



Persatuan Pengguna Pulau Pinang Consumers Association of Penang

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Press release

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CAP welcomes Appeal Court decision to stop project in public open space

Consumers Association of Penang (CAP) welcomes the decision by the Court of Appeal to stop the proposed high-rise project in Taman Rimba Kiara. It was a bold decision and should serve as a precedent in similar cases.

The residents association of the adjoining Taman Tun Dr Ismail brought the case to court to have the development order issued by the Kuala Lumpur Datuk Bandar quashed. They lost in the High court and succeeded in the Appeal Court. We admire their courage and determination to take on the authorities and a powerful developer to defend their rights and to uphold the Rule of Law.

The court upholding the right and competence of TTDI residents association to bring legal proceedings will enable registered societies to sue public authorities whenever their members' rights are violated. This will empower civil society to prevent abuse of power by public officials and institutions.

The court rejected the justification given by the Datuk Bandar that the development order was issued to resolve the housing issue faced by the Bukit Kiara longhouse community, and found that the proposed development was truly a business and commercial joint-venture between Yayasan Wilayah Persekutuan and a private developer Memang Perkasa Sdn, Bhd.

The Datuk Bandar approved the project to construct a 17-storey block of 204 affordable housing units and 41 to 45-storey high-end condominiums comprising 1,082 units although it contradicted city development plans. The project land is demarcated as public open space, green area and City Park. The Datuk Bandar, instead of protecting the interest of the public, chose to promote the commercial interest of Yayasan and the private developer.

Local authorities must give serious consideration to structure plans before issuing development orders. They must protect public open spaces and amenities, and take into account the environmental and social impacts of any proposed development.

They must hold public hearings and communicate their outcome to those affected. Objections to the development must be properly considered and reasons given for rejecting them. Decision making must be open and transparent to eliminate corrupt practices and abuse of power. That is the essence of democracy.

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