

SUB-COMMITTEE REPORT

CONVEYANCING, SRE, NON-CONTENTIOUS MATTERS & SYARIAH



**Nurul Muhaniza
Binti Hanafi**

Chairperson : Nurul Muhaniza Binti Hanafi

Sub-Committee Members : Yu Ai Ting (Secretary)
Hj. Zainal Bin Shaikh Zakaria
Sarah Kambali
Adlina Binti Hasni
Hjh Kasmani Baharuddin

The Conveyancing Practice Committee (“CPC”) identified the followings as its objectives for the term 2020/2021;

The General Objectives:

- ❖ To identify and resolve issues and complaints of members of Selangor Bar in the areas of Conveyancing practice with the relevant agencies.
- ❖ To enhance relationship and communication with all parties involved in conveyancing practice i.e. Land Offices, Lembaga Hasil Dalam Negeri (LHDN), Lembaga Pembiayaan Perumahan Sektor Awam (LPPSA)
- ❖ To work hand in hand with Bar Council and other State Bar (as and when necessary)
- ❖ To conduct regular meetings, and liaise, with government agencies, ministries and professional bodies and stakeholders involved in the conveyancing practices.
- ❖ To enhance professional knowledge on developments in laws pertaining to conveyancing

The reporting year has a variety of significant challenges for the CPC team as the Covid-19 pandemic forced changes to conveyancing practice, many of which tested the resilience and adaptability of practices. It’s a challenge for us and CPC team to ensure the rapid transition to online transaction, adopt new practices to keep the services going without the time for a fully coordinated response to the situation. Since the pandemic began, our efforts have been focused on assisting member of the bar with various challenge they have faced during this difficult time. A priority was to protect the health and safety of our members while operating remotely.

CPC’s work during the term includes the followings:

1. **Meeting with the Officers of Pejabat Tanah & Galian Negeri WP Kuala Lumpur (PTGKL)**

On 23.01.2020 CPC team met the officers of Pejabat Tanah & Galian Negeri WP Kuala Lumpur (PTGKL) namely Tuan Roslan, Tuan Mohd Firdaus Ibaruslan, Puan Nor Azura, Tuan Hafiz, Puan Norlina Mohd Mokhtar, Puan Suhaili Abdul Hamid, Tuan Mohd Khairul Safwan Othman Odanu and Puan Mazitah. The following issues were raised:

1.1 Implementation of Cukai Petak for WP Kuala Lumpur

PTGKL informed us about the introduction and the implementation of “cukai petak” for strata titles and that they are in the process of upgrading the system and they are open to suggestions once it has been launched. CPC has pointed out the problem in the calculation faced by PTG Selangor in the implementation of cukai petak and the problem on the outstanding as some have paid directly to JMB. PTGKL informed us that the public will still be required to pay cukai petak despite the payments made to JMB earlier and the adjustment will only be captured in the following year.

1.2 Implementation of e-Tanah system

PTGKL was pleased to inform us that all their service will go online, including presentation of Transfer and consent applications. There are nearly 500 dealings and they are exploring the avenue to enable all dealings to be processed by online system.

1.3 Letters to the Land Offices should be signed by lawyers with the name of the signatory lawyer and Bar Council Membership Number

PTGKL informed us about they still receive letters from legal firms where the name of the lawyer who signed the letter is not stated therein. PTGKL hopes that SBC will inform its members that PTGKL will reject presentations if the letter did not state the name of the signatory lawyer and to include the lawyer’s membership number registered with Malaysian Bar Council.

1.4 Fraud cases

PTGKL informed us that PTGKL has detected about 33 fraud cases and e-Tanah system have successfully assist them to prevent the fraud from taking place. PTGKL has also detected cases where lawyers submitted the amended court orders without going through the proper process.

1.5 Application for Consent to Transfer/ Charge

Members are advised to look through the checklist of the supporting documents properly prior to the submission of the consent application to avoid rejection.

1.6 Application for waiver on late penalty charges

CPC team has requested PTGKL to look into the members' letter of appeal for waiver on late penalty which sometimes take nearly a month for PTGKL to respond. PTGKL has assured CPC team that they will look into it and expedite the decision on the waiver issues.

1.7 Application for Change of Address

CPC team has requested PTGKL to look into the issues on why PTGKL insist on the original issue document of titles when the members or public just wanted to update the change of address of the registered proprietors. PTGKL has assured CPC team that they will look into it and issue direction not to require the original issue document of titles for the said presentation of change of address.

2. Meetings with the Officers of Pejabat Tanah & Galian Negeri Selangor (PTGS), Shah Alam

The Covid-19 pandemic has highlighted the urgent needs of digital technologies for the government services at Pejabat Tanah & Galian Negeri Selangor (PTGS), Shah Alam. When the Government introduced the standard operation procedures ("S.O.P") and the requirement of 70% of the staffs working from home ("WFH"), PTGS had to issue limited numbers with the capacity of 30% staffs working at the office.

Members who were so used to present their documents/instruments manually at the counters of PTGS were not able to present and collect their instruments/documents at PTGS on time. As a result, members were very frustrated and not able to advise their clients (including their financier-clients) to release and disburse the monies or loan on time and many public and members suffered losses and were left in the dark on how to deal with the situation. PTGS has initiated a pilot programme under "drop box" system in order to cope with the situation under such time constraint.

The "drop box" system has its flaws and limitation. The system requires members to make payments by way of bank drafts or money/postal orders has caused many anxiety and losses in time and money. CPC team has urged PTGS to come up with online payment system and better system to ease the payment of the registration fees and presentation of documents/instruments.

The “drop box system” was eventually replaced with the current “smart box system” which still has its limitation. Whilst the current smart box systems is not that at par with PTGKL’s e-Tanah system, the current initiative move by PTGS under such time constraint and budget should be applauded and commended while protect itself from having sensitive and important information or datas stolen or incurring losses.

2.1 Issues in respect of “Smart Box” system

On Friday 4.9.2020, CPC team initiated a meeting with the Director and the officers of PTGS. Amongst the matters discussed were the implementation of “Smartbox” sytem, the flow of the presentation of titles and other related matters to conveyancing practice. The followings are the updates of the concluded meeting :-

- (1) Pursuant to the recent announcement made by PTGS that effective 01.09.2020, all counters for private and official searches and collections for landed and strata titles will be in full operation and that all payments for the respective searches have to be made online via Smartbox system;
- (2) Members will be able to receive the results of their private land searches in PDF format within twenty four (24) hours from the date of submission via Smartbox and official search results within forty eight (48) hours from the date of submission via Smartbox vide emails from PTGS (Please note that the results will be made available within working days only). Members can collect the hard copy of such search results within seven (7) working days of the issuance of the presentation statement from the counters at PTGS OR alternatively Members upon payment made via Smartbox system can proceed to the land office to get the que number and collect the search results instantly **during the counter working hours**;
- (3) Tentatively from 7.9.2020 onwards, all district land offices in the state of Selangor will be using the “Smartbox” system for Strata Title related matters. Pursuant to the Smartbox system, members have to make online payment of the registration fees and thereafter send the documents/instruments to the respective counter and collect the presentation receipt at the counter at the respective district land office;
- (4) Effective 01.09.2020, the Strata Title unit of PTGS (3rd floor) has opened their counters for collections of searches results and

documents. For the time being, the Strata Title unit will be implementing a numbering system of hundred (100) numbers per day and the number limit may be adjusted and increased accordingly;

- (5) For all “Landed” presentations, Members can now collect their documents after seven (7) working days from their submission of their documents in the Smartbox. PTGS will be issuing presentation receipts via emails to law firms. PTGS has agreed that Members are no longer required to wait for emails from PTGS for collection/e-appointment after Members have received the presentation statements or alternatively, in the event Members did not receive any emails of the presentation statements from PTGS, Members can produce the receipts/ deposit slip issued by the Smartbox for collection of their documents ;
- (6) In respect of the “Dropbox system” issues, please be advised that PTGS is still processing all documents/instruments in respect of the “Strata” presentations using the “Dropbox” system. PTGS has explained that the progress is a bit slow since they need to ensure the clearance of the bank drafts, etc and some other documents. **Members are advised to check the status of the collection / Semakan Status Pungutan in the PTGS website (www.ptg.selangor.gov.my) on the status of their collection. If the status of presentation is stated : “*Perserahan Sedia DiPungut*”, Members are to print out the said status and furnish a copy of the said print out status together with the firm’s authorisation letter for such collection before proceed with collection at the counter of Strata Title unit;**
- (7) **In the event that the presentation statement (for Landed and Strata) is not received by Members within five (5) working days, Members are advised to check with PTGS** whether the presentation is rejected or otherwise. There are cases where Members have enclosed different sets of documents for a different set of presentations, resulting the non issuance of the presentation statement;
- (8) PTGS has agreed to provide briefing on the Smartbox application for Members via webinar and Selangor Bar Committee will be organising the said webinar for Members soon;

- (9) Members are advised to inform to all their dispatch/runners/representatives of their law firms that “handwritten attendance” or other forms of marking attendance shall not be accepted by PTGS. All those who come to PTGS shall follow the system and/or procedure fixed by PTGS and will be based on first come first serve basis ;
- (10) Members are also advised to inform their representatives to be patient and not to use any form of provocation or harassment against the staff of the land office/security officers/ RELA or officers in charge at the land offices. Please follow the rules and procedures as set out by PTGS and the district land offices.

CPC team has been in continuous contact with PTGS with the Members’ complaints and feedback/suggestions to enable PTGS to improve its systems. Selangor Bar Committee has issued a circular to update the Members about these issues vide its Circular No: CBC/CIR/104/2020 on 10.09.2020.

2.2 Sesi Penerangan Sistem Smartbox PTG Selangor via ZOOM webinar

On 11.01.2021 CPC team with SRE & Non Contentious Matters Sub-Committee of Selangor Bar has jointly organized a webinar by PTGS officers on the usage of the Smartbox system which was conducted at Selangor Bar Committee’s premises.

Puan Zafirah Zainuddin, Penolong Pengarah (Pendaftaran Hakmilik), Encik Mohd Khairul Azhar Bin Abdul Samat, Penolong Pegawai Tadbir Kanan, Unit Penyelesaian Hakmilik of PTGS attended the talk. Encik Mohd Khairul Azhar gave a briefing on the usage of the Smartbox system.

The talk provides an opportunity for Members who have yet to use the system or who were not able to understand the procedures of the smartbox system. It also provides an opportunity for Members to raise issues they are currently facing. Encik Mohd Khairul Azhar said PTGS targets to introduce “e-pungutan” system in February 2021 to ease the current collection system facing by the Members. This effort is very much welcomed and indicates effort by PTGS to step up and play a more active role to serve the public and Members.

Encik Mohd Khairul Azhar again advised the Members who did not receive the presentation statement (for Landed and Strata) to check with PTGS within three (3) working days from the date of submission of their documents at the Smartbox to avoid any late penalties. Status of collection

can be checked in the system within three (3) or four (4) working days from the issuance of the presentation statement.

The year 2020 was a tough year for every one who is still facing the Covid-19 pandemic. The pandemic exposed significant gaps in the ability of the government authorities to pivot online quickly to provide services. As of January 2021, the Covid-19 virus still was far from under control and was anticipated to remain a challenge this year onwards.

Moving forward, I wish to thank members of the Conveyancing Practice Committee and the officers of the land offices in Selangor for their continued support, co-operation and patience..

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

Sincerely,

Nurul Muhaniza Binti Hanafi

Chairperson

Conveyancing, SRE, Non-Contentious Matters Sub-Committee

SUB-COMMITTEE REPORT

SYARIAH



**Nurul Muhaniza
Binti Hanafi**

Pengerusi : Nurul Muhaniza Binti Hanafi

Ahli Jawatankuasa : Hjh Kasmani Binti Baharuddin (Setiausaha)
Hj Zainal Abidin Bin Shaik Zakaria
Muhammad Izhar Bin Mohd Salehuddin
Hajah Nadzifah Binti Maarof
W. Asmaliza Binti Abdullah

Tahun 2020 merupakan “tahun dukacita” kerana penularan wabak penyakit virus corona Covid-19 di seluruh dunia. Jawatankuasa Kecil Syariah (“JKS”) telah merangka beberapa program semenjak bulan Februari 2020, sehingga Disember 2020, tidak dapat menjalankan program-program yang dirancang sebelum ini. Hampir kesemua agensi kerajaan dan swasta mengambil langkah-langkah memperketatkan prosedur operasi standard (“S.O.P”) masing-masing demi mencegah penularan jangkitan penyakit Covid-19.

Dalam awal bulan Mac 2020, JKBMS sempat mengusulkan untuk perjumpaan dengan Yang Amat Arif Ketua Hakim Syarie Selangor, iaitu Tuan Mohammad Adib Bin Hussain di Jabatan Kehakiman Negeri Selangor (“Jakess”) Bangunan Mahkamah Syariah Sultan Idris Shah, Shah Alam tetapi perjumpaan yang dirancang tidak sempat diraikan oleh pihak Jakess apabila Malaysia berada di bawah Pelaksanaan Perintah Kawalan Pergerakan (PKP) yang dikuatkuasakan pada 18 Mac 2020 sehinggalah beberapa peringkat perintah kawalan pencegahan dan pemulihan yang dikuatkuasakan oleh kerajaan. Malah kes covid-19 yang telah menjangkiti beberapa orang kakitangan Majlis Agama Islam Selangor pada bulan Disember telah menyebabkan segala permohonan perjumpaan ditunda ke satu tarikh baru yang akan ditentukan kelak.

Terdapat beberapa lagi program yang telah belum sempat dilaksanakan kerana kekangan masa dan peluang. Keadaan semasa di negara ini yang menunjukkan peningkatan jangkitan Covid-19 lebih merunsingkan lagi jabatan-jabatan kerajaan untuk berurusan dengan pihak luar seperti pihak kami.

Saya mewakili semua ahli JKS mengambil kesempatan ini memohon maaf di atas kekurangan dan kekangan masa dan peluang dalam memberikan perkhidmatan kepada ahli-ahli Jawatankuasa Peguam Selangor.

Saya mendoakan agar wabak penyakit Covid-19 ini dapat dilenyapkan dari mukabumi ini dan program-program yang dirancang dapat diteruskan di masa akan datang.

Sekalung penghargaan juga diberikan kepada sekretariat Jawatankuasa Peguam Selangor yang diatas kerjasama yang diberikan sebelum ini.

Sekian Laporan dari Jawatankuasa Kecil Syariah.

Terima Kasih.

Laporan disediakan oleh,

Nurul Muhaniza Binti Hanafi
Pengerusi Jawatankuasa Kecil Syariah
Jawatankuasa Peguam Selangor