

Rang Undang-Undang berikut yang akan dikemukakan kepada Dewan Undangan adalah diterbitkan untuk makluman umum.



NEGERI SABAH

## RANG UNDANG-UNDANG

*bernama*

Suatu Enakmen untuk meminda Ordinan Tanah [*Bab 68*].

DIPERBUAT UNDANG-UNDANG oleh Badan Perundangan Negeri Sabah seperti berikut:

### **Tajuk ringkas dan permulaan kuat kuasa**

1. (1) Enakmen ini bolehlah dinamakan Enakmen Tanah (Pindaan) 2023.  
(2) Enakmen ini mula berkuat kuasa pada 19 Jun 2023.

**Pindaan seksyen 4**

2. Ordinan Tanah [*Bab 68*], yang disebut “Enakmen ibu” dalam Enakmen ini, dipinda dalam seksyen 4 —

(a) dengan memasukkan selepas takrif “alienate” takrif yang berikut:

‘ “carbon storage” means any cavity, well, structure, facility or plant built, installed or maintained on any land, whether on or below the surface, for the purpose of permanent storage, capture, retention, dumping or sequestration of carbon dioxide or greenhouse gases of any form or description;’

(b) dalam takrif “forest produce”, dengan memotong perkataan “as that”;

(c) dalam takrif “land” —

(i) dengan memotong perkataan “and” di hujung perenggan (f);

(ii) dalam perenggan (g), dengan memasukkan selepas perkataan “1954;” perkataan “and”; dan

(iii) dengan memasukkan selepas perenggan (g) perenggan yang berikut:

“(h) the column of the air space above the surface of the earth on the land;” dan

(d) dengan memasukkan selepas takrif “rent” takrif yang berikut:

‘ “spectrum” shall have the same meaning assigned to it in section 6 of the Communications and Multimedia Act 1998 [*Act 588*];’.

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## Seksyen baharu 23B

3. Enakmen ibu dipinda dengan memasukkan selepas seksyen 23A seksyen yang berikut:

### “Use of land for carbon storage

**23B.** (1) No person, whether or not he is a registered owner or a lawful occupier of any alienated land, may use or permit the use of his land for carbon storage without the approval of the Minister and a licence issued to him by the Collector.

(2) A licence issued under subsection (1) shall be in such form as may be determined by the Director and for such period and upon such terms and conditions stipulated in the licence.

(3) For the purpose of subsection (1), the Minister may impose additional premium or rent of the land or add or substitute such terms or conditions in the document of title as he may think fit.

(4) Any person who contravenes subsection (1) or breaches any terms or conditions under subsection (3) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding five years or to both.”.

## Pindaan seksyen 30

4. Seksyen 30 Enakmen ibu dipinda dalam subseksyen (1) dengan memasukkan selepas perenggan (bb) perenggan yang berikut:

“(bc) the right to regulate and control the use of spectrum in the column of the air space above the land;

(bd) the right to regulate or control the use of land either on the surface of the earth or below the surface of the earth thereof, for carbon storage;”.

**Pindaan seksyen 34**

5. Seksyen 34 Enakmen ibu dipinda dengan memasukkan selepas perkataan “in the document of title,” perkataan “except in the case of section 23B,”.

**Pindaan seksyen 46**

6. Seksyen 46 Enakmen ibu dipinda dalam perenggan (a) dengan memasukkan selepas subperenggan (iv) subperenggan yang berikut:

- “(iva) the regulation and control of the use of air space above the land including spectrum and other property found in the column of the air space above the land and the erection, maintenance and occupation of any structure in that air space;
- (ivb) the regulation and control of the use of land for carbon storage on the earth or below the earth of the land within the boundary of Sabah and matters incidental thereto;”.

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**HURAIAN**

Rang Undang-Undang ini bertujuan untuk meminda Ordinan Tanah [*Bab 68*] (“*Ordinan*”).

2. *Fasal 1* memperuntukkan tajuk ringkas dan tarikh permulaan kuat kuasa Enakmen yang dicadangkan.
3. *Fasal 2* bertujuan untuk meminda seksyen 4 Ordinan untuk memasukkan takrif “carbon storage” dan “spectrum” dan untuk meminda takrif “land” bagi meliputi ruang udara di atas permukaan tanah.
4. *Fasal 3* bertujuan untuk memasukkan seksyen baharu 23B ke dalam Ordinan untuk menghendaki tanah yang digunakan bagi penyimpanan karbon dilesenkan.

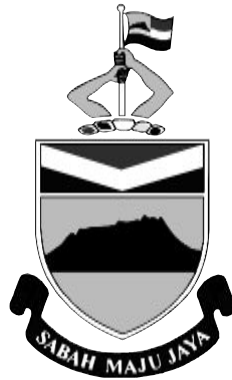
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5. *Fasal 4* bertujuan untuk memasukkan perenggan (*bc*) dan (*bd*) ke dalam subseksyen 30(1) Ordinan untuk memasukkan hak mengawal selia dan mengawal penggunaan spektrum dalam kolom ruang udara di atas tanah dan penggunaan tanah bagi penyimpanan karbon sebagai hak khusus Kerajaan.
  6. *Fasal 6* bertujuan untuk memasukkan subperenggan (*iva*) dan (*ivb*) ke dalam perenggan 46(*a*) Ordinan untuk memberi Yang di-Pertua Negeri kuasa membuat kaedah-kaedah berhubung dengan kawal seliaan dan kawalan ke atas penggunaan spektrum dan harta lain yang dijumpai dalam kolom ruang udara di atas tanah dan kawal seliaan dan kawalan ke atas penggunaan tanah bagi penyimpanan karbon.
  7. Pindaan lain yang tidak diperkatakan secara khusus dalam Huraian ini merupakan pindaan yang kecil atau berbangkit.

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#### IMPLIKASI KEWANGAN

Rang Undang-Undang ini tidak akan melibatkan Kerajaan Negeri dalam apa-apa perbelanjaan wang tambahan.

The following Bill, about to be introduced into the Legislative Assembly, is published for general information.



**STATE OF SABAH**

## **A BILL**

*intituled*

An Enactment to amend the Land Ordinance [*Cap. 68*].

ENACTED by the Legislature of the State of Sabah as follows:

### **Short title and commencement**

**1.** (1) This Enactment may be cited as the Land (Amendment) Enactment 2023.

(2) This Enactment comes into operation on 19 June 2023.

**LAB 3 OF 2023**

**Amendment of section 4**

2. The Land Ordinance [*Cap. 68*], which is referred to as the “principal Enactment” in this Enactment, is amended in section 4 —

(a) by inserting after the definition of “alienate” the following definition:

‘ “carbon storage” means any cavity, well, structure, facility or plant built, installed or maintained on any land, whether on or below the surface, for the purpose of permanent storage, capture, retention, dumping or sequestration of carbon dioxide or greenhouse gases of any form or description;’

(b) in the definition of “forest produce”, by deleting the words “as that”;

(c) in the definition of “land” —

(i) by deleting the word “and” at the end of paragraph (f);

(ii) in paragraph (g), by inserting after the word “1954;” the word “and”; and

(iii) by inserting after paragraph (g) the following paragraph:

“(h) the column of the air space above the surface of the earth on the land;”; and

(d) by inserting after the definition of “rent” the following definition:

‘ “spectrum” shall have the same meaning assigned to it in section 6 of the Communications and Multimedia Act 1998 [*Act 588*];’.

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**New section 23B**

3. The principal Enactment is amended by inserting after section 23A the following section:

**“Use of land for carbon storage**

**23B.** (1) No person, whether or not he is a registered owner or a lawful occupier of any alienated land, may use or permit the use of his land for carbon storage without the approval of the Minister and a licence issued to him by the Collector.

(2) A licence issued under subsection (1) shall be in such form as may be determined by the Director and for such period and upon such terms and conditions stipulated in the licence.

(3) For the purpose of subsection (1), the Minister may impose additional premium or rent of the land or add or substitute such terms or conditions in the document of title as he may think fit.

(4) Any person who contravenes subsection (1) or breaches any terms or conditions under subsection (3) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding five years or to both.”.

**Amendment of section 30**

4. Section 30 of the principal Enactment is amended in subsection (1) by inserting after paragraph *(bb)* the following paragraphs:

“(bc) the right to regulate and control the use of spectrum in the column of the air space above the land;

(bd) the right to regulate or control the use of land either on the surface of the earth or below the surface of the earth thereof, for carbon storage;”.



**Amendment of section 34**

5. Section 34 of the principal Enactment is amended by inserting after the words “in the document of title,” the words “except in the case of section 23B,”.

**Amendment of section 46**

6. Section 46 of the principal Enactment is amended in paragraph (a) by inserting after subparagraph (iv) the following subparagraphs:

- “(iva) the regulation and control of the use of air space above the land including spectrum and other property found in the column of the air space above the land and the erection, maintenance and occupation of any structure in that air space;
- (ivb) the regulation and control of the use of land for carbon storage on the earth or below the earth of the land within the boundary of Sabah and matters incidental thereto;”.

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**EXPLANATORY STATEMENT**

This Bill seeks to amend the Land Ordinance [*Cap. 68*] (“the Ordinance”).

2. *Clause 1* provides for the short title and the date of coming into operation of the proposed Enactment.
3. *Clause 2* seeks to amend section 4 of the Ordinance to introduce the definitions of “carbon storage” and “spectrum” and to amend the definition of “land” to include air space above the surface of the land.
4. *Clause 3* seeks to introduce new section 23B into the Ordinance to require the use of land for carbon storage to be licensed.

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5. *Clause 4* seeks to introduce paragraphs *(bc)* and *(bd)* into subsection 30(1) of the Ordinance to include the right to regulate and control the use of spectrum in the column of the air space above the land and the use of land for carbon storage as specific rights reserved to the Government.
  6. *Clause 6* seeks to introduce subparagraphs *(iva)* and *(ivb)* into paragraph 46(*a*) of the Ordinance to empower the Yang di-Pertua Negeri to make rules relating to the regulation and control of the use of spectrum and other property found in the column of the air space above the land and the regulation and control of use of land for carbon storage.
  7. Other amendments not specifically dealt with in this Statement are minor or consequential in nature.

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#### FINANCIAL IMPLICATIONS

This Bill will not involve the State Government in any extra financial expenditure.