

CONTENTS

PART 1 - INTRODUCTION

Goal and Objectives	1-1
Users of This Report	1-1
Format of Report	1-1
The Target Nations/Countries	1-2
Challenges and Constraints in Undertaking the Research	1-2

PART 2 – COUNTRY REPORT

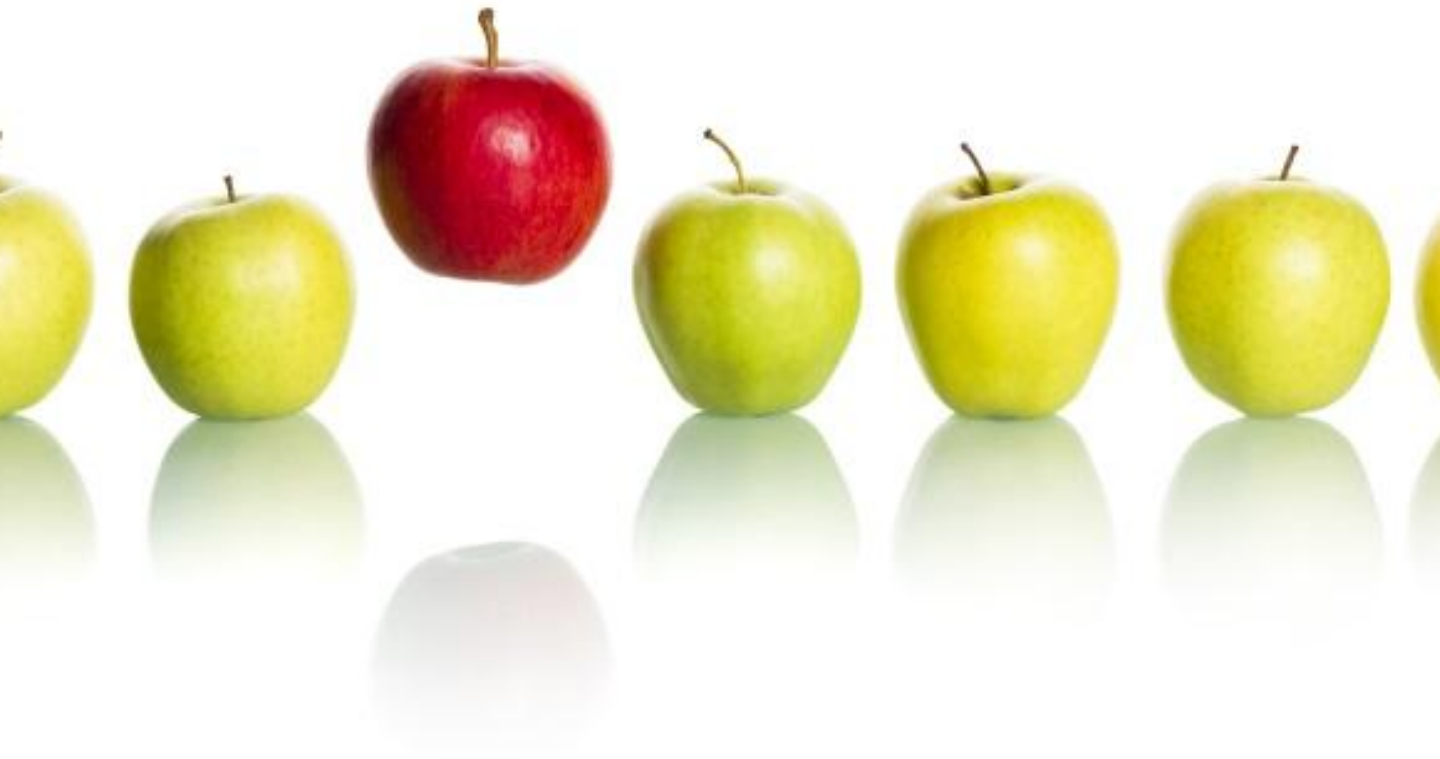
Brunei	2-1
Cambodia	2-12
Indonesia	2-18
Laos	2-27
Myanmar	2-42
Philippines	2-57
Singapore	2-65
Thailand	2-80
Vietnam	2-109
Tanzania	2-118
The Way Forward	2-135

PART 3 – SUMMARY BY COUNTRY



Part 1

INTRODUCTION



The Market Intelligence Report on Town Planning services has been initiated by the Board of Town Planners Malaysia. It forms part of the effort towards Trade Liberalization of Services under the WTO.

This report is a compilation of information deemed necessary for the town planner from Malaysia to have a quick reference on all matters pertaining to town planning in each country. Each country's information contains the following:

- A general and brief background of the country
- The town planning system – organization, legal framework, process and procedures
- Issues and Challenges of town planning
- Availability of Master Plans, Spatial Plans, etc.
- Standard requirement for a foreign worker or investor

All ASEAN countries have been included. They are contained herein by alphabetical order. However, the African nation of Tanzania has also been added. This is because they have been actively engaging PEMANDU to assist the nation in paving the way for more growth. There should be opportunities for Malaysian planners to be engaged in the spatial planning, especially of cities, in that country.

1.0 Goal and Objectives

The goal of the Market Intelligence initiative is to allow industry players in Malaysia, and especially Town Planners, to seek opportunities and new markets in which to practice and provide professional services in countries other than Malaysia.

The objectives of the Market Intelligence exercise are listed as follows:

- i. Identify and analyse the process and mechanism of town planning practice in other countries;

- iii. To identify the local regulations, legislation, business environment of the country to which Malaysian Town Planners can add value; and
- iv. Identify the current limitations in the countries that have Town and Country Planning services.

2.0 Users of This Report

It is envisaged that the results of this project shall be a reference point for any one seeking to venture into development projects in the countries listed. The users of this report may include the following:

- i. Developers – who may want to undertake a joint venture project with a local counterpart or with other multi-nationals;
- ii. Consultants – these can be town planners, architects, engineers or any other profession that may need to know the development process and procedures before agreeing to embark on international projects as consultants;
- iii. Academicians – this document would be extremely useful for those wanting to undertake a comparative research on development process and procedures in neighbouring countries; and
- iv. Government agencies – wanting to have background knowledge of how development takes place in these countries.

3.0 Format of Report

The Report of Findings consists of written statements on the process and procedures of each nation. However, the final report will consist of two parts:

- i. The written document – describing at length about the country, the history of planning and/or development; the legislations involved, the administrative machinery, etc.; and

- ii. The matrix in Excel format that summarizes the information for each country – this forms a quick first reference for the reader about each country. The reader will get a quick overview and should he require more in depth information, he can refer to the main text report, or click on to the webpage link given.

4.0 The Target Nations/Countries

To recapitulate, the nations studied under this project, by alphabetical order (for ASEAN countries) are:

- i. Brunei Darussalaam
- ii. Cambodia
- iii. Indonesia
- iv. Laos
- v. Myanmar
- vi. Philippines
- vii. Singapore
- viii. Thailand
- ix. Vietnam
- x. Tanzania

5.0 Challenges and Constraints in Undertaking the Research

i. Language Barrier

There are documents pertaining to planning and development in each country. However, not all are in English. For example, Tanzania's official language is known as Kiswahili or Swahili. A lot of information are in the Swahili language. Using the web translator could lead to false translating which may lead to bad reporting.

ii. Lack of well documented information

Not all the countries have well documented articles or books regarding matters on land development. These pertain mainly to nations which are newly emerging after years of war and instability. Examples are Laos, Myanmar and Tanzania. Though Tanzania is part of the Commonwealth, there is difficulty in gathering information since they are scattered and incomplete.



Part 2

COUNTRY REPORT



Brunei Darussalam



1.0 Introduction

Brunei Darussalam, officially, the Nation of Brunei, the Abode of Peace is a sovereign state located on the north coast of the island of Borneo, in Southeast Asia. Apart from its coastline with the South China Sea, it is completely surrounded by the state of Sarawak, Malaysia; and is separated into two parts by the Sarawak district of Limbang. It is the only sovereign state completely on the island of Borneo. The remainder of the island's territory is divided between the nations of Malaysia and Indonesia. Brunei's population was 408,786 in July 2012.

The official national history claims that Brunei Darussalam can trace its beginnings to the 7th century, when it was a subject state named P'o-li, in the Sumatra-centric Srivijaya empire. It later became a vassal state of the Java-centric Majapahit empire. Brunei Darussalam became a sultanate in the 14th century, under a newly converted Islamic sultan—Muhammad Shah.

Brunei Darussalam regained its independence from the United Kingdom on 1 January 1984. Economic growth during the 1970s and 1990s, averaging 56% from 1999 to 2008, has transformed Brunei Darussalam into a newly industrialised country. It has developed wealth from extensive petroleum and natural gas fields.

Brunei Darussalam has the second-highest Human Development Index among the South East Asia nations after Singapore, and is classified as a developed country. According to the International Monetary Fund (IMF), Brunei Darussalam is ranked fifth in the world by gross domestic product per capita at purchasing power parity. The IMF estimated in 2011 that Brunei was one of two countries (the other being Libya) with a public debt at 0% of the national GDP. Forbes also ranks Brunei Darussalam as the fifth-richest nation out of 182, based on its petroleum and natural gas fields.

Table 1.1: Summary of Country's Profile

Country name	Brunei Darussalam
Surface area	5,765 km ² (2,226 sq mi)
Population	415,717
Population density	67.3/km ²
Percentage of urban population	90%
Nominal GDP	\$17.092 billion
GDP per capita	\$39,355
Economic growth rate	1.4%

Source : <https://www.cia.gov/library/publications/the-world-factbook/geos/bx.html>

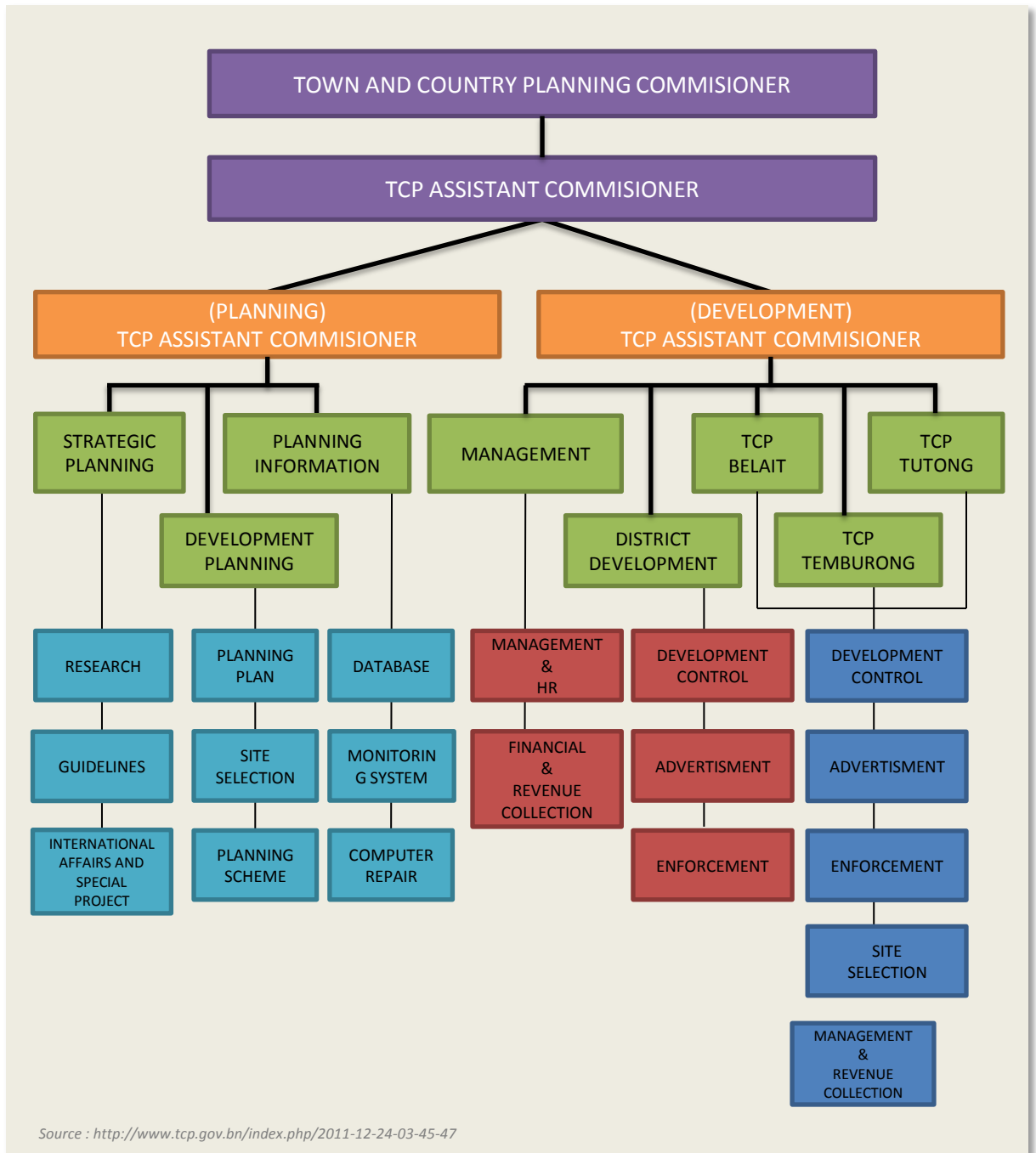
Crude oil and natural gas production account for 60% of GDP and more than 90% of exports. Per capita GDP is among the highest in Asia, and substantial income from overseas investment supplements income from domestic production.



Figure 1.1: Map of Brunei Darussalam

Source : <http://www.nationsonline.org/maps/brunei-map.jpg>

Figure 1.2: Organization Chart



1.1 Town planning system in terms of organization, legal framework, process for development approvals that are prevailing

1.1.1 Related Planning Law in Brunei

- Land Code, Revised Edition, 1984 (Chapter 40)
- Land Code (Strata), Revised Edition, 2000 (Chapter 189)
- The Control of Subdivision and Consolidation of Land Regulation, 1973
- The Control of Development and Use of Land and Building Regulation, 1974
- Town and Country Planning Act, 1972
- Caveat Act (Draft)

1.1.2 Brunei Development Submission Process

- i. Online submission thru e-DAS - Status of Land Development Application⁽¹⁾
- ii. Qualified Person for submission is the Engineer
 - a. All types of development submitted to the Department of Town and Country Planning (TCP) especially the Planning application for permission which previously known as "Stage 1", must be submitted via the registered QP in the Ministry of Development. Each QP will be given a membership number which will be used as user name (login id) to access e-DAS.
 - b. For those who want to register as QP, they must submit their application to Authority for Building and Construction Industry (ABCI), Ministry of Development.
- iii. The Engineer (QP - Qualified Person) must be registered and appointed by the land owner.
- iv. All land owners who are registered under the Land Department, can access the e-DAS for their latest application status using their smart card number which is submitted with the application form via the appointed QP. The land owner can also appoint members of their families as the representative by including their smart card number, name and mobile phone number.
- v. This system only limited for Daerah Brunei Muara for the time being. For others, Daerah Tutong, Daerah Belait dan Daerah Temburong are in the process of adopting the same system.⁽²⁾



1. Source : <http://www.gov.bn/en/Services/Pages/E-DAS-Development-Application-Status.aspx>
2. Source : <http://www.tcp.gov.bn/tcpweb/EDAS.HTM>



1.3 Organizations related and involved in town planning and development services at local, state, regional and national levels

1.3.1 Related organizations in town planning and development

- i. Ministry of Development
- ii. Town and Country Planning Department
- iii. Authority for Building and Construction Industry (ABCi)
- iv. Land Department
- v. Public Health Department
- vi. Public Works Department (JKR)
- vii. Fire Services Department
- viii. Department of Electrical Services (DES)
- ix. Telekom Brunei Berhad (TelBru)
- x. Brunei District Office

1.4 Issues and challenges in town planning services

1.4.1 Issues

Land for development is scarce. Natural resources need to be protected and there are risks from climate change to be negotiated.

Aspirations for unlimited personal mobility are likely to see an escalation in car use and congestion in confined urban areas with consequent suburbanisation of activity centres.

1.4.2 Challenges

300,000 people live in the urban areas, but the rate of urbanisation remains at over 2% per annum. Much of the land around Bandar is mangrove swamp or tropical hardwood forest that is home to a great diversity of species. Strip such areas for urban extensions at your peril. Brunei is a high CO₂ emitter, but its forests get it “off the hook” in this matter.

1.5 Professional institutes or organizations comprising town planners in that country and what the terms for membership⁽¹⁾

1.5.1 Professional Institutes/Organisation Comprising Town Planners

- Pertubuhan Ukur Jurutera & Arkitek (PUJA) Negara Brunei Darussalam

1.5.2 Membership

Types & Qualification for Membership Pertubuhan Ukur Jurutera & Arkitek (PUJA)^[3]

Persons of not less than eighteen (18) years of age, and who satisfy the particular qualifications, as set out below, shall be eligible for membership.

Corporate Members:

- i. **Honorary Fellows** - shall be distinguished and eminent persons, who, in the opinion of the Council, have rendered outstanding services in the interests and objectives of the Institution.
- ii. **Life Fellows** - shall be persons who are not less than thirty five (35) years of age; have been members for not less than fifteen (15) years or such other period as the council may decide, and deserve to be elected in the opinion of the Council.
- iii. **Fellows** - shall be persons who are not less than thirty five (35) years of age; have been members for not less than ten (10) years, or such other period.
- iv. **Members** - shall be persons who are not less than twenty five (25) years old; have the academic or professional qualifications in surveying, engineering or architecture, recognized by and acceptable to the Council; have the minimum prescribed period of practical experience and responsibility in the said professions; and pass the assessment in accordance with the Admission Bye-laws to be laid down by the Council.

Non-Corporate Members:

- i. **Graduates** - shall be persons who have recognized academic qualifications in surveying, engineering, and architecture recognized and acceptable to the Council.
- ii. **Associates** - shall be persons who have at least three years experience in the said professions and have qualifications which are acceptable to the Council.

- ii. **Students** - shall be persons who enrolled and undergoing relevant courses, acceptable to the Council, at places of learning.

Fees for Membership^[4]

The entrance and subscription fees shall be as follows:

Table 1.2: Fees for Membership⁽⁴⁾

Member	Entrance Fee	Annual Subscription
Honorary Fellow	Nil	Nil
Fellows	B\$ 200.00	B\$150.00
Members	B\$ 150.00	B\$ 120.00
Graduate	B\$ 100.00	B\$ 100.00
Associates	B\$ 80.00	B\$ 80.00
Student	B\$ 20.00	B\$ 20.00

A member who has his membership transferred from one category to another shall have to pay the difference between the entrance fee in respect of his existing category of membership and transferred category, if applicable. He shall also have to pay the annual subscription fee in respect of his transferred category of membership.

The registration fee, which is non-refundable is B\$10.00. The Council may increase or reduce the registration fee from time to time.

Subject to any extenuating circumstances approved by the Council, any member who has not paid his fees for three (3) years or more shall be expunged from the membership. Application for reinstatement shall be made to the Council and reinstatement shall be considered at the discretion of the Council. All reinstated members shall pay all outstanding fees and, in addition, a minimum three (3) years as administration fees.

3. Source : <http://www.puja-brunei.org/memberships/qualification/>
 4. Source : <http://www.puja-brunei.org/memberships/fees/>

1.6 Standard procedures and regulations for foreign consultants to practice

1.6.1 Company Registration

Table 1.3: Company Registration Procedure

No.	Procedure	Time to complete	Cost
1	Check uniqueness of company name and reserve the name	5 days	B\$ 1,505.00
2	Make statutory declaration at Magistrate's Court	1 day	B\$ 9.00
3	Submit required documents and pay registration at the Registry of Companies	10 days	See procedure details
4	Make company seal	3 days	B\$ 185.00
*5	Register for Employees Provident Fund	1 day, simultaneous with previous procedure	No charge
6	Purchase application form for miscellaneous license (rampaian) at the Municipal Board of Bandar Seri Begawan	1 day	B\$ 2.00
7	Apply for miscellaneous license ("Rampaian") at Municipal Board	2 months	B\$ 50.00 (license application) + B\$ 50.00 (FSD approval)
*8	Apply for Fire Services Department (FSD) for rampaian approval	1 day (simultaneous with procedure 7)	no charge
*9	Apply for the Ministry of Health for rampaian approval	1 day (simultaneous with procedure 7)	no charge
*10	Receive inspection from Fire Service Department	1 day (simultaneous with procedure 7)	B\$ 750.00
*11	Receive inspection from Ministry of Health	1 day (simultaneous with procedure 7)	no charge
*12	Pick up approval Fire Service Department	1 day (simultaneous with procedure 7)	no charge
*13	Pick up approval from Ministry of Health	1 day (simultaneous with procedure 7)	no charge
*14	Submit approval letters to licensing authorities	1 day (simultaneous with procedure 7)	no charge
15	Pick up rampaian license	21 days	B\$ 100.00

* Takes place simultaneously with another procedure

1.7 Availability of a fee structure for town planners working as a consultant

In Brunei, the fee for the town planner is included in the total fee charged by the architect or engineer to the client.

1.8 Availability of a Master Plan, spatial plan, guidelines on planning

1.8.1 Master Plan

- i. Bandar Begawan Master Plan ⁽⁶⁾

1.8.2 Spatial Plan⁽⁷⁾

- i. Mukim Serasa Local Plan
- ii. Brunei Land Availability Study (On-going)
- iii. Belait District Plan (On-going)

1.8.3 Guidelines

- i. The Control of Signs and Advertisements, June 2008
- ii. Kemajuan Industri, Mac 2010
- iii. Commercial Development, May 2011
- iv. Kemajuan Perumahan, Februari 2010
- v. Kemajuan Tanah (Focus Kemajuan Di Kawasan Sensitif Alam Sekitar), Disember ⁽⁸⁾



Figure 1.3 : Mukim Selasa Local Plan

Source: <http://www.bpdconsulting.com.au/news-serasa.jpg>

6. Source: <http://www.bsb-masterplan.com.bn>

7. Source: http://www.uncrd.or.jp/env/3rd-regional-est_forum/doc/12_Brunei%20Darussalam.pdf

8. Source: <http://www.tcp.gov.bn/>

1.9 Procedures for plan approvals and development

Table 1.4: Summary of development plan approval

No.	Procedure	Time to complete	Cost
1	<p>Request and obtain building permit</p> <p>With the ABCi one stop shop, builders can obtain all pre-construction approvals and the building permit under the same roof. Pre-construction approvals include: building drawings, health, fire safety, land and utility connections reviews.</p> <p><i>Agency: ABCi</i></p>	60 days	BND 456
2	<p>Request and receive final inspection from the Town and Country Planning Department</p> <p>In practice, to time the inspection with the end of construction, this step is often taken 2 -- 3 weeks before construction is complete.</p> <p><i>Agency: Town and Country Planning Department</i></p>	1 day	no charge
*3	<p>Request and receive final inspection from the Land Department</p> <p><i>Agency: Land Department</i></p>	1 day	no charge
*4	<p>Request and receive final inspection from the Public Health Department</p> <p><i>Agency: Public Health Department</i></p>	1 day	no charge
*5	<p>Request and receive final inspection from the Public Works Department (JKR)</p> <p><i>Agency: Public Works Department (JKR)</i></p>	1 day	no charge
*6	<p>Request inspection from the Fire Services Department and pay fees</p> <p>The Fire Services Department is the only agency that charges a fee for inspecting the completed warehouse.</p> <p><i>Agency: Fire Services Department</i></p>	1 day	BND 750
*7	<p>Receive final inspection from the Fire Services Department</p> <p><i>Agency: Fire Services Department</i></p>	1 day	no charge
*8	<p>Request and receive final inspection from the Department of Electrical Services (DES)</p> <p><i>Agency: Department of Electrical Services (DES)</i></p>	1 day	no charge
*9	<p>Request and receive final inspection from TelBru</p> <p><i>Agency: Telekom Brunei Berhad (TelBru)</i></p>	1 day	no charge

* Takes place simultaneously with another procedure

No.	Procedure	Time to complete	Cost
*10	Request and receive final inspection from the Brunei Mauara District Office <i>Agency: Brunei Mauara District Office</i>	1 day	no charge
*11	Obtain approval memorandum from the Town and Country Planning Department <i>Agency: Town and Country Planning Department</i>	1 day	no charge
*12	Obtain approval memorandum from the Land Department <i>Agency: Land Department</i>	1 day	no charge
*13	Obtain approval memorandum from the Public Health Department <i>Agency: Public Health Department</i>	1 day	no charge
*14	Obtain approval memorandum from the Public Works Department (JKR) <i>Agency: Public Works Department (JKR)</i>	1 day	no charge
*15	Obtain approval memorandum from the Fire Services Department <i>Agency: Fire Services Department</i>	1 day	no charge
*16	Obtain approval memorandum from the Department of Electrical Services (DES) <i>Agency: Department of Electrical Services (DES)</i>	1 day	no charge
*17	Obtain approval memorandum from TelBru <i>Agency: Telekom Brunei Berhad (TelBru)</i>	1 day	no charge
*18	Obtain approval memorandum from Brunei Mauara District Office <i>Agency: Brunei Mauara District Office</i>	1 day	no charge
19	Submit all 8 approval memoranda to the Town and Country Planning Department Along with the memoranda, BuildCo must submit 2 sets of as-built drawings. <i>Agency: Town and Country Planning Department</i>	1 day	no charge
20	Obtain occupancy permit <i>Agency: Town and Country Planning Department</i>	14 day	no charge

* Takes place simultaneously with another procedure

No.	Procedure	Time to complete	Cost
21	<p>Obtain telephone connection from TelBru</p> <p>TelBru, as of January 2009, updated its fee schedule for connecting to a fixed telephone line. The new installation fee is BND 50.00, deposit BND 50.00, and rental (1 month) is BND 13.00. Total fee is BDN 113.00.</p> <p>New internal standards for customer satisfaction on new installation targets as follows:</p> <ul style="list-style-type: none"> • within 3 days -- 70% • within 7 days -- 90% • within 14 days -- 100% <p>In locations where existing infrastructure allows proper connection without increasing the capacity, fixed line installation may take 3 days.</p> <p><i>Agency: Telekom Brunei Berhad (TelBru)</i></p>	3 day	BND 113
*22	<p>Obtain water connection from JKR</p> <p><i>Agency: Public Works Department (JKR)</i></p>	1 day	BND 500

* Takes place simultaneously with another procedure

Source : <http://www.doingbusiness.org/data/exploreeconomies/brunei#dealing-with-construction-permits>

1.10 Other related matters

The Malaysian town planner is best attached to an architecture or engineering firm if he wants to practice in Brunei. Brunei takes on very few Malaysian consultancies, preferring services by Australian, British or American consultants.

The above inference has been obtained from various experiences by Malaysian consultants.

Cambodia



2.0 Introduction

Cambodia, officially known as the Kingdom of Cambodia and once known as the Khmer Empire, is a country located in the southern portion of the Indochina Peninsula in Southeast Asia. Its total landmass is 181,035 square kilometres (69,898 sq mi), bordered by Thailand to the northwest, Laos to the northeast, Vietnam to the east and the Gulf of Thailand to the southwest. (Refer Figure 2.1)

Cambodia has since had one of the best economic records in Asia, with economic growth averaging 6 percent for the last 10 years.

Strong textiles, agriculture, construction, garments, and tourism sectors led to foreign investments and international trade. In 2005, oil and natural gas deposits were found beneath Cambodia's territorial waters.

China's geopolitical interest in Cambodia changed significantly with the end of the Cold War. It retains considerable influence, including, before his death, close links with former King Norodom Sihanouk, senior members of the Cambodian Government, and the ethnic Chinese community in Cambodia.

There are regular high level exchanges between the two countries. Japan has been a vital contributor to Cambodia's rehabilitation and reconstruction since the high-profile UN Transitional Authority (UNTAC) mission and elections in 1993.

Japan provided some US\$1.2 billion in total overseas development assistance (ODA) during the period since 1992 and remains Cambodia's top donor country.



With a population of over 14.8 million, Cambodia is the 70th most populous country in the world. Cambodia has one of the best economic records in Asia, with economic growth averaging 6 percent for the last 10 years. Strong textiles, agriculture, construction, garments, and tourism sectors led to foreign investments and international trade. ⁽¹⁾⁽²⁾

Table 2.1 Summary of Country's Profile

Country Name : Cambodia	
Capital	Phnom Penh
Area	181,035 sq km
Climate	Tropical
Government	Constitutional Monarchy
Language	Khmer
Population	15,205,539 (July 2013 est.)
Population growth rate	1.67% (2013 est.)
Urbanization	Urban population: 20% of total population (2011) Rate of urbanization: 2.13% annual rate of change (2010-15 est.)
GDP per capita	\$2,600 (2013 est.)
Labor force	7.9 million (2011 est.)

Source : a) <http://www.canbypublications.com/cambodia/factsstats.htm>
 b) <https://www.cia.gov/library/publications/the-world-factbook/geos/cb.html>

Figure 2.1 Cambodia Administrative Map



Source : <http://www.nationsonline.org/oneworld/map/cambodia-administrative-map.htm>

1. Source: *The struggle between Thailand and Cambodia over oil and gas resources*, CLC Asia.
 2. Source: *Cambodia Aims for Offshore Production Next Year*, The Wall Street Journal.



2.2 Administrative & Legislative System

The **politics of Cambodia** takes place in a framework of a constitutional monarchy, whereby the Prime Minister is the head of government and a Monarch is head of state. The kingdom formally operates according to the nation's constitution (enacted in 1993) in a framework of a parliamentary, representative democracy. Executive power is exercised by the government. Legislative power is vested in the two chambers of parliament, the National Assembly and the Senate.

The **Senate** (*Protsaphea*) has 61 members. Two of these members are appointed by the King, two are elected by the lower house of the government, and the remaining fifty-seven are elected popularly by "functional constituencies." Members in this house serve a six-year term. The official duty of the Parliament is to legislate and make laws.

Bills passed by the Parliament are given to the King who gives the proposed bills Royal Assent. The King does not have veto power over bills passed by the National Assembly and thus, cannot withhold Royal Assent. The National Assembly also has the power to dismiss the Prime Minister and his government by a two-thirds vote of no confidence⁽³⁾ **of Cambodia**

2.3 Provincial And Local Governments

Below the central government are 24 provincial and municipal administration. (In rural areas, first-level administrative divisions are called provinces; in urban areas, they are called municipalities). The administrations are a part of the Ministry of the Interior and their members are appointed by the central government. Provincial and municipal administrations participate in the creation of nation budget; they also issue land titles and license businesses.

Since 2002, commune-level governments (commune councils) have been composed of members directly elected by commune residents every five years. In practice, the allocation of responsibilities between various levels of government is uncertain. This uncertainty has created additional opportunities for corruption and increased costs for investors.

Cambodia is divided into 23 provinces and the special administrative unit Phnom Penh. Though a different administrative unit, Phnom Penh is at province level, so de facto Cambodia has 24 provinces. Each of Cambodia's 23 provinces is divided into districts - as of 2010 there are 159 districts and 9 districts in Phnom Penh.

3. http://en.wikipedia.org/wiki/Politics_of_Cambodia

Each of the provinces has one capital district. The exceptions are Banteay Meanchey, Kandal, Monduliri, Oddar Meanchey, Preah Vihear Province and Rattanakiri, where the province and the capital district does not match together.

In Phnom Penh the districts are called *khan* and their subdivisions, *sangkat* which are smaller in the other provinces. The *sangkat* are further subdivided into *phum*, which are usually translated as villages, though they do not necessarily cover one single settlement. Additionally to these subdivisions, there are also cities and towns, which take over some of the responsibilities of the districts and communes on the area covered by the municipality. These all have an elected board and an elected mayor. There are three different levels of municipalities :

krong (city): More than 50,000 citizens

krong (town): More than 10,000 citizens - or a provincial capital



In addition to the population numbers the municipalities need to have enough tax revenues for the administration to be able to execute the offices of administrations. Towns and cities are into *sangkat* (quarters), which are equivalent to the villages (*phum*) of rural areas. For areas which does not reach the mandatory conditions there exists another lower level of local administration. These usually cover a complete subdistrict (*Khum*), but may also cover more than one subdistrict or share a subdistrict with a municipality.

2.4 Laws And Regulations Related to Planning and Development

- i. Law on Land Use Planning, Urbanization and Construction
- ii. Land Law (2001)
- iii. Law on Expropriation
- iv. Law on Nature Protection Area (Protected Areas Law)
- v. Law on Providing Foreigners with Ownership Rights in Private Units of Co-Owned Buildings
- vi. Order No.01 on Economic Land Concession Management
- vii. Sub-Decree on the Mortgage and Transfer of the Rights over a Long-Term Lease or an Economic Land Concession
- viii. Sub-decree on Economic Land Concession
- ix. Sub-Decree on Declaration of State's Properties

2.5 Organizations related and involved in town planning and development services at local, state, regional and national levels

2.5.1 Ministry of Planning

The Ministry of Planning of the Royal Government of Cambodia is responsible for guiding and managing national socioeconomic development planning, including through the management of the statistical functions of the Government.

It works in close cooperation with other Ministries and institutions in Cambodia to fulfill these planning and statistical roles, at both the central and sub-national levels.

2.5.1.1 Structure and functions of the MoP

The structure and function of the MoP was laid out in detail in 1997 in Sub-Decree No. 55 (1997). According to this document, the Ministry of Planning consists of three Directorates:

- The General Directorate of Planning (GDP), which is responsible for guiding and managing national socioeconomic development planning.
- The National Institute of Statistics (NIS), which is responsible for managing the statistical functions of the Royal Government; and
- The General Directorate of Inspection.

These Directorates are headed by Director-Generals, assisted by Deputy Directors-General. Each Directorate is in turn divided into Departments, each headed by a Director (assisted by Deputy Directors as required). These three Directorates are supplemented by:

- Minister's Cabinet
- Personnel Department
- General Administrative Department
- Supply and Financial Department
- Internal Audit Department (created in 2006)

2.5.1.2 MoP policy documents

A number of key documents lay out the policies of the MoP. These are the 2004 Cambodian Millennium Development Goals (CMDGs) report, the National Strategic Development Plan (NSDP) 2006-2010, the Statistical Master Plan (SMP), the Statistics Law and the Ministry of Planning Strategic Plan (MPSP).

2.5.2 Ministry of Land Management, Urban Planning and Construction

The Ministry of Land Management, Urban Planning and Construction (MLMUPC) is a government ministry of Cambodia. The Ministry is responsible for governing land use, urban planning, construction projects, and for the resolution of land use conflicts. The current Minister of Land Management, Urban Planning and Construction is H.E. Im Chhun Lim. Central offices of the ministry are located in Phnom Penh.

In 2012, the ministry provided licenses to 1,694 construction projects, down 20 per cent from 2,125 projects in a year earlier, but at a higher value. The Ministry is currently organized into 6 administrative areas:

- Ministry - Offices of the Ministry cabinet and primary bureau of the ministry.
- General Departments - Administration, human resources, budgeting, and so forth.
- Provincial and Municipal Departments - The Ministry maintains provincial department offices in each provincial capital
- Council of Land Policy
- National Cadastral Commission - Creates and maintains cadastral maps and works with Administrative Commission to resolve land ownership and land use conflicts.
- National Social Land Concession Committee

2.6 Issues and challenges in town planning services

2.6.1 Town Planning Services by Foreign Consultant

Availability of town planning services by foreign consultant:

- There is no availability of SOP for foreign consultant providing town planning services in Cambodia.
- There is no standard professional fees for town planning services in Cambodia.

2.6.2 Existing set of structural and institutional constraints

The existing set of structural and institutional constraints will slow down economic growth and poverty reduction:

These constraints include :

- an insecurity in land tenure, which inhibits investment in productive activities.
- low productivity in land and human capital.
- a business-enabling environment that is not conducive to formalized investment.
- underdeveloped rural roads and irrigation infrastructure.
- a finance sector that is unable to mobilize significant funds for agricultural and rural development.
- the critical need to strengthen public expenditure management to optimize scarce resources for effective delivery of rural services.

2.6.3 Human resource deficiency:

This remains the greatest bottleneck in Cambodia's development efforts. In the short-term the Government is tackling the problem by importing foreign experts on a temporary basis and as a long-term strategy through a concerted national effort aimed at increasing educational and skills development opportunities.

iii. A financial and foreign exchange gap:

With a low per capita income and widespread poverty, Cambodia's ability to mobilize sufficient domestic savings to finance domestic investments is limited.

2.6.4 Physical infrastructure

Inadequate physical infrastructure:

The extent and quality of Cambodia's infrastructure is inadequate to attract private investment.

2.6.5 Institutional capacity constraints:

Much remains to be done to improve Cambodia's administrative, legal, commercial, judiciary and regulatory institutions, to achieve a standard that fosters investor confidence and private sector participation in long term investments. At present, addressing governance issues is a major priority of the Government.

2.6.6 Environmental degradation:

Significant impact from overexploitation of resources and unsustainable management practices

Significant environmental degradation has occurred during the 1970s, 1980s, and 1990s. This degradation has been caused largely by overexploitation of resources and unsustainable management practices. Forest cover has been reduced from 74 percent of Cambodia's land area in 1969 to 58 percent in 1997, resulting in reduced biodiversity, increased soil erosion, accelerating river silt, and changes to the shape of the Mekong River, Tonle Sap River and Tonle Sap Great Lake, which has contributed in recent years to extensive flooding.

2.6.7 Corruption:

The issues on corruption remains a serious problem for economic growth and development.

Transparency International's 2007 Global Corruption Barometer listed Cambodia as one of the countries most affected by bribery; 72 percent of survey respondents said they had paid a bribe to obtain services.

Source:

www.cdccrdb.gov.kh/cdc/socio_economic/cambodia_development.htm

Indonesia



3.0 Introduction

Indonesia is a country made up of over 17,500 individual islands. Of those, there are about 6,000 inhabited islands, and these constitute about 700,000 square kilometers (38% of the total land area).

Indonesia is the fourth most populous country in the world after China, India, and the United States. Indonesia is home to over 300 ethnic peoples, but almost 70% of the entire population lives on the island of Java, which accounts for a mere 6% of the land area of the country.

Roughly 82% to 83% of the country's economic activity is concentrated in western Indonesia (Sumatra, Java, and Bali), clearly attesting to the severe disparity in levels of economic development in the country. There is also a significant disparity between Java and other areas (termed "non-Java").

3.1 Town planning system in terms of organization, legal framework, process for development approvals that are prevailing

Legal Framework

Hierarchy of regulation in Indonesia is provided in Figure below. The highest regulation level is the 1945 Constitution followed by Act, Government Regulation and Presidential Decree, and Ministry/Chairman of BAPPENAS (In the lowest level is guide and standard)

BAPPENAS, the National Development Planning Agency, is an Indonesian central government institution which is responsible for formulating national (annual, five-years, and long-term) development planning. Furthermore, BAPPENAS has also a responsibility to coordinate foreign (bilateral and multilateral) development cooperation.



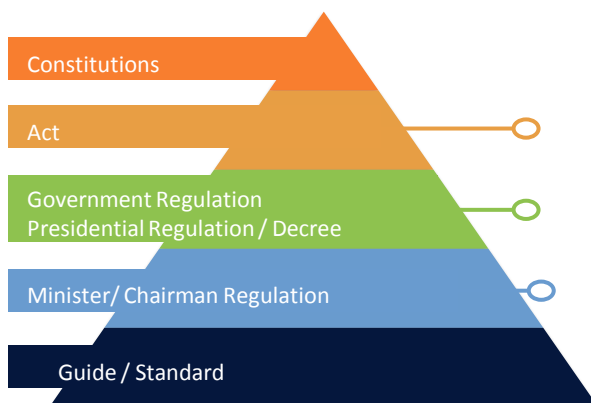
Table 3.1 Summary of Country's Profile

Country name	Republic of Indonesia
Surface area	About 1,890,000 km ²
Population	About 238 million (2010; government estimate)
Population density	126/km ² (2010)
Percentage of urban population	49.9%(2010)
GDP (nominal)	USD 846.6 billion(2010)
GDP per capita (nominal)	USD 3,542.9 (2011; government estimate)
Percentage of employment by industry	Primary industry (38.3%), Secondary industry (12.8%), Tertiary industry (48.9%) (2010 est.)
Economic growth rate (real)	2.0%(2011; government estimate)

Source : <http://www.mlit.go.jp/>



Source : <http://en.18dao.net/images/d/d0/Map-Indonesia.jpg>



Source : <http://www.mlit.go.jp/>

The Act provides the bases and the fundamental matters concerning the land development

The Government / Presidential Regulation provides the particulars entrusted by the Act and which are necessary for the land development

The Regulation provides the technical standards and particulars entrusted by the Act and the Government Regulation such as detailed procedures and format of documents

The government of Indonesia is three-tiered, consisting of provinces (33 including provinces/regions with special status), cities (92 urban local authorities), and regencies (359 rural local authorities). The respective governments have the authority to draft socioeconomic development plans according to the National Development Planning System Law (Law No. 25/2004) and spatial plans according to the Spatial Planning Law (No. 26/2007). Development in the country centers on these plans.

3.3 Organizations related and involved in town planning and development services at local, state, regional and national levels

3.3.1 Major Authorities Relating to Spatial Policy^{(1)(2) (3)}

Program name or administrative field	Organizations
Socioeconomic plan	Plan formulation: National Development Planning Agency (BAPPENAS) Budget creation: Department of Finance
National spatial plan	National Development Planning Agency (BAPPENAS), Ministry of Home Affairs, and others

3.3.2 Socioeconomic Development Planning System at the National Level

The socioeconomic development planning system at the national level in Indonesia consists of a 20-year national long-term development plan and a five-year development plan, the latter of which comprises a national medium-term development plan and yearly implantation plan. The development plans fall under the authority of the National Development Planning Agency (BAPPENAS).

The duration of the current national long-term development plan (Law No. 17/2007) is from 2005 to 2025, and that of the medium-term plan (Presidential Regulation No. 7/2005) is from 2004 to 2009.

The long-term development plan functions to outlines the vision, mission, and direction of development policies for a 20-year period.

The medium-term development plan is presented by the President of Indonesia, who is chosen by the people in direct elections, shortly after he or she takes office.

This plan reflects the president's vision for national development strategy, macroeconomic framework, and priority policy goals he or she wishes to achieve in the five-year period. (Consideration is also given to compatibility with the long-term development plan). (Refer to Figure 3.2 : Socioeconomic planning system)

3.3.3 Spatial Planning System at the National Level

Spatial plans in Indonesia first gained a legal basis with the passage of Law No. 24 of 1992 (Spatial Planning Act). The act was amended in 2007 in the context of decentralization, urbanization, and other factors (Law No.26/2007). The current national spatial plan, which was enacted with Law No. 26/2008 on Spatial Planning, covers a 20-year period, but is to be reviewed every five years. The organization responsible for drafting the plan was the National Spatial Planning Coordination Board, which was chaired by the Coordinating Minister for the Economy. The board's offices were set up in the National Development Planning Agency (BAPPENAS) and headed by BAPPENAS's director. The Directorate General of Spatial Planning of the Ministry of Public Works was charged with handling the practical implementation of the board's plan.

The plan includes guidelines for effective and efficient planning processes to achieve the stated objectives of the plan. There is a strategic development framework for the purposes of creating a national land strategy. The framework seeks to achieve security, economic viability, and sustainability in the use of land in this archipelagic country, in addition to national cohesiveness and stability. (Refer to Figure 3.3 : Spatial planning system)

1. Source: <http://www.bappenas.go.id>
 2. Source: <http://www.depkeu.go.id/Ind/>
 3. Source: <http://www.penataanruang.net/>

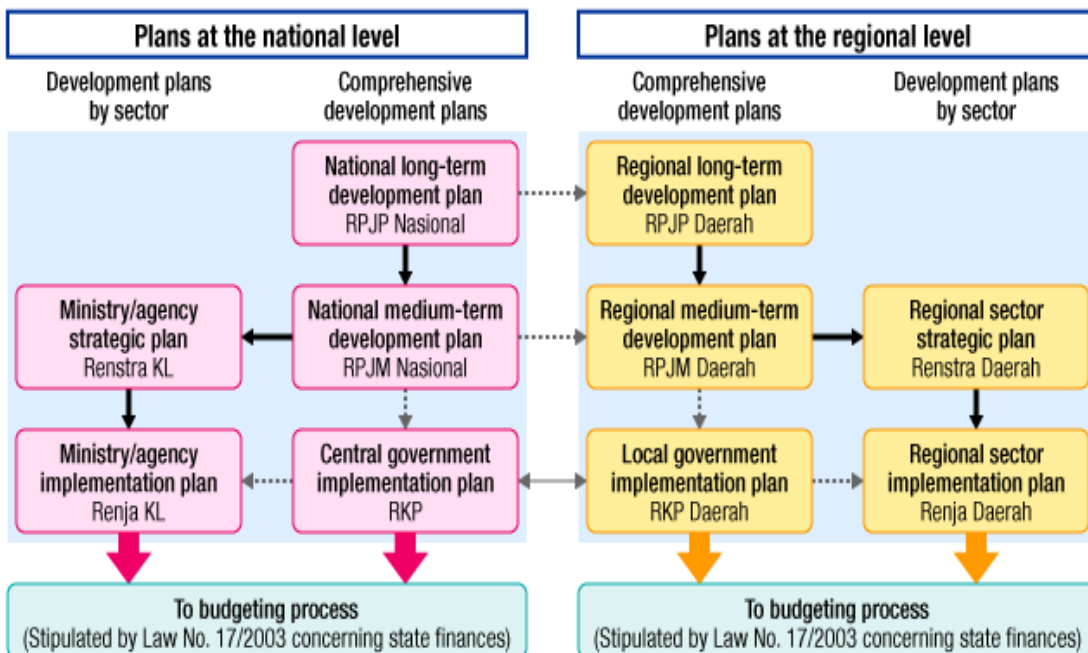


Figure 3.2 : Socioeconomic Planning System

Source : Prepared based on the National Development Planning System Law

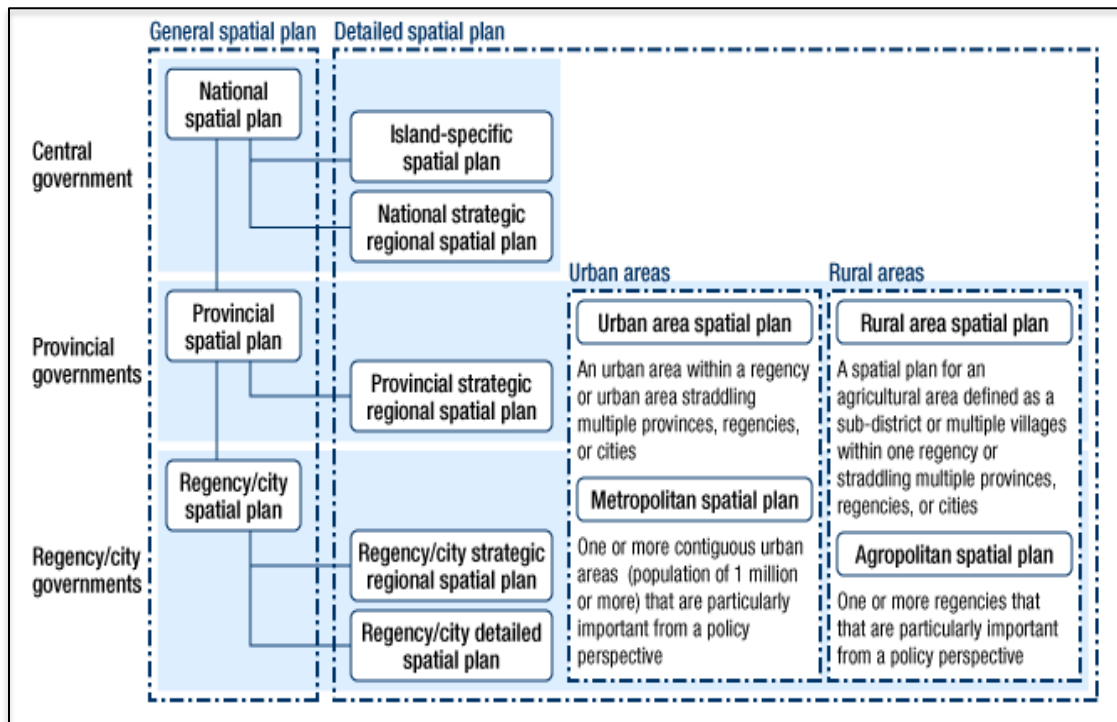


Figure 3.3 : Spatial Planning System

Source : Prepared based on the Spatial Planning Law

3.3.4 Other Policies With Significant Territorial Effects

After the second winning of presidency by President Yudhoyono, the National Medium-term Development Plan for 2010-2014 became effective as Presidential Regulation (No.5/2010). The plan serves as the second stage of National Long-term Development Plan (RPJP Nasional; period of 2005-2025) which became effective in 2007, taking over the national vision "fair, prosperous and democratic Indonesia" the goal for long-term development plan and other plans with the understanding that the nation is at the stage of "enhancing development synergy in various field", and it sets out eleven national prioritized tasks. The fresh point of this plan is that it includes, along with such general and sectoral development policy, development policy of each province organized by Development Planning Council (Musrenbang) which is the body aimed at coordinating development needs from both top-down approach and bottom-up approach. (Refer to Figure 3.3: Spatial planning system)

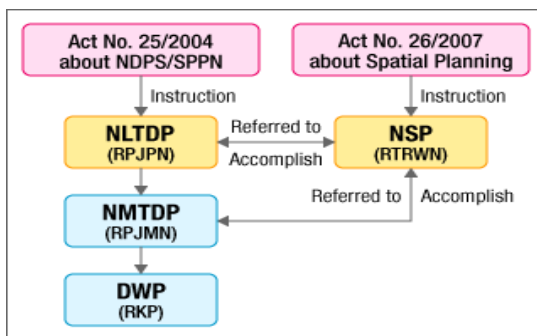


Figure 3.3: Spatial Planning System

Source: Prepared based on the Spatial Planning Law

3.3.4 Green Space Rules" in Spatial Planning Law

Response to urbanization is one of the important issues in the new Spatial Planning Law (Law No.26/2007) and the law requires spatial plans of the cities to include plans on allocation and usage of green space, network of public transport and foot traffic network and matters related to informal sector (these are not always necessary in spatial plans of the regencies).

3.4 Issues and challenges in town planning services

3.4.1 Issues

- i. Too many bureaucracy and red tapes involved in the development process.
- ii. Development approval/permit takes too long to be issued. The fastest approval within 6 months. In average approval may take as long as between 12 – 18 months.

3.4.2 Challenges

- i. Importance In Building Relationship. Investing in relationships is critical to succeeding in Indonesia. Establishing a relationship requires time, preferably with face-to-face contact with a person of similar age and status. Demonstrating loyalty and trustworthiness is critical to maintaining a relationship. The longer term returns of investing in relationships can be significant and include:
 - expediting bureaucratic processes where the relationship is with a government official
 - accessing information and distribution networks
 - opening joint venture opportunities
- ii. Navigating Indonesia's legal and regulatory system is best done with the aid of a notary; consulting a notary when setting up a company, obtaining approval for development and drafting a contract is strongly advised.



3.5. Professional institutes or organizations comprising town planners in that country and what the terms for membership

3.5.1 Professional Organisation Comprising Town Planners⁽⁴⁾

- Ikatan Ahli Perencanaan (IAP)



3.5.1.1 Mission

IAP is a professional organisation that expert and focus in urban and regional planning

3.5.1.2 The Objectives

IAP was established with the purpose to develop urban and regional planning expertise and improve the quality, welfare, unity and integrity of planning experts and city regions in Indonesia. IAP serves as a professional organisation to train, communication, consultation and coordination between urban and regional planning experts, with other experts, public agencies, private sector, government and international. Also, as a container to protect the public interest. There is also the task of the IAP are:

3.5.1.3 Level of Membership

In order to improve the quality of the planning profession in Indonesia, in 1994 IAP Planner Board Certification was form to carry out certified member of the IAP through IAP Certification Program.

There are three levels of expertise planners, which are **young planners, intermediate planners and expert planners main planner**. A qualified town planner is determined using four criteria, namely **(i) formal education, (ii) professional experience, (iii) continual education and (iv) certified planners that act as a 'guarantor' of professional competence IAP members**. IAP certification program can only follow the planning professionals who have acquired the status of ordinary members.

3.6. Standard procedures and regulations for foreign consultants to practice

3.6.1 Foreign Business Structures⁽⁵⁾

Recent legislation allows 100 per cent foreign owned companies to operate in most sectors. In many cases, however, foreign investors may seek joint venture partners to complement their skills and resources. The foreigner's depth of knowledge of the local business environment should influence the level of local cooperation sought. Local partners generally have knowledge of the Indonesian economy and society. However, those already familiar with the local business environment often choose outright foreign ownership. The need to access local distribution channels, and business and bureaucratic contacts also will influence a decision to enter a joint venture.

In some instances, businesses opt for long term, performance based contractual arrangements with Indonesian companies rather than joint ventures. Fully owned structures allow complete control by the foreign entity, and remove the potential for disagreement inherent in joint ventures and partnerships.

In many joint ventures, Indonesian partners with local expertise exercise on-the-ground control, although the Australian partner maintains an important presence. Joint ventures require careful research, as mistakes can be costly and withdrawal difficult. However, well chosen joint venture partners should provide access to local expertise and cultural knowledge, distribution networks and links to the corporate sector and bureaucracy. When seeking a joint venture partner, Australian companies should seek Indonesian partners with a similar company structure and culture, although these may not be common. Major differences in perceptions and expectations amongst foreign and local partners are common, with disagreement over the organisation and management of the joint venture most problematic.

4. Source: <http://www.iap.or.id/>

5. Source: http://www.dfat.gov.au/publications/indonesia/ind_chp6.pdf

3.6.2 Setting Up a Company in Indonesia⁽⁶⁾

Recent reforms streamline procedures for foreign firms establishing operations. Investors must submit a brief business plan and outline the proposed structure of the company to the provincial office of the BKPM; approval takes at least ten working days. However, a good relationship between the investor and the relevant bureaucrat helps reduce processing time. Local officers undertaking the preliminary work may request a very small processing fee. Once the company structure is approved, the investor must apply for licences from local authorities, a process often fraught with bureaucratic chicken and egg situations. For example, before obtaining company articles of association with the central office of the Law Department in Jakarta, a firm must provide documentary evidence that it has deposited share capital in its bank account. However, to open a company bank account, a firm must produce registered articles of association. Depending on the quality of the relationship between the investor and BKPM officials, the latter can assist in these processes.

3.7 Availability of a fee structure for town planners working as a consultant

There is no fixed fee scale in Indonesia and it varies according to the town planner experience, licence level and popularity. It is often the same anywhere in the world where fees vary. Town Planning fees will be charged taking into consideration the requirements of the project, the planner's skills, experience, costs/expenses, and the resources needed to undertake the work, profit and competition.

At the moment, Ikatan Ahli Perencanaan (IAP) is developing a scale of fees for town planning services in Indonesia. They are trying to find the right mechanism for the fee structure.



6. Source: http://www.dfat.gov.au/publications/indonesia/ind_chp6.pdf

3.9 Procedures for plan approvals and development

Development & Building Approval Process in Summary



Note : Time frames [intended as a guide only. The fastest approval within 6 months. In average approval may take as long as between 12 – 18 months.

3.10 Other related matters

3.10.1 Land Titles in Indonesia⁽⁷⁾

3.10.1.1 Primary Land Titles

Primary land titles are those normally obtained directly from the State, although the holder of a Hak Milik can grant certain inferior titles such as HGB and Hak Pakai, both of which are considered primary titles. All primary land titles are certificated and registered with the National Land Agency.

i. Hak Milik (Right of Ownership):

Hak Milik corresponds roughly to fee simple or freehold title, and is the most complete form of land ownership in Indonesia. Subject to zoning restrictions, the holder can use the land for any purpose, although it does not entitle the owner to exploit the natural resources found on or under the land. (These rights are regulated by the Basic Mining Law (Law No.11 of 1967).

ii. Hak Guna Bangunan (Right to Build):

The holder of Hak Guna Bangunan ("HGB") is entitled to construct and own buildings or other structures on the land. This is the most common title for residential, commercial and industrial properties. This title can be owned by individuals of Indonesian nationality, and Indonesian legal entities including foreign capital investment (PMA) and domestic capital investment (PMDN) companies (as described more fully in Section II below.)

iii. Hak Guna Usaha (Right of Exploitation):

Hak Guna Usaha ("HGU") is a right granted over State land to exploit the soil, and is the principal title used for agricultural projects, including plantations, fisheries and cattle ranches. The owner is also entitled to construct buildings and structures on the land related to such agricultural uses. HGU may be held by Indonesian citizens and by legal entities established under Indonesian law, including PMA and PMDN companies.

iv. Hak Pakai (Right of Use):

Hak Pakai entitles the holder to use the subject land for the specific purposes described in the deed of conveyance. Foreign individuals and foreign representative offices, as well as Indonesian citizens and legal entities, are entitled to hold Hak Pakai titles. Traditionally, this title has been granted to various foreign governments and religious and social institutions (e.g., embassies, consulates and churches) for an indefinite period as long as the premises continue to be used for the agreed purpose.

v. Hak Pengelolaan (Right of Management):

Hak Pengelolaan ("HPL") is normally granted to State-owned companies as well as Provincial (Level I) and Regional (Level II) Governments for purposes of developing State land. It is commonly used for industrial estates, low-cost housing projects and port facilities. The duration of the right is usually tied to the length of time the holder uses the land for the intended purpose. This title may be sold and transferred

3.10.1.1 Secondary Land Titles

Secondary land titles, i.e., those contractually granted by the holder of a primary title, include Hak Sewa (Right of Lease), Hak Usaha Bagi Hasil (Right of Share Cropping), and Hak Menumpang (Right of Lodging). Of these, the only significant one for most foreign investors is Hak Sewa which is briefly described below.

i. Hak Sewa (Right of Lease)

Hak Sewa grants the holder the right to build or to use buildings on someone else's land for a fixed period of time. The period of lease must be specified, but there is no limit on the duration of the lease.

ii. Strata Title

Strata title is a relatively new concept in Indonesia, but can be acquired in numerous office and residential properties in Jakarta. The qualifications for ownership of a strata title depend on the underlying land title, e.g., if the underlying title is HGB, only persons qualified to hold HGB title may purchase a floor or unit within the strata title building.

iii. Hak Pipil

Land that has been passed down through a local family but has never been formally registered with the Land Registry Office (Pipil), or Land that has already been registered with the Land Registry Office. Only land that has a certificate can be sold.

Laos



4.0 Introduction

Laos officially the Lao People's Democratic Republic, is a landlocked country in Southeast Asia, bordered by Burma and China to the northwest, Vietnam to the east, Cambodia to the south, and Thailand to the west. Its population was estimated to be around 6.5 million in 2012. A third of the country's population lives below the international poverty line which means living on less than US\$1.25 per day.

The capital city is Vientiane. Other large cities include Luang Prabang, Savannakhet, and Pakse. The official language is Lao. Laos is a multi-ethnic country with the politically and culturally dominant Lao peoplemaking up approximately 60% of the population, mostly in the lowlands.

Various Mon-Khmer groups, the Hmong, and other indigenous hill tribes, accounting for 40% of the population, live in the foothills and mountains. Laos' "strategy for development is based on generating electricity from its rivers and selling the power to its neighbors", namely Thailand, China, and Vietnam. Its economy is accelerating rapidly with the demands for its metals. It is a member of the Asia-Pacific Trade Agreement (APTA), Association of Southeast Asian Nations (ASEAN), East Asia Summit and La Francophonie. Laos applied for membership of the World Trade Organization (WTO) in 1997, and on 2 February 2013, it was granted full membership.

Laos has made particularly noteworthy progress increasing access to sanitation and has already met its 2015 Millennium Development Goal (MDG) target. Refer **Table 4.1 for the Summary Background of Laos.**



Figure 4.1 : Map of Laos

Source: <http://www.infoplease.com/atlas/country/laos.html>



Source: http://en.wikipedia.org/wiki/Administrative_divisions_of_Laos#Administrative_divisions

4.1 Administrative Divisions

Laos is divided into 16 provinces (khoueng) and one prefecture (kampheng nakhon) which includes the capital city Vientiane (Nakhon Louang Viangchan) (refer Figure 4.1). Provinces are further divided into districts (muang) and then villages (ban). An 'urban' village is essentially a town.



Figure 4.2 : Provinces of Laos

Source: http://en.wikipedia.org/wiki/Administrative_divisions_of_Laos#Administrative_divisions

Laos' predominantly rural (68%, source: Department of Statistics, Ministry of Planning and Investment, 2009) population makes investing in sanitation difficult. In 1990 only 8% of the rural population had access to improved sanitation. Access rose rapidly from 10% in 1995 to 38% in 2008. Between 1995 and 2008 approximately 1,232,900 more people had access to improved sanitation in rural areas. Laos' progress is notable in comparison to similar developing countries. This success is in part due to small-scale independent providers emerging in a spontaneous manner or having been promoted by public authorities. Laotian authorities have recently developed an innovative regulatory framework for Public-Private partnership contracts signed with small enterprises, in parallel with more conventional regulation of State-owned water enterprises.

Table 4.1 Summary of Background Information

Country Name	Laos / Lao People's Democratic Republic
Surface Area	236,800sq.km. / 91,428.991 sq.m.
Population	6.5 million in 2012
Population density	26.7/sq.km. / 69.2/sq.m
Nominal GDP	USD9.269 billion (2012)
GDP per capita	USD1,320 per capita

4.2 Organizations Related to Planning and Development

4.2.1 Ministry of Natural Resources and the Environment

The Ministry of Environment and Natural Resources (MoNRE) was created in 2011 by merging the Water Resource and Environment Administration (WREA) with departments of the National Land Management Authority (NLMA) and portfolios of other ministries including the Geology Department, and the Forest Conservation and Divisions within the Ministry of Agriculture and Forestry (MAF). This Ministry also handles all land matters in the country.⁽¹⁾

4.2.2 Ministry of Planning and Investments

This Ministry has a one stop service unit to provide investors with assistance with investment procedures, as well as guide applicants through the process of completing them, including a feasibility review upon submission.

4.2.3 Ministry of Communication, Transport, Post and Construction

This Ministry determines the areas to be covered by urban planning.⁽²⁾



4.3 Urban Development in Laos

With an estimated per capita income of US\$320 in 2003, the Lao People's Democratic Republic (Lao PDR) is the poorest and least developed country in the East Asia region. Its social indicators are among the worst in the region, and closer to the average for Sub-Saharan Africa. Laos is about 23 percent urban with a rate of urban growth of about 4.8 percent. In Vientiane, (population about 700 thousand people) improving access to drinking water and sanitation has very high priority among the poor.

Infant mortality is a very high 113 per thousand births. Smaller towns are experiencing annual growth rates of up to 4.3 percent. These small towns have a critical administrative function as provincial and district capitals, and are the economic links between rural areas and local, national and international markets and are also important centers transport depots, and agricultural processing. Nevertheless there is little infrastructure investment; piped water is scarce, sanitation non-existent, roads are largely unpaved and solid waste uncollected leaving silt from roads and garbage blocking drains causing flooding and disease.

2. Source: <http://thereddesk.org/countries/actors/ministry-natural-resources-and-environment-lao-pdr>
3. Source: <http://www2.gtz.de/dokumente/bib/07-1646.pdf>



Land management is a key problem. The demand for land in urban areas is rising as urban areas expand rapidly. Land markets currently exist, but they do not operate efficiently, effectively, or openly. There are many land-related court cases that are hard to settle due to a lack of ascertainable rights and illegal use, possession, and sale of land. Recognizing the limitations for delivering centralized urban management in an increasingly urbanizing society, the Government launched a program of decentralization in 1995. But this has mainly been confined to the capital and four big provincial capitals.⁽⁴⁾

4.3.1 Defining “Urban” Areas

A working definition of “urban” is provided by the National Statistics Center. In its 2005 Population Census, the NSC used five criteria to come up with a definition of “urban” villages. Urban villages are those with⁽⁵⁾ :

- i. Proximity to district or provincial government offices;
- ii. A population of more than 600 residents or 100 households
- iii. Access roads for motor vehicles;
- iv. A majority of households with electricity and tap water;
- v. A market in the village.

4.3.2 The 1991 Master Plan of Vientiane

After 1975, the first urban planning endeavor in the Lao PDR was the Master Plan project for Vientiane (Schéma Directeur et d’Aménagement Urbain de Vientiane), which was technically and financially supported by the United Nations Center for Housing and Human Settlements (UNCHS; now known as UN-Habitat). The preparatory phase for this Master Plan was initiated in 1986, and the Plan was completed in 1991.

In terms of its scope and its analysis, the 1991 Master Plan for Vientiane has been used as a model for subsequent urban Master Plans around the country. The Plan divided the prefecture of Vientiane into nine zones, and contained an analytical report on three sets of trends in Vientiane Capital: 1) demographic trends (including population forecasts and their implications for land consumption in the Capital area); 2) socio-economic trends (covering employment, income, housing, and migration); and 3) physical growth trends in the city (covering the evolution of spatial development patterns, the land market, roads and bulk infrastructure, and public facilities).

4.3.3 Policy Framework for Urban Planning

The overall framework and legal principles for urban planning in Lao PDR are given by the Law on Urban Planning of 1999. Two sets of regulations were passed to implement this Law:

- Ministerial Order on Construction Management, No. 7681/MCTPC, dated 29 June 2005; and
- Ministerial Order on Urban Planning Regulations, No. 1366/MCTPC, dated 26 April 2006.

The Law on Urban Planning (Article 6) identifies four levels of town planning: national, provincial, regional, and urban (toa muang). Town planning activities in Lao PDR take place only at the urban level. There is, as yet, no official, legally sanctioned physical or town planning activity taking place at national, provincial or regional levels.

4. Source: <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/EASTASIAPACIFICEXT/LAOPRDEXTN/>

5. Source: <http://www2.gtz.de/dokumente/bib/07-1646.pdf>



The main instrument of national-level planning in the Lao PDR is the five-year National Socio-Economic Development Plan, prepared by the Committee for Planning and Investment. But as its name implies, this is a socio-economic plan, not a physical plan. The goals and targets, as well as the overall development strategy, outlined in the NSEDP represent the framework for planning at urban level. The Law on Urban Planning (Article 7) prescribes that urban planning must comply with broader, national government policies, laws, and plans, including:

The medium-term and long-term general directions for the whole area of the country in terms of land demarcation for the future construction and expansion of cities, zones with socio-economic importance, forest and protected forest, natural resource zones, military and defense zones, road networks, etc.

In addition to compliance with national level plans, the Law on Urban Planning declares that town plans of cities at all levels “should be connected and compatible with each other” (Article 4).

4.3.3.1 Definition of Urban Planning

The Ministerial Order on Urban Planning Regulations (Article 4, Section 2) defines “urban planning” as ⁽⁶⁾ :

An activity defining an area for construction and urban expansion by allocating zones in each area, including the establishment of regulations to implement development in a town.

Article 4, Section 2 of the Regulations also outlines general criteria guiding urban planning:

An urban plan should comply with the policy of the Government and the political party, and should respect the local architecture, socio-economic situation, culture, hygienic conditions and human environment. An urban plan should also respect the natural environment.

6. Source: <http://www2.gtz.de/dokumente/bib/07-1646.pdf>

There are two types of urban plans in Lao PDR: the town plan, more commonly referred to as the “Master Plan” (pheng phan muang), and the detailed plan. In principle, Master Plans are produced for all urban areas in the country, and they represent the main instruments to guide development. Detailed plans, on the other hand, are produced incidentally, on a case by case basis, as needed, and do not exist for all urban areas.

4.3.3.2 The Master Plan

Article 5, Section 2 of the Ministerial Order on Urban Planning Regulations defines a Master Plan as:

“A Plan that defines land uses inside a town, and covers construction projects, renovation projects, and expansion activities, including regulations. This plan is used for guidance, and for development and protection of the town, the community and the surrounding area. A Master Plan is concerned with land uses for public infrastructure, which should overlap with national socio-economic development priorities. A Master Plan is valid for a period between five and fifteen years”.

Master Plans should consist of three components:

1 *A report on the physical, economic and social state of the town; an analysis of weaknesses and strengths in these three areas; and recommendations to address the weaknesses. The latter includes proposed projects for government or donor funding;*

2 *Regulations on land uses, covering at least the physical boundaries of the planning area; a classification (legend) of land uses; and specific regulations for each zone. Table 1 presents the eight land use zones prescribed in the Ministerial Order on Urban Planning Regulations for cities under control of central and provincial government (i.e., large and medium-sized cities), and their corresponding land use symbols and colors on the Master Plan location map. Master Plans for smaller-sized district capitals cover only five zones: central zone; development zone; industrial zone; agricultural zone; and forest and natural zone.*

3 **Plans at different scales, from 1:20,000 to 1:5,000, including:**

- A location plan, with access roads;*
- A situation plan, showing vacant land and built-up areas, a plan showing the boundaries and densities per zone; a location plan showing commercial areas; a plan of the infrastructure network; a plan of “wet areas”, showing lakes and ponds; and a plan of the drainage areas;*
- A future plan, showing plans for proposed new activities, including new land use proposals; proposals for changes to the road network; and proposals for changes to the drainage network.*

The mechanisms of Master Plan approval depend on the level of the urban area being planned. There are three levels of urban areas:

1. Master plans for the five “big cities” of Vientiane Capital, Luang Prabang, Pakse, Savannakhet and Thakhek are approved by the Prime Minister’s Office.
2. Master Plans for the remaining provincial capitals not categorised as “big cities” are approved at central level, by the MCTPC.
3. Master plans for district capitals and other smaller towns are approved at province level, by the Provincial Governor.



4.3.3.3 The Detailed Plan

A Detailed Plan (also known as a “Comprehensive Urban Plan”) represents a detailed arrangement of land, infrastructure and public facilities in certain areas of the city, in line with the Master Plan.

The Law on Urban Planning (Article 20) anticipates the need for detailed planning in three types of cases: 1) partial development in urban centers, to improve existing infrastructure and facilities, and to create conditions for new socio-economic activities; 2) rehabilitation and renovation of areas with ancient building sites; and 3) land plotting for new subdivisions.

Detailed Plans comprise the same three components as the Master Plan (report, regulations and maps), but at different levels of analysis:

1. The Detailed Plan report covers:
 - The current physical, social, and economic situation [of the plan area];
 - A problem analysis and identification of strengths and weaknesses in physical, social, and economic aspects within the scope of the detailed urban plan;
 - A detailed presentation on the development approach and determination of land use, infrastructure and public facilities;
 - A comprehensive explanation of plans for further implementation.
2. Detailed regulations cover:
 - Land use;
 - Road area, sewerage, and construction ranging line;
 - Architectural aspects of the building;
 - Tree planting and green zone;
 - The extension, construction of building and the level of floor elevated from the ground surface;
 - Land expropriation.
3. Detailed Plan maps are between 1:1,000-1:5,000 in scale, and show:
 - Locations and communications;
 - The current situation;
 - Land use;
 - Structural arrangements within the parcel;
 - Green zones and vacant zones;
 - The road network and sewerage system, including all details;
 - The technical infrastructure network in the city.



4.3.3.4 Other Types of Plans Covering Urban Areas

In addition to the two types of urban plans prescribed in the Law on Urban Planning the Master Plan and the Detailed Plan—there are other types of plans that cover urban areas, and which have an important complementary role vis-à-vis the urban Master Plans.

Two of the plans mentioned below are specific to Luang Prabang, reflecting that city's special planning needs given its status as a world heritage site.

A. Luang Prabang Heritage Preservation and Development Master Plan

After the town of Luang Prabang was declared a World Heritage City by UNESCO in December 1995, the entire historical core of the city, as well as part of the surrounding urban area and portions of the opposite bank of the Mekong river, were declared a special heritage conservation zone. A Heritage Preservation and Development Master Plan was prepared for the central heritage zone in 2001 (known by its French abbreviation PSMV, for Plan de Sauvegarde et de Mise en Valeur).

The Heritage House of Luang Prabang (La Maison de Patrimoine) was established as an advisory structure, under the supervision of the government, in order to promote and protect the heritage zone and to implement the PSMV, together with the local authorities (DCTPC and UDAA). The Heritage House is now a service of the Ministry of Information and Culture, under the supervision of the Provincial Governor, and reporting to a Local Heritage Committee at province level. The PSMV was recognized as law in 2005. Among other documents, the PSMV consists of a zoning plan at the scale of 1:5000; general provisions of the heritage zone; special regulations by zone; and an inventory of the built and natural heritage in the heritage zone.

B. Luang Prabang "SCOT" Plan

In addition to the PSMV, which covers the heritage zone in and around the city center, Luang Prabang has a regional plan, the so-called "SCOT" plan (Schéma de Cohérence Territoriale), prepared in 2004 by the Heritage House, with support from the French development agency AFD.

In an effort to limit future development pressure on the urban heritage zone in Luang Prabang, the SCOT plan proposes medium-term and long-term development scenarios for Luang Prabang city and its peri-urban region, and identifies corresponding infrastructure development requirements. It also proposes measures to protect the natural landscape and agricultural areas surrounding Luang Prabang. Unlike the PSMV, the SCOT is intended solely as a policy guidance plan, and will not be transferred into law.

4.3.3.5 Sector-Specific Master Plan

An example of a sector-specific Master Plan for an urban area in Lao PDR is currently the JICA-supported Master Plan for Comprehensive Urban Transport in Vientiane Capital. The preparation phase for this project began in 2006, and will be completed in 2008. The Transportation Master Plan will consider future visions and growth strategies for Vientiane up to 2025, and come up with corresponding land use scenarios for the city and the Capital area. The project will result in "models for replication" in other cities of Lao PDR in future.

4.3.3.6 Socio-Economic Development Plans

In Lao PDR provinces, districts, and even villages and village clusters prepare five-year socio-economic development plans corresponding to the five-year National Socio- Economic Development Plan.

The objectives of these plans are to:

- i. Provide a general overview of the geography and socio-economic situation of the planned area;
- ii. Identify development needs and potentials;
- iii. Present a prioritized strategic plan for the development and management of the area; and
- iv. Propose a budget to implement plan objectives during the five-year period. District socio-economic development plans cover rural and urban areas in the district, and are based on five-year village and village cluster development plans. The plans are typically prepared using available data and statistics from government line agencies. GTZ has started supporting the development and improvement of district socio- economic development plans, in selected areas, which build on supplementary data sources from the Lao-German Cooperation Program. The so-called Integrated Area- based District Development Plans introduce a range of thematic maps, which are digitized and based on GIS. The first such plan was produced for Sing district in Luang.

Namtha province and (in line with the NSEDP) covers the period from 2006-2010. Two additional plans for the Nalae district in Luang Namtha and the Ngeun district in Sayabouri are nearing completion. Furthermore, it is planned to prepare guidelines on this new approach for a wider replication. As of the publication date of this report, the Integrated Area-based District Development Plans are not yet approved as formal planning documents.



4.4 Institutional Roles and Responsibilities in Urban Planning

The Law on Urban Planning of 1999 placed the main roles and responsibilities for urban planning in Lao PDR with the MCTPC and its branches at provincial and district levels. Other actors with specific tasks in the area of urban planning include the new municipalities (when they will be established), the Urban Development and Administration Authorities, the Heritage House (in Luang Prabang), and village authorities.

The Land Law of 2003 gives some land use planning tasks that are currently also being conducted by MCTPC to the new Land Management Authority structure. This duplication and overlap in responsibilities is currently the source of some confusion in urban areas.

4.4.1 Ministry of Communication, Transport, Post and Construction

The MCTPC, at central level, is responsible for the overall regulation and supervision of urban management and planning in Lao PDR.

The MCTPC comprises nine departments and three research institutes. Within the Ministry, the Department of Housing and Urban Planning is the unit mainly responsible for urban planning. Its overall responsibilities include:

- i. Outlining strategic plans and town plans at national, regional and provincial levels, and submitting these plans to the government;
- ii. Outlining regulations, technical standards, and instructions concerning urban planning, and public dissemination to facilitate implementation;
- iii. Considering and approving town plans for cities under the control of provincial, prefecture or special zone authorities;
- iv. Inspecting, monitoring and evaluating town planning implementation.
- v. Integrated Area-based Development Plan 2006-2010 for Sing District, Luang Namtha Province, with support from GTZ/Lao-German Cooperation Program, January 2006.

4.4.2 Urban Research Institute of the MCTPC

The Urban Research Institute (URI) is the main technical agency carrying out physical planning and urban planning in Lao PDR. URI was established in 1982 as a technical institute under the former Ministry of Construction's Integrated Institute for Surveying, Designing and Construction. In 1999, after several name changes, the Urban Research Institute was located as a research institute within the MCTPC, at the same level of a department.

URI's mandate includes planning of urban and rural areas of Lao PDR; research and evaluation related to urban planning and engineering; training for officials of central, provincial and district level in the areas of urban management, planning, and environmental management; and international cooperation.

URI is comprised of five divisions: Town Planning; Engineering and Mapping; Training and Cooperation; Research; and Administration and Personnel. Recently, a Road Maintenance unit was added.

4.4.3 Provincial Departments of Communication, Transport, Post and Construction

The Provincial Departments of Communication, Transport, Post and Construction (DCTPC) are the principal partners of the URI in the preparation of the Master Plans. More broadly, they have the following functions:

- i. Carrying out town planning designs for cities under the control of district authorities, and submitting these designs to MCTPC for consideration and approval;
- ii. Implementing and inspecting building construction and reconstruction norms;
- iii. Authorizing permits and certifications of conformity;
- iv. Implementing land use regulations in cities that have not undergone planning in collaboration with land management field offices and local authorities.

District Offices of Communication, Transport, Post and Construction The District Offices of Communication, Transport, Post and Construction (OCTPC) are the main actors responsible for monitoring and inspection of construction, and they have a supporting function in the plan preparation process undertaken by URI and the provincial-level DCTPCs.

In addition, they are responsible for implementation of decisions and notifications issued by the MCTPC at central level, and they are a principal liaison with village authorities and mass organizations in plan setting and implementation of town planning, village sanitation tasks, as well as construction management tasks within the villages.

4.4.4 Urban Development and Administration Authorities

During the course of the last ten years, Urban Development and Administration Authorities have been established in most major towns of Lao PDR as a separate authority to manage urban areas. The legal basis for the new UDAA is the Prime Minister's Decree No. 177, issued in October 1997.

The creation of UDAA was driven by the Government's expressed aim to more effectively manage the increased demand for urban infrastructure and services, and to reduce the burden on the DCTPCs, which until then were charged with providing basic services and issuing building construction permits in urban areas. But beyond these relatively modest goals, UDAA were set up to introduce a whole new concept of urban governance in Lao PDR, based on decentralization, responsiveness to community needs, and professional planning, budgeting and management standards.

The first Authority to be set up was in 1995: the Vientiane Urban Development Administration Authority (VUDAA) was established as part of an ADB-supported program of rehabilitation and development for the capital city. In 1997, four other UDAA were established, in the four large provincial towns of Savannakhet, Thakhek, Pakse, and Luang Prabang, as part of the ADB-supported Secondary Towns Urban Development Project.

Under the current ADB-supported Small Towns Urban Development Project, which is ongoing until 2009, UDAA have been newly established in a further twelve provincial centers across Lao PDR, in one town per province. These towns include: Vang Vieng, in Vientiane province⁴; Oudomxai in Oudomxai province; Luang Namtha in Luang Namtha province; Sam Neua in Huaphan province; Sayabouri in Sayabouri province; Houay Xai in Bokeo province; Phonsavane in Xieng Khouang province; Pakxan in Bolikhamsay province; Saravan in Saravan province; Lamam in Sekong province; and Saysetha in Attapeu province.

UDAAs have the same status and responsibilities as districts. The District Chief is the President of the UDAA in each town. According to the Law on Urban Planning (Article 36), UDAAs have the following tasks:

- i. Preparing implementation plans for urban development management;
- ii. Arranging the construction, renovation and maintenance of urban infrastructure and amenities;
- iii. Managing land use controls, including issuing of building permits within the UDAA's area of coverage;
- iv. Providing information, data and technical documents needed for town planning;
- v. Enlarging revenue sources for urban development;
- vi. Executing any other tasks and duties assigned by the provincial governor. A challenge for the UDAAs will be to ensure cost recovery for services provided. A key objective of establishing the UDAAs was to help them become financially sustainable and autonomous. Another challenge for the UDAAs will be to define their future role within the future municipal structure, as municipalities are likely to incorporate the UDAAs (see next section).

4.4.5 The New Municipality Structure

The Government is committed to the establishment of new municipalities in towns across the country. As part of a pilot phase, the new municipalities are expected to be introduced first in Vientiane Capital and Luang Prabang.

It was envisaged that this pilot phase would commence in the last quarter of 2007. The creation of a new municipal structure in Lao PDR is covered in the revised Constitution (2003) and in the Law on Local Administration (2003).

A decree on the establishment of municipalities is still under preparation. According to the Law on Local Administration (Article 32), a Municipality is defined as: a local [administrative territory] which is in an urban area. It is the place where the offices of the provincial or city administration are located, or some other urban area that meets the criteria provided in this Law, such as high population density and socio-economic, political, cultural and public service development. A municipality comprises several villages.

Municipalities will be headed by a Chief of Municipality. Municipalities will have equal status as districts, and municipal administration will be at the same level as district administration. In principle, the boundaries of each new municipality will be the same as the boundaries of the one district comprising the urban area. The exception to this principle is Vientiane Capital, where the new municipality will cover four districts.

The responsibilities of municipalities will include:

- a. Protecting, preserving and utilizing natural resources, the environment and other resources;
- b. Planning and implementing urban development and public services;
- c. Ensuring the peace, security and cleanliness of the municipality; and
- d. Engaging in foreign affairs activities as assigned by the province or city. The decision as to which urban areas are to be declared municipalities will in part be based on administrative considerations, because the Law on Public Administration (Article 38) declares that municipalities are to be created in all places where provincial or city administration offices are located. Apart from this administrative consideration, municipalities will also be established in urban centers of districts with the following minimum requirements:

- e. A population of at least 10,000 people;
- f. A developed economic, social, and cultural area, and a developed infrastructure system; and
- g. An ability to generate revenue to respond to necessary expenditures. As of the publication date of this report, there were still a number of institutional, legal and administrative issues to resolve with regard to the introduction of the new municipality structure.
- h. There are no implementation guidelines yet governing the establishment and the role of the new municipalities, including the level of autonomy of the new municipalities.
- i. In Vientiane Capital, the amalgamation of four districts into one municipality presents legal problems, given that municipalities have equal status as districts.

Another outstanding issue is that the mandate of the UDAs (including VUDAA) is likely to change with the introduction of the new municipal structures. UDAs are likely to become the public service arms of the new municipalities, but this is still awaiting further clarification.



4.5 Institutional Roles and Responsibilities in Urban Land Management

Until recently the institutional responsibilities for land management were spread out over several agencies, particularly the Department of Lands and the Department of State Assets Management, both under the Ministry of Finance, and the Department of National Land Use Planning and Development (DoNLUPAD), under the Prime Minister's office.

The Department of Lands was the main agency responsible for the design and implementation of land administration programs. Provincial Land Offices managed the day-to-day operations of the systematic registration and land registration activities. The Department of State Assets Management was responsible for the registration, supervision and maintenance of all State assets in the form of property, land and enterprises. DoNLUPAD coordinated national policy, legislation and regulation in the areas of land use planning and land development.

4.5.1 Mandate of the National Land Management Authority

In the revised Land Law of 2003, the Government announced that it aimed to bring together all responsibilities for land management under one structure, the National Land Management Authority (NLMA), so that land could be managed in a "centralized and uniform manner" (Article 9).

In 2006 the NLMA was established as an implementing agency of the new Land Law, by merging DoNLUPAD with the Department of Lands and the housing and state land sections of the Department of State Assets Management. The NLMA has the status of a central state organization within the organizational structure of the Prime Minister's Office.

The roles and responsibilities of the new Land Management Authorities were spelled out in the revised Land Law of 2003, and further detailed in two subsequent Prime Ministerial decrees:

- i. The Decree on the Establishment of the National Land Management Agency (No. 67/PM), passed on 18 May 2004;
- ii. Article 26 of the Prime Ministerial Decree on the Implementation of the Social and Economic Development State Budget Plan for 2006-2007, No. 145/PM, issued 31 July 2006.

Article 10 of the Land Law assigns wide-ranging responsibilities to the land management authorities:

- i. To study and develop drafts of policies, laws, Presidential edicts, decrees, regulations, and rules and principles on land management;
- ii. To undertake land surveys, land classification and land use planning at the local, regional and national levels;
- iii. To coordinate with concerned sectors and local administrations to plan the use of land, to protect [and] develop land, to classify land, to assess the quality of land, to define land areas for certain uses, and to monitor such land use;
- iv. To allocate land use rights, to lease or grant concessions, and to withdraw the right to use land;
- v. To develop land registers, make land evaluations, conduct land registration, issue land titles, and collect land statistics;
- vi. To collect and tax;
- vii. To settle land disputes;
- viii. To manage State land and protect the environment;
- ix. To define policies on the management of its organization and transactions for the sale and purchase of rights to use land;
- x. To develop a data and information system on land;
- xi. To define policies and regulations to protect people who perform their professions on land such as: land surveyors or values, and brokers or representatives of land sellers or buyers;
- xii. To exercise such other rights and perform such other duties as assigned by the government.



4.6 Issues and Challenges in Town Planning Services in Laos

- i. Some armed conflicts and wars, being waged in some countries, have produced adverse impacts on the socio-economic development in many countries, including Lao PDR;
- ii. The economic base of Lao PDR is still weak; it is a very young developing country placed amid high competition on the global stage. As a result, the regional and global integration are facing a number of difficulties;
- iii. During the last five years, the world has faced phenomenal economic and financial crisis, which has impacted various countries including Lao PDR, especially the export sector and some mega investment projects;
- iv. Huge demand on material resources in the region in proximate countries put strain on resources in Lao PDR, adversely impacting the environment;
- v. The global financial crisis has contributed in adversely impacting economic development, especially exports and mega investment projects. In that, the raw material shortage, especially fuel, is one factor, which has directly impacted the implementation of business units;
- vi. Many programmes and projects lack financial support to implement. Several projects had to be converted into disaster recovery projects, creating fund shortages in implementing the projects as planned. In addition, macroeconomic management and administration of the government agencies are still limited. As a result, there are flaws found in the implementation of the plan and financing in some areas;
- vii. Population is one economic motivation factor helping boost economic growth, however, increasing number of labor force, and elder people is a challenge. Therefore, appropriate policies and measures are required in order to ensure that both, human capacity and social welfare are upgraded to enhance skills and experience of the existing and new labor force for sustainable benefit generation.



8. Source: <http://www.doingbusiness.org/data/exploreeconomies/lao-pdr/starting-a-business>

9. Source: <http://www2.gtz.de/dokumente/bib/07-1646.pdf>

10. Source: <http://www.wpro.who.int/countries/lao/LAO20112015.pdf> - The Seventh Five-year National Socio-Economic Development Plan (2011-2015), Lao People's Democratic Republic Peace Independence Democracy Prosperity

Myanmar (BURMA)



5.0 Introduction

Myanmar is a country in Southeast Asia, formerly known as Burma. Previously an independent kingdom, Burma was annexed by the British Empire into the colony of India in 1886. The occupation brought social, economic, cultural and administrative changes to the once-feudal society. The Japanese Empire invaded and occupied the country during World War II but it was returned to British control until independence in 1948.

The name of the country was changed in 1989 by the ruling military government, officially recognized by the United Nations. Some national governments, such as Canada, the United Kingdom, the United States, and much of the Burmese population do not recognize this name change, since they do not recognize the military government.

Despite multiparty elections in 1990 that resulted in the main opposition party winning a decisive victory, the military junta refused to hand over power.

Key opposition leader and Nobel Peace Prize recipient AUNG San Suu Kyi, has been set under house arrest from 1989 to 1995, and was again placed under house detention in September 2000; her supporters are routinely harassed or jailed. In 2011 the military junta was dissolved following a general election in 2010 and a civilian government has been installed.

‘Pyidaungzu Myanma Naingngandaw’

Short form: Myanma

Int'l long form: Union of Myanmar

Int'l short form: Myanmar

Formerly: Burma

Table 5.1: Summary of Country's Profile

Country name	Republic of the Union of Myanmar (Burma)
Surface area	676,578 km ² (261,228 square miles)
Population	62.42 million (estimate of 2011 by IMF)
Population density	92/km ² (2011)
Percentage of urban population	32.1%(2010)
Nominal GDP	About USD 50.2 billion (estimate of 2011 by IMF)
GDP per capita	USD 702 (estimate of 2010 by IMF)
Percentage of employment by industry	Primary industry: 70% Secondary industry: 7% Tertiary industry: 23% (estimate of 2001)
Economic growth rate	5.5% (estimate of 2011 by IMF)

Source : <http://www.mlit.go.jp/>

Myanmar is a multi-ethnic country composed of over 130 ethnic groups, and viewing macroscopically, in the central part of the country from north to south along Ayeyarwady River resides the largest group covering 70% of the total population, Bamar, and in mountainous area in east and west reside most of the minorities.

The city with largest population is Yangon (capital city after the British occupation) at the mouth of Ayeyarwady River and the second city is Mandalay (capital city of the last dynasty before the British occupation) at the upstream of this river about 590km north of Yangon, however in 2006, the capital city was relocated in the new city Nay Pyi Taw at the midpoint of both cities which is about 340km north of Yangon.





Figure 5.1: Map of Myanmar

Source: http://www.nationsonline.org/maps/myanmar_map.jpg

5.1 Town planning system in terms of organization, legal framework, process for development approvals that are prevailing

5.1.1 Related Development Law in Myanmar

Yangon itself is preparing for a major strategic urban development called “Yangon 2040 - A City of Green and Gold” that aims to return the city to its status as a regional capital, complete with the infrastructure and services such a hub will require. A new Building Code for High-Rise Buildings is being adopted, and heritage buildings will be restored and transformed into commercial spaces.

In the absence of a nationwide construction law, a developer will normally try to establish the ownership of the land, and then apply for a building permit. Some municipalities, such as Yangon, have quite detailed requirements for the issuance of a building permit, as well as a complex construction code, while other don't. For example, the list of regulations for Yangon construction includes:

- Yangon City Municipal Law (1990)
- Yangon City Building Rules
- Yangon City Municipal Rules
- Yangon City Municipal Committee's Notifications
- Instructions for Buildings published by the Yangon City Municipal Engineer Department for Buildings
- Yangon City Environment and Sanitation Rules (1999)
- Environmental Law (2012)

(Source: <http://www.insidecounsel.com/2014/02/03/inside-construction-and-infrastructure-development>)

5.1.2 Myanmar Local Governments and Spatial Planning System

Republic of the Union of Myanmar consists of 7 regions, 7 states, 1 union territory, 5 self-administered zones, and 1 self-administered division. Regions where mainly Burman reside have the same status with states where mainly ethnic minorities reside. A region or a state is consisted of districts; and a district basically is consisted of villages, words, towns, and village-tracts. In three major cities -- Nay Pyi Taw (union territory as a whole), Yangon (area covering 33 townships of 4 districts within Yangon Region consisted of 44 townships), Mandalay (corresponds to one district within all seven districts of Mandalay Region) -- have respective City Development Committees which serve for the duties of city governments in other countries.

Planning system for national policy, as of December 2012, is under consideration to be established among the present administration which began in 2011. Two systems are expected to be established, namely: National Comprehensive Development Plan System (short and long term plans centered by economic and sectoral plans) which will be governed by Ministry of National Planning and Economic Development; and National Spatial Development Plan System which will be governed by Ministry of Construction. There also is an intention to integrate both systems.

Table 5.2: Planning System Expected to be Established in Myanmar

Stages of plan	Plans	Responsible authorities
National	National Spatial Development Plan	National Comprehensive Development Plan (Long-Term Twenty-Year Plan)
		Short-Term Five-Year Plan
Region. / State level	Regional Spatial Development Plan	National Comprehensive Development Plan (Regional Plan)
Township level	Spatial Development Plan for Township	—

Source: Department Public Works and Town & Country Planning, Ministry of Interior, Thailand, 2013

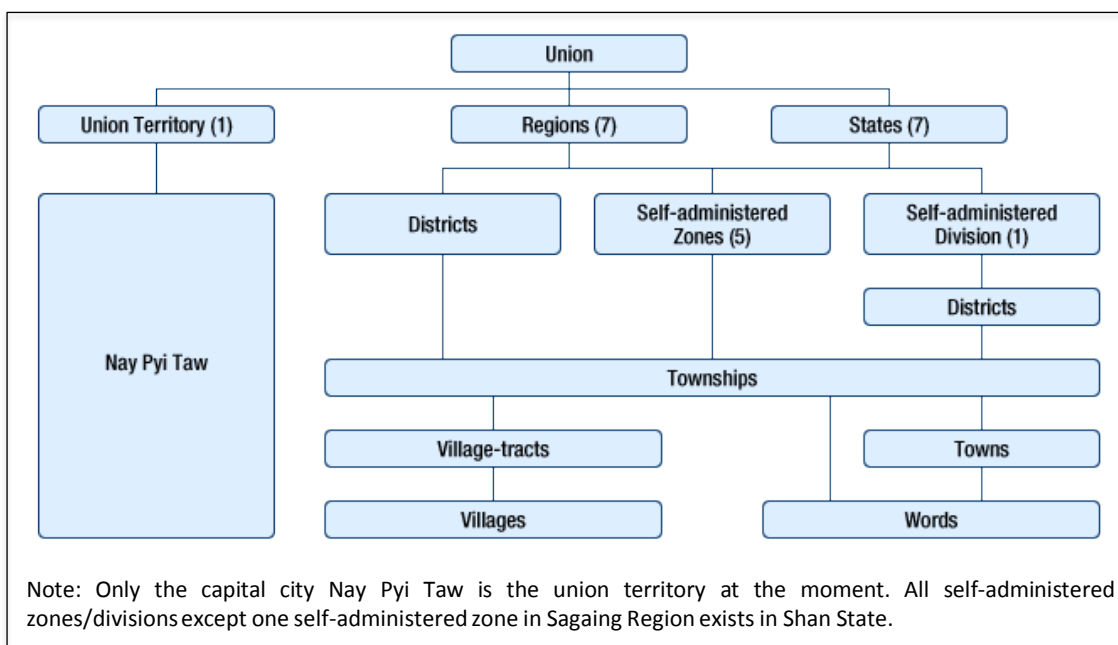


Figure 5.2: Administrative system in Myanmar

Source: Administrative system; 2008 Constitution of Republic of the Union of Myanmar, Planning System; interview with Ministry of National Planning and Economic Development and Ministry of Construction



5.1.3 Spatial Planning and Territorial Development Policy

5.1.3.1 Socioeconomic Planning System at the National Level (National Economic and Social Development Plan)

Current system of Myanmar which corresponds to socio-economic plan of other countries consists of National Long-Term Plan (the current plan is the thirty-year plan targeting at 2001/02-2030/31) and Short-Term Five-Year Plan (targeting at every five years of the Long-Term Plan.)

As of December 2012, marking a decade from the establishment of current Long-Term Plan (thirty-year plan), the planning system for national spatial policy is expected to be fully revised as a twenty-year plan (National Comprehensive Development Plan) for the remaining 20 years targeting at 2030/31, which its preparation is carried out by the Ministry of National Planning and Economic Development, its planning process is to be consulted by United Nations Development Programme (UNDP) and advice to it for keeping the viewpoint of urban environment is to be given by United Nations Human Settlements Programme (UN-Habitat.)

The structure of the plan is roughly determined to be divided into several parts of which Part 1 will be setting out macro framework including economic development targets while Part 2 will be the sectoral plans for each of the 16 policy field, at the same time plans such as regional (regions/states) plan and development plan for specific areas are expected to be included in parts from Part.

Sectoral plans are to be discussed among related ministries and regional plans similarly are to be discussed at township level, followed by drafting process by each region/state and organizing process by Ministry of National Planning and Economic Development, and finally they are submitted to National Planning Committee. Then they will be put to deliberation at the national assembly.

On the other hand, as for short-term plan, after the 1st Plan which was a four-year plan targeting at 1992/93 - 1995/96, the 2nd Plan starting from 1996/97 through to the 4th Plan were five-year plans. 2011/12 - 2015/16 corresponds to the planning period of a five-year plan, but for 2011/12 and 2012/13 only plans for single year were approved at the national assembly and the plan for remaining three years has both possibilities of being a three-year plan or a set of single-year plans.

5.1.3.2 Spatial Planning System at National Level

Currently the basic act for physical plans in Myanmar is National Housing Town and Country Development Act legislated in 1951. Provisions of this old act no longer match the situation nowadays that Ministry of Construction, having jurisdiction over this act, proceeds drafting of the replacing act, which is the National Spatial Development Planning Act. The contents of the newly drafted act, as of December 2012, includes: spatial planning policy for three spatial levels (national, regional (region/state) and township), land use regulations, and development permission criteria. It proposes to give roles to districts, which are at the administrative level between region/state and township, of putting township plans together. Ministry of Construction also has a vision of integrating the of Spatial Planning system with the system of National Comprehensive Development Plan which Ministry of National Planning and Economic Development establishes.

5.1.3.3 Development Plan for Greater Yangon

Establishment of Development Plan for Greater Yangon (Master Plan) for 39 townships -- 33 townships in Yangon City and 6 townships neighboring the city -- targeting at 2040 has been progressed under the cooperation program provided by -

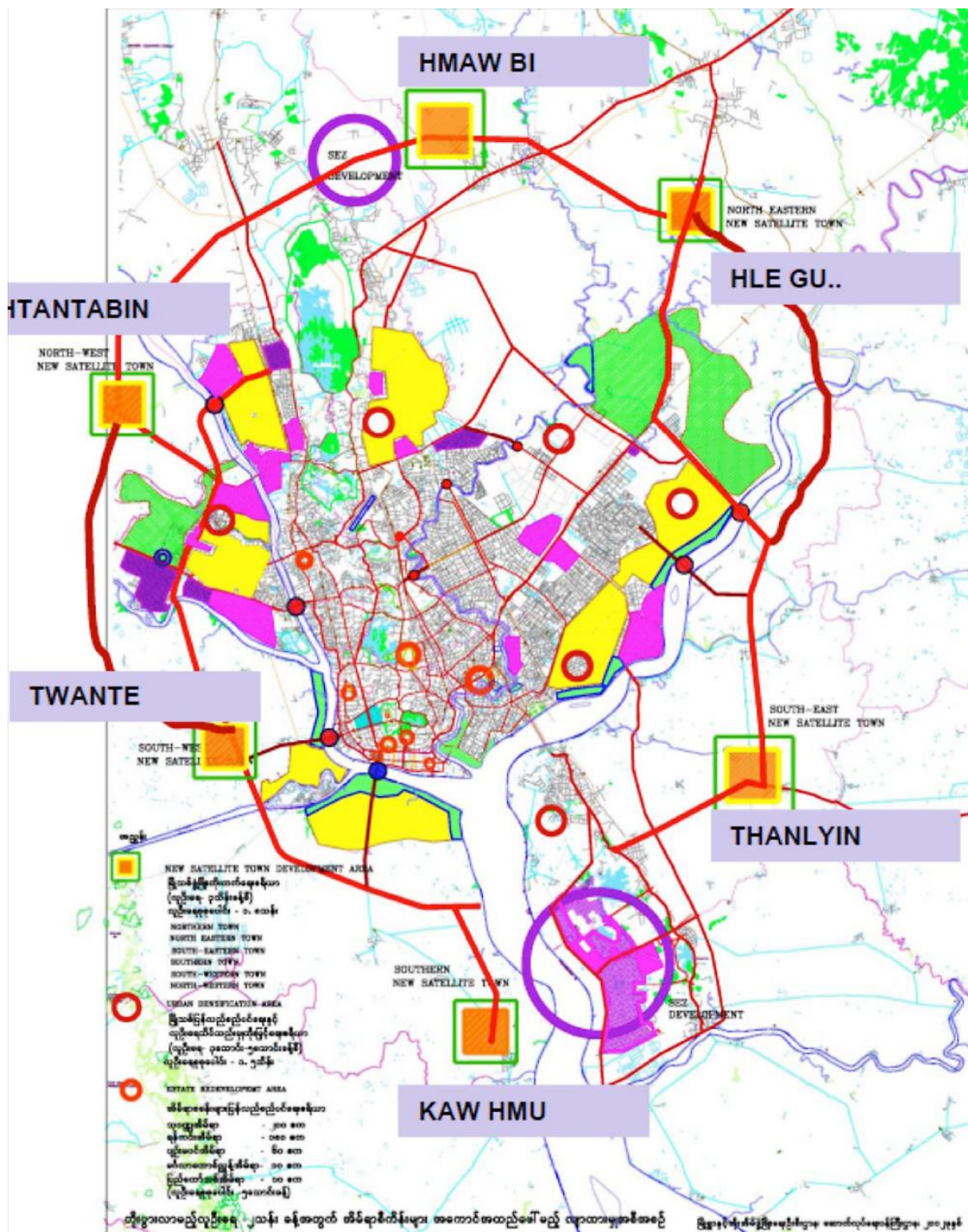


Figure 5.3: Proposed Housing Development Plan 2040 for Greater Yangon (by Ministry of Construction)
 Source: Department of Human Settlements and Housing Development (DHSDD), Ministry of Construction

Japan International Cooperation Agency (JICA) taking Yangon Regional Government and Yangon City Development Committee (YCDC) as partners, and it is scheduled to be completed in early 2013 (according to the information as of December 2012.) Based on the proposal plan 2040 received from the Ministry of Construction (MOC) at the end of 2011, YCDC submitted its original draft plan to the regional government in the mid-year of 2012. JICA Master Plan under preparation is adding detailed coordination to the YCDC draft plan, meaning that the MOC proposal plan, the YCDC plan and JICA Master Plan are in-line. Over the prediction that population of Yangon will grow from 5.1 million in 2012 to 10 million in 2040, the JICA Plan is intending to draw out the future urban structure with newly developed outer ring road connecting multiple sub-centers.

Due to the lack of expert staff for urban planning in local governments, urban plans of local governments in Myanmar have been prepared by MOC. Staff of YCDC is now fairly trained enough to plan by themselves but still they are provided support from MOC. The above-explained plan formulation procedure -- formulation of YCDC draft after receiving MOC proposal -- reflects such circumstances.

5.1.4 Other Policies with Significant Territorial Effect

5.1.4.1 Capital Relocation

Government of Myanmar officially announced the capital relocation to Nay Pyi Taw in October 10, 2006. Its planning started in 2001, construction started in 2003, actual relocation of ministries started at the same time with construction completion, and in March 2006 relocation was almost finished.

The reasons of relocating the national capital to Nay Pyi Taw included; (1) Its location at the centre of the national territory enables easy control and access toward the whole country; (2) Its rich granary with mild weather accommodates stability in urban activities and

living conditions; (3) Yangon is vulnerable against cyclone, tsunami, etc., possibly leading to damage of government function in occurrence of disaster.

As of transportation, highway between Yangon and Mandalay opened followed by the completion of Nay Pyi Taw International Airport in October 2011. Improvement of functional linkage with Yangon, the mercantile city, is said to be pursued through development of telecommunication environment, improvement of highway, etc.

Population of Nay Pyi Taw reached a million but the city's future population is predicted to stop growing due to the city's nature as an administrative city.

5.1.4.2 Growth Areas and Economic Corridor

Growth areas and economic corridor are attracting attention as the traction power to develop national economy, and Ministry of National Planning and Economic Development (MNPED) expresses intention to place special economic zones (SEZ) with focus on the growth areas. Ministry of Construction (MOC) has the idea of designating eight (candidate) growth areas as shown on the figure on the right hand side. Meanwhile, MNPED is pointing out only three cities -- Yangon, Mandalay, and Taunggyi (state capital of Shan State) -- with mentioning about the possibility of adding more. That means the actual designated areas are unfixed.

Dawei, Thilawa (Yangon), and Kyaukpyu -- the first, second and third coastal growth areas from south, in the figure on the right -- are the only SEZs so far to be designated based on the Myanmar Special Economic Zone Law legislated in January 2011. The three SEZs are expected to be the core areas to attract foreign investment hereafter.



Figure 5.4: Proposed Housing Development Plan 2040 for Greater Yangon (by Ministry of Construction)

Source: Department of Human Settlement & Housing Development, Ministry of Construction, Myanmar

5.2 Organizations related and involved in town planning and development services at local, state, regional and national levels

5.2.1 Major Authorities Relating to Spatial Policy⁽¹⁾

Table 5.3 : Major Authorities Relating to Spatial Policy

Program name or administrative field	Organizations
National Comprehensive Development Plan (Long-Term Twenty-Year Plan)	Ministry of National Planning and Economic Development (https://www.mnped.gov.mm)
Short-Term Five-Year Plan	
National Comprehensive Development Plan (Regional Plan)	Ministry of Construction
Comprehensive Development Plan for Yangon Region	Government of Yangon Region
Strategic Urban Development Plan of the Greater Yangon	

5.2.1.1 Ministry of National Planning and Economic Development⁽²⁾

After gaining of Myanmar's independent, Ministry of National Planning was formed with an aim for enhancing of economic situation and formulating various development plans for economic and social development. But the Ministry of National Planning was jointly setup with the Ministry of Industry, the Ministry of Religious Affairs and Culture and the Ministry of Defence before. In the year 1964, the Ministry of National Planning could be formed separately. During these periods, various development plans were formulated by National Planning Board, Economic Planning Board and Economic and Social Board. Under the Ministry of National Planning, Equipment Control Committee, China-Myanmar Economic and Technical Cooperation Agreement Implementation Board and Central Statistical and Economic Department were formed as supporting committee, Board and department.

During the year 1962 to 1972, Ministry of National Planning was formulated Four Year development plans and evaluated the performance of implementation of the yearly plans. During these periods, the Ministry took part in the process of

nationalization of industrial and household enterprises, vetting and scrutinizing on agreements, coordinating for formulation of plans and cooperation with relevant agencies for mobilization of bilateral economic cooperation assistance and technical assistance from UN and it's under agencies.

Under the new administrative system, Ministry of Finance and Revenue and Ministry of National Planning was combined and newly formed as Ministry of Planning and Finance on 15 March 1972. Start from that period, in order to serve the responsibilities of the Ministry, Planning Department, Foreign Economic Relations Department, Project Appraisal and Progress Reporting Department, Central Statistical and Economic Department, National Archives Department and Central Equipment Statistical and Inspection Department were formed under the ministry.

Ministry of Planning and Finance was divided into as two ministries as Ministry of National Planning and Economic Development and Ministry of Finance and Revenue with the Notification No.(12/93) of the State Law and Order Restoration Council issued on 17 February 1993.

1. Source : http://www.mlit.go.jp/kokudokeikaku/international/spw/general/myanmar/index_e.html
 2. Source : <https://www.mnped.gov.mm/>

On 1st November 1993, apart from the above mentioned departments, Directorate of Investment and Company Administration was formed under the ministry. Since then, the Ministry has been actively taking part in the formulation of national development plans and in the process of contributing the economic development of the state.

Main Functions

- To formulate and submit long term, medium term and annual plan in accordance with the national economic policies
- To study and analyze production, services, trade and investment activities in line with the market economic system for socio-economic development of the nation and the people
- To study the situation of human resource development and employment opportunities crucial for enhancing economy
- To archive socio-economic information and data of the departments and private organizations, analyze and submit to the higher authority
- To serve as a coordinating ministry for cooperating with UN agencies, international organizations, INGO's and regional organizations based on the national interest for the development of the nation
- To evaluate, review, report and submit the progress of ministries and private organizations to the state
- To coordinate among departments, private entrepreneurs and investors for comprehensive development of business enterprises as well as economy being promoted in the era of modernization

Planning Department⁽³⁾

Up to June 1989, there were 14 State and Divisional Planning Offices and 238 township offices under the Planning Department.

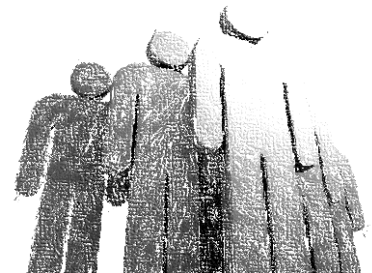
After June 1989, Township offices were merged and re-organized as district planning offices in accordance with the economic policies adopted then and services were being carried out by three levels: Central level; States and Division level and District level.

According to the new set-up in 1999, township planning offices were opened with an aim to effectively undertake the development efforts up to the grass-root level by analyzing the real economic situation of the township.

At present, in line with the set-up, there are 17 States and Divisions Planning Offices, 67 Planning Offices and 326 Township Planning Office with a total number of 2549 staff.

Functions

- Conducting necessary surveys for the implementation of SNA 2008 by using expenditure method
- Connecting network line and utilizing computer aided system for the implementation of SNA 2008 in respective ministries, states and regions
- Conducting Households expenditure and income survey, wholesale and retail prices survey and private industrial development surveys
- Continuing efforts for conducting IHLCA (Integrated Household Living Condition Assessment) survey and MICS (Multiple Indicator Cluster Survey) with the joint cooperation of UNDP and UNICEF
- Arranging for conducting domestic trainings and seminars and dispatching trainees for human resource development



5.3 Issues and challenges in town planning services

Myanmar's economy has not grown as rapidly as the economies of its neighbors Thailand, China and India because of a combination of poor economic policies and economic sanctions applied by the United States and Europe. The current government has moved to relax state intervention in the economy and to promote political dialog, raising expectations that sanctions will be lifted and pent up potential for economic growth will be released.

Continuing urbanization and especially the growth of large cities are going to be among the most important challenges for Myanmar in the future. On the one hand, urbanization and growth of large cities offer potential benefits for Myanmar, but on the other, urbanization comes along with huge problems and challenges.

Issues and Challenges are :

- i. Lack of proper land use planning
- ii. Uncontrolled urban land development
- iii. Improper land use
- iv. Inefficiency in land management policy and guidelines
- v. Lack of legal framework

5.4 Professional institutes or organizations comprising town planners

5.4.1 Professional Institutes/ Organisation Comprising Town Planners

- Association of Myanmar Architects⁽⁴⁾



4. Source : <http://myanmararchitects.org/>

5.5 Standard procedures and regulations for foreign consultants to practice

5.5.1 Company Registration

Table 6.1 : Company Registration Procedure

No.	Procedure	Time to complete	Cost
1	Obtain reference letter from the ward chief	2 days	no charge
2	Obtain criminal history from the township police station	1 day	no charge
3	Conduct a name check at the Company Registration Office (CRO) at the Directorate of Investment and Company Administration (DICA)	1 day	paid as part of company incorporation fees
*4	Request temporary business incorporation certificate	1 day	1,000 Kyat
5	Obtain signature of the directors before a lawyer or certified public accountant	1 day	The cost of witnessing the signature of the memorandum and articles of association: 40,000 Kyat
6	Payment of registration fees	1 day	1 Million Kyat (registration fees) +15,000 Kyat (administrative fees) + 1,000 Kyat (stamp duty)
7	Obtain temporary certificate of incorporation	3 days	paid as part of company incorporation fees
8	Obtain permanent incorporation certificate	2 months	paid as part of company incorporation fees
*9	Pay the stamp duties for permanent incorporation certificate	1 day, simultaneous with previous procedure	200,000 Kyat
10	Obtain a seal or a rubber stamp	1 day	2,000 Kyat
11	Register for commercial tax	1 day	no charge
12	Obtain Completion Certificate from the YCDC	21 days	no charge
*13	Drill well for temporary water supply	7 day	MMK 2,500,000
*14	Apply for phone connection with the Ministry of Communications and Information Technology	1 day	no charge
15	Receive inspection from the Ministry of Communications and Information Technology for feasibility of the project	1 day	no charge
16	Obtain phone connection	30 days	MMK 500,000

* Takes place simultaneously with another procedure

Source : <http://www.doingbusiness.org/data/exploreeconomies/myanmar#starting-a-business>

5.6 Availability of a fee structure for town planners working as a consultant

Town or urban planners in Myanmar mainly work within government agencies and organizations. There is no formed organization specifically for urban planners in Myanmar, unlike the Association of Architects or the Myanmar Organization of Engineers.

Much of the planning work for the cities have been undertaken with the aid of Japan International Cooperation Agency (JICA)



5.8 Procedures for plan approvals and development

Table 9.1 : Summary of development plan approval

No.	Procedure	Time to complete	Cost
1	Obtain a land title certificate and a cadastral map at the Yangon City Development Committee (YCDC) Land Department	30 days	MMK 40,000
2	Request and obtain a 'pre-approval' (or design approval) at the YCDC Engineering Department (Building)	7 days	no charge
3	Receive an inspection from a YCDC technician	1 day	no charge
*4	Request and receive final inspection from the Public Health Department Agency: Public Health Department	1 day	no charge
*5	Obtain consent from the neighbors	1 day	no charge
6	Apply and obtain a construction permit at the YCDC Engineering Department (Building)	60 day	MMK 1,000,000
7	Request and receive Foundation inspection	1 day	no charge
8	Request and receive Flooring inspection	1 day	no charge
9	Request and receive Roofing inspection	1 day	no charge
10	Request a Building Completion Certificate (BCC) from the YCDC	1 day	no charge
11	Receive final inspection to obtain Completion Certificate from the YCDC	3 day	no charge
12	Obtain Completion Certificate from the YCDC	21 days	no charge
*13	Drill well for temporary water supply	7 day	MMK 2,500,000
*14	Apply for phone connection with the Ministry of Communications and Information Technology	1 day	no charge
15	Receive inspection from the Ministry of Communications and Information Technology for feasibility of the project	1 day	no charge
16	Obtain phone connection	30 days	MMK 500,000

* Takes place simultaneously with another procedure

Source : <http://www.doingbusiness.org/data/exploreconomies/myanmar>

5.9 Other related matters

5.9.1 Urban Development Plan

Myanmar is drafting an urban development plan under the leadership of a planning commission, headed by President U Thein Sein, giving priority to two major cities of Yangon and Mandalay, of which Yangon was once a model city in Asia.

The drafting of the plan, which also involves towns and villages, is being implemented in line with the government's reform strategy. The addressing of the issues of insufficient electricity, insufficient safe drinking water, incomplete sewage system, poor transportation infrastructure and air pollution facing these two cities are being called for.

Philippines



6.0 Introduction

The Philippines, officially known as the Republic of the Philippines, is a sovereign island country in Southeast Asia situated in the western Pacific Ocean. With a population of more than 98 million people, the Philippines is the seventh-most populated country in Asia and the 12th most populated country in the world. (Refer Figure 6.1)

The country is also a founding and active member of ASEAN (Association of Southeast Asian Nations), an organization designed to strengthen relations and promote economic and cultural growth among states in the Southeast Asian region. A newly industrialized country, the Philippine economy has been transitioning from one based on agriculture to one based more on services and manufacturing.

Service industries such as tourism and business process outsourcing have been identified as areas with some of the best opportunities for growth for the country.

The Philippines is a member of the World Bank, the International Monetary Fund, the World Trade Organization (WTO), the Asian Development Bank which is headquartered in Mandaluyong City, the Colombo Plan, the G-77, and the G-24 among other groups and institutions.



6.1 Philippine Planning Environment

6.1.1 Global Context

The Philippines is emerging as a "resident" of the "Global Village." The country, as all other developing nations, is affected by technological advancements in communications and transportation. The state is also affected by social phenomena such as world trade, capitalism, and international laws. The Philippines, as an arm of this "supraterritory," has been an extension of the American Hollywood and a patron of the World Bank. Filipinos eat in McDonald's and pay with their hard-earned Dollar or Euro. Needless to say, the implications of globalization to the country are virtually infinite.

The Filipinos use the modern "Shared Technology." The fact is that these technologies are not shared but bought. Advancements in telecommunications and information like the Internet are in fact very useful, but they come with a price tag. One could predict that the country would be crippled without such technologies. Ten years ago, the use of computers and cellular phones were reserved to corporations. Now, almost every Filipino urbanite uses these electronic devices. In addition, developments in aerial transportation have made the countries virtually borderless [Scholte, 2005].

The Philippine economics is also affected by international covenants. International trade influences the political machinations of the country. Take for example the trading of oil in the world market. Every time the price of oil increases, the Philippines experiences turmoil: the private transportation sector reacts and the whole country gets disturbed.

The observations stated above affect planning in general and the people's perception and use of space in particular. Globalization does not only affect a developing country economically but spatially as well. National and local planners and leaders must appreciate this fact.

Figure 6.1 Map of Philippines



6.1 National and Local Framework

Because planning is considered a regular government function, its existence is asserted in both the national and local bureaucracies. In the years immediately after the war, the government formed the National Urban Planning Commission [NUPC]. Thereafter, another body was created: National Planning Commission. This new organization combined the functions of the NUPC and the Capital City Planning Commission. Within ten years, some powers of NPC were devolved to the local government. Successive reorganization led to the formation of the following planning bodies: Ministry of Settlements, Task Force on Human Settlements, Housing and Urban Development Coordinating Council, and Department of Housing and Urban Development.

Even before the provisions of the Local Autonomy Law were passed, the local government enjoyed planning autonomy as early as 1959. Powers like zoning, subdivision, and building regulation were devolved to the cities and municipalities from the NPC. Later, legislations like the Local Government Code [RA 7160] and the Housing and Urban Development Act [RA 7279] further developed the capabilities of the local government units [LGUs]. Although the transition was not smooth, the LGUs exercised their powers as exemplified by the cases of University of the East versus the City of Manila and of Far East Bank versus Ortigas.

Table 6.1 Summary of Country's Profile

Country name	Philippines
Capital	Manila
Area	300,000 sq km (slightly larger than Arizona)
Climate	Tropical marine
Government	Republic
Language	Filipino (official; based on Tagalog) and English (official)
Population	105,720,644 (July 2013 est.)
Population growth rate	1.84% (2013 est.)
Urbanization	Urban population: 48% of total population (2011) Rate of urbanization: 2.16% annual rate of change (2010-15 est.)
GDP per capita	\$4,700 (2013 est.)

6.2.1 Land Laws

There are other covenants affecting the planning process in the Philippines in general. The Housing and Land Use Regulatory Board has a manual that complements the Local Government Code [LGC] of 1991. Others like Executive Order 71 [1993] seeks to ensure the efficient devolution of powers to the local government units and provide for an orderly and smooth transition as well as definition of future relationships between the national and local governments.

Passed almost simultaneously with EO 71, Executive Order 72 provides for the preparation and implementation of the Comprehensive Land Use Plans [CLUP] for the Local Government Units. These two executive orders aim at complementing the Local Government Code of 1991 and other pertinent laws. In addition, the local government can also reclassify agricultural lands to other uses by virtue of Memorandum Circular 54 of 1993. The Philippine Constitution of 1987 is also a source of planning ideals regarding urban land reform and housing. In Section 9, it declares that :

"the State shall, by law, and for the common good, undertake, in cooperation with the private sector, a continuing program of urban land reform and housing which will make available at affordable cost, decent housing and basic services to under-privileged and homeless citizens in urban centers and resettlement areas.

It shall also promote adequate employment opportunities to such citizens. In the implementation of such program the State shall respect the rights of small property owners." In Section 10 it continues that "urban or rural poor dwellers shall not be evicted nor their dwelling demolished, except in accordance with law and in a just and humane manner. No resettlement of urban or rural dwellers shall be undertaken without adequate consultation with them and the communities where they are to be relocated."

The Urban Land Reform Law [PD 1517] was passed during the administration of Marcos. With its impressive rhetoric, it states that "it is the policy of the State to liberate human communities from blight, promote their development and modernization, and bring about the optimum use of the land as a national resource for public welfare." Although not clear if it repeals PD 1517, the Urban Development and Housing Act, otherwise known as Republic Act 7279, was passed in 1992 before the term of President Corazon Aquino ended. However, the spirit of this law is too philanthropic as it basically promises provision of housing for the homeless citizens.

One of the basic urban planning problems is housing. For the past decades, legislators formulated and accumulated laws regarding the provision of one of the basic human needs that is housing. For one, there is the Presidential Decree 957 of 1976, which mandates the protection of subdivision and condominium buyers. Two years later, another law [PD 1344] was enacted empowering the National Housing Authority [NHA] to regulate and police the real estate trade and business. In 1982, Batas Pambansa 220 authorized the Ministry of Settlements to urge the private sector to provide "economic and socialized housing" for the middle and lower income earners.



Land use is one of the concerns of urban and regional planners. Issues pertaining to land use include the land reclassification and conversion to other use.

Executive Order 124 of 1993 serves as a guide to the procedure of land evaluation for conversion. Aside from reacting to the issues of land of land use, the Congress was also quick to answer the problems posed by the real estate developers.

The response was the Executive Order 184, which is a directive to create socialized housing center one-stop processing centers to facilitate the processing and issuance of permits, clearances, certifications, and licenses appropriate and necessary for the implementation of socialized housing projects. The same law also orders all government agencies concerned to support the operations of the said centers.

A strategy for building up capability for regional planning and development is the establishment of an authority that will administer the development of a special region [e.g. a component city]. This idea is exemplified by Republic Act 7924, which is "an act creating the Metropolitan Manila Development Authority [MMDA], defining its powers and functions, providing funds therefore and for other purposes."

The powers of the MMDA include development [physical] planning, transport and traffic management, solid waste disposal and management, flood control and sewage management, urban renewal and zoning, health and sanitation, and upholding of public safety.

The territory of the Authority is comprised of the cities of Caloocan, Manila, Mandaluyong, Makati, Pasay, Pasig, Quezon, and Muntlupa as well as the municipalities of Las Piñas, Malabon, Marikina, Navotas, Parañaque, Pateros, San Juan, Taguig, and Valenzuela.



6.2 Issues and challenges in town planning services

6.2.1 Rapid urban population growth

Overcrowded cities of Philippines:

- Philippines is among the world's fastest urbanizing countries and compared with other countries in the region, this country is experiencing rapid population growth. Based on the World Bank Data, in Philippines, 47 percent of the population living in urban areas, compared with 31 percent in Thailand and 16 percent in Cambodia, the country has more than 200 urban areas that have populations of more than 50,000, notes the country's Commission on Population (POPCOM).
- By World Bank estimates, these urban centers could expand to some 600 by 2020, largely because high levels of rural poverty are pushing people into the cities. The rapid urban population growth is because the concentration of economic development in relatively few urban areas and this led towards contributing to urban sprawl.³

6.2.2 Rise of megacities

Metro Manila ranked 79th among 120 megacities forecast to surge in global competitiveness between 2012 and 2015, based on a study commissioned by Citi:

- Based on Asean Development Bank Report, urban centers in many cities, such as in Metro Manila in the Philippines, rapid development of new real estate comprising condominiums and shopping malls has led to gridlocked traffic conditions, severe environmental conditions, unstable squatter tenements sandwiched between prime commercial complexes and high class condominiums, loss of heritage edifices, and neglect of human development. With the intensely competitive demand for land in cities, the urban poor will increasingly be marginalized.
- Many are now settling at the fringes of the most rapidly growing cities. Rapid growth of the larger cities and mega urban regions in the developing countries is reflected in their being surrounded by dense and generally impoverished cities and numerous other forms of so-called informal and/or irregular housing. These are characterized by inadequate infrastructure, service provision, and security of shelter and land tenure.^{3,4}

6.2.3 High urban poverty level

- Philippines' poverty line marks a per capita income of 16,841 pesos a year. The main causes of poverty in the country include the following:
 - low to moderate economic growth for the past 40 years;
 - weakness in employment generation and the quality of jobs generated;
 - failure to fully develop the agriculture sector;
 - high inflation during crisis periods;
 - high levels of population growth;
 - high and persistent levels of inequality which dampen the positive impacts of economic expansion; and
 - recurrent shocks and exposure to risks such as economic crisis, conflicts, natural disasters ,and environmental poverty.⁵

3. Source: <http://www.prb.org/Publications/Articles/2003/RapidPopulationGrowthCrowdedCitiesPresentChallengesinthePhilippines.aspx>

4. Source: <http://www.adb.org/themes/urban-development/issues>

5. Source: <http://pubs.iied.org/pdfs/G02570.pdf>

6.2.4 Inadequate basic services

In general, urban residents in Manila have better access to basic services such as water supply, electricity, health and sanitation services. But those in the informal settlements, however, do not have adequate levels of access to these services. But compared to those in the rural areas, the former have better access to basic services. For instance, in Metro Manila and most of the cities in the country, to obtain water or electricity connections to the household, the household head must present evidence of tenure such as title, rental contract, or permission by the land owner.⁶

6.2.5 Environmental degradation

Environmental problems create new levels of vulnerabilities and risks for cities and their residents. The continued rise in population, increasing urban densities, combined with environmental hazards coming from the sea level rise (SLR), increasing number and intensity of typhoons and floods pose great challenges to the planning and organization of cities. More significantly, these ecological and social vulnerabilities are going to put more burden and risks to urban poor communities and other vulnerable populations. In particular, high population densities in coastal cities and flood plains combined with the effects of climate change create new and unprecedented risks, like Metro Manila and Metro Cebu.



6.3 Standard procedures and regulations for foreign consultants to practice

Foreigners wanting to work in the country are required to apply for an AEP, **Alien Employment Permit**, a document issued by the Department of Labor and Employment which authorizes a foreign national to work in the Philippines.⁷

6.3.1 What is an Alien Employment Permit (AEP)?

An Alien Employment Permit is a document issued by the Department of Labor and Employment which authorizes a foreign national to work in the Philippines.

6.3.2 Who are the foreign nationals required to apply for an AEP?

- All foreign nationals who intend to engage in gainful employment in the Philippines.
- All foreign nationals who intend to engage in gainful employment in the Philippines;
- Foreign professionals who are allowed to practice their profession in the Philippines under reciprocity and other international agreements and in consultancy services pursuant to Section 7(j) of the PRC Modernization Act of 2000.
- Holders of Special Investors Resident Visa (SIRV), Special Retirees Resident Visa (SRRV), Treaty Traders Visa (9d) or Special Non-Immigrant Visa (47(a)2) for as long as they occupy any executive, advisory, supervisory, or technical position in any establishment.

6. *Ibid.*

7. Source: <http://www.ble.dole.gov.ph/faqs.asp>

6.3.3 Who are exempted from securing AEP?

The following categories of foreign nationals are exempt from securing AEP:

- Members of the diplomatic services and foreign government officials accredited by the Philippine government;
- Officers and staff of international organizations of which the Philippine government is a cooperating member, and their legitimate spouses desiring to work in the Philippines;
- Foreign nationals elected as members of the Governing Board who do not occupy any other position, but have only voting rights in the corporation;
- All foreign nationals granted exemption by special laws and all other laws that may be promulgated by the Congress;
- Owners and representatives of foreign principals, whose companies are accredited by the Philippine Overseas Employment Administration (POEA), who come to the Philippines for a limited period solely for the purpose of interviewing Filipino applicants for employment abroad;
- Foreign nationals who come to the Philippines to teach, present and/or conduct research studies in universities and colleges as visiting, exchange or adjunct professors under formal agreements between the universities or colleges in the Philippines and foreign universities or colleges; or between the Philippine government and foreign government; provided that the exemption is on a reciprocal basis; and
- Resident foreign nationals and temporary or probationary resident visa holders employed or seeking employment in the Philippines.

6.3.4 Who authorizes the issuance of an AEP?

The Secretary of Labor and Employment, through the DOLE Regional Director, who has jurisdiction over the intended place of work of the foreign national, authorizes the issuance of an AEP.

6.3.5 What is the period of validity of an AEP?

- The AEP shall be valid for one (1) year or co-terminus with the duration of employment, consultancy services or other modes of employment or term of office which in no case shall exceed five years. Said AEP is valid for the position/s and company for which it was issued.
- In case of assignment in the company's subsidiaries, branch offices and joint ventures and those assigned in the headquarters with oversight function in any of the branch offices, operation or projects in the country, one (1) AEP shall be required and valid for all the said assignments irrespective of their place/s.

6.3.6 How long is the processing period for the issuance of AEP?

If the application is filed at the Regional Office, issuance or denial of AEP shall be within 24 hours after the publication. If the application is filed at the Field Office, issuance or denial of AEP shall be within 5 working days from date of filing of application.



Singapore



7.0 Introduction

Singapore is one of the world's leading commercial hubs, with the fourth-biggest financial centre and one of the five busiest ports. Its globalized and diversified economy depends heavily on trade, especially in manufacturing, which constituted 26 percent of Singapore's GDP in 2005. In terms of purchasing power parity, Singapore has the third-highest per capita income in the world. It ranks high in international rankings of education, healthcare, government transparency, and economic competitiveness.

Today, Singapore has a highly developed market-based economy, based historically on extended entrepot trade. Singapore attracts a large amount of foreign direct investment as a result of its location, corruption-free environment, skilled workforce, low tax rates and advanced infrastructure. There are more than 7,000 multinational corporations from the United States, Japan, and Europe in Singapore. There are also 1,500 companies from China and 1,500 from India. Foreign firms are found in almost all sectors of the economy. Singapore is also the second largest foreign investor in India.

Roughly 44 percent of the Singaporean workforce is made up of non-Singaporeans. Over ten free trade agreements have been signed with other countries and regions.

As one of the five founding members of the ASEAN the country is a strong supporter of the ASEAN Free Trade Area and the ASEAN Investment Area, because Singapore's economic growth is closely linked with the economic progress of the region as a whole. Former Prime Minister Goh Chok Tong proposed the formation of an ASEAN Economic Community, a step beyond the current AFTA bringing it closer to a common market. This idea was agreed to in 2007 for implementation by 2015. Other regional organisations are also important to Singapore, and it is the host of the APEC Secretariat. Singapore also maintains membership in other regional organisations, such as Asia-Europe Meeting, the Forum for East Asia-Latin American Cooperation, and the East-Asia Summit. It is also a member of the Non-Aligned Movement and the Commonwealth.

1. Source : <http://en.wikipedia.org/wiki/Singapore>

Table 7.1 Summary of Country's Profile

Country name	Republic of Singapore
Capital	Singapore
Area	697 sq km
Climate	Tropical; hot, humid, rainy
Government Type	Republic
Language	English, Malay, Mandarin and Tamil
Population	5,567,301 (July 2014 est.)
Population growth rate	1.92% (2014 est.)
Urbanization	RUrban population: 100% of total population (2011) ate of urbanization: 1.1% annual rate of change (2010-15 est.)
GDP per capita	\$62,400 (2013 est.)

Source : <http://www.cia.gov/library/publications/the-world-factbook/geos/sn.html>

7.1 Town Planning System in Terms of Organization

Urban planning in Singapore has formulated and guided its physical development from the day the modern city-state was founded in 1819 as a British colony to the developed, independent country it is today. Urban planning is especially important due to land constraints and its high density.

The Urban Redevelopment Authority (URA) is Singapore's national land use planning authority. URA prepares long term strategic plans, as well as detailed local area plans, for physical development, and then co-ordinates and guides efforts to bring these plans to reality. Prudent land use planning has enabled Singapore to enjoy strong economic growth and social cohesion, and ensures that sufficient land is safeguarded to support continued economic progress and future development⁽²⁾.



Figure 7.1: Map of Singapore

Source : <http://www.worldatlas.com/webimage/countrys/asia/sg.htm>

2. Source : http://en.wikipedia.org/wiki/Urban_planning_in_Singapore

7.1.1 Legal Framework

Being as the designated national planning authority of Singapore, URA is the primary agency responsible for administering the Planning Act that lays down the general rules governing the urban planning process and the development control system. URA ensures any public and private developments are carried out in accordance to the guidelines.

There are two main parts in terms of town planning's legal framework in Singapore – Statute (Planning Act) and Subsidiary Legislation.

7.1.1.1 Planning Act, Chapter 232⁽³⁾

This Act is the revised version of the original enactment. The provision of such Act is *“to provide for the planning and improvement of Singapore and for the imposition of development charges on the development of land and for purposes connected therewith, and to repeal the Planning Act (Chapter 232 of the 1990 Revised Edition) and to make related and consequential amendments to certain other written laws”*.

The Act contains eight parts and two schedules:

- i. Part 1 – Preliminary
- ii. Part 2 – Master Plan and Conservation Areas and Guidelines
- iii. Part 3 – Development and Subdivision of land
- iv. Part 4 – Enforcement
- v. Part 5 – Development Charges
- vi. Part 6 – Recovery of Moneys
- vii. Part 7 – Miscellaneous
- viii. Part 8 – Repeal, Transitional and Consequential Amendments
- ix. First Schedule
- x. Second Schedule

7.1.1.2 Subsidiary Legislation⁽⁴⁾

A list of 24 Subsidiary Legislation which are legally binding and applied in Singapore:

- Appointment of Competent Authority
- Planning (Changes in Use – Lodgment Authorisation) Notification
- Planning (Child Care Centre – Authorisation) Notification
- Planning (Child Care Centre – Change of Use in Lodgment Authorisation) Notification
- Planning (Declaration by Qualified Person) Rules
- Planning (Deferment of Payment of Development Charge by Charities) Rules
- Planning (Development) Rules
- Planning (Development Charges) Rules
- Planning (Development Charge – Exemption) Rules
- Planning (development Charge – Exemption in Relation to Historical Base Value) Rules
- Planning (Development of Land Authorisation) Notification
- Planning (Development of Land Authorisation for Housing and development Board and Jurong Town Corporation) Notification
- Planning (Development of Land Authorisation for National Parks Board) Notification
- Planning (Development of Land – Lodgment Authorisation) Notification
- Planning (Electric Transmission) Rules
- Planning (Fees) Rules
- Planning (Hotel Concession) Rules
- Planning (Housing and Development Board Commercial Premises and Living Quarters Authorisation) Notification
- Planning (Leases and Disposal of Land) (Consolidation) Order
- Planning (Master Plan) Rules
- Planning (Subdivision of Land and Building – Authorisation) Notification
- Planning (Temporary Development Levy) Rules
- Planning (Temporary Development Levy – Exemption) Rules
- Planning (Use Classes) Rules

3. Source : <http://statutes.agc.gov.sg/aol>

4. Source : Urban Redevelopment Authority (SG), <https://www.ura.gov.sg/uol/DC>

7.1.2 Procedures for Plan Approval and Development

A comprehensive description on the planning permission can be found in the Planning Act, Chapter 232, under Section 13 – Application for Permission. The descriptions highlight on:

- (1) An application for planning permission, conservation permission or subdivision permission shall be made to the competent authority in the prescribed form and manner;
- (2) The competent authority shall seek to determine such an application within 3 months of receiving it but may, where unavoidable circumstances so require, defer his determination for such further period as he thinks fit.

7.1.2.1 Who Can Apply?⁽⁵⁾

In approving any development plans, it is advised to appoint a Qualified Person (QP) who is a registered architect, registered surveyor and/or professional engineer to prepare plans and submit a development application to the Development Control Group of URA.

As stated in the URA's website, development application for planning permission and other regulatory approvals can be submitted through an online service known as CORENET eSS (Construction and Real Estate NETWORK e-Submission System). Regulatory approvals that fit into this requirement such as:

- i. Building Plan Approval;
- ii. Temporary Occupation Permit;
- iii. Fire Safety Certificate; and
- iv. Certificate of Statutory Completion.

Submission to other relevant authorities (i.e. Building and Construction Authority, Fire Safety and Shelter Department) can be made through the same online system. All types of development can be submitted except projects that are confidential or secret.

7.1.2.2 The Application Fee

Details of a development such as the gross floor area, site area, application type and development type will determine the application fee. In helping to provide smooth application process, URA has provided 2 online calculators for the applicants to check the required fees:

- i. Form-based Fee Calculator
This calculator can be used to check the fee payable for the relevant application
- ii. Fee Calculator for Uploaded EDA Form File
This calculator is for the applicants who have completed the EDA Form and upload it in EDF file format to calculate the fee

On the other note, applicants may also need to refer other planning permission fees that can be found in Development Control – Fees Schedule (2007) and development Control – Fees Schedule (2013).

7.1.2.3 How To Apply Development Application via CORENETeSS?⁽⁶⁾

In order to lodge a submission, one need to check with the URA whether their proposed development works require planning permission and ensure that the planning submission requirements are complied with.

In preparing for the submission, one need to meet up the following requirements set by URA:

- i. Digitally sign the electronic plans and forms with a Netrust Digital Certificate;
- ii. Register the project in CORENET eSS and submit the online application; and
- iii. Pay the application fee online or by cheque.

Once the application has been submitted, URA will assess it within **20 working days**. Submission status can be check through Submission Status via website or SMS. Applicants will later be informed through email.

5. *Ibid.*

6. *Ibid.*

7.1.3 Submission Requirements⁽⁷⁾

Following here a list of submission requirements:

- i. **Cover Letter**
Provide a summary of the proposed development. Explanations or information can also be included to support your proposal.
- ii. **EDAform**
Download the electronic planning application form EDAform (EXE) and prepare an EDF file format of the form for submission.
- iii. **Declaration Form for New Submission**
All new applications must follow the New Submission Declaration Form and be accompanied by a declaration.
- iv. **CAD/BIM Files**
Computer Aided Design (CAD) or Building Information Modeling (BIM) drawings for the proposed development. CAD drawings must comply with the CAD submission Guidelines.
- v. **Clearances from relevant departments**
Applicants may have to consult and seek clearances from relevant Frontline Technical Departments (e.g. LTA, Nparks, NEA, FSSF, etc.). A clearance may be needed from them before applying for permission from URA.
- vi. **Authorisation Letter**
For those submitting the application on behalf of the applicant, prepare a scanned copy of the signed authorisation letter and retain the original.

7.1.3.1 Planning Permission Exemption List

Following here is a list of minor development or building works that do not require planning approval or permission from URA:

- i. Which are gazetted as national monuments or conservation buildings; and
- ii. Located within conservation areas, envelop control areas, central areas, urban design areas, street block plan areas or other planning study areas where specific guidelines must be adhered to.

Applicants should check if clearance/approvals from other authorities is needed or to comply with caveat and by-laws which may apply to your premises. Rules and regulations of the Management Corporation is included as well.

7.1.4 Submission Checklist

To ensure the planning submission requirements are complied with, the Qualified Persons (QPs) must go through the development control submission checklist. However, it is not required for QPs to submit the checklist to the Development Control Group, URA.

Handbook on Parameters for residential and Non-residential development could be used as reference to the planning requirements.



7.1.4.1 Section 1 – Submission Requirements⁽⁸⁾

	Items	Please tick accordingly		Remarks
		Complied With	Not Applicable	
1	Road Line & Drainage Interpretation plans. To declare and endorse on the proposal plans that the Road reserve lines and Drainage reserve lines as indicated on plans are in accordance with respective interpretation plans For details please refer to EDA WebPages)			
2	Do not show the detailed technical information and codes of practice notes of other government agencies like the NEA, NParks, FSSD & LTA on the DC plans (For details, please refer to Circular No: URA/PB/2008/10-DCD dated 5 May 08)			
3	Fees The required processing fees is payable by cheque. The cheque is to be submitted to URA within 2 working days from the date of submission.			
4	Owner's/owners' consent <ul style="list-style-type: none"> To declare the owner's or owners' consent for the development application and append the endorsement on owner's consent to all CAD drawings. To furnish scanned copy of authorization letter from applicant. 			
5	Land Title Declaration <ul style="list-style-type: none"> To furnish scanned copy of Land Title Declaration Form (Soft copy can be downloaded from our website for your submission) 			
6	The site boundary and all plot boundary are verged red and with dimensions & plot areas indicated on plans.			
7	Proposed plot ratio, equivalent plot ratio & gross floor area are indicated on forms/and plans.			
8	All boundary and building setbacks (front, side & rear/upper storey rear) are indicated on plans.			
9	All building plots, communal open space & parcels of land for vesting such as road widening, drainage reserve, electric substation, septic tank, etc are shown as separate plots on plans. Please ensure separate plot is assigned to drainage reserve only when vesting is at CSC stage, otherwise, no separate plot is needed.			
10	All plot areas, widths & depths are indicated on the site plan and with a legend for two or more plots.			

	Items	Please tick accordingly		Remarks
		Complied With	Not Applicable	
11	Site coverage is indicated on forms and/or plans.			
12	Details of each building/types of building, number of storeys, the scale used and the highest height in metres AMSL are indicated on plan.			
13	Communal open space indicated on forms and/ or plans.			Applicable to strata landed development only
14	Existing land profile indicated & highlighted in colour. Proposed land profile indicated. (Where the proposed land profile is the same as the existing land profile, it should also be annotated on plan.			For all cross-section and elevations
15	Existing ground levels for the subject site and adjoining sites immediately across the common boundaries & proposed platform levels indicated on site plans and 1st storey plans.			
16	Proposal site on undulating grounds is accompanied by Topography Plan.			
17	Details of fencing shown on the submission plans.			
18	Retaining walls if any, are shown on the submission plans.			
19	Topographical plans with contours extending to a width of one metre beyond the side of development fronting the water course, including spot levels of drainage reserve land up to the edge of the bank.			
20	Typical cross-sections showing the proposed development of the area between the site and the drainage reserve or coastal area, including the existing and proposed ground levels.			Applicable to proposals affected by waterbodies
21	Clearance from Drainage Department, ENV for integration of linear body as part of the development/modification of the edge profile of the linear body is attached.			
22	Engineer's certification on the slope is attached.			
23	The project title is suitably appended to reflect more accurately the nature of the submission and highlight the predominant use only.			
24	Buffer requirements are indicated on plans.			*Refer to Buffer Standards
25	The tenure of land is indicated on plans.			
26	North point to face upwards on plan.			

	Items	Please tick accordingly		Remarks
		Complied With	Not Applicable	
27	2m wide planting strip along the boundary indicated on plans.			Except for landed housing developments & periphery of industrial developments
28	Access arrangement indicated on plans requirements.			
29	A massing model of scale 1:500			Applicable to URA Sales Projects except for industrial & warehouse developments
30	Building Finishes for developments within Central Area and selected sites outside Central Area as required in the Sales Technical Condition			
31	Air-conditioning ledges and air conditioning condensers, if any, are shown on the submission plans.			Applicable to landed housing developments only
32	Computation of the percentage of balcony perimeter opening			Applicable only to flats/condominium and hotel developments as well as the residential component of mixed use developments
33	Details of balcony screen design & retracting system shown on submission plans			Applicable only to flats/condominium and hotel developments as well as the residential component of mixed use developments
34	Details of PES protection / cover			
35	Infocomm Development Authority's (IDA) endorsement			Applicable only to proposals involving the setting up of mobile communications monoples.

7.1.4.2 Section 2 – Planning Requirements⁽⁹⁾

	Items	Please tick accordingly		Remarks
		Complied With	Not Applicable	
1	The subject site has a legal right of way or direct access from public road.			All sites must have vehicular access.
2	Access arrangement conforms with Land Transport Authority's requirements.			
3	Conformit with car parking requirements.			
4	Conformity with Good Class Bungalow Area guidelines.			
5	Conformity with Geylang Urban Design guidelines.			
6	Conformity with the MP 2003's landuse			
7	Conformity with the DGP's building height			
8	Conformity with the MP 2003's plot ratio			
9	Width of structural fins within setback distance - 0.5m (max)			
10	Building and ancillary structures have complied with the required setback			
11	Basement has complied with the required setback			
12	Number of allowable units has been complied with			Applicable to strata landed development only
13	Road buffer (green and physical) has been complied with			
14	Site coverage has been complied with			
15	Communal open space provision has been complied with			Applicable to strata landed development only
16	Boundary wall height has been complied with the 1.8m (max)			
17	Retaining wall height has been complied with the 1m/1.5m (max)			1m(max) applicable to landed housing developments; 1.5m(max) applicable to non-landed housing developments
18	Retaining cum boundary wall height meets the 2.8m (max)			

	Items	Please tick accordingly		Remarks
		Complied With	Not Applicable	
19	Fencing & retaining wall have met the waterbodies requirement			Applicable to proposals affected by waterbodies
20	Earthworks comply with guidelines			Applicable only to residential development
21	Floor to floor height is within the requirement			
22	Basement guidelines have been complied with			
23	Balconies comply with the continuous perimeter opening of 40% (min.)			Applicable only to flats/condominium and hotel developments as well as the residential component of mixed use developments
24	Balcony screens comply with the performance criteria of: <ul style="list-style-type: none"> • allowing natural ventilation in the balconies at all times;and • being able to be drawn open or retracted fully 			Applicable only to flats/condominium and hotel developments as well as the residential component of mixed use developments
25	Private Enclosed Space (PES) <ul style="list-style-type: none"> • Protection / covering is provided in accordance to either the objective-based guidelines or the prescriptive guidelines (i.e. min 2m covering) • Height of enclosure fencing is 1m (max) 			Applicable only to flats/condominium and hotel developments as well as the residential component of mixed use developments
26	Private Enclosed Space (PES) <ul style="list-style-type: none"> • Protection / covering is provided in accordance to either the objective-based guidelines or the prescriptive guidelines (i.e. min 2m covering) • Height of enclosure fencing is 1m (max) 			Applicable only to flats/condominium and hotel developments as well as the residential component of mixed use developments
27	Provision of 2.0m planting strip has been complied with			Except for landed housing development & periphery of industrial development

	Items	Please tick accordingly		Remarks
		Complied With	Not Applicable	
28	Covered Walkway <ul style="list-style-type: none"> • Soffit height is in order • Width of walkway complied with the controls 			
29	Prayer quantum has exceeded the 50% of the total GFA			Applicable only to religious development
30	Attic guidelines have been complied with			
31	Industry/warehouse quantum (GFA) mix is more the 60% of total gross floor area			Applicable to industrial/warehouse building
32	The provision of open space (m2) has been complied with			Applicable to landed housing
33	The provision of open space (m2) has been complied with			Applicable to landed housing
34	The following information are provided: <ul style="list-style-type: none"> • Nature of the factory operations (for factory developments with ancillary worker's dormitory) • Estimated number of workers to reside in the dormitory • Whether the workers are locals or foreigners; and the nationality of foreign workers • Whether the workers are skilled, semi-skilled or unskilled 			For application with worker's dormitory

7.2 Organisations Related to and Involved in Town Planning and Development Services

There are three (3) relevant organisations that related to town planning and development services in Singapore. Details as follows:

7.2.1 Urban Redevelopment Authority (URA)⁽¹⁰⁾

In-line with its mission “to make Singapore a great city to live, work and play in”, URA plays an important role, thus primarily responsible in planning and facilitating the physical development of Singapore.



7.2.2 Housing & Development Board (HDB)⁽¹¹⁾

The Housing & Development Board (HDB) is a statutory board under the Ministry of National Development and also the Singapore’s public housing authority that provide quality homes and living for Singaporeans.

Established on 1st February 1960, HDB took over the task of solving the nation’s housing crisis from the Singapore Improvement Trust. After many years of its formation, HDB has managed to built flats for almost 82% of Singaporeans.

HDB is also responsible in providing vibrant towns that complete with various commercial, recreational and social facilities and amenities for the convenience of residents. In ensuring the services and products meet the changing needs and circumstances, HDB brings new features, facilities and improvements to its older estates and towns.

7.2.2.1 HDB’s Vision

An outstanding organisation with people committed to fulfilling aspirations for homes and communities all are proud of.

7.2.2.2 HDB’s Mission

- i. We provide affordable homes of quality and value;
- ii. We create vibrant and sustainable towns;
- iii. We promotes the building of active and cohesive communities; and
- iv. We inspire and enable all staff to give of their best.



7.2.3 JTC Corporation⁽¹²⁾

JTC is a corporation that responsible in helping Singapore shaping the nation’s industrial landscape. The journey started with transforming the swampland of Jurong into a thriving industrial estate as today.

Established on 1st June 1968, JTC has moved swift ahead with its mission to build next generation of industrial infrastructure that create jobs and support Singapore’s economic growth.

As of today, JTC has developed 7,100 hectares of industrial land and 3.2 million square metres of ready-built facilities.

7.2.3.1 JTC’s Vision

A dynamic industrial landscape and the choice investment location

7.2.3.2 JTC’s Mission

To plan, promote and develop a dynamic industrial landscape, in support of Singapore’s economic advancement.



10. Ibid.

11. Source: Housing & Development Board, HDB InfoWEB, www.hdb.gov.sg

12. Source: JTC Corporation, www.jtc.gov.sg

7.3 Issues and Challenges in Planning

When it comes to planning, Singapore is not spared of issues and challenges that they need to deal with. Following is a summary of issues and challenges in Singapore that related to planning:

i. The social front

One of the biggest challenges that Singapore is dealing now is the social integration of the people. The transformational challenges are not revolve on the physical aspect nor the technological part too, but it is about the threat of social disintegration and social cohesion. Urban Planners and policymakers need to work on creating better integration among groups (in terms of age, disabled and foreign workers) into Singapore society.

ii. Quality of life

As the population grows, the challenges of urban planning scenario in Singapore evolve too. Mr. Lui Thai Ker, Chairman for Centre for Liveable Cities in once said *“The bigger challenge for HDB is that with the continuous increase in our population, how are we going to make a long term plan to accommodate them with no loss in the quality of life? In the process of doing that, we also have to think of new MRT lines, new bus routes”*.⁽¹³⁾

iii. Climate Change

Like other cities around the world, Singapore also vulnerable when it comes to climate change. The CEO of PUB once said *“It is not possible to eliminate flash floods completely because nature is a powerful force and given the land constraints that we have, we can only build our capability up to a certain level of capacity. Impact of climate change is something we have to be concerned about; it’s extremity of weather we have to be concerned (about); it’s flash floods we have to be concerned. I think even more critical, (is) how we are going to prepare ourselves for prolonged drought.”*⁽¹⁴⁾



13. Source: [eco-business.com](http://www.eco-business.com/news/singapore-urban-planners-tackle-challenges-future-city-planning), <http://www.eco-business.com/news/singapore-urban-planners-tackle-challenges-future-city-planning>

14. *Ibid.*

7.4 Professional Institutes or Organisations Comprising Town Planners

7.4.1 Singapore Institute of Planners⁽¹⁵⁾

Registered in April 1971, the Singapore Institute of Planners (SIP) is a professional body for town planners in Singapore. The formation of the Institute is for the purpose of the advancement of urban planning as well as to promote planning practice as a profession. The Institute has actively supporting the development of town planning profession in Singapore ever since its establishment.

As at March 2011, the Institute has a total of 141 members; comprising 22 Fellows, 60 Corporate Members, 56 Affiliates and 3 Students.

7.4.1.1 Terms of Membership

A large number of the Institute's Fellows and Corporate Members are currently employed by the Government and Statutory bodies such as the Urban Redevelopment Authority, Housing & Development Board, National Parks Boards and Jurong Town Corporation. They largely undertake strategic planning studies, preparing master plans and executing regulatory and enforcement functions regularly.

Others are employed in the universities, property development and planning consultancy companies such as Surbana, CPG Consultants, and Jurong Consultants. Yet others, especially those who are architects or planners, are operating their own professional offices. They largely undertake physical planning projects, urban design and strategic planning studies.

Following here are level of memberships in SIP:

i. Fellows (FSIP)

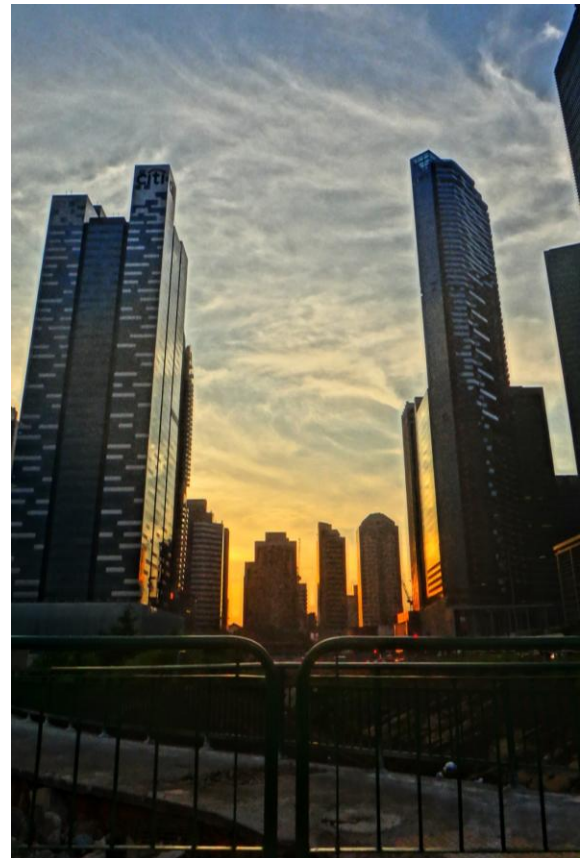
Election of Fellowship is restricted to senior members with not less than 7 years professional town planning practice and who has undertaken responsible planning work and made significant contributions to town planning in Singapore.

ii. Members (MSIP)

Eligible candidates are those with qualifications fully recognized by established planning institutes (such as the Royal Town Planning Institute, the American Planning Association, the Canadian Institute of Planners and Planning Institute Australia) and who have acquired at least two years practical experience in town planning. Candidates who have undertaken a one-year post graduate study in town planning but with 4 years relevant practical experience in town planning may be elected as Corporate Members.

iii. Affiliates

The Institute welcomes participation of professionals in allied fields such as architects, sociologist, geographers, economists, valuers, surveyors and other persons who can contribute to the advancement of planning as an Affiliate Member.



15. Source: Singapore Institute of Planners (SIP), <http://www.sip.org.sg/about.php>

7.5 Standard Procedure and Regulations for Foreign Consultants to Practice

Based on the data gathered from the few webpages, it's clearly stated that "only residents, employment pass holders and Dependent pass holders can set up a business¹⁶).

7.6 Availability of Fee Structure for Town Planners Working as Consultants

Urban planners in Singapore are mostly in government agencies. Private sector urban planners form part of the architectural firm or organization. Fees are lumped under the architectural services.

7.7 Availability of Master Plan, Spatial Plan and Guidelines on Planning

With a small physical size and limited land area to accommodate the growing population, Singapore has taken tremendous efforts in addressing the need through comprehensive urban development plans as follows:

i. **Concept Plan 2001¹⁷**

The concept plan is not a statutory document. However, it expresses the government's long-term planning intentions and provides the backdrop for the master plan's preparation. Other than that, it also functions as a tool to guide large-scale public developments (e.g. building of new towns and industrial estates and the reclamation of land). Considered as a long-range land use and transportation plan (as a guide for Singapore's physical development over the next 40-50 years). The current concept plan was released on 20 July 2001

ii. **Master Plan¹⁸** - Gazetted on 5 December 2008,

Based on the Concept Plan, it was later translated into detailed planning guidelines that shape the physical development of Singapore. As a statutory document, the master plan is consistently review and updated every five years by the URA with the latest review was in 2008. The master plan contains the basis for the day-to-day regulation of land use by specifying the zoning, maximum development intensity and building height limit for individual plots of land. Besides that, conservation areas and nature reserves are also clearly demarcated in the master plan.

16. Source: <http://www.expatsingapore.com/forum/index.php?topic=25068.0>, <http://www.entersingaporebusiness.info/>

17. Source: *Urban Planning Framework in Singapore*, http://infopedia.nl.sg/articles/SIP_1565_2009-09-09.html

18. *Ibid.*

Thailand



8.0 Introduction

Thailand formerly known as Siam, is a country located at the centre of the Indochina peninsula in Southeast Asia. It is bordered to the north by Burma and Laos, to the east by Laos and Cambodia, to the south by the Gulf of Thailand and Malaysia, and to the west by the Andaman Sea and the southern extremity of Burma. Its maritime boundaries include Vietnam in the Gulf of Thailand to the southeast, and Indonesia and India in the Andaman Sea to the southwest.

The country is a constitutional monarchy, headed by King Rama IX, the ninth king of the House of Chakri, who, having reigned since 1946, is the world's longest-serving current head of state and the longest-reigning monarch in Thai history. The king of Thailand is titled Head of State, Head of the Armed Forces, Adherent of Buddhism, and Upholder of religions.

Thailand is the world's 51st-largest country in terms of total area, with an area of approximately 513,000 km² (198,000 sq mi), and is the 20th-most-populous country, with around 64 million people. The capital and largest city is Bangkok, which is Thailand's political, commercial, industrial and cultural hub. About 75% of the population is ethnically Thai, 14% Thai Chinese, and 3% is ethnically Malay; the rest belong to minority groups including Mons, Khmers and various hill tribes. The country's official language is Thai. The primary religion is Buddhism, which is practiced by around 95% of the population.

Thailand experienced rapid economic growth between 1985 and 1996, and is presently a newly industrialized country and a major exporter. Tourism also contributes significantly to the Thai economy⁽¹⁾⁽²⁾. There are approximately 2.2 million legal and illegal migrants in Thailand, and the country has also attracted a number of expatriates from developed countries.

1. Source: Thailand and the World Bank, World Bank on Thailand country overview.
2. Source: The Guardian, Country profile: Thailand, 25 April 2009.

As the primate city, Bangkok enjoys overwhelming regional advantages. The problem of over-concentration of Thai population in Bangkok has long concerned authorities, due to the large discrepancy in income between urban and rural residents.

Table 8.1 Summary of Country's Profile

Country name	Kingdom of Thailand
Surface area	513,120 km ² (about 140% that of Japan)
Population	65.98 million (2010; source: National Statistics Office, Thailand)
Population density	129/km ² (2010)
Percentage of urban population	44.15%(2010)
Nominal GDP	USD 345.7 billion(2011)
GDP per capita	USD 5,394(2011)
Percentage of employment by industry	Primary industry: 40.7% Secondary industry: 13.2% Tertiary industry: 46.1%(estimate of 2011)
Economic growth rate	0.1%(2011)

Source : <http://www.mlit.go.jp/>



Foto 8.1: Bangkok City



Source : <http://www.nationsonline.org/maps/thailand-admin-map.jpg>

8.1 Town planning system in terms of organization, legal framework, process for development approvals that are prevailing

8.1.1 Related Planning Law in Thailand

Town planning process in Thailand are bounded by regulations, guidelines and law. Below are the list of related planning law that are currently being used in Thailand :

- Town and Country Planning Act (No. 3), BE 2535.
- Town and Country Planning Act (No. 2) Act 2525.
- Town Plan Act BE2518
- Town and Country Planning Act 2518
- Zoning ordinance, land survey and prepare a comprehensive plan for the deployment of Local 70 provinces in 2555.

8.1.2 Thai Bureaucracy and Spatial Planning System

There are three basic levels of public administration in Thailand: central, provincial, and local administration. The central administration consists of ministries. The provincial administration comes under the concept of deconcentration, which means that the central government delegates some of its power and authority to its officers who work in provinces and districts, and the provincial administration consists of provinces, districts, minor districts, subdistricts (or Tambon) and villages. The local administration is based upon the concept of decentralization, which allows local people to participate in local affairs under concerned laws and regulations, and there are 2 types of local administrative organization: the general type (composed of Provincial Administration Organization, Municipalities, and Subdistrict Administration Organization); and the special type (consisted of Bangkok Metropolitan Administration and the City of Pattaya). (Refer to Table 8.2: Structure of Planning System in Thailand)

The National Economic and Social Development Plan, which is under the purview of the Office of National Economic and Social Development Board, has been considered the document with the highest authority in matters involving national spatial policy. Spatial development policies, including region-specific programs, have traditionally been included in this document, but in recent years the policy statements on spatial development have grown weaker, and at the same time the Department of Public Works and Town & Country Planning of the Ministry of Interior has become much more involved in spatial development and planning at the national, wide-area regional, sub-regional, provincial, town, and specific area levels. (Refer to Figure 8.1 : Spatial Plan Hierarchy and Characteristic)



Table 8.2: Structure of Planning System in Thailand

Stages of plan	Plans	Responsible authorities
National	Policy Plan : National Economic and Social Development Plan	National Economic and Social Development Board (NESDB)
	Spatial Plan : National Spatial Development Plan	Department of Public Works and Town & Country Planning, Ministry of Interior (DPT)
Regional	Regional Spatial Development Plan (6 regions)	Department of Public Works and Town & Country Planning, Ministry of Interior (DPT)
Subregional	Subregional Plan	Department of Public Works and Town & Country Planning, Ministry of Interior (DPT)
Provincial	Comprehensive Plan	Department of Public Works and Town & Country Planning, Ministry of Interior (DPT)
Town	Comprehensive Plan	Department of Public Works and Town & Country Planning, Ministry of Interior (DPT)
Specific area	Specific Plan	Department of Public Works and Town & Country Planning, Ministry of Interior (DPT)

Source: Department Public Works and Town & Country Planning, Ministry of Interior, Thailand, 2013

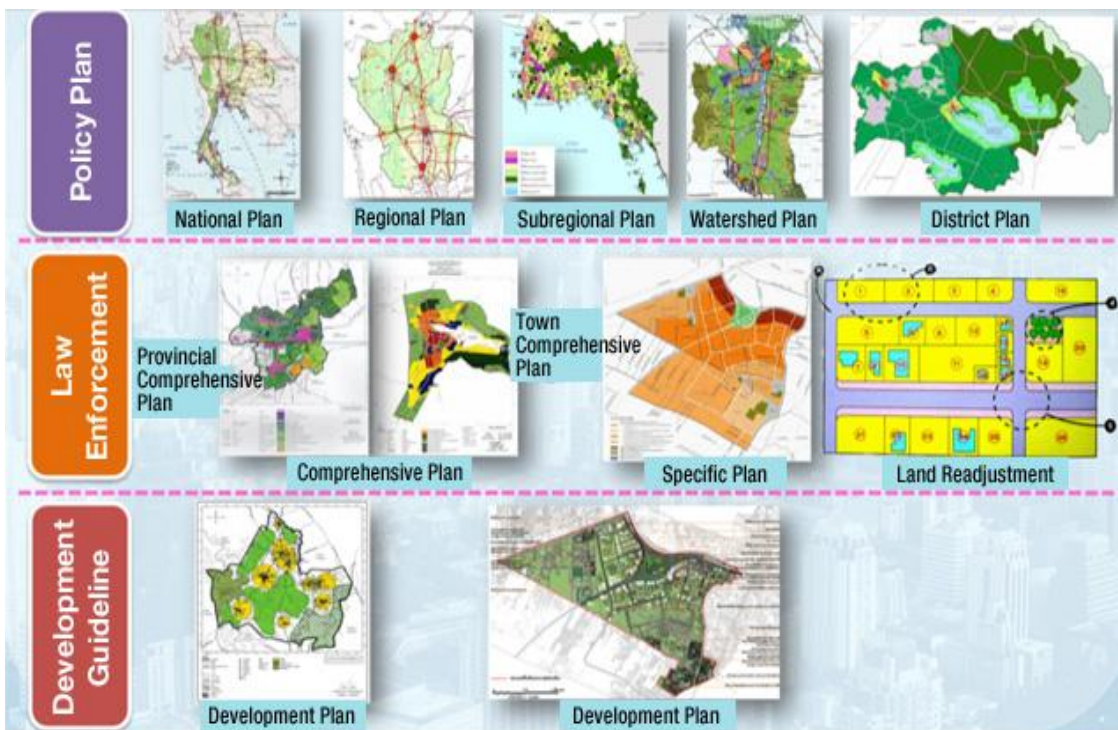


Figure 8.1 : Spatial Plan Hierarchy and Characteristic

Source: Department Public Works and Town & Country Planning, Ministry of Interior, Thailand, 2013

8.1.3 Spatial Planning and Territorial Development Policy

8.1.3.1 Socioeconomic Planning System at the National Level (National Economic and Social Development Plan)

The purpose of the National Economic and Social Development Plan is to function as a national policy framework and to serve as a set of guidelines for policy-makers and government agencies when drafting or revising specific development policies. The initial development plan was for a six-year period, but successive plans have spanned a five-year period. . (Refer to Table 8.2: Structure of Planning System in Thailand)

The National Economic and Social Development Plan is drafted by the Office of National Economic and Social Development, approved by the cabinet, and promulgated by government decree. The current 11th plan covers the period from 2012 to 2016 holding a mission of "A happy society with equity, fairness and resilience."

Past plans have had salient purposes and clear titles such as "Regional Development" and devoted considerable space to the topic of spatial development; however since the 9th plan onwards, spatial development has received very little attention.

The current 11th plan does not have national and regional spatial policies as a specific topic. However, it has five keys toward urban/regional development;

- Formation of ecological cities upon industrial accumulation;
- Formation of creative cities within capital area and major local cities;
- Development of border areas by taking measures including creation of economic zones (trade/industry/logistic zones, etc);
- Redevelopment of existing cities and economic zones regarding improvement of lives and sustenance of low-income groups;
- Formation of eco-friendly cities which doesn't rely only on the economy but cares about social/cultural aspects.

8.1.3.2 Socioeconomic Planning System at the National Level (National Economic and Social Development Plan)

Thailand's former spatial development was done without official spatial policies, either at national or regional level, as explicit frameworks for leading, supervising, controlling, and integrating the urban-rural developments. In addition, development planning systems lacked united and efficient cooperation among agencies concerned resulting in numerous problems e.g. imbalanced developments of land use, society, and economy, improper natural resources management, urban and communities expansion in disorder, people's settlements in dangerous areas, diffusion of industrial plants and hazardous warehouses along with residential areas, natural resources and environments exacerbated, poverty problem, differences in growth and profits dispersal, insufficient public services and facilities for all urban and rural areas, etc. Other than a direct impact on people's quality of life, these problems also caused higher development costs and adversely affected national competitiveness and economic system.

On 9 July 2002, the Cabinet mandated the Department of Public Works and Town & Country Planning (DPT) to accelerate development of the urban plan to cover all areas throughout the country. In compliance with the aforesaid resolution, DPT had established a National -regional plan in order to set up the development policies, strategies, and measures as frameworks for spatial development and planning at all levels in line with each the area's features and potentiality. This national -regional planning is intended to help the country get ready for dealing with the changes in globalization age, to meet public demands, to enhance the national competitiveness, to improve people's quality of life, to maintain national art and cultural heritages as well as to create strong and pleasant communities, and to bring about the sustainable developments on the self-sufficiency economy basis. (Refer to Figure 8.3 : National Spatial Development Strategies Implementation)

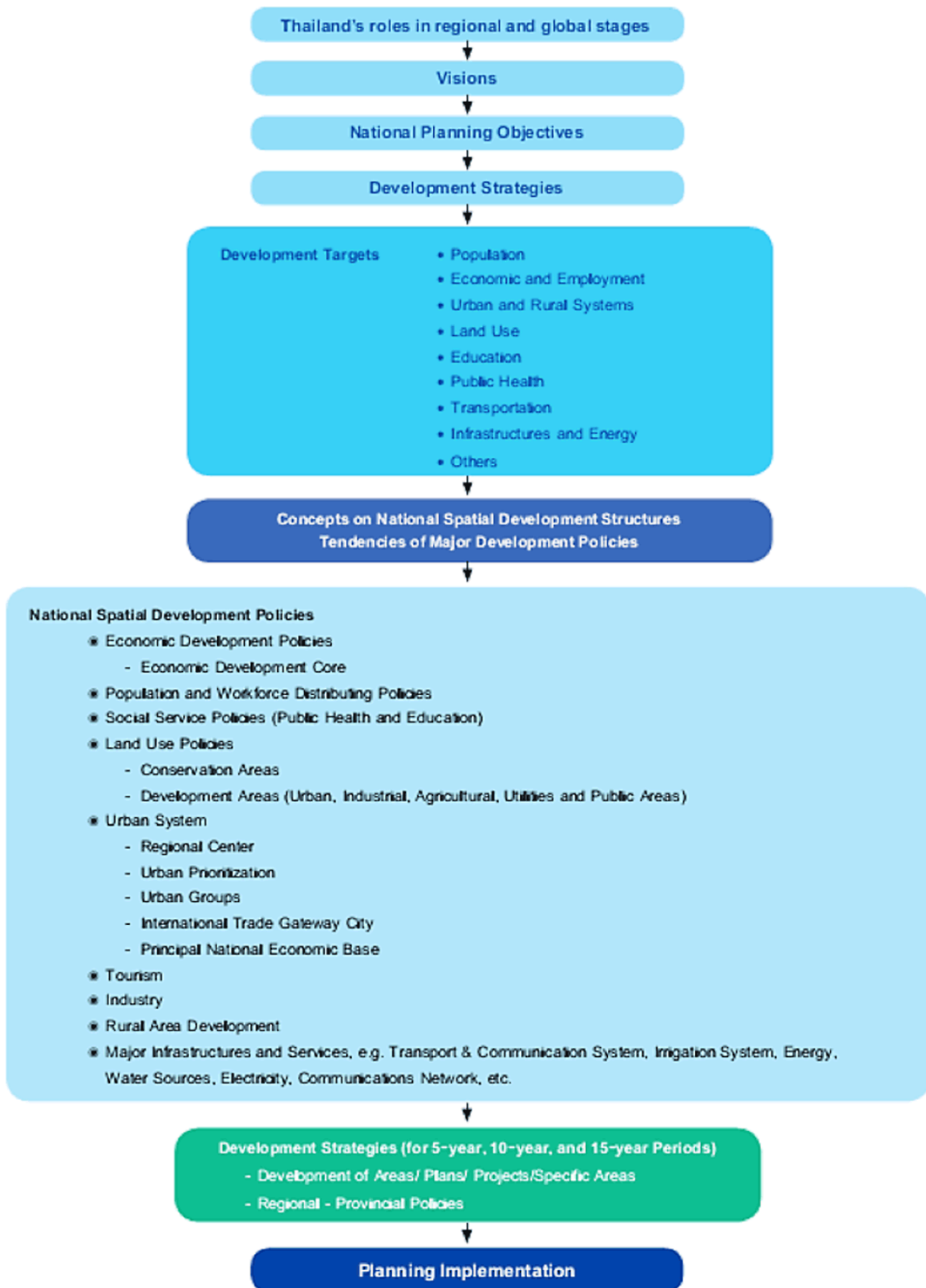


Figure 8.2 National Planning Structure

Source: DPT (2009) "Thailand National Spatial Development Plan 2057"

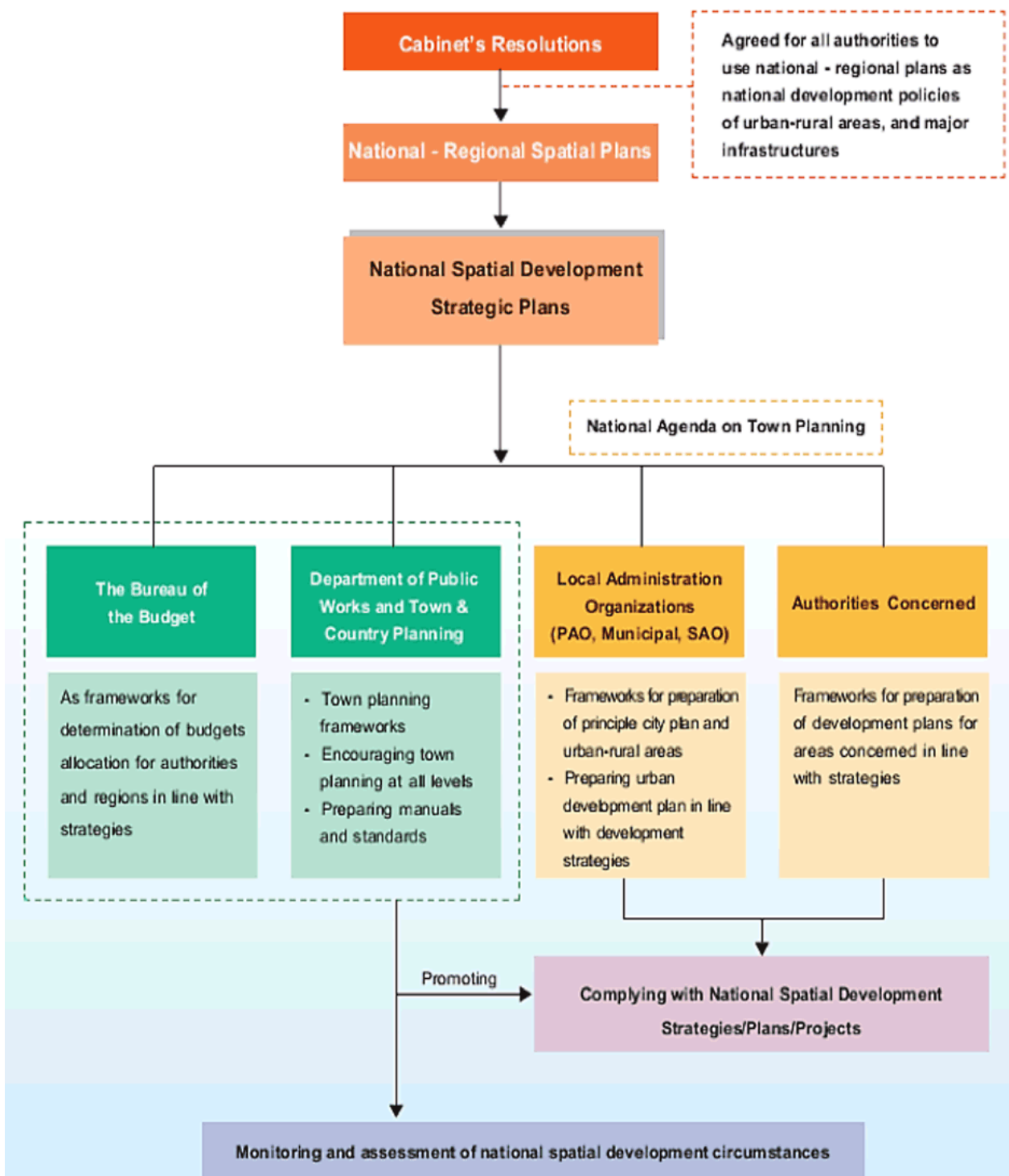


Figure 8.3 : National Spatial Development Strategies Implementation

Source: DPT (2009) "Thailand National Spatial Development Plan 2057"

Directions and policies for national spatial development are formulated for 50-year period (2057), with establishment of urgent strategic plans for 5-year period (2012), 10-year period (2017), and 15-year period (2022). National spatial planning areas cover all areas throughout Thailand in 76 provinces, including special local administration organizations, i.e. Bangkok and Pattaya.

In order to archive the visions in 50-year (2057), **"Thailand will be a world leader in agriculture, agro-industry, food technology, health services, and tourism. Thai people will have a good quality of life in the pleasant environment. The country will be solidly established with sustainable growth"**, there are development frameworks as follow:

- i. Economic potential zone development
- ii. Growth distribution to all regions
- iii. Linkage to other ASEAN countries

The 50-year National Spatial Development Policy consists of both national plan and wide-area regional plan (national-regional plan), of which six regions --- Bangkok and its vicinity, Eastern Region, Central Region, Northeastern Region, Northern Region, Southern Region are assigned as the wide-areas (Refer to Figure 8.4 : Sustainable Spatial Plan)

This policy covers the field of :

- i. land use and development,
- ii. agriculture,
- iii. urban and rural development,
- iv. industry,
- v. tourism,
- vi. social services,
- vii. transportation, energy, IT, telecommunication,
- viii. prevention of natural disasters.

Thailand's strategic position and overview of future development trends have been conveyed to the national development policies on the whole by giving priority to urban balance increase and urban clusters development with comparable economic activities and progress as well as promoting secondary rural centers to get more strength, be capable of self-reliance, and benefit from regional linkage given that the national development policies have to be compliant and support major issues as follows:

- i. Populations and workforces distribution
- ii. Economic development
- iii. Urban-rural organization according to proper roles and functions
- iv. Most efficient land use
- v. Development of transportation systems, technology and communication, and energy

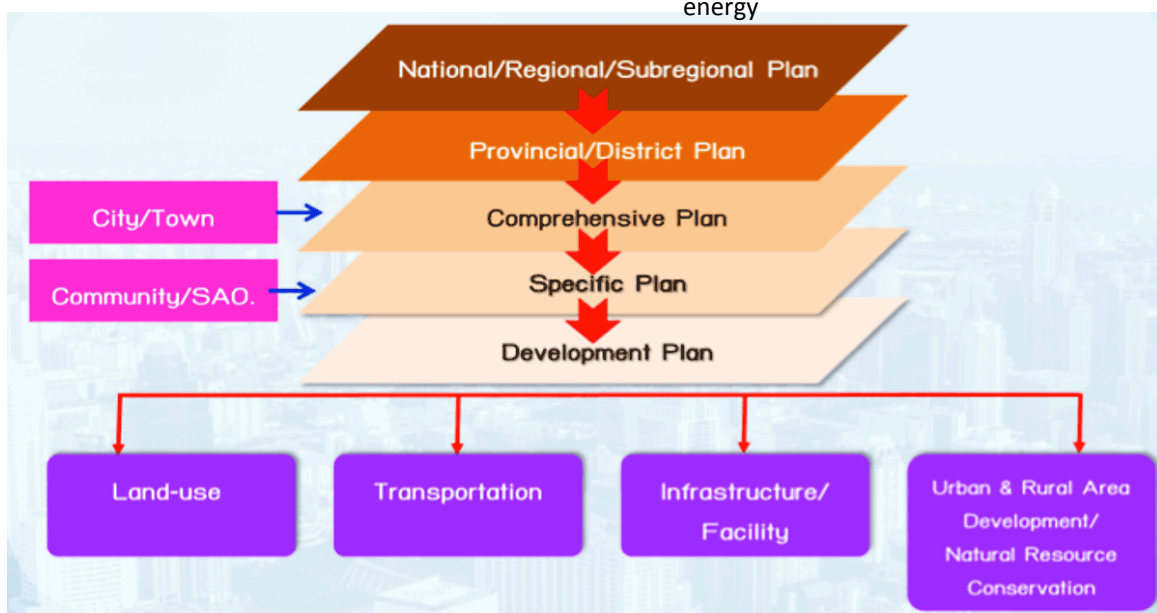


Figure 8.4: Sustainable Spatial Plan

Source: DPT (2013)

The National Spatial Development Plan is required to be reviewed within every five years and it is now facing the need of revision with the prospect of ASEAN Integration coming up in 2015 and under the condition that the viewpoint of disaster prevention based on the experience of the great flood in 2011 being focused. It is scheduled to be amended during 2013. (Refer to Figure 8.2 : National Spatial Development Strategies Implementation)

As per regional development frameworks, (Refer to Figure 8.5: Thailand's Development Frameworks and Figure 8.6: Thailand National Spatial Development Policy Plan) to enable all national regions to make the maximum use of their potentialities in the way they support and comply with one another, and to allow the country planning implementation to achieve its target, regional development frameworks on individual basis are therefore designated as follows:

Bangkok and its vicinity : Promoting Bangkok and its environs to play the role of capital city and national center that maintains the global city status as air transportation center and all types of transportation distribution center towards Southeast Asian, East Asian, and South Asian regions, as well as developing Bangkok into the pleasant cities for both residents and visitors, with well-fitting density, orderly growth, and inner spaces so as to maintain environmental quality and enhance people's healthy way of life.

Eastern Region : Other than being development bases of major large and medium scales of national export-import industries accommodating industrial and service employments as shared out of Bangkok and excessive workforces from other regions, the eastern region still needs areas management for environmental preservation to progressively maintain its role on national farming and natural tourism. Consequently, it is necessary that strict and severe policies on land use be formulated.

Central Region : With plentiful agricultural areas surrounding Bangkok and its environs, the central region has acted as both environmental maintaining land-strip of metropolis and significant linking areas to national major economic sector, which will help distribute the growth throughout the countries. For this reason, the central region includes various roles and functions, i.e. urban and industrial development, agricultural research and development, conservative tourism promotion, and the linkage of the main communication routes to neighboring countries.

Northeastern Region : The region with innumerable major workforces of the country with the wealth of natural resources and related cultural heritage to Loa PDR and Cambodia.

Northern Region : Laying emphasis on maintenance of abundant and diverse natural resources base, determined continuance of Lanna Culture, simultaneously with development the region into commercial gateway to China.

Southern Region : The region has outstanding potential for connecting ASEAN by sea; however, its constraint is necessity to watch over valuable natural resources as well as cultural sensibility, which are unique and highly conservative.

As Thailand has been at the outset of the national and regional planning development, to complete implementation of the plans in explicit, systematic, and efficient manner, supporting laws and regulations and state's earnest promotion are necessarily required. All agencies concerned and every sector in the society have to cooperatively move forward the country plans into the real practice, with development of a monitoring and assessment system on regular basis as follows :

- Enforcing laws in relation to national planning
- Pushing the Government, in the way of policy, to designate "Urban Planning" as the national agenda
- Supervising policies implementation

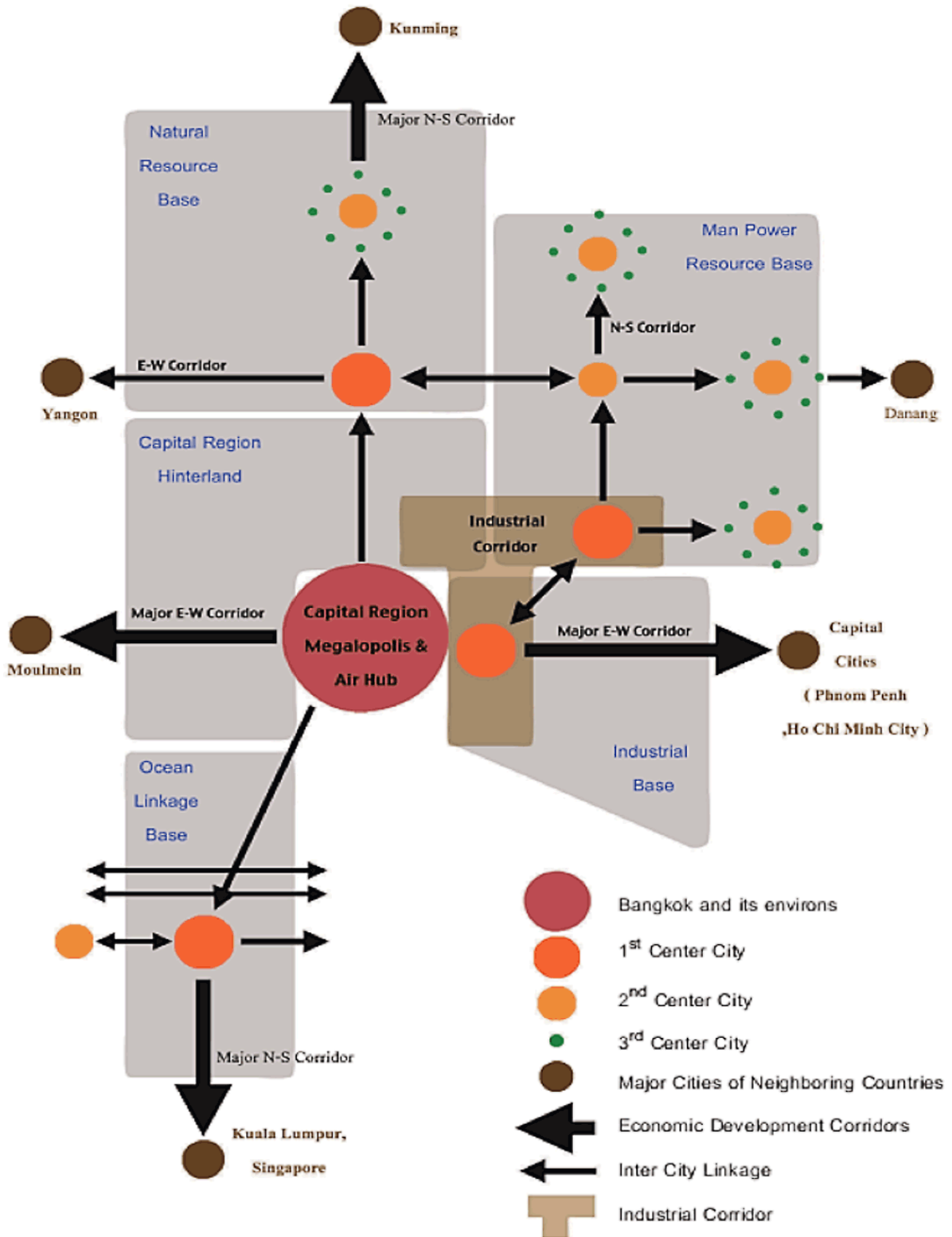


Figure 8.5: Thailand's Development Frameworks

Source: DPT (2009) "Thailand National Spatial Development Plan 2057"



Figure 8.6 : Thailand National Spatial Development Policy Plan

Source: DPT (2009) "Thailand National Spatial Development Plan 2057"

8.1.3.3 Outline of Bangkok and its Vicinity Regional Plan

Bangkok and its Vicinity play a fundamental role in the administration and governing of the country. Regional development in the past has enabled Bangkok and its Vicinity to attract varieties of developmental activities, from the development of infrastructures, social services, and particularly the development of economic activities. The concentration of development in the region has led to inequality in income and employment opportunities compared to other regions. The subsequent development situation lies in the rapid growth of all activities, with the region being the center of settlement, industry, commerce, and services including social services. The aforementioned are key factors that attract labor and populations from other regions.

These types of development create problems of insufficient services and facilities, as well as the growth of urban communities along the transportation routes in both the urban fringe and suburb areas. Most of these areas are developed into residential quarters, with huge department stores and industrial clusters along the main transportation routes and the intersections between two main roads. This leads to problems in providing infrastructures, which cannot be thoroughly distributed, and influences the high price of the land. Furthermore, Bangkok and its Vicinity have become congested with overpopulation, employment sources, and traffic. Subsequent problems include: urban environment, disorganized town plan, the over-exploitation of natural resources for development and maintenance, encroachment upon efficient agricultural land, job and housing balance problems, and ensuing traffic problems.

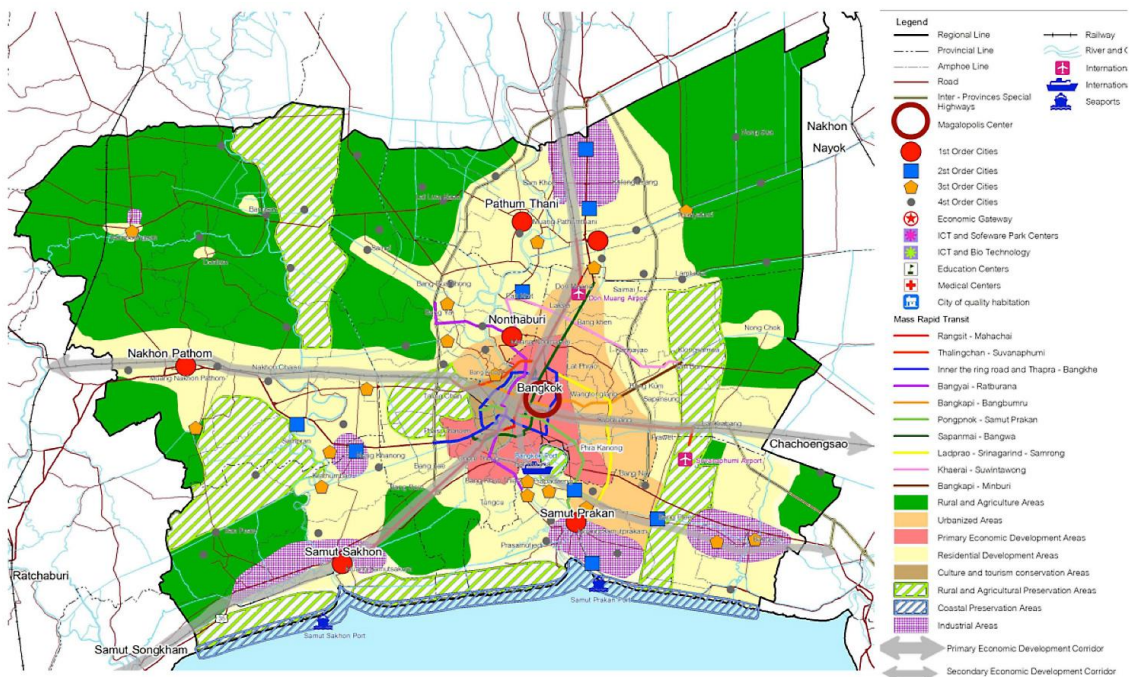


Figure 8.7: Bangkok Regional Plan
 Source: DPT (2009) "Thailand National Spatial Development Plan 2057"

The urban sprawl of the area has led to inappropriate land use, which has instigated various urban problems. There has been rapid growth within the area joining the inner city and urban fringe, creating economic, commercial, industrial, and residential centers in both vertical and horizontal directions.

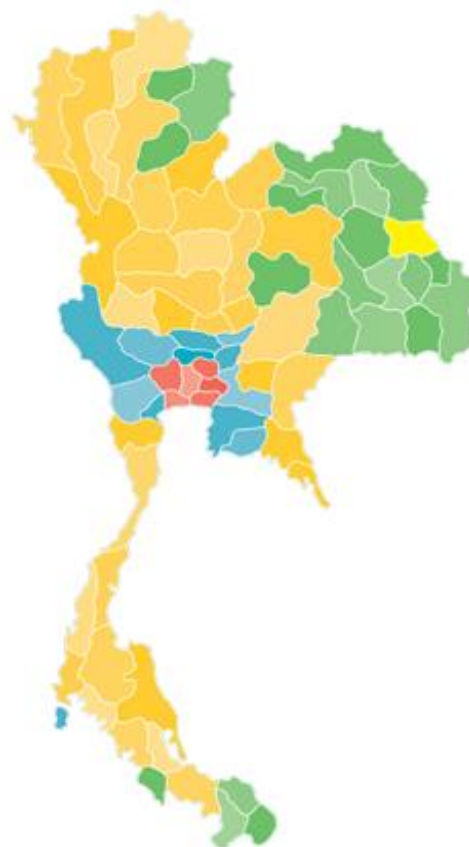
It is apparent that all of these problems, arising from unplanned development, has not only had an impact on inappropriate land use, but will lead to a chain of continuous problems as well. In order to ensure a better quality of life for people in the region, the land use problem must be alleviated.

The formulation of the Bangkok and its Vicinity Regional Plan is fundamental in defining a unified developmental framework. Opportunity, potential, and problem solving strategies for spatial management and development have been taken into account. Outside influences have also been incorporated into this study, analysis through both strategic policies and plans, as well as international collaborations at all levels. Global and national factors such as the environment, population, and energy have also been considered. In order to clearly picture the development trends and possibilities, the external as well as internal factors, such as a study in spatial constraints and potential, must be considered. This integrated analysis of information is used in the formulation and development of Bangkok and its Vicinity Regional Plan, reflecting the quality of life of the people in the region.

8.1.4 Other Policies with Significant Territorial Effect

8.1.4.1 Outline of Bangkok and its Vicinity Regional Plan

Since 1988, the Board of Investment (BOI), Thailand divided the whole country into three zones and adopted regional zone system to give more benefit to the companies which are located far apart from Greater Bangkok in order to help in development of local areas by promoting companies investment in these areas. However, in 2012, discussion has begun to abolish this system. The current government evaluated their measure to encourage investment into local areas and judged that its effect was limited. It made them to consider about the policy replacing the preferential treatment based on regional zone system, which led to the idea of adopting “industrial field” system to treat preferentially the necessary industry in the country. Candidate sectors to receive such treatment are those within industries including creative industry, environmental industry and high value-added industry, such as biotechnology, nanotechnology, green industry, alternative energy, etc. The conclusion whether to move on to the new system or not will be drawn in early 2013 (according to the information as of December 2012.)



Zone 1

Bangkok, Nakhon Pathom, Nonthaburi, Pathum Thani, Samut Prakan, Samut Sakhon

Zone 2

Ang Thong, Ayutthaya, Chachoengsao, Chonburi, Kanchanaburi, Nakhon Nayok, Phuket, Ratchaburi, Rayong, Samut Songkhram, Saraburi, Suphanburi

Zone 3 (36 provinces)

Chaiat, Chanthaburi, Chiang Mai, Chiang Rai, Chumphon, Kamphaengphet, Khon Kaen, Krabi, Lampang, Lamphun, Loei, Lopburi, Mae Hong Son, Mukdahan, Nakhon Ratchasima, Nakhon Sawan, Nakhon Si Thammarat, Phang Nga, Phatthalung, Phetchabun, Phetchaburi, Phichit, Phitsanulok, Prachuap Khiri Khan, Prachinburi, Ranong, Sa Kaeo, Singburi, Songkhla, Sukhothai, Surat Thani, Tak, Trang, Trat, Uthai Thani, Uttaradit

Zone 3 (22 provinces)

Amnat Charoen, Buriram, Chaiyaphum, Kalasin, Maha Sarakham, Nakhon Phanom, Nan, Narathiwat, Nong Bua Lamphu, Nong Khai, Pattani, Phayao, Phrae, Roi Et, Sakon Nakhon, Satun, Si Sa Ket, Surin, Ubon Ratchathani, Udorn Thani, Yala, Yasothon

Figure 8.8: 3 Zones in Thailand

Source: Taken from the website of the Board of Investment, Thailand (BOI)³⁾

Apart from the consideration of abolishing regional zone system, there are factors that may have a certain impact on industrial investment in Thailand including the discussion of unifying minimum wage of labor throughout the country, ASEAN economic integration and country-by-country economic development scheme for border areas that will suit international transportation corridor constructed to cover Indo-china areas, which means that development policy of local areas (regional disparity adjustment policy) in Thailand is facing a turning point.

Table 8.3: Division of Zones and Incentives for each Zone Determined by the Board of Investment, Thailand (BOI)

Stages of plan	Zone 1	Zone 2	Zone 3
Exemption of corporate income tax	3 years	7 years	8 years
50 % tax reduction for 5 years from the expiration of tax exemption	×	×	○
Reduction of import tax for machinery and equipment	50% tax reduction for those reach 10% or over	tax exemption	tax exemption
Exemption of import tax for raw materials for export products	1 year (extendible)	1 year (extendible)	5 years (extendible)
Land ownership by foreign firms	○	○	○

8.2 Organizations related and involved in town planning and development services at local, state, regional and national levels

The Thai Government and administration at the national and local levels demonstrated in Chart 1 was recently adjusted to bring it in line with the Constitution. At the national level, ministries (the Cabinet) direct and supervise the 14 ministries and 125 departments. These organizations are divided by functions to provide and deliver public goods and services. Almost all of them have had regional offices and are established public service system network for more than 50 years.

While the 8th Plan and the Constitution set up a new decentralized framework, the Government administration and practices, especially at the national and regional levels still remain the same. At the national level, the ministries and departments still control resources and implement most development activities. Officials are appointed to conduct this task at the regional and local levels.

The newly created local authorities such as the Provincial Administrative Organizations (PAOs) and Tambon Administrative Organizations (TAOs) still control very limited resources. As the PAOs have only recently been created and elected, there is widespread argument and confusion about their scope and areas of responsibility, especially with regarding to TAO as well as to the traditional structure of the central system. (Refer to Figure 8.9: Thai Bureaucracy System)

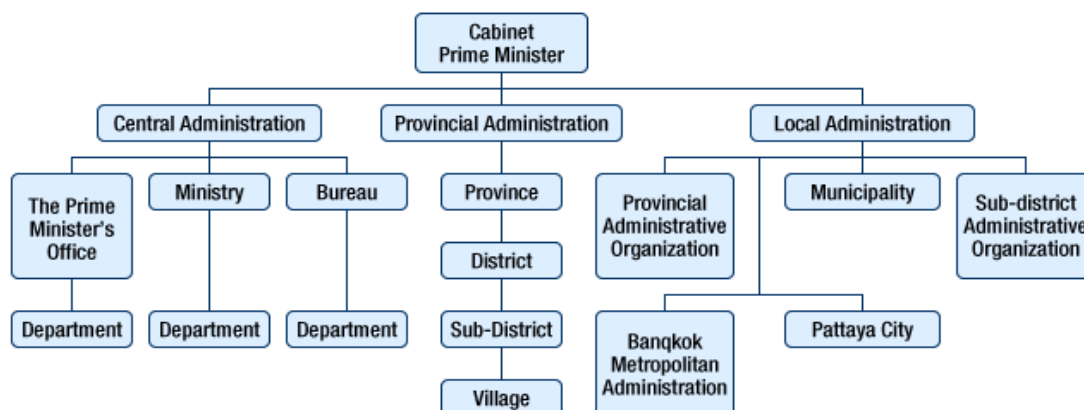


Figure 8.9: Thai Bureaucracy System

Source: Department Public Works and Town & Country Planning, Ministry of Interior, Thailand, 2013

8.2.1 Major Authorities Relating to Spatial Policy⁽⁴⁾

Table 8.4: Major Authorities Relating to Spatial Policy

Program name or administrative field	Organizations	Webpage
National Economic and Social Development Plan	Office of National Economic and Social Development Board	http://www.nesdb.go.th/
Spatial plans	Department of Public Works, Town & Country Planning, Ministry of Interior	http://www.dpt.go.th/

Source : Department Public Works and Town & Country Planning, Ministry of Interior, Thailand, 2013

8.2.1.1 Ministry of Interior

- Department of Public Works and Town & Country Planning provides consultancy urban planning and construction permit.
- Department of Lands provides consultancy on land and condominium transfer for promoted persons and ownership of land and condominium of foreigners.
- Provincial Electricity Authority provides engineering consultancy on electrical equipment installation, electricity rates, fee rates and the expansion of 22, 33 and 115 Kv distribution systems for industrial and business users.
- Metropolitan Electricity Authority provides consultancy on application for electricity use, electricity rates and receives the application for electricity use.
- Provincial Waterworks Authority provides consultancy on application for water application within the PWA authority in 73 provinces except Bangkok, Nontaburi and Samutprakarn, receives the application for water use from investors and companies and initially coordinates with responsible unit since the area coverage is large.

8.2.1.2 Local Government Categories & Hierarchies

Local government in Thailand is organized in 6 different forms; equally distributed among urban and rural areas

Urban-based forms of local government include :

- The Bangkok Metropolitan Administration (BMA), a strong-executive form of local government specific to Bangkok;
- The Municipality, governing urban centres in the provinces; and
- The City of Pattaya, a local government form of a city-manager specific to Pattaya.

Rural-based forms of local government include:

- The Provincial Administrative Organization (PAO) that constituting local government at a provincial level;
- The Tambon Administrative Organization (TAO) constituting local government at a subdistrict level; and
- The Sukhapiban or Sanitary Committee, a local government in a rural centre, often referred to as a sanitary district.

4. Source: <http://www.unescap.org/huset/lgstudy/country/thailand/thai.html#cat>

8.2.1.3 Local Government Functions⁽⁵⁾

Generally local government functions may be classified into 3 types: statutory, discretionary and those specified by other legislation. The laws that establish each particular form of local government specify statutory and discretionary functions. All forms of local government perform similar functions. However, urban local governments perform more complex services than rural local governments. The following specification of local government functions is based on those of urban local governments:

i. Statutory functions

- Maintenance of law and order;
- Provision of public transport;
- Provision of sanitary services (water supply, waste disposal, sewage and drainage);
- Provision of fire engines;
- Prevention and control of communicable diseases;
- Provision of slaughterhouses;
- Provision of public health services;
- Provision of welfare for mothers and children;
- Provision and maintenance of public recreation space and facilities; and
- Provision of primary education.

ii. Discretionary functions

- Provision of market places, ports and ferry services;
- Provision of crematoriums;
- Provision and maintenance of hospitals;
- Provision of public utilities;
- Provision and maintenance of parks, zoos and recreation areas as well as sport facilities;
- Provision of vocational training;
- Promotion of citizen's occupation;
- Improvement of slum dwellings; and
- Maintaining government enterprises.

iii. Functions specified by specific legislation

- The Voice Advertisement Act of 1950;
- The Civil Registration Act of 1956;
- The National Order and Cleanliness Act of 1960;
- The Car Park Act of 1960;
- The City Planning Act of 1975;
- The Building Control Act of 1979; and
- The Civil Defence Act of 1979.

8.2.2 Urban Development Policies & Actions

8.2.3.1 Regulatory mechanisms

In Thailand, the Department of Public Works and Town & Country Planning (DPT) is responsible for urban development and planning as well as building standards and controls. Under the City Planning Act 1975, DPT and other local governments are given the power to prepare and adopt a Comprehensive Plan. Under the City Planning Act, Comprehensive Plans are identified as the policy plans, projects and controls that guide urban and related areas or rural conservation and preservation, in terms of the asset management, transportation, public utilities, public services and environment. The comprehensive plan consists of land use plan, open space plan, communication and transportation plan, and infrastructure plan. The plan will be put into action by passing 5-year Ministry Enactment. Despite the enactment of Comprehensive Plan, much of Thailand's early development is done without comprehensive planning. In July 2002, the Thai Cabinet finally mandated the DPT to develop comprehensive land use planning throughout the country.

The first comprehensive plan to pass the Ministry Enactment is "The Rayong Master Plan" in 1983. Today, there are 154 plans passed the Ministry Enactment, 12 plans are on the process of enactment, and 250 plans are in the planning process. So far, only one Comprehensive Plan, "The Bangkok Comprehensive Plan" is made by the local government. The rest are in the responsibility of DPT.

With the challenge of growing population, urbanization and environmental degradation, the proposed land use planning aims to preserve agricultural land and greenbelt, designate area for tourism and environmental conservation, mitigate the impact of flooding and confine urban sprawl.

The comprehensive land use planning process also identifies 9 urgent urban planning priorities within five years. The 9 priorities are:

- Preparing protection and mitigation plans for high-risk natural disaster areas, especially all river basin areas. The plan will include designated disaster risk zones, control permits and flood warning systems.
- Conserving and rehabilitating natural resources such as forests, watershed and coastal areas by rehabilitating forests, watershed and coastal areas by rehabilitating forests, determining buffer zones between community, forests and beaches; developing land use plans for coastal zones in Bangkok, Samut Prakarn and the southern region
- Disbursing developments to regional areas by further developing transportation infrastructure linking Bangkok and vicinity with regional cities
- Balancing regional city developments by encouraging regional-development clusters that can benefit from their collaboration and proximity to Bangkok. Improving regional area's public facilities and utilities so that they are capable of serving new development roles
- Developing corridor potential by linking north-south corridor with the southern China and Lao PDR.

Table 8.5: Summary of policy and development plan in relation of Act. ⁽⁶⁾

Urban Development Policy and Actions	Policy	n/a
	Action	Comprehensive Plan
	Legislations / Guidance and Relevant Document *	City Planning Act 1975
Environmental Evaluations / SEA Status in Urban Development	Type of Assessment	Non-statutory : Environmental Impact Assessment Statutory : Environmental Impact Assessment
	Requirement Mechanisms	Statutory and non-statutory system
	Legislations / Guidance and Relevant Document	Non-statutory : <ul style="list-style-type: none"> • Improvement and Conservation of the National Environmental Quality Act 1975 • Enhancement and Conservation of Nation of National Environmental Quality Act 1992, Section 46 • General Guidelines in Preparing EIA Report Statutory : <ul style="list-style-type: none"> • Improvement and Conservation of the National Environmental Quality Act 1975 • Enhancement and Conservation of Nation of National Environmental Quality Act 1992, Section 46
	Applications	Administrative: Projects Statutory: Projects
	Project Examples	Integrated urban air quality management (UAQM) in Bangkok

6. Source: <http://www.unescap.org/huset/lgstudy/country/thailand/thai.html#cat>

- Developing major economic zones that will enhance national growth-enhancing land, water, rail and air linkages linking Bangkok and Eastern Seaboard
- Developing sustainable and healthy urban areas- managing urbanization, improving public facilities and infrastructure, developing long-term environmental infrastructure- for Bangkok and Eastern Seaboard region
- Promoting global-class natural and cultural tourism by developing tourist centers in all regions including Chiangmai, Chiangrai, Udonthani, Nakorn Ratchasima and Hatyai, and linking them with world heritage routes and coastal tourist destinations- accelerating tourist area land use planning.
- Developing rural communities through land use planning by conserving productive agricultural lands, providing convenient and fast communication networks and developing water resources for agriculture and industry

8.2.3 Overview of evaluation approach

No substantial evidence can be found on the evaluation procedure of urban planning in Thailand.



8.3 Issues and challenges in town planning services

8.3.1 Issues

8.3.1.1 Foreign Consultant Providing Town Planning Services in Thailand

- There is no standard scale of fees for town planning services in Thailand
- There is no guide for overseas practitioner in the related field

8.3.1.2 Legal Systems in Bangkok, Thailand

i. Land Use Regulation

As for floor area ratio and building coverage, a regulation is established by the ordinance of Ministry of the Interior based on the building standard law to restrict high-rise buildings or large-scale buildings that exceed a certain height or floor areas. However, not all buildings are restricted and the restriction is very loose

ii. Urban Area Development Project

A detailed area plan incorporating development guidance measures can be prepared in accordance with Specific Plan; however, no such a plan has been prepared so far. Although the subdivision condominium law was regulated by the ordinance in order to promote the development of private sectors and mitigate restrictions against the project, it is not a general regulation like most of the country in South East Asia e.g; Malaysia, Singapore etc.

8.3.1.3 Overlapping of scope of work between local and provincial administration

The scope of local government function is very limited. Rural local government functions are further limited by the overlap of authority between that of local government and provincial administration. Many functions at the level of local government are performed by the central government whose departments extend their operations into the provinces. For example, this includes the department of public works, the country and town-planning department, the department of public health and the revenue department. This not only leads to confusion but also impedes the development and growth of local government as a whole.

8.3.1.4 Issues in Administrative Capability and Financial Resources in Bangkok,

Urban Administrative Capability

As Department of City Planning (DTCP, etc.) and Project Implementation Organization (Department of Housing; DOH, etc.) are separate, and there is a lack of mutual communications or coordination capabilities. Especially, the Planning Department has less capability. The lack of development of various data (mapping information, social static document) at the planning stage prevents establishment of valuable planning.

Urban Development Financial Resources

As the financial resources for urban development is not secured, the government cannot conduct urban development. Financial powers of private sectors are stronger than public sectors, and the development of the public facilities such as trunk or sub-trunk roads financed by tax revenues are behind compared to the expressway invested by private resources

8.3.2 Challenges

Approach, process and framework of town planning are very loose in Thailand. It is very much different compare to the Commonwealth country. Therefore it is importance to build relationship with local town planners and also authority in order to succeed in Thailand. Below is few other challenges identified in this study :

- i. Natural disaster especially Tsunami in 2004 has left a huge impact in Thailand development and its response towards Urban Resilience. Thailand has carefully look into Urban Climate Resilience in overall planning.
- ii. There is no specific organisation or institute for town planner in Thailand.
 - No specific platform to raise their voice
 - There is no fee structure for town planning services
 - Marginalised and scattered
- iii. Town planning in Thailand is more focusing on development plan and spatial plan – lack of attention given to planning approval
- iv. Greater local government transparency to provide a clear vision, mission, strategic planning, and action plans

8.4 Professional institutes or organizations comprising town planners in that country and what the terms for membership⁽¹⁾

8.4.1 Professional Institutes / Organisation Comprising Town Planners⁽²⁾

- Architect Council of Thailand
- Thai City Planners Society (*defunct*)

8.5 Standard procedures and regulations for foreign consultants to practice

Thailand restricts and prohibits economical areas and business categories for foreigners primarily in the Foreign Business Act (A.D.1999). Under the Foreign Business Act (FBA) foreigners are prohibited from engaging in most business categories in Thailand, unless an alien business operation permit has been obtained from the Director-General of the Department of Commercial Registration with the approval of the Foreign Business Committee.

The Foreign Business Act in Thailand divides businesses into three categories:

List 1:	Generally those businesses listed in list 1 are absolutely prohibited to foreigners unless there is an exemption contained in a special law or treaty.
List 2:	Refers to businesses owned by foreigners that were in existence and actually operating prior to the enactment of the Foreign Business law. These businesses were permitted to apply for a special Alien Business license and to continue operating. Foreigners, however, are not permitted to start new businesses listed in this category unless they obtain special permission from the Minister with the approval of the Cabinet.
List 3:	These businesses are treated in a manner similar to those in list 2 except that the power to grant an Alien Business License to foreigners who wish to start a new business is vested with the Director General and a committee. Exemptions are possible under the Treaty of Amity and Economic Relations between the Kingdom of Thailand and the United States of America. Also, the Board of Investment may grant exceptions for businesses covered by Lists 2 and 3.

Operating a business under a Thai company

As it is very complicated and often impossible to obtain a foreign business license most foreigners operate a business without a foreign business license or exemption even though these business categories are restricted or prohibited for foreigners. These foreigners have a work permit issued under a Thai company and operate their business through a Thai limited company. Thai company means under the current Foreign Business Act that half or more of the juristic person's shares are held by Thais. Foreigners are under the current FBA allowed to have majority voting rights and control in a Thai limited company through preference shares and weighted voting rights. The most popular form of business entity among foreign investors is therefore the private limited company.

8.6 Availability of a fee structure for town planners working as a consultant

There is no 100% fixed fee scale in Thailand and it varies according to the town planner experience, licence level and popularity. It is often the same anywhere in the world where fees vary.

Town Planning fees will be charged taking into consideration the requirements of the project, the planner's skills, experience, costs/expenses, and the resources needed to undertake the work, profit and competition.

8.7 Availability of a Master Plan, spatial plan, guidelines on planning

8.7.1 Urban Planning Policies In Thailand

8.7.1.1 Introduction

Thailand has constantly faced internal and external pressures that have impacted its socio-economic developments, including the way of life, natural resources, land use and settlements. Much of Thailand's early development was done without a formal blueprint or so-called "land use master plan". Consequently, urban and industrial developments have encroached into agricultural and natural areas. The wanton destruction of natural resources that protect the environment has often exacerbated natural disasters such as heavy flooding and landslides.

Since most developments have been centralized around large metropolitan areas like Bangkok, an urban-rural development imbalance has also resulted. Bangkok has become a primate city with widely-perceived instances of quality of life degradation, land-use conflicts and long-term unforeseen detrimental health impacts on its more than ten million citizens. In Thailand, the Department of Public Works and Town & Country Planning (DPT) is responsible for urban development and planning as well as building standards and controls. Its mission is to create a better environment and a superior quality of life.

In July 2002, the Thai Cabinet finally mandated the DPT to develop comprehensive land use planning processes throughout the country. DPT realizes that it must resolve these problems and formulate development paradigms that also address globalization issues such as Free Trade Agreements (FTA) and global warming that has affected all countries around the world.

8.7.1.2 Overall Development Strategy - Segmentation

Thailand's overall development strategy is segmented into national, regional, provincial and city/town, community levels. At the national, regional and provincial levels, master plans are created to provide a broad development framework for city/town and community levels. Local and community development plans address specific implementation issues and comply with overall master plans.

The DPT has also been involved with special planning projects including the Suvarnabhumi Aerotropolis residential and industrial area developments as well as master planning for Tsunami hit areas. With the current structure in place, Thailand's land development infrastructure now follows more closely international best practices.

8.7.2 Thailand's Land Use Development And Planning Concepts

8.7.2.1 Broad Consultative Process

In developing national, regional and provincial master plans, the DPT has relied on broad consultative processes with concerned stakeholders, especially average citizens. This consultative process is an integral part of the overall framework at all development levels.

Five public hearings were conducted to discuss national level concerns and five more hearings each were held at six regional levels. The participative processes began with problem identification and analyses before formulating the roles, visions, concepts, policies and strategies for periods of between five and 15 years.

8.7.2.2 Major Tourism, Medical Services Hub, Kitchen Of The World

An overriding element of the master plan is recognizing that Thailand will become a major tourism industry and medical services hub as well as the "kitchen of the world" during the next five to 15 year period. Thailand would also continue to serve as a regional hub for Southeast Asia and ultimately develop into an economic and logistic center for the region. At the same time, the "Greater Mekong Sub-region" or "GMS" is aiming to open new economic zones and increase cooperation among major cities in this region. The GMS plan places Thailand as the region's gateway because China's southern hinterland connects to the ocean through Thailand via "Development Corridors".

The plan designates three specific development corridors : The Northern Corridor connects southern China to Myanmar and northern Thailand at Mae Sai, Chiangsai and Chiangkhong. The second East- Western Corridor connects Myanmar to Thailand (through Tak, Mukdahan and Nakorn Panom provinces) to Laos and to Vietnam. The Southern Corridor connects Thailand (at Aranya Prathet district, Srakaew) to Cambodia and to Vietnam. These three corridors are destined to influence Thailand's overall development. Thailand's medium and long-term development visions (five to 15 years) will be articulated as follows:

i. National Development Vision For 2057

Thailand will be a global leader in agriculture, agro- industry, food technology, health services and tourism. Thai people will have a good quality of life and a healthy environment. The country will be highly-stable and secure with an infrastructure that ensures long-term sustainable development.

ii. National Developments Vision For 2037

- Thailand will be a developed country that has created a comfortable balance between urban and rural development. It will also be a regional import-export and tourism-industry hub. More importantly, Thailand will be a knowledge-based society that is capable of continuous innovation.

iii. National Development Vision For 2012

To achieve its medium and long-term visions, Thailand has formulated the following vision for 2012: Thailand will be a gateway for ASEAN and southern China. It will be a production and import-export center for global standard food products, primarily from its own innovative agro- processing industries and it will also be a tourism and services center for Southeast Asia.

Plan Objectives

- To establish sustainable development and safe settlements, in terms of natural resources conservation, disaster mitigation and pre- serving local ways of life.
- To balance urban and rural development and reduce land-use conflicts.
- To re-distribute development opportunities to all regional cities and reduce economic dis- parity throughout the country.
- To enhance national development potential and competitiveness.

8.7.3 Thailand's Future Urban Planning Policies

In 50 years, Thailand's population will be 80 million and urban populations are expected to total 50 per cent of the population vs today's 30 per cent. Agricultural land will greatly decrease during this period. Therefore, increasing agricultural productivity will be a critical national development issue. During this period, the Thai economy will evolve from an agricultural based to an industrial and services- based economy. As a result, Thailand will also evolve into a developed country. As a key South East Asian hub, Thailand will play a key role in the region's development and will undertake the following policies:

8.7.3.1 Overall Policies

- Promoting commercial gateways in the border areas and developing logistic hubs, linking land transportation network with neighboring countries, especially the North-South Corridor and East-West Corridor areas.
- Enhancing Suvarnabhumi International Airport and international ports so that Thailand can be promoted and developed as the regional transportation hub.
- Promoting industries that facilitate international trade development.
- Utilizing innovations to create value-added agricultural and industrial products.
- Developing Bangkok into a new world-class business center.
- Developing regional centers and border towns as gateways and economic centers linking Bangkok to the neighboring countries.

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8.7.3.3 Land Use Policies

- Designating forest and watershed areas in the northern and western regions
- Designating industrial areas around the Eastern Seaboard (ESB) zones
- Designating agricultural conservation areas, particularly irrigation zones in central and northeastern regions, so that Thailand can be promoted as the world's kitchen.
- Rehabilitating eastern, central and southern coastal areas for environment conservation and tourism.
- Designating border economic development zones in Mae Sai, Chiangsan and Chiangkhong districts (Chiangrai province), Nong Khai Province, Mukdahan Province, Nakhon Phanom Province, Aranyapradesh (Sarakwet province) and Sradao (Songkla province).
- Designating canal areas - resolving central region floods
- Preserving greenbelt zones around the cities

8.7.3.4 Urban Development Policies

- Bangkok will be a compact city (based on land-use planning, focusing on higher density and better accessibility which reduces automobile dependency), that performs as a world-class business and investment center.
- Disbursing developments to regional cities so as to minimize the primate city characteristics of Bangkok. Supporting disbursement by developing intra and inter-city infrastructure, social services and transportation networks.
- Developing provinces surrounding Bangkok, including Samutsakorn, Ratchburi (Baan Pong), Nakhon Pratom, Suphanburi, Ayut-thaya, Angthong, Saraburi, Nakhon Nayok and Chachoengsao by land use planning for future developments of specific industries, housing, new government center, designated conservation and flood-way areas.
- Developing the new economic zones in areas surrounding Suvarnabhumi Airport, including Bangpakong, Chachoengsao, Kra binburi and Nakhon Nayok, that can serve as transportation and logistics centers.
- Promoting the new border-area economic zones, including Mae Sai, Chiangsan, Chiangkhong, Mae Sot, Nong Khai, Nakhon Phanom, Mukdahan, Dan Jedee Sam Ong (Kanchanaburi) Aranyapradesh, Padangbesar (Songkhla) and Sungaikolok (Narathiwat).
- Promoting health services centers at Bangkok, Phuket and Chiangmai, and recuperation centers for elderly people at Hua Hin, Phuket and Chiangmai
- Promoting cities as education, research, development and Information and Communications Technology (ICT) centers at Pathumthani, Khon Khaen, Songkla and Phuket.
- Further developing new commercial areas at Nakhon Nayok, Chachoengsao and areas surrounding Suvarnabhumi Airport.
- Promoting industrial cities surrounding the Eastern Seaboard areas and the hinterland between central region and lower north-eastern part of Nakhon Ratchasima.

8.7.3.5 Infrastructure Policies

- i. Thailand has agreed with ASEAN to develop land transportation networks (road and rail systems) connecting 23 routes totaling 36,600 kilometers. This network will allow Thailand to become a regional and international transportation and logistics hub. There will be five major corridors, including:
 - Singapore-Kunming
 - Vientiane - Laem Chabang (Chonburi Province of Thailand)
 - Rangkung-Danang
 - Thawai - Wungtao
 - Bangkok – Phanomphen
- ii. Constructing motorways in Bangkok and adjacent provinces and into major provinces regionally - preparing for ASEAN land transportation hub.
- iii. Promoting transportation and modern logistic systems mode
- iv. Developing rail system infrastructure : Therail system is a crucial element of Thailand’s future development strategy. The government has planned to develop the country’s rail infrastructure as follows:
 - Developing dual-track rail lines and express railway systems for improving domestic capacity and connecting dual-track rail lines with neighboring countries
 - Developing new Eastern Seaboard linkage lines in two phases: the first phase is developing Bangkok-ESB, Chachoengsao Sattahip, Sriracha-Laem Chabang and Khao Chee-chan - Map Taput lines; and the second phase is to expand Sriracha-Chachoengsao and Map Taput-Rayong lines.
 - Developing intercity hi-speed train-line for high-capacity linkage with Eastern Seaboard
 - New railway line project: This project will cover areas that are currently not served by the present system. Warehousing will also be built to store products currently being off-loaded or on-loaded at the Eastern Seaboard.
- v. Developing and improving regional airports networks:
 - Developing Suvarnabhumi International Airport
 - Improving Phuket and Chiangmai International Airport
 - Developing Chiangrai, Phitsanuloke, Surat- thani into regional airports within 10 years
- vi. Developing international water transportation system:
 - Constructing second phase at Chiangsan District (Chiangrai Province)
 - Constructing new deep-sea port at the southern part of the Gulf of Thailand (the second Songkla Port)
 - Constructing new deep-sea port at Pak Nara, Sathun Province
 - Constructing new port at Klong Yai, Trad Province within 15 years
- vii. Developing regional logistics infrastructure
 - Developing ICT at Ladkrabang
 - Developing goods and commodities distribution centers in regional areas

8.3.4 Tourism Policies

- i. Developing the coastal areas as world-class tourist destinations
 - Eastern coastal zone: Pattaya
 - Upper-southern coastal zone: Petchburi, Prachuabkirikhan, Chumpon provinces
 - Linking eastern and upper-southern coastal zones: Pattaya and Hua Hin
- ii. Promoting regional tourist centers
 - Chiangmai, Chiangrai, Udonthani, Nakorn Ratchasrima, Songkla (Hatyai)
- iii. Links with the neighboring tourism destinations
 - World heritage route: Baan Chiang - Luang Prabang - Hoi Haan - Wa
 - Cultural route: Pimai - Panomrung - Kao Prawiharn - Angkor Wat - Nakorn Panom
 - Lanna cultural route: Chiangmai - Lampoon Lampang – Pukarm
- iv. Designate tourism sites as historical preservation sites: natural, historical and cultural tourism

8.3.5 Urgent Urban Planning Priorities Within Five Years

- Preparing protection and mitigation plans for high-risk natural disaster areas, especially all river basin areas. The plan will include designated disaster risk zones, control permits and flood warning systems.
- Conserving and rehabilitating natural resources such as forests, watershed and coastal areas by rehabilitating forests, determining buffer zones between community, forests and beaches; developing land use plans for coastal zones in Bangkok, Samut Prakarn and the southern region.
- Disbursing developments to regional areas by further developing transportation infrastructure linking Bangkok and vicinity with regional cities.
- Balancing regional city developments by encouraging regional-development clusters that can benefit from their collaboration and proximity to Bangkok. Improving regional area's public facilities and utilities so that they are capable of serving new development roles.
- Developing corridor potential by linking north-south corridor with the southern China and Lao PDR.
- Developing major economic zones that will enhance national growth-enhancing land, water, rail and air linkages linking Bangkok and Eastern Seaboard.
- Developing sustainable and healthy urban areas - managing urbanization, improving public facilities and infrastructure, developing long-term environmental infrastructures - for Bangkok and Eastern Seaboard region.
- Promoting global-class natural and cultural tourism by developing tourist centers in all regions including Chiangmai, Chiangrai, Udonthani, Nakorn Ratchasima and Hatyai, and linking them with world heritage routes and coastal tourist destinations - accelerating tourist area land use planning.
- Developing rural communities through land use planning by conserving productive agricultural lands, providing convenient and fast communication networks and developing water resources for agriculture and industry.

Table 8.6: Summary of development plan in relation to Act.

Item	Remarks
Urban Planning Structure	<ul style="list-style-type: none"> • Town Planning Act (1975) • General Plan • Specific Plan
Financial resources for taxation system and urban development	<ul style="list-style-type: none"> • Local Tax (Housing Lease Income Tax; Local Maintenance Law); • Government Subsidy (General, Special)
Urban Planning Law	Town Planning Act (1975)
Master Plan	<ul style="list-style-type: none"> • General Plan • Comprehensive Plan (Consisting of three plans of the road network plan, the land use plan and the green park plan)
Specific Zone Detailed Plan	Subdivision Regulation (simple permission procedure)
Land Use Plan	Comprehensive Plan (Land use plan)
Urban Regulation : Use Regulation (zoning)	Ordinance of Ministry of Interior, Local Ordinance
Building Regulation (building coverage, floor area ratio)	Building Control Act (1979); Ordinance of Ministry of Interior
Urban Area Development Project	Establishment of Development Maintenance Law by Specific Plan is possible (No applied examples)
Land Readjustment Project	Proposed bill is under deliberation at Diet
Transportation Plan	Each transportation organisation such as DOH, OCMLT, BMA and ESDB has its own master plan (Comprehensive Master Plan is to be developed by OCML)

Source : Proceedings of the Eastern Asia Society for Transportation Studies, Vol.4, October, 2003

8.8 Procedures for plan approvals and development (Building)

No.	Procedure	Time to Complete	Associated Costs
1	<p><u>Request a building permit from the Bangkok Metropolitan Authority</u></p> <p>An application for a permit to construct, alter, remove, or reallocate a building is required for any building. For buildings of no more than four stories or 15m in height, which excludes any tall building, extraordinarily large building, hotel, hospital, all kinds of factories (except a household business or any business that does not cause any disturbance to the public), the application must be submitted to the relevant District Office with the following documents attached:</p> <ul style="list-style-type: none"> • A copy of the applicant's corporate registration • A copy of the land title deed • Permission to use the land space for construction or lease agreement. • The personal and tax identification cards of the applicant • Written permission of the architect and a copy of a valid professional license • Written permission of the design/calculation engineer and a copy of a valid professional license • Building plan • A calculation of building structure • For an industrial factory, hospital, fresh market, condominium, apartment, and any undesirable commercial building, details of the water treatment system and its calculation must be provided <p>The fees vary depending on the actual space area and size of the building:</p> <ul style="list-style-type: none"> • THB 0.50/sq. meter for a building not taller than 12m • THB 2.00/sq. meter for a building taller than 12m but not more than 15m or 3 floors • THB 4.00/sq. meter of the entire building space area for a building taller than 15m or 3 floors <p>In the case considered here, the cost is THB 0.50/sq. meter, or THB 650.00 total. A notice to the local authority in lieu of the building permit could be made. The application could be submitted to the local authority in a situation where construction work must be commenced urgently. The following supporting documents must be attached to the application to the local authority:</p> <ul style="list-style-type: none"> • A copy of the applicant's corporate registration • A copy of the land title deed • Permission to use the land space for construction or lease agreement • Tax identification card of the applicant • Written permission of the senior architect and a copy of a valid professional license • Written permission of the senior design/calculation engineer and a copy of a valid professional license • Written permissions of the architect and engineer who will be the construction supervisors and copies of their valid professional licenses • Certificate of building design • Building plan • Calculation of the building area <p>Acknowledgement of the notification is normally granted within the day of filing the complete application. The cost is the same as for obtaining a building permit.</p> <p>Agency: Bangkok Metropolitan Authority</p>	1 day	THB 650

No.	Procedure	Time to Complete	Associated Costs
2	<p>Receive pre-approval inspection from the Bangkok Metropolitan Authority</p> <p>Before the plan approval, the municipal authority inspects the site to confirm that the drawing submitted accurately represents the project on site. The pre-approval inspection takes place after the drawing is submitted. The building control officers of the Bangkok Metropolitan Authority process this approval.</p> <p>Agency: Bangkok Metropolitan Authority</p>	1 day	no charge
3	<p>Obtain a building permit from the Bangkok Metropolitan Authority</p> <p>Agency: Bangkok Metropolitan Authority</p>	73 days	no charge
4	<p>Notify the local authority and request approval of building controller</p> <p>After the building permit has been granted, the name of the construction supervisor must be given to the local authority with the permission of that supervisor. The latter could be any qualified person, including the building owner, unless that person is prohibited by the regulations of the Engineering or Architectural Profession Act.</p> <p>The following documents must be submitted with the application:</p> <ul style="list-style-type: none"> • Written permission of the building controller and his or her professional license • A copy of the existing license <p>It is assumed that one of BuildCo's employees or owners satisfies the requirements for being a construction supervisor. It is common for the supervisor to be the owner or one of the employees of the construction company. The construction supervisor should verify building conditions periodically.</p> <p>Agency: Local Authority</p>	30 days	no charge
5	<p>Request and connect to telephone</p> <p>The company should contact TOT Public Company Limited to request a telephone connection.</p> <p>Agency: TOT Corporation Public Company Limited</p>	21 days	THB 3,350
* 6	<p>Request and connect to water</p> <p>The company should contact the Metropolitan Water Work authority (MWA) to request a water connection.</p> <p>Agency: Metropolitan Water Work authority (MWA)</p>	5 days	THB 9,500
7	<p>Receive final inspection</p> <p>Agency: Metropolitan Electricity Authority (MEA)</p>	1 day	THB 10
8	<p>Obtain occupancy permit</p> <p>Agency: Local Authority</p>	30 days	no charge

* Takes place simultaneously with another procedure.

8.9 Other related matters

8.9.1 Land Matters

8.9.1.1 Types of Land and Land Titles

Possession of land is determined by the land title. In Thailand, there are eight different types of titles, but only three that will allow for purchase, transfer and sale of property. The most comprehensive land title – *Chanote* – shows a true certificate of ownership and is normally accurately surveyed.

It is highly recommended that an independent legal representative makes sure that the land title is correct and free of any claims before purchasing or leasing. Have a surveyor check that the land area on the title is correct. In recent times there have been court cases where even correct land title deeds were shown to be issued by corrupt land department officials.

- **Chanote:** the premium title issued by the Land Department. The survey is GPS-verified and matched with aerial photographs. A Certificate of ownership is issued and it is favourable for bank loans
- **Nor Sor Saam Gor:** gives a clearer title and a better survey than the *Nor Sor Saam*. A certificate of ownership is issued and the land can be used by that person
- **Nor Sor Saam:** allows for rights to use the land and a certificate of ownership is issued. It is surveyed, although not as accurately as the *Nor Sor Saam Gor* and can often be the subject of boundary disputes

There are only two types of land holdings in Thailand:

- **Right of Ownership:** entitles the individual or corporation to sell, lease or transfer the property. A title deed and documents of ownership are held for the property
- **Right of Possession:** entitles the holder to use the land for agricultural purposes. The land cannot be sold, only transferred to the direct next of kin of the owner. Building permits will not be issued

8.9.1.2 Building Permits and Zoning Regulations

The Town and City Planning Act and the Building Control Act are the two main pieces of legislation governing construction of residential properties in Thailand. Under these acts the following responsibilities are enforced:

- Awarding Building Permits
- Enforcing the Building Control Act
- Property Developments
- Zoning Regulations

The Building Control Act is set up to govern the construction of buildings and details restrictions on their size, shape and height, which are specific to certain areas. Buyers must ensure that their builder is adhering to all restrictions that have been outlined. Individual requirements under this Act do vary between Provinces, so it is necessary to contact the local Land Department office for exact details.

8.9.1.3 Building permits

Building permits are regulated by the Building Control Act and issued under the Town and City Planning Act. If the land has a clear and legal title deed, a building permit can be obtained at the Land Department Office. The builder usually applies for building permits on behalf of the owner of the construction.

Use of the land is also a factor when applying for a building permit. If the use of land follows the stated zoning, permission for a permit is possible. If more than nine plots of land are being developed, a sub-division licence is required with all of the infrastructure requirements relating to this. These documents are needed to get a building permit:

- Title deed that allows for purchase, sale or transfer
- Architectural drawings
- Land Development Permits (obtained before the land sale): the Land Trade Licence and Land Distribution Licence
- Infrastructure permits such as water, electricity and housing construction permits

8.9.1.4 Zoning regulations

It is important to understand and consider the zoning regulations of the specific area being built in. Keep in mind that when developing a property several zoning restrictions may apply. They may include some or all of the following depending on the Province:

- Height of the structure
- Width of the structure
- Distance from the beach and/or shore
- Proximity to another property
- The use of the structure (residential, commercial, industrial)
- Building lot size
- Angle of slope of land
- Height of land above sea level
- Type and colour of roof



Vietnam



9.0 Introduction

Vietnam officially the Socialist Republic of Vietnam is the eastern most country on the Indochina Peninsula in Southeast Asia. With an estimated 90.3 million inhabitants as of 2012, it is the world's 13th-most-populous country, and the eighth-most-populous Asian country.

Since 2000, Vietnam's economic growth rate has been among the highest in the world, and in 2011 it had the highest Global Growth Generators Index among 11 major economies. Its successful economic reforms resulted in its joining the World Trade Organization in 2007. However, the country still experiences high levels of income inequality, disparities in access to healthcare, and a lack of gender equality.

Since the early 2000s, Vietnam has applied sequenced trade liberalisation, a two-track approach opening some sectors of the economy to international markets while protecting others.

In July 2006, Vietnam updated its intellectual property legislation to comply with TRIPS, and it became a member of the WTO on 11 January 2007. Vietnam is now one of Asia's most open economies: two-way trade was valued at around 160% of GDP in 2006, more than twice the contemporary ratio for China and over four times the ratio for India. Vietnam's chief trading partners include China, Japan, Australia, the ASEAN countries, the United States and Western Europe.

Three quarters of the country is covered by mountains and plateaus. Flatlands are mostly limited to the coastal Red River & Mekong deltas. Since the Doi Moi reforms of 1986, Vietnam has embarked on a path towards a market economy & openness. In terms of land use, this policy has meant that the country has seen unprecedented levels of industrialization in rural outskirts driven by foreign investment & rampant expansion of residential land into what were once rural areas on urban outskirts.

Vietnam is administratively divided into 3 regions (northern, central & southern) and six socio-economic sub-regions. The poverty rates are relatively high in the highlands, remote areas, isolated areas & areas where ethnic minorities sub-regions. Geographically, 64% of the impoverished population lives in the northern mountainous, northern central, central highlands, & central coastal sub-regions of the country. It had a population density of 268/skm (2011) The percentage of urban population was 30.4% (2010) with a GDP of USD 122.7 bil (2011). Refer **Table 9.1 for the Summary of Country's Profile**.

Table 9.1: Summary of Country's Profile

Country Name	Republic of Vietnam
Surface Area	331,210sq.km. / 128,565 sq.m.
Population	89,693,000 (estimated in 2013)
Population density	272/sq.km. / 703/sq.m
Nominal GDP	USD170.020billion (2013)
GDP per capita	USD1,895.576 per capita

Source : http://en.wikipedia.org/wiki/Provinces_of_Vietnam

9.1 Administrative Divisions

Vietnam is divided into 58 provinces and 5 municipalities existing at the same level as provinces (refer **Figure 9.1**). The provinces are divided into districts, provincial cities and district-level towns which are subdivided commune-level towns or communes. The municipalities are divided into rural districts and urban districts which are subdivided into wards. Vietnamese provinces are controlled by a People's Council, elected by the inhabitants.

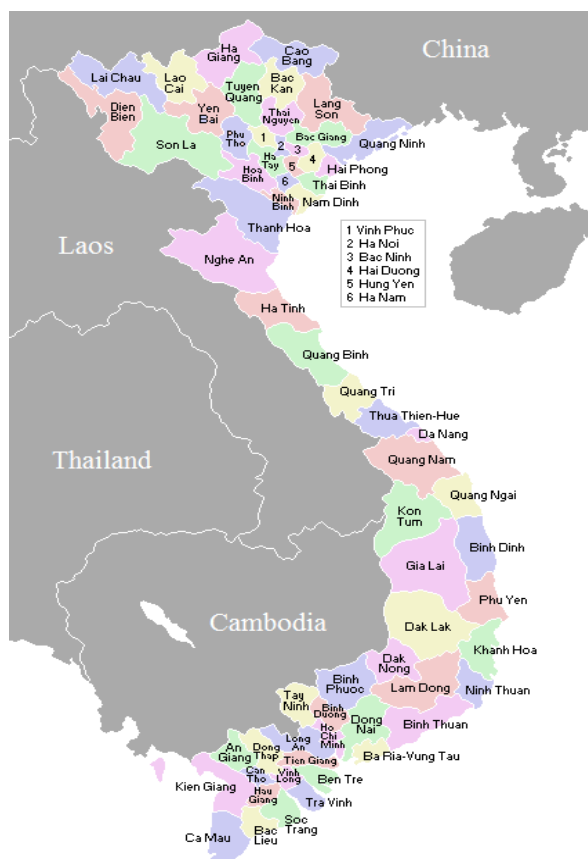


Figure 9.1: Provinces of Vietnam

Source : http://en.wikipedia.org/wiki/Provinces_of_Vietnam

9.2 Vietnam Governmental Agencies and Administrative Hierarchy

A) THE NATIONAL ASSEMBLY - The highest government organization and the highest-level representative body of the people. It has the power to draw up, adopt, and amend the constitution and to make and amend laws. It also has responsibility to legislate & implement state plans and budgets. Through its constitution-making powers it defines its own role and the roles of the Council of State, the Council of Ministers, the People's Organs of Control. The assembly can elect and remove members of the Council of Ministers, the chief justice of the Supreme People's Court, and the procurator general of the People's Supreme Organ of Control. The term of each session of the National Assembly is 5 years, & meetings are convened twice a year, or more frequently if called for by the Council of State.

B) THE COUNCIL OF STATE - The highest standing body of the National Assembly. Its members, who serve as a collective presidency for Vietnam, are elected from among National Assembly deputies. The Council of State is "responsible & accountable" to the National Assembly, according to Chapter VII of the 1980 Constitution. It plays a more active role than the titular presidency provided for in the 1959 constitution and in addition it has assumed the day to day duties of the former Standing Committee of the National Assembly under the old constitution. The Council thus holds both legislative & executive powers, but in actually it wields less power than the Council of Ministers.

C) THE COUNCIL OF MINISTERS - The highest executive & administrative state body of the highest body of state authority. It is accountable to the National Assembly, and more directly to the Council of State when the National Assembly is not in session. Its duties include submitting draft laws, decrees, and other bills to the National Assembly, and the Council of State, drafting state plans & budgets & implementing them following the National's Assembly's approval, managing the development of the national economy, organizing national defense activities & assuring the preparedness of the armed forces, and organizing & managing the state's foreign relations. The Council of Ministers includes its own standing committee, which serves to coordinate & mobilize the council's activities. Each ministry is headed by a minister, who is assisted by 2 - 12 vice ministers.

D) PEOPLE'S COURTS & PEOPLE'S ORGANS OF CONTROL - Vietnam's judicial bodies are the Supreme People's Court, the local People's Court at the provincial, district, and city levels, the military tribunals and the People's Organs of Control. Under special circumstances, such as showcase trials and the People's Organs of Control. The Supreme People's Court is the highest tribunal and is charged with the supervision of subordinate courts, As a court of first instance, it tries cases involving high treason or other crimes of a serious nature, and as the highest court of appeals, it reviews cases originating with the lower courts. Appeals are infrequent, however, because lower courts tend to act as final arbiters. Local people's courts function at each administrative level except at the village level, where members of the village administrative committees serve in a judicial capacity. Proceedings of local courts are presided over by people's assessors. It functions as watchdogs of the state and work independently of all other government agencies, although they are nominally responsible to the National Assembly. Also known as People's Supreme Procurate headed by a chief procurator / procurator general. These organs exercise extraordinary powers of surveillance over government agencies at every level, including the court system & agencies for law enforcement.

E) LOCAL GOVERNMENT - Vietnam is divided into 36 provinces, 3 autonomous municipalities, & 1 special zone directly under the central government. Provinces are divided into districts, towns, & capitals. The autonomous municipalities directly under central authority are divided into precincts, and these are subdivided into wards. Provincial districts are divided into villages & townships; provincial towns & provincial capitals are divided into wards & villages. Each administrative level has a people's council & a people's committee. The ward executive committee ensures that government activities prescribed by the precinct committee are carried out. The precinct committee simply represents an intermediary level between the municipal government & the ward committees.



9.3 Local Governments and Spatial Planning System

Vietnam has a 2-tiered system of local government (refer **Figure 9.2**). According to Article 118 of the 1992 Constitution (Supplement & Adjustment in 2001) Vietnam consists of provinces & centrally-controlled cities. A province consists of prefectures, prefecture-level cities & towns, while a centrally-controlled city consists of districts, prefectures & towns. A prefecture consists of townships & counties; a prefecture-level city or a town consists of wards & counties & a district consists of wards.

There are five Cities of Centrally-Controlled Cities : Ha Noi Capital, Ho Chi Minh City, Hai Phong, Da Nang, Can Tho, The second level is the districts, prefectures. The third level is the wards, townships & counties. According to Article 4, Provision 2, Chapter I of the Law on Urban Planning, urban centres are classified into 6 grades, including Special Grade & Grades i, ii, iii, iv & v.

- i. Centrally-controlled cities must be an urban center of Special Grade or Grade I.
- ii. Prefecture-level cities must be an urban center of Grade I, II, III.
- iii. Towns must be an urban center of Grade III or IV.
- iv. Townships must be an urban center of Grade IV and V.

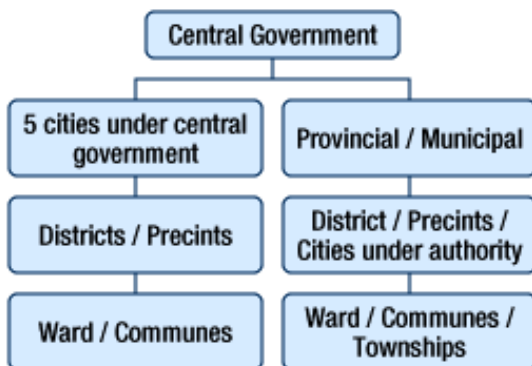


Figure 9.2: The Urban Administrative System

Source : http://www.mlit.go.jp/kokudokeikaku/international/spw/general/vietnam/index_e.html

9.4 Planning System in Vietnam

There are two main programmes related to national spatial policy:

- i. The Vietnam Socio-Economic Development Plan, and;
- ii. The Spatial Plan.

There are three types of plans which are practiced horizontally as shown in the figure below:



* CSED: Comprehensive Social & Economic Planning System

Figure 9.3: Comprehensive Socio-Economic and Physical System in Vietnam

Source : http://www.mlit.go.jp/kokudokeikaku/international/spw/general/vietnam/index_e.html

9.4.1 The Objectives of Urban Development in Vietnam is no Different From Other Southeast Asian Context

- i. The location & functions of cities have to fit into the city system of the country, the area & locality.
- ii. Economic & technical bases create the motives for development that suits the scale of the city.
- iii. Economic-technical, demographic, social & environmental criteria should suit the rank & type of the city.
- iv. Urbanization plan should be suitable for natural conditions, laws of social-economic development, the development process from the past to the present and the future; guarantee the smooth connection between the center & outskirts areas, between cities & rural areas.
- v. Set up the technical & social infrastructure that goes in hand with the modernity & are suitable, depending on the purposes & usage of every areas in the city.

- vi. Integrate reservation, improvement with new construction, reserving cultural identities, ethnical traditions with application of new scientific-technical achievements & new technologies to modernize.
- vii. Investment plans, programs & projects must be realistic, attainable & must suit the local capacity of capital & local socio-economic conditions.
- viii. Makes reasonable plans for the eco-environment protection, maintain the urban ecosystem balance, allocate the emergency management in case of natural disaster & industrial accidents.
- ix. Plan the strategies & mechanism that are suitable for the local situations, release all the potentials & power sources to strongly develop the urban areas, while keeping the law & order & increasingly managing urban development in accordance with urban planning and laws.
- x. Integrate urban development with keeping law, order & social security.

9.4.2 Establishment and Approval of Urban Planning

- i. Urban renewal and development must be based on urban plans approved by competent state authorities.
- ii. Urban plans must be set up by professional organizations recognized by the State, and subjected to all standards and rules issued by the State. Approved urban plans are legal basis for managing urban areas, implementing construction programs, preparing annual-short term-long term plans for urban renewal and development.
- iii. Approved urban plans must be informed to the public and subjected to necessary adjustments during implementation process to conform to practical development.
- vi. City master plans define the guidelines for urban development, infrastructure and living environment. They are mapped on a 1/2,000-1/25,000 scale depending on the classification of cities. Detailed plans are mapped on a 1/500-1/2,000 scale, under the guidelines of city master plans, and provide the basis for all constructions including housing, public buildings, parks, infrastructure, factories, etc.
- vii. Approved detailed plans are the basis for setting up investment projects, choosing and approving construction location and issuing planning certificates, deciding on land allocation and issuing building permissions.

9.4.3 Procedures for plan approvals and development

Planning certificate and building permission are two approaches for urban development control in Vietnam cities: Planning certificate is the document that stipulates what developers have to follow when preparing investment or construction project. Development control using planning certificate is effective to developments invested by public and formal sector (detailed plan will be prepared by developers in accordance with master plan).

Building permission is the document that mainly applied for individual building construction. Developers are required to submit a detailed architectural and technical design of the project, which is subjected to examination based on regulations on construction management attached in detailed plan. Development control using building permission, therefore, is effective only when detailed plan is available.



9.5 Issues of Urban Development

9.5.1 Issues in Vietnam

Poor knowledge of existing land use right and the formalization of transaction. A city general planning indicates all type of land uses without reference to further specification such as what sector will refine in what time. Major planning contents propagates on a long term perspective & 'potential advantages' rather than touching over the immediate problems of many city sector, living quarters & communities, *traffic jams, housing shortage, shortage of water supply & drainage, etc. Such planning tasks & contents are often over-imposed by planning professionals & rarely the case masterminded by the territorial leaders / raised by the beneficiary communities based on real local demand, and available resources.

9.5.2 Urban Planning Issues

- i. Lack of horizontal coordination among agencies;
- ii. High levels of centralization, and reliance on planning the settlement system by fiat (command and control), rather than a performance based approach that would focus urban initiatives and performance monitoring on emerging and fast-growing settlements;
- iii. High population densities in the largest cities (80,000 per square kilometer in core Ho Chi Minh City) in conjunction with large numbers of industrial firms (often high polluters) and inadequate environmental infrastructure;
- iv. Inconsistencies between national plans and local plans. For example, the Ho Chi Minh City Master Plan is based on a population of seven million in 2020 (a level which may have already been reached) while the MOC urbanization forecasts would imply a population of 13-19 million by 2020;
- v. Lack of a clear national urbanization strategy / urban policy framework, exacerbated by uncoordinated divergent technical assistance on urbanization from the international community; and
- vi. The continued presence of manufacturing firms (often heavy and/or polluting industries) in core urban areas. This limits land available for higher value urban uses.

9.5.3 Issues in Ho Chi Minh City

Ho Chi Minh City is a dynamically growing metropolitan area of Vietnam, counting around 8 million inhabitants today & facing ongoing in-migration, will soon cross the threshold to a megacity. One of the most pressing problems of the emerging megacity is the enormous demand for housing, especially for low-income residents.

The extensive land use at the periphery is seen as a consequence, whereas some of the inner districts are so densely populated. At the same time, climate change, especially the sea level rises & flooding become obstacle challenging the Ho Chi Minh City urban development. Weak urban management & the Climate Change adaptation pressure. Long term development needed through strategic, integrative planning and smart investment. Zoning is not new, but can be used as a strong tool to regulate / adjust the spread-out & monotone development seen in all Districts.

- i. Climate Change - The Ho Chi Minh region is deemed as 'hotspot' and one of the world's most affected agglomerations in the world with regards to climate change. This is due to the multiple and imminent hazards the region has to face, the large population & the natural & economic assets at stake. The sea level is increasing at Ho Chi Minh city. More than 100 serious flooded locations, including many in the city center; and
- ii. Current development - Almost new residential areas / new development located around the extension part of the inner city. Development pressure resulting from population growth, economic growth & higher levels of resource consumption has led to a sharp increase in land coverage, waste production and traffic. Urban infrastructures are more and more expanding into low elevated grounds which gradually lose their ability to host ecosystems and absorb floods. Wrong population relaxation in long term.



9.6 Professional Organizations

Vietnamese professionals in the urban sector look to a long history of city building and associated scholarship, including periods of domination by China (for educational history see Pham Minh Hac 1995 and Nguyen Xuan Thu 1994). The legacies of later French, Japanese and US colonialism and wars left urban planning in a weak position at unification and reconstruction in 1975. In the north, after a period of French urban plans, the influence of Eastern European and particularly Soviet-style planning left a tradition of static master plans within a central economic planning system.

In the south, a form of 'over-urbanization' was associated with the US period (Truong Quang Thao 2002), but with little development of urban planning practice. Through these periods there remained a legacy of care for historic sites and a scholarship of urban form, if not of urban planning practice. Master plans based on relatively fixed representations of land use became the dominant expression of urban planning, practiced by architects and engineers in a framework with few linkages other than target-setting with the hierarchy of economic plans.

There was no urban planning profession and today most urban plans continue to be produced that way. In this respect, the 1999 reforms mark a major step forward, linking economic and environmental planning with urban planning, if not yet creating clear roles for civil society. But without enough well trained urban planners this promise will not be realized.

However, professional institutions for urban planners are not well developed. The sustainability of urban planning capacity is helped by active, independent professional organizations. Such institutions should be a part of program development. Despite the doi moi process of renovation and continuing market-based reforms, central planning remains an important part of Vietnam's government and party activities and its scope and official patronage have constrained the broader development of an urban planning profession in civil society. There is no profession of urban planning as understood in other countries.

The National Institute of Urban and Rural Planning within the Ministry of Construction plays a role in promoting professional development. However, practicing urban planners are considered primarily as architects, engineers, or in some cases, economists. There is no professional registration or certification of urban planners. This is linked to the relative absence of education programs in urban planning, the domination of government employment in practice and the weakness of the private sector in professional services.

The National Institute of Urban and Rural Planning formed Vietnam Urban Expert Networks (Urbnet-Vietnam), a network of individual experts and institutions aiming to develop a pool of expertise in Vietnam to provide expertise in urban related work and to build up a knowledge base and understanding of urbanization. Urbnet-Vietnam members come from local and national governments, the private business sector, training and research institutes and external support agencies involved with urban development and management. Urbnet-Vietnam established branch offices in Danang and Ho Chi Minh City. However this was not intended to be an association of professional planners. An active non-governmental Planning Association of Vietnam has formed since the late 1990s as a civil society association with local and international membership, and journal Quy Hoach or Planning Construction Journal. The association may develop into a more fully-fledged professional association but it is early in its life.

9.7 Fee Structure for Town Planner (Consultant) in Vietnam

Town planners in Vietnam are mainly with the government agencies. Private sector planners come under the purview of the architect or engineer



Tanzania



10.0 Introduction

Tanzania, officially the United Republic of Tanzania is a country in East Africa. It is bordered by Kenya and Uganda to the north; Rwanda, Burundi and the Democratic Public of the Congo to the west; and Zambia, Malawi and Mozambique to the south. The country's eastern border is formed by the Indian Ocean. Kilimanjaro, Africa's highest mountain, is in north-eastern Tanzania.

Tanzania became an independent country in 1964. It was made up from two different countries – Tanganyika and Zanzibar. Due to that reason, Tanzania has different evolution and system of local government. The government itself is described as “unitary republic, administratively divided into 26 regions – 21 on the mainland and five in Zanzibar”⁽¹⁾.

Table 1.1 Summary of Country’s Profile

Country Name: The United Republic of Tanzania	
Capital	Dar es Salaam
Area	947,300 sq km
Climate	Varies from tropical along coast to temperate in highlands
Government Type	Republic
Language	Kiswahili or Swahili (official), English (official, primary language of commerce, administration, and higher education)
Population	49,639,138 (July 2014 est.)
Urban Population	26.7% of total population (2011)
GDP Per Capita	\$1,700 (2013 est.)

Source: <https://www.cia.gov/library/publications/the-world-factbook/geos/tz.html>

10.1 Town planning system in terms of organization, legal framework, process for development approvals that are prevailing

10.1.1 Local Government

In 1972, local government on the mainland was abolished and replaced with direct rule from the central government. Local government, however, was reintroduced in the beginning of the 1980s, when the rural councils and rural authorities were re-established. Local government elections took place in 1983 and functioning councils started in 1984. Two years after the first multi-party elections in 1995, there was a major public sector reform.

These reforms included a Local Government Reform Programme (LGRP), setting “a comprehensive and ambitious agenda... (covering) four areas: political decentralization, financial decentralization, administrative decentralization and changed central-local relations with the mainland government having over-riding powers within the framework of the Constitution”.



Figure 7.1: Map of Tanzania

Source : <http://www.nationsonline.org/oneworld/map/tanzania-political-map.htm>

The principal local government acts were amended by the National Assembly in 1999 as a part of the LGRP.

The urban units have an autonomous city, municipal, or town council and are subdivided into wards and *Mtaa*. The non-urban units have an autonomous district council but are subdivided into village councils or township authorities (first level) and then into *Vitongoji*.

The local government system in Tanzania is divided into urban and rural authorities. In the past 25 years, local government in Tanzania has been reformed twice. The first phase increased efficiency and improved participation in local development as regional reform and decentralisation transferred management of local development to the lowest competent level of government.

Following here are the main legislative texts regarding local government in the mainland:

- i. Local Government (District Authorities) Act 7, 1982
- ii. Local Government (Urban Authorities) Act 8, 1982
- iii. Local Government Finance Act 9, 1982
- iv. Urban Authorities (Rating) Act 2, 1983
- v. Regional Administration Act 19, 1997
- vi. Local Government Laws (Miscellaneous Amendments) Act 9, 1999
- vii. Public Services Act 8, 2002

However, it's different in Zanzibar. The relevant part of the Constitution 1984 is Article 128 and the main legislation texts regarding local government are ⁽²⁾:

- i. Zanzibar Municipal Council Act 1995
- ii. District and Town Councils Act 1995

In terms of powers and responsibilities, the local government in Tanzania is responsible for ⁽³⁾:

- i. Maintenance of law, order and good governance;
- ii. Promotion of economic and social welfare of the people within their areas of jurisdiction; and
- iii. Ensuring effective and equitable delivery of qualitative and quantitative services to the people within their areas of jurisdiction.

Other type of duties and functions are as follows ⁽⁴⁾:

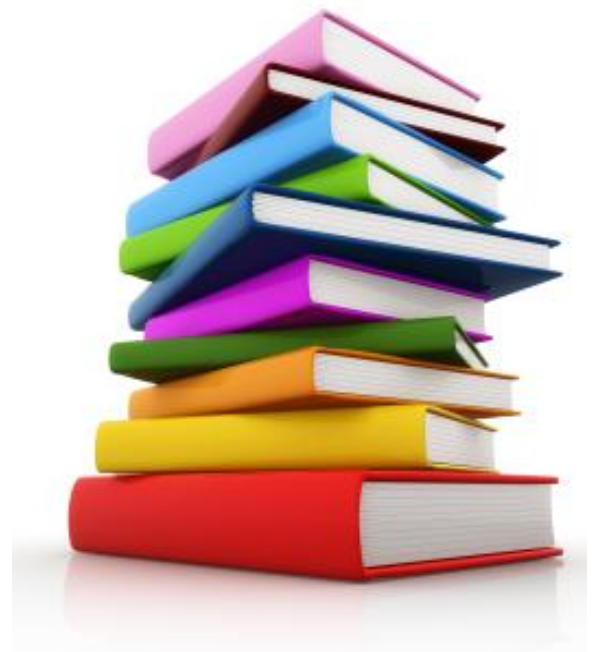
- i. Formulation, coordination and supervision of the implementation of all plans for economic, industrial and social development in their areas of jurisdiction;
- ii. Monitoring and controlling the performance of duties and functions of the council and its staff;
- iii. Ensuring the collection and proper utilization of the revenues of the council;
- iv. Making by-laws applicable throughout their areas of jurisdiction, and considering and improving by-laws made by village councils within their areas of jurisdiction;
- v. Ensuring, regulating and coordinating development plans, projects and programmes of villages and township authorities within their area of jurisdiction;
- vi. Regulating and monitoring the collection and utilization of revenue of village councils and township authorities; and
- vii. Subject to the laws in force, doing all such acts and things as may be done by a people's government.

10.1.2 Legal Framework⁽⁵⁾

i. Town & Country Planning Act, 1956 (Revised in 1961)

This act is applied as scheme of regularization as stated in Land Act of 1999, Section 56-60. It guides, direct and control land development in compliance with other laws such as Land Act of 1999. It stipulates important roles in relation to development control (Section 35-39) through enforcement of building control and empowers local authorities to impose development conditions on land development. It makes use of planning consent procedures land use zoning through preparation of detailed planning scheme (i.e. land use plan).

A legal text that "guides, direct and control land development in compliance with other laws such as Land Act of 1999. It stipulates important roles in relation to development control (Section 35-39) through enforcement of building control and empowers local authorities to impose development conditions on land development".



3. *Ibid.*

4. *Ibid.*

5. *Ibid.*

Following here are the steps in preparing a detail layout plan in accordance with cap 378:

- i. The planning authority (i.e. Ministry, City, Municipal and Town councils authorities) passes a resolution of intention to prepare detail planning scheme (section 13, 18 and 21);
- ii. The planning authority convenes a meeting of landholders in the area to be affected, serve six months' notice on the landholders concerning its intentions to prepare a detail planning scheme and allow during that time land owners to prepare their own scheme and submit to the preparatory authority (section 24 (1));
- iii. Within six month of the scheme preparation, the preparatory authority deposits detail planning scheme in the affected area and then after conduct public hearings in the planning area (section 24 (i));
- iv. In the event of a positive resolution the planning authority adopts the proposal prepared by landholders with or without modification (section 24 (2));
- v. The planning authority makes alteration or modification by taking the relevant accounts the result of public hearings (section 24 (3));
- vi. The planning authority submits the detailed planning scheme to the urban planning committee for approval;
- vii. Incorporation of comments raised by the technical experts in the urban planning committee and presentation of the final detailed plan to the affected landholders;
- viii. With planning brief, the local authority submits the detailed planning scheme to the ministry responsible for planning for approval. This has to be done within four months from the date of publication of notice of deposit of a scheme (section 26, 29, 31);

- ix. The Minister furnishes estimate of costs of compensation through consulting area planning committee (section 25 (1)); and
- x. Details planning scheme approved by the Minister responsible for planning (section 32). In reality most of the activities assigned to the minister are delegated to Directors or Commissioners for Lands.



ii. **Land Act of 1999**

A main land legislation controlling land development and instrument for exercising urban land governance in the country.

iii. **Urban Planning Act, 2008** (A review of the former Town and Country Planning Ordinance, 1950). This Act is limited to land use planning, consists of two tier land use planning system to guide urban development which are:

- General Planning Scheme (GPS). The purpose of this document is “to coordinate sustainable development of the area to which it relates in order to promote health, safety, good order, amenity, convenience and general welfare of such area as well as efficiency and economy in the process of such development”.
- Detailed Planning Scheme : prepared within the framework of a General Planning Scheme to coordinate all development activities, to control the use and development of land including intensive use of urban land and, in particular, vertical and compact urban development. It may be a long term or short term physical development scheme.

CENTRAL GOVERNANCE MAIN LAND-TANZANIA: President Government Parliament: National Assembly			
REGIONAL GOVERNANCE - 26 x Regions - Regional commissioners (RC) & Regional administrative secretaries (RAS) - District commissioners (DC) & District administrative secretaries (DAS)			
LOCAL GOVERNANCE			
Urban Authorities			Rural Authorities
CITIES x5 City Councils	TOWNS x 6 Town councils	MUNICIPALITIES x 22 Municipal councils	DISTRICTS x 97 District councils
Wards Ward Development Committees			
MTAA		Village councils circa 10000	Township authorities x 3
VITONGOJI			
CENTRAL GOVERNANCE ZANZIBAR: President Government Parliament: House of Representatives			
URBAN AREAS		RURAL AREAS	
Town -Town Council	Municipality - Municipal council	District - District council	

Figure 10.1: The Local Government System in Tanzania

Source: North-South Local Government Co-operation Programme, The Association of Finnish Local and Regional Authorities, Peltola Outi, 2008

SERVICE	CENTRAL GOVN'T	URBAN	RURAL
General Admin.			
Police	x	x	x
Fire Protection		x	
Civil Protection	x		
Criminal Justice	x		
Civil Justice	x		
Civil Status Register		x	x
Statistical Office	x		
Electoral Register	x		
Education			
Pre-school			
Primary school		x	x
Secondary school	x	x	x
Vocational and technical	x		
Higher education	x		
Adult education	x		
Social welfare			
Kindergarten and nursery		x	x
Family welfare services		x	x
Welfare homes		x	x
Social security		x	x
Public health			
Primary care		x	x
Hospitals	x	x	x
Health Protection	x	x	x
Housing and Town Planning			
Housing		x	x
Town planning		x	x
Regional planning	x		
Transport			
Roads	x	x	x
Transport	x	x	x
Urban roads		x	x
Urban rail			
Ports	x	x	x
Airports	x	x	

SERVICE	CENTRAL GOVN'T	URBAN	RURAL
Environment and public sanitation			
Water and sanitation		x	x
Refuse collection and disposal		x	x
Cemeteries and crematoria		x	x
Slaughter-houses		x	x
Environmental protection		x	x
Consumer protection		x	x
Culture, leisure and sports			
Theatre and concerts		x	x
Museums and libraries		x	x
Parks and open spaces		x	x
Sports and leisure		x	x
Religious facilities			
Utilities			
Gas services			x
District heating			
Water supply		x	x
Electricity	x		x
Economic			
Agriculture, forests, fisheries	x	x	x
Economic promotion	x	x	x
Trade and industry	x	x	x
Tourism	x	x	x
Other economic services	x	x	x

Figure 10.2: The Local Government System in Tanzania (sine anno)

Source: CLGF Commonwealth Local Government Forum, Local Government System in Tanzania, 2008
http://www.clgf.org.uk/userfiles/CLGF/File/2008_Country_Files/TANZANIA.pdf

10.2 Procedures for Plan Approval and Development

Any development projects and local service delivery need to be brought to the Mtaa committees (refer to Figure 10.2) for discussion purposes before they are being forwarded to the Ward Development Committee (WDC). However, if the proposal is within the rural authorities, then it will need to be brought the WDC via the Village Council.

At this point, the people involvements is needed to support the decision making process, as stated in the Local Government (District Authorities) Act 1982. According to the Act, a public hearing, organized by Councils need to be established as a platform for people to voice their opinions or questions to the political leaders and staff. In addition, a special kind of service boards is also formed for the people whilst as an opportunity to influence service provision⁽⁷⁾.

10.2.1 Town Planning Drawings⁽⁸⁾

Town Planning Drawings are prepared by respective Local council and approved by the Ministry of Lands. The Ministry of Lands Housing and Human Settlements Development participate in the designing and preparation of layouts only when a particular council seeks assistance. The following procedures are followed by Local councils in the preparation of layouts:

- i. Identify the area and declare it to be ripe for urban development in the government gazette.
- ii. Inform residents within the declared area about the intension (Public awareness).
- iii. Evaluate properties within the declared areas and pay compensation
- iv. Designing of Town planning drawings which show different land uses within the area and present them to Urban Planning Committee (UPC) of the respective Local authority for approval.
- v. Submitting the drawings to the Minister of Lands and Human Settlements Development for approval. (normally approval is done by the Director on behalf of the Minister)
- vi. After the approval copies are sent back to the Local authority for implementation.



7. *Ibid.*

8. Source: Ministry of Lands, Housing and Human Settlements Development, www.ardhi.go.tz

10.3 Organizations Related and Involved in Town Planning and Development Services

10.3.1 Ministry of Lands, Housing and Settlements Development⁽⁹⁾

The ministry was initially established as a Department of Lands. However, the name has changed to its current name – Ministry of Lands, Housing and Human Settlements Development, in-line with the changes of its functions to facilitate an effective management of land and human settlements development services for the socio-economic of Tanzania.

There are three (3) core departments and three (3) core units under the Ministry. The core departments are - Land Administration, Survey and Mapping and Physical Planning and Housing. Core units consist of Registration of Titles, Property Valuation and District Land and Housing Tribunal.

Other supporting departments and units are Administration and Human Resource Management, Finance and Accounts, Internal Audit, Legal Services, Policy and Planning, Information Communication and Technology (ICT), Information-Education and Communication and Procurement Management. The Ministry also work together with other agency such as Housing and Building (i.e. materials research) and the National Housing Corporation.

Following here are roles and responsibilities of the Ministry:

- i. Formulation of policies and strategies for development of the land sector;
- ii. Preparing land use plans;
- iii. Manage the planning of towns and villages;
- iv. Soil testing and preparation of maps;
- v. Providing land titles and customary title;
- vi. Registering land ownership documents and legal documents;
- vii. Appreciation of property;
- ix. Encourage and enable citizens to have a better house;
- x. Resolving disputes over land and housing;
- xi. Manage the acquisition and maintenance of land records;
- xii. Manage the collection of government revenue from services sector land;
- xiii. Administer the National Housing Corporation, National Commission on Land Use Planning, the National Agency of Research of Housing and Building and Construction and Development Agency of the Kigamboni New City;
- xiv. Manage the operations of colleges and Tabora and Morogoro land; and
- xv. Manage the interests and functioning of the land sector workers.



9. Source: Ministry of Lands, Housing and Settlements Development, www.ardhi.go.tz

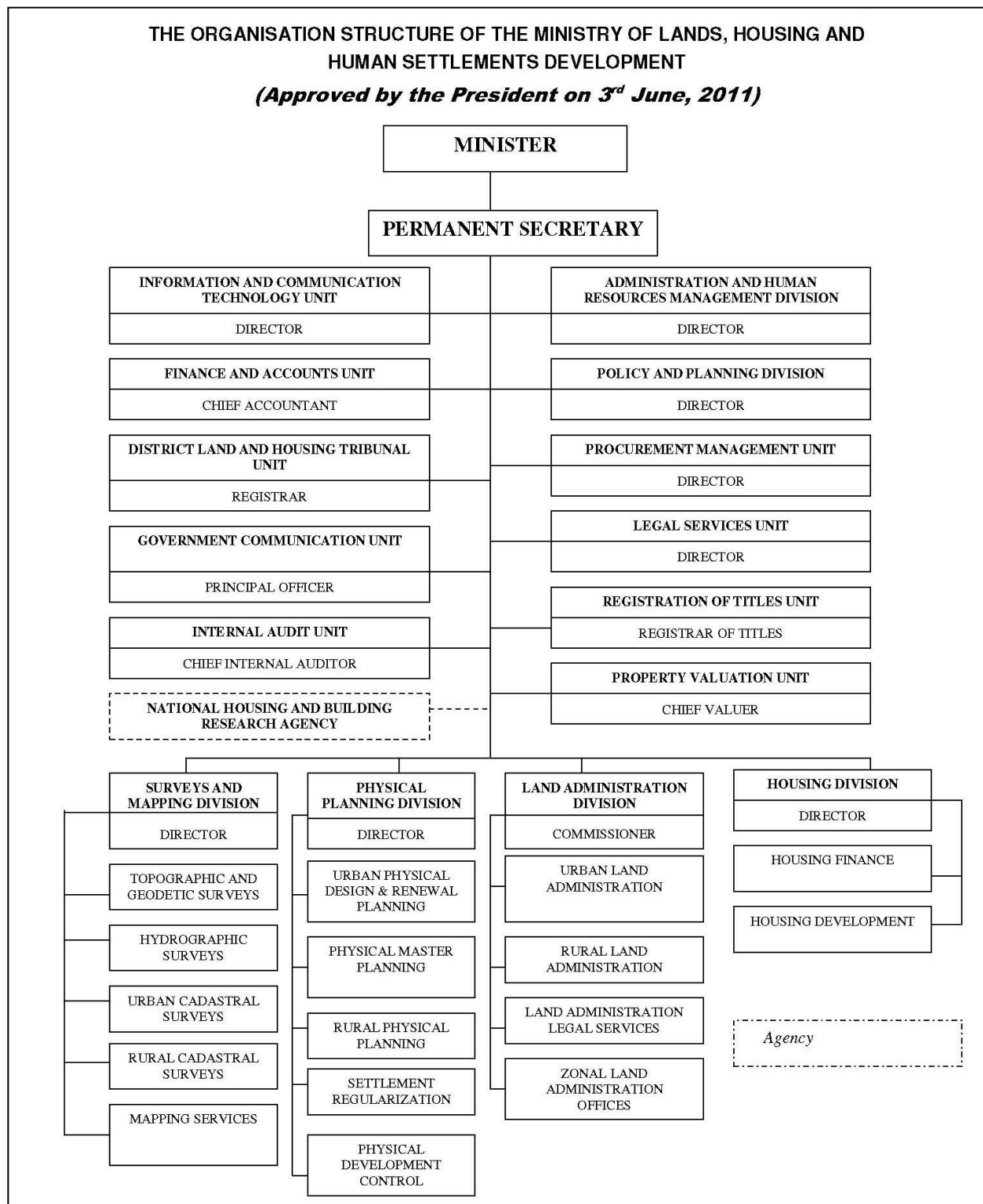


Figure 10.3: Organisation Structure of the Ministry of Lands, Housing and Human Settlements Development

Source: Ministry of Lands, Housing and Settlements Development, www.ardhi.go.tz

10.3.2 Association of Local Authorities of Tanzania⁽¹⁰⁾

This voluntary organisation represents the local governments on the mainland area. As of 2009, the members of this organisation consist of 122 or urban and district councils. The membership fee is mainly the source of funding of this organisation.

ALAT's functions are:

- i. To provide a forum for exchanging views and experiences among members of the local government authorities;
- ii. To provide advocacy on policy and legislative matters likely to affect the local government authorities;
- iii. To disseminate information and provide expert advice;
- iv. To make representation and proposals to the Government; and
- v. To represent the local government authorities and their views in international forums.

10.3.3 Institute of Rural Development Planning (IRDPP), Tanzania⁽¹¹⁾

IRDPP is a corporate body which the establishment is under the Parliamentary Act No. 8 of 1980. The Institute acts as an important national centre for provision of training, research and consultancy services in the field of Rural Development Planning and Management. The main objective is to *"alleviate qualitative and quantitative shortage of skilled manpower within the framework of sustainable capacity building directed towards reducing poverty and attaining sustainable development"*.

The Institute attempts to *"enhanced and strengthen capacity for Rural Development practitioners by providing post-secondary education and training, research and consultancy services"*.

This means that the Institute can also be labelled as *"a multi-disciplinary and multi-sectorial institute to oversee and coordinate the provision of expertise to in-service and pre-service personnel involved in Rural Development Planning in the country"*.

10.3.3 Dar es Salaam City Council⁽¹²⁾

The city council was established under the Act No. 6 of 1999 (section 56). The functions of the city council are:

- i. To coordinate the powers and functions of the three Municipal Authorities regarding infrastructure and land use planning;
- ii. To prepare a coherent citywide framework for the purpose of enhancing sustainable development;
- iii. To promote coordination between the City Council and/or amongst local government authorities within the city areas;
- iv. To deal with all matters in which there is inert-dependency among the Municipalities;
- v. To support and facilitate the overall functioning and performance of the authorities;
- vi. To provide peace and security and emergency services such as fire prevention and control, ambulance and police; and
- vii. To perform major functions relating to protocol and ceremonies.

10. *Ibid.*

11. Source: Institute of Rural Development Planning, www.irdp.ac.tz

12. Source: City Status, DCC – Dar es Salaam City Council, www.dcc.go.tz/about-us/city-status.html

10.4 Issues and Challenges in Town Planning Services⁽¹³⁾ ⁽¹⁴⁾ ⁽¹⁵⁾

10.4.1 Issues

10.4.1.1 Lack of participation in local development

The duty to plan, allocate and monitor the development of land which has proved to be too much for the Ministry as well as various local government authorities. Moreover, the distinction on the service provision between the state and the local authorities is unclear.

10.4.1.2 Ineffective urban planning and implementation syndrome

There is no provision of planned land for orderly urban development, which has resulted the majority of urban residents live in unplanned slum areas, which are growing faster than the rest of the urban neighbourhoods. Although at some level, there is grand plans for few areas, however, the plans were followed by weak implementation which have led the Tanzanians became less enthusiastic about participation in national endeavour.

10.4.1.3 Capacity building

Resources are limited and underutilised (including in science and technology) as well as institutional bottlenecks and governance deficiencies which caused to continuous haphazard development of urban land.

10.4.1.4 Economic Management

Weak economy/low capacity for economic management together with lack of funding are one of the major issues in developing Tanzania. Most of the funding used for services still comes from the central government or donors, which makes it difficult to manage the development in the country.

10.4.2 Challenges

10.4.2.1 Corruption

There is an increasing numbers in corruption over recent years. Tanzania need to overcome their weak rule of law and enforcement to combat the failures in good governance.

10.4.2.2 General Planning Scheme (GPS) and Detailed Planning Scheme (DPS)

Current practice in the preparation of the General Planning Scheme (GPS) and Detailed Planning Scheme (DPS) has proved ineffective non-starter in so far as protection of the same and abuse (i.e. change of use). GPS ad DPS only tend to zone areas such as wetlands, steep slopes and valleys as hazardous areas. To date, there's no any specified requirement on changes of the documents.



13. Source: CLKnet Forum – Urbanization in Tanzania: The Challenge of Planning, Access to and Use of Land, 2012, www.clknet.or.tz

14. Source: Factsheet of Tanzania's development Vision 2025, www.mkombozi.org/publications/factsheet/2007_11_20

15. Source: CLUVA Workshop – Towards Integration of Climate Change in the Urban Planning and Governance Systems in Dar es Salaam, 2012

10.5 Professional Institutes or Organisations Comprising Town Planners

10.5.1 Tanzania Association of Planners⁽¹⁶⁾

The head office is at University College of Lands and Architectural Studies which today known as Ardhi University (ARU).

10.5.2 Institute of Rural Development Planning (IRDPA), Tanzania⁽¹⁷⁾

IRDPA which was established by the Act of Parliament No. 8 of 1980, is a corporate body and national centre for providing training, research and consultancy services in the field of rural development planning.

10.5.3 Association of African Planning School (AAPS)⁽¹⁸⁾

AAPS is a voluntary, peer to peer network of African institutions which educate and train urban and regional planners. Members of the association drawn from all African regions including Tanzania. AAPS links African and international planning schools through its membership of the Global Planning Education Association Network (GPEAN).

10.5.4 The Town Planners (Registration) Act, 2006 (Oct 27, 2006)⁽¹⁹⁾

An Act to provide for the registration of town planner, the establishment of the Town Planners Registration Board, regulation of the standard, conduct and activities of town planners and to provide for matters connected therewith.

The objective of the Bill is to establish a town planner's registration board, which will be responsible for regulating the activities and conduct of town planners. The board will set code of conduct to registered town planners, assist in career development and research in the field.

It also contains provisions to take measures against professional abuse both by members and non-members. The Bill is divided into six parts as follows:-

- i. Part I contains preliminary provisions, date of commencement and interpretation provisions.
- ii. Part II contains provisions of the fundamental principles of town planning.
- iii. Part III provides for the establishment of the town planners registration Board, functions and liabilities of the members of the Board once they are exercising their powers in different activities of the Board.
- iv. Part IV contains provisions for the appointment of and the duties of the Registrar. It also provides the procedure and necessary qualifications required for registration, and publication of registered town planners.
- v. Part V deals with the provisions for cancellation and suspension of registration which includes the power of the Board to delete from the register the name of any town planner, it is also provide a provision to suspend, correct or restore a name in the register. In addition, this part deals with procedure for an inquiry and measures to be taken against a person who disobey summons or refuse to give evidence before the Board. It also provides for appeals to any person who is aggrieved with the decision of the Board.
- vi. Part VI provides provisions on how to make restriction to any person who is practicing as town planner; must be a registered town planner.
- vii. Part VII deals with general provision, source of the funds, accounts and auditing; reports, rules, and the power of the minister to make regulations.

16. Source: Institute of Rural Development Planning, www.irdp.ac.tz

17. Source: African Planning Schools, <http://www.africanplanningschools.org.za>

18. Source: Dar es Salaam Metropolitan Development Project, DCC – Dar es Salaam City Council, www.dcc.go.tz/projects/dmdp.html

19. Source: <http://bunge.parliament.go.tz/index.php?r=billdetail/view&id=11-2006-2>

10.6 Standard Procedures and Regulations for Foreign Consultants to Practice⁽²⁰⁾

i. Pay & Benefits

The minimum wage in the private sector is divided into 8 categories, which vary from 65,000 Tanzanian Shillings (TSH) for manual laborers up to 350,000 TSH for employees in the mining sector. The last change to the minimum wage was made in November 2010.

ii. Taxes

Under the Income Tax Law, income tax is due for each year of income by every person with income from employment, business and/or investments, or who has a domestic permanent establishment that has repatriated income for the year of income. Employees are taxed according to their income group. For the highest income group (540,000 TZS or more per month), 30% is deducted. Taxes are deducted directly from employees' wages.

iii. Visas

A standard tourist/visit visa is normally valid for three months after arrival. Visas are required and can be obtained on arrival at any international airport or land border, although it is possible and recommended to arrange a visa in advance at the Tanzanian embassies or High Commissions. Only a valid passport is required.

Frequent foreign visitors and business people should request multiple-entry visas. Anyone intending to reside in the United Republic of Tanzania for business or work can be issued residence permits. There are three types of visas: for self-employed foreigners (investors), for foreigners with jobs and for foreigners such as missionaries, students and volunteers.

10.7 Availability of Fee Structure for Town Planners Working as a Consultant

Consultant town planners work under the services of architect.

10.8 Availability of a Master Plan, Spatial Plan and Guidelines on Planning

10.8.1 Dar es Salaam Master Plan, 1979 (Reviewed in 1990)⁽²¹⁾

The first master plan was prepared in 1948, where it was prepared for a period of 20 years. The master plan indicated the anticipated growth direction through land use zoning with development standards. According to the info from Dar es Salaam website, "the last review of the plan was in 1979 which expired in 1999".

The implementation of this master plan was limited due to :

- The plan was comprehensive in nature but with unaffordable infrastructure and social service development standards with respect to budget requirements
- The plan was not participatory which reduced local understanding and commitment to implement
- The plan was control oriented (top-down approach)
- Lack of detailed preliminary infrastructure design in the strategic focus
- The environmental issues were not considered adequately as they had no strategic plan on how to implement them.

20. Source: <http://www.michaelpageafrica.com/en/content/work-tanzania.html>

21. Source: Dar es Salaam Metropolitan Development Project, DCC – Dar es Salaam City Council, www.dcc.go.tz/projects/dmdp.html

In addressing identified problems from the 1979 Master Plan, the Ministry of Lands, Housing and Settlements Development has proposed for a master plan review in 1990, emphasising on comprehensive environmental improvement of the city. This was the stage when the Sustainable Dar es Salaam Project (SDP) was introduced and the project coordinated by the City Council.

10.8.2 Sustainable Dar es Salaam Project (SDP), 1992 ⁽²²⁾

This project was coordinated by the Dar es Salaam City Council. The aim of the project is to assist cities in achieving more environmentally sustainable growth and development. Basically, SDP was expected to supersede the 1979 Dar es Salaam Master Plan. The project managed to get financial assistance from the UNDP.

10.8.3 Tanzania's Development Vision 2025⁽²³⁾

This document was established due to the lack of direction and philosophy for long term development.

Five (5) key elements highlighted in the document:

- High quality of livelihood
- Peace, stability and unity
- Good governance
- A well-educated learning society
- A strong and competitive economy



22. Source: Dar es Salaam Metropolitan Development Project, DCC – Dar es Salaam City Council

23. Source: Factsheet of Tanzania's development Vision 2025, www.mkombozi.org/publications/factsheet/2007_11_20

S/No.	Infrastructure Utility and Facility	National Planning Standards	Community agreed Standards for implementation approved by MLHSD				
			Ibungilo	Ubungo Darajani			
1.	Standards for residential area						
	High density plots	400 – 800 sq. m	150 – 800 sq. m	12 – 800 sq. m			
	Medium density plots	801 – 1600 sq. m	900 – 1600 sq. m	900 – 1600 sq.m			
	Low density plots	1601 – 4000 sq. m	1601 – 4000 sq. m	1601 – 2000 sq.m			
2.	Read right of way						
	Access path/foot paths	3 – 6 m	2 – 4m	2 – 3m			
	Access road (residential area)	10 – 20m	6 – 8m	8 – 10m			
	Local distributor (residential area)	10 -20m	10 – 12m	12m			
	District road	20 – 30m	20 – 30m	20 – 30m			
	Primary road	20 – 30m	20 – 30m	20 – 30m			
	Trunk road	60 – 70m	60 – 70m	60 – 70m			
4. Minimum Plot Coverage							
Size	Plot Size	National Standards	Community agreed standards	Plot coverage Ibungilo		Plot coverage Ubungo Darajani	
				Ranges	No. of plots	Ranges	No. of plots
High density plots	400 – 800	40%	12 – 800 sq. m	44 – 97%	800	50 – 120%	234
Medium density plots	801 – 1,600	25%	801 – 1,600 sq. m	28 – 38%	247	30 – 38%	35
Low density plots	1,601 – 4,000	15%	1,601 – 4,000 sq. m	8 -15%	12	10 – 15%	-
5. Health Facility							
Type of Facility – Dispensary		National Planning Standards		Ibungilo	Ubungo Darajani		
Population/unity facility		7,000 – 10,000		5,245	4,245		
Plot size		3,500 – 5,000 for 2.5 ha		0.1ha	Not Available		
6. Education Facility							
Type of Facility		National Planning Standards		Ibungilo	Ubungo Darajani		
<i>Nursery School</i>							
Plot size		1,200 – 1,800 sq. m		1,200 – 1,800 sq. m	600 – 1,200 sq. m		
<i>Primary School</i>							
Planning Unit		Neighbourhood		Community	Community		
Plot size		1.5 – 4.5ha		1.3ha	-		
<i>Secondary School</i>							
Plot size		2.5 – 5ha		-	1.8ha		
7. Active Recreation							
Type of Facility		National Planning Standards		Ibungilo	Ubungo Darajani		
<i>Children Playground</i>							
Gross area/1000 persons		0.2 – 0.4ha		0.1 – 0.3ha	0.1 – 0.2ha		
Community Level		4.0 – 8.0ha		1.5ha	1.0ha		
<i>Play Field</i>							
Community Level		10.0 – 20.0ha		0.6 – 1.0ha	-		

8. Public Facilities			
Type of Facility	National Planning Standards	Ibungilo	Ubungo Darajani
<i>Market</i>			
Community Level	0.5 – 1.5ha	1,200 – 2,500 sq. m	-
<i>Public Area Building</i>			
Community Level	0.32 – 1.5ha	0.2ha	0.01ha
<i>Service Trade</i>			
Community Level	0.6 – 0.5ha	0.4ha	0.8ha
<i>Religious Area</i>			
Community Level	0.2 – 0.4ha	0.2ha	0.002ha
<i>Community Halls</i>			
Community Level	0.2 – 0.8ha	0.1ha	Not Available
<i>Cemetery Sites</i>			
Community Level	2.0 – 6.0ha	6ha per 10,000 people	Not Available
9. Public Facilities by Population Size			
Type of Facility	National Planning Standards	Ibungilo	Ubungo Darajani
<i>Service Industry</i>			
Plot size	3ha	1ha	2.1ha
<i>Hotel Size</i>			
Plot size	2.0ha	6,000 sq. m	820 sq. m
<i>Commercial Zone</i>			
Plot size	3ha	1,800 sq. m	2,450 sq. m
<i>Police Post, Ward Office and Mtaa Office</i>			
Plot size	-	750 – 1,500 sq. m	300 – 900 sq. m
10. Solid Waste Collection Points			
Facility	National Planning Standards	Ibungilo	Ubungo Darajani
Size of collection point	0.6ha per 100,000 people	20 sq. m	25 sq. m
Size of disposal sites	2.4ha per 100,000 people	No disposal site	No disposal site
Population	-	5,245	4,245
11. Water Utilities			
Facility	National Planning Standards	Ibungilo	Ubungo Darajani
<i>Water Tank</i>			
Plot Size	-	600 sq. m	Not Available

Figure 10.4: Summary of Planning Standards in Tanzania

Source: Planning Standards for Urban Land Use Planning for Effective Land Management in Tanzania: An Analytical Framework for Its Adoptability in Infrastructure Provisioning in Informal Settlements, Wakuru MAGIGI and B.K.K. MAJANI, 2005

The Way Forward

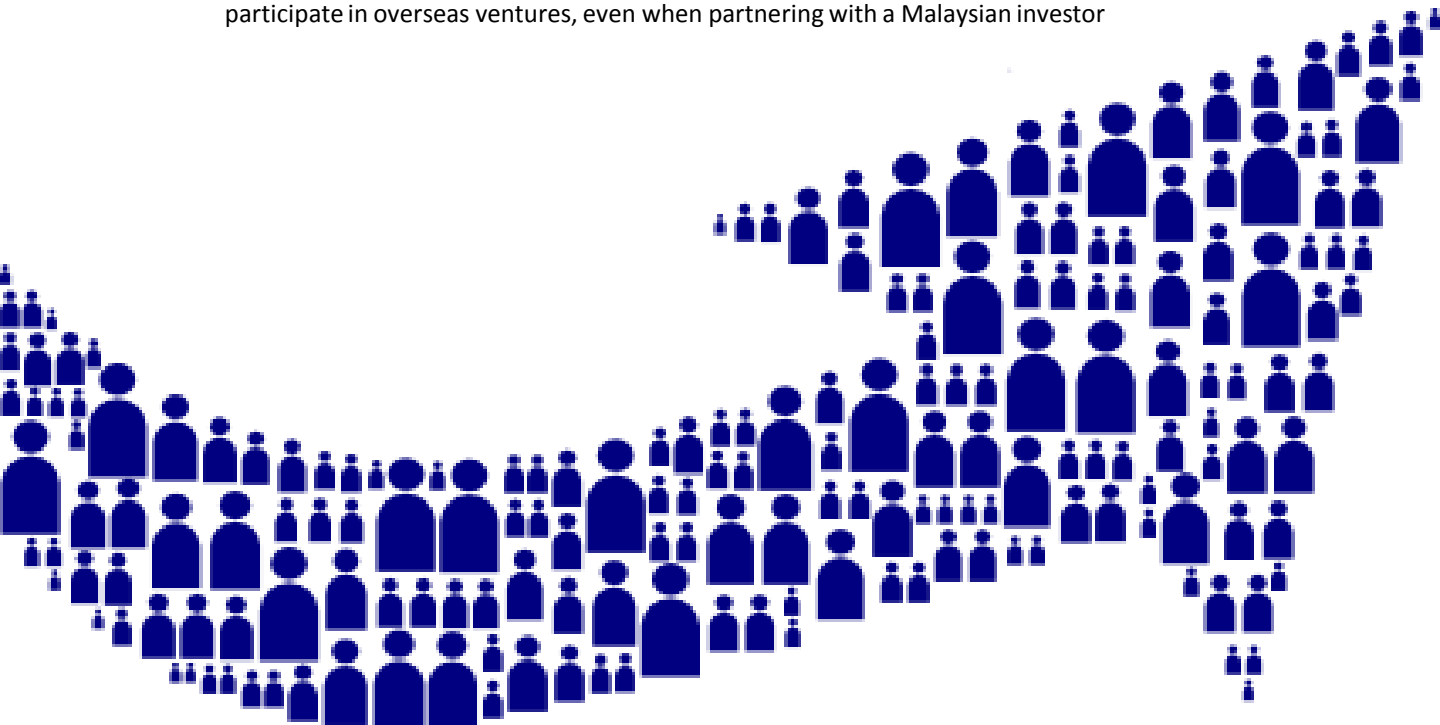
The chances for Malaysian Town Planners to obtain project works on their own capacity in most ASEAN nations would be quite difficult. There are nations such as Singapore and the Philippines that have preference for their own countrymen or consultants from more developed and established nations.

Then there are countries which have received aid and assistance in formulating much of their development plans through agencies such as JICA. Professionals such as architects, engineers and planners work under the umbrella of JICA in nations such as Vietnam, Laos and Cambodia.

The only possible way for Malaysian Town planners to penetrate these markets are through Malaysian developers that invest in these countries. Projects such as new townships by Malaysian companies have been developed by Malaysian companies in these countries, although few and far between.

Most times, the Malaysian town planner is engaged as part of a group of specialist consultant that consist of the architect, engineers, quantity surveyors.

However, there can be a constraint on the participation of the town planner in these cases. The town planner will need to have a strong financial standing in that most expenses will have to be upfront. The capital investment means that only very established town planning consultants can participate in overseas ventures, even when partnering with a Malaysian investor



Possible Nations to Penetrate

There is a possibility for Malaysian Town Planners to practice in Indonesia and Tanzania.

However, this ought to be done on a G to G basis (Government to Government). Negotiations can be made and an agreement undertaken for Malaysian Town Planners to be involved in formulating regional plans and strategies that transcribe the nation's economic plans into spatial plans.

It is therefore suggested that the Federal Department of Town and Country Planning, Ministry of Housing and Local Government Malaysia, **markets** Malaysia's town planning expertise to these nations.

For example, Tanzania is currently formulating their Economic Transformation Plan, assisted by the Malaysian Government through Pemandu, Prime Minister's Department. This would be a golden opportunity for the Department to recommend Malaysia's town planning expertise and experience to translate the ETP into spatial plans.

Indonesia too is undergoing rapid urban growth through foreign direct investments. Their planning system may not be extensive enough to cover the many islands and regions in the country that are facing development pressures.

Town Planners in Malaysia cannot go in as individuals but would be in a better position if the path is opened through the facilitation by the government.

Conclusion

This compilation of the Planning systems and processes in the countries listed can be the first point of reference for Malaysian Town Planners who may want to venture overseas.

Further details can only be obtained by actually practicing and going through the experience of practicing in these countries.

It is recommended that this report be updated every **2 years** to incorporate any new changes or information that may be of further relevance to Malaysian Town Planners.



Part 3

SUMMARY BY COUNTRY

