

# CADASTRE SURVEY PRACTICE (SBEU 3323)

WEEK 6 - STRATA (SUBSIDIARY TITLES)  
ORDINANCE 2019 & STRATA  
MANAGEMENT ORDINANCE 2019  
SARAWAK

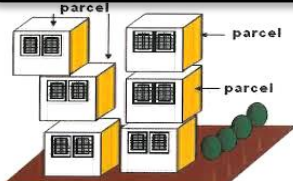
Sr DR. TAN LIAT CHOON  
07-5543157  
016-4975551

**STRATA (SUBSIDIARY TITLES)  
ORDINANCE 2019  
SARAWAK**

# Strata (Subsidiary Titles) Ordinance 2019 (SARAWAK)



Part I  
**Interpretation**



Part II  
**Strata Subdivision**



Part III:  
**Title Registration**



Part IV:  
**Phase Development**

## 9 Parts, 54 Sections, 4 Schedules

1. PART I: Preliminary-Interpretation (S. 1-3)
2. PART II: Procedure prior to issuance of subsidiary title (S. 4-13)
3. PART III: Registration and Issuance of subsidiary title (S. 14-16)
4. PART IV: Procedure prior to issuance of subsidiary titles for parcels within provisional block (S. 17-20)
5. PART V: The Management Corporation (S. 21-28)
6. PART VI: Rights and obligations attaching to individual parcels (S. 29-30)
7. PART VII: Effects of Acquisition of subdivided building or land (S. 31)
8. PART VIII: Enforcement (S.32-48)
9. PART IX: Miscellaneous (S.49-54)
  - 1<sup>st</sup> Schedule - Forms
  - 2<sup>nd</sup> Schedule – Division and amalgamation of parcels
  - 3<sup>rd</sup> Schedule – Effect of Acquisition of subdivided building or land
  - 4<sup>th</sup> Schedule:-Share Units Entitlement



Part V  
**Management Corporation**



Part VI  
**Rights and Obligations**



Part VII  
**Acquisition of building**



Part VIII  
**Miscellaneous**

# Strata (Subsidiary Titles) Ordinance, 2019 [Cap. 75.]

## **Types of Application:**

1. Strata Subdivision Plan Approval (Sec. 6)
  - a) Strata Subdivision Plan Approval with Phasing (Provisional Block) (Sec.7)
  - b) Strata Subdivision Plan Approval for parcels within Provisional Block(s) (Sec.17)
  - c) Strata Subdivision Plan Approval with limited common property (Sec.23)
2. Filing of Certified Strata Plans (Sec.11)
3. Application for creation of limited common property (Sec. 23)
4. Change of name (Sec.24)
5. Application for Division or Amalgamation of parcel(s) (2<sup>nd</sup> Schedule)
6. Termination of Limited Common Property (Sec.25)
7. Termination of Strata Subdivision (Sec.28)

# SSTO 2019

## 1) New Definitions: Air Space, Stratum and Accessory Parcel

(A)- To issue permit, license or easement to any approved structures erected or projected over road reserve or state land.

### Issues/ STO 1995

- (i) Sec. 6(1)(a)-“that it has been certified by a land surveyor that the building or buildings including any approved eave, awning and balcony are situated wholly within the boundaries of the lot in question;”
- (ii) Structures ie. awning, balcony, eave & etc. encroached over or underneath state land / reserved land –such as spatium (air space) & stratum (underground or subterranean)

### SSTO 2019

- “that the building or buildings are situated wholly within the boundaries of the lot in question, but discounting any eave, awning, and any balcony not forming part of the proposed parcel, which projects over road or statutory reserve to which there subsists **a permit or easement issued under Land Code [Cap. 81. (1958 Ed.)]** in respect of every such eave, awning and balcony. ”

# SSTO 2019

## (B) Accessory Parcel

- To cater for any sold car park(s), garden, lift etc which is appurtenant to and used or intended to be used in conjunction with a parcel.

### Issues/STO 1995

- (i) Car park(s), garden, exclusive lift etc which currently are common properties, to be applied as part of building parcel.
- (ii) S.2 – Interpretation Common property, means...
  - (b) ...includes—  
car parks, parking areas, incinerators, recreational and communal facilities and gardens for the use of or serving the building;

### SSTO 2019

- Interpretation of **Accessory Parcel**:
- “accessory parcel” means any parcel shown in the strata certified plan as an accessory parcel which is appurtenant to and used or intended to be used in conjunction with a parcel provided always that its usage shall be as approved by the Authority;

# SSTO 2019

## 2) Land Parcel/ Gated and Guarded Community

- To accommodate current trend of development and living concept, ie. Gated and Guarded Community/ Horizontal subdivision of land into strata parcel

### Issues/STO 1995

- (i) Gated and Guarded Community/ Horizontal subdivision of land into strata parcel.
- (ii) Common property ie. Internal road, landscaping, facilities will be managed by Management Corporation.
- (iii) No such relevant provisions under current STO.

### SSTO 2019

- Interpretation of Land Parcel :
- “land parcel” means a unit delineated within a lot subdivided under Part II of this Ordinance, in which is comprised a building which is held under a subsidiary title; which may have shared basement, comprises accessory parcels and common property;

# SSTO 2019

## 3) New Development Concept

### (A): Design of building

- To accommodate strata development for underground/ basement, landed strata and current trend of modern living concept
- Strata Project will not be limited by the building footprint of 5000 sqft anymore.

#### Issues/STO 1995

- (i) S.4 (a)- any building thereon having **two or more storeys wholly above ground level**, and such superficial area on the ground as may be prescribed or, where no such area is prescribed, a **superficial area on the ground of at least four hundred and sixty four square metres**;
- (ii) Current STO's only allow subdivision of building into parcels wholly above ground level with building foot print/ Superficial area on the ground of at least 464sqm (5,000sqf)

#### SSTO 2019

- (a) Any building thereon having two or more storeys shall be capable of being subdivided into building parcels; and any land on the same lot shall also be capable of being subdivided into land parcels.
- (b) Any land thereon having two or more buildings shall be capable of being subdivided into land parcels.



# SSTO 2019

## (B)Vertical and Horizontal Phasing

- Construction Phasing: To allow provisional block (tower type), phase development on main building/ podium and landed strata.

### Issues/STO 1995

- (i) “provisional block” means a block of building which is shown as a provisional block in an approved subsidiary or extra plan or in any other record maintained by the Registrar under the provisions of this Ordinance;
- (ii) Current interpretation of Provisional Block does not provide specific interpretations

### SSTO 2019

The interpretation of Provisional Block as:

“In relation to a subdivided building, 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;”

“In relation to a subdivided land, a block in respect of the proposed land parcels, for which a separate provisional strata title is applied for;”

# SSTO 2019

## 4) To streamline workflow and work-processes

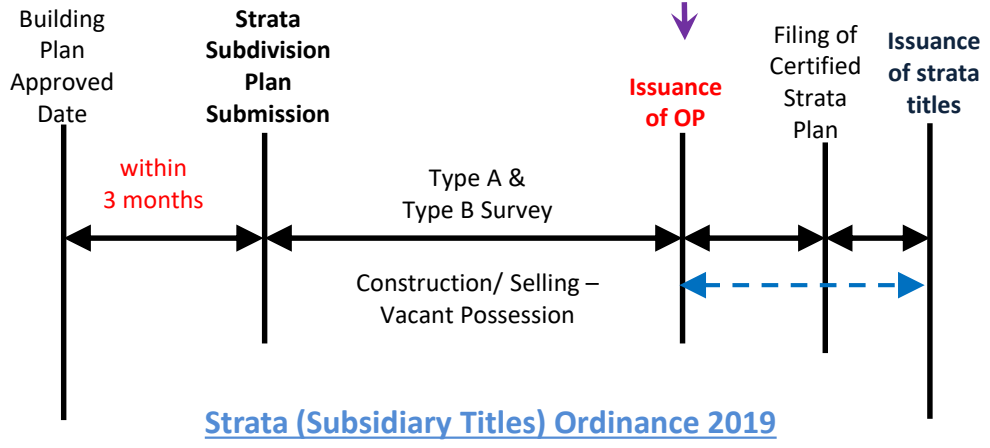
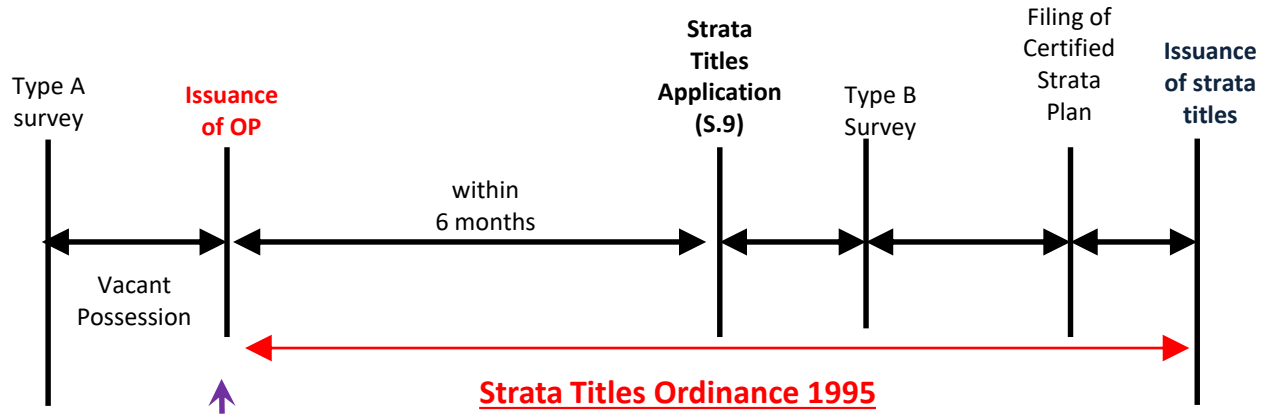
- Strata subdivision plan to be submitted within 3 months from the date of building plan approval
- Faster issuance of strata titles and formation of Management Corporations

### Issues/ STO 1995

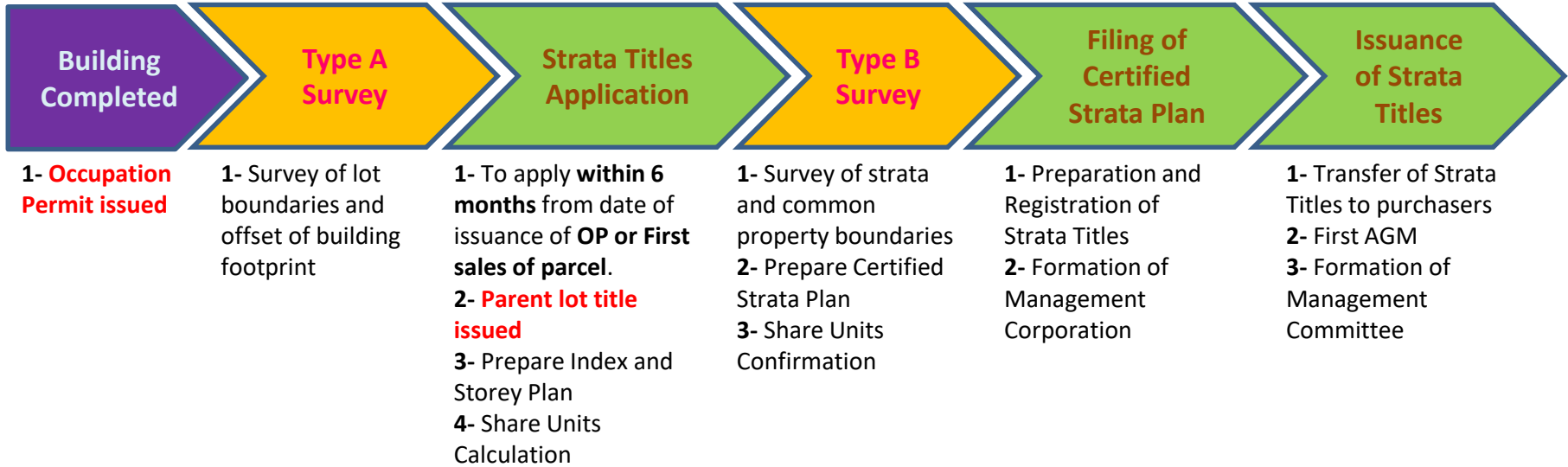
- i. Strata title application only carried out after issuance of OP.
  - i. Upon approval by SPA on strata title application, then only proceed with Type B survey.
- S.5(2)(b)- the expiry of six months from the date on which the first sale of a parcel in the building took place or the first agreement to sell a parcel in the building is entered into;

### SSTO 2019

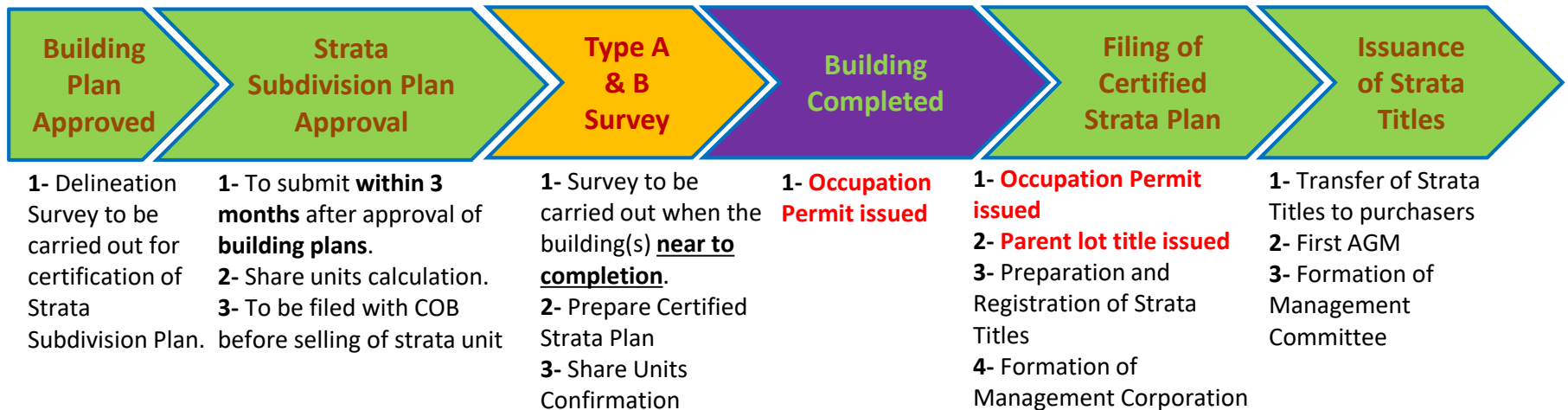
- S. 5(3)(b) in the case where the building is to be erected after the commencement of this Ordinance, **three months from the date of the building plan approved** under the Buildings Ordinance, 1994 [Cap. 8] or before sale of any parcel is entered into, whichever is the earlier:
- Filing of strata certified plan
- 11. (1) (a) the strata certified plan approved under section 10(6) in triplicate;



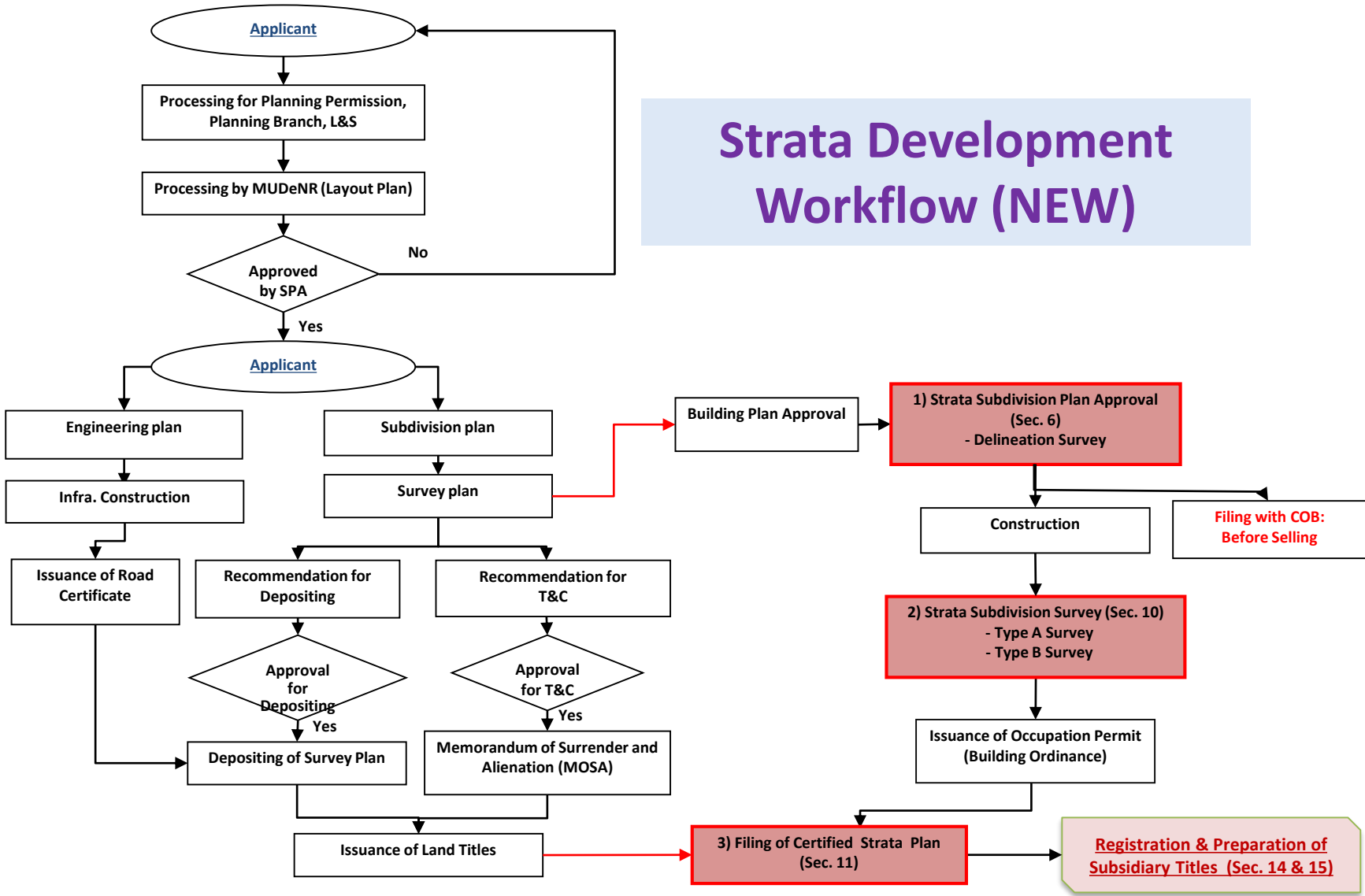
## Strata Titles Ordinance 1995



## Strata (Subsidiary Titles) Ordinance 2019



# Strata Development Workflow (NEW)



# Change of Approving Authority

- Strata Titles Application Approval at Divisional Level by Superintendent
- Extension and Phase Development by Director

No	Type of application		Approving Authority	
	STO 1995	SSTO 2019	STO 1995	SSTO 2019
1	Strata titles application (STA)/ Subdivision of provisional block upon completion	Strata subdivision plan approval (S.6)/ Strata subdivision plan approval for provisional block (S.17)	SPA	<b>Superintendent</b>
2	Extension of time for strata title application	Extension of time for strata subdivision plan approval	Minister	<b>Director</b>
3	-	Establishment of sub-mc or limited common property (new)	-	<b>Superintendent</b>
4	Strata titles application in the case of phased development (S.7)	Strata subdivision plan approval in the case of phased development (S.7)	SPA	<b>Director</b>
5	Division or amalgamation of parcels (Second Schedule)		SPA	<b>Director</b>
6	-	Acquisition of subdivided building or land: Approving share units (new)	-	<b>Superintendent</b>

# SSTO 2019

## 5) Subsidiary Management Corporation: Limited Common Property

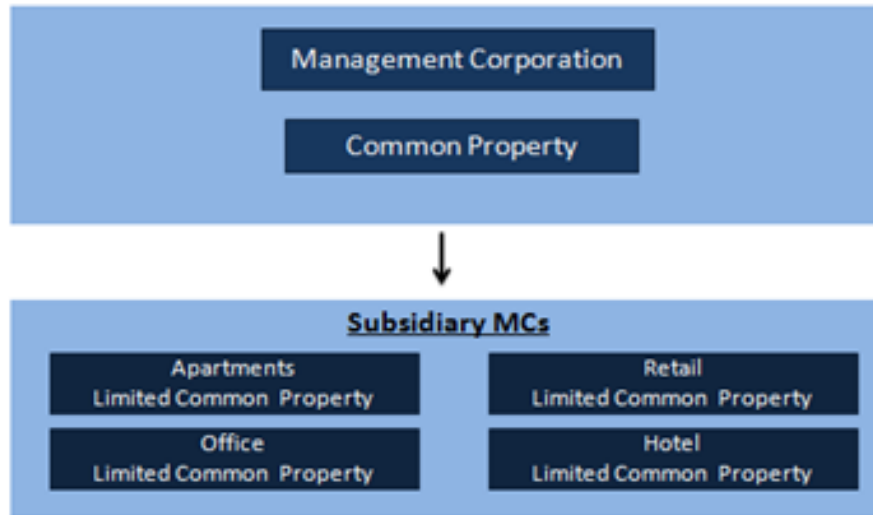
- To ensure efficiency in managing and maintaining the buildings & common properties and equitability in fees collection where the usage of each parcel owner may differ (ie. Commercial, office and residential)

### Issues/ STO 1995

- i. Management issues on collection and maintenance of common property where the usage of each parcel owner may differ widely (Commercial, office and residential)
- ii. No provision under STO 1995 to further subdivide the common property and formation of sub-MC

### SSTO 2019

- To introduce concept of “Limited common property and subsidiary management corporations”
- To provide for the separation of management of common areas and facilities
- “subsidiary management corporation” means, in relation to any limited common property comprised in a limited common property plan, the subsidiary management corporation constituted for that limited common property under Section 23 (4);





# SSTO 2019

## 6) Share Units Entitlement and Calculation

- To solve the dispute over share unit entitlements when come to voting, levy of maintenance fee and etc.

### Issues/ STO 1995

- i. No provision related to definition of share units and entitlement

### SSTO 2019

- Share unit entitlements
- The share unit of a lot shall determine —
- (a) the voting rights of the subsidiary proprietors;
  - (b) the quantum of the undivided share of each subsidiary proprietor in the common property; and
  - (c) the amount of contributions levied by a management corporation on the subsidiary proprietors of all the parcels in a subdivided building.

# SSTO 2019

## Share Units Calculation

- To provide principle for calculation of share units and the calculation to be certified by professional.

### Issues/ STO 1995

- i. No provision related to share units allocation principle
- i. Share Value calculation based on area multiply with factor (1 – Residential, 4 – Office, 5 – Commercial) did not consider the size of development and other usage like retail complex, SOHO, SOFO etc

### Proposed Provision/SSTO 2019

- To introduce principle of share units allocation
- Sec. 12(3)- The share unit of a parcel must be consistent with either—
- (a) the equality principle; or
- (b) the relativity principle.

Floor area	Share value*
50 m <sup>2</sup> and below	5
51 m <sup>2</sup> to 100 m <sup>2</sup>	6
101 m <sup>2</sup> to 150 m <sup>2</sup>	7
151 m <sup>2</sup> to 200 m <sup>2</sup>	8

\*The share value increases by one for every 50 m<sup>2</sup> of floor area.

# SSTO 2019

## 7) To compel greater professional responsibilities, compliance, certification and to strengthen the enforcement and investigation powers

- Certification by professional ie. land surveyor, architect and engineer.

-Endorsement by proprietor that the parcels shown in strata plan to be correct

### Issues/ STO 1995

- i. No provision under STO 1995 on who can certify the share value calculation
- ii. Non-compliance with the planning approval or building plan approval
- iii. Submissions are not in order/ lack of documentation
- iv. Share value calculation is not equitable or wrong due to incorrect formula or constant applied

### SSTO 2019

- S.6(1)(b) - a strata subdivision plan comprising an index plan, storey plan, ..... certified by a land surveyor as follows: ...
- ....that the boundaries of all the proposed parcels shown thereon have been endorsed by the proprietor to be correct and in accordance with what was sold or agreed to be sold by the proprietor;
- ....that the proposed share unit assigned to each proposed parcel by the proprietor is correct based on the principles in Section 12 (3); and

# SSTO 2019

## To strengthen the enforcement and investigation powers

- The Director has powers to investigate the commission of any offence under SSTO 2019.
- Appointment of authorized officer to exercise the enforcement powers .

### Issues/ STO 1995

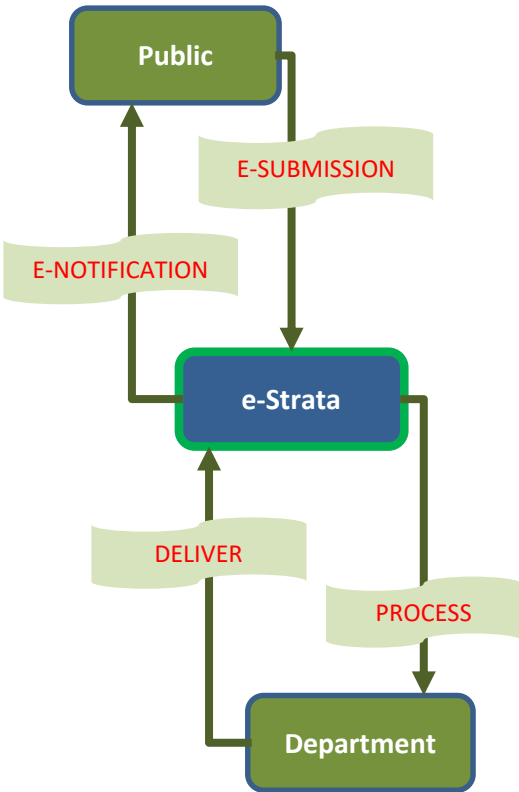
- Limited provision on enforcement aspects under STO 1995
- No specific provision on who can carry out investigation for offences committed under STO 1995

### SSTO 2019

- S.33(1)- The Director may investigate the commission of any offence under this Ordinance.
- S. 33(2)- The Director may authorize in writing any officer to exercise the powers of enforcement under this Ordinance.
- S.34- Search and seizure warrant
- S. 35- Search and seizure without warrant
- S.36- Power of Arrest

# Land and Survey Information System (LASIS)

## Enhancing LASIS: Developing new Sub-system for Strata Titles



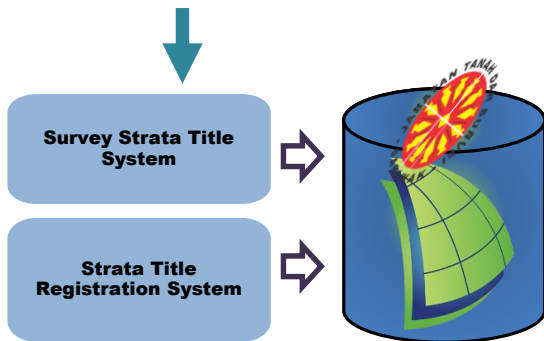
1. e-Submission portal for industry professional to submit Strata Subdivision plan and Strata Title plan and documents to Land and Survey Department for approval and registration.

2. Scope of new system:

- a) Strata Subdivision Plan approval
- b) Type B survey job approval
- c) Certified Strata plan approval
- d) Filing of Certified Strata Plan
- e) Preparation and Registration of strata titles

### The benefits:

- Security: Digital signature
- Round the clock submission: Anytime & anywhere
- Convenience: digital submission, one hub
- Reduce printing, travel time & hardcopy storage
- Standard submission format
- Faster and easy plans verification



SSTS version 12.1

Parcel Information Total Parcel: 60

BUILDING & LAND PARCEL BY USAGE ACCESSORY PARCEL VOID AREA COMMON AREA BY BUILDING AREA TREE VIEW

Show 10 entries Search:

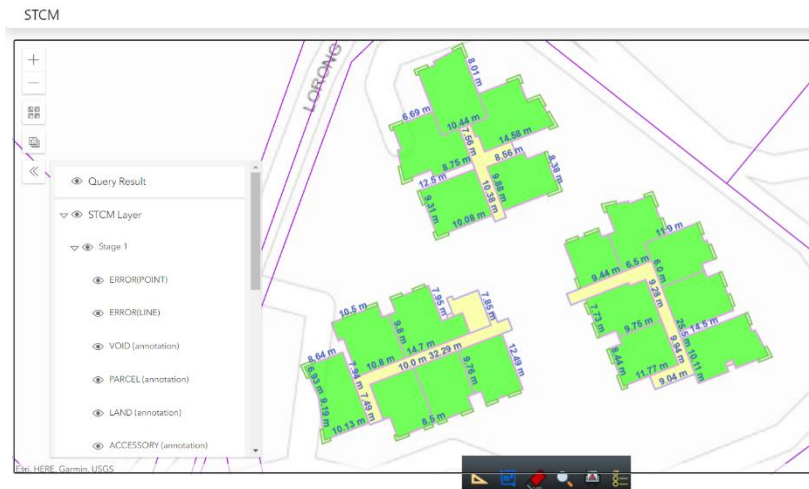
Building No.	Building No.	Scheme No.	Sub Scheme No.	Tower No.	Sub Tower No.	Storey	Mezzanine Floor No.	Land Parcel	Parcel No.	Height (m)	Elevation (m)	Floor Area (m <sup>2</sup> )	Accessory Parcel	Parcel Type	Share Unit
1	M1	1				1		1	1	3.0	3.52	45.7		FLAT	3.0
2	M1	1				1		2	3.0	3.52	45.7		FLAT	3.0	3.0
3	M1	1				1		3	3.0	3.52	45.7		FLAT	3.0	3.0
4	M1	1				1		4	3.0	3.52	45.7		FLAT	3.0	3.0
5	M1	1				1		5	3.0	3.52	45.7		FLAT	3.0	3.0
6	M1	1				1		6	3.0	3.52	49.7		FLAT	3.0	3.0
7	M1	1				1		7	3.0	3.52	45.9		FLAT	3.0	3.0
8	M1	1				1		8	3.0	3.52	45.9		FLAT	3.0	3.0
9	M1	1				1		9	3.0	3.52	45.9		FLAT	3.0	3.0
10	M1	1				1		10	3.0	3.52	45.7		FLAT	3.0	3.0

Showing 1 to 10 of 60 entries Previous 1 2 3 4 5 6 Next

### Boundary

Storey	Mezzanine	Parcel No.	Line Seq.	Line Dimension	Easting	Northing
1	-	1	1	7.60	2483135.55	5494805.10
1	-		2	4.80	2483135.56	5494812.70
1	-		3	2.43	2483140.36	5494812.70
1	-		4	0.50	2483140.36	5494810.27
1	-		5	7.17	2483140.86	5494810.27
1	-		6	3.30	2483140.85	5494803.10
1	-		7	2.00	2483137.55	5494803.10
1	-		8	2.00	2483137.55	5494805.10
1	-	2	1	7.17	2483140.85	5494803.10
1	-		2	0.50	2483140.86	5494810.27
1	-		3	2.43	2483141.36	5494810.27
1	-		4	4.80	2483141.36	5494812.70
1	-		5	7.60	2483146.16	5494812.69
1	-		6	2.00	2483146.15	5494805.09
1	-		7	2.00	2483144.15	5494805.09
1	-		8	3.30	2483144.15	5494803.09

Listing of Parcels' information, boundary, area, height etc.



Geospatial data checking and viewing

## Survey Strata Titles System

### •e-Submission & e-Application

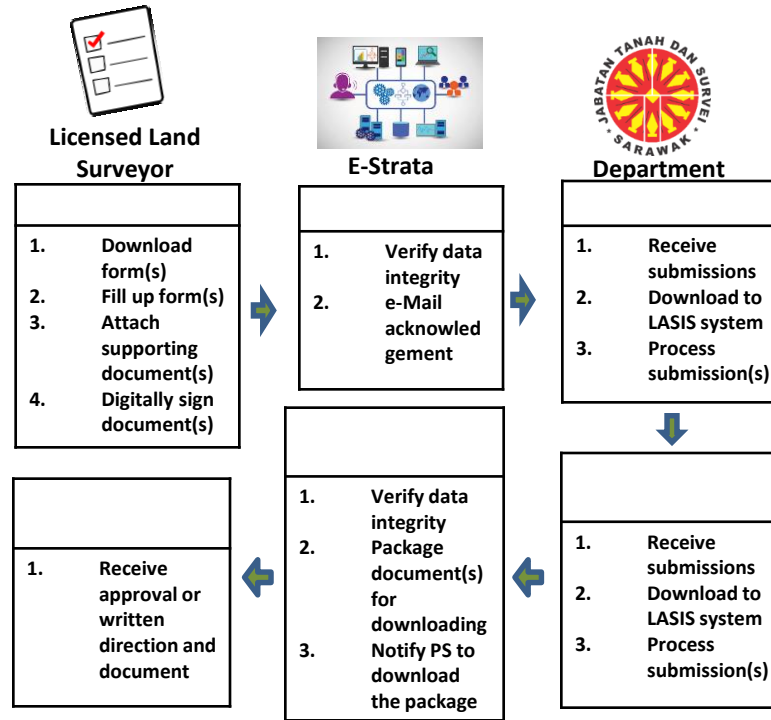
–Digital submission of applications, documents, plans and survey jobs

### •e-Plan

–Checking of Index plan, storey plan, delineation plan  
 –Topology checking and conversion to GIS environment  
 –Plans printing and digital signature

### •e-3D Parcel

–Type B Computation  
 –Creation of 3D strata parcels



## Strata Titles Registration System

### •Preparation and Registration of Strata Titles and Certificate MC/ Sub-MC

–Maintenance of data on subsidiary titles and instruments.  
 –Maintain a register for all subsidiary registers in the State  
 –Provide facility to process registration of subsidiary titles and instruments

REGISTER DOCUMENT OF SUBSIDIARY TITLE (Section 15(2)(a))					
By virtue of this title the registered proprietor shall have the rights and obligations to his individual parcel as provided under Part IV of Strata Title Ordinance, 2019.					
LOT NO.	BUILDING NO.	TOWER NO.	STOREY NO.	MEZZANINE NO.	PARCEL NO.
NAME(S) OF PROPRIETOR(S)					
Description of Land					
Term <input type="checkbox"/> Lease			Expiry Date		
Share units of the parcel					
Approved Usage					
Accessory parcel					
Total share units of all parcels on the Lot					
Certified Plan					
RESTRICTIONS AND SPECIAL CONDITIONS (including any modification of implied conditions and restrictions)					
Subject to restrictions and special conditions of ..... this parcel is to be used for ..... purposes.					
Dated this ..... day of .....					
Registrar/Asst. Registrar					

# Strata Parent Lot Title for Strata Scheme

## REGISTER (PART II) LEASE OF STATE LAND

KNOW ALL MEN BY THESE PRESENTS that I, **ANTHONY ABOI**, Superintendent of Lands and Surveys, **KUCHING** Division (hereinafter called "the said Superintendent") in consideration of the payment of a premium of Ringgit *nil*

(payable by instalments as follows :-  
(a) The first instalment of to be paid on the registration of this Lease; and  
(b) subsequent equal instalments of to be paid annually thereafter on the 10th day of May of each succeeding year) and of the restrictions and conditions hereinafter imposed do hereby under and by virtue of the powers conferred on me by the Land Code lease unto the proprietor(s) hereinafter named all that parcel of land situate in the **MUARA TEBAS LAND** District and known as Lot number **1335** in Block/Section Number **7** containing **2.225 ha.** more or less, and which is more precisely delineated on Survey Plan Number **MA-19-4(4.2) & DP 1/652** deposited in the office of the said Superintendent to hold from the **5th** day of **November, 1996** for the term expiring on the **4th** day of **November, 2056** subject to the payment thereof of the annual rent of Ringgit **TWO THOUSAND AND THREE ONLY (RM2,003.00)** or to the payment of such revised rent as may hereafter be determined under section 30 of the Land Code and subject also to the implied conditions and restrictions contained in the Land Code and to the express conditions hereinafter written.

In witness whereof I the said Superintendent have hereunto set my hand and seal of office this *tenth* day of *May, Two thousand and seven.*



*Anthony Aboi*  
Superintendent of Lands and Surveys

REGISTERED at the **KUCHING** Land Registry Office this **10th** day of **May, 2007.**



*[Signature]*  
Registrar/Asst. Registrar

Diagram



Scale : 1 : 3,000



# Strata Parent Lot Title for Strata Scheme

Classification : *Mixed Zone Land*  
 Category : *Town Land*  
 Locality : *Demak Laut Industrial Park, Kuching*  
 TRN. : *01-LCLS-014-007-01335*

L.&S. 10  
 Rule 4(b)  
 (Rev. 1/98 )



Block/Section-DISTRICT



Lot No.


MUARA TEBAS LAND

## NAME(S) OF PROPRIETOR(S)

*HOUSING DEVELOPMENT CORPORATION (a body corporate established by the Housing Development Corporation Ordinance, 2002 (Chapter 52))*

## RESTRICTIONS AND SPECIAL CONDITIONS (including any modification of implied conditions and restrictions)

- (i) *This land is to be used only for 8 blocks of 4-storey detached building for residential purposes;*
- (ii) *Any alteration to the existing building on this land or any new building to be erected thereon shall be in accordance with plans, sections and elevations approved by the Superintendent of Lands and Surveys, Kuching Division and shall also be in accordance with detailed drawings and specifications approved by The Commission of the City of Kuching North and shall be completed within one (1) year from the date of such approval by the Commission; and*
- (iii) *No transfer affecting this land may be effected without the consent in writing of the Director of Lands and Surveys.*

Limitation, Easement, Etc. & Annotation	Signature of Registrar/Asst. Registrar
1 2 3 4 Application for subdivision of building(s) hereon into parcels lodged vide 5 Application No. STA/1D/2015/09 on 27.02.2017 vide L.3872/2017 of 01.03.2017 6 7 8 9 10 11 12 13 14 15	

## REMARKS:

*Replacing part of Lot 1134 (Pt. II) Block 7 vide Svy. Job No. 482/1998, L.9632/2007 & Ref. 208/4-14/24*

*Town Land Grade I vide Gaz. Notif. No. Swk. L.N. 37 of 26.6.1993*

# Subsidiary Title

## FORM 4

( Section 14(2)(b)(iii), 14(4), 15(2)(a), 15(2)(b)(iii) and 16(1) )

### REGISTER DOCUMENT OF SUBSIDIARY TITLE

"Prefix,  
"Grant" or  
"State Lease"  
as the case  
may be

Registered No.\*  
Parcel No.

within Storey No.  
~~Storey~~ Certified Plan, Plan Number.

as shown for the purposes of

The parcel specified above, being within a building on the land scheduled below, is held for the full term of the title also so scheduled by the proprietor for the time being named herein, subject to the provisions of the Strata Titles Ordinance, 1995, to the provisions of the by laws relating to the said building and more particularly to the memorials, endorsements and other entries specified below.

By virtue of this title the said proprietor also enjoys voting rights in the Management Corporation proportionate to the share units of this parcel, as specified in the Schedule, in relation to the total share units of all sub-divided buildings on the land.

#### Schedule

(Description of Land)

Grant/Lease for the term

~~terminating~~ expiring

Share units of the parcel :

Accessory parcel :

Total share units of all sub-divided buildings on the land :

Dated this            day of

Registrar/Asst. Registrar

# Subsidiary Title

L.S. 129  
Strata Titles Ordinance  
(Revised 1996 2011)

TRN. :-

LOT NO.

STOREY NO.

PARCEL NO.

NAME(S) OF PROPRIETOR(S)

MEMORIALS, ENDORSEMENTS AND OTHER ENTRIES

~~Part I - The matters specified in Statement - Form 3~~  
\* Delete if not applicable

RESTRICTIONS AND SPECIAL CONDITIONS  
(including any modification of implied conditions and restrictions)

~~Part II - The following matters affecting this parcel only -~~

Limitation, Etc. & Annotation	Signature of Registrar/Asst. Registrar
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	

REMARKS:

# Subsidiary Title

FORM 4

( Section 15 (2)(a) )

## REGISTER DOCUMENT OF SUBSIDIARY TITLE

\*Prefix  
"Grant" or  
"State Lease"  
as the case  
may be

Registered No. \* *Lease Lot 1335 Block 7 Muara Tebas Land District*  
Parcel No. *1335-1-1* within Storey No. *one (1)* as shown for the purposes of identification in the  
appropriate Storey Plan herewith.

The parcel specified above, being within a building on the land scheduled below, is held for the full term of the title also so scheduled by the proprietor for the time being named herein, subject to the provisions of the Strata Titles Ordinance, 1995, to the provisions of the by laws relating to the said building and more particularly to the memorials, endorsements and other entries specified below.

By virtue of this title the said proprietor also enjoys voting rights in the Management Corporation proportionate to the share units of this parcel, as specified in the Schedule, in relation to the total share units of all sub-divided buildings on the land.

### Schedule

(Description of Land) *Lot 1335 Block 7 Muara Tebas Land District*

Grant/Lease for the term *60 years from 5th November, 1996*

terminating *4th November, 2056*

Share units of the parcel *3*

Total share units of all sub-divided buildings on the land *1,280*

Dated this *8th* day of *January, 2019.*

  
Registrar/Asst. Registrar  


# Subsidiary Title

L.&S. 129  
Strata Titles Ordinance  
(Revised 1/96)

1335

1

1

TRN. : 01-LCLS-014-007-01335-01-1

LOT NO.

STOREY NO.

PARCEL NO.

### NAME(S) OF PROPRIETOR(S)

HOUSING DEVELOPMENT CORPORATION (a body corporate established by the Housing and Development Corporation Ordinance, 2002)

### MEMORIALS, ENDORSEMENTS AND OTHER ENTRIES

\*Delete if not applicable

**Part I** - The matters specified in Statement :  
\*Form 3

**Part II** - The following matters affecting this parcel only :

Limitation, Etc. & Annotation	Signature of Registrar/Asst. Registrar
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	

REMARKS:

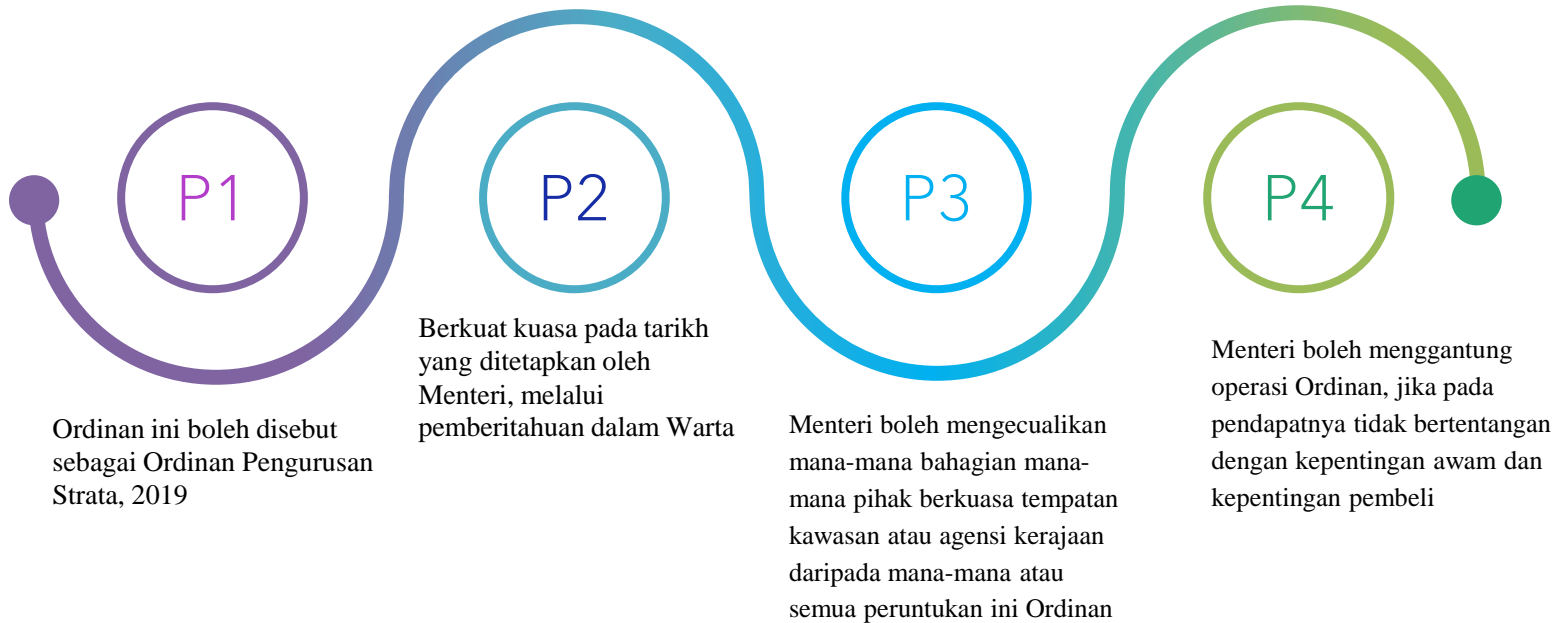


# **SARAWAK**

## **STRATA MANAGEMENT ORDINANCE 2019**

- 
- Satu Ordinan untuk mengadakan peruntukan bagi pengurusan dan penyelenggaraan bangunan atau tanah yang dicadangkan
  - dibahagikan kepada petak dan bangunan atau tanah yang dipecah bahagi

## Pemegang Kuasa





## **APLIKASI STRATA MANAGEMENT**

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- ✓ Terpakai bagi sesuatu pembangunan, di mana sebelum atau selepas permulaan Ordinan ini
- ✓ permit pendudukan bangunan di atas pembangunan dikeluarkan oleh pihak berkuasa tempatan
- ✓ perbadanan pengurusan telah wujud di bawah peruntukan Strata (Hak Milik Subsidiari) Ordinan 2019



## **Tugas dan kuasa pemaju untuk mengurus dan menyelenggara**

- Seorang pemaju hendaklah bertanggungjawab untuk mengurus dan menyelenggara bangunan atau tanah yang dipecah bahagi, dan harta bersama
- Pemaju hendaklah menjalankan kuasa dan melaksanakan tugas jawatankuasa pengurusan perbadanan
- Pemaju hendaklah memastikan bahawa kawasan yang berasingan dan berbeza diketepikan daripada harta bersama pembangunan
- Pemaju yang gagal mematuhi subseksyen (1) atau (3) adalah melakukan suatu kesalahan



## Sekatan semasa tempoh pengurusan awal



Q  
1

Pemaju hendaklah memegang semua wang dalam akaun yang diperlukan untuk dibuka dan disenggarakan

Q  
2

Pemaju hendaklah bertanggungjawab ke atas apa-apa kerugian atau kerosakan yang dialami oleh perbadanan pengurusan atau mana-mana pemilik subsidiari

Q  
3

Pihak perbadanan pengurusan atau mana-mana pemilik subsidiari boleh mendapatkan tuntutan semula daripada pemaju, sebagai ganti rugi

Q  
4

Mana-mana pihak yang gagal mematuhi subseksyen (1) akan melakukan suatu kesalahan dan hendaklah dihukum denda tidak melebihi dua ratus lima puluh ribu ringgit atau penjara selama tempoh tidak melebihi tiga tahun



## **Pemaju untuk menubuhkan akaun penyelenggaraan atas nama perbadanan pengurusan**

- ❖ pemaju hendaklah pada pengurusan awal membuka dan mengekalkan akaun penyelenggaraan berkenaan dengan pembangunan atas nama perbadanan pengurusan dengan bank atau institusi kewangan
- ❖ jika pemilikan kosong sesuatu petak telah dihantar sebelum Ordinan ini mula berkuatkuasa
- ❖ jika pemilikan kosong sesuatu petak telah diserahkan selepas Ordinan ini mula berkuatkuasa dan selepas perbadanan pengurusan itu wujud
- ❖ jika pemilikan kosong sesuatu petak telah dihantar selepas Ordinan ini mula berkuat kuasa dan sebelum perbadanan pengurusan itu wujud dan jika tiada badan pengurusan bersama ditubuhkan di bawah seksyen 16(1)

**THANK YOU**