

# Guidelines for Eligibility of SO2 Bonus –

# "Use as Building Material "



for Solar PV Applications under the Feed-in-Tariff (FiT) Mechanism

Version 3 (1 April 2019)

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# 1. INTRODUCTION

- a. These guidelines are intended for <u>Feed-in Approval Holders (FiAHs)</u> who have PV installations (regardless of category) with S02 bonus located in Peninsular Malaysia, Sabah and WP Labuan that have achieved commercial operation **since 2011**.
- **b.** The first guidelines entitled, **"Guidelines for BIPV Installation"** was prepared in 2014. At that point of time, the objectives of having the guidelines was to provide a simple guide on what a Building Integrated Photovoltaic (BIPV) installation typically looked like.
- c. However, over the years, it has been observed that <u>a number of Feed-in Approval</u> Holders (FiAHs) were still unsure of the requirement for eligibility of the bonus tariff for "use of Building Material" ie SO2 Bonus. Hence it was concluded that a more detailed guidelines be published to address any ambiguity that existed in the past.
- **d.** The "Guidelines for Eligibility of SO2 Bonus" are prepared to tackle various misconception and misuse of the bonus by various FiAHs and to properly define the criteria for functionality of the buildings that have obtained the SO2 Bonus.
- e. By definition from the *Renewable Energy (Feed-in Approval and Feed-in Tariff Rate) Rules,* a **building** is defined as

"Roofed building structures which can be independently used and entered into by human beings which are:

- i. primarily designed for the purpose of sheltering human beings from external environment, for warehousing or storage purposes, or for farming or agricultural activities;
- ii. used by its owner and/or occupier in **his or its day-to-day life or operations**, as the case may be, and
- iii. erected for permanence and for them to remain erected at least for the duration of the effective period and use by its owner and/ or occupier in his or its day-today life or operations;"

The fulfilment of the above criteria as shall be verified by the Authority.

f. Bonus S02 – use as building material, is one of the four bonuses for the feed-in-tariff rate offered for solar photovoltaic installations (see table below – Schedule (Section 2) from the *Renewable Resources, Feed-in Tariff Rates, Effective Period and Annual Degression Rates* Table - Renewable Energy Act 725).

Renewable Resource	Types of Bonuses	Effective Period (commencing from the feed-in-tariff	
	Bonus FiT rates having the following criteria (one or more) :	commencement date)	
Solar	(i) use as installation in buildings or building structures	21 years	
Photovoltaic	(ii) use as building material	<mark>21 years</mark>	
	(iii) use of locally manufactured or assembled solar PV modules	21 years	
	(iv) use of locally manufactured or assembled solar PV inverters	21 years	

Table 1 – Bonus FiT Rates for Solar PV (from RE Act 2011 Schedule – Section 2)

- g. Bonus S02 use as building material, "in relation to a renewable energy installation utilizing solar photovoltaic as its renewable resource, means the use of the solar photovoltaic modules <u>serving the function of a principal roofing material</u> on a building with <u>no secondary roofing material</u> beneath such solar photovoltaic modules serving the same function and with <u>no roofing gap or gaps in between the modules</u> and/or within the whole area of roof coverage or, if the roofing material or technology is of a kind where such gap is required or necessary, with such roofing gap or gaps as may be approved by the Authority" (from Renewable Energy (Feed-in Approval and Feed-in Tariff Rate) Rules)
- **h.** In order to retain the bonus rates, a feed-in approval holder shall ensure full compliance for eligibility **throughout the effective period** of his or its feed-in approval.
- i. This guidelines are intended to complement, not replace, the Electricity Supply Act, the Renewable Energy Act, the Occupational Safety and Health Act, the Street, Drainage and Building Act, the Registration of Engineers Act, and their related subsidiary legislation.

# 2. CRITERIA FOR ELIGIBILITY OF S02 BONUS (USE AS BUILDING MATERIAL) FOR INSTALLATION OF PV SYSTEMS UNDER THE "INDIVIDUAL / COMMUNITY" CATEGORY

#### 2.1 Structure Criteria & Bonus S02 Compliance

- **a.** FiAH shall ensure the PV installation complies with the authority's definition of "use as building material" as defined in 1. g.
- **b.** FiAH shall ensure that the PV installations does not experience any water leakages, especially when installed as a roof.
- c. Before the Feed-In Tariff Commencement Date (FITCD), a <u>written confirmation from a</u> practicing civil or structural engineer registered under the Registration of Engineers <u>Act [Act 138]</u> is required, stating that in his opinion the <u>building structure will be sound</u> during the applicable effective period.
- d. Other than that, FIAH <u>shall ensure</u> all the <u>final structure design drawings, roof top</u> <u>configuration, detailed engineering design calculations & Single Line Drawings</u> <u>(DC/AC, Interconnection etc) and others</u> with endorsements from their respective <u>Qualified Persons (QP) are updated in the e-FiT Online System (Project Files)</u>.
- e. Since the size of the structure is small, the S02 Bonus compliance shall be met before FITCD is given. FiAHs shall show through proper pictures that the space under structure is 100% fully utilized and meets definition stated in 1 e. and 1 g.
- f. After fulfillment of the criteria and obtaining with S02 bonus, the FiAH shall ensure compliance for eligibility <u>throughout the effective period</u> of its feed-in approval. Failure during this period, will cause the authority to remove the bonus from the FiT rate indefinitely.
- g. Please take note, it shall be the FiAH's responsibility to inform the authority in written form of any changes made to the structure or functionality of the building. The authority will only grant a maximum of <u>6 months</u> for the FIAH to complete the new changes. If necessary, a site visit will be conducted by the authority to confirm the changes. Please refer to **Appendix C** for the flow chart of the process flow.
- h. SEDA Malaysia has the right to conduct <u>site inspections</u> to check the eligibility and the functionality of the BIPV installation at any time within the 21-year REPPA period. Failure to allow SEDA Malaysia's enforcement officers from entering the premises or conducting the site inspection at the BIPV installation may result it to be classified as non-compliant to SEDA's S02 Bonus requirements. <u>All site inspection reports will be brought to the "Jawatankuasa Operasi Tarif Galakan" (JKOTG) meeting for a decision</u>. For first time offenders, if found that the functionality of the building is not in compliance with the requirements, the <u>S02 bonus will be removed and the FIAH be given 6 months to comply.</u> If the FiAH is still unable to comply with the requirements

after the 6 months period, the <u>S02 bonus will be removed from the FiT rate</u> <u>indefinitely</u>. For second time offenders, if found by the SEDA Malaysia that the functionality of the building is not in compliance with the requirements, <u>the S02 bonus</u> <u>will be removed from the FiT rate indefinitely</u>. Any appeals from the FiAH on the removal of the S02 bonus will **NOT** be entertained by SEDA Malaysia. Please refer to **Appendix D** for the the process flow.

i. Pictures of Installations that QUALIFY and are ELIGIBLE for the S02 bonus (Category – Individual/Community)



Figure 1 – Solar PV: Use as Roofing Material



Figure 2 – Solar PV: Use as House Porch/Garage or Carpark



Figure 3 – Solar PV – use as Roofed Balconies / Car Porches

j. Pictures of Installations that **DO NOT QUALIFY** and are **NOT ELIGIBLE** for the S02 bonus (Individual Category)



Figure 4 - A Secondary Roof Beneath The Modules Serving The Same Function



Figure 5 – Example 1: Overlapping Of Modules On Top Of Existing Roof



Figure 6 – Example 2: Overlapping Of Modules On Top Of Existing Roof



Figure 7 – Example 3: Overlapping Of Modules On Top Of Existing Roof



Figure 8 - No Access Door As To Serve The Function Of Installation As A Balcony



Figure 9 - Overlapping of modules on top of existing roof



Figure 10 - Installation Does Not Serve As A Primary Roofing Function



Figure 11 - Overlapping Of Modules On Top Of Existing Roof & Using Inappropriate Construction Materials

- 3. CRITERIA FOR ELIGIBILITY OF S02 BONUS (USE AS BUILDING MATERIAL) FOR INSTALLATION OF PV SYSTEMS UNDER THE "NON INDIVIDUAL" CATEGORY
- **a.** For installations that fall under the Non-Individual category, there are two parts of compliance for Bonus S02, which are:
  - i. Installation Criteria;
  - ii. Functionality of the building.
- **b.** FiAH shall comply to **both** requirements stated in **a. i.** and **a. ii.** for them to be eligible to claim for the S02 bonus.
- c. The authority will evaluate the compliance of the S02 bonus <u>during the Testing &</u> <u>Commissioning Witnessing exercise by SEDA Malaysia</u>. A report will be presented during the *"Jawatankuasa Operasi Tarif Galakan"* (JKOTG) Meeting for a final decision on the eligibility. Please refer to Section 4 for more information.
- d. After fulfillment of the criteria and obtaining Feed-in Tariff Commencement Date (FITCD) with bonus S02, the FiAH shall ensure compliance for eligibility <u>throughout the effective period</u> of its feed-in approval. (Please refer to Section 4 & 5 for conditions of S02 Bonus removal/reinstatement).

#### 3.1 Installation Criteria

- **a.** FiAH shall ensure the PV installation complies with the authority's definition of "use as building material" as defined in 1 g.
- **b.** FiAH shall ensure that the PV installations do not have any leaks.
- c. Before the Feed-in Tariff Commencement Date, a <u>written confirmation from a</u> <u>practicing civil or structural engineer registered under the Registration of Engineers</u> <u>Act [Act 138]</u> is required, stating that in his opinion, the <u>building structure will be sound</u> <u>during the applicable effective period</u>.
- d. Other than that, FIAH <u>shall ensure</u> all the <u>final structure design drawings, roof top</u> <u>configuration, detailed engineering design calculations & Single Line Drawings</u> <u>(DC/AC, Interconnection etc) and others</u> with endorsements from their respective <u>Qualified Persons (QP) are updated in the e-FiT Online System (Project Files)</u>.

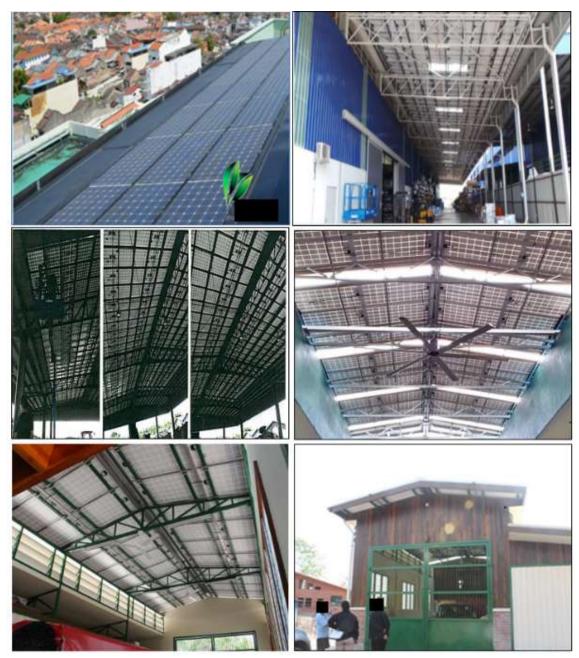


Figure 12 - Pictures of Installations that QUALIFY and are ELIGIBLE for the S02 bonus (Non Individual Category)



e. Pictures of Installations that DO NOT QUALIFY and are NOT ELIGIBLE for the S02 bonus (Non Individual Category)

Figure 13 - Gaps Between PV Modules Are NOT Allowed



Figure 14 - Overlapping Of PV Roof On Top Of An Existing Roof

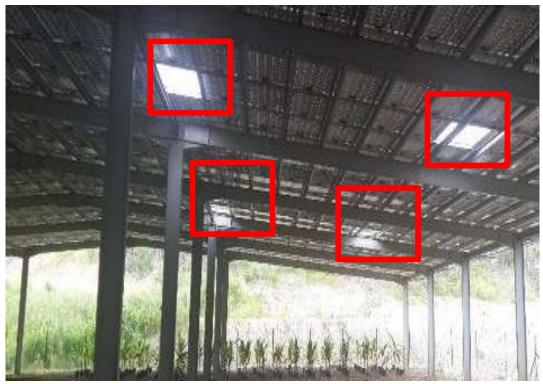


Figure 15 - All PV Arrays MUST BE COVERED. Sunroofs Can Be Installed To Allow Penetration Of Sun.



Figure 16 - Installation serves no function or purpose (PV Module Too High to Serve as Roof)



Figure 17 - Installation serves no function or purpose(Walls Do Not Need Roof)

# 4. CRITERIA FOR ELIGIBITITY OF S02 BONUS - FUNCTIONALITY OF THE BUILDING

This section will present the criteria for eligibility of granting bonus S02 based on the **functions of the building** 

#### a. General Criteria

- i The function must cover <u>100%</u> of the area under the building.
- **ii** The functionality of the building should be practical to the location where it is being built.
- iii <u>Some examples of non-compliance (in no particular order)</u> :
  - Sports facilities in remote areas where there is no user or limited road access;
  - Car wash in the middle of plantation where there is no road access or cars to wash;
  - Large car park where there are no commercial or industrial building nearby);
  - Café/recreational facilities where there are no potential customers.
  - Agricultural activities that are not successful (produce not suitable for commercial purposes) due to low sunlight penetration or due to the unsuitability of having agricultural activities under the BIPV structure.
- iv In order for bonus S02 to be given to the FiAH, the building must be 100% completed and 100% functional during the T&C Witnessing with SEDA. If it is not ready by then, the Authority shall proceed to FITCD the application without the Bonus S02 and shall grant a period of <u>6 months</u> to comply with the requirements. If the FiAH requires more time to comply with the requirements, the FiAH is allowed to request for EOT with valid reasons and time frame (subject to approval from JKOTG). Please refer to Appendix A for flow chart on this;
- Please take note, when found that the functionality of the building does not comply with SEDA's requirements during T&C witnessing, <u>SEDA will not entertain</u> any update reports from the FiAH until the application has been FITCD (without Bonus S02). The process of appealing for addition of Bonus S02 will only start after SEDA issues the letter to comply within 6 months as stated in a. iv.

#### b. Functionality of the Building – as Warehouse

- i If the building is a warehouse, FiAH must obtain a **Certificate of Completion and Compliance (CCC)** from the relevant authority;
- ii The goods to be stored could be:
  - those that need to be under shade to protect it from wear and tear,
  - **For Example:** Raw materials, packing materials, spare parts, components, merchandise or finished goods associated with agriculture, manufacturing and production and others.

- iii Goods that can be stored outside without shade <u>should not be stored</u> in the building (example scrap metal, faulty machine/equipment, culverts, pipes, construction materials, construction cabins that are originally kept outside under the sun);
- iv The building built should be equipped with all essential services to reflect the purpose of the building, such as water and electricity supply, road/drainage system, firefighting systems, sanitary, sewerage as required by the standards set by relevant authority.

#### c. Functionality of the Building – for agriculture/aquaculture/livestock activities

- i If the building is built for agriculture/aquaculture/livestock activities, FiAH shall ensure that their "commodity" thrives/need a condition of partial/full shade;
- ii The density of space needed for the commodity must be practical and according to standards;
- iii The building built should be equipped with all essential services to reflect the purpose of the building, such as rainwater harvesting (gutters, tanks and/or pumps), water piping system, drainage system, sanitary, sewerage, processing equipment, slaughter house, packaging area etc;
- iv FiAH shall obtain permits/approvals from local/relevant authorities (municipal/city/district council etc) confirming that they are approved to operate such activities in the area (trading license etc); and
- v FiAH shall also obtain certifications/standards from relevant authority confirming the building set-up complies the standards set by the relevant authority.
- vi Examples of certification that FiAH can obtain for the following function:
  - Agriculture Letter of Approval from Department of Agriculture Malaysia and /or Good Agriculture Practice (MyGAP) (See **Appendix E**)
  - Agriculture (organic) Letter of Approval from Department of Agriculture Malaysia and/or Malaysian Organic Scheme Certificate (See **Appendix H**)
  - Aquaculture Letter of Approval from Fisheries Department of Malaysia and/or Good Aquaculture Practice Certificate (see **Appendix F**)
  - Livestock Letter of Approval from the Veterinary Services Department Malaysia and/or Certificate for Good Farm Practices Scheme (see Appendix G)

#### d. Functionality of the Building – others such as for Sports, Recreation, Restaurants etc

- i Under this category, usually it involves human beings having activities below the building;
- ii FiAH is to make sure that they obtain the **Certificate of Completion and Compliance (CCC)** from the relevant authority;
- iii FiAH shall obtain permits/approvals from local/relevant authorities (municipal/city/district council etc) confirming that they are approved to operate such activities in the area (trading license etc);
- iv FiAH must ensure the building should be equipped with all essential services to reflect the purpose of the building, such as water and electricity supply, road/drainage system, firefighting systems, sanitary, sewerage as required by the standards set by relevant authority;
- **v** FiAH shall make sure all necessary steps are taken to make sure all safety measures are being put in place and adhered to.

#### e. Functionality of the Building – leased/sub-lease to another tenant

- i If the building is being leased out to another party, the **FiAH will not be allowed** to transfer its responsibilities in ensuring compliance for the bonus tariff to his/her tenant(s);
- ii Instead, the FiAHs are to ensure compliance to the authority's requirement of having 100% utilization as stated in part 3.2) a) to c). If in any event there is a default and the requirements are not met, the Authority reserves the right to remove the S02 Bonus from the awarded FiT rate;
- iii The Authority will not liaise with any other parties/persons other than the FiAH himself or his authorized representative for matters related to the award/revocation of the bonus tariff.

- f. Examples of Good Utilization of Space for Agriculture/Aquaculture Purposes

Figure 18 - Agriculture Produce (Four Angled Beans) Growing Healthily



Figure 19 - Agriculture Produce (Chillies) Growing Healthily



Figure 20 - Proper usage of space and set-up of aquaculture ponds



Figure 21 - Proper Method Used In Cultivation Of Mushroom Under The PV Installation





Figure 23 - Proper Utilization of PV Installation for Livestock Breeding (Goats)



Figure 24 - Proper Utilization of PV Installation for Livestock Breeding (Ducks)



Figure 25 - Rain Water Harvesting Constructed And Used For Agriculture/Aquaculture



Figure 26 - Restaurant With PV Modules As Roof



Figure 27 – Futsal Court with PV Modules as Roof



Figure 28 – Broiler Houses for Chicken Farming

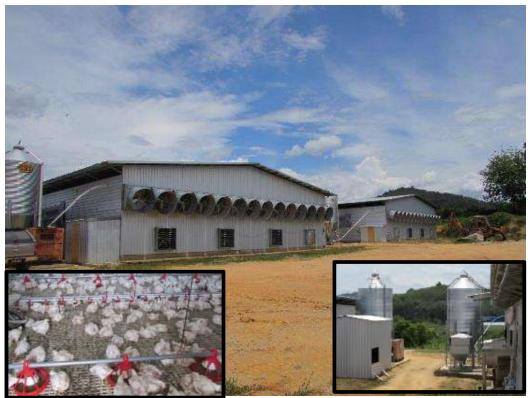


Figure 29 – Broiler House (proper facilities for Chicken Farm)

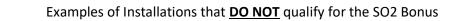




Figure 30 - Empty Plot Which Serves No Function



Figure 31 - Warehouse Which Serves No Function

i



Figure 32 - The Ground Below The Structure Is Not Fully Utilized



Figure 33 - The Ground Below The Structure Is Not Fully Utilized (And Concrete Floor Is Wet Maybe Due To Roof Leaking)



Figure 34 - The Area Below The Building Is Not Fully Utilized. Cabins Need Not Be Stored Under Shade



Figure 35 - There Is No "Real" Agriculture Produce



Figure 36 – Agriculture Produce Not Thriving Under The Building

# 5. RESPONSIBILITIES OF FIAH THROUGHOUT THE 21 YEARS REPPA PERIOD

- 5.1. The FiAH must ensure that in order to be eligible for the S02 bonus, they must comply with the requirements for the entire duration of the REPPA period which is twenty-one (21) years for Solar PV. Therefore, it is the responsibility of the FiAH throughout the 21 year REPPA period to ensure the following must be adhered to:
- **a.** Submission of a **<u>quarterly</u>** report (in the form of softcopy, to be uploaded to the e-FiT Online System) on the functionality of the building. The report shall include the following (but not limited to):
  - i. A short summary of the building functions;
  - ii. The latest financial report which includes Capital expenditure, Project cashflow (Cost, Revenue, Gross profit, projection, etc), ROI etc;
  - iii. Most recent pictures of the building;
  - iv. Most recent pictures of activities conducted below the building;
  - v. Report on the sale of produce for agriculture/aquaculture/livestock and any cost incurred (such as orders, invoices, receipts etc);
  - vi. Report on sale of activities such as for sports, recreation, restaurants, etc (such as sales report, invoices, bookings etc);
  - vii. Inventory Movement Report for storage facility/warehouse;
  - viii. Current Layout plan showing dimensions of the building and its functions;
  - ix. Activity schedule (planting, harvesting, seasonal plants etc);
  - x. Any other documents that are relevant (tenancy agreement etc); and
  - xi. Future plans (expansion, change of type of building function etc).

The reports will be submitted based on the following months (each year):

Quarter 1 – January Quarter 2 – April Quarter 3 – July Quarter 4 – October

Failure to submit a quarterly report at the stipulated time will result in the issuance of a **Notice of Intention To Remove Bonus (NITRB)** to the **FiAH**. If the FiAH fails to reply or present a reasonable explanation within 30 days of the issuance of the notice, the authority will issue the **Notice of Removal of Bonus (NORB)** to the FiAH as well as removing the Bonus S02 from the FiT rate indefinitely. **No appeals will be entertained after that point of time.** 

Please refer to **Appendix B** for the flow chart of the process flow

- b. Informing SEDA Malaysia IMMEDIATELY of any changes in the functionality of the building in the <u>form of a formal writing</u> requesting for an Extention of Time (EOT) to comply. The request should consist of the following:
  - i. Project Summary (must state valid reasons for changes and feasibility of the new function);
  - ii. Financial report which includes Capital expenditure, Project cashflow (Cost, Revenue, Gross profit, projection, etc), ROI etc.;
  - iii. Layout plans of the functionality of the building (see example in Appendix I);

- iv. Revised schedule or project timeline for the new project to be completed and functional; and
- v. Pictures showing current progress.

Please take note, it shall be the **FiAH's responsibility to inform the authority of any changes made to the functionality of the building**. The authority will only grant a maximum of <u>6 months</u> for the FIAH to complete the new function. If necessary, a site visit will be conducted by the authority to confirm the new functionality of the building. Please refer to **Appendix C** for the flow chart of the process flow.

SEDA Malaysia has the right to conduct site inspections to check the eligibility and the c. functionality of the BIPV installation at any time within the 21-year REPPA period. Failure to allow SEDA Malaysia's enforcement officers from entering the premises or conducting the site inspection at the BIPV installation may result it to be classified as non-compliant to SEDA's SO2 Bonus requirements. All site inspection reports will be brought to the "Jawatankuasa Operasi Tarif Galakan" (JKOTG) meeting for a decision. For first time offenders, if found that the functionality of the building is not in compliance with the requirements, the SO2 bonus will be removed and the FIAH be given 6 months to comply. If the FiAH is still unable to comply with the requirements after the 6 months period, the S02 bonus will be removed from the FiT rate indefinitely. For second time offenders, if found by the SEDA Malaysia that the functionality of the building is not in compliance with the requirements, the SO2 bonus will be removed from the FiT rate indefinitely. Any appeals from the FiAH on the removal of the S02 bonus will NOT be entertained by SEDA Malaysia. Please refer to **Appendix D** for the the process flow.

If there are any questions or further clarifications required pertaining to the SO2 bonus, FiAHs can get in touch with the following personnel:

### i. For Individual FiAHs:

ii.

iii.

a.	Sharina Hishamuddin	
_	Email: <u>Sharnia.H@seda.gov.my</u>	Tel no: 03 – 8870 5809
b.	Nor Azlin Sharom	
	Email: <u>Azlin@seda.gov.</u> my	Tel no: 03 – 8870 5830
For N	on – Individual FiAHs:	
a.	Frederick Wong Tsun Kiong	
	Email: <u>Frederick@seda.gov.</u> my	Tel no: 088 – 252 101
b.	Fikri Mohd Shamsuddin	
	Email: <u>Fikri@seda.gov.my</u>	Tel no: 03 – 8870 5828
For C	ommunity FiAHs:	
a.	Frederick Wong Tsun Kiong	
	Email: <a href="mailto:Frederick@seda.gov.my">Frederick@seda.gov.my</a>	Tel no: 088 – 252 101
b.	Asrati Abdul Manan	
	Email: <u>Asrati@seda.gov.my</u>	Tel no: 03 – 8870 5831

#### Appendix A

Checking Eligibility of S02 Bonus during T&C Witnessing (Before FITCD for Non – Individual)

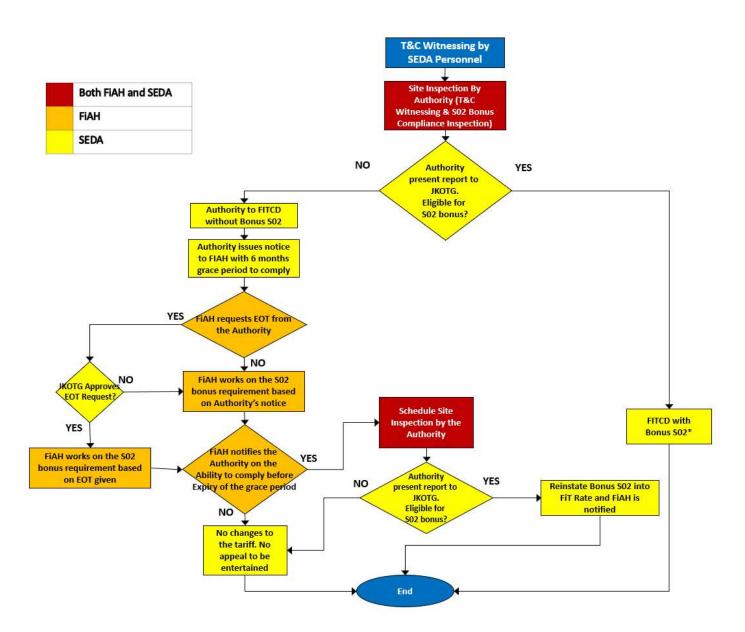


Figure 37 – Flow chart for Checking Eligibility of S02 Bonus during T&C Witnessing (Before FITCD for Non – Individual)

#### Appendix **B**

Compliance over the 21 year Tenure (After FITCD) – Non Individual Only

Flow Chart showing process when:

- Quarterly Report is not submitted;
- Quarterly Report submitted but is incomplete

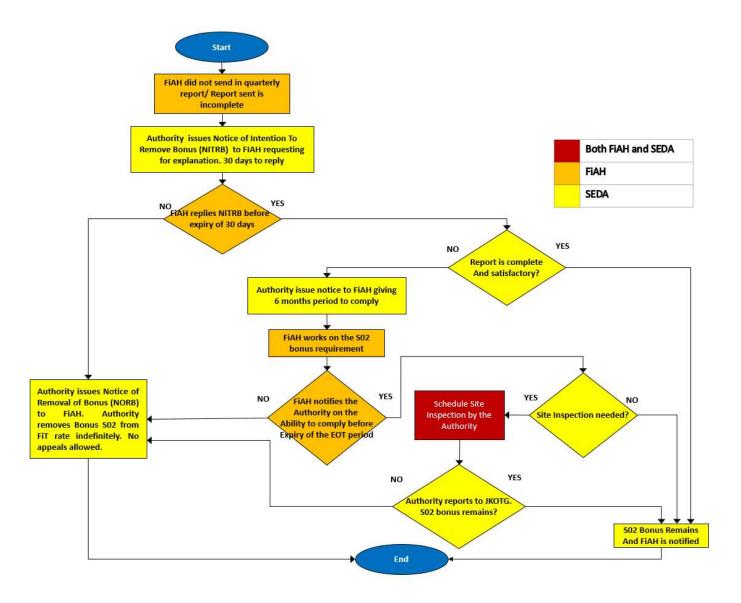


Figure 38 – Flow Chart – Quarterly Report Not Submitted or Submitted But Incomplete

Appendix C

<u>Compliance Over The 21 Year Tenure (After FITCD) – Individual/Community/Non-Individual</u>

Flow Chart showing process when FiAH Requests to Change or Vary the Activities/ Functionality of the Building

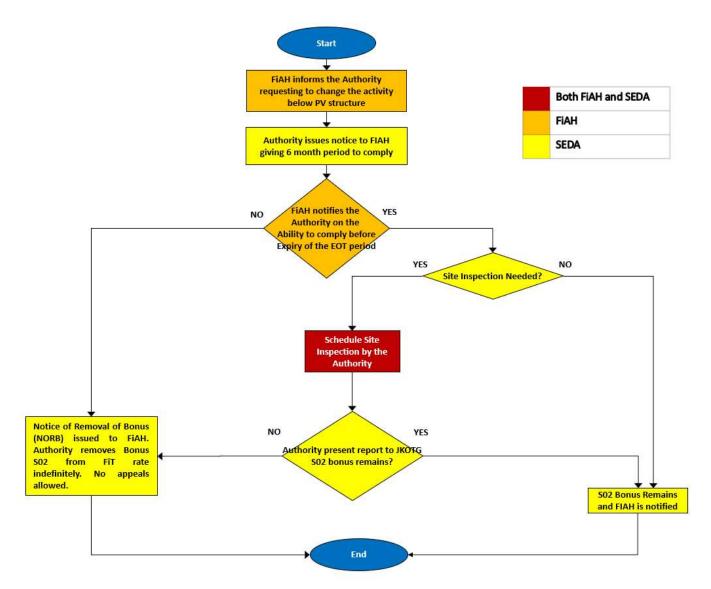


Figure 39 – Flow Chart Process When FiAH Requests To Change Or Vary The Functionality Of The Building.

Appendix D

### <u>Compliance Over The 21 Year Tenure (After FITCD) – Individual/Community/Non-</u> Individual

Flow Chart showing process when:

- Site Inspection Shows Non-Compliance.

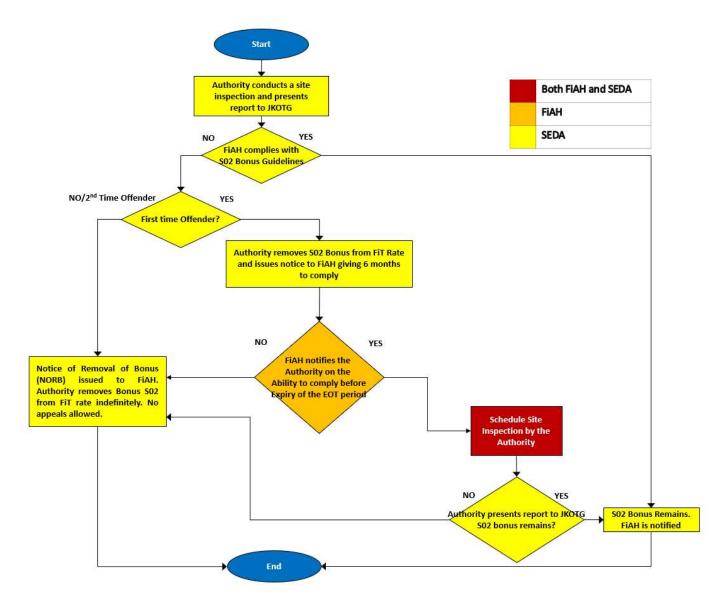


Figure 40 – Flow Chart Showing Process When a Site Inspection Shows Non-Compliance

# Appendix E

myGAP Malaysia Certificate – Good Agriculture Practice (GAP) Requirements for Crops

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Figure 41 – myGAP Certificate

#### Appendix F



Figure 42 - Good Aquaculture Practice Certificate

# Appendix G

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Figure 43 - Certificate for Good Farm Practices Scheme

# Appendix H

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Figure 44 - Certificate – Malaysian Organic Scheme Requirement for Crops

# Appendix I

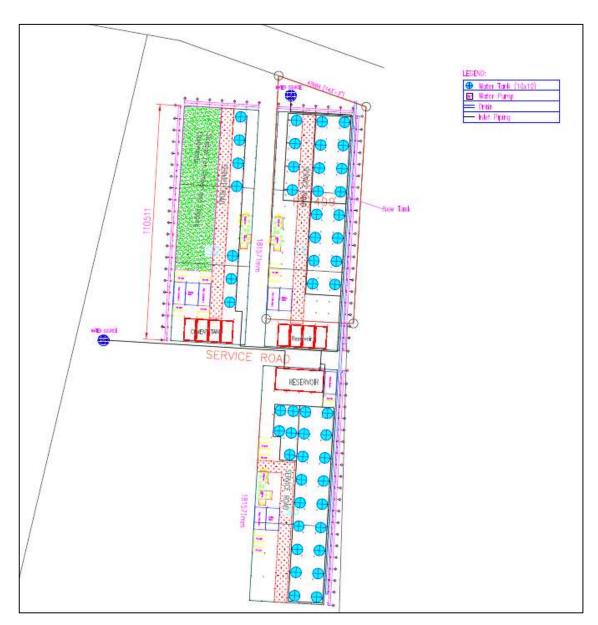


Figure 45 - Example Of Layout Plans Of Activities Below Building



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