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"The opinions of contributors are their own and do not necessarily reflect the opinions of the Editorial Board or the Jabatan Perancangan Bandar dan Desa Semenanjung Malaysia"

EDITORIAL

I wish to welcome readers to second issue of the journal. It has been about eight months since the first issues was published. There are many reasons and events contributing of the delay of this second issue. Due to changes in posting of officers, retirements etc., a new group of editorial board has taken over the task of producing the third issue. Mr. Ho Khong Ming, and Pn. Khairiah Talha had since left the department on retirement. Their absence will certainly be felt and the present members of the editorial board wishes them success in their future undertakings. Since April 1996 the present Chief Editor has moved to JPBD Trengganu.

Notwithstanding this hiccup, I am please to introduce Tn. Hj. Md. Isa Jaafar, Head of R&D Unit, JPBD(Kuala Lumpur) as the next Chief Editor for the third issue. The post of editor and book review editor has yet to be filled. Volunteers are warmly welcome to ensure continuity of this journal. In this issue, two articles(relating to planning theory and planning policy issues), a planning appeal case and a book review, are presented. A speech commemorating the launching of the journal is also included.

I wish to thank the members of the Editorial Board for their sustained interest given the pressure of official duties, etc. and hope readers alike will play their part in contributing articles and other support. Lastly, it is well worth noting, a small sum of money has been allocated by the department towards the publication of the journal.

Thank you

CHIEF EDITOR
Planning Malaysia

July 1996

Abstract of Speech
given at the Malaysian Institute of Planner's Dinner
on occasion of the launching of Planning Malaysia
Concord Hotel, Kuala Lumpur,
18 September 1995

Delivered by Kamalruddin bin Shamsudin

Planning Malaysia is a forerunner to the Jurnal JPBD which was published between 1978-1986. Mr. Ho Khong Ming being one of the prime movers. This time around the credit should be given to Pn. Khairiah Mohd. Talha who have persuaded a few planners including myself into this venture. Mr. Ho still has a hand in Planning Malaysia although now he prefers to be its advisor -- I quote what he said in his article in the first issue of Planning Malaysia:

"The present Director General, Dato' Zainuddin Muhammad has, in January of this year, asked myself to revive the journal. This directive is received with personal gratitude but not without some misgivings and a feeling of tiredness, most of the members of the last functioning editorial board have either left the department or retired. It is hoped, however, that the infusion of younger people, who have shown enthusiasm and immediate willingness, will resurrect the Journal from its limbo and revives its fortunes."

As with the Jurnal JPBD, those involved in Planning Malaysia are doing so on a voluntary basis -- so naturally we will see new faces overtime and the development of the journal somewhat be a reflection of what they see the journal should be. It is hope the management at JPBD will continue to provide positive encouragement.

Related to this, the current editorial board hopes that by next year additional fund will be allocated in regards certain aspect of publication of the journal. With additional fund the production of futures issues would be ensured.

Planning Malaysia is basically different from Jurnal JPBD, in that it tries to break away from the perceived notion that the jurnal is solely a JPBD affair. Planning Malaysia certainly wish not to be stigmatised by this JPBD syndrome, but tries to reach out to others outside and in the process will concentrate on technical and professional issues of planning concern. Tonite, I wish to thank the Malaysian Institute of Planners for elevating this journal from a departmental status to the national level (applause).

For now the emphasis of Planning Malaysia includes the following topics:

- articles from international seminar papers presented by Malaysians which would otherwise be inaccessible to most of us;
- synopsis of post-graduate research work undertaken by a member of JPBD or from other institutions of higher learning or planning agencies. It is aimed at sharing the findings of specific planning interest, and to further develop discussions in such fields;
- case studies of planning appeals heard in this country.

We accept articles relating to urban development, in particular to the Malaysian scene. Nowadays it is common to see professionals from this country visiting or practising in other countries -- so we encourage articles of a comparative nature.

I call on planners present tonite, academicians, sociologists and related professionals concerned over the physical environment to write. Let us contribute towards the development of the planning profession through this medium. The success of the journal will largely be dependant on fellow present to-nite and those in related planning fields. The demise of Journal JPBD could be attributed to this lack of respond. So permit me to dwell on this issue a bit further.

We all know that each an everyone of us have something to contribute and share -- but the process of sitting down to write itself deters almost all of us. We are all busy whether in the public or private sector. What with these "Sasaran Kerja Tahunan" and "Kerja Tam-

bahan"-- a like remark from the government planner! I remember from personal experience attempting to write my first article for the Jurnal JPBD. It was related to my then professional duties i.e. the planning of the aboriginal regroupment scheme in the Titiwangsa region. Mr. T. Mahesan was my boss then. I had virtually needed to get the assistant of another planner to pressure me into writting - and of course that article was finally printed in 1981, later in with new found confident another two articles ensued.

Not many of us can write profusely like say Mr. Ho Khong Ming, Mr. P. Gunasilan, Mr. T. Mahesan, Pn. Khairiah, to name a few. Because of this, the Editorial Board will go out of its way to meet potential contributors and provide ways and means to ensure an article could be delivered. If you can encourage a planner who otherwise on his own will not submit articles, is in itself a success which will indirectly encourage others to do so. Lets understand one thing, the journal is a form of communication. I think Mr. Ho have aptly articulated on this point, I quote yet a phrase from his article in the first issue, i.e.

" A journal is friends talking and sharing and sometimes arguing....
They write to express themselves. They come with good will, to share and to partake of what is to be heard".

Mr. Ho indeed have written another paragraph on the meaning of the journal. I'll rather have you read them afterward.

With this brief speech, I now call upon Y. Bhg. Dato' Zainuddin bin Muhammad, the Director General of the Department of Town and Country Planning, to accompany Y. Bhg. En. Wan Abu Bakar bin Wan Teh Ibrahim, who is representing the Minister of Housing and Local Government, to the stage to officiate the launching of Planning Malaysia. Thank you.

(Y. Bhg. En. Wan Abu Bakar went up on stage accompanied by Y. Bhg. Dato' Zainuddin Muhammad and chipped the ice block before unveiling Planning Malaysia to the audience. Copies were then distributed)

PLANNING FOR THE KHALIFAH

TOWARDS A THEORY OF PLANNING ROOTED IN ISLAM

By Mohamed Talhah Idrus

Introduction

Many may claim that urban planning has achieved a measure of success in regulating landuse and controlling building development. However, are these the true objectives of planning? Is the attainment of wealth, the acquisition of material things and the beautification of the environment the highest goal of planning?

Due to the nature of his discipline and profession, the contemporary planner has been trained to believe that the "attainment of a good life" (which is loosely the planning goal) can only be measured by quantifiable material indicators. With this as his premise, the planner has been indulgently busy with supplying the planned environment with as many indicators of "progress" as possible. He has in turn developed standards to measure the level of such "progress". The planner's preoccupation is only focussed on the provision of quantifiable indicators, assigning values to unquantifiable indicators like the quality of a house of the environment.¹

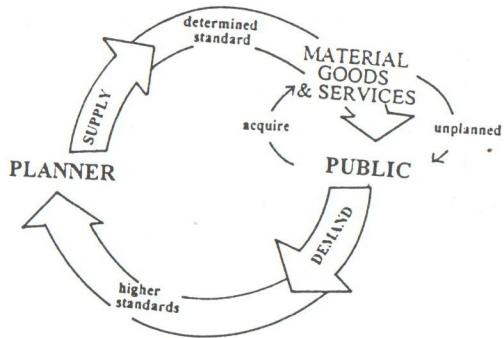
The public on the other hand has accepted this "philosophy" of planning due to its agreed perception (of "a good life") that it shares with the planner. Its duty, therefore has been to demand for the various indicators of "progress" and "good life". Like the elusive utopian environment, the standards they want to attain keep climbing higher and out of reach :

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Fair in the eyes of men is the love of things they covet: Women and sons; heaped up hoards of gold and silver, horses branded (for blood and excellence), and (wealth of) cattle, and well-tilled land. Such are the possessions of this world's life; but in nearness to God is the best of the goals (to return to).²

Figure 1:

A Hypothetical Conceptualisation Of Contemporary Planning for "A Good Life"



The Planning Environment

If one looks at planning from the mainstream economic perspective, there are areas, such as employment opportunities and income improvement, where planning has succeeded. From the social view too, one can claim the success of planning in supplying piped water, flush toilets and community centres.

This preoccupation with the satisfaction of material needs has left little time for both the planner and the public to review the truthfulness of such an approach. Only when plans fail (partly or in total) does the public react, but only at the level of the planner's failure to deliver certain promised items of anticipated standards.

The basic reasons for the provision of such item, as houses and roads, have been overlooked by both the planner and the public because of the urgency to overcome backlog as well as to maintain current standards. It is therefore not surprising that even before enough houses have been provided for sheltering the homeless, many units are actually built for those who already have houses. The examples can be extended to other sectors³, which will demonstrate the rattled state of planning as a result of the formulation of an unclear goal of planning which stemmed from the confusion regarding the rationale of the discipline.

What Is Planning?

Davidoff and Reiner has written an illuminating article which argues for the rationale and normatives of planning⁴. Despite this elaborate effort at trying to better understand planning, Faludi concludes that they have only managed to propose **how** planning should be rather than explaining **what** it is⁵. Then again, even the contributive how has not been fully endorsed by other planners since Davidoff allows his economic bias to dictate his normatives of planning⁶.

Illuminating and refreshing as it may be, Davidoff and Reiner's theory of planning has not really been accepted as the explanation of planning. Yet other writers, who have attempted at explaining the discipline, in my opinion, has had less success than Davidoff and Reiner.⁷

Plaqueed by the mountain backlog of urban problems and the fear of a rushing future, the planner has no choice but to keep on

"muddling through"⁸. Reflecting on the situation, Ravetz asserts that the west is actually just "coping with ignorance"⁹.

The planner, however, is not in total darkness regarding his profession. Among other things, there is a consensus that the practice of planning is "a purposeful activity". It is deliberate, conscious and striving towards the purposeful end of improving "standards of life". No matter how vague this goal may be, it is generally being accepted by the general public.

Planning has also claimed itself as "a process and a product". As an outcome of a sequence of actions and choices, there is general acceptance of planning as a product. But what sets it apart, in a class of its own, as a process? Diamond and McLoughlin has itemised ten characteristics which make it distinctive¹⁰. However, other planners do not seem to consider these characteristics as important in defining the discipline, since there is hardly any work which concentrates on this aspect.

The debate on planning theory has not been limited to the western world alone. In Malaysia, for example, even though this debate has not been diligently pursued by local planners, the profession itself has come under considerable fire. The issues involved range from who is a planner to ethics in development. The main participants of a recent debate are planners on the one hand and architects on the other, with various sectors of the public occasionally joining in. Still in Malaysia, within the planning profession itself, there is a disagreement even over basic issues, like above.

It seems obvious that to set planning on the right track (as deserving of any purposeful activity) so that it really work, a number of ambiguities surrounding it must first be removed. Among these, its definition must be clarified and specified. Its hazy target must be substituted with a clear one. Only then can correct strategies be aimed and launched accordingly

Planning Theory

The question now is, do planners have the resources to do these, when many prominent planners have fumbled? Tall as the order may seem to be, there are general and some specific guidelines in the planning tradition of Islam, as well as other valuable information in the Islamic philosophy of life, that can be used for these purposes :

This is the Book; In it is guidance sure, without doubt, to those who fear God".

Another question is, does the planner have an alternative (to the western) source of knowledge from which he can redefine and redirect planning? Consequently, can he then devise effective strategies to achieve the set goal?

There is in the Islamic city building tradition a vast amount of experiences which contemporary planners may want to study, since Islam has managed to build, arguably, the largest cities of the world up to the middle ages. Some of these have been very well planned so as to avoid the common ills of other medieval European cities. What have made the medieval Muslim cities, **cities of people** while Europe produced **cities** ("bourgs") **of the elites**?¹² .

An Alternative View Of Planning

Islamic civilisation has built some of, if not the finest cities, not only in terms of their physical amenities but also in their incredible ability to organise the citizens into a homogenous, intergrated society. During the Umayyah and 'Abbasiyah period alone (661 - 1258 C.E) more than 80 new cities were established from Spain and North Africa right across the Arabian territories into the Indian subcontinent¹³ . Not only do these settlement show a strong sense of unity in design, they also manifest unity in their purpose of urban living.

This unity of purpose of life, vis-a-vis cities is best summed up in the words of Imam Idris I of Maghrib when he announced his intention of planning the city of Faz. He said,

*I want to build a city where ALLah is adored, where the Qur'an is read and where the Shari'ah is adhered to*¹⁴

Through this concise statement declared in 192H (808 C.E) Imam Idris I has provided planners with a clue as to what planning should be. Together with the Holy Prophet's (s.a.w) approach in re-organising Yathrib into Madinah¹⁵, as well as lessons from the Qur'an, a more workable theory of planning can be formulated. Taking Imam Idris' statement, some preliminary conditions of planning may be offered:

1. *Niyyah* (Intention) of Planning

Planning must be conscious and purposeful and as befitting a purpose, the *niyyah* must be right and for just causes to arrive at the truest goal. With a just *niyyah* the planner can then tailor his strategies to achieve his goal. The Holy Prophet (s.a.w) has truthfully observed that "everything is according to the *niyyah*"¹⁶.

2. Planning as a *Mu'amalah* (regulations pertaining to human interactions)

With the registration of the *niyyah*, ensuing actions to fulfil the *niyyah* will also be just, thus elevating an ordinary bureaucratic or a political task¹⁷ of planning into a *mu'amalah*, which is aimed at establishing a state of 'adl (justice). Thus the planner doing *mu'amalah* through planning is actually performing 'ibadah (obedience to ALLah). In doing so he is conforming the truthfulness of the Qur'anic message that he, as well as his fellow beings and the *jinn*s, have been created solely for that purpose (of doing 'ibadah)¹⁸.

3. *Mardatillah* (the pleasure of ALLah) as the Highest Goal of Planning

*That to thy Lord is the final Goal*¹⁹

The process as well as the product of planning should enable the planner as well as the public to consciously realise that they engage in the *mu'amalah* of planning and communicating solely for his pleasure. This process of planning can be performed for ALLah's pleasure the planner sees it an *amanah* (trust) which he has to deliver. He is responsible to deliver the *amanah* because it has now become *fard 'ain* (obligatory) on him to perform it, while the public must interact with the right *adab* (etiquettes) so that a state of '*adl*' is sustained throughout the process and in the product²⁰.

4. Establishment of A State of '*Adl*' As a Planning Objective

The idea of the *niyyah*, performing planning as *mu'amalah* and striving for *mardatillah* are the Creator's own Plan to establish a state of '*adl*' on earth. To establish '*adl*' is to truly enhance life. An environment of '*adl*' will allow both the planner and the public to further realise the Presence of ALLah, and consequently magnify His Presence through constant '*ibadah*'.

5. The *Shar'iah* (Islamic Code of Ethics) as the planning Parameters

The preceeding conditions, cannot exist and be maintained if there is no observance of laws and regulations. Previous scholars have developed *fiqh* (Islamic based science of law) to an extent that almost every aspect of public and private life is covered. In the area of urban conflict, there are specific sections of the *fiqh* which can provide inspirations for conflict resolutions to our present urban problems²¹.

Adherence to the *shar'iah* produces another positive result. In doing so both the planner and the public have expressed their accountability to the source of the *shar'iah*, which is ALLah.

6. Qur'an as *the* Source of Values

Since planning is strongly influenced by the values of the planner²², such values must be true. True values are only derived from one source, which is also the source of all things.

*Blessed is He Who sent down the Criterion to His Servant, that it may be an admonition to all creatures*²³

Therefore to ensure the transmission of the true values, the Qur'an is the arbitrator.

7. Informed Planning Through Continuing Information

To abide by the *shar'iah*, to employ true values and making choices imply an informed planning process. We cannot afford to keep on "muddling and not getting through", or just coping with ignorance. Nadler has also recognised continuing information and involvement of people if planning is to be done right²⁴.

8. Planning with Guided Vision

Planning without a clear vision of the goal and devoid of system of checks and reviews is not good enough. The statement of Imam Idris is a clear example of a plan fused with guided vision, not a dream of an unattainable utopia, but a practical attainable destination.

9. *Taqwa*²⁵ (Piety) as the Planning Environment

Taqwa is probably the principal element which separates this form of planning from any other, because it implies not only a belief in god, but in ALLah, the only universal God and to remain ever-conscious of Him in all forms of '*ibadah*'. Only with *taqwa* can most of the other conditions be fulfilled. And once a planner is a *muttaqin* (His pious servant) his effort is accepted by ALLah

Which is the best? - he that layeth his foundation on piety to God and His Good Pleasure? _ or he that layeth his foundation on an undermined sand-cliff ready to crumble to pieces²⁶?

An environment where the planner and the public are *muttaqin* can facilitate the attainment of the true purpose of planning.

The standard of public participation can be improved and made more meaningful with the planner and public both understanding and practising the *adab* of planning and consultation^{27(a)}.

Once these conditions are established a true planning encompassing both the **what** and **how** of the discipline can then be defined.

Up to this point, these planning conditions are intended to explain what planning **should** be rather than **what it** is or the details of how a planner should go about doing it. Next is the task of explaining what this "true planning" is. To do this, we must attempt to reassess the purpose of planning

Planning For *Insan Khalifah* Not For "Material Man"

With accountability only to ALLah, and the informed planner working in the above conditions, he is actually planning not for a public which should "lie back and be planned"^{28 (b)}, but to *insan* whose nature and needs transcend materialism²⁹. Knowing who he is actually planning for will open up vistas of choices and satisfy a goal beyond the fuzziness of creating an environment for a better life. Instead, the planner's concern is to assist his fellow *insan* in realising the purpose of their very existence, to discover ALLah and serve him.

Once the planner is able to differentiate his client as *insan* as compared to just material man, he is obliged to know the difference between him and other *insans* that he plans for. What right has he got to plan for them? What makes him so righteous to organise the lives of others? What is the difference between him and those he plans for?

This is where the understanding of *amanah* becomes crucial not only to the planner but also to the public. If one party fails to understand this pertinent concept conflict may occur, and the planner may be perceived as someone coming to impose elite and alien values into an environment that he has no desire of using³⁰. What makes him different and gives him the right to plan for others is the *amanah* of 'ilm (knowledge) that has been entrusted to him. Because of this knowledge, his position has been elevated to that of a planner *Khalifah*, while, generally those he plans for are *Khulafa'* of other affairs but not planning, because they lack the knowledge needed to plan^{31(c)}.

Both the planner and the public has to realise that their *amanah* does not stop at being only a general *khalifah*, but that one's *khilafiyah* (vicegerency) is increased (according to one's capability) with the acquisition of specific knowledge. So the public has to accept the position of the planner as one who has been en-

trusted with the acquisition of specific knowledge of planning, for the Qur'an says,

*God doth command you to render back your amanah to whom they are due, and when ye judge between man and man, that ye judge with justice*³².

Of course, this raises the problem of **who** should qualify to acquire planning knowledge? It is not within the scope of this paper to discuss this important aspect, but for the purpose of trying to understand just the general theory of planning, let's just assume that this planner in question is a qualified one^{33(d)}.

Having surpassed the task of planning for *insan* (and not for material man), true planning is a step higher in that it is for the *Khalifah*. It is an activity by a conscious *Khalifah* for other *Khulafa'*.

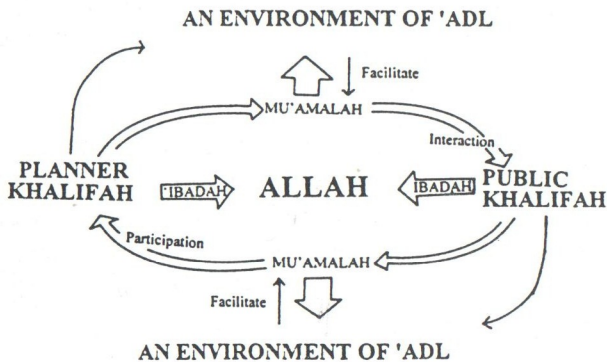
Thus, I would like to offer that true planning is a purposeful activity performed by one who is fully conscious of his *Khilafiyah*; this becomes unique because he has been entrusted with the *amanah* of operationalising his 'ilm for the benefit of *insan* who aspire to realise their status on earth as *Khulafa'* and to carry out the duties of such *Khulafa'*.

The role of the planner *Khalifah*, no matter in what area of specialisation, is therefore to create the most conducive environment for such a purpose. Therefore the object of his activity is purely to expand the potentialities of the *Khulafa'* to improve their services for the well being of all. By taking this approach, the problem of economic bias or environmental bias and other biases will be eliminated. The only bias remaining is that of favouring *Khalifah* which, none should be complaining about since everyone is a *Khalifah*, like it or not.

Concluding Remarks

Having established the conditions under which planning should occur, and having directed its activities for the enhancement of the *Khalifah's* potentialities, a true planning can then be defined as a process carried out through a sequence of just actions (as defined by the Qur'an), based on true knowledge, for the purpose of establishing just environments where the *Khalifah* can best deliver all his *amanah*.

Figure 2 :
A Conceptualisation of True Planning



Many institutions and systems will have to be adjusted for this planning style. This is obviously not an easy task. However, the planner can try to influence the institutions where he operates. These includes :-

Planning Theory

- (i) The education system which churns out planners,
- (ii) The agencies where planners are employed, and
- (iii) The association where he socialises.

He has to take steps towards correcting the goal of planning, creating the conditions and once a significant degree of consensus has been achieved, the detailing of the **hows** could then proceed.

The initial move towards redirecting planning for the *Khalifah*, and creating the conditions for the true planning environment, should be taken up by all concerned planners and educators. There is so much confusion, right now, as to how one's environment should be, for various shades of reasons, there is no consensus regarding the nature of that environment, one is to agree on who or what is actually the object of planning. The planner has to be impressed that he is not planning for a mere man, but a *khalifah* appointed by ALLah.

Footnotes

- a. According to the Malaysian practice, attending public exhibitions during the preparation of Structure/Local Plans, and submitting responses to them is synonymous with public participation (Town and Country Act (Act 172) Malaysia. Government Printers pp 19, 24-25)
 - b. Man as insan is more than man that is generally understood in everyday parlance
 - c. Everyone is a Khalifah as declared by ALLAH at the time of creation of man. "Behold, the Lord said to angel, 'I will create Khalifah on earth' Al-Baqarah : 30
 - d. It may be interesting though, to heed Al-Attas view, of who should be admitted into Islamic University.
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THE NEED FOR POLICY ON HILL DEVELOPMENT AND PRESERVATION OF NATURAL LANDSCAPE*

by Khairiah Mohd. Talha

Introduction

A recurring theme in public debate is the alleged conflict between promoting economic development and maintaining, preserving or improving environmental quality. However, pollution, ecosystem destruction and environmental degradation express the conflicts among the uses of the natural landscape resources. Environmental degradation of the hills, for example, through hill cutting and clearance of vegetation can lead to many other successive impacts on the other parts of the landscape, including pollution through siltation, the coasts, rivers and streams. This not only affects the ecological value of these natural resources, but also their development potential.

Hill Land Development

The problems of excessive soil erosion arise largely from land development schemes involving the clearance of hill land. Development activities involving the removal of the natural vegetation cover, prolonged exposure of the soil surface to falling raindrops, construction of steep slope sections of considerable length, and compaction of soil surface from effects of earth moving and the operation of heavy machinery result in reduction of soil infiltration capacity, thus, increasing surface runoff and soil erosion from cleared lands.

Erosion occurs in response to gravity and consists of detachment of soil and rock particles and their transportation by water or wind. On urban sites, erosion potential is greatest during the construction stage when

removal of loose particles and the removal from the site of much valuable topsoil, with loss of fertility and amenity.

The effects of soil erosion are by no means confined to those due to the actual loss of soil from the site where it originated. The eroded soil is usually channeled to existing waterways and the effects of sediment pollution are seen in areas far removed from the source of the sediment. The silting of stream channels causes disruption to stream users (especially in the rural areas where the population still make use of stream water for bathing and washing purposes) and those dwelling in the lower parts of the catchment areas. The muddying of streams and coastal waters further diminishes their aesthetic and recreational values. Other effects may include alteration in the species of fauna and flora as a result of changes in turbidity, alteration of channel form, and various other forms of pollution, some of which may threaten public health, and increased water treatment costs. Costly too are the engineering works required to remedy the increased sedimentation to which ports and river mouths may be subject.

The very rapid rates of surface runoff from cleared lands coupled with the reduced discharge capacity of drainage channels through siltation, increase the potential for the occurrence of flash flooding during periods of heavy rainfall. Periodic floods and accompanied sediment deposition are found to be particularly common in residential areas adjacent to construction sites.

The Policies

The Government has been concerned with the erosion of hills since the 1950's. At that time the clearing of hill vegetation for agriculture posed serious problems of erosion.

Thus, large parts of the country have been gazetted under various Acts and Ordinances, for the purposes of conservation, protection or maintaining a particular use in specific areas. These include the gazetted Hill Lands (under the Land Conservation Act 1960), the National

Forestry Act, 1984, the Irrigation and Padi Land (Irrigation Areas Ordinance) and the Water Catchment Areas.

Besides the various Acts and Ordinances, there are also Bye-laws, state policies and the Structure Plans prepared under the Town & Country Planning Act 1976. The significant aspects of these laws and policies and how they act to conserve, or preserve the natural landscapes of the country, are briefly described below.

The Land Conservation Act, 1960

Under section three of part two of the Act, which is concerned with the control of the Hill Land, the Ruler in Council of The State can declare any area in the State to be Hill Land.

Areas declared under Hill Land are restricted from the clearing and cultivation of the land, unless the owner or occupier of the land obtain special permission from the Collector of Lands. The Collector of Lands can then impose certain terms and conditions in the permit.

The Drainage Works Ordinance, 1957

The appropriate authority can declare an area to be a drainage area by notification in the Gazette, under section 3 of this Ordinance. Areas declared under this Ordinance are restricted in its change of use, even to the extent of tree felling and the growing of vegetation that may obstruct any drainage works. In fact, interference from stray animals upon the banks and sides of any drainage works is also considered an offence.

The Water Enactment, Chapter 146

This enactment protects all natural water courses and include canals, rivers and streams. It requires any person who interferes with the bank of any river to restore the bank to the same condition as before; the enactment also prohibits any act that affects the river, like tree felling, the

building of bridges, jetty or landing stage, except under licence from the appropriate authority. A licence from the district office is also required to divert water of any river from its natural course.

Under section 14 of the enactment, no buildings or walls of any structures shall be built within 50 feet of the river bank, except with written permission from the Resident.

The Irrigation Areas Ordinance, 1953

The Appropriate authority may by notification in the Gazette, declare any lands in a State to be an irrigation area. This means that within such an area, there shall be no other use like industry, or any other cultivation other than for padi. Section 23 of this Ordinance also allows for penalties to be imposed on anyone causing pollution to the water of the irrigation bank, channel or water-courses.

National Forestry Act, 1984 (ACT 313)

This act allows the State Authority, by notification in the Gazette, to declare any area to be a Forest Reserve. Besides controlling the use and extraction of timber from forest reserves, the Act also stipulates acts of which are prohibited in these Reserves. Such acts include the grazing of cattle in forest reserves, damage by tree felling, clearing of land for cultivation, etc. The Act also requires that in exercising its powers, the State Authority must give due consideration to the necessity of protecting the forest and the environment and to the recreational and other needs of the public.

The Earthworks By-Laws (1975)

Part IV of the by-laws gives provisions relating to the control of general earthworks:-

- Section 13: Earthworks exceeding 10 feet in height or depth shall be protected by a retaining structure or stabilisation of slopes.
- Section 14: Phasing of earthworks - no earthworks shall commence or continue to the next phase unless the Engineer submitting the plans certifies in writing that the earthworks are not likely to cause nuisance or damage to the surrounding properties.
- Section 15: Conditions may be imposed at any time before work can continue to the next phase; such requirements are like:-
- (a) the drainage and deviation of mainstream and natural water courses, including provisions of adequate bunds and culverts;
 - (b) silt traps are adequately provided and properly maintained;
 - (c) retaining structures where necessary are adequately provided;
 - (d) slopes are adequately protected against erosion;
 - (e) the foundation of the road is laid and the surface of such road is sealed so as to prevent silt being washed into existing water courses;
 - (f) that fills are compacted.

Structure Plan for Local Planning Authorities

The structure plan prepared for most of the local authorities when gazetted by State Authority shall become the development policy of the Local Planning Authority. The Strategies and Policies outlined in the plan shall be used in development control and proper land use for the local planning authority. Normally strategies touching on the development of hill land will include the following:-

- (i) Control the indiscriminate and excessive cutting of hills to prevent unsightly scarring, soil erosion and pollution of stream and the sea by siltation.

- (ii) Generally, land above 200 feet would not be allowed or would be restricted for any kind of development. (Penang Island Structure Plan, 1987).

Environmental Impact Assessment (EIA) under the Environmental Quality (Amendment) Act 1985

Section 34A provides for EIA reports to be made on prescribed activities and submitted to the Director General of Environment, prior to the granting of approval by the relevant approving authority for carrying out the activities. The EIA report shall contain an assessment of the impacts that the activities will have on the environment and the proposed measures that shall be undertaken to prevent, reduce or control the adverse impacts on the environment

The Needs

Thus there are many and varied policies that exist in determining, controlling and conserving landuses in the States, and more importantly, the natural landscape elements of the States. Nevertheless, environmental degradation in the form of pollution of the rivers and streams, the scarring of hills, soil and coastal erosion are at varying degrees of severity all over Malaysia today.

Many of the environmental problems to the country's hills, rivers and coasts are the result of various development projects as well as from human activities. A check on this should be made, given the fact of:-

- (i) the importance of having high quality natural landscape resources for local recreation as well as for tourist development;
- (ii) the small size of the country;
- (iii) the continuing economic development activities, including industrialization, urban development as well as the intensification of agricultural activities.

In the next two decades, it is anticipated that Malaysia's economic growth will be dramatic. Population pressures will lead to rapid rates of urbanization, which will mainly encroach upon coastal and hilly areas. The demand for industrial land will intensify land reclamation, thus changing the shape of the country. Without proper control and concern for the use of these resources, these natural and valuable assets of the nation may deteriorate.

Integrated Approach

Development and the protection of the environment must be approached simultaneously in an integrated way. This means that an environmental policy should not be considered as an obstacle to development. On the contrary, the protection of the environment should become an intrinsic part of development policy.

The development plan for the State of Penang, prepared under the Town and Country Planning Act 1976 (covering two local authorities) is one such development policy plan that has integrated economic development with environmental considerations. The protection of the hills and the unique features of the State are clearly stipulated in the strategies for development. When gazetted, these plans become mandatory in all landuse planning by individuals, developers, as well as public departments and agencies.

The EIA and Landuse Planning

Although the EIA was introduced as one policy to promote more harmonious forms of economic and environmental improvement, it is nevertheless restricted to the relatively late stage in the development planning process - i.e. authorization procedure stage. EIA should be extended backwards from the project authorization stage to earlier plan-making stages. However, it should be noted that embryonic elements of EIA already exist in many land use planning systems and therefore a more systematic and better integration of environmental impact assessment within plan making might be achieved gradually.

Administration

Despite the many legislations in force to control and regulate development, as has been outlined in the preceeding section, there are problems of administration. The failure of control may lie in the loopholes and limitations of existing legislation which make it difficult for enforcement. The lack of enforcement exists partly due to a lack of coordination among the various government agencies. Coordination of technical agencies should be the cornerstone of any project, since planning often rests in the hands of people with little training in environmental matters.

Too often a developer adheres to a list of "don'ts", a fairly negative process, and cuts corners where he can. Whilst ordinances are necessary, the spirit of cooperation and purpose is missing.

One may question the need on the formation of another government agency, for example a separate authority for Penang Hill mooted in mid-1977. A state committee was set up to look into the drafting of an Enactment establishing the Penang Hill Development Corporation. The proposed Corporation would be responsible for the development of agricultural, industrial, commercial, trading, residential and tourists promotion projects within Penang Hill and its surrounding areas. However, the formation of the Corporation quietly dissipated around July 1980. However, it rose again when development pressure on the hill resurfaced. A multi-billion dollar proposal to develop the top of the hill for tourism prompted the State to embark on preparing local plan, and discussions on a separate authority for the Hill, with a new legislation, were revived.

Today, the question of a separate authority to oversee Hill land development has not been resolved. However, it seems that with the Structure Plan and its policies on hill land development which lean heavily towards conservation, it is hoped that some control can be executed. Forming another separate authority will lead to multiplicity of functions and maybe greater lack of coordination.

Public Awareness

Perhaps the most effective way of preserving Malaysia's natural assets is through environmental education of the population, but more particularly awareness from the landowners, developers and professionals. Due to budgetary and manpower constraints in government, supervision of development works and seeing to the enforcement of existing legislations have proven to be almost impossible.

But public awareness of the problem is almost nil. People are aware trees are felled, but their attention is focussed on the problems of soil erosion only when something spectacular occurs. Everyday loss of soil by sheet erosion and the slow silting of rivers and coasts go by unseen. Not only are the public apathetic - those intimately concerned with development - planners, engineers, builders - also often display a minimal understanding of the problem and the economic, social and environmental costs.

Therefore, the plea should be directed to developers of sites, especially on hill lands, that their very action of not abiding by the legislation will lead to other detrimental effects on the environment which may not be immediately apparent. However, other economic effects and more importantly, long-term ecological effects warrants their concern too.

One example was the floods in Southern Thailand (in 1979) which was aggravated by extensive deforestation due to indiscriminate logging activities. The disaster that ended in a large death toll, prompted concern about massive deforestation, so much so that now logging activities have been banned. In the words of the Thai Prime Minister, "It doesn't take long to build a town, but it takes decades to build a forest."

Do we have to wait for such catastrophe to occur before we realise the need to preserve what we already have, and before it is too late? If development of hill land has to occur, then professionals like engineers, architects and surveyors must be morally and professionally responsible when supervising the projects.

New Techniques

However, it is still not too late for us to think of new techniques for environmental control, particularly with regards to erosion of hill land. Experience in the United States may be some food for thought and perhaps well worth pursuing. In 1970, the State of Maryland became the first state to institute a law requiring sediment control plans to be prepared by the landowners and approved by the local soil conservation district, before building permits were issued. Compliance is achieved by the penalty for infringement and the shutdown of construction. County officers inspect and enforce the conditions of the plan and some counties require a bond to be placed before construction begins.

Erosion may be controlled within the site, or sediment can be prevented from leaving the site. In Maryland, the emphasis is one of prevention of sediment entering waters or another property. Site management usually is a combination of erosion and sediment control practices, including storm water management, and is designed around eight technical principles:-

- (i) exposure of the smallest possible area of the land at any time,
- (ii) for the shortest time practical,
- (iii) protection of exposed areas by temporary vegetation,
- (iv) installation of sediment basins,
- (v) accomodation for increased runoff,
- (vi) permanent vegetation established as soon as possible,
- (vii) development plan to fit topography and soils to cause as little erosion as possible,
- (viii) natural vegetation retained and protected where possible.

Conclusion

Clearly, it is undoubted that the country's hills and its other natural landscape will have to be preserved for its own economic survival. The country's development strategy, being the increase in industrial in-

vestment, social services and tourism is in itself an endorsement that its natural assets will have to be part and parcel of its economic growth.

Therefore, the idea of unlimited economic growth needs to be seriously questioned - what is the capacity of the environment to cope with the degree of interference and what are the implications? How do we prepare for the coming of scarcity? Certainly not by unpleasant massive exploitation of resources and degradation of the environment.

Careful and diligent planning will be necessary. How we use our land, how we husband our natural, mineral and energy resources, how we manage our human resources and how we protect our environment will determine the answer. The inter-relationship and interdependence of these actions must be dealt with in a coordinated manner.

We must adopt land and resource use policies and plans which are enforced in the interest of long-term goals and public benefit. There is a need and a sense of urgency about natural resource and environmental management and the need for planning to aid in the wise development and the use of these resources.

Without planning, government process tends to set aside knowledge, facts and long-term goals for the temporary benefits and joys of expediency of the short-term, economic gains. Land and resource use decision become disasters of the future. The degraded environment becomes a burden on succeeding generations. We tend to pay little heed to the needs, desires and rights of succeeding generations.

In our rush for economic wealth or in our effort to plan for man's need, there must be a preservation of open spaces, parks, wild rivers and wilderness. We have undeniable responsibility to our future generations to let them enjoy the wonders and beauty of our nation. The aesthetic value of landforms is hard to quantify and even harder to place an economic value on, but a polluted river winding through a scarred urban landscape has no appeal. Let not recreation and spiritual nourishment

be endangered by the pressure placed on the landscape by urban development.

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Contributor's Biography

Khairiah Mohd. Talha obtained her professional degree from the University of Melbourne (1980). She has served at JPBD Terengganu (1981 - 1984), JPBD Penang (1986 - 1995). Her last posting was with the R&D Unit (JPBD Headquarter). She was a core-team member of the Penang Structure Plan Study and a member of the Steering Committee EIA on the development of Penang Hill. She has left the Department on optional retirement in May 1996.

A PLANNING APPEAL CASE

Case No. LR/PP/6/93

Hwa Properties Sdn. Bhd.

Vs

Majlis Perbandaran Pulau Pinang

By Rozaimi Zainuddin

prepared with assistance from

Town and Country Planning Department, Penang

Introduction

This article shall describe a case heard before the Planning Appeal Board, from the refusal of planning permission for a residential apartment. This case was filed with the registrar of the Appeal Board on March 2, 1990.

The appellant, Hwa Properties sought Planning Permission to erect one block 3 storey apartments (10 units) on lot 2626, Section 1, Town of Tanjong Tokong, D.T.L Jalan Bunga Hinai, Pulau Pinang (See plan next page)

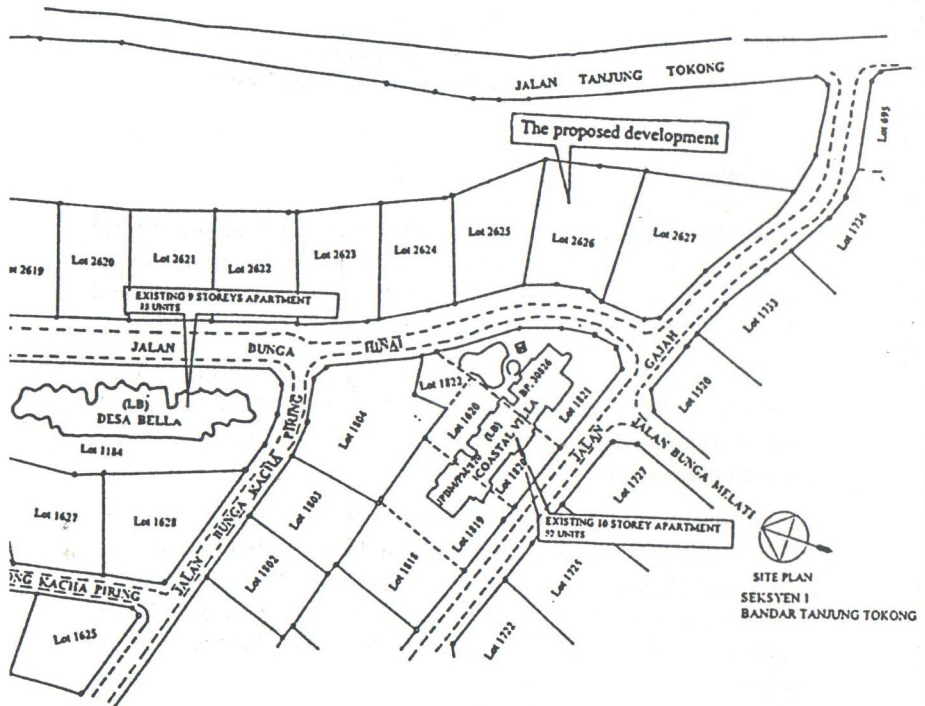
The subject lot is indicated for residential development in the *Pelan Dasar Kegunaan Tanah* - MDLBPP Bil 1/Sek. 1/1974. Under the Draft Local Plan of the Tanjong Tokong area, the subject site is within an area designated as an "established housing area". The site is specifically shown in the Draft Local Plan for "*Rumah sesebuah satu atau dua tingkat.*"

The Planning and Building Standing Committee of the Council rejected the application on 23.11.92 because the proposed 3 storey apartment was not in accordance with the Draft Local Plan Tanjong Tokong which states that "the development or the redevelopment of existing housing into or plots in such a manner which will not be compatible to the existing housing type, design, character, height and density shall not be allowed." The following directions were given :-

- a) Development in this area is restricted to housing development of 2 storey only.

Planning Appeal Case

Plan Showing The Proposed 3 Storey Apartment



- b) Application to be sent back for amendments to comply with the above decision.

The applicant and the architect **appealed** against the directions of the Planning and Building Committee on 13.1.1993 and 10. 2. 1993.

The Planning and Building Standing Committee considered the appeals together with the application and decided that the application be disapproved on the ground that the proposed development is not compatible with the type, height and density of existing houses in the area.

In its consideration to the appeals, the Planning and Building Standing Committee considered that the 2 Blocks of 10 storey apartments in Jalan Bunga Hinai approved earlier, are outside the "established housing area" as designated in the Draft Local Plan. The Committee also took into account the issues raised in the Draft Local Plan as follows; "The present trend towards high - rise, high density development has encroached into these established housing areas. If this trend continues, it may create loss of amenities, congestion and result in increase of motor vehicles and noise in the existing local roads which cannot be further widened. It is henced appropriate that the environment and character of established housing areas and bungalow plots are maintained as they are, so that the continuous enjoyment are safeguarded."

The appellant, Hwa Properties Sdn. Bhd. appealed to the Appeal Board.

Decision Of Appeal Board.

he Appeal was granted on the grounds:

“.....it is obvious that the distinction is to be drawn between high-rise, i.e multi-storey and low-rise, i.e 2 storey and single storey buildings. A 3 storey building would appear to be classified as high rise and mingled with single and 2 storey buildings would spoil the view of the established housing area and bungalow plots.”

Appeal Board not convinced how the loss of amenities and congestion as a result in increase of motor vehicles and noise could be endangered by the extra population of an extra floor and their vehicles.” But more to the point is that the planning for 10 residential units, which factually means 9 additional units as compared to 1 detached unit, conforms to the current standard of allowable density and on this ground permissible “Further to this it was notes that Jalan Bunga Hinai is a cul-de-sac and there is no through traffic to interrupt.

Commentary

This case illustrate the ambiquity of differentiating between highrise, high density and low rise residential area. So long as this point is not clarified or made clear, it would be open to differing interpretation.

Residential amenities and their loss through intrusion of higher densities need to be clearly illustrated in the Local Plan although common sense suggest that existing road size cannot be easily widen, thereby resulting in loss of amenities to the area.

Perhaps a policy to safeguard building of more than three storey needs to be emphasised in the Local Plan with numerous examples, if at all such residential area is to remain in their existing state.

However, it is well to note when other highrise buildings are approved within sight of such area, it only serves to weaken the argument to maintain whatever level of amenity in theresidential area under question. This notwithstanding a draft Local Plan itself is liable to question of validity in the first place.

Contributor's Biography

Rozaimi Zainuddin is currently with the R&D Unit(JPBD Headquarters). Her past experiences includes preparation of structure plan studies, district plans, rural studies, urban development studies and the promotion of town and Country Act 172. She obtained her professional qualification from MARA Institute of Technology(1981) and also a Postgraduate Diploma in Management Studies(Sheffield Polytechnic, 1986).

f/n:Jamisam

MNK/ha 14/04/1996

CURRENT ISSUES IN PLANNING

by Jamariah Isam

Introduction

This book, compiled by Sylvia Trench and OC Taner (1990) gives a feel of current arguments in planning policy circles and introduces relevant contemporary research. It was developed from a series of seminars at the Institute of Planning Studies, Nottingham University, as part of its continuing Professional Development Program.

Four current policy issues were examined: provision for pedestrians; jobs for the inner cities; the homeless and the relationship between planners and developers. For each subject, papers that approached the issues from different angles were chosen, the aim being to explore each topic with direct statements and straightforward arguments leading therefore to a more stimulating breadth of views rather than bland overviews.

In examining at the increasing use of the private car and the absence of any meaningful policies, the seminar on 'Strategies for Pedestrians' was used for Part 1 of the book. The strategies are examined in the light of advancing ideas about equal opportunities and the weight given to those who must compete on such unequal terms as against the car. A continuous examination of policies were undertaken in the hope of promoting better practices, with a view to questioning the spurious objectivity employed in transport planning.

Pedestrians have a hard time in most urban areas. So little is done for them, whilst so much is done against them. Landuse and traffic planning are more concerned with access for car owners and vehicles

often creating barriers for pedestrians to walk about. Consequences of planning policies which fail to take account of their impact on pedestrians as well as policies design to make specific provisions are discussed. Planners and engineers must pay due attention to the problems of pedestrian movement over the whole of their journey from origin to destination, just as similar considerations given to motor traffic in the past.

Few subjects have figured so prominently for so long as that of the role of the inner cities as centres of job creation. Unemployment is one of the major causes of urban degeneration, yet despite volumes of work and good intention, progress in seeking and implementing practical solutions is wanting. Many are beginning to talk in terms of permanent 'underclass'. Part 11 of the book on 'Job for the Inner city' is devoted to an examination of various efforts by local authorities and public agencies to remedy the problem of inner city unemployment.

It is now widely accepted in the United Kingdom that local economic and employment policies are legitimate concerns of local authority and a potentially important issue in national economic policy. Local authorities are often the largest employers and biggest spenders in local areas making it logical to use their resources for employment generation. The scale, impact and influence of local economic policies can best be illustrated by some examples in the Chapter on 'local economic development initiatives'. They show how policies can be successful in generating jobs and also can introduce new economic relationships into the local economy.

Few subjects can be so conspicuous, yet sadly lacking sufficient attention and practical solution as that of homelessness. It is becoming increasingly difficult for public agencies to establish and operate policies with direct results. Yet good practices have been built up, and new ideas explored by housing associations and charitable organizations. This section covers the legal aspects of homelessness, the problems of inadequate statistics and the difficulty of proper

planning in their absence, and the way policies of a numbers of central and local government departments themselves contributing to the numbers of homeless people.

This book has managed to take up the relationship between planners and the development industry itself. The current move to market-oriented planning with enterprise zones and urban development co-operations gives extraordinary freedom to developers, but it castrates planners, pushing them into defensive positions. Thus, the advantage lies with the developer, who is much more sophisticated than his predecessors and has proper professional advice at his service. "Dialogue in Development Planning - The Changing Dimension" proposes a kind of development impact assessment to help developers and planners understand each other and work towards a mutual goal. This dialogue, based on a certain acceptance of the other's interest, have very often been meaningful. It has helped developers avoid the undesirable long-term consequences of their cumulative actions and these are highlighted in this part of the book.

A chapter titled 'Alternative Land Strategy' outlines the ill effects of current land strategies and argues for a socially responsive control of land development. There is a call for land conversions to tie in with the objective of achieving socially sensitive and economically efficient development. The proposal is to designate current structure planning authorities as land authorities so that capital gains by developers and community gains can be held in a certain equilibrium. The philosophy behind this argument is that rather than control development by public ownership, incentives and conditions for provision of land can and shall produce better results. This chapter asserts that the future should bring a form of effective alliance with property capital, mutually rewarding to the developer and the community.

Finally, the chapter "Housing Developments and Planners", outlines the importance of planning permission and guidance from professionals in local authorities most of whom employ their own planners. An example is cited where the local authority cooperated to identify

possible development sites, a significant move from a confrontational relationship.

The writer's experience in private and public sectors, argued that there is everything to gain by avoiding confrontation between these two sectors. This can best be achieved by establishing detailed objectives for development sites. It will also be possible to build reasonable and proper requirements into the financing of developments. Most important of all (and this having relevance to Malaysia) is that assessment should be done before a proposal becomes a planning application, either through the proper development brief work or local planwork or through pre-submission discussions as part of development control process.

Whilst the book relates more to planners in the United Kingdom, its contents are helpful to planners in this country, notwithstanding the book been published some five years ago, the issues and experiences are still relevant today. Four current policy issues and exploration for solutions should provide ideas in addressing social, economic and environmental problems, vis-a-vis an understanding of the relationship between planners and the development industry itself.

Contributor's Biography

Jamariah Isam is a graduate of Universiti Teknologi Malaysia. She has served 13 years with the Department, having served the Planning Unit of KETENGAH, Regional Division (Headquarters), and Central Regional Office in Kuala Lumpur. Presently she is with the R & D Unit, (Headquarters) undertaking planning research activities, for example rooftop planning requirement, planning standard etc.

NOTES FOR CONTRIBUTORS

The 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 and 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: fauzi@jpb dip.po.my.

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