



PARLIMEN MALAYSIA



RANG UNDANG-UNDANG
Kanun Tanah Negara (Pindaan) 1989
DR.43/1989

RANG UNDANG-UNDANG

b e r n a m a

Suatu Akta untuk meminda Kanun Tanah Negara.

[]

BAHAWASANYA adalah bermanfaat dipinda Kanun Tanah Negara bagi maksud semata-mata untuk menentukan keseragaman undang-undang dan dasar:

MAKA, OLEH YANG DEMIKIAN, menurut peruntukan-peruntukan Fasal (4) Perkara 76 Perlembagaan INILAH DIPERBUAT UNDANG-UNDANG oleh Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong dengan nasihat dan persetujuan Dewan Negara dan Dewan Rakyat yang bersidang dalam Parlimen, dan dengan kuasa daripadanya, seperti berikut:

1. Akta ini bolehlah dinamakan Akta Kanun Tanah Negara (Pindaan) 1989. Tajuk ringkas.
2. Seksyen 5 Kanun Tanah Negara, yang dalam Akta ini disebut sebagai “Kanun”, adalah dipinda— Pindaan seksyen 5. Akta 56/65.
 - (a) dengan menggantikan perkataan-perkataan “and Land Office title” dalam takrif “final title” dengan perkataan-perkataan “, Land Office title and subsidiary title”;
 - (b) dengan memasukkan, selepas sahaja perkataan-perkataan “corresponding to Registry title,” dalam perenggan (a) takrif “Registrar”, perkataan-perkataan “or under subsidiary title dependent on a Registry title,”;

- (c) dengan memasukkan, selepas sahaja perkataan-perkataan “corresponding thereto,” dalam perenggan (b) takrif “Registrar”, perkataan-perkataan “or under subsidiary title dependent on a Land Office title,”; dan
- (d) dengan memasukkan, selepas sahaja takrif “sub-lease”, takrif-takrif baru yang berikut:

Act 318.

“subsidiary register” means the register of subsidiary title maintained under the provisions of the repealed section 161 (which nonetheless, by virtue of, and subject to, subsection (2) of section 82 of the Strata Titles Act 1985, continues to apply to the matters mentioned, and to the extent provided, in that subsection), and includes a strata register as defined in section 4 of that Act;

“subsidiary title” means title issued under this Act to any of the individual parcels within a building which has been subdivided pursuant to the provisions of the repealed Chapter 4 of Part Nine (which Chapter nonetheless, by virtue of, and subject to, subsection (2) of section 82 of the Strata Titles Act 1985, continues to apply to the matters mentioned, and to the extent provided, in that subsection), and includes a strata title as defined in section 4 of that Act;’.

Bahagian
baru
Lima (A)
dalam
Penggai II.

3. Kanun adalah dipinda dengan memasukkan dalam Penggal II, selepas sahaja seksyen 92, Bahagian baru Lima (A) yang berikut:

“

PART FIVE (A)—

DISPOSAL OF UNDERGROUND LAND

Interpre-
tation.

92A. In this Part, unless the context otherwise requires—

“adjoining underground land” means underground land adjoining a stratum above, below, and on the sides of, the stratum;

“stratum” means a cubic layer of underground land; and

“underground land” means land which lies below the surface of the earth.

Specifica-
tion of
rights in
respect of
under-
ground
land upon
alienation.

92B. (1) Upon the alienation of any State land under this Act, the State Authority may—

- (a) specify the depth up to which the underground land directly and immediately below the alienated land may be used, and different depths may be specified in respect of different parts of such underground land:

Provided that where any regulations made under this Part provide for the minimum depths to be specified under this paragraph, the depth so specified shall not be less than the minimum depth so provided for the class, description or location of land to which the alienated land belongs;

- (b) specify or describe the use or uses to which such underground land may be put, and different uses may be specified or described for different parts thereof;
- (c) specify the conditions subject to which such underground land may be put to such use or uses, including conditions for the provision of protection and support to all adjoining underground land, and for the provision of access at one or more places, as the State Authority may specify, from all parts of the underground land to the surface of the land, or otherwise as may be proposed by the applicant and approved by the State Authority, where, in the opinion of the State Authority, the nature of the use of the underground land requires such access;

- (d) specify such conditions as the State Authority may deem fit with regard to any works to be carried out for the construction of any structures within the underground land, including—
 - (i) conditions to provide for the protection of the rights of the State Authority under subsection (2) of section 45, under section 58 and under any written law relating to mining or forests; and
 - (ii) conditions to provide for the removal, relocation or re-laying of any drain, sewer, pipe, cable or wire, together with all necessary supports and any works ancillary thereto, at the expense of the proprietor; or
- (e) specify any other conditions whatsoever which the State Authority may deem fit.

(2) The matters specified by the State Authority under subsection (1) shall be endorsed on the document of title to the alienated land, and shall, for all purposes under this Act, operate as express conditions, and the provisions of this Act relating to express conditions shall accordingly apply thereto.

(3) The nature of any use to be specified or described under paragraph (b) of subsection (1) may be—

- (a) such use as is reasonably necessary to the lawful use and enjoyment of the surface of the alienated land; or
- (b) use which is independent of and unrelated to any lawful use to which the surface of the alienated land may at any

time be put, or any category of land use, or any express conditions, to which the alienated land is subject; or

- (c) partly a use to which paragraph (a) applies and partly a use to which paragraph (b) applies.

(4) For the avoidance of doubt it is hereby declared that the underground land below any depth specified under paragraph (a) of subsection (1) shall remain vested in the State Authority as State land.

Alienation
of under-
ground
State
land.

92c. (1) The State Authority may alienate under this Act a stratum of underground land below any State land, including any underground land which is State land by virtue of subsection (4) of section 92B—

- (a) extending from such depth below the surface of such State land to such further depth below such surface; and
- (b) subject to paragraph (a), of such cubic dimensions, and having such boundaries;

as may be specified in the document of title, which shall be a final document of Registry title.

(2) Upon the alienation of any underground land under this section, the State Authority may—

- (a) specify or describe the use or uses to which the underground may be put, and different uses may be specified or described for different parts thereof;

- (b) specify the conditions subject to which the underground land may be put to such use or uses, including conditions for the provision of protection and support to all adjoining land and all adjoining underground land, and for the provision of access at one or more places, as the State Authority may specify, from all parts of the underground land to the surface of the State land, or otherwise as may be proposed by the applicant and approved by the State Authority, where, in the opinion of the State Authority, the nature of the use of the underground land requires such access;
- (c) specify such conditions as the State Authority may deem fit with regard to any works to be carried out for the construction of any structures within the underground land, including—
 - (i) conditions to provide for the protection of the rights of the State Authority under subsection (2) of section 45, under section 58 and under any written law relating to mining or forests; and
 - (ii) conditions to provide for the removal, relocation or re-laying of any drain, sewer, pipe, cable or wire, together with all necessary supports and any works ancillary thereto, at the expense of the proprietor; or
- (d) specify any other conditions whatsoever which the State Authority may deem fit.

(3) The matters specified by the State Authority under subsection (2) shall be endorsed on the document of title to the underground land, and shall, for all purposes under this Act, operate as express conditions, and the provisions of this Act relating to express conditions shall accordingly apply thereto.

(4) The nature of any use to be specified or described under paragraph (a) of subsection (2) may be independent of and unrelated to the use to which the surface of the State land below which the alienated underground land lies is being put or may at any time be put while it is State land or after it ceases to be State land and assumes any other status or description under this Act or under any other written law.

(5) For the avoidance of doubt it is hereby declared that the underground land below or above any underground land alienated under subsection (1) shall, unless earlier disposed of under this Act, remain vested in the State Authority as State land.

(6) The provisions of this Act relating to alienation of land shall apply *mutatis mutandis* to the alienation of underground land under this section, subject to such modifications as the Minister, with the approval of the National Land Council, may, by order notified in the *Gazette* of the Federation, make thereto in order to facilitate their application to underground land or to remove any difficulty, and, in particular, he may make modifications to the provisions relating to survey of boundaries, categories of land use, and forms of final Registry title.

(7) In this section, "modifications" includes amendments, additions, deletions, substitutions, adaptations, and non-application of any provision.

Application
for
independent
use or
alienation
of under-
ground land
below
alienated
land.

92D. (1) Where any alienated land is subject to the provisions of paragraph (a) of subsection (1) of section 44 in so far as that paragraph applies to land below the surface of such alienated land, the proprietor of the alienated land may apply to the State Authority in writing for the whole or a part of the underground land directly and immediately below the alienated land—

(a) to be used for a purpose which is independent of and unrelated to any lawful use to which the surface of the alienated land is being put or may at any time be put; or

(b) to be alienated to him under section 92c as if he had surrendered all his rights in respect of it under paragraph (a) of subsection (1) of section 44 and it were, consequently, State land, but only below such depth and up to such depth as he may specify in his application:

Provided that the State Authority shall not entertain any such application unless it is satisfied with respect to every person or body having a registered interest in the land, or in occupation of any part thereof under any tenancy exempt from registration, either that they have consented thereto or that their consent ought in the circumstances of the case to be dispensed with.

(2) The alienation of underground land on an application under paragraph (b) of subsection (1) shall be dealt with as an alienation of underground land under section 92c.

(3) An application under paragraph (a) of subsection (1) shall set out—

- (a) in detail and with clarity the use or uses to which the underground land is to be put, and different uses may be set out for different parts thereof;
- (b) the depth, other dimensions, and boundaries of the stratum of underground land proposed to be put to such use or uses; and
- (c) detailed plans of the construction and other works which will be undertaken for the proposed use or uses of the underground land.

(4) The State Authority may approve an application under paragraph (a) of subsection (1) either in accordance with the terms of the application and the proposals set out therein or with such modifications thereof as the State Authority may deem fit, and such modifications may include modifications with regard to any or all of the matters referred to in subsection (3).

(5) Where an application under paragraph (a) of subsection (1) is approved under subsection (4), whether with or without modifications, the approval shall be subject to—

- (a) the payment of a further premium in respect of the alienated land calculated on the basis of the extent of the enhancement in the value of the alienated land that the approved use of the underground land will result in, such premium and enhancement in value to be determined by the State Authority;

- (b) such conditions as the State Authority may impose for the provision of protection and support to all or any land adjoining the alienated land in respect of which the approval is granted and to all adjoining underground land in relation to the underground land which is the subject of the approval, and for the provision of access at one or more places, as the State Authority may specify, from all parts of the underground land to the surface of the alienated land, or otherwise as may be proposed by the applicant and approved by the State Authority, where, in the opinion of the State Authority, the nature of the use of the underground land requires such access;
- (c) such conditions as the State Authority may impose with regard to any works to be carried out for the construction of any structures within the underground land, including—
 - (i) conditions to provide for the protection of the rights of the State Authority under subsection (2) of section 45, under section 58 and under any written law relating to mining or forests; and
 - (ii) conditions to provide for the removal, relocation or re-laying of any drain, sewer, pipe, cable or wire, together with all necessary supports and any works ancillary thereto, at the expense of the proprietor;
- (d) where the application under paragraph (a) of subsection (1) is approved only in respect of a portion of the underground land below the alienated land, the

condition that the remaining portion of the underground land below the alienated land shall be capable of being used under paragraph (a) of subsection (1) of section 44 only to such depth as the State Authority may specify in the approval;

- (e) the reservation of a new increased rent for the alienated land; and
- (f) any other conditions whatsoever which the State Authority may deem fit.

(6) Upon payment of the further premium, and the satisfaction of any other terms which may be required by the State Authority to be satisfied prior to the grant of the approval of the application, and upon acceptance in writing by the proprietor of all the matters and conditions under subsection (5) subject to which the application is approved, the State Authority shall endorse the approval and the conditions to which it is subject upon the document of title to the land, and the conditions under paragraphs (b), (c) and (d) of subsection (5) shall, for all purposes under this Act, operate as express conditions, and the provisions of this Act relating to express conditions shall accordingly apply thereto.

(7) Upon the endorsement of the approval on the document of title under subsection (6), the underground land below the alienated land—

- (i) which is below the depth specified in respect of the underground land for which the approval is granted; and

- (ii) which is below the depth specified in respect of the remaining underground land under paragraph (d) of subsection (5),

shall remain vested in the State Authority as State land.

Specifi-
cation of
rights in
respect of
under-
ground
land upon
the grant
of a lease
of reserved
land.

92E. (1) Upon granting any lease of reserved land under subsection (1) of section 63, the State Authority may—

- (a) specify the depth up to which the underground land directly and immediately below the reserved land may be used, and different depths may be specified in respect of different parts of such underground land:

Provided that where any regulations made under this Part provide for the minimum depths to be specified under this paragraph, the depth so specified shall not be less than the minimum depth so provided for the class, description or location of land to which the reserved land belongs;

- (b) specify or describe the use or uses to which such underground land may be put, and different uses may be specified or described for different parts thereof;
- (c) specify the conditions subject to which such underground land may be put to such use or uses, including conditions for the provision of protection and support to all adjoining underground land, and for the provision of access at one or more places, as the State Authority may specify, from all parts of the underground land to the surface of the reserved land, or otherwise as may be proposed by the applicant and

approved by the State Authority, where, in the opinion of the State Authority, the nature of the use of the underground land requires such access;

- (d) specify such conditions as the State Authority may deem fit with regard to any works to be carried out for the construction of any structures within the underground land, including—
 - (i) conditions to provide for the protection of the rights of the State Authority under subsection (2) of section 45, under section 58 and under any written law relating to mining or forests; and
 - (ii) conditions to provide for the removal, relocation or re-laying of any drain, sewer, pipe, cable or wire, together with all necessary supports and any works ancillary thereto, at the expense of the proprietor; or
- (e) specify any other conditions whatsoever which the State Authority may deem fit.

(2) The nature of any use to be specified or described under paragraph (b) of subsection (1) may be—

- (a) such use as is reasonably necessary to the lawful use and enjoyment of the surface of the leased reserved land; or
- (b) use which is independent of and unrelated to any lawful use to which the surface of the leased reserved land may at any time be put; or
- (c) partly a use to which paragraph (a) applies and partly a use to which paragraph (b) applies.

(3) For the avoidance of doubt it is hereby declared that the underground land below the depth specified under paragraph (a) of subsection (1) shall remain vested in the State Authority as reserved land.

Lease of
under-
ground
land below
reserved
land.

92F. (1) The State Authority may grant under subsection (1) of section 63 a lease of—

- (a) a stratum of underground land below any reserved land; or
- (b) a stratum of underground land which is below any underground land in respect of which a lease has been granted under paragraph (a) or under section 92E;

such stratum—

- (i) extending from such depth below the surface of the reserved land to such further depth below such surface; and
- (ii) subject to paragraph (a), being of such cubic dimensions, and having such boundaries,

as may specified in the lease.

(2) A lease under subsection (1) shall—

- (a) specify or describe the use or uses to which the underground land specified in such lease may be put, and different uses may be specified or described for different parts thereof;
- (b) specify the conditions subject to which the underground land may be put to such use or uses, including conditions for the provision of protection and support to all adjoining land and all adjoining underground land, and for the provision of access at one or more places, as the State Authority may specify, from all parts of the underground land to the surface of the

reserved land, or otherwise as may be proposed by the applicant and approved by the State Authority, where, in the opinion of the State Authority, the nature of the use of the underground land requires such access;

(c) specify such conditions as the State Authority may deem fit with regard to any works to be carried out for the construction of any structures within the underground land, including—

(i) conditions to provide for the protection of the rights of the State Authority under subsection (2) of section 45, under section 58 and under any written law relating to mining or forests; and

(ii) conditions to provide for the removal, relocation or re-laying of any drain, sewer, pipe, cable or wire, together with all necessary supports and any works ancillary thereto, at the expense of the proprietor; or

(d) specify any other conditions whatsoever which the State Authority may deem fit.

(3) The provisions of subsection (2) of section 92E shall apply *mutatis mutandis* to the use or uses to be specified or described under paragraph (a) of subsection (2) of this section.

(4) For the avoidance of doubt it is hereby declared that the underground land below or above any underground land leased under subsection (1) shall remain reserved land or, if earlier leased, remain leased reserved land.

Application
for independent use
of underground
land below
leased reserved
land.

92G. (1) Where a lease of any reserved land is subject to the provisions of paragraph (a) of subsection (1) of section 44 in so far as that paragraph applies to land below the surface of such leased reserved land, the lessee of such reserved land may, with the approval of the officer for the time being having control of such reserved land, apply to the State Authority in writing for the whole or a part of the underground land directly and immediately below the reserved land to be used for a purpose which is independent of and unrelated to any lawful use to which the surface of the land is being put or may at any time be put.

(2) An application under subsection (1) shall set out—

- (a) in detail and with clarity the use or uses to which the underground land is to be put, and different uses may be set out for different parts thereof;
- (b) the depth, other dimensions, and boundaries of the stratum of underground land proposed to be put to such use or uses; and
- (c) detailed plans of the construction and other works which will be undertaken for the proposed use or uses of the underground land.

(3) The State Authority may approve an application under subsection (1) either in accordance with the terms of the application and the proposals set out therein or with such modifications thereof as the State Authority may deem fit, and such modifications may include modifications with regard to any or all of the matters referred to in subsection (2).

(4) Where an application is approved under subsection (3), whether with or without modifications, the approval shall be subject to the execution of a supplementary lease which shall—

- (a) provide for such further payments in respect of the lease as the State Authority may specify having regard to the enhancement in the value of the leased reserved land that the approved use of the underground land will result in, such payments and enhancement in value to be determined by the State Authority;
- (b) specify such conditions as the State Authority may deem fit for the provision of protection and support to all or any land adjoining the leased reserved land in respect of which the approval is granted, and to all adjoining underground land in relation to the underground land which is the subject of the approval, and for the provision of access at one or more places, as the State Authority may specify, from all parts of the underground land to the surface of the reserved land, where, in the opinion of the State Authority, the nature of the use of the underground land requires such access;
- (c) specify such conditions as the State Authority may deem fit with regard to any works to be carried out for the construction of any structures within the underground land, including—
 - (i) conditions to provide for the protection of the rights of the State Authority under subsection (2) of section 45, under section 58 and under any written law relating to mining or forests; and

(ii) conditions to provide for the removal, relocation or re-laying of any drain, sewer, pipe, cable or wire, together with all necessary supports and any works ancillary thereto, at the expense of the proprietor;

(d) where the application under subsection (1) is approved only in respect of a portion of the underground land below the leased reserved land, specify that the remaining portion of the underground land below the leased reserved land shall be capable of being used under paragraph (a) of subsection (1) of section 44 only to such depth as the State Authority may specify in the approval; and

(e) specify any other conditions whatsoever which the State Authority may deem fit.

(5) For the avoidance of doubt it is hereby declared that upon the execution of the supplementary lease under subsection (4), the underground land below the leased reserved land—

(i) which is below the depth specified in respect of the underground land for which the approval is granted, and

(ii) which is below the depth specified in respect of the remaining leased reserved land under paragraph (d) of subsection (4),

shall remain reserved land.

Relation-
ship of
this Part
to other
provisions
of this Act.

92H. (1) Nothing contained in any of the provisions of this Part shall in any manner whatsoever derogate from the provisions of subsection (2) of section 42, section 45 and section 58.

(2) This Act shall have effect in relation to underground land but subject to the provisions of this Part and to any order made under subsection (6) of section 92c and any regulations made under section 92I.

Regulations
by the
Minister.

92I. (1) For the purposes of this Part the Minister, with the approval of the National Land Council, may make such regulations, to be published in the *Gazette* of the Federation, as he may deem necessary or expedient.

(2) Without prejudice to the generality of subsection (1), regulations made under that subsection may provide for—

- (a) the form and contents of any application under this Part;
- (b) the minimum depth to be specified under paragraph (a) of subsection (1) of section 92B or 92E, and different minimum depths may be specified for different classes, descriptions, or locations of lands;
- (c) the measurement of the depth of underground land and the boundaries of a stratum of underground land, the marking of such boundaries, and their delineation on the plan of the land included in the document of title to the land;
- (d) without prejudice to subsection (6) of section 92c, the modification of any provision of this Act or any rules thereunder in their application to underground land or to any matter whatsoever dealt with under this Part, and in this paragraph “modification” includes amendment, addition, deletion, substitution, adaptation, and non-application of any such provision.”.

- Pindaan seksyen 165. 4. Seksyen 165 Kanun adalah dipinda dengan memasukkan, selepas sahaja perkataan-perkataan “appropriate thereto” dalam perenggan (a) subseksyen (1), perkataan-perkataan “and documents relating to parcels held under subsidiary title”.
- Pindaan seksyen 170. 5. Seksyen 170 Kanun adalah dipinda dengan menggantikan perkataan-perkataan “Form 10c” dalam subperenggan (iii) perenggan (a) subseksyen (1) dengan perkataan-perkataan “Form 4 in the First Schedule to the Strata Titles Act 1985”.
- Pindaan seksyen 175c. 6. Seksyen 175c Kanun adalah dipinda dengan menggantikan perkataan-perkataan “Form 10c” dalam perenggan (c) subseksyen (2) dengan perkataan-perkataan “Form 4 in the First Schedule to the Strata Titles Act 1985”.
- Penggantian tajuk sebelum seksyen 256. 7. Kanun adalah dipinda dengan menggantikan tajuk sebelum sahaja seksyen 256 dengan yang berikut:
“PROCEDURE—REGISTRY TITLE, QUALIFIED TITLE CORRESPONDING THERETO, AND SUBSIDIARY TITLE”.
- Pindaan seksyen 256. 8. Seksyen 256 Kanun adalah dipinda dengan menggantikan subseksyen (1) dengan yang berikut:
“ (1) This section applies to land held under—
(a) Registry title;
(b) the form of qualified title corresponding to Registry title; or
(c) subsidiary title,
and to the whole of any undivided share in, or any lease of, any such land.”.
- Penggantian tajuk sebelum seksyen 260. 9. Kanun adalah dipinda dengan menggantikan tajuk sebelum sahaja seksyen 260 dengan yang berikut:
“PROCEDURE—LAND OFFICE TITLE, QUALIFIED TITLE CORRESPONDING THERETO, AND SUBSIDIARY TITLE”.

10. Seksyen 260 Kanun adalah dipinda dengan menggantikan subseksyen (1) dengan yang berikut: Pindaan seksyen 260.

“(1) This section applies to land held under—

(a) Land Office title;

(b) the form of qualified title corresponding to Land Office title; or

(c) subsidiary title,

and to the whole of any undivided share in, or any lease of, any such land.”.

11. Seksyen 294 Kanun adalah dipinda dengan menggantikan perkataan-perkataan “section 365” dalam perenggan (b) subseksyen (3) dengan perkataan-perkataan “section 47 of the Strata Titles Act 1985”. Pindaan seksyen 294.

12. Jadual Pertama kepada Kanun adalah dipinda dengan memotong Borang-Borang 25A, 1 dan 2. Pindaan Jadual Pertama.

13. (1) Pindaan-pindaan yang dibuat oleh Akta ini hendaklah terpakai bagi Wilayah Persekutuan Kuala Lumpur dan juga bagi Negeri-Negeri. Pemakaian bagi Wilayah Persekutuan Kuala Lumpur.

(2) Dalam pemakaian Bahagian baru Lima (A) bagi Wilayah Persekutuan Kuala Lumpur—

(a) sebutan-sebutan di dalamnya mengenai Pihak Berkuasa Negeri hendaklah diertikan sebagai sebutan-sebutan mengenai Kerajaan Persekutuan; dan

(b) sebutan-sebutan di dalamnya mengenai tanah Negeri hendaklah diertikan sebagai sebutan-sebutan mengenai tanah Persekutuan.

HURAIAN

Rang Undang-Undang ini bertujuan meminda Kanun Tanah Negara. Pindaan terbesar adalah di bawah *Fasal 3*, yang memasukkan Bahagian baru Lima (A) dalam Penggal II, terdiri daripada seksyen-seksyen baru 92A hingga 92I, yang menguruskan pelupusan tanah bawah tanah.

2. Seksyen baru 92b memberi kuasa kepada Pihak Berkuasa Negeri, apabila memberimilik tanah Negeri, menentukan berapa dalamnya tanah bawah tanah di bawah tanah berimilik yang boleh digunakan, tertakluk kepada apa-apa kedalaman minimum yang mungkin diperuntukkan oleh peraturan-peraturan yang dibuat di bawah seksyen 92i (2) (b), penggunaan atau penggunaan-penggunaannya yang tanah bawah tanah itu mungkin disesuaikan, syarat-syarat yang tertakluk kepadanya tanah bawah tanah mungkin disesuaikan untuk penggunaan atau penggunaan-penggunaan itu, dan syarat-syarat berkenaan dengan pembinaan apa-apa struktur di dalam tanah bawah tanah itu. Perkara-perkara yang ditentukan sedemikian akan berkuatkuasa sebagai syarat-syarat nyata. Penggunaan yang hendak ditentukan itu boleh jadi penggunaan yang semunasabahnya perlu untuk menggunakan dan menikmati tanah permukaan dengan sah, atau penggunaan yang bebas daripada atau berhubungan dengan menggunakan tanah permukaan dengan sah, apa-apa kategori penggunaan tanah atau apa-apa syarat nyata, atau suatu kombinasi penggunaan-penggunaan itu. Tanah bawah tanah di bawah kedalaman yang ditentukan itu akan terus terletak pada Pihak Berkuasa Negeri sebagai tanah Negeri.

3. Seksyen baru 92c memberi kuasa kepada Pihak Berkuasa Negeri memberimilik suatu stratum tanah bawah tanah di bawah tanah Negeri, dan mana-mana tanah bawah yang, walaupun di bawah tanah berimilik, adalah tanah Negeri menurut kuasa seksyen 92b (4). Pemberimilikan itu adalah di bawah dokumen hakmilik tetap Pejabat Pendaftaran. Dalam memberimilik tanah bawah tanah di bawah seksyen ini, Pihak Berkuasa Negeri boleh menentukan penggunaan atau penggunaan-penggunaan yang untuknya ia boleh disesuaikan, syarat-syarat yang tertakluk kepadanya ia boleh disesuaikan untuk penggunaan atau penggunaan-penggunaan itu, dan syarat-syarat berkenaan dengan apa-apa kerja yang hendak dijalankan di dalam tanah bawah tanah. Syarat-syarat yang ditentukan sedemikian akan berkuatkuasa sebagai syarat-syarat nyata. Penggunaan yang hendak ditentukan itu boleh jadi penggunaan yang bebas daripada dan tak berhubungan dengan penggunaan permukaan tanah Negeri dengan sah.

4. Seksyen 92d membolehkan tuan punya tanah berimilik memohon bagi keseluruhan atau sebahagian daripada tanah bawah tanah di bawah tanah berimilik untuk digunakan bagi suatu maksud yang bebas daripada dan tak berhubungan dengan penggunaan tanah permukaan dengan sah, atau untuk diberimilik kepadanya di bawah seksyen 92c. Dalam hal sesuatu permohonan berkenaan dengan penggunaan tanah bawah tanah, kelulusan baginya akan tertakluk kepada bayaran premium lanjutan berkenaan dengan tanah berimilik itu dan pengenaan suatu sewa tambahan baru. Kelulusan itu akan juga tertakluk

kepada syarat-syarat bagi perlindungan dan sokongan tanah berdampingan dan bagi akses dari tanah bawah tanah. Jika kelulusan itu adalah hanya berkenaan dengan sebahagian tanah bawah tanah, kelulusan itu boleh tertakluk kepada syarat bahawa bahagian baki tanah bawah tanah itu hendaklah boleh digunakan hanya setakat kedalaman yang hendak ditentukan, dan dalam hal demikian tanah bawah tanah di bawah kedalaman itu, sebagaimana yang sama juga halnya dengan tanah bawah tanah di bawah tanah bawah tanah yang baginya kelulusan diberikan, akan terus terletak pada Pihak Berkuasa Negeri sebagai tanah Negeri.

5. Seksyen 92E mengandungi peruntukan-peruntukan yang berhubungan dengan tanah bawah tanah dan terpakai apabila memberi suatu pajakan bagi tanah rizab, yang adalah lebih kurang serupa dengan peruntukan-peruntukan seksyen 92B yang berhubungan dengan tanah bawah tanah dan terpakai apabila memberimilik tanah Negeri.

6. Seksyen 92F mengandungi peruntukan-peruntukan yang berhubungan dengan pemajakan tanah bawah tanah di bawah tanah rizab yang adalah lebih kurang serupa dengan peruntukan-peruntukan seksyen 92C yang berhubungan dengan pemberimilikan tanah bawah tanah di bawah tanah Negeri.

7. Seksyen 92G mengandungi peruntukan-peruntukan yang berhubungan dengan permohonan bagi penggunaan bebas tanah bawah tanah di bawah tanah rizab dipajakan yang adalah lebih kurang serupa dengan peruntukan-peruntukan seksyen 92D yang berhubungan dengan penggunaan bebas tanah bawah tanah di bawah tanah berimilik.

8. Pindaan-pindaan lain adalah pindaan-pindaan yang perlu bagi menyelaraskan dengan lebih baik Kanun dengan Akta Hakmilik Strata 1985.

IMPLIKASI KEWANGAN

Rang Undang-Undang ini tidak akan melibatkan Kerajaan dalam apa-apa perbelanjaan wang tambahan. [PN. (U²) 1585.]