

**PERATURAN-PERATURAN PEMAJUAN
PERUMAHAN (AKUAN KEMAJUAN
PERUMAHAN) (PINDAAN) 2015**

**HOUSING DEVELOPMENT (HOUSING
DEVELOPMENT ACCOUNT) (AMENDMENT)
REGULATIONS 2015**

PAM Practice Notes

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Pindaan kepada Peraturan-peraturan Pemajuan Perumahan (Akaun Pemajuan Perumahan) telah berkuatkuasa pada 1 Jun 2015.

**AKTA PEMAJUAN PERUMAHAN (KAWALAN DAN PELESENAN)
PERATURAN-PERATURAN PEMAJUAN PERUMAHAN
(AKAUN PEMAJUAN PERUMAHAN) (PINDAAN) 2015**

PADA menjalankan kuasa yang diberikan oleh seksyen 24 Akta Pemajuan Perumahan (Kawalan dan Pelesenan) 1966 [*Akta 118*], Menteri membuat peraturan-peraturan yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Peraturan-peraturan ini bolehlah dinamakan **Peraturan-Peraturan Pemajuan Perumahan (Akaun Pemajuan Perumahan) (Pindaan) 2015**.

Pindaan am

2. Peraturan-Peraturan Pemajuan Perumahan (Akaun Pemajuan Perumahan) 1991 [*P.U. (A) 231/1991*], yang disebut "Peraturan-Peraturan ibu" dalam Peraturan-Peraturan ini, dipinda dalam teks bahasa kebangsaan dengan menggantikan perkataan "fee" di mana-mana jua terdapat dengan perkataan "fi".

Pindaan peraturan 1A

3. Peraturan 1A Peraturan-Peraturan ibu dipinda dengan memasukkan selepas perkataan "perakuan layak menduduki" perkataan "atau perakuan siap dan pematuhan, mengikut mana-mana yang berkenaan,".

Pindaan peraturan 3A

4. Peraturan 3A dan perenggan 3A(c) Peraturan-peraturan ibu dipinda dengan menggantikan perkataan "RM200,000.00" dengan perkataan "suatu jumlah yang bersamaan dengan tiga peratus daripada anggaran kos pembinaan seperti yang diperakui oleh arkitek yang bertanggungjawab bagi pemajuan perumahan itu".

Pindaan peraturan 4A

5. Peraturan 4A Peraturan-peraturan ibu dipinda—

- (a) dalam subperaturan (1), dengan menggantikan perkataan “dua puluh satu hari bekerja” dengan perkataan “tiga puluh hari”; dan
- (b) dengan memasukkan selepas subperaturan (2) subperaturan yang berikut:

“(3) Apa-apa pembayaran berhubung dengan jumlah penebusan di bawah jadual G dan H, hendaklah dibayar secara terus kepada bank dan/atau institusi kewangan (pembiaya titian) dan bank/dan atau institusi kewangan itu hendaklah mengeluarkan suatu penyata kepada pemaju perumahan berlesen dan pembeli bahawa pembayaran itu telah dibuat.”.

Pindaan peraturan 7

6. Peraturan 7 Peraturan-peraturan ibu dipinda—

- (a) dalam perenggan (b) dan subperenggan (c)(ii), dengan menggantikan perkataan “pinjaman” dengan perkataan “kemudahan kewangan”;
- (b) dalam subperenggan (d)(i), dengan memasukkan selepas perkataan “premium insurans” perkataan “atau caruman takaful”; dan
- (c) dalam subperenggan (d)(ii), dengan menggantikan perkataan “dan fi perunding” dengan perkataan “, fi juruukur tanah dan lain-lain bayaran perunding”.

Pindaan peraturan 8

7. Peraturan 8 Peraturan-peraturan ibu dipinda—

(a) dalam perenggan-perenggan (2)(a) dan (b), dengan menggantikan perkataan “cek yang disuruh bayar” dengan perkataan “apa-apa kaedah pembayaran selain daripada kaedah tunai”; dan

(b) dengan memasukkan selepas subperaturan (3) subperaturan yang berikut:

“ (4) Bagi tiap-tiap tuntutan yang dibuat oleh pemaju perumahan berlesen di bawah peraturan ini daripada Akaun Pemajuan Perumahan, satu salinan penyata bank hendaklah dikemukakan kepada Pengawal sebelum akhir bulan yang berikutnya.”.

Pindaan peraturan 9

8. Peraturan 9 Peraturan-peraturan ibu dipinda dengan memasukkan selepas perkataan “perakuan layak menduduki” perkataan “atau perakuan siap dan pematuhan, mengikut mana-mana yang berkenaan,”.

Pindaan peraturan 11

9. Peraturan 11 Peraturan-peraturan ibu dipinda—

(a) dalam perenggan (a), dengan memasukkan selepas perkataan “siap” perkataan “dengan perakuan siap dan pematuhan”;

(b) dengan memotong perkataan “dan” di akhir perenggan (a);

(c) dalam perenggan (b), dengan menggantikan noktah dengan perkataan “; dan”; dan

(d) dengan memasukkan selepas perenggan (b) perenggan yang berikut:

“(c) tempoh liabiliti kecacatan telah luput.”.

Pindaan peraturan 11A

10. Peraturan 11A Peraturan-peraturan ibu dipinda—

(a) dengan menomborkan semula peraturan sedia ada sebagai subperaturan (1); dan

(b) dengan memasukkan selepas subperaturan (1) subperaturan yang berikut:

“ (2) Pengawal boleh menggunakan wang di dalam Akaun Pemajuan Perumahan untuk mematuhi award yang dibuat oleh Tribunal.”.

Pindaan peraturan 12A

11. Peraturan 12A Peraturan-peraturan ibu dipinda—

(a) dalam nota bahu, dengan memasukkan selepas perkataan “laporan” perkataan “Akaun Pemajuan Perumahan”; dan

(b) dalam perenggan (a), dengan menggantikan perkataan “setiap dan segala deposit dan pengeluaran yang direkodkan dalam akaun” dengan perkataan “Akaun Pemajuan Perumahan telah diselenggara”.

Pindaan peraturan 12B

12. Peraturan 12B Peraturan-peraturan ibu dipinda dengan menggantikan perkataan “perbuatan fraud atau penyalahgunaan wang” dengan perkataan “salah aturan”.

Pindaan peraturan 12C

13. Peraturan 12C Peraturan-peraturan ibu dipinda dengan menggantikan perkataan “lima” dengan perkataan “lima puluh”.

Kecualian

14. (1) Walau apa pun peruntukan Peraturan-Peraturan ini, mana-mana pemaju perumahan berlesen yang sebelum mula berkuatkuasanya Peraturan-Peraturan ini telah memegang Akaun Pemajuan Perumahan hendaklah terus memegang Akaun itu bagi apa-apa tempoh dan tertakluk kepada apa-apa syarat yang dinyatakan dalam lesen pemaju perumahannya.

(2) Tiada apa-apa pun dalam Peraturan-Peraturan ini boleh menyentuh penggunaan Akaun Pemajuan Perumahan di bawah lesen pemaju perumahan yang dikeluarkan sebelum mula berkuatkuasanya Peraturan-Peraturan ini sehingga semua rumah tempat tinggal dalam pemajuan perumahan itu telah disempurnakan.

Amendment to Housing Development Account has comes into force from 1st June 2015.

**HOUSING DEVELOPMENT (CONTROL AND LICENSING) ACT 1966
HOUSING DEVELOPMENT (HOUSING DEVELOPMENT ACCOUNT)
(AMENDMENT) REGULATIONS 2015**

IN exercise of the powers conferred by section 24 of the Housing Development (Control and Licensing) Act 1966 [*Act 118*], the Minister makes the following regulations:

Citation and commencement

1. (1) These regulations may be cited as the **Housing Development (Housing Development Account) (Amendment) Regulations 2015**.

General amendment

2. The Housing Development (Housing Development Account) Regulations 1991 [*P.U. (A) 231/1991*], which are referred to as the “principal Regulations” in these Regulations, are amended in the national language text by substituting for the word “fee” wherever appearing the word “fi”.

Amendment of regulation 1A

3. Regulation 1A of the principal Regulations is amended by inserting after the words “certificate of fitness for occupation” the words “or the certificate of completion and compliance, as the case may be,”.

Amendment of regulation 3A

4. Regulation 3A and paragraph 3A(c) of the principal Regulations are amended by substituting for the word “RM200,000.00” the words “a sum equivalent to three per cent of the estimated cost of construction as certified by an architect in charge of the housing development”.

Amendment of regulation 4A

5. Regulation 4A of the principal Regulations is amended—

- (a) in subregulation (1), by substituting for the words “twenty-one working days” the word “thirty days”; and
- (b) by inserting after subregulation (2) the following subregulation:

“ (3) Any payment with regard to the redemption sum under schedules G and H, shall be paid directly to the bank and/or financial institution (bridging financier) and the bank and/or financial institution shall issue a statement to the licensed housing developer and the purchaser that such payment has been made.”

Amendment of regulation 7

6. Regulation 7 of the principal Regulations is amended—

- (a) in paragraph (b) and subparagraph (c)(ii), by substituting for the word “loan” the words “financial facility”;
- (b) in subparagraph (d)(i), by inserting after the words “insurance premium” the words “or takaful contribution”; and
- (c) in subparagraph (d)(ii), by substituting for the words “and consultant's fees” the words “, land surveyor's fees and other consultant's fees”.

Amendment of regulation 8

7. Regulation 8 of the principal Regulations is amended—

- (a) in paragraphs (2)(a) and (b), by substituting for the words “a cheque drawn” the words “any mode of payment other than cash mode”; and

(b) by inserting after subregulation (3) the following subregulation:

“(4) For every claim made by the licensed housing developer under this regulation from the Housing Development Account, a copy of the bank statement shall be submitted to the Controller before the end of the following month..”

Amendment of regulation 9

8. Regulation 9 of the principal Regulations is amended by inserting after the words “certificate of fitness” the words “or the certificate of completion and compliance, as the case may be,”.

Amendment of regulation 11

9. Regulation 11 of the principal Regulations is amended—

(a) in paragraph (a), by inserting after the word “completed” the words “with the certificate of completion and compliance”;

(b) by deleting the word “and” at the end of paragraph (a);

(c) in paragraph (b), by substituting for the full stop the words “; and”; and

(d) by inserting after paragraph (b) the following paragraph:

“(c) the defect liability period has expired.”.

Amendment of regulation 11A

10. Regulation 11A of the principal Regulations is amended—

(a) by renumbering the existing regulation as subregulation (1); and

(b) by inserting after subregulation (1) the following subregulation:

“ (2) The Controller may use the monies in the Housing Development Account to comply with an award made by the Tribunal.”.

Amendment of regulation 12A

11. Regulation 12A of the principal Regulations is amended—

- (a) in the shoulder note, by inserting after the word “report” the words “of the Housing Development Account”; and
- (b) in paragraph (a), by substituting for the words “each and every deposit and withdrawal recorded in the account are” the words “the Housing Development Account has been maintained”.

Amendment of regulation 12B

12. Regulation 12B of the principal Regulations is amended by substituting for the words “fraudulent act or misappropriation of money” the word “irregularities”.

Amendment of regulation 12C

13. Regulation 12C of the principal Regulations is amended by substituting for the word “five” the word “fifty”.

Savings

14. (1) Notwithstanding the provisions of these Regulations, any licensed housing developer who before the coming into force of these Regulations was holding a Housing Development Account, may continue to hold such Account for such period and subject to such conditions specified in its housing developer's license.

(2) Nothing in these Regulations shall affect the use of the Housing Development Account under the housing developer's license issued prior to the coming into force of these Regulations until all the housing accommodations in the housing development have been complete.

