

**ENVIRONMENTAL QUALITY (DECLARED ACTIVITIES) (OPEN BURNING) ORDER  
2003**

**PU(A) 460/2003**

IN exercise of the powers conferred by subsection 29AA(1) of the Environmental Quality Act 1974 [Act 127], the Minister makes the following order:

**1. Citation and commencement.**

(1) This order may be cited as the **Environmental Quality (Declared Activities) (Open Burning) Order 2003**.

(2) This Order comes into operation on 1 January 2004.

**2. Interpretation.**

In this Order, unless the context otherwise requires—

"paddy stalks" includes paddy straws and paddy field weeds;

"agricultural equipment" includes any tool, utensil and structure used for agricultural purposes;

"Fire Officer" has the meaning assigned to it under the Fire Services Act 1988 [Act 341];

"Auxiliary Fire Officer" has the meaning assigned to it under the Fire Services Act 1988;

"Inspecting Officer" has the meaning assigned to it under the Plant Quarantine Act 1976 [Act 167];

"smallholder" means the owner or occupier or representative of the owner or occupier of any land of an area of less than 40 hectares;

"open burning" means any fire, combustion or smouldering that occurs in the open air and which is not directed there through a chimney or stack;

"veterinary authority" has the meaning assigned to it under the Animal Ordinance 1953 [Ord. 17/1953];

"agricultural land" means any land used for agricultural purposes;

"plant crops" means any produce of grain, grass, fruit or other agricultural produce, or any agricultural plant;

"plant" means any species of plant or part or product of a plant or plant crops whether severed or attached.

**3. Declared activities.**

Subject to paragraph 4, the following activities are declared not to be open burning as defined in and for the purpose of section 29A of the Act so long as such activity is carried out in accordance with the conditions specified below:

(a) the burning of any diseased plant and noxious plant and agricultural equipment relating to the diseased plant and noxious plant pursuant to a notice or direction, as the case may be, under the Plant Quarantine Act 1976—

(i) which shall be felled and is dry prior to burning;

(ii) during dry weather except where the Inspecting Officer or any other authority under the Plant Quarantine Act 1976 has directed that immediate burning be carried out;

(iii) between the hours of 8.00 a.m. and 6.00 p.m.;

(iv) which is carried out away from the roads and other major routes;

(v) which does not use material that emit black smoke as tinder material to ignite the fire;

(vi) that does not cause a nuisance to nearby residents nor interfere with normal visibility;

(vii) which is closely monitored and controlled and which shall be stopped after the diseased plant or noxious plant, and agricultural equipment relating to the diseased plant or noxious plant, and the biomass is completely burned; and

(viii) of which the Director General has been notified in writing before the burning is carried out;

(b) the burning of carcasses of infected animal, bird and material pursuant to subsections 24(1) and (2), and 33(1) of the Animals Ordinance 1953—

(i) which is carried out at such areas designated by the veterinary authority;

(ii) which does not use material that emit black smoke as tinder material to ignite the fire;

(iii) that does not cause a nuisance to nearby residents nor interfere with normal visibility;

(iv) which is not carried out at any peat soil area; and

(v) of which the Director General has been notified in writing before the burning is carried out;

(c) the burning of solid or liquid fuels or structures in the course of carrying out research into the causes and control of fires, or for the training of any Fire Officer, Auxiliary Fire Officer, or any personnel in the fire-brigades of any private organization, educational institution or voluntary organization or voluntary fire-brigades established under the Fire Services Act 1988, with the methods of fighting fires which are—

(i) carried out only at sites which are approved by the Director General; and

(ii) closely monitored and controlled;

(d) the burning of plant from a land clearing for the cultivation of food crops or cash crops for the purposes of shifting cultivation—

(i) which shall be felled and is dry prior to burning;

(ii) during dry weather between the hours of 8.00 a.m. and 6.00 p.m.;

- (iii) which is closely monitored and controlled until completely burned;
- (iv) of which the Penghulu or Village Headman of the village in which the burning is to be carried out has been informed prior to the burning; and
- (v) which is not carried out at any peat soil area;
- (e) the burning of paddy stalks prior to replanting—
  - (i) which shall be dried for a minimum period of 7 days prior to burning;
  - (ii) during dry weather between the hours of 1.00 p.m. and 5.00 p.m.;
  - (iii) which is closely monitored and controlled;
  - (iv) if the smoke and particles resulting from the burning do not interfere with the traffic and if adequate warning of the potential hazards has been given to road-users where the burning is carried out near the roads or other major routes;
  - (v) that does not cause nuisance to nearby residents nor interfere with normal visibility; and
  - (vi) of which the nearest police station has been informed prior to the burning;
- (f) the burning of sugar cane leaves prior to harvesting in an area that does not exceed 20 hectares during the harvesting period—
  - (i) when the weather is dry;
  - (ii) between the hours of 11.00 a.m. and 5.00 p.m.;
  - (iii) if the smoke and particles resulting from the burning do not interfere with the traffic and if adequate warning of the potential hazards has been given to road-users where the burning is carried out near the roads or other major routes;
  - (iv) which is closely monitored and controlled by a competent person to ensure that only the allocated area is burned and that the fires do not spread to adjacent areas;
  - (v) which is carried out after the application for the burning has been approved in writing by the Director General; (vi) of which the nearest police station has been informed prior to the burning; and
  - (vii) which is not carried out at any peat soil area;
- (g) the burning of plants for land clearing for the purpose of planting or replanting of any plant crops by smallholders in an area that does not exceed 2 hectares per day—
  - (i) which shall be felled and is dry prior to burning;
  - (ii) during dry weather between the hours of 8.00 a.m. and 6.00 p.m.;
  - (iii) that does not use material that emit black smoke as tinder material to ignite the fire;
  - (iv) which is carried out away from the roads and other major routes;

- (v) that does not cause a nuisance to nearby residents nor interfere with normal visibility;
- (vi) which is closely monitored and controlled and which shall be stopped after the felled plant and the biomass are completely burned; and
- (vii) which is not carried out at any peat soil area;
- (h) the burning of pineapple stumps prior to replanting, which is dry prior to burning, in an area that does not exceed 6 hectares per day—
- (i) during dry weather between the hours of 8.00 a.m. and 6.00 p.m.;
- (ii) that does not use material that emit black smoke as tinder material to ignite the fire;
- (iii) which the pineapple stumps has not been sprayed with herbicides prior to burning;
- (iv) which is carried out away from the roads and other major routes;
- (v) that does not cause a nuisance to nearby residents nor interfere with normal visibility;
- (vi) which is carried out after the application for the burning has been approved in writing by the Director General; and
- (vii) which is not carried out at any peat soil area;
- (i) the burning of any article as part of religious rites or worshipping activities;
- (j) cremation; (k) camp fire which is not carried out at any peat soil area;
- (l) outdoor grills, barbecues or fireplaces for the preparation of food which is not carried out at any peat soil area;
- (m) the burning of agricultural plant for land clearing for the purpose of planting or replanting of plant crops by subsistence farmers in rural areas which is not carried out at any peat soil area;
- (n) the burning of leaves, tree branches and yard trimmings in villages in rural areas which is not carried out at any peat soil area; and
- (o) the burning of flammable gases where the industrial flare is properly operated.

#### **4. Non-application of paragraph 3.**

The declared activities specified in paragraph 3, other than subparagraphs 3(a), (i), (j), (l) and (o), shall not apply to the area within 30 kilometre radius of Kuala Lumpur International Airport (KLIA) as specified in the First Schedule, and specifically shown in the map in the Second Schedule.

#### **5. Revocation.**

The Environmental Quality (Prescribed Activities) (Open Burning) Order 2000 [*P.U. (A) 308/2000*] is revoked.