

GAZETTING THE PLUS NORTH-SOUTH EXPRESSWAYS - THE CHALLENGES- (7381)

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INTRODUCTION

- PLUS highway is one of the main project initiated by Government of Malaysia during early privatization exercise in 1980's
- PLUS highway consists of 846km which cover several states i.e Kedah, Penang, Perak, Selangor, Negeri Sembilan, Melaka and Johor
- PLUS highway was developed in 2 stages :-
 - i) Developed by Government in early of 1970's i.e. Bukit Kayu Hitam - Jitra (24km), Jitra - Alor Setar (24km), Alor Setar - Gurun (36km), Changkat Jering - Ipoh (54km), Kuala Lumpur - Seremban (51km), Seremban - Ayer Keroh (66km), Ayer Keroh - Pagoh (55km) & Federal Highway Route 2 (15km). Total length: 325km (later surrendered to PLUS)
 - ii) Developed by PLUS - the remaining stretch of 521km

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LEBUH RAYA PLUS /PLUS EXPRESSWAYS



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PLUS was given a Concession by Government to Manage and Operate the Highway

Key Dates

- March 1988 - The Concession Agreement between the Government of Malaysia and UEM (United Engineers Malaysia) Berhad was signed for a period of 30 years ended by 2018.
- July 1988 - The obligations and liabilities of UEM under the Concession Agreement were novated to PLUS.
- July 1999 - The Supplemental Concession Agreement was signed extending the concession period for another 12 years ended by 2030.
- May 2002 - The Second Supplemental Concession Agreement was signed.
- March 2004 - The official cessation of toll collection at Senai Toll Plaza.
- October 2004 - PLUS takes over operation and maintenance of Seremban - Port Dickson Highway from Government.
- April 2005 - The Third Supplemental Concession Agreement was signed extending the concession period for another 8 years and 7 months ended by 31 December 2038
- November 2011 - PLUS novates all its rights, liabilities, benefits, interest, duties and obligations under Principal Agreement to Projek Lebuhraya Usahasama Berhad

The Concession

WHAT IS LAND GAZETTING?

- **Definition of Gazette Land (under Section 5 National Land Code)**
Land which is gazetted for public purposes according to Section 62 National Land Code
- **In Malaysia, Natural Land Council headed by Deputy Prime Minister to ensure land policy is user friendly to all level of government agency, private sector and public**
- **Gazetting the highway is a complex task whereby involved certain and strict processes to be adhered by respective government agencies**
- **The purpose to gazette PLUS highway - has legal right and to protect the highway right-of-way (ROW) encroach by third party**

- **There are 2 type of processes involved with land in PLUS highway:**
 - i) Land gazetted - for highway alignment includes the interchange and layby**
 - ii) Land alienation – for commercial sites i.e Rest Service Area (RSA), Toll Supervision Building, Section & Regional Offices**
- **Both of the processes required land to be registered under Federal Land Commissioner (i.e. Director General, Department of Director General of Lands & Mines)**

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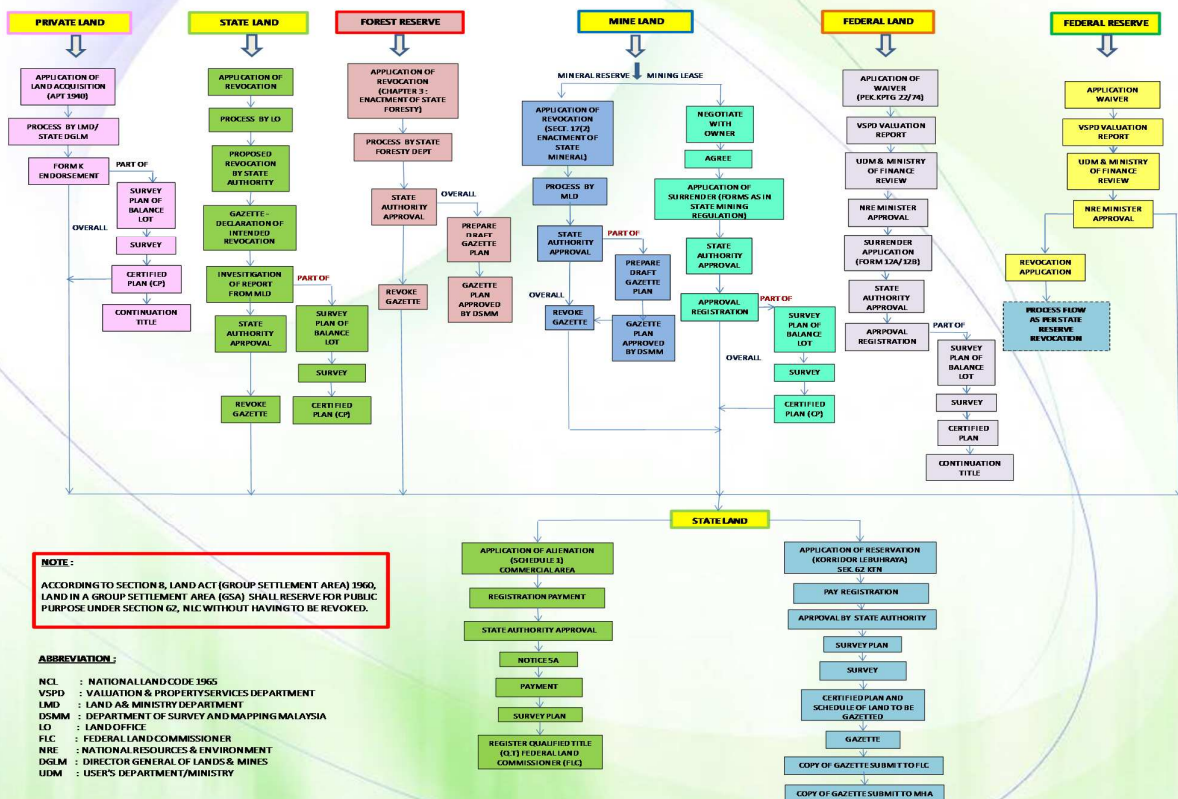
GOVERNMENT AGENCY INVOLVED IN LAND GAZETTING

- ❖ Department of Director General of Lands and Mines, Ministry of Natural Resources & Environment
- ❖ Lands and Mines Offices
- ❖ Malaysian Highway Authority (MHA)
- ❖ Ministry of Works (MOW)
- ❖ Department of Survey and Mapping Malaysia
- ❖ Land Offices (for respective state/district involved)

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LAND ACQUISITION FLOW CHART FOR PLUS PROJECT



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FACTORS DELAYED THE GAZETTING PROCESS

1	Required Approval from Higher State Authority	Gazetting process shall be endorsed either by Menteri Besar (Chief Minister) or Senior Exco State Member
2.	Bureaucracy	Several government agency involved in gazetting process
3.	Frequent Transfer of Land Office Staff	No continuity in gazetting process by the officer
4.	Non-Revenue to State	The gazette does not return any revenue - less priority given by State
5.	Complex Task with Legal Impact	Land matter/gazetting process flow involved complex task to be adhered with legal impact

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FACTORS DELAYED THE GAZETTING PROCESS

6.	Incomplete/Missing of Legal Document	Legal documents i.e. Form K is missing from the respective office
7.	Inconsistency of Gazette Process within State	Some of the state has their own requirement to be fulfill
8.	Lacking of Experience/Knowledge	Most of the officer in Land Office didn't have experience in gazetting the land for highway

ACTION TAKEN TO EXPEDITE/ COMPLETE THE GAZETTING PROCESS

- ❖ Develop close network with respective government agencies
- ❖ Sharing and exchange knowledge amongst the government agency/staff
- ❖ Frequent follow up with Land Officers & other government agency
- ❖ To propose task force unit consists of government agencies for every states to identify/zoom in issue and propose the solution
- ❖ Identify problem and take pro-active action
- ❖ Propose a workshop to be organised by Director General, Department of Director General of Lands & Mines

THE IMPACT DELAYING GAZETTE PROCESS

- ➔ GOVERNMENT AGENCY /PLUS BERHAD IS OPEN TO BE SUED BY LAND OWNER
- ➔ ENCROACHMENT ISSUE BY THIRD PARTY
- ➔ LAND OWNER WILL TAKE ADVANTAGE
- ➔ DENIAL OF OWNER RIGHT ON THE LAND
- ➔ DIFFICULTY TO UPGRADE THE HIGHWAY

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CONCLUSION

- ➔ Gazetting the highway required full cooperation from several government agency
- ➔ Gazetting process is vital for PLUS to ensure smoothness on the operation and development of the highway
- ➔ Government Agency & Local Authority must be pro-active to resolve issues related to land matter
- ➔ PLUS and other government agency i.e. Malaysian Highway Authority, Ministry of Works, Department of Director General of Lands & Mines and Lands and Mines Offices, Department of Survey & Mapping Malaysia and Land Offices have to be more focus and play their role to ensure highway gazetting completed soonest as possible

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STATUS OF GAZETTING THE PLUS EXPRESSWAYS R.O.W. AS FEDERAL RESERVE UNDER SECTION 62, NATIONAL LAND CODE

STATE	2013 PROGRESS (%)
KEDAH	90%
PULAU PINANG	92%
PERAK	85%
SELANGOR	54%
WILAYAH PERSEKUTUAN	69%
NEGERI SEMBILAN	97%
MELAKA	100%
JOHOR	60%
ACHIEVEMENT	82%

THANK YOU

