

New guidelines for clubs

By Sufi Yusoff

KUALA LUMPUR, Tues. — The new guidelines for recreational and golf clubs and time-sharing operators under amendments to Section 84 of the Companies Act 1965, will be enforced on Thursday.

The guidelines will protect the interests of members in such clubs and time-sharing holders.

However, Domestic Trade and Consumer Affairs Minister Datuk Abu Hassan Omar said the guidelines will only affect new operators and those developers who have yet to start their operations.

"For those who have started operations, they are given until Dec 31 to comply with the guidelines," he told a Press conference today. This deadline also covers projects which are in the

process of completion or in the process of being approved by the local authorities.

He said under the new guidelines, a trustee must be appointed and he must be approved by the Registrar of Companies (ROC) to act in the interest of members in the clubs and time-sharing holders.

"The operators and developers of these clubs and schemes have to submit annual reports to the Registrar," he said.

Abu Hassan said these developers and operators should preferably be affiliated to an association which is recognised by the Registrar.

"We hope to implement the guidelines thoroughly to protect the members of such clubs and time-sharing holders since they are not the owners and do not have any say in the operations

and management of such clubs and schemes," he said.

Abu Hassan said the guidelines were drawn up after the officers in his ministry, the Registrar and representatives in the industry had been consulted.

He said some of the requirements might not apply to time-sharing schemes and golf and recreational clubs.

Therefore, operators of time-sharing schemes and such clubs may apply to the Registrar for the guidelines to be amended.

"Consideration will be given, based on the merits of the case," he said.

Abu Hassan said the ideas and views put forward by representatives of these clubs and time-sharing schemes had been taken into consideration.

Among others, the 20-point *Policy Guidelines and*

Requirements state that a developer or an operator of such a club or scheme must be a public company as required under the Companies Act and Industry Act 1983.

The list of facilities and amenities provided and the maximum number of members allowed must be clearly stated.

In the case of time-sharing schemes, the number of time-sharing holders should correspond to the number of units in the project to ensure that there is no over-selling of a project.

As for golf clubs and recreational clubs, the maximum number of foreign members must not be more than 50 per cent. However, should the memberships allocated to Malaysians be not taken up after one year, they may be sold to foreigners.