

## IDEAL SOLUTIONS FOR RAILWAY SQUATTING IN MALAYSIA: ALTERNATIVES TO EVICTION

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**Abstract:** *The provision of affordable housing in Malaysia has become a major problem for the policymaker. The problems are reflected by the mushrooming of squatters especially on railway land. The purpose of this research is to propose for alternatives solutions to railway squatters as compared to prevalent eviction procedures taken by the authorities. The solution for the eradication of railway squatters must be uniquely designed as eviction shall not be considered as a prototype in eradicating the railway squatters. The problems associated with eviction are violence to occupants, properties and in most cases, there are high possibilities of re-entry incidence by the squatters into a new illegal settlement. Hence, it is important to find alternatives solution which enable to provide some insight on how the problems to be solved holistically. In doing so, the research is executed by the analysis on the statutory provisions, decided cases and articles with the discussion on squatter's resettlement programme from foreign countries with the belief that the myriad of solutions may be expensive but most of the failed resettlement programme resulted from the one-size-fit-all type of solutions. The research will discuss on the practice from the foreign countries as solutions for the squatter's resettlement.*

**Keywords:** *Railway, Squatters, Resettlements, Public Housing, Alternative Solutions, Eviction*

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### Introduction

In theory, Malaysia is a capitalist country, where one can practice enterprise, trade freely and be given a choice to choose his place of residence. However, the freedom to choose is not absolute as it being threatened by certain constraining factors such as squatting, politics, economics, poverty, and landlessness. Squatters are “marginalized” communities trapped by a circle of poverty. The higher these constraining factors, the lesser chances are available for the squatters to exit his or her of illegal settlement (Radiah Yusuf et al.,2012). Railway squatting is a historical and a modern phenomenon. The history can be traced back in the early days

where the existence of squatters can be associated from the demand of economic booms in Malaya in the 19<sup>th</sup> century. The immigration of China and India was encouraged by the then administration to provide man power to tin mining and rubber plantation (Azizah Kassim, 1982). Railway squatters grew with the development of the railway tracks in 19<sup>th</sup> century. However, housing facilities were not provided during the construction period leading to the initiatives taken by the worker to build their dwellings on the rail reserve maintained on both line of the railways. Lack of enforcement from the railway authority resulting the dwellings' size become larger and the occupant were multiplied as the squatters felt complacent with their illegal activities (Irina Ibrahim et al.,2012). As land resources are limited, the problems must be addressed quickly to ensure proper distribution and utilisation of land resources among people.

### **Literature Review**

House is one of human basic's necessities. Housing with comfort factor such as quality and pleasant surroundings is necessary to determine the standard living condition. However, there is a fraction of citizen who can afford to either own or rent a house (Zakiyah Jamaludin, 2005). Hence, they will squat. According to section 2, Emergency (Clearance of Squatters) Regulations (ESCR) 1969, squatters' occupant is defined as a person occupying the land or structure or those who maintain or control the premise for the use of others. Hence its settlement is known as illegal dwelling because it is built on government or private's land without consent from the owner respectively. It is also known as flash dwellings because of rapid growth in the settlement. Increased employment opportunity in major cities and cost of living, and shortage of supply of affordable housing resulted in the building of squatter settlement (Kuek J. N., 2016). Thus, squatters' settlements with poor living condition become alternative for the poor and landless people. Based on the census conducted Ministry of Housing and Local Government (MHLG), total number of squatters in Malaysia as at 31<sup>st</sup> March 2015 is 284,892 person and 6,096 persons living as squatters in railway land which shall become the subject of discussion for this research.

According to the World Bank, resettlement programmes can be viewed as development strategy to transform the society by increasing the GDP per capita (Gross Domestic Product), living standards, health and literacy and reducing poverty, strengthening the environment and ensuring real societal transformation (Yuan W. Y., 2001). In other word, the resettlement programmes will result in a sustainable human settlement and improving socio-economic of the settlers. Resettlement of the squatters is vital in ensuring the fundamental rights of every citizen to adequate living condition guaranteed.

In Malaysia, eradication of squatters, among other is done by way of resettlement programme and award of compensation (Irina Ibrahim et al. 2012: Lee.W.C et al.2016). The resettlement plan including Zero-Squatter Policy and Integrated People's Housing Programme for Squatter Resettlement with the ultimatum is to recognize the housing affordability and ownership of every citizen. In realizing this obligation, under the Eleventh Malaysia Plan, 2016-2020, Focus area B under the plan is to provide adequate and quality affordable housing to poor, low and middle-income households. Three (3) strategies has been drawn to achieve the focus area. First, under strategy B1, increasing access to affordable housing for targeted groups. Second, under strategy B2, strengthening planning and implementation for better management of public housing. Third, under strategy B3, encouraging environment-friendly facilities for enhanced liveability. This plan has been drafted in response to the result achieved in Tenth Malaysia Plan in providing public affordable housing programmes during 2011-2015.

Under the Government's Transformation Programme in 2015, seven (7) National Key Area (NKRAs) were identified to improve the socio-economic growth of Malaysians. Related to the

discussion are the raising living standards of low-income households and improving rural development in Malaysia. As a platform for changes in transforming the Government to become an efficient and citizen-centred body, it is reported that 9,080 unit of houses has been built in order to meet the demands of homeownership in Peninsular Malaysia, Sabah and Sarawak. In glorifying the success of various Malaysia Plan, GTP and future strategies to providing adequate and quality housing to various people from all walks of life, several issues and problems has been associated with the resettlement programme. The existence of this issues and problems then probe into present research on the question of suitability of resettlement programme for urban squatters to railway squatters taking into consideration of the locality of the squatters' settlement, liveability and the affordability of the squatters to financially and socially adapt to the public housing programmes. The idea of successful resettlement plan can also be adopted from foreign countries such as Singapore, Philippines, and Sri Lanka for learning purposes. While the adoption of idea and strategies are synergised, it is also pertinent to examine the structure of resettlement plan for squatters in Malaysia and customizing it as a solution for railway squatters.

### **Reasons for Squatting**

Squatters have little or no choice but to stay on the land due to the reason that they are poor, landless and impoverished. Dani Salleh (2007) reported that the squatter is fully aware that they do not have ownership over the land they occupied and the guarantee to stay on the land is very much depending on the discretion of the State Authority or the land owner. This is exaggerated with the current situation of the insufficiency of low-cost housing supply, the costs of the housing units are escalating and unreasonable for the poorer section of the public (Reeve K., 2011). Inevitably the squatters opted for alternative settlement albeit it is illegal, overly crowded, abandoned and without public amenities. Even on the most hazardous place of living, squatters have no choice but to live because they are too poor to live anywhere else (Chan N.W., 2011).

The locational benefits attract the influx of squatters onto the State land or private land. These benefits will include the proximity or nearness to work place, public transport, one's relatives and other public amenities such as hospitals, schools and others. Due bigger size of the land available, monetary generating activities is suitable to be conducted such as farming, animal rearing or even housing construction activities. Squatters are from lower income group, either working as wage labour or in various informal sectors or having skills in maximizing the usage of the land. What was not lucrative by the owner hence left unattended or abandoned, is perceived as opportunity to start a place of living (Hari Srivinas, 2016). The railway lands are broad, and the railway tracks are far too long to be patrolled effectively by the railway personnel.

Political forces reinforce the continuation of squatter's settlement as their relationship is very much symbiotic as they benefit each other. Many political parties have the strong support from the squatter's settlement through voting power and the squatters need the politician to protect them from being evicted and demolished (Bunnel T.,2002). This has been managerial strategies of the squatters in ensuring the supply of basic amenities albeit the infrastructures provided therein are below the acceptable standard such as water supply, sanitation, electricity, roads and drainage and others. The quality of those services is less than adequate because squatters 'dependence on the formal public amenities is less. Apart from the political parties, non-governmental organization (NGO) are also exploiting the situation by championing the rights of the squatters resulting the squatting becoming reinforced and perpetuated as promises,

infrastructures or moral and legal support are channelled to the squatters (Sufian A., Mohamad N. A. 2009).

### **Methodology**

This research adopts doctrinal research methodology. The first and essential method is by way of library research on primary and secondary materials. This will include reference to laws of Malaysia on squatters and its resettlement in Malaysia and decided law cases. Decided law cases are available for the issue of squatters but a few on the issue of resettlement as the discussion of the latter issue will be covered extensively in secondary materials. Secondary materials are taken from government publications, textbooks, journals, commentaries, scholarly texts, seminar papers and articles. Online reference from are from reliable sources such as Lexis Nexis and other official government website to assure the accuracy and the latest data especially from foreign countries. The online sources are important to compliment the finding of the research in the primary and secondary sources.

### **Statement of Problem**

The successful implementation of resettlement plan for squatters shall incorporate the public participation as to ensure that the objectives and satisfaction of social and living requirement are fulfilled (F.A. Aziz, 2012). The issues associated with resettlement of squatters towards the public housing is reflected by the reluctance or refusal of the squatters to move out from squatters' settlement. Lack of job opportunities and increased in living expenses contributing to the problems surrounding the resettlement plan. New resettled places are usually situated in outskirts location thus making it hard for the squatters to find job and increased distance to the workplace. At the same time, they are obligated to pay for fees for maintenance of the building and services, and charges payable to the authority.

The provision of the resettlement houses was considered to be hampering the improvement of habitability and cultural adequacy of the occupants. The size of the house is not less than 700 square meters with three (3) bedroom, two (2) bathroom, one (1) kitchen, and one (1) living room. The construction of the houses was complained to be of lower quality of material resulting in lower standard of housing (Abdullah A.Y. et al.,2017). The size of the houses was comparatively small compared to the need of the occupants resulted into participation of crime group and non-performance of children in academic at schools as the children preferred to stay outside as the house was crowded with other family members.

There is also reported situation where the occupants of the resettlement houses let or sell their units to third party and chose to stay at another location because the rentals or the selling price would be lucrative if the location of the resettlement houses is strategic. The cost of the resettlement houses is priced at RM 35,000 -RM 42,000 per unit. In certain circumstances the price units house will be subsidized by the government depending on the location of the premises. This price unit per house-imposed challenges to the buyer occupants and the government. According to census nearing to 301, 538 citizens were earning below RM 1,500.00 monthly. It is hardly that to say that the occupants are affordable in owning the house. The cost of subsidies given by the government will also impose problems as the amount of it is considered as government's expenses.

Given the situations above, this research is undertaken to find suitable model of resettlement plan as a benchmark for railway squatters in Malaysia. The problem listed above are associated with issue of liveability and affordability of the squatters towards the resettlement plan introduced to them. Hence, in eradicating the railway squatters, the suitability of resettlement plan for urban squatters is questionable as the issue of liveability and affordability of the occupants has not been solved successfully. While the attention was once given to the urban

squatters and its resettlement plan, it is highly appropriate time to find the solution to the escalating numbers of railway squatters. The danger of this scenario will eventually cause the decreasing of railway land in the future while wasting public financial resources upon eradication if not all, the squatter's settlement on the railway land. The encroachment of squatters has caused the railway land to be injured, thus causing railway authority to incur revenue loss as the land could not be commercialized or monetized. Apart from that, railway authority as the land owner of the alienated railway lands must pay high taxes for the land occupied by the squatters and to deal with the whims of certain parties who use their influence to interfere the enforcement towards the squatters and their unlawful occupation on the railway lands.

### **Legal Provisions**

The law governing land in Malaysia is mainly found in the National Land Code 1965 (NLC). NLC is based on the Torrens system where it is a system of ownership based on the registration of title. The system guarantees the indefeasibility of title of a registered proprietor once his name appears in the document title. The indefeasibility features of ownership will not be tarnished although the possession of land is adversely occupied by a third party, or squatters Salleh K. (2017). Previously, before the administration of British, land tenure was governed by local customs which was influenced by Islamic concept of land system (Hunud A.K.,2011). Land tenure can be defined as a right, or a method, or a mode of holding or occupying a land. however, the governing law on holding a land may be different from one society to another due to differences in history, culture and politics. Hence, it was customary for people to clear a vacant land for his own use on the condition he must pay one tenth of the land produce to the Sultan or headman (Johari F., 2014). Interestingly, the ownership of land belongs to the Sultan/ the state under the Islamic concept of viceregency and this concept has been utilised by the British administration to apply the concept of state-ownership of the land (Article 74(2), Federal Constitution 1957).

The concept of indefeasibility connotes the idea of ownership. However, ownership per se will be considered "empty" if the registered proprietor does not have any power to use and control his land. this concept must be further strengthened with the principle of "security of tenure". Under this principle, the registered proprietor must be equipped with power to use his land to the exclusion of other without any interference form the third party or arbitrary displacement (Hunud A.K., 2011). Hence, as a registered proprietor, he must possess a feeling of being secured and safe in owning his land. this however is not if the land is occupied by the squatters.

In *Railway Assets Corporation v Elmsparks Holding Sdn. Bhd.* [1997] 4 CLJ 136, Railway Act 1991(Act 463) has established a Railway Assets Corporation (RAC) and all railway properties in Peninsular Malaysia is vested in the RAC. Section 425 NLC consider those who are unlawfully occupy state land (public land) as committing a statutory offense punishable upon conviction with a fine not exceeding RM500,000.00 or five years imprisonment or both. This protection shall be available for any encroachment in state land as been defined as "*all land held by or on behalf of Federal or State government or a local authority or a statutory authority exercising powers vested in it by Federal or State law*". In strengthening the power, under section 341 NLC, concept of adverse possession is not recognized in Malaysia regardless of any length of occupation as it "shall not constitute a bar to the bringing of any action for the recovery by the proprietor or any person or body entitled to interest therein". This provision is in harmonious with section 340 NLC as it warrants the indefeasibility of title to the registered proprietor once the ownership has been proven in the document title although it has provoked some issues on socio-economic of the citizen (Salleh K., et al.,2017). Hence the immunity is

given to the federal authority and registered proprietor against the statutory limitation provisions (in Limitation Act 1953 (Act 254), section 9(1), no action can be brought against another person to recover land after 12 years from the date the course of action accrues) to recover land. The ownership shall not be affected by any alien possession of the land contrary to the right of registered proprietor.

The reasons for non-application of limitation provision as first, the state or federal authority hold the lands in trust for the future generations and current community and should not lose the ownership right on public lands over the negligence of the state or federal's employee to eject the trespasser. Second, it would lead to financial constraints for the state and federal's coffers as it would be impractical to fence and patrol the vast public land to eject the trespasser. In Melbourne, the legislature was persuaded with the arguments on the high cost of patrolling government's land and recovery land as a basis to apply for exemption to the limitation to recovery of land. These two costs become unwanted burdens to ratepayers and taxpayers (O'Connor, 2006). However, the same arguments did not have the same effects in England. The reasons may be due to less cost of land recovery or the normality of encroachments on public lands.

The *locus classicus* is in *Sidek in Haji Mohamad & Anor v Government of Malaysia [1982] 1 MLJ 313* as the Federal Court in dismissing the claim by the appellants (the squatters) on the ground the appellants had no cause of action either in law and equity. The court opined that the right of the legal owner is extended to the right of "self-help" i. e. to turn out the squatters even without resorting to the court for order of possession. Even the use of force is permitted but cautioned on the use with reasonably necessary. The decision on Sidek's case binds latest cases such as *Mat bin Che Pa & 54 Yang Lain v Felcra Berhad [2015] MLJU 731* and *Arumugam a/l Letchumanan v Tenaga Nasional Berhad [2011] 5 MLJ 279*. The decisions of these cases reinforced the finding by (Bunnell T. :2002, Radiah Yusuf et al.: 2004) on the relationship between squatters and politician. Unfortunately, promises made by politicians, village headman, district officer in whatever manner do not qualify as licence or consent from the State Authority as defined by section 5 of the NLC to authorise the occupancy of the squatters on the land.

Apart from the assistance from NLC, squatter settlement can be "cleansed" by Emergency (Clearance of Squatters) Regulations 1969 (ECSR) ("Regulation"). The main target of the Regulation was to demolish "squatter huts" on state or private land in Malaysia. If in the opinion of the local authority it is expedient and necessary to remove and demolish the squatter hut in any state, reserved, mining or forest land, then it is authorized to do so under the Regulation. In the case of *Yusuf Bin Awang & Ors v Datuk Bandar Majlis Bandaraya Shah Alam & Anor [2008] 1 MLJ 732*, the state authority is empowered by section 9 of the Local Government Act 1976 (Act 171) to give directions to local authority to take any action as required by the Regulation. The focal point under the Regulation is on the definition of the squatter hut which according to the Federal Court, a structure built according to the approved plan by the authorities or even erected with the approval of the land proprietor, the hut should be considered as squatter hut according section 2 of the Regulation.

The draconian feature in the Regulation is the length period of eviction notice, seven days for private land and for state land, the local authority is not bound to serve any notice of eviction (Sharifah Zubaidah Syed Abdul Kader et al, 2013). The Regulation did not make any provision on compensating the evictees or providing temporary shelter. Under regulation 4, local authority may enter such land at any time of the day or night to summarily demolish any

squatter hut on such lands and to remove the occupants and property of the land upon which the owner of the moveable property can claim such property within the period of 14 days. Although the initial entry of the squatters onto the land is illegal, the eviction process carries with it some direct or indirect violence, the permanent loss of homes and property and sorry housing conditions during the displacement period. Most registered owner who resort to eviction are assured of legal protection as long as they can show their indefeasibility of title over the property (Cobb, N. & Fox, L.2007) While it is true that adverse possession is statutorily not applicable in Malaysia, alternative solutions shall be resorted to find amicable solution to house the squatter. It shall be conducted as a last resort and well-regulated to minimize the impact to both parties; the squatters and the legal owner of the land.

### **Alternative Solutions for Squatters**

The solution for the eradication of railway squatters shall not be focused on eviction only as any attempt to deal with squatting shall be uniquely designed for each settlement and shall not be a prototype for all settlement however expensive the solutions are. The myriad of solutions may be expensive and time-consuming, but many failed projects carried out by government or the private sectors may be even more expensive in the end (Beng H.S.K.,2000). The usual-associated perception towards the eviction is the existence of violence towards the underprivileged person living in the squatter's settlement. It is believed that eviction shall be done through the court order rather than on the hand of the registered owner as it involves the lives, livelihood and belongings of a large underprivileged section of the Malaysian society (Sharifah Zubaidah Syed Abdul Kader et al.,2013).

Consequential effect of the agony by the squatters has introduced the concept of resettlement of squatters (Irin Ibrahim et al.,2012). Article 25 of the Universal Declaration of Human Right 1948 (UDHR) provides that adequate housing for oneself and his family is a basic and fundamental human right. The concept of affordability shall cover the ability to own or to rent the house (Sufian A., Mohamad N. A· 2009). Both concepts shall confer to the owner and the tenant the feeling of security, relief and peace without having to compromise the basic needs such as health and security. As alternative to eviction, the government shall consider venturing into the practice from foreign countries such as Singapore, Sri Lanka and Philippines in providing liveable and affordable resettlement plan. Variety of legislation, guidelines, rules and policy has been enacted to govern the resettlement plan by way of provision of public housing programme. It varies from state to state as Land is listed under the State List under the Federal Constitution. Lack of standardization on policy, planning and implementation on federal and state level has worsened the allocation and implementation of housing policy in Malaysia especially to the poor and squatters (B. Baktyhar et al.,2013).

It has been suggested that Malaysia in dealing with squatter's phenomenon, study and learn the experiences from Singapore, Sri Lanka and Philippine in handling squatters and providing adequate housing (Belinda Yuen,2007). In Singapore, the perception of those who were affected by the resettlement program showed improvement from resentment and resistance to progressive acceptance as they were "equally" affected by it. There must be a balance on maintaining the property right of absentee owners and at the same time the right of people who is in dire need of having a roof over their head (Home, R., 2012).

Hence, the recommendations suggested below acts as alternatives to eviction:

- (i) According to Central Bank of Malaysia (*Bank Negara Malaysia*), by international standard, houses in Malaysia remained seriously unaffordable. The concept of affordability refers to the ability of the household to pay for a house. According to Norazmawati M.S. & Muhammad Arkam C.M. (2008), percentage of income spent

on monthly housing payment should be not exceed 30% otherwise it indicates the housing unaffordability among the households. However, from her research majority of low-income earners spent all their income on housing expenditures. In some leading cities around the world, most of the incomes spent on housing expenditures. Salfarina A.G. (2011) reported that house buyers in Malaysia feel that houses in Malaysia are too expensive and they are unable to afford one.

In resolving housing affordability issue which contributing to the emergence of railway squatters, the rental market is a viable alternative especially for relocations of job and education purposes. The most vulnerable people to the affordability pressures are the youngest and oldest age groups. Hence the mentality of ownership obsession shall be put to end Mazlan M. (September 21, 2016). In advocating the paradigm switch to rental way of life, rent is seen as a financial impediment if not properly regulated. Though the rise of rent is inevitable, but proper procedure must be adopted to avoid imbalance in housing market which eventually will self-destruct itself. Proper guidelines and policy on concept of “rent to buy” must be made available to those who cannot afford to purchase a low-cost housing. It is argued that provisions relating to landlord and tenant are hardly adequate in the NLC 1956 and not keeping up with the development of law in another jurisdiction. Example include Tenant Act 1987 (United Kingdom), The Residential Landlord-Tenant Act 1973 (United States of America), and The Landlord and Tenant Act 1958 (Victoria, Australia) (Salleh B.,2015).

- (ii) In Philippine, the Community Mortgage Programme (CMP) was launched by the National Home Mortgage Finance Corporation (NHMFC) with the objective to increase homeownership among the lowest income households and to ensure the landless urban poor have access to land security of tenure. This programme allowed a piece of land to be jointly owned by several owner through community mortgage known as Unified Home Lending Programme (UHLP). The crucial requirement of this programme are the occupants must be occupying the land prior to February 25, 1986 and the willingness of the land owner to put the occupied land for sale. There are two kinds of projects under CMP, the off-site projects which allows the relocation of the tenants to another area and the on-site projects which allows the illegal settlers to formalize their occupancy onto the land by way of purchasing it from the land owner by using community mortgage facilities. There are three stages involved in the implementation of CMP, there are, firstly, release of funds for acquisition of land, secondly, release of land loan for site development including upgrading water supply, drainage, and other services. Finally, the individual occupants can request for housing improvements. The loan was primarily focused on the first stage that is on the acquisition of land (Q. Cacnio, F.C.,2001).

The initials process involving the formation of the community association (CA) as a legal entity capable of borrowing and owning properties and land. After registering with the relevant government agencies, CA will negotiate with the land owner on purchasing the land desired with the help of the originator which facilitates the transaction between CA and land owner. Once the agreement is executed between the parties, the application for loan to NHMFC is made using a Purchase Commitment Line (PCL). Later, after the processing stage, Letter of Guaranty (LOG) will be given to the landowner in exchange of Deed of Absolute Sale of the land to CA. NHMFC will release payment of land to landowner and CA,

after occupying the land can start requesting for the monthly collection from the members. The fixed interest rate for this loan is six (6) percent per annum for the period of loan, usually for the duration of 25 to 30 years. In the event if the loan requested is too high, then NHFMC will require an equity to guarantee the overall performance of loan repayment.

Although the plan has been celebrated as on the successful housing programme by the government in reaching the marginalized section of the citizens, the downfall of this programme can be a lesson learnt for Malaysia in adapting this programme. Among the problems associated are, firstly, the price of land especially in urban areas is increasing rapidly. Secondly, the programme allows for non-residents to join the programme which in doing so may allow the exclusion of the poorest households to participate. Thirdly, in the events of non-payment, then CA is allowed to find substitute members. Although it helped to prevent foreclosure process, but it may in doing so exclude the poorest household to make loan repayment (Marife M. Ballesteros et al., 2015).

- (iii) The practice in Sri Lanka improves the need of the resettled occupants achieving liability standards as the participation from the occupants is considered crucial during the implementation stage. A participatory approach was initiated with the cooperation with the affected person, those who are affected by the resettlement plan. This plan encouraged the participants to construct their new homes with the assistance of latest building technologies. Therefore, it reduces the dependency to the government in providing assistance by way of subsidies UN-Habitat (2009). Implementation of this plan involved the participation from the government and Non-governmental organizations (NGO) in providing advice on house design and low-cost building technologies as the plan required the participants to construct houses in the resettled area, obtaining the necessary approvals from local authorities and equipping the participants with skills to supervise the construction work. This has reduced the amount of housing cost and make them affordable to homeownership.
- (iv) Effective and improved system of temporary occupation licence (TOL) under Section 65 of NLC. Previously the system was used to give licences to the citizen to use and occupy the state land subject to the conditions stipulated by NLC. As a licencees, their rights are very limited but at the same time, has created misconceptions and abuse of power towards the licencees perpetrated by the politicians and members of State Executive Council (Ecxo), *Bohari bin Taib & Ors v Pengarah Tanah dan Galian Selangor [1981] MLJ 343 & Chong Wooi Leong & 29 Others v Lebbey Sdn. Bhd. [1998] 3 AMR 2053*. The suggestion for improvement of TOL system is not new as it has been suggested by the then deputy Prime Minister, Tun Abdullah Ahmad Badawi. However, the status quo remains and suggestions made was not implemented Salleh B. (2012, July 25).

## **Conclusion**

The current literature on resettlement plans adopted by foreign countries above outlines several unique features which may be suitable for restructuring Malaysia's resettlement plan for squatters. Firstly, it empowers the occupants as to the choice of locations and housing design preferred thus overcoming the issue of liveability. Secondly, it does not heavily depend on the financial assistance from the government as the monetary facilities are given on fixed loan and

self-construct policy which will reduce the cost of construction. Community-assistance was given greater emphasis on the implementation of this plan. Therefore, Malaysia in restructuring its resettlement plan for squatters, may adapt and customizing its resettlement plan for railway squatters as the locality and geographical features surrounding the settlement may work in benefits for the implementation of the resettlement plan.

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