## HILLSLOPES DEVELOPMENT IN SELANGOR: A CASE STUDY OF THE LAW AND REGULATIONS

By

Nur Fathiah bt Marzuki (2006200722)

Ahmad Soffian b Mohd Shariff (2006200678)

Tuan Ruzuaini bt Tuan Lah (2005479411)

Submitted in Partial Fulfillment of the Requirements for the Bachelor in Legal Studies (Hons)

Universiti Teknologi MARA

**Faculty of Law** 

October 2008

The students / authors confirm that the work submitted is their own and that appropriate credit has been given where reference has been made to the work of others.

## **ABSTRACT**

Hillslopes development in Selangor has ever been a controversial subject since the transition of the new government. The banning of hillslopes development by the state government was accepted with mixed emotion by the community. This research is to find out how does hillslopes development affects the community in the light of public security, environmental issues and the law regarding hill-slopes development in the State of Selangor.

The development on hills had been conceived on short-term benefits with the rights of the individual prevailing. However, there are rising community expectations concerning the maintenance of visual values, natural habitat and biodiversity around urban and growth centers. Hill slopes are prone to environmental hazards such as soil erosion and landslide as is evident from past incidences, resulting in loss of lives and property. Development in these areas can compound such hazards and render them highly visible and costly to deal with.

We understand that there is much at stakes when hillslopes development is done without proper supervision. We hope that our research can give new insight of this topic and come out with a better solution.

The researchers are done with reference of books, newspaper articles, internet postings and interviewing the parties that involve in hillslopes development.

## **ACKNOWLEDGEMENTS**

This assignment was proven to be one of the toughest that we have faced since becoming a student of law. There's a lot of pressure and sacrifices have to be made in order for the completion of this assignment. Upon the completion of this project, we now know that the impact of such research shall not be looked as only a mere research, but recognizing it as a way to solve problems and finding out a better solution.

We are very grateful to Puan Nur Asma Bt Yahaya our beloved supervisor for this project. With her vision, ideas, support, and guidance, we managed to look into the issues that really matters.

To all of our past and present lecturers that have given us the light, to guide us not only in the academic field but also in life itself.

We are thankful to Datin Seri Paduka Alinah Bt. Ahmad CEO of Housing Development for Selangor State Government for giving us the opportunity to get an in depth knowledge on how the law and protocols involving hillslopes development.

Finally we would like to thank, all of our family members and friends, for their never ending support for everything that we have done in our lives.

To all the people that have supported us in making this research project a success.

We would like to say thank you all.

## TABLE OF CONTENTS

	owledgement	ii
Abstr		iii
Conte		iv
	of Cases	V
List c	of Statutes	vi
CITA	DITTED ONE INTERODUCION	
СНА	PTER ONE: INTRODUCTION	
1.0	Introduction	1
1.1	Problem Statement	3
1.2	Objective of Study	3
1.3	. Research Methodology	4
1.4	Limitation of the Research	4
1.5	Significance of the Study	4
1.6	Provisional Plan of Research	5
1.7	Conclusion	5
СНА	PTER TWO: LITERATURE REVIEW	
2.0	Introduction	6
2.1	Hillslopes as Stated in the National Policy	6
2.2	Hillslopes Development Plan	8
2.3	Conclusion	8
СНА	PTER THREE: SAFETY TO NEIGHBOUR	
3.0	Introduction	9
3.1	Laws on the Safety of Neighbour	10
<b>3.2</b>	Safety to Neighbour in the Law of Torts	11
	3.2.1 Definition of Tort	11
	3.2.2 Duty of Care of the Developer to the Safety of Neighbour	11
	3.2.3 Pure Economic Loss	15
	3.2.4 Hillslopes Development and Nuisance to Neighbour	16
2.2	3.2.5 The Liability under Rylands v. Fletcher	18
3.3	Safety to Neighbour Based on the National Land Code	19
2.4	3.3.1 Right to Support	19
3.4	Local Residents Helping Themselves to Secure Their Safety	20
3.5	Conclusion	24

CHAPTER FOUR: HILLSLOPES DEVELOPMENT V. ENVIRONMEN		
4.0	Introduction	25
4.1	Environment	25
4.2	Objection on Hillslopes Development in Selangor	26
4.3	Effects of Hillslopes Development in Selangor	27
4.4	Environmental Consequences of Development	29
	4.4.1 Forests	29
	4.4.2 Soil Erosion and River Siltation	30
	4.4.3 Landslides	30
4.5	Environmental Management	31
4.6	Conclusion	34
СНА	PTER FIVE: THE NEEDS OF A CLEAR AND JUST POLICY REGARDING HILLSLOPES DEVELOPMENT I SELANGOR, MALAYSIA	N
5.0	Introduction	35
5.1	Rights and Power of States Authority	36
	5.1.1 Powers of Disposal	36
	5.1.2 Regulating Land Use the National Land Code	37
5.2	Government of Selangor Legislation on Hillslopes Development	37
	5.2.1 Reasons of Banning Hillslopes Development in Selangor	39
	5.2.2 Developers Conflict with the State Decision	39
5.3	Other Legislation on Hillslopes Development	40
5.4	Conclusion	41
5.5	Recommendation	41
СНА	PTER SIX: CONCLUSION AND RECOMMENDATIONS	
6.0	Conclusion	42
6.1	Recommendations	43