PUBLIC PARTICIPATION APPROACHES AND STRATEGIES UNDER THE EIA PROCESS IN MALAYSIA

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PRESENTATION OUTLINES

1. Definition
2. EIA process in Malaysia
3. Approaches and Strategies
4. Way Forward
**DEFINITION**

- **Process** involves public input in decision making.
- **Activity** informing the public.
- **Activity** inviting them to have input into the decisions that affect them.

**PUBLIC PARTICIPATION**

- **FOCUS**
  - Share information
  - Gather input
EIA PROCESS IN MALAYSIA

ENVIRONMENTAL QUALITY ACT, 1974

Gazetted: 14 March 1974
Enforced: 15 April 1975

Prevention, abatement, control of pollution and enhancement of the environment in Malaysia
ENVIRONMENTAL MANAGEMENT STRATEGIES IN MALAYSIA

Pollution Control and Prevention
Sustainable Development through Conservation of Resources
Integration of Environmental Factors in Development Planning
Promotion of Environmental Education and Awareness
Public Participation
Inter-Agency and Federal-State Cooperation
Bilateral, Regional and International Cooperation

APPROACHES

REMEDIAL
Enforcement of Environmental Quality Act, 1974

PREVENTIVE - EIA
Landuse Planning – Environmental Input to Resource and Regional Planning
AIM & OBJECTIVES OF EIA PROCESS

To assess the overall impact on the environment of development projects proposed by the public and private sectors

1. To examine and select the best from the project options available
2. To identify and incorporate into the project plan appropriate abatement and mitigating measures
3. To predict residual environmental impacts
4. To determine the significance of the residual environmental impacts predicted
5. To identify the environmental costs and benefits of the project to the community

Mechanisms to implement the objectives – legislations, procedures, guidelines.

- Section 34A of the EQA, 1974
- EIA Order 1987
- A Handbook of EIA
- Specific Guidelines
- Guidance Documents
- Registration of EIA Consultants
- Checklists
EIA is a study to **identify**, **predict**, **evaluate** and **communicate information** about the impacts on the **environment** of a proposed project and to **detail out the mitigating measures** prior to project approval and implementation.

**WHAT IS EIA?**

**LEGAL REQUIREMENT**

- Section 34A, Environmental Quality Act 1974
- Environmental Quality (Prescribed Activities)(EIA) Order 1987
EIA Order 1987:
19 Prescribed Activities

- Agriculture
- Airport
- Drainage & Irrigation
- Land Reclamation
- Fisheries
- Forestry
- Housing
- Industry
- Infrastructure
- Ports
- Mining
- Petroleum
- Power Generation
- Quarries
- Railways
- Transport
- Resort & Recreational
- Waste Treatment & Disposal
- Water Supply

THE EIA PROCESS

- Project Screening
- Project Scoping
- Project Description & Alternatives
- Description of Baseline
- Evaluation of Impacts
- Mitigating Measures
- Stake Holder/Public Participation
- The EIA Report
- EIA Review
- Decision Making
- Environmental Management Plan
- Monitoring and Auditing
## EIA PROCEDURE IN MALAYSIA

- **Preliminary EIA**
  - 5 weeks processing time.
  - TOR to be approved by DOE.
  - DEIA Report to be advertised and publicly displayed.
  - Greater public participation.
  - Reviewed also by independent expert panel.
  - 12 weeks processing time

- **Detailed EIA**

## List of Activities Requiring Detailed EIA

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<th>1. Iron and steel industry.</th>
<th>10. Logging covering an area exceeding 500 hectares or more.</th>
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<td>2. Pulp and paper mills.</td>
<td>11. Development of tourist or recreational facilities on islands in surrounding waters which are gazetted as national marine parks.</td>
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<td>3. Cement plant.</td>
<td>12. Construction of recovery plant (off-site) for lead-acid battery wastes</td>
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<td>4. Construction of coal fired power plant.</td>
<td>13. Scheduled wastes recovery or treatment facility generating significant amount of wastewater which is located upstream of public water supply intake.</td>
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<td>8. Construction of municipal solid waste landfill facility (including municipal solid waste transfer station).</td>
<td>17. Prescribed activity using radioactive material(s) and generating radioactive waste(s).</td>
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EIA – Planning Stage

- EIA - Environmental Impact Assessment
  - What can be done
  - What might happen

- EMP, Environmental Management Plan
  - Actions to be taken

- Environmental Audit (Compliance)
  - Compliance

PROJECT PLANNING CONSTRUCTION AND IMPLEMENTATION

PUBLIC PARTICIPATION IN EIA

Approaches & Strategies
INTRODUCTION

Current Practices:

- Public engagement - compulsory in all EIA study.
- Public display – for Detailed EIA Reports only.
- EIA reports in DOE’s website (as of 1st July 2012) – for public view during the processing time.

In the context of EIA in Malaysia, public participation involves:

- **EIA study**: socio economy survey are carried out to gather the perception and identify the community’s attitude towards the proposed project.
- In most cases, **public dialogue** are carried out to gauge the perception of the community.
Detailed EIA procedure

- Detailed EIA procedure - projects that are deemed to have major impacts on the environment.

- Detailed EIA Report involves Public Display

Display of DEIA Report

- Public is notified through the mass media and the DOE’s website as to when and where the Detailed EIA Reports are available for review and comment.
Advertisement

- Project Initiator must announce in the newspapers that the Detailed EIA report is available for public display at identified display centres (to comment).
- Advertisements in 2 newspapers for 3 times (a total of 6 advertisements) (English & Bahasa Malaysia).
- For projects in Sabah and Sarawak, the advertisement must be placed in at least one regional newspaper (additional).
- Advertisement in DOE’s website: www.doe.gov.my

DEIA REPORT DISPLAY

Display of DEIA Report (30 days)
- Detailed EIA Reports are displayed at all Department of Environment state offices, public libraries and the relevant local authority office for public comments.
PUBLIC COMMENTS

Comments from public (45 days)

- Project Initiator and the Consultant are expected to respond to all the written comments received from the public.

EXAMPLE: A COASTAL RECLAMATION PROJECT FOR OIL AND GAS INDUSTRY

- **81 houses within 500 m radius** from the project boundary.
- Project site to be **re-zone as industrial area**.
- **Villagers to be relocated and compensated**.
- **115 fisherman affected** (within project site).
- **Focus group discussion** were held with the Penghulu and Ketua Kampung.
- **Dialogue with fishermen** was held with presence of the Member of Parliament, District Offices representatives and Fisheries Department.
- **Socio-economic survey**: Respondents are interviewed-villagers, fishermen, non-fishermen.
- **Issues raised** was reported in the DEIA Report.
ONLINE PUBLIC ENGAGEMENT

- The DOE has implemented the Online Public Engagement for all drafts of new proposal or law amendment (including by-law, policy, rule, and other)

- As of 21 May 2012, 10 drafts of amendments or newly formulated Legislations / Rules / Regulations / Order under the Environmental Quality Act 1974 have been displayed for public review.

- These drafts have been displayed in DOE’s Website for 14 days. Public are encouraged to give opinion and feedback to the Department of Environment during this period.

WHAT SHOULD & CAN WE DO TO IMPROVE?... Questions...

1. How effective are the methods used in stakeholder consultation?
2. What is the role of government agencies and NGOs in the public participation process?
3. Should we shift from merely consulting people to collaborating with people in decision-making process?
4. Should the government promote more effective approaches to engaging the people?
5. What skills and tools are needed?
6. Are our institutional and regulatory frameworks adequate to encourage public engagement?
1. Online Display of Full EIA Report

- To improve transparency in the EIA system & to enhance the level of public participation in Malaysia.

- As of 1st of July 2012 all EIA reports submitted to DOE (both the Preliminary and Detailed EIA) must be accompanied with a CD containing the softcopy of the full EIA Report.

Details of the submission:

- The softcopy of EIA in PDF format with security features - for view only.

- The softcopy can be divided according to the chapters/topics - each file must not exceed 100MB.

- The softcopy must include all chapters, including the Executive Summary and the Appendices.

- Submission for the hardcopy reports are still required for display in the public library, processing, filing requirement etc.
2. Consensus building

- Project Proponent shall develop a consensus building with the stakeholders and relevant authority.

- Consensus building to be incorporated in the EIA report.

CHALLENGES...

- Public – not involved at early stage of project planning and siting.

- Level of understanding or awareness of the proposed project.

- Politically influenced.
THANK YOU