# MALAYSIA

A Guide for Canadian Exporters

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# A Guide for Canadian Exporters



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# I. THE COUNTRY

Malaysia is a federation of 13 states with an area of 333,660 square kilometres (128,308 square miles) encompassing Peninsular Malaysia at the southern tip of the Asian mainland and the States of Sabah and Sarawak on the northern rim of the Island of Borneo. Peninsular Malaysia has common borders with Thailand on the north and Singapore on the south. Sabah and Sarawak are separated from Peninsular Malaysia by more than 600 km (373 miles) of the South China Sea. These two states share a common border with Indonesia to the south and have as a close neighbour the Sultanate of Brunei.

The capital and largest city of Malaysia is Kuala Lumpur which is situated some 48 km (30 miles) from Port Kelang, the major regional port. The other principal towns in Peninsular Malaysia include Penang, the second largest port; lpoh, the centre of the tin mining industry; Malacca, a centre of the plantation industry; and Johore Baru, the northern link of the causeway to Singapore. The state capital of Sabah is Kota Kinabalu and the state capital of Sarawak is Kuching.

### History and Government

Ever since it was established in the 14th century AD, the Sultanate of Malacca has flourished, becoming a major port and trading centre and serving as a halfway house for traders engaged in the lucrative spice and silk trade of the East. European involvement with Malaysia began with the occupation of Malacca by the Portuguese in the 16th century. Malacca was conquered by the Dutch in 1641, and the British first established a trading settlement in Penang in 1786, and later in Malacca and Singapore. The original Federation of Malaya, which achieved independence in 1957, included nine states and the two British settlements of Penang and Malacca. In 1963 the Federation of Malaysia was formed comprising the 11 Malay states and the former British territories of Sabah, Sarawak, and Singapore. Singapore left the Federation in 1965.

Malaysia is a constitutional monarchy under a Supreme Head of State called the Yang di-Pertuan Agong who is elected by and from among the nine ruling sultans in Peninsular Malaysia for a period of five years. Government institutions are patterned along British lines with legislative powers rested in the two Houses of Parliament — the Dewan Ra'ayat (House of Representatives) and the Dewan Negara (Senate). The national executive power is vested in the Prime Minister and the Cabinet.

### The People

Malaysia's population of 14.2 million is made up of people with diverse ethnic origins — 55 per cent Malays, 34 per cent Chinese, and the remainder primarily Indians. Approximately 85 per cent of the population live in Peninsular Malaysia. The population is growing at an annual rate of 2.5 per cent.

The official language is Bahasa Malaysia (Malay). However, English is widely spoken in business circles and is a compulsory second language in all government schools.

Islam is the official religion of the malay (Muslim) population. Most Chinese are Buddhist, Confucian, or Taoist. The majority of Indians are Hindu, while a small proportion are Muslim, Christian, or Sikh. Most of the Europeans and Eurasians are Christian. The remaining ethnic groups are animist, Christian, or Muslim.

The population is young with approximately 41 per cent of Malaysians under the age of 14. More than 50 per cent of the people are literate, but there is a shortage of professional, technical and management skills.

#### Local Customs

As the Malay population is predominantly Muslim and Islam is the official religion, care should be taken to avoid offering food, drink or cigarettes with the left hand. In addition, forbidden foods such as pork and derivatives should be avoided when entertaining and nonalcoholic beverages should be available when offering liquor. It is considered discourteous to refuse refreshment when it is offered, particularly when paying business calls.

Telephoning Muslims between 6:45 and 7:15 p.m. should be avoided since this is the time for evening prayers. It is also advisable to avoid calling on Friday noon, a time when many Muslims are at prayers. During Puasa (Ramadan), the fasting month which falls in September or October, Muslims will not eat, drink, or smoke from sunrise to sunset. As a general rule, therefore, food, drink, or cigarettes should not be offered to Malays during those hours.

Before entering a Malay house, shoes should be removed unless the host is wearing his. Even if the host instructs the guest not to, one should remove one's shoes if the host's are off. Such action will be appreciated as indicating a knowledge of Malay customs and courtesy. In addition, when handling or receiving something, use either your right hand or both hands — never just the left hand. It is also offensive to point or extend the hand palm up or to show the soles of your shoes or feet.

Forms of Address — Malay forms of address are many and complicated. The following is only a general indication of precedence since in some cases a person's function gives him a higher rank than his title would indicate. In addition, local practice varies widely in ranking the holder of various titles. The following categories of titles are most likely to be encountered:

- 1. Nobility
  - (a) Tunku or Tengku different spellings of the same title which is loosely equivalent to prince. The title descends through both sides of the family and is accorded great respect by the Malays.
  - (b) Raja in certain states Raja is used instead of Tunku but means exactly the same.
  - (c) Ungku a Johore title denoting a lesser degree of royalty than Tunku.
- 2. Orders of Chivalry
  - (a) Tun (M) or Toh Puan (F) Tun is the title given to a recipient of the Federation's highest order of chivalry granted to nonroyal persons. The wife of a Tun is called Toh Puan.
  - (b) Tan Sri (M), Puan Sri (F) Tan Sri is a title given to a recipient of Malaysia's second highest order of chivalry granted to nonroyal persons by the Supreme Ruler (national level). Membership in this order is a high honour and the living membership

is limited to 75 persons. The wife of a Tan Sri is called Puan Sri. These titles are not hereditary. It is quite acceptable to address someone holding this title simply as Tan Sri or Puan Sri (generally equivalent to Sir).

- (c) Dato (M), Datin (F) The basic meaning of Dato is grandfather. In modern usage, however, it refers to the holder of the highest honour conveyed by the rulers of the various states. The wife of a Dato is called Datin. The title is not hereditary and holders of it may be referred to as Dato or Datin.
- 3. Religious
  - (a) Syed (M), Sharifah (F) Syed is the name as well as the title which traces a direct blood descendancy from the Prophet. It is never omitted when addressing a Malay and all Syeds are addressed as Tuan.
  - (b) Sheikh (M), Siti (F) Sheikh is an Arab title usually passed through the male line. The title confers no special privilege or respect, but courtesy requires the use of Tuan as a prefix.
  - (c) Haji (M), Hadja (F) Haji, or Hadja in the case of a woman, is one who has made a pilgrimage to Mecca and has performed certain required acts during this pilgrimage or Haj. Hajis are accorded the honorific Tuan which is prefixed to the Haji title, i.e., Tuan Haji Abdullah, instead of Encik Haji Abdullah.
- Mr. and Mrs. Encik (M) and Cik (F) Sir and Madam — Tuan (M), Puan (F)

#### General Information

Terms — The following usage of terms should be noted:

Malaysia Malaysian refers to the name of the country
a general term that applies to all citi-

Malaya Malaya zens of Malaysia regardless of race

refers to the specific racial group
the name used to describe the penin-

sula before federation in 1963 with Sabah, Sarawak, and Singapore (which later withdrew). The term is still used occasionally to refer to the geographical entity of Peninsular Malaysia when it became Malaysia. East Malaysia is the name formerly applied to the states of Sabah and Sarawak and is still commonly used.

*Climate* — Malaysia's climate is hot and humid, varying little throughout the year. Temperatures average 29°C (85°F) during the daytime and 24°C (75°C) at night. The annual mean rainfall is 254 cm (100 inches). October to February is the wettest period on the east coast and May to October on the west coast.

Holidays — Malaysian holidays reflect the country's multi-religious character. Because the Muslim calendar year has only 354 or 355 days, Muslim holidays fall 10 to 12 days earlier, each year, on the Gregorian calendar. The following list serves only as a guide and Canadians are advised to confirm dates of business visits with the Malaysian High Commission in Ottawa or the Canadian High Commission in Kuala Lumpur. The weeks of Chinese New Year and Hari Raya are not suitable for business visits.

New Year — January 1 Federal Territory Day — February 1 Chinese New Year — Late January or early February Sultan of Selangor's Birthday — March 8 Prophet Mohamed's Birthday — March 2 Labour Day — May 1 Wesak Day (Buddhist) — Late May\* Yang-di-Pertuan Agong's Birthday — June 1 Hari Kebangsaan (National Day) — August 31 Hari Raya Puasa (Muslim) — September or October\* Deepavali (Hindu) — Late October or early November\* Hari Raya Haji (Muslim) — Late November or early December\* Awal Muharam (Muslim) — Late December or early January\* Christmas Day — December 25

\*Date determined by Lunar Calendar

Measures — Both the metric and the Imperial systems are used.

*Electricity* — The National Electricity Board and major licensed suppliers provide electricity at 50 cycles, three phase AC. High voltage supplies are available to industrial consumers at varying voltages — most commonly 6.6 kV, 11 kV, 22 kV, and 33 kV — depending on the local system and consumer requirements. Commercial and domestic supplies are uniform at 400/450 volts, three phase and 230/240 volts, single phase.

Post, Telex, Telephone — Malaysia is well served by many post offices. The delivery period for Canadian mail is about 10 days from Canada. Telecommunications services in Malaysia are among the best in South East Asia. Telephone service to Canada is continuous and telegrams can be telephoned from public telephones equipped with coin collecting boxes, or sent from most major hotels.

## **Business Practices**

Peninsular Malaysia is 12<sup>1</sup>/2 hours ahead of Eastern Standard Time, and Sabah and Sarawak are a half hour ahead of Peninsular Malaysia.

Business Hours — The states of Johore, Kedah, Kelantan, Perlis, and Trengganu observe the Muslim weekly holiday on Thursday afternoon and Friday; Saturday and Sunday are normal work days. This applies particularly to government departments; it may not always be the case in private companies. Visitors are advised to consult the Commercial Division of the Canadian High Commission for further information. The following is an indication of business hours in Malaysia.

#### **Commercial Offices**

Peninsular Malaysia	8:30 a.m. to 1:00 p.m. and 2:00 to 4:30 p.m. Monday to Friday 8:30 a.m. to 12:30 p.m. Saturday
Sabah:	8:00 a.m. to 12:00 p.m. and 2:00 to 4:00 p.m. Monday to Friday 8:00 a.m. to 12:00 p.m. Saturday
Sarawak:	8:30 a.m. to 2:00 p.m. and 1:00 to 4:30 p.m. Monday to Friday 8:30 a.m. to 12:00 p.m. Saturday

#### **Government Offices**

	8:00 a.m. to 12:45 p.m. and 2:00 to 4:00 p.m. Monday to Friday 8:00 a.m. to 12:45 p.m. Saturday
Sabah:	8:00 a.m. to 12:00 p.m. and 2:00 to 4:00 p.m. Monday to Friday

Sarawak:

8:00 a.m. to 12:00 p.m. Saturday 8:00 a.m. to 12:15 p.m. and 1:45 to 4:00 p.m. Monday to Friday

8:30 a.m. to 12:00 p.m. Saturday

#### Banks

Peninsular Malaysia: 10:00 a.m. to 3:00 p.m. Monday to Thursday

10:00 a.m. to 6:00 p.m. Friday

Sabah:

9:30 a.m. to 11:30 p.m. Saturday 8:00 a.m. to 12:00 p.m. and 2:00 to 3:00 p.m. Monday to Friday

9:00 a.m. to 11:00 p.m. Saturday

Sarawak:

10:00 a.m. to 3:00 p.m. Monday to Friday 9:30 a.m. to 11:30 p.m. Saturday

The Canadian High Commission is open from 8:00 a.m. to 12:30 p.m. and 1:30 to 4:30 p.m. Monday to Friday.

**Dress** — Lightweight slacks, shirt, and tie are appropriate for most daytime business appointments. When calling on senior government officials, however, a suit is preferable. It should be noted that senior members of business houses usually wear jackets throughout the day. In addition, since the advent of air-conditioned offices an increasing number of Malaysian businessmen wear jackets to work. During the rainy seasons, umbrellas provide sufficient protection; raincoats are not worn.

# II. ECONOMIC INFORMATION

The Malaysian economy is based on free enterprise. The policy of the government, however, is to participate actively in commerce and industry to supplement the role of the private sector. The Third Malaysia Plan (TMP), covering the period 1976-80, represented the second stage of the New Economic Policy, (1970), the aim of which is to ensure national unity by encouraging a more equitable distribution of income between the various ethnic groups. The major thrust of the NEP is to increase the share of the corporate sector to at least 30 per cent ownership by the indigenous people (bumiputra), while raising the overall rate of growth which should facilitate such a transfer. The policy further stipulates that the remaining 70 per cent will be shared by other Malaysians (40 per cent) and foreigners (maximum of 30 per cent).

The Fourth Malaysia Plan (1981-85) further elaborates and refines policy measures and programs embodied in the Second and Third Malaysia Plans to ensure that the socio-economic objectives of the New Economic Policy are achieved. The continued expansion of the industrial and agricultural production as well as the further diversification of the economy are seen as the underlying factors for GDP growth during the plan period. In the industrial sector, a new emphasis is being placed on heavy industry using gas and other indigenous energy sources. Additional plan objectives include: the reduction of dependence on traditional sources of energy; the improvement of capabilities in the field of national security; the development of the forestry and mining sectors, especially in Sabah and Sarawak; agricultural and rural development; and social improvement. Supportive of the Fourth Malaysia Plan a number of major programs and projects have been scheduled in the relevant sectors. The following table indicates development spending under the Fourth Malaysia Plan:

#### Development Spending under Malaysia Plan (M\$ billion)

ECONOMIC	22.8
Agriculture	8.3
Land development	
Rubber replanting	3.7
Commerce and industry	0.3
State accession de la	4.7
State economic development	
corporations	1.1
Permodalan Nasional	1.5
Pernas	0.2
Mara	0.5
Urban Development Authority	
SOCIAL	0.6
Education	6.4
Housing	2.9
	1.4
Security	9.4
Defence	7.2
Internal security	2.2
TOTAL	
	42.8
Courses E is set	

Source: Fourth Malaysia Plan 1981-85

# III. BUSINESS INFORMATION

## Sources of Financing

Foreign aid creates trade opportunities in Malaysia for Canadian businesses through projects financed by multilateral lending institutions such as the World Bank Group and the Asian Development Bank, as well as bilateral donors for which procurement is not tied to the donor nation. Development projects provide for the supply of goods and services through both competitive bidding and subcontracting to prime-contractors. Procurement systems for projects financed by international lending agencies follow "international competitive bidding" procedures. Information on the status of projects is published by the information offices of the World Bank and the Asian Development Bank. Project information can also be obtained from the South East Asia Division, Office of Trade Development - Asia and Pacific, of the Department of External Affairs in Ottawa or the Commercial Division of the Canadian High Commission in Kuala Lumpur.

To further Canadian export development objectives, two federal trade promotional programs are available, namely:

- the Promotional Projects Program (PPP) through which the Department of External Affairs plans and implements promotional projects abroad; and
- the Program for Export Market Development (PEMD) through which the repayable loans are made to individual companies to cover costs in developing export business which might otherwise not be undertaken.

Through the PPP, Canadian trade fairs abroad, trade missions, and trade visits are initiated, organized, and implemented by the Department. The range of these activities includes participation in international trade fairs, solo shows, and in-store promotions; the organizing of technical seminars and trade missions abroad; and the sponsoring of foreign visits to Canada to stimulate the sale of Canadian products in various export markets. In contrast to the PPP projects, proposals under PEMD are made by Canadian industry rather than government. PEMD is made up of several sections each of which is designed to support a particular phase of market development including project proposal preparation, market identification, participation in trade fairs and sponsoring of incoming buyers. In all sections of the program, companies are encouraged to develop self-sustaining export markets for their products. For details see the PEMD brochure.

For further information regarding both the PPP and the PEMD programs, please contact the South East Asia Division, Office of Trade Development — Asia and Pacific, of the Department of External Affairs.

The Canadian International Development Agency (CIDA), under its Industrial Co-operation Program (ICP) provides direct support for Canadian companies to investigate industrial co-operation opportunities in developing countries. The program funds proposals by Canadian investors for projects such as joint ventures, licensing agreements, management contracts, or other commercial undertakings. For more information contact:

Director General Industrial Co-operation Canadian International Development Agency 200, Promenade du Portage Hull (Québec) K1A 0G4

Tel: (819) 997-7901

Of importance to Canadian businessmen is the Export Development Corporation (EDC) whose purpose is to encourage, facilitate, and develop Canadian export trade by providing credit insurance, guarantees, loans, and other financial assistance to enable exporters to meet international competition. For further information on EDC services contact:

Export Development Corporation Head Office 110 O'Connor Street, P.O. Box 655 Ottawa, Ontario K1P 5T9

Tel: (613) 237-2570

## Marketing Information

#### Representation

Canadian exporters to Malaysia may employ a number of marketing methods. Exports may be handled through an established trading firm with branches throughout the country or through the national trading corporation, PERNAS, which often represents foreign firms. The majority of Canadian firms, however, engage an agent.

A few Canadian firms have established representation in Singapore for the purpose of selling to Malaysia, but without conspicuous success. A regional representative based outside Malaysia is most useful during the initial stages of a market strategy and as a means of providing after-sales service. In most cases, however, sustained business in the domestic market requires a local representative. Moreover, depending upon the product or service, it may be necessary to appoint separate agents in Peninsular Malaysia, as well as in the States of Sabah and Sarawak to ensure nation-wide coverage.

Apart from appropriate geographic representation, the key to success in the Malaysian market is ensuring that the chosen agent is both knowledgeable of your industry/product/project and familiar with business practices prevailing in that particular sector. One must often rely on the agent to arrange appointments with appropriate government officials and corporate officers as well as clear necessary documents through bureaucratic channels. To spur the development of indigenous business, Malay (bumiputra) agencies have been given special preference by the government.

Malaysian political implications are such that in the award of government tenders preference over foreign firms is given firstly to Malaysian companies and secondly to joint ventures with active indigenous participation. Canadian businessmen, in particular consultants, have noted that strong preference exists for the use of indigenous engineers and local companies and have therefore often made appropriate arrangements with a Malay firm.

The Commercial Division of the Canadian High Commission in Kuala Lumpur can advise Canadian firms on suitable agents in Malaysia. Interested businessmen should write to the Commercial Division and enclose six sets of company brochures. The Canadian company should then contact the recommended Malaysian firms directly and as soon as serious correspondence takes place, a business visit to Malaysia should be planned. After visiting Malaysia, the Canadian businessman will be in a better position to select an agent. Letters of understanding appointing the agent can then be exchanged. Any such appointments may be for a trial period of a year, the appointment to be confirmed at the end of the allotted time, only if performance is satisfactory.

Advertising and the number of visits to potential clients are matters to be specified in such appointments. Once an understanding has been reached, regular visits to Malaysia will allow the maintenance of contacts and legitimacy while concurrently supporting the efforts of one's representative. In addition, technical support in the form of regular training sessions in the latest developments and innovations as they relate to the particular product is of paramount importance to the representative's training and the product's credibility in the market.

Canadian companies seeking reports on the credit rating and stability of local firms being considered as agents should contact the Commercial Division of the Canadian High Commission. As no credit inspection bureau exists in Malaysia, the required information may take several weeks to compile. Whenever possible, this investigation will be undertaken by the Commercial Division. If, however, it is necessary to engage an outside firm to do a credit investigation the costs involved will be billed back to the Canadian company.

Finally, it should be kept in mind that good positive initial contacts, the establishment of legitimacy, and patience are important factors in business development. Business methods in Malaysia, while different from those in Canada, require a commitment to a longterm effort.

# Malaysian Import Regulations

Although most imports into Malaysia are permitted under Open General Licence, specific licences are required for imports affecting health and security. Quota restrictions may also be imposed as a means of protecting local industry and of preventing stock piling. The importation of indecent articles or prints and articles bearing the imprint or reproduction of any currency note, bank note or coin is prohibited. All goods of Israeli or South African origin are also prohibited. Imports from the People's Republic of China require a special licence.

The Brussels Tariff Nomenclature has been adopted by the Malaysian Government for customs tariff classification purposes. Duties are normally computed on an ad valorem basis. Comparatively few items are subject to duties of more than 40 per cent, and machinery imported for the establishment of new industries or which is essential for the expansion of existing industries is often admitted duty free.

In addition to import duty, a surtax of 4 per cent is levied on the value of all imported goods except those specifically exempted. Furthermore, under the Sales Tax Act of 1972, all goods are subject to a 5 per cent sales tax unless such goods are included in any exemption order.

Preferential tariff treatment is accorded to some commodities originating in a Commonwealth country. To qualify for a preferential rate where it exists, manufactured goods must have a minimum of 25 per cent of their value in the finished state as the result of labour performed in Canada, materials produced in Canada, or both.

Samples — In Malaysia, samples accompanying commercial travellers may be admitted and entered on the importer's baggage declaration instead of by formal entry. Goods that the Director General of Customs considers to be samples or advertising material of no commercial value and which are not for resale are normally admitted duty free. Other commercial samples subject to duty may be admitted on deposit of duty (or under a banker's guarantee to the value of duty) which is refunded on re-exportation within three months. Normally, commercial samples should be exported in toto through the same customs station as the import to ensure the timely exportation under customs supervision.

Labelling — Finally, there are specific labelling regulations for imported foodstuffs, pharmaceutical products and alcoholic beverages, all of which must specify the country of origin. Goods should be packed so as to withstand port handling and prolonged exposure to heat and humidity due to delays in port clearance.

### **Exchange Controls**

Permission is given freely for payments in foreign currency of all permitted imports. In addition, there are no restrictions regarding the method of payment. Authorized banks may issue exchange for authorized imports against satisfactory documentary evidence of imports.

# Shipping Services from Canada to Malaysia

From Western Canadian Ports — East Asiatic Company schedules two sailings per month from Vancouver to Port Kelang and Penang. Space accommodation for general cargo, refrigerated cargo, ventilated cargo, and container cargo is available. The line is represented in Canada by Johnson, Walton Steamships Limited in Vancouver and Robert Reford Inc. in Toronto and Montreal.

Knutsen Line schedules two sailings a month from Vancouver to Port Kelang. Space accommodation for general cargo, refrigerated cargo, bulk liquids, and container cargo is available. The line is represented by BakIne Steamship Corporation in Vancouver and McLean Kennedy Limited in Toronto and Montreal.

From Eastern Canadian Ports — Barber Blue Sea Line schedules three sailings a month from Saint John to Port Kelang and Penang. Space accommodation for containers, general cargo, refrigerated cargo, and bulk liquids is available. The line is represented by Barber Steamship Lines (Canada) Inc. in Montreal and Toronto and by R.C. Elkin Limited in Saint John.

Federal Commerce and Navigation Limited schedules monthly sailings from Sault Ste. Marie and Quebec during the summer and from Montreal during the winter to Port Kelang. Space accommodation for general cargo and container cargo is available. The line is represented by Federal Commerce and Navigation Limited in Montreal and R.G. Redburn Limited in Toronto.

# Malaysian Transportation, Communication, and Infrastructure

Malaysia has more than 25,000 km (15,528 miles) of good and passable roads connecting principal commercial centres and reaching into the newly-settled development areas. The government continues to direct its efforts at state and rural road development as a part of an overall program of improving the transportation infrastructure.

The government-owned Malay Railway Company operates a relatively modern and efficient railway system which links Kuala Lumpur and other major towns with Singapore in the south and Bangkok in the north. It provides both passenger and cargo services including bulk tanker and container facilities. There is also a small railway network in Sabah but none in Sarawak.

The Malaysian government attaches considerable importance to the accommodation of international air flights and to expansion of domestic aviation. Peninsular Malaysia has two international airports, in Kuala Lumpur and Penang. In addition, the Kota Kinabalu Airport in Sabah was expanded into an international airport under the last development plan. Airport expansion and the improvement of both passenger and cargo facilities are currently under way.

Ocean shipping is of great importance to Malaysia both because the Peninsular is separated from the east Malaysian states by water and because of the importance of foreign trade to the nation. Major seaports are situated at Port Kelang, Penang, Johore Bahru, Kuching, and Kota Kinabalu. Despite the expansion of Malaysia's port facilities, a considerable volume of ocean freight continues to move into and out of Malaysia via Singapore.

Peninsular Malaysia has efficient and modern telephone, telegraph, telex, and airmail communication, both domestically and internationally. Malaysia operates a Satellite Communications Earth Station in Kuantan allowing high-quality overseas service for telephone, telegraph, and telex circuits. Facilities in Sabah and Sarawak are somewhat less developed and communications are slower.

The National Electricity Board is the major supplier of electric power in Peninsular Malaysia, with an installed capacity in 1979 of 1,778 megawatts. In Sabah and Sarawak, utilities are also supplied by state-owned corporations. Water supply is under the jurisdiction of the various state governments and in some cases local municipalities.

## Tendering on Projects

Procurement by government agencies may be financed through Malaysian government funds or through funds made available by donor governments or international agencies. Procurement procedures, therefore, vary with the government department, lending country, or international agency.

Government agencies are responsible for the procurement of infrastructure equipment for power, water, irrigation and transport development. These purchases are often arranged with foreign suppliers in response to international tendering. Experienced Canadian businessmen have found that dealing through a competent Malay consulting company or agent greatly enhances their chances of a successful tender.

Loans from the international financial institutions have been responsive to the Malaysian government's development priorities covering almost all major sectors in the economy. The United Nations publishes a newspaper entitled "Development Forum" in which multilaterally funded projects in various countries are listed. The Commercial Secretary at the Canadian High Commission in Kuala Lumpur will also be available to provide Canadian firms with further information.

Successful project bidding requires close contact with those Malaysian government departments and international agencies responsible for project planning and implementation. Canadian firms should choose a Malaysian representative or associate in advance of a tender call, and preferably during the gestation process of the project, to allow involvement at the earliest possible stage. Finally, only those firms willing to invest a significant amount of time in the Malaysian market are advised to seek project work.

#### Labour

Malaysia's total labour force is approximately 4.2 million. Labour is generally reliable, productive, and responsive to skill development. The level of literacy is high and industrial training is provided at government vocational and technical schools. The government requires that foreign companies make every effort to train bumiputras so that the employment pattern at all levels will reflect the multi-racial composition of the country. The Employment Ordinance of 1955 which deals with labour matters, such as principal terms and conditions of employment, is contained in the Employment Act of 1968. It is estimated that 25 per cent of the labour force are union members. The Industrial Relations Act of 1967 provides for the regulation of relationships between the employers and employees and their trade unions.

Foreigners who intend to take up employment must obtain a work permit. The government has adopted a Malaysianization Program aimed at replacing foreigners with Malaysians. Employment passes are issued if no Malaysians with the required qualifications and experience are available. In addition, foreigners may have to agree to the Malaysianization of posts held by expatriates except in certain cases.

#### Advertising and Research

The usual advertising facilities and media used in Canada are also available in Malaysia. Newspapers have comparatively high circulations and are printed in English, Malay, Chinese and Tamil. The governmentcontrolled radio and television also provides for advertising time in all the principal languages. The type of promotion will, of course, depend on the product and the target market. Flyers, signboards and cinema advertising are other commonly-used forms. Before embarking on a comprehensive promotional campaign, however, it is advisable to consult one of the many competent advertising and public relations firms in Malaysia.

Market research is increasingly being used in Malaysia with very good results. While research undertaken by local representatives is often satisfactory, in recent years several firms have been established and have developed an acceptable competence in professional market research.

Finally, specialized trade shows are held periodically on a small but growing scale in the South East Asian region. The Commercial Division of the Canadian High Commission can advise a company of any fairs useful to the promotion of its product.

#### Methods of Payment

When dealing with local firms, initial payments by confirmed irrevocable letters of credit are customary. How-



Source: The Hong Kong and Shanghai Banking Corporation

ever, credit terms of 120 to 180 days are common if follow-up sales justify confidence.

# **Business Dispute Procedures**

As protection against bad debts, export shipments should always be preceded by credit investigation of the financial standing of the foreign buyer. Arbitration procedures in Malaysia are usually time consuming, expensive, complicated, and inconclusive.

## Banking and Local Finance

Malaysia has a well-developed and sophisticated banking system that provides an important source of capital for commercial and industrial development. The Bank Negara Malaysia, or Central Bank of Malaysia, is the apex of the system. Of the 37 commercial banks operating in Malaysia, 20 are domestic banks, while the remainder are foreign. Ther are also 12 merchant banks in operation.

The following Canadian bank has a branch office in Malaysia:

Bank of Nova Scotia Bangunan Sasety Insuran 41 Jalan Melaya Pety Surat 1056 Kuala Lumpur 01–03 Malaysia

Tel: 989-288 Telex: 30217

## **Property Protection**

The Registry of Trademarks and Patents controls trademark and patent registration in Malaysia. Registration is carried out under the provisions of the Trademarks Ordinance and United Kingdom Patents Ordinance respectively. Located in Kuala Lumpur, the Registry of Trademarks and Patents currently handles only those applications for Peninsular Malaysia and Sabah. Applications for Sarawak are dealt with by the branch office in Kuching.

Foreign applicants are required to submit applications to local resident agents and provide a local address for service. Applications may be filed directly by the applicant or through agents (usually solicitors). New applications are subjected to a thorough search and examination by the Registrar before acceptance for advertisement in the Government Gazette.

Registration of the mark is effective for seven years from date of application. On expiration, the registration may be renewed for a period of 14 years and thereafter for a further 14 years.

The Registry of Trademarks and Patents is located in the Yee Seng Building, 9th Floor, Jalan Raja Chulan, Kuala Lumpur.

#### Investment

#### Malaysian Legislation for Foreign Investment

The Malaysian Government's attitude towards foreign investment revolves around two policy objectives. First, the desire to redistribute equity participation in business enterprises — especially in the manufacturing sector — from a 1970 level of approximately 63 per cent foreign, 34 per cent other-Malaysian, and 2.4 per cent Malay to a 1990 target of 30 per cent Malay, 40 per cent other-Malaysian, and 30 per cent foreign. Second, Malaysia's interest in diversifying its exports through development of the manufacturing sector plays an important role in encouraging foreign investment particularly in export-oriented industries based on local resourses.

In keeping with political objectives, equity participation falls into three categories. For industrial projects oriented towards the local market, majority Malaysian equity is required. In projects involving extraction and primary processing of non-renewable resources, Malaysian participation must be at least 70 per cent, including 30 per cent by bumiputras. Finally, in projects manufacturing mainly for export, foreign majority ownership is permitted and consideration may be given in certain cases to 100 per cent foreign-owned equity.

The importance of foreign investment in government policies is reflected in the system of incentives established to encourage the investment policy. Companies producing for domestic requirements or for export may be eligible for "pioneer status" which accords tax relief for two to eight years. The degree of tax relief is calculated on the amount of capital invested, the location of the investment, and its Malaysian content. Pioneer status also involves tax exemptions on dividends. Enterprises ineligible for pioneer status may receive other forms of incentives and tax relief depending on the location, investment priority, Malaysian content, and employment criteria.

# Forms of Business Organization

In Malaysia, a business enterprise may be organized in the form of a single proprietorship, a partnership, a corporation, or a branch office (of a foreign company). The limited company (corporation) is one of the most common forms of business entities adopted by foreign investors. All businesses must be registered; a company's application must be accompanied by a copy of the Memorandum and Articles of Association and a list of directors, at least two of whom must be resident in Malaysia. A limited company must end its title with Berhad or Bhd. A private company must end its title with the word Sendirian or Sdn preceding the word Berhad or Bhd. Malaysian authorities do not favour the establishment of branches of foreign companies.

## Taxation

Companies and branches are subject to corporate tax of 40 per cent and a development tax of 5 per cent. There is also an excess profits tax of 5 per cent levied on résident companies under certain conditions. Dividends and profits may be freely remitted abroad and there are no restrictions on the repatriation of capital. With respect to both personal income tax and corporate tax, a double taxation agreement is in force between Canada and Malaysia.

# Malaysian Export Regulations

Exports are generally free of control except for the exchange control regulations designed to ensure that export documents are received in Malaysia within six months, and the licences required for the export of primary products such as rubber, tin, palm oil, and timber. The export of strategic materials and products is controlled to assure adequate domestic supply. Finally, all exports to South Africa and Israel are prohibited.

# IV. YOUR BUSINESS VISIT TO MALAYSIA

# Services of the Canadian High Commission

The Commercial Division of the Canadian High Commission in Malaysia functions as a liaison office between Canadian firms and local business and industry. Offering a fairly comprehensive scope of services, the Trade Commissioner seeks business opportunities for interested and capable Canadian firms. Market surveys of reasonable proportions are conducted on behalf of Canadian exporters. The Trade Commissioner may also assist by providing recommendations and advice on matters relating to the selection of agents, advertising modes and preferences, as well as translating facilities. Given advance notice, appointments with appropriate contacts and the receipt of mail may be arranged through the Commercial Division. Finally, the Trade Commissioner may assist those Canadians established in the market with advice on matters such as trade disputes and legal problems.

The Trade Commissioner should be advised of one's intentions to visit Malaysia well in advance of arrival. The extent to which the firm can be assisted by the trade office will depend upon the information provided concerning the company itself, the purpose of the visit, and contacts previously established in Malaysia's business community. If the product or service is specialized or highly technical, information on its use, the type of representation it would require and its competition in the market helps to avoid unnecessary research as well as unsuitable appointments and the waste of the Canadian businessman's time. Finally, Canadian firms should maintain an ongoing contact keeping the Trade Commissioner informed of subsequent activities and future plans.

## **Business Calls**

The best introduction to Malaysia and its business opportunities is by personal visit. Local businessmen usually prefer to meet and deal with their prospective clients personally. Upon arrival, the Canadian businessman faces a double challenge — convincing local contacts of his firm's competitiveness in the market and overcoming any misconceptions that may exist regarding Canadian capabilities in general. The establishment of legitimacy and a long-term commitment is of primary importance to a successful business strategy.

The pursuit of contacts within Malaysia's business community and a generally slower paced approach to business plays an important role in business strategy. Often no business is discussed at the first meeting; rather, it serves as a get-acquainted session during which the buyer can evaluate the Canadian firm's capabilities against current sources. Entertainment can also be central to the process of business development. It is not uncommon for Canadian businessmen to be entertained by local contacts, and it should be noted that reciprocal invitations are much appreciated.

Business methods and customs in Malaysia differ from those in Canada, and doing business in Malaysia can be a time-consuming process requiring an ongoing commitment. Considerable flexibility and patience should be allowed in meeting deadlines and often one may have to extend the visit. A good local representative will usually arrange appropriate contacts, ensure compliance with local business practices, and act as a facilitator, continuing the contact in the absence of the Canadian businessman. Experienced Canadian businessmen have found that prospective Malaysian clients must be assured that the Canadian firm is committed to the proposed sale/project.

In Malaysia, appointments should be kept punctually, bearing in mind that traffic is often congested. In order to avoid high temperatures and humidity during the day, appointments should be made in the morning and late afternoons.

#### Presentation Important

Canadian firms should make a complete presentation to the prospective client in the initial stages of contact. This may include literature, specifications, samples, and all the price, delivery, and quality control information the contact will require for his evaluation of the Canadian firm and its product or service. Businessmen should also have an adequate supply of business cards at all times. Finally, in the event of an equipment demonstration, it should be ensured that the system functions properly in the given environment; any shortcomings will result in a loss of confidence in the product as well as the firm.

## What To Bring

Seasoned business travellers bring a number of useful business supplies. Among those recommended are:

- 1. sales literature, and where applicable, samples
- company stationery (for correspondence and thankyou notes)
- 3. business cards
- 4. extra passport photos (for visas, etc.)
- small give-aways with the company's name printed on them.

The Canadian businessman who does not want to carry business cards and promotional material with him in his luggage can arrange to have it forwarded to the Canadian High Commission in Kuala Lumpur by air freight. Arrangements should be made approximately three weeks prior to arrival in Malaysia.

#### Follow-Up

Appropriate follow-up can be crucial to the success of a business visit. Thank-you notes as well as samples, brochures, and requested information should be quickly dispatched after return to Canada. Regular correspondence with contacts and representatives established while in Malaysia, as well as with the Commercial Division of the Canadian High Commission, will serve to promote legitimacy and business development. A follow-up visit should be planned in the event that there is business potential.

## Travelling to Malaysia

Canadians entering Malaysia must be in possession of a valid passport. All visitors are required to have a visitor's pass which is issued at the Port of Entry upon arrival. A visa is not required. A valid international certificate of vaccination against cholera is required at Port of Entry. A yellow fever inoculation is required of arrivals from infected areas. Tetanus, polio, typhoid, and gamma globulin vaccinations are also strongly recommended. If travel in rural areas is planned, it is advisable to carry medication for malaria. Visitors are advised to contact the Department of Health and Welfare in Ottawa for up-to-date information on required vaccinations.

Visitors to Malaysia may bring in duty free up to one quart of wine, spirits, or beer, 200 cigarettes or half a pound of tobacco, and bona fide personal effects. Narcotics and other dangerous drugs, pornography, daggers, and flick-knives may not be imported.

The Malaysian Ringgit (dollar) is the unit of currency, exchanging in mid-1982 at a rate of M\$1.82 to the Canadian dollar.

There are a number of first class hotels in Kuala Lumpur. It is advisable to reserve accommodation in advance. All hotel rates are subject to 10 per cent service charge and 5 per cent government tax. Room tariffs are quoted in Malaysian dollars and visitors are reminded that hotel prices are subject to change. Confirmation should be sought at time of booking.

- \*\*\*\*\* First Class International
- Good International \* \* \*
- Satisfactory Local
- Cheap Local

Equatorial - \*\*\*\* - Jalan Sultan Ismail, Singles M\$125 and up, doubles M\$145 and up. Tel. 422022; Telex EQATOR MA 30263

Federal — \*\*\* — 35 Jalan Bukit Bintang. Singles M\$110 and up, doubles M\$125 and up, suites M\$225 and up. Tel. 489166; Telex FEDTEL MA 30429

Fortuna — \*\*\* — 87 Jalan Berangan. Singles M\$75 and up, doubles M\$85 and up, suites M\$105 and up. Tel. 419111; Telex FORTMA MA 31379

Holiday Inn - \*\*\*\* - Jalan Pinang, Singles M\$130 and up, doubles M\$145 and up, suites M\$200 and up. Tel. 481066; Telex HOLINN MA 30239

Hilton International Kuala Lumpur - \*\*\*\*\* - Jalan Sultan Ismail. Singles M\$165 and up, twins M\$195 and up, suites from M\$390. Tel. 422222; Telex MA 30495

Merlin Kuala Lumpur - \*\*\*\* - Jalan Sultan Ismail. Singles from M\$108 and up, doubles from M\$126 and up, suites from M\$170 and up. Tel. 480033; Telex MA 30487

Regent Kuala Lumpur - \*\*\*\*\* - 54A Jalan Imbi, Singles from M\$160 and up, doubles from M\$190 and up, suites from M\$350 and up. Tel. 425588; Telex MA 30486 In addition to the restaurants in the international standard hotels, there are good restaurants serving European, Malay, Chinese, and Indian food. Major Canadian credit cards such as Visa and MasterCard are generally accepted in tourist areas.

Hotels and first-class restaurants usually add a 10 per cent service charge and 5 per cent government tax to your bill, so tipping is unnecessary in these two areas. Porters at railway stations and airports usually receive M\$1 for the first bag and an additional tip for others.

Taxis are an inexpensive and popular form of transport throughout Malaysia, and all licensed cabs are metered. Vouchers for travel by taxi from the international airport to downtown Kuala Lumpur can be purchased at the airport. Between the hours of 1 a.m. and 6 a.m. rates are increased by 50 per cent.

The Malaysian Railway provides excellent service to Singapore in the south and Bangkok in the far north with local service to important towns and cities within Malaysia. Plane service within Malaysia is by Malaysian Airline System operating out of Kuala Lumpur international airport as well as ten other airports in the country.

The following airlines serve Kuala Lumpur:

Aeroflot — Tel: 423231 British Airways — Tel: 426177 Cathay Pacific Airways — Tel: 486166 China Airlines — Tel: 427344 Garuda — Tel: 484072 Japan Air Lines — Tel: 25102 Malaysian Airline System — Tel: 206633 Pakistan International Airlines — Tel: 425564 Philippine Airlines — Tel: 429040 Qantas Airways — Tel: 89133 Sabena — Tel: 426320 Singapore Airlines - Tel: 923122 Thai International Airways — Tel: 209411

An airport tax of M\$7.00 is levied on passengers embarking for international destinations. A tax of M\$2.00 is levied for domestic travel.

#### List of Key Malaysian Government Agencies and Departments

#### Prime Minister's Department

Jalan Dato Onn Kuala Lumpur Tel: 03-84432

#### Ministry of Trade and Industry

Block 10, Government Offices Complex Jalan Data, Kuala Lumpur Tel: 03-940033

#### Economic Planning Unit (EPU)

Tel: 03-83144

Reviews and approves the budget and makes recommendations in terms of phasing the five-year plans. An important source of information for contractors and consultants.

#### Implementation and Co-ordination Unit (ICU)

Tel: 03-205333 Chooses all local and foreign consultants for federal projects.

#### Malaysian Industrial Development Authority (MIDA)

5-6th Floor, Wisma Damansara

Jalan Semantan, Kuala Lumpur

Tel: 03-943633

Regulates industrial development in Malaysia through the establishment of industrial parks and free trade zones. Also acts as a foreign investment review agency.

#### National Petroleum Corporation (PETRONAS)

136 Jalan Pudu, Kuala Lumpur

Tel: 03-489066/489044

Responsible for the development and management of Malaysia's oil and gas resources. Ministry of Energy, Telecommunications and Posts

1st Floor, Wisma Damansara Jalan Semantan, Kuala Lumpur Tel: 041-946677

#### Ministry of Agriculture

Wisma Tani, Jalan Swettenham Kuala Lumpur Tel: 03-989033

#### Ministry of Defence

Jalan Padang Tembak Kuala Lumpur Tel: 03-921333 National Electricity Board 129 Bangsar, Kuala Lumpur Tel: 03-27791

Drainage and Irrigation Tel: 03-989033

Fisheries Tel: 03-982011

Agriculture Tel: 03-982011

Federal Agricultural Marketing Authority (FAMA) Wisma YAN, Jalan Selangor Petaling Jaya, Selangor Tel: 03-551901

Malaysian Agricultural Research Development Institute (MARDI) Serdang, Selangor Tel: 03-356601

Fisheries Development Authority (MAJUIKAN) Wisma PKNS, Jalan Raja Laut, Kuala Lumpur Tel: 03-924044

#### Livestock Development Authority (MAJUTERNAK) Bangunan Kean Leong, Jalan Selangor

Petaling Jaya, Selangor Tel: 03-551771

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Ministry of Works and Utilities

Jalan Tun Ismail Kuala Lumpur Tel: 03-985066

#### Ministry of Transport

Jalan Dungun, Wisma Perdana Kuala Lumpur Tel: 03-948122

#### Ministry of Education

Federal House, Jalan Hishamuddin Kuala Lumpur Tel: 03-23571

#### Ministry of Finance

Khazanah Malaysia, Jalan Duta Kuala Lumpur Tel: 03-946066

#### Public Works Tel: 03-987022

Civil Aviation Wisma MPI, Jalan Raja Chulan Kuala Lumpur Tel: 03-483022

# Road Transport

Jalan Dungun, Damansara Heights Kuala Lumpur Tel: 03-949044

#### Railways

Jalan Hishamuddin Kuala Lumpur Tel: 03-209422

#### Bank Negara Malaysia Jalan Kuching, Kuala

Lumpur Tel: 03-989044

#### Bank Simpanan Nasional

117 Jalan Ampang, Kuala Lumpur Tel: 03-421066

#### Ministry of Health

16th Floor, Wisma Keramat Jalan Gurney, Kuala Lumpur Tel: 03-985077

# USEFUL ADDRESSES

# Mr. Tommy Pang

Director General Drainage and Irrigation Department D.I.D. Complex Jalan Swettenham Kuala Lumpur

# Encik Alladin Hashim

Director General Federal Land Development Authority (FELDA) Jalan Maktab Kuala Lumpur 15-02

# Director General of Immigration Jalan Tugu Kuala Lumpur Tel: 80301

### Industrial Relations Department

Police Co-operative Building, 5th Floor Jalan Sulaiman Kuala Lumpur Tel: 24543

## Inland Revenue Department Blocks 11 & 8A Government Offices Complex Jalan Duta Kuala Lumpur Tel: 947055

## Malaysia Trade Commission (Investment Section) 17 Curzon Street London 21

High Commission of Malaysia 60 Boteler Street Ottawa, Ontario, Canada K1N 8Y7 Tel: (613) 237-5182

Malaysian Airlines System Berhad UMBC Building 4 Jalan Sulaiman Kuala Lumpur Tel: 03-208844

Malaysian Consulate P.O. Box 172 Royal Trust Tower Suite 1010 Toronto-Dominion Centre Toronto, Ontario, Canada M5K 1H6 Tel: (416) 869-3886

Malaysian International Shipping Corporation Berhad Wisma MISC Jalan Conley P.O. Box 371 Kuala Lumpur Tel: 201244

The National Chamber of Commerce and Industry of Malaysia Bangunan UDA (lama), 6th Floor 44 Jalan Sultan Ismail P.O. Box 2529 Kuala Lumpur Tel: 21464/5

# Mr. Chan Boon Teik

Director (Water Supply) Public Works Department Headquarters Jalan Tun Ismail Kuala Lumpur

# **Canadian High**

Commission to Malaysia American International Assurance Building P.O. Box 990 Ampang Road Kuala Lumpur Tel: 89722

# Malaysian Trades Union

Congress 19 Jalan Barat Petaling Jaya P.O. Box 457 Kuala Lumpur

## South East Asia Division Office of Trade Development — Asia and Pacific External Affairs 235 Queen Street Ottawa, Ontario, Canada K1A 0H5 Tel: (613) 996-8661

# REGIONAL CONTACTS

If you have not previously marketed abroad, contact any regional office of the Department of External Affairs at the addresses listed below.

# Newfoundland and Labrador

P.O. Box 64 Atlantic Place, Suite 702 215 Water Street St. John's, Newfoundland A1C 6C9 Tel: (709) 737-5511 Telex: 016-4749

Nova Scotia Duke Tower, Suite 1124 5251 Duke Street Scotia Square Halifax, Nova Scotia B3J 1N9 Tel: (902) 426-7540 Telex: 019-21829

New Brunswick Suite 642, 440 King Street Fredericton, New Brunswick E3B 5H8 Tel: (506) 452-3190 Telex: 014-46140

# Prince Edward Island P.O. Box 2289 Dominion Building 97 Queen Street Charlottetown Prince Edward Island C1A 8C1 Tel: (902) 892-1211 Telex: 014-44129

Québec C.P. 1270, succursale B 685, rue Cathcart, pièce 512 Montréal (Québec) H3B 3K9 Tel: (514) 283-6254 Telex: 055-60768

2, Place Québec, pièce 620 Québec (Québec) G1R 2B5 Tel: (418) 694-4726 Telex: 051-3312

Ontario 1 First Canadian Place Suite 4840, P.O. Box 98 Toronto, Ontario M5X 1B1 Tel: (416) 369-4951 Telex: 065-24378

Manitoba 507 Manulife House 386 Broadway Avenue Winnipeg, Manitoba R3C 3R6 Tel: (204) 949-2381 Telex: 075-7624

# Saskatchewan

Room 980 2002 Victoria Avenue Regina, Saskatchewan S4P 0R7 Tel: (306) 359-5020 Telex: 071-2745

Alberta and the Northwest Territories Cornerpoint Building, Suite 505 10179–105th Street Edmonton, Alberta T5J 3S3 Tel: (403) 420-2944 Telex: 037-2762 British Columbia and the Yukon P.O. Box 49178 Suite 2743 Bentall Centre, Tower III 595 Burrard Street Vancouver, British Columbia V7X 1K8 Tel: (604) 666-1434 Telex: 04-51191

# APPENDIX A

# Sources of Additional Information

### South East Asia — General

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# Notes

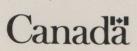
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