertising and Sales) 1956 covers provision related to the control of advertising of medical appliances, remedies, skills and services and the rights of consumers to acquire safe self-medication and to claim compensation from misleading advertisements.

The Telemedicine Act 1997 specifies regulations and controls on the practice of telemedicine in order to provide consumers with a high quality of healthcare.

3.1.7 Laws on Professional Services

The Medical Act 1971 governs the medical profession in Malaysia, under which the Malaysian Medical Council (MMC) has been established to protect consumers and outline the code of conduct for medical practitioners. The MMC has disciplinary jurisdiction over all practitioners registered under this Act, and can exercise disciplinary jurisdiction over any registered person who has been convicted in Malaysia or elsewhere of any offence related to fraud or misrepresentation.

The Legal Profession Act 1976 consolidates the law relating to the legal profession in Malaysia, under which the Malaysian Bar Council was also established to:

- Uphold the cause of justice without regard to its own interests or that of its members, uninfluenced by fear or favour;
- Maintain and improve the standards of conduct and learning of the legal profession in Malaysia;
- Facilitate the acquisition of legal knowledge by members of the legal profession and others;
- Represent, protect and assist members of the legal profession in Malaysia and to promote in any proper manner the interests of the legal profession in Malaysia;
- Protect and assist the public in all matters touching ancillary or incidental to the law;
- Promote good relations and social intercourse among members and between members and other persons concerned in the administration of law and justice in Malaysia; and
- Establish a Compensation Fund.

The Legal Profession (Practice and Etiquette) Rules 1978 – P.U. (A) 369/78 regulates professional practice, etiquette, conduct and discipline of advocates and solicitors through the Bar Council. In addition to the Practice and Etiquette Rules, legal practitioners are also bound to the Solicitors’ Remuneration Order 2005 with regard to charges and fees.

3.1.8 Other laws protecting rights of consumers

In Malaysia, the Price Control Act 1946, which will soon be replaced by the Price Control and Anti-Profitteering Bill 2010, is intended to control prices of controlled items that are considered important and basic foods for the public. The price control mechanism under this law makes it an offence to sell controlled items above the allowed price. Consumers in Malaysia can enjoy goods like rice and cooking oil at controlled prices. Under the Act, *Any person who sells price-controlled goods at a price or performs or offers to perform any service in relation to any price-controlled goods or hires or offers to hire any price-controlled goods at a charge which exceeds the maximum price or charge fixed therefore by the Price Controller under Section 4 shall be guilty of an offence against this Act.*

The Weights and Measures Act 1999 relates to units of measurement and standards of mass and measures based on the International System of Units to regulate weights and measures and instruments for weighing and measuring and to make provisions for matters connected therewith and ancillary thereto. The Sale of Goods Act 1957 relates to the sale of goods to protect consumers from bad purchases, whereby there is no implied warranty or condition as to the quality or fitness for any particular purpose of goods supplied under a contract of sale, except:

- a) Where the buyer, expressly or by implication, makes known to the seller the purpose for which the goods are required, so as to show that the buyer relies on the seller’s skill or judgment, and the goods are, whether the seller is the manufacturer or producer or retailer, there is an implied condition that the goods shall be reasonably fit for such purpose; and
- b) Where goods are bought by description from a seller who deals in goods of that description (whether he is the manufacturer or producer or not), there is an implied condition that the goods shall be of merchantable quality.

3.2 REDRESS MECHANISMS

In 2008, a total of 7,440 claims were filed under the Tribunal for Consumer Claims, whereby 53% were on goods and 47% on services.⁵⁷ Generally, redress mechanisms available for consumers in Malaysia to resolve disputes and to seek compensation include:

- a. The court system
- b. The Tribunal for Consumer Claims
- c. The Tribunal for Housebuyer Claims
- d. Alternative Dispute Resolution

National Consumer Complaints Centre (NCCC)

The National Consumer Complaints Centre handles national and cross-border complaints without any charge. It is an independent alternate dispute resolution body in Malaysia. NCCC receives consumer complaints through various channels such as telephone, walk in, e-mail, messaging system, e-complaint, letters and fax. Currently, NCCC receives complaints on more than 25 industrial sectors. The complainant needs to follow a certain format to fill up the particulars of the complaint. Online complaints are encouraged as it is able to capture the important information about the complainant. NCCC primarily acts as a mediator between complainants and respondents. The role of NCCC for complaints handling is, however, limited to cases with claims of not more than RM15,000. Any claims of more than this amount are referred to the TCC.

Besides complaints handling, NCCC also conducts law reviews, policy reviews, submits position papers and memoranda to government and press statements to educate and protect consumers and carries out consumer advocacy as well.

Tribunal for Consumer Claims

The Tribunal for Consumer Claims (TCC) is a body established through the provision of Section 85, Part XII of the Consumer Protection Act 1999. Part XII of the Act contains 38 sections governing various aspects such as membership of the Tribunal, its jurisdiction, proceedings and awards and other related matters. The Tribunal has the mandate to handle claims not exceeding RM25,000.

Malaysian Medical Council

Pursuant to the Medical Act 1971, the MMC can only regulate registered doctors. This is reflected in the council's statutory power to register doctors to practice in Malaysia and to either reprimand, strike a doctor out of the Medical Register or suspend a doctor's registration.

Advocates & Solicitors Disciplinary Board

The Disciplinary Board is an adjudicatory body empowered to decide whether an advocate and solicitor has breached a particular provision of the Act or the Rules governing the legal profession or any Rulings of the Bar Council (see under "types of misconduct" under Jurisdiction). However, the Disciplinary Board does not have the power to deal with negligence cases or recovery of damages.

⁵⁷ Paul Selva Raj (2010) and NCCC Annual Report 2008.

A non-refundable fee of RM100 is charged consumers filing complaints against advocates and solicitors and consumers are not compensated on the fees paid.

Forum Air Malaysia (Water Forum Malaysia)

This body receives consumer complaints on water and sewerage services and liaises with water, sewerage operators, the Water Commission and the government ministry to resolve the matters.

Malaysian Communication and Multimedia Commission (MCMC)

Functions of MCMC relate to the Communications and Multimedia Act 1998. The MCMC has published the Guidelines for Dispute Resolution in the exercise of its powers conferred under Section 85 of the Communications and Multimedia Act 1998. The guidelines contain principles and procedures for the resolution of disputes or a class of disputes by MCMC in relation to any matter under the Communications and Multimedia Act 1998 or its subsidiary legislation. MCMC may act accordingly if parties cannot resolve a dispute and one party does not wish to adopt the conditions of an undertaking.

Bank Negara Malaysia (BNM)

The Central Bank provides four modes of handling complaints and providing redress:

- BNMLINK - represents one of Bank Negara Malaysia's important points of contact with the general public, acts as a centralised point of contact to facilitate a rapid and effective response for consumers and businesses in matters related to the financial sector.
- Complaints units of financial institutions – under BNM regulations, all commercial banks, Islamic banks, insurance companies, takaful (Islamic insurance) operators and card issuers are required to establish dedicated complaints units in their organisations to address and respond to complaints in a timely manner.
- Agensi Kaunseling dan Pengurusan Kredit (AKPK) – or the Credit Counselling and Management Agency is an agency set up by Bank Negara Malaysia in April 2006 to provide financial counselling and debt management to individuals. AKPK also provides financial education to help individuals take control of their financial situation through the wise use of credit.
 - Services offered by AKPK include:
 - Financial education on the proper use of credit and basic money management;
 - One-to-one counselling and advice on managing finances wisely (budgeting, money management and credit related issues); and
 - Debt management programme (managing personal debts with financial service providers).
- Financial Mediation Bureau (FMB) – the FMB is an independent body set up to help settle disputes between consumers and their financial services providers who are FMB members. The body seeks to provide objective and timely resolution of disputes, claims and complaints arising from services provided by FMB members.
- Banking Mediation Bureau (BMB) - was incorporated in 1996 under the Companies Act 1965 for dispute resolutions between consumers and commercial banks, finance companies or merchant banks. The BMB is funded by the above institutions and its

services are provided free of charge to customers of these institutions.⁵⁸ BMB handles disputes involving monetary losses of up to RM25,000 in relation to the following areas:

- Charging of excessive fees, interests and penalties;
- Misleading advertisements;
- Unauthorised Automatic Teller Machine withdrawals;
- Unauthorised use of credit cards; and
- Unfair practice of pursuing actions against a person who is a guarantor.

Customers are free to accept or reject decisions of the BMB. If they do not accept, the decision is deemed cancelled and they are free to take any other steps with respect to the dispute, including legal proceedings.

The Malaysian Mediation Centre – this is a body established under the auspices of the Bar Council with the objective of:

- promoting mediation as a means of alternative dispute resolution; and
- providing a proper avenue for successful dispute resolutions.

Insurance Mediation Bureau – provides venues to settle disputes related to insurance matters. For example, insurers are liable to indemnify the insured for the damages to the insured vehicle.⁵⁹

3.3 CP PROGRAMMES, INITIATIVES AND BEST PRACTICES

3.3.1 CP Programmes

3.3.1.1 Consumer Education and Awareness Programmes

Table 4 summarises key findings on consumer education and awareness programmes and activities as provided by the stakeholders that took part in this study. The programmes and activities selected were based on the stakeholders’ processes of evaluation to measure success, including the success in meeting particular objectives and goals of the programmes or activities.

MDTCC, for example, educates consumers under its “Smart Consumer” campaign through a series of informative materials on:

- Household Budget
- Value for Money – A guide to shopping
- Value for Money – Comparison of prices and quality
- Value for Money – Why do you buy?
- Household Management – Consumer education begins from young
- Household Management – Loan and credit

Using MPF as a platform, for example, Malaysian Plastics Manufacturers Association conducts seminars such as “Life Cycle Assessment” to educate the public on plastics products and their

⁵⁸ <http://www.bankinginfo.com.my>

⁵⁹ Lee Swee Seng, Advocate & Solicitor, Notary Public, Trademark, Patent Agent, Certified Mediator

overall impact on the environment based on factual information about the safety of plastics and their energy-saving features.⁶⁰

From the General Survey conducted in this study, it was also found that consumer education and awareness programmes are carried out by all stakeholders. However, some stakeholders, such as the Ministry of Health and Standards Users, target their activities for school children as well as the public. Only FOMCA had programmes targeted specifically at women as well.

Table 4: List of Selected Consumer Education and Awareness Programmes carried out by the identified stakeholders in Malaysia.

Name of Organisation/Division/Department	Types of Programmes/Activities	Target Audience	Achieved its goal? (√)	Measurements of success
Ministry of Health Malaysia	Food Safety Campaign	School children	√	Number of food poisoning episodes down
National Pharmaceutical Control Bureau, Ministry of Health Malaysia	Adverse Drug Reaction (ADR) Monitoring Programmes (including reporting by consumers)	Professional and public	√	Number of ADR reports received.
Standards Malaysia	Standards Awareness campaigns and roadshows with MDTCC		√	Pre/post questionnaires
MDTCC	Seminar Kepenggunaan Penjawat Awam; Malaysian Consumer Day (July); Programme Training the Trainers, Consumer Awareness Seminar on Rights and Responsibility, Standards Scams, School Consumer	Public	√	Based on Q&A; active participants from audiences

⁶⁰ MPMA Annual Report 2010.

	Club, Consumer Clubs in Higher Learning Institute, Consumer Awareness Campaign, Consumer Month (July), Smart Consumer Campaign, 'Power of Consumer: 1 Consumer, 1 Voice'; 'Reduce Plastic Bag' Campaign, "Anti Scratch-and-Win Scam", "Anti Get-Rick-Quick Scam"			
Solid Waste Management & Public Cleansing Corporation	3R	Primary and secondary school students	√	Survey and research
Malaysian Association of Standards Users	Awareness on importance of standards for safety and environment	General public; students; industry	√	Pre- and post-surveys; increased complaints on product safety; media coverage
National Consumer Complaints Centre	3K FOMCA NCCC Complaints & Compensations	Public, university students, youth	√	Feedback, complaints
Malaysian Plastics Manufacturers Association (MPMA)	MPMA-Scientex Foundation, 3R Awareness Programme for schools	Primary and secondary students	√	Recycling bins are provided at participating schools and all schools are practising 3Rs. Recyclable material is collected and sent for recycling.
Centre for Environment, Technology & Development Malaysia (CETDEM)	CHC @ PJ; WCPJ 2006; and Hari Organics	50 families in PJ	√	46 of 50 families stayed till end.

Federation of Consumer Associations Malaysia (FOMCA)	National Consumer Campaign; Financial Literacy	Community; Women; Workers; youths; and school	√	Behavioural changes, Increase of knowledge, Changes in attitude
Central Bank of Malaysia (Bank Negara Malaysia)	Consumer Education Programme; Training of Trainers; Education at Workplace; Outreach Programmes	General public; staff of government departments; NGOs and school children	√	Pre- & post-seminar surveys of participants; Feedback report by the organisation & participants.
Financial Mediation Bureau	M2K annual events; Participation in CEP of BNM; Invited by several organisations	Varies	√	Increasing number of requests to conduct the seminars as well as increase in number of cases received.

3.3.1.2 Campaigns, mobilisation programmes and activities

Table 5 summarises key findings on campaigns, mobilisation programmes and activities as provided by the stakeholders taking part in this study. The programmes and activities were selected based on the stakeholders' process of evaluation to measure success, including their successes in meeting particular objectives and goals of the programmes or activities.

Table 5: Selected campaigns, mobilisation programmes and activities in Malaysia

Name of Organisation/ Division/ Department	Programmes/ Activities	Target Audience	Measurement of success
MDTCC	Malaysian Consumer Day, TCC Booth, Kurangkan Gula (Reduce Sugar Intake Campaign), Kempen membeli belah secara bijak (Smart Shopping Campaign), Consumer Month (July), Smart Consumer Campaign, 'Power of Consumer: 1 Consumer, 1	Public	Based on Q & A; active participants from audiences

	Voice' Campaign Reduce Plastic Bag Campaign, Anti Scratch and Win Scam ,Anti Get-Rich-Quick Scam		
Ministry of Health Malaysia	Food Safety Campaign	School children	Fewer food poisoning episodes
Malaysian Society for Quality in Health	Exhibitions at conferences; Consumers Day	General public	High numbers of people visiting the exhibition booth.
Federation of Consumer Associations Malaysia	Against sewage authority	All	Stopped higher charges for consumers
Malaysian Plastics Manufacturers Association (MPMA)	Mobilizing members to support and implement 3Rs programme	Members	Increased awareness among members, adoption of CSR in business operations.

3.3.1.3 Public Service Announcements and Alert Programmes

From the General Survey, it was found that both government agencies and NGOs indicated PSAs are used as one of their activities in communicating with consumers. However, only government agencies use TV as the medium of communication for PSAs.

3.3.1.4 Research and Development Programmes and Activities

Table 6 summarises the key findings on Research and Development programmes and activities as provided by the stakeholders taking part in this study. The programmes and activities selected were based on the stakeholders' process of evaluation to measure success, including success in meeting the particular objectives and goals of the programmes or activities.

Table 6: Selected Research and Development Activities of Malaysian Stakeholders

Name of Organisation/ Division/ Department	Programmes/ Activities	Target Audience	Measurement of success
Solid Waste Management & Public Cleansing Corporation	Waste Characteristic and Waste Composition	Local, authorities, schools	Research and case study
Federation of Consumer Associations Malaysia	Consumer behaviour, consumer concerns and law reviews	Policy makers	Used for advocacy

3.3.1.5 Lobbying Activities by Malaysian Stakeholders

Table 7 summarises the key findings on Lobbying Activities, which were carried out by Standards Users. The programmes and activities selected were based on the stakeholders' process of evaluation to measure success, including their success in meeting particular objectives and goals of the programmes or activities.

According to its 2008/09 Annual Report, FMM recorded a successful lobbying for the adoption of ISO 26300:2006 Open Document Format for Office Application as a Malaysian Standards in efforts to promote ICT.

Table 7: Selected Lobbying Activities in Malaysia

Name of Organisation/ Division/ Department	Programmes/ Activities	Target Audience	Measurement of success
Malaysian Association of Standards Users	Toy Safety; Ceramic Tableware	MDTCC; MoH	Toy Regulation; Food Regulation amended to include ceramic tableware

3.3.1.6 Joint Activities from Various Stakeholders in Malaysia

Table 8 summarises the key findings on joint activities from various stakeholders as provided by the stakeholders taking part in this study. The programmes and activities selected were based on the stakeholders' processes of evaluation to measure success, including success in meeting particular objectives and goals of the programmes or activities.

Table 8: Selected joint or collaborative activities from various stakeholders in Malaysia

Name of Organisation/ Division/ Department	Programmes/ Activities	Target Audience	Measurement of success
Standards Malaysia	Speaker presentation with various stakeholders	Public and industry	Pre- & post-questionnaire analysis
Solid Waste Management & Public Cleansing Corporation	Exhibition on 3R	Community and students	Survey forms
Federation of Malaysian Consumer Associations	3K Switch	Consumers and youth	Behavioural changes

Malaysia			
Malaysian Association of Standards Users	Product Safety; Social responsibility	Industry and government	Pre- and Post-show assessment on the degree of understanding of the issues

3.3.1.7 Standards and Regulations Development Activities in Malaysia

Table 9 summarises the key findings on standards development activities as provided by the stakeholders taking part. The programmes and activities selected were based on the stakeholders' processes of evaluation to measure success, including success in meeting particular objectives and goals of the programmes or activities.

As mentioned earlier (Section 1), MPMA has formed a standards development committee called the Association Standards Committee – Plastics Products, consisting of various working groups. In 2009, MPMA conducted three seminars on “Enhancing Global Competitiveness through Standards 2009” for its members together with its annual road show.⁶¹

FMM also plays an active role in the development of regulations in the country. Its 2008-09 report highlights some proposals in the development of the Environment Quality (Clean Air) Regulations 2009 draft. FMM also presented its key views on the Proposed Industry Code of Practice on Indoor Air Quality to the Department of Occupational Safety and Health.⁶²

As of Jan 1, 2008, NPCB also enforces GMP Requirements for Cosmetics Product Manufacturers in line with the ASEAN Harmonisation for Cosmetics.⁶³

Table 9: Selected Standards and Regulations Development Activities in Malaysia

Name of Organisation/ Division/ Department	Programmes/ Activities	Target Audience	Measurement of success
Malaysian Medical Council	Recognition of Basic Medical Programme	Academics and spring doctors	Public recognises the programme
Malaysian Plastics Manufacturers Association (MPMA)	Symbol for plastic products in contact with food standards	Consumers/ Standards users	The standard development is still in progress and has yet to be published.
Malaysian Society for Quality in	Development of Standards for Hospitals and Medical Clinics	Providers of services	Number of hospitals public

⁶¹ MPMA Annual Report 2010.

⁶² FMM Annual Report 2008/09

⁶³ Ibid

Health			and private accredited
Federation of Consumer Associations Malaysia	Monitoring and advocacy	Policy makers	Implementation of standards
Malaysian Association of Standards Users	Product Safety; Environment; SR	General public; government agencies; industry	More participants know about the National Standards Body;
Bank Negara Malaysia (Central Bank of Malaysia)	Guidelines and Circulars	Financial Service Providers	Market Conduct Surveillance
MDTCC	Regulation of mandatory standards for toys, Consumer Protection (Safety Standards for Toys) Regulation 2009 and Consumer Protection (Certificate of Approval and Conformity Marks of Safety Standards) Regulation 2009.	Supplier, retailer, distributor or any party conduct repackaging activities	Market surveillance

3.3.1.8 Monitoring, Market Surveillance and Product Testing Programmes and Activities

Table 10 summarises the key findings on monitoring, market surveillance and product testing initiatives from various stakeholders taking part. The programmes and activities selected were based on the stakeholders' process of evaluation to measure success, including success in meeting particular objectives and goals of the programmes or activities.

The mapping exercise of the study also found three product monitoring programmes and activities which had undergone certain degrees of assessment. The National Pharmaceutical Control Bureau (NPCB), for instance, carries out testing of pharmaceutical products found in the Malaysian market. According to its 2008 Annual Report, NPCB tested 4,230 samples categorised them as registration-pharmaceutical (359 samples), registration-traditional (1,281 samples), surveillance-pharmaceutical (731 samples), surveillance-traditional (1,131 samples), cosmetics (237 samples), complaints (122 samples) and enforcement (369 samples). In 2008 and 2007, 593 and 728 samples of traditional medicines, respectively, were screened for the presence of adulterants. Furthermore, NPCB also conducted 306 GMP inspections in 2008.

Apart from NPCB, the Malaysian Medical Council also reported its on-going activity to monitor and assess the quality of medical services and the professional conduct of doctors. FOMCA, on the other hand, reported its continuous efforts to monitor and assess the degree of enforcement and implementation of CP activities.

Table 10: Selected Monitoring, Market Surveillance and Product Testing Activities in Malaysia

Name of Organisation/ Division/ Department	Programmes/ Activities	Measurement of success
National Pharmaceutical Control Bureau	Market Surveillance Programme involving testing/checking of registered products	Products that meet the registration criteria.
Federation of Consumer Associations Malaysia	Toys	Enforcement
Malaysian Association of Standards Users	Toys, lipstick, eggs, ceramic tableware, water, toothpaste	Media release; Regulations amended
MDTCC enforcement	Enforcement	Number of cases charged in court Forfeiture

3.3.2 Consumer Protection Initiatives in Malaysia

This section summarises some of the key CP initiatives carried out by various stakeholders in Malaysia. Notably, various agencies in Malaysia have positively contributed to consumer protection. These initiatives include:

- Agensi Kaunseling dan Pengurusan Kredit (AKPK) – set up by Bank Negara Malaysia in April 2006, AKPK provides financial counselling and debt management to individuals as well as financial education to help individuals take control of their financial situation and gain peace of mind that comes from the wise use of credit.
- The *MediTag* Hologram is an initiative taken by the government to provide safety assurance to consumers against counterfeit medicines.
- Water Forum Malaysia – an initiative of FOMCA, with the support of government, to address consumer issues and ensure the consumer voice is represented on issues concerning water.
- The Communications and Multimedia Consumer Forum of Malaysia and MCMC Content Forum are independent bodies comprising institutional members from the industry and civic groups as well as individual members to improve customer and consumer service in the communications and multimedia industry. The forums draw up codes as an attempt at self-regulation, based on input from both the industry and consumer groups.
- Federation of Malaysian Manufacturers (FMM) Generic Handbook on Code of Ethics (2005) provides a template to assist member companies in establishing a Business Ethics Statement within their companies, with the Malaysian Code of Business Ethics as a guide.

3.3.3 Best Practices from Malaysian Stakeholders

Identification of best practices in the CP programme implementation is generally based on the following criteria:

- i. Continuity and replicability, and follow-up, with regular reporting and updates (each time the programme is conducted);
- ii. Meeting the objectives and targets of the programmes;
- iii. Programme evaluation by participants;
- iv. Documentation of each programme's effects;
- v. Reaching out to target groups as expected or beyond; and
- vi. Implementing programmes within the budget.

Despite some weaknesses in coordination among inter-agencies, coordination among the product safety authority, national consumer protection authority and NGOs on consumer protection is viewed as one of the best practice examples through:

- a) Food safety by Food Safety Quality Division and the Ministry of Domestic Trade, Cooperative and Consumerism to form a Committee on Consumerism-Related issues with:
 - Membership of 17 various government related agencies; and
 - Function of discussing cross-the-board consumerism issues based on consumer complaints
- b) Focus Group on Private Sector Efficiency and Accountability Towards Consumerism, with:
 - Membership: Public and Private sectors.
 - Function: to enhance the efficiency and accountability of the private sector in addressing consumer issues.

Collaboration and coordination efforts among other stakeholders to protect consumers on product safety are shown through the:

- National Consumer Advisory Council
- Committee to Protect Safety and Service
- ISO COPOLCO.
- National Food Safety and Nutrition Council
- Technical committee on food packaging under SIRIM

Together with the ICT regulatory authorities, the national consumer protection authority and consumer organisations will coordinate with the financial regulatory authorities to set up an ad hoc team to address specific issues.

The national environmental authority, together with the national consumer protection authority and NGOs in consumer protection, has formed an ad hoc team to address GHS on chemicals. Another coordination unit has been formed between FOMCA and the Consumers Association of Penang, the Ministry of Natural Resources and Environment and the Industry Standards Committee on Environment.

The Malaysian Association of Standards Users held a joint activity with FOMCA to conduct activities with students and the general public as target participants. Standards Users has also worked together with the MDTCC to develop a Teachers Training Module for Standards and a Workbook on Standards. This training module and workbook are one of the first in the world and this has been acknowledged so by the ISO.

The activities/programmes/outreach need to be consistent by increasing the number of schools participating and getting detailed feedback from the participants. Standard Users is also using the popularity of FOMCA's Malaysia Consumer Day programme for easier endorsement from the government for its standards training programmes. These programmes have also been carried out in the East Malaysians of Sabah and Sarawak, in the towns and cities of Miri, Bintulu, Kuching, Kota Kinabalu and Sandakan, but these have been found to be too costly.

Bank Negara Malaysia (BNM) is also identified as one of the key stakeholders that have carried out some of the best practices in consumer education awareness programmes, particularly in the following areas:

- **Banking info** - Under the Bank's Consumer Education Programme to provide consumers with the knowledge and understanding of the wide range of banking products and services, and where assistance or advice can be obtained. To enable consumers to better select financial services or products that best meet their needs, to better understand their rights and responsibilities relating to the services/products that are offered.⁶⁴
- **Insurance info** - on insurance and takaful⁶⁵ - a joint effort between the Central Bank and the insurance and takaful industry, designed as a long-term programme to create awareness to enable consumers to make well-informed decisions when purchasing insurance or takaful products.
- **Duitsaku**⁶⁶ - a financial planning education website targeted at Malaysian children, to help them understand financial planning and its importance. The website is equipped with information and activities such as quizzes, crossword puzzles, games, wallpapers and screensaver downloads, e-cards and discussion forums.

3.3.4 Other Best Practices Relevant to Malaysia

During the course of this study, some stakeholders suggested that Malaysia may need to further enhance the effectiveness of its rainwater harvesting programme. An example of a successful rainwater harvesting programme has been implemented in Chennai, India. As described by S. Vishwanath (n.d.), Chennai has reached 98% of its citizens utilizing rainwater as an alternative source to the mains water supply.

It was also suggested that in order to enhance its capacity to implement good standards development practice, Malaysian stakeholders should be further exposed to and trained to embrace ISO Guide 59 on Good Standardisation Practice and WTO's Code of Practice for Standardisation.

⁶⁴ <http://www.bankinginfo.com.my/>

⁶⁵ <http://www.insuranceinfo.com.my/>

⁶⁶ <http://www.duitsaku.com/>

Malaysian stakeholders should also study, explore and emulate the implementation of India's Consumer Protection Fund mechanism to generate continuous assistance to fund consumer protection activities and programmes in all sectors throughout the country.

3.4 CAPACITY-BUILDING TRAINING OFFERED BY MALAYSIA

The mapping exercise conducted through this study also identified the capacities of the participating stakeholders providing capacity-building training to other organisations. Interestingly, 52% of the stakeholders stated that they are involved in such training. This indicates that capacity-building programmes are an important function of the stakeholders. From the GS, only BNM (Central Bank) offers technical assistance for the regulatory authorities of developing countries.

The following stakeholders and programmes were highlighted:

- a) CETDEM - Awareness through studies of projects - energy efficiency, public transport and household organic waste composting.
- b) NCCC – Capacity-building in the area of consumer redress;
- c) NCCC - Dialogue sessions with Investigating Tribunal and Disciplinary Committee Members;
- d) Standards Users and the Department of Standards Malaysia - Good Standards Development Practices; consumer protection for people with disabilities; consumer representation in standards and standardisation;
- e) FOMCA - Managing consumer and related education programmes;
- f) BNM - Sharing of information and experiences in implementing consumer protection and regulation initiatives with other central banks and financial services sector regulators; sharing of consumer related guidelines with other central banks and financial services sector regulators; and conduct train-the-trainer programmes for teachers to raise awareness of schoolchildren on the importance of financial management.
- g) MCMC - Communication and Multimedia academy that provides training to all staff relevant to their areas. Each staff member is required to be trained for a minimum of six Mondays a year.
- h) Standards Malaysia - Training by ISO – workshops, seminars in Standardisation and the Consumer.
- i) MPMA - Training/Seminar on recycling technology.

4. NEEDS ASSESSMENT FOR CONSUMER PROTECTION PROGRAMMES IN MALAYSIA

4.1 ANALYSIS OF HUMAN AND INSTITUTIONAL CAPACITY GAPS

4.1.1 Institutional and Human Capacities of Selected Malaysian Stakeholders

The General Survey (GS) provides the basis for the needs assessments and capacity gaps in Consumer Protection among the identified CP-related stakeholders in Malaysia, as based on the six identified consumer areas. In terms of human resource capacity, 71.4% of the stakeholders (15 out of 21) employ full time paid staff. Involvement of volunteers is very low, and only two (9.5%) stakeholders engaged consultants.

From its 2008 Annual Report, the NPCB provided 399 job vacancies. However, only 310 posts were filled and 89 remained vacant for the year. The vacant posts were mostly for pharmacists (41 posts and pharmacy assistants, 12 posts) while others were for administrative, general and healthcare assistants.⁶⁷

In this study, the language of operation is also an important factor affecting the efficiency and effectiveness of CPs and related activities. Communicating relevant messages and information in languages comprehensible to the stakeholders should be noted in order to transfer the messages correctly. From the GS, it was found that 13 (61.9%) stakeholders use English and Malay in their day to day operations. However, five (23.8%) stakeholders use English as the sole operational language, and three (14.3%) use only BM.

In terms of their CP-related functions, the majority of the stakeholders i.e. 13 (61.9%) focused on consumer complaints. Further, eight (38.1%) of the stakeholders were also involved in work related to mediation and arbitration.

In terms of their areas of work, eight (38.1%) stakeholders were in work related to the protection of the environment such as water, energy, air, environmental labelling and sustainable consumption and development. Seven (33.3%) stakeholders carry out activities related to product safety, including food safety. Only five (23.8%) undertake activities in the area of counterfeit products. Seven stakeholders are in consumer credit, specifically four stakeholders are in hire purchase and three work with loans. Only FOMCA was found to be working on other sources of consumer credit such as money lending and pawnshops.

Consumer protection issues such as consumer rights and monitoring of laws, policies and codes of conduct are indicated as important functions for 12 stakeholders. However, nine (42.9%) of the stakeholders also undertake review of relevant consumer protection laws.

⁶⁷ NPCB Annual Report 2008.

4.1.2 Institutional and Human Capacities of the Ministry of Domestic Trade, Cooperatives and Consumerism (MDTCC)

The capacity of the MDTCC is important for Consumer Protection in Malaysia. Through its role, Malaysia has taken a leadership position in the ASEAN Committee on Consumer Protection (ACCP), as the chairing nation, and exemplified confidence through systematic cooperation on the protection of consumers in the region. In Malaysia, MDTCC has continued to evolve actively to meet the challenges from the industry and at the same time, meet the demands and needs of consumers.

Nonetheless, some stakeholders still need MDTCC to enhance its capacity through more consultation process with consumer groups on activities for consumers. MDTCC also needs to be more consultative in reforming laws that affect consumers and the jurisdiction of MDTCC itself to ensure that all consumer needs are addressed. Currently, it is noted that MDTCC does not have sufficient legal professionals to cater to the needs of the different units in the ministry. MDTCC should emulate practices in other countries, such as the US, which has dedicated lawyers in every unit to handle consumer protection issues and provide legal advice.

The legal personnel in MDTCC are now fully occupied with other issues, such as intellectual property rights or attending to court cases. MDTCC also still requires experts in law, business ethics, corporate social responsibility (CSR), and in the training of trainers (specifically to develop master training programmes), as well as expertise to help with better communication skills and creativity to develop and maintain interactive materials and websites. The challenge for MDTCC also arises from frequent the transfer of staff it has to put up with, disrupting continuity of ongoing efforts and programmes.

MDTCC also requires assistance in developing a comprehensive guide or Standard Operating Procedure to handle product recall. In terms of product testing, MDTCC need expert assistance, testing facilities and a larger budget to conduct product testing and enhance product safety programmes and efforts.

The lack of experts and funding has also impaired some activities that MDTCC sees as contributing positively to consumers. This includes having independent product reviews and product comparisons for the Malaysian market and consumers, and enhancing the level of understanding of labels for consumers to help them to choose better products.

MDTCC also handles complaints, which may be referred to the TCC from other agencies. However, MDTCC may face some constraints in handling referral cases due to the limited technical knowledge related to some of the specific areas referred to the TCC. Thus, capacity-building for such cases involving technical aspects is important for MDTCC.

Some stakeholders interviewed also suggested that MDTCC should enhance its capacity to provide funds for CP programmes and contribute more to consumer organisations to carry out consumer programmes and complaints handling. MDTCC, therefore, should concentrate more on consultation, CP expertise and the reforming of laws.

4.1.3 Gaps and Difficulties in Implementing Consumer Protection

In implementing CP programmes and activities, nine (42.9%) stakeholders indicated that they did not face major difficulties. One-third of the stakeholders (seven) stated that they faced a medium-level of difficulties in protecting the consumer interest. Surprisingly, only the National Consumer Complaints Centre experienced a high level of difficulty in pursuing consumer protection programmes.

From the GS, the Malaysian stakeholders generally indicated that they faced five main difficulties in implementing consumer protection programmes:

- Inadequate funding;
- Inadequate staff with appropriate experience/skills/qualifications;
- Inadequate number of staff;
- Inadequate laws; and
- Inadequate coordination among relevant agencies/organisations

In addition, other two main areas that they would require assistance are:

- Monitoring compliance with laws/codes of conduct; and
- Research in existing consumer protection laws to cover emerging issues.

The stakeholders involved in the study also specified the forms of assistance required, which include:

- Information technology system (for database management);
- Twinning or partnership with agencies or institutions within the region;
- Networking assistance;
- Experts for advice and consultation;
- Web-based products (such as e-forum, e-courses);
- Staff exchanges/secondment;
- Study and exposure visits;
- Management/leadership;
- Internship; and
- Seminars/Workshops/Forum/Symposia

4.1.3.1 Inadequate Finances

Limited funding was cited as the main obstacle in carrying out CP programmes, particularly by NGOs. In efforts to overcome this difficulty, FOMCA looks at its modus operandi and funding model as an effective means to overcome this difficulty.

NGOs such as NCCC, may adopt an administrative operation, particularly in terms of funding sources, similar to Water Forum, which is co-funded by the business players in the water supply and management industry. In order to expand NGO or CSO functions and specialisation in consumer issues, more funding and contributions from the relevant private sectors or industrial players are required. However, the constraints remain as many industrial players still do not regard Consumer Protection as part of their value. While funding assistance or sourcing for financial sustainability through foundation directories has been helpful, the success rates remain

small. MDTCC does provide funds to support organisations like FOMCA, which also enables it and other NGOs to provide a reasonable salary for the staff.

4.1.3.2 Inadequate Experienced and Qualified Staff

In handling complaints and offering alternative dispute resolution services, NCCC requires staff with appropriate qualifications, in particular with a degree in law, and requires staff well-versed in law, since complaint handling is closely related to the laws of the country, particularly knowledge of the CPA. Individuals with experience in solving cases, good interpersonal skills and goodwill are also very much required, but relatively difficult to acquire, or otherwise demanding high salaries. In order to overcome this issue, NCCC has suggested the need for certified degree courses or programmes on consumer protection at university level,⁶⁸ with areas of specialisation relevant to Malaysia and ASEAN and include emerging consumer areas such as GMP, biotechnology and e-Commerce.

From the KII, it was also shared that Standards Malaysia still experiences a competency gap at the middle level of its human resource pool. However, this is being addressed by consistently providing the necessary training and exposure so as to create more knowledgeable and experienced mid-level officers. There is also a continuous need to have highly competent and skilled staff members to represent the organisations and also the country at international meetings and other gatherings in order to meet the interests and objectives effectively.

In enhancing the capacity and capability of its human resources, Standards Malaysia frequently sends staff members to attend relevant training programmes in the country and abroad so that they would gain the necessary knowledge and skills to perform better. Staff members are also sent for local and international seminars, meetings and discussions on technical and other matters relevant to standardisation and accreditation. Standards Malaysia also needs skilled and experienced staff to push many standards to become mandatory and understand technical issues. The Economic Planning Unit also requires skilled and knowledgeable staff trained in consumer issues, including in technology advances and understanding genetic modifications, which are budgeted under R&D.

4.1.3.3 Inadequate Number of Staff

The inadequate numbers of staff is particularly related to the limited availability of the required skilled, qualified or experienced staff as mentioned in Section 4.1.3.2. For Standards Malaysia, manpower is limited due to its dependence on the Public Service Commission. Other organisations, such as FOMCA, NCCC and CETDEM, also reported that staff shortage is attributed to their limited financial capacity to employ more people at competitive salary packages.

4.1.3.4 Inadequate Laws

Inadequate laws have been an important gap requiring appropriate collaboration. Addressing these gaps will help in enforcing certain required actions to protect consumers. Some gaps in Malaysian legislation that have been raised are:

⁶⁸ See <http://www.whatuni.com/degrees/courses/degree-university/consumer-protection-courses-at-university-of-wales-institute-cardiff-uwic/bc.8/m/0/united+kingdom/5547/csearch.html>

- The Poisons Act 1952 needs to be amended on the use of unsafe substances in food supplements;
- The removal of products or halting the production of products known to be unsuitable for consumer use by manufacturers is required. These products continue to be marketed and used by consumers due to the absence of relevant laws;
- A new law on the pharmaceutical trade is required to address counterfeit medicines, adulterated products, unregistered products, expired products, tampering, repackaging and re-labelling, use of the fake *MediTag* hologram, with deterrent penalties such as a minimum mandatory jail sentence and heavy fines;
- The Standards Malaysia Act does not have any provisions on redress mechanisms; and
- The law governing the conduct of advocates and solicitors of the High Court of Malaya (Legal Profession Act 1976) should also apply to advocates and solicitors of the High Court of Sabah and Sarawak. Currently, there is a separate provision for advocates and solicitors of the High Court of Sabah and Sarawak.

In the area of consumer credit, suggestions for change from the stakeholders include:

- Need for a new and comprehensive consumer credit law to address issues of bankruptcy among young consumers as a result of credit cards debts; and
- Jurisdiction over the Pawn-broking Act needs to be transferred to the Ministry of Domestic Trade, Cooperatives and Consumerism instead of coming under the Ministry of Housing and Local Government.

With regard to environment, suggestions from the stakeholders include:

- Amending certain provisions of the Town and Country Planning Act of 1976 on the control of land development, which is closely related to water resource management, for sustainable development. While land developments falls under the Town and Country Planning Department, there is a need for close coordination, monitoring and strict enforcement;
- The task of enforcing water quality is shared between the Department of Environment and the Department of Local Government. In this regard, the Environmental Quality Act 1974 and the Local Government Act 1976 will require review to protect water sources.
- Further, the Department of Local Government is also responsible for planning approvals and urban drainage. There is also the specific Street, Drainage and Building Act 1974 and therefore, changes are required to make this area more uniform and end cross-ministerial jurisdiction and possible redundancy.

4.1.3.5 Inadequate Inter-Agency Coordination

FMM noted the importance of its coordination and cooperation with regulatory agencies in order to ensure standards are complied with and made mandatory, such as on issues related to e-waste and toys. FMM has shown strong support for the efforts to enhance adoption of standards. It was noted that compliance with standards may become a “cost” issue for small and medium industries and enterprises. Thus, strong concerted efforts have to be carried out by all concerned, such as producers, retailers, NGOs and the relevant government bodies, including regulators, to address issues on product safety and labelling. In addition, there should be a level playing field, with no exemption given to imported products. FMM also suggested that FOMCA continues actively addressing consumer issues, while MDTCC should enhance its monitoring mechanism for products that have an impact on the safety and health of consumers.

Coordination from all relevant agencies should also be high on the agenda to ensure that Malaysia creates products of the same standard for both domestic and international consumption. There should be no double standard, such as superior quality of products for export but inferior products for the local market. FMM also noted that there is a tendency to adhere to standards when it comes to exports, but similar action seems to be lacking when it comes to domestic supply.

4.2 CAPACITY BUILDING NEEDS FOR MALAYSIA

FMM has the capacity to conduct and promote activities/programmes/seminars with specific aims, including raising the awareness of the public, industry and NGOs on the ISO, standards, and ethics, safety and management for its members. FMM also has the capacity to disseminate information to the members on the relevant regulations/laws/directives related to product quality and safety.

FMM aspires to be one of the leading organisations providing a comprehensive range of training programmes and educational excellence in industry practices and technology. It also provides employees in the manufacturing sector with skills and knowledge needed to carry out their assigned jobs effectively and helps upgrade the existing technical skills and knowledge of the manufacturing industry in order to keep abreast with constant technological changes.

FMM believes manufacturers play a key role in ensuring their products are safe and of good quality. FMM has representatives in various panels, committees, Technical Committees (TCs), the Halal Development Corporation Advisory Panel, National Codex Committee, National Food Safety Council, TC on Safety of Audio, Video & IT Equipment and National TC on Product Recall.

Standards Malaysia has also proved to be a highly capable organisation. At the international level, Standards Malaysia is a member of the International Organisation for Standardisation (ISO) and the International Electrotechnical Commission (IEC), and has been elected as a member of ISO Council for the 2007-08 term, and recently elected for the 2010-2011 term. Standards Malaysia also has been a member of ISO Technical Management Board for the 2003-05 term and recently elected 2010-12 term.

Standards Malaysia is also a member of three Policy Development Committees under ISO – the Committee on Conformity Assessment, Committee on Consumer Policy and Committee on Developing Countries Matters. It also participates actively in regional and international organisations concerned with standardisation activities such as Asia Pacific Economic Cooperation Sub-Committee on Standards and Conformance (APEC SCSC), Pacific Area Standards Congress (PASC), ASEAN Consultative Committee on Standards & Quality (ACCSQ) and Asia-Europe Trade Facilitation Action Plan (ASEM-TFAP).

5. RECOMMENDATIONS FOR CAPACITY-BUILDING IN CONSUMER PROTECTION IN MALAYSIA

5.1 PRIORITISATION OF STRATEGIES AND FOCUS AREAS

At present, there is strong recognition for consumer protection in Malaysia as a result of the robust market integration and market competition domestically, regionally and internationally, as well as due to more demanding and sophisticated consumer needs.

The prioritisation of strategies and focus areas for the emerging scenario for consumer protection in Malaysia is based on the responses and suggestions obtained during the key informant interviews to address human and institutional gaps, in particular:

- Inadequate finances
- Inadequate staff with appropriate experience/skills/qualifications
- Inadequate number of staff
- Inadequate laws
- Inadequate coordination among relevant agencies/organisations

Focus Areas where the above factors need to be addressed:

Product Safety

- Monitoring and enforcement of laws/codes of conduct and mandatory standards on product safety and labelling;
- Development, implementation and evaluation of consumer protection policies on product safety and labelling;
- Research & Development (R&D) on product safety and labelling; and
- Training on Risk Assessment.

Phone, Internet Services and e-Commerce

- Research & Development (R&D) on phone and Internet services and e-Commerce;
- Development, implementation and assessment of consumer protection programmes on phone and Internet services and e-Commerce;
- Educational programmes on consumer protection with regard to phone and Internet services and e-Commerce; and
- Leadership and management development (including developing skilful workforce and knowledge community)

Consumer Credit and Banking

- Research & Development (R&D) on consumer credit and banking;
- Training on best practices for access to consumer credit; and
- Information management system (e.g. complaints).

Environment

- Research & Development (R&D) on environment and consumer protection;
- Training on environmentally-sound technology transfer;
- Training on environmentally preferable products and environmental labelling;
- Information management system on environment and consumer protection;
- Environment, trade and development related to consumer protection;
- Training on clean development mechanisms;
- Development, implementation and evaluation of consumer protection policies on environment;
- Training on environment and health standards; and
- Technical assistance on environment and consumer protection.

Healthcare services

- Research & Development (R&D) on consumer protection and healthcare services;
- Training on ethical marketing of drugs;
- Information management systems (e.g. data management systems);
- Leadership and management development;
- Monitoring and enforcement of laws/codes of conduct and mandatory standards on healthcare services;
- Good standards development practices on healthcare services;
- Training on patient safety standards;
- Training in health needs of women;
- Training on rational use of medicines and supplements; and
- Networking and stakeholder engagement on healthcare services.

Professional services

- Best practices in redress mechanisms to handle medical and legal services cases;
- Technical assistance on consumer protection on professional services;
- Educational programmes on consumer protection and professional services;
- Information management systems (e.g. database management);
- Leadership and management development;
- Development, implementation and evaluation of consumer protection policies on professional services;
- Research & Development (R&D) on consumer protection and professional services;
- Monitoring compliance with codes of conduct and ethical practices related to the legal and medical professionals;
- Development, implementation and assessment of consumer protection programmes on professional services;
- Establishment of institutional structures for consumer protection on professional services;
- Awareness and educational programmes on professional services;
- Monitoring and enforcement of laws/codes of conduct on professional services;

- Establishment of a redress system (e.g. handling complaints) on professional services;
- Consumer rights and protection related to services of legal or medical professionals; and
- Networking and stakeholder engagement on professional services.

5.2 CAPACITY BUILDING ROADMAP FOR MALAYSIA

To further enhance the development of the ASEAN Economic Community and regional market integration, effective channelling of resources and efforts for increased capacity-building needs in CP, through the ACCP focal points, is vital in order to continuously ensure tangible outcomes of consumer protection nationally and in the ASEAN region.

The National Roadmap on capacity-building needs in CP (Table 11) is developed based on the information and data gathered from the selected stakeholders through the processes described in Chapter 2. With reference to the National Roadmap (Table 11), the Malaysian ACCP focal points⁶⁹ identified five immediate focus areas to be considered for capacity-building in consumer protection. These five areas are (in the order of priority):

- 1) National Consumer Protection Policy - review, update and include policy developments in ASEAN;
- 2) Consumer Master Plan (CMP) - review and update the CMP 2003-13;
- 3) Principal Consumer Protection Act 1999 - focus on implementation, capacity-building/understanding of the CPA for government, NGOs. To amend as required/desirable;
- 4) Enforcement - build capacity of enforcement agencies, and officials involved in enforcement functions; and
- 5) Redress Mechanisms - improve access to Alternative Dispute Resolutions and study cross-border enforcement mechanisms.

In advancing its CP agenda, Malaysia has to enhance the effectiveness of the current redress mechanism. Some stakeholders are of the opinion that computer and software technology needs to be systematically integrated to handle complaints, monitor and record and generate efficient reporting for consumers to participate more interactively.

As there are a number of different agencies operating and handling complaints, Malaysia should look into means of consolidating not only the database, but also towards a converging system to handle all the complaints. Thus, exposure and assistance to apply sophisticated software or technology should be explored. The calibre and qualification of manpower handling complaints and dealing directly with consumers should also be enhanced strategically.

It was also suggested that the possibility of steering all complaints handling to an independent body such as NCCC be looked at, with MDTCC playing a much lesser role in this area to concentrate on regulating, monitoring and enforcement.

At ASEAN Level

⁶⁹ Identified during the ACCP Workshop on Nov 30-Dec 1, 2010, in Kuala Lumpur, Malaysia.

Strategic object: *To ensure minimum level of consumer protection across the region*

Malaysia positively supports the existence of a minimum level of CP throughout the region.

Action:

1. Enhance the capacity of ASEAN in providing space for NGOs to voice out in the region. A common forum should be established for ASEAN and NGOs on Consumer Protection, especially in developing standards.
2. Enhance role of ACCP as a platform to encourage exchange of information and evaluation mechanisms.
3. Continue and further enhance the capacity of ASEC to provide inputs and share information from other platforms through ACCP.
4. Provide training or study visits on mediation and dispute settlement mechanisms study visit, through ACCP platform.
5. Establish a specific platform to address children as consumers at domestic and regional levels.
6. Develop specific programmes or initiatives to address issues related to children being targeted for products, marketing or advertising, particularly related to cigarettes, toys, junk food, fast food and pornography.
7. Enhance capacity of AMS to adopt specific recognition, nationally and regionally, on the rights of children as consumers.
8. Enhance promotion and adoption of ISO26000 among all entrepreneurs in AMS.
9. Develop strategic collaboration with experts for research on impact of products on children.
10. Develop an ASEAN Code of Conduct for marketing to children.
11. Enhance understanding of stakeholders in AMS on ASEAN initiatives such as the ASEAN Multi-sectoral Framework on Climate Change and Food Security (AFCC) and Sustainable Forest Management (SFM).

Table 11: Implementation Plan

FOCUS AREAS	STRATEGIC THRUST AREAS		
	SHORT TERM 2011	MEDIUM TERM 2011-2013	LONG TERM 2011-2015
NATIONAL CONSUMER PROTECTION POLICY	Sensitise and popularise National Consumer Policy Identify gaps in implementation plans	Enhance public awareness on National Consumer Policy	
CONSUMER MASTER PLAN	Conduct Review on the Master Plan Evaluate achievements related to the milestones	Conduct study for CP development and policy areas for the next 10 years	Draft new master plan
PRINCIPAL CONSUMER PROTECTION LAW	Identify the gaps in existing legal regime for Consumer Protection Nationally Strengthen enforcement of CP Act through sharing of information on national list or database for offences and punishments Enhance coordination of MDTCC with all relevant stakeholders	Enhance enforcement of CPA Continue monitoring the relevance of CPA to cover emerging issues	Monitoring of CPA

Table 11: *(continued)*

FOCUS AREAS	STRATEGIC THRUST AREAS		
	SHORT TERM 2011	MEDIUM TERM 2011-2013	LONG TERM 2011-2015
CONSUMER RELATED LAWS AND STATUTES	Identify gaps in ensuring safety, quality and labelling of products and services Identify gaps in environment policies (sustainable production and consumption, LA21)	Drafting new relevant laws based on identified gaps Amendments to existing laws relevant to emerging consumer issues	
ESTABLISHING INSTITUTIONAL MECHANISMS	Enhance capacity of MDTCC in consumer areas Enhance coordination of MDTCC with functions of other ministries MDTCC to establish mechanism for National Database Collection on Consumer Injuries	MDTCC to enhance presence and activities in all districts	
ENFORCEMENT AGENCIES	Conduct consultations with enforcement agencies Enhance MDTCC coordination with all enforcement agencies Build capacity of enforcement agencies on CP issues MDTCC to enhance HR capacity and presence in all local districts		

Table 11: *(continued)*

FOCUS AREAS	STRATEGIC THRUST AREAS		
	SHORT TERM 2011	MEDIUM TERM 2011 - 2013	LONG TERM 2011-2015
REDRESS MECHANISMS	<p>Identify gaps in existing redress mechanisms (centralisation vs. decentralisation)</p> <p>Identify areas for MDTCC to enhance effectiveness in redress system (the Consumer Claims Tribunal)</p> <p>Increase visibility through establishment of focal points in all districts</p> <p>Identify areas of cooperation at ASEAN level</p>	<p>Establish framework for bi-lateral or multilateral cross-border redress mechanisms</p> <p>Identify new technology or software for information management and communication on redress system</p>	
HUMAN RESOURCE DEVELOPMENT	Identify human resource needs	Develop HR Development programmes	Upgrade HR capacity to meet emerging needs
PROGRAMMES FOR CORE CONSUMER AREAS	Enhance compliance of industry with national standards for products and services		

Table 11: *(continued)*

FOCUS AREAS	STRATEGIC THRUST AREAS		
	SHORT TERM 2011	MEDIUM TERM 2011-2013	LONG TERM 2011-2015
CONSUMER EDUCATION AND AWARENESS	Identify best practices	Develop formal and informal consumer education programmes	Assess effectiveness of consumer education programmes
	Develop National Consumer education Policy Promote establishment of consumer clubs in schools and university or colleges	Integrate CP subjects in school curriculum Establish CP Faculty with a local institution	
CONSUMER NGO DEVELOPMENT/ INDUSTRY	Support programmes by consumer organisations Identify relevant emerging consumer issues Identify consumer protection practices in industry Identify programmes for CP integration in industry	Support establishment of new consumer organisations for specific consumer areas Promote adoption of ISO26000 among industry players Establish consumer forum at national and district levels	Full adoption of and compliance with ISO26000 by all stakeholders
PARTICIPATION IN CONSUMER PROTECTION	Enhance support for leadership and management development in CP Identify areas for participation for all stakeholders Enhance capacity of government, CSO and industry to develop interactive websites for consumers at all levels		

Table 11: *(continued)*

FOCUS AREAS	STRATEGIC THRUST AREAS		
	SHORT TERM 2011	MEDIUM TERM 2011-2013	LONG TERM 2011-2015
IMPLEMENTATION OF INDUSTRY CODES OF CONDUCT	Establish monitoring mechanisms Support industry to develop codes of conduct	Establish mechanisms for monitoring of industrial conducts and impact Support promotion for industry codes of conduct at ASEAN level	
WOMEN AND CONSUMER PROTECTION	Identify areas of concern for women consumers Conduct study on impact of product safety and services on women	Integrate gender dimension into consumer policies and legislations Amend relevant laws or policies Conduct study on the impact of policies and legislation on women	Consolidate women's participation at all levels
PROTECTION OF CHILDREN AS CONSUMER	Identify areas of concern for children consumers Conduct study on the impact of products and services on Malaysian children Enhance capacity in dealing with consumer issues and children Enhance coordination with relevant agencies related to children	Establish national guidelines on marketing to children Establish mandatory laws on product safety or services for children – toys, cigarettes, junk food, cyber security and contents, advertisement, etc) Monitor market conducts and activities (advertising and sale) Establish children consumer unit under MDTCC	Establish agency or council for Children Consumers of Malaysia

Table 11: *(continued)*

FOCUS AREAS	STRATEGIC THRUST AREAS		
	SHORT TERM 2011	MEDIUM TERM 2011-2013	LONG TERM 2011-2015
ADVOCACY	Advocate for children's protection at ASEAN level Support regional study on impact of products and services on children	Support establishment of regional guidelines on marketing to children	Support establishment of Children's Consumer Council at ASEAN level
FINANCE	Identify plans and activities for consumer protection Establish national budget lines for consumer protection programmes (product testing, R&D, enforcement, education, etc) Establish mechanisms to increase industry funding on CP programmes Create Consumer Protection Fund	Implement and evaluate plans and activities Identify areas for expansion	

6. CONCLUSION

6.1 CONCLUSION

Having the principal Consumer Protection Act 1999 has positively enhanced consumer protection and consumer confidence in the protection given. In addition, the positive supports and awareness from relevant stakeholders from all government and private sectors as well from consumer organisations have effectively provided a protected market environment for consumers. Despite the various emerging challenges faced by consumers related to product safety, labelling, Internet, e-Commerce, banking and consumer credits, environment and healthcare services, CP in Malaysia has continued to evolve.

Stronger efforts have to be channelled into enforcement of CP. Regular development policy reviews and amendments must be in place and consumer groups should be included in all consultation, standards development and review processes. Government agencies have to work closely among one another and have coordinated efforts to support the development of a common consumer protection agenda, and the same time, maintain a good working relationship with NGOs. Enhancing capacity in complaint handling is also required, particularly in advancing complaint database management through the use of ICT.

In the next step, Malaysia should also look at means for generating a Consumer Protection Fund (CPF) in order to support a continuous and evolving consumer protection agenda. Even though MDTCC and other agencies do provide financial support, CPF should be a mechanism integrated in the national development plan. An example of India should be emulated. Thus, the capacity and role of the Economic Planning Unit should also be enhanced in order to understand consumer issues and their relevance to other development plans.

At the ASEAN level, ASEAN should provide funds for consumer education, establish an ASEAN Consumer Complaints Centre, or at least an online system for ASEAN complaints. Generally, Malaysian stakeholders agree that all AMS should have a law on redress mechanism.

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Consumer Protection (Certificate of Approval and Conformity Mark of Safety Standards) Regulations 2009

Consumer Protection (The Tribunal for Consumer Claims) Regulations 1999

Consumer Protection (Workshops Information Disclosure) Regulations 2002

Consumer Protection Act 1999

Product Safety and Labelling

Biosafety Act 2007

Consumer Protection (Safety Standards for Toys) Regulations 2009

Electricity Supply Act 1990

FAMA Grading, Packaging and Labelling of Agricultural Produce Regulations 2008

Federal Agricultural Marketing Authority Act 1965 (Revised) 2004

Food Act 1983

Food Regulations 1985

Pesticides Act 1974

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Poison Act 1952

Poison Regulations 1952

Standards of Malaysia Act 1996

Phone and Internet Services and e-Commerce

Communications and Multimedia (Compounding of Offences) Regulations 2001

Communications and Multimedia (Rates) Rules 2002

Communications and Multimedia (Technical Standards) Regulations 2000

Communications and Multimedia Act 1998

Computer Crimes Act 1997

Digital Signature Act 1997

Electronic Commerce Act 2006

Films (Censorship) Act 1976

Internal Security Act 1960

Malaysian Communications and Multimedia Commission Act 1998

Penal Code

Personal Data Protection Act 2009

Printing Presses and Publications Act 1984

Sedition Act 1948

Consumer Credit and Banking

Banking & Financial Institutions Act 1989

Hire Purchase Act 1967

Hire-Purchase (Compounding of Offences) Regulations 1993

Hire Purchase (Terms Charges) Regulations 1968

Hire Purchase (Recovery of Possession and Maintenance of Records by Owners) Regulations 1976

Insurance Act 1996

Islamic Banking Act 1983

Loans (Islamic Development Bank) Act 1977

Moneylenders Act 1951

Pawn Brokers Act 1972

Environment

Environmental Quality (Prescribed Activities) (Environmental Impact Assessment) Order 1987

Environmental Quality (Prescribed Activities) (Open Burning) Order 2000

Environmental Quality (Sewage and Industrial Effluents) Regulations 1979

Environmental Quality Act 1974

Sewerage Services Act 1993
Water Services Industry Act 2006
Waters Act 1920

Healthcare

Control of Drugs and Cosmetic Regulations 1984
Medical Act 1971
Medicine Act (Advertising and Sales 1956)
Private Healthcare Facilities and Services (Private Medical Clinic or Private Dental Clinics) Regulations 2006
Private Healthcare Facilities and Services Act 1998
Private Hospitals Act 1971
Sale of Drugs Act 1952
Telemedicine Act 1997

Medical Practitioners

Medical Act 1971
Medical Regulations 1974

Legal Practitioners

Legal Profession (Practice and Etiquette) Rules 1978
Legal Profession Act 1976
Solicitors' Remuneration Order 2005

Other Laws with CP-relevance

Competition Act 2010
Control of Supplies Act 1961
Control of Supplies Regulations 1974
Price Control Act 1946
Price Control and Anti-Profiteering Bill 2010
Sale of Goods Act 1957
Second Hand Dealers Act 1946
Trade Description Act 1972
Trade Descriptions (Cheap Sale Price) Regulations 1997
Weights and Measures Act 1972
Weights and Measures Regulations 1981

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National Competition Policy

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National Energy Policy 1979

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National Health Policy

National Policy on Biological Safety

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<http://www.insuranceinfo.com.my/>

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<http://www.mpma.org.my/>

<http://www.msqh.com.my/>

<http://www.parlimen.gov.my/>

<http://www.ppim.org.my/>

<http://www.sirim.my/>

<http://www.skmm.gov.my/>

<http://www.span.gov.my/>

<http://www.standardsusers.org/>

A. Appendix 1
Selected Laws and Enforcement Agencies in Malaysia

List of Laws	Enforcing Agencies
Consumer Protection Act 1999	Ministry of Domestic Trade, Cooperatives And Consumerism
Food Act 1983	Ministry Of Health
Standards Act 1996	Department of Standards Standards and Accreditation Council SIRIM
Biosafety Act 2007	National Biosafety Board Ministry of Science, Technology and Innovation Ministry of Natural Resources and Environment
Federal Agricultural Marketing Authority Act 1965	Federal Agricultural Marketing Authority
Pesticides Act	Pesticides Board Ministry Of Agriculture
Malaysian Communications and Multimedia Commission Act 1998	Ministry of Domestic Trade, Cooperatives And Consumerism
Communications and Multimedia Act 1998	Ministry of Communications, Culture & Art
Computer Crimes Act 1997	Ministry of Communications, Culture & Art Malaysia Communications and Multimedia Commission
Personal Data Protection Act 2009	Ministry of Communications, Culture & Art
Electronic Commerce Act 2006	Ministry of Communications, Culture & Art

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Hire Purchase Act 1967	Ministry of Domestic Trade, Cooperatives And Consumerism
Insurance Act 1996	Bank Negara Malaysia (Central Bank of Malaysia)
Loans (Islamic Development Bank) Act 1977	Bank Negara Malaysia AIBIM (Assoc. of Islamic Banks)
Islamic Banking Act 1983	Bank Negara Malaysia AIBIM
The Moneylenders Act 1951	Ministry of Housing and Local Government
Pawnbrokers Act 1972	Ministry of Housing and Local Government
Banking & Financial Institution Act 1989	Bank Negara
Housing Development (Control and Licensing) Act 1966	Ministry of Housing and Local Government REHDA
Building and Common Property (Maintenance and Management) Act 2007	Ministry of Housing and Local Government Commissioner of Buildings
Strata Title 1985	Ministry of Housing and Local Commissioner of Building Strata Title Board
Environmental Quality Act 1994	Ministry of Science, Technology and Innovation
Waters Act 1920	Ministry of Energy, Green Technology and Water (Negeri Sembilan, Pahang, Perak, Selangor, Malacca, Penang and Federal Territory.)
Sewerage Services Act 1993	Ministry of Energy, Green Technology and Water
Water Services Industry Act 2006	Ministry of Energy, Green Technology and Water

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	National Water Services Commission (SPAN) Water Forum Malaysia
Medicine Act (Advertising and Sales) 1956	Ministry of Health Pharmaceutical Services Division Medicine Advertisement Board
Private Hospitals Act 1971	Ministry of Health
Telemedicine Act 1997	Ministry of Health
Private Healthcare Facilities and Services Act 1998	Ministry of Health
Legal Profession Act 197	Malaysian Bar Council
Medical Act 1971	Malaysian Medical Council Ministry of Health
Legal Profession Act 1976	Malaysian Bar Council
Price Control Act 1946	Ministry of Domestic Trade, Cooperatives And Consumerism
Control of Supplies Act 1961	Ministry of Domestic Trade, Cooperatives And Consumerism
Trade Description Act 1972	Ministry of Domestic Trade, Cooperatives And Consumerism
Weights and Measures Act 1972	Ministry of Domestic Trade, Cooperatives And Consumerism
Competition Act 2010	Ministry of Domestic Trade, Cooperatives And Consumerism
Price Control and Anti- Profiteering Bill 2010	Ministry of Domestic Trade, Cooperatives And Consumerism

B. Appendix 2
List and Contact Details of Stakeholders for General Survey in Malaysia

Name	Designation	Ministry/Organisation/Company/Department	Section
Tuan Hj. Mokhtar bin Hj. Sulaiman	Director	Ministry of Domestic Trade, Cooperatives and Consumerism Level 11, Lot 2G3, Presint 2, Pusat Pentadbiran Kerajaan Persekutuan Putrajaya	Product Safety And Labelling
Nor Latifah Hussein	Principal Assistant Director	Department of Standards Malaysia Ministry of Science, Technology and Innovation Century Square, Aras 1 dan 2, Blok 2300, Jalan Usahawan Cyberjaya	Product Safety And Labelling
Rahazlan Affandi Bin Abdul Rahim	Assistant Chairman	Tribunal Tuntutan Pengguna Malaysia Ministry of Domestic Trade, Cooperatives and Consumerism Level 5, Lot 2G3, Presint 2, Pusat Pentadbiran Kerajaan Persekutuan Putrajaya	Product Safety And Labelling
Nik Shabnam Bt Nik Mohd Salleh	Deputy Director	Ministry Of Health (Food Safety and Quality Division) Level 3, Blok E7 Kompleks E Pusat Pentadbiran Kerajaan Persekutuan 62590 Putrajaya	Product Safety And Labelling
Ratna Devi Nadarajan	Chief Executive Officer	Malaysian Association of Standards Users No 24 Jalan SS1/ 22A 47300 Petaling Jaya Selangor	Product Safety And Labelling

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Y.Bhg Dato' (Dr) Ir Andy K.H Seo	Naib Presiden	Federation of Malaysian Manufacturers (FMM) Wisma FMM, No 3 Persiaran Dagang PJU 9, Bandar Sri Damansara 52200 Kuala Lumpur	Product Safety And Labelling
S.T.Giam	Executive Director	Malaysian Plastics Manufacturers Association (MPMA) 37 Jalan 20/14 Paramount Garden 46300 Petaling Jaya Selangor Darul Ehsan Malaysia	Product Safety And Labelling
Encik Mohd Ali Hanafiah Mohd Yunus	Senior Director	Technology, Standards & Network Division Malaysian Communication & Multimedia Commission	Phone & Internet Services and E-commerce
Arunan Kumaran	Assistant Director	Ministry of Domestic Trade, Cooperatives and Consumerism Consumerism (E-Commerce) Level 11, Lot 2G3, Presint 2, Pusat Pentadbiran Kerajaan Persekutuan Putrajaya	Phone & Internet Services and E-commerce
Y.Bhg Dato' (Dr) Ir Andy K.H Seo	Naib Presiden	Federation of Malaysian Manufacturers (FMM) Wisma FMM, No 3 Persiaran Dagang PJU 9, Bandar Sri Damansara 52200 Kuala Lumpur	Phone & Internet Services and E-commerce
Matheevani Marathanandan	Senior Manager	National Consumer Complaints Centre (NCCC) 1D, Bangunan SKPPK, Jalan SS9A/17, Sg. Way	Phone & Internet Services and E-commerce
Koid Swee Lian	Director	Bank Negara Malaysia (BNM) Jalan Dato' Onn, P.O. Box 10922	Consumer Credit and Banking

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Dato' Paul Selva Raj	Chief Executive Officer	Federation Of Malaysian Consumer Association (FOMCA) 1D-1, Bangunan SKPPK, Jalan SS9A/17, Sg. Way	Consumer Credit and Banking
John Thomas	Chief Executive Officer	Financial Mediation Bureau (FMB) Level 25, Dataran Kewangan Darul Takaful, No. 4, Jalan Sultan Sulaiman	Consumer Credit and Banking
Matheevani Marathandan	Senior Manager	National Consumer Complaints Centre (NCCC) 1D, Bangunan SKPPK, Jalan SS9A/17, Sg. Way	Consumer Credit and Banking
Mohd Azam	Principal Assistant Secretary	Ministry of Energy, Green Technology and Water (KeTTHA) Kementerian Tenaga, Teknologi Hijau dan Air, Blok E4/5 Parcel E, Pusat Pentadbiran Kerajaan Persekutuan, 62668 Putrajaya Malaysia	Environment
Abdul Karim Bin Salim	Director	Ministry of Housing & Local Government (KPKT), Perbadanan Pengurusan Sisa Pepejal Kementerian Perumahan dan Kerajaan Tempatan Aras 3-7, Blok K, Peti Surat 12579, Pusat Bandar Damansara, 50782 Kuala Lumpur, Malaysia.	Environment
Ramli Abdul Rahman	Principal Assistant Secretary	Ministry of Natural Resources and Environment, Department of Environment Level 1 - 4, Podium 2 & 3, Wisma Sumber Asli No.25, Persiaran Perdana, Precint 4 Federal Government Administrative Centre 62574 Putrajaya, Malaysia.	Environment

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Dato' Paul Selvaraj	Chief Executive Officer	Federation Of Malaysian Consumer Association (FOMCA) 1D-1, Bangunan SKPPK, Jalan SS9A/17, Sg. Way	Environment
Anthony Tan Kee Huat	Executive Director	Centre For Environment, Technology & Development, Malaysia (CETDEM) 17, Jalan SS2/53, 47300 Petaling Jaya	Environment
Y.Bhg Dato' (Dr) Ir Andy K.H Seo	Naib Presiden	Federation of Malaysian Manufacturers (FMM) Wisma FMM, No 3 Persiaran Dagang PJU 9, Bandar Sri Damansara 52200 Kuala Lumpur	Environment
S.T. Giam	Executive Director	Malaysian Plastics Manufacturers Association (MPMA) 37 Jalan 20/14 Paramount Garden 46300 Petaling Jaya Selangor Darul Ehsan Malaysia	Environment
Tan Ann Ling	Deputy Director	National Pharmaceutical Control Bureau (NPCB) Lot 36, Jalan Universiti, 46200 Petaling Jaya, Selangor, Malaysia	Healthcare Services
Dr MA Kadar Marikar	Chief Executive Officer	Malaysian Society for Quality in Health (MSQH) B.6-1, Level 6, Menara Wisma Sejarah 230, Jalan Tun Razak 50400 Kuala Lumpur Malaysia.	Healthcare Services
Dr Yazuran	Deputy Secretary	Malaysian Medical Council (MMC) Level 2, Block E1, Parcel E, Precinct 1 Federal Government Administrative Centre 62590 Putrajaya	Healthcare Services

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Dr Nooraini Binti Baba	Director	Ministry of Health (MoH) Blok E1,E6,E7 & E10 Kompleks E Pusat Pentadbiran Kerajaan Persekutuan 62590 Putrajaya	Healthcare Services
Dr Nooraini Binti Baba	Director	Ministry of Health (MOH) Blok E1,E6,E7 & E10 Kompleks E Pusat Pentadbiran Kerajaan Persekutuan 62590 Putrajaya	Professional Service
Tomis Anak Peter	Director	Advocate & Solicitor Disciplinary Board 8th & 9th Floor, Wisma Maran,28 Medan Pasar	Professional Service
Matheevani Marathandan	Senior Manager	National Consumer Complaints Centre (NCCC) 1D, Bangunan SKPPK, Jalan SS9A/17, Sg. Way	Professional Service
Dr MA Kadar Marikar	Chief Executive Officer	Malaysian Society for Quality in Health (<i>MSQH</i>) B.6-1, Level 6, Menara Wisma Sejarah 230, Jalan Tun Razak 50400 Kuala Lumpur Malaysia.	Professional Service
Dr Yazuran	Deputy Secretary	Malaysian Medical Council (MMC) Level 2, Block E1, Parcel E, Precinct 1 Federal Government Administrative Centre 62590 Putrajaya Malaysia	Professional Service

C. Appendix 3
List and Contact Details of Stakeholders for Key Informant Interviews

Name	Designation	Ministry/Organisation/Company/Department	Contact Details
Dato' Basaruddin Bin Sadali	Deputy Secretary General (Franchise & Consumerism)	Ministry of Domestic Trade, Cooperatives and Consumerism Level 11, Lot 2G3, Presint 2, Pusat Pentadbiran Kerajaan Persekutuan Putrajaya	Tel :03- 8882 5549 Fax :03- 8882 5568 Email: basar@kpdnkk.gov.my
Encik Hussalmizzar Hussain	Senior Principal Assistant Director	Department of Standards Malaysia Ministry of Science, Technology and Innovation Century Square, Aras 1 dan 2, Blok 2300, Jalan Usahawan Cyberjaya	Tel :03- 83191445 Fax :03- 83191511 Email: mizzar@standardsmalaysia.gov.my
Puan Mimi Mazrah Majidi	Principal Assistant Director	Research Unit Ministry of Domestic Trade, Cooperatives and Consumerism Level 4, Lot 2G3, Presint 2, Pusat Pentadbiran Kerajaan Persekutuan Putrajaya	Tel :03- 8882 5890 Fax :03- 8882 6860 Email : mimimazrah@kpdnkk.gov.my
Datuk Marimuthu Nadason	President	Federation of Malaysian Consumer Association (FOMCA) 1D-1, Bangunan SKPPK, Jalan SS9A/17, Sg. Way	Tel :03- 78762009 / 03- 7877 4741 (P.A) Fax :03- 78771076 Email: marimuthu@eraconsumer.org / priya@nccc.org.my (P.A)

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Dato'Paul Selvaraj	CEO	National Consumer Complaints Centre (NCCC) 1D, Bangunan SKPPK, Jalan SS9A/17, Sg. Way	Tel :03- 78762009 Fax :03- 78771076 Email: paul@fomca.org.my Email: paul@ccrc.org.my
Ms Ratna Devi Nadarajan	CEO	Malaysian Association of Standards Users No 24 Jalan SS1/ 22A 47300 Petaling Jaya Selangor	Tel :03- 78764648 Fax :03- 78730636 Email: ratna@standardsusers.org
Y Bhg. Tan Sri Khalid Bin Ramli	Pengerusi	Suruhanjaya Komunikasi dan Multimedia Malaysia Off Persiaran Multimedia 63000 Cyberjaya Selangor	Tel : 03-8911 5663 Fax : 03-8788 1009
Y.Bhg Dato' (Dr) Ir Andy K.H Seo	Naib Presiden	Federation of Malaysian Manufacturers (FMM) Wisma FMM, No 3 Persiaran Dagang PJU 9, Bandar Sri Damansara 52200 Kuala Lumpur	Tel : 03- 6286 7200 Fax : 03-6274 1266 /7288 Email : webmaster@fmm.org.my
En.Ahmad Baharuddin	Penolong Pengarah Kanan	Unit Perancang Ekonomi, Jabatan Perdana Menteri, Blok B6, Pusat Pentadbiran Kerajaan Persekutuan, 62502 Putrajaya	Tel : 03- 8000 8000 (MOCC) epu@epu.gov.my

D. Appendix 4
Schedule of Key Informant Interview Sessions in Malaysia

Date	Name	Time	Venue
12.10.10	Dato' Paul Selvaraj CEO NCCC	2.30pm	FOMCA No. 1D-1, Bangunan SKPPK, Jalan SS9A/17, 47300 Petaling Jaya, Selangor, Malaysia
13.10.10	Ms Ratna Devi Nadarajan CEO Standards Users	9.00am	Malaysian Association of Standards Users No 24 Jalan SS1/ 22A 47300 Petaling Jaya Selangor
	Datuk Marimuthu Nadason President FOMCA	11.30am	ERA CONSUMER No 24 Jalan SS1/ 22A 47300 Petaling Jaya Selangor
	Puan Mahani Tan TKSU KPDNKK	2.30pm	Ministry of Domestic Trade, Cooperatives and Consumerism Level 11, Lot 2G3, Presint 2, Pusat Pentadbiran Kerajaan Persekutuan Putrajaya
14.10.10	Encik Hussalmizzar Husin Ketua Penolong Pengarah	10.30am	Department of Standards Malaysia Ministry of Science, Technology and Innovation Century Square, Aras 1 dan 2, Blok 2300, Jalan

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	Puan Dayang Noor Jehan Ketua Penolong Pengarah Bahagian Penyelidikan	3.00pm	Usahawan Cyberjaya Research Unit Ministry of Domestic Trade, Cooperatives and Consumerism Level 4, Lot 2G3, Presint 2, Pusat Pentadbiran Kerajaan Persekutuan Putrajaya
15.10.10	Y Bhg. Tan Sri Khalid Bin Ramli En. George Varughese	11.00am 3.00pm	Suruhanjaya Komunikasi dan Multimedia Malaysia Off Persiaran Multimedia 63000 Cyberjaya Selangor Malaysian Bar Council Badan Peguam Malaysia No. 13, 15 & 17, Leboh Pasar Besar, 50050 Kuala Lumpur
25.10.10	En.Ahmad Baharuddin	10.00am	Unit Perancang Ekonomi, Jabatan Perdana Menteri, Blok B6, Pusat Pentadbiran Kerajaan Persekutuan, 62502 Putrajaya
27.10.10	Y.Bhg Dato' (Dr) Ir Andy K.H Seo	9.00am	Federation of Malaysian Manufacturers (FMM)

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			Wisma FMM, No 3 Persiaran Dagang PJU 9, Bandar Sri Damansara 52200 Kuala Lumpur
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E. Appendix 5
List and Contact Details of Stakeholders for Roundtable Discussion

Name	Designation	Ministry/ Organisation/	Contact Details
Datuk Mohd Ali Hanafiah Mohd Yunus	Senior Director	Technology, Standards & Network Division Malaysian Communication & Multimedia Commission	Tel :03- 8688 8224 Fax :03- 86881005 Email: ali@cmc.gov.my / norarina@cmc.gov.my (P.A)
Puan Sharizan Abdul Aziz	Director	Compliance Department Licensing, Economic Regulations & Compliance Division Malaysian Communication & Multimedia Commission	Tel :03- 8688 8153 Fax : 03- 86881003 Email: sharizanaa@cmc.gov.my
Encik Achmed Badaruddin Mhamad Yatim	Principal Assistant Director	Economic Planning Unit Sector Perkhidmatan, Economic Planning Unit Blok B6, Aras 4 Kompleks JPM, Presint 1, Putrajaya	Tel :88723344 Email: badaruddin@epu.gov.my
Puan Reihana Binti Abd. Razak	Chairman	Tribunal Tuntutan Pengguna Malaysia Ministry of Domestic Trade, Cooperatives and Consumerism Level 5, Lot 2G3, Presint 2,	Tel : 03-8882 5794 Fax : 03-8882 5831 Email : reihana@kpdnkk.gov.my

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		Pusat Pentadbiran Kerajaan Persekutuan Putrajaya	
Dato' Ramani Gurusamy	Presiden	Majlis Kebangsaan Pertubuhan Wanita (NCWO) Pusat Komuniti Kitar Semula / ICT No. 46, Jalan 14/29, 46100 Petaling Jaya, Selangor	Tel : 03-79543008 Fax: 03-79542881
En Iqbal	Consultant	National Consumer Complaints Centre (NCCC) 1D, Bangunan SKPPK, Jalan SS9A/17, Sg. Way	Tel: 016-2972426
Ms Mohana Priya Veerabarathi	Manager	Malaysian Association of Standards Users NO 24 Jalan SS1/ 22A 47300 Petaling Jaya Selangor	Tel : 03-78764648 / 03 - 7876 2009 (P.A) Fax : 03- 78730636 Email: mohanapriya@standardsusers.org / syikin@standardsusers.org (P.A)
Ms Aina	Executive Engineer	Forum Air	Tel: 03- 78753168 Fax: Email: ainastar@forumair.org.my
Dr. Anni	Consultant	Consumers	Tel : anni@ciroap.org.my

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		International	
Mr Ng Kim Keat		Federation of Malaysian Manufacturers (FMM) Wisma FMM, No 3 Persiaran Dagang PJU 9, Bandar Sri Damansara 52200 Kuala Lumpur	Kimkeat.ng@mynestle.com
Ms Dheena Thangaiyah	Executive	Federation of Malaysian Manufacturers (FMM) Wisma FMM, No 3 Persiaran Dagang PJU 9, Bandar Sri Damansara 52200 Kuala Lumpur	Tel : 03- 6286 7200 Fax : 03- 6274 1266 Email : dheena@fmm.org.my
Puan Hasjun Binti Hashim		Bank Negara Malaysia (BNM) Jalan Dato' Onn, P.O. Box 10922	Tel : 03- 2698 8044 / 8802 Email : hasjun@bnm.gov.my

F: Appendix 6
ANALYSIS ON CONSUMER LAW
 Based upon Consumer International's Eight Consumer Rights
 on
Law of Malaysia
(Act 599)
Consumer Protection Act 1999

A	THE RIGHT TO SAFETY	YES	NO
<i>Protect consumers from products or services which are dangerous or unsafe, or whose use might cause injury to others, by:</i>			
1	Establishing a general duty of safety upon suppliers;	√	
2	Banning the supply of unsafe goods;	√	
3	Prescribing safety and information standards with which goods or services must comply;	√	
4	Establishing procedures to examine products and services alleged to be unsafe;	√	
5	Monitoring the market place for unsafe goods and services; and	√	
6	Warning consumers of the possible risks involved in the use of certain goods or services.	√	
<i>Ensure that information about unsafe products and services is collected and made available to consumers, by:</i>			
7	Establishing procedures to collect and disseminate information on particular goods and services identified as being unsafe;	√	
8	Establishing procedures for the notification to authorities by consumers of alleged hazardous goods and services; and		√
9	Requiring suppliers who become aware that their goods or services		√

	are unsafe to advertise any dangers.		
<i>Ensure that dangerous products are recalled from suppliers, by:</i>			
10	Requiring any manufacturer who recalls goods for safety reasons to notify relevant authorities of the recall;		√
11	Establishing procedures for the monitoring of voluntary recalls to ensure they are effective;		√
12	Allowing relevant authorities to order a manufacturer to recall goods, and to specify how those goods are to be recalled; and	√	
13	Giving relevant authorities the power to investigate actions of manufacturers to determine whether they have complied with laws relating to recalls.	√	
B	THE RIGHT TO BE INFORMED	YES	NO
<i>Require all necessary information to be given to consumers about the goods and services they acquire, especially in relation to therapeutic goods and toxic products, by:</i>			
1	Requiring appropriate statements and warnings to accompany toxic products;	√	
2	Regulating the supply of therapeutic goods and toxic products to ensure information is disclosed in a manner consistent with international best practices;		√
3	Establishing procedures to monitor national and international developments relating to therapeutic goods and toxic products; and		√
4	Prescribing mandatory information standards to require particular information to be disclosed about particular goods not otherwise regulated	√	
<i>Ensure consumers are able to compare different products, by:</i>			
5	Prohibiting deceptive packaging; and	√	
6	Requiring packages to clearly identify their contents;	√	

7	Requiring packages to clearly identify their price;		✓
<i>Protect consumers from conduct which is false or misleading, by:</i>			
7	Prohibiting conduct in relation to the supply of goods or services to a consumer that is misleading or deceptive, or likely to mislead or deceive, or which is unfair;	✓	
8	Prohibiting representations about goods or manufacturers and suppliers which are not true or which could mislead consumers;	✓	
9	Prohibiting any particular sales or marketing practices which act to the detriment of consumers;	✓	
10	Requiring all necessary information to be given to consumers about food and drinks in order to enable them to make informed decisions regarding health and nutrition; and		✓
11	Ensure that necessary information about goods and services is required to be accurate and comprehensible.	✓	
C	THE RIGHT TO CHOOSE	YES	NO
<i>Encourage consumers to acquire only the things they need, by:</i>			
1	Establishing procedures for community and consumer education about products.		✓
<i>Protect consumers from anti-competitive conduct and exploitation, by:</i>			
2	Ensuring manufacturers and suppliers do not abuse their powers;		✓
3	Giving consumers rights to obtain redress for goods that are unsafe, unsuitable, defective or of poor quality;	✓	
4	Protecting consumers by ensuring effective trade measurement practices and standards are adopted and enforced;	✓	
5	Prohibiting direct sales and marketing practices without appropriate 'cooling off' periods.		✓
D	THE RIGHT TO BE HEARD	YES	NO

<i>Ensure consumers can participate in the development of policies which affect them, including giving consumer representatives access to the media, by:</i>			
1	Requiring administrative and political bodies responsible for matters affecting consumers to include members representing consumers;	√	
2	Requiring laws and policies that affect consumers to be publicised before they are introduced to allow consumers to comment on them;		√
3	Establishing procedures to channel comments or complaints made by consumers to appropriate authorities, and to monitor the response to those comments or complaints;	√	
4	Facilitating the establishment of complaints handling systems in both the government and non-government sectors, including the involvement of consumer representatives in the process;		√
5	Ensuring consumers have standing to take action in courts and tribunals, including as third parties, to protect consumer interests;	√	
6	Enabling consumers to take collective action before courts and tribunals; and	√	
7	Enabling indigent consumers to enforce their rights by providing access to legal and financial assistance.	√	
E	THE RIGHT TO REDRESS	YES	NO
<i>Provide consumers with cost-effective, speedy and accessible means to enforce their legal rights, by:</i>			
1	Establishing a court or tribunal, with a simple procedure, to hear consumer complaints;	√	
2	Prescribing procedures to ensure consumers know their rights and how to enforce them, particularly in relation to disadvantaged groups;		√
3	Ensuring that consumers are allowed to play an equal role in the resolution of their disputes;	√	

4	Providing consumers with effective remedies and reasonable compensation if their complaints are found to be justified; and	✓	
5	Providing consumers with a right to compensation if they are injured as a result of unsafe goods or faulty services.	✓	
<i>Provide a mechanism through which consumers can channel their complaints and grievances to government, by:</i>			
6	Establishing mechanisms to collect and register consumer complaints and grievances;	✓	
7	Prescribing procedures to investigate complaints; and	✓	
8	Prescribing procedures to monitor the number of complaints and grievances, and to report any results back to the consumer		✓
<i>Ensure that consumers are properly compensated for any loss suffered if their consumer rights are contravened, by:</i>			
9	Ensuring any court or tribunal can provide a consumer with an appropriate remedy if it is established that the consumer's rights have been contravened; and	✓	
10	Protecting consumers from intimidation or harassment if they seek to enforce their rights.		✓
<i>Establish effective post-sale consumer protection, by:</i>			
11	Implying into contracts for the supply of goods and services, non-excludable warranties governing acceptable quality, fitness for known purpose, and, in relation to services, that they are rendered with due care and skill.	✓	
F	THE RIGHT TO CONSUMER EDUCATION	YES	NO
1	Consumer law should be written in language which can be easily understood	✓	
<i>Establish procedures which ensure consumers are informed about their consumer rights, particularly consumers with special needs, by:</i>			
2	Prescribing mechanisms to monitor consumer awareness and use of their rights;		✓

3	Introducing laws to protect particular groups with special needs as required;		√
4	Setting in place mechanisms to inform consumers about how to enforce their rights; and	√	
5	Ensuring consumers are aware of their consumer responsibilities	√	
G	THE RIGHT TO A HEALTHY ENVIRONMENT	YES	NO
<i>Protect consumers from pollution of the environment, by:</i>			
1	Promoting the use of products that are environmentally friendly		√
2	Encouraging recycling of consumer goods; and		√
3	Requiring environmentally dangerous products to carry appropriate warnings and instructions for the safe use and disposal of the product.		√
<i>Promote the use of non-toxic products where available, by:</i>			
4	Promoting consumer awareness of safer alternatives to toxic products		√
5	Establishing procedures to monitor international developments and ensure products which are banned overseas do not find their way into national markets;		√
6	Ensure the social costs of pollution are minimised; and		√
7	Encourage the promotion of ethical and socially responsible practices by the producers and suppliers of goods and services.		√
H	THE RIGHT TO THE SATISFACTION OF BASIC NEEDS	YES	NO
<i>Consumer laws should promote the provision of information to consumers about products and substances which may adversely affect them, by:</i>			
1	Requiring therapeutic goods to carry information about safety, efficacy, and side effects;		√
2	Requiring any products containing hazardous substances to clearly		√

	list all its ingredients and to display appropriate warnings; and		
3	Protecting consumers from unethical, unconscionable and illegal practices, especially in the supply or provision of: healthcare; housing and accommodation; education; water; energy; financial services; employment; retirement services; children's services; insurance; investment services and food.		√
<i>Protect the privacy of consumers, by:</i>			
4	Ensuring telecommunications and other communications are secure from unauthorised interference and are not used to provide or promote unsolicited commercial communications;		√
5	Ensuring personal information about consumers is used only for the purposes for which it is collected and with their knowledge and approval; and		√
6	Ensuring that consumers have the right to access, amend and correct their personal information held by government or non-government entities.		√

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G. Appendix 7
Data Collection Instruments

KEY INFORMANT INTERVIEW (KII) QUESTIONS
FOR STUDY TITLED:
“ROADMAPPING CAPACITY BUILDING NEEDS FOR CONSUMER
PROTECTION IN ASEAN”

Guidelines for discussion with Key Informants

Note: The questions below are not prescriptive; they are guidelines for a discussion to elicit information in addition to what has been obtained from the general questionnaire. Not all questions will be relevant for all Key Informants. The interviewer should exercise discretion in deciding which of the questions are relevant for a specific Key Informant. Some background readings and data analysis will be required on the Key Informant, the organisation and the country before the Interview.

INTERVIEW PROCEDURES & QUESTIONS

PART A

Background

- 1) To begin, we would like to learn more about your roles in this institution. Please share with us how you became involved?
 - a. Has Consumer Protection been one of your areas of interests?
- 2) How do you see the institution’s role in relation to “consumer protection” in [COUNTRY]?
- 3) Can you please describe the status of “consumer protection” in this country? Where do you see the level of awareness and governance in [COUNTRY]? What about the people? Or consumers?

Human Resource Planning for Consumer Protection

(General Survey A8)

Our preliminary data shows that your [org/inst/dept/[country]] [DOES/DOESN'T] have a [dept/unit/staff/ministry] dealing with consumer issues.

1. What kinds of planning or strategies does your org/[country] have to [improve/introduce] Consumer Protection or this situation?
2. What do you foresee the kinds of problems you or [org/COUNTRY] will face in implementing these plans and strategies?

Consumer Programmes and Activities

(General Survey A14)

From our preliminary Survey, we found out that Your Organisation has carried out:

- 1) Consumer related Activities/ Programmes/ Campaigns/ such as _____:
 We would like to know more about these, in terms of;
 What these have achieved? Any Success story you can share?

Probe:

Do you think this can be shared with other ASEAN Member States or other similar Org in the region, to be considered as “Best Practice”?
 How can these Activities be improved?
 For these kinds of activities, what kinds of Assistance would you require in order to make these activities/programmes successful and achieve its goals?

Probe:

Is this assistance you mentioned required urgently within this year, or next year or later?
 Where have you sourced for assistance?

- 2) In implementing Consumer Protection activities and programmes in [COUNTRY], our survey on several stakeholders in [COUNTRY], suggest five PRIORITY AREAS that [COUNTRY] would have to deal with, based on their levels of difficulty:
- 3)

(from General Survey)

i.	
ii	
iii.	
iv.	
v.	

What is your opinion on these five priority areas? Could you please share with us you views on these five areas of difficulties?

How would you suggest that your organisation or [COUNTRY] addresses these difficulties?
 How do you suggest that ASEAN or other ASEAN Member States should assist [COUNTRY] to address these difficulties?

Looking at the ASEAN Economic Community goals by 2015, what kind of short-, medium and long-term capacity-building needs assistance do you think should be in place by 2011? By 2012? By 2013? By 2014?

What would be the goals for Consumer Protection in [COUNTRY] that should be achieved by 2015?

Capacity Building Needs in Consumer Protection

(from General survey B1)

For most institutions or organisations in [COUNTRY] (from our survey) there seems to be strong needs for assistance to [implement/enforce/monitor/develop] consumer protection policy/laws/organisation.

1. Would you please share with us what your organisation or government of [COUNTRY] has planned to [implement/enforce/monitor/develop/etc] consumer protection

[policy/laws/organisation/programmes/redress mechanisms/staff/skills/IT Management]?

2. To do this what specific assistance does your organisation/institution/country need?
(With reference to ASEAN Economic Community target by 2015)

3. From the Survey on any of the following:

- a. Training
 - b. Manuals & Kits / or Guidelines
 - c. Web-based products
 - d. Networking assistance
 - e. Twinning/partnership
 - f. Seminar/Workshop/Forum/Symposium
 - g. Staff exchange
 - h. Study visits
 - i. Experts
 - j. Internship
 - k. Certified programmes
 - l. Information technology System
- i. What kinds of [training / a to l] are these (specific areas?)
 - ii. Who are you targeting for this activity?
 - iii. How often should these training take place?
 - iv. How and when do you think this kind of capacity building assistance should be channelled and by whom?
 - v. Which do you see should be done nationally, and which should be conducted at the regional level?

Consumer Protection Laws/Policies/Regulations

(from Secondary and General Survey)

1. Our preliminary research shows that a Principal Consumer Protection [Act/Policy] has not been in [place/reviewed/amended].

Why is this so?

Probe:

What plans does your organisation/[COUNTRY] have for this?

If required, what kinds of assistance do you need [to develop (an Act/Policy) OR to carry out a Review on this Act or Policy]?

How should ASEAN or other Member States or Experts assist you in this?

Redress Mechanisms

From our survey, we noted that [COUNTRY] [does/doesn't] have some form of mechanism for consumers to seek redress.

What new developments can we anticipate to improve consumer redress in [COUNTRY]?

What activities/programmes/plans does [COUNTRY] have for this?

If required, what kinds of assistance do you need [to develop or improve these redress mechanisms that you mentioned?

How should ASEAN or other Member States or Experts assist you in this?

CONCLUSION

We have come to the final part of this Interview.

To conclude, could you please share with us the Way Forward for [COUNTRY] to enhance its human and institutional capacities in consumer protection. What would be the key components (Priority Action Areas) that [COUNTRY] should develop in the next five years?

Lastly, any Final Thoughts on the issues of consumers, product safety and labelling in [COUNTRY]?

PART B

PRODUCT SAFETY AND LABELLING (optional)

Based on our general survey, there are some kinds of instruments, mechanisms, including laws that have been put in place to ensure safety of consumers through safety regulations and labelling. Some consumer complaints that are common in [COUNTRY] includes:

See [SECONDARY DATA](#)

1. How can consumers in [COUNTRY] be further protected against unsafe products?

Probe:

What (if any) is still missing, and need to be develop or improved?

How do you see the level of cooperation among the different agencies, the business sectors and the consumers in embracing safety and labelling requirements for consumer products in [COUNTRY]?

What can be done to improve this? And what will enable consumers to obtain redress for complaints related to product safety and labelling?

Who should play what roles to ensure safety of consumers through proper product labelling and information in [COUNTRY]?

2. From the General Survey that we conducted, various Consumer education programmes on Product safety and labelling have been carried out in your [ORGANISATION / COUNTRY], such as [see general survey]

Could you please share with us any recent development regarding this? What consumer products are covered? How was this programme implemented?

Probe:

How can it help consumers in ASEAN?

Any shortcomings or problems that [COUNTRY] may have in implementing this Programme?

How can these be overcome?

Capacity Building Needs in Product Safety and Labelling

1. What goal is to be achieved by [COUNTRY] to ensure product safety and mandatory product labelling for consumers in [COUNTRY] by 2015?

2. What should be in place at the regional level by governments of ASEAN, and by business sectors to ensure ASEAN consumers as envisioned by “One Vision, One Identity, One Community” by 2015 achievable?

3. What capacities do you suggest that [COUNTRY] should build in order to achieve these goals and how should ASEAN assist [COUNTRY]?

How specifically can this assistance be channeled to your organisation or [COUNTRY]?

Who should provide the assistance?

Do you have any strategic time-frame for these to happen?

(Any probe questions that may be linked to women or environment).

PHONE & INTERNET SERVICES, AND E-COMMERCE (optional)

Based on our general survey, there are some kinds of instruments, mechanisms, including laws that have been put in place to regulate services and products related to e-Commerce, phone and Internet.

However, there seems to be some common consumer complaints in [COUNTRY] on services or products related to phone, Internet and e-Commerce, such as:

See [SECONDARY DATA](#)

1. Could you please elaborate on these complaints? How are these handled?
2. From the General Survey that we conducted, we noted that there are/are no] complaints procedures in place to deal with complaints such as exorbitant and hidden charges, unsolicited emails and SMSes, disruptions in services, personal data theft or bogus websites or transactions. How can consumers in [COUNTRY] be further protected against these kinds of unethical practices?
3. In e-Commerce, what are the priority areas for consumer protection in [COUNTRY]? How can consumers in [COUNTRY] be protected from fraudulent schemes or compensated?

Probe:

What (if any) is still missing, and need to be develop or improved?

How do you see the level of cooperation among the different agencies, the business sectors and the consumers in embracing E-commerce as well as internet transactions in [COUNTRY]?

What can be done to improve this? And what will enable consumers to obtain redress for complaints related to E-Commerce at the national level and at the regional level?

Who should play what roles to ensure protection of consumers in [COUNTRY] when engaging with cyber transactions?

2. We heard about the ASEAN's intention to establish a form of **“Cross-border redress mechanism”**.

Would you be able to share with us any recent development regarding this, and how it may be related to e-Commerce?

Probe:

What do you think about this mechanism? How can it help consumers in [COUNTRY] or in ASEAN?

Any shortcomings or problems that [COUNTRY] may have in implementing this system?

How can these be overcome?

What capacities do we need to build nationally and regionally to have this mechanism to be successfully put in place?

3. From our survey, we found out that there is a [presence/absence] of coordination among ICT regulatory authorities, national consumer protection authorities and consumer organisations?

How can this be improved for [COUNTRY]? For ASEAN?

How can this be achieved?

Capacity Building Needs in Consumer Protection in Phone, Internet and E-Commerce.

1. What goals are to be achieved by 2015 to ensure consumers in [COUNTRY] feel safe and comfortable to use phone, Internet and e-Commerce transactions and services?
2. What should be put in place at the regional level by governments of ASEAN, and by business sectors, to ensure ASEAN consumers, as envisioned by the “One Vision, One Identity, One Community” policy, achieve this by 2015?
3. What specific capacities do you suggest that [COUNTRY] should build or improve in order to achieve these goals and how should ASEAN assist [COUNTRY] in protecting consumers in [COUNTRY]?
4. How specifically can this assistance be channelled to your organisation or [COUNTRY]?
5. Who should provide the assistance?
6. Do you have any strategic time-frame for these to happen?
7. What kinds of programmes should be conducted on phone and Internet services, and on e-Commerce, to educate consumers? Do you know of any programmes that can be regarded as “best practice” being successfully implemented?

(Any probe questions that may be linked to women or environment).

Other Questions to be considered for Key Informant Interviews

A. Laws (Consumer Protection)

1. Is it challenging for your agency to recruit/get staff, who are able to:
 - i. Draft Consumer Protection laws;
 - ii. Enforce them; and
 - iii. Undertake awareness programmes on Consumer Protection related laws?
2. (Only for countries that have a principal Consumer Protection law)
 - i. If reviews of Consumer Protection laws have been done periodically, what have been the areas reviewed and why?
 - ii. Were the reviews done with internal expertise or with the assistance of external consultants?

- iii. Would you be able to assist ASEAN member states that do not have a principal Consumer Protection Act, e.g. in area of training, etc?

B. Policies / Development Plans

- i. What are the strategies for Consumer Protection in your National Development Plans?
If the answer is none, what is holding back your country from including consumer protection in the national development plans?
- ii. Action Plans for Consumer Protection
What kind of capacity-building does your country need to implement action plans for consumer protection policies?

C. Redress Mechanisms

- i. How relevant or beneficial are the existing consumer redress mechanisms for consumers in [COUNTRY]?
- ii. What kind of improvements (if any) should be made to improve these mechanisms?
- iii. What would be considered ideal or best practices in [COUNTRY] when it comes to redress mechanisms?
- iv. Can this be promoted elsewhere (among AMS)?
- v. What would be needed to achieve this?

D. Enforcement

- i. What are the challenges you face in enforcing Consumer Protection laws and regulations?
- ii. If you need to strengthen your enforcement agency, what would you need? (e.g. human resources, expertise, budget, training, etc).

E. Product Safety

- i. What kind of programmes can be promoted to consumers in Indonesia by relevant agencies to enhance awareness on product safety?
- ii. What are the challenges that [Country] needs to overcome in order to successfully implement these programmes?
 - Weak laws related to product safety?
 - Insufficient personnel?
 - Lack of capacity to check/carry out inspections?
 - Lack of standards?
 - What are the weaknesses at points of entry?
- iii. How can collaboration among ASEAN Member States and the relevant agencies/stakeholders be enhanced?
- iv. What kinds of redress platforms or mechanisms are suitable for consumers in [COUNTRY] when it comes to dealing with complaints related to product safety and/or labelling?

F. E-Commerce

- i. Misuse of Data
What are the challenges faced by consumers in your country in this area?
- ii. What is the level of awareness about redress in e-Commerce transactions?
- iii. Are there programmes to bridge the Digital Divide?

G. Banking and Finance

- i. Do you think the financial services industry is sufficiently regulated to protect consumers (in your country)? Or, are consumer protection practices of financial institutions adequately regulated? (e.g. measures to prevent predatory lending, illegal collection practices, etc.)
- ii. Are consumers satisfied with compliance and dispute handling mechanisms?
- iii. Being highly debted is a serious consumer problem worldwide. What measures have been taken to help consumers who have serious financial problems? (e.g. Debt management/counselling agencies, best practices?)
- iv. Are there financial literacy programmes for consumers?
- v. Provide some examples of best practices that promote transparency, redress and financial education for consumers.
- vi. Are consumers included in policy dialogues related to financial institutions? Is there a level playing field?

Questions asked during the Key Informant Interview Session in Malaysia

1. ASEAN would like to know what capacity-building the NCCC has/needs?
2. Where do you see areas for improvement? Where do you see the need for improvement?
3. Is there any enough mechanism to improve?
4. How does NCCC collaborate with the different agencies?
5. Capacity-building Needs for NCCC- What kind of policy we need to have?
6. Is Consumer Protection enough?
7. In what way assistance should come in?
8. What form of capacity-building do we need in handling women's issues?
9. What type of specific training do you need?
10. What kind of experts do you need?
11. Please tell us the function of Standards Users, how to promote this kind of organisation in other countries, and how it contributes to Consumer Protection?
12. Are there any specific programmes that governments have to run?
13. What are the types of problems did you face when conducting awareness programmes on safety and standards in schools?
14. What kind of skills do you need to push for mandatory standards?
15. What are the capacity-building needs for standards users?
16. What are the roles of FOMCA when it comes to Consumer Protection?
17. Please explain to us the 3K campaign carried out by FOMCA?

Roadmapping Capacity Building Needs in Consumer Protection in ASEAN

18. How can the Ministry of Domestic Trade, Cooperatives and Consumerism play a role?
19. How can we take FOMCA's module as the best practice?
20. How do you see the function of ACCCP? And your role as the Chair?
21. What are the minimum standards or benchmarks needed?
22. What kind of technical assistance would ACCCP need from ASEAN?
23. How do you see the cooperation among member countries?
24. Can you explain further on the redress mechanism?
25. Do you have any problem carrying out programmes? Is there any problem?
26. How do you classify standards development that is in good practice?

**FORMAT FOR ROUNDTABLE DISCUSSIONS
FOR STUDY TITLED:
“ROADMAPPING CAPACITY BUILDING NEEDS FOR CONSUMER
PROTECTION IN ASEAN”**

I. Preparation of background materials

- i. Circulate draft preliminary findings of the general survey for the relevant countries.
- ii. Circulate information obtained from the secondary data questions.

II. Agenda

- i. Presentation by facilitators on the objectives of the roundtable discussions.
- ii. Presentation by facilitators on the preliminary findings of the general survey and KII.
- iii. Q&A session.
- iv. If necessary, questions related to relevant consumer protection issues will be asked. (Refer to the appendix)
- v. Synthesising
- vi. Evaluation
- vii. Checklist

Background

The project is aimed at assessing and prioritising areas related to the needs for capacity-building in consumer protection in Malaysia and in all ASEAN Member States (AMS) at the regional level. The Roadmap is planned through necessary steps, strategies and recommendations to enable Malaysia and AMS to work towards realising and developing effective region-wide consumer redress systems and enforcement activities in protecting consumers and their rights in the ASEAN market as envisioned under the concept of “One Vision, One Identity, One Community”. In addition, the project will support the efforts to fulfill the promises of providing ASEAN consumers with a greater choice of products at competitive prices under the ASEAN Free Trade Agreement (AFTA).

Objectives:

The Roundtable Discussion is conducted with selected stakeholders in Malaysia having specific interests in Consumer Protection to:

- Share the key findings of general survey and key informant interviews; and
- Invite comments, inputs and recommendations from the stakeholders as a validation step, aiming at strengthening the validity, reliability and ownership of data and information collected.

ROUNDTABLE DISCUSSION PROGRAMME

Time	Programme
8:30 – 9:00 am	Registration
9:00 – 10:00 am	Opening Address Roadmapping Capacity Building Needs on Consumer Protection in ASEAN region The Project Methodology & Stakeholders Analysis of Results Findings (overall roadmap, Where? How?, focus areas, Implementation plans for capacity building) Discussions / Q&A
10:00 – 10:30 am	Tea Break
10:30 – 11:30 am	Capacity Building Needs on Consumer Protection & Sectoral Impact in [COUNTRY] Short presentation for specific areas. Feedback and discussions from relevant stakeholders 1 Product Safety and Labelling 2 Consumer credit and banking 3 Phone & internet services, and E-commerce 4 Health care services 5 Environment 6 Professional services 7 Other emerging needs
11:30 am – 12:30 pm	The Way Forward: Conclusions and Reaffirmation of Study's Findings