

THE PROPERTY MANAGER

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SEPTEMBER 2022



5 CPD HOURS
APPLIED
WITH BOVAEP

HRD CORP
CLAIMABLE
COURSE

6TH MIPFM ANNUAL CONFERENCE 2022

15 November 2022 | 9.00AM - 6.00PM
Grand Ballroom Pullman Hotel, Bangsar

FEATURE

House Buyers Self Guide
to Homebuyers Tribunal
- Filing Process & Procedure

FEATURE

What is Corporate
Real Estate Asset
Management?

GUIDE

Compoundable Offences Under
Strata Management (Compounding
of Offences) Regulations 2019

PROGRAMME: -

TIME	PROGRAMME
8.30am - 9.00am	Registration
9.00am - 9.05am	Welcoming Address by Organising Chairman, Sr David Looi
9.05am - 9.10am	Opening Remarks by MIPFM President, Datuk Sr Haji Kamarulzaman bin Mat Salleh
9.10am - 9.40am	Address and Official Opening Ceremony by Guest of Honour (GOH)
9.40am - 10.00am	Tea Break

Session 1: Sustainable Property and Facility Management

10.00am - 10.50am	Topic 1: Improving Building Management Through Sustainable Architecture Design by Ar Anthony Lee Tee, Managing Director, Accredited Architect, Independent Forensic Building Inspector and Trainer for Architect Centre Sdn Bhd
10.50am - 11.40am	Topic 2: Effective Residential Strata Management in Singapore by Dr Lim Lan Yuan, President Association of Property and Facility Managers (APFM) Singapore
11.40am - 11.55am	CSS Property Management Solution sharing session
11.55am - 12.45pm	Topic 3: The Future Sustainability of Property and Facility Management by Prof Dr Ismail Omar, Vice Chancellor Geomatika University College
12.45pm - 2.00pm	Lunch

Session 2: PropTech

2.00pm - 2.50pm	Topic 4: International Building Operation Standard (IBOS) by RICS International Limited (Singapore)
2.50pm - 3.05pm	Nippon Paint sharing session
3.05pm - 3.55pm	Topic 5: Achieving Sustainability in PM & FM through PropTech by Dr. Daniele Gambero, Propenomis, Co-founder and Group CEO of REI Group of Companies & President of the Malaysia PropTech Association
3.55pm - 4.45pm	Topic 6 : Blockchain in Property Management by Dr. Tuti Haryati Binti Jasimin, Senior Lecturer Universiti Teknologi Malaysia Kuala Lumpur (UTM)
4.45pm - 5.00pm	Tea Break

Forum on Environmental, Social, and Governance (ESG) and Management of Real Assets

5.00pm - 6.00pm	Moderator: Sr Haji Adzman Shah Mohd Ariffin, CEO of ExaStrata Solutions Sdn Bhd Panelist 1: Dr. Muhammad Najib, Professor Madya, Fakulti Alam Bina & Ukur Universiti Teknologi Malaysia (UTM) Panelist 2: FIABCI Malaysian Chapter
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NETWORKING COCKTAIL | 6.00PM - 8.00PM

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NEW MEMBERSHIP LISTING

Welcome to the 3rd Quarter 2022 issue of *The Property Manager!*

For this 2022 third quarterly issue, we have an interview with Sr Abdul Razak bin Yusak, President of Board of Valuers, Appraisers, Estate Agents and Property Managers (BoVAEP). A wide range of topics on the property management industry and profession are discussed by the President – an interview not to be missed!

The Welcoming Speech by the President of BoVAEP during its Convocation and Awards Ceremony on 2 September 2022 at Hilton Kuala Lumpur is also featured in this issue. Important messages and information on the property management profession are conveyed.

For new homebuyers, an article on the filing procedure to the Homebuyers' Tribunal is featured in this issue. An understanding on the procedure to the Tribunal will help new property owners in making claims to the Tribunal.

The Strata Management Act 2013 and Strata Management (Maintenance & Management) Regulations 2015 (SM(M&M)R 2015) are used widely by JMBs, MCs and property professionals. However some sections of the Act and SM(M&M)R 2015 are not user friendly, in particular on the compounding of offences where only sections of the Act/subsidiary legislation are stated. A user who want to know the details need to refer back to the respective sections which is troublesome. To ease the use of these sections on compounding of offences, two tables have been laboriously compiled by Mr Low Kon Sin that state explicitly the details. These two tables will serve as useful references on offences and compounds that will save the time and efforts of all users.

An article on what is corporate real estate asset management (CREAM) is provided by Prof. Dr. Abdul Hadi Nawawi, UiTM. This article adds to the series of articles in TPM that explains the different approaches or the specializations on the management of real estate:

<i>FM vs property management</i>	Vol.1 No.1 p26-34
<i>Property asset management</i>	Vol.2 No.1 p34-36
<i>Property portfolio management</i>	Vol.2 No.2 p25-28



THE PROPERTY MANAGER



New comers to the profession should take cognizance of the fact that the practice of the above may not have clear cut boundaries among or between the different areas. More importantly, to avoid the myopic perspective that the management of real estate is only about the management of strata residential properties under Strata Management Act 2013 and Strata Titles Act 1985! The potential on the management of real estate is yet to be fully developed or realized. Only the ready property management professionals who have the foresight, knowledge and competencies could tap the potentials in these specialised disciplines in the near future.

Finally we have an article on SaaS (software as a service) in the Knowledge Corner which help us to understand why local area network (LAN) has been phased out by software advancement and overtaken by SaaS development.

The 6th MIPFM Annual Conference will be held on 15th November 2022 at Pullman Hotel, Bangsar, Kuala Lumpur. Paper presentations are in two major tracks i.e. Sustainable Property & Facility Management and PropTech. We look forward to your participations and support in this annual event packed with new information and knowledge!

Happy reading !!! ■

A handwritten signature in black ink, appearing to read 'Ting Kien Hwa', with a stylized flourish at the end.

Professor Sr Ts Dr. Ting Kien Hwa

FMIPFM, FRICS, FRISM, MPEPS

*Founding Editor & Editor-in-Chief
The Property Manager*

INTERVIEW WITH PRESIDENT OF BOARD OF VALUERS, APPRAISERS, ESTATE AGENTS AND PROPERTY MANAGERS MALAYSIA (BOVAEP): YBRS Sr Abdul Razak Bin Yusak



A. BRIEF BACKGROUND OF PRESIDENT SR HAJI ABDUL RAZAK BIN YUSAK

Sr Abdul Razak was born in 1968 and is married with four children. He has been working with the Valuation and Property Services Department (VPSD/JPPH) for the past 32 years with his first posting as Assistant Valuation Officer at JPPH Kluang, Johor in 1990. He holds a Degree in Property Management from Universiti Teknologi Malaysia and Master in Real Estate Investment from Universiti Teknologi MARA (UiTM). In June 2022, he is appointed as the Director General of Valuation and Property Services Department Malaysia (JPPH) and President of The Board of Valuers, Appraisers, Estate Agents and Property Managers Malaysia (BOVAEP).

B. BOVAEP AND THE PROPERTY MANAGEMENT PROFESSION

1. How is the profession progressing with the opening of the Register for Property Managers?

The development of strata development has increased rapidly in Malaysia where the rights of buyers or the owners need to be protected. There was an urgent need to regulate the property management practices by the Government. In the year when BOVAEP was proposing the amendment for Act 242, approximately 30% of the urban population lives in strata housing development and this is expected to continue to increase due

to the lack of development land. Thus, it should be emphasized that there is a huge need to regulate the property management profession. I am glad that BOVAEP has taken great initiative to open the Register to regulate Registered Property Managers.

I can see that the Property Managers profession is growing tremendously especially after the Act was passed in the Parliament to have a Register for Property Managers. The registration of property managers helps the Board to oversee and regulate the professionals practicing property management in the property industry.

This newly amended Act also gave power to the police to investigate or take action against illegal practitioners who are not registered with the Board.

2. There are now how many Registered Property Managers and Property Management Firms?

As of August 2022, the total number of Registered Property Managers is 2,907 and Property Management Firms is 522.

3. What are the common complaints received by BOVAEP on property management practice?

Complaints on property management received by the Board fall under Act 242 or other Acts particularly Act 757.

Often the complainants are confused about the roles of BOVAEP in Act 242 and the roles of Commissioner of Building under Act 757.

Complaints regarding disrepair facilities (e.g. lifts, escalators, gyms etc.), noisy pets, AGMs/EGMs not properly conducted etc, do not fall under Act 242. The owners should send their complaints to the Commissioner of Building of the respective local authorities.

Most of the complaints handled by Board are mostly concerning misconduct and financial misappropriation by unregistered property managers.



Complaints on registered property managers are often on unsatisfactory maintenance quality, lack of communication skills, knowledge of related laws, poor enforcement, misuse of sinking funds and maintenance fee collected or giving contracts to cronies.

However, the most common complaints that the Board received are illegal Property Managers i.e. those not registered with the Board who are practicing illegally.



Usually, the Board will investigate the complaints received before taking any action. Besides, the Board has the Complaints Committee and team to handle the complaints. The Board will take actions against any wrongdoings and might suspend their license.

In order to ensure that complaint cases outside the Klang Valley can be investigated quickly and effectively, the Board has appointed State Valuation Directors of the Valuation and Property Services Departments in each state as Inspectorate Officers to conduct investigations.

4. What are the roles of BOVEAP as a regulatory body in enhancing the credibility of the profession?

Through the Tests of Professional Competence, the Board of Valuers, Appraisers, Estate Agents and Property Managers Malaysia (BOVAEP) ensures only competent Property Managers qualify to become license holders. Registered Property Managers are required to obtain continuous professional development (CPD) hours in order to renew their

licenses annually. This will help to enhance and maintain their competencies and credibility. The Board has also provided guidelines for the registrants to follow particularly the Malaysian Property Management Standards (MPMS).

The Board has a comprehensive procedure in dealing with complaints against registrants misconduct:

- a) Complaint Management Committee (CMC) - investigates the validity of complaints against the misconduct of registered practitioners.
- b) Complaint Investigation Committee (CIC) - if the complaint received is valid, CIC will conduct detailed investigation by summoning all parties involved in the dispute. CIC will conclude whether there is a prima facie case of the complaint and submit their conclusion to SBM.
- c) Special Board Meeting (SBM) - decide whether to agree with CIC or otherwise. If they agree with CIC's decision (where there is a prima facie case), then it will be referred to the Disciplinary Board.
- d) Disciplinary Board - summons the practitioner (registrant) for a hearing. The Disciplinary Board may make an order.

5. With increasing sophistication and requirements of investors, occupiers and owners, the management of real property has given rise to specialisations such as property asset management, property portfolio management, corporate real estate management and facility management. Will the Board provide guidance in the practice of these areas?

The Board is always open to providing guidance and always be there to help the development of the real estate industry particularly property management. To address this challenge, the Board encourage the institution of higher learnings to offer specialisations at postgraduate level for practitioners to pursue further knowledge in these areas and practices.

C. THE PROPERTY MANAGEMENT PROFESSION IN MALAYSIA

1. Are there any differences in the practice today compared with the time when you started working?

There are significant changes and improvements, especially after the introduction of the Register for Property Manager. Digitisation, cloud-computing and proptech adoptions have significantly facilitated the roles and responsibilities of Property Managers.

Before the previous Act 242 amendments, comparative studies have been made with several countries which impose registration and regulation on property management practices:

- a) United States (USA) – Property Management requires a license issued by the State Department of Real Estate for example, California Department of Real Estate, Tennessee Real Estate Commission, and others.
- b) China – Property management practices are regulated by the Department of Housing & Real Estate.
- c) Singapore – The property manager must be a member of the Singapore Institute of Surveyors and Valuers (SISV).

The Board is of the view that the property management profession in Malaysia should also be govern and regulated properly by a trusted body. In order to ensure that the Board will be advised professionally from the industry, three members of the Board are reserved for Property Managers. The Board members are protected from lawsuits and legal proceedings, so that they are not afraid and hesitate to carry out their responsibilities in enforcing regulatory duties.

2. Do you think the profession is static or evolving?

I think this profession is evolving rapidly, especially after the Board implemented the Register for Property Managers. With the economic progress and

growth of the real estate industry especially the high-rise commercial and residential buildings will need property managers as caretakers of these buildings.

3. In what ways Industrial 4.0 affect property management?

Nowadays technology affects almost all professions in the world and property management is also gaining benefits from it. Technologies of Industrial 4.0 enhance the ability of property managers to gain better control of the properties under their management via proptech, blockchain, IoT etc.

4. How should property managers prepare themselves for Industrial 4.0?

In my opinion, property managers must always embrace new technologies along with the digitization and modernization of the profession. Taking CPD courses focusing on proptech and always follow the technology trend will enable them to adapt faster and to future proof the profession.

5. How should the institutions of higher learning prepare their undergraduates for Industrial 4.0?

The institutions of higher learning should train and equip the students to be well versed with new technologies so as to prepare themselves for the challenging working environment in the real world. The syllabus should be responsive to new technologies to prepare the younger generations ensuring their competencies in technology prepare them for their profession in the future.

6. How would postgraduate studies help in expanding the scope of property management?

A postgraduate study will explore new knowledge, ideas/concepts, frameworks and advancement in knowledge that will help tremendously advancing the property management profession.

New approaches, perspectives and research areas can develop and provide better solutions and answers to current issues or issues that may arise in the future.



7. With the emergence of proptech, does the property management profession require a paradigm shift to maintain its relevance?

I believe the emergence of proptech will change the way professionals work and operate. They need to embrace and adapt to the technological disruptions to ensure that their profession remains relevant in the long term.

8. In what ways property managers can play active roles in the sharing economy particularly with co-working space etc?

Property managers must always take cognisance of new emerging trends in the occupation and use of space in the office, retail, industrial, hospitality and other property sub-sectors. Property managers should lead and take active roles in the management of co-working spaces

by being sensitive to new preferences, taste and requirements of space users.

9. How would property management firms remain relevant and to survive in this competitive market?

Property management firms must always be alert and keep updated with new technology, market trends and related developments. Any profession today needs to remain highly proactive and competitive to survive this challenging era.

10. What are the key challenges affecting the property management profession? Perhaps your thoughts from the SWOT perspectives.

a) Strengths (S) – Act 242 provides the regulatory foundation to the property management profession. BoVAEP's Rules, Standards and Circulars ensure the practitioners act professionally.

- b) Weaknesses (W) – no extensive regulations, rules and guideline to practitioners and the implementation of strict enforcement.
- c) Opportunities (O) – Registered Property Manager may explore management of new property assets e.g. healthcare facilities, data centers, property based infrastructure etc. and to enhance and promote the practices of integrated facilities management, property asset management, property portfolio management and corporate real estate management.

- d) Threats (T) – illegal property managers who marred public perceptions on the property management profession and the high level of professionalism and client/customer satisfactions expected on practicing Registered Property Managers.

11. Would you encourage school leavers to join this profession?

The scope of the property management industry is wide and with the advancement of the society and built environment the opportunities are always there. New entrants must embrace themselves with various knowledge and skills.

12. What kind of personal character and personality are best suited to become a property manager?

Individuals who are patient, with good communication and people skills and being highly efficient and organised in every aspects are good candidates for a property management career.

13. Lastly, what are your advice to young graduates who aspire to become a professional property manager?

The knowledge that you gain today will assist you in the long term and you will learn the best practices day by day once you have entered the working environment and become a Registered Property Manager one day. There is always room for self-improvement to improve your knowledge as acquisition of knowledge does not end when one leaves the university. ■

Interview is conducted by
Professor Dr. Ting Kien Hwa (Editor-in-Chief)



UCAPAN PRESIDEN 02 SEPTEMBER 2022 DI KL HILTON

Majlis Konvokesyen dan Makan Malam Lembaga Penilai, Pentaksir, Ejen Harta Tanah dan Pengurus Harta

Terima kasih pengacara majlis.

Assalamualaikum warahmatullahi wabarakatuh, salam sejahtera dan salam keluarga Malaysia.

Pertama sekali, saya ingin merakamkan ribuan terima kasih kepada Yang Berhormat **Dato' Indera Mohd Shahar bin Abdullah** (Timbalan Menteri Kewangan Malaysia 1) di atas kesudian melapangkan masa bagi merasmikan Majlis Konvokesyen dan Makan Malam Lembaga Penilai, Pentaksir, Ejen Harta Tanah dan Pengurus Harta. Terima kasih YB Dato' Indera.

Seterusnya, saya juga ingin mengucapkan terima kasih dan selamat datang kepada semua tetamu dan hadirin pada malam ini termasuklah para penerima sijil dan diploma dan mereka yang menemani orang yang tersayang serta mereka yang bakal menyaksikan warga kerja mereka menerima Sijil Menjalankan Kuasa atau Diploma masing-masing.

Untuk makluman YB Dato' Indera, Lembaga kini merekodkan seramai 1,254 penilai berdaftar, 21 pentaksir berdaftar, 2,901 ejen harta tanah berdaftar dan 2,908 pengurus harta tanah berdaftar sehingga Ogos 2022. Di samping itu, terdapat sejumlah 2,660 penilai percubaan atau *probationary valuer*, 3,163 ejen harta tanah percubaan dan 61 pengurus harta percubaan.

YB Dato' Indera, tuan-tuan dan puan-puan,

Izinkan saya merakamkan ucapan tahniah kepada semua penerima Sijil Menjalankan Kuasa atau Diploma pada malam ini. Saya percaya, kejayaan ini adalah hasil daripada usaha yang konsisten dan berterusan serta dorongan untuk memajukan diri dan profesionalisme. *All the hard work has certainly paid off*. Dengan pengiktirafan

Lembaga untuk tuan puan menjalankan amalan sebagai penilai, ejen harta tanah mahupun pengurus harta, tuan puan mempunyai tanggungjawab untuk memberikan khidmat nasihat kepada masyarakat khususnya pihak klien dengan penuh etika dan profesional.

Sebagai seorang ahli berdaftar yang baharu, tuan puan perlu peka kepada persekitaran ekonomi dan pasaran harta tanah semasa serta mengadaptasi kepada perubahan teknologi agar perkhidmatan yang diberikan kepada pihak klien lebih efisien dan efektif berlandaskan akta dan garis panduan yang ditetapkan oleh Lembaga.

YB Dato' Indera, tuan-tuan dan puan-puan,

Lembaga bertindak di atas kuasa yang diberikan di bawah Akta 242 yang telah wujud sejak dari tahun 1981. Sepanjang lebih 40 tahun akta ini berkuatkuasa, lanskap ekonomi negara, sektor harta tanah serta profesion yang berkaitan telah melalui pelbagai perubahan. Pada awal 2018, Akta 242 telah dipinda kepada Akta Penilai, Pentaksir, Ejen Harta Tanah dan Pengurus Harta 1981. Ini merupakan satu *landmark* kepada Lembaga dan profesion harta tanah secara amnya kerana amalan pengurusan harta telah diletakkan di bawah bidang kuasa Lembaga bagi menjamin dan memastikan kepentingan rakyat terjaga.

Selain itu, Lembaga telah memulakan kajian semakan semula Kaedah-Kaedah Penilai, Pentaksir dan Ejen Harta Tanah 1986 beberapa tahun yang lalu dan terkini, beberapa siri bengkel untuk memperkemas dan memperhalusi kaedah tersebut telah dijalankan bersama Bahagian Undang-Undang Kementerian Kewangan Malaysia dan Jabatan Peguam Negara. Lembaga menjangkakan kaedah baharu iaitu Kaedah-Kaedah Penilai, Pentaksir, Ejen Harta Tanah dan Pengurus Harta 2022 akan dapat diluluskan pada tahun ini.



Di samping Akta 242 dan Kaedah yang diperuntukan dalam menjalankan amalan, Lembaga turut menyediakan pelbagai garis panduan bagi memastikan semua ahli yang berdaftar menjalankan amalan dengan mematuhi baseline standard yang ditetapkan oleh Lembaga. Ini termasuk Malaysian Valuation Standards, Malaysian Estate Agency Standards dan Malaysian Property Management Standards yang dikemas kini dari semasa ke semasa untuk dijadikan panduan oleh semua ahli berdaftar dengan Lembaga. Dengan ini, kelangsungan profesion akan lebih berkualiti dan beretika.

Lembaga juga sedang dalam proses akhir semakan semula Continuous Professional Development Guidelines dan Accreditation Guidelines oleh jawatankuasa yang berkaitan. Kedua-dua garis panduan ini juga dijangka akan disiapkan sebelum akhir 2022.

YB Dato' Indera, tuan-tuan dan puan-puan,

Dari segi tadbir urus kewangan, Lembaga sedang dalam proses membangunkan Sistem Perakaunan Standard Bagi Agensi Kerajaan atau Standards Accounting System in Government Agencies (atau akronimnya sistem SAGA). Sistem SAGA merupakan satu keperluan bagi mematuhi Prinsip Akaun Diterima Umum (Generally Accepted Accounting Principles) yang ditetapkan bagi Laporan Kewangan. Dengan pembangunan sistem SAGA ini dan diberikan Sijil Pematuhan SAGA daripada Jabatan Akauntan Negara Malaysia, Laporan Kewangan Lembaga adalah setaraf dengan mana-mana laporan kewangan oleh badan kerajaan.



Peka kepada perkembangan teknologi semasa dan mengadaptasi pendigitalan secara E2E (end to end), Lembaga telah membangunkan Board Information System atau BIS bagi meningkatkan penyampaian perkhidmatan. Sistem BIS ini dapat mempermudah ahli yang berdaftar dengan Lembaga memperbaharui sijil amalan setiap tahun dan melaksanakan fungsi lain secara dalam talian. Lembaga juga sedang mengkaji keperluan untuk menaik taraf sistem BIS bagi menambah lagi beberapa fungsi yang akan dapat dilaksanakan secara dalam talian serta diintegrasikan dengan sistem SAGA.

YB Dato' Indera, tuan-tuan dan puan-puan,

Sebelum saya mengakhiri ucapan, saya menyeru kepada penilai, ejen harta tanah dan pengurus harta berdaftar yang baharu dan yang telah lama berdaftar agar kita sentiasa menjalankan amalan dengan penuh dedikasi, amanah, jujur dan berpaksikan kepada peruntukan undang-undang. Dengan ini, kita akan dapat bersama-sama memartabatkan lagi profesion ini and *earn the respect that we would want others to look upon us.*

Akhir kata, saya sekali lagi merakamkan ucapan terima kasih yang tidak terhingga kepada Yang Berhormat **Dato' Indera Mohd Shahar bin Abdullah** di atas kesudian melapangkan masa ke majlis ini. Tidak dilupakan juga kepada semua ahli berdaftar, kaum keluarga serta para penaja yang bersama-sama menjayakan malam gemilang ini.



Ucapan terima kasih juga kepada Pendaftar dan warga kerja Lembaga di atas usaha, komitmen dan dedikasi yang diberikan bagi menjayakan Majlis Konvokesyen ke-24 dan Makan Malam Lembaga Penilai, Pentaksir, Ejen Harta Tanah dan Pengurus Harta.

Terima kasih. ■



Photograph courtesy of Ting Kien Hwa

TOPICS IN NEED OF AUTHORS FOR THE PROPERTY MANAGER

The Property Manager provides a peer-reviewed forum for information and ideas on the practice and theory of property and facility management and related interests. Consider becoming an author for the Journal and use your professional knowledge and experience to benefit yourself and your profession.

ARTICLES NEEDED

The Property Manager journal welcomes manuscripts on all topics related to property and facility management.

We are especially interested in receiving manuscripts on:

- Issues on strata property management
- property management of office properties
- property management of retail properties
- property management of industrial properties
- facility management
- management of specialised properties
e.g. healthcare facilities, data centres
- management of real assets
e.g. infrastructure, telecommunication towers
- management of public assets and facilities
- occupiers issues
- landlord and tenant relationships
- asset management
- sustainability and property and facility management

INCENTIVES

Article publications in **The Property Manager** earn CPD credit hours from the Board of Valuers, Appraisers, Estate Agents & Property Managers. The Property Manager also pays an honorarium of RM300 for articles and RM150 for book reviews.

Manuscript review of each manuscript submitted to **The Property Manager** Journal is considered in a double-blind review. Manuscripts may be reviewed by members of the Editorial Board, Review Panel, or Academic Review Panel, or by outside specialists when appropriate.

KINDLY SEND YOUR MANUSCRIPT TO
secretariat@mipfm.org.my

HOUSE BUYERS SELF GUIDE TO HOMEBUYERS TRIBUNAL – FILING PROCESS & PROCEDURE

HO SUET JING & KUAN YOU WAI

The Homebuyers Tribunal was established in 2002 with the aim to safeguard the homebuyers' interests who have limited resources as compared to the housing developers. The establishment of the Homebuyers Tribunals meets one of the underlying objectives of the Housing Development Act (HDA) 1966 to provide protection of the interest of the purchasers for any disputes, conflicts and claims arise in relation to the house purchase. It provides an avenue for dispute resolution between developer and purchasers in a quicker and cost-effective manner without legal representative and heavy expenses in legal fee.

Homebuyer can file a claim for RM10 only and the first hearing date and time will be determined upon the submission at the Tribunal's office counter. Subject to no further complexity of technical issues or questions of law, the Tribunal will make an award within 60 days after the case is filed. Although the Tribunal appears to have a simplified system, the public's awareness still needs to be raised on the filing process and procedure.

Key matters a purchaser must know before filing a case at the Tribunal:

1. ELIGIBILITY

It is important to understand the Tribunal's jurisdiction before filing at the Tribunal.

Section 16N of the HDA provides that the Tribunal's jurisdiction shall be limited to a claim based on a course of action arising from the Sale and Purchase Agreement (SPA) entered between the homebuyer and the housing developer. In *Country Garden*

Danga Bay Sdn Bhd V. Tribunal Tuntutan Pembeli Rumah & Anor, a claim based on the homebuyer's expectations that the unit purchased should correspond in all respects with the display model at the developer's was dismissed as it is not a fit and proper claim to be adjudicated before the Tribunal. It was held that s16N of HDA precludes the Tribunal from exercising jurisdiction over a claim which is not based upon an express term of the SPA. The Tribunal, being a creature of statute, **could only act within the four walls of the statute** and does not include any purported agreement nor conduct outside the SPA¹.

A homebuyer may lodge with the Tribunal a claim claiming for any loss suffered concerning his interests as a homebuyer². The types of claims that the Tribunal can hear are:

1. Late delivery of vacant possession of the property;
2. Late delivery of common facilities;
3. Payment of liquidated and ascertained damages claims (LAD);
4. Refund of deposit;
5. Refund of late interest charges;
6. Defective workmanship;
7. Defective materials;
8. Property not constructed in accordance with the approved plans stated in the SPA

It is important to note that s16N(1) of HDA stipulates clearly that the Tribunal has no jurisdiction in respect of any claim:

¹Southville City Sdn Bhd v Chua Teck Kee & Anor (No 2) [2019] 1 LNS 1318

²Section 16L of the Housing Development (Control and Licensing) Act 1966

(a) for the recovery of land, or any estate or interest in land; and

(b) in where there is a dispute concerning:

- (i) the entitlement of any person under a will/settlement/intestacy
- (ii) goodwill; or
- (iii) any trade secret or other intellectual property right

2. LIMIT OF CLAIM

The Tribunal shall have the jurisdiction to determine a claim up to RM50,000 according to Section 16M(1) of the Housing Development (Control and Licensing) Act 1966.

Section 16O of HDA provides that the amount can be extended if both parties agree. Nevertheless, it never happens.

3. TIME LIMIT

Section 16N(2) of HDA provides that any claims made to the Homebuyers Tribunal must be brought by a homebuyer not later than 12 months from:

(a) the date of issuance of the certificate of completion and compliance (CCC) for the housing accommodation or the common facilities intended for subdivision (whichever is later);

(b) the expiry date of the defects liability period as set out in the SPA;

or

(c) the date of termination of the SPA by either party. Such termination must occur before the date of issuance of the CCC for the housing accommodation or common facilities intended for subdivision (whichever is later).

In Syarikat Pembinaan Yeoh Tiong Lay Sdn Bhd v TTPR & Others, it is held that for claims on late delivery of vacant possession, the time limit to file

a claim shall not be later than 12 months from the date of issuance of CCC. As a rule of thumb, it is advisable **to file a claim not later than 12 months from the date of CCC to avoid the claim being time-barred.**

4. WHO CAN REPRESENT?

No legal representative is allowed except there are issues with complexity of law are involved and one party will suffer in severe financial hardship if not legally represented:

- Individual: Can be represented by the person named in the claim
- Body corporate/companies: Can be represented by full time employee
- Minor or OKU: Can authorise a representative to be allowed to represent

5. FILING PROCEDURE

Step 1:

- **Form 1:** The Claimant needs to make a statement of claim clearly with the quantum thereof. The Claimant should also specify the order that he is seeking for in the claim.
- 4 copies of Form 1 and all copies need to be signed by the Claimant (Original copies)
- Borang Butiran TTPR
- Non Technical claims:
 - A copy of Sale & Purchase Agreement (SPA)
 - A copy of Notice of Delivery of Vacant Possession (VP)
 - A copy of Certificate of Completion and Compliance (CCC)
 - Any other related documents
- Technical claims such as defective workmanship and materials and property not constructed in accordance with the approved plans stated in the SPA
 - A copy of Sale & Purchase Agreement (SPA)

- o A copy of Notice of Delivery of Vacant Possession (VP)
- o A copy of Certificate of Completion and Compliance (CCC)
- o 3 quotations from an Independent Contractor/Recognized Body
- o 3 copies of Technical claims (borang senarai tuntutan teknikal)
- o 3 colour copies of defects
- o 3 copies of 1st & 2nd Notice to the Developer to repair the defects

- Filing fee of RM10

Step 2: Service of Documents

After Form 1 is filed,

- A copy of Form 1 is for the Claimant
- A copy of Form 1 is to be served to the Respondent
- A copy of Form 1 is to be served to the Bank
- Claimant will receive Form 4 with the details of hearing date & time

Service of Documents:



- By hand (personal delivery) / registered post within 14 days after Form 1 is filed (registered post is recommended as hand delivery can get complicated if the recipient refuses to sign on the receipt)

Step 3: Statement of Defense and Counter Claim by Respondent

For Form 2, the Respondent shall state reason for declining the Claim and Counter-claim, if any.

The Respondent needs to prepare and sign Form 2 and submit supporting documents in 4 copies and filed it at the Tribunal.

Service of Documents is by hand (personal delivery) / registered post within 14 days after Form 1 is received.

Step 4: Hearing

Checklist before attending the hearing:

- Identification documents:
 - o For Individual – IC / Passport
 - o For developer/minor/OKU – Authorisation letter
- Proof of service of Form 1 or Form 2 (if you're the Respondent)
- Any other related documents

During the hearing, the Tribunal will hear the presentation of case by both parties and tendering of evidence. The typical process of examination, cross examination and re-examination in courts prevails in Tribunals, too. Thus, both parties are advised to write down the sequence of witness to be called upon, questions and the possible flow of argument during cross-examination and re-examination.

Use Form 11 to subpoena witnesses, if any. Both parties' Expert Witnesses can be one of the witnesses to support the claim. In addition, Developer's defect team or the Building Manager can be the witnesses, if relevant.

Tips during the hearing:

- Explanation of the claim: Be well prepared and familiar with the details in the Statement of Claim/ Defence.
- Get ready the proof of receipt sent by Registered Post
- The Claimant is advisable to strategize the basis of claim and prepare questions and flow of arguments. For evidence in support, it is recommended to organize the forms and supporting documents in a structured manner.

Step 5: After the hearing

The Tribunal:

- Shall make its award without delay and, where practicable, within sixty days from the first day the hearing before the Tribunal commences.
- The Award shall be final and binding on all parties to the proceedings
- The Award shall be deemed to be an order of a Magistrate's Court or a Sessions Court, as the case may be, and be enforced accordingly by any party to the proceedings.
- **Form 6:** Tribunal Award (Ideal situation, happy ending)
- Claimant is not present, Respondent present
 - Dismiss the Claim – if Respondent has NO counter-claim or
 - If a Counter Claim, make an Award for Counter Claim in **FORM 7**;
 - Adjourn hearing (discretionary)
 - Claimant can set aside the Award WITHIN 30 DAYS by filing **FORM 12**. Hearing will resume.

6. TYPES OF AWARDS: (THE DECISION OF THE TRIBUNAL ON THE HOMEBUYER CLAIM IS KNOWN AS AN "AWARD")

The Tribunal shall make its award without delay and where practicable, within 60 days from the first hearing.

Type of Awards:

- Not limited to order one party to pay money to other party.
- Refund of money paid
- Comply with the SPA
- Compensation for any loss or damaged suffered by claimant
- To vary a contract or set aside wholly or in part
- Cost
- Interest to be paid
- Claim be dismissed

7. WHAT IF: (UNDERSTAND THE AWARD IN DIFFERENT FORM)

- Both Parties absent at hearing date: Case may be struck out!
Remedy: File again Form 1
- Respondent did not file the Statement of Defence
 - **Form 5:** Adjourn the hearing for respondent to file defence
- Respondent admits to claim

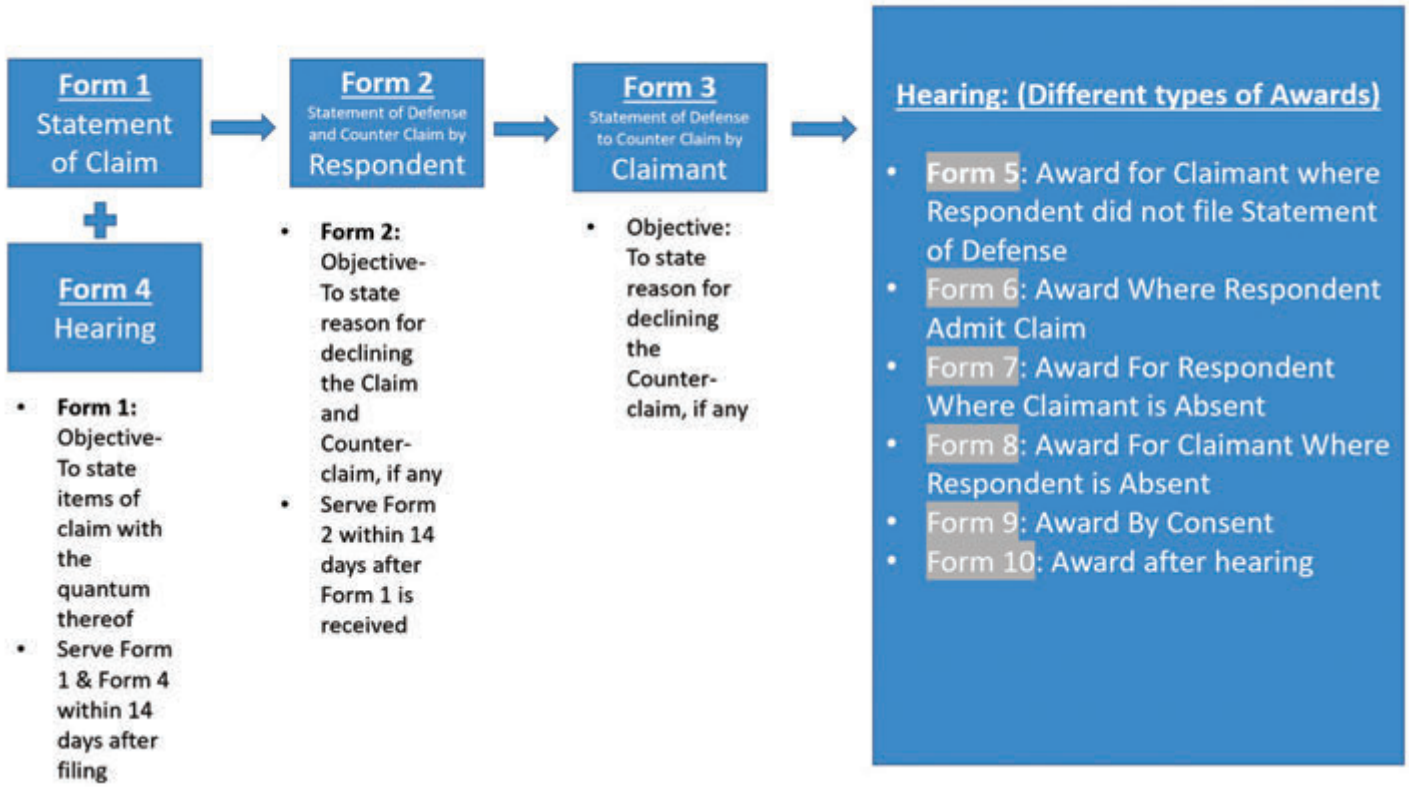
- Claimant present, Respondent not present:
 - Adjourn to next date or proceed and make an Award in **FORM 8**.
 - AWARD can be set aside WITHIN 30 DAYS by filing **FORM 12**. Hearing will resume.
- Both parties present,
 - All documents in order. Hearing and tendering of Evidence and calling of witnesses proceed smoothly
 - **Form 6:** Tribunal Award
 - **Form 9:** A settlement by consent
 - *If both parties can reach a settlement agreement, it can be recorded in the Tribunal Award by consent. Alternatively, the Claimant can withdraw the claim and sign a settlement agreement by consent between the parties. It is advisable to get the agreement vetted and reviewed properly before agreeing to the terms.*
 - **Form 10:** Award after hearing

8. NON-COMPLIANCE OF THE TRIBUNAL AWARD (INGKAR AWARD)

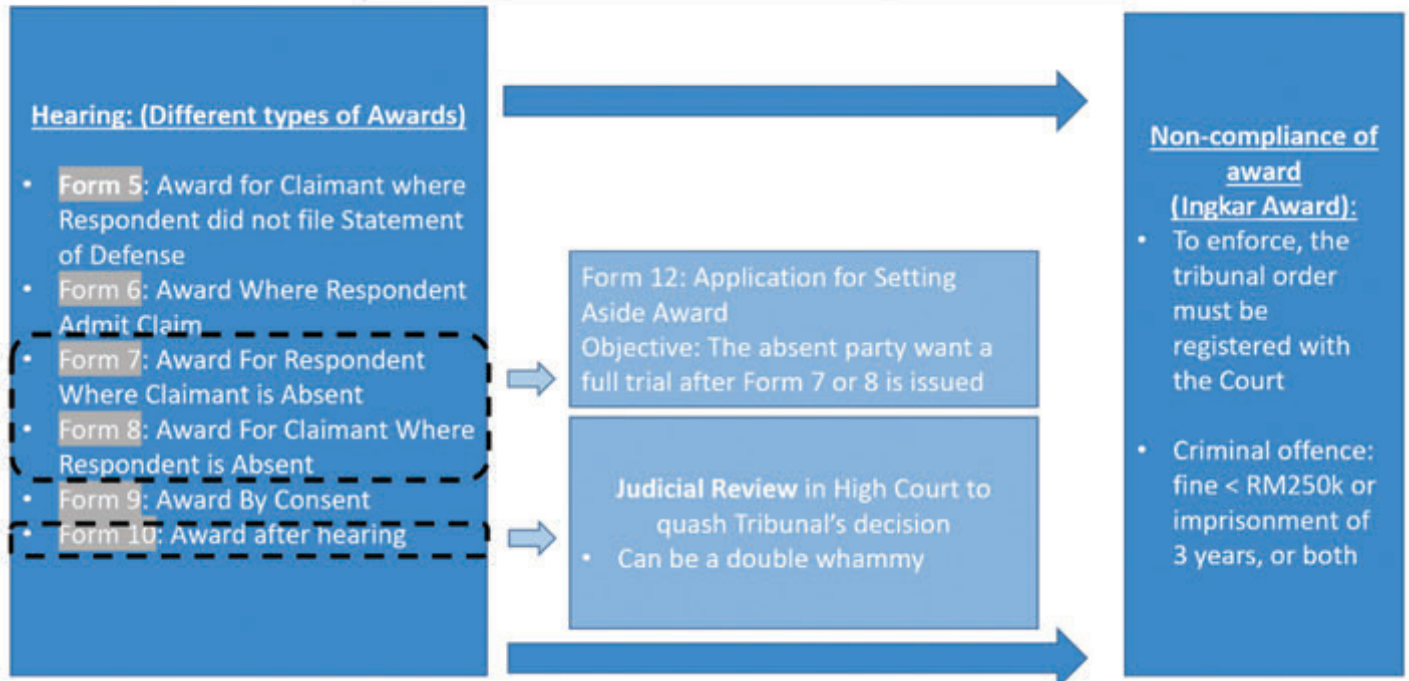
The Award of the Tribunal shall be final and binding. It is an offence for non-compliance of the Tribunal Award.

In case of non-compliance of Award, it needs to be registered at the court first. Once registered, the Award is deemed a court order and can be enforced in civil courts accordingly (civil proceeding).

Homebuyers Tribunal Flow Chart



Homebuyers Tribunal Flow Chart (Continuation)



The Jabatan Perumahan Negara will prosecute any party for non-compliance of the Tribunal Award and one is liable to a fine not exceeding RM250,000 or to imprisonment for a term not exceeding three years or to both, and in the case of continuing offence, to a further fine not exceeding RM5,000 every day or part thereof during which the offence continues after conviction (criminal proceeding).

In summary, the above flow chart aids in a better understanding of the procedures.



CONCLUSION

Although the Tribunal has been designed to be a layman's platform with a more simplified structure and procedure, the Claimant must still be committed to equip himself with the knowledge and information needed for the claim. Otherwise, one will end up wasting his own resources (time, effort and money) as well as the Tribunal's and result in a predicament which does not add any value in resolving the disputes or issues.

ACKNOWLEDGEMENT

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REFERENCE

The Housing Development (Control and Licensing) Act 1966

Country Garden Danga Bay Sdn Bhd V. Tribunal Tuntutan Pembeli Rumah & Anor

Homebuyers Tribunals by Roshan Kshstriys (PKN Academy)

WHAT IS CORPORATE REAL ESTATE ASSET MANAGEMENT?

ABDUL HADI NAWAWI

All businesses, irrespective of their nature, need real estate resources to function in one way or another. The phrase "real estate" refers to various properties owned or leased by a company, such as land, buildings, plants, and machinery. Various organisations in developed nations have been managing their real estate resources as a strategic financial asset by employing the knowledge of corporate real estate asset management (CREAM). Effective real estate resource management gives businesses the opportunity to be profitable and generating income.

CONTEXT OF CREAM

Businesses are now examining the relationship between real estate and core business from three dimensions: financial asset – Asset Management (AM); physical asset – Property Management (PM); and operational asset – Facilities Management (FM).

Asset Management (AM) is the activity that ensures that the land and buildings asset base of

an organisation is optimally structured in the best corporate interest of the organisation concerned. The term "asset" encompasses all kinds of resources owned or controlled by the corporation, such as financial assets, land, buildings, plant and machinery, equipment and intangible assets (e.g. patents, copyright etc).

Property Management (PM) primarily focuses on the day-to-day operational and related activities such as valuation, acquisition, disposal and lease negotiation. It is necessary here to suggest that PM is comparable to AM in the sense that both are concerned with day-to-day activities at the operational level. PM is concerned about the properties, and AM looking after the assets.

Facilities Management (FM) at large is concerned with the tactical and day-to-day activities for a facility to run efficiently, adequately maintained and keep its occupants safe and happy. Generally, the range of services provided by FM and responsibilities of facility managers include overseeing owner-



THE PROPERTY MANAGER

occupied buildings or spaces in leased buildings, planning for building maintenance, coordinating space use and layout, and ensuring building safety and functionality.

Uniquely, Corporate Real Estate Asset Management (CREAM) offers a holistic approach encompassing all three dimensions. CREAM encompasses all property, land, and buildings classes such as office buildings, retail stores, hotels, manufacturing facilities, distribution facilities, and logistics. It provides a productive setting for businesses to house personnel, manufacturing, distributions, marketing and providing supporting market services.

Figure 1 indicates that CREAM is different from real estate investment which focuses on optimising the investment properties' risk, return, and liquidity. CREAM integrates asset management with general management and facility management, including cost control.

WHAT IS CREAM?

Since early 1980s, CREAM research probed into large organisations' management practices and found that CRE resources were undermanaged and not utilised to their full potential. Regardless of private or public sectors, organisations must effectively manage their

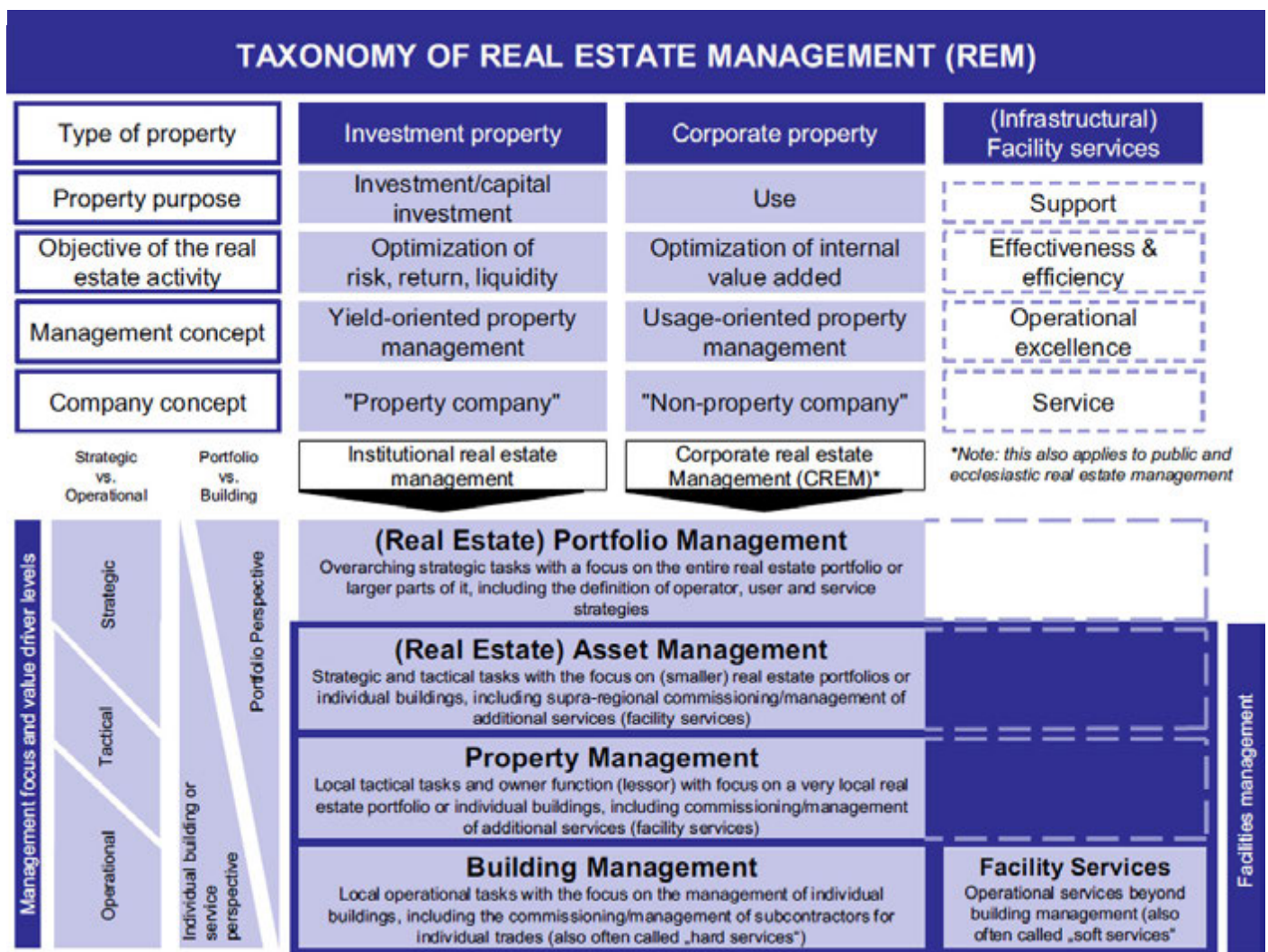


Figure 1: Visualisation of CREAM as a discipline

(Source: Glatte, 2021)

properties, whether profit-driven or provide public services. In light of a business management focus, current CREAM practices should imply at least four critical areas:

- (a) Corporate Real Estate (CRE) planning to aid in the development of a CREAM strategy that supports the overall business strategy;
- (b) CRE organisational structure to facilitate the effective implementation of the CREAM strategy;
- (c) CRE business performance measurement; and
- (d) CRE risk management and assessment.

Assets serve as the foundation for all activities, regardless of their organisational structures or ownership. Professionals in this discipline need to have business and management skills and overall knowledge of property matters. CREAM managers must consider the interconnections between business strategies and asset management strategies and to include "cost," "profitability," and "productivity" indicators. These indicators must be thoroughly discussed at the individual property level, property portfolio level, and strategic business unit (SBU) level. In times of economic difficulty, CREAM is viewed as a strategic asset for attaining particular corporate financial objectives, and it is frequently used to mask any signs of underperformance in the company's core business.

WHY CREAM SHOULD BE IMPLEMENTED?

The provision of CREAM has increasingly become an integral part of business success. Businesses like commercial, educational, industrial, recreational, residential, retail, and transportation infrastructures have considered the built environment part of the organisational resource. Over the years, CREAM has evolved into a significant resource for a range of businesses, meeting the needs of customers and stakeholders while also assisting in achieving organisational objectives. The ultimate goal is to optimise CREAM's value for an organisation by

positioning CREAM into the structural and operational of multiple management levels, cross-functional departments, and a range of environmental contexts.

The financial contributions of CREAM can occur in many ways. CREAM is frequently asked to analyse the financial implications of leasing or purchasing, moving, merging, and acquiring other buildings. Changes in ownership from owning to leasing may save organisations money on interest payments. Meanwhile, relocation to a lower-rent workplace to reduce excessive rental costs, disposal of surplus assets, and taking advantage of refinancing benefits are just a few methods to profit from CREAM. Therefore, CREAM capabilities can be utilised as a cost-centre and as a profit-oriented function.

Several concepts of CREAM physical contributions are providing the workplace environment, corporate branding through physical assets, promoting marketing efforts based on location and corporate relocation. Physical contribution is related to the real estate asset itself and can help companies differentiate from their competitors by creating a solid image. The transformation of the work environment to improve organisational outcomes includes efforts such as flexible workstations, remote working solutions to accommodate mobile workers, satellite facilities, promoting energy consumption reduction and occupying spaces of sustainable buildings.

ROLES OF CREAM

In principle, CREAM seeks to align asset objectives with organisational objectives to ensure efficient and effective use of assets in the medium to long term. CREAM professionals traditionally concentrated on managing physical assets, and that function remains, but it is evolving into a strategic business function. CREAM is currently embracing the needs and expectations of multiple stakeholders namely the owners, investors, shareholders, users (tenants and customers), authorities and communities related to the real estate and business at the strategic, tactical, and operational levels.

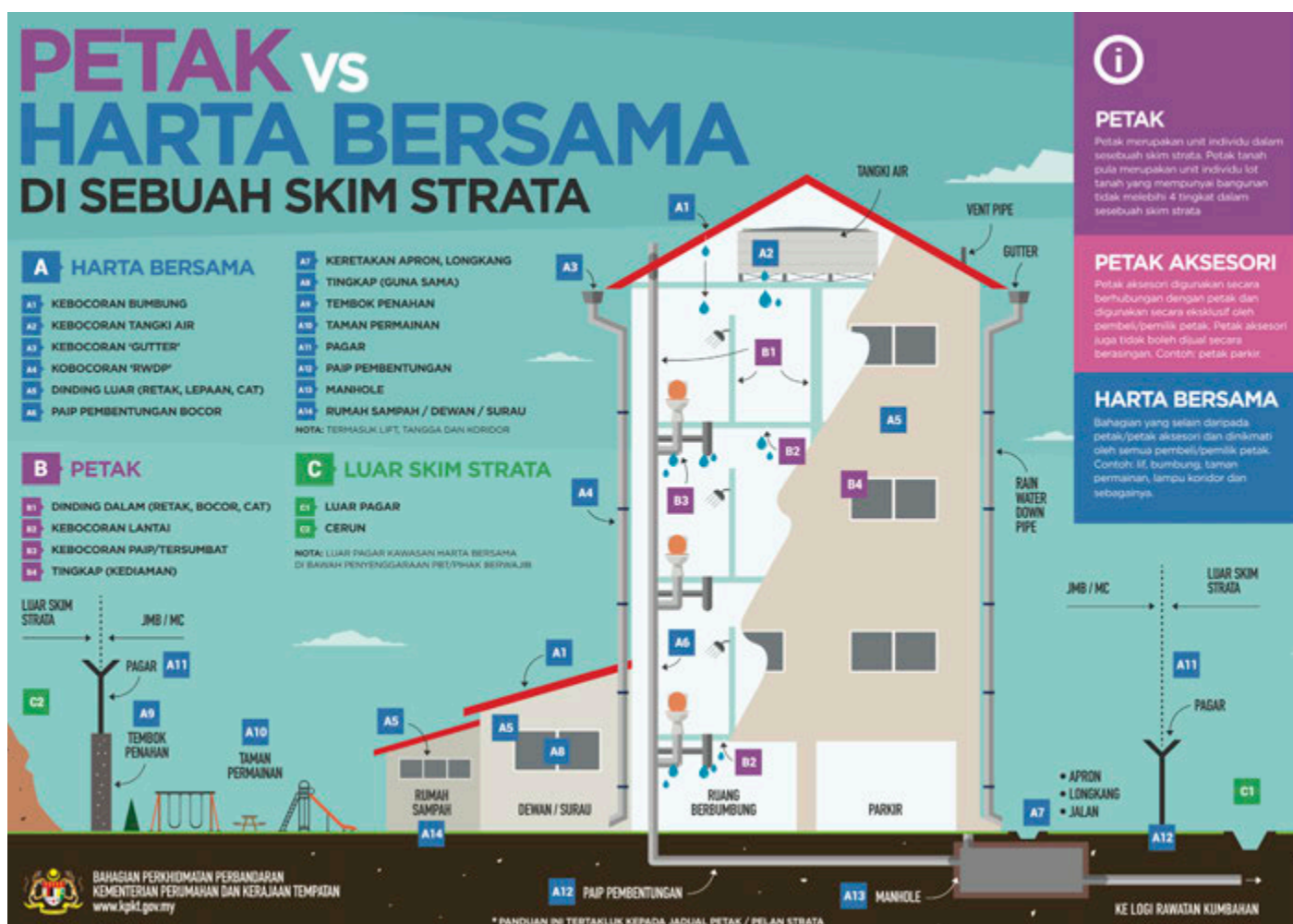
The roles of CREAM can be distinguished based on its two viewpoints on functionality: a user perspective and an owner perspective. CREAM frequently focuses on representing the real estate industry's demand-side (user perspective) rather than the supply-side (owner perspective) of the real estate market as service delivery. From a user standpoint, CREAM's primary purpose is to optimise and utilise real estate assets so that the core business may run as efficiently as possible. Meanwhile, CREAM focuses on optimising cash flow from the owner's perspective from real estate engagements. In this sense, organisations act like owners and manage their property portfolios as real estate investors. Being a space provider, for example, allows CREAM coverage to be expanded to include all components of the physical setting, such as people, location, plant

and equipment, and involvement with different levels of management within the organisation.

Another perspective is that the relationship between CREAM and core business can be seen as three dimensions: operational assets, financial assets, and real estate market assets (or physical assets). Unlike traditional real estate management, CREAM functions encompass all three dimensions for optimal benefits to the organisation. CREAM as operational assets provides material support to run the core business related to FM, the day-to-day operational activities. Financial assets are relatively centred on asset management, and physical assets refer to properties or real estate market assets.

The obligatory roles of CREAM can be grouped into four essential functions. The very first role of

Advertorial





CREAM is to maximise the shareholder's wealth. Every organisation must learn how to utilise their existing assets fully, regardless of occupation assets or investment assets. Strong CREAM knowledge combined with solid negotiation skills has demonstrated the ability to formulate both short- and long-term business plans based on the hypothetical profit and loss, the daily change in the marked-to-market value of a portfolio. The second key role of CREAM focus on cost optimisation initiatives. Any business organisation must select the right qualified personnel to look into cost advantages opportunities at every organisational level. Having economies of scale will result in greater operational efficiencies and synergies. A business can decide to implement economies of scale at any stage of the operational level by zooming in on their most critical services. The benefits later include reduction in logistics cost, promotion costs, buying in bulk, cheaper capital, less energy consumption, and optimisation of occupancy cost.

The third role of CREAM is to capitalise on obstacles and turn them into opportunities for organisational benefits. For example, aligning the corporate strategy of "Financial Strategy" with "Raising Capital

Through Real Estate" will lead to CREAM decision of having sales and leaseback arrangements. CREAM's fourth role is to use real estate as a competitive enabler. A company may set up systematic central monitoring system that allow rich data extracted from the system to be used for market intelligence and data analytics, which will improve operational excellence.

CREAM is not always straightforward to value. Buildings may have unique traits that have no commercial worth or are only valuable to related businesses or specific purposes. Industry changes or labour prices may also impact the value and shifts in the company's operations to other areas or even countries. Value of assets focuses on the financial side of CREAM. Consequently, active CRE financial management should have a high priority. Involvement in business plans and decisions is essential to fulfil that role. Particular attention has to be paid to the importance of periodically assessing CRE at market value and the financial repercussions of not valuing and strategically managing CRE.

CREAM's internal customers include personnel from various business units, management levels,

and departments who require real estate support to run their businesses. They need CRE services to provide their output to their clients, whether products or services. Dissatisfied internal customers lead to the probability of CREAM being replaced and outsourcing the work to other service providers. Hence, CREAM must then operate as a stand-alone business function. Despite CREAM services multiple customers, its activities are interdependent and strongly correlated to attain the same organisational objectives. Therefore, companies with high real estate risks need to ensure that management and shareholders are on the same page.

CHALLENGES IN CREAM

The connection between CREAM strategy and overall business strategy has some significant flaws that need to be addressed. Many organisations often pay less attention than they should to the elements of a real estate strategy. This problem started with the lack of understanding from senior management surrounding the CREAM function within the organisation. In addition, real estate professionals are overly concerned with facility management's technical aspects and struggle to convert real estate strategies into revenues. As a result, CREAM faces difficulties communicating ideas and showing value for the benefit of organisations and establishing its place within them. Therefore, unable to develop strong relationships between CREAM and organisations' success. ■

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QUICK GUIDE TO COMPOUNDABLE OFFENCES UNDER STRATA MANAGEMENT (COMPOUNDING OF OFFENCES) REGULATIONS 2019 - (02 MAY 2019)

(A) Offences Committed under the provisions of SMA 2013 (Act 757) - (01 June 2015)

Reference (subsection)	Subject of Offence	Compound - commits an offence & shall, on conviction, be liable to a Fine:
SS 6 (6)	<u>Schedule of Parcels to be filled with the COB before Sale of any Parcel:</u> Any developer who fails to comply with SS 6 (1), (2) or (5).	< RM 250 Thousands OR to Imprisonment for a term < 5 Years OR to Both.
SS 9 (5)	<u>Duties & Powers of Developer during Developer's Management Period:</u> Any developer fails to comply SS 9 (1), (2) or (4).	< RM 250 Thousands OR to Imprisonment for a term < 3 Years OR to Both.
SS 10 (7)	<u>Developer to establish Maintenance Account:</u> Any person who fails to comply with SS 10 (1), (2), (3), (4), (5) or (6).	< RM 250 Thousands OR to Imprisonment for a term < 3 Years OR to Both.
SS 11(7)	<u>Developer to establish Sinking Fund Account:</u> Any person who fails to comply with SS 11 (1), (2), (3), (4), (5) or (6).	< RM 250 Thousands OR to Imprisonment for a term < 3 Years OR to Both.
SS 12 (9)	<u>Purchaser and Developer to pay Charges, and Contribution to Sinking Fund:</u> Any developer who fails to comply with SS 12 (2).	< RM 20 Thousands OR to Imprisonment for a term < 3 Years OR to Both. Further Fine: < RM 5 Thousands for everyday or part thereof during which the offence continues after conviction.
SS 14 (5)	<u>Duties of Developer in relation to Account:</u> Any developer who fails to comply with SS 14 (1), (2), (3), or (4).	< RM 250 Thousands OR to Imprisonment for a term < 3 Years OR to Both.
SS 15 (4)	<u>Handling over by Developer to Joint Management Body (JMB):</u> Any developer who fails to comply with SS 15 (1), (2) or (3).	< RM 250 Thousands OR to Imprisonment for a term < 3 Years OR to Both. Further Fine: < RM 5 Thousands for everyday or part thereof during which the offence continues after conviction.
SS 18 (2)	<u>Duties of Developer to convene first AGM of JMB:</u> Any developer who fails to comply with SS 18 (1).	< RM 250 Thousands OR to Imprisonment for a term < 3 Years OR to Both.
SS 26 (5)	<u>Duties of JMB in relation to Accounts:</u> If the JMB fails to comply with SS 26 (1), (2), (3) or (4), every member of JMC.	< RM 250 Thousands OR to Imprisonment for a term < 3 Years OR to Both.
SS 27 (4)	<u>Dissolution of JMB:</u> If the JMB fails to comply with SS 27 (2) or (3), every member of JMC.	< RM 250 Thousands OR to Imprisonment for a term < 3 Years OR to Both.
SS 29 (3)	<u>Duty of Developer in respect of Charges for building or land intended for subdivision into Parcels completed before commencement of this Act:</u> Any developer who fails to comply with SS 29 (1).	< RM 250 Thousands OR to Imprisonment for a term < 3 Years OR to Both.
SS 30 (2)	<u>Register of Parcel Owners:</u> Any developer who fails to comply with SS 30 (1).	< RM 10 Thousands OR to Imprisonment for a term < 3 Years OR to Both.
SS 30 (3)	<u>Register of Parcel Owners:</u> If the JMB fails to comply with SS 30 (1), every member of JMC.	< RM 10 Thousands OR to Imprisonment for a term < 3 Years OR to Both.
SS 34 (3)	<u>Procedure on Recovery of Sums Due:</u> Any purchaser or parcel owner who, without reasonable excuse, fails to comply with the notice referred to in SS 34 (1).	< RM 5 Thousands OR to Imprisonment for a term < 3 Years OR to Both. Further Fine: < RM 50 for everyday or part thereof during which the offence continues after conviction.

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SS 48 (4)	<u>Duties and Powers of Developer to maintain and manage:</u> Any developer who fails to comply with SS 48 (1) or (3).	< RM 250 Thousands OR to Imprisonment for a term < 3 Years OR to Both.
SS 49 (3)	<u>Restrictions during Preliminary Management Period:</u> Any developer who fails to comply with SS 49 (1).	< RM 250 Thousands OR to Imprisonment for a term < 3 Years OR to Both.
SS 50 (4)	<u>Developer to establish Maintenance Account in the name of MC:</u> Any developer who fails to comply with SS 50 (1) or (3).	< RM 250 Thousands OR to Imprisonment for a term < 3 Years OR to Both.
SS 51 (3)	<u>Developer to establish Sinking Fund Account in the name of MC:</u> Any developer who fails to comply with SS 51 (1) or (2).	< RM 250 Thousands OR to Imprisonment for a term < 3 Years OR to Both.
SS 54 (5)	<u>Duties of Developer in relation to Account:</u> Any developer who fails to comply with SS 54 (1), (2), (3) or (4).	< RM 250 Thousands OR to Imprisonment for a term < 3 Years OR to Both.
SS 55 (4)	<u>Handling Over of Control to MC:</u> Any developer who fails to comply with SS 55 (1), (2) or (3).	< RM 250 Thousands OR to Imprisonment for a term < 3 Years OR to Both. Further Fine: < RM 5 Thousands for everyday or part thereof during which the offence continues after conviction.
SS 57 (2)	<u>Duty of Developer to convene first AGM (of MC):</u> Any developer who fails to comply with SS 57 (1).	< RM 250 Thousands OR to Imprisonment for a term < 3 Years OR to Both.
SS 62 (5)	<u>Duties of MC in relation to Accounts:</u> If the MC fails to comply with SS 62 (1), (2), (3) or (4), every member of mc.	< RM 250 Thousands OR to Imprisonment for a term < 3 Years OR to Both.
SS 72 (2)	<u>Strata Roll:</u> Any developer who fails to comply with SS 72 (1).	< RM 10 Thousands OR to Imprisonment for a term < 3 Years OR to Both.
SS 72 (3)	<u>Strata Roll:</u> If a MC fails to comply with SS 72 (1), every member of management committee.	< RM 10 Thousands OR to Imprisonment for a term < 3 Years OR to Both.
SS 78 (3)	<u>Procedure for Recovery of Sum Due:</u> Any Proprietor who, without reasonable excuse, fails to comply with the written notice under SS 78 (1).	< RM 250 Thousands OR to Imprisonment for a term < 3 Years OR to Both. Further Fine: < RM 5 Thousands for everyday or part thereof during which the offence continues after conviction.
SS 89 (5)	<u>Power and Duties of Managing Agent:</u> Any managing agent who fails to comply with SS 89 (3) or (4).	< RM 250 Thousands OR to Imprisonment for a term < 3 Years OR to Both. Further Fine: < RM 5 Thousands for everyday or part thereof during which the offence continues after conviction.
SS 91 (2)	<u>Termination of Management Agreement:</u> Any managing agent who fails to comply with SS 91 (1).	< RM 250 Thousands OR to Imprisonment for a term < 3 Years OR to Both.
SS 92 (6)	<u>Developer to pay Deposit to rectify Defects on Common Property:</u> Any developer who fails to comply with SS 92 (1).	< RM 5 Thousands & to a further fine < RM 50 for everyday or part thereof during which the offence continues after conviction.
SS 151 (2)	<u>Power to Exempt:</u> Any person who fails to comply with any term and condition under SS 151 (1).	< RM 100 Thousands OR to Imprisonment for a term < 3 Years OR to Both.
Section 123	Criminal Penalty for Failure to Comply with Award (by Tribunal). Any person who fails to comply with an award made by the Tribunal. Remark: <i>There could be reason(s) why the National Council for Local Government had not put the Section 123 as one of the Regulations in Strata Management (Compounding of Offences) Regulations 2019. (by : KS Low)</i>	< RM 250 Thousands OR to Imprisonment for a term < 3 Years OR to Both. Further Fine: < RM 5 Thousands for everyday or part thereof during which the offence continues after conviction.

Note:

(*) : The first line under Subject of Offence is the topic of Section specified in Act 757.

Example: SS 27 (4) refers to the Subject of Section 27 in Act 757: - Dissolution of JMB.

The second line states the Fine of Compoundable Offences (4).

In order to know the actual Offence committed, the user has to refer to the details in the subsection(s) stated in Act 757.

(31st August 2022) Compiled by Low Kon Sin (SOAM)

(B) Offences Committed under the provisions of SMR (M&M) 2015 - (02 June 2015)

Reference (Sub-Reg)	Subject of Offence	Compound - commits an offence & shall, on conviction, be liable to a Fine:
SR 6 (5)	<u>Schedule of Parcels:</u> Any developer who fails to comply with SR 6 (2), (3) or (4).	< RM 50 Thousands OR to Imprisonment for a term < 3 Years OR to Both.
SR 7 (4)	<u>Amended Schedule of Parcels:</u> Any developer fails to comply SR 7 (2) or (3).	< RM 50 Thousands OR to Imprisonment for a term < 3 Years OR to Both.
SR 9 (7)	<u>Allocated Share Units:</u> Any person who fails to comply with SR 9 (1), (2) or (4).	< RM 50 Thousands OR to Imprisonment for a term < 3 Years OR to Both.
SR 9 (8)	<u>Allocated Share Units:</u> Any person who refuses the licensed land surveyor appointed under SR 9(5) paragraph (c) or any person authorised by him access to any parcel for the purpose of carrying out the survey of a parcel, or obstructs, hinders or delay the licensed land surveyor or any person authorised by him in effecting such entry for such purpose.	< RM 50 Thousands OR to Imprisonment for a term < 3 Years OR to Both.
SR 19 (2)	<u>Certificate of Amount Payable by Parcel Owner or Prospective Purchaser:</u> (Applicable before establishment of MC). Any developer or JMB who fails to comply with SR 19 (1).	< RM 50 Thousands OR to Imprisonment for a term < 3 Years OR to Both.
SR 21 (5)	<u>Seivices of any Person or Agent to maintain & manage common property:</u> (Applicable before establishment of MC). Any person who fails to comply with SR 21 (1), (2), (3) or (4).	< RM 50 Thousands OR to Imprisonment for a term < 3 Years OR to Both.
SR 25 (3)	<u>First AGM of SMC:</u> Any person or body who fails to comply with SR 25 (1).	< RM 50 Thousands OR to Imprisonment for a term < 3 Years OR to Both.
SR 30 (2)	<u>Certificate of Amount Payable by Parcel Owner or Prospective Purchaser:</u> (Applicable to MC and SMC). Any MC or SMC who fails to comply SR 30 (1).	< RM 50 Thousands OR to Imprisonment for a term < 3 Years OR to Both.
SR 32 (5)	<u>Seivices of any Person or Agent to maintain & manage common property:</u> (Applicable to MC and SMC). Any person or body who fails to comply with SR 32 (1), (2), (3) or (4).	< RM 50 Thousands OR to Imprisonment for a term < 3 Years OR to Both.
SR 34 (2)	<u>AGM (provisions for JMB, MC and SMC):</u> If any JMB, MC or SMC fails to hold its AGM, the JMB, MC or SMC, as the case may be.	< RM 50 Thousands OR to Imprisonment for a term < 3 Years OR to Both.
SR 43 (5)	<u>Management Agreement:</u> Any person or body who fails to comply with SR 43 (3) or (4).	< RM 50 Thousands OR to Imprisonment for a term < 3 Years OR to Both.
SR 44 (3)	<u>Bond:</u> Any agent manager who fails to comply with SR 44 (1).	< RM 50 Thousands OR to Imprisonment for a term < 3 Years OR to Both.
SR 63 (2)	<u>Access:</u> Any purchaser, parchel owner, proprietor or occupier of the affected parcel or any other parcel who fails to give access to the affected parcel or any other parcel to the person or body carrying out the inspection pursuant to SR 63 (1).	< RM 50 Thousands OR to Imprisonment for a term < 3 Years OR to Both.
Reg 70	<u>Aiding and Abetting:</u> Any person who knowingly & wilfully aids, abets, counsels, procures or commands the commission of any offence under any provision of these Regulations.	< RM 50 Thousands OR to Imprisonment for a term < 3 Years OR to Both.

Note:

(*) : The first line under Subject of Offence is the topic of Regulation specified in SMR (M&M) 2015.

Example: SR 25 (3) refers to the Topic of Regulation 25: - First AGM of SMC.

The second line states the Fine of Compoundable Offences (3).

In order to know the actual Offence committed, the user has to refer to the details in the sub-regulation(s) stated in SMR (M&M) 2015.

SMR (M&M) 2015: Strata Management (Maintenance & Management) Regulations 2015 which comes into operation on 2nd June 2015.

(31st August 2022) Compiled by Low Kon Sin (SOAM)

WHAT IS SaaS?



Software as a service (or SaaS) is a way of delivering applications over the Internet - as a service. Instead of installing and maintaining software, a person can simply access it via the Internet, freeing him from complex software and hardware management.

SaaS applications are sometimes called Web-based software, on-demand software, or hosted software. Whatever the name, SaaS applications run on a SaaS provider's servers. The provider manages access to the application, including security, availability, and performance.

BACKGROUND OF SaaS

In the 1960s, mainframe computers were connected to dumb terminals that shared the mainframe's software—a software delivery system known as time-sharing. As the cost of computers began to fall in the 1980s, many businesses created their own local version of time-sharing, which was called a local-area network (LAN). However, the business (not the technology provider) was responsible for supplying and managing the hardware and network.

With the advent of the internet in the 1990s, providers began hosting software and making it available to customers via the internet. This forerunner of SaaS, called the application service provider (ASP) model, had serious limitations. For example, each customer required their own version of the software, which meant they had to install some software on users' computers. Configuration was costly and time-consuming. Also ASP solutions typically do not offer a way to collect and aggregate data efficiently.

The first SaaS solutions emerged in the late 1990s, when the term SaaS was originally coined. This new model delivered much greater efficiencies than the ASP model. A single instance of the application could serve multiple users and even customers hence the term "multi-tenant architecture". Local installation of software was no longer required. And it provided a way to collect, aggregate, and centralize valuable application data.

While the delivery model has remained constant since the early 2000s, SaaS has evolved significantly from first-generation siloed solutions to modern SaaS suites that enable high visibility across the

business and can extend the power of SaaS through embedded technologies such as AI, machine learning, chatbots, digital assistants, IoT, blockchain, augmented reality and virtual reality.

CHARACTERISTICS OF SaaS

A good way to understand the SaaS model is by thinking of a bank, which protects the privacy of each customer while providing service that is reliable and secure—on a massive scale. A bank's customers all use the same financial systems and technology without worrying about anyone accessing their personal information without authorisation.

A “bank” meets the key characteristics of the SaaS model:

(a) Multitenant Architecture

A multitenant architecture, in which all users and applications share a single, common infrastructure and code base that is centrally maintained. Because SaaS vendor clients are all on the same infrastructure and code base, vendors can innovate more quickly and save the valuable development time previously spent on maintaining numerous versions of outdated code.

(b) Easy Customisation

The ability for each user to easily customise applications to fit their business processes without affecting the common infrastructure. Because of the way SaaS is architected, these customisations are unique to each company or user and are always preserved through upgrades. That means SaaS providers can make upgrades more often, with less customer risk and much lower adoption cost.

(c) Better Access

Improved access to data from any networked device while making it easier to manage privileges, monitor data use, and ensure everyone sees the same information at the same time.

(d) SaaS Harnesses the Consumer Web

Anyone familiar with Amazon.com or My Yahoo! will be familiar with the Web interface of typical SaaS applications. With the SaaS model, you can customise with point-and-click ease, making the weeks or months it takes to update traditional business software seem hopelessly old fashioned.

SaaS TRENDS

Organisations are now developing SaaS integration platforms (or SIPs) for building additional SaaS applications. The consulting firm Saugatuck Technology calls this the “third wave” in software adoption: when SaaS moves beyond standalone software functionality to become a platform for mission-critical applications.

SaaS is one of several cloud computing solutions for business IT issues. Other ‘as-a-Service’ options include:

- Infrastructure as a Service (IaaS) – the provider hosts hardware, software, storage and other infrastructure component
- Platform as a Service (PaaS)
- Everything as a service (XaaS) – which is essentially all the “aaS” tools neatly packaged together.

The payment model for these kinds of services is typically a per-seat, per-month charge based on usage - so a business only has to pay for what they need, reducing upfront costs.

SaaS V PACKAGED SOFTWARE

In the past, businesses bought and relied on packaged software – from multi-application systems covering spreadsheets, databases and email to specialist packages for particular tasks like project management or business intelligence.

DISADVANTAGES OF PACKAGED SOFTWARE

To use sales and marketing as an example, a business may have used on-premises software for CRM:

- This software needed to be evaluated, bought, installed, kept secure, maintained and regularly upgraded on in-house systems by the internal IT department.
- Using packaged software placed a burden on the IT team which could turn into a bottleneck for projects.
- A business could end up needing to support a wide variety of systems side by side, but find it tricky to integrate them as they were coded and built differently.
- This approach also presented upfront costs for software and licences and potentially servers for the software to sit on.
- The costs of the CRM software and hardware might mean it is not affordable for small businesses. It could also be difficult to scale up quickly in response to growth or change.

THE ADVANTAGES OF SaaS

Increased efficiency and cost effectiveness are the reasons many businesses give for turning to cloud-based SaaS solutions. The advantages include:

1. Low setup and infrastructure costs

Just pay for what is needed with no capital expenditure that needs to be depreciated on balance sheet over time.

2. Accessible from anywhere

Just connect to the internet and can work from anywhere via desktop, laptop, tablet or mobile or other networked device.

3. Scalability

It can be adapted to the number of people who need to use the system, the volume of data and the functionality required as business grows.

4. Industry leading service level agreements (SLAS) for uptime and performance

The software aggregates and updates data and information without requiring in-house teams manual inputs.

5. Automatic, frequent updates

Providers offer timely improvements due to their scale and in response to feedbacks what customers need. This frees up IT department for other more business-critical tasks.

6. Security at the highest level required by any customer

Because of the shared nature of the service, all users benefit from the security level that's been set up for those with the highest need.



THE FUTURE OF SaaS

Cloud computing and SaaS have come a long way in a short time. Increased awareness and uptake has accelerated the growth of SaaS products and led to the rise of SaaS Integration Platforms (SIPs) such as Infrastructure as a Service (IaaS) and Platform as a Service (PaaS). Companies will continue to outsource non-core IT activities to specialist service providers who can do it better. The cloud approach can help companies develop end-to-end integrated solutions and allow them to concentrate on what they do best, leaving a wide range of hardware and software IT issues to service providers.

With companies adopting various “aaS” services, long-term relationships with service providers will grow – which in turn will lead to innovation as customers’ growing needs are understood and provided for.

In the future, high-performance computing will help with a wide range of business uses, such as analysing large volumes of customer data and monitoring application logs. SaaS may one day be able to help address critical challenges for business such as predicting which customers will churn or which cross-selling practices work best for your business. ■

Advertorial

PENYATA KEWANGAN & MPERS

Penyata kewangan (atau laporan kewangan) ialah rekod formal kegiatan-kegiatan kewangan bagi badan pengurusan bangunan berstrata. Penyata kewangan memberikan pandangan keseluruhan keadaan kewangan jangka pendek serta jangka panjang bagi sesebuah kawasan pemaju.

Mesyuarat Majlis Negara bagi Kerajaan Tempatan (MNKT) ke-69 telah bersetuju dengan pemakaian *Malaysian Private Entities Reporting Standard (MPERS)* sebagai asas penyediaan kewangan Pihak Pengurusan Bangunan Berstrata.

MPERS merupakan satu rangka pelaporan yang baru diwujudkan di Malaysia yang berasaskan *International Financial Reporting Standard (IFRS)*. Standard ini akan digunakan oleh Perusahaan Kecil dan Sederhana (SME) yang akan berkuatkuasa pada 1 Januari 2016. Beberapa penambahbaikan telah dibuat daripada IFRS di mana standard ini disediakan mengikut kesesuaian persembahan dan standard perakaunan Malaysia.

KEWAJIPAN PIHAK PENGURUSAN BANGUNAN

<ul style="list-style-type: none"> ➤ Menyediakan penyata kewangan 	<ul style="list-style-type: none"> • Pemaju : Dalam tempoh permulaan tempoh pengurusan [seksyen 14(1)(a) Akta 757] • JMB : Dalam tempoh mesyuarat agung tahunan pertamanya [seksyen 26(1)(a) Akta 757] • MC : Dalam tempoh permulaan tempoh pengurusan [seksyen 62(1)(a) Akta 757]
<ul style="list-style-type: none"> ➤ Melantik juruaudit 	<ul style="list-style-type: none"> • Menjalankan audit ke atas akaun pada setiap tahun dan hendaklah dibentangkan pada mesyuarat agung tahunan ➤ Pemaju: seksyen 14(1)(b) Akta 757 ➤ JMB: seksyen 26(1)(b) Akta 757 ➤ MC: seksyen 62(1)(b) Akta 757
<ul style="list-style-type: none"> ➤ Faikan ke Pesuruhjaya Bangunan 	<ul style="list-style-type: none"> • Memfailkan salinan akaun teraudit yang diperakui benar bersama dengan laporan juruaudit dalam tempoh empat belas (14) hari daripada tarikh laporan juruaudit ➤ Pemaju: seksyen 14(1)(c) Akta 757 ➤ JMB: seksyen 26(1)(c) Akta 757 ➤ MC: seksyen 62(1)(c) Akta 757
<ul style="list-style-type: none"> ➤ Kuasa Pesuruhjaya Bangunan 	<ul style="list-style-type: none"> • Melantik seorang juruaudit untuk menyiasat akaun & rekod akaun. Semua perbelanjaan dibayar oleh pihak pengurusan • Pesuruhjaya berhak untuk meminta penyata, laporan, akaun dan maklumat kewangan kewangan daripada pihak pengurusan • Pesuruhjaya berhak menentukan format penyata, laporan, akaun & maklumat kewangan ➤ Pemaju: seksyen 14(2), 14(3) & 14(4) Akta 757 ➤ JMB: seksyen 26(2), 26(3) & 26(4) Akta 757 ➤ MC: seksyen 62(2), 62(3) & 62(4) Akta 757
<ul style="list-style-type: none"> ➤ Kesalahan/denda 	<ul style="list-style-type: none"> • Pihak pengurusan akan dikenakan denda tidak melebihi dua ratus lima puluh ribu ringgit penjara selama tempoh tidak melebihi tiga tahun atau kedua-duanya. ➤ Pemaju: seksyen 14(5) Akta 757 ➤ JMB: seksyen 26(5) Akta 757 ➤ MC: seksyen 62(5) Akta 757

KANDUNGAN MPERS

- Latar belakang jawatankuasa pihak pengurusan (*Organization's Information*)
- Laporan ahli jawatankuasa (*Committee Report*)
- Penyata ahli jawatankuasa (*Statement By Committee*)
- Laporan juruaudit (*Auditor's Report*)
- Penyata kedudukan kewangan (*Statement Of Financial Position*)
- Penyata prestasi kewangan (*Income Statement*)
- Penyata perubahan kewangan (*Statement Of Changes In Equity*)
- Penyata aliran tunai (*Cash Flow Statement - Direct Method*)
- Nota kepada penyata kewangan (*Notes To The Financial Statement*)

Pihak pengurusan terutamanya ahli jawatankuasa pengurusan adalah bertanggungjawab untuk memastikan penyata kewangan disediakan dan diaudit selaras dengan Akta Pengurusan Strata 2013

Heartiest Congratulations to:



**YBhg. Datuk Sr Hj. Kamarulzaman
Bin Mat Salleh**

Pengarah Eksekutif

(Pengurusan Projek)

Dewan Bandaraya Kuala Lumpur

Adjunct Professor

Faculty of Architecture, Planning &
Surveying Universiti Teknologi MARA



Datuk Sr Firdaus Bin Musa

President

FIABCI Malaysia

Conferred Datukship

by Yang di-Pertua Negeri Melaka



**INSTITUT PENGURUS HARTA DAN FASILITI MALAYSIA
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Press Release

11 July 2022

MALAYSIAN HOUSING DATA

The Malaysian Institute of Property and Facility Managers (MIPFM) understands that Jabatan Perumahan Negara (JPN) intends to establish a databank for unsold properties in Malaysia.

However, it is widely understood that the National Property Information Centre (NAPIC) of the Valuation and Property Services Department (JPPH) under the Ministry of Finance (MOF) acts as the national property centre that collects and publishes data and information on the property market in the country.

MIPFM is of the view that NAPIC should be the sole agency handling all property supply and demand data. All data for the property market should be under NAPIC to avoid overlapping information. Besides that, NAPIC should be empowered and given more budget to collate, collect, analyse and provide accurate and timely data to property industry players free of charge.

The collection of data and information should be comprehensive to cover not only unsold units but also vacant and unused units. This would give a better and accurate picture on property supply, use and occupation. Vacant properties indicate poor usage of completed properties and this will be adding more burden on the oversupply situation. The financial resources for construction of new buildings can be diverted to other financing opportunities instead of focusing just on the property market.

A single comprehensive property databank improves property market transparency and helps in improving market efficiency in the occupation, investment and development sectors of the property market.

-END-

MIPFM ACTIVITIES



Courtesy Visit to CIDB WPKL



MIPFM Competency Seminar at Johor Bahru



Courtesy Visit to CIDB WPKL



MIPFM Competency Seminar at Johor Bahru



Courtesy Visit to CIDB WPKL



Conference and CPD Sub-Committee Meeting

ORDINARY MEMBERS

NO.	MEMBERSHIP NO.	FULL NAME
1	PFM No. M1180	Anwar Haniff Bin Mohd Suhaimi
2	PFM No. M1181	Mohd Nazri Bin Othman
3	PFM No. M1182	Zainoor Azmah Binti Zakaria
4	PFM No. M1183	Masrun Bin Abdul Rahman
5	PFM No. M1184	Jeevendran A/L Rajenthiran
6	PFM No. M1185	Edward Chung Weng Keong
7	PFM No. M1186	Teoh Siew Chai
8	PFM No. M1187	Maselfa Binti Masdon
9	PFM No. M1188	Lai Chee Tiong
10	PFM No. M1189	Kong Weng Keong
11	PFM No. M1190	Mohd Hafeez Bin Zulkifli
12	PFM No. M1191	Noor Shazlina Binti Marjuni
13	PFM No. M1192	Tuti Haryati Binti Jasmin
14	PFM No. M1193	Azuan Bin Omar
15	PFM No. M1194	Sahrul Azim Bin Syahril
16	PFM No. M1195	Law Chek Kin @ Lau Chek Kin
17	PFM No. M1196	Zainal Abidin Bin Zakaria
18	PFM No. M1197	Ho Teck Ming
19	PFM No. M1198	Syamillah Binti Mustafah
21	PFM No. M1199	Shazmin Shareena Binti Ab Azis
22	PFM No. M1200	Muhammad Nurfahmi Bin Zamri
23	PFM No. M1201	Erna Dangsuria Binti Zaini
24	PFM No. M1202	Chandrika Nair A/P Jathakan
25	PFM No. M1203	Salwana Binti Halis
26	PFM No. M1204	Abdul Razak Bin Yusak

ASSOCIATE MEMBERS

NO.	MEMBERSHIP NO.	FULL NAME
1	PFM No. A0084	Lau Chee Min
2	PFM No. A0085	Foo Tuck Min
3	PFM No. A0086	Najihah Syahirah Binti Zulkarnail
4	PFM No. A0087	Mahaletchemy A/P Karnesan
5	PFM No. A0088	Sugandi A/P Gobalkrishnan
6	PFM No. A0089	Kartini Binti Mohd Khairi
7	PFM No. A0090	Sia Kee Hock
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