



PAM
Pertubuhan Akitik
Malaysia
Sarawak Chapter



PAMSC PRACTICE TALK 2/2023

STRATA MANAGEMENT ORDINANCE 2019

by

Keynote Speaker:-

Tuan Haji Abu Bakar bin Haji Sepawi

Timbalan Setiausaha Tetap

Kementerian Kesihatan Awam, Perumahan dan Kerajaan
Tempatan Sarawak

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SEPT 23, 2023
8.00AM**

Venue:
IMPERIAL GRAND BALLROOM,
IMPERIAL HOTEL, KUCHING

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FEES

RM106.00 for PAM member
RM212.00 for non PAM member

(Inclusive of 6% sst)

*CPD points will be applied for the event.

Tentative Programmes:

- 08:00 **Registration**
- 08:30 **Introduction & Welcoming by PAMSC**
- 08:35 **Introduction by Sponsor**
- 08:40 **Sharing Session 1**
- 10:15 **Coffee Break** ☕
- 10:45 **Sharing Session 2**
- 12:30 **Lunch** 🍴🍷
- 1:30 **Sharing Session 3**
- 3:00 **Coffee Break** ☕
- 3:30 **Sharing Session 4**
- 4:30 **Q&A Session**
- 5:00 **End**

**Abu Bakar Bin
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Sapawi**

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Education

Master Architecture, August 17 1991
University of Nebraska-Lincoln, Lincoln, NE, USA
B.S. in Architectural Studies, May 13 1989
University of Nebraska-Lincoln, Lincoln, NE, USA
Sijil Pelajaran Malaysia, December 1983
Sekolah Menengah Sultan Abdul Halim, Jitra, Kedah

Awards

PSD Scholarship, August 1984 – July 1991
Pingat Perkhidmatan Bakti, Negeri Sarawak (PPB) 2011
Pingat Perkhidmatan Setia Negeri Sarawak (PPS) 2019
Pingat Bintang Kenyalang, Negeri Sarawak (PBK) 2020

Employment History

Site Supervisor

May-August 1989 Hj Sapawi Abdul Hamid Contractor, Sibul, Sarawak

Assistant Resident Architect (Sibu New Hospital)

December 1991- February 1993 Kumpulan Design, Sibul, Sarawak

Arkitek (J41 - J48)

Majlis Perbandaran Sibul, Sibul, Sarawak

1 March 1993 – 31 Dec 2016.

- Leading the Engineering Division in Sibul Municipal Council and directly responsible in Building Control Unit. Managing all government projects undertaken by the council.

Pemangku Setiausaha Perbandaran Gred N52

Majlis Perbandaran Kota Samarahan

1 January 2017 – 31 January 2018

Arkitek Gred J52 (Setiausaha)

Majlis Perbandaran Kota Samarahan

1 February 2018 – 15 October 2018

Pegawai Tadbir Khas Gred N52 (Attachment)

Kementerian Kerajaan Tempatan dan Perumahan Sarawak

16 October 2018 – 30 June 2019

Ketua Seksyen Perancangan dan Dasar Perumahan (Arkitek Gred J52) (Attachment)

Kementerian Kesihatan Awam, Perumahan dan Kerajaan Tempatan Sarawak

1 July 2019 – 28 February 2023

Ketua Bahagian (Pegawai Tadbir Gred N54)(Secondment)

Bahagian Kerajaan Tempatan,

Kementerian Kesihatan Awam, Perumahan dan Kerajaan Tempatan Sarawak

1 March 2023 - 31 March 2023

Timbalan Setiausaha Tetap (Jawatan Utama VU7)

Kementerian Kesihatan Awam, Perumahan dan Kerajaan Tempatan Sarawak

1st April 2023 - current

What is Strata Management Ordinance, 2019?

The Strata Management Ordinance, 2019 (SMO) provides essential regulations for those living in a high-rise building, apartment or condominium. There is a saying that sharing is caring. But when it comes to shared maintenance and property responsibilities, one cannot always guarantee that everyone is on the same page. This is where the SMO comes. But in a big development with multiple owners spread across a large area, ensuring that everyone contributes to its upkeep can become a problem really fast. The SMO provides a framework to ensure everyone is treated fairly.

The SMO was a law introduced in 2019 and come into force on 1st March 2022 in order to govern the maintenance and management of stratified developments, such as condominiums, apartments, townhouses, landed properties in a shared development, SOHO / SOVO / SOFO and mixed strata development.

SMO aims to consolidate the rights and responsibilities of residents, landowners, and developers to ensure suitable, efficient, and on-going management of these properties. In a very simple sense, that means providing a set of regulations to ensure everyone contributes to maintaining a better environment to live in.

The COB is an independent body responsible for overseeing, administering, and enforcing the duties and obligations laid out in the SMO. To assist COB in discharging his powers and duties, Strata Management (Management and Maintenance) Regulations, 2022 (SMMR) was introduced and enforced on 1st June 2022. COB may from time to time, issues additional directives for the management and maintenance of a subdivided development under Section 3(6) of the SMO. COB has the right to investigate potential breaches in the Ordinance, and in the event that a breach has been committed, can penalise the individuals or organisations responsible.

In the event of a complaint or dispute, a Strata Management Tribunal (SMT) is to be established as per the terms of the SMO.

The SMT will provide a way for claimants to seek legal redress for issues that fall within the Ordinance, without the need to go to court. That provides a faster, cheaper route to resolving complaints. The SMT also has the power to impose fines of up to RM250, 000 or imprisonment of up to 3 years, or BOTH.

Key points:

- Cardinal Principles:
 - Subsidiary title with or without accessory parcel attached;
 - Shared facilities with shared responsibilities
 - Derived from subdivision of building and or land parcel;
- Owners of parcel in the strata development scheme are part of its management bodies
- At each AGM, the management bodies will elect people to sit on the management committee, which can make smaller, day-to-day decisions for them
- The purchaser and the Developer to pay maintenance charge and contribution to sinking fund
- Developer or management bodies cannot collect monies unless accounts are opened

- Important decisions are made at strata meetings (AGM / EGM).
- Disputes can happen if parcel owners / subsidiary proprietors feel they are not being listened to, or the correct process is not followed.
- It is important that meetings are run correctly and everyone gets a voice.
- The secretary of the management committee must notify meeting resolutions and give minutes to all parcel owners / subsidiary proprietors after the meeting.
- Management committee's meetings are run separately to a general meetings or AGM.
- A property manager, managing agent or both, can be hired to help run the strata development
- Key terms to know to better understand one's roles and responsibilities:
 - Parcel / Parcel Owner / Subsidiary proprietor;
 - Common property;
 - Share units / allocated share units – voting rights, share of responsibility and equity
 - By-laws and / or Directions
 - Maintenance fee / charge / sinking fund
 - Management bodies (DMP, JMB, JMC, PMP, Initial Period, MC, SMC, management committee)
- Enforcement of By-laws / Directions / payment
- Protection of value
- Developer will not last forever
- Destiny in the hand of the property owners
- Accountability / fiduciary duties under trust

Management of a strata development scheme is never easy be it for developers; management bodies and management committees; building managers; managing agents; new strata owners in JMB, MC and SMC; and COB & deputies

The objectives of SSTO 2019, SMO 2019 and SMMR 2022 are to regulate the development, management and maintenance of strata development schemes