



CPD Points for BEM / IEM applied for.

SBL Claimable Subject to HRDF Approval

One Day Intensive Seminar

# Legal and Practical Issues on Gated and Guarded Development in Malaysia

21ST JUNE 2012  
JW MARRIOTT HOTEL,  
KUALA LUMPUR

### Outline

#### Introduction and Understanding of:

- Gated Communities: Concept and Application in Malaysia
- How different from sale of "strata-type of development" or "strata bungalows"
- Significant legal and practical differences on the eventual title issued: Individual Document of Title or Strata Titles?
- Common areas vs common property
- Individual title to these common areas and common property

#### General Legislations Governing Gated Development in Sarawak and Peninsula Malaysia: There are NO Specific Legislations Governing Gated Development

- The National Land Code 1960
- The Housing Development Act (Amendment) 2007
- The Strata Titles (Amendment) Act 2007

#### The Sale and Purchase Agreement

- For land and building
- For sub-divided building and subsidiary titles
- Legal and practical implications when incorrect sale and purchase agreement used
- Understanding "accessory parcels"
- Understanding the legal and practical differences between "sub-division of buildings" and "sub-division of land"

#### Managing a Gated Development

- Importance of the Deed of Mutual Covenant
- To what extent the terms and conditions may differ from the standard Deed of Mutual Covenant provided for strata title development
- To what extent the terms and conditions could fall outside the HDA

- Effect of the "Sierramas" case on negligence and misrepresentation by the developer
- Effect of representation in brochures, promotional print and electronic materials and marketing techniques
- Calculation and variation of service charges and sinking fund
- Effective methods on "collection of service charges"
- Litigation and settlement of claims

#### Duties and Liabilities of Developers, Management Companies in Managing a Gated Development

- Practical and legal differences between a "management company vs a Management Corporation" as envisaged under the Strata Title Act
- Application of the "Building and Common Property (Maintenance and Management) Act 2007"
- Duties of developers, the Joint Management Body (JMB) and the Commissioner of Buildings

#### Sub-Division and Issuance of Individual Document of Title to Gated Development

- Adverse implication on developers under a sub-sale once the title is issued
- Importance of the title to the individual purchasers
- Effect of winding-up of developers or developers having ceased to carry on business

#### Sub-Sale Under a Gated Development

- To what extent consent from developer can be refused
- Imposition and calculation of administrative fee
- Effect of sub-sale once the individual titles have been issued

### Conducted By Distinguished Speaker: MR. TANG KEAN ONN

Advocate & Solicitor, LL.B Hons (UM), LL.M (UM)

Mr. Tang Kean Onn is a practising advocate and solicitor of the High Court of Malaya and a senior member of the Malaysian Bar. He holds a degree in the Bachelor of Laws (LL.B Hons.) and Master of Laws (LL.M) both from the University of Malaya. He has vast experience in commercial and banking litigation as well as conveyancing and documentation procedures over the last 23 years.

In recognition for his contributions to legal education especially in the areas of banking law and practice, Mr. Tang has been conferred the Associate Fellowship of the Institute of Banks, Malaysia (FIBM).

He was also a Part-time Senior Lecturer and Examiner of the University of Malaya in both the Faculties of Law, Business Administration and Accounting. He has lectured both the Undergraduate and Post Graduate programmes there for more than 20 years.

For more than 23 years, Mr. Tang has conducted numerous courses and seminars relating to legal issues on banking for the Institute of Banks, Malaysia (IBBM) and various banks and financial institutions throughout Malaysia including:

1. *Legal & Practical Issues on Loan Recovery and Litigation*
2. *The Law & Practice of Hire-Purchase in Malaysia*
3. *Land Law and Securities Documentation*
4. *The Practice of Land Law Under the National Land Code 1965*
5. *The Legal & Regulatory Framework Under the Banking & Financial Institutions Act 1989 (BAFIA)*

Organised By:



ASIA PACIFIC DILIGENCE SDN BHD (416483-P)

Official Magazine:

homefinder



Approved Training Provider By: Pembangunan Sumber Manusia Berhad

For Customised In-House Training, Please Call: 03-2162 6828

CUT HERE ✂

### REGISTRATION FORM

EARLY BIRDS: Registration and Payment by 4th June 2012 – RM888.00 per person

GROUP DISCOUNT: Two or More Persons from same organization – RM950.00 per person

REGULAR FEE: RM1000.00 per person inclusive of lunch/tea-breaks/valuable seminar materials & CERTIFICATE (Crossed Cheque/Bank Draft payable to ASIA PACIFIC DILIGENCE SDN. BHD.)

MAILING ADDRESS: B-2-9A, Megan Avenue II, 12, Jalan Yap Kwan Seng, 50450 Kuala Lumpur

Contact Person: Ms. Chin/Cik Rasidah/Ms. Erna Tel: 03-2162 6828 Fax: 03-2162 7828 / 2163 7828

E-Mail: [apd@po.jaring.my](mailto:apd@po.jaring.my) Website: [www.asiapacificevents.com](http://www.asiapacificevents.com)

Ref: JUNE12GATED

Full Name: Dr./Mr./Ms..... Full Name: Dr./Mr./Ms.....

Position:..... Position:.....

Full Name: Dr./Mr./Ms..... Full Name: Dr./Mr./Ms.....

Position:..... Position:.....

Company:.....

Address: .....

Tel: ..... Fax: .....

E-mail: ..... Contact Person: .....

Cancellations & Transfers: If you are unable to attend, a substitute candidate(s) is welcome at no extra charge. Please provide the name and position of the substitute delegate at least 2 days prior to the seminar. A full refund less 25% administrative charge will be made for cancellation received in writing 2 weeks prior to seminar. A 50% refund will be given for cancellation received 1 week prior to the seminar. Regrettably, no refund can be made for cancellation 3 days before the seminar. If registration is confirmed, a 25% administrative charge will be incurred for non-attendance.

The organizer reserves the right to change speakers and/or modify the programme content without prior notice.