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Press Release

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Need to review Penang State Enactment on State Park and Botanic Gardens

The Consumers' Association of Penang, while welcoming the move to create a statutory corporation for managing State Parks, including the Penang Botanical Gardens, is disappointed that there was no public consultation on the provisions contained in the law establishing the Corporation.

The Bill was rushed through and adopted by the State Assembly without sufficient discussion. After the first reading, a special committee should have been created to gather views from the public, and then only, after those views have been taken into consideration, the Bill should have been put to vote. There was no reason for hurrying the process.

We are troubled by some of the provisions in the law which may open the doors to abuse of power and political manipulation and which will change the existing character of the Penang Botanical Gardens.

On the membership of the Corporation, Section 9 provides that it shall consist of the Chief Minister of Penang as Chairman, a deputy Chairman, three ex-officio members, the General Manager and not more than twenty members appointed by the State Authority including not more than two members with expertise in the management of botany, horticulture, or appropriate expertise.

The Corporation must be genuinely autonomous with decision-making independence and free from political interference. The Chairman should not come from any political party and the members must not be appointed on the basis of political affiliation as has happened with the appointment of councilors to local authorities. The chairman and members should be from Penang residents with a record of selfless public service and working for the protection of the natural environment, and not career politicians.

Moreover, according to Section 15(3), the General Manager, who is responsible for the preparation and execution of all programmes or projects, is only responsible to the Chairman of the Corporation, who as the law stands, is the Chief Minister. This provision gives the Chief Minister overwhelming powers, and is not good governance. The General Manager should be accountable to the members of the Corporation and not to a single person.

Section 13 provides for payment of remuneration or allowance to the members as the State Authority may determine. It has become a practice in Malaysia to appoint candidates who lost in the elections or party supporters and donors to the boards of government-linked companies and statutory bodies and corporations and paid large allowances although they have substantial income from their professions or businesses. We need to put an end to this practice of cronyism and encourage voluntarism. The members can be paid an allowance of not more than RM500 for attending meetings.

Section 3(3) empowers the State Authority to revoke or alter reservation of an area as a State Park. There must be a mechanism to check abuses. We have cases in Malaysia where protected forests have been converted to building land without the public being aware. We need to prevent such abuses. The section should be amended to include public consultation before revocation of the status.

Section 5 empowers the State Authority to permit the use or occupation of a State Park for construction

and maintenance of roads, buildings and public facilities. This is a dangerous provision opening the door to the destruction of State Parks and their ambiance through building roads and buildings.

Let us learn from the destruction of the Lake Gardens in Kuala Lumpur. Up to the 1960s it was a beautiful green park with many trees and a quiet environment for people to relax and enjoy nature. Many families, who did not patronize exclusive private clubs, spent hours during holidays with their children there. Today it has been turned into a noisy string of highways. Having destroyed a valuable natural heritage the authorities are to spend hundreds of million ringgit to develop a park.

Section 21 provides that one of the function of the Corporation is to introduce Penang as a State that is rich in natural resources and a center of tourist attraction. Section 22 provides that the corporation has power to provide, among other activities, facilities and services in the State Park for the purpose of tourist attraction. Encouraging tourism will lead to the degradation of the parks as studies on the impact of tourism on state and national parks in other countries have shown.

In addition, Section 22 also allows the Corporation to “control the admission of the public to the State Park and to impose fees for their entry and enjoyment of the facilities and services provided”. This should not be the case, as there should not be any imposition of fees for the use of the Botanic Gardens, which is a popularly used by Penangites and the general public. Parks should be places for our people and guests to enjoy nature and to acquire knowledge of plants, animals and microorganisms, and to preserve our rich biodiversity, and not for tourist dollars.

These provisions will lead to a commercialization of the Botanic Gardens, as yet another profit-making venture.

Further, Section 40 provides for the establishment of companies under the control or partial control of the Corporation, and for providing financial aid to companies. This section is too general and could be open to abuse. Corporatising State Parks should not be the road to privatization of the functions of the Corporation.

Moreover, we gravely fear that the intention of such provisions is to allow for the building of a cable car station in the Penang Botanic Gardens that will connect to Penang Hill. CAP is completely opposed to this plan, as the cable car project will cause very serious environmental and social impacts both in the Botanic Gardens as well as on Penang Hill.

We call on the Penang State Government to set up a committee to conduct public consultation on the recently passed law governing State Parks and to amend the provisions, as necessary, to accommodate the outcome of such consultation.

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