

Law on Provision of Ownership of Private Area of Co-Ownership Building to Foreigner

Chapter 1 General Provisions

Article 1:

The goal of this Law is to provide the ownership right on private area of co-ownership building to foreigners and determine the rights and obligations for foreigners with regard to the acquisition of the ownership right on private area of co-ownership building.

The purpose of Law on Provision of Ownership of Private Area of Co-Ownership Building to Foreigner is to facilitate legal qualified foreigners to acquire ownership right on private area of co-ownership building, particularly for those who are considered by the government to be useful person for the Kingdom of Cambodia.

Article 2:

The main terms are defined in the Annex of this Law.

Chapter 2 General Principles

Article 3:

Foreigner physical and legal entity shall have ownership right on private area of co-ownership building in the Kingdom of Cambodia by abiding by conditions, provisions of this Law and the other relevant regulations promulgated.

The foreign natural person, who is adult and has capacity under the Cambodia Law, can have ownership right on private area of co-proprietary building. This case shall be excepted for inheritance by the heir who is the minor or incapacitated person. Minor or incapacitated person is authorized to have ownership right but this right is exercised through guardian or curator who is required to be the representative possessor until that minor or ward has capacity under the Law. For this case, the guardian or curator shall have no right to dispose that private area, unless there is authorization from the Court.

Article 4:

Foreigner(s) is allowed to have ownership right on the private area of co-ownership building from the second floor and above. Foreigner is not allowed to have ownership right to the ground and first floor.

The foreigner is allowed to have ownership right on (2) two private areas only in the Kingdom of Cambodia.

In the case that co-ownership building is constructed on the land that was leased from the third person, the foreigner has right for long term lease as Cambodian citizen.

Article 5:

Foreigner can have ownership right to private area of co-ownership building, but must not exceeding 49% (Forty nine percent) of the total co-ownership building's private area.

The provision of ownership right is applied to only private area of co-ownership building. However, the common area of the co-ownership building shall be kept for collective use by co-owners.

In any case, the piece of land where the co-ownership building located can not be the subject of ownership by foreign co-owners..

Article 6:

The foreigner shall be not authorized to have ownership right on the private area of co-ownership building that located within at least 30 (Thirty) Kilometers from the border. This condition is exempted for Foreigner who is considered to be useful to Cambodia by the Royal Government.

Minister of Council of Ministers has authority to certify the above mentioned qualification upon request from minister or the director of institution that supervise the foreigner.

Chapter 3 Rights and Obligations

Article 7:

Foreign co-owner on the private area of the co-ownership building has right and obligation as Cambodia co-owner. In the case that co-ownership building is completely destroyed and co-owners agree to sell the land, the foreigner co-owner shall has right to obtain benefits in proportion to the size of his/her private area.

Chapter 4 Registration and Issuance of Certificate Procedure

Article 8:

The registration procedure of the private area of the co-ownership building, the issuance of certificate of title deed for private area and the issuance of certificate for long term lease on the private area of co-ownership building for foreigner shall apply the same as registration procedure and the issuance of the certificate of title deed for private area for Cambodian citizen.

Chapter 5 Transitional Provisions

Article 9:

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Article 10:

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Chapter 6 Final Provisions

Article 11:

Any provision that is in conflict with the provision of this Law shall be abrogated.

Phnom Penh, Date.....2008

Lexicon

- **Foreigner:** Refer to foreign physical or legal entity who has no Khmer nationality without prejudice against nationality, believe, religion, or origin.
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- **Foreigner who is considered to be useful to Cambodia by the government :** refer to foreigner who contribute to the national economic development or to the social affairs, culture, environmental and natural resources protection ;or contribute to the building of physical infrastructure in Cambodia.
- **Investor:** Refer a person who invests in a specific field in the Kingdom of Cambodia.
- **Co-Ownership building:** refer to building or structure that many owners live in. Some part of the co-ownership building which are exclusively owned by each owner is considered as "Private Area" and some are joint area for the commonly use by all owners is considered as "Common Area". Different types of Co-Ownership building such as: villa, semi villa, townhouse with many stories and many floors, condominium, apartments which are the attached structure.
- **Private Area :** refer to part of co- ownership building which are privately and exclusively possessed and used.
- **Common Area:** refer to part of co-ownership building which are subjected to be used or served the interest of the co-owners including land, premise, park, garden, road, access, stair, jointly-owned wall, main poles that support the structure of the building, equipment including water and electricity supply, gas supply, sewage system which is connected across the private part, join pipe, exhaust pipe, areas that provide common services. -
- **Guardian :** refer to person who represents minor, guardian can be foreigner.
- **Curator :** refer to person who was assigned to take care the property of minor or incapacitated person.. Curator can be foreigner
- **Ward :** refer to orphan who are minor and under to guardianship of a person.