

# ARCHITECT PERSPECTIVE



RESEARCH SHARING: ISSUE  
AND CHALLENGES OF STRATA  
TITLE ACT & STRATA  
MANAGEMENT ACT IN  
DELIVERY OF  
CONSTRUCTION PERMIT IN  
MALAYSIA

**28/7/18**

Speaker Ar Ridha & Ar Adrianta

## OUR CREDENTIALS



**Ar Adrianta Aziz**

Architect, PAM Council, Bear Facilitator  
Arrad Architects, ARN Consulting

Ar Adrianta graduate from Oxford Brookes, UK in 1999. Upon returning, he has done various type of projects for Parbadanan Putra Jaya, Permodalan nasional Berhad, PKNS Felcra, Cyberview and many more.

He is the PAM Committee chairman for DLS/CPD for the year 2016 and actively giving public talks in various events for organization such as JKR, Developers, school & universities and other public functions.

Recently pass as a PSMB Certified professional trainer.



**Ar Ridha Razak**

Architect, PAM Council, Bear Facilitator  
AbRAZ Arkitek, ARN Consulting, Seetizens Lab

Ar Ridha Razak studied in RMIT University & TU Vienna Austria. Has completed Diploma in International Arbitration, Certificate of Construction law from Brickfield Asia College and IATSS Asean leadership program in Japan. He is a qualified GBI Facilitator, Adjudicator, PSMB Trainer and a member of LAM, PAM, MIID, MIP MiARB, and MGBC.

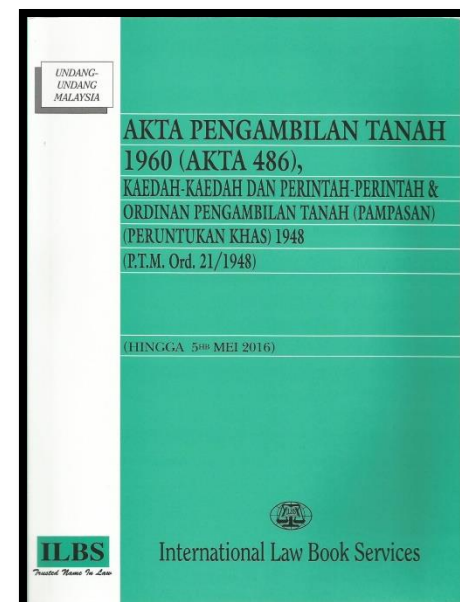
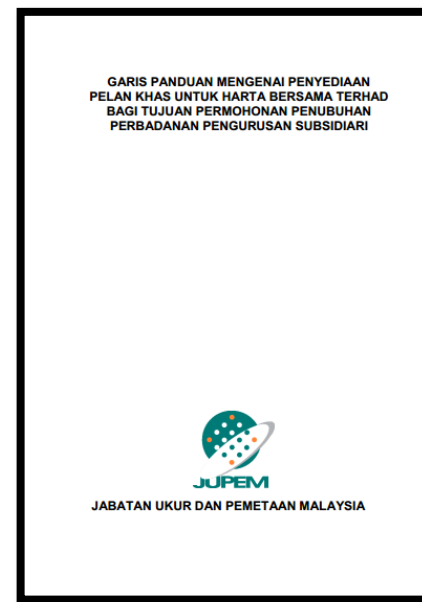
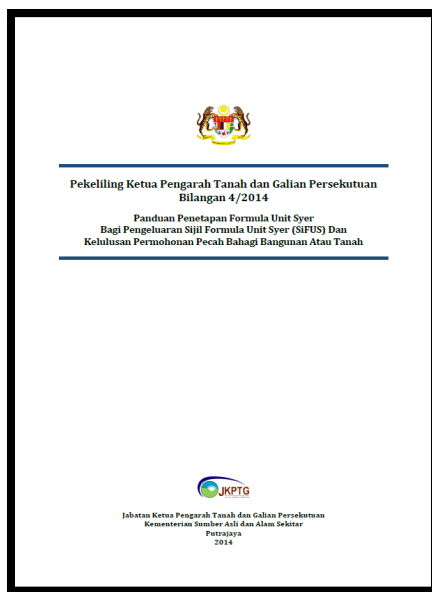
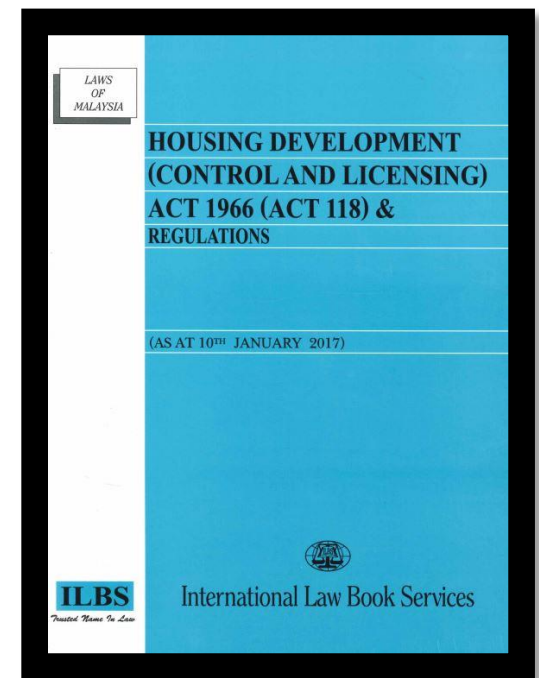
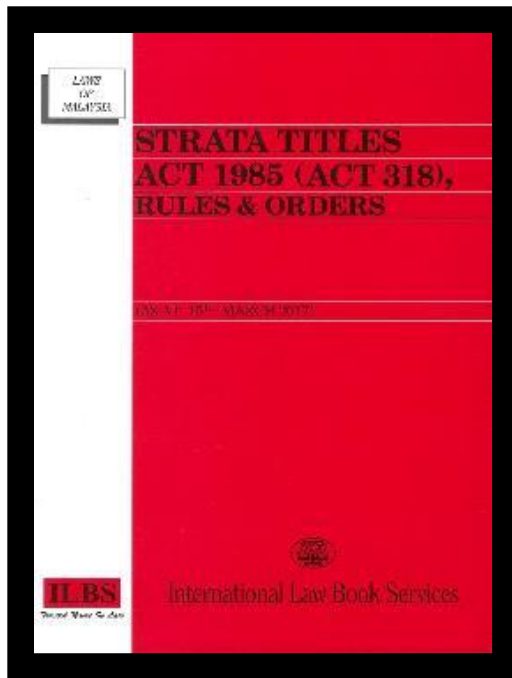
Since graduated he has been involve in various projects for Sime Darby Property Berhad, Malaysia Palm Oil Board, JKR and many more.

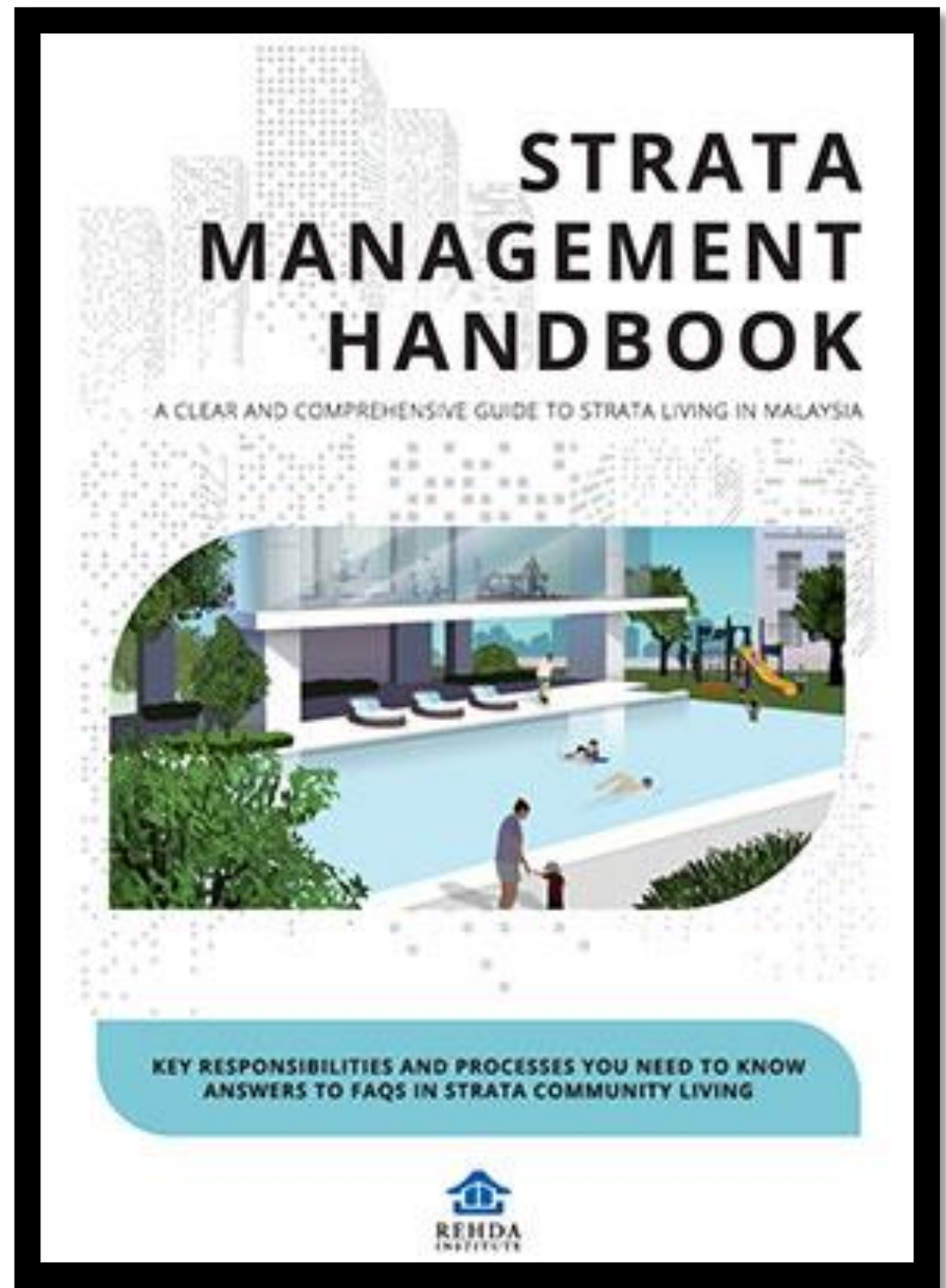
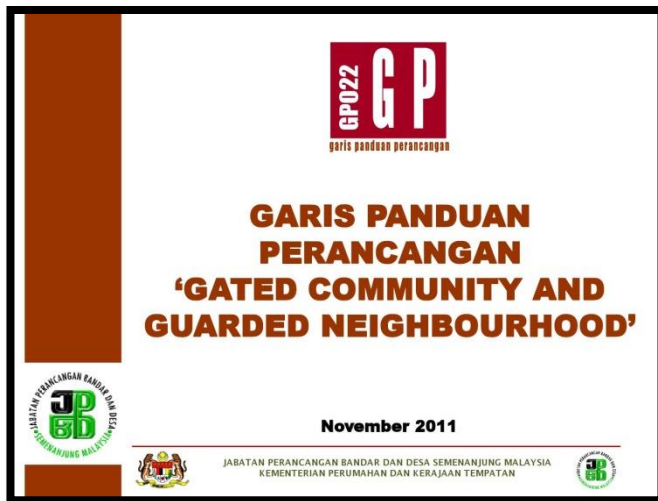
Ar Ridha Razak is actively involve in Malaysia Productivity Corporation under FDGCP dealing with industry issues of Stratified Development, OSC 3.0, IBS and others. He is also a SDG / NUA consultant aligning UN goals for Local Authority.



# STRATA TITLE LAW AND THE CURRENT PRACTICE

# KNOW YOUR STRATA LAW





## Five reasons why you need a strata title

1. As ultimate proof of ownership
2. As a dealing instrument for instances of charging to banks for loans
3. To facilitate disposal of property, should you wish to sell it, so that you don't need to pay the consent fees to the developer



4. To be able to get involved when the management corporation is formed by owners of the units in the subdivided building to maintain and manage the property
5. As final proof of the built-up area of your unit and ultimately your apportionment of the share in the total aggregate units



# TYPE OF STRATA DEVELOPMENT

**SUBDIVIDED PARCEL**



**SUBDIVIDED LAND PARCEL**



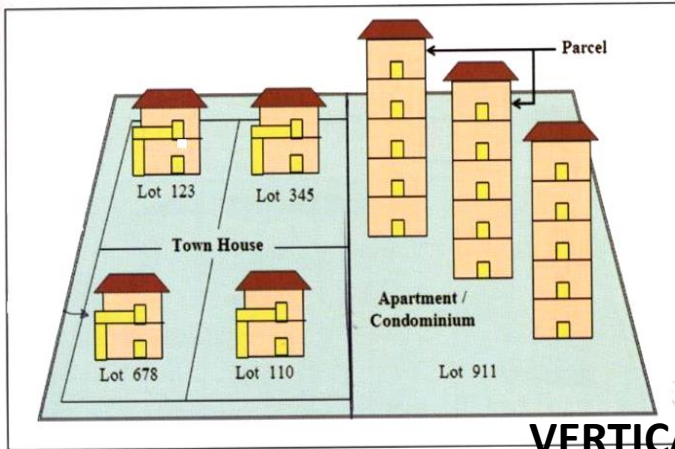
**MIX**



# TYPE OF STRATA DEVELOPMENT

## Building capable of being subdivided into parcels

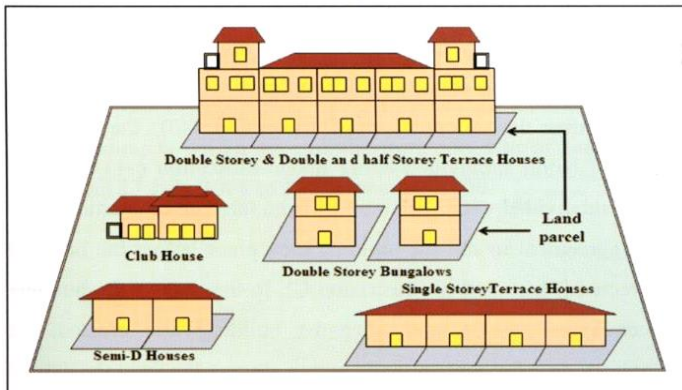
Diagram 1. More than two storeys high rise buildings with more than one strata title issued for each building



**VERTICAL**

## Land capable of being subdivided into parcels

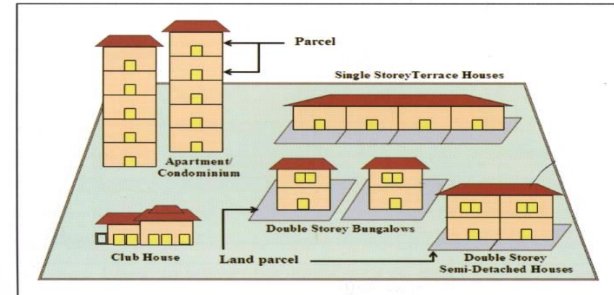
Diagram 3. Development of buildings of not more than four storeys with individual strata titles issued on the land parcels



**HORIZONTAL**

## Building or land capable of being subdivided into parcels

Diagram 2. Mixed development of high rise buildings of more than 2 storeys with more than one strata title issued for parcels within the building and buildings of not more than four storeys with single strata titles issued for each of the land parcel comprising a building



**MIX**

# OTHER TYPES OF STRATA DEVELOPMENT

## Types of strata development

### Subdivided Building (Parcel)

#### Residential

- Town House
- Flats , Apartment, Condo
- Service Apartment\*
- SOHO\*

5 Laws effected:  
TCPA, SDBA,  
STA, SMA, H.D.A,

#### Commercial

- Shop lots
- Shop Office
- Office tower
- SOVO/ SOFO/
- Service Apartment\*
- SOHO\*

4 Laws effected:  
TCPA, SDBA STA, SMA

#### Mix Development

- Podium Development comprises of mix Residential & Commercial
- Different block of residential & Commercial but in one master title.

5 Laws effected:  
TCPA, SDBA,  
STA, SMA, H.D.A,

### Subdivided Land (Land Parcel)

#### Residential

- Landed Strata Housing Scheme
- May comprise Bungalow, Semi-D, Terrace etc.

5 Laws effected:  
TCPA, SDBA,  
STA, SMA, H.D.A,

#### Commercial/Industrial

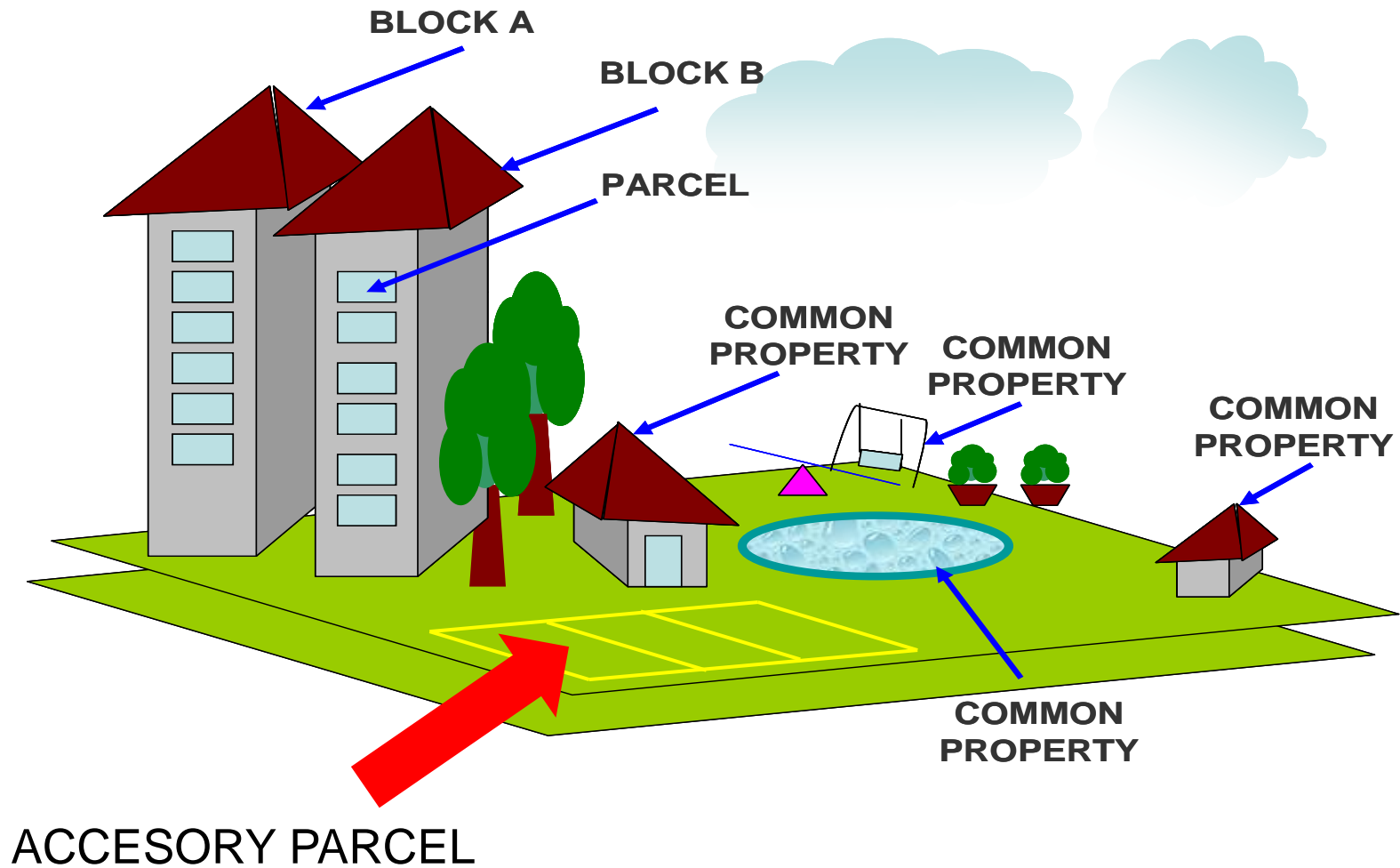
- Landed Strata Factory
- Landed strata Retail.

4 Laws effected:  
TCPA, SDBA STA,  
SMA

\* Service Apartment and SOHO categorize as residential if developer intend to sell and collect money before CCC.

\*Under RMC Director General's Decision: 2 **2015 (25.3.2015)** , **SOHO can be classified as residential** if the development of such property comply with the requirement under H.D.A and H.D.R

# ELEMENT OF STRATA TITLE SCHEME



## 96 homeowner of Kepayan Apartment receives strata titles after 10 years



Yusrie (seventh left) handing over the draft of the strata titles to Chay (fifth left) while Francis (ninth right), Judy (sixth right), Christopher (seventh right), Hamdin (fourth left), CCECC representatives and homeowners look on.

By PAUL MU

KOTA KINABALU: The 96 homeowners of Kepayan Apartment finally received their strata titles after an anxiety-ridden wait of 10 years.

Sabah Housing and Real Estate Developers Association (SHARED) helped the homeowners to locate the developer, China Civil Engineering Construction Corporation (CCECC), a China-based company who had left the state after completing the project.

CCECC who had an office in Kuala Lumpur returned to Sabah after advertisements were placed in several newspapers by Shareda in November last year.

Yesterday, both its Malaysia-based office directors Chay Ng and Lee Goan

Yin together with several other company representatives met at the State Lands and Surveys Department.

The department's deputy director (development), Yusrie Abdullah informed CCECC, the master title holder, to pay up dues of RM14,400 before the draft of the strata titles which had been ready since August 1, 2012 could be released.

Shareda president Datuk Francis Goh said the association sponsored RM14,000 to put advertisements in newspapers to look for the developer.

"The money we spent on the advertisements is part of our association's corporate social responsibility to help the homeowners.

"This is the first time we have helped homeowners to look for the developer after they high-

lighted their problem in the newspapers," said Francis.

"Our second task is to help some 300 homeowners in Kendara Apartment who face the same problem of having no strata title since 10 years ago but it is rather complicated because the developer has been declared bankrupt," he added.

In order to avoid similar incidents from recurring especially for projects carried out by developers outside of Sabah, he urged developers to set up a proper office in the state because they have a responsibility to serve their buyers right up to the time when the strata titles are issued.

"Homebuyers must check the background and reputation of the developers before they decide to buy and make sure they have a proper office in

Sabah especially those from outside the state," advised Francis.

The Kepayan Apartment residents committee chairman, Hamdin Abdul Kadir thanked Francis for helping them to locate the developer in Kuala Lumpur and for going there to settle their problem.

"We are very happy and this is like a big Chinese New Year ang pau for us because we have been waiting anxiously for the past 10 years," he said.

Residents can contact Hamdin at 0165845339 to ask about the strata titles.

Also present yesterday were Penampang District councillor Judy Hiew and Sabah Law Association representative Christopher Chin, who both provided free legal advice to the residents and the developer.

SUNDAY 13 MARCH 2016 #P9357632013 (031523) (No. 20654) Petrusda RM1.50, Sabah RM2.00, Sarawak RM1.20

nation  
**TOO HOT TO HANDLE**  
HEATWAVE HAS MALAYSIANS  
SEEKING COOLER CLIMES. >3

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**SUNDAY**  
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world  
**UN targets rogue**  
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Resolution passed to  
tackle problems of  
sexual abuse. >29



## Condo dwellers to pay dearly for maintenance dues

By YUEN MEIKENG and CHRISTINA CHIN  
sunday@thestar.com.my

**PETALING JAYA:** Residents of condominiums and apartments who do not pay maintenance fees and other charges are set to face the music - the Government will enforce the new Strata Management Act and form a team to enhance its implementation nationwide.

The nine-member enforcement team will engage state governments and assist Commissioner of Buildings (COB) at local authorities to enforce the Act.

The team will look into the enforcement of the 24 penalties listed under the Act, includ-

ing the non-payment of charges.

"As the Act is rather new and was only enforced beginning June last year, we want to start the ball rolling by forming this team," Weibing, Housing and Local Government Ministry's urban service division under secretary Muhammad Ridwan Abdin said.

He said the team would consist of officials from law enforcement agencies and experts. While it is a crime under the law to default payment, the Act also allows management bodies of such stratified buildings to act against errant residents.

Management bodies can hand down penalties such as imposing interest, publishing

defaulters' names on notice boards, deactivating access cards or devices and barring offenders from using common facilities like parking lots.

Under the Act, defaulters can be brought to court and if guilty, fined up to RM5,000, jailed up to three years, or both. If they keep failing to pay, they can be further slapped with a maximum fine of RM50 for each day the offence continues after conviction.

Calling the Act a "game changer" in managing stratified buildings, he said the law was much needed at a time when more Malaysians are moving into high-rise residences.

"About 30% live in stratified buildings. This

is expected to increase as more high-rise properties are being developed," he said.

The Act enables residents to take their disputes to a Strata Management Tribunal, which consists of officials from the Attorney-General's Chambers, among others.

The market growth for stratified properties has also led to calls for a Building Managers Board to be set up to regulate the industry and weed out errant building managers.

For more stories:  
See Pages 20-22



# STRATA REFORM 2012

the **Sunday**

BERJAYA  
HOTELS & RESORTS

@ BHR The Legal

Local World Business Sports Lifestyle Opinion Property Media & Marketing

## Simultaneous delivery of strata titles

Posted on 9 August 2012 - 10:18pm

Last updated on 10 August 2012 - 12:10pm

Hemananthani Sivanandam

newsdesk@thesundaily.com

**PUTRAJAYA (Aug 9, 2012):** Buyers of flats and apartments will soon be able to obtain their strata titles when they take vacant possession of their units.

This follows a decision of the National Land Council today to improve the delivery system by amending the Strata Titles Act 1985.

Deputy Prime Minister Tan Sri Muhyiddin Yassin, who chaired the council meeting, said the amendment bill to facilitate this will be tabled in the Dewan Rakyat in the next Parliament session.

The proposed amendments will, among others, serve to protect the rights of strata unit buyers.

"We will make sure developers do not abdicate their responsibility to apply for strata titles and ensure they subsequently transfer the ownership to the rightful buyers," he said.

"Future strata unit buyers will be able to move in once they receive vacant possession from the developers.

"At the same time, the strata title would already have been registered at the land office for the purpose of ownership transfer."

In a statement issued after chairing the 68th council meeting here, Muhyiddin said the proposed bill is expected to have a big impact on the real estate industry.

"The problem of late issuance of strata titles could be resolved by shortening the issuance period from 170 working days to less than 100 working days," he added.

It was reported last year that the Housing and Local Government Ministry and the Natural Resources and Environment Ministry will amend the act and the Building and Common Property Act 2007 to protect the interests of strata property owners.

Housing and Local Government Minister Datuk Seri Chor Chee Heung was reported as saying that the amendment to the existing housing act was to compel developers to apply for building strata titles within six months after the sale-and-purchase agreement was signed.

## The Strata Management Tribunal

INSIGHTS

> Criminalising non-payment of service charge



LEGAL INPUT  
DATO PREETAM SINGH  
DARSHAN SINGH

which the offence continues after conviction." (Section 123)

**JURISDICTION OF TRIBUNAL**  
The Tribunal shall have the jurisdiction to hear and determine any claims where the total amount in respect of which an award of the Tribunal is sought does not exceed RM250,000 or such other amount as may be prescribed to substitute the total amount.

Claims can be filed in relation to the following:

1. A dispute or complaint concerning an exercise or the failure to exercise or perform, a function, duty or power conferred or imposed by Strata Management Act 2003 or the by-laws;
2. A dispute on costs or repairs in respect of a defect in a parcel, building or land intended for subdivision into parcels, or subdivided building or land, and its common property or limited common property;
3. A claim for the recovery of charges, or contribution to the sinking fund, or any amount which is declared by the provisions of this Act as a debt;
4. A claim for an order to convene a general meeting;

5. A claim for an order to invalidate proceedings of meeting where any provision of the Act has been contravened;
6. A claim for an order to nullify a resolution where voting rights has been denied or where due notice has not been given;
7. A claim for an order to nullify a resolution passed at a general meeting;
8. A claim for an order to revoke amendment of by-laws having regard to the interests of all the parcel owners or proprietors;
9. A claim for an order to vary the rate of interest fixed by the joint management body, management corporation or subsidiary management corporation for late payment of charges, or contribution to the sinking fund;
10. A claim for an order to vary the amount of insurance to be provided;
11. A claim for an order to pursue an insurance claim;
12. A claim for compelling a developer, joint management body, management corporation or subsidiary management corporation to supply information or documents;
13. A claim for an order to give consent to effect alterations to any common property or

limited common property; or  
14. A claim for an order to affirm, vary or revoke the commissioner of building's decision.

The Order that the SM Tribunal can make include:

1. Pay a sum of money to another party;
2. Order the price or other consideration paid by a party to be refunded to that party;
3. Order the payment of compensation or damages for any loss or damage suffered by a party;
4. Order the rectification, setting aside or variation of a contract or additional by-laws, wholly or in part;
5. Order costs to or against any party to be paid;
6. Order interest to be paid on any sum or monetary award at a rate not exceeding eight per centum per annum;
7. Dismiss a claim which it considers to be frivolous or vexatious;
8. Any other order as it deems just and expedient;
9. Make such ancillary or consequential orders or relief as may be necessary to give effect to any order made by the Tribunal.

**EXCLUSION OF JURISDICTION IN COURT**  
Where a claim is filed with the SM Tribunal and the claim is within the Tribunal's jurisdiction, the issues in dispute in that claim, whether as shown in the initial claim or as emerging in the course of the hearing, shall not be the subject of proceedings between the same parties in any court unless -  
(a) the proceedings before the court were commenced before the claim was filed with the Tribunal; or  
(b) the claim before the Tribunal is withdrawn, abandoned or struck out.  
This means that a claimant has to decide in advance as to which forum he has to file a case because having filed a case with the SM Tribunal, he will not be able to proceed with the same in the court or vice versa.

Email your feedback and queries to: property@thesundaily.com

## By-laws governing strata parcels in Malaysia

PART 2

> General duties of proprietors according to the Third Schedule of Strata Management Regulation 2015

BY DATO PREETAM SINGH  
DARSHAN SINGH

WHILE last week's article covered the general by-laws under the Third Schedule of the Strata Management Regulation 2015, this week, we look at what is required by the proprietor who is the house owner.

**GENERAL DUTIES OF A PROPRIETOR**

► Promptly pay to the management corporation the charges and contribution to the sinking fund relating to his parcel, and all other monies imposed by or payable to the management corporation under the Act;

► Promptly pay all quit rent, local authority assessment and other charges and outgoings which are payable in respect of his parcel;

► Permit the management corporation and its servants or agents, at all reasonable times and on reasonable notice being given except in the case of an emergency when no notice is required), to enter his parcel for the purposes of:

- a) checking for leakages or other building defects;
- b) maintaining, repairing, renewing or upgrading pipes, wires, cables and ducts used or capable of being used in connection with the enjoyment of any other parcel or the common property;
- c) maintaining, repairing, renewing or upgrading the common property; and
- d) executing any work or doing any act reasonably necessary for or in connection with the performance of its duties under the Act or the regulations made thereunder for or in connection with the enforcement of these by-laws affecting the development and forthwith carry out all the work ordered by any competent public or statutory authority in respect of his parcel other than such work for the benefit of the building or common property;

e) repair and maintain his parcel, including doors and windows and keep it in a state of good repair, reasonable wear and tear, damage by fire, storm, tempest or act of God excepted, and shall keep clean all exterior surfaces of glass in the windows and doors on the boundary of his parcel which are charged to the proprietor, unless the management corporation has resolved that it will keep clean the glass or specified part of the glass or the glass or part of the glass that cannot be accessed safely or at all by the proprietor;

f) maintain his parcel including all sanitary fittings, water, gas, electrical and air-conditioning pipes and apparatus thereof in a good condition so as not to cause any fire or explosion, or any leakage to any other parcel or the common property or so as not to cause any nuisance or damage to any other proprietor or the common property; and

g) forthwith repair and make good at his own cost and expense any damage to his parcel if such damage is excluded under any insurance policy effected by the management corporation and to carry out and complete such repair within any time period specified by the management corporation, failing which the management corporation may carry out such repair and the cost of so doing shall be charged to the proprietor and shall be payable on demand;

h) not use or permit to be used his parcel in such a manner or for such a purpose as to cause nuisance or danger to any other proprietor or the common property; and

i) not use or permit to be used his parcel contrary to the terms of use of the parcel shown in the plan approved by the relevant authority; and

j) notify the management corporation forthwith of any change in the proprietorship of his parcel or any dealings, charges, leases or creation of any interest, for entry in the strata roll, and use and enjoy the common property in such a manner so as not to interfere unreasonably with the use and enjoyment thereof by other proprietors.

Follow our column next week to learn of the general prohibitions of proprietors, power of the management corporation and changes to by-laws that are possible.

Dato Preetam Singh, Darshan Singh, a lawyer by profession, has previously worked as Senior Federal Counsel, Deputy Public Prosecutor with the Attorney General's Chambers and legal advisor to several government departments and agencies. He is currently the partner in a legal firm while simultaneously serving as President of the Tribunal for Home Buyers' Claims. Leveraging his vast knowledge and decades of experience and knowledge, he contributes articles to local and international journals, besides delivering lectures and talks in relevant forums.

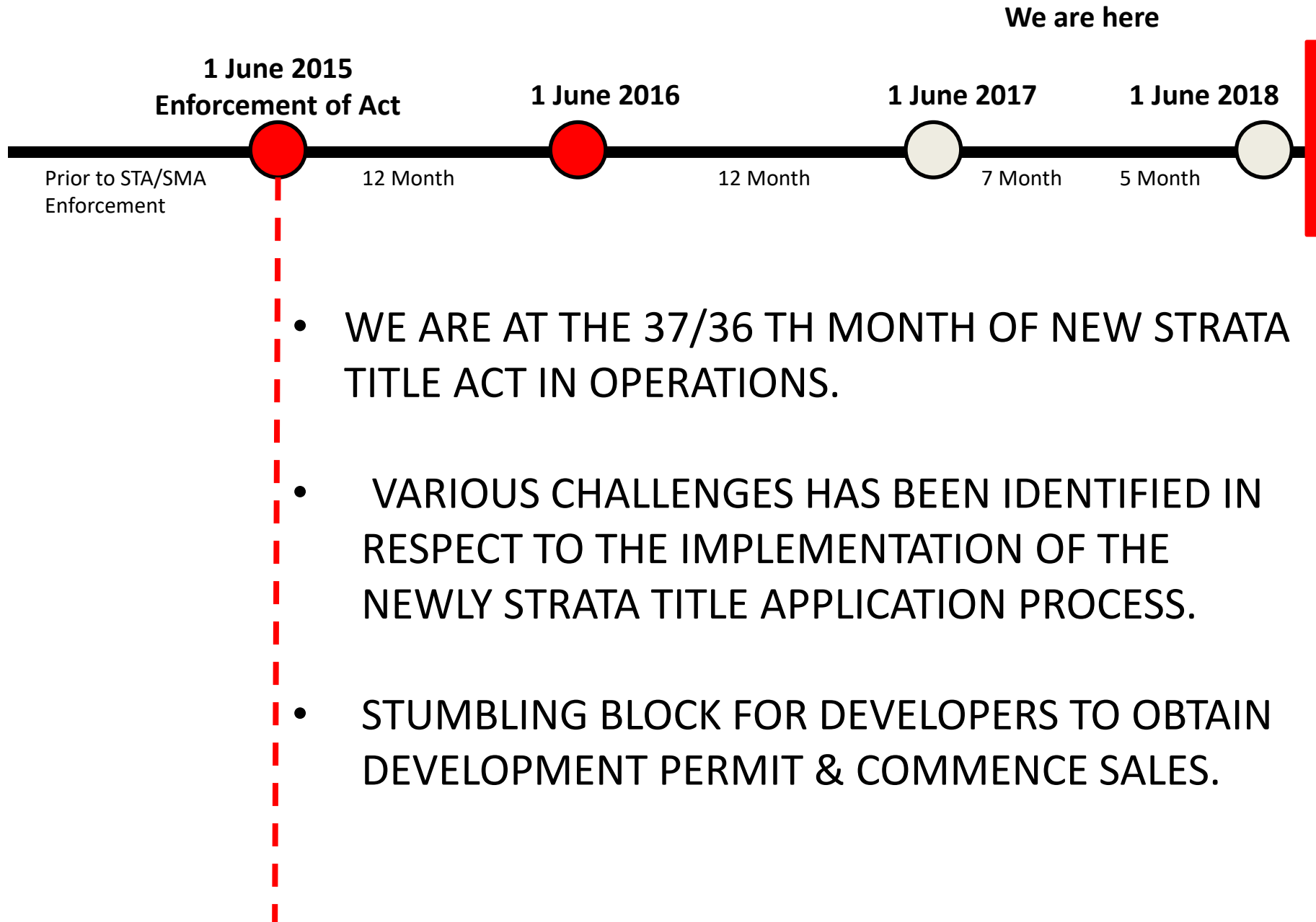
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## AMENDMENT TO STRATA

1. THE STRATA TITLE AMENDMENT ACT 2013 AND STRATA MANAGEMENT ACT HAS BEEN FULLY OPERATIONAL SINCE 1<sup>st</sup> JUNE 2015
2. IT APPLIES TO BOTH STRATIFIED BUILDING AND LAND DEVELOPMENT.
3. SINCE THEN, IT IS MANDATORY FOR THE SUBMISSION OF SIFUS , SCHEDULE OF PARCEL , CPSP FOR NEW STRATIFIED SUBMITTED PROJECTS.

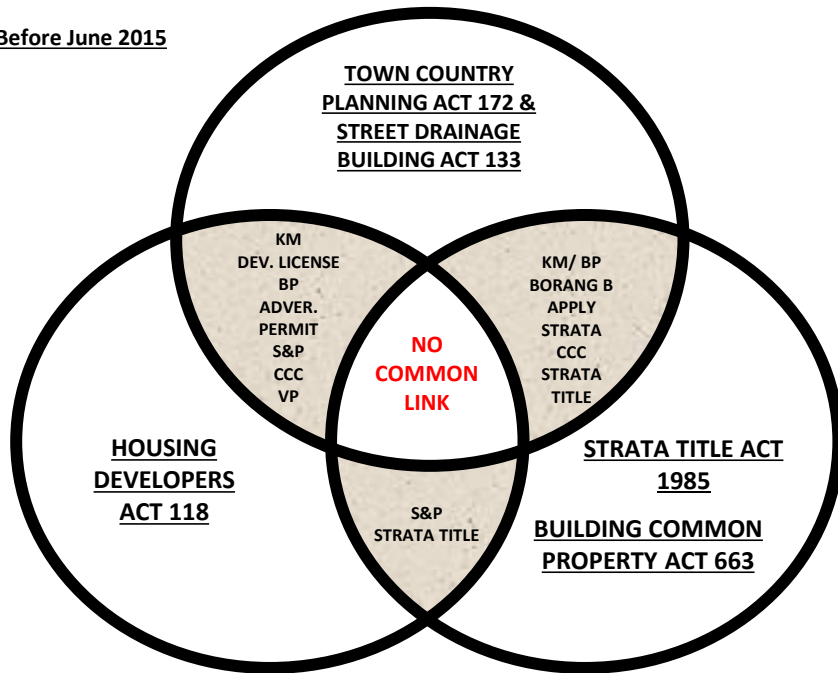


## WHERE ARE WE NOW?

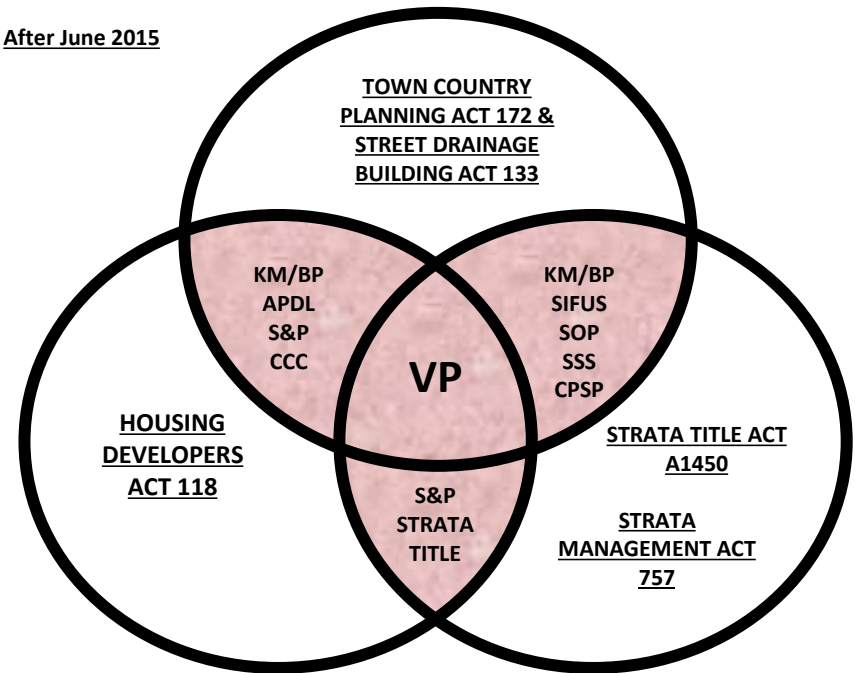


# VENN DIAGRAM : SUBSET RELATION BETWEEN THE 5 ACTS FOR RESIDENTIAL PROJECT

Before June 2015



After June 2015



# AS-IS VS NEW PROCESS FLOW

## ALIRAN KERJA PENGELUARAN HAKMILIK STRATA (SEMASA)

**170 HARI**

ISU 2 : masalah tanah dan bangunan yang tidak memenuhi syarat permohonan dalam s.6 AHS menghalang permohonan hakmilik strata

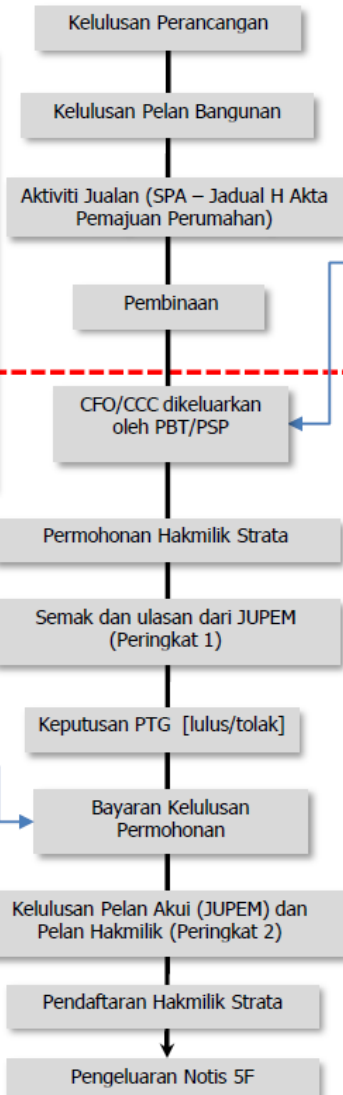
ISU 3 : masalah pemaju yang tidak membayar upah ukur kepada JUBL yang dilantik

ISU 4 : masalah kesaksamaan formula kiraan unit syer

ISU 5 : tempoh masa lama untuk semakan dan ulasan JUPEM (Peringkat 1)

ISU 6 : Pemaju/tuan tanah lewat/gagal bayar fee kelulusan kepada PTG

ISU 7 : tempoh masa lama penyediaan dan kelulusan PA Strata oleh JUPEM (Peringkat 2)



ISU 1 : perlu tunggu bangunan mendapat CFO/CCC barulah wajib mohon hakmilik strata.

**Tempoh permulaan AHS**

## ALIRAN KERJA PENGELUARAN HAKMILIK STRATA DAN VACANT POSSESSION SECARA SERENTAK (PINDAAN 2013)

**< 100 HARI**

Kelulusan Perintah Pembangunan (DO) / Kebenaran Merancang (KM) dan Kelulusan Pelan Bangunan

1 - Pemaju wajib memohon SiFUS dan memfailkan Jadual Petak ke COB sebelum penjualan atau permohonan CPSP, mana-mana yang terdahulu.

2 Pengeluaran Lesen dan Permit Pemajuan Perumahan

3 Jual / Bina

4 Super Structure Bangunan Siap

Pemaju kemukakan Pelan Cadangan Strata (format yang sama dengan PA Strata) ke JUPEM

JUPEM akui teratur dan keluarkan CPSP

5 Permohonan Hakmilik Strata

6 Keputusan PTG [LULUS/TOLAK]

7 Kelulusan & Penyediaan PA Strata oleh JUPEM

8 Vacant Possession

8 Pendaftaran Hakmilik Strata

16

3+1(rayuan) bulan

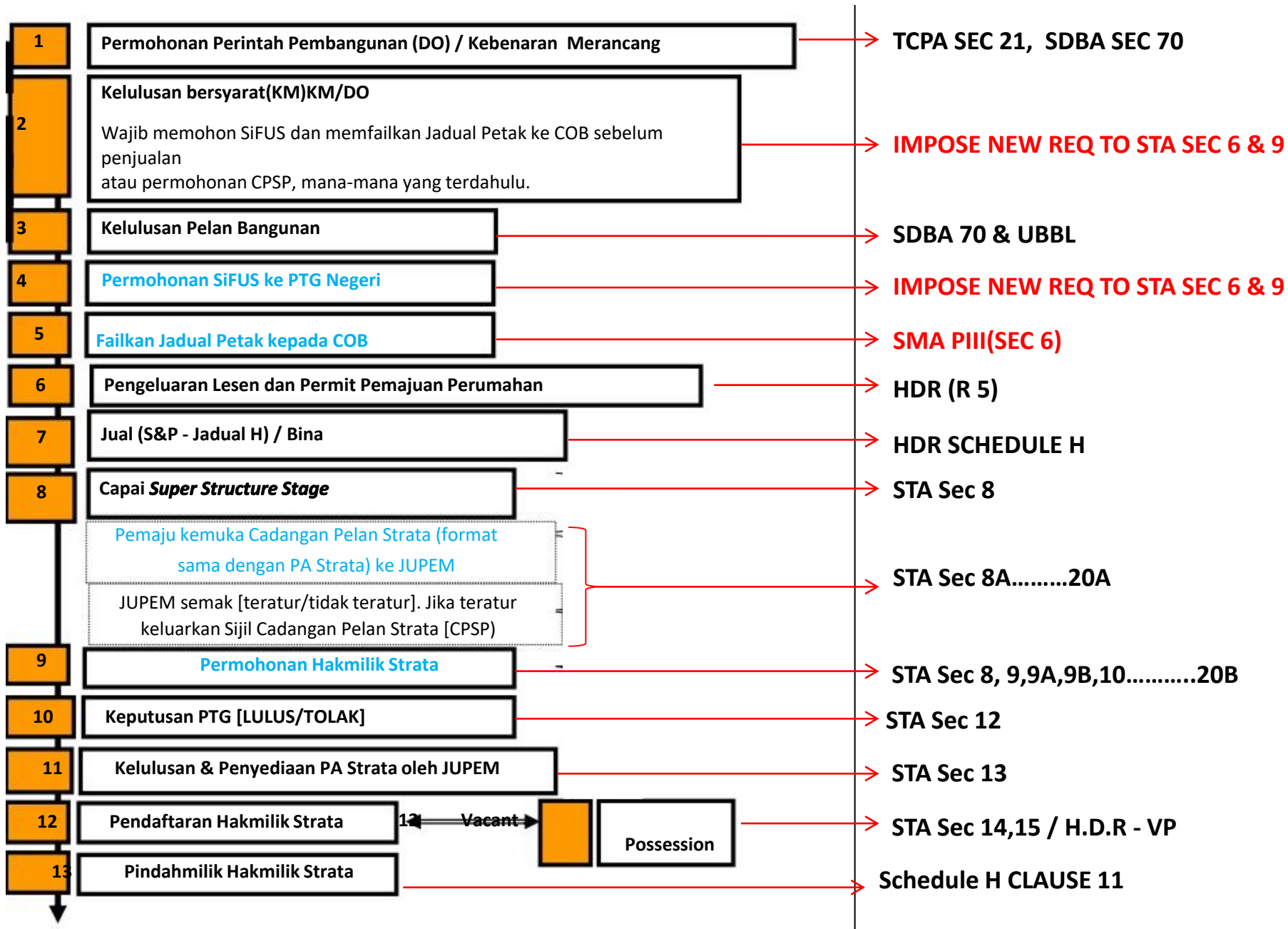
1 bulan

1+1 (rayuan) bulan

2 bulan

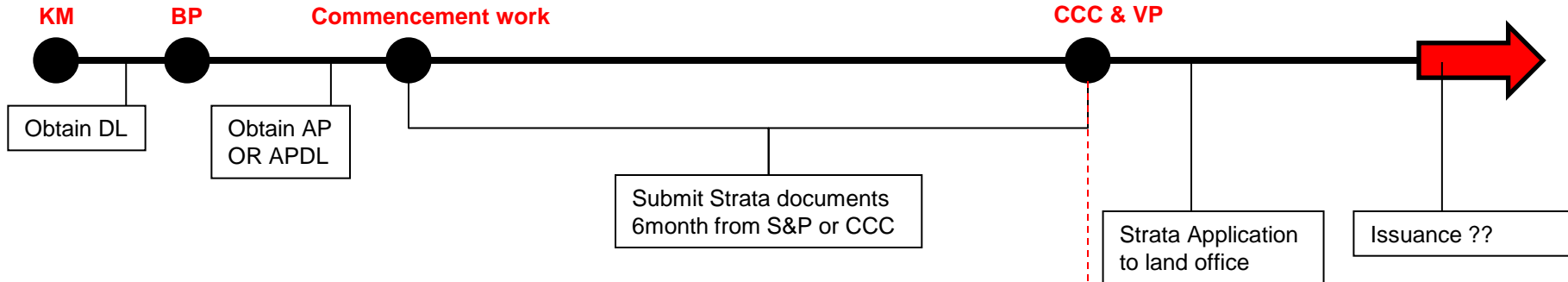


# ROAD SHOW PROCESS FLOW

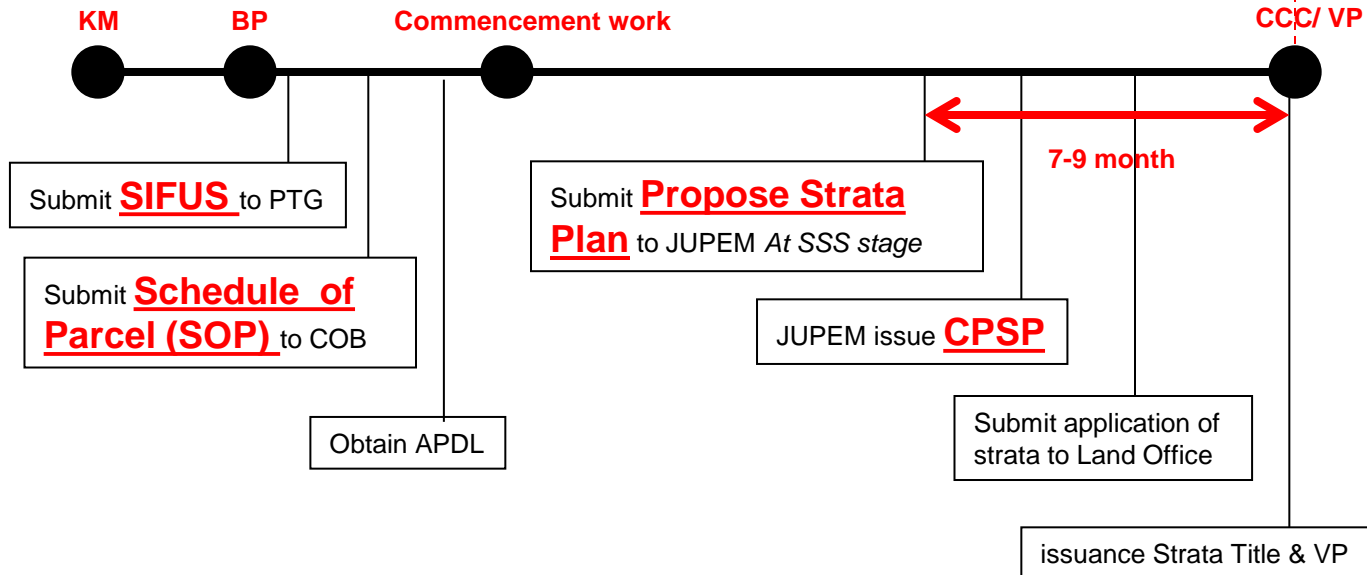


# COMPARISON OF STRATA TITLE PROCESS

## OLD PROCESS (STA 1985)



## NEW PROCESS (A1450)



# **SUBMISSION REQUIRED:**

- 1. SiFUS = SIJIL FORMULA UNIT  
SYER**
- 2. SoP = SCHEDULE of PARCEL**
- 3. CPSP = CERTIFICATE  
PROPOSE STRATA PLAN**



## Pekeliling Ketua Pengarah Tanah dan Galian Persekutuan Bilangan 4/2014

Panduan Penetapan Formula Unit Syer  
Bagi Pengeluaran Sijil Formula Unit Syer (SiFUS) Dan  
Kelulusan Permohonan Pecah Bahagi Bangunan Atau Tanah



Jabatan Ketua Pengarah Tanah dan Galian Persekutuan  
Kementerian Sumber Asli dan Alam Sekitar  
Putrajaya  
2014

### CONTOH CARTA ALIR PROSES KERJA DAN MASA YANG DIAMBIL BAGI PERMOHONAN SIJIL FORMULA UNIT SYER

BIL	PROSES KERJA	TEMPOH (HARI)
1	Pemilik Tanah/Pemaju Mengemukakan Borang Permohonan SiFUS di Bahagian Strata, PTG	-
2.	Pegawai Bertugas di Kaunter/Penolong Pegawai Tanah a) Menyemak borang permohonan dan dokumen-dokumen yang dilampirkan berdasarkan senarai semak. b) Pembukaan fail permohonan SiFUS.	1
3.	Ketua Penolong Pegawai Tanah a) Menyemak dan meneliti permohonan SiFUS serta memberikan ulasan b) Permohonan SiFUS diangkat kepada Ketua Penolong Pengarah/Penolong Pengarah-untuk pengesahan.	2
4.	Ketua Penolong Pengarah/Penolong Pengarah Menyediakan pengesahan mengenai permohonan SiFUS tersebut.	2
5.	PTG Negeri a) Mempertimbangkan permohonan SiFUS. b) Menandatangani SiFUS (jika diluluskan)	2
6.	Bahagian Strata, PTG Negeri a) Menyempurnakan SiFUS dengan perletakan meterai dan menghubungi pemohon untuk mengambil SiFUS b) Satu salinan SiFUS dan Pelan Bangunan yang diakui sah di setiap helaian oleh PTG/Pendaftar dikemukakan kepada Pengarah Ukur Negeri.	2
7.	Pemilik Tanah/Pemaju Mengambil SiFUS dan menandatangani buku rekod sebagai bukti penerimaan	-
JUMLAH HARI		9

\*Bagi permohonan melibatkan formula unit syer yang kompleks, tempoh masa pemprosesan permohonan SiFUS 9 hari adalah tidak terpakai.

# APPLICATION OF SiFUS

## WHEN?

### OLD

#### PROJECT APPROVE BEFORE THE ACT

SiFUS obtain before the submission of CPSP to Director of Survey

### NEW

#### PROJECT APPROVE AFTER THE ACT

##### EARLIEST

##### ***After BP APPROVAL***

(to ensure Share unit is the same as in the Approve BP)

##### LATEST

- ***Before any sales of parcel*** ( New requirement to file Schedule of Parcel to COB ); or
- ***Before application of CPSP to Director of Survey*** (no sales occur but there's a need for subdivision of building or land)
- Any of the 2.

# CHECKLIST AND THE CERTIFICATE EXAMPLE

## SENARAI SEMAK PERMOHONAN SIJIL FORMULA UNIT SYER

BIL	DOKUMEN/MAKLUMAT	SEMAKAN PEMOHON	SEMAKAN PTG NEGERI
1.	Borang Permohonan SiFUS		
2.	Salinan Perintah Pembangunan/Kebenaran Merancang yang telah diluluskan		
3.	Salinan Pelan Bangunan yang telah diluluskan oleh Pihak Berkuasa Tempatan		
4.	Surat Lantikan Juruukur Tanah Berlesen (JTB)		
5.	Resit bayaran upah ukur strata yang telah didepositkan di Lembaga Juruukur Tanah		
6.	Carian Rasmi hakmilik tanah		
7.	Formula Unit Syer berserta justifikasi		
8.	Dokumen Perkiraan Unit Syer ( <i>softcopy Excel Spreadsheet</i> )		
9.	Jadual Petak yang diperakui oleh JTB dan Arkitek/Jurutera (jika berkaitan)		
10.	Resit bayaran premium (jika berkenaan)		
11.	Resit cukai tanah tahun semasa		
12.	Borang permohonan bagi pengkelasan sebagai bangunan kos rendah (jika berkaitan)		
13.	Butiran Juruukur Tanah Berlesen (Cth Nama Syarikat, No. Lesen, No. Pendaftaran Syarikat)		
14.	Butiran Arkitek/Jurutera		
15.	Dokumen-dokumen lain yang dikehendaki oleh PTG (jika perlu)		
Tandatangan			

LOGO NEGERI

### SIJIL FORMULA UNIT SYER (SiFUS)

Adalah diperakui bahawa permohonan yang dinyatakan di bawah ini berserta dengan butiran pemohon telah memenuhi kehendak perenggan 10(1)(h) Akta dan Kaedah-Kaedah Hakmilik Strata.

Pemilik Asal : \_\_\_\_\_  
 Pemaju : \_\_\_\_\_  
 Nama Skim : \_\_\_\_\_  
 No. Hakmilik dan No. Lot : \_\_\_\_\_  
 \*Bandar/Pekan/Mukim : \_\_\_\_\_  
 Formula Unit Syer : \_\_\_\_\_  
 No. Rujukan Pelan Bangunan: \_\_\_\_\_

(Meterai PTG Negeri .....)

( Tandatangan )

Tarikh Kelulusan:

Pengarah Tanah dan Galian

No. Siri :

Negeri.....

No. Ruj Fail :

Sijil ini hanya sah bagi Pelan Bangunan yang diluluskan No. Rujukan: \_\_\_\_\_

**\*\*Sijil ini merupakan keluaran ke-\_\_ untuk menggantikan kelulusan sebelumnya iaitu bagi Pelan Bangunan No. Rujukan: \_\_\_\_\_**

**\*Potong mana-mana yang tidak berkenaan**

**\*\*Potong jika tidak berkenaan**

# SOP SAMPLE CHECKLIST BY MAJLIS PERBANDARAN BATU PAHAT



UNIT PESURUHJAYA BANGUNAN  
MAJLIS PERBANDARAN BATU PAHAT  
JALAN PEJABAT, 83000 BATU PAHAT, JOHOR  
NO TEL: 07-4315260/4341154 NO FAKS: 07-4321164/4315221

## SENARAI SEMAK KEPERLUAN DOKUMEN PEMFAILAN JADUAL PETAK DI BAWAH SEKSYEN 6, AKTA PENGURUSAN STRATA 2013 (AKTA 757)

Bahagian 1: Diisi Oleh Pemohon/Pemaju		
1	Nama Kawasan Pemajuan	
2	Nama Pemaju	
3	No Telefon	
4	Tarikh Pemfailan	

## Bahagian 2: Dokumen-dokumen yang perlu dilampirkan

SENARAI KEPERLUAN DOKUMEN	ADA / TIDAK (√ / X)	TERATUR / TIDAK (√ / X)	CATATAN
(Semakan pemohon) (untuk kegunaan COB)			
1. Resit Pembayaran Penghantaran Jadual Petak (Kadar bayaran seperti di JP4)	<input type="checkbox"/>	<input type="checkbox"/>	
2. Salinan Sijil Formula Unit Syer (SIFUS)	<input type="checkbox"/>	<input type="checkbox"/>	
3. Salinan Borang 1,1A,2,2A,3 (Potong mana yang tidak berkenaan)	<input type="checkbox"/>	<input type="checkbox"/>	
4. Salinan Jadual Petak 1,1A,2,2A,3 (hardcopy) (Potong mana yang tidak berkenaan)	<input type="checkbox"/>	<input type="checkbox"/>	
a) PELAN :			
i) Lokasi	<input type="checkbox"/>	<input type="checkbox"/>	
ii) Tingkat	<input type="checkbox"/>	<input type="checkbox"/>	
iii) Tandaan	<input type="checkbox"/>	<input type="checkbox"/>	
b) PETAK :			
i) Petak	<input type="checkbox"/>	<input type="checkbox"/>	
ii) Harta Bersama	<input type="checkbox"/>	<input type="checkbox"/>	
iii) Aksesori	<input type="checkbox"/>	<input type="checkbox"/>	
iv) Blok Sementara	<input type="checkbox"/>	<input type="checkbox"/>	
[ warnakan / tandakan]			
5. Perakuan arkitek atau jurutera pada Jadual Petak.	<input type="checkbox"/>	<input type="checkbox"/>	



UNIT PESURUHJAYA BANGUNAN  
MAJLIS PERBANDARAN BATU PAHAT  
JALAN PEJABAT, 83000 BATU PAHAT, JOHOR  
NO TEL: 07-4315260/4341154 NO FAKS: 07-4321164/4315221

6. Perakuan Juruukur Tanah Berlesen (JTB) pada Jadual Petak ☐ ☐ \_\_\_\_\_
7. Maklumat tambahan yang diperlukan oleh COB (Borang JP2) ☐ ☐ Seperti lampiran
8. Jadual Strata  
i) Unit Syer Yang Diumpukkan ☐ ☐ \_\_\_\_\_  
ii) Ringkasan Jadual Strata ☐ ☐ \_\_\_\_\_

## TAMBAHAN

9. 1 Salinan lembut (Softcopy) Jadual Petak (Dalam bentuk CD) ☐ ☐ \_\_\_\_\_

## PENGHANTAR

Nama : \_\_\_\_\_  
No Tel : \_\_\_\_\_  
Tarikh : \_\_\_\_\_

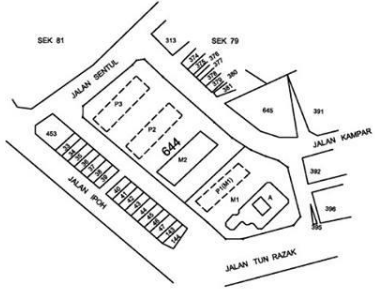
## PEGAWAI PENERIMA

Nama : \_\_\_\_\_  
No Tel : \_\_\_\_\_  
Tarikh : \_\_\_\_\_

# SMA SEC 6: SUBMISSION OF SCHEDULE OF PARCEL (SOP) TO COB PRIOR TO SALES

LAMPIRAN 'JP1'

JADUAL PETAK  
PECAH BAHAGI BANGUNAN  
WILAYAH PERSEKUTUAN KUALA LUMPUR  
BANDAR KUALA LUMPUR  
SEKSYEN 47  
LOT 644 (PA 100408)  
NOMBOR HAKMILIK : GRN 73  
KELUASAN LOT : 9482m<sup>2</sup>  
NOMBOR SKIM 1234  
SKALA 1:2000



Saya, ..... seorang Juruukur Tanah yang dilesenkan di bawah Akta Juruukur Tanah Berlesen 1958 [Akta 458], memperakui menurut seksyen 6 Akta Pengurusan Strata 2013 [Akta 757], bahawa bangunan-bangunan yang dicadangkan untuk dipecah bahagi kepada petak-petak dan blok-blok sementara yang ditunjukkan ini boleh dipecah bahagi di bawah peruntukan Akta Hakmilik Strata 1985 [Akta 318].

Bertarikh ..... haribulan ..... 20.....

.....  
Juruukur Tanah yang dilesenkan di bawah Akta 458

Saya, ..... seorang Arkitek Profesional yang didaftarkan di bawah Akta Arkitek 1967 [Akta 117] / Jurutera Profesional yang didaftarkan di bawah Akta Pendaftaran Jurutera 1967 [Akta 138], memperakui menurut seksyen 6 Akta Pengurusan Strata 2013 [Akta 757], bahawa bangunan-bangunan yang dicadangkan untuk dipecah bahagi kepada petak-petak dan blok-blok sementara yang akan dibina mengikut pelan dan spesifikasi yang diluluskan dan mana-mana pindaan kepada pelan dan spesifikasi di bawah Akta Jalan, Parit dan Bangunan 1974 [Akta 133] dan mana-mana undang-undang kecil yang dibuat di bawah Akta itu, yang disediakan boleh dipecah bahagi di bawah peruntukan Akta Hakmilik Strata 1985 [Akta 318].

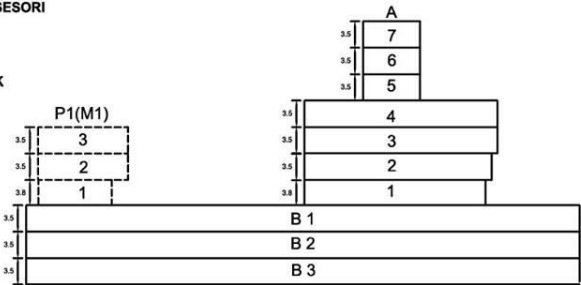
Bertarikh ..... haribulan ..... 20.....

.....  
Arkitek Profesional yang didaftarkan di bawah Akta 117/  
Jurutera Profesional yang didaftarkan di bawah Akta 138

JP 123451-01

- PETUNJUK :
- HARTA BERSAMA
  - SEMPADAN PETAK
  - SEMPADAN PETAK AKSESORI
  - BLOK SEMENTARA
  - PE PENCAWANG ELEKTRIK

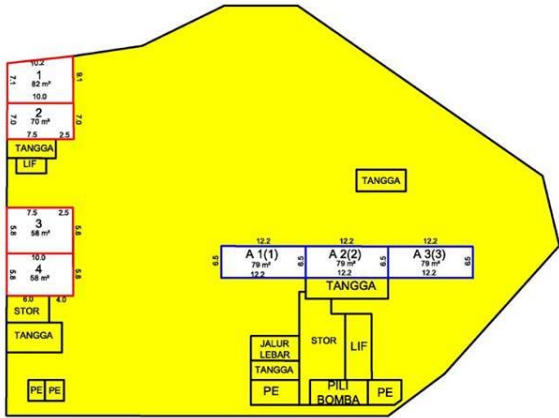
KERATAN TEGAK BANGUNAN M1  
SKALA 1 : 400



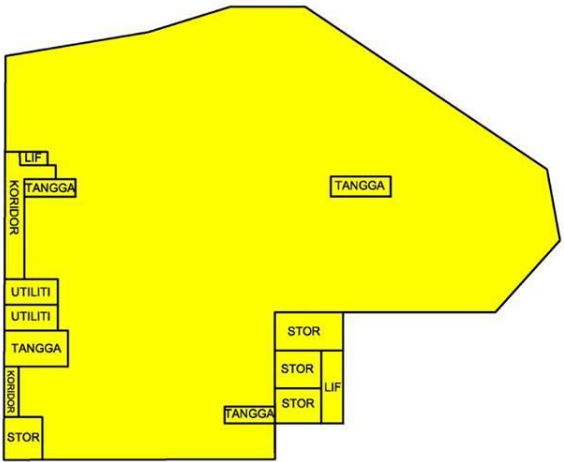
5cm (Ruangan Dikosongkan)  
10cm

PELAN TINGKAT  
BANGUNAN M1  
TINGKAT B1  
SKALA 1 : 500

PETAK 1 HINGGA 4 DAN PETAK AKSESORI A1 HINGGA A3

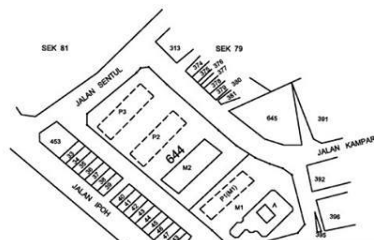


PELAN TINGKAT  
BANGUNAN M1  
TINGKAT B2  
SKALA 1 : 500



LAMPIRAN 'JP1'

JADUAL PETAK  
PECAH BAHAGI BANGUNAN  
WILAYAH PERSEKUTUAN KUALA LUMPUR  
BANDAR KUALA LUMPUR  
SEKSYEN 47  
LOT 644 (PA 100408)  
NOMBOR HAKMILIK : GRN 73  
KELUASAN LOT : 9482m<sup>2</sup>  
NOMBOR SKIM 1234  
SKALA 1:2000



5cm (Ruangan Dikosongkan)

10cm

JADUAL STRATA

Bangunan M1 : JP 123451-01 hingga 123451-07										
Menara	Tingkat	Petak	Keluasan (m <sup>2</sup> )	Kegunaan	JP	Petak Aksesori	Keluasan (m <sup>2</sup> )	Kegunaan	JP	Unit Syer
B1	B3	-	-	-	-	-	-	-	-	-
	B2	-	-	-	-	-	-	-	-	-
	B1	1	82	Perniagaan	123451-01	A1	79	Stor	123451-01	204
		2	70	Perniagaan	123451-01	A2	79	Stor	123451-01	180
		3	58	Perniagaan	123451-01	A3	79	Stor	123451-01	156
		4	58	Perniagaan	123451-01	A4	79	TLK	123451-02	
	B1	5	58	Perniagaan	123451-01	A5	79	TLK	123451-02	
		6	58	Perniagaan	123451-01	A6	79	TLK	123451-02	

## SMA REG 6(5)

(5) Any developer who fails to comply with subregulation (2), (3) or (4) commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding three years or to both.

Saya, .....  
Akta Juruukur Tanah Berlesen 1958 [Akta 757],  
Pengurusan Strata 2013 [Akta 757],  
dipecah bahagi kepada petak-petak dan  
dipecah bahagi di bawah peruntukan Akta

Bertarikh ..... haribulan .....

Juruukur Tanah yang dilesenkan di bawah Akta 400

Saya, ..... seorang Arkitek Profesional yang didaftarkan di bawah Akta Arkitek 1967 [Akta 117] / Jurutera Profesional yang didaftarkan di bawah Akta Pendaftaran Jurutera 1967 [Akta 138], memperakui menurut seksyen 6 Akta Pengurusan Strata 2013 [Akta 757], bahawa bangunan-bangunan yang dicadangkan untuk dipecah bahagi kepada petak-petak dan blok-blok sementara yang akan dibina mengikut pelan dan spesifikasi yang diluluskan dan mana-mana pindaan kepada pelan dan spesifikasi di bawah Akta Jalan, Parit dan Bangunan 1974 [Akta 133] dan mana-mana undang-undang kecil yang dibuat di bawah Akta itu, yang disediakan boleh dipecah bahagi di bawah peruntukan Akta Hakmilik Strata 1985 [Akta 318].

Bertarikh ..... haribulan ..... 20....

Arkitek Profesional yang didaftarkan di bawah Akta 117/  
Jurutera Profesional yang didaftarkan di bawah Akta 138

4	16	185	Pangsapuri	123451-05	A17	19	TLK	123451-03	195
	17	192	Pangsapuri	123451-05	A18	19	TLK	123451-03	202
	18	185	Pangsapuri	123451-05	A19	19	TLK	123451-03	195
	19	385	Pangsapuri	123451-05	A20	19	TLK	123451-03	395
	20	445	Pangsapuri	123451-05	A21	19	TLK	123451-03	455
	21	73	Pangsapuri	123451-06	A22	19	TLK	123451-03	83
	22	73	Pangsapuri	123451-06	A23	19	TLK	123451-03	83
	23	73	Pangsapuri	123451-06	A24	19	TLK	123451-03	83
5	24	73	Pangsapuri	123451-06	A25	19	TLK	123451-03	83
	25	73	Pangsapuri	123451-06	A26	19	TLK	123451-03	83
	26	73	Pangsapuri	123451-06	A27	19	TLK	123451-03	83
JUMLAH	10	26	3362			23	617		3905

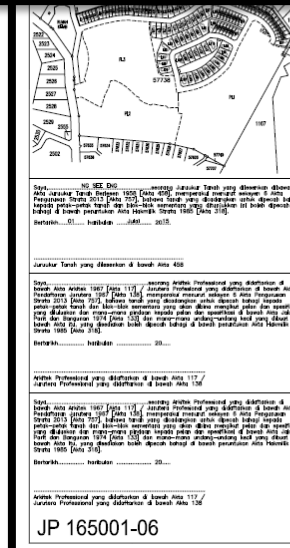
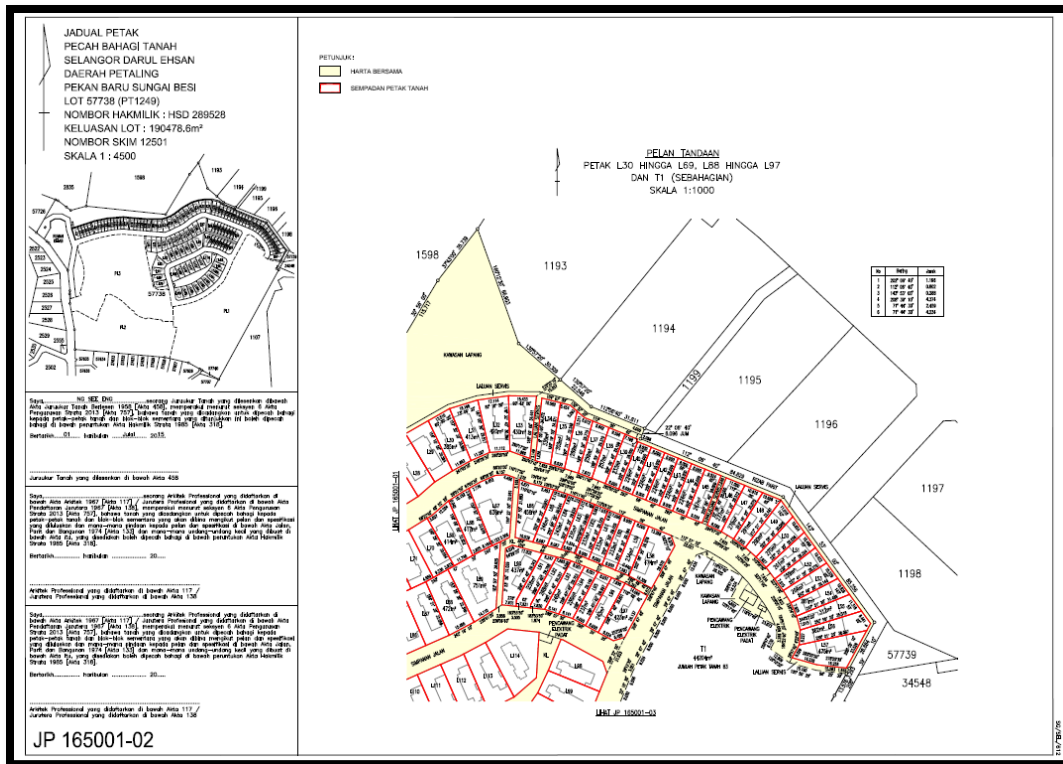
Ringkasan:  
TLK = Tempat Letak Kereta

JP 123451-11

## SCHEDULE OF PARCEL FOR LANDED STRATA DEVELOPMENT

## Things to submit

1. Location plan
2. Floor Plan
3. Parcel, Accessory Parcel & Common Property
4. Provisional Block if any
5. Delineation plan (Pelan Tandaan)
6. Schedule of Strata

[illegible]

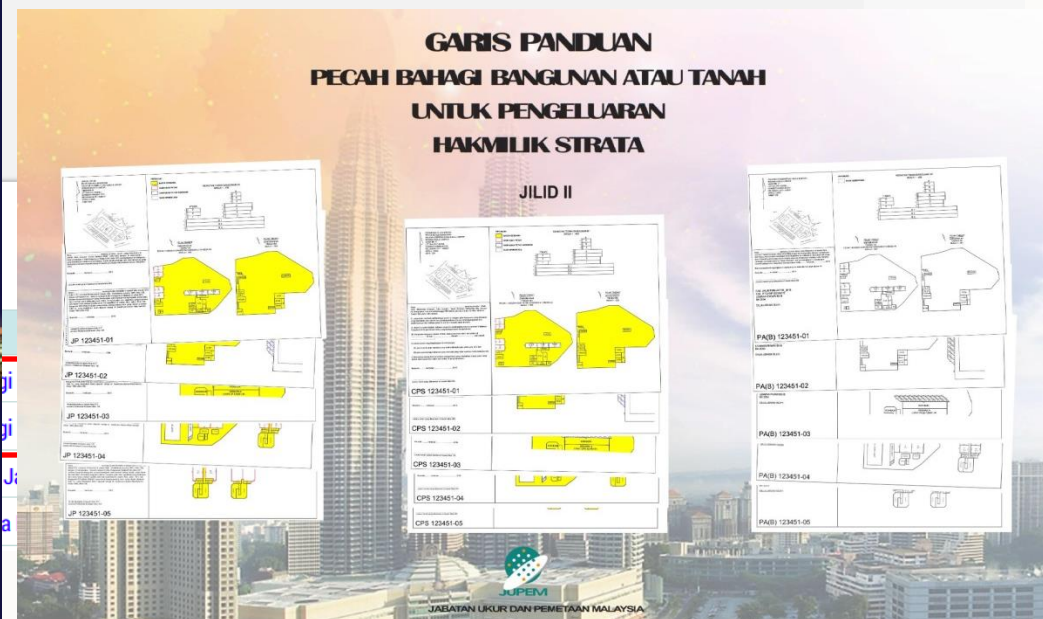
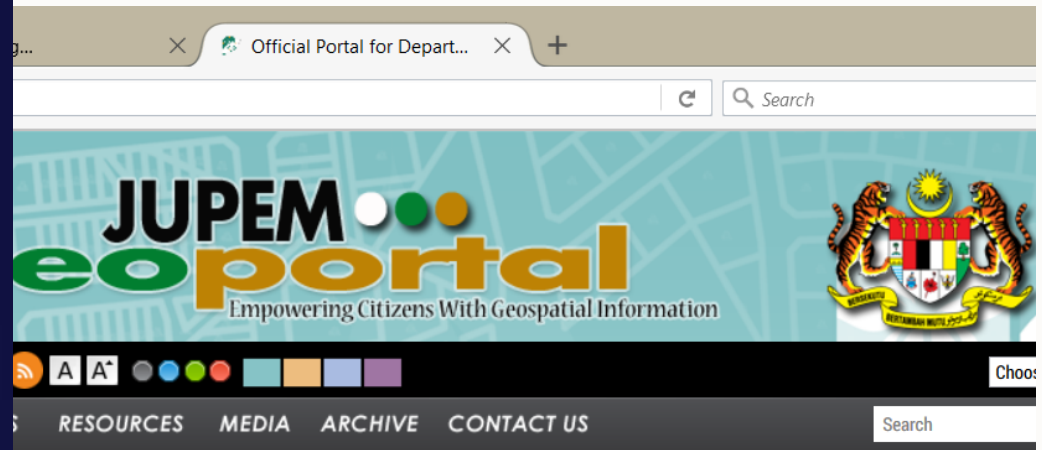
# PERMOHONAN CPSP DAN STRATA TITLE

PEKELILING KETUA PENGARAH UKUR DAN PEMETAAN  
BILANGAN 1 TAHUN 2015

## GARIS PANDUAN PECAH BAHAGI BANGUNAN ATAU TANAH UNTUK PENGELUARAN HAKMILIK STRATA



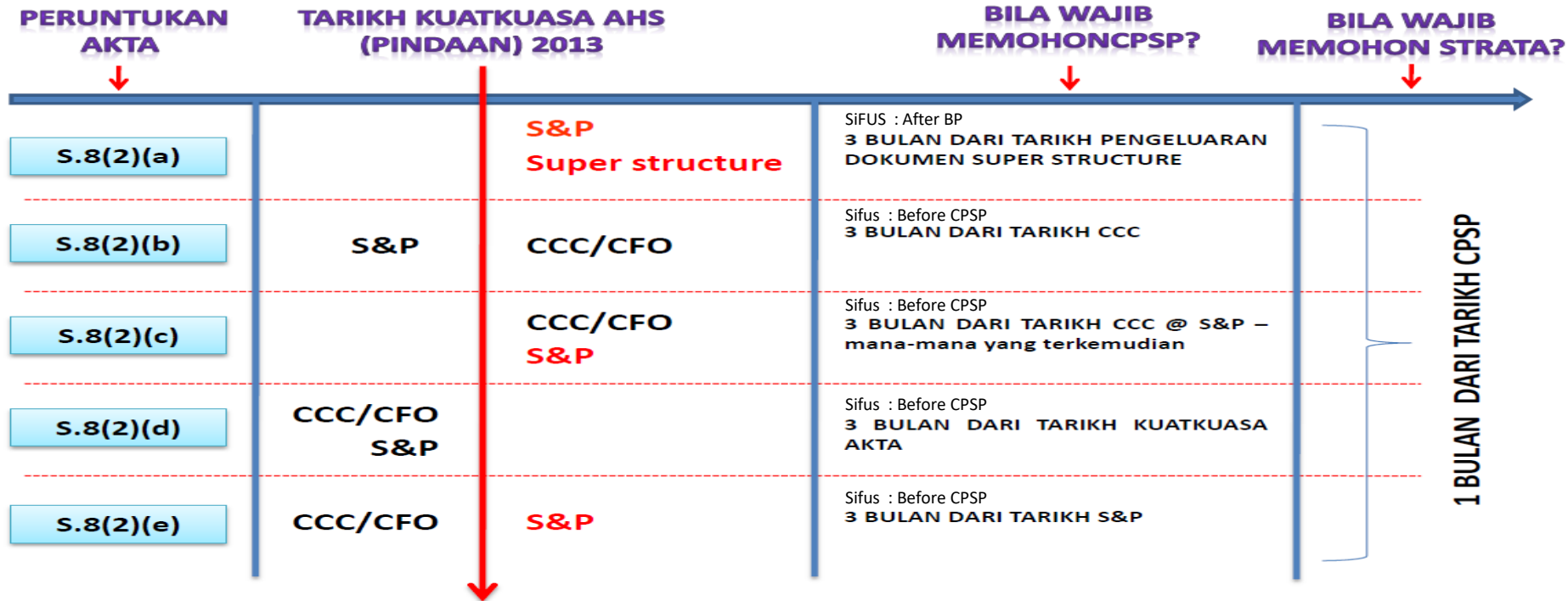
JABATAN UKUR DAN PEMETAAN MALAYSIA



# WHEN TO APPLY CPSP TO JUPEM?

## Section 8(2)

### PERMOHONAN CPSP (S.8)



	Circumstances	Period
After commencement of act	(a) S&P takes place and the document that certifies the super structure stage is issued after the commencement of this Act,	3 months from the date of issuance of the document that certifies the super structure stage;
	(b) building is completed after the commencement of this Act and S&P took place before the commencement of this Act,	3 months from the date of CCC
	(c) building completed and S&P takes place after the commencement of this Act,	3 months from the date of the issuance of CCC or the first S&P, whichever is the later;
Before commencement of act	(d) Building complete – S&P took place before the commencement of this Act,	the period is 3 months from the date of the commencement of this Act;
	(e) building was completed before the commencement of this Act & S&P takes place after the commencement of this Act,	the period is three months from the first S&P

# ARCHITECT PERSPECTIVE



ISSUE AND CHALLENGES OF  
STRATA TITLE ACT & STRATA  
MANAGEMENT ACT IN MALAYSIA

# **CONSIDERATION IN STRATA DEVELOPMENT**

- 1. DEALING WITH LOCAL AUTHORITY REQUIREMENTS AND BARRIERS**
- 2. CONSULTANT REMUNERATION FOR ADDITIONAL WORK**
- 3. DEALING WITH STAGE SSS AND APPLICATION FOR CPSP TO AVOID LAD**
- 4. DEALING WITH AMENDMENT DURING CONSTRUCTION**
- 5. DEALING WITH DESIGN OF PHASE DEVELOPMENT**
- 6. CONSIDERATION IN DESIGNING FOR SUB MC**
- 7. FUTURE TRENDS OF STRATA TITLE LAW**

## **PRE CONST.**

**ISSUE 1: UNNECESSARY  
REQUIREMENT FOR KEBENARAN  
MERANCANG AND BP**

**ISSUE 2: CONDITIONAL BUILDING  
PLAN REQUIREMENT**

**ISSUE 3: REQUIREMENT PSP BY  
SELANGOR PBT**

**ISSUE 4: REQUIREMENT TO SUBMIT  
SIFUS/ SOP BEFORE KEBENARAN  
MENDIRIKAN BANGUNAN**

**ISSUE 5: REQUIREMENT OF SIFUS  
BEFORE COMMENCEMENT OF  
WORK**

**ISSUE 6. DELAY IN PROCESS TO  
APPLY APDL DUE TO QUALIFIED  
TITLE REQUIREMENT FOR SIFUS  
SUBMISSION**

**ISSUE 7: ADDITIONAL WORK FOR  
SIFUS PREPERATION**

## **DURING CONT.**

**ISSUE 8: WHEN TO START  
PREPARING FOR CPSP?**

**ISSUE 9: WILL DEVELOPER BE  
ABLE TO OBTAIN STRATA TITLE  
WITH VP WITHIN DELIVERY OF  
VP PERIOD**

**ISSUE 10: ALTERATION OF  
APPROVE BP DUE TO SITE  
CONDITION**

**ISSUE 11: SURVEY AFTER SSS  
NOT SAME AS SIFUS?**

**ISSUE 12: PHASE  
DEVELOPMENT PROBLEM**

## **POST VP**

**ISSUE 13: CAN SUB MC BE  
DONE ON GROUND**

## PRE CONSTRUCTION:

### 1. ISSUE RELATING TO KM /BP/ COMMENCEMENT OF WORK

# PEKELILING KPKT ON SIFUS



JABATAN KERAJAAN TEMPATAN  
KEMENTERIAN KESEJAHTERAAN BANDAR, PERUMAHAN DAN  
KERAJAAN TEMPATAN  
Aras 25-29, No. 51, Persiaran Perdana, Presint 4,  
Pusat Pentadbiran Kerajaan Persekutuan,  
62100 PUTRAJAYA  
MALAYSIA



Tel : 003-8891 5000  
Faks: 603-8891 3090  
Web mel: <http://jkt.kpkt.gov.my>  
E-mel: [jkt@kpkt.gov.my](mailto:jkt@kpkt.gov.my)

Rujukan Kami : JKT.T.800-3/1 jld.40(1)  
Tarikh : 17 Ogos 2016

## SENARAI EDARAN SEPERTI DI LAMPIRAN

Y. Bhg. Datuk/Dato'/Tuan/Puan,

### PEMAKAIAN PEKELILING KETUA PENGARAH TANAH DAN GALIAN PERSEKUTUAN BILANGAN 4/2014 MENGENAI SIJIL FORMULA UNIT SYER (SIFUS)

Dengan segala hormatnya saya diarah merujuk kepada perkara di atas.

2. Pekeliling ini disediakan bertujuan sebagai panduan dan rujukan serta tindakan wakil-wakil Pengarah Tanah dan Galian (PTG) Negeri atau Pentadbir Tanah apabila menyemak dan mengeluarkan ulasan-ulasan teknikal.

3. Sehubungan dengan itu, PTG atau Pentadbir Tanah adalah bertanggungjawab sepenuhnya untuk mengenakan atau tidak syarat SIFUS kepada permohonan berstrata sementara, peranan OSC dan jabatan dalam PBT kekal seperti biasa. Oleh yang demikian, Jabatan menyarankan agar PBT mengugurkan pengenaan syarat SIFUS pada kelulusan KM dan PB atau mana-mana pelan yang berkaitan. Syarat SIFUS juga disaran untuk digugurkan sebagai salah satu senarai semak Proses 3 – OSC 3.0 (Notifikasi) agar tidak menimbulkan kekeliruan di kalangan *stakeholders*.

4. Besarlah harapan Kementerian agar pihak Y.Bhg.Datuk/Dato'/Tuan/Puan dapat melaksanakan segera saranan di atas agar pelaksanaan inisiatif SiFUS dapat berjalan lancar.

Sekian, terima kasih.

"BERKHIDMAT UNTUK NEGARA"

"1Malaysia: Rakyat Didahulukan, Pencapaian Diutamakan"

Saya yang menurut perintah,

(Ir. ZAINAL ABIDIN BIN SAIDUN)

Timbalan Ketua Pengarah (Teknikal)

Jabatan Kerajaan Tempatan

Kementerian Perumahan dan Kerajaan Tempatan

"PBT PERKASA, RAKYAT SEJAHTERA"



3. Sehubungan dengan itu, PTG atau Pentadbir Tanah adalah bertanggungjawab sepenuhnya untuk mengenakan atau tidak syarat SIFUS kepada permohonan berstrata sementara, peranan OSC dan jabatan dalam PBT kekal seperti biasa. Oleh yang demikian, Jabatan menyarankan agar PBT mengugurkan pengenaan syarat SIFUS pada kelulusan KM dan PB atau mana-mana pelan yang berkaitan. Syarat SIFUS juga disaran untuk digugurkan sebagai salah satu senarai semak Proses 3 – OSC 3.0 (Notifikasi) agar tidak menimbulkan kekeliruan di kalangan *stakeholders*.

1. PTG fully responsible to impose or not to impose SIFUS for provisional block
2. OSC role status quo

## KPKT request

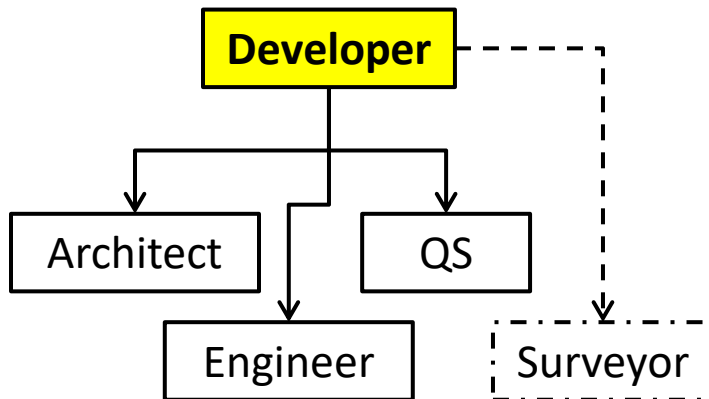
1. To drop SIFUS requirement during KM/BP
2. To drop requirement for SIFUS at Notification Stage

**PRE CONSTRUCTION:**

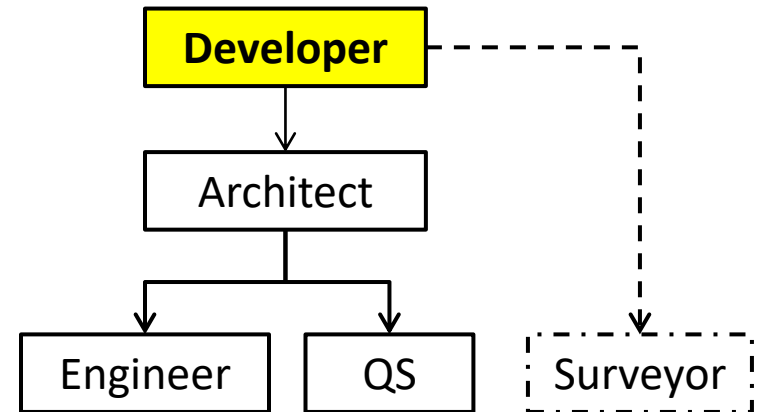
**2. THE ISSUE OF SIFUS &  
SOP BEFORE APDL**

# ISSUE 7: ADDITIONAL WORK FOR SIFUS PREPERATION

Traditional



Comprehensive



## **Additional Coordination drawing to be prepared by Architect**

- Many surveyors are still unclear as to how to prepare drawings for schedule of Parcel in order to determine the Share units for SIFUS. They request architect to help prepare Strata coordination drawing.
- Additional work for Architect to coordinate plan before forwarding to Surveyor for the preparation of SOP for which additional fee should be paid.

# LAM CIRCULAR ON SOP PREPERATION



## LEMBAGA ARKITEK MALAYSIA

Tingkat 17, Ibu Pejabat JKR, Jalan Sultan Salahuddin, 50582 Kuala Lumpur  
Post Surat 12895, 50786 Kuala Lumpur  
Tel: 03-26862678 / 128967087 Fax: 03-26936861  
E-mail: info@lam.gov.my Web: www.lam.gov.my

### GENERAL CIRCULAR NO.5/2017

#### ARCHITECT'S ADDITIONAL SCOPE OF SERVICES FOR CERTIFICATION UNDER THE STRATA MANAGEMENT ACT 2013 (ACT 757) FOR STRATIFIED DEVELOPMENT

This General Circular is issued to advise all Architects in their role as a principal submitting person (PSP), under the present regulations to certify the drawings prepared by a Licensed Land Surveyor for the purpose of filing of schedule of parcels.

1. In accordance with the Strata Management Act 2013 (Act 757) the certification requirements are stipulated in the following section

**Schedule of parcels to be filed with the Commissioner before sale of any parcel.**

##### Section 6(3) :

A schedule of parcels filed under subsection (1) or an amended schedule of parcels filed under subsection (2) shall:-

(d) contain a certificate by the developer's architect or engineer that the buildings or land parcels to be constructed in accordance with the approved plans and specifications and any amendments to the plans and specifications under the Street, Drainage and Building Act 1974 [Act 133] and any by-laws made under that Act, prepared by the developer's architect or engineer, are capable of being subdivided under the provisions of the Strata Title Act 1985;

*Note: This section requires the schedule of parcels to be certified by the developer's Architect before it can be filed with the Commissioner.*

2. Certification requirements under this Act are additional statutory obligations that Architects are required to comply. An Architect appointed as a principal submitting person (PSP) is to certify and make necessary declarations under the Act, and shall not unnecessarily refuse to comply with these requirements.
3. The new certification requirements implemented through this Act imposes additional work on Architects, for which the Architect is entitled to charge additional fees for the works done accordingly.

4. Architects shall charge additional fees for these certification services at a rate of RM500.00 per parcel for each certification filed to the Commissioner.

Other than certifying the drawings on the schedule of parcels prepared by the Licensed Land Surveyor, the role of the certifying Architect is to issue the latest approved Building Plans to the Licensed Land Surveyor.

In view that the Licensed Land Surveyor shall take full responsibility for the accuracy of the information, the certifying Architect is to obtain a letter from the Licensed Land Surveyor confirming that the Licensed Land Surveyor is fully responsible and liable for the accuracy of the information before the Architect certifies on the said documents.

By the Order of the Board of Architects Malaysia

(Ar. YONG RAZIDAH RASHID)  
Registrar

24 November 2017

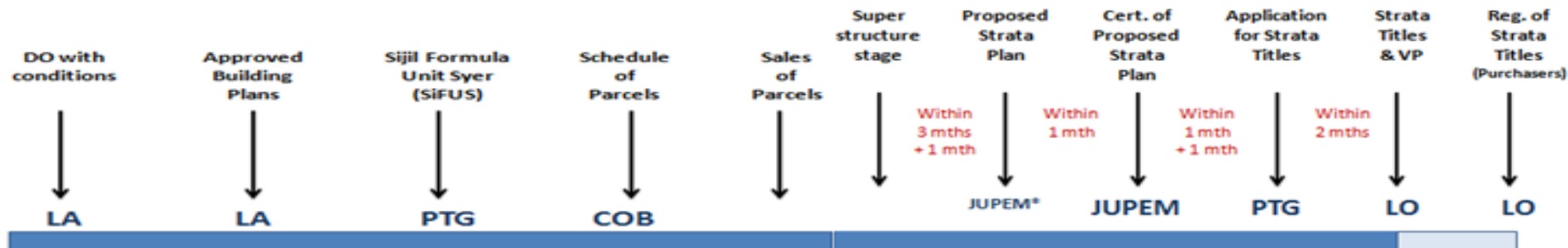
**Architect t shall charge RM 500 / parcel**

**DURING CONSTRUCTION:**

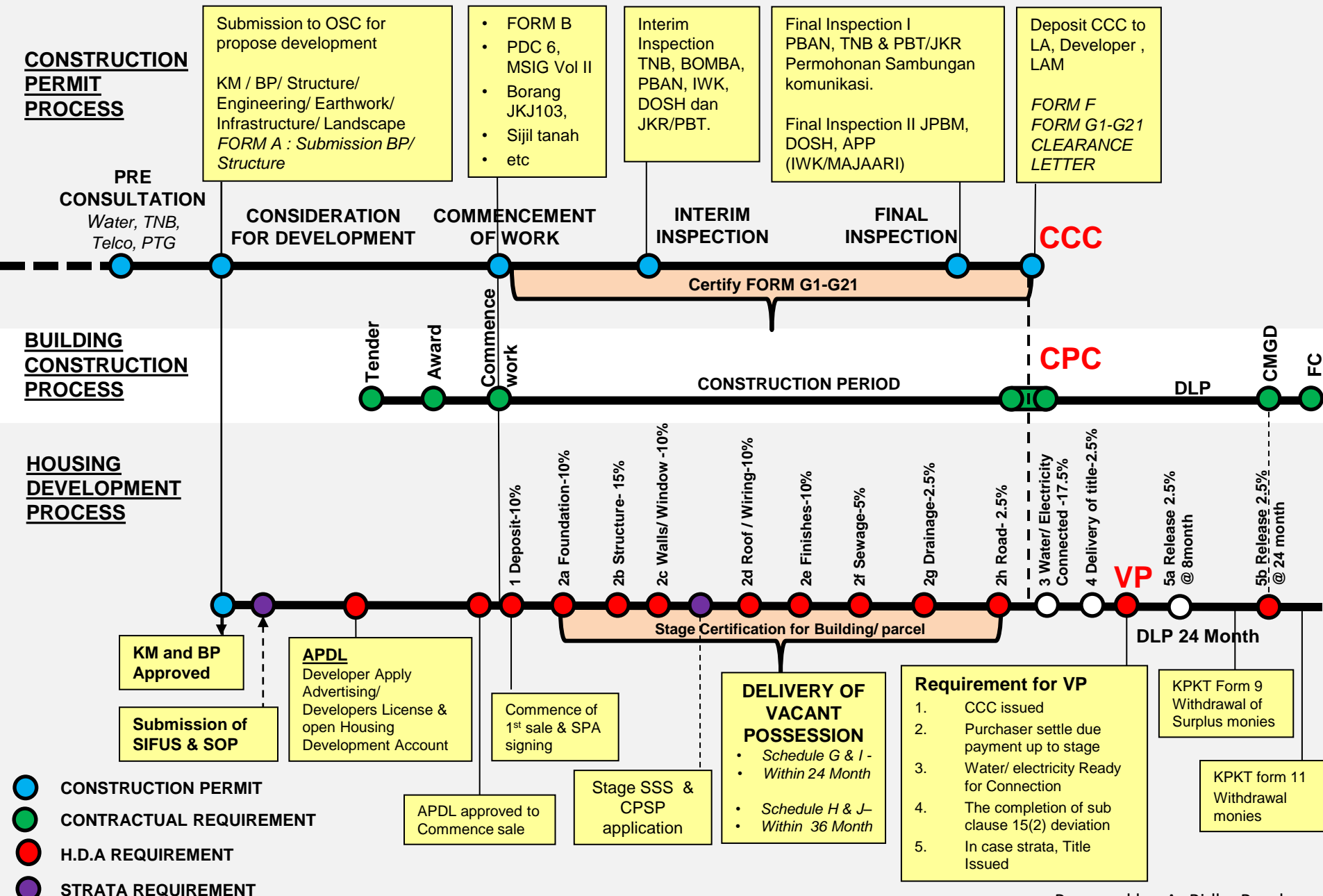
**3. STRATA ISSUE DURING  
CONSTRUCTION**

# ISSUE 8: WHEN TO START PREPARING FOR CPSP?

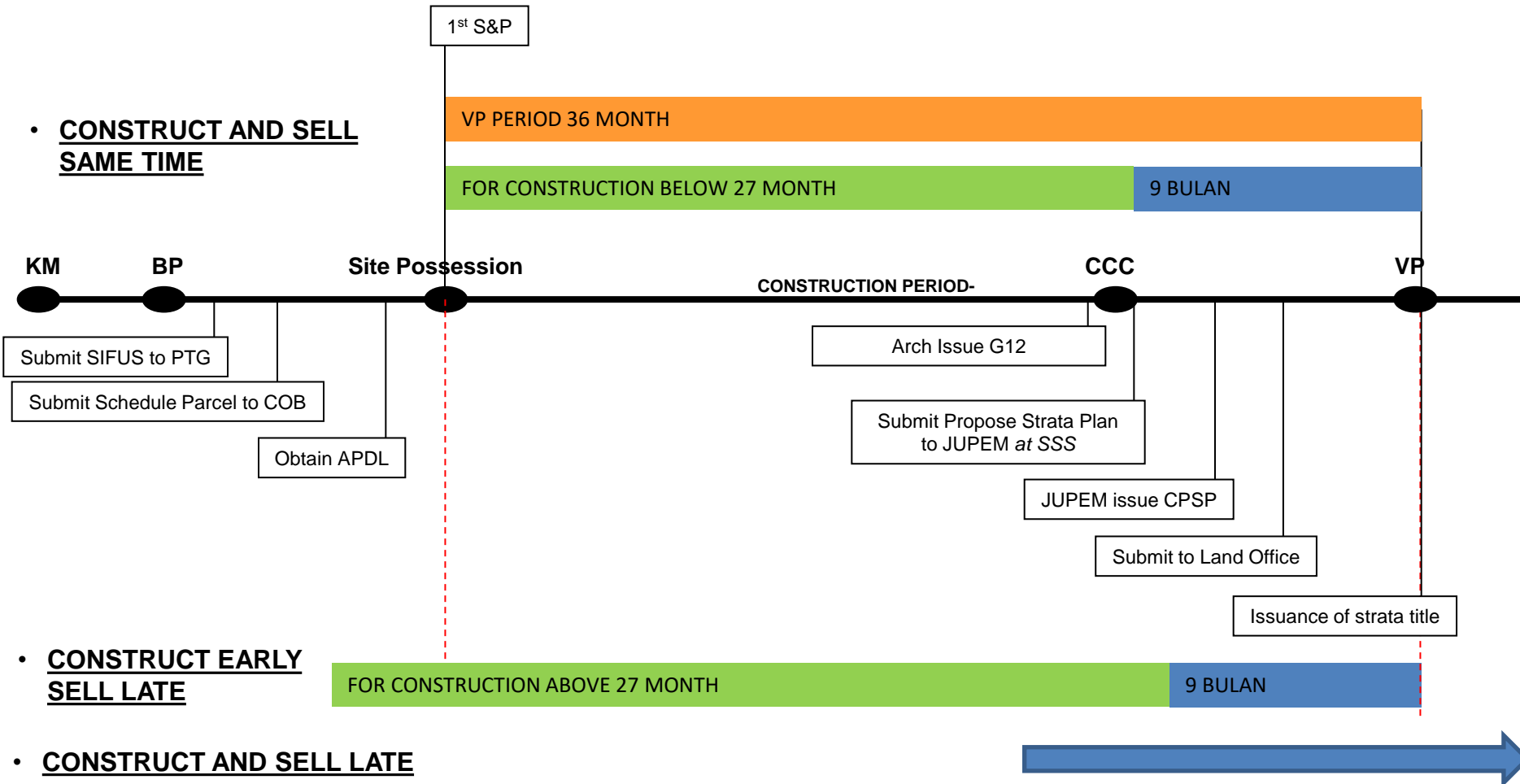
1. INDUSTRY IS CONFUSE WHAT IS THE TRIGGER POINT TO SUBMIT CPSP? SSS VS G12?
2. KNOWN FACT, G12 IS ALWAYS THE LAST CERTIFICATE SIGN BY AN ARCHITECT TOGETHER WITH BORANG F.
3. WILL IT DELAY THE APPLICATION OF CPSP AND STRATA TITLE APPLICATION.
4. WILL DEVELOPER BE SUBJECT TO LAD IF CANNOT OBTAIN STRATA TITLE WITH VP.



# UNDERSTANDING THE LINK BETWEEN CCC,CPC,STRATA & VP



# ISSUE 9: WILL DEVELOPER BE ABLE TO OBTAIN STRATA TITLE WITH VP WITHIN DELIVERY OF VP PERIOD



# **WILL DEVELOPER BE EXPOSE TO LAD IF THEY CANNOT MEET THE VP DATE?**

Yes if they fail to get CCC and Strata title issued before VP period.

## **WHAT CAN DEVELOPER DO TO PREVENT LAD?**

### **DEVELOPER OPTIONS**

- 1. BUILT AND SELL**
- 2. SHORTEN CONSTRUCTION PERIOD**
- 3. COMMENCE EARLY, SELL LATE**
- 4. AMEND S&P TERM FOR VP ( NON H.D.A)**

### **APPLY TO CONTROLLER**

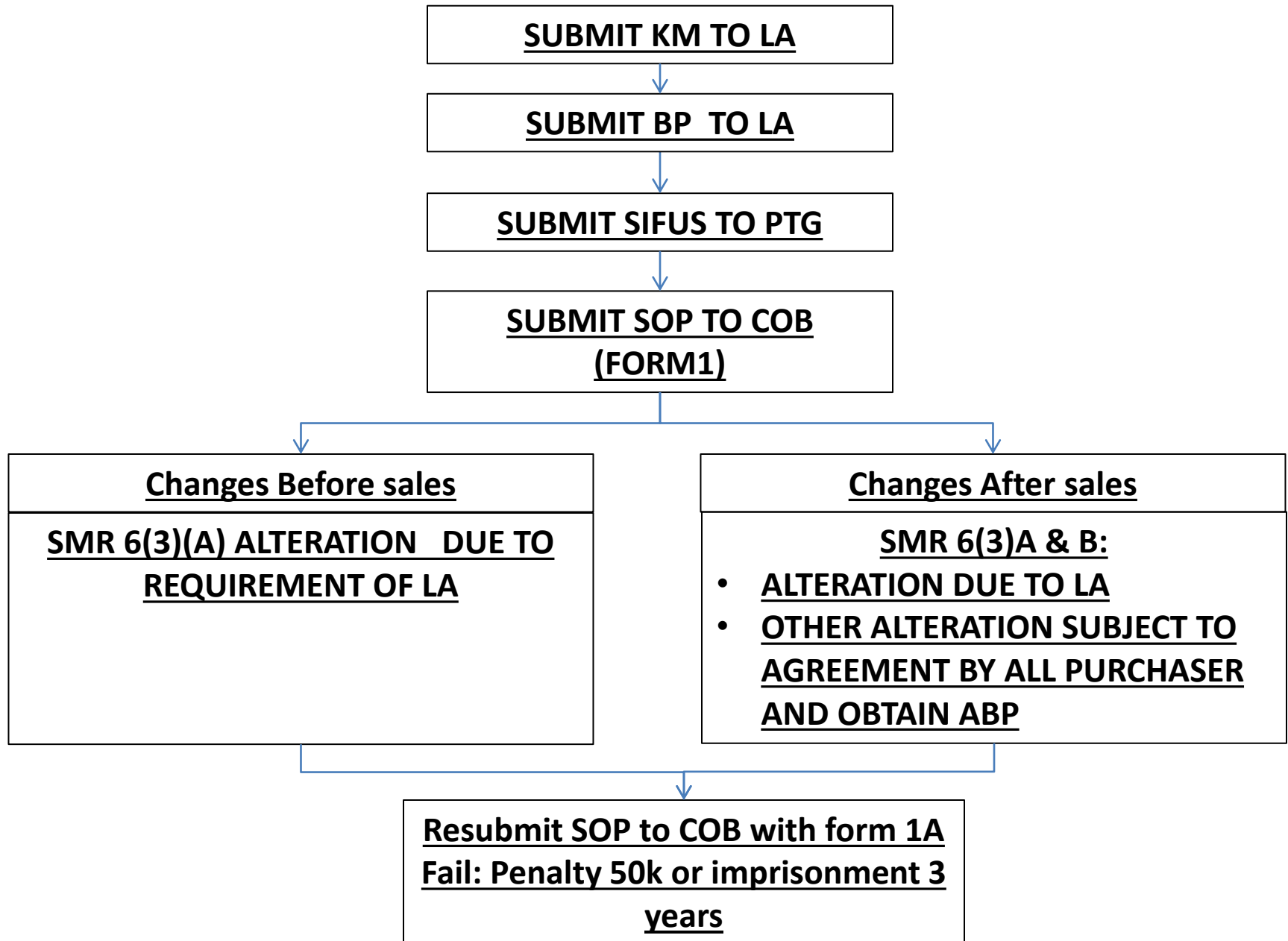
- 1. APPLY CONTROLLER TO EXTEND DELIVERY VP PERIOD (HDR 11-3) FROM 36 TO 48 OR 60 MONTH.**
- 2. APPLY TO CONTROLLER TO DELIVER VP WITHOUT STRATA TITLE (SCHEDULE H CLS 28)**

# ISSUE 10: ALTERATION OF APPROVE BP DUE TO SITE CONDITION

- SMA & SMR Doesn't accommodate changes to site condition.
- Require all purchaser agree for amendment. Is this possible?
- Example: Relocation of car parking space due to column position.



# MANAGEMENT OF CHANGE FOR STRATIFIED DEVELOPMENT



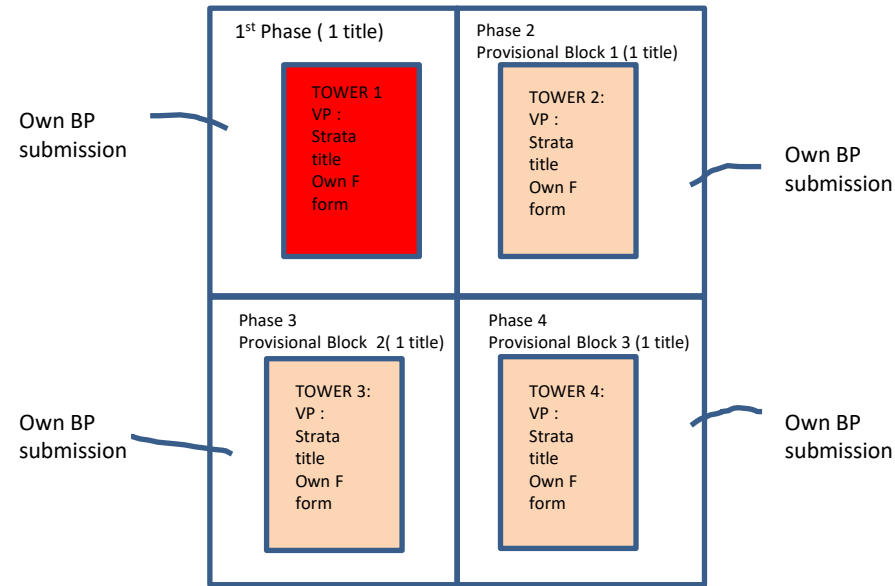
# 4. PHASE DEVELOPMENT ISSUES

## **ISSUE 12: PHASE DEVELOPMENT PROBLEM**

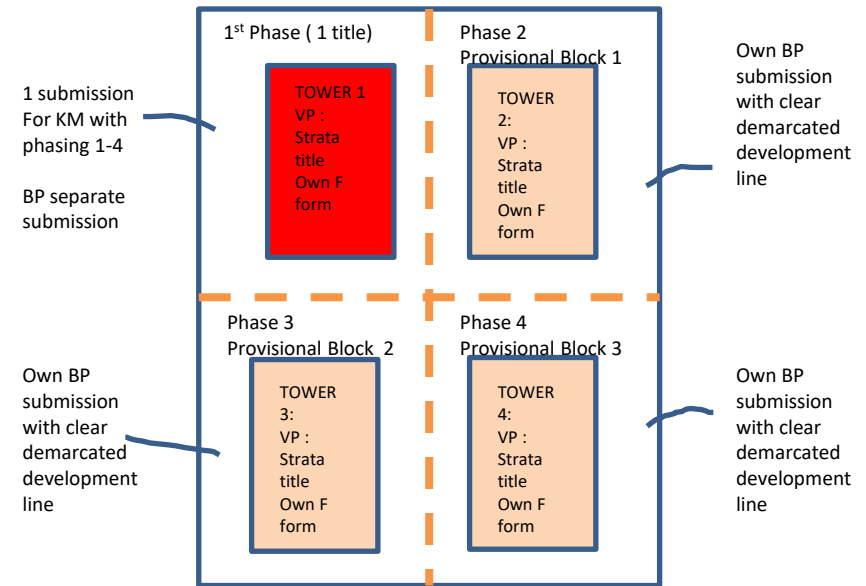
- A. NO CLEAR GUIDELINE ON HOW TO SUBMIT INTEGRATED PHASE DEVELOPMENT UNDER SINGLE TITLE OR PODIUM DEVELOPMENT**
- B. OUR DEVELOPMENT LAW CANNOT ACCOMMODATE PHASING FOR PHASE DEVELOPMENT SINGLE TITLE**
- C. ILLEGAL VP WITH F1 IN RESIDENTIAL PROJECT**
- D. NO FLEXIBILITY IN PHASE BLOCK TO ACCOMMODATE MARKET TRENDS**

# PHASING BY LAND PARCEL

## Plan for phasing with separate land parcel



## Plan for phasing in 1 land parcel

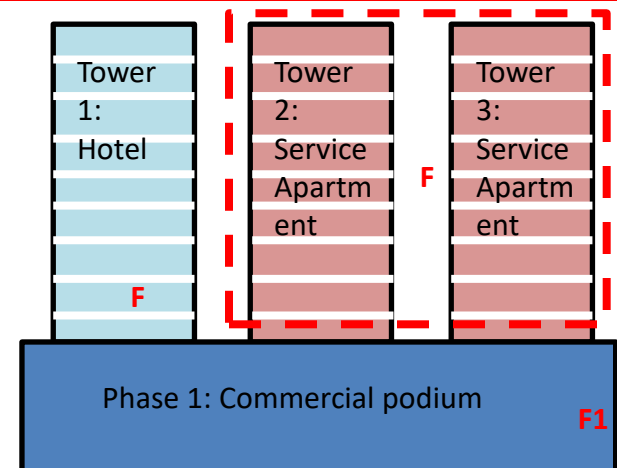
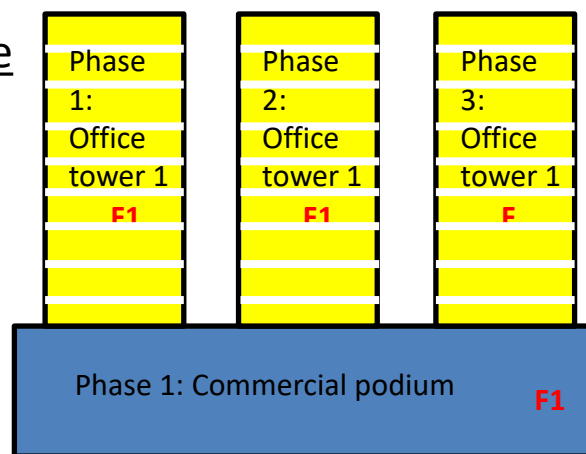


Issue phase development can only be submitted after CCC for 1<sup>st</sup> phase

# PHASING BY BUILDING ( Commercial or Residential or mix)

## Plan for phasing in 1 master title

- In a form of comprehensive development on a podium.
- May be: All Commercial, All residential or Mix Development



# PHASING BY SEPARATE LAND TITLE

## Master Plan

Parcels of housing development with individual land titles and separate submission.

### Notes:

Phases of housing development can be implemented in a housing scheme when each phases are developed on separate land titles.

- Able to comply with HDA certification.
- Able to comply with Strata application requirement.

**Parcel 5**

**Parcel 4**

**Parcel 3**

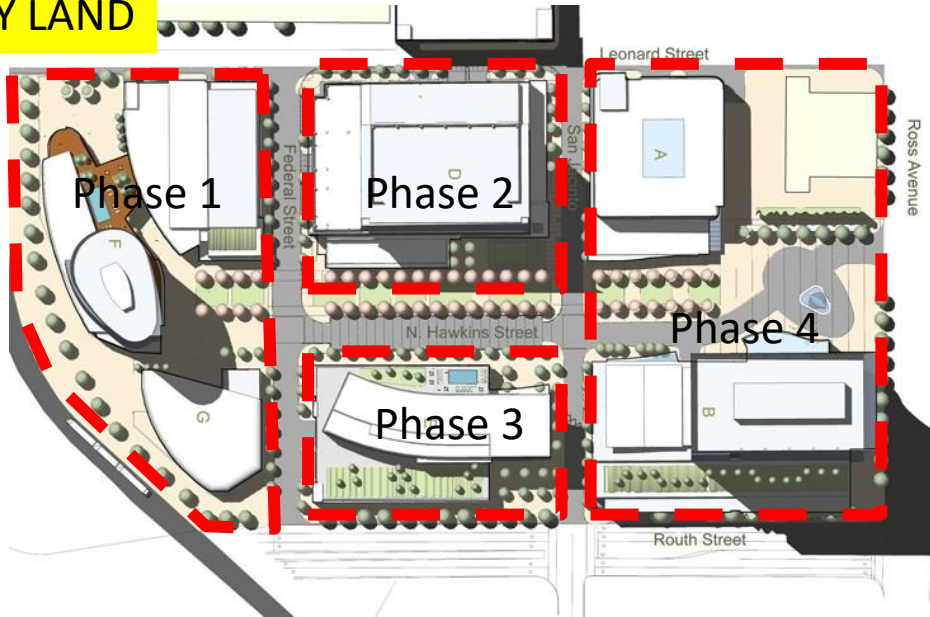
**Parcel 2**

**Parcel 1**



# PLANNING YOUR PHASE DEVELOPMENT

## BY LAND



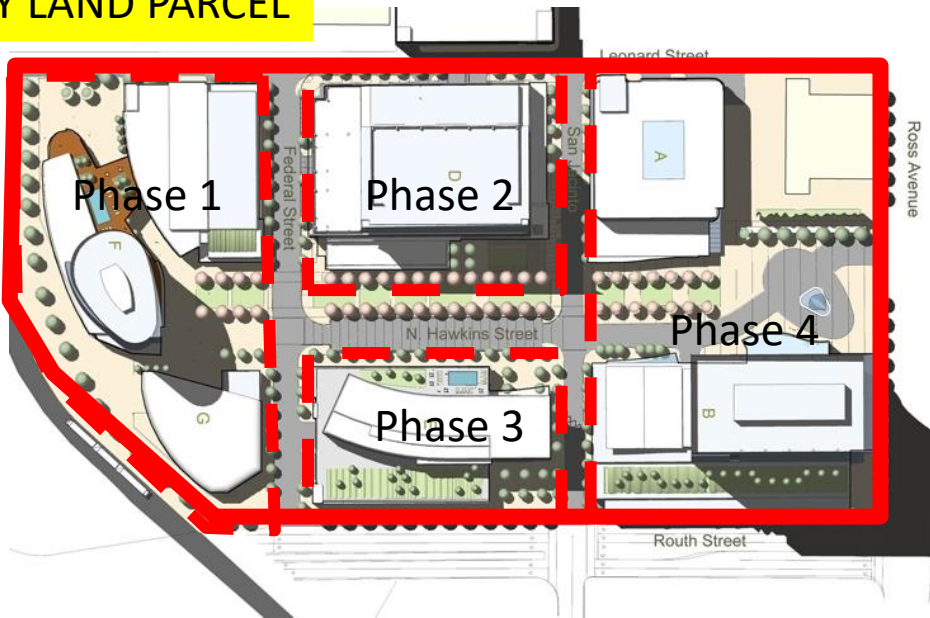
Points to consider :

1. Decide the type of phasing you want that correspond with your brief.

### By land-

- easy to handle as it is lot by lot

## BY LAND PARCEL



### By land parcel

- various consideration of type of building plan in each phase to satisfy CCC, Strata and VP.
- Prepare a comprehensive phase delivery project scheduling program to ensure that the phase VP not effected by requirement of CCC and strata.

# PHASING BY PODIUM BLOCK FOR COMMERCIAL PROJECT

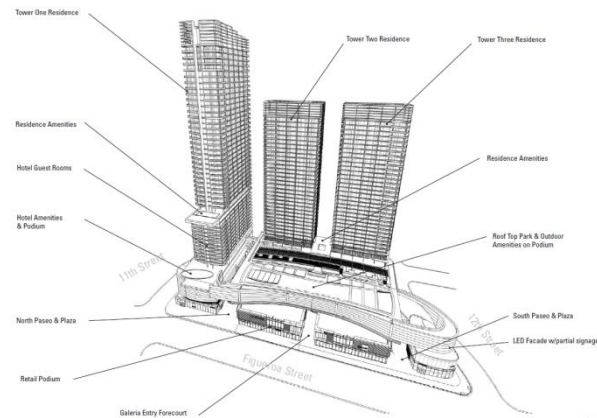
Phase 1 : Podium & Office tower 1

Phase 2: Office tower 2

Phase 3: Office tower 3

KM – 1 submission

BP – 1 file no Submission



Phase 1:  
Office  
tower 1

**F1**

Phase 2:  
Office  
tower 2

**F1**

Phase 3:  
Office  
tower 3

**F**

Phase 1: Commercial podium

**F1**

## Vacant possession

- No issue as the project is not under H.D.A
- Developer free to give VP base on Partial CCC (F1) or even CPC according to phases as was done in Empire Damansara.
- Strata title for office tower not necessary for VP as not under H.D.A. May opt out using bespoke agreement.

# ISSUE 12A: NO CLEAR GUIDELINE ON HOW TO SUBMIT INTEGRATED PHASE DEVELOPMENT UNDER SINGLE TITLE OR PODIUM DEVELOPMENT

## Phase development

Developers are required to submit and get the approval for all building plan including the phased development.

## Issues

- There's an expiry date for BP approval.
- BP for subsequent phase may expire before commence.
- Possible new requirement impose during BP renewal.
- Unnecessary cost for Developer

# ISSUE 12B: OUR DEVELOPMENT LAW NOT FLEXIBLE TO ACCOMMODATE PHASING ON SINGLE LAND TITLE



## Issues:

Phases in stratified housing development in a single land title will not be able to be implemented due to:-

- Inability to comply with SIFUS under Strata application requirement to submit all at once.
- LA request double Facility for provisional block.
- Inability to comply with HDA requirement to have CCC certification for Vacant Possession.
- Inability to issue strata title upon Vacant Possession for earlier Phase until all completed.

# A. ISSUE 12C : ILLEGAL VP WITH F1 IN RESIDENTIAL PROJECT

Case study:

## PROJECT 3 TOWER ON A PODIUM

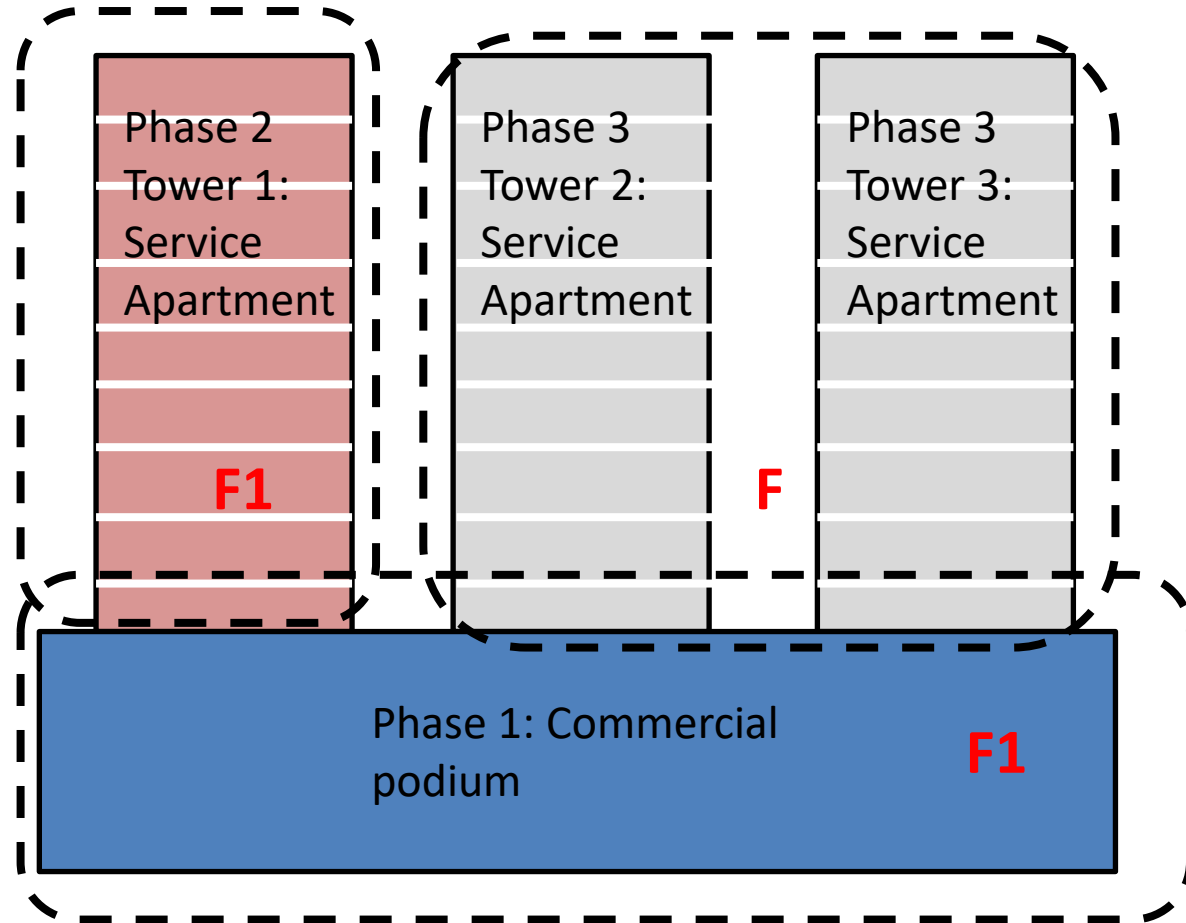
- Phase 1: Podium
- Phase 2: Tower 1
- Phase 3 : Tower 2 & 3

All Phase submission for KM and BP is done all at once.

### ISSUE:

Developer intend to give VP for tower 1 after completion without completing tower 2 and 3.

There are complaints in LAM for VP given using F1 for H.D.A Projects.



# CAN VP WITH F1 BE DONE LEGALLY?

- Under H.D.A , VP cannot be issued with F1.

## Certificate of Completion and Compliance

### Housing Development Act - Act 118 : Section 3. Interpretation.

In this Act, unless the context otherwise requires—

“certificate of completion and compliance” means the certificate of completion and compliance given or granted under the Street, Drainage and Building Act 1974 [Act 133] and any by-laws made under that Act certifying that the housing accommodation has been completed and is safe and fit for occupation but **does not include partial certificate of completion and compliance**;

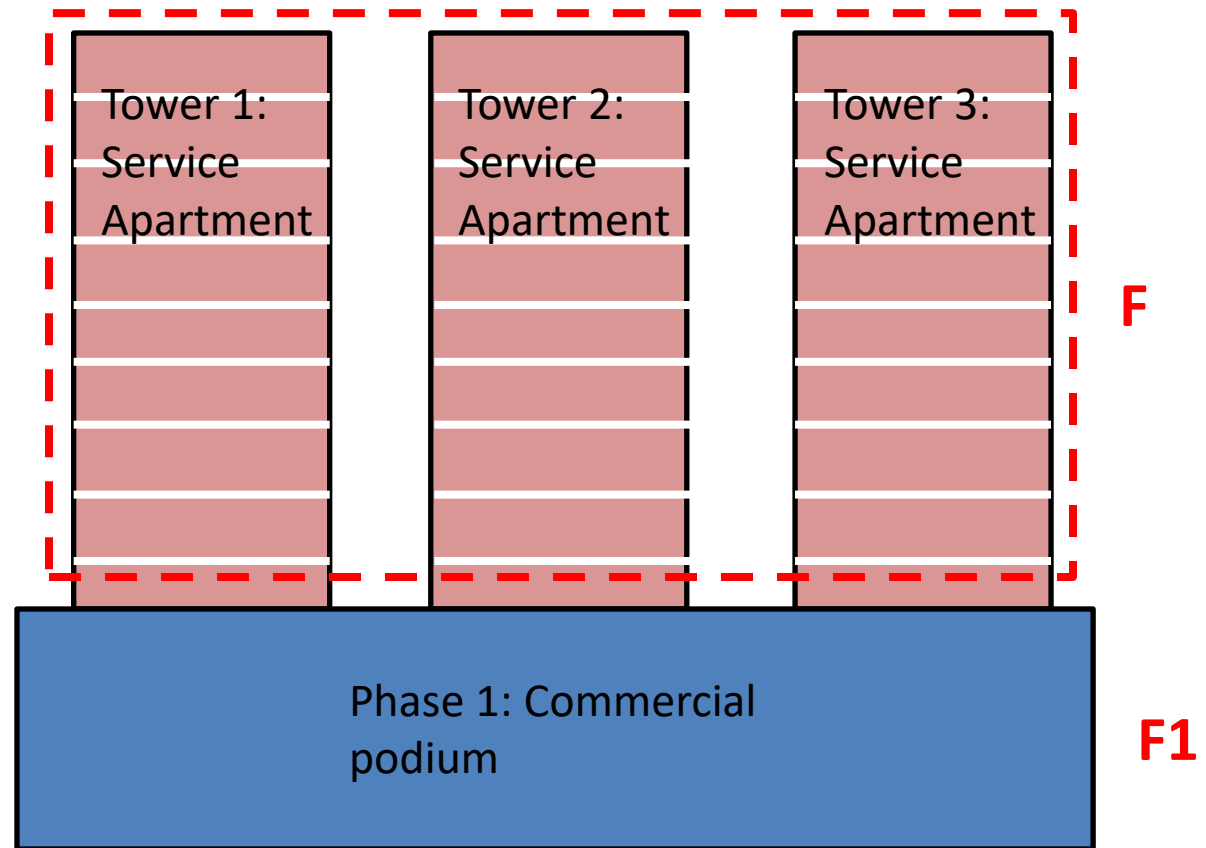
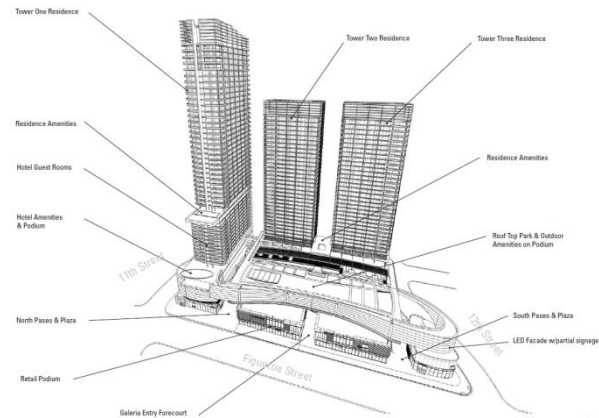
#### Notes

- Housing Development Act (HDA) expressly states that Partial CCC (Form F1) is not acceptable for issuance of Notice of Vacant Possession (VP).
- Only CCC (Form F) is acceptable to satisfy the issuance of VP.

# PRESENT STRATEGY : BUILT ALL AT ONCE AS PHASING IS TO COMPLICATED

Phase 1 : Podium

Phase 2: 1,2,3 tower Service apartment



## Vacant possession Phase 1:

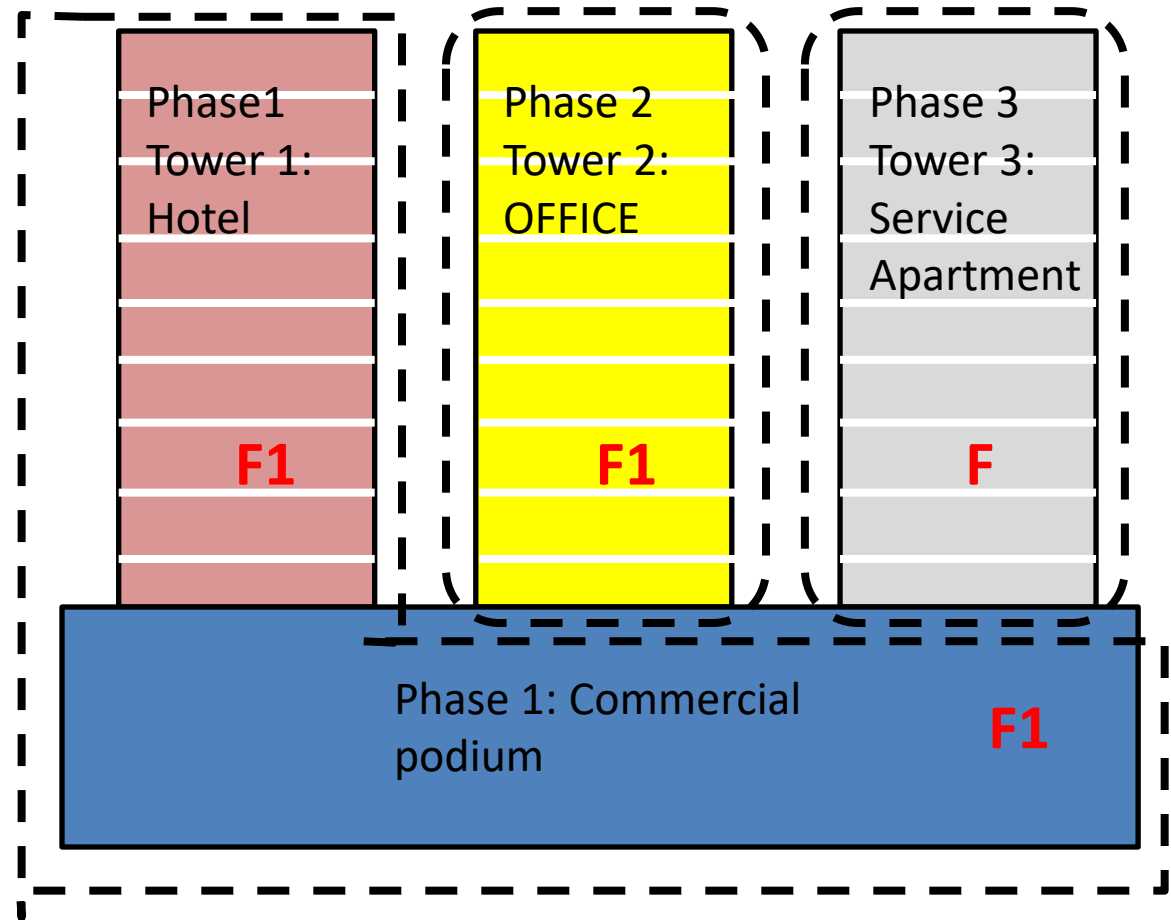
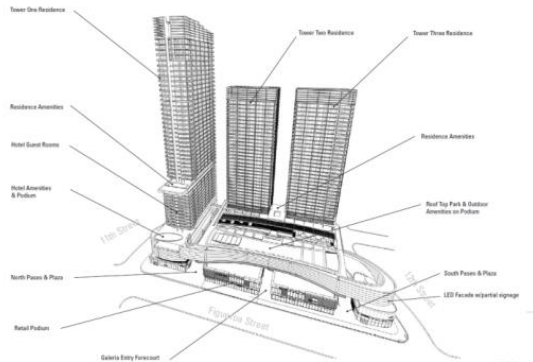
Should the developer wish to VP the podium early ,he may do so as the podium is not under H.D.A and can be delivered to purchaser via CPC or Partial CCC.

## Vacant possession phase 2:

Should the developer wish to give VP for the 1 or 2 or 3 towers, he must complete all towers In 36 month from sales with CCC and Strata title.

## STRATEGY 2: PLAN HOUSING COMPONENT TO BE LAST AND SALE LATE.

Phase 1 : Podium & Hotel  
Phase 2: Office  
Phase 3: Residential  
(Commence sale late)



### **Vacant possession Phase 1 & 2 :**

- Should the developer wish to VP the podium, he may do so as the component may not be under H.D.A and can be delivered to purchaser via CPC or Partial CCC.

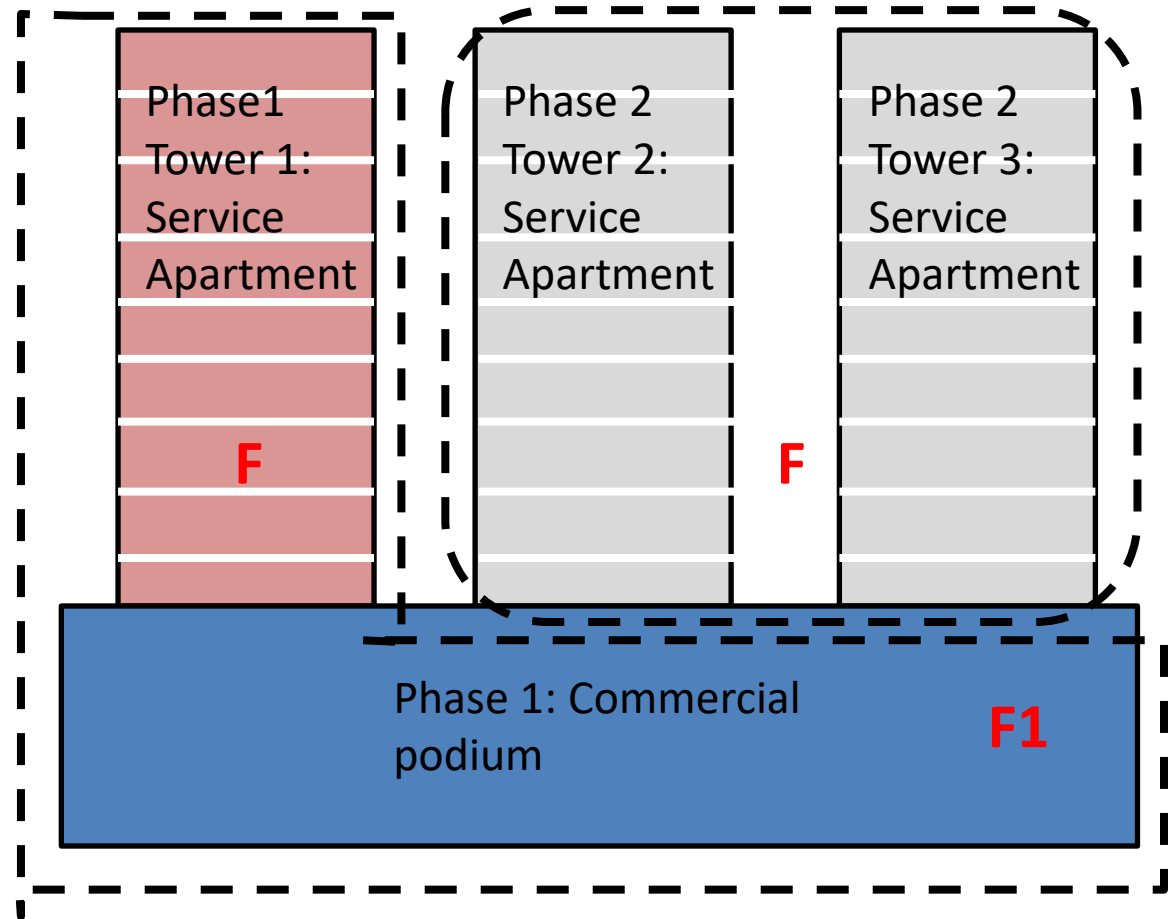
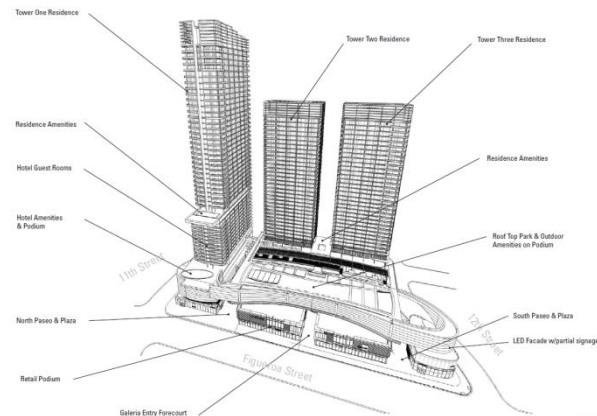
### **Vacant possession Phase 2 & 3:**

- Should the developer wish to give VP for the phase 3 , he must complete the tower 3 In 36 month from sales with CCC and Strata title.

# STRATEGY 3 : BUILT PHASE 1 FIRST AND COMMENCE PHASE 2 AFTER PHASE 1 COMPLETED

Phase 1 : Podium & Tower 1  
1 (Submission BP 1)

Phase 2 : tower 2 & 3  
(Submission BP 2 – **After podium complete**)



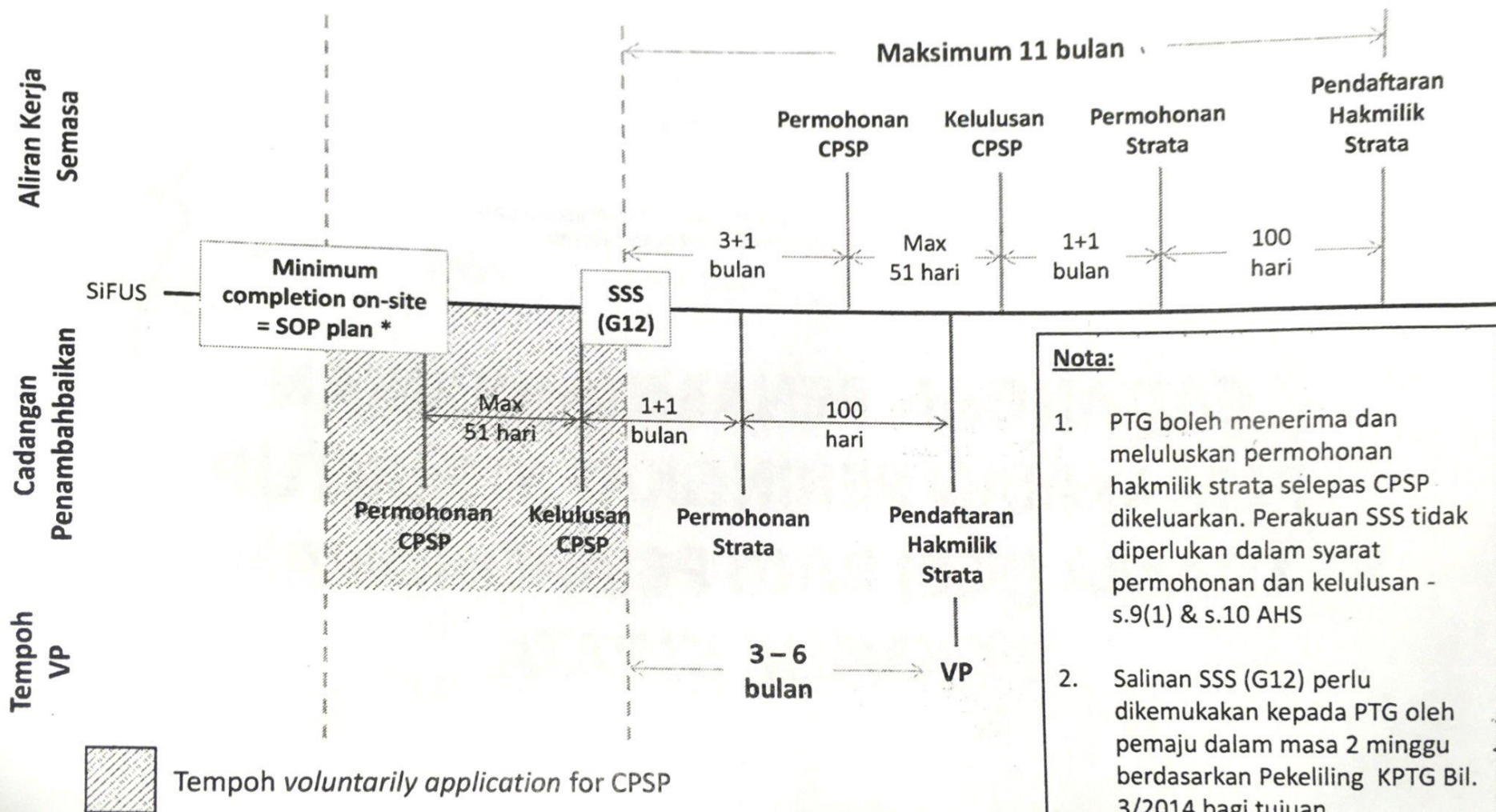
## Vacant possession Phase 1:

- Should the developer wish to VP the podium, he may do so as the podium is not under H.D.A and can be delivered to purchaser via CPC or Partial CCC.
- Should the developer wish to give VP for the tower, he must complete the tower 1 In 36 month with CCC and Strata title.

## Vacant possession Phase 2 :

- Strata application can only be applied after phase 1 title issued.
- VP upon CCC / Strata title for both tower 2 & 3

# CADANGAN PENAMBAHBAIKAN PROSEDUR PERMOHONAN HAKMILIK STRATA



## Nota:

1. PTG boleh menerima dan meluluskan permohonan hakmilik strata selepas CPSP dikeluarkan. Perakuan SSS tidak diperlukan dalam syarat permohonan dan kelulusan - s.9(1) & s.10 AHS
2. Salinan SSS (G12) perlu dikemukakan kepada PTG oleh pemaju dalam masa 2 minggu berdasarkan Pekeliling KPTG Bil. 3/2014 bagi tujuan penguatkuasaan tempoh wajib mohon.

\* Semua dinding dan tandaan seperti yang ditunjukkan dalam Pelan Jadual Petak yang diluluskan di peringkat SiFUS telah siap dibina.

# SURAT KSU KPKT RELATING TO CCC AND PARTIAL CCC



KETUA SETIAUSAHA  
(Secretary General)

KEMENTERIAN KESEJAHTERAAN BANDAR, PERUMAHAN DAN KERAJAAN TEMPATAN  
(Ministry of Urban Wellbeing, Housing and Local Government)  
Aras 17  
No. 51, Persiaran Perdana, Presint 4  
Pusat Pentadbiran Kerajaan Persekutuan  
62100 Putrajaya, MALAYSIA

Tel : +(6)03 - 8991 5003  
Faks : +(6)03 - 8991 5558

Rujukan Kami : (25) KPKT/08/974/9/A  
Tarikh : 20 Disember 2017

YBhg. Datuk/Dato'/Tuan/Puan,

## PENJELASAN MENGENAI ISU BERKAITAN SIJIL PERAKUAN SIAP DAN PEMATUHAN (BORANG F) SEMASA PENYERAHAN MILIKAN KOSONG (VACANT POSSESSION)

Dengan hormatnya perkara di atas adalah dirujuk.

2. Adalah dimaklumkan bahawa Kementerian Kesejahteraan Bandar, Perumahan dan Kerajaan Tempatan melalui Jabatan Perumahan Negara (JPN) telah mengadakan perbincangan dan mendapatkan pandangan semua pihak berkepentingan dan agensi kerajaan mengenai isu yang dibangkitkan berkaitan sijil Perakuan Siap dan Pematuhan (Borang F) semasa penyerahan milikan kosong (*vacant possession*).

3. Sehubungan itu, Kementerian ini telah menyediakan penjelasan berkaitan sijil Perakuan Siap dan Pematuhan (Borang F) dan sijil Perakuan Siap dan Pematuhan Sebahagian (Borang F1) dengan mengambil kira undang-undang Akta Jalan, Parit dan Bangunan 1974 (Akta 133), *Uniform Building By-Laws* 1984 dan Akta Pemajuan Perumahan (Kawalan dan Pelesenan) 1966 (Akta 118) dan Peraturan-peraturan yang sedang berkuat kuasa. Bersama-sama ini disertakan penjelasan tersebut sebagaimana di Lampiran untuk edaran, makluman dan tindakan pihak YBhg. Datuk/Dato'/Tuan/Puan selanjutnya.

Sekian, terima kasih.

"BERKHIDMAT UNTUK NEGARA"  
"1MALAYSIA. RAKYAT DIDAHULUKAN. PENCAPAIAN DIUTAMAKAN"

( DATO' SRI HAJI MOHAMMAD BIN MENTEK )

(Sila catatkan rujukan kami apabila berhubung)

## PENJELASAN MENGENAI ISU BERKAITAN SIJIL PERAKUAN SIAP DAN PEMATUHAN (BORANG F) SEMASA PENYERAHAN MILIKAN KOSONG (VACANT POSSESSION)

1. Berdasarkan senario pembangunan pada masa ini dan mengambil kira isu berkaitan sijil Perakuan Siap dan Pematuhan (Borang F) semasa penyerahan milikan kosong (*vacant possession*), satu mesyuarat telah diadakan pada 18 Disember 2017 yang dipengerusikan oleh Ketua Pengarah Jabatan Perumahan Negara (JPN). Dengan mengambilkira undang-undang Akta Jalan, Parit dan Bangunan 1974 (Akta 133), *Uniform Building By-Laws* 1984 dan Akta Pemajuan Perumahan (Kawalan dan Pelesenan) 1966 (Akta 118) dan Peraturan-peraturan yang sedang berkuat-kuasa, maka mesyuarat **bersetuju** dengan pandangan sebagaimana berikut:-

- (i) Bagi pemaju yang telah mematuhi setiap syarat dan keperluan yang telah ditetapkan dalam Kebenaran Merancang dan Pelan Bangunan bagi pembangunan berfasa di mana pemaju telah mematuhi semua keperluan mengikut yang ditetapkan dalam borang G1 hingga G21 (tanpa syarat), Arkitek Profesional sebagai Orang Utama Yang Mengemukakan boleh mengeluarkan sijil Perakuan Siap dan Pematuhan (Borang F). Ini bermakna pemaju telah mematuhi semua peraturan yang telah ditetapkan bagi mengikut pembangunan berfasa yang telah dirancang;
- (ii) Bagi pembangunan berfasa, setiap keperluan dan perancangan pembangunan tersebut telah mendapatkan persetujuan OSC, dan pemaju telah memenuhi semua keperluan mengikut yang ditetapkan dalam borang G1 hingga G21 (tanpa syarat) maka setiap pembangunan yang telah siap mengikut fasa, Arkitek Profesional sebagai Orang Utama Yang Mengemukakan boleh mengeluarkan sijil Perakuan Siap dan Pematuhan (Borang F);

POST VP :

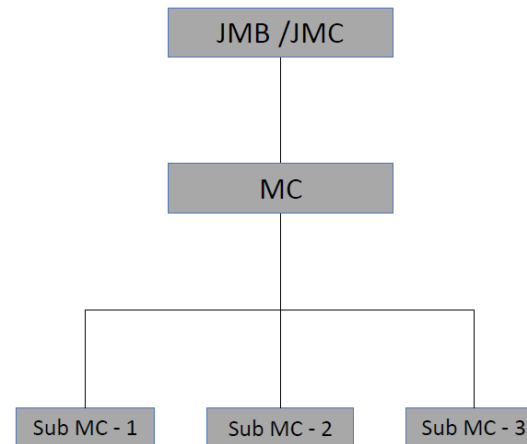
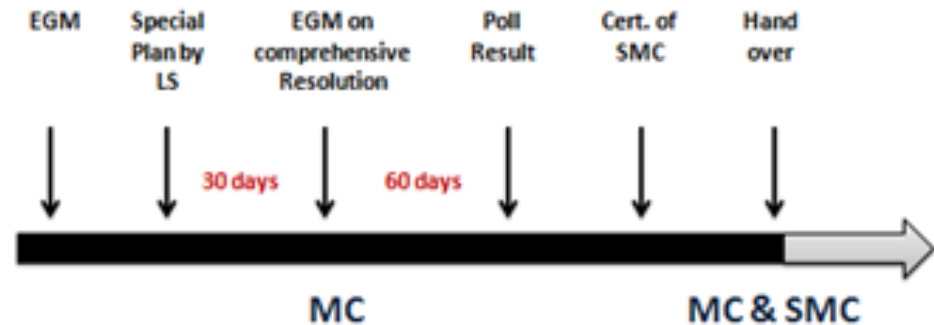
5. POST STRATA ISSUE

# ISSUE 13: CAN SUB-MC BE DONE?

## Formation of Sub MC under sec 17A of STA.

- The MC needs to call for a comprehensive resolution and get approval from at least 2/3 of the aggregate share units of the parcels owners who enjoyed the benefits of limited common property (LCP)

## Creation of Sub MCs



- Provision of JMB / JMC within 1 year upon VP

- Security
- Common electricity
- General cleaning
- Maintenance of landscaping works

RM 0.36 psf

- Security
- Amenities
- Fire Fighting System
- Cleaning
- M&E



Rujukan Kami: JUPEM 18/7/2.148 Jld 4 (25)

Tarikh : 31 Mei 2017

Semua Pengarah Ukur dan Pemetaan Negeri

**PEKELILING KETUA PENGARAH UKUR DAN PEMETAAN  
BILANGAN 1 TAHUN 2017**

**GARIS PANDUAN MENGENAI PENYEDIAAN  
PELAN KHAS UNTUK HARTA BERSAMA TERHAD BAGI TUJUAN  
PERMOHONAN PENUBUHAN PERBADANAN PENGURUSAN SUBSIDIARI**

**1. TUJUAN**

Pekeliling ini bertujuan untuk menjelaskan Garis Panduan Mengenai Penyediaan Pelan Khas Untuk Harta Bersama Terhadap [PK(HBT)] Bagi Tujuan Permohonan Penubuhan Perbadanan Pengurusan Subsidiari [subsidiary management corporation (sub-MC)] selaras dengan penguatkuasaan Akta Hakmilik Strata (Pindaan) 2013 [A1450] dan Akta Pengurusan Strata 2013 (APS) [Akta 757] ke semua negeri di Semenanjung Malaysia, juga Wilayah Persekutuan Kuala Lumpur, Wilayah Persekutuan Putrajaya dan Wilayah Persekutuan Labuan.

**2. LATAR BELAKANG**

2.1 Seksyen 17A, Akta Hakmilik Strata, 1985 (AHS) memperuntukkan perbadanan pengurusan [management corporation (MC)] boleh menetapkan harta bersama terhadap dan menubuhkan sub-MC bagi mewakili kepentingan yang berbeza-beza bagi pemilik-pemilik petak terutamanya dalam pembangunan bercampur skim berstrata melalui suatu resolusi komprehensif yang dijalankan di bawah APS.

2.2 MC dikehendaki membuat permohonan mengikut keperluan di bawah seksyen 17A AHS bagi kelulusan Pengarah Tanah dan Galian (PTG) untuk pengeluaran perakuan sub-MC bagi HBT yang ditetapkan.

2.3 Garis panduan ini disediakan bagi menjelaskan kaedah pengukuran dan penyediaan PK(HBT) oleh Juruukur Tanah Berlesen (JTB) serta penyemakan oleh Jabatan Ukur dan Pemetaan Malaysia (JUPEM) Negeri bagi penyediaan ulasan kepada PTG.

**3. TARIKH BERKUATKUASA**

Pekeliling ini hendaklah dikuatkuasakan penggunaannya mulai tarikh ia dikeluarkan. Pekeliling ini boleh dimuat turun melalui pautan yang disediakan di laman sesawang rasmi JUPEM.

Sekian, terima kasih.

**"BERKHIDMAT UNTUK NEGARA"  
"NEGARAKU, ALAM SEKITARKU"**

  
(DATO' SR HASAN BIN JAMIL)  
Ketua Pengarah Ukur dan Pemetaan  
Malaysia

Salinan kepada:

Agihan Dalaman:

Timbalan Ketua Pengarah Ukur dan Pemetaan Malaysia I

Timbalan Ketua Pengarah Ukur dan Pemetaan Malaysia II

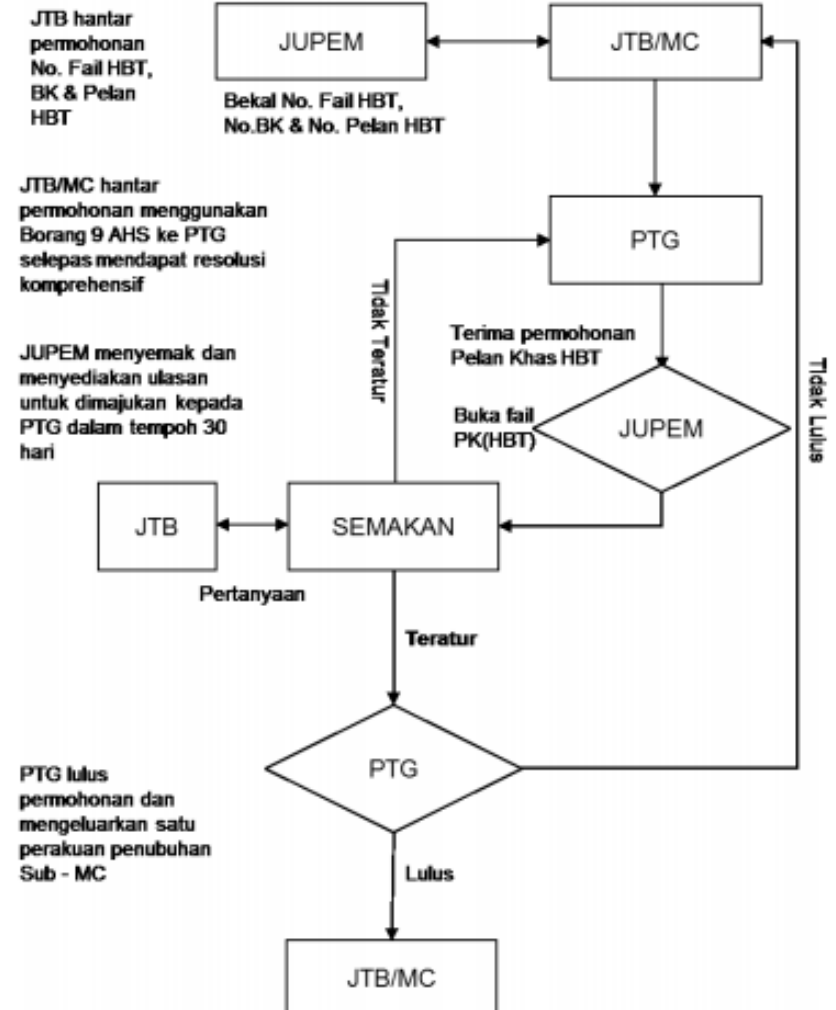
Pengarah Ukur Bahagian (Kadaster)

Pengarah Ukur Bahagian (Dasar dan Penyelarasan Pemetaan)

## KANDUNGAN

<b>BAB 1</b>	<b>3</b>
1. TAJUK KECIL	3
2. PEMAKAIAN	3
3. TARIKH BERKUATKUASA	3
4. TAFSIRAN	3
<b>BAB 2</b>	<b>5</b>
PENGUKURAN	5
5. PENGENDALIAN UKURAN BAGI PENYEDIAAN PELAN KHAS UNTUK HARTA BERSAMA TERHAD	5
<b>BAB 3</b>	<b>8</b>
PENYEDIAAN PELAN KHAS UNTUK HARTA BERSAMA TERHAD	8
6. TANGGUNGJAWAB JURUUKUR TANAH BERLESEN	8
7. PELAN KHAS UNTUK HARTA BERSAMA TERHAD	9
<b>BAB 4</b>	<b>15</b>
PERMOHONAN PENUBUHAN PERBADANAN PENGURUSAN SUBSIDIARI	15
8. AM	15
9. TINDAKAN PENGARAH UKUR SELEPAS MENERIMA PERMOHONAN NOMBOR FAIL HBT, NOMBOR BUKU KERJALUAR HBT DAN NOMBOR PELAN HBT DARIPADA JTB	15
10. PROSEDUR PERMOHONAN	16
11. TINDAKAN PENGARAH UKUR SELEPAS MENERIMA PK(HBT) DARIPADA PENGARAH TANAH DAN GALIAN NEGERI	16
12. PROSES SEMAKAN PERMOHONAN PK(HBT)	16
<b>LAMPIRAN</b>	<b>19</b>
<b>LAMPIRAN A</b>	<b>19</b>
<b>LAMPIRAN B</b>	<b>20</b>
<b>LAMPIRAN C</b>	<b>21</b>
<b>LAMPIRAN D</b>	<b>23</b>
<b>LAMPIRAN E</b>	<b>24</b>
<b>LAMPIRAN PK(HBT) 1</b>	<b>25</b>
<b>LAMPIRAN PK(HBT) 2</b>	<b>49</b>

## CARTA ALIR PERMOHONAN PENUBUHAN SUB-MC



# 1<sup>st</sup> SUB MC UNDER NEW STRATA ACT

EdgeProp

LATEST IN REAL ESTATE

NEWS HOME LATEST IN DEPTH LIFESTYLE 新聞 DIGI



Deputy speaker asks minister to ensure cows do not stay in condominiums



Saving a Shah Alam green lung from the LRT3



Econpile sees flow of jobs returning to normal in a year



Ex-PM Na entirely ly LRT3 figure DAP's Pua



Facebook



Twitter



1 Mont' Kiara (Photo by Low Yen Yeing/EdgeProp.my)

PETALING JAYA (Feb 17): The first subsidiary management corporation or sub-MC in Malaysia is set to be formed at the 1 Mont' Kiara mixed-use stratified development. The proposal to form the sub-MC by the 1 Mont' Kiara Dan Kiara 2 Management Corporation has received the required agreement from two thirds of the aggregate share units in the development, thus paving the way for the formation of the sub-MCs. The poll result was made official at an EGM held on Feb 5 at the 1 Mont' Kiara mixed-use stratified development.

mixed development comprises four development components :

1. Menara 1 MK – designed, built and completed in 2010 with two wings, namely the Premier Suite wing and the Office Suite wing. The Premier Suite is a 34-storey office wing with 30 parcels while the Office Suite are in a 29-storey wing with 156 parcels;
  2. Wisma Mont' Kiara – a 19-storey office block completed in 2010 comprising one en bloc parcel;
  3. 1 Mont' Kiara – a 4-storey retail mall completed in 2010 with car parks in the basement and upper levels of Kompleks 1 Mont' Kiara all in one en bloc parcel; and
  4. i-Zen Kiara II – a 33-storey serviced apartment block completed in 2006 with 238 residential and six commercial parcels.
- three sub-MCs formed. “The first sub-MC will be managing i-Zen Kiara II, the second for Menara 1 MK and the third will be for Wisma Mont' Kiara and 1 Mont' Kiara.

## Reason Sub MC

proprietors of the residential component in i-Zen Kiara II wanted a sub-MC to be formed so they could be insulated from any liabilities arising from the commercial components, and to have independent control of their own accounts and limited common property.

# OTHER RECENT UPDATES ON STRATA

# MALAYSIA COMMERCIAL DEVELOPMENT ACT ?

<https://themalaysianreserve.com/2018/07/26/commercial-development-act-on-the-cards-kpkt-says/>

News Economy Business Money Opinion Markets World Property Sports Industry Life & Art

Home » News » Property » Commercial development act on the cards, KPKT says

## Commercial development act on the cards, KPKT says



Thursday, July 26th, 2018 at , News | Property

The Housing and Local Government Ministry (KPKT) is currently looking into drafting a commercial development act for commercial properties to be standardised.

KPKT National Housing Department DG Jayaselan Navaratnam (*picture*) said this move would be able to provide a guideline for purchasers, developers and those involved in the commercial segment.

“We are currently studying on a commercial development act. We see a need for a guideline because we have to manage commercial developments well.

<https://themalaysianreserve.com/2018/07/26/commercial-development-act-on-the-cards-kpkt-says/>

CONCLUSION

**There are many challenges to the New Amended Strata Title Act and Strata Management Act since its 36 months implementation.**

- In order to overcome this problem, **PAM, Rehda and other institute with the help of MPC have to work together** to continually find solutions for any challenges ahead.
- With the **support of KPKT , PTG , JUPEM and Local Authorities** through continuous workshop and dialog, the issues in the areas of procedure, time , cost and phase development will be solved.
- We will overcome this and look forward to be able to upgrade the Strata Title Act to accommodate any Malaysia market New trends in the future.

# WORLD DIRECTION



**SUSTAINABLE DEVELOPMENT GOALS**  
17 GOALS TO TRANSFORM OUR WORLD



# ADDITIONAL QUESTION

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# ARCHITECT PERSPECTIVE



RESEARCH SHARING: ISSUE  
AND CHALLENGES OF STRATA  
TITLE ACT & STRATA  
MANAGEMENT ACT IN  
DELIVERY OF  
CONSTRUCTION PERMIT IN  
MALAYSIA

**28/7/18**

Speaker Ar Ridha & Ar Adrianta