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# Rehabilitation of abandoned housing projects: a comparative analysis between the law and practice in peninsular Malaysia and the Republic of Singapore

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## Abstract

Abandoned housing projects is one of the housing problems in Peninsular Malaysia. Even though the government has been trying to solve the problem, the issue for housing rehabilitation in the Malacca state is still a challenge. There are no specific laws or regulations that govern the rehabilitation of abandoned housing projects. The stakeholders involved in the rehabilitation process are the government, the private sector, and the community. The rehabilitation process varies for each state and practice in the region. This article compares the rehabilitation process in the Malacca state with the other states in Peninsular Malaysia. The article suggests that the government should take a more proactive approach, certain measures should be taken to ensure the rehabilitation process is successful.

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# Notes

<sup>1</sup>Abdul Aziz, JI (the administrative officer at Division of Rehabilitation of Abandoned Projects, National Housing Department, Ministry of Housing and Local Government, Pusat Bandar Damansara, Kuala Lumpur), personal communication, 14 July 2010.

<sup>2</sup>Division of Supervision and Enforcement, Ministry of Housing and Local Government, Laporan Senarai Projek Perumahan Terbengkalai Dari Tahun 1990 – Jun 2005 (Ministry of Housing and Local Government, Kuala Lumpur nd) 1.

<sup>3</sup>NHM Dahlan, 'Abandoned Housing Projects in Peninsular Malaysia: Legal and Regulatory Framework' (unpublished Ph.D in Law thesis, International Islamic University Malaysia, Kuala Lumpur 2009).

<sup>4</sup>In English it is called 'Abandoned Housing Projects Rehabilitation Fund'.

<sup>5</sup>Ministry of Housing and Local Government file numbers: KPKT/08/824/ /337, KPKT/08/824/3579, KPKT/08/824/5976-I), KPKT/08/824/6698-1, KPKT/08/824/3947-5, KPKT/08/824/5737-1, KPKT/08/824/3040/E, KPKT/08/3013/E, KPKT/08/2349-2 KPKT/08/824/7347-1, KPKT/08/824/3229-1 and KPKT/08/824/3361-1.

<sup>6</sup>Ministry of Housing and Local Government file number: KPKT/08/824/7347-1.

<sup>7</sup>NHM Dahlan, 'Rehabilitation of Abandoned Housing Project: Experience of An Abandoned Housing Developer Through the Help of a Government Agency' (2007) 1 Malayan Law Journal cxxvi.

<sup>8</sup>NHM Dahlan, 'Abandoned Housing Projects in Malaysia: A Legal Perspective' (2006) 6

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<sup>9</sup>Dah



<sup>10</sup>Ibid 14

<sup>11</sup>Divisio

<sup>12</sup>Ibid.

<sup>13</sup>Ibid. On the Malaysia Department of Insolvency, see <http://www.insolvensi.gov.my/>).



<sup>14</sup>Division of Supervision and Enforcement (n 2).

<sup>15</sup>Ibid 1, 5, 26.

<sup>16</sup>Ibid 26, 3.

<sup>17</sup>Normally, the aggrieved purchasers apply for help to the Ministry of Finance (MOF), Ministry of Housing and Local Government (MHLG), Chief Ministers (Menteri Besar/Ketua Menteri) and the Prime Minister through their respective States' Assemblymen (Ahli Dewan Undangan Negeri - ADUN) or their Members of Parliament (MPs) to rehabilitate the abandoned housing projects. However, this may take some time. Sometimes, the application may not be approved due to problems related to the projects. The approval usually depends on the gravity of the problems, the availability of funds on the part of the government or the 'political interest' of the government. These parties (MOF, MHLG and the PM) may instruct SPNB/TPPT to carry out a feasibility study and rehabilitation scheme.

<sup>18</sup>Dahlan, thesis (n 3) 142-43.

<sup>19</sup>[2005] 6 MLJ 497 (Court of Appeal at Putrajaya).

<sup>20</sup>[2002] 6 MLJ 632.

<sup>21</sup>[1995] MLJU 46; [1995] 2 CLJ 471 (High Court at Johor Bahru).

<sup>22</sup>[1992] 1 MLJ 166 (High Court in Ipoh).

<sup>23</sup>[1990] 1 LNS 42; [1990] 2 MLJ 511 (High Court at Kuala Lumpur).

<sup>24</sup>See n 22.

<sup>25</sup>See n

<sup>26</sup>[2008]

<sup>27</sup>[1998]

<sup>28</sup>[1997]

<sup>29</sup>[19

<sup>30</sup>Ibid.

<sup>31</sup>Dahlan

<sup>32</sup>[1988]





<sup>34</sup>Dahlan, thesis (n 3) 146–47.

<sup>33</sup>OS No 31-4169-1986.

<sup>35</sup>Ibid 147.

<sup>36</sup>[1995] MLJU 79; [1995] 3 CLJ 224 (High Court at Kuala Lumpur).

<sup>37</sup>Division of Supervision and Enforcement (n 2) 7, 8.

<sup>38</sup>Dahlan, thesis (n 3) 145.

<sup>39</sup>K Driggers, Planning of Singapore (nd)

(<http://www.macalester.edu/courses/geog61/kdriggers/housing.html>) accessed 25 November 2009.

<sup>40</sup>Housing and Development Board of Singapore (7 August 2007), Housing Development Board

([http://www.hdb.gov.sg/fi10/fi10296p.nsf/WPDis/About%20UsA%20Brief%20Background%20-%20Making%20A%20Mark?OpenDocument&SubMenu=A\\_Brief\\_Background](http://www.hdb.gov.sg/fi10/fi10296p.nsf/WPDis/About%20UsA%20Brief%20Background%20-%20Making%20A%20Mark?OpenDocument&SubMenu=A_Brief_Background)) accessed 26

September 2007; Housing and Development Board of Singapore (7 August 2007), Housing Development Board

([http://www.hdb.gov.sg/fi10/fi10201p.nsf/WPDis/Buying%20A%20New%20HDB%20Flat%20\(e-Sales\)Policies%20-%20Housing%20Loan%20from%20Banks?OpenDocument&SubMenu=Policies](http://www.hdb.gov.sg/fi10/fi10201p.nsf/WPDis/Buying%20A%20New%20HDB%20Flat%20(e-Sales)Policies%20-%20Housing%20Loan%20from%20Banks?OpenDocument&SubMenu=Policies)),

(<http://www.hdb.gov.sg/fi10/fi10296p.nsf/WPDis/About%20UsHDB's%20Role?OpenDocument>), and

(<http://www.hdb.gov.sg/fi10/fi10296p.nsf/WPDis/About%20UsA%20Brief%20Background%20-%20HDB's%20Role%20in%20the%20Future%20of%20Singapore>) accessed 18

October 2007.

<sup>41</sup>Rule 1 (General Provisions, section 22).

<sup>42</sup>Clause 1 (General Provisions, section 22).  
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<sup>44</sup>TP Cho

<sup>45</sup>Ibid.







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