



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 10/2020

To : All REHDA Members

From : REHDA Malaysia

Cc : REHDA Branch Chairmen
REHDA Branch Secretariats

Date : 10 June 2020

**RE : SURVEY ON AMENDMENTS / VARIATIONS TO THE STANDARD SALE
AND PURCHASE AGREEMENT (SPA)**

Kindly be informed that REHDA Malaysia is currently compiling information and details on projects approved by KPKT for variations or amendments to the standard Sale and Purchase Agreement (SPA) under the Schedule G and Schedule H. For example, amendments to the time of delivery of vacant possession, schedule of payments and etc.

The recent High Court case of Bluedream City Development Sdn Bhd, had decided that the Regulation 11(3) of the Housing Development (Control and Licensing) Regulations 1989 is ultra vires and is void. Based on the Court's decision, the Controller has no power to waive or modify any provision in the Schedule H contract of sale because Section 24 in the HDA, does not confer power on the Minister to make regulations for the purpose of delegating the power to waive or modify the Schedule H contract of sale to the Controller. The decision is detrimental to developers as it means that all the approvals granted by KPKT is now null and void. Based on this recent judgement, the BHL Construction Sdn Bhd & 3 ORS. V Ang Ming Lee's case is now retrospective.

Therefore, the findings from this survey is significant for REHDA to make representation to the relevant authorities in discussing the current issues faced by developers.

Attached herewith, please find the survey form for your kind necessary action. Kindly complete the survey form and return to the Secretariat at 03-7803 5285 or email to amal@rehda.com before **15 July 2020**. Please be assured that all information provided will be treated in strict confidential and shall be used only as part of a total report.

Thank you.

Yours sincerely

REAL ESTATE & HOUSING DEVELOPERS' ASSOCIATION MALAYSIA (REHDA)



**SURVEY ON THE AMENDMENTS / VARIATIONS TO THE
STANDARD SALE AND PURCHASE AGREEMENT (SPA)**

NAME OF DEVELOPER : _____ STATE : _____
CONTACT PERSON : _____ POSITION : _____
EMAIL ADD. : _____ CONTACT NO. : _____

Kindly complete the survey form and return to the Secretariat at **03-7803 5285** or email to amal@rehda.com before **26 June 2020**. Please be assured that all information provided will be treated in **strict confidential** and shall be used only as part of a total report.

Details of project:-

1.	Developer	
2.	Project Name	
3.	Type of Development (i.e landed / strata)	
4.	Status of Development (i.e completed / under con)	
5.	Units of houses	
6.	Date of first SPA	
7.	Estimated / Actual Completion Date	
8.	Approval Date granted by KPKT	

Variations / Deviations Approved by KPKT:-

No	Clause / Schedule	Details of Amendments / Variations	Any other info
1.	<i>Eg : Clause 25 under Schedule H</i>	<i>Amendments to the time of delivery of vacant possession from 36 months to 48 months.</i>	
2.			
3.			

~Thank you for your cooperation~