

Counselling LOCAL COUNCILS

Dr Goh Ban Lee



LOCAL COUNSEL

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Supported by



**Federation of Malaysian Consumers' Association (FOMCA)
Education and Research Association for Consumers Malaysia (ERA)**

Foreword

As Malaysia strives to become a developed country, apart from chasing impressive economic data, there should also be efforts towards a better quality of life. Specifically, more resources should be directed to making the towns and cities more livable with clean environment, efficient public transportation, pleasant parks, vibrant business centres, relaxing watering-holes and pleasant neighbourhoods.

This calls for good urban governance, which in turn depends largely on effective and efficient mayors, councillors and municipal officers. It also depends on effective citizen participation.

Although we have been denied the rights to elect our local representatives, we can still play important roles in the development and management of the towns and cities. But we have to be well-informed especially about contemporary urban issues, the roles and workings of local authorities and good practices in urban management.

A readable commentary and discussion on these topics can be found in Dr Goh Ban Lee's fortnightly articles in *theSun*. He has made use of his academic background and knowledge in urban affairs to provide insightful observations and explanations on emerging municipal issues and the workings of the local authorities. His knowledge and interest in urban issues are not only based on years of academic research, but also on his experience as a councillor in the Penang Island Municipal Council.

I am glad that Fomca and Era are able to fund the publication of this book. This will facilitate easy access to the articles and hopefully enable consumers of municipal services play a more active and effective role in the development and management of their towns and cities. At the very least, the articles should enable urban residents to understand why things are the way they are.

I am also confident that municipal leaders and officers and those who have influence over them will find the articles useful in their endeavour to make urban Malaysia a better place to live and work.

Datuk N. Marimuthu, P.J.N., A.M.N., A.M.P., P.J.K.,
President
Federation of Malaysian Consumers Association (FOMCA).
May 2007

Preface

In 2002, I wrote a book entitled “*Non-compliance – A Neglected Agenda in Urban Governance*” to try to explain why Malaysian towns and cities were dirty, unpleasant and haphazard despite municipal rules and regulations, urban planning and urban management. As such, when given a chance to write a fortnightly column in *theSun* focusing on urban governance, I accepted wholeheartedly. It was an opportunity to have a “live” commentary on the workings of the local authorities and the behaviour of Malaysians.

The book is a compilation of the articles in *theSun* from July 2002 to December 2006. They are not exposures of wrong doings of the local authorities. Rather, as the name of the column, *Local Counsel*, indicates, they are explanatory and advisory. They strive to provide contexts for breaking news related to urban governance. Invariably, they also include criticisms or commendations and advice. In the process, many articles provide historical background, related laws and by-laws governing the workings the local authorities or examples of good practices.

I would like to thank *theSun*, particularly Zainon Ahmad, the Deputy Chief Editor, for giving me a column to express my views publicly and on record. It was Zainon who came up with the intriguing “*Local Counsel*”.

As an academic used to writing articles of tens of thousands of words to convey a message, it was a challenge to say anything in about 750 words. I am thankful to the editorial staff of *theSun* for not only providing good editorial services, but also allowing critical views to be published.

It usually takes months if not years to get an academic paper published. It takes even longer for readers to comment, if at all they do. Reactions to articles in the newspaper are instantaneous. So far, they have been rewarding and encouraging.

I am well aware that the opportunity to write in the public space comes with a heavy responsibility. As such, the issues and messages, including the choice of words, are carefully considered, taking into account the sensibilities of Malaysians. Nevertheless, if things need to be said, they are said, sometimes hurting the feelings of those I generally hold in high regards.

On the whole, the articles are critical of the workings of the local authorities and the behaviour of Malaysians. I am aware that the conditions of Malaysian towns and cities, in terms of cleanliness, traffic, environmental quality, investment climate and quality of life, are generally better than those of most urban areas of developing countries. But in view of the rapid economic development of the country, Malaysians should have a better quality of life that is close to that enjoyed by residents of developed countries.

Furthermore, many Malaysians are now travelling far and wide and have seen and experienced the comfort, sights and sounds of livable cities. There are thus expectations that our towns and cities provide similar living and working conditions.

I acknowledge that managing Malaysian towns or cities is no walk in the park, especially in view of diverse interest groups, rapid urbanization, shortage of funds and interference by politicians. There is also the malaise of Third World mentality. But all municipal leaders face similar challenges; yet we see many examples of livable cities.

In this book, there are 112 articles categorised under 12 headings. For obvious reasons, some articles do not fit neatly into the categories. The dates appearing below the titles refer to the days the articles appeared in *theSun*. On the whole, the articles are the same as those in the newspaper except in very few cases where minor amendments have been made for editorial purpose. Similarly, some titles have been changed.

The cover was jointly designed by Alina Choong and Cho We Jun. I am grateful for their contribution.

I am also thankful to the Federation of the Malaysian Consumers Association (FOMCA) and Education and Research Association for Consumers Malaysia (ERA), particularly their President, Datuk N. Marimuthu, for publishing the book. As all urban residents are consumers of local council services, it is hoped that the articles are useful in their struggle for a better quality of life.

Goh Ban Lee
Penang
May 2007

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Aug. 27, 2002	3.1	Good urban governance
Sept. 10, 2002	7.1	We'll settle for sustainable cities
Sept. 24, 2002	1.1	Celebrating ties among cities
Oct. 8, 2002	4.2	Non-compliance costs lives
Oct. 22, 2002	6.2	The healing effects of nature
Nov. 5, 2002	8.4	Leaders who break the law
Nov. 19, 2002	9.1	Shenanigans in the Assembly
Dec. 3, 2002	11.1	Local government badly needs review
Dec. 17, 2002	7.2	Green productivity
Dec 31, 2002	12.1	Hard lessons for rule breakers

2003

Jan. 14, 2003	2.1	Local government polls a lesser evil
Jan. 28, 2003	5.1	A KL driven by world class vision
Feb. 11, 2003	8.2	Measuring up little dictators
Feb. 25, 2003	4.4	Civic duties flush down the toilets
March 11, 2003	1.2	Let's work to get rid of Aedes
March 25, 2003	4.5	Good life, but let's improve our civic sense
April 15, 2003	7.3	Recycling works – if we're civic conscious
April 29, 2003	5.2	City status brings great expectations
May 13, 2003	8.3	Little dictators' dictators
May 27, 2003	5.3	Bonn – a first world city without frills
June 10, 2003	9.2	Council's inaction puzzling
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Aug. 19, 2003	11.2	Assessment rates are crucial to councils
Sept. 2, 2003	9.4	Leave councils some grounds to be useful
Sept 16, 2003	4.6	Maintenance – a neglected agenda
Sept 30, 2003	6.3	Fulfill pledges to make habitat more livable

Oct. 14, 2003	6.4	Cyber cities
Oct. 28, 2003	4.8	Parking louts black mark on progress
Nov. 11, 2003	7.4	Recycling drive wasting away
Dec. 2, 2003	11.3	That punching bag in councils
Dec 16, 2003	5.11	Namakkal gets very clean bill
Dec 30, 2003	12.2	Another bad year for local councils

2004

Jan.13, 2004	4.9	Third world mentality needs cure
Jan. 27, 2004	6.5	Garden cities remain a dream
Feb. 10, 2004	11.4	Councils need to be audited
Feb. 24, 2004	6.6	Heritage sites give towns a soul
March 9, 2004	2.3	Basic right to decide local government
March 23, 2004	1.3	No easy street for winners
April 6, 2004	1.4	Helpful MPs can hurt work ethics
April 20, 2004	9.5	Law says state government has the right
May 4, 2004	1.5	Integrity by example
May 18, 2004	10.3	Town planners can nurture the little guys
June 1, 2004	10.4	Tighter rules for housing industry
June 15, 2004	7.5	Dumping organic waste a costly habit
July 5, 2004	8.4	Grow out of this bullying culture
July 19, 2004	10.5	CFs and professional accountability
Aug. 2, 2004	9.6	Confusion over who is responsible
Aug. 16, 2004	3.2	Dog licence - don't drag the neighbours in
Aug 30, 2004	5.5	Planning for a world-class KL
Sept 27, 2004	7.6	Give the facts on managing waste
Oct. 11, 2004	3.3	MPSJ should come clean on food court saga
Oct. 26, 2004	6.7	Don't hold your breath for safer cities
Nov. 9, 2004	11.5	Councils must assist PM in push for integrity
Nov 30, 2004	5.6	Pearl needs help to regain its shine
Dec. 14, 2004	1.6	Eradicating urban poverty
Dec 28, 2004	12.3	An eventful year for local councils

2005

Jan. 11, 2005	4.10	Tolerance seen as weakness
Jan. 25, 2005	4.11	Weapons of the weak?
Feb 8, 2005	3.4	Licensing consultants not the way
Feb. 22, 2005	5.7	Cleaning the tarnished pearl
March 15, 2005	2.4	Brief history of local government elections
March 29, 2005	7.7	Vital to monitor development projects
April 12, 2005	2.5	Athi Nahappan Report calls for elections
April 26, 2005	9.7	Misguided state assemblymen
May 10, 2005	10.6	Residents should have their say

May 24, 2005	8.5	Come, let's junk the way of might
June 7, 2005	7.8	Good governance and sustainability
June 21, 2005	2.6	Let public check the mayor's powers
July 5, 2005	10.7	Seeking security in gated communities
July 19, 2005	2.7	Agenda for local democracy and good governance
Aug. 2, 2005	7.9	National Physical Plan – challenge in implementation
Aug. 16, 2005	6.8	Help senior citizens lead healthy lives
Aug. 30, 2005	1.7	Dear Minister of Housing and Local Government
Sept. 13, 2005	11.6	MPPP must reign its spendthrift ways
Sept. 27, 2005	3.5	Corruption in local authorities
Oct. 11, 2005	11.7	Local councils behaving like secret societies
Oct. 25, 2005	10.8	The stark realities of condominium living
Nov. 8, 2005	4.12	House owners who spoil the neighbourhood
Nov. 22, 2005	5.8	Kolkata – City of Hope
Dec. 6, 2005	1.8	Dreams and nightmares of rural-urban migration
Dec. 20, 2005	12.4	Wishing for more local authority accountability

2006

Jan. 10, 2006	3.1	Fines for parking on pavements long overdue
Jan. 29, 2006	3.7	On the spot fine for littering a good idea
Feb. 14, 2006	2.8	Good job, PJ residents
Feb. 28, 2006	9.8	State exco members are not municipal presidents
March 14, 2006	8.6	A tale of two presidents
March 28, 2006	1.9	Making of the 9 th Malaysia Plan
April 25, 2006	3.8	Not just ad-hoc aid to new villages
May 2, 2006	1.10	Poor guardians of decency
May 16, 2006	2.10	Empowering rate-payers
May 30, 2006	3.9	“Five year plan would take 25 years to implement”
June 13, 2006	10.9	Holding consultants to account
June 27, 2006	5.9	Give something for PJ residents to celebrate
July 11, 2006	2.10	A politician for KL mayor
July 25, 2006	8.7	Leaders must pay triple
Aug. 8, 2006	3.10	Rent-seeking measures must not be allowed
Aug. 22, 2006	6.9	Make it safer for pedestrians
Sept. 5, 2006	8.8	Act gives public right to be at council meetings
Sept. 19, 2006	9.9	Penang's new growth panels superfluous
Oct. 3, 2006	2.11	Less politics in selecting councillors
Oct. 17, 2006	8.9	The hubris of power
Nov. 7, 2006	6.10	Livable cities
Nov. 21, 2006	11.8	No room for costly toys in council funds
Dec. 5, 2006	9.10	Local councils are not state departments
Dec. 19, 2006	12.5	Local council warts on full parade

Chapter 1

Specials

1.1

Celebrating ties among cities

24 September 2002

Every year the United Nations designates a day to celebrate World Habitat Day to remind member countries, particularly their leaders, about building human settlements that are sustainable and conducive for bringing up families, work and having a life. It is also a reminder to ensure that every person has access to adequate and affordable shelter.

This year, World Habitat Day falls on October 7. The theme, “Cities to Cities Cooperation” is to encourage more cooperation among cities on the belief that this is a cost-effective way of improving the management capacity of cities for sustainable urbanisation. It is also to celebrate the long history of cities to cities (C2C) relationships.

There are several avenues to foster relationships among cities. One is membership to urban based international organisations such as the International Union of Local Authorities and International Council for Local Environmental Initiatives.

The other is to participate in sister city or twin city initiative. Our local authorities are active participants. Kuala Lumpur’s sister cities include Ankara, Casablanca and Isfahan; George Town is twinned with Adelaide, Medan and Xiamen; and Malacca with Noorn in the Netherlands, Lisbon and Valparaiso.

In principle, having sister cities and membership to international organisations can benefit local authorities. They facilitate exchanges of technical expertise, provide technical assistance and promote business contacts, tourism and scholarship. However, these benefits do not occur spontaneously. They need to be nurtured and developed.

While most Malaysians are supportive of events and initiatives promoted by the United Nations such as sustainable development and adequate shelter for all, it is doubtful they will be thrilled about this year’s theme of C2C cooperation.

So far, there has been little evidence that C2C relationships have been beneficial to the people. The popular view is that the only beneficiaries of these relationships are municipal presidents, mayors, councillors and senior officers who get to go overseas for conferences and study tours. Usually the taxpayers are left wondering what have been learnt since what are supposedly learnt have not been translated into concrete projects to make their cities and towns better places to stay and work in.

To make matters worse, there have been cases of blatant misuse of tax revenue for junkets. For example, last year, 24 Klang municipal councillors and eight officers went on all expenses paid study tours of Johannesburg and other cities in South Africa. The question that came to mind was “what on earth did Johannesburg have that required all the councillors and that many officers to study that could benefit Klang?”

In 2000, all the 24 councillors in the Penang Island Municipal Council wanted to go to Adelaide to attend a Sister Cities Conference. When only four councillors, besides the municipal president, secretary and two other officers, were allowed to go, some of those left behind demanded that they be given an expense paid trip to New Zealand!

Although junkets overseas by local councillors have attracted brickbats, it is fair to say that similar criticisms can also be made against those taken by state assemblymen, state executive councillors, members of parliament and ministers.

Despite the possible misuse of C2C relationships, it would be a mistake to reject the theme of this year’s World Habitat Day. Urban governance in Malaysia can certainly be improved and there are good practices in the management of cities in the world that can be used as inspirations or examples.

C2C cooperation, of course, does not necessarily mean sending officers and councillors all over the world. They can learn from books, journals, tapes, compact discs and the Internet. But it may be very difficult to motivate them to learn through these media. Furthermore, nothing beats real physical presence to get the full flavour of a foreign city and its management.

Anyway, there is no great necessity to travel far and wide to learn about good urban governance. Local councillors and officers should visit Kuantan and Kuching, reputedly to be the better managed urban areas. Or visit Singapore, one of the best managed cities in the world.

Most Malaysians are not against study tours and conferences overseas if the objectives are clear and made known. The challenge is to make these trips as purposeful and transparent as possible. As such, it is useful to require that all those

who attend conferences or go on study trips to make an official report on what they have learnt, whether it can be applied locally and what must be done to facilitate implementation of what is learnt.

As Malaysians join the world to celebrate World Habitat Day, it may be useful to ponder the state of our villages, towns and cities. What can be done to make our habitats not only more pleasant, efficient, equitable and attractive but also sustainable?

1.2

Let's work to get rid of Aedes

11 March 2003

Though located in a corner, the headline “*Distraught dad sings late daughter’s favourite song*” (*theSun*, Feb 7) could only bring a lump to any parent’s throat. The sad occasion was the funeral of Chai Mei Hua, aged 21, who died of dengue fever. Sadly, the same disease has also caused heartaches and miseries to many families. Every case of dengue is a case too many.

What is even more painful is that all it takes to prevent an outbreak is the eradication of the breeding sites of *Aedes* mosquitoes, the airborne carriers of the dengue virus. There is no need for teams of brain surgeons with sophisticated equipment to do the job.

However, it does require the local authorities to keep public places, including drains, clean and property owners to destroy all possible breeding grounds. As a backup, it also requires health inspectors of the local authorities and the state health departments to search and destroy suspected breeding sites, including those in private properties.

These requirements should be sustainable. This was apparently the impression of Health Minister Datuk Chua Jui Meng when, in March 1999, he was quoted to have said, “We want to eradicate mosquitoes to the extent that the future generations are only able to see the samples in jars to know how the insect looks like”.

After all, besides the routine activities of the local authorities and state health departments, special efforts were made to keep urban Malaysia clean and mosquito-free. For instance, in June 1990, the prime minister launched “A Beautiful and Clean Malaysia” campaign. In 1994, the Ministry of Housing and Local Government launched the much-publicised “Clean-Drain” campaign. The local authorities were directed to send “before and after” pictures of drains to the ministry to show proof of work done.

There was also the ‘National Anti Mosquito and Cleanliness’ campaign launched by the then Deputy Prime Minister Dato’ Seri Abdullah Ahmad Badawi in April 1999

after the Japanese Encephalitis and Nipah virus epidemic. Then there are the promising “Healthy City” projects sponsored by the Ministry of Health.

Furthermore, almost every menteri besar or chief minister wants to turn his state capital into a garden city. At the very least, a healthy or garden city means one free of mosquitoes.

Obviously, all efforts proved futile. Mosquitoes continue to cause loss of lives, long vigil at bedsides of sick children and irritations in gardens and homes.

The main culprits are the inconsiderate Malaysians who discard rubbish and wastes indiscriminately or leave stagnant pools of water for mosquitoes to breed. As former Kuala Lumpur mayor Tan Sri Kamaruzzaman Shariff once lamented, “We can only do so much, but the people have to contribute instead of littering our rivers and drains. ... We cannot afford to keep throwing money down the drains”.

Although public education campaigns should continue, the authorities should enforce compliance with health and municipal rules and regulations. Maximum fines must be imposed. What has happened to the proposal to send repeat litterbugs and those who discard wastes in isolated areas to perform community service? The inability or reluctance to wield the big stick is one of the main reasons Malaysians continue to discard rubbish anywhere they like.

By the same token, action must also be taken against officers of local councils and state health departments if the drains and public open spaces under their jurisdiction are breeding mosquitoes or for failing to act against those who allow mosquitoes to breed in their premises. The failure to make government officers and their agencies accountable for their actions or inaction has led to the belief that no one really cares.

At the very least, one would expect Health Minister Chua and Housing and Local Government Minister Datuk Seri Ong Ka Ting to be breathing down the necks of their officers during the recent dengue out-break. Their lack of enthusiasm in the fight against the mosquito menace and dengue in particular has left them open to criticisms.

The reluctance or inability of the Health Ministry to disclose dengue related data has made things worse. It led to speculations. Furthermore, it has provided opportunities for critics to take pot-shots at the government, particularly Chua, even though some health officers have been working beyond the call of duty to combat the disease.

The long-term solution to the dengue scourge is cleanliness. The efficiency and effectiveness of the local authorities and the state health departments need to be improved. As leaders of these two agencies, Ong and Chua have their work cut out.

But people must comply with health and municipal rules and regulations. This can only be achieved with the development of a civic society. Hopefully, the concern expressed by Acting PM Datuk Seri Abdullah Ahmad Badawi about the Malaysian malaise of “First-World infrastructure and Third-World mentality” will spur discussions and studies and lead to the development of a civic society.

Meanwhile, a special effort is needed to spur government officers and the public to put in extra effort to clean up their surroundings. It would be great if Chua and Ong could jointly inspect mosquito-breeding sites. The publicity would send a message to the people that dengue is a serious problem and all, irrespective of their personal problems and political views, should take steps to eradicate the menace.

If ‘Unity for Dignity’, a slogan of the MCA to promote unity within the party, cannot persuade the two to work together, maybe the noble aim of saving lives or at least preventing more cases of dengue fever may induce them to do so.

1.3

No easy street for winners

23 March 2004

While the election campaigns were exciting, most Malaysians are happy that the elections are over.

Some are glad that life can return to normal. Others just have had enough of the double-talk and heaven-on-earth promises of the candidates and their parties.

Now that the voters have decided, it is worthwhile to ponder over the results.

Although congratulations are in order, it might be sobering to see what are in store for the winning candidates.

Unlike winners of lottery tickets or beauty contests, life is no easy street for them from now onwards. For the next four to five years, they have to read piles of utterly boring parliamentary or state legislative papers.

For those who are lazy to read them, they would have to suffer the indignity of pretending to look interested and knowledgeable when the agenda is debated in the state assembly or Parliament.

They are also expected to spend an inordinate amount of time providing mundane grassroots services such as looking at clogged drains, potholes and piles of stinking rubbish, besides attending wedding dinners, association functions, funerals and religious celebrations. Once in a while, they will also have to wake up at the wee hours to rush to floods or fires or send expectant mothers to maternity wards.

For all the hard work, the official financial rewards of state assemblyman or Member of Parliament are nothing to shout about, that is about RM4,000 to RM5,000 a month. From these, they are expected to maintain service centres, donate to all sorts of organisations and also contribute to their parties.

Furthermore, even before their posters fade, most, if not all, of the successful candidates will be subjected to criticisms and even scolding from their electorate who assume that the *Yang Berhormat* (YBs) must pander to all their requests, right or wrong.

They will also quickly find out that backstabbing is part of life in politics.

For those YBs who might have the mistaken notion of instant riches, they should always remember Prime Minister Datuk Seri Abdullah Ahmad Badawi's warning that successful Barisan Nasional candidates would be subjected to strict scrutiny and would face the full force of the law for any wrongdoing.

There are, of course, non-monetary benefits. Apart from the almost daily invitations to lunch and dinner, occasionally they also receive standing ovations as they walk into functions. For politicians, most of whom are egoists by nature, such occasions obliterate the pain of all the scolding and backstabbing.

The real winners of the elections were the producers of election campaign materials. These included the printers of posters and other handouts and manufacturers of raffia string, plastic envelopes for the paper posters and drinking or mineral water.

The fixers who were paid handsomely for services such as putting up posters and arranging ceramah were also the winners.

Also included in the winners' corner were the financial backers of the successful candidates as they now have YBs as grateful friends for the next four to five years.

Contrary to popular opinion, the unsuccessful candidates did not lose everything. They still have their most important life-support system, namely their families, although some of their so-called "friends" might not call again.

The real losers were the hundreds of trees that had to be sacrificed to print the millions of posters, leaflets and handouts.

Unfortunately, no candidate, including those who claimed to be tree-huggers, took the progressive steps of using recycled paper.

The local authorities were also the losers. The election campaigns reinforced complaints of poor municipal services.

Most candidates were pestered with requests to solve problems such as broken drains, flooding, uncollected rubbish, traffic jams, shortage of parking space and noisy neighbourhoods.

This has revived calls for the abolition of local government altogether.

Furthermore, the elections have left the local authorities with millions of posters, flags and party streamers, many of which were indiscriminately strung up or pasted. They now have to use their meagre resources to clean up the towns and repaint the walls that have been disfigured.

The long-term losers are the landfills, drains, rivers and coastal areas, especially the mangrove swamps, which will end up with miles of raffia string and millions of plastic bags, flags and posters. The creatures living in these areas will pay the ultimate price of being suffocated by the plastic for many years to come.

Was there a need to flood the towns with so many posters and flags? Since there appeared to be limitless funds for printing and putting up posters, there should have been a limit to the number per candidate.

Malaysia must conduct general elections without causing long-term problems to the environment or disfiguring the towns.

1.4

Helpful MPs can cause ineffective councils

6 April 2004

General Election 2004 is over. Malaysians have voted for promises of a better life and governance.

There is now great expectation for Prime Minister Datuk Seri Abdullah Ahmad Badawi and the Barisan Nasional to deliver on the promises.

The *yang berhormats* (YBs) have been told to work hard and *turun padang* (go to the ground) more frequently. Such directives are superfluous as all politicians are hard working. The question is: in what and for whom.

An important issue should be urban management, especially to address what Abdullah has termed as our Third World mentality. Unless the urban areas are better managed, all efforts to develop the economy would be meaningless, as the quality of life will still be third worldly.

The sad reality is that while some urban enclaves are comparable to the best in the world, Malaysians are not enjoying the quality of life that is commensurable with our economic development.

As a result of neglecting maintenance and acts of ugly Malaysians, urban Malaysia is still characterised by litter, clogged drains, broken recreation facilities and flash floods, just to point out the obvious.

Then there is the lack of action against illegal building extensions, illegal changes of building use and illegal hawkers.

Unfortunately, these problems cannot be solved by hard working YBs, although they might get the councils to attend to specific problems. What is required is a maintenance system that ensures that drains are cleaned routinely and potholes repaired without the need for complaints.

In fact, hard-working YBs sometimes are the cause of ineffective local councils.

If one cares to listen to the municipal officers, interferences by elected officials often led to the abandonment of enforcement actions against those who had breached municipal rules.

To make matters worse, interferences often blur the lines of accountability.

While YBs should help those who seek assistance, it is a disservice to the community if, in the process, they impede municipal officers in the performance of their duties. Worse, if they also give the perception that non-compliance with municipal rules and regulations is permissible if there are YBs to depend on.

But it is difficult for YBs to refrain from interference even though it is no walk in the park to stand between enforcement officers and illegal hawker stalls. They would be seen as non-caring or worse, lazy. Their interventions are reflections of the failure of the local councils and by extension, the councillors and presidents or mayors.

As such, part of the efforts to fulfil the election promises must include more effective representation.

Although elected councillors do not necessarily lead to more effective management, elections ensure better accountability and legitimacy, two important elements of good governance.

Besides, the right of residents to choose their local representatives is the bedrock of a democratic society. Until local government elections are reintroduced, the system of appointment could be improved.

The YBs, especially the state executive councillors, must scrutinise those who are nominated to be councillors to ensure that they are capable of shouldering the responsibilities.

Once appointed, the councillors and presidents or mayors must be allowed to do their job without interference, especially from state leaders. There should also be a review of the finance and human resource requirements of the local authorities in relation to their responsibilities.

Is their inability to provide good services the result of inadequate finance and expertise or just poor management of resources?

There should also be a review of the responsibilities of the local authorities in relation to their ability to raise income and recruit human resources: either reduce their responsibilities or increase their financial and human resources.

A systematic programme in capacity building of local council officers and the councillors is also required. The professional officers might be adequately qualified, but they still need training in urban management.

Similarly, the councillors might be very good politicians. Unfortunately, the skills to get elected as branch and division leaders of political parties are not necessarily the same as those needed to manage the local councils.

Some local authorities are just too large geographically. For instance, Seberang Perai Municipal Council even once claimed to be the biggest local authority in the world.

But large local authorities mean the loss of rapport between the residents and their local representatives, an important ingredient in successful urban governance.

Since the last major restructuring and reform of local government in the early 70s, Malaysia has undergone tremendous economic and demographic changes. Furthermore, there is now a stronger clamour for accountability and transparency in urban governance.

As the most important institutions that have direct effects on the quality of life, reforms are inevitable if the election promises are to be kept.

1.5

Integrity by example

4 May 2004

For many Malaysians, it was music to the ears to hear Prime Minister Datuk Seri Abdullah Ahmad Badawi's vision of "a Malaysian society that is ethical, imbued with a strong sense of right and wrong, and equipped with a moral compass to show the way forward".

He called it the Malaysian Integrity Plan.

It is a noble plan and should be supported. No matter how rich Malaysia becomes, Malaysians will not be able to stand tall if there is no integrity.

Furthermore, poor work ethics is an important factor in the poor maintenance of public infrastructure. The lack of a sense of right and wrong accounts for many urban problems such as littering, illegal parking and the destruction of public facilities and the environment.

The challenges, however, are enormous. There are just too many Ugly Malaysians. Put in another way, the Third-World mentality malaise that Abdullah diagnosed among Malaysians on his first day as acting prime minister last year is too widespread.

It is not that Malaysians are ignorant of the undesirable consequences of their actions. Most keep their houses clean; but the behavioural pattern changes dramatically as soon as private space becomes public space.

Wealth does not necessarily bring about responsible behaviour either. For instance, the system of governance that enables Malaysians to afford cars, including expensive ones, has somehow failed to inculcate responsibility in the use of the vehicles.

Education also seems to have failed to instil a sense of right and wrong. For instance, speed limit signs are no longer effective. Even university campus roads need speed bumps to force drivers to slow down.

Indeed, even religious piety does not guarantee that one is a good citizen. Just observe how vehicles are parked around houses of worship during prayer times or religious festivals.

Many Malaysians seem to believe that being in the house of god is a licence to break man-made laws and cause inconvenience to others.

As we continue to concentrate in cities or into tightly packed apartments and acquire gadgets that can amplify natural abilities, it becomes more important to have the sense of right and wrong not only to enjoy the benefits of urban living or technological advancement, but also to minimise social conflicts.

To facilitate some uniformity of activities in an urban environment, there are municipal by-laws to regulate many aspects of urban living, including the disposal of wastes, parking of vehicles and construction of buildings.

Failure to comply is a punishable act.

Unfortunately, non-compliance with municipal rules is ubiquitous. As such, as part of Abdullah's partiality for governance that stresses leadership by example, and his effort to minimise corruption and abuse of power, it is a good idea to make it painful for leaders of society who have anti-social tendencies.

More specifically, in cases of non-compliance with municipal rules by lawmakers, from local councillors to senators, the full force of the law should be applied.

Indeed, those awarded state and federal honours, such as those addressed as *Datuk* and higher titles, should also be similarly treated. Surely the titles that give them privileges to sit at or near VIP tables in official functions must carry some added responsibility in behaviour.

It is fair to believe that only very few *yang berhormats* (YBs) and high titleholders break municipal rules. But because of their positions in society, any case of non-compliance with the law is magnified and becomes a bad example.

It is time to stress that titles such as YB and Datuk are honorifics for paragons of civic consciousness and not badges to break rules with impunity.

There is no suggestion that YBs and high titleholders are saints. Being humans, they sometimes break laws, inadvertently.

What is proposed is that they are not let off easily or cheaply. Indeed, they should be fined to the maximum the law allows.

It is of interest to know that in Helsinki, Finland, traffic fines vary according to the offender's income.

As such when Jussi Solonoja, the young heir to a sausage conglomerate, was caught driving at 50mph (80kph) in a 25mph (40kph) zone in February, he was fined 170,000 euros or about RM850,000.

While there is something endearing in the Helsinki penalty regime, it is not practical in Malaysia today.

But a strict application of municipal rules and regulations to YBs and high titleholders is not only practical, but also a concrete step towards promoting a society with integrity.

1.6

Eradicating urban poverty

14 December 2004

While the pay is good and the benefits many, the position of minister of housing and local government is not one that allows for achieving distinction, let alone fame. Worse, the holder is usually accused for sleeping on the job for the lack-lustre performance of the local authorities or the numerous problems in the housing industry.

The reality is that, despite the nomenclature, the minister of housing and local government has very little power over the housing industry or the workings of the local authorities. It is, therefore, not altogether fair to put all the blame on the minister for every problem related to housing or local government.

Since March, however, the cabinet or more specifically Prime Minister Datuk Seri Abdullah Ahmad Badawi has entrusted the ministry to coordinate programmes to eradicate urban poverty.

Minister of Housing and Local Government Datuk Seri Ong Ka Ting now has an opportunity to play a role in the one issue that every Malaysian can agree to and support: the eradication of urban poverty.

It is also a priority of Abdullah. In other words, it is an opportunity to make it into the "hall of fame" of ministers of Malaysia.

Having experienced poverty himself while growing up in Lengong, Perak, so far Ong has shown that he is taking the challenge as more than a ministerial duty.

Fortunately, he has not followed the popular methods of solving problems in Malaysia.

More specifically, he has not led teams of officers and politicians to study poverty all over the world. As in many study tours, the only persons who benefit are the

"tourists". One has only to read *Citizen Nades'* columns to get a glimpse of the misuse of study tours.

Ong has also not commissioned a detailed study of urban poverty. While expert advice is sometimes useful, a study would take time and cost the taxpayers millions of ringgit. Worse, the only people who benefit are usually the "experts", while the poor remain poor.

Besides, there are many good papers on urban poverty by researchers and academics.

What is urgently needed is an adjustment of the official poverty line of RM529 in Peninsular Malaysia, RM600 in Sarawak and RM650 in Sabah per month for a household of five, so that the magnitude of urban poverty is more realistic.

Instead, Ong was right to form a think-tank to advise him and his officers on urban poverty and possible strategies on poverty eradication. It should, however, refrain from formulating a "master plan" for eradicating poverty for the whole country.

It is now widely acknowledged that development plans that are made in the national capital are seldom readily embraced by the local authorities or implemented enthusiastically.

Besides, each urban area has its own magnitude of urban poor and the causes of poverty might be localised. It is doubtful that a national plan to eradicate poverty is suitable for all localities.

This may explain why the track records of initiatives by the ministry have largely been failures. These include a beautiful and clean Malaysia, anti-mosquito and cleanliness, recycling, clean drains and clean toilets.

A more effective, albeit a more difficult, approach is to motivate and facilitate the local authorities to formulate their own poverty eradication plans, based on their own needs and resources. After all, the ministry has been claiming that many local authorities are familiar with Local Agenda 21, a process in which development plans are formulated with full participation of residents.

Ong is likely to face the problem of ineffective and inefficient local authorities.

If they cannot even keep their streets and drains clean and enforce compliance with municipal rules and regulations, what chance is there for them to implement poverty eradication projects?

There is no alternative. The road to building towns and cities where everyone has a stake is through good urban governance.

As such, more efforts in capacity building at the local authorities must be implemented.

A sense of urgency is needed, because Ong does not have the luxury of time. Abdullah has promised to eradicate urban poverty by 2009.

More importantly, Ong's tenure as the president of the MCA is only till 2012 and he is unlikely to remain a minister after that date.

The successful eradication of urban poverty in Malaysia is not only good for the image of a minister, but is also good for the soul, so to speak.

It would be a pity if an opportunity to help the urban poor were to be wasted.

1.7

Dear Minister of Housing and Local Government

30 August 2005

Dear YB Datuk Seri Ong Ka Ting,

Congratulations on your re-election as the president of the MCA. As head of the party that claims to represent the Chinese, you will be busy conveying their frustrations and aspirations to your Barisan Nasional partners and arguing for their legitimate rights in an environment in which everyone feels left out or disadvantaged.

You will also have to thank your supporters for giving you a convincing majority and at the same time woo back those who had voted for Datuk Chua Jui Meng.

Datuk Seri, while you are busy pursuing the political agenda, you must remember that you also have heavy responsibilities as the minister of housing and local government.

The urban poor are still waiting for the "master" plan that is to lift them out of the poverty trap. The solid waste management plan is non-existent. More importantly, there is much dissatisfaction in the workings of the local authorities.

I am not sure whether you are aware of the frustrations of Malaysians towards the local authorities. A thick wall of sycophants usually surrounds ministers.

Furthermore, Malaysians generally do not tell those who are in positions of power ugly truths. It is also doubtful if your officers report to you everything related to urban governance.

For example, most local authorities are not able to keep their towns clean. Public facilities like walkways and parks are inadequate or not maintained properly. The

local councils seem unable or unwilling to enforce compliance with their rules and regulations.

Things have not improved despite the millions spent on seminars, workshops and study tours.

Then there are the complaints related to urban governance. These include the lack of transparency, lack of accountability, poor public participation and absence of elected representation.

While there are a few cases of commendable efforts, like Penang Island's effort to make the public toilets cleaner, there is a general lack of urgency to make the towns and cities better for the ratepayers.

An important reason is the lack of accountability when local councils fail to perform. Their leaders are seldom penalised or at least reprimanded for poor performance.

The system of appointed councillors and presidents or mayors does not allow frustrated residents opportunities to show their displeasure in the ballot boxes. As the minister in charge of local government, it is incumbent upon you to set the visions and ignite the urgency to make the towns and cities safe, pleasant and productive for all sections of the society.

It is realised that you do not have direct power in the workings of local authorities. This, however, does not mean that the people absolve you from criticisms when things go wrong or not done right in the local authorities.

After all, hundreds of millions of tax ringgit are allocated to your ministry yearly to enable you and your officers to improve the workings of the local authorities. Furthermore, there are many Malaysians who are not MCA members and are not interested in or even in opposition to your political activities.

It is possible that your ministry has implemented strategies and programmes to improve the workings of the local authorities. If that is so, they are well-kept secrets. Anyway, the results are not perceptible.

Perhaps you may want to add the strategy of calling a spade a spade. I understand that many heads of government departments are worried sick about Michael Chong or Karam Singh Walia highlighting their mismanagement or lack of actions.

In 1991 the Penang Island Municipal Council worked very hard to clean up the island following former prime minister Tun Mahathir Mohamad's remarks about Penang might become the "rubbish bin of the Orient". (Alas, the enthusiasm quickly waned).

Mahathir was not even in Penang when the remarks were made. He was responding to reporters after Datuk Lim Cheng Tatt, then the Director-General of the Department of Local Government, had stated that Penang was dirty. If federal officers or ministers are willing to be critical, things can change for the better.

Of course, public criticisms of errant local authorities will ruffle feathers. But you are appointed to see that local government and other departments in your ministry are effective and efficient and not to win popularity contests.

Compared to the political agenda, improving the performance of the local authorities should be more achievable.

Best wishes.

Yours sincerely,
Goh Ban Lee.

1.8

Dreams and nightmares of rural-urban migration

6 December 2005

Malaysians are flocking to the urban areas, especially the cities and bigger towns. Five years ago, 62% of the population was living in urban areas, compared with 55% in 1991 and 27% in 1970.

The urbanisation of Malaysia is not unique. Developing countries all over the world are having the same experience.

This rapid increase of people in the towns and cities pose great challenges to the local authorities. Besides population increase, the urban areas are also becoming more cosmopolitan with each interest group having special needs and expectations.

While hardships in the rural areas are push factors, the main reason for city-bound migration is dreams of better life, if not for the migrants themselves, then at least for their children and grandchildren. For many Malaysians and even foreigners, the urban dreams have come true.

There is not only a sizable and growing middle-class, but also one that is demanding and able to get its likes and dislikes heard although it may not get everything it wants.

Unfortunately, for many migrants though, there is no pot of gold at the end of the rainbow.

Official statistics show that urban poverty is only 2% of the population or about 69,600 households based on 2002 figures. But there is a general belief that the actual number is bigger as the poverty lines of RM529 for the peninsula, RM690 for Sabah and RM600 for Sarawak are unrealistic.

It is generally accepted that a household of five having a monthly income of less than RM1,200 would find it difficult to make ends meet in Seremban, Ipoh or Alor Star, let alone Kuala Lumpur, George Town or Johor Baru.

For the poor, the cities can be cruel; the bigger the more so. In the midst of plenty, meals are inconsistent and shelters are in squatter settlements or rented rooms in apartments. Despite the crowds, the feeling of loneliness could be traumatic as few have time for poor strangers.

Even more painful to the urban poor, there have been cases of government officers, who should be "civil servants", becoming their very tormentors. The loss of humanity among people in power is cause for alarm.

The problems faced by the urban poor have been acknowledged, at least by the leaders. In 2001, a Cabinet Committee on Urban Poverty was established.

In April the Ministry of Housing and Local Government was given the responsibility to eradicate urban poverty. From all indications, its minister Datuk Seri Ong Ka Ting and his senior officers are enthusiastic about the new responsibility.

But good intentions and enthusiasm by a few leaders are no guarantee that the urban poor will be facilitated to have a better life.

Despite all the declarations of national and international leaders to reduce poverty and the much touted economic miracles, there are about 1.9 billion poor in Asia alone.

The challenges facing Ong are enormous. The ministry has to depend on state and local agencies, particularly the local authorities. Unfortunately, the records are not impressive.

Initiatives championed by the ministry, such as clean drains, clean toilets, recycling and clean and beautiful cities have largely fallen on deaf ears or not sustained.

Furthermore, local authorities have other priorities. For instance, with so much emphasis on race in the political economy of the country, no thanks to politicians who exploit racial issues, programmes beneficial to the poor have taken a back seat.

Besides, in an environment of globalisation and world-class cities, many local authorities have been focusing on beautification and landscaping, with little attention to services and facilities beneficial to the poor.

Prime Minister Datuk Seri Abdullah Ahmad Badawi is about to unveil the Ninth Malaysia Plan. There is little doubt that the eradication of poverty, including urban poverty, will be given prominence. This is the easy part of development planning.

The difficult part is to ensure that municipal councillors and officers, on whom the success of many programmes and projects to improve the quality of life of the urban poor depend, are capable of delivery.

Since they have not been able to keep the streets and drains clean, it would be too much to expect them to formulate and implement programmes to eradicate urban poverty. There is an urgent need for serious capacity building exercise.

1.9

Making of the 9th Malaysia Plan

28 March 2006

When Datuk Seri Abdullah Ahmad Badawi became prime minister in 2003, he said a few things that warmed the hearts of Malaysians. These include fighting corruption and promoting integrity. He also asked Malaysians to "work with me, not for me".

For many who want to work with Abdullah, the question has been "on what?" The answer will soon be unveiled.

The 9th Malaysia Plan is Abdullah's blueprint on the development of the country for the next five years. It should embody his visions of what Malaysia will be like by the end of the first decade of the 21st century and the strategies to achieve them.

But a development plan is a man-made document. Although it is prepared by experts and after many months of consultations with knowledgeable Malaysians, there is always room for questions and suggestions or even criticisms. As such, a brief note on plan making is useful.

Planning basically has a few distinct phases. They are data gathering, predictions of future scenarios, setting goals and formulating strategies to achieve them.

Despite advances in research methodology, technology and the social sciences, each phase is fraught with pitfalls which could contribute to weaknesses of the plan.

Generally, Malaysian planners have a huge amount of data to work on as the Economic Planning Unit of the Prime Minister's Department has been doing this job for a very long time. Furthermore, government agencies such as the Statistics Department and Bank Negara routinely collect a huge amount of data.

Still, many types of social-economic data are only as good as the honesty of the people supplying them.

The prediction of future scenarios is not an exact science. Computers and software packages help; but the planners still have to make assumptions and adjustments.

For example, if the poverty line is inaccurate, it is possible to eradicate poverty statistically and inflation rates could be kept low if the basket of items is not readjusted to reflect changing tastes and lifestyles.

Furthermore, as the Malaysian economy is closely linked to the economies of many foreign countries, the planners are also required to foresee changes around the world. This is not easy.

For instance, no one predicted the 1997 financial crisis in Thailand and its contagious effects on Malaysia. Until today, there are still arguments on whether the financial melt-down was caused by unscrupulous currency speculators or structural weakness of "crony capitalism".

All development plans allocate resources among the population, often unevenly. While there is nothing intrinsically wrong in this, it is important to recognise that they are basically political statements and the allocations are embedded in the goals.

These are the most subjective part of the plan, although they are often presented as universal truths.

It is fair to believe that the most significant input of Abdullah in the making of the 9th Malaysia Plan is in the section on goals. But his hands are not entirely free. There are the Third Outline Perspective Plans covering 1991 to 2010 and Vision 2020.

Perhaps more importantly, the political body that provides Abdullah the legitimacy as prime minister is the Barisan Nasional, the same entity that supported and circumscribed the actions of former prime ministers when previous Malaysia Plans were formulated.

Furthermore, in an environment where racial posturing is rife in the Parliament and political party assemblies, it would require extreme steadfastness of conviction of fairness and national well-being to set goals that are fair for all Malaysians.

Finally, there are no ready-made strategies to achieve the goals. Although the Economic Planning Unit does have experience and the expertise comparable to the best in the world, the strategies in the plan are not fail-safe. Social science theories are still weak.

In the effort to improve the quality of life for the people and promote social justice while protecting the environment, plan making is the relatively easy part. The more difficult challenge is its implementation.

A discussion on pitfalls of implementation will have to wait for another day. Meanwhile, it should be noted that it has become a "tradition" for the media to publish a chorus of praise from most political and corporate leaders, some to the extent of adulations, after a plan or budget is presented.

In a democratic country, questions and contrary views of government proposals are normal and do not reflect disrespect for the person presenting them. Abdullah himself reminded the police to take criticisms positively.

Working with Abdullah sometimes requires tough questions and even criticisms.

1.10

Poor guardians of decency

2 May 2006

Despite contrary views of a few prominent persons, most Malaysians who are able to get their opinions reported in mainstream media or the internet do not consider hugging and kissing in public places as indecent acts.

In response, the cabinet has directed the Ministry of Housing and Local Government to propose a uniform definition of indecency. Its minister, Datuk Seri Ong Ka Ting, has also called on the local authorities not to send enforcement officers to spy on couples in the parks until a guideline on indecency has been approved by the cabinet.

While Ong may be ever willing to take up challenges given by the cabinet, it would have been better had he persuaded his colleagues to amend the Local Government Act to relieve the local authorities of the power to regulate decency in public places. They just do not have the ability or capacity to be guardians of decency rules.

Enforcement of rules and regulations is not a strong point of the local authorities in Malaysia.

If they cannot even properly and effectively enforce very clear rules on parking of vehicles or waste disposal or development control, what chance is there for them to enforce decency rules fairly?

To complicate matters, rules on indecency cannot be clear-cut. They only provide enforcement officers a legitimate reason to go to the parks at odd hours of the day or lurk behind bushes.

If and when a summons is issued for alleged indecent acts, it is likely to be a case of who to believe: the alleged rule breakers or the enforcement officers. In the case against the young couple in KLCC Park, it was alleged that they were only given a summons after they had refused to bribe the officers.

More importantly, the local authorities and their enforcement officers have more urgent and important things to do. Many pavements are so occupied by parked vehicles and hawker stalls that pedestrians have to walk on the roads and take the risks of being run over by uncaring motorists or having their handbags snatched.

Streets and beaches are full of rubbish despite daily sweepings. Drains and rivers are clogged with all sorts of wastes. Isolated roads and river banks are dotted with illegal rubbish dumps. There are numerous cases of illegal change of building use and building extensions.

It is manifestly clear that Malaysians are not civic conscious and could not be bothered with many municipal rules and regulations that have been legislated to ensure that the towns and cities are pleasant, safe and conducive for work and bringing up families. The priority of the local authorities should be to enforce rules that regulate civic behaviour.

The Ministry of Housing and Local Government also has its hands full. It has the heavy responsibility to eradicate urban poverty. The long awaited Solid Waste Master Plan is still a mystery despite the controversies about illegal dumps and leachate from poorly maintained landfills.

A robust housing industry is still a dream. Unscrupulous developers still short-change house-buyers while reputable ones face numerous problems in the local authorities and state government departments.

Spending time and energy to define indecency in public places and defend it among interested parties is a misplacement of priorities.

Malaysians are generally modest in the public and indecent behaviour in public places is not a serious problem nor is the cause of the towns and cities having a Third World image. Besides, there is already a Penal Code that regulates gross indecency in public places.

The time and energy of officers in the local authorities and ministry should be spent on making the towns and cities comparable to the best in the world, or at least Asia. This does not require regulating indecency in public places; but a more effective enforcement of basic municipal rules, such as those on cleanliness and disposal of wastes, planning and development control and parking of vehicles.

As clarified by Judge Datuk Richard Malanjum on April 26, the Federal Court's ruling on April 4 was not on the guilt or otherwise of the young couple. It merely

held that Kuala Lumpur City Hall was empowered by the Local Government Act to pass bylaws on indecent behaviour in public places.

With so much controversy about regulating indecency and the need for the local authorities to concentrate on basic cleanliness, health, safety, environmental and mobility issues, the right thing to do is to relieve them of the moral guardian role.

Even trying to establish a uniform definition of indecent acts is a waste of time.

Chapter 2

Local Democracy

2.1

Local government polls a lesser of evils

14 January 2003

New year is a time for change. In urban matters, it is the time when many local authorities see changes in the line-up of councillors.

It is also the time for hope – for cleaner and more pleasant living and working environment, fewer traffic jams, no flash floods, more walkways and sustainable development.

However, unlike the citizens of most democratic countries, we can only hope that the councillors have what it takes to fulfill our dreams as they are appointed rather than elected.

We did have elected local government in the past. In the early 1960s, the City Council of George Town, Municipal Councils of Malacca and Ipoh, Town Councils of some bigger towns and all the Local Councils of new villages were fully elected. The rest of the urban areas had partially elected councils or boards.

Local elections that were supposed to be held in 1964 and 1965 were suspended. The reason given by the government was Indonesia's 'Confrontation' with Malaysia.

The suspension, which was supposed to be temporary, continued till 1976 when the Parliament passed the Local Government Act which provided for appointed councillors, thereby abolishing elected local government altogether. The government said it was "unnecessary and redundant" to have another tier of representative government at local authority level.

The DAP has made persistent and consistent call for elected councillors. Others that have made similar calls include some non-governmental organisations, especially consumers' associations and residents' associations, some academicians and a few notable personalities, including retired Judge Harun Hashim.

It is fair to say that some of those who advocate for elections are fed-up with the performance of appointed local councils.

However, elected local government does not automatically lead to good governance. There is no guarantee that only the “good guys” win. Scoundrels and bunglers with rabble-rousing skills and huge amount of finance could get elected.

For instance, the enquiry into the workings of the Seremban Town Council in 1965 did find specific cases of maladministration and malpractice.

It may also be useful to note that Kaohsiung City Council of Taiwan has been wrecked with scandals soon after the December 2002 elections. Nineteen out of 44 councillors have admitted to accepting bribes to vote for the Speaker of the Council.

Besides, there are costs in local government elections. The financial costs for conducting elections in all the local authorities once in every three years can be enormous.

More importantly, in a multi-racial and multi-religious society, local elections provide further opportunities for racists and fanatics to hijack election campaigns to serve their sectarian and narrow political ends, often at the expense of national unity.

It is useful to point out that Kuala Lumpur, despite having appointed advisors since 1961, stands out as a better place to stay and work among Southeast Asian cities that have elected local government.

A more persuasive argument for elected local government is that elected representation is the cornerstone of democracy. The absence of elected councillors is therefore a denial of democracy and accountability at the grass-root level of government. Even if scoundrels and bunglers were to be elected, at least they would be the peoples’ choice.

Furthermore, according to the Royal Commission of Enquiry into the Workings of Local Authorities in West Malaysia, if a local government is not elected, it is non-representative. If we hold fast to the time-honoured concept of “no taxation without representation”, nominated local government undermines the legitimacy of local authorities to collect rates or *cukai pintu*, the most important source of their income.

This may explain why the Royal Commission Report concluded that the merits of elected local government, with all its inherent and attendant weaknesses, outweigh those of the nominated one. It is, therefore, only right that Malaysia reintroduces local government elections.

In reality, it is difficult to envisage these will happen in the near future. There is no widespread and popular clamour for them. Furthermore, the federal government and state governments seem contented with the present system.

Nevertheless, as revealed by Minister of Housing and Local Government Datuk Seri Ong Ka Ting recently, the Cabinet was puzzled that good policies at the federal government were not implemented at the local authorities.

There is no mystery. Local authorities have weaknesses. Poor quality of leadership is one because some political parties nominate candidates from grass-root leaders without adequate attention to their capability to shoulder the responsibilities of being councillors.

It is legitimate for state governments to establish exacting criteria. For instance the Penang State Government has set several conditions, including a minimum of *Sijil Pelajaran Malaysia* (SPM) or equivalent, for councillors in the state.

Having done that, they must ensure compliance. If political parties nominate candidates who do not meet established criteria, it only shows that they do not care for the performance of the local authorities and have little respect for the decisions of the state government.

Such nominations should be rejected and the positions given to someone else, not necessarily from the same party.

After all, the quality of councillors is a reflection of the calibre of those who appoint them. As Malaysians cannot change the bunglers at the local authorities, they may be forced to change those at the state.

2.2

Polls no panacea for council ills

5 August 2003

The call for elective local government is getting louder and more frequent. This is largely the result of numerous problems faced by local residents and visitors and aggravated by controversial decisions of some local authorities, such as uniforms for councillors and summonses for couples holding hands in the parks.

To many Malaysians, these are manifestations of appointed councillors who are incompetent and mere seat-warmers.

After all, according to former Deputy Minister of Housing and Local Government Datuk M. Kayveas, there were councillors who could not read or write Bahasa Melayu and hardly understand English.

Recent reports of a councillor being arrested for involvement in ecstasy smuggling in Australia and an ex-councillor running a gambling den only added fuel to calls for elected local government.

While elected local councillors are more accountable to ratepayers than appointed ones, local government elections are not a panacea for all the urban problems or shenanigans in the local authorities.

For example, in England, voters in a district within Manchester recently elected a councillor who could not write or read English and hardly speak the language. He needs translation to perform his duties and this is paid for by the city council. In fact, the Urdu-speaking councillor, Liagat Ali, is not even a British citizen although he qualifies to be a councillor as a national of a Commonwealth country, Pakistan. He is seeking asylum in Britain.

In fact, there have been cases of elected local officials who quickly proved to be unsuitable for the posts. Take, for instance, the election of Koleen Brooks, who was an ex-stripper, to be the mayor of Georgetown, a historic mining town in Colorado, America.

She became controversial not because of her past profession since this was not hidden from the voters, but that while being a mayor, she bared her breasts in a bar and faked an attack on her.

In North Tyneside, England, the mayor was arrested for possession of indecent images of children. Indeed, at the time of his arrest, Mayor Chris Morgan, one of the first 11 American-style directly elected mayors in England, was also on bail for an unrelated allegation of indecent assault of a 15-year-old girl. He resigned in April this year, after less than a year in office.

In Doncaster, another town in England, at least 19 councillors have been convicted, mainly for fiddling with expense claims and misuse of council's facilities. So infamous is this council that local writers have dubbed the scandals as Donnygate, a throwback to the Watergate affairs in America that brought down the presidency of Richard Nixon.

In terms of scandalous elective local authority, Kaohsiung City Council's records are difficult to beat. Thirty-eight out of 44 city councillors, who were elected in December 2002, are embroiled in vote buying in the election of the speaker of the council.

So far, 33 city councillors have been charged for accepting bribes of between NT\$2 million to NT\$5 million (RM220,000 to RM550,000) each to elect Chu An-hsiung as the Kaohsiung City Council Speaker.

Chu himself has been charged of giving bribes and was placed in custody for five-and-a-half months while investigations and charges were in progress. His deputy is also under investigation for persuading some councillors to accept bribes and vote for Chu.

The speaker, who is now free on a NT5 million (RM550,000) bail, still believes that he did no wrong. He was quoted in the *Taipei Times* to have said, "In terms of Taiwan's democratic politics, bribery for the speaker post of councils at different levels has been a practice commonly accepted by most political players".

The Kaohsiung District Court Judge did not agree. He sentenced four councillors and a Taiwan national legislator involved in the bribery scandals to between four and 18 months jail term each and confiscated the monies used for bribes. Many more councillors are expected to be in jail soon.

There are, of course, many elected local authorities that are well administered with honourable and capable leaders. The point here is that local elections are no guarantee of good urban governance or good leadership. In a democratic society,

people get who they vote for, including seat-warmers, bunglers, social predators and even deviants.

While such observation is no consolation to households that have rubbish pile up outside their houses, sometimes it is sobering to see the situations in other countries, especially those that pride themselves as role models of local democracy.

Still, there are good reasons for calling for the reintroduction of local government elections in Malaysia. In a democratic society, people elect their representatives in government.

Besides, elections provide opportunities to sack those who fail to perform to expectations or misbehave. This is exactly what the folks of Georgetown did. On April 23, 2002, almost a year after voting Koleen Brooks to be the mayor, they voted overwhelmingly to sack her.

2.3

Basic right to decide local government

9 March 2004

There is excitement in the air. Every adult Malaysian seems to be talking about elections. However, apart from some change in candidates, there will be no drastic changes in governing Malaysia after the elections.

The federal government will still be the Barisan Nasional. Datuk Seri Abdullah Ahmad Badawi will still be prime minister. Most cabinet members -- some clearly past their time -- will still be around, while existing national policies and the tone of the administration initiated since November will continue.

Most state governments will also be returned to power. Only Terengganu and Kedah are of interest because those in the Opposition think they will be the government after the elections. Chances are, they will be disappointed.

Yet there is keen interest in the elections because Malaysians, like many others, are consumed by politics, and elections are part of the political process.

It is also a reflection of the citizens' appreciation of the opportunity to exercise the right to choose their representatives in government. They might not want a change; but are still excited that the opportunity exists.

Besides, in a society in which elected politicians are honoured guests at almost all functions, including wedding dinners and kindergarten "graduations", it is gratifying to have them begging for votes and making promises, although many of these would be forgotten long before election posters become faded.

But Malaysians are still denied the right to choose their local councillors because local government elections were suspended in the mid-1960s and abolished in 1976 under the Local Government Act. This is unfortunate because these rights are the bedrock of democracy and the opportunity to decide local political leadership is the essence of local government.

To make matters worse, things are not right with urban management. There are daily complaints about clogged drains, uncut grass, traffic jams, potholes, mosquitoes, uncollected rubbish and illegal hawkers.

Even those appreciative of the good life in Malaysia complain about the way towns are managed. It is fair to believe that many councillors and presidents or mayors would be booted out if there were local elections.

Consequently, many state assemblymen and MPs have tapped into the rich vein of urban problems to gain publicity and the gratitude of voters. They are basically local councillors masquerading as state and national leaders.

Many accumulate political mileage largely by solving problems like uncollected rubbish and clogged drains.

There is a need for *longkang* politicians, but they should be the local councillors. In fact, if they have been doing a good job, there would be no rubbish heaps and clogged drains for state assemblymen and MPs to point to.

While Malaysians should have the wisdom to reject candidates who exploit religion or race for political gain, they must also not allow the elections to degenerate into picking candidates who are just hard-working petition writers or one-man complaint bureaus for municipal problems.

If this happens, parliament will continue to suffer low attendance and state assemblies will be tame affairs largely devoted to debating municipal issues, such as filthy toilets and clogged drains, that should be the agenda of local authorities.

Candidates must state their views on issues like poverty, income inequality, social injustice, environmental degradation, dependence on foreign workers and adverse effects of globalisation. What are their cures for what Abdullah termed "third-world mentality" that is retarding the country and preventing it being among the ranks of developed countries?

Local government is an important issue in the general election because the parties that form the state governments get to appoint local councillors and mayors and set the general policies by which local authorities have to abide.

As such, those who want to be state assemblymen should clarify their views on issues like local government elections and transparency, accountability and rule of law in local councils and what they intend to do about these if elected.

It is understandable if candidates put up posters and party flags. An imaginative display of posters adds colour and excitement to the elections. But they should not damage property and disfigure towns.

Voters take note: if candidates can damage property and the environment to win votes, how could they be good leaders?

2.4

Brief History of local government elections

15 March 2005

Very few Malaysians can recall what local government elections were all about. The last elections were in 1963.

Parti Keadilan Rakyat and DAP are campaigning to bring back elected local government. Many non-governmental organisations, including prominent personalities, have also been calling for the same.

Thus, it is useful to have a glimpse into the history of local government elections in Malaysia.

The first experience in electing representatives in the government was in 1857, when ratepayers in Penang elected three out of five municipal commissioners of George Town. Similar elections in Malacca were declared void because of the "paucity of votes and utter indifference of the community".

Unfortunately, the experiments at local democracy did not last very long. In 1913, elections were abolished and the colonial government of the Straits Settlements reverted to appointing all municipal commissioners.

It took 38 years before local government elections were reintroduced.

Again George Town took the lead and in 1951, nine out of the 15 municipal commissioners were elected.

One year later, elections were held to elect 12 out of 18 councillors in the Kuala Lumpur Municipal Council. In the following years, similar elections were held for the state capitals.

Surprisingly, elections were also held for the new villages, which had been created to resettle farmers in enclosed settlements as part of the war against the communist insurgency.

Although George Town played a leading role in local democracy, the elections in Kuala Lumpur had the greatest impact on the politics of Malaysia. Of the 12 successful candidates in the 1952 municipal elections, nine were from the UMNO-MCA slate, two from the multiracial Independence of Malaya Party led by Datuk Onn Jaafar and one was Independent.

The nine UMNO-MCA councillors were made up of six from the MCA and three from UMNO.

Most scholars believe that it was the success of the UMNO-MCA collaboration in the Kuala Lumpur municipal elections that led to the formation of the Alliance, with MIC as the third partner. The Alliance, which eventually evolved into the Barisan Nasional in the 70s, won 51 out of the 52 parliamentary seats in the first national elections in 1955.

In December 1956, George Town Municipal Council became the first local council to be fully elected. The president was chosen from among the councillors and the first person in the country to hold the post of an elected head of a local council was Goh Guan Hoe, popularly known as G. H. Goh, of the Alliance. Although Goh was popularly addressed as “mayor”, as George Town was declared a city on Jan 1, 1957, he was officially the president of the council.

By December 1957, when the head of the George Town City Council was officially designated as mayor, the Alliance had lost its majority and D. S. Ramanathan of the Labour Party was elected the first Mayor of George Town.

By the early 1960s, parties in opposition to the Alliance were also in control of other local councils, such as those of Ipoh, Malacca and Seremban.

In the midst of progress towards local democracy, there were signs of its impending demise. In 1959, elections scheduled for Kuala Lumpur were suspended on the grounds that the electoral rolls were not ready. They were abolished the following year.

The scheduled local elections for the rest of the local authorities for 1965 and 1966 were also suspended.

The official reason was Confrontation with Indonesia. Most scholars, however, believe that the real reason was the Alliance government's fear of losing more local authorities to the opposition parties.

Despite the recommendation of the Royal Commission of Enquiry to Investigate into the Workings of Local Authorities in West Malaysia, led by Senator Datuk Athi Nahappan, for elected local councils, the Local Government Act of 1976 provided for only appointed presidents and councillors.

It is almost 30 years that Malaysians have lived with appointed councillors. The failures of the local authorities are clear to everyone except those who refuse to see realities.

It is wrong to attribute all the ills of local authorities to appointed councils. Indeed, there is no guarantee that elected local councils will be more effective in urban management.

But it is also not right for government leaders to have knee-jerk reactions rejecting calls by opposition parties for elected local councils.

They must seriously reconsider the justifications of appointed councils based on democracy and good urban governance, especially questions of accountability and representative government.

At the very least, with calls for change by many quarters, including the leader of the opposition in the parliament, Lim Kit Siang, Minister of Housing and Local Government Datuk Seri Ong Ka Ting owes it to the rate-payers to explain why the status quo is good for them. Silence is not an option.

2.5

Athi Nahappan Report calls for local elections

12 April 2005

Recently, Deputy Minister of Housing and Local Government Datuk Azizah Mohd Dun told Parliament that there was no plan of reintroducing local government elections. Her explanations that elections had implications on costs, time and manpower and might disrupt municipal services are debatable.

But she was wrong to say that 'suspension' of local government elections was based on the Athi Nahappan Report. This referred to the 1968 Report of the Royal Commission of Enquiry into the Workings of Local Authorities in West Malaysia in which Senator Datuk Athi Nahappan was the chairman.

The report did not recommend suspension or abolition of local government elections. On the contrary, it recommended that there should be elected councillors.

The Royal Commission spent a considerable amount of time on the pros and cons of elective and nominative local government. It was not blind to the pitfalls of elected local government. Referring to the elected councillors in the new villages in the early 60s, the report said, "They are of low or no calibre".

However, its preference for elections was clear. In its own words: "But weighing both the processes in a dispassionate manner we cannot but take cognizance of the fact that the merits of the elective process with all its inherent and attendant weaknesses, outweigh those of nominative process".

According to the Royal Commissioners, "Nomination is no real substitute for elective representation. If anything, nomination is an anachronism and a relic of colonialism. It is antithetic to democracy."

They added: "Democracy with efficiency is always more desirable and better than efficiency without democracy."

For those who might think that members of the Royal Commission were liberal idealists, it should be noted that they, including the chairman, were mainly senators, parliamentarians and state assemblymen from the Alliance, made up of Umno, MCA and MIC.

Among them were Johor Parliamentarian Dr Awang Hassan, who later became the highly regarded governor of Penang and Penang State Executive Council member D.S. Ramanathan. The latter was the first mayor of George Town under the Labour Party and the most vocal critic of the Socialist Front-controlled George Town City Council when he joined the Alliance.

The Athi Nahappan Report also recommended that local councillors should have minimum academic qualifications. This has not been adopted. After all, there is also no academic requirement for state assemblymen and parliamentarians.

There is no correlation between level of education and effective leadership in government, as can be seen in the performance of some state and national leaders. But since local councillors are appointed, it is fair to require a minimum of Sijil Pelajaran Malaysia (SPM) or equivalent, as the Penang state government has done.

Here, it may be useful to quote the Royal Commissioners that, "an ideal politician is a mediocre man - a man with an abundance of common sense. What is needed is the application of common sense to mundane matters aided by the tool of a minimal literate education".

Unfortunately, 'common sense' is a rare commodity, especially among politicians whose priority is self-preservation.

The Local Government Act does have conditions in the appointment of councillors.

One is that the majority of the councillors should be persons ordinarily resident in the area. The other is that they have wide experience in local government affairs or achieved distinction in any profession or industry or are capable of representing the interests of their communities.

Azizah also said the ministry was confident that state governments appoint individuals who were qualified to be councillors.

There is little doubt that many appointed councillors were, and are, not only well qualified but also effective.

Among former councillors was Senator Datuk Dr Chin Fook Weng who served in the Penang Island Municipal Council for about 25 years.

Those still serving include Subang Jaya State Assemblyman Datuk Lee Hwa Beng of the Subang Jaya Municipal Council.

But it is also clear that many things are not right in the local authorities and the quality of the councillors and presidents or mayors does play a part. This, in turn, is the result of inherent weakness of an appointed system, which was clearly seen by the Royal Commission.

It said: "Even if there were legal provisions governing the principle of nomination, it is common knowledge that the government of the day usually favours and appoints its own party members or supporters and not always the best persons available. The legal provisions are often conveniently circumvented by the appointing authority. Nomination therefore is a much abused system."

2.6

Let public check the mayor's powers

21 June 2006

The Datuk Bandar of Kuala Lumpur has always been the envy of mayors and presidents of other local authorities in Malaysia.

Among other things, he does not have 24 councillors, most of whom are politicians, to share power with. He only has advisors whose advice he is not bound to follow.

Apparently, the powerful position of the mayor has also attracted the attention of the Federal Territory UMNO for the last 15 years. Recently, it petitioned Prime Minister Datuk Seri Abdullah Ahmad Badawi to transform the mayor into a ceremonial figure and transfer his power to politicians.

It is understandable for politicians to grab power - to enable them to serve the public better, or so they claim.

But it is important to note that Kuala Lumpur City Hall has an annual budget of nearly two billion ringgit, which is much bigger than that of many state governments. It issues licences for and regulates business activities, such as food outlets and workshops. It is also the local planning and development control authority of the most expensive real estate in the country.

Just the thought of having a role in the workings of Kuala Lumpur can lead many local politicians to drool uncontrollably.

There is no doubt that the Mayor Datuk Ruslin Hassan has made mistakes. He should be criticised, especially for those he made knowingly. But there is also no doubt that many local politicians are angry with him because he could or would not pander to their every request.

Despite all his power, the mayor has to operate under established administrative procedures, development plans and a whole range of by-laws. As such, even though

he might want to be friendly with the politicians and accede to their requests, his duty to abide by the law or his sense of justice and self-worth sometimes compels him to ignore some of their demands.

Unfortunately, there is the mistaken belief among local politicians that winning elections allows them to dictate everything the government does, including telling the mayors or presidents of local councils to ignore established policies and even rules and regulations.

In Kuala Lumpur, this is made more complicated by the creation of the Ministry of Federal Territories, currently under Tan Sri Isa Abdul Samad. Although the minister can from time to time give the mayor directions of a general character in governing Kuala Lumpur, the ultimate decision maker on specific matters is still the latter.

Compared to his colleagues in the Cabinet, Isa is practically powerless in government affairs and has very little to do as a minister. Yet he has to answer queries and defend the City Hall in the parliament, besides catering to the numerous requests for help by party supporters and hangers-on.

For a politician, especially one who holds the position of the vice president of UMNO, this could be frustrating.

Under the principle of good governance, there is clearly a need for the mayor to be more accountable for his actions. The solution, however, is not to transfer his power to the Minister of Federal Territories or change the advisors of the City Hall to councillors who share power with the mayor.

In fact, there is no need to have the Ministry of Federal Territories. The minister and a host of officers have too little to do.

This is a waste of resources. Worse, as any teacher can testify, idle minds often lead to mischief.

The answer to the problem of an unelected mayor wielding much power is to give the rights back to the residents of Kuala Lumpur to elect their local government.

If "City Hall has been neglecting the plight of the people", as claimed by the Federal Territory UMNO Youth leader Datuk Mohamad Norza Zakaria in Abdul Razak Ahmad's recent article in the *New Straits Times*, an elected council would have allowed the people to boot out an unpopular or incompetent mayor.

Realistically, under the existing political conditions, it would be a miracle if the federal government were to agree to an elected Kuala Lumpur city council. Furthermore, Kuala Lumpur's special status as the national capital necessitates the federal government having a role in governing the city.

A more immediate step, which is in line with good governance, is to make the workings of Kuala Lumpur City Hall more transparent. More specifically, the processes of awarding tenders, allocating houses and stalls and approving applications for land development should be open to the public.

2.7

Agenda for Local Democracy and Good Governance

19 July 2005

Last week, some 100 members of the Commonwealth Local Government Forum (CLGF) were in Kuala Lumpur to attend its Asia-Pacific regional symposium. It was an irony that CLGF facilitated its members to be in Malaysia.

It was also a surprise that Malaysia played host to CLGF activities. Founded in 1995 as a "focus for action on local democracy in the Commonwealth", its very *raison d'être* is at odds with Malaysia's appointed system of local government.

In fact, as part of its campaign to promote, sustain and re-energise local democracy, the CLGF held a conference in Aberdeen, Scotland, in March with the theme *Deepening Local Democracy*. The conference adopted 12 key principles for a strong local democracy, known as the Aberdeen Agenda for Local Democracy and Good Governance.

Among the principles are: constitutional and legal recognition for local democracy; political freedom to elect local representatives; citizens should be able to participate in decision-making; local government should be accountable to the community; open and transparent decision-making; and scrutiny of the executive. (The full list is found in www.clgf.org.uk)

As noted by Captain John Otekat, the current chairman of CLGF, in Aberdeen: "Without local democracy there can be no effective democracy. Local democracy is as fundamental to the achievement of freedom and human rights as democracy at national level."

The Aberdeen Agenda for Local Democracy and Good Governance was endorsed by the board of CLGF after the conference. Malaysia was, and still is, a board member.

It is not known who represented Malaysia in Aberdeen or what he said, especially about the legal recognition for local democracy and freedom to elect local representatives. Malaysia, as a member of the Commonwealth, is now expected to implement these principles.

It is apparent that Malaysia is in violation of many principles that were adopted in Aberdeen. There is no constitutional and legal recognition for local democracy. Indeed, Malaysians have been deprived of their rights to elect their local representatives for about 40 years. As such, the local authorities are largely not accountable to their communities.

The absence of local democracy is compounded by lack of transparency in the decision-making process in the local authorities. Furthermore, the executive is seldom held up for scrutiny.

In agreeing to the Aberdeen Agenda, is it possible that Malaysia is seriously thinking of implementing local democracy?

Not likely. Calls to bring back local government elections have met with silence on the part of Minister of Housing and Local Government Datuk Seri Ong Ka Ting.

His deputy, Datuk Azizah Mohd Dun, told the parliament recently that there was no plan to re-introduce local elections. (But her reasoning that it was based on the recommendation of the Athi Nahappan Report was wrong. The report did call for local government elections).

The Aberdeen Agenda looks like a case of the Malaysian representative agreeing to what was politically acceptable at an international arena, even though part of it was, and still is, not acceptable to the government at home.

As a result, there has been no widespread dissemination of the 12 principles to deepen local democracy in Malaysia. This is unfortunate. It is time to bring back local government elections. At the very least, Malaysians should be encouraged and facilitated to debate the issue of appointed local government.

Furthermore, besides two principles dealing directly with local democracy, the remaining principles are also very pertinent to improving the workings of local authorities in Malaysia.

In his keynote address in the Kuala Lumpur symposium, Ong called on local authority officials to be open to ideas and suggestions and to bring in experts or

people who are good in various fields to be partners in providing constructive ideas for the betterment of local government.

The 12 principles for local democracy and good governance are good ideas. What is needed is to establish a working group in the ministry to facilitate their implementation, taking into consideration the characteristics of Malaysian local authorities and the resources available.

For instance, how can the decision-making process be made more transparent and what mechanisms can be instituted to facilitate the scrutiny of the executive in the local councils?

In November, the Aberdeen Agenda on Local Democracy and Good Governance will be presented for adoption at the Commonwealth Heads of Government Meeting in Malta. It will be embarrassing if the prime minister has nothing to tell his counterparts about the steps taken in Malaysia to implement it.

2.8

Good job, PJ residents

14 February 2006

The controversy about assessment rates in Petaling Jaya is interesting. If handled properly, it could lead to a practice in good urban governance that could reverberate beyond the boundaries of the municipality.

The leaders of residents' associations and Rukun Tetangga in Petaling Jaya should be commended for fighting for their right to be informed of the justifications for the 8-10% increase in assessment rates.

Their demand to see itemised expenditure of the council should be supported. Their actions should be emulated by their counterparts in other towns and cities.

Hopefully, this will lead to all local councils in the country to be more transparent and accountable in spending their ratepayers' tax ringgit.

As a general rule, ratepayers do not get involved in the municipal budgetary process because their representatives, the councillors, are supposed to take care of their interests. However, there are justifications for local community leaders in Malaysia to scrutinise the local council budgets, especially their expenditures.

While there is no doubt that there are councillors who are diligent and honest, the fact that they are not elected means that they are not accountable to ratepayers. As such, the latter's needs and interests may be neglected.

One way to ameliorate the weakness of appointed councillors is for the councils to be more transparent. A concrete step is to make full disclosure of their income and expenditure.

Besides, there are strong indications that the councillors have not been doing a good job. Reports of councils with tens of millions of uncollected assessment rates are testimonies of poor financial management.

There are also councils that have recurrent huge deficit budgets, some by up to 20-30%.

There has also been wastage by the councils. Many are related to landscaping projects, but there are also facilities and services, though useful, that seem to be hugely over-priced. These are manifestations of dereliction of duties of the councillors in ensuring good financial management.

The state governments, which have to approve the proposed budgets of local authorities, have also been remiss in their supervisory responsibilities.

In the controversy surrounding the increase in rates, the conduct of Petaling Jaya residents has been exemplary. They are demanding their rights to be informed ratepayers.

As Section 5 Resident Association legal adviser Derek Fernandez was quoted to have said, "As long as the budget has been prepared under good practice, proper accounting and good governance, we will be willing to respect it".

Despite the controversy, the council should also be commended for holding a consultative meeting with the residents on the budget last October. It was not a shining example of the implementation of Local Agenda 21; but it was a step in the right direction.

However, the council should have copies of the budget to be given to any ratepayers who ask for it. Telling those interested to read it in the government Gazette, as accounts department director Lulu Goh did, was not very helpful.

The budget should be accessible on the council's website. In fact, all local councils should routinely display their budgets on their websites. After all, hundreds of millions have been spent on computer technology.

It is heartening that councillor Datuk Dr Wong Sai Hou, who is also the state assemblyman for Kampung Tunku, has promised to open the council's accounts for scrutiny by representatives of the ratepayers.

Such conciliatory approach, rather than sticking to official protocol, should be an example for other local councils. Hopefully, the residents have been given the detailed figures.

If the financial dealings of the council are above board and follow the principles of good practice, opening its accounts for scrutiny will have positive consequences.

At the very least, it will make paying assessment rates less painful. It is also likely to improve Petaling Jaya Municipal Council's battered image caused by, but not limited to, the billboard controversies and the illegal approval of a project in Taman Desaria for which the council may have to pay dearly.

2.9

Empowering Rate Payers

16 May 2006

In an address to the Cambridge (Malaysia) Foundation on February 10, 2004, Prime Minister Datuk Seri Abdullah Ahmad Badawi appealed to Malaysians that, “If opportunity and inclusion through empowerment is what you want, my message is simple: empower this Government to empower you. Believe in this leadership that believes in you. Work with me to work for you”.

Malaysians liked what they heard. About five weeks later, they gave Abdullah an overwhelming victory in the general elections. Barisan Nasional candidates polled 63.9 per cent of the popular votes and won 198 seats in the Parliament out of 219 contested. It was the best election showing since the 1978 general election.

More than two years have passed. Malaysians are still waiting for the promised empowerment.

The most glaring area in which they need empowerment is local government. Complaints about the local councils fill the opinion pages of newspapers and ears of state assemblymen and parliamentarians. The complainants do not even have the rights to choose their local representatives.

It is surprising that the Ministry of Housing and Local Government has not come up with concrete plans to help Abdullah fulfill his promise. If it has, it is still a secret.

After about 40 years, it is time to bring back local government elections. At the very least, there should be serious thinking on making representation more broad based than the present practice of appointing only nominees of parties in control of state governments.

Furthermore, the rate payers should be empowered to have a role in the workings and dealings of their local councils. While it is neither practicable nor desirable to have all rate payers participate in council committees, transparency in the councils facilitates empowerment.

At present, too many things take place in the dark. Deputy Minister in the Prime Minister's Department Datuk M. Kayveas was not far off-target when he referred to local councils as "secret societies" in October last year.

Even councillors often find it difficult to understand the workings of their councils. *The Star's* recent report on Petaling Jaya Municipal Councillor Yong Dai Ying's headaches about the lack of enforcement actions against illegal billboards is a case in point.

More specifically and repeating earlier calls, there is a need for transparency in decisions related to planning permissions. At present, land developers and their consultants are often in the dark on why their applications are rejected or delayed. Conversely, there are also cases where local residents could not understand why incongruous projects are allowed in their neighbourhoods.

All applications for permission to undertake land development should be posted on notice boards and councils' websites. The meetings to consider the applications should be opened to the public, including the developers and their consultants.

All development projects undertaken by the councils, including their costs, should be announced to the mass media and posted on notice boards and websites. The justifications for such projects and their possible impact on the environment and neighbourhoods should also be posted. The Subang Jaya RM3 million Millennium Park fiasco would not have happened under such procedure.

Another area that needs transparency is procurement. Although procurement in the local authorities must follow guidelines and instructions from the Treasury, the rate payers are totally in the dark. In this, the councillors are in no better position.

For instance, although procurements of above RM200,000 must go through a Tender Board, how a decision is arrived at is too opaque. Very few know why some bidders are successful and why others are not. Those who do are not talking.

It is possible that all purchases by the local authorities have been above board. Unfortunately, there have been many tell-tale signs of poor judgments.

Take, for example, the Seberang Perai Municipal Council's five-year-RM1.5 million contract for fresh-cut flowers with a Kuala Lumpur based firm or the Klang Municipal Council's RM250,000 purchase of 10 thoroughbreds from Australia and Britain to form an equestrian enforcement squad.

Knowledge is empowerment. At least, knowledge of impending projects and procurement decisions will allow the rate payers to write letters to the councils or

voice their opinion in the press or to their councillors or even assemblymen or non-government organisations.

Better still, if there is a proper and seamless channel of communication between the rate-payers and the authorities.

Malaysian rate payers have been suffering from powerlessness for too long. Their empowerment is long overdue. Besides, they are not able to work with the prime minister when they are not given any role and are kept in the dark.

2.10

A politician for KL mayor

11 July 2006

Kuala Lumpur Mayor Datuk Ruslin Hasan's tenure will end on Dec 13. When asked recently by reporters if he would like to serve a second term, Ruslin answered that he would not want to if the people did not want him.

But the appointed mayor will never know what the people think of him. Malaysians generally do not tell or have no avenues to tell their leaders what they really think of them.

There is no likelihood of another Mohd Rafie Awang Hassan, better known as Amir Fitri Hakimi, writing another book about Ruslin's weaknesses. On the contrary, as a mayor, Ruslin has officers who say only flattering things. As they tend to be within his hearing range, their voices are the only ones that he hears.

In Kuching South, former mayor Chan Seng Khai did find out that he was not wanted when he stood as a candidate in the recent state elections. He resigned, although his term as mayor would end only in December. It was a commendable action.

Elections may not bring about the most capable or honest mayor and some of the filthy cities in the world have elected local councils. Nevertheless, they are still the best method to choose the leader of a government.

But for the foreseeable future, the chances of an elected mayor of Kuala Lumpur are near zero. The city has never had an elected head. Even the Athi Nahappan Report did not recommend an elected local council for Kuala Lumpur, although it argued convincingly for local government elections.

It is time to reconsider the practice of appointing senior civil servants as Kuala Lumpur mayors. Kuala Lumpur City Hall is a local government and not a government department.

In democratic countries, it is unusual to have a government servant leading a government, be it local or national.

As an appointed mayor is a reality, he or she should be a politician, preferably one who is or was a member of parliament from Kuala Lumpur. This will ensure that the head honcho of City Hall is more sensitive to the residents' needs, aspirations and frustrations.

A politician tends to be more of a visionary than a civil servant. This is seriously needed in an era of globalisation in which Kuala Lumpur has to compete with other Asian cities as the place of choice for investment, conference and holidays.

It is possible that a politician may not have years of administrative experience to run City Hall. This is why the mayor has the support of a director-general, two deputy directors-general and a host of directors of departments.

After all, cabinet ministers are all politicians with little or no experience in running huge government agencies when they were first appointed.

To acknowledge the importance of Kuala Lumpur as the most important piece of real estate in the country and the work-place of many captains of industry, it may be a good idea to accord the mayor a cabinet minister rank. This also ensures that candidates for the post have leadership qualities that are expected of ministers.

It is useful to note that mayors of many capital cities are leading politicians. Some presidents and prime ministers are former mayors of capital cities. Notable examples are Jacques Chirac of France, Chen Sui-Bian of Taiwan and Mahmoud Ahmadinejad of Iran.

Perhaps more importantly, with the appointment of a ranking politician as mayor with cabinet rank, the Ministry of Federal Territories could be abolished. The affairs of federal territories can be handled by a deputy minister in the Prime Minister's Department.

At present, besides Minister of Federal Territories Datuk Zulhasnan Rafique, there is a deputy minister and a parliamentary secretary. They are supported by a secretary-general, a director-general and a host of officers. There is too little for these important and highly paid people to do.

Local council officers are convinced that politicians have an innate propensity to interfere and those with few specific duties tend to interfere more. The truth is that

solving people's problems is the business of politicians. Unfortunately, this often involves interfering in the implementation of the law or policies.

An appointed politician mayor, even one with cabinet rank, is still a poor substitute for an elected one. But at least, this facilitates a closer rapport with the people and eliminates the question of who is in charge of Kuala Lumpur.

2.11

Less politics in selecting councillors

3 October 2006

Recently, Bukit Glugor MP Karpal Singh asked the minister of housing and local government whether the government was brave enough to hold elections for the local authorities.

Datuk Seri Ong Ka Ting replied that Malaysia had its own distinct situation and the system of appointed councillors was still appropriate and adequate.

The minister is right that Malaysian local government is unique. It is hard to find many democratic countries where ratepayers do not choose their local councillors.

But it is difficult to agree with Ong that the present system does not need a change. Surely, he could not have missed reports of local council blunders in the mass media. He must have heard of their inefficiencies from MCA members.

Besides, Ong should have realised that for every one of the 1,230 complaints against the local councils received by his ministry, there were at least 50 frustrated ratepayers who did not complain.

Even Deputy Prime Minister Datuk Seri Najib Abdul Razak, who heads the National Council of Local Government, admitted recently that local councils had many weaknesses.

There is no doubt that Karpal Singh did not expect a "yes" answer from Ong. But it is also understandable why he asked the taunting question.

In the late 50s and early 60s, when local councils were elected, those of George Town, Ipoh and Seremban were under the control of parties opposed to the Alliance, the predecessor to the Barisan Nasional.

Indeed, some scholars strongly believed that had the scheduled 1959 Kuala Lumpur Municipal Council elections not been postponed and later abolished, the Alliance would have lost control of the federal capital to the now defunct Socialist Front.

More significantly, if there were elections today, there is no doubt that there would be members of the opposition in many local councils. It is, however, doubtful that many local authorities would be in the hands of the present opposition parties in the state governments.

Malaysians may whine and grumble, but they are too compliant to vote for drastic change even if they were given the rights.

Ong would have been more convincing in defending the government's position by pointing out that elections do not necessarily bring about more effective councillors. Many elected local authorities in the 50s and 60s were ineffective and had financial difficulties, especially those of the new villages.

Many elected local councillors in the world have been found guilty of corruption. Many fully elected local councils in developing countries are so ineffective that their towns and cities are no more than large-scale slums with occasional well-managed enclaves.

While there are appointed councillors who are seat-warmers or worse, working only for themselves and their friends, there are also those who are friendly and helpful and would have been elected if there were elections. Unfortunately, in their endeavour to please party supporters and friends, including those breaking municipal rules, many contribute to making the towns less livable.

It is, of course, wrong to blame the councillors for all the weaknesses of the councils. But they do wield substantial power. They play not only advisory and legislative but also executive roles in the workings of local authorities.

There is no doubt that a better system of selection of councillors will be beneficial to all, including state leaders, who are currently being blamed for every failure of the local councils.

It is wishful thinking to expect local government elections in the near future. Malaysians are too focused on race at the expense of basic rights.

For those fighting for better urban governance, while the campaign for elections should go on, the immediate objective should be on a less politicised practice in the selection of councillors.

The positions of councillors should not be used as handouts to grassroots political leaders. The qualities to win elections in the political parties are not the same as those needed to be effective councillors.

Local authorities play very important roles in the daily life of the people and also in the implementation of the 9th Malaysia Plan. It is in the interests of the government to institute a new practice of selecting councillors that will push local councils to be more effective and efficient.

Chapter 3

Good Urban Governance

3.1

Good Urban Governance

27 August 2002

Recently, several local authorities in Selangor held swearing-in ceremonies for their councillors. In such functions, it is common, indeed obligatory, for the presidents or mayors of the councils to say a few good words. Most took the opportunities to advise their councillors to work hard and be sensitive to the needs of the ratepayers.

However, Shah Alam Mayor Datuk Abu Sujak went a bit further. Apart from the usual advice, he also added that councillors should always have high integrity and credibility.

Furthermore, he also called on them to be forgiving, helpful to the needy, respectful of others, have patience and avoid luxurious living.

These were sound advice, although it may be expecting too much of the councillors.

Those who possess these qualities would be saints and they would be wasting their time becoming councillors. Perhaps what the mayor meant was that councillors should strive to have these qualities.

Unfortunately, not all councillors were present to hear Datuk Abu Sujak's wise words or those of the other presidents.

Those nominated by the MCA were absent. Apparently, the leaders of the party were having problems in who should be appointed councillors in Selangor.

The mystery of the missing MCA councillors was partly put to rest on 21 August when Mentri Besar Datuk Seri Mohamad Khir Toyo finally announced their names, although the reasons for the late announcement remain intriguing.

Does it mean that the MCA appointees would be lesser councillors since they were not around to listen to the wise words? Unlikely.

After all, at these stages of their lives, the councillors are not going to change their personalities and idiosyncrasies just because someone gives good advice during swearing-in ceremonies.

Beside, many of them are seasoned politicians and community leaders. It is hard to believe that they listen to any advice.

But the absence of MCA appointees at the swearing-in ceremonies is likely to have significant impact on the image of the party. If its leaders could not even perform the relatively simple tasks of selecting people to be councillors in timely manner, how are they going to persuade voters to believe that they can help solve problems such as flash floods, squatters, illegal hawkers and cleanliness, not to mention the intractable ones like national unity, social justice and sustainable development?

An intriguing question, but its discussion belongs to another forum. However, there is no doubt that local councillors need to improve on their performance.

Many Malaysians are crying out for pleasant neighbourhoods and attractive urban centres. They are fed-up with dirty streets, clogged drains, flash floods, traffic jams and unkempt parks and children's playgrounds.

More than good advice, what is needed is a system that encourages and requires the councillors to perform to the best of their abilities.

Many Malaysians believe that this can be achieved by bringing back elections so that the councillors would have to go back to the residents for fresh mandate at regular intervals. As such, there have been numerous calls for elected local government.

As a matter of principle, in a society that claims to practise democracy, it is only logical that representatives of the people in the government be elected.

Having said that, it should also be added that there is no guarantee that elected councillors are better in urban governance than that those appointed ones. Elections mean people get who they vote for, including bunglers and loudmouth rabble-rousers.

Since it is very unlikely that there will be elected local government in the near future, the next best thing is to make councillors account for their actions.

One strategy towards this end is to have verbatim recordings of committee and full council meetings. This will keep track of individual councillors' stance on issues

faced by the residents. Besides, as every utterance of the councillors is recorded, they will be forced to think carefully what they say or decide on.

In addition, requests by councillors (or even state assemblymen and state executive council members) for assistance, including cancellation or postponement of impending actions against those who breach municipal laws, should be made in writing. They should also be told that such written requests could be made public for the purpose of accountability and used in the courts of law. This will likely reduce the malaise of interference by politicians, including councillors, in enforcement activities.

As full council meetings are opened to the public, the authorities must not put obstacles, such as requiring those who want to attend to make prior requests or limiting attendance to only local residents or taxpayers as some have done.

More importantly, progressive councils, or at least those who are lucky to have progressive presidents or mayors, should seriously consider opening meetings of some committees to the public. Although the Local Government Act states that these are to be held behind closed doors, the laws also allow the councillors to pass resolutions to allow the public to attend.

As councillors are representatives of the people and their actions are in the interests of the people, so they often claimed, then they should do everything possible to let their constituents see first-hand their contributions to society.

In particular, meetings of the committee to consider planning and building applications should be open to the public. At the very least, the applicants, including their professional advisers, and interested residents should be allowed to attend the meetings so that they know the reasons applications are approved or rejected and the reasons for such outcome.

Attendance, of course, will also enable the residents and applicants to find out the actions and views of individual councillors.

The above are not tall orders as they do not require amendments to existing laws or require huge amounts of funding. However, they do require that the councillors adopt good urban governance and really serve the people as they promise to do when they participate in the swearing-in ceremonies.

3.2

Dog licence - Don't drag the neighbours in

16 August 2004

Making decisions on public issues is always difficult, what with so many conflicting interest groups. As such, the Subang Jaya Municipal Council (MPSJ) must have thought it would be a good idea to let the neighbours of those who want dog licences decide on the matter. As a result of protests, this decision has been put on hold.

Unfortunately, an article in the Bar Council newsletter questioning the MPSJ decision has degenerated into a religious controversy that has no silver lining, no matter what its outcome.

The issue that should be debated is the need to obtain prior consent from neighbours to obtain dog licences or any other permits.

One of the responsibilities of local authorities is the prevention or abatement of nuisance so that the residents will have a pleasant living and working environment.

All local authorities pass by-laws to provide them with specific powers. Among them are those regulating the keeping of animals, including dogs.

The MPSJ's decision on neighbours' consent for dog licences is ill-advised. It could be unfair to the applicants because the neighbours' reactions might not be based on nuisance, but on reasons that are personal in nature.

More importantly, it is also unfair to the neighbours because it puts unnecessary pressure on them. It is very difficult for them to say no and still hope to remain good friends of the applicants. In cases of bad neighbours, the aggrieved applicants might even resort to retaliation.

The ones to decide on licences and permits for activities regulated by the local authorities should be the local councillors or municipal officers, and no one else.

By the same token, it is also the responsibility of local authorities to detect breaches of the law, such as illegal change of land and building use, and not wait for neighbours to complain. Residents should help by reporting cases of non-compliance with municipal rules and regulations, but it is the responsibility of the councils to detect and take enforcement action even if there were no complaints.

The only instance in which neighbours have a role in the approval of a permit is when a landowner wants to undertake a development project in an area where there is no Local Plan.

The Town and Planning Act requires that the owners of neighbouring lots be given the opportunity to object to the proposed project. However, the laws do not require the neighbours' consent. They are given the right to be heard.

The decision to approve or reject or approve with conditions is the responsibility of the councillors and president.

If anyone is not satisfied with the decision of the council, he or she can appeal to an independent Appeal Board.

Generally, it is good practice to facilitate citizen participation in urban governance. Local authorities have been advised to adopt Agenda 21 in the management of their areas.

Agenda 21, which was adopted by the United Nations Conference on Environment and Development in 1992, advocates that local authorities should consult the residents of an area before a project is undertaken. This is based on the belief that the local residents are more knowledgeable about a locality than the planners sitting in their office in the city centre.

Seen in this light, the Subang Jaya Municipal Council could be considered to be one of the better-run local authorities in the country.

The residents seem to be quite active in the affairs of this suburban community, thanks largely to former president Datuk Ahmad Fuad and some of the councillors, particularly Datuk Lee Hwa Beng. The willingness of some residents to allocate time for civic services plays an important part too.

However, in the case of dog licences, the "guideline" on neighbours' consent should be rescinded. A better way is to hold meet-the-people sessions to get the views of the residents about the keeping of dogs.

Having heard the residents, the councillors and president, with the assistance of the officers, should decide on the by-laws, balancing the needs of those who want to keep dogs and the sensitivities of the others.

It is wrong to put the burden of licensing dogs on the neighbours.

As a general rule, it is bad practice to personalise decision-making process in the management of an area. No doubt there will be criticisms of the office-bearers. This is inevitable and is part of the baggage of holding public office.

The councillors and president of a local authority are not appointed to become popular, but to ensure that their municipal area is a conducive place for work, play and bringing up families, including keeping pets.

3.3

MPSJ should come clean on food court saga

11 October 2004

The residents of USJ, a largely middle-class suburb in the Klang Valley, were right to be enraged over the construction of a food court on a piece of land reserved for a police station in USJ8. The food court saga was a clear example of poor urban governance and bad town planning practice.

Although it was reported that the project would be discontinued, it is important to demand clarification so that land reserved for important government services could be protected from being used for private business, even temporarily.

The person in the police department who leased the land did an injustice to the residents. It also sent a bad message to land developers: beware, land set aside for police stations or any other service providers could be misused to make money for the organisations.

The councillors and president of Subang Jaya Municipal Council (MPSJ) neglected the interests of the residents and ratepayers of Subang Jaya when they gave the planning permission for a food court. They also gave the notion that land use decisions could be changed easily and with impunity.

MPSJ, as one of the better-run local authorities in the country, owes it to the residents, who were unnecessarily agitated, to come clean. Those responsible should be held accountable as part of the national integrity campaign. This will not only contribute to better urban governance, but also indicate that such a thing would not happen again in Subang Jaya.

Did the municipal town planner brief the planning committee that the land was reserved for a police station? Why was the food court application on the agenda in the first place when it was clearly wrong?

This is an example of what makes town planning in Malaysia look bad. Was there pressure to table the proposed food court? Who were involved?

If the town planner did provide proper briefing, what were the factors that influenced the councillors and president to approve the plan?

It is interesting to note that Subang Jaya state assemblyman Datuk Lee Hwa Beng, who is also an MPSJ councillor, has publicly stated that the food court was not suitable. Did he make a mistake in not objecting to the plan when it was tabled? Was he out-voted in the planning committee or the full council?

There might be nothing sinister in the approval of the food court. Councillors, being human, could make mistakes without malice. If so, a clarification would be reassuring.

Lee has made amends by helping to put a stop to the project. Similarly, it was commendable that MPSJ was quick to issue a stop-work and a demolition order.

The news that the stop-work order was ignored is cause for concern but not surprising. Non-compliance with municipal rules and regulations is a major weakness in urban governance in the country.

There is an urgent need to educate Malaysians, including councillors and presidents, that compliance with municipal rules and regulations is the basic foundation of a clean, efficient and pleasant town.

While the MPSJ got a black eye in the food court saga, the residents must be commended for showing that vigilance and a will to fight for their rights can be effective in ensuring that neighbourhoods are protected, despite bad decisions of local councils.

Besides going to the press and their *wakil rakyat* (elected politicians), they also made full use of the Internet to push their cause.

While one applauds USJ residents for their protests against the food court in USJ8, the same cannot be said for their actions against the proposed food courts in USJ11 and USJ16. As stated by Lee, the land in these two places was allocated for such a purpose in the original layout plan.

If it is wrong to allow police station land to be used for a food court, it is also not right to expect land allocated for food courts be kept as open space. The owners of the land for the food courts also have rights in the planning process.

MPSJ should, of course, ensure that all the planning and building standards are adhered to. It can still reject the applications to build the food courts and keep the land as open space. However, it would have to purchase the plots from the owners.

Town planning, assuming it is done properly, can only bring about interesting and pleasant neighbourhoods if approved plans are not changed at the whim and fancy of interested parties.

Local councillors who want to be seen as champions of the people or are beholden to developers must remember that their priorities are the rule of law and fairness.

3.4

Licensing consultants not the way

8 February 2005

The proposal by the Shah Alam City Council to appoint a private agency as a "licensing consultant" is ill-advised and should not be approved. It will not solve the licensing problems. Worse, it can lead to abuse.

Licensing is a very important instrument of the local authorities to ensure that the towns and cities are conducive for work, bringing up families and having a life.

More specifically, it is to prevent or at least abate nuisance and unhygienic activities. Almost all commercial and manufacturing enterprises in the urban areas are required to have a licence from the local authorities.

Indeed, some non-business activities, such as keeping dogs, need licences too. The requirements for licences are regulated by by-laws passed by the local authorities.

While there are advantages in having uniform by-laws for the whole country, it is better for each local authority to have different standards and emphasis so that each town or city can project its own unique character.

Unfortunately, in Malaysia, many businesses are being operated without valid licences. Some operators just do not bother to apply for a licence from day one.

Many do not have a valid licence because they are in the process of applying for a renewal or waiting for one to be issued. There are applicants who are ignorant of the procedures and the requirements. In such cases, it is the responsibility of the officers to provide assistance as this is part of what they are paid to do and do it with a smile.

However, the main problem of licensing in the local authorities is not ignorance about procedures or requirements. It is the unwillingness or inability of the applicants to comply with the requirements.

For instance, many hawkers cannot be given licences because of their forbidden locations such as near road junctions, on pedestrian walkways or road reserves and near school gates.

Many eating-houses do not have licence because the operators do not want or cannot afford to install pollution abatement facilities. Even apparently, very clean and hygienic restaurants do not have licences because they do not comply with zoning regulations or building by-laws as a result of illegal renovations.

Making matters worse, the local authorities seem unable or unwilling to enforce the by-laws and planning regulations, thus leaving many businesses to operate illegally and causing problems to the neighbourhoods.

The operators are issued compound fines occasionally to show that the local authorities are taking action. Many operators of illegal businesses also make contributions to official annual dinners, buy advertisement space in official newsletters and help out financially strapped officers.

The people who suffer are the neighbours of the illegal factories or motor workshops or hawkers or even kindergartens. Of course, the town or city also suffers.

The solution to licensing problems is, therefore, not a licensing consultant, but good urban governance. More specifically, the procedures to obtain a licence should be as simple as possible.

The requirements should be such that they can be complied with under normal circumstances. There should be up-to-date Local Plans that clearly indicate permissible land use.

Equally important, applications for or enquiries about licences should be promptly dealt with. Cases of non-compliance should be resolved quickly, including stoppage of business.

As such, interference by politicians, especially those who hold executive positions in the government, must not be permitted. Better still, they should be reported to the Anti-Corruption Agency.

There is nothing wrong for enterprising Malaysians offering consultancy services to those who have dealings with government departments, including the local authorities.

But it is wrong for the local authority, or any government department, to designate one or even a few as "recognised" consultants.

The proposal of the Shah Alam City Council does not make it compulsory for those who need a licence to engage the proposed licensing consultant. However, in practice, it is difficult to ensure that the applicants are not under pressure to seek consultancy services, which come with a fee.

Deputy Mayor Zaiba Che Rus was reported to have stated that any staff of the city council involved in the proposed licensing consultant would face disciplinary actions. This is very difficult to monitor. It is also unfair to create new temptation for the officers.

It was also reported that there were mixed reactions to the proposal in the recent Shah Alam City Council meeting. Those who expressed reservations should be commended. However, it would have been better if the proposal were rejected outright.

3.5

Corruption in local authorities

27 September 2005

Last week, in response to claims that the construction industry was "choked with graft", Deputy Minister in the Prime Minister's Department Datuk M. Kayveas was quoted to have said that corruption was at its worst in the local authorities.

Kayveas, of course, spoke with some authority. He was once the deputy housing and local government minister. To many Malaysians, it is commendable that someone in authority is calling a spade a spade.

But it is important to note that many in the local authorities are clean and have integrity.

Statements like Kayveas's should be qualified. More importantly, they should be augmented with suggestions to reduce the opportunities for corruption.

So far, there has been silence on the part of the Ministry of Housing and Local Government or the state governments or the local authorities themselves. This may be taken as consent.

Although many articles in this column have been quite critical of the local authorities, it is strongly believed that public perception of corruption in the local authorities may be worse than it actually is.

For instance, to many observers, corruption is the only logical explanation for the lack of action against those who blatantly break municipal regulations. Furthermore, how else can one explain the numerous poor decisions regarding development projects?

While it is true that there are numerous cases of non-compliance, corruption might not be the only reason for the lack of enforcement. It could be inadequate

manpower, sympathy for the culprits, red tape or sheer laziness on the part of the officers.

It is also possible that the officers are prevented from taking action as a result of interference by political leaders, including state leaders. Municipal officers are sometimes wrongly blamed for acts that are outside their control.

Indeed, if only one cares to listen to local council officers, the tales of interference by politicians, both inside the council and outside, could fill a book. There are municipal officers who also want corruption to be eliminated.

But there is no doubt that there is corruption in the local authorities.

It is not that those who are prone to corruption gravitate to work in the local authorities. Rather, as British historian Lord Acton said about a century ago: "Power tends to corrupt; absolute power corrupts absolutely".

Local authorities in Malaysia do have a lot of power. Bad administrative practices sometimes turn it into near absolute power.

For instance, they are not only the local planning authorities, but are also the agencies to control and regulate earth-works and the construction of streets, drains and buildings. Even when projects are under way, they can issue stop-work orders.

It is not too much to say that land developers and their consultants such as architects, town planners and engineers do their best to cultivate good relationship with the officials, including the councillors and presidents or mayors.

There are just too many steps in the development process to get a project delayed or stopped.

The local authorities are also the licensing authorities for almost all business activities. These include eating houses, sundry shops, hawkers, motor workshops and hair salons. Obtaining a licence or permit can be fraught with problems.

Without them, the traders are at the mercy of enforcement officers. Even those with permits still find it beneficial to be friendly with council officers, because of the numerous conditions attached.

Unfortunately, there are many Malaysians who believe that it is all right to trade without permits or comply with their conditions. To them, everything is possible if one is willing to bribe or have protectors who wield political power.

The real cause of corruption is not that the local authorities have the power over land development or licensing or a range of other activities. It is the workings of the local authorities that allow and in some instances even facilitate individuals in or outside the councils to wield power without accountability for their actions. This is further aggravated by the lack of transparency in the workings of the councils.

Consequently, it is not possible to identify who is responsible for the lack of action against those who breach municipal regulations or the dreadful decisions regarding land development.

As such, an important strategy to minimise corruption is to reduce the power of individuals in the workings of the local authorities. This can be accomplished by being more transparent and accountable.

3.6

Fines for parking on pavements long overdue

12 January 2006

The Penang Island Municipal Council (MPPP) recently decided that in the new year, motorists found to have parked their cars on pavements would be fined RM50 and motorcycles RM20. Those whose vehicles are towed away would have to pay a penalty of RM250.

Before Penangites, especially pedestrians, give this a huge applause, it should be noted that the council is about 30 years late! The Street, Drainage and Building Act has existed since 1974. Local councils cannot choose whether to implement the law or not.

Still, it is commendable that the council has "decided" to act against motorists who park on pavements while many other local authorities are still sleeping on the law. But it is advisable to hold on to the champagne bottles as there is a big chasm between a decision to implement the law and its actual implementation.

There is no doubt that the council will find it very difficult to enforce the law. There will be numerous protests, and politicians will find excuses to state why the law should not be strictly enforced.

More importantly, pavement parking is part of the bigger Malaysian malaise of non-compliance with numerous municipal rules and regulations such as those governing waste disposal, hawkers and building extensions.

The decision to stop vehicle owners from parking on pavements will require strong political will, something that the council cannot boast of.

It may be useful to recall that in July 2004, MPPP president Datuk Ahmad Phesal Talib announced that there would be no trading on pavements and other walkways. Nothing came out of this after several misguided state leaders expressed reservations.

Furthermore, previous action against those parking on pavements could not be sustained. For example, enforcement action in the middle-class suburb of Island Glades was met with protests and quickly came to a halt.

The sad fact is that in a society that sees the ownership of cars as a symbol of success, those who walk, either by choice or because of circumstances, are seen as failures.

Therefore, their rights and needs have been neglected without much public uproar. Even politicians, including those who profess to fight for the poor, do not see the advantage of championing their rights.

However, it is fair to believe that most of those who park on pavements are not hardcore anti-socials out to cause misery to pedestrians. Many motorists are oblivious to the problems they cause pedestrians.

Furthermore, many also believe wrongly that they have good justification - inadequate parking. But this is really a lame excuse. In fact, it is not an excuse at all. There are usually proper parking spaces within a short walking distance.

While more parking spaces should be provided, especially in view of the fact that the council has collected millions of ringgit from developers who do not or could not provide the required number of parking spaces, the lack of space does not give vehicle owners the right to encroach onto the space provided for pedestrians. They are using areas that they do not have the right to. The law has rightly made it illegal.

Many who park on pavements in housing estates also believe that they minimise traffic congestion by not blocking half the road, especially in areas where the roads are narrow. But good intentions do not absolve them from the illegality of their actions or the injustice they cause pedestrians.

By parking on pavements, errant drivers and motorcyclists not only cause inconvenience to pedestrians but also endanger their lives or risk causing them injury by forcing them to walk on roads or navigate narrow spaces between parked cars and drains.

Furthermore, as noted by Ahmad Phesal, "When vehicles block the pavements, pedestrians have to walk on the road and are easy prey to snatch thieves".

Besides, pavements are not made to take heavy loads and can easily be damaged by motor vehicles.

It is long overdue that the local authorities take seriously their responsibility to provide and ensure safe and hassle-free walkways and pavements. More and better walkways need to be built.

But much can be achieved if existing laws on the use of walkways and pavements are enforced.

3.7

On-the-spot fine for littering a good idea

24 January 2006

Klang Municipal Council has been issuing a RM10 on-the-spot fine on those who litter the town since mid-November last year. This is part of the council's "Clean Township, Beautiful Township" programme.

Although it is advisable to be cautious about the beautification campaign because of the tendency of local officials going overboard on landscaping projects, the cleanliness programme, including the on-the-spot fine, should be supported.

In fact, voices of support should be continuous because many similar campaigns by other local authorities lost steam prematurely. Even the Ministry of Housing and local Government's "A Beautiful and Clean Malaysia" competition among local councils in the early 1990s petered out without impact.

Lack of cleanliness is still the single biggest factor that adversely affects the quality of living in urban Malaysia. It is very difficult to clean up a dirty town. It is even more difficult to keep it clean.

The challenge to Klang Municipal Council is not the residents' ignorance about the disposal of waste, as most people do not discard rubbish all over their houses or compounds. It is to cure those who have the Third World mentality syndrome.

Although the number of those having the malaise is not great, it is big enough to give the town a bad name with their lack of regard for public space or the rights of others.

Those inflicted not only litter, but also park their vehicles indiscriminately or talk loudly on their cell phones in public. Municipal rules and regulations are generally treated with disdain.

Gentle persuasions are useless. Hopefully the RM10 on-the-spot fines will be effective. Indeed, it is arguable that the amount is too low and not painful enough to

keep litterbugs from repeating their anti-social actions to create an impact that sends a message to the people.

It was reported that about 800 people had been issued with the RM10 fine and despite some complaints, council president Abdul Bakir Zin is committed to press ahead with the programme. He and the councillors should be commended.

But the council and solid waste concessionaire, Alam Flora, must be seen to put in extra efforts in the cleansing and collection services so that the RM10 fine is not seen as just a ploy to enrich the municipal's coffer. Furthermore, the council must ensure that its enforcement officers not only have integrity but also common sense.

It only takes a picture in the Press of an old woman crying because of a RM10 on-the-spot fine to do serious damage to the campaign. Furthermore, any exposure of impropriety by the enforcement officers will also cause popular opposition to the programme.

Part of the reason of the tenuous nature of cleanliness campaigns is the poor perception of local councils.

In the case of Klang, the council did have unpopular projects, like the expensive equestrian unit for its enforcement department or the aborted official uniforms for their councillors in 2003 or the study tour of South Africa in 2001.

Besides, there are many politicians, both within the government and opposition, who are looking for opportunities to condemn the council to score political mileage.

A weeping old woman pleading to save RM10 in front of an uncaring enforcement officer would be a potent issue.

But there is no doubt that many Malaysians, who are fed up with the lack of cleanliness in their towns, are rooting for Klang to be successful. A town famous for its tasty seafood dishes and *ba-kut-teh* (herbal stew) should also have a good reputation for cleanliness.

Perhaps more importantly, and this may be below the belt, there is also the feeling that if Klang could make it as a clean town, so can all other towns.

The above is not to provoke protests. Klang is not clean. Even Datuk Mohd Mokhtar Dahlan, the state executive councillor in charge of local government in Selangor, was reported in 2003 to have said that it was one of the dirtiest towns in the state.

The point is that Klang's cleanliness campaign is of great interest to many Malaysians. Hopefully, this in itself will be an additional encouragement for the councillors and officers to ensure its success.

3.8

Not just ad hoc aid to new villages

25 April 2006

For most villagers, a visit by a minister is always a special occasion. For those in Ban Hoo new village in Johor, Minister of Housing and Local Government Datuk Seri Ong Ka Ting's recent visit was more than a chance to shake hands with a minister. They got a pledge of RM50,000 to repair roads and drains, which have been in poor state for years.

There is no doubt that Ong was also happy to visit Ban Hoo new village. He has a soft spot for new villages as he grew up in one in Perak. Furthermore, the MCA, of which Ong is the president, also has its roots in the new villages.

It is, therefore, fair to believe that the future of new villages is bright. A master plan is even available.

Yet Ban Hoo villagers had to wait for Ong's visit to get a pledge of funds to repair their damaged drains and roads. If new villages have to wait for the minister to visit to get funds to carry out repairs, they better not hold their breath for new infrastructure projects.

Take away the weekends, holidays and official and party functions, many new villages will have to wait very long for the minister to visit, considering that there are 452 of them.

New villages were created during the early days of the Communist insurgency, known as the "Emergency", from 1948 to 1960 as the British colonial administrators and generals believed that the farmers were helping the insurgents, voluntarily or under duress.

Under a plan drawn up by Brigadier-General H. Briggs, more than half a million farmers dotting the rural areas were resettled into new villages, some quite a distance from their farms, so that their movements and activities could be monitored.

The villages had barb-wire fencing and large areas outside the fences had a dusk-to-dawn curfew. Those going out of the fenced-in villages, such as to their farms, were routinely searched and the amount of food and other consumables checked to ensure that they did not carry extra for the insurgents. The lives of the farmers were severely tested.

For those calling for elected local government, it is of interest to note that in 1952, most new villages had elected local councils. The councillors, including the chairmen, were elected, although the state governments could appoint up to one-third of the councillors to ensure representation of minority groups.

It was believed that by giving the residents the rights to choose their local councillors, they would be more loyal to the government and less inclined to support the Communist insurgents. Slightly more than 300 local councils were created.

The sudden decision to allow the new villagers local self-rule was either a cynical ploy or overtly ambitious strategy to gain their loyalty. Even the more "worldly" residents of the towns such as George Town, Ipoh and Kuala Lumpur were not given such privileges and rights. George Town became the first town to have a fully elected local authority only in 1956. Kuala Lumpur has never enjoyed a fully elected local council.

It is not surprising that most new village local councils were badly run. In the restructuring of local government in mid-1970s, all the local councils were abolished and most new villages were incorporated into district councils or municipal councils.

Furthermore, urban expansion has blurred the boundaries of some new villages and many houses have been converted into shops, restaurants and small manufacturing outlets.

On the whole, however, many have been neglected, especially those still outside local authority jurisdictions.

Ong is clearly committed to improving the new villages. But funds for the villages must not wait until his visits. They must be decided in the office based on advice of his officers and requests of local councils and the master plan. This is what officers are paid to do. This is also what plans are for.

Unfortunately, unlike the 9th Malaysia Plan, which is easily accessible, either in print or in the Economic Planning Unit's website, the New Village Master Plan is

still a mystery. As such, interested parties, especially nongovernmental organisations, could not monitor its implementation or make comments.

While Ong should continue to make occasional visits to new villages, these should be for meeting friends and supporters, tasting local fruits and having photographs with happy residents.

If the master plan is well made and the officers have done their jobs properly, Ong should only see happy faces and not damaged roads or drains.

3.9

“Five year plan would take 25 years to complete”

30 May 2005

“If we had to ask permission from the local authorities, a five-year plan would take 25 years to complete,” said Minister of Works Datuk Seri S. Samy Vellu in the front page of *The New Straits Times* of May 23. He was trying to explain why the Public Works Department (PWD) did not get permission from the Petaling Jaya Municipal Council before building pedestrian bridges across the Federal Highway.

Many Malaysians are familiar with delays in their dealings with local authorities. Their frustrations seldom become news, let alone in the front page of national newspapers.

A recent exception was those of Tan Sri Low Yow Chuan when he complained about slow-moving regulatory authorities in Penang in June 2005. Unfortunately, it was summarily dismissed by the state government.

Now that a long-serving minister has publicly declared that local councils cause serious delays in projects, will there be a drastic improvement in the development regulatory system? Besides, Samy Vellu sits very near Minister of Housing and Local Government Datuk Seri Ong Ka Ting every week during cabinet meetings.

No chance. The pedestrian bridge issue has been settled. Its fast resolution came about because of a meeting between Deputy Secretary-General (Management) Datuk Mohd Sinon Mudzakir and officials of Petaling Jaya Municipal Council.

The details of the meeting are not known. Malaysians were only told that construction of the without-permit-bridges would continue, although the concessionaire that builds the bridges must obtain permits from the council to put up advertisement boards.

It was a bad decision. All development projects, including those by government agencies, must have the approval of local councils. They are the local planning authorities.

By not regulating government projects, local councils lose partial control of development of towns and cities. Development control documents, such as structure plans and local plans, each costing millions to prepare, would be partly ineffective.

Samy Vellu was perfectly right when he said that local councils caused delays to development projects. The solution, however, is not to by-pass local councils, but to demand for a more efficient development control system.

Federal development projects like highways, schools or even pedestrian bridges are important and should be built without long delays caused by inefficient local councils. But so are hospitals, hotels, factories and even residential houses by private developers.

For ordinary citizens, it is difficult to make appointments to meet local council officers. Just getting to heads of departments through the office line is a headache.

Even if there is an appointment, there is no certainty that the meeting will take place. Many have experienced the frustrations of showing up in the office only to be told that the appointments have been postponed or cancelled because the officers have left to attend to "urgent official business".

Unscheduled businesses usually mean impromptu meetings with the president or mayor or accompanying menteri besar or chief minister or state executive councillor in charge of local government on site visits.

For the government delivery system to work efficiently and for the successful implementation of the 9th Malaysia Plan, it is important that officers keep their appointments. Attending impromptu meetings with the mayors or presidents or even menteri besar or chief minister should not take precedence over appointments with rate-payers and investors. Only emergencies are legitimate grounds for breaking appointments.

For ordinary citizens, including land developers, a meeting with local government officers usually does not end in immediate settlement of a problem. Unlike the deputy secretary-general of the works ministry, they do not have the weight of the federal government or a vocal minister, to push their agenda.

It is, therefore, not difficult to understand why businessmen, especially developers, resort to corrupting means to get their message through. As such, the land development control system should minimise the need for meeting municipal officers.

In recent years, some local councils have instituted more seamless systems, such as one-stop centres, to approve applications for permission to undertake simple development. Samy Vellu is obviously not impressed.

If the minister of works, despite having the power of federal government and officers with high-sounding titles such as secretary-general and director-general with tan sris and datuks, insists on the PWD by-passing local council regulatory control, then the system certainly needs improvement.

3.10

Rent-seeking measure must not be allowed

8 August 2006

Speaking at the Harvard Club of Malaysia dinner on May 5 last year, Prime Minister Datuk Seri Abdullah Ahmad Badawi lamented that "we are addicted to rent-seeking; we would rather go for "know-who" than "know-how".

He added, "Rather than investing to become better than our competitors or to add value in our products and services, we try to find a way in by other means and seek to leverage on our sense of privilege and entitlement to get somewhere in life". Many Malaysians were delighted with what they heard.

However, it is quite clear that Municipal President Datuk Arif Abdul Rahman and the councillors of Subang Jaya have not heard or read Abdullah's speech. If they have, they have either forgotten his message or chosen to ignore it.

The Subang Jaya Municipal Council's recent decision requiring food outlet operators to have certification from a consortium of selected pest control firms before they are allowed to renew their business licence is a case in point.

The council has become a facilitator in a rent-seeking measure that is not only unjust to other pest control firms, but also to operators of food outlets and ultimately to the residents of Subang Jaya. It has become a sponsor to a measure that is an antithesis to robust economic development.

To make matters worse, each certification from the consortium costs RM600, which is about double the market rate and the consortium has a contract with the council to issue such certificates for 20 years. Furthermore, the pest control firms in the consortium are reportedly not even members of the Pest Control Association of Malaysia!

Is the leadership of Subang Jaya Municipal Council trying to make the prime minister look ineffective? Most unlikely, as the municipal president is a senior

government officer and all the councillors are members or supporters of the Barisan Nasional component parties.

Nevertheless, their action does give that impression.

There is no doubt that Subang Jaya, like most urban areas, has pest and vermin problems, in food outlets especially. Apart from ensuring that all public places are clean, the council should have its health inspectors carry out periodic checks on food premises.

Those found to have vermin problems should be penalised, including temporary closure of business. It is up to the owners to go after their pest control service providers.

Indeed, if certain pest control firms consistently provide false certifications, they should be reported to their association and the Pesticide Board of Malaysia.

Food operators in Subang Jaya have protested, apparently to no avail. Other business operators should also do so as the council has given notice that they will be required to follow the new ruling, come 2008.

More importantly, the residents of Subang Jaya must also protest. They will quickly find that ultimately they bear the burden of the increased operating costs of doing business in their municipality.

Besides, the residents must not let their local council institute a rent-seeking measure to help a few people at the expense of many. It was their commitment to fairness that sustained and motivated them in the successful protests against a food court about to be constructed on a piece of land reserved for the police.

There is little doubt that if the new pest control certification ruling in Subang Jaya is allowed to continue, other councils will follow. It is possible that Sepang local council has also adopted a similar measure.

Worse, other rent-seeking "entrepreneurs" will conjure up new and more profitable measures. The ingenuity of Malaysians knows no bounds when it comes to making money the easy way.

Not too long ago, there was a proposal for the Shah Alam City Council to appoint a "licensing consultant" to facilitate those who wanted to apply for licences. Then

there were the controversies over Petaling Jaya City Council's proposal to appoint a firm to handle all billboards.

The Klang Municipal Council has reportedly signed a 30-year billboard concession with a private company.

It is clear that local councils are being targeted to facilitate implementation of rent-seeking measures. Worse, municipal leaders appear to be willing co-conspirators.

If Malaysians are not vigilant, a day may come when even to pay assessment rates, property owners will have to show a series of certifications from council-selected service providers that their properties are fit for occupation or business. By then, it will be too late.

Chapter 4

Ugly Malaysians

4.1

Room for a clean change

2 July 2002

The just-ended World Cup matches had many Malaysians excited over the fine performances of some African and Asian teams. There is no doubt we can learn from these countries in their single-mindedness to strive for excellence at the world stage.

There is something else we can learn from some football players. Hidden among the reports of the exuberant celebrations of the Koreans and Japanese and the dejected faces of the French and Argentineans was a small paragraph in *theSun* that FIFA official was amazed by the Japanese' obsession with cleanliness when he went into the Japanese changing room after the players had left.

Quoting a FIFA spokesman, *theSun* reported that, "You would not have thought anyone had ever been in the changing room. Normally after a match the changing room is littered with empty bottles, discarded bandages, banana skins. But in the Japanese changing room it was simply spotless. It was full of nothing".

The Japanese, of course, not only keep their surroundings clean, are well known for their discipline in obeying laws and regulations be they traffic rules or municipal by-laws. A large part of the high degree of compliance with rules and regulations comes from the Japanese deep sense of civic consciousness. They do not throw rubbish indiscriminately not because they are afraid of being fined, but because it is good for themselves and the society and is the right thing to do.

It is, therefore, no coincidence that Japanese cities are noted as places of choice for work, play and bringing up families despite their relatively large populations and high cost of living. If we want to live in cleaner and more pleasant neighbourhoods, we should learn from the Japanese in self-discipline and a greater sense of civic consciousness.

The government and several civic bodies have undertaken campaigns to encourage us to keep the country clean. Indeed, Prime Minister Datuk Seri Dr Mahathir

Mohamad has even publicly scolded Malaysians for being so irresponsible in terms of helping to keep the cities clean.

In 1997, when accompanying the then Pakistani Prime Minister Nawaz Shariff to a posh shopping centre on Jalan Bukit Bintang, Mahathir was so annoyed by the sights of rubbish-strewn pavements that he was quoted in the newspapers that, “If you want to dirty a place, do it at home. Don’t you know how to take care of the city’s cleanliness? You can just walk along a street and see what it looks like. *Malu kita...* We do not care if you just want to sit around and have a good time, but you should not throw rubbish anywhere you like”.

Looking at the situations in most urban areas in Malaysia, the admonishments do not seem to be effective.

If we cannot learn from the Japanese and if civic education and admonishments fail, we should learn from our neighbours in the south. Whatever our opinions of the Singaporeans, such as their arrogance, insensitivities towards their neighbours and *kiasu* mentality, we must also admit that they know how to keep their city clean.

In terms of historical, social and cultural backgrounds, Malaysians and Singaporeans are not very different. Indeed, Singaporeans were Malaysians for a short period just not too long ago. What then made Singaporeans comply with cleanliness laws and other municipal rules? The answer is that the government is serious in enforcing the law.

Singapore authorities enforce the law even if it seems insensitive and cruel. Perhaps the best example is the Michael Fay episode. In 1994, Fay, an American teenager staying in Singapore, was found guilty for spray-painting cars. He was sentenced to an 83-day jail term and six strokes of the cane. His parents and prominent citizens, including the president of the United States, appealed to the Singapore government to set aside the caning.

The Singapore authority, including its judiciary, came under severe criticisms. As a writer put it in the *Time* magazine, “Does a teenager convicted of spraying cars with easily removable paints deserve half a dozen powerful strokes of the buttocks with a sopping-wet bamboo staff? At what point does a swift, sure punishment become torture?”

The Singapore government stood firm although it did reduce the caning by two strokes. The then Singapore Prime Minister Lee Kuan Yew personally replied to the critics. Quote: “Can we govern if we let him off and not cane him? Can we then cane other foreigners or our own people? I am an old style Singaporean who believes that to govern you must have a certain moral authority. If we do not cane

him because he is an American, I believe we'll lose our moral authority and our right to govern".

The question is, can Malaysian local authorities be so resolute in enforcing their cleanliness rules and regulations? Are the local councillors serious in making and enforcing municipal laws and by-laws? In view of the absence of local government elections, do the local authorities have the moral authority to make and enforce laws?

The above questions need some serious thinking and analysis. Meanwhile, it may be useful to note that having self-discipline and being civic conscious do not curb exuberant expressions.

The same people who showed the world how to keep their changing room clean and tidy were also reported to be dancing in the nude in the changing room after they beat the Paraguayans to be one of the 16 best football teams in the world. Alas, the Japanese later lost to the Turks.

However, for many Asians, they have demonstrated that we can hold our heads high in international football competitions. To me, they have also shown that a place can be kept clean and tidy even when there are jubilant celebrations.

4.2

Bumps are icons of the times

30 July 2002

Some people call them road humps while others road bumps. Whatever their nomenclature, these obstacles across roads are beginning to be ubiquitous in housing estates, car-parks, shopping complexes and even university campuses.

They are icons of what is wrong in urban Malaysia, that is, non-compliance with municipal rules coupled with knee-jerk responses by the authorities.

Road bumps are purposely added, after level and smooth roads are built, supposedly to force drivers and motorcyclists to travel slowly. In reality, they turn good roads into obstacle courses and thus make driving a frustrating chore.

To make matters worse, most of them are so badly constructed that no matter how slow one crawls over them, there is no escape from the “bumps”. Unless one is a masochist, every driver hates them.

Yet road bumps are built because the authorities think that they are the only effective mechanisms to prevent drivers and motorcyclists from treating roads in residential areas and campuses as the Sepang F1 racetracks. Indeed, in most cases, the local authorities build such bumps after repeated requests from residents in housing estates.

There is, of course, a more civilized way of telling drivers to drive slowly. This is by planting road signs such as “50kmh”, “*kurangkan laju*” or “pedestrian crossing”.

Unfortunately, despite being literate and having passed stringent driving tests, many Malaysians do not comply with road signs. As a result, the local authorities and universities have to build these bumps to force drivers to reduce their speed.

Sadly, road bumps are not the only physical barriers to ensure compliance with rules. To prevent drivers from parking their vehicles on sidewalks and pedestrian pavements, some local authorities are now resorting to building curbs that are 27cm high.

Building managers have to place chains, gaudy coloured cones and other barriers to prevent drivers from parking at entrances. “No parking” signs or double yellow lines apparently do not convey any message anymore. Many busy roads have iron railings on sidewalks to force pedestrians to use nearby overhead bridges.

It is doubtful if the physical barriers are really effective. But what is certain is that they have many adverse side effects apart from the costs. The high road curbs make walking on the pavements very difficult for everyone and for the elderly and the physically handicapped, almost impossible.

The chains and other obstacles including the unsightly plastic New Jersey barriers make entrances of hotels and offices look like badly designed children playgrounds or obstacle courses.

Road bumps punish everyone, including those who are law abiding and would have followed the “50kmh” signs. They have to slow down to a crawl of 10 to 15kmh even if the bumps are built properly. The tyre marks and the deep grooves on the bumps and nearby road surfaces are testimonies of damages done to cars.

Must the authorities build physical obstacles to ensure that Malaysians follow rules and regulations?

If the trend continues, Malaysia will achieve another first – building pop-up concrete and steel barriers at road intersections in addition to traffic lights to ensure that motorists really stop when the lights turn red! This option is actually ridiculous and stupid.

But so is the building of road bumps or placing of chains and plastic barriers at building entrances.

Unfortunately, every time we substitute physical barriers for signs, we inculcate into the Malaysian consciousness that signs are to be ignored until physical barriers are in place. This leads to the incipient belief that many municipal rules and regulations are unnecessary or worse, instruments for corrupt officers to pocket extra income. Ultimately, this leads to the breakdown of a civil society.

But can such obstacles be eliminated today? Sadly, chances are that most respondents will answer “no”. Even a casual observer will not fail to notice vehicles, particularly motorcycles, which are parked haphazardly at entrances to offices, apartment complexes and hawker centres despite the “no parking” signs.

Able-bodied Malaysians nonchalantly park at bays clearly marked for drivers with physical disabilities. Drivers and motorcyclists move at break-neck speed in housing estates and even campuses despite the speed limit signs.

A recent letter to *The Sun* by a bewildered visitor sums up the attitude of Malaysian drivers towards traffic rules. When he asked his friend whether there was a driving rule-book in Malaysia, the reply was, “Yes, but that’s only to pass your driving test. Once you’ve got your licence you can do whatever you like. Just don’t run into another car or hit a pedestrian”.

There must be a change of mindset by those in authority. Instead of building more physical barriers to ensure compliance, the emphasis should be on placing clear signs and notices and enforcing the law consistently.

At the same time, the authorities must take great pains to understand the reasons for the high incidence of non-compliance with municipal regulations, including traffic rules.

It is, of course, expecting too much to believe that all road bumps can be eliminated without turning residential roads into racetracks. For a start, universities should dismantle the physical barriers that have been erected to enforce compliance.

Since campuses are supposed to house communities of educated people, signs and notices should suffice. Compliance is expected. If university students and professors need physical barriers to comply with rules, what chance of success can one expect from the local authorities in enforcing municipal rules and regulations in the towns and cities?

4.3

Non-compliance costs lives

8 October 2002

This week, Malaysians are waking up to a barrage of news on good urban governance. Yesterday was ‘World Habitat Day’ and national leaders have to rehash related buzzwords to show that they are committed to building better human settlements.

Furthermore, Kuala Lumpur is the host to the 18th Eastern Regional Organization for Planning and Housing (EAROPH) World Planning Congress from October 7-10. Literally hundreds of scholars, ministers, mayors, senior government officers, planners, architects and engineers from all over the world are here to talk about and argue on how to make the cities better places for work, bringing up families and having a life.

Malaysians are, of course, proud that such an important event is being held in Kuala Lumpur.

More importantly, they can certainly do with innovative ideas for good urban governance because the lofty promises of turning Malaysian urban areas into ‘garden cities’ have remained illusive. On the contrary, many urban centres still experience constant flash floods and daily traffic congestions.

Many housing estates are noisy and unpleasant. Many streets and back-lanes are dirty while most drains are choked with rubbish and open spaces and sidewalks are cluttered with hawkers.

A large part of the problems noted above stems from the high incidence of non-compliance with development plans and municipal rules and standards.

Even to the most casual observers, there are numerous cases of non-compliance. They include traffic and parking violations; illegal building extensions and change of building use; indiscriminate disposal of wastes, even the toxic varieties; illegal trading activities, unhygienic food handling and the list goes on.

As a bewildered observer of Malaysian drivers once lamented, “My friend once said that we have enough laws to hang an elephant on the walls but, unfortunately, few have the will to pick up the hammer to do it”.

Some cases of non-compliance have more serious consequences than just dirty streets or unpleasant residential estates.

For example, in 1991, the fire at the fireworks factory in Sungei Buloh, near Kuala Lumpur, claimed 22 lives and injured hundreds more. Subsequent investigations revealed that laws governing the storage and manufacturing of flammable products were ignored. Indeed, there was no licence to operate the factory!

In the long run, the cumulative effect of non-compliance and lack of enforcement action is a widespread perception that the authorities do not care or their officers are corrupted. In either case, the end result is loss of trust and respect for the government and rule of law, the foundation of a civil society.

Non-compliance, of course, is a malaise that also afflicts most cities of Asia, with the possible exception of Singapore and those in Japan.

For instance, in Taipei, about 90 per cent of apartment buildings have an illegal extra storey. In Calcutta, its mayor once lamented that, “Lack of civic sense has turned the entire city into stinking public urinal”. In Tehran, motorists drive as if there are no traffic rules.

In almost all cities of Southeast Asia hawkers occupy sidewalks and road shoulders with impunity.

In Turkey, the 1999 earthquakes that killed more than 18,000 people and injured about 50,000 more revealed that many collapsed buildings did not meet the minimum safety requirements.

In Luoyang, China, a fire in a bar lounge on Christmas Day 2000 claimed 309 lives and injured many more. In Inchon, South Korea, a fire in a karaoke lounge in 1999 killed 55 youths. In both cases, investigations revealed that municipal regulations governing building alterations were not complied with. Fire safety rules were also ignored.

It is useful to note that in societies where there is a high degree of compliance with rules, either through voluntary initiatives as in Japan or threat of punishment as in Singapore, the cities are markedly more pleasant than in those where compliance is low.

Why do building owners or developers and their well-qualified consultants break planning and building regulations and standards? Why do motorists ignore traffic and parking rules? Why do so many people, including traders and hawkers, disregard cleanliness by-laws that are supposed to keep the towns safe, healthy and pleasant?

Perhaps more importantly, why do the authorities, particularly the local authorities, not enforce their rules and regulations?

Since non-compliance has been a neglected agenda in urban governance, the literature on this subject is still limited and strategies to foster compliance are tentative at best. Thus, there should be more studies on this subject by academicians and planners.

The local authorities should also pay closer attention to the question of compliance. For instance, it is imperative that any proposal for new laws be accompanied by a review of the likelihood of non-compliance and available resources to enforce compliance.

In conclusion, this column wishes to extend a warm *Selamat Datang* to all participants to the Congress. Despite their tight schedules, they should take the opportunity to look around Kuala Lumpur.

Despite the critical comments about the conditions of urban Malaysia in this article and some previous ones, it is fair to say that many foreign participants would be impressed with what they observe in Kuala Lumpur. After all, the city does have some very pleasant residential enclaves, luxurious and attractive shopping and business centres and lively watering holes.

Those who travel to other parts of the country will also see that on the whole urban areas in Malaysia fair relatively well among the cities of Asia. Still, the criticisms are justified simply because there is room for improvement.

4.4

Civic duty flushed down the toilet

24 February 2003

It has to happen – toilets as a topic in cabinet meetings when the attention of the nation's most important people should be focused on economic and security matters. But this is not surprising.

Malaysians and visitors have been complaining about stinking and filthy public toilets including those in shopping centres that charge fees. There are also complaints of locked and those that do not function.

A Task Force under the chairmanship of Deputy Minister of Housing and Local Government Datuk Peter Chin Far Kui has been established to revamp public toilet system. The objective is to eradicate the “horrendous conditions of Malaysia's public toilets”.

It is fair to believe that most Malaysians would like to wish the deputy minister ‘god's speed and every success’. However, many would not hold their breath waiting for the results. Many national task forces have come and gone but the realities of failure are all too clear to see and smell.

The crux of the matter is that the disgraceful conditions of public toilets are indications of ineffective local government. As such, while the cabinet ministers should be commended for their concern about the state of public toilets, the establishment of another federal task force to solve a problem that is basically municipal in nature does not guarantee success.

Even if the Task Force succeeds, it is likely to be temporary because it does not have the machinery to maintain the system or the law to enforce compliance.

Furthermore, it will disband or its members called to attend to other pressing problems. The harm is that the local authorities that should be doing the job never learn to take responsibilities seriously.

The responsibility of providing clean public toilets rests squarely on the local authorities. They must be held accountable for doing a good job. If they fail, reprimand them.

A public chiding by a minister or menteri besar or chief minister usually brings swift result. If this also fails, the state government must change the councillors and presidents.

The Task Force under Peter Chin must refrain from trying to design, build or maintain public toilets – leave these to the local authorities. It must limit its role to monitoring the efforts of the local authorities, help them to secure finance and point out shortcomings or give credits where they are due. As such, its members should be made up of concerned citizens with few government officers.

The main cause of dirty and stinking public toilets is the lack of civic consciousness of Malaysians. The toilets are dirty largely because the users misuse them or do not clean up after themselves.

Outside their homes and private work places, many Malaysians discard rubbish anywhere they like. They do not care if their parked cars cause inconvenience to others. They are not bothered if their illegal extensions and change of building use cause problems to their neighbours. Worse, they are seldom punished for these illegal and selfish actions.

If Malaysians do not care about the consequences of their actions in public, it is difficult to imagine that they bother to clean up after using the toilets in the privacy of locked cubicles.

The problem is that despite the country's success in economic development, it has largely failed in the development of a civic-minded society. Some critics even go so far as to say that as Malaysians work hard to chase after riches and status, they lose sight of their civic obligations.

As such, if ever there is a need for a task force, it is one that promotes civic consciousness and compliance with rules and regulations, through strict enforcement if necessary.

The problem of uncivilised behaviour is compounded by the poor maintenance of public facilities. As stated many times, including reminders and chidings by Deputy Prime Minister Dato Seri Abdullah Ahmad Badawi, the culture of maintenance must be improved if Malaysia is to join the ranks of developed countries.

Good maintenance does make a difference. It is more than just cleaning up after a place is soiled. As is well documented in a study under the title 'Fixing Broken Windows', an immediate mending of a broken window reduces further anti-social activities because it shows that the authority is concerned about a building or place.

If a broken window were to be neglected, then very soon more windows would be broken and ultimately, ordinary citizens would avoid the street leading to further neglect and abandonment.

Furthermore, most people are what is known as 'contingent consenters' meaning that they would comply with rules and regulations if they believe that others would do the same. Thus a clean and tidy environment generally discourages acts of vandalism or indiscriminate disposal of wastes.

For instance, the toilets along the PLUS highways are relatively clean considering their heavy usage by all strata of society. This is largely due to the efforts of PLUS workers and the managers. There is little doubt that this has made many highway users take an extra effort to keep the facilities clean or at least not to dirty them.

At the local level, dirty public toilets are indicators of the poor performance of the local authorities. There is a serious need to improve their capacities to shoulder the heavy responsibilities, including keeping public toilets clean and functioning.

However, as a society, dirty public toilets are the manifestations of the failure in the development of a civic society and a culture of maintenance of public facilities.

Until Malaysians are cured of these twin malaises, public toilets and a host of public places will continue to be in a sorry state.

4.5

Good life, but let's improve our civic sense

25 March 2003

Whether he likes it or not, acting Prime Minister Datuk Seri Abdullah Ahmad Badawi will be known for his frank observation that Malaysians suffer the malaise called 'First World infrastructure and Third World mentality'.

As a result, despite the millions spent on building sophisticated infrastructure and the possession of goods and technologies that should enable us to live a much better quality of life than our parents, we have not reaped the full benefits of such investments.

We spoil the very environment that should form part of our good life. We suffer from lack of civic consciousness, inept maintenance, appalling customers' service, corruption, and lack of respect for public properties.

Although this is not a singularly perceptive observation on the part of Abdullah, it got wide coverage and attention because it struck a chord in most Malaysians. For many, it is gratifying that Abdullah acknowledged this malaise publicly, especially on his first day as acting prime minister, since government leaders are loath to admit shortcomings.

Abdullah's message is meant for all Malaysians and organizations, including government agencies. However, it is particularly applicable to the local authorities because they are responsible for many services and infrastructure that affect the quality of life of most Malaysians.

Furthermore, they are also responsible for taking punitive measures against those who do not comply with municipal rules and regulations.

The lack of success of the local authorities, especially in maintenance and enforcement, has resulted in many parts of the urban areas becoming dirty, haphazard, congested, flood prone and infested with mosquitoes despite promises to turn them into world-class cities or garden cities.

For instance, how can residential enclaves be pleasant when the parks and children's playgrounds are littered with rubbish or the equipment broken due to lack of maintenance or vandalism? How can the homes be comfortable when inconsiderate neighbours build illegal extensions or convert their residential buildings into video outlets or worse, eating-houses?

How can the cities be efficient when illegally parked cars cause congestions? How can we have garden cities when drains are clogged up and become mosquito breeding grounds or streets and back lanes full of rubbish? How can the cities be pedestrian friendly when sidewalks are occupied with hawkers or parked cars and motorcycles?

It is an irony, but it is apparent that as we become more literate, we become less educated.

As such, instead of using signs and written rules to regulate traffic, we have to resort to putting up physical barriers. It is now not possible to drive in housing estates and even campuses without having to suffer the indignity of crawling over road bumps. Ugly chains and plastic cones and blocks have replaced the simple 'no parking' signs at entrances of hotels, shopping complexes and even vice-chancellors' offices to ensure that cars are not parked in such places.

It is obvious that the governance that has succeeded in helping Malaysians to become rich has failed to inculcate the necessary civic duties of enjoying their wealth. We might have paid so much attention to wealth creation that we have failed to ensure that economic growth goes hand in hand with an improving civic sense.

Abdullah did call for changing our mindset and mentality so that we are able to compete effectively in a globalised world.

According to him, "Building a better Malaysia means being better Malaysians". But just calling Malaysians to become better, even by the acting prime minister, is not going to bring about a change.

The Third World mentality malaise has an inbuilt self-perpetuating mechanism that quickly directs attention away from itself to the more juicy issues like the allegation of MCA being infiltrated by triad members, campaigns against polygamy and the war in Iraq.

It is, therefore, important that a task force be formed at the highest level of government to keep the issue in focus and assist Abdullah in facing the challenge of moulding better Malaysians. A similar task force is also needed at the Ministry of Housing and Local Government to facilitate and advise the local authorities about

strategies and programmes that will lead to good urban governance and ultimately the flowering of a civic society.

It is certainly a tall order for the local authorities to play a major role in promoting civic consciousness among Malaysians. But it can be done.

Even Beijing, a city once known for filthy public toilets and unhealthy spitting habits of its 13 million people, has begun a similar campaign. Its slogan is very clear: “Act like representatives of a 21st century China or face the consequences”.

Beijing’s “behave or else” method may not be totally suitable for Malaysia. Still, fair and strict enforcement of rules and regulations is part of good governance.

The inability of the local authorities to wield the big stick is also another testimony of their Third World mentality.

As such, it is useful that all mayors, presidents, councillors and senior officers of the local authorities read Abdullah’s “*Competing for Tomorrow*” speech to the Oxford and Cambridge Society of Malaysia on March 6. For good measure, it is also beneficial for them to read his keynote address at the KL21 Convention on February 12, 2001 when he pointed out the inept maintenance and disgraceful work ethics in the capital city.

Remember, Abdullah is watching. The next time he visits a town or city, he is quite likely to use the occasion to publicly rebuke the officers and councillors.

4.6

Maintenance – a neglected agenda

16 September 2003

Next week, about 450 delegates, comprising of academicians, urban managers and professionals from Asia will be gathering in Putrajaya to discuss and pontificate about maintenance of buildings and infrastructure.

The choice of venue for the conference could not be better. Putrajaya is the showpiece of Malaysia's capability and capacity to build what is called 'first world infrastructure'. Many delegates will be 'shocked and awed' by the majesty of the buildings, landscaped parks and modern infrastructure.

Malaysia, alas, is also a suitable host because of our well known 'third world mentality' in building and infrastructure maintenance.

Although the term is generally attributed to Deputy Prime Minister Datuk Seri Abdullah Ahmad Badawi, even the most casual observer will not fail to see the dirty drains in the town centres, broken facilities in children playgrounds and mouldy walls and fused corridor lights in high-rise buildings.

Nevertheless, most Malaysians appreciate that Abdullah has called a spade a spade. He has not only stimulated discussions on the need for maintenance of infrastructure but also 'freed' mainstream newspapers to report cases of poor maintenance without seeming to be constantly critical of the government.

It is commendable that the Ministry of Housing and Local Government has taken up the challenge to foster a maintenance culture by working with the National Institute of Public Administration and the Eastern Regional Organisation for Planning and Housing (Earoph) and inviting experts to discuss the problems and hopefully find some solutions.

Conference is a rather cheap and quick way to identify underlying causes and search for solutions assuming, of course, the right people are invited to present papers. But this is the easy and probably even fun part of the process to promote maintenance of the built environment.

The difficult and more important part of the work is what follows. Detailed strategies and programmes to promote a maintenance culture have to be worked through.

Many past conferences have ended as ‘all talk, but no action’ events, which are clear indications of third world syndrome.

More importantly, there is much work to be done on strengthening the political will and perseverance to implement proposals that might be painful to friends and supporters. This is especially so for the proposed national policy on maintenance of physical assets that Minister of Housing and Local Government Datuk Seri Ong Ka Ting seems to have much faith in as a panacea for poor maintenance of infrastructure.

More specifically, realistic procedures are needed to ensure that those responsible for maintenance do their job properly and if they fail, disciplinary actions will be taken.

Poor maintenance is seldom due to the lack of technological skills. It has more to do with the “couldn’t care less attitude” and failure to punish those who fail to perform the work they are appointed and paid to do.

Fostering and enforcing a maintenance culture on the service providers is only one side of the maintenance coin. The other is to facilitate and enforce compliance with rules and regulations among the users because non-compliance usually causes degradation of the environment, including public infrastructure.

The fact is that many Malaysians just do not comply with rules and regulations governing buildings and infrastructure use.

For example, despite the laws, campaigns and even chidings by Prime Minister Datuk Seri Dr Mahathir Mohamad, many still discard rubbish indiscriminately. As a result, even though streets are swept clean in the morning, by the afternoon, large parts of the towns and cities become dirty again.

It is possible to run round the clock street cleaning, but this puts a serious strain on the budget that most local authorities can ill afford. It is demoralising for service providers to see their efforts wasted on uncaring litterbugs.

To make matters worse, some Malaysians vent their frustrations by damaging public infrastructure and private properties. Public telephone booths, street signs and park benches become the punching bags of these anti-socials. Decorative street furniture

and button-panels of lifts have also become targets. Even the best maintenance system will fail in such situations.

Political leaders must have strong knees to enforce compliance on both service providers as well as infrastructure users. Otherwise, Malaysians will continue to build first world infrastructure but have a third world quality of life.

4.7

Caring Cities

22 July 2003

In a study of ‘kindness to strangers’ in 23 cities world wide, researchers from California State University, Fresno, found that Kuala Lumpur was the most unhelpful.

Even Shanghai, Calcutta, Taipei, Singapore and New York were found to be more altruistic than the capital city of Malaysia. This hurts, especially when KL is trying to be a world-class city.

A knee-jerk feel good reaction would be to point out that, coming from Fresno, a city of less than half a million people and low-rise buildings, the researchers must have been ‘shocked and awed’ by the height and majesty of the Petronas Twin Towers that they bungled their experiments.

Some Malaysians, including Tan Sri Lee Lam Thye, have questioned the validity of the study while others have provided anecdotes of helpful Malaysians to refute the findings.

But it would also be foolish to ignore the report that appears in the May/June issue of the *American Scientist*. While there are numerous cases of kindness to strangers, there are also “ugly Malaysians” who, through their irresponsible acts, cause inconvenience and hardships to others.

We discard rubbish everywhere and our public toilets are a disgrace. We do not queue for buses or food. We indulge in poison-pen letters and take pleasure in scratching the paintworks of new cars. We park our cars everywhere, including in lots reserved for the physically handicapped, and do not stop for pedestrians. We talk while invited speakers make their speeches.

Malaysians donate generously, but only if there are VIPs present to receive the checks. We drive within the speed limits only when on coming cars blink the headlights to signal the presence of police ahead. We shake hands with everyone but look around for VIPs to rush to.

Some local companies provide special rates for senior citizens. But some of these come with conditions that are not well-thought through. For example, senior citizens travelling between KLIA and Sentral Station are given special fares, but only on the slower 'Transit Line' and not on the more popular and faster Express Rail Link. Datuk Dr Salleh Mohd Nor is perfectly correct to call this a 'basic lack of concern, respect and regard for senior citizens'.

Fortunately, not all Malaysians behave in the above manner and a speed fiend is not necessarily a litterbug. But there are enough irresponsible people to make life unpleasant and difficult for the others and give the country a bad name.

There is, therefore, a need to make us kinder, or at least, more civic conscious. A good place to start is to make the urban environment kinder, especially to the 'little guys', such as pedestrians, cyclists, senior citizens, mothers with babies, the infirmed and the poor.

For instance, there is still a need for more facilities for pedestrians. Walkways and accesses should be made safe and comfortable, taking into consideration the predatory inclinations of some Malaysians and local climatic conditions.

They must also be cleared of boxes, goods, parked vehicles, hawkers and even street signs. Motorists must give pedestrians the right of way at pedestrian crossings or made to do so with strict enforcement of the law.

The physically handicapped, infirmed and mothers with babies must be facilitated to be more mobile in the cities and towns. Accesses to shopping centres and public facilities, including public transportations could be made friendlier to those in wheelchairs or with baby prams or those who can only climb small steps.

There must be more cycling paths in the urban areas and especially along roads linking towns and villages and by riverbanks and coastal areas. Such paths should be well lined with shady trees.

Senior citizens should be provided with recreational facilities. At the very least, there should be pleasant places where they can congregate, read newspapers or exchange gossips.

Although things have improved somewhat in the past few years, there is still much room for improvement.

If local authorities could think of equestrian enforcement unit, uniform for councillors, indoor rowing (for a municipality surrounded by seas and criss-crossed

by rivers) and multiple clock-festooned lamp-posts, building caring and kinder cities should be a piece of cake or like 'eating *kacang*', to use a local phrase. What is required is a commitment to serve the people.

A kinder urban environment will ensure that Malaysians have a better quality of life. It will also lead to a more caring society.

4.8

Parking louts black mark on progress

28 October 2003

Most Malaysians have stories to tell about their experiences with difficulties in finding parking space, illegal parking, excessive charges or over-jealous enforcement officers.

Although these appear to be diverse issues, there is a common thread running through all of them: everyone is not happy. Indeed, it is fair to say that the simple act of parking vehicles is one cause of unhappiness for many Malaysians.

They are those who are angry about having to drive round and round looking for vacant parking lots or being issued tickets for expired parking meters while they are desperately looking for some kind souls to change the ringgit bill. They also include those who are inconvenienced by vehicles that block walkways and driveways or occupy designated parking spaces.

Invariably, accusing fingers point at the local authorities for failing to provide adequate parking spaces or having enforcement officers who are often selective in issuing summonses. Local councils are also criticised for lack of enforcement against those who park illegally or in spaces meant for designated vehicles.

The complaints against the local authorities are generally justified. More car parks should be built, especially when many of them have already collected car park contributions from developers or landowners who could not build the required number of car parks in development projects. Much more effort should also be made to improve public transportation and facilities for pedestrians.

But it is fair to believe that even if local authorities were diligent in building car parks, there will always be not enough parking spaces, especially in city centres and around markets, schools and religious buildings.

The problem is largely Malaysians' love affairs with cars. For many, their cars are projections of their personalities and worth, just as their clothing or, some would prefer, second wives.

Many not only use the car to go everywhere, even for short distances, but also park anywhere they like. Never mind if there are empty parking lots within sight.

For example, they double-park or even triple-park at school entrances waiting for their children or grandchildren. For the convenience of their loved ones and themselves, they not only cause inconvenience to other road users, but also set bad examples for school children regarding traffic rules and regulations.

They park near their favourite hawker stalls while waiting for their fried *koey-teow* to be ready. Some even sit in their cars to drink soya-bean milk or enjoy ice-kacang, oblivious to the fact that they are blocking half the road and causing difficulties for other road users.

Many also park on pavements and sidewalks in front of their shops or houses, thereby making walking to schools, markets or corner shops an unpleasant and even dangerous exercise.

Incredibly, these inconsiderate drivers include business tycoons, professional consultants and even those with titles such as Datuk and Yang Berhormat, all of whom should know better.

It is a wonder that the economic and educational systems that are so successful in enabling these drivers to afford cars, many of which costing hundreds of thousand of ringgit, somehow fail to inculcate the civic responsibility that comes with car ownership and respect for the law.

The incidents of non-compliance with parking rules and signs have become so bad that building owners and managers have resorted to putting physical barriers, such as chains and cones or even jersey blocks to prevent parking at entrances and critical junctions.

Unfortunately, Malaysians not only disregard parking rules and signs. We also do not comply with many municipal rules and regulations, such as those governing cleanliness, building use and building renovation.

It is possible that in our rush to become rich, we have pretended not to see the uncivilised behaviour of fellow Malaysians or treat it as minor infractions that will disappear as the country achieves a developed status.

This may explain the lack of public odium for those who disregard municipal rules and regulations and the lack of serious enforcement.

But a society that has no regard for the rights of fellow men or women or cause the degradation of the environment cannot qualify to be a developed society despite the gleaming buildings and expensive cars.

The time is long over due to pay attention to civic responsibility as much as economic development.

One way, unfortunately, has to be strict enforcement of rules and regulations irrespective of the status of the law-breakers; otherwise as we become financially richer we will continue to live in a haphazard and dirty environment.

Of course, the enforcement officers have to be taught to be firm and fair.

4.9

Third World mentality needs cure

13 January 2004

On March 6, 2003, on his first day as acting prime minister, Datuk Sri Abdullah Ahmad Badawi, in his speech entitled “*Competing for Tomorrow*” to the Oxford and Cambridge Society of Malaysia, pointed out that Malaysians may be suffering from a “Third World mentality” despite having First World infrastructure.

This malaise, according to Abdullah, who has since become the prime minister, could be “seen from poor execution and inept management to shoddy maintenance and appalling customer service”.

This can also be traced back to the lack of civic consciousness as can be seen in the vandalism of public property and destruction of the environment.

Despite the initial interest in this issue, including hosting an international conference on maintenance culture, there has been little interest in finding a cure for the Third World mentality malaise.

However, incidences of ugly Malaysians are still ubiquitous. Even those who are seemingly successful continue to demonstrate the ugly Malaysian syndrome.

For instance, drivers of expensive cars, including those with “*yang terhormat*” and “datuk” badges, park their vehicles anywhere they like.

It is obvious that the system of governance that facilitates these drivers to amass titles and wealth has failed to inculcate a sense of responsibility in them.

Despite rules and regulations, many Malaysians have taken the attitude that these are for others to comply with.

Thus, they do not bother about the law. When forced to do so, they search for loopholes and if this fails, they look for people in power to help them avoid punishment.

What's more, these people in power, including local councillors, state assemblymen and members of parliament, are ready to assist these law-breakers to avoid punishment or pay only minimal penalties.

Indeed, it is not too far fetched to say that interference by the politicians in municipal administration largely accounts for the inability of local authorities to enforce the law.

However, it is fair to say that Malaysian politicians do not wake up each morning craving to interfere in the administration of local authorities. But since many build their political reputation on services rather than on strong ideological or ethical conviction, they are often forced to provide service to those who run foul of the law, such as operating business without valid licence, changing building use illegally and building extension without permit.

The consequences are dirty, unpleasant and haphazard towns and cities. In some cases, non-compliance with rules and regulations has resulted in destruction of properties and loss of lives.

One cannot but feel cynical when politicians bellow for tough measures against the perpetrators when they are part of the problem.

In the first few weeks in office, Abdullah has emphasised on better counter service, fighting corruption and faster delivery system.

But there is a need to resolve the underlying causes of the Third World mentality. For instance, why do Malaysians behave well when they are in Singapore but show their ugly side when they return? Why do they display civic virtue by cleaning up tables in international fast-food outlets and not do the same in locally owned coffee shops or hawker centers?

Equally interesting is, why do businessmen spend money courting power-holders to look for loopholes in the law just to avoid penalties instead of spending the same resources to find ways to comply?

Such behaviour reflects the failure of governance, particularly that of the local authorities. But most of them do not have the resources to improve urban governance by themselves. They need help.

Unfortunately, local intellectuals have largely failed to provide the assistance needed.

For instance, too little is known about the Third World mentality to help local authorities propose strategies that can encourage compliance with municipal rules.

Abdullah has highlighted a challenge. Those who want to work with him to bring about a better urban Malaysia should spend time understanding the Third World mentality and finding a cure.

If things remain the same, Abdullah may not be the “nice guy” that many think him to be. If one may recall, he publicly chided the officials of Kuala Lumpur City Hall for their failure to maintain the city’s infrastructure when he opened the KL 21 Convention on Feb 12, 2001.

4.10

Tolerance seen as weakness

11 January 2005

(Should be read together with the following article: *Weapons of the weak*)

The outpouring of assistance, in cash or kind, to the tsunami victims is something that Malaysians can look back with pride and a lump in the throat.

Unfortunately, there were also those who treated tsunami collection centres as rubbish dumps.

It would be convenient to ignore these ugly Malaysians and concentrate on the good guys. This would be a mistake.

While it is never too much to sing the good deeds of generous Malaysians, it is also important to be concerned about those who lack civic values so that their behaviour is kept in check and their number to the minimum.

The disgraceful actions of the ugly Malaysians are not limited to "donating" unusable items to the less fortunate; they are also largely responsible for the poor quality of life in urban areas.

Many urban problems, such as dirty streets, clogged drains, traffic jams, and polluted neighbourhoods, can be traced to actions of these people.

As such, the single biggest challenge to the local authorities in improving the quality of life is to rid Malaysians of what Prime Minister Datuk Seri Abdullah Ahmad Badawi termed as the malaise of Third World mentality.

The beginning of the year is a good time to remind us of this important agenda. It should be noted that the lack of civic values is not something that is innate in every society or a natural consequence of urbanisation.

Even in Asia, there are societies that appear to have succeeded in keeping those lacking in civic values in check and their number small, although the basis of good citizenship may be different.

For instance, at the risk of over simplification, in Japan, people are brought up to behave in public because it is the right thing to do.

In Singapore, people behave because they know that the government will not spare the rod if they demonstrate anti-social tendencies in public places.

Unfortunately, in Malaysia, it is bad enough that the socialisation process has failed to inculcate a strong sense of civic consciousness in a substantial number of Malaysians. There is also the unwillingness or inability to punish those who display bad civic values, even though we have legislated many anti-social laws which list out punishments for bad behaviour.

Tolerance has been seen as weakness on the part of the authorities. Worse, to provide a semblance of doing something, quick-fix actions that are not well thought through are implemented.

Many of these are not only ineffective, but also cause additional problems to everyone else, including those who are law-abiding and have good civic values. They are also counter-productive in nurturing future generations of Malaysians to be good citizens.

An example of these quick-fix solutions is the way the authorities deal with speeding. Instead of punishing those who ignore speed limits, they have resorted to building road bumps.

The bumps are clear indicators that Malaysians do not bother about road signs despite having passed driving tests that demand knowledge of the Highway Code. They make driving unpleasant for everyone, including those who are law-abiding.

The tendency to punish everyone for the intransigence of a few is widespread in Malaysia.

For instance, despite numerous complaints from house-buyers, very few developers have been prosecuted. What are plentiful are rules and policies regulating the housing industry, resulting in more and more permits to be obtained and more and more obstacles to overcome.

Our authorities must rid themselves of the building-road-bump mentality to solve problems of non-compliance with rules and regulations.

The correct strategy to reduce anti-social behaviour in the public and promote better citizenship is to punish only those who do not comply with the law and facilitate the good guys to have a good life.

4.11

Weapons of the weak?

25 January 2005

The last article in this column (*Tolerance seen as weakness*) called for strict enforcement of the law. This, of course, assumes that the rules and regulations are just and the authorities are efficient and fair in administering them.

Unfortunately, this assumption is not always valid. As such, acts of non-compliance with rules and regulations may be justifiable, at least in the minds of the culprits, even though they are illegal. Some social scientists refer to these as "weapons of the weak".

In a nutshell, the concept is based on the belief that the poor and the disenfranchised have no choice but to break rules and regulations and even social norms in order to survive in an environment that is hostile to them and ignoring their needs.

Acts of non-compliance are also seen as forms of individual non-violent protests against unjust rules that are made by dominant groups to protect their own interests.

Perhaps the most well-known act of non-compliance was that of Rosa Park, a black American seamstress, who refused to vacate her seat for a white man and move to the back of the bus. In 1955 Montgomery, Alabama, municipal rules required a black person to give his or her seat to a white, man or woman.

Rosa Park was arrested and put in jail. This led to a series of protests that contributed to the eventual repeal of the unjust segregation laws in America.

Fortunately, Malaysia does not have such obnoxious municipal laws and acts of non-compliance have not led to and are not likely to result in historic social change.

However, in urban Malaysia, there are rules and regulations that largely cater to the needs and interests of the elite.

For example, in the Penang airport, while drivers can only stop for their passengers to alight, three parking lots are allocated for "VIPs". If the Kancils and Kenaris of ordinary Malaysians cause inconvenience to other passengers, so do the VIPs' cars.

If it is wrong for an ordinary Malaysian to cause inconvenience to others, it is also wrong for everyone, irrespective of creed or status, otherwise the respect for the law that regulates such behaviour is lessened.

Furthermore, town planning has largely neglected its founding rationale of building cities in which everyone, including the poor and destitute, has a stake.

As such, just to survive, many have to resort to building illegal structures to provide some form of shelter or setting up illegal stalls to earn a living.

There are also rules that are difficult to be complied with by Malaysians who are basically law-abiding. For example, in many places, double yellow lines are drawn without provisions for stopping.

As a result, even the most law-abiding citizen is compelled to break the law unless he makes his passengers alight far from where they want to go.

The customer-unfriendly procedures to obtain permits and slow response time by many local authorities have also led many generally law-abiding citizens to break the law.

For instance, difficulties in getting permits and slow approvals are factors that influence many house owners to renovate their property without applying for permission or waiting for approval.

Assurance by eager contractors that everything would be fine also plays a part. Many do get away undetected. However, many end up paying fines of up to ten times the application fees.

Worse, some may find that their renovations cannot be approved. They are left with three choices: demolish the illegal extensions or seek help from influential people or bribe the officers. Under such circumstances, it is very difficult to be law-abiding.

Many who do not comply with rules and regulations are neither poor nor disenfranchised. Some even have titles, such as *yang berhormat* and *Datuk*.

Many acts of non-compliance are due to arrogance of power or perceived power or proximity to power. Many more, such as littering and illegal parking, are the result of the couldn't-be-bothered attitude.

But the existence of unjust or impractical rules only adds to incidents of non-compliance. Worse, they complicate enforcement actions, often making enforcement officers look like uncaring bullies.

To facilitate compliance with rules and regulations and as part of the current campaigns to bring about good citizenship, we must review existing rules and improve the administration of the law so that law-abiding people are facilitated to be good citizens.

4.12

House owners who spoil the neighbourhood

8 November 2005

Recently, a building under renovation in Petaling Jaya attracted considerable attention. It was illegal and causing problems to the neighbour.

It belonged to the wife of Datuk Mohmad Shaid Mohd Taufek, the former mayor of Kuala Lumpur. Linking illegal acts to a recognised name often makes common events newsworthy.

The focus should be on the failure of urban management. Although construction work began in June, it was only in October that the Petaling Jaya Municipal Council issued a stop-work order, apparently after complaints by the neighbour. Even then, it was reported that work continued.

Petaling Jaya, which will be declared a city soon, deserves better management.

Making the news more sensational, it was wrongly reported that the owner of the RM300,000 house could be fined up to RM6 million, being 10 times the costs of the renovation. A subsequent report clarified that the fine would be 10 times the building plan fee, which was stated to be RM300.

It is no wonder that Malaysians have contempt for development control regulations.

The renovation was massive, involving an additional storey. The four-bedroom double-storey building at the end of a row of houses was reportedly being turned into a six-bedroom three-storey building.

Massive renovations and extensions are common. In most cases, they cause problems to the neighbours, not only during construction stage, but also when they are completed. There have been complaints by semi-detached building owners that their houses looked like lean-tos as a result of massive extensions of neighbouring properties.

They also contribute to deterioration of the ambience of neighbourhoods. Pleasant uniform facades are destroyed by garish colours and obtrusive and incompatible extensions. They make nonsense of spending millions in town planning or requiring developers to hire professionals to prepare layout plans and building plans and for the local authorities to take months, if not years, to process them.

Ideally, house owners should refrain from massive renovations and extensions, especially if they affect streetscapes or cause problems to the neighbours. But this is not likely to happen soon.

Malaysians seem to like the feeling that their houses are bigger and more extravagant than their neighbours'. Social scientists call this "conspicuous consumptions". Locals call it "*kiasu*" (fear of losing) mentality.

This means the local councils have to take their responsibilities more seriously.

Building owners who want to add a storey or have extensions that are more than 50% of the existing floor space have to obtain a planning permission. Otherwise, they can be fined up to RM500,000 and ordered to demolish the extensions. Non-compliance with court-ordered demolition could be fined RM1,000 on a daily basis.

Building owners need a building permit even if renovations are not massive. Building without a permit can result in the demolition of the illegal structures. The owners could also be taken to court and be fined. In fact, even after illegal renovations have been demolished, the owners could still be prosecuted as an offence has been committed.

Most, if not all, local councils, however, have adopted the practice that if illegal renovations do not breach building standards according to the Uniform Building By-laws, the owners are only required to submit building plans to rectify what has been built with just a payment of 10 times the plan fees.

Today is World Town Planning Day. It is pointless, indeed a waste of time and resources, to repeat the lofty ideals of town planning if property owners are allowed to change the ambience of neighbourhoods with impunity.

The councils must be more vigilant against illegal renovations and extensions. While the procedures for obtaining planning and building permits could be made simpler and faster, cases of non-compliance must be swiftly, fairly and firmly dealt with.

They must not wait for affected neighbours to make a report before action is taken. By then, damage has been done to them, if not the neighbourhood as a whole. Besides, it is not good to have a society in which neighbours complain against neighbours.

There should be accountability for any failure to enforce planning and building laws. Corrupt officers and politicians who interfere should be reported to the Anti Corruption Agency.

There is a need to correct the perception that illegal renovations and extensions, even if detected, could be overlooked by bribing municipal officers to turn a blind eye or having politicians to ensure that they do so.

Chapter 5

Towns and Cities

5.1

A KL driven by world-class vision

28 January 2003

On Feb 1, while Malaysians celebrate the Chinese New Year, those in Kuala Lumpur will be celebrating City Day – to commemorate the proclamation of Kuala Lumpur as a city in 1972.

Kuala Lumpur is important to all Malaysians. Unlike other towns, it is the capital of the country. Good or bad, it is the face of Malaysia to the world and a symbol of national pride or disgrace depending on how one views the city.

In terms of physical development, Kuala Lumpur has come a long way from a little tin mining settlement in 1857.

To most observers, the city is very modern – tall buildings including the tallest in the world, mass transit systems, elevated highways, posh hotels, exclusive residential areas, and of course, a modern airport.

But it is fair to believe that the residents of Kuala Lumpur are more interested in whether the city is livable and efficient for earning a living or to put it more bluntly, to make money. A good rule of thumb is to see the migration pattern. Is it attracting or losing people?

Using the above yardstick, Kuala Lumpur is a success. Malaysians have been flocking to the city. It has also attracted many foreigners. In the eyes of these people, it is a better place to stay and earn a living than where they come from.

Kuala Lumpur does have pleasant residential areas, attractive shopping and business centres and lively watering holes. It is well connected to cities all over the world via electronic multi-media and by transportation networks.

Having said the above, it is also fair to note that many residents and visitors have a litany of complaints – flash floods, traffic jams, dirty streets, noisy neighbourhoods, haphazard development, polluted air and the mosquito menace.

Those who want to find fault with Kuala Lumpur can also point to what the city lacks – pedestrian walkways, clean toilets, facilities for the handicapped, libraries, a comfortable central bus station, landscaped open spaces in the city centre and “a soul”.

To the idealists, Kuala Lumpur lacks representation. The last elections for councillors for the then Kuala Lumpur Municipal Council were in 1958.

Kuala Lumpur’s experiments with partial elective local government came to an end when the Federal Capital Act (1960) placed the municipality under the administration of a Federal Capital Commission, which officially took over the administration of Kuala Lumpur on April 1, 1961.

Although many Kuala Lumpur residents may not believe it, Kuala Lumpur City Hall, including Mayor Datuk Mohamad Shaid Mohd Taufek, is aware of the problems and concerns noted above.

For instance, the City Hall is aware that there are still about 130,000 people living in 28,000 squatter dwelling units and there are tens of thousands of people still living below the official poverty line.

In a speech entitled “A Sustainable City Economy – The Future of Kuala Lumpur”, delivered on January 14, the mayor promised to eradicate poverty in the city and provide “satisfactory housing and recreation for the poor”, including building 35,000 low cost houses by 2005.

He wanted to turn Kuala Lumpur into “A World-Class City”, meaning “an ultra modern, garden city of lights, safe, secure and environmentally friendly, and free from all social vices and pollution”.

City Hall’s immediate plans include landscaped pedestrian walkways, open boulevards and trees with decorative lights. There are plans for four metropolitan parks and more facilities for the aged, physically handicapped, women and children.

Areas that have generally been left behind such as Sungai Pencala, Kampung Padang Baland, Kampung Baru and the first generation flats built by City Hall are getting the mayor’s attention.

A new structure plan is being prepared for Kuala Lumpur and this will provide more details of the mayor’s vision of the city. The residents of Kuala Lumpur will be given an opportunity to view, comment on or object to the plan, probably in February.

Making promises and plans is the easy part. Unfortunately, many good plans exist only on paper. Indeed, if half of the promises made by the municipal and state leaders have been fulfilled, many towns in the country would be little shangrilas today.

Most Malaysians are not very dogmatic about the absence of democracy in the local government if they have a safe, clean, pleasant and efficient environment. However, the existence of numerous urban problems has led to many calls for elective local government on the assumption it is more efficient and effective than nominative one.

This may not necessarily be true. So far, Kuala Lumpur has shown that despite an appointed government, it has performed relatively well. This is largely due to its good fortune of having effective mayors and responsible and professional advisors.

It also helps that the prime minister wants a city that he does not have to be ashamed of when he tells some world leaders to mind their own business.

The new vision has set a very high standard for the officers and residents of Kuala Lumpur. It is going to be compared to cities like Toronto, Kyoto, Singapore, Sydney and Paris.

Malaysians can only wish City Hall every success in its endeavour. The hard work rests with the mayor, advisors and officers of City Hall and cooperation from the residents.

5.2

City status brings great expectations

29 April 2003

Malacca Historic City, which was a municipality despite the name change last year, became a City on April 15. Consequently, the name of the local authority was changed from Malacca Historic City Municipal Council to Malacca Historic City Council.

‘City’ is a formal concept in Malaysia. A municipality that wants to be a city has to make a formal application that must be supported by the state government and the Ministry of Housing and Local Government. The authority to grant city status is the Yang di-Pertuan Agong under Royal Prerogative, acting on the advice of the Cabinet.

Malacca Historic City now joins the select group of national and state capitals that have been granted city status. They are Kuala Lumpur, Ipoh, Kuching, Johore Bahru, Kota Kinabalu and Shah Alam.

Langkawi Tourism City is officially not a city. In the case of George Town, which was declared a city on the first day of 1957 by Queen Elizabeth of Britain, there are some people, including Chief Minister Tan Sri Dr Koh Tsu Koon and former Minister of Housing and Local Government Datuk Dr Ting Chew Peh, who believe that it is no longer so. Many Penangites, however, strongly maintain that it still is.

The elevation of a municipality to a city is a formal occasion marked by the handing of letter of proclamation of city status to the state Ruler and appointment of the mayor by the latter in front of the whole state government.

There are, however, Malaysians who believe that the ‘city status thing’ is a relic of colonialism that has no benefits for the residents.

It may be useful to recall that about 4,000 residents of four villages refused to be part of Ipoh on the May 27, 1988 when it was conferred a City. They just could not see the benefits and were fearful of increase in rates. It took Ipoh City Council six years to convince them to be part of the city.

In Kota Kinabalu, which was proclaimed a city on Feb 2, 2000, the most notable changes, according to the residents, are higher assessment rates and parking fees. On the first anniversary of the city status, the state assemblyman for Api Api and Member of Parliament for Tanjong Aru, Dr Yee Moh Chai, lamented, "What is there to celebrate? If one looks around, there is not a single bit City Hall has done that we can be proud of".

In Ipoh, even Menteri Besar Datuk Seri Tajol Rosli Ghazali complained in 2000 that the city had lost its clean image that was a mark of distinction in the 60s, when the municipality was led by the Seenivasagam brothers of the People's Progressive Party. Some concerned citizens have formed "Ipoh City Watch" to help the city regain its glory. Ipoh is, of course, still a clean city, at least to visitors from Penang.

It is worthwhile to continue the institution of granting city status. The elevation to a city is an honour to acknowledge that it has achieved distinction as a place that is not only big in size but also special and unique. The evaluation process for granting city status, however, could be more discerning.

In Britain, where the tradition of conferring city status began, there are no criteria to be fulfilled for city status, although location, history and attitude of the towns are taken into consideration. Towns have to compete for city status, which is granted to mark royal occasions, such as investitures and jubilees, or rare events, such as the Millennium.

In Malaysia, there are criteria for granting city status. These include population size, annual revenue, facilities such as universities, centre of trade and industry and special characteristics.

While useful, the criteria tend to make municipal leaders focus on physical entities to promote their municipalities for city status. However, city status is neither a matter of right for fulfilling these criteria nor the fulfillment of all criteria.

There should also be considerations for intangible qualities like civility, culture and cleanliness.

In 1997, irked by the poor cleanliness attitude of the people, the President of Kuantan Municipal Council said, "If a town is always dirty as a result of such an attitude, it will be a joke if it were to become a city. I want to stress here that Kuantan will never become a City if the people's attitude on cleanliness is still the same".

Furthermore, the evaluation for city status should also consider the practice of good urban governance by the local authority. This includes transparency, accountability, rule of law, efficiency and effectiveness, a clear vision and social justice.

This stress on good governance in the local authority should intensify after it becomes a city council or city hall. Promises by newly-appointed mayors during city status celebrations must be accounted for. Failure to fulfill them should lead to sacking or at least non-renewal of appointment.

To ensure continuous accountability, every mayor should be required to make a State of the City Address during the annual City Day celebrations. Such an address should include an account of what have been achieved and the plan for the coming 365 days.

Better still, elevation to a city status should lead to the city residents choosing their mayors and councillors. It would be one step towards inculcating responsibility and accountability, the elements of what Acting Prime Minister Datuk Seri Abdullah Ahamd Badawi termed as First World mentality.

5.3

Bonn – a first world city without frills

27 May 2003

One of the intractable problems in Malaysia is what Deputy Prime Minister Datuk Seri Abdullah Ahmad Badawi termed as “Third World mentality”. What is the point of building new and sophisticated facilities only to let them slide into disrepair or allow attractive natural environment to be spoilt by inconsiderate behaviour?

But what is First World mentality? A brief view of Bonn, Germany, may be enlightening.

For most Malaysians, Bonn, the city of Beethoven on the Rhine, would be considered rather dull. The only place where there is a crowd is the pedestrianised old city centre where locals and tourists stroll, shop or window-shop, have a drink or a meal and generally see and be seen. Even here, the crowd quickly thins after seven in the evening.

Having a life after work in Bonn is largely limited to a drink or two in sidewalk cafes and isolated restaurants in the residential areas. There is nothing resembling the night life in Bangsar or Bintang Walk.

Those who are so accustomed to gleaming tall buildings, gaudy neon lights and super flyovers might even think that Bonn does not have first world infrastructure.

The centre of the city has no new buildings, let alone gleaming tall ones. The tallest structure in the city centre is the steeple of Muenster cathedral, a martyrs’ church that was built in 400 AD.

The only tall “modern” building in Bonn is the 40-storey German Post Tower building that is located more than 2km from the city centre.

The attraction of Bonn, which was the capital of the Federal Republic of Germany, popularly known as West Germany, from 1949-91, is the pleasant, clean and efficient environment that is conducive for business, pursuit of knowledge and bringing up families.

The above is partly brought about by the availability of First World infrastructure: the museums, convention and concert halls, autobahns, state of the art railway, extensive public transport system including subways, parks, pedestrian malls and walking and cycling paths.

More importantly, residents and government officers of Bonn possess First World mentality to ensure that the facilities function properly, while the natural environment is not spoilt.

The trains and other modes of public transportation are clean and run on schedule. They are also people-friendly. For instance, the buses and subways cars are not only comfortable, but also have space for bicycles and baby prams.

Indeed, in a country that produces champion sport persons, there is sensitivity to the needs of the aged and frail.

The buses tilt towards the passengers at bus stops to facilitate boarding by elderly citizens, the infirmed and mothers with children.

Payments for public transportation are based on an honour system. There are not electronic turnpikes or ticket inspectors at the entrances. There are no conductors to check the tickets or passes in the buses or subways cars, except in long-distance trains and even in these, inspections are not a hundred per cent.

In the country that produces Porsches, Mercedes, BMWs, VWs and Audis, pedestrians have as much rights of access as car drivers. Drivers do stop for pedestrians at traffic lights and zebra crossings.

Equally noteworthy, at junctions with traffic lights, most pedestrians wait for the walk signs before crossing, even when the roads are empty as far as the eyes could see.

The streets and drains are clean. There are no overflowing rubbish bins. The Rhine River that flows through the city is clean and so are the riverbanks.

For Malaysians who think that waste separation is a hassle, it is useful to note that Bonn residents routinely separate their wastes into five categories: glass bottles, paper, light-weight containers such as plastic bags and aluminium cans, biodegradable materials and domestic wastes.

There is no door-to-door collection of bottles and glass. They have to be discarded in bins located at strategic places in the city.

Paper and lightweight containers are collected from door-to-door, but only once a month, while biodegradable materials and domestic wastes are collected once a fortnight.

Hazardous wastes, such as batteries and fluorescent tubes, have to be disposed in special bins or the occasional collection tracks.

Indeed, Bonn households are expected to rinse plastic containers of remnants of foodstuff before disposing them into the proper bins.

They must dispose only biodegradable materials into the green-coloured bins and the plastic bags that are used to carry them from the kitchens must be shaken clean before being disposed into the bins meant for lightweight containers.

There are instances of non-compliance, but such cases are exceptions rather than the rule.

Of course, there are the occasional inspections. For instance, anyone caught travelling on the subway without a ticket could be fined 40 Euros (RM170) or 10 to 20 times the cost of an average fare.

Repeat offenders of mixing of household wastes will have their recycling bins withdrawn.

On the whole, the people comply with municipal rules and regulations. More importantly, compliance is largely based on doing what is right for the good of society rather than on the fear of being caught and fined.

Many of the attributes that make Bonn a First World city are neither high tech nor high costs. The most critical is that the city caters to all, including the “little guys”, such as senior citizens, mothers with children and pedestrians.

It is strongly believed that this “city for all” philosophy of urban governance contributes to a high degree of compliance with rules and regulations, a hallmark of First World mentality.

This in turn makes a city, any city, the place of choice for business, bringing up families and even having a life after work.

Is there a life for the people of Bonn after work? Yes, just take a 20 minute train ride to Cologne. Remember, the trains are comfortable, clean, run on schedule and there is one every few minutes. Or take the slower subway.

This article was written while the writer was on a one-month Fellowship at the Centre for Development Research, University of Bonn.

5.4

Namakkal gets very clean bill

16 December 2003

Few Malaysians know Namakkal. This is not surprising since it is a town of about 60,000 people in Tamil Nadu in south India. In fact, it is fair to believe that not many Indians, except those who are in transportation or poultry business, have even heard of Namakkal.

The interesting thing about this town, small by Indian standard, is that it wants to be an Eco-city, meaning a town that is not only clean, but also has very little waste as a result of good practices in waste reduction and recycling.

It is not certain that Namakkal will achieve its goal, but what is notable and unique is that the town is clean. By the standard of its surrounding areas, its cleanliness is distinctive.

More specifically, there is no litter on the streets and roadsides. There are no piles of rotting rubbish in the town. Even the main bus station and the vegetable market, the two areas in a town that are the hardest to keep clean, are litter and garbage-free.

This is in sharp contrast to the ubiquitous litter, plastic bags, bottles and even bags of garbage in almost all towns and cities in Asia.

Part of the ‘secret’ of Namakkal’s cleanliness is an effective cleaning and collection system. The town is swept everyday. There is daily door-to-door collection of household waste, including Sundays and holidays. Even the slums are serviced.

The Council has two ‘Mop-up’ mini-vans to pick up waste that might have been left behind or discarded after collection time to let the people know that there should be no rubbish at any time of the day.

The Municipal Council has also launched massive campaigns to educate the people about cleanliness. An example is the slogan that says, “No garbage town is equal to a holy temple”. Apparently, the campaigns have been effective.

Equally important, about 50% of the solid waste is recycled. This is a very high rate by Asian standard. The waste collectors, almost all women using pushcarts, sort out recyclable materials, such as plastics, paper, glass and organic waste at the points of collection.

Out of the about 21,000 tons of solid waste generated daily, about 3,000 tons of recyclables are collected and sold. More importantly, about 8,000 tons of organic waste are diverted for vermi-composting – use of earthworms to digest organic waste and turn it into fertiliser.

The primary factor for cleanliness of Namakkal is the commitment and enthusiasm of the local leadership. The municipal commissioner, the CEO of the municipality, believes in and takes pride in the town's cleanliness.

Equally important, the municipal council chairman, who is directly elected by the people, is also enthusiastic about cleanliness. Indeed, he personally videotaped an appeal to the residents to help keep the town clean.

In this, he has the support of the rest of the elected councillors, although the majority of whom are from different political parties.

A councillor, who calls himself 'Namakkal MGR', after the famous film star-turned-chief minister of Tamil Nadu, even videotaped a song in praise of cleanliness and virtue of waste reduction.

Namakkal is, of course, no Shangri-La. It is haphazard and noisy. Its sidewalks are largely unpaved. Most buildings need a new coat of paint and the drains need fixing. The vegetable market is made up of sheds with earthen paths as passageways.

Despite these, the municipal leaders have shown that the town, even one that does not have what many Malaysians would consider basic facilities, let alone first world infrastructure, could be clean if there is commitment and the willingness to seek programmes that are suitable to local situations.

Most of what is done in Namakkal is not applicable in Malaysia. For instance, it costs too much to have door-to-door collection everyday, including holidays.

However, it is useful to note that the cleanliness of the town is the result of initiatives by local leaders.

Despite having better facilities, Malaysian towns and cities, with the exception of a few enclaves, are characterised by litter, clogged drains and heaps of garbage.

There has been no lack of exhortations by state and federal leaders about cleanliness. There have also been cleanliness campaigns initiated by the Ministry of Housing and Local Government. What are also needed are local initiatives.

But these might be difficult to come by in Malaysia with solid waste management being privatised and centralised into four zones. One challenge, therefore, is to find ways to allow room for local initiatives. Another is to motivate local leaders to champion cleanliness without being patronising.

Namakkal anyone?

5.5

Planning for a world-class KL

30 August 2004

Kuala Lumpur wants to be a world class city. An important instrument towards this end is the Kuala Lumpur Structure Plan 2020, also known as KL20, which Kuala Lumpur City Hall will gazette soon, to give it the legal status to guide the development of the city.

Although a world-class city is a fuzzy concept, it is fair to believe that most Malaysians welcome the idea.

The term "world-class" conjures a place that is vibrant, attractive, pleasant and exciting yet efficient. It is commendable that Kuala Lumpur City Hall is benchmarking the city with the best in the world.

The question is: can it be achieved? There have been so many promises to be "world-class" in Malaysia that the term is beginning to lose its impact or appeal.

There are certainly "first-worldly" indicators, especially to visitors.

For instance, the 500 or so mayors, academicians and leaders of non-governmental organisations from all over the world who will attend the INTA World Urban Development Congress in Kuala Lumpur next week will be impressed with what they see in and around the city.

In fact, as soon as they land in Malaysia, many of them will be impressed with the Kuala Lumpur International Airport and the highway or transit system to the city centre.

They will then marvel at the Petronas Twin Towers and fashionable shops in Bukit Bintang and Mid-valley Megamall or the well-stocked hyper-markets. They will be amazed at the beautiful bungalows and landscaped gardens in Kenny Hills.

They will enjoy the sights, sounds, tastes and smells of cosmopolitan Bangsar or the charm and sophistication of Bintang Walk in the evening. Then they will be awed by the sight of Putrajaya. Many will feel that they are in a world-class city.

Mayor Datuk Mohmad Shaid Mohd Taufek is working hard, despite grumblings from some quarters, to correct criticisms that the city has no soul. Kuala Lumpur City Hall is hoping that KL20 will further enhance the city as a better place to work, bring up a family and have a life.

It spent millions of ringgit engaging consultants to prepare the draft structure plan. Millions more were spent on holding exhibitions, facilitating those who have better ideas to make objections and recommendations and amending the draft plan.

However, important as it is, KL20 is not a magic wand. It is a broad-brush policy document that must be complemented with local plans, which have yet to be made.

Making it a legal document does not mean that it will be followed. Many structure (not structural) plans in Malaysia have been forgotten or ignored.

Unfortunately, there are too many badly built or managed buildings and infrastructures. Many developers and their professional consultants in Kuala Lumpur have yet to show that they are ready and willing to play their part in making the city world-class.

The same also applies to traders and other service providers. Service with a smile is a rare commodity. "Thank you" is seldom heard while "don't know" is in abundance.

Furthermore, even casual observers cannot fail to see the litter, clogged drains, incongruous building extensions, incompatible building use and indiscriminate parking.

It is clear that economic growth does not automatically bring along better civic values. This is not nuclear science discovery.

Many Malaysians have been lamenting such a state of affairs. Prime Minister Datuk Seri Abdullah Ahmad Badawi's diagnosis of this "First-World infrastructure and Third-World mentality" malaise on his first day as acting prime minister on 6 March 2003 was a wake-up call to Malaysians to mend their ways.

Clearly, the road to world-class city status is not through the "big is beautiful" development model as seen in New York or London. Sustainability and livability are now the watchwords.

Good models are Zurich, Vancouver and Vienna. Other cities to look at include Toronto, Bonn, Fukuoka, Curitiba and, of course, Singapore. Even Dalian, a city once considered among the dirtiest in China, is worth a look.

A common observation in these cities is good civic values. Since good citizenship is more than sticking a flag on one's car during Merdeka celebrations, there is little hope that Kuala Lumpur will be world-class anytime soon.

City Hall must be more concerned about the Ugly Malaysian syndrome. It should work with civic societies to promote good civic values and better citizenship and incorporate social considerations in development policies to foster social cohesion.

There should be more effort spent to promote compliance with municipal rules and regulations since many acts that are anti-social are also legally wrong. This means rescinding vague and out-dated laws and enforcing those in the books strictly, without fear or favour.

Most importantly, City Hall itself should be a pinnacle of world-class service.

5.6

Pearl needs help to regain its shine

30 November 2004

It is getting difficult for Penangites to be proud of Penang Island, once known fondly as the Pearl of the Orient. Having to tolerate irritating noise from illegal workshops or navigate obstacles on road pavements is bad enough; but when one is confronted with almost daily adverse reports about the island in the newspapers, it can be embarrassing and even depressing.

As such, when the Penang Island Municipal Council announced an increase in assessment rates of between 4.2% and 11.3% for next year, there were protests. The fact that many ratepayers will still be paying less than what they paid in 1997 does not matter.

The complaints, however, are not so much about the quantum of increase as poor municipal services as reflected in dirty streets, clogged drains, potholes, mosquitoes, traffic jams and the decaying city centre.

There is also haphazard development that is aggravated by the council's inability or unwillingness to take action against those who do not comply with municipal rules and plans.

There are, of course, some who believe that the island is doing fine and the problems highlighted in the press are inevitable consequences of economic growth.

While it is fair to believe that many complaints are reported largely because of publicity-seeking politicians competing to show their diligence, the fact is that there are problems that need to be resolved by the authority.

But lately, even leading personalities, who by nature are careful about their words, have also voiced criticisms. For instance, in a strongly worded speech delivered at a recent dinner attended by captains of industry and commerce, Datuk Nasir Ariff of

the Malaysian International Chamber of Commerce and Industry, Penang branch, listed a litany of woes faced by both residents and investors.

The deputy group chief editor of *The Star*, Datuk Wong Chun Wai who writes a weekly column, recently revealed that his heart ached at the sight of the tarnished pearl every time he returned to Penang to meet friends and relatives or on business. He was elaborating on an earlier article in *theSun* by travel writer Yeoh Siew Hoon that Penang was no longer in the radar screen at the recent biggest gathering of Asia Pacific hotel investors and developers in Hongkong.

The irony is that expenditure on managing the island has been increasing rapidly. It increased from RM72.2 million in 1991 to RM124.4 million in 2000. Last year, it was RM254.8 million. For next year, it is RM257.9 million.

The council owes the ratepayers an explanation on why such rapid increases in expenses has not brought about better protection of the natural environment and effective maintenance of the built environment.

Worse, the increase in expenditure in the last few years brought about serious budget deficits. For instance, in 2002, it was RM33 million; 2003, RM79 million and for 2004, it was RM68.1 million.

For next year, despite the higher assessment rates, the council will have a deficit of RM82.7 million! This is a huge figure. It is 47.2% of the expected RM175.2 million revenue.

Clearly, the council is in danger of becoming addicted to the lavish lifestyle and yet unable to bring about better living and working conditions for ratepayers, let alone making the island attractive to tourists and investors from all over the world.

In fact, the council has been having respectable increase in revenue. Income from assessment rates alone, which usually accounts for about 65% of the total revenue, increased by about 100% from the early 1990s to early 2000s.

For next year, it is expected to amount to RM91.6 million. The problem is that expenditure far outstrips revenue.

It is possible that the deficits are only on paper as certain allocations are not used or the result of accounting procedure that only those in charge of the council's finance can understand. Either case, an explanation is in order.

More specifically, the council has to explain how it will reduce expenditure or increase revenue from sources not related to rates. Otherwise, to balance the budget, the amount of increase in assessment rates for next year will look like chicken feed.

Municipal council president Datuk Ahmad Phesal Talib has promised to provide better services to the people. This is heart-warming, but Penangites are still waiting for signs of his promise of a "five-star hotel service" when he was appointed president at the beginning of this year.

Remember, Prime Minister Datuk Seri Abdullah Ahmad Badawi has warned against "*cakap tak serupa bikin*".

5.7

Cleaning the tarnished pearl

29 February 2005

Penang is dirty. This is the verdict of ratepayers, visitors, newspaper columnists and bloggers. Even Prime Minister Datuk Seri Abdullah Ahmad Badawi thought so.

Although the “soft-spoken” Abdullah’s comment about the dirty habits could be seen as a slap on the face of Penangites and their leaders, it shows that criticisms of the state of the environment in Penang are not necessarily acts to humiliate the state leaders.

Rather, they are reflections of a genuine concern about the deteriorating quality of life in Penang and the conviction that things could and should be much better.

After all, Penang Island is the home of many leading multinational corporations producing the latest microchips and telecommunication and electronic gadgets. Their major share-holders and senior officers have seen and lived in cities in which cleanliness is taken for granted.

The island is also blessed with sandy beaches, accessible hills and historic city centre, all within bus-rides of one another. Many who voice concern about the tarnished pearl still hold fond memories of their happy and carefree days in these areas.

While it is commendable that the state executive council members will be involved in what Chief Minister Tan Sri Dr Koh Tzu Koon termed as “polishing the pearl”, this is poor governance. Cleaning Penang Island is not their business. They are appointed and paid to take care of more important things like the economy, housing and eradication of poverty.

The main institution to bring back the shine to the tarnished pearl is the Penang Island Municipal Council.

It is responsible for cleaning public places, including drains and the collection, transportation and disposal of refuse, although the jobs may be contracted out to private companies. It is also entrusted with power to take action against those who flout cleanliness rules.

Allocations for cleaning and solid waste management are part of the municipal budgets. Though limited, the budgets for keeping the island clean have been increasing rapidly: from RM27.3 million in 1993 to RM44.7 million in 2000 and RM79.4 million last year.

Besides, the council is not a young entity trying to find its feet. Its history can be traced back to 1800 when local residents formed a Committee of Assessors in George Town to play a role in urban governance.

George Town was the first town to have a fully elected council in 1956 and was elevated to a city on the first day of 1957.

In its heydays, apart from keeping the city clean and regulating trades and land development, the City Council of George Town was responsible for a wide range of services that are now taken over by privatised bodies or other government departments.

These include electricity, piped water, bus service, fire brigades, mother and child clinics and the Penang Hill railway.

It is, therefore, not too much to expect the council to be more effective in keeping the municipality clean.

However, despite the promises, Penangites are not holding their breath.

The warning by former prime minister Tun Dr Mahathir Mohamad in 1991 that Penang might become the “Rubbish Bin of the Orient”, unless cleanliness laws were strictly enforced, did not change anything.

The problem is the lack of accountability. More specifically, there is inadequate urgency for holding litterbugs and those who dump garbage indiscriminately accountable for their irresponsible behaviour.

Without local government elections, there is also an absence of mechanism for the ratepayers to hold the president and councillors accountable for doing a bad job in either keeping the island clean or taking action against those who cause the problems, including politicians who interfere in the enforcement of the law.

The state government, which appoints the president and councillors appear unable or unwilling to hold its appointees accountable for their failures. This is made worse by state leaders trying to do the job of the president and councillors instead of replacing them with better candidates.

Whatever the intention, intervention in the workings of the council not provided by law is interference.

Ultimately, the Penang voters have only themselves to blame. If they continue to vote for those who only know how to give out school bags or attend funerals or simply being “nice guys” and are ineffective at doing what they are elected and paid to do, then they deserve the state of filth they wallow in.

There is no need to wait for the next general election to hold the state leaders accountable.

Abdullah’s wish for a cleaner and more beautiful Penang can be realised by letting the leaders know that their jobs are on the line if the island remains as dirty the next time he visits. Then let the accountability chain take its effect.

5.8

Kolkata - city of hope

22 November 2005

Calcutta or Kolkata since January 2001 is often described as an enigma; a mystery and difficult to understand.

Terms like "fascinating", "bewildering" and "hellish" are often used in the same sentence to describe the city.

Kolkata has been called the "City of Slums". But even in the slums, the famous author, Dominique Lapierre, found a "City of Joy" in a story about the hellish life of Hasari Pal, a rickshaw puller, who lived on pavements, and when things became better, in slums.

Today, although the number of slums has declined, they are clearly visible. There are also pavement dwellers.

The city is dusty and filthy. There are litters and piles of rubbish everywhere.

Hawkers and petty traders are ubiquitous: on sidewalks, pavements and lanes. Many not only cook, but also wash their utensils *in-situ*. Making matters worse, almost all sidewalks and pavements have potholes, patches of earth or loose bricks.

The city is also noisy. Apart from the noise of revving engines, Kolkatans seems to have a fetish for using horns and every driver or motorcyclist is in a hurry.

Since the right of way appears to be based on the size of the vehicle or the loudest horn, the pedestrians are left in the weakest position.

There are pedestrian crossings, but no one seems to care. For students of non-compliance, visiting Kolkata is like hitting the mother-lode.

It is, of course, not easy to manage Kolkata. The city proper of 187.33 sq km under the administration of the Kolkata Municipal Corporation has about 4.8 million people, thus making it one of the most crowded real estates in the world.

It is like cramping all the people of Klang Valley into an area smaller than Kuala Lumpur which has about 243.5 sq km! Metropolitan Kolkata has a population of about 15 million, or about three-fifth of the population of Malaysia.

Furthermore, Kolkata, being near the epicentre of political turbulences, experienced two "human tsunamis".

Hordes of humanity flooded the city in 1947 when the Indian sub-continent was partitioned into India and Pakistan and again in 1971 when East Pakistan became Bangladesh.

The city continues to be a magnet to the rural poor of not only West Bengal, of which it is the capital, but also those of the neighbouring states of Bihar and Orrisa and possibly Bangladesh.

To make management of the city more complicated, metropolitan Kolkata is administered by about 40 local authorities, all of which are elected.

As such, there are cases where neighbouring local authorities are controlled by opposing parties.

Since June 2005, Kolkata Municipal Corporation has been under the control of the Left Front, led by the Communist Party of India (Marxist).

Local democracy is flourishing in India, but Kolkata clearly demonstrates that elected councillors by themselves are not a panacea to ineffective local government.

Accountability, transparency, rule of law and other elements of good governance are also important.

Despite all the problems, the city is vibrant. It also has an air of art, culture and intellectual vitality, reflecting the Bengalis' love for life rather than wealth, or so they claim.

Kolkata is reputed to be a safer city compared to other metropolis in India. It has seen better days, at least physically. It was the capital of British India from 1772 to 1912.

Then, it was known as the "City of Palaces" where Indian kings and princes built their residences.

There were grand buildings, parks, shopping arcades and broad boulevards lined with trees that could rival the best in Europe. The streets were not only swept but washed every day.

Without constant critical monitoring, voices of protests and counselling, it is so easy for an urban area to slide into decay.

The gems of the built environment, including the stately and beautiful buildings, huge open spaces and lumbering electric trams, could still be seen, although neglect and the elements have taken their tolls.

Equally important, many frequent visitors and Kolkatans are adamant that things have become better since the late 1990s. There is much potential for Kolkata to be great and grand again.

As reflected in Dominique Lapierre's book, despite all the difficulties in the life of Hasari Pal, there is hope in this once great city of Asia.

This article was written in Kolkata when the writer was attending a conference on cities in the era of globalisation, organised by the Regional Science Association of India and the Friedrich Ebert Stiftung of Germany.

5.9

Give something for PJ residents to celebrate

27 June 2006

Petaling Jaya became a city on June 20. Selangor Mentri Besar Datuk Seri Dr Mohd Khir Toyo congratulated the residents of the new city. So did DAP state assemblyman Teng Chang Khim.

But what were the congratulations for? As *theSun* pointed out in an editorial, the residents might well be wondering what difference the city status really made to their life.

They are still denied the rights to choose their local representatives. They still have to pay the 8-10% increase in the 2006 assessments rates. Members of the All Petaling Jaya Pro-Action Committee still have a hard time trying to get the council to come clean about its accounts or the billboard issue.

The sad fact is that Petaling Jaya still has a council that is basically not different from the one on June 19. There are no changes in the workings of the council to improve elements of good urban governance, such as more transparency and accountability.

What they got were promises of back-to-basics in urban management such as a cleaner town and prompt repairs of potholes. There was also the promise of not allowing the city to become a slum.

But there is no need for a town to be declared a city to get these promises. All newly-appointed municipal presidents and mayors have made similar pledges without having the King, on the recommendation of the cabinet, consenting to elevate a town to a city. They also do not need a costly ceremony involving a state ruler, the housing and local government, the whole state government and many state and local dignitaries.

It would have been something for the residents to shout about had they been given the rights to choose the new mayor and city councillors. On June 20, while congratulations were in abundance, there was not even a promise to have an elected Petaling Jaya City Council in the future.

Indeed, the only changes, apart from the name of the council, are the titles of the officials. The president of Petaling Jaya Municipal Council is now a mayor replete with mayoral gown and other regalia. The municipal councillors are now city councillors.

Hopefully, these changes in nomenclature will not be used as a basis for more allowances to commensurate with their "upgraded" stature. City councils do not automatically get more grants than municipal councils from the federal or state governments.

It is not too late for Mayor Datuk Ahmad Termizi Puteh and the city councillors to bring about some cheer to the residents.

For instance, they can demystify the development of the new city by passing a resolution to allow Petaling Jaya rate-payers to be observers in meetings that consider planning permissions.

This will enable interested residents to witness the implementation of the mayor's vision of no over-development. It may not eradicate bad planning decisions, but at least they will know the parties responsible.

Furthermore, the mayor should ensure that the council's annual financial statements are prepared on time: that is five months after the closing of accounts in December every year. Apart from sending copies of such statements to the Auditor-General, he should go one step further - post them on the council website to inform the ratepayers on how their tax ringgit is spent.

The new city council could also make its procurement more transparent. This is especially important in view of controversies in billboard contracting, the need to raise assessment rates and demands by residents to see the accounts.

There is no need to reinvent the wheel of transparency in procurement. Transparency International has a tool called the Integrity Pact that has been adopted by many local authorities all over the world. It was the main topic in a recent workshop organised by Transparency International Malaysia and the Integrity Institute of Malaysia.

Our city fathers will win all-round applause from ratepayers if they adopt the Integrity Pact. This will also be a concrete step to work with Prime Minister Datuk Seri Abdullah Ahmad Badawi in his campaign to make government transparent and corruption free.

It is possible that there is no malpractice in procurement in Petaling Jaya, but adopting the Integrity Pact will demonstrate that the new city council is embarking on an internationally recognised tool in good procurement practice.

In this endeavour, there is no doubt that TI International Malaysia president Tan Sri Ramon Navaratnam and his colleagues would be more than willing to help.

Chapter 6

Livable Cities

6.1

Put the joy back into walking

16 July 2002

Walking is one of the few activities that is healthy and enjoyable. Unfortunately, in urban Malaysia, the joy has been taken out of the walk. Urban planners and engineers tend to equate efficient urban transport system with making motor vehicles move faster and, if possible, without the need to stop at junctions.

The rights and welfare of those who walk are neglected.

Many urban roads do not have walkways. Pedestrians have to share traffic lanes with fast moving cars or walk on uneven and neglected road reserves. For instance, try walking from Heritage Hotel in Ipoh to the city centre or from Sutra Harbour Hotel in Kota Kinabalu to the central business district.

To make matters worse, many Malaysian drivers seem to take pleasure in scaring the wits out of pedestrians as if to proclaim, "How dare you intrude into our space!"

In many areas where there are walkways, pedestrians have to weave in and out of all sorts of obstacles such as hawker stalls, parked vehicles and even street signs.

Crossing streets in some towns can be suicidal acts. For example, the recent attempt to make vehicular traffic move smoothly in George Town has made crossing the once pleasant and idyllic Leboh Raya Peel and Jalan Macalister (at the vicinity of the Residency Girls' School) very hazardous. No wonder, not too long ago, a writer asked: "Is there a plot to eliminate pedestrians?"

Lately, there have been flashes of sensitivities among some urban planners and engineers for the welfare of pedestrians. Kuala Lumpur City Hall is planning for facilities to allow tourists to walk to interesting spots in the city. Several stretches of roads in Kuala Lumpur's "Golden Triangle" have become more pedestrian friendly.

In Penang Island, the local authority is building several overhead pedestrian bridges across busy roads. In the Klang Valley, highway concessionaires and the Malaysian

Highway Authority have collaborated to build walkways across highways. Several local authorities are trying to turn existing streets into pedestrian malls.

However, Malaysians should hold the applause. Many stretches of urban roads are still pedestrians' nightmares. Many overhead bridges are badly located and most are not friendly to the aged, physically handicapped and mothers with children. Plans to turn streets into pedestrian malls have run into controversies.

For instance, the decision to close Jalan Bukit Bintang in Kuala Lumpur during the weekends has been reversed. A plan to build Star Walk along Jalan Tunku Ibrahim in Alor Star is mired in controversy. Similarly, a proposal to build a pedestrian mall in "Little India" in George Town has received only protests from local traders. The Leboh Cambell "pedestrian mall" in George Town is a big yawn.

Nevertheless, such attempts at least indicate that the needs and rights of pedestrians are within the radar screen of municipal officers and councilors. But a sprinkling of overhead bridges and pedestrian malls does not a pedestrian-friendly city make. The needs of walkers must permeate every aspect of urban development.

It is, however, important to stress that being pedestrian friendly does not mean anti-motor vehicles. Furthermore, giving priorities to pedestrians in urban development can bring about towns that are comfortable, efficient, attractive and vibrant. Pedestrian friendly cities such as Bologna, Venice, Paris and Redburn (United States) are fine examples.

In the international scene, urban planners and architects are advocating the ideals of New Urbanism. In a nutshell, this movement advocates the building of livable, pedestrian-friendly and vibrant communities. In the realm of transportation, new urbanists want streets to be places to walk, chat with neighbours, ride bikes and drive cars.

"But Malaysia's hot and wet climate does not facilitate walking" is often given as reason for giving priorities to motor vehicles. Climatic conditions are just excuses for not providing for pedestrians.

Few cities in the world have fantastic climate the whole year round. Pedestrian-friendly cities are man-made and not natural phenomena. In Bologna, for instance, the streets are built such that the centre lanes are for vehicles while both sides are bounded with covered pedestrian arcades that are integral parts of the buildings lining the streets.

But Malaysians do not have to visit Bologna to understand the attraction of arcaded pedestrian walkways. Shop-houses built during the colonial period have five-foot

ways or *kaki-lima* that provide shade from the sun or rain. Unfortunately, many of these shop-houses have been replaced by “modern” buildings that have no shaded *kaki-lima*.

Many existing five-foot ways are now used as display areas or working spaces or parking areas for motorbikes, thus leaving very little room for pedestrians to walk.

With the advance made in urban planning, architecture, engineering and botany, it is possible to design city streets that are not only pedestrian-friendly but are a joy to walk on. At the very least, every urban road must have paved sidewalks and crossing facilities at regular intervals. Every sidewalk must be friendly to all, especially senior citizens, mothers with children and the physically handicapped.

But more should be expected. Walkways must have shades, both natural and man-made, to shield pedestrians from the sun. They should be well landscaped and lighted so that walking is not only enjoyable but also safe.

Although building pedestrian-friendly cities is not like eating *kacang*, as Malaysians like to say, it is not a tall order either. Let us bring back the joy of walking. After all, it is good for health, pollution-free, cost effective and provides opportunities to exchange greetings or chat with friends and even visitors.

6.2

The healing effect of nature

22 October 2002

Recently, two reports provided some insights into the quality of life in Kuala Lumpur. One placed Kuala Lumpur at the 87th position among 130 cities based on a survey of best places to stay conducted among expatriates by the Economist Intelligence Unit of the influential London-based Economist Group.

Other cities in the same ranking as Kuala Lumpur were Lima, Istanbul, Kuwait and Taskent.

Melbourne and Vancouver were judged to be the joint best places to stay. Perth came in third, with Vienna, Toronto, Geneva and Zurich holding joint 4th position.

The city judged to be the worst place to live by the expatriates was Port Moresby. Other cities at the bottom of the ranking were Karachi, Lagos, Dhaka and Phnom Penh.

Anyone who has been to the seven cities noted above as the best places to stay will testify that they are clean, healthy and pleasant. They are also efficient places to conduct business.

Furthermore, very few will dispute the findings that cities like Adelaide, Sydney, Copenhagen, Montreal (all joint 8th), Amsterdam (19th), Tokyo, Osaka (joint 21st) and Auckland (24th) were more conducive for habitation than Kuala Lumpur – if one earns expatriate income.

Some Malaysians may feel slighted or disappointed about the 87th ranking out of 130 cities. But cities in Southeast Asia generally did not fare well in the study. Singapore was ranked 50th while Bangkok, Manila and Jakarta were ranked 101st, 105th and 119th respectively.

Indeed, according to the survey, Kuala Lumpur was ranked even below Chicago (34th), Detroit (54th), Taipei (60th), Seoul (61st), Guangzhou (73rd), Panama City (75th) and Beijing (77th).

It is, of course, possible to find faults in the survey. However, instead of wasting time doing that, it is advisable to pay some attention to the report because it was published in major international news media and read by captains of industry. In the age of globalisation, the views of expatriates are likely to have impact on the flow of foreign direct investment.

More importantly, the ranking shows that there is room for improvement for Kuala Lumpur.

Those involved in the management of this city or, for that matter, other urban areas in Malaysia owe it to the ratepayers to nurture them into the best places to stay, work and bring up families.

If the Economist Intelligence Unit's report is disheartening, another recent report in a local afternoon daily is frightening.

According to the mayor of Kuala Lumpur, Datuk Mohamad Shaid Mohd Taufek, one out of 10 persons living in Kuala Lumpur needed some sort of psychiatric or psychological intervention! He said the data came from the Health Ministry.

The mayor also noted the emerging phenomenon of increasing single-parent mothers in the city. According to him, rising divorce rates and husbands abandoning their wives were among the causes. These and other social problems were the reasons, according to the Datuk Bandar, why Kuala Lumpur City Hall was providing free counselling services through Tele-Counselling Kuala Lumpur.

Most Malaysians certainly welcome City Hall's caring attitude and its endeavour to help those who were termed as 'marginalised families'. Some observers, however, feel that the Kuala Lumpur City Hall should not be involved in counselling service, but rather concentrate on its basic role, which is providing efficient and effective municipal services.

This is especially so in view of the fact that the quality of such services is still below par.

There is, however, one area where the City Hall can help the "marginalised families" and still be fulfilling its core business. This is to make the living environment of these people more pleasant and healthy.

It has long been established that the presence of natural elements, such as trees, in a neighbourhood increases the propensity for urban residents, particularly those living in crowded apartment buildings, to come out of their buildings and congregate in the

landscaped space. According to landscape architects, people simply enjoy nature – looking at it, being around it and having it available.

This very action of getting out of their confined space has beneficial effects. Just by interacting with each other, they create social relationships that are important for the healthy functioning of individuals, families and communities.

Some scholars even go further to suggest that nature has restorative effects. It calms, refreshes, decreases irritability and even enhances mental functioning. This is especially significant in over-crowded urban enclaves such as low cost housing estates.

The positive effects of well-landscaped environment are well accepted in Malaysia. The government has made it compulsory for all land development projects to have landscaping.

Some projects do have well-landscaped open spaces for families to enjoy and intermingle. In many town centres, one can see colourful flowers and plants.

But many local communities do not seem to benefit from what is carried out in the name of landscaping largely because the patches of landscaped space are too tiny or inaccessible or the landscape is totally uninviting. Furthermore, many urban areas have been developed without provisions for usable landscaped spaces.

It is heartening to read that Kuala Lumpur City Hall is planning to build more parks and recreation areas at the fringes of the city and to link them with jogging tracks and cycling paths.

But more should be done. Steps should be taken to reclaim some built-up areas and roads to be turned into landscaped open spaces. Local authorities have demolished buildings for car parks and hawker's complexes. Why not spend some funds to create something that those "marginalised families" living in congested living quarters in the hearts of the towns can benefit? Surely this is better than providing counselling services.

6.3

Fulfil pledge to make habitats move livable

30 September 2003

In 1985, the United Nations General Assembly adopted a resolution designating the first Monday of October as World Habitat Day to remind governments, municipalities and urban residents about the urgency of striving to improve human settlements.

This year, the global observance of World Habitat Day will be held in Rio de Janeiro, Brazil, on October 6, with the theme “Water and Sanitation for Cities”. Some of the past themes included City-to-City Cooperation (2002), Cities without Slums (2001), Women in Urban Governance (2000) and Cities for All (1999).

As Malaysia observes World Habitat Day, it is useful to recall the pledge to adopt the “universal goals of ensuring adequate shelter for all and making human settlements safer, healthier and more liveable, equitable, sustainable and productive”.

Leaders of world communities, including Malaysia, made this declaration in the second UN Conference on Human Settlements, popularly known as Habitat II, in 1996.

It is important to note that the pledge and resolution did not define what constitutes ideal human settlements. What is called for is the urgency to strive for improvement in the building and management of human habitats so as to enhance the quality of life and protect the environment.

It is also useful to note that similar promises have also been made by many Malaysian national, state and even municipal leaders at local functions, either to enhance legitimacy to their positions or to show that they care and have the power to effect changes.

As such, as part of the observance of World Habitat Day, it is legitimate to ask what has been done about the pledges and promises in the last 365 days.

For instance, have more houses been built, particularly those that are affordable to the lower income groups? Have the towns and cities become safer, especially for women, children and senior citizens?

Are there additional facilities for recreational activities? Are there more places for Malaysians and visitors to have a life after work? Are there more facilities for senior citizens to have a life, taking into consideration that they have more 'free' time but have reduced or no income?

Are there more and better facilities for the physically handicapped, the aged and infirmed and mothers with children to be mobile and lead an active life? Are there more safe and pleasant walkways and pedestrian crossings so that those who choose or have to walk have right of way and do so safely?

Are recent development projects sustainable? Have the streets and drains become cleaner? Has the air quality improved? Are the rivers cleaner and the hills better protected? Are there more commercial and industrial buildings, especially those catering to small operators? Have traffic jams been reduced and more jobs created?

Finally and in view of this year's theme, have the water quality and the delivery system improved? Has the sanitary and sewerage system been up-graded to prevent pollution of the environment?

Unfortunately, while significant improvements have been made in certain areas resulting in the development of some residential and commercial enclaves that are comparable to the best in the world, there are more negative than positive answers to the questions posed above.

For instance, although there has been significant progress in housing the people, including the lower income groups, Malaysians are increasingly concerned about safety in the towns and cities.

The recent reports in parliament of 703 cases of rape and 7,800 cases of snatch-theft in the first six months of this year only serve to provide the statistical basis of frightening stories told privately among friends and relatives. The recent high profile murder and rape cases certainly compound the fear factor.

Furthermore, the lack of walkways and pedestrian crossings coupled with the inability of local authorities to enforce traffic rules have turned even the daily tasks of walking to schools, markets and corner shops into dangerous adventures and death-defying exercises.

What is troubling is that there is no sense of urgency in striving to improve human settlements, especially in many local authorities, where it matters most.

The pledges made at international forums and even local functions are often forgotten or not communicated to the local authorities for action. Furthermore, those who make such pledges are not held accountable for the lack of actions.

As such, World Habitat Day is a time to remember the pledges and promises to make human habitats safer, healthier and more livable, equitable, sustainable and productive.

It would be even better if time and energy were also allotted to find ways to hold those who make pledges and promises accountable.

6.4

Cyber cities

14 October 2003

It is becoming clear that knowledge-based economic activities are emerging as the dominant engines of growth, thereby leading to the formation of knowledge societies. Indeed, some scholars even believe that knowledge societies will dominate global agenda in the 21st century just as industrial societies did in the 20th century.

The top leadership at the federal government is well aware of this fast developing phenomenon and is committed to making Malaysia the host to knowledge-based or k-based enterprises to sustain the fast pace of economic growth that Malaysians have been accustomed to and come to expect.

This ambitious plan needs commitment, hard work and support from all, especially state governments and local authorities, because there is keen competition from our neighbours and the fast pace of change in information and communication technology (ICT).

Furthermore, k-based entrepreneurs are very picky when it comes to choosing a place to invest their monies and locate their precious knowledge workers.

As part of the efforts to bring about a knowledge society or at least to enhance the development of k-based economy, Malaysia has taken the unprecedented step of adopting 'Bills of Guarantee', which are legally binding incentives to attract ICT investors.

Among them is the provision of 'world-class infrastructure'. In other words, the government guarantees the availability of physical infrastructure that is comparable with the best in the world and failure to do so could result in Malaysia being sued for losses incurred by the investors.

As a concrete step to provide excellent infrastructure, the government has designated a swatch of land stretching from Kuala Lumpur City Centre (KLCC) to Kuala Lumpur International Airport (KLIA) as ICT company-friendly area, with Cyberjaya as the hub.

This is the renowned Multimedia Super Corridor or MSC.

There is also the Multimedia Development Corporation (MDC) to facilitate the development of MSC and expedite multimedia entrepreneurs to invest in Malaysia.

Today there are 923 MSC-status companies in the MSC, far more than what the planners expected.

There is no doubt that the factors contributing to the success of attracting these companies, including internationally famous ones, are the incentives and efforts of those involved in developing the MSC. But it is also fair to believe that the pleasant and conducive environment in Cyberjaya also plays an important part.

The next phase of the push to develop k-based economy in Malaysia is the development of multimedia company-friendly enclaves or 'cyber-cities' outside the MSC to create 'a web of corridors'. The MDC envisages four to five such cyber-cities in the near future and these will be enlarged to about 12 in the long run.

The challenge now is for local authorities outside the MSC to play their part in helping the country to be transformed into a knowledge society, or at least to attract the establishment of more k-based companies.

It is noted that many municipal councils already have Internet web sites and some are committed to buying state-of-the-art computers. But to be hosts of ICT companies calls for more than creating web sites to enable residents to pay bills via the Internet or see pictures of councillors or even make complaints via the net.

The crucial factors are excellent infrastructure, pleasant and conducive living and working environment and quick response time in dealing with the public.

More specifically, as understood from MDC promotion materials, 'cyber-cities' or enclaves that want to play hosts to ICT investors must have efficient and uninterrupted utilities and reliable transportation that is also integrated. Commercial, health and recreational facilities must be easily accessible. Equally important, housing and educational facilities must be in close proximity to work places.

Furthermore, cyber-cities must have a garden setting and barrier free and all public areas are pedestrian-friendly. The facilities must have intelligent features and the crime rates must be low.

It is fair to say that the above vision of a cyber-city is not different from what Malaysians have in mind for their cities and towns - “inter-connected globalised web of knowledge enclaves” that will be the leading engines of growth.

6.5

Garden cities remain a dream

27 January 2004

Municipal or state leaders like to promise "Garden Cities" because they conjure a picture of a pleasant and healthy urban environment.

Unfortunately, the promised Garden Cities often turn out to be no more than the towns having more shrubs and flowering plants in the odd pockets of space that could not be used for anything else.

It might be useful to clarify that the term "Garden Cities" was formally coined more than a hundred years ago by Ebenezer Howard, one of the several visionary Victorian social reformers who was disgusted by the scenes of squalour, filth and crime in the towns that were undergoing rapid industrialisation in England in the late 19th Century.

As part of the movement to bring about better and healthier conditions in the towns, Howard wrote a practical guide to town development in 1898 entitled *Tomorrow: A peaceful path to real reform*.

This was later revised and produced under the title *Garden Cities of Tomorrow* in 1902. In Howard's vision, Garden Cities, with maximum population of 32,000 people each, were to encapsulate the economic and cultural benefits of cities and the goodness of nature of the countryside.

Equally important, there was to be no metropolitan sprawl or industrial concentration.

Since then, Garden Cities of Tomorrow has become a basic text for town planning students. Even those students who have not read the book and somehow managed to pass their exams would have heard of Ebenezer Howard and "Garden Cities".

In reality, however, very few cities -- Letchworth in England being the most famous -- have been built according to the Garden Cities concept.

But Howard did leave behind the belief that it was possible to build towns that have employment opportunities, good sanitation, parks and open spaces, housing for all classes of society, adequate public transportation and shopping facilities, and most important of all, where people could be happy.

For Malaysians, it might be of interest to know that one of the earliest followers of Howard was Charles Reade, who was to become the first town planner in the then Federated Malay States in 1921.

Although Reade's original proposal for a very tough planning legislation was rejected, town planning has been an accepted institution in Malaysia.

Millions of ringgit have been spent on educating Malaysians to be town planners and millions more on maintaining town planning departments and preparing Structure Plans and Local Plans to regulate the development of urban areas.

Today, no one is allowed to undertake land development without first obtaining planning permission from the local authority.

Property owners and their consultants have often complained that obtaining planning permission is like drawing blood from municipal planners and councillors.

However, the results have been disappointing. While Malaysia can boast of a few world-class enclaves, most towns and cities are far from the promises of Howard's Garden Cities, what with traffic jams, flash floods, inadequate shelter, unsanitary conditions, haphazard development, lack of parks and gardens and urban sprawl.

More importantly, although Malaysian towns and cities have facilitated the advancement of cultural and social activities and accumulation of wealth, they have also become breeding grounds of social ills, such as gangsterism, drug abuse, robberies and even rapes and murders besides the oft-repeated Ugly Malaysian syndrome.

The town planning profession, if it has not already done so, should be asking itself whether more could have been done to build towns that are not breeding grounds of social ills. Are town planners satisfied that they fully understand the people for whom they plan?

For instance, is the safety of children and senior citizens taken care of in the planning of housing areas, considering that they have to go to schools or shops daily?

To make matters worse, many urban areas in Malaysia still do not have Local Plans to provide detailed indication of what can be built on a particular piece of land.

As a result, many planning decisions have been ad-hoc in nature, thus allowing financial and political considerations to interfere with good planning principles.

There is, therefore, an urgency to prepare and gazette local plans. But more importantly, the plans must ensure that all stakeholders, especially the lower income groups, small businessmen, senior citizens, youths, mothers with children and the physically handicapped, have space and facilities to enjoy the benefits of urban living.

Indeed, while politicians and community leaders are calling for banning motorcycles from parts of Kuala Lumpur or castrations and public flogging for rapists, town planners should also be busy finding ways to build towns that promote civil society, or at least, are not breeding grounds of social ills.

After all, it was the prevalence of social problems in the cities that led to the emergence of town planning in the first place.

6.6

Heritage sites give towns a soul

3 March 2004

Recently, Minister of Housing and Local Government Datuk Seri Ong Ka Ting announced that the Town and Country Planning Act of 1976 would be amended to provide more stringent protection for heritage buildings and sites.

Among other things, the amendments will give the government not only more teeth to prosecute those who destroy heritage properties, but also provide financial aid to affected building owners.

Heritage buildings and sites are worth conserving because they add historical character and give a sense of pride and belonging to the towns. They are part of the ensemble that gives these towns their souls. At the very least, they make the towns unique, iconic and notable.

For instance, Lyons, Bath, Lijiang and Heidelberg are famous and attractive not because they have the tallest or biggest buildings, but rather character and history as a result of heritage conservation.

Unfortunately, too many heritage buildings in Malaysia have been destroyed. The more notable ones were the Eastern Hotel in Kuala Lumpur, the Metropole Hotel and the old JKR buildings in George Town and the three shop-houses in Malacca.

Furthermore, heritage enclaves, such as Jonker Walk in Malacca and Jalan Sultan Ahmad Shah in George Town are slowly being destroyed as a result of incompatible projects and renovations or abandonment.

As such, Ong's announcement is appreciated. But conservation enthusiasts should hold on to their champagne bottles. The details of the amendments are still not made public and there might be surprises.

Even with good heritage conservation laws, destruction of heritage sites might continue.

The Town and Country Planning Act was passed in 1976 to enable local authorities to regulate urban development. Yet, some 28 years later, there are very few gazetted Local Plans to provide a sense of certainty and transparency in development control.

Indeed, the approval or rejection of development projects still largely depends on the idiosyncrasies of 24 councillors and the president of the local authority.

There is also the question of non-compliance. Just as many planned housing areas have become haphazard and unpleasant as a result of illegal building extensions and change of use, even with conservation laws, heritage buildings and sites could still be destroyed as a result of non-compliance.

Under the existing town planning laws, those who demolish any building without planning permission could be fined up to RM500,000 or jailed two years or both.

The problem is that enforcement of development control laws and other municipal rules and regulations is very lax. There are, however, some positive signs. Some property owners have restored heritage buildings and thereby contributed to the attractiveness of the towns.

In George Town alone, there are some fine examples, such as the Choong Fatt Tze mansion, 8 Row, Little Shanghai, Khoo Kongsi, Burma Square and Hotel 1926, the last two belonging to the state government.

Unfortunately, while there are some Malaysians who are committed to urban conservation, most are ambivalent about it.

Many Malaysians, including some who publicly declare support for conservation, see nothing wrong in destroying historic buildings in order to build shopping complexes or hotels.

This is made complicated by subjectivity in defining what constitutes heritage.

For instance, while Penang is trying to get part of George Town declared a Unesco Living Heritage site, the State Islamic Religious Council is proposing a housing project that requires the demolition of six historical houses at the Mesjid Melayu enclave in Leboh Aceh.

Furthermore, past experiences in heritage conservation have not all been exemplary. The Syed Alatas building belonging to the Penang Island Municipal Council is a case in point.

Although the building was beautifully restored in 1993, with technical assistance from France, financial aid from the federal government and even the support of former Prime Minister Tun Dr Mahathir Mohamad, it is now in a limbo, deserted and forlorn-looking.

As this was a high-profile restoration project, it is very difficult to persuade many property owners that it is good to spend time, energy and money to conserve heritage buildings.

In fact, there are landowners and developers who are worried that heritage conservation could be misused to delay the processing of planning permission applications.

They are also fearful that their properties are rendered economically useless as a result of conservation listing.

Much remains to be done if urban conservation is to succeed. More specifically, there is an urgent need for Local Plans that incorporate heritage conservation and public education on its benefits.

This requires training qualified urban conservators who have the expertise in not only identifying heritage buildings and sites, but also ensuring that they are economically sustainable.

Most important of all, there must be better management of the towns and cities. Heritage conservation cannot exist in isolation from the larger urban management capability.

6.7

Don't hold your breath for safer cities

26 October 2004

Deputy Prime Minister Datuk Seri Najib Abdul Razak recently announced that the National Council for Local Government had adopted the safe city concept. The local authorities are now required to implement the 23 steps that have been identified by the Ministry of Housing and Local Government to make their areas safer.

Although the safe city initiative is largely a reaction to reports of snatch thefts, there are other compelling reasons for safer towns and cities.

Many pedestrians have suffered injuries from falling into uncovered drains or tripping on uneven walkways or boxes, chairs, stalls and vehicles placed on walkways. Others have been traumatised by dengue fever, flash floods, accidents and burglaries.

The ministry should be commended for pushing the safe city concept as a national agenda. However, credit should also go to the Malaysian Crime Prevention Foundation and Tan Sri Lee Lam Thye for campaigning for safer cities for some time now.

Nevertheless, some of the steps under the concept should be reconsidered.

More specifically, the strategy to build steel fences separating walkways and roads is ill-advised. It is doubtful if such fences can be erected in all walkways that are adjacent to roads. No matter how well-designed, they are obstacles that not only destroy streetscapes, but also obstruct the views of drivers and motorcyclists.

With poor maintenance, a malaise common among local authorities, the fences will very quickly become eyesores.

Even the strategy to install CCTVs in snatch theft prone areas should be treated with caution. Criminals shift their turfs and it would be very expensive to cover all populated areas with such devices.

More importantly, it is doubtful that they will be properly maintained or the police can keep constant watch of the monitors.

It may be of interest to note that the camera of a CCTV system, installed with public donations, in a pilot safe city project in Penang was stolen within a few months. Surely, if the monitor was under constant surveillance, the thief would have been apprehended.

It should be noted that fences and CCTVs cost money that could be used for more sustainable projects. Furthermore, safe city is not only for the prevention of snatch thefts.

As stated by Minister of Housing and Local Government Datuk Seri Ong Ka Ting in Sibu recently, the concept was aimed at "making all Malaysian cities and towns free from violence, social and moral decadence and accidents".

While new technologies should be used to enhance urban management, installing gadgets will not work without improving urban governance.

An interesting strategy for safer cities that has attracted wide attention is "Fixing Broken Windows". This is based on the notion, first propounded by criminologist George Kelling and UCLA Professor Emeritus James Wilson, that if a broken window is left unattended, it quickly leads to more broken windows and eventually to the street being colonised by anti-socials and criminals.

Under the Fixing Broken Windows model for preventing vandalism and deterring criminal activities, the strategy is to show that the authority cares about an area by fixing problems when they are small.

As such, local authorities must ensure that walkways are clean, cleared of obstacles and free of broken drain covers and loose bricks. Broken street furniture and infrastructure, no matter how minor, must be repaired quickly.

More importantly, acts of non-compliance with rules and regulations are nipped in the bud. For instance, motorists who do not stop for pedestrians at zebra crossings are punished. This also assumes that those who are tasked to enforce the law are also held accountable if they fail in their duties.

The challenge of safer cities is, therefore, more than putting up gadgets or announcements of catchy phrases by very important persons.

So far, declarations of heart-warming concepts by national and state leaders have largely turned out to be broken promises. These include “A Beautiful and Clean Malaysia” (1990), “Anti-mosquito and Cleanliness” (1999) and “Clean Drains” (1990s).

Only announcements of rate or tax increase seem to have instant impacts.

Unless the government gets serious in improving urban governance, it may not be advisable to hold the breath waiting for cities to become safer.

6.8

Help senior citizens lead healthy lives

16 August 2005

Once in a while and more frequently near general or party elections, there are pictures in the newspapers of state and national leaders or their wives feeding ailing senior citizens. With politicians and their spouses as good as the best of Hollywood, one can never be sure if the demonstrations of caring for senior citizens are genuine or otherwise.

A better yardstick of the politicians' commitment to the welfare of senior citizens is the availability of facilities and amenities to enable the latter to have an active, healthy and fulfilling life. In other words, it is important to facilitate senior citizens to have an active life while they are still healthy.

For politicians to personally feed them when they are bed-ridden should be seen as a bonus, meaning that it is good to have it, but life, or whatever that is left of it, can go on even without it.

Some would even say that by the time the politicians or their wives have to feed sick senior citizens, it is way too late to be concerned.

Unfortunately, the facilities and amenities for senior citizens are woefully inadequate or badly maintained. The cities and towns are not senior citizen-friendly.

There are few places in the urban areas that promote and facilitate senior citizens to get out of their houses to continue to be active and have a life. As most senior citizens have time on their hands, the lack of public places to "hang around" can be disorientating and even depressing.

There should be reading rooms with newspapers and magazines, in both printed and electronic forms, and open spaces with proper benches and shades in neighbourhoods and city centres. Gymnasiums with facilities catering to senior citizens should also be available within easy travelling distance.

Walking and hiking trails with suitable rest areas along scenic areas, such as river banks, coastal areas and rolling hills, should be created and maintained. These should take into consideration the climatic conditions.

Such challenges should not be above and beyond the capabilities of the planners, botanists and engineers that Malaysia spends hundreds of millions to educate.

Another basic facility for an active life for senior citizens is an efficient public transportation. This is particularly essential in view of the fact that many of them do not own cars or have the confidence to drive them.

Many public transportation facilities are not only in poor condition but also not senior citizen-friendly. For example, in Penang Island, the mini-buses that Kuala Lumpur discarded, but still treated like racing cars by the drivers, are definitely not senior citizen-friendly. Indeed, they are not even fit for Penangites of any age group.

Public transportation should not only be efficient and comfortable, but also cater to the special needs of the passengers.

For instance, in many cities that are sensitive to the needs of people who may not be very agile, the buses actually tilt when stationary to facilitate senior citizens and mothers with babies and young children to board them with ease.

To facilitate mobility and an active life, including going to nearby stores and parks or just to see the world or be seen, senior citizens also need an efficient network of walkways and pavements. Sadly, this is not the case in most towns and cities.

Many are not useful to even able-bodied pedestrians, let alone senior citizens, because they are uneven, full of potholes, too narrow or have kerbs that are 20-30cm thigh. Furthermore, many are blocked by boxes and shelves, hawkers, road signs and parked vehicles.

More funds should be channelled towards building or improving facilities, like gymnasiums and walking trails.

An active life is a healthy life. Furthermore, healthy senior citizens take the pressure off public health facilities that are bursting at the seams.

Besides, many facilities that facilitate senior citizens to have a better quality of life are also needed by ordinary people. As such, cities and towns that are senior citizen-friendly are often the best places for work, bringing up families and having a life.

Malaysians generally have about 15 to 30 years of life after retirement.

It is certainly very uncaring to the senior citizens if the second half of life is only to stay indoors, many of which are no more than cubicles, mainly because the planners, architects, engineers, senior local officials and most importantly, their political leaders, are not sensitive to their needs.

6.9

Make it safer for pedestrians

22 August 2006

The Transport Ministry and its road safety department recently launched a concerted campaign in the mass media to promote pedestrian safety. Pedestrians are urged to use the proper crossings or overhead bridges and walk against the traffic. Mothers are told to accompany young children when crossing busy roads.

The ministry and the department should be commended for trying to make walking safer, but the advertisements have focused only on the responsibility of pedestrians. These must be complemented with other efforts.

First, there must be adequate facilities for pedestrians. It is pointless telling pedestrians "that crossing at the wrong place is suicide" and to "use proper crossing" when pedestrian crossings and overhead bridges are woefully inadequate in all towns and cities.

For example, there are no pedestrian facilities to walk safely from the Regional Centre for Education in Science and Mathematics on Jalan Sultan Azlan Shah on Penang Island to Jelutong, a township of about 1km away, or the nearby popular Bukit Dumbar reservoir and recreation park.

In fact, in the effort to make traffic flow smoothly, many roads in some towns and cities have been turned into one-way streets with very few traffic-controlled junctions. The constant flow of traffic makes crossing certain roads almost suicidal for pedestrians.

It is also becoming clear that decisions for building pedestrian bridges are determined by the needs of advertisers rather than those of pedestrians. This was demonstrated clearly in Petaling Jaya when Section 10 residents protested against the building of an overhead bridge.

Second, all surface roads in towns and cities must have pedestrian walkways. As many roads are without such facilities, pedestrians often have to share the roads with fast-moving vehicles.

This lack of walkways for pedestrians is made worse by the behaviour of drivers who seem to take pleasure in scaring the daylight out of pedestrians by driving very close to them. The sad fact is that the interests and rights of pedestrians are largely ignored by Malaysian drivers.

In Ipoh, anyone walking from the Heritage Hotel or the Ipoh Turf Club to the town centre will have to walk on the grass verge or on Jalan Raja DiHilir with its fast buses, lorries, cars and motorcycles.

Worse, there is no pedestrian crossing or overhead bridge near the roundabout as one approaches the city centre.

Third, the authorities must ensure that pavements and walkways are only used by pedestrians. At present, there is much misuse, especially for illegal hawking or by motorists as parking space for their vehicles.

Many pavements are also used by government agencies and government-linked companies to put up sign-boards and utilities. Rules are rarely enforced.

It is also important that walkways are properly maintained. Too many are in the state of neglect and therefore unsafe for pedestrians.

Fourth, and most important of all, there should be a campaign to instil in drivers and motorcyclists that pedestrians have the right of way at pedestrian crossings. This means that they must stop before the crossing zone even before the pedestrians take the first step to cross the road. Most drivers and motorcyclists just do not bother to do this.

Many pedestrians find that exercising their right of way at pedestrian crossings can be a painful or even life-threatening mistake. The abuse of pedestrian crossings in Malaysia is such that pedestrians wait for the roads to be cleared before crossing.

The situation was so bad that Penang Island Municipal Council has stopped providing pedestrian crossings without traffic lights. Still, there are even those who ignore the traffic lights when they do not see pedestrians on the road. While the council should be commended for building more pedestrian crossings with traffic lights lately, the number is still inadequate. Walking in Penang is still dangerous.

It is time for the officers of the road safety department and those in the Transport Ministry to walk the talk.

They should spend some time in all the 38 towns and cities to help local councils and state Public Works Departments identify areas that need pedestrian crossings or overhead bridges and pedestrian walkways.

While they are at it, they should also try to convince traffic planners that too much priority has been given to the needs and interests of private vehicle drivers.

The rights and needs of pedestrians, the weakest members of the traffic community, must be given equal, if not more, attention. This will not only promote pedestrian safety, but also facilitate the building of more livable cities in the country.

6.10

Livable cities

7 November 2006

Tomorrow, Nov 8, is World Town Planning Day. The Federal Town and Country Planning Department is holding an international convention with the theme "Towards Livable Cities - The Asean Way" from Nov 8 to 10.

Hopefully, the convention will generate an interest in and ignite a concerted movement to build livable cities. This is especially timely as Malaysians are engrossed in the misdeeds of councillors and giving opinions on their selection, thanks to Datuk Zakaria Md Deros, the municipal councillor of Klang.

Livable cities are people-centred human settlements with emphasis on strengthening community. They have attractive and safe public realms such as well-maintained parks, squares and marketplaces. The built environment has human scale architecture and mixed land use of shops, houses, outdoor cafes, restaurants and space for community festivals to facilitate and promote interactions and civic engagement.

Livable cities are also characterised by short travelling distances for daily needs that are met by walking, cycling and use of mass transit, including public buses. Use of private cars gets low priority.

Above all, livable cities are safe cities.

Good examples of livable cities are Zurich, Vancouver, Vienna, Toronto and Melbourne, which have been acknowledged as offering the best quality of life in international ranking exercises.

For instance, Vancouver, the host to the biggest gathering of mayors, town planners and urban sociologists attending the recent World Urban Forum, is noted for its numerous and very well maintained parks, including Stanley Park and Dr Sun Yat-

Sen Classical Chinese Garden. There are also the quaint enclaves such as False Creek and Chinatown.

The attractive facilities are complemented with an integrated public transportation system of buses, sky-trains and ferries. Furthermore, access to all facilities, including public transport, is barrier free for the physically handicapped, senior citizens and mothers with babies. The overall result is a city that is alive, exciting and yet relaxing.

Among those who are impressed by Vancouver is Norliza Hashim, the president of the Malaysian Institute of Planners. She and many town planners from the federal and state town and country planning departments, Kuala Lumpur City Hall, Subang Jaya Municipal Council and Sepang District Council were part of about 45 Malaysians who attended the World Urban Forum.

The government, of course, cannot continuously send town planners and municipal, state and national leaders to Vancouver. But one does not have to visit Vancouver or Zurich or Vienna to learn about livable cities. There are books, journals and websites.

If Malaysians need to visit a city in order to learn, the most suitable is our neighbour, Singapore, generally acknowledged as the most livable city in Asia. It not only has a relatively safe public realm, including well maintained parks and attractive enclaves, but also a public transportation system and pedestrian facilities that are acclaimed as among the best in the world.

Although Malaysian towns and cities offer relatively good quality of life among cities of developing countries, they are still far behind those that are internationally acclaimed as most livable cities.

For example, there are few well-maintained parks, squares and enclaves that take into considerations climatic conditions to facilitate and encourage Malaysians to mix and interact outdoors. Barrier-free public transportation is still a dream. Worse, fear of crimes has discouraged many from taking leisurely strolls either in the suburbs or city centres.

On the contrary, projects that are anti-thesis to the development of livable cities are being built. For instance, the high priorities accorded to private vehicle owners have resulted in building expressways to relieve traffic jams and transportation problems. Unfortunately, these often destroy neighbourhoods and make walking to schools and markets impossible.

The fear of crimes has made many Malaysians seek safety in gated communities and guarded communities. But gates do not make the cities safer. They are obstacles to easy access to parks, schools and facilities, especially to pedestrians and thus do not promote the development of livable cities.

While the advance of knowledge in urban design, town planning and social sciences should lead to cities becoming more conducive for work and bringing up families, in Malaysia the law gives politicians, especially the councillors, the power to shape the urban environment. They approve development plans, including layout plans for private development.

Unfortunately, in many cases, new development projects fail to make the towns or cities more livable. In some cases, they actually destroy livable neighbourhoods and cause environmental pollution.

If Malaysian cities are to be ranked among the top 50 livable cities in the world, there is a need for not only world-class professionals, but also councillors who have visions of better living conditions for the ratepayers and the integrity to do what is right.

Chapter 7

Sustainable Development

7.1

We'll settle for sustainable cities

10 September 2002

By now, most Malaysians are probably familiar with the term 'sustainable development', thanks to the World Summit on Sustainable Development in Johannesburg recently.

But just in case some missed the reports on the Johannesburg Summit, sustainable development means "development that meets the needs of the present without compromising the future generations to meet their own needs", as defined by *Our Common Future*, the book that inspired the first earth summit in Rio de Janeiro ten years ago.

There have been other definitions, but all advocates of sustainable development agree that unless humans change the way goods and services are produced and consumed, we are going to deplete planet earth's limited resources.

There are, of course, detractors who argue that earth's resources are still plentiful and dire predictions of impending depletion of natural resources are mistaken. Others maintain that there are no limits to growth because of unlimited human intelligence and creativity.

But even though predictions of environmental apocalypse may not happen, it is prudent to be cautious. As of now, there is nowhere else to run if the earth's ecosystem collapses.

Available data are worrisome, if not frightening. For instance, in the last 25 years of the 20th century, about 20% of all living species have become extinct. It is also estimated that in the tropics alone, the destruction of the ecosystem has been so severe that 60,000 plant species, accounting for 25% of the world's total, could be lost by 2025. Furthermore, carbon dioxide emissions leading to global warming are expected to rise 33% in the rich countries and 100% in the rest of the world in the next 18 years.

But humankind is multiplying, at least for now. World population grew from about two billion in 1950 to six billion at the end of 1999. The increase has been concentrated in urban areas.

In the last century, world urban population grew from 14-47% per cent. In Asia, about one billion people or half the population, today live in urban areas. It is estimated that by the second decade of the 21st century, there will be 21 megacities in the world - cities of at least 10 million people or more. Of these, 13 are located in Asia.

The main reason for the rapid urbanisation is that cities are dream machines. They promise bright lights, abundant food, employment, schools, health facilities and a sense of hope for a better life, if not for the migrants at least for their children.

Like the rest of the developing countries, Malaysia has been experiencing rapid urbanisation. About 60% of the population are living in urban areas, compared with about 27% in 1957.

For most Malaysians, urban life has been relatively good, at least better than life in the rural areas or that of their parents. Transport, telecommunications, shopping, education and health facilities have improved significantly in the last few decades. As a whole, housing conditions are also better. Factories, construction sites and commercial centres offer numerous job opportunities.

Indeed, for some urban dwellers, living and working conditions have been luxurious, thanks to million ringgit condominiums and bungalows, posh office buildings and trendy shopping centers, fine restaurants and exclusive clubs.

The question is, can this trend be sustained? Malaysians are discarding about 15,000 tons of waste every day, beyond the capacity of many local councils to manage.

Our rivers are filthy if not completely polluted, especially those that flow through urban areas. We are beginning to be able to see the air we breathe. Coastal waters near some populated areas are dirty and uninviting. Hills surrounding the towns are cut, disfigured or littered with plastic bags and bottles.

In many parts of the towns and cities, the very act of walking, a natural human activity, has become a hazardous adventure of competing with motor vehicles for the same road space or trying to avoid snatch thieves. Indeed, the fear factor in some towns has reached a level that gated communities are in fashion. Some neighbourhoods in Petaling Jaya have locked gates across their back lanes in contravention of municipal laws.

Flash floods are becoming common occurrences. Children are playing football on computer screens instead of fields. Illegal building-use conversions or building extensions or new highways have ruined many pleasant planned neighbourhoods.

Historical and beautiful buildings and enclaves have been destroyed and replaced by bland high-rise buildings. Indeed, comparing cholesterol levels and blood sugar readings are favourite topics in after-dinner conversations largely as a result of the easy life and lack of physical activity.

In short, we are living beyond our means, environmentally speaking. We are not leaving our children and their children hills, seas, rivers and air in conditions that our parents enjoyed when they were young. To paraphrase the authors of *Our Common Future*, many development projects that meet our needs have compromised the ability of future generations to meet theirs.

However, all is not lost ... yet. Many government leaders seem to be aware that the people want and expect to have better towns and cities. They have promised to build intelligent cities, healthy cities, garden cities, historical cities, tourism cities, cultural cities and even Islamic cities.

All the promises are pleasing to the ears, but seeing the deteriorating conditions in the urban areas, many Malaysians would settle for sustainable cities.

7.2

Green Productivity

17 December 2002

While Malaysians are rightly concerned with economic development in a frightened world, it is also imperative that we pay attention to mundane things like managing our waste.

We are generating about 15,000 tons of waste daily and most existing landfills are filling up fast. The proposals to build incinerators are facing protests and objections. Besides, they are very expensive to build and operate.

Recent recycling campaigns are noble efforts and should be supported. But effective recycling needs more preparation than just placing three different coloured bins at strategic places.

Unless the whole process is properly thought out and prepared for, recycling campaigns only result in giving the impression that something is being done to save the environment without making any dent in the amount of waste going to the landfills.

Worse, unattended and misused recycling bins quickly become eyesores. Nothing destroys the faith of saving the environment more than the sights of recycling bins filled up to the brim with all sorts of rubbish and surrounded by more rubbish.

While there is money in waste recycling, this is only true for companies that recycle selected materials. For local authorities or their contractors to collect recyclable items from every building on a routine basis, the exercise can be very expensive and may not be sustainable, even if everyone separates his or her waste properly and diligently.

For instance, New York has recently suspended the collection of plastics for one year and glass for two to save the City Council about RM171 million. Only paper and metal wastes are still collected separately.

In fact, had Mayor Michael Bloomberg have his way, even metal waste would not be collected separately. As he said, “The recycling program is not, with the exception of paper, saving the ecology of the world very much ... and it is very expensive”.

Recycling is only one of the three Rs that are promoted by environmentalists as strategies to minimise the amount of waste going to dumpsites or incinerators. The other two are ‘Reduce’ and ‘Reuse’. Unfortunately, in Malaysia, these have received very little attention and publicity.

Many Malaysians reuse some household items without knowing that they have been doing their part in saving Mother Earth. Empty beverage containers are reused to keep cookies and nuts.

For instance, containers for *kuih kapit* are invariably used beverage tins. Sadly, prosperity and a misguided sense of ‘style’ have led to more and more housewives buying and using designer jars instead. There is a need to popularise the good practice of reuse.

More importantly, there is an urgent need to reduce the amount of waste. Prosperity and *tidak apa* attitude have led many Malaysians to discard more and more waste per person. Furthermore, the very rapid industrialisation and economic growth in the past decades have also resulted in large amount of different types of waste, some of which are toxic in nature.

While it is inevitable that waste is generated during consumption and production processes, the amount can be reduced with closer attention to wastage. In other words, Malaysians, including business establishments, factories and government bodies, must seriously engage in the three Rs.

There are several internationally recognised programmes that enable companies and organisations to reduce the amount of waste or at least manage it properly. One of them is Green Productivity (GP), which is developed and promoted by the Tokyo-based Asian Productivity Organization (APO) of which Malaysia is a member.

GP is a strategy for enhancing both productivity and environmental performance. Since its inception in 1996, GP methodology has assimilated management tools and techniques and environmental technologies to help improve productivity through, among other things, the reduction, reuse or recycling of waste in the production of goods or provision of services.

Since GP is developed and promoted by an inter-governmental organisation, it is available to anyone free of charge.

The local counterpart of APO is the National Productivity Corporation (NPC) (www.npc.org.my) of the Ministry of International Trade and Industry and it is more than willing to assist anyone interested in GP.

There is no alternative. Despite an optimistic view that unlimited human intelligence will overcome limitation of the earth's resources, environmental degradation is taking place at an alarming rate. To reverse this trend or at least to prevent further destruction, the world community, including Malaysia, adopted Sustainable Development in Rio de Janeiro in 1992 and reaffirmed this commitment in Johannesburg last September.

It is only fair that we do our part for the environment even if our contributions have very little impact on the overall condition of the earth. At the very least, adopting the three Rs as a way of life will help bring about a better and more pleasant environment in our backyard and our cities.

More specifically, it will ensure that the landfills are not filling up too fast. Hopefully, there is no need for incinerators or at least not in the number currently talked about.

Nobody wants a dumpsite, landfill or incinerator in his or her backyard. The only way to minimise the need for any of them is to reduce the amount of waste we throw away. Saving some money or increasing productivity in the process is a bonus.

7.3

Recycling works, if we're civic-conscious

15 April 2003

Malaysians generally do not care about what happens to their solid wastes once the garbage workers collect them. However, many have taken an interest since the announcement to build an incinerator in Kampung Bohol near Puchong and a few more in Selangor, Penang and Johore.

This sudden interest is spurred by the fear of finding an incinerator in the backyard. One could almost hear a collective sigh of relief coming out of Puchong on the Nov. 21 last year when it was announced that the incinerator would be built in Barga instead.

Now the residents of Semenyih and surrounding areas are learning about thermal decomposition and dioxin to argue their case against the incinerator.

The problem is that Malaysians discard about 15,000 to 16,000 tonnes of wastes daily, with city folks generating more than their cousins in the rural areas. Most of the 230 or so landfills are reaching their capacities.

Furthermore, most of them are no more than open dumpsites that have numerous problems.

It is projected that if the present rate continues, in twenty years Waste Management Central Zone comprising Selangor, Pahang, Trengganu, Kelantan and the Federal Territories of Kuala Lumpur and Putrajaya will generate about 16,000 tonnes of wastes per day, up from about 8,540 tonnes at present.

Kuala Lumpur, which generates about 2,000 tonnes daily at present, will account for about 3,400 tonnes by 2025. With this scenario, government planners believe that incinerators are unavoidable.

There is, of course, an alternative, that is to reduce the amount of wastes that are sent to the landfills.

The strategy: recycle, recycle and recycle. There is hardly any point in calling for reduction or reuse of wastes when there are so many campaigns urging Malaysians to “shop-till-you-drop”.

Recycling is not a new discovery. In the past, used kerosene tins were cut diagonally into halves and turned into dustpans. In some housing areas, kitchen wastes were kept for farmers to be used as animal feeds. Occasionally, they would return the favour with a few eggs.

Old bicycle wheels were sought after by children to be used as toys. Those who are now in the 50s or 60s should be able to recall the days when they ran around their kampungs with a stick pushing a bicycle wheel.

As such, recycling was by choice. It was profitable, or as in the case of bicycle wheels, enjoyable.

Today, recycling is a necessity if we do not like incinerators and want to save the only world we have.

The government has recognized this. Housing and Local Government Minister Datuk Seri Ong Ka Ting and his senior officers have been traveling the length and breadth of the country promoting recycling, donating recycling bins and opening recycling centres. The objective is to recycle about 20 per cent of the wastes within a decade from about two to five per cent today.

There is little doubt that some progress has been made. But placing recycling bins in strategic places and establishment of some recycling centres will not enable Malaysia achieve the 20 per cent target.

A critical observer would even say that the recycling campaigns have failed. About 80 per cent of the 2,300 odd recycling bins were treated as ordinary rubbish bins or not maintained. In Penang Island, the authority was so fed up that these bins have been withdrawn and are only issued upon requests by schools and organisations.

Part of the reason is the “Third World mentality”. A society that discards wastes indiscriminately needs more than verbal persuasion to make its members separate their wastes and then take the extra steps of depositing them properly into separate bins.

The other is the lack of enthusiasm of most local authorities in recycling.

It is commendable that the Ministry of Housing and Local Government has a special committee to improve waste management, especially recycling. However, under the present structure of urban governance, the local authorities should be the agencies to promote recycling and design the programmes because they are responsible for waste management on the ground and have the by-laws to enforce compliance.

Furthermore, each town or city has its peculiarities that demand customised recycling programmes. For instance, Penang Island, which closed its only landfill recently and generates about 600 tonnes of wastes daily, should have a robust recycling programme.

However, solid waste management is in transition in Malaysia. Local authorities are to be relieved of this responsibility. But it is taking too long and thus interferes with the recycling campaigns.

Nevertheless, as recycling programmes need to be location specific, there is still a role for the local authorities as far as recycling is concerned. As such, there is a need for workshops to stress the importance of recycling to the municipal officers and councillors.

There is no need to reinvent the recycling wheel. There are many success stories in the world. Many cities require their residents to separate their wastes before collection.

Lately, some cities in America have adopted a single-stream system in which separation of wastes is done at centralised facilities.

Some, like Toronto, have achieved 100 per cent recycling of its biosolid wastes. Taipei, once described by *Der Spiegel* as “a pigsty”, has introduced the “pay as you discard” system in 1999. So confident are the city officials that they envisage a “Zero Landfill and Total Recycling” scenario by 2020.

Solid waste workers are convinced that 50-70% of the wastes in their garbage trucks could be reused or recycled. If Malaysians do not want incinerators, the solution can be found buried in the garbage trucks.

7.4

Recycling drive wasting away

11 November 2003

Last Sunday, Prime Minister Datuk Seri Abdullah Ahmad Badawi launched the National Recycling Day to remind Malaysians about the importance of recycling and reduction of waste. The commitment of the government to recycling was reflected in the presence of not only Abdullah and Minister of Housing and Local Government Datuk Seri Ong Ka Ting, but also senior government officers even though it was a day of rest or golf.

Unfortunately, the rate of recycling in Malaysia is nothing to be proud of. It is only 3%. Indeed, in some municipalities, recycling pilot projects are still being carried out!

There is, of course, no shame in having pilot projects to learn to do things. But Malaysia is not a struggling developing country. It is a successful developing country dotted with urban areas that have been promoted as world-class cities. Furthermore, Ong, his deputy Datuk Peter Chin Fah Kui and senior officers have been pushing hard for recycling for years.

Other economically successful countries in Asia such as Singapore, South Korea and Taiwan are already implementing serious waste reduction efforts.

For instance, in Taiwan, there is the pay-as-you-throw programme and this is accompanied by mandatory sorting at source. The amount of waste per person per year has decreased from 1.15 kg in 1998 to 0.94 kg in 2002.

Our sometimes-difficult neighbour in the south, Singapore, has also impressive waste reduction programmes, including recycling organic and construction wastes besides the traditional materials. It is estimated that 47% of waste is recovered or recycled, although this could include non-hazardous waste from industries.

In many poorer Asian countries, despite the absence of well-structured recycling programmes, it does not mean that little recycling is going on. It is done informally.

Indeed, in many cities where there is high incidence of poverty, picking and selling recyclable materials is the only thing that keeps many thousands of people from going to bed on empty stomach. As such, waste recovery rate is rather high.

Recycling in Malaysia is largely market-driven. Marketable materials such as paper, aluminium and bottles are well diverted from landfills. But little has been done for other materials such as construction and organic wastes.

Studies in selected towns and cities in Malaysia indicate that organic waste accounts for between 36 and 47% of urban solid waste. A diversion of this waste at source for composting will certainly increase the life span of landfills and lessen the need for incinerators.

Besides, organic waste could be turned into fertilizer. In Nagai City, Japan, for instance, composting household organic waste not only reduces the amount of waste by 37%, but also produces about 600 tons of fertilizer yearly to support organic farming.

Composting is, of course, not a walk in the park. Asian cities that have adopted composting have encountered problems, such as odour and insufficient nutrients in the compost as compared to chemical fertilizer.

Furthermore, unlike other recyclable materials such as paper or aluminium cans, organic waste is messy to store and collect.

As such, recycling organic waste cannot be done informally by the urban poor. The government must play a major role in educational programmes and enacting the necessary legislations even if private companies are the ones that actually operate composting plants.

As a beginning, it might be useful to recycle organic waste from wet-markets, restaurants and food factories since new technology is able to produce odourless and high quality compost.

To prevent the rapid increase in the amount of solid waste going to landfills and avoid building incinerators, much more must be done besides having recycling days. What is the point of calling on Malaysians to "*Fikir Dahulu Sebelum Buang*" when there are no proper containers to deposit recyclable waste at convenient places?

Besides campaigns, a robust waste reduction effort requires laws, programmes, systems and institutions and a strict implementation of rules and regulations.

For instance, in Singapore, solid waste contractors are mandated to provide free suitable containers for recyclable materials and door-to-door collection service. It also punishes people who do not comply with the law.

The process to privatise solid waste management is taking too long. In areas where solid waste management is still run by the local authorities, there is no incentive to implement waste reduction efforts since it might be privatised anytime.

Furthermore, while this column maintains that the local authorities are the most suitable bodies to monitor the management of solid wastes, there is a need for a national body to look at the bigger issues and provide leadership.

The proposed Solid Waste Department in the Ministry of Housing and Local Government should be established quickly.

7.5

Dumping organic waste a costly habit

15 June 2004

Malaysians are dumping 16,000 to 17,000 tonnes of waste in landfills every day.

Since about 50% of the waste is organic in nature, this is cause enough for the country to seriously look into making good use of the organic waste. The recent emphasis on biotechnology research only provides the added justification.

There are other good reasons for composting. The existing landfills are filling up fast. If waste that is illegally deposited in drains, rivers and back lanes were to be disposed of properly, the pressure on the landfills would be worse.

No one likes new landfills to be located near his or her neighbourhood. Any proposal to build incinerators is met with strong protests by environmentalists and nearby residents.

Furthermore, organic waste disposed in landfills continues to cause problems.

One is the emission of methane gas, which contributes to the greenhouse phenomenon that causes climatic change. The other is leachate, which is a poisonous black liquid that can cause serious harm to nearby farms and coastal waters.

But there is no need for organic waste to end up in landfills.

In many cities, it is harvested and turned into fertiliser using micro-organisms in specialised facilities. In recent years, some local authorities are turning to earthworms to do the job. This is popularly known as vermi-composting.

Besides, food connoisseurs are convinced that fruits and vegetables from farms using organic fertiliser are not only safer for consumption but are also tastier.

The recent announcement by Penang executive council member Datuk Dr Teng Hock Nam that the state is looking into the viability of composting is, therefore, a welcome move. It is hoped that the feasibility study will quickly evolve into implementation.

Indeed, it could be legitimately asked: if composting of organic waste has so many benefits, why is it not being implemented all over the country?

Part of the reason is the lack of urgency. Most Malaysians are oblivious to or could not be bothered about the environmental costs of discarding organic waste in landfills.

It is fair to believe that they do not know that landfills exist unless one is located near them.

More importantly, citywide composting has to be organised. So far, there has been no serious effort towards this end in Malaysia because of formidable obstacles, especially in the storage, collection and transportation of organic waste.

Unlike paper, glass and plastics, it is not easy to store organic waste until scavenging workers collect it.

The most problematic process in composting is separating organic waste from the rest. The logical and efficient way is to do it at the sources of generation, such as the kitchens, restaurants and hawker centres. Those who do the cleaning-up tasks have to be educated, convinced and facilitated to take the extra step of separating organic waste and storing it properly.

This is not an impossible expectation. In Bonn, Germany, for instance, the residents separate their waste into five categories and one of them is organic waste.

A successful composting programme also requires very efficient collection and transportation of the organic waste. Good management of scavenging workers is essential and specifically designed collecting facilities and vehicles will be needed.

These require detailed planning and initial capital expenditure on the part of those who manage waste. As such, large-scale composting needs strong support from the government, especially the Ministry of Housing and the local authorities.

Apart from the initial financial support, there is a need to appoint officers who are committed and have the perseverance to work closely with those who manage solid waste on the ground.

There is also a need for new legislations and the commitment to enforce them. Any slip-up in any of the steps will make composting a failure.

Indeed, one of the main problems encountered by many composting projects is the low quality of the end product. The expected fertiliser is good only as soil conditioner.

The main problem is not in the technology of turning organic waste into fertiliser, as technological innovations will continuously improve the composting process. It is the presence of inorganic materials such as plastics, paper and glass in the waste that is used for composting.

The use of both manual and mechanical sorters to remove inorganic wastes is usually not entirely satisfactory. They also add costs.

There is really very limited choice in solid waste management. If things continue the way they are, Malaysians will either have to live with more landfills or accept incinerators in their backyards as alternatives. Neither choice looks inviting.

A much better alternative is recycling, including the organic waste, although this will require a little extra work, especially for those who manage waste at households, restaurants, hawker centres and wet markets.

7.6

Give the facts on managing waste

27 September 2004

One of the main complaints of Malaysians is the lack of cleanliness in the towns and cities. Many attribute this to poor management of solid waste.

Government leaders and waste disposal contractors rightly point to the lack of civic consciousness.

However, there are also many who want to play a positive role to make the urban areas cleaner. Many more could be persuaded to be better citizens and help in the proper disposal of waste if they were to be better informed.

Unfortunately, the government has largely failed to inform Malaysians about solid waste and its disposal.

Take the proposed solid waste management law that is to enable the federal government to play a leading role in solid waste management and complete the privatisation process that began in the mid-1990s. Little has been explained to the people.

For instance, will the local authorities have a role in solid waste management after the Bill is passed? Who will be responsible for enforcing cleanliness rules and regulations?

Indeed, whom should residents call if and when they have complaints: their local authorities or the proposed solid waste department in the Ministry of Housing and Local Government?

Can the local authorities have control over the concessionaires when they do not appoint them? How will the concessionaires be paid? Who will determine the costs?

Will there be separate billings for collection and disposal of solid waste? Will the local authorities have problems paying the bills like some did in the past? Will the government continue to bail out the poorer local authorities?

Indeed, many Malaysians who are apathetic about solid waste once their garbage is collected will play a more positive role if they were to be made aware of the costs and the mounting problems of waste disposal, such as leachate pollution, over-used landfills and illegal dumpsites.

Malaysians must be told that it costs between RM90 and RM150 per tonne to collect, transport and dispose the waste in landfills. With 17,000 to 18,000 tonnes of waste that Malaysians generate daily, the cost of disposal is enormous.

What has happened to the "strategic" solid waste management plan that Minister of Housing and Local Government Datuk Seri Ong Ka Ting promised two years ago when he was officiating a recycling project at Kota Kemuning?

A secret plan is useless unless it is for war against enemies. A secret solid waste management plan only creates more waste.

This might explain why Malaysia has achieved only a 3% recycling rate, according to official figures, after spending about RM40 million from 2001-03.

Ong and his senior officers did occasionally provide solid waste related data in press conferences. These are useful, but inadequate.

Statistics and information, including nasty truths about solid waste management problems and reports of commissioned studies, should also be posted on the ministry's website to promote informed discussions.

Local researchers who are interested in solid waste management should be able to build on what is already known and not get bogged down collecting data that are already in the files in the ministry. Their time and funds should be spent on collecting new data and formulating innovative ideas.

Furthermore, the ministry has been calling on local authorities to adopt Local Agenda 21, a consultative instrument that is based on the principle that consultation promotes compliance and cooperation for sustainable development.

In solid waste management, compliance with the rules and cooperation by all stakeholders are paramount in ensuring success.

Surely the ministry must practise what it preaches. But fruitful consultations are predicated on the availability of data and information. When the government treats solid waste information like national security secrets, the sense of urgency to seek improvement is lost.

The reluctance to let the facts out could be nothing more than the lack of transparency in many government departments. But it could lead to a perception of apathy on the part of the officers entrusted to improve solid waste management. Worse, it could lead to suspicion that the minister or his officials want to hide embarrassing, or even illegal, matters.

Unlike nuclear science, ordinary Malaysians, including housewives, can provide good ideas. After all, they generate waste and are familiar with the way it is stored and collected in their neighbourhoods. They also suffer when the management is ineffective or inefficient.

7.7

Vital to monitor land development projects

29 March 2005

In the controversies surrounding land development in Section U10 Shah Alam near the Bukit Cahaya Seri Alam Agriculture Park, the man in the limelight was Selangor Menteri Besar Datuk Seri Dr Mohamad Khir Toyo. He visited the park and gave explanations. Nevertheless, he came out of the whole episode looking bad.

His claims that his premature return from the United States was due to not having warm clothing only made things worse. Indeed, it only served to reinforce the popular notion that one should not believe what politicians say.

One may want to take issue with Khir's explanations that hills needed to be cut to provide adequate housing or his failure to ensure that Perbadanan Kemajuan Negri Selangor, of which he was (and still is) the chairman, was more law-abiding. But it is wrong to fault him for the lack of compliance with land development regulations, unless he interfered directly in the approval of the projects or enforcement actions.

The person in the hot seat should be Shah Alam city mayor Ramli Mahmud or deputy mayor Za'ba Che Rus.

The Town and Country Planning Act, the Street, Drainage and Building Act and the Earth Works By-laws are under the jurisdiction of local authorities. If land development projects violate any provision of these laws, it is the responsibility of the local authorities to take action against the culprits.

In the case of illegal development in Section U10, the mayor, being the chief executive officer of the city council, or his deputy, must explain what happened and what would be done to correct the situation.

Strangely, the only reported response was Za'ba's clarification that there was no monitoring of the projects and his inexcusable assertion that the council could not be expected to monitor every project.

It is useful to reiterate that local councils are not state government departments. They are authorities, made up of presidents or mayors, and councillors. They are provided with legal powers to carry out specific responsibilities, including town planning and development control. In return, they, especially the mayors or presidents, are paid rather handsomely, not counting the fringe benefits and overseas junkets.

In the processing of applications to undertake land development, the local councils have to abide by the structure plan prepared by the State Town and Country Planning Department and policies of the State Planning Committee, which is chaired by the *mentri besar* or chief minister.

They do not have to take instructions from anyone, including state leaders. As such, any interference should be ignored, or better still, reported to the Anti-Corruption Agency.

The councils can, and do, impose conditions to ensure sustainable development or conformity with existing plans and regulations. Dissatisfied developers should go to the Appeal Board and not the state government or *mentri besar* or chief minister to seek redress.

In the case of the illegal activities in Section U10, the consultants should also be held accountable for not ensuring compliance.

The role and responsibilities of professional consultants need a separate column to discuss, here suffice to stress that they should be more "professional" in discharging their responsibilities, especially in view of the plan to replace local councils' certificate of fitness for occupation by the certificate of completion issued by professional consultants.

Unfortunately, many land development projects in the country also contravene land development rules and standards. Some do cause problems to the environment or the neighbours, but they do not become public controversies because they are not on the front pages of newspapers.

The knee-jerk proposal by Khir to establish a committee, headed by the state secretary, to consider land development in "sensitive" areas is ill-advised. Such a committee is not legally provided for and can only be "advisory". Worse, it can degenerate into another obstacle for developers to untangle.

The solution to minimise, if not eradicate, non-compliance with land development rules and standards is to hold everyone who is appointed and paid to carry out a duty, accountable for his or her action, or lack of it.

If the mayors or presidents and councillors or consultants are in dereliction of their duties, they should be replaced or punished.

If at all Khir has to answer for the illegal activities around Bukit Cahaya, it is to explain why the state appointed apparently uninterested or incompetent or irresponsible people in the first place and what he proposes to do to make sure that such a situation would not happen again.

7.8

Good governance and sustainability

7 June 2005

This week, hundreds of Malaysians and a sprinkling of foreigners are gathering in Kuala Lumpur to discuss sustainability of development. Malaysian environmental non-governmental organisations are holding a National Conference and Exhibition on Sustainability.

June 5 has been designated World Environment Day by the United Nations. This year's theme is "Green Cities". In our rush to build roads, houses, shops and factories, it is useful to ponder whether our cities are sustainable. Indeed, is our quality of life sustainable?

Although sustainable development is not a new issue, it is still relevant in Malaysia because Malaysians have largely ignored it. As a result, not only is there degradation of the natural environment, a large part of the built environment is also not sustainable. Consequently, while Malaysians have become financially richer, the quality of life might not have improved. It might even have deteriorated.

Unlike past sustainable development conferences that put too much emphasis on the natural environment, this one places equal emphasis on the built environment. Besides coastal areas, rivers, wetlands, forests and climate change, topics include housing design, transportation and solid waste management.

The conference also provides for a plenary session on good governance, especially on the issue of public participation, to stress its importance in ensuring sustainability. Governance, according to the World Bank, is the use of political authority and exercise of control in a society in relation to the management of its resources for social and economic development.

Malaysian leaders, from ministers to mayors of local authorities, have accepted the concept of good governance, at least in their vocal pronouncements.

The problem is in the inability to implement good governance practice. Some prefer to point to weak leadership. Prime Minister Datuk Seri Abdullah Ahmad Badawi himself has cautioned against the malaise of "*cakap tak serupa bikin*".

This is especially clear when practices are seen in the context of good governance, which according to the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) are participation, rule of law, transparency, responsiveness, consensus, equity and inclusiveness, effectiveness and efficiency, and accountability.

For example, the decision not to reveal names of approved permit holders for importing cars is clearly not in conformity with transparency. By itself, this may be a minor infraction of good governance. As noted by UNESCAP, good governance is an ideal and few countries come close to achieving it.

But the refusal to be more transparent in a matter which has attracted extensive interest has wide implications. If the government cannot be transparent in a non-national security issue like permits to import cars, it is difficult to convince local authorities to be more transparent in the award of tenders or the approval of land development projects.

Although government leaders have vocalised the benefits of public participation, its implementation, has largely been a public relations exercise. Examples are the proposed incinerator in Broga and the Penang Outer Ring Road.

While public participation is not a panacea for all urban problems, it does foster the emergence of a more vigorous civil society, which in turn promotes better compliance with rules and regulations. This ultimately contributes to sustainability of both the natural and built environment.

There is, of course, the fear that loud mouth Malaysians might hijack the agenda. Datuk Paduka Marina Mahathir in her Musings column in *The Star* recently, warned that non-elected people are beginning to dictate morality policies, "few of which are any good for most of us".

The answer, however, is not to entrust only elected politicians with making policies and monitoring their implementation, as she suggested.

The only way to prevent narrow-minded sectarian advocates from dictating national agenda is to create an environment in which diverse non-governmental organisations have a role in decision-making that affects the well-being of the people.

7.9

National Physical Plan – Challenge in Implementation

2 August 2005

The National Physical Plan (NPP) was officially launched in Penang last week. Touted as the "blueprint for better living", it is a written statement, augmented with maps and diagrams, on strategic policies for the physical development of the country.

The NPP has been approved by not only the cabinet but also the National Physical Planning Council, which is chaired by the prime minister, with members made up of mentris besar or chief ministers and selected cabinet ministers.

In other words, the plan has the approval of the most important people in the country.

Considering that Malaysian leaders have been repeating the mantras of public participation in plan making, there should have been wide public consultation in the preparation of the NPP.

However, the Department of Town and Country Planning made some amends by publicising the plan in conferences and newspapers since its approval. The gist of the plan is also available on the Internet (www.npptownplan.gov.my).

The executive summary is informative and there are provisions for the public to comment and provide inputs. The printed version is available at RM50 each.

To facilitate useful comments, the whole NPP should be displayed on the website. As hundreds of millions of ringgit has been spent on multimedia facilities, it is against the interests of the government if important policies are not easily available.

Should Malaysians, who have been complaining about flash floods, diminishing greenery, traffic congestion and urban pollution heave a sigh of relief now that there is the NPP?

Not yet. Although a full critique of the plan will have to wait for another occasion, from available information, it looks promising.

The goals and objectives are clear and inspiring. Many of the 36 policies that form the core of the plan reflect the wishes of most Malaysians.

The NPP is a very broad-brush translation of the socio-economic development plans, including Vision 2020, into physical plan. As with all broad-brush plans and despite its nomenclature, the principles and policies of the NPP are largely feel-good pie-in-the-sky statements. It is basically planning on the head of a pin.

For example, all the 10 principles and many policies of the NPP can apply to almost all countries in the world, as diverse as Madagascar or Uruguay or China. Only a few policies, such as those on urban conurbations and a central forest spine, are specific to Malaysia.

But it does not mean that the NPP is a wasted effort. Far from it. It provides an authoritative, easily accessible and clear framework for planning decisions at the local level.

What is urgently needed is to translate the lofty policies into structure plans and local plans. But there are great challenges.

Some states are in the final stages of preparing structure plans and might not have incorporated the policies of the NPP.

The bigger challenge is the preparation of local plans which show land use and intensity of use on every piece of land. For example, while it is very easy to call for sustainable development at the policy level, it is very difficult to decide whether a piece of land should be used for open space or low-cost housing or an eco-friendly hotel. There are no standard answers.

The difficulties of translating lofty policies into local plans have meant that few have been completed, even in draft form.

When draft plans are ready, the planners find it difficult to convince the mayors or presidents and councillors of local authorities, politicians in state governments and non-governmental interested parties to accept their proposals. As such, very few draft local plans have been shown to the public for comments and fewer still gazetted as official documents.

Consequently, officials and politicians at both the local and state governments have too much freedom to decide on development projects and this can lead to decisions that are at variance with lofty policies. There is also much room for them to make life difficult for developers and their professional consultants.

Even if there are gazetted local plans, and this is a big if, there is the question of compliance. Non-compliance with municipal rules and regulations is ubiquitous in Malaysia. Unless and until Malaysians are better citizens and comply with the law because it is the right thing to do and the authorities take action against those few who do not, development plans, no matter how good, are practically useless.

Chapter 8

The Hubris of Power

8.1

Leaders who break the law

5 November 2002

“**Shocking**”, “incredible”, “disgraceful” and “scandalous” were some of the more polite terms used to describe the behaviour of some senior government officers and state executive council members of Penang. They were referring to the news reports about the numerous traffic violations committed by cars used by these state leaders and the unsettled summonses.

The chief minister, Tan Sri Dr Koh Tsu Koon, said that the officers and executive councillors actually did not receive the summonses because they were sent to the protocol section of the state secretariat.

If this was so, something was not right in the administration of Penang. Are there other important documents meant for the state leaders that are stuck at the desks of junior officers?

It is, however, difficult to believe that the officers and executive councillors did not know that their cars had violated traffic rules. How could any adult Malaysian fail to read reports of the long queues of frantic traffic violators trying to settle their summonses during *Ops Warta* early this year?

Did they not at least suspect that their cars might have collected some summonses?

Was it possible that they just could not be bothered about traffic violations? Was it a case of arrogance – that police summonses were only for ordinary citizens?

Or were they secretly rooting for Karpal Singh when he took the police to court to declare the traffic summonses invalid? Alas for these state leaders, Karpal lost. There is justice after all.

But the reports have a larger implication than just paying fines. They show that even those who passed laws and were supposed to help enforce them broke them frequently.

They were setting bad examples. How could they stand in front of school children and ordinary citizens and preach about good citizenship and the rule of law?

Furthermore, the news of unsettled summonses could only worsen the already battered image of politicians. Sad, as one would like to believe that those who took up politics as their career did it with honourable intentions, such as serving the people, fighting for social justice and protecting the environment.

Unfortunately and more importantly, violations of the law by role models, such as state and national leaders, do breed a 'culture' of non-compliance with rules and regulations. As pointed in past articles in this column, high incidence of non-compliance with municipal and traffic rules and regulations was a major factor why our cities and towns were still dirty, haphazard and generally not as pleasant as one would expect of urban areas of a successful developing country.

It was gentlemanly of Koh to admit in *theSun* that there was no excuse to break speed limits. As a matter of principle, if state or national leaders find that certain rules are too restrictive and cannot be complied with under normal circumstance, they should take steps to amend them or urge the relevant authority to do so. Otherwise, they must comply with them.

There were too many instances of those in positions of power behaving as if certain laws, especially traffic and municipal rules and regulations, were not applicable to them or even their supporters. Consequently, they not only did not comply with these rules but also often interfered with the workings of authorities and prevented enforcement actions against those who had breached them.

Political interference is the single most important factor why local authorities seem so powerless in enforcing their rules and regulations.

It is, of course, understandable that state leaders, being humans, sometimes break minor rules such as traffic and municipal rules either as a result of carelessness or trying their luck during tight circumstances. But if they are caught, they should simply pay the fines.

The chief minister's remark in *theSun* that the "secretariat will settle the matter with the police" did give the impression that the fines would come from government coffers. Common sense dictates that fines from violations of the law should be paid for by the guilty persons. Strictly, the drivers should pay as they were the ones who broke the law.

However, since the violations were committed under the instructions or at least with the connivance of the people in the backseats, the 'bosses' should pay.

It is, therefore, heartening to read that the executive councillors in Penang have agreed to settle the fines out of their pockets, although some reportedly wanted to seek clarifications or reductions before paying.

They should have settled the summonses long ago or at least immediately after the news broke. When Deputy Prime Minister Datuk Seri Abdullah Ahmad Badawi found that he had three outstanding summonses when he visited the Kuala Lumpur Police Traffic Division in January last year, he asked for a printout and promised to settle them the same day - no clarifications or appeals for reductions.

Penang leaders should follow the standards set by the deputy prime minister.

One of the central elements of good governance is the rule of law. Senior government officers and state executive council members, most with very high state honours, are all role models. They should comply with the law.

Failing which, as all mortals occasionally do, they should make amends by paying the fines and publicly declare that such offences would not happen again. This is what we mean by good leadership.

8.2

Measuring up 'little dictators'

11 February 2003

In the past few weeks there have been reports that were critical of local councillors - misbehaving during junkets overseas, suspected academic qualifications and being charged for assault. The fact is that many councillors serve diligently and unselfishly. It is fair to believe that they are ashamed of these bad apples in their midst.

Nevertheless, these critical reports have triggered more calls for elective local government in the belief that political leaders are using council positions as handouts to party supporters without concern for their suitability or ability.

What do local councillors do? How do they affect the welfare of the people?

As a general rule, councillors play important role because local authorities are responsible for many services that have a direct impact on almost every aspect of urban living. For instance, they are responsible for the maintenance of public places, cleanliness of streams, provision of sanitary services, control and regulation of food outlets and most types of businesses to ensure public health and safety and prevent nuisances. They are also entrusted to regulate traffic, formulate development plans and enforce development control.

In the management of urban areas, councillors not only pass policies, annual budgets and by-laws, but also have executive functions. For instance, they approve projects and decide on applications for permission to undertake land development, tenders and appeals for reduction in rates. This explains why almost all the state executive council members and Barisan Nasional state assemblymen in Selangor get themselves appointed local councillors.

However, in many aspects of urban management the role of councillors is minimal. For instance, the standards and specifications to regulate hawkers and disposal of wastes or penalties for non-compliance are already enshrined in the by-laws that are seldom changed.

The specifications for buildings are in the Uniform Building By-laws and changes can only be made by the minister of housing and local government and with agreement of the state governments. Decisions on assessment rates and sale of council properties have to be confirmed by the state authority.

But there are matters in which the councillors have a major role to play. For instance, since the resources of each local authority are limited, the councillors decide which problems or issues get the funds needed. In other words, they determine the distribution of goods and services.

Then there is the enforcement of municipal rules and regulations. If the councillors are lackadaisical about the rule of law, the officers will follow suit. It is worse if they interfere in enforcement actions against law-breakers, development plans, rules and standards that have been passed to ensure proper development of the towns and cities.

Non-compliance with municipal rules and regulations is an important cause of many urban problems despite the existence of rules and standards, promises of garden cities and the huge amount of expenditure on urban management. Anyone who cares to listen to the officers in the local authorities will quickly find that one of their main complaints is interference by politicians, including the councillors.

Local councillors also approve applications by landowners, including developers, to undertake land development. In this matter, they have room to manoeuvre because most local authorities are still preparing their detailed development control plans known as Local Plans or have not yet gazetted them as official documents to be effective. Many of their decisions have significant and long-term effects on traffic flow, urban form and the environment.

The power of the councillors in the approval or rejection of applications to undertake land development is such that some developers have labeled them 'little dictators'.

However, it is quite obvious that some political parties have not realised or understood the importance of councillors, otherwise they would not have nominated those who disgrace themselves, the local authorities and the parties they represent. More importantly, they would have nominated those who are capable of contributing to the development of pleasant residential enclaves for bringing up families and conducive and efficient urban centres for business.

If the electorates do not have to face dirty streets, flash floods, pot-holes, haphazard neighbourhoods and traffic jams, the parties running the state government would have a head start in the next elections. Better still, if voters have pleasant and

efficient environment to live, work and have a life, the opposition parties would have less reasons to criticise the state governments.

The inability of state governments to appoint effective councillors is largely due to the great reluctance to reject nominations of political parties. As such, it may be useful for them to set criteria for nominations and strictly enforce them. At the very least, councillors must have a minimum of *Sijil Pelajaran Malaysia* (SPM) or equivalent.

Furthermore, announcement of new councillors must be accompanied by justifications of appointment. After all, the Local Government Act provides for appointment of those who have wide knowledge of local government affairs or achieved distinction in any profession, commerce and industry apart from those who are capable of representing the interests of their communities.

Since the people have been denied the right to choose the councillors in their local authorities, at the very least they should be told clearly the qualifications of the 'little dictators' who impose taxes on them and decide how their tax ringgit is spent.

8.3

Little dictators' dictators

13 May 2003

Recently, Deputy Minister of Housing and Local Government Datuk M. Kayveas revealed in Ipoh that there were presidents of local authorities who did not consult with councillors and would not tolerate debates but merely used councillors to endorse their decisions. Looks like the little dictators have dictatorial chiefs.

Like councillors, mayors and presidents of local authorities in Malaysia are appointed. This is, of course, very different from most democratic countries where mayors are elected either directly by the residents of the cities such as in the United States or by the councillors from among themselves such as in most local authorities in England.

Malaysia used to have elected presidents and mayors, although it was only for a very short period. The first elected was Goh Guan Hoe, popularly known as G. H. Goh, of the Alliance, the predecessor of the Barisan Nasional, who was the president of George Town Municipal Council in 1956.

Although Goh was generally addressed as “mayor” as George Town had been elevated to a city on the first day of 1957, the first mayor was D. S. Ramanathan of the Labour Party because when the nomenclature of the head of the City Council of George Town was officially changed from president to mayor in late 1957, the Alliance had lost its majority in the council a few days earlier.

The most notable elected president of a local council was S. P. Seenivasagam who was the president of Ipoh Municipal Council in the 60s. Under his watch, the council was not only financially strong, but also efficient and effective.

For instance, Ipoh was noted as the cleanest town in the country. Furthermore, Seenivasagam, who was from the People’s Progressive Party, gave the Alliance State Government no excuse to take over the administration of the council when those of major towns were taken over by the state governments in the 60s.

Today, almost all the presidents and mayors are appointed from the ranks of civil servants. For district councils, usually the district officers are appointed presidents. For the municipal councils and city councils or city halls, senior government officers are appointed as full time presidents or mayors.

There are, however, exceptions. The mayor of Shah Alam City Council is Barisan Nasional Batu Tiga State Assemblyman while the president of Kota Bharu Municipal Council is the PAS assemblyman for Wakaf Baru.

So far, while councillors seem to bear the brunt of criticisms for the numerous urban problems, the presidents and mayors have largely escaped the brickbats. In fact, the latter should be held to be more responsible for the performance of the councils and the quality of the towns and cities as they are the chief executive officers.

For instance, they are ultimately responsible for the maintenance of all public areas. All permits and licences to operate most activities in the towns and cities are issued in their names. In most cases, the by-laws also allow them to allow exemptions of certain restrictions.

In view of tight budgets of most local authorities, they have the power to decide where or what to spend the limited funds. Also, because of the shortage of enforcement officers, they decide which transgressions are penalised first.

The presidents and mayors are also chairmen of all council meetings, including those that consider the applications to undertake land development. As such, they decide on the agenda of meetings. They also set the direction and tone of the meetings.

The power of the presidents or mayors, however, largely depends on their ability in conducting meetings and their relationships with councillors. On the whole, most councillors cooperate with the chief executive officers.

In cases where the presidents or mayors do not agree with the councillors, the matter can be taken to the *mentri besar* or chief minister, whose decision is final. Such occasions are rare.

It is important to note that the mayors of Kuala Lumpur and Kota Kinabalu do not have councillors. They have only advisors and as such, their role and power in the management of the towns and cities are even greater.

With so much power in the hands of the presidents and mayors, it is fair to require that they be made more accountable to the ratepayers. They should be elected as is done in most towns and cities in the world. It may be useful to note that in Herat,

Afganistan and Mosul, Iraq, elections were held to choose their mayors as soon as most of the shooting was over.

While waiting for the government to reintroduce local government elections, it may be useful to think of Plan B. One strategy is to require every president or mayor to present an annual state of the town or city address. Failure to deliver on promises should lead to non-renewal of appointment.

Another strategy is to hold a monthly or bi-monthly ‘town-hall’ dialogue between the presidents or mayors and the residents with an independent moderator. In addition, a report card on the performance of the presidents or mayors should be produced every year. This can be conducted by a local non-governmental organisation with funds provided by the local authorities.

The presidents and mayors might feel that these proposals are too taxing. They are, if seen from the present cosy situations. They are certainly not if there were to be elections and those who wanted to be presidents or mayors had to go from door to door once in every three years to ask for votes from angry and cynical electorates.

As many *Yang Berhormats* have found out, rude remarks are common and these humiliations and insults have to be taken with a smile, even a forced one, while spending a fortune on posters, campaign workers and in-house gatherings.

8.4

Grow out of this bullying culture

5 July 2004

Towns and cities in Malaysia have generally fulfilled their roles as vehicles for a better quality of life and the pursuit of happiness, besides generating wealth. However, lately, there is an air of anxiety, if not fear, hanging over them.

Snatch thefts are the main culprits. The daily news on rapes and murders of young women, school bullies and motorcycle gang attacks also play an important part, although statistics released by the police showed that crime rates in many states declined last year.

As a result, many parents are worried about the safety of their children, especially their daughters, every time the latter are out of the house.

For instance, there are mothers in Penang who make their daughters working in Kuala Lumpur send SMS to inform them of their movements and whereabouts.

Indeed, there are those who become extremely anxious and imagine the worst if their daughters do not answer their handphones. The low cost and convenience of SMS facilitate such rituals.

It is also possible that these parents are unnecessarily paranoid.

Kuala Lumpur is certainly not Kabul or Baghdad. But since parents are inherently the worrying kind, the recent daily news on crimes against women only makes it worse.

It is, therefore, understandable that many are demanding for something to be done and done quickly. For some, the something should include castration for the rapists, caning for snatch thieves and school bullies and long jail sentences for abusers of maids.

A letter to a newspaper even recommended the death sentence for snatch thieves!

The cabinet has directed that all local authorities install closed-circuit television cameras in snatch theft hot spots.

More actions will be forthcoming. Politicians want to appear to do something even if some of the quick fixes are not really effective or sustainable, in view of the poor maintenance culture.

Still, the very fact that the government is taking action might have immediate short-term effects. However, it is important to note that snatch thefts, school and road bullies and molestations of girls are basically attacks on those who are in no position to retaliate.

Put it simply, they are manifestations of a bully mentality. Unfortunately, the bullies are not limited to those who perpetuate the crimes noted above.

Many of those who demand for a pound of flesh from apprehended predators have, on many occasions, also taken advantage of their superior positions to bully others. For instance, many drivers do not stop for pedestrians at zebra crossings.

Then there are the government officers' dismissive treatments of those who seek services or permits and truck and bus drivers' king-of-the-road attitudes on the highways.

Shouting and heckling in the parliament to frustrate and intimidate a speaker on the floor is another form of bullying. So is maid abuse.

While non-physical forms of bullying might not be as serious as rapes and snatch thefts, they, nevertheless, contribute to shaping a society in which taking advantage of those who are in weaker positions is an acceptable way of life.

Furthermore, the line between violent and non-violent bullying is very thin.

The only reason why there is not more loss of lives and limbs at zebra crossings is that pedestrians in Malaysia do not exercise their right of way. If those with handbags exercise extreme care just as pedestrians do at zebra crossings, the number of snatch thefts would be reduced.

Therefore, besides actions to prevent specific crimes, such as clear separation of walkways and motorcyclist lanes to combat snatch thefts, there should be policies and strategies that facilitate the building of a society in which the powerful protects the weak or, at least, do not bully them.

Women and girls should be able to walk alone without being molested or their handbags snatched. Maids should be able to work without being abused, even if they were to make mistakes. Babies and toddlers should be able to grow up without being tortured or abandoned.

While predatory actions are common in the animal kingdom, they should not happen in human society, especially in one that is civilised or claims to be.

There is an urgency to understand the bully mentality and find ways to minimise, if not eliminate, this malaise as part of Malaysia's social transformation in a growing economy.

Even though a predator-free society is likely to be an impossible dream, any effort towards it will help make the cities safer for all.

As a first step, it might be useful if those who are now shouting their lungs out for severe punishments of snatch thieves, maid abusers and rapists, also show exemplary behaviour. For example, stop at zebra crossings for pedestrians and stop heckling in the parliament.

8.5

Come, let's junk the way of might

24 May 2005

For many Malaysians, the findings of the Royal Commission on the police are not surprising. They have personally experienced the shortcomings that the commissioners heard and reported.

Nevertheless, it is commendable that there is a frank official report with recommendations to make things better. The core issue is the abuse of power or authority that comes with being a policeman.

But it is expecting too much to believe that policemen, from senior officers to the men on the beat, can be the epitome of virtue and morality when the society as a whole has the culture of "might is right".

Those who are shouting their lungs out for the police to be a shiny example of incorruptibility and efficiency should look at themselves in the proverbial mirror and see whether they have abused the power they wield in their relationships with those who are vulnerable.

Apart from the police, there are many cases of government officers who abuse their power when dealing with those in need of their services. There is not doubt that if a royal commission were to be established to investigate other government agencies, such as the local authorities, there would also be stories of abuse of power and dereliction of duties.

The abuse of power is not limited to those in the public sector. Cases of employers abusing their power, especially in situations where there are no worker unions, are numerous. For instance, the number of reported cases of abuse of domestic workers is only the tip of the iceberg as it is difficult to report abuse or seek redress.

Many lorry and stage bus drivers abuse their stronger positions by tailgating other drivers to force the latter off the lane despite driving at the maximum speed limit. In turn, many motorists abuse theirs by not stopping for pedestrians at road junctions

and pedestrian crossings simply because the latter are the ones to be injured if accidents occur.

The abuse of power is not limited to individuals. In situations where there are overwhelming majority, statements like “Do not raise this or else ...” are clear abuse of superior power, not of common sense, but of physical strength.

Even in the parliament or state assemblies, where one would have expected the power of debating skills to be the persuasive instrument, the power of the majority is not only used to resolve ideological differences to pass laws and budgets, but also to heckle and suspense opposition members. There is little consideration of right and wrong or fairness.

Therefore, while it may be possible to curb some of the excesses of the police by implementing the recommendations of the Royal Commission, the problems are not going away unless Malaysians themselves undergo a social transformation to become champions of “might for right”.

Malaysians are, of course, not the worst in terms of abuse of power and lack of respect for weaker fellow human beings. The might-is-right syndrome is seen in almost every country in Asia, as reflected in the lack of concern for pedestrians by drivers. But this is no comfort for Malaysians who have suffered abuse.

The establishment of the National Institute of Integrity to promote civic values, especially the government servants, is a step in the right direction. But the problem is bigger than the police or public sector.

Abuse of power is a national problem. Just calling on Malaysians not to abuse their power or adopt better civic values is not likely to bear fruits. So are *nilai-nilai murni* (noble values) banners such as those in Petaling Jaya, as pointed out by *Citizen Nades* in his column recently.

Civic values, including responsible use of power and authority and respect for fellow human beings or even care for other living things, should be inculcated as part of national development efforts. For instance, as Malaysia is putting the finishing touches to the 9th Malaysia Plan, it is useful that development strategies and incentives are woven around inculcation of civic values and good citizenship.

For example, the economic system and development process that enable Malaysians to afford cars, be they BMWs or Kancils, should also instill in them that ownership of vehicles comes with responsible use.

Non-governmental organisations can play an important role and must be facilitated to do so.

It would also be helpful if prominent Malaysians, particularly those with high honours, show good examples.

8.6

A tale of two presidents

14 March 2006

In Penang Island, Municipal President Datuk Phesal Talib shed tears when bidding farewell to councillors and officers as he would be transferred to Kuala Lumpur on promotion. In Petaling Jaya, his counterpart Datuk Ahmad Termizi Puteh is quarrelling with his taxpayers over their demand to see the expenditures of the council.

The jury is still out on Ahmad Phesal's tenure as president of the municipal council. His promise to provide five-star service when he first became president is largely not fulfilled. The council has serious deficit budgets. Some beautification projects have attracted much criticism. There are also complaints that he never responds to complaints that have been sent to him.

On the plus side, Ahmad Phesal did succeed in making things better. An example is the vast improvement of the Municipal Park, formally known as Youth Park. He is in rapport with many non-governmental organisations. He went ahead to hang lanterns in certain places during the Chinese New Year celebrations, despite protests by certain quarters.

During the days when Tun Dr Lim Chong Eu was the chief minister of Penang, it used to be said that any officer who survived serving the state could accomplish anything in Kuala Lumpur. While Ahmad Phesal did not serve under Lim, he did work in an environment of very demanding and vocal taxpayers and Barisan Nasional politicians behaving like they are in opposition parties.

Furthermore, he has to work with 24 councillors, sometimes referred to as "little dictators", and many state leaders who often prefer to be popular than doing the right things.

On the whole, he is well-liked and much respected. There is little doubt that he would do well as deputy director-general in the Implementation Coordination Unit in the Prime Minister's Department.

In Petaling Jaya, Ahmad Termizi is getting into troubled waters in trying to talk about democracy. He is a government officer. He should leave the issue of local government elections and representative government to the politicians.

More importantly, his refusal to allow representatives of taxpayers to scrutinise the council's expenditure following 8-10% increase in assessment rates is not winning him any friends.

He should at least honour the promise of Councillor Datuk Dr Wong Sai Hou, who is also the state assembly man for Kampung Tunku, to show the accounts to the ratepayers. Besides, if there is nothing to hide, why then the refusal to be more transparent when there is no law to say that the ratepayers cannot see how their taxes are spent?

Quoting Local Government Act clauses that are rather vague is not going to win any argument, especially if what the ratepayers want to see is not a national secret. If the argument is over differences in policies or priorities, one could at least understand the president's stance, even if one does not agree with him.

The refusal to be more transparent is mind-boggling when Prime Minister Datuk Seri Abdullah Ahmad Badawi has made transparency one of the cornerstones of his premiership.

It is useful to recall that the Petaling Jaya Municipal Council was one of the four local councils to run a pilot project on Local Agenda 21, an initiative that promotes and facilitates local residents to participate in the workings of the local councils. Many leaders, including Minister of Housing and Local Government Datuk Seri Ong Ka Ting, have proclaimed that the project was very successful! The denial of access of information is making nonsense of this initiative.

In fact, in the spirit of Local Agenda 21, Ahmad Termizi should build on the enthusiasm of the residents to improve the performance of the council. By working with interested residents to keep a vigilant eye on the income and expenditure of the council, he should be able to sleep easier at night knowing there are people who are helping him to make sure that the council's kitty is well managed.

Whatever the outcome, something good is coming out of Petaling Jaya. The arguments over the rights of ratepayers to see how their monies are spent have led to more knowledge of and interest in the rights of citizens in a democratic country.

As such, the residents of Petaling Jaya, particularly the leaders of residents' associations, should be commended for their efforts.

8.7

Leaders must pay triple

25 July 2006

Following the expose of cabinet ministers' unpaid traffic fines, Prime Minister Datuk Seri Abdullah Ahmad Badawi and his deputy Datuk Seri Najib Abdul Razak announced that they would settle theirs. The rest would also do so, according to Transport Minister Datuk Seri Chan Kong Choy, after a cabinet decision.

Settling the summonses is and should not be the end of this story. The police must clarify the lack of enforcement of summonses, some dating back to 1999. There should be some assurance that this will not happen again.

More importantly, ministers must be made to realise that non-compliance with the law, including traffic rules, is unacceptable. Altogether, 18 ministers had a total of 918 unpaid summonses. The actual number of traffic offences by ministers could be more.

Even the normally mild-mannered Minister of Human Resources Datuk Dr Fong Chan Onn had 115 summonses. Works Minister Datuk Seri S. Samy Vellu may be a hard working minister, but there is still no excuse for the 145 summonses, according to a website.

There is no doubt that ministers are busy people, but so are salesmen trying to fulfil their quotas or housewives who have to cook and wash for the family and drive their children to schools and tuitions. Besides, ministers' cars can cause the same damage as those of salesmen or housewives.

As national leaders, ministers are expected to set good examples. The numerous invitations to grace social, religious and even academic functions must mean something. Even when they do nothing more than just eating durians, it is often reported in newspapers.

How are Malaysians expected to follow traffic rules when their leaders do not?

As this column has often emphasised, despite all the municipal rules and regulations, high incidence of non-compliance with them has turned many urban areas into dirty, flood-prone and unpleasant places. A large part of non-compliance is due to what Abdullah has diagnosed as the malaise of Third World mentality.

The prime minister may want to look closely at his ministers' conduct as part of his campaign to inculcate integrity and cure Malaysians of the malaise. Malaysians are in serious need of leaders with exemplary conduct.

Furthermore, on the question of compliance with rules and regulations, it cannot be overstated that most people are "contingent consenters". They are Malaysians who want to do the right thing and are willing to sacrifice time and tolerate inconvenience to do so, provided that others, especially their leaders, also do the same.

Equally important, if there are a few who do not abide by the rules, contingent consenters expect the authority to wield the big stick.

As humans, ministers can make mistakes and violate traffic rules or inadvertently allow their drivers or friends or relatives to do so. But if caught, they should pay. Otherwise, they would have no moral standing to call on fellow Malaysians to be good citizens.

Therefore, it is wrong of the police to give them discounts to the extent of more than 50%. In fact, as leaders, they should be fined more than ordinary citizens.

It is interesting to note that in Finland, financial penalties for non-compliance with civic rules are on a sliding scale, based on the income of culprits.

For instance, in 2004, Jussi Salonoja, an heir to a sausage business, was fined 170,000 (about RM850,000 then) based on his 2002 net income of about seven million Euros (RM35 million). He was driving at 50mph in a 25mph zone. Denmark and Sweden have similar systems, but there is a maximum cap.

In view of the high incidence of non-compliance and the need for leaders to set a good example, it is time to have a sliding scale in financial penalties for breaching certain rules.

For breaking traffic rules, all elected or appointed representatives in legislative bodies should not be given discounts. State executive councillors and parliamentary

secretaries should pay double the amount of ordinary Malaysians, while deputy ministers, ministers and chief ministers or mentris besar should be fined three times.

Alternatively or in conjunction, those with the title of Datuk should pay double the compound fines of ordinary citizens. Those with Tan Sri or Tun should pay three times.

The Treasury will not become richer with the above suggestions. Neither will the affected leaders become much poorer. The goal is not to collect more revenue; it is to emphasise that those who are regarded as community leaders must be exemplary in their behaviour.

8.8

Act gives public right to be at council meetings

5 September 2006

On Aug 30, Lau Weng San and Thomas Goh were prevented from attending the Subang Jaya Municipal Council (MPSJ) meeting. According to Lau, council secretary Slamet Hamzah said that they did not have the prior permission of its president, Datuk Mohd Arif Abdul Rahman.

In fact, Lau did send a fax to and e-mail the president about his intention to attend the meeting, although this was not even necessary. Local council officials should know that they have no power to prevent the public from attending council meetings.

The Local Government Act of 1976 clearly provides that, "All meetings of the local authority should be open to the public and representatives of the press ..."

The Act does provide for council meetings to be held behind closed doors, but this needs a resolution by the councillors each time.

If there is a standing order in MPSJ that attendance of council meetings must have the permission of the president, such an order is null and void. Local council presidents or mayors are not given power to be gate-keepers of meetings. They cannot pick and choose.

It is important to note that our local authorities, which follow the British tradition, can act only on things that they are allowed by law. This is in contrast to the tradition of Scandinavian countries where local authorities can do everything except things that are specifically prohibited.

Indeed, it will be interesting to see if the Aug 30 meeting is null and void since an important provision of the Local Government Act was violated. In and by itself, preventing Lau and Goh from attending the meeting did not hide anything important from them.

After all, all important matters of local councils, such as approval of land development projects and tenders, are discussed and approved in committee meetings, which are held behind closed doors.

But seen from the point of view of recent abuses in the workings of local councils in Selangor, this denial of entry was a huge step in the wrong direction of good urban governance. This is ironic, as this council used to single out MPSJ as one of the better councils.

It was so unnecessary. Even if Lau and Goh, who are DAP Selangor publicity bureau secretary and DAP Bukit Gasing branch treasurer respectively, were allowed to attend the meeting, they could only be silent observers. Nothing secretive would have been learnt. After all, newspaper reporters were allowed to attend.

Was it possible that Slamet or Mohd Arif was worried that the councillors would be uncomfortable debating the controversial pest control certification from a select group of companies in front of Lau and Goh?

It is hard to believe that the presence of two relatively junior DAP leaders could frighten about 24 Barisan Nasional appointed councillors and the president from expressing their views fearlessly.

The only possible explanation for barring the pair from the meeting room was to show that the council could do anything it wanted, even if it was illegal. This was another demonstration of ignorance and hubris by local council officials.

Ratepayers are already denied their rights to elect councillors and presidents or mayors. Any procedure to make it difficult for members of the public to attend council meetings should be roundly condemned. Officers involved in such attempts must be reprimanded.

By right, Menteri Besar Datuk Seri Dr Mohd Khir Toyo should reprimand MPSJ. But if he could nonchalantly declare "case closed" after admitting that two senior state officials had acted beyond the decisions of the State Executive Council, it might be expecting too much.

Hopefully, being a politician, he might spring a surprise.

The onus to make local government better must fall on the Housing and Local Government Minister Datuk Seri Ong Ka Ting and his senior officers. Surely, they

must have realised that the incompetence, often compounded by arrogance, of some local council officials have made the national and state governments look bad.

The ministry's silence in the recent controversies involving Selangor local councils has led many to conclude that they are not on the ball.

This is an occasion to begin to make amends. Ong and his officers must not only rebuke MPSJ, but also ensure that no local councils institute procedures that make it difficult for the public to attend council meetings.

8.9

The hubris of power

17 October 2006

The hubris of power holders and the incompetence of the local councils in the Klang Valley is a saga that never ceases to amaze. Just as the controversies of billboards in Petaling Jaya and pest control regulations in Subang Jaya suburb, the Klang Municipal Council is in the limelight for an illegal building.

The almost completed illegal four-storey mansion belongs to Klang municipal councillor Datuk Zakaria Deros, who is also the Port Klang State Assemblyman.

The law requires that anyone who wants to build anything must obtain prior permission from the local authority. At the minimum, three permissions are required: planning permission, building permit and earthworks permit. Then there is the development order to begin work on the site.

Councillors are not exempted from building control rules.

If a leader, at least to the people of Klang, does not show good behaviour, the society is in trouble. Remember the saying that a fish rots from the head. If a councillor who passes municipal rules and regulations does not respect the very law he passes, how does he expect others to do so?

It is heartening to read that Selangor Menteri Besar Datuk Seri Dr Mohd Khir Toyo is adamant that no one is above the law. If the report he asked for confirms what has been reported, the least he should do is to withdraw Zakaria's name from the new list of Klang councillors.

The law does not say that a state assemblyman or a political party leader should be a councillor.

The sad fact is that the Klang Municipal Council has been well aware of this building. Municipal President Abu Bakar Zin was quoted in the press as saying that he had been having headaches advising Zakaria to submit plans to the council.

While Abu Bakar should be commended for being quite frank, he was wrong to do nothing when his advice was ignored. The council should have issued a notice of illegal construction and if nothing is done to comply with it, actions should be taken to demolish the building.

In fact, even if a planning permission was submitted, there is no absolute necessity that it should be approved. Standing by itself, the building may be grand and a manifestation of prosperous Klang. But it may be in the wrong location, being in the midst of single-storey low-income houses.

No council can hope to develop a livable town if it has no control over land development. What is the point of spending millions of ringgit on town planning and having town planners, architects and engineers do development control when one can build first and get approval later?

The irony of this saga is that on the day of the news on defiance against the development control rules on Oct 11, there was also a glowing report on the capabilities of the enforcement officers of the Klang Municipal Council. They were showing off their skills in paragliding, equestrian manoeuvres and even martial arts.

While it is commendable of the leadership of the council to hold the Enforcement Night to show the skills and abilities of its officers and bring some excitement to the rate payers, the primary purpose of the enforcement unit is to enforce the law. What is the point of having such able enforcement officers when a clear case of breach of municipal rules is allowed to go on with impunity?

The lack of enforcement of municipal rules and regulations is a dereliction of duty and someone in the council should be held accountable. Furthermore, if municipal officers do not take action against their own councillor, they lose their moral authority to take action against other rate payers.

Someone once said that Malaysia had enough laws to hang an elephant on the wall, but few have the will to pick up the hammer to do it. The saga of the illegal building is more than the lack of will; it is also the lack of integrity, both on the part of the building owner as well as the municipal president - for failure of doing what is right.

It is also a reflection of arrogance.

It sends out a message that those in positions of power can flout the law and let the town and the reputation of the local council be damned. Without check and balance in the corridors of power, the hubris of power knows no bound.

Chapter 9

Third Tier of Government

9.1

Council's inaction puzzling

10 June 2003

Local authorities have again received bad press, no thanks to the Ampang Jaya Municipal Council (MPAJ) and Ipoh City Council.

In MPAJ, the head of the enforcement unit was accused of corruption. In view of the fact that there were a few thousand senior officers in the local authorities in Malaysia, this corruption allegation, though serious, was just another dog-bites-man story and would not warrant more than a small item in the local newspapers.

It was the crude attempt by the leadership of the local authority, notably Municipal President Ahmad Kabit and head of enforcement Abdul Kudus Ahmad to stonewall the accusation and the apparent inaction that turned a routine story into a man-bites-dog drama.

In the case of Ipoh City Council, some enforcement officers were criticised for being over-zealous in issuing summonses to couples holding hands in the parks.

Again, the initial accusation, while interesting, was a relatively small issue. Enforcement officers are criticised for over-zealousness when they take actions. They are also accused of being lazy or worse, corrupted, if they are tolerant of cases of non-compliance.

It became a major controversy when the mayor was reported to have said that the summonses were justified because he wanted to have a morally clean city – an instant vision of shades of Taliban Afghanistan.

If only the mayor cares to read comments in the newspapers and the electronic forum established by the Ipoh City Council, he would see that declining morality is not one of the problems in Ipoh. Lack of employment opportunities, a dying city centre and unkempt parks and open spaces are.

Unfortunately, these two cases are indicatives of the sorry state of governance in the local authorities. They raise two important interrelated issues.

First, they show that there is a serious problem of enforcement in the local authorities. While non-compliance with municipal rules and regulations is a major problem, it has been a neglected agenda in urban governance.

Why do many Malaysians not comply with municipal rules and regulations? Equally important, why do local authorities fail to act?

It is, therefore, refreshing to read that enforcement problem has the attention of the cabinet and the Special Cabinet Committee on Good Governance chaired by Deputy Prime Minister Datuk Seri Abdullah Ahmad Badawi would discuss the problem. Non-compliance and lack of enforcement is a very complex problem and hopefully this is the beginning of attention to this important agenda.

Second, urban management means confronting problems. But instead of resolving them within the local authorities, municipal leaders invite or allow state governments, including mentris besar or chief ministers, to intervene. It is important to note that local authorities are not state departments. That is why, unlike state public works departments or state departments of lands and mines, local authorities have presidents or mayors and councillors.

Although they are appointees of state government, once appointed, presidents or mayors and councillors are accorded certain roles that include ensuring that the councils are managed efficiently and effectively. They are also empowered to pass by-laws or amend them.

Under the Local Government Act and other Acts of Parliament, only in specific circumstances do state governments or mentris besar or chief ministers intervene in the management of the urban areas by the local authorities.

As such, when there is a credible accusation of corruption against an officer, whether it comes from a minister or a teacher, the president should initiate a process to investigate the allegation. If he fails to do so, the councillors should raise this in council meetings.

Why wait for comments by Minister in the Prime Minister's Department Datuk Seri Dr Rais Yatim and even Abdullah and a directive by Mentri Besar Datuk Seri Dr Mohamad Khir Toyo before MPAJ did something concrete?

If an accusation by Deputy Minister of Housing and Local Government Datuk M. Kayveas, the second most important man in the country in local government affairs, has such a difficult time to get actions, what chance do ordinary citizens have?

Similarly, the mayor and councillors of Ipoh should resolve the hand-holding issue by themselves. Consult with the residents of Ipoh through public forums if need be, but do not wait for the state government to decide before something is done.

These cases only reinforce the perception that the councillors are just warming their seats, collect their monthly allowance and wait to get junkets overseas. Why appoint presidents or mayors and councillors in the first place if even relatively minor problems need the directives of mentris besar?

While local government elections have been abolished, the institution of local government is still in existence. Unfortunately, the actions of most presidents or mayors and councillors are giving the impression that only the federal and state governments are alive and functioning.

There is, therefore, an increasingly loud call for reintroducing local government elections. Supporters of elective councillors and presidents or mayors believe that this will put the backbone back in the local authorities. Furthermore, they will ensure that councillors and presidents or mayors are more accountable to the residents.

There are even some who believe that local authorities be abolished altogether since they are behaving like state departments. At the very least, this will eliminate the need for presidents or mayors and councillors and thus save ratepayers some expenses.

The above would not be a wise move. Bring back local government elections. Meanwhile, it is useful to ensure that presidents or mayors and councillors know their roles properly.

9.2

Shenanigans in the assembly

19 November 2002

The Penang State Assembly sessions are always interesting times largely because of verbal sniping among the Barisan Nasional members, more specifically between the MCA and Gerakan state assemblymen. For most Malaysians who have been waking up to disappointing news – war mongering, terrorism and lackluster stock market – such shenanigans in the august chamber does provide comic relief.

With so much acrimony between MCA and Gerakan state assemblymen, including those who hold executive positions, it is no wonder that the three opposition members do not have to work very hard to discredit the Barisan Nasional government. They can see that the Barisan members are self-destructing.

The only unknown is whether this bickering will become so serious that in the next general election, the state government will be handed to the opposition parties on a silver platter.

Many issues raised in the assembly were related to dirty and unpleasant conditions of Penang. Although they were certainly important, they were made in the wrong forum. The state government is not in charge of keeping Penang clean, pleasant and healthy. This is the responsibility of the two local authorities.

As such, if George Town or Butterworth is dirty, the proper forum should be in the chamber of either council and the people who complain should be the local councillors. By raising the issue of cleanliness and other municipal problems in the state assembly, the assemblymen were saying that the councillors were useless and sleeping on their job.

The logical conclusion is for the state to sack the councillors or not to reappoint them when their terms end.

Or was it possible that the critics of the local authorities wanted them to be turned into huge state departments? There is no guarantee that the management of the towns would be better under such restructuring.

One thing, however, is certain. As each councillor in Penang costs the taxpayers at least RM1,000 per month, not counting the costs of overseas trips and other sundry expenses, abolition of councillors could conceivably save substantial amount of money.

Furthermore, it is very likely that many officers in the local authorities would be happier since they have been complaining that councillors are largely interfering fools.

None of the state assemblymen who complained about ineffective local authorities actually called for the sacking of the councillors. Besides, for Barisan Nasional state assemblymen, such a call would also mean calling for the sacking of those representing their parties.

If the MCA state assemblymen thought they could make the Gerakan-led state government, particularly the state executive councillor in charge of local government, Dr Teng Hock Nan, look bad, they were wrong. He has no direct role in the workings of the councils.

The failures of the local authorities, if any, are the responsibility of the local councillors, including the presidents.

If Teng has been having direct control over the workings of the local authorities, he can hardly be faulted. It is in the innate nature of ambitious politicians to assume more power than they are legally allowed. The fault lies with the senior officers and the municipal councillors, particularly the latter, for allowing their power to be usurped.

Unfortunately, interference in the workings of local authorities by state leaders, including state executive councillors and chief ministers or mentris besar, is rather widespread.

The Local Government Act does not provide for intervention from officials of the state government except under specific circumstances. As such, interference from state leaders is illegal and should be stopped.

The laws allow state governments to appoint councillors. Once appointed, they must be given the freedom within the ambits of the law to do their job. If they fail, just sack them!

To put it another way, if a local authority fails to keep its town clean, blame the councillors. If the councillors fail, blame the state government.

If local government in Malaysia fails to provide the standard of urban living expected, blame both the state governments and the Minister of Housing and Local Government, Datuk Seri Ong Ka Ting.

The member for Jawi, Tan Cheng Liang, however, was perfectly within her rights to call for increasing the number of local councils in Penang. A review of local government is overdue not only for this state, but also the whole country.

The last major restructuring was done about 30 years ago and urban Malaysia has undergone many changes as a result of rapid development and urbanisation. More importantly, most local authorities seem unable to perform their role effectively.

Noticeably, none of those who complained about the failures of local councils in Penang called for local government elections, although the DAP has been calling for them.

Common wisdom is that if councillors have to appeal for mandate every four or five years they would pay closer attention to the views of the people. Furthermore, a country that claims to be democratic should allow the people to choose their representatives in all levels of government, including local government.

There is, of course, no guarantee that elected councillors would fare better in making the towns and cities better places to stay and work. Scoundrels and bunglers with rabble-rousing skills can and do get elected.

But at least, in elected local government, they would be the people's scoundrels and bunglers.

9.3

Columbarium controversies

8 July 2003

Something is not right when the deputy prime minister and a chief minister have to intervene in what is basically a municipal matter.

The latest episode involves the approval of a columbarium in George Town. There are protests from nearby landowners and organisations including the DAP, Consumers' Association of Penang, Penang Heritage Trust and the Malaysian Buddhist Association (MBA).

Citing the accusation of the MBA that the developer was misusing Buddhism for commercial purposes, Chief Minister Tan Sri Dr Koh Tsu Koon said he had directed the council to withhold the 'commencement of work permit'.

While the chief minister should be commended for his concern about the columbarium controversies, his involvement should follow proper procedures to ensure that municipal leaders are held accountable and responsible for their actions. It should also not lead to a situation where local officials get all the brickbats when things go wrong while those really responsible come out unscathed.

The planning permission for the project had lapsed and until it is renewed, no work can begin. Anyway, the much publicised 'withholding of work permit directive' was much ado about nothing. To commence work, the developer only needs to give the council four days' notice if all the necessary plans are in order.

More importantly, the Penang Island Municipal Council (MPPP) is not a department of the state government. It is a statutory authority with a president and 24 councillors and they are vested with powers to approve, reject or suspend land development projects. Only the Appeal Board can over-rule planning decisions of the council.

By directly dealing with the columbarium controversies, the chief minister could be construed as usurping the powers and roles of the president and councillors. A more severe critic would call it interference. It should be noted that on June 15, despite

protests, Municipal President Mahadi Mohd Ibrahim had reiterated that the council saw no reason to change its stand.

It could also tantamount to shielding the municipal leaders from being held accountable and responsible for approving the columbarium in the first place. When will they learn? State leaders could give advice if and when asked. But publicly, the president and councillors should be the ones to resolve the controversies.

There is no doubt that MPPP has made a bad decision in approving the project. Did the president and councillors get poor advice from the town planners and other heads of department or did they overrule their good advice?

The president and councillors must speak out to defend their positions. They should not leave the chief minister holding the baby, unless he had something to do with its conception and the council is only a surrogate mother.

Deputy Prime Minister Datuk Seri Abdullah Ahmad Badawi has called for transparency in the approval of the columbarium. Mahadi is in the best position to clarify this issue. Was there an unseen hand in the approval of the project? Abdullah and the rest of Malaysians should not be made to wait too long.

The council is clearly in a dilemma. If it now decides to change its decision, it should be prepared to provide explanations and be sued.

If it stands by its decision, the columbarium will be a 'monument' of its folly. It will also likely be a landmark to remind the people about the state government's poor choice of councillors and president, although it is fair to say that there are quite a number of such 'monuments' in Penang.

However, should the state government believe that the council is incapable of resolving the controversies and these are causing social instability or that the project must not be allowed at all costs, the right thing to do is to sack the councillors and the president or at least suspend the council.

The municipality is then placed under a special administrator, who could be the chief minister. He can then legally resolve the matter.

If the situation does not warrant sacking or suspension, it is not grave enough for the state government to interfere and leave the council to find solutions.

It is useful to note that controversies in land development projects are not unique to Penang. Most urban areas face similar problems.

Under the existing laws, local councillors and presidents or mayors play very important roles and it is incumbent upon the state governments to be very stringent when appointing them. Picking up the pieces after them or interfering in their work is bad urban governance.

Furthermore, for the long term, it is useful to make the processing applications for land development more transparent. As such, committee meetings to approve planning permission should be open to the public and the developers, together with their consultants, and interested parties are allowed to present their cases.

There will be controversies in development projects. But if interested parties are given opportunities to be heard and see how a decision is derived at, there is likely to be acceptance even though there may be disagreement.

At the very least, there may be less need to run after “big-shots” to intervene on their behalf. This is good urban governance.

9.4

Leave councils some grounds to be useful

2 September 2003

As a general rule, about 10% of the land in a development project is allocated for open space. In the past, this was to be transferred to the local authority for a nominal sum of RM1.

Unfortunately, there were instances of open spaces not transferred to the local authorities. Worse, they were subsequently used for development projects.

As such, nearby residents naturally felt cheated by the developers for short-changing them and let down by the local authorities for not ensuring that open spaces remained as such.

To rectify the situations, the National Council of Local Government (NCLG), chaired by Deputy Prime Minister Datuk Seri Abdullah Ahmad Badawi, recently decided that open spaces were to be placed under the administration and monitoring of state secretariats.

This decision was not unprecedented. Since 1999, Penang has adopted the practice of not issuing land titles for open spaces, thus effectively making them state land.

While the NCLG should be commended for taking an interest in open spaces, the decision to place them under state secretariats was ill advised.

State secretariats are not established and equipped to administer, monitor and maintain open spaces. Besides, the track records of state governments in land matters have not been exemplary.

For instance, there have been cases of state land, including gazetted forest reserves, inappropriately disposed off. Furthermore, many state authorities have failed to keep squatters and hawkers from state land reserves.

The authorities to administer, maintain and own open spaces should be the local authorities. These are part of the duties they are established to do. To prevent abuse, they cannot dispose off landed properties without the consent of state authority.

By deciding that local authorities cannot be trusted to hold and administer open spaces, the NCLG was in effect saying that they should not be trusted to have the power to collect taxes and manage public funds. In other words, they should cease to exist as authorities.

The crux of the matter is that land titles for open spaces should be registered under the local authorities at the completion of development projects. The NCLG could assist by establishing a full-proof system for transferring ownership without interfering seriously with the smooth completion of projects.

As it has directed that open spaces placed under state secretariats be gazetted, the NCLG could also issue similar directive to the councils. The officers responsible for ensuring transfers of titles and gazette notifications should perform their duties properly; failing that, they should be punished.

It is fair to say that many open spaces in Malaysia are not well managed and maintained. Indeed, some are even health hazards because of concealed holes in the grounds and dilapidated play equipment. Some have also been misused as places for hawker sites and buildings that have nothing to do with recreational purpose, such as Rukun Tetangga offices.

The problem is not the inability of local authorities to manage public open spaces. It is more serious than that; it is part of the overall inept management of towns and cities.

As such, it is neither easy nor popular to defend the interests of local authorities, what with the almost daily reports of misconduct or arrogance of municipal officers and councillors.

But the institution of local government is too important for the adoption of knee-jerk punitive actions, reducing its role and transferring part of its traditional functions to other authorities or private firms.

In the last decade or so, the role of local authorities has been diminished. Sewerage services have been taken over by the Indah Water Konsortium. Even solid waste management, one of the basic functions of local authorities, is in the final stage of being completely privatised.

There were even attempts to excise industrial estates from local authorities and place them under state economic corporations. Had these succeeded, many local authorities would have lost their biggest and best ratepayers.

The placing of open spaces under the jurisdiction of state secretariats might lead to transferring parks and gardens service currently under local councils to state government or privatised firms.

The trend is ominous to the future of local government in Malaysia. While we criticise the local authorities for failing to provide good services, we should also have the wisdom to see the importance of the institution of local government.

Countries with pleasant urban areas that are conducive for raising families and doing businesses usually have robust local government.

The road to pleasant and safe open spaces and indeed better urban Malaysia is through efficient and effective local authorities; not atrophied ones.

9.5

Law says state government has the right

20 April 2004

What happened in Seberang Perai Municipal Council last week has been dubbed as the case of two presidents. It was actually a case of a newly sworn-in president and a claimant to the post.

Nevertheless, in a fluid political atmosphere generated by the general election and the subsequent changes in personalities holding power, the controversy has attracted much interest.

It was enlightening to see the Penang state government getting into such a mess so soon after an election campaign that had promised an efficient government and the state leadership self-award of an A- for management.

It was also partly an opportunity to indulge in Malaysians' (or is it only Penangites?) favourite past-time of making disparaging remarks about the power holders.

It all began on April 13 when Md Aris Ariffin took his oath as the president. But while congratulations were still being offered, Datuk Abdul Ghani Ariffin, the district officer of the Seberang Perai Utara, received a fax message from the Public Services Department informing him of his appointment to the same post.

Abdul Ghani's press statement about his appointment and his initial insistence of reporting for duty on April 16 as instructed were intriguing.

They were open challenges to the state government, even if Ghani had felt cheated for being misled into believing that he would be appointed president.

He should know that few government officers survive in their positions very long, let alone win rewards, after making their political bosses look like fools, unless there are even bigger bosses behind him.

The state government should be commended for reiterating that Md Aris is the president, despite Deputy Prime Minister Datuk Seri Najib Tun Razak's reported support for Ghani.

The law gives the state government the power to appoint presidents of local councils and the Penang state executive council was right to hold on to this. But Chief Minister Tan Sri Dr Koh Tsu Koon's statement that Md Aris was an acting president, only added fuel to the controversies.

Reporters at the oath-taking ceremony were made to believe that it was not an acting position.

Koh's warning that reporters and their editors should be accurate in their reports has not diminished the perception that the state leadership was not decisive in this matter.

Md Aris' appointment as a part-time president is also incomprehensible. This is not to question the capability of the new president. Surely his concurrent position as deputy state secretary (development) demands a full-time officer.

In Malaysia, the president or mayor of a local authority is a very important and demanding post. He is the chief executive officer of the council.

Many important decisions, especially those related to enforcement, have to come from him. Most licences and permits are issued in the name of the president or mayor.

Although he usually delegates certain power to heads of department, they still seek his endorsement or opinion in non-routine matters and in urban management, there are many such matters.

The president is also the chairman of full council meetings and important committees.

As such, he decides on the agenda and has great influence in the decision-making process that has great implications on the development of a town, such as granting planning permissions for land development.

The president of the council is the first citizen of the town. He should epitomise the wants and aspirations of the citizens and feel their frustrations. He needs to spend time to understand the people, especially the "little guys".

It is, therefore, a poor reflection of the state government administration to leave the president's position vacant for almost a month. It knew or should have known that former president Datuk Ismail Mamat would retire on March 16, as his birthday was on record.

However, there are useful lessons in the "comedy of errors".

The most important is the rule of law. It was reassuring to see the Penang state leadership's insistence to abide by the Local Government Act.

It is hoped that all the rules in the Act and all by-laws passed under its enabling clause are followed and implemented.

More specifically, the rights of the state government concerning local government are honoured. It was gracious of Najib to concede this, especially in an environment in which politicians are loath to admit mistakes.

It is also hoped that state leaders are aware of their relationships with the local councils. They are not state departments, but authorities with their own laws and by-laws.

The state government has the rights to choose the councillors and presidents or mayors, but once that is done, they should be left to do their job. If they fail, sack them; but do not interfere.

9.6

Confusion over who is responsible

2 August 2004

The recent letter to an English language daily by Dr Choong Sim Poey must have caught many Penangites by surprise. In his letter, Choong, who identified himself as the president of the Penang Heritage Trust, chided Chief Minister Tan Sri Dr Koh Tsu Koon for neglecting pedestrians and the mobility of the disabled.

He also took executive council member Datuk Dr Teng Hock Nan to task for calling on the local councils to be "flexible" when enforcing laws governing pedestrian walkways.

Penang Island Municipal Council president Datuk Ahmad Phesal Talib had announced that no one would be allowed to trade on such places.

While it is reassuring to know that one can still criticise powerful state leaders in public without instant promise to retaliate, the important issue to note is that state leaders are being chided for matters that are basically municipal in nature.

There appears to be confusion in who is really responsible for the quality of the towns and cities in Malaysia.

The criticisms were from a person who is knowledgeable about governance.

Choong is a medical doctor by qualification, a former state assemblyman, a leading member of the Gerakan party and an active member of several non-governmental bodies.

There is no question that the streets in Penang are not safe for able-bodied pedestrians, let alone those with physical handicap or senior citizens. Indeed, the people of and visitors to Penang are being badly served by those responsible for keeping the towns conducive for work, play and bringing up families.

However, issues like pedestrian walkways and facilities for the disabled are the responsibilities of the local authorities. The people who should get the brickbats are the presidents and councillors of the two councils and their senior officers.

Malaysia has a three-tier government system and the responsibilities of each tier are rather well defined. Although the local authorities in Malaysia are creations of the respective state government in consultations with the federal government, once created they have specific responsibilities as provided in parliamentary acts.

The main one is the Local Government Act of 1976, which, among other things, gives the local authorities responsibilities over public places, pollution of streams, food outlets, markets and abatement of nuisance. Others include the Town and Country Planning Act of 1976 and the Street, Drainage and Building Act of 1974.

The Local Government Act has no provisions for state leaders to have direct role in the management of towns and cities. This is the responsibility of the presidents or mayors and local councillors.

The only instance where the *mentri besar* or chief minister has direct decision-making power over local council matters is when the president and the councillors reach a deadlock and these are brought to him to decide. Under such circumstance, his decisions are final and binding.

In planning and development matters, the local authorities of each state must abide by policy decisions of the state Planning Committee, which is chaired by the *mentri besar* or chief minister. But this committee does not have power to decide on specific projects.

However, state leaders do have great influence over the workings of local authorities. They have the power to appoint presidents or mayors and local councillors.

They must, therefore, exercise such responsibility with extreme care. Once these local officials are appointed, they must be left to do their work without interference.

If state leaders have to be involved in purely municipal matters like pedestrian safety and facilities of a town, it does not speak well of the president or mayor and councillors.

This in turn is a poor reflection of the system of their appointment, especially the practice of appointing only nominees from political parties forming the state

government. It is also a reflection of the poor judgment of those who appoint the president and councillors in the first place.

The right thing to do is to give back to the people their rights to choose their representatives in the local authorities.

The wrong thing is for mentris besar or chief ministers and executive councillors in charge of local government to interfere in matters that are under the jurisdictions of local authorities.

This is made worse by many state assemblymen, especially those from the ruling parties, who seem to take delight and get publicity in highlighting shortcomings of local councils in which their parties have representatives.

These interferences in local government matters by state leaders cause confusions about the responsibilities of the presidents or mayors and local councillors. This leads to confusion in accountability when things are not done or done badly.

This lack of accountability is one of the main causes of poor urban management.

9.7

Misguided state assemblymen

26 April 2005

Recent complaints by Penang state assemblymen, both in the state assembly and outside, about enforcement actions by the local authorities should not be ignored. They, the *wakil rakyat*, must be told in no uncertain terms that they were doing a disservice to Penangites and Malaysians as a whole.

The most depressing part of the complaints was not the mistaken belief that assemblymen could interfere in the enforcement of the law, though that was bad enough. It was their false consciousness that they were doing something beneficial for the society.

One of the biggest problems in urban Malaysia is the high incidence of non-compliance with municipal rules and regulations. Part of the reasons is the third-world mentality of Malaysians. The other is the inability of the local authorities to enforce compliance and part of the blame is interference by elected politicians.

As a result, streets are dirty and drains are clogged with rubbish. Sidewalks are blocked by boxes, stalls and vehicles and open spaces occupied by illegal traders. Ubiquitous illegal building use and extensions have turned neighbourhoods into unpleasant enclaves.

In fact, if the *wakil rakyat* have to complain to get their names in the press and show that they are hard working, it should be on why municipal rules and regulations are not enforced. If they felt obliged to speak to impress their supporters or colleagues, there were certainly issues in which they could have made their voices heard and appreciated.

These included the deteriorating state of the environment, the unrealistic poverty line of RM529 per month in view of the cost of living in urban Penang, the lack of an efficient public transport system and the lack-lustre tourism market.

They could have complained about the absence of clear programmes to bring about integrity that Prime Minister Datuk Seri Abdullah Ahmad Badawi has been trying to inculcate in the administration of the state and the local authorities.

They could have also provided suggestions on what these institutions could do to cure Penangites of the malaise of their third-world mentality.

Calling on the local authorities to go soft on those who breach municipal rules is in direct conflict with the principles of good governance. Indeed, it could be seen as an act of sabotage on the prime minister's visions of Malaysians living in world-class cities.

Interference in enforcement actions not only disrupts removal of offending activities, it also lowers the morale of enforcement personnel and officers in the local authorities. Furthermore, for every law-breaker one protects, there are tens or hundreds of Malaysians who are inconvenienced. Ultimately, it contributes to disrespect for the rule of law.

Enforcement actions are already very difficult tasks even without political interference. It is no joy to enforcement officers, unless they are sadists, to cart away goods or to issue summonses.

It is much easier for them to sit in coffee-shops and gossip. It is much more lucrative to turn a blind eye to cases of non-compliance.

The only legitimate reason for complaints about enforcement of the law by the local authorities is if it is selective or discriminatory. In such a case, the officers involved should be punished.

It is fair to believe that assemblymen who complain about strict enforcement are not obnoxious people. They are basically do-gooders, who want to help those who seek assistance, including those who are in breach of the law.

Besides, in an environment in which political ideology is almost non-existence, direct service to the people is the only way to gain political capital. As such, it is understandable for them to help a tearful hawker, shopkeeper or supporter whose goods have been confiscated or illegal extensions demolished or who has been issued summonses.

However, the answer is not to help them break the law but to facilitate compliance. This includes working with councillors to amend out-dated rules or delete those that cannot be complied with without sacrificing an arm.

To accomplish that, they should have the wisdom to distinguish between right and wrong and the fortitude to tell law-breakers that they cause problems to others or at least not help them continue to break the law.

Unfortunately, in many countries, including Malaysia, the qualities that enable candidates to win votes are not necessarily those that make them good legislators or holders of executive positions in government.

Malaysians may want to reconsider the criteria for choosing *wakil rakyat*.

9.8

State exco members are not municipal presidents

28 February 2006

Recently, Selangor Menteri Besar Datuk Seri Dr Mohamad Khir Toyo revealed that, according to a study, seven local councils in Selangor had been performing below the expectations of ratepayers. He described the performance of four councils as "atrocious".

As a remedy, a state executive council member has been identified to "oversee the operations" of each council. According to reports, they would even "chair council meetings" and go "undercover" to take photos for council actions. This move is not only too simplistic, but also flat wrong.

Looking after clogged drains or dirty streets is not and should not be the responsibility of the state executive council members. There are already complaints that some are not even capable of taking care of their portfolios in the state, as manifested in the floods in some parts of Selangor, including Shah Alam, on Sunday.

Local councils are authorities. The Local Government Act provides for only councillors and presidents or mayors in the workings of the councils. The decisions of full council meetings are final, except in specific circumstances when they have to be endorsed by the state government.

They are not state departments. There is no provision for a state executive councillor to oversee their operations or chair council meetings. Their "overseer" status in the councils will only add one more layer of authority that will result in more confusion in accountability. Anyway, there are already complaints that a major cause of the councils' poor performance is interference by state leaders.

If Khir really believes that the executive council members are capable and effective, he should appoint them presidents of the councils and relieve them of their positions

in the state government. Their roles and responsibilities will be clear and success or failure will be on their shoulders.

There is an urgent need for a major review of the roles, responsibilities and capacities of the local authorities and the selection of councillors and presidents or mayors.

Unfortunately, this is not likely to happen anytime soon as those in positions of power, both at the federal and state governments, seem uninterested or are afraid of change.

But state leaders do not have to wait for amendments to the Local Government Act to improve the workings of local councils. They can direct all local councils to take concrete steps towards good governance.

For instance, to promote accountability in the local councils, Khir should tell the presidents and councillors in no uncertain terms that failure to deliver would not be tolerated. In other words, those who are ineffective should be sacked.

In fact, if the menteri besar is convinced of the validity of the study and regards a score of 58.5% as unacceptable, he should replace the presidents and councillors of the seven councils. At the very least, those in the four that were found to have "atrocious" performance should be replaced immediately.

The performance of the local councils could also be greatly improved with more transparency, especially in land development project decisions, enforcement of municipal rules and expenditure.

As an immediate action, the state government should support the demands by the leaders of residents' associations and Rukun Tetangga sectors in Petaling Jaya for the detailed expenditure of the council to justify the 8-10% increase in assessment rates. Indeed, it should encourage all community leaders to make similar demands.

To be fair, Selangor local councils are not the worst in the country. In this sense, Khir should be commended for carrying out a study to improve their performance and willing to disclose a glimpse of the findings.

But he should have given the scores of all the councils as they are only useful and interesting in comparison to one another.

In fact, the full report should be made available in the state government website. Among other benefits, it will provide more confidence in the findings, especially the high score of the Shah Alam city council.

It is useful to repeat a call in this column made two years ago that there should be a federally funded independent audit commission to undertake yearly assessment of the performance of local councils.

The report would not only identify the weaker councils, but also provide the Ministry of Housing and Local Government and state governments, robust data to formulate corrective actions.

9.9

Penang's new growth panels superfluous

19 September 2006

The recent Umno Youth leaders' criticisms of Penang Chief Minister Tan Sri Dr Koh Tsu Koon for marginalising the Malays have produced typical bureaucratic reactions - more committees.

One is the Land Development Committee headed by Penang Deputy Chief Minister Datuk Seri Abdul Rashid Abdullah. The other is Tanjung Development Committee headed by State Executive Council member in charge of tourism and environment Teng Chang Yeow.

There is no question about the capability of Rashid and Teng or their diligence. But there are already legally constituted committees or bodies dealing with development in Penang Island.

In the case of planning and regulating land development, the Town and Country Planning Act provides that the Penang Island Municipal Council is the authority.

More specifically, the council has the Planning and Building Committee that considers applications for permission to undertake land development in the whole island, including Tanjung.

Since Umno Youth leaders are concerned about the interests of the Malays, it is useful to note that this committee is chaired by Municipal President Datuk Abu Bakar Hassan with 19 councillors as members: six from Umno (including the alternate chairman), five Gerakan, three MCA, two MIC, one PPP and two district officers.

It is clear that Umno and the Malays are well represented in this very important committee, which often gives land developers in Penang Island some of their biggest headaches.

The council also has the Development Planning, Landscape, Beautification and Recreation Committee, which has the same number of representatives from the Barisan Nasional component parties, except that the alternate chairman is from Gerakan. Among other things, this committee considers planning and development issues of the island or any part of it.

The newly formed Tanjung Development Committee to advise the state government on development is also superfluous, as the latter has no direct role in the approval or otherwise of specific development projects.

Furthermore, for development policies, there is already the State Planning Committee, which is chaired by Koh with, among others, Rashid and Teng as members. It can and does make policy directives that must be followed by the council. An example is the draft Penang Structure Plan that was launched by Koh recently.

There is also no need for the new Land Development Committee to identify land owned by the state and local councils for housing. Rashid is already the chairman of the State Land Committee, which, apart from looking after state land, also decides on applications by developers for land sub-division, conversion of land use and excision from hill-land reserves.

As for council land, there is the Council Property Committee headed by the council president, with an Umno councillor as alternate chairman, to handle issues related to the use, development and even sale of land. Any sale of council land has to be approved by the state government.

The Malays in Penang certainly have problems. So do the rest of Penangites, especially the physically handicapped, pedestrians, bus commuters, small businessmen, developers and investors. And the list goes on.

There is no necessity for Koh, who is the deputy president of the Gerakan, to react positively to criticisms by minor publicity-seeking Barisan National component party members or even ill-informed national leaders. This is especially so when the criticisms were done in an un-Malaysian manner, as in the case of displaying rude banners during the opening of the Tanjung Umno division headquarters by Prime Minister Datuk Seri Abdullah Ahmad Badawi and in the presence of Koh as an invited guest.

Any reactions should be limited to chiding of ill-mannered behaviour.

The creation of the two new committees only causes more problems. They further burden the state and local council officers who are already bogged down preparing briefs and attending meetings.

In addition, they add another layer of decision-making in the development process, which is already murky as a result of the lack of respect for laws, ignorance of laws and abuse of power. The lack of accountability will only get worse.

The solution is to ensure that the existing committees are effective in their services to all Penangites. If some councillors are sleeping on the job or worse, only taking care of their own and their supporters' interests, they should be replaced.

Better still, the public should be facilitated to be the "watch-dog" of the council and the workings of its committees by making their decisions and deliberations more transparent.

9.10

Local councils are not state departments

5 December 2006

Local council issues have become perennial favourites in the Penang state assembly. This is an indication of the blurring of the line separating the roles and responsibilities of local councillors and state assemblymen, including those holding state executive positions. It confuses accountability, which is an important element of good urban governance.

In the current session, the financial affairs of Seberang Perai Municipal Council (MPSP) came under criticism. More importantly, its recent partial demolition of the Tou Mo Kong Temple in Bukit Mertajam attracted considerable attention. Both MCA and DAP assemblymen competed to pin the blame on Deputy Chief Minister Datuk Seri Abdul Rashid Abdullah.

The council was within its legal power to demolish the illegal temple. But after the demolition efforts turned ugly, with the police discharging two gun shots to prevent scuffles from turning into riots, MPSP President Datuk Mohd Aris Ariffin chose to remain silent for about ten days.

For a person generally acknowledged as competent and approachable, it was unbecoming of him not to quickly clarify the issues. Indeed, it bordered on irresponsibility as rumours multiplied, leaving the state leaders to call for calm.

Mohd Aris should have quickly made clear that the council had issued ten notices in a span of three years to the temple trustees before action was taken.

He should have clarified that Abdul Rashid's letter supporting the demolition of the temple did not carry any weight, if that was true. He should have also added that state leaders' letters and calls that interfered with the workings of the council were all ignored, if this was also true.

In fact, after the fiasco in the demolition exercise, the right forum for debating the incident should have been the full council meeting. This would have allowed the councillors to seek clarifications and the press to report that the decision to demolish the temple was purely an administrative affair, if this was also true.

In the aftermath of the partial demolition of the temple, the one holding the baby has been the state government. Nevertheless, its decision to relocate the temple was courageous and principled. Its promise to provide assistance in the building of a new temple has also soothed frayed nerves.

More importantly, the state government's decision that future demolition of religious buildings be decided by a committee of councillors and the president instead of the discretion of the latter alone was sensible.

But it was ill-advised to decide that if the matter could not be resolved at the council, it should be referred to the Temples and Places of Worship Coordinating Committee chaired by state executive member Datuk Dr Teng Hock Nan. There are already too many state committees involved in local council affairs.

In cases where the president and councillors cannot come to a decision, the Local Government Act provides for the matter to be taken to the chief minister, whose decision is final. This may place too much of a burden on Tan Sri Dr Koh Tsu Koon.

But power comes with responsibility. He can consult his executive council members, but any decision arrived at must be solely his.

Having stated the above, it should be pointed out that it is doubtful if anyone has the discretionary power on not to take action against illegal buildings.

Malaysia has a three-tier government. Local councils are not departments of state governments, but local authorities. They are bodies corporate and are given specific responsibilities. They can sue or be sued.

Once appointed, the councillors and presidents or mayors should be left to function as a government to carry out its responsibilities and be held accountable for its actions. If state assemblymen know of bad apples among the councillors, they should petition the state government not to reappoint them.

It is unfair to criticise local councils in state assemblies because the councillors and presidents or mayors cannot reply.

They can, of course, debate local government representation, like bringing back local elections. Furthermore, by focusing on the councils, they short-change on their duty to scrutinise proposed state budgets and push the executive branch to be more effective.

The involvement of state leaders, especially executive council members, in matters that are the responsibilities of local government, apart from blurring accountability, also stifles the development of local council capabilities.

Besides, if they have to pick up the pieces after the local councillors, who is minding the store at the state governments?

Chapter 10

Town Planning and Housing Development

10.1

Learn to head public opinion

13 August 2002

In societies where thinking and free speech are allowed, it is normal to have objections to a proposed development plan. As such, the numerous objections against and questions about the draft Petaling Jaya Local Plan (RTPJ1) are to be expected and should be seen as a positive indication of the development of a civil society.

Town planning is not an exact science and planning literature has long advocated public participation in the planning process. The Petaling Jaya Municipal Council (MPPJ) should, therefore, facilitate the residents take part instead of doing things that generate controversies and recriminations. These are so unnecessary as MPPJ did show instances of good urban governance.

For instance, it demonstrated responsible conduct for trying to produce a local plan to guide the development of the town centre. Although this is mandatory according to the Town and Country Planning Act (1976), it is still a commendable act in view of the fact that most local authorities have not prepared their local plans, or having done so, keep them “in the planners’ sleeves”.

The council should also be commended for holding forums to explain the draft local plan when what is legally required is to have the draft plan available to the public and then wait for public objections or comments.

Furthermore, Petaling Jaya has some of the most pleasant neighbourhoods and the trendiest watering holes and shopping complexes. These do not happen by chance. They are manifestations of good urban planning, management and development control.

What is troubling and regrettable, however, was the way the MPPJ handled the objections and enquiries of the affected residents. There appears to be a reluctance to provide the residents with facts when the plan generated numerous objections. Even the request to have access to the full council meeting minutes was met with

obstacles when these documents are public records. About 11,740 residents have turned to the courts to seek redress.

Trying to withhold data and the lack of enthusiasm to facilitate public scrutiny of the proposed plan and supporting documents suggest the council has something to hide. The decision to keep the press out of the recent hearing by the three-member panel appointed to hear objections of the residents only made things worse.

The controversies surrounding the public participation process in Petaling Jaya is even more mind boggling because, of the 140 odd local authorities, MPPJ was one of the four local councils selected to implement the pilot project to introduce Local Agenda 21 (LA21) in the local authorities by the Ministry of Housing and Local Government. A perusal of the council's website shows that the council was apparently very supportive of implementing LA21.

The pilot project must have been successful because the ministry had recently announced that another 40 local authorities would implement this "people-government approach" to achieve the goal of sustainable development.

It may be useful to reiterate here that LA21 is part of the Agenda 21, which is a comprehensive plan of action for sustainable development that was agreed to by 178 countries, including Malaysia, at the United Nations Conference on Environment and Development, also known as the Earth Summit, held in Rio de Janeiro in 1992. Of significance to the issue at hand, Chapter 28 of Agenda 21 specifically calls upon local authorities to consult their communities when formulating development plans.

Incidentally, the second earth summit, officially known as the World Summit for Sustainable Development, but more popularly known as Rio+10, will be held in Johannesburg from 26 August to 4 September 2002. Malaysian delegates will, no doubt, report that not only is Malaysia committed to sustainable development, but also that the government, particularly the local authorities, is practicing good governance including implementing and facilitating participatory planning process.

Unfortunately, what is happening in Petaling Jaya is not an isolated case. Residents of many local authorities are in the dark about the planning and development of their towns and neighbourhoods. *Sulit* (confidential) and *tak tahu* (don't know) are the two most common replies when enquiries are made.

The people of Penang are facing a host of obstacles when they want to find information about the proposed Penang Outer Ring Road (PORR). Details of the project trickle out only after repeated queries and much remains unknown.

The die has been cast. Participatory planning process is here to stay.

More and more Malaysians will demand to be heard and involved in the planning and development of their towns and neighbourhoods. If those in positions in the government, including the local authorities, claim that they are representatives of the people, they should not only welcome such involvement of the residents, but also do everything to make it easier.

In fact, mayors or presidents and councillors of local authorities must bent backward to ensure that their ratepayers have every facility to participate in how their towns are planned and managed. This is to compensate for the lack of legitimacy and accountability as appointed representatives.

Local councillors must bear in mind that Malaysia is one of the very few countries in the world that do not have elected representatives in the local authorities. If not for a twist in the evolution of local government, and if local councillors were to be elected as in the 1950's and early 1960's, it is fair to say that all the mayors and presidents and most of the councillors would not be sitting in the chairs they are occupying now.

10.2

The long road to getting CFs

24 June 2003

Penangites call them OCs while the rest of Malaysians call them CFs. They are Certificates of Fitness for Occupation that are issued by local authorities to certify that buildings are built according to approved plans and are safe to occupy.

CFs are controversial because housing developers are allowed to hand over vacant possession of houses to their buyers without first obtaining these very important documents.

For most house buyers, the absence of CFs is a very frustrating experience as their new houses are practically useless. Yet they have to service their bank loans for the full cost of the houses. To add salt to injury, some developers even begin to collect maintenance charges.

In the past, there were cases of buyers having to wait for months or even years for CFs for their houses. Since 2001, the Ministry of Housing and Local Government has been urging local authorities to process applications for CFs within 14 days and last year, the Uniform Building By-laws were amended to make it a legal procedure.

Last week, as part of the economic stimulus package, Minister of Housing and Local Government Datuk Seri Ong Ka Ting called on local authorities to set up one-stop agencies to ensure that CFs be issued within 14 days. Furthermore, no individual officers would be allowed to add new conditions for the issuance of CFs.

There has been no reaction from the developers. The House Buyers' Association is not impressed. There is no guarantee that CFs are issued within the time given.

Local authority officers could still reject the applications on the flimsiest of excuses and 14 days could stretch to months while the blame game continues. While it is very difficult to prove an officer's bad intention, a system must be established to detect and punish those found guilty.

CFs could also be rejected because the buildings are not built according to approved plans or clearly not completed. The main reason for premature applications for CFs is to enable developers to hand vacant possession to the buyers so that they do not have to pay late delivery charges or to collect the final instalment of the progress payments.

As a result of numerous cases of short-changing house buyers, housing developers do not have good reputation despite their numerous donations to charitable organisations and federal and state honours.

Many developers deserve the brickbats thrown at them. But the society, through the government, does not expect much from developers. Anyone can be a developer if he has RM250,000 as paid-up capital for his company and RM200,000 as deposit for each project.

There is no requirement to have a minimum academic qualification. Their main socialisation process is their mothers' constant admonition to work hard and get rich.

That is why the government does not trust developers. For housing projects of more than four houses each, developers have to obtain licences from the Ministry of Housing and Local Government. They cannot sell houses without first obtaining permits from the ministry.

Property developers also cannot do anything on the land without approval from about 15 government departments and corporatised utility suppliers. Only those who have been through the processes of getting approval from these departments and agencies can appreciate the difficulties encountered and frustrations involved.

Furthermore, at every step of the development process, developers are required by law to engage professional consultants largely because the government does not have the necessary mechanisms to monitor every aspect of development projects.

Such confidence in the consultants is justified. To be a professional consultant, such as an architect or an engineer or a surveyor or a town planner or a lawyer, a person has to spend 16 to 18 years of formal education. In all these years, especially in the universities, apart from technical subjects, they are taught to be sensitive to ideals like environmental conservation, responsibility and social justice, assuming, of course, that their lecturers are good at their work.

The consultants have to be members of their respective professional institutes, which have stringent codes of ethics, to be able to practise. Most importantly, there are legislations stipulating that only those properly qualified and accredited can prepare plans and certify to their implementation.

Unfortunately, in the building industry, there have been too many cases of professional consultants losing their professionalism and misplacing the trust the society has placed on them. In such cases, the respective professional institutes and the government must take strong punitive action.

The present practice of planning and building control is to carry out inspection of housing projects at the stage of application of CFs. Any withholding of issuance of these documents only punishes the house buyers as the consultants and developers have largely collected their dues.

A better practice is for enforcement officers, especially those of the ministry and local authorities, to monitor the progress of housing projects. They should facilitate the smooth implementation of the projects where they can. However, they should prosecute the errant ones where there are cases of cheating or negligence of duties.

The government has taken some steps to facilitate the issuance of CFs. If problems persist, it may be forced to implement the built-then-sell concept. At the very least, it could legislate that vacant possession means completed houses with CFs.

10.3

Town planners can nurture the little guy

18 May 2004

For many middle-income earners, it must have been sobering to read about thousands of households surviving on less than RM530 a month in urban Peninsular Malaysia.

How are these wage earners coping, when their own RM2,000 to RM4,000 income seems to vanish by the third week of the month?

So, although Malaysians might be well known for the *tidak apa* (not bothered) attitude, it is fair to believe that most people support Prime Minister Datuk Seri Abdullah Ahmad Badawi's priority of eradicating poverty.

The local authorities have been given an important role to play and Housing and Local Government Minister Datuk Seri Ong Ka Ting has been tasked by the cabinet to co-ordinate their efforts.

Ong has a challenge on his hands. Most local authorities do not have data on those living below the official poverty line of RM529 per household a month. It is also not easy to get local councillors and presidents or mayors to be committed to the cause.

The clean drain, clean public toilet and recycling initiatives of the ministry seem to have fallen on barren grounds in the local councils.

But there is hope. Towns and cities have been the most effective invention of society for a better quality of life. This explains the hordes of rural poor migrating to urban areas seeking a better life, if not for themselves then at least for their children.

After all, urban areas have facilities that make life easier: electricity, clean water, proper sanitation, housing, schools and hospitals. Then there are the additional conveniences of cars, shops, entertainment centres and houses of worship.

Furthermore, cities provide economies of scale and creative culture. The sense of anonymity and tolerance in them also allows for relatively more freedom: to pursue cultural and religious expressions, freedom of association and freedom to develop one's potential.

Despite limitations to these freedoms, Malaysian cities succeed as engines of socio-economic advancement by generating jobs and business opportunities. Therefore, with hard work and a bit of luck, many have pulled themselves out of poverty.

In fact, most Malaysians in the towns have a relatively good life compared to those in the rural areas. They have rather secure jobs, proper housing and adequate food. In most cases, they also possess motor vehicles, audio-visual equipment and telephones.

Some, of course, have not just made it; they have become wealthy.

They are enjoying the finer things in life, including luxurious houses or condominiums, expensive cars, overseas holidays, exclusive club memberships, gourmet dining, state of the art audio-visual gadgets and specialist medical treatment for every ill, real or imagined.

Unfortunately, a certain portion of the population has been left behind. This is complicated by the continuous arrival of the weary and the destitute from the rural areas, as well as those of neighbouring countries.

As a result, there are pockets of people living in slum-like conditions and squatter settlements in urban Malaysia.

For the poor, the urban areas could be uncaring and even cruel. Apart from the deprivation of the basic needs of food, shelter, clothing and education for the children, they also suffer the pangs of relative deprivation, watching their fellow Malaysians wallowing in luxury.

The towns, of course, could be more caring.

Town planning emerged as a distinct discipline in the late 19th century precisely to overcome conditions of filth and injustice endured by the urban poor as a result of rapid urbanisation during the Industrial Revolution in Europe, particularly England.

Town planning was officially adopted in the then Federated Malay States in 1921. Malaysian local authorities are also local planning authorities and millions have been spent on preparing development plans that promise to bring about a better quality of life for all.

Although the number of urban poor in Malaysia is small compared to that of most Third World cities, it is testimony to the partial failure of town planning to deliver on its promises.

One reason is the in-built tendency of town planning to give priority to the efficient workings of capitalism. As such, there has been too much emphasis on super-highways and a magnificent built environment, and too little consideration for the ecology and the people.

Poor urban management, of course, aggravates the situation.

The emphasis on eradication of poverty by Abdullah is an opportunity for the town planners to show their capability in helping to build cities that are for all, including the little guys.

More specifically, there must be a conscious effort by planners to cater to the needs of small businessmen, the poor, the physically handicapped and the aged to enable them to have access to jobs and business opportunities or at least improve their quality of life.

10.4

Tighter rules for housing industry

1 June 2004

"Build then sell", said Prime Minister Datuk Seri Abdullah Ahmad Badawi. Minister of Housing and Local Government Datuk Seri Ong Ka Ting expressed support, but urged caution in its implementation.

For his perceived lack of enthusiasm, Ong has been severely criticised, especially in the Internet blogs. Most Malaysians like Abdullah's suggestion because they are convinced that the "sell then build" system has been very unfair to house buyers.

While the call for "build then sell" system should be supported because it is logical, it must not be legislated as the only way to sell houses. A robust housing industry can only be fostered in an atmosphere of competition and choice.

The current "sell then build" system has produced millions of housing units that have provided reasonable shelter to a large number of Malaysians, although many are mortgaged to the hilt.

Indeed, many, especially those who have the means and foresight to buy more than one house, have made substantial amount of capital gains as a result of appreciation in property prices. Of course, many housing developers have become very wealthy in the process.

So have their professional consultants, such as lawyers, architects, engineers and surveyors. But their wealth has not come easily.

Apart from entrepreneurial and technical skills, they have to go to great length to be friendly to government officers and politicians to steer through numerous regulations before the first ringgit could be made.

Unfortunately, the "sell then build" system has a severe weakness. When things go wrong, such as abandonment and shoddy workmanship, those who suffer are the

house buyers. Worse, the developers and their professional consultants appear to walk away scot-free.

The vulnerability of house buyers under the existing practice is well understood by the government.

The Housing Developers (Control and Licensing) Act of 1966 and its subsidiary regulations were passed precisely to minimise, if not prevent, exploitation. For instance, the rules require developers to obtain an advertising permit for each project before they are allowed to sell houses.

To get such permits, they must have the necessary planning and building permissions from the local authorities. Furthermore, they can only collect progress payments according to work completed on sites and certified by the architects.

Since 1991, developers have been required to open a development account for each project to ensure that monies collected for a project are not used for other projects or other business ventures.

In 2002, the rules were amended rather drastically to plug loopholes and allow the government more power to regulate the developers. House purchasers now have clear rules to seek compensations in cases of late delivery of houses.

An important step is the creation of the Tribunal for Homebuyers' Claims. The maximum amount, however, is limited to RM25,000 each.

It should also be noted that millions of ringgit are allocated annually to support a bureaucracy, headed by Ong, to protect the interest of house buyers according to the rules and regulations.

Unfortunately, politicians are still inundated with complaints from frustrated house buyers and these have been highlighted in the newspapers. Are the rules still having weaknesses?

Many of the problems in the press are old ones that, unfortunately, have been allowed to drag on. They are getting the limelight recently because the new and re-elected *yang berhormats* are keen to demonstrate their grass-root services.

Real Estate and Housing Developers' Association President Datuk Jeffrey Ng Tiong Lip should not have reacted negatively to Abdullah's suggestion by painting likely

disastrous implications. He should encourage developers to adopt the system as some bigger ones are beginning to do so.

In fact, he should also help the housing ministry weed out unscrupulous developers to minimise the *raison d'etre* for banning the "sell then build" system. Any abandoned housing project is a case too many.

More importantly, the housing ministry must enforce the rules regulating housing developers. The lack of action against errant developers has given the feeling that the government does not care or that there is collusion between its officers and the developers.

Ong must send the message that entering into agreement to sell houses is a very responsible act as part of the push for fostering national integrity. He can accomplish this by throwing the books at the chief executive officers and directors of errant companies.

Amend the rules to make punishment more painful if need be. Also, concrete steps should be taken to encourage and facilitate the "build then sell" concept.

Under such an environment, let the developers decide which method to sell their houses and educate the house buyers to choose wisely. This is the best way to foster a robust housing industry.

10.5

CFs and professional accountability

19 July 2004

The recent announcement by Prime Minister Datuk Seri Abdullah Ahmad Badawi that Certificates of Fitness for Occupation (CFs) issued by local authorities be replaced with certification by professional consultants should be welcome. It is time to accord the professionals the respect they have been seeking and also hold them to the responsibility that comes with it.

In Malaysia, professional consultants, such as doctors, engineers, lawyers, architects and surveyors are regulated by Parliamentary Acts. The legislated titles not only acknowledge the knowledge and skills of the professionals, but also create protected employment opportunities.

The engineers should be congratulated for being ready, willing and able to accept the prime minister's challenge. But the apparent lack of enthusiasm by the architects is puzzling.

As superintending officers with overall charge of most private development projects, they are the most qualified to testify to their fitness for occupation.

Abdullah has proposed a bold step that will save time, cut red tape and free local council officials to do important things like enforcing compliance with planning and building regulations. It will also cut down opportunities for corruption.

More importantly, making professional consultants of development projects responsible for the fitness of buildings for occupation is a step in the direction of national integrity that Abdullah has been pushing for.

After all, the hallmarks of professionalism are honour and integrity, responsibility, accountability and leadership.

It is important to note that in development projects, the government does not trust the developers. Directors of land development companies are not required to undergo formal socialisation process, such as schooling, that teaches good values.

As such, in every step of a development project, the developer must by law engage professional consultants to prepare plans, submit them to government departments and then supervise works on the ground.

When the project is completed, the consultants certify that it was done according to approved plans.

Unlike developers, consultants such as architects, engineers, surveyors or town planners spend 12 to 13 years in school and another three to five years in university.

Many spend one to five more years to do post-graduate degrees. In school, and especially in the university, they are not only taught technical subjects but also good citizenship, such as trust, responsibility and social justice.

Furthermore, they also have to be members of a professional institute or association and have to obtain a yearly licence from a professional board in order to be professional consultants. Every institute or association has a code of ethics that members must abide by.

It is only logical that professional consultants are held responsible for the safety and fitness of their projects for occupation.

Besides, local council officials who are now issuing CFs usually do not visit development projects. Site inspections are done by junior officers and inspectors and even then for only a few hours.

Compared to these officials, the professional consultants are, or should be, more knowledgeable about the projects under their charge. They must be prepared to stake their professionalism and rice-bowls and even personal freedom on the fitness of the buildings for occupation.

Some house buyers and the House Buyers' Association are reportedly not supportive of Abdullah's proposal because they believe that the consultants are under the thumbs of developers. Unfortunately, there have been cases in which the professional consultants certify to the completion of projects according to approved plans when they are clearly not completed. The only way to minimise and eradicate

this malaise is to institute a very clear process of accountability and severe punishment regime.

Professional institutes and boards must be vigilant of the conduct of their members and take steps to punish them severely, including disbarment, if ethics are compromised. For extreme cases of professional misconduct, the government should impose jail sentences.

In general, if the country is to sustain the pace of growth that is the envy of many developing countries and further improve the quality of life, those who are appointed and paid to do a job must be held responsible and accountable for a job well done.

10.6

Residents should have their say

10 May 2005

Residents of Taman Mastiara in Kuala Lumpur are against the building of 48 semi-detached houses on land that they believe to be part of the Batu Metropolitan Park. Taman Nirwana Phase II residents in Ampang Jaya object to a proposal to build workshops on a drainage reserve to relocate illegal ones nearby.

Residents along Jalan Aziz Ibrahim in Penang protest against stage buses using the road to go to the new RM5.8 million bus terminal. There are objections against the Petaling Jaya Municipal Council's plans to turn part of Jalan SS21/39 into a bazaar.

Subang Jaya residents want the Subang Ria park gazetted to prevent encroaching commercial outlets masquerading as recreational activities.

The above are only samplings of the frustrations of many Malaysians about development in their neighbourhoods. But do the authorities take seriously their objections and views? Do Malaysians have a say in the development of their neighbourhoods?

There are legal provisions for owners of neighbouring lots within 20m of a project in an area without local plans to be informed and facilitated to voice their objections. The decision to approve or reject a planning application, however, is entirely up to the president and councillors.

Those dissatisfied with the council's decisions can take their case to the Appeals Board, but there is no guarantee of success. This is fair, as some objections are frivolous.

But many development projects can adversely affect those living more than 20m away. Essential facilities such as hawker centres, highways and landfills and even houses of worship do cause problems to surrounding residents.

Non-compliance with municipal rules and civic duties often make matters worse.

As such, residents and shop owners who believed that they might be adversely affected by proposed projects staged protests, wrote to the papers and called up their representatives in the government to voice their objections.

Some have been successful. Examples of these include the food court project on a police reserve in Subang Jaya, the proposed landfill in Pulau Carey and the columbarium project in George Town. However, nothing is cast in stone yet.

Although a detailed study into the secrets of these successes is warranted, it is strongly believed that support of the mass media, including Internet blogs, is crucial.

It also helps to have friends in the right places, although every Malaysian, at least publicly, abhors the "know-who" syndrome of getting things done.

Many objections, however, have fallen on deaf ears. In some cases, there have been no positive responses. The notable cases are the proposed incinerator in Broga and the Penang Outer Ring Road (PORR).

Though hard to believe, Malaysian leaders subscribe to the principle of public participation in urban governance. We are a signatory of the 1992 Rio Declaration on Environment and Development. Included in the declaration is Agenda 21, which calls for a consultative process with local population to prepare comprehensive plans of action for sustainable development.

Furthermore, the Town and Country Planning Act provides for public participation to formulate structure and local plans. But structure plans are basically broad-brush policy plans. By themselves, they are useless as instruments of development control.

Local plans show in detail the future development of an area. However, very few have been displayed for public objections and gazetted as legal documents.

Furthermore, public participation in structure plans and local plans has no binding effect. Unless those in charge are progressive minded, it can degenerate into little more than formality designed to allow the public to comment while protecting the authorities' interests to do what they already have in mind.

Effective participation also requires access to information. Government bodies and private corporations in Malaysia are very stingy with data and figures. A freedom of information law is long overdue.

Meanwhile, things could be made better for effective public participation in the local authorities. For instance, meetings to consider planning permissions could be open to the public.

At the very least, all planning applications by private developers and their latest status and proposed projects by state and federal government should be displayed on public notice boards and websites of local authorities.

10.7

Seeking security in gated enclaves

5 July 2005

Gated communities are getting popular. From the point of view of house-buyers, they offer an additional alternative in the housing market.

However, from the point of view of some social scientists, they are vehicles of elitism and social exclusion.

It is urgent that the issues be discussed. If gated communities are accepted as the development of the housing industry to cater to changing needs, then the National Land Code must be amended to ensure the special features of gated communities are provided for.

If they are seen as obstructions to a healthy development of the Malaysian nation, then planning permission for such housing projects should be denied.

Gated communities are getting the attention of developers because it is possible to build more units compared to conventional land development for the same type of properties.

Furthermore, the term "gated communities" also adds a premium to the selling price.

More importantly, properties in gated communities are also popular with house-buyers, at least to those who can afford them. A sense of security is an important factor, especially in view of the numerous reports of thefts, robberies and even rapes.

Besides, the ambience and facilities within the communities are generally well managed. They also foster community interactions largely because of the absence of fencing among the houses. There is also the status symbol.

If the American experience is of any guide, more and more gated communities will be built, including those catering to the not-so-rich.

There are, however, some downsides. Apart from the high prices, there is the maintenance charge, which could be as high as RM1,000 a month. The amount can only escalate in the future, especially when the infrastructure within the communities begins to decay.

Furthermore, there are no specific laws to regulate property ownership in gated communities, especially the rights of property owners *vis-a-vis* their neighbours and management bodies.

The biggest drawback of gated communities is the accusation by some observers that they are exclusive and elitist. They remind some observers of the much hated and racist apartheid policy in South Africa not so long ago.

To many, these criticisms are not justified. Gated communities are no more exclusive than expensive clubs. Furthermore, condominiums have been operating under a similar system for years and there have been no criticisms of "exclusiveness" or "apartheid".

To them, there is nothing wrong in staying in secluded private space that is guarded by security personnel, if one is willing and can afford to pay for it. In a democratic capitalist society and one that cherishes the institution of private land ownership, is it not what people work hard for?

In any society, there is always the dilemma to balance the need for privacy and the bonds of the society.

For those who see a cohesive society as crucial in nation building, gated communities are anathema to a robust national development, as they isolate individual neighbourhoods from one another and, more seriously, the rest of the urban dwellers.

It is useful to note that human families first came together to live in villages and towns basically for security against wild animals and other tribes. The interactions of many people of different skills and knowledge have also facilitated many urban dwellers to have a comfortable life. Some have become very wealthy.

Gated communities are basically manifestations of the failures of the local authorities, despite the millions spent every year on town planning and urban

management, to make the towns and cities not only safe, but also conducive for work, bringing up families and having a life.

There is the worry that if things continue, gated communities will become "enclaves of stability in seas of decay". This is likely to happen if property owners in gated communities are allowed to enjoy a discount in their assessment rates on the basis that the municipal services provided are not as extensive as conventional housing estates.

It is fair to believe that there might be an element of envy in the criticisms of gated communities. Even if this is true, is this the direction of development that Malaysians want?

The answer to safer and better quality of life is not gated communities. Besides, even if they are impenetrable fortresses, which they are not, one still has to go to work, school, market, recreation area or entertainment centre. A large part of life is outside the walls and gates.

The solution is to improve the workings of the local authorities, so that the towns are safe, pleasant and productive, rather than create enclaves of security while the towns rot.

10.8

The stark realities of condominium living

25 October 2005

Many condominium residents are finding out that instead of living in "resorts", they are putting up in substandard housing. They have also realised that the monthly maintenance fees can only increase, irrespective of whether the facilities are functioning properly.

However, discussions to ameliorate the problems faced by condominium residents have been directed elsewhere. They have largely been focusing on who is qualified to manage high-rise buildings.

What is largely ignored is that a big part of the problems and grievances need not arise if house buyers are not so gullible and housing developers and their consultants face up to realities that resort-style housing projects are usually not sustainable, unless residents are willing to pay very high management charges.

More specifically, despite housing being the single biggest investment of most Malaysians, it is surprising that many prospective apartment buyers get distracted by "resort living" features of a project rather than concentrating on a safe and comfortable housing unit in a pleasant environment.

Indeed, many condominium residents do not even use the facilities.

It is also surprising that despite all the news of residents complaining about badly managed condominiums, developers continue to build them with grandiose facilities even though their names get dragged into the mud when things go wrong.

It should be noted that planning and building regulations only require developers to provide certain basic facilities like parking spaces and lifts in high-rise buildings. There is no requirement for facilities like swimming pools, saunas, jacuzzis or gymnasiums.

Yet developers, aided by consultants, are selling condominiums with a variety of facilities that are not only difficult but also costly to maintain. Some even have condominiums with artificial beaches, water slides, libraries, cafeteria, jungle tracks and cinema theatres.

The sad fact is that developers believe that Malaysians would only buy apartments with resort facilities. It is even sadder that Malaysians have proved the developers right.

As such, billboards and flyers of condominiums invariably feature swimming pools with palm trees as the central features with apartment blocks located on the fringes.

There are also pictures of children frolicking in and around a swimming pool with adults on deck chairs under the shades of palm trees, romantic couples having drinks in the cafeteria, children reading in libraries and healthy athletes on thread-mills.

The reality is that resort facilities, even if they are built properly by the developers, need specialised skills and a substantial amount of money to maintain.

Each condominium owner must be prepared to pay about RM200 to RM500 per month for maintenance.

This is besides the assessment rates to the local authorities.

Unfortunately, Malaysians are not the best paymasters in the world and many condominiums have problems of collection. Shortage of funds leads to poor maintenance. In some cases, this is made worse by unethical or bad management companies.

In fact, there have been many reports of such poor maintenance that even essential facilities such as lifts and corridor lightings are not repaired immediately.

Furthermore, the Malaysian malaise of vandalism often necessitates frequent repairs and replacements of facilities or their parts. When funds become inadequate, one facility after another is closed and they eventually become eyesores.

Malaysians must be more discerning when buying condominiums. Besides the price of the unit, the amount of monthly management fees must be carefully considered.

Housing developers and their professional consultants must consider seriously the long-term implications of proposed facilities in their projects. As part of the built environment, these projects stand as testimonies of their reputation and professional integrity for a long time.

There is no real need for private "resort living" facilities in individual housing projects. Keen health enthusiasts should join sport clubs that have good facilities.

Those who cannot afford the fees could settle for walks along parks, rivers and hill tracks that are getting popular in the country.

Those who are attracted to beaches and jungle tracks must be prepared to travel to the real ones outside the condominiums.

Human societies came together in villages and towns precisely to fortify safety and have better living conditions than mere subsistence. In the process, they have established institutions, now known as local authorities, which pool relatively small contributions from each household to build facilities to make urban living not only safe and productive but also fulfilling.

As such, urban residents should demand that their local authorities provide facilities like libraries, parks, gymnasiums, swimming pools, jungle tracks and clean beaches, after they have taken care of the roads, drains and sewerage facilities.

That is what urban living is all about.

10.9

Holding consultants to account

13 June 2006

As usual, the recent landslides and loss of four lives in Ulu Klang triggered a blame game. Besides the Ampang Jaya Municipal Council and God, land developers were identified as the main culprits.

There is no question that the local council failed in its responsibility as the approving authority of development projects.

The flogging of the council has been done and anything said here is superfluous.

God is, of course, not involved in any environmental disasters. But it is better to leave it to Him to deal with those who blaspheme His name.

Developers do play important roles in land development projects. However, their roles and responsibilities in landslides and destruction of the environment have been oversimplified and exaggerated.

As a result, calling for more rules to regulate their actions or imposing heavier penalties on them is counterproductive.

In Malaysia, as in most countries, the government does not trust land developers. As such, they are required by law to get prior permission from local councils, other government agencies and even corporatised bodies before a project can begin.

Furthermore, in the developers' dealings with the government, they are also required by law to use the services of professional consultants, such as architects, town planners and engineers. The consultants' roles and responsibilities in development projects have largely escaped public scrutiny.

For instance, before anything can be done on the land, including demolition of existing buildings, the law requires a developer to engage the services of a town planner to obtain a planning permission from the local council.

Among other things, the planner has to prepare a layout plan and a town planning report on the possible impact of the project.

The developers also have to engage the services of architects, land surveyors and engineers to prepare the necessary technical plans and submit them to relevant government departments for approval.

For example, all projects need an earth-works plan prepared by civil engineers.

For development projects that are more than 50 hectares or in ecologically sensitive areas, the developers must engage the services of environmental consultants to prepare Environment Impact Assessments. Some projects even require the services of geo-scientists to prepare special plans and reports.

The roles of professional consultants in land development projects are, therefore, all encompassing. That is why, although anyone with ambition and a little capital can be a developer, the road to be a town planner, architect, environmental consultant or engineer is long and the candidate must meet prescribed qualifications.

As a general rule, all professional consultants must have 11 to 13 years of basic education before spending three to five years in university to get their bachelor's degrees. Many remain in university for a few more years to do postgraduate studies.

In all their years of study, especially in the universities, they are taught not only technical knowledge, but also values like responsibility, integrity, social justice, ethics and the fragility of the environment.

It is important to note that the government has accorded almost all the professional consultants legislated titles. In other words, the professional status of town planners, architects and engineers, is regulated by Acts of Parliament.

With the possible exception of the environmental consultants and engineers, most have to be members of professional institutes, such as the Malaysian Institute of Planners, Malaysian Institute of Architects and Malaysian Institute of Surveyors. There is an Institute of Engineers Malaysia, but it is understood that membership is not mandatory for practising engineers.

All professional consultants have to obtain licence from their respective boards to practice. For instance, the regulating and licensing body of engineers is the Board of Engineers Malaysia.

All these institutes and boards have codes of ethics for their members and those given licence to be in the lucrative consultancy markets.

For their knowledge and status as professionals, the consultants are richly rewarded. In return it is not too much to expect them to provide a high standard of services.

At the very least, they are expected to apply what they learnt, abide by all the rules and regulations, adhere to the ethics of their professional institutes and heed the wisdom of their professors.

They are expected to monitor the progress of their projects. With landslides and loss of lives and the general deterioration of the urban environment, it is clear that many have failed in their responsibilities.

It is fair to punish developers who cause loss of lives and properties.

In this respect, their professional consultants should also be punished and indeed, more severely.

They are well-qualified. More importantly, they have convinced the government that their services are indispensable and be made mandatory by law.

Chapter 11

Corporate Governance and Finance

11.1

Local government badly needs review

3 December 2002

The Majlis Perbandaran Ampang Jaya (MPAJ) has come under serious criticisms since the landslide in Taman Hillview flattened a house and killed eight people. More specifically, it has been accused of “sheer incompetence”, having “lackadaisical attitude” and showing “no regard for the safety of the residents in Taman Hillview”.

A reporter has even demanded that “the Ampang Jaya municipal councillors should hang their heads in shame and pay penance for neglecting their duties”.

So far, there have been no public reactions from MPAJ on why it failed to protect the residents from harm’s way. Does silence on the part of the council indicate an admission of guilt? Or could it be that it would be insensitive to say anything in defense of the council when lives were lost? Or is it possible that local councils have been bashed so often that they, including MPAJ, have become numbed to all sorts of scolding, rightly or wrongly?

In general, local authorities are responsible if things go wrong in their area of jurisdiction. Since they are also the local planning authorities, they deserve all the scolding for any incidence arising from development of the built environment. As such, the Taman Hillview tragedy is indeed a black mark on the effectiveness and efficiency of MPAJ.

While Malaysians continue to lambaste MPAJ, it is an opportune time to point out some of the factors that contribute to the poor performance of local authorities. This is not to shield MPAJ but to minimise the chance of another similar tragedy because the things that needed to be done largely fall outside the ability of the local authorities to fulfil. Otherwise, despite all the promises, nothing would be done until another calamity strikes.

To be able to carry out their responsibilities, local authorities need the necessary finance, the bulk of which is from assessment rates or *cukai pintu*. However, raising

rates is very unpopular and local councillors, fearful of bad public reactions, usually shy away from doing so.

Besides, any proposal to raise rates must be approved by the respective state governments and this is not always forthcoming. As such, most local authorities are constrained by lack of finance to carry out projects that are essential for the residents' safety and welfare.

It is fair to evoke cases of local authorities misusing funds for junkets overseas or other frivolous expenses. But this does not negate the fact that they are woefully short of money.

The local authorities must also have the necessary man-power and expertise. With the possible exception of Kuala Lumpur City Hall, all local authorities in the countries face shortage of staffs, especially professionals. Vacancies are unfilled.

Worse, there are usually no positions for new expertise to meet new challenges. State governments and the Public Services Department must approve new posts and these are hard to come by.

As a result, while greed, aided by changing technology, motivates developers and their consultants to propose taller and more sophisticated buildings in very difficult terrains, the local authorities' resources to process their proposals largely remain stagnated. Under such circumstance, strict development control becomes cursory supervision.

More importantly, effective and efficient local authorities also demand good leadership that is accountable to the people. Absence of local government elections means that local councillors and presidents are not the choice of the people. They are appointees of the respective state governments.

Almost all presidents or mayors of local authorities are selected from the civil service. While many are good administrators and have wide administrative experience, as chief executives of local authorities, they perform administrative and political roles. The lack of understanding of political nuances in managing a town or city often renders them ineffective.

Could their performance be improved with an elected system as was done in the late 50s and early 60s?

The majority of councillors are branch and division leaders of political parties. Unfortunately, the qualities needed to be elected at the branches and divisions are not necessarily the same as those needed to be effective councillors.

Weak councillors inevitably lead to bad local governance.

To make matters worse, when things go wrong or when there are complaints by influential personalities, instead of making the councillors accountable for their actions, some in the state governments intervene and interfere in the workings of local authorities. The recent confusing statements by the MPAJ, the menteri besar and the minister of housing and local government about the safety of Taman Hillview are a case in point.

At best, ad hoc interference means that the weaknesses of the councils are not corrected. At worst, it complicates and aggravates the situation. As a result, often times, while those who are legally responsible are derided when things go terribly wrong, those who interfere get away scot-free.

There is, therefore, an urgent need to review local government in Malaysia. There is also a need for an institute of local governance to conduct and facilitate research and provide courses for local government employees.

Unless local authorities are given the facilities and resources, including effective councillors and presidents, to perform their responsibilities, once in a while, Malaysians will have occasions to vent their frustrations on some “unlucky” local authorities when calamities strike.

11.2

Assessment rates are crucial to the councils

19 August 2003

By today, many property owners in Malaysia would have paid the second half of their assessment rates, commonly referred to as *cukai pintu*. Those who have not, have until the end of the month to do so. Failing that, penalties will be imposed. The first half of assessment rates should have been settled by the end of February.

The amount of *cukai pintu* of a property is a function of two factors: annual value or improved value and percentage of rates.

The annual value of a property is the annual rental value. In Johore, instead of annual value, the local authorities use improved value, which is basically current market price. Once the annual value or improved value of a property is established, revaluation can only be done every five years, unless the property undergoes renovation or change of use.

Most local authorities, however, do not carry out the revaluation exercise every five years to ensure that assessment rates reflect changes in the annual value or improved value of properties. One reason is that it is costly. It could also be poor management. The effect is loss of revenue. Also, new properties tend to have higher assessment rates than older ones.

The percentage of rates is determined every year by the councillors of each local authority. Ideally, the quantum should be based on the budgetary needs.

However, contrary to popular perception, both the councillors and state executive council members, who must approve any change in quantum, are not keen on any increase because of inevitable protests and criticisms.

Cukai pintu is very important, at least to the local authorities. It accounts for 50 to 70 per cent of the total revenue of almost all local authorities. The reluctance or

inability to increase *cukai pintu* has put a serious strain on the budgets of many local authorities.

To make matters worse, most local authorities suffer from huge arrears, some to the extent of tens of millions of ringgit. Some have taken actions to recover the arrears, including confiscating movable household goods, collecting from tenants of defaulters and engaging debt collection agencies. Unfortunately, the problems seem intractable.

The councils should throw the books at the defaulters to recover the arrears including auctioning their properties even though some are reportedly prominent businessmen with strong ties with powerful politicians. Besides, defaulting is also unfair to those who diligently settle their bills.

Ratepayers have a right to expect excellent performance of their local authorities; but this means they also have the responsibility to pay their *cukai pintu*.

As a result of large amount of arrears, many local authorities have financial problems. Some postpone confronting their problems by having huge deficit budgets. Many others simply provide poor services and have few development projects.

They also go bowls in hands to the federal government for grants, thus prompting Prime Minister Datuk Seri Dr Mahathir Mohamad to rebuke them late last year for being lazy in collecting taxes due to them.

But ordinary citizens are also frustrated with the *cukai pintu* question. For those who hold strongly to the ideals of “no taxation without representation”, assessment rates are unjustified in a situation of appointed councillors.

Most Malaysians, however, just want their tax monies to be put to good use, like keeping the neighbourhoods pleasant, industrial estates productive and city centres efficient and attractive. Unfortunately, what they get are: frequent flash floods, clogged drains, mosquito menace, obstructed walkways, illegal change of building use and littered streets. Is it misuse of funds or inept management or both?

Reports of large expenditures on cosmetic projects and inappropriate channeling of fees to municipal clubs only make things worse.

They also want to see a more equitable tax burden. Owners of apartments complain that they are paying inordinately large amount of *cukai pintu* compared to those who own landed properties. According to them, not only are the built-up areas of their apartments smaller than those of terrace houses, but also the services, such as

garbage collection and provision of street lighting, rendered by the local authorities are lighter or less demanding.

Furthermore, some ratepayers are asking whether owners of facilities that have been privatised and generating income for private parties are paying assessment rates. If not, why?

More importantly, questions have been raised as to why assessment rates have remained unchanged or even increased when some municipal services have been taken over by private firms or the federal government.

Individual local authorities or even state governments cannot resolve the issues noted above. These should be agenda for the Ministry of Housing and Local Government, the National Consultative Council of Municipalities and the National Council of Local Government.

11.3

That punching bag in councils

2 December 2003

Should or could a person who has been declared a bankrupt be appointed or continue to be a secretary of a local council? Yes, said the Malacca Mentri Besar Datuk Seri Mohd Ali Rustam because the Official Assignee did not rule otherwise.

No, said the DAP because the post is an important one. This is also the view of the Minister in the Prime Minister's Department Datuk Seri Dr Rais Yatim, who has been saying things that are music to the ears of many Malaysians.

Prime Minister Datuk Seri Abdullah Ahmad Badawi quickly ordered that the secretary should be out. Abdul Manaf Jaffar, the Jasin District Council Secretary, resigned following Abdullah's order.

Most Malaysians know what a bankrupt is, but despite the importance of local authorities, few really know the role of local council secretaries.

In countries where mayors are largely ceremonial figures and concerned with policy matters, the chief executives of the councils are the secretaries, sometimes referred to as "town clerks".

In Malaysia, the chief executive officer of a council is the president or mayor. As such, the secretary, usually the most senior tenure-track officer in the council, is seen as the second most important person in the running of the council.

A secretary of a local council is responsible for posting council agenda and keeping minutes of council meetings. He is also the head of the administration and is usually a member in important committees in the council, including those of disciplinary actions against, and promotion of, staff members and recruitment of new officers. He usually is a member of the Tender Board.

It is fair to see the secretary as the backbone of the council and thus the management of the local authority area. This is especially so as the president or mayor is appointed on short-term basis, usually on a two-year term.

In full council meetings, the secretary is expected to advise the president or mayor and councillors on past council policies so that there is consistency and continuity. He also usually provides advice on the legality of measures suggested by the councillors although the council might have a legal officer.

Since a local authority is an infra-sovereign body and creation of state government, it has to follow policies of the latter. To accomplish this, the secretary acts as a liaison officer between the two bodies. He attends meetings at the state government, such as those of State Planning Committee, and is expected to advise the council on state policies.

The secretary has to be well versed in federal government policies, especially those of the National Council for Local Government, to ensure that decisions of the councillors are not at variance with national policies.

As the head of the administration, the secretary oversees the activities of the principal officers of the council, including departmental directors. This is no piece of cake since most of them are not only professionally qualified but also are in the same salary scale as that of the secretary.

He should be responsible for their performance and defend them in full council meetings, although he might chew their heads off during departmental meetings.

In view of the above, apart from academic qualifications, a local council secretary should be a person who has leadership quality, managerial skills, wide knowledge of national and state policies and integrity.

The official financial reward of secretaries of local councils, however, is nothing to shout about. Even those who are in the larger local authorities get between RM3,700 and RM6,400 a month with housing and entertainment allowances totalling another RM1,300 to RM1,700. The bigger municipal councils and city councils do provide secretaries with chauffeur-driven cars.

Usually, when things go wrong in the local authorities, it is the councillors who are criticised. They, of course, then take it out on the officers, especially the secretaries, such as the recent rebuke of the secretary of the Penang Island Municipal Council by a councillor.

However, as in cases of public rebukes of government officers, the aggrieved secretaries have to hold their tongues even though such public chidings are unfair or uncalled for. The officers could only hope that their superiors defend them publicly and clear the air.

It is not easy to work as a number two in any organization. In the case of a secretary in a local authority, it is even more difficult because he has not only the president or mayor as the boss, but also 24 councillors who behave like 'little dictators'.

This is made worse by state government leaders who interfere in the management of the town or city and mistakenly believe that the secretary must do everything they ask.

It is commendable that Abdullah has quickly decided that Abdul Manaf Jaffar should go. But, a prime minister's attention should not be detracted by the problem of a single individual in a local authority.

He should, of course, pay some attention to local government, but this should be on bigger issues like representation, the diminishing role of local authorities and the high incidence of non-compliance with municipal rules and regulations.

11.4

Councils need to be audited

10 February 2004

Malaysia is one of the very few countries in the world that do not allow the citizens to choose their local councillors.

So far, calls for bringing back local government elections have fallen on deaf ears of the national leaders. These have raised important questions in urban governance.

How do the people let those who appoint local councillors, namely the mentris besar or chief ministers and members of state executive councils, know that their appointees, or at least some of them, are dysfunctional? How do state leaders know the performance of local councils in their state is far below par?

Take Penang Island for example. While many still consider the island as a place to spend their holidays or to call home, there are also numerous criticisms, especially of its poor state of cleanliness, bad public transportation and a general deterioration of the urban centre. To them, the pearl of the Orient has become faded.

Some have written to the press. Many more expressed their frustrations in the Internet.

Many of the criticisms are targeted at the state leaders whom they hold responsible for the disgraceful conditions of the island.

They were not altogether right. The president and councillors of Penang Island Municipal Council should bear the brunt of the blame.

The new year did see a change in the president of the council. The official reason for Mahadi Mohd Ibrahim leaving the council was that he completed his term of office.

In other words, the change was not because of leadership failure. In fact, the general impression was that he did a good job despite the people he had to work with and the environment he had to work in.

But all the 24 councillors have been reappointed for six months. Are the Penang state leaders oblivious to the dissatisfaction over the performance of the councillors? Are they aware that even among those grateful to the government for the good life, there are serious misgivings about the way the island has been managed?

The criticisms of the faded pearl were not new or isolated. Local politicians have been using the island local council as a punching bag.

For instance, the DAP has gained considerable publicity by pointing out cases of mismanagement in Penang island, such as empty hawkker complexes and pot-holed roads.

Even some BN state assemblymen have also gained political mileage by having photographs of them in the newspapers pointing to piles of rubbish or clogged drains.

As a general rule, however, complaints by politicians are usually seen as political gimmicks and not taken too seriously.

Furthermore, while Penangites whine and grumble about the conditions of the island among friends or in the Internet and the press using pseudonyms, few actually say the same directly to the leaders.

Besides, many leaders have largely allowed themselves to be surrounded by yes-men and apple polishers who have only good things to say.

Worse, there is the popular belief that government leaders not only like to hear praises, but also consider criticisms of the government as personal attacks and will respond accordingly.

As such, state leaders might actually believe that their appointed councillors have been doing a good job.

In local government matters, issues confronting the governance of Penang island also apply to the rest of the country. There is, therefore, a serious need for a third-party assessment of the performance of local authorities.

In Britain, for example, 150 of the bigger local authorities are subjected to an annual comprehensive performance assessment by an independent audit commission. Their performance is graded into five categories, namely excellent, good, fair, weak and poor and this is made public so that the whole of Britain is aware of the situations.

In Malaysia, such an assessment is even more justified because of the absence of local elections and the citizens not given a chance to boot out dysfunctional councillors.

In this regard, the federal government should establish a federally funded independent commission to conduct a comprehensive assessment of the performance of local authorities annually.

The report of the assessment will facilitate the Housing and Local Government Ministry and the state governments to identify the weaker councils and areas of service that are not up to par so that remedial steps could be taken.

Besides, if the officers and councillors know that they are being monitored and evaluated, they would work harder or at least refrain from doing too many detrimental things.

It will also force state leaders to be more discerning in the choice of councillors. For Penang island, this might lead to bringing back the shine to the pearl.

11.5

Councils must assist PM to push for integrity

9 November 2004

Many Malaysians are wondering what the congratulations for Datuk Seri Abdullah Ahmad Badawi on his first anniversary as prime minister were all about. For them, life has not changed for the better since Oct 31 last year although Abdullah did identify priorities that have warmed their hearts: better counter service, reduction in corruption and national integrity.

For instance, traffic jams are as bad, if not worse. Walking in the cities is still not a pleasant experience and for some a fearful adventure. Many streets are not clean, while most drains are still filthy.

Those who need to see government officers to get things done require patience that only mystics can muster.

There are still numerous acts that cause nuisance to neighbours and the public. These include illegal land use changes and indiscriminate parking of vehicles.

There are cases of drivers stopping beside illegal hawker stalls, even on the wrong side of the road, to wait for their orders, oblivious to the problems they cause to others. The culprits largely go unpunished.

Abdullah's supporters could rightly point out that a year is too short to bring about perceptible changes. Furthermore, the problems noted above are manifestations of poor urban management and, therefore, the failures of the local authorities.

While it might not be fair to link municipal problems with the performance of the prime minister, they are, nevertheless, reflections of Third World mentality - a malaise that Abdullah has identified as the root cause of many urban problems.

Most Malaysians cannot or do not distinguish between local government and state government or federal government. This is largely the result of the absence of local

government elections and interference by state and national leaders in the workings of local authorities.

Besides, Abdullah is the leader of the Barisan Nasional that controls all local authorities except those in Kelantan. Failures of local authorities are largely seen as Barisan's and his failures.

As such, a large part of Abdullah's agenda for better quality of life rests heavily on local authorities, as they are responsible for services that affect the daily lives of the people. Any weakness is immediately felt.

Furthermore, the local authorities are also guardians of numerous rules regulating actions that cause nuisance to others. Firm but fair action against those who breach the law goes a long way to instil integrity among the people and help eradicate behaviour associated with Third World mentality.

The setting up of the Integrity Institute of Malaysia under the leadership of Datuk Dr Sulaiman Mahbob is a step in the right direction. But the burden of helping local authorities to improve urban governance rests largely on the Housing and Local Government Ministry.

The ministry has taken steps to promote international protocols in urban management, such as Agenda 21, in the local authorities. But in view of the numerous complaints of the failures of local government, its effort has not been effective, to say the least.

There are, of course, mitigating factors. The ministry has no role in the appointment of councillors and principal municipal officers and very little direct role in the workings of local authorities, except to provide advice, guidelines and funds for approved projects.

This lack of direct power, however, should not be the basis for not doing more; otherwise the Minister of Housing and Local Government Datuk Seri Ong Ka Ting would find it difficult to justify the existence of his ministry and the need to allocate a substantial annual budget for the Department of Local Government.

The ministry should initiate local government reforms to ensure it is relevant to the challenges of managing cities of the 21st century and restore civic pride. Since the last restructuring of local government about 30 years ago, urbanisation and industrialisation have changed the landscape of Malaysia.

The roles of cities and the local authorities have also changed in the age of globalisation and weakened social cohesion.

More specifically, there is a need for more accountability and transparency in urban management. As a result of appointed local councillors coupled with huge local authorities, local government is neither a government of the people nor serving local needs.

Local government reforms will take more than a year. They may not do much to make the prime minister look very good on his second anniversary in 2005.

But Abdullah's mandate is for five years. Failures to make local authorities more open, efficient and accountable will result in no improvement in the quality of life of a large section of Malaysians by 2009. It may even deteriorate.

Then, the people will definitely not be forgiving.

11.6

MPPP must rein in spendthrift ways

13 September 2005

Last week, the Penang Island Municipal Council passed the 2006 budget that included a 2.9% to 6.4% rise in the assessment rates commonly known as *cukai pintu*. This follows the 2005 budget that also increased the rates of most properties as a result of a revaluation exercise.

As expected, there were negative reactions from leaders of non-governmental organisations and opposition political parties.

The surprise was that even state bureau chiefs of the Gerakan and MCA also voiced opposition, although both parties had councillors in the council.

These public objections to the rates increase by leaders of both parties send a very confusing signal to the ratepayers. Are the Gerakan and MCA for or against the rise in assessment rates? Were some councillors sleeping on the job?

Or were the bureau chiefs misguided? As parties in the government, there are times when painful and unpopular decisions have to be taken.

In such cases, the right thing for their leaders to do is to explain to the public why they are necessary and justified. This is what accountability is all about.

It is disingenuous to have councillors agreeing to rates increase in council chambers and leaders of the parties opposing it in the media. It gives the feeling that these parties only shout what is politically correct on the outside while acquiescing to unpopular proposals in government chambers.

However, the increase in rates is not cast in stone yet. The budget has to get the consent of the state government. If both the Gerakan and MCA are against any rates increase, their representatives in the State Executive Council can and should reject the budget.

Regarding the 2006 municipal budget, although public interests tend to focus on the rates increase, the real problem is the escalating expenditures in the last few years.

For instance, in 1991, the expenditure of the council was RM72.2 million. It was RM124.4 million in 2000 - an increase of 72.3%.

The 2005 budget showed an expenditure of RM257.9 million or an increase of 107.3% from 2000! Next year's expenditure will be RM253.2 million.

Worse, the rapid increase in expenditure in the early 2000s was based on serious deficit budgets. For instance, in 2002, the deficit was RM33 million. In 2003, it jumped to RM79 million.

This year's budget has a deficit of RM82.7 million, despite the revaluation exercise. For next year, despite the increase in rates, the deficit is RM70.5 million.

The council has been and still is spending monies that it does not have.

It means that future generations will have to pay for the extravagance of the present council, or the budgets are just for show and stated services and projects are not implemented. Either way, it is poor budgeting.

According to the Penang Island Municipal Council president Datuk Ahmad Phesal Talib, to balance the budget, the rates would have to be increased by 70%!

If the expenditures are allowed to escalate, rates increase is inevitable. The council has to rein in its spendthrift ways.

The recent protests tend to focus too narrowly on the council's extravagance on landscaping works. Its extravagance is not whether it spends more than Singapore, Bangkok or Kuala Lumpur on landscaping projects or whether beautification projects are above a million ringgit each.

It is extravagant, indeed irresponsible, if it spends monies that it does not have on activities or projects that are not within its core responsibilities.

For example, besides the beautification projects and study tours, is the council getting its monies worth in privatised services, such as cleansing and solid waste management? Does the council terminate the services of errant contractors? Are council projects cost effective?

Is it contributing to support activities that are basically not within its jurisdictions?

Conversely, are the rentals of its properties too low? Are all the properties on the island in the valuation list?

The workings of the council should be more transparent. For a start, the internal audit reports should be tabled in full council meetings and thus become public documents.

The sad fact is that despite the hefty increase in expenditures, Penang island has not become better for work, bringing up families or having a life. In fact, many believe that the conditions have deteriorated.

In an article in this column last year, it was stated that, "Clearly, the council is in danger of becoming addicted to the lavish lifestyle and yet unable to bring about better living conditions..."

It is no more in danger. It is a reality.

11.7

Local councils behaving like “secret societies”

11. October 2005

As expected, many leaders of municipal and city councils are annoyed with Deputy Minister in the Prime Minister's Department Datuk M. Kayveas for calling local authorities "secret societies". To them, their councils are transparent and should not be labelled as such.

It is possible that some leaders of secret societies are also not happy with Kayveas. They may not want to be equated with the local authorities, especially with all the bad publicity the latter have been getting.

Many Malaysians, however, are delighted that someone in authority is saying what have been said in coffee-shops, meetings and conferences.

Issues like transparency, accountability, issuance of permits and financial responsibility are pertinent topics of concern. The rebuttals by the presidents or mayors and councillors only serve to confirm Kayveas' criticisms.

If letting the public know about councils' decisions and councillors bringing people's complaints to the local authorities are the only testimonies to refute Kayveas, there are indeed serious problems in the local authorities.

Ratepayers are interested in how specific council projects and privatised services are awarded or how specific planning permissions are decided or why acts of non-compliance are not prosecuted.

They want to know who are responsible for questionable decisions and what steps have been taken to ensure that they will not happen again.

For instance, in the food court saga in USJ, Subang Jaya, although the residents have managed to stop the project, how and why a piece of land reserved for a police

station could be approved for a private business venture and the people responsible for such a bad decision, are still unknown.

Malaysians are interested in why enforcement actions against developers of projects adjacent to the Seri Alam Agriculture Park in Bukit Cahaya were taken only after Prime Minister Datuk Seri Abdullah Ahmad Badawi's helicopter ride over the area.

Were officers of Shah Alam City Council sleeping on the job or were they told not to take action?

This lack of transparency and accountability is the main cause of weak enforcement against those who do breach municipal rules and regulations. And non-compliance is the major cause of Third-World quality of life despite the huge amount of money spent on planning and building of First-World infrastructure.

Apparently, the Ministry of Housing and Local Government has been well aware of problems in the local councils. According to its parliamentary secretary, Datuk Dr S. Subramaniam, it has issued a 32-point administrative enhancing guidelines.

Despite all the mantras of public participation and transparency by senior officials and politicians and their attendance in conferences on good governance, these guidelines are not in the public domain.

They cannot be found in the ministry's website or those of the local authorities despite the millions spent on information technology.

What are they? Have they been implemented by the local authorities? Apparently, their positive impacts must be well-kept secrets as even a deputy minister, who is interested in urban governance, is also in the dark.

Unfortunately, there is no silver bullet to cure the problem of lack of transparency and accountability. Many Malaysians and non-governmental organisations have called for elected local government. This should be supported on the principle of "no taxation without representation".

In theory, it also promotes accountability and allows for ineffective councillors to be voted out. But elected councillors are no guarantee that there will be more transparency in the local councils.

It should be noted that the elected state governments and federal government are not shiny examples of transparency and accountability. Malaysians have some glimpses of the beneficiaries of Approved Permits only because of questions raised by former prime minister Tun Dr Mahathir Mohamad, although he is no more an elected representative.

The sad fact is that questions and issues raised by non-governmental organisations and most Malaysians, including newspaper columnists, seldom cause a ripple among power holders.

Although the "secret societies" tag might not be appropriate, Kayveas did put the problems confronting the local authorities in the public agenda. Reactions in the press and web-logs have been intense, interesting and informative.

It is fair to believe that many would support him to be the minister of local government today, if there was such a post.

Rather than criticising Kayveas for the poor choice of terms, the local authorities and those who have power over them should think seriously about improving the situation, especially on transparency and accountability.

Hopefully, a multi-million ringgit study of local government currently undertaken by consultants will have recommendations that are dear to the hearts of ratepayers.

11.8

No room for costly toys in council funds

21 November 2006

Recently, a technician of the Penang Island Municipal Council was accused of misusing a CCTV camera to zoom onto a female reporter's thighs during a council meeting. Investigations are going on, by both the police and the council.

While the outcome is still unknown, two things are already clear.

One is the Municipal Council President Datuk Abu Bakar Hassan sees a sexy dress in even the most mundane of women's attire. The other is the wasteful purchase of expensive gadgets by the council.

After blaming the reporters for misconstruing his blame-the-sexy-dress remarks, Abu Bakar has belatedly made an apology, although he still maintained that his statement was not connected to the CCTV camera episode. A simple and sincere apology without the "ifs" and "buts" would be more appropriate.

Abu Bakar's remarks have more serious implications than just airing his personal opinion. He chairs the three-man Disciplinary and Establishment Committee. The other two members are the municipal secretary and a councillor.

Among other things, the committee investigates and metes out punishment, including sacking, of wayward council employees. (Sacking of senior employees from the rank of deputy director of department and above requires the concurrence of the state authority).

By saying that the issue was the sexy dress a day after the CCTV camera incident, Abu Bakar gave the impression that he had already made up his mind that the reporter was to be blamed. It will be hard for him to convince the public that he can be fair and impartial.

The alleged misuse of the CCTV camera in Penang has implications for the whole country. In view of the millions of ringgit spent or to be spent on CCTV cameras to promote safe cities, the incidence in the council chamber should be an eye-opener to supervisors of those who handle them.

There must be measures to ensure that technicians tasked to man the gadgets possess the mental capacity not to misuse them. They must also be well trained to use them effectively.

The incidence also raises the question of the justification of purchasing expensive gadgets. Why install the CCTV camera and other electronic gadgets, reportedly costing about RM500,000, in the council meeting chamber? So far, they are only used for projecting images onto three screens within the meeting chamber.

But as the meeting room is rather small, the only advantage of the investment in the camera and screens is that the councillors do not have to turn their heads slightly to observe their colleagues or officers when the latter speak. The most important feature of the CCTV camera, its recording function, is not used.

The expensive gadgets do include facilities that recognise and record thumb-prints so that attendance at meetings can be recorded by placing a thumb on a reader and entering a code. Records of attendance are necessary to ensure accountability.

In the council, they are also necessary as the councillors are paid an allowance of RM50 per sitting with a cap of RM400 per month. This is in addition to the basic monthly allowance of RM600. While it is important to ensure that the councillors are paid their entitlement, attendance can easily be taken by using pen and paper.

The irony is that the high-tech thumb-print reader has not been used since soon after its installation about two years ago.

In fact, the council does not have the money to buy sophisticated gadgets that have only marginal benefits. It has been having serious deficit budgets.

For instance, the 2005 budget of RM257.9 million has a deficit of RM82.7 million while the 2006 budget of RM253.2 million has RM70.5 million. These deficits were incurred despite a revaluation exercise in 2005 and an increase in rates in 2006.

It may be pertinent to point out that Penangites are often accused of being stingy or *kiam-siap* in local Hokkian dialect. In reality, they are just being frugal. Unfortunately, this virtue is not reflected in their local councils.

There is little doubt that Abu Bakar has learnt that insensitive remarks will invite instant rebukes from all quarters. Hopefully, he will become more sensitive to women's rights.

More importantly, the leaders of the council will also learn to be more frugal when spending the rate-payers' monies. If these happen, at least something positive can be derived from the sorry CCTV camera incident.

Chapter 12

Year End Reviews

12.1

Hard lessons for rule-breaking

31 December 2002

It being the last day of the year, it is a good thing to look back and take stock of incidents and events that have significant impact on urban Malaysia.

The landslides in Taman Hillview in November reminded us that some of us were living in a fools' paradise if we continued to undertake development in environmentally sensitive areas. They revealed the weakness of the local authority not only in its failure to protect its citizens from harm's way, but also the lack of leadership and direction after the tragedy.

Although Ampang Jaya Municipal Council (MPAJ) was rightly criticised severely, it was simply not equipped to shoulder the tasks entrusted on it. This applies to almost all the local authorities in the country.

There is an urgent need to undertake a review of the local authorities, especially to promote capacity building to ensure that similar tragedies do not occur in the future. Otherwise, Malaysians will fall into another period of false sense of security until another disaster strikes.

The recent destruction of three heritage buildings in Jonker Street, a proposed UNESCO heritage site, showed that if someone were bent on destroying the environment, there was very little the local authorities could do to prevent it. The sad reality is that during the year many heritage buildings were destroyed resulting in the towns losing their soul and identity.

However, the incidents that had the greatest impact on urban Malaysia during the year were not the headline grabbing landslides or destructions of buildings.

They were the numerous instances of indiscriminate disposal of household, commercial and even industrial wastes. As a result, despite promises to turn urban Malaysia into 'garden cities' and millions spent on solid waste management every month, in many towns the sights that confronted residents and visitors alike were

littered streets, heaps of filthy garbage at street corners and drains clogged with rubbish.

Indiscriminate waste disposal caused more problems than ugly sights. Choked urban waterways in turn contributed to the frequent flash floods.

They also became breeding grounds for mosquitoes, including those that spread the deadly dengue disease. Furthermore, illegally dumped toxic industrial wastes made some neighbourhoods unsafe for human habitation.

The main problem was non-compliance with cleanliness rules and regulations by all quarters. In fact, it was also largely the result of non-compliance with planning and building control rules and standards that brought about the landslides and destruction of heritage buildings.

Sadly, it is apparent that many Malaysians have adopted the attitude that laws are meant for others to comply with. This irresponsible behaviour was also found in many of our state leaders when they not only broke traffic rules but also did not settle their summonses immediately.

There is, therefore, a need to foster compliance with rules and regulations. Unfortunately, there are few people in authority who can tell fellow Malaysians to follow the law without being hypocritical.

There were, of course, positive events in 2002. For instance, the spirited public hearings of objections against the draft Petaling Jaya Local Plan and subsequent amendments were positive indications of active public participation in urban planning.

They also demonstrated that despite the absence of local government elections, with persistence, good grass-root organisations and some support from the mass media, recalcitrant government leaders could be made to listen to reasons.

Furthermore, the decision in November by the federal government to abandon the proposal to build an incinerator in Puchong was refreshing. Although there might be other reasons for the government to shift the proposed incinerator to Semenyih, it is fair to believe that the persistent protests by the people of Puchong and nearby areas did play a role.

However, the protests against the Penang Outer Ring Road seemed to have provoked a stronger desire to bulldoze the project through.

In view of the above, the announcement in October by Minister of Housing and Local Government Datuk Seri Ong Ka Ting that 60 local authorities would adopt Local Agenda 21 (LA21) as a means to facilitate public participation in future development could be seen as a positive event.

For those who may have forgotten or missed reports on LA21, it is an initiative for local residents to play an active role in the planning and development of their areas. It is a consultative planning process to ensure that development is sustainable based on inputs from local residents.

It is useful to add that several progressive local authorities, such as those of Kuching South, Kuantan, Ipoh and Petaling Jaya, have begun to introduce elements of consultation in their planning process.

On the whole and to put in perspective, at the end of 2002, the urban areas in Malaysia are in much better shape and conditions than many cities in Asia. In some areas, the cleanliness situation improved perceptibly. For those who can afford them, there are pleasant residential enclaves, attractive shopping centres and lively watering holes.

Still, there is much room for improvement. The most important area is more effective solid waste management followed by more innovative planning and development control.

These can only be accomplished with better compliance with municipal rules and regulations. It is hoped that 2003 will accelerate the adoption of good urban governance and therefore bring about better quality of urban life for all.

Wishing all readers a happy 2003!

12.2

Another bad year for local government

30 December 2003

On the whole, 2003 saw a further deterioration in the image of local government in Malaysia.

Ampong Jaya Municipal Council and Jasin District Council were mired in controversies for employing officers who had been declared bankrupts. In Ipoh City Council, the enforcement officers were alleged to be over zealous in issuing summonses to courting couples in the park.

Then there were the controversies surrounding the approval of a columbarium in an up-scale business district by the Penang Island Municipal Council and the allegation that advertisers had to pay ‘contributions’ to the sports club of the Petaling Jaya Municipal Council to obtain advertising permits.

By themselves, these controversies were bad enough. To make matters worse, the presidents and councillors seemed unable or unwilling to solve the controversies, thus resulting in interventions by state governments or even federal leaders.

Consequently, 2003 saw more evidences of local authorities effectively becoming state government departments. Under such circumstances, Malaysians began to question the need for councillors and the expenditure to maintain them.

This might explain the harsh criticism that Alor Gajah District Council was splurging more than RM100,000 on a junket to Australia.

In fact, some councillors did work very hard. Unfortunately, as most did not have strong convictions on compliance with municipal rules and regulations or approved plans, their activities tend to negate one another.

As a result, despite promises, there were still numerous complaints of lack of cleanliness, clogged drains, filthy public toilets and traffic jams.

In many towns and cities, the simple and healthy act of walking is still a dangerous venture. Mothers with babies, senior citizens and those with physical handicap still face numerous obstacles moving about the towns or gaining access to buildings.

In 2003, Malacca Town and Alor Setar were proclaimed cities. Going by the experience of other cities, there is no certainty that the quality of life of the residents would be better. In fact in Kota Kinabalu, the residents complained that the only thing that changed was an increase in parking charges.

However, it should also be stated that compared to most urban areas of Asia, the towns and cities of Malaysia are more conducive for bringing up families, work and having a life.

But compared to most cities in the developed countries, it is fair to say that there is much room for improvement, especially in terms of cleanliness, care for the environment and infrastructure and facilities for the “little guys”.

There is, of course, variation in the quality of urban management in Malaysia. For instance, Kuching and Kuantan are generally acknowledged as the better managed urban areas in the country.

Kuala Lumpur City Hall unveiled its long awaited structure plan to turn the city into a “world-class city”. While certain enclaves such as Bukit Bintang and Bangsar are comparable to the best that other world-class cities have to offer, Kuala Lumpur is still far from the vision of “a garden city of lights” that the City Fathers promised.

The year also saw some glimmers of hope for better urban facilities. Avoidance and denials of urban problems by state and national leaders gave way to acknowledgement. For instance, there was the admission that most public toilets were a disgrace. The Ministry of Housing and Local Government even organised a seminar to solicit solutions.

There was also an admission that failure of maintenance was a major cause of many urban problems. Datuk Seri Abdullah Ahmad Badawi, when he was the deputy prime minister, had termed this as a malaise of “third-world mentality” despite the building of first-world infrastructure.

Abdullah has become the prime minister and his words now carry more weight. Equally significant, a change in the MCA leadership has resulted in the Minister of Housing and Local Government Datuk Seri Ong Ka Ting sitting next to the prime minister in most official functions, thus facilitating more opportunities for the two men to engage in small talks about the state of the towns and cities and how to improve the urban quality of life.

The agenda for Ong in the coming years is daunting. He has no direct control over the local authorities, including the appointment of councillors and senior officers. Yet as the minister in charge of local government, he still has to find ways to help the local authorities to promote better counter service, reduce corruption and develop a maintenance culture.

It is fair to say that in these endeavours, he will not only have the support of the new prime minister, but most Malaysians.

A happy and healthy 2004.

12.3

An eventful year for local government

28 December 2004

While Malaysians are celebrating the good life or lamenting the lack of it, it is useful to recall significant events related to local government. This is not only to learn from the past, but also to provide glimpses into important issues in urban governance in 2005.

A significant event of the past year was the building of a food court on land earmarked for a police station in Subang Jaya. Here, well-organised protests by local residents, including making full use of a community website and publicity in the mass media, brought the project to a halt.

Unfortunately, an opportunity to learn valuable lessons about the pitfalls of development control was wasted, as the Subang Jaya Municipal Council did not come clean about how and why approval was given.

The year saw controversies in the appointment of the president of the Seberang Perai Municipal Council. Here, while an appointee of the state government, Md Aris Ariffin, was being sworn in, another claimant was telling the press that he was the president.

The controversies confirmed the state authority's prerogative to appoint local authority president and it was wrong for Kuala Lumpur to interfere, or give the impression of interference.

The power to appoint presidents and councillors, however, does not allow state leaders to interfere in the workings of the local authorities. Unfortunately, throughout the year, there were numerous instances of interference, leading to poor governance, particularly confusion on accountability.

The Seberang Perai Municipal Council was also in the news for spending millions of ringgit to have fresh flowers in the municipal building. The council has also been

criticised for engaging a Kuala Lumpur-based consultant, at the cost of RM4 million, to carry out the recent revaluation exercise that many claimed to be poorly done.

Many other local authorities have splurged large sums of money on questionable projects or services. But these are seldom exposed because of lack of debates on council budgets.

This is largely the result of no opposition councillors to keep a critical eye on and question proposed budgets.

The current campaigns to bring back the shine to the tarnished pearl in Penang are a black eye to the leaders of the local authority and those who appoint them.

While it must be quite difficult for them to get up every morning and be confronted by the criticisms about the state of the pearl, leaders of other local authorities should not think that they are doing fine. If the latter have been reading the newspapers, they should have realised that the grievances about Penang Island are also applicable to areas under their care.

All urban areas in Malaysia suffer from littered streets, dirty drains, traffic congestions, illegal hawkers, incompatible building use and haphazard development, including the destruction of heritage sites although some local authorities, such as those of Kuching, Kuantan and Subang Jaya, appear to be better than others in controlling the situations.

There is no need for Nobel laureates to recommend what should be done to make Malaysian towns and cities better places for work, bringing up families and having a life. Many problems can be traced to non-compliance with municipal rules and regulations, part of the ugly Malaysian mentality.

However, poor urban governance, especially the lack of enforcement action by the local authorities, aggravates the situations.

Many have attributed the lack of enforcement to the lack of political will on the part of the leaders. This may be too simplistic.

Politicians do have political will; but their priority is to protect their positions, despite declarations of serving the people. It is, therefore, a futile exercise to call upon political leaders to enforce the law or do the right things.

Here, it is useful to recall the very wise advice of James Grant, the Director of Unicef.

According to him, "Each of the great social achievements of recent decades has come about not because of government proclamations but because people organised, made demands and made it good politics for governments to respond. It is the political will of the people that makes and sustains the political will of government".

Unfortunately, without local government elections, it is rather difficult to make it good politics for the presidents and councillors in the local authorities to respond to the needs of ratepayers.

There have been numerous calls for elected local government. The challenge is to make local elections as part of good politics for the national and state leaders.

Wishing all a Happy New Year!

12.4

Wishing for more effective local government

20 December 2005

As the year comes to an end, it is useful to recall some of the significant events in the affairs of local government in the last 12 months so that some lessons can be learnt.

The year began with a modest wish. At the Chinese New Year open house jointly hosted by Gerakan and MCA, when everyone wished for happiness and prosperity, Prime Minister Datuk Seri Abdullah Ahmad Badawi has a more mundane wish, “a clean and beautiful Penang”.

It is fair to say that all Malaysians have also the same wish for their towns and cities.

Unfortunately, despite campaigns and millions spent on solid waste management, Penang is still dirty.

Indeed, the towns and cities are generally dirty. Except for a few areas, urban Malaysia is plagued by littered streets, clogged drains, mosquitoes, filthy public toilets and rubbish.

Cleanliness is a good gauge of a local authority’s performance. In this sense, it is fair to say that most have failed.

In March, the weakness of Shah Alam City Council was exposed when massive land-clearing activities in Bukit Cahaya in Selangor made headlines. Mentri Besar Datuk Seri Dr Mohamad Khir Toyo said everything was fine.

However, following a helicopter ride by the prime minister and his “not a single blade of grass” remark in headline news, several developers were prosecuted for breaching development control laws.

If local councils carry out their responsibilities only after comments by the prime minister, something is obviously very wrong.

In June, Penang Island Municipal Council came under scrutiny when property developer Tan Sri Low Yow Chuan declared to the press that he was fed up with the red tape and bureaucracy. He claimed that it took eight to ten years to get approval for a planning application.

Low's claims were refuted by the state government. A better response would be to study the development process. While rules and procedures should ensure sustainable and equitable development, they should not become obstacles.

The 2005 "Bungling Award", if there were one, would go to the Petaling Jaya Municipal Council. In October, the High Court held that the council was wrong to issue a development order without first hearing the views of property owners as provided for in the Town and Country Planning Act.

Worse, questionable documents were used to cover its bungle. The development order for the two blocks of flats and stalls off Old Klang Road was declared null and void.

Since the project has been completed, the council and developer were ordered to pay damages to 86 Taman Desa Ria residents. As *Citizen Nades* pointed out in his column, this meant that the ratepayers of Petaling Jaya would have to foot part of the bill.

It is obvious that there are problems in urban governance. An important underlying cause is the lack of accountability. In the cases mentioned above, no one was held responsible and punished.

Another is the lack of transparency in the local authorities. Consequently, those instrumental for inaction or bad decisions are not known. This explains the support for Deputy Minister in the Prime Minister's Department Datuk M. Kayveas' statement equating the local authorities with secret societies.

Furthermore, those in charge of local government appear to be indifferent to criticisms of the local authorities. Little seems to be done to promote accountability and transparency.

Although there are calls for elected local government, including the DAP' "Bring Back the Third Vote" campaign, which was launched in March, there is no sign of popular support. Looks like most Malaysians are too busy or too lazy or too comfortable to be concerned about local democracy.

There are, however, some positive events. The year saw the unveiling of a master plan to upgrade the new villages and the National Physical Plan, which is touted as a “blueprint for better living”.

Furthermore, despite this column’s critical comments of the local authorities and Ministry of Housing and Local Government, it should be said that Malaysian towns and cities are better than most urban areas in developing countries for work and bringing up families. Indeed, Malaysian cities particularly Kuala Lumpur, have received favourable comments from delegates attending conferences on urban issues.

But things could and should be better. Compared to cities in developed countries and even some in developing countries, there is room for improvement. Malaysians deserve a better quality of life, especially in view of their hard work in making the country’s economy an envy of many.

A happy and healthy 2006!

12.5

Local council warts on full parade

19 December 2006

As the year comes to an end, it is useful to recall interesting events and personalities related to local councils.

The year began with a long struggle by Petaling Jaya residents to see the council's accounts, following an 8 to 10% increase in their rates. They eventually succeeded, but under trying circumstances. The council also attracted criticisms for attempting to privatise the construction of billboards to a company and turning Petaling Jaya into a "Billboard City".

There were also attempts to introduce rent-seeking measures to benefit a few in Subang Jaya and Kajang. Here, the local councils tried to impose a ruling requiring food operators to get certification from a few selected pest control firms in order to renew their licences.

The year saw spending sprees. Selayang Municipal Council spent about RM240,000 on study tours of South Africa and Mauritius. It splurged another RM40,000 on a "vacation-meeting" in Genting Highlands. Kuala Lumpur City Hall spent about RM94,000 to teach its officers etiquette and grooming. In Petaling Jaya, a proposed RM7.5 million budget for City Day celebrations was slashed to RM2 million after criticisms. Batu Pahat Barat Municipal Council sent a 30-person delegation on a study tour to China.

In Penang Island, Datuk Ahmad Ismail was stripped of his municipal councillor's position when it became known that he was a bankrupt. Despite his tirade against Chief Minister Tan Sri Dr Koh Tsu Koon, he was quickly reinstated after he obtained a stay of execution of the bankruptcy order. Penangites with unblemished records were left wondering why they could not be councillors.

The person of the year is undoubtedly the flamboyant Datuk Zakaria Deros, a Klang municipal councillor for 27 years. His and his family members' total disregard for development control rules and paying assessment rates is the zenith of arrogance.

Four other Klang councillors were also found to have breached the very law they expected the rate-payers to obey. The decision of Faizal Abdullah, who also built an illegal house, not to accept reappointment was commendable, but this cannot be said of Zakaria, who also eventually declined.

Only Kuching has some good news. The city won the Good Practices of Healthy Cities 2006 Award. Also, in an environment lacking in integrity, the resignation of Kuching South Mayor Chan Seng Khai in May, after losing in the state elections, was a breath of fresh air.

The year also saw a motion in the parliament to deduct RM10 from Minister of Housing and Local Government Datuk Seri Ong Ka Ting's salary for failure to improve urban governance. This may seem unfair as Ong is a hard-working minister.

His supporters point to the 23-point safe city plan and 64-step plan to improve local government. But as these are treated as national secrets, very little is known about them or how they are being implemented.

Even government leaders expressed frustrations. Deputy Minister in the Prime Minister's Department Datuk M. Kayveas, already notorious for equating local councils to "secret societies" last year, claimed that local councillors were keeping silent on corruption in the councils because of "vested interests".

And according to Works Minister Datuk Seri S. Samy Vellu, "If we had to ask permission from the local authorities, a five-year plan would take 25 years to complete".

Ong may have no role in the appointment of councillors and presidents; but his silence on the scandals in the councils gave the impression that he was not bothered. Furthermore, by disclaiming responsibility, he diminishes the legitimacy of his ministerial post.

Even ordinary citizens have sacrificed time and energy to improve urban governance. The notable ones include Edward Lee, Maria Chin Abdullah and Derek Fernandez in Petaling Jaya, Ong Boon Keong and Ahmad Chik in Penang and

Ernest Balasingam in Ipoh. Transparency International Malaysia has prepared a handbook on good practice in procurement by local authorities.

On the whole, 2006 is marked by wasteful spending, poor governance and the hubris of power. There is also utter contempt for public outrage.

Unfortunately, while many Malaysians whine and complain about the local councils, there is too much complacency to cause concern. As such, the year closes without any promise by the authorities that things will change for the better. On the contrary, there is a disdain for contrary views and criticisms.

The joke is on the rate-payers. After all, they elected those who appoint the councillors and presidents or mayors.

A happy and healthy 2007!



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This book is a collection of articles originally published in the Sun from July 2002 to December 2006 under the *Local Counsel* column. The articles are commentaries on emerging issues related to the roles and workings of local authorities, state of urban Malaysia and behaviour of Malaysian. They also provide contexts, such as historical and legal background, and suggest possible solutions.

