



LAWS OF SARAWAK

REPRINT

Chapter 58

PROMOTION OF COMMERCIAL AGRICULTURE AND AGRO-BASED INDUSTRIES ORDINANCE, 2004

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**PROMOTION OF COMMERCIAL AGRICULTURE AND
AGRO-BASED INDUSTRIES ORDINANCE, 2004**

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**PROMOTION OF COMMERCIAL AGRICULTURE
AND AGRO-BASED INDUSTRIES ORDINANCE, 2004**

An Ordinance to promote and co-ordinate activities for the growth of commercial agriculture and agro-based industries and to provide for connected or incidental matters.

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Enacted by the Legislature of Sarawak—

Short title and commencement

1. This Ordinance may be cited as the Promotion of Commercial Agriculture and Agro-based Industries Ordinance, 2004, and shall come into force on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

2. In this Ordinance—

“Company” means a Company limited and registered in Sarawak under the Companies Act 1965 [*Act 125*] and nominated by the Minister pursuant to section 5(1), by an Order to be published in the *Gazette*, for the purpose set out in section 5(1);

“Council” means the Sarawak Agropolis Advisory Council constituted under section 3;

“Government” means the Government of the State of Sarawak;

“land” shall have the same meaning assigned to it in the Land Code [*Cap. 81 (1958 Ed.)*];

“Minister” means the Minister in the Government having responsibilities for agriculture;

“Native Customary Land” shall have the same meaning assigned to it in the Land Code [*Cap. 81 (1958 Ed.)*];

“State Financial Secretary” means, except in relation to section 4(1)(c), the Corporation incorporated under the State Financial Secretary Incorporation Ordinance [*Cap. 36*];

“State Veterinary Authority” means the Authority established under section 3(1) of the Veterinary Public Health Ordinance, 1999 [*Cap. 32*], and includes any public officer appointed to discharge the duties and functions of that Authority.

Sarawak Agropolis Advisory Council

3.—(1) There shall be established a Council to be known as the “Sarawak Agropolis Advisory Council” consisting of persons appointed under section 4.

(2) It shall be the duty of the Council—

(a) to advise the Government on the direction, plan, programme and strategy—

(i) to promote commercial agriculture on a sustainable and long term basis so as to ensure the growth of the agricultural sector in Sarawak;

(ii) to co-ordinate activities and schemes for collaboration between the parties participating or investing in commercial agriculture and agro-based industries in the State; and

(iii) to promote investment in the agriculture sector of the economy;

(b) to direct the Company to execute, implement and comply with all directions and policies of the Government made or formulated pursuant to advice provided by the Council; and

(c) to exercise such powers and to discharge such other functions and duties as the Majlis Mesyuarat Kerajaan Negeri may, by Order published in the *Gazette*, confer or direct.

(3) The Council shall give effect to any direction given by the Minister which is not inconsistent with this Ordinance, in the discharge of its functions and duties under this Ordinance.

Composition of Council, etc.

4.—(1) The Council shall consist of—

(a) a Chairman;

(b) a Deputy Chairman;

(c) the State Financial Secretary or his nominee;

(d) the Permanent Secretary to the Ministry in the Government having responsibilities for agriculture;

(e) the Director of Agriculture or his nominee;

(f) the State Veterinary Authority or his nominee; and

(g) not less than three and not more than seven other members.

(2) The Chairman, Deputy Chairman and the members referred to in subsection (1)(g) shall be appointed by the Majlis Mesyuarat Kerajaan Negeri and shall hold office for a term not exceeding three years, but may be eligible for re-appointment.

(3) The Chairman or Deputy Chairman and two other members shall constitute a quorum for any meeting of the Council.

(4) The Council shall appoint a Secretary who shall have custody of all records of the Council.

(5) The Council may, with the approval of the Minister, make rules to regulate its procedures and proceedings for its meetings.

The Company

5.—(1) The Company, which is charged with responsibilities to execute, implement and give effect to all directions, decisions and strategies made or determined by the Council and all policies of the Government in carrying out the objectives of this Ordinance, shall be nominated by the Minister by an Order to be published in the *Gazette*, and shall be limited by shares and incorporated under the Companies Act 1965 [Act 125].

(2) The share capital of the Company shall be subscribed to and held by the State Financial Secretary, and shall not be allotted or transferred to or held by any other persons save and except with the prior authorization of the Majlis Mesyuarat Kerajaan Negeri.

Articles and Memorandum of Association

6.—(1) The Articles and Memorandum of Association of the Company shall conform with the provisions of this Ordinance.

(2) Without prejudice to subsection (1), the Company shall, in addition to the powers prescribed in its Memorandum of Association, have such powers and may carry out such duties, activities and functions as are prescribed by this Ordinance.

(3) Notwithstanding any provisions in its Articles of Association or other written laws, the Company shall give effect to all directions given to the Company by the Council pursuant to section 3(2)(b).

(4) The undertaking of any activity, business or investment shall be deemed to be within the powers of the Company to undertake notwithstanding the absence of any express provisions in the Memorandum of Association of the Company to this effect.

Immovable property

7.—(1) The Government may vest in or alienate State land to the Company or acquire any other land for the Company to enable it to carry out or perform its duties and functions under this Ordinance or of the objects set out in its Memorandum of Association.

(2) Any acquisition of land under Part IV of the Land Code [*Cap. 81(1958 Ed.)*] for the purposes of the Company under this Ordinance, shall be deemed to be a public purpose.

(3) Where State land is vested in or alienated to the Company under subsection (1), the Company shall, if such land is vested or alienated without payment of premium, issue to the State Financial Secretary, shares equivalent to the market value of such land as assessed by a valuer appointed by the Director of Lands and Surveys.

(4) No land which is vested, held or registered in the name of the Company shall be used for any purpose other than for the furtherance of the objects of the Company or to carry out, execute or perform any of the directions of the Council.

(5) Non-compliance with the provisions of subsection (4) shall be deemed a breach of a condition of title of such land (irrespective of whether such condition is stated in the document of title thereof) and shall entitle the Government to re-enter the land in accordance with section 33 of the Land Code [*Cap. 81 (1958 Ed.)*].

Declaration of area for commercial agriculture

8.—(1) The Chief Minister may, by notification in the *Gazette*, declare any area to be a special area designated for commercial agriculture.

(2) Where land declared under subsection (1) is State land, the same shall not be alienated or used for any other purpose except for farming on a commercial scale to be undertaken by the Company either by itself or in collaboration or joint venture with any other parties or persons.

(3) Where land declared pursuant to subsection (1) is alienated land, the same may be acquired for the Company under Part IV of the Land Code [*Cap. 81 (1958 Ed.)*].

Native

9. The Company shall be deemed a native for purposes of the Land Code [*Cap. 81 (1958 Ed.)*].

Financial assistance from Government

10.—(1) The Government may provide grants, loans and other financial assistance upon such terms and conditions as the Government may determine to enable the Company to implement or execute or carry out any direction, decision or plan of the Council or policy of the Government.

(2) Any such grants, loans and financial assistance when provided under this section shall be accounted for in a special account maintained by the Company.

(3) The Company shall, whenever required by the Council, submit true and accurate record of the loans, grants and financial assistance given by the Government under this section and of the moneys kept in the said special account.

(4) The provisions of the Statutory Bodies (Financial and Accounting Procedures) Ordinance, 1995 [*Cap. 14*] shall apply to the Company in relation to the preparation of its annual estimates of revenue and expenditure, the auditing of its accounts and the submission of its annual audited accounts and annual report.

Employees

11. Notwithstanding any provision in its Articles of Association or in any other written laws, the terms, conditions and remuneration of the employees of the Company shall be determined by the Company in consultation with the Council.

Assistance and incentives for commercial farming

12. The Government may, on the advice of the Council, provide technical, financial and other forms of assistance to those participating in schemes or projects, approved by the Government for farming on a commercial scale, provided that where Native Customary Land is to be developed for commercial agriculture, such financial or other assistance would only be given to natives who have been issued with permit under section 10 of the Land Code to occupy Interior Area Land or if they are within a Native Communal Reserve declared under section 6 of the Land Code [*Cap. 81 (1958 Ed.)*].

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LIST OF AMENDMENTS

Amending Law	Short Title	In force from
	-Nil-	

