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EDITOR'S NOTE

One of the major urban issues in Malaysia is the poor public transport system which has plagued the nation for decades. The root causes are multifaceted but can be categorized into constitutional glitches and policy preference.

The centralization of transport authority in the hands of the federal government has demotivated local authorities to improve public transport services. Most of the time, the local authorities can only plead with the federal government to act or watch idly when encountering transport complaints. This is not correct and can be rectified through an effort of decentralization.

Meanwhile, the City Council of Petaling Jaya is spearheading a Transit Orientation Development model to curb the pressing traffic congestion issue in the city. The idea is not new, but it is a matter of preference.

Preferring private cars over public transportation is no longer a workable model. By switching the preference to public transportation, the authorities have a chance of getting out from this transport deadlock.

As a city institute, REFSA presented a few articles which dissect the transport issue from alternative angles in this 1/2016 REFSA Quarterly. We hope it will provide some contexts in finding sustainable solutions for the future.

WONG SHU QI

Executive Director

**Research for Social Advancement
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By LAM CHOONG WAH
Senior Fellow, Refsa

Malaysia is a relatively more developed state compared to Cambodia or Thailand. With the current purchasing power, a majority of people in Malaysia are able to own things which could be considered as luxury items, such as iPhones and multiple cars.

However, even with such across the board development, a majority of Malaysians are deprived of access to efficient and affordable public transportation.

Decades ago, residential areas and parks were connected to bus routes; this is no longer the case in many instances. Many bus operators are gradually giving up routes that are deemed unprofitable due to low ridership.

One of the reasons for these low rates of ridership is the rise of car ownership. Owning a car makes people think twice about utilising public transportation which is perceived to be time consuming and an inconvenience. In contrast, while iPhones may not be an affordable item to many Thais and Cambodians, public transport such as Tuk-Tuks and tricycles are relatively accessible to many people.

Granted these modes of public transportation are not as modern as the LRT system in Kuala Lumpur, they are however cheaper and are available around practically every street corner.



CENTRALISA KILLS LOCAL TRANSPORT

What has gone wrong?

No, I am not advocating the return of rickshaws as a major mode of public transportation but we need to seriously reflect on why

as we further develop and urbanise, public transportation is gradually becoming less accessible, particularly outside of the Greater Kuala Lumpur region. The question sounds simple enough but it deserves substantial answers.



The Federal Government Monopolises Transport Affairs

Public transportation is of vital necessity, this is a widely known fact; however, what is less known is that the Federal Government in Putrajaya has sole jurisdiction over it. Officials who sit in offices of the Land Public Transport Commission (SPAD), away from the hustling and bustling areas of the Klang

**Why bother
having to worry
about all these
questions when
one can just
get into their
private vehicle
and drive off?**

SATIONAL AL PUBLIC RT

the bus operator abandoning my area? Is it related to low ridership? Why are bus operators allowed to abandon certain areas? Should

ridership and profit be the sole factors in selecting routes? Are bus stops safe places?

The problems plaguing our public transportation system, particularly buses, are multifaceted and concern the following: rationality of bus routes, punctuality, connectivity, accessibility, fares, demography, town planning, efficiency of bus operators, policy and budget matters.

Is the lack of punctuality related to ridership or is it due to poor maintenance and traffic? Why is

Why bother having to worry about all these questions when one can just get into their private vehicle and drive off?

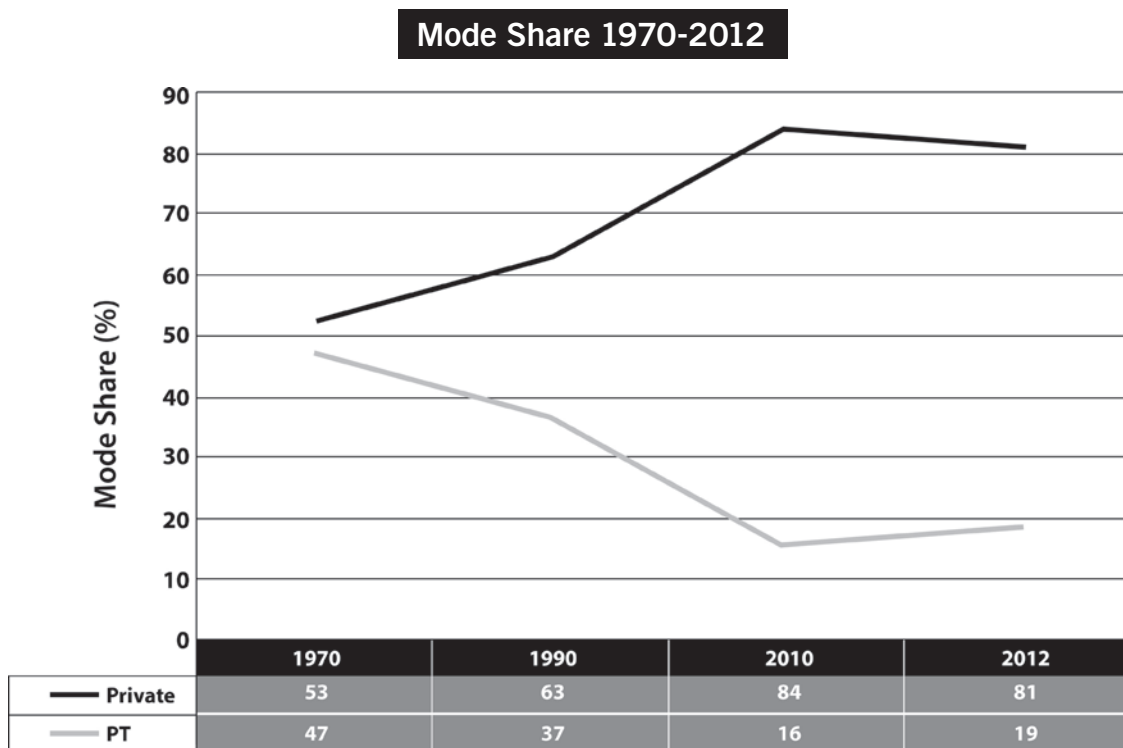
The aforementioned questions relate to serious doubts in the minds of citizens concerned with the state of public transportation in the country. If anything, all these questions and conundrums point to one important fact, policies matter.

Valley, decide on bus routes and future transport policies. Such an arrangement on the planning of public transport policies is a cause of concern because it leaves out two important actors, local councils and state governments.

The origin of this arrangement can be found in the 1957 Reid Constitutional Commission

Chart 1 : The ridership of Greater Kuala Lumpur Area

Source : Land Public Transport Master Plan GREATER KUALA LUMPUR / KLANG VALLEY, 7 November 2013.



Report, paragraph 119 states that “The regulation of road traffic is a matter for the Federation, and we recommend that this should continue to be a federal subject but with power to the State to regulate the weight and speed of vehicles on State roads, bridges and ferries... Other means of communication and telecommunications are and should remain federal subjects.”

This recommendation was adopted and incorporated into the tenth section of the Federal List, the Ninth Schedule. Although the federal government exerts sole jurisdiction over transport affairs, the power of constructing bus stops and town planning is vested in local au-

thorities.

Therefore, it is obvious that for there to be an efficient public transportation system, cooperation between the Federal Government and local authorities is an imperative.

The Decay of our Public Transportation System

The biggest development related to transport in Malaysia in the past few decades is undoubtedly the boom in car manufacturing which has resulted in unprecedented rates of car ownership in Malaysia. One would be hard pressed to find an urban dweller who does not own a car.

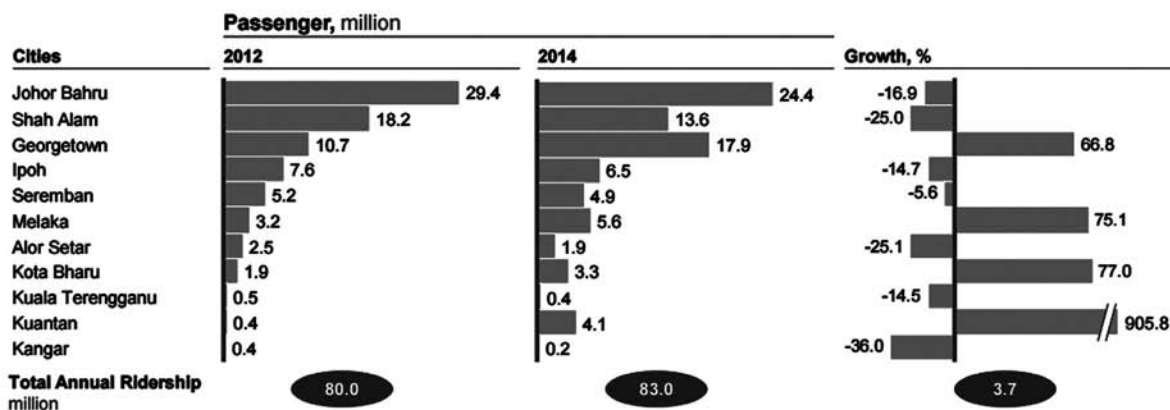
Thanks to a period where the Government aggressively promoted car ownership to boost local car manufacturing, now everyone can drive.

The immediate consequence of such an ill planned policy is a substantial drop in public transport ridership. In three decades, between 1970 and 2010, usage rates in the Greater Kuala Lumpur area have drop from 50% to a mere 16%. Public transport is now perceived as something uncommon for many.

The situation is even worse in areas outside of Greater Kuala Lumpur, particularly in Johor Bahru, Ipoh, Seremban, Alor Setar, Kuala Terengganu, and Kangar. For example, in 2012,

Chart 2: Stage Bus Ridership in Selected Capital Cities

Source : The Eleventh Malaysian Plan



an estimated 400,000 people took public transportation in Kangar, Perlis, but that figure has declined by 36% to 200,000 people in 2014, or 548 people daily. In such a situation, due to the ridiculous arrangement laid out in the 1957 Reid Constitutional Commission Report, state governments are powerless; all they can do is plead, mostly unsuccessfully, with the Federal Government.

Why is public transportation in Greater Kuala Lumpur and other areas decaying? The main problem stems from prioritising wrong policies. Three decades ago, the Mahathir administration decided to launch a national car project out of the pride of Malaysia Boleh.

Given the fact that an automobile industry needs a certain level of economy of scale to support its production and

sales, the government increased the import tax on foreign cars tremendously and “purposely” overlooked the development of public transport.

The lack of foresight on behalf of the Government has resulted in a situation where we have high level of car ownership but low levels of public transportation usage. A poor public transportation system will only force more people to not opt for it, more so if they have access to private vehicles.

Public transportation in semi-urban and rural area has suffered the most from these disastrous policies. Worse still is the fact that local authorities have been witnessing this deterioration by lack the finances and most importantly the jurisdiction to arrest the situation.

The poor public transport system costs us too much. Ac-

cording to a World Bank’s report, the rates at which roads were being built were unable to match with expansion in the rates of car possession. Almost every urban resident is unable to escape from being caught in heavy traffic. In the Peninsula alone, 38% of federal roads – many of which provide radial access into city centres – have service levels which are classified as E or F. This means that they are severely or extremely congested.¹ The hours wasted in gridlock on Greater Kuala Lumpur roads cost us RM 12.7 billion or 1.1% of the GDP.

In the meantime, the Deputy Minister of Finance Ahmad Maslan revealed on 25 June 2015 at the Dewan Negara that 107,306 Malaysians were bankrupt between 2010 and April 2015. Many of them or 28.9% were due to car loans default,

1. World Bank, *Economic Monitor: Transforming Urban Transport*, p. 36. http://www-wds.worldbank.org/external/default/WDSPContentServer/WDSP/IB/2015/06/18/090224b082f3c367/1_0/Rendered/PDF/Malaysia0econo0ming0urban0transport.pdf

21.7% were due to house loans, 18.5% were due to personal loans, 12% were due to commercial loans and 5.8% were guarantors.

Obviously, the poor state of public transport not only damages our economy but also plays a role in bankruptcy in relations to those defaulting on car loans.

The Federal Government has only just gotten around to realising that transportation related issues have been wrecking havoc on the economy and also the wellbeing of people. They have come up with some plans aimed at rectifying the problem. However, the plans have a couple of weaknesses.

Kuala Lumpur Wins, Others Lose

Firstly, rail transport is favoured. Everyone likes the LRT and probably the soon to be completed MRT; modes of transport which are clean, safe, punctual and modern. I like it too. The Komuter run by KTMB is many of these things, but it is definitely not punctual.

However, there are problems associated with rail transport. The most obvious one is the high cost and the long construction period; around 6 to 7 years in total. In that amount of time, it is even possible to complete repayment on a car loan.

Moreover, if the rail transportation stations are situated more than 10 minutes away in walking

Why is KL getting tens of billions in allocation but other areas get less than RM 1 billion combined?

Does it mean residents in other areas deserve a lower quality of public transport? What makes Kuala Lumpurians deserving of such a privilege at the expense of others?

distance, this will not solve the mile issues. Considering our hot and humid tropical climate, we Malaysians have made it somewhat of a habit to drive anywhere that requires more than a 10 minute walk to get to. So, in such cases, even with public transportation, some private transportation is needed.

Secondly, both the Eleventh Malaysian Plan and Transport Masterplan prepared by the Land Public Transport Commission focuses on solving urban transport issues, but this is mostly focused on the Greater Kuala Lumpur area.

The federal government has planned to invest no less than RM 70 billion in the LRT Line 1, LRT Line 2, KL Monorail, extensions of two current LRT Lines, MRT 1, Sunway BRT, and in the upcoming KL-Klang BRT, LRT Line 3 and MRT 2. This does not include the estimated RM 45 billion to be spent on the KL-Singapore High Speed Rail project.

Being the immediate beneficiaries, resident of Greater Kuala Lumpur, for the most part,

welcome these plans; but what about people from other parts of Malaysia?

As far as we know, the SPAD had come up with three plans to help states and local councils deal with land transport issues. First, RapidKL set up subsidiaries such as RapidPenang and RapidKuantan to run local transport services. Second, a RM 400 million ISBSF fund was set up to subsidise qualified stage bus operators to continue their services. Third, RM 100 million was allocated to finance a qualified bus operator to run a stage bus service in Seremban, Kangar, Kuching, Ipoh and Kuala Terengganu.

While this shows that there is some commitment to bettering public transportation outside of the capital region, this does not go far enough. Why is KL getting tens of billions in allocation but other areas get less than RM 1 billion combined? Does it mean residents in other areas deserve a lower quality of public transport? What makes Kuala Lumpurians deserving of such a privilege at the expense of others? In fact, the discrimination in terms of allocation will further widen the transport development gap between KL and others areas and this could cause some uneasiness among Malaysians.

All of this stems from the federal centric mindset practiced by the SPAD. When the SPAD pays attention to KL, public transport development flourishes. Other

areas outside of KL which received targeted assistance from the SPAD also experienced improvements in public transport. For example, ridership of stage buses skyrocketed in both Penang and Kuantan with the Rapid services, Malacca too saw an increase in ridership. Nonetheless, many areas desperately in need of assistance from the SPAD remain undetected by its radar.

State Empowerment in Penang and Selangor

Waiting for Putrajaya attention towards issues in public transportation in areas outside of Greater Kuala Lumpur would be a long wait indeed. Thus, the state governments of Selangor and Penang decided to take matters into their own hands, despite jurisdictional restrictions. These two states announced local public transport master-plans.

What the state governments did is not exactly a radical idea for it is a common practice in many developed countries. Practically all major cities in developed countries design, plan, build and regulate their own local public transport affairs through local councils. In fact, the model that the SPAD has drawn ideas and inspiration from is from one such city: i.e. the Transport in London is run by and is the responsibility of a board appointed by the Mayor of London City.

Why is local authority preferred over a central body? Most importantly, it is the local



authority that plans, builds and maintains local infrastructure, as well as receives complaints and deals with the residents. This makes the local authority the most qualified to settle the public transportation needs of its residents, not some officers sitting in an office far away, detached from the scene on the ground.

Penang's Public Transport Master-plan's estimated cost is RM 40 billion and it is aimed at revamping the state's land and water transport systems through a sea tunnel, a rail system, bus services, water taxis, and expressways.

Meanwhile, Selangor mas-

ter-plan is estimated to cost RM 62 billion and it plans to utilise and extend the current rail and bus services to reach more residents, it is all about accessibility. A concept of Transit Oriented Development is highlighted to increase the outreach through the establishment of feeder buses which will cover more residential areas and transit hubs.

The two masterplans are still under public and legislative scrutiny and are subject to review by the SPAD, but these initiatives have prompted the federal government to realise that state governments are able to not only plan but also execute multibillion ringgit transport projects.



In other words, decentralisation of authority is a viable approach towards improving local public transport.

Decentralisation Can Revive Decaying Local Transport Systems

To a large extent, the centralisation of power has discouraged local authorities from taking initiatives to improve local public transport. Indeed, it gradually kills local transport.

Why is Uber becoming a popular urban transport solution? The reason is because the federal government is unable to provide quality public transport for the public; whereas the invention of Uber has filled this gap by providing an App based automobile connection service. What angers the SPAD and also taxi drivers is that Uber operates outside of the reg-

To a large extent, the centralisation of power has discouraged local authorities from taking initiatives to improve local public transport. Indeed, it gradually kills local transport.

ulations set forth by the central authority.

An unwise policy decision makes people pay higher prices for public transport but continue to live miserably. It also causes the decay of institutions. The political scholar Francis Fukuyama who advocates the political decay theory argues that should an institution not be capable of remaining relevant and adapt to the changes in the environment in which it operates in, that institution will decay. Even a democratic political system which has self-repairing abilities is not excluded from this

process of decay.

It has to admit that the centralisation of power brings negative implications, it demoralises local authority in their ability to execute plans. Inaction on the part of the federal government leads to a deterioration in the public transportation system in non-urban areas.

To get out from this negative cycle, the main option that has to be considered is decentralising power over matters of transport away from the federal government towards states and local authorities. Local authorities need to have the power to act on matters concerning local public transport and they should also be allowed a certain degree of financial autonomy. Such acts of decentralisation are the only way of empowering local authorities and effectively and seriously tackling issues related to transport and public transportation.

DISSECTING THE KUALA LUMPUR-SINGAPORE HIGH SPEED RAIL (HSR) PROJECT

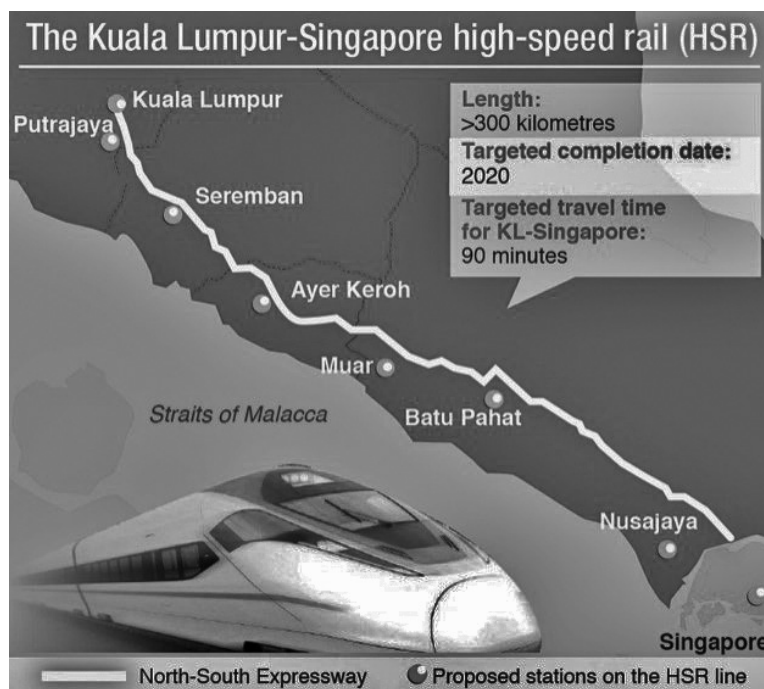
By **DHIRENN NAIR**
Researcher, Refsa

The idea of establishing a high speed rail (HSR) link between Kuala Lumpur and Singapore was first mooted by YTL Corporation in 2006; however, it was not further explored due to the high costs it entailed.² Following deepening cooperation between Malaysia and Singapore, in 2013, the two countries formally announced a plan for such a project. The rail link will be an estimated 350 kilometers long and will cut travelling time between the two cities to 90 minutes, according to Land Public Transport Commission.³

Rail (KTM)	9.5 hours
Bus	6.5 hours
Flight	4.2 hours
HSR	2.5 hours

Estimated Travel Times between KL and Singapore (Door to Door)

Source : Kuala Lumpur - Singapore High Speed Rail: Project Overview, <http://goo.gl/OXjxjs>



Source: Land Public Transport Commission (Spad), news reports

GRAPHICS: themalaymailonline.com

The rail link will be an estimated 350 kilometers long and will cut travelling time between the two cities to 90 minutes

Apart from the proposals from Chinese and Japanese firms, there is also interest from European firms. While no decision

has been made as to who the contract will be awarded to, the perception on the ground is that a Chinese government firm is favored. As an Edge article notes, rumors of Malaysia favoring the Chinese could have something to do with the fact that a Chinese government linked entity recently acquired 1MDB's energy assets, Edra Global Energy.⁴

2. ISEAS (2016) ISEAS Perspective, Issue no. 7. https://www.iseas.edu.sg/images/pdf/ISEAS_Perspective_2016_7.pdf

3. SPAD (n.d.) High Speed Rail. <http://www.spad.gov.my/land-public-transport/rail/upcoming-projects/high-speed-rail>

4. The Edge. (January 2016) Merits and Demerits of the KL-Singapore High Speed Rail. <http://www.theedgeproperty.com.my/tags/kuala-lumpur-singapore-high-speed-rail-0>

Furthermore, another Chinese government linked corporation has a 60% stake in the Bandar Malaysia development project, Bandar Malaysia will serve as the KL terminus of the HSR.

Cost

While the Malaysia Government has not disclosed the estimated cost of the project, China Railway has estimated a total cost of RM70 billion, which overwhelmingly exceeds the RM8 billion quoted by YTL and Siemens AG back in 2007.⁵

Kuala Lumpur- Singapore High Speed Rail Project

Length	330 km
Total Estimated Cost	USD\$5.5 billion
Cost per KM	USD\$54 million
Estimated Ticket Price (one way)	USD\$45.00

Source : Singapore-Malaysia rail alignment set amid China lobby concerns, <https://www.malaysiakini.com/news/325410>

The estimated one way ticket price is USD 45 or RM 180. The main competitor of the HSR

is the airline service. A survey of the daily rates for a flight from KL to Singapore for the month of May, through the Skyscanner website, shows that the cheapest flight tickets are RM57 for one way flight.

If a one way HSR ticket is 200% more expensive than a flight ticket, how exactly will the HSR system be able to compete with airlines? Even considering the fact that the total door to door transit time for a flight is 1.7 hours more compared to that of a HSR trip, many consumers will probably be willing to endure the longer travel time in order to save more than RM100.

Rider-ship

A parliamentary answer dated 14th March, received by the MP for Kluang Liew Chin Tong, estimates that rider-ship on the 10th year is expected to be 49,315 passengers per day or 18 million per annum.

Such a figure is a very high estimation if current public transportation usage rates are taken into account. In 2015, MAHB figures show that total airline passenger movement between KL and Singapore was only 3.5 million people.⁶ It is unclear how the government arrived at an estimation of 18 million passengers, especially when airlines, whose fares are probably going to be more competitive than that



It is unclear how the government arrived at an estimation of 18 million passengers, especially when airlines, whose fares are probably going to be as competitive as that of the HRC, are unable to pass the 5 million mark.

of the HRC, are unable to pass the 5 million mark.

In addition to this, high traffic volume was identified as one of the reasons for such a project, with the Causeways always being said to be operating at above 30% of its capacity. However, it is unlikely that the HSR is going to be able to address this problem given the fact that the line does not even pass through Johor Bahru.

Economic Returns

The KL-SG HSR project was cited in 2010 as part of the Economic Transformation Pro-

5. Malaysiakini. (January 2016) Singapore Malaysia Rail Alignment set amid China lobby concern. <https://www.malaysiakini.com/news/325410>

6. MAHB (2016) 2015 Annual Report, <http://ir.irchartnexus.com/malaysiaairports/doc/ar/ar2015.pdf>



7

gramme (ETP) as a key project in “revitalizing Greater Kuala Lumpur”. The project is expected to make daily trips between the two cities more convenient, hence becoming a “catalyst for economic growth”. Stations along the Malaysian side of the HSR, which include stops in town like Seremban and Muar, were strategically selected as part of government efforts to target these specific areas for greater economic growth. According to the CEO of MyHSR Corp (a Ministry of Finance entity responsible for the promotion of the project and also the overlooking of its

implementation and progress), the stops on the Malaysian side— “Seremban, Melaka, Muar, Batu Pahat and Nusajaya — will enjoy exponential growth in the next 50 years.”⁷ Meanwhile, the Malaysian Land Transport Commission (SPAD) contends that “The economic and social benefits derived from the agglomeration of 2 cities bring about a huge development potential. The geographical concentration of clusters of businesses and employees will result in an enlarged pool of specialist skills, labour and talent.”⁸

They also emphasise on the benefits gained in the examples

of the TGV rail line in France and also the HSR line in China.

Overall, the economic argument for the project is that the improvement in connectivity will foster greater economic integration, with particular emphasis on labour mobility and cross border services. But, what if their estimations are wrong and the HSR system fails to attract 49,000 passengers daily after ten years and deliver on the projected economic returns; will the project end up being bailed out by the Government?

7. MyHSR (n.d.) *KL-Singapore HSR Project Overview*. http://www.myhsr.com.my/downloads/KL-Singapore_HSR_Project_Overview.pdf

8. Ibid. (n.d.) *KL-Singapore HSR Project Overview*. http://www.myhsr.com.my/downloads/KL-Singapore_HSR_Project_Overview.pdf

REFORMING DEWAN RAKYAT BEYOND MALAYSIAN PARLIAMENT

By MOHAMMAD FAKHRURRAZI
Former Intern at Refsa

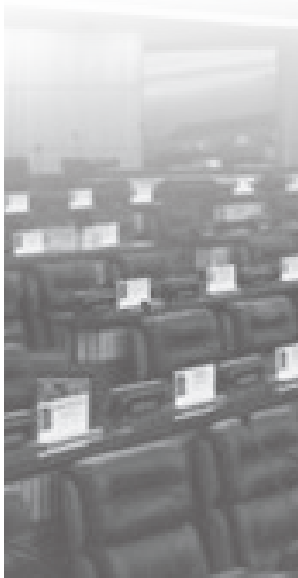
Malaysia is one of many countries which practice parliamentary democracy based on the Westminster system. Under the rule of Barisan Nasional (BN), Parliament has become more of a rubber stamp which is focused on bulldozing through government bills without proper deliberation. This betrays the role of Parliament as an institution which provides checks and balances to the government of the day.

The strong performance of opposition parties in the 12th and 13th General Elections has increased pressure and calls for parliamentary reform, at the federal level. However, despite a stronger representation of opposition parliamentarian, efforts at parliamentary reform continue to face many hurdles. The ruling coalition, BN, has placed various limitations on the parliamentary system aimed at silencing and stifling dissent.

Standing orders play an important role in managing parliamentary business such as: question time, debates, procedures, and the passing of bills. The behaviour and decisions made in Parliament is influenced by the quality of the standing orders. The mere existence of standing orders does not make the operations of Parliament democratic; that depends on the content of the standing orders; they determine whether Parliament is a democratic institution or just a rubber stamp.

Malaysia's parliamentary standing orders have been perceived to accord an advantage to the ruling coalition, since independence. The parliamentary reform agenda has failed to study and review the standing orders. This paper will discuss the weaknesses of the standing orders in four areas: Select Committees, Private Bills, question and question time, and recognition of opposition parties. The question all this begets is whether the standing orders of the Parliament of Malaysia are relevant and democratic.

**The four main
ISSUES**
to discuss on weakness
of Dewan Rakyat Standing Order

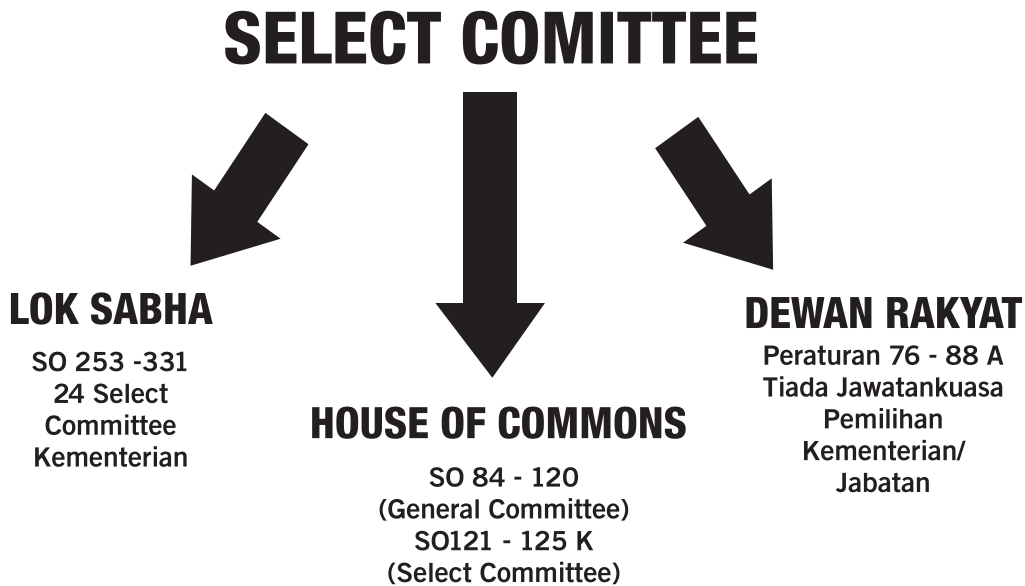


KYAT STANDING ORDERS: PARLIAMENTARY REFORM

**SELECT COMMITTEE
PRIVATE BILL**

**QUESTION & QUESTION TIME
RECOGNITION OF OPPOSITION PARTY**





Weakness of the Malaysian Parliament's Standing Orders: A Comparison with the Parliamentary Standing Orders of Britain and India

1. Select Committee

According to SO 76 until 88A, Malaysia's parliamentary standing orders, there are five internal select committees. The Public Account Committee (PAC) is the only functioning committee to check and balance government expenditure. In Malaysia, the PAC is headed by a Member of Parliament (MP) from the ruling coalition, a practise which contradicts that which is practised by other countries. In those countries, the PAC is chaired by an opposition MP. This standing order has no section on the power to form select committees to check and supervise ministerial departments.

SO 152 of the House of Commons provides parliament with the power to form select committees to supervise and examine the business of ministerial departments. The function of a select committee is also to check and balance ministerial departments effectively.

In the Lower House of Parliament in India, the Lok Sabha, the standing orders allow the Parlia-

ment to form a select committee to examine ministerial departments. Up till now, the Lok Sabha has 24 select committees to check and balance ministerial departments. Both select committees in the House of Commons and the Lok Sabha have complex mechanisms to check and balance government bills and ministerial departments unlike in Malaysia where standing orders are focused on the internal committees of parliament.

The Parliamentary standing orders of the House of Commons and the Lok Sabha allow the respective parliaments to form select committee which deliberate on issues including social affairs. For example, the Women Empowerment and Equality select committee in House of Commons and the Women Empowerment committee in the Lok Sabha were formed to discuss issues relating to women rights. All select committees, which deliberate on current issues, are formed based on the authority granted in the standing orders of Parliament.

2. Private Member Bills

Dewan Rakyat	House of Commons	Lok Sabha
SO 49 (2) rejects any Private bill which is in contradiction to the standing orders and the Federal Constitution.	SO 14 allocated Private Bill business.	Lok Sabha secretary ensured the validity of private bills.
SO 49 (4) private bill must have support from the minister in charge.	SO 23 Ten Minutes Ballot Box to present and get the support for private bill	Private bills must get the support of member of parliament.
Has no allocated day for private bills.	SO 14 (9 allocated 13 Fridays for private bills.	Allocated 2 hours 30 minutes every Friday for private bills.

Differences of the private bill business between the Standing Orders of the Dewan Rakyat, House of Commons and the Lok Sabha.

3. Question Time and Questions in Parliament

Standing Order 23 (1) of the Dewan Rakyat puts restrictions on the type of questions that can be asked by Members of Parliament. The Speaker has the power to reject any question if it goes against the standing orders and/or any section of the Sedition Act 1948. The Lok Sabha applies the same procedure as the Dewan Rakyat. The tight procedure and rules to pose questions place a limitation on Members of Parlia-

ment who want to question the government of the day under SO 41 (2). The Speaker of the Lok Sabha, under SO 43 (1), has the power to reject any question from a Member of Parliament who does not comply with the restrictions set forth under SO 41 (2).

There is no restriction on Members of the House of Commons wishing to ask questions. Under SO 22 (5) ministers are obliged to respond to questions.

Members of the House of Commons may put a notice of the time and date for a minister to answer his or her question(s) in the question paper. Whereas according to the Dewan Rakyat standing orders, ministers have the right to refuse to answer questions from Members of Parliament (SO 23(4)). Thus, the standing order rules give an advantage and protection to ministers during parliamentary question times.

Dewan Rakyat	House of Commons	Lok Sabha
SO 23 (1) requirement of the question	No restriction and requirement for question	SO 41 (2) requirement of the question
SO 23 (2) Speaker have the power to reject question subject to any section in Sedition Act 1948		SO 43 (2) Speaker may reject any question opposite SO 41
SO 23 (4) Minister have the right refuse to answer question	SO 22 (5) Minister must answer question according to date and time that given by MP	

Different practice of question based on standing order of parliament Malaysia, Britain and India

4. Reorganisation of Opposition Parties

SO 4A of the Dewan Rakyat relates to the appointment of the Leader of the Opposition in Parliament. On the other hand, the standing orders of the Lok Sabha accords the Opposition Leader the status equivalent to that of minister status and is given priority during debate sessions in Parliament. The Opposition in the House of Commons has the right to set the parliamentary agenda for 20 days, known as 'Opposition Day'. Under SO 14 (2), the opposition may raise ministerial issues and governmental policy to be debated by the house. The Leader of Opposition, also known as 'The Loyal Opposition Leader, will have priority during question



time and the debate session during sessions known as Prime Minister Question Times.

35 days are allocated by the standing orders of the House of Commons for backbencher business. Out of this, 27 days are allocated in the chamber and another

eight days in Westminster Hall. The agenda during these 35 days is prepared by the Backbencher Business Committee. Clearly, in this instance, the ruling party does not have a complete monopoly on parliamentary agendas.

Dewan Rakyat	House of Commons	Lok Sabha
Peraturan 4A appointing Leader of Opposition	SO 14 (2) 20 days of 'Opposition Day'	Official Leader of Opposition Lok Sabha
Leader of Opposition is not accorded a status if being equivalent to a minister.	Leader of Opposition is the same level as minister and second highest post after Prime Minister	Leader of Opposition has the same level as a minister.
	Given priority during debate and question time	Given priority during debate and question time

The difference of opposition party recognition based on standing order of parliament Malaysia, Britain and India

The Impact of Weakness Procedure of Dewan Rakyat Standing Order

As mentioned earlier, the ruling coalition in Malaysia has changed and manipulated the standing orders of the Parliament to prevent due process in the passing of bill. The graphs on the next page show

the number of bills passed by the Dewan Rakyat on the most productive day for each year from 1949 until 2012. The day chosen for each year is the day when the most number of bills was passed for each respec-

tive year. This information is sourced from *Panduan Indeks Tarikh Perbahasan Rang Undang-Undang Malaysia dan Indeks Tarikh Perbahasan Pindaan Rang Undang-Undang dari Tahun 1949 hingga 2010*.

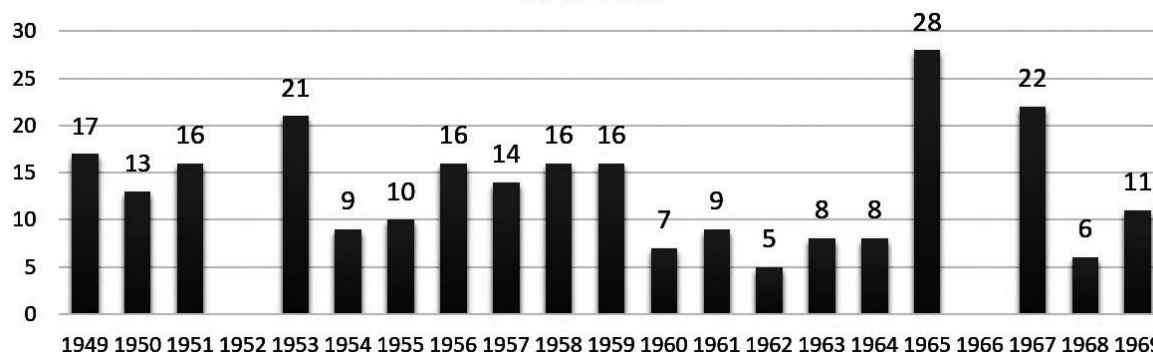


Table above shows that 28 government bills were passed by parliament in one day during the 1965 session. Parliament may pass a huge amount of bill because of standing order rules are weak.

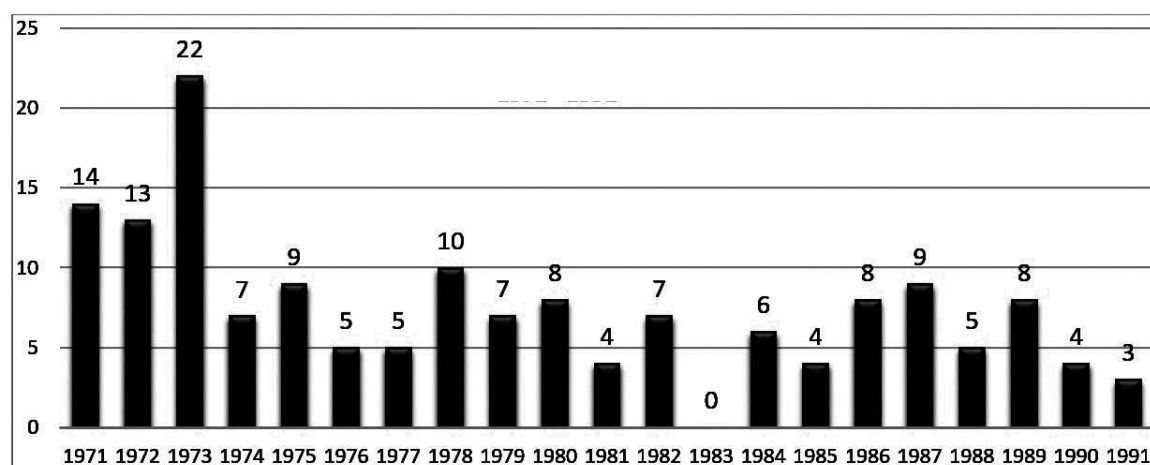
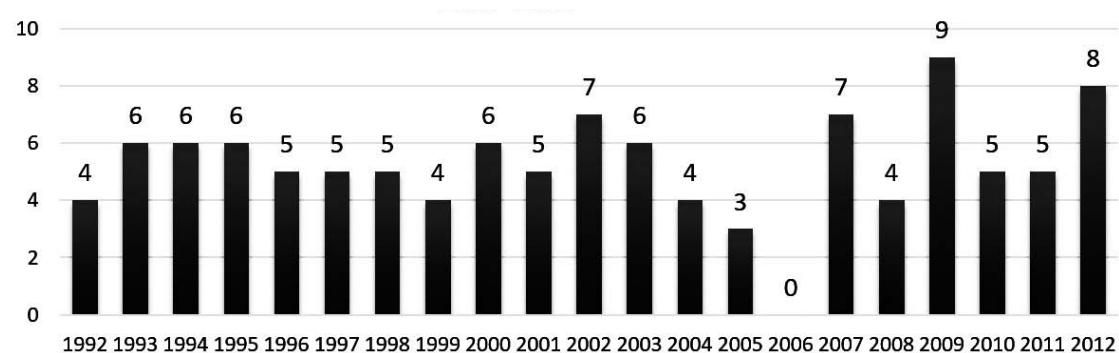


Table above shows the highest amount of bills that the parliament in one day from 1971 until 1991. This period was after the 13 May 1969 riots, government rule was under MAGERAN. In 1973, the highest number of bills passed in one day was 23. This does not continue on, the trend observed from the graph shows that the number of bills passed on the day which saw the highest number of them decreased to less than ten after 1973.



This trend continues consistently until 2012. Not more 10 were passed in a given day in parliament. In 2009, the highest number of bills passed by parliament in one day was nine bills. On the other hand, in 2012, the highest number of bills passed by parliament was just eight bills.

Reform of the 'Dewan Rakyat Standing Orders'

The standing orders of the Dewan Rakyat originate from the procedures and rules of the Federal Council (1909) which was a legislative body of the colonial era. The Legislative Council (Privileges and Powers) Ordinance 1948 passed by Federal Legislative Council 1948, was used as the procedural rules for the operating of the Council. The ordinance basically explained the rights and privileges of members of the Council. The Legislative Council also took an act of the South African parliament as an example through which our own procedures were devised.

Not all of the rules in the ordinance were enforced and practised by the Malayan parliament as some changes were deemed necessary by the Government in order to fit with the political culture in the state at that time. In reality, these changes were made to accommodate the interests of the Government which sought to place limitations on the rights of parliamentarian to voice criticism. Tun Abdul Razak presented a draft of changes to the standing orders of the Dewan Rakyat in 1959. The draft was heavily criticised by the Members of Parliament. To this day, the original standing orders of the Council from 1909 remain in use in Parliament, there has



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been little change, with the exception of two amendments; notably the one in 1998 where the ordinance was changed to Act 347. This amendment reduced the amount of time allocated to MPs to ask questions from the allowance of 20 oral questions to just 10. Such an approach to changing the standing orders is regressive and an affront to the parliamentary system. The fact that there has been little

change in over a century and that even the little change that did occur was counter productive highlights the need to push for a substantial parliamentary reform agenda which grants Parliament all the necessary powers to serve an institution of check and balance.

In the British Parliament, the standing orders of the House of Commons have been amended 33 times since 1998. The stand-



ing orders are usually reviewed at each opening session in order to ensure relevance considering political and social changes. There is a strong understanding of democratic values and the understanding that the institution is not merely a rubber stamp. Therefore, it is evident that the standing orders of the House of Commons are more dynamic and progressive compared to that of the Dewan Rakyat which has practically remained static for over a century.

There are a couple of pressing reforms which need to be addressed in terms of Malaysia's parliamentary standing orders. First, the parliament should form a special select committee i.e. the 'Modernization and Parliamentary Reform Committee'

to specifically discuss reform. The committee should propose amendments to the existing standing orders in order to strive for a more effective, progressive and democratic Parliament. Discussions in the Committee should involve a myriad of views in order to better comprehend the complexity of the issues and also identify and overcome procedural weaknesses.

There are also a couple of other recommendations which could possibly assist in achieving the goal of reform:

- a. **The standing orders committee plays an effective role in reviewing and amending flaws in the standing orders. The Committee would be more effective if it does so at the opening of Parliament.**
- b. **Reviewing the Parliamentary Service Act 1963 and Act 347 to ensure the clear separation of powers between the executive and legislative branches of government.**
- c. **Working together and getting support from civil society movements to pressure the government towards committing to reforms**
- d. **Empowering the public on the necessity of such reforms through educational campaigns and grassroots engagement to further entrench the system of parliamentary democracy in Malaysia.**

Conclusion

The weakness of the Dewan Rakyat's standing orders is the biggest obstacle in the way towards liberalising the Malaysian parliamentary system. Ineffective standing orders have been an impediment to the concept of parliamentary democracy in Malaysia as Parliament is not able to play its role as an institution of check and balance. Thus, the only way to restore democracy to the nation, so to speak, is by embarking on serious parliamentary reform; standing orders reform in particular. Encouragingly, reform has taken place recently, such as the setting up of Special Chamber, Minister's Question Time, and etc, but more still needs to be done. The Parliamentary Service Act of 1963 which draws on the separation between the legislative and the executive is a place to start.

At the end, the agenda for parliamentary reform, through reviewing the standing orders is futile without the commitment and cooperation of MPs. The un-parliamentary behaviour of not adhering to the orders of the Speaker and contravening procedural rules must be abated. MPs need to serve the interest of their constituents and not betray the trust of the people. Ministers should be responsive to questions and not merely read the prepared speeches and leave.

LIVEABLE CITIES: KOTA KINABALU AS A MODEL FOR MALAYSIA

By PHOONG JIN ZHE
Sabah DAP Publicity Chief

When I was much younger, I remember following my mother and aunties to the city using the traditional mini buses. Back then, people of different races and ethnicity sat together and communicated in many languages. The atmosphere was harmonious, and it made me feel a sense of belonging to this city.

Fast forward ten years later, and things have changed. The number of cars have increased by many folds, resulting in the many traffic jams we have today. It only gets worse by the day.

Statistically speaking, over past two decades, the modal share of public transport users in the city of Kota Kinabalu (KK) has declined drastically from 34% in 1996 to a mere 4-8% in 2014. In 1996, 34 out of 100 people utilised public transportation, the figure now stands at between 4 and 8 people.

In comparison to Kuala Lumpur (KL), KK has a lower rate of public transportation usage. Almost everyone in KK owns a car or two. The Greater Kota Kinabalu Plan forecasts that every res-

ident will own at least 2 cars in the near future.

The idea of Greater Kota Kinabalu, GKK is defined as a big conurbation comprising of Putatan, Penampang, Inanam, Papar and Tuaran. It is home to

nearly 1 million people, which is about one-third of Sabah's total population. Over the past few years, KK has been experiencing rapid urbanization with the mushrooming of many high-density residential projects. This re-



sults in urban sprawling, a situation where more people move to a city and its suburbs from rural areas. Ultimately, traffic congestion will worsen.

In June 2015, the World Bank released the Malaysia Economic Monitor report with a specific thrust – Transforming Urban Transport. It addressed urban mobility as a key challenge to

In terms of economic implications, traffic congestion has contributed to a GDP loss of 1.1% to 2.2% every year; this is according to the report by the World Bank.

Therefore, it is high time we shift away from our reliance on private transportation. This is only possible with the existence of a comprehensive and well-connected public transportation network which provides better connectivity and reduces traffic flow.

Prime Minister Datuk Seri Najib Razak, when unveiling the 11th Malaysia Plan, proclaimed that KK will be a “Growth Catalyst City”. He however, failed to outline a roadmap on how to make KK a better city with better connectivity. As the World Bank warns, if limitations to urban mobility continue to be a major problem, the potential and competitiveness of a city will be harmed and dented.

In order to achieve urban mobility, the government of the day must be dedicated to stop the sprawl of private vehicles and instead focus on developing efficient and accessible public transportation systems. The World Bank in its report suggests establishing a lead transport agency at the metropolitan level, and introducing measures to manage the usage of private transportations in heavily congested areas. It is vital to start

Over the past few years, KK has been experiencing rapid urbanization with the mushrooming of many high-density residential projects

identifying and implementing sustainable financing options for public transportation.

An integrated transport agency is important to handle the planning and delivery stages of public transport solutions. As of now, transport-related entities are controlled by various agencies at different governmental levels. Examples of such entities are: JKR (Road), LPKP (Licensing of public transport), DBKK (Urban Planning and Public Transportation Planning), State Government (Land and State Road), Federal Government (Funding and Allocations) etc. Without better inter-agency coordination, the planning and execution of public transport solutions is bound to face many hurdles.

Among the various cities listed by World Bank as models are London, Vancouver and Paris; all of which have integrated transport agencies that plan and execute relevant transportation poli-



Malaysia's developed-nation ambitions.

Abysmal rates of urban mobility are an obstacle to economic growth which destroys a city's competitiveness as a whole.



cies in the respective cities. It is crucial that we consider adopting this idea in order to fulfil the increasing demand of transportation in our cities.

Besides poor planning, it was also highlighted that an extensive reliance on private transportation is one of the leading factors resulting in limited usage of public transport. According to studies, high transport and congestion costs lead to reduced disposable household income and overall wellbeing.

According to the report, transport costs in Malaysian cities are higher compared to other East Asian countries; Malaysian households spend a relatively large share of their household income on transport costs. About 10% of Kota Kinabalu's household expenditure is spent on transportation costs, slightly higher than that Kuala Lumpur and any other city in Malaysia, and 59% higher than other East Asian cities such as Tokyo and Hong Kong.

The high transportation costs

If a relatively cheaper and efficient public transportation system was in place today, reliance on private transportations would be reduced, and this in return would signal an increase in disposable household income.

endured has meant that more and more residents of KK have to tighten their belts. If a relatively cheaper and efficient public transportation system was in place today, reliance on private transportations would be reduced, and this in return would signal an increase in disposable household income.

The World Bank in its studies used two major cities as case studies, namely Greater Kuala Lumpur (GKL) and Greater Kota Kinabalu (GKK). It concluded that the solution to the transportation issues in GKL is "Late Intervention", this is because urban sprawl over the past thirty years occurred at an accelerated rate resulting in substantial

increases in the population and also private vehicle ownership rates. Thus, the only option left to successfully addressing this conundrum is categorised as 'late intervention'.

On the contrary, GKK is in need of "Early Intervention" as it has not yet experienced the rates of urban sprawl seen in GKL. Thus, it is of utmost importance that the relevant authorities act now on addressing transportation issues in GKK before this window of opportunity closes. The urgency in doing so is also highlighted in the report which states that "GKK is showing signs of congestion".

Although the Kota Kinabalu City Hall (DBKK) has already released a "Public Transportation Master Plan" as well as a "Greater KK Plan", the development stages of each plan to not appear to be progressing on track with the timelines outlines. Such a problem will lead to a failure to deliver on the proposed policies and projects. I believe that the DBKK lacks the power and the

necessary resources to fully execute and deliver on the plans.

In addition, the said integrated transport agency should not be controlled solely by the Federal Government. Planning and implementing powers should be decentralised to the municipal level – DBKK. Divest power to the DBKK to develop its own public transportation system, this must also include financial autonomy. We cannot leave it to the SPAD or the Federal Government to decide everything. The notion that policies affecting residents in KK be solely decided by officials sitting in offices 2000 km away from KK is ridiculous. Such policies must take into account the situation on the ground and the only way that can happen is if people who are privy to the local scenario are fully involved in the planning and development of policies.

Under the existing Greater Kota Kinabalu Plan, the government has actually announced the implementation of a Bus Rapid Transit (BRT) in the city. Finance Minister Datuk Seri Najib Razak, during his budget speech in Parliament last year, announced that RM1 billion will be set aside to finance the project which is aimed at enhancing mobility and easing traffic congestion in KK.

While, I support the BRT project, I do have some reservations as we are still in the dark over the exact details of the project.

In my view, the RM1 billion set aside should be spent on

procuring an adequate quantity of buses of sufficient quality and also on public facilities to ensure passenger convenience; instead of being wasted on building elevated paths such as in the case of the BRT in Sunway. This, first in the country, BRT project cost a whopping RM600 million, for a mere 5.3km trail. Tickets are priced at RM1 per kilometre and ridership is low. Such a blunder should not and can not be repeated in future BRT developments.

BRT buses run on a dedicated lane just like any other rail transit. Instead of building expensive elevated roadways, a special road or lane could be set up on the ground. It should link bus stations, pedestrian routes, bicycle lanes etc. Such an incorporated structure will provide convenience to end users and help to increase the usage of public transport.

In comparison to the LRT, a BRT system is cheaper and more suitable for lower-density residential areas like KK. Based on studies done in 2012, the construction cost per kilometre for a BRT system is RM8 million per 10 kilometres. LRTs on the other hand, cost RM27 million per kilometre.

Besides, one of the reasons why a BRT system is more suitable for KK is because KK has a lower population density and BRT is able to extend deep into sprawling dwellings in smaller areas. LRTs on the other hand, connect larger neighbourhoods

Perhaps it is too late to fix KL's public transportation woes. However KK has the potential to transform itself into the leading model of a public transportation hub in Malaysia.

with higher population densities.

Executed correctly, holistically and comprehensively, KK will be able to position itself as the leading model of liveable city in Malaysia.

The most pressing task now is regaining the public's confidence and also successfully persuading them to utilise the different modes of public transportation. There are a few crucial considerations towards achieving this: Punctuality, quality, safety, convenience, and cleanliness. We would not want a RM1 billion undertaking to end up as another one of the white elephant projects our country is infamous for.

My apologies to friends and colleagues in KL. I must say that perhaps it is too late to fix KL's public transportation woes. However KK has the potential to transform itself into the leading model of a public transportation hub in Malaysia.

Park, Transit, Move in Petaling Jaya

By Ir Lee Suet Sen
City Councilor of MBPJ

Transit Oriented Development (TOD) is a New Development Focus for Selangor for next 5 to 10 years. While it is new for Selangor, the concept of TOD is not new to Malaysia as KL Sentral was the first TOD in Malaysia. However, during its construction, it was not envisioned as one; it was an 'accidental' TOD, so to speak.

What is TOD?

A TOD is a compact, mixed-used, pedestrian friendly development organized around a transit station, TOD embraces the idea that locating amenities, businesses, retail shops, and housing around transit hubs promote transit usage and non-motorized travel. In other words, it is all about improving connectivity and promoting public transportation usage through thoughtful and resourceful developments.

The Case of Petaling Jaya

Petaling Jaya (PJ) is a fully urbanized city in Selangor. The city has an area of 97.2 km sq.

and its population has grown substantially over the past three decades.

Year	Population
1990	254, 849
2000	417, 030
2010	607, 509
2015	658, 611

(Reference: Department of Statistic Malaysia)

According to Selangor State Structural Plan 2020-2035, the city's population is expected to exceed 2.5 million people by 2035.

Considering the rapid development PJ is undergoing coupled with its growth in population, the authorities should be prioritizing policies relating to mobility within the city. Low levels of public transportation usage, say below than 10% of a cities population, does not bode well for its sustainability in the long run. This situation underlines the importance of farsighted urban planning.

In June 2013, with the intentions of improving the usage of public transportation and gear-

ing towards TOD, I proposed a bus service for the city, a service which is now known as the PJ City Bus service.

It is collaboration between the Petaling Jaya City Council (MBPJ) and Prasarana, the operators of the Rapid KL and Rapid Penang services. The bus service, which is free, has seen significant success over the past two years since it was introduced. A survey commissioned by the Urban Transportation division of the city council found that 19% of the participants previously utilized private vehicle to get around.

In other words, the bus service has successfully converted them from private vehicle users to public transit users. The survey also found that students and low wage workers constituted 86% passengers.

The success of this service underscores the fact that a significant number of people would ditch their private vehicles in favor of public transportation, provided that such a service is available and also accessible.

Given the unfamiliarity of many Malaysians, including PJ



A train of the Kelana Jaya line of the RapidKL LRT passing through Petaling Jaya.

residents, to TOD, a workshop was held by the city council in November 2013 to introduce this new development concept to city residents. The workshop engaged many residents and featured paper presentations from experts and representatives from Hong Kong, Australia and the Land Public Transport Commission (SPAD).

Addressing Low Public Transportation Usage Rates

A comparison of population densities and public transportation usage rates in Hong Kong, Singapore and PJ underlines a serious problem faced by PJ and many other Malaysian cities. The population density of PJ is 7000 people per square kilometer,

7000/km² and Hong Kong's is 6800/km² while Singapore's is 7800/km².

While this is not exactly alarming, the problem becomes evident when we compare the rates of public transportation usage. Hong Kong's rate is at an impressive 90% and Singapore's is 55%; however, PJ's rate is alarmingly low, below 10%. What this means is that if the population of PJ continues to grow at the rates projected and such growth is not followed with improved public transportation, the city will face a major traffic crisis which will negatively affect its economy and the wellbeing of its citizens.

Efforts to avert such a scenario through new developments faced challenges as Traffic Impact Assessments (TIAs) were not

convincing enough for the Local Council One Stop Centre, OSC.

However, in December 2013, as a member of the OSC, I proposed the execution of the PJ Master Transportation Plan 2016-2025. The proposal was accepted and a study on the Plan was commissioned in June 2014.

The study covered all areas of improvement needed for PJ as a city, this included TOD and proper planning of public transportation. This made MBPJ the first local council to embark of such an ambitious exercise.

In 2014, we identified 7 TOD zones for the amendment of the PJ Local Plan (RTPJ1 and RTPJ2). The zones are set within a 400 meter radius from existing MRT/LRT/KTM stations.

The 7 zones are:



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- i. Taman Jaya LRT Station,
- ii. Ara Damansara LRT2 station,
- iii. One Utama MRT Station,
- iv. The Curve MRT Station,
- v. Dataran Sunway MRT station,
- vi. PJU5 MRT station and
- vii. Setia Jaya Commuter Station.

Given that the study on the Master Transportation Plan is ongoing, we have not set a higher plot ratio for TOD zones, the

ratio remains at a maximum of 4. While this figure has raised many queries as it is not the common practice for TOD, we insist on it; at least until the integration of the public transportation is improved and ridership has increased.

The Selangor Department for City and Rural Planning (JPBD) has drawn fundamental guidelines for TOD. The guide-

lines, which were devised in September 2015 are to be gazetted soon. The guidelines for TOD in Selangor include the following areas:

We, in MBPJ, find the guidelines to be too general in nature and we see the need to establish more detailed planning requirements for the 7 TOD zones identified in our study. Hence, we have set up a TOD Special Tech-

TOD 1	Feature Development of Mixed and Other Activities
TOD 2	Increases in The Intensity of Development (Density & Plot Ratio)
TOD 3	Terms of Affordable Units in Residential Zone Business Land Use
TOD 4	Addition of Business Affordable Living Conditions
TOD 5	Requirements of Pedestrians and Bikes (Walkable/ Bikable)
TOD 6	Providing Adequate Community Facilities
TOD 7	Reduction of The Parking Requirements
TOD 8	Provision of 'Feeder Buses'
TOD 9	Promoting Green Building Concepts

nical Committee to undertake this task. We have identified the challenges which require addressing, they are as follows:

- 1) Conflicting policies towards TOD, i.e TOD versus parking requirements and giving higher plot ratio and residential density
- 2) District Local plans (generally in Malaysia, except for the KL City Plan) do not recognize mixed-use development zoning. All mixed-used development is legally zoned as commercial.
- 3) The National Land Code (NLC) only recognized Agriculture, Building (Residential or Commercial) and Industry as categories for land classification. Mixed-used categories are not listed in the NLC.
- 4) Coordination of different government and private agencies involved in TOD developments are quite sensitive and complicated.
- 5) Managing public perceptions and concern is a time consuming process.
- 6) Making sure that TOD balances between meeting social needs and maintaining financial feasibility.

Conclusion

In conclusion, the way forward for TOD in PJ is that we be fixed on the locations of Transportation Hubs while also addressing the following: Special Open Space policy, Special Local Zoning Plan for TOD, Land Usage for Mix-Developments and the Formula for affordable housing in TOD Zones. TOD is definitely the future of PJ, what matters here is that we work towards that future through meticulous planning and thorough public engagement.



LIBRARY FOR SOCIAL DEMOCRACY

The library which is part of REFSA was set up in September 2015. With over 10,000 books and documents in English, Bahasa Malaysia, and Chinese, the Library is an open resource hub that engages academics, politicians, and citizens in critical dialogue about local and global society, politics and economics. By giving the public access to its resources, the Library aims to encourage users to actively engage in policy debate on public issues.



Tuesday Night Conversations: Can Social Democracy change our world?

In December 2015, Two young Social Democrats, Edry Faizal Yusof and Chiong Yoke Kong chaired the Social Reader 1 reading session and share their thoughts on how Social Democracy can be a third way to change the world.

Political Education Workshop : Why Ideology?

On 18 March 2016, REFSA hosted Prof Thomas Meyer who is a former head of the Academy of Social Democracy, Germany, at the Library to chair the Political Education Workshop : Why Ideology?





Kerajaan Korup, Pembangkang Lemah: Masihkah Ada Harapan Untuk Anak Muda?

On 27 May 2016, Selangor state assemblywoman for Damansara Utama Yeo Bee Yin organized a youth forum at the Library.



Political Philosophy: What Is Politics?

REFSA and DAP Political Education Department coorganised a political philosophy class for members of the public and political workers in March 2016. The speaker, Dr Tony See, who is a lecturer in National University of Singapore (NUS) introduced Classical and Medieval Political Thoughts and delved into key concepts such as Justice, Right, Sovereignty and Law.





REFSA, The City Institute

REFSA was established in 2004 and had been pivotal in BERSIH 1.0. Over the years, REFSA has distinguished itself as one of the few independent think tanks offering meticulously researched papers on various issues of national interest including its popular 2013 series on the Malaysian federal budget as well as on the government's Economic Transformation Programme (ETP).

Today, building on our twin values of rigorous and yet accessible research, REFSA aims to position ourselves as the City Institute of Malaysia, offering policy-level ideas and solutions on governing our cities and towns.

We engage with policymakers from across the spectrum, academics, and activists drawing from their knowledge and experiences and then offering our analysis to improve governance and policymaking.

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