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TEMPORARY MEASURES FOR REDUCING THE IMPACT OF  
CORONAVIRUS DISEASE 2019 (COVID-19) ORDINANCE, 2020

TEMPORARY MEASURES FOR REDUCING THE IMPACT OF  
CORONAVIRUS DISEASE 2019 (COVID-19) (HOUSING DEVELOPMENT  
(CONTROL AND LICENSING)) REGULATIONS, 2021

(Made under section 10)

In exercise of the powers conferred by section 10 of the Temporary Measures for Reducing the Impact of Coronavirus Disease 2019 (Covid-19) Ordinance, 2020 [Cap. 78], the Majlis Mesyuarat Kerajaan Negeri has made the following Regulations:

**Citation and Commencement**

1. These Regulations may be cited as the **Temporary Measures for Reducing the Impact of Coronavirus Disease 2019 (Covid-19) (Housing Development (Control And Licensing)) Regulations, 2021**, and shall be deemed to have come into force on the 18th day of March, 2020.

**Interpretation**

2. In these Regulations—  
“agreement” means agreement for the contract of sale for the sale and

purchase of housing accommodation in Form B and Form C prescribed in the Schedule of the Housing Development (Control and Licensing) Regulations, 2014 [*Swk. L.N. 105/2014*] entered into before 18th March 2020; and

“developer” means a housing developer or a licensed housing developer as defined in section 3 of the Housing Development (Control and Licensing) Ordinance, 2013 [*Cap. 69*] or vendor referred to in Form B and Form C in the Schedule of the Housing Development (Control and Licensing) Regulations, 2014 [*Swk. L.N. 105/2014*].

### **Interest on late payment**

3.—(1) Notwithstanding any agreement entered into between the purchaser and the developer, where due to the measures prescribed, made or taken under the Prevention and Control of Infectious Diseases Act, 1988, the purchaser fails to pay any installment for the period from 18 March, 2020 to 31 August, 2020, the developer shall not impose any interest on late payment in respect of such unpaid installment on the purchaser.

(2) The purchaser may apply to the Minister for an extension of the period referred to in subsection (1).

(3) Upon considering the application under subsection (2), the Minister may, if the Minister is satisfied that additional time is required by the purchaser, by written direction to the developer, extend the period in which the developer shall not impose any interest on late payment on the purchaser in respect of such unpaid installment up to 31 December, 2020.

### **Handing over vacant possession and liquidated damages**

4.—(1) Notwithstanding any agreement entered into between the purchaser and the developer, the period from 18 March, 2020 to 31 August, 2020, shall be excluded from the calculation of—

(a) the time for handing over vacant possession of a housing accommodations; and

(b) the liquidated damages for the failure of the developer to hand over vacant possession of a housing accommodation.

(2) The developer may apply to the Minister for an extension of the period referred to in subsection (1).

(3) Upon considering the application under subsection (2), the Minister may, if the Minister is satisfied that additional time is required by the developer to hand over vacant possession, by written direction grant to the developer an extension period of up to 31 December, 2020 to hand over vacant possession and such extension shall have the same effect as the period excluded in subsection (1).

(4) Notwithstanding any agreement entered into between the purchaser and the developer, if the purchaser is unable to enter into possession of occupation of a housing accommodation from the date of service of a notice to take vacant possession from the developer during the period from 18 March, 2020 to 31 August, 2020 or any

extension period granted under subsection (3), the purchaser shall not be deemed to have taken such vacant possession.

### **Defect liability period**

5.—(1) Notwithstanding any agreement entered into between the purchaser and the developer, the period from 18 March, 2020 to 31 August, 2020, shall be excluded from the calculation of—

(a) the defect liability period after the date the purchaser takes vacant possession of a housing accommodation; and

(b) the time for the developer to carry out works to repair and make good the defect, shrinkages and other faults in a housing accommodation or common property for the purpose of Form C in the Schedule of the Housing Development (Control and Licensing) Regulations, 2014 [*Swk. L.N. 105/2014*].

(2) The purchaser may apply to the Minister for an extension of the period referred to in subsection (1).

(3) Upon considering the application under subsection (2), the Minister may, if the Minister is satisfied that additional time is required by the purchaser, by written direction, exclude the period up to 31 December, 2020 from the calculation of—

(a) the defect liability period after the date the purchaser takes vacant possession of a housing accommodation; and

(b) the time for the developer to carry out works to repair and make good the defect, shrinkages and other faults in a housing accommodation or common property for the purpose of Form C in the Schedule of the Housing Development (Control and Licensing) Regulations, 2014 [*Swk. L.N. 105/2014*].

### **Savings**

6.—(1) The modifications in regulations 3, 4 and 5 shall not affect any legal proceedings commenced, or any judgment or award obtained, to recover late payment charges payable by the purchaser or liquidated damages payable by the developer or any other sum during the period from 18 March, 2020 until the date of publication of these Regulations.

(2) Notwithstanding regulations 3 and 4, any late payment charges that has been paid by the purchaser or liquidated damages that has been paid by the developer before the date of publication of these Regulations shall be deemed to have been validly paid under the Housing Development (Control and Licensing) Ordinance, 2013 [*Cap. 69*] and its regulations, and such payment shall not be refunded to the payer.

Made by the Majlis Mesyuarat Kerajaan Negeri this 17th day of December, 2020.

MOHAMAD JUNAIDI BIN MOHIDIN  
*Clerk to Majlis Mesyuarat Kerajaan Negeri*

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SARAWAK LAWNET



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