

**A COMPARATIVE STUDY ON THE LEGAL FRAMEWORK OF
EIA IN HOUSING DEVELOPMENT PROJECTS BETWEEN
MALAYSIA, INDIA, JAPAN & HONG KONG**

By

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The students/authors confirm that the work submitted is their own and that appropriates credit has been given where references has been made to the work of others.

Abstract

This study is done to analyse the legal framework of EIA in housing development projects between Malaysia and Asian countries. This study is also looking to examine Schedule 7 of EIA Order 1987 pertaining to the implementation of EIA on housing development project under Section 34A of the EQA 1974 and to highlight similar laws governing EIA in housing development project in other Asian countries. Qualitative research method was adopted. Documents and online literatures are the sources used to analyse the inadequacy of the laws governing EIA and the primary sources for legal analysis of this research are the statutes, namely; the EQA 1974 and international statutes from other jurisdictions, which are also used for comparative studies between countries. Secondary sources such as online databases in search of literatures for the research are also used. This study is to provide recommendations that may improve the legislative framework for EIA in Malaysia and highlights different jurisdictions of other countries that have different regulations, implementations and penalties in governing EIA. The main focus of this study is to analyse on the relation between the laws governing the EIA under the environmental law in Malaysia and Asian countries, and the legal problem rises pertaining the implementation of EIA in housing development project. It is observed that the Act is not adequate to govern the issues surrounding the legal problem and several recommendations are provided at the end of this study in order to improve the current laws on this matter.

TABLE OF CONTENTS

Acknowledgement	ii
Abstract	iii
Table of Contents	iv
List of Abbreviations	viii

CHAPTER 1: INTRODUCTION

1.0	Introduction	1
1.1	Background	1
1.1.1	Malaysia	1
1.1.2	India	3
1.1.3	Japan	4
1.1.4	Hong Kong	4
1.2	Problem Statement	5
1.3	Research Question	6
1.4	Research Objectives	6
1.5	Scope and Limitation	6
1.6	Research Methodology	7
1.7	Significance of Study	7
1.8	Division of Chapters	8
1.9	Conclusion	9

CHAPTER 2: THE HISTORY AND LEGAL FRAMEWORK OF EIA IN MALAYSIA AND OTHER COUNTRIES

2.0	Introduction	10
2.1	History of EIA in Malaysia	10
2.2	Legal Framework of EIA in Malaysia	12
	2.2.1 Provision in EQA 1974	12
	2.2.2 Environmental Quality (Prescribed Activities) Environmental Impact Assessment Order 1987	13
	2.2.3 Penalties	13
	2.2.4 Activities Subject To EIA	14
	2.2.5 The EIA Procedures	14
2.3	Legal Problem Arises Regarding the Current Provisions of EIA In EQA 1974	15
2.4	Legal Framework of EIA in Other Countries	17
	2.4.1 India	17
	2.4.1.1 Issues Relating To EIA Pertaining To Building Development Projects in India	18
	2.4.2 Japan	20
	2.4.2.1 Issues Relating To EIA Pertaining To Building Development Projects in Japan	20
	2.4.2.1.1 <i>Requirements to Apply for an EIA Report</i>	20
	2.4.2.1.2 <i>Public Participation</i>	22
	2.4.3 Hong Kong	23
	2.4.3.1 The Enactment of the Hong Kong EIA Ordinance	23
	2.4.3.2 Issues Relating to EIA Pertaining to Residential Developments in Hong Kong	25
2.5	Conclusion	25

CHAPTER 1

INTRODUCTION

1.0 Introduction

The Environmental Impact Assessment (EIA) is a report made by the developers pertaining to their development projects. It acts as a process in which it assesses the impacts towards the environment that are likely to result from any development proposals. It focuses on biodiversity, economic and social, and ecological impacts. For the developers, EIA would be used as an indicator for modifying activity to eliminate or reduce the identified environmental impacts.¹

The EIA gathers informations which enables a Local Planning Authority to understand the environmental effects of a development before deciding as to proceed with the project or otherwise.

Now, EIA is globally used as a tool to control the environmental impact on each of the respective countries on the international plane. A provision in the law regarding the EIA was made to make the EIA a compulsory requirement for the developers.²

1.1 Background

1.1.1 Malaysia

In Malaysia, EIA is a requirement under section 34A of the Environmental Quality Act (EQA) 1974. In exercising the powers provided for by section 34A of the statute, the Minister of Natural Resources and Environment, after consultation with the Environmental Quality Council, makes an order to be cited as the Environmental

¹ Briggs, S., & Hudson, M. D., "Determination of significance in Ecological Impact Assessment: Past change, current practice and future improvements." *Environmental Impact Assessment Review* 38 (2013)

² Ogola, P. F. A. "Environment Impact Assessment General Procedures." *Surface Exploration for Geothermal Resources* (2007)