

FOREST ENACTMENT 1968

(No. 2 of 1968)

FOREST (KEBUN CINA FOREST RESERVE) RULES 2024 (G.N.S. 30 of 2024)

IN exercise of the powers conferred by section 42 of the Forest Enactment 1968 [No. 2 of 1968], the Chief Minister makes the following rules:

Citation and commencement

1. (1) These rules may be cited as the Forest (Kebun Cina Forest Reserve) Rules 2024.
- (2) These Rules come into operation on the date of its publication in the *Gazette*.
[26-12-2024]

Interpretation

2. In these Rules —

“Enactment” means the Forest Enactment 1968 [No. 2 of 1968];

“Forest Reserve” means the Kebun Cina Forest Reserve as delineated in F.D Map No.35/19B constituted under the Forest (Constitution of Forest Reserves and Amendment) Enactment 1984 [No. 4 of 1984]; and

“Management Committee” means the Sandakan Rainforest Park Management Committee of Kebun Cina Forest Reserve established under rule 4.

Application

3. These Rules and privileges and conditions declared in these Rules shall apply to the Forest Reserve.

Establishment of the Management Committee

4. There shall be established a Management Committee by the name of “Sandakan Rainforest Park Management Committee” for the purpose of the Forest Reserve.

Membership of the Management Committee

5. (1) The Management Committee shall consist of the following members:

- (a) Chairman;
- (b) the Chief Conservator if he is not appointed as a Chairman under subrule (2) or (3) or his authorized representative;
- (c) the President of Sandakan Municipal Council if he is not appointed as a Chairman under subrule (2) or (3) or his authorized representative;
- (d) the State Attorney General or his authorized representative;
- (e) the secretary of Natural Resources or his authorized representative;
- (f) the Officer in Charge of Police District of Sandakan or his authorized representative;
- (g) the Commanding Officer of Sandakan Royal Malaysia Navy or his authorized representative;
- (h) the Director of Public Works Department or his authorized representative;
- (i) the District Forestry Officer of Sandakan;
- (j) the Manager of Sandakan Rainforest Park;
- (k) Occupation Permit holder in the Forest Reserve or his authorized representative; and
- (l) not more than three persons to be appointed by Chief Minister.

(2) The Chairman of the Management Committee shall be appointed by the Chief Minister on rotation between —

- (a) the Chief Conservator; and
- (b) the President of Sandakan Municipal Council.

(3) Notwithstanding subrule (2), the Chief Minister may in his absolute discretion appoint such other person as he may deem fit to be the Chairman.

(4) A member of the Committee under paragraph (1)(l) may at any time and from time to time be changed by written notice.

Duration of appointment as Chairman

6. The Chairman shall hold office for a term of two years from the date of his appointment.

Secretary of the Management Committee

7. The Secretary of Management Committee shall be appointed by the Management Committee from amongst persons serving in the Sabah Forestry Department or Sandakan Municipal Council for such period as may be determined by the Management Committee.

Procedure of the Management Committee

8. (1) Subject to the Enactment and these Rules, the Management Committee shall have the powers to determine its own procedures.

(2) The Management Committee shall hold a meeting at least every six months.

(3) The meetings of the Management Committee shall be held at such times and places as the members of the Management Committee may determine.

(4) The meeting of the Management Committee may be called upon fourteen days prior written notice and such notice may be waived by written consent of all members.

Powers and functions of the Management Committee

9. The powers and functions of the Management Committee shall be —

(a) to advise the Chief Conservator on the conservation and protection measured of the Forest Reserve as a permanent tropical rainforest for the purpose of forest recreation, research, biodiversity and environment and climatic condition;

(b) to advise on any proposal for development within the Forest Reserve;

(c) to address appropriately the findings of research in the state or national interest;

(d) to provide guidelines on the role of collaborators for the Forest Reserve;

- (e) to invite other organisations including overseas organisations into the Management Committee on ad hoc basis for the purpose of management, operation, recreation, and conservation of forest;
- (f) to invite other organisations including overseas organisations into the Management Committee on ad hoc basis for the purpose of funding and scientific experts on research; and
- (g) to forge relationships with local or overseas organisations for the purpose of forest recreation, research, conservation and education.

Day-to-day management

10. Without prejudice to the duties and powers of the Chief Conservator and other forest officers under the Enactment, the day-to-day management of the Forest Reserve shall be carried out by the Sabah Forestry Department which, in consultation with the Management Committee, may determine the procedure for the following matters:

- (a) the matrix of the management organisation of the Forest Reserve;
- (b) the control and regulation of entry of persons into the Forest Reserve including the regulation of the period during which persons may remain therein and the conditions under which they may do so;
- (c) the establishment of such forest recreation facilities and other similar structures as may be deemed necessary to carry out the purposes of the Forest Reserve; and
- (d) such other matters as may be necessary for the more effectual carrying out such day-to-day management of the Forest Reserve.

Made this 14th November 2024

DATUK SERI PANGLIMA HAJI HAJI BIN HAJI NOOR,
Chief Minister of Sabah.