

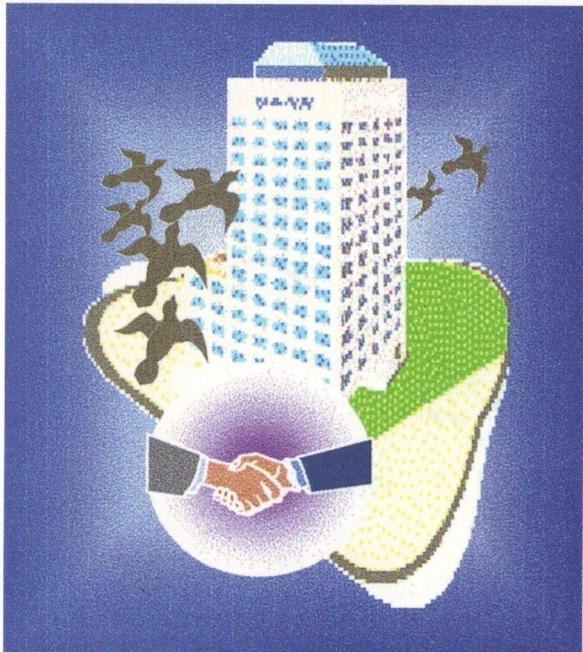
# PLANNING MALAYSIA

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## **EDITORIAL**

**T**own planning is the Art and Science of not only shaping the physical growth and development of land use but also the development of the community in harmony with its social, cultural and economical needs. The future of our environment will rest largely upon the capacity and capability to sustain development towards achieving sustainable community.

This issue introduces the way forward in planning for a richer, healthier and safer environment.

The Editorial Board sincerely hope that these articles are of great benefit to all of us to be more mindful carrying in the pursuance for development.

Lastly I would like to take this opportunity to thank all the contributors and special thanks goes to the editors and the production assistants for compiling, editing and producing this issue.

Thank You

Chief Editor  
Planning Malaysia  
July 1998

# THE HEALTHY CITY : PHYSICAL PLANNING TOWARDS SUSTAINABLE URBAN DEVELOPMENT\*

by

**Dato' Prof. Zainuddin Bin Muhammad**

*prepared with the assistance of*  
**Azizi bin Ahmad Tarmizi**

## INTRODUCTION

Urbanisation in Malaysia has been growing rapidly, and is expected to accelerate in the future. It is envisaged that the urban population of the country will grow from 54.7% in 1995 to about 73% in the year 2020. The number of urban centers has increased from 67 in 1980 to 129 in 1991. The fast rate of urbanisation and continued concentration have resulted in various problems of traffic congestion, overcrowding, shortage of affordable housing, environmental degradation, flash floods, waste disposal, stress-related diseases and the increase in demand for more and better urban services.

This paper first introduces the concept of healthy cities and relates it to the aspect of physical development. After a short overview on the background of physical planning, the paper reviews the Malaysian physical planning system. The role of physical planning towards the achievement of sustainable development is then presented and this is followed by a discussion on the role of physical planning towards the achievement of sustainable urban development in Malaysia, illustrated with a few examples of planning tools being used.

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\* This paper was presented at the Second National Conference on Healthy Cities  
"Bandar Sejahtera Harapan Kita", Kuala Lumpur  
14 - 15 July 1998.

## THE HEALTHY CITY CONCEPT AND ITS RELATION TO PHYSICAL DEVELOPMENT

### Healthy City : Concepts and Principles

The Healthy City concept arose from the 'Healthy for All' movement launched by the World Health Organization (WHO) in 1978. An oftenly quoted definition of a healthy city as given by L. Duhl and T. Hancock (1988) is :

*"A healthy city is one which is continually creating and improving those physical and social environments and expanding those community resources which enable people to mutually support each other in performing all the functions of life and in developing to their maximum potential"*

In more practical terms, a healthy city is said to be characterized by the following :

1. A **clean and safe physical environment** of high quality (including housing);
2. A **stable ecosystem** that is sustainable in the long run;
3. The meeting of **basic needs** (food, water, shelter, income, safety and work for city citizens);
4. A diverse, **vital and innovative urban economy**;
5. Connectedness with the past, with **cultural and biological heritage** of the city's inhabitants and with other groups and individuals;
6. Access to a wide variety of **experiences and resources**, with extensive opportunity for contact, interaction and communication;
7. A strong, mutually supportive community;
8. **Participation by the public** over decisions affecting their lives, health and well-being;
9. Optimum level of **public health and care services** accessible to all;

10. A high health status;
11. An **urban layout** that is compatible with and enhances, the preceding characteristics and values.

It has been stressed that although the above characteristics define a desirable state, a healthy city project is a process of developing such a dynamic state, and is not an end in itself.

### **What Does Healthy City Means In Terms of Physical Development**

Looking at the definition of a healthy city and its general characteristics as outlined earlier, one could immediately see that most of the aspects relating to the process of developing a healthy city are inter-twined with physical development and planning. This is not surprising given that physical development and improvement is part and parcel of the process towards social and health improvements. In this light, the goal of physical development planning in so far as a healthy city is concerned can be put as :

*The provision of optimal infrastructure facilities and amenities, as well as, the improvement and protection of the environment and natural resources towards a quality living environment.*

To give some examples, this goal could be achieved when physical planning is undertaken to ensure systematic development such as follows :

1. Planning for provision of basic infrastructure such as sewerage and drainage systems;
2. Planning for the provision of adequate open space;
3. Identification of sites for solid waste disposal and treatment;
4. Provision of adequate land for suitable housing, including squatters improvement;

5. Proper identification of industrial sites;
6. Planning for facilitating sufficient public transportation and reducing traffic congestion; and
7. Protection and improvement of natural beauty areas, natural habitats and cultural heritage.

## **THE MALAYSIAN PHYSICAL PLANNING SYSTEM**

### **Development Planning**

Successful development planning necessarily involves a combination of top-down and bottom-up approaches and inter-sectoral considerations. As Malaysia has a three-tier government and administration system, planning essentially starts at the Federal level in the form of the Malaysia 5-year plans. Although these are basically socio-economic development plans, it is at this level that development policies, strategies and programs on a sectoral basis are formulated. This plan is complimented at the state level with the state development plans, which translate the national policies according to state priorities in terms of project and state-wide spatial distribution.

At the local level, physical planning is undertaken within the purview of the Town and Country Planning Act. Development planning here is more land use-orientated in nature and carried out on a district-wide basis, or at the urban center level, involving specific physical projects and proposals. At the same time, spatial impact of policies and programs are continuously monitored to provide feedback for improving policy formulation at the national level as well as better implementation at the ground level. For this reason, this paper shall concentrate on this third level of physical planning.

## **The Town And Country Planning System**

Land use planning in Peninsular Malaysia is undertaken wholly within the provisions of the Town and Country Planning Act of 1976 (Act 172) and its amendment in 1995 (Act A933). The amendments of the Act attempt to address certain pertinent environmental issues faced relating to sustainable development, e.g., preservation of natural topography and trees. The Act 172 contains three basic elements towards an effective planning system, i.e., the planning administrative system, the development plan system, and the development control system. All these systems provide the Local Planning Authorities (LPA) with a wide range of tools to influence the final outcome of development towards a better urban environment.

## **PLANNING FOR SUSTAINABLE DEVELOPMENT**

### **Concept of Sustainable Development**

One of the earliest, and perhaps most widely accepted definitions of sustainable development, comes from the World Commission on the Environment and Development (WCED, 1987) (also known as the Brundtland Commission) which states that :

*“Sustainable development is development that meets the needs of the present without comprising the ability of future generations to meet their own needs”*

Yet another definition is given by Agenda 21, which is the main document to have come out of the Rio Earth Summit in 1992, and it states that sustainable development :

*“... is something which improve the quality of life, improve the living and working environment of all people, provide shelter for all, create sustainable energy, transport and construction activities and stimulate the related human resources development and capacity building required to achieve these goals”*

From these definitions, it can be summarized that the basic aim of sustainable development is therefore the promotion of development that enhances the natural and built environment in ways that are compatible with the following four themes :

1. **Environmental quality** - avoidance of damage to the capacity of natural ecosystems;
2. **Conservation** of the stock of natural assets and resources;
3. **Social equity** and elimination of poverty;
4. **Avoiding imposition of added costs** or risks on succeeding generation.

### **Sustainable Urban Development**

Sustainable urban development is increasingly becoming an important area of urban planning studies and environmental policies. For example, the World Health Organization (WHO) (1992) has indicated that :

*“Sustainable urban development should have as its goal that cities (or urban system) continue to support more productive, stable and innovative economies, yet do so with much lower levels of resource use.”*

Agenda 21 has proclaimed 27 guiding principles; and contains 40 different chapters organized under four main Sections as a blueprint for sustainable development. Most of the chapters, especially those in Sections 1, 2 and 3, expound programs that are directly relevant for attaining sustainable urban development (refer Table 1).

It is clear that the concept of sustainable urban development is in line with the goals and concept of the healthy city. The major themes are as follows :

**Table 1 : Major Themes in The Agenda 21**

SECTION	AREAS OF EMPHASIS
1. Social and Economic	Revitalizing growth with sustainability, creating and maintaining sustainable living, systematic and manageable growth of settlements, urban environmental quality, promotion of human health, prosperous societies living in a just and habitable world.
2. Conservation and Management of Resources	Efficient use and protection of local resources such as land, freshwater, forest, as well as global and regional resources like the atmosphere, oceans and seas.
3. Strengthening the Role of Major Groups	People participation and responsibility
4. Means of Implementation	Essential tools and mechanisms that constitute the foundation in the move towards sustainable development.

### **Sustainable Urban Development and The Role of Physical Land Use Planning.**

The critical role of land use planning for sustainable urban development has been reaffirmed many times, most significantly at the Rio Earth Summit in 1992. Among the 27 principles from the Rio Declaration, many can be linked to land use planning. Five notable principles can be translated into 'messages' for land use planning as shown in Table 2 :

**Table 2 : Key principles From The Rio Declaration**

PRINCIPLES	'MESSAGES' FOR LAND USE PLANNING
Principle 3	Planning must address the meaning and practical consequences of sustainable development
Principle 4	Development plans must be 'environment-led'
Principle 10	Public participation in planning
Principle 11	Need for strong comprehensive planning laws which form part of a wider body of environmental law, and reflect understandings of natural processes
Principle 17	Environmental statements should be used as a principal means of minimizing damage and uncertainty

These principles are elaborated and translated into policies and action programs, more particularly under the following chapter of Agenda 21 as presented in Table 3 :

**Table 3 : Chapters of the Agenda 21 Most Relevant to Planning**

CHAPTERS	DESCRIPTION
Chapter 4	Land use planning should encompass the management of natural environment resources
Chapter 7	Sustainable human settlement development which integrates public participation in planning and decision making
Chapter 8 & 9	Integrated environment and development in decision making and an integrated resources planning and management
Chapter 27 & 31	Institutions, especially local authorities and NGOs, must play an efficient and effective role in environmental planning
Chapter 24 & 26	Increasing education, public awareness and public participation in environmental planning

At this stage, it can be concluded that sustainable development goals are already included in the planning goals identified within planning models, development plans and planning process. Land use planning has the instruments and potential to plan for sustainable urban development.

### **LAND USE PLANNING FOR SUSTAINABLE URBAN DEVELOPMENT**

The Town and Country Planning practice in Malaysia possesses several tools and mechanisms towards achieving the planning goals and objectives. As a general rule, all these tools have incorporated sustainable development into their underlying objective. Table 4 summarizes these tools and their areas of contribution towards sustainable urban development and the process of creating the healthy city.

**Table 4 : Planning Tools and Mechanisms for Sustainable Development**

<b>PLANNING TOOLS</b>	<b>GENERAL AREAS OF CONTRIBUTION</b>
Total Planning Doctrine	<ul style="list-style-type: none"> <li>Sustainable development in general.</li> </ul>
Integrated Resource Planning and Management System	<ul style="list-style-type: none"> <li>Conserve and optimal use of natural resources;</li> <li>Environment-led policies and development plans; and</li> <li>Environmental improvement and protection.</li> </ul>
Statutory Developments Plans	<ul style="list-style-type: none"> <li>Areas for housing,</li> <li>Areas for industries, facilities economic growth;</li> <li>Optimal provision of basic infrastructure;</li> <li>Identify natural areas for conservation;</li> <li>Access to open space and amenities</li> <li>Neighborhood planning and supporting communities</li> <li>Sites for waste disposal</li> <li>Manageable urban growth; and</li> <li>Public participation.</li> </ul>
Development Control	<ul style="list-style-type: none"> <li>Optimal provision of basic facilities, amenities;</li> <li>Quality physical living environment; and</li> <li>Conservation of natural resources/assets.</li> </ul>
Sustainable development Indicators	<ul style="list-style-type: none"> <li>Sustainable urban development</li> <li>Management urban growth; and</li> <li>Adequate amenities, infrastructure and socio-economic and health facilities.</li> </ul>
Strategic Environmental Assessment	<ul style="list-style-type: none"> <li>Sustainable urban development; and</li> <li>Environment-led urban/development plan.</li> </ul>
Social Impact Assessment	<ul style="list-style-type: none"> <li>Public participation; and</li> <li>Social equity.</li> </ul>
Physical Planning Guidelines	<ul style="list-style-type: none"> <li>Optimal provision of basic facilities and Amenities;</li> <li>Quality physical living environment; and</li> <li>Conservation of natural resources/assets</li> </ul>
Guidelines for Implementation of Planning Legislation	<ul style="list-style-type: none"> <li>Conservation of natural resources and cultural heritage;</li> <li>Conservation of natural physical environment; and</li> <li>Quality physical living environment.</li> </ul>

### **The Total Planning Doctrine**

To achieve Vision 2020, embedded within the underlying premise of attaining sustainable urban development,

a comprehensive and universal planning doctrine has been formulated as a guiding principle in development planning processes called the "Total Planning Doctrine". This Doctrine calls for the maintenance of the trinity of relationship between Man and his Creator, Man and Man, and Man and Environment in order to attain a balanced and sustained development economically, socially, user-friendly, spiritually and environmentally.

There are 14 principles in the Total Planning and Development Guidelines, with each having their respective physical and spatial implications. The principles are summarised in Table 5 :

**Table 5 : Principles of the Total Planning Guideline : A Summary**

PRINCIPLES	PHYSICAL PLANNING IMPLICATIONS
1. Fairness and Equity	Respect for man and the environmental
2. Beneficence	Man should be responsible for his community and environment
3. Trust and authority	Decisions based on sound knowledge and consultation.
4. Unity	Promote sense of togetherness in purpose.
5. Full Respect for Knowledge and Creator	Education becomes a central focus in planning an urban area.
6. Respecting Privacy and Division of space	Spaces to be delineated into functional areas of private, semi-private and public space.
7. Encouraging congregation and identity	Neighborhood concept.
8. Peace and safety	Site evaluation to minimise risks and danger to people and properties.
9. Respecting the Right of Others	Planning should avoid harm and inconvenience to disadvantaged groups.
10. Co-operation, Respect and Perseverance	Integration of society between different levels of income and ethnic group.

*Continued...*

**Table 5 : Principles of the Total Planning Guideline :  
A Summary (Continued...)**

PRINCIPLES	PHYSICAL PLANNING IMPLICATIONS
11. Consultation	Consensus and public participation in planning.
12. Clean and beautiful	Environmental improvement and protection in planning.
13. Conservation of the Natural Environment	Protection of the environment from pollution and destruction and sustainable use of natural resources.
14. Zero Wastage	Reduce waste and efficient use of resources.

### **Integrated Resource Planning and Management System**

The integrated resource Planning and Management (IPRM) system is an approach where physical planning and resources utilization are integrated within a management process which considers various factors towards sustainable development. This is much in line with the approach recognized by the United Nations Development Program (UNDP) and endorsed by the International Union for Conservation of Nature (IUCN).

The IRPM system integrates all planning activities at all levels of government, linked together by the process of assessment, monitoring and coordination and control. Two basic themes of integration, which is critical to the system, are :

1. Integration between socio-economic development policies with physical (land use) planning; and
2. Integration between land use planning with environment consideration and assessment.

### **Development Plans**

Development plans have always been the traditional and principal planning instrument for achieving a healthy

and quality urban living environment. And this has been adequately provided for under the Act 172.

Additionally, the Act A933 has enhanced the element of environmental planning for sustainable development by Local Plans. This includes specific requirements for proposals :

1. Protection and improvement of physical environment;
2. Preservation of natural topography of an area;
3. Landscape improvement;
4. Preservation and planting of trees;
5. Creation of open spaces;
6. Preservation and enhancement of heritage buildings; and
7. Traffic management.

### **Development Control**

The objective of development control is to ensure that development should take place as envisioned by the development plans in terms of overall layout, allocation of land space, provision and distribution of infrastructure and community facilities as well as their contribution towards environmental improvement and protection.

When granting planning permission, the Act allows for the LPA to impose certain planning conditions for the purpose of further regulating the nature, type and location of development. The requirement for submission of DPR together with application for planning permission further enables the LPA to make development control decisions that safeguard the environment.

## **Strategic Environmental Assessment**

The Strategic Environmental Assessment (SEA) is form of application of the Environmental Impact Assessment (EIA) concept at policy, plan or program level. It is a formal, systematic and comprehensive process for evaluating the impact of any policy, plan or program on the environment. The significance of SEA has been highlighted in one of the principles of the Rio Declaration. SEA is also identified as an important mechanism towards achieving sustainable development as recognised in AGENDA 21.

The impacts of development on the environment encompass a wide range of issues. They involve complex and dynamic interactions between many development variables, such aspects as biophysical, social and cultural. The SEA is undertaken to evaluate all possible alternative policies, plans or programs in order to ensure that those which will bring about the minimum of adverse impacts shall be accepted for implementation, along with suitable mitigation measures, where necessary.

In land use planning, the SEA is to be applied during development plan preparation process, particularly at the local planning stage. This would be effective in minimising and mitigating adverse impacts on to the environment, especially in achieving the following :

1. SEA ensures environmental matters are given due consideration during development planning;
2. SEA facilitates the formulation of preventive measures against environmental degradation; and
3. SEA affords rational evaluation of alternative development policies and strategies.

Following the Integrated Resource Planning and Management System, SEA shall also be carried out at other levels of planning, ranging from the National Spatial Plan to Local Plan. Sustainable Development Indicators will be heavily

in an SEA, firstly, to assess the impacts of various components of development are assessed to ascertain the alternatives which possess the minimum of adverse impacts onto the environment. Secondly, in the development proposals and control measures whereby components of the recommendations shall be geared towards achieving targets set the Sustainable Development Indicators.

### **Sustainable Urban development Indicators**

Conventional tools for urban management rarely provide the means for understanding the relationship between policy and urban development outcomes, let alone whether they contribute towards sustainable development. Agenda 21 has indicated the need for developing indicators of sustainable development. The usefulness of indicators can be summed up as follows :

1. Indicators quantify information, so its significance is more readily apparent;
2. Indicators simplify about complex phenomenon, leading to improvement in communication; and
3. Indicators provide information in a form suitable for highlighting change resulting from management actions.

The Town and Country Planning Department is embarking on the Malaysia Urban Indicators Program which is part of the Global Urban Observatory (GUO) program. The program will produce sustainable development indicators for Malaysian cities. It is expected to indicate whether Malaysian urban areas have achieved sustainable urban development objectives. More importantly, it should also provide accurate information of cities and towns for decision-makers to formulate effective urban policies and programs.

The Malaysian Urban Development Indicators (interim) are grouped under distinctive but closely related modules.

Selected urban indicators in the initial stage are shown in Table 6, upon which further analysis and refinement shall be made.

**Table 6 : Basic Modules and Selected Urban Indicators**

GENERAL SECTOR/MODULES	SELECTED INDICATORS
Land use	Land use distributions, e.g., <ul style="list-style-type: none"><li>• Open space;</li><li>• Built up area; and</li><li>• Forest reserve.</li></ul>
Population	Population by sex; and Population growth rate.
Households	Woman headed household; Household size; and Income distribution.
Economic	City Product per person.
Socio-economic	Household below poverty line; Informal/undeclared employment; Hospital beds; Child Mortality; School classrooms; and Crime rate.
Infrastructure and Transport	Carrying Capacity e.g. <ul style="list-style-type: none"><li>• Water supply;</li><li>• Waste disposal; and</li><li>• Road Network.</li></ul>
Local Government	Capacity building
Housing	Affordable Housing

### **Social Impact Assessment**

The Town and Country Planning Department is currently looking into means for putting human well-being as one of the focus for planning activities with the application of Social Impact assessment (SIA). The SIA is a formal,

systematic and comprehensive process for evaluating the impact of any policy, plan or program on the socio-economic condition of a local community. Its underlying objective is well-being of the community for whom a plan is being prepared or a project developed, which is in line with the Total Planning Doctrine and the concept of sustainable development.

The SIA is to be applied during the development plan preparation stage. Among the benefits of this concept are:

1. Maximisation of benefits from a development to local community;
2. Contributes to effective development planning and environment management through identification of mitigation measures against social problems; and
3. Encourage public participation in the planning process.

With the use of SIA, it is expected that physical planning will bring better outcomes in terms of social well being, thus contributing to better living quality. The interests of minor groups shall have more opportunities of being heard. To give an example, the disabled can make more contribution towards planning for a “barrier-free” living environment.

### **Physical Planning Guidelines**

Effective implementation of development plan policies and development control system is closely supported by physical planning guidelines. Planning guidelines are important aid to planners and decision-makers to guide development towards sustainability. They specify what policy means in practical terms. This could be the form of development and design guidelines, or standards and criteria for the provision of facilities. Some of the physical planning guidelines that are in use are as follows :

1. Planning Guidelines for Industrial Areas;

2. Planning Guidelines for Toxic And Solid Waste Disposal Sites;
3. Planning Guidelines for the Provision of Sites for Incinerator;
4. Planning Guidelines for Place of Worship
5. Current Guidelines and Geometric Standards On Road Network System;
6. Planning Guidelines for Siting of TNB Sub-Station;
7. Planning Guidelines for Retention Ponds as part of Open Space;
8. Planning Guidelines for Roof Top Gardens Development;
9. Planning Guidelines for Basic Amenities Associated with Rakan Muda;
10. Planning Guidelines for Development of Golf Courses;
11. Planning Guidelines for Coastal Development;
12. Physical Planning and Development Standards for Island Development.

### **Guidelines For Implementation Of Planning Legislation**

In addition to the physical planning guidelines mentioned earlier, there are also guidelines formulated to especially facilitate the implementation of specific aspects of the act 172 and Act A933. The guidelines provide details on ways and means for fulfilling the requirements of the Act and to ensure the uniformity of implementation by Local Authority (LAs). Among the guidelines are those which directly contribute to environmental improvement and sustainable development, include :

evaluation regarding the proposed development as well as details concerning the land site to be developed, such as topography, geology, landscape, natural drainage and existing land use. Additionally, the guideline also specifies the type of plans to be contained in the report, including plans, which illustrate steps for physical environment protection and improvement and protection of natural topography.

### **Guideline For Tree Preservation Order**

This guideline defines the category of trees which should be preserved. This includes trees which are considered as:

1. Rare;
2. Endemic;
3. Endangered;
4. Unique;
5. Historical values;
6. Trees planted by significant persons; and
7. Trees within protected areas.

A Tree Preservation Order can be served by a LA for a particular tree(s) or cluster of trees in an area. Moreover, the felling of trees with a girth size of more than 0.8 meter is prohibited within the area of jurisdiction of a particular LA unless with prior permission.

### **Guidelines For Protection Of Natural Topography**

This guideline specifies measures to be taken for the protection of natural topography during development process. It aims, such as erosion, siltation, sedimentation and pollution of natural waterways and landslides.

## **Guideline For Conservation of Historical Areas, Aesthetic and Architectural Values.**

This guideline is still being finalized. It aims to ensure that development plans, especially Local Plans, identify historical and heritage elements in an area and propose suitable conservation guidelines for protecting and maintaining such invaluable assets.

### **SUMMARY**

Urbanisation in Malaysia has been growing rapidly; and is expected to accelerate in the future. Urban centers are seen as the engine of growth and opportunities. The potential for accelerated development present within urban areas in Malaysia must be realised to the full if the urban sector is to make maximum contribution to national growth. Mounting evidence from cities around the world shows that environmental deterioration is not a necessary or unavoidable result of urbanisation and economic growth. The fundamental challenge is to learn how to plan better and manage effectively the process of urban development, avoiding or alleviating the detrimental side-effects while realising the positive potentials of city growth and change.

History has shown that mankind is a creative creature, able to adapt accordingly to his changing environment and invent innovative ideas to overcome the adverse of situations. The concept of physical land use planning had its origins in the effort to improve the urban physical living environment in reaction to degraded urban conditions, in the face of rapid urbanisation and industrialization.

Given the complex and dynamic nature of problems, physical planning is not concerned with arriving at a specific end point. Rather, it is a continuous activity, involving the process

of regular monitoring and readjustments in response to changing circumstances of particular importance is the crucial process of cooperation and consultation with various interest groups.

The problems of degraded urban condition are still with us today, albeit of a different intensity, nature and location. But this does not mean that physical land use planning has failed to deliver. If anything, without planning, the situation is inevitably bound to be much worse. The continuing urban environment problem only goes to reflect – and is a by-product of – mankind's unrelentless pursuit of wealth and development without due consideration to the issue of sustainability.

Meanwhile, physical land use planning will continue to evolve, and shall have a positive role in contributing to urban physical environment improvement and protection. This paper has illustrated some of the important planning tools which are devised and used to ensure that physical land use planning in Malaysia will continue to secure sustainable development of Malaysian cities.

This paper finds that the Healthy City concepts is in line with sustainable urban development. Planning for sustainable urban development is therefore consistent with the objectives of a healthy city. Physical land use planning has a major role to play in realising the Healthy City concept.

## **References**

1. Ratcliffe, J. (1981). *An Introduction to Town and Country Planning*. UCL Press Limited;
2. Mumford, L. (1966). *The City in History*. Penguin Books Ltd. Harmondsworth, Middlesex, England
3. Ministry of Health Malaysia. (1995). *Quality Living in urban Areas, Proceeding of the First National Seminar on Healthy Urban Malaysia*.

### **Contributors' biography :**

*Dato' Prof. Zainuddin bin Muhammad has served in the Malaysian Government at both State and Federal levels for more than 30 years. In his current appointment as a Director General of Town and Country Planning, he is responsible for town planning policies, standards and development plans for all towns. He serves on several committees including the National Council for Environment, National Housing Council and Committees for the new Kuala Lumpur International Airport and Putrajaya Administrative Centre in Sepang, the Cybercity and the Multimedia Supercorridor (MSC).*

*Dato' Prof. Zainuddin has a Master degree in Regional and Community Planning from the Kansas State University, USA and a Diploma in Housing, Planning and Building, Rotterdam and Diploma in Town and Regional Planning from Melbourne University, Australia. He is a Chartered Town Planner and is a member of the Royal Australian Planning Institute, American Planning Association and Vice President of the Malaysian Institute of Planners.*

*He has won many outstanding awards including Planner of the year by MIP 1995, Poul Harris Fellow Rotary International 1996 and Alumni Fellow of Kansas State University 1997.*

# **KESELESAAN PERSEKITARAN KANAK-KANAK DARI PERSPEKTIF PERANCANGAN BANDAR\***

by

**Haji Abd. Mutallib Bin Jelani**

*Prepared with the assistance from  
Members of the Research and Development Unit*

## **PENDAHULUAN**

**K**anak-kanak merupakan sumber manusia yang paling bernilai. Mereka merupakan penerima kesan dan penyumbang kepada semua bentuk pembangunan dan sepatutnya menikmati hasil dari program pembangunan dan permodenan yang pesat sekarang ini. Oleh itu agenda yang paling utama perlu ditumpukan kepada pembangunan keseluruhan terhadap kesejahteraan kanak-kanak masakini dan akan datang.

Wawasan 2020 adalah merupakan tunggak pembangunan negara dalam abad ke 21, dengan matlamat untuk menjadikan Malaysia sebuah negara maju. Salah satu perkara yang diberi pandangan berat dalam Wawasan 2020 adalah ke arah mewujudkan penduduk berkualiti. Dalam hubungan ini ternyata apa yang diperlukan oleh kanak-kanak bukan sahaja untuk hidup atau 'survive' tetapi juga diberi peluang menerima manfaat dari nilai mutu kehidupan yang tinggi (good quality of life).

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\* This paper was presented at the Seminar on "Mesra Kanak-Kanak" in Bangi, Selangor.  
11 April 1998

Bilangan kanak-kanak, di Malaysia dianggarkan 48<sup>1</sup> peratus dari keseluruhan penduduk negara masakini. Ini merupakan satu nisbah yang besar dan memerlukan satu komitmen yang tinggi untuk melindungi serta memajukannya sebagai pewaris kepada kepimpinan negara menjelang tahun 2020. Kanak-kanak yang pada hari ini berumur antara 15 hingga 18 tahun akan berusia 40 hingga 45 tahun menjelang tahun 2020. Tidak mustahil ada di antara mereka kelak akan menjadi pemimpin Kerajaan, peneraju dalam sektor awam dan swasta, yang menjadi bakal penggerak utama masyarakat.

Alam persekitaran fizikal adalah salah satu faktor penting di dalam mempengaruhi pertumbuhan kanak-kanak, disamping keadaan ekonomi, sosial dan pendidikan. Oleh kerana kanak-kanak menghabiskan banyak masa bagi aktiviti di luar jika dibandingkan dengan orang dewasa, mereka ini lebih terdedah kepada alam persekitaran fizikal yang seterusnya memberi kesan dan pengaruh ke atas tingkah-laku masing-masing.

Berdasarkan kepada senario tersebut, perancangan pembangunan perlulah berlandaskan kepada konsep perancangan yang memperseimbangkan kepentingan perancangan persekitaran fizikal yang selesa iaitu 'mesra kanak-kanak'. Konsep ini adalah selaras dengan pengwujudan 'masyarakat penyayang' seperti yang digariskan di dalam Wawasan 2020.

## Perancangan Bandar

Perancangan bandar merupakan kawalan terhadap pembangunan sesuatu kawasan. Kawalan pembangunan juga meliputi perancangan fizikal, guna tanah dan persekitaran untuk penduduk dan keperluannya.

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<sup>1</sup> Petikan dari ucapan oleh Y. B. Datin Paduka Hajah Zaleha Ismail, Menteri Perpaduan Negara dan Pembangunan Masyarakat dalam Seminar 'Understanding The Convention on The Right of The Child'

(14 – 15 September 1996 Di Kuala Lumpur).

Faktor-faktor ekonomi dan pengurusan sumber juga menjadi komponen penting dalam urusan perancangan. Penyediaan sebarang pelan tapak, yang juga merupakan sebahagian daripada perancangan, mempunyai hubungan dengan rekabentuk kegunaan seperti perumahan, perniagaan dan bangunan pejabat di sesuatu kawasan tertentu.

Perancangan juga merupakan seni dan sains yang mengatur kegunaan tanah dan kedudukan bangunan dengan tujuan untuk meningkatkan taraf ekonomi, keselesaan dan keindahan. Penyediaan segala kemudahan yang perlu tanpa mewujudkan keselesaan dan keselamatan kepada penduduk serta menimbulkan keindahan kawasan merupakan suatu pembaziran. Bangunan-bangunan perlu dibina pada lokasi yang dapat mempertingkatkan taraf ekonomi dan mendapat sokongan daripada penduduk dan berupaya menghasilkan keselesaan penggunaan dan keindahan persekitaran. Jika perletakan bangunan tidak dilakukan dengan sempurna, penduduk tidak akan berminat untuk memiliki atau menggunakan kerana perkara ini akan menjadikan keselesaan penduduk. Kaitan antara penyediaan kemudahan dengan pelan tataran perlu disepadukan untuk memperolehi persekitaran yang selesa. Ringkasnya, dapat dirumuskan bahawa tujuan perancangan antara lain ialah untuk mempertingkatkan taraf hidup penduduk, samada dari segi penyediaan persekitaran yang selesa, selamat, sihat dan berkualiti atau pun dari segi aktiviti sosio-ekonomi mereka.

#### **PENDEKATAN PERANCANGAN KE ARAH MEWUJUDKAN PERSEKITARAN FIZIKAL YANG SELESA (MESRA KANAK-KANAK).**

Perancangan untuk menyediakan persekitaran fizikal yang selesa, selamat, sihat dan berkualiti meliputi juga penyediaan kemudahan-kemudahan yang berkaitan dengan pembangunan kanak-kanak. Perancangan dan rekabentuk ruang yang kreatif adalah penting dalam mewujudkan

persekitaran yang ‘mesra kanak-kanak’ dan berkualiti. Penyusunan dan penggunaan kawasan perumahan, kawasan rekreasi, sekolah, tadika dan sebagainya yang terancang akan menghasilkan persekitaran yang disenangi oleh kanak-kanak. Pendekatan yang disaran adalah dengan menumpukan pembangunan berasaskan konsep kejiranan melalui penyediaan siarkaki yang diasingkan dengan laluan kenderaan di dalam kawasan-kawasan perumahan.

Perancangan sesuatu kemudahan untuk kanak-kanak perlu mengambil berat mengenai prinsip-prinsip ‘kreatif’. Ini penting kerana kanak-kanak pada fitrahnya mempunyai ciri-ciri ingin tahu, ‘adventurous’, fantasy dan kreatif. Persekitaran yang dirancang perlu mengintegrasikan ciri-ciri ini untuk mewujudkan sesuatu kemudahan yang indah dan sesuai untuknya.

Dalam konteks ini perancangan ‘kreatif’ – teras perancangan untuk kemudahan mesra kanak-kanak berasaskan pembayaran insan.

### **Perancangan Berasaskan Konsep Kejiranan dan Komuniti**

Konsep kejiranan telah lama diamalkan dalam perancangan kawasan perumahan. Perancangan yang dapat melaksanakan prinsip-prinsip dan ciri-ciri kejiranan yang ditetapkan akan dapat merealisasikan alam persekitaran fizikal yang ‘mesra kanak-kanak’. Konsep kejiranan mencadangkan beberapa prinsip asas sebagai garis panduan untuk pembangunan kawasan perumahan yang di antaranya :

- Sekolah rendah dianggap sebagai titik penumpuan dalam unit kejiranan dan terletak dalam lingkungan 0.4 km (4 batu);
- Kawasan taman permainan terletak di dalam unit kejiranan;

- Rumah-rumah di sekeliling ‘cul-de-sac’ yang dapat menghubungkan kawasan persekolahan dan kedai melalui sistem siarkaki; dan
- Tempat kediaman terletak jauh dari jalan utama.

### **Peranan Perancangan Bandar Di dalam Mewujudkan Keselesaan Persekutuan Kanak-Kanak**

Peranan perancangan bandar di dalam mewujudkan keselesaan persekitaran kanak-kanak dapat dilihat dari aspek perancangan aktiviti gunatanah utama di antaranya seperti berikut :

#### **Perumahan**

Perumahan merupakan tapak dan asas bagi pembentukan keluarga bahagia dan masyarakat harmoni. Oleh itu, kemudahan perumahan mestilah menyediakan kehidupan berkualiti yang dapat membantu kehidupan berkeluarga dan bermasyarakat yang mengamalkan nilai-nilai yang terbaik. Di kawasan perumahan inilah interaksi berlaku, keluarga dididik, nilai murni masyarakat diamalkan, perkhidmatan diperlukan, disamping sebagai tempat beristirehat dan perlindungan.

Keselesaan persekitaran kanak-kanak didalam kawasan perumahan dapat diwujudkan melalui pendekatan perancangan di antaranya seperti berikut :

- Susunatur perumahan perlu menyediakan sistem siarkaki, laluan sikal dan motorsikal yang diasingkan dengan jalan utama untuk menjamin keselamatan penghuni-penghuni kawasan kejiranannya khususnya kanak-kanak;
- Jalan-jalan susur perlu disediakan untuk memberi laluan terus kepada unit-unit kediaman yang berhadapan

dengan jalan utama untuk mengelakkan laluan masuk ke unit-unit kediaman secara langsung;

- Pembinaan medan letak kereta di pinggir jalanraya yang dihubungkan dengan lorong pejalan kaki ke kawasan-kawasan kediaman adalah merupakan salah satu penyelesaian untuk menjamin keselamatan penghuni-penghuni kawasan kejiranannya khususnya kanak-kanak; dan
- Susunatur kawasan perumahan secara berkelompok (cluster) dapat juga menjamin keselamatan kanak-kanak di mana mereka dapat bermain di dalam jarak yang berhampiran di kawasan kediaman.

### **Tanah Lapang dan Rekreasi**

Tanah lapang dan rekreasi adalah penting dalam keperluan dan kehidupan harian penduduk amnya dan kanak-kanak khasnya. Tanah lapang yang mencukupi, fungsinya dan perletakannya di lokasi yang strategik banyak memberi faedah kepada kehidupan manusia dari aspek sosial, rekreasi, sukan, penyelidikan dan pengekalan alam sekitar serta pengimbang ekologi.

Fungsi tanah lapang adalah samada sebagai kawasan rekreasi aktif atau rekreasi pasif. Rekreasi aktif adalah meliputi kegiatan-kegiatan bersukan, manakala pasif adalah rekreasi yang tidak melibatkan kegiatan agresif, seperti beristirehat di kawasan-kawasan taman sambil menikmati udara bersih dan melapangkan fikiran. Aktiviti permainan kanak-kanak adalah bercorak rekreasi aktif dan kajian juga telah menunjukkan bahawa bermain boleh memberi kesan ke atas pembangunan fizikal, sosial, emosi dan intelektual

kanak-kanak. Di atas kepentingan ini, perancangan tanah lapang dan rekreasi hendaklah berpandukan kepada perancangan berikut :

- Perletakan tanah lapang dan padang permainan hendaklah mengambilkira faktor keselamatan pengguna khususnya kanak-kanak. Ianya hendaklah diletakkan di tapak yang tidak berdekatan dengan jalan utama yang sibuk lalulintasnya. Selain daripada itu ianya hendaklah berdekatan dengan kawasan kediaman bagi memudahkan penyeliaan oleh ibu-bapa;
- Jenis kemudahan rekreasi yang disediakan hendaklah selamat digunakan dan mengikut piawaian yang diluluskan. 'Railing' perlu disediakan bagi kemudahan rekreasi yang disediakan berhampiran dengan parit dan sungai.
- Perletakan tanah lapang hendaklah mudahsampai dan hendaklah terletak dalam jarak perjalanan yang tertentu mengikut jenis tanah lapang samada melalui berjalan kaki, berbasikal atau berkenderaan;
- Rekabentuk dan susunatur kemudahan rekreasi perlulah mengambilkira kepentingan golongan orang kurang upaya, orang-orang tua dan kanak-kanak; dan
- Ciri-ciri rekabentuk dan kemudahan yang terdapat dalam tanah lapang dan rekreasi perlulah dapat memberi pembelajaran dan pendidikan dalam pembangunan minda masyarakat.

Secara amnya tanah lapang di kawasan perumahan adalah terbahagi kepada lima hierarki, iaitu :

- Lot Permainan;
- Padang Permainan;

- Padang Kejiranan;
- Taman Tempatan; dan
- Taman dan Padang Bandaran.

### **Kemudahan Pendidikan**

Kemudahan Pendidikan yang mencukupi dan berkualiti adalah penting untuk disediakan di sesuatu penempatan bagi pembangunan dan pertumbuhan kanak-kanak. Secara amnya kemudahan pendidikan ini adalah terbahagi kepada 3 jenis iaitu :

1. Taman Didikan Kanak-kanak (Tadika);
2. Sekolah Rendah; dan
3. Sekolah Menengah.

Perancangan kemudahan pendidikan hendaklah dilaksanakan dengan mengikut keperluan berikut :

- Tapak sekolah seharusnya terletak dalam jarak yang optimum dengan kawasan penduduk tadahan iaitu berhampiran kawasan perumahan supaya pelajar tidak memerlukan jarak perjalanan yang jauh untuk keselamatan;
- Sekolah tidak sepatutnya diletakkan di sepanjang berhampiran atau di samping jalan utama seperti jalan saraf dan jalan 'collector' utama. Sekolah hendaklah diletakkan di sepanjang jalan yang kurang lalulintas iaitu laluan terus (through access) atau jalan-jalan 'collector' kecil (minor collector roads);
- Sekolah hendaklah diletakkan berhampiran dengan perkhidmatan kemudahan-kemudahan awam yang lain seperti perkhidmatan bas awam;

- Sekolah tidak sepatutnya diletakkan di tapak yang melibatkan perjalanan melalui lorong-lorong yang sunyi atau terpencil;
- Tadika dan sekolah rendah seboleh-bolehnya mestilah mudahsampai dengan lorong pejalan kaki dari unit-unit kediaman dan mempunyai bilangan lintasan jalan yang sedikit (jejantas patut disediakan di mana terdapatnya lintasan di jalan-jalan utama); dan
- Sekolah hendaklah diletakkan di kawasan yang mempunyai keadaan alam sekitar yang nyaman. Ianya hendaklah diletakkan jauh dari kawasan industri dan hendaklah mempunyai pemisah yang cukup dari gunatanah-gunatanah sekitar yang tidak sesuai seperti industri, lebohraya dan sebagainya.

### **Sistem Perhubungan**

Sistem perhubungan merupakan salah satu komponen utama di dalam sesuatu petempatan oleh kerana ia menghubungkan aktiviti-aktiviti di dalam petempatan tersebut. Ia bertujuan untuk memenuhi beberapa objektif di antaranya :

- Memudahkan aksesibiliti ke tempat-tempat ibadah, kerja, rekreasi, membeli-belah, pendidikan dan sebagainya;
- Membuka peluang-peluang berinteraksi dan mengeratkan perpaduan; dan
- Menggerakkan ekonomi.

Perancangan sistem pengangkutan hendaklah berasaskan kepada pendekatan berikut :

- Sistem jalanraya perlu dirancang untuk mewujudkan hierarki jalan yang jelas. Ini adalah kerana ia dapat melicinkan pergerakan lalulintas serta menjamin

keselamatan dan keselesaan pengguna khususnya kanak-kanak. Hierarki jalan berkesan memisahkan ‘mod-mod’ pengangkutan terutamanya di antara yang menggunakan kenderaan bermotor dan kenderaan tanpa motor iaitu bagi pejalan kaki dan pengguna basikal. Hierarki yang lengkap memudahkan pemisahan di antara jarak jauh dan perjalanan tempatan;

- Sistem jalan perhubungan di kawasan perumahan perlu mengutama sistem siarkaki supaya dapat menggalakkan pergerakan kanak-kanak yang selamat khususnya ke padang permainan kanak-kanak dan ke sekolah. Sistem siarkaki dan laluan sikal yang komprehensif, berteduh, selamat dan berasingan daripada laluan kenderaan bermotor perlu disediakan untuk mewujudkan persekitaran yang ‘mesra kanak-kanak’; dan
- Sistem perhubungan di kawasan persekolahan perlu mengasingkan laluan bas sekolah dan kenderaan ibu-bapa murid-murid, dengan laluan lintas utama, dilaksanakan melalui susunatur kawasan sekolah melalui pendekatan berikut :
  - ◆ Menyediakan laluan khas bas sekolah;
  - ◆ Menyediakan beberapa laluan keluar; dan
  - ◆ Jalan sehala.

#### **SISTEM PERANCANGAN BANDAR SEDIADA DALAM MENGAWAL PEMBANGUNAN KE ARAH MEWUJUDKAN PERSEKITARAN KANAK-KANAK YANG SELESA (MESRA KANAK-KANAK)**

Sistem perancangan bandar masakini tidak mengabaikan keperluan perancangan kemudahan-kemudahan untuk

kanak-kanak, contohnya kemudahan tanah lapang dan rekreasi serta kemudahan pendidikan. Ini telah dilaksanakan dalam dua (2) peringkat iaitu;

- Peringkat Sistem Rancangan Tempatan; dan
- Peringkat Permohonan Kebenaran Merancang.

Akta Perancangan Bandar Dan Desa 1976 (Akta 172) dan pindaan A 933 (1995) merupakan ‘instrument’ sediada kepada Pihakberkuasa Perancang Negeri dan Tempatan untuk merancang, mengawal, mengurus dan memajukan sesuatu kawasan. Pihakberkuasa Perancang Negeri boleh melalui pengistiharan memajukan sesuatu kawasan yang diperlukan untuk kepentingan awam. Rancangan Struktur dan Rancangan Tempatan yang disediakan di bawah Akta 172 ini adalah merupakan perancangan gunatanah yang telah dapat mentafsirkan dasar-dasar negara seperti, pengagihan kegunaan tanah untuk aktiviti perbandaran termasuklah kemudahan untuk kanak-kanak bagi pembangunan selanjutnya.

Rancangan Struktur dan Rancangan Tempatan akan menjadi asas bagi mengawal pembangunan yang seimbang dan memastikan keperluan kemudahan-kemudahan yang ‘mesra kanak-kanak’ dapat disediakan. Pelaksanaan perancangan kemudahan-kemudahan tersebut di kedua-dua peringkat adalah termaktub di dalam beberapa garis panduan dan Akta Perancangan Bandar dan Desa seperti mana berikut :

#### **Akta Perancangan Bandar dan Desa 1976 (Akta 172)**

Seksyen 12 (3) Akta 172 memperuntukkan bahawa :-

“Sesuatu draf rancangan tempatan hendaklah mengandungi suatu peta dan suatu penyataan bertulis dan hendaklah :-

- a) Menyatakan, dengan selengkapnya yang difikirkan sesuai oleh Pihakberkuasa Perancangan Tempatan itu, cadangan-cadangannya untuk pemajuan dan penggunaan tanah dalam kawasan rancangan tempatan itu, termasuklah langkah-langkah yang difikirkan patut oleh Pihakberkuasa Perancangan Tempatan untuk mengelokkan lagi alam sekitar dari segi fizikal, memperelokkan lagi perhubungan dan untuk menguruskan lalulintas; dan
- b) Mengandungi perkara-perkara yang ditetapkan atau yang ditentukan oleh Jawatankuasa dalam sesuatu kes yang tertentu.

### **Manual Penyediaan Rancangan Tempatan**

Bagi memenuhi peruntukan Seksyen 12 (3) (b) Akta 172 di atas satu "Manual Penyediaan Rancangan Tempatan" telah diwujudkan dan digunakan oleh semua Kerajaan-Kerajaan Negeri ketika ini dalam proses penyediaan Rancangan Tempatan Bandar-Bandar. Bahagian 11 – Bentuk Isi Kandungan Rancangan Tempatan, Manual ini menetapkan beberapa 'output' seperti berikut :

#### **i. Tanah Lapang**

- Dasar perancangan dan peruntukan tanah lapang. Antara perincian yang harus dirangka adalah :
  - ◆ Keperluan minimum menyediakan tanah lapang mengikut zon-zon tertentu;
- Cadangan tanah lapang dan elemen-elemen sokongan tanah-tanah lapang;
- Tindakan pembaikan dan pembangunan tanah lapang yang terbiar; dan
- Perancangan landskap yang meliputi taman kanak-kanak.

## **ii. Kemudahan Masyarakat**

- Taburan kemudahan pendidikan yang diperlukan termasuk keluasan tapak dan taburan perletakkan serta zon-zon perancangan :
- Cadangan tapak-tapak dan kemudahan rekreasi termasuk :
  - ◆ Taman Negeri;
  - ◆ Taman Wilayah;
  - ◆ Taman Bandar; dan
  - ◆ Taman di kawasan perumahan dan sebagainya.
- Kemudahan pendidikan yang perlu diperbaiki dan perlu dibangunkan semula.

## **Penyediaan Laporan Cadangan Pemajuan**

Akta Perancangan Bandar dan Desa (Pindaan) 1995 telah memasukkan peruntukan di mana permohonan kebenaran merancang hendaklah disertakan dengan suatu Laporan Cadangan Pemajuan (LCP) yang di antaranya mensyaratkan pemaju-pemaju mengemukakan cadangan perancangan dan perletakkan tanah lapang dan kemudahan pendidikan.

## **Garis Panduan Perancangan**

Antara garis panduan yang telah disediakan oleh pihak Jabatan Perancangan Bandar dan Desa khususnya dalam usaha menggalakkan persekitaran yang 'mesra kanak-kanak' ialah :

- Garis Panduan Perancangan Tanah Lapang dan Rekreasi;
- Garis panduan Perancangan Kemudahan Masyarakat (termasuk Kemudahan Pendidikan);

- Garis Panduan dan perancangan Perumahan; dan
- Garis Panduan Penyediaan Kemudahan Asas dan Fizikal Berkaitan Program Rakan Muda.

### **Doktrin dan Garis Panduan Perancangan Dan Pembangunan Sejagat**

Doktrin Perancangan dan Pembangunan Sejagat (DPPS) adalah menjadi teras di dalam perancangan termasuk penyediaan kemudahan-kemudahan bagi kanak-kanak. Teras utama DPPS ialah mengintegrasikan dan memperseimbangkan hubungan tiga (3) hala dalam perancangan dan pembangunan iaitu :

- Hubungan Manusia Dengan Pencipta;
- Hubungan Manusia Dengan Manusia; dan
- Hubungan Manusia Dengan Alam Sekitar.

Garis Panduan Perancangan dan Pembangunan Sejagat pula menggariskan prinsip yang berasaskan kepada nilai-nilai murni sejagat mengikut ketiga-tiga hubungan. Prinsip-prinsip ini digunakan sebagai rujukan di dalam membuat keputusan, tindakan dan melaksanakan semua aktiviti samada oleh orang awam, ahli perancang pembangunan atau pun penggubal dasar.

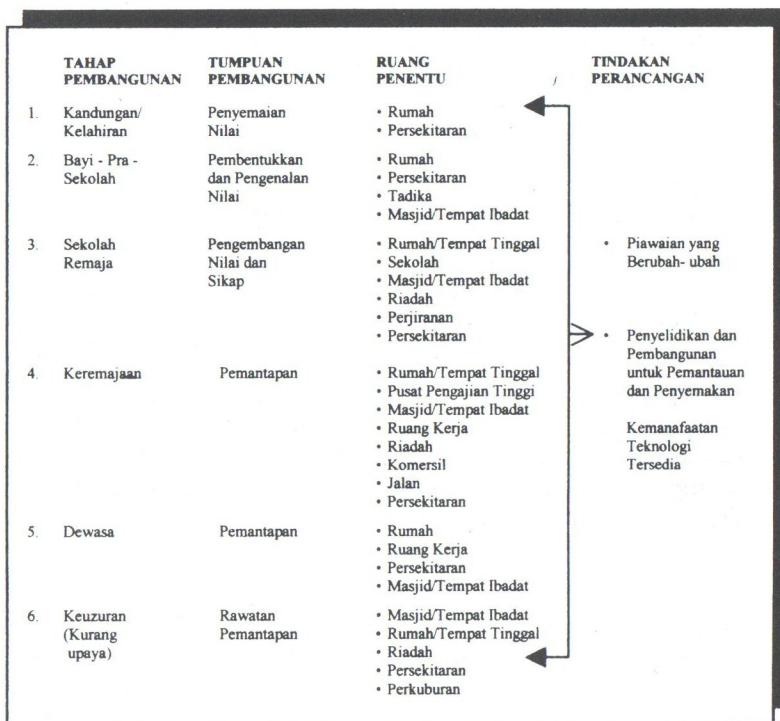
### **Pembangunan Insan**

Disamping mewujudkan persekitaran fizikal yang ‘mesra kanak-kanak’ dan perancangan yang diasaskan kepada prinsip-prinsip perancangan dan pembangunan sejagat akan menyumbangkan ke arah pendidikan dan pembangunan insan untuk mewujudkan penduduk yang mempunyai ciri-ciri berikut :

- Penduduk yang menyedari peranan mereka sebagai pentadbir bumi dan memikul amanah untuk memakmurkan bumi bagi pihak Pencipta;
- Manusia sebagai insan yang seimbang di antara fizikal, mental dan kerohanian dan sentiasa mematuhi nilai-nilai murni sejagat dalam segala usaha-usaha yang dilakukan;
- Penduduk yang patuh kepada Pencipta, mesra dan penyayang dalam perhubungan sesama masyarakat dan peka terhadap kesan tindakannya kepada alam sekitar;
- Penduduk yang segala tindakannya dikawal dan diarah oleh kekuatan dan ketahanan dalam melalui tahap kerohanian, moral dan etika yang tinggi, mental yang matang dan stabil, intelektual yang mantap dan padu serta tubuh yang sihat dan sejahtera;
- Masyarakat cemerlang yang mempunyai kualiti diri, menguasai ilmu dan kemahiran serta mampu menghadapi cabaran-cabaran semasa dan akan datang; dan
- Penduduk yang mempunyai institusi keluarga yang kukuh dan mantap serta semangat kejiranan yang erat, berharmoni dan bekerjasama ke arah menjamin masyarakat yang beretika dan bermoral.

Proses pembangunan insan dari segi perancangan fizikal dapat dirumuskan seperti di Rajah 1.0

## Rajah 1.0 : PROSES PEMBANGUNAN INSAN DAN TINDAKAN PERANCANGAN



## RUMUSAN

Kepentingan penyediaan kawasan perumahan, kemudahan pendidikan serta tanah lapang dan rekreasi di dalam menentukan nilai kehidupan penduduk amnya dan kanak-kanak khasnya adalah di antara fokus kepada perancangan sesuatu petempatan samada bandar ataupun di luar bandar. Justeru itu, perancangan dan pelaksanaan kemudahan-kemudahan tersebut perlu memberi penekanan kepada perkara-perkara berikut :

- i. Pelaksanaan pembangunan tanah lapang dan kawasan rekreasi serta kemudahan masyarakat perlulah ditentukan di peringkat awal lagi iaitu di peringkat tukar syarat dan kelulusan pecah sempadan;
- ii. Agensi yang mempunyai peranan dalam perancangan dan pembinaan kemudahan-kemudahan tersebut hendaklah menerima dan melaksanakan garis panduan yang telah sedia wujud;
- iii. Perancangan kawasan perumahan berasaskan unit kejiranan adalah merupakan penyelesaian di dalam mewujudkan persekitaran yang mesra kanak-kanak;
- iv. Menyediakan peralatan-peralatan permainan yang dapat membangun dan meransang minda dan fizikal kanak-kanak; dan
- v. Penyelenggaraan alat-alat permainan hendaklah dilaksanakan secara serius oleh pihak-pihak berkenaan untuk memastikan keadaannya selamat dan berfungsi.

### **SENARAI RUJUKAN**

1. *Jabatan Perancangan Bandar dan Desa (1988), Manual (Akhir) Piawaian Perancangan;*
2. *Jabatan Perancangan Bandar dan Desa (1998), Garis Panduan Perancangan dan Pembangunan Sejagat;*
3. *Jabatan Perancangan Bandar dan Desa (1992), Manual Penyediaan rancangan Tempatan;*
4. *Kerajaan Malaysia : Akta Perancangan Bandar dan Desa (Pindaan) 1995 (Akta 172);*
5. *Jabatan Perancangan Bandar dan Desa (1982), Planning and Design Guidelines for Urban Roads and Paths in Pahang Tenggara;*

6. A National Workshop - The Urban Vision 2020 Initiative : Making Urban Areas Child - Friendly, 5.7.97;
7. Rancangan Malaysia Ke Tujuh (1996 - 2000);
8. Proceedings of the Seminar 'Understanding The Convention On The Rights of the Child', 14 - 15 September 1996 in Kuala Lumpur.

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**LEGISLATIVE AND INSTITUTIONAL  
FRAMEWORK FOR THE PROMOTION  
OF HISTORIC CONSERVATION IN MALAYSIA\***

by

**Dato' Prof. Zainuddin bin Muhammad**

*Prepared with the assistance of  
Lilian Ho Yin Chan*

**INTRODUCTION**

Malaysia has historically been the recipient of cultural influences from diverse sources. The growth of Malacca as an important commercial centre and major political power in South East Asia in the 15<sup>th</sup> century had attracted merchants from China, Indonesia, Arabia and India. This was later followed by the Portuguese, Dutch and English colonisation of Malacca and later to the whole of Malaya. Together with their trade and colonisation, come along the diversified architectural influence which is reflected in some of our cities today, especially in the older cities such as Malacca and Kuala Lumpur, the Federal Capital. These include the architectural heritage in the designs of mosques, temples and churches, Malay kampung houses, Chinese shophouses, colonial buildings and homes of wealthy merchants. It is a clear reflection of the intermingling of Malay, Islamic, Chinese, Indian, Portuguese, Dutch and Colonial British influences which has resulted in some unique eclectic styles.

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However, rapid urbanization threatens to destroy the country's historic buildings and areas, which, for socio-cultural and economic reasons, should be preserved. Peripheral provisions in the Antiquities Act 1976, the Town and Country Planning Act 1976, its subsequent (Amendment) Act 1995 as well as the recently repealed Rent Control Act 1966, have provided limited protection to the built heritage. In view of their limitations, the Malaysian Government is in the process of drafting the first national Heritage Buildings Act for the country, specifically for the protection of Malaysia's historic buildings and conservation areas.

## **PRESENT LEGISLATIVE FRAMEWORK**

At present there is no independent conservation law in Malaysia. General measures for conservation exist only as a peripheral part of the Town and Country Act 1976, the Town and Country Planning (Amendment) Act 1995 and the Antiquities Act 1976. However there are good reasons, economic as well as cultural, for introducing conservation legislation.

Economically, tourism is expected to continue to be a major contributor to the Malaysian economy. Foreign tourists are particularly attracted to historic areas as evident in many historic centres of the world. Apart from that, architecture which stand along the streets or surround an early part of town confer individuality and identity that distinguishes one town from another. These buildings make visible a large segment of its history and reveal much of how a city or town and even the nation evolved to its present condition. Up to now, many of the early shophouses standing along the streets in the older part of Malaysian cities and towns have been preserved inadvertently by the Rent Control Act 1966. The Act imposes a ceiling on the rental, pegged at 1948 rent,

for all buildings built before 31 January 1948, irrespective of whether in residential or commercial use. Eviction of tenants requires a court order which is difficult to obtain. In some cases of eviction for redevelopment, the tenants have to be compensated. The low rental and difficulties of eviction has caused the owners to leave these buildings alone, usually without maintenance. However, it has also served to facilitate the continued existence of these old buildings and town centres, and safeguarded them against demolition and redevelopment. With its repeal in 1997, the fate of the premises previously under the Rent Control Act has yet to be seen.

Currently the mechanism for the conservation of Malaysia's urban and architectural heritage is effected directly or indirectly through the following legislations :

#### **a. Antiquities Act 1976**

The primary purpose of this Act is to confer protection on 'ancient and historical monuments, archaeological sites and remains, antiquities and historical objects....', which is a matter of public interest by reason of the religious, historic, traditional, or archaeological interest attached. It empowers the Minister in charge, with the consent of the State Authority, to declare any monument 'reasonably believed to be a hundred years old' to be an ancient monument and any site to be a historical site. The Director-General of Museums may then publish in the Gazette a schedule of such monuments and sites. Once a schedule of such monuments and sites is gazetted, it becomes an offence for any person to disturb the monument or site without the consent of the Director-General of the Museums.

However, these gazetting powers have been sparingly used. To date only a total of 67 monuments have been gazetted, and almost all of them are Government buildings. The reason for this seems to be the belief that a monument may be gazetted only with the owner's consent.

Although that limitation does not appear in the Act, legal advice has been that to impose the Act's restrictions without the owner's consent would invite a successful constitutional challenge on the grounds of excessive interference with private property right.

One limitation of the Act is that it covers structures or sites which are over a hundred years old. Hence it affords no protection to those buildings or sites which are less than a hundred years old but which are worthy of conservation because of their architectural or historical significance.

There has been an attempt to broaden the scope of the Act to afford protection to historical places generally by redefining the term 'monument' more broadly, but to do so not only distorts it but runs the risk that its original focus is lost. Moreover, the term 'monument' does not seem apt to describe the range of comparatively modest domestic and commercial buildings to which some protection needs to be extended if the character of Malaysia's towns is to be preserved. This interest seems to be better represented under the heading of town and country planning.

#### **b. Town and Country Planning Act 1976 (Act172)**

The Town and Country Planning Act 1976 establishes a comprehensive development plan system and planning controls. The State Authority through its State Planning Committee is responsible for the 'promotion, within the framework of the national policy, the conservation, use and development of all lands in the State'. The local planning authorities are obliged to prepare structure plans and local plans, and to determine applications for planning permission. There is a right of appeal from their decisions to the Appeal Board of the State. Figure 1 shows the planning hierarchy in Malaysia.

The Act requires planning permission to be obtained before any development is carried out. It defines

'development' broadly so as to include the demolition of buildings. Failure to obtain planning permission is an offence. It also prohibits any alterations to a building, unless they affect only the interior and do not materially affect the external appearance of the building.

This is reinforced by the enforcement mechanism for unauthorised development. It enables the Local Authority to serve a notice requiring steps to be taken to restore the land as far as possible to the original condition before the development commences.

Although the mechanism for protection of buildings exist in Act 172, its shortcoming has been that it was not enacted specifically for heritage protection and has no explicit policy on planning control with regard to buildings or areas of historical or architectural interest.

**c. Town and Country Planning (Amendment) Act 1995  
(Act A 933)**

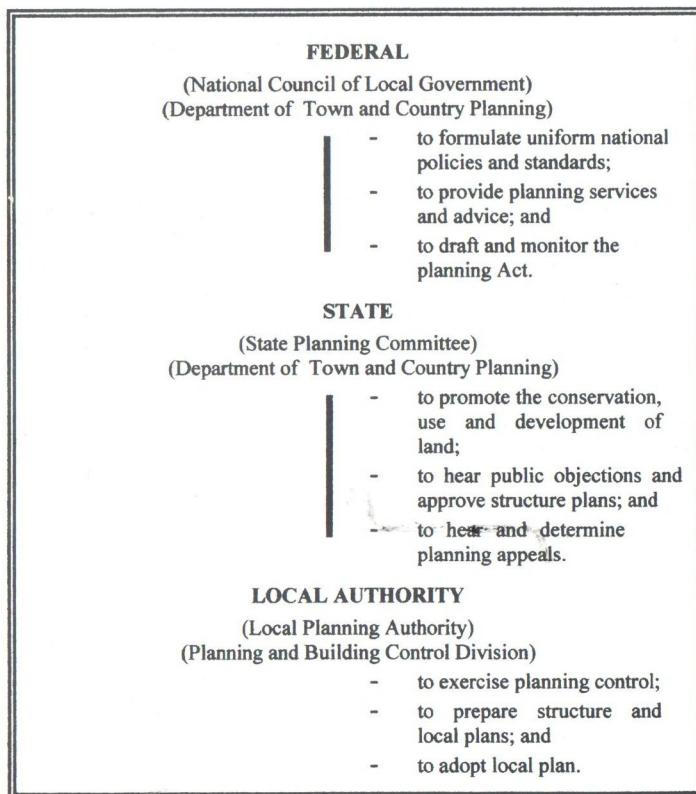
To make more explicit provisions for the conservation of buildings of historic and architectural interest, the Town and Country Planning Act 1976 (Act 172) was amended by the Town and Country Planning (Amendment) Act 1995 (Act A 933).

Under section 12(3)(a) of the amended Act 172, local planning authorities, when preparing local plans for their own areas are now required to ensure provisions are made to formulate, in such detail as the local planning authorities think appropriate, proposal for the protection and improvement of the physical environment and the preservation and enhancement of character and appearance of buildings in the area of those plans. This provision as provided under section 12(3)(a) of the amended Act clearly implies that local planning authorities shall at all times make the necessary effort to ensure buildings and sites of historic and architectural value existing in their area continue to enjoy the

protection even with the pressures for development taking place within those areas.

The 1976 Act provides that all development activities shall first obtain planning permission before they can be carried out. A person who submits an application for planning permission to carry out development activity is required to prepare and submit together with that application a development proposal report containing matters relating to buildings and sites of historic and architectural interest. This is a requirement under section 21A(1)(d)(iii) and 21B(1)(b) and (c) of the amended 1976 Act.

**Figure 1 : The Planning Hierarchy In Malaysia**



In granting planning permission for development activities, the local planning authorities may impose the following conditions to protect buildings of historic and architectural interest:

- New Development Activity : [Section 22(5)(I) of amended Act 172]

Where the development involves the erection of a new building, or the re-erection or extension of a building or part thereof, local planning authorities may impose conditions to ensure its compatibility with the architecture, character or appearance depicted in the buildings located in the surrounding area, which the local planning authority intends to protect, preserve and enhance.

- Extension Works : (Section 22(5)(j) of the amended Act 172)

Where the development involves any addition or alteration to an existing building with special architecture or historical interest, the local planning authority may impose conditions to ensure that the facade and other external character of the building is retained.

- Redevelopment Activity : (Section 22(5)(k) of the amended Act 172)

Where the development involves the re-erection of a building with special architecture or historical interest or the demolition thereof and the erection of a new building in its place, conditions to ensure that the facade and other external character of the demolished building is retained.

Demolition' activity constitute development within the meaning of Act 172 and therefore requires planning permission as provided under section 19(1) of the Act

#### **d. Limitation Of Existing Acts**

Although the Town and Country Planning (Amendment) Act 1995 represents a great stride forward for the conservation of historic buildings, it still lacks certain provisions for better statutory control. Those provisions which are still needed include:

- A definition of what is to be conserved, in the form of a register of 'historic buildings' and 'conservation areas';
- Specific conditions which can be imposed on historic buildings and areas, where development and maintenance is concerned;
- Effective sanctions against offenders, through the issue of an enforcement notice, direct action to repair, fines, losing of developer's licence, and even imprisonment;
- A specific body charged with the responsibility of drafting policies and advising the Minister, State Government and local authorities on matters relating to historic buildings and conservation areas, and
- Financial provisions to meet approved conservation needs.

#### **THE HERITAGE BUILDINGS ACT 1996 (DRAFT)**

In view of the limitation of the above Acts and in order to consolidate the legislation for the effective safeguarding of the national heritage, the Ministry of Housing and Local Government (MHLG) Malaysia is now in the process of drafting a separate and comprehensive legislation solely for the protection of historic buildings and the creation of conservation areas within the country.

Known as the Draft Heritage Buildings Act 1996, it is applicable to West Malaysia and comes into force in a

State on whatever date appointed by the State Authority. It requires every local authority to identify buildings and areas of special architectural or historical interest to be preserved or conserved. The owner of the building or area shall be notified and his consent obtained for the conservation, for which a contribution to the cost the works will be made by local authority. If the building or area is Federal or State property the approval of the Federal or State Authority is needed. The Local Authority shall then compile a register of such heritage buildings and conservation areas, and this register shall be open for inspection by the public without any charge.

Demolition, alterations, damage or any changes affecting the character or appearance of the heritage building or conservation area are not allowed except with the consent of the local authority. In granting the consent the Local Authority may impose specific conditions for preservation and conservation. The Local Authority can also carry out preservation or conservation work for the building with the consent of the owner or pay him a sum of money to assist him for the purpose. Any contravention with regard to the consent of the Local Authority for works on heritage buildings or conservation areas is guilty of an offence and liable to a fine not exceeding five hundred thousands ringgit or a term of imprisonment not exceeding five years or both.

The owner of a heritage building or conservation area may by reason of the building or area being incapable of reasonable beneficial use by the owner or the inability of the owner to maintain it according to the guidelines of the Local Authority, serve on the Local Authority a purchase notice requiring it to be purchased. If the Local Authority is satisfied with the reasons and proof put forward, it can with the approval of the State Authority purchase such land or building in accordance with the National Land Code and the Land Acquisition Act.

For the purpose of the Act there shall be a National Conservation of Heritage Buildings Council consisting of the Minister concerned as a chairman and a maximum of twenty

one members including a representative of each State Government in West Malaysia, a representative of the Director-General of Museums, a representative of the Public Works Department and experts in the field of conservation. The duties of the Council are to formulate policies and guidelines for conservation and preservation, to advise the State and Local Authorities on such matters, and to formulate research, training and other activities necessary for conservation and preservation.

At the State level, a State Conservation of Heritage Buildings Committee may also be established to be chaired by the State Secretary, consisting of not more than fifteen other persons including a representative from the National Conservation of Heritage Buildings Council. The duties of the Committee are to oversee preservation and conservation works by the Local Authorities, and to organise activities and training programs for Local Authorities, on conservation and preservation.

A National Conservation of Heritage Buildings Fund and a State Conservation of Heritage Buildings Fund shall also be established to provide grants and loans and to organise activities for conservation and preservation, as well acquiring heritage property. All monies paid to the Fund shall be exempted from income tax. The owner of a heritage building or conservation area may apply to the State Authority for grants and loans or reduction or exemption from rates or other forms of assistance. The owner of a heritage building or conservation area shall be entitled to double income tax relief on the sum expended for conservation. Any person who has in his ownership or possession a heritage building or conservation area may with the approval of the Local Authority levy a charge of entry into the building or area.

For the purpose of this part, an Appeal Board shall be established, consisting of the Menteri Besar or Chief Minister as Chairman and not more than five other persons including one person representing the National Conservation of Heritage Buildings Council. Any owner who is

aggrieved by the decision of the State Authority or the Local Authority may, within sixty days, appeal to the Appeal Board for an opportunity to be heard. The Appeal Board after hearing the appeal may confirm, reverse or vary the decision of the Board. The decision of the Appeal Board shall be final.

The proposed Heritage Buildings Act of Malaysia, if approved by Parliament, will be a major milestone in the protection of buildings and areas of historical and architectural significance. However, it is still being carefully examined by the Attorney-General's office to determine its overlapping or redundancy with the Antiquities Act 1976 and the amended Town and Country Planning Act 1976 currently in place in the country.

## **INSTITUTIONAL FRAMEWORK**

### **Current Mechanism For Conservation Of Heritage Buildings**

Pending the approval of the proposed Heritage Buildings Act, the identification, restoration and maintenance of buildings of historical and architectural significance in Malaysia is effected through various institutions based on the building types and status.

#### **a. Buildings gazetted under the Antiquities Act 1976.**

Currently most of these buildings are government buildings and they are restored, maintained and managed by the Local Authorities concerned and the National Museum. Buildings, which are gazette under the Antiquities Act 1976, have to be referred to the Director-General of Museum for his consent in the event of any work being carried out on these buildings. These buildings are usually striking examples of civic architecture such as

palaces, administrative offices, courthouses, mosques, railway stations, art galleries, schools and theatres.

**b. Mosques, Temples and Churches**

Religious buildings frequently stand the test of time better than other old buildings. Being places of worship and statements of faith they are usually solidly built and also benefit from the care and voluntary contributions of their congregation. Mosques, which have been gazetted receive contribution from Federal agencies apart from the State Religious Department and the individual mosque committees. Temples and churches are usually managed by their own trusteeship committees and may also receive aid through their affiliation with their national organization.

**c. Private Building and Properties**

For private buildings and properties, conservation may be undertaken by acquisition, or through development control, if acquisition is not possible. Application for planning permission is usually processed by planning officers from the development control section of the planning department based on the Town and Country Planning Act 1976. In Kuala Lumpur, buildings and areas of historical and architectural importance are subjected to development guidelines laid down by City Hall, Kuala Lumpur. These guidelines are administered by the Conservation and Urban Design Unit within the Planning and Building Control Department of the City Hall. In Malacca, the 'Historic City' of Malaysia, all planning applications involving historic building and areas are referred to a quasi-non government body, known as Perbadanan Muzium or PERZIM, set up by the State Government to advise the State Authority on matters of

policy, administration and management of cultural heritage and conservation areas. The advice and recommendation from PERZIM is taken into consideration in the final approval of the application.

### **Financing Of Conservation Project**

Conservation legislation will only work if the necessary funds are available to undertake conservation schemes or if the economic basis exists to induce owners to undertake necessary repairs and restoration. Conservation imposes increased actual costs on owners, because of the additional cost of maintaining historic buildings, and it imposes opportunity costs because it denies them alternative development choices. Further consideration should be given to a range of economic instruments, which could be designed to encourage owners to carry out conservation works. Presently conservation projects in Malaysia are financed through the following ways:-

#### **a. Government Properties**

The Malaysian Government has recognised the potential of the historic, architectural and socio-cultural heritage to stimulate tourism in the country, and has therefore allocated millions of dollars in the five-yearly Malaysia Plans for the restoration of historical sites and ancient monuments gazetted under the Antiquities Act 1976. However this allocation will benefit only Government-owned properties which have been gazetted for conservation.

#### **b. Private Properties**

In Malaysia no special provisions are made for financial assistance in the funding of conservation works for privately owned properties. The cost of carrying out restoration projects and maintenance of the property has to be borne by the owner or developer. This lack of

inducement has resulted in an indifference of property owners to improve or maintain their properties where they see no economic benefits from doing so, unless the building poses a structural danger to them or the occupants.

### **c. Public-Private Enterprise**

There have been projects in which private enterprise has cooperated with public agencies as an opportunity for profit and continuity of their business. In these cases the contribution of the municipality or public agency is not financing, but creating conditions, by making land, building and infrastructure available, with the private sector providing the financial means and expertise. Most notable of these is the Central Market and Central Square Conservation Scheme in Kuala Lumpur where financing and expertise in conservation was provided by a private company, Harta Bumi, while the land and buildings in the form of the Central Market and a block of shops were the joint properties of City Hall and the Urban Development Authority.

## **CONSERVATION GROUPS AND ORGANISATIONS**

The extent and nature of public concern is of fundamental importance to conservation. We must not lose sight of the fact that the authority to interfere with the right of private ownership derives from an informed consensus that preservation is in the public interest. Experts are needed to provide historical and technical know-how but ultimately, public opinion is what determines how much will be done. The way in which public opinion has been organised and the dedication of conservation groups to their cause has been the driving force behind the evolution of conservation philosophies and the imposition of legislative controls. The roles and functions of conservation organisations are extremely vital in the protection of the built heritage.

The involvement of voluntary non-government organisations in Malaysia began with the formation of the Heritage of Malaysia Trust in 1983. This was followed by the Friends of the Heritage of Malaysia Trust a year later, and most recently by the Heritage Council of Malaysia in 1992.

**a. The Heritage Of Malaysia Trust**

In August 1983, 'Badan Warisan Malaysia' – 'the Heritage of Malaysia Trust' – was founded by a group of individuals, living in Kuala Lumpur, Malacca and Trengganu, with their principal object, the promotion of the permanent preservation for the benefit and education of the peoples of Malaysia, of all buildings, which because of their historic association and architectural features or for other reasons, are considered by the Council of the Trust to form part of the Heritage of Malaysia. It is registered as a tax-exempt charity and since its formation has successfully carried out a few projects. Being a voluntary organisation, the Trust would prefer to give moral and technical support to persons or organisations undertaking conservation projects rather than to undertake the projects themselves. However they do undertake certain projects which for one reason or another cannot be undertaken by private persons or organisations.

Being a charity with no fixed source of income, the Trust has to rely to a very large extent on membership subscriptions and organisations in the private sector. The funds obtained from these sources are then channeled into the projects which the Trust undertake.

**b. Friends Of the Heritage of Malaysia Trust**

The Friends of the Heritage of Malaysia Trust was formed in 1984 as a Society to raise funds for Badan Warisan Malaysia and encourage public awareness of Malaysia's built heritage. Public participation is obtained by organising heritage walks, talks and tours.

### **c. Heritage Council of Malaysia**

The Heritage Council of Malaysia was formed in 1992 and it is the Joint Council of the Heritage of Malaysia Trust and the Friends of the Heritage Trust and the decision-making body for both organisations. Members of the Council include architects and engineers, planners, historians and experts in preservation techniques who are able to provide advice and information on building conservation. A small reference library has been installed at the headquarters. This is open to the public and contains a comprehensive selection of books on conservation and history.

The Heritage Council employs professional and administrative staff to assist in the identification of places with cultural heritage significance and to provide advice to the Council. The officers of the Council also provide information to the public, prepare and deliver educational programs and provide administrative support to the Council.

The headquarters is situated in Kuala Lumpur. The Council is represented by active members in other states in the country.

## **CONCLUSION AND RECOMMENDATIONS**

The proposed Heritage Buildings Act of Malaysia if approved by Parliament will be a major milestone in the protection of buildings and area of historical significance. However pending approval of the Act, there are several issues which would require further attention and action.

- a. Since Malaysia is embarking on a nationwide programme of local plan preparation after concentrating on structure plan preparation for the past fifteen years there should be more focused attention on conservation in future local plans. Conservation areas should be clearly designated

and the significant characteristics described; proposals should be set out defining what is to be done to preserve and enhance the character and appearance of the area.

- b. To supplement the proposals of local plans, design guides should be prepared by the Local Authority. These design guide should define those features which merit protection because of the contribution they make to the special architectural or historic interest of buildings in an area and provide advice on issues such as renewal of roof coverings, replacement of windows and doors, painting of exteriors, alteration to front boundary walls, shopfront designs and advertisements and other forms of alterations and extension. These should readily be made available to the public for a fee.
- c. The proposed national Heritage Buildings Act has included Conservation Funds to be set up by the Federal and State Government. However, as adequate financial back-up imposes great strain on the Government, it should, therefore, not be an open-handed system of grant-aid. Loans or conditional grants are preferable to outright grants. A conditional grant may require repayment in full upon some future event, such as a change of use of the property or its demolition, or a sale within a specified period; conversely, a loan may be structured with a writing-off period.

Apart from the above, further consideration should be given to a range of economic incentives which could be designed to encourage owners to carry out conservation works, against the particular background of property markets in Malaysia and with further experience gained from conservation in practice. Incentives which could be considered include:

- i. Waive development charges for owners or developers who wish to conserve their buildings through restoration or renovation for adaptive reuse;

- ii. Waive assessment tax for a year for those owners who wish to conserve their buildings, which require costly repairs;
  - iii. Allow income tax relief on any sum properly expended for maintenance of a building or land. The owner or occupier of a historic building or land in a conservation area may with the approval of the local planning authority levy a charge of entry into the building or land; and
  - iv. Encourage private sector to 'adopt' a historic building and pay for its restoration.
- d. The current repeal of the Rent Control Act could bring about the indiscriminate demolition and redevelopment of old buildings to realise the higher rents without due consideration to their architectural and historical merits. It is therefore important that heritage protection should tie in with rent decontrol. For those buildings which are worthy of conservation, significant conservation and restoration works approved by the local authority should be a requirement for decontrol. For properties identified as not requiring retention, a scheme for demolition and redevelopment will qualify, provided it is in accordance with the local authority's conservation guidelines.
- e. The participation of the federal, State and Local Government is essential to the success of any system for heritage protection. The Federal Government should take the lead in conservation matters, particularly in setting out the legislative framework and policy guidance. The State Government should make the necessary commencement order for the application of conservation legislation within the state and be responsible for conservation matters, while the local government should play a central role in the formulation of local conservation policies and secure that the State's interest would continue to be protected under a Federal Enactment.

- f. The Government should harness the knowledge and expertise of the Heritage Council of Malaysia and the two heritage bodies it represents by appointing them as members of the Conservation Committees in the proposed Conservation Act. The government, the voluntary heritage organisations, and the relevant professional groups and associations representing property owners and developers should be engaged in more dialogue through meetings and seminars and public discussions so as to come to a better understanding and appreciation of the aims and objective of conservation and its relevance in the contemporary world.
- g. Apart from the education of the public in general, a crucial factor to the success of conservation law and practice in the country is the education of public sector officials in the various aspects of conservation legislation and the procedures and requirements in implementing legislation at the local level. How new legislation on conservation will tie in with the existing development control procedures is an issue which should be resolved. Appropriate courses as well as workshops and seminars to increase their knowledge and level of awareness of the relevant aspects of conservation should be given priority in training programmes for public officials dealing with the built environment.
- h. The shortage of craftsmen skilled in the techniques required for proper restoration is a problem to be resolved. There is no formal schooling provided in traditional construction techniques in Malaysia and information from sources in other countries is not always applicable, as Malaysia's humid climate demands particular treatment of old structures. At the tertiary level appropriate courses on conservation should be actively promoted.

Research and documentation on the history of a town or its buildings should be carried out to identify its historic and architectural significance. This requires delving into

documented history and archival materials supplemented by oral history. The resultant records should be well kept and retained for reference purposes by an appointed body such as the Heritage Council of Malaysia. These references can be in various forms such as graphics or drawings, photographic, written records and other suitable modes. These items of references should be made available to the public to provide a better understanding of a town's or city's heritage.

A new chapter will soon begin in the relatively short history of conservation in Malaysia as conservationists await the passing of the first national Heritage Buildings Act in the country. A tremendous task lies ahead to set in motion the legislation and administrative machinery that bring about greater impetus in the protection of the built heritage. Conservation is a continuing dynamic process of planning the development of a city which recognises its history. The conservation effort can only succeed with the collective commitment and effort of all its citizens.

## **REFERENCES**

1. *GRANT, Malcom (1992) New Legislation for the conservation of Historic Buildings : Report to the Federal Government of Malaysia, Ministry of Housing and Local Government Malaysia;*
2. *HARRIS, Mark (1990) History and Culture of Malaysia, The Pepin Press, Kuala Lumpur, Malaysia;*
3. *HERITAGE Council of Malaysia pamphlet : Preserving Malaysia's Heritage;*
4. *HERITAGE of Malaysia Trust pamphlet : Preserving Malaysia's Heritage;*
5. *MALAYSIA (1976) Town and Country Planning Act 1976, Government Printers, Kuala Lumpur;*
6. *MALAYSIA (1995) Town and Country Planning (Amendment) Act 1995, Government Printers, Kuala Lumpur;*

7. *MINISTRY of Housing and Local Government (1996) The Heritage Building Act, 1996 (Draft), Kuala Lumpur, Malaysia;*
8. *MUHAMMAD, Zainuddin (1997) Keynote Address presented at World Town Planning Day Seminar, 10 – 12 November 1997, Federal Department of Town and Country Planning, Kuala Lumpur Malaysia;*
9. *YEANG, Ken (1992) The Architecture of Malaysia, The Pepin Press, Amsterdam, The Netherlands and Kuala Lumpur, Malaysia; and*
10. *TAN, Robert Sin Nyen (1991) The Cultural Melting Pot, Malacca, Malaysia.*

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## **NOTES FOR CONTRIBUTORS**

**T**he Editorial Board accepts articles relating to urban development, in particular to the Malaysian Scene. Urban development encompasses a wide range of topics. The present Editorial Board have not placed any definite theme so as to encourage a wider choice of topics to be included.

Given the pace of development in our country, there should be no lack of suitable topics to be written. We encourage planners, academicians, sociologists and related professionals concerned over the physical environment to write.

Submissions could be in the form of articles, book reviews viewpoints, policy reviews, debates, technical reports or research notes. Headings are not fixed.

The preferred length of article should ideally be within the range of 5 to 10 pages, typed double spacing on A4 sized paper. Contributors are encouraged to submit articles together with IBM-compatible diskettes (preferably 3.25 inch). Please mention the word processing software used and its version to facilitate usage of the diskettes. Currently, articles are produced using Microsoft Word 6.0. Alternatively, articles can be sent to us via electronic mail address [jpbdip@po.jaring.my](mailto:jpbdip@po.jaring.my) or [ubdjpbd@tm.net.my](mailto:ubdjpbd@tm.net.my).

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