



SUB-COMMITTEE REPORT

CONVEYANCING PRACTICE



**Nurul Muhaniza
Binti Hanafi**

Chairperson	:	Nurul Muhaniza binti Hanafi
Sub-Committee Members	:	Yu Ai Ting Hj. Zainah Abidin bin Shaikh Zakaria Sarah Kambali Adlina Hasni Dato' Seri Zainal Abidin Kasmani binti Baharuddin

As usual, the Conveyancing Practice Committee (“CPC”) team of Selangor Bar Committee is committed to identify and resolve issues and complaints of Members in the areas of Conveyancing practice with the relevant agencies. CPC team also aims to enhance relationship and communication with all parties involved such as Land Offices, Lembaga Hasil Dalam Negeri (“LHDN”), Lembaga Pembiayaan Perumahan Sektor Awam (“LPPSA”), Suruhanjaya Syarikat Malaysia (“SSM”) and Insolvency Department.

The Conveyancing Practice Committee (“CPC”) identified the followings as its objectives for the term 2019/2020;

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

Eventhough Covid-19 pandemic is far from over, CPC team is pleased to report the following updates to Members pertaining to conveyancing practice through out the year 2022.

1. Meeting with the Officers of Pejabat Tanah & Daerah Klang

On 11.03.2022 CPC team met the officers of Pejabat Tanah & Daerah Klang (PTD Klang) namely Tn. Mohd Faizal bin Abdul Raji, District Officer who has just been transferred to PTD Klang in December 2021, En. Mohd Sharil bin Zainal, Pn. Faliza Hanim and En. Zakaria Hamir bin Mohd Ali. CPC team sought clarifications from PTD Klang Officers on the following issues:

1.1 Implementation of Circular issued by PTD Klang on 24.02.2022

PTD Klang has issued a circular dated 24.02.2022 that effective 01.03.2022 :

- (i) every individual transferor(s) who is/are of the age of 70 years and



- above are required to go through biometric identification process through e-SELAMAT (*Secured Land Management System*) at PTD Klang before any instruments of transfer could be registered;
- (ii) the requirement for the Bank to renew their Power of Attorney every 5 years is now revoked;
 - (iii) For the discharge of charge registration, a letter of confirmation from the chargee bank confirming the details of the Bank's attorney must also be enclosed during the presentation of the discharge of charge.

CPC team was informed by Tn Mohd Faizal Abdul Raji that the requirement for biometric involving transferor(s) who are 70 years and above is to curb the fraud cases, based on his personal experience during his tenure in Kuala Selangor Land Office. CPC team has suggested to PTD Klang to consider waiver for cases involving transfer of land which are currently charged to financial institutions or lands under the category of residential/commercial/industrial buildings.

It was suggested that the requirement should only apply to agricultural lands which are free from encumbrances. Tn Mohd Faizal Abdul Raji said he would reconsider the proposals made by CPC team. On the requirement to produce a copy of letter of confirmation from the charge bank with details of the Bank's attorney, it was mainly to facilitate the registration of the discharge of charge since there are cases where the lawyers have written wrong PA details in the Form 16N/discharge of charge.

1.2 The requirement to produce SD for lost titles which has been replaced/issued

CPC team also sought explanation on why lawyers are required to produce a copy of statutory declaration ("SD") with chronology of the lost/misplaced titles and police report again for cases where the lost title has been replaced with a new title since the original SD and the police report would have been submitted to PTD Klang during the application for the replacement of lost title- which not required at other land offices. Tn Mohd Faizal Abdul Raji was shocked with this requirement and said there is no necessity for this and he will now look into this matter.

2. Meeting with Pejabat Tanah & Galian WP Kuala Lumpur (PTGWPKL)

On 21.04.2022 CPC team's first "physical" meeting since pandemic days with the officers of Pejabat Tanah & Galian Wilayah Persekutuan Kuala Lumpur (PTGWPKL) namely Datuk Pengarah YBhg. Datuk Muhammad Yasir bin Yahya, En Mohd Firdaus bin Ibraruslan (Timbalan Pengarah (Pendaftaran), En. Khairul -Azam bin Saroni (Ketua Penolong Pengarah (Pendaftaran), En. Ahmad Nazri bin Md. Nasir, Cik Norlina binti Mohd Mokhtar, Pn Umi Khalsum binti Omar, Pn Noorhafizah binti Harun to discuss any issues arising in order to maintain the good relations between the members of the Selangor Bar and PTGWPKL. Generally there were no pressing issues to be discussed as CPC team acknowledged the fact that with the implementation of the online e-*tanah* system, matters have been settled expeditiously, notably the ability to conduct private and official land searches via online.

CPC team was informed by PTGWPKL officers that certified true copy ("CTC") of land titles can now be applied via online and members are advised to frequently visit the PTGWPKL official website/portal for latest updates and enhancements of their services.

CPC team was also informed that the way forward for PTGWPKL would be to introduce online presentation in the near future- to avoid fraudulent transaction, akin to the current online system that is being implemented by Jabatan Pengangkutan Jalan ("JPJ") requiring the use of a thumbprint device. However, PTGWPKL will seek the Bar Council's cooperation and consultation before implementing such online system.



2.1 **Request for waiver of late penalties**

CPC team sought PTGWPKL's kind consideration to look into the current practice of lawyers having to write in officially to PTGWPKL for waiver of late penalties and wait for physical official letter from PTGWPKL for re-presentation of a registration and that a nominal re-registration fee of approximately RM20.00 be imposed, similar to that of Selangor land offices' current practice as opposed to the imposition of full re-registration fees.

CPC team was informed that the current registration fees in PTGWPKL is far below that of Selangor or other states for that matter and seek Members' co-operation to avoid making any blunders so as to reduce the number of the re-presentation cases. On the issues of waiver of late penalties, they will only consider on case to case basis, depending on the seriousness of the mistake and the present system of writing officially to PTGWPKL on appeal of waiver of penalties still remains.

3. **Meeting with Pejabat Tanah & Galian Negeri Selangor (PTG Selangor)**

On 10.05.2022, CPC team met Pengarah Pejabat Tanah & Galian Negeri Selangor ("PTG Selangor") YBrs Tn Yusri bin Zakariah, En Mohd Norshahnaz bin Md Zahir (Timbalan Pengarah), Dr.Hizan bin Wahed (Timbalan Pengarah), En Khairi bin Zaman Huri, Pn Norizah binti Ramly, En Mohd Ali Hanafi bin Mohd Yunus, En Mohd Azhar bin Mohd Daud, Pn Maizatul Munirah binti Abdul Rahman, Pn Nurulhidaya binti Mohd Aluwi, Pn Nur Syahirah Pathmes binti Muhammad Nizam, Pn Azlinawaty binti Ahmad Bahar, Pn Siti Amira Adilah binti Ahmad, Pn Erma Fatima binti Ahmad, En Ahmad Syukry bin Sulaiman and En Kamarol Ariffin bin Adzhan. The meeting was held to maintain the good relationship between the members of the Selangor Bar and PTG Selangor and to discuss the latest development and issues arising.

3.1 **Implementation of *Smartbox* kiosk system at 9 district land offices**

CPC team was informed that *Smartbox* system will be implemented at 9 district land offices in Selangor in stages. Once it has been fully implemented, there will be standardized procedures at all 9 district offices in Selangor.

3.2 **Auction cases Issues**

CPC team requested PTG Selangor to look into the matter where the land office has been rejecting the consent application signed by the Bank's Attorney and insisted the principal purchaser to sign the consent application form (whereas the principal purchaser has defaulted the loan repayment, resulting the auction by the financier/bank). CPC team requested PTG Selangor to issue guidelines to all land offices in respect of this issue particularly for auction cases involving direct transfers where the Developers do not agree for direct transfer and the Bank's Attorney had to sign the application forms.

3.3 **Requirement to produce Identity Cards in color for presentation**

CPC team sought clarification whether PTG Selangor actually require coloured identity cards ("ICs") of the parties such as transferors/transferees. CPC team was informed that currently PTG Selangor still accepts black and white ICs but requested Members to furnish a clear copy of IC in A4 size paper (in actual size, front and back in one page), and not on recycled papers. And only one IC is to be photocopied on a piece of A4 size paper, not multiple ICs in a piece of paper.

3.4 **Issuance of Presentation Statement Receipts**

CPC team sought PTG Selangor's assistance to expedite the issuance of presentation statement receipts soonest possible, preferably within 3 working days from the date of submission at the *Smartbox* kiosks. Currently there has been delay



in issuance of the receipts, which sometimes take more than 1 week. PTG Selangor explained that the delay could be due to wrong submission of *Smartbox* kiosks. There has been cases where the presentation of landed documents has been submitted to the “strata” kiosks instead of “landed” kiosks. As such, strata and landed departments need to sort out the documents first, before forwarding the documents to the respective departments. PTG Selangor also cautioned the lawyers to ensure their runners submit the correct documents at the correct kiosks /land offices once the *Smartbox* kiosks has been implemented in 9 districts in Selangor. Imagine the delay and complications that might arises if the documents has been wrongly submitted at the wrong districts- the mix up would be the worst nightmare for all lawyers and even the land officers!

Note: Effective **01.11.2022**, the *Smartbox* system is officially implemented in 9 districts of Selangor. Members are to ensure that all documents relating to Pejabat Daerah Tanah (“PDT”) titles under “H.S.(M)/ GM/ PM” be submitted at the respective district offices and registry titles involving “H.S.(D)/GRN/ PN” be submitted at PTG Selangor.

3.5 Presentation of Documents to be made within 3 working days from the waiver
CPC team was informed that documents must be presented for registration within 3 working days from the date the late penalty charges has been waived by PTG Selangor.

3.6 Presentation of “Tolak” Documents For Strata Cases
CPC team was informed that for strata cases, documents which has been rejected manually, the Strata department will email the lawyers to come and collect the documents at the counter. “*Tolak manual*” could be in cases where lawyers have paid for strata documents which are meant for landed or if there is excess payment of RM30.00.

3.7 Extraction of Titles/Documents
PTG Selangor requested that lawyers to always check their emails inbox and spam boxes since many lawyers claimed to have never received emails from PTG Selangor for collection/extraction, whereas emails has been sent out by the Land Office. CPC team informed PTG Selangor that there has been cases too where PTG Selangor’s emails been bounced, which PTG Selangor will check with its IT department.

However, Members are advised to check the status of the collection within five (5) working days from the date of *Penyata Perserahan/Presentation Statement* at “*Semakan Status Pungutan Urusniaga dan Bukan Urusniaga*” in the PTG Selangor website (www.ptg.selangor.gov.my) or smartbox portal. 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 and ensure collection is made within 7 working days to avoid late penalty charges.

3.8 Incomplete Presentation Documents
PTG Selangor has informed CPC team that there has been cases where certain lawyers have submitted documents which as still incomplete in order to avoid late penalty charges. The incomplete documents are such as lack of latest quit rent/assessment receipts, clear ICs and sometimes, even the original titles. A list of lawyers who misused the system will be identified by PTG Selangor for Selangor Bar to issue advice or warnings. Members are advised not to misuse the system.

3.9 Documents to be Submitted at *Smartbox* kiosks
PTG Selangor informed CPC team that there has been a case where PTG Selangor received a letter from Pejabat Menteri Besar Selangor, seeking an explanation on



why a power of attorney purportedly presented by a law firm has not been registered. Upon investigation, it was found that the document was never submitted for registration at PTG Selangor eventhough the lawyer has paid the registration fee via *Smartbox* system. Members are advised that all complaints should be sent to PTG Selangor first, for PTG Selangor to investigate and respond, instead of directly sent to Menteri Besar office.

3. 10 All letters to be properly signed off by the name of signatory/lawyers with BC numbers

PTG Selangor sought CPC team's assistance to ensure that all letters addressed to PTG Selangor or land offices, should be properly signed off by the name of the signatory/lawyers with Bar Council ("BC") registration numbers in a text form instead of using their rubber stamp- which is improper in the official letters. It would be easier for the Land Officer to contact the respective lawyers in charge of the matter.

3. 11 Senior Lawyers to guide their own junior lawyers or pupils

PTG Selangor sought CPC team's assistance to ensure that senior Members guide their own junior lawyers or pupils on the procedures at the land office. They have been receiving a lot of queries from lawyers vide emails and phone calls asking them on next steps or procedures to be undertaken in respect of the registration of the grant of probate or letters of administration, which is not their duty to teach the lawyers.

3. 12 Application for Consent from District Offices In Respect of Lembaga Perumahan Hartanah Selangor (LPHS) Consent To Transfer Cases

CPC team sought PTG Selangor's assistance whether the consent from district land offices could be waived if the consent from Lembaga Perumahan Hartanah Selangor ("LPHS") has been obtained by the parties since it involves duplication of works. Pengarah PTG Selangor explained that LPHS consent is under the preview of Menteri Besar since it involves low costs or controlled properties. However Pengarah PTG Selangor will raise the issue to the higher authorities, to expedite the issuance of consent from the district offices after the consent to transfer from LPHS has been obtained.

4. Meeting Hulu Langat Land Office .

On 8th July 2022 CPC team had a meeting with the Hulu Langat Land Office lead by YBrs. Dr. Ani Binti Ahmad . En Hafiy , Puan Zila and Cik Intan Shahira.

It has come to the attention of the Selangor Bar Committee that Pejabat Tanah Daerah Hulu Langat has issued a notice that effective from 01.06.2022 the following documents are required to be furnished for presentation of the "Application for Registration as Representative" of the estate of the Deceased (under Form 51(O) of Selangor Land Rules 2003) for registration involving Grant of Letters of Administration or Grant of Probate :

- (i) A copy of the Identity Card of the Administrator(s);
- (ii) A copy of Jabatan Pendaftaran Negara ("JPN") status search on the individual (whether dead or alive) (mandatory);
- (iv) Form 51(O)
- (v) A copy of Death Certificate

The CPC managed to request for the requirement to furnish a copy of the JPN Search on the status of the individual (whether dead or alive) retracted by the said Land Office with



immediate effect.

CPC team raised the issues and complaints raised by the members particularly in respect of the requirement for the bio metric for transaction more than RM 2million, CPC requested not to impose the said requirement for cases involved perfection of transfer and also highlighted issue of rejection of the presentation due to unclear copy of the NRIC.

5. Meeting with Petaling Land Office

On 29th July 2022 , CPC team had contacted Tuan Mohd Jusni Bin Hashim the DO of Petaling Land Office that the land office has been rejecting the consent application signed by the Bank's Attorney and requested copy IC of principal purchaser of the principal purchaser has defaulted the loan repayment, resulting the auction by the financier/bank) which is immaterial in nature and the Land agreed to the request made by CPC.

6. Hi-Tea and Get Together Event

After a few years since Covid-19 pandemic, CPCT team was able to organize a Hi-Tea and Get Together programme at Armada Hotel, in Petaling Jaya, Selangor on 11th November 2022 involving the officers from all parties involved such as Land Offices, LHDN, LPPSA, SSM and Insolvency Department. 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. En. Mohd Sharil bin Zainal, Penolong Pegawai Daerah of PTD Klang even took the opportunity to notify and advise the Members to be aware of the current fraudulent transaction which PTD Klang has managed to curb. Overall, it was a very successful event and tickets were all sold out.

Lastly, I would like to take this opportunity to thank all my Sub-Committee members who had sacrificed their precious time in assisting me and for being there to carry out this Sub-Committee's undertakings. I would like to also thank the members of the Selangor Bar Committee for their support and encouragement shown to me in carrying out my duties during my tenure.

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 Practice Sub-Committee