

論文の内容の要旨

Policy Adjustment for Managing Unplanned Land Sub-division Development in an
Immature Planning, Phnom Penh, Cambodia
(カンボジア、プノンペンの不十分な都市計画のもとで進行する無秩序な区画分割開発を管理する
ための政策改善)

Tep Makathy

テップ マカティ

Abstract (本文) :

Rapid urban population growth, particularly in developing world, continues to challenge the ability of many cities to cope with the demand for lands for sheltering. Public supply has so far been proved to be limited on the one hand, and yet, on the other hand, there are still many of their planners and policy makers believe that land and housing supply is a separate issue, which did not require to be incorporated into their colourful master plan and urban development policy. Market decision of land supply is increasingly concentrated in the hands of private actors, while planning decision is highly centralized in the hand of public sector. Land privatisation has been introduced in Cambodia in 1989, after decades of prolonged internal conflicts, following the shift from centrally planned-economy to a freer market system. Land becomes the commodity for buying and selling, fuelled by vibrant economy, particularly in major urban centers of the country. Property markets is emerging rapidly at every corner. Given these facts, Phnom Penh, a wealthiest capital of Cambodia, is being shaken by such. Now, formulation of urban land policy is urgently needed to guide the growth. However, it is widely accepted that scenario of urban land management and urban planning system varies from country to country as a pair of shoes that was prepared will not suit every foot. Thus urban planners are required to have better understanding of market behaviour, in local context, before policy is formulated and executed for the sake of their people. Important questions may be asked: what is the nature and characteristics of urban land development in Phnom Penh? Who are the actors involved? Does planning response enough to the rapid urban growth?

Taking these into consideration, the empirical based-research has been conducted aiming to grasp the picture of land development in sub-urban districts of Phnom Penh (a focus on land Sub-division Projects/LSPs). The questionnaires target both the supply side (land developer) and demand side (land purchaser). The research investigated 20 LSPs in three sub-urban districts of Phnom Penh (out of total seven districts), and interviewed 20 land developers and 132 land purchasers, who were living in LSPs. The samples were selected using non-purposive random method. On the other hand, the research made critical analysis on policy documents of land management practices in Cambodia to get first hand knowledge on general land management issues after the reform, and the current urban planning regulations that guides the urban physical development, particularly in associate to development of LSPs. In the process, several key respondents were met and discussed ranking from the technical officers, land management experts and urban planners, related NGOs and international organizations, to the politicians from various related ministries and institutions. The study targets two level of government; the national level (national ministries) and sub-national level (the provincial/municipal authority).

The study found that the LSPs, which have been developed in three sub-urban districts of Phnom Penh, are speculative in character, in which a family-type of business is dominant in the market (own/and family-joint investment capital stands for 45% and 40% respectively). The development took place out of radar of competent agencies. Out of the total 20 LSPs, 73.7% was rice field that has been converted through the process of backfilling, levelling, and sub-dividing, with inadequate basic infrastructure facilities; particularly water, electricity, and transport service. Although majority of lots appears to have been sold out (series of observation from 2005-2007), only approximately 5% of the total lots were built up on smallest lots (5m x 12/or 15m), where the rests kept vacant, in which, at least, more than 50% of purchased units were ready to sale back claiming higher price. It has shown the potential to consume additional land in edge of Phnom Penh toward western side due to the improvement of roads and international airport, increasing industries and residential buildings, newly established Special

Economic Zone (SEZ), and the connecting corridor to international seaport via No. road 4. In 6 month time, i.e. between the end of 2005-early 2006, numbers of LSPs has amazingly increased by two folds, i.e. from 20 to more than 40 projects. The transactions of lots, from developers to buyers, were totally made out of the cadastre record system with only the endorsement issued by commune/sangkat.

However, there is a merit from LSPs. In the absent of public intervention on land supply, the private supply mechanism is flexible and timely in releasing varieties of sizes of parcels in the market which, providing accessibility to emerging middle income earners. HHs reported to have 72.7% agreed that land price in LSPs is cheaper/affordable. Although daily expenses is high in LSP area, majority of respondents satisfy with living environment as compared to their previous residences, for example having wider access road, larger lots and especially the tenure they hold (60.6% picked up the 70-100% of confidence level with reasons that 57.6%, 15.2%, and 9.1% said “transaction was witnessed by local authority”, “Developer has legally owned the LSP’s land”, and “Developer is well-known in the area” respectively. LSPs, and the growing newly built-housing communities, appear to draw the attention of city to supply infrastructure into the surrounding area.

From planning side, establishment of spatial regulations is at very early stage since the set up of MLMUPC in 1994. The system is characterized by lacks of spatial planning framework, at various level, that guide the preparation of plans and execute them, absent of planning law that elaborate the procedure and responsibility of each administrative level, and absent of spatial planning approach that guide the emerging growth. The 1994 law on MUPC was created in an ad-hoc manner and appears to have minor impacts on current unplanned development. Similarly, sub-decree 86 on construction permit, though had better described on construction approval and provided certain general Land Use Regulation (FAR, BCR, building height, etc.) require to be updated in accordance to new land law (2001 land law). The effort for improvement of the above has not been achieved until now. In the absent of master plan and approved development plan, LSPs totally operate out of radar. At least around 50% of overall constructions, in Phnom Penh, are being made without official approval with protecting from local authority or politicians. The drafted 2004 code on MUPC (based on 1994 MUPC) and the proposed strategic orientation for Phnom Penh from 2005-2020 had never been publicly discussed and approved.

The implication is that, in developing cities, prime agricultural land is being encroached upon and converted into urban uses before it is sufficiently equipped with urban infrastructure. They keep the path of expanding beyond the necessity accompanied by rapid sub-urbanization. The impacts are not only felt on the residents, who live in the unplanned expansion area where urban infrastructure cost is expensive to afford, but also to the city authority itself in such a way that the investment capital for installation of infrastructure would be costly to meet the need of scattered developments. They continue to consume additional land in fringe area of the city invading on open space, natural water reservoir that is significant to store and drain water out, and scare urban agricultural land thus limit urban agricultural productivity. It is further assumed that the process of sub-urbanization, driven by vibrant market forces induces externalities, particularly under the condition of rapid population growth. This argument reflects the case of Phnom Penh’s LSPs.

The regulatory framework for management of unplanned growth has not yet been properly established. Some reasons are here; firstly, planning system, most observably in developing world, is characterized by poor administrative coordination among them, with overlapped role and complex bureaucratic procedure which take years to establish and approve a single plan (De Soto, 2000)¹. Planning decision remains highly centralized in the hand of central government. Though the system itself is decentralized in theory, but only certain decisions were given to lower level in practice. Secondly, planners and policy makers have little knowledge on land supply markets and the right of use is often not understood or ignored. Again, the current planning and implementation in Cambodia, though introduction of decentralization reform, owns to these issues. The approval for construction of huge housing communities is being made before urban land use plan and development plan approved. It is sufficient to say that “Putting on your shoes, then your shocks”.

¹ Hernandos De Soto (2000): Why capitalism triumphs in the west but failed elsewhere

Unlike others, the political stability has been the opportunity opening up Cambodia's market to the world. The national investment policy has proudly shown double digits of economic growth from 2004-2006. The potential for oil supply market, which is discovered in Cambodia sea territory, will also be a new economic strength to attract more foreign interests into the country, especially Phnom Penh. Together with rapid urban population growth and the current boom in construction of housing units, commercial buildings, administrative offices, and the rehabilitation of urban infrastructure (water, electricity, and road expansion), is Phnom Penh manageable against emerging unplanned development using planning control system?

Researcher believes that spatial planning approach is the best solution for Phnom Penh to guide the emerging market. It is a matter of readjustment, but not a fundamental issue that require the completed change to begin all over again. What should be the readjustment and how to readjust it, is a matter of the suggestion to be given at very last part. Why planning system is assumed to be workable in an emerging global economy, particularly in Phnom Penh case, while it often difficult elsewhere? The following argument may be the responses to the above.

First and foremost, historically Cambodia has its land management system for centuries. MLMUPC was established given important mission to manage countrywide land and spatial arrangement. Land law 2001 was also amended and put for implementation. Though spatial plans are absent and they are urgently needed, some exiting tools are there that require only improvement (such as updating and amending) in accordance to the emerging property markets (for example the sub-decree 86 on construction permit which guide the general land use planning, the law on MUPC 1994 that covers briefly the territorial management and protection in urban areas, law on agriculture land, sub-decree on state land management, etc). However the above factors suggested that overall land use control system in Cambodia is wealthy. Whether or not it is healthy is a question of how to improve, coordinate, and enforce them in an absent, or on-going establishment of other laws and regulations, which may take times. Thus prioritising the area for quick improvement is needed.

Secondly, despite the fact that Cambodia has been shifted from the centrally planned economy to a private market system, central government obviously hold certain important decision-making power on land use all over the country with centralized behaviour. Some interpretation suggests that the elected local government has not been given decision in planning due to limited capacity to plan the uses of land in their locality (the commune/sangkat). In a situation where urgent intervention is needed, state decision-making power helps solving the issues quickly. It may affect small number of people, but benefit in larger society.

Thirdly, Phnom Penh, with current total area of 375.07 sq.km in 7 districts) is historically well managed by its 1950s master plan. The four old urban centers were designed in grid form, which building height is controlled and large garden was planned for public uses. Currently, the four enters are, to some extend, better managed under the adoption of sub-decree 86 on construction permit. On the other hand, Phnom Penh is a million plus city for the time being. It is estimated that population will not increase beyond 3 million in 2020 against its vast track of land as proposed by the strategic orientation of Phnom Penh 2005-2020. Population growth is obviously imposes concerns for housing supply, but that is not impossible if the central government is committing to provide affordable housing units. Given these facts, it is not yet too ambitious to be planned for.

Lastly, global economic pressure has been a new phenomenon inducing active transactions and development as well as externalities. However, this phenomenon is just a beginning stage for Phnom Penh, i.e. from around early of 2000. When come to competition among cities, Phnom Penh has been clearly shown its competitive disadvantages, compared to that of Bang Kok and Hochiminh, to absorb FDI in terms of infrastructure provision (water, electricity, and road) and human resource (its labour cost remains higher than that of Vietnam and China). Phnom Penh is probably one of the youngest city, in the region, that is experiencing influx of investments. The research ended up with prioritised solution to solve unplanned development, particularly in association to LSP (see in recommendation part).