

PHT *newsletter*

PENANG HERITAGE TRUST • PERSATUAN WARISAN PULAU PINANG

c/o 11 Free School Road, 11600 Penang • Fax/Tel: 04-281 3187

Number 16

June 1995

'We are developing fast enough. We do not have to push it any faster at the expense of history, heritage and the human condition'

Dr Koh Tsu Koon, Chief Minister Penang

Metropole

The Penang Municipal Council (MPPP) took Dolphin Square to court for demolishing Hotel Metropole. It turned out to be a case of the good, the bad, and the ugly.

The good news is that Dolphin Square, the wrecker of the heritage Metropole, has pleaded guilty as charged under the Town and Country Planning Act 1976. The bad news is that it has managed to get away with the minimum fine of \$10,000, what must be mere petty cash to any developer. And what's ugly is that it is proposing to put a 39-storey hotel where Metropole once stood. As *The Star* has it, the plans have been submitted to the MPPP and they 'include rebuilding the facade of Metropole Hotel as the hotel frontage with the high-rise structure behind'.

To be sure, not every Penangite sees Dolphin Square's offence as anything so serious as the Singaporeans saw the teenage Michael Fay's. Remember the jailing and the six strokes of the rotan young Michael suffered for having fun spray-painting cars? In passing sentence, the magistrate's court seemed to have taken into consideration the fact that this was the first time Dolphin Square had destroyed a listed building. Said one PHT member, 'Just imagine what old George Town will look like if our demolition experts should all decide to become a first offender. I'm sure it hasn't escaped them it makes sense, good business sense, to be one. It's a small price to pay for the pleasure of making millions knocking down our heritage houses and pretending to rebuild them.'

It had been our intention this month to castigate the token fine as an example of the

MPPP's lack of resolve to make full use of the courts to discourage the developers from further displaying their wrecking ball skills as and when they like. However, the MPPP has now come out to declare: 'We feel that Dolphin Square should be imposed the maximum fine for demolishing a listed heritage building when they know for a fact that they are not supposed to do so. Therefore, we have decided to appeal against the sentence.....' (*New Straits Times*). In the light of this, we have changed our minds somewhat about the MPPP's attitude towards protecting our architectural inheritance. A fine of \$50,000, as we all know, is still small change to the would-be first offender. It is, however, the maximum fine the law presently allows and the thought crosses your mind that perhaps the MPPP has not been deaf after all to the Chief Minister Dr Koh Tsu Koon's well-spoken: 'We are developing fast enough. We do not have to push it any faster at the expense of history, heritage and the human condition.'

Our developers are not a special breed of Penangites incapable of responding to the logic of deterrence. Threaten them credibly – the MPPP can do this as the local planning authority – with no opportunity of any sort to make money from their vandalizing the city's heritage buildings and self-interest will see to it that they try their luck doing something else somewhere else. What many think will make a strong, lasting impression on the likes of Dolphin Square is Dolphin Square having to rebuild every part of Metropole but not getting to build any part of its 39-storey hotel.

'MPPP chief believes in going by the book,' shouted a 7 May *New Sunday Times* headline. The article went on to quote the MPPP Chief as having said: 'I don't give any special attention to any developer regardless of who they rub shoulders with. Plans will be approved because they comply with the rules rather than because of who the developer knows.' It reminds you of the

'I am very angry over the matter' he made it a point to tell us when Metropole disappeared without his permission over the Christmas of '93. Straight talk, tough stand, righteous indignation. Well, the Town and Country Planning Act 1976, says and in no uncertain terms that those found guilty of tearing down any building illegally are required 'to restore the land to its original condition'. The word 'land' here must refer not only to the building itself but also to its grounds, the whole site. And that means Dolphin Square putting Metropole together again brick by brick, tile by pre-war tile, and also at exactly the same spot where it stood as its garden must also be returned to its original bird's-eye view shape. But that cannot be too hard to do; Metropole's footprints are still there, its 1921 building plan exists. There can be no such thing as rebuilding Metropole nearer to Jalan Sultan Ahmad Shah or its facade (face towards the street) only, so as to create space for some 'high-rise structure behind'.

If the MPPP's first concern here is recovering the integrity of the Metropole land, then the book to throw at Dolphin Square is the Town and Country Planning Act 1976. The MPPP's own planning guidelines for heritage areas should not be brought into the picture at this point. They allow for new construction – extensions and additions – and this can only serve to confuse the issue as well as the public. In any case, they are designed to apply to listed buildings still intact which Metropole is no longer.

Go by the book MPPP Chief.

Metropole and the Recommendations of the Heritage Advisory Committee

Following the illegal demolition of Hotel Metropole in December 1993 the Penang Heritage Trust agitated for a heritage advisory committee to be formed by the Penang Municipal Council (MPPP).

The latest episode in the Hotel Metropole saga once again shows the frustrations of trying to implement a heritage policy under the existing planning guidelines and administrative powers of the MPPP.

The fact that this latest of many cases of unauthorised demolition of heritage buildings in Penang has only been given a fine of \$10,000, will certainly raise the fear that many more Metropole type disasters may follow soon.

Readers should also be reminded that the MPPP order to the developer Dolphin Square to have Metropole rebuilt was made 18 months ago

with an initial 6 months deadline. We wonder if this ruling can really be enforced.

The Heritage Advisory Committee (HAC), which was formed in April 1994 by invitation of the MPPP, has been working hard to arrive at a consensus on the most suitable legislative and administrative framework for heritage protection and development in the State.

Although the full report has not yet been completed, I am happy to say that the committee is in total agreement on the main ingredients of such a comprehensive policy.

The recommendations can be summarized as follows:-

1. The Government should:
 - a) Adopt separate building and planning guidelines specifically for heritage buildings where standard guidelines would not be suitable.
 - b) Provide financial and planning incentives to offset the initial loss of income anticipated with heritage development (as opposed to the modern high-rise).
 - c) Establish a system of listing of protected buildings and precincts to prevent their indiscriminate destruction (especially in the present building boom).
2. An administrative machinery functioning as a separate department which includes specialist architects and planners among others should be set up to implement:-
 - a) The incentive aspects of the Conservation Policy such as helping developers arrive at the most suitable concept plans for their heritage buildings.
 - b) The enforcement aspects which will involve monitoring the status of heritage buildings during development as well as to detect and act on unauthorised demolitions.

The first part of our report on "Planning Guidelines and Incentives for Heritage Development" has already been submitted on 1 September 1994 and the final part on "Identification and Listing of Heritage Buildings" is due to be ready soon.

Our Committee appeals to MPPP to quickly study and implement these recommendations. It is our hope that the Metropole disaster will add an extra note of urgency to this issue. If we delay too long not only the residents of Penang but also the business community will lose. Although we are now enjoying an unprecedented economic boom, we hope the government will not lose sight of the fact that Penang's reputation as an ideal investment centre as well as a premier international tourism destination owes much to its special 'ambience'. A large measure of this, I believe, is due to our historic streets, buildings, trees and gardens that we have inherited and so far nurtured. To lose it all now by neglect or wanton destruction would be a tragic and irremediable oversight.

Dr Choong Sim Poey

*Chairman, Heritage Advisory Committee
Vice-president, Penang Heritage Trust*

OUR CITIES, OUR HOMES — DEVELOPING A PEOPLE'S AGENDA

A dialogue among Regional NGOs on Developing Action Strategies on Human Settlements Issues

Two Penang Heritage Trust members attended the conference held in April 1995, Kuantan, Malaysia - En Anwar Fazal, as the Regional Co-ordinator and Dr Amiruddin Fawzi, as the PHT representative.

OUR CITIES, OUR HOMES

The Kuantan Conference — A Citizens' Agenda

Meeting at the Asia Pacific Regional NGO Consultation on "Our Cities, Our Homes" held in Kuantan, Malaysia from April 9-13, 1995 as members of citizen organizations and networks representing a diverse range of interests—including the environment, health, media and communications, youth, children, women's development, housing, consumers, human rights, and development—we find that we share a common vision of a world of socially just, ecologically sustainable, politically participatory, economically productive, and culturally vibrant communities in which all people—women and men, people with disabilities, children, youth, adults, and the elderly live productive lives and prosper in peace and harmony. During this consultation we have affirmed our shared commitment, forged new friendships and alliances, and built an agenda towards the realization of our vision.

The world's cities have historically been centers of great human enterprise, culture, learning, and innovation. For many, they have offered places of opportunity and refuge. They have also had their dark and painful sides, sides that have become increasingly visible, even dominant in these closing years of the twentieth century. An explosion of unconscionable poverty is juxtaposed with a dehumanizing implosion of deepening alienation, anger, and social breakdown that manifests itself in urban violence, a loss of compassion for the weak, and a disregard of the environmental and human consequences of economic activity. For the marginalized and excluded the law has lost its legitimacy, because in their experience it serves only to protect the privileged. We see more of our cities becoming the battlefields of the 21st century on which class is pitted against class, race against race, religion against religion, and individual against individual in a competitive battle that depletes our resources and diminishes our sense of humanity. Those with wealth detach themselves from responsibility for the vulnerable human victims of these battles, withdrawing behind the physical walls of affluent suburban enclaves protected by private security guards and behind the legal walls of corporate charters protected by legions of corporate lawyers.

This disturbing reality is in large part a legacy of the ideologies and institutions of the twentieth century, and in particular of the dominant neoliberal economic development model of unfettered economic growth, unregulated markets, privatization

of public assets and functions, and global economic integration that has become the guiding philosophy of our most powerful institutions. This model spawns projects that displace the poor to benefit those already better off, diverts resources to export production that might otherwise be used by the less advantaged to produce for their own needs, destroys livelihoods in the name of creating jobs, and legitimates policies that deprive persons in need of essential public services. The model advances institutional changes that shift the power to govern from people and governments to unaccountable global corporations and financial institutions devoted to a single goal—maximizing their own short-term financial gains. Its values honor a compassionless Darwinian struggle in which the strong consume the weak to capture wealth beyond reasonable need. It creates a system in which a few make decisions on behalf of the whole that return to themselves great rewards while passing the costs to others. For them the system works and they see no need for change. The many who bear the burden have no meaningful voice.

The decline and decay of our cities has become a highly visible consequence of these destructive forces—a metaphor for a global system that has set human societies on a path toward self-destruction. We take the plight of our cities to be a wake-up call for people everywhere, calling us to forge local, national, regional, and global alliances through which we will reclaim our power from the institutions that have abandoned us. We will use this power to rebuild our cities, towns, and villages—socially, ecologically,

politically, economically, culturally, and physically—in line with our vision and with the needs of people living in a twenty-first century world. We look to the Habitat II conference to be held in Istanbul in June 1996 as a focusing event at which the world's people will share their visions of the future they want for themselves and their children and join in common cause to create their desired future through creative local, national, and global action. We approach it not as the last global conference of the twentieth-century, but rather as the first global conference of an emergent twenty-first century—a global conference at which the world's people will come forward to give new meaning to the opening words of the UN Charter, "We the people..."

Human habitats join together built spaces, movement spaces, social spaces, and ecological spaces into living spaces for people. The balance and synergy achieved among these four uses of space substantially determines the quality of our lives. In traditional communities these functions came together naturally and holistically. In modern cities they have become fragmented and disconnected. We must restore the sense of wholeness and balance—while simultaneously recognizing the essential interdependence of our cities, towns, villages, and rural spaces.

Two great issues inform our efforts to rebuild our habitats, our living spaces: 1) the need to transform our ways of living to bring them into balance with the natural ecosystems of our planet while assuring the right of all people to a good and decent means of livelihood as productive contributors to secure and vibrant communities; and 2) the need to transform our institutions to restore to people the power to govern their own lives. We recognize that meeting these needs will require that we transform the values and institutions of the existing global system to one that places life ahead of money, the basic needs of the many ahead of the extravagant consumption of the few, and the rights of people ahead of the rights of corporations. This transformation must be people driven, growing out of the aspirations, needs, and life

experiences of people everywhere. We recognize that the issues are political and that change will require effective political action.

To this end we will work to:

- Build public awareness of the links between the dominant development model and the social, environmental, and economic crisis of our cities, towns, and villages.
- Encourage and support the efforts of people to articulate their own visions of the future and build their own agendas for achieving those visions.
- Facilitate the linkage of these efforts into local, national, regional, and global alliances.
- Transform existing systems of governance to assure that the decisions regarding the structures and functions of our habitats center on improving living for people rather than on increasing profits for corporations.
- Assure adequate access to the built environment for all people, including children, the elderly, and people with disabilities.
- End the dominance of our living spaces by automobiles in order to increase both the livability and sustainability of our cities and towns.
- Achieve local food security based on sustainable methods of agriculture and the recycling of food and agricultural wastes.
- Make the transition to meeting energy requirements from renewable, ecologically sound, and socially just sources.
- Establish a harmonious relationship among people, animals, and plants within human settlement areas through the use of adequate green spaces.
- Seek humanistic, nonmilitaristic approaches to dealing with social problems such as drug abuse.
- Reduce the extractive burden that our cities impose on the world's rural areas.
- Recognize and support the initiatives of women's groups in communities.

We commit ourselves, through the Plan of Action adopted at this meeting, to promote this agenda among our networks and through the processes of Habitat II and beyond.

For further information contact: The Asian Coalition on Housing Rights (ACHR), 73 Soi Sonthiwattana 4, Ladprao 110, Ladprao Road, Bangkok 10310, Thailand, fax (66-2) 539-9950; or Asia Pacific 2000, c/o United Nations Development Programme (UNDP), WismaUN, Block C, Kompleks Pejabat Kerajaan, Jalan Dungun, Damansara Heights, 50490 Kuala Lumpur, Malaysia, fax (60-3) 253-2361.