



# HOLIDAY LAW CONFERENCE

18 September 2017, MaTiC Malaysia Tourism Centre  
109, Jalan Ampang 50450 Kuala Lumpur



**Keynote and Official Opening by**  
**YB Dato' Seri Mohamed Nazri bin Abdul Aziz**  
Minister of Tourism and Culture Malaysia

## Overview

The one day conference aims to equip participants with the key to understanding legal aspects in sustainable development and management of travel and hospitality products, protection and cultural resources. Tourism related operators will benefit from examining the depth and comprehensive roles and responsibilities of all stakeholders increase the awareness of operators about the legal rights of international/local tourists; and the legal rights and obligations of various sub-sectors in the travel and hospitality industry.

## WHO SHOULD ATTEND

- Hotel / Resort Owners/ General Managers/ Heads of Department
- Investors
- Tourism Associations
- Insurers and brokers
- Tour Operators / Travel Agents
- Travel and Hospitality Consultants
- Human Resources Managers
- Government Officers
- Corporate Lawyers
- Law, Hospitality & Tourism Lecturers and students

## KEY HIGHLIGHTS

- Explore the framework of the laws and policies that govern the Malaysian travel and hospitality industry.
- Protecting your legal exposure for the Hoteliers; Air, Sea and Land carriers; Tour Operators and travel agents.
- Knowing the consumers' rights and the respective tourism sub-sectors' liabilities.
- Managing your workforce asset - sex, drugs, alcohol and discrimination.
- Best practice of Risk Management - Insurance and Claims
- Investigate disputes of payments and remunerations

**CP CASE STUDY 1**  
"I want to speak to your Manager"

**CP CASE STUDY 2**  
"Sue Me!"

This event is organised by In collaboration with :



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Official Venue :



8.00 am	Registration	1.45 pm
9.00 am	Opening Speeches by: YBhg Tun Zaki Azmi Retired Chief Justice, Malaysia and Chairman of Legal Plus Sdn Bhd	
9.10 am	Keynote and Official Opening by <b>YB Dato' Seri Mohamed Nazri B Abdul Aziz</b>	
9.30 am	Dialogue session with Minister	
10.00 am	Coffee break	

10.30 am	<b>THE RELATIONSHIP BETWEEN HOLIDAY OPERATORS AND CUSTOMERS</b>	2.45 pm
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**SESSION 1**  
**The Ultimate Stay Experience in Hotel**  
by Assoc. Prof. Dr Nuraisyah Chua Abdullah

An overview of the laws and policies that governs the hotelier in Malaysia. Are you compliant with the Innkeepers Act and Occupational and Safety Health Act? Advertising your room, food and beverages deals through Internet Web-pages, packages and travel tours etc and what is voidable and Void Hotel Booking contracts? Examining the Civil and Criminal Consequences for breach of the Hotel and Guest relationship.

11.30 am	<b>SESSION 2</b> <b>Ahoy! Safe Trip</b> by Mr Jeremy Joseph	3.45 pm
	Identifying the key aspects in traveling via air, sea and land during the holiday. What if accident occurs resulting in loss of personal belongings, injuries and death of passenger? Experiencing non departure or delayed departure? Over booking and removal from aircraft situation. What are the contractual obligations of passenger and operator while traveling via bus and Tour Coach? Taking public transport liabilities – trains and taxi.	4.00 pm

12.30 pm	Networking Lunch	5.00 pm
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**SESSION 3**  
**Headache About Travel Arrangement ?**  
Tour Operators & Travel Agents  
(Outbound & Inbound)  
By Puan Ida Riswana

An overview on Legal Issues affecting Tour Operators and Travel Agents. What are the common disputes between travel agents, wholesalers and airlines? Do you know the standard Terms and Conditions for Outbound Tour Packages of the Tourism Regulations 1992 and Holiday Contract MATTA Code of Practice? Do you pay attention to the Consumer Protection Act 1999, negligence and liabilities pitfalls ?

**LEGAL ISSUES BETWEEN  
EMPLOYERS & EMPLOYEES**  
**Substance or Drug Abuse at Workplace -  
Who will be mortified by morphine ?**  
By Wong Keat Ching

Understanding substance / drug abuse at work - How substance / drug abuse problems may affect the workplace and how to address such issues. Can random urine test be conducted on employees? What to do if an employee is arrested by police due to drugs? Policy for substance or drug abuse at workplace. Practical issues and procedures.

3.45 pm Coffee break

**INSURANCE, LOSSES AND CLAIMS ?**  
Chong Wai Hong

Examine the types of travel insurance, public liability and the limit in claims. Who will be responsible – hotels, resorts, tour operators, transport operator, terrorism and safety issues? How much is your coverage and claims? Customers belonging lost during travel and personal injury claims? What are the avenues to claim – Consumer Tribunal, Ombudsman etc.

**PANEL DISCUSSION**  
**Case study 1:**

"I want to speak to your Manager"  
Discussion in the cases of unreasonable guests and those who damage hotel property and abuse their privileges. Participants will also examine cancellation, cooling off period, status of timeshare guest, criminal and civil liabilities of the Hotel and guests.

**Case study 2:**

"Sue Me!"  
Discussion which looks into detail on cases of rights, remedies and recovery by holiday goes against travel agents and tour operators over loss and injury claims and misleading advertisements and other various issues in managing your legal exposure. Participants will also learn what steps they ought to take to ensure that any insurance claim is successfully pursued.

Moderator: Mr Nigel Wong  
Honorary Secretary General  
Malaysian Association of Tour and Travel Agents (MATTA)



6.00 pm	<b>Closing Address by Y Bhg Tan Sri James Foong</b>
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### **YB Dato' Seri Mohamed Nazri bin Abdul Aziz**

Minister of Tourism and Culture Malaysia

Dato' Seri Mohammed Nazri bin Tan Sri Abdul Aziz is the Minister of Tourism and Culture of Malaysia since May 2013. He studied at Malay College Kuala Kangsar and was called to the bar at Lincoln's Inn after obtaining his law degree. In 1978 he was elected to the United Malays National Organization (UMNO) Youth Executive Committee and he became the chairman of the UMNO Youth International Affairs Bureau from 1986 to 1996. Nazri became the Deputy Chairman of UMNO Youth in 1993 and then Acting Chairman from 1994 to 1996. In 1993, he was appointed Chairman of Majlis Amanah Rakyat (MARA), a position he held until 1995.

In 1991, Nazri Aziz was appointed Senator but resigned in 1995 to contest for the Chenderoh seat in the general election that year. Winning the election, he was appointed Deputy Minister in the Prime Minister's Department. Nazri briefly became Deputy Finance Minister II. After winning the 1999 general election, he was appointed Minister of Entrepreneurial Development as a result of a cabinet reshuffle in December. Before becoming the Minister of Tourism and Culture of Malaysia, Dato' Seri Mohammed Nazri bin Tan Sri Abdul Aziz was a minister in charge of legal affairs and judicial reform in the prime ministers department.



### **Assoc. Prof. Dr Nuraisyah Chua Abdullah**

Faculty of Law, Universiti Teknologi MARA.

Associate Professor Dr Nuraisyah Chua Abdullah obtained her Ph.D., Master's Degree in Comparative Laws (MCL) and a degree in LL.B (Hons.) from the International Islamic University Malaysia (IIUM).

She has served as the Deputy Dean (Research and Industrial Linkages) from 2011-2014 in the Faculty of Law, Universiti Teknologi MARA, Shah Alam, Selangor. Besides being a lecturer, trainer and consultant, she is also an active researcher and is involved in many researches on the areas of law, morality and ethics including consumerism, hospitality and tourism-related laws and policies and family related laws. She is the exclusive writer for more than 10 academic books since her first year of being academician in 2000 till present, published by local and international publishers, among others, Rights and Liabilities of Holidaymakers and Holiday Providers and Undang-Undang Rumah Peninganan, where many of the titles were re-printed for several times. She has written various articles in local and international journals. She supervises postgraduate students and has been appointed as external examiner of postgraduate thesis for local and foreign universities. She is actively involved in many consultation works for government agencies since 2011 with many sectors for example, the Malaysian Productivity Corporation (MPC), the Legal Affairs Division (BHEUU) (Prime Minister's Department), Ministry of Tourism and Culture Malaysia, Ministry of Human Resources and Ministry of Women, Family and Community Development (KPWKM). She is an active trainer for the Ministry of Tourism and Culture Malaysia in various courses related to the tourism industry, Judicial and Legal Training Institute (ILKAP), Institut Latihan Kecemerlangan MARA (ILKM), Lembaga Hasil Dalam Negeri Malaysia (LHDN), Ministry of Rural and Regional Development, (KKLW), Enforcement Agency Integrity Commission (EAIC) and BHEUU in the National Human Rights Action Plan 2015/2016-2017 (heading the Marginal Group Thrust—Women, Children, Disabled, Elderly and Refugees). She has trained industry players among others, Hotel Puteri Pacific, Hotel Grand Blue Wave, First World Hotel & Resort Sdn Bhd, Malaysian Association of Tour and Travel Agents (MATTA), Andalusia Travels and Tours Sdn Bhd and is an active trainer for the Association of Tourism Training Institute of Malaysia (ATTIM) and Kuala Lumpur Tourist Guides' Association (KLTGA).

Apart from that, she is also involved in Train the Trainer (ToT) Programmes and also the creator of various training modules.



### **Hjh Ida Riswana B Idris**

Founder & Partner, Messrs Riswana & Co

Born in Johor Bahru, Johor; Tertiary education : Kulliyah of Laws International Islamic University of Malaysia with LL.B (Hons) in 1992, Masters in Comparative Laws (MCL) in 1993 and called to the Malaysian Bar on 16th April, 1993.

Major : Advisory for corporate matters and land matters especially related to the National Land Code 1965 and the Strata Titles Act, which concerns pre- and post- land development projects.

Hjh Ida was appointed as the Legal Advisor of Andalusia Travel & Tours Sdn Bhd from the beginning of its inception in 2003. Her scope of work involves dealing with legal issues raised by the Malaysia Ministry of Tourism Malaysia pertaining to the Tourism Industry Act 1992 specifically related to Bumiputra agents dealing with umrah issues, international contracts between Andalusia and ground supplier in other countries, claims and complaints from customers at the Consumer Tribunal.



### Jeremy M Joseph

Managing Partner, Joseph & Partners

Jeremy M Joseph's is an expert on transport law. He is the Principal Partner of Messrs Joseph and Partners and advises on disputes relating to transport, hospitality and insurance matters. He has over 20 years of legal experience and he is sought after for his advice from many international and local companies.



### Chong Wai Hong

Head, Underwriting at Liberty Insurance Berhad

Chong has over 30 years experience in the general insurance industry working across wide-ranging functions as underwriting, reinsurance, business development, operations management, products development, project management, claims, customer care and shared services. He has been with Liberty Insurance for 7 years as Head, Underwriting. Besides underwriting, currently Chong also heads the reinsurance, portfolio management and project management functions in Liberty.

Prior to that, Chong has held various senior positions with companies like AIG, Norwich Winterthur, Asia Insurance and earlier in his career had a brief stint abroad with the MBF Group as General Manager of their insurance operations in the Fiji Islands. Chong is also an active member of insurance industry-related bodies, having served as a Council Member of the Malaysian Motor Insurance Pool (MMIP) from 2009-2011 and is currently in his 3rd term as a Board Director of Insurance Services Malaysia Berhad (ISM)

#### Education and Credentials

- Senior Associate of the Australia and New Zealand Institute of Insurance & Finance, and Certified Insurance Professional
- MBA, Newport University, USA
- Member, Malaysian Institute of Management



### Wong Keat Ching

Partner, Zulrafique.

WONG KEAT CHING is a partner in the Employment & Industrial Relations practice group. She graduated from the University of Nottingham, United Kingdom with a Bachelor of Arts in Law and subsequently obtained her Certificate in Legal Practice in Malaysia.

She was admitted as Advocate & Solicitor of the High Court of Malaya on 20 November 1998. In August 2004, Keat Ching was selected by the Bar Council of Malaysia to serve a short stint with Melbourne law firm, Maddocks, where she was placed in the Workplace Services department. Keat Ching now serves on the Bar Council's Industrial Law Committee. She is listed in Chambers Asia as well as the Asialaw Profiles under Labour and Employment. At ZUL RAFIQUE & partners, Keat Ching handles a litigation portfolio of civil and industrial relations (IR) matters. In IR, she mostly handles employers' cases. However, her initial experience in representing employees and trade unions at the Labour Court, Industrial Court, High Court and Court of Appeal has enabled her to effectively advise on IR matters from the perspectives of both the employer and employees. She has appeared in the Federal Court to argue issues such as the High Court's supervisory powers over the Industrial Court's decisions, proportionality of punishment and gender discrimination in retirement age. Keat Ching's field of practice is not limited to litigation. She has advised on various corporate restructuring matters affecting employees / union's interests, for instance conducting IR due diligence in merger and acquisition exercises; advising on the transfer of employees in the sale of business; voluntary separation scheme (VSS); restructuring of senior management positions; establishment and closure of business of foreign companies in Malaysia; the change of business ownership and the effect of collective agreements on successors, assignees or transferees of the business. To add value to her legal services, Keat Ching also conducts seminars and training on IR / employment issues for her clients.

In November 2013, Keat Ching was selected by the China Law Society to attend the 7th China-ASEAN Legal Training Course, after which she was appointed as Visiting Research Fellow of the China ASEAN Legal Research Center at Southwest University of Political Science & Law, Chongqing. Keat Ching is the co-author of the Malaysia chapter of Global Legal Insights Employment & Labour Law, 2nd Edition. In her spare time, the mother of two is active in the Malaysian Bar netball team. In 2008, she received the Sports Personality award from the Bar Council.





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109, Jalan Ampang 50450 Kuala Lumpur



Malaysia Inner Temple Alumni Association

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Each form is valid for **one delegate only**.  
Use only capital letters

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