

**PEKELILING PENGARAH TANAH DAN GALIAN KELANTAN  
BIL 3/2006**

**PERMOHONAN UNTUK MENGGUNAKAN TANAH YANG  
TERTAKLUK KEPADA JENIS KEGUNAAN PERTANIAN  
UNTUK TUJUAN SELAIN  
DARI KEGUNAAN PERTANIAN**

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Pekeliling ini adalah bertujuan untuk menasihatkan Pentadbir-Pentadbir Tanah mengenai tatacara memproses permohonan untuk menggunakan tanah pertanian bagi tujuan tidak berkaitan pertanian.

1. Pihak Berkuasa Negeri telah membuat Kaedah-Kaedah Tanah Kelantan (Pindaan 2006) berhubung dengan perkara tersebut di atas. Diantara Kaedah-Kaedah yang dipinda ialah dengan memasukkan Kaedah-Kaedah Baru seperti berikut :-

- |     |             |                                                                   |
|-----|-------------|-------------------------------------------------------------------|
| 1.1 | Kaedah 10C- | Premium yang patut dikenakan                                      |
| 1.2 | Kaedah 20C- | Permohonan                                                        |
| 1.3 | Kaedah 21 - | Fee dengan memasukkan item 77 dan<br>78 di bawah kaedah tersebut. |
| 1.4 | Jadual 16 - | Borang A, B, C dan D                                              |

Salinan warta kerajaan bil. K.N.PU.22/2006 dikembarkan bersama ini

2. Jenis binaan yang dibenarkan adalah seperti berikut :-\
- |     |                                  |
|-----|----------------------------------|
| 2.1 | Menara Pemancar Telekomunikasi   |
| 2.2 | Tapak Perniagaan Kereta Terpakai |
| 2.3 | Tapak Exco Perdagangan           |
| 2.4 | Gerei Makan                      |
| 2.5 | Bengkel                          |

- 2.6 Pondok Menjual Buah dan
- 2.7 Lain-lain binaan yang difikirkan sesuai

3. Pentadbir-Pentadbir Tanah Jajahan diminta mengambil maklum mengenai pindaan tersebut serta tatacara memproses permohonan berkenaan seperti di **LAMPIRAN A**. Terutama untuk memproses permohonan yang melibatkan menara telekomunikasi di atas mana-mana tanah pertanian yang tidak munasabah untuk diubahsyarat kegunaan keseluruhannya.

4. Pekeliling ini berkuatkuasa serta-merta.

t.t

**(DATO' HJ MOHD JAMIL BIN MOHAMED)**  
PENGARAH TANAH DAN GALIAN  
NEGERI KELANTAN

**KEPADA :**

- 1. Semua Pentadbir Tanah  
Negeri Kelantan.

**SALINAN KEPADA :**

- 1. YAB Dato' Tuan Guru Menteri Besar  
Negeri Kelantan
- 2. YB. Dato' Timbalan Menteri Besar  
Negeri Kelantan
- 3. YB. Dato' Setiausaha Kerajaan  
Negeri Kelantan
- 4. YB. Dato' Pegawai Kewangan  
Negeri Kelantan

5. YB. Dato' Penasihat Undang-Undang Negeri Kelantan
6. YBrS. Ketua Audit Negeri Kelantan
7. YABrs. Ketua Penolong Setiausaha  
(Bahagian Majlis Mesyuarat Kerajaan SUK)
8. YBrS. Ketua Penolong Setiausaha  
(Bahagian Kerajaan Tempatan SUK)

PEJABAT PENGARAH TANAH DAN GALIAN  
NEGERI KELANTAN  
BLOK 3, KOTA DARULNAIM  
**15576 KOTA BHARU**

Bertarikh : 11 Disember 2006  
Fail : PTG.PK18/5/8 (9)

**TATACARA PENGGUNAAN TANAH PERTANIAN BAGI  
TUJUAN YANG TIADA KAITAN DENGAN PERTANIAN**

1. **PERMOHONAN**

- 1.1 Permohonan hendaklah dikemukakan kepada Pentadbir Tanah daerah yang berkenaan menggunakan borang yang ditetapkan di dalam Kaedah Tanah Negeri.
- 1.2 Permohonan hendaklah disertakan dengan :-
- (a) Pelan tapak
  - (b) Pelan pembinaan dan anggaran kos pembinaan
  - (c) Fee permohonan sebagaimana yang ditetapkan di dalam Kaedah Tanah Negeri;
  - (d) Persetujuan bertulis daripada setiap orang / badan yang mempunyai kepentingan berdaftar di atas tanah berkenaan termasuk penyewa yang dikecualikan daripada pendaftaran ;dan
  - (e) Dokumen yang berkaitan dengan surat kuasa wakil (Power of Attorney) sekiranya permohonan dibuat oleh seseorang yang mempunyai kuasa tersebut (dalam kes ini Pentadbir Tanah hendaklah mengambil tindakan yang sewajarnya mengikut peruntukan seksyen 157B KTN)

2. **LAPORAN TANAH**

- 2.1 Laporan tanah hendaklah disediakan oleh Pegawai Petempatan.

3. **RUJUKAN KEPADA PIHAK BERKUASA TEMPATAN**

- 3.1 Pentadbir Tanah hendaklah merujuk kepada Pihak Berkuasa Tempatan (atau Jabatan Perancangan Bandar dan Desa sekiranya permohonan terletak di luar kawasan Pihak Berkuasa Tempatan) bagi mendapatkan ulasan dan pandangan
- 3.2 Pentadbir Tanah juga boleh mendapatkan ulasan dan pandangan dari mana-mana jabatan teknikal lain yang berkaitan sekiranya perlu.
- 3.3 Pentadbir Tanah hendaklah juga mendapatkan nilai pasaran tanah daripada Jabatan Penilaian dan Perkhidmatan Harta untuk tujuan mengenakan fee tambahan, jika perlu.

4. **PENYEDIAAN KERTAS MMK UNTUK PERTIMBANGAN PIHAK BERKUASA NEGERI**

- 4.1 Pentadbir Tanah hendaklah menyediakan kertas MMK untuk pertimbangan untuk kelulusan Pihak Berkuasa Negeri (PBN) melalui Pengarah Tanah dan Galian.
- 4.2 Sekiranya Pentadbir Tanah berpendapat permohonan tersebut boleh dipertimbangkan untuk kelulusan, kertas MMK berkenaan hendaklah juga mengandungi perkara-perkara berikut;
  - a) Ulasan dan perakuan daripada Pihak Berkuasa Tempatan dan jabatan teknikal lain jika ada;
  - b) Sekiranya berkaitan, persetujuan daripada setiap orang/badan yang mempunyai kepentingan berdaftar di atas tanah berkenaan termasuk penyewa yang dikecualikan daripada pendaftaran;

- c) Kenyataan bahawa cukai tanah tidak tertunggak
- d) Sekiranya permohonan dibuat oleh seseorang di bawah “Power of Attorney” kenyataan bahawa keperluan di bawah seksyen 157A KTN telah dipatuhi;
- e) Fee tambahan
- f) Bayaran lain sepertimana yang diperuntukkan di bawah Kaedah Tanah Negeri
- g) Kadar cukai baru; dan
- h) Keperluan lain yang difikirkan sesuai oleh Pentadbir Tanah yang perlu dipatuhi oleh pemohon.

5. **KEPUTUSAN PIHAN BERKUASA NEGERI (PBN)**

5.1 PBN boleh menimbang perakuan Pentadbir Tanah seperti yang dinyatakan di para 4.2 dan mengenakan lain-lain syarat yang difikirkan sesuai;

5.2 PBN juga boleh menyediakan apa-apa dasar umum termasuk perkara-perkara seperti berikut;

- a) Jenis binaan yang dibenarkan seperti;
  - i. Menara pemancar telekomunikasi;
  - ii. Tapak perniagaan;
  - iii. Tapak expo perdagangan;
  - iv. Gerai makan;
  - v. Bengkel;
  - vi. Pondok menjual buahan; dan
  - vii. lain- lain binaan yang difikirkan sesuai oleh PBN
- b) Kawasan di mana permohonan sedemikian boleh dipertimbangkan;

- c) Permit khas penggunaan sementara untuk tempoh tidak melebihi satu (1) tahun dan hendaklah diperbaharui sekiranya diperlukan;
- d) Syarat kelulusan pemberian permit termasuk had tempoh memperbaharui permit dan keadaan di mana pemohon hendaklah diminta mengemukakan permohonan tukar syarat di bawah peruntukan seksyen 124 atau 124A KTN sekiranya syarat kelulusan tidak dipatuhi atau tempoh penggunaan melebihi had yang ditetapkan;
- e) Apa-apa fee tambahan yang dikenakan hendaklah dikira berdasarkan tempoh masa kelulusan yang diberikan atau perlu dijelaskan oleh pemohon secara serentak (lump sum);
- f) Keluasan tanah yang boleh dipertimbangkan ;dan
- g) Perkara lain yang difikirkan sesuai oleh Pihak Berkuasa Negeri.

5.3 Sekiranya permohonan diluluskan oleh PBN, Pentadbir Tanah hendaklah mengambil tindakan berikut:

- a) Memaklumkan kepada pemohon kelulusan berkenaan dan syarat- syarat yang dikenakan oleh PBN; dan
- b) Meminta pemohon membayar apa-apa amaun yang perlu dibayar.

## 6. **MENYEDIAKAN BORANG UNTUK TINDAKAN PIHAK BERKUASA PENDAFTARAN**

6.1 Pentadbir Tanah hendaklah mengisi Borang menggunakan format yang ditetapkan di dalam kaedah Tanah Negeri;

- 6.2 Borang berkenaan hendaklah disediakan sebaik sahaja menerima surat daripada pemohon yang menyatakan persetujuan ke atas syarat-syarat yang dikenakan oleh PBN; dan
- 6.3 Borang berkenaan hendaklah dikepilkan dengan dokumen hakmilik keluaran (DHK).

7. **MEMORIAL DI DALAM DOKUMEN HAKMILIK**

- 7.1 Pentadbir Tanah/Pendaftar Hakmilik hendaklah juga membuat catatan di dalam dokumen-dokumen hakmilik daftar dan keluaran yang menyatakan tarikh dan kuasa yang membuat catatan, tempoh kelulusan dan syarat-syarat yang dikenakan;
- 7.2 Pentadbir Tanah hendaklah mengembalikan DHK kepada pemilik atau mana-mana orang yang daripadanya DHK itu diperolehi dan penerimaanya hendaklah diperakukan dan
- 7.3 Pentadbir Tanah hendaklah juga memerhatikan supaya dibuat di dalam daftar cukai jika kelulusan tersebut melibatkan cukai tahunan.

Jabatan Ketua Pengarah Tanah dan Galian  
Kementerian Tanah Dan Pembangunan Koperasi



## **KN. P.U. 22**

### **KANUN TANAH NEGARA 1965**

#### **KAEDAH-KAEDAH TANAH KELANTAN (PINDAAN) 2006**

PADA menjalankan kuasa-kuasa yang diberikan oleh Seksyen 14,

Kanun Tanah Negara 1965, Pihak Berkuasa

#### **Nama**

1. Kaedah-kaedah ini bolehlah dinamakan **Kaedah-kaedah Tanah Kelantan (Pindaan) 2006**.

Pindaan Kaedah 10

2. Kaedah-Kaedah Tanah Kelantan 1966 [*Kn. P.U. 12/67*], yang disebut “kaedah-Kaedah ibu” dalam Kaedah-Kaedah ini, dipinda dengan memasukkan selepas kaedah 10B kaedah yang berikut :

#### **“THE PREMIUM TO BE CHARGED UPON THE APPLICATION TO USE ALIENATED LAND SUBJECT TO THE CATEGORY OF AGRICULTURE FOR PURPOSES OTHER THAN AGRICULTURAL PURPOSES**

10C (a) Additional premium – RM 1,000.00  
(nominal)

(b) Penalty

(if the construction made without  
licence)

(i) for a residential building converted to business –one  
percentum of the market value of the residence.

(i) for a double storey residential building which the  
ground floor converted for business – fifty percentum  
of para (b)(i)

(ii) shophouse – 2% of the market value of the shophouse

- (iv) telecommunication tower and other constructions – 10% of the construction cost
- (c) Annual rent - current rate (agriculture) = x  
 (Area of the agriculture land x the rate of the agriculture land)  
 - Current rate (Business buildings) = y  
 (Area of the business building x rate of the business building)  
 New rent = x + y

### **Pindaan Kaedah 20**

3. Kaedah-Kaedah ibu, dipinda dengan memasukkan selepas kaedah 20C kaedah yang berikut :

**“THE APPLICATION TO USE ALIENATED LAND SUBJECT TO THE  
 CATEGORY OF AGRICULTURE FOR PURPOSES OTHER THAN AGRICULTURAL PURPOSES**

20D(1). The State Authority may, in accordance with paragraph 115(4) (f) and (g) of the Code, permit the temporary use licence of any alienated land subject to the category ‘agriculture’ for any purpose other than agricultural purposes; and, in any case, the licence-

- (a) shall be in Form D of Schedule 16; and
- (b) the licence shall be issued or renewed by the land administrator on behalf of the State Authority;
- (c) the licence shall be issued for a term expiring not later than the end of the calendar year in which it commences and the Administrator may, on the application, renew such a licence for a term of not more than one calendar year:

Provided that there shall not be more than four renewals made in respect of a temporary use licence

- (2) The application for an approval under subrule 20D(1) shall be made by the proprietor in Form A of Schedule 16:

Provided that the portion of the area proposed for the temporary use shall not exceed one fifth of the whole area.

- (3) The application made under this rule shall be accompanied by :

- (a) such fee as prescribed;
  - (b) a plan showing the portion of the area to be temporarily used;
  - (c) a building plan, together with the construction costs, and a copy of approval from Planning Authority;
  - (d) the written consent of any person or body having a registrable interest upon the land including any person or body claiming to be entitled to the benefit of a tenancy exempt from registration; and
  - (e) a copy of a power of attorney if the application made by a donee of a power of attorney pursuant to section 157A of the Code.
- (4) No application made under this rule shall be approved by the State Authority unless the following conditions are satisfied:
- (a) the temporary use shall not contravene any restriction in interest to which the land for the time being is subject;
  - (b) the temporary use shall not be in contrary to any provision of any written law for the time being in force, and that any requirement imposed with respect thereto by or under any such law have been complied with;

- (c) without prejudice to the generality of paragraph (b) -
    - (i) that any necessary approval of any planning authority has been obtained; and
    - (ii) that the temporary use shall not be in contrary to any plan approved by the State Authority for the development of the area in which the land is situated, or to any decision of any planning authority for that area.
  - (d) that no item of land revenue is outstanding in respect of the land.
- (5) Subject to the subrule 20D(1), any approval by the State Authority maybe made conditional upon the following matters:
- (a) the payment of deposit has been paid to the Land Administrator, an amount estimated by him as total amount of which shall become due to the State Authority;
  - (b) the payment of additional fee at rate of one percent of the construction costs for number of years approved for the temporary use;
  - (c) the payment for new annual rent, computed on the basis of the portion of land approved for the licence in addition to the annual rent in respect of the land already imposed;
  - (d) in compliance with such other requirement as the State Authority may think fit.
- (6) On approving, the land administrator shall notify the applicants in Form B of Schedule 16 and call upon the applicant to pay him within a specified time the amount of fees chargeable; and if by the end of that period the whole of that sum has not been tendered to him, the approval shall thereupon lapse.

- (7) On receipt of the sum demanded, the land administrator shall sign a memorandum in Form C Schedule 16 in accordance with the direction of the State Authority and shall present the same, and on the memorial thereof being made, the registrar shall make an entry on the register and issue documents of title to the land and shall note thereof and the authority therefore, and authenticated the same under his hand and seal”.

### **Pindaan kaedah 21**

4. Kaedah 21, Kaedah-Kaedah ibu adalah dipinda dengan memasukkan selepas item 76 item yang berikut :

|    |                                                                                                                  |                   |                     |        |
|----|------------------------------------------------------------------------------------------------------------------|-------------------|---------------------|--------|
| 77 | Application fee to use alienated land subject to the category of agriculture for purposes other than agriculture | 115(4)(f) and (g) | Schedule 16 Form A  | 80.00  |
| 78 | Annual licence                                                                                                   | 115(4)(f) and (g) | Schedule 16 Form D” | 100.00 |

5. Jadual dalam Kaedah-Kaedah ibu adalah panda dengan memasukkan selepas Jadual 15, Jadual Baru yang berikut :

**SCHEDULE 16  
(rule 20D)**

**FORM A**

**APPLICATION FOR TEMPORARY USE LICENCE**

To the Land Administrator, District of .....  
I/We

.....

Of .....

proprietor/proprietors of the land described in schedule; hereby apply for approval of using a portion of land, as indicated in the attached plan, for the purpose of .....

2. As required by rule 49, I/We now submit -

- (a) the prescribed fee of RM .....;
- (b) the plan above referred with ..... copied thereof;
- (c) a copy of the approval of planning authority;
- (d) a letter of consent from each of the following persons (being persons whose consent in writing is required for the particular reason specified in each such letter):
  - (1) .....
  - (2) .....
  - (3) .....
- (e) a building plan and the construction costs

Dated this ..... day of ..... 20 .....

.....  
*Signature of proprietor*

SCHEDULE

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Town/Village/Mukim ..... Lot/Parcel No. ....  
Description and No. Of. Title ..... Area .. ..

**FORM B**

**NOTICE OF APPROVAL**

Application For Temporary Use Licence No. ....

To

.....

Of

.....

You are hereby required, within a period of .....

From the date of the service of this notice to pay at the Land Office of this district the following sums :-

- |    |                                                                                     |    |
|----|-------------------------------------------------------------------------------------|----|
| a. | Licence Fee                                                                         | RM |
| b. | Additional fee at the rate of 1 percent<br>Of the construction costs for five years | RM |
| c. | Deposit                                                                             | RM |

\_\_\_\_\_  
Total RM  
\_\_\_\_\_

Take notice that if the above total is not paid in full within the time specified then, by virtue

of subrule 20D(6), the approval shall thereupon lapse.

Dated this .....day of .....20 .....

Land Administrator .....



District .....

**FORM C**

**MEMORANDUM OF TEMPORARY USE LICENCE**

On the application of..... proprietor/proprietors

of the land held under Title No. ....Lot. No. ....

Town/Village/Mukim ..... District .....

Covering an area of ..... square  
metres of The whole land (as indicated in plan attached), the State Authority has  
approved the temporary use licence of the said area for the purpose of .....

.....

.....

subject to the imposition of a new quit rent of RM .....

This licence shall commence on ..... and expire  
on .....

I, ..... the District Land

Administrator, hereby request that endorsement be made on the document of  
title in accordance with the above approval.

Date .....

.....  
*District Land Administrator*

Endorsement has been made on register document of title this .....

Day of ..... 20 .....

.....

**FORM D**  
**TEMPORARY USE LICENCE**

Purpose of use - .....

Fee RM .....

Name of proprietor/proprietors : .....

.....

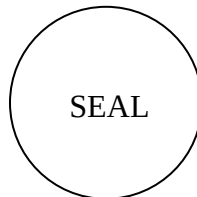
Address .....

is hereby licenced to temporary use the land described below for the purpose specified above.

The temporary use shall subject to the provisions specified in the schedule and to any other provisions of these Rules.

Issued this ..... Day of ..... 20 .....

.....  
*Land Administrator*



DESCRIPTION OF LAND

Town/Village/Mukim ..... Lot/Parcel No. ....

Area of land to be used .....(Plan overleaf)

SCHEDULE

(1) This licence shall commence on .....

and expire on.....

(2) The portion of land (as indicated in plan attached) may not be used for any purpose other than that stated above.

(3) The licence may be terminated -

- a. immediately upon, or at any time after, the occurrence of a breach of any rule, term or condition to which it is subject without payment of any compensation.
- b. Upon payment of compensation to be agreed or determined in accordance with the provisions of section 434 of the Code at any time before the date of expiry

(4) In addition to the fee stated above, an additional fee shall be payable in a sum of RM .....

(5) The portion of land approved for the purpose stated above is subject to the annual rent of RM .....

(6) The licence is subject to any additional conditions as stated below -

.....  
.....  
.....

Made this 24 May 2006  
[PTG.PK. 18/5/8(5)]

**HAJI CHE ISMAIL BIN HASABULLAH**  
**Clerk of State Executive Council**  
**Kelantan**