
PHT *newsletter*

PENANG HERITAGE TRUST • PERSATUAN WARISAN PULAU PINANG

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

Number 31

September 1996

When the Council starts treating its stop-work order as a joke

It took four years and master craftsmen from China to restore the century-old Cheong Fatt Tze. The cut-and-paste porcelain shard work, gilded carved doors, louvered windows, stained glass, the myriad intricately ornamented corner features are all back in place, cleaned and polished and very beautiful. It is a miracle of rebirth.

But the mansion has now fallen into ruin again and this is because of hammer-driven piling for a 20-storey extension by its immediate neighbour, Hotel Continental.

On 23 August, a group of about 60 concerned members of the public staged a demonstration, urging the all-powerful Municipal Council to stop Hotel Continental from vandalizing the Cheong Fatt Tze. The press gave the event extensive coverage and the Council finally served a stop-work order on the hotel — “four days after piling work was completed” (*The Star*, 30 August).

The Council said: “We did not know that the developer had finished piling work when we issued the notice....We did not delay.” One is reminded of Hardwicke: the Council also did not know that piling works had been completed when it issued a notice to the developer who wrecked the listed mansion.

In both cases the Council could have acted much sooner. Months before the demonstration, the PHT had met with the Council twice, and made several press statements as well, about piling systems which endanger heritage buildings.

It is no surprise that the Council is in the habit of treating the views and wishes of the public as irrelevant. What is odd is that it is also in the habit of treating its own stop-work notices as a joke, issuing them when the piling has done its worst.

The Council's behaviour here can only strengthen the uneasy feeling among ordinary people like you and me that they can no longer rely on the government to do its bit in protecting their property, their homes, their interests and welfare.

The President of the Council, Dr Teng Hock Nan, has come out to declare: “We are not siding anybody” (*NST*, 2 September). It is to his credit that he is fully aware of what many Penangites must think of the unelected elites now running the show at the Council. Which is that they are a development-obsessed lot who think that their job is making things easy for the vandal rather than protecting his victim.

Press statements

Statements distributed at the 23 August demonstration staged by a group of concerned citizens urging the Municipal Council (MPPP) to save the Cheong Fatt Tze from piling works by its neighbour, Hotel Continental.

“The MPPP must be regarded as the accomplice of the developer of the neighbouring land”

We are demonstrating because we believe that it is the basic right of every citizen to expect protection for his property from damage caused by neighbouring development, and that it is the responsibility of the MPPP to protect this right.

The MPPP has so far failed to give this right to the owner of Cheong Fatt Tze and must be regarded as the accomplice of the developer of the neighbouring land. The MPPP has the powers to prevent further damage being done to the mansion, and we urge it to exercise these powers with firmness and courage.

Several other piling methods which do not cause damage to neighbouring properties are available. We call upon the MPPP to compel the developer to change his piling methods immediately. Dewan Bandaraya Kuala Lumpur banned

hammer-driven piles many years ago. The MPPP should do likewise.

We are not anti-development, nor are we anti-developer. We fully respect the right of the land-owner to develop his property in any manner he sees fit. The developer should display the same goodwill and respect toward his neighbours.

Concerned citizens

"Can our Government support such blatant commercialism and disregard for the individual's basic rights to safety and protection of property?"

The State has expressed its commitment to a heritage conservation policy that serves to protect and enhance our existing heritage buildings, and to give incentives to achieve this objective.

However, the Cheong Fatt Tze mansion, a heritage building recognised at both State and Federal level, and which is now seeking to protect itself from damage from earthworks in a neighbouring lot, is unable to obtain the full support and cooperation of the Government.

Even if Cheong Fatt Tze were not a heritage building, we would assume a property owner would have a fundamental right to protect the building against such damaging activities. Now we find that this fundamental right is not applicable even to a recognised heritage building and that the law might now favour the right of a developer to make the maximum profit out of his investment regardless of the consequences to his neighbours.

No one would deny the owner the right to put up a building following plan approval. However, whatever work is done cannot be permitted to continue if consequential damage to a neighbouring property is proven. The issue is that the developer adamantly refuses to use a safer, non-damaging but possibly more expensive piling system in order to save costs and maximise profits.

Can our Government support such blatant commercialism and disregard for an individual's basic rights to safety and protection of property?

We would like to request the Government to take immediate action to protect Cheong Fatt Tze from further damage, and to look into serious longterm implications of any action that fails to respect these rights on all future planning policies of the State and Local Governments before coming to a final decision on this issue.

Dr Choong Sim Poey

Vice-chairman, Penang Heritage Trust

The Second Link

Referring to the article "Penang Wants Two Links Built At One Go" (*The Star*, 7 September), the State Government should have second thoughts about the proposed second coastal road linking the Esplanade to Tanjung Tokong. This is a major planning issue which properly should be put through public review.

Granted that as the Jelutong coastal expressway will bring more cars into the Komtar area, a dual carriageway linking up to Tanjung Tokong is necessary to ease traffic flow. However, building a coastal road from the Esplanade to Tanjung Tokong would not be the best solution.

This "second link" would most logically be provided via Jalan Lim Chwee Leong (Prangin Road) and Transfer Road, and from there along Jalan Sultan Ahmad Shah and Gurney Drive to Tanjung Tokong. If it is properly designed and implemented in such a way as to eliminate bottlenecks around the Komtar area, it will offer the shortest and fastest route from Jelutong to Tanjung Tokong.

A coastal road that skirts along Weld Quay, dives under the Padang Kota and re-emerges at the other end of the Esplanade would be much more expensive and quite superfluous.

Historic Georgetown, as its local name "Tanjung" reflects, is built on a cape. Before our progressive State Government alters our delicate urban geography by wrapping a fat band of asphalt around the historic Tanjung, we hope it will sit back and assess the implications.

First of all, this proposed coastal road would greatly curtail future opportunities for creating a high quality environment along an extended waterfront, such as is found in Sydney Harbour, or even Singapore's Clarke Quay.

Secondly, it would wipe out the more than 100-year-old clan villages at Weld Quay. True, this squalid waterfront needs to be cleaned up, but displacing the large population there would be a harsh and barbarous solution to our traffic problems.

Khoo Salma Nasution

Honorary Secretary, Penang Heritage Trust

PHT Antiques & Collectibles Fair 1996

29, 30 November & 1 December

Dewan Sri Pinang

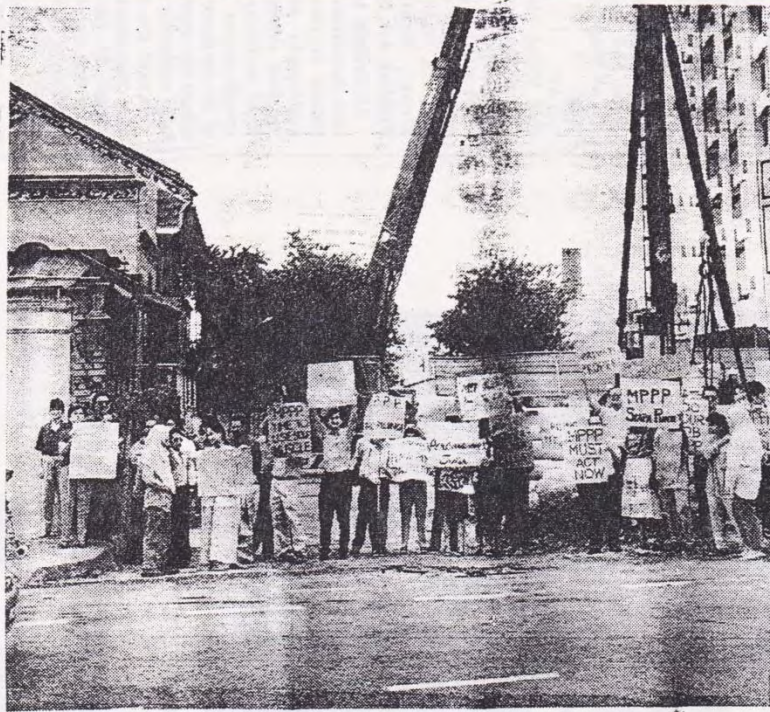
PHT members who wish to take part in the Fair should contact:

Richard Lim, Tel: 04 - 262 3610 or

Peter Foo, Tel: 04 - 261 9617

Those members who would like to help the Organizing Committee in any way to make the Fair a success are welcome to attend a meeting at the Kopi Tiam, City Bayview on 19 September at 4.30pm

The Star
24 August
1996



Group protests against piling work

PILING PROTEST...
Concerned citizens carrying placards and posters urging the Penang Municipal Council to stop piling work by Hotel Continental Sdn Bhd for its extension near the Cheong Fatt Tse Mansion.

The group of about 50 people who gathered at the site in Farquhar Street also collected signatures for a petition against the piling work.

Spokesman Ahmad Chik said the group decided to picket as they were "frustrated" with the lack of effort by the local council to protect the 19th-century mansion which had been painstakingly restored to its original condition over a four-year period.

The Sun 24 August 1996

Building threatened by irreparable damage

By Rina Ong

Penang, Fri: One of the state's heritage buildings, the Cheong Fatt Tze mansion, is in danger of suffering irreparable damage due to piling works in an adjacent lot.

Penang Heritage Trust secretary Khoo Salma Nasution said the building, which was in good shape

before the recent piling works started, has developed cracks along the roof, wall joints and some columns.

"The new roof is leaking, indicating serious settlement of the foundation has occurred," she said.

She urged the state government and the Penang Island Municipal Council to look into the matter as

the mansion is listed as a historic monument.

"The authorities appear to be powerless to protect the mansion which means that no heritage building or any building for that matter, is safe from being damaged by adjacent construction works," she said.

Khoo said the council has the means to ask a developer to stop work when

any neighbouring building is threatened with damage.

The Pertubuhan Akitek Malaysia Penang chapter expressed concern over damage to heritage buildings as a result of neighbouring construction work.

It said while development must continue, the authorities should ensure that there is a certain amount of control.

The Star
30 August
1996

Council 'did not delay' serving notice

PENANG: The Penang Municipal Council had been "late" in issuing a stop-work notice against developer of the Hotel Continental extension project because the council needed time to certify damages caused to the 126-year-old Cheong Fatt Tze mansion nearby.

Council president Dr Teng Hock Nan said yesterday the council served the notice to the developer on Monday afternoon — four days after piling work was completed last Thursday.

"We did not know that the developer had finished piling work when we issued the notice at 2pm on Monday," he said when asked why the council took time to issue the notice.

"We did not delay... we have

to follow procedures under Section 70(A)(4) of the Street, Drainage and Building Act 1978 (Amended) to determine whether damages are due to the piling action."

"Our engineers who went to the site had to thoroughly measure and record the damage, in this case the cracks. We also needed time to prepare the notice," said Dr Teng.

Penang Heritage Trust secretary Khoo Salma Nasution said the piling work — which resumed on Aug 17 after the Court of Appeal suspended the High Court injunction stopping it — had caused cracks to worsen and new cracks to appear along the roof, wall joints and certain columns of

the mansion.

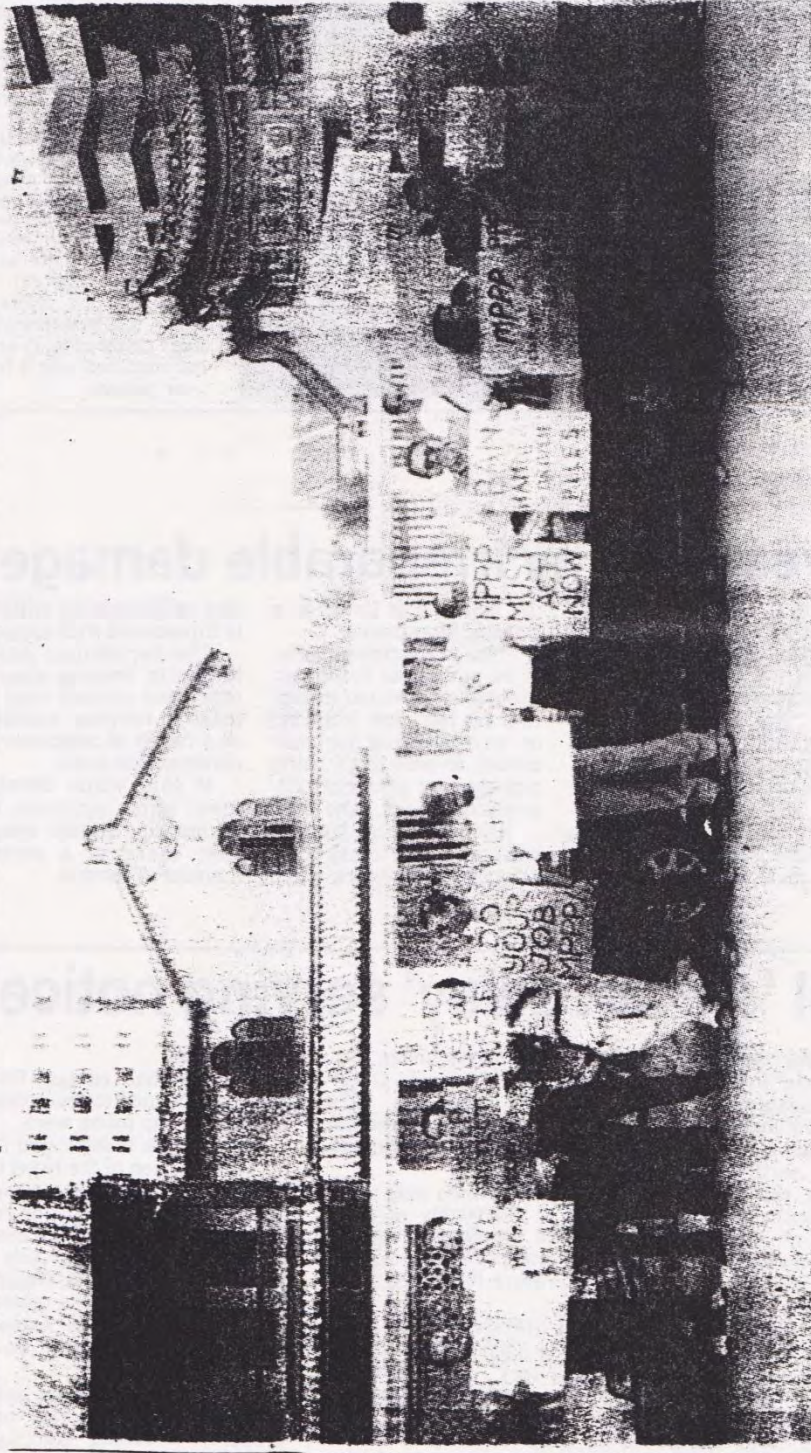
The trust had on last Friday urged the council to order the developer to stop piling work.

The mansion is separated from the construction of the Hotel Continental's 20-storey extension at Penang Road by a 6m-wide road.

Meanwhile, mansion restoration architect Laurence Loh told *The Star* that efforts would be made to get the cracks repaired.

"The four years of extensive restoration work were put to waste."

"Though the developer has the right to do what it likes on its property, it should exercise responsibility and ensure that other parties are not adversely affected," he said.



FOR POSTERITY... Part of the group of banner-wielding protesters trying to get their message across.

Outlaw hammer method of piling, council urged

By Tan Chien Li

HALT HERITAGE HARASSMENT... This is the message these concerned citizens who picketed at the Cheong Fatt Tze mansion wished to convey.

The group, about 60 of them, decided to picket to express their frustration over the inaction of the Penang Island Municipal

Council to protect the mansion from the piling works by its neighbour, Continental Hotel.

As a result of the piling works, the mansion had suffered significant damage.

A spokesman for the group said their reason for holding the picket was to pressure the council to act immediately and prevent further damage to the man-

sion which has been classified as a heritage building at both State and Federal level.

"We are not anti-development nor are we anti-developer. We fully respect the right of an owner to develop his property and, in the same way, we urge the developer to display goodwill and show respect for their neighbours by using a dif-

ferent piling system instead of hammer driven ones.

"Dewan Bandaraya Kuala Lumpur banned hammer driven piles many years ago and the PIMC should do likewise."

Meanwhile, Penang Heritage Trust vice-president Dr Choong Sim Poey issued a statement yesterday urging the Government to take immediate action to protect

the mansion from further damage.

He said since piling work resumed last Saturday, previous cracks have worsened and new cracks have appeared along the roof, wall joints and certain columns of the historic edifice.

"The issue is that the developer refuses to use a safer, non-damaging piling system."

CAP: Make builders submit detailed piling plans

PENANG: The Consumers Association of Penang has urged the Penang Municipal Council (MPPC) to implement a regulation requiring detailed piling plans and specifications for all proposed development.

CAP president S.M. Mohd Idris said although the council did not have a policy to require such piling plans, the omission was contrary to Section 70A(1) of the Street, Drainage and Building Act 1974.

According to the section, no person shall commence or carry out any earthworks without having first submitted to the local authority plans and specifications in respect of the earthworks and obtained the approval of the local authority thereto.

He said the association was concerned over the impact of recent piling activities carried out by developers in Penang, especially those which endangered buildings classified as heritage or with conservation value.

"We are perturbed over complaints of structural damage caused to the Hardwicke Mansion, the Cheong Fatt Tze mansion and the Masjid Bengali in Leith Street due to piling works on adjoining lands," he added.