



**Majlis Peguam
Bar Council Malaysia**

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To Members of the Malaysian Bar

Information Relating to the Housing Integrated Management System (“HIMS”) and eSPA

The Bar Council Conveyancing Practice Committee (“CPC”) has taken note of the concerns of Members regarding the recent [Housing Integrated Management System \(“HIMS”\)](#) introduced by the National Housing Department (Jabatan Perumahan Negara, “JPN”) of the Ministry of Housing and Local Government (Kementerian Perumahan dan Kerajaan Tempatan, “KPKT”) whereby all Scheduled Agreements under the Housing Development (Control And Licensing) Regulations 1989 are to be generated under the eSPA module of the HIMS platform.

We wrote to KPKT on 28 Jan 2022 requesting that a meeting be held on the said issue. A meeting was held on 15 Feb 2022 and the Bar Council was represented by representatives from CPC.

We have prepared a set of [Frequently-Asked-Questions \(“FAQ”\)](#) (see page 2 onwards) for Members. Please note that the FAQ is non-binding in nature and is based on what was presented during the meeting with KPKT.

Further to the meeting, we are in the midst of engaging with other stakeholders such as the Real Estate & Housing Developers’ Association (“REHDA”) and the National House Buyers Association (“HBA”) to prepare a memorandum on HIMS. We are consistently and vigilantly monitoring the developments relating to this issue, and will not hesitate to take any and all action when necessary.

We welcome any feedback or queries from Members relating to eSPA of HIMS. Please submit your input to conveyancing@malaysianbar.org.my by 7 Mar 2022 (Monday).

Thank you.

**Abdullah Johari b Hamzah, Zemilah bt Mohd Noor and Abdul Murad b Che Chik
Co-Chairpersons
Conveyancing Practice Committee**

Frequently-Asked-Questions (“FAQ”) Relating to the Housing Integrated Management System (“HIMS”) and eSPA

Q1: What is HIMS?

HIMS is an abbreviation for Housing Integrated Management System developed by the National Housing Department (Jabatan Perumahan Negara, “JPN”) of the Ministry of Housing and Local Government (Kementerian Perumahan dan Kerajaan Tempatan, “KPKT”). It is a single-entry system developed by KPKT to replace BLESS, IDAMAN, and e-Pemaju. It is a one-stop platform for them to regulate, manage, engage, receive, and gather data. There are no variations of the Housing Development (Control And Licensing) Act 1966 (“Act 118”) or the Housing Development (Control And Licensing) Regulations 1989 (“Regulations”) that are brought on by HIMS.

Q2: Where can I find the user manual for HIMS?

The user manual for HIMS can be accessed at this [link](#).

Q3: What was presented to CPC during the 15 Feb 2022 meeting session?

Click [here](#) to view the presentation slides.

Q4: What does eSPA mean?

- (a) The use of the alphabet “e” is a misnomer. The Scheduled Sale and Purchase (“SPA”) is not in electronic form. Rather, all Schedules G, H, I and J of the Regulations (“Scheduled SPAs”) now need to be generated using the HIMS platform. It is very much akin to the applications presently used by legal firms to generate Scheduled SPAs. There are variable text fields such as for name(s) of purchasers, parcel details, and price that would need to be completed. There are also fixed text fields such as for the name of developer, proprietor, developer’s license, advertisement permit, land details, approved plans number, and etc.
- (b) There are no amendments or variations of the current form and substance of the Scheduled SPAs.
- (c) However, there are facilities within the eSPA module of HIMS to amend and to vary the contents of the SPA where it is approved by the Minister. CPC did not probe further into this in view of the pending Federal Court case of Alvin Leong.
- (d) HIMS allows draft SPAs to be generated for verification before the final version is printed. The physical copy will then be handled normally, i.e. the copy must be physically signed by the purchaser and stamped.
- (e) Any errors or typos can be amended within the eSPA module of HIMS.
- (f) After stamping of a SPA, the stamped copy must be uploaded to HIMS for data collection by KPKT and subsequent management between KPKT and the developer-purchaser (if any).

- (g) The final uploaded stamped copy of the SPA can be cancelled and the parcel/lot will be then available for a fresh SPA for a new purchaser subject to the conditions fixed by JPN. This will prevent double sale of the same parcel/unit.
- (h) At the moment, the maximum number of purchasers is six (6). KPKT decided this number of purchasers based on the analysis of their database.
- (i) A company purchaser can sign under seal or hand or by power of attorney.

Q5: Does this mean that the developer must prepare the eSPA on its own?

- (a) KPKT did not take a position on this matter and has made it clear that the retention of solicitors is the absolute commercial prerogative of licensed housing developers.
- (b) The system is such that the username and password will be given to the directors of the developer but access using the username and password can be done on multiple devices at the same time.
- (c) However, CPC will approach REHDA and HBA for engagement for our preparation of a memorandum in reply to the HIMS session and during the proposed engagement, CPC will propose that REHDA, jointly with BC, seek approval from KPKT to facilitate issuing username and password to appointed legal firms with restricted access to the eSPA module of HIMS only.

Q6: Does this mean that the developer has the option to proceed without solicitors?

It must be made abundantly clear that irrespective of HIMS, a licensed housing developer always has the absolute legal right to prepare the Scheduled SPAs without solicitors. The only effect of HIMS is that now the Scheduled SPAs can only be generated via the HIMS platform. HIMS does not change the legal landscape of solicitors and developers.

Q7: Does HIMS preclude purchasers from retaining their own solicitors?

No.

Q8: Are there any access fees to use HIMS?

We are not aware of any access fees being collected to use HIMS.

Q9: Does HIMS require amendments to Act 118 or any Regulations?

KPKT responded that since no contents of Act 118 or any Regulations were varied, and that they are of the opinion that HIMS is merely an administrative initiative, there is no requirement to amend Act 118 or any Regulations.

Q10: Can a legal firm use their own application and not use HIMS to prepare Scheduled SPAs after full migration and integration of HIMS?

No.

Q11: What about transitional projects?

KPKT has advised that HIMS is a work in progress intended for new projects. All existing projects will continue as current status of manual preparation by the developer or its appointed solicitors.

Q12: Does HIMS affect the need to issue the solicitor's letter of undertaking to banks?

No. HIMS does not purport to change the existing conveyancing process in any way or form.

Q13: Does using HIMS mean that there is a reduction in the scale fees under the Solicitors' Remuneration Order 2005?

No.

Q14: Does HIMS extend to the preparation of Form 14A?

No.

Q15: How does HIMS affect rebates and discounts?

CPC did not probe into this issue as it is a question for REHDA. It was noted that the eSPA module of HIMS records approved sale prices, discounts, and prices to be reflected in the SPA.

Q16: What is the language of the user interface of HIMS?

The language of the user interface of HIMS is Bahasa Malaysia only. However, for the Scheduled SPAs, there is a choice of a Bahasa Malaysia or English version.

Q17: Does HIMS resolve the e-signatures, e-witnessing, or digital signature issues?

No.