



SUB-COMMITTEE REPORT

CONVEYANCING PRACTICE



**Nurul Muhaniza
Binti Hanafi**

- Chairperson** : Nurul Muhaniza binti Hanafi
- Sub-Committees** :
- 1) Yu Ai Ting
 - 2) Sarah Kambali
 - 3) Adlina Hasni Dato' Seri Zainal Abidin
 - 4) Kasmani binti Baharuddin
 - 5) Asyraf Wajdi bin Saadudin
 - 6) Haji Zainal Abidin bin Shaikh Zakaria

For the year 2023/2024 term, Conveyancing Practice Committee (“CPC”) team of Selangor Bar Committee focuses on maintaining good working relationships with various agencies/stakeholders such as the Land Offices, Lembaga Hasil Dalam Negeri (“LHDN”), Lembaga Pembiayaan Perumahan Sektor Awam (“LPPSA”), Suruhanjaya Syarikat Malaysia (“SSM”), Lembaga Perumahan dan Hartanah Negeri Selangor (“LPHS”) and Malaysia Department of Insolvency (“MDI”). Many previous major issues with the various relevant agencies/stakeholders have been duly resolved during the previous terms.

CPC team is pleased to report the following updates to Members pertaining to conveyancing practice throughout the term 2023/2024 as follows:-

1. Bicara Santai-Sudah Selesaikah Pindah Milik Tanah Anda Bersama Tetamu Terhormat Pegawai PTG Selangor

On 18.01.2024, CPC conducted a talk with Pejabat Tanah & Galian Negeri Selangor (“PTG Selangor”) at Auditorium SBC to address some issues, common errors facing by the Members and the Land Officers in their presentations of documents. Encik Kamarol Aryffin bin Adzhan was the speaker of the day and shared dos and don’ts for the presentations at the Land Registry.

2. Seminar Ownership Mechanism For State Controlled Property in Selangor (OWSEM)

On 20.02.2024, CPC collaborated with Lembaga Perumahan Dan Hartanah Negeri Selangor (“LPHS”) conducted a one day seminar in respect of the procedures for e-consent LPHS, small estate and claim distributions issues and



e-Tanah system. The costs for the seminar-inclusive of guest speakers, etc was fully covered by LPHS. It was the first collaboration between SBC and LPHS.

3. **Meeting with Pejabat Tanah & Galian Wilayah Persekutuan Kuala Lumpur (PTGWPKL)**

On 07.05.2024, CPC had a meeting with En Rozaini bin Rosley Ketua Penolong Pengarah Pendaftaran and his officers at PTG WP Kuala Lumpur to iron out any issues faced by Members and PTGWPKL. During the said meeting, Ketua Penolong Pengarah Pendaftaran expresses his concern over high fraudulent cases experienced by his officers and is seriously looking at implementation of Online Presentation Registration (“OPR”) system where digital signatures is required but that would involve some amendments in National Land Code (“NLC”). Pending the implementation of OPR, PTGWPKL hope Members will cooperate and exercise due diligence to combat fraud.

CPC raised issues of limited presentation numbers where many Members or their runners were not able to present their documents despite being issued queue numbers. PTGWPKL explained that there is no preferential treatment for Members or runners. The queueing numbers will be issued by 7:30am whilst counters will start to operate by 8:00am. Usually by 9:00am, the running number will run up to 250 and any lawyers or runners who turn up after 9:00am may not be able to present their matter on the same day.

PTGWPKL has recently increased the number of cases up to a maximum 20 cases per queueing number issued to registered runners and Members from only 3-5 cases previously. This is to cater for firms with higher volume as previously prior appointments need to be made for volume cases. All six counters operate from 8:00 am to 4:00pm with a break from 11:45am till 12:15pm for account consolidation to mark the end of the morning session before they commence operation for afternoon session from 12:15pm to 4:00pm. During lunch break (from 1:00pm to 2:00pm) there will be only three counters operating.

Members are advised by PTGWPKL to refrain from sending emails to PTGWPKL to request for urgency for presentation done. Members are advised to present their cases ahead of time before the expiration/due date of consent or transfer. PTGWPKL reiterated that their registration fees is very nominal compared to other states.



4. **Meeting with Pejabat Tanah & Galian Negeri Selangor**

On 21.05.2024, CPC had a courtesy meeting with YBhg Dato' Dr Yusri bin Zakariah, Pengarah, Pejabat Tanah & Galian Negeri Selangor and his officers at PTG Selangor.

During the said meeting, CPC was informed that it has been six months since online e-Tanah Selangor system for land dealings in Selangor was first introduced. There are still some teething issues yet to be resolved with the vendor of e-Tanah Selangor system causing some back log of cases. The problem is also partly due to need of PTG Selangor staff to familiarize with the system. With the e-Tanah system, PTG Selangor will endeavor to increase registration per day where within seven (7) days upon presentation, Members are able to collect the duly registered documents from the respective land offices. Among other issues that were also deliberated in the meeting are as follows: -

Issue No. 1 :

Uniformed standardized requirements to all Selangor land districts

CPC requested Pengarah PTG Selangor to advise all Selangor land districts to adopt standardised requirements for all matters applied via e-system instead of having different sets of requirements for different land districts. For an example of non-standardised in e-Tanah system, Gombak Land District requires the submission of Facility Agreement in addition to the standard caveat form and statutory declaration in the presentation of Bank's private caveat. The problem arises when the Facility Agreement has not even been dated.

Also, in a situation involving auction matter where the Developer does not allow for a direct transfer, there is a need to perfect the first purchaser's transfer and charge. The Bank's power of attorney would not have stated the strata title particulars as at the point of time as the strata title number was not in existence at that time. For that reason, the application was rejected and again, there was no mention on the name of the officer who rejected the matter.

CPC requested Pengarah PTG Selangor to ensure that all names of officers must appear when rejecting any application and that all senior land district officers "*Kado*" must notify their officers and staff to be aware of the uniformed standardised requirements applicable to all Selangor land districts.

Issue No. 2 :

Application of CTC blanket consent

CPC raised issues of application on CTC blanket consent where it involves "*Hakmilik sambungan*" amalgamated titles, the system will reject "*Hakmilik baru*" number and instead request for original letter from Developer to PTG



Selangor. Pengarah PTG Selangor explained that any matters involving technical issues have to go through a process where it will be brought to “*Jawatankuasa Teknikal*” committee meeting to improve the system through “chain & request” (“CR”). The matter will be brought to *KPPTG PEMANDU*. If it involves additional cost to improve the hardware system, it will take a while as it is the Federal Government that currently funds the cost of the e-system and it would be unfair for Selangor state to bear the additional expenditure on system improvement as other states like Perak will get to benefit the improved system. Any improvement in the system is based on “Customisation Request Study” (CRS). Indeed, the issues only arose after the system went “Live”. Members were told to bear with the system in the interim before the system is totally improved.

Issue No. 3 :

Crash in e-Tanah system

Members are facing crash in the system despite attempting many times and still unable to get access to the system and at times after loading, the information disappears. Pengarah PTG Selangor responded that this could be due to the network system as system crash can occur even for other system.

Upon uploading information for application for consent to transfer and charge, at times the system does not capture and instead “*Tiada rekod yang di jumpai*” appears on the screen. Pengarah PTG Selangor noted on this matter pending improvement to the system.

Issue No. 4 :

Official Search to generate Consent Form

Before any application for consent to transfer can be done, there is a requirement to do an official land search in order to generate the consent form. Since the validity of the official land search is only for one (1) month, many a times Members face the problem of having to re-do the official land search when Members are not able to obtain the client’s signature within the one (1) month validity period.

CPC was told by Puan Roza Azilla, *Penolong Pengarah Bahagian Pembangunan dan Kemajuan Tanah* that under those circumstances, Members can fill in the hard copy of the consent form and obtain the client’s signature and thereafter upload the hard copy of the duly signed consent form in the system] Again, CPC requested PTG Selangor to remind all land districts on this flexibility allowed by PTG Selangor.

**Issue No. 5:****Re-set password**

Re-set password is a common problem where the new password cannot be used.- Pending improvement made to the system, PTG Selangor requested Members to go to Counter Number 17 at PTG Selangor to obtain the new password otherwise the system will appear as “*Tidak sah*”.

Issue No. 6 :**Incomplete registration endorsed on the title**

Incomplete registration on the duly registered title where the bank’s charge does not appear on the land title despite presentation receipt shows payment made for both registration of transfer and charge.-Members are given exemption for need to provide any statutory declaration for rectification as it is due to no fault of the legal firm concerned.

Issue No. 7 :**Application for official land search**

Ordinarily official land search can be obtained within a day but due to the system at times it can only be obtained after 2-3 days. CPC was told that once the system is fully improved, official land searches can be obtained within a day.

Issue No. 8 :**Upgraded Layout Plan**

Members have requested for the upgraded Layout Plan / Pelan Tanah to be automatically attached to the new title when exchanging for new title at the land district. Pengarah PTGS has taken note on this issue.

Issue No. 9 :**Presentation of a property with 2 or more separate land titles**

When registering a property which is erected on two (2) or more separate land titles, Members can upload the first land title and click “*tambah*” the subsequent land title. Registration fee shall be based on LHDN’s stamp duty valuation for each land title.

Issues facing by PTG Selangor with Members:

CPC was told that PTG Selangor are also facing some issues with Members such as :



- (a) Concern over high fraudulent cases experienced by PTG Selangor such as law firm made CTC blanket consent manually by placing the date of the CTC blanket consent as the recent date which is a day before submission of consent to transfer using rubber stamp chop of the previous officer in charge of CTC blanket consent, En Hanafi who is no longer in charge of CTC blanket consent.
- (b) There is a high risk in registration of title. PTG Selangor seeking Members cooperation to curb fraudulent activities as there are cases where identity card photos are not identical to the actual holder of the identity card. CPC has advised PTG Selangor to insist the lawyers/partners of legal firms to be present at PTG Selangor instead of merely clarifying with runners when there is any form of suspicion by PTG Selangor of fraudulent act.
- (c) There are lawyers who would proceed with presentation by dropping the documents in the Smartbox despite not having the complete set of relevant documents just before the expiration date of the instrument to avoid late penalty on registration. When the presentation gets rejected, at times the runner will discreetly insert the missing document within the stack of documents and blames the PTG Selangor for not checking the documents properly.
- (d) PTG Selangor has been accused of misplacing documents when in actual fact the documents were never in the first place enclosed in the bundle of documents dropped in the Smartbox. CPC suggested that there is a need for PTG Selangor to do a video recording to avoid PTG Selangor of being accused of misplacing documents and that PTG Selangor could even lodge a police report against dishonest unscrupulous legal firms and their runners.
- (e) Members are urged not to send e-mails to PTGS to expedite the matter immediately after presenting the same. PTG Selangor has noted that there are certain legal firms who have this bad habit for sending numerous e-mails repeatedly to request for urgency of the matter for every presentation done by the legal firm concerned

5. **Meeting with Pengarah Malaysia Department of Insolvency, Putrajaya**

On 30.05.2024, CPC had a courtesy meeting with Datuk M.Bakri bin Abdul Majid Pengarah Insolvency Malaysia, Putrajaya and his officers. During the said meeting, Pengarah OA explained on the government's policy for the discharge of bankruptcy and his power to approve the discharge of bankruptcy under section 33A of Insolvency Act subject to certain criteria. CPC raised the issues about the unscrupulous private liquidators charging exorbitant fees on the issuance of letter of confirmation and attestation fees. Pengarah OA responded he will take note on that issues. For time being, OA can only monitor liquidators who are registered under their panel of liquidators.



6. Meeting with Pejabat Tanah Daerah Gombak

On 25.06.2024, CPC team had a courtesy meeting with Pn Khairul Aizawati binti Khalid, Ketua Penolong Pengawai Daerah, Bahagian Pengurusan Tanah, Pejabat Tanah Daerah Gombak and her officers. During the said meeting, CPC requested PTD Gombak to adopt with standardised procedures since Members have raised complaints that PTD Gombak has been requesting for a copy of the “Facility Agreement” when presenting the Entry of Bank’s Private Caveat. In this regard, PTD Gombak responded that there has been alarming fraudulent cases and had to resort to extra supporting documents before they could process the application. During the said meeting, it was clarified that PTD Gombak actually requires a copy of bank’s letter of offer as supporting document with the statutory declaration for the presentation of the Entry of Bank’s private caveat or a copy of sale and purchase agreement or proof of purchase or the beneficiary interest for entry of private caveat. PTD Gombak explained that they are exercising their discretion and power to request for the supporting documents to avoid any issues and to protect the land office from being sued for failure to exercise due diligence before registration.

PTD Gombak also clarified that documents which has been rejected, must be re-presented within 1 month from the rejection with a fee of RM20.00. Any rejected document which is submitted after one month grace period from the rejection, will have to be paid in full.

7. Meeting with Jabatan Pendaftaran Negara, Putrajaya

On 05.07.2024, CPC team met Puan Sarinah binti Apisah Timbalan Ketua Pengarah (Operasi), Encik Muhammad Asraf bin Sukadi, Pengarah Bahagian Kad pengenalan, Puan Siti Maslinda binti Mardi, Pengarah Bahagian Kewarganegaraan, Puan Haslina, Bahagian Kelahiran dan Kematian at Jabatan Pendaftaran Negara (JPN), Putrajaya. This is the first courtesy meeting held to establish working relationship with JPN HQ office. During the said meeting, CPC team requested some waivers for Members, particularly in applying for address search. Encik Muhammad Asraf responded that JPN is obliged to protect personal data of Malaysian citizens and must exercise reasonable standard duty of care and conduct due diligence before JPN could divulge with personal data or information. He further explained that previously, there has been cases where lawyers produced fraudulent documents in their applications, resulting JPN to come up with stringent standard of procedures such as proof of sealed writ summons against the defendant/respondent, before JPN could furnish the address of the defendant/respondent as stored in its system. In respect of the adoption cases, there has been cases where unscrupulous lawyers produced “tampered” adoption order (instead of filing an interlocutory application to amend certain details of the prayers in the Order).



8. Meeting with Lembaga Pembiayaan Perumahan Sektor Awam (“LPPSA”)

On 10.07.2024, CPC team paid CEO of LPPSA and his officers a courtesy visit. The visit was to maintain the good relationship between the Members of the Selangor Bar and LPPSA. In the last year meeting with LPPSA, CPC had requested LPPSA to consider disbursing the facilities in renovation cases in 3 stages. During the said meeting, LPPSA explained that LPPSA need to consult other statutory bodies such as CIDB, JPPH, and so far, the issues has not been finalised. Pending that, LPPSA maintain its policy to disburse the facilities for renovation cases in 2 stages.

In respect of discharge of charges, Members are to take note that Members are to prepare Form 16N/ Discharge of Charge and Form 30A/30B Change of Name /Vesting Order for LPPSA’s execution upon redemption/loan settlement.

9. Meeting with LHDN, Cyberjaya

On 12.07.2024, CPC team met Timbalan CEO LHDN and his officers. During the said meeting, CPC sought clarification on Peranan Peguam under My Tax system for e-CKHT filing. Since the implementation of the MyTax system by the Lembaga Hasil Dalam Negeri (LHDN), any payment of the retention sum payable under Form 502 of the Real Property Gains Tax (RPGT) has to be made via online through the MyTax system. To enable such payment to be made, the MyTax system requires the personal ID to be entered. In the case of legal firms, most likely than not it is the personal income tax number of the partners or the lawyers of the legal firm are being used as the personal ID to gain access to the system. The ultimate objective of the LHDN is to make submissions of all the Cukai Keuntungan Harta Tanah (CKHT) Forms CKHT1A, CKHT2 & 3 via online mandatory.

CPC has raised the issues with LHDN the MyTax system since Members are particularly concerned on the over exposure of personal information of Partners and Lawyers to the staff of the legal firm whom are being delegated to perform such task once the personal ID of the respective Partner or Lawyer are being keyed in to the MyTax system. CPC has raised these issues with LHDN.

CPC has proposed that LHDN should emulate the e-stamping system where each and every legal firm can get access to the e-stamping system using the firm’s password and ID. Pending LHDN’s review of CPC’s proposal, LHDN has agreed to defer the requirement of submission of CKHT forms to be made online and that Members may still submit the hardcopies of the CKHT forms at the respective CKHT offices until further notice which is likely before 31.12.2024.



10. Meeting with LHDN, Selangor branch

On 05.08.2024, CPC team met En Jasni Pengarah LHDN Cawangan Selangor and his officers. The meeting was to maintain the good working relationship between Selangor Bar Committee and LHDN. During the said meeting, CPC sought clarification on My e-Invoice, Peranan Peguam and filing of ckht forms.

11. Meeting with Insolvency Department, Selangor Branch

On 28.08.2024, CPC team paid a courtesy visit to Pengarah Insolvency Department (“OA”) and her officers. CPC raised same issues about the unscrupulous liquidators charging exorbitant fees for confirmation of issuance of strata titles or perfection of transfer. OA is aware of the issues but unable to do anything unless the liquidators are appointed by OA which OA could monitor the price lists.

The followings are issues raised by OA for Members to take note again:-

- (a) Members are advised to conduct bankruptcy/winding up searches before commencing action or preparation of sale and purchase transaction. It is a serious offence for the bankrupt to receive payment of deposits of sale.
- (b) Members are also advised to file bankruptcy orders or winding up orders A.S.A.P or within 7 days to avoid any complications. Under Companies Act law, the winding up orders must be served on OA within 21 days and OA must serve the Orders to SSM. If OA receive the said orders late, then OA will be fined by SSM for such delay.
- (c) Members are advised to avoid typo mistakes and ensure correct details such as identity card numbers, company registration numbers are key in in the system when making online payment, particularly in deposit payment of RM2,000.00.
- (d) For Members who act for banks in auction cases, OA will process payments received within 24 hours from receipt. Unfortunately there has been delay in forwarding the payments to OA.
- (e) Proof of Debt (“POD”) soonest possible to enable OA to pay out dividend payments soonest. OA finds it difficult to update its record or detect payments made without proof of payments, resulting delay in responding to lawyers’ letters.
- (f) Certain law firms acting for the banks have been sending a bundle of letters with long list to OA for the status update of the dividend payments, which is time consuming for OA to respond. OA advises the bank to check the status of dividends through the website link BMD.Mdi.



12. Meeting with Lembaga Perumahan Dan Hartanah Negeri Selangor (LPHS)

On 04.11.2024, CPC team met Pengarah Eksekutif LPHS and his officers. The courtesy meeting was to maintain the good working relationship between both parties. During the said meeting, Members are advised to write in to LPHS for confirmation whether or not a certain property falls under the state controlled property to avoid unnecessary complications or delay. If the property falls under the state controlled property, Members must obtain consent from LPHS for the sale/transfer of the said Property. Such consent must be applied online through LPHS website and must submit the hard copies manually at the counters. Usually LPHS will process within 1 month from the date of submission of documents received over the counters.

CPC team also proposed that once LPHS consent is obtained, this consent should be sufficient for use in transfer and charge presentations at the land office without needing to secure another consent from the state authority. This would streamline the process, eliminate redundancy and potentially speed up relevant procedures at the land office.

13. Hi-Tea and Get Together Event

On 05.11.2024, the annual Hi-Tea and Get Together Event was at Glenmarie Golf Resort, Shah Alam, Selangor involving the officers from all parties involved such as Land Offices, LHDN, LPPSA, SSM, and Insolvency Department, Jabatan Pendaftaran Negara, LPHS.. The event was for the Members and the relevant officers to mingle and exchange ideas. The representatives of every government department were given opportunity to give speech on their expectation, ideas for the betterment of working relationship with the Members. For the first time ever, Jabatan Pendaftaran Negara's representatives and the CEO of LPPSA attended the event. Many guests were surprised with the warm welcome they received. They praised CPC and Selangor Bar Committee for successfully bringing together Members and the officers of the stakeholders on yearly basis for a such grand meeting.

CPC team is dedicated to identify and resolve issues and complaints raised by our Members in the areas of Conveyancing practice with the relevant agencies. We aim to work closely with the relevant agencies to address these matters efficiently and effectively. The CPC team is also committed to foster improved relationships and communication with all parties involved in this process.

As Chairperson of the CPC, I would like to take this opportunity to express my sincere gratitude to the members of the Conveyancing Practice Committee, as well as to the officers



of the Land Offices in Selangor, for their continued support, cooperation, and patience. Your efforts are invaluable as we strive to enhance the effectiveness and efficiency of our work.

My sincerest thanks and appreciation the Selangor Bar Secretariat for whom was always supportive and ever ready to assist at any time.

Sincerely,

Report submitted by:

Nurul Muhaniza Binti Hanafi
Chairperson
Conveyancing Practice Sub-Committee