



Mandatory Health Impact Assessment for Promoting Public Health in Malaysia

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Abstract

Indiscriminate land development activities and poorly planned built environment is the major cause of environmental degradation that impacts adversely on public health. Polluted environment can expose people to pollutants causing asthma and respiratory problems whilst improperly planned development without open space for recreation influence lifestyles that contribute to diabetes, hypertension, coronary vascular disease due to sedentary lifestyle and lack of physical movement. Public health advocates can help shape the design of cities and suburbs in ways that improve public health, but to do so effectively they need to contribute to the development planning and control process. This paper proposes for the incorporation of the health impact assessment proves as a mandatory requirement for preparation of development plans and application for planning permission. The research relies on literature review, analysis of relevant statutes and governmental policy documents providing for policy directions for formulating the legal regulatory framework.

Keywords: health impact assessment; land use planning and development control; malaysian planning system

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1.0 Introduction

The Malaysian government achieved tremendous growth in various sectors within the short years after independence. This came with a cost and to a greater extent has undermined issues related to environmental pollution arising from indiscriminate land development.¹ Land planning issues remained at the root of some of the most intractable public health problems, including the declining rates of physical activity resulting from automobile-dependent environments or the isolation of poor and minority communities in areas plagued by environmental pollutants, violent crime, and high rates of disease. Land use, community design, and transportation systems substantially impact local air quality, water quality and supply, traffic safety, physical activity and exposure to contaminated industries. Mental health and quality of life issues also are profoundly affected by factors ranging from the stress and difficulties of commuting to the presence or absence of natural areas and green spaces. There is a general realization that health specialists or planning departments cannot afford to operate in isolation from one another. Land development and exploitation of natural resources is an important aspect of human civilization and development, but it comes with a huge cost. Land development at micro or macro level will have an impact on the environment if the planning activities are carried out without taking into consideration the traffic impacts, location and siting of hazardous industries, effluent disposal, plot ratio and density of population (Ainul Jaria, 2008).

The World Health Organisation ('WHO') defines health as: "*A state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.*" Public health is very much concerned with threats to the overall health of a community. Assessing health impacts from the environment, and correcting, controlling and preventing the impacts from being realized, is the main strategy and approach in environmental health. The way land is used can impact health determinants and health outcomes, yet decisions about land-use planning and regulation are often made without specific review or discussion of the potential health consequences. For example, public health professionals assert that development that does not enable physical activity (no sidewalks, dangerous intersections, poorly lighted areas), access to healthy food (no grocery stores, farmers' markets, or other convenient opportunities to obtain fresh food), or provide for clean air and water can reduce positive health outcomes and lead to increases in obesity, heart disease, asthma, and other preventable illnesses. The goal of HIA is to apply available research about health impacts to specific land-use questions to develop evidence-based recommendations to inform decision-making (Salkin P. and Ko, P. 2001). HIA can promote public health objectives and improves communication between local governments and their associated health agencies, as HIA has its roots in assessments more familiar to planners, such as the environmental impact assessment. HIA tools may have a familiar look and feel for most planners and other key stakeholders involved in regional and local development. Furthermore, the participatory and evidence-based approaches and processes of an HIA framework may assist with plan

¹ This is evidenced by the various research and reports on the ever increasing environmental problems in Malaysia especially landslides, flash floods loss of fertile land for agriculture to industries, and various types of industrial pollution.

making, project and proposal review, and regulatory ordinances in a manner that will inform, and is informed by, the specific health outcomes for a specific population (*ibid*).

2.0 Literature Review

Starting in the mid-1990s, literatures on HIA were written by public health professionals and advocates in the United Kingdom, Canada, and Europe. These literatures articulated why and how HIA should be conducted. HIA focuses on the importance and governmental obligations to promote public health, HIA has much in common with and builds on “environmental impact assessment” (Banken R. 1999). The literature review identified the benefits of HIA amongst others as follows:

- Enhance recognition of societal determinants of health and of intersectoral responsibility for **health** among a broad audience, inside and outside the field of public health.
- Engage health professionals, policy makers, policy analysts, and affected communities in structured discussions about the public health implications of public and private sector activities, so as to inform strategic planning involving members of all of these groups.
- Encourage interdisciplinary work by health professionals, intersectoral work by policy makers and policy analysts, and creation of advocate-academic-policy initiatives to spur informed action to promote health and reduce health disparities, within and across diverse populations.
- Aid the further development of human right impact assessment by providing guidance regarding useful criteria, structures, and processes for conducting these assessments (UNHCR).
- Increase awareness of the need for transparency and accountability in the policy making process and of governmental action or inaction in addressing issues identified through HIA.

In summary, HIA has the potential to be a promising tool for promoting awareness of societal determinants of health and reducing social disparities in disease, disability, death, and wellbeing. However, considerable research and careful attention to the relevant processes and related weaknesses reveals that political will is necessary to ensure the efficient and effective implementation of the HIA especially within a developing economy like Malaysia. The review of the Malaysian legal framework regulating land planning and development control is made to analyse the importance accorded to health issues. The planning system in the Peninsular Malaysian states, is regulated by the Town and Country Planning Act 1976 (Act 172), and the rules made by the National Physical Planning Council and the State Authority and the standards and guidelines formulated by the Director General of Town and Country Planning to provide further guidance on matters related to town and country planning. It is subject to the supervisory powers of authorities including the National Physical Planning Council at the Federal level, the State Planning Committee at the state level and the local planning authority at the local government level. The basis of control of

town and country planning is the development plans, which is aimed at regulating and controlling the use and development of land. The respective State Directors for Town and Country Planning formulates and keep under review the structure plans of general policy for their areas, and the other authorities maintain local plans of detailed policy for theirs. The machinery of control is planning permission, without which no development of land will be permitted. To date, the Town and Country Planning Act 1976 has been amended thrice to principally improve the quality of urban living and environment. The first amendment was in 1993 to ensure the incorporation of provisions on sewerage in the development planning process in line with the enactment of the Sewerage Services Act.

The second amendment in 1995 was made to incorporate various environmental protection measures in the land use planning process in order to promote sustainable development. This was principally to address the weaknesses in the town and country planning system that is believed to have culminated in the Highland Towers Tragedy on the 11th December 1993. Significantly, the amendment introduced the need to prepare a development proposal report for all land development activities to ensure environmental impacts are considered in the development planning process. The amendment was aimed at promoting preservation and protection of trees; provision for promoting preservation and improvement of physical environment; preservation of natural topography of an area; improvement of landscape; creation of open spaces; preservation and enhancement of heritage building and management of traffic for promoting quality and healthy urban living.

The last amendment in 2001 was made to promote and balance the sharing of powers between the Federal and State government in planning use of land and natural resources and environmental protection. The amendment provided for the establishment of the National Physical Planning Council chaired by the Honourable Prime Minister at the Federal government level. The function of the Council is to coordinate development at the national level so as to promote sustainable development for the country. The amendment also introduced various measures to promote sustainable development and coordination of development at all levels of the government. The Council with the assistance from the Director General of Town and Country Planning and his department is expected to strengthen the role of the town and country planning process as a mechanism to promote sustainable development for the betterment of the nation including providing means for improving public health. The need to establish a regional planning unit was addressed and thus, the amendment incorporated the provision for establishing a regional planning committee for purposes of coordinating development within regions. This is an important development as it addresses effective utilisation of natural resources and prevents wastage and overlapping of developmental activities. Despite the amendments to the law to promote sustainable development via the land planning and development control system the desired protection has yet to be achieved.

3.0 Research Methodology

The research relies on literature review of secondary materials such as scholarly articles, analysis of relevant statutes and governmental policy documents providing for policy

directions for formulating the legal regulatory framework. Due to lack of access to data and constraint of time, the research is limited to the analysis of the legal framework regulating town and country planning system in Malaysia. A cursory comparative research is made to identify the relevance of HIA and land planning and development control system in where the developments in introducing HIA. This research does not intend to analyse the procedures and processes involved in conducting the HIA. The research has its objective to propose amendment to the law to make HIA a mandatory process in developing planning policies and development plans and development control.

4.0 Findings of the Research

The following are some of the challenges or barriers posed to the administration system in the process of promoting health issues in the land planning and development control system generally, and in Malaysia specifically:

- i. Lack of good quantitative data, particularly on the local level on the impact of land planning and development on the environment and direct impact on public health. National data is available, yet the local data would be more significant for making the case on the political level. Also, an over-reliance on quantitative data might mean that other health problems of equal importance are not equally validated.
- ii. Lack of cross-disciplinary education and collaboration. There is no one-stop supervisory agency that provides a meeting point for all parties involved in the land-use planning process to make a concerted decision.
- iii. Processes within the land use planning and development control are compartmentalized. The recommendations made by all the various authorities involved in the process are often not taken into consideration since the ultimate decision making power resets with the planning authorities.
- iv. Health is often too narrowly defined and it doesn't relate obesity, physical activity, asthma, and other related health problems to affordable housing, unsanitary living conditions etc. Health issues focus more on finding cure for illness without looking at the sources.
- v. Section 34A of the Environmental Quality Act, 1974, empowers the Minister of Natural Resources and Environment after due consultation, to prescribe any activity which may have significant environmental impact as a Prescribed Activity. The section further requires the Project Proponent of a Prescribed Activity to submit an EIA report to the Director General of Environmental Quality, before approval for the proposed activity is granted by the relevant approving authority. Activities subjected to EIA are prescribed under Environmental Quality (Prescribed Activities) (Environmental Impact Assessment) Order, 1987. The EIA report must be in accordance with the guidelines issued by the DOE, contain an assessment of the impact of the Prescribed Activity on the environment, and detail the proposed measures that shall be instituted to prevent, reduce or control adverse impacts on the environment. Depending on the nature of the Prescribed Activity, the potential adverse impacts usually addressed in an EIA are air quality impacts, water quality

impacts, impacts on flora and fauna, traffic impacts, noise impacts, soil erosion impacts, fire and explosion risks, socioeconomic impacts, and of course, health impacts. Each and every category of impacts or risks may require the submission of a specific focused assessment depending on the nature of the development projects undertaken.

5.0 Recommendations for Malaysia

Currently the health authority is merely given the role of endorsing the development plans prepared by the local planning authority. They assume a reactive role rather than a proactive role as they come in late into the review process, only being asked to make their recommendations. They are not actually involved in the decision making process. Thus, providing them the opportunity to be involved in the planning decision making process can bring about the changes as they can provide input on information related to public health. The planning decision- making process is compartmentalised as such health authorities are brought in at the end of the reviewing process, and are thus unable to make the desired impact on the decision. The health authorities must be involved at all levels of planning decision making process. Health authorities can act as the catalysts and facilitators for change in the community. They can initiate community dialogue and use it to promote informed decision-making in relation to community design. Becoming involved early in the land use planning process allows them to play a proactive role. Public Health professionals need to move from working just on the implementation phase of community design to participating, as well, visioning and policy phase; becoming more proactive and involved early on in the process. They must improve the training and technical support for local public health agencies and other public health professionals on issues of health, the built environment and land use planning and community design processes.

6.0 Conclusion

The link between the environment and public health can never be severed and history proves that attempts to sever the link has caused unnecessary problems to man's wellbeing. Until very recently, environmental protection, public health and human rights were viewed as distinct areas of public policy by governmental institutions and non-governmental organizations alike at both the national and international levels. Without environmental and public health policies in place, human rights for respect, dignity, equality, non-discrimination and the ability for the public to participate in decisions that affect their lives cannot be achieved. The growing use of HIA to inform land-use decisions highlights the potential this tool has to promote positive health outcomes. The growing experience with HIA, through collaboration with the public health community, is yielding results that produce healthier and more sustainable communities. Malaysians can benefit from these developments by amending the Town and Country Planning Act 1976 (Act 172) to impose the submission of HIA report in applying for planning permission and use of HIA during the preparation of development plans at all levels.

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