



April 2005

MALAYSIAN NATURE SOCIETY

STATEMENT ON

PRIME MINISTER'S RECOMMENDATION ON ENVIRONMENTAL PLANNING

INTRODUCTION

Malaysia is one of the mega-diverse countries of the world, with our highland, lowland, riverine, coastal and marine habitats. We have various legislations targeted at conservation and wise-use of these resources but environmental degradation and unsustainable developments are always encroaching into the natural environment, causing loss of biodiversity and community well-being, as showcased by the Bukit Cahaya catastrophe.

PRIME MINISTER'S RECOMMENDATION

In response to the major environmental degradation in Bukit Cahaya, the Prime Minister of Malaysia, YAB Dato' Seri Abdullah Ahmad Badawi has recommended the following suggestion:

- i. EIA to be carried out for any development of 20 ha or more (present requirement is 50 ha) and all lots adjoining each other must be viewed as one project and not separately
- ii. All trees with a diameter of 6 to 8 inches cannot be cut
- iii. The Federal Government is looking into converting all idle land that has been cleared into recreational areas with possibility of buying the land from State Government
- iv. Immediate enforcement of all the environmental protection legislations

The Malaysian Nature Society applauds the Prime Minister's concern and advocacy for environmental conservation and would like to provide a few recommendations to ensure the successful and effective implementation of the above.



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MNS RECOMMENDATIONS

- 1. Amendment of the Environmental Quality Act 1974, Environmental (Prescribed Activities) (Environmental Impact Assessment) Order 1987** The present order requires a minimum of 50 ha for projects involving coastal reclamation, clearing of mangrove for aquaculture, conversion of hill forest and mangrove swamps, housing development, industrial estate development, hill station resort or hotel development and sand-dredging activities.

In view of the present strain on resources, some of the areas must be accorded total moratorium from development. For example any clearing of mangroves, not only limited to 20ha, should require an EIA. This is to support the existing moratorium on conversion of mangroves, to be implemented soon.

As for development of residential area, this 20 ha requirement should only be applicable to areas in natural forest.

The requirement for development of medium and heavy industrial area must take into account overall land-use zonation, e.g. 10 separate industries adjacent to each other, but each less than 20ha, and this is what happens now to avoid EIA requirements at a landscape level.

The area-size for sand-mining activities is not applicable, as requirements should be for any sand-mining activities.

Recreational facilities on hillsides are similar to industries; requirements should be at land-use planning level, not the individual facility or project which is often less than 20ha.

However, the reduction of the sizes from 50ha to 20 ha would mean more resources needed to process and review the EIA, adding more strain to the existing limited resources of the Department of Environment (DOE).

MNS would rather suggest that an amendment to the Environmental (Prescribed Activities) (Environmental Impact Assessment) Order 1987 should include some mention of post-EIA monitoring and environmental audit to be conducted on projects with EIAs to ensure compliance to the report.

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- i. The Order should include Environmental Management Plan (EMP) as part of the EIA.
 - ii. Post EIA Monitoring team must be included in the EIA report as part of the EMP. The post-EIA monitoring report should be made public to allow for continuity of participation by public.
 - iii. These requirements must be enforced with regular presence of enforcement officials; otherwise the monitoring and audits (done by consultants) lose their effectiveness.
 - iv. All project areas less than the required area but adjacent or contiguous totalling more than the requirement must conduct a Strategic Environmental Assessment (SEA), to assess the cumulative impact on the environment. (This requirement must be mandated).
 - v. Any form of development on highland with a gradient more than 25 degrees, mangroves and islands must be included in the Director-General's list for mandatory Detailed EIA.
 - vi. Mandating the inclusion of Environmental Cost Benefit Analysis (ECBA) of projects in EIA report. This is one of the most crucial tools for decision-making on the EIA.
 - vii. Gazetting all Environmental Sensitive Areas (ESA) to be supported by the Guideline on ESAs, and include ESA as new sites for EIA requirement.
- 2. Tree preservation.** The diameter for trees might not be relevant to all species of trees (eg. early successional tree species). Instead a qualified botanist/ forester should conduct an assessment of the area and produce a list of species and their appropriate diameter for felling, and justification for which trees to be felled.
- 3. Implement the polluter pay system.** Conversion of idle land by government might strain the resources of state. It would be more appropriate to require the proponent or owner of the land to rehabilitate cleared but unused or undeveloped land.

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- 4. Making EIA approval by DOE mandatory for approval of project by state.** Present EIA is non-binding on the project assessed, only the approval of the report.

- 5. Capacity building of the Department of Environment (DOE) authorities on environmental management.** State DOE Officers must be informed to advise appropriately on EIA requirements to state authorities and project proponents. There are inadequacies in managing the huge responsibilities given to them and needs training to sustainably manage the environment.

CONCLUSION

It is the position of MNS that an integrated, ecosystem-based approach for the planning and management is needed. This paper is aimed at addressing current predicaments and measures that can be taken to resolve them. It should be noted that the success of the recommendations listed above are inter-linked, and should be implemented in its entirety in order to be successful.

The MNS Mission and Sustainable Development

MNS' mission is to promote the study, appreciation, conservation and protection of Malaysia's natural heritage, focusing on biological diversity and sustainable development.

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