

APPENDIX C1

Questionnaire Survey

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21st December 2009

«**Organisation/Company**»

«Address»

«Address»

«Address»

Dear Sir/Madam,

COLLECTION DATA FOR DISSERTATION RESEARCH

I am a PhD research student attached to the Department of Land Administration and Development, Faculty of Geoinformation Science and Engineering, Universiti Teknologi Malaysia. I am conducting research for my dissertation in fulfilment of my PhD in Land Administration and Development and carrying out research on the subject of “Developing a 3D Cadastre for 3D Property Rights in Malaysia”. One of the major objectives of the research is to investigate and make recommendations for changes, if necessary of the Strata Titles Act 1985 (Act 318) and the National Land Code 1965 (Act 56) that would facilitate the Malaysian Cadastre System practices.

Enclosed with this letter is a set of questionnaire survey that may require your input. Please return the completed questionnaire **WITHIN TWO WEEKS** from the date you receive the questionnaire. All information provided would be used for academic purposes only and will be kept strictly confidential and used for analysis along with data from other respondents.

In advance, I wish to thank you for your kind cooperation and attention and looking forward to a very early response.

Please return the completed questionnaire by fax directly to me at the fax number given below or post to the address mentioned above.

TAN LIAT CHOON

COLLECTION DATA FOR DISSERTATION RESEARCH

Fax: 07-554 5157

Mobile Phone: **016-4975551**, Email: **tanliatchoon@gmail.com**

Thanks you.

Yours sincerely,



(Tan Liat Choon)



QUESTIONNAIRE SURVEY

RESEARCH TOPIC

MULTIPURPOSE 3D CADASTRE FOR 3D PROPERTY RIGHTS

In view of the Malaysian Cadastre System that is based on the 2D cadastre system, this research proposes that changes be made in the legislation of cadastral survey and mapping as well as registration of a 3D property. To realise this, the objectives of the research are:

- a) To examine the rights of landowner in on surface properties, above surface properties and below surface properties as provided by the National Land Code 1965 (Act 56), Strata Titles Act 1985 (Act 318), the Building and Common Property (Maintenance and Management) Act 2007 (Act 663), Certified Plan and Document of Title, and how do rights are registered in the cadastre.
- b) To examine the rights of landowner in on surface properties, above surface properties and below surface properties as provided by the Swedish Land Code and Cadastral Procedure Acts, and how do rights are registered in the cadastre.

Prepare by:

TAN LIAT CHOON

Supervisor:

DR. KHADIJAH BINTI HUSSIN

Remarks: All data and information are strictly and confidential and will not be disclosed, it is only for academic study purposes and questionnaire form to be filled up and return not latest than 08/01/2010. For more information, please contact Mr. Tan Liat Choon (016-4975551) or email to tanliatchoon@gmail.com

Thank You For Your Cooperation

Part A: General Information of Organisation/Company (Demography)

Please fill in the blank or tick (✓) the most appropriate one in the box as shown

Date:

Organisation/Company name:

Type of Organisation/Company:

- | | |
|---|---|
| <input type="checkbox"/> State/local government | <input type="checkbox"/> Federal government |
| <input type="checkbox"/> Licensed land surveyor | <input type="checkbox"/> Other (specify): |

Point of contact:

- a. Name:
- b. Title (e.g., Mr., Ms., Dr., Sr., Ir., etc.):
- c. Address:
- d. Tel. No.: Fax No.:
- e. E-mail:
- f. Web site:

Job position:

Main type of job involved:

- | | |
|--|---|
| <input type="checkbox"/> Land administration | <input type="checkbox"/> Land registration |
| <input type="checkbox"/> Survey and mapping | <input type="checkbox"/> Other (specify): _____ |

Years of experience in the above position/business:

- | | | |
|--------------------------------------|--------------------------------------|--------------------------------------|
| <input type="checkbox"/> ≤ 5 years | <input type="checkbox"/> 6-10 years | <input type="checkbox"/> 11-15 years |
| <input type="checkbox"/> 16-20 years | <input type="checkbox"/> 21-25 years | <input type="checkbox"/> > 26 years |

Part B: Land Legislation

Please indicate your best opinion

- 1) In Malaysia, there is a written Act, Code, Regulation, Rule or Ordinance which includes a right for people to hold and dispose of private rights in land in three-dimensional separately.

Yes No Not Sure/other (Specify): _____

If yes, please specify:

- 2) The Strata Titles Act 1985 (Act 318) is adequate and appropriate to support the land administration system in three-dimensional separately.

Yes No Not Sure/other (Specify):

- 3) The National Land Code 1965 (Act 56) is adequate and appropriate to support the land administration system in three-dimensional separately.

Yes No Not Sure/other (Specify):

- 4) The current land laws are adequate and appropriate to support the land administration system in dimension on surface, above surface and below surface (besides Strata Titles Act 1985 and National Land Code 1965).

Yes No Not Sure/other (Specify):

- 5) Do the current land laws define the rights of dimension on surface, above surface and below surface clearly.
- Yes No Not Sure/other (Specify):
- 6) Are current land laws enforced adequately in all types of development?
- Yes No Not Sure/other (Specify):
- 7) Do the current land laws recognise the 3D property rights in mix development?
- Yes No Not Sure/other (Specify): _____
- 8) Does the practice on the ground reflect the provisions in the current land laws?
- Yes No Not Sure/other (Specify):
- 9) Are there sufficient legal institutions to enforce land law?
- 5=Very Satisfy 4=Satisfy 3=Acceptable
 2=Dissatisfy 1=Very Dissatisfy
- 10) Does the law place responsibility for maintaining the 3D land register on a specific minister, government department, institution or official post holder?
- Yes No Not Sure/other (Specify):
- 11) Land administration officials/surveyors are well versed in the existing land law.
- Yes No Not Sure/other (Specify):
- 12) What has been your overall level of satisfaction with the Strata Titles Act 1985 (Act 318) and National Land Code 1965 (Act 56) regarding 3D property?
- 5=Very Satisfy 4=Satisfy 3=Acceptable
 2=Dissatisfy 1=Very Dissatisfy
- 13) Do you support the development of a new legislation that integrates dimension on surface, above surface and below surface aspects?
- Yes No Not Sure/other (Specify):
- 14) Are there any government arrangements in place for the 3D property legislation?
- Yes No Not Sure/other (Specify):
- 15) This new law should serve to make the 3D property legislation available.
- 5=Strongly Agree 4=Agree 3=Moderate
 2=Disagree 1=Strongly Disagree

Part C: Land Administration

Please indicate your best opinion

- 16) Malaysia has a statutory system of land registration, which records rights in land, including ownership, in a public register in three-dimensional separately.
- Yes No Not Sure/other (Specify):

- 17) In real estate developments, some of the buildings have been built on top of each other or they cross boundary edges.

5=Strongly Agree 4=Agree 3=Moderate
 2=Disagree 1=Strongly Disagree

- 18) The registration of properties in three-dimensional separately is easy in multi authority or in single authority?

Multi Authority Single Authority

- 19) There is a need for a legal registration status of 3D property.

5=Strongly Agree 4=Agree 3=Moderate
 2=Disagree 1=Strongly Disagree

- 20) The existing law and guideline for stratum, which under Part Five (A), Disposal of Underground Land, Section 92A to 92I, National Land Code 1965 can be used as a basis for 3D property volumetric land parcel alienation on and above the ground surface.

5=Strongly Agree 4=Agree 3=Moderate
 2=Disagree 1=Strongly Disagree

- 21) 3D property legislation has an important role to play in achieving 3D property rights for Malaysia.

Yes No Not Sure/other (Specify):

- 22) It is compulsory for those obtaining a new 3D property rights in land to register those rights.

5=Strongly Agree 4=Agree 3=Moderate
 2=Disagree 1=Strongly Disagree

- 23) What forms of land holdings should register in this new three-dimensional property?

Freehold Leasehold

- 24) If leases are registered, what is the minimum term in years (how long) of a lease for it to qualify for registration?

21 years 60 years 99 years

- 25) What, in your opinion, are the key problems with the current legislation that deals which 3D properties?

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- 26) What have been the key benefits and issues in the development and operation of the 3D property legislation?

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Part D: Cadastre Registration

Please indicate your best opinion

- 27) Does the legal system recognise the various 3D properties?
 Yes No Not Sure/other (Specify): _____
- 28) The traditional cadastre system and land registry that are based on ground surface environment have been prepared to register property in dimension on surface, above surface and below surface separately.
 Yes No Not Sure/other (Specify): _____
- 29) The current cadastre system is not able to handle the registration of 3D property within the legislation.
 5=Strongly Agree 4=Agree 3=Moderate
 2=Disagree 1=Strongly Disagree
- 30) This current cadastre system is understood by surveyor and land administrator.
 Yes No Not Sure/other (Specify): _____
- 31) The main obstacle in adopting cadastre system in three-dimensional is that the legal and organisational systems are slow to change.
 5=Strongly Agree 4=Agree 3=Moderate
 2=Disagree 1=Strongly Disagree

Part E: Cadastral Survey and Mapping

Please indicate your best opinion

- 32) Department of Survey and Mapping Malaysia (DSMM) is the organisation that responsible for maintaining the survey and mapping of registered 3D properties.
 5=Strongly Agree 4=Agree 3=Moderate
 2=Disagree 1=Strongly Disagree
- 33) Strata Lodgement Module, Electronic Strata Survey Module and Strata Verification Module are the surveying and mapping methods that are used/have been used in the survey of 3D property.
 5=Very Satisfy 4=Satisfy 3=Acceptable
 2=Dissatisfy 1=Very Dissatisfy
- 34) Are the surveying and mapping methods understood by the surveyor and land administrator?
 Yes No Not Sure/other (Specify): _____
- 35) Are all perimeter boundaries of the 3D property identifiable?
 Yes No Not Sure/other (Specify): _____
- 36) What other 3D property information is collected by surveying and mapping?
