

IS THE KLANG VALLEY LOSING OPEN SPACES?

BY KIRAN JACOB

In Taman Danau Desa, Kuala Lumpur, a playground that has served the community for nearly three decades — as a safe haven for children, a pet-friendly park, a Tzu-Chi recycling centre and a community garden — is now being alienated for development.

A resident tells *ESG* that the playground has been fenced up, displacing the charity recycling centre and community garden, which was run by the residents' association. The playground was originally part of Taman Danau Desa's master plan.

The residents are taking this seriously. The Protect Taman Desa group has filed over a thousand formal objections, and plans to take legal action through a judicial review of the Kuala Lumpur Local Plan (KLLP) 2040. It has until Aug 28 to raise the funds for this action.

"The advice that I got from a lawyer is the moment the new local plan is gazetted, you have 90 days to file a judicial review against that decision to change that back," says a resident.

The 3.05ha playground on Lot 481440 is zoned as a public open space in the Kuala Lumpur Structure Plan (KLSP) 2040 and the previous KLLP 2020. However, it is earmarked for a high-rise residential project in the gazetted KLLP 2040.

KLSP 2040 is the high-level conceptual plan for the city. KLLP 2040, meanwhile, provides more detailed maps showing the land use zoning and development intensity using plot ratios or height restrictions. KLLP 2040 was gazetted on May 28 and came into effect on June 11, replacing KLLP 2020.

In Kuala Lumpur's planning system, "open space" refers to land zoned for recreation, greenery or buffer use, whether public or private. While zoning marks the land as open space in policy documents, only gazettement under the National Land Code gives it legal protection.

Open spaces do not always mean green or tree-covered areas, and in some cases, infrastructure like car parks or park offices fall under this category. Under the KLLP 2040, "open spaces" are placed into four categories, alongside forest reserves (see sidebar).

In Taman Danau Desa, residents have already lost three public amenity lands and now face the prospect

of losing even more. This highlights the rising concern among urban communities about the shrinking of open spaces, as increasingly dense developments reshape the city to accommodate a swelling population.

Stakeholders are concerned that open spaces are steadily being displaced because of loopholes in land title conditions and planning enforcement, where zoned open spaces can still be sold, fenced off or developed, if not formally gazetted.

For instance, land marked as open space can still be leased out under temporary licences, or reclassified through changes to its land title, which override the local plan and makes it vulnerable to development.

But from the government's perspective, KLLP 2040 already has allocations for open spaces that must be followed by developers. The city is aiming for 20 sq m of open space per person by 2040.

Zoning is one of the main tools used by Dewan Bandaraya Kuala Lumpur (DBKL) to increase the city's open space footprint.

KLLP 2040 includes specific land use zones such as public open space (OS1), public open space 2 (OS2) and forest reserve (FR), which are mapped in the city's zoning plans. These zones are meant to ensure that areas are identified for recreation, greenery and environmental buffers.

The devil, however, is in the details. A place that is zoned as an open space in the KLLP does not mean that it has been gazetted, meaning it can still be developed. This is especially so if the zoned open space is private land.

Kuala Lumpur mayor Datuk Seri Maimunah Mohd Sharif explains that "zoned as an open space" does not mean that it has been gazetted in its land title. In other words, a site may appear as an open space in the local plan but still be privately owned.

In such cases, the landowner can issue a "purchase notice" to DBKL demanding that the city acquire the land since the zoning prevents development. If DBKL agrees and does so, it then becomes government property and can be formally gazetted as an open space.

Maimunah says residents have the right to object during the public consultation process. "When the plan is submitted to us and with any changes on the land,



PATRICK GOH/THE EDGE

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Maimunah, KL mayor



“When you talk about green or open spaces, it must be accessible. It’s not just a question of it being green. What’s the point of having trees but it’s a private golf course?”

Tan, Cetdem

we will do what they call *kaedah tujuh*, referring to [public consultation],” she tells *ESG*.

Kaedah tujuh under *Kaedah-Kaedah Rancangan (Pembangunan) 1970* refers to a public feedback process where residents and stakeholders are invited to give their views before, during and after development.

On the other hand, many visibly green

areas are privately owned parcels of land that are temporarily undeveloped and may be used informally by the public for activities such as hiking. These areas do not have legal protection.

“Green doesn’t mean it’s a gazetted public space. [Open spaces that appear green] can be private land that is not ripe for development at the moment,” Maimunah says.

DBKL NOT TAKING IT LIGHTLY

Truly protected open spaces are those that are not just zoned in the local plan but also gazetted.

On its part, DBKL has outlined strategies to gazette permanent open spaces and designate protected areas that cannot be developed.

Long-term preservation efforts include identifying new gazettement sites, activating inclusive urban open spaces, building interconnected park networks with pedestrian and cycling paths, as well as fostering community stewardship of public green spaces.

If an open space has not been gazetted, DBKL applies to the land office for its gazettement. For new developments, there is a

requirement for a 10% open space contribution. This is also submitted to the land office for gazettement to ensure it “will be forever green” and retained for its original public purpose.

Generally, gazetted open spaces can only be degazetted or repurposed under exceptional circumstances, such as for critical public infrastructure projects with no viable alternatives, the mayor elaborates. Such proposals must undergo thorough technical assessments, environmental impact evaluations and legal procedures, which include gazette amendments.

To ensure transparency, DBKL engages the public through various consultation mechanisms, including public exhibitions of draft plans, statutory public hearings under the Federal Territory

(Planning) Act 1982 (Act 267), community forums and online platforms.

“As long as I’m the Datuk Bandar, I don’t really [want] to allow degazettement. There are cases [previously] where the land is already gazetted but for whatever reason, they have been degazetted. Now, I think that we are really as strict as possible. We don’t want an area that is gazetted as a public (or open) space to be degazetted for any purpose,” she says.

Estimation for open space contribution in the Kuala Lumpur Local Plan 2040

MAIN LAND USE	LAND USE ZONE	AREA (HECTARES)	ESTIMATED CONTRIBUTION PERCENTAGE OF OPEN SPACE (LAND) (%)	OPEN SPACE (LAND) (HECTARES)
OPEN SPACE				
Commercial	• City Centre Commercial (CCC) • Major Commercial (MC) • Commercial	447.48	5	22.37
		673.61	5	33.68
		1,066.49	5	53.32
Mixed development	Mixed development (MX)	1,869.97	5	93.50
Industry	Technology Park (TP)	211.97	5	10.60
Residential	• Residential 2 (R2) • Residential 3 (R3) • Residential 4 (R4) • Traditional village 1 (TV1) • Traditional village 1 (TV2)	696.43	10	69.64
		1,925.49	10	192.55
		363.53	10	35.35
		41.23	5	2.06
		131.52	5	6.58
Institutional	Institutional (INT)	2,270.98	25	567.75
Public facilities	• Public facilities (PF1) • Private facilities (PF2)	1,048.45	5	52.42
		46.50	5	2.33
Open space	• Public open space 1 (OS1) • Public open space 2 (OS2) • Private open space (OS3) • Public open space within private development scheme (OS4) • Forest reserve (FR)	1,430.58	100	1,430.58
		386.03	100	386.03
		591.38	100	591.38
		9.26	100	9.26
		84.62	100	84.62
GREEN AREA				
Cemeteries and mortuary management	Cemeteries and mortuary management (CE)	360.11	20	72.02
Infrastructure and utilities	Infrastructure and utilities (IU)	1,406.52	10	140.65
Transportation	Transportation (TR)	5,569.03	15	835.35
Riverside corridor	Refer to Volume 1 (4-2: Planning control layers for river, lake, and pond corridors)	121.32	100	121.32
Seven metres wide for river Category I and II		TOTAL OPEN SPACE:	4,813.37	
Four metres wide for river Category III				
“Let’s say we are forced to, for whatever reason there is that they need to apply [for degazettement], [the application has] to be sent to the land office, to ask for the degazettement. The land office will ask for our comment, and we will comment according to our structure plan [that] this area is already shown as green and it’s already gone through the public participation, and therefore we don’t support this ... Of course, if they go up for whatever reason, the final say will be at the land escrow, checked by the <i>ketua</i>		2,350,000	Population projection 2040	
		4,813.37	Total open area (ha)	
		48,133,695	Total open area (sq m)	
		20.48	Square metres of open area per person	

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IS KUALA LUMPUR ON TRACK TO ACHIEVING ITS OPEN SPACE TARGET?

On paper, the city is on track to meeting its open space targets under KLLP 2040. It plans to double its green space, and has a target of achieving a minimum open space ratio of 20 sq m per person by 2040.

This translates into a total of 4,700ha of open space, representing 18.5% of the city’s total area, according to KLSP 2040.

The current total “open space” based on DBKL’s zoning categories comes up to about 2,502ha, which falls short of the target.

DBKL will then count “estimated contributions” from multiple land uses to achieve the goal of 4,700ha of open space.

This includes deeming 25% of institutional land, 5% of major commercial and mixed development land, 10% of residential land, 10% of infrastructure and utility land, and 15% of transportation land as open space. Cemeteries and river corridors are also counted. With this, the total open space reaches 4,813.37ha, according to KLLP 2040.

In Kuala Lumpur, where even five acres is considered a large tract, many parcels of land are small, and this complicates planning, says Maimunah. Still, all developments, be they residential, commercial or industrial, have to fulfil the open space requirements, she adds.

This cumulative contribution from new developments is how DBKL expects to incrementally achieve its target of 20 sq m per person of open space by 2040

On its part, DBKL ensures open spaces are provided in accordance with the guidelines for planning open space, which stipulate that at least 5% of the net site area must be allocated as open space for development sites larger than 10 acres.

Additionally, developments must allocate at least 10% of the net site area for centralised open space, or 8% if supplemented by 16% open space on podium levels. Developers are also required to include perimeter planting strips, measuring at least 2m wide, along the development boundary.

However, stakeholders have raised concerns that significant portions of the projected open space may never be fully accessible or permanently protected.

For one, the four types of open spaces have varying levels of public accessibility and long-term protection, says Charles Tan, chair of the Centre for Environment, Technology and Development Malaysia (Cetdem) and secretary of the Selamatkan KL coalition.

He says OS1 parks offer permanent public access, but private open spaces (OS3) and portions of public open space within private development schemes (OS4) may have limited usability for the general public.

Meanwhile, forest reserves account for only 84.62ha of open space.

Accessibility is critical because just having open spaces is not sufficient if the public cannot use them. Many of these projected open spaces may never become accessible to the public, which raises serious questions about whether they should be counted at all, highlights Tan.

“When you talk about green and open spaces, it must be accessible. It’s not just a question of it being green. What’s the point of having trees there but it’s a private golf course? You and I can’t walk into a private golf course [since] it’s private,” he says.

Another concern is that there is no guarantee the “estimated contributions” will actually be set aside as open spaces, adds Tan. “Our argument is that the actual numbers are questionable. Nobody’s done an audit. We raised this during the public hearing, where we said, we can’t trust these numbers. DBKL’s answer has always been that they verify the numbers and that the numbers can change from time to time.

“While that statement is factually correct, we can’t easily validate their claims as we don’t have access to the supporting data. Based purely on observation and anecdotal data, we have rarely seen cases where land use zones have been converted into open spaces.

“In fact, in almost all cases, whenever there is land use, it is usually open spaces converted into mixed development or commercial. There are one or two examples where a small plot is converted into open space, but the actual areas [where this has happened] are miniscule.”

A playground in Taman Desa that has served the community for over 25 years has been fenced off and earmarked for high-rise development

