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TREE PRESERVATION ORDER (ACT 172) ADOPTION PROCESS WITHIN THE NATIONAL DEVELOPMENT PLANNING FRAMEWORK

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Abstract

This study was conducted to obtain comprehensive information on the process of Tree Preservation Order or TPO (Act 172) adoption by the states in the context of National Development Planning Framework (NDPF) that includes the formulation and adoption of TPO Rules. The study was part of the authors' research in finding answers to the lack of TPO (Act 172) implementation in the country. The data were acquired through consultation with PLANMalaysia and state JPBDs, and by reviewing the agencies' documents. The results, presented in the form of process flowcharts, would be useful for the current and future research in making evaluation concerning the adequacy of planning and actions taken during the adoption process that would ensure TPO (Act 172) implementation. This study preliminarily concludes that the planning and actions taken were adequate, i.e., done in an orderly manner and followed the procedures common to the NDPF. However, the next step in ensuring that the TPO (Act 172) adoption is effective, TPO (Act 172) implementation must be put as high priority in the work plans of each related agency.

Keywords: Tree Preservation Order (Act 172), TPO Rules, formulation, adoption, NDPF, construction industry

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INTRODUCTION

In 1995, the Malaysian government passed the Tree Preservation Order (TPO) with the inclusion of Part VA sections 35A to 35H to the Town and Country Planning Act 1976 (Act 172) (Laws of Malaysia, 2014). This gives power to the Local Planning Authorities (LPA) to preserve any tree or a group of trees and protect them from being felled [or cut-down, topped, lopped, uprooted, damaged or destroyed, as interpreted in Part I section 2(1) of the Act], for instance, during construction or as the results of development activities.

Before an LPA is able to implement TPO (Act 172), it is of best practice that the state adopts the legislation through a gazette notification of TPO Rules. The rules (regulation and by-law alike), defined as "subsidiary legislation" in the Interpretations Act 1948 & 1967, is part of Malaysian legal sources that supplement the legislative function of Malaysian legal system (Muhammad Syahlan et al., 2018). Usually, rules require publishing in the Government Gazette to become legal. Selangor, Perak, and Melaka are the only states in Peninsular Malaysia that have successfully adopted the legislation by gazetting the TPO Rules in 2001, 2011, and 2017, respectively (Nik Adlin et al., 2020). According to the TPO Rules, TPO (Act 172) is considered implemented by a LPA only when it has issued a public notice (or TPO Notice consisting of the List of Trees, Form A and Form B) to protect a tree or trees in a designated area.

To clarify the points discussed in this paper, the terms "successful adoption" and "effective adoption" are distinguished from each other. The former is when the main target of the process is achieved regardless of what should follow afterwards (opposite to the later). In other words, adoption of TPO (Act 172) is considered successful when the TPO Rules have been gazetted by the states, but not considered effective until they are implemented by the LPAs.

Cases whereby trees that should have been preserved were cut down without consent of the LPA have raised questions whether the TPO (Act 172) have been effectively implemented (Nik Adlin et al., 2017) or even worse, whether it have been successfully implemented at all. To answer those questions, we may have to look at the bigger picture, i.e., at the process of TPO (Act 172) adoption prior to the implementation. Taking a step back, we could ask whether TPO (Act 172) has really been adopted effectively in the sense that all the actions taken and activities carried-out during the adoption process were meticulously planned to ensure that TPO (Act 172) will be implemented by the LPAs or at least to facilitate the implementation process.

A study was conducted to obtain comprehensive information on the process of TPO (Act 172) adoption which includes the formulation and adoption of TPO Rules in the context of national development planning hierarchy, i.e., from the federal government to LPA via the state governments. The results of this study may provide some answers for the future research, especially those

concerning the adequacy of planning and actions taken during the adoption process necessary to ensure that TPO (Act 172) implementation will take place.

NATIONAL DEVELOPMENT PLANNING FRAMEWORK

The Town and Country Planning Act, 1976 (Act 172) underlines the National Development Planning Framework (NDPF) within which a development plan in Malaysia is implemented. As shown in Figure 1a, the NDPF comprises of three levels of planning: National (Federal), Regional/State, and Local (JPBD, 2010). Implementation of development plans and matters related to it, such as policies and legislations, is a 'top-down' affair (Abdul Aziz et al., 2011) starting at the federal level down to the state level and finally to the LPA level, directed towards achieving a national development vision, e.g., Vision 2020. The planning is prepared by the National Physical Council (NPC) at the Federal level, the State Planning Committee (SPC) at the state level, and the local council at the local authority level. The National Physical Plan (NPP) is the highest planning document in the national physical development plan framework (JPBD, 2015). With the requirement for the NPP to be reviewed every five years, it is pertinent for the NDPF to also involve a 'bottom-up' flow consisting of feedbacks on matters arising during the implementation.

LEGISLATION ADOPTION PROCESS

A legislation, e.g., an act, is often the result of a government's need to legitimise a policy to its people. Normally, a policy or a legislation has to go through the following stages: formulation, adoption, implementation, and evaluation (Howlett & Ramesh, 2003; Benoit, 2013; Anisur Rahman & Md Mizanur, 2017).

In the context of TPO (Act 172) adoption, the process within NDPF could be exemplified as in Figure 1b. To the three levels of planning, the fourth level is added representing the implementation stage. Even though this fourth level has never been displayed in the National Physical Plan (NPP) documents (JPBD, 2005, 2010, & 2015), since its inception in 2005, some previous researchers such as Zakiah (2011) and Ismail et al. (2019) have added it to the NDPF in their publications, i.e., regarding Shah Alam Draft Local Plan and about National Housing Policy, respectively. The inclusion of the fourth level signifies the fact that the adoption process within the planning levels ends at LPA and what comes after is the implementation.

The actions taken and activities carried-out at the planning levels should be directed towards ensuring the success of TPO (Act 172), not only being adopted by the states, but also being implemented by the LPAs. FAO (2010), in its guidelines for developing effective forest policy, states that formal adoption, including the approach to implementation and the division of responsibilities, must be at a high enough political level to commit all relevant sections of

government to actions that are needed to achieve the goals set by the policy. Hence, it is important to know the list and flow of activities that had been carried-out within the planning stages of TPO (Act 172) adoption, i.e., at Level 1 down to Level 3, right after the legislation was passed by the Parliament in 1995. By having this information, we could examine/evaluate whether or not the activities were adequate and have been carried-out in an orderly manner. Moreover, the information would ease the future efforts in identifying the factors contributing to the success or failure of TPO (Act 172) implementation. Unfortunately, such information is not readily available as literature for the researchers to refer. With this in mind, a study was conducted to gather information as much as possible regarding the events that occurred during the process of TPO (Act 172) adoption consisting of TPO Rules formulation by the federal agency and adoption by the states of Melaka, Perak, and Selangor.

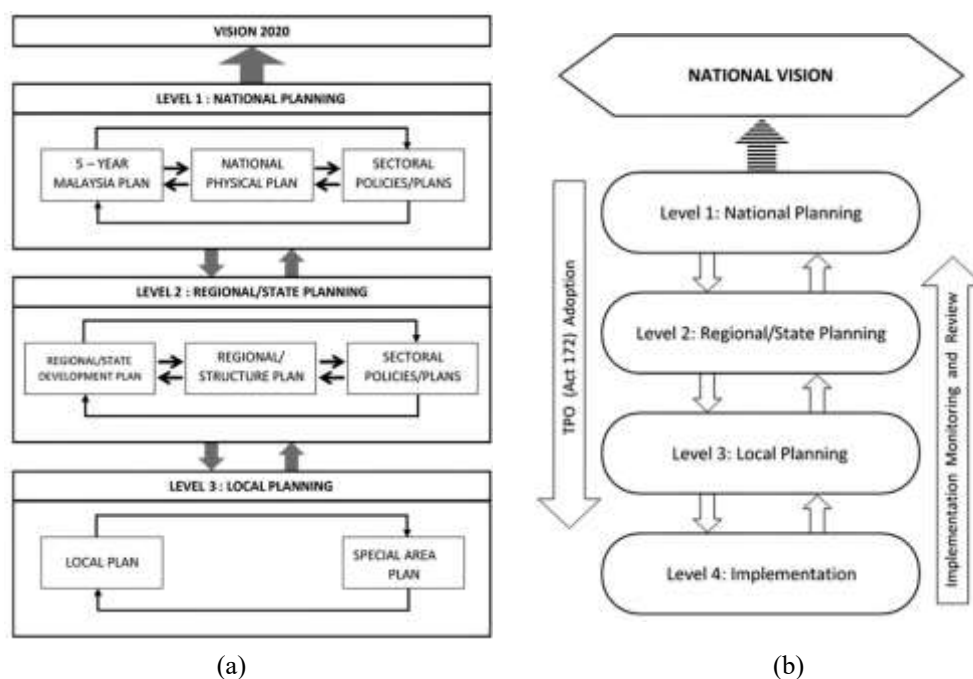


Figure 1: (a) National Development Planning Framework (JPBD, 2010),
 (b) TPO (Act 172) adoption process within NDPF

MATERIALS AND METHODS

This study employed two methodologies: 1) consultation and 2) document review.

Consultation with Planning Authorities

In this study, we consulted a number of planning-related government agencies to obtain their authoritative inputs and advices on matters related to TPO (Act 172) adoption processes. The government agencies being consulted and the biodata of the responding officials are as shown in Table 1 and Table 2, respectively.

PLANMalaysia (then *Jabatan Perancangan Bandar dan Desa Semenanjung Malaysia* or JPBD HQ) or the Federal Department of Town and Country Planning, of which all physical planning and land use developments are under its purview, is the sole agency at the federal level mandated to oversee the implementation of provisions in Act 172. At the state level, the agencies are of the similar departments, also known as state JPBDs, each bearing a name of the state, such as JPBD Selangor (Table 1).

Table 1: Government agencies consulted in the study

No.	Agencies	Address
1	PLANMalaysia	Level 13, Block F5, Parcel F, Precint 1, Federal Government Administrative Centre, 62675 Putrajaya.
2	JPBD Selangor	15 th - 18 th Floors, Darul Ehsan Building, No.3 Indah Road, Section 14, 40646 Shah Alam, Selangor.
3	JPBD Perak	3 rd & 7 th Floors, Seri Perak Building, Panglima Bukit Gantang Wahab Road, 30646 Ipoh, Perak Darul Ridzuan.
4	JPBD Melaka	Level 5, Wisma Negeri, Hang Tuah Jaya, M.I.T.C, 75450 Ayer Keroh, Melaka.

The selection of officials (Table 2) was based on several criteria. The most important was whether they had involved the TPO Rules formulation and adoption processes at the federal and state levels, respectively. If they had not, the second criteria would be whether or not they had the capacity and the ease to acquire the requested information from their agencies. Lastly, the officials should be willing to be consulted and able to give the feedbacks.

The officials were contacted through letters, phone calls, and e-mails, and sometimes, a face-to-face communication to get information and/or clarification on the subject matters. The information had to be acquired from the consultation and the objectives of having the information were as summarised in Table 3.

Table 2: Biodata of the officials consulted in the study

ID	Position	Academic Qualification	Work Experience*	TPO Knowledge
O01	Town & Country Planning Officer,	Bachelor of Urban &	PLANMalaysia, UTM	Legislative

	Legal and Regulatory Div.	Regional Planning		
O02	Assistant Director, Corporate & Secretarial Unit	Bachelor of Urban & Regional Planning	JPBD Melaka, PLANMalaysia, ANZ Planner	Legislative
O03	Chief Assistant Director, Corporate Planning Div.	MSc in Land Administration	JPBD Perak PLANMalaysia	TPO Rules formulation
O04	Assistant Director, Development Plan Div.	MSc in Urban Development & Management	JPBD Selangor, PLANMalaysia	Legislative

Note: * in descending chronological order

Table 3: Information to be acquired and the objectives

No	Information	Objective
1	Activities and events in TPO Rules formulation process (PLANMalaysia).	To produce a flowchart of TPO Rules Formulation Process within PLANMalaysia.
2	Activities and events in TPO Rules adoption process (state JPBDs).	To produce a flowchart of TPO Rules Adoption Process within state JPBDs.
3	Details of each activity/event: date, place, agencies involved, ranks of officials (committee members, participants), objectives, <i>etc.</i>	To reflect the degree of involvement of agencies at each planning level in the processes and collaboration between the parties.
4	Other activities or committees dedicated to ensuring successful implementation of TPO (Act 172), besides those of 1 and 2 above.	To reflect the TPO (Act 172) implementation preparedness.

For each of the TPO Rules formulation and adoption processes, a flowchart would be produced. This task required ample information of the actions taken, the goals (or milestones) and chronology of the activities and events, if possible, with the exact time frame. The list of agencies involved and the rank of officials in each activity and event to achieve the specific goal or milestone would give some insights on several aspects. For instance, it reflects whether or not the TPO (Act 172) adoption has been a smooth 'top-down' affair which requires involvement of high enough planning level (PLANMalaysia) and the commitment of all related agencies, especially state JPBDs and LPAs. Moreover,

the list would also echo the extent of collaboration between the parties to achieve the goals.

The existence of activities and committees, other than 1 and 2, within each agency aimed towards ensuring that the TPO (Act 172) is successfully implemented by the local authority could reflect the agency's preparedness to further involve at the lower planning levels. Such activities would include training programs to enhance awareness and understanding of TPO (Act 172) and TPO Rules among the state JPBD and LPA workforces.

In addition, we requested the officials to provide us with other helpful information such as lists of published documents and an access to the classified documents of their agencies, which would contain information on TPO Rules formulation and adoption process, for reviewing. Lastly, the officials were also required to give their comments and to verify the findings that we had suggested.

Document Review

Document review is a way of collecting data and information by reviewing existing documents. There are three primary types of documents: public records, personal documents, and physical evidence (O'Leary, 2014). In this study, the document review was done to get detailed information relating to the events and activities conducted by the agencies during TPO (Act 172) adoption process. The documents were as shown in Table 4. All the documents, except state gazettes, department records, and official correspondences were obtained from PLANMalaysia library and also downloaded from PLANMalaysia and state JPBDs websites.

Table 4: Documents reviewed in the study

ID	Category	Title	Year
SG01	State Gazette	<i>Kaedah-kaedah Perintah Pemeliharaan Pokok 2001. Jil. 54 No. 7 Tambahan No. 3 Perundangan (Tree Preservation Order Rules 2001. Vol. 54 No.7 Legislative Supplement No.3). Sel. P.U. 8. 29 March 2001.</i>	2001
SG02	State Gazette	<i>Kaedah-kaedah Perintah Pemeliharaan Pokok Negeri Perak 2011. Jil. 64 No. 26 Tambahan No. 21 Perundangan. (State of Perak Tree Preservation Order Rules 2011. Vol. 64 No. 26 Legislative Supplement No. 21). Pk. P.U. 40. 30 December 2011.</i>	2011
SG03	State Gazette	<i>Kaedah-kaedah Perintah Pemeliharaan Pokok (Negeri Melaka) 2017. Jil. 61 No. 18 Tambahan No. 10 Perundangan. [Tree Preservation Order</i>	2017

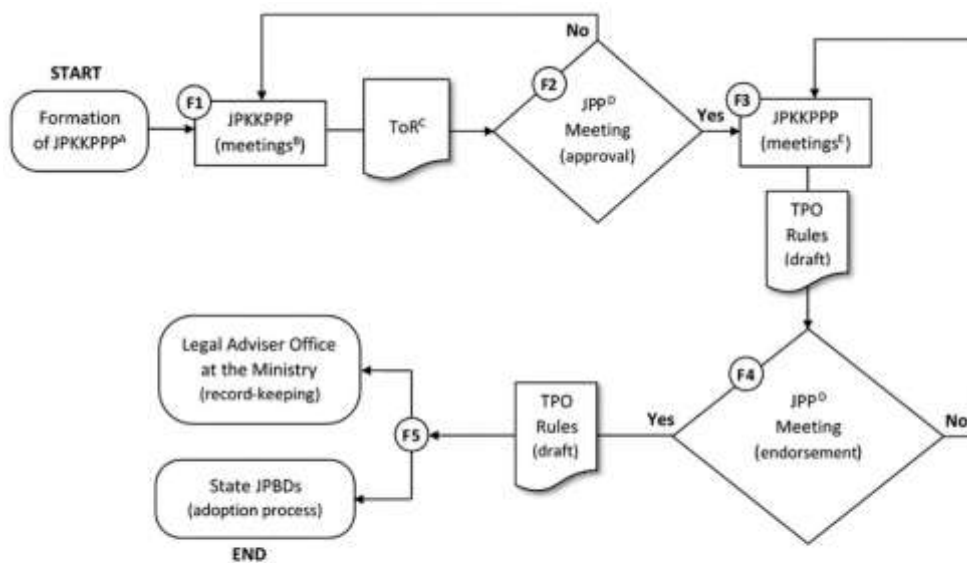
		Rules (State of Malacca) 2017. Vol. 61 No. 18. Legislative Supplement No. 10]. M. P.U. 16. 31 August 2017.	
MR01	Annual Report	<i>Laporan Tahunan 1994, 1995 & 1996. Kementerian Perumahan & Kerajaan Tempatan</i> (Annual Report 1994, 1995 & 1996. Ministry of Housing and Local Government).	1997
AR01	Annual Report	<i>Laporan Tahunan 1996. JPBD Semenanjung Malaysia.</i> (Annual Report 1996. Federal Department of Town and Country Planning).	1997
AR02	Annual Report	<i>Laporan Tahunan 1997/1998. JPBD Semenanjung Malaysia.</i> (Annual Report 1997/1998. Federal Department of Town and Country Planning).	1999
AR03	Annual Report	<i>Laporan Tahunan 1998/1999. JPBD Semenanjung Malaysia</i> (Annual Report 1998/1999. Federal Department of Town and Country Planning).	2000
ARP01	Annual Report	<i>Laporan Tahunan 2010. JPBD Perak Darul Redzuan.</i> (Annual Report 2010. Perak Department of Town and Country Planning).	2011
ARP02	Annual Report	<i>Laporan Tahunan 2011. JPBD Perak Darul Redzuan.</i> (Annual Report 2011. Perak Department of Town and Country Planning).	2012
B01 to B07	Bulletin	<i>Buletin Perancangan. JPBD Melaka</i> (Planning Bulletin. Malacca Department of Town and Country Planning). Nos. 1/2014; 2/2014; 1/2015; 2016; 2017; 2018; 2019.	2014 to 2020
DR01	Department Record	<i>Gubalan, Semakan dan Pindaan Kaedah-Kaedah di Bawah Akta Perancangan Bandar dan Desa 1976 (Akta 172)</i> (Formulation, Review and Amendment of Rules under Act 172). JPBD (IP) PKK (Kaedah). No. 3.	2018
DR02	Department Record	<i>Minit Mesyuarat J/Kuasa Kaedah-Kaedah Perintah Pemeliharaan Pokok Negeri Melaka 2016. Bil. 3/2016</i> (Meeting Minutes of State of Malacca TPO Rules Committee. No. 3/2016). JPBD Melaka.	2016
DR03	Department Record	<i>Penerima Pakaian Kaedah-Kaedah di Bawah Akta Perancangan Bandar dan Desa 1976 (Akta 172) (Sehingga 31 Disember 2007)</i> [(Adoption of Rules under Act 172 (up to 31 Dec 2007)]. JPBD Selangor.	2008

OC01 Official Correspondence Permohonan Maklumat / Dokumen Kaedah 2019
Perintah Pemeliharaan Pokok Negeri Melaka
(Info Request / State of Malacca TPO Rules Documents) JPBD (M) 3/7 Klt. 2. 12 May 2019.

RESULTS AND DISCUSSION

TPO Rules Formulation Process within PLANMalaysia

The flow of activities and events in the TPO Rules formulation process within PLANMalaysia is as shown in Figure 3. This flowchart was developed based on the document of standard operation procedure for the process of formulating, reviewing, and making amendments to the Rules under Act 172 (DR01) disclosed to us by O01. The time frame of each activity and event is as tabulated in Table 5. Some of the information on the events were available in PLANMalaysia annual reports (AR01, AR02 and AR03) and considered sufficient as far as the chronological aspect was concerned.



- A. JPKKPPP = Jawatankuasa Pasukan Kajian Kaedah-kaedah Perintah Perlindungan Pokok (TPO Rules Study Team committee)
 B. Discussion/technical meeting/workshop to produce the Term of Reference (ToR) for the formulation of TPO Rules
 C. Term of Reference for the formulation of TPO Rules
 D. JPP = Jawatankuasa Perancangan dan Pembangunan PLANMalaysia (Planning and Development Committee of PLANMalaysia)
 E. Discussion/technical meeting/workshop to produce TPO Rules draft

Figure 3: TPO Rules formulation process within PLANMalaysia (based on DR01)

The MNKT or *Majlis Negara bagi Kerajaan Tempatan* (National Council for Local Governments) during its 44th meeting on 27 June 1996 approved the PLANMalaysia TPO Guidelines for adoption by LPAs (MR01, AR01). This approval led to the formation of a committee, namely, JPKKPPP or *Jawatankuasa Pasukan Kajian Kaedah-Kaedah Perintah Pemeliharaan Pokok* (TPO Rules Study Team Committee) in PLANMalaysia tasked to formulate the rules for TPO (Act 172) implementation, probably later in 1996. Chaired by the Director of the Legal and Regulatory Planning Division (LRPD), the committee consisted of a core team supervised by one of the heads of units in the division. Other members of JPKKPPP were reps from State JPBDs, selected LPAs, and Legal Adviser Office at the Ministry.

Prior to the formulation of TPO Rules, the core team was required to prepare the Term of References (ToR) for the undertakings (F1). Among the content of the ToR are the introduction and background, the objectives, the scope of the study, the methodology, the results of the study, expertise required, work programme, and financial allocation (DR01). This ToR was then presented by the LRPD director during a JPP or *Jawatankuasa Perancangan dan Pembangunan* (Planning and Development Committee) of PLANMalaysia meeting, chaired by its Director General for approval (F2), *circa* late 1996 or early 1997. Members of the JPP were all state JPBD directors, division directors within PLANMalaysia, reps of the KPKT and other related ministries as well.

After the approval, the JPKKPPP began the TPO Rules drafting of activities which would also include technical meetings and workshops, chaired by the PLANMalaysia Deputy Director General (Development) and LRPD director, respectively (F3). The TPO Rules draft prepared in 1997 (AR02) was then endorsed (F4) during another JPP Meeting in March 1998 (AR03) before it was able to be presented to the states (F5) upon approval of the MNKT. A copy of TPO Rules draft was submitted to the Legal Adviser Office in the Ministry for record-keeping purposes. Each state also received a copy of the draft via official correspondence for adoption process.

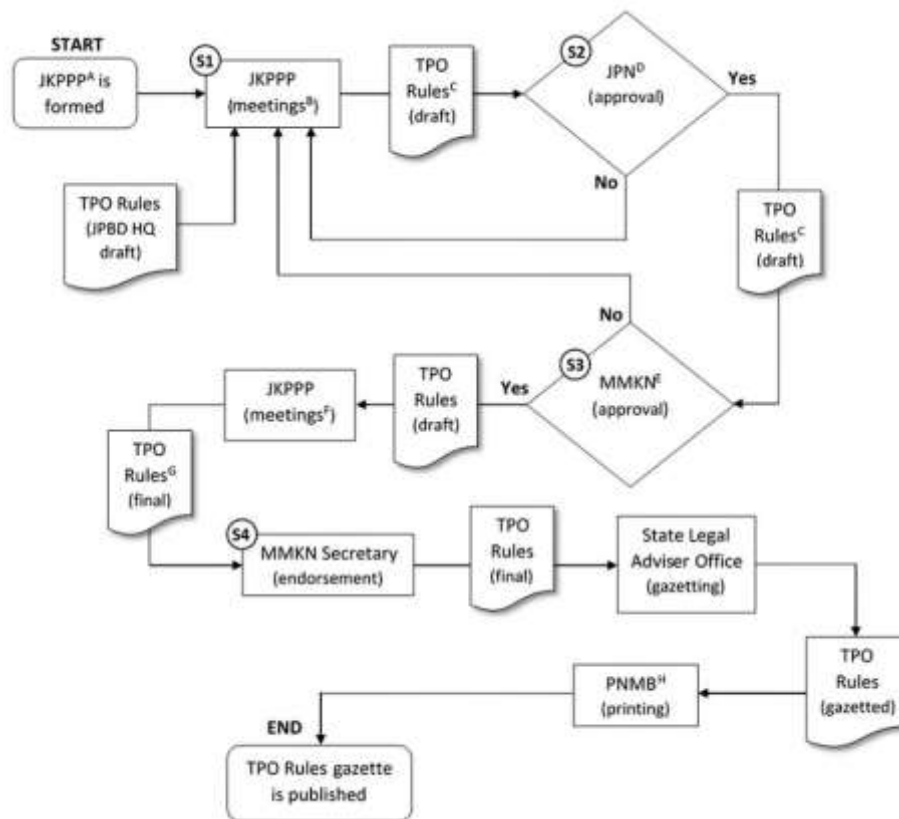
Table 5: Details of events in TPO Rules formulation process within PLANMalaysia

ID	Event/Activity	Date	Source*
F1	Development of ToR to formulate TPO Rules	1996	AR01
F2	JPP Meeting approved the ToR	ca.1996/97	N/A
F3	Formulation of TPO Rules draft	1997	AR02
F4	JPP Meeting endorsed TPO Rules draft	Mar 1998	AR03
F5	Submission of TPO Rules draft to the stakeholders	1998 onward	AR03

Notes: *Refer to Table 2 and Table 4. Notations follow for Table 6, Table 7 and Table 8. N/A = not available

TPO Rules Adoption Process within State JPBDs

Due to the fact that Melaka was the latest state adopting TPO (Act 172), i.e., in 2017, we decided to contact the JPBD Melaka first, assuming that they would face the least difficulty in gathering the information. The agency official (O02) replied to our correspondence with a chronology of activities and events that took place during the state TPO (Act 172) adoption process (OC01). Using the information provided, we then came up with a flowchart as shown in Figure 4. The details of the activities and events are summarised in Table 6.



- A. JKPPP = Jawatankuasa Kaedah-kaedah Perintah Pemeliharaan Pokok (TPO Rules Committee)
- B. Discussion/technical meeting/workshop to draft TPO Rules paperwork for approval
- C. This TPO Rules paperwork must be vetted by the State Legal Adviser Office representative
- D. JPN = Jawatankuasa Perancang Negeri (State Planning Committee)
- E. MMKN = Majlis Mesyuarat Kerajaan Negeri (State Government Council)
- F. Discussion/technical meeting/workshop to draft TPO Rules for gazetting
- G. This TPO Rules gazette final draft must be vetted by the State Legal Adviser Office representative
- H. PNMB = Percetakan Nasional Malaysia Berhad (A printing company)

Figure 4: TPO (Act 172) adoption process activities within a State (based on OC01)

The process (Figure 4) starts with the formation of the JKPPP or *Jawatankuasa Kaedah-Kaedah Perintah Pemeliharaan Pokok* (TPO Rules Committee) in January 2016 (OC01). The committee, chaired by the Director of JPBD Melaka, were comprised of officials from within the JPBD Melaka Development Division (Corporate and Secretariat Unit, Development Planning Unit and Land Use Information Unit) and reps from Melaka Chief Minister department (Local Government Unit and Landscape Department), the State Legal Adviser Office, the city and town councils (mixture of Legal Unit, Town Planning Department, City/Town Beautification Department, and Landscape Department), and Green Technology Corporation of Melaka (DR02).

According to DR02, on 3rd of February 2014, the MPA172 or *Mesyuarat Pelaksanaan Akta 172* (Act 172 Implementation Meeting) of JPBD Melaka decided that rules for TPO (Act 172) implementation should be formulated for the state. This decision followed the resolution of JPN or *Jawatankuasa Perancang Negeri* (State Planning Committee) in its meeting on 9th December 2013 to endorse the implementation guidelines produced by PLANMalaysia (JPBD, 2012) for adoption by the state. JPN, established under section 4 of Act 172, is a committee that advises the State Government on planning matters and is the approving authority for development plans. The JPN is chaired by the Head of the State Government (Chief Minister or *Menteri Besar*) and comprises not more than 18 members including the chairman (JPBD, 2011). Other members of the JPN from the state agencies are the State Director of Lands and Mines, the State Director of Public Works, the State Director of Environment, the Director of the State Economic Planning Unit, the State Legal Adviser, and the State Financial Officer.

The Melaka TPO Rules proposal had to be brought up to a JPN meeting for approval and the matters were further discussed in the next MPA172 which was held on 19th of August 2014 (B02). The JPBD Melaka took another 16 months before JKPPP was formed. During that period of time, the department publicised information on TPO (Act 172) in its bulletins (B01, B02, and B03), probably as a means to enhance the awareness and knowledge amongst the agency's workforce, especially those who would be appointed as JKPPP members. The JKPPP met (S1) in four separate occasions during 2016: 1st of March, 26th of April, 10th of August, and 17th of November (OC01). The meetings were to discuss matters towards achieving the main objective of the committee, i.e., gazettment of Melaka TPO Rules. The activities included preparation of Melaka TPO Rules proposal based on the draft by PLANMalaysia in 1998 and to present the draft document during a JPN meeting (S2) held on 15th of Dec 2016 (B04). This JPN meeting was to approve the appropriateness of the Melaka TPO Rules draft document to be brought up to the MMKN or *Majlis Mesyuarat Kerajaan Negeri* (State Government Council) which would decide whether or not

the document was apt for gazettment (S3). The MMKN, in its session on 19th of April 2017, approved the document with some amendments which was verified on 26th of April 2017.

Next, the final version of Melaka TPO Rules document was presented to the Secretary of the MMKN for endorsement (S4) of which the date of its signature marked the commencing of Melaka TPO Rules gazettment and accordingly, the adoption of TPO (Act 172) by the state. In JKPPP, the State Legal Adviser Office rep was given a mandate to vet the TPO Rules document formulated in S1 before it could be brought into S2, S3, and S4. After S4, the activities were merely the formalities being carried-out by the State Legal Adviser Office to ensure that the Melaka TPO Rules gazette is notified to the public. These activities included printing of the document for publication. The flowchart is applicable to Perak and Selangor, with details of the events are as shown in Table 7 and Table 8, verified by the officials O03 and O04, respectively.

Table 6: Details of events in TPO (Act 172) adoption process within JPBD Melaka

ID	Event/Activity	Date	Source*
S1	JKPPP to draft Melaka TPO Rules	Mar-Nov 2016	OC01
S2	JPN approved the TPO Rules draft	15 Dec 2016	B04
S3	MMKN approved the TPO Rules draft	19-26 Apr 2017	OC01
S4	Melaka TPO Rules endorsed/gazetted	31 Aug 2017	SG03

Table 7: Details of events in TPO (Act 172) adoption process within JPBD Perak

ID	Event/Activity	Date	Source*
S1	JKPPP to draft Perak TPO Rules	2010	ARP01
S2	JPN approved the TPO Rules draft	12 Dec 2011	ARP02
S3	MMKN approved the TPO Rules draft	14 Dec 2011	ARP02
S4	Perak TPO Rules endorsed/gazetted	30 Dec 2011	SG02

Table 8: Details of events in TPO (Act 172) adoption process within JPBD Selangor

ID	Event/Activity	Date	Source*
S1	JKPPP to draft Selangor TPO Rules	After Mar 1998**	N/A
S2	JPN approved the TPO Rules draft	31 Dec 1998	DR03
S3	MMKN approved the TPO Rules draft	16 Jun 1999	DR03
S4	Selangor TPO Rules endorsed/gazetted	29 Mar 2001	SG01

Notes: ** After the TPO Rules Draft was approved by MNKT for adoption by the states

Post TPO Rules Formulation and Adoption

In response to our quest No. 4 in Table 3, the PLANMalaysia O01 stated that after the TPO Rules draft task had been completed, there were no further activities or committees within the agency dedicated to ensure the successful implementation of TPO (Act 172). However, there are meetings, namely, *Mesyuarat Pengarah Negeri* (State JPBD Directors meeting), scheduled up to thrice in a year and chaired by the Director General of PLANMalaysia, in which discussion on Act 172 implementation is part of the meeting agendas. Through the meetings, PLANMalaysia is able to get information on the current status of TPO (Act 172) implementation in the states.

At the state level, the JPBD Melaka O02 revealed the fact that the TPO Rules committee was dissolved after the Melaka TPO Rules was gazetted. He also added that there were no TPO (Act 172)-dedicated activities conducted and committees formed afterwards. We cross-checked his statements with the agency's annual bulletins for 2017 (B05), 2018 (B06), and 2019 (B07) and found out that there was no information regarding TPO (Act 172)-related activities reported except a publicity on the TPO (Act 172) offences and penalties (B05).

SUMMARY OF FINDINGS AND CONCLUSION

The study has put forward the flowcharts of TPO Rules formulation and adoption process, developed through consultations with the officials from PLANMalaysia and state JPBD of Melaka, Perak, and Selangor, and by reviewing the agencies' documents. The flowcharts reveal that the TPO (Act 172) was successfully adopted by the three states, whereby the process was done in an orderly manner and followed the procedures common to the National Planning Development Framework. Furthermore, looking at the membership of the committees involved throughout the process, we can conclude that the importance of TPO (Act 172) has been well-comprehended at all levels of planning, including the ministers, director generals, state directors, and LPA heads, as well as the staff of the implementing agencies. Unfortunately, considering the fact that the number of TPO notices issued by LPAs has been very small, TPO (Act 172) implementation can be considered very unsatisfactory and this assertion was agreed by all the officials we had consulted. Subsequently, due to this implementation status, questions could be raised to doubt the effectiveness of the whole process of TPO (Act 172) adoption by the states. Perhaps, as a nation, we have to put TPO (Act 172) implementation on high priority in our work plans, hence our trees that are meant to be preserved will be protected from damaging elements, especially those originated from the construction industry.

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