

UNIVERSITI TEKNOLOGI MARA

**LAND ALLOCATION APPROACH
FOR THE FLOOD VICTIMS IN
KUALA KRAI**

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ABSTRACT

Prior to 2014 major floods in Kelantan, 2,374 units of houses were destroyed. The governments had promised to reconstruct the houses, however only 143 units of post disaster house were able to complete due to lack of land to accommodate the flood victims with land ownership constraints. The current Malaysian practice in post disaster house construction shows a gap as the procedure to build the house only recognises the land owners. A land allocation policy for victims without land ownership has yet to be introduced in Malaysia. Using a case study approach, the thrust of the research was to underscore the need of land allocation approach for the flood victims who have land ownership constraints in post disaster house construction. From 223 flood victims in Kuala Krai at the case study area, purposeful sampling led to the enlistment of 128 flood victims with land ownership constraints who later were interviewed using a semi structured interview. Further, twelve experts from the perspectives of land law, policies and administrations were interviewed by using a semi structured interview to gauge their perceptions in land allocation approach in post disaster context. Data from the interviews were analysed by using content analysis. Findings indicated that tenant was the main constraint behind the delay of the post disaster house construction. Apparently, they do not have the means or money to buy new land for the construction of the post disaster house. Hence, the experts recommended the state alienation approach in accordance with National Land Code 1965 to allocate land for emergency, temporary shelters and post disaster house construction. The land allocation can assist governments in ensuring that the land to shelter disaster victims can be made available after the disaster.

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CHAPTER ONE

INTRODUCTION

1.1 RESEARCH BACKGROUND

The monsoon period of end 2014 and early 2015 had caused major floods that tore a broad swathe of destruction across Kelantan, especially in Kuala Krai. Between 17th and 24th December 2014, heavy rains in Kuala Krai had drastically increased the water levels in Sungai Lebir and Sungai Galas, emerging a horrific spill-over of more than 9 metres high from the river's danger level (Department of Meteorology Malaysia, 2015). To date, it is the worst flood in the country's history, causing nearly Malaysian Ringgit (MYR) 3 billion in damage and regrettably taking 11 lives (Kelantan Flood Disaster Committee, 2015). Destruction in the area of Kuala Krai was terrible like a tsunami and more than 250,000 people in Kelantan were evacuated from flood areas to safer grounds. It was reported by the Public Works Department of Kelantan that the highest number of destroyed houses was in Kuala Krai with 1,850 houses, followed by Gua Musang (406), Machang (51), Tanah Merah (38), Kota Bharu (18) and 11 units of houses in Tumpat (Public Works Department of Malaysia, 2015).

Not long after the flood, the federal government had announced a budget under the National Disaster Relief Fund, to provide 1, 255 units of new permanent houses for the flood victims who have lost their homes to the flood, while the remaining units will be provided by the state authority and from other agencies (National Disaster Management Agency, n.d.). The government expects the construction of the new permanent houses to be completed within 2 years. Still, as of the end of 2015, only 143 new permanent houses had been completed and the construction of the remaining units were pending because of some land ownership constraints among the flood victims (Kelantan Flood Disaster Committee, 2015).

Obviously, these new permanent houses for the flood victims cannot be built on some other people's land, nor can they be built on state land unless they obtain owner's consent or the state authority agrees to alienate state land for them as provided under Section 42 of the National Land Code 1965 (National Land Code