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The Editor  
The Star  
Menara Star  
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46350 Petaling Jaya

Dear Editor,

### **Setting the record straight on land acquisition for the MY Rapid Transit project**

The Suruhanjaya Pengangkutan Awam Darat (SPAD) would like to refer to the various reports, opinions and views which have been published and aired recently concerning land acquisition for the MY Rapid Transit project. We are concerned that some of these views are being put forth based on inaccurate, incomplete and a lack of understanding of the issues and facts.

Before acting on such views, we would like to encourage the public to examine first the intentions of the parties in making misleading views as they may be designed to confuse and aggravate the situation or incite fear among those whose land are affected by the project.

We hope to set the record straight on matters concerning land acquisition. At the same time, we wish to clarify the many inaccurate interpretations that have emerged concerning the solution for the property owners along Jalan Sultan in Kuala Lumpur.

Compulsory land acquisition for the alignment is needed for the purpose of constructing the railway and is undertaken via the Land Acquisition Act 1960. The alignment was determined through a three-step process to ensure that the optimal one is arrived at. The first step is the establishment of fixed points along the corridor in which the MRT alignment must serve. These are major developments and landmarks within the corridor which need public transport services.

Secondly, the alignment has to connect these fixed points. To arrive at the best alignment, a balance of six factors have to be reached, namely minimizing social impact, optimizing journey time, constructability, optimizing ridership, minimizing land acquisition, and ensuring integration with existing and future public transport network.

Finally, the alignment has to go through public scrutiny where it is displayed to the public for feedback for three months. For the Sungai Buloh-Kajang alignment, the Government managed to minimize the need for private land acquisition by more than half after the public feedback was obtained. Now, about 70% of the alignment runs on road reserves and Government land while the rest is on private land requiring land acquisition.

Land compulsorily acquired under the Land Acquisition Act 1960 is solely for the technical needs for the MRT project, namely for the tracks whether elevated or underground, stations, and support facilities such as park and ride facilities.



Learning from the success factors in Hong Kong, our Government is exploring the “rail plus property” scheme as a way to minimize spending on public transport infrastructure while enhancing operator sustainability and keeping the MRT fare affordable at the same time.

Any property development under the “rail plus property” scheme will be mainly on Government-owned land that is unused, under-utilized, or not being utilized optimally where it can be developed as transit-oriented development. Indeed there may be instances where private land may be purchased to enhance the development potential but this will be done on a “willing buyer-willing seller” basis.

Therefore, the accusations that the land that is being compulsorily acquired for the MRT project is tantamount to land grabbing, is baseless.

Also generating a lot of debate and misunderstanding is the land acquisition for the tunnel section of the MRT alignment. Many have argued that it is unnecessary for land acquisition to be done and provisions concerning the disposal of underground land in the National Land Code 1965 are being used to back this argument up.

While the legality of having separate owners for surface and underground land is not in dispute, one has to realize that The National Land Code 1965 provides that only the owner of a piece of land can allow an underground cubic layer of underground land, known as the stratum, be owned separately from his property on the surface.

There are two principal ways in which the process of separating the ownership of surface and underground lands can be carried out. One way, is to have all affected individual land owners apply for stratum titles to be issued to the Government. The other way, is for the Government to first acquire the land and then subsequently re-alienate the properties on the surface back to their original owners while keeping ownership of the stratum.

After various factors were considered - criticality of the project timetable, the benefit of the Government instead of each individual owner handling the process, the need to evacuate all inhabitants of the affected buildings, the flexibility of allowing the owners to choose right up to the last moment to not want the return of their properties - the option of acquiring all affected property at the outset and then re-alienating or re-leasing the properties on the surface back to their original owners after tunneling works are completed seems to be the preferred one.

Reasonable technical steps will be taken to ensure the integrity of the property during tunneling works. Once tunneling is completed, the property will have to be inspected to ensure that their structural integrity is intact. If needed, repairs will be carried out. Only after these buildings are certified fit for habitation will the original owners be allowed to take back possession of these properties.

This is the formula that is being worked out for the property owners of Jalan Sultan after a meeting between SPAD and the representatives of the land owners.

This was clearly stated by Dato' Seri Dr Chua Soi Lek at his press conference after the meeting and reinforced by SPAD Chairman YB Tan Sri Syed Hamid Albar over the issue of acquisition of Jalan Sultan properties.

Transcripts of the press conference by Dr Chua which were made available showed that Dr Chua had said the “Government will proceed with the acquisition but with the condition that it would strengthen the buildings affected by the construction of the MRT tunnel, for



the safety of the buildings' occupants... But after the tunnel is completed in about six months, they will be allowed to move back in to conduct business as usual.”

SPAD Chairman YB Tan Sri Syed Hamid Albar subsequently reiterated the principles agreed to, namely that acquisition of land was required but at the same time, the owners will get the opportunity to return to their original properties. YB Tan Sri Syed Hamid Albar added that all parties understood that there were many details to be worked out in order for this to be achieved such as compensation, timeline, and the rights of current tenants occupying the properties.

While the process of ironing the finer details out is being done, the Government is in no position to make guarantees of the return of these properties. What is important is that the Government has listened to the feedback from the people and that all parties involved have reached an understanding on an outcome that will be mutually acceptable without sacrificing on the greater good for the rakyat. This clearly shows that the Government is acting in good faith and will continue to do so in resolving this and any future issues related to the MRT.

Additionally, Jalan Sultan is a unique situation because of its heritage/cultural value and impact on tourism. Its preservation is also made possible because the tunnelling and track laying works below it do not require space for construction works on the surface. For underground stations, we will need to excavate the full extent of the station's footprint downwards from the surface of the earth. Any existing building on the required land will have to be demolished. Everywhere in the world, any building standing above a station would have been built either AT THE SAME TIME or AFTER the station was completed, not before. As the full footprint of the station needs to be excavated, there is no choice but the full extent of the land will have to be acquired and not just the exits at the surface.

Yours sincerely,

**MOHD NUR KAMAL**  
Chief Executive Officer