

Land & Development Briefing

27th April 2012

SDB
Jurukur Bandardesa

Malaysia Land Laws

4 Main Legislation

- National Land Code 1965 (Act 56 of 1956)
- NLC (Penang & Malacca) 1963
- Sabah Land Code
- Sarawak Land Ordinance

Supplemented by State Land Rules

- Land in Malaysia is vested in the Ruler or Governor of the State

Laws & Acts Governing Strata Titles Scheme

- NLC 1965
- Strata Titles Act 1985
- Act 663, Building & Common Property (Maintenance & Management Act) Act 2007

S.76 NLC, Alienation of State Land

- All state land belongs to the state
- S.76 NLC disposal of state land / alienation
 - Perpetuity (Free Hold)
 - Not exceeding 99 years (Lease Hold)

➤ Cukai Tanah

➤ Premium

Rate x Current Market Value

	Residential	Commercial
Selangor	50 %	75 %
WP	25 %	50 %

Lease Hold Land

- Upon expiry, revert to state
- Extension of Lease

Selangor : $25\% \times \text{Market value} \times \text{ext.years} / 99 \text{ years}$

WP : $25\% \times \text{category} \times \text{market value} \times \text{ext.years} / 99\text{years}$

Category of land use

1. Agriculture
2. Residential
3. Industry

Different Type of Titles

Final Title : After the land have been surveyed

Qualified Title : Enable land to be alienated & Titles to be issued in advance of completion of survey.

QT **similar** in every aspect as those conferred by FT, **except**

- The boundary of the land shown on the Document of Title shall be provisional only
- The land shall not be capable of being subdivided, partitioned or amalgamated.

Different Type of Titles

Qualified Title  Final Title

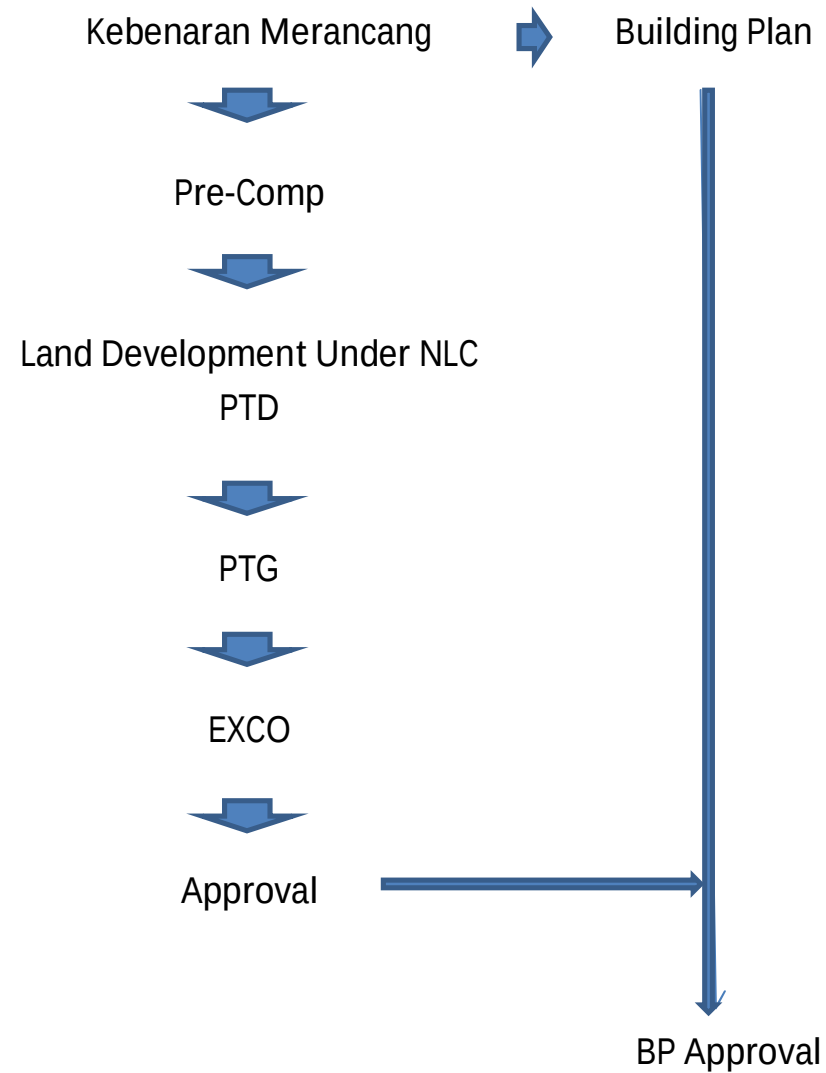
HSM (Mukim)  Survey  GM (Free Hold)
PM (Lease Hold)

HSD (Daerah)  Survey  G (Free Hold)
PN (Lease Hold)

Land Development under NLC

- S.76 Alienation of State Land
- S.124 Conversion
- S124A Simultaneous Conversion & Sub Division (Final Title)
- S.137 Sub Division
- S.148 Amalgamation
- S.197 Surrender (Whole Lot)
- S.200 Surrender (Part of Lot, Road, KL, Drain etc)
- S.204B Surrender & Realienation (Selangor)
- S.204D Surrender & Realienation (WP KL)

Development Flowchart, Land Matter



Land Premium & Other Charges

Conversion Premium (Selangor)

- Agriculture – Residential = 15% market value
- Agriculture – Commercial = 30%
- Agriculture – Light Industries = 20%
- Agriculture – medium Industries = 25%
- Agriculture – heavy industries = 30%

Development Charges (Majlis) = 30% x Enhanced Land Value

Land Premium & Other Charges

- Caruman Parit = RM6,000.00 per acre
- Caruman Kubur = RM500.00 per house
- Social Infra Structure contribution = RM50,000.00 per acre
(For Project less than 10 Acre)
- Title Registration fees = RM100.00 per Title
- Plan Fees = RM10.00 per Title
- Survey Fees (Follow Lembaga Jurukur Tanah Scale of Fees)

Strata Titles Act 1985

S.4 Interpretation

- *Accessory parcel*
Means any parcel shown in a strata plan as an accessory parcel which is used or intended to be used in conjunction with a parcel.
- *Common Property*
Means so much of the lot as is not comprised in any parcel (including accessory parcel) , or any provisional block as shown in an approved strata plan.
- *Common facility (not in S4 strata Titles Act)*

Strata Titles Act 1985

S4 interpretation

- *Floor Area*

In relation to a parcel, means the area occupied by the parcel.
(*Measure to center of wall*)

- *Initial period*

in relation to a management corporation, means the period commencing on the day on which the management corporation is formed and ending on the day on which the are proprietors , excluding of the proprietor of the lot who is registered as proprietors of a parcel or parcels or a provisional block or blocks the sums of whose share units is at least **one-quarter** of the aggregate share unit.

Strata Titles Act 1985

S4 Interpretation

- *Parcel*

in relation to a subdivided building, means one of the individual units comprised therein, which (except in the case of an accessory parcel) is held under separate strata titles, and in relation to a subdivided land, means one of the individual units of land parcel.

- *Provisional Block*

- a) In relation to a proposed strata Plan, a block in respect of a building proposed to be, or in the course of being, erected on building or land, for which a separate provisional strata title is applied for,
- b) In relation to an approved strata title plan, such a block shown therein, for which a provisional strata title is to be registered, and
- c) In relation to a book of strata register, such a block shown therein , for which a provisional strata title has been registered.

Strata Titles Act 1985

S.4 Interpretation

Share Units

in respect of a parcel, means the share units determined for that parcel as shown in the schedule of share units.

Residential & Commercial Development

- Residential = 1, Commercial = 1.5

Mix Development

- Residential = 1, office = 4, Commercial = 5, industry = 5

Strata Titles Act 1985

- S.6 Building or Land capable of being subdivided into parcels
- Any building having two or more storeys on alienated land held as one lot under final title (whether Registry or Land Office Title) shall be capable of being subdivided into parcels; and any land on the same lot shall also be capable of being subdivided into parcels each of which is to be held under a strata title or accessory parcel.
- 1A) Any alienated land having two or more buildings held as one lot under final title (whether Registry or Land Office title) shall be capable of being subdivided into land parcels each of which is to be held under a strata title or as an accessory parcel.
- Cannot more than 4 storeys
- Cannot more than 20 Acres or not more than 200 units bungalow

Strata Titles Act

S.7 Proprietor of alienated land may apply for subdivision of a building or land

2) Any alienated land held under qualified title which has been duly surveyed and in respect of which a certified plan has been approved by Director of Survey.

3) An application may be made notwithstanding that no certificate of completion and compliance has been issued for the building.

Strata Titles Act

- S.8 (3) (b)
The proprietor to apply Strata Titles within 6 months from CF
- S.8 (7) Guilty of an offence
(RM10K – RM100K) Penalty
(RM100 – RM1000) each day for continuous offence

Strata Titles Act

S10A.

Application for Subdivision in the case of Phased Development

- Provisional Block : must have Approved BP

Building & Common Property (Maintenance & Management) Act 663

S.2 Interpretation

Common Property

Means so much of the development area as is not comprised in any parcel, such as the structural elements of the building, stairs, stairways, fire escapes, entrances and exits, corridors, lobbies, fixtures and fittings, lifts, refuse chutes, refuse bins, compounds, drains, water tank, sewer, pipes, wires, cables and ducts that serve more than one parcel, the exterior of all common parts of the building, playing fields and recreational areas, driveways, car parks and parking areas, open spaces, landscape areas, walls and fences, and all other facilities and installations and any part of the land used or capable of being used or enjoyed in common by all the occupiers of the building;

Building & Common Property (Maintenance & Management) Act 663

S.4 Establishment of a Joint Management Body

S.4(1)(b), a JMB shall be established consisting of the developer and the purchasers upon convening of the first meeting not later than 12 months from date of Vacant Possession.

S.5(1), It shall be the duty of the developer to convene the first meeting of all purchasers.

S5(5), Any developer who fails to comply S5(1) commits an offence and shall, on conviction, be liable to a fine not exceeding RM12K or imprisonment for a term not exceeding 3 months or both.

S.6 (2), The quorum at the first meeting of JMB shall be $\frac{1}{4}$ of the purchasers who have paid maintenance charges.

Proposed Amendment Strata Titles Act

- Handing Over Strata Titles same time as VP
- Share Unit Approval Before Start Work Order
 - Appointment of Land Surveyor
 - Deposit of Survey Fees
- No need to show Aggregate Share Unit on PA
- Provision of Sub MC
- Formation of Strata Board
- Register of Purchaser
- Direct transfer to Buyers , no need transfer from Developer to Buyers.
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Current Issues

- Gated Vs Guarded
- 10 ft perimeter Planting Belt
- Car park Below landed parcel

Common Technical Terms

- Layout Plan
- Pre-comp Plan
- Certified Plan
- Details & Spot Level Survey
- Boundary Demarcation
- Setting Out Survey
- As Built Survey
- Standard Sheet
- Topo Sheet
- Caveat
- Easement
- Right of Way

Measurement

- Bearing and Distance, vertical angle
- Units : metrics, feet, link
- 1 chain = 66 ft = 100 link
- 1 acre = 10 chain² = 43560 ft²
- 1 Hectare = 10000 m²
- 1 Hectare = 2.47105 Acre