

PHT *newsletter*

PENANG HERITAGE TRUST • PERSATUAN WARISAN PULAU PINANG

c/o 19 Kelawei Road, 10250 Penang, Malaysia • Tel/Fax: 04 - 226 1358

Number 35/36

January/February 1997

It left the municipal council with no choice but to do the right thing

Scores of our shophouses in the Rope Walk / Sungei Ujong / Jalan Lim Chwee Leong / Magazine Road / McNair Street / Nordin Street heritage zone have developed nasty cracks on their walls, pillars, roof beams, and five-foot ways. There have also been reports that the nearby 65-storey Komtar tower itself, where both the state and local government authorities have comfortably established themselves these many years, perhaps the better to see and count the cranes crowding the Penang skyline, is tilting.

There is no doubt that this has happened because of a disturbance in the depths of the earth. But no violent volcanic activity has ever visited the island. Nor have those malevolent subterranean creatures of legend, the gnomes, goblins and gremlins. It is therefore safe to conclude that the furious hammer-piling, digging and excavating in the Komtar area in the past few months is what has caused these inner-city buildings to rock and roll on their foundations. The evidence is the flooded crater concealing the sub-structure for the "PRANGIN MALL: The Mega Star of Penang's Golden Commercial (*sic*)."

But the municipal council was not impressed with our little theory, so it went ahead with its plan to ask the developers to carry out a geo-technical investigation "to establish the actual cause of the cracks". The developers failed to produce what even in the eyes of the council is a satisfactory report. This left the council with no choice but to do the right thing — serving a stop-work order on them. Surely, any action the government can take to ensure the safety of the public is worth more than a temporary set-back in its dash-for-growth plans for the city. Komtar Phase 4 has developed a design fault and should be taken off the road. And there will be no botching it as well, we hope, when the government starts organising the "remedial measures" to help the residents in the area, who have so far borne their fate with admirable restraint and patience, put their lives back together in some order.

But why was the all-powerful municipal council so unwilling, initially, to issue the stop-work notice?

We don't know: its president, Dr Teng Hock Nan, has forbidden his councillors "to disclose the discussions or decisions of their committee meetings" to the press (*Star*, 10 January). We can only try to work out why and it is both instructive and alarming to do so.

The council's earlier strategy of doing nothing seems to be founded on the insight that doing something equals making a mess of things. It will be a mistake to issue a stop-work order. The order will merely make the public believe even more strongly that because of the government's urban renewal programme a major disaster has now struck the city. It will also be taken to mean that the council is finally admitting to having blundered badly in approving the "mega star" mall's building plans and methods. Besides, the developers are sure to challenge the order in the courts — consider the huge capital invested in the project — and that's a further nuisance to have to deal with. In any case, the council has managed to persuade the developers to repair the buildings. If in the end some of them (the buildings, not the developers or the councillors) have to be demolished, that's just too bad. The people of Penang must learn to make such sacrifices if the government's plans for the city's economic growth are to succeed. Such must be the unspoken logic of our city fathers and mothers.

Equally fascinating to take a look at is the spoken logic of the developers. *The Star* reported that "a spokesman for the developer said the company had provided beams to support the cracked pillars of several houses", and then quoted him as further saying: "We helped them on humanitarian grounds." And so we may all now regard these nameless barons of the building industry as the true leaders of our caring society. Said a Rope Walk resident the PHT interviewed: "They have certainly helped to put me out of business. All these beams supporting all these pillars, they are bad advertisement for my shop. You don't need to repeal the Rent Control Act to get us out of here. Many of us have already left."

It is the same old story of the authorities allowing construction work to wreck our historic sites and then trying to make it look as though the geological make-up of the island, the nature of the Tanjung subsoil for example, is to blame. Whenever our heritage buildings fall into ruin in this way — remember Cheong Fatt Tze, Hardwicke, Metropole? — it is hard not to fall in with such notions as conspiracy theories.

5 February 1997



Penang Heritage '97

Developing the best in Georgetown
by learning from the best in Britain

2 – 4 March 1997

Shangri-La Hotel

Bringing government, industry,
and heritage groups together
to explore new approaches for
a balanced development in the
city of Georgetown, Penang

Organised by
the Penang State Government
through
PDC AR&T Total Project
Management Sdn Bhd and
the British High Commission
with the support of
the British Overseas Trade Services
and participation from
Hong Kong Bank, North West Water,
British Council, British Tourist Authority
and British heritage experts

For further details contact:
The Seminar Secretariat
Tel: 604 - 6432 111 Ext 203/204, Fax: 604 - 6413 742

(Please find brochure inside)

Piling rules should be extended, says trust

Penang, Mon: The Penang Island Municipal Council (MPPP) has been urged to extend its ruling for building projects to use micro or bore piling, to include projects approved before August when the regulation was introduced.

Penang Heritage Trust, vice-chairman Dr Choong Sim Poey today said the ruling would be "meaningless" if inner-city shop-houses are damaged by projects that are allowed to use old systems of piling.

Choong was commenting on MPPP president Dr Teng Hock Nan's announcement that projects in densely-populated areas must use micro or bore piling instead of hammer piling, to minimise ground vibration on nearby buildings.

"If the rationale for introducing this ruling is the protection of heritage buildings from destructive

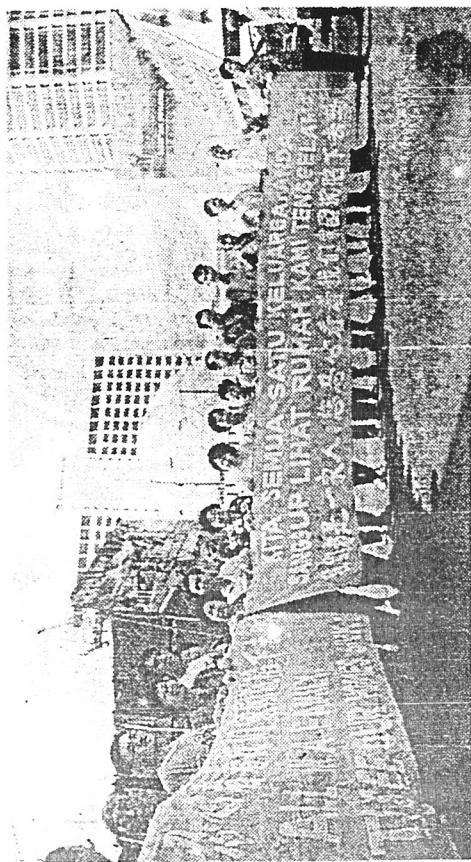
piling, then the MPPP must apply it to all building projects, regardless of their dates of approval," he said.

In a statement, he said continued use of hammer piling may permanently damage certain heritage buildings, placing a "big blot" on MPPP's record.

He said heritage buildings such as the Cheong Fatt Tze and Hardwicke mansions have already been adversely affected by nearby hammer piling.

He also cited recent cracks in buildings at Rope Walk, McNair Street, Noordin Street and Magazine Road, believed to have been caused by hammer piling at a nearby commercial development project.

"We sympathise with the residents whose homes and businesses have been badly affected, and we strongly urge the MPPP to take immediate action," he said.



URGENT EXPRESSION... affected residents in protest against the mall project

Groups hail stop-work move

PENANG: Various quarters here have welcomed the move by the Penang Municipal Council in issuing the stop-work notice on the developer of Prangin Mall, a project under Phase Four of Komtar.

While noting that it was long overdue, they said the move to halt all excavation works at the commercial development site would serve to prevent further cracks and damage to houses and other structures in the Komtar area.

Tanjung Area Crack-Affected House Representatives Action Committee chairman Lau Heng Loon said the notice should be removed only if a guarantee could be given that future excavation method used would not aggravate the situation.

"We want the developer and the council to give us the guarantee and inform us on findings of the geo-technical studies and remedial measures to be taken," he said yesterday.

To date, he said, there were over 100 houses affected by cracks and a number of houses had "sunk" due to lowering of the underground water table.

The residents lodged a police report

through Kampung Kolam assemblyman Lim Gim Soon on Dec 3 last year.

The affected houses are in Sungai Ujong, Rope Walk, Jalan Dr Lim Chwee Leong, Jalan Cheong Fatt Tze, Kimberley Street, Carnarvon Street, Magazine Road and Noordin Street.

Consumers Association of Penang (CAP) said the council should have issued the notice long ago when the cracks on houses and pavements were already serious.

"The council should maintain the stop-work order until it commissions an independent geo-technical expert to determine that it is safe for excavation works to resume," said CAP president S. M. Mohd Idris.

On Thursday, council president Dr Teng Hock Nan said the notice to be served on the developer would be effective from yesterday until the developer has submitted a geo-technical report.

Mohd Idris called for the geo-technical studies by the Public Works Institute (Ikram) to be expedited as it was important to determine the fundamental causes of the problem and come up with remedial measures.

GM: We take serious view of situation

By DERRICK VINESH

PENANG: The state government and Penang Municipal Council view seriously the effects caused by the billion-ringgit Komtar Prangin Mall project, Chief Minister Tan Sri Dr Koh Tsu Koon said.

He said the council's move to issue a stop-work order and to press for a geo-technical report from the developer reflected the state's seriousness in protecting the people's interest.

"The council has en-

gaged the services of the Public Works Institute (Ikrum) to study the developer's report and come up with ways to overcome the problem," he said yesterday when asked to comment on the project which had brought structural damages to neighbouring pre-war buildings.

Dr Koh said the stop work notice might probably not be enough as "quick action needs to be taken to rectify the problem."

He said several mitiga-

tion measures had been taken but he was not sure whether they were enough.

Another nearby project by Metrojaya had also been asked to submit a similar report, he said.

When asked whether the Prangin Mall and Metrojaya projects had provisions for soil structure tests in their original plans, Dr Koh said according to usual council procedures, the onus was upon the consultants and contractors.



Dr Koh... several mitigation measures had been taken

"It is their (the consultants and contractors) professional view and expertise that call upon any project. As long as they are qualified consultants the onus is on them. Whatever they submit which the council engineers find reasonable is usually then approved," he said.

Dr Koh said this (the Prangin Mall) was the case where problems occurred after the project had started, adding that there had been such cases previously.

Groups to press for lifting of freeze

PENANG: Three associations will petition the Penang Municipal Council asking it to lift the freeze on the construction of buildings more than five storeys high in George Town's inner city zone.

The property development committee of the Penang Chinese Chamber of Commerce jointly with the Penang Housing Developers Association (HDA) and Penang Ratepayers Association are calling upon affected property owners to endorse the petition.

HDA vice-chairman Datuk Eddy Choong said the council did not seek the opinions of those affected and no valid rationale was given for the freeze.

He questioned the

council's decision which he claimed was carried out without a public hearing as stipulated under the Town and Country Planning Act 1976.

"The council should sit down with us to discuss how to help affected property owners whose property's redevelopment value would dropped because of the ruling," he told a press conference yesterday.

The freeze, affecting more than 2,000 pre-war and historical buildings, was an interim measure effective until the George Town Local Plan was drawn up.

HDA chairman Cheah Kheng Hooi said the council started implementing the proposed

controls by asking developers who submitted their plans for projects more than five storeys high to amend them accordingly.

Also present at the press conference was Penang Chinese Chamber of Commerce chairman Datuk Larry Low Hock Peng and vice-chairman Ong Gim Huat.

Copies of the petition letter would be distributed to all affected property owners. It can also be obtained from the three associations.

For further enquiries, contact the Penang Chinese Chamber of Commerce (#2634959), HDA (#2616916) or Penang Ratepayers Association (#2616475).

Of heritage and rent-controlled buildings

THE Second World War ended in September 1945. There had been much damage to property due to bombings and in some cases as a result of a scorched earth policy.

During the war practically no new buildings, especially business premises and houses, were built. People were more concerned with spending whatever money they had on food for the family.

So when the war ended, there was a shortage of business premises and houses which became acute because with the return of peace, people were resuming business or starting new ones.

People who had fled the country because of the war had also returned. And in spite of the war, there had been a natural increase in the population.

Demand for accommodation had exceeded supply and by the law of economics, owners of these premises were in a position to increase rents or let them out to tenants who were prepared to pay higher

rentals. But this was not to be. The Government passed the Control of Rent Ordinance, 1948, which provided that all houses and business premises built before 1948 and had been rented out were declared to be controlled premises.

The object of the law was to protect tenants. Landlords could not increase the rent or evict the tenants without an order of the Rent Assessment Board.

But the landlords could get the premises back for their own use.

In a sense, this was a socialist piece of legislation inspired by the Labour Party which was in power in England at the time.

Greed being what it is, there was much abuse both by landlords and tenants. Premises were neglected by landlords because of the low rentals.

Many landlords demanded

ment. This was especially so in established town areas resulting in practical abandonment of such areas with neglected and dilapidated buildings and the creation of new town centres.

A victim of this law is "Batu Road", called so because it is exactly one mile long from the Sultan Abdul Samad building to the Odeon Theatre. It has since been renamed Jalan Tuanku Abdul Rahman after the first Yang di-Pertuan Agong.

It is a very straight road and, in spite of the general dilapidated condition of the shophouses, is a popular shopping district. Tenants of these old shophouses are still paying rentals based on the 1939 rates! But for the law, this road, in the heart of Kuala Lumpur, could have been developed into the Federal capital's Oxford Street (London) or Orchard Road (Singapore) with shopping complexes on both sides of a broad avenue — becoming KL's golden mile! An instance of a missed opportunity.

The Government recently announced that the Rent

Control law would be repealed by March. This is indeed welcome news for the landlords because the justification to protect tenants from avaricious landlords had ceased a long time ago. But a new dimension has surfaced.

A new law is required to preserve and protect some of these old buildings because they are heritage buildings and sites. If this is not done, our history and heritage will be lost to posterity, not to mention that they are potential tourist attractions.

It is comforting to hear that the Menteri Besar of Johor and the Chief Minister of Penang have expressed concern at the prospect of seeing such buildings demolished overnight with the repeal of the Rent Control Act.

Perhaps in repealing the law, provision could be made to preserve identified heritage buildings and sites.

Let it not be said that an Act of Parliament demolished these buildings which the Second World War failed to destroy.

THE BENCH MARK

By Harun Hashim

ed tea-money to allow the tenants to stay on. In one case, the monthly rental was RM170 but the tea-money paid by the tenant was RM15,000. When they quarrelled, the court ordered the landlord to refund the money to the tenant and allowed the tenant to stay on.

The tenants invariably sublet the premises to others. This was understandable because most controlled premises were in the town areas. However, they did so at a handsome profit.

In one case, the monthly rental was RM170 but the sub-tenants paid the chief tenant RM750 a month! The law protected not only the family members of the tenant but sub-tenants as well.

The greatest casualty of the Rent Control law, in spite of amendments from time to time, was develop-

Building of Komtar Phase 3 to begin soon

By LIM AI LEE

PENANG: Work on Komtar Phase 3, in Penang's Golden Triangle, will finally take off after several aborted attempts to develop the 1.02ha prime site since 1990.

A 10-storey shopping mall, estimated to cost RM170 million, will be developed by Postmix Sdn Bhd, a joint-venture between Lion Group and a Penang-based developer.

The area — bounded by Jalan Magazine, Lebuh Lintang, Lebuh Tek Soon and Lebuh McNair — is part of the Golden Triangle, a triangular-shaped area designated by the state government for the Komtar urban redevelopment scheme in 1974.

It is learnt the layout plans for Mutiara Parade were approved by the Penang Municipal Council recently, prior to the freeze on buildings exceeding five-storeys in inner George Town in No-

vember. The developer is now awaiting building plans approval.

The site, privatised from the Penang Development Corporation (PDC), was turned into a "temporary" car-park in 1992 after 49 families moved out of 12 shophouses which were subsequently demolished.

The car-park was closed in December for test-piling but re-opened last week after the tests were completed. However, it is expected to be permanently closed for construction work once the developer obtains building approval.

Mutiara Parade, which will house the Parkson Grand Supermarket and Departmental Store, comprises seven storeys of commercial space, cineplexes, theme restaurants and entertainment arcades and four levels of carparks which can accommodate around 1,000 cars. It is targeted for

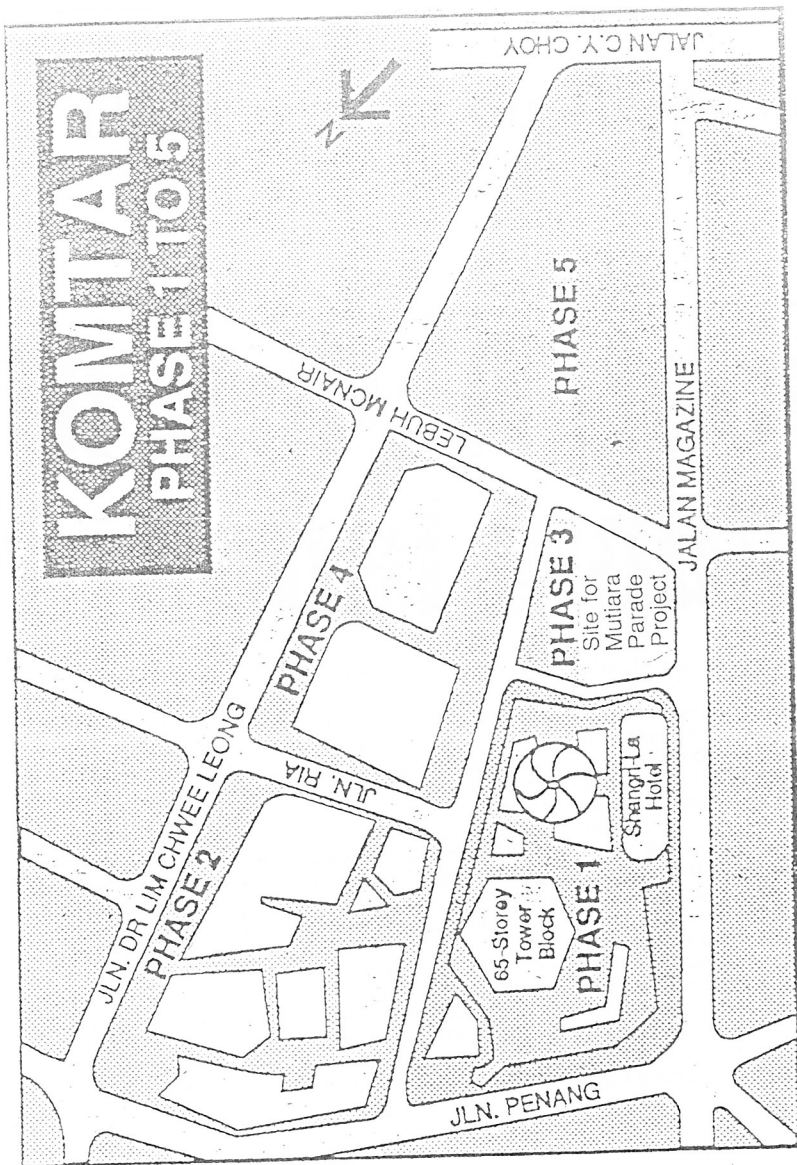
completion by 1999.

Lion Group had privatised the site in 1993, paying RM350 psf for the prime land after Yaohan International Sdn Bhd scrapped plans to develop a RM120 million shopping centre.

PDC had called for a fresh tender after Yaohan rescinded its 1990 agreement as the Japanese supermarket chain could not agree to the terms and conditions set by the Foreign Investment Committee which required 51 per cent local participation for the project.

Due to some technicalities, the Phase 3 project was again delayed until recently.

Mutiara Parade will be developed at a site parallel to Komtar Phase Four where the Prangin Mall is now being developed. The development of Prangin Mall on a 1.8ha site is scheduled for completion by end of this year.



Phase 1 — completed; Phase 2 — partially completed; Phase 3 — Mutiara Parade Project to start soon; Phase 4 — Prangin Mall project under construction; Phase 5 — Yet to be implemented

The Repeal of the Rent Control Act

THE STAR THURSDAY January 30 1997

Dr Koh: A decontrol tribunal would help

By TUNKU SHAHARIAH

PENANG: Penang has proposed a special decontrol tribunal to resolve complaints in states which have many rent-controlled premises following the repeal of the Rent Control Act.

Chief Minister Tan Sri Dr Koh Tsu Koon said yesterday the tribunal could tackle specific problems in places where there were numerous such buildings.

He said such areas could be sub-divided to let

the tribunal handle the complaints more effectively.

"The move will enable ... a faster settlement," he told newsmen after receiving an European Commission delegation headed by its ambassador Michel Caillouet.

On Tuesday, Datuk Seri Anwar Ibrahim said a tribunal would be set up to oversee the repeal of the Act, which was expected to take effect on Sept 1.

The Deputy Prime Minister said the Bill would be tabled in Parliament in

March and gazetted on Sept 1.

Last November, Dr Koh had said the state would need at least five years to implement the policy as it affected more than 60,000 people.

Dr Koh said the state accepted the three-year extension to handle certain cases, saying "we will try to cope with the shorter time-frame."

"The transitional period will allow tenants and landlords to enter into some form of tenancy agreements to increase

the rental," he said.

Dr Koh advised those affected to discuss with their landlords on the new adjustments without any social conflicts.

"Landlords should be considerate to tenants and should both parties have problems they can still refer to the existing rent tribunal under the present Act until September," he said.

He urged building owners not to speculate on prices of their properties as this could push them to an unrealistic level.

Trust: Give preservation incentives

By CHEAH UI-HOON

PENANG: Rent-controlled buildings housing commercial establishments should be decontrolled first because such businesses can better afford market-rate rentals, said the Penang Heritage Trust.

Its vice-president, Dr Choong Sim Poey, said rent-controlled premises, especially those along Beach Street, were worth pre-

serving.

"The state should provide incentives to homeowners to restore and preserve their buildings before or together with the implementation of the repeal," he added.

Penang Ratepayers Association chairman Datuk Lim Chong Keat urged the Federal Government to make the draft bill available to ratepayers and landowners.

Consumers Association of Penang president S. M. Mohd Idris urged the Government to clarify the tribunal's role, functions and powers to resolve social problems that would arise from the repeal of the Rent Control Act.

"Such problems include the displacement of large numbers of urban poor, loss of livelihood and a change in the character of cities," he said in a statement.

Penang property owners not getting a fair return

LETTER

THE Rent Control Act 1966 has become such an explosive issue because the authorities have neglected to address the problem until now.

Present rentals for the most part are way out-of-date and grossly unfair to the property owners.

The protection for tenants has been abused by some chief tenants and tenants who have sublet the premises for enormous gain while allowing the properties to rot.

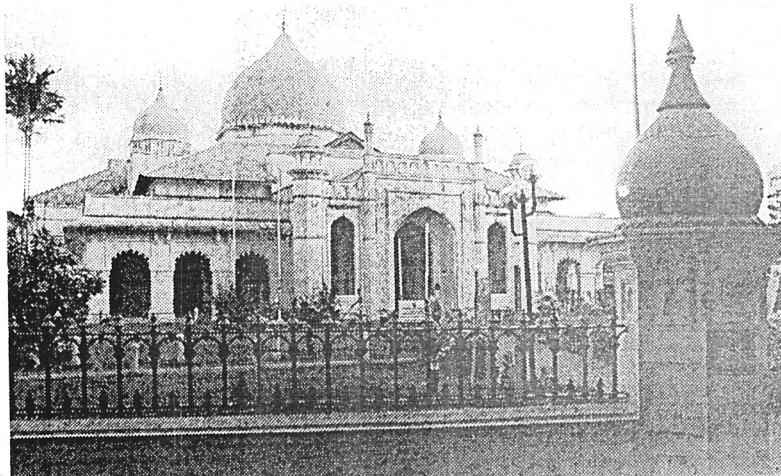
That said, an automatic overnight repeal would be a disastrous swing to the other side of the pendulum. It would be a better idea to phase out rent control over five or 10 years, while enlarging the capacity of the Rent Control Tribunal to handle a case-by-case review with speed and efficiency.

The Penang government should form a state-level committee, inviting the relevant NGOs and individuals to formulate policies — with regard to commercial tenants, chief tenants, sub-tenants and hardship cases — thereby drawing up a programme for selective decontrol over a period of time.

Some special issues should be taken into consideration:

1. The welfare of the tenants. This includes protection for tenants and/or assistance in obtaining alternative affordable housing.

- Hardship cases (single, elderly tenants) should be identified and given special assistance. This is



A MAJOR LANDMARK... the Kapitan Kling Mosque in Penang.

out rent control will also provide time for affordable housing to be built.

2. Keeping the residential character of the city. The experience of other cities have shown that it is neither desirable nor sustainable to allow all residential premises in the inner city to be converted to commercial premises just because commercial rentals are higher.

- Unless a certain degree of the residential function is kept, the inner city will be plagued with problems such as crime and vandalism. City blocks will be deserted by night and become a hang-out for drug addicts and other undesirables.

The few residents who remain

will suffer from this, "inner-city blight" as well as lack of amenities and services.

3. Protection for historic communities. There are pockets of traditional neighbourhoods, some consisting of historic minorities who have lived here for a century or more.

Some examples are the Indian community around Market Street, the Indian-Muslim community around Kapitan Kling Mosque and the Straits Chinese community around Muntri Street.

They are the soul of the city. If these people are displaced, the authentic cultural traditions that make the inner city so interesting to scholars and tourists will disap-

pear with them.

No matter what happens, our Prime Minister has warned, we should make sure that *nasi kandar* tastes the same in the year 2020.

4. Heritage conservation. Protection for heritage buildings and conservation areas should be in place before Rent Control is removed.

If heritage building owners wish to restore their buildings, the municipal council should give fast approval to restoration plans, special incentives and priority in decontrolling their premises.

Not all pre-war houses require luxury restoration. Some of these houses only need to have the roof repaired, a new toilet put in, and some rewiring done. Thus the rentals can be revised accordingly, reflecting the modest investment put into the property.

The authorities and the public need to be educated about the cultural value and physical soundness of heritage buildings. Contrary to the bad press they have received, the majority of Malaysia's pre-war buildings are inherently physically sound.

The more-than-a-century-old Syed Alatas Mansion in Armenian Street, which no doubt looked filthy before restoration, certainly proved that it had retained its beauty and physical integrity beneath the dilapidated appearance.

To quote a timber expert from Frim, when pre-war houses catch fire, the timbers char but do not burn.

The cause of fire can usually be traced to plywood partitions, storage of newspapers or plastics, or faulty wiring — all common in premises which have been subdivided for multiple tenancy.

Some rent-controlled lawyers' offices, overcrowded and crammed with paper files, are of course especially combustible.

As for pre-war buildings that suffer from cracks, one does not have to look very far to spot some percussion piling works being carried out at an adjacent site.

There will be the small number of old buildings which are in danger of collapse from decades of neglect, but fewer still which are beyond restoration.

This assessment should be made by a building inspector who is specifically trained in this area, not by developers or owners who simply want an excuse to pull their heritage building down.

It is not good enough to leave inner-city development to market forces, as if people did not matter.

Urban improvement programmes should be introduced quickly so that the vision of an enhanced, upgraded and dynamic historic inner city will be realised. We can learn from the countless precedents of inner-city rehabilitation carried out by responsible and responsive local authorities in other cities.

KHOO SALMA NASUTION,
Penang.

The Municipal Council, the Prangin Mall, and the damaged inner-city buildings

3 February '97
NEW STRAITS TIMES

Affected residents want mall project discontinued

By Agnes James

PENANG, Sun. — Residents affected by the Prangin Mall project want the authorities to ensure the project does not continue and that immediate steps be taken to remedy the damage to their homes and commercial lots.

The residents, calling themselves the Tanjong Area Crack-Affected Homes Representative Action Committee, claimed the excavation works carried out by the developers of the Prangin Mall had resulted in underground water movement.

They alleged this had led to ground instability and the emergence of cracks on buildings and pavements in the vicinity.

A number of houses near the project have such huge cracks running along their walls and floors that one could put a fist through them.

The area is important to Penang's cultural heritage as it has numerous heritage shophouses, a mosque and several Chinese association buildings.

According to the residents' committee headed by Lau Heng' Loon, about 1,500 to 2,000 people were affected by the excavation

works and 63 of them had lodged police reports as their properties were badly affected. Lau said 50 more were expected to do so.

The problem was first highlighted when occupants of old shophouses nearby complained that their homes suffered cracks caused by the construction of the seven-storey shopping mall with a half-storey basement. Subsequently, cracks also appeared at the adjacent 65-storey Komtar complex.

Following reports in all the major dailies, the Penang Island Municipal Council issued a stop-work order on the project three days ago.

This was after repeated requests by the council for the developers — Getaran Unggul Sdn Bhd and Idris Hydraulic Properties Sdn Bhd — to submit a geo-technical report went unheeded.

Lau commended the developer of the Metrojaya project, also situated nearby, which had taken all precautionary measures during its excavation and piling works and therefore did not affect the surrounding areas.

"I don't understand why the Prangin Mall developers cannot do the same," he

said.

The affected residents today issued a joint statement with the Consumers Association of Penang.

The statement, read by CAP legal adviser Meenakshi Raman at a Press conference, said that given the nature of the problem, despite the stop-work order, damage to buildings and structures were bound to continue.

They said immediate mitigation measures must be taken by the developers to ensure that no further damage was caused to the buildings and the surrounding area.

They also urged the council to monitor all structures in the vicinity to ensure there was no collapse of buildings.

"We suggest that a task-force be set up comprising representatives of the residents and the council to determine the extent of the damage and losses suffered by the residents," Meenakshi said, adding that the residents must be kept informed about the findings of the geo-technical experts and the remedial measures being undertaken.

"As the situation is becoming serious, we are extremely concerned over the safety of human lives and

buildings in the surrounding area of the project.

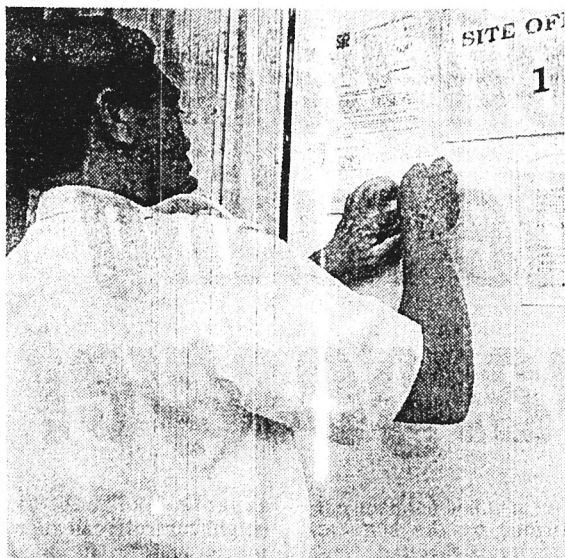
"CAP's recent investigations found that the luggage room in the Shangri-la Hotel at Jalan Magazine had cracks in the walls and the street fronting the hotel was uneven.

"Pedestrian walkways and pavements had cracked while roads around the area had sunk and had to be patched up," she said.

Meanwhile, the Penang Heritage Trust also voiced its concern during the Press conference today. Its honorary secretary Khoo Salma Nasution said the council should have been alert to the potential damage caused by the development.

"The council has a duty to enforce the Street, Drainage and Building Act 1974, Section 70, which requires developers to submit and obtain approval for earth-work plans.

"They should also enforce the Penang Island (Earthworks) By-laws 1975 which stipulates that earth-work plans and specifications should comply with certain codes of practice and include 'precautions to protect the adjoining lands, buildings, roads and other properties,'" she said in a Press statement.



STOP WORK... Penang Municipal Council staff Yaacob Mohamad pasting a stop-work notice at the site office of the Prangin Mall project near Komtar yesterday afternoon.

Council legal adviser M. Murgan said the notices were sent to Idris Hydraulic Properties Sdn Bhd as the owner of the upcoming building, Penang Development Corporation (PDC) as the landowner, contractor Penas Construction Sdn Bhd and architect Teoh Seng Keong.

They have been ordered to stop all excavation works immediately.

Any parties found breaching the notice will be prosecuted under Section 70(A)(9) of the Road, Drainage and Building Act 1974.

On Thursday, council president Dr Teng Hock Nan said Idris Hydraulic had not submitted a complete report on the geo-technical studies with regard to further excavation.

Make public details of project: Architect

By CHEAH UI-HOON

PENANG: Architect Datuk Lim Chong Keat, a member of the original planning and design consortium for the billion-ringgit Komtar project, wants the public to be kept informed of Prangin Mall, which is the project's fourth phase.

He expressed concern whether the mall project, for which a stop-work order was issued on Thursday pending geo-technical studies, was related to the original plan for Komtar and the original densities.

Lim said the approved plot ratios, car-park and traffic implications should be made known as the project was on public land administered by the Penang Development Corporation.

"The public need to be informed of the latest plans, especially if they have changed radically from the original ur-

ban design and planning proposals for the five phases as published in 1973," he said in an interview.

Prangin Mall, which includes a proposed nine-storey shopping complex, a department store and supermarket and a food court, is under phase four of Komtar's five-phase development.

Lim was responding to reports on the Penang Municipal Council's stop-work notice to developer Idris Hydraulic Properties to halt all excavation works at the 2ha site for the mall project.

Council president Dr Teng Hock Nan said on Thursday experts from the Public Works Institute (Ikram) in Kuala Lumpur would also be engaged to conduct geo-technical studies on the stability of Komtar tower and the soil structure of its surroundings.

He had said there were no



Lim ... member of the original planning and design consortium

structural cracks but confirmed cracks had appeared on the pavement of Komtar.

Lim said he had no knowledge of the Prangin Mall project, but noted that if it was larger and bulkier than the original proposals (for a four-storey podium structure), it

would impose "additional loading not only on soil conditions but also on the urban scale and traffic conditions."

Lim, who is also Penang Ratepayers Association president, said the council acted rightly in issuing the stop-work order on the developer if public safety was threatened by construction works.

"The council is in the position to scrutinise the approved plans and building techniques to ensure compliance with safety standards ... If there was further evidence of larger or unexpected subsoil problems, then proper studies and tests would be needed," he said.

However, he added that he had received no information about structural or superficial faults on Komtar building itself, and he had not been consulted to date on any of the problems.

The Municipal Council, the Prangin Mall, and the damaged inner-city buildings

NST 10 February 1997

Mall project controversy a lesson on development

SRI TANJUNG

By A. Kathirasen

THE hottest topic in Penang at present is the Prangin Mall project.

It was supposed to be a major private sector project designed with utility and beauty in mind.

The seven-storey shopping mall with a half-storey basement was supposed to add lustre to the area around Komtar.

Today, even before it can take shape, it is creating consternation and anger among some 2,000 residents in the area.

The reason: About 150 buildings in the area are cracking-up, including a section of the Komtar building.

It is believed that excavation work on the Prangin Mall project has resulted in the migration of water underground and this has led to the instability of the ground.

As a result, cracks are appearing on the buildings and pavements in the vicinity. This is the theory that has the greatest currency at present. And no one has refuted it, not even the developers.

About two months ago reports of cracks slowly surfaced.

It has been reported that cracks have been spotted in buildings along Lebuhraya Lintang and on Komtar at the Super Komtar and Yaohan supermarket areas.

Buildings along Jalan Sungai Ujong, Jalan Pintal Tali, Jalan Magazine Lebuhraya McNair, Lebuhraya Lintang, Lebuhraya Noordin, Jalan Lim Chwee Leong and Jalan Ria have also been affected by cracks.

The fact that these are old houses, mostly pre-war, probably makes them more prone to suffering cracks.

Following complaints by the affected residents, the Penang Island Municipal Council slapped a stop-work order on the developers of the project — Idris Hydraulic Properties and Getaran Unggul Sdn Bhd — on Jan 30.

The Consumers Association of Penang, the local MCA branch, Tanjung MP Lim Kit Siang and the vocal ad-hoc committee called the Tanjung Area Crack-Affected Homes Representative Action Committee have shown more than concern over the cracks.

As has council president Dr Teng Hock Nan, who recently visited the affected houses.

Chief Minister Tan Sri Koh Tsu Koon has directed that the matter be investigated and a solution found.

Meanwhile, Lim wants the area to be declared a disaster area.

The developers of the Prangin Mall have been rather quiet all this while, except for Tuesday when their architect issued a Press statement stating that they were submitting the project's geo-technical report to the council that evening.

Architect Teoh Seng Keong said the developers were complying with a request from the council for such a report. The request was in fact made on Jan 20.

He said the Prangin Mall concept and architecture plans were accepted and approved by the Penang Development Corporation before it was submitted officially to the council which subsequently approved the plans.

The State Government has called in a team from the Malaysian Public Works Institute, or Ikram, to assess the immediate remedial and mitigation measures needed. The Ikram team arrived on Thursday morning.

Koh said: "The State Government is fully aware of the potential dangers that this problem may pose to the residents and those who work inside the affected buildings."

"We have to make sure that the remedial measures taken will address the issue adequately. That's why we need the independent view of Ikram to guide us."

Sri Tanjung is sure the issue will drag on for some time.

What is important at present is to ensure the subsidence poses no danger to the people staying in the affected houses or those working or shopping in Komtar and its vicinity.

Then, the affected residents should be compensated.

The State authorities should look again at allowing mega development projects in the over-crowded city centre.

They should study the soil stability, especially near the shore areas of the city.

And it would be worthwhile for the State authorities to always keep this in mind: while development is good, it must be measured against its effects on the people.

It must displace the least number of people and cause the least possible inconvenience to residents.

At the end of the day, it is people who matter. Not buildings. Not money. Not development *per se*.

NST 7 February 1997

Ikram team to check on Prangin Mall



REPAIRS TO NO AVAIL ... A shophouse along Jalan Sungai Ujong is victim to development.

PENANG, Thurs. — A team from the Malaysia Public Works Institute (Ikram) has been deployed to determine immediate remedial measures for the Prangin Mall project.

The Ikram team, which arrived this morning, is expected to study the geo-technical report submitted by the project's developers — Getaran Unggul Sdn Bhd and Idris Hydraulic Properties Sdn Bhd — before coming up with its own report.

Chief Minister Tan Sri Dr Koh Tsu Koon said today the team, headed by director Yahaya Ahmad, would meet Penang Island Municipal Council engineers and State Infrastructure Facilities, Transportation and Telecommunications Committee chairman Datuk Dr Hilmi Yahaya and brief them on its findings.

"The State Government is fully aware of the potential dangers that this problem may pose to the residents and those who work inside the affected buildings," he said.

An estimated 2,000 people live in the surrounding area of the seven-storey shopping mall. Thousands more work at the nearby 65-storey Komtar.

Excavation work at the site is believed to have resulted in the loss of underground water, leading to ground instability and the emergence of serious cracks on buildings and pavements in the vicinity. About 150 houses are said to have developed cracks.

Koh said: "We have to make sure that the remedial measures will address the issue adequately.

"That's why we need the independent view of Ikram to guide us," he said.

When asked if the move to get Ikram to conduct an independent study implied that the damage was serious, Koh replied: "No, we (the State Government)

view it seriously and we do not want to waste time."

On whether the project would be scrapped, Koh said doing this would worsen the situation as the developer might abandon it altogether.

"I think the main thing is that the developer has been asked to stop work and we are now looking at the remedial work to be done," he said.

However, affected residents feel otherwise. They want the underlying problem of sub-soil movement to be addressed.

Tanjong Area Cracks Affected Homes Representative Action Committee chairman Lau Heng Loon said the only measures taken by the developers have been to patch up surface cracks.

"We want them to address the sub-soil conditions and not just to keep patching up cracks which recur.

"We were initially assured by the project engineers that measures to prevent the situation from deteriorating would be taken," he told the *New Straits Times*.

"We are faced with a situation which worsens each day as our lives are placed in jeopardy," he added.

Lau also expressed the residents' disappointment over Koh's reluctance to meet them.

"We have forwarded a letter to the Chief Minister requesting a meeting and daily calls to his office end up with us being told to be patient," he said.

The project was halted following a stop-work order issued by the council on Jan 30, after repeated requests for the developers to submit a geo-technical report went unheeded. The report was only submitted last Tuesday.