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Law-Environment

NO DECISION ON MANDATORY JAIL FOR POLLUTERS, SAYS LAW

KUALA LUMPUR, April 10 (Bernama) -- The government has not made any decision to impose mandatory jail sentences on bosses of companies caught polluting the environment, Science, Technology and Environment Minister Datuk Law Hieng Ding said today.

"What the government wants to do is to ask the courts to impose jail sentences on offenders found seriously damaging the environment as provided under the existing laws," he told Bernama when contacted at his home here this evening.

He was clarifying press reports today which quoted him as saying that the chief executive officer or the president of a company will face a mandatory jail term if their company is found guilty of contravening environmental laws, particularly land clearing.

Law said under the Environmental Quality Act, serious offenders could be fined up to RM100,000 or jailed for five years or both, but none had been jailed so far although his ministry had brought many such cases to court.

He said because the courts had so far imposed only fines against such offenders although they had the discretion to mete out jail terms, government action against polluters of the environment had been ineffective.

" Imposing only fines is no deterrent because companies can afford to pay whatever amount. So this was why the Cabinet at its meeting yesterday decided that from now on the government should ask for jail sentences instead," he said.

" The Cabinet did discuss the possibility of having mandatory jail terms in the law but no decision has been made. Press reports quoting me as saying that bosses of companies polluting the environment will face mandatory jail sentence soon are incorrect," he said.

" The courts now have the discretion of either imposing a fine or a jail term. We want the court to jail the offender as a deterrent, otherwise nobody will take the government seriously over such a serious matter as environmental destruction," he said.

Asked to identify the types of environmental damage for which the government would press for jail sentences, he said this would concern development in "sensitive" areas like Cameron Highlands, hill-slopes and uncontrolled earthworks which caused serious siltation, floods and loss of top soil due to massive cutting of trees.

" The government means business. Developers had better be warned that from now on, we won't tolerate anyone flouting the environmental laws in the name of development," he said.

Law confirmed that the Cabinet at its meeting yesterday also decided that action would also be taken against Federal or state government officers found negligent in enforcing such laws which led to serious environmental damage.

The government, he said, is not anti-development but has to see to it that there is sustainable development for the benefit of future generations.

" Development and environment must go hand in hand. This is the basic principle of sustainable development, otherwise future generations will suffer," he said.

He cited the air quality of Kuala Lumpur as an example.

" The air quality of Kuala Lumpur is not good. This might affect not only our tourism but also investors might not want to come. Who want to come if the air quality is not good and if there are frequent floods. This is also not good for the country's image," said Law who urged developers not to go over-board in their quest for business.

Law also said the ministry would take to court the developer of a housing project in Bukit Antarabangsa in Ulu Klang near here for non-compliance with Environmental Impact Assessment (EIA) laws.

Projek Ikatan Rapi Sdn Bhd, the developer of the 130-hectare project, had been given stop work order after Prime Minister Datuk Seri Dr Mahathir Mohamad discovered while flying over the area in a helicopter recently the damage done to the hillslopes at the site.

Meanwhile, environmental societies and non-governmental organisations lauded the government's decision to seek harsher penalties for those causing serious environmental damage.

Environmental Protection Society of Malaysia Advisor Gurmit Singh said pressing for mandatory jail for the chief executive officers of companies violating environmental laws "is a good and encouraging move".

But he said the move could also "be a slap to the judiciary as it would imply that the courts are not sensitive enough towards the importance of environmental issues."

Gurmit said courses on environmental awareness should be provided to judges and magistrates so that justice could be seen to be done.

"Thus, the people involved in prosecution also should buck up and equip themselves with knowledge of environmental issues," he said.

World Wide Fund for Nature (WWF) Malaysia Executive Director Datuk Dr Mikaaail Kavanagh Abdullah said punishment should fit the crime.

"Obviously, details have to be worked out as the offences could endanger public health and safety," he said.

At present, punishment for environmental offences were often too light, he said.-- BERNAMA

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