

Malaysia

Country: [Malaysia](#) [1]

EIA Law: Environmental Quality Act 1974 (EQA) (as amended)

Law Link: [Link](#) [2]

EIA Regulations: Environmental Quality (Prescribed Activities) Environmental Impact Assessment Order, 1987

Regulations Link: [Link](#) [3]

EIA Guidelines or Other Guidance: Department of Environment, "EIA Procedure and Requirements in Malaysia"

Guidance Link: [Link](#) [4]

Projects Requiring EIA: Government projects

Private Projects

Abridged Assessments: Yes

Assessment Detail: Certain activities may be authorized after preparation of a "preliminary EIA." However, the law and guidance are not particularly clear in identifying which activities are subject to the less-detailed assessment.

Best Practices in Lieu of EIA: No

Who Conducts Screening: Government

Who Conducts Screening Detail: "The Minister, after consultation with the Council, may by order prescribe any activity which may have significant environmental impact as prescribed activity." EQ Act, sec. 34A(1); see also Environmental Quality (Prescribed Activities)(Environmental Impact Assessment) Order, 1987

Criteria for Screening: List or appendix of project or activity types

Criteria for Screening Detail: Prescribed activities are described in the Environmental Quality (Prescribed Activities)(Environmental Impact Assessment) Order, 1987.

Who Prepares EIA: Project Proponent (with or without contractor)

Who Prepares EIA Detail: "Any person intending to carry out any of the prescribed activities shall, before any approval for the carrying out of such activity is granted by the relevant approving authority, submit a report to the Director General." EQ Act, sec. 34A(2).

Who Pays for EIA: Project Proponent

EIA Contractor Qualifications: Yes

EIA Contractor Qualification Detail: The DOE maintains a consultant registration scheme. According to the EIA guidance: "An EIA Study has to be conducted by competent individuals who are registered with the Department of Environment under the EIA Consultant Registration Scheme . . . As such, the project proponent or EIA study team leader has to ensure that all members in the EIA study team are registered with the Department of Environment." EIA Procedures and Requirements, p. 6.

Conflict of Interest: No

Terms of Reference: Yes

Terms of Reference Detail: For projects which have been determined to require detailed assessment, the project initiator must submit the terms of reference (TOR) in accordance to the format outlined in specific EIA guidelines. The draft TOR for Detailed Assessment are prepared by the project initiator and to be confirmed by the expert Review Panel and are prepared in consultation with relevant environment related agencies and the project initiator.

Days for Decision Maker Review: 90

Automatic Approval: No

Written Decision: Yes

Written Decision Detail: If the Director General finds the EIA is adequate, "he shall approve the report, with or without conditions attached thereto, and shall inform the person intending to carry out the prescribed activity and the relevant approving authorities accordingly." EQ Act, sec. 34A(3) (as amended).

Authority to Impose Conditions: Yes

Authority to Impose Conditions Details: If the Director General finds the EIA is adequate, "he shall approve the report, with or without conditions attached thereto, and shall inform the person intending to carry out the prescribed activity and the relevant approving authorities accordingly." EQ Act, sec. 34A(3) (as amended).

Expiry of Decision: Indefinite

Financial Assurances or Bond: No

Financial Assurances Detail: Financial assurances are not mentioned in the EIA law.

Interdisciplinary Team: No

Range of Alternatives: Yes

Range of Alternatives Detail: The TOR for Detailed EIAs require: "[a] brief discussion on the project options of how the reasonable options were selected and provide the basis for the elimination or options determined to be not

reasonable." EIA Procedure and Requirements, Appendix 5, Annex 2.

No Action Alternative: No

Type(s) of Impact Analysis: Direct environmental impacts
Other

Mitigation: Yes

Mitigation Detail: "The [EIA] report shall be in accordance with the guidelines prescribed by the Director General and shall contain. . . proposed measures that shall be undertaken to prevent, reduce or control the adverse impact on the environment." EQ Act, sec. 34A(2). For detailed EIA reports, the project proponent is required to "define the areas of the proposed project activities to be focused when discussing mitigation and abatement measures" at pre-construction, construction, and post-construction stages. EIA Procedure and Requirements, Appendix 5, Annex 2.

Monitoring Plans: Yes

Monitoring Plans Detail: If the project is approved by the Director General, the project proponent "shall provide sufficient proof that the conditions attached to the report (if any) are being complied with and that the proposed measures to be taken to prevent, reduce or control the adverse impact on the environment are being incorporated into the design, construction and operation of the prescribed activity." EQ Act, sec. 34A(7) (as amended).

Draft EIA Available: No

Draft EIA Locations: Not available

Public Notice of Final EIA: Yes

Public Notice of Final EIA Detail: The public is notified through mass media when the detailed EIA reports are available for comment. EIA Procedure and Requirements in Malaysia, p. 14.

Final EIA Available: Yes

Final EIA Available Detail: Detailed EIAs are displayed at all Dept. of Environment offices, as well as public and university libraries. EIA Procedure and Requirements in Malaysia, p. 14.

Final EIA Locations: Library

Agency or ministry office

Local government office

Fee to View EIA Documents: No

Fee to Obtain EIA Documents: No

Availability of Reference Studies: No

Public Notice of Final Decision: No

Public Scoping: Yes

Public Scoping Detail: For detailed EIAs, the Terms of Reference (TOR) acts as the scoping process, which must be submitted by the project proponent "in accordance to the format outlined in specific EIA guidelines." EIA Procedures and Requirements, Appendix 5(1).

Public Review of TOR: No

Public Participation Opportunities: Scoping

Review of final EIA

Public Meetings: No

Public Meetings Detail: The EIA law does not outline public meeting or hearing procedures.

Public Input at Meeting: No

Public Input at Meeting Detail: The EIA law does not outline public meeting or hearing procedures.

Criteria to Hold Public Meeting: Ministry or agency has discretion to decide whether to hold a meeting and/or hearing

Days for Public to Review Draft OLD: No Response

Days for Public to Review Final EIA: 45 days

Public Comments on Final EIA: Yes

Public Comments on Final EIA Detail: According to Ministry resources, public participation is required for detailed EIAs. "The Detailed EIA involves EIA report display for the public and affected community to comment." Department of Environment, "Environmental Requirements: A Guide for Investors" (2010), p. 11 & Appendix F2 (available at <http://www.doe.gov.my/eia/wp-content/uploads/2012/03/A-Guide-For-Investors1.pdf>).

Response to Public Comments: No

Response to Public Comments Detail: No mention in the laws or regulations

Facilitation of Public Participation: No

Citizen Administrative Review: No

Citizen Judicial Review: Yes

Citizen Judicial Review Detail: Courts of Judicature Act, 1964 and the Rules of High Court permit judicial review.

Project Monitoring: Yes

Project Monitoring Detail: If the project is approved by the Director General, the project proponent "shall provide sufficient proof that the conditions attached to the report (if any) are being complied with and that the proposed measures to be taken to prevent, reduce or control the adverse impact on the environment are being incorporated into the design, construction and operation of the prescribed activity." EQ Act, sec. 34A(7) (as amended).

Enforceability of EIA: No

Enforceability of Permit: No

Days for Public to Review Draft EIA: 0

Modified: October 25th, 2019

Source URL: <https://elaw.org/eialaw/malaysia>

Links

[1] <https://elaw.org/countries-and-regions/malaysia>

[2] http://www.commonlii.org/my/legis/consol_act/eqa1974268/

[3] <http://extwprlegs1.fao.org/docs/pdf/mal13290.pdf>

[4] <http://www.doe.gov.my/eia/wp-content/uploads/2013/06/EIA-Procedure-and-Requirements-in-Malaysia.pdf>