



Penang Forum

Report of Working Groups



Local Government

Youth and Students

The Arts

Labour

Health

Heritage

Women

Goodwill Initiatives

Transport

Persons with Disabilities

Environment



Penang Forum first met in April 2008 at a general public forum held at Disted College, Penang. Eleven working groups were set up, charged to make recommendations to the new state government. These are their reports.

This Report has been produced by the combined efforts of the Penang Forum participants, who adopted the Declaration contained on page 5, and all the working group members.

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Table of Contents

The Declaration of the Penang Forum 5 (statement of principles)

Reports and Recommendations of Working Groups on

Local Government 6

Labour 13

Women 20

Persons with Disabilities 25

Youth and Students 30

Health 33

Goodwill Initiatives (*intercultural relations*) 36

The Environment 38

The Arts 45

Heritage 57

Transport 60

The recommendations are based on the reports of 11 different working groups, which were set up following the public Penang Forum, held at Disted College on April 13th 2008 .

The Forum and the reports of the subsequent working groups do not claim to be comprehensive. For example, they do not cover the more macro issues of economy and poverty. A second Forum is planned to discuss these.

Nevertheless, crucial issues are covered in the reports, and we sincerely hope that the Penang State Government and its members pay due attention to the recommendations which they contain.

Together we can make a positive difference for the future of Penang.



Preface

There were some 150 people at the initial open public Penang Forum meeting. They comprised representatives from a large number of Penang NGOs, as well as individuals. All came together in the spirit of wanting things to change in Penang, and looking forward to a much more constructive partnership between state government and the people to whom it is accountable: the citizens of Penang.

The Declaration opposite sets out the contexts that Penang Forum participants, people of Penang, anticipate. We sincerely hope that the state government shows the sort of commitment to basic principles of governance and partnership to make these a reality. It would do a huge amount to strengthen our society, open up our democracy and get rid of corrupt and unsustainable policies.

In addition, eleven working groups have produced reports. The working groups represent a fantastic range of experience and thinking, and their recommendations should be given serious attention.

Indeed, many of the working groups have separately presented their recommendations to the appropriate

state government official. But a huge amount of work remains to be done if we are to find policies and procedures that are transparent and accountable, and find the most competent and effective implementation.

It is no coincidence that a common thread running through all these working group reports is the need for committed, regular and extensive consultation with members of the Penang public. State government representatives in charge of the different portfolios would do well to institute various Consultative Committees drawn from the public, to operate as an absolutely key part of the policy-making process. Some have done so already, in which case it is now a question of getting the issues identified, policies formulated and proper implementation.

This Report contributes a large number of recommendations - short-term, medium-term and longer-term - on a wide variety of key issues. Let us look forward to serious consideration of each and every one of them. Their implementation would guarantee a better and sustainable future for all Penang.

Together we can make a difference.

For more information: www.penangforum.net



The Declaration of the Penang Forum

April 13th 2008, addressed to the Penang State Government

We, the Penang NGOs, community groups and concerned individuals who participated in the Penang Forum of NGOs on April 13th at Distd College, hereby declare:

- i. We congratulate the Pakatan Rakyat coalition on its victory in the 12th General Election and welcome the opportunity to work with the current Penang State Government to further good governance of our state.
- ii. We call upon the Penang State Government to establish a new partnership with the Penang people, to be based on the principles of participation, transparency, accountability, sustainability and social justice. The general principles and the basis for the partnerships can be found in the 1999 Sustainable Penang Initiative and the United Nations' Local Agenda 21.
- iii. We call upon the Penang State Government to establish a mechanism for civil society to meet with the government on a regular basis, at least once every three months, so that civil society will have an avenue to raise issues, make input into policy-making, monitor and provide feedback on the implementation of those policies, and help the government to resolve problems and conflicts if required, whenever these arise.
- iv. We further call upon the Penang State Government to make financial and other resources available to NGOs and other civil society groups. Specifically, we wish to have easy access to public facilities like the Kompleks Masyarakat Penyayang, Dewan Sri Pinang, Town Hall, Balai Rakyat, auditoriums in public libraries, and public fields, in order for us to conduct our activities, especially public educational programmes, for the various communities in Penang.
- v. As a follow-up to this Forum, we shall be establishing 'issue-based working groups' comprising NGOs and concerned individuals, which will detail some plans of action on a variety of issues affecting Penang, to be submitted to the State Government.
- vi. In this regard, we call upon the Penang State Government to grant us access to the necessary data and information so that the proposed plans of action will address the concerns accurately, yet comprehensively.
- vii. Finally, we urge the new Penang State Government to regard this engagement with civil society as an opportunity to develop a collective commitment to the improvement and future sustainability of our State. Working together, this commitment can contribute towards a longer-term development strategy for Penang which

* stresses a balanced, integrated and sustainable approach to planning, wherein attention is given not just to physical development but to the economic, social, cultural, psychological and environmental consequences of development too;

* empowers communities in Penang to participate in decisions which affect them, paying special attention to the inclusion of marginalised groups, including women, workers, youth, senior citizens, persons with disabilities, the less affluent, rural communities, migrants and refugees, so that democracy can be enhanced and social justice achieved promoted.

Report of the Working Group on Local Government

Introduction

Malaysia practises a federal system of government which shares power and resources between the federal and the state levels of government. In fact, there is a third tier of government, the local authority, that generally falls under the ambit of the state government.

By adopting a three-tiered system of government, it is hoped that the work of government can be more efficiently distributed and the interests of the rakyat better served. Specifically, the maintenance of public facilities including drains, public toilets and open spaces; the collection, transportation and disposal of refuse; and the regulation of trades and other commercial activities, and especially of land and building development - all fall under the purview of local government.

In 1968, the Nahappan Royal Commission recommended that local government elections be reinstituted. However, the Federal Government decided not to adopt the recommendations, on the pretext that the local authorities would be run more efficiently if supervised more directly by the state governments.

In the past, the MPPP even provided services like electricity, water, fire brigade services, maternity and children clinics, the Penang Hill Railway, bus services, and low cost housing. Many of these services have been taken over by the state or the federal government, and since the 1990s, increasingly privatised.

During the 1950s until the mid-1960s, local government elections were also regularly conducted. Elections were held to elect George Town's Municipal Councillors for the first time in 1951. This was followed by elections for the Kuala Lumpur Town Council in 1952, and subsequently for Ipoh, Malacca and the other major towns. It was only in 1955 that Legislative Council elections were conducted for the federation as a whole.

However, elections to local governments were suspended in 1965 following the outbreak of hostilities between Malaysia and Indonesia. Thereafter,

local government presidents and councillors were appointed while a Royal Commission of Enquiry (headed by Senator Athi Nahappan) was established to look into the Workings of the Local Authorities.

Although in 1968 the Royal Commission subsequently recommended that local government elections be reinstituted, the Federal Government decided not to adopt the recommendations of its own Royal Commission on the pretext that the local authorities would be run more efficiently if supervised more directly by the state governments.

Consequently, when new local government laws and reforms were introduced in the early 1970s, local government elections were abolished altogether. Between 1976 to 2008, the councillors of local authorities have been selected from among the party faithful of the ruling Barisan Nasional coalition.

In this regard, the local authorities have largely played the role of extensions of the various BN state governments, charged with implementing BN policies, especially the NEP, at the local level. It is fair to say that the local authorities have not particularly distinguished themselves as purveyors of the rakyat's interests.

Rather, especially over the past decade, there have been numerous complaints about the mismanagement of local authorities in Malaysia. Some of these complaints have been highlighted in the press, particularly in *theSun*.

Such mismanagement has occurred in spite of the existence of a comprehensive sets of laws, including the Local Government Act (LGA) 1976, the Town and Country Planning Act (TCPA) 1976, the Roads, Drains and Building Act (1974), and various sets of by-laws and regulations (for example, Uniform Building By Laws, 1984) passed by the local councils.

Since then, there have been numerous complaints about the mismanagement of local authorities in Malaysia.

Currently there appears to be no mechanism to hold the presidents and councillors of the local authorities accountable and responsible to the public. At best, they are only accountable to the Penang state government(s) that appointed them. On its part, the state government hesitates to dis-

“ The opposition parties had made local government reform one of their main promises in their electoral manifestoes. Specifically, they promised that local government elections would be restored and that local governments would be made more transparent .”

cipline, even less dismiss, the people they appointed.

It is arguable that this perceived failure on the part of local authorities to perform their duties for the benefit of ratepayers was an important factor in the defeat of the BN government in Penang, Selangor, Perak and Kedah, especially in the urban areas, in the 2008 general election.

Indeed, the opposition parties had made local government reform one of their main promises in their electoral manifestoes. Specifically, they promised that local government elections would be restored and that local governments would be made more transparent and accountable.

Now that the Pakatan Rakyat opposition coalition governs five of the peninsular states, it is necessary to fulfil that promise. How might these PR governments go about doing so?

This Memorandum makes **three** major proposals which are ordered in terms of immediate, intermediate and longer-term goals.

First, pending the restoration of Local Government elections, the memorandum calls for the incorporation of certain reforms in the running of the local authorities to make them more inclusive, apart from being more competent, accountable and transparent.

Second, in view of the rapid pace of development in Malaysia, it calls for the development and gazetting of Local Plans as soon as possible (while allowing for as full a public participation as possible), since the National Physical Plan and the Structure Plans of most of the states have already been gazetted. Pending the finalisation of the two Local Plans for Penang, no major project should be approved. Even after the Local Plans are available, all major projects should be carefully scrutinised and the necessary detailed EIAs, traffic and flood risk assessments conducted prior to approval. Currently, most projects are not required to conduct traffic and flood risk assessments, while only preliminary EIAs are required.

Apparently, the Local Plans for Penang Island and Seberang Perai will soon be completed. In keeping with the commitment to involve the public as much as possible, we request that some three (3) months be made available for the rakyat to review and provide feedback on these Local Plans.

We propose that a team of experts involved in the various NGOs work closely with the MPs and ADUNs to mobilise public interest and participation in the review of the Local Plans. In this exercise, emphasis should be given to wider social issues rather than to specific issues affecting particular households or streets.

Third, it calls for the reinstatement of Local Government elections. We understand that laws, including federal laws, will need to be amended. Accordingly, bringing back local government elections will take time, but we stress that it is absolutely crucial for local democracy to do so.

“ In keeping with the commitment to involve the public as much as possible, we request that some three (3) months be made available for the rakyat to review and provide feedback on these Local Plans.”

I. Reforming the Current set-up of Local Government

For the past 30 years, about 24 councillors have been appointed to the MPPP and the MPSP, each. Invariably, they were members of one or another BN component party. Some councillors were professionals who were familiar with the workings of local governments. However, most were appointed on the grounds that they were local party leaders rather than on the basis of familiarity, interest or having relevant expertise in the workings of local government affairs. Indeed, a few ended up as councillors principally because they had been unsuccessful in the contest to be nominated as candidates for parliamentary or state assembly seats.

In fact, the LGA Section 10(2) requires that the Councillors be people who are ordinarily resident in the area. They must have a proven wide experience in local government or have achieved distinction in any profession, commerce or industry. Political affiliation is completely irrelevant to the appointment of councillors.

In the event, the previous councillors were all political appointees and ultimately responsible to their party leaders and to the BN state government that appointed them. More than that, they were also beholden to BN federal leaders and federal government policies some of which began to impinge upon the workings of local government as in the privatisation of various services previously undertaken by the local authorities.

“Councillors have also been known to use their positions to serve their own interests and become the source of corruption.”

Invariably, it led to a transfer of powers from the local and state authorities to the federal authorities. This is consistent with a general trend towards greater centralisation of powers in the hands of the federal authorities during the past decades.

Councillors have also been known to use their positions to serve their own interests and become the source of corruption too. The classic case in point was the appointment and reappointment of Zakaria Darus (together with his son and daughter-in-law) to the Klang Municipal Council despite all the expose of his misdeeds. The PR-led state governments should begin to reverse this nepotistic trend.

A. Composition of Councillors

It would be ideal if at least half of the councillors comprised independent people, preferably those representing the NGOs, professional bodies, and even business interests. Half of all councillors, whether party appointees or independents, should be women. This requirement would be consistent with the make-up of the general population.

The ‘888 Formula’ proposed by Edward Lee, the new ADUN for Bukit Gasing in Selangor, is worth considering too. For Lee, one-third of the councillors should come from the NGOs, residents associations, community leaders or local business leaders in the area; one-third professionals from various relevant professions; and one-third qualified political appointees. At any rate, the selection should be transparent and those wishing to be appointed should submit their resumes which should be made available to all for scrutiny. This proposal received much support among ratepayers in Selangor and apparently guided the Selangor Menteri Besar in his selection of the Selangor councillors.

In this regard, the recent appointees to the MPPP and the MPSP leave much to be desired. Only 4 of 24 councillors in the MPPP do not belong to the PR parties. And of these 4, only 2 represent the NGOs while 2 others are representatives of the Chambers of Commerce. Moreover, only 4 of the 24 are women! As well, one of these party appointees is already a state assemblyman whose appointment to the MPPP we consider unnecessary and superfluous.

Likewise, of the 24 appointed to the MPSP only three are independents; two from the Chambers of Commerce and one from the Fed of Malaysian Manufacturers. Not a single councillor hails from the ranks of more civic-minded NGOs. And of the 24 councillors, only 5 are women.

B. Incorporating CAT Principles by Opening Meetings and Minutes

The PR state government has adopted the principles of competency, accountability and transparency (CAT) as a guide to promote better governance. In keeping with CAT, indeed, in line with the provisions of the Local Government Act 1976, full Council meetings should be open to the public and media. In fact, Council meetings in most developed countries are open to the public, and these observers are allowed to make comments from the floor.

It is at the five permanent committee meetings that substantive discussions and decisions are made, before they are taken to the full Council meetings for approval. As such, in the spirit of CAT, these permanent committee meetings should be open to the public and the minutes made publicly available.

Under the PR-led government, some restructuring of the permanent committees had occurred. For instance there are only five permanent committees in the MPPP nowadays, namely: the one-stop centre, finance, public health, public transport and infrastructure, and development planning. In turn, each councillor is appointed to two to three of these committees.

It is at these committee meetings that substantive discussions and decisions are made, before they are taken to the full Council meetings for approval/pengesahan.

As such, these permanent committee meetings should be open to the public too. For example, if

Report of Working Group on Local Government

there had been transparency, the media or concerned civil society organisations might have been able to alert fellow Penangites to the drastic disappearance of the MPSP's funds over the past five years.

All legal technicalities preventing these meetings from being opened to the public should be addressed.

Meanwhile, the minutes of these committee meetings should be available on request and anyway posted on the MPPP and MPSP websites.

Indeed, in keeping with the CAT principles, the Penang State Executive Council can make the workings of the MPPP and the MPSP more transparent and accountable by ruling that these meetings be opened to the public, and/or make their minutes readily available in hard copy or in the websites.

Also, by making these meetings and minutes available, non-performing and self-serving councillors and/or officers, and can then be removed.

C. Establishing a Complaints Bureau

Another initiative is to set up a 'complaints bureau' in the municipal councils. Complaints pertaining to the conduct and behaviour of the councils by the councillors, officers and staff when performing their tasks and in dealing with the public can therefore be entertained systematically. It follows that a mechanism to deal with these complaints, preferably by an ombudsman, who stands apart from the council, should be established. The funds expended for this ombudsman will no doubt be money well spent.

The efficient working of such a complaints bureau and the proper investigation of such complaints will facilitate the incorporation of CAT principles into the workings of the municipal councils. As well, hearsay allegations without basis can also be disposed in this manner.

D. Enforcement, Curbing Political Interference and Corrupt Practices

Yet another initiative is the matter of enforcement, and the related problem of non-compliance.

There are enough laws, by-laws and regulations at the disposal of the municipal councils to promote good governance, what with the added adoption of CAT principles

The common complaint by the public is the uneven application of these laws and regulations. It is common belief among the public that 'one can get around these laws' if one has 'good political connections' and/or 'if one is prepared to pay'. Herein is the origin of the scourge of corruption.

The council must ensure that the spirit and letter of the laws and regulations are adhered to without fear or favour. Transparency in the workings of the councils facilitates this call for strict and even application of laws. It also discourages corruption. Accordingly, the Council should only entertain requests by Penang State Executive Councillors, Assemblymen, or Municipal Council only when these requests are put in writing.

Otherwise, enforcement officers should go on with their tasks.

"The council must ensure that the spirit and letter of the laws and regulations are adhered to without fear or favour."

Should council decisions on building plans be disputed there exists the Appeals Board and the proposed Complaints Bureau for ratepayers and developers to take their cases to. Beyond that, the rule of law must apply.

In summary, all council staff, officers and councillors of local and state governments must be disciplined if they try to circumvent the laws and regulations. Councillors should speak out during meetings as to the merits or demerits of proposals. They should not interfere with the workings of the council beyond that point. Likewise, interference by politicians in their individual capacities should not be entertained. At any rate, all such interference must be put in writing before they are to be entertained. This will send the correct signal to the public, to the developers and business community, to the politicians, and to the councillors too.

E. Removal of Privilege to Discount Fines and Compounds

There is no need for councillors and senior officers to be given the privilege of discounting fines, compounds and other payments.

Not only do these discounts diminish potential revenue for the councils. They are the first steps towards encouraging political intervention in the workings of the council. The practice encourages the public to turn to the politicians for assistance

rather than persuade them to comply with the laws and regulations. In this regard, this 'privilege' can lead to non-compliance and corruption. The privilege should be terminated.

However, it can be left to the discretion of the Council when it seats as a full assembly, to decide whether discounts might be offered to those who show up promptly to pay their rates or fines.

F. Increasing the number of local councils in Penang

A restructuring of local government in the country at large needs to be undertaken since the last review was done about 30 years ago.

In Penang, there are currently only two municipal councils MPPP on the island, and MPSP on the mainland. Compared to the councils in the other states, the MPPP and MPSP are very large indeed. At one point, the MPSP even boasted that it was 'the largest local authority in the world'.

In contrast, Perak is divided into 15 different councils while Selangor is divided into 12 councils. Under the circumstances, there is reason to break up the MPPP and the MPSP in order for improved delivery of services as well as to facilitate development planning. Further, if the commitment is to encourage peoples' participation in decision-making, then devolving decision-making to be closer to communities will help do this. It will give the CAT (competent, accountable and transparent) principles a better chance of being 'real' and contribute to establishing a 'culture of involvement' which is essential if we are to make reference to 'public participation' a reality.

In addition, with the creation of more local councils, the differences between George Town and the western part of the island could perhaps be better addressed. Likewise, the needs of Nibong Tebal and the southern part of Seberang Perai might be better catered for with the creation of one or two additional councils on the mainland.

II. Local Plans must be competently prepared, the public consulted and gazetted

In view of the pace of development occurring in Penang, it is extremely important to develop and gazette Local Plans, as provided for under the TCPA 1976. A Local Plan is an essential planning document and it is our stand that no major development plan (for example, the PGCC project or

any major reclamation project) should even be considered before a Local Plan is finalised.

Under the Act, the public is given the opportunity to give their views and to participate in the decision-making on the details of development in the area in question, at all stages of the development of the Local Plans. In this regard the State Planning Committee, MPPP and the MPSP must act transparently.

Apparently, the Local Plans for Penang Island and Seberang Perai will soon be completed. We request that some 3 months be made available for the rakyat to review and provide feedback on these Local Plans, especially since the legal provision that the public should have been involved at the beginning of the Local Plan process seems to have been ignored.

"We further propose that the ADUNs and MPs organise public meetings in their respective constituencies to inform the public about the proposed Local Plans."

We further propose that the ADUNs and MPs organise public meetings in their respective constituencies to inform the public about the proposed Local Plans. On these occasions, a team of experts derived from the NGOs, who have scrutinised these Local Plans, can be invited to address the public about matters contained in the Local Plans which are of wider community concern.

Otherwise, the review process might get bogged down with particular concerns of individual households. Put another way, we propose that a team of experts involved in the various NGOs work closely with the MPs and ADUNs to mobilise public interest and participation in the review of the Local Plans. In this exercise, emphasis should be given to wider social issues rather than to specific issues affecting particular households or streets.

This principle of involving the public at every level of decision-making is further underscored by the commitment of the Malaysian government to the Rio Declaration and Agenda 21, which was the outcome of the Rio Summit.

Pending the finalisation and review of the Local Plans, the State government, the Municipal Councils and the Department of Environment (DOE) should require the proponents of a major project to prepare a detailed EIA, including traffic and flood risk impact assessments. These studies

Report of Working Group on Local Government

should be done by reputable and independent consultants chosen by the local council and DOE (and not by the project proponent).

The proponents of any major project should be required to prepare a detailed EIA, including traffic and flood risk impact assessments. These studies should be done by reputable and independent consultants chosen by the local council and DOE (and not by the project proponent) and be subject to public scrutiny and comment.

In the event of a major development project, the public in general should be allowed to register their objections to the proposed plan. Presently, only those who own properties within 20 metres of the proposed project have locus standi and are allowed to register their protests. This 20 metre ruling is unnecessarily restrictive, since these major projects have a much wider impact than just 20 metres beyond the project site. In two recent cases, - the Hunza 'Gurney Paragon' and the PGCC projects, NGOs like the Penang Heritage Trust were not allowed to register their protests on such grounds.

Moreover, in both cases, no detailed EIAs were required by the DOE. Although common sense indicated that serious traffic congestion would result in the case of Gurney Paragon, no traffic impact assessment was conducted. Instead, approval was granted on the basis that future projects like PORR, the monorail system, and phase 5 of the one-way traffic scheme would alleviate the problem. Now of course it has been announced that funds will not be forthcoming for PORR and the monorail system. This means there will be massive traffic congestion in the Gurney Paragon area and so the densities and high plot ratios approved for this project should be revised. At any rate, there is an important lesson here, namely that traffic impact assessments must be insisted on in cases of major projects.

Our point is that public review and consultation should be widely conducted, while detailed EIAs required, in the case of major projects.

III. Bringing back Local Government Elections

Though presented last, in fact, bringing back local government elections is a crucially important recommendation. For they have the potential of deepening democracy in Malaysia.

The Local Government Act (LGA) 1976, Sec 15 (1) states: '...all provisions relating to local government elections cease to have force or effect'.

Notwithstanding this provision in the LGA 1976, there are mixed views by different experts as to whether the PR-led states might be able to legally conduct local government elections without the consent of the BN-led federal government. Nevertheless, the PR-led governments must attempt to fulfil their promises even if in the end their attempts to do so are reversed by the courts.

It is worth reproducing the following legal opinion culled from Derek Fernandez's 'How Local governments can be elected' (*theSun* 30 April 2008 and 2 May 2008). Fernandez argues that the PR-led governments have the legal grounds to introduce local government elections even without the federal government's consent.

Bringing back local elections is a crucial part of the deepening of democracy in Malaysia. The Penang state government should honour its commitments to do this.

Article 113(4) of the Federal Constitution provides that federal or state law may authorise the Election Commission (EC) to conduct elections other than those referred to in Clause 113(1).

Clause 113(1) refers to elections for the House of Representatives and the Legislative Assemblies of the states.

Hence the state government can pass laws for the elections of local government and can authorise the EC to do so. Note also under Article 95B(1)(a) of the Federal Constitution in the 9th Schedule, the state has power in relation to local government.

In fact, the Local Government Election Act 1960 was passed for this purpose but was suspended under the Emergency (Suspension of Local Government Elections) (Amendment) Regulation 1965, made under the Emergency (Essential Powers) Act 1964 which regulations were preserved in the 1979 Emergency (Essential Powers) Act 1979 as if made in 1965.

However, in 1976 the Federal Government acting under Article 76(4) of the Federal Constitution passed the Local Government Act which enacted Section 15 removing any rights to local government elections under any previous law and Section 10 providing for the appointment of the councillors

It is important that at that time the only law for local government elections was the Local Government Act 1960 which was already suspended under the Emergency (Essential Powers) Act 1964.

Nevertheless, the Federal Government thought it fit to enact the Local Government Act 1976, Article 76(4) making it a federal law in respect of a state matter for the purpose of promoting uniformity of the laws. The Federal Government did not use Article 76(3) which would have made it a state law and therefore could be repealed by the State Legislature.

*The Legislature specifically enacted Section 1(4) of the Local Government Act 1976 which provides as follows: 'The State Authority may, notwithstanding the provisions of subsection (2) by notification in the Gazette **exempt any area within any local authority area from all or any of the provisions of the Act or from any by-laws**' (emphasis added)*

This means that the State Government can exempt any area of the local government from Section 10 and Section 15 of the Local Government Act and enact fresh laws providing for local government elections under Article 113(4) and paragraph 4a of the 9th Schedule of the Federal Constitution. Such laws can be similar in substance to the Local Government Act 1960 or in whatever form the State feels is correct.

*Hence, in spite of the Emergency (Essential Powers) Act 1979, it is still arguable that even the Emergency (Suspension of the Local Government Elections) Regulations is no longer valid because there is no longer any Emergency. Moreover, the fact that Parliament passes laws which are not required by a reason of emergency implies that there is none, otherwise all the laws of Parliament passed after 1965 would be invalid. This is so because all these laws do not state that they are required by reason of the emergency as required by Article 150(5) of the Federal Constitution. In any event, it only **suspends the operation of the Local Government Elections Act 1960 which is now superseded** by the Local Government Act 1976 which 'covers the field' for local government matters. Thus it can be persuasively argued that there is no inconsistency between the Local Government Act 1976 and in particular the exemption under Section 1(4) and the Emergency Regulations (emphasis added).*

However, Fernandez is of the opinion that it might take up to two years for the PR-led governments to enact the necessary new laws.

Put another way, it is argued that the State Authority may exempt, say Penang Island or

Seberang Perai, or both, from the provisions of Sec 10 and 15(1) LGA. The Penang State Assembly could then introduce the necessary enactments to revive local government elections in these specified areas. The PR MPs should also introduce the necessary amendments to the Local Government Act and to the Federal Constitution itself, though of course, this would be even more difficult since they do not constitute a majority, let alone a two-third's majority, in Parliament.

Memorandum prepared by Dr Francis Loh on behalf of the Group comprising: Dr Goh Ban Lee, Dr Choong Sim Poey, Andre Loh, Ch'ng Teng Liang, Shalehudin Hj Hashim, Teh Tee Han and Lim Kah Cheng.

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Report of the Working Group on Labour

Background

The majority of Penang's population are workers. The economy depends upon these workers, both local and foreign. Yet laws discriminate against workers; only around 8% have the protection of unions; and workers are given little voice – their voice and indeed their needs are constantly eclipsed by the demands of corporations and other employers.

This draft report was drafted by concerned individuals and organisations to serve as a guideline for the State Government of Penang. It makes two proposals separated into immediate and long-term goals.

The **short-term** and **mid-term** goals involve increasing consultation and cooperation with workers and attending to the welfare of workers, especially those in the low income bracket and those facing discrimination. These importantly include women and migrant workers.

The majority of Penang's population are workers. The economy depends upon them, both local and foreign. Yet laws discriminate against workers; workers are given little voice; indeed their needs are constantly eclipsed by the demands of their employers.

The **long-term** goals include reinstating all rights of workers and making sure the State government and its agencies do as much as possible to recognise and safeguard these.

Issues

Consultation With Workers

In line with the general principles of the Penang Forum's Declaration, with regard to the need to proactively build partnerships and consultations with the people of Penang, there is an urgent need to include workers' views and participation in major decision-making processes.

Hence, the State Government needs to schedule regular consultation sessions with workers, union representatives and others (including NGOs) involved in issues related to work.

Regular consultation sessions with workers should be held and should focus on issues related to employment, including wages, health and welfare for workers and their families, working conditions, and appropriacy and enforcement of employment legislation. Wider issues should also be addressed...

The consultation should focus on issues related to employment, including wages, health and welfare for workers and their families, working conditions, and appropriacy and enforcement of employment legislation. Wider issues should also be addressed, including economic policies that impact workers. The focus is on identifying issues in order to find solutions.

The recommendations in the following sections should also be subject to these consultation forums with workers.

Family Issues

The State Gov should fund and/or organise the formation of childcare centres. Possible action by State Government includes supporting childcare centres at workplaces, with the aim of having at least one childcare centre at each zone of the Free Trade Zone, as well as supporting community-based childcare centres (perhaps as part of a wider community centre supporting other groups in need, such as the elderly and persons with disabilities).

Parental leave is a workers' right that provides paid or unpaid take time off work to look after a child or make arrangements for the child's welfare. Parental leave is available to employees who have, or expect to have, parental responsibility for a child. Parents can use it to spend more time with children and strike a better balance between their work and family commitments.

Currently, only women are granted parenting rights in the form of maternity leave. Maternity leave is part of the parental leave but both share different concepts. Most couples are now dual earners. While women don't want to sacrifice their job when they become mothers, men too are looking for greater involvement in looking after their children.

Parental leave seeks to improve the quality of childcare, at the same time promoting shared responsibility between the father and mother in the family.

We suggest that parental leave should be 26 weeks, to be divided as desired between the two parents. It should be granted to parents after birth up to a child's 7th birthday.

Within that period, employees will be able to take parental leave in short or long blocks depending on their needs. It would include time for children's medical check-ups, and educational needs. Workers would need to give prior notice of 3 weeks to their employer before taking such leave.

However, all this should be subject to further consultation with unions and workers, which is highlighted in the Consultation With Workers section.

Sexual Harassment

Sexual harassment is not new or unusual. Studies show that up to 70% of workers - the majority of them women - have been sexually harassed in the workplace. It is not a small matter or harmless fun. It damages a person's emotional and physical health. Women have reported that harassment has led to depression, headaches, sleep disturbances and anxiety, resulting in reduced productivity in their jobs. It also harms morale in the workplace; it affects everyone who witnesses or hears about it.

"Studies show that up to 70% of workers - the majority of them women - have been sexually harassed in the workplace."

However, as society considers such acts trivial and harmless, few women lodge complaints and even fewer offenders are charged in court. Women often see sexual harassment as unavoidable. Most try to cope by ignoring it. They fear the consequences at work and doubt that they will be believed.

But sexual harassment does not stop when it is ignored. Pretending it isn't happening only adds to feelings of helplessness.

To stop sexual harassment at the workplace, more **educational campaigns** are needed to create public awareness. A workplace that is free of sexual harassment will occur only if the public understand what sexual harassment is all about and is prepared to stand up to defend women's dignity and safety.

Besides that, the State Government should become the role model in relation to this issue. The State Government should **set up an inde-**

pendent body which aims to educate, monitor and help prevent sexual harassment in the workplace of government servants at the state level and to provide concrete mechanisms to deal with the problem.

Anyone who is sexually harassed, or who witnesses sexual harassment, can make a complaint to this independent body. All complaints will be investigated, and then a hearing will be held before a Tribunal.

Living Wage For Workers

Malaysian workers, including those in Penang, have endured low wages for many years. The current inflation has sent another shock wave to ordinary workers as their real wages will suffer. Further, they may face the prospect of pay cuts, slowdowns and/or wage freezes, as employers argue that they cannot afford anything else.

The reduction in wages and in their buying power will inevitably result in a decrease in domestic demand and this may not just hamper any economic recovery, but may see a downward spiral that will lead to recession. It is workers, the majority of Penang's population, who will bear the brunt.

Introducing a minimum living wage is a crucial safeguard for workers and their families. However, until today, Malaysia still has not introduced any legislation on a minimum wage. It has been introduced in number of countries including neighbours like Thailand, Indonesia and Vietnam. Given that the rate of productivity in Malaysia (3.7%) is generally higher than other countries like the United States (1.5%), Singapore (1.2%) and Japan, there seems little reason for our government not to enact minimum wage legislation, in order to properly reward and protect workers.

"The State Government needs to take proactive steps to improve workers' rights and set a role model of people-centered/workers-centered government, by introducing the concept of a living wage for all in its labour policy."

Since Penang has been the leading state in industrialisation in Malaysia, the State Government needs to take proactive step to improve workers' rights and set a role model of people-centered /

Report of Working Group on Labour

workers-centered government, by introducing the concept of a living wage for all in its labour policy.

The State Government should therefore introduce a living wage policy for all employees under the State Government (a minimum wage of RM 1,500 is suggested) and include terms and conditions in contracts which are signed with private contractors, so that the workers employed by these companies are guaranteed a minimum decent living wage.



Retrenchment Fund

Particularly since the industrialisation of Penang from the early 1970s, we are by now familiar with the economic cycles which include mass retrenchments and 'restructuring', allowing employers to lay off workers or pay lower wages. Many workers remain completely vulnerable to such events, losing their jobs and too often having no compensation paid to them either. There has been a consistent lobby for a retrenchment fund to be set up to protect workers, and this is even more urgent given the current economic situation (with the anticipated economic crisis, stagflation and talk of a prolonged recession).

The protection provided by laws at the moment is not sufficient, because:

- * *Workers who are retrenched by employers who claim bankruptcy are unlikely to get any compensation.*
- * *Workers frequently lose their jobs during recessions and face a lot of problems in securing new jobs.*
- * *Workers who lose their job will be facing major problems of handling payment like house loan.*

Even if the Federal government drags its feet, the State Government can take the initiative at state level to set up a retrenchment fund.

This would involve a small monthly levy on companies and employers to build up the fund, which would allow the provision of sufficient relief to retrenched workers to ease their financial burden until they get a new job, and the development of other related initiatives, including the provision of relevant (re-)training opportunities and housing for retrenched workers from the plantation industry.

Working Hours

The ILO reports that the top six economies in the world in terms of annual hours worked are all Asian - Bangladesh, Hong Kong (China), Malaysia, Republic of Korea, Sri Lanka, Thailand. In these countries, a large number of workers work 50 hours or more a week. This works out to more than 2,200 hours a year. These working hours are about 600 hours longer than those in many European countries.

The current labour law standard is 48 hours per week, or the workers can operate overtime (OT) up to 104 hours every week.

Karoshi is a Japanese word which means death from overwork. The exact ways in which excessive work weeks affect culture, public health, and education are matters for debate, but the existence of such a danger is undisputed. A work week that is too long will result in stress-related health problems as well as a drought of leisure. Children are likely to receive less attention from overworked parents, and child-rearing is likely to be significantly worse.

"We need to get beyond seeing a worker as purely a function of productivity, whereby they are subject to an economic system which aims to maximise profits off the back of long working hours and minimum rewards to the worker."

Reducing long working hours can lessen the risk of occupational injuries and illnesses, and their associated costs to workers, employers, and society as a whole.

Several nations have imposed limits on working time in order to combat unemployment. This has been done both on a national level, as in France's 35-hour work week, and on a company-union level, for example the agreement between

Volkswagen and its union to temporarily reduce the workweek to 29 hours to preserve jobs.

We need to get beyond seeing a worker as purely a function of productivity, whereby they are subject to an economic system which aims to maximise profits off the back of long working hours and minimum rewards to the worker.

In Penang, we have the opportunity to undertake policies and initiatives which value workers in and for themselves, as human beings, with families, and who are the bedrock of Penang's community life as well as the central part of its economic future.

Therefore, the State Government should support principles and aims such as

- * *The eight hours labour, eight hours recreation, eight hours rest recommendation by unions around the world*
- * *A 40 hour, 5 day week*
- * *Abolishing forced overtime, and introducing a maximum 2 hours of OT a day*
- * *Combining lower working hours with a minimum living wage to ensure workers can enjoy a high quality of life*
- * *Collecting and publishing comprehensive statistics on working hours and other work issues, for dissemination to the public and for discussion*
- * *Establishing a monitoring mechanism for working hours in different workplaces*
- * *Creating partnerships (with unions, workers and other organisations) so that monitoring can ensure workplaces comply with legislation, including recommended working hours*

Where it has power to do so, the State Government should take the lead by implementing relevant policies. For example, it can introduce a 40 hour, 5 day week in State Government offices, and commission statistical research.

Occupational Safety and Health

Occupational safety and health is concerned with protecting the safety, health and welfare of people engaged in work or employment. It is a basic right, yet more than 2 million people die each year from work-related accidents and diseases, with a cost to the world economy of up to 4 per cent of global GDP.

In Malaysia, the Occupational Safety and Health Act (OSHA) 1994 and the Factory and Machinery Act (FMA) 1967 sets out the responsibilities of the employer and employee with regard to health and safety matters in the workplace. However, there remains a lack of awareness and a lack of enforcement of these Acts.

There remains a lack of awareness and a lack of enforcement of the legislation relating to occupational safety and health. This must change.

To ensure that the basic rights of workers to decent health and safety is respected, the State Government can take the lead in the following, as a start:

- * *Promoting the need for the continuous improvement of occupational safety and health;*
- * *Ensuring, through establishing positive partnerships with the key stakeholders, including workers, unions and other organisations, that the occupational safety and health of workers is protected through an adequate and appropriate system of enforcement of safety and health standards;*
- * *Recognising the importance of education, training, consultation and the exchange of information and good practices on prevention and the promotion of preventative measures.*
- * *Taking a strong stand to ban the use of highly hazardous chemicals in the workplace e.g. use of paraquat in palm oil plantations.*
- * *Creating and supporting a strong and effective labour inspection system.*

Training & Education

Training and education are crucial for the ongoing personal development of each worker, as well as increasing human capital and the competitiveness of the Penang economy. Providing avenues for relevant training and education as well as time-off for workers to attend such training are crucial factors in securing a viable future for Penang.

Workers should be allowed regular time off for training, and not just periodically, for example once a year.

Developing affordable and cutting-edge training at institutions such as PSDC is essential. Such

Report of Working Group on Labour

training should cover not just work skills, but should be seen in the context of human development.

It should include basic education for those who have missed out (with basic knowledge, literacy and numeracy skills being taught), skills relevant for the k-economy (including ICT skills and personal and team development skills), and training relevant to positive participation in decision-making (rights at work, processes of decision-making, and work structures, for example).

Training should also be targeted at more marginalised groups, including youth, women and persons with disabilities.

Picketing Rights

Many developed nations have rules and regulations covering picketing rights. These are important. Although Malaysia does not have any laws facilitating picketing rights, the State Government should take the lead in organising training sessions for the police on the rights of workers and picketing, as part of a wider commitment to ensuring the rights of workers are understood and respected.

Workers' Centres

Centres need to be established in the different areas of Penang whereby workers can get advice and support on a variety of issues. These can also serve as venues for training and other programmes. They will also help encourage workers' participation in the consultation process with state government (see earlier) as well as in wider decision-making processes.

Migrant Workers

The situation facing migrant workers in Penang is similar to that in the rest of Malaysia and the region. They form an absolutely crucial part of Penang's workforce, but are given very little respect and few guarantees that their rights as workers are respected. This needs to change.

The indignities, the lies and the deceptions to which migrant workers are vulnerable have been well documented, in Malaysia as in the region.

Exploitative working conditions, appalling living conditions, reneging on contracts by employers (including non-payment of wages, arbitrary

Migrant workers form an absolutely crucial part of Penang's workforce, but the indignities, the lies and the deceptions to which migrant workers are vulnerable have been well documented. Taking steps to protect their rights as workers and their dignity as human beings is long overdue.

deductions from wages and/or arbitrarily changed terms and conditions), restrictions on movement (through withholding of passports, etc), lack of access (or difficulty in access through, for example, higher charges) to health and other services, harassment by authorities in host countries, sexual abuse, and physical torture are just some of the issues.

To create a fair environment for migrant workers, a number of initiatives need to be taken, including:

- * *promoting managed migration for employment purposes including bilateral and multilateral agreements between host countries and countries of origin addressing different aspects of migration such as admission procedures, flows, social security, family reunification possibilities, integration policy and return;*
- * *licensing and supervision of recruitment and contracting agencies for migrant workers in accordance with ILO Convention No. 181 and Recommendation No. 188, with the*
- * *provision of clear and enforceable contracts by those agencies; promoting decent work for migrant workers;*
- * *preventing abusive practices, migrant smuggling and trafficking in persons;*
- * *protecting and promoting the human rights of all migrant workers;*
- * *promoting measures to ensure that all migrant workers benefit from the provisions of all relevant international labour standards;*
- * *promoting awareness of migrant workers' rights;*
- * *preventing and combating irregular labour migration;*
- * *improving labour inspection and creation of channels for migrant workers to lodge complaints and seek remedy without intimidation;*
- * *measures to reduce the cost of remittance transfers;*



- * *measures to ensure that all migrant workers are covered by national labour legislation and applicable social laws;*
- * *policies to encourage return migration, reintegration into the country of origin and transfer of capital and technology by migrants;*
- * *promoting guidelines for ethical recruitment of migrant workers and exploring mutually beneficial approaches to ensure the adequate supply of skilled health and education personnel that serve the needs of both sending and receiving countries, including through bilateral and multilateral agreements.*
- * *addressing the specific risks for all migrant workers, men and women, in certain occupations and sectors with particular emphasis on dirty, demeaning and dangerous jobs, and on women in domestic service and the informal economy.*

The State Government should join with all other interested parties in supporting initiatives at the relevant regional, federal and local level, to ensure the above happen. At the same time, the State Government should enact its own Penang action plan, to include:

Forming migrant workers service centres or supporting existing ones such as the Migrant Workers Service Centre (MWSC) run by the Penang Diocese which can provide support to migrant workers

Ensuring that migrant workers are included in consultation in workers

Ensuring that migrant workers who joins unions are not discriminated against by employers

Ensuring that all workforce policies apply to migrant workers

We strongly recommend that the State Government also pays full attention to the recommendations of other groups of the Penang Forum, since many issues involve the welfare of all workers and their families.

Cooperating with organisations and coalitions working for the welfare of migrant workers including Jaringan Utara Migrasi dan Pelarian (JUMP) whose membership includes the Penang Office for Human Development, Tenaganita, UNHCR, Suaram, and Aliran.

Ensuring that a certain percentage of employees are local

Other Issues

Given that many issues related to work and workers are also highly relevant to the deliberations and recommendations of other Penang Forum working groups (and vice versa), we strongly recommend that the State Government also pays full attention to the other reports of the Forum. In particular, it should cooperate with the other working groups regarding the following issues which heavily involve the welfare of workers:

- Cooperate with the Environmental Issues group regarding the **discharge of chemicals** from the Free Trade Zone
- Cooperate with the Traffic and Urban Issues group regarding **public transport** for workers especially between industrial and residential zones and between the mainland and the island
- Cooperate with the Disabled People's Rights groups regarding the **unemployment rate of the disabled**
- Cooperate with the Women's Issues groups regarding the rights of women in the workplace and parental leave
- Cooperate with the Youth and Students groups regarding the training and education of students.

Recommendations

Short-Term Goals

Within 3 months, we hope that the following can be accomplished:

Report of Working Group on Labour

Most importantly, start an initial consultation with workers and unions which will be continued every 3 months (see above section: Consultation With Workers)

Create or support a **workers empowerment centre** which can look into the welfare of workers and help fulfil some of the recommendations above, including retrenchment issues, monitoring of issues and collection of statistics.

Mid-Term Goals

Within 1 year, we propose that the following be done:

Create and support **childcare centres** for the children of workers

Implement a **retrenchment fund** for workers working in Penang: e.g. 1% of the pay goes to the fund, and employer contributes 2% and follow either the EPF or SOCSO model to reclaim (see above section: Retrenchment Fund)

Consult organisations working with **migrant workers** (see above section: Migrant Workers)

Come up with a **General Policy Framework** based on adequate consultation with workers and labour organisations to create regulations for employers

Conduct **monitoring and collecting of information** from factories related to wages, age, retrenchment rate, employee turnover rate and migrant workers.

Long-Term Goals

And finally, we highly recommend that the State Government fulfil the following objectives for the longer term:

Create a conducive environment for workers

Create an equal environment for all workers including migrant workers and women

Promote and ensure full implementation of **proper standards** and fundamental principles and rights at work.

Background of the Working Group on Labour

The Labour Issues working group memorandum was prepared by the following individuals and organisations:

Kris Khaira (Pusat Khidmat Pekerja Tanjung, PKPT), Choo Chon Kai (PKPT), Soh Sook Hwa (PKPT), Teh Chun Hong (PKPT), Joethi Sahadevan (PKPT), N. Balakrishnan (Electrical Industry Workers Union and MTUC), Chan Lean Heng, K. Veeriah (MTUC), Eric Cheah (Tenaganita Penang) and Shalehudin Hashim (Taman Pauh Jaya Residents Association, Permatang Pauh).

References

Resolution concerning a fair deal for migrant workers in a global economy, International Labour Organisation (ILO), 2004

ILO Multilateral Framework on Labour Migration, ILO, 2006

Human Resources Development Recommendation, ILO, 2004



Report of the Working Group on Women

Background

Malaysia has clear-cut legal obligations, both at the domestic and the international level, to empower women and uphold gender equality in all areas.

The principle of non-discrimination on the ground of gender is enshrined in the Federal Constitution. Article 8(1) of the Constitution guarantees the equality of all persons before the law, whereas Article 8(2) specifically prohibits discrimination on the grounds of gender.

There is also an existing National Policy on Women (1989) and its National Plan of Action for Women's Development, both of which are under review. More recently, the Ninth Malaysia Plan (2006-2010) and the NAM Putrajaya Declaration 2005 have specific sections on gender equality.

Internationally, Malaysia ratified the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1995 but has yet to incorporate it into domestic law fully or in a holistic manner.

"The state government is best placed to respond to the needs of women, including working with local authorities to regulate these fundamental services."

CEDAW sets out three key principles : non-discrimination, substantive gender equality and State obligation.

The state and local governments in Malaysia are the spheres of government closest to the people, and are hence those which impact most on women's lives. The state government is responsible for the delivery, either directly or through the local authorities, of basic needs including local economic development, environmental protection, electricity, health, housing, planning, traffic, transport and water.

Therefore, the state government is best placed to respond to the needs of women, including working with local authorities to regulate these fundamental services.

It is pertinent to note that Article 74(2) of the Federal Constitution enables the state legislature to make laws with respect to matters in the Concurrent List (the Third List in the Ninth Schedule), including for the protection of women, children and young persons.

Aims Of A State Policy On Women

The broad aims of a state policy on women would be:

- The overall advancement, development and empowerment of women in Penang
- The achievement of substantive equality between women and men in the state of Penang, that is, equality of opportunity, equality of access to opportunity and equality of results.

Women must be integrated into all sectors of state development, and be given equal opportunities to participate meaningfully in all spheres – political, economic, social, cultural and civil – towards full realisation of their human rights and fundamental freedoms. In order to fulfil these broad aims, the equitable distribution of resources, facilities, information, opportunities for participation and benefits of development between men and women is essential.

There is a tendency to presume that gender issues can be addressed after the "hard-core" issues have been dealt with. It is time for a change of mindset and approach. The state government must ensure that gender equality is at the very centre of the transformation process in Penang within all the structures, institutions, policies, procedures, practices, programmes, agencies, civil society and private sectors of the state.

"In order to fulfil these broad aims, the equitable distribution of resources, facilities, information, opportunities for participation and benefits of development between men and women is essential."

It is also worthwhile to note that women are not a homogenous group. Women come from various ethnicity, class, disability, age, sexuality and other variables and they may experience multiple forms of discrimination.

Status Of Women In Penang

In 2007, the population of Penang is estimated to be 1.5 million. Out of this, women comprise 51% and men 49%. Penang is the third most urbanised state in Malaysia, with an urban population of 80.1%.

Economy

Labour force participation of women in Malaysia remains low at 46% in 2006. As Penang is one of the most industrialised states in Malaysia, there is great potential for women's participation in its economy.

"There is a need to create a favourable environment to encourage women to work, to stay in the labour market and to re-enter the labour market."

Often, women's economic participation is hampered by the lack of facilities for care of children, the disabled and the elderly.

This is compounded by the patriarchal mindset that these responsibilities, together with housework, are the primary roles of women only.

There is a need to create a favourable environment to encourage women to work, to stay in the labour market and to re-enter the labour market.

In the Quality of Life Report 2004 (SERI), there are only 159 childcare facilities in the state of Penang. Out of this, 75% are found on the island (105 in Timur Laut, 15 in Barat Daya). Facilities for care of the elderly remain low ; only 21 are available in the state and out of this, 86% are found in Timur Laut. For the disabled, there are 36 centres in Penang.

There should be a greater focus on increasing the number of these facilities so as to remove barriers to women's economic participation.



75% of women in the workforce are found in lower rung and lower paid positions. Wage differentials continue to exist especially in the private sector.

There should be more skills training and pay equity for women workers.

Given the absence of a Sexual Harassment Act in Malaysia, the state government should oblige the public and private sectors to implement the voluntary Code of Practice for the Prevention and Elimination of Sexual Harassment in the Workplace so that women's working environment is conducive.

Politics and decision making

Approximately half of all eligible voters and labour force participants in Penang are women.

Unfortunately, women are severely under-represented in politics and decision making positions. Official statistics in 2007 show that women made up only 12.5% of the Penang State Legislative Assembly (5 out of 40 Members). Now, after the 2008 elections, that number has dropped even further to 3 out of 40 Members (7.5%).

The 2007 statistics also show that women made up 12.5% (6 out of 48 Members) of the Local Authorities Council.

These figures are a long way from the minimum 30% women's participation rate which the government has adopted as policy in the Ninth Malaysia Plan.

"Women are severely under-represented in politics and decision making positions."

The low numbers could be attributed to a number of factors.

First, existing gender disparities between men and women, including social and cultural perceptions of women's ability to participate in politics and public life, form obstacles to women venturing into a traditionally male-dominated realm.

Secondly, the political system itself contains structural barriers to women's participation, such as the marginalisation of women within political parties and the lack of opportunities to participate at the local government level. There must be a concert-

“Improvements to the legal system are clearly necessary, including reform of laws and procedures related to rape, domestic violence and sexual harassment, to facilitate access to justice for victims of these crimes.”

ed effort to remove all these hindrances in order to level the playing field for women.

Temporary special measures (such as affirmative action policies) must be developed to increase the low numbers of women as electoral candidates, elected representatives and leaders in public office or decision making processes.

Furthermore, the effectiveness of women leaders and potential leaders in representing women’s interests in government should be enhanced.

There is a need for capacity building and training for these leaders in order to ensure that women are capable of being substantive and effective representatives in political and decision making processes.

Society

The crime rate in Penang is of worrying proportions. In particular, sexual crimes including rape and outrage of modesty, in which women and girls form 96% of the victims, are on the increase.

Improvements to the legal system are clearly necessary, including reform of laws and procedures related to rape, domestic violence and sexual harassment, to facilitate access to justice for victims of these crimes.

At the state level, allocations are needed to ensure that agencies involved in combating violence against women are better resourced.

These include funds for more staff and for setting up a specific shelter for women victims of violence. Public officers (such as police, welfare officers and medical personnel) should undergo compulsory gender sensitisation training. Such training modules should be developed in consultation with relevant women’s NGO’s.

Other critical areas of concern are health and housing. While lack of access to proper healthcare and housing are issues that affect the poor in general, the worst affected are women, especially single mothers. The state government should give

special allocation for low cost housing for single parent families.

Access to reproductive health services like contraceptives, and family planning services should be made more available to women.

Some Recommendations for Action

The state government should draw up a **detailed Action Plan** to translate the policy into a set of concrete strategies and actions.

At the same time, due to the serious lack of gender disaggregated data on women in key sectors, it is important for the state government to conduct research to fill in the gaps in order to have a clearer picture of women’s situations in Penang.

The Action Plan should contain:

- Clear and measurable objectives, strategies, action points, timelines and identification of parties responsible for implementation of the action points
- Identification and commitment of resources
- Structures and mechanisms to ensure efficient regular monitoring, evaluation and gender impact assessment of action points

The formulation of the Action Plan should be done via a careful and thorough process of consultation with the relevant Ministries and government agencies such as the Ministry of Women, Family and Community Development, civil society organisations and other stakeholders.



Report of Working Group on Women

Below are **some brief recommendations in three broad areas**, namely politics and decision making, economy and society.

These recommendations are by no means exhaustive. They are intended to serve as a starting point in facilitating the state government's formulation of a comprehensive and effective Plan of Action.

BROAD AREA: ECONOMY

1. To ensure the full and equitable participation of women in the economy.

- Provide affordable and accessible facilities for childcare (including breastfeeding rooms) and care for the elderly and the disabled.
- Provide microfinancing to vulnerable groups.
- Provide skills training, opportunities and access to information.
- Collect and provide statistics / gender disaggregated data such as male-female wage differential and unemployment data on women.

2. To promote the rights of women in the workplace.

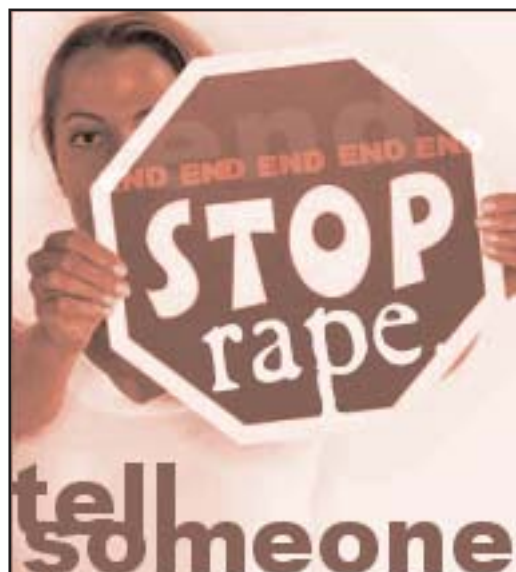
- Promote pay equity in workplaces, i.e. equal pay for work of equal value.
- Support efforts to introduce a minimum wage policy.
- Provide training to upgrade skills and to empower women in the workplace.
- Oblige the public and private sectors to implement the existing *Code of Practice for the Prevention and Eradication of Sexual Harassment at the Workplace* (launched by the Ministry of Human Resources in 1999)
- Form a committee to oversee welfare and rights of women migrant workers.

BROAD AREA: POLITICS & DECISION MAKING

1. To increase women's participation to at least 30% in the Penang state and local government

political and decision making processes and structures within the next five (5) years.

- Set quotas of at least 30% for women in the State Executive Council and the Local Authorities Council.
- Ensure that all political parties in the state government reserve at least 30% of nominations to party positions, municipal council seats and state and parliamentary seats for women.
- Appoint more women representatives at all levels of civil service.
- Actively encourage participation of women through education and leadership training to ensure substantive representation.
- Whenever applicable, to integrate women's wings of political parties into the party main fold.
- Support measures to reintroduce municipal council elections to enable more Malaysians, including women, to participate actively in local government.
- Train and conduct capacity building for women candidates or women who would like to stand as candidates, as well as women leaders, in order to accelerate and ensure entry into positions of leadership as well as to discharge those duties with sufficient skill.
- Conduct a full impact study on structural and attitudinal barriers to women's participation in politics and leadership in Penang.



BROAD AREA: SOCIETY

1. To eliminate violence against women.*

- Provide resources for infrastructure (including shelters), training for service providers and community education.
- Increase safety measures such as better security enforcement (including patrolling), better lighting and closed circuit television (CCTV).

2. To eradicate discrimination against women * and to promote substantive equality between women and men.

- Review all state laws, policies and practices to ensure that women's rights and interests are protected in accordance with CEDAW and international human rights principles.
- Provide gender sensitisation programmes on a regular basis at all levels of society.
- Implement sex education guidelines in schools.

3. To provide housing for vulnerable groups.

- Provide quality, community-oriented low-cost housing for vulnerable groups including single mothers, the disabled and the poor.

4. To provide affordable and accessible healthcare services to women.

- Provide resources towards creating or upgrading facilities for physical health (including reproductive health and breastfeeding) and mental health, and to supplement existing programmes where necessary.

5. To engage women to build support structures in the community which transcend ethnicity, culture and religion.

- Provide resources for setting up of community groups such as residents' associations to provide opportunities for dialogue, relationship building and movement for change.
- Increase utilisation of community facilities such as Balai Rakyat towards realising objective.

** To form a separate committee to consider the interests of children, especially for the implementation of the Convention on the Rights of the Child (CRC), as well as the interests of sexual minority groups.*

This working group was coordinated by the Women's Centre for Change (WCC)



Report of the Working Group on Persons with Disabilities

This is the text of the Memorandum to the Government of Penang on the equalisation of opportunities for persons with disabilities, submitted in April 2008 by the Sustainable Independent Living and Access (SILA), a grouping of some 14 organisations and individuals. It is followed by a summary of short-term and long-term recommendations, as drawn up by the Working Group on persons with disabilities.

Background

The United Nations estimates that there are 650 million disabled people in the world which corresponds to 10 percent of global population. 80 percent of these people live in developing countries, many in conditions of poverty. 80 percent of disabled people of employable age are jobless.

The UN Handbook for Parliamentarians on the Convention on the Rights of Persons with Disabilities states the following:

The fact that persons with disabilities are more likely to live in poverty is often the result of ignorance and neglect that is reinforced in Government and development policies and programmes that ignore, exclude, are not accessible to or do not support the rights of persons with disabilities to be included in the socio-economic life of the country.

People with Disabilities in Malaysia

In Malaysia, those statistics translate to 2.7 million disabled people. This does not include the number of senior citizens who become disabled through old age and illness. A total of 197,519 disabled people have registered with the Department of Social Welfare Malaysia (DSW) by the end of 2006. This figure is not a true reflection of the number of disabled people as registration is voluntary.

"The Social Model of Disability states that people are disabled by social prejudices and environmental barriers, either purposely or inadvertently created."

Disabled people are deprived of many of their fundamental rights such as freedom of movement, education, employment, enjoying social life and even voting. To a large extent, schools, business premises, work places, public transport and public facilities are out of reach to disabled people. These factors cause disabled people to be further marginalised apart from the prevailing perception by society that they are objects of charity or pity and are unable to lead fulfilling and independent lives.

Disabled people want to enjoy life's fundamental experiences like everyone else. They want to go to school, get a job, get married, start a family, have a house to call their own and participate in social, cultural, religious and political activities. These are generally not possible at the moment because of environmental and attitudinal barriers that are rife in society.

What is Disability?

The general perception is that disability includes physical, visual, auditory and learning impairments. However, those impairments are not the reason why people are disabled.

The Social Model of Disability states that people are disabled by social prejudices and environmental barriers, either purposely or inadvertently created. People become disabled when society fails to accommodate and include them in all processes of social and infrastructural development.

Disability does not solely affect the person with impairment. The nuclear family and extended family are affected as well. In many cases, one member from the nuclear family has to stop working to care for the disabled person. Productivity within the nuclear family is vastly reduced and may cause financial hardship for the entire family.

The Issue – Accessibility

The built environment in Malaysia is generally inaccessible to disabled people. By-law 34A of the Uniform Building By-laws that requires all buildings to be accessible to disabled people is not strictly enforced. *Malaysian Standard MS 1183: Part 8: 1990: Specifications for Fire Precautions in the Design and Construction of Buildings Part 8: Code of Practice for Means of Escape for Disabled People* and *(MS 1183) and Malaysian Standard MS 1184: 2002 Code of Practice on Access for Disabled Persons to Public Buildings (MS 1184)* that are

employed in the By-law and provides specifications for the construction of accessible facilities are not adhered to most of the time. Furthermore, there is no existing law to provide for accessibility outside buildings for disabled persons as specified in Malaysian Standard 1331.

The lack of an accessible environment within and without buildings makes it difficult for disabled people to integrate into the communities that they live in. They are unable to go out as walkways usually are not built with ramps and are fraught with barriers such as street furniture and uncovered drains that not only obstructs the passage but is liable to cause injury or death even to non-disabled persons! Walkways that have ramps are usually not usable and dangerous as they do not comply with MS 1331.

“The lack of an accessible environment within and without buildings makes it difficult for disabled people to integrate into the communities that they live in.”

The lack of an accessible environment also prevents disabled people from carrying out their basic livelihood activities such as going to the post office, banks, paying their monthly bills, sending and fetching their children to and from school and other activities and generally from taking part in sporting and other leisure activities.

Moreover, in this age of ICT, the majority of persons with disabilities are denied access to information in view of the absence of material in accessible formats although the technology and the equipment have been developed. Those who are visually and/or hearing impaired are most affected.



“Many disabled people live in conditions of poverty. They cannot afford to own private vehicles or travel by taxi. As such, public transport is the only affordable means for them to travel.”

A Barrier-Free Environment Enables Disabled People

A barrier-free environment is vital for the mobility of disabled people. It allows them to move around conveniently. This includes access to schools, shops, offices, hospitals and other places for social and recreational activities. A barrier-free environment is also the vital link for disabled people to access public transport at bus stops and bus hubs that complements non-step buses from RapidPenang.

Many disabled people live in conditions of poverty. They cannot afford to own private vehicles or travel by taxi. As such, public transport is the only affordable means for them to travel. A barrier-free environment will allow them access to public transport. This will then be able to reduce to a certain extent the poverty rate among disabled people as it allows them to go to school to get an education and then be gainfully employed.

It also enables disabled people to move freely in their communities. They can then be active participants and contributors in the activities and development of the communities that they live in, especially if they also have easy access to information, which would make them knowledgeable and keep them up-to-date.

What is Good For Disabled People is Good For Everyone

A building with steps is only accessible to people who can walk. A building with ramps is accessible to people who can walk and disabled people. Therefore, what is good for disabled people is good for everybody. Accessible facilities also benefit senior citizens, pregnant women, parents with prams, children and people with temporary impairments.

Given the opportunity, disabled people will be able to contribute meaningfully to the development of the society that they are part of. Making

Report of Working Group on Persons with Disabilities

the state of Penang barrier-free and accessible is the first step towards that objective.

We have among us, experts in various fields related to disability such as accredited Access Auditors, Disability Equality Trainers, Rights-based Advocates and Independent Living Resource Persons who are ready to impart our expertise to achieve that.

What is Good For Persons with Disabilities is Definitely Good For the Tourism Industry

An accessible environment will definitely be of great benefit to the tourism industry which is very important to the economy of Penang. Many foreign and local tourists are senior citizens or families with young children who require similar facilities as those for the disabled people. Tourists will only come back to Penang or promote it to their friends if Penang has accessible facilities which will facilitate their enjoyment of the place.

“At 10% of the population, disabled people form one of the largest minorities in the country and are also the most disadvantaged. This can be attributed to the fact that they are under-represented in the government.”

If all the pedestrian paths are properly maintained, drains covered, cars or vehicles are parked at their assigned places, it would reduce hazards and even the disabled tourists would feel comfortable visiting Penang. This will promote Penang as a tourist destination for disabled tourists from all over the world.

In addition, Penang will be far more attractive to would-be MM2H couples once they are assured that the state provides good facilities for elderly persons too.

Representation in the Government

At 10% of the population, disabled people form one of the largest minorities in the country and also the most disadvantaged. This can be attributed to the fact that they are under-represented in the government. Without a voice there, disability issues are given little attention and priority.

As such, we call upon the Government of Penang to:-

- **Appoint** a person representing the disabled groups in Penang as a Councillor recognising

that disabled people have equal rights and should be included together with other citizens in the development of the state.

- **Respect** disabled people's right to freedom of movement and a barrier-free environment, which includes access to information.
- **Take immediate steps** to incorporate the needs of disabled people in all planning and decision making of the physical, economic and social development in the state.
- **Consult and involve** disabled people in all policies and projects including prevention of disabilities, early intervention, education, housing, training and employment, public transportation, the built environment, services, social and cultural activities, etc.
- **Ensure** that all services provided by the Government of Penang and companies contracted under the state are fully accessible to disabled people.
- **Ensure** that By-law 34A of the Uniform Building By-laws and the related codes of practices are strictly enforced, and introduce appropriate legislation for the street environment and public transportation.
- **Apply** the same accessible standards and service provisions to all government buildings.
- **Set a time frame** for Penang to become the first barrier-free state in Malaysia, also by ensuring that all discriminatory legislation, regulations and rules are eliminated.
- **Compel** all public transport operators in Penang to provide accessible public transport services.
- **Allocate** an employment quota in the Government of Penang to qualified disabled people
- **Provide** disability awareness and equality training for all public service providers and local authorities at the managerial, operations and technical levels
- **Impress** upon the Federal Government the importance and urgency of fulfilling its promise of signing the UN Convention on the Rights of Persons with Disabilities and ratifying it.



Conclusion

We earnestly appeal to the Government of Penang to take note of the pertinent points covered in this memorandum. Problems faced by disabled people deserve equal attention. We sincerely trust that the Government of Penang will work towards the equalisation of opportunities for disabled people.

Action Plans for Persons With Disabilities (PWD) in Penang

Short Term Action Plan

- Review all decision-making bodies of the State Government and Local Authorities especially the Majlis Mesyuarat Kerajaan (MMK) under each State Exco to make sure that they include PWD in all these organisations/bodies and that their needs are incorporated in the planning, budgeting and implementation of the physical, economic and social development programmes and projects in the State.
- Adequate funds must be allocated for the inclusion of PWD in all aspects of society and to help poor families with PWD by ensuring they have financial assistance and access to adequate health care, assistive devices and social security.
- The CM should appoint a political secretary in charge of PWD affairs to focus on policies, strategies and actions to promote the develop-

ment for PWD who have been marginalised for too long. It is high time that the link between poverty and disability be given due attention. Disability of a family member often leads to loss of income and higher expenditure within the family. It is imperative for the State to take concrete actions to empower the PWD and their families to lift them out of poverty and hardship. The current practice of leaving the plight of PWD under the care of the State Exco for Welfare is grossly inadequate and the welfare approach is out dated. PWD want equalisation of opportunities so that they can be independent and contribute to their families and the State.

- Due to the current inadequacies in the education provided for PWD, the Political Secretary for PWD Affairs should work with NGOs, pre school operators and the Ministries of Education and Women, Family and Community Development to pioneer a model inclusive education programme for children with disabilities in pre-schools and primary schools. Special efforts should be made to enable children with disabilities from poor and rural families to attend early intervention programmes and schools.
- The State Govt should make the State of Penang barrier-free and accessible. It should obtain the services of experts in various fields related to disability such as accredited Access Auditors, Disability Equality Trainers, Rights-based Advocates and Independent Living Resource Persons to plan a one year action plan to achieve this goal.
- Build walkways with ramps and remove barriers on them, cover drains and maintain them constantly. Ensure that cars and other vehicles are parked at their assigned places and not block passage ways and pavements. Vehicles without authorisation/permit/Disability Stickers that are parked on PWD parking lots should be penalised.

Enforcement of such laws should be carried out at all times.

- Ensure that By-law 34A of the Uniform Building By-laws and the related codes of practices are strictly enforced. Apply these same accessible standards to all government buildings, especially schools. Take concrete steps to ensure that there are at least one pre-school, primary and

secondary school with disability access in each district.

- The State and Local authorities should organise regular training workshops and seminars every year to help people understand the concept of universal design and the specific requirements for barrier-free designs. This will ensure that the facilities for PWD are not badly designed like it is at present.
- A Universal Design Center should be set up in USM or SERI to provide models for implementation and to provide consultancy to whoever needs help in this area. This center should also employ some PWD as Access Inspectors whose job is to make sure that all new buildings are disable friendly and the existing ones are properly maintained. They can also identify old buildings that should install facilities for PWD.
- Implement strategies to reduce accidents on the roads, at work and in the homes and to set up more rehabilitation centres in the State.

6. Provide disability awareness and equality training for all public service providers and local authorities at the managerial, operations and technical levels.
7. Carry out awareness raising and education programs on the rights and problems of PWD with the aim of eliminating prejudice and discrimination. These should include programs in schools and the use of advertisements to this effect.

The State Govt and Local Authorities should have officers who are proficient in sign language and should have concrete programmes to help PWD have better access to information through the use of Braille and other assistive devices.

Due to the importance of education to advance the well-being of PWD, the State government should provide financial allocations and leadership in finding ways to improve the access and quality of education of PWD in the State by using the latest technology and know how.

Long Term Action Plan

1. Consult and involve PWD in all policies and projects including those for early detection of disabilities and for early intervention, education, health, social security, housing, training and employment, public transportation, the built environment, services, social and cultural activities, etc.
2. Review and remove all discriminatory legislations, regulations and rules.
3. Compel all public transport operators in Penang to provide accessible public transport services for PWD and ensure that the bus terminals/stops and stations are user friendly for PWD and built according to principles of universal design. To support the Public Transport Improvement Master Plan to be developed by the UNDP-UPEN project on Public Transport for PWDs in Penang.
4. Allocate and enforce an employment quota of 1% in the Government service for PWD.
5. Allocate 10% low cost and low medium cost housing quota to deserving PWD and their families.

**This Working Group was coordinated by
Sustainable Independent Living Access**



Report of the Working Group on Youth and Students

Background

The youth and students of today represent the future of our country and our state.

According to a survey which we, the working group, conducted, 88.8% of respondents agree that inflation is the most significant issue faced by them at the present time. This is believed to be due to the failure of the federal and state governments to ensure that any increase in the prices of goods is followed with a similar increase of income and social security.

At the same time, 72.5% felt that our political power is too centralised, in the hands of the few. This reflects in the current situation in Penang, where the chances of participation of youth and students in public affairs are limited. Also, at the same time, plans for restoring local government elections are still unknown.

Therefore, the working group would like to capture the State government's attention to the importance of the voices of youth, and to outline some of the issues identified by youth and students themselves. We attach suggested solutions.



Teenagers

Adolescence is a crucial stage of growth: it is the stage where solid and conscious perceptions of and towards society are shaped. If the vision of building a young generation which is socially responsible and based on good character is a serious one, sincere consideration should be given to working towards giving teenagers more analytical and critical social education.

"If the vision of building a young generation which is socially responsible and based on good character is a serious one, sincere consideration should be given to working towards giving teenagers more analytical and critical social education."

One of the greatest hindrances against achieving that is the existing structure of Malaysian education that is heavily examination oriented. Such a system, which generally encourages swallowing text whole without critical analysis, produces unimaginative young adults incapable of competing in this globalising world.

Over-emphasis on examinations is unhealthy for students and our society because it causes incompetence in other skills necessary for the sustainable development of human capital for the nation.

This system, which strongly favours those who do well in academic exams, disappointingly neglects many of those whose talents lie elsewhere: for example, in the arts, or in sports.

As a result, "deviants" who do not fit into such an education system find themselves disenfranchised from a society which would otherwise be far better off if it could tap into the vigour of our youths. Social problems such as vandalism, gangsterism, playing truant, dropping out from school, etc, arise and persist when youths find no space to express themselves.

The lack of quality and accessible recreation places for this group further isolates teenagers from exploring healthy alternatives to overwhelming commercialism and materialism existing in our urban communities today.

Also, those who are inclined to organise activities for fellow peers find it hard to find funding and support from existing state structures that should facilitate the growth of our youths.

University Students

University students are an important asset for the nation as this group will make up her future leadership, shape her path ahead, and decide the fate of her rakyat. The development of a country is consistent with the development of thought amongst the young intelligentsia. Scholars who have sound understanding of their respective

“One major problem faced by students is that of the draconian and restrictive Universities and University Colleges Act (UUCA). This act literally denies a student his/her constitutional rights and freedoms.”

fields would be able to independently and innovatively produce new ideas useful for the development of the country. An evolving global work market also demands graduates with global - instead of narrowly local - understandings of the key issues surrounding us today.

One major problem faced by students is that of the draconian and restrictive Universities and University Colleges Act (UUCA). This act literally denies a student his/her constitutional rights and freedoms, such as those related to right to associate, freedom of expression, and freedom of speech. The UUCA also restricts students from free association and places power in the hands of campus authorities who are politically subservient to the government of the day. This is reminiscent of feudal societies.

As a result, campus elections, which theoretically offer students the chance to participate in a mini democratic political process, in reality, when exercised and monitored by such authorities, have nothing or little to do with enhancing or upholding democratic principles.

Further, there is an issue of accessibility and mobility of higher education in Malaysia. It would, perhaps, suffice for us to take note that around 2 of every 5 applicants (40.2% of the total) failed to get a place in our universities this year. An ever increasing demand for higher education cannot be ignored if the nation is to move forward to compete in the global economy.

Working Adults

Youths enter the labour market as they advance into young adulthood. They become the main force of production and contribute to most of the core sectors in the country. However, this group also faces various problems that affect not only their performance at work, but also their general wellbeing. The question we pose is: do we have a healthy workforce?

Many of them have been little exposed to the acquisition of social skills, let alone awareness

about their legal rights at the work place. They may well also suffer from a lack of access to skills advancement training, especially if they dropped out from school, college or university. The country also suffers from a mismatch of skills.

Besides that, similar to university students, this group also suffers from a lack of interest towards, and opportunities to participate in, the process of decision making on social, political and/or economic, issues. The same may apply to local, community issues. Again, this goes back to how we are socialised, and the lack of encouragement to become socially engaged (the exception being of course when politicians and their parties coopt youth for their own political purposes).

Another problem that affects working young adults is differential treatment along gender lines. There is a lack of legal redress for issues like sexual harassment at the work place, crime and violence on women, and discriminatory practices that degrade the value of women workers. There is also lack of legal avenues for redress on violence to women.

The concept of Young Social Responsibility (YSR) should be strongly advocated, especially because youth nowadays seem to be drawn to hedonistic lifestyles, leading to self-centeredness and lack of social responsibility.



Recommendations

1. State Responsibility in Higher Education and Training Institute

- The State Government should make use of state-owned education institutions such as PSDC (Penang Skill Development Center) to provide skills training for those who can't further their studies to higher education.
- The State Government can provide alternative choices by establishing or developing state-owned education institutes such as vocational



schools, community colleges, or universities, to offer students alternatives and to bring competition in term of quality and student freedom, between state public university and federal public university.

2. State Responsibility in Youth Activity and Participation in Community

- The State Government should actively support youth and student activities, through subsidy, provision of venues or other resources.
- The State Government should set up a directory so that those who need resources such as venue, financial aid to run activities/programs know where to get them.
- State-owned premises such as Balairaya and Town Halls should be opened to public at affordable and non-profit price for youth and students (and other groups).
- The State Government to fund/provide resources to community or non-government organisations to publish newsletters regarding community and social issues.

3. State Responsibility in Youth Participants in Public Affairs

- The State Government should establish a Youth Parliament, which will serve as a platform for youth to discuss current and youth-related issues. Under this program, the state government should schedule regular meetings with representatives of youth and students, and take

into strong account the views expressed by this group at these meetings.

- Information, policy and state decisions regarding youths and students should be spread through blogs or websites, to build awareness and motivation for youth to participate in discussion and decision making.
- Restore Local Council Elections to encourage more participation among youths.

4. State Responsibility in Safe Working Environment

- The State Government should set up a centre to collect data on the issue of sexual harassment in the working place, to provide counselling, assist the victims and to deal with these problems.

The State Government should organise or co-organise with companies to give labor rights awareness workshop for workers.

- The State Government should make ISO 1800 CSR certification mandatory for local GLC.
- The State Government should set a decent minimum living wage for state GLC workers.

**This Working Group was coordinated by
Lau Shu Shi, Suaram**



Report of the Working Group on Health

Background

For a life of good quality, health is indispensable. Thus it is regarded as a right. With every right there is responsibility as well which often the main stakeholders - the public, the government and the health professionals – do not fulfill.

“The common perception, held sometimes even by State Governments, that health is a Federal matter, is not true. ”

The Constitution and Health

With regard to Government, the Federal Constitution via articles 74 and 75 confers the right to Parliament and State Legislature to make laws relating to health and other matters.

Health and other matters are spelt out in the Ninth Schedule of the constitution. They are the Federal List and the Concurrent List (that is to say, the First or Third List set out in the Ninth Schedule) and the State List (that is to say the Second List in the Ninth Schedule) or the Concurrent List.

It should be noted that Article 75 does say that if any state law is inconsistent with the federal law, the federal law shall prevail and the State law shall, to the extent of the inconsistency, be void.

The common perception, held sometimes even by State Governments, that health is a Federal matter, is not true. The determinants of health and ill health are many, some of which are direct such as an infection or hypertension or may be indirect,



an example being environmental hygiene.

A perusal of the Federal and State Lists mentioned above will indicate that while the overall responsibility for health, as far as the stakeholder called government goes, is Federal, the State has responsibilities as well.

Hence any representation to the State Government should first spell out what the state can do by itself along with the cooperation of the public. The State Government should also take up with the Federal Government what further it can do to advance health in Penang.

The State List or Second List in the Ninth Schedule

Of the many matters that come under this list one that may have indirect effects on health are local government (municipal councils). Thus the council has the right to agree or not agree to the setting up or the site of another private hospital or nursing home. Responsibilities relating to water and roads are also under this list.

List 3 or the Concurrent List

This list refers to matters for which both Federal and State can make laws.

The matters in this list which can be regarded as likely determinants of health are:

- No.1 Social Welfare; social services subject to List 1 and 11; protection of women, children and young persons
- No.5 Town and country planning, except in the Federal capital
- No. 6 Vagrancy and itinerant hawkers
- No.7 Public health, sanitation (excluding sanitation in the federal capital) and the prevention



of diseases

No.8 Drainage and irrigation

No.9A Fire safety measures and fire precautions in the construction and maintenance of buildings

No.9B Culture and sports

No.9C Housing and provision for housing accommodation, improvement trusts

No.9D Subject to the Federal List, water supplies and services

Health For All

While the above is what the constitution says about federal and state responsibilities re health it should be noted that there are many determinants of health.

As long ago as 1946 when the United Nations system was taking shape the World Health Organization's (WHO) constitution stated that:

"health is a state of complete physical, mental and social well being and not merely the absence of disease or infirmity" and

"the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition" and

"governments have the responsibility for the health of their peoples which can be fulfilled only by the provision of adequate health and social measures".

It is interesting to note that the right of the people to health care was first upheld with the creation of a state health system in Soviet Russia in 1917. It was only after the second world war that the United Kingdom and other countries of Europe began to build comprehensive national health services.



"The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition."

An important conference on Primary Health Care was held in 1978 at Alma-Ata, Kazakstan and interestingly it was proposed by the Soviet Union with delegates from 138 countries attending.. The Alma-Ata Declaration stated that a main task of governments, international organizations and the world community should be

"the attainment by all peoples of the world by the year 2000 of a level of health that will permit them to lead a socially and economically productive life".

The key to attain this objective was the development of national health care systems at the core of which was primary health care- the central function and main focus of the country's health system.

The most important message from this conference was that health is a human right and that governments must uphold that right for present and future generations.

WHO and Millennium Development Goals

In the 1990s there were many conferences on development which culminated in the UN Millennium Declaration in September 2000, adopted by 189 Heads of State.

The Millennium Development Goals (MDG), to be reached by 2015, are challenges for rich and poor countries alike. Targets have been set for developing countries to reduce poverty and hunger, and to tackle ill-health, gender inequality, lack of education, lack of access to clean water and environmental degradation .The MDGs also recognized potential contributions from developed countries of trade, assistance, debt relief and access to essential medicine and technology transfer.

There are 8 goals, 18 targets, and 48 indicators. The goals are:

- 1: Eradicate Extreme Poverty and Hunger
- 2: Achieve Universal Primary Education
- 3: Promote Gender Equality and Empower Women



- 4: Reduce Child Mortality
- 5: Improve Maternal Health
- 6: Combat HIV/AIDS, Malaria and Other Diseases
- 7: Ensure Environmental Sustainability
- 8: Develop A Global Partnership For Development

It should be noted that all the MDGs relate directly or indirectly to health.

Vicious Cycle of our times

In many countries (especially developing) the question still is how to get out of the vicious circle of poverty, hunger and sickness. In contrast for (many) Malaysians, the vicious cycle of over eating, smoking, inappropriate diet and lack of exercise are becoming the main determinants of ill health.

Advocacy by Civil Society in Penang

State Government

Our State Government does play a crucial role in the attainment of health for all, albeit indirectly. It can, for example, commit to encouraging measures favouring healthy life styles as follows:

- **Exercise** – pavements, bicycle lanes, recreational areas
- **Smoking** – work with Federal agencies to reduce smoking
- **Diet** – advocate well balanced diet

It can also undertake measures for public health, sanitation and the prevention of diseases, water supplies, roads and transport. There are at least three current priorities: ensuring hygiene at public eateries, reducing breeding of Aedes and thus reducing dengue and smoking control.

The State via the municipal councils also has an important role in enforcement working with the Medical Department.

Further, the numbers and siting of private hospitals can be subject to approval of local council regulations.

“The State via the municipal councils also has an important role in enforcement working with the Medical Department. ”

State Government and the Federal Government.

The State Government should encourage and support all federal measures that help promote health, prevent diseases, and provide treatment and rehabilitation.

Clearly the State Government also needs to negotiate with the Federal to get necessary funds for the state government and the local governments to promote health and prevent diseases.

**This Working Group was coordinated by
Dato Seri Dr. T. Devaraj**



Report of the Working Group on Goodwill Initiatives

An initiative to encourage positive intercultural ties in Penang Island

Background

In spite of our rich cultural heritage and in spite of our forefathers' tradition of accepting and celebrating a plethora of cultures and faiths, troubled inter-cultural ties is a reality in today's Malaysia.

In the months of May and June 2008, Penangites of various walks of life, cultures and faiths came together to identify issues affecting inter-cultural ties in Penang as well as determine potential areas and mechanism for improvement and sustainability of inter-cultural ties that various players, including the state government, educational institutions and NGOs (Non-Governmental Organizations) can play.

This collective is known as the Penang Goodwill Initiative. We propose the following Action Plan that could be implemented throughout Penang to address Penang's inter-cultural issues.

Issues

The issues affecting Penang's community can be briefly summarized as two major issues:

the absence or lack of trust and goodwill between cultural and religious communities, and

the absence or lack of engagement between the state government, the cultural and religious bodies and respective communities.

This means that we need to involve a number of **target groups**, including Children and youth; Civil servants; Cultural/religious leaders; and the general public.

Similarly, a number of partnerships need to be developed between the following groups: the State Government; Cultural/religious leaders and institutions; Non-governmental organizations (NGOs); Academic and research institutions (inc. Universiti Sains Malaysia); and the Media (mainstream and alternative).

"In spite of our rich cultural heritage and in spite of our forefathers' tradition of accepting and celebrating a plethora of cultures and faiths, troubled inter-cultural ties is a reality in today's Malaysia."

Recommendations

We therefore propose that a number of efforts need to be initiated, which we present under three themes.

Theme 1: Intercultural Education and Training

Aim: To educate and sensitize communities and civil servants about the various cultures and beliefs of Malaysia and how to deal with fellow Penangites and Malaysians of various cultures.

Efforts:

Analyze demographics and concerns of cultural groups to gain better understanding of who these groups are, their concerns, as well as to what extent are they willing to engage in inter-cultural activities.

Identify resources (institutions, leaders, NGOs, groups, individuals) from various expertise (religion, peace-building, heritage, human resources, public relations, media) to collaborate with for inter-cultural programmes.

Involve leaders and scholars who support inter-cultural work and are seen to be 'credible' by their respective communities.

Build partnerships with research institutions, religious institutions, NGOs, leaders, scholars and students to create and assist in inter-cultural programmes.

Integrate inter-cultural understanding as a module in human resources/management training for civil servants in government arms like City Council, Majlis Agama, teachers as well as the police force.

(a) These can be conducted by experts from institutions (academic/religious) institutions like USM's Research and Education for Peace Institute as well as Institut Kefahaman Islam Malaysia (IKIM) as well as NGOs.

(b) These modules can be done at various levels: state, community, management, and school.

- **Encourage schools and educational institutions** as well as religious/cultural institutions (Kongsi, temples, etc) to participate in inter-cultural programmes that can be held by the state and / or research organizations and NGOs.
- **Encourage youth groups** to inter-cultural dialogue and training into their activities (programmes and camps).
- **Create and support ‘Discover Penang’** programmes for Penangites to discover and appreciate Penang’s (and Malaysia’s) cultural diversity. This can be done in collaboration with arts and heritage groups.
- **Create and disseminate a ‘Goodwill Guide’** that identifies the importance of inter-cultural understanding from a human-rights perspective, as well as the perspective of various cultures and religions. e.g. “What does Islam/ Buddhism/ Hinduism/ Christianity say about inter-cultural dialogues?”
- (a) Booklet to include ways of building and appreciating inter-cultural ties and how to deal with conflict and misunderstandings.
- (b) Booklet to be a collaboration between/authored by religious leaders and scholars (acknowledged and accepted within own community), academic institutions and NGOs.
- (c) Booklet to be used in human resources/ management training for civil servants and to serve as a protocol for all civil servants, NGOs and communities.

Theme 2: Intercultural Engagement and Promotion

Aim: To build and nurture relationships with various communities through which values of inter-cultural understanding can be promoted.

Efforts:

- **Roundtable meeting with communities** and their respective cultural/religious leaders to identify concerns and points of limits, conditions and potential for engagement.
- **Explore opportunities** to propose to youth-related/ heritage-related Ministries funds for their support (financial and others) in state’s inter-cultural projects.
- **Incorporate inter-cultural values** in issue-based projects in the areas of heritage,

- environment, integrity, hygiene, cleanliness, gender empowerment.
- **Instill inter-cultural values** in arts performances and exhibition during festivals.
- **Promote cultural diversity** in state festivals and celebrations, e.g. performances, public forums, exhibitions.
- **Hold issue-based projects** with inter-cultural values at areas which may be polarized / rural areas.
- **Gather youth leaders** of diverse backgrounds to share and present common thoughts on inter-cultural ties.
- **Encourage religious institutions and youth** to blog and have online forums on inter-cultural ties.
- **Constantly conduct awareness-raising** campaigns on positive inter-cultural ties.

Theme 3: Goodwill / Muhibbah Council

Aim: To support an independent council made up of individuals (state officials, religious leaders, scholars, concerned citizens) who are supportive of inter-cultural efforts and who are able to oversee concerns and modus operandi when dealing with inter-cultural concerns.

Efforts:

- **Create procedures** for the state and various bodies to work within when dealing with inter-cultural issues.
- **Establish protocol** for relevant bodies and specific procedures in inter-cultural misunderstanding situations. Various agencies must know what to do and how in order to contain and control sensitive situations.
- **Identify and collaborate with partners** like the Majlis Agama officers, Penang Bar Committee (including its Peguam Syarie arm) and the police.
- **Supervise (pilot) local-level community-based groups** that can meet frequently to discuss specific concerns. These groups can be made up of concerned citizens as well as religious leaders supportive of inter-cultural efforts. They are to co-operate amongst one another and can plan joint projects together.

Working Group coordinated by Damina Khaira

Report of the Working Group on Environment

Background

Present environment

Penang is a small state compared to the rest of Malaysia. It is split into two parts: the island (299 sq km) and the mainland (760 sq km), together totalling 1059 square km. It has a population of 1.4 million at the moment, which is growing relatively slowly compared to the national average, but is still projected to reach 1.9 million persons by 2020.

Penang is also one of the most urbanised states, with some 85% of its population categorised as 'urban'. The natural ecosystem is mainly lowland rainforest with a mangrove fringe at the coastal areas. There are small stretches of sandy beaches, mainly in the north coast of island and north of Butterworth, while the rest of the coastline comprises rocky headlands and mangrove swamps.

About 200 years ago, almost the whole of Penang was forested, but now there is very little natural forest left (about 9% gazetted forest and 6% secondary forest).

Most of Penang's developable land has been converted to human use, for agriculture (56%), urban development, industry and residential development (29%).

The mainland part of Penang has almost all been converted to agriculture or used for urban development, while on the island there is increasing pressure to develop hill land and/or initiate land reclamation schemes to meet 'development needs'.

For example, hotels and holiday homes along the north coast are increasingly encroaching up the hill slopes, while Paya Terubong and Balik Pulau are also facing severe development pressure. There are also already several land reclamation projects for industry as well as for residential and commercial development.

This extensive land development coupled with rapid industrial growth over the last 40 years or so has resulted in numerous environmental problems.

Environmental Concerns Of Penang

The concerns include:

Quality of the environment, including cleanliness (especially in urban areas); solid waste disposal and management; water pollution; noise pollution; air pollution

Urban environmental issues, including traffic congestion and the resulting environmental degradation; over-development and inappropriate development; recreational open space; parks and gardens; greening of urban landscape

Environmental management, including coastal land reclamation; hill development and soil erosion; increasing incidence of flash floods

Environmental conservation, including loss of natural ecosystems and loss of biological diversity

Use of natural resources, including water supply and the declining quality of potable water and concern about future availability; energy conservation and use

"The fact is that the noticeable decline and deterioration of environmental quality in Penang threatens to negate the benefits in improvements in the quality of life brought about by the rapid economic growth."

The fact is that the noticeable decline and deterioration of environmental quality in Penang threatens to negate the benefits in improvements in the quality of life brought about by the rapid economic growth.

It is also a fact that all the environmental issues have been documented and studied over the years by various government departments, universities (e.g. Universiti Sains Malaysia) and research institutes as well as consultancy companies. However, many of these studies have been sectoral and on an issue-by-issue basis.

For example, the issues of floods and their mitigation has been the subject of studies by the Japanese International Cooperation Agency (JICA) as well as by the Department of Irrigation and Drainage (DID), but they have tended to look at these issues as purely technical problems with engineering solutions.

The issue of the cleaning up of the Penang River has been the responsibility of the Department of Environment (DOE) and DID but again the ten-

Report of Working Group on Environment

gency has been not to link the issues to wider social and economic factors. Hill development and hill cutting have been under the charge of the Town and Country Department, supported by the DOE, but geo-morphologists or geographers have not been involved.

The comprehensive 1999 study entitled *“Penang Environmental Conservation Strategy”* prioritised one hundred recommendations into three levels of priority ... but these have not been implemented in any systematic way.

So, despite all these studies, the problems remain unsolved. Recommendations are not implemented due to financial or other constraints.

The state government in fact commissioned a fairly comprehensive study entitled *“Penang Environmental Conservation Strategy”*. This was undertaken with the active cooperation and support of the various relevant government department and agencies. The three-volume report was accepted by the state government in 1999.

To date, the one hundred recommendations, which were prioritised into three levels of priority based on the inputs of the government departments, have not been implemented in any systematic way.

Priority issues

Generally speaking, there is an urgent need to treat environmental issues as central to any short-term plan or long-term vision for Penang.

As we are all too well aware, what happens to our environment is both tied to and affects our social, physical, economic and spiritual well-being.

So we must make environmental issues integral to critical planning documents such as the Penang Structure Plan (and the related Local Plans).

And we must ensure that environmental protection and enhancement are safeguarded through stringent and credible laws and planning processes.

As part of this, federal and state legislation, procedures and monitoring are in need of overhaul. For example, Environmental Impact Assessment (EIA) clauses, penalties and procedures need to be

reviewed and strengthened: EIAs need to be done independently from the developer, should include social impacts and must more fully and proactively include public participation and feedback.

And of course even our present laws and procedures are very poorly implemented.

This wider agenda should be the guide for the long term.

For the present, out of the many issues and concerns, five are highlighted here as priority issues as a more immediate environmental agenda with recommendations for further action. These are

- **Floods**
- **Hill development**
- **Coastal land reclamation**
- **Water pollution**
- **Public recreational space**

Let us look of each of these in turn.

Floods

Floods have been a long standing problem in many parts of Penang. These include low lying areas in Sebarang Perai, especially areas along the rivers and drainage systems. Flooding problems in the mainland of Sebarang Perai are more frequent and serious compared to the island.

In the island, flood prone areas include Caunter Hall area, the low coastal areas in George Town that have been reclaimed from mangrove swamps (Prangin Road, for example) and a number of newly developed residential and commercial



areas. In some areas, there are floods even when there is no rain but just an extremely high tide.

In recent times, there has been an increase in areas affected by floods, such as that which recently occurred in September 2008. For example, there have been land slides and land slips in areas where hill slopes have been cut, such as in Tanjung Bungah and Batu Ferringhi.

The main cause for the persistent and more extensive flooding is the change in land use, where land is paved over with no allowance for seepage into the soil. Run-off exceeds the capacity of the drainage system and the inevitable overflow causes floods.

The flood mitigation study by JICA submitted and approved by the state government in 1991 proposed a number of flood mitigation measures.

This report also specifically stated that their mitigation plans were based on the assumption that there would be no major changes in land use in the catchment areas.

However, recommendations were not implemented due mainly to financial constraints.

Of course, since then, many development projects have been approved, with little regard for environmental consequences, and many have affected catchment areas or hill slopes.

"The increased floods in the island can be largely be attributed to development in the catchment areas and hill slopes."

As a result, the percolation of water into the ground that normally takes place when there is natural vegetation cover is reduced or completely blocked, resulting in 100% runoff of the water into the drainage system. During heavy rain, floods become inevitable even in areas that are normally not flood prone.

The increased floods in the island can be largely be attributed to development in the catchment areas and hill slopes.

Action agenda for floods

Review JICA flood mitigation proposals. It is 17 years since the flood mitigation measures have been proposed. Some proposals have been carried

out, but most have not. The assumptions that there should be no development in the catchment areas and no development in hill slopes have been violated repeatedly. Hence, new flood problems have cropped out as can be seen in the recent September 2008 floods due to heavy rain. The rainfall pattern has become increasingly unpredictable in the last few years, probably a result of global climate change. If so, we can expect greater climatic extremes as predicted by the climate change models.

So the state government needs to

- ***Stop all approvals of development in water catchment areas***
- ***Stop all approval of housing development in hill land***
- ***Stop all illegal clearing of hill land for agriculture***

Hill development

The main hilly areas in Penang are on the island. The hill land serve as water catchment areas and are the last refuge of the original plants and animals of Penang. However, this land is coming under increasing threat, both from agriculture and from commercial or residential development.

Some clearing for *hill agriculture* has been a feature for many years, especially in the southern and western part of the island. Crops include cloves, nutmegs, durians and other fruits. However, more recently, a lot of illegal clearing for agriculture can be observed in the Penang Hill area.

Most of this has been for agricultural projects, but many have failed and been abandoned. The failures are usually due to lack of water and/or severe soil erosion, and these abandoned cleared areas are prone to soil erosion and landslides.

There have also been many *high rise and high density developments* which encroach on hilly areas.

These include developments in Paya Terubong and Air Itam below Penang Hill as well as the hilly areas in the north coast, such as Pearl Hill in Tanjung Bungah and the many approved developments along Batu Ferringhi.

There is actually a policy which bans any development above 250 ft or on steep slopes. Despite



this, developers have been able to get approvals: some are even brazen enough to advertise that their development is at 500 feet.

The federal Minister of Science, Technology and the Environment in 2007 publicly pointed out that Penang is one of the states that do not follow guidelines on such developments. Heavy rains and permeable soils make construction in such areas prone to soil erosion and landslides. Large rocks and boulders are often reported to have fallen down, together with landslides.

Action Agenda on hill development

- *Review all the approved projects on hill slopes to ensure they conform to environmental regulations*
- *Adopt the national policy of no development on hill slopes above a certain steepness*
- *Revive the hill committee to monitor and control the illegal clearing of land for farming and construction*
- *Make an EIA mandatory for all hill slope development regardless of size as slopes are ecologically sensitive environments. Ensure that EIA consultants are legally liable for any damage to property and life in the projects they approve.*

Coastal land reclamation

In the last 10 years or so, there had been three major coastal land reclamation projects on the island. These are in Bayan Baru for the Queen's Bay project, the Jelutong Coastal Highway along

Jelutong Road and the Tanjung Tokong land reclamation.

The most problematic from an environmental point of view is the *Tanjung Tokong reclamation*. This is largely due to its size: 920 acres was approved in 1990.

The first phase of land reclamation is about 200-300 acres, which has been completed, and the Tanjung Pinang residential and commercial project is half completed.

The second phase would be the reclamation of three large islands of the present reclamation that will add up to almost 1000 acres.

The adverse environmental impacts from the first phase are already very evident to any observer. Gurney Drive is silting up very badly and has become a mudflat at low tide. There is also a stench because of the anaerobic conditions. Residents living in the Gurney Drive area claim that the mud build-up corresponds with the advent of the land reclamation.

"Apparently, there had been no monitoring of the environmental impacts of the land reclamation by the relevant government authorities."

The method of reclamation has been by pumping sea sand on to the Tanjung Tokong mudflats, so pushing the mud to the surrounding beaches. Apparently, there had been no monitoring of the environmental impacts of the land reclamation by the relevant government authorities and hence, it cannot be known for sure the sequence of events.

The reclaimed area also blocks the flow of the currents and tides which would also affect the sedimentation patterns of the coastal waters. We should note that the Penang Port is apparently having to spend in the region of a hundred million ringgit to dredge the sea bottom to make the port functional - because of the land reclamation?

The environmental impacts of such a massive land reclamation should have required a detailed environmental assessment but as far as we know, the Department of Environment did not ask the developers to do so. The projects were approved with only a preliminary Environmental Impact Assessment through an internal departmental review.

A preliminary EIA does not require any significant public participation or review and is meant for projects with low environmental impacts which can easily be mitigated. The question is: why was this allowed?

Social equity issues in land reclamation

The Jelutong and Tanjung Tokong land reclamation is different from all the previous coastal land reclamation in the sense that these are reclaimed by private developers with very little if any state equity participation.

With the very limited land resources of the state, it is very surprising that the right to reclaim land has been given to private developers. With the high land values in the reclaimed area where the value is in the region of RM200 to RM300 per square

"The total amount of open space on Penang Island in 1999 was 274 hectares and on the mainland, 175 hectares. Based on the standards of the Town and Country Department, the amount of open space should be about 1,268 hectares for the island and 1,367 hectares for the mainland by 2010."

foot, the loss of revenue to the state is in the region of hundreds of millions to billions of ringgit.

From the viewpoint of public interest, there should be a study to see how much the reclaimed land is worth and how much the state has lost by surrendering such rights to the private companies.

Action agenda on Land Reclamation

- *Review all coastal land reclamation projects and a cost benefit analysis of such projects to the state of Penang*
- *Review the proposal of the three additional islands to the Tanjong Tokong reclamation and assess the likely environmental impacts on the north coast of the island and Penang Port*
- *Ensure that land reclamation is undertaken by a state agency, such as the Penang Development Corporation (PDC) so that the land belongs to the state*
- *Commission a state wide modelling study on the environmental impacts of coastal land reclama-*

tion rather than the prediction of impacts on a project by project basis

Gardens, parks and trees - public recreational space

The issue of providing sufficient public open space for recreation in the urban areas of Penang, especially in Georgetown is an urgent one. This is because up to 90% of the new residential units that are being constructed in Penang are high-density high-rise apartments.

Many of the units are between 500 to 600 square feet in size. The small size can be stifling and there is a greater need to provide for recreational purposes. Public open space becomes important for the psychological and social well being for residents and the community.

However, the trend in the last few decades has been to build the maximum allowable units and neglect the recreational space requirements. The requirement for the amount of open space that developers provide is getting less rather than more.

The space requirement by the MPPP and MPSP is still based on the footprint of the development rather than the number of units per area. In older housing estates such as in Island Glades and Tanjung Bungah, there are usually small parks in and around the housing area. This can be contrasted in the new high rise developments in Air Itam and Paya Terobong.

Open recreational space is usually grouped by planners into four categories: neighbourhood parks, town parks, community parks and regional parks. There are usually guidelines as to the amount of space required per 1000 population.

The total amount of open space on Penang Island in 1999 was 274 hectares and on the mainland, 175 hectares. Based on the standards of the Town and Country Department, the amount of open space should be about 1,268 hectares for the island and 1,367 hectares for the mainland by the

"The main sources of water pollution are domestic waste, agro-based waste, animal waste and industrial wastes. The polluted state of the rivers is a reflection of a whole range of failures in infrastructure planning, environmental management and public education."

year 2010.

The shortfall in the provision of open space is therefore extreme and yet there seems to be a lack of seriousness in meeting such a shortfall. The usual reason given is that Penang is already built-up and there is no available land.

There is no serious attempt to get new reclaimed land for parks and gardens or require developers to provide sufficient space to meet recreational and social needs.

Action agenda

- *Commit to provide adequate public open space and put these requirements in the structure and local plans*
- *Develop a strategy to acquire public open space such as buying up private land and reclaiming land for recreation*
- *Reform the state departments to create a parks and gardens department that would plan, develop and maintain the open space for the state instead of having the responsibilities spread over numerous departments and agencies*

Water pollution

Water pollution relates both to river and coastal water pollution.

All the major rivers in Penang are badly polluted as indicated by the water quality index (WQI). These include Sungai Pinang, Sungai Juru, Sungai Perai, Sungai Jawi, and Sungai Kerian. While the upper

parts of these river basins are relatively clean, the lower stretches of the rivers all fall into class 5, which is the most polluted category of the water pollution index.

The main sources of the pollution are domestic waste, agro-based waste, animal waste and industrial wastes. The polluted state of the rivers is a reflection of a whole range of failures in infrastructure planning, environmental management and public education. Applying only engineering solutions such as widening, straightening and deepening of rivers are not real solutions.

Two rivers have received more attention from the public and the government. These are the Sungai Pinang and Sungai Juru.

The pollution of Sungai Pinang has been often highlighted because it is so obvious, being in the middle of George Town and visible to so many people. The river is considered biologically dead near the river mouth and is anaerobic and often emits a foul smell.

“ The coastal waters of Penang are also seriously polluted. The pollutants are of many kinds and from many sources. Rubbish and plastic bags can be seen floating in almost all parts of the coastline and water quality is low, with high sediment load, organic matter and bacteria counts. ”

There have been various attempts to “clean up” the river and deepen the river mouth, by adopting engineering solutions to what is basically a social and planning problem.

Consequent failure means that Penangites continue to be denied any recreational use of the river. The polluted river is also affecting the property values of the houses and offices along the river, especially along the lower stretches of the river.

The pollution of Sungai Juru first hit the headlines in the 1970s, when the discharges of the Perai industrial estates started to seriously affect the health of the river.

The construction of a bridge for the highway also reduced the flow of the river resulting in the silting of the river mouth. The impacts were felt mainly by the fishermen at Kuala Sungai Juru who complained of reduced catch, contaminated fish



and difficulty of moving their fishing boats out of the river mouth to fish in the coastal waters.

The livelihood of the fishing village was compensated by the fact that the silting of the river mouth and the creation of mudflats provided cockles and other shellfish a suitable habitat for their growth and even expansion.

The cockle industry prospered in the 1980s and 1990s. However, there has always been a concern of cockles being contaminated by the industrial pollution.

Recently, a civil society group emerged calling themselves “Friends of the Juru River” and have highlighted the pollution problems and demanded action from the government. This is an indication that the problem still persists and health concerns are widespread.

Meanwhile, *the coastal waters of Penang* are also seriously polluted. The pollutants are of many kinds and from many sources. Rubbish and plastic bags can be seen floating in almost all parts of the coastline on the island and mainland.

The water quality is low with high sediment load as well as high organic matter and bacteria counts.

However, unlike fresh water in rivers, there is no single index that is generally accepted for characterising seawater quality.

The criteria and indicators used are based on the beneficial uses of coastal waters. In Penang, the criteria are for recreational use of the water such as swimming and water sports as well as for aquaculture.

Based on monitoring studies done a few years ago, the seawater quality around Penang is not suitable for recreation and aquaculture use.

All the 21 sample sites failed the criteria for recreation and aquaculture use.

Despite this, they are still being used for recreation and aquaculture. This poses potentially serious health risks to the users of the coastal waters.

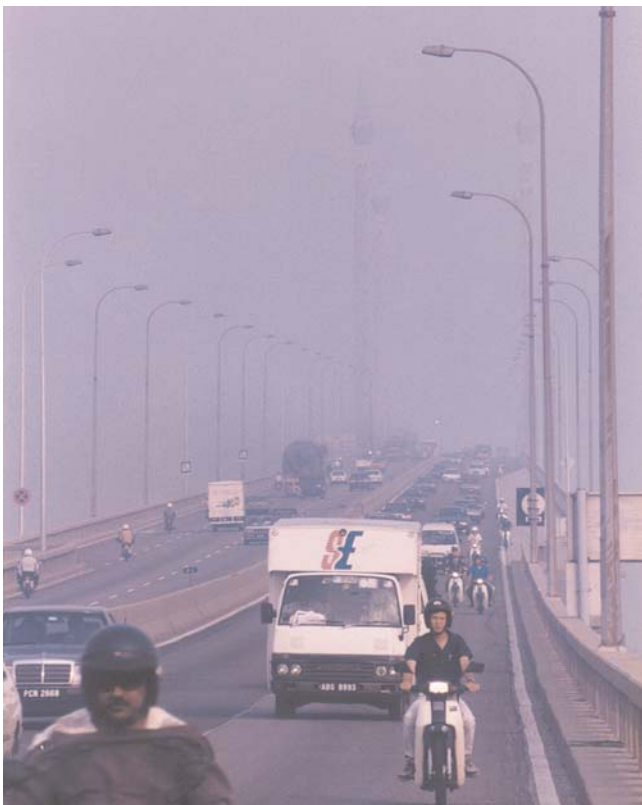
Action Agenda for River Pollution

- *Set a target to clean up all the rivers by 2020*
- *Form a multi-disciplinary task force to prepare management plans for the Sungai Pinang and Sungai Juru on a river basin wide basis within one year to be followed by management plans for the other rivers a year later.*
- *Set up task force to monitor the progress in the implementation of the river management campaign*

Action Agenda for Coastal Water Pollution

- *Carry out monitoring of the coastal waters on a regular basis and publish the results in the press*
- *Post up warning signs in the on the beaches that water is unsuitable for swimming or water sports when the bacteria level reaches dangerous levels*

This Working Group was coordinated by Leong Yueh Kwong, Malaysian Nature Society (MNS)



Report of the Working Group on The Arts

This Report is the text of the Memorandum submitted to the Penang State Government in May 2008, by the Penang Arts Alliance (PAA). PAA was formed at the first Arts and Culture working group meeting following the Penang Forum.

Preamble

We, the Penang Arts Alliance, acknowledge the need to create a **Policy for Creativity and the Arts** in Penang to articulate a vision that drives our cultural and human development and broadens our horizons to bring greater respect for our cultural diversity, our arts legacies and traditions and, more importantly, our future.

The vision is based on equity, social inclusion and sustainability and addresses the collective artistic needs and aspirations of the people of Penang which have been expressed in public calls for a paradigm shift in the manner in which the Arts are perceived. The Arts are central to the existence and development of our diverse communities, especially in respect of nurturing creativity and local identity and the enhancement of our social, cultural and economic capital.

This belief has to be embedded in policies and programmes that are generated by the government elected by the people of Penang.

“Developing a policy for the Arts in Penang should be seen as an integral part of an overall development strategy for our state.”

By envisioning a central role for the Arts within the wider context of local economic development, the creative potential of present and future generations will be realised on a continuing basis. With freedom of expression through education, the artistic platform will naturally be widened and critical ideas and creations generated by the Arts will **bring an edge of innovation and dynamism to Penang**. This is building upon the inherent and comparative advantages which Penang already possesses that are exemplified by the qualities and knowledge of the people.

The **artistic and heritage values** which underscore the originality, the history and the continuity of our Arts must always be protected, especially in

the face of undue foreign influences in open media and homogenisation. The values that reside in our physical and material legacies, our artefacts and artistic creations, our living expressions and our diverse traditions are **our roots** which are the foundations for growth and integrity of idea.

These should never be surrendered or sacrificed for economic gain alone.

The Arts Industry: integral to Penang's future

1. **Developing a policy for the Arts in Penang should be seen as an integral part of an overall development strategy for our state.** Supporting the Arts industry is a vital component in celebrating and developing creativity, the bedrock on which the success of **Penang's economic future** will be determined. Creativity is acknowledged as the crucial component for competitiveness in the global knowledge-economy.
2. **The United Nations estimates that creative industries account for 7% of global GDP, and is growing at 10% per annum.** In the UK, the creative sector is growing twice as fast as any other sector. Linking support for the Arts sector to initiatives in other sectors – including technology, skill training, tourism and education – will ensure that Penang is positioned to take full advantage of the rich economic opportunities afforded by the modern, global economy.

The link between the Arts sector and both the industrial sectors and service sectors has been clearly established through the experience of other countries. That is one reason so many other countries and cities are investing so heavily in 'creative industries', which includes the Arts.

Investments may come in the form of

- **developing community-based infrastructure** (performance and rehearsal facilities, lighting and sound equipment),
- **supporting network development** and exchanges between groups,
- **investing in the development of skill acquisition** and enhancement (through

running or supporting a variety of trainings, workshops, and apprenticeship schemes, linking into mainstream industrial training programmes, not least in IT and related subjects),

- **supporting actual events** (including festivals and innovative events (such as an “ingenuity weekend”, providing opportunity for bringing industry and the arts together), and
- **bringing key stakeholders in industry and the arts together** in a shared vision. This can be done, for example, through the establishment of a Creative Industries Board, charged with compiling an inventory of creative industries in a location like Penang and spearheading their integration and development as a core economic strategy for both present and future.

3. As well as contributing to the **economic growth of Penang**, a strong commitment to the Arts will also have significant and positive impact on the **cultural vibrancy** and **social cohesion and harmony** of our state. A strong Arts policy has been shown the world over to have positive impact on community relations, on social interaction, on critical thinking and on tolerance, as well as on individual and social dynamism. All these attributes are highly relevant to our multi-ethnic Penang.

“A strong commitment to the Arts will also have significant and positive impact on the **cultural vibrancy** and **social cohesion and harmony** of our state.”

4. Supporting the Arts will also contribute significantly to Penang’s ambitions with regard to becoming a **major regional tourism hub**. The increasing importance of ‘cultural tourism’ must be noted, as it is a source of income which Penang is uniquely capable of attracting.

The Principles of a Policy for the Arts Industry

1. A policy for Penang’s Arts industry should be based on the CAT principles avowed by the Pakatan Rakyat state government, which comprises the principles of



Competency, Accountability and Transparency. To these should be added **inclusiveness** and **sustainability**.

2. In formulating the mechanisms and structures by which an Arts Policy is to be devised and implemented, it should be borne in mind that the optimum outcome is that the Arts industry should be strongly **rooted in our diverse and rich local experience**, locally controlled and locally driven.
3. In paying heed to the principles of sustainability, a policy for Penang’s Art industry will avoid large expenditure on imported events, but rather will choose to **build on the assets already owned by the Penang community**. This will enhance Penang’s own capacity, expand the number of Penang people involved in the opportunities of the creative industries and secure the place of the local Arts industry in Penang’s future developments.
4. Such an approach will reflect the inspiration of the UN’s 2001 Universal Declaration on Cultural Diversity, which sets out the importance of the preservation and “*promotion of the fruitful diversity of cultures*”.

“The optimum outcome is that the Arts industry should be strongly **rooted in our diverse and rich local experience**, locally controlled and locally driven.”

This Declaration has been taken forward through a variety of further resolutions and initiatives, such as the [2003 Convention for the Safeguarding of the Intangible Cultural Heritage](#) and the adoption of the [Convention on the Protection and Promotion of the Diversity of Cultural Expressions](#). Such international agreements set out a platform that links together the issues of cultural diversity, peace and development, and the role of the state in fostering pluralism. These agreements also highlight the need for policy makers to take these issues into consideration at both national and international level, and emphasise the need for promotion of intercultural dialogue.

5. It would also reflect the inspiration and principles of UN's Local Agenda 21, to which Malaysia is a signatory.

Penang's Cultural Assets

Penang has a unique combination of rich and diverse cultures, with an inspiring history in performance and visual arts, crafts and literature. It is therefore extremely well positioned to capitalise on the opportunities afforded by the developing global emphasis on the creative industries. However, commitment, coordination, consolidation and investment are crucial.

Penang's cultural assets include the following:

1. Traditional arts of the different communities.

Penang has an amazing **history of multi-ethnicism**. There are so many diverse communities in Penang, each of which still maintains its own traditions, performing arts and crafts.

Among traditions Penang can celebrate are boria, ronggeng, bangsawan, joget, wayang kulit, different forms of silat, kompang, Chinese opera, Chinese puppet theatre, Chinese orchestras (with different traditions within the different Chinese communities), Indian temple music and Indian dance.

There are also various martial arts like Pencak Silat, Tai Chi and Silambam being practised by different communities. The influence of Penang's various migrant communities over the centuries on per-

"Penang has a unique combination of rich and diverse cultures, with an inspiring history in performance and visual arts, crafts and literature. It is therefore extremely well positioned to capitalise on the opportunities afforded by the developing global emphasis on the creative industries. "

formance arts as well as on visual arts and crafts adds a unique dimension to Penang's rich cultural and artistic tapestry.

2. **Tradition of street culture.** Penang has also been enlivened over the centuries by '**arts in the street**': celebrations, festivals, theatre, street markets, traders and hawkers all utilise Penang's open streets and spaces.

This provides opportunities on which to build upon. Some of the traditions have uniquely evolved in Penang, and spread to other parts of the region. The Bangsawan theatre tradition for example developed here, beginning with the influence of Parsi performers who performed in Penang in the 19th century, laying the foundations for the localised Bangsawan genre to emerge. The tradition then spread to Indonesia, Singapore and other parts of Malaysia.

Penang is also the birthplace of the Boria street theatre which has spread to other parts of the country.

3. Fathers of modern South-east Asian Art.

Penang has a robust tradition of visual arts. It is home to significant **pioneers of modern painting** (watercolour, oil and batik) in Malaysia and Singapore. They include *Syed Hossein Enas, Yong Mun Sen, Kuo Ju Ping, Khaw Sia, Lee Joo For, Datuk Chuah Thean Teng, Abdullah Ariff and Tan Choon Ghee*.

4. **Penang's contemporary scene.** As well as being home to diverse traditional culture and arts, Penang has also played a major part in the development of more contemporary art forms.

These include in **theatre, film and music** (exemplified by *P Ramlee* and *Jimmy Boyle*)

and in the written word (exemplified by the poetry of *Mohd. Haji Salleh* and *Cecil Rajendra*).

The result today is that Penang is home to a number of groups dedicated to some of the older traditional forms, working alongside more contemporary practitioners, including two symphony orchestras, many choirs, a range of theatre and dance groups, various pop and marching bands, and a lively, modern music, film, video and literature scene. Numerous art galleries have emerged, celebrating the old masters as well as showcasing a whole new generation of Penang artists.

5. Penang and innovation. The rich mix of communities and talents has meant Penang's art scene has consistently included experimentation and innovation not least in the context of intra-cultural and cross-cultural exchange. This is a huge asset that can be positively nurtured.



Why Support the Arts industry: Growing Penang

Building on the heritage and assets of Penang's arts scene, there are a host of opportunities and benefits to be gained from devising and implementing a vibrant Arts industry policy for Penang. They include:

1. New ideas for a vibrant future. Properly supported, the arts can foster spaces for the development of cutting edge ideas, innovative forms of expression, and demanding teamwork. All of these are exactly the sort of attributes demanded by participants in the global economy.

Supporting the Arts industry will develop creativity and make a major contribution to Penang's demand for a creative work-force capable of driving Penang's economic future.

2. Protecting cultural traditions and promoting social harmony. An Arts industry policy will not just help protect the many highly valuable cultural traditions to be found within Penang's communities, but will also nurture the kind of cultural exchanges that are the foundation of social harmony.

Research across the world has documented the role of an active and supported arts sector in reaching across boundaries and bringing people together in a shared sense of identity, achievement and future. The Arts are a particularly powerful tool for community building – enriching the quality of life, enlivening the environment, shaping identity and contributing to the economy.

3. Providing entertainment for increasing leisure. With increasing affluence comes increasing expenditure on leisure activities. A vibrant local Arts scene can capture the economic opportunities this provides, as well as play a crucial role in stimulating intellectual thought, social connections and life enrichment.

4. Developing Penang as a regional hub. Supporting the Arts industry will help Penang achieve its ambition as the major regional hub, both in relation to the NCER as well as within the Indonesia–Malaysia–Thailand Growth Triangle (IMT-GT).

It can facilitate the **exchange of arts** between the different communities in the region. Penang's arts groups have plenty to share with societies in the neighbourly countries, and certainly are willing to be

“ Properly supported, the arts can foster spaces for the development of cutting edge ideas, innovative forms of expression, and demanding teamwork. All of these are exactly the sort of attributes demanded by participants in the global economy.”

exposed to other art forms in the region as well.

It will help develop the creativity and vibrancy vital to such achievement, as well as provide a quality of entertainment that will draw people from all over the region.

5. **Enhancing Penang as a tourist destination.** Consolidation of, and investment in, the Arts industry will become a vital part of Penang's attractiveness as a tourist destination.

Cultural tourism is an expanding demand and Penang is in a unique position to respond. Again, supporting the Arts, on the principles of sustainability and across a broad range of groups and activities, will be a vital part of securing Penang's economic future.

6. **Ensuring Penang is viable.** Developing a sustainable and inclusive Arts sector in Penang will have several spin-off benefits in terms of providing opportunities and jobs for both professionals and younger people.

In promoting a sense of pride in Penang, in helping nurture social harmony and in giving opportunity for experimentation and innovation, a strong Arts policy in Penang will not just keep professionals and young people in Penang (reversing the present brain drain that loses so much of Penang's talents to other places) but will also attract people from elsewhere to take root in Penang. This can only be good for Penang's future dynamism and viability.

Opportunities for the State Government

There are many opportunities available to the State government in helping develop a vibrant and flourishing Arts industry in Penang. Perhaps crucial to any success, however, is the **basic mind-set**.

It cannot be the case any more that the Arts industry is seen as an isolated sector needing isolated treatment. Rather, we must move our thinking about the arts and creative industries firmly away from the margins of policy, directly into the central discussions of Penang's overall future.

As we look to create the jobs for this future and

" The cross-sectoral links between industry, arts, technology, science, tourism, education and environment must not just be recognised but exploited to the maximum."

Penang's identity in this future, the **cross-sectoral links between industry, arts, technology, science, tourism, education and environment** must not just be recognised but exploited to the maximum benefit.

Leading the way to ensure that arts policy is integrated into the various discussions and initiatives relating to these other sectors is a major open opportunity for the Penang state government. This will involve some medium-term and longer-term strategising.

There are other, more specific areas related to the Arts which provide particular positive and more immediate opportunities to the state government.

1. Developing a coherent and transparent structure and funding policy.

In formulating any system or policies to structure the Arts in Penang, the state government needs to take into account some basic principles. These include ensuring any system or policy is fully transparent and accountable, and is made as competently as possible.

It is the situation at the moment that few among members of the public, or even the arts community, have any understanding of how we currently make decisions or allocate funds.

We would argue therefore that our **decision-making structures and our funding processes need to be more transparent**. This would include a search to make the process of decision-making more inclusive, by **widening membership of key decision-making bodies to allow members of the public and arts professionals** to play an enhanced role. We can start with those bodies dealing directly with the Arts, but would also make the point that this should extend to bodies dealing with the concerns such as tourism, industrial development and education as well.

Further, we would argue that it is crucial to provide **support and opportunity to as wide a range of arts activities as possible** in Penang.

The aim of constructing an arts community which is broad-based, inclusive and hopefully reaches into every corner of the state should drive decision-making and funding.

These activities should not be the province of an exclusive few. Further, the principles of sustainability are increasingly important. So the state government, through bodies like the Majlis Kebudayaan Negeri (MKN), needs to work closely with arts organisations, the voluntary sector, the private sector and other funders and stakeholders, to develop more effective partnerships and foster a renewed focus which will be to enable as many people as possible to experience challenging, exciting, sustainable and enriching arts.

While maximising the possibilities of existing public funding, we need to be aware of the limitations the state government faces in providing adequate funding to the arts industry in Penang.

Connecting arts funding to funding for other sectors (tourism, technology, skill development and so on) will be important in both expanding the base of financing and changing mindsets to understand how important the arts industry is for the overall future of Penang. But crucial too will be the ability of the state government to **inspire private sector funding** for the arts.

A number of problems face local groups in utilising state venues, including the **high cost of rental, last minute cancellations of bookings for state functions** and difficulties with regard to the applying for and obtaining **taxes and permits**.

Here the leadership of the state government is crucial. Defining the objectives, potential events and avenues for such funding will need to be done in consultation with the various stakeholders. Establishing an annual **Penang Arts Festival**, with a clear Penang identity and building on Penang's own traditions, talents and creativity, will help provide a focus (see below).

Action Points

- 1 revisit the **Majlis Kebudayaan Negeri (MKN)** to widen its membership and define more clearly its objectives
- 2 make **MKN meetings open** and its discus-

sions posted in the public domain

- 3 institutionalise the building of **partnerships between the state government, the MKN and arts organisations, the voluntary sector, the private sector and other funders and stakeholders**, through regular scheduling of dialogue sessions
- 4 base **funding policy on the principles of transparency and inclusiveness**, with a key objective to support a wide range of local, sustainable arts activities
- 5 develop strong leadership with regard to **arts sponsorship**, with the links to the private sector particularly important.
- 6 commit to an annual **Penang Arts Festival** (see below)

2. Support for performances

Cultural infrastructure is essential for the growth of the arts. In 2008, the number of dedicated performance halls in Penang stand at eight, but only four is state-owned.

These are the Dewan Sri Pinang, the Town Hall at the Esplanade, Kompleks Pustaka Warisan Seni (with Auditorium P. Ramlee) and Auditorium A Komtar .

There are a number of problems facing local groups in utilising these venues, however. They include the **high cost of rental, last minute cancellations of bookings for state functions** and over-use of the halls, and difficulties with regard to the applying for and obtaining **taxes and permits**.

In particular, the newly renovated Town Hall



Report of Working Group on The Arts

which has an excellent medium-sized performance hall has been inaccessible to NGOs because of its high rental rates and the conditions imposed.

Further, amateur groups also have major difficulty with regard to **rehearsal spaces**, which are lacking in Penang.

Groups also face problems with regard to **permits and regulations**, as well as tax.

At the moment, in order to be able to put up a public performance with ticketing in Penang, groups need to get a several different permissions. These are from the City Council (performance license), the Labour Department, the Police (permit for performance and road block), the Fire Brigade (security) and the tax department (deposit for entertainment tax).

Documents that need to be submitted include synopses of play, names of all performers and location map. The whole process of having to visit (and wait at) all these various departments to seek approval for any performance acts as a major deterrent, especially to groups that have limited resources.

Amateur groups also find it difficult to put down the deposit for entertainment tax (amounting to 20% of all tickets printed).

“Without any central coordinating effort, performance groups and art galleries find it difficult to coordinate their performance or exhibition dates.”

Action Points

Make access to venues easier by

- 1 **Lowering and standardising the rental rates** of performance and rehearsal spaces in state-owned buildings for amateur arts groups. These include Dewan Sri Pinang, P. Ramlee Auditorium, Auditorium A Komtar and the Town Hall.
- 2 **Making accessible all public spaces** such as youth centres (eg. Pusat Belia Pulau Pinang, Lebuh Acheh) to all arts groups.
- 3 **Creating a One-Stop Centre for the obtaining of all permits** (see below).

4 Abolishing the Entertainment Tax for ticketed performances.

3. Celebrating Penang's Arts: Awareness and Information.

We have pointed out the various and huge benefits of a vibrant and creative arts industry in Penang. Enriching, challenging arts create important gains for both individuals and communities, and so it is essential that as many people as possible should be able to access and enjoy high-quality arts experiences.

However, there is a lot of work to be done in Penang to make this a reality. The **lack of systematic information dissemination** is one major obstacle to the development of a vibrant arts and culture scene in Penang.

At the moment there is no **centre in Penang for information and publicity** of performances and other cultural activities, where audiences can also obtain tickets.

Nor is there a **dedicated website** celebrating Penang's arts scene. Without any central coordinating effort, it is also the case that performance groups and art galleries find it difficult to coordinate their performance or exhibition dates. Empowering people in relation to the arts – whether as performers, sponsors, or audience – is a major opportunity for the state government. There used to be an **Arts and Culture Information counter service** at the Dewan Sri Pinang, which also ran a website with information about arts and cultural events in Penang.

Funding for this was stopped however. There is every reason and every opportunity to revive this.

Further, the **creation of a cultural hub**, defining a geographical area as having a particular role in celebrating and informing people (including tourists) about Penang's arts industry, would also boost awareness and public access to the arts.

Penang needs an **iconic centre**, not necessarily

“The **creation of a cultural hub**, defining a geographical area as having a particular role in celebrating and informing people (including tourists) about Penang's arts industry, would boost awareness and public access to the arts.”

famous for size, but instead for cultural and intellectual richness. It is suggested that this area includes Dewan Sri Pinang, the Esplanade Town Hall, Padang Kota and Fort Cornwallis (*see map attached*), and would provide

- 1 **performance venues, rehearsal spaces, galleries, museums, an arts library, cafes, restaurants, and bookstore in one space** (Dewan Sri Pinang and the Town Hall at the moment has considerable empty spaces and rooms which could be converted to smaller theatres, black boxes or rehearsal spaces. Outdoor and community performances can be held at the field. Fort Cornwallis or pavement by the sea front.);
- 2 a **pool of arts professionals**, including lighting and sound technicians, together with high-standard venue facilities, including excellent lighting and sound systems, good acoustics, and raked seating;
- 3 a **One-Stop-Centre for the application** of licenses, booking of venues, administration of performance and rehearsal spaces, security and maintenance.
- 4 an **Arts and Culture Information Counter Service**, providing up-to-date information on the range of arts activities throughout Penang, producing and distributing an arts calendar, selling tickets for events and running a dedicated website celebrating and promoting Penang's arts industry.

In addition, different types of Penang arts membership can be created (eg. endowments - state and private, corporate partners, corporate sponsors, ordinary members) and season tickets sold as part of developing a Penang theatre and arts community.

In creating awareness, recognising and **encouraging the role of a supportive media** is crucial.

The press and other media do not just play important roles in advertising and informing audiences of performances and cultural events.

Providing write-ups of the many arts activities and groups in Penang will begin to develop appreciation among the Penang public of the existence, role and possibilities of our arts industry. It will

build the confidence of smaller groups and alert would-be artists, artisans and performers as to the various avenues available in Penang to pursue their interest.

In this regard, it is important that official recognition be given to practitioners of performing and visual arts and crafts and to provide the means for them to work in their chosen cultural environment so that heritage is sustained.

The Penang Heritage Trust and HSBC Bank have initiated the Living Heritage Treasures of Penang Awards which have been given to 8 traditional artists in recognition of their contributions to the intangible cultural heritage of Penang. This list should be expanded and recipients of the awards be recognised officially by the state.

Action Points

- 1 establish an **Arts and Culture Information centre**
- 2 establish a dedicated Penang **arts and culture website**.
- 3 put together and coordinate a **calendar of events** of programmes held in the state
- 4 establish a **one-stop centre to attend to all necessary permits, licenses, and booking** of venues, and other related administration
- 5 establish a **cultural hub**, as outlined above
- 6 explore various ways of attracting **membership and support for the Penang arts scene**
- 7 for **proactive media interest** and state government spokespersons to be active in promoting arts activities and possibilities to the media
- 8 for the state government to actively support, promote and disseminate existing schemes such as the Living Heritage Treasures of Penang Awards.

4. Providing a focus: Penang Arts Festival

A properly planned annual Arts Festival can play the role of encouraging, extending, and inspiring

“A properly planned annual Arts Festival can play the role of encouraging, extending, and inspiring the local arts sector, as well as providing a ready-made avenue for the attraction of private sponsorship.”

the local arts sector, as well as providing a ready-made avenue for the attraction of private sponsorship.

Of course it can also hugely enhance the name of Penang and its reputation, and in so doing would attract bigger and wider audiences, both local and foreign. The potential impact is therefore significant both on the arts industry and on Penang's vibrancy and economy as a whole, not least the tourist economy, and not least on its ambition to become the regional hub.

Further, arts festivals which include diverse multicultural groups (local and foreign, mainstream and experimental) encourage the sort of cultural interchange and cross fertilisation which builds the vibrancy and innovation crucial to the sustainability of our local arts and culture scene.

At the same time, an arts festival creates the possibilities of attracting new and cross-over sponsors and audiences, making a wider range of arts available to a wider range of people. This will contribute to broader outcomes for communities and society as a whole.

It is suggested that, in committing to this, the state government base it on traditional arts (**Penang Traditional Arts Festival**), to celebrate the literary and visual arts and crafts of Penang and the Asian region.

In committing to it, the Penang state government could create a major flagship event, which can make us recognised as a leading world centre of heritage, culture and tradition.

Not only would this respect the principle of building from one's base, developing from one's strengths, but it would also allow Penang to lay claim to both local and regional leadership, whereby it can take the lead in not just bringing these arts and crafts together but can also act as a catalyst for their celebration, development and innovation.

Some examples of performing, literary and visual

arts and crafts that have commonalities in the Nusantara would include:

- *puppet theatre* (shadow and three dimensional);
- *gong instruments* (gamelan, piphat, kulintang etc);
- *drums and percussion ensembles*;
- *orchestras* (Chinese, Indian, Malay, western);
- *pantun and poetic forms*;
- *textiles*;
- *visual arts*;
- *masks* (topeng);
- *traditional medicine*;
- *crafts*;
- *lion and dragon dances*;
- *opera* (bangsawan, chinese opera, zarzuela, ludruk etc); and
- *various ethnic musics from around the world* (local and pop idiom).

In committing to it, the Penang state government would create the possibility of a major flagship event, which in time will make us recognised as a leading world centre of heritage, culture and tradition.

It will dovetail with Penang's efforts in relation to being a World Heritage Site; it will be able to draw on the vitality of the region in contributing to the Festival of traditional performing arts; it would dovetail too with Malaysia's tourism slogan: Malaysia Truly Asia.

In supporting the Arts Festival, with private sponsorship a crucial funding element, the state government would not be deserting other arts activities or other on-going Penang annual festivals. But having a unique Arts Festival relevant to Penang's own assets and heritage will have the spin-off effect of stimulating interest and widening participation, in Penang generally and in the arts scene in particular.

This will create an even broader base of performers, sponsors and audience.

5. Enhancing and strengthening existing festivals and events

There a range of festivals and regular projects that are already in existence in Penang, mooted by Penangites and which have the potential to bring further insight and exposure to arts and culture to the community here. The state government needs to give **enhanced support and recognition to bolster and strengthen these existing projects events.**

There a range of festivals and regular projects in Penang, to which the state government needs to give **enhanced support and recognition.**

These projects include:

- The Penang Island Jazz Festival.

The festival, mooted 4 years ago by Penangite musicians led by Paul Augustin, has drawn high-level artistes from various continents to perform here. The Festival also features a minimum of one Penang based or Penang born artist or group every year. It also features Penang-based artists in the Fringe Stage and also as Workshop Facilitators. The Festival acknowledges and promotes one of Penang 's foremost Composers and Arrangers – the Late Jimmy Boyle. It also highlights a Jazz Gallery carries stories, newspaper clippings and photographs on Penang Jazz personalities such as Jimmy Boyle and David Ng.

- The Penang Island Sculpture Project.

Started by Hitori Nakayama and the Penang Earth Group (a voluntary arts promotion group), the Penang Island Sculpture Project sets the vision to have sculptors from all corners of the world contribute to turning Penang into a one-of-a-kind sculpture isle. It is an ongoing programme to create 50 original sculptures on as many sites at different and diverse locations.

The first international sculpture, which has been installed at KOMTAR, is by Katsumi Mukai. In the pipeline are sculptures by Kikuchi Mitsuo (Japan, ready for installation), Heng Eow Lim (Malaysia, ready for installation), Hitori Nakayama (Malaysia, ready for installation), Jiradej Meemalai (Thailand, ready for installation) and Teguh Ostenrik (Indonesia, in progress).

The sculptures are donated to the State. Funding through individual sponsors is provided only for materials, travel, board and lodging. The project is presently hampered by a lack of sponsors and recognition.

- The Penang State Art Gallery.

The gallery has a permanent collection that includes priceless artworks created by the old masters of Penang. It also has regular series of exhibitions featuring individual artists as well as organisations such as the Penang Art Society, Penang Watercolour Society, Penang Teachers Arts Circle and the Penang Oil Painting Society. Public awareness of activities and resources that the gallery has is rather poor and can be improved upon. Programmes can be introduced to expose the gallery to schools, and educational and cultural organisations.

6. Promoting cultural exchange, learning and research

The state government should look at possibilities of **promoting cultural exchanges and arts education programmes** within the state, at local levels, to enhance the arts industry's contribution to cultural understanding, mutual tolerance and social harmony.

Further, support for learning and research will be crucial in allowing Penang to develop as a leading venue for the nurturing and innovation in the local and regional arts industry.

For example, using the Penang Traditional Arts Festival as a focus, local and invited artistes from the regions could facilitate practical workshops and talks on music, dance, theatre, visual arts, design, craft making or literature for local practising artistes, school children and college students.

These practical workshops would not only create intercultural exchange through jamming sessions but expose participants to different types of traditional and contemporary arts of the Asian region and raise their awareness about how traditional

“The state government should look at possibilities of **promoting cultural exchanges and arts education programmes** within the state, at local levels, to enhance the arts industry's contribution to cultural understanding, mutual tolerance and social harmony.”

Report of Working Group on The Arts

performing arts can be contemporarised so that they are relevant to the times.

Workshops on how traditional crafts can be branded and enhanced by modern design and marketing strategies could promote economic sustainability among traditional artisans.

Developing this kind of commitment would allow present and future Penang arts and cultural activities to flourish in a shared framework. It would enhance the kind of work being done, for example, at the Little Penang Street Market in terms of showcasing crafts, performance and visual arts by local artisans and artists.

Commitment to research and documentation would also ensure that traditional art forms are adequately documented for future generations and the impact of change as a result of globalization on traditional and contemporary arts be captured to form the basis for lively discussion and innovation.

If Penang takes a lead in this, its status as a local and regional arts industry centre will be cemented.

A particular facility that is important for archival and documentation of projects held in Penang is the **Public Library**.

The International Federation of Library Associations and Institutions (IFLA)/ UNESCO in its *Public Library Manifesto*, recognises the Public Library as the “the local gateway to knowledge, provides a basic condition for lifelong learning, independent decision- making and cultural development of the individual and social groups.”

A Public Library which is well endowed with a range of print and digital information resources and that provides a range of services for all communities, is a powerful force for education and culture.

It is ideally suited to this purpose as it is an institution that is open to all peoples of the state irrespective of age, gender, race, social status, religious affiliation, and citizenship status. It also caters for all members of the community irrespective of their personal skills and abilities.

The library can act as a **centre for research and learning** for arts and culture in the state, while housing archives of important documentations of the state’s cultural activities and artistic history. It



can also have its arts collection expanded and strengthened to house as wide an array of materials for Penangites to be able to refer to.

It can also provide **spaces** for intellectual interaction and artistic practice – for training and performance.

7. Longer term perspectives

Bringing the arts industry into the centre of strategic planning for Penang’s future will need us to make and nurture the kind of inter-sectoral connections that have been mentioned earlier.

Firstly, Penang (and Malaysia) should be aware of the experience of other places where **integrating arts into school curricula** has had huge impact both on grades and on the quality of persons produced by the system.

This is related to the fact that the new economy demands higher-order skills such as creativity, adaptability and teamwork. However, as is the subject of on-going discussion at federal and state level, our schooling system focuses on “basic” academic skills, with the major emphasis being on testing and discipline.

The ‘gap’ between what is taught at school and how, and the skills needed to maintain our competitive edge, is one that everyone acknowledges we need to bridge. Other countries are proving that integrating the arts into the core of the academic programme is one highly productive strategy.

Secondly, we need to establish the **creative industries as a central engine of our economy**, driving innovation, and contributing above their weight to the vital task of growing our economy.

The state government can take the lead, even at federal level, in recognising the vital contribution of the creative economy, including the arts, and in working pro-actively with the industry (including investors) to meet and, where possible, anticipate their needs.

Part of this will be to build an unrivalled pool of talent for industries and investors to draw on, which may well involve the state government in developing the same formal, structural support for the creative industries as is associated with other industries, such as assistance with infrastructure and skills development. Including the local arts industry in initiatives such as the recently announced Penang Science Park and a Skill Competency Centre (to draw in more cutting edge technology investments), and other InvestPenang discussions, would be a start.

The arts industry should also be centrally included in the search for ways to help develop entrepreneurship and business developments in creative industries, through developing appropriate training, apprenticeships and/or seed funding. The Arts Council in England, for example, is very much a part of delivering the objectives of the UK's Creative Economy Programme.

Conclusion

In summary, the state **government has a fundamental role** and some major opportunities in providing leadership and public funding to stimulate creativity and sharpen Penang's creative edge.

Support for the arts, based on the principles noted above, underpins a future for Penang which values excellence in the arts, an innovative and flourishing creative economy, and a cultural vibrancy which will enhance both individual confidence and social cohesion.

There will be links to a stronger skill base, with, in the longer-term, an expanded range of creative job opportunities with clear routes into creative careers from local schools and colleges.

A strong arts industry will also contribute to the strength of our tourism sector, and will be a major part of securing a dynamic, successful, innovative and sustainable future for Penang.

We look forward to being a part of it.

This report was put together by the Penang Arts Alliance, which includes

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North Theatre: Tan Koon Kean & Ang Ban Siang

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Nan Yang Folk Culture: Tan Yeow Wooi

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Report of the Working Group on Heritage

Background

George Town, Penang was inscribed as a World Heritage Cultural Site on 7th July 2008. This listing followed many years of hard work by many people and organisations in Penang, and provides a huge opportunity to maximise the economic, social and cultural opportunities now presented.

Cultural Heritage is the creative expression of a people's existence in the past, near past and present. It tells of the traditions, the beliefs and the achievements of a site and its people. The listing of Georgetown is testament to the vibrant and diverse history of the whole state of Penang, a history which needs to drive our state forward into the future.

As UNESCO has stated:

"Melaka and George Town, historic cities of the Straits of Malacca (Malaysia) have developed over 500 years of trading and cultural exchanges between East and West in the Straits of Malacca. The influences of Asia and Europe have endowed the towns with a specific multicultural heritage that is both tangible and intangible.

"With its government buildings, churches, squares and fortifications, Melaka demonstrates the early stages of this history originating in the 15th-century Malay sultanate and the Portuguese and Dutch periods beginning in the early 16th century. Featuring residential and commercial buildings, George Town represents the British era from the end of the 18th century. The two towns constitute a unique architectural and cultural townscape without parallel anywhere in East and Southeast Asia". (UNITED NATIONS, UNESCO JULY 7 2008)

Issues

There are a number of important issues to consider in drafting and implementing a policy to protect and enhance our heritage and to maximize the opportunities it provides us as a state.

The advantages of our heritage, and particularly of



being recognized as a World Heritage Site, include a number of significant economic benefits which accrue both to the community and to site owners.

For example, there will be

- A host of new business opportunities generated, not least deriving from the prestigious Heritage listing. These will link to a wider development of a creative economy in Penang, as well as to a cleaner, safer, more positive civic environment through commitment to a decent management plan.
- Increased access to local, federal and international project funding.
- An increase in tourist arrivals, not least in cultural tourism, again leading to greater business opportunities and turnover. Cultural tourists are known to stay longer and spend more.
- Potential for investment in local artisans and craftspeople, with subsidies, training and identification of new commercial opportunities.
- The continuation of other development and business activities.
- Greater economic returns through appreciation in value.
- Improved documentation of city and state.

With regard to tourism, there are a number of issues to consider. For the visitor, we need to ensure that their experience is one of quality, in terms of the sites, the goods and the hosting.

The stress should be on the uniqueness of the heritage product, which of course refers to the diverse range of our cultural heritage in Penang, and on value for money. Penang is in an excellent position to exploit its heritage market.

At the same time, we must not lose sight of the challenges which will come from increased tourism. These include (and these have been well-documented in other heritage sites around the world),

- the importance of assessing and protecting the carrying capacity of built heritage, paying attention to the dangers of infrastructure overload and/or excessive volume;
- the need for excellent management to ensure sustainability;
- the need to (re-) invest in supporting hosting services, including in education and training for service industries;
- the need and potential to (re-) invest in local skills, including artisanship and performance arts.

Issues related to particular sites include establishing the genuineness or authenticity of a site. This applies equally to intangible heritage, when authenticity is compromised for convenience. Further, it will be important to establish and protect the integrity of a site - which refers to the completeness of the site and its attributes.

Crucial (and this links to the more general declaration of the Penang Forum) is the involvement of the Penang people. Giving serious attention and support to the role of the community in helping conserve, sustain and extend heritage sites and their contribution to Penang would follow the example of Living Heritage Sites, where it is recognised that it is the people who are the custodians.

Of course the whole legal framework and management systems governing heritage protection and initiatives will need to be reviewed and made adequate.

Threats

There are a number of threats which may affect the future of our Penang Heritage. These include

- development pressures, which may be a consequence of encroachment, infrastructure development, increased plot ratios, and increased traffic congestion;
- population pressure (too many people in a small space);
- uncontrolled urban expansion;

- environment pressures, which may be a consequence of a failure to protect our local environment, as well as a result of wider issues such as climate change or natural disasters;
- vandalism, theft and/or other destruction.

These threats need proactive action. They will become exacerbated if we allow a situation where

- a Management Plan has not been operationalised;
- no cultural mapping has been undertaken so no cultural impact assessment can be undertaken;
- there is low understanding of cultural diversity and traditions;
- there is poor understanding of heritage values by contractors and/or designers;
- there is politicisation related to our cultural diversity and traditions;
- no complete documentation of buildings is done in Core and Buffer Zones;
- no designation of important buildings or sets of buildings is done in Support Zones;
- there is a tendency to 'gentrify', leading to displacement of community;
- conservation work has loose documentation and tendency to take 'short cuts';
- there is a tendency to over-design, sanitise and to use generic ideas, regardless of context;
- there remains a lack of enforcement of conservation guidelines for renovation works.

"The whole legal framework and management systems governing heritage protection and initiatives will need to be reviewed and made adequate."

Recommendations

1. We need a Sustainable Tourism Plan

This will ensure authentic heritage experience, maintain a profile of visitors, monitor visitor impact, set limits of change, ensure sympathetically designed tourism

facilities and infrastructure, resolve conflict between stakeholders, facilitate consultation, education and awareness, and ensure income generation and reinvestment.

2. We need a Strong Financing Plan

This will ensure systematic revenue collection, address the need to negotiate loans for infrastructure development benefiting heritage, address the issue of and need for federal funding, and include an analysis of the role of heritage in poverty alleviation.

3. We need Full Documentation of Core, Buffer & Support Zones

This will allow systematic identification of all buildings and building sets considered critical to the Penang Story, with clear guidelines laid out.

4. We need Professionals

There is a need to build the capacity necessary to fully realise the potential of our Heritage. This includes training of (UNESCO) guides, the need to train professionals to conduct cultural mapping and impact assessments and the need to set up networks for documentation and management. The wider development of a high-quality service industry is related.

5. We need to include people in decision-making and implementation processes

Key to the success of heritage protection and potential is the involvement of the people. Proactive investment in developing structures and procedures for participation will be essential: there are plenty of models from other sites to indicate how this might be done.

6. We need Education & Information:

To ensure sustainability and continued innovation in developing our Heritage, we need to introduce World Heritage Education in school curricula and support heritage management and conservation courses in higher education.

“In view of the cultural tourism potential of the George Town World Heritage listing, the soundest and most sustainable economic strategy involves the identification, strict conservation and heritage development of three crucial and inter-connected zones: the core, buffer and support zones. ”

7. We need Protection of Tangible & Intangible Heritage

The legal framework needs to be reviewed and amended, where appropriate. Enforcement of such laws needs to be stringent, meaning adequate resourcing of enforcement agencies needs to be guaranteed. The protection and enhancement of traditional skills and craftsmanship needs to take place (*see the recommendations of the Penang Arts Alliance elsewhere in this document*).

Concluding statement

In working to create the context for a well managed world heritage site, the issues of authenticity and sustainable tourism should be considered of paramount importance.

In view of the cultural tourism potential of the George Town World Heritage listing, the soundest and most sustainable economic strategy involves the identification, strict conservation and heritage development of three crucial and inter-connected zones: the core, buffer and support zones.

The support zones extend beyond the World Heritage Site and may include specific buildings or sets of buildings as well as traditional villages and settlements.

This should NOT be done primarily for tourism, where the danger of creating ‘theme-parks’ exists, but must emphasise ensuring there is a living, vibrant community within the site. Tourism then becomes a bonus by-product: tourists ‘share’ the heritage, thereby ensuring a truly genuine cultural experience.

This Working Group was coordinated by
Penang Heritage Trust (PHT)

Report of the Working Group on Transport

Background

In Penang, rapid economic development in the last three decades has brought about increased affluence and increased urbanisation. This affluence, together with the national policy of promoting the national car also brings about significant growth in the number of vehicles choking the road network.

There are about 1.4 million vehicles (motor cycles, cars and other vehicles) for a population of about 1.4 million people in Penang. This is about double the number of vehicles in 1999.

The increase in traffic capacity of roads in Penang has not kept up with the increase in the number of vehicles and traffic demand. Bottle necks in the road system and poor traffic management together with bad development control and planning and lack of enforcement inevitably results in traffic congestion.

Traffic congestion if left unchecked will lead to further losses in economic productivity as the amount of time spent on the roads increase reducing productive work time.

Energy trends and transportation

Globally, the depletion of petroleum resources has resulted in surges in the cost of petroleum in recent years. The cost per barrel of petroleum in July 2008 rose to about USD140 per barrel, up from USD 35 per barrel a few years ago. Goldman Sachs and other financial analysts have projected that the cost will increase to USD200 per barrel in the near future.

It has also been estimated that Malaysia will be a net importer of petroleum by about 2014, although it would still be an exporter of natural gas for some years to come.

Petrol prices in Malaysia are likely to double in the near future to reflect the global market prices if the present petrol subsidy is reduced or removed. The recent price hike of petrol prices by 40% in June 2008 is an indication of things to come.

With the anticipated escalating fuel costs, the sector most seriously affected would be the trans-



portation sector and private vehicles in particular. It is a matter of time increased fuel cost will render private vehicle too expensive to operate for a sizeable portion of the population.

An efficient and affordable public transport system becomes a necessity rather than an inconvenient option.

A greater use of public transport would result in a reduction in total fuel use. This will also reduce the fuel subsidy presently being used to artificially keep the price low.

Towards a sustainable transportation strategy for Penang

The development of an alternative transport strategy based on a drastic increase in the use of a public transportation system (rather than dependence on private vehicles) is a matter of urgency, as there is a lead time of a few years before effective implementation of any decision to adopt such a strategy.

A sustainable transportation system must be integrated with the structure and local plans which determine the pattern of growth and development of Penang. In fact, the local and structure plans must adopt a sustainable transport system as part of its development planning strategy. This would result in a more sustainable path to development.

Issues of environmental sustainability will be of increasing concern in the coming decades when the global depletion of energy and other natural resources will become more evident. Resource

Report of Working Group on Transport

depletion will lead to escalating prices. A total reduction of energy use through energy conservation and greater efficiency will decrease the environmental impacts of green house gases generated by the internal combustion engine.

A greater use of public transportation and better urban planning will reduce the total amount of energy needed for mobility. This will reduce the adverse impacts of our activities and will help fulfill Malaysia's obligation of reducing our environmental impacts to a sustainable level as mandated under the international convention on global climate change.

Mobility and accessibility for people rather than the movement of cars should be the primary objective of a sustainable transport policy.

Mobility and accessibility should be considered as one of the basic needs of the population and an objective of social equity.

"Mobility and accessibility for people rather than the movement of cars should be the primary objective of a sustainable transport policy."

Objective of Penang Transportation Working Group

Terms of Reference and Scope of Work

A number of persons with interest in transportation issues in Penang were invited by the Penang State Government to be members of the working group on transportation. The composition of the working group listed in Appendix 1. The group comprise mainly of professionals from different walks of life who had an active interest in issues of transportation in Penang. The group included planners, engineers, environmentalists and activists in public transport. All members work on a voluntary basis.

Approach to report

The group met a number of times in May and June 2008 and discussed the various transportation issues rather than just traffic issues. The group also held discussions with transport planners and specialists in transport infrastructure on various issues. The draft findings were presented to the State EXCO member in charge of traffic in early

July 2008. This final report would be presented to the state government for their considerations and follow up action.

Vision

One underlying principle adopted by the group was that the main objective of a transportation system should be MOVING PEOPLE AND GOODS, NOT CARS. Much of the transport planning in the last few decades had been based on planning for cars. New roads have been constructed and old roads widen to accommodate the increasing number of vehicles. This in turn made possible for people to live further away from their place of work and recreation.

This approach of planning urban centres and new residential and commercial areas that require the use of cars has reached a point when it created so many problems that it had become neither viable nor sustainable.

A number of developed countries have come to a similar conclusion and have adopted a different paradigm for transportation and urban planning. The objective of transforming the Penang transport system is to create a transport system that is

- affordable and accessible to all.
- reliable, efficient and integrated.
- balancing the use of public and private transport with the goal of making public transport the predominant and desired mode of transport.
- integrated with development plans.
- friendly to both residents and tourists and enhances the quality of life.
- ecologically sustainable.
- safe.
- sustainable.



Current Situation: Identification of issues

There are numerous weaknesses in the current transportation system. These include

- traffic congestion of roads during peak periods;
- bottlenecks at various junctions;
- no feeder system in roads, lack of road hierarchy;
- incoherent one way system of roads;
- inadequate pedestrian and bicycle paths;
- poor bus and public transport system;
- bad taxi system - running without meters;
- lack of facilities for disabled persons;
- lack of public information and poor terminal facilities.

Crucial to all this is that there is no current Transport Master Plan of Penang, despite various detailed transportation studies that have been done over the last few decades. The most recent comprehensive study done was in 1998, entitled “Penang Urban Transport Study” and conducted by Halcrow Consultants Sdn Bhd. However, key recommendations were not implemented.

“There have been ad hoc solutions to pressing problems, frequently undertaken merely to pacify immediate public pressure.”

Instead, there have been ad hoc solutions (such as the designation of one way streets) to pressing problems, frequently undertaken merely to pacify immediate public pressure.

Without a coherent Transport Master Plan, there has been an obvious lack of coordination and integration in proposed development projects with infrastructure development.

Permission for development projects has been given even when the road infrastructure has not been developed.

The traffic congestion that has resulted has been very predictable and could have been avoided with better planning and coordination.

Traffic management

Traffic congestion is increasing in Penang, and is made worse by factors such as Indisciplined driving behaviour and parking; Hawkers along roadside and junctions; School traffic; Peak hours congestion; Poor law enforcement and lack of appropriate Planning policies.

Institutional constraints to transport improvement

Organizational and institutional issues has become one of the main barriers to a functional public transport system. The regulation of public transport is best described a “A Tangled Web of Bureaucracy” given the difficulties of getting permits for operating public transport such as for buses and taxis.

Over centralization of authority to Federal government even for very local problems of the state, such as bus routes and permits to operate commercial vehicles, exacerbate problems and make solutions very difficult.

Presently, no single body plan, coordinate and manage transportation in the state resulting in a large number of agencies responsible for different aspects of transport.

The lack of coordination and integration in planning, implementation and management of transport is very evident. The different agencies responsible for transportation include:

- CVLB (Commercial Vehicles Licensing Board) issue licenses for Penang buses and taxis and regulate their routes and fares from Kuala Lumpur.
- The Transport Ministry maintains the transport network but is not involved in planning. EPU (Economic Planning Unit) of Penang plan for the infrastructure and development of the state (including public transport) but not their operations.
- The Finance Ministry controls the 2 government-linked companies, Rapid and Prasarana which build and operate transit services but have no authority or power to regulate service at local level.
- Road Transport and Police enforce laws and ensure safe operation of vehicles on roads.



- State and local councils has no power to plan, manage or regulate public and private transport.

There is insufficient government investment in public transport, a necessity for an adequate and efficient system. The recent introduction of Rapid Penang where buses were supplied is an exception rather than the rule in terms of the government financing of public transport.

The privatisation of roads and the Penang Bridge have resulted in some improvement in the infrastructure but at a high cost to the public.

Traffic Impact Assessment as a planning tool

Traffic Impact Assessment (TIA) has not been properly implemented for new developments, giving rise to predictable and avoidable problems. Examples include: Air Itam and Relau high rise developments; Gurney Drive development; TIA of zoning and development plans; North coast of Penang Island; Bayan Lepas and Gertok Sanggul bottlenecks.

TIAs are an essential planning tool and need to be fully utilised with independent assessments being done for all high-impact projects.

Transportation needs towards 2020

The population of the island and mainland is expected to continue to grow though at a faster rate on the mainland. There will be a greater need

to connect the population centers of the mainland to the island. New townships are growing on the island and mainland such as in Batu Kawan and suburbs in Balik Pulau and Gertak Sanggul. New growth centres in Penang include the industrial parks in Bukit Minyak, Kuala Juru and others on the mainland; Tanjung Tokong; Jelutong and Queensbay.

Meantime the development of the Northern Corridor Economic Region heralds Penang as the key logistic hub and regional centre. This clearly has implications for transport needs.

There are some outstanding proposals for major transportation projects. The Penang Outer Ring Road (PORR) was proposed in the Halcrow "Penang Urban Transport Study" and subsequently privatised. However, no implementation has taken place due to various technical, social and financial problems.

Partial funding was allocated under the 9th Malaysia Plan but this was subsequently withdrawn in July 2008). The Penang Monorail/trams/ rail transit was also budgeted for under the 9th Malaysia Plan but public opinion in Penang was not entirely favourable for the monorail.

Other options such as LRT and trams have their advocates. However, in 2008, this project was withdrawn by the Federal Government in July 2008.

The Penang Second Bridge is still planned, with contracts signed but some delay due to technical and financial reasons.

Strategy for transforming Penang Transport System

There are a number of components if a decent Transportation Strategy is to be effected. This includes the production of key plans and commissions, as well as ensuring the public are fully involved and informed.

Master Plan

There needs to be a formulation of a statewide transportation Master Plan for the whole of Penang (looking at both the Island and Seberang Perai). The plan needs to be developed with reference to what is most appropriate for the people of Penang, guided by the principles of sustainable development. In its terms of reference would be

- To review all previous traffic/transport studies like Halcrow Fox Study, 'Decongesting Penang – Perunding Trafik Klasik', and JICA studies.
- To review present roads system and suggest improvements.
- To review future growth areas across the state and how it may affect transport needs.
- To review existing public transport systems and how to maximise/improve them – buses/taxis/ferries.
- To review the relevance of PORR and mono-rail systems proposed and their effectiveness.
- To undertake comprehensive study on public transport alternatives, such as trams, light rail, and/or monorails.
- To review how to maximise the second bridge including suggestion to add a rail line on it.
- To review traffic management and ways to improve them.
- To review how other cities manage their transport systems.

With regard to the latter, suggested case studies of cities could include Curitiba (Brazil), Bogota (Columbia), Kyoto, Singapore, Hong Kong, and Xiamen.

Key questions would include: Do they have a 'single authority'? How do they manage the traffic? What are the innovative/creative measures they

adopt? How do they involve and manage public reactions? How do they manage the public transport systems? How do they finance these systems?

Transport Commission

A Penang Transport Commission needs to be established, to plan, regulate and manage all transportation issues in the state. How it would be accountable to the residents of the state would need to part of its constitution.

The idea of having commission or authority that would be responsible for coordination, planning, implementing and managing all aspects of transportation has been mooted several times. The Halcrow Urban Transport Study commissioned by the State Government proposed the formation of a Public Transport Authority (PTA), although did note that there may be some legal problems in the establishment of such an authority.

"A Penang Transport Commission needs to be established, to plan, regulate and manage all transportation issues in the state."

The functions of the Penang Transport Commission would include:

- a 'one-stop' agency to manage all transport issues including issuing of bus licenses, taxi licenses in parallel with CVLB;
- coordination with government agencies like JKR, CVLB, MPPP, PPC, PLUS, and EPU;
- regulation of the use of private vehicles;
- responsibility for the Transport Master Plan;
- management of road systems & traffic flow;
- management of transport systems - buses, ferry, trams, and taxis;
- regulation of the use of private vehicles;
- public educational campaigns;
- financial and budget planning.

The composition of the Penang Transport Commission would be drawn from the Chairperson from State Government; relevant MPPP/MPSP councillors; relevant MPPP/MPSP officers like traffic engineers, and town planners; NGO representatives; public representatives; rele-

Report of Working Group on Transport

vant government agencies such as JKR or PPC; and representatives from public transport companies such as bus companies and taxi companies.

Recognizing that the establishment of a Transportation Commission would take time as it is a legally constituted agency and would have to go through a possibly lengthy legal process, we propose that a Penang Transport Committee be set up.

This Committee can be set up by the State Government and can perform the functions of the proposed Transport Commission but without some of the legal powers.

In the meantime, the process of setting up the Transport Commission can proceed and when established, can take over the functions of the Transport Committee.

Public Education

The involvement of the public is crucial in ensuring an effective and sensitive transport policy.

There needs to be clear avenues for public involvement in planning and in feedback mechanisms.

A campaign to educate the public on new paradigm shifts in transportation and lifestyles may be considered, as well as on-going dialogue sessions with the public in local areas to listen to their views, understand any specific local concerns and to promote greater use of public transportation.

“The involvement of the public is crucial in ensuring an effective and sensitive transport policy. There needs to be clear avenues for public involvement in planning and in feedback mechanisms.”

Recommendations

Short term Action Plan (within 6 months)

- Set up the Penang Transport Committee and start the process of establishing the Transport Commission.



- Improve present bus services – work with Rapid Penang on routes, schedules, and give feedback on how the service is performing.
- Improve facilities at all major bus interchanges: ferry terminal (Butterworth and Weld Quay), KOMTAR, Sungei Nibong Bus Terminal.
- Implement Traffic Impact Assessment (TIA) guidelines.
- Improve traffic management, including implementation of Perunding Trafik Klasik's - Decongesting Penang ideas. Appoint consultants to provide physical plan for traffic decongestion.
- Revive the free shuttle bus within town and introduce bussing to FTZ area (for non direct operators).
- Improve taxis as an alternative transport system.
- Provide incentives for public transport by keep price affordable and disincentives for private cars through various economic measures.
- Revitalise bicycle as a form of transportation (using the experience of bicycle (rental) schemes of other cities).
- Start building bicycle and pedestrian lanes.
- Launch public campaigns, through the hiring of marketing agencies to encourage use of public transport and the State government to

start talking more positively about the use of public transportation.

- Organise public competitions for ideas on transport innovations and give prizes for outstanding ideas.
- Organise regular monthly meetings with the public at town halls and ceramah centres, to obtain feedback and suggestions for solutions.

Mid term action plans (6 months to 2 years)

- Follow up activities to improve bus services, introducing feeder systems to main arteries and making mini buses complement main bus routes rather than compete with them.
- Begin to introduce measures to discourage use of private cars (through using economic instruments such as high parking charges, area road pricing, penalties for single driver vehicles, tolls to enter town and major arteries during rush hours; and incentives for car pooling).
- Build pedestrian and bicycle paths, and rationalise pedestrian crossing lights (STOP light to be triggered by road users rather than by timer).
- Organise “NO-CAR DAY” in the city ONE-DAY every quarter. This will let Penangites feel the pleasure of traffic decongestion to accept other more “painful” measures.
- Improve the ferry service: the ferry authority to be supported in expansion, justifiable purely on economic grounds and that it is the shortest distance from George Town to Butterworth. Strategically, it should be an excellent complement to the bridge(s).

Long Term Action Plans (2 year – 5 years)

- Implementation of the ‘Master Plan’.
- Integration of the different modes of transportation such as road transport (buses, cars, etc) rail (monorail, LRT, trams), and ferries.
- Continuous improvements on the regulating and managing of all the transport/traffic systems including traffic lights, and road widening.

- Continue public education programs to create awareness and increase acceptance and use of public transport and conserve energy in cars and motor cycles.
- Set up “Park and Ride” Points - E.g. PISA (South) and another site somewhere along the Jelutong Express Way.
- Provide incentives for factories to provide transport for their staff.



Budget for implementation

An adequate budget must be allocated for the short term action plan as well as the development of the Penang Transport Masterplan.

Budget for implementation of short term proposals: Decongesting Penang through traffic management measures and the rationalisation of the numerous one-way system of roads in Georgetown.

There is one consultancy study on how to decongest Georgetown. However, there will be a need for some additional data collection to optimise the proposed changes. This needs the hiring of a traffic consultant.

Budget for master plan studies:

The drawing up of TOR and the scope of work for the Penang Transportation master plan will need a consultant to ensure technicalities are adequately addressed and incorporated. They will work with members of the Transport Commission or an Ad Hoc Transport Advisory Panel which the state can set up while the commission is being established. The Penang Transportation Master Plan should be to be completed in 9 months. The MPPP and

Report of Working Group on Transport

MPSP should contribute to funding for the PTMP study, based on RM1.00 per head of population.

Financing strategy for the transformation of the Penang Transportation System:

The amount of money required for the transformation of the Penang Transportation will be large and will be beyond the financial capability of the state.

It will be necessary to obtain Federal Government funding through the various Malaysian development plans and possibly through a special allocation.

To convince the Federal Government that financing and supporting public transportation and transport infrastructure is worthwhile, they will need to be convinced that such funding will be of mutual benefit to both the federal government as well as to the state government.

This approach will result in a “Win-win Approach” on State- Federal Cooperation as it will save the Federal Government money in terms of savings in fuel subsidiaries when Penang has a viable transportation infrastructure and an efficient public transportation system.

The logic of the argument is as follows: Improving public transport will reduce private vehicles use and will therefore result in savings from a reduced (federal) petrol subsidy.

It may be proposed that the formula for savings of the grant/subsidy would be 50% to finance public transport in each state with 50% going back to Federal Government.

If the present subsidy is about RM30 billion per year nation wide, and assuming that Penang has 10% of the national subsidy, the amount paid to Penang vehicles is RM 3 billion.

If public transport reduces car usage by 10%, the amount saved from not having to subsidize petrol is RM530 million per year. If savings are shared by the Federal and State government, Penang will get RM265 million for public transport expenditure and the Federal government would get back RM265 million in savings.

Other sources for long term financing may include subsidies from the state, monies from CBD tolls, car parking collections; rental on retail at stations;

tolls to be collected by government; advertisements; land auctions and land swaps; loans from international and institutional banks such as ADB or the World Bank.

Conclusion

Transportation issues are of great concern to the people of Penang as they directly impinge on their quality of life and economic well being.

Various steps can be taken immediately to better manage the traffic so that traffic congestion can be reduced.

While various traffic management measures and rationalization of traffic flows can help decongest the roads to some extent, a comprehensive Master Plan for transportation for the whole of Penang is necessary to meet the future challenges of moving people and not cars.

The master plan should cover both the island and the mainland. It should be integrated with the land use and development plan for Penang for the coming decades.

Public transport would take an increasing important role in the mobility of people as they go about their daily activities.

The modes of public transport would include buses, rail and ferries.

Affordable and efficient public transport will be an increasing demand of the general public, especially when the cost of petrol is expected to escalate in the future.

For the implementation of the master plan, various institutional mechanisms must be in place. A State Transport Commission or Authority with the powers to plan, implement and manage all transport issues in the state is critical.

The Transport Working Group comprised Ahmad Chik, Angeline Shannan, Choong Sim Poey, Khor Hung Teik, Lee Chin Ark, Lee Khok Mui, Leong Yueh Kwong, Lim Hooi Siang, Lim Mah Hui, Low Swee Heong, and benefitted from discussions and advice from Ganesh Rasagam, Tai Tuck Leong and Rajen.



On February 28th 2009, YAB Lim Guan Eng, together with YB Phee Boon Poh and YB Danny Law Heng Kiang, met with representatives from the Penang Forum. Copies of this Penang Forum Report were handed over, as well as a poster containing our Declaration and summarising the recommendations of the eleven working groups. Working group facilitators explained their concerns and expressed their hope for action. YAB Lim Guan Eng promised to distribute the report to each state EXCO member, and a follow-up meeting is to be arranged in March. Penang Forum looks forward to a much more open and inclusive style of government, and invites all Penangites to join us in our efforts to make this happen.

**For more information:
www.penangforum.net**

