

Estate Management Department

INTRODUCTION

The Estate Management Department is entrusted with the role of promoting the effective management of government immovable property.

The principal activities of the Estate Management Department are:

- maintenance and upkeep of government's property terrier, including property plans;
- investigating the nature and extent of government immovable property, including identification of illegal usurpation of land;
- protection of government property through ownership registration under the Land Registration Act;
- identification of suitable property to be offered for sale/lease by tender;
- provision of property to government departments and other entities;
- consideration of requests made for the lease of government property including preparation of ad hoc lease conditions;
- valuation of government property;
- provision of technical support to the Land Department.

Administratively, these tasks are split between the Department's two main branches, the Government Property Branch – responsible for the property terrier and ancillary activities – and the Services Branch - responsible for the disposal of government property.

SERVICES BRANCH

As in previous years, this Branch during 2000 continued to handle thousands of requests for information on government property, including requests for the lease of individual property units such as shops, garages, stores and agricultural land. This Branch also handles other requests for the temporary use of government

property for such purposes as tombolas, fairs, luna parks, discos etc. These requests originate from a number of sources including government departments, corporations, limited liability companies and also individuals.

The Services Branch considers these requests and provides the necessary feedback to the Department's clients either by forwarding the requested information – with the assistance of the Property Branch – or otherwise by preparing the conditions, including plans, under which a title is to be granted over government property. The matter is then referred to the Land Department for the issue of relative legal documents including, where applicable, publication of tenders and eventual finalisation of lease agreements. During 2000, some 1,800 property information requests were handled.

The Services Branch also handles requests made by government departments for the expropriation of private property for public purposes. The related work involves the collection of technical data, establishment of apparent owners, preparation of plans and valuations of properties. With a view to hastening the process of acquisition, the Estate Management Department farms out to architects in private practice the valuation of acquired property.

During 2000 a concerted effort was made on a considerable number of pending expropriation cases such that the Land Department was subsequently able to issue 155 Notices to Treat and also finalise acquisition contracts totalling Lm5.28 million in payments to third parties.

GOVERNMENT PROPERTY BRANCH

The Government Property Branch primarily focuses on ensuring that a comprehensive property terrier of all government property in Malta is properly maintained.

This Branch is also responsible for ensuring the true and exact extent of government property, which involves carrying out a great deal of investigative work. It is not unusual for such property scrutiny to expose illegal encroachment and usurpation of government property. Generally these abuses are regularised by selling the encroached land through tenders.

The task of maintaining the property cadastre is rendered more onerous by the provisions of the Land

Registration Act that gives pre-emptive advantage to the first claimant for property ownership under the same Act. This means that, technically, government-owned land may be legally usurped by third parties through ownership registration under the Land Registration Act. To safeguard government's rights, the Estate Management Department vets every single application for property registration made with the Land Registry Department and if necessary apposite legal cautions are filed.

The Government Property Branch also maintains a computerised database of all government leases. In late 2000, KPMG, as sub-contractors to MITTS Ltd., initiated the Analysis Stage of the LEMIS Project which intends to capture property records and processes into a comprehensive GIS-based property management computerised system. As part of the short-term improvements contemplated under this project, a Property Drawing System was installed in May 2000. This system provides for the drawing up of property plans through a computer-aided design system.

2000 HIGHLIGHTS

Some of the noteworthy efforts made during 2000 by Estate Management Department staff include:

Sliema Car-parks Projects

In 1999 the Planning Authority published two Development Briefs, one for the development of an underground car-park at Qui-Si-Sana, Sliema including a surface catering facility, and another for the development of the Chalet Structure and underground car-park at Ghar id-Dud, Sliema. In mid 2000 the Government Property Division was requested to issue tenders for the grant on emphyteusis of the two sites to be developed as suggested in the Development Briefs. Following detailed analysis and discussions between the Estate Management Department, the Land Department, the Planning Authority, the Ministry for Home Affairs and the Attorney General's Office, the necessary procedure was set up and a set of drawings and draft tender and contractual conditions were prepared. Tenders for the two sites were issued in late December 2000 and applications are being processed. This was the first time this type of approach to a special development project was adopted and it is considered as a great step forward since it eliminates protracted negotiations between government and prospective developer.

Special Projects

The Department also continued to play an active role in the Manoel Island and the Valletta Cruise Terminal Projects. The Department's role in such projects consists in the proper identification of relative government property, the drawing up of all necessary plans and, where applicable, the provision of alternative properties to occupiers of affected property. In June the lease of the Manoel Island Project was finalised. In the meantime the Department continued the preparation of the necessary groundwork for the planned conclusion of the Valletta Cruise Terminal Project in 2001.

Sports Complexes

The Department also played a major role in Government's initiative of transferring sports complexes and other government property to non-governmental organisations. In fact in July 2000 a Parliamentary Resolution was issued granting a title over 42 government properties to sports associations and clubs.

Local Councils

The Estate Management Department also participates in Government's initiative towards decentralisation as reflected in its policies towards local councils. In this regard during 2000 the Estate Management identified a number of properties that can be passed over to local councils and finalised all the preparatory work for publication of contracts by the Land Department.

Another initiative was completed during 2000, through which rent payments on government property can now be effected at local councils.

Government Agriculture Land Scheme

In August a scheme was launched whereby occupiers of government-owned agricultural land could apply to be recognised as tenants thereof. The scheme provides the added benefit of giving applicants under the scheme a right of first refusal in the event that Government decides, within a period of 15 years, to sell or grant such land in question on temporary emphyteusis for agricultural purposes. The scheme, which covers also ex-Church property transferred to the state, is being administered by the Government Property Division with the assistance of the Land Registry and the Joint Office.

Leasing of Government Property

During the year, 292 cases were referred to the Land Department for the drawing up of the necessary legal documents. These included 73 cases of new leases, 118 use permits, 67 works permits and 34 sales. The leases finalised in 2000 netted a total yearly rent of Lm118,000, while property sales totalled Lm855,000.

Support Services

The Estate Management Department also provides support services by providing property-related information to such government bodies as the Planning Authority, the Works Division, the Department of Social Housing, the Land Registry and the Housing Authority.

CO-ORDINATION WITH THE LAND DEPARTMENT

The Estate Management can only carry out its role properly if it works hand in hand with the Land Department, which is responsible for the legal aspects of government property management. Continual co-ordination and co-operation between the two departments is essential. During 2000 this co-operation has continued with the full support of the staff of the two departments.

JOSEPH CARUANA
Director Estate Management