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Giving laws more bite to curb illegal clearing of land

KUALA LUMPUR, Wed. - The Science, Technology and Environment Ministry welcomes the proposal to jail offenders in land-clearing cases and will study how existing laws can be given more bite.

Minister Datuk Seri Law Hieng Ding said today the Department of Environment could not promulgate laws that would directly regulate land matters, as they fell under the purview of State Governments.

This was enshrined in the Federal Constitution, Law said.

"Jail is a good deterrent since compounds and fines are not good enough.

"We will see how laws can be amended."

Law was commenting on the proposal by Prime Minister Datuk Seri Dr Mahathir Mohamad who said those who cleared land and hillslopes illegally should be jailed.

The DOE would review regulations under its purview and of those under other ministries, which involved land and the environment, Law said.

Because land was a State matter, enforcement by the DOE was limited to problems affecting the environment such as pollution, open burning and toxic waste dumping.

He was asked about the restrictions that the DOE faced in regulating land-clearing activities, such as those in Cameron Highlands recently.

"The States receive guidelines and advice from the DOE, but it is up to them to enforce."

The DOE indirectly "regulates" land development by issuing guidelines to the State, which can enforce them through local authorities such as the district councils.

For example, under the Land Conservation Act 1960, a district council (as the Land Administrator) can attach conditions to permits issued for land clearing and hillslope cultivation.

"The local council has the power to ask the developer to do an Environmental Impact Assessment, even if the project size does not require one," he said.

"The local authority can also lay down conditions and preventive measures."

As an example of how difficult it was for the DOE to get involved in land matters, Law said the department's proposal some years ago to make EIAs mandatory for smaller projects has not yet been approved by the Attorney-General's Chambers.

Currently, EIAs are only required for projects of 50 hectares and above.