

Land Use Planning and
ENVIRONMENTAL SUSTAINABILITY
in Malaysia: POLICIES AND TRENDS



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Editor

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Chapter 8

CONTROLLING CHANGES OF USE OF LAND IN MALAYSIA: DUAL AUTHORITIES AND THE DILEMMA OF CERTAINTY vs. FLEXIBILITY

*Sharifah Zubaidah Al-junid **

WHY CONTROL LAND USE?

Approaches toward land use control differ according to the type of property model adopted by a legal system. The communitarian model, for example, propounds the view that the general welfare of the community can best be realized where decision-makers are entrusted with broad powers to regulate land use largely unfettered by the selfish interests of individual landowners.¹ This has led to the 'command and control' approach in land use planning where the state is given 'police' powers to regulate land use.² Land use control is crucial to ensure optimum utilization of land. Rapid urban development would necessitate government intervention through land law and planning law, to guide and control the structural changes taking place. The main justifications for such government intervention into the private urban land market are:³

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¹ Barry Hough, "A material change of use: the rise and rise of the communitarian model" J.P.L. 2001, June, 632.

² Also known as the 'prescriptive planning approach.'

³ United Nations Economic and Social Commission for Asia and the Pacific (UN ESCAP), *Municipal Land Management in Asia: A Comparative Study*, Chapter Five at http://www.unescap.org/huset/m_land/chapter5.htm