

Categories of Tree Protection Legislative Provisions of Local Planning Authorities in Peninsular Malaysia

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ABSTRACT

This study was conducted to identify categories of urban tree protection legislative provisions (TPLP) implementable by the local planning authorities (LPAs) in Peninsular Malaysia through a deductive thematic analysis of *Act 172*, *Act 267*, *Act 171*, *Act 133*, *Act 536* and *Park By-Laws*. The results show that Malaysian urban TPLP categories are mainly found only in *Act 172* and *Act 267*, and they are: 1) Tree Felling Prohibition, 2) Tree Preservation Order (TPO), and 3) Tree Protection Planning Conditions. The first category is for the LPAs to prohibit tree felling or other tree damaging activities without their consent. The second category is about orders made by LPAs to protect specific trees or groups of trees in the interests of amenity. The third category is pertaining to conditions imposed by LPAs on a grant of planning permission (*Kebenaran Merancang*) that requires the applicants to retain and protect any tree in the development. The outcomes of the analysis further suggested that Malaysian protected urban trees can also be group into two: 1) Regulated Trees, and 2) Registered Trees. The former category are trees with girth exceeding 0.8 m (*Act 172*) and 1.0 m (*Act 267*) protected by Tree Felling Prohibition provisions. The latter are trees protected by TPO provisions of both *Act 172* and *Act 267*. All protected urban trees are subjects of the Tree Protection Planning Conditions. If properly implemented, the TPLP would be a vital tool for environmental conservation efforts.

Article History

Received : 19 June 2024

Received in revised form : 14 August 2024

Accepted : 22 August 2024

Published Online : 8 September 2024

Keywords:

Urban Tree Protection Legislative Provisions, Malaysian Local Planning Authorities, Categories, Urban Tree Protection Concepts

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DOI: 10.11113/ijbes.v11.n3.1354

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1. Introduction

Urban tree protection is essential for maintaining environmental quality, biodiversity, and the overall well-being of urban residents. Recognizing this importance, Nik Adlin et al. (2023), through an inductive thematic content analysis of websites of local planning authorities (LPAs) in various countries and of numerous legislative documents downloaded from the internet, have identified five categories of urban tree protection legislative

provisions (TPLP), namely, Tree Felling Prohibition, Significant Tree Register Establishment, Tree Conservation Area Designation, Tree Preservation Order (TPO), and Tree Protection Planning Conditions.

The first urban TPLP category, as the name implies, is for LPAs to prohibit tree felling or other tree damaging activities without their consent. The second category allows LPAs to establish registers of trees that are considered significant for protection. The third gives power to LPAs to designate conservation areas under their jurisdiction and to protect the trees inside the areas. Next, TPO means an order made by LPAs to protect specific trees, groups of trees or woodlands in the interests of amenity. The final urban TPLP category is about conditions imposed by LPAs on a grant of planning permission that requires the developers to retain and protect any tree in the areas to be developed.

Additionally, the analysis has also resulted in categorization of the protected urban trees into two groups, i.e., Regulated Trees, and Registered Trees. Moreover, several concepts of urban tree protection were developed and elaborated to explain the categorisations. The concepts are “Prohibitive vs Directive” pertaining to approaches taken by LPAs to protect trees, “Specific vs Blanket” about methods to declare the protected trees, and “To be Protected vs To be Preserved” which describes the implications on the trees for being in each category.

The aim of this current study was to categorize TPLP of LPAs in Peninsular Malaysia based on the method prescribed above, but using a deductive (instead of inductive) thematic content analysis of the legislations applicable to the LPAs.

2. Research Methodology

The legislations selected for the analysis are as shown in Table 1. These legislations are the most commonly applied by LPAs in Peninsular Malaysia to carry out their administrative and planning duties (Jasin et al., 2017; Mohd Amin, 2018; Rasli et al., 2020). The planning related legislations (Act 172 and Act 276) control how towns and cities are planned for and developed while ensuring sustainable development, safeguard the environment (including trees), and enhance the standard of living. On the other hand, the administrative legislations (Act 171, Act 133, Act 536) are to govern the local authorities in carrying out their duties for

the people, in matters other than planning, such as social care, schools, waste collection, licensing, business support, registrar services and pest control. The legislations were downloaded from the internet via authentic webpages of related agencies and some LPAs. The hardcopies could also be purchased from Percetakan Nasional Malaysia Berhad (PNMB) located at Chan Sow Lin Road, 50554 Kuala Lumpur, Federal Territory of Kuala Lumpur, Malaysia.

Enacted in 1976 pursuant to clause (4) of article 76 of the Federal Constitution, *Act 172* comprises 9 parts with 59 sections, and was subsequently amended four times between 1993 and 2007 (Ahmad et al., 2013). In the second amendment, known as *Town and Country Planning Act (Amendment) 1995 [Act A933]*, provisions related to protection of trees were introduced to address the weakness that neglects the importance of environmental conservation in development and construction projects. *Act 172* is also applicable to Putrajaya, but with modifications order. Meanwhile, *Act 267* came into force in 1982 to make provisions for the control and regulating of proper planning in the Kuala Lumpur Federal Territory, for the levying of development charges, and for purposes connected therewith or ancillary thereto (Omar & Leh, 2009).

A protected urban tree can be felled without permit if allowed by provisions in other legislations or statutes (Nik Adlin et al., 2023). Hence, in this current study, several administrative legislations were analysed to find such provisions. The relevant legislations are *Local Government Act 1976 (Act 171)*, *Street, Drainage and Building Act 1974 (Act 133)*, *Perbadanan Putrajaya Act 1995 (Act 536)*, *Parks By-Laws* by several LPAs made under *Act 171*.

Act 171 that is applicable to all local governments in Peninsular Malaysia but with modifications order for Putrajaya, regulates the local governments and compels federal, state and local governments to work with each other and synchronise policies and programmes without operating in isolation (Karim, 2021). *Act 171* outlines the form, organisational structure, duties and responsibilities of the local governments as a whole especially in terms of accountability pertaining to town and country planning

Table 1 Relevant legislations on local government administrative and planning in Peninsular Malaysia for the analysis

No.	Legislation Title	Function	Applicability in P Malaysia
1	<i>Town and Country Planning Act 1976 (Act 172)</i>	Planning	<ul style="list-style-type: none"> Local governments in Peninsular Malaysia (excluding Kuala Lumpur) Putrajaya (with modification order) ^a
2	<i>Federal Territory (Planning) Act 1982 (Act 267)</i>	Planning	Kuala Lumpur only
3	<i>Local Government Act 1976 (Act 171)</i>	Administrative	<ul style="list-style-type: none"> Local governments in Peninsular Malaysia Putrajaya (with modification order) ^b
4	<i>Street, Drainage and Building Act 1974 (Act 133)</i>	Administrative	<ul style="list-style-type: none"> Local governments in Peninsular Malaysia Putrajaya (with modification order) ^c
5	<i>Perbadanan Putrajaya Act 1995 (Act 536)</i>	Administrative	Putrajaya only
6	<i>Parks By-Laws (enacted by LPAs)</i>	Administrative (Under <i>Act 171</i>)	Local governments in Peninsular Malaysia

^a Federal Territory of Putrajaya (Modification of Town and Country Planning Act 1976) Order 2010

^b Federal Territory of Putrajaya (Modification of Local Government Act 1976) Order 2002

^c Federal Territory of Putrajaya (Modification of Street, Drainage and Building Act 1974) Order 2002

(Ishak et al., 2016). Among the duties and responsibilities are to provide and maintain public areas, removal and disposal of solid waste, and maintaining public health such as contagious diseases prevention (Abdul Rahman et al., 2017; Razali et al., 2019).

Act 133 was enacted in 1974 with a purpose of ensuring uniformity of law and policy to make a law with regard to local government matters relating to street, drainage and building. It describes numerous other functions of local government regarding drainage, maintenance of municipal roads as well as public buildings. *Act 133* is applicable to all local governments in Peninsular, and to Putrajaya but with modifications order.

Act 536, passed in 1995, was to enable the establishment of *Perbadanan Putrajaya* (Putrajaya Corporation) or PPj as the local government that manages and administers the federal Territory of Putrajaya. As stated in *Act 536*, the functions of PPj include to promote, stimulate, facilitate and undertake commercial, infrastructure and residential development in the area; to promote and undertake economic and social development; and to control and coordinate all the activities in the area (Wan Mohd Rani, 2012). Putrajaya has long been linked with the concept of ‘Garden City’, and anticipated to be the first of its kind in Malaysia (Omar, 2004; Moser, 2010; Yaman, 2011; Mulligan et al., 2012; Md Sakip et al., 2013; Ujang et al., 2015; Morris, 2016). One of the principles of Garden City is to have generous green space, including: surrounding belt of countryside to prevent unplanned sprawl; well-connected and biodiversity-rich public parks; high quality gardens; tree-lined streets; and open spaces. Since trees are almost certainly an indispensable element of any park and garden, it should be appropriate for this study to analyse *Act 536* to look for provisions towards tree protection.

Parks By-Laws is made under *Act 171* which allows the LPAs to control the actions and behaviour of public park visitors that could adversely affect the parks and other visitors. Since trees are essential components of any park, it is pertinent to investigate whether there are provisions in Park By-Laws to protect trees. Among the Parks By-Laws analysed in this study were those enacted or adopted by Kuala Lumpur City Council (DBKL), Johor Bahru City Council (MBJB), Penang City Council (MBPP), Subang Jaya Municipal Council (MPSJ), and Maran District Council (MD Maran).

In Nik Adlin et al. (2023), the inductive thematic analysis of the vast data (content of the websites and the legislative documents), had resulted in a determination of themes which were later interpreted as categories of TPLP. For the current study, the deductive thematic analysis was employed, which means it involves coming to the data (content of the legislations listed in Table 1) with some pre-determined themes (TPLP categories) and expecting that the themes are emerged from within the data. From each of the legislations, all provisions containing the word ‘tree’ or ‘trees’ were extracted and further examined to observe if there was any reflection of the TPLP categories. For example, the provision that contains phrase ‘prohibition to fell’ could be considered belongs to the Tree Felling Prohibition category. Likewise, the provision having phrases ‘planning permission’ and

‘condition’ could be regarded as in the Tree Protection Planning Conditions category.

3. Results and Discussion

3.1 Urban Tree Protection Legislative Provisions

Table 2 shows the presence and absence of TPLP categories in each of the analysed legislation. The related sections and sub-sections of legislation that reflect the TPLP categories are listed in Table 3. The results of this analysis, i.e., the categories of urban TPLP implementable by LPAs in Peninsular Malaysia, are as illustrated in Figure 1. The descriptions of Malaysian protected urban trees are summarised in Figure 2.

The results (Table 2) show that only three categories of urban TPLP were presence in the legislations. The categories are Tree Felling Prohibition, TPO and Tree Protection Planning Conditions, mostly and clearly reflected in *Act 172* and *Act 267*. The other two categories, i.e., Significant Tree Register Establishment, and Tree Conservation Area Designation, have not been found in the legislations. The reasons for this absence might be due to the fact that the Significant Tree Register is unique to Australia and it is actually just an another version of TPO (Nik Adlin et al., 2023).

Furthermore, unlike LPAs in some countries, such as Singapore and USA that have power to designate a Tree Conservation Area (Nik Adlin et al., 2023), LPAs in Malaysia may not need to have such power because they have already had Tree Felling Prohibition and TPO provisions that can be exercised to protect and preserve any tree in their areas that are designated as National Heritage Sites under *Act 645* (PlanMalaysia, 2023).

Act 171 and *Act 133* also have provisions with words ‘tree’ or ‘trees’ in the sentences. However, the provisions are mainly to protect people and the infrastructure from trees, not the other way around. Therefore, the provisions were not considered as TPLP. *Act 536* does not have the word ‘tree’ or ‘trees’ in the content, hence was not further analysed.

3.1.1 Tree Felling Prohibition

Legislative provisions that prohibit felling of trees can be found in *Act 172*, *Act 267*, and in *Park By-Laws* enacted or adopted by LPAs (Table 2). In *Act 172*, the related section is 35H (Table 3) with title ‘*Prohibition to fell, etc., tree with girth exceeding 0.8 metre*’. It is about a power of LPAs to prohibit felling of any tree with the girth larger than 0.8m (>0.8m tree) that is not a TPO tree. Unless the >0.8m tree is dying or dead, becoming hazardous or a subject to any other law [sub-section 35H(1)], felling it without approval is punishable with a fine not more than ten thousand ringgit (<RM10,000) or imprisonment for a term not more than three months or both [sub-section 35H(3)]. ‘Felling a tree’ as interpreted by *Act 172* includes ‘cutting down, topping, lopping, uprooting, damaging or destroying a tree’.

Table 2 The presence and absence of urban TPLPs categories in the analysed legislations

No	TPLP Categories	Act 172	Act 267	Act 171	Act 133	Act 536	Park By-Laws
1	Tree Felling Prohibition	Yes	Yes	No	No	No	Yes
2	Significant Tree Register Establishment	No	No	No	No	No	No
3	Tree Conservation Area Designation	No	No	No	No	No	No
4	Tree Preservation Order (TPO)	Yes	Yes	No	No	No	No
5	Tree Protection Planning Conditions	Yes	Yes	No	No	No	No

Table 3 The sections and sub-sections in the analysed legislations that reflect urban TPLP categories

No	TPLP Categories	Act 172	Act 267	Act 171	Park By-Laws
1	Tree Felling Prohibition	35H	36	na	3(i) ^a , 3(j) ^b , 4(i) ^{c,d} , 5(h) ^e
2	Tree Preservation Order (TPO)	35A	35	na	na
3	Tree Protection Planning Conditions	22(5)(f)	31(1)	na	na

^a Undang-Undang Kecil Taman (Majlis Daerah Maran) 2009; ^b UUK Taman (Wilayah Persekutuan Kuala Lumpur) 2012; ^c UUK Taman (Majlis Bandaraya Johor Bahru) 2020; ^d UUK Taman (Majlis Perbandaran Subang Jaya) 2005; ^e UUK Taman (Majlis Perbandaran Pulau Pinang) 1993

For Act 267, the section is 36 ‘Prohibition to cut tree with girth exceeding one metre’. It specifically speaks on the prohibition to cut tree with girth exceeding one metre (>1.0m tree) measured at 0.5 meter above the ground or above the tree buttress [36(2)], and the <RM5,000 fine for the offence of felling or cutting a >1.0m tree or wilfully causing the death of a >0.1m tree [36(3)]. The prohibition to fell trees, specifically those in public parks, can be related to the following statement in Park By-Laws, that says it is an offence for any person who is in any park if he or she ‘cuts, removes, damages or destroys any plants or tree;’. This statement is similar in all LPA’s Park By-Laws analysed in this study, but

designated with different section number, i.e., 3(i) in MD Maran’s, 3(j) in DBKL’s, 4(i) in MJB’s and MPSJ’s, and 5(h) in MBPP’s (Table 3).

3.1.2 Tree Preservation Order (TPO)

In Act 172, this urban TPLP category can be found under Part VA known as Tree Preservation Order or TPO [to be referred as TPO (Act 172)]. Prior to this Part VA is a section 35 mentioning that the State Authority can make rules for the purpose of giving effect to and carrying out the provisions of TPO (Act 172). Collectively, the provisions (sections 35A ‘Tree preservation order’) mean that a

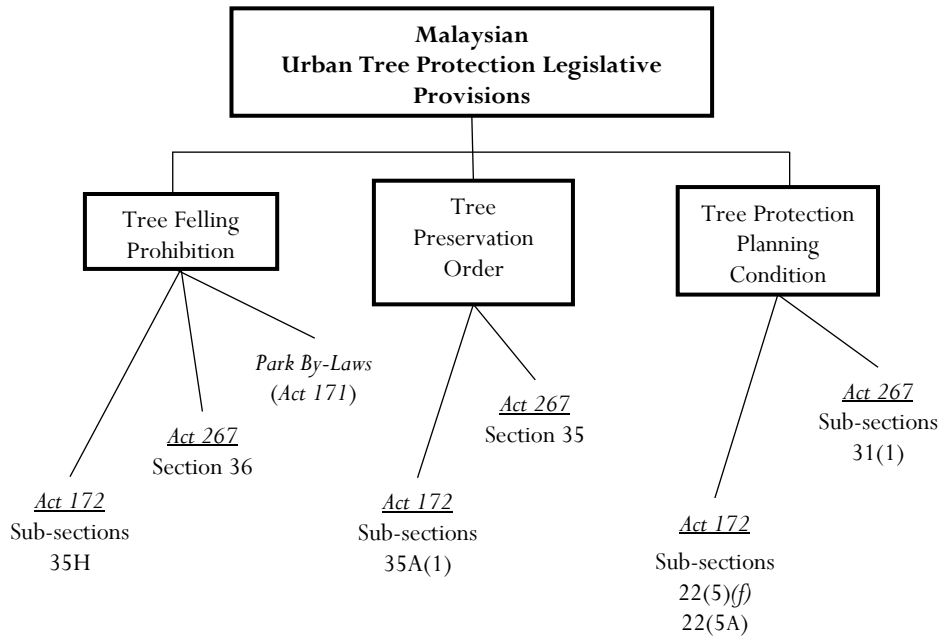


Figure 1 Categories of urban tree protection legislative provisions implementable by LPAs in Peninsular Malaysia

LPA can exercise its power to make an order to preserve any tree, trees or group of trees in its area as it wishes based on the tree amenity values. A TPO enables the LPA to prohibit the felling of trees without its approval, and to secure the trees replacement if the felling took place [sub-section 35A(2)]. Unless the TPO tree is dying or dead, becoming hazardous or a subject to any other law [sub-section 35A(3)], felling it without approval is an offence punishable with a fine not exceeding one hundred thousand ringgit (<RM100,000) or imprisonment for a term not exceeding six months or both [sub-section 35A(4)].

In *Act 267*, section 35 confers the power to DBKL, in the interest of amenity, to make a TPO [later referred as ‘TPO (*Act 267*)’] with respect to tree, trees or groups of trees, hence to prohibit the cutting down, topping, lopping or wilful destruction of the trees without its consent, and to secure the replanting of trees. Nevertheless, as with the TPO (*Act 172*), the dying or dead or hazardous trees are exempted from this provision. Other provisions related to TPO (*Act 267*) are in sections 37, 38 and 39 explaining tree replacement matters, penalties for non-compliance, and the duties of DBKL in ensuring that tree replacement is properly executed, respectively. The fine (section 38) for TPO (*Act 267*) offence is not exceeding five thousand ringgits (<RM5,000).

The procedures for making a TPO through *Act 172* are as described in *Tree Preservation Order Rules* (e.g., Govt of Malacca, 2017) formulated by PLANMalaysia in 1998 for the states in Peninsular Malaysia to adopt (Nik Adlin et al., 2020), is to guide the LPAs in making TPOs. Comparable to the UK’s *Town and Country (Tree Preservation) (England) Regulations 2012* (Nik Adlin et al., 2023), the *TPO Rules (Act 172)* provides detail procedures, and hence would expedite the making of TPOs by LPAs. As far as *Act 267* is concerned, this study has not found any similar document to *TPO Rules (Act 172)* that guides DBKL in making TPOs. Actually, in Part X of *Act 267*, there is a provision that gives power to DBKL to make rules pertaining to “the form and contents of a tree preservation order” [64(2)(m)].

3.1.3 Tree Protection Planning Condition

In *Act 172*, *Part IV Planning Control* describes on how trees can be protected from damage during construction projects through the power given to the LPA to impose certain conditions to the granting of planning permission (or *Kebenaran Merancang*). The part begins with the LPA to require planning permission applicant to submit prescribed documents and plans [sub-section 21(1)] as well as a development proposal report or DPR [sub-section 21A(1)] containing a survey of trees and layout plans. The layout plans shall show the proposed development and in particular, where the development is in respect of any land, the measures to be taken by the applicant for the preservation and planting of trees on the land, and the location and species of >0.8m trees [(sub-section 21B(1)(a)(iv) and (v))]. During the assessment of a planning permission application (section 22 ‘*Treatment of applications*’), the LPA is required to take into consideration various matters including the DPR and exercise its power to attach a condition or conditions to planning permission. With regards to tree protection, the conditions imposed are that the

applicants cannot fell a tree or trees [22(5)(f)] and that they must comply with a TPO, if any, in the development area [22(5A)].

In *Act 267*, section 31 ‘*Provision for preservation and planting of trees*’, under *Part V Preservation and Planting of Trees*, clearly mentions the preservation of trees as a condition that can be imposed by DBKL at the time of granting planning permission [sub-section 31(1)]. In ensuring that a planning applicant will comply to the tree protection conditions imposed, DBKL may require the applicant to deposit with it certain amount of money [sub-section 31(2)]. In a case where the person who made the deposit is not able to comply with the tree protection conditions, DBKL can exert its further power to cause the trees to be planted [sub-section 32(1)]. In section 33 concerning the refund of deposit on completion of works, DBKL may fully or partially retain the deposit if the trees have not been properly planted [sub-section 33(2)]. This construction project payment retention would also to ensure that all tree protection plan and measures are effectively executed.

3.2 Protected Urban Tree Categories and the Concepts

This study has shown that urban TPLP for LPAs in Peninsular Malaysia are mainly come from *Act 172* and *Act 267*. The legislations were further analysed in the view of the urban tree protection concepts introduced by Nik Adlin et al. (2023) to describe the categorization of the protected urban trees, i.e., as ‘Regulated Trees’ and ‘Registered Tree’ (Figure 2). Hopefully, through the concepts, differences between *Act 172* and *Act 267* with regard to the urban TPLP can be better distinguished and clarified.

3.2.1 “Prohibitive vs Directive” Approach of Urban Tree Protection

To protect ‘Regulated Trees’, LPAs are exerting the ‘Prohibitive’ approach by warning the people not to fell-down any of the trees without their consent. On the other hand, concerning the ‘Registered Trees’, the ‘Directive’ approach is employed by LPAs when they instruct the people to be more responsible in protecting the TPO trees, e.g., by ensuring that TPO trees are required to be preserved and protected in construction projects.

From both legislations, it can be suggested that the ‘Regulated Trees’ are the >0.8m trees (*Act 172*), >1.0m trees (*Act 267*) and any trees protected by planning condition, and the ‘Registered Trees’ are the TPO trees.

Act 267 seems to be better in distinguishing between these two approaches when compared with *Act 172*. To support this statement, let us look at how each act places the provisions about ‘regulated’ and ‘registered’ trees in their documents. *Act 267* clearly separates the two, i.e., section 36 (prohibition to cut >1.0m trees) and section 35 (TPO) under Part V called *Preservation and Planting of Trees*. *Act 172*, however, is unclear in separating the two because it places the ‘regulated’ tree provision (35H) under Part VA named as *Tree Preservation Order* which is also containing TPO (35A).

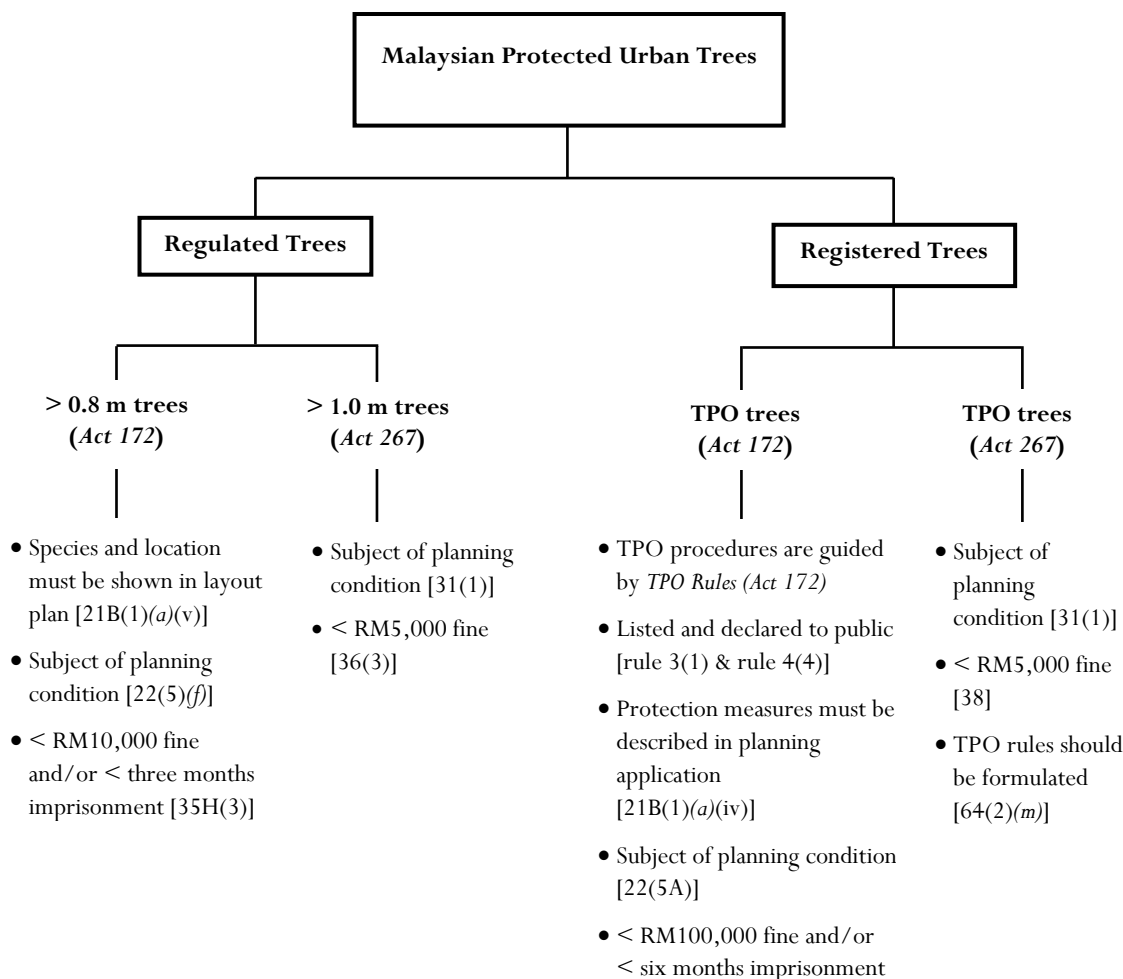


Figure 2 Description of Malaysian protected urban trees categories

TPO, by official definition, is an order to protect trees that must be made in accords to certain rules and involving standard forms and methods of declaring the TPO trees to the people. If the ‘prohibition to fell >0.8m trees’ provision is put under the heading of *Tree Preservation Order*, then how the LPAs are going to declare to the people every >0.8m trees in their areas? Perhaps, to resolve this issue, Part VA of *Act 172* should be renamed as ‘Tree Protection’, or ‘Tree Preservation’ without the word ‘Order’, or ‘Preservation and Planting of Trees’ as of *Act 267* so that the TPO provisions (35A-35G) are clearly seen separated from the ‘prohibition’ provisions (35H). The proposed new title of Part VA would also increase the awareness and understanding among LPAs and the people about the two tree protection categories.

3.2.2 “Specific vs Blanket” Declaration of Protected Urban Tree

Protected trees can be declared, either individually (specific), or as a group (blanket) in a designated area. ‘Specific declaration’ means that each of the trees is mentioned, e.g., in a list of TPO trees. Detailed information about each tree must be recorded in

the list, notified and made available to the public. The meaning of ‘Blanket declaration’ can be best comprehended through the ‘Regulated Trees’ situation, whereby LPAs declare to the public some types of trees (based on the girth size) in their areas are protected without having to give detailed information of each tree.

For *Act 172*, its *TPO Rules* [rule 3(1) and rule 4(4)] has already provided standard forms for LPAs to list and specifically declare (through the Order) trees to be preserved (Form A) and to affix the notice at the site (Form B). For the >0.8m trees, the *TPO Rules (Act 172)* does not show how the trees should be declared, but rather how to make an application to fell the trees (Form Q). Hence, the LPAs has to rely on the related planning application provisions in sections 21 to 22 of *Act 172* to blanketly declare and exercise the protection of >0.8m trees. On the other hand, since there has not been rule formulated under *Act 267* to make TPO, the current study could not evaluate on how DBKL should legally list and declare its TPO trees. However, for the >1.0m trees, DBKL could blanketly declare them and exercise the tree protection through planning condition as conferred by subsection 31(1) of *Act 267*.

3.2.3 “To be Regulated vs To be Registered” Status of Protected Urban Tree

For trees in Malaysia, the privilege of being a regulated or a registered tree has not been evident even though the urban TPLP are in force since over two decades ago. Perhaps, because the country has very fertile land where trees can grow easily, many Malaysians have been taking trees for granted, and hence, any urban tree loss may not be of their concern. Trees in Malaysia are often at risks of becoming a victim to construction projects, in the name of development. Even an over 100 years old tree can be destroyed within minutes - referring to the case of topped rain tree at the Ipoh Methodist Girls’ School in 2018 (Kumaran, 2018). Effective tree protection efforts also require the trees to be regularly inspected (e.g., by certified arborists) to assess their health and potential hazards. This practice could prevent incidents of uprooted tree such as those near KLCC in 2018 (Bernama, 2018; Fuad, 2018), near Muzium Negara in 2021 (Perimbanayagam, 2021; Abd Halim, 2021), and of the recent two cases on Jalan Sultan Ismail (Hazween, 2024; Chan, 2024).

4. Conclusion

Through a deductive thematic analysis of main statutes (*Act 172, Act 267, Act 171, Act 133, Act 536, and Park By-Laws*) used by the local planning authorities (LPAs) in Peninsular Malaysia, this study has concluded that the urban tree protection legislative provisions (TPLP) implementable by the LPAs can be categorized into three, namely, Tree Felling Prohibition, Tree Preservation Order (TPO), and Tree Protection Planning Conditions. All of the TPLP categories were mainly reflected only in *Act 172* and *Act 267*. Eventhough the word ‘tree’ (or ‘trees’) is presence in *Act 171* and *Act 133*, the word is pertaining to provisions that protect people and the infrastructure from trees, not the other way around. *Act 536* does not have the word ‘tree’ in it, hence, it was not further analysed. Using the urban tree protection concepts developed by Nik Adlin et al. (2023), the Malaysian protected urban trees can also be grouped into two categories, i.e., Regulated Trees, and Registered Trees. The former category refers to >0.8m and >1.0m trees that are protected by the Tree Felling Prohibition provisions of *Act 172* and *Act 267*, respectively. In the latter category, the trees are TPO trees (*Act 172*) and TPO trees (*Act 267*). Trees of both categories are also subjects of Tree Protection Planning Condition. The study has also found that in *Act 172*, judging from the amount of fines, the Registered Trees are more protected than the Regulated Trees (<RM100,000 and <RM10,000, respectively). *Act 267*, on the other hand, has similar amount for both protected trees categories (merely <RM5,000 for both). Perhaps, it is now the time for *Act 267* to be revised so that it is not far different from *Act 172*, especially pertaining to the severeness of the penalties on crimes against protected urban trees. The legislative procedures of making TPO (*TPO Rules* under *Act 172*) for the LPAs (except DBKL) to implement have been formulated and adopted by some states in Peninsular Malaysia. The TPO making legislative procedures for DBKL to implement, however, is yet to be formulated and adopted, eventhough it is allowed by the *Act 267*.

Acknowledgements

We wish to extend our utmost gratitudes to TPr Che Rasid Che Seman, the Director of Central Zone Project Office, Development Planning Division of PLANMalaysia, and En Shahzarimin Salim, Senior Assistant Director Development Plan, Special Projects and Data Bank Division of PLANMalaysia@Negeri Sembilan, who have provided the information and guidances that enabled us to comprehend the TPLPs in *Act 172* during the early stage of the PhD research titled *A Framework of Tree Protection (Act 172) Implementation for Construction Projects*.

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