

**ENVIRONMENTAL FUND Stakeholder Questionnaire 2009 – For
Department of Environment Malaysia**

Respondent Number (for office use only)

Purpose:

The establishment of the Environmental Fund is provided for in the Environment Quality Act 1974 (Act 127) under Section 36(A to E) (Refer to Attachment). ENSEARCH has been commissioned by Jabatan Alam Sekitar to study and propose a concept model for the implementation of the Environment Fund. The purpose of this questionnaire is to identify Issues & Concerns of Stakeholders in Malaysia, which should be considered in implementing the Environment Fund. Your response would contribute significantly towards ensuring that stakeholder views from your sector are taken into consideration for the implementation of the Environmental Fund in Malaysia.

Please fill in all the information required. Please tick '√' in the boxes as necessary.

ALL INFORMATION PROVIDED WILL BE REGARDED AS STRICTLY CONFIDENTIAL AND WILL BE USED SOLELY FOR THE OBJECTIVES OF THIS QUESTIONNAIRE.

YOUR COOPERATION IS DEEPLY APPRECIATED

RESPONDENTS BACKGROUND:

NAME OF ORGANISATION:

ADDRESS :

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TEL/FAX NO. :

E-MAIL ADDRESS :

CONTACT PERSON :

POSITION :

DATE :

Please return the completed Questionnaire via fax/post/e-mail to the following address:

ENSEARCH
No.30-2 Jalan PJU 5/16
Dataran Sunway, Kota Damansara
Tel: 03 61569807, Fax: 03 61569803
e-mail: es@ensearch.org ; ed@ensearch.org

1. How much do you think it costs to clean up/ decontaminate/ illegal dump-sites for toxic & hazardous wastes annually in Malaysia, and why?

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2. Do you think that the proposal for cess/contribution to be applied to your industry is reasonable? Yes No

a) If no, please indicate why not.

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b) If yes, in your opinion

i) Which sector (e.g. upstream/downstream/manufacturing/consumer sector/others) of your industry could the cess/contribution be applied to?

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ii) What would be a reasonable amount for and mode of the cess/ contribution in this industry sector(s)?

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3. From your knowledge of/experience with the other industries/businesses mentioned do you think the proposal for cess/contributions to be applied to the other industries/businesses are reasonable? Yes No

a) If no, please indicate why not.

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b) In your opinion what would be reasonable amounts for and mode of the cess/ contributions in the other industry sectors known to you?

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ATTACHMENT

Environmental Quality Act, 1974

This Act is the main legislation that provides environmental protection. It is applied throughout Malaysia and regulates the discharge of waste and other pollutants on or into land, water and the atmosphere.

Sections 36 (A to E) of the EQA concerns the establishment of a research cess and environmental fund and is presented in Box 1 below.

Box 1. Sections 36 (A to E) of Environmental Quality Act 1974

PART VA PAYMENT OF CESS AND ENVIRONMENTAL FUND	
Section	
36A. Research Cess	
(1)	For the purpose of conducting, promoting or coordinating research in relation to any aspect of pollution or the prevention thereof , the Minister, after consultation with the Minister of Finance and the Council, may make the order for the imposition and collection, or variation or cancellation of an imposition, of a cess on the waste generated .
(2)	Any order made under subsection (1) may provide -
a)	For different rates of cess to be imposed in respect of the different types of waste generated including the volume and composition of waste ;
b)	For the manner of collection of the cess by the Director General; and
c)	For the exemption of any person or class of persons, or in respect of any waste generated other than for research purposes, from payment of the cess.
(3)	The cess collected under this section shall be paid into the Fund established under section 36B .
36B. Establishment of Environmental Fund	
(1)	There shall be established a fund to be known as the Environmental Fund which shall be operated as a Trust Account within the Federal Consolidated Fund.
(2)	The Fund shall consist of -
a)	Such sums of money as may be provided from time to time by the Government;
b)	All donations and contributions received from within or outside Malaysia;
c)	All moneys paid to or received by the Director General from the cess imposed or collected in accordance with section 36A; and
d)	All moneys paid or received in accordance with section 36D.
36C. Environmental Fund Committee	
(1)	There shall be established a committee to be known as the Environmental Fund Committee which shall have the control of the Fund
(2)	The Committee shall consist of the following members:
a)	The Director General who shall be the Chairman;
b)	Two Senior Environmental Officers to be appointed by the Minister; and
c)	Two public officers to be appointed by the Minister.

- d) No meeting of the Committee shall be held in the absence of the Director General.
- (3) The quorum for a meeting of the Committee shall be three persons
- (4) Subject to this Act, the Committee may determine its own proceedings.

36D. Contribution into the Fund

- (1) The Minister, after consultation with the Council, may require any person engaged in -
 - a) **The exploration, extraction, refining, production, bulk movement, distribution or storage, of oil;**
 - b) **The production, bulk movement, distribution or storage, of environmentally hazardous substances; or**
 - c) **The bulk movement or storage, of waste**To contribute to the Fund at a rate that he may specify.

36E. Application of the Fund

- (1) The Fund shall be administered for the purpose of -
 - a) **conducting, promoting and coordinating research in relation to any aspect of pollution or the prevention thereof.;**
 - b) **recovering of waste, or removing, dispersing, destroying, cleaning, disposing of or mitigating pollution;**
 - c) **preventing or combating the following occurrences:**
 - (i) a spillage, discharge or dumping of oil;
 - (ii) a discharge, deposit, or dumping, of environmentally hazardous substances; or
 - (iii) a discharge, deposit, or dumping of waste; and
 - d) **encouraging conservation measures against any damage that may be caused by any of the occurrences spelt out under subparagraph (i), (ii) or (iii) of paragraph (c).**