

# PMgr THE PROPERTY MANAGER

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Upholding the  
Property Management  
Profession and Industry

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# Upholding the Status Quo of Property Management Professionals and Industry

The *raison d'être* of MIPFM is to uphold the status quo of the property management professionals and industry. It was an industry response to the threat of splitting the property management profession and industry into property management and building management back in 2011.

The practice of property management in Malaysia was inherited from the British colonial time when Chartered Surveyors from the UK take up administrative and professional roles in the British administration. Subsequently new graduates are trained in degree in estate management particularly in UK. This historical legacy provided the foundation of the practice of property management in Malaysia. Since then the professionals of real estate and estate management are trained in property management, estate agency and valuation and offer their services under property consultancy firms.

The recent issue of setting up a Board of Building Managers came to the fore when the Ministry of Housing and Local Government (MHLG) calls for a Public Engagement Session to discuss ways to accommodate the proposed Board. Stakeholders from BOVAEP, CIDB, MIPFM, MAFM, REDHA, Strata Management Association etc. are being invited to the Engagement session. The initial engagement date was 12 September 2024 but was postponed to 23 September 2024.

Before the engagement was held, an article by Foo Chee Hung titled *Property Manger vs building manager – Are they the same?* was published in EdgeProp on 20th September 2024. The rebuttals are written by Dr Tham Kuen Wei (in The Star) and Dr Abdul Jalil Omar (in EdgeProp) on 25 September 2024.



# THE PROPERTY MANAGER

During the Public Engagement with MHLG on 23 September 2024, the six NGOs had made a stand of opposing the establishment of a Board of Building Managers which will split the property management industry in Malaysia. The reasons for the objections were published as an open letter to the Minister of Ministry of Housing and Local Government in *EdgeProp* on 27 September 2024.

To enable our members to follow closely the issue, the respective rebuttals are collated and published in this issue as tabulated in the following table:

Pro-Board of Building Managers		Rebuttals against establishment of Board of Building Managers	
1	<p>Foo Chee Hung (2024) <b>Property manager vs building manager — Are they the same?</b> <i>EdgeProp</i> 20th September 2024</p> <p><a href="https://www.edgeprop.my/content/1910523/property-manager-vs-building-manager-%E2%80%94-are-they-same">https://www.edgeprop.my/content/1910523/property-manager-vs-building-manager-%E2%80%94-are-they-same</a></p>	1A	<p>MIPFM, RISM, PEPS, IMPAC, PENILAISAMA, PEPAM (2024) <b>Coalition of professionals object to proposed new regulatory board for building managers</b> <i>EdgeProp</i> 27th September 2024</p> <p><a href="https://www.edgeprop.my/content/1910582/coalition-professionals-object-proposed-new-regulatory-board-building-managers">https://www.edgeprop.my/content/1910582/coalition-professionals-object-proposed-new-regulatory-board-building-managers</a></p>
		1B	<p>Tham Kuen Wei (2024) <b>Stricter regulation needed in property management</b> <i>The Star – Your Opinion</i> Section, p15, 25th September 2024</p>
		1C	<p>Abdul Jalil Omar (2024) <b>No need to reinvent the wheel for property management practice in Malaysia</b> <i>EdgeProp</i> 25th September 2024</p> <p><a href="https://www.edgeprop.my/content/1910557/no-need-reinvent-wheel-property-management-practice-malaysia">https://www.edgeprop.my/content/1910557/no-need-reinvent-wheel-property-management-practice-malaysia</a></p>
		1D	<p>President, PEPS, (2024) <b>Why regulation of property management must remain with Board of Valuers, Appraisers, Estate Agents and Property Managers (BOVAEA)</b> <i>The Star – Online Your Opinion</i> Section, 4th October 2024</p> <p><a href="https://www.thestar.com.my/opinion/letters/2024/10/04/why-regulation-of-property-management-must-remain-with-board-of-valuers-appraisers-estate-agents-and-property-managers-bovaea">https://www.thestar.com.my/opinion/letters/2024/10/04/why-regulation-of-property-management-must-remain-with-board-of-valuers-appraisers-estate-agents-and-property-managers-bovaea</a></p> <p>NOTE: This appear online only, not published in the hardcopy of The Star.</p>
			<b>Rebuttal against policy for splitting the property management profession</b>
		1E	<p>Ting Kien Hwa (2024) <b>Policy analysis on the property management-building management issue</b> <i>EdgeProp</i> 28th October 2024</p> <p><a href="https://www.edgeprop.my/content/1910871/reader%E2%80%99s-letter-policy-analysis-property-management-building-management-issue">https://www.edgeprop.my/content/1910871/reader%E2%80%99s-letter-policy-analysis-property-management-building-management-issue</a></p>
Individual pro-BMAM articles		Rebuttals against individual pro-BMAM articles	
2	<p>Bunga Raya Management Corporation (2024) <b>Tailor management services to meet specific needs</b> <i>The Star – Your Opinion</i> Section, p16, 27th September 2024</p>	2A	<p>President, PEPS (2024) <b>Broader scope of property management</b> <i>The Star – Your Opinion</i> Section, p16, 28th September 2024</p>
3	<p>Bunga Raya Management Corporation (2024) <b>Balance between needs and affordability</b> <i>The Star – Your Opinion</i> Section, p14, 30th September 2024</p>	3A	<p>President, MIPFM (2024) <b>The value of professional property management - education, expertise and accountability</b> <i>EdgeProp</i> 25th October 2024</p> <p><a href="https://www.edgeprop.my/content/1910847/value-professional-property-management-%E2%80%94-education-expertise-accountability">https://www.edgeprop.my/content/1910847/value-professional-property-management-%E2%80%94-education-expertise-accountability</a></p>



By publishing the articles, our members will be able to follow the debate and understand the issues relating to the new Board proposal.

Property management is a well established profession in many parts of the world particularly the Commonwealth countries. New entry into the profession is by pursuing a degree in real estate/real estate management/property management. These graduates become property professionals when they are registrants with BOVAEP. The registrants may offer professional services in property management, valuation and estate agency as their professional competencies. Many opportunities related to property management are available as career options. For example: property asset management, property portfolio management, corporate real estate management, facilities management, management of REIT properties, real estate fund management etc.

Upholding our professional practice and protecting the property management industry are the way forward. ■



**Professor PMgr Dr. Ting Kien Hwa**

FMIPFM, FRICS, FRISM, MPEPS

*Founding Editor & Editor-in-Chief*

*The Property Manager*







# REN RENEWAL PROGRAMME (RRP)

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- ✓ **AUGUST:-**
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  - 14 AUGUST 2024
- ✓ **SEPTEMBER:-**
  - 2 SEPTEMBER 2024
  - 23 SEPTEMBER 2024
- ✓ **OCTOBER:-**
  - 7 OCTOBER 2024
  - 28 OCTOBER 2024
- ✓ **NOVEMBER**
  - 7 NOVEMBER 2024
  - 25 NOVEMBER 2024
- ✓ **DECEMBER**
  - 2 DECEMBER 2024
  - 8 DECEMBER 2024
  - 23 DECEMBER 2024
  - 28 DECEMBER 2024

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# ARTICLE 1

## PROPERTY MANAGER VS BUILDING MANAGER — ARE THEY THE SAME?

DR FOO CHEE HUNG

Principal Researcher, MKH Bhd.

### THE CHANGING PROPERTY LANDSCAPE AND THE IMPORTANCE OF PROPERTY MANAGEMENT

Malaysia's real estate is closely related to its economic trends, housing policies and demographic changes. Over the past decades, as Malaysia undergoes a major transformation from an economy largely dependent on agriculture and commodities to a more robust industrial and service-oriented economy, the country's major cities are also experiencing a rapid proliferation of high-rise developments, with new residential, commercial and mixed-use towers reshaping the urban skyline.

The reasons to embrace tall building typography are multi-faceted, as they reflect the shifting dynamics of urbanisation, rising population, rural-urban migration, soaring house and land prices, urban regeneration, etc. Especially in densely populated urban areas like the Klang Valley, where horizontal expansion is often impractical; building upwards is not only a response to the population boom and scarcity of land in urban areas, but also an adaptation to evolving urban

lifestyles. The trend of "going vertical" will continue to gain traction in the Klang Valley, as can be seen from the changes in the regional property landscape, where the ratio of landed to high-rise were 55:45 in 2002, but 40:60 in 2024 (Figure 1).

A strata property is a scheme where the building or land is divided up into individual lots, and comes with common property. A strata title allows individual ownership of part of a property (called a "lot" and generally an apartment or townhouse), combined with shared ownership in the remainder (called "common property" e.g. foyers, driveways, gardens, etc) through a legal entity called the owners' corporation. Strata development is vital in helping a high-density city to be more dynamic in terms of offering a modern and convenient urban lifestyle.

Over the years, strata development recorded a steady increase. According to the Commissioner of Buildings (COB) under the Ministry of Housing and Local Government (KPKT), there are a total of 1,589,183 strata units in Peninsular Malaysia as at December 2020. In Kuala Lumpur alone, there are currently 5,500 strata schemes comprising more than 750,000 units.

As stratified housing rises in prominence, people begin to realise there is a need for effective property management to provide high-quality urban living experience. This is because proper handling and maintenance of residential high-rises are crucial to ensuring the buildings' continued functionality and the satisfaction of their occupants in the long run.

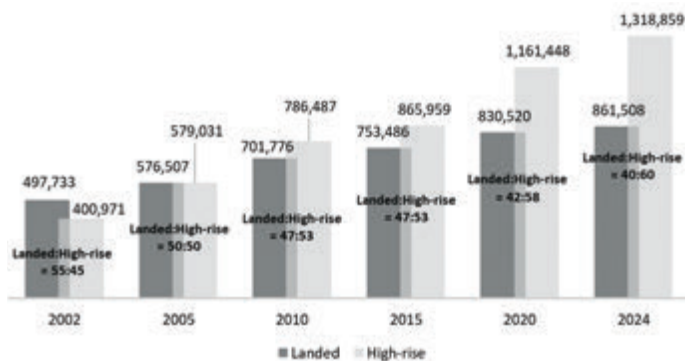


Figure 1: Existing stocks of landed and high-rise properties in Klang Valley



Furthermore, there is a growing recognition that effective property management is able to increase the long-term investment value of the property. A completed building can remain in place for many years. But, if it is not managed and maintained properly, the building will deteriorate quickly, thereby undoing all the efforts in the design and construction of the building.

Realising that property management is a key factor impacting both the operation of buildings and property values, the profession is regulated under the Valuers, Appraisers, Estate Agents and Property Managers Act (VAEP) or Act 242 in short; and the Board of Valuers, Appraisers, Estate Agents and Property Managers (BOVAEP) is established to oversee and control the activities of practising property managers in the country, as well as strengthen professional integrity and ethics.

## INCOMPETENCY IN PROPERTY MANAGEMENT

However, challenges still persist in this profession, particularly concerning the incompetency of property managers in addressing various building maintenance issues that have negatively impacted high-rise residents' satisfaction level. Most of the time, complaints are found through social media about the failure of property managers in delivering mundane maintenance works such as cyclical repairing, rewiring, servicing of mechanical and electrical equipment, repair or replacement of defective parts of the building, etc.

Some may blame the root cause of such incompetence to the non-compliance of industry players to regulations and standards, where there are many who carry out property management activities and services but are not registered under BOVAEP.

However, the professionalism level of the registered ones is also questioned by many. This is because BOVAEP allows "registered valuers" to practise property management even when they do not possess the appropriate qualifications and experience in building maintenance. Most often, these "valuers-cum-property managers" lack experience in dealing

with regulations related to building maintenance, and rely heavily on contractors or site supervisors for routine building maintenance.

The fact is, there is a clear distinction in the nature and extent of responsibilities between a valuer and a property manager. The duties of a valuer primarily revolve around property valuation, whereas a property manager's role encompasses tasks such as managing and maintaining the functionality of a building, financial and administrative oversight, and facilities management, among other functions. The stark imbalance in supply and demand for property managers caused by the rapid increase of stratified housing stocks is likely to increase the number of inexperienced and incompetent property managers practising in the industry.

More importantly, it was never the intention of the Parliament to include property management as one of the functions of valuers when the Valuers, Appraisers, Estate Agents Act (VAVE) was implemented in 1981. Instead, the Strata Management Act (SMA) (Act 757) is a very specific and clear piece of legislation that deals with the maintenance and management of stratified properties.

Since Act 757 did not have laws that provide regulatory control over property managers, while the then Board of Valuers, Appraisers, and Estate Agents (BOVAE) already had its own guidelines regarding property management standards, and it required unnecessary costs for the government to set up another "board" to cater to property managers; the amendment of Act 242 to cover the profession of property management was deemed to give assurance to property tenants and owners that they were dealing with genuine property managers that were under the purview of the Ministry of Finance (MOF).

Unfortunately, such amendment has raised concerns and criticisms from industry players, as building management — currently under the purview of the KPKT — which has to do with the organisation, management and maintenance of buildings, is a completely different discipline from property



valuation, or even property management, which is a term that is often misunderstood by many and is being used interchangeably with building management.

### DEFLECTING THE COMMON INDUSTRY PRACTICE

In common industry practice, the owner or joint management body/management corporation (JMB/MC) in a stratified building engages a managing agent, who is normally an engineer or a person that possesses the engineering background to deal with the day-to-day maintenance and management of the common areas, facilities and services in a building. This managing agent is also tasked to attend to complaints and queries from owners, visitors and tenants, as well as to advise on various administrative and operational issues of the building. This managing agent is regulated under Act 757, and most, if not all of them, are practising as building managers.

On the other hand, a property manager is supposed to refer to as a person, a firm or a company that, on behalf of the owner of any land, building and any interest therein, manages and controls such properties to maintain or increase their investment value or physical worth. Under the amended VAEP, "property management" means management and control of any land, building, and any interest in the land or building, excluding the management of property-based businesses, on behalf of the owner for a fee, whereas its practices include:

1. enforcing the terms of leases and other agreements pertaining to the property;
2. preparing budgets and maintaining the financial records for the property;
3. monitoring outgoings for the property and making payments out of the income from the property;
4. advising on sale, purchase and letting decisions;
5. advising on insurance matters;
6. advising on the opportunities for the realisation of development or investment potential of the property;
7. advising on the necessity for upgrading the property or for the merging of interests;
8. managing and maintaining the building and facilities attached to the building; and
9. making or checking of inventories of furniture, fixtures, trade stocks, plant or machinery, or other effects.

Apparently, a building manager coordinates the maintenance and upkeep of the common property, while a property manager acts as a middleman between a tenant and his/her landlord. Though in most casual conversations these two terms are similar enough; the actual role and responsibility of a property manager and a building manager are very much different in nature from each other, and should not be mixed up and confused. More importantly, based on the Attorney General Chambers' interpretation during consultations on the amendment of Act 242:

*"In the event a person is appointed by the JMB or MC as a person or agent who is responsible for the maintenance and management of the common property pursuant to paragraphs 21(2)(f) and 59(2)(f) of Act 757, or is appointed by the COB as a Managing Agent pursuant to subsection 86(1) of Act 757, then the said person or agent does not commit an offence pursuant to Section 30 of Act 242 because he is acting under Act 757, and is not acting under Act 242."*

Sad to say, the amendment that incorporated in VAEP does not make the distinction between a property manager and a building manager; yet, the inclusion of the designation Managing Agent under section 22J(1) Act 242 has resulted in the forced service of the "valuer-cum-property manager", where only a valuer registered under Act 242 can practise as a property manager as well as a building manager.

This "forced service" has not only deprived those "non-valuer building managers" of their right to use the designation Managing Agent, but has further restricted them from undertaking building maintenance and management of the common property; though the "non-valuer building managers"

are pioneers in their field and have been managing stratified properties for many years. This is, indeed, an usurp of KPKT's powers and is contrary to Act 757.

To note, most, if not all strata buildings, especially those low- and medium-cost housing, are commonly managed and maintained by non-valuer building managers, who are engaged by the JMB/MC through competitive bids. These non-valuer building managers are in charge of the day-to-day operations of the building, from safety, security, cleanliness, to mechanical and electrical (M&E) installations, which are way more cost-effective than the fixed scale-based valuer-cum-property managers. Notably, the scale fee for a valuer-cum-property manager is a minimum 7.5% of gross annual rent or RM50 per unit per month, whichever is higher. This is definitely a significant additional cost burden to the JMB/MC that has to be met via an increase in the maintenance fee.

Though a one-year window period was offered, from Jan 1 to Dec 31, 2018 to the practising non-valuer building managers with property management experience or qualification to register themselves as licensed property managers following the amendment of Act 242, many obstacles had been placed in the registration exercise to frustrate the applicants, including the objection to the request made by the then KPKT minister for the extension of the time-window for non-valuer Building Managers to register with BOVAEP. As reported by EdgeProp on Oct 12, 2019, only one-third of unlicensed property managers managed to undergo the registration.

Those who were accepted for registration, however, discovered belatedly in their approval letters that the "registered property manager" will be required to practise via a "registered valuers firm," and no freelancing is allowed. This effectively means that all practising building managers can only be employed by "registered valuers firms", which is definitely a monopoly in the profession of property management.

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Uy Kuan Kuan You Wai

## THE NEED TO ESTABLISH A BOARD OF BUILDING MANAGERS

Building management is a multi-disciplinary management function encompassing general operations and maintenance, engineering, safety, security and health, financial and credit control, leasing and tenancies; which is seen to be increasingly technology-driven by computerisation, building automation, energy management, security and safety control and surveillance apart from the mundane maintenance, etc. Realising that what stratified property owners need is a competent building manager, not a valuer-cum-property manager, the profession and contributions of a building manager should be rightly recognised.

As reported by the Building Management Association of Malaysia (BMAM), there are currently an estimated 30,000 practitioners managing buildings, and the number is growing in tandem with the growth of both non-subdivided and sub-divided (stratified) buildings. Hence, it is imperative to establish a Board of Building Managers (BOBM) to improve the regulatory function



and professionalism in the building management industry, as well as to provide life-long learning and up-skilling of building managers through continued education and professional courses.

Since all buildings, from the conception, planning, construction, certification for completion and continuing control and licensing for health and safety are under the regulatory authority of KPKT, it is appropriate and logical for the proposed BOBM be established under the auspices of KPKT.

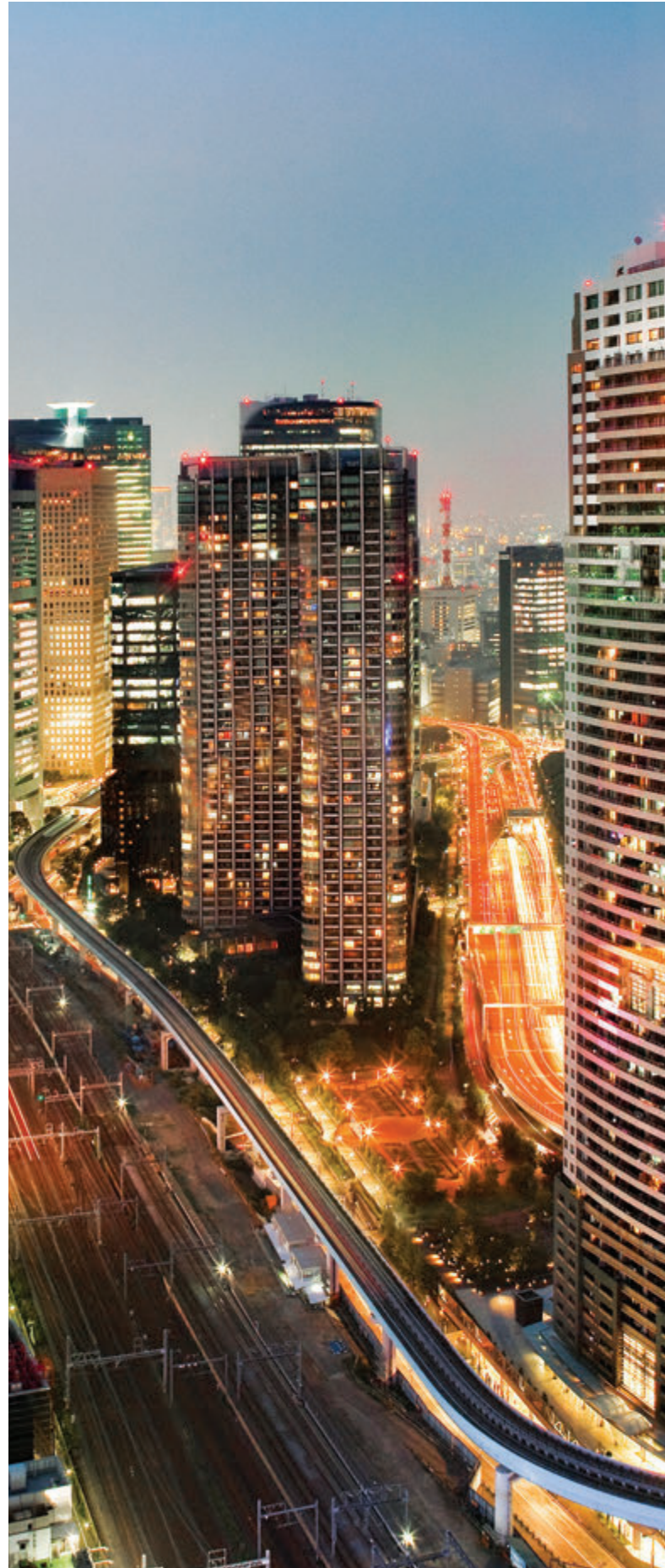
More importantly, there is a need to consider the relocation of regulations with regard to building manager and building management from the MOF to KPKT; so as to restore a balanced property industry ecosystem, where each individual stakeholder strives to look for ways to collaborate and leverage the power as a whole, in such a way to create a constantly evolving relationship not only to survive but to thrive.

This is in line with the Madani concept, which is an integrated and holistic effort to make all policies and implementations in Malaysia more humane while emphasising on:

“Willingness to accept change, taking into account the suggestions of all levels of society with the desire for recovery through substantive reforms for the sake of a more advanced and prosperous Malaysia”. ■

**SOURCE:**

<https://www.edgeprop.my/content/1910523/property-manager-vs-building-manager-%E2%80%94-are-they-same>



# ARTICLE 1A (REBUTTAL) COALITION OF PROFESSIONALS OBJECT TO PROPOSED NEW REGULATORY BOARD FOR BUILDING MANAGERS

MIPFM, RISM, PEPS, IMPAC, PENILAISAMA, PEPAM

*Below is an open letter addressed to the Minister of Housing and Local Government on 27th September 2024 which has been reproduced without edits.*

**SUBJECT: OBJECTION TO THE PROPOSAL FOR A NEW REGULATORY BOARD FOR BUILDING MANAGERS BY THE MINISTRY OF HOUSING AND LOCAL GOVERNMENT (KPKT), MALAYSIA**

We are a coalition of professionals representing the following institutions in Malaysia, all of which are directly involved in the management and maintenance of buildings:

1. Malaysian Institute of Property and Facility Managers (MIPFM);
2. Royal Institution of Surveyors Malaysia (RISM);
3. Association of Valuers, Property Managers, Estate Agents, and Property Consultants in the Private Sector, Malaysia (PEPS);
4. Institute of Malaysian Property Agents and Consultants (IMPAC);
5. Persatuan Penilai Sektor Awam Malaysia (PENILAISAMA); and
6. Persatuan Pegawai Penilaian Pihak Berkuasa Tempatan Malaysia (PEPAM).

We are aware of the Ministry of Housing and Local Government's (KPKT) proposal to establish a new regulatory board for building managers.

On behalf of our members, we write to express our strong disagreement with this proposal and to voice our growing concerns, as outlined below:

**1. FORMAL OBJECTION TO KPKT'S PROPOSAL**

We wish to convey to YB our collective and unanimous objection to the proposal for establishing a new regulatory board for building managers. This proposal undermines the existing well-established property management regulatory framework that has effectively governed the profession for over four decades. It would result in unnecessary duplication, potential inefficiencies in property management oversight, and a waste of public funds.

**2. EXISTING LEGISLATION AND REGULATORY FRAMEWORK**

The profession of Property Management Practice by property managers has been rigorously regulated by the Board of Valuers, Appraisers, Estate Agents, and Property Managers (LPEPH) under the Ministry of Finance Malaysia since 1981. This regulation is grounded in the Valuers, Appraisers, Estate Agents, and Property Managers Act 1981 (Act 242) and its subsequent 1986 Regulations. The long-standing presence and effectiveness of this framework have ensured that property management is treated as a professional career, supported by stringent standards, regulatory oversights, higher education qualifications and continuous professional development in property management. The Act 242 framework remains relevant, comprehensive, and capable of



addressing all aspects of property management across the nation, including in East Malaysia. The role of Property Manager registered under Act 242 is by default recognized or amplified in Act 757.

### 3. HISTORICAL CONTEXT AND INCLUSIVE APPROACH BY LPEPH

In 2018, LPEPH demonstrated its commitment to inclusivity by opening a 12-month registration window for experienced building managers without formal qualifications. This allowed them to obtain licenses without academic qualifications or passing the test of professional competence, provided they met LPEPH's entry requirements for the aforesaid window opening period. This proactive measure was a direct response to concerns raised in 2017, when some parties sought to redefine property management as a business venture rather than a profession, arguing that many experienced but unqualified building managers were excluded from LPEPH registration. This inclusive approach also ensured representation within the board for organizations such as Real Estate and Housing Developers' Association Malaysia (REHDA) and Malaysia Shopping Malls Association (PPK), alongside established professional associations. LPEPH's initiative provided a balanced solution, addressing concerns without compromising the profession's integrity or the public interest. It effectively mitigated the issue of unregistered property managers while maintaining centralized, professional oversight under LPEPH.

### 4. EDUCATIONAL INSTITUTIONS AND PROFESSIONAL DEVELOPMENT

Property management, including building and facility management, is unequivocally a professional career. This is evidenced by the numerous local universities and higher education institutions — such as UITM, UTM, UM, UTHM, UTAR, and INSPEN — that offer

specialized diploma, bachelor's, and postgraduate courses in Property Management, also known as Estate Management. These institutions have produced over 31,702 graduates (with degrees, diplomas, and certificates) to date, who meet the industry's workforce demands. After gaining the requisite experience, these graduates undergo a rigorous test of professional competence before qualifying as Registered Property Managers under LPEPH. Currently, 2,290 Property Managers are registered with LPEPH. This professional pipeline underscores the robustness of the current regulatory framework and the lack of necessity for establishing a new board.

				Graduates	
				Since	Start year to 2023
<b>PUBLIC UNIVERSITY</b>					
1	Universiti Teknologi Malaysia	UTM	* Bachelor of Science (Property Management)	1973	4,150
		UTM	* Bachelor of Science (Land Administration and Development)		
2	Universiti Teknologi MARA	UiTM	* Bachelor of Real Estate Management	1980	18,000
3	Universiti Malaya	UM	* Bachelor of Real Estate	1997	980
4	Universiti Tun Hussein Onn	UTHM	* Bachelor of Real Estate Management	2003	2,022
<b>SEMI-PUBLIC UNIVERSITY</b>					
1	Tunku Abdul Rahman University of Management and Technology	TARUMT	* Bachelor of Real Estate Management (Hons)	2013	277
2	Universiti Malaya-Wales	IUMW	* Bachelor of Real Estate Management & Auctions (Hons)	2019	50
					<b>25,479</b>

Notes: (\*) These are the internationally recognized and established degrees for graduates of property management.

Why does KPKT want to waste public funds by disregarding the higher education system in property management, which has been established since 1973? Over 25,000 degree graduates have been produced by local public and semi-public universities alone, not including those from private universities in Malaysia and those who graduated from overseas.

Academics in this discipline are trained and developed both locally and internationally. INSPEN, a national training institute, was established using federal funds to provide semi-professional and technical training in property management.

### 5. WASTE OF PUBLIC FUNDS

The proposal to establish a new regulatory board is redundant and fiscally irresponsible. LPEPH has successfully regulated registered property managers and professional property management practices

for over 43 years, overseeing the entire spectrum of real estate management, including stratified and non-stratified developments across residential, commercial, retail, and industrial properties. Creating a new board would not only duplicate existing efforts but also waste public resources, especially when Act 242 remains a relevant and comprehensive legislative instrument.

Moreover, as highlighted in past discussions, the idea of licensing strata property managers under the Commissioners of Buildings (COBs) is particularly ill-conceived. The decentralized nature of COB oversight across different states, especially in areas where COBs do not exist (e.g., Sabah and Sarawak), would lead to inconsistent regulation and potential lapses in professional standards.

## 6. RECOGNITION IN THE MID-TERM REVIEW OF THE 12TH MALAYSIA PLAN

The vital role of Registered Property Managers in managing stratified developments was explicitly recognized in the Mid-Term Review of the 12th Malaysia Plan by the Prime Minister. This acknowledgement underscores the critical role these professionals play in ensuring the efficient management and sustainability of stratified developments across the country. It is evident that the existing framework under LPEPH is both effective and essential, and does not warrant the introduction of a new, potentially disruptive board.

## 7. STRENGTHENING EXISTING COLLABORATIONS

The existing collaboration between LPEPH Registered Property Managers and the Commissioners of Buildings, many of whom hold qualifications in property management and are themselves Registered Property Managers, has long been a cornerstone of effective property management in Malaysia. This partnership has consistently delivered high standards of service and has contributed significantly to the stratified development industry. Rather than creating a new board, efforts should be focused on strengthening this collaboration, ensuring that it continues to serve the public interest without

unnecessary duplication or wasteful expenditure of public funds.

## 8. CONFLICT OF INTEREST AND BMAM'S INVOLVEMENT

Building Management Association of Malaysia (BMAM), which represents a significant number of major developers, has a clear conflict of interest in pushing for a new regulatory board for building managers. More often than not, developers have direct interests in the management of properties, especially during the initial phases after construction. BMAM has been a vocal advocate for the creation of a new regulatory board under KPKT. Allowing them to influence the regulation of property managers raises concerns about impartiality, the protection of public interest, and the potential for compromised standards. The existing regulatory framework under LPEPH already provides sufficient oversight to ensure professional standards and public accountability, without the need for a new board that might cater to specific developer interests.

The involvement of BMAM in promoting this proposal suggests an agenda that may prioritize the interests of developers over those of property owners and residents. This conflict of interest underscores the importance of maintaining the existing centralized and independent regulatory framework under LPEPH, which has no ties to commercial developers and is solely focused on upholding professional standards and protecting the public interest.

## 9. REBUTTAL OF ALLEGATION OF MONOPOLY BY VALUERS / VALUER PROPERTY MANAGERS

It has been alleged that the current regulatory framework for property management under LPEPH constitutes a monopoly by Valuers. However, under Act 242, all property management services are provided by Registered Property Managers through registered property management firms. Valuers themselves do not offer property management services. Therefore, there is no monopoly of Valuers in the property management industry. Additionally, the designation of "Valuer Property Manager" does



not exist under Act 242. The allegation is baseless, misleading, and entirely without merit.

The claim of monopoly overlooks the fact that LPEPH's regulatory structure is inclusive and open to all qualified individuals. Anyone who meets the required educational qualifications and successfully passes the professional examination is eligible for registration as a Property Manager under LPEPH. This process is designed to ensure that only those who have demonstrated the necessary knowledge and competency are allowed to practice, thereby safeguarding the public interest.

Moreover, LPEPH's framework includes representatives from various sectors, such as REHDA and PPK, ensuring that the regulatory process remains balanced and reflective of the industry's diverse stakeholders. Therefore, the allegation of monopoly is not only baseless but also disregards the open, merit-based registration process that is fundamental to maintaining professional standards in property management. The rigorous standards upheld by LPEPH are necessary to maintain the integrity of the profession, rather than a means of monopolistic control.

## 10. PROPERTY MANAGERS, BUILDING MANAGERS AND PROFESSIONAL PROPERTY MANAGEMENT PRACTICE

It is crucial to emphasize that registered property managers also include those building managers who are registered as property managers by LPEPH. Under this system, the professional property management practice is where a registered property manager provides property management service to a client for a fee through a licensed property management company that is also regulated by LPEPH, ensuring that all activities are conducted according to the highest professional standards.

This approach not only ensures that property management services are offered by qualified and competent individuals but also provides a clear regulatory framework for accountability. This framework is designed to protect the interests of clients and the public, ensuring that

property management services are delivered with professionalism and integrity. Establishing a new regulatory board would disrupt this established and effective system, creating unnecessary confusion and fragmentation in the industry.

By maintaining the regulation under LPEPH, all property managers, including building managers, continue to operate under a unified standard that upholds the profession's integrity and ensures that public interests are safeguarded.

## 11. MAJORITY OF COMPLAINTS IN THE STRATIFIED DEVELOPMENTS

The majority of complaints received by LPEPH and the Commissioner of Buildings (COB) involve unregistered property managers and the misuse of power by Joint Management Committees (JMCs) and Management Committees (MCs). These complaints highlight the ongoing challenges within the industry that stem from unqualified individuals attempting to manage properties without proper oversight. Establishing a new regulatory board will not address these core issues; rather, it risks diluting the enforcement capabilities of the existing framework, potentially exacerbating the problem. Strengthening the existing system under LPEPH, which already has a proven track record of dealing with these issues, is the more prudent approach.

In the Mid-Term Review of the 12th Malaysia Plan, the Prime Minister has expressed the need to amend the Strata Management Act 2013 (Act 757) to reinstate the role of Registered Property Manager under the Valuers, Appraisers, Estate Agents, and Property Managers Act 1981 (Act 242) so as to close the gate for unregistered property manager to be appointed by Joint Management Bodies (JMBs) and Management Corporations (MCs).

We truly appreciate your wisdom to understand the issue and, should Yang Berhormat need further clarification and information, kindly contact our Secretariat at 03-79601261 / 019-6008022 or email: [secretariat@mipfm.org.my](mailto:secretariat@mipfm.org.my). ■

# ARTICLE 1B (REBUTTAL) STRICTER REGULATION NEEDED IN PROPERTY MANAGEMENT

.....

**ASSISTANT PROF. DR. SR THAM KUEN-WEI**

Tunku Abdul Rahman University of Management and Technology  
Registered Property Manager, Valuer and Estate Agent  
Licensed Auctioneer (Perak)(Penang)(Melaka)(Selangor)

Some unqualified property managers claim that a building manager is responsible solely for coordinating the maintenance and upkeep of common areas, while a property manager merely acts as an intermediary between tenants and landlords. This oversimplification misrepresents the comprehensive role of a property manager.

According to the Valuers, Appraisers, Estate Agents and Property Managers Act 1981, a property manager's responsibilities include enforcing lease agreements, preparing budgets, monitoring expenditures, advising on property decisions, and managing maintenance and facilities. Property managers registered with the Board of Valuers, Appraisers, Estate Agents and Property Managers Malaysia are proficient in lease valuation, provide valuable advisory services, and possess essential knowledge of real estate law, market conditions, and the relevant by-laws. This expertise is especially important when managing commercial properties.

Graduates in estate/property management are trained in property valuation, estate agency operations, and related fields, enabling them to practise in one or more areas. It is therefore unfortunate that some unqualified parties mislead the public by suggesting that valuers are only trained to perform property valuations.

In Malaysia, the property management industry is well established through a robust combination of education, practice, and industry standards. Higher education institutions such as Tunku Abdul Rahman University of Management and Technology (TARUMT), Universiti Malaya (UM), Universiti Teknologi MARA (UiTM), Universiti Teknologi Malaysia (UTM), Universiti Tun Hussein Onn Malaysia (UTHM), University of Reading Malaysia, University of Malaya-Wales etc offer professional degree programmes in estate or property management. Many of these universities collaborate closely with industry experts and the senior experienced professionals are appointed as external examiners as part of the university accreditation framework.

Several professional bodies have also been established to uphold high standards in the property management sector. For instance, the Malaysian Institute of Property and Facility Managers (MIPFM), Royal Institution of Surveyors Malaysia (RISM), and the Association of Valuers, Property Managers, Estate Agents, and Property Consultants in the Private Sector Malaysia (PEPS).



With the demand for effective property management continuing to rise, these institutions are essential in cultivating the expertise necessary to manage properties professionally, efficiently, and sustainably, thereby contributing to the nation's economic growth.

It is also important to note that various international organizations recognize Malaysia's property management education standards. For instance, TARUMT and UM's real estate management degree programmes are both recognised and accredited by the Royal Institution of Chartered Surveyors (RICS).

However, RICS does not recognise any degree specifically titled "building management." So, how can we expect a building manager trained solely in building maintenance to navigate the complexities of the industry without the technical, legal, and professional knowledge required?

How can building managers without such expertise advise on operations such as tenancy management, leasing, rental rates, and the relevant regulations and by-laws?

Calling the profession a monopoly is unjustified. If this is the case, then all lawyers, accountants, and doctors are monopolistic in their own accord. It is not logical to dumb down to meet the requirements of non-professionals who lack the formal education, training, and regulatory procedures required.

Moreover, the shift toward self-regulation in property management, and proposals to establish a new board of building managers to admit non-professionals — those without the required education and technical knowledge — has unfortunately coincided with an increase in reports of corruption, abuse of power, unauthorised activities like illegal homestays, partitioning of strata properties without approval, and the lobbying of unlicensed individuals seeking to create a professional body for managing properties.

These issues have proliferated in properties lacking professional management, and the proposal to create a board composed of non-professionals will not effectively address these systemic problems. What Malaysia truly needs are stricter regulations and an end to the employment of unqualified property managers. ■

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## NOTE

*The views expressed in the article reflect the personal opinions of Assistant Prof Dr Sr Tham Kuen-Wei and may not necessarily represent the positions or perspectives of the University. The opinions offered are based on Dr. Tham's professional experience as a registered property manager, valuer and estate agent.*

# ARTICLE 1C (REBUTTAL)

# NO NEED TO REINVENT THE WHEEL FOR PROPERTY MANAGEMENT PRACTICE IN MALAYSIA

.....

**ASSOCIATE PROF. SR DR. ABDUL JALIL OMAR**

Director, Malaysia Real Estate Institute (MyREI),  
Universiti Tun Hussein Onn Malaysia (UTHM)

People often argue about building management and property management because they fail to recognize that both concepts essentially address the same issues leading to unnecessary disputes over terminology rather than focusing on solutions. There is no need to reinvent the wheel when it comes to managing the increasing number of stratified properties in Malaysia. The country already at the forefront and has a sufficient pool of qualified professional property managers and graduates in property management to meet the rising demands of the industry. While there are ongoing challenges in property management, these should be addressed by improving existing systems rather than creating new regulatory bodies that will waste public funds that against the spirit of Madani Government.

First, Malaysia's property management graduates are well-equipped to handle the current landscape. The country has educational programs that focus on producing competent professionals who understand both property management and building management. These graduates are already versed in managing high-rise developments, and many are registered under the Valuers, Appraisers, Estate Agents, and Property Managers (BOVAEP) under Act 242. Therefore, we don't lack the workforce; what's needed is better enforcement of existing regulations and ensuring that all professionals meet the necessary qualifications.

Second, the distinction between property management and building management is valid, but there is no need for a new board and regulation to govern building managers. Property managers already in practice and well accepted in Malaysian property landscape with the establishment of Valuers, Appraiser, Estate Agents and Property Managers Act 1981 (Act 242), while, building managers exist from parties claim to have the expertise to manage buildings without clear regulations and specific university degree related to building management. The overlap in roles is not as problematic as suggested. Both fields involve a high level of competence in maintaining buildings and ensuring long-term investment value. By improving training programs and enforcing stricter adherence to current regulatory frameworks, we can elevate the professionalism in both areas without splitting them into two entirely separate professions.

Third, relocating the regulation of property management from the Ministry of Finance (MOF) to the Ministry of Housing and Local Government (KPKT) may not solve the perceived problems. KPKT already regulates many aspects of building management through the Strata Management Act (Act 757), which has proven to be effective in ensuring that property managers uphold their responsibilities.



It is a wise structure by the government to have property managers under BOVEAP (MOF) as a check and balance policy. Rather than overhauling the entire system, efforts should focus on enhancing collaboration between the MOF and KPKT to streamline operations, ensuring that both property managers and building managers work within a cohesive framework.

Using the Board of Valuers, Appraisers, Estate Agents, and Property Managers (BOVAEP) as the primary regulatory body for property management, including the management of strata properties, is not only practical but also avoids unnecessary duplication of regulatory structures. Here are several reasons why relying on BOVAEP is a better option than creating new boards or agencies:

### **1. EXISTING FRAMEWORK AND EXPERTISE**

BOVAEP already has a well-established regulatory framework under Act 242, which governs the professions of valuers, appraisers, estate agents, and property managers. The inclusion of property managers under this act ensures that the profession is regulated by a body that understands the intricacies of property valuation, management, and oversight. Adding another regulatory body, like a separate Board for Building Managers, would duplicate functions and cause unnecessary administrative confusion.

### **2. EFFICIENCY AND RESOURCE OPTIMIZATION**

Creating a new regulatory body, such as a proposed Board of Building Managers (BMAM), would require significant resources, including staffing, infrastructure, and financial outlay, universities degree program and pool of graduates to function properly. BOVAEP already has the institutional capacity to regulate property managers. Rather than investing in a new board, efforts can be directed toward improving the current system under BOVAEP—such as enhancing training, updating the syllabus for property managers, and ensuring better compliance.

### **3. PROFESSIONALISM AND INTEGRITY**

BOVAEP has a proven track record of upholding professional standards, integrity, and ethics in the property management profession. It has mechanisms for licensure, professional development, and disciplinary actions when necessary. By relying on BOVAEP, the property management industry can ensure that all practitioners meet established standards and continue to grow professionally, which will increase the level of trust and confidence from property owners and tenants. It has been widely accepted by joint management body (JMB), management corporation (MC) and commissioner of building (COB) itself about the professionalism of the registered property managers under BOVEAP in managing stratified buildings.

### **4. CLEAR REGULATORY OVERSIGHT**

One of the concerns raised is the perceived overlap or confusion between the roles of property managers and building managers. However, this can be resolved within the existing BOVAEP framework. As the industry evolves, BOVAEP has the capacity to refine the regulatory oversight of these two roles, making sure that each profession operates within its defined scope. This can be done by creating specific guidelines within BOVAEP for building management as a sub-discipline, rather than creating a whole new board. Even BOVEAP being open in accepting previous property management practitioners into becoming a registered property manager during window of acceptance by BOVEAP.

### **5. AVOIDING FRAGMENTATION OF THE INDUSTRY**

Introducing another board for building managers could create fragmentation in the property management industry. This could lead to confusion among property owners, and stakeholders regarding whom to engage for different services. Keeping property and building management under a unified regulatory body (BOVAEP) would ensure consistency in standards and avoid the potential for mismanagement or inefficiencies caused by overlapping authorities, thus, reduce the conflict and inconsistencies to the public at large.

## 6. STREAMLINED REGULATION UNDER ONE MINISTRY

The current argument suggests moving building management regulations from the Ministry of Finance (MOF) to the Ministry of Housing and Local Government (KPKT). However, BOVAEP already works under the MOF since the establishment of Act 242 in 1981 and shifting part of the regulatory oversight to another ministry could create bureaucratic delays and confusion. It is more efficient to strengthen the coordination between the MOF and KPKT rather than dividing responsibilities. BOVAEP's role should be expanded to handle the nuances of building management within its existing structure, thus keeping regulation streamlined and focused.

## 7. SUFFICIENT SUPPLY OF QUALIFIED PROPERTY MANAGERS AND UNIVERSITY GRADUATES

Malaysia produces a significant number of property management graduates each year who are capable of handling both property and building management roles. These graduates are familiar with the technical, financial, and administrative aspects of managing strata properties. By utilizing BOVAEP's existing system, these professionals can be licensed and regulated to ensure their competence without needing an additional board.

Currently, there are over 31,702 real estate graduates from public and private universities that qualified to practice in the property management industries since the establishment of these degree in 1973. Universities such as UiTM, UTM, UM, UTHM, UTAR and INSPEN that offers specialized diplomas, bachelor's and postgraduates degrees accredited under strict monitoring by the BOVAEP. After gaining the requisite experience, these graduates undergo a rigorous test of professional competence before qualifying as a Registered Property Manager under the purview of BOVAEP. As to date, 2,290 Registered Property Managers with BOVAEP that must maintain their professionalism and continuous professional development (CPD) to practice their property management activities. Moreover, each year there

will be nearly 1,000 graduates coming from these universities into the market to support the current property management practices.

With these high numbers of graduates in the market and many more is coming every year, there is no need for government to re-invent the wheel to establish a new professional body to practice property management or building management (managing the same building). Let us put this this way, if the doctors graduated from medical degree, engineers graduated from engineering degree, property managers graduated from property management or real estate degree, then, where the building managers will graduate from? Public don't expect anybody from any background from any university degree can claim as an expert in managing building as practice by professionals that graduated from property or real estate management degree accredited by BOVAEP all these years. Moreover, current property degrees from top rank universities in Malaysia also accredited by international body such as Royal Institutions of Chartered Surveyors (RICS) UK.

## CONCLUSION: STRENGTHENING, NOT REINVENTING

In conclusion, the answer lies not in creating a new board or shifting regulatory responsibilities but in optimizing the current BOVAEP system. BOVAEP has the expertise, regulatory framework, and institutional history to effectively manage both property and building management under one umbrella. Strengthening BOVAEP's role, enhancing training programs, and improving regulatory enforcement will ensure that Malaysia's property management practices can meet the rising demands of the industry without the need for costly and redundant new structures. The industry doesn't need new boards or drastic structural changes. Instead, we should leverage the skills of the existing graduates and focus on refining current practices to ensure that all stakeholders are properly trained, qualified, and working within the existing regulatory framework to help our nation moving forward. ■



# ARTICLE 1D (REBUTTAL)

## WHY REGULATION OF PROPERTY MANAGEMENT MUST REMAIN WITH BOARD OF VALUERS, APPRAISERS, ESTATE AGENTS AND PROPERTY MANAGERS (BOVAEP)

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**Sr SUBRAMANIAM A/L ARUMUGAM**  
**PRESIDENT**

Association of Valuers, Property Managers, Estate Agents,  
and Property Consultants in the Private Sector, Malaysia (PEPS)

Property management is a recognized profession, regulated in this country and in many others that value professionalism. Property managers manage the assets of others and are fully accountable, both fiscally and fiduciary. Asset owners who choose to manage their properties by employing staff can certainly do so—there is no issue with that. However, these individuals are employees. The employer, who sets the criteria for hiring, bears responsibility for fiscal and fiduciary matters, not the employee. Thus, the employee does not take any responsibility for the fiscal and fiduciary aspects as these are borne by the employer, the asset owner.

It is important to distinguish between **property management** and **building management**. Building management is only a subset of property management, focused on the day-to-day operational aspects of maintaining a physical structure—ensuring that the building remains functional, safe, and compliant with regulations. Property management, on the other hand, encompasses a broader scope. It includes not just building maintenance, but also financial management and oversight, tenant management, contract administration, and ensuring compliance with laws like the Strata Management

Act 2013 (SMA 2013). Property managers are responsible for the full range of activities related to maximizing the value and usability of a property, while building managers often concentrate on operational maintenance tasks.

Property management is wholesome. Obviously, in the construction of a building, different disciplines are involved from design, engineering to building materials, labour and construction. Subsequently the completed buildings are managed with the only objective: to keep the building sound and safe, and capable of comfortable occupation; maintaining and improving the rentable values; and finally enhance the overall value of the property to the asset owner.

Given this context, for a completed building, it is too simplistic to try to break up the various functions of the property manager and split it into pockets and to demand the setting up of several regulatory boards for each function. The individuals who contributed to the completion of the building have their own regulatory boards to regulate them. They certainly cannot be regulated by another board for the partial involvement in property management, if at all.

Property management, as a whole, is already regulated under the existing framework. All recourse to complaints are to be made to the board. Complaints on illegal property managers abound. However, these are breaches of the law for which the proper authority is the police department. Other than that,

Issues regarding registered property managers are addressed by the regulatory board, and there have been no reports of inadequacies or breakdowns in the current regulatory framework.

Property managers are bound by fiscal and fiduciary duties. It is crucial to maintain the independence not only of property managers but also of the regulatory board overseeing them. The Ministry of Finance (MOF), which currently regulates property management, is independent of housing, building, and land matters. This separation has been well-established and widely accepted as logical and necessary. From the beginning the placing of the regulatory boards dealing with finance, management, valuation, selling and buying of property under the Ministry of Finance has been seen and accepted as well thought out. It must be so.

Shifting the regulation of property management to the Ministry of Housing and Local Government would compromise this independence, creating a conflict of interest. Hence, the call for such a move appears to be motivated by a desire for control per se rather than by a need to improve the system. This must be resisted in order to preserve the current independence of the profession.

For all the above reasons, the regulation of property management must and should continue to remain with the Board of Valuers, Appraisers, Estate Agents and Property Managers (BOVAEP), where it is independent, effective and well-regulated. ■

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# ARTICLE 1E (POLICY REBUTTAL) POLICY ANALYSIS ON THE PROPERTY MANAGEMENT-BUILDING MANAGEMENT ISSUE

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**PROFESSOR PMgr DR. TING KIEN HWA**

Professor, TAR UMT and  
Deputy President, Malaysian Institute of Property and Facility Managers  
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The current debate on the property management-building management issue can be examined from the public policy perspective. The proposal to establish a rival regulatory Board of Building Managers (BOBM) versus the Board of Valuers, Appraisers, Estate Agents and Property Managers (BOVAEP) by the Ministry of Housing and Local Government (KPKT) impinges on public policy affecting the property management industry.

Public policy refers to the decisions, actions, and programs implemented by governments to address societal issues or achieve specific goals. The creation of a new regulatory Board is a deliberate government action aimed at influencing behavior, regulating industries, or protecting public interests. It falls within the purview of public policy as it involves the formulation and implementation of rules and regulations that have significant implications for society. The affected stakeholders are the graduates of property management, strata property owners, tenants, occupiers, Joint Management Bodies (JMBs), Management Corporations (MCs), property management professionals, professional bodies etc.

The establishment of a rival regulatory board, while intended to address certain perceived shortcomings, can also introduce new challenges and weaknesses. Here are some potential drawbacks:

## **1. INCREASED COSTS AND INEFFICIENCIES**

With a significant overlap between the functions and roles of property management and building management, the two Bodies may duplicate their regulatory efforts, leading to increased costs for both agencies and the professional practice they regulate.

The two different Boards may adopt conflicting or overlapping regulations, creating confusion and uncertainty for the practicing professionals, strata management bodies, COBs etc. Why reinventing the wheel when the current regulatory system is already in place since 1981?

Competition between the two Boards can lead to bureaucratic conflicts and a lack of cooperation, hindering effective regulations with dire consequences on the well-being of strata owners, tenants and users.



## 2. REGULATORY CAPTURE

The new regulatory board itself could be captured by special interests or specific industry groups thereby defeating the purpose of its creation. The proposal on BOBM is led by developers with vested interest and the proposed Board smacks of conflict of interests. In contrast BOVAEP is a semi-statutory body supported by the Federal Department of Valuation and Property Services, the National Institute of Valuation (INSPEN) and National Property Information Centre (NAPIC). As a public body, the impartiality of BOVAEP is clear. Why is there a need to transfer some of the property management functions of a public entity to a new Board which is controlled by the private sector especially developers?

## 3. UNDERMINING PUBLIC TRUST

The existence of two regulatory bodies can create confusion and uncertainty among the public, eroding trust in the regulatory system introduced by the Government. The perception of duplication and inefficiency can lead to a loss of public confidence in the government's ability to regulate effectively.

## 4. REGULATORY OVERREACH

The creation of a new regulatory board could lead to increased regulatory burdens on JMBs and MCs. The professionals and management committees of strata properties will need to report to two Boards.

With building management being a subset of property management, the two agencies may have overlapping jurisdictions, leading to conflicting regulations and unnecessary monitoring costs resulting in inefficiencies and waste of public funds.

The unnecessary competition between professionals will stifle growth and innovation in the property management industry hindering the competitiveness of the real estate industry in the Asian region.

## 5. POLITICAL MOTIVATIONS

The establishment of a rival regulatory board could be motivated by political considerations rather than genuine concerns about regulatory effectiveness. Political motivations may lead to short-term policy decisions that do not address the root causes of regulatory problems. It is questionable why REDHA and PPK being board members of BOVAEP since 2018 need to request for the establishment of a separate new Board while suggestions and recommendations from them could have been offered for deliberations and implementations by BOVAEP for the well-being of the industry.

## 6. UNPROVEN TO BE EFFECTIVE

The creation of a new regulatory board may simply reinforce existing problems or create new ones, rather than addressing the underlying issues. The new agency may be constrained by the same factors that limited the effectiveness of the existing regulatory regime. In what way a new unproven Board could offer the solutions when the REDHA and PPK members are already admitted as registered property managers under BOVAEP and its representatives are board members of BOVAEP?

In conclusion, while the establishment of a rival regulatory board may be seen as a potential solution to certain regulatory challenges, it is important to carefully consider the potential drawbacks and weigh them against the expected benefits. A more effective approach may be to reform the existing regulatory system or to create a more collaborative and coordinated regulatory framework which the current BOVAEP is practicing with an inclusive approach. ■

## ARTICLE 2

# Tailor management services to meet specific needs

WE refer to the letter “Stricter regulation needed in property management” (*The Star*, Sept 25).

The issue revolves around a primary concern – whether building management is different from property management, or whether property management includes building management.

As far as the management corporations (MCs) and joint management bodies (JMBs) of residential strata properties are concerned, our management needs mostly pertain to routine building maintenance and repairs, building services (security, cleaning, and landscaping), and management (facilities management, customer relations, collection of monthly charges, accounting, building administration, and enforcement of house rules).

There are not that many transactions (in reality, none) involving the sale of vacant strata units (estate agency), leasing of units, managing tenancies, and related functions. These are well beyond the scope of our day-to-day needs.



By extension, the services of a full-fledged property manager (or a property management firm) are not necessary for us.

Clause 6 of the Second Schedule of the Strata Management Act 2013 (SMA) gives MCs power to “employ agents and servants” to manage and maintain the subject properties.

MCs have confined themselves to the powers granted by the SMA and have engaged the services of experienced building managers to look after their day-to-day needs

as mentioned earlier.

Most, if not all, of the services involved can be performed by experienced staff and managers who have been in the building management field for many years.

Building management companies providing management services also have cash-in-transit and related insurance coverage as protection against any possible losses of cash collections.

It should be noted here that for many MCs and JMBs, including ours, between 80% and 90% of

maintenance charge collections are received online, hence the possibility of loss of cash in transit is very minimal, if none at all.

As for possible abuse of power and corruption, it may be stated that even government departments face this scourge, as evidenced by several cases of corruption and abuse of power involving senior government officers.

The appointment of registered property managers is not an automatic guarantee of immunity against corruption and abuse of power. MCs can always lodge police reports should such situations arise.

It is our considered view that self-regulation of building management, with building management services tailored according to the specific needs of stakeholders (strata owners), is the way forward in sustaining the building management sector in Malaysia.

**BUNGA RAYA MANAGEMENT CORPORATION**  
Ampang, Selangor

## ARTICLE 2A (REBUTTAL)

# BROADER SCOPE OF PROPERTY MANAGEMENT

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The Star – Your Opinion Section, p16, 28th September 2024

WE refer to the letter “Tailor management services to meet specific needs” (*The Star*, Sept 27). It is important to clarify several key points regarding self-management and broader responsibilities of managing strata properties.

The Valuers, Appraisers, Estate Agents, and Property Managers Act 1981 (Act 242), which regulates professional property managers, does not disallow self-management by joint management bodies (JMBs) and management corporations (MCs).

Similarly, the Strata Management Act 2013 (Act 757) governs the management and maintenance of common properties by JMBs and MCs, and also indirectly grants them the right to self-manage their strata properties. This includes directly employing staff, such as building managers, to carry out property maintenance and other duties. This flexibility allows these bodies to exercise greater control over the management and finances of their developments.



However, it is important to note that building management is merely a subset of the broader disciplines of property management. While experienced building managers can competently oversee daily operations such as maintenance, repairs, and security, they may lack the expertise to advise on the full spectrum of property management.

This includes strategic planning, financial oversight and, crucially, ensuring compliance with the complex legal obligations under the SMA 2013.

Property management encompasses a much wider range of the responsibilities, including adherence to legal and regulatory frameworks, dispute resolution, and long-term financial planning.

Without professional property management expertise, many MCs and JMBs may struggle to fulfil their legal responsibilities effectively, which can lead to mismanagement and conflicts.

While some self-managed strata developments have been successful in maintaining their properties and serving the interests of owners and occupiers, many others have face challenges.

Issues such as poor financial control, inadequate maintenance, and failure to comply with the SMA 2013 have led to conditions that negatively impact both property values and residents' quality of life. The independence and impartiality of property managers become crucial when conflicts arise among committee members.

The flexibility provided by Act 242 and SMA 2013 is intended to empower strata developments to choose the management model that suits them best. However, it also highlights the importance of expertise and proper oversight.

So, while Act 242 and SMA 2013 provide strata developments with options for self-management, the distinction between building management and full-spectrum property management cannot be overlooked.

The broader scope of property management requires specialised knowledge and legal compliance that may exceed the capabilities of those solely focused on building management.

Consequently, MCs and JMBs must carefully assess whether they have the necessary expertise before opting for self-management. ■

### **Sr SUBRAMANIAM A/L ARUMUGAM PRESIDENT**

Association Valuers, Estate Agents, Property Managers and Property Consultants in the Private Sector Malaysia (PEPS)





## ARTICLE 3

WE refer to “Broader scope of property management” (*The Star*, Sept 28; online at [bit.ly/47K94R2](https://bit.ly/47K94R2)). We note that the writer considers building management as a subset of property management.

The Strata Management Act 2013 (SMA) is the primary and principal source of legislation that gives the Management Corporations (MCs) and Joint Management Bodies (JMBs) of strata properties their legitimacy, power and authority. Schedule 2, Clause 6 of the SMA confers the MCs the power and authority to “employ agents and servants” without third party involvement or interference. The MCs and JMBs are not bound by any other laws other than the SMA. They are deemed to be the legally authorised representatives of strata property owners.

### Balance between needs and affordability

The primary duties and functions of MCs and JMBs only concern the maintenance and management of common property in the subdivided building premises. Sections 21 and 59 of the SMA clearly define the duties and powers, and list out the scope of work, role and functions of the JMBs and MCs respectively. They need not be repeated here.

MCs and JMBs are not required to be engaged in leasing, estate agency and related functions. If strata unit owners wish to rent out or sell their units, they may individually engage the services of estate agents and property valuers to undertake these tasks. These have got nothing whatsoever to do with the day-to-day

functions of JMBs and MCs.

Building management companies have experienced building managers and executives to provide support for the daily, routine functions and services of the JMBs and MCs. These have been going on successfully for decades.

Since JMBs and MCs are trust agencies, Sections 36 (for JMBs) and 80 (for MCs) of the SMA require all surpluses of collections received from strata owners to be deposited in fixed deposit accounts held with licensed financial institutions. Issues such as leasing and investment advice for JMBs and MCs therefore do not arise.

As stated by the writer, since building management is a subset

of property management, there is no need for JMBs and MCs, particularly the residential strata sector, to engage the services of registered property managers who provide the full range of services for commercial properties. In building management, a balance has to be achieved between stakeholder (strata owners) needs and affordability for long-term sustainability.

In conclusion, if a four-member family only needs a 1,000cc compact car, why should it be forced to buy a bus?

**BUNGA RAYA MANAGEMENT CORPORATION**  
Ampang  
Selangor

## ARTICLE 3A (REBUTTAL)

# THE VALUE OF PROFESSIONAL PROPERTY MANAGEMENT – EDUCATION, EXPERTISE, AND ACCOUNTABILITY

**PMgr ISHAK BIN ISMAIL**

President

Malaysian Institute of Property and Facility Managers (MIPFM)

In response to the Letter to the Editor titled “*Balance between needs and affordability*” published on 30th September 2024 in *The Star – Your Opinion* section, p14, it is essential to address the misunderstandings surrounding the roles of professional property managers compared to building managers. While the article highlights on the contributions of building managers, it overlooks the immense value of professionally trained property managers, whose qualifications and expertise go far beyond basic administrative tasks. The complexity of strata

management requires more than just operational oversight—it demands a combination of rigorous education, legal accountability, and strategic insight, which building managers lack.

Professional property management is a specialized field that requires a strong educational foundation. Licensed property managers undergo formal academic training, often obtaining degrees in property management, estate management, real estate, or related disciplines. These programs cover

## THE PROPERTY MANAGER

essential subjects such as property law, maintenance management, building technology, corporate real estate management, risk assessment etc, all of which are crucial for managing large and complex strata developments.

Building managers, however, do not typically possess this level of training. While they may be capable of handling day-to-day operations, they often lack the comprehensive knowledge required to ensure the long-term sustainability and financial health of a property. The assumption that building managers, with minimal specialized education, can adequately manage these critical tasks is both short-sighted and risky for the strata community.

Beyond their academic training, property managers must pass rigorous examinations and obtain professional licenses from regulatory bodies like the Board of Valuers, Appraisers, Estate Agents and Property Managers (BOVAEP) in Malaysia. These certifications guarantee that property managers meet high standards of competence and ethical practice. Moreover, registered property managers with BOVAEP are required to undergo Continuous Professional Development (CPD) training to stay up to date with industry trends, changes in legislations, and new proptech etc.





Building managers, by contrast, are not subjected to these stringent professional standards or continuous education requirements. The lack of a formal regulatory framework governing building managers leaves a significant gap in accountability and professional development. In a rapidly evolving industry like property management, where compliance and sustainability are paramount, relying on individuals who are not professionally qualified puts the long-term viability of the property at risk.

Registered property managers are bound by strict legal obligations, making them directly accountable for their actions. They manage large sums of money, ensure compliance with regulations, and are responsible for upholding the rights of all strata owners. Professional indemnity insurance further protects strata communities in the event of financial mismanagement or legal disputes. This level of accountability is crucial for ensuring transparency and safeguarding the interests of all stakeholders.

Building managers, however, are not legally bound by the same requirements, and this can lead to a lack of oversight in financial management, legal compliance, and dispute resolution. Without the legal accountability that licensed property managers bear, strata communities are left vulnerable to potential errors or financial mismanagement that could severely impact the property and its owners.

Property management is not merely about operational maintenance - it involves long-term strategic asset management. Professional property managers are trained to plan for a property's future, ensuring that it remains financially sustainable, compliant with regulations, and competitive in the marketplace. Their expertise in capital expenditure, asset preservation, and sustainability initiatives ensures that the property remains a valuable investment for years to come.

Building managers, lacking the depth of education and strategic training, may focus solely on immediate needs, neglecting the long-term viability of the property. This short-term thinking often results

in underfunded maintenance programs, missed opportunities for energy-efficient upgrades, and a decline in overall property value. Strata communities need professional property managers to ensure that they are not just maintaining their assets, but growing and protecting their investments for the future.

The article attempts to simplify the debate with an analogy, suggesting that just as a family of four does not need a bus when a compact car will suffice, strata communities do not need professional property managers if they can be managed by building managers. However, this analogy misses a crucial point: managing a strata property is not akin to running a simple, low-maintenance household. It is a complex and multifaceted task that requires professional expertise, legal knowledge and strategic foresight to ensure long-term sustainability.

A better analogy would be to compare managing a strata property to maintaining a high-performance vehicle. While anyone can drive a basic car, managing a high-end vehicle - or in this case, a multi-million-dollar property - requires the skills and knowledge of a qualified professional. Ignoring the need for professional expertise in the management of such a valuable asset could lead to costly breakdowns and irreversible damage.

In conclusion, the role of a professional property manager cannot be reduced to a simple operational task. Their extensive education, professional qualifications, legal accountability, and strategic expertise are essential for the long-term success of any strata community. To suggest that building managers, those with no formal education or regulatory oversight, can adequately replace professional property managers is to underestimate the complexity of modern property management. Just as one wouldn't expect a compact car to perform the tasks of a bus, one cannot expect building managers without the necessary education and professional qualifications to manage the complexities of a modern strata property asset. ■



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