

**THE NATURAL RESOURCES
AND ENVIRONMENT ORDINANCE
(CAP. 84 - LAWS OF SARAWAK, 1958 Ed.)**

**THE NATURAL RESOURCES
AND ENVIRONMENT (PRESCRIBED
ACTIVITIES) ORDER, 1994**

(Made under section 11A(1))

(Incorporating all amendments up to 4 November, 2004)

**THE NATURAL RESOURCES AND ENVIRONMENT
ORDINANCE**

**THE NATURAL RESOURCES AND ENVIRONMENT
(PRESCRIBED ACTIVITIES) ORDER, 1997**

In exercise of the powers conferred by section 11A(1) of the Natural Resources and Environment Ordinance, the Natural Resources and Environment Board has made the following Order:

*Cap. 84
(1958 Ed.).*

1. This Order may be cited as the Natural Resources and Environment (Prescribed Activities) (Amendment) Order, 1997, and shall come into force on the 1st Day of June, 1997.

Citation.

2. (1) In this Order

Interpretation.

“Board” means the Natural Resources and Environment Board.

“Controller” means the Controller of Environmental Quality, appointed by the Board under section 3(9) of the Ordinance.

*[Amendment
Swk. L.N. 30,
29 May 1997]*

“Ordinance” means the Natural Resources and Environment Ordinance.

Act 127

“Prescribed activities” means any of the activities specified in the First Schedule.

(2) Any reference in the Schedule to units of measurement of area shall be construed to mean the minimum area prescribed therein for any person to undertake any prescribed activities, regardless of whether such activities are carried out in phases or simultaneously within a prescribed period.

*Report on
activities
having
impact on
environment
and natural
resources*

3. (1) Any person who intends to undertake any of the prescribed activities shall submit to the Board a report, which is to be prepared by such expert or authority as may be approved by the Board.

(2) Before preparing a report for submission to the Board as required under paragraph (1), the person or authority who undertakes to prepare the report shall consult the Controller on the scope and depth of coverage of such report.

*[Amendment
Swk. L.N. 30,
29 May 1997]*

(a) on the impact of such activities on the environment and on the sustainable utilization, preservation and management of the natural resources of Sarawak; and

(b) on the measures being preventive, mitigating or abatement to be taken for the protection and enhancement of the environment.

Report to be submitted to the Board

4. (1) Such report shall be submitted to the Board, through the Controller and shall be in the Form prescribed in the Second Schedule hereto, which may be used with such modifications as may be required, depending upon the circumstances of each particular case.

[Amendment Swk. L.N. 30, 29 May 1997]

“(2) Every report submitted pursuant to paragraph (1) shall be accompanied by a processing fee of one hundred ringgit, and in the event that such report is not approved by the Board and has to be resubmitted, it shall be accompanied by another processing fee of five hundred ringgit”.

[Amendment Swk. L.N. 35, 4 Nov. 2004]

5. The Controller may, with the approval of the Board, from time to time --

(a) issue such guidelines as he may consider necessary concerning the preparation of the report under Article 4: or

(b) amend, vary, alter or make any addition to and deletion as may be appropriate to the guidelines.

No prescribed activities shall be undertaken without the approval of the Board

6. No prescribed activities shall be carried out or commenced until --

(a) a report required to be submitted under Article 3 has been considered by the Board, and the Board, subject to such orders or directions as the Board is empowered to make under the Ordinance, has given permission in writing for such activities to be undertaken or commenced; and

(b) the person carrying out such activities has undertaken in writing to comply with all such orders or directions as may be made by the Board, and to allow the Board to carry out such works as the Board may deem necessary under section 11 of the Ordinance.

Notice to cease activities

7. In the event that there has been a breach of Article 6, the Controller may by notice in writing direct any of the prescribed activities shall cease forthwith.

[Amendment Swk. L.N. 30, 29 May 1997]

Penalty

8. Any person who carries out or commences any prescribed activity in contravention of Article 6 shall be guilty of an offence: penalty, a fine of ten thousand ringgit or imprisonment for five years or to both fine and imprisonment.

[Amendment Swk. L.N. 30, 29 May 1997]

FIRST SCHEDULE
PRESCRIBED ACTIVITIES
(Articles 2, 3 and 6)

1. AGRICULTURAL DEVELOPMENT:

- (i) Development of agricultural estates or plantations of an area exceeding 500 hectares-
 - (a) from land under secondary or primary forests, or
 - (b) which would involve the resettlement of more than 100 families; or
 - (c) which would involve modification in the use of the land.
- (ii) Conversion of mangrove swamps into agricultural estate having area exceeding 50 hectares.

2. LOGGING:

- (i) Extraction or felling of timber from any area exceeding 500 hectares which have previously been logged or in respect of which coupes have previously been declared to have been closed by the Director of Forests under the provisions of the Forest Ordinance (Cap. 126 (1958 Ed.))-
- (ii) Extraction or felling of any timber within any area declared to be a water catchment area under section 8 of the Water Ordinance, 1994 (Cap. 13).

3. DEVELOPMENT OF COMMERCIAL INDUSTRIAL AND HOUSING ESTATES:

*[Amendment,
Swk. LN 61,
19 October 1995]*

- (i) Development of commercial or housing estates of an area exceeding 10 hectares.
- (ii) Development of industrial estates with factories to accommodate medium or heavy industries.
- (iii) Conversion of mangrove swamps into industrial, commercial or housing estate exceeding 10 hectares in area.
- (iv) Reclamation of land, whether by the sea or along river banks, for housing, commercial or industrial estates.

*[Amendment,
Swk. L.N. 16,
29 May 1997]*

*[Amendment,
Swk. L.N. 16,
29 May 1997]*

4. ACTIVITIES WHICH MAY POLLUTE INLAND WATER OR AFFECT SOURCES OF WATER SUPPLY:

- (i) Development of groundwater with a supply capacity of 4500 cubic metres per day.
- (ii) Construction of dams, artificial lakes or reservoirs with a surface area of 50 hectares for impounding of water.
- (iii) Irrigation schemes covering an area exceeding 1000 hectares.
- (iv) Creation of lakes, ponds or reservoirs for the rearing of fish or prawns exceeding 50 hectares in area.
- (v) Mining, pursuant to any Mining Lease, Certificate or Licence issued under the Mining Ordinance, (Cap. 83 (1958 Ed.)), covering areas exceeding 50 hectares or where mining involves the use of chemicals (including explosives) of any nature.
- (vi) Diversion of watercourses, streams or rivers or the excavation of sand and other rock materials therefrom.

5. FISHERIES AND ACTIVITIES WHICH MAY ENDANGER MARINE OR AQUATIC LIFE, PLANTS IN INLAND WATERS OR EROSION OF RIVER BANKS:

Fish culture and other forms of fishing on a commercial scale which involve the setting up of fishing appliances and equipment in the rivers or water courses.

6. EXTRATION AND REMOVAL OF ROCK MATERIALS AND MINING:

*[Amendment,
Swk. LN 61,
19 October 1995]*

- (i) Quarrying of aggregate, limestone, silica, quartzite, sandstone, sand, marble and stones which may cause damage or have an adverse impact on fragile ecosystem.
- (ii) Open cast mining or prospecting for minerals or any form of mining for minerals which is likely to affect the landscape of the mining area so as to require rehabilitation thereof upon the cessation of mining activities.

*[Amendment,
Swk. LN 61,
19 October 1995]*

6A. FACILITIES FOR DISPOSAL AND TREATMENT OF WASTE

*[Amendment,
Swk. L.N. 35,
4 Nov. 2004]*

- (i) The development of Landfill for municipal wastes or any site or area used or to be used for the storage, disposal, treatment, recycling or decomposition of municipal solid wastes”.

(ii) The establishment or construction of any plant or facility for the storage and treatment of municipal sewage or waste water.”

7. ANY OTHER ACTIVITIES WHICH MAY DAMAGE OR HAVE AN ADVERSE IMPACT ON QUALITY OF ENVIRONMENT OR NATURAL RESOURCES OF THE STATE INCLUDING THE FOLLOWING:

(i) Construction of :-

*[Amendment,
Swk. LN 16,
29 May 1997]*

(a) parks and recreational facilities or resorts;

(b) building exceeding 4 storeys high for residential purpose; and

(c) building for commercial or other purposes on hill with slopes of 20 degrees or more.

(ii) Establishment of golf courses.

(iii) Construction of port facilities (including warehouses, godowns), container yards and cargo storage facilities) along any of the rivers gazetted under section 11 of the Sarawak Rivers Ordinance, 1993 (Cap. 4).

(iv) Development of resort facilities in areas within the fore shores of Sarawak.

(v) Creation of parks and recreational facilities having an area exceeding 50 hectares for commercial purposes.

(vi) Any development activity intended to be carried out within a water catchment area declared under section 8 of the Water Ordinance, 1994 (Cap. 13).

(vii) Construction of roads through settlements, peat swamp, beachfront, mangrove or hillslopes of 20 degrees or more.

*[Amendment,
Swk. LN 61,
19 October 1995]*

(viii) Extraction and removal of earth or clay from an area exceeding 10 hectares and within 3 kilometres of any housing, commercial or industrial area or any area which has been approved for housing, commercial or industrial development.

*[Amendment,
Swk. LN 61,
19 October 1995]*

(ix) The establishment of a planted forest under the Forest Ordinance (Cap. 126) (1958 Ed.)

*[Amendment,
Swk. LN 16,
29 May 1997]*

(x) The clearing of vegetation on any land or the breaking up of any land for any purpose of an area exceeding 50 hectares.

*[Amendment,
Swk. LN 16,
29 May 1997]*

SECOND SCHEDULE

(Articles 3 and 4)

FORM OF REPORT

(Note : Pursuant to Article 3 of the Natural Resources and Environment (Prescribed Activities) Order 1994, (Swk. L.N. 45/94) the report must be prepared by such expert or authority as may be approved by the Board).

I. Title Page

- Title of project which outlines the type of project covered by the study.
- Name and address of project proponent.
- Name and address of preparer of the report.

II. Table of Content

List of Tables
List of Figures
List of Plates
List Consultants
Dates, Sources and Consultation
Executive Summary

III. Main Report

Chapter 1 : Introduction

- 1.1. Title of Project
- 1.2. Project Initiator
- 1.3. Statement of Need
- 1.4. Objectives of Study

Chapter 2 : Project Description

- 2.1. Project Location
- 2.2. Project Size
- 2.3. Project Site Options
- 2.4. Project Concept
- 2.5. Project Schedule
- 2.6. Project Cost-Benefit Analysis

Chapter 3 : Existing Environment

- 3.1. Physical Characteristics of Project Area
 - Geology and Soil Conditions
 - Topography and land-use
 - Meteorology
 - Hydrology

- 3.2. Biological System
 - Flora and Fauna
 - Fishes
 - Habitat and Species

- 3.3. Socio-Economic and Population Characteristics
 - Settlement and Population
 - Economic Characteristics
 - Level of Education
 - Living Standards
 - Public Health
 - People Acceptance of Project

Chapter 4 : Environment Impacts

- 4.1. Impacts During Preparation and Construction
- 4.2. Impacts During Operations and Maintenance

Chapter 5 : Mitigation and Monitoring

- 5.1. Mitigation Measures
- 5.2. Environmental Management Plan and Monitoring
- 5.3. Abandonment

Chapter 6 : Residual Impacts and Conclusion

- 6.1. Identification of Residual Impacts
- 6.2. Recommendation for Management
- 6.3. Conclusion

ENVIRONMENTAL QUALITY ACT 1974

**ENVIRONMENTAL QUALITY (PRESCRIBED ACTIVITIES)
(ENVIRONMENTAL IMPACT ASSESSMENT) (AMENDMENT)
ORDER 1995**

In exercise of the powers conferred by section 34A of the Environmental Quality Act 1974, the Minister, after consultation with the Environmental Quality Council, makes the following order;

1. This order may be cited as the **Environmental Quality (Prescribed Activities) (Environmental Impact Assessment) (Amendment) Order 1995** and shall be deemed to have come into force on the 1st September 1994.

2. The Environmental Quality (Prescribed Activities) (Environmental Impact Assessment) Order 1987 is amended by inserting after paragraph 2, the following paragraphs;

3. In relation to the State of Sarawak, this Order shall not apply in respect of the (Prescribed Activities) Order 1994 published under Part II of the Sarawak Government Gazette dated 11th August 1994, save that if there are any inconsistencies between the two Orders, this Order shall prevail.

4. Notwithstanding paragraph 3, the prescribed activities listed as Items 2, 5(a) and (b), 8, 9, 10, 12, 13(a), (c) and (d), 15, 16 and 18 in the Schedule shall continue to apply in respect of the State of Sarawak

Made the 17th March 1995
(PN - (PU2) 280/IV)

DATUK LAW HIENG DING
*Minister of Science, Technology
and the Environment*