

Murky future

The Star

EXCLUSIVE

Parts of the Batu retention pond, the biggest in Kuala Lumpur, was degazetted in 2020 during the Covid-19 movement control order period. Stakeholders are calling for a fresh hearing so that the application to develop land surrounding the water body meant for flood mitigation can be carried out in a transparent manner. >2&3

Land alienation approved without objections

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Nobody turned up at hearing during MCO to degazette Batu flood retention pond land, says KL Land Office

Stories by BAVANI M and SHALINI RAVINDRAN
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CLOSE on the heels of the fiasco surrounding the attempt to alienate Bohol flood retention pond in Kuala Lumpur (now aborted), comes new allegations that another water body in the city is in danger of being developed.

The Federal Territories of Kuala Lumpur Land and Mines Office (PTGWP) has confirmed to *StarMetro* that a portion of the Batu retention pond off Jalan Kuching has been alienated for a mixed development project.

Stakeholders in the area, including the MPs, have been caught off guard.

They say they were unaware that a public hearing to degazette the pond had been carried out in 2020, during the height of the Covid-19 pandemic. (See accompanying story.)

PTGWP insists that the process to degazette the 14.973ha plot of land was carried out properly, including holding an objection

hearing over two consecutive days in November 2020.

However, it said no one turned up for the hearing.

The Batu pond is the largest flood retention pond in Kuala Lumpur, spanning 134.59ha or the equivalent of 188 football fields.

The alienated portion is 14.973ha or equivalent to 21 football fields.

Optimising land usage

The alienated land is part of Lot 65422, which is for recreational use and gazetted for that purpose on April 18, 2016:

The land is owned by Federal Territories Department (previously Federal Territories ministry) and borders the Kepong and Batu parliamentary constituencies.

In order for the land to be developed, it must be degazetted.

In a statement to *StarMetro*, PTGWP said it issued a notice to degazette the land on Oct 30, 2020.

It added that in November that year, stakeholders were informed about the degazette-ment notice and the proposed project.

“The approval for the alienation of parts of Lot 65422 was granted by the Federal Territory of Kuala Lumpur Land Exco (JKTWPKL) on Aug 5.

“Subsequently, a notice regarding the degazette-ment for the proposed project was posted at the pond site on Nov 4, 2020,” the statement read.

According to the land office, the notice stated that the objection period was from Nov 16 to 17, 2020.

“Stakeholders living in and around the Batu retention pond area had two days to voice their objections over the proposal to revoke the status of the land for recreational use.

“However, no one turned up



Experts say a 50m buffer around a retention pond is crucial for monitoring purposes and future expansion. — IZZRAFIQ ALIAS/The Star

on both days,” said the land office in a statement to *StarMetro*.

It should be noted that the public hearing dates were scheduled when the government imposed the conditional movement control order nationwide due to the Covid-19 pandemic.

The land office added that the degazette-ment of the Batu flood retention pond land was to accommodate a mixed development project that would also include affordable housing.

According to PTGWP, the proposed project would involve a premium Residensi Wilayah housing scheme, Residensi Wilayah affordable scheme, residential units at market prices and a hawkker centre.

works on eight tributaries.

According to PTGWP the alienation was approved to optimise land usage and spur the economy.

“On Oct 22, 2021, JKTWPKL (Kuala Lumpur Land Exco) approved the alienation as long as 15 additional conditions that were submitted by Kuala Drainage and Irrigation Department (DID) for the alienation process to proceed were fulfilled.

“Hence, the decision to alienate the land for development was approved.

“We will ensure that the alienated portion is monitored closely and the pond’s function as a flood retention pond is maintained regularly,” said PTGWP in the statement.

It is learnt that the additional conditions included a mandatory 50m setback or buffer between the edge of the pond and the development.

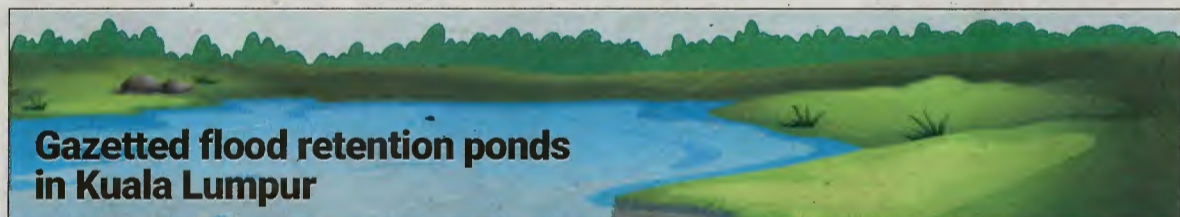
Sources close to the matter said that the developer had paid a premium of RM59,249,744 for the land on Feb 16, 2021, and the registration of the title deed was done on June 10, 2022.

Meanwhile, the PTGWP clarified that out of the 15 main flood retention ponds (see graphic) in Kuala Lumpur, seven are gazetted, namely Kampung Benteng, Taman Sri Segambut, Kampung

Created for flood mitigation

The Batu retention pond was constructed as a flood mitigation pond in 2008 and was part of the overall Kuala Lumpur Flood Mitigation Plan, which cost RM800mil.

The plan involved the construction of the RM19.7mil Batu dam, canals, the RM20mil Sungai Batu retention pond and the deepening of Sungai Klang, Sungai Gombak and Sungai Batu, including a RM120mil drainage project as well as improvement



Gazetted flood retention ponds in Kuala Lumpur

| No | Pond | District | Size (hectare) | Capacity (cubic metres) | Agency in charge | Status |
|----|--------------------|---------------|----------------|-------------------------|--------------------------------------|----------------|
| 1 | Kampung Benteng | Batu | 6.6 | 100,000 | Kuala Lumpur DID | Gazetted |
| 2 | Taman Sri Segambut | Batu | 4.2 | 153,900 | Kuala Lumpur DID | Gazetted |
| 3 | Batu | Batu | 71.6 | 4,500,000 (4.5 million) | Federal Territories director-general | In process |
| 4 | Nanyang | Batu | 20.1 | - | Kuala Lumpur DID | In process |
| 5 | Kampung Delima | Batu | 8.1 | 2,400,000 (2.4 million) | Kuala Lumpur DID | In process |
| 6 | Wahyu | Batu | 25.4 | - | Kuala Lumpur DID | In process |
| 7 | Kampung Puah | Sentul | 2.268 | 140,000 | Kuala Lumpur DID | Gazetted |
| 8 | Batu 4 1/2 | Petaling | 0.94 | 25,000 | Kuala Lumpur DID | In process |
| 9 | Midah | Petaling | 17.53 | 231,000 | Kuala Lumpur DID | Not in process |
| 10 | Flat Sri Johor | Kuala Lumpur | 24.797 | 1,100,000 (1.1 million) | Federal Territories director-general | Gazetted |
| 11 | Taman Desa | Kuala Lumpur | 17.63 | 1,400,000 (1.4 million) | Federal Land Commissioner | Gazetted |
| 12 | Kampung Berembang | Selangor | 13.35 | 1,600,000 (1.6 million) | Selangor government | Not in process |
| 13 | Setapak Jaya | RTB | 4.5 | 228,000 | Kuala Lumpur City Hall | Not in process |
| 14 | Boyan | Sungai Bunus | 8.9 | 472,000 | Titiwangsa/Kg Baru | Gazetted |
| 15 | Kampung Bohol | Not available | 37.6 | Not available | Federal Territories director-general | Gazetted |

Source: Drainage and Irrigation Department (DID)

TheStargraphics



Jalan Kuching flooded after a downpour on April 25, 2022, taken from ITIS DBKL's Facebook page.

Stakeholders call for fresh hearing on 'fishy land deal'

THE Federal Territories of Kuala Lumpur Land and Mines Office's (PTGWP) move to degazette land at the Batu flood retention pond during the movement control order period is highly suspicious, say stakeholders.

"The notification came out in Nov 4, 2020, and the objection hearing was done later that month during the height of the Covid-19 pandemic" said Kepong MP Lim Lip Eng.

"And I find it even more fishy that the degazettement notice was pasted at the pond site," he said.

He highlighted that the public were not allowed inside the area.

"It is nonsensical to put up a notice where no one can see or find it," said Lim.

He was referring to PTGWP's statement about the process of degazetting 14.973ha around the Batu flood retention pond.

The agency said no one turned up during the objection hearing that was held over two consecutive days from Nov 16, 2020.

Approval for the alienation of the plot was granted by the Federal Territory of Kuala Lumpur Land Exco (JKTWPKL) on Aug 5.

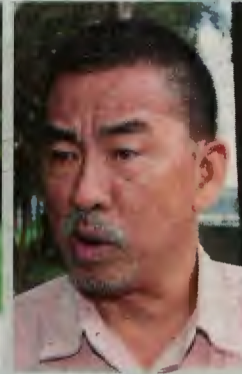
Lim said the land office should cancel the alienation and carry out a fresh hearing to give stakeholders a chance to participate in a transparent engagement session.

"I also want the Chief Secretary to the Government to take action against civil servants involved in the matter."

"How did they think it was okay to carry out an objection



Lim wants the chief secretary to take action against civil servants involved.



Yee says the timing of the objection hearing was peculiar.



Chua says the process to alienate land should be tightened.

hearing during a time that it was not safe for people to be out and about?" he asked.

Social activist Yee Poh Ping also questioned the odd timing of the objection hearing, which was held during the conditional movement control order period.

"The timing is peculiar; surely they could have waited until after the MCO to carry out a proper hearing," he said.

He also said it was illogical to erect a notice in a restricted area where the public had no access.

"Also, was the notice published in the newspaper?" he asked.

Meanwhile, former Batu MP Tian Chua said the process to alienate pond land should be tightened.

"There needs to be more engagement with stakeholders, and not just putting up a sign."

He expressed concern that the size of the Batu retention pond would be reduced, and called on the authorities to

reveal more technical details on potential floods.

"It seems like the authorities have set their mind on alienating the land."

"Now that it has been approved, they (authorities) need to have proper studies on the impact of the development."

"They also need to ensure that the pond is cleaned up and deepened to maintain its capacity," said Tian Chua.

Wangsa Maju resident Ravee Suntheraligam, 61, said the news of the development shocked him as the city was hit by floods at end 2021 and early 2022.

"Many homes were flooded for days," he said, reminding that many people suffered extensive property damage.

"The government has the power to cancel the development or alternatively instruct the authorities to call for a fresh hearing so that the public can give their feedback on the project," Ravee added.



EXCLUSIVE

Bohol land deal scrapped

Developer failed to meet key technical requirements, says PM's political secretary

Stories by SHARIF RAHMAN

PTGWP's move to cancel the proposed alienation of land was surprising the local developer. The reason is to meet the Federal Territory of Kuala Lumpur Land Exco (JKTWPKL) approval for the company to alienate 14.973ha for a housing development project.



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According to observations, the Federal Territories of Kuala Lumpur Land and Mines Office (PTGWP) gave conditional approval to a company to alienate 14.973ha for a housing development project.

The Bohol flood retention pond was approved for transfer of ownership by PTGWP to four companies for residential and mixed development.

StarMetro report on May 15, 2023.

Puah, Flat Sri Johor, Boyan, Taman Desa and Kampung Bohol.

Five ponds are in the process of being gazetted: Nanyang, Kampung Delima, Taman Wahyu, Batu 4 1/2 and Batu.

For Batu, the remaining 99.435ha will be regazetted as flood retention pond and open space for recreation once the transfer of ownership is completed.

For the Midah pond, the land office said it was waiting for Kuala Lumpur DID to submit the application to gazette the pond, while applications for the Setapak Jaya pond (which comes under Kuala Lumpur City Hall) and Kampung Berembang (under Selangor government) are still pending from the land-owners.

Clearer picture needed

Though they play a key role in flood mitigation in the city, land around retention ponds is considered prime property and highly sought-after by developers.

The Batu pond is one of six in Kuala Lumpur that were approved for development, according to the Auditor-General's Report 2019 Series 2.

However, following the December 2021 floods, several Kuala Lumpur MPs called on the Malaysian Anti-Corruption Commission (MACC) and the police to investigate possible abuse of power over approval for development of these retention ponds.

Lembah Pantai MP Fahmi

Fadzil, Segambut MP Hannah Yeoh and Cheras MP Tan Kok Wai lodged reports on Jan 1, 2022, at the Sentul police station.

The six retention ponds in question were Batu, Nanyang, Delima, Wahyu, Batu 4 1/2 and Taman Desa.

Based on the A-G's report, the pond land had been approved for transfer of ownership by PTGWP to four companies for residential and mixed development.

The MPs had called on the authorities to investigate the parties involved.

On March 16 last year, then deputy Federal Territories minister Datuk Seri Jalaluddin Alias clarified in Parliament that of the six ponds, only Taman Wahyu and Delima in Kepong were approved for development.

But those were not the only ponds being eyed for development.

Last month, the government cancelled the proposed alienation of land surrounding the Bohol flood retention pond in Seputeh to a private developer, following the company's failure to fulfil key technical requirements.

This followed StarMetro reports that the land near Bohol pond had been proposed to be alienated with the approval of JKTWPKL.

The proposal was earlier approved despite objections from various government agencies which had said that alienating land surrounding flood retention ponds for development was a recipe for disaster.



PTGWP says a notice about the degazettement of Batu retention pond was put up at the site, but Lim says the area is not accessible due to perimeter fencing. — IZZRAFIQ ALIAS/The Star