

THE LAND (CONTROL AND MANAGEMENT OF SIPADAN ISLAND) RULES 1996

In exercise of the powers conferred upon him under section 46(a) of the Land Ordinance [Cap. 68.] the Yang di-Pertua Negeri hereby makes the following rules:

Citation and commencement.

1. These rules may be cited as the Land (Control and Management of Sipadan Island) Rules 1996 and shall come into operation on such date as the Minister may, by notification in *Gazette*, appoint.

Interpretation.

2. In these Rules, unless the context otherwise requires –

- (a) "Authorised Officer" means the Assistant Collector of Land Revenue, the District Officer, an officer of the Department of Wild Life or a Park Officer;
- (b) "Director" means the Director of Lands and Surveys appointed under section 47 of the Land Ordinance [Cap. 68.];
- (c) "District Officer" means the District Officer of Semporna or in his absence, the Assistant District Officer of Semporna;
- (d) "Island" means the entire island known as Sipadan Island situated off the coast of Semporna in the District of Semporna which has been reserved under section 28 of the Land Ordinance [Cap. 68.] for the purpose of bird sanctuary by Gazette Notification No.69 of 1933 and includes, where the context so admits, the waters of the Island;
- (e) "Minister" means the Minister for the time being responsible for matters relating to the environment;
- (f) "Park Officer" has the same meaning as assigned thereto in the Parks Enactment 1984 [En. No. 6 of 1984.];

- (g) "the waters of the Island" means the sea around the Island within a distance of 300 metres from the low-water mark of the Island.

No entry without registration.

3. No person shall enter or remain on the Island without registering with the office of the District Officer.

No entry for intoxicated person.

4. (1) No person in a state of intoxication shall be allowed to enter or remain on the Island.

(2) Any person trespassing or causing a disturbance, annoyance or inconvenience therein or refusing to comply with the lawful order or direction of an Authorised Officer may be ordered to leave the Island or may be removed therefrom by an Authorised Officer.

No littering etc.

5. No person shall on the Island –
- (a) deposit or leave any litter, bottle, can, container, carton, glass, pottery, paper, metal, plastic, rubbish, refuse or waste material of any kind except in an area or receptacle provided for that purpose;
 - (b) deposit or leave any mineral waste;
 - (c) deposit, discharge or leave any offal, filth, dung, dead animal or any noisome, noxious, offensive or polluting matter or thing; or
 - (d) cure, smoke, dry or salt any animal, fish or reptile.

Music not to cause disturbance etc.

6. No person shall play any radio, karaoke set, television set, tape recorder, cassette player, record player or musical instrument at a volume that will cause disturbance or annoyance to other persons on the Island.

No excessive noise from generator etc.

7. No person shall use or operate any generator, air-compressor or other apparatus which causes excessive noise unless the same is confined in enclosure placed below ground level.

Prohibited acts between 6.00 p.m. and 6.00 a.m.

8. No person shall between the hours of 6.00 p.m. and 6.00 a.m.-

- (a) play any radio, karaoke set, television set, tape recorder, cassette player, record player or musical instrument outside the confines of any dwelling, cabin, tent or other building on the Island;
- (b) kindle or maintain any fire on any beach or open ground on the Island;
- (c) walk along any beach on the Island unless authorised to do so by an Authorised Officer;
- (d) carry or use on the Island any torch light or other lamp or apparatus designed for the diffusion or projection of light or any lighting apparatus commonly used to facilitate cinematography or the taking of photographs unless authorised to do so by an Authorised Officer.

No removal etc. of sand, gravel etc.

9. No person shall destroy, injure, deface, mar, move, dig, disturb or remove from the Island any sand, gravel, soil, rock, stone or any other rock material.

No defacing of signs etc.

10. No person shall wilfully mark, deface, damage, displace, remove or tamper with any sign, notice, placard, whether temporary or permanent, or any stake, post, buoy or other boundary mark placed or erected on the Island by the Director or an Authorised Officer.

No possession of weapon etc..

11. No person shall convey into the Island or, being within the confines thereof, be in possession of any weapon, trap or noxious substance.

No disturbance of coral formation or marine growth.

12. No person shall cut, destroy, injure, mutilate, remove, displace or damage any coral or bottom coral formation or other marine growth including seaweed or any other alga or plant growing in the sea in the waters of the Island.

No attachment to coral etc.

13. No rope, wire, chain or other contrivance shall be attached to any coral, rock or other marine formation whether temporary or permanent in character in the waters of the Island.

No dredging etc.

14. No dredging, excavating or filling operation of any kind is permitted on the Island and no material of any sort may be deposited in or on the waters thereof.

No pollution of the sea.

15. No person shall dump or deposit in or on the waters of the Island any oily liquid or waste, acid or other deleterious chemical, bottle, broken glass, paper, box, dirt, rubbish, waste, garbage, refuse or other debris or polluting substance.

No hunting.

16. No person shall hunt, kill, injure, capture or disturb any turtle, any other animal or any bird or take or destroy any of its eggs or nests.

No destruction of vegetation.

17. No person shall cut, remove, damage, injure or destroy or set fire to any flower, plant, tree or other vegetation found on the Island without the written permission of the Authorised Officer.

No removal of object of scientific interest.

18. No person shall remove from the Island any object of geological, prehistorical, archaeological, historical or other scientific interest.

No destruction of animate or inanimate object.

19. No person shall destroy or deface any object, whether animate or inanimate, found on the Island.

No disturbance of ground.

20. No person shall clear, break up any ground or dig any well on the Island without the permission of the Director.

No possession of fishing equipment.

21. The possession of any fishing equipment within the Island is strictly prohibited.

No possession of poisons, explosives etc.

22. The possession of organic or inorganic poisons, explosives, electric charges, carbide bombs or any similar method for the taking or killing of fish or other marine organisms within the Island is prohibited.

No fishing.

23. Spear fishing, trawler fishing and fishing by whatever means in the waters of the Island are strictly prohibited.

Underwater sports or activities.

24. Every person wishing to undertake underwater sports or activities such as scuba diving and other ventures of a similar nature in the waters of the Island shall first obtain the approval in writing of the Authorised Officer and be subject to the conditions as may be laid down in such approval by the Authorised Officer.

Passing through of fishing vessels.

25. Fishing vessels passing through the waters of the Island shall have their fishing gear or fishing equipment properly secured and kept in such a manner as to show that such fishing gear or fishing equipment is not about to be used for fishing purpose.

Operation of watercraft.

26. (1) No watercraft shall be operated in such manner as to strike or otherwise cause damage to the natural features of the Island including coral formations or other marine growth.

(2) Except in case of emergency endangering life or property, no anchor shall be cast or dragged in such a way as to damage any reef structure of the Island. Watercraft remaining stationary over a reef area of the Island shall secure themselves to buoys provided specially for this purpose by the Authorised Officer.

(3) No watercraft shall operate at a speed greater than 6 knots per hour in the waters of the Island.

(4) All watercraft from which diving operations are being conducted in the waters of the Island shall fly in a conspicuous manner the International Code of Signals Flag 'A', which is recognised as the international diving flag. No boat under power shall approach closer than one hundred metres to such a boat displaying the diving flag except at idling speed and with great caution.

(5) Watercraft anchored or proceeding at slow speed in the waters of the Island for observation shall be approached or passed at such slow speed that the wake of the approaching or passing watercraft does not disturb the observation watercraft.

Scientific research and commercial activities.

27. No person shall, without a permit issued by the District Officer and subject to such conditions as may from time to time be determined by him, on the Island -

- (a) sell or attempt to sell or hire, expose for sale or hire or solicit for sale any article, thing or service to any person or conduct or assist the operation of any amusement, entertainment, instruction or performance of any kind whatsoever for money;
- (b) carry on any scientific research work or similar activity;
- (c) erect any board or notice or display any commercial or political advertising matter, sign, bill or poster.

Business of transporting passengers.

28. (1) No person shall use his vessel to carry passengers to the Island unless such vessel has been registered with the District Officer.

(2) Any owner of a vessel desirous of engaging in the business of transporting passengers to the Island shall register his vessel with the District Officer who may issue a permit which shall be subject to such conditions as he may impose. Only applications from owners of licensed vessels, permitted to carry passengers by the Marine Department and in the charge of a competent serang will be considered.

(3) The District Officer may charge a fee of RM 10.00 for the issue of a permit under this rule.

(4) The District Officer may in his absolute discretion refuse to register any vessel under this rule.

(5) A registered vessel, when engaged in the transport of passengers to the Island, shall carry a sign board conspicuously displayed on the vessel to the effect that it is authorised to carry passengers to the Island.

(6) No vessel of any description shall anchor within the waters of the Island except at a place set apart for the purpose by an Authorised Officer.

Landing of helicopter.

29. (1) No helicopter shall land on the Island without a prior permit from the District Officer. Such permit shall be subject to such conditions as the District Officer may impose.

(2) No helicopter shall land on the Island except at a place indicated on the permit.

(3) The District Officer may charge a fee of RM 10.00 for issue of a permit under this rule.

(4) The District Officer may in his absolute discretion refuse to issue a permit under this rule.

Areas for camping, mooring, docking etc.

30. The Director may set apart areas on the Island for the purpose of camping, mooring, docking, landing, accommodation and services and may impose such charges and conditions of use of such areas or the amenities affixed thereto as he may from time to time determine.

Areas for swimming and aquatic sports.

31. The Director may set apart areas in the waters of the Island for the purpose of swimming and other aquatic sports and may exclude watercraft from such areas.

Erection of building or other structure.

32. No person shall erect or cause to be erected on the Island any building, cabin, tent or other structure or utilise any part thereof for the purpose of camping or residing therein except in an area set apart for the purpose and with the permission of the Director who may impose such conditions and charges as he may from time to time determine.

Order for demolition of building or other structure.

33. An Authorised Officer may order the occupier or person responsible for or owner of any building, cabin, tent or structure on the Island erected in contravention of rule 32 to demolish and remove the same and clear the area forthwith and in default any such officer or person authorised by him in that behalf may demolish and remove such building, cabin, tent or structure at the expense of the occupier or person responsible therefor or the owner thereof without having to give such person an opportunity of being heard.

No domestic animal.

34. No person shall introduce any domestic animal into the Island. An Authorised Officer at his absolute discretion may impound or destroy any domestic animal found within the Island. Any impounded animal may be released to its owner upon paying of such maintenance fee as may be determined by an Authorised Officer for every day or part of a day that the animal has been impounded. A notice of all animals impounded shall be displayed at all entrances to the Island and at the District Office of the Semporna.

Compliance with lawful order etc.

35. No person shall obstruct, threaten, interfere with or refuse to comply with any lawful order, request or direction of an Authorised Officer.

Penalty.

36. Any person who contravenes any of the provisions of these rules shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit or imprisonment for a term not exceeding two years or both fine and imprisonment.

Dated at Kota Kinabalu, this 10th day of December, 1996

By His Excellency's Command,

DATUK YONG TECK LEE,
Chief Minister of Sabah.