

Rent-seeking Behaviours (RsB) in Malaysia's Housing Planning Approval: Problems and Developers' Expectations

Suhaila Ali* and Abdul Rashid Abdul Aziz

Abstract--- Malaysia's housing planning approval is complex. The involvement of various staff of approving agencies leads to a variety of psychological human behaviour, provides ample opportunities for rent-seeking behaviours and attitude inclining towards corrupt activities. Rent-seeking is defined as the act of receiving 'unearned wages' (e.g. cash, food treats, etc.) by staff of approving agencies in exchange for privileges (e.g. faster approval, compliance flexibility, etc.). The objective of this paper is to explore the problems in obtaining planning approval and developers' expectations when giving out rents to staff of approving agencies. Exploratory sequential mixed method (QUAL → quan) was conducted to derive to the solutions. Lengthy period is the key problem in obtaining planning approval. Receiving sufficient and timely information, reducing unreasonable reviews and comments, reducing poor discretion and expediting appointments with approving officer are the main developers' expectations when giving out rents as a last recourse to provide the solution to the problem in obtaining planning approval.

Keywords--- Rent-seeking Behaviours, Planning Approval, Developers' Expectations.

I. INTRODUCTION

The housing planning approval plays an important role in, and is a major contributor to the commencement of housing project developments (Abdullah, Abdul Rahman, & Harun, 2011). The sector is highly regulated and is controlled by laws. There are various procedures and guidelines by the local planning authority of an area. The procedures are lengthy (Abdullah et al., 2011; Siong, 2013). Any development of land and buildings require planning approval from the local planning authorities. A typical work process for a housing development may vary according to state and local planning authorities.

The process of housing development requires the developers to undergo various procedures and requirements that need to be prepared at each stage (Abdullah et al., 2011; Ball, 2010; Mohd, Ahmad, & Wan Abd Aziz, 2009; Nuruddin, Syed Putra, & Jaafar, 2015; REHDA, 2015). The process consists of land purchase; land use conversion and subdivision; preparation of various plans such as subdivision, earthwork, layout, building, engineering and landscape; approval of various plans, issuance of obtaining advertising and marketing permits, construction and issuance of CCC as shown in **Figure 1** (Jaafar, Aziz, & Sahari, 2009; Wan Daud, Jaafar, & Wan Mohd Dzulkifli, 2013). Planning approval will be granted if the development proposal is fulfil with the statutory local plan (Ministry of Housing and Local Government, 2010).

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The involvement of various staff of these approving agencies leads to a variety of psychological human behaviour, attitude inclining towards corrupt activities and provide ample opportunities for rent-seeking behaviours (A.-R. Hamzah, Wang, & Yap, 2010). In mid-1970s' no one had really explored rent-seeking behaviours from a property rights perspective even though there is an argument that the property rights assignment actually underlie rent-seeking behaviours (Benson, 1984). In recent years rent activities have experienced prolific development especially from the privatization and monopoly perspective (Aidt, 2016; Tan, 2008, 2015; Tullock, 1967). It was summarised that rent-seeking is expenditures that are socially wasteful and result in unproductive activity (Buchanan, Tullock, & Tollison, 1980; Krueger, 1974; Mueller, 2015; Murphy, Shleifer, & Vishny, 1989; Ngo, 2013; Posner, 1975; Tullock, 1967). Even though a lot of studies on rent-seeking behaviours have been conducted, rent-seeking is always interchangeable with corruption (Coolidge & Rose-Ackerman, 1997; Khan, 2006). In addition rent-seeking behaviours can be hidden under several different instruments (Hillman & Qijun, 2017; Khwaja & Mian, 2011; Patnaik, 2015). Rent-seeking behaviours derive from the amount of expected profits and the less chance of detection (Laband & Sophocleus, 2018; Yang & Wei, 2016). The operational definition of rent-seeking behaviours for this research is the act of receiving 'unearned wages' (e.g. cash, food treats, etc.) by staff of approving agencies in exchange for privileges (e.g. faster approval, compliance flexibility, etc.) given to developers.

Despite large literature on rent-seeking, there is relatively less examination of construction players as rent-seekers in property development (Ali & Aziz, 2017). Previous studies had shown that rent-seeking is associated with the property development and had focussed much on land issues (Antwi & Adams, 2003; Chitonge, Mfune, Kafwamba, & Kajoba, 2017; Dowall & Ellis, 2009; Dreger & Zhang, 2013; He, Liu, Wu, & Webster, 2010; Li, 2014). These studies highlight the need to look into rent-seeking behaviours which inevitably leads to problem in obtaining planning approval. Yet, this phenomenon was not examined empirically in the past.

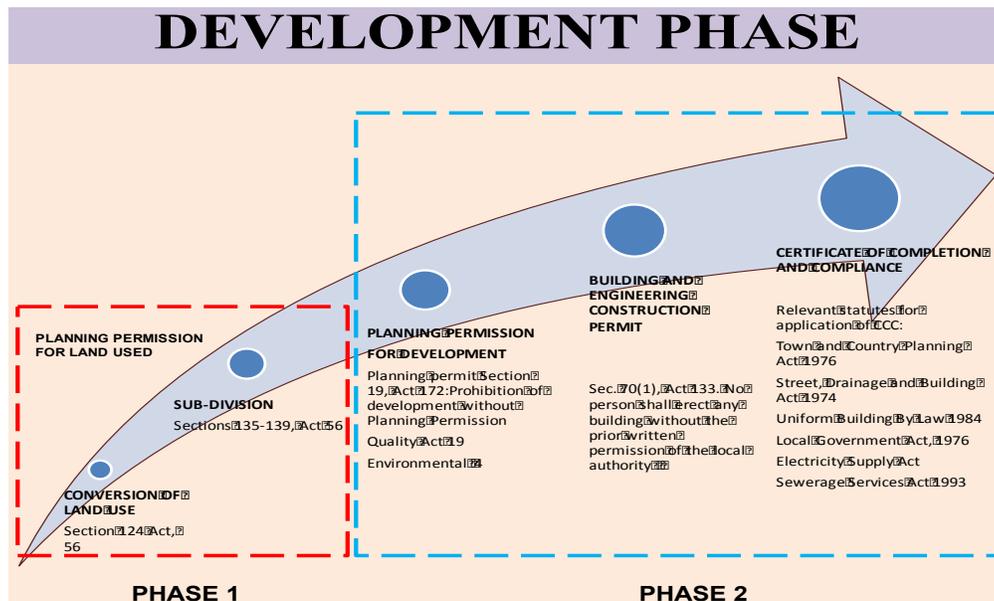


Figure 1: Process of Development Approval

Sources: (KPKT, 2015a, 2015b)

II. LITERATURE REVIEW

Housing is one of the man's basic needs. If unaddressed, it can lead to serious social and political repercussions. In Malaysia, housing prices have been spiralling upwards over the years. The average house price hit RM397K in 2017 compared to the 2016 which was around RM387K, an increase of 2.5% (JPPH, 2017). House prices in Malaysia are way above affordability with the average price being 5.5 times the annual median income, compared to the US (3.5), UK (4.7) and even Singapore (5.1) (Khazanah Research Institute, 2014).

Housing development sector is one of the most regulated sectors of the economy. There are more than 50 statutes, regulations and guideline governing housing development (Yam, 2014). Planning approval is the crucial part of the housing development process which requires a lot of contributions and inputs from a large number of staff of approving agencies in a complex process and tedious procedures. These leads to bureaucracy in the agencies. Each staff has his own contributions towards the problem in hand over issues of ethics, integrity and the adoption of rent seeking behaviours. It is postulated here that rent-seeking behaviours of rent-seekers in positions of power within approving agencies partly contribute to high house price through their action of receiving rents from private housing developers. In addition, in situations that have been deemed critical, rent-seeking behaviours can become the precursor to corruption (Benson, 1984; Khan, 2000, 2013; Krueger, 1974; Quazi, Williams, Baldwin, Vesey, & Ballentine, 2014; Svensson, 2005; Tullock, 1967, 1989, 2003). The issue was even raised by the Kuala Lumpur City Hall (DBKL) advisory board member when he said high property prices in the city as a result of corruption was a 'possibility' but it is still too early to justify the investigations by the Malaysian Anti-Corruption Commission (MACC) in a press statement on 28th August 2016.

In Pakistan, Hussnain, Wakil, Waheed, & Tahir (2016) examined the increase in housing demand, prolonged and delayed approval process of housing development project, inadequate of human resources, hindrances in the approval process which include lack of awareness among developers about planning regulations, confusion about jurisdictions of development authorities and lack of coordination among planning agencies as issues and problems faced by housing developers. In addition, the manual and paper-based approaches used for vetting and for granting the permission which is highly subjective and non-transparent also provide ample opportunities for the rent-seeking behaviours (Hussnain et al., 2016).

In Australia, the developers were more concerned about non-financial barriers such as planning system complexity, uncertain time frames, changing requirements and difficulties in absorbing unforeseen costs and unpredictable costs (Gurran, Ruming, & Randolph, 2010). The researchers also revealed that lack of approval process transparency, inconsistent planning requirements across local government areas and a lack of trust between developers and local councils had the potential to significantly impact development costs (Gurran et al., 2010). Such planning requirements would have had some effect on the housing prices as the developers were likely to transfer the cost on to house-buyers (Othman, 2002).

In Malaysia, planning requirements vary according to state and local planning authorities (Osman, Bachok, Bakri, & Harun, 2014; Othman, 2002; REHDA, 2015). Furthermore, there are many regulations and guidelines governing property development, complicated requirements, numerous required documents and plans, myriad of

parties involved, lengthy procedures. Because of these every stage of the various activities provide opportunities for rent-seeking behaviours. Prolonged and even delayed property development approval process by approval authorities, manual and paper-based approach used for vetting and for granting the highly subjective and non-transparent permission also provide opportunities for rent-seeking behaviours to be rampant (Abdullah et al., 2011; Ball, 2010; Firdaus, 2013; M. Hamzah, 1997; Hussnain et al., 2016; Mohd et al., 2009; Nuruddin et al., 2015; REHDA, 2015; Siong, 2013).

In view of this concern, this paper aims to determine the problems in obtaining planning approval and developers' expectations when giving out rents to staff of approving agencies.

III. METHODOLOGY

An exploratory sequential mixed methods, which starts with the qualitative approach as dominant data and followed by the quantitative approach (i.e. "QUAL" study is larger than the "quan" study) was taken to conduct this study. In Phase One, data were collected through semi-structured interviews with private housing developers (or consultants working on their behalf) through snowball sampling. The semi-structured interviews were collected all across Peninsular Malaysia (i.e. Perak, Pulau Pinang, Kedah, Selangor, Kuala Lumpur, Pahang, Kelantan and Terengganu). **Table 1** shows that the participants' designation were from top management (i.e. General Manager, Assistant General Manager and Project Executive) to practitioners (i.e. Authority Liason Officer, Chief Operating Officer, Engineer and Architect). Grounded theory method of analysis was conducted with the assistance of Atlas.ti8 qualitative software to analyse the qualitative method.

In order to reinforce the results obtained, Phase Two- quantitative method utilised a postal questionnaire survey was conducted based on the research variables that emerged from Phase One-qualitative method. Only developers' expectations section were further asked in Phase Two by quantitative method using questionnaires. Utilising this research design, variables from the analysis of the qualitative data were used as the foundation for writing questions (Berman, 2017). Data were collected through postal questionnaire survey with private housing developers all across Peninsular Malaysia. A total 297 questionnaires were distributed with 42 responses representing 14.1% in terms of response rate.

According to Svensson & Ritva Reinikka (2003), it is difficult to collect quantitative information on corruption because of the secretive nature of corrupt activities. Furthermore, 5 to 10% was the typical response rate of the questionnaire survey conducted in the Malaysian construction industry (Abdul-Aziz, 2012; Dulaimi, Ling, & Bajracharya, 2003; A.-R. Hamzah et al., 2010; Yong & Mustafa, 2013). The survey adopted stratified sampling and followed by simple random sampling. **Table 1** shows that the participants' designation were from top management (i.e. Director, Senior Manager and Manager) right down to practitioners (i.e. Operating Staff). Descriptive statistic analysis using the measurement of central tendency with the assistance of SPSS Version 23 was used to analyse the quantitative method. Data from these two collection methods were integrated to further confirm that variables emerged from Phase One. Majority of the participants and respondents (100%) were responsible in submission development proposal during the planning approval stage. In Phase One, majority of the participants (68%) indicated that their working experience were above 10 years. In Phase Two, majority of the respondents (86%)

indicated that their working experience were above 10 years. The results indicate that all the respondents had experience in dealing with the planning approval stage.

Table 1: Data Collection Methods and Respondents

Phase One- Qualitative Method (Semi-structured Interview)			Phase Two- Quantitative Method (Postal Questionnaire)		
Sub-items	Frequency (n)	Percentage (%)	Sub-items	Frequency (n)	Percentage (%)
Participant's Position			Respondent's Position		
General Manager	3	14	Director	2	5
Assistant General Manager	1	5	Senior Manager	9	21
Project Executive	6	27	Manager	11	26
Authority Liason Officer	2	9	Operating Staff	20	48
Chief Operating Officer-Operations	1	5	TOTAL (n)	42	100
Engineer	3	14	Working Experience		
Architect	6	27	Less than 6 years	4	10
TOTAL (n)	22	100	6 to 10 years	2	5
Working Experience			11 to 15 years	11	26
Less than 6 years	4	18	16 to 20 years	14	32
6 to 10 years	3	14	21 to 25 years	7	17
11 to 15 years	7	32	Above 25 years	4	10
16 to 20 years	3	14	TOTAL	42	100
21 to 25 years	3	14	Response rates		
Above 25 years	2	9		Sent	Returned
TOTAL	22	100		297	42
			Total % of Response Rate		14.1

IV. FINDINGS AND DISCUSSION

This section presents the findings and discussions relating to the problems in obtaining planning approval and developers' expectations when giving out rents in getting planning approval.

4.1 Problems in Obtaining Planning Approval

Figure 2 shows the part-results of the Atlas.ti pertaining to problem in obtaining Malaysia housing planning approval. The discussion only covers the problems faced by developers (or consultants working on their behalf) in obtaining planning approval that lead to their rent-seeking behaviours.

The participants commented that the problems in obtaining planning approval partly emanates from the implementation of One Stop Centre (OSC) unit that is guided by OSC 3.0. OSC 3.0 was established by the Minister of Urban Wellbeing, Housing and Local Government (MHLG). The OSC exists at each local authority and is responsible as a centre to receive development proposals and coordinates the applications to relevant approving agencies for processing and approval (p1:q23, p2:q3, p6:q41, p7:q77, p9:q115, p17:q43, p19:q7, p20:q8). The participants pointed out that the process of planning approval was set by each local planning authority (p7:q35, p10:q20, p14:q62, p19:q19, p20:q2). For example, the timeframe for giving approval are different between local authorities (p7:q35). According to the participants, the OSC do not function effectively (p8:q133, p9:q107, p10:q26, p18:q6). One participant commented:

...currently the OSC operates like a postman, like an organiser, which does not carry any responsibility. If it does not exist, it is not a problem to us (p16:q12).

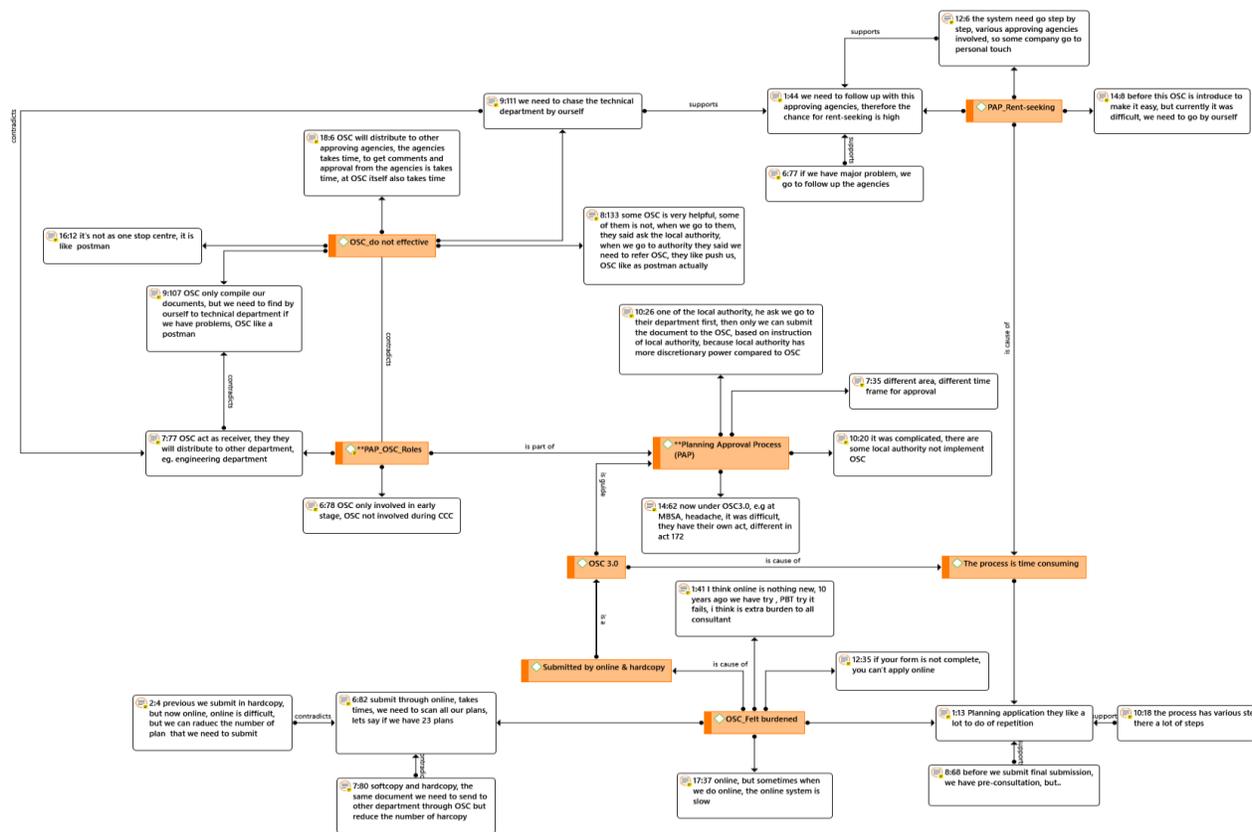


Figure 2: Part-results of the Atlas.ti Pertaining to Problems in Obtaining Malaysia's Housing Planning Approval

Sources: Author's Interview

Some participants pointed out that the implementation of OSC 3.0 is time consuming. Concerns were expressed about rampant rent-seeking behaviours because it is time-consuming to obtain planning approval, thus forcing developers to act. Contrary to the purpose of OSC 3.0 which is suppose to expedite the process of approval, some participants commented that in parts it is repetitive, trivial and has too many requirements which slow down the entire process (p14:q8, p16:q4, p18:q6, p20:q4). Participant 10 narrated:

.. the process has various steps. There a lot of steps, for example we have site visit... normally we do site visit before CCC...but currently (OSC 3.0) ...at planning approval stage we have interim phase (pre-consultation), so the process is repetitive...(p10:q18).

Still on the OSC 3.0, some participants added that they felt burdened by OSC 3.0's requirement for online submission because of the inherent complexity with the online system (p1:q41, p6:q82, p12:q35, p17:q37, p20:q18). The other participants also pointed out that OSC 3.0 provides space for the rent-seeking behaviours because the developers have the opportunity to directly deal with the staff of approving agencies if there are problems regarding their applications, or to expedite the approval (p6:q77, p9:q111, p12:q6, p14:q8, p16:q12). The decision of the planning approval is obtained after the majority of the OSC committee members agree with the proposal (p5:q28, p9:q43). The final approval for the development proposals is given by the OSC committee during meetings only after the developers comply with all the development requirements.

One participant suspected that the operational staff of approving agencies purposely delay approvals to seek rents:

...normally they always delay the process (p5:q2).. they are indeed for rents if they are delaying the process...when they have rents, the process would be faster..(p5:q157).

Another participant shared his experience:

...if he said wait...he want to recheck...so, it is will waste our time... (p8:q164).. if the process is delayed...normally let's say he said complete within 2 months but drag until 5 months, so they (developers) have to give rents... (p8:q94)..when give out rents the work will settle, if not the work will be on hold...at one time, all the phase of work need to give out rents (p8:q21).

Giving unreasonable reviews and comments, and not giving sufficient and timely information are common tactics fro staff to delay approvals.

Overall, the findings show that lengthy period to obtain planning approval is the key problem in housing planning approval which can be attributed to varying process of planning approval according to each local authority, OSC not functioning effectively, and implementation of OSC 3.0 itself that is cumbersome and even repetitive. These problems enable rent-seeking behaviours to flourish. It's also indicated that staff of approving agencies purposely delay approvals to seek rents.

4.2 Developers' Expectations When Giving Out Rents

Based on result in Phase One, all the participants (100%) (p1:q53, p2:q57, p3:q8, p4:q96, p5:q2, p6:q62, p7:q54, p8:q97, p9:q10, p10:q12, p11:q105, p12:q11, p13:q29, p14: q46, p15:q64, p16:q77, p17:q63, p18:q2, p19:q103, p20:q93, p21:q3, p22:q8) were frustrated with the duration and lengthy process for obtaining planning approval. The majority of participants agreed that delay in planning approvals (i.e. exceed allocated time frame) motivated developers to give rents as a last recourse to provide the solution (p1:q52, p2:q56, p7:q102, p8:q31, p9:q87, p10:q32, p15:q64, p20:q109).

By giving out rents participants revealed that the process to obtain planning approval becomes easy and smooth (p5:q112, p6:q60, p7:q100, p10:q113, p11:q48, p12:q61, p14:q159, p15:q63, p16:q97, p19:q61, p20:q78). **Figure 2** shows the developers' expectations when giving out rents are to maximise profits through faster approvals and is the cause of action to give rents (p6:q40, p9:q139, p10:q31, p15:q154).

There are five developers' expectations from approving agencies when giving out rents as revealed in Phase One: to reduce unreasonable reviews and comments, to reduce poor discretion, to get flexibility in compliance to the requirements, to bend the rules, to make it easier to make an appointment with approving officers, receive sufficient and timely information and to cut submission queue as shown in **Figure 2**.

To confirm the variables that emerged in Phase One, the developers' expectations were further asked in Phase Two by quantitative method using questionnaires.

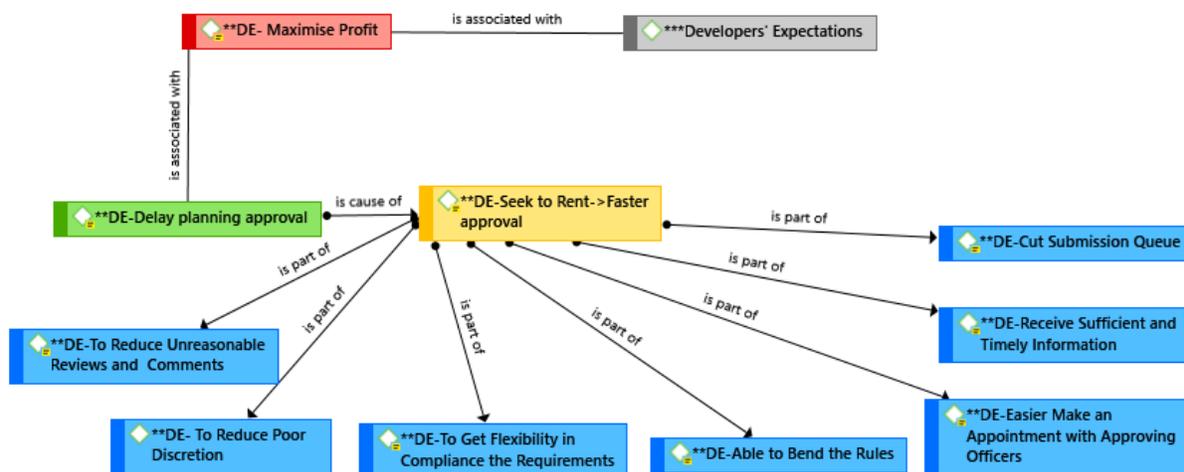


Figure 3: Developers' Expectations in Malaysia's Housing Development Process

Sources: Author's Interview

Table 2: Developers' Expectations of Approving Agencies when Giving Out Rents

<i>Variable</i>	<i>Mean</i>	<i>S.D.</i>	<i>Rank</i>	<i>Remark</i>
Receive sufficient and timely information.	5.50	1.194	1	Mostly agree
Reduce unreasonable reviews and comments and reduce poor discretion.	5.31	1.239	2	Somewhat agree
Easier to make appointments with approving officer.	4.69	1.490	3	Somewhat agree
Bypass the operational staff for rapid and clear decisions.	4.10	1.574	4	Neither agree nor disagree
Cut submission queue.	3.90	1.478	5	Neither agree nor disagree
Able to bend the rules and to get flexibility in compliance the requirements.	3.67	1.633	6	Neither agree nor disagree

Source: Postal questionnaire survey.

(Note: *means 1.0 to less than 1.49= entirely disagree, 1.5-2.49=mostly disagree, 2.5-3.49=somewhat disagree, 3.5-4.49= neither agree nor disagree, 4.5-5.49= somewhat agree, 5.5-6.49= mostly agree, 6.5-7.0= entirely agree).

The integrated findings from both the qualitative and the quantitative phases confirmed and validated the variables that emerged in the Phase One. The survey found that receiving sufficient and timely information was ranked as the highest developers' expectation with a mean 5.50 (mostly agree) when giving out rents as shown in **Table 2**. This significant result supports the interviews that some staff of approving agencies do not give sufficient and timely information as a hint to collect rents (p11:q100, p16:q107). The next highest item is reduce unreasonable reviews and comments; and reduce poor discretion (5.31) which corresponds to 'somewhat agree'. The consequences of these are unnecessary cycles of amendments for plans submission and dissimilar interpretations between staff of developers and approving agencies (p2:q42, p7:q20, p9:q105, p13:q4, p16:q41).

Easier to make appointments with approving officer (4.69) was the third highest ranked variable which corresponds to 'somewhat agree'. By making it easier to make appointment with approving officers, developers expect that they would receive sufficient and timely information from the approving officer (p3:q18, p4:q16). Repeated unreasonable reviews and comments leads to unnecessary cycles of amendments and gives rise to delay in

the approval process (p4:q131, p7:q13, p9:q3, p12:q17). As revealed by some participants during interviews, unreasonable reviews and comments is a recurrent theme which the interviewees interpreted as staff of approving agencies hinting for rents (p1:q14, p9:q34, p10:q51, p20:q109). One participant shared her experience:

..he said not suitable for door at this side...change to left...we followed...But he did not remember what he said before this...We had already change to the left...suddenly he said why on the left side...change it at the centre..(p2:q74).

This finding supports Phase One observation that making an appointment with approving officer comes at a price (p4:q15, p5:q39, p7:82, p8:q15, p9:q35, p10:q76, p13:q67, p16:q57, p18:q71). Normally the operational staff of approving agencies, as the first persons of contact for developers, take it upon themselves to give advice. However, sometimes the advice given by them is not the same as the decisions made by the approving officers (p4:q6, p8:q9, p20:q110). Poor discretion among staff of approving agencies maligns the approval process duration. Being too rigid and going strictly by the book can create difficulties, especially when developers face constraints due to the conditions of the land (p2:q7, p5:q26, p9:q140, p14:q159, p16:q82, p17:q5, p18:q145, p20:q77).

To avoid such a situation, some participants commented that some of developers bypass the operational staff to get clear decisions from approving officer. However, the variable “bypass the operational staff for rapid and clear decisions by approving officer” (4.10) was ranked fourth highest, which correspond to “neither agree nor disagree” (i.e. neutral response). It was found from the survey, three among six variables were given neutral responses; The other two being “cut submission queue” (3.90) and “able to bend the rules and to get flexibility in compliance the requirements” (3.67).

Based on interviews, giving out rents to cut submission queue was indirectly to reduce holding cost (p4:q97, p5:q69, p5:q76, p6:q65, p6:q107, p8:q97, p10:q37, p15:q108, p15:q109, p15:q111, p16:q108, p22:q26). One participant expressed his frustration:

..I know the behaviours of staff of approving agencies. When we do not make any effort such as grease the palm to make it work smoothly. So I make a one step to move ahead...such as 'eh brother, can you help me', so immediately the staff understand...so after it was completed I gave something..(p5:q67)..send present, or anything...as a return (p5:q68)..as an appreciation for their help (p5:q69).

Developers solicited faster approval by preferring to give rents in exchange for flexibility in compliance to requirements (p3:q17, p6:q2, p9:q25, p20:105, p22:q31). Various processes and complicated procedures in OSC 3.0 stretch the time for obtaining planning approval (p1:q51). There was the perception by developers that by giving out rents, they are allowed to bend the rules, hereby reducing the cost of development and maximising profit. Some participants mentioned that they sometimes deliberately make submissions which do not comply with requirements. Then they wait for feedback from approving agencies (p2:q72, p3:q12, p12:q10, p14:q51, p16:q54, p17:q54, p19:q64, p20:q103, p21:q1, p22:q11). However, these comments contradict with the findings from the questionnaire survey which found that the respondents gave neutral responses. The contradiction can be explained in the following manner: the respondents to these three variables did not want to self-implicate to actions that are quite serious. Even during the interview sessions, the researcher were confronted with some participants who preferred to answer

obliquely or even in cryptic fashion when asked about sensitive matters.

V. CONCLUSION

Overall, this section elaborates that rent-seeking behaviours are rampant because of the lengthy period to obtain planning approval which OSC 3.0 was supposed to resolve, but which instead has many requirements that need to be fulfilled, is repetitive for different phases of approval and provides the opportunity for developers to have direct contact with the staff of approving agencies. To expedite the development application proposal process the developers dish out rents to staff of approving agencies. Taken together, these results suggest that there is an association between aim to maximise profit and faster approval by giving out rents. There are various ways how the staff of approving agencies can delay the process of giving approval. It shows that the rent-seeking behaviours among the developers and staff of approving agencies is an urgent issue to be resolved as they affect the housing development cost. Tackling rent-seeking behaviours in property development also fulfils the government's agenda of combating corruption.

The research presented in this paper is initially and a part of an ongoing PhD research at School Housing, Building and Planning, USM to develop a model that has the potential to identify targeted policy instruments to curb rent-seeking behaviours in approving agency that governing the housing development process.

ACKNOWLEDGEMENT

The authors wishes to acknowledge the support of the Ministry of Higher Education (MOHE) Malaysia and Universiti Teknologi MARA (UiTM) for giving the scholarship to the author for making this research possible. Furthermore, the authors would like to thank Universiti Sains Malaysia (USM) for financially supporting this research under the Fundamental Research Grant Scheme (FRGS). Reference Code: FRGS//1/2015/SSI11/USM/01/1.

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