



Malaysian Development Planning System: Kuala Lumpur Structure Plan and Public Participation

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Abstract

In Malaysia, public participation is not just an alternative for better planning, but is a requirement as stated in the planning law. Town and Country Planning Act 1976 (Act 172) and the amendments require public participation in the process of preparing development plans (structure plans and local plans) in Peninsular Malaysia (except Kuala Lumpur). In Kuala Lumpur, it is stated in the Federal Territory (Planning) Act 1982 (Act 267). Development plan as the name suggests guide the location of development with criteria based policies. Public has the right to know and participate in making decisions, particularly in those which potentially affect the communities in which they live and work. Research had been carried out to identify the effectiveness of the public participation programme for Kuala Lumpur Structure Plan 2020. The research was carried out by collecting feedback from the participants of public exhibitions and workshops. Through the research, it was found that series of workshops are the effective method of public participation for development plan as compared to one public exhibition after draft proposal or plan has been completed. This is because an effective and successful public participation programme should allow members of the community to have an active voice in the process and to have free access to important information.

Keywords: Public participation, Planning law, Development plan, Kuala Lumpur Structure Plan

1. Introduction

In Malaysian planning system public participation is a vital factor for the achievement of sustainable development. Public participation is compulsory in the process of preparing Development Plans (Structure Plans or Local Plans). The principle of sustainable development encompasses social, environmental and economic issues, entailing concern with present and future generations. In order to move towards more sustainable development, there is the need to identify and increase the effectiveness of public participation programme. An effective public participation programme will increase the level of co-operation between planning authorities and public to achieve their same planning goal, which will benefit all parties. The design of an effective public involvement programme requires both skill and effort. As such it is important for this study to examine the effectiveness of the existing public participation programmes, in order to improve the public participation programme in the development plan preparation process.

It is now accepted as an important stage in development planning and in particular the plan preparation process. The participation of the public is to ensure the local issues and the needs of the local people are addressed. The local people are involved and aware about the planning of their area. The Town and Country Planning Act 1976 (Act 172) Section 9 stated that when preparing a state structure plan, the report of survey which contains key findings of the study area must be publicised. This is to give an opportunity for the stakeholders to make representations. After completion the draft structure plan should be made available for public inspection. Notification for the public is through local newspapers. The public are given is not less than one month from the date of notice and can be extended upon request from the stakeholders.

Kuala Lumpur, the largest city of Malaysia is also the capital city, has evolved around a single nucleus at the confluence of the Sungai Gombak and Sungai Kelang. In 1972 Kuala Lumpur achieved city status and was established as the Federal Territory in 1974. Its territory was extended from 93 square kilometres to 243 square kilometers. Then in the late 1990's the Federal Government decided to establish a new Administrative Capital in Putrajaya. The City Hall of Kuala Lumpur is the local authority for the administration and development as stipulated by Local Government Act

1976 (Act 171). It develops and provides infrastructure and amenities for the betterment of urban living environment. It aims to be the regional hub for financial and economic activities as well as being the centre of the national tourism industry. The future of Kuala Lumpur is the responsibility of the City Hall and the stakeholders. The annual growth rate of 4.2 per cent makes the city among the fastest growing region with the targeted 2.2 million population by 2020.

2. Understanding of Public Participation

The aim of participatory activities is to let people involve in the decision making process. Public participation is the process by which the public concerns, needs and values are incorporated into governmental and corporate decision making. It is a two way communication and interaction, with the overall aim of better decisions that are supported by the public (Creighton: 2005:7). Officially, U. S. Environmental Protection Agency (2002), uses the term “public participation” to denote the activities where permitting agencies and permittees encourage public input and feedback, conduct a dialogue with the public, provide access to decision-makers, assimilate public viewpoints and preferences, and demonstrate that those viewpoints and preferences have been considered by the decision-makers.

“The public” refers not only to private citizens, but also representatives of consumer; environmental and minority associations; trade, industrial, agricultural and labour organisations; public health, scientific and professional societies; civic associations; public officials; and governmental and educational associations (U. S. Environmental Protection Agency, 2002). So, the public participation is not limited to individual citizen, but also associations and any organisations, who has interest in the development plan area.

The effectiveness of these public participation methods is arguable. As mentioned by Ortolano (1984), the public hearing is the most rigid way of public participation. The public must know the details of the planning issues, scopes, constraints and detail information. The information related to the subject matter shall include any available information in written, visual, oral or data-base form on the state of environment (physical, biological and human) and impacts from developments, as well as any available environmental management programmes and measures. In improving decision-making processes, planning authority should ensure access of the public to relevant information, facilitate the reception of public views and allow for effective participation.

The Malaysia Federal Department of Town and Country Planning continuously improve the approach, coverage and techniques used in public participation. A Guideline on Publicity and Public Participation has been prepared providing a check list of activities conducted for development plan preparation. Under the Ninth Malaysia Plan (2006-2010) the Focus Group Discussion technique is practiced in the preparation of development plans. In Malaysia the Focus Group Discussion technique is very helpful especially at the local level due to lack of documented data (Mohd Fadhlil: 2008).

3. Planning Process in Malaysia

After independence in 1957 the Malaysian administrative system is divided into three levels: federal government, state government and local government. The powers of each level of government are enshrined in the Constitution and Parliament Acts. Planning matters are in the concurrent list where both the federal and state governments are responsible for. At federal level, the Federal Department of Town and Country Planning which is under the Ministry of Housing and Local Government 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 is an advisory body to the state governments in Peninsular Malaysia while Sabah and Sarawak are practicing under different acts. At the local level, local authorities are responsible for executing town and country planning function as prescribed in the local plan. In Malaysia land is a state matter. Therefore land use planning is a state issue and the Federal government is to take on a supervisory role with the overall land use planning activity. The land use planning system introduced by the 1976 Act express the authorities intentions to initiate, encourage and control physical, economic, environmental and social changes in a particular area.

The first draft of the Town and Country Planning Ordinance of Malaya was prepared in 1966 and revised in 1972 to incorporate the need for a National Master Plan, the creation of several levels of planning authorities and the bringing of public participation into the planning process. In 1976, the Malaysian Parliament enacted the Town and Country Planning Act 1976 (Act 172) aiming at introducing a uniform system of law and policy for town and country planning in Peninsular Malaysia. Among the important features of TCP Act 1976 was the introduction of two-tier Development Plan system: Structure Plan and Local Plan; a system of Development Control; establishment of State Planning Committee and the setting up of Appeals Board. The 1976 Act was amended in 1995 through the Town and Country Planning (Amendment) Act 1995 (Act A933) which emphasised environmental management in planning, such as conservation of topographical features and trees.

In 2001 the Act was again amended through the Town and Country Planning (Amendment) Act 2001 [Act A1129] which seeks to balance the power between the Federal and State governments in matters related to town and country planning. The Act introduces the establishment of the National Physical Planning Council, Regional Planning Committee and National Physical Plan. The latest amendment was in September 2007 through the Town and Country

Planning (Amendment) Act 2007 [Act A1312] which is to confer the executive authority on the Federal Government over certain matters in relation to the control and regulation of town and country planning in Peninsular Malaysia. The Town and Country Planning Act 1976 (Act 172) and its subsequent amendments stated the provision of public participation in Sections 9 (1, 2 and 3), 12 A, 13, 14 and 15. This ensures that public participation is mandatory in the formulation of development plans in the country. The Federal Territory (Planning) Act 1982 (Act 267) provides the legal framework for planning practices in Kuala Lumpur Federal Territory, was also based on the structure planning system and the local plans.

4. Kuala Lumpur Federal Territory (Planning) Act 1982 (Act 267)

The Federal Territory (Planning) Act 1982 (Act 267) came into force in 1982. It is an Act to make provisions for the control and regulating of proper planning in the Kuala Lumpur Federal Territory, for the levying of development charges, and for purposes connected therewith or ancillary thereto. It is an amalgamation of the previous two Acts. It generally maintains the administrative framework embodied in the City of Kuala Lumpur (Planning) Act (107), 1973, and incorporates the Structure Plan System as propagated by the Town and Country Planning Act (172), 1976.

As stated in Part II (3) functions and powers of the Commissioner, The Minister of the Federal Territory shall be responsible for general policy with respect to the planning of the development of all lands within the Federal Territory and (subject to Clauses (5) and (6) of Article 91 of the Constitution) of the use of such lands and buildings and for such purposes the Minister may give directions of a general character or specific in nature not inconsistent with the provisions of this Act and the Commissioner shall give effect to such directions. While the Federal Territory Advisory Board is to advise the Minister upon matters including the draft structure plan. Part III (7) of the act explained in detail the process of preparing development plans including the structure plan. The Kuala Lumpur Structure Plan 2020 contains the vision, goals, policies and proposals to guide the development of Kuala Lumpur over the next 20 years.

The first stage is the preparation of the Structure Plan, which is in the form of a Writing Statement containing policies and proposals in relation to the planning area (KLSP, 1984). The second stage is the preparation of Local Plans that are concerned with the more detailed implementation of the policies and proposals contained in the Structure Plan. The Structure Plan system puts more emphasis on social, economic, physical, traffic, environmental and other issues with a view to achieving the broader goals and objectives compared to the Comprehensive Development Plan System previously used. The Structure Plan has a perspective period of 20 years and will be reviewed periodically. This will ensure flexibility to accommodate the changing circumstances and problems faced by the Federal Territory of Kuala Lumpur. The preparation of the Kuala Lumpur Structure Plan 2020 (KLSP, 2020) was undertaken in the conviction that most of the policies of the 1984 Kuala Lumpur Structure Plan have been rendered obsolete by developments in recent years (KLSP 2020, 2002). The Kuala Lumpur Structure Plan 2020 act as reference for urban development.

5. Public Participation in Draft Kuala Lumpur Structure Plan 2020

The Draft KLSP applied the methods of 'public exhibition' and 'public hearing' for the public to participate after the Draft KLSP was prepared. The exhibition was held from 10 March to 9 April 2003. The public was invited to inspect and submit written objections to the Draft Plan within the 49 days from 10 March to 28 April 2003 by using the public objection forms provided. Objections filed by the public comprised views, suggestions, recommendations, comments and information.

Besides the public exhibition, Kuala Lumpur City Hall also had given special briefing to a number of organisations based on request. Kuala Lumpur City Hall also organised road shows at KLCC Suria, Mid Valley, Selayang and KL Central. Kuala Lumpur City Hall also uploaded the draft plan to the Kuala Lumpur City Hall's web site (<http://pskl2020.dbkl.gov.my>) for public inspection. There were 945 objections listed in 258 objection forms submitted by individuals, government departments and agencies, educational institutions, professional bodies, elected representatives, political parties and other organisations. About 52 percent or 483 objections relate to four sectors including transportation, community facilities, housing and tourism sectors. The other 48 percent refer to the remaining 13 sectors (Dasimah and Oliver Ling, 2007).

There is a need to identify and increase the effectiveness of public participation programme in achieving sustainable development for our country. The effective public participation programme will increase the level of co-operation between planning authorities and public to achieve their similar planning goal, which will benefit the community.

6. Objectives

The objectives to be achieved in this study are to:

- a. Identify the basic principles and requirements for effective public participation programme.
- b. Analyse the effectiveness of the public participation methods currently used in the development plan preparation process, in moving towards a more sustainable development practice.

- c. Recommend the appropriate methods, approaches or actions for more effective public participation for the study area, in moving towards a more sustainable development practice.

7. Methodology

The study was to identify the effectiveness of public participation programmes for Draft Kuala Lumpur Structure Plan 2020. This research involved with primary and secondary data. As for the primary data the research was based on a set of mailed questionnaire. A total of 250 questionnaires were mailed to those participants as listed in the Draft KLSP attendance record book provided by the City Hall of Kuala Lumpur. A self addressed envelope of one researcher was attached to each questionnaire. After about three months only 31 respondents returned the questionnaires. Secondary information was collected from the related agencies by interviewing the officers. Among the respondents interviewed were town planners and administrators from Kuala Lumpur City Hall and Federal Department of Town and Country Planning, Malaysia. The SPSS was applied for data analysis.

8. Analysis and Findings

The analysis involved analysing of feedback from the respondents who were participated in public participation in the Kuala Lumpur Structure Plan 2020. In this study, the analysis was carried out by computing the feedbacks from respondents. Feedbacks of respondents have been studied to identify the effectiveness of the overall programmes and the effectiveness of each main aspect or element of public participation. The effectiveness of the development plans' public participation programmes are discussed. From the survey, it was found that, the highest aspects of concern for most of the respondents were infrastructure and public facilities development, future economic development, and environmental issues and quality.

In general there were 23.3 percent of the respondents who felt that the programme was not effective while another 73 percent mentioned it as moderate. This included the use of banners and presentations. There were 26.7 percent of the respondents who stated that, the banners and presentations were not effective, and another 33.3 percent of the respondents could not understand the information provided in the exhibition or report. The public participation programme also faced weaknesses. Fifty percent of respondents felt that, the programme failed to deliver enough information on the future development of the area. The public were expecting more details or comprehensive information on the future development for their areas. The development constraints were not presented clearly, lack of detailed information and not specific for the public to understand.

The public participation programme failed to deliver enough relevant information to the majority of the participants as mentioned by 63 percent of respondents. Besides that, the method used for giving ideas, opinions or comments by participants also was less effective. The programme was not successful in delivering enough information on the future development of the area during the public exhibition as stated by 55 percent of respondents. There were one third (33.3 percent) of the respondents who felt that, the method used (in written form only) was not effective. The study found that, 61.3 percent of the respondents believed that, the government would not consider their opinions seriously and 50 percent of the respondents felt that they did not have equal rights and chances. However, the publicity of the programme was carried out effectively.

Other factors contributing to the less effectiveness of the public participation programme were the information on the environmental quality was not presented/delivered clearly, lack of detailed information and not specific for the participants. The limitation of the Draft KLSP and the development constraints were also not presented clearly, lack of detailed information and not specific enough for the participants. Majority of the respondents with more than 73 percent stated that, they did not receive response from the government on their final decision, as well as the reasons for accepting or rejecting the public opinions. That had affected the respondents' belief, that the government would not consider their opinions seriously. Technical advice given by the Kuala Lumpur City Hall personnel was not comprehensive enough. Some of the participants did not get the technical advice. It might affect their understanding on the information or plans presented.

From the research, it was found that organising series of workshops was an effective method of public participation for development plan. This is because an effective and successful public participation programme should allow members of the community to have an active voice in the process and to have access to important information. Besides that, through the workshop (the two-way communication), it could:

- a. Create a dialogue session that provides feedback;
- b. Easily establish trust and credibility in the community;
- c. Give input and discuss issues with stakeholders and related groups or people;
- d. Ensure the planning authority to fulfil their obligations on the needs of the public, in particular the participants;
- e. Let the public be involved in the earlier process, receive feedback and address them before making decisions;

- f. Give opportunities to participants to understand the preparation of plan and to give input directly to the study team starting from the beginning of the plan preparation process;
- g. Let the planners and the public understand and respect each others' values and limitations through direct two-way communication;
- h. Make all segments of the interested community to have an equal opportunity to receive information and participate in the process through open discussion and written form;
- i. Easily let the planning authority and planners evaluate the effectiveness of the programme after every workshop or discussion session;
- j. Allow the planning consultants/authority to give direct response to the public or participants on the issues or views highlighted; and
- k. Give opportunities to participants to ask for more information from planners.

9. Recommendation and Conclusion

Some of the major developments that have taken place were not anticipated in the structure plan. Development such as the Multimedia Super Corridor (MSC), the Kuala Lumpur International Airport (KLIA) at Sepang and the transfer of federal government administrative functions to Putrajaya are anticipated to stimulate and influence future changes and growth. With globalisation Kuala Lumpur will encounter more challenges within a new international development era.

The series of workshops and public exhibitions should be organised from the beginning of the plan preparation to the final stage of the process, which include:

- a. Workshop at the early stage (before the start of the plan preparation);
- b. Workshop and public exhibition after the technical report has been prepared; and
- c. Workshop and public exhibition after the draft proposal has been prepared.

These workshops should be participated by the planning authority, planners, all the stakeholders, NGOs and general public. Workshop at the early stage should aim at getting the public informed about the purpose, scope, limitation and the importance of the plan making. Besides that, the workshop should give opportunity to the public and stakeholders to give their opinions and views before the preparation of the plan. These workshops and public exhibitions should be held at strategic locations, such as public hall, town square and public transport terminal. The criteria of good location are:

- a. High accessibility via public transport system and roads,
- b. Public focus area or community centre, and
- c. Ample and suitable space for various activities/purposes.

The Government especially the local planning authority is the proper agency to act as an organiser for the public participation programme as agreed by majority of respondents. However, the organiser of the public participation programme should consider the following actions to increase the public trust upon the organiser:

- a. Establishing trust and credibility in the community through honesty and openness;
- b. Involving the public early in the process, receiving feedback, and addressing public concerns before making decisions;
- c. Understanding and respecting the values and limitations of participants;
- d. Providing sufficient information on the development objectives, issues, challenges and potentials, existing environmental quality, positive and negative impacts of the proposed plan/programme/project, and the limitations of the development plan for participants;
- e. Inviting everyone to participate and giving equal opportunity to all participants;
- f. Showing high appreciation to the participants using appropriate approach, such as a letter of appreciation informing them the actions taken by the planning authority on their opinions, comments or views.

There are other proper actions that could be taken by the organiser to improve the effectiveness of the public participation programme. These include:

- a. Evaluating the best types of activities for the community to participate;
- b. Planning the public participation activities ahead of time, allowing flexibility for changing interest levels in the community;
- c. Encouraging the formation of community groups, to ensure that all segments of the interested community have an equal opportunity in receiving information and participating in the process;

- d. Using simple and suitable language and also appropriate format of presentation (report, banner, multimedia presentation and website);
- e. Educating the public regarding the purpose, importance and scope of the development plan, as well as the right, obligation and the proper ways for public to participate;
- f. Giving detail explanation to the participants before they are divided into smaller groups for effective discussion;
- g. Providing sufficient number of planning advisors/facilitators during the workshop and public exhibitions;
- h. Allowing participants to give their comments, opinions or views in both oral and written form;
- i. Providing mobile exhibition room and more venues for public exhibition, such as in housing areas, shopping centres, hospitals, public transport terminals / stations, public halls and high learning institutions;
- j. Evaluating periodically on the effectiveness of the public participation programme;
- k. Providing on-line (internet web) public participation;
- l. Giving free parking fee and special discounted public transport fare for participants; and
- m. Providing longer period (more than one month) for public exhibition and it should include public holidays.

In structure planning process, the government especially the town planners should always provide the best mechanism for the more effective public participation. The whole community should work hand-in-hand to take the challenge for a sustainable growth of development. A holistic approach in decision making bringing together the social, economic and physical environmental issues to ensure that the environment is developed to benefit the present community and the future generation.

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Figure 1. Public exhibition of Draft KLSP



Figure 2. Information counter and the counter for selling Draft KLSP reports