

The Capacity Building of the Environmental
Conservation Department Project (ECD-CAB),
Sabah, Malaysia

An overview of the
administrative procedures for
land alienation & development
plan applications in the District
of Penampang, Sabah

Background paper

October 2001

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1 Administrative procedures for Land Applications

1.1 Introduction

The process of State land alienation in any district of Sabah starts with the submission of an application either by an individual(s), commercial enterprise and corporate or government bodies for the land to be alienated. Applications for State Land fall under Schedule III, Section 12 of the Land Ordinance- chapter 68 (Cap. 68). There are two main categories of land title application; Native Title and Country Lease. The application for a Native Title is limited to natives of Sabah and the land area applied for is limited to 50 acres and for agricultural purposes only. Country Leases are applications for land areas exceeding 50 acres and for which the intended use may be commercial, industrial, residential or agricultural. Country Leases are usually issued to individuals, commercial enterprises and corporate or government bodies.

The administrative procedure of land alienation for both Native Title and Country Lease starts with the submission of a Land Application Form to the Assistant Collector of Land Revenue in the District.

State land may also be utilised for temporary purposes as a Temporary Occupation License in the form of Schedule IV, Section 18 of the Land Ordinance (Cap. 68). A Temporary Occupation License is non-transferable and subject to payment of fees and other conditions specified by the Assistant Collector of Land Revenue. A Temporary Occupation License is normally issued for the purpose of temporary resource extraction such as logging and sand mining (river and marine). A Temporary Occupation License can be issued to any individual or company and is normally for short-term occupation, usually not exceeding 3 years in total including any renewals, unless otherwise instructed by the Director of Land and Survey or agreed in writing by the Assistant Collector of Land Revenue for a further extension beyond 3 years. When land is utilised under a Temporary Occupation License it remains as State Land and cannot normally be converted to Titled Land. A sample Temporary Occupation License Licence is included ([Appendix I](#)).

The District of Penampang has a reported administrative district of 46,514.67 hectares, however, the land classified under the District Land Use Scheme exceeds this by 6,064 hectares. The District Land Use Scheme is presented at a

scale of 1:50,000 and is available for viewing at the Land Information Section in the Land and Surveys Department.

The most recent information on land allocation under the Land Use Scheme is as follows:

No.	Area	ha
1	Forest Reserve	120 ha
2	State Park Reserve	19,076 ha
3	State land under land application	7,300 ha
4	Area under Land Title:	
	• Native Title or Field Registered	12,300 ha
	• Country Lease or Town Lease	4,850 ha
	• Temporary Occupation Lease	0 ha
5	State Reserve incl village/cemetery	60 ha
6	Proposed Agricultural Scheme	617 ha
7	Babagon Water Catchment area	3,160 ha
8	Proposed Moyog Water Catchment area	5,095 ha

1.2 Land Application procedures

Below is given the procedures for land applications in Penampang District. The numbering refers to the numbering used in Figure 1.

1. Submission of application

The administrative procedure of the land application process starts with the submission of a Land Application Form LSF.1001 ([Appendix II](#)). Form LSF.1001 consists of four parts. Part I is to be completed by the applicant with the applicant's personal details. Part II and Part IV are to be completed by the District Surveyor, providing details on the suitability of the land being applied for. Part III is to be completed by the Assistant Collector of Land Revenue with information on the status of the land.

2. Received application

The completed Form LSF.1001 is submitted to the District Land Office together with a plan and land area details of the land being applied for and payment of the required fees as stated in Rule 15(e)(iii) of the Land Ordinance (Cap. 68) such as:

Applications	Fee (RM)
Applications under Part IV (Sec. 64 (1) & 70 (3) 20 Ha	5.00
Application under Part II & III where:	
• Not exceeding 6 Hectares (15 acres)	50.00
• More than 6 Ha (15 acs) but not exceeding 200 Ha (494.22 acs)	200.00

• More than 200 Ha (494.22 acs) except housing and industries	500.00
• More than 200 Ha (494.22 acs) for housing, industries, commercial	1,000.00

When an application is received at the District Land Office, the Survey Technician/Land Apprentice will check the completeness and accuracy of the Land Application Forms (Sec.10 Land Ordinance Cap. 68) (LS.4041.3.II/512) dated 5.9.1989 (Registration Guidelines). If the Land Application Form is found to be incomplete or incorrect, the form is returned to the applicant to be completed or corrected before the application can be registered. There is no time limit for the applicant to complete or to correct the application form. If the form is complete and correct, the application will be registered in the land application registration book at the District Land Office and the applicant will be issued a receipt of payment (Rule 15(e)(iii) for reference. At the same time, a personal file for the applicant is opened at the Land Office with a reference number for future communication.

3. Comments from District Land Surveyor

A Survey Technician or a Land Apprentice from the Land and Survey Department is assigned to process the application for submission to the District Land Surveyor for further technical comments on the suitability of the land applied for.

The District Land Surveyor will then either recommend the application for further processing or reject the application.

4a. Rejection of application

An application could be rejected for the following reasons:

- Overlapping application i.e. the land applied for is not available or has already been applied for by some one else
- The land is gazetted as a reserve area and is not suitable for the application e.g. Village Reserve, Forest Reserve, Ridge Conservation etc.
- There is a customary rights claim on the land
- The land is not suitable for the purpose applied for, e.g. land zoned as a village area is being applied for industrial use
- The land already has a title i.e. owned by someone else.

If rejected, the applicant will be notified with full explanation of the reasons for rejection.

4b. Recommendation of application

If the District Surveyor recommends the application, a notice of one month is prepared under Section 13 of the Land Ordinance, whereby a notice of the application is published for public or claimants of native customary rights to the land for their objections and comments.

5. Comments from relevant Government Departments

At the same time copies of the submitted Land Form SF1001 will be distributed to all relevant government departments for comments on the application.

Departments are chosen on a selective basis to provide technical comments. Selection depends upon relevance to the application, which, in turn depends on the nature and location of the land applied for and the purpose for which the land is being applied. Selection is decided by the Assistant Collector of Land Revenue or the District Land Surveyor. The following are the Departments to which the land application may be distributed for technical comments.

- Department of Agriculture, Penampang District Office
- Forestry Department (Kota Kinabalu)
- Penampang District Veterinary Department
- Fisheries Department (Kota Kinabalu)
- Water Department
- Penampang District Drainage and Irrigation Department
- Sabah Parks
- District Council
- Geological and Mineral Science Department
- Industrial Department (Kota Kinabalu)
- Penampang District Public Works Department
- District Health Department
- Town and Regional Planning Department (Head Quarters)
- Department of Environment - Sabah and Labuan office
- Environmental Conservation Department, Sabah
- Natural Resource Office, Sabah
- Port and Harbour Department
- Other Departments/Agencies when and if needed.

6. Tabled for the District Land Utilisation Committee Meeting

When comments from all the relevant departments have been received, the Assistant Collector of Land Revenue will summarise the report and make appropriate recommendations for the said applications to be tabled at the District Land Utilisation Committee Meeting. Returned comments are compiled and recorded in the Form 'Attachment 5' which provides the agenda for discussion at the District Land Utilisation Committee Meeting.

The District Land Utilisation Committee membership consists of three chairpersons, several permanent members and some ad hoc members. The chairperson is drawn from one of three (3) senior officers from the Land & Survey Department headquarters. The permanent members are the District Land Surveyor, Heads of Departments (or Senior Officers) from the District Departments of Agriculture, Forestry, Fisheries, Veterinary, Town and Regional Planning, Natural Resource Office, District Representative of the People (ADUN) and the District Officer. The ad hoc members may be drawn from the Department of Drainage and Irrigation, District Council Executive, Water Department, Department of Environment and the Environmental Conservation Department.

The District Land Utilisation Committee meets 4 times a year to discuss all land application matters and is empowered to approve at the District Level, land applications that do not exceed 50 hectares, for the purposes of agriculture, aquaculture or animal husbandry. For land applications exceeding 50 hectares in size, the District Land Utilisation Committee will make an appropriate recommendation to the Director, Land & Survey Department for further action.

Based on the location and area of the land applied for, the District Land Utilisation Committee will make one of four decisions: Reject, Postpone, Approve and Recommend for approval.

7a. Land Application rejected or postponed

In cases where the land application is rejected, the Assistant Collector of Land Revenue will notify the applicant with a full explanation regarding the rejection. The application is usually rejected due to new or additional information regarding the ownership or zoning of the land, or for other technical reasons as highlighted to the committee in the technical comments received.

In some cases a decision on the land application may be postponed by the District Land Utilisation Committee for technical reasons such as incomplete information regarding the land status or suitability or it is decided that further comments from relevant departments may still be required. In this case, the Assistant Collector of Land Revenue or the Land Office Supervisor, District Land & Survey Department will take appropriate action as decided and advised by the District Land Utilisation Committee.

7b. Land Application approved by District Land Utilisation Committee for 50 hectares and below

When the land application meets all the requirements the District Land Utilisation Committee may approve the land application for 50 hectares and below at the District Level.

Following approval, the Assistant Collector of Land Revenue or Land Office Supervisor will prepare Part III of Schedule III of the Land Ordinance, ([see Appendix III](#)), and forward the form with the approved land application to the Director, Land & Survey Department. The form consists of seven questions regarding compliance to the Land Ordinance, Cap. 68, ownership of the land, and the capacity and resources of the applicant to develop the land.

The Director, Land & Survey Department through the office of Assistant Collector of Land Revenue will notify the applicant of the decision and a letter of offer is prepared and sent to the applicant.

The time taken to process land applications usually takes between six months to two years, depending on the number of applications received at the District Land Office and also the location of the land applied for. If the location is remote, it may be difficult for survey technicians to access and this may delay the procedure.

7c. Land Applications recommended for approval by the District Land Utilisation Committee for 50 hectares and above

When a Land Application receives general approval but exceeds the 50 hectare limit, the application is forwarded to the Land & Survey Department Headquarters, Kota Kinabalu, for further action. The Assistant Collector of Land Revenue or Land Office Supervisor at the District Level prepares a 'Declaration Letter' stating all the Terms and Conditions of the recommendations made by the District Land Utilisation Committee. The letter is then submitted to the Director, Land & Survey Department for further action.

Based on the recommendation by the District Land Utilisation Committee, the Director or a senior officer of Land & Survey Department will forward the Land Application with the declaration letter from the District Land Office, to the Secretary, Natural Resource Office, for his consideration. The Secretary will either reject or approve the application based on the information made available to him from the Land & Survey Department.

If the application is rejected, the Secretary, Natural Resource Office through his office will notify the Director, Land & Survey Department, the Assistant Collector of Land Revenue and the applicant of the rejection with a full explanation.

If the application is approved, the Secretary, Natural Resource Office will instruct the Director, Land & Survey Department to prepare a letter of offer to the applicant with a stated premium fee, and other fees such as survey fees and processing fees. If the applicant accepts the offer, he will be required to sign an acceptance letter and to pay 50 per cent of the Land Premium at the time of signing. Note that only Country Lease Title is levied a 50% premium fees.

8. Survey Plan

For application below 50 hectares will survey technicians from the District Land & Survey Department, survey the area applied for and prepare a Survey Plan. Survey technicians are required to survey and demarcate the boundary of the land and determine if there is an existing claim to the land under customary rights. Survey technicians may also demarcate road reserve boundaries. No other land use information is considered during the survey. In some cases the applicant may engage a licensed surveyor to prepare the Survey Plan. In such cases, the payment of the survey fee is made to the Sabah Board of Surveyors. Survey Plans are prepared at the scale of 1:500, 1:1000, and 1:2500, 1:5000 or 1:12500 for country lots and at the scale of 1:100, 1:500 and 1:2500 for town lots.

For applications above 50 hectares will the Director Land & Survey Department, through the District Land Surveyor, appoint a licensed surveyor to prepare the Survey Plan and to survey the land applied for. The survey is conducted to measure and demarcate the exact area of the land title. The surveyor will prepare the Survey Plan and return this together with Part IV, Schedule III ([Appendix IV](#)) to the Land & Survey Department District Land Surveyor for

his approval. If the District Surveyor approves the Survey Plan, he will prepare the LSF9003 for the preparation of the draft Land Title for submission with the Survey Plan to the Director, Land & Survey Department for his approval.

9. Preparation of Draft Land Title

For applications below 50 hectares is, upon approval of the Survey Plan by the Director, Land & Survey Department and after the finalisation of the LSF 9003 ([Appendix III](#)) and the Survey Plan, a Draft Land Title prepared and signed by the Director, Land & Survey Department.

For applications above 50 hectares will the Director, Land & Survey Department instruct the preparation of the Draft Land Title by the Title Preparation Section of the Department which upon completion is returned to the Assistant Collector of Land Revenue. Once the Draft Land Title is returned to the District Land Office, the land applicant will be notified of the availability of the Draft Land Title and the need for the applicant's signature.

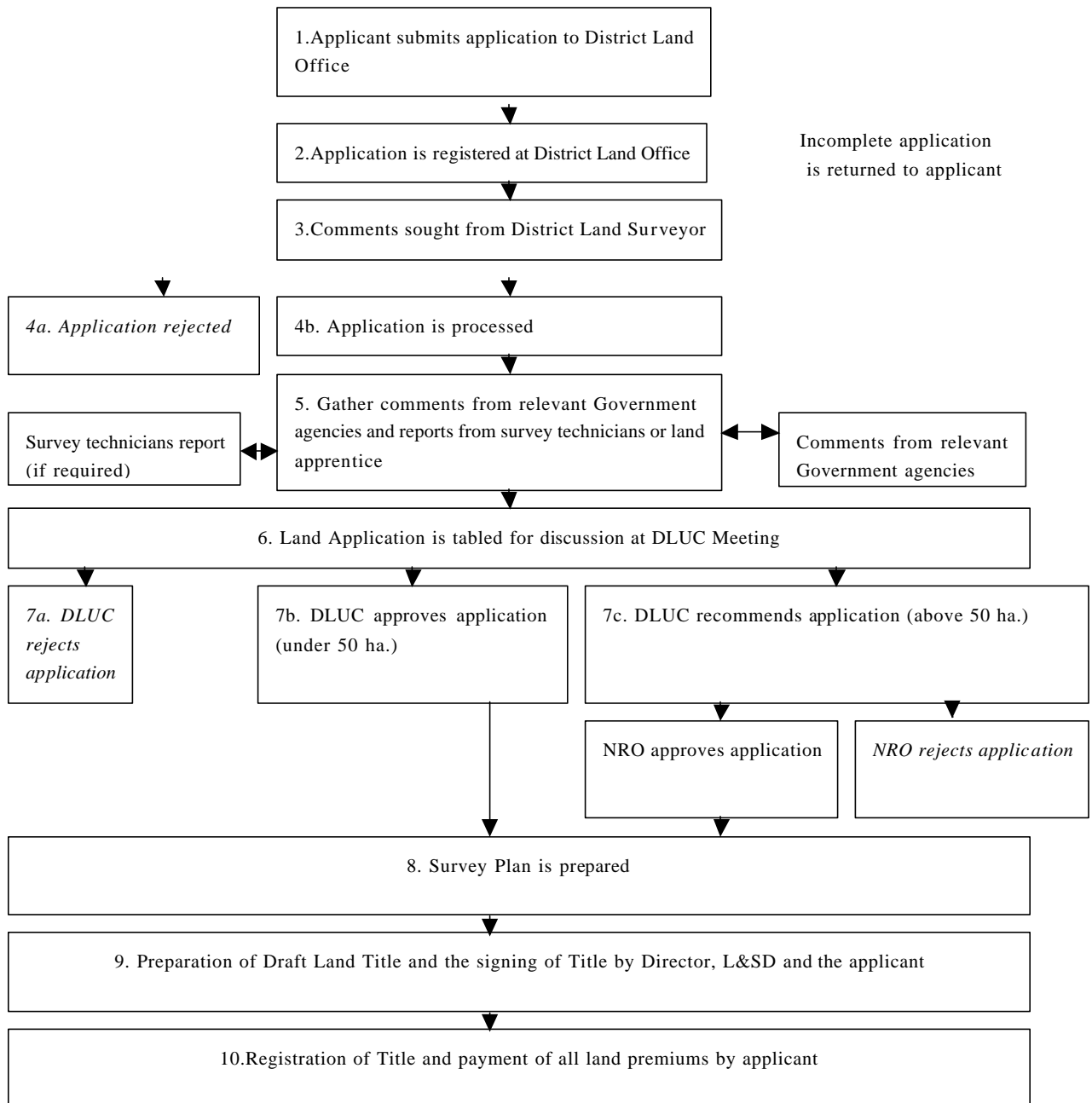
10. Registration of Final Land Title

For applications below 50 hectares is the Draft Land Title returned to the District Land Office and the Assistant Collector of Land Revenue will notify the applicant of the approval and the need for the applicant's signature on the Draft Land Title. The land applicant will then have to pay all land premiums, taxes and processing fees before the Land Title is registered and issued to the applicant. If the Land Title is a Native Title, the title will be registered at the District Land Office. If the title is a Country Lease, registration will be at the Land & Survey Department Headquarters, Kota Kinabalu.

For applications above 50 hectares will the land applicant be required to settle all unpaid fees including the remaining 50 per cent of the premium fee, licensed surveyor's fee and processing fees, before the land title is registered and an Official Land Title issued to the applicant.

A flow chart of the Land Application and Alienation Process is shown in Figure 1.

Figure 1: The land application and alienation process



1.3 Discussion

The administrative procedure for Land Alienation in the District of Penampang is principally governed by the Land Ordinance Cap. 68. However, when the land applied for and/or the intended use has relevance to other guidelines and ordinances, these are referred to when appropriate. For example:

- The Country Land Utilisation Ordinance 1962
- Mining Ordinance, 1960
- Land (Quarry) Rules 1997
- Forest Enactment 1984
- Surveyors Ordinance 1960 and its Regulations
- Park Enactment 1984
- Existing Land Policies and Guidelines
- Land Utilisation Committee Guidelines
- Land Capability Map.

The first 6 documents can be purchased at Government Printing Office, Mile 2, Tuaran Road, the next 2 documents can be viewed at the District Land Office but cannot be taken out of their Office, while the last listed document may be obtained from the District Office, Department of Agriculture.

From an administrative and legal perspective each application receives intensive scrutiny before the land is alienated. Key stages in this process include:

- District Surveyor's technical comments on land availability
- Application published for public objection or customary rights claimant's objection
- Request for technical comments from all relevant departments
- Others.

However, due to confidentiality of information, technical comments from the District Surveyor and from the relevant government agencies are only for internal circulation and are not released to the general public. In addition the selection of 'relevant' government departments for technical comments is not systematic. It is therefore difficult to determine if all the relevant departments were contacted and how much consideration is given to comments. The selection process may also be rather *ad hoc* as the District Land Utilization Committee may be unsure as to the exact areas of jurisdiction and expertise of each department.

Although, administrative procedure requires that an application for land is published under Section 13 of the Land Ordinance, the general public are generally unaware of this procedure. Often, the public only know of the land alienation after it has been alienated.

It should be noted that the Public of Sabah have an equal right to apply for any State Land, therefore, it is important the application procedure is as transparent as possible, allowing the Public to remain informed and aware of the availability or non-availability of land.

It should also be noted that the Chief Minister has the power to over-rule the decision of the District Land Utilization Committee or the Land and Survey Department. This means that the Chief Minister has the power to alienate land without the approval of the District Land Utilization Committee.

From an environmental perspective a further shortcoming of the procedure is that Land Alienation and the subsequent development of the land are processed under two separate authorities i.e. land alienation falls under the jurisdiction of the Land & Survey Department while the subsequent development of the land is under the Jurisdiction of the Local Authority and the Town and Regional Planning Department, it is difficult to retrogressively control or regulate development of the land. While technical comments are invited from relevant departments, this is often done after the field survey and the RSP has been issued in which the process is already in the final stage of approval.

Once the land title has been awarded the Local Authority does not have the power to overturn the award if the land is later found not to be in accordance with the Local Plan or not suitable for development in question.

The Local Authority is only empowered to process and approve/reject the Development Plan but has no jurisdiction over the Land Alienation matter. There is no co-ordination between the Land & Survey Department and the Local Authority on Land Alienation which may result in a discrepancies or conflict over land-use.

2 Administrative procedures for Development Plans

2.1 Introduction

Planning authorities. Planning authorities in Sabah exist at 3 levels. The highest level is the Governor of Sabah (TYT Yang di Pertua Negeri), the second level is vested in the Central Town and Country Planning Board, chaired by the Permanent Secretary of the Ministry of Local Government, while the third is the Local Authority.

Plans. Land Development in the district of Penampang is largely governed by (i) the Sabah Town and Country Planning Ordinance Cap 141 with two memorandums specific to the Penampang Local Authority (i.e. Penampang District Council) *the Greater Kota Kinabalu Scheme* P 01150113 and *the Penampang District Land Use Planning Scheme* P.No. 21150039, and by (ii) *local plans*. Furthermore the Local Authority uses the *Uniform Building By-Laws* 1984 (amended 1991) as a framework for orderly development in the District.

Procedures. Land-use zoning is used in all planning schemes (Local Plans and District Land Use Plans) to guide and control development. The current process and *procedures for plan preparation* practice adopted by the Town and Regional Planning Department are summarised in the following successive steps.

Under Section 6 (1) (a) of the Town and Country Planning Ordinance Cap 141, the Local Authority may by resolution decide to prepare a draft scheme with respect to any land within the area specified in the resolution and within the jurisdiction of such authority; or (b) adopt, with or without modifications, a draft scheme proposed by all or any of the owners of any such land; or (c) where any person makes any application to develop any land within the jurisdiction of such Local Authority, require such person to prepare a draft scheme for such land and all land contiguous to such land in respect of which such person is the owner or has any interest whatsoever.

As soon as a Local Authority has passed a resolution to prepare a Draft Scheme, it will inform the Town and Regional Planning Department to prepare such Draft Schemes. The Draft Scheme may be called a Draft Planning Scheme or a Draft Local Plan. Before the Draft Scheme is prepared, the Town

and Regional Planning Department might conduct, for example, among others the following studies:

- Landuse survey
- Analysis of the physical and environmental conditions of the area
- Population projection
- Economic analysis and forecasting of the area to be developed
- Determine land requirement for housing development
- Estimate land requirement for future industrial development and determine land requirements for Commercial Services
- Project future requirements of Social and Public Services
- Analyse Urban and Rural Structure
- Analyse development trends.

The Draft Scheme will set out the overall desired broad development framework for the area, indicating the basic allocation of zoning/landuse and transport network to serve the area. Once the Draft Scheme is completed, it will be sent to the Local Authority for adoption and put out for public examination and objection.

After consideration of all objections to the Draft Scheme, the Local Authority shall submit the Draft Scheme with or without amendments to the Central Town and Country Planning Board. After adoption of the Draft Scheme by the Central Board, the plan will then be submitted to the Governor for approval. The Governor may either approve the Draft Scheme with or without modification, require such scheme to be modified or may require a new scheme to be submitted.

Under section 15 (2) of the Town and Country Planning Ordinance Cap. 141, a Local Authority may with the approval of the Central Board during any period of prohibition under the provisions of subsection (1), do all or any of the following things, that is to say:

- (a) grant to any person applying therefore permission in writing to develop land, construct, demolish, alter, extend, repair or renew a particular building in the area to which such scheme is proposed to relate;
- (b) prohibit the further proceeding with the development of land or construction, demolition, alteration, extension, repair, or renewal of any particular building situated in the said area, stating in writing their reasons for such prohibition.

The draft Penampang District Land Use Planning Scheme. For areas outside the *Greater Kota Kinabalu Scheme* and the *Local Plans*, the Local Authority (i.e. Penampang District Council) uses the *draft Penampang District Land Use Planning Scheme*, P.No. 21150039, as a guideline. The Draft Penampang District Land Use Planning Scheme is a Council's document that (i) provides a framework for orderly development in the district outside GKKS and the Local Plans, (ii) guides land use in the district including the identification of

sites for development and (iii) through planned development stabilises land values in the District.

The following are exceptions that do not require the approval of a Development Plan in the Planning Scheme area (although plans may still be submitted or requested):

- The preparation of land, planting, harvesting and storage of agricultural crops
- The preparation and use of land for animal grazing
- The planting, growth and harvesting of timber products.

Ideally, Planning Schemes are updated every five years, however, depending on the availability of manpower, Planning Schemes may not be updated more regularly than every ten years or so.

2.2 Development Plan procedures

The District Council. In the district of Penampang, there are 20 appointed members that serve as councillors for the District Council. Out of the 20 councillors, 9 are appointed to be members of the Town Planning Committee, the committee responsible for considering development/building plans. The nine member-Planning Committee is headed by the District Officer who also chairs the meetings.

The procedures. The processing of land development in the District of Penampang begins with the submission of two types of plan, the Development Plan and the Building Plan to the District Council by the intending developer. These plans can either be submitted simultaneously or separately. The land on which the development is to be sited must have a Title or at least the Title should be in the process of being issued to the applicant. The person or persons intending to develop the land must also determine if the land has been appropriately zoned for the purpose before a development plan is prepared.

Applicants must complete the Land Development Application Form contained in the Fifth Schedule of the Land Use Planning Scheme, together with the following documents:

- Sixteen (16) copies of the proposed Development Plan
- Topographic maps and survey plan of the proposed development site
- Copies of Land Title(s) of land to be developed
- Land 'Sales and Purchase' Agreement if the land is not owned by the intending developer, etc (Appendix 5).

When an application for development is received by the District Council it is checked for completeness and registered with the District Council. The application is also checked to see if the proposed development is in accordance with the Land Use Planning Scheme zoning or Local plan zoning.

If the Development Plan is in accordance with the zoning in the Schemes or Local Plan, it is then distributed to relevant Government Department Heads for their technical comments. Departments consulted usually include the following:

- Town and Regional Planning Department
- Public Works Department
- Health Department
- Fire Department
- District Land Survey Department
- Water Department
- Drainage and Irrigation Department
- Sabah Electric Sdn. Berhad
- Other relevant Departments may include the Department of Environment, Environmental Conservation Department, and others if needed.

Once technical comments from Departments and Agencies have been received, the District Council Engineer will table the development plan in the District Council's Town Planning and Building Plans Committee Meeting for consideration. Heads of Departments or a representative are required to sit at the District Council's Town Planning and Building Plans Committee meeting to act as a technical advisor to the Councillors. However, technical advisors are not allowed to vote for or against approval. The District Council Engineer will then notify the applicant/developer of the decision of the Town Planning and Building Plans Committee whereby the applicant/developer may be required to amend his/her development plan for further consideration of the Town Planning and Building Plans Committee.

For development plans within the correct zoning of the local plan/Land Use Planning Scheme and where there is no conflict in zoning with the GKKS; the District Council's Town Planning and Building Plan Committee may consider the application without referring to the Central Town and Country Planning Board. If there is a conflict in zoning, development plans are referred to the Central Town and Country Planning Board.

Additionally, if an area is outside the GKKS area and the scheme/local plan is still in a draft form, but where the Notice of Resolution to prepare a draft scheme under Section 6 of the Town and Country Planning Ordinance (Cap. 141) has been published and gazetted, development plans will also have to be referred to the Central Town and Country Planning Board under Section 15 of the Town and Country Planning Ordinance (Cap. 141).

For development plans that are not in the correct zoning in the Land Use Planning Scheme or when re-zoning of the local plan is required, the District Council will forward the rezoning application together with a comprehensive planning brief and recommendation from the District Council's Town Planning and Building Plans Committee to the Central Town and Country Planning Board for consideration.

3 Appendices

Appendix 1: Temporary Occupation Licence (Sample)

Appendix 2: Land Application Form LSF 1001 (New Format) - Sample

Appendix 3: Part III Schedule III of Land Ordinance Cap 68

Appendix 4: Part IV Schedule III of Land Ordinance Cap 68

Appendix 5: Notes for Guidance of Applicants

Appendix 1

**LAND
SCHEDULE IV
(Section 18)
TEMPORARY OCCUPATION LICENCE**

No. _____ District _____
is hereby permitted to occupy for the period from _____
to the portion of State Land described or as shown on the sketch plan) on the back
thereof.

2) This licence does not create a tenancy and, as against the Government, does not give exclusive right to occupation of the land described or shown on the sketch plan on the back hereof. It may be revoked at any time without notice or compensation and is subject to the special conditions endorsed on the back hereof.

3) This licence is not transferable or assignable in any manner whatsoever and must be produced on demand to the Director of Lands and Surveys or any Collector or Assistant Collector of Land Revenue.

4) *No permanent buildings shall be constructed or permitted to be constructed on the land occupied under this licence.

5) *No rubber, coconut or fruit trees shall be planted or permitted on the land occupied under this licence nor any crop other than short term crops.

6) The licensee shall comply with the reasonable requirements of any Government Health Officer.

7) Breach of any conditions of this licence renders the licence liable to immediate cancellation.

Land Office

Date:19.....

*Assistant
Collector of Land Revenue*

*To be deleted where not applicable.

(On the reverse of this licence is to be endorsed any special conditions of the licence and the description of land with or without a plan thereof).

Appendix 2

**SCHEDULE III
(Section 12)
APPLICATION FOR STATE LAND
(Under Section 12 of the Land Ordinance (Cap. 68))**

DistrictApplication No.of 20.....for.....acres/hectares

Applicant's Name:.....

(BLOCK LETTERS)

Sketch of Land

(includes North point, scale or distances, roads, paths, streams, buildings, positions and numbers of nearby titles and land applications and other@ details, if any)

GRID REF:

DRAWN BY: DESIGNATION:

(BLOCK LETTERS)

Received by me this.....day of 19

Premium RM Receipt No

Survey Fees RM Receipt No

Registration Fees RM Receipt No

.....
Assistant Collector of Land Revenue

TE: Registration of this land application implies no guarantee or undertaking that land is available or that land will be alienated.

**PART I
TO BE COMPLETED BY APPLICANT**

See Notes 1 to 4

	Applicant	*Applicant's Spouse (Wife or Husband)
Full Name	<input style="width:100%; height:25px;" type="text"/>	<input style="width:100%; height:25px;" type="text"/>
	<input style="width:100%; height:20px;" type="text"/>	<input style="width:100%; height:20px;" type="text"/>
	<input style="width:100%; height:20px;" type="text"/> - <input style="width:10%; height:20px;" type="text"/> - <input style="width:10%; height:20px;" type="text"/>	<input style="width:100%; height:20px;" type="text"/> - <input style="width:10%; height:20px;" type="text"/> - <input style="width:10%; height:20px;" type="text"/>

*Sex	*Date of Birth	*Race	*Marital Status
M <input style="width:15px; height:15px;" type="checkbox"/> F <input style="width:15px; height:15px;" type="checkbox"/>	<input style="width:100%; height:20px;" type="text"/> Day Month Year	<input style="width:100%; height:20px;" type="text"/>	<input style="width:100%; height:20px;" type="text"/>

***Occupation/Industry Codes**

I/We hereby apply for.....acres/hectares of State land at
 for the purpose of
 cultivation/development to be held onterms in the name of the ap-
 plicant given above.

2. A sketch showing the land is given on page 1.
3. We/My /Our family (applicant and husband or wife and children) hold the following other lands, interests in land (subleases, agreements to purchase), and applications for land:

Title No. Application No. or Customary rights, etc.	District	Acreage/ hectarage held	Acreage/hectarage Under Cultivation or Development	
			Type	Acreage

* Leave blank if not applicable.

NOTES:

1. Complete all blanks and boxes. Where applicable, enter NIL.
2. Occupation Codes: E-employer, employee; P-professional; M-executive; managerial and administrative; C-clerical; T-craftsman artisan or mechanic; S-sales-worker; D-driver (including trucks and bulldozers); N-other technical workers not classified elsewhere; A-estate worker (non-technical); F-Fisherman; G-general worker; W-own account worker not classified elsewhere; Y-family worker (including and mainly business) without formal cash remuneration; H-houseworker; R-retired; U-unknown; Z-others
3. Industry Codes: Agriculture, hunting and fishing; 1 - forestry, 2-mining and quarrying; 3-manufacturing; 4-building and construction; Utilities, electricity and water supply and sanitary services; 6-Commerce; 7-transport and communication; 8-services, government and quasi-government (except Code 5); 9-services, non-government and non-quasi government; others and unknown.

Where a person has two or more occupations or industries enter the main one.

4. Marital Status: Single, Married, Divorced, Widowed.
-
4. Details of an applicant which is a Company incorporated in Malaysia under the Companies Act 1965:
 - A. Particulars of Company -
 - (1) Certificate of Incorporation No.
 - (2) Date of issue
 - (3) Registered address
 - (4) Tel. No. Fax No. Telex No.
 - (5) Type of Company (e.g. Private Limited or Public Company):
.....
 - (6) (a) Authorised capital
 - (b) Issued capital
 - (c) Paid-up capital
 - (7) Percentage of share if any held by non-citizens of Malaysia:
.....
 - (8) Company's Auditor:
 - (9) Company's Legal Adviser:
 - (10) Name and Address of Company's banks
 - (11) Other business(if any).....

(12) Details of Directors -

Name and address	NRIC/ Pasport No.	Citizenship Bumiputera/ Non- Bumiput- era	% of share held	Present post held in the Com- pany

(13) Details of shareholders:-

Name and address	NRIC/ Pasport No.	Citizenship Bumi- putera/ Non- Bu- miputera	% of share

B. Documents of the Company to be forwarded -

(1) A copy of Certificate of Incorporation issued under the Companies Act 1965.

(2) A copy of Memorandum and Articles of Association.

(3) A copy each of Forms 24 and Form 49, Companies Act 1965.

*(4) Copies of Share Certificates of the Company's shareholders.

(5) Letter of Confirmation from the Company's Secretary regarding the position of paid-up-capital.

5. I/ We now live in with residential address
..... and postal address
..... Tel. No.

6. I/We hereby declare that the foregoing particulars and information are true and complete.

7. I/We understand that a false statement or an omission may disqualify or cancel any future approval or offer of land made to applicant or me by or on behalf of the Government.

*Applicable to a private limited company only.

Signature

Date: _____ 20 _____

(Name in BLOCK LETTERS)

(If the applicant is a corporate body, print the name of signatory and legal appointment/relationship to applicant e.g. Director, Chairman, etc., below signature. Applicants who are individuals must sign themselves).

PART 11

TO BE COMPLETD BY DISTRICT SURVEYOR

1. What (if any) is growing on the land at present?
2. What do you consider to be its value (excluding the bare land and buildings) RM
.....
3. Distance from nearest (state "metalled road", "earth road" or "navigable river")
.....is kilometres.
4. Name of nearest centre, i.e. town, village, market placeDistance from
that centre to the land iskilometres.
5. Soil Unit (Type) Soil Suitability GroupLand
..... Capability Class (See Soil Reports of area
concerned ref..)
6. Terrain (if more than one, give % area of each) % area swamp
slopes 0.5 5.15 15.25 over 25
7. Nature of adjoining cultivation, if any
.....
.....
.....

Date: _____ 20 _____

District Surveyor

Appendix 3

LAND

PART 111 SCHEDULES 111

OF LAND ORDINANCE CAP 68

TO BE COMPLETED BY ASSISTANT COLLECTOR

OF LAND REVENUE

1. If Country Land, has section 13 of the Land Ordinance Cap. 68 been complied (Yes or No).....
If yes, were any claims to native customary rights in this land received (Yes or No).....
Is the SERVED L.S.F. 1201 Notice attached hereto? (Yes or No)
.....
2. Has this land previously been alienated and, if so, give number of former title" (Yes or No).....
3. What resources has the applicant to develop the land: (give answer on separate sheet if necessary)
(i) Labour _____
(ii) Skills _____
(iii) Finance _____
4. Are there any buildings on the land, if so, what do you estimate their value to be? RM.....
5. Do you consider any part of this land likely to be required for public purposes in the future (Yes or No).....
6. A report on the development of land held by applicant and his family is attached (Yes or No).....

8. Recommendations

Date: 20.....

*Assistant Collector of
Land Revenue*

Director of Lands and Surveys

Ref:.....

Date: 20.....

*Director of Lands and Sur-
veys*

Appendix 4

**LAND
PART IV SCHEDULE 111
OF LAND ORDINANCE CAP 68
TO BE COMPLETED BY SURVEYOR**

District.....SP.NOof 19.....

Date of SurveyField Book NosPage Nos

Was applicant present.....when you surveyed this land?.....

[Sch. III] CAP. 68

Did you personally point out to the applicant the boundary marks emplantd around this land?

.....
.....

Who cut the rentises?.....

Has any objection been raised on the survey of this land?.....

If yes, give details below:

Other remarks: buildings, crops, etc.

Sketch of land based on the survey:

Scale:

North Point:

SURVEYED AND DRAWN BY:
(Signature)

Name: Grade.....
(BLOCK LETTERS)
..... 19.....

This survey is shown on P. No.....

As Lot No Acreage/hectarageNo. of Title Prepared.....

Date of Registration:Signature:.....

Name:.....Grade:.....
(BLOCK LETTERS)

Appendix 5

Notes for Guidance of Applicants

1. 16 copies of the development plan should be submitted with this application
2. In addition to the information required in the memorandum to the scheme the plan should show the following:
 - a) The dimensions of the site and the proposed development drawn to a suitable scale.
 - b) Existing services, e.g. roads, e.g. electricity and water supply, drains, sewers.
 - c) Existing and proposed development of adjoining land.
 - d) The location drawn to a scale of 4 chains to an inch showing the proposed development.
 - e) The finish level of the whole development.
 - f) Gradient of proposed roads and drains and their cross-section.
 - g) The lots within the development to be clearly numbered.

4 References

Sabah Board of Survey: *Surveyors (Conduct of Title Surveys) Regulations 1962, (amendment 1989)*

State of Sabah (1996), '*Land Ordinance, (Sabah Cap 68) 1930 with Subsidiary Legislation,*' Sabah Government Printing

State of Sabah (1996), '*Town and Country Planning Ordinance (Sabah Cap. 141) 1952 with Subsidiary Legislation,*' Sabah Government Printing.

Sopikit, Augustine, *District Land Officer*, Penampang Land Office (Interview)

Malangkig, Robert, *District Council Engineer*, Penampang District Council (Interview)

Lombud, Lokut, *Penampang District Town Planning Officer*, Town and Regional Planning Office, Kota Kinabalu (Interview)

Gilingan, Robert, *District Land Surveyor*, Land and Survey Department Headquarters Kota Kinabalu (Interview)

Sikumin, Jiffaning, *Land Title Officer*, Land and Survey Department Kota Kinabalu (Interview)

Mojigoh, Marcus (Datuk), Private Licensed Surveyor, Mojigoh Survey Sdn. Bhd., (Interview)

Mojigoh, Tony, *Executive Officer*, Penampang District Council (Interview).

