



ABANDONED HOUSING PROJECTS IN  
PENINSULAR MALAYSIA:  
LEGAL AND REGULATORY FRAMEWORK

PART ONE

BY

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for the degree of doctor of philosophy

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## ABSTRACT

Abandoned housing projects are pathetic phenomena occurring in the housing industry in Peninsular Malaysia. Even though, the housing industry has developed and permeated throughout the nation since Independence day, a negative phenomenon that keeps recurring is abandoned housing projects. Though land, planning, building and housing laws as well as their regulations have been passed by Parliament with the purpose of controlling and regulating the housing development industry in Peninsular Malaysia, it is regretted that, this catastrophe--abandoned housing projects are still common and persisting until today. Thus, certain review and study is required to re-evaluate and re-examine the existing legal provisions and remedies, in particular the Housing Development Act 1966 (Act 118) and its Regulations, the Street, Drainage and Building Act 1974 (Act 133), the Town and Country Planning Act 1976 (Act 172), the Uniform Building By-Laws 1984 (GN.5178/84), the National Land Code 1965 (Act No. 56 of 1965) and other relevant legislations in order to find and investigate clear and potential legal weaknesses which have caused and could cause the abandonment and its consequences. This research, will be based on qualitative case study and will use legal research methods. It intends to explore the facts and the legal phenomena in two (2) abandoned housing projects *viz*, at Phase II, Taman Harmoni, Lot 82, Mukim of Cheras, District of Hulu Langat, Selangor and Phase 1A, Taman Lingkaran Nur, KM 21, Jalan Cheras-Kajang, P.T No. 6443, H.S.(D) No. 16848, Mukim of Cheras, District of Hulu Langat, Selangor. From the research, it is hoped that certain findings in regard to their legal causes, the legal problems plaguing the said projects and legal approaches toward their rehabilitations can be established for future guidelines and suggestions to overcome the same. These will hopefully, assist the authorities concerned to adopt legal policies and take certain legal measures to avoid similar problems from recurring in the future. In case rehabilitation for abandoned housing projects are to be carried out, the findings and suggestions in this research can be applied for facilitating the rehabilitation until full completion.

## ملخص البحث

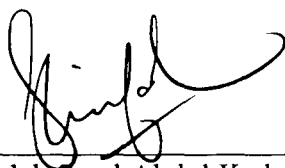
إن ححر البيوت المتروكة غير المتكاملة ححر محزون ومأساة، في مصانع البيوت في الجزيرة الماليزية، رغم تطور مصانع البيوت في كل الأماكن الجزيرة الماليزية منذ عام الاستقلال، لا زالت المشكلة قائمة مستمرة، ورغم وجود القوانين البيوت والبناء والتخطيط التي مرت بالمجلس الوطني الماليزي، لأجل السيطرة والتحكيم على تطوير مصانع البيوت في الجزيرة الماليزيا، إلا أن المشكلة قائمة وما زالت. بناء على ذلك فلا بد من أن تكون هناك دراسة جديدة لتقييم وامتحان تلك القوانين الحالية المعاصرة، وخاصة قانون تطور البيوت ونظامه 1966 (قانون) The Housing Development Act and its Regulations 1966 (Act No. 118) وكذلك قانون الشارع والمصرفة والبناء (1974)، قانون رقم 133 (The Street, Drainage and Building Act 1974) 1984 (Act No.133). وكذلك قانون تخطيط المدينة والريف (1976) (قانون رقم:172) (The Town and Country Planning) 1976 (Act No. 172) وأيضا قانون الداخلي للبناء المنتظم 1984 قانون رقم: (133) (The Uniform Building By-Laws 1984 (GN.5178/84)). وكذلك أيضا قانون الأراضي الوطني 1965 والقوانين الأخرى المناسبة لأجل البحث وتحقيق ضعف القوانين الجلية وغير الجلية، التي سببت مشكلة البيوت المتروكة غير المتكاملة ونتائج أخرى كثيرة. وهذا البحث بحث نوعي حقيقي واقعي، وسيستخدم المنهج البحث القانون لقص الاستكشاف والاختراق على ظواهر القانوني والسيناريو في مشروعين لبيوت المتروكة غير المتكاملة. ففي المشروع الثاني : ( تمان حارموني- بلكونج- شرس- سلانجور- (Phase II. Taman Harmoni, Balakong, Cheras, Selangor). وفي المشروع الأول أ" ( تمان لنجكارن نور- كاجنج- سلانجور- Phase 1A, Taman Lingkaran Nur, Kajang, Selangor). وفي هذا البحث جملة من أسباب القوانين وطرقها ومشاكلها، لأجل الإعتبار والإصلاح، وعلاج تلك المشاكل، كما يوجد فيه بعض الإرشادات والنصائح ولاقتراحات لمواجهة مشاكل البيوت المتروكة غير المتكاملة في المستقبل.

## ABSTRAK

Projek perumahan terbengkalai merupakan suatu fenomena yang menyedihkan berlaku dalam industri perumahan di Semenanjung Malaysia. Walaupun, industri perumahan telah berkembang pesat sejak merdeka, fenomena negatif yang masih berlaku adalah projek-projek perumahan terbengkalai. Meskipun undang-undang dan peraturan-peraturan mengenai tanah, perancangan, bangunan, dan perumahan telah diluluskan oleh Parlimen dan dilaksanakan bertujuan mengawal dan mengatur industri perumahan di Semenanjung Malaysia, masalah projek perumahan terbengkalai masih lagi berlaku. Justeru, suatu penilaian dan kajian semula terhadap peruntukan undang-undang sedia ada perlu dibuat, secara khususnya Akta Pemajuan Perumahan (Kawalan dan Pelesenan) 1966 (Akta 118) dan peraturan-peraturannya, Akta Jalan, Parit dan Bangunan 1974 (Akta 133), Akta Perancangan Bandar dan Desa 1976 (Akta 172), Undang-undang Kecil Bangunan Seragam 1984 (GN.5178/84), Kanun Tanah Negara 1965 (Akta No. 56 Tahun 1965) dan akta-akta relevan yang lain bertujuan untuk mencari dan menyiasat mana-mana kelemahan undang-undang yang telah dan boleh mengakibatkan projek perumahan menjadi terbengkalai dan kesan-kesan yang dibawanya. Kajian tesis ini berbentuk kajian kes dan akan menggunakan metode kajian kes undang-undang, untuk menerokai fenomena dan undang-undang yang berlaku dalam dua (2) projek perumahan terbengkalai di Fasa II, Taman Harmoni, Lot 82, Mukim Cheras, Daerah Hulu Langat, Selangor dan di Fasa 1A, Taman Lingkaran Nur, KM 21, Jalan Cheras--Kajang, P.T No. 6443, H.S.(D) No. 16848, Mukim Cheras, Daerah Hulu Langat, Selangor. Daripada kajian ini, diharapkan penemuan-penemuan tertentu akan dapat diperoleh, melibatkan apa-apa kelemahan, masalah dan pendekatan undang-undang, serta usaha-usaha tertentu ke arah memulihkan projek-projek terbengkalai tersebut bagi panduan pada masa hadapan dan cadangan-cadangannya untuk menyelesaikan masalah-masalah yang dibawa. Hasil daripada usaha ini juga, secara umumnya, akan berupaya membantu pihak-pihak berkuasa melaksanakan dasar-dasar dan merumuskan pendekatan-pendekatan undang-undang bagi mengelakkan masalah yang sama daripada berlaku. Sekiranya sesuatu projek perumahan terbengkalai itu hendak dipulihkan, penemuan-penemuan dalam kajian ini boleh digunakan bagi memudahkan proses pemulihan dilaksanakan sepenuhnya.

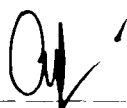
## APPROVAL PAGE

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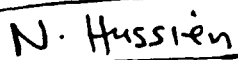


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## DECLARATION PAGE

I hereby declare that this thesis is the result of my own investigations, except where otherwise stated. I also declare that it has not been previously or concurrently submitted as a whole for any other degrees at IIUM or other institutions.

Nuarrual Hilal Md. Dahlan

Signature.....

Date: 12 June 2009

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**ABANDONED HOUSING PROJECTS IN PENINSULAR MALAYSIA:  
LEGAL AND REGULATORY FRAMEWORK**

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In the name of Allāh, the most Merciful, the most Compassionate. Blessing to the Prophet Muḥammad (PBUH), his family and companions. Al-ḥamdulillah with the grace of Allāh, and through the strengths, opportunities and facilities He has given has enabled me to complete this thesis. This thesis too would not be completed without the advice and constant comments from my supervisor—Assistant Professor Dr. Sharifah Zubaidah Syed Abdul Kader Aljunid, for going through my numerous drafts and providing certain relevant materials for the research. For this, I would say--thank you very much. I also extend special thanks to friends and officers in the Ministry of Housing and Local Government (MHLG), in particular—the then Deputy Secretary General (Operation and Development), Mr. Tomadan Johari, enforcement officers—Mr. Ahmad Subki Nusi, Haji Nashim Mokhtar and Mr. Noor Azlan Abdul Rahim. Without their support and friendship, I might not be able to grasp and complete the topic under study. Further thanks go to the officers in Permodalan Negeri Selangor Berhad (PNSB)—especially Mr. Mohd Haizulim Jarkasi, Syarikat Perumahan Negara Berhad (SPNB)—particularly, Mr. Mahyuddin Hashim, Majlis Perbandaran Kajang (MPKj), Majlis Daerah dan Tanah Hulu Langat, Selangor and other persons who directly or indirectly have assisted me a lot in the course of writing this thesis. Special thank also is extended to Associate Professor Dr. Abdul Rani Kamaruddin, the then Deputy Dean, Postgraduate and Research, AIKOL, for his facility and sharing of thoughts with me in the course of undertaking this research. I would also like to thank my beautiful wife, Noor Azah Che Ani, for her understanding over my busy days in conducting the research and to my cute little daughter, Nur Aliya Sabrina, who occasionally never failed to ‘participate’ in my research activities and ‘joining’ me in typing the drafts. Finally, I dedicate this thesis to my son—Muhammad Nur Iman, who passed away during the course of undertaking this research and my daughter--Nur Aliya Batrisyia, who was borned after the completion of this research.

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