

INSIGHTS of the INDUSTRY

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Property Focus

We know our work, declare property managers

They also assert that they constantly update themselves with industry knowledge

By Roznah Abdul Jabbar

They say they are definitely qualified to continue practising property management as they know the art and science of the field. Furthermore, building managers note they constantly update themselves on the latest knowledge and developments in managing properties.

This is their response to the government's proposal to legislate property management via amendments to Valuers, Appraisers and Estate Agents Act (1981) that will prohibit non-licensed managers.

"We conduct our own research to improve as property managers ... we update ourselves with knowledge and the latest information," said Building Management Association Malaysian (BMAM) president Datuk Teo Chiang Kok.

Apart from research and networking, he said they also attend conferences and workshops and go on study trips to keep themselves posted of the goings-on in the industry.

"One of BMAM's objec-

tives is to provide property managers with training in accounting, law, safety and security as part of efforts to be good professionals."

RCMC Sdn Bhd director and Malaysian Association for Shopping and Highrise Complex Management (PPK) advisor Richard Chan said the managers are certainly practising up to standards.

"Foreign countries are learning from us and there are many Malaysian property managers who are working in China and Singapore.

"Despite the fact that many institutions of higher education don't include property management in their programmes, PPK made an effort to come up with its own certification courses for those who want to become property managers," Richard Chan said.

According to PPK president H.C. Chan, PPK offers a three-module certification training programme for these people and for those who want to improve professionally.

Its one-year training programme, with major focus on shopping centre management, has been around since 2002.



The Malaysian Association for Shopping and Highrise Complex Management's certification course focuses on shopping complex management as it is the most complicated in property management.

The programme, which comes in three modules – operation and maintenance, marketing and leasing, and finance and administration – concentrates on shopping complex management.

As the latter is the most complicated of all for property managers, Richard Chan said, the training serves to impart them with comprehensive knowledge about managing properties

and includes essential parts such as seminars, workshops, written examinations and interviews.

"The trainees will have to pass all the three modules to be a certified centre manager or CCM. So far, PPK has trained more than a thousand qualified property managers in the country," he said.

Meanwhile, a senior lecturer in the environmental engi-

neering technology section in Universiti Kuala Lumpur's Malaysian Institute of Chemical and Bioengineering Technology, Robert Thomas Bachman, said shopping mall management goes beyond property management and encompasses fields such as engineering, marketing, architecture, law, accounting, public relations and corporate communication.

In addition to the multi-

disciplinary knowledge and skills required by property managers, he said new challenges such as reducing carbon footprint and energy consumption of residential and non-residential buildings, including shopping malls and hotels, must also be addressed.

"It may be worthwhile to explore alternative avenues to help equip the new generation of property managers with the multidisciplinary skills and knowledge to meet the new challenges and to increase the competitiveness of Malaysia's workforce and industry.

"Universiti KL and Germany's University of Applied Sciences Rosenheim, for example, have teamed up to offer a joint master degree in green and energy efficient buildings that addresses the multidisciplinary skills required by property managers," Bachman said.

He added that possessing a relevant master degree provides an alternative to the requirement to register under the Board of Valuers, Appraisers and Estate Agents in order to practise property management.

ViewPoint

Owners must be free to choose

Selecting who to manage your property lies with you and nobody else

By Philip Choy

All apartment buildings have common areas and shared facilities such as the entrance lobby, access corridors, staircases, lifts, swimming pools, lighting and drainage pipes. Management of the common areas and shared facilities are set out in the Strata Titles Act, 1985 (ST Act) and the Building and Common Property (Maintenance and Management) Act 2007 (BCPM Act).

Management corporations (MC) and joint management bodies (JMB) are owners' entities set up under the two Acts, respectively to act legally for and on behalf of all owners of a stratified (or subdivided) residential building to manage the common parts of their buildings, safeguard their interests, and take up management responsibilities. MC and JMB are also empowered to enforce the house rules and other resolutions approved in the general meetings of owners.

In principle, MC and JMB can facilitate building management in stratified buildings by virtue of their legal right to act on

behalf of other owners, and they possess the statutory powers to appoint and terminate the services of the property manager (also known as building and facilities manager, managing agent, agent or maintenance manager) so that the continued performance of the manager can be effectively monitored. It is strictly an owner-service provider contractual relationship entered into on a "willing seller, willing buyer" basis.

No other statute or third party should therefore interfere, obstruct or restrict the owners' right to maintain and manage their buildings with regard to the appointment of a managing agent, taking into consideration the MC and JMB have legal management responsibilities and can sue and be sued for their actions, or lack of.

The wrong selection or appointment of a managing agent can be expensive for the MC, JMB and residents of the buildings.

The primary aim of building management is to provide owners and tenants with a pleasant and comfortable living environment. Properly maintained common parts of buildings ensure safety for owners, ten-

ants, and the public.

Cases of mismanagement or non-management of buildings leading to disruption of basic amenities, with no proper accounting and control systems can be avoided if a proper property management company is appointed.

To manage common parts and shared facilities of the buildings, you need a competent facilities manager, who has to take care of everything, from removing animal faeces along corridors to ensuring proper garbage collection.

The best management regime for residential stratified buildings is to have a facilities manager working closely with the JMB and the MC in attending to and solving the maintenance and management issues. It is the management committee of the MC or JMB that retains ultimate fiduciary responsibility over their affairs, and not the facilities manager or any other parties that the public may be led to believe.

The facilities manager assumes overall supervisory and monitoring responsibilities over the external service providers, administration and accounting functions on

behalf of the MC or JMB. He will establish standard operating procedures and other administration tools to ensure all facets of his functions are adequately addressed. He serves as an important link between the MC and JMB, service providers, owners and tenants and all other parties having direct or indirect involvement with the properties. These functions are often routed through the various sub-committees formed by the MC or JMB.

The Commissioner of Buildings (COB) will act as arbiter in any disputes involving the maintenance and management of the buildings as provided in the Acts.

You must know who your facilities manager is in order to manage your common areas and shared facilities of your buildings well.

The ultimate choice lies with the owners of buildings and nobody else.

The writer is a chartered accountant and a director of a building and facilities management company in Kuala Lumpur.

'Dangers' of regulating management

Industry stakeholders voice some potential threats

By Roznah Abdul Jabbar

The bill that seeks to amend the Valuers, Appraisers and Estate Agents Act – that property management will be regulated and restricted to be practised by only those registered under the Board of Valuers, Appraisers and Estate Agents (BVAEA) – would pose potential threats, according to industry stakeholders.

The “dangers of regulating property management” were raised by representatives from the Building Management Association Malaysia (BMAM), Malaysian Association for Shopping and Highrise Complex (PPK), Malaysia Institute of Architects (PAM) and Malaysian Institute of Estate Agents (MIEA) at an exclusive Q&A session with *NST Property* recently.

According to them, regulating property management will adversely affect the industry. Also, it allows valuers to monopolise it.

Adding more red tape will make the country less attractive to foreign investors, said BMAM president Datuk Teo Chiang Kok.

He said nobody has the

right to choose who to manage the property of an owner more than the owner himself.

“Owners have freedom of choice to select the right candidate. It will be a waste of resources if the candidate chosen for them is not compatible.

“As a building owner myself, I will choose a candidate based on the person’s capabilities rather than which body the person is registered with.

“Good property managers have experience and hands-on knowledge. They are also people’s persons and have good general management skills,” Teo noted.

RCMC Sdn Bhd director and PPK advisor Richard Chan said brain drain is a potential danger if property management is regulated.

“By allowing only valuers in property management, we will push our talents out.

Our people will be attracted to countries which don’t have such regulations and this brain drain will lead to problems in the local industry,” he said.

BMAM secretary general S. Venkateswaran said joint management bodies and management corporations will be in

danger of going bankrupt with the regulations.

“Not all strata buildings are upmarket and owners may not be able to pay the increased fees proposed by valuers. In such a scenario, buildings can become urban slums.

“The proposed one-size-fits-all notion by BVAEA will not work ... smaller-scale projects will be neglected,” he said, noting costs are currently being kept down by economies of scale as the stakeholders are managing a range of properties so they can apply different charges.

Meanwhile, PPK advisor Chan said the bill lacks clarity and has not taken everything into consideration.

“It states that valuers will have complete control of property management including properties they do not have expertise in.

“Buildings such as hotels, cinemas, sport complexes and hospitals are exempted from the regulations but what of serviced apartments, condominiums, bus stations and factories where valuers can lay no claim of expertise and know-how to do a good job managing them.”



Industry stakeholders argue that managing properties, such as shopping malls, is multidisciplinary and a one-size-fits-all approach doesn't work.



Teo opines that more red tape will discourage foreign investors.

Higher fees proposed by valuers may lead to buildings becoming urban slums, says Venkateswaran.

JMBs can sue owners

That residents refuse to pay the maintenance fee and the joint management bodies (JMBs) and management corporations (MCs) are in a fix as to the next course of action is a common issue on the building management scene.

In addressing this issue among owners of low-cost flats, Penang Town and Country Planning, Housing and Arts Committee chairman Wong Hon Hai said JMBs and MCs of such properties can proceed with civil proceedings if they have difficulties in collecting the outstanding fees.

He said the state is looking into ways to ensure proper procedures in collecting the fees.

“The state and local governments are also studying the mechanisms of implementing arrest warrants to recover the arrears,” he added.

According to Lee Kim Noor, a property lawyer based in Penang, the fact that JMBs and

MCs can sue the homeowners is not new as it is stated in the Building and Common Property (Maintenance and Management) Act 2007 (BCPMM) and the Strata Titles Act 1985 (STA).

She said that based on the BCPMM, JMBs and MCs can go for civil proceedings while the STA states that a warrant of attachment can be obtained through the land office in the case of errant owners.

However, she said taking errant owners of low-cost flats to court is impractical.

“The maintenance fees for low-cost flats are very low ... about RM50 a month. To go to court for that is not worth it,” she said.

She suggested that a trust account be formed and the flat owner put in a one-off amount. The money will then be used to settle the outstanding fees in the event the owner refused to pay. - *Roznah Abdul Jabbar*

Proposed law will cause confusion

Changes to Valuers, Appraisers and Estate Agents Act run counter to other regulations, say industry players

By Roznah Abdul Jabbar

Amendments to the Valuers, Appraisers and Estate Agents Act 1981 (Act 242) – which states that property management will be regulated and restricted to be practised by only those registered under the Board of Valuers, Appraisers and Estate Agents (BVAEA) – seems to contradict the other regulations in the country.

Industry players opine that property management is a management function supported by technical team members.

They said that due to its multitude of functions, different needs and emphasis on different usage of buildings, one individual or profession should not be allowed to monopolise the service.

These are among the comments noted at a recent exclusive Q&A session between *NST Property* and representatives from the Building Management Association Malaysian (BMAM), Malaysian Association for Shopping and Highrise Complex Management (PPK), Malaysian Institute of Architects (PAM) and Malaysian Institute of Estate Agents (MIEA).

Consisting of professional property managers, building



Industry representatives at the *NST Property* Q&A session. From right: MIEA president Julie Wong, Richard Chan, H.C. Chan, Teo, PAM chief executive Paul Lai and BMAM secretary-general S. Venkateswaran. Standing is K. Danapalasinggam, legal officer with Bandar Utama Development Sdn Bhd.

owners, estate agents and other industry players, they shared their views on the just concluded first reading of the Valuers, Appraisers and Estate Agents (Amendment) Act 2010, which is the amended bill of Act 242.

BMAM president Datuk Teo Chiang Kok said the amendment was done by BVAEA, a body under the Finance Ministry, which he said "shouldn't be concerned with the management of buildings as that is outside its purview".

Property management, as part of the industry's organic growth, should be

taken out of the ministry's purview, he added.

"Property management should not be regulated ... the bill is clearly intended to close the doors on everybody else wanting to practise property management, allowing a monopoly in the discipline for valuers," he said.

Teo also said the regulation is not progressive and is completely contradictory to the Competition Act 2010 (Act 712) and the Consumer Protection Act 1999 (Act 599).

The Competition Act – which promotes economic development by promoting

and protecting the process of competition – states that competition encourages efficiency, innovation and entrepreneurship, which promotes competitive prices, improvement in the quality of products and services and wider choice for consumers.

Meanwhile, the Consumer Protection Act says owners (consumers) have the right to choose their property managers.

"Also, adding red tape to the process will only add an impediment to the market and make us less attractive to foreign investors," Teo stressed.

He said property owners should be the only ones allowed to determine who should manage their property and there should not be any impediments by law or regulations to interfere with the owners' freedom of choice.

"Property management is a service and the government is liberalising the services sector. It is quite clear the bill is an attempt to create a protected market in property management ... it will also be closing the doors on liberalisation," Teo added.

PPK president H.C. Chan said liberalisation will improve competitiveness and therefore improve the efficiency of service while RCMC Sdn Bhd director and PPK advisor Richard Chan noted that competition will keep costs down and favour building owners.

A survey by the Institution of Surveyors, Malaysia indicates a large number

of registered valuers are now involved in property management in a big way.

According to Richard Chan, the valuers said the move will create job opportunities for them and for graduates majoring in valuation.

"For property managers who have been providing the service for years and are versatile in their jobs, it is unfair to ask them to register and become inferior to someone who may not be as competent," he pointed out.

H.C. Chan said property managers are allowed to register as property managers under the BVAEA but will only be allowed to manage shophouses and apartments as these are the properties that valuers are not looking into.

The industry players said they are not against valuers becoming property managers but are against the move to make it exclusive to valuers.

Industry players opine that property management is a management function supported by technical team members.

Property management is a multi-disciplinary function which requires different experts from different fields, industry players point out.



Inaugural forum in Penang



The Building Management Association of Malaysia (BMAM), represented by various stakeholders in the building management field, held its first Roadshow and Forum on Building Management in Penang last weekend.

Malaysian Association for Shopping and Highrise Complex Management (PPK) past president and a member of BMAM, Richard Chan, said the state is the first stop of importance because there is an estimated total of 900 joint management bodies (JMBs) and management corporations (MCs) there alone.

"The big number makes Penang vital to BMAM's cause in its opposition to the proposed amendments to the Valuers, Appraisers and Estate Agents Act, 1981 (VAEA Act) which we believe empower the valuers, granting them monopoly."

According to BMAM president Datuk Teo Chiang Kok, with almost two million strata title residential units in Malaysia, the monopoly could make valuers earn at least an additional RM1.62 billion annually.

"A low-cost unit with a potential market rent of merely RM500 a month will have people paying RM67.50 per unit per month, which is already above

The amendments to the VAEA Act, according to BMAM officers, will create a monopoly for valuers to be not only property managers but also facilities managers, building managers, maintenance managers and managing agents.

the current maintenance fee of RM20 to RM30 monthly."

"We are not going against the valuers but simply the Act which we believe is in contradiction to the government's economic liberalisation efforts, the Competition Act 2010 (Act 712) and the Consumer Protection Act 1999 (Act 599)," Teo further explained.

BMAM is currently represented by members of the Real Estate and Housing Developers' Association of Malaysia, the Associated Chinese Chamber of Commerce and Industry Malaysia, the Institution of Engineers Malaysia, Malaysian Institute of Architects, PPK, Bunga Raya Management Corp, Grandeur Tower Management Corp, Stratified Property Management Sdn Bhd, and Wisma Rampai Owners Association.

It is supported by the Malaysian REIT Managers Association and the Malaysian Retailer-Chains Association.
- Nicholas Leong

Classify property managers, says lawyer

It is important to regulate property management as it involves sinking funds and service charges that can amount to large sums of money.

Furthermore, a good standard of property management will ensure highrise dwellers of "comfortable" and "safe" homes and shopping complexes of positive financial contributions to the economy.

As such, regulations are timely especially with the rise in the number of low-, medium- and high-cost stratified residential properties as well as shopping malls, said Penang-based property lawyer Lee Kim Noor.

However, she said regulating property management should be an approach for authorisation and not for the purpose of monopoly.

"It's an issue of demand and supply. We need more professionals in property management. When the supply is there, then it would be important to regulate the issue of trust."

She said the government and institutions of higher education can design courses to churn out more professionals to assist in improving the standard of property management.

A good way to regulate it is to classify property managers, she suggested.

"Property management firms should register under the Commissioner of Building (COB)

which can give the class differences according to the services they provide. If property owners complain about management aspects, the COB should de-license the firms.

"Such classification can give owners choices. For example, if it is a super condominium, they can choose Class A managers. For low-cost flats or other apartments, they can go for Class B or C," she said, adding that for those who cannot afford property managers and think they can do a good job, they should be given the choice to do it themselves.

She also said the COB is in the best position to assess a manager's capability and trustworthiness, noting "if we trust the COB with that, then the Ministry of Housing and Local Government can fine-tune the qualifications and requirements according to the needs of dwellers".

"It does not mean that we would undermine property managers under the Valuers, Appraisers and Estate Agents Act 1981 as they are playing an important role.

"They are under the licensing of the Board of Valuers, Appraisers and Estate Agents, so there would be good accountability. They should be Class A property managers if the COB is receptive to the idea of regulating property managers," she added. - Roznah Abdul Jabbar

PM amendments back on drawing board

By Roznah Abdul Jabbar

The move to restrict property management to just valuers in proposed amendments to the Valuers, Appraisers and Estate Agents Act 1981 (VAEA Act) has been withdrawn from reading in Parliament with the support of the Finance Ministry.

H.C. Chan, a member of Building Management Association Malaysia (BMAM) and president of Malaysian Association for Shopping and Highrise Complex Management (PPK), said that BMAM had a meeting with Deputy Finance Minister Datuk Dr Awang Adek Hussin and the Board of Valuers, Appraisers and Estate Agents (BVAEA) and came to an agreement to withdraw the amendments to two sections of VAEA Act.

He said that the amendments in the Section 2 (d) and (e) (i) and (ii) and Section 21 (a) (i) and (ii) of the Act will be withdrawn from the second reading in the parliament while other amendments will be proceeded for the reading.

"It is believed the bill will be returned to the Attorney General's (AG) Chambers for redrafting, which would be done in a property management stakeholders consultation lab," he said.

Chan said that the AG's Chambers will set up the consultation lab and will include BVAEA and BMAM in the process regarding regulating property management.

He said that he believes any amendments to the VAEA Act, which had the first reading in August, should have been done with proper consultation from all the stakeholders and industry players.

Prior to the withdrawal, building owners and non-valuer property managers had been concerned that such a move would represent threats to the industry on a whole.

Industry players from BMAM, PPK, Malaysian Institute of Architects and Malaysian Institute of Estate Agents opined that property management is basically a management function supported by technical team members and due to its multitude of functions, different needs and emphasis on different usage of buildings, one individual or profession should not be allowed to monopolise the service.

They said that the withdrawal of the bill would encourage liberalisation and allow the non-valuer professionals to practise property management without any hindrance.

Long way to go for BMAM

The Building Management Association of Malaysia's (BMAM) first roadshow and forum on building management in Penang last month was fruitful although it lacked the numbers to back its cause. It plans to hold the second one in January.

"The roadshow in Penang created awareness and the majority who attended signed up with BMAM. The feedback was positive but we still lack the numbers to back our cause.

"We'll continue to heighten awareness about what we're fighting for, which we believe benefits all property managers in the country," said Malaysian Association for Shopping and Highrise Complex Management (PPK) past president and BMAM member, Richard Chan.

BMAM made Penang the first stop of its roadshow because the state alone has an estimated 900 joint

management bodies and management corporations.

Chan said the high number makes Penang vital to BMAM's cause in its opposition to the proposed amendments to the Valuers, Appraisers and Estate Agents Act, 1981 (VAEA Act) which BMAM believes will empower valuers and grant them monopoly not only as property managers but also facilities managers, building managers, maintenance managers and managing agents.

"We are not going against the valuers but the VAEA Act itself which we believe contradicts the government's economic liberalisation efforts, the Competition Act 2010 (Act 712) and the Consumer Protection Act 1999 (Act 599)," added BMAM president Datuk Teo Chiang Kok.

According to BMAM, with almost two million strata title residential units in Malaysia, the monopoly could result in valuers earn

at least an additional RM1.62 billion annually.

"A low-cost unit with a potential market rent of merely RM500 a month will have people paying RM67.50 per unit per month, which is already above the current maintenance fee of RM20 to RM30 monthly," said Teo.

BMAM is currently represented by members of the Real Estate and Housing Developers' Association, the Associated Chinese Chamber of Commerce and Industry Malaysia, the Institution of Engineers Malaysia, Malaysian Institute of Architects, PPK, Bunga Raya Management Corp, Grandeur Tower Management Corp, Stratified Property Management Sdn Bhd, and Wisma Rampai Owners Association.

It is supported by the Malaysian REIT Managers Association and the Malaysian Retailer-Chains Association. - Nicholas Leong

BMAM voices dissatisfaction with valuers' proposal

By June Ramlee
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INVESTORS will lose interest in buying condominiums and apartments in Malaysia if the proposed amendments to the Valuers, Appraisers and Estate Agents Acts 1981 take place.

The Building Management Association of Malaysia (BMAM) is up in arms against the Board of Valuers, Appraisers and Estate Agents who had proposed to amend the Act.

The proposal was tabled in Parliament for first reading at its last session in July.

"If this (the amendments) takes place, the management fees (of high-rise residential units) will increase by 100 per cent, and many people including foreign investors will lose interest in buying condominiums and apartments," said

(BMAM) president Datuk Teo Chiang Kok in a press conference to voice its dissatisfaction with the proposed amendments yesterday.

Teo said the amendments would encompass all facets of property ownership and monopolise the functions of property management including building and leasing management, general maintenance and facilities management.

There are almost two million strata title residential holders in the country and based on a minimum fee of RM50 per unit per month, valuers stand to make RM1.2 billion annually, he said.

"It's indeed a very lucrative business and that is why monopoly is not good ... We urge the government to do something about it as this is their (valuers) second attempt to see the amendment through after their first attempt

five years ago failed," he said.

Teo also said that the property management industry should not be monopolised by several hundred valuers, but should instead be allowed to operate in an open market.

"We have a pool of good talent who can readily do the job but if the proposed amended Act comes in force, there is definitely going to be a brain drain in this sector ... even those taking diploma courses for this type of work will not be able to find jobs," he said.

Teo said shopping complexes and malls would also not be spared as their shareholders will not be allowed to pick the people they want to manage their buildings.

BMAM has asked for an appointment to meet the Minister of Finance to sort out the issue, he added.

建筑管理协会主席： 房屋管理不需专业人士

●文接 封面

马来西亚建筑管理协会主席拿督张昌国说，产业估价师只在产业买卖时才发挥专业功能，产业管理不需要涉及这个专业领域。

他说，此法案重提后，若以200万间住宅公寓，每间征收50令吉计算，将为产业估价师带来12亿令吉进账；商业产业以最低2%的年度毛租金计算，也为估价师带来数十亿令吉的可观年度收入。“更甚的是，估价师无法为业主及住户带来任何好处，却会增加他们的开销。”

他强调房屋管理不需要专业人士，包括估价师介入。

产业管理公司将倒闭

他说，政府修正这项法令，与早前在国会通过的多项法令相冲，包括反垄断法令、保护消费者法令、分层地契法令等等；同时，也

与首相拿督斯里纳吉推行的自由经济、新经济模式等理念背道而驰。

此外，张昌国说，让估价师“入主”分层地契产业，也造成现有拥丰富管理经验的产业管理公司业务受冲击，导致它们倒闭和失业，从事这个行业的人才也会外流。

10单位要求政府一劳永逸地删除上述法案数项不利业主的条款：

●条文2对产业管理层和产业管理人的诠释；

●21(1)(a)条文中产业经

理的字眼；

●21(1)(aa)条文中扮演产业管理人角色的字眼；

●直接删除第2(d)及(e)条文和第11条文。



●以马来西亚建筑管理协会为首的10个单位，声讨即将在国会提呈二读的1981年房地产估价师、评价师及地产代理人法令修正案。前排左起陈志强、陈海全、曾福传、张昌国、文加德斯瓦南及陈嘉斌。

10单位要求对话没下文

(吉隆坡29日讯)以马来西亚建筑管理协会为首的10单位透露，惊悉1981年房地产估价师、评价师及地产代理人法令修正案提呈国会一读后，他们马上向相关政府部门提呈备忘录，但至今未获答复。

该协会主席拿督张昌国向媒体说，有关部门包括财政部、房政部、天然资源部、贸消部及旅游部。

他说，10单位于两三周前提呈联合备忘录，寻求与相关部门讨论及对话，但至今没下文。

他说，这宗修正法案于5年前欲提呈国会时，已遭相关业者反对；这次有关部门却在没通知及咨询各造意见的情况下，呈上国会寻求通过。

“进行房屋买卖才需要产业估价师，否则，不需要他们的专业服务，因为他们的费用很昂贵。”

他强调，这项修正案对业者及民众有莫大影响，必须让民众了解其威胁性。

他相信全球没有任何国家设定法令，把产业估价师列为产业管理者；再者，产业并不需要每天由专业估价师来评价。



●政府被指“静悄悄”要通过法令，引发相关业者反弹，并在记者会抨击政府的行动。

张昌国 ●马来西亚建筑管理协会 (BMAM) 主席

政府不应制造垄断

目前国内95%有管理层的产业都不是由估价师管理，世界没有一个国家像大马般实施这种限制。

法案一旦通过，不但加紧管制，更把管制范围延伸到产业设备及保养。

廉价公寓业主拖欠管理费情况已很严重，若每月额外征收50令吉，他们将无法承担。

政府处事要务实，不要制造垄断，应从实际角度考量，否则将对国家经济造成影响。

我们的产业基金发展也受影响，不会有人对“马来西亚我的第二家园”计划及产业投资感兴趣，试问有谁愿意多付一笔没有生产力的费用？

陈海全 ●购物中心和高楼大厦管理协会 (PPK)

可能影响外来投资

大马购物广场令人引以为豪，若聘用没有经验的管理者管理，将对行业构成极大冲击。

我到海外考察时，曾向同行提起这宗法案，他们听到这种限制，只能对着我笑。

我想，海外基金经理也会很疑惑，为何要付一笔不能为产业带来任何附加价值的费用，或许他们会止步不来投资。

陈志强 ●马来西亚建筑管理协会执委

让拥产业者决定管理者

不只是住宅公寓受影响，工厂也受影响，并直接冲击制造业。

我们不是针对估价师，他们是我们的合作伙伴，我们要说的是，让拥有产业者自行选择把产业交给谁管理。

20年来，这宗法令不断重提，我们没有针对他们，大家都有不同岗位，也无法取代彼此的角色，但这宗法案会制造垄断。

若修估价法，管理费倍涨

(吉隆坡29日讯)大马建筑物管理协会会长拿督张昌国指出，若政府落实修改1981年《估价师、估价人和房地产代理法令》，规定分层地契的高楼的产业管理须由估价师管理，料将使产业管理费暴涨90%至100%不等。

他今日在以该协会为首的10大组织联合记者会上表示，政府应把大厦产业管理开放让各界人士投标获得，而不是让估价师垄断，因估价师在整个产业管理领域中，其专业只限于产业买卖或贷款而已。

「全国约有200万间住宅公寓，若向每间征收50令吉，产业估价师将有高达12亿令吉的收入。」

他继指，商业产业则以最低2%的年度毛租金计算，这也将为估价师带来数十亿令吉可观年收入。

他补充，修改这项法令，对业主或住户并没带来任何好处，反而更加重他们的负担。

10大组织对此要求政府针对此法令，删除数项对业主不利的条文，其中包括：第2条文对产

若政府落实修改估价法令，对业主或住户并没带来任何好处，反而更加重他们的负担。

张昌国

业管理和产业管理人的诠释、删除第21(1)(a)条文，「产业经理」的字眼、删除第21(1)(a)(a)条文担任「产业经理」的字眼及直接删除第2(d)&(e)和第11条文。

根据修正案，国内的分层地契产业，包括高级公寓、公寓、组屋、购物中心或广场、商业大厦和办公大楼管理层，除非该大厦是个人所拥有的，否则大厦产业管理一律需估价师介入管理。

此外，10大组织于2周前也



10大组织反对政府突然修法，前排左起为购物中心和高楼大厦管理协会顾问陈志强、购物中心和高楼大厦管理协会主席陈海全、房地产发展商会受托委员会主席拿督曾福传、张昌国、建筑管理协会总秘书文嘉德斯瓦南及大马商联会法律组副主任陈嘉斌。

—颜秉春—

曾向财政部、房地部及旅游部等相关政府部门提呈备忘录，但迄今仍是石沉大海。

冀透过媒体对谈

因此，10大组织希望透过媒体能与相关部门举行对谈会，以赶在10月份即将重新召开的国会会议前，商讨解决方案。

这10大组织包括：大马建筑管理协会、中华工商总会、房地

产发展商会公会、工程师协会、绘测师协会、购物中心和高楼大厦管理协会(PPK)、南北大厦业主协会、Grandeur Tower管理公司及RCMC私人有限公司。

他说，相关组织早在5年前曾极力反对，政府因而搁置修改这项法令，但在上个国会却毫无预警地提呈一读来修正法案，令人诧异。

公正党选举委员会监督党选

她今日在文告中表示，若他们发现有区部在选举过程中，涉及使用恐吓或暴力手段等不健康的现象，该委员会将毫不留情地宣判该区部选举的成绩无效。

「若我们掌握候选人涉及暴力或任何企图破坏选举顺利进行等不健康现象(如：买票)的证据；我们也将毫不犹豫地向党部建议对他们采取纪律处分，包括开除党籍。」

该委员会感到欣慰的是，公正党在过去2周，已经有166区部进行了区部大会及选举，大部分都在顺利以及有秩序的情况下举行大会。

PROPERTY TIMES, NST Friday 15 October, 2010

Property management students fear amendments

By Roznah Abdul Jabbar

Students of the executive diploma programme in Building and Facilities Management (EDBFM) of the University of Malaya Centre for Continuing Education are concerned that their career future will be thrown into limbo should proposed amendments to the Valuers, Appraisers and Estate Agents Act 1981 (VAEA Act) come to pass.

Under the amendment, the practice of property management will be regulated by and only restricted to those registered under the Board of Valuers, Appraisers and Estate Agents (BVAEA).

In a memorandum, which was signed by 87 students, EDBFM students said that the amendments will give the BVAEA and its allied occupations and professions an absolute monopoly over property management, and this will deprive graduates of the programme of career opportunities in Malaysia's fast expanding building industry.

A first-batch student of EDBFM, Salleh Wan Chik, said students who are mid-career serving employees, managers who are currently working for developers, engineering and architectural firms as well as joint management bodies and management corporations are united in their belief that property management should be practised without any interference or hindrance from third parties.

"BVAEA will let property managers practise if

they are registered under the board, but it will be limited to only certain types of property," he said.

Salleh said the diploma - which covers property management fundamentals, building construction and services, financial accounting, land economics, land and building laws, valuation, facilities management and maintenance, building and office administration, and communication and customer service - gives them a good grounding to be successful property managers. He added it is distressing to think they will not be able to practise it.

Second-batch student Mohamad Hedzir Shafii said most EDBFM students aspire to venture into business on their own and do not want to work for or under registered valuers - which could be the situation if the amendments are enacted.

He said that property management should be a sector on its own and not to be under the purview of another field or industry.

Suntorojoe, a lecturer at the centre and a property manager for the past 20 years, said Malaysia is the only country that is proposing to have property management regulated.

He added his students will be adversely affected if the amendments are approved, especially those seeking to operate their own businesses.

At press time, it is speculated that the second reading of the bill could be withdrawn due to opposition by the Barisan Nasional Backbenchers Club.

估价及产业服务局总监： 修正案无关产业管理

彭秋福 报道

(八打灵再也 30 日讯) 估价及产业服务局总监拿督阿都拉塔立斯澄清，即将于下月在国会提出二读的 1981 年房地产估价师、评价师及地产代理人法令修正案，并没有赋予产业估价师在“入主”房屋管理后，每月向每个住宅单位额外征收至少 50 令吉费用。

没赋权增收 50 令吉

他今天说，他不知道以马来西亚建筑管理协会为首的 10 个单位，是从何处听到上述消息。他说，这项修正案主要是阐明房地产估价师、评价师和地产代理的权利及地位，不过，政

府不会赋权产业估价师增收费用，因为公寓住户原本每月已须缴一笔管理费。

阿都拉塔立斯向《南洋商报》说，上述修正案与产业管理完全无关。“如果这些单位要继续公开谈产业管理课题，我无法阻止。我只能说，修正案与产业管理无关。”

将强制高楼产业登记

不过，他说，该局的确要修正法案，赋权产业估价师管理房屋，但相关法案非于下月提出。

为铲除非法产业管理公司的种种弊端，该局也将在下月提出二读的法案中，强制国内高级公寓、公寓、组屋、购物中心或广场、商业大厦和办公大楼等的产业管理，必须向该局登记。

阿都拉塔立斯说，由于修正案内容牵涉甚广，他目前不便透露详情。

陈海全：取得修正草案原文 确提及增收管理费



●陈海全：我们希望社会关注修正案的影响。

(吉隆坡 30 日讯) 马来西亚购物中心、高楼大厦管理协会主席陈海全出示 1981 年房地产估价师、评价师及地产代理人法令修正草案原文，反驳估价及产业服务局总监拿督阿都拉塔立斯指该法案没有建议赋权产业估价师向公寓单位住户增收 50 令吉费用的说法。

陈海全说，该协会已取得这宗法案的内容，它的确认及赋权产业估价师在“入主”房屋管理后，每月额外征收费用事宜。

他说：“我们不想与他争论，我们手上有这方面的法案。”

不过，他坦承，该协会不肯肯定政府是否将在国会提出有关建议。

陈海全说，该协会连同另外 9 个单位揭发此事，旨在避免国会通过这项建议，加重公寓住户的负担。

希望业者从政者关注

“我们希望引起公寓住户，甚至社会、从政者的关注，确保这种建议不会在国会通过，因为它的影响太大了！”

以建筑管理协会为首的 10 个单位，昨天声讨即将在国会提出二读的该项修正案，指它只将造成垄断，对业主与民众毫无利益，而且将导致国内 200 万间房屋，每单位每月管理费至少增加 50 令吉。

陈海全向《南洋商报》出示 1981 年房地产估价师、评价师及地产代理人法令修正草案部分原文，说明在“产业管理”项目下，的确有每月向公寓住户增收至少 50 令吉费用的条文。

草案英文版原文：

B. PROPERTY MANAGEMENT
An annual fee based on—
12 1/2% of the gross annual rent on the first RM50,000
10% of the gross annual rent on the residue up to RM100,000
7 1/2% of the gross annual rent on the residue over RM100,000

*The fee is applicable to each holding. The expression "holding" as used here has the same meaning as defined in section 2 of the Local Government Act 1976.

The expression "gross annual rent" means the rents reserved or deemed to be reserved by the lease or lettings plus any incidental receipts collected or accounted for or both in the course of management.

Minimum fee: RM50 per month per holding.

ADDITIONAL CLAIMS

In addition to the above, claims may be made for —
(a) the cost of printing, plans, copies of documents, lithography, travelling and other expenses actually incurred;
(b) a fee of RM150 per hour or RM800 per working day of 8 hours for negotiations, attendance at meetings with solicitors, consultants or authorities.
(c) a fee of RM200 per hour or RM1,000 per working day of 8 hours for giving evidence before judicial bodies.

管理房屋，估价及产业服务局将修正法案，赋权产业估价师



贸消部长：对修正案不知情

(吉隆坡 30 日讯) 针对马来西亚建筑管理协会等 10 个单位，指即将在国会提出二读的 1981 年房地产估价师、评价师及地产代理人法令 2010 年修正案，将导致高楼产业管理出现被估价师垄断的局面，国内贸易、合作社及消费人事务部长拿督斯里依斯迈沙比里表示不知情。

他说，由于竞争法令委员会尚未成立，法令也未生效，因此，也无法把这项投诉呈交给委员会处理。

至于 10 个单位声称已提交备忘录给贸消部，依斯迈说，其部门接受任何方面提出的备忘录。“竞争法令在 2012 年才生效，目前如发生垄断和不公平的情况，也只能采用其他法律对付。”

林祥才将召见双方

(八打灵再也 30 日讯) 财政部副部长拿督林祥才表示，针对 1981 年房地产估价师、评价师及地产代理人法令修正案被指赋权产业估价师“入主”房屋管理后，每月向每个住宅单位额外征收至少 50 令吉费用的问题，他将召见估价及产业服务局与相关产业组织，以了解真相。

他今天向《南洋商报》说：“一方否认有这回事，另一方则坚持有此事。他说将在了解事实后，再想办法解决问题。”

Successful malls: Strata or owned?

BY M.K. FOONG & EVELYN LO

OUR ARTICLE looks at the current scenario vis-à-vis two current legislations, the Building and Common Property (Maintenance & Management) Act (BCP Act) 2007 and the Strata Title Act (STA) 1985 which govern strata titled properties encompassing residential and commercial buildings including shopping malls.

A developer's wish list would be to have 100% ownership of his shopping mall but not all developers have deep pockets or the same philosophy, so this has resulted in strata titled shopping malls where the developer sells a portion of his mall for income.

It is now two years after the BCP Act which took effect during the interim period before strata titles were issued. The BCP Act dictates that a Joint Management Body (JMB) must be established, comprising strata title parcel owners as well as the developer's representative. Once strata titles have been issued, the STA necessitates that a Management Corporation (MC) comprising parcel owners is established to manage the property.

SERVICE CHARGES

As far as collection of service charge is concerned, the JMB has more power in effect than the developer who used to manage the properties alone—for example, the developer could only resort to time-consuming and expensive civil action to recover from defaulters but the JMB could refer to their governing body, the Commissioner of Buildings (COB) for further action to seal premises for service charge recovery!

AMONGST OTHER CRITERIA, THE CRUX OF A SUCCESSFUL



shopping centre is due to the close integration of such factors as good management, trade or retail mix, location, anchor tenant, and accessibility.

We will now look at these factors in the context of strata titled malls.

OPTIMUM TRADE MIX VERSUS YIELD ON INVESTMENT

The management of successful shopping malls must have the foresight to change trade mix to cater to ever changing consumer trends. However, accommodating trade mix to suit trends sometimes comes with a sacrifice—this means offering a lower rental to bring in trendy fast food outlets or department stores or cinemas.

However, if shopping malls are wholly owned, the developer or owner-management will sacrifice income to ensure the mall's success in terms of optimum trade or retail mix. However, for strata titled shopping malls, the JMB will look for the maximum yield on their investment and the ideal trade mix may be sacrificed.

In the longer term, it is necessary for trade or retail mix to evolve in order to keep up with market trends, for example, the trend towards certain branded fashion retailers or lifestyle F&B outlets. When tenancies expire at the end of three years, it is usual to

see a "changeover" of approximately 10% of a mall's shops and the latest retail offerings being introduced.

The rule of thumb for refurbishment in shopping malls is a minimum of once every five years or so, encompassing the upgrading to modern building finishes, reconfiguration of shop layout, and refreshing interior décor, among others. It usually involves shutting down a major part of the mall. Such extensive refurbishment projects are only usually possible when the mall is 100% owned as both JMBs and MCs are generally not financially capable of such huge investments or willing to accommodate the temporary loss of rental income.

MALL LAYOUT

It will be easy to note that strata titled shopping malls usually have smaller common areas as the developer strives to maximise his investment by configuring more shoplots for sale. Coupled with strata owners' tendency to sub-divide their shop lots in order to lease out and maximise rental incomes, this will result in a bazaar-like ambience which is not ideally conducive.

SINKING FUND

All strata titled property owners are obliged to pay a contribution towards sinking fund which is meant for the use of capital expenditures on property maintenance, refurbishments or other large projects as and when the need arises. Therefore, sinking funds are collected over the long term and normally not used immediately (as opposed to service charges which are used for daily operational expenditures). The collection of service charges usually poses few problems in strata titled shopping malls but it is more difficult to collect sinking funds promptly. This is due to the perception that

since the money is not used immediately, misappropriation may arise. Perhaps the future direction may be to appoint trustees to manage sinking funds professionally. Sinking funds in strata shopping malls generally range from RM0.30 psf upwards.

STRATA TITLED SHOPPING MALLS

The number of strata titled shopping malls in Malaysia is still low, estimated at only 18% for PPK members. Generally, it is observed that the more successful strata titled malls will have a large percentage (more than 50%) owned by the developer who still retains majority control of shop lots.

In conclusion, it appears to be the general tendency for strata shopping malls to deteriorate with time if the management does not have foresight or is not willing or does not have the capacity to spend on refurbishments. There is one enduring exception: Sungei Wang Plaza is more than 30 years old but still continuously evolves to attract shoppers.

Perhaps the management of strata properties will be more successful if there are stricter regulations pertaining to the collection of service charges like in some neighbouring countries. Also, the COB has to be more effective and efficient to deal with recalcitrant JMBs and MCs in order to ensure efficient management of strata properties.

To find out more about strata managed malls, join the forthcoming seminar, Property Management: Time Bomb? It will be held on Dec 9. More details, call FIABCI Malaysia at 03-62035090/1 or email: fiabci.malaysia@fiabci.com.my.

•M.K. Foong & Evelyn Lo are with Persatuan Pengurusan Kompleks Malaysia.