



Persatuan Pengguna Pulau Pinang Consumers Association of Penang

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Press Release

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RECOMMENDATIONS OF THE GRANITO STATE COMMISSION OF INQUIRY (SCI) MUST BE TRANSLATED INTO ACTION BY GOVERNMENT AGENCIES

The recommendations of the State Commission of Inquiry (SCI) on the Granito tragedy in Tanjung Bungah that led to the deaths of 11 workers on 21 October 2017, must be urgently translated into action and given effect by all the relevant government agencies.

This has to be done in order to avert future tragedies related to hill-site and hillslope developments, not only in Penang but throughout the country.

The death of the 11 innocent lives on that fatal day should not go in vain and real reforms must result, following the lessons learnt and the recommendations made by the SCI.

TBRA took an active part in the SCI and we are happy to see that some of our calls for reform have been reflected in the recommendations.

Key among them is the recommendation to amend the *'Safety Guidelines for Hillside Development 2012'* "to render it applicable to any and all slopes (whether permanent or otherwise), natural or man-made (and whether existing or only to be formed later during construction)," which has (or is intended to have) any height above 25 degree gradient." The SCI has recommended that in such cases, a geotechnical report and an independent checker must be made compulsory in relation to such slopes.

In the Granito case, all Parties including the engineer who was primarily found responsible for the slope failure by the SCI as well as the Majlis Bandaraya Pulau Pinang (MBPP), took the position that the Hillside Guidelines did not apply to the project, as the building footprint for the project was on land below 25-degree gradient and the Guidelines only applied to natural slopes and not to man-made slopes.

As confirmed by the SCI, even when the MBPP's engineering department was alerted to the fact that a 60-degree slope was being envisaged from the earthworks plan for the project, the MBPP did not invoke the Hillside Guidelines, which would have required a geotechnical report and the appointment of an independent checker.

TBRA had submitted to the SCI that had the MBPP imposed such a requirement, this tragedy may have been averted.

While the SCI report was very stern and strong in its criticism of the engineers involved in this project, and which we commend the Commissioners for, **it is regrettable that the SCI was not harsher on the MBPP in this regard**, when it concluded that the municipal authority was not responsible as "it was not unreasonable (without the benefit of hindsight) for MBPP to treat (the earthworks plan) as a 'working-method' towards achieving the construction of multi-tier walls" and that the MBPP "was not responsible for scrutinising working-methods".

We believe that the MBPP should have received more flak from the SCI and not left off the hook, especially when they did not even conduct site checks, knowing that steep slope construction was going.

The SCI findings have clearly revealed many shortcomings in our policies and enforcement capacities towards hillslope and hill land developments.

We agree with the SCI recommendation that the “MBPP should immediately draw up and enforce a policy that no development project shall be allowed to commence any works (including earthworks), unless and until a qualified resident engineer(s) shall have been employed and stationed at the site to supervise construction works...”.

It is also good that the SCI report has also recommended that “MBPP shall make spot checks, by surprise visits to construction sites, from time to time. If need be, the manpower in the enforcement department in MBPP ought to be enlarged with competent personnel.”

Unless the enforcement capabilities of our municipal authorities are seriously beefed up and followed through with rigour on all hillside developments, tragedies such as that in the Granito case are bound to be repeated.

Placing complete faith in engineers, developers and contractors to follow the law is certainly not prudent as seen from this tragedy.

We sincerely hope that the Penang state government’s move in setting up a committee involving the various agencies to come up with recommendations following the SCI report is expedited and acted on with urgency.

Until such reforms are in place, no hillside and hillside developments should be approved.

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TANJUNG BUNGAH RESIDENTS ASSOCIATION (TBRA)