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DEGAZETTING A FOREST RESERVE 'CAN TAKE YEARS'

BY KURNIAWATI KAMARUDIN & SAKINI MOHAD SAID

The Selangor government's proposal to degazette the Kuala Langat North Forest Reserve for development has caused much consternation among nature lovers and environmental health specialists who are concerned about the dwindling size of Malaysia's peat swamp forests. This article delves into what the Selangor Forestry Department has to say about the issue.

While the fate of the Kuala Langat North Forest Reserve (KLNFR) is hanging by a thread, those opposed to its proposed degazettement can take heart in the knowledge that the process of withdrawing the protected status of a forest reserve "can take years" to complete.

As Selangor Forestry Department (JPNS) director Datuk Ahmad Fadzil Abdul Majid puts it, it is not that easy to degazette a permanent forest reserve (HSK).

Reiterating this point during an exclusive interview with Bernama at his office here recently, he said: "That's the reality ... due to the difficulties involved, degazettement processes (of HSK) in the past have taken years."

One of the main reasons for the time-consuming process is meeting the criteria for degazetting a forest reserve, the most important of which is securing tracts of land of equivalent or higher value to replace the one earmarked for degazettement, as required under Section 12 of the National Forestry Act 1984.

Under the current circumstances in Selangor, finding a suitable replacement for an HSK that is facing degazettement is not an easy task due to the limited availability of land in the state, as well as the Selangor government's unwavering commitment to protecting its natural resources and ensuring that the total land area designated as HSK is maintained at not less than 30 percent.

KLNFR, which is located in Mukim Tanjung 12 in Kuala Langat district, Selangor, came under scrutiny when JPNS issued a notice early last year to secure public views on a proposal by the state government to degazette the forest reserve. However, to date, no decision has been made on the



THE degazettement process can take years as one of the main reason is meeting the criteria, the most important of which is securing tracts of land of equivalent or higher value to replace the one earmarked for degazettement, as required under Section 12 of the National Forestry Act 1984. Photo: Bernama

proposal. KLNFR used to spread over 7,246.96 hectares of land. Today, only 957.63 hectares are left, out of which the state government hopes to degazette 931.17 hectares as per its proposal for development purposes.

Not only are environmental non-governmental agencies and the local communities living on the fringes of KLNFR dead set against the proposal to degazette the valuable forest tract, even federal government agencies such as the Ministry of Energy and Natural Resources and Forest Research Institute of Malaysia are opposing it.

Apart from that, the Selangor State Legislative Assembly passed a resolution last year urging the state government to protect the status of its forests gazetted as forest reserves. The resolution received the unanimous support of the assembly members from both sides of the political divide.

Must be replaced

"I want to make it clear... it's not easy to degazette an HSK. Getting approval (for the degazettement) is not something that can be done within the snap of a finger. This

is because it has to go through various processes and studies also have to be done. This is why it can take years," Ahmad Fadzil said.

He also stressed that the degazettement of an HSK will not proceed if the authorities concerned are not able to replace it with another tract of land.

"The process of withdrawing an HSK's forest reserve status and replacing it with land of equivalent size or more has to be done simultaneously.

"For example, if a 100-hectare HSK is going to be degazetted, then it has to be replaced with another tract measuring 100 hectares or more," he added.

He also said that JPNS would oppose any proposal to degazette an HSK if there is no strong basis for it and if it lacks socio-economic benefits.

"In fact, we are constantly working to expand the size of our existing HSK," he said.

Due to the difficulty in meeting the criteria, only three tracts of HSK have been degazetted in Selangor over the last decade, comprising Bukit Lagong Forest Reserve (3,164 hectares), Ulu Gombak Forest Reserve (20.03 hectares) and Rantau Panjang Forest Reserve (1,589 hectares).

The withdrawal of forest reserve status from these three tracts, however, did not impact the state's 30 percent forest reserve policy.

As of April this year, Selangor had about 250,000 hectares of forests designated as HSK as part of its sustainable forest management policy to protect its economic, social and environmental interests. Selangor's permanent forest reserves comprise 31 percent of the state's total land area, which is above its 30 percent target.

There are 71 HSK in Selangor consisting of three types of forests, namely terrestrial forest (142,156 hectares), marine swamp forest (18,998 hectares) and peat swamp forest (82,890 hectares).

KLNFR not exempted

Referring to KLNFR, Ahmad Fadzil said the state government had, at a state executive council meeting on Oct 16, 2019, approved an area of 931.17 hectares of KLNFR for land acquisition under Section 76 of the National Land Code 1965.

According to the state government, the proposed change in status of the forest reserve was in line with Section 11 (b) of the National Forestry Act (Adoption)

Enactment 1985 which stipulates that the state "may remove any land area within a permanent forest reserve if it is satisfied that the land is needed for economic use higher than the current use".

However, as Ahmad Fadzil pointed out several times during the interview with Bernama, the state government would have to replace the land area it seeks to withdraw from KLNFR, as is the case with any HSK.

He also said that Selangor cannot degazette an HSK without getting the feedback of the public.

"Selangor is the first state to enforce a ruling requiring public participation in matters concerning its forest reserves, including degazetting them," he said, adding that the ruling came about following an amendment to Section 11 of the National Forestry Act (Adoption) Enactment in 2011.

"This clearly shows that the Selangor government is committed to protecting its national treasures."

Even Selangor Menteri Besar Datuk Seri Amirudin Shari has asserted that he has no wish to be an MB under whose tenure Selangor's forests have dwindled in size.

Not high-quality species

The state government has proposed to replace the area it intends to degazette in KLNFR with two tracts in Sabak Bernam district — Sungai Panjang (308.62 hectares), and Sungai Panjang 2 (606.88 hectares) — and one in Kuala Selangor district, Sungai Kuala Selangor (261.81 hectares).

Interestingly, the peat forests touted to replace KLNFR are said to be of better quality. Not only that, the potential gazettement of the Sungai Panjang tract as a forest reserve will enable it to be merged with the existing Raja Musa Forest Reserve, thus creating the largest peat forest in Peninsular Malaysia.

On the quality of KLNFR, Ahmad Fadzil admitted that 40 percent of the forest has degraded in quality due to encroachments and fires.

"Here, degraded means the forest is poor in terms of the diversity of its species. It means in a one-hectare area, only five or six big trees and two or three species can be found.

"A normal forest would have hundreds of species (thriving) in an area of the same size," he explained.

While he acknowledged that efforts were being made by NGOs and the local communities to rehabilitate parts of KLNFR impacted by fires, he said the replanted trees belonged to species that grew fast and were good for greening purposes. — Bernama