



# Persatuan Pengguna Pulau Pinang Consumers Association of Penang

檳城消費人協會 பிளாங்கு பயனீட்டாளர் சங்கம்

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Letter to Editor

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## It is time to wield the cane if the carrot doesn't work

The Consumers' Association of Penang (CAP) is horrified at the collapse on 14 February 2020 at the condominium The Address under construction at Taman Desa .

This latest happening follows the collapse of a crane from the site into the neighbouring property on 23 January 2018.

The Protect Taman Desa Coalition has from the very start warned that “the site, the nature of the project and the pace of work have all the ingredients to an accident waiting to happen if due diligence and strict compliance with safety regulations are not enforced.” It is regrettable that the Authorities have paid no heed to this warning.

The stop-work order and the freezing of the sales license of the condominium given to the contractor is a little too late as the structural integrity of the rest of the building should come into question as well.

CAP warnings about a lack of safety measures and enforcement at construction sites have fallen on deaf ears as such construction hazards have been repeatedly been happening. The elicited kneejerk reactions from the authorities does not protect the workers and the public while errant developers often got away with a slap on the wrist.

From January to November 2018, there were 143 deaths and 8,191 accidents in the construction sector. This high accident and fatality rates are from the statistics of the Department of Safety and Health (DOSH), an *undermanned agency* of only 100 officers nationwide to oversee 14,000 active construction sites in the country.

We call on the government to relook at the existing laws concerning occupational safety such as:

- Making jail sentence of not more than 2 years mandatory and increase the fine to 20% of the value of the project. The fine will then be in tandem with the value of the project. Currently Section 15 (1) of the Occupational Safety and Health Act 1994 provides a maximum fine of RM50,000 or imprisonment of not more than two years, or both upon conviction.
- Hold the person-in-charge (e.g. the contractor, architect or the engineer) responsible for the safety of the project. Should there be an element of negligence or evidence of non-compliance to the standard operating procedure, charges should be filed against them besides deregistering them from their professional bodies. It is not an effective or practical method to send officers going all over the country to check on projects that are in progress but rather give no leeway to offenders with harsh laws.
- There is a need to effectively monitor all the projects as the number of projects may fluctuate drastically depending on the country's economic situation and demand.

Hence, we reiterate the call for the government to review the existing laws pertaining to the construction sector to ensure that they serve as a legal deterrent. However, it still needs strict implementation of the law to send the message across the industry players that any of their lackadaisical antics will not be tolerated.

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