



Persatuan Pemaju Hartanah Dan Perumahan Malaysia
马来西亚房地产发展商会
Real Estate And Housing Developers' Association Malaysia
"Towards Sustainable Development"
Responsive | Respected | Responsible | Relevant

MEMBERS' CIRCULAR 6/2018

To : All REHDA Members
From : Ir Tiah Oon Ling
Secretary General
Cc : REHDA Branch Chairmen
REHDA Branch Secretariats
Date : 16 July 2018
RE : **New Bank Guarantee (BG) Format – Deposit for Developers' License under Regulation 3A of Housing Development Account**

Dear Fellow Members,

Further to our circular dated 18 June 2018 with regards to the new Bank Guarantee (BG) format, the National Housing Department (JPN), has via its letter dated 11 July 2018, informed that the format of the Bank Guarantee (BG).

All members are advised to take note of the amendment as follows:-

No.	Earlier Circular (dated 18 June 2018)	New Amendment
i.	The commencement of the BG must be 30 days from the issuance of notice to open the Housing Development Account (HDA) upon receiving the email notice via BLESS System.	The BG shall take effect from the date of the issuance of notice to open the Housing Development Account (HDA) upon receiving the email notice via BLESS system. During the application of BG, an additional 30 days shall be added to the expiry date of the BG deemed to cover the Defect Liability Period (DLP) of the development.

Please be reminded that the original BG must be submitted to JPN by the developer with an accompanying letter stating the No. BL/No. *Lesen Pemaju* to expedite the process.

We would also like to remind all members to take note of the amendment as well as to adhere and comply with all the provisions of the Housing Development (Control and Licensing) Act and its Regulations at all times.

A copy of the letter from JPN and its appendices are attached.

Thank you.

Yours sincerely
REAL ESTATE & HOUSING DEVELOPERS' ASSOCIATION MALAYSIA


IR TIAH OON LING
SECRETARY GENERAL



JABATAN PERUMAHAN NEGARA

Kementerian Perumahan dan
Kerajaan Tempatan
Aras 30 - 38,
No. 51, Persiaran Perdana,
Presint 4, 62100 Putrajaya.

Telefon : 03-8000 8000
Faks : 03-8891 4483
Laman Web : <http://ehome.kpkt.gov.my>

Ruj. Kami : KPKT/07/L/877/6 (82)

Tarikh : // Julai 2018

Ketua Pegawai Eksekutif
Persatuan Pemaju Hartanah & Perumahan Malaysia (REHDA)
Wisma REHDA
No. 2C, Jalan SS5D/6, Kelana Jaya
Petaling Jaya
47301 SELANGOR
(u.p.: Puan Shirley Ho)

Tuan,

**PERKARA : PENYELARASAN FORMAT JAMINAN BANK (BG) – DEPOSIT LESEN
PEMAJUAN PERUMAHAN**

Dengan hormatnya saya diarah merujuk kepada perkara tersebut di atas.

2. Selaras dengan Peraturan 3A, Peraturan-Peraturan Pemajuan Perumahan (Akaun Pemajuan Perumahan) 1991, Bahagian ini telah mengambil inisiatif untuk membuat penyelarasan dan penambahbaikkan format Jaminan Bank (BG) dengan mengambilkira pandangan dari pihak Penasihat Undang-Undang, Bahagian Undang-Undang (BUU) KPKT dan juga Persatuan Bank-Bank Malaysia (ABM). Format Jaminan Bank ini telah pun diluluskan pada 24 Mei 2018 oleh Timbalan Pengawal Perumahan untuk menggantikan format Jaminan Bank sedia ada.

3. Sehubungan itu, bersama-sama ini disertakan format Jaminan Bank baru tersebut seperti di **Lampiran I** untuk diguna pakai oleh pemaju perumahan berlesen **berkuat kuasa 1 Julai 2018**. Oleh itu, mohon kerjasama pihak tuan untuk memastikan pihak pemaju perumahan mematuhi perkara ini dan memberi perhatian ke atas perkara-perkara berikut:-

3.1 **Tarikh mula kuatkuasa** Jaminan Bank hendaklah **dari tarikh Notis Pembukaan Akaun HDA** dikeluarkan selepas pemaju menerima emel notis tersebut melalui Sistem BLESS. Manakala **tarikh luput** Jaminan Bank hendaklah **ditambah 30 hari** bagi memastikan tempoh Jaminan Bank tersebut meliputi tarikh tamat tempoh liabiliti kecacatan (DLP). Contoh Notis Pembukaan Akaun HDA seperti di **Lampiran II**; dan

3.2 Jaminan Bank asal hendaklah dikemukakan kepada JPN **melalui pemaju beserta dengan surat iringan** dengan merujuk kepada **No. BL / No. Lesen Pemaju** bagi memudahkan urusan Jabatan ini.

4. Dengan berkuatkuasanya surat ini, surat rujukan KPKT/07/L/877/6 (78) bertarikh 6 Jun 2018 mengenai perkara yang sama adalah **DIBATALKAN**.

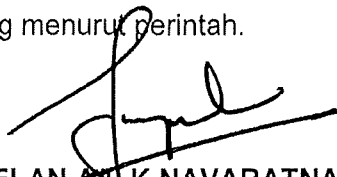
(Sila catatkan rujukan kami apabila berhubung)



Sekian, terima kasih.

"BERKHIDMAT UNTUK NEGARA"

Saya yang menurut perintah.



(JAYASELAN K.NAVARATNAM)

Timbalan Pengawal Perumahan

Jabatan Perumahan Negara

rohahda/2018

(Sila catatkan rujukan kami apabila berhubung)



(Format of Bank Guarantee)
LETTERHEAD BANK

Date:

Controller of Housing
Ministry of Housing and Local Government
National Housing Department
Licensing and Housing Development Division
Level 31, No. 51, Boulevard, Precinct 4
62100 PUTRAJAYA

Sir,

BANKER'S GUARANTEE

1. As requested by of ("the Licensee"), we hereby guarantee that the sum of RM..... being amount of the earnest money required to be deposited with the Controller of Housing which is in accordance to the provision of Section *6(1)(a) or 6(1)(b) of the Housing Development (Control & Licensing) 1966 Act 118 ("Act") (which includes any amendment, consolidation or re-enactment thereof from time to time) as a guarantee for the due performance of the Licensee's obligations under the Act made there under.
2. The sum of RM..... shall become payable by us within fourteen (14) Banking Days upon receipt of demand in writing from the Controller of Housing or Deputy Controller of Housing, stating that the claim is made pursuant to Section 6B of the Act 118 together with this original guarantee at the address stated herein or any other registered address as communicated by us notwithstanding any protest or contestation by the Licensee or any third party and without proof or condition. For the avoidance of any doubt, 'Banking Days' refers to the days on which the Bank is open for business, excluding Saturday, Sunday and public holidays in Wilayah Persekutuan, Malaysia.
3. This guarantee is effective from.....to.....("Validity Period") i.e. from the date of the issuance of the notice to open HDA account for the purpose of issuing license to the Licensee under the Housing Development (Control & Licensing) 1966 Act 118 until the expiry of the Defect Liability Period pursuant to Section 6A of Act 118, during which, we shall not be discharged or released by any arrangement between us and the Licensee without the consent of the Controller of Housing or Deputy Controller of Housing. Upon the expiry of the Validity Period, this Guarantee is automatically cancelled and shall cease to have any effect and be considered null and void whereupon we shall be discharged of all liabilities and obligations under this Guarantee notwithstanding that it is not returned to us for cancellation.

4. All claims, pursuant to Section 6B of Act 118, if any, must be made in writing, delivered by hand or by registered post and received by us on or before the expiry of the Validity Period if not earlier, after which this Guarantee shall automatically be cancelled and shall be of no further effect notwithstanding that the original Guarantee is not returned to us for cancellation. Nevertheless, the return of the original Guarantee together with a letter of discharge by the Controller of Housing or Deputy Controller of Housing prior to the expiry of the Validity Period shall be deemed to be sufficient notice that we are discharged from all of our liabilities under this Guarantee.
5. Any failure by the Controller of Housing or Deputy Controller of Housing to demand for payment under this Guarantee within the period stipulated in preceding paragraph of this Guarantee and in accordance with the terms of this Guarantee, shall discharge us of all obligations and liabilities under this Guarantee without the need for any notice by us to the Controller of Housing or Deputy Controller of Housing and shall be deemed a failure by the Controller of Housing or Deputy Controller of Housing to comply with its obligations under this guarantee or in law, and / or as an act / omission on the part of the Controller of Housing or Deputy Controller of Housing which impairs and is inconsistent with our rights and remedies.
6. This Guarantee shall only be assigned, transferred, or purport to assign or transfer upon obtaining our written consent and the consent of Controller of Housing or Deputy Controller of Housing.
7. This Guarantee shall be governed by and construed in accordance with the Laws of Malaysia and the parties hereby submit to the exclusive jurisdiction of the courts of Malaysia over any claims arising out of this Guarantee.

Signed :

For and on behalf of :

Name of Bank :

Address

** 6(1)(a) a company & 6(1)(b) a person or body of person*



JABATAN PERUMAHAN NEGARA
BAHAGIAN PELESENAN PEMAJUAN PERUMAHAN
ARAS 31, NO. 51
PERSIARAN PERDANA
PRESINT 4, 62100 PUTRAJAYA

Telefon : 03-8891 5000
Faks : 03-8891 3185
<http://www.kpkt.gov.my>

Ruj. Kaml : () KPKT/07/L/
Tarikh : 14/02/2018

Tuan/Puan,

PERMOHONAN MENDAPATKAN LESEN PEMAJUAN PERUMAHAN DAN PERMIT IKLAN DAN JUALAN DI BAWAH AKTA PEMAJUAN PERUMAHAN (KAWALAN DAN PELESENAN) 1996 [AKTA 118], PERATURAN-PERATURAN PEMAJUAN PERUMAHAN (KAWALAN DAN PELESENAN) 1989 BAGI:

LOT : KPKT 001/07/001

Adalah saya diarah merujuk permohonan tuan/ puan tersebut diatas dan dimaklumkan bahawa permohonan tuan / puan diluluskan dengan syarat-syarat seperti di Lampiran 1, 2 dan 3 (jika berkaitan).

2. Jika tuan/ puan bersetuju dengan syarat-syarat yang tersebut diatas, tuan/puan adalah diminta untuk mematuhi syarat-syarat dipara (b) dan (c) di Lampiran 1 terlebih dahulu sebelum membuat pembayaran proses dan fi berjumlah RM 3,100.00 untuk tempoh dua (2) tahun. Sila sebutkan no. rujukan fail ketika berhubung dengan Bahagian ini.

3. Pemaju adalah digalakkan menggunakan konsep IBS (Industrialised Building System) terutama bagi perumahan kos rendah dan kos sederhana rendah kerana dapat mengurangkan kos keseluruhan, meningkatkan kecekapan, kualiti dan produktiviti. Untuk keterangan lanjut, sila hubungi Construction Industry Development Board Malaysia (CIDB) melalui talian telefon 03-26170200, atau faks 03-40451808 atau lawati laman web <http://www.cidb.gov.my>

Sekian, terima kasih.

"BERKHIDMAT UNTUK NEGARA"

Bahagian Pelesenan Pemajuan Perumahan

Jabatan Perumahan Negara

b.p Pengawal Perumahan

(cetakan komputer tidak memerlukan tandatangan)

**SYARAT-SYARAT TAMBAHAN LESEN PEMAJU PERUMAHAN &
PERMIT IKLAN JUALAN**

SILA BUKA HDA AKAUN DALAM TEMPOH 30 HARI. * SILA PILIH SAMA ADA.....
MEMILIH AKAUN HDA (UPLOAD LAMPIRAN A1 BERSAMA BANK IN SLIP) @.....
MEMILIH BG (UPLOAD LAMPIRAN A2 BERSAMA BG) DAN KEMASKINI.....
MAKLUMAT AKAUN PADA BAHAGIAN D. TUAN/PUAN PERLU MEMBAWA.....
DOKUMEN ASAL SEMASA PROSES BAYARAN. *SEKIRANYA PIHAK PEMAJU.....
MEMILIH BG TEMPOH BG BERKENAAN ADALAH :JADUAL G =4 TAHUN ,.....
JADUAL H =5 TAHUN. DEPOSIT 3% YANG PERLU DIBAYAR : RM
*SILA SEMAK EMAIL UNTUK MENDAPATKAN SURAT KELULUSAN.....