

# Proposed Legislation for 3D Cadastre in Malaysia

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## SUMMARY

Malaysia is fortunate to be acknowledged as being having amongst the best practises in cadastral system in the world. Even though the cadastral system is predominantly 2D based, with the introduction of Part 5A of the National Land Code, 1965 on Disposal of Underground Land in 1990 , it is now possible to own a separate title over a "stratum" or 3D (volumetric) parcel of underground land. In order for the cadastral system to support the emerging trend of overlapping or stacking developments due to scarcity and exorbitant price of land for development in major cities such as Kuala Lumpur Johor Bahru and George Town, titles for 3D parcels above (in addition to below) ground should also be legally recognised.

This paper attempts to provide an introduction to the proposed legislation for a 3D air space title in Malaysia. It draws on the Part 5A of the National Land Code, 1965 (NLC) on Disposal of Underground Land with the aim of introducing the concept of "spatium" lots with measurements in 3D. This will also entail revising the definition of "land" to include reference to all or any portion of the airspace as well as the aquatic environment or underground space between two elevations (reduced levels). It is possible that the land administrators may wish to differentiate between ordinary (surface) title, stratum title and the new spatium title so as to make those types of titles mutually exclusive.

This paper proposes an introduction of Part 5B into the NLC and amendments to several existing sections as starting point for the relevant authorities to deliberate further with respect to the introduction of 3D cadastral legislation for the establishment and registration on properties under and above surface land to support sustainable development in the country.