

**PEKELILING PENGARAH TANAH DAN GALIAN SELANGOR
BILANGAN 2/2007**

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**TATACARA PEMAKAIAN PEKELILING KPTG BIL. 1/2003 KE ATAS
KILANG-KILANG TANPA KEBENARAN YANG TERLIBAT DENGAN
PROGRAM PEMUTIHAN KILANG-KILANG TANPA KEBENARAN
DI NEGERI SELANGOR**

1. TUJUAN

1.1 Pekeliling ini bertujuan untuk memaklumkan keputusan Majlis Mesyuarat Kerajaan Negeri (MMKN) mengenai **pemakaian Pekeliling Ketua Pengarah Tanah dan Galian (KPTG) Bil. 1/2003 ke atas kilang-kilang yang terlibat dengan 'Program Pemutihan Kilang-Kilang Tanpa Kebenaran' di Negeri Selangor** juga pengenalan kepada tatacara penggunaan Pekeliling KPTG tersebut yang telah disesuaikan dengan keadaan sosio ekonomi di Negeri Selangor.

2. LATAR BELAKANG

2.1 **MMKN ke 8/2007 yang bersidang 7 Mac 2007** telah bersetuju menerima pakai Pekeliling Ketua Pengarah Tanah dan Galian (KPTG) bil. 1/2003 iaitu 'Tatacara Penggunaan Tanah Pertanian Bagi Tujuan Yang Tiada Berkaitan Dengan Pertanian' dengan **pengenaan cukai industri mengikut keluasan**

bangunan (*built up area*) kepada kilang-kilang yang dibina di atas tanah pertanian.

- 2.2 **MMKN ke 11/2007 yang bersidang pada 18 April 2007** telah menimbang dan meluluskan pemakaian Pekeliling Ketua Pengarah Tanah dan Galian (KPTG) bil. 1/2003 untuk diadaptasi bagi '**Program Pemutihan Kilang-Kilang Tanpa Kebenaran**' di mana tatacara dan borang-borang yang berkaitan untuk kegunaan program tersebut akan diwartakan melalui Kaedah Tanah Selangor dan dikuat kuasakan melalui Pekeliling Pengarah Tanah dan Galian Selangor.
- 2.3 Melalui MMKN ke 11/2007 juga setiap kilang yang terlibat dengan '**Program Pemutihan Kilang-Kilang Tanpa Kebenaran**' perlu mendapatkan **permit khas** yang akan dikeluarkan oleh pejabat tanah dan akan dikenakan **fi tambahan** namun cukai yang dikenakan adalah **kekai cukai pertanian**. Walaupun cukai pertanian sahaja yang dikenakan, Kerajaan Negeri masih boleh mendapatkan hasil melalui pengenaan fi tambahan dan fi pengeluaran dan endorsan permit seperti yang ditetapkan melalui tatacara di perenggan 4 dan 5. Tatacara ini adalah lebih bertepatan dengan kehendak undang-undang dan Pekeliling KPTG Bil. 1/2003 tersebut.

3. TATACARA PELAKSANAAN

3.1 Permohonan hendaklah dikemukakan kepada Pentadbir Tanah Daerah yang berkenaan menggunakan borang seperti di **Lampiran A**;

3.2 Permohonan hendaklah disertakan dengan:

- (a) pelan tapak;
- (b) pelan pembinaan dan anggaran kos pembinaan (Laporan Cadangan Pembangunan (*LCP*) perlulah dilampirkan);
- (c) fi permohonan sebagaimana yang akan ditetapkan di dalam Kaedah-Kaedah Tanah Selangor;
- (d) persetujuan bertulis daripada setiap orang/badan yang mempunyai kepentingan berdaftar di atas tanah berkenaan termasuk kesemua pemilik bersama yang lain dan penyewa yang dikecualikan daripada pendaftaran;
- (e) sekiranya permohonan dibuat oleh seseorang yang mempunyai Surat Kuasa Wakil (*Power of Attorney*), salinan Surat Kuasa Wakil yang telah disahkan benar daripada yang asal oleh peguam atau Pentadbir Tanah; dan
- (f) Maklumat-maklumat tambahan lain seperti saiz kilang, modal berbayar, jumlah pasaran dan bilangan pekerja.

3.3 **Satu permohonan adalah untuk setiap satu lot tanah yang dikira berdasarkan luas bangunan yang telah didirikan.** Contohnya jika di atas lot 262 seluas 5 ekar telah didirikan 2 buah kilang tanpa kebenaran dengan luas bangunan kilang 1

ekar sebuah maka permohonan yang perlu dimasukkan oleh tuan tanah adalah satu permohonan sahaja dengan mencatatkan jumlah keluasan yang digunakan sebanyak 2 ekar daripada 5 ekar keluasan asalnya;

- 3.4 Laporan tanah hendaklah disediakan oleh Penolong Pegawai Tanah dalam masa dua minggu daripada tarikh permohonan diterima oleh Pentadbir Tanah Daerah;
- 3.5 Pentadbir Tanah hendaklah **merujuk kepada Pihak Berkuasa Tempatan (atau Jabatan Perancang Bandar dan Desa sekiranya permohonan terletak di luar kawasan Pihak Berkuasa Tempatan) bagi mendapatkan ulasan dan pandangan.** Pentadbir Tanah juga boleh mendapatkan ulasan dan pandangan daripada mana-mana jabatan teknikal lain yang berkaitan sekiranya perlu;
- 3.6 **Kuasa meluluskan permohonan mengikut tatacara ini diturunkan kepada Pentadbir Tanah** dan beliau hendaklah menimbang dan memperakukan setiap permohonan di dalam **Mesyuarat Jawatankuasa Teknikal Kilang-Kilang Tanpa Kebenaran (JTKKTK)** di peringkat Pejabat Tanah Daerah sepertimana yang telah digariskan di dalam **Pekeliling Pengarah Tanah dan Galian Selangor Bil. 6/2006;**

3.7 Sekiranya permohonan diluluskan, Pentadbir Tanah hendaklah mengambil tindakan-tindakan berikut:

(a) memaklumkan kepada pemohon kelulusan berkenaan dan syarat-syarat yang dikenakan; dan

(b) jika pemohon menerima semua syarat-syarat yang telah dinyatakan, pemohon perlulah mengambil tindakan berikut:

(i) menyerahkan suratan hakmilik asal untuk tujuan endorsan;

(ii) membuat bayaran premium tambahan yang telah dinyatakan di dalam surat kelulusan permohonan;

(iii) membuat bayaran endorsan dan bayaran permit kepada Pendaftar / Pentadbir Tanah di pejabat tanah yang berkenaan;

3.8 Sekiranya permohonan ditolak, Pentadbir Tanah hendaklah memaklumkan kepada pemohon keputusan berkenaan dan hendaklah meneruskan tindakan penguatkuasaan di bawah seksyen 125-134 KTN;

3.9 **Permit khas** (seperti di **Lampiran B**) bagi penggunaan sementara tanah akan dikeluarkan oleh Pejabat Tanah yang berkenaan untuk **tempoh tidak melebihi satu (1) tahun daripada tarikh endorsan ke atas hakmilik** dibuat. Permit hanya boleh ditandatangani oleh Pentadbir Tanah atau Penolong Pentadbir Tanah sahaja. **Permit tersebut juga hanya boleh diperbaharui sebanyak tiga (3) kali sahaja.**

Sebelum berakhir tempoh pembaharuan permit yang maksima **tuan tanah hendaklah membuat permohonan tukar syarat secara teratur** di bawah seksyen 124 atau 124A Kanun Tanah Negara atau **tindakan penguatkuasaan pelanggaran syarat tanah** boleh dibuat melalui Bahagian 7 Bab 5 Kanun Tanah Negara;

- 3.10 **Dua bulan sebelum tamat tempoh permit**, tuan tanah boleh membuat **permohonan memperbaharui permit** melalui borang permohonan memperbaharui permit seperti di **Lampiran C**. Sekiranya tujuan permit adalah sama seperti sebelumnya maka tidak perlu dipenuhi item 2(ii) borang tersebut.
- 3.11 Sekiranya Pentadbir Tanah merasakan wajar permit diperbaharui maka bolehlah diendoskan permit yang telah diperbaharui tersebut di dalam permit seperti di **Lampiran B**;
- 3.12 Pentadbir Tanah / Pendaftar Hakmilik hendaklah membuat **endorsan/nota catatan ke atas dokumen hakmilik daftar (DHDK) dan keluaran (DHKK)** dengan mencatatkan tarikh, masa perserahan, tujuan kegunaan sementara tanah serta tempoh berakhir penggunaan sementara ke atas tanah tersebut. Dokumen hakmilik hendaklah diserahkan oleh tuan tanah bersama resit pembayaran yang perlu sebelum endorsan/nota catatan boleh dibuat;

3.13 Setelah endorsan/nota catatan disempurnakan, Pentadbir Tanah / Pendaftar Hakmilik hendaklah mengembalikan DHKK kepada pemilik atau mana-mana orang yang daripadanya DHKK itu diperolehi dan penerimaannya hendaklah diperakukan; dan

3.14 Pentadbir Tanah / Pendaftar Hakmilik hendaklah mengenakan **cukai tahunan pertanian** sahaja.

4. KEGIATAN/AKTIVITI YANG DIBENARKAN DAN KADAR FI YANG DITETAPKAN

4.1 Kegiatan/aktiviti yang dibenarkan dan kadar fi tahunan yang dikenakan berdasarkan kepada kegiatan/aktiviti yang dijalankan dan mengikut keluasan bangunan adalah seperti berikut:

<i>Kategori penggunaan</i>	<i>Bayaran setahun/ RM (dalam meter persegi)</i>
(a) industri ringan	RM1
(b) industri sederhana	RM2
(c) industri berat	RM 3

4.2 Senarai jenis-jenis industri mengikut kategori adalah seperti di **Lampiran D, E dan F.**

4.3 Contoh **formula pengiraan fi tahunan** yang perlu dibayar bagi satu permohonan yang dikemukakan adalah seperti berikut:

- (i) Kategori: Industri berat. *Cth: Kilang pemasangan televisyen*
- (ii) Luas kilang: 0.881 hektar (8,810 meter persegi)

Formula Fi Tahunan = kadar bayaran mengikut industri berat x luas bangunan dipohon

$$= RM3.00 \times 8,810 \text{ meter persegi}$$

$$= \underline{RM26,430.00}$$

5. FI BAGI PERMOHONAN DAN ENDORSAN/NOTA CATATAN KE ATAS HAKMILIK

- 5.1 Fi bagi setiap permohonan ialah RM10.00;
- 5.2 Fi bagi permohonan memperbaharui setiap permit ialah RM10.00;
- 5.3 Bayaran permit ialah RM50.00;
- 5.4 Bayaran pembaharuan permit ialah RM50.00;
- 5.5 Bayaran bagi endorsan/nota catatan ke atas hakmilik untuk tujuan tatacara ini ialah RM100.00; dan
- 5.6 Denda lewat memperbaharui permit ialah RM100.00.

6. TARIKH KUAT KUASA DAN PEMAKAIAN

- 6.1 Pekeliling ini terpakai terhadap semua permohonan **kilang-kilang tanpa kebenaran yang telah disenaraikan dan**

diperluaskan kepada kilang-kilang yang telah beroperasi tanpa kebenaran sebelum daripada 1 hb. Januari 2005 yang mempunyai bukti kewujudannya melalui dokumen rasmi yang telah diperakukan;

6.2 Pelaksanaan arahan di dalam pekeliling ini adalah berkuat kuasa mulai 18 April 2007.

TT

(ABD. NASIR BIN HASSAN)

Pengarah Tanah dan Galian
Negeri Selangor Darul Ehsan.

Bertarikh: 14 MEI 2007

LAMPIRAN A

**SCHEDULE
(Rule)**

**APPLICATION FOR CONSENT FROM STATE AUTHORITY
TO USE AGRICULTURAL LAND FOR OTHER PURPOSES**

No of 20 State of
District of

Received by me this day of 20 at a.m./p.m.

.....
Land Administrator

.....
Date

Sir/Madam,

I/We wish to apply for a consent from the State Authority to use part of my/our land for the purpose of

2. Enclosed herewith are a detailed plan for the said purpose/s, an official land search and fee of RM..... for your further action.

3. My/Our full name (s) NRIC. No. and address (es) is/are:

Name/s :

NRIC No. :

Address(es) :

.....
(applicant's signature)

.....
(applicant's signature)

DESCRIPTION OF LAND

Town /Village/Mukim of :

Description of title :

Area : Area applied for :

Restriction in interest :

LAMPIRAN B

SCHEDULE
(Rule)

Permit No.

.....

District

.....

PERMIT TO USE AGRICULTURAL LAND FOR OTHER PURPOSES

Fee RM :

Receipt No.:

Name of Permit-holder/s :

Address :

N.R.I.C. No/Company No.:

You are hereby **permitted** to use part the land described below for the purpose of

.....
.....

subject to the terms and conditions stated in the consent letter by the State Authority and to any other provisions prescribed by the Rule.

Issued on day of 20

.....

.....

Land Administrator/Authorised Officer

DESCRIPTION OF LAND

*Town /Village/Mukim :

Description of title:

.....

Area : Area of land approved :

SCHEDULE

(1) This permit shall **commence** on and expired on

(2) The area approved **shall not** be used for purpose other than for the purpose of

(3) This permit is **not capable of assignment** but the landowner may appoint any person/body/company to carry out the purpose of the permit.

(4) This permit **shall terminate** in the event of the death of the person, or dissolution of the body/company, for the time being entitled to its benefit.

(5) This permit may be **cancelled immediately** and without payment of compensation upon proof of any breach of any terms and conditions to which this permit is subject provided that a notice to that effect has been duly served or posted by AR register.

(6).....
.....
.....
.....
.....
.....
.....
.....
.....
.....

(Insert any additional terms/conditions here)

I/We hereby fully understand/s all the terms and conditions set in this permit and agreed to abide them.

.....
(signature of the permit holder)

.....
(signature of the permit holder)

LAMPIRAN C

**SCHEDULE
(Rule)**

**APPLICATION FOR RENEWAL OF PERMIT
TO USE AGRICULTURAL LAND FOR OTHER PURPOSES**

No of 20 State of

District of

Received by me this day of 20 at a.m./p.m.

.....
Land Administrator

.....
Date

Sir/Madam,

I/We wish to apply for a renewal of permit to use part of my/our land for the purpose of

.....
.....

- 2. Enclosed herewith for your further action are fee of RM..... and:
 - (i) a copy of previous permit/previous renewed permit; and/or
 - (ii) detailed plan for the said purposes (if purpose different than before); and
 - (iii) an official land search.

- 3. My/Our full name (s) NRIC. No. and address (es) is/are:

Name/s :

NRIC No. :

Address(es) :

.....
(applicant's signature)

.....
(applicant's signature)

DESCRIPTION OF LAND

Town /Village/Mukim of :

Description of title :

Area : Area applied for :

Restriction in interest :

.....

LAMPIRAN D

SCHEDULE
(Rule)

Permit No.
.....
District
.....

RENEWED PERMIT TO USE AGRICULTURAL LAND FOR OTHER PURPOSES

Fee RM :

Receipt No.:

Name of Permit-holder/s :

Address :

N.R.I.C. No/Company No.:

Number of renewal :

You are hereby **permitted** to use part the land described below for the purpose of

.....subject to the terms and conditions stated in the consent letter by the State Authority and to any other provisions prescribed by the Rule.

Issued on day of 20

.....
Land Administrator/Authorised Officer

DESCRIPTION OF LAND

*Town /Village/Mukim :

Description of title:

.....

Area : Area of land approved :

SCHEDULE

(3) This permit shall **commence** on and expired on

(4) The area approved **shall not** be used for purpose other than for the purpose of

(3) This permit is **not capable of assignment** but the landowner may appoint any person/body/company to carry out the purpose of the permit.

(4) This permit **shall terminate** in the event of the death of the person, or dissolution of the body/company, for the time being entitled to its benefit.

(5) This permit may be **cancelled immediately** and without payment of compensation upon proof of any breach of any terms and conditions to which this permit is subject provided that a notice to that effect has been duly served or posted by AR register.

(6).....
.....
.....
.....
.....
.....

(Insert any additional terms/conditions here)

I/We hereby fully understand/s all the terms and conditions set in this permit and agreed to abide them.

.....
(signature of the permit holder)

.....
(signature of the permit holder)

LIGHT INDUSTRIES – TYPE A

Descriptions

1. Handicraft spinning and weaving
2. Manufacture of make-up textile goods except wearing apparel
3. Clothing factories
4. Custom tailoring and dress making
5. Miscellaneous wearing apparel (not elsewhere classified)
6. Manufacture of wooden and cane container and small cane ware
7. Manufacture of wood and cork products n.e.c
8. Manufacture of rubber footwear
9. Manufacture of brooms, brushes and mops
10. Umbrella making

LIGHT INDUSTRIES – TYPE B

Descriptions

1. Tea factories
2. Natural fiber spinning and weaving mills
3. Rattan processing-including splitting
4. Cordage, rope and twine industries
5. Manufacture of products of leather and leather substitutes except footwear and wearing apparel
6. Manufacture of footwear, except vulcanized or moulded rubber or plastic footwear
7. Manufacture of containers and boxers of paper and paperboard
8. Packaging of pharmaceutical products

MEDIUM INDUSTRIES

Description

1. Ice Cream
2. Other dairy products
3. Pineapple canning
4. Other canning and preservation of fruits and vegetables
5. Canning preserving and processing of fish crustacean and similar foods
6. Small rice mills
7. Floor mills
8. Sago and tapioca factories
9. Biscuits factories
10. Bakeries
11. Manufacture of cocoa, chocolate and sugar confectionery
12. Ice factory
13. Coffee factories
14. Meehoon, noodles and related products
15. Spices and curry powder
16. Manufacture of starch and its products
17. Other food products (n.e.c)
18. Manufacture of prepared animal feeds
19. Soft drinks and carbonated water industries
20. Tobacco manufacture
21. Dyeing, bleaching, printing and finishing of yarns and fabrics (other than batik)
22. Batik making
23. Synthetic textile mills

24. Manufacture of miscellaneous primary textiles
25. Knitting mills
26. Manufacture of carpets and rugs
27. Manufacture of textiles (not elsewhere classified)
28. Tanneries and leather finishing
29. For dressing and dyeing industries
30. Manufacture of furniture and fixtures except primary of metals
31. Printing, publishing and allied industries
32. Manufacture of soap and cleaning preparations
33. Manufacture of perfumes, cosmetics and other toilets preparations
34. Matches factory
35. Manufacture of domestic plastic products n.e.c
36. Manufacture of pottery, China and Earthenware
37. Cut stone and stone products
38. Manufacture of cutlery, hand tools and general hardware excluding tin smiting and black smiting
39. Tin smiting and black smiting
40. Manufacture of structural metal products
41. Manufacture of tin cans and metal boxes
42. Manufacture of wire and wire products
43. Manufacture of brass, copper, pewter and aluminum products
44. Manufacture of other fabricated metal products etc
45. Machinery and equipment n.e.c
46. Manufacture of office, computing and accounting machinery
47. Gramophone records and pre-recorded magnetic tapes
48. Cables and wires

49. Electric lamps and tubes
50. Miscellaneous electrical apparatus and supplies (not elsewhere classified)
51. Manufacture and assembly of bicycles, tricycles and trishaws
52. Manufacture of transport equipment (n.e.c)
53. Manufacture of photographic and optical goods
54. Manufacture of watches and clocks
55. Manufacture of jewellery and related articles
56. Manufacture of musical instruments
57. Manufacture of sporting and athletic goods
58. Manufacture of pen, pencils, office and artists' supplies
59. Manufacture of toys
60. Other manufacturing industries (not elsewhere classified)
61. Storage and warehousing
62. Other services incidental to transport

HEAVY INDUSTRY

1. Pig rearing
2. Cattle rearing and dairy farming
3. Poultry rearing and hatching
4. Other livestock n.e.c. rearing or keeping
5. Coal mining
6. Crude petroleum and natural gas production
7. Iron ore mining
8. Tin dredging
9. Tin mining other than dredging
10. Dulang washing
11. Amang Treatment
12. Bauxite mining
13. Gold Mining
14. Copper Mining
15. Antimony Mining
16. Non-ferrous Metal One Mining (not elsewhere classified)
17. Limestone quarrying
18. Other stone quarrying
19. Clay, sand and gravel pits
20. Guano gathering
21. Other chemical and fertilizer mining
22. Salt mining
23. Mining and quarrying (not elsewhere classified)
24. Slaughtering , preparing and preserving meat
25. Manufacture of coconut oil

26. Manufacture of palm oil
27. Manufacture of palm kernel oil
28. Manufacture of other vegetable and animal oils and fats
29. Other grain milling
30. Sugar factories and refineries
31. Distilling, rectifying and blending spirits
32. Wine industries
33. Malt liquors and malt
34. Sawmills
35. Plywood, hardboard and particle board mills
36. Planning mills, window and door mills and joinery works
37. Manufacture of prefabricated wooden house
38. Manufacture of other wood products
39. Manufacture of pulp, paper and paperboard
40. Manufacture of pulp, paper and paperboard articles (not elsewhere classified)
41. Manufacture of industrial gases whether compressed, liquefied or in solid state
42. Manufacture of other basic, industrial chemicals excepts fertilizers
43. Manufacture of fertilizers and pesticides
44. Manufacture of synthetic, resins, plastics materials and man-made fibers excepts glass
45. manufacture of paints, varnishes and lacquers
46. Manufacture of drugs and medicine
47. Manufacture of chemical products n.e.c
48. Petroleum refineries
49. Manufacture of miscellaneous products of petroleum and coal

50. Tyre and tube industries
51. Rubber remilling and rubber latex processing
52. Rubber smoke houses
53. Manufacture of other rubber products
54. Manufacture of glass and glass products
55. Manufacture of lime and plaster
56. Manufacture of structural clay
57. Manufacture of hydraulic cement
58. Manufacture of cement and concrete products
59. Manufacture of other non-metallic mineral products
60. Primary iron and steel industries
61. Foundries
62. Other iron and steel basic industries
63. Tin smelting
64. Tin recycling
65. Other non-ferrous metal basic industries
66. Manufacture of engines and turbines
67. Manufacture of metal and wood working machinery
68. Manufacture of special industrial machinery and equipment except metal and wood working machinery
69. Manufacture of regenerating, exhaust, ventilating and air-conditioning machinery
70. Manufacture of electrical industrial machinery and apparatus
71. Radio and television sets, sound reproducing and recording equipment
72. Semi conductors and other electronic components and communication equipment and apparatus

- 73. Manufacture of electrical appliances and house wares
- 74. Dry cells and storage batteries
- 75. Shipbuilding and repairing
- 76. Manufacture of railroad equipment
- 77. Manufacture of motor vehicle bodies
- 78. Manufacture and assembly of motor vehicles
- 79. Manufacture and assembly of motor vehicle
- 80. Manufacture of motor vehicle parts and accessories