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THE CHALLENGES OF PUBLIC PARTICIPATION IN THE MALAYSIAN PLANNING SYSTEM

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Abstract

This study provides an overview of the development of Malaysia's planning system, particularly in relation to public participation. A case study of Malaysia is critical as this study highlights the challenges in planning practice, thereby presenting a critical reflection of planning experiences in response to a specific context. Specifically, this study aims to assess how the public participation process operates within the mechanisms of the planning system, including the challenges presented to the Malaysian planning practice. This study was conducted at Gasing Hill in the Federal Territory of Kuala Lumpur. Secondary data were gathered by performing an in-depth interview with 20 respondents. The findings revealed how planners deal with the public concerning the formation of the Gasing Hill case. The planners had been given the privilege to take decisions governing the consultative process. Thus, understanding the roles and responsibilities of planners is necessary if the practices that epitomise the ethos of participatory democracy in Malaysia are to be changed. This study adds to the growing literature that suggests the importance of public participation in shaping the future development of Malaysia.

Keywords: Public participation, urban planning, planning practice, decision-making, consultative process

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INTRODUCTION

Malaysia has been experiencing rapid development since its independence in 1957, which has transformed its economic base from agriculture to industry. Malaysia's rapid industrialisation has driven population migration to major cities for employment opportunities and education, which has affected people's quality of life. Certainly, planning practice has a role in contributing, often directly, to the country's needs and aspirations, particularly in the decision-making process. The process of public participation is an important requirement of planning systems. Public contributions to planning processes tend to be near universally accepted in the literature (Pantić et al., 2021; Ploger, 2021). Specifically, the notion of participation has evolved as an essential practice in planning to encourage opportunities for social change (Conrad *et al.*, 2011; Huxley, 2013). This reflects the acceptance of 'participation' as a solution to certain issues in planning practice. Nevertheless, along with critical reflection on the importance of public participation, the influence of the public over decision-making and the underlying aims of the participation process can be questioned. Hence, this study pays significant attention to the Malaysian planning system to investigate how the public participation process operates within the mechanisms of the planning system, including the challenges presented to Malaysian planning practice.

LITERATURE REVIEW

The Malaysian system of government is attributable to the British 'Westminster' model, with the three key branches of government: the legislature, the executive, and the judiciary. The obvious similarity is that both Malaysia and Britain have a monarch or supreme ruler as their Head of State. Under the monarchy, each of the key branches of government is represented at both the federal and state levels and the 'powers' guaranteed by the 1957 Federal Constitution.

The specific responsibilities of the federal and state governments are listed in the Ninth Schedule of the Federal Constitution; town planning matters are governed under the concurrent list, where the power is shared between the federal and state governments. Hence, both federal and state governments have the power to make laws relating to town and country planning; each state has control over its land and has power in the implementation process; the federal government has no executive functions and only acts in an advisory capacity to enforce its direction.

In order to coordinate the relationship between federal and state levels, National Councils are established at the federal level pursuant to the Federal Constitution of 1957. These include the National Economic Council, the National Land Council, the National Finance Council, and for matters relating to town and country planning, the National Council for Local Government and the National Physical Planning Council (NPPC). Prior to this, at the state level, the State

Planning Committee (SPC) was set up and chaired by the Chief Minister to supervise the planning activities within the state (Bruton, 2007). The functions of SPC included ensuring the effective administration and proper execution of town planning in the state.

The planning system in Malaysia adopted a ‘top-down’ approach starting at the federal level to the state and local authority levels (Manaf et al., 2022; Zanudin & Misnan, 2021). There are three types of local authorities in Malaysia: the city council, the municipal council and the district council. Accordingly, “the local authorities or the government performs obligatory, discretionary services and are the agents of development whose function is to provide non-profit-making services to the people, including various other mandatory services” (Maidin, 2012, p. 146). Regarding town and country planning, the local authority functions as the local planning authority whose responsibility is to “regulate, control and plan the development and use of all lands and buildings within its area” (section 6(1) (a), Town and Country Planning Act 1976). The local planning authority has the power to execute town and country planning functions as outlined in local plans. More importantly, the local planning authority must play a more effective role to ensure sustainable development by managing the urban system and its environment.

As the principal piece of the statute regulating town and country planning for the Malaysian Peninsular, the Town and Country Planning Act (1976) (the TCPA) highlights the opportunities for public participation processes to occur during the publicity stage of structure plans (Section 9), in local plan preparations (Section 12) and the course of the planning permission process (Section 21). Thus, a participatory process refers to the statutory procedure in the Malaysian planning system that involves various actors, such as planners, developers and non-governmental organisations (NGOs) in decision-making processes. The objective for public participation in the Malaysian planning process is to provide avenues for the public to contribute and have rights in the planning process that may affect their living environment as the result of a particular development.

The cooperation between all the key actors is considered essential in the planning process to reflect the values of public interest and “to ensure a democratic planning system that empowers the public to participate effectively in the process” (Maidin, 2011a, p. 149). In fact, in practice, public participation in Malaysia is conducted through consultations, which involved the public from the initial stage until the final stage “so that all parties were accountable for their action” (Nurudin *et al.*, 2015, p. 507).

In particular, the Malaysian planning system has stressed the importance of collective action in the planning process (*Manual Publisiti dan Penyertaan Awam*, 2009). However, according to Maidin (2012, p.29), “the

provisions of the Act [TCPA] merely provide for the objections and suggestions to be put forward, but there are no provisions as to whether these opinions are to be considered in the decision-making process". In this sense, the scene that the legal framework regulating the Malaysian planning system portrays some complexities and challenges in the participatory process. Furthermore, the question of a successful participatory process in the Malaysian planning system remains open-ended.

Understanding Arnstein's (1969) symbol of the 'ladder of participation', which is widely referred to in the planning literature as a tool may provide a basis for public participation analyses (Huxley, 2013; Quick & Bryson, 2022). Thus, it is plausible to turn to Arnstein's (1969) 'ladder of participation' to inform thinking that "suggests the provision of information and consultation" in planning practice (Bailey, 2010, p. 316). Significantly, discussions about participation engage widely with Arnstein's (1969) 'ladder of participation'. The ladder includes eight forms of 'participation': manipulation; therapy (non-participation); informing; consultation; placation (tokenism); partnership; delegating] power; and citizen control (citizen power), thereby indicating different levels of participation. Accordingly, the citizens' degree of power varies across different rungs (of the 'ladder'), policy arenas and contexts (Bailey, 2010). The levels of the ladder reflect the meaningfulness of participation from least to most (Lane, 2005).

Consequently, this research will add to the existing body of knowledge and positive impact on areas of planning practice and consultative process. The findings will yield feasible and practical approaches for a more effective engagement with participatory processes as an essential condition for the improvement of participatory democracy in Malaysia.

RESEARCH METHODOLOGY

Study Area

This research utilises a single case study that draws upon qualitative data given that it has "a finite number of people who might be interviewed [and] a finite number of documents to be reviewed" (Savin-Baden & Major, 2013, p. 154). The strategies used to select the case were based on 'critical case selection' that is suitable for maximising the information content from the selected case study (Flyvbjerg, 2001). In this sense, case study research can describe "the decision-making processes in urban planning and provide exemplars of what the research considers best practices" (Birch, 2012, p. 265). In line with the research objectives, the participants were selected according to their wide-ranging experience and expertise in the areas of the case study.

Gasing Hill or *Bukit Gasing* is a green sanctuary located at the border between the Federal Territory of Kuala Lumpur (hereafter referred to as Kuala

Lumpur) and Selangor. The total area of Gasing Hill is over 100 hectares, of which the Selangor side covers an area of approximately 34 hectares while the remaining area is on the Kuala Lumpur side. The site is divided into two local authorities, Kuala Lumpur City Hall and the Petaling Jaya Municipal Council (Selangor). The site of Gasing Hill was formerly a forest area that provided ‘green lungs’ for the cities of Kuala Lumpur and Petaling Jaya. It is also famously known by locals as Bukit Gasing Recreational Park and has hiking trails within its boundaries (Figure 1). Accordingly, the Petaling Jaya Municipal Council “had gazetted all the 34 hectares of the Bukit Gasing area under their jurisdiction as green belt reserve in 1961. The other 110 hectares under the Kuala Lumpur City Hall are yet to be gazetted” (Newsletter of the Malaysian Institute of Planners, August 2006, p. 7). Indeed, the gazetted area of Gasing Hill on the Selangor side is a very popular place for nature lovers and hikers.



Figure 1: Main entrance to Gasing Hill



Figure 2: Popular place for hikers

Nevertheless, with the rapid development, the areas have continued to experience much pressure on green and forest land to be converted into housing projects (Latiff, 2001). Notably, part of Gasing Hill has been gazetted as a forest reserve that needs to be protected. Due to several enabling factors, part of the site has been developed as a new development area known as Sanctuary Ridge Kuala Lumpur City and the Pantai Sentral Park project.

Despite the boundaries of Gasing Hill being divided into two local planning authorities, the process of public participation was adopted and encapsulated by both authorities, both of which also gave their assurance to safeguard the environment. However, the site was impacted drastically within months, due to land clearing activities such as the falling of many of its trees and substantial earthworks for land levelling. Ultimately, Gasing Hill continues to be eroded by environmental disasters, such as floods and landslides (The Star, 18 May 2013; New Straits Times, 2 February 2013).

In-depth interviews and Documents Analysis

This study adopts an in-depth interviewing technique since it complements the case study approach. The interview questions were open-ended and focused on how planners and other interviewees react to the ongoing drive for public participation, including the value judgements utilised in the decision-making process. The in-depth interviews involved 20 participants that were knowledgeable in urban planning matters, especially in the selected case study, Gasing Hill (Yin, 2009).

The participants were contacted via email/phone with a brief description of the research, followed by an appointment with the date, time and location of the interview session. The interview sessions were conducted between April and July 2015, lasting for at least 30 minutes to 1 hour. Although the interview session was performed more than five years ago, the findings are still useful and remain relevant today. The interviews provided participants with an opportunity to respond freely and share their opinions and perspectives concerning conflict (Vries & Aalvanger, 2015). Sixteen of the interviews were audio-recorded with permission, while the remaining four were not recorded as requested by the participants for confidentiality reasons. Fifteen of the interview sessions were conducted in English, whereas the remaining five were conducted in the Malay language. Therefore, a translator was employed to translate the transcripts from Malay to English. All the transcripts were then transcribed by a professional transcriber to avoid researcher bias. This is also considered to be sufficient for preserving the details and the content of the interview transcripts (Charmaz, 2014).

Accordingly, the research used documents from secondary sources that were presented in their originally-printed forms. The relevant documents collected include; the Eleventh Malaysia Plan (2016-2020), the National Physical Plan, the Kuala Lumpur Structure Plan 2020, the Petaling Jaya Local Plan 1, the Town and Country Planning Act 1976 and newspapers that contain the details of the case. These documents are available from the Kuala Lumpur City Hall, Petaling Jaya Municipal Council, as well as electronically. Furthermore, the relevant documents from internet sources were obtained from the official government website and registered organisations. Thus, documents obtained via the internet were carefully used and treated (Yin, 2009).

Sampling of Respondents

Purposeful sampling was selected as the most appropriate sampling technique to conduct the interviews. This was reflected by selecting participants with general knowledge of urban planning and experience with the phenomena under investigation. Other participants' inclusion criteria were willingness to participate, having the time to share the necessary information, and being

reflective, willing, and able to speak articulately about their experiences (Bryant & Charmaz, 2007).

Accordingly, four planners each from the Kuala Lumpur City Hall and the Petaling Jaya City Council (Selangor) were interviewed as they had dealt directly with the planning process in the case study selected. The approach focused on the practicality of planners’ activities and their experience in everyday situations when dealing with the public. This was ascertained by recording what occurred and how planners addressed the public in the planning system. According to De Roo and Porter (2007), for most planning issues, the crucial actors to be consulted are likely to be governmental bodies or third parties strongly affiliated with governmental policy. Therefore, it was pertinent to interview other actors who had also been affected by the planning and decision-making process. Hence, two local councillors each from the Kuala Lumpur City Hall and the Petaling Jaya Municipal Council, two Members of the Parliament for the area, four developers and four representatives from the Bukit Gasing Joint Action Community (NGO actors) were recruited, thereby resulting to a total of 20 interviewees. In addition, no significant differences were observed between participants’ gender and ethnic composition, which were representative of the area’s population.

All participants were carefully recruited based on their roles and involvement in the case study selected. The planners selected had been qualified planning officers in local authorities with at least five years of planning experience. The consent forms were signed by all the participants. The participants’ names were not directly referred to in this study in order “to secure the privacy of all involved” (Van Assche *et al.*, 2011, p. 4). The participants were divided into five groups based on their roles; planners, members of the public (NGO actors), Members of Parliament, local councillors and developers. The participants included are as follows;

Table 1: Background of respondents

Planners	Number of Participants	Group Name
	8	Kuala Lumpur City Hall: Planner 1 = PKL1 Planner 2 = PKL2 Planner 3=PKL3 Planner 4=PKL4 Petaling Jaya Municipal Council: Planner 1=PPJ1 Planner 2=PPJ2 Planner 3=PPJ3 Planner 4=PPJ4

NGO actors	4	NGO actor 1=NGO1 NGO actor 2=NGO2 NGO actor 3=NGO3 NGO actor 4=NGO4
Members of Parliament	2	Members of Parliament 1=MoP1 Members of Parliament 2= MoP2
Local Councillors	2	Local Councillor 1=LC1 Local Councillor 2=LC2
Developers	4	Developer 1=D1 Developer 2=D2 Developer 3=D3 Developer 4=D4
Total	20	

Method of Analysis

The analysis focused on a constant comparison of data, codes and theoretical categories from interviews and planning documents (Bryant & Charmaz, 2007). To illustrate the data analysis, the process started with line-by-line coding from the text of the transcribed research interviews to form descriptive categories. These categories were defined using Nvivo10 to assist in managing and synthesising the ideas gleaned from the interview sessions.

RESULTS AND FINDINGS

Roles in the consultative process

All participants were asked to provide information on their professional practices, particularly on their roles and responsibilities in relation to planning. Most of the planners answered very briefly and were reluctant to explain their roles in detail. Planner (PPJ1) stated: “my responsibilities include processing development plans, making recommendations on any plans submitted within my authority and also dealing with the public”. “I am charged with Local Agenda 21, most of the time my jobs relate with public consultation” (PKL3). “My role often assisted the public in planning submissions, I gave advice and ensured the plans submitted followed the guidelines” (PPJ3). Planner (PKL3) provided an overview of her everyday practice:

I enjoy being a planner because planning is very dynamic and I can make sure what planning can be implemented. I deal with the public every day. I’m charged with Local Agenda 21, which focuses on the bottom-up planning process. The planning process is important because of the numerous developments, which encourage the public to appreciate and make complaints when necessary.

The answers demonstrated that many planners believed that their role basically involved dealing with the public in their everyday tasks. It appears that planners in Malaysia are concerned with ensuring economic, social and environmental stability via a consultative process. As observed by a participant (PKL1), the planner's role is "to ensure [the] sustainable development occurs in the local authority". In addition, the views of other actors also demonstrated a strong recognition of the planners' role. Accordingly, the NGO actor (NGO1) noted that "I am a lawyer by profession, so I know the rights of the public in my area. That is why I always deal with planners to know what is happening around my area". A local councillor (LC2) observed that:

I am familiar with the Malaysian planning system because I used to sit on the Sustainable Planning Committee, and am currently on the One Stop Centre Committee that approves development projects and development orders. As a local councillor, I also deal with the public.

This appears to reflect the fact that all the participants interviewed played significant roles and were committed to be involved in the consultative process. Indeed, one of the planners felt that other actors who enter governance also play a role in the process and stated:

I think, besides us, politicians play an important role as planning is also a political will. Frankly speaking, planners always follow the guidelines and policies, but when the decision is being made, the top-level management can change our proposal/recommendation (PKL2).

Modes of governance in the decision-making process

It was widely accepted that public participation is an essential element of coordinated decision-making in Malaysia. Indeed, when asked: "Do the public give any impact and contribution to the decision-making process?", all the participants indicated that the consultative process was a significant element of democratic governance. Planner (PKL4) believes that participation is vital, stating: "we know the importance of public participation in planning, so we tried to institute that in the consultation process". "We admit that local knowledge from local people influences the development" (PPJ1). These views were supported by a Member of Parliament (MoNGO1) who stated, "of course, the public did give impact and contribute in the planning system ... this also leads to sustainable development and democracy in Malaysia". Developers and members of the public also held similar views. Thus, it could be claimed that, in the

Malaysian planning system, members of the public have the right to participate in the planning of their local areas. This also demonstrates that public participation is not a new process in Malaysia, as the public is engaged in the organised consultative sphere.

There is a form of public participation in the Malaysian planning system; however, the notion of democracy in the process is questionable. A local councillor (LC2) declared that:

The local authority always conducts hearings and objections for all the public to attend despite the Act only allows for people within a 20-meter radius of the project. We open it to everybody, but there is no guarantee their voice is going to be heard.

Empirically speaking, the various NGO actors felt that planners tend to lead decision-making that favours economic development. An NGO actor (NGO4) noted that “the opportunity for us to be involved in the decision-making only ends up with the new development taking place”. Another NGO actor (NGO2) commented, “so far, what I can see is that so much development is going-on despite the environmental issues experienced”. Thus, the interview data provided some insight into the challenges of the Malaysian planning system.

When the following question was raised: “*Can you identify any threats that significantly constitute impediments to public participation in the Malaysian planning process?*”, NGO actor (NGO2) responded: “there are so many problems with the current practice of public participation process”. The NGO actor also provided the example of the preparation of development plans and continued:

...the duration of notice given on the amendment of the local plan is not enough with the difficulty to get sufficient details, the council would, until the very last minute, want to get the hearing over and executed although the time and information are inadequate. Moreover, the development will take place in the end.

Linked to the aforementioned issue, an NGO actor (NGO3) asked: “How do I give input objectively and reasonably?” What emerged was a description of a situation in which the public participant felt that the consultative process only accommodated economic development, as the public’s views were being ignored. Additionally, the exercise of the consultative process in the Malaysian planning system also provides a form of legitimacy and transparency. Nevertheless, as one participant stated, “one of the biggest challenges we face in

Malaysia is the lack of transparency and accessibility of information to the public, which is very difficult” (NGO3). In this sense, the NGO actor (NGO1) simply stated:

The issues are integrity issues. Integrity is the heart of the problem. I define it as doing the right thing when nobody is looking. We have an integrity problem in the decision-making in the country.

Given these impediments to the consultative process, participants were asked about what form of practice they expected from planners. Most of the participants believed that the authority should comply “with rules that were established by lawmakers, comply with regulations, process, procedures established by the principle of good governance, and the transparency aspects” (MoNGO1). A local councillor (LC2) concluded that:

I think many initiatives are not entrenched in law, but it is up to the goodwill of the people who sit in governance. It depends on the different sets of people who sit in governance since there is no standard mechanism on how the local council should engage in public participation. Therefore, to combat corruption and cronyism, we have a project on local government integrity. It is very important to actively involve the public to reduce manipulation and potential cheating that may occur. An open system and transparency in governance should be encouraged. Otherwise, there is no way for the public to provide views. From the governance side, we need to be more proactive to open up the space.

Thus, perhaps, the forms of governance in Malaysia reflected the dynamics of power relations in the consultative process and provide insights into the Malaysian planning system. Indeed, the literature indicated that planners always deal with decision-making and aspects of communicating and consulting (Clifford & Tewdwr-Jones, 2013; Healey, 2006).

Form of transparency in the planning process

Within the context of the consultative process, a developer (D3) who deals directly with the planning process through the submission of planning permissions to the planning department claimed that the “developer needs to plan the best way for development by having a dialogue with the authority before the actual submission starts. So we can get input from government and the process

will be smoother”. Planner (PPJ2) emphasised, “communication between us and the public is important to encourage people to participate”. Thus, the interviews revealed that planners disseminated information to the public about the general planning process. Planners communicate with the public and developers to ensure that they understand the importance of planning guidelines, policies and legislation. As a planner (PKL5) noted, “we should view complaints from the public as a compliment and try to address any issues positively to improve our everyday practice”.

Conversely, most participants displayed frustration with the current situation, noting that “sometimes the authority is reluctant to provide input, particularly at the earlier stage of the planning process” (D4). Another developer (D1) echoed this view, stating:

I think frontline people that deal with the public sometimes are not well trained and do not have enough knowledge of the planning process. There is even reluctance to provide detailed information.

Another developer (D3) supported this view, stating:

There is a lack of two-way communication between planners and developers. Most of the time planners are so busy with meetings and other tasks. The practice of government also is not systemised because not all departments that were in charge of the planning process were committed to or agreed with the decisions.

All the participants agreed that they need ‘space’ to communicate and debate planning issues. The interviewees suggested that the creation of the consultative arena in Malaysian planning practices has been used to provide rationality that reflects the public’s rights and planning accountability to the public. Hence, planners provide expert evidence and assist the public in planning matters via the appearance of consultation. The situation encourages the public, NGOs and developers to participate in a planning process that reflects the direction of participation as a key attribute of democracy in Malaysia.

Planner (PPJ2) explicitly stated:

We need to create an understanding among the planners and other key players in the local authority because we do not just follow orders from the top management. That is why we sit

together with the public. This can help us to understand better what the public need in planning, not just based on the Act and guidelines.

NGO actor (NGO3) stated: “I think if the local authority can inform the public more about their statutory rights it will be great because I am also unaware of my rights. I strongly support public engagement in the planning process”. Similarly, developer (D3) commented, “I think everybody needs to work together to ensure the public interest is protected, and our profit is not compromised”. While planner (PKL4) noted, “public participation process in Malaysia still needs improvement. I would suggest more programmes need to be conducted to inform the public about their rights”.

Participation in Malaysia depicts some clear patterns that certainly appeared to convince the public that they were being noticed and heard. This was also reflected as a form of transparency in the planning process. Accordingly, under the current planning system, the public is allowed to give suggestions. For example, during the hearing process for the Kuala Lumpur Structure Plan 2020, a planner (PKL1) noted that: “there were many objections during the preparation of Draft Kuala Lumpur Structure Plan 2020, and their concerns were our priority”. Further, another planner (PKL3) claimed that: “we always organise a forum in which all the stakeholders are involved in the discussion. For example, the Local Agenda 21 programmes and other meetings with the public and developers”. Another planner (PPJ4) also highlighted that the government had already considered the public’s views when informing them regarding the preparation of development plans. Such impulses may refer to a situation in which political possibilities seem to legitimise the public’s voice being heard and assert a critical opposition to both governance and ‘Doxa’ (common sense of the day).

SUMMARY AND CONCLUDING REMARKS

Malaysia’s system of government follows the British Westminster model that supports three key branches of government: the legislature, the executive and the judiciary. This system operates at the federal, state and local levels. Malaysia has adopted a hierarchical planning system, whereby the federal government formulates policies, but planning and implementation responsibilities rest with the state and local governments. Local governments must refer to development plans and consider the public’s rights in their decision-making processes, including whether to approve or disapprove land development activities.

Accordingly, the rationale for making decisions is based on planning policies, guidelines and other technical requirements. The narrative depicts how planners deal with the public concerning the formation of the Gasing Hill case.

In many respects, the findings revealed that planning practices require reforms to face the challenges of the 21st century. This research advocated the need for more specific rigorous thinking to address questions of governance practices and public participation in planning frameworks. Notably, this dynamic mode of planning must be continuously assessed to deliberate on Malaysia's future planning direction. The findings indicate that planners have had the privilege of directing decisions in governing the consultative process; however, it also appears that they have always faced a dilemma (i.e., to choose between economic competitiveness and the public's needs). Such concerns with the nature of decision-makers in the consultative process create further challenges for future planning.

Planners fulfil the interests of the public via a consultative process. This approach produces results that ought to be avoided. Thus, the research showed that understanding the roles and responsibilities of planners is necessary if the practices that epitomise the ethos of participatory democracy in Malaysia are to be changed. Planners should readjust their functions and actions to suit contemporary planning by balancing economic, social and environmental wellbeing. In this spirit, the notion of this research was not just concerned with democracy, but also with future actions structured by the present.

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