

## **COMPUTER GENERATED CIRCULAR NO 15 OF 2023**

### **To all Members of the Negeri Sembilan Bar and Pupils In Chambers**

1. **Meeting on e- Serahan with Pejabat Pengarah Tanah dan Galian (PTG) NS on the 15 June 2023.**

Please be informed that the Conveyancing Sub Committee has held a second meeting with PTGNS regarding the e-serahan. This meeting is conducted as there were many complaints by members on the execution of e-serahan by PTGNS. Attached is the findings and decision of the meeting. Members please take note. Kindly liase with Mr Ridzmann Chee Mun Siew pertaining to these issues.

2. **International Malaysia Law Conference 2023 (“IMLC”)**

The IMLC will be held from 10<sup>th</sup> to 13<sup>th</sup> July 2023 at Shangri-La Kuala Lumpur. Themed “Navigating the Present, Exploring the Future”, IMLC is poised to address the concerns and hurdles legal practitioners face, with the determination to equip them for a more rewarding future. Please see Bar Council **Circular No 157/2023** dated 30 May 2023 which provides the registration rates for both online passes and physical registration. Online passes are available for all breakout sessions at RM 80.00 per breakout session and a member can sign up for all 10 breakout sessions at RM500.00. There are 30 breakout topics in three streams and the list of these breakout topics is attached in the Circular. The deadline to register for online passes is 6 July 2023.

For further information you can contact 03 2060 2120/ 2072 or email [imlc2023@malaysianbar.org.my](mailto:imlc2023@malaysianbar.org.my) and you may click on the link to register at [www.imlc.com.my](http://www.imlc.com.my).

3. **Legal Aid Clinic**

Please be informed that Legal Aid Centre, Negeri Sembilan has proposed to conduct a Legal Aid Clinic for public once a month at the Seremban Court’s Complex. Volunteers are much needed to ensure that the program is successful. The date for such clinic will be informed later. For members and pupils in chambers who is interested in joining this clinic, please leave your name with Puan Noraini of NS Bar Secretariat.

**Maishi’ah Hj Hasan**  
**Hon. Secretary**  
**Negeri Sembilan Bar Committee.**

## ATTACHMENT 1

### PTG MEETING ON 15-6-23

#### Attendance

1- <u>Puan Nor Fazrin</u>	:	<u>PTG</u>
2- <u>Encik Alfian</u>	:	<u>PTG</u>
3- <u>Encik Razif</u>	:	<u>Legal Advisor PTG</u>
4- <u>Puan Anis Idayu</u>	:	<u>IT PTG</u>
5- <u>Encik Ridzman</u>	:	<u>Head, Conveyancing Committee</u>
6- <u>Mr Seah Choon Chye</u>	:	<u>Sub Conveyancing committee</u>
7- <u>Miss Peggy</u>	:	<u>Sub Conveyancing committee</u>
8- <u>Puan Ruzita</u>	:	<u>Sub Conveyancing committee</u>
9- <u>Puan Siti Sabariyah</u>	:	<u>Sub Conveyancing committee</u>
10- <u>Mr Raja</u>	:	<u>Sub Conveyancing committee</u>
11- <u>Miss Koh</u>	:	<u>Sub Conveyancing committee</u>

<b><u>(A) ISSUES ON E-SERAHAN</u></b>	<b><u>ACTION TO BE TAKEN</u></b>
1. Inability to amend the data which we have entered into the e-serahan system. Once there is an error we have to re-key all the necessary data.	We suggested PTG add an "edit/kemaskini" feature in the system. PTG agrees to look into this. Kemas kini before bayaran
2. The term used and coding in the e-serahan system to be user friendly e.g add caveator's consent/consent to transfer/charge/other consent is confusing as the system only provide "surat kebenaran baru" and "surat kebenaran". Once wrongly entered the payment is also erroneous. We have asked make it clearer by naming the proper consent accordingly.	Encik Alfian explained the e-serahan system does not allow the re-naming of the given category because it is already written in SPTB / programmed into the e-serahan system. However PTG can provide a 'dictionary/kamus" for the usage of the category in the e-serahan system. Have to refer to IT unit if the name of transactions whether to re code according to understanding of lawyer and public.

<p>3. Every time we add a transaction, we have to key in the particulars of the title all over again. We have asked PTG if it is possible we only need to key in once?</p>	<p>Encik Alfian explained that it can't be done as our NS e-serahan system is not like Selangor. NS system is transaction based whilst the Selangor system is title based.</p>
<p>4. Sometimes, when we have entered all the Data and generated the receipt for payment and the same is saved for payment, sometimes when payment is being made the receipt has disappeared. We then have to cancel the transaction and Re-do the entire transaction again. This happened for Corporate Account and no issue on personal account</p>	<p>PTG is not sure why this happen and will check their system.</p>
<p>5. There are also times, when we have entered data, receipt has been generated and payment made, system does not generate the code for presentation.</p>	<p>PTG said if something like this happen, we can call them or bring the documents for presentation as usual and check with their counters. If everything is in order we can still present the documents.</p>
<p>6. Can PTG extend the time for e-serahan system beyond 6pm?</p>	<p>Encik Razif explained that PTG work within the Kaedah Tanah N.s and cannot do so without amendment and repeals to their present internal rules and regulations to allow the same . The amendment is also subject to costs, extra office hour ,salary etc which have to be tabled to higher authority</p>
<p>7. Why firms have to pay RM0.50 for each transaction</p> <p>In the receipt No amount of RM0.50</p>	<p>The charges is due to Bank's charges and it is allowed by Pihak Berkuasa Negeri to deduct users account thru PBN meeting since 2008.</p> <p>The sum of RM0.50 is reasonable and the said payment goes to FPX. Therefore PTG Receipt is solid on the amount received by them excluding RM0.50</p>

<p>8. Long Que for presentation of dealings etc</p>	<p>Puan Fazrin explained the long que problems have improved, decrease in rejection and firms slowly can adapt the system from time to time.</p> <p>It was unexpected by PTG once the system started the runners and firms moving so fast whereby at their level still in the process of familiarising with the system as well to cater other issues also.</p> <p>Hence it is a matter of time for the users and for PTG to get used with the new PTG system</p>
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## **(B) OTHER ISSUES**

### **1) Presentation For Registration Of Instrument Of Dealing**

- i) We seek the cooperation of PTG to adhere strictly to the National Land Code 1965 especially with matters concerning presentation of an instrument of dealing for registration.

We reminded them again that fitness for registration of an instrument of dealing does not include the requirement of the followings, (that is over the years the requirements through their arahan Surat Pekeliling).

- (a) Cukai Pintu (assessment) must be paid and current receipt must be submitted.
- (b) A copy each of identity card of the buyer and seller must be submitted.
- (c) If dealing by corporation/company the SSM search on the Company, Form 24, Form 49 and directors' resolution and copies of IC must be submitted.
- (d) A perpendicular must be drawn on the left side of the transfer form (Form 14A) and to be initialed and "chop" by the attesting solicitor.

### **2) Entry Of Private Caveat**

We have advised them there is no requirement of a copy of Sale and Purchase Agreement or proof of validity of a claim as a pre-condition before a private caveat can be entered. We also said that PTG is merely an administrative body.

### **3) Biometric Scanning**

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We also brought to their attention that there is no provision in the NLC 1965 for such requirement/procedure.

### **4) Registration As Trustee Or Trustees Under S.344 NLC 1965**

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We brought to their attention the different between S344(1) and S344(2) of the NLC 1965. S344(1) applies to when a person, not a proprietor applies to be a trustee of a share or interest in a land, whereas S.344(2) only applies to when a person is already a proprietor or they are many co-proprietors.

### **5) Fourteenth Schedule NLC 1965 – Computerised Land Registration**

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Again S318A NLC 1965 was raised.

The word **substantial house** contained in the express condition of many document of titles of pre war shophouses in Negeri Sembilan have been translated to **bangunan kediaman**.

This is clearly a mistake and blunder on the part of the Registrar/Land Administrator.

Mr Seah Choon Chye has written extensively over the years on the above issues and as such we did not state the relevant provisions of the NLC 1965.

Members of the NS Bar are always welcome to seek clarification or share their knowledge with the Committee.

**Conveyancing Committee**  
**Negeri Sembilan Bar Committee**