

UNIVERSITI TEKNOLOGI MARA

**STATUTORY PROCEDURE AND
PLANNING MACHINERY FOR URBAN
DEVELOPMENT IN SARAWAK**

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ABSTRACT

This study is conducted to analyse the planning system in Sarawak within the context of overall planning components that govern the urban development in Sarawak. Weaknesses in the legal framework, planning administration, development plans as well as the development control system hindered the development process in Sarawak. The scopes of the study include the legal provision that shapes the planning system in Sarawak, the planning administrative system that governs the development process, the development plan instruments that used as guidance for current and future development and the development control machinery that facilitates the development process in Sarawak. Part X of Sarawak Land Code 1958 (Cap. 81) is used as the main reference in the planning system since the amendment made in 1997. According to the analyses, the Part X of Sarawak Land Code 1958 (Cap. 81) is incapable to guide the whole development process in Sarawak due to incomprehensiveness of provision related to the urban planning. Analyses show that the centralisation of power by the State Planning Authority has caused single-tier planning administration structure in Sarawak. As a consequence of incomprehensiveness of provision with regards to the development plan system in Part X of the Sarawak Land Code 1958 (Cap. 81), the development plan in Sarawak is prepared in piecemeal and ad-hoc method which causes a lot of non-statutory planning and development process in Sarawak. Inefficiency in granting planning approval is due to the weaknesses in decision making process that include incomprehensive procedure of preparation of the development plans as well as the centralisation of power by the State Planning Authority. It is suggested that to solve the issues and problems that prevail in the planning system in Sarawak, independent and comprehensive planning enactment is indeed needed for Sarawak in order to achieve more systematic and comprehensive town planning system.

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CHAPTER ONE

INTRODUCTION

1.1 PREFACE

The basis of the town and country planning legislation in Malaysia can be categorised into four main planning laws namely; the Town and Country Planning Act 1976 (Act 172), Federal Territory (Planning) Act 1982 (Act 267), Sarawak Land Code 1958 (Cap. 81) and the Town and Country Planning Ordinance 1950 (Sabah Cap. 141). In general, the planning law consists of three main components of planning system which are the planning administration, development plan system and the development control system. These are the essential elements in every planning law in order to ensure comprehensiveness and effective tool in managing the urban development.

In terms of planning administration area, Malaysia consists of three main regions which are Peninsular Malaysia, Sabah and Sarawak. There are two levels of government administration as stipulated in the Federal Constitution which are the federal and the state authority (including the Local Authority). Article 74 and the Ninth Schedule of Federal Constitution explain the power and authority of the Federal and the State Government. These provisions lead to the establishment of planning legislation in Malaysia and serve as the basis for the planning system in Malaysia. According to Lee Lik Meng et al, (1990) the evolution town planning system in Sarawak has become the subject of discussion among the academicians. The planning system in Sarawak however is not well documented or fully researched due to several reasons.

The first planning legislation introduced in Sarawak was the Town and Country Planning Ordinance (1952) but it has never been practiced by the state government of Sarawak as this provision is considered to be irrelevant and impractical to the prevailing situation in Sarawak. Later, in 1958, the Sarawak Land Code 1958 (Cap. 81) was introduced as the main legal provision for the land administration and to regulate the use of land. However, the insertion of planning matter was only