

Budget 2016 PART 2

> HBA's views and concerns on property in next year's budget

CONTINUING from last week's article, National House Buyers Association (HBA) president, Chang Kim Loong, raises more concerns and issues pertaining property, some which were not taken up in next year's budget.

Pleased by the fact that the government has looked into curbing measures which it implemented in the 2014 budget like increase in RPGT (Exit Costs), LTV and prohibition of DIBS, Chang says: "These have achieved its objectives in partially deterring speculators and 'bogus' house buyers. It has also brought some sense of orderliness to the housing arena. However, HBA have appealed to the government to adopt further measures to be implemented in Budget 2016." These are outlined below.

A] Increase in entry cost for owners of multiple properties

Chang revealed that the association has requested that the government increase the entry cost for owners of multiple properties via the stamp duty charges on the transfer of a property. HBA's proposal refers:

The current allocation refers - if the value of the first property is RM100,000, stamp duty is at 1%; properties valued between RM100,000.01 and RM500,000 at 2%; and those valued RM500,000.01 and thereafter at 3%.

"The above calculations disregard the number of properties an owner already has. As a result of low entry cost to acquire a piece of property, speculators have taken advantage of the low stamp duty regime, and are therefore able to acquire multiple properties at the same time. This deprives genuine house buyers the opportunity to acquire those houses," Chang explains.

He recommends that the current stamp duty regime be maintained for the first two properties held - one for the owner's own stay and the other, perhaps as a long-term investment, but says, "Stamp duty must be increased for the third and subsequent properties held."

- HBA's recommendation:
- ▶ first two properties based on current rate as above;
 - ▶ third property - flat 5% on the value of the property;



- ▶ fourth property - flat 7.5% on the value of the property; and
- ▶ fifth property - flat 7.5% on the value of the property.

who can mostly afford to buy only two properties max.

B] PRiMA

HBA reiterates its concerns on the political accountability of the PRiMA scheme. It questions why the scheme does not fall under the Housing Ministry, which has the appropriate experience. It instead comes as a unit under the prime minister's department which HBA deems, has been operating in relative obscurity from public

Based on HBA's definition of affordable property (RM300,000) and Rehda's definition of it (RM1,000,000), the table below clearly shows that HBA's proposal on stamp duty will not affect the majority of the rakyat

scrutiny and has some high level protection on the aspect of affirmative action.

Some of HBA's other concerns pertaining PRiMA include:

- ▶ Why isn't PRiMA under the current legislation that regulates housing ie: Housing Development (Control & Licensing) Act, 1966 and its regulations?
- ▶ Why shouldn't there be "safety nets" like the imposition of mandatory Housing Development (Project) Account?
- ▶ Why should the statutory Sale & Purchase Agreement in Schedules 'G', 'H', 'I' & 'J' be used?

On the above, Chang says: "Without PRiMA being catalogued under the Housing Development (Control & Licensing) Act (HDA), PRiMA developers will then not need to be licensed (to build) and there is no need for the Advertisement & Sales Permit. "Thus, buyers who buy into PRiMA projects will not be protected under the HDA legislation and the 'speedy, cheap and effective' Housing Tribunal will not be available for aggrieved and 'short changed' buyers and victims," Chang explains.

C] Build Then Sell 10:90 (BTS10:90) concept

This raises the ABANDONED HOUSING PROJECTS issue which continues to dampen and

raise fears plus dim hopes of many house buyers - those who have bought into such projects, and potential earnest buyers.

"The presence of this on-going 'thorn in the housing industry' does not bode well for the wellbeing of affected buyers, nor the reputation of the Urban Wellbeing, Housing and Local Government Ministry, being the regulatory body and approving authority," says Chang. He also raises issues associated to this "bug in the system" and the subsequent "mess" it induces. These include a dilapidated environment; unnecessary hardships to the lives of those who have bought into such abandoned development projects having to still service their bank loan instalments and so on.

"In many cases unless the projects are successfully revived, there will be no end in sight as to how long they have to bear their ordeal. There is no solution to save abandoned housing projects except to seek out the intervention of the government, using taxpayers money and seek the so-called 'white knights' to rescue those abandoned projects," Chang shares.

Continuously lobbying for the BTS10:90 system to be enforced to curb the abandoned housing projects matter, Chang once again reminds the government that, through its then housing minister Datuk Chor Chee Hueng in February 2012, it once said that the BTS 10:90 system would be mandatory by year 2015. "This was also recorded in the Parliament Hansard in year 2013 in the Dewan Rakyat. Under the BTS 10:90 system, house buyers only need to fork out the initial down-payment of 10% when booking a house and do not need to make any further payment until the vacant possession of the property is delivered to them whereupon the balance 90% will be paid," Chang reiterates.

Not only does Chang deem this system more orderly where errant housing developers are concerned, it is a far safer mode of delivering houses which will "drastically if not totally eliminate cases of housing projects being abandoned," Chang adds.

To the disappointment of many, there was no mention of BTS10:90 in the recent budget. Instead, the current housing minister was quoted saying earlier this year, that he would propose the allowance of both the BTS10:90 system to co-exist with the "Sell-Then-Build" concept, allowing the developers free rein to choose.

"This has drawn flak and adverse criticism from the house-buying public, the consumer associations, especially victims of abandoned projects and unlicensed developers. We still wait and hope to see if the government will hold true to their slogan "Janji DiTepati" which means promises fulfilled.

Follow our section next week for more interesting articles on the property industry.



Value of Property (RM)	Stamp Duty payable based on current scale rate maintained for First 2-Property (RM)	Stamp Duty payable based HBA recommendations		
		For Third Held - flat rate of 5% (RM)	For Fourth Held - flat rate of 7.5% (RM)	For Fifth and subsequent property held - flat rate of 10% (RM)
300,000	5,000	15,000	22,500	30,000
400,000	7,000	20,000	30,000	40,000
500,000	9,000	25,000	37,500	50,000
750,000	16,500	37,500	56,250	75,000
1,000,000	24,000	50,000	75,000	100,000

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IOI Property offerings

THE launch of Le Pavilion and Avira under IOI Property was well received. Both the launch events saw an overwhelming number of visitors and prospective home buyers.

SERVICED APARTMENTS

Le Pavilion is a freehold, mixed development project of IOI located in Bandar Puchong Puteri. Its 37-floor Tower B consists of 322 serviced apartment units, some that come with a balcony and some without. The design concept of the development caters for the new breed of urbanites looking for that ideal work-life balance.

Unique features of this project include the four sky pavilions comprising Sky Lounge, Chill Out Lab, Kidz Lab and Reading

Lab among others. Another significant feature would have to be the four-tier security system, along with the ideal location which is easily accessible from six major highways, near three upcoming LRT stations and nearby amenities, lifestyle hotspots and commercial hubs.

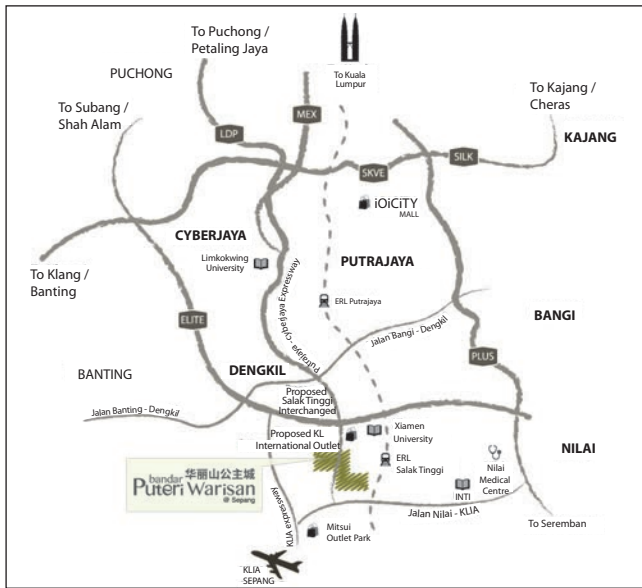
TERRACED HOMES

A 202-acre freehold, "green" and guarded township, complete with perimeter fencing and single entry/exit points located in Bandar Puteri Warisan, Sepang caught the attention of those seeking landed property. Many were taken up with the location of the township, easily accessible via eight major highways, and ideally situated near the

upcoming Xiamen University and other educational institutions.

Avira homes offer two-storey terraced units measuring 22' x 75'. Built-up is approximately 2,100 sq ft and provides ample parking space for two automobiles. Besides the clever utility and spacious play of space, large windows and high ceilings are plus points enhancing better ventilation, natural lighting and a sense of spaciousness. Another very attractive point which caught the interest of potential house buyers was the expected date of completion in 2016, less than nine months away.

For more, visit the developer's website.



Avira homes



INSIGHTS



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Phase 7.3(2) artist impression

Double Storey Terrace House

Standard Lot Size: 24'x80'
Build-up Area: from 2,625 sq.ft
Price: from RM472,000



Phase 6.1A(1) artist impression

Double Storey Semi-Detached

Standard Lot Size: 40'x90'
Build-up Area: from 3,375 sq.ft
Price: from RM798,000



Phase 2.7A(1) artist impression

Double Storey Semi-Detached

Standard Lot Size: 38'x79'
Build-up Area: from 2,350 sq.ft
Price: from RM697,425

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Prestigious development by



Developer

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2-Storey Semi-D | Freehold | from 3,000 sq.ft. | 40' x 88'



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theSun

PROPERTY

ON FRIDAY NOVEMBER 13, 2015

INSIGHTS

Operation **PART 2**

green

> Gist of the Kedah Green Agenda framework

As a follow-up to our previous article on Kedah's "green" agenda, we feature in this article, the views and comments of Malaysia Green Technology Corporation (GreenTech) CEO Ahmad Hadri Haris whose firm co-developed the precepts and guidelines of the Kedah Green Agenda with the Kedah government.



GreenTech's Ahmad Hadri.

THE FRAMEWORK

The Kedah Green Agenda is said to be in line with the national green growth agenda as outlined in the 11th Malaysia Plan and the National Green technology Policy.

It also complements the state's economic objectives as configured in the Kedah Strategic Plan 2014 - 2018. Says Ahmad Hadri: "The agenda was mooted by the state government, in line with its vision in positioning Kedah as a model "green" state.

"Its aim is to provide the state government with a framework to assist in the incorporation of sustainability practices and meld these in the state government's operations."

Fourteen action plans were developed in consultation with GreenTech.

These focused on maximising the state's strength in the agriculture, manufacturing and tourism sectors, "with an overarching goal of positioning Kedah as a model Malaysian state that aims to drive the convergence of societal wellbeing, economic progress and environmental sustainability," Ahmad Hadri added.



Kedah MB Datuk Seri Mukhriz Mahathir

PROPERTY AND PEOPLE

Ahmad Hadri elaborates on the four plans under the agenda that directly impact Kedah's property/building sector.

These are:

- ▶ incorporating a Sustainable Energy Management system in state government buildings;
- ▶ installation of LEDs in state government buildings;
- ▶ installation of solar rooftops for housing for the rakyat; and
- ▶ developing low carbon cities in Kedah.

"Moreover, the Kedah Green Agenda also targets to roll out electronic vehicle (EV)-charging stations within state government offices,

office buildings, shopping malls and other buildings, to improve the green credentials of properties, besides encouraging the adoption of EVs among Malaysians," Ahmad Hadri informed.

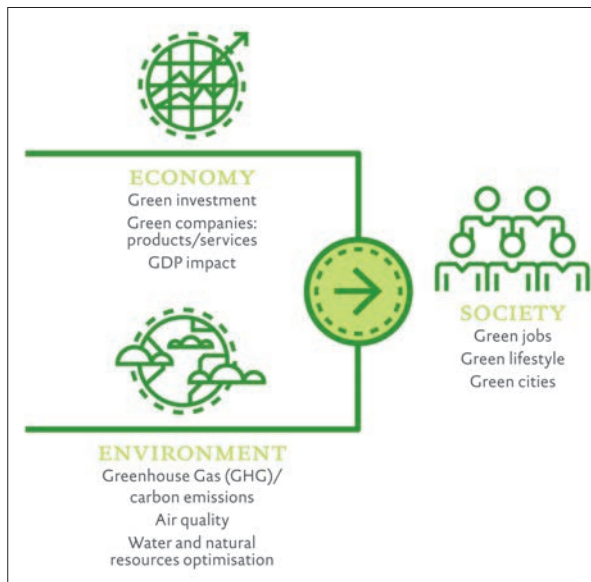
He reiterates that the agenda is a state government initiative. "GreenTech Malaysia's role is to assist the Kedah government in identifying projects and initiatives that leverage on its key strengths to deliver impactful environmental, economic and social advantages, yet keeping the environment in mind. GreenTech Malaysia will continue to provide strategic counsel and technical expertise, as well as assist in the monitoring of progress of these projects, that include compiling data on the reduction of carbon emissions," reveals Ahmad Hadri.

GREEN VISION

The state's plan, as mentioned, in line with the National Green Technology Policy (introduced in 2009) champions the idea that green technology will be the driver to accelerate national economy and promote sustainable development. In fact, the agenda is established on the concept: ECONOMIC PROGRESS + ENVIRONMENTAL CONSERVATION = A MORE CONTENTED SOCIETY

Economic progress as above incorporates green investments; green companies, products and services; and GDP impact, while environmental conservation revolves around greenhouse gasses (GHG) and carbon emissions; air quality; water; and natural resources optimisation. Studies show that these affect society on a positive note, ultimately leading to more green jobs, green cities and greener, cleaner and happier lifestyles.

Follow our section next week to learn more details about the Kedah Green Agenda which perhaps other states may adopt.



Information retrieved from Kedah state government's Green Agenda

▶ Email your feedback and queries to: propertyqs@thesundaily.com

Call to green Kedah

PART 3

> Examining the state's Green Agenda and environmental conservation plans

WHILE parts 1 and 2 of the Kedah Green articles touched on the Kedah Menteri Besar Datuk Seri Mukhriz Mahathir's plan for the state in terms of advocating the green agenda and GreenTech CEO Ahmad Hadri Haris' views on the collaboration with the state in helping to incorporate sustainability practices in its operations, this week, we explore the state's Green Agenda itself.

KEDAH'S GREEN AGENDA

Contained in the above-mentioned are the fundamentals of the National Green Agenda, the state's "green vision" and its action plan, apart from other relevant information. The National Green Technology Policy was introduced in 2009. Its aim was to use green technology to accelerate the national economy and promote sustainable development.

The agenda also reiterated the country's commitment, where it pledged to reduce the national

carbon footprint by up to 40% in terms of emissions intensity of Gross Domestic Product (GDP) by the year 2020.

With that, and the 11th Malaysia Plan which mirrors the government's increased focus on sustainability and environmental conservation, in addition to government ministries developing blueprints and masterplans as guiding principles that support the rollout of green technology across the nation - these and other green initiatives led to the development of Kedah's Green Vision.

With Kedah being a strong driver of the nation's economy, as

the "rice bowl of Malaysia", along with its move into high-end technology, automotive and aerospace manufacturing and development, the vision was said to help catapult Kedah into its next phase of growth, "as the model state that has successfully brought about the convergence of societal wellbeing, economic progress and environmental sustainability," as quoted by the menteri besar.

GREEN PLANS

The Kedah Green Agenda lists its sustainability and environmental conservation plans in these areas:

- 1) via human capital development;
- 2) by becoming the centre of excellence for solar technology;
- 3) through practising sustainable energy management;
- 4) by using LEDs in state government buildings;
- 5) through government green procurement;
- 6) initiating the state's green data centre and green data recovery centre;
- 7) in its street light retrofitting programme;

- 8) by providing solar rooftops for housing for the people;
- 9) in creating more solar power plants;
- 10) by using an EV fleet of vehicles within its state government;
- 11) by further developing its EV infrastructure;
- 12) by expanding its sustainable waste management;
- 13) in developing its rice husk ecosystem to promote renewable energy (RE); and
- 14) by lowering its carbon footprint within the cities in Kedah.

ACTIONS AND STRATEGIES

We take a deeper look into some of the state's action plans.

While its third intention revolves around reducing energy consumption and operation's costs in its government-owned buildings in Kedah, its fourth strategy is to utilise light-emitting diodes, otherwise known as LEDs, throughout state government buildings. This is said to be able to reduce electricity consumption and carbon emissions by up to 70%.

Its seventh plan of action will see all street lights within the 1,700ha Kulim Hi-Tech Park retrofitted with LEDs, similarly reducing energy costs by 70% and lowering carbon emissions. Interestingly, its eighth strategy is to incorporate solar photovoltaic roof systems into the design of some 6,000 homes. The development of solar farms and solar power plants are also part of the blueprint, apart from the use of electric vehicles (also referred to as EV), which will help improve air quality, thus reducing impact on public health. EVs will be deployed along with the development and support in growing the nation's EV market and the state's EV ecosystem via installing more EV charging stations *et cetera*.

Point 13, however, promotes the use of renewable energy (RE), which interestingly involves using rice husk as fuel for power generation.

There is a three-year timeline to deliver the Green Vision to which the state government has agreed to work with GreenTech, under the guidance of KeTTTHA (Kementerian Tenaga Teknologi Hijau dan Air). To this, the menteri besar reiterates how vital it is for all stakeholders to support the state's efforts to make the Green Vision a success, not just for the people, but for businesses in Kedah and future sustainability of the state.



FOR A GOOD CAUSE ... Mah Sing Group Berhad raised RM1.28 million through its philanthropic event, the Mah Sing Foundation Charity Fun Run 2015 held at the Perdana Botanical Gardens in KL recently. Monies collected went to beneficiaries (pix) championing rights of autistic and underprivileged children through an inaugural 4.7km fun run. The event also saw some 1,380 participants being taught various ways to support autistic children in a run. Adding to the fun was the lucky draw, which provided opportunities for participants to win prizes amounting to over RM40,000.

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The Strata Management Tribunal

INSIGHTS

> Criminalising non-payment of service charge



LEGAL INPUT

BY DATU' PRETAM SINGH DARSHAN SINGH

THE freedom of “no payment of service charges” will end with the establishment of the Strata Management Tribunal (SM Tribunal). Any parcel owner or tenant who fails to pay service charges can be produced before the SM Tribunal with the implementation of the Strata Management Act 2013; the Strata Management (Maintenance & Management) Regulations 2015 enforced on June 2, 2015; and the Strata Management (SM Tribunal) Regulations 2015, effected July 1, 2015. It is interesting to note that limitation is not applicable to the SM Tribunal and the maximum that can be claimed is RM250,000 per claim. Any non-compliance of an award (decision) of the SM Tribunal is now a criminal offence. “Any person who fails to comply with an award made by the tribunal commits an offence and shall, on conviction, be liable to a fine not exceeding RM250,000 or imprisonment for a term not exceeding three years, or both. In the case of a continuing offence, to a further fine not exceeding RM5,000 for every day or part thereof, during

which the offence continues after conviction.” (Section 123)

JURISDICTION OF TRIBUNAL

The tribunal shall have the jurisdiction to hear and determine any claims where the total amount in respect of which an award of the tribunal is sought, does not exceed RM250,000 or such other amount as may be prescribed to substitute the total amount.

Claims can be filed in relation to the following:

1. A dispute or complaint concerning an exercise or the performance of, or the failure to exercise or perform, a function, duty or power conferred or imposed by Strata Management Act 2013 or the by-laws;
2. A dispute on costs or repairs in respect of a defect in a parcel, building or land intended for subdivision into parcels, or subdivided building or land, and its common property or limited common property;
3. A claim for the recovery of charges, or contribution to the sinking fund, or any amount which is declared by the provisions of this Act as a debt;
4. A claim for an order to convene a general meeting;

5. A claim for an order to invalidate proceedings of meeting where any provision of the Act has been contravened;
6. A claim for an order to nullify a resolution where voting rights has been denied or where due notice has not been given;
7. A claim for an order to nullify a resolution passed at a general meeting;
8. A claim for an order to revoke amendment of by-laws having regard to the interests of all the parcel owners or proprietors;
9. A claim for an order to vary the rate of interest fixed by the joint management body, management corporation or subsidiary management corporation for late payment of charges, or contribution to the sinking fund;
10. A claim for an order to vary the amount of insurance to be provided;
11. A claim for an order to pursue an insurance claim;
12. A claim for compelling a developer, joint management body, management corporation or subsidiary management corporation to supply information or documents;
13. A claim for an order to give consent to effect alterations to any common property or

- limited common property; or
14. A claim for an order to affirm, vary or revoke the commissioner of building's decision.

The Order that the SM Tribunal can make include:

1. Pay a sum of money to another party;
2. Order the price or other consideration paid by a party to be refunded to that party;
3. Order the payment of compensation or damages for any loss or damage suffered by a party;
4. Order the rectification, setting aside or variation of a contract or additional by-laws, wholly or in part;
5. Order costs to or against any party to be paid;
6. Order interest to be paid on any sum or monetary award at a rate not exceeding eight per centum per annum;
7. Dismiss a claim which it considers to be frivolous or vexatious;
8. Any other order as it deems just and expedient; or
9. Make such ancillary or consequential orders or relief as may be necessary to give effect to any order made by the tribunal.



EXCLUSION OF JURISDICTION IN COURT

Where a claim is filed with the SM Tribunal and the claim is within the tribunal's jurisdiction, the issues in dispute in that claim, whether as shown in the initial claim or as emerging in the course of the hearing, shall not be the subject of proceedings between the same parties in any court unless — (a) the proceedings before the court were commenced before the claim was filed with the tribunal; or (b) the claim before the tribunal is withdrawn, abandoned or struck out.

This means that a claimant has to decide in advance as to which forum he has to file a case because having filed a case with the SM Tribunal, he will not be able to proceed with the same in the court or vice versa.

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No. 09-103, 9th Floor, Berjaya Times Square,
No.1, Jalan Imbi, 55100 Kuala Lumpur, Malaysia.

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