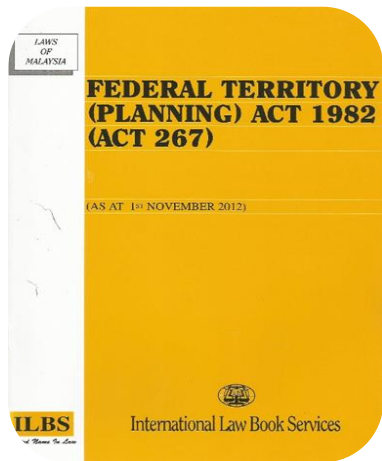


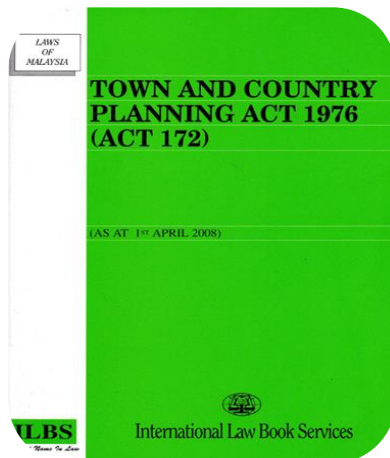
Kuala Lumpur City Plan 2020

**C4 Center in collaboration with
Selamatkan Kuala Lumpur and DBKL Watch**

FEDERAL TERRITORY (PLANNING) ACT 1982 (ACT 267) (“FTPA”) AND TOWN AND COUNTRY PLANNING ACT 1976 (ACT 172) (“TCPA”)



- Enacted in 1982 to:-
 - govern and control development and planning in the Federal Territories
 - ensure all development is sustainable
- Powers **concentrated** in the **Minister** and the **Commissioner (Mayor)**



- **Decision-making is more dispersed** between State Executive Committee (EXCO), State Planning Committee and the Local Authorities

THE DEVELOPMENT CONTROL PLANS REQUIRED UNDER THE FTPA

- **The Structure Plan is the broad planning policy.**
 - **It is the primary development plan and must be created first.**
-
- **The Local or City Plan is the detailed planning policy**
 - **It can be created in tandem with Structure Plan or subsequent to the Structure Plan**
 - **If Structure Plan already exists, the Mayor has to prepare the Local Plan (and must be subject to procedures for public notice and hearing of objections)**
 - **Generally speaking, no development is allowed if it contradicts or is inconsistent with the Local Plan**

Kuala Lumpur Structure Plan 2020

August 2004

- Established pursuant to Section 7 FTPA
- **Adopted** and **gazetted** by the **KL Mayor** and **FT Minister**
- Contains the vision, goals, policies and proposals to guide the overall development of Kuala Lumpur over the next 20 years

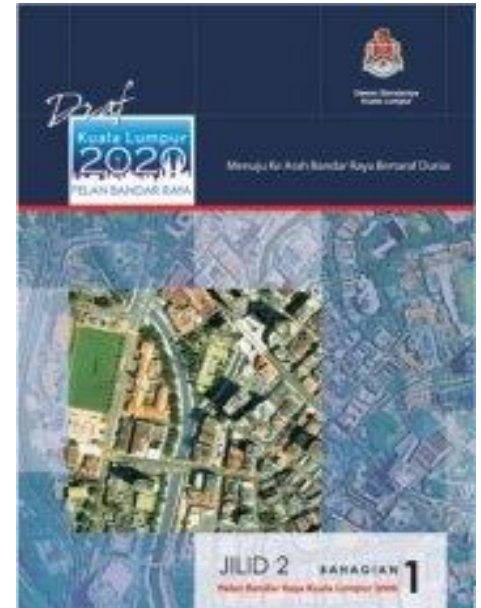


Draft Kuala Lumpur City Plan 2020

May 2008 till Oct 2009

Draft local plan:-

- prepared pursuant to Section 3 FTPA
- must be consistent with the KL Structure Plan
- contains proposals by DBKL for sustainable development
- the draft with the proposals is required to be exhibited for public comments/objection as required by law
- those who commented/objected were entitled to a public hearing



Cont'd

Draft Kuala Lumpur City Plan 2020

May 2008 till Oct 2009

- In line with Act 267, DBKL exhibited the plan for public objection from 15th May 2008 to 30th August 2008
- This draft plan contained the proposals of DBKL for **sustainable development** and were the only proposals displayed for public objection in accordance with Act 267



Cont'd

Draft Kuala Lumpur City Plan 2020

May 2008 till Oct 2009

- During that period, the public gave their views and submitted formal objections to various proposals that DBKL was making in the plan and these objections were heard by a Public Hearing Committee (JKPPA)
- After the objection hearings, amendments and recommendations were made to the Draft KLCP based on the public objections in relation to some proposals that were originally recommended by DBKL



Cont'd

Draft Kuala Lumpur City Plan 2020

May 2008 till Oct 2009

- JKPPA officially submitted the Public Hearing Report to the Mayor of Kuala Lumpur on the 20 October 2009.
- This was the conclusion of the statutory process for public hearings under the Act
- No other notice/gazette for any other draft KL Plan or new proposals thereafter was exhibited as required under Section 14 FTPA



Draft Kuala Lumpur City Plan 2020

20 Oct 2009 – 30 Sept 2011

- Despite the draft KLCP being ready to be passed, the Minister did not pass it but DBKL displayed what was supposed to be the plan as recommended by the hearing committee JKPPA and agreed to by the Mayor
- This was done via Open Day sessions from Nov 2010 till Dec 2010. This was not a statutory display of a new draft local plan nor had any notice under Section 14 FTPA been issued or any new hearing committee formed
- There was no right to object anymore and this was merely to inform the public

Draft Kuala Lumpur City Plan 2020

2011 - 2018

- The Draft KLCP was still ready to be **approved by Mayor, adopted and gazetted**
- The gazettment was then **unreasonably delayed** for over 7 years (despite the legal obligation of the Minister to approve it with all convenient speed under Section 108 of the Interpretation Acts 1948 and 1967)
- Meanwhile, Development Orders were issued by DBKL which were inconsistent and in contravention



Kuala Lumpur City Plan 2020 (gazetted Oct 2018) (“KLCP”)

30 Oct 2018

- The new Mayor, with the approval of the new FT Minister, **adopted** and gazetted a version of the **KLCP** which was **materially different** to the version that had undergone public objection
- The FT Minister also adopted and passed the KLCP when he was at the material time the Chairman of Yayasan Wilayah Persekutuan



YAYASAN WILAYAH PERSEKUTUAN (YWP)

- YWP was also the owner and joint venture partner in relation to eleven pieces of land in the KLCP, many of which had zonings and development intensity which were inconsistent with the draft KLCP.
- Some of these lands had development orders already issued while some had not. The effect of the KLCP changes substantially enhanced the financial value of these YWP lands.



Kuala Lumpur City Plan 2020 *(gazetted Oct 2018) (“KLCP”)*

12 Nov 2018

- The KLCP was made available to the public for reference



Kuala Lumpur City Plan 2020

- The contents of the KLCP:-
 1. were **never presented** to the public, in breach of the FTPA
 2. are **materially different** to the Draft KLCP version 2008, which had gone through the public comments/objections process under FTPA
 3. do **not conform** with the KL Structure Plan (*gazetted 2004*)
- The KLCP includes an Addendum 1 which lists 273 development orders (the “DOs”) and other changes that were never displayed for public objection and/or hearing

Addendum 1 with 273 violations

The **violations** severely impact the preservation of the natural environment and are inconsistent with the objectives of the KL Structure Plan 2020 (*gazetted 2004*) and the Draft KLCP 2020 (*which had gone through public hearings and was supposed to be passed*). Notably:-

1. significant increase in the mix of commercial uses within KL, which would result in the loss of amenities, elevated traffic intensity, lack of planned infrastructure and diminished living to the adjoining residential units;
2. significant increase in the residential density of KL (e.g. dramatic jumps in plot ratio from 4 to 10, or residential densities from zero to 400 persons per acre), with multiple adverse livability issues for unknowing residents; and
3. these increases in the intensity of development that did not go through the public hearing substantially increase the value of the lands and gave a financial benefit to the owners including YWP.

2008 Version Draft KL City Plan
 ✓ Published for Public Comment

2008

Comparison of Development Intensity

2018

2018 Version KL City Plan -
 ✗ WAS NOT Published for Public Comment



Zero Plot Ratio and Zero development

EXAMPLE 1
 (OUT OF 100's)
 OF MATERIAL DIFFERENCE:
(Development Order has been issued)

Draft KLCP

Passed KLCP

Dubiously allocated plot ratio of 4. Development order further violates with a plot ratio of 10 and 979 persons per acre.

High density housing of 400 persons per acre.

- Even the balance 6+ acres is not safe.
- It falls within the purple-lined area.
- The purple lines denote new concept of 'Transport Planning Zone' or 'TPZ'.
- TPZ can be used to supercede / overrule other zoning protections.

Palan Kencana

Nisbah Plot		Kepadatan	
0.5	5	4 ose	
1	6	12 ose	
2	7	24 ose	
2.5	8	32 ose	
3	9	40 ose	
4	10	40 ose	

Kuala Lumpur 2008 DEVELOPMENT CONTROL PLAN

Meter Skala 1:5000

Taman Tiara Titiwangsa - Comparison of Land Use Zoning and Development Intensity

2008 Version Draft KL
City Plan
✓ Published for Public
Comment

2008

2018

2018 Version KL City
Plan -
WAS NOT Published
for Public
Comment ✗

COMMUNITY
CENTRE
PUBLIC
OPEN
SPACE

HIGH DENSITY
HOUSING

Zero Plot
Ratio and
Zero
development

Draft
KLCP

EXAMPLE 2
(OUT OF 100's)
OF MATERIAL
DIFFERENCE:
*(Development Order has not
been issued)*

High density
housing of
400 persons
per acre

Passed
KLCP

Additional Abuses: Beyond Current Gazetted Plan

- According to the FT Minister, any development that follows the next KL Structure Plan 2020-2040 (*which is expected to be gazetted next year*) **will not have to go through a Public Objection Hearing.**

No more public hearing under new DBKL plan — Khalid

Bernama / Bernama
May 28, 2019 00:51 am +08



Additional Abuses: Beyond Current Gazetted Plan

- KL Structure Plan 2020-2040 will be built on top of the KLCP 2020 (*gazetted Oct 2018*).
- The **mutilated KLCP 2020 is bad, evidenced by substantial number of violations.**
- FT Minister would be layering a new 2040 plan on top of an **illegitimate KLCP 2020 plan.**
- The FT Minister has a clear conflict of interest when he passed the KLCP which enhanced the value of land in a company in which he sits as Chairman.
- This is against basic fundamental transparency policy as well as the Pakatan Harapan manifesto.

RECOMMENDATIONS:

1. **Revoke 30 Oct 2018 gazette** of KLCP on the grounds that it relied on wrong version of KLCP.
2. **Replace 30 Oct 2018 gazette with fresh gazette** using 2008 – 2011 version which had been taken through public process.
3. For all changes between 2011 – 2019, require FT Ministry to **run new public objection and comment process** before adopting any changes from that period.
4. 2011 – 2019 changes can be rolled into new public consultation process for 2020/2040 plan, but should **not be adopted until public process is complete.**



The Center to Combat Corruption & Cronyism (C4 Center) is a policy advocacy, non-profit center, dedicated to fighting corruption, cronyism and its related problems at all levels of government. C4 Center works with public institutions, governments, political parties, and civil society organizations to build our vision of a corrupt free and open society.



'SAVE KL' advocates for city planning which protects our communities, our environment and our future



DBKL Watch is a citizen journalist initiative that give the people of Kuala Lumpur a platform and voice to share stories typically ignore by mainstream media. DBKL Watch also highlights the conflict of interest, abuse of power and continued dishonest conduct by the Federal Territories Ministry and DBKL even after Pakatan Harapan formed the federal government.