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JAWATANKUASA PEGUAM PULAU PINANG PENANG BAR COMMITTEE

CPC 18/23

13 June 2023

To Members of the Penang Bar,

Outcome of Courtesy Call with the Office of Lands and Mines, Penang ("PTG Penang")

The Penang Bar's Conveyancing Practice Subcommittee ("CPC Subcommittee") Chairman, Ong May Joyce, Conveyancing Practice Subcommittee Members, Zemilah Binti Mohd Noor, Trish Ho Tsui Hsia, Noorazah Binti Mohd Noor @ Zainol Abidin, Yeap Siew Chieng, Adelyn Low Jia Yee and Muhammad Effandy Bin Md Hashim met with the Director of Lands and Mines, Penang ("PTG Penang"), YBhg Dato' Haji Zulkifli Bin Long for a courtesy call on 31 May 2023.

Members are requested to take note of the following matters that were discussed during the said meeting and to the directions given by PTG Penang to facilitate the smooth conduct of matters related Conveyancing Practice in Penang:

1. Presentation Receipt not issued within 3 working days as informed during first briefing.

It has come to our attention that Members have been experiencing slow issuance of presentation receipt(s) via the PgLAND System. The CPC Subcommittee has requested PTG Penang to ensure issuance of the presentation receipt(s) within the informed time frame of 3 workings days to avoid unnecessary delay in the flow of transactions handled by legal firms. PTG Penang assured us they will do the necessary to clear as many backlogged cases as possible

CPC Subcommittee was also informed of some reasons for the delay:

- a) PTG was conducting 4 briefing and training sessions for Members for the past 2 weeks
- b) Attending to bulk registrations
- c) Finalising Phase 3 of the PgLAND system

2. Official Receipt or *Resit Rasmi* for Quit Rent payment that shows "NIL".

PTG Penang acknowledges that this might be a technical problem and has suggested Members to email to bam@penang.gov.my where the problem will be resolved on the same day.

3. Email from PTG Penang informing Members that Title is ready for collection but only displays receipt number and reference number or *Nombor Rujukan* hence difficult to trace the file.

The CPC Subcommittee has proposed to PTG Penang to also state the Title details of the transactions/presentation number in the said email. The PTG Penang took note of our suggestion and will consider the same.

4. Email from PTG Penang informing Members of the Successful Transaction or *Transaksi Berjaya* but doesn't state/reflect the actual date of payment.

The CPC Subcommittee raised this issue. PTG Penang will look into it and find a solution.

5. **Payment fails and the status denoted as *Batal/Gagal Pembayaran*, the system does not allow for resubmission of payment and Members will have to repeat the whole presentation process.**

CPC Subcommittee has proposed to PTG Penang that any submissions are to be recorded under “draft” and the system to allow resubmission of payment *without* having to start the process from the beginning. PTG Penang informed us that this issue comes under the payment gateway of banks and PTG Penang has no control over the matter. However, PTG Penang advises Members to remain in a place with a stable internet connection throughout the payment process to prevent or minimise internet disruption.

6. **New *Slip Penerimaan* printed on thermal paper will fade or damage easily.**

CPC Subcommittee has proposed to PTG to revert to the A4 size *Slip Penerimaan* printout. PTG Penang informed that E-mail(s) will still be issued to respective legal firms where the email(s) and the attachment(s) therein will show acknowledgement by PTG Penang.

7. **Clarification on time frame given to rectify any discrepancies on the presentation of documents and collection of Title.**

Members are requested to take note that the time frame given by PTG Penang to rectify any discrepancies on the presentation of documents and collection of Title is two (2) working days from the day Members receive the e-mail from PTG Penang. Should Members fail to comply with the time frame, presentation will be suspended (*gantung*) OR rejected (*tolak*) and/or penalty of RM50.00 will be imposed for late collection of Title.

8. **Implementation of PgLAND Phase 3 - Presentation of Documents and Collection of Title via Kiosk and Collection Smart Box.**

PTG Penang informed us that a Soft launch of PgLAND Phase 3 was held on 6 June 2023 and the official implementation PgLAND Phase 3 has taken effect on 12 June 2023. Members are requested to take note of the following:

- a) presentation and collection of documents will henceforth be via the Presentation Kiosk and Collection Smart Box
- b) Members are required to collect their documents from the respective departments, i.e., Strata (Level 3) and Landed (Level 21) for presentations made before 6 June 2023
- c) Members will be notified via e-mail for collection of documents

9. **State Consent Department often rejects application due to discrepancies regarding the description of property in the Sales and Purchase Agreement, Letter of Offer and Developer's confirmation. This will cause delay especially in a direct transfer scenario and liquidator is involved.**

CPC Subcommittee informed PTG Penang of the challenges faced by the Members on this issue especially when some liquidators refuse to issue confirmation hence resulting in the lack of information required by PTG Penang. CPC Subcommittee further informed PTG Penang that this is a recurring issue which has yet to be solved todate.

PTG Penang took note of the issues and agree that the trivial discrepancies should not affect the application. The important details should be the Title details of the property and not the address of the property or how it is described. PTG Penang further informed that for cases involving direct transfer whereby the liquidator is unable to confirm the latest title details, it will be considered on a case-by-case basis. Members are advised to see the respective Land Registry to countercheck on Title details and the respective Land Registry will liaise with State Consent Department if so required.

10. **State Consent Department often rejects application due to failure to produce previous State Authority Consent (SAC) and/or the current solicitors are asked to attend to the amendments on the previous SAC i.e. discrepancies on name(s), IC numbers, old title details, postal address, etc.**

CPC Subcommittee highlighted to PTG Penang that the previous SAC was then APPROVED and it is unfair to penalise the current solicitor (including having to pay for such costs involved) and request rectification over a matter which was not under the current solicitor's purview in the first instance. CPC Subcommittee also informed PTG Penang that it is a challenge for a solicitor to trace and obtain the previous SAC as the previous firm may no longer have record of the previous SAC. PTG Penang took note and acknowledged the issue. It was agreed that CPC Subcommittee will have a further discussion pertaining to the same with the State Consent Department.

11. Certification of Power of Attorney (PA).

Members are advised that the certification by the Registrar of the High Court should be on the page where the PA clause is stated or on the page which states the Donor is appointing the Donee as his/her legal Attorney. Members often furnished PAs which are certified on the *Sijil* stamp or cover page and this is **not** acceptable by the PTG Penang and/or PTDs. Members are further advised to place the *Sijil* stamp after the 1st page of the PA or behind the PA clause.

12. Registration of Court Orders containing multiple orders.

PTG Penang informed that Members often only register based on one Court Order (i.e. One (1) *Perserahan* under *Perintah Mahkamah*) while there may be multiple orders in the said Court Order. Members are reminded to register each and every one of the orders individually even if they are housed in a single Court Order and that registration is to be under the correct code

13. Contents of Court Orders.

Members are requested to take note that when a Court Order is granted subsequent to a previous Court Order, Members must always verify the validity of the previous Court Order first before presenting the subsequent Court Order for registration.

If the previous Court Order is still valid, Members must register the previous Court Order prior to the registration of the current Court Order.

If the previous Court Order is no longer valid, then Members must state clearly in the current Court Order that the current Court Order supersedes the previous Court Order.

14. Date of attestation of Transfer involving execution abroad.

Members are reminded that the date of attestation stated in the Transfer forms must be carried out logically i.e. the date of attestation for both the Transferor and Transferee cannot be the same date when both or either one of the parties have executed the Transfer outside of Malaysia.

Members are advised to take note on all of the above.

The CPC Subcommittee intends to have further dialogue session(s) with PTG Penang in the near future. The CPC Subcommittee therefore invites and welcomes feedback from Members on any related issues pertaining to the PTG Penang, by clicking [here](#).

Ong May Joyce
Chairman
Conveyancing Practice Subcommittee