LAWS OF MALAYSIA

Act 739

PERUMAHAN RAKYAT 1MALAYSIA ACT 2012

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PERUMAHAN RAKYAT 1MALAYSIA ACT 2012

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LAWS OF MALAYSIA

Act 739

PERUMAHAN RAKYAT 1MALAYSIA ACT 2012

An Act to provide for and regulate matters relating to the development and construction of housing accommodation, infrastructure and facilities under the Perumahan Rakyat 1Malaysia programme, to address the need for sustainable housing and community living in urban areas in Malaysia towards creating a strategic socio-economic housing development model, to provide for the establishment of Perumahan Rakyat 1Malaysia Corporation, and to provide for related matters.

[ ]

ENACTED by the Parliament of Malaysia as follows:

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PART I

PRELIMINARY

Short title and commencement

1. (1) This Act may be cited as the Perumahan Rakyat 1Malaysia Act 2012.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*, and the Minister may appoint different dates—

(a) for the coming into operation of this Act in different parts of Malaysia;

(b) for the coming into operation of different provisions or Parts of this Act; and

(c) for the coming into operation of different provisions or Parts of this Act in different parts of Malaysia.

Interpretation

2. In this Act, unless the context otherwise requires—

"prescribed" means—

(a) prescribed by the Minister by regulations; or

(b) prescribed by the Corporation by rules,

as the case may be;

"Government Entity" includes—

(a) the Federal Government, the relevant State Government or local government; and

(b) the relevant ministry, department, office, agency, corporation, commission, committee, board, council or other body, corporate or unincorporate, of the Federal Government, or of any State Government or local government, whether established under written law or otherwise;

"committee" means any committee established by the Corporation under section 14;

"Approvals and Implementation Committee" means the committee established under section 37;

"housing accommodation" includes any building, tenement or messuage which is wholly or principally constructed, adapted or intended for human habitation or partly for human habitation and partly for business premises and such other type of accommodation as may be prescribed by the Minister responsible for housing and local government, from time to time, to be a housing accommodation pursuant to section 3A of the Housing Development (Control and Licensing) Act 1966 [*Act 118*];

"Perumahan Rakyat 1Malaysia homes" or "PR1MA homes" means the housing accommodation constructed in accordance with the quality, requirement, specification and standard prescribed under this Act;

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"Approvals" means licences, permits, registrations and other approvals including those related to land, tax, customs and excise duties and other fiscal incentives, required for or in connection with the investment in PR1MA development and PR1MA complexes;

"utilities" has the meaning assigned to it in the Town and Country Planning Act 1976 [*Act 172*];

"construction works" has the meaning assigned to it in the Lembaga Pembangunan Industri Pembinaan Malaysia Act 1994 [*Act 520*];

"amenities" has the meaning assigned to it in the Town and Country Planning Act 1976;

"Chief Minister" means—

(a) the Chief Minister of Penang;

(b) the Chief Minister of Malacca;

(c) the Chief Minister of Sabah; or

(d) the Chief Minister of Sarawak,

as the case may be;

"Chief Executive Officer" means the Chief Executive Officer appointed under subsection 24(1), and includes the employee of the Corporation appointed under section 25 to act as the Chief Executive Officer;

"Perumahan Rakyat 1Malaysia complexes" or "PR1MA complexes" means PR1MA homes including the amenities, utilities and other infrastructure within the area of the PR1MA homes;

"Eligible Persons' Assistance Fund" means the fund established under section 42;

"Perumahan Rakyat 1Malaysia Corporation Fund" or "PR1MA Corporation Malaysia Fund" means the fund established under section 40;

"Council" means the PR1MA Advisory Council established under section 30;

"Minister" means the Minister responsible for PR1MA development and PR1MA complexes;

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"Menteri Besar" means—

(a) the Menteri Besar of Perlis;

(b) the Menteri Besar of Johor;

(c) the Menteri Besar of Kedah;

(d) the Menteri Besar of Perak;

(e) the Menteri Besar of Selangor;

(f) the Menteri Besar of Negeri Sembilan;

(g) the Menteri Besar of Pahang;

(h) the Menteri Besar of Terengganu; or

(i) the Menteri Besar of Kelantan,

as the case may be;

"eligible person" means any person who meets the criteria prescribed by the Corporation under section 32;

"Perumahan Rakyat 1Malaysia development" or "PR1MA development" means the development or construction or the proposed development or construction of PR1MA complexes in any manner whatsoever;

"tenant" means an eligible person who has entered into a tenancy arrangement in relation to PR1MA homes either with the Corporation or any other person approved by the Corporation;

"Corporation" means the PR1MA Corporation Malaysia established under section 3.

Part II

THE CORPORATION

Establishment of the Corporation

3. (1) A body corporate to be known as the "Perumahan Rakyat 1Malaysia Corporation" or "PR1MA Corporation Malaysia" is established.

(2) The Corporation shall have perpetual succession and a common seal.

(3) The Corporation may sue and be sued in its corporate name.

(4) Subject to and for the purposes of this Act, the Corporation may, upon such terms as the Corporation thinks fit—

(a) enter into contracts;

(b) acquire, purchase, take, hold and enjoy movable and immovable property of every description; and

(c) convey, assign, surrender, yield up, charge, mortgage, demise, reassign, transfer or otherwise dispose of, or deal with, any movable or immovable property or any interest in the property vested in the Corporation.

Common seal

4. (1) The Corporation shall have a common seal which shall bear a device approved by the Corporation and the seal may from time to time be broken, changed, altered and made anew as the Corporation thinks fit.

(2) Until a seal is provided by the Corporation, a stamp bearing the words "PR1MA Corporation Malaysia" may be used and shall be deemed to be the common seal of the Corporation.

(3) The common seal shall be kept in the custody of the Chairman of the Corporation or any other person authorized by the Corporation, and shall be authenticated by either the Chairman of the Corporation or such other person as may be authorized by the Chairman of the Corporation in writing.

(4) All deeds, documents and other instruments purporting to be sealed with the seal and duly authenticated shall, until the contrary is proved, be deemed to have been validly executed.

(5) Any deed, document or other instrument which, if executed by a person not being a body corporate, is not required to be under seal may in like manner be executed by a member of the Corporation or an employee of the Corporation authorized in that behalf.

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(6) The common seal of the Corporation shall be officially and judicially noticed.

Membership of the Corporation

5. (1) The Corporation shall consist of—

(a) the following members who shall be appointed by the Prime Minister:

(i) a Chairman;

(ii) not less than two but not more than five representatives of the Federal Government; and

(iii) not less than three but not more than five other members; and

(b) the Chief Executive Officer.

(2) The persons appointed under paragraph (1)*(a)* shall be persons who, in the opinion of the Prime Minister, have experience and shown capacity and professionalism in matters relating to housing and community development, finance, construction, engineering, business or administration, or are otherwise suitable for appointment because of their special knowledge, experience or suitable qualifications.

Temporary exercise of functions of the Chairman

6. The Prime Minister may appoint temporarily any member of the Corporation, other than the Chief Executive Officer, to act as the Chairman of the Corporation for the period when—

(a) the office of the Chairman of the Corporation is vacant;

(b) the Chairman of the Corporation is absent from duty or from Malaysia; or

(c) the Chairman of the Corporation is, for any other reason, unable to perform the duties of his office.

Schedule

7. The provisions of the Schedule shall apply to members of the Corporation.

Approval to hold other office

8. A member of the Corporation shall not, while holding such office, hold any other office or employment, whether remunerated or not, without the prior written approval of the Prime Minister.

Tenure of office

9. Subject to such conditions as may be specified in his instrument of appointment, a member of the Corporation shall, unless he sooner resigns or vacates his office or his appointment is sooner revoked, hold office for a term not exceeding two years and is eligible for reappointment.

Remuneration and allowances

10. (1) The Chairman of the Corporation shall be paid such remuneration and allowances as the Prime Minister may determine.

(2) All other members of the Corporation shall be paid allowances at such rates as the Prime Minister may determine.

Subsidies, grants, facilities, *etc*., for members of Corporation

11. The Corporation may provide—

(a) subsidies, grants, financing or credit facilities, for housing or vehicle purposes, and other compassionate financing or loans, to the members of the Corporation; or

(b) subsidies, grants, financing or credit facilities, for medical purposes to the members of the Corporation and their dependants,

on such terms and conditions as the Corporation may determine.

Revocation of appointment and resignation

12. (1) The Prime Minister may, at any time, revoke the appointment of any member of the Corporation.

(2) A member of the Corporation may, at any time, resign by giving notice in writing to the Prime Minister.

Vacation of office

13. (1) The office of a member of the Corporation shall be vacated—

(a) if he dies;

(b) if there has been proved against him, or he has been convicted on, a charge in respect of—

(i) an offence involving fraud, dishonesty or moral turpitude;

(ii) an offence under any law relating to corruption or under section 75; or

(iii) any other offence punishable with imprisonment (in itself only or in addition to or in lieu of a fine) of more than two years;

(c) if he becomes a bankrupt;

(d) if he is of unsound mind or is otherwise incapable of discharging his duties;

(e) in the case of the Chairman of the Corporation, if he absents himself from three consecutive meetings of the Corporation without leave in writing of the Prime Minister;

(f) in the case of a member of the Corporation other than the Chairman of the Corporation, if he absents himself from three consecutive meetings of the Corporation without leave in writing of the Chairman of the Corporation;

(g) if his resignation is accepted by the Prime Minister; or

(h) if his appointment is revoked by the Prime Minister.

(2) Where any person ceases to be a member of the Corporation, another person shall be appointed in his place in accordance with the provisions applying.

Committees

14. (1) The Corporation may establish any committee as it considers necessary or expedient to assist it in the performance of its functions.

(2) The Corporation may elect any of its members or any other person approved by the Minister to be the chairman of a committee.

(3) The Corporation may appoint any person to be a member of a committee.

(4) A member of a committee shall hold office on such conditions and for such term as may be specified in his letter of appointment and is eligible for reappointment.

(5) The Corporation may, at any time, revoke the appointment of any member of a committee.

(6) A member of a committee may, at any time, resign by giving notice in writing to the chairman of the committee and the Corporation.

(7) A committee may regulate its own procedure.

(8) A committee shall be subject to, and act in accordance with, any direction given to it by the Corporation.

(9) The Corporation may, at any time, discontinue or alter the constitution of a committee.

(10) The meetings of a committee shall be held at such times and places as the chairman of the committee may determine.

(11) A committee shall cause—

(a) minutes of all its meetings to be signed, maintained and kept in proper form; and

(b) copies of the minutes of all its meetings to be submitted to the Corporation as soon as practicable.

(12) Any minutes made of a meeting of a committee shall, if duly signed by the chairman of the committee, be admissible in evidence in all legal proceedings without further proof.

(13) Every meeting of a committee in respect of the proceedings of which minutes of the proceedings have been made in accordance with subsection (11) shall be deemed to have been duly convened and held and all members thereat to have been duly qualified to act.

(14) A committee may invite any person to attend any of its meetings, for the purpose of advising it on any matter under discussion, but that person shall not be entitled to vote at the meeting.

(15) Members of a committee or any person invited to attend a meeting of a committee may be paid such allowances and other expenses as the Corporation may determine.

(16) No act done or proceedings taken under this Act shall be questioned on the ground of—

(a) any vacancy in the membership of, or any defect in the constitution of a committee; or

(b) any omission, defect or an irregularity not affecting the merit of the case.

Disclosure of interest

15. (1) Any member of the Corporation, the Council, the Approvals and Implementation Committee or a committee who has or acquires a direct or indirect interest whether by himself, a member of his family or his associate in relation to any matter under discussion by the Corporation, the Council, the Approvals and Implementation Committee or the committee shall disclose to the Corporation, the Council, the Approvals and Implementation Committee or the committee, as the case may be, the fact of his interest and the nature of that interest.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the meeting of the Corporation, the Council, the

Approvals and Implementation Committee or the committee, as the case may be, in which the matter is discussed and, after the disclosure, the member—

(a) shall not be present or take part in any discussion or decision of the Corporation, the Council, the Approvals and Implementation Committee or the committee, as the case may be, about the matter; and

(b) shall be disregarded for the purpose of constituting a quorum of the Corporation, the Council, the Approvals and Implementation Committee or the committee, as the case may be,

when the matter is discussed or decided upon.

(3) A member of the Corporation, the Council, the Approvals and Implementation Committee or the committee who fails to disclose his interest as required under subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding two years or to both.

(4) No act or proceedings of the Corporation, the Council, the Approvals and Implementation Committee or the committee shall be invalidated on the ground that any member of the Corporation, the Council, the Approvals and Implementation Committee or the committee has contravened this section.

(5) For the purpose of this section—

"a member of his family", in relation to a member of the Corporation, the Council, the Approvals and Implementation Committee or a committee, includes—

(a) his spouse;

(b) his parent, including a parent of his spouse;

(c) his child, including an adopted child or stepchild;

(d) his brother or sister, including a brother or sister of his spouse; and

(e) a spouse of his child, brother or sister; and

"associate", in relation to a member of the Corporation, the Council, the Approvals and Implementation Committee or a committee, means—

(a) a person who is a nominee or an employee of the member;

(b) a firm of which the member or any nominee of his is a partner;

(c) a partner of the member;

(d) a trustee of a trust under which the member or a member of his family is a beneficiary; or

(e) any corporation within the meaning of the Companies Act 1965 [*Act 125*] of which or in which the member or any nominee of his or a member of the member's family is a director or has a substantial shareholding.

Sections not applicable to the Chief Executive Officer

16. Sections 9 and 10 shall not apply to the Chief Executive Officer.

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Part III

FUNCTIONS AND POWERS OF THE CORPORATION

Functions of the Corporation

17. The Corporation shall have all the following functions:

(a) to promote and implement policies relating to PR1MA development and PR1MA complexes;

(b) to plan, supervise and execute the design, construction and maintenance of PR1MA complexes in accordance with this Act and the policies set by the Federal Government from time to time;

(c) to manage and monitor or undertake PR1MA development;

(d) to collect, record and maintain data, information and statistic concerning PR1MA development and PR1MA

complexes and to maintain data of eligible persons for the purpose of the allocation of PR1MA homes, and to use such data, information and statistics for the carrying out of its functions;

(e) to monitor, manage and regulate matters relating to the ownership and tenancy of PR1MA homes;

(f) within PR1MA complexes—

(i) to facilitate economic and social development including facilitating the development of educational facilities and the development of community clinics; and

(ii) to facilitate and undertake infrastructure and commercial development including facilitating and undertaking the development of sports and recreational facilities;

(g) to develop and propose assistance programmes for eligible persons to enable eligible persons to purchase or rent PR1MA homes;

(h) to conduct forums, seminars or awareness programmes in relation to PR1MA development and PR1MA complexes;

(i) to manage and monitor the quality, supply and demand of PR1MA complexes including—

(i) the approval of developers who wish to participate in PR1MA development;

(ii) the allocation of PR1MA homes to eligible persons; and

(iii) the direct-sourcing and manufacturing of raw materials for the purpose of PR1MA development;

(j) to promote, facilitate and implement the use of new technology as well as green technology for PR1MA complexes;

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(k) to conduct or fund inquiries, researches, assessment and studies and carry out surveys, collation or analysis in order to obtain data, information and statistic as well as factors influencing or relevant to PR1MA development and PR1MA complexes and to disseminate such data, information, statistic and factors;

(l) to provide advisory services in relation to PR1MA development and PR1MA complexes;

(m) to recommend to the Government Entities strategies, directions, policies, laws and actions to be applied to PR1MA development and PR1MA complexes, including recommendations of any review of current policies, laws and actions to ensure the policies and objectives of PR1MA development and PR1MA complexes are met;

(n) to advise the Minister and Government Entities on all matters relating to PR1MA development and PR1MA complexes;

(o) to promote, manage and monitor the participation and investment of private sector in PR1MA development and PR1MA complexes, including to recommend to the Government Entities incentives in relation to taxes, customs and excise duties and other fiscal incentives applicable to such participation and investment; and

(p) to carry out any other functions conferred by or under any written law and to perform any other functions that are supplemental, incidental, or consequential to any of the functions specified in this section.

Powers of the Corporation

18. (1) The Corporation shall have the power to do all things necessary or expedient for or in connection with the performance of its functions under this Act or any other written law.

(2) Without prejudice to the generality of subsection (1), the powers of the Corporation shall include the power—

(a) to carry on all activities which appear to the Corporation to be requisite, advantageous or convenient for or in connection with the performance of its functions;

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(b) to co-operate or act in association with any Government Entity or person, whether local or foreign;

(c) to require—

(i) Government Entities to give such assistance and submit such information in their possession as may be required by the Corporation in order for the Corporation to carry out its functions; and

(ii) persons engaged in carrying out or intending to carry out PR1MA development to submit reports, containing such particulars and information as may be specified by the Corporation, regarding their activities or proposed activities in relation to PR1MA development;

(d) subject to Part VI—

(i) to co-ordinate with the Government Entities in relation to PR1MA development;

(ii) to make recommendations to and assist the Government Entities where PR1MA development is undertaken in relation to local government functions and services of the local goverment, including local planning control and the regulation and control of buildings and building operations, design and appearance of PR1MA complexes; or

(iii) to co-operate with or act as authorized agent of, or otherwise act in association with or on behalf of, any Government Entity or any person, in relation to PR1MA complexes;

(e) subject to any written law, to undertake commercial activities, including to sell, lease or rent the whole or any portion of land allocated for PR1MA development and building space, parking lots or billboards within PR1MA complexes;

(f) to directly or indirectly approach, liaise with, and disseminate relevant information to—

(i) any investor or potential investor, whether local or foreign, in order to promote investment in PR1MA development; and

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(ii) any financier or potential financier, whether local or foreign, for the purpose of developing or proposing assistance programmes for eligible persons;

(g) to directly approach, liaise with, and contract with suppliers of raw materials, finished goods or machinery either locally or overseas and manufacture materials relating to construction works either by itself or jointly with other manufacturer, in order to optimize the costs of construction works relating to PR1MA complexes;

(h) to appoint, employ and pay agents, technical and financial advisers, including advocates and solicitors, bankers, experts or consultants and other persons, as the Corporation thinks fit to transact any business or to do any act required to be transacted or done in the performance of its functions;

(i) to impose fees, costs, levies or any other charges as it deems fit for services rendered by it;

(j) to formulate and implement human resource development and funding and co-operation programmes for the proper and effective performance of its functions; and

(k) to do anything incidental to any of its functions and powers.

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Additional functions and powers of the Corporation

19. (1) In addition to the functions conferred and powers vested in the Corporation by this Act, the Corporation may undertake such other functions, exercise such other powers and expend such other moneys for such purposes as the Federal Government may assign or give to it, and in so doing, the Corporation shall be deemed to be fulfilling the purposes of this Act, and the provisions of this Act shall apply to the Corporation in respect of the undertaking of such functions, the exercise of such powers and the expending of such moneys.

(2) The moneys expended for the purposes assigned or given to the Corporation under subsection (1) shall be kept separate and apart from those of the PR1MA Corporation Malaysia Fund and Eligible Persons' Assistance Fund.

Delegation of functions and powers of the Corporation

20. (1) The Corporation may, in writing, delegate any of its functions and powers, except its power to borrow money, to raise loans or to make rules, to—

(a) the Chairman of the Corporation;

(b) a member of the Corporation;

(c) the Approvals and Implementation Committee;

(d) a committee;

(e) an employee of the Corporation; or

(f) a body corporate established by the Corporation.

(2) Without prejudice to subsection (1) and the other provisions of this Act, the Corporation may delegate to a member of the Corporation, the Approvals and Implementation Committee, a committee, or an employee of the Corporation or a body corporate established by the Corporation, as the case may be, the authority to sanction expenditure from the PR1MA Corporation Malaysia Fund or the Eligible Persons' Assistance Fund or any other moneys vested in and under the control of the Corporation up to such limit as the Corporation shall specify.

(3) A member of the Corporation, the Approvals and Implementation Committee, committee, an employee of the Corporation or a body corporate delegated with such function or power under subsection (1) or (2) shall be bound to observe and have regard to all conditions and restrictions imposed by the Corporation and all requirements, procedures and matters specified by the Corporation.

(4) Any function or power delegated under this section shall be performed and exercised in the name and on behalf of the Corporation.

(5) A delegation under this section shall not preclude the Corporation itself from performing or exercising at any time any of the delegated functions or powers.

Direction by Minister

21. (1) The Corporation shall be responsible to the Minister.

(2) The Minister may give to the Corporation directions of a general character, consistent with the provisions of this Act, relating to the performance of the functions and the exercise of the powers of the Corporation and the Corporation shall give effect to such directions.

Returns, reports, accounts and information

22. (1) The Corporation shall furnish to the Minister, and any public authority as may be specified by the Minister, such returns, reports, accounts and information with respect to its activities and finances as the Minister may, from time to time, require or direct.

(2) Without prejudice to the generality of subsection (1), the Corporation shall, as soon as practicable after the end of each financial year, cause to be made and transmitted to the Minister and, if so directed by the Minister, to any other public authority a report dealing with the activities of the Corporation during the preceding financial year.

(3) The returns, reports, accounts and information shall be in such form and shall contain such information relating to the proceedings and policy of the Corporation and any other matter as the Minister may, from time to time, specify.

Corporation may establish and participate in bodies corporate

23. The Corporation may, from time to time, with the approval of the Minister and the concurrence of the Minister responsible for finance, establish and participate in any body corporate by such name as the Corporation may determine to carry out and have the charge, conduct and management on behalf of the Corporation of any project, scheme or enterprise as may be determined by the Corporation in the performance of its functions or in the exercise of its powers.

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PART IV

EMPLOYEES OF THE CORPORATION

Chief Executive Officer

24. (1) The Prime Minister shall appoint a Chief Executive Officer who, in the opinion of the Prime Minister, has experience and shown capacity and professionalism in matters relating to housing and community development, finance, construction, engineering, business or administration, or is otherwise suitable for appointment because of his special knowledge, experience or suitable qualification, on such terms and conditions, and who shall be paid such remuneration and allowances, as he thinks desirable.

(2) The Chief Executive Officer shall be responsible for the overall administration and management of the functions and the day-to-day affairs of the Corporation.

(3) The Chief Executive Officer shall have general control of the employees of the Corporation.

(4) The Chief Executive Officer shall perform such other duties as the Corporation may, from time to time, direct.

(5) In discharging his duties, the Chief Executive Officer shall act under the general authority and direction of the Corporation.

(6) The Chief Executive Officer shall be an employee of the Corporation.

Temporary exercise of functions of Chief Executive Officer

25. The Prime Minister may appoint any employee of the Corporation to act as the Chief Executive Officer during any period when—

(a) the office of the Chief Executive Officer is vacant;

(b) the Chief Executive Officer is absent from duty or from Malaysia; or

(c) the Chief Executive Officer is, for any other reason, unable to perform the duties of his office.

Appointment of employees of the Corporation

26. The Corporation may, from time to time, appoint and employ such number of employees as the Corporation thinks necessary.

Conditions of service, conduct and discipline

27. (1) The Corporation may, with the approval of the Minister, determine the conditions of service of its employees.

(2) The Corporation shall have disciplinary authority over all its employees and shall exercise disciplinary control over the employees.

(3) The Corporation may prescribe such rules to provide for the conduct and discipline of its employees.

(4) The rules prescribed under this section may include—

(a) provisions for the establishment of appropriate disciplinary committee and the procedures to be complied with;

(b) provisions for the establishment of a disciplinary appeal committee to hear appeals from the decision of a disciplinary committee and the procedures to be complied with; and

(c) provisions for—

(i) the interdiction with reduction in salary or other remuneration; or

(ii) the suspension without salary or other remuneration,

of an employee of the Corporation during the pendency of the disciplinary proceedings.

(5) The rules prescribed under this section may create such disciplinary offences and provide for such disciplinary punishments as the Corporation may deem appropriate, and the punishments so provided may extend to dismissal and reduction in rank.

(6) The rules prescribed under this section shall, in prescribing the procedure for disciplinary proceedings, provide for an

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opportunity for representations to be made by the employee of the Corporation against whom the disciplinary proceedings are taken before a decision is arrived at by the disciplinary committee on such disciplinary charge laid against such person.

Financial assistance to employees and other persons

28. The Corporation may provide—

(a) payment of retirement benefits, gratuities and other allowances as the Corporation may determine to the employees of the Corporation;

(b) subsidies, grants, financing or credit facilities for housing or vehicle purposes, and other compassionate financing or loans, to the employees of the Corporation;

(c) subsidies, grants, financing or credit facilities for medical purposes to the employees of the Corporation, and their dependents;

(d) financing or credit facilities for educational purposes or scholarships to the employees of the Corporation, and their dependents; and

(e) donations to any person,

on such terms and conditions as the Corporation may determine.

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Corporation may adopt regulations, *etc*.

29. The Corporation may, with the approval of the Minister, adopt with such modifications as it deems fit any regulations, rules, policies, circulars or directives enacted or issued by the Federal Government in relation to any matter under this Part.

PART V

PR1MA DEVELOPMENT AND PR1MA COMPLEXES

PR1MA Advisory Council

30. (1) A council to be known as the "Perumahan Rakyat 1Malaysia Advisory Council" or "PR1MA Advisory Council" is established.

(2) The Council shall consist of—

(a) the Prime Minister, as Chairman;

(b) the Minister, if he is not also the Prime Minister;

(c) the Minister responsible for housing and local government;

(d) the Minister responsible for finance;

(e) the Director General of the Economic Planning Unit, Prime Minister's Department;

(f) the Menteri Besar or Chief Minister of the relevant State or the Minister responsible for the Federal Territory, as and when required by the Chairman; and

(g) not more than seven other members to be appointed by the Chairman.

(3) The Chairman of the Council may invite any other person to attend any meeting of the Council for the purpose of advising the Council on any matter under discussion.

(4) The functions of the Council shall be—

(a) to advise and make recommendations to the Corporation on policy matters relating to PR1MA development and PR1MA complexes upon reference by the Corporation;

(b) to provide guidelines to be taken into consideration by the Corporation in relation to planning matters for PR1MA development; and

(c) to perform any other functions conferred upon the Council under this Act or any other written law.

(5) The Council may, from time to time, give the Corporation directions which are consistent with the provisions of this Act, and the Corporation shall give effect to such directions.

(6) The Council may perform any other functions that are incidental or consequential to any of the functions specified in subsection (4) and do all such things as may be necessary or expedient for the carrying out of its functions under this Act.

(7) The Council shall determine its own procedure.

Responsibility of the Corporation

31. (1) In performing its functions under this Act, it shall be the responsibility of the Corporation to—

(a) ensure that the functions are performed in such manner as shall be in furtherance of the policy of the Federal Government and in particular the policy relating to PR1MA development and PR1MA complexes; and

(b) have regard to and act—

(i) in accordance with this Act and any other written law relevant to PR1MA development and PR1MA complexes; and

(ii) within the general framework of the policy of the Government Entities in respect of the development and use of land and buildings.

(2) Without prejudice to any other provision of this Act, in carrying out its responsibility under subsection (1), the Corporation may—

(a) assist the relevant local planning authorities to co-ordinate PR1MA development where it is undertaken;

(b) identify the necessary infrastructure for PR1MA complexes, develop and recommend strategies and initiatives for the provision of such infrastructure, and monitor its construction, implementation, operation and upkeep; and

(c) recommend criteria to be met in relation to the provision of, or the capacity to provide, the infrastructure or services required, in accordance with the standards determined by the Corporation, for PR1MA development and PR1MA complexes.

Criteria in relation to eligible persons

32. (1) The Corporation, with the approval of the Minister, shall prescribe the criteria for application to purchase or rent PR1MA homes which shall be based on the following factors:

(a) Malaysian citizenship;

(b) the income level of the applicant;

(c) the status of ownership of property of the applicant; and

(d) any other factors which the Minister, on the advice of the Corporation, deems fit.

(2) Any person who meets the criteria prescribed under subsection (1) may apply to the Corporation to purchase or rent PR1MA homes by submitting a written application to the Corporation in such manner as may be prescribed by the Corporation.

Allocation of PR1MA homes to eligible persons

33. The allocation of PR1MA homes to eligible persons shall be conducted in a transparent and fair manner in accordance with the procedures and methods prescribed under paragraph 78*(c)*, including by way of an open ballot.

Eligibility to participate in PR1MA development

34. (1) No person shall engage in, carry on or undertake a PR1MA development unless he has been approved by the Corporation under this Act.

(2) A person shall be eligible to apply for approval to participate in any part of PR1MA development if he fulfills the following criteria:

(a) he is a licensed housing developer under the Housing Development (Control and Licensing) Act 1966; or

(b) he is a registered contractor under Lembaga Pembangunan Industri Pembinaan Malaysia Act 1994; and

(c) he fulfills such other criteria as may be specified by the Corporation from time to time.

(3) Any eligible person under this section may apply to the Corporation by submitting a written application to the Corporation in such manner and accompanied by such fees as may be prescribed by the Corporation.

(4) For the purposes of subsection (3), the conditions and specifications relating to the manner in which an application is to be furnished shall be as specified by the Corporation.

(5) Upon receiving an application for an approval under this section, the Corporation may grant the approval applied for or refuse to grant such approval and in granting such approval the Corporation may impose thereon such conditions, including the validity period of the approval as the Corporation may deem fit and proper.

(6) Subject to subsection (8), the Corporation may, at any time, vary, cancel or alter the conditions imposed under subsection (5) or impose any new or additional conditions or, where the approval is not subject to any condition, impose thereon such conditions as the Corporation may deem fit and proper.

(7) If any person approved by the Corporation under this section—

(a) fails to comply with any of the provisions of this Act or of any other written law;

(b) fails to comply with any of the conditions imposed under subsections (5) or (6);

(c) improperly or illegally obtained the approval under this section;

(d) has a receiver, receiver and manager, provisional liquidator or like officials has been appointed over the whole or substantial part of his assets and such appointment is not revoked within a period of sixty days from the date of such appointment; or

(e) would no longer be entitled to be granted such approval under this section due to any act or default on his part or there has been a change of circumstances as such that he would no longer fulfill the criteria specified under subsection (2),

the Corporation may, subject to subsection (8), revoke or suspend the approval issued to such person as the Corporation may determine.

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(8) Before varying, cancelling or altering any condition imposed under subsection (5) or before imposing thereon any new or additional condition under subsection (6) or before revoking or suspending an approval under subsection (7), the Corporation shall notify the person who is affected by the action proposed to be taken by the Corporation of the aforesaid proposed action and shall give that person an opportunity to submit representations or explanations as to why the aforesaid proposed action should not be carried out.

(9) Any person aggrieved by the decision of the Corporation to reject an application for approval under subsection (5), to impose any condition or additional condition under subsection (5) or (6), to vary or alter any condition under subsection (6) or to revoke or suspend an approval under subsection (7) may, within thirty days of the decision being notified to him, appeal to the Appeal Tribunal in writing.

(10) Any approval or revocation or suspension made by the Corporation under this section shall be registered as soon as practicable in the register.

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Directions by the Corporation

35. (1) Subject to subsections (2) and (3), the Corporation may, from time to time, issue any direction in writing to any person who has been approved by the Corporation under section 34 about the non-compliance of any condition of approval imposed under this Act, by that person, including the remedying of the non-compliance of the conditions of approval or the provisions of this Act or its regulations or rules.

(2) Prior to making a direction under subsection (1) the Corporation shall—

(a) issue a notice in writing to the person, specifying the nature of the non-compliance and the required compliance;

(b) grant the person an opportunity to be heard by way of a written submission on the reasons for his non-compliance within sixty days after the service of the notice referred to in paragraph *(a)*; and

(c) take into consideration any reason provided by the person in relation to the relevant non-compliance after the expiry of sixty-day period.

(3) The direction made by the Corporation under this section shall—

(a) be registered as soon as practicable;

(b) be effective from the date of its registration under paragraph *(a)* or such later date as the Corporation may specify in the direction; and

(c) expire on such date as the Corporation may specify in the direction or if no date is specified, the direction shall remain in force until it is revoked.

(4) The Corporation may vary or revoke a direction issued under this section and the procedures set out under subsections (1), (2) and (3) shall apply *mutatis mutandis* in respect of any variation or revocation of the direction.

(5) Any person who objects to any direction issued by the Corporation may, within thirty days after the receipt of such direction, submit in writing to the Appeal Tribunal the grounds of his objection and the decision of the Appeal Tribunal thereon shall be final.

(6) A person who fails to comply with a direction of the Corporation under this section commits an offence and shall, on conviction, be liable to a fine not exceeding two hundred thousand ringgit or to imprisonment for a term not exceeding two years or to both.

PART VI

CO-ORDINATION WITH GOVERNMENT ENTITIES

Principal co-ordinating agency

36. (1) The Corporation shall, in co-ordinating the performance of the activities carried out in relation to PR1MA development and PR1MA complexes—

(a) act as a principal co-ordinating agent or authorized agent on behalf of the Government Entities in relation to receiving,

processing and expediting the requisite Approvals and administrative actions in connection with applications for Approvals in respect of which the Corporation has entered into an agreement or arrangement under section 38; and

(b) render administrative services and assistance to the Government Entities in connection with matters relating to land where PR1MA development is undertaken.

(2) The Corporation may, in carrying out the role under paragraph (1)*(a)*—

(a) impose on the applicant for the Approvals such fees, costs, levies or any other charges as may be prescribed in respect of services rendered by the Corporation; and

(b) on behalf of the Government Entities, collect from the applicant for the Approvals such fees, costs, levies or any other charges as may be lawfully required by such Government Entities in connection with the applications.

Approvals and Implementation Committee

37. (1) There shall be established an Approvals and Implementation Committee for each State where PR1MA development is undertaken which shall consist of the following members:

(a) the Chief Secretary to the Government of Malaysia as Chairman;

(b) a senior representative of the State;

(c) a senior representative of the ministry responsible for finance;

(d) a senior representative of the ministry responsible for housing and local government;

(e) a senior representative of the ministry responsible for land;

(f) a senior representative of the ministry responsible for energy and water;

(g) the President or Commissioner or Mayor of the local authority;

(h) the State Planning Director of the State or in the case of the Federal Territory, the Commissioner appointed under the Federal Capital Act 1960 [*Act 190*];

(i) the State Director of the Department of Lands and Mines; and

(j) not more than five such other members as may be appointed by the Corporation.

(2) An alternate member may be appointed—

(a) for the Chairman of the Approvals and Implementation Committee, by the Chairman of the Approvals and Implementation Committee; and

(b) for a member of the Approvals and Implementation Committee other than the Chairman of the Approvals and Implementation Committee, by the other members of the Approvals and Implementation Committee,

if he is, for any reason, unable to attend meetings of the Approvals and Implementation Committee.

(3) When attending meetings of the Approvals and Implementation Committee, an alternate member shall for all purposes be deemed to be a member of the Approvals and Implementation Committee.

(4) The Approvals and Implementation Committee shall be responsible for—

(a) reviewing all applications for Approvals required in relation to any PR1MA development;

(b) co-ordinating the roles and obligations of all Government Entities to facilitate and expedite the Approvals which has been reviewed under paragraph *(a)* and the implementation of the proposed PR1MA development;

(c) taking or recommending appropriate steps and administrative actions to resolve any difficulties or issues arising from the Approvals process as highlighted by the Corporation;

(d) reviewing the status of the implementation of such proposed PR1MA development; and

(e) providing any other assistance as may be required by the Corporation in relation to PR1MA development.

(5) In undertaking its role as provided under subsection (4), the Approvals and Implementation Committee shall take into consideration the objective of the Corporation and national interest.

(6) The Approvals and Implementation Committee may regulate its own procedures.

(7) The meetings of the Approvals and Implementation Committee shall be held at such times and places as the Chairman of the Approvals and Implementation Committee may determine.

(8) The Approvals and Implementation Committee shall cause—

(a) minutes of all its meetings to be maintained and kept in proper form; and

(b) copies of the minutes of all its meetings to be submitted to the Corporation as soon as practicable.

(9) Any minutes made of a meeting of the Approvals and Implementation Committee shall, if duly signed by the Chairman of the Approvals and Implementation Committee, be admissible in evidence in all legal proceedings without further proof.

(10) Every meeting of the Approvals and Implementation Committee in respect of the proceedings of which minutes of the proceedings have been made in accordance with subsection (8) shall be deemed to have been duly convened and held and all members thereat to have been duly qualified to act.

(11) The members of the Approvals and Implementation Committee may be paid such allowances and other expenses as the Corporation may determine.

(12) No act done or proceeding taken under this Act shall be questioned on the ground of—

(a) any vacancy in the membership of, or any defect in the constitution of, the Approvals and Implementation Committee; or

(b) any omission, defect or an irregularity not affecting the merit of the case.

Arrangements with Government Entities

38. (1) Subject to subsection (2), the Corporation may enter into an agreement or arrangement with any Government Entity concerning—

(a) the carrying out by the Corporation and the Government Entity of any of their respective functions and powers;

(b) the carrying out or provision by the Corporation for the Government Entity, or by the Government Entity for the Corporation, of any works or services in relation to PR1MA development and PR1MA complexes; or

(c) the collection by the Corporation on behalf of the Government Entity of such fees, costs, levies or any other charges as may be lawfully required, charged or imposed by such Government Entity.

(2) Any agreement or arrangement entered into under subsection (1) shall be—

(a) with the consent of the Minister in charge of the relevant Government Entity of the Federal Government in the case of a Government Entity of the Federal Government;

(b) with the consent of the relevant State Government in the case of a Government Entity of a State; and

(c) subject to and in accordance with the laws governing the powers and functions of the Government Entity.

Responsibility of Government Entities

39. A Government Entity shall—

(a) co-operate with and assist the Corporation in the performance by the Corporation of its functions under this Act;

(b) where relevant, refer and utilise the data, information and statistic as well as factors disseminated by the Corporation in the performance of its functions and duties, in the exercise of its powers, and in the carrying out of its activities in relation to PR1MA development and PR1MA complexes; and

(c) give due consideration to proposed policies, laws and actions to be applied to PR1MA development and PR1MA complexes as recommended by the Corporation under this Act.

Part VII

FINANCE

The PR1MA Corporation Malaysia Fund

40. (1) A fund to be known as the "PR1MA Corporation Malaysia Fund" is established and shall be administered and controlled by the Corporation.

(2) The PR1MA Corporation Malaysia Fund shall consist of—

(a) such sums as may be provided by the Parliament, from time to time, for the purposes of this Act;

(b) all or any part of the fees, costs, levies and other charges imposed by or payable to the Corporation under this Act or any other written law;

(c) all moneys derived as income from investments by the Corporation;

(d) all moneys derived from the sale, disposal, lease or hire, or any other dealing with, any property, mortgage, charge or debenture vested in or acquired by the Corporation;

(e) sums borrowed by the Corporation under section 45;

(f) such sums as may be paid to the Corporation from time to time for loans made by the Corporation;

(g) all moneys earned by the operation of any project, scheme or enterprise financed from the Fund;

(h) all donations and contributions received by the Corporation for the purpose of undertaking its functions, powers and duties;

(i) all other sums or property which may in any manner become payable to or vested in the Corporation in respect of any matter incidental to its functions;

(j) any costs paid to, or recovered by, the Corporation in any settlement of civil action or proceedings; and

(k) all other moneys lawfully received by the Corporation.

Expenditure to be charged on the PR1MA Corporation Malaysia Fund

41. The PR1MA Corporation Malaysia Fund shall be expended for the purposes of—

(a) paying any expenditure lawfully incurred by the Corporation;

(b) paying for the remuneration, allowances and other expenses of the members of the Corporation, the Approvals and Implementation Committee, the committees and employees of the Corporation, including the granting of loans, scholarships, advances, any other financial assistance and other allowances;

(c) paying for the allowances and other expenses of the members of the Appeal Tribunal;

(d) paying any other expenses, costs or expenditure in relation to the procurement of goods and services, including the engagement of consultants, legal fees and costs as well as other fees and costs, properly incurred or accepted by the Corporation in the performance of its functions or the exercise of its powers under this Act or any other written law;

(e) purchasing or hiring plant, equipment, machinery and materials, acquiring land and other assets, and erecting buildings, and carrying out any other works and undertakings in the performance of its functions or the exercise of its powers under this Act or any other written law;

(f) repaying any moneys borrowed under section 45 and the interest due on the borrowed moneys;

(g) investment under section 46; and

(h) generally paying any expenses for carrying into effect the provisions of this Act.

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The Eligible Persons' Assistance Fund

42. (1) A fund to be known as the "Eligible Persons' Assistance Fund" is established and shall be administered and controlled by the Corporation.

(2) The Eligible Persons' Assistance Fund shall consist of—

(a) such sums as may be provided by the Parliament, from time to time, for the purpose of providing assistance to eligible persons;

(b) all moneys received from any person for the purpose of assistance programmes for eligible persons;

(c) all moneys derived from the income of investments of the Eligible Persons' Assistance Fund by the Corporation;

(d) sums borrowed under section 45 by the Corporation for the purpose of assistance programmes for eligible persons;

(e) such sums as may be paid to the Corporation from time to time for loans made by the Corporation in relation to assistance programmes for eligible persons;

(f) all moneys earned by the operation of any project, scheme or enterprise financed from the Eligible Persons' Assistance Fund;

(g) any legal cost paid to, or recovered by, the Corporation in any settlement of civil action or proceedings relating to the assistance programmes for eligible persons;

(h) all moneys recouped from or paid by the eligible persons pursuant to any assistance programmes for eligible persons; and

(i) all other moneys lawfully received by the Corporation for the purpose of the assistance programmes for eligible persons.

(3) The Eligible Persons' Assistance Fund shall be expended for the purposes of—

(a) paying any expenditure lawfully incurred by the Corporation in relation to the provision of the assistance programmes for eligible persons;

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(b) paying any other expenses, costs or expenditure in relation to the procurement of goods and services, including the engagement of consultants, legal fees and costs as well as other fees and costs properly incurred or accepted by the Corporation in the performance of its functions or the exercise of its powers under this Act in providing the assistance programmes for eligible persons;

(c) providing monetary assistance by way of grants, subsidies, loans or equity or any other method as may be specified by the Corporation to eligible persons to purchase or rent PR1MA homes;

(d) repaying any moneys borrowed under section 45 for the purpose of providing assistance programmes for eligible persons and the interest due on the borrowed moneys;

(e) investment under section 46; and

(f) generally paying any expenses for carrying into effect the functions of the Corporation in relation to assistance programmes for eligible persons.

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Conservation of PR1MA Corporation Malaysia Fund

43. It shall be the duty of the Corporation to conserve the PR1MA Corporation Malaysia Fund by so performing its functions and exercising its powers under this Act to secure that the total revenues of the Corporation are sufficient to meet all sums properly chargeable to its revenue account, including depreciation and interest on capital, taking one year with another.

Bank accounts

44. The Corporation shall open and maintain an account or accounts with such banks in Malaysia as the Corporation thinks fit, and every account shall be operated in such manner as may be authorized by the Corporation for such purpose from time to time.

Power to borrow

45. The Corporation may, from time to time, borrow in such form and on such terms as may be approved by the Minister with the concurrence of the Minister responsible for finance, any money required by the Corporation for meeting any of its obligations or discharging any of its duties.

Investment

46. The moneys of the Corporation shall, in so far as they are not immediately required to be expended by the Corporation under this Act, be invested in such manner as approved by the Minister responsible for finance.

Limitation on contracts

47. The Corporation shall not, without the approval of the Minister and the concurrence of the Minister responsible for finance, enter into any contract under which the Corporation is to pay or receive an amount exceeding ten million ringgit.

Financial procedure

48. Subject to this Act and the approval of the Minister, the Corporation shall determine its own financial procedure.

Financial year

49. The financial year of the Corporation shall begin on 1 January and end on 31 December of each year.

Accounts and reports

50. (1) The Corporation shall cause proper accounts of the PR1MA Corporation Malaysia Fund and Eligible Persons' Assistance Fund and reports of its activities to be kept and shall, as soon

as practicable after the end of each financial year, cause to be prepared for that financial year—

(a) a statement of accounts of the Corporation which shall include the balance sheet and account of income and expenditure; and

(b) a report of its activities.

(2) The Corporation shall, as soon as possible, send a copy of the statement of accounts certified by the auditors, a copy of the auditors' report and a copy of the reports of its activities to the Minister and the Minister shall cause the same to be laid before both Houses of Parliament.

(3) The Statutory Bodies (Accounts and Annual Reports) Act 1980 [*Act 240*] shall apply to the Corporation.

PART VIII

RIGHT TO REPURCHASE PR1MA HOMES

Right to repurchase PR1MA homes by the Corporation

51. (1) Subject to the provisions of this Part, the Corporation shall have the right to repurchase any PR1MA home from the owner of the PR1MA home if the owner—

(a) commits a serious breach or repeatedly commits a serious breach of any regulations or rules relating to PR1MA homes;

(b) fails to pay any money due to the Corporation, including any fines or penalties imposed pursuant to any breach of any regulations or rules;

(c) made a misrepresentation of a material fact, whether innocently or otherwise, relating to the purchase of the PR1MA homes;

(d) made a misleading or false statement in his application to the Corporation resulting in the allocation of the PR1MA home by the Corporation to him; or

(e) at any time, ceased to be a citizen of Malaysia.

(2) The right to repurchase by the Corporation under paragraph (1)*(a)* shall only be exercised by the Corporation—

(a) if a written notice has been sent by the Corporation to the owner requiring the owner to rectify the breach within a specified time; and

(b) the owner fails to remedy the breach within the specified time in the written notice.

(3) The right to repurchase by the Corporation under paragraph (1)*(b)* shall only be exercised by the Corporation—

(a) if a written notice of demand has been sent by the Corporation to the owner requiring the owner to pay the money due and payable to the Corporation within a specified time; and

(b) the owner fails to pay the money due and payable to the Corporation within the specified time in the written notice of demand.

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Procedures relating to right to repurchase

52. (1) Where the Corporation intends to exercise the right to repurchase a PR1MA home under this Part, the Corporation shall serve a written notice on the owner of the PR1MA home and any interested person.

(2) The written notice referred to in subsection (1) shall state—

(a) the intention of the Corporation to repurchase the PR1MA home of the owner;

(b) the grounds specified under paragraphs 51(1)*(a)* to *(e)* for the repurchase of the PR1MA home of the owner; and

(c) the amount of the repurchase price of the PR1MA home of the owner determined in accordance with section 54.

(3) Upon receipt of the written notice under subsection (1), the owner or any interested person may, within sixty days after the service of the notice, submit in writing to the Corporation any objection to the repurchase of his PR1MA home together with the grounds of his objection.

(4) The Corporation shall consider the objection submitted by the owner of the PR1MA home or interested person under subsection (3) within thirty days from the receipt of such objection and may allow or disallow the objection.

(5) The Corporation shall serve the decision to allow or to disallow the objection made under subsection (3) to the owner of the PR1MA home or the interested person by A.R registered post or by hand to the last-known address of the owner of the PR1MA home or the interested person in the record of the Corporation.

(6) The owner of the PR1MA home or interested person aggrieved by the decision of the Corporation made under subsection (3) may appeal to the Appeal Tribunal within ninety days after the receipt of the decision and the decision of the Appeal Tribunal shall be final.

(7) For the purpose of this Part—

(a) "interested person" means a person known or believed by the Corporation to have an interest in the PR1MA home to be repurchased by the Corporation or to claim all or any part of the payment to be made in relation to such repurchase; and

(b) "serious breach" means a breach prescribed by the Minister.

Transfer or vesting of ownership to the Corporation

53. (1) Subject to subsection (2), upon the repurchase of a PR1MA home under this Part, the Corporation may—

(a) transfer the ownership of the PR1MA home; or

(b) vest the ownership of the PR1MA home,

in the Corporation.

(2) The transfer or vesting of ownership of the repurchased PR1MA home shall only be exercised—

(a) in the case where no objection has been made, after the expiry of the sixty day period for the service of the notice of intention to repurchase the PR1MA home referred to in subsection 52(3);

(b) in the case where there is an objection made pursuant to subsection 52(3), after the expiry of the period of ninety days for the service of the decision made by the Corporation regarding the objection under subsection 52(6); and

(c) in the case when an appeal has been made to the Appeal Tribunal, at any time after the appeal has been determined by the Appeal Tribunal or after withdrawal of the appeal, as the case may be.

Determination and payment of repurchase price

54. (1) The amount of the repurchase price of the PR1MA home to be paid to the owner of the PR1MA home under section 52 shall be determined by the Minister and shall take into consideration the following:

(a) the purchase price of the PR1MA home as stated in the sale and purchase agreement relating to the PR1MA home;

(b) the price of similar PR1MA homes within the same PR1MA complexes as the PR1MA home to be repurchased at the time of the repurchase;

(c) any direct or indirect subsidy provided by the Corporation in the repurchase of the PR1MA home;

(d) any amount owing or due by the owner of the PR1MA home to the Corporation at the time of the repurchase; and

(e) any costs, losses or expenses incurred by the Corporation in exercising its right to repurchase the PR1MA home.

(2) The Corporation shall pay the repurchase price of the PR1MA home as determined under subsection (1) or as varied by the Appeal Tribunal pursuant to an appeal under subsection 52(6)

to the owner of the PR1MA home or to both the owner of the PR1MA home and interested person upon receiving vacant possession of the PR1MA home.

(3) Where the owner of the PR1MA home or interested person—

(a) refuses to accept the payment of the repurchase price of the PR1MA home;

(b) is not able to be located; or

(c) raises any dispute regarding the apportionment of the repurchase price,

the Corporation shall apply *ex parte* to the High Court by filing an application with the Registrar of the High Court in chambers, supported by affidavit, for an order to deposit the repurchase price into Court and, notwithstanding anything to the contrary in the law for the time being in force relating to civil procedure, the Registrar of the High Court shall have the power to make such order.

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Taking possession of repurchased PR1MA home

55. Where the title of the repurchased PR1MA home has been transferred or vested in the Corporation pursuant to section 53, the Corporation may proceed to take possession of the PR1MA home on the expiry of a period of ninety days after the service of notice on the owner or interested person to take possession.

PART IX

APPEAL TRIBUNAL

Establishment of Appeal Tribunal

56. There shall be established an Appeal Tribunal for the purpose of reviewing any decision or direction of the Corporation on appeal under this Act.

Membership of Appeal Tribunal

57. (1) The Appeal Tribunal shall consist of the following members who shall be appointed by the Minister:

(a) a Chairman; and

(b) at least two other members, or such greater even number of members.

(2) For the purposes of subsection (1), the Minister shall appoint—

(a) a person who is a member of the Judicial and Legal Service for at least ten years or who is a practising advocate and solicitor of the High Court for at least ten years to be the Chairman of the Appeal Tribunal; and

(b) persons who, in the opinion of the Minister, have experience and shown capacity, integrity and professionalism in matters relating to housing and community development, finance, construction, engineering, business or administration, or are otherwise suitable for appointment because of their special knowledge, experience or suitable qualification to be the other members of the Appeal Tribunal.

(3) The appointment of the members of the Appeal Tribunal shall be published in the *Gazette*.

(4) A member of the Appeal Tribunal referred to in paragraph (1)*(b)*—

(a) shall hold office for a term not exceeding three years; and

(b) shall be eligible for reappointment upon expiry of his term of office, but shall not be appointed for more than two consecutive terms.

Allowances

58. (1) The members of the Appeal Tribunal appointed shall be paid such fixed allowances and other allowances as the Minister may determine.

(2) The members of the Appeal Tribunal shall be paid—

(a) a daily sitting allowance during the sitting of the Appeal Tribunal; and

(b) a lodging, travelling and subsistence allowance, as the Minister may determine.

Resignation and revocation of appointment

59. (1) The Chairman of the Appeal Tribunal or any other member of the Appeal Tribunal may at any time resign his office by giving a written notice to the Minister.

(2) The Minister may, at any time, revoke the appointment of the Chairman of the Appeal Tribunal or any other member of the Appeal Tribunal if—

(a) he is of unsound mind or otherwise incapable of performing his duties as the Chairman of the Appeal Tribunal or member of the Appeal Tribunal under this Act or managing his affairs;

(b) he becomes bankrupt or insolvent;

(c) he is prohibited from being a director of a company under the provisions of any written law relating to companies;

(d) he has been convicted of an offence under any written law by a court in Malaysia;

(e) he is guilty of serious misconduct in relation to his duties under this Act;

(f) he fails to comply with his obligations under section 61; or

(g) his performance, in the opinion of the Minister, has been unsatisfactory for a significant period of time.

Vacation of office and temporary appointments

60. (1) The office of the Chairman of the Appeal Tribunal or any other member of the Appeal Tribunal shall be vacated if—

(a) he dies;

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(b) he resigns or otherwise vacates his office before the expiry of the term for which he is appointed; or

(c) his appointment is revoked under section 59.

(2) The Minister shall appoint another person in accordance with section 57 to replace the Chairman of the Appeal Tribunal or any other member of the Appeal Tribunal during a vacancy in the office of the Chairman or other member of the Appeal Tribunal.

(3) The Minister may appoint temporarily another person in accordance with section 57 to act as the Chairman of the Appeal Tribunal or any other member of the Appeal Tribunal—

(a) during any period when the Chairman of the Appeal Tribunal or the other member is absent from duty or from Malaysia; or

(b) if the Chairman of the Appeal Tribunal or other member of the Appeal Tribunal is, for any other reason, unable to perform his duties under this Act.

(4) No act done or proceeding taken by the Appeal Tribunal in the performance of its functions or the exercise of its powers shall be affected on the ground of any vacancy in the membership of the Appeal Tribunal.

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Disclosure of interest in relation to members of Appeal Tribunal

61. (1) The Chairman of the Appeal Tribunal and a member of the Appeal Tribunal shall disclose, as soon as practicable, to the Minister and any other member of the Appeal Tribunal any interest, whether substantial or not, which might conflict with his duties as the Chairman of the Appeal Tribunal or member of the Appeal Tribunal in a particular matter referred to the Appeal Tribunal.

(2) If the Minister or the Chairman of the Appeal Tribunal, as the case may be, is of the opinion that the interest of the Chairman of the Appeal Tribunal or member of the Appeal Tribunal is in conflict with their duties as a member of the Appeal Tribunal, the Minister or the Chairman of the Appeal Tribunal, shall inform all the parties to the matter of the conflict.

(3) If none of the parties to the matter objects to the conflict, the Chairman of the Appeal Tribunal or member of the Appeal Tribunal may continue to execute his duties as the Chairman of the Appeal Tribunal or member of the Appeal Tribunal in relation to that matter.

(4) If a party to the matter objects to the conflict, the Chairman of the Appeal Tribunal or the member of the Appeal Tribunal, as the case may be, shall not continue to execute his duties as the Chairman of the Appeal Tribunal or member of the Appeal Tribunal in relation to that matter and the Minister shall appoint another member who is not conflicted to that matter as the Chairman of the Appeal Tribunal or member of the Appeal Tribunal for that particular matter.

(5) If the Chairman of the Appeal Tribunal or other member of the Appeal Tribunal fails to disclose his interest under subsection (1)—

(a) the decision of the Appeal Tribunal shall be invalid, unless all parties agree to be bound by the decision; and

(b) his appointment as Chairman of the Appeal Tribunal or member of the Appeal Tribunal may be revoked under section 59.

Secretary to Appeal Tribunal and other officers

62. (1) There shall be appointed a Secretary to the Appeal Tribunal and such number of officers as may be necessary for carrying out the functions of the Appeal Tribunal.

(2) For the purposes of this Act, the Secretary and the officers appointed under subsection (1) shall be deemed to be officers of the Appeal Tribunal.

Appeal to Appeal Tribunal

63. (1) A person who is aggrieved by a decision or direction of the Corporation may, subject to the payment of such fees and compliance with such terms and conditions as may be prescribed, appeal to the Appeal Tribunal by filing a notice of appeal with the Appeal Tribunal.

(2) A notice of appeal shall be made to the Appeal Tribunal in writing within thirty days from the date of the decision or direction of the Corporation and the appellant shall give a copy of the notice of appeal to the Chief Executive Officer.

(3) The notice of appeal shall state briefly the substance of the decision or direction of the Corporation appealed against, contain an address at which any notices or documents connected with the appeal may be served upon the appellant or upon his advocate and shall be signed by the appellant or his advocate.

Record of decision or direction of the Corporation

64. (1) The aggrieved person referred to in subsection 63(1) may request in writing to the Corporation for a statement of the grounds of the decision or direction of the Corporation appealed against.

(2) Subject to subsection (3), the Corporation shall, upon receiving the written request under subsection (1), provide a statement of its grounds for its decision or direction to the aggrieved person upon payment of a prescribed fee.

(3) When a notice of appeal has been filed with the Appeal Tribunal under subsection 63(1), the Corporation shall, if it had not already written the grounds of its decision or direction for the matter stated in the notice as requested by the appellant under subsection (1), record in writing the grounds of its decision or direction and the written grounds shall form part of the record of proceedings before the Appeal Tribunal.

Composition of Appeal Tribunal

65. (1) Every proceeding of the Appeal Tribunal shall be heard and disposed of by three members or such greater uneven number of members of the Appeal Tribunal as the Chairman of the Appeal Tribunal may in any particular case determine.

(2) In the absence of the Chairman of the Appeal Tribunal, the most senior member of the Appeal Tribunal shall preside.

Sittings of Appeal Tribunal

66. (1) The Appeal Tribunal shall sit on such dates and at such places as the Chairman of the Appeal Tribunal may, from time to time, appoint.

(2) The Chairman of the Appeal Tribunal may cancel or postpone any sitting of the Appeal Tribunal and may change the place of the sittings.

(3) Any changes to the dates or places of the sittings of the Appeal Tribunal shall be informed to the parties to the appeal by written notice.

Stay of decision or direction pending appeal

67. (1) Pending the decision of an appeal by the Appeal Tribunal, a decision or direction of the Corporation shall be valid, binding and enforceable, except where a stay of the decision or direction of the Corporation has been applied for by the appellant and granted by the Appeal Tribunal.

(2) An application for a stay shall be in writing and shall be made to the Appeal Tribunal on or after the notice of appeal has been filed with the Appeal Tribunal.

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PART X

MISCELLANEOUS

Register

68. (1) The Corporation shall maintain a register of all matters which are required to be registered under this Act or under any regulations or rules made under this Act.

(2) A person may, on payment of any fee specified by the Corporation—

(a) inspect the register; and

(b) make a copy of, or take extracts from, the register.

Restriction on the use of the symbol or representation of the Corporation

69. (1) The Corporation shall have the exclusive right to the use of such symbol or representation as the Corporation may select or create and thereafter to display or exhibit such symbol or representation in connection with its activities or affairs.

(2) The symbol or representation selected or created by the Corporation shall be published in the *Gazette*.

(3) Any person who uses a symbol or representation of the Corporation or any resemblance thereof, or creates any symbol or representation which refers to the Corporation so as to deceive or cause confusion, or to be likely to deceive or to cause confusion, commits an offence and shall, on conviction, be liable to a fine not exceeding two hundred thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Offence for unauthorized modification of information in the Corporation's custody

70. (1) A person who does any act which he knows will cause unauthorized modification of any data, information or statistic, whether in electronic form or otherwise, in the possession, custody or control of the Corporation, commits an offence and shall, on conviction, be liable to a fine not exceeding three hundred thousand ringgit.

(2) A person who, with the intention of causing injury as defined in the Penal Code [*Act 574*], does any act which he knows will cause unauthorized modification of any data, information or statistic, whether in electronic form or otherwise, in the possession, custody or control of the Corporation, commits an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both.

(3) For the purposes of this section—

(a) it is immaterial that the act in question is not directed at—

(i) any particular data, information or statistic;

(ii) data, information or statistic of any kind; or

(iii) any data, information or statistic held in any particular location;

(b) it is immaterial whether an unauthorized modification is, or is intended to be, permanent or merely temporary; and

(c) a modification of any data, information or statistic takes place if—

(i) such data, information or statistic is altered or erased;

(ii) any new data, information or statistic is introduced or added to such data, information or statistic; or

(iii) any event occurs which impairs the ability of the Corporation to have access to such data, information or statistic, and includes any act that contributes towards causing such a modification.

Prosecution

71. No prosecution shall be instituted for any offence under this Act without the consent in writing of the Public Prosecutor.

Public servant

72. Every member of the Corporation, the Council, the Appeal Tribunal, the Approvals and Implementation Committee, or any committee, or employees or agents of the Corporation, or officer of the Appeal Tribunal while discharging their duties under this Act as such members, employees, agents or officers shall be deemed to be public servants within the meaning of the Penal Code.

Protection against suits and legal proceedings

73. No action, suit, prosecution or other proceedings shall lie or be brought, instituted or maintained in any court against—

(a) the Minister;

(b) the Corporation;

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(c) any member of the Corporation, the Council, the Appeal Tribunal, the Approvals and Implementation Committee, or any committee, or any employee or agent of the Corporation or officer of the Appeal Tribunal; or

(d) any other person lawfully acting on behalf of the Corporation,

in respect of any act, neglect or default done or committed by him or it, in good faith or any omission omitted by him or it in good faith in such capacity.

Public Authorities Protection Act 1948

74. The Public Authorities Protection Act 1948 [*Act 198*] shall apply to any action, suit, prosecution or proceedings against the Corporation or against a member of the Corporation, the Council, the Appeal Tribunal, the Approvals and Implementation Committee, or a committee, and an employee or agent of the Corporation or officer of the Appeal Tribunal in respect of any act, neglect or default done or committed by it or him in good faith or any omission by it or him in good faith in such capacity.

Obligation of secrecy

75. (1) Except for any of the purposes of this Act or for the purposes of any civil or criminal proceedings under any written law or where otherwise authorized by the Corporation—

(a) no member of the Corporation, the Council, the Appeal Tribunal or of the Approvals and Implementation Committee, or a committee or any employee or agent of the Corporation or officer of the Appeal Tribunal or any person attending any meeting of the Corporation, the Council, the sitting of the Appeal Tribunal, any meeting of the Approvals and Implementation Committee, or any of the committees, whether during or after his tenure of office or employment, shall disclose any information obtained by him in the course of his duties and which is not published in pursuance of any written law; and

(b) no other person who has, by any means, access to any information or document relating to the affairs of the Corporation shall disclose such information or document.

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(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding six months or to both.

Representation in civil proceedings

76. Notwithstanding any other written law—

(a) in any civil proceedings by or against the Corporation; or

(b) in any other civil proceedings in which the Corporation is required or permitted by the court to be represented, or to be heard, or is otherwise entitled to be represented or to be heard,

any person authorized by the Corporation for that purpose may, on behalf of the Corporation, institute such proceedings or appear in such proceedings and may make all appearances and applications and do all acts in respect of the proceedings on behalf of the Corporation.

Power of Minister to prescribe regulations

77. The Minister may prescribe regulations for any matter relating to PR1MA development and PR1MA complexes and all other matters as are necessary or expedient to be prescribed for giving effect to, or for the better carrying out of, the provisions of this Act.

Power of Corporation to prescribe rules

78. The Corporation may prescribe rules relating to the following matters:

(a) regulating PR1MA development and PR1MA complexes including matters relating to the owners or tenants of PR1MA homes and persons approved by the Corporation under section 34;

(b) matters relating to the provision of information to the Corporation and the level of detail, interval, manner and form in which such information is to be provided;

(c) the procedures and methods of allocation of PR1MA homes to eligible persons pursuant to section 33;

(d) the criteria to be met by any person who wants to participate in PR1MA development;

(e) any fees which may be prescribed under this Act;

(f) the form of applications, notifications and notices to be made under this Act; and

(g) any matter for which this Act makes an express provision for the Corporation to prescribe.

Penalties for regulations and rules

79. (1) The regulations prescribed under section 77 may provide for any act or omission in contravention of the regulations to be an offence and may provide for penalties of a fine not exceeding three hundred thousand ringgit or imprisonment for a term not exceeding three years or to both.

(2) The rules prescribed under section 78 may provide for any act or omission in contravention of the rules to be an offence and may provide for penalties of a fine not exceeding one hundred and fifty thousand ringgit or imprisonment for a term not exceeding one year or to both.

Power of Minister to amend Schedule

80. The Minister may, by order published in the *Gazette*, amend the Schedule.

Things done in anticipation of the enactment of this Act

81. All acts and things done on behalf of the Corporation in preparation for or in anticipation of the enactment of this Act and any expenditure incurred in relation thereto shall be deemed to have been authorized under this Act, provided that the acts and things done are consistent with the general intention and purposes

of this Act, and all rights and obligations acquired or incurred as a result of the doing of those acts or things including any expenditure incurred in relation thereto shall upon the coming into operation of this Act be deemed to be the rights and obligations of the Corporation.

SCHEDULE

[Section 7]

Meetings

1. (1) The Corporation is to hold as many meetings as are necessary for the efficient performance of its functions and such meetings shall be held at such times and places as the Chairman of the Corporation may determine, provided that the Chairman of the Corporation shall ensure that there shall be no less than four meetings of the Corporation in a year.

(2) The Chairman of the Corporation shall call for a meeting if requested to do so in writing by the Minister or by at least four members of the Corporation.

(3) The Chairman of the Corporation shall preside at a meeting of the Corporation.

(4) The Chairman of the Corporation and at least four other members of the Corporation shall form a quorum at any meeting of the Corporation.

(5) Every member present at a meeting of the Corporation shall be entitled to one vote.

(6) If on any question to be determined by the Corporation there is an equality of votes, the Chairman of the Corporation shall have a casting vote in addition to his deliberative vote.

(7) Any member may request for the holding of or participation in any meeting of the Corporation by means of instantaneous telecommunication device such as telephone, video conferencing or other electronic means of audio or audio-visual communications. The contemporaneous linking together by such instantaneous telecommunication device of a number of members sufficient to constitute a quorum, although the members are not present together in one place at the time of the conference, shall constitute a duly convened and constituted meeting of the Corporation, provided that—

(a) the Chairman of the Corporation has approved the holding of or participation in such meeting by means of instantaneous telecommunication device;

(b) all the members have received notice of such meeting and the means by which the meeting will be conducted;

(c) each of the members taking part in the meeting by the instantaneous telecommunication device must be able to hear each of the other members taking part at the commencement and for the duration of the meeting; and

(d) at the commencement of the meeting and prior to the voting on any resolution, each member must acknowledge his presence for the purpose of the meeting to all of the other members taking part.

Corporation may invite others to meetings

2. (1) The Corporation may invite any other person to attend any meeting or deliberation of the Corporation for the purpose of advising it on any matter under deliberation, but any person so attending shall have no right to vote at the meeting or deliberation.

(2) Any person invited to attend any meeting or deliberation of the Corporation under subparagraph (1) may be paid such allowances and other expenses as the Corporation may determine.

Resolutions without meetings

3. (1) A resolution is taken to have been passed at a meeting of the Corporation if—

(a) all members of the Corporation have been informed of the proposed resolution, or reasonable efforts have been made to inform all members of the Corporation of the proposed resolution; and

(b) without meeting, all of the members of the Corporation indicate agreement with the resolution in accordance with the method determined by the Corporation under subparagraph (2).

(2) Subparagraph (1) applies only if the Corporation—

(a) decides that the subparagraph applies; and

(b) decides the method by which members of the Corporation are to indicate agreement with the resolutions.

Minutes

4. (1) The Corporation and every committee shall cause minutes of all their meetings to be maintained and kept in proper form.

(2) A committee shall cause copies of the minutes of all its meetings to be signed and submitted to the Corporation as soon as practicable.

(3) Any minutes made of meetings of the Corporation or a committee, if duly signed, shall be admissible in evidence in all legal proceedings without further proof.

(4) Every meeting of the Corporation or committee in respect of the proceedings of which minutes have been made in accordance with subparagraphs (1) and (2) shall be deemed to have been duly convened and held and all members at the meeting to have been duly qualified to act.

Procedure

5. Subject to this Act, the Corporation may regulate its own procedure.

Validity of acts and proceedings

6. No acts done or proceedings taken under this Act shall be questioned on the ground of—

(a) any vacancy in the membership of, or any defect in the constitution of, the Corporation; or

(b) any omission, defect or irregularity not affecting the merits of the case.

Member of the Corporation to devote time to business of the Corporation

7. Every member of the Corporation shall devote such time to the business of the Corporation as may be necessary to discharge his duties effectively.

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DICETAK OLEH
PERCETAKAN NASIONAL MALAYSIA BERHAD,
KUALA LUMPUR
BAGI PIHAK DAN DENGAN PERINTAH KERAJAAN MALAYSIA