

ENVIRONMENT PROTECTION (PRESCRIBED ACTIVITIES) ORDER 2005

In exercise of the powers conferred by subsection 12(1) of the Environment Protection Enactment 2002 [*Enactment No. 12 of 2002.*], the Minister makes the following order.

Citation and commencement.

1. This order may be cited as the Environment Protection (Prescribed Activities) Order 2005 and shall come into force on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation.

2. In this Order –

"Minister" means the Minister for the time being responsible for environmental protection;

"wetland forests" means forests where land is either subject to inundation with saltwater and/or freshwater, or has a high water table and such forests include mangrove forests, brackish water forests, transitional forests, freshwater swamp forests and peat swamp forests; and

"prescribed activities" means any of the activities specified in the Schedule.

SCHEDULE
(Paragraph 2)

List of Prescribed Activities

1. AGRICULTURE –
 - (i) Development of agricultural estates or plantations covering an area of 100 hectares or more;
 - (ii) Development of agricultural estates or plantations involving change in type of crops covering an area of 100 hectares or more;
 - (iii) Conversion of wetland forests into agricultural estates or plantations covering an area of 20 hectares or more; or
 - (iv) Agricultural programmes involving the settlement of 100 families or more.

2. FORESTRY -
 - (i) Felling or extraction of timber covering an area of 100 hectares or more; or
 - (ii) Development of forest plantation or reforestation covering an area of 100 hectares or more.

3. HOUSING, COMMERCIAL AND INDUSTRIAL ESTATES –
 - (i) Development of housing, commercial or industrial estates covering an area of 10 hectares or more;

- (ii) Conversion of wetland forests into housing, commercial or industrial estates covering an area of 2 hectares or more;
- (iii) Development of housing, commercial or industrial estates within 200 metres from the high-water mark of the coastal area; or
- (iv) Development of housing, commercial or industrial estates on hills with slopes having gradient of 20 degrees or more.

4. DRAINAGE AND IRRIGATION -

- (i) Irrigation schemes covering an area of 500 hectares or more; or
- (ii) Drainage of wetland forests covering an area of 50 hectares or more.

5. LAND RECLAMATION –

Reclamation of land by the sea or along river banks for development of housing, commercial or industrial estates, construction of major roads, or other public purposes.

6. FISHERIES AND AQUACULTURE –

- (i) Conversion of wetland forests into fisheries or aquaculture development covering an area of 10 hectares or more; or
- (ii) Creation of lakes or ponds for fisheries or aquaculture development covering an area of 10 hectares or more.

7. MINING

Mining including open cast mining for minerals pursuant to any mining lease -

- (a) covering an area of 20 hectares or more; or
- (b) any form of mining which is likely to affect the landscape of the mining area so as to require rehabilitation thereof upon the cessation of the mining activities, or which involves the use of chemicals or explosives.

8. POWER GENERATION -

Construction of dams and hydro-electric power schemes involving the following –

- (a) dams over 15 metres high and ancillary structures covering an area of 40 hectares or more;
- (b) artificial lakes or reservoirs with a surface area covering 50 hectares or more; or
- (c) diversion of streams, rivers or watercourses.

9. QUARRIES –

- (i) Quarrying of aggregates, limestone, silica, quartzite, sandstone, sand, marble or stones for commercial or construction purposes within 3 kilometres of –
 - (a) any existing settlement, residential, commercial or industrial area, major roads, or any buildings for public purposes, or

(b) any area for which a licence, permit or approval has been granted for development of settlement, residential, commercial or industrial area, major roads, or any buildings for public purposes;

- (ii) Quarrying of aggregates, limestone, silica, quartzite, sandstone, sand, marble or stones within 200 metres from any streams or rivers;
- (iii) Earth work involving extraction, removal, filling or dumping of earth with a volume of 40,000 cubic metres or more; or
- (iv) Excavation or dredging of sand or rock materials from watercourses, streams, rivers, coastal area or sea for commercial or construction purposes.

10. RESORTS AND RECREATIONAL DEVELOPMENT -

- (i) Development of resorts, recreational or tourism facilities covering an area of 10 hectares or more;
- (ii) Development of resorts, recreational or tourism facilities within 200 metres from the high-water mark of the coastal area;
- (iii) Development of resorts, recreational or tourism facilities on hills with slopes having gradient of 20 degrees or more; or
- (iv) Development of golf courses.

11. WATER SUPPLY -

- (i) Construction of dams, artificial lakes or reservoirs with a surface area of 50 hectares or more for impounding water; or

- (ii) Development of groundwater supply with a capacity of 4,500 cubic metres or more per day.

12. ANY OTHER ACTIVITIES WHICH MAY DAMAGE OR HAVE AN ADVERSE IMPACT ON QUALITY OF ENVIRONMENT –

- (i) Construction of buildings for public purposes on hills with slope having gradient of 20 degrees or more;
- (ii) Construction of major roads or upgrading of major roads involving realignment and widening through settlement, coastal areas or wetland forests, or on hills with slopes having gradient of 20 degrees or more;
- (iii) Construction of buildings for public purposes within 200 metres from the high-water mark of the coastal area;
- (iv) Construction of port facilities (including warehouses, container yards and cargo storage facilities) for commercial use along rivers or sea front; or
- (v) Construction of open jetties with a length of 100 metres or more, or closed landing jetties for commercial or public use along rivers or sea front.

Made this 23rd day of August 2005.

TAN SRI DATUK CHONG KAH KIAT,
Minister of Tourism, Culture and Environment.