



MINISTRY OF HIGHER EDUCATION

SINGLE DISCIPLINARY PROJECT

APPLICATION FORM  
FUNDAMENTAL RESEARCH GRANT SCHEME (FRGS)  
*Skim Geran Penyelidikan Fundamental*  
(Pindaan 1/2012)

JABATAN PENDIDIKAN TINGGI  
KEMENTERIAN PENGAJIAN TINGGI

A. Application Details	
Application ID	404723-425555
Reference Code	FRGS/1/2021/SSI0/MMU/03/7
A(i). Selected Grant Scheme	FRGS 2021-1
A(ii). Title of Proposed Research Project	Strengthening Response to Public Health Emergencies Through Better New Legal Framework in Malaysia
A(iii). Keywords	Public health; public health law; legal framework; legislation; emergency; biosecurity

B. Details of Project Leader	
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B(ii). Academic Qualification	LL.B (HONS) MCL DSLPL
B(iii). Nationality	Singapore
B(iv). IC/Passport No.	██████████
B(v). Position	Lecturer <small>Type text here</small>
B(vi). Institution	Multimedia University (MMU)
B(vii). Faculty/Centre	Faculty of Law
B(viii). Unit/Department	Faculty of Law
B(ix). Office Phone No.	2523360
B(x). Handphone No.	██████████
B(xi). E-mail Address	██████████
B(xii). Date of First Appointment with this Institution	03/07/2009
B(xiii). Type of Service (Permanent/Contract)	Contract Type: Academic Expected Retirement Date: 30/06/2023

C. Research Information	
C(i). Research Domain	
Research Domain	Sub Research Domain
Arts and Applied Arts	Policies and Law

C(ii). Research Cluster
Cluster: Health

### C(iii). 10-10 Malaysia Science, Technology, Innovation and Economy (MySTIE) - based on 10 Socio-Economic Drivers

MySTIE: Medical and Healthcare

### C(iv). Shared Prosperity Vision 2030 (SPV 2030)

SPV: KEGA 14 – Advanced & Modern Services

### C(v). Sustainable Development Goals (SDGs)

SDG: SDG 3 – Good Health and Well-being

### C(vi). Location of Research

Location
Melaka
Federal Territory (Kuala Lumpur, Putrajaya)
Selangor
Sarawak/Sabah

### C(vii). Duration of this research

From	7/September/2021
To	6/September/2023
Duration	2 years

### C(viii). Other Researchers

Researcher Id	Name	IC / Passport Number	Faculty/ School/ Centre/ Unit/ Department	Position	Area of Expertise	Next Appointed Leader	Role
30288	<a href="#">Mohd Azizie Bin Abdul Aziz</a>	██████████ 45	Multimedia University	Lecturer (Lecturer)	Business Law	<input type="checkbox"/>	Conducting expert interview
72376	<a href="#">Hafidz Hakimi Bin Haron</a>	██████████ 49	Multimedia University	Lecturer (Dr)	Constitutional Law	<input checked="" type="checkbox"/>	Lib Evaluation of data Research
97618	<a href="#">Yusnita Binti Mohd Yusof</a>	██████████ 94	Multimedia University	Lecturer (Lecturer)	Law	<input type="checkbox"/>	Library Research
116613	<a href="#">Noor Dzuhaidah Binti Osman</a>	██████████ 04	Universiti Sains Islam Malaysia	Senior Lecturer (DR.)	Biosafety law	<input type="checkbox"/>	Evaluation of research data

### C(ix). Research projects that have been completed or are on-going by project leader in the last three years

Title	Grant Name	Role	Progress (%)	Status	Duration	Start Date	End Date
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### C(x). Academic publications that have been published by the project leader in the last five years

Title	Name of Journal	Year
Maszlee returned liberty to campuses	The Malaysian Insight	2020
Latheefa should have known better	Malaysiakini	2020
Why G25 is wrong about Jakim and NCIA	Free Malaysia Today	2020
MACC disclosures: Others have rights too	Malaysiakini	2020
Sub judice rule is still relevant in Malaysia	The Star	2020
India's discriminatory Bill appears to be a rushed legislative process	New Straits Times	2020

Is extraterritorial legislation a breach of international law?	The Star	2020
AirAsia kickback scandal truly a job for MACC	The Malaysian Insight	2020
MACC can learn from UK authorities on Airbus-AirAsia bribery allegations	Free Malaysia Today	2020
Compound the MCO offenders, hit them where it hurts most	Malay Mail	2020
Covid-19 measures: legally ill-equipped but all is not lost	The Malaysian Insight	2020
Letter: Time for regulations to prevent importation of Covid-19	Malaysiakini	2020
For sanity's sake, let our children in campuses go home	The Malaysian Insight	2020
Fishing duo case: Kudos to judge, counsel and prosecutor	Malaysiakini	2020
Dewan Rakyat needs to urgently convene	The Malaysian Insight	2020
Covid-19: July is three months too distant for soft landing	Malay Mail	2020
Let legal sense prevail or Covid-19 will 'mutate' into Covid-20	Malay Mail	2020
Will it be conditional MCO or status quo?	The Malaysian Insight	2020
CMCO and easing of business: Azmin should know better	The Malaysian Insight	2020
What are Malaysia's Covid-19 plans for the festive and monsoon seasons?	The Star	2020
Learn from others for new Covid-19 regulations	Malaysiakini	2020
Rule on wearing masks should be made clear	The Star	2020
Preventive Detention Against Drugs Related Activities in Malaysia	China-ASEAN Criminal Law Forum 2019	2019
Where's the 'meddling' in the affairs of Lembaga Tabung Haji by the Minister of Finance?	The Malay Mail	2019
Agong's resignation: Let's not speculate	Malaysiakini	2019
Perhaps a joget for Opening of Legal Year 2020?	Malaysiakini	2019
Does Thomas have the temperament to be public prosecutor?	Malaysiakini	2019
It is more than that just 'mind-boggling'	Malaysiakini	2019
Federal Constitution has inbuilt consultation mechanism	Malaysiakini	2019
No need for consultation on Rome Statute, but room for deliberation	Free Malaysia Today	2019
No need for a live broadcast of Najib's trial	The Malay Mail	2019
Constitutional (Amendment) Bill 2019 in accordance with MA63	The Malay Mail	2019
MyKad for sale - let there be no betrayal of duty	Malaysiakini	2019
Historic IPCMC Bill	The Malay Mail	2019
LTTE arrests: The applicable law	The Malay Mail	2019
Cognisance of offence in case of alleged child sexual abuse wrong in law	The Malay Mail	2019
Is Sosma a 'detention-without-trial' law?	Malaysiakini	2019
Who says the courts are not independent?	The Malaysian Insight	2019
IPCMC: Learn from other systems	The Star	2019
Due process of making laws	The Star	2019
COURTS IN MALAYSIA – A DECADE OF RIGOROUS REFORMS	China-ASEAN Civil Commercial Law Forum 2018	2018
Work is cut out for Speaker to reform Parliament	The Malay Mail	2018
ENFORCEMENT OF FOREIGN JUDGMENTS AND INTERNATIONAL ARBITRAL AWARDS IN MALAYSIA	China-ASEAN Civil Law Forum 2017	2017

## C(xi). Executive Summary of Research Proposal

(Please include the problem statement, objectives, research methodology, expected output/outcomes/implication, and significance of

output from the research project)

#### Introduction

The Covid-19 pandemic is a Public Health Emergency of International Concern as declared by the World Health Organisation. Public health emergency is an outbreak or imminent outbreak of an infectious disease that poses a substantial risk of human fatalities or serious disability. Malaysia duly responded under the Prevention and Control of Infectious Disease Act 1988 (PCIDA). First, by a declaration of infected local area. Second, by movement control order measures gazetted into regulations. The law thus plays an integral role in advancing and protecting public health.

When the outbreak of the severe acute respiratory syndrome (SARS) in Singapore began in February 2003, the Republic's key legal responses included amending the Infectious Diseases Act (IDA), which is similar to PCIDA. It was further amended in 2008 to improve the measures to prevent and control the spread and importation of infectious diseases in three key areas: surveillance; prevention; and control. Another major amendments in early 2019 gave the IDA further shots in the arms. In stark contrast, PCIDA remains the same since its enactment in 1988. The PCIDA is out-dated to deal with, and safeguard public health against, emerging infectious diseases.

#### Objective

To strengthen Malaysia's legal framework to deal with public health emergencies and threats to national security arising from such emergencies, including biosecurity law to identify the threat and hence emergency management measures.

#### Methodology

The doctrinal legal method will be adopted. Relevant principal and secondary legislation will be analysed on their effectiveness. Comparative study of how Singapore deals with public health emergencies will be done. The expected output of this research is primarily two fold: amendments to existing legislation and new legal framework to manage emergencies. This research will contribute towards better protection of public health and well-being. It is strongly relevant to the Government's Shared Prosperity Vision (SPV).

## C(xii). Detail Planning

### (a) Research background

#### 1. Problem Statement

The Prevention and Control of Infectious Disease Act 1988 (PCIDA) is the principal legislation that provides for the prevention and control of infectious diseases in Malaysia. The PCIDA has remained the same since its enactment in 1988 except for the amendments to the First Schedule to add to the list of infectious diseases. Covid-19 was only listed as an infectious disease under the PCIDA on June 9, 2020 - three months after the first movement control measures were put in place. By comparison, the disease has been listed not only as an infectious disease but also as a dangerous infectious disease under Singapore's Infectious Diseases Act (IDA). The PCIDA is outdated and antiquated. A model public health legislation should reflect at least 3 principles – duty, power, and restraint. First, the law should impose duties on government to promote health and well-being within the population. This is missing in the PCIDA, unlike Singapore's IDA. Second, the law should afford the authorities ample power to regulate individuals and businesses to achieve the communal benefits of health and security. This is lacking in PCIDA as evident from reports of violations of quarantine orders and movement control order (MCO) by not just the general public but by government ministers. This is due to measures being more of standard operating procedures (SOPs) which lack clarity and, importantly, the force of law. The power to declare public health emergency is also absent in the PCIDA unlike in Singapore's IDA. Unlike Malaysia which proclaimed a state of emergency, Singapore did not have to resort to such extreme measure even though its constitution provides for similar power as Article 150 of the Federal Constitution. The IDA allows a minister if he is satisfied that there is an outbreak or imminent outbreak of an infectious disease that poses a substantial risk of a significant number of human fatalities or incidents of serious disability in Singapore, to declare a public health emergency. This was amended into the IDA in 2019 and came into effect March 25, 2019 - almost a year before Covid-19 outbreak. Third, the law should restrain government from overreaching in the name of public health. The authorities should respect, to the extent possible, individual autonomy, liberty, and privacy. They should act only on the basis of clear criteria where necessary to protect the community. The authorities should also provide procedural due process before exercising coercive powers. Fair and objective decision making is essential in a democracy. Reports of police arrests for violations of the MCO must therefore raise concerns as violations of the MCO are non-seizable offences, ie offences where arrest cannot be made without warrant. It is submitted that the proclamation of emergency Malaysia is unnecessary when the declaration of public health emergency under ordinary legislation - like the PCIDA - would have sufficed. In short, the PCIDA is ill-equipped in its legal provisions to deal with existing and re-emerging infectious diseases, as well as safeguard public health against new and emerging infectious diseases. Health emergencies need also to be seen as a biosecurity threat requiring biosecurity type of law which will be able to identify the threat and risk hence with risk management measures to cater for the risk involved. Biosecurity law may offer a wider perspective of legal protection ranging from human, animal, plants, virus, hazardous material, food, and environment, i.e biological threats.

#### 2. Hypothesis

Not applicable

#### 3. Research Questions

The direction of this research can be summarised with the following questions:

1. How can existing legislation be amended to provide for a more effective legislative response to a public health emergency?
2. How can new legislation be enacted to safe guard public health against new and emerging infectious diseases?
3. How can a biosecurity law widen the scope of legislation to cater to existing and future biological-related threats?

#### 4. Literature Reviews

A country's health infrastructure is the most effective long-term strategy for public health emergencies or crises. As the World Health Organisation (WHO) and others have stressed, promoting a robust health infrastructure in every country as the most effective long-term strategy for global health emergencies includes not only the physical structures of public health agencies, clinics and hospitals and the human resources to operate them, but also countries' law that empower, obligate and limit government and private action concerning health. The law is an indispensable tool in health promotion and protection. [Geraldine Marks-Sultan et al, National public health law: a role for WHO in capacity-building and promoting transparency (Bulletin World Health Organization WHO, Geneva 2016)]

The law is such an integral part of public health that public health professionals, and not only lawyers, are working with the law on a regular basis, playing important roles in the development, enforcement and evaluation of health-related laws. The law matters for effective health practice. Yet currently the national law and legislation in most countries at risk of health crisis is out-dated, out-moded and antiquated.

The laws for effective health practice – often referred to as public health law – are often perceived as an arcane set of rules buried deep within indecipherable statute books and regulatory codes. It does not have to be this way. The law can be transformed to become an essential tool for creating the conditions for people to be healthy. [Lawrence O Gostin, Public Health Law Reform, Am J Public Health 2001 September; 91(9): 1365–1368]

A model public health legislation should reflect at least 3 principles—duty, power, and restraint. First, the law should impose duties on government to promote health and well-being within the population. Second, the law should afford public health authorities ample power to regulate individuals and businesses to achieve the communal benefits of health and security. Third, the law should restrain government from overreaching in the name of public health. Public health authorities should respect, to the extent possible, individual autonomy, liberty, and privacy. They should act only on the basis of clear criteria where necessary to protect the community. Public health agencies should also provide procedural due process before exercising coercive powers. Fair and objective decision making is essential in a democracy. [Lawrence O Gostin, Public health law in a new century, JAMA. 2000 Jun 21; 283(23):3118-22]

Malaysia has a good number of statutes that govern matters pertaining to health and designed to protect and promote public health. Malaysia also provides laws to regulate and control health institutions, standard setting of hygiene and purity in the sale and use of food and to ensure that drugs meet the appropriate standard of quality, safety and efficiency with adequate control over the labeling and promotion. [Nik Salidah Suhaila Nik Saleh, The Role of Law in Improving the Standard of Health Care in Malaysia (Studies in Shariah and Law, 2005)]. However, the Prevention and Control of Infectious Disease Act 1988 (PCIDA) is the principal legislation that provides for the prevention and control of infectious diseases in Malaysia. PCIDA has remained the same since its enactment in 1988 and is much outdated and antiquated - the most striking characteristic of public health law generally. In many countries, the laws are often outmoded in ways that directly reduce their effectiveness and conformity with modern standards. These laws often do not reflect contemporary scientific understandings of injury and disease (e.g., surveillance, prevention, and response) or legal norms for protection of individual rights. Rather, public health laws use scientific and legal standards that prevailed at the time they were enacted. Society faces different sorts of risks today and deploys different methods of assessment and intervention. When many of these statutes were written, public health (e.g., epidemiology and biostatistics) and the behavioral (e.g., client-centered counseling) sciences were in their infancy. Modern prevention and treatment methods did not exist. [Lawrence O Gostin, Public Health Law Reform, Am J Public Health 2001 September; 91(9): 1365–1368] It is submitted that this is true of the PCID.

In considering responses to public health emergencies and crises, governments need to consider the way in which the responses can best be supported by legislation. It is important for legislation on public health to explicitly set out the mandate, powers and responsibilities of government, and of public health officials. This not only ensures that health ministries and public health officials have the powers they need, but also helps to ensure that they remain accountable for the discharge of their statutory duties and functions. It also ensures that health ministries do not overlook critical functions or responsibilities or adopt an unduly narrow definition of public health. [Building blocks for effective public health laws, accessible <https://www.who.int/healthsystems/topics/health-law/chapter4.pdf>]

It is time that legislation in Malaysia be strengthened so as to be robust to deal with existing and re-emerging infectious diseases as well as safeguard the public against new and emerging infectious diseases as well as threats of a biosecurity nature or type. Singapore's Infectious Diseases Act offers legislative measures not found in the PCIDA to prevent and control the spread and importation of infectious diseases in three key areas: (a) enhancing surveillance of infectious diseases; (b) preventing the introduction of infectious diseases into the country; and (c) strengthening infectious disease control within the country.

The UK Coronavirus Act 2020 which was passed on an emergency basis also offers a model legislation. It contains extensive powers and additional measures to equip the UK government and other authorities to better respond to the COVID-19 outbreak in the UK. The new Act is time-limited to two years by a sunset clause (Section 89) and will be subject to six-month parliamentary reviews (Section 98). Emergencies demand a tailored and efficient response, but there are limits. This explains the sunset and review clauses. The Act is primarily aimed at easing the burden on the frontline staff working for 'essential services' including the NHS, schools, police and courts, as well as providing measures for containing and slowing the spread of the virus and supporting businesses and workers. [See <https://www.natlawreview.com/article/covid-19-uk-coronavirus-act-2020-implications-construction-industry>]

As for biosecurity law, Australia's Biosecurity Act 2015 offers a model on containing the widespread outbreak and restrict the movement of people suspected of having an infectious disease like Covid-19. New Zealand's Civil Defence Emergency Management Act 2002 provides a study of a legislation that offers a legislative framework to managing emergencies.

There is thus much gap in the law and legislation that this research can help to bridge.

## 5. Relevance to Government Policy (if any)

The Covid-19 pandemic has shown the importance of integration of strategy, policy and law to mobilise the collective capacity of the

government to contain, if not eliminate, the coronavirus while sustaining the economy and social cohesion. Public health and well-being is, and will always be, the concern of any responsible government. It is part of the government's Shared Prosperity Vision (SPV). Although public health involves more than legislation, dealing and managing public health emergencies through legislation is the bench-marks or standards essential to dealing with an emergency.

## (b) References

### REFERENCES (OSCOLA)

#### Books

Baldwin R, Cave M and Lodge M, *Understanding Regulation: Theory, Strategy, and Practice* (Oxford University Press, 2012)

G Samuel, *An Introduction to Comparative Law Theory and Method* (Bloomsbury Publishing, 2014)

G J Annas and W Mariner W, *Public Health Law* (3rd edn Carolina Academic Press, 2014)

L O Gostin and L F Wiley, *Public Health Law: Power, Duty, Restraint* (University of California Press, 2016)

I Ayres and J Braithwaite, *Responsive regulation: Transcending the Deregulation Debate* (Oxford University Press, 1994)

S Breyer, *Breaking the Vicious Circle: Toward Effective Risk Regulation* (Harvard University Press, 2009)

P Jacquelin, *Science and Risk Regulation in International Law, Vol 72* (Cambridge University Press, 2010)

R A Posner, *Catastrophe: Risk and Response* (Oxford University Press, 2004)

S M Reynolds and G Jennifer (ed), *Laboratory Biorisk Management: Biosafety and Biosecurity* (2015)

V M Bobyrov, *Bases of Bioethics and Biosafety: Study Guide for Study of Higher Med, Новая Книга*

#### Articles

A Hoss, 'A Framework for Tribal Public Health Law' (2019) 20 Nev LJ 113

A Klovsko and S Vo 'Understanding the legal framework behind the government's public health response to COVID-19' (2020) <<https://www.lexology.com/library/detail.aspx?g=ec5a6783-141d-4634-8549-0beeca11a69a>> assessed on 15 February 2021

Allen Yu-Hung Lai and Teck Boon Tan, 'Combating SARS and H1N1: Insights and Lessons from Singapore's Public Health Control Measures' (2012) *Current Research on South-East Asia* < <https://core.ac.uk/download/pdf/25760575.pdf>> assessed on 15 February 2021

G Marks-Sultan and others, 'National public health law: a role for WHO in capacity-building and promoting transparency' (2016) *Bulletin WHO*

J Ne and D Lee, 'Singapore's Legislative Approach to the COVID-19 Public Health Emergency' (2020) *Verfassungsblog* <<https://verfassungsblog.de/singapores-legislative-approach-to-the-covid-19-public-health-emergency/>> assessed on 15 February 2021

L O Gostin, 'Public Health Law Reform' (2001) *Am J Public Health* 1365

L O Gostin, 'Public health law in a new century' (2000) *JAMA* 3118

Nik Salidah Suhaila Nik Saleh, *The Role of Law in Improving the Standard of Health Care in Malaysia* (2005) *Studies in Shariah and Law*

#### Legislation

##### Malaysia:

Prevention and Control of Infectious Diseases Act 1988 (Act 342)

##### Singapore:

Infectious Diseases Act (Rev Edn 2003) Chapter 137

Biological Agents and Toxins Act (Rev Edn 2006) Chapter 24A

##### Australia:

Biosecurity Act 2015

Public Health Act 2016

##### New Zealand:

Civil Defence Emergency Management Act 2002

##### United Kingdom

### (c) Objective(s) of the Research

In the context of this research proposal, a legal framework generally consists of the laws and regulations that provide for the powers and duties of the state to assure the conditions for the population to be healthy (such as identifying, preventing and ameliorating the risks to health) and the limitations on the power of the state to constrain the autonomy, privacy, liberty or other legally safeguarded interests of individuals for the purposes of protecting or promoting community health. The law is an important and indispensable tool for improving public health.

As explained in the Problem Statement, a model public health legislation should reflect at least 3 principles – duty, power, and restraint. First, the law should impose duties on government to promote health and well-being within the population. This is missing in the PCIDA. Second, the law should afford the authorities ample power to regulate individuals and businesses to achieve the communal benefits of health and security. This is lacking in PCIDA as evident from reports of violations of quarantine orders and movement control order (MCO) by not just the general public but by government ministers. This is due to measures being more of standard operating procedures (SOPs) which lack clarity and, importantly, the force of law. Thirdly, the power to declare public health emergency is also absent in the PCIDA. Unlike Malaysia which proclaimed a state of emergency, other countries (eg Singapore) did not have to resort to such extreme measure. Legislation in Singapore, Australia and New Zealand allows a minister if he is satisfied that there is an outbreak or imminent outbreak of an infectious disease that poses a substantial risk of a significant number of human fatalities or incidents of serious disability in the country to declare a public health emergency. It is submitted that the proclamation of emergency Malaysia is unnecessary when the declaration of public health emergency under ordinary legislation - like the PCIDA - would have sufficed. In short, the PCIDA is ill-equipped in its legal provisions to deal with existing and re-emerging infectious diseases, as well as safeguard public health against new and emerging infectious diseases. Last but not least, health emergencies need also to be seen as a biosecurity threat requiring biosecurity type of law which will be able to identify the threat and risk hence with risk management measures to cater for the risk involved. Biosecurity law may offer a wider perspective of legal protection ranging from human, animal, plants, virus, hazardous material, food, and environment, i.e biological threats.

The main objective of this research is therefore to strengthen Malaysia's legal framework to deal with public health emergencies and threats to national security arising from such emergencies.

The specific objectives are: (1) to amend existing legislation (Prevention and Control of Infectious Diseases Act 1988); (2) to enact new legislation on protection of public health, emergency management and biosecurity (Protection of Public Health Act, Emergency Management Act and Biosecurity Act).

### (d) Methodology:

#### 1. Description of Methodology

Research involve a 4-stage process: the discovery of facts; the examination of these facts; the formation of new knowledge based on these facts; and the application of the new knowledge as supplement to existing facts. This research involves different research methods. It is, however, mainly a doctrinal legal research as it is concerned with legal prepositions and doctrines. Doctrinal legal research is all about in-depth enquiry and analysis of legal doctrines, concepts, values, principles and existing legal texts (such as statutes, case laws etc.) with its development process and legal reasoning. Thus, this research will analyse the existing legislation on prevention and control of infectious diseases.

The researchers will apply a qualitative research method as follow:

##### 1. Data Collection Method

The researchers will apply library research as the main technique in order to collect adequate and relevant data to address the research objectives of this study. Library materials includes textbooks, both published and unpublished, academic documents such as journals, conference proceedings, dissertations and theses. Library research also includes information gathered from the internet. Data collected from these sources will be used to determine the adequacy of the existing law in Malaysia and to identify the significant principles that can be included in the proposed law to strengthen the law in Malaysia.

Apart from library research, interviews and consultations will also be conducted to strengthen the findings. For this purpose, among the Institution/Organization which would be interviewed and/consulted are:

- i. Attorney General Chambers (AGC)
- ii. Bahagian Hal Ehwal Undang-Undang (BHEUU), Jabatan Perdana Menteri
- iii. Ministry of Health

##### 2. Data Analysis

A critical analysis will be applied based on secondary data to identify the proper mechanism to introduce the proposed new law or amend existing law(s). In addition, this research will also adopt a comparative approach by comparing the public health law of other countries.

As for the interviews, the research will adopt the fundamental approaches in analysing the output from the interviewees. The analysis includes data reduction, transcription of interviews, data display and conclusion drawing. The data gathered from interviews will be analysed and interpreted in accordance with the objectives of the study.

##### 3. Comparative study

This study includes a comparative legal method involving a comparative study and commentary, principally, of legislation in Singapore dealing with public health emergency. This will be evidenced by the discussion and evaluation of Singapore's Infectious Diseases Act, whose legislative purposes are similar to the Prevention and Control of Infectious Act 1988 (PCIDA). This method is useful as it serves to identify the similarity of the two legislation then and how different and divergent they are now. The importance of this method is well acknowledged by several researchers [J Church and A B Edwards: 1973].

The research methods may be diverse but they complement each other.

## 2. Flow Chart of Research Activities

['FRGS 2021 APPENDIX.pdf'](#)

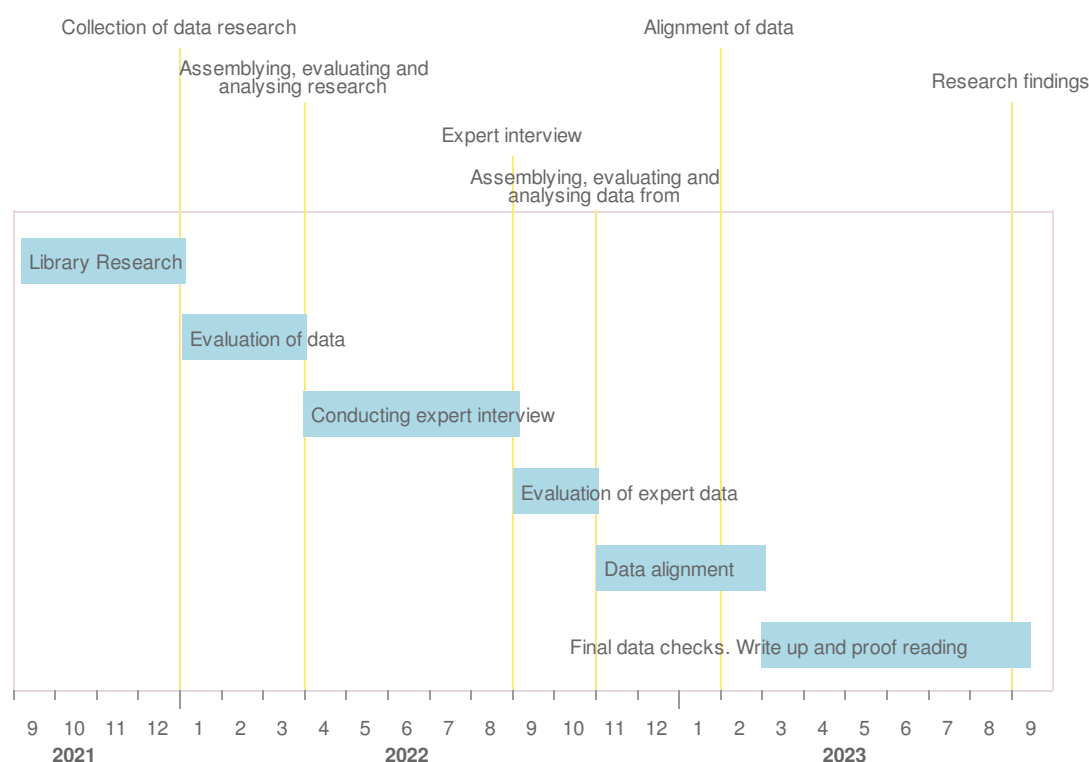
## 3. Research Activities

Activity	Start Date	End Date
Library Research	07/09/2021	31/12/2021
Evaluation of data	03/01/2022	31/03/2022
Conducting expert interview	01/04/2022	31/08/2022
Evaluation of expert data	01/09/2022	31/10/2022
Data alignment	01/11/2022	28/02/2023
Final data checks. Write up and proof reading	01/03/2023	06/09/2023

## 4. Milestones

Description	Date	Cumulative Project Completion Percentage(%)
Collection of data research	31/12/2021	10
Assembling, evaluating and analysing research data	31/03/2022	20
Expert interview	31/08/2022	30
Assembling, evaluating and analysing data from interview	31/10/2022	45
Alignment of data	31/01/2023	60
Research findings	31/08/2023	100

## Gantt Chart of Research Activities with Milestones



## (e) Expected Results/Benefit



### 1. Novel theories/New findings/Knowledge

1. Prevention and Control of Infectious Diseases Act 1988 (PCIDA) (Amended on 3 key areas)
2. Protection of Public Health Act or Public Health Act (New)
3. Emergency Management Act (New)
4. Biosecurity Act (New)

### 2. Impact Statement on Quintuple Helix (please delineate/describe expected research deliverables on Society, Academia, Government, Industry and Environment)

As the country responds to the Covid-19, two active interventions can be identified, namely containment and mitigation. Containment involves quarantine of specific individuals while mitigation aims at limiting movement of the population. Malaysia has implemented policy strategies with a mixture of containment and mitigation. With better legal infrastructure, the strategy of containment and mitigation could have delivered success at containing the pandemic. The expected output of this research, namely amending existing legislation and enacting new legislation to provide for effective responses to public health emergencies, will have far-reaching impacts towards society (public health), academia (application of law on public health), government (duty to protect public health), industry and environment. The research deliverables are also in sync and relevant to the government's Shared Prosperity Vision (SPV) and Sustainable Development Goal No 3. Malaysia is part of a global commitment at ensuring healthy lives and promote wellbeing for all at all ages.

### 3. Research Publications (Each proposal must produce at least two (2) papers in indexed journals, one of which should be in Web of Science (WoS))

Indexing Body	Indexed Journal	
Number of Publication	Name of Journal	
WoS	1	ASIAN JOURNAL OF WTO & INTERNATIONAL HEALTH LAW AND POLICY ISSN / eISSN: 1819-5164
SCOPUS	1	Law and Society Review ISSN 239216
ERA	1	Malayan Law Journal (MLJ) - indexed by ERA Australia
MyCITE	1	Journal of Malaysian and Comparative Law (JMCL)
	<b>Total 4</b>	

### 4. Specific or Potential Applications of the Research Findings

This research proposes to strengthen Malaysia's legislation to deal with public health emergencies. This may include an armory of legislation, not only on public health protection but also legislation on biosecurity as a pandemic such as the Covid-19 pandemic should also be viewed as a biosecurity threat affecting national security. Australia offers an example of how a biosecurity legislation - the Biosecurity Act 2015 - was used effectively to contain the spread of the coronavirus. It is no surprise that Australia is one of the top 5 countries to have successfully dealt with the pandemic. The output is two fold in terms of amending existing legislation and enacting new legislation to response to and deal with public health emergencies.

Total Number of Applications: 1

### 5. Number of PhD and Masters (by research) Students

Total Number of PhD (by research) Student(s):

Total Number of Masters (by research) Student(s):

1

Remark (if any):

Dr Noor Duhaidah Osman, Senior Lecturer, USIM has indicated her interest to collaborate. Dr Duhaidah doctoral thesis is on biosafety law, comparing the law and legal framework of Malaysia and Singapore.

### 6. Intellectual Properties (IPs)

Total Number of IP: 0

## Access to Equipment & Material(s)

Type	Description	Owner	Location	Address
Laptop	DELL Latitude 3450	Multimedia University	Melaka	Faculty of Law, MMU, Jalan Ayer Keroh Lama, 75450 Bukit Beruang, Melaka

## E. Budget

Budget Type	Description	Year 1	Year 2	Grand Total
11000 - Allowance		24000	24000	
GRA Master (Max RM2,000.00/person for 2 years)	GRA (1x LLM by Research ) RM 2000 x 24 months			48000
Sub-Total		24000	24000	48000
GRA Ph.D (Max RM2,500.00/person for 3 years)				0
Sub-Total		0	0	0
Vot-Total		24000	24000	48000
<b>Recommended Sub-Total:RM48000</b>				
21000 - Travelling and Transportation				
Local	<p>Attending Local Conference:  Destination: Peninsular Malaysia  Distance (go and return): 646km (approximately) = RM 600  Toll (approximately): RM 300.00  Accommodation (approximately): RM 1500.00  Meal Allowance (approximately): RM 600.00  TOTAL: RM 3000.00</p> <p>Data Collection (Travel and Accommodation) in  1. Kuala Lumpur, Selangor &amp; Putrajaya (Mileage [approximately go and return 1000KM]= RM 700 + Toll [approximately] = RM300+ Hotel [RM400 x 3 nights]= RM1200 + Meals [6 days] = RM 350) = RM 2550</p> <p>2. Melaka (Mileage [approximately go and return 100km] = RM 65 + Meals [2 days] = RM 60) = RM 125</p>	2000	3000	5000
Sub-Total		2000	3000	5000
Overseas	<p>Attending International Conference:  Destination: ASEAN or East Asia Conference  Distance (go and return): Grab Car/Taxi to airport: RM 500.00  Accommodation (approximately): RM 3000.00  Meal Allowance (approximately): RM 1500.00  Airfare (approximately): RM 5000.00  TOTAL= RM 10000.00</p>		10000	10000
Sub-Total		0	10000	10000
Field work				0
Sub-Total		0	0	0
Vot-Total		2000	13000	15000
<b>Recommended Sub-Total:RM15000</b>				
24000 - Rental				0
Vot-Total		0	0	0
<b>Recommended Sub-Total:RM0</b>				
27000 - Research Materials and Supplies				0

<b>Vot-Total</b>		<b>0</b>	<b>0</b>	<b>0</b>
<b>Recommended Sub-Total:RM0</b>				
<b>28000 - Maintenance and Minor Repair Services</b>				<b>0</b>
<b>Vot-Total</b>		<b>0</b>	<b>0</b>	<b>0</b>
<b>Recommended Sub-Total:RM0</b>				
<b>29000 - Professional Services</b>		1800	2000	<b>3800</b>
<b>Services/Consultancy</b>	Fees to attend Conferences			
	Honorarium for interviewee/respondent = RM600 (RM40 X 15)	600	600	<b>1200</b>
<b>Sub-Total</b>		<b>2400</b>	<b>2600</b>	<b>5000</b>
<b>Short term course</b>	Fees to attend short term courses	1000	1000	<b>2000</b>
<b>Sub-Total</b>		<b>1000</b>	<b>1000</b>	<b>2000</b>
<b>Journal Page Charges (WoS / SCOPUS / ERA / MyCITE)</b>	Journal page charges (SCOPUS/WoS) - 2 x RM 2500.00 = RM5,000	2500	2500	<b>5000</b>
<b>Sub-Total</b>		<b>2500</b>	<b>2500</b>	<b>5000</b>
<b>Vot-Total</b>		<b>5900</b>	<b>6100</b>	<b>12000</b>
<b>Recommended Sub-Total:RM12000</b>				
<b>35000 - Accessories and Equipment</b>				<b>0</b>
<b>Vot-Total</b>		<b>0</b>	<b>0</b>	<b>0</b>
<b>Recommended Sub-Total:RM0</b>				
<b>Grand Total</b>		<b>31900</b>	<b>43100</b>	<b>(100.00%) 75000</b>

## F(i). Patent Search (describe how your research output shall produce an innovative idea or technology that has the potential to be a solution for stakeholders (community, industry, government etc.) and offers a unique proposition)

To identify if the researcher is able to coherently present a compelling argument for his/her proposal in light of the IP landscape and factors identified in the (Yes/No) Section. The answer would reflect an understanding of the applicant's research advantage and limitations and the prospect of moving the completed research beyond this stage of funding.

The research output will be significant:

1. Prevention and Control of Infectious Diseases (Amendment) Act (Amending legislation)
2. Emergency Management Act (New legislation)
3. Biosecurity Act (New legislation)

[Simplified Patent Search Report \(MyGRANTS\) 2021.pdf](#)

## F(ii). Research Collaborator

- Industrial Linkages (Please identify any industry or end-user group involved in the project, and describe its role/contribution to the project)
- Agency/Organisation (Please identify all agencies/organisations collaborating in the project, and describe their role/contribution to the project)

Dr Noor Dzuhaidah Osman, Senior Lecturer, USIM has indicated her interest to collaborate. Dr zhuhaidah doctoral thesis is on biosafety law, comparing the law and legal framework of Malaysia and Singapore.

[MMU LOI.pdf](#)

## F(iii). Risk Assessment (Please describe factors that may cause delays in, or prevent implementation of, the project as proposed above; estimate also the degree of risk)

Please consider an appropriate approach to working in the current conditions (pandemic, travel ban, social distancing etc.)

Anticipated delay will mainly be political and economics, given the fluid political development and the state of the economy caused by the pandemic. Having said this, no government of Malaysia of whatever political make-up will abdicate its duty and responsibility to ensure the safety of its citizens and protect them from public health crises. As far as this research is concerned, it prepares any government of the day to deal with public health emergency effectively.

On the economy, while the World Bank has revised Malaysia's economic growth projection to 3.3 per cent in 2021 - down from the 4.5 per cent forecast in June - external factors will provide support to the economy. Importantly, the positive progress of the country's vaccination programme should alleviate the strain on healthcare system and would allow for the relaxation of containment measures - interstate travel restriction and social distancing, among others - which impact on the economy. Unsurprising, the World Bank has projected higher economic growth of 5.8 per cent in 2022 and 4.5 per cent in 2023 for Malaysia. This augurs well for this research.

Significantly, the 12th Malaysian Plan (MP), which has been been tabled in Parliament, includes the government's review of the effectiveness of the existing health system and health policies would be formulated to enhance preparedness to manage infectious diseases as well as health crisis. The pandemic has seen the people placing high hopes on the government, and the government is looking at the best ways to ensure the well-being of the Malaysian Family in various aspects especially in health care and providing quality residence. It is reassuring that the government will stay committed to strengthen the health care system to ensure the people are healthy and productive. A better legal infrastructure will lend support to the government's commitment and to ensuring success of the 12th MP.

This research is duly supported by the 12th MP. Risks, if any, are accordingly low.

Risk	Low	Medium	High
1. Technical	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Timing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Budget	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## G. Declaration

- All details provided in this application are accurate. KPT has the right to reject or to cancel the offer without prior notice if there is any inaccurate information given.
- This proposal is not currently considered for any other research grant(s).
- The exact proposed work has not been funded through other research grant(s).
- Necessary approvals from relevant bodies (i.e.: Ethics Committee) are granted before related research activities commence.
- I have an on-going Fundamental Research Grant Scheme (FRGS) project.
- This proposed research is my original work, is not copied from my MSc. or Ph.D. thesis or any other work (published or unpublished), and has not been submitted for grant application either at KPT or elsewhere.

Name: Mohamad Hafiz Bin Hassan

Signature:

Date: 22/02/2021

Approved By:

Signature:

RMC  
Date:

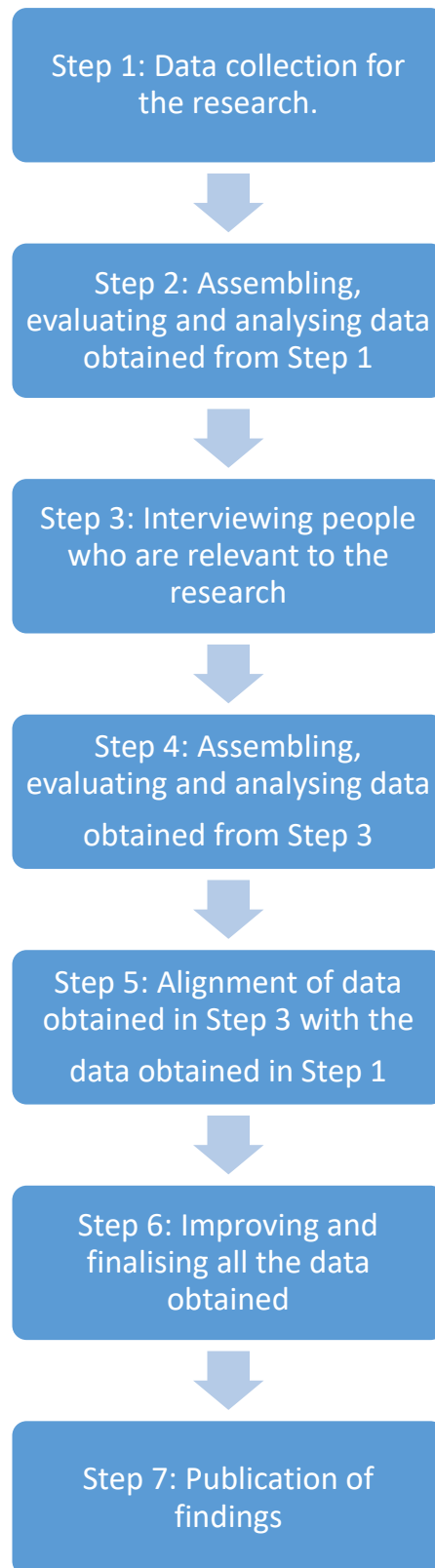
## Appendix

Flow Chart

[FRGS 2021 APPENDIX.pdf](#)

Appendix	Name	File Name
A	FRGS FLOW and GANTT CHART	<a href="#">FRGS 2021 APPENDIX.pdf</a>
B	CV Mohamad Hafiz	<a href="#">CV Mohamad Hafiz 2021.pdf</a>

## APPENDIX A: FLOWCHART



## APPENDIX B: GANTT CHART

### SEPT 2021 – AUG 2022

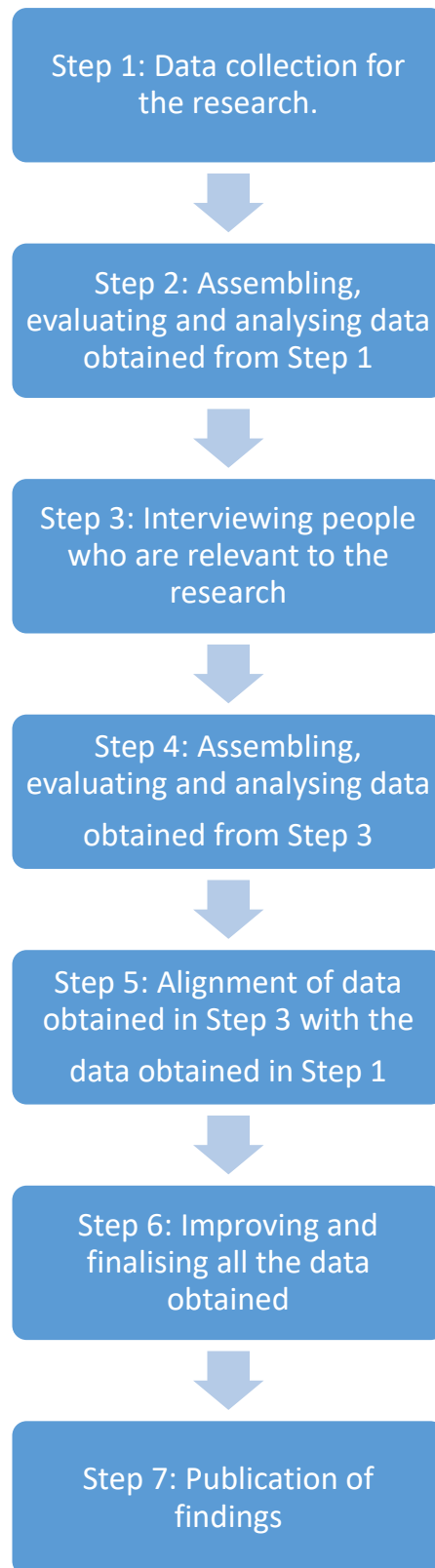
No.	Project Activities	Sept	Oct	Nov	Dec	Jan	Feb	Mac	Apr	May	June	July	Aug
1.	Collection of research data/ literature review and interview experts who are relevant to the research	*	*	*	*								
2.	Assembling, evaluating and analyzing the research data					*	*						
3.	Improving and finalizing all the data obtained							*	*	*	*		
4.	Assembling, evaluating and analysing data obtained from Step 3											*	*

### SEPT 2022 – AUG 2023

5.	Alignment of data obtained in Step 3 with the data obtained in Step 1	*	*										
6.	Improving and finalising all the data obtained			*	*	*	*	*	*				
7.	Completion of final report and presentation of research findings									*	*	*	*



## APPENDIX A: FLOWCHART



## APPENDIX B: GANTT CHART

### SEPT 2021 – AUG 2022

No.	Project Activities	Sept	Oct	Nov	Dec	Jan	Feb	Mac	Apr	May	June	July	Aug
1.	Collection of research data/ literature review and interview experts who are relevant to the research	*	*	*	*								
2.	Assembling, evaluating and analyzing the research data					*	*						
3.	Improving and finalizing all the data obtained							*	*	*	*		
4.	Assembling, evaluating and analysing data obtained from Step 3											*	*

### SEPT 2022 – AUG 2023

5.	Alignment of data obtained in Step 3 with the data obtained in Step 1	*	*										
6.	Improving and finalising all the data obtained			*	*	*	*	*	*				
7.	Completion of final report and presentation of research findings									*	*	*	*