



**Majlis Peguam
Bar Council**

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To Members of the Malaysian Bar

Important Update on the eSPA Enhancements

The Bar Council Conveyancing Practice Committee (“CPC”) attended a meeting with the National Housing Department (Jabatan Perumahan Negara, “JPN”) of the Ministry of Housing and Local Government on 16 Aug 2024 to discuss the proposed enhancements to the electronic Sale and Purchase Agreement (“eSPA”) on the Housing Integrated Management System (“HIMS”) portal.

We are pleased to inform Members of the significant enhancements that will be made to the eSPA module of HIMS to improve the user experience, streamline processes, and ensure compliance with the latest regulations. Please take note of the following key changes:

- (1) eSPA must be generated using the HIMS platform with effect from 1 Oct 2024. We were informed by JPN that if any Sale and Purchase Agreement as prescribed by Regulation 11(1) of the Housing Development (Control and Licensing) Regulations 1989 is generated by a licensed housing developer not through the HIMS platform, the Housing Development Account of that licensed housing developer will be frozen. This is to avoid the use of manually generated Sale and Purchase Agreement. JPN will grant a cooling-off period up until 31 Dec 2024 to allow licensed housing developers to achieve full compliance.
- (2) A new tab labelled “Agent” will be added, which will include the option of “Peranan Peguam”. CPC will be working closely with JPN to structure the flow of this new module and will update Members on the progress and outcome of this exercise from time to time.
- (3) Purchasers will also be given the option to appoint their own solicitors to separately and legally represent them in the Sale and Purchase Agreement.
- (4) JPN also intends to implement the use of digital signatures in accordance with the Digital Signature Act 1997. CPC will also work closely with JPN to explore the use of electronic signatures and remote witnessing.

Some of the updates to the HIMS platform are scheduled to go live sometime in October 2024 and will be available for use by 1 Jan 2025. We strongly encourage Members of the Bar to prepare for this transformative progress.

Should you have any enquiries, please contact HIMS's Support Team by telephone at 03-8891 4797 or by email at hims.aduan@kpkt.gov.my.

Thank you.

Kamala Mahlini and Zemilah bt Mohd Noor
Co-Chairpersons
Conveyancing Practice Committee