

**ENVIRONMENTAL QUALITY ACT, 1974 (AMENDMENT, 1985)  
SECTION 34A**

The Environmental Quality (Amendment) Act 1985, amended the Environmental Quality Act, 1974. Amendments include the insertion of section 34A which requires any person intending to carry out any prescribed activity to submit report on the impact on the environment to the Director of Environmental Quality for examination. The Amendment act was gazetted on 9 January 1986 and section 34A reads as follow:

- “34A (1) The Minister, after consultation with the Council, may by order prescribe any activity which have significant environment impact as prescribed activity.
- (2) 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. The report shall be in accordance with the guidelines prescribed by the Director General and shall contain an assessment of the impact such activity will have or is likely to have on the environment and the proposed measures that shall be undertaken to prevent, reduce or control the adverse impact on the environment.
- (3) If the Director General on examining the report and after making such inquiries as he considers necessary, is of the opinion that the report satisfies the requirements of subsection (2) and that the measures to be undertaken to prevent, reduce or control the adverse impact on the environment are 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.
- (4) If the Director General, on examining the report and after making such inquiries as he considers necessary, is of the opinion that the report does not satisfy the requirements of subsection (2) or that the measures to be undertaken to prevent, reduce or control the adverse impact on the

environment are inadequate, he shall not approve the report and shall give his reasons therefore and shall inform the person intending to carry out the prescribed activity and the relevant approving authorities accordingly. Provide that where such report is not approved it shall not preclude such person from revising and re-submitting the revised report to the Director General for the approval.

- (5) The Director General may if he considers it necessary require more than one report to be submitted to him for his approval.
- (6) Any person intending to carry out a prescribed activity shall not carry out such activity until the report required under this section to be submitted to the Director General has been submitted and approved.
- (7) If the Director General approves the report, the person carrying out the prescribed activity, in the course of carrying out such activity, 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.
- (8) Any person who contravenes this section shall be guilty of an offence and shall be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a period not exceeding five years or both and to a further fine one thousand ringgit for every day that the offence is continued after a notice by the Director General requiring him to comply with the act specified therein has been served upon him”.