

FOREST ENACTMENT 1968

(No. 2 of 1968)

FOREST (IMBAK CANYON CONSERVATION AREA) RULES 2010

(G.N.S. 4 of 2010)

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

Citation and commencement

1. (1) These Rules may be cited as the Forest (Imbak Canyon Conservation Area) Rules 2010 and shall be deemed to have come into operation on 1st January, 2010.

Interpretation

2. In these Rules –

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

“Management Committee” means the Imbak Canyon Conservation Area Management Committee established under rule 4;

“Sabah Foundation” means the Sabah Foundation established by section 3 of the Sabah Foundation Enactment 1966 [No. 8 of 1966];

“Forest Reserve” means the Imbak Canyon Forest Reserve as delineated on F.D. Map No. 73/42, Sungai Imbak Buffer Zone Forest Reserve as delineated on F.D. Map No. 73/59, Sungai Imbak Buffer Zone Forest Reserve (Extension) as delineated on F.D. Map No. 74/67, Sungai Lulungoyan Forest Reserve as delineated on F.D. Map No. 73/61, Sungai Imbak Forest Reserve (Extension) as delineated on F.D. Map No. 74/66, Mount Magdalena Forest Reserve as delineated on F.D. Map No. 89/70, Mount Magdalena Forest Reserve (Extension) as delineated on F.D. Map No. 90/123, Sungai Imbak Forest Reserve (Extension) as delineated on F.D. Map No. 73/2B, Sungai Ayop Forest Reserve as delineated on F.D. Map No. 73/62, Sungai Imbak Buffer Zone Forest Reserve (Extension II) as delineated on F.D. Map No. 74/68, Imbak Forest Reserve as delineated on F.D. Map No. 90/37A and Batu

Timbang Forest Reserve as delineated on F.D. Map No. 89/8B constituted under the Forest (Constitution of Forest Reserves and Amendment) Enactment 1984 [No. 4 of 1984].

Application

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

Establishment of the Management Committee

4. There shall be established an Imbak Canyon Conservation Area 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) a Chairman;
 - (aa) the Secretary of Natural Resources or his authorized representative;
 - (b) the Permanent Secretary of the Ministry of Tourism, Culture and Environment or his authorized representative;
 - (c) the Chief Conservator if he is not appointed as a Chairman under subrule (2) or (3) or his authorized representative;
 - (d) the Director of the Wildlife Department or his authorized representative;
 - (e) the Director of Sabah Parks or his authorized representative;
 - (f) the Director of the Sabah Museum or his authorized representative;
 - (g) the Director of the Sabah Foundation if he is not appointed as a Chairman under subrule (2) or (3) or his authorized representative;
 - (ga) a representative of the World Wide Fund for Nature (WWF) Malaysia;
 - (h) not more than three persons to be appointed by the 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 Director of Sabah Foundation.

(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 under paragraph 1(h) shall be appointed for a period of three years from the date of appointment.

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 the Management Committee shall be appointed by the Management Committee from among persons serving in the Sabah Foundation 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 once a year.

Management objectives and Role of the Management Committee

9. (1) The management objectives of the Forest Reserve are –

- (a) to protect in perpetuity of as much as possible the biological diversity of the Forest Reserve, expressed at genetic, individual, sub-species, species, habitat and ecosystem levels of organization;
- (b) to promote research into all aspects of the composition and functioning of the ecosystem of the Forest Reserve including comparative studies of disturbance and recovery processes following logging of nearby areas;

- (c) to promote education and training in conservation, natural history, ecology, forestry and related sciences;
- (d) to promote the Forest Reserve for appropriate recreation and nature tourism provided that such activities do not significantly compromise the management objectives for the Forest Reserve; and
- (e) to integrate the management objectives of the Forest Reserve with other planned development in surrounding areas so as to create a model management area in the Sg. Pinangah Forest Reserve which is constituted under the Forests (Constitution of Forest Reserves and Amendment) Enactment 1984 [No. 4 of 1984] that combines conservation, forestry and nature of tourism activities on a sustainable long-term basis.

(2) The role of the Management Committee shall be to plan, co-ordinate, facilitate, monitor and evaluate the management objectives of the Forest Reserve under subrule (1).

Powers and functions of the Management Committee

10. The powers and functions of the Management Committee shall be to –
- (a) advise the Chief Conservator on the conservation and protection of the Forest Reserve;
 - (b) advise the Chief Conservator on the conservation and protection of the Reserve as a permanent tropical rain forest for the purpose of scientific research, protection of ecology, environment and climatic conditions and recreation;
 - (c) advise on any proposal for development within the Forest Reserve;
 - (d) accept or reject any proposed research to be carried out within the Forest Reserve;
 - (e) address appropriately the findings of research in the state or national interest;
 - (f) provide guidelines on the role of collaborators for the Forest Reserve;

- (g) invite other organizations including overseas organizations into the Management committee on an *ad hoc* basis for the purpose of funding and scientific experts on research; and
- (h) forge relationships with local or overseas organizations for the purpose of research, conservation and education.

Day-to-day management

11. Without prejudice to the duties and powers of the Director and other forest officers under the Enactment, the day-to-day management of the Forest reserve shall be carried out by the Sabah Foundation which, in consultation with the Management Committee, may determine the procedure for the following matters:

- (a) the matrix of the management organization 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 research centres, jungle lodges, observatory towers, cabins and other similar structures as may be deemed necessary to carry out the purpose 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 1st April, 2010.

DATUK SERI PANGLIMA MUSA HJ. AMAN,
Chief Minister of Sabah.