

Public participation in Malaysian district local planning system

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This paper explores the practice of public participation in local planning system in Malaysia. The research focused on the Sabak Bernam District Local Plan (SBDLP) 2002-2015 which was gazetted in June 2007. Public participation is compulsory in the process of preparing Development Plans (Structure Plans or Local Plans). The impact of the new requirement of Town and Country Planning Act 1976, named Town and Country Planning (Amendment) Act 2001, is that the number of public participation activities has increased in preparing District Local Plans. Sabak Bernam District Local Plan is the first District Local Plan prepared under the provision of Section 12a, Town and Country Planning (Amendment) Act 2001. The public participation programmes were held at every stage of SBDLP preparation process including a workshop and exhibition at the early stage of study; followed by a workshop after the technical report was prepared; another workshop after draft proposal was prepared; and an exhibition after the draft proposal had been amended. It shows the government has put an effort to increase the role of stakeholders in preparing development plans. The main approach of public participation adopted in this country is exhibition and hearing.

The research was carried out at two different stages. The first research was by collecting feedback from the participants of public exhibitions and workshops. A total of 51 respondents were interviewed using survey questionnaire. Secondary information was collected from the related agencies. The analysis involved analysing feedback from the public who participated in the workshop after draft proposal of Sabak Bernam District Local Plan 2002-2015 was prepared. 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. It was found that series of workshops were a more effective method of public participation for development plan as compared to one exhibition after draft proposal or plan has been completed.

The second research was based on the SBDLP Public Participation and Objection Report prepared by the Department of Town and Country Planning Headquarters. Beside the content analysis of the report, an in-depth interview was carried out involving the 10 stakeholders who attended the Objection Committee Meeting. The research found that there was lack of participation by the stakeholder with only 526 or 0.46 percent of the district total population. Only 29 or 59 percent of the issues, objection and proposal raised by the public has been considered in the implementation of the Sabak Bernam District Local Plan. Therefore, there is a need to address the issues and the challenges of public participation in Malaysian district local planning system.

Keywords: Town and Country Planning Act 1976, development plans, district local plan, public participation, public participation and objection report

Introduction

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).

The Chapter 28 of Agenda 21 notes the pivotal role of Local Government, recognised the need for local leadership and stressed the participation of local governments and their stakeholders in the development of local solutions. The Local Agenda 21 planning framework was developed by the International Council for Local Environmental Initiatives as a tool to assist local governments in the development of plans and strategies. The framework is essentially a multi-stakeholder action planning process. It frames planning elements (partnerships, evaluation, community-based issue analysis, action planning, implementation and monitoring) but does not ascribe particular outcomes. Creighton (2005) states that public participation is an important and often mandatory part of environmental decision making. Currently, hundreds of governments globally including Malaysia are implementing the development of Local Agenda 21 plans.

Background of Public Participation Studies in General

The effectiveness of these public participation methods is arguable. Katherine (2008) in her review paper commented that ‘in a book written for scholars, activists, and government leaders—but equally useful for practitioners—13 authors critically examine successes and failures in public participation.’ 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. ‘Public participation creates a new direct link between the public and the decision makers in the bureaucracy. It is a way of ensuring genuine interaction and a way of reassuring the public that all viewpoints are being considered 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. As stated by Lyn Carson (2008) it is getting government to evaluate its commitments and ensuring that they keep their public participation promises.

Public Participation and Planning in Malaysia

Currently, in Malaysia public participation is accepted as a crucial stage in planning especially the plan preparation stage. This is to ensure that the people are involved and have the right to be informed in planning their areas. In Malaysian planning system public participation is a vital factor for the achievement of sustainable development. 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. As for the local plans and special area plan the same procedure applies as stated in Section 13 of the Act 172. There is an additional provision introduced with the amendment of Act 172 in 2001 (Act A1129), which requires publicity has to be given to a proposed plan even before its preparation. Section 12 A stated that publicity should include the objectives, the purpose and matters to be included in the proposed plan. a local plan or special area plan. The amendment is very vital because it allows public participation from the early stage of plan preparation. The need for public participation in planning is sufficiently provided for by the Act 172 and its subsequent amendments.

The 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 Fadhil 2008).

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 Town and Country Planning Act 1976 (Act 172)

This Act is to ensure uniformity of law and policy for proper control and regulation of town and country planning; it is also to confer executive authority of the Federation over certain matters related to town and country planning in Peninsular Malaysia. At the Federal level the Act provides for the establishment of the National Planning Council chaired by the Prime Minister and is responsible for town planning policies of the country. The Director General of Town and Country Planning Department is the Secretary of the Council. The National Physical Plan has been approved by Cabinet on 20th April 2005 and National Physical Planning Council on 26th April 2005. The functions of the council as provided under section 2A of Act 172 are to:

- a. promote 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. advise Federal Government or the government of any State, on matters relating to the town and country planning required under the Act; and
- c. perform any other functions conferred upon the National Physical Planning Council under this Act.

The Act provides the State Authority overall responsibility to plan on the use and development of the land in the State. It delegates its planning responsibilities through a State Planning Committee with the Chief Minister as The Chairman and its Secretariat, the State Town and Country Planning Department. It will also monitor progress of the State Structure Plan which is enacted under the Town and Country Planning Act 1976 (Act 172) as a tool for proper planning and development of the state. The Structure Plan is a written statement that explains strategic policies and actions concerning the land use development in town and rural areas, including steps to:

- a. improve physical environment.
- b. improve communications and traffic management.

- c. improve socio-economic levels, encourage economic growth.
- d. enhance rural planning.
- e. facilitate sustainable development.

The State Authority also provides local planning authorities the responsibility to plan, control and conserve land and buildings in their localities. Every local authority is the local planning authority for its area as stated by the Act. Local Plan is prepared for identified area within the Local Authority territory. It serves as a detailed plan that interprets policies and suggestions that are contained in the Structure Plan. It shows a large-scale layout plan for a territory, supported with written statement to explain policies and further details concerning the development. It will play a vital role in both guiding long term decisions about the future of the district and day to day development control decisions about individual planning and other applications.

The Local Plan will also:

- allocate specific sites for development;
- set out criteria by which planning applications are assessed; and
- address a wide range of community and environmental issues.

The role of Local Government is in the provisions of the Local Government Act, 1976 (Act 171). The Act relates to their own operations, forming strong local partnerships, helping communities understand sustainability, encouraging debate on sustainability issues and leading the LA21 planning process.

Public Participation in the Preparation of Local Plan under Act 172

Section 12A of Town and Country Planning Act 1976 (Act 172), stated that before commencing the preparation of a local plan the local planning authority shall take such steps as will in its opinion secure that:

- a. publicity is given in its area to the draft local plan that will be prepared, its objection and the purpose for its preparation, and matters that the local planning authority proposes to include in the plan;
- b. persons who may be expected to desire an opportunity of making representations to the local planning authority in respect of those matters are made aware that they are entitled to, and are given, an opportunity of doing so.

Under the Section 13 of the Act, when the local planning authority has prepared a draft local plan, it shall, before adopting a draft local plan, make copies of the draft local plan available for inspection at its office and at such other places as it may determine for not less than 4 weeks. Beside, objections to or representations in respect of the draft local plan may be made to the local planning authority.

Under the Section 14, Act 172, for the purpose of considering objections to and representations in respect of a draft local plan, the local planning authority may cause a local inquiry or other hearing to be held by a committee of three persons appointed by the State Planning Committee. According to Section 15, Act 172, after considering the objections or representations, the local planning authority shall submit the draft local plan or the draft local plan as modified so as to take account of the objections or representations or of any matters arising there from to the State Planning

Public Participation in Sabak Bernam District Local Plan 2002-2015

Sabak Bernam District Local Plan is the first Local Plan prepared under the provision of Section 12a, Town and Country Planning (Amendment) Act 2001. Both researches were to identify the effectiveness of public participation programmes for Sabak Bernam District Local Plan. Section 12A does not limit the period for public to make representations. Sabak Bernam District Council has organised workshops and exhibitions for public to participate in the Sabak Bernam District Local Plan making process; starting from early stage until end of the plan preparation.

The public participation programmes were held at every stage of plan preparation process, which start with (Dasimah and Oliver Ling 2007):

- a. A workshop and exhibition at the early stage of study; followed by
- b. A workshop after the technical report was prepared;
- c. A workshop after draft proposal was prepared; and
- d. An exhibition after the draft proposal had been amended.

Objectives

The objectives to be achieved in both studies were to:

- i. analyse the needs and effectiveness of the public participation methods currently used in the development plan preparation process, in moving towards a more sustainable development practice.
- ii. evaluate information from the Public participation and Objection Report and Sabak Bernam District Local Plan 2002-2015
- iii. identify the appropriate methods, approaches or actions for more effective public participation for the study area, in moving towards a more sustainable development practice.

Research Methodology

The research was carried out at two different stages. The first research was carried out in 2004 by collecting feedback from the participants of public exhibitions and workshops (Dasimah and Oliver 2004). A total of 51 respondents were interviewed using survey questionnaire. Secondary information was collected from the related agencies. The analysis involved analysing feedback from the people who participated in the workshop after draft proposal of Sabak Bernam District Local Plan 2002-2015 was prepared. Feedbacks of respondents studied to identify the effectiveness of the overall programmes and the effectiveness of each main aspect or element of public participation.

In 2008 the second research was completed based on the Public Participation and Objection Report prepared by the Federal Department of Town and Country Planning (Mohd Izad 2008). Beside the content analysis of the report, an in-depth interview was carried out involving 10 stakeholders who attended the Objection Committee Meeting. As stated in the Act 172, every objection, issue and proposal should be considered by the local plan. The primary data were collected through interview sessions with five professionals and 10 public participants. The professionals were committee members involved in the public participation programmes. They are the Project Manager, Core Team members, planners from the Selangor State Town and Country Planning Department and Sabak Bernam Local Authority. The public interview focused on 10 participants who attended the Public Hearing and Objection Meeting. These people were traced from the filing record with permission from the Federal Department of Town and Country Planning, Peninsular Malaysia. The names

of persons who made objections and proposals either through objection form or forum are recorded in the Public Participation and Objection Report.

Analysis and Findings

The analysis and findings of both researches are explained separately. It starts with the first research and followed by the second research.

Analysis and findings of the first research titled “The Effectiveness of Public Participation Programme in the Development Plan Preparation Process, from the Perspective of Sustainable Development Planning”

From the survey of the first research, 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, majority of respondents (69 percent) felt that the effectiveness of the public participation programme was moderate while 31 percent stated that it was very effective. Series of workshops were a more effective method of public participation for development plan as compared to one exhibition after draft proposal or plan has been completed.

The effectiveness of the programme also includes the use of banners and effective presentations and the information was clearly understood by all respondents. Only six percent of the respondents said that the banners and presentations were not effective. Besides that, the public participation programme managed to deliver enough relevant information to participants, used effective methods of publicity and effective methods for participants to give ideas, opinions or comments. The methods used in the public participation programme included written comments and oral discussion during the workshop. Besides that, the programme had successfully made the 88 percent of participants believe that, the government would consider their opinions seriously in the process of preparing the plan. Most of them (94 percent) felt that they had equal rights and chances in getting information and participating.

Other factors contributed to the effectiveness of the public participation programme were:

- a. The limitation was clearly explained by the study team during the workshop. As a result, the participants received better understanding regarding the scope of the discussion.

- b. Majority of the respondents received response from the government on their decision, as well as the reasons for accepting or rejecting the public opinions. That was done through the two-way communication during the workshop.
- c. Participants were guided by the study consultants or professional planners effectively during the workshop.

However, the public participation programme also faced few weaknesses, as shown below:

- a. 50 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.
- b. The development constraints were not presented clearly, lack of detailed information and not specific for the public to understand as stated by 56 percent of the respondents.

The public participation programme failed to deliver enough relevant information to the majority of the participants. 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. There were one third (33 percent) of the respondents who felt that, the method used (in written form only) was not effective.

The research also 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.

Analysis and findings of the second research titled “The Effectiveness of Public Participation in Local Plan Preparation Based on the Public Participation and Objection Report, Case Study: Sabak Bernam District Local Plan”

The second research found that there was lack of participation with only 526 or 0.46 percent of the district total population of 113,245 (year 2000). Only 29 or 59 percent of the issues, objections and proposals raised by the public been considered in the implementation of the Sabak Bernam District Local Plan. Therefore, there is a need to

address the issues and the challenges of public participation in Malaysian district local planning system.

As mentioned earlier the secondary data and information required for analysis came from two main sources namely the Public Participation and Objection Report and the gazetted District Local Plan. Both reports compliment to each other and valuable to public and citizens. There were three variables considered in the content analysis:

- i. has been considered
- ii. not consideration
- iii. unrelated to the scope of study

The types of issues, objections and proposals listed in the Public Participation and Objection Report and actions taken by the Sabak Bernam District Local Plan as shown in Table 1.

The table shows that from the list of 49 issues, objections and proposals stated in the Public Participation and Objection Report, only 29 or 59 percent were considered in the Sabak Bernam District Local Plan 2002-2015. The list shows that there were seven issues on public facilities and also on traffic and transport management raised by the public. However, it was found that for public facilities only three issues were considered, three were not related to the scope of study while another was con been considered. From the list, it shows that five issues related to industry and also traffic and transportation management were among the highest number been considered by the District Local Plan. There were four issues on recreations and landscape and also infrastructure and utilities. This is followed by issues on town center and urban design and public facilities. There were eight issues categorised as unrelated while another eight were not being considered by the District Local Plan.

Table 1: Content Analysis of the Public Participation and Objection Report and the Sabak Bernam District Local Plan 2002-2015 (Mohd Izad 2008)

No.	Public Participation and Objection Report		Sabak Bernam District Local Plan 2002-2015			
	Sectors	Issues and Objection	Has been considered	Not considered	Unrelated	Total
1.	Macro Perspective and Border Development	1	1	-	-	1
2.	Land use and Physical	2	-	2	-	2
3.	Town Center and Urban Design	3	3	-	-	3
4.	Recreations and Landscape	4	2	-	2	4

5.	Housing	2	1	1	-	2
6.	Public Facilities	7	3	1	3	7
7.	Rural and Settlement Development	1	1	-	-	1
8.	Demography	1	1	-	-	1
9.	Trade	2	1	1	-	2
10.	Industry	6	5	1	-	6
11.	Agriculture, Fisheries and Forestry	2	2	-	-	2
12.	Tourism and Natural Resources	1	1	-	-	1
13.	Traffic and Transportation Management	7	5	-	1	7
14.	Infrastructure and Utilities	4	1	2	1	4
15.	Management and Implementation	1	1	-	-	1
16.	Exhibitions Management	1	-	-	1	1
17.	Outside the scope of study	4	-	-	4	4
	Planning Permission					
	Total	49	29	8	8	49

Based on feedback from four professional respondents, they were satisfied with the participation by 526 people of Sabak Bernam. However, they suggested that there is a need to introduce some new elements in the public participation programme to encourage more participants. The respondents found that participants were not clearly about District Local Plan, their roles and the responsible agencies. This was shown by the 16 percent of objections, comments and proposals highlighted were not related to the scope of study. Thus, this will influence the implementation of local plan, which was based on Public Participant and Objection Report. They also agreed to the participants' feedback that publicity and notification was not channeled properly to the public. Generally, the respondents were satisfied with public participation programme and they were fully involved in preparation of the Public Participant and Objection Report.

The professionals interviewed mentioned that about 60 percent of issues highlighted were considered for implementation by the local plan. Majority of them also agreed with the role of Public Hearing Committee members. Public Hearing Committee comprising representatives of professional bodies and practicing professionals, to hear and consider public objections. However, one respondent did not agree with the role played by the committee. This was due to the inactive committee members who just listen and did not respond to the issues highlighted.

Based on feedback from 10 public participants, they need a proper channel to receive information related to decision made by committees regarding their issues. As representatives of Sabak Bernam community, participants recommended for a more effective notifications for this study area. They recommended for a simple briefing session organised for community's committee at early stage of study. They suggested for more efforts by responsible government agencies which will affect the effectiveness of public participation programme.

Recommendation and Conclusion

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 attended by all stakeholders including the officers from the planning authority, planners, non government organisations 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 stakeholders to give their opinions and views before the preparation of the plan.

Besides, workshops and public exhibitions should be held at strategic locations. 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 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 better actions to increase the public trust. There are other ways to improve the effectiveness of the public participation programme. This include the decision making process, whereby the government especially the town planners should always provide the best

mechanism for the more effective public participation in the local planning process. 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. It means providing for effective participation at all levels of strategic planning, providing clear, comprehensive and effective community involvement in local decision-making and providing a robust regulatory framework on which the public and local government can rely with some certainty.

The Public Participation and Objection Report should be considered as one of the guidance in the implementation of district local plan. The content is very important as an evidence of the community representation to fulfill their right in the local plan. However, the research found that this report is not effective due to lack of quality data. Generally, the recommendations aimed to increase the effectiveness of public participation in district local plan preparation. The effectiveness of public participation programme will produce more comprehensive district local plan in Malaysia.

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