

PLANNING SYSTEM IN MALAYSIA

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***Abstract:** This paper briefly provides an overview of the town and country planning system in Malaysia and its contribution towards sustainable development. It will firstly describe the role of physical planning through the different level of development planning (national physical plan, structure plan, local plan and special area plan). Today, town and country is carried out at the three levels; federal, state and local levels. This paper also attempts to share experiences in the planning activities contribute towards realizing and to achieve the goals of sustainable land use in Malaysia.*

Keywords: planning system, development control and development plan.

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1.0 INTRODUCTION

Malaysia gained independence from United Kingdom in 1957. Due the historical ties with its colonial master, the modern town and country planning in Malaysia has its origins from United Kingdom. It was introduced in the country with the main objective of improving living conditions of the people. At present, that simple objective has been developed enormously into an exercise of comprehensive analysis of all surrounding conditions whether physical or human. Thus, and with the progress of the society, the central role of the land use planning process started to change, as it became more and more complex in nature. That would perhaps be due to the intensity of certain development activity that requires determining issues such as relating to location, size and pattern of land utilization. This necessary leads us to the fact that town planning system is principally a system of anticipatory control of various land uses patterns where upon the controlling authority would not grant any approval for development activity if adverse impact on the surrounding environment were envisaged.(Chapin 1974)

This paper provides an overview of the town and country planning contribution towards sustainable development in this country. The terms Sustainable development is first coined in the national five year plan in Eighth Malaysian Plan (2000-2005) in the year 2000 and was then reemphasized again the Ninth Malaysia Plan (2006-2010). In this paper, it will firstly describe the role of physical planning through the different level of development plan (i.e. National Physical Plan, State Structure Plan and Local Plan). Secondly it discuss the strategies for strengthening physical planning in this country and development control based on the recent amendment to the Town and Country Planning Act 1976 (Act 172) to further improve its effectiveness in overcoming environmental and ecological problems such as tree preservation and comprehensive assessment report known as Planning Proposal Report of site by qualified town planners.

1.1 Brief History

Physical planning in this country had its beginning in 1921 with the establishment of a town planning department in Kuala Lumpur. It was a response to the haphazard development in Kuala Lumpur and with a view to reduce unnecessary waste in financial expenditure for overcoming the problem and towards setting out a systematic and orderly arrangement of towns in line with the modern town planning practice.

A Town and Country Planning Enactment was enacted in 1923 paving the way for the preparation of General Town Plan and Town Planning Scheme. To cater for immediate needs of landowners and property developers the practice of re-planning and redistribution of lots were undertaken. Town planning practice over the years were guided by later changes of the 1923 enactment, through the 1927 Town Planning Enactment, Sanitary Board Enactment of 1929, CAP 137 and subsequent amendments to the Town Board Enactments. A significant milestone in the progress of town planning in this country was the promulgation of the Town and Country Planning Act of 1976 (Act 172).

Today, town and country planning is carried out at three levels. At federal level, the Ministry of Housing and Local Government via Federal Town and Country Planning Department is responsible for formulating and administering all national policies relating to town and country planning. At state level, The State Department of Town and Country Planning act as an advisory body to the state government. At the lowest level, local authorities are responsible for executing town and country planning function as prescribed in the local plan.

2.0 TOWN AND COUNTRY PLANNING

In terms of its context and scope, town and country planning has been interchangeably called 'urban and regional planning', 'land use planning', and 'city planning' or 'physical plans' in different countries. Nevertheless, 'town planning' has been generally accepted worldwide to refer to both town and country planning and this is the term used in this paper.

B.J. Collins in 'Development Plans Explained' defines town planning as "*organizing of building and land use in pursuance of an express scheme of urban or rural evolution*". Although it is a straight-forward and work man like definition, it is not easily applicable because there may be cases of there being without 'express scheme of evolution' in existence.

The definition by Lewis Keeble in 'Principles and Practice of Town and Country Planning; (1969) are more widely accepted. Keeble defined town planning as "*the art and science of ordering the use of land and the character and sitting of building and communication routes so as to secure the maximum practicable degree of economy, convenience and beauty*"

Keeble's definition has given rise to four characteristic of successful town planning which are of prime importance:

1. The promotion of accessibility: Accessibility of homes to work, shop, school and entertainment, of industry to sources of labor, power and raw materials and so on. It would hardly be going too far to call Planning a study in accessibility;
2. The employment of resources as economically as possible so as to achieve the greatest possible measure of improvement with necessarily limited means;
3. The separation of incompatible land uses from each other and the association of compatible or mutually helpful uses; and
4. The carrying out of all development in as visually pleasant a manner as is practicable.

Town planning is therefore not mere layout plans of residential, industrial, commercial or recreational activities, but a combination of components and elements which help to make the complete living, working and play environment which determines the quality of life of its inhabitants.

Above some town planning concepts and principles which have to be taken into consideration by a planner in the preparation for planning submission for property development in general and specifically in Malaysia.

3.0 THE NATURE OF DEVELOPMENT PLANS UNDER THE TOWN AND COUNTRY PLANNING ACT 1976 (ACT 172)

Development plans play a vital role in the development control system. These plans are type of blue print or backcloth against which an application for planning permission is determined. The development plans are principally instrumental in guiding future development. Development plans are considered as an important tool in translating government policies into action. The plans are required to be produce on a continuing basis by the State Director of Town an Country Planning for entire state and the local

planning authority for a local authority area to guide and influence future development in the local authority area. Development plans are principally aimed at enabling the Federal and State governments to assist the local planning authority to produce plans to arrange the different uses of land and to utilize the land efficiently in the best interest of the people.

These plans are also intended to provide a logical extension to the socio-economic policies of the country as outlined in the country's Five Year National Development Plan. The Five Year National Development Plan is basically a broad policy plan. This practice is very similar to the United Kingdom, where all development plans are permissive, i.e. they lay down policies, aims, objectives and goals of development rather than prescribed what will be happening in an area. There exist stratified development plans starting with the national physical plan and end up with local and special area plans. In between we have consultation with the public eventually leading to decision-making by the government authority. Few words may thus be in order to briefly explain the nature of each.

3.1 The Town and Country Planning Act 1976 (act 172)

This Act ensures uniformity of laws and regulations relating to town and country planning in Peninsular Malaysia. It creates concurrent planning roles for both the Federal and States Governments as prescribed in the Federal Constitution. The Federal level this Act provides for the establishment of the National Planning Council that is responsible for town planning policies of the nation.

The Act provides the State Authority overall responsibility to plan on the use and development of the land in the State. It also provides local planning authorities the responsibility to plan, control and conserve land and buildings in their localities.

Under the Act 172, the State Authority is responsible for the general policy in respect to the planning, development and use of all land within the State. Each state delegates its planning responsibilities through a State Planning Committee (SPC). The SPC through its Secretariat, the State Town and Country Planning Department, will monitor progress of the development plan implementation.

Every local authority is the local planning authority for its area and is amongst other things responsible to regulate, plan and develop the use of all land and buildings within the local authority of local plans by the local planning authorities.

4.0 THE ROLE OF PHYSICAL PLANNING

The government launched Vision 2020 a decade ago. The foundation of the Vision as laid out in its nine strategic challenges is for 'Total Development Doctrine'. (2000). This represents a culmination towards creating a balanced development concept. Vision 2020 stresses the need for economic development in which is mutually reinforced with the concept of an economically just society. Thus, although economic growth is important, the desire for growth has to be related to questions of stability, control of inflation, sustainability, raising the quality of life and other social objectives.

Analyzing the role of physical planning is vital in understanding how planning can help to achieve a balanced development. Generally, Physical planning has the following roles:

1. Translating socio economy and other policies into spatial and physical forms. To attain this strategy, all socio economic policies have to be evaluated on its spatial and physical implications;
2. Emphasizing on the aspect of environmental quality in physical planning;

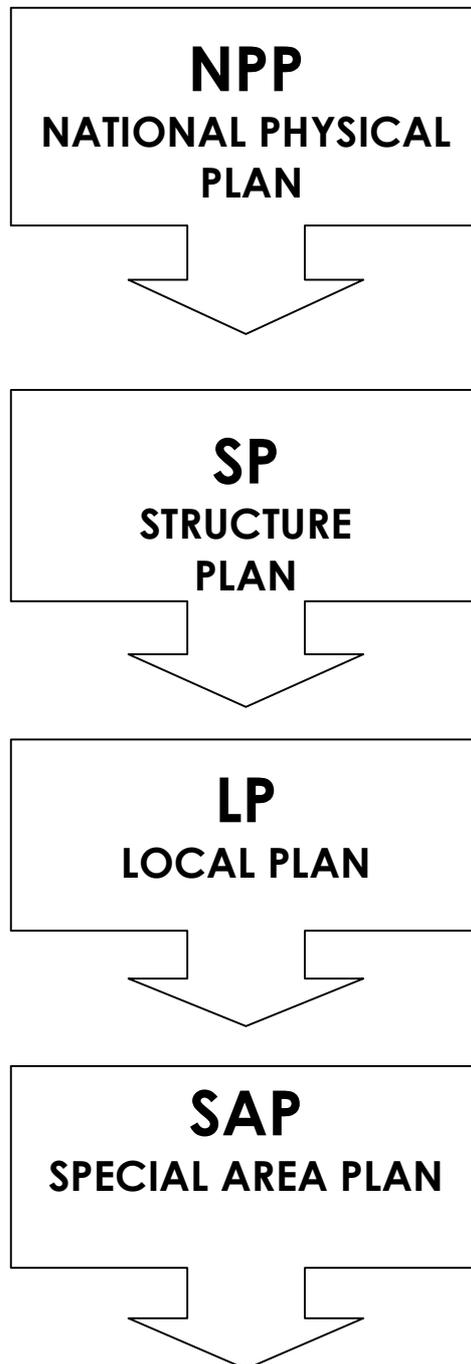
3. Providing facilities to ensure an equitable and higher standard of living for all;
and
4. Physical planning policies take into consideration the latest development in science and technology, which it turns, can help achieve a higher quality of living.

Translating the above, physical planning therefore encompasses the development plan system, which consists of four major levels of planning as shown in figure 1, that is the :

1. National Physical Plan
2. Structure Plan
3. Local Plan
4. Special Area Plan

The other important aspect of the physical planning is to fulfillment of national integration. Thus, and as a prerequisite for the proper functioning of the planning system it is important that regional land policies should be integrated with that local land policy. Decisions at Federal or State Level will more often than not impact on planning policy at local planning authority level. For example, the identification of a need at state level for industrial and commercial activity can have serious implications for housing and other social infrastructure. As such the planning policy must be able to balance all the relevant issues. The government's planning policy is largely set out in the National Development Plans comprising of the National Development Policy, Five Year Development Plans, and Vision 2020 issued by the Federal Government. These policies are supplemented by guidelines from the Federal Town and Country Planning Department.

Figure 1: Physical Development Plans Hierarchy



4.1 The National Physical Plan

The National Physical Plan 2020 (2005) consists of written statement formulating a national policy and general proposals for the development and use of land in the country. It is the physical interpretation of the five years National Economic Plan of the country. The plan is essentially necessary to assist the function of the National Physical Planning Council in promoting within the framework of the national policy, town and country as an efficient instrument for the improvement of the physical environment and towards the achievement of sustainable development.

The National Physical Plan has been approved by Cabinet on 20 April 2005 and National Physical Planning Council (NPPC) on 26 April 2005.

The functions of the NPPC as provided under section 2A of At 172 are:

- a. Promoting town and country planning as an effective and efficient instrument for improvement of the physical environment and towards the achievement of sustainable development in the country;
- b. To advise Federal Government or the government of any State, on matters relating to the town and country planning required under the Act; and
- c. To perform any other functions conferred upon the NPPC under this Act.

4.2 The Structure Plan

The Structure Plan consists of written statement formulation a State's policy and general proposals for the development and use of land in the State. As the name suggest the Structure Plan now covers the whole State and no longer confines to certain local authorities. These policies must be set within current

state and national policies concerning the social and economic planning and development and they must have regard to the likely availability of resources needed to implement the policies and proposals and having due regards to the following matters :-

- a. The principal physical, economic, environment and social characteristics of the area;
- b. The size, composition and distribution of the population of the area; and
- c. The communication, transportation and traffic system of the area.

It is State wide comprehensive planning tool that outlines physical development policies and strategies as well as the allocation of the natural resources within 10-15 years period. The plan suggests direction and approaches on how area in the States could be developed in an appropriate and sustainable manner. It also suggests the direction for future economic growth and investment opportunities in the respective States.

The Structure Plan therefore translates national economic, social and physical objectives into physical development strategy for the State or part of the State and provides a framework for the production of more detailed local land use plans to guide public and private sector investment and infrastructure development.

Thus the functions of the Structure Plan are as follows:

- a. Interpreting national and regional policies;
- b. Establishing aims, policies and general proposals;
- c. Providing the framework for local plans;
- d. Indicating special area plans, if any;
- e. Providing guidance for development control;

- f. Providing basis for coordinating decision; and
- g. Highlighting main planning issues and decisions before the public and the SPC.

4.3 The Local Plan

A local plan is a written statement prepared to elaborate the policies and proposals set out in the Structure Plan. This plan consists of written statement and diagrams setting out the detailed planning, and manner of carrying out the proposals set out in the structure plan of a local planning authority area. The local plan must also set out the development proposals, details of land use of an area, the measures to protect the environment, preservation of natural topography, landscaping, preservation and replanting of trees, create open spaces, to preserve and protect the building, improve communication system and traffic management in a local planning authority area.

The principal aim of the local plan is to prepare a comprehensive land use plan in accordance with the requirements set out in the TCPA 1976 and the Development Plan Rules. The functions of the local plan is to interpret the policies and representative from the public incorporated in the structure plan and to implement such aspects in line with the social development, economic and use of resources in a laical planning area.

Local plans deals with more specific development proposal and development control criteria for 10-15 years time frame. As from year 2002 Local Plan studies covers district level, thereby incorporating more than one local planning authority (usually 2-3 local authorities). As in structure planning, consultants undertake the study with government town planner as their counterpart.

Three functions common to most local plans are as follows:-

- a. Refining development control policies of structures plans. Local plan will refine the broad guidance on development control as prescribed in the structure plans by allocating land to specific development purposes, by defining the areas to which particular development control conditions will be applied and by explaining conditions in terms of standards and other criteria so that the public and private sector developers and property owners will be given precise and clear information;
- b. Coordinating development. Policies and proposals in local plans can be used as a basis for coordinating and estimating public and private sector development expenditure or investment; and
- c. Bringing local and detailed planning issues to the public. This is done through the public objection stage, and through the social assessment studies at the initial (scoping), intermediate (formulation of draft development strategies) and the late stage (publicity) of the draft local plan study.

The local plan will draw attention to more detail planning issues in parts of structure plan area. This will enable developers and property owners to be aware of how their interests will be affected and where opportunities lie.

4.4 Special Area Plan

Section 6B of Act 172 provides the local planning authority to prepare a special area plan for any part of its area. A special area plan takes the form of and has the same effect to that of a local plan. However, this plan contains proposals for special and detailed treatment by development, redevelopment, improvement, conservation or management practice and the nature of the treatment proposed.

Special Area Plan is useful where particular areas within a local planning authority needing special development programmes. Conservation of heritage areas is one useful purpose for these plans.

5.0 CONCLUSION

The town and country planning system is designed to regulate the development and use of land in the public interest. It is an important instrument for protecting and enhancing the built and natural environment. It has a positive role to play in guiding appropriate development to the right place as well as preventing development, which is not acceptable.

The Malaysian's town and country planning system therefore should be able to adapt to changing needs and at the same time secure efficiency, effectiveness and simplicity in conception and operation. Towards this end there should be a constant review of the policies and practices in town and country planning including those that is provided in law.

With the recent amendment to the Act 172, another milestone in the progress of physical planning has thus far been accomplished. It reaffirms the view that physical planning plays an important role in nation building; Physical planning when properly carried out can translate the nation's vision into spatial terms that forms the very basis of physical development activity.

In conclusion we are witnessing an improved and balanced system of town and country planning by introducing of an integrated and uniformed laws relating to physical planning, This should be seen as part of an overall effort to create a more humanistic and pleasant environment that will be enjoyed by all of us.