

ASSESSING THE MISUSE IN NEIGHBORHOOD OPEN SPACE ACCORDING TO PARK BYLAWS (MBPJ 2005)

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ABSTRACT

Parks is an example of open spaces where people can enjoy active and passive activities during free times to escape from the hustle and bustle of city living. Policies and guidelines have been implemented by the local authorities so that the public parks and open spaces in their area of jurisdiction are convenient to be used as well as to ensure public safety. This study aimed to identify and understand; the misuse of neighbourhood open spaces in the area of Majlis Bandaraya Petaling Jaya (MBPJ) jurisdiction according to the Parks Bylaws (MBPJ 2005). Six (6) open spaces have been chosen namely; Taman Jaya in Section 10, several neighbourhood open spaces located at Section 13, Section 14, Section 17, Section 19 and last but not least, Taman Aman in Section 22. The methodologies used are questionnaire survey that obtained a sample size of 90 respondents and in-depth interview session with the officers from the Landscape Department of MBPJ. This study found that; illegal dumping, vandalism, and illegal placement of posters and advertisements are the main offenses occurring in the neighbourhood open spaces while illegal parking, indecent behaviour and walking the dogs in the parks were found to be the example of minor offences. This study deduced that violation of Parks Bylaws occurred mainly due to the lack of awareness and public involvement. The study also outlines several suggestions to address the issues encountered in order to reduce problems regarding the misuse of open spaces which can lead to better usage of the open space.

Keywords: Neighbourhood Open Space, Parks Bylaws, Misuse of Open Space

INTRODUCTION

Public open spaces play a role in creating a lively and active community in a city, town or even in small living areas as they help to elevate the physical, physiological and psychological wellbeing of individuals. Several policies and guidelines have been implemented by the local authorities so that the public parks in their jurisdiction are conveniently and safely used by residents or the public. This matter is important to ensure the preservation of ambience, equipment and personal safety so that open spaces can be enjoyed and utilized by people of any age. According to the Minister of Urban Wellbeing, Housing and Local Government,

67,000 hectares of land have been allocated for the provision of public parks throughout Malaysia in tandem with Vision 2020 that envision Malaysia as a fully developed Garden Nation by the year 2020. Sadly, up till 2013, only 14,988 hectares of land were developed into public parks (Abdul Jalil Ali, 2015). This study believes it is very salient to provide public parks for people to interact and pursue healthy living, especially in urban areas. However, the existence of such parks are often riddled with bad maintenance and lack of security due to insufficient funds and human resources. As a result, parks become attractive target areas to those who abuse park facilities and conduct negative activities such as loitering, smoking, drink and drug abuse, especially at night since there are no guards on patrol.

THE POWER OF LOCAL AUTHORITIES UNDER PARK BYLAWS

According to Merriam-Webster (2015), bylaws mean a rule adopted by an organization chiefly for the government of its members and the regulation of its affairs or a local ordinance. In Malaysia, the Local Government Act 1976 (Act 171) specifically outlines a legal conduct regarding the power of local governments. Among others, the Act provides the local authorities to make bylaws. In short, they are allowed to amend the Act from time to time to ensure the health, safety and well-being of people and other living matter within their area of jurisdiction. In the context of Parks Bylaws established by a local authority, it would carry the meaning of a local law that governed them to supervise open spaces in their areas. The local authorities need to provide financial support to regulate any maintenance needed on public properties such as public parks, in charge to manage the condition of trees, flowers and shrubs in public places. Furthermore, the local authorities are allowed to impose a fine or compound of any offences committed under the park bylaws. Other than that, local authorities have the power to claim monetary deposits from applicants for permits if the public intended to conduct any events in public spaces or fishing license. Local authorities are also allowed to establish by-law, rule or regulation in the Gazette constitutes notice. However, in order for bylaws to be effective, it needs to be confirmed by the State Authority.

MISUSE OF OPEN SPACES ACCORDING TO PARKS BYLAWS

According to the MBPJ Parks Bylaws (2005), some of the regulations delineated by the authorities, are the placement of advertisements or posters on wall, trees, fence and park structures. Those older than 12 years

old are prohibited from using any playground equipment. Moving, removing, or vandalizing any seat, playground equipment or other equipment in open spaces are also not allowed. The construction of any structures without written permission from the Mayor is prohibited. This include building or placing permanent structures such as shrines and cabins even for the purpose of the resident's association office. Swimming in any lake or stream is not permitted except in a place authorized by the Mayor. The public are also not allowed to fly any kite or play any ball game except in places expressly provided. In addition, football, golf, hockey or rugby are not allowed in places that are not prescribed by the Council for such games. Furthermore, motorized vehicles should be parked only in the authorized areas. Users of open spaces will also be charged with either a penalty or imprisonment or both if caught doing indecent behavior in parks, bringing dogs to parks, fishing without a license, constructing a car wash area, farming, hawking without permission and throwing rubbish in the open space area except in designated location. Last but not least, preventing any officer or employee of the Council in carrying out their duty will be fined by the authorities if found guilty.

RESEARCH METHODOLOGY

Petaling Jaya has been chosen for the site study due to its location in the urban area, neighboring Kuala Lumpur and Shah Alam. Petaling Jaya is divided into two regions, which are Petaling Jaya Utara and Petaling Jaya Selatan. The site selections encompassing neighborhood parks as they are located near to residential areas and will aid in improving the findings and generate a more precise data and information regarding the misuse of parks by local people. Information for this study was gathered from questionnaires surveys and interview sessions with MBPJ officers from the landscape department. Data were transcribed in the written form and non-participant observation done on the sites. The study was conducted by inspecting 6 open spaces in Petaling Jaya, which encompass open spaces in Taman Jaya in Section 10, Section 13, Section 14, Section 17, Section 19 and Taman Aman in Section 22 (Fig.1). The questionnaire survey obtained a sample size of 90 units distributed to park users in the 6 selected open spaces. The survey was conducted for 3 times per week in which 2 days were during the weekend and one on the weekday. Results from the questionnaire survey were divided into several categorizations such as demographic background, and the important part of the survey was broken down into several subthemes: their views on the effectiveness of bylaws and opinions on the misuse of open spaces.

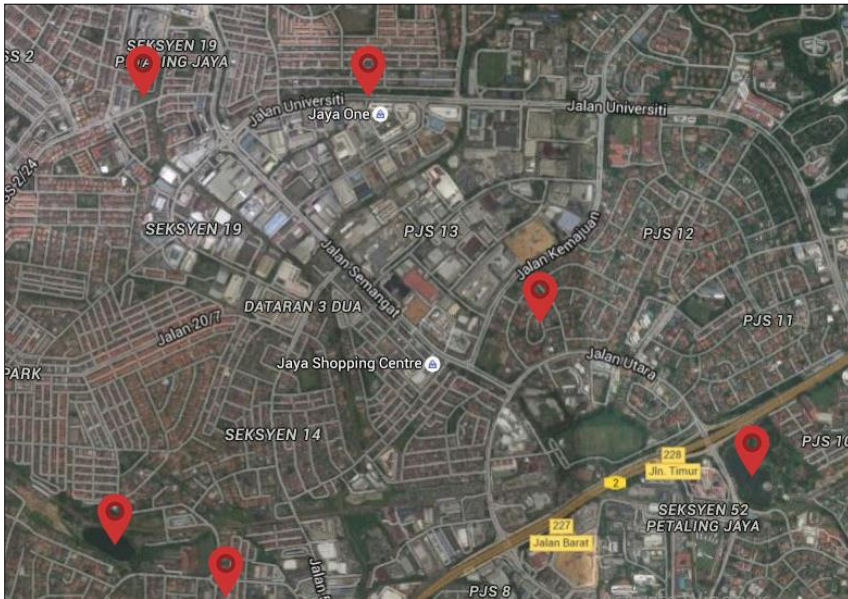


Fig.1: Six selected neighbourhood open spaces in Petaling Jaya

RESEARCH FINDINGS

The results indicate that from the total respondents of 90 people, 59 of them were female respondents (66%) whereas 31 respondents were male (34%). The average respondents' age for the male respondent are between 31-40 years old while the female respondents' age between 21-30 years old.

Awareness of Parks Bylaws

57 respondents (63%) claimed that they were aware of park bylaws outlined at the signboard by the local authorities while the remaining 33 respondents (37%) were not. Some of the respondents also reported that they were not conscious of the guidelines signboard located in the parks. This might due to their lack of mindfulness of the importance of parks. 51 respondents ticked 'yes' to reflect that they understand the function of park bylaw while the other 39 did not understand this provision. The respondents claimed that they might not learn or be informed of the park bylaw due to their lack of exposure to the media or peers.

Common Misuse Activities in Open Spaces

Based on the survey conducted, from the point of view of the respondents, the most common misuse activities conducted in the selected neighborhood parks are vandalism, illegal dumping and indecent behavior (Tab.1). These findings are parallel to the observation survey conducted on site.

Table.1: Misuse activities seen by respondents

Neighborhood Park	Taman Jaya, Section 10		Jalan 13/4, Section 13		Jalan 14/61, Section 14		Jalan 17/1A, Section 17		Jalan 19/29, Section 19		Taman Aman, Section 22		Total
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	
1. Placing Permanent Structures	0	0	1	5	0	0	3	14	0	0	0	0	4
2. Indecent Behavior	5	13	6	27	2	11	3	14	8	40	0	0	24
3. Car Wash Area	1	3	0	0	0	0	0	0	0	0	0	0	1
4. Illegal Hawking	5	13	0	0	3	16	0	0	0	0	0	0	8
5. Illegal Shrines	3	8	5	23	0	0	0	0	0	0	1	5	9
6. Illegal Parking	6	15	0	0	4	21	2	9	2	10	5	24	19
7. Illegal Dumping	8	21	7	32	5	23	3	14	4	20	5	24	32
8. Vandalism	7	18	2	9	2	10	6	27	4	20	7	33	28
9. Walking Dogs	4	9	1	4	3	16	5	22	1	5	3	14	143



Fig.2: Illegal dumping

Illegal Dumping

Based on the observation conducted at the site study, illegal dumping (Fig.2) is basically a widespread problem in most neighborhood open spaces found at the parks in Section 13, Section 14, and Section 22. This offence is divided into two; it is either the domestic rubbish from homes thrown in big plastic bags and bulky items such as furniture and appliances, or litter from human activities such as drinking cups, food containers, and

plastic bags. Illegal dumping might also arise from the trashes assembled by night market vendors after their buying and selling activities and this problem has become an eyesore and also harm the environment.



Fig.3: Vandalism

Vandalism

Vandalism is another violation of bylaws committed in most neighborhood open spaces which are at the parks in Section 10, Section 13, and Section 14. The types of destruction by the culprits include graffiti on playground equipment especially on slides and damaging of park's signages and public facilities such as seats and playing equipment.



Fig.4: Illegal shrines and cabins

Other Misuses

Illegal posters and advertisements placed on parks' structures and trees are also frequently discovered in neighborhood open spaces. Illegal posters also are pasted on park guidelines signboards. It was also found that cabins and shrines (Fig.4) were installed privately by the residents nearby the

parks. However, the structures cannot be assumed as illegal as the residents' might have applied for permission from the local authorities.



Fig.5: Walking dogs

The other park offences committed by the locals are walking their dogs in Taman Aman, Section 22 (Fig.5), misuse of children's equipment by those older than 12 years old, and illegal video recordings. These actions might occur due to the public's perception of their right as taxpayers to utilize nearby open spaces as they see fit. They might also be unaware of the provision of bylaws as most of the offences are stated in the park guidelines signboard.

DISCUSSION

The findings collected through the observation survey and interview sessions with the local authorities proved that the provision of parks bylaws in Petaling Jaya have yet to be effective. This is due to several reasons mainly attributed to due to the human factor. Public mentality plays a very big role in ensuring the effectiveness of regulation.

Factor Contributing to the Misuse in Parks

Based on the interview session conducted with the officers from the Landscape Department (MBPJ), most of the respondents agreed that lack of supervision and maintenance of open spaces by local authorities, and the design of open space can contribute to the misuse of neighborhood open spaces. The officers agreed that the condition of parks ambience is crucial to determine the public's activities. Unwanted and illegal activities hardly occur in parks that are guarded and well-kept. Throughout the observation, most of the neighborhood open spaces are left unused by public or neighboring residents due to filth and the unpleasant condition of the parks. Besides that, the survey respondents also strongly agreed that unkempt, isolated parks can triggers crime and illegal activities such as vandalism and lewd behavior, especially at night. Proper actions need to

be taken as it involves the public's comfort and security while using the parks. Most of the facilities equipped in open spaces are not utilized wisely because of the mentality of the people thinking that only the local authorities are responsible to maintain and manage open spaces in their area.

Method to Reduce Offenses in Open Space

Based on the survey conducted, most of the respondent (47%) agreed that several methods can be used to reduce misuse of open space. The public can help the authorities to prevent the mistreatment of public parks from occurring by conducting Park Foster Program (*Kawasan Lapang Angkat*) that help to watch neighborhood parks. This is a community-organizing program that involves local people in the design and planning of the environment to develop a positive sense of place. The study believes that increasing greater public involvement is one of the most effective ways to ensure a durable and an economical maintenance of public parks. This is because public participation can contribute to a better outcome considering the areas provided for general usage (Anwar & Saruwono 2012). Respondents also agreed that park users need to be exposed to the provision of park bylaws. To ensure that the park bylaw in parks imposed by the local authorities are obliged, public involvement is important to help reduce misuse of open spaces, thus maintaining the safe and comfortable environment.

The Effectiveness of Parks Bylaws

People do not have the initiatives to report crimes committed due to the weak implementation of the parks bylaws. Hilborn (2009) claimed that people hardly wanted to be involved with the police if there is no cause or effect of doing so. This corresponds to the current society of Malaysia. Most Malaysian think there are no action will be taken even if they report the illicit acts to the authorities concerned. Active participation by people who live in communities is vital to develop sustainable and equitable projects (2000). Based on the survey conducted, the study found that 75 respondents out of the 90 agreed that the law is effectively implemented in their neighborhood parks. This might due to the lack of misuse they see happening in their parks. However, 45 respondents (14%) agreed that the parks bylaws lack public attention. 48 respondents agreed that the authorities are carrying out their roles by frequently patrolling the parks. The findings obtained from the survey answered the objective of the study; to get public views on the effectiveness of park bylaws. Most of the

respondents also approved the need for local authorities to monitor parks frequently to reduce offence of bylaws. Furthermore, the public responded that a firm enforcement can reduce misconduct in parks. A few respondents also agreed that law enforcement, particularly the park bylaws, is weak due to financial and human resources constraints. This statement was also supported by the officers from the Landscape Department of MBPJ.

DESIGN RECOMMENDATION

For conclusion, drawing up laws in protection of open spaces like public parks is a necessity as the public needs spaces to enjoy the outdoor environment. Looking at the current scenario, it is hoped that the parties involved in implementing bylaws in open spaces would implement strict measures that could be enforced. The following are several design recommendations that can perhaps help to reduce the misuse of open spaces by the general public.

Creative Trashcan

Based on the study conducted, cases of illegal dumping are most widespread in neighborhood parks. To reduce or prevent this activity, the local authority can:

- I. Provide a Bigger, Proper Dumping Site: This is a very important factor as most neighborhood open spaces do not provide residents nearby to dump their house wastes. This garbage disposal area needs to be located near to neighborhood areas and should be beautified by fragrance plant species to avoid smell disturbance by park users. It also needs to be clearly visible by dump collectors to collect the wastes later on. There is also a need to consider its capacity.
- II. Rubbish Bins: These should be accessible to the public passing through the open spaces. They also need to be positioned near to picnic tables or seating areas, but not too close to disrupt the public's comfort.
- III. Be Creative: Designing an attractive dumping area as public art is also a method that can be considered to attract people to throw rubbish into the dumping areas (Fig.6).



Fig.6: Creative rubbish bin design at Medina, Ohio, US

Graffiti Wall

This idea can be proposed to limit vandalism in terms of graffiti on playground equipment or walls. This ‘art wall’ can be a medium to be used by the public to visualize their art and creativity.

Dogs’ waste disposal bin

To inhibit hitches in the future regarding the sensitivity of religion and culture and to solve issues regarding on dog poop in parks, the local authorities could offer a restricted space and area where the public could bring and walk their dogs. The provision of the garbage bin to dispose of dog’s waste is also essential as it is also applied by other countries.



Fig.7: Dog's waste disposal bin implemented by Parish Council, UK

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