



# FEDERAL LAND MANAGEMENT

**FEDERAL LAND PROPERTY DIVISION  
DEPARTMENT OF DIRECTOR GENERAL OF LAND  
AND MINES FEDERAL**

## Outline of Presentation

**Federal Lands Under the Constitution & Malaysia Act 1963**

**Federal Lands Commissioner**

**Procurement Methods & Vesting**

**FLC's Land Database**

**Management**

**Revenue Generation**

**Issues**

# **FEDERAL LANDS UNDER THE CONSTITUTION**

# Federal Constitution

## Article 83 (1)

**“ If the Federal Government is satisfied that land in a State, not being alienated land, is needed for federal purposes that Government may, after consultation with the State Government, require the State Government, and it shall then be the duty of that Government, to cause to be made to the Federation, or to such public authority as the Federal Government may direct, such grant of the land as the Federal Government may direct;**

## Article 83 (2)

**Where in accordance with Clause (1) the Federal Government requires the State Government to cause to be made a grant of land in perpetuity, the grant shall be made without restrictions as to the use of the land but shall be subject to the payment annually of an appropriate quit rent and the Federation shall pay to the State a premium equal to the market value for the grant.**

# Federal Constitution

## Article 85 (5)

In this Article the reference to land in a State reserved for federal purposes includes:-

- i. Any land which was reserved before Merdeka Day in accordance with the provisions of any law then in force in the State for any purpose which has become a federal purpose after Merdeka Day;
- ii. Any land reserved for any federal purpose after Merdeka Day in accordance with provisions of any law for the time being in force in a State;
- iii. Any State Land referred to in the repealed Clause (4) of Article 166; and
- iv. Any land in a State reserved for Federal purposes by Virtue of Clause (7) of Article 83

**FEDERAL LANDS UNDER THE  
MALAYSIA ACT 1963**

# MALAYSIA ACT 1963

## Article 75

### **Succession to property.**

**75.** (1) Subject to sections 78 and 79, any land which on Malaysia Day is vested in any of the Borneo States or in the State of Singapore, and was on the preceding day occupied or used by the government of the United Kingdom or of the State, or by any public authority other than the government of the State, for **purposes which on Malaysia Day become federal purposes**, shall on and after that day be occupied, used, controlled and managed by the Federal Government or, as the case may be, the said public authority, so long as it is required for federal purposes; and that land—

- (a) shall not be disposed of or used for **any purposes other than federal purposes** without the consent of the Federal Government; and
- (b) shall not by virtue of this sub-section be used for federal purposes **different from the purposes for which it was used immediately before Malaysia Day** without the consent of the government of the State and, where it ceases to be used for those purposes and that consent is not given, shall be offered to the State accordingly.

**FEDERAL LANDS COMMISSIONER**



# Federal Lands Commissioner Act 1957 (Act 349)

Was enacted:-

- i. as a result of the constitutional changes which necessitated the discontinuance of the office of Chief Secretary, it is necessary to make other arrangements for the holding of property on behalf of Government;
- ii. To Incorporate a Federal Lands Commissioner by whom the immovable property of Government may be held.

Came into force 27 August 1957 in Peninsular Malaysia and 27 October 1967 to Sabah and Sarawak

# Federal Lands Commissioner Act 1957 (Act 349)

## Section 3 (1)

The Yang Di-Pertuan Agong may appoint , from time to time, **a public officer** to be the Federal Lands Commissioner

## Section 4

The Corporation may enter into contracts and may acquire, purchase, take, hold and enjoy movable and immovable property of every description, and may convey, assign, surrender and tied up, charge, mortgage, demise, reassign, transfer or otherwise dispose of, or deal with, any movable or immovable property vested in the Corporation upon such terms as to the Corporation seems fit

## Federal Lands Commissioner Act 1957 (Act 349)

Section 5 (1) All deeds, documents and other instruments requiring the seal of the Corporation shall be sealed with the seal of the corporation in the presence of -

(a) the Federal Land Commissioner; or

(a) any officer designated by the Federal Lands Commissioner for the purposes of the subsection by notification in the GazetteThe Yang Di-Pertuan Agong may appoint , from time to time, a public officer to be the Federal Lands Commissioner

# **PROCUREMENT METHODS BY THE FEDERAL GOVERNMENT**

# PROCUREMENT METHODS

Land applications  
through  
alienation

Land applications  
through  
reservation

Direct purchase

Land Acquisition

Leasing

# VESTING TO FLC

- Vesting of lands (immovable property) through dissolution of federal agency (Dissolution Act) behalf of the government
- Vesting through court order for criminal offences;
  - (a) Dangerous Drugs (Forfeiture Of Property) Act 1988
  - (b) Anti-money Laundering And Anti-terrorism Financing Act 2001

## VESTING TO FLC

Anti-money Laundering And Anti-terrorism Financing Act 2001;

Section 58 (4);

Where the property vested in the Federal Government under subsection (1) is immovable property, the vesting shall upon production to the Registrar of Titles or the Land Administrator, in Peninsular Malaysia, or to the Registrar of Titles or the Collector of Land Revenue, in Sabah or the Registrar of Titles or the Director of Lands and Surveys, as the case may be, in Sarawak of the order of the court forfeiting the immovable property, or in the case of property forfeited under subsection 55(1), a certificate of the Public Prosecutor certifying that it has been forfeited, be registered in the name of the Federal Lands Commissioner.

# FLC'S LAND DATABASE

	<b>NO.LOT</b>	<b>AREA (HECTAR)</b>
TITLES	29,947	<b>235,865</b>
RESERVES	6,868	<b>16,377</b>

(28 August 2018)



# MANAGEMENT

## ➤ **Optimizing federal land usage**

- A federal land in peninsular can be use by more than one agency
- Land user can be change from one ministry to another
- Land – no restriction on usage
- Sabah & Sarawak – a land can only be use for a single purpose
- Land user can be change but need state approval and additional premium

## ➤ **Surrendering federal land to the state for public purpose**

- whole land or a part of land
- Application from Land Department
- Approval of surrendering from three ministers (Minister of Finance, Minister in charge for the agency (user) & Minister in charge for federal land)

# MANAGEMENT

- Ministries/agency must take necessary steps to avoid encroachment on federal land;
  - Fencing/ security guard
  - Placing signage on the land
  - Frequently going to the site
  - Short term tenancy

# REVENUE GENERATION

## 85(4) Federal Constitution

Except as provided by this Article, land in a State which is reserved for federal purposes shall not cease to be so reserved , and all land so reserved shall be controlled and managed by or on behalf of the Federal Government, and the Federal Government may grant any right of occupation, control or management, or a tenancy or lease, of the whole or any party of such land, to any person-

(a) for the use of the land by such person for any duration for the federal purpose for which it is reserved, or for any purpose ancillary or incidental thereto; or

(b) where the Federal Government is unable for any reason to use the land for the time being for the federal purposes for which it is reserved, for its use by such person for any purpose other than a federal purpose, for such duration and on such terms and conditions as the Federal Government may determine

# REVENUE GENERATION

## 86(1) Federal Constitution

Where any interest in land is vested in the Federation, or in a public authority, for any purpose, the Federation or the public authority may dispose of that interest or any smaller interest in the land to any person as it deems fit.

# REVENUE GENERATION

The FLC may :-

Approve for tenancy (short term) not exceeding 3 years approval by a Committee;

Approve for lease (long term) not exceeding 99 years with the approval of the Cabinet;

sale – conducted by MoF and FLC with the approval from cabinet, imposed conditions and restriction on land, land tenure

# ISSUES

## Land Encroachment

- Additional cost to the project
- Creating political and social issues
- Enforcement conducted with the cooperation from the state authority/agency
- ex gratia payment to the squatters according state directions

## Non Performing Assets

- Unused FLC's land
- Burden on quit rent
- Offering to another agency
- Sale/lease/tenancy

**THANK YOU**