

PLANNING PRACTICES IN MALAYSIA

LEGAL PERSPECTIVE

AZILAAHMAD SARKAWI
MARIANA MOHAMED OSMAN
SYAHRIAH BACHOK



HUM PRESS

Published by:
IIUM Press
International Islamic University Malaysia

First Edition, 2011
©IIUM Press, IIUM

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without any prior written permission of the publisher.

Perpustakaan Negara Malaysia

Cataloguing-in-Publication Data

Azila Ahmad Sarkawi: Planning Practises in Malaysia: Legal Perspective
Bibliography p.
Includes Index
ISBN

ISBN: 978-967-418-022-5

Member of Majlis Penerbitan Ilmiah Malaysia – MAPIM
(Malaysian Scholarly Publishing Council)

Printed by :
IIUM PRINTING SDN. BHD.
No. 1, Jalan Industri Batu Caves 1/3
Taman Perindustrian Batu Caves
Batu Caves Centre Point

CONTENTS

<i>foreword</i>	vii
<i>Editor's Preface</i>	ix
<i>List of Tables</i>	xiii
<i>List of Figures</i>	xiv
<i>Abbreviations</i>	xv

CHAPTER 1: THE EVOLUTION OF PLANNING LAW IN MALAYSIA

*Azila Ahmad Sarkawi & Mariana Mohamed Osman (2826/17434)*¹

CHAPTER 2: THE FEDERAL CONSTITUTION'S PROVISIONS FOR SUSTAINABLE ENVIRONMENTAL MANAGEMENT IN MALAYSIA

Badriyah Zakaria 21

CHAPTER 3: THE MANAGEMENT OF STRATIFIED PROPERTIES IN MALAYSIA: THE LAWS AND POLICIES

Nor Asiah Mohamad (781/17439) 37

CHAPTER 4: THE HOUSING LAW IN PENINSULAR MALAYSIA

Azlinor Sufian (1736/17440) 57

CHAPTER 5: THE INTEGRATED COASTAL DEVELOPMENT AND TOWN PLANNING SYSTEM IN MALAYSIA: LEGAL PROVISIONS

M. Zainora Asmawi (3126/17445) 71

CHAPTER 6: AN INTRODUCTION TO TRANSPORTATION LEGISLATIONS IN MALAYSIA

Syahrirah Bachok (3499/17447) 105

CHAPTER 7: THE LEGAL PERSPECTIVE OF GATED COMMUNITY SCHEMES IN MALAYSIA

Nor Suzilawati Rabe & Azila Ahmad Sarkawi (2826/17448) 149

**CHAPTER 8: THE LEGAL CONSIDERATION of DEVELOPMENT
ACTIVITIES UNDER TRANSMISSION LINE**

Farid Jaafar Sidek & Samsudin Jaafar &

Azila Ahmad Sarkawi (2026/17449) 177

**CHAPTER 9: THE CONSIDERATION OF TREE PLANTING at
PLANNING APPROVAL STAGE: A CASE STUDY OF MAJLIS
BANDARAYA SHAH ALAM (MBSA)**

Nurul Aida Salim & Azila Ahmad Sarkawi (2026/17450) 197

**CHAPTER 10: THE PLANNING APPEAL CASES BY DEVELOPER
FROM YEAR 1992-2005: A CASE STUDY OF PENANG BOARD**

Nur Filzah Azlan & Azila Ahmad Sarkawi (2026/17451) 227

CONCLUSION 260

INDEX 261

CHAPTER 3

THE MANAGEMENT OF STRATIFIED PROPERTIES IN MALAYSIA: THE LAWS AND POLICIES

by

Nor Asiah Mohamad¹

INTRODUCTION

The Malaysian government has made several efforts to improve the entire service delivery system of its administration. This is in line with the agenda of the present leadership to have an efficient civil service. One of the instigated efforts was a conference entitled “Upgrade the Delivery System of Government – To Improve the Process as well as Management Maintenance of Property” held on 13th April 2007.² It addressed a number of critical areas in housing as well as land development in Malaysia focusing on three major policies, namely the Build- Then-Sell Concept (BTS), the Certificate of Completion and Compliance (CCC) and the maintenance and management of buildings and common properties. Other initiatives included road shows and seminars held by the ministries and other relevant