

THE HILLS OF PENANG

What is happening?

**Presentation to
YAB Lim Guan Eng
Ketua Menteri Negeri Pulau Pinang**

**The Penang Forum
11 January 2016**

The Penang Forum reiterates that:

- In raising these issues we have not been prompted nor influenced by any other body or organization; nor have we not fallen into a “misinformation trap”;**
- We are only citing official records on legally approved and illegal encroachments into hill land and relying on photographic evidences from the public and remote sensing sources;**
- We are deeply concerned that ineffective enforcement is exacerbating land degradation, causing flash floods and threatening public safety**
- Having studied the relevant documents relating to ‘special projects’ we would like to seek clarification on a number of unanswered questions**

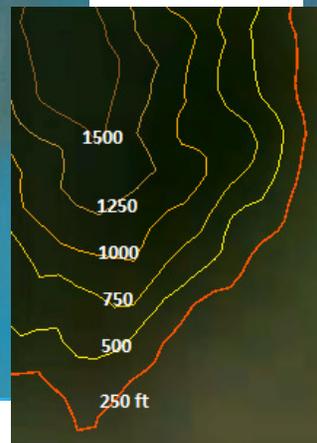
Legally protected hill land in Penang Island

Ref: DK3 L2 in the Rancangan Struktur Negeri P. Pinang 2020

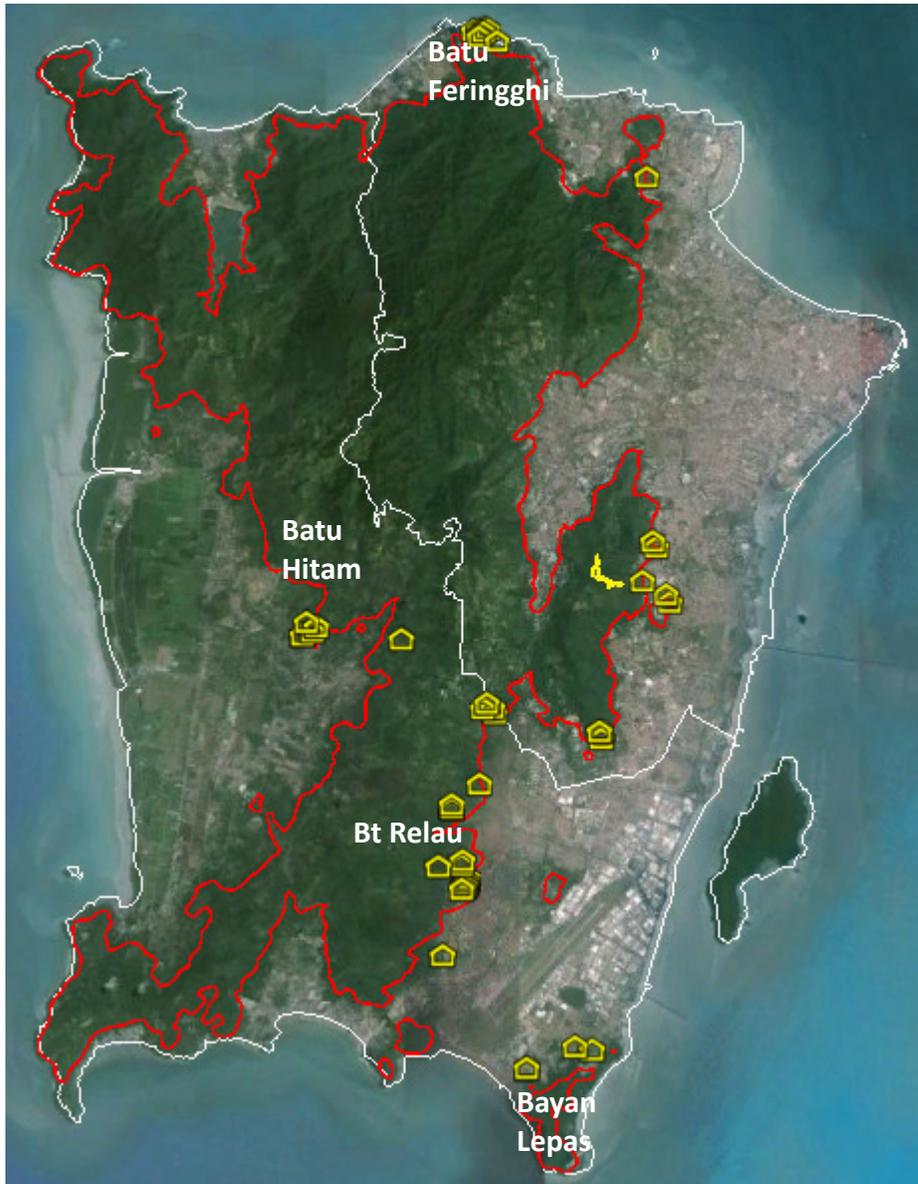
- Above 250 ft above sea level
- Steeper than 25° slope



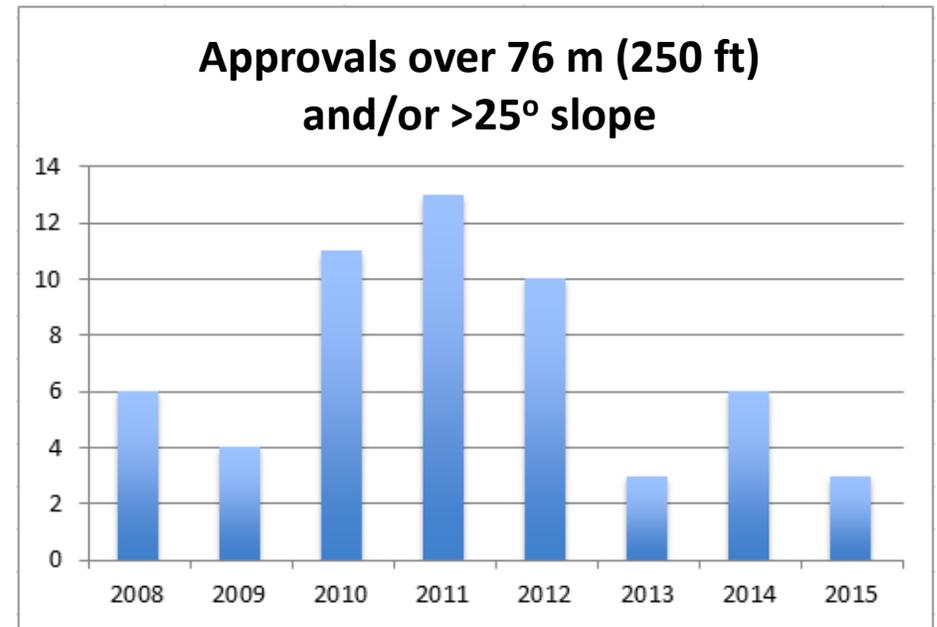
Contour
legend



Planning approvals by the MBPP on land above 250 ft or >25° slope, 2008-2015



56 approvals since 2008...



... 22 approved since 2012

... and where some of these are located

Development Pressure OR Developers' Pressure ?

**Number of tower blocks of 10-45 storeys
(for details see Appendix 1 of Public Statement)**

Area	No. of blocks
Paya Terubong*	21
Bayan Lepas	14
Batu Ferringhi/Tanjung Bungah	11
Teluk Kumbar/Balik Pulau	9
Total	55

**** Including a 32-storey hotel block***

The visual impacts Paya Terubong & Balik Pulau



The visual impacts Batu Ferringhi & Tanjung Bunga



The visual impacts Teluk Kumbar & Bayan Lepas



The Public's Concerns

- . Lack of effective monitoring throughout the construction process**
- . Safety of surrounding properties and the general public**
- . Public cost versus private profit**

Pine Residence Bukit Kukus Paya Terubong



Naked slopes > 25°

Photos courtesy of Paya Terubong
Residents' Association

Bukit Kukus



**Unmitigated earthworks
on steep slopes...**



... come the rains

Photos courtesy of Paya Terubong
Residents' Association

... and unmitigated disasters
...land slides



Paya Terubong 27/9/2014

Photos courtesy of Paya Terubong
Residents' Association



... mud flows



... silting up the Paya Terubong flood mitigation pond

Photos courtesy of Paya Terubong Residents' Association

... overflowing muddy waters spilling onto the streets



September 2015

Photos courtesy of Paya Terubong Residents' Association

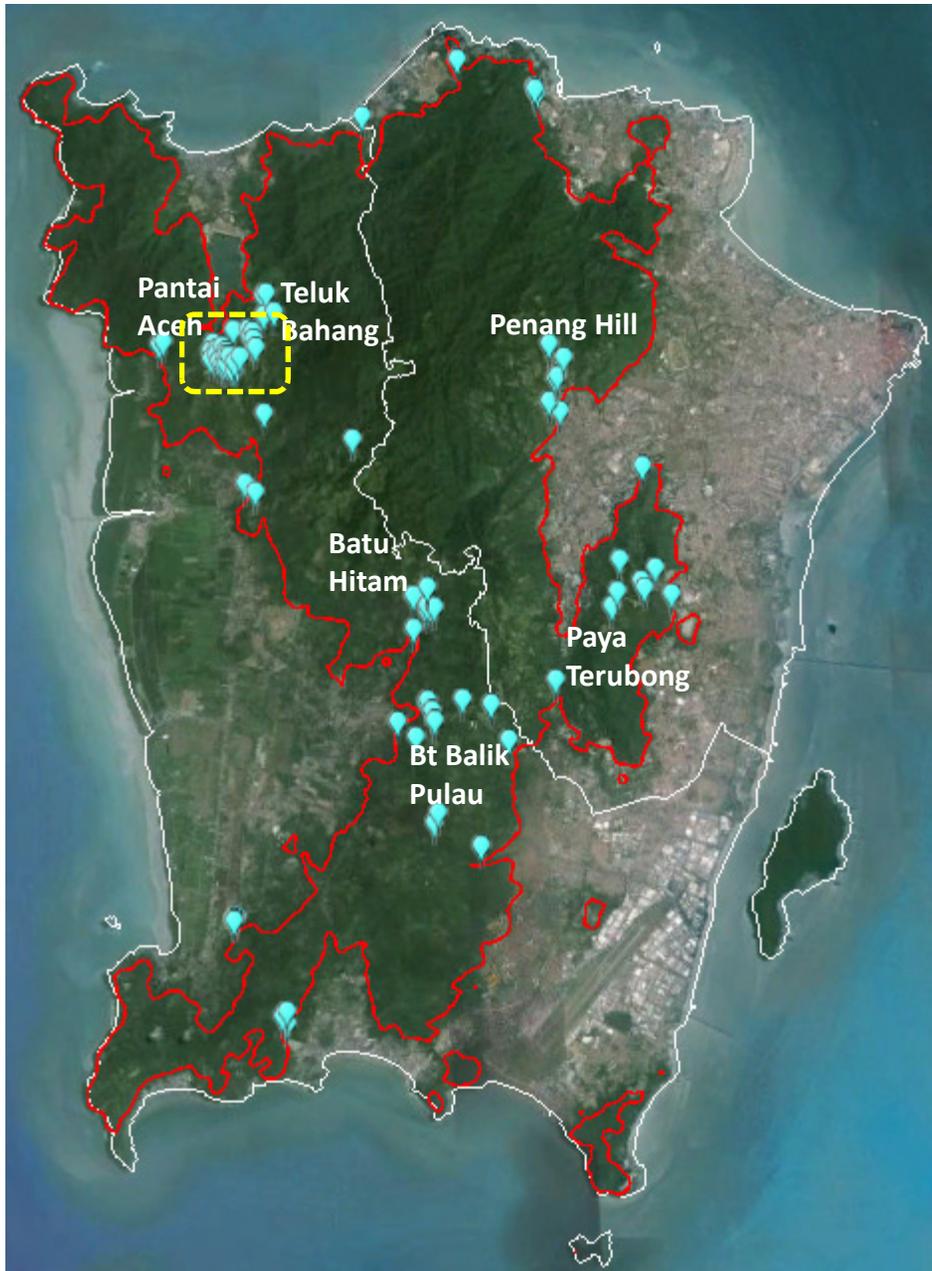
Any wonder that members of the public are angry?



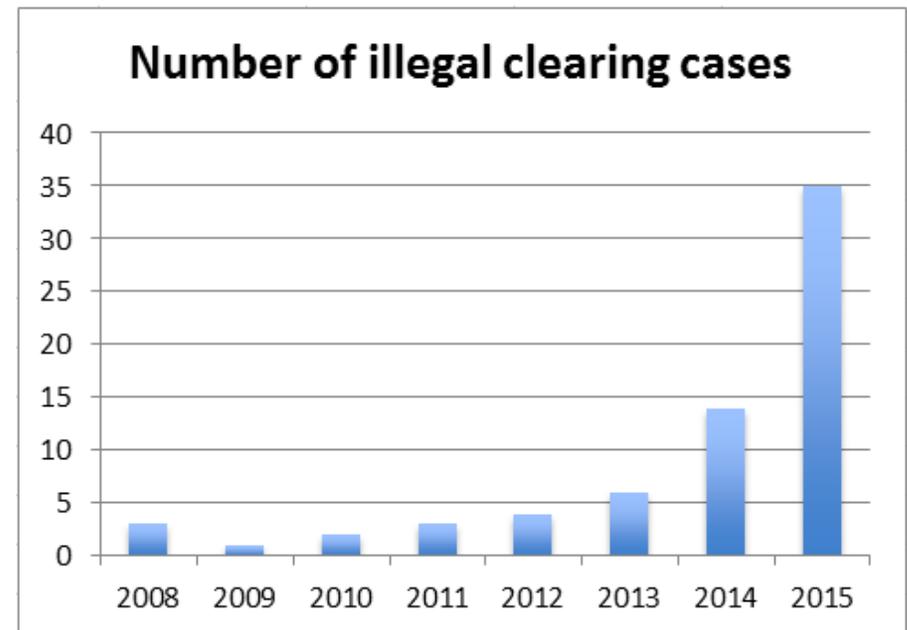
People's protest at P Terubong

Photos courtesy of Paya Terubong
Residents' Association

Cases of illegal hill land clearing, 2008-2015

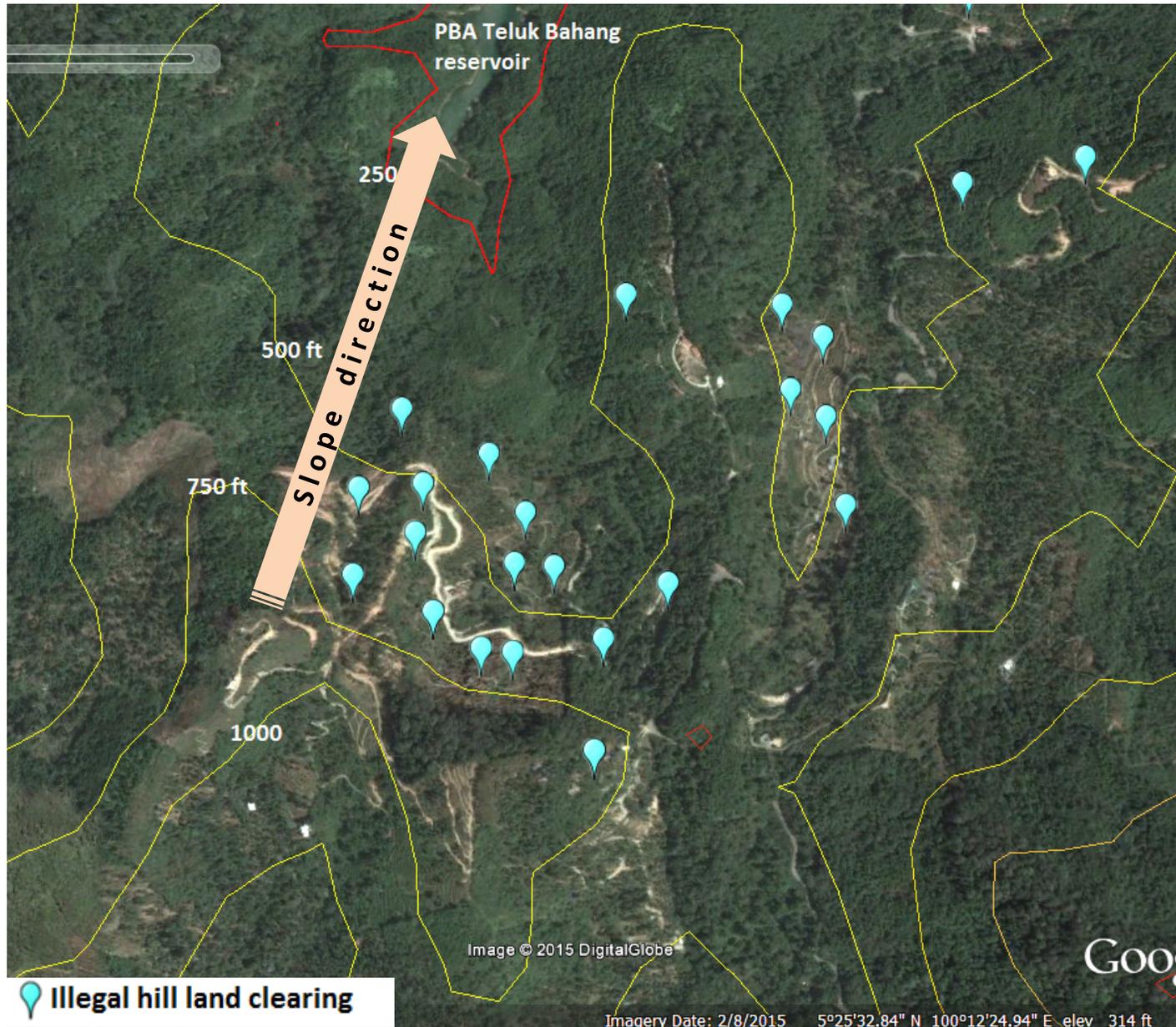


**68 cases identified by MBPP;
exponential increase over
the past 4 years**



**... and where some of these
occurred**

Illegal land clearing upstream of the Teluk Bahang reservoir risks contaminating the island's drinking water supply and causing sedimentation of the reservoir



Repeat offenders of illegal hill land clearing, 2008-2015

Repeat Offenders & Zoning

	2008	2012	2013	2014	2015
Tanjung Mutiara				Tanah Bukit	Perumahan Am
Realty Sdn Bhd	Agriculture	Agriculture			
Hill Land-3 lots					Hill Land-3 lots
Sdn Bhd			Taman Negeri	Tanah Bukit	
Housing Dev Sdn Bhd					Agriculture

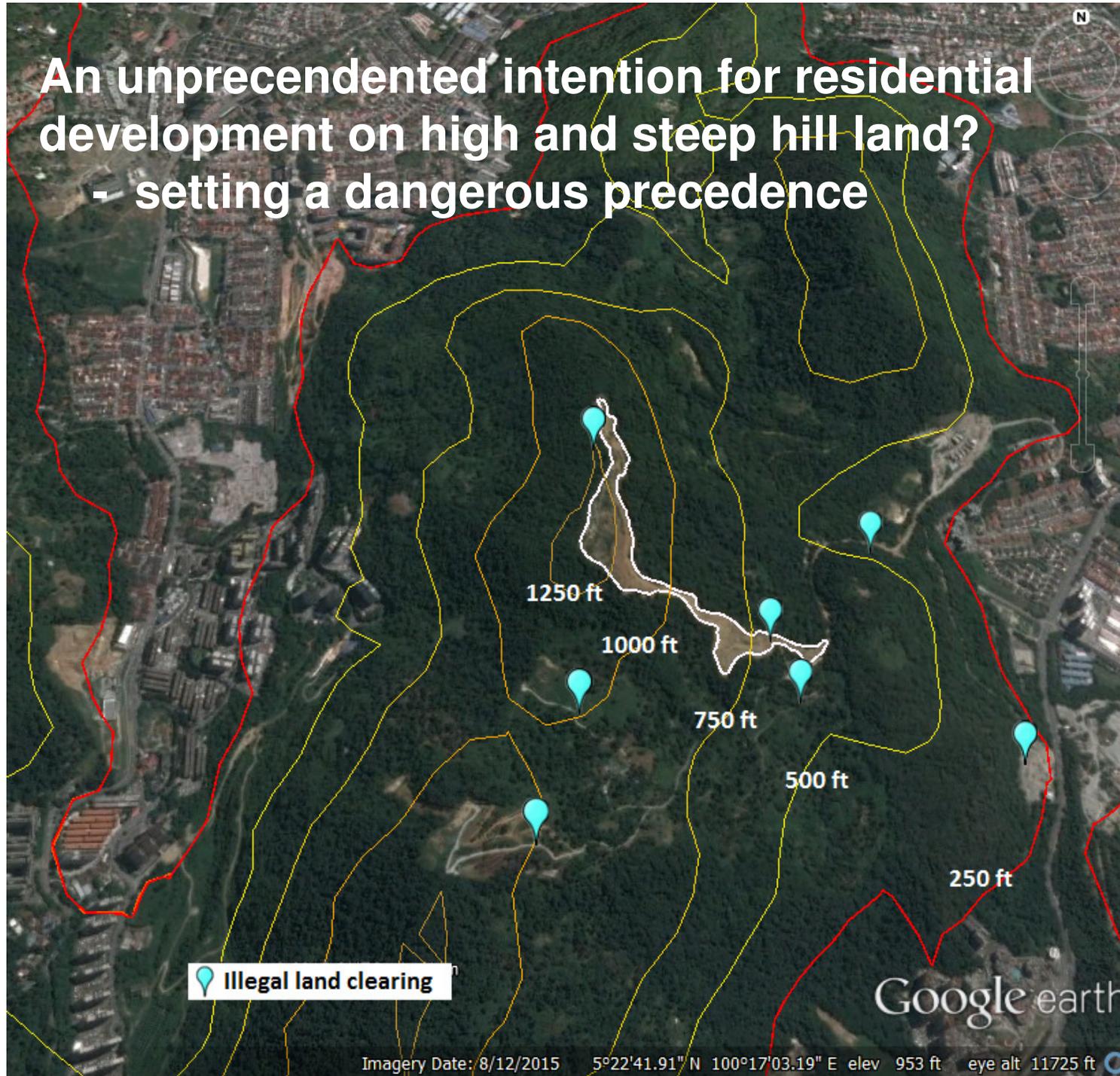
Realty and housing development companies have been clearing hill land, illegally and repeatedly

Poor Monitoring & Weak Prosecution Encourage More Illegal Clearings

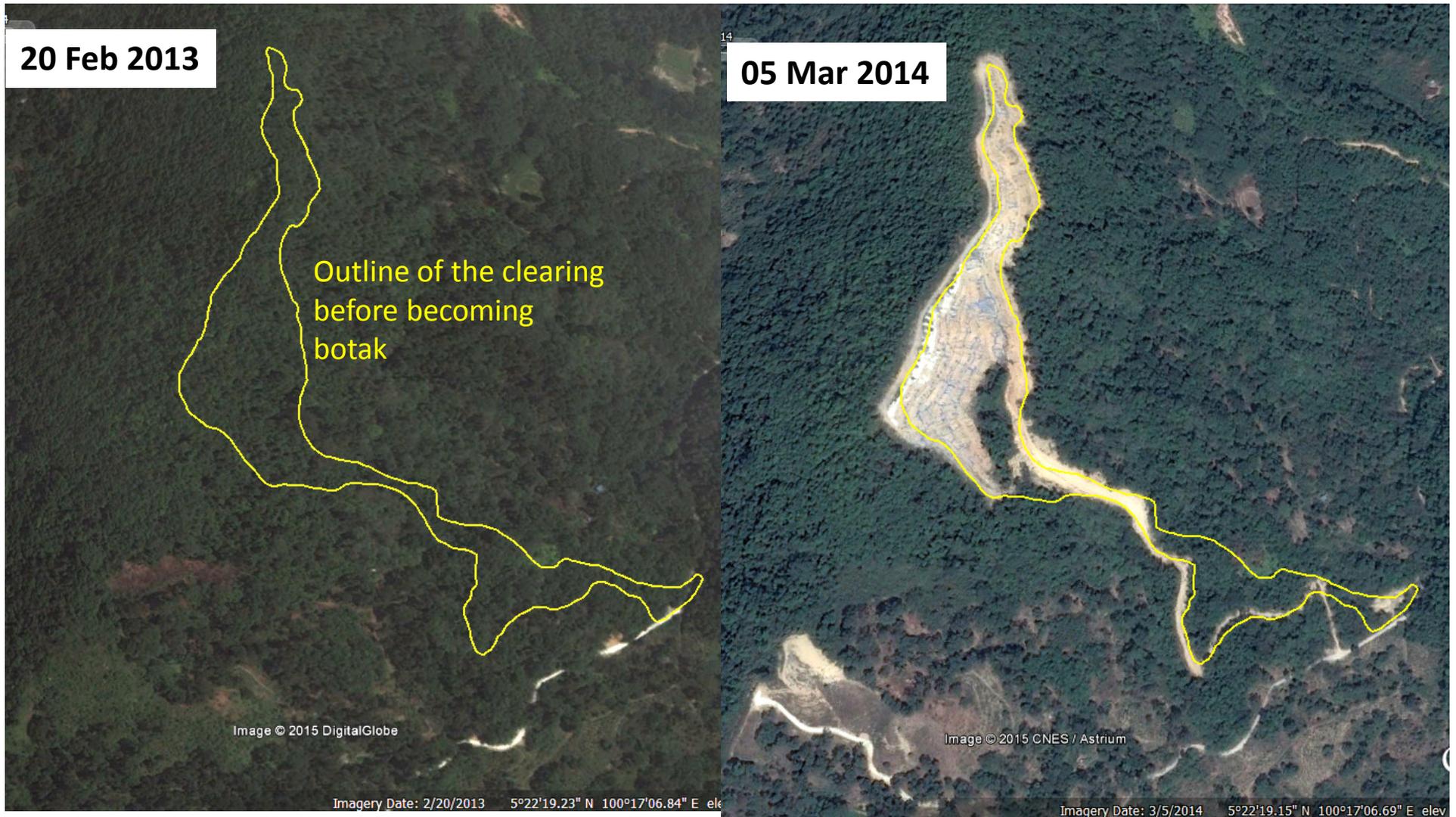
- **Presently, small fines do not deter illegal land clearing**
- **Instead it encourages more illegal acts of clearing as the message is: “pay the fine and count it as cost of doing business”**
- **This argument is validated in the big increase in illegal clearing cases after 2013**
- **Need to prosecute under the Town and Country Planning Act rather than the Street Drainage and Building Act and impose maximum deterrent sentencing**
- **Stop orders and mitigation requirements are not enough for hill land; ecological restoration is needed**

THE BOTAK HILL SAGA

An unprecedented intention for residential development on high and steep hill land?
- setting a dangerous precedence



Botak Hill chronology in pictures



Still under forest cover

Clearing evident

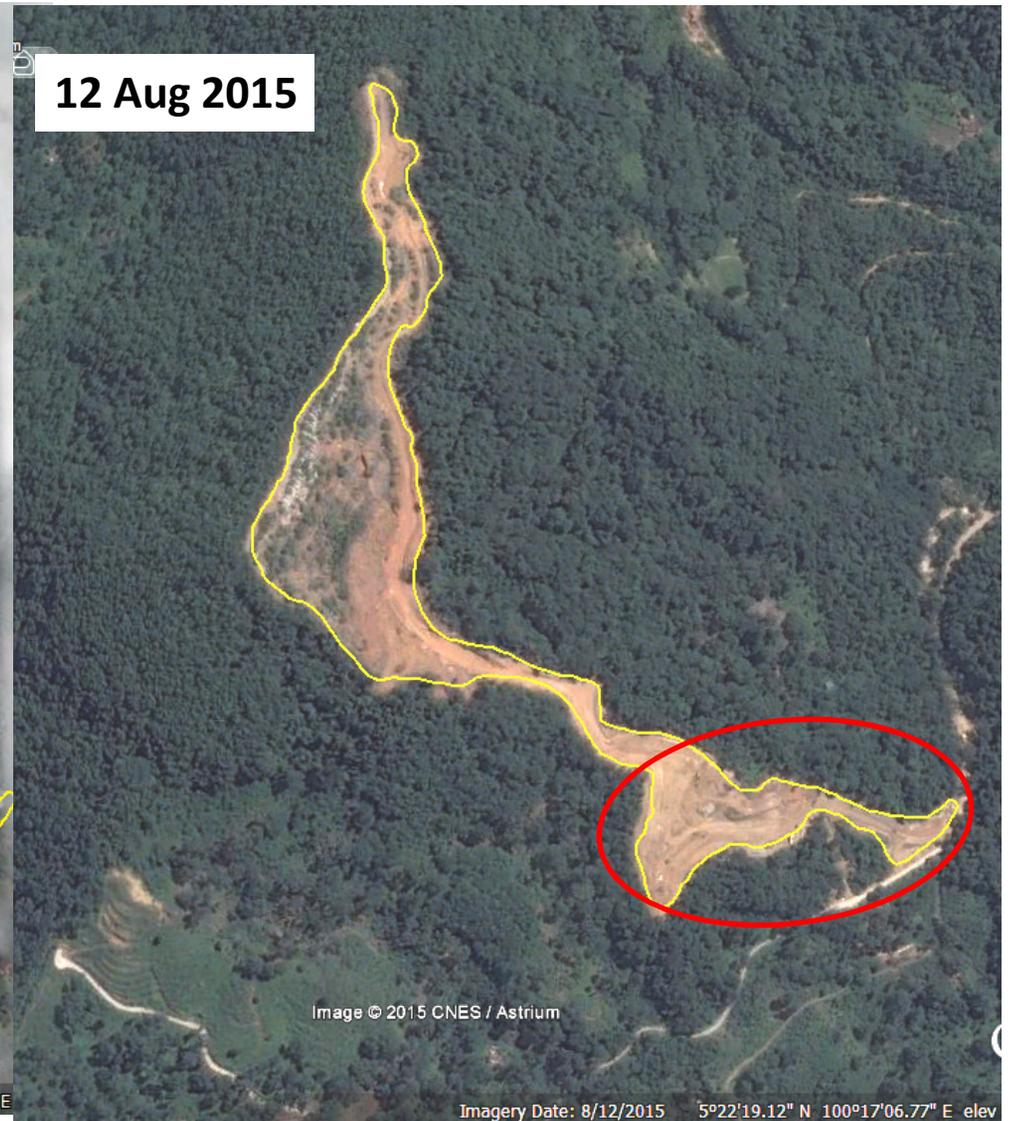
Source: Google Earth



**The rampant
destruction
and soil
erosion**

Local authority response?

- **It was reported that a stop work order was issued by MPPP against the violating company in April 2013, and a fine of RM50,000 was subsequently imposed**
- **What remedial actions (restoration and mitigation works) have been imposed on the company?**



Not much evidence of remedial actions being taken...

... just more clearing being done

Source: Google Earth

17 May 2013



Views from the Penang Bridge

December 2015 – A road appears!

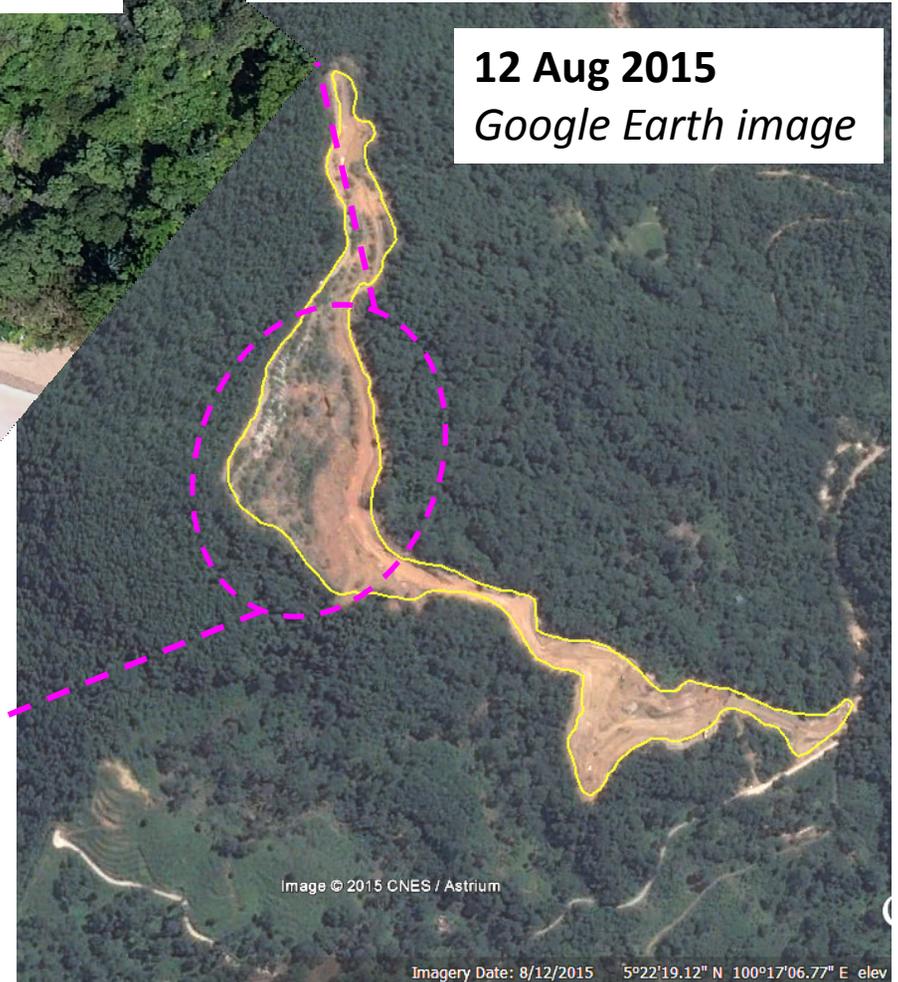


Changes from Aug to Dec 2015



Dec 2015
*Aerial photo
from drone*

**Severe erosion
scars**



12 Aug 2015
Google Earth image

Image © 2015 CNES / Astrium

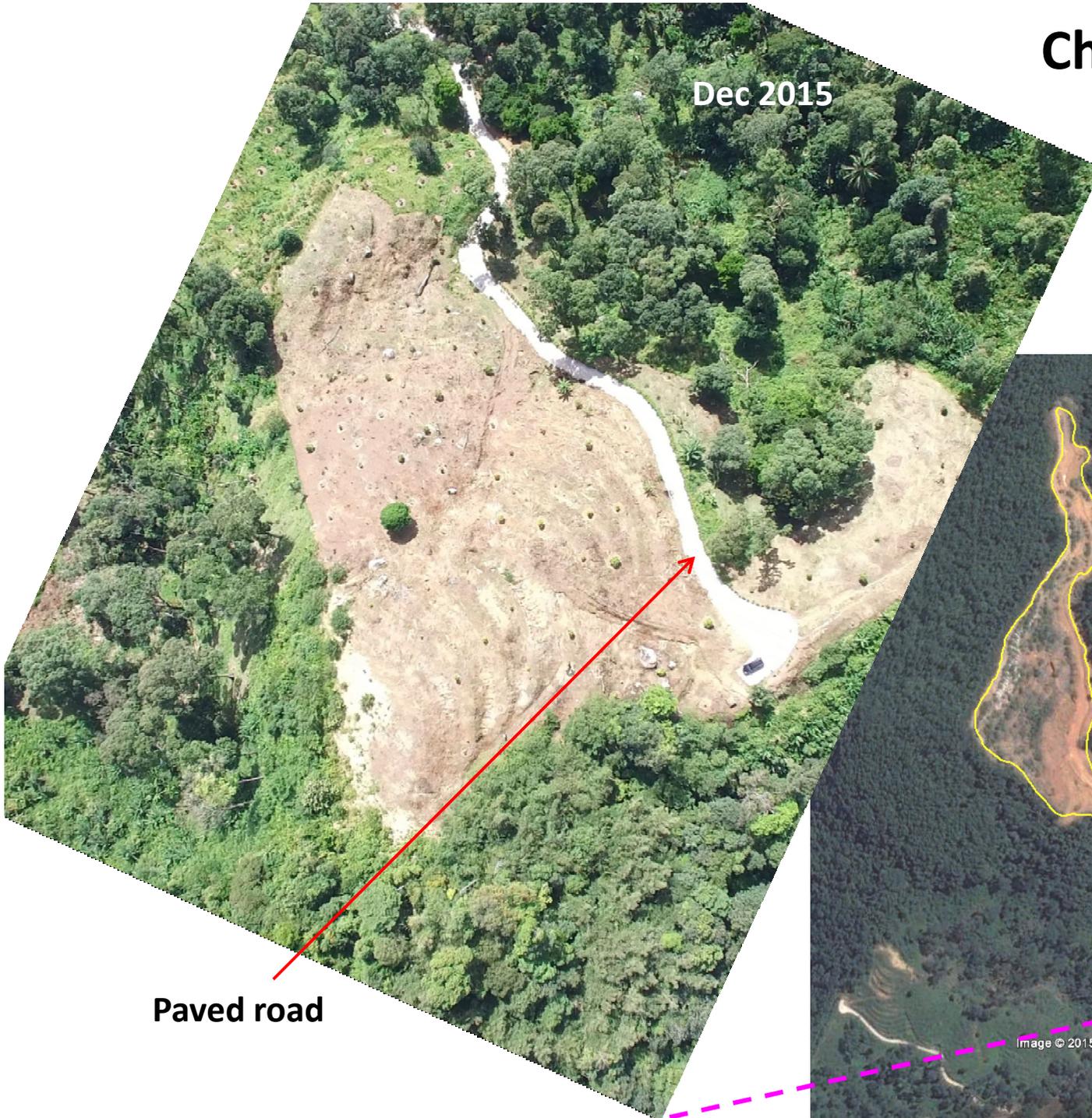
Imagery Date: 8/12/2015 5°22'19.12" N 100°17'06.77" E elev

Erosion scars



Changes from Aug to Dec 2015

Dec 2015



Paved road

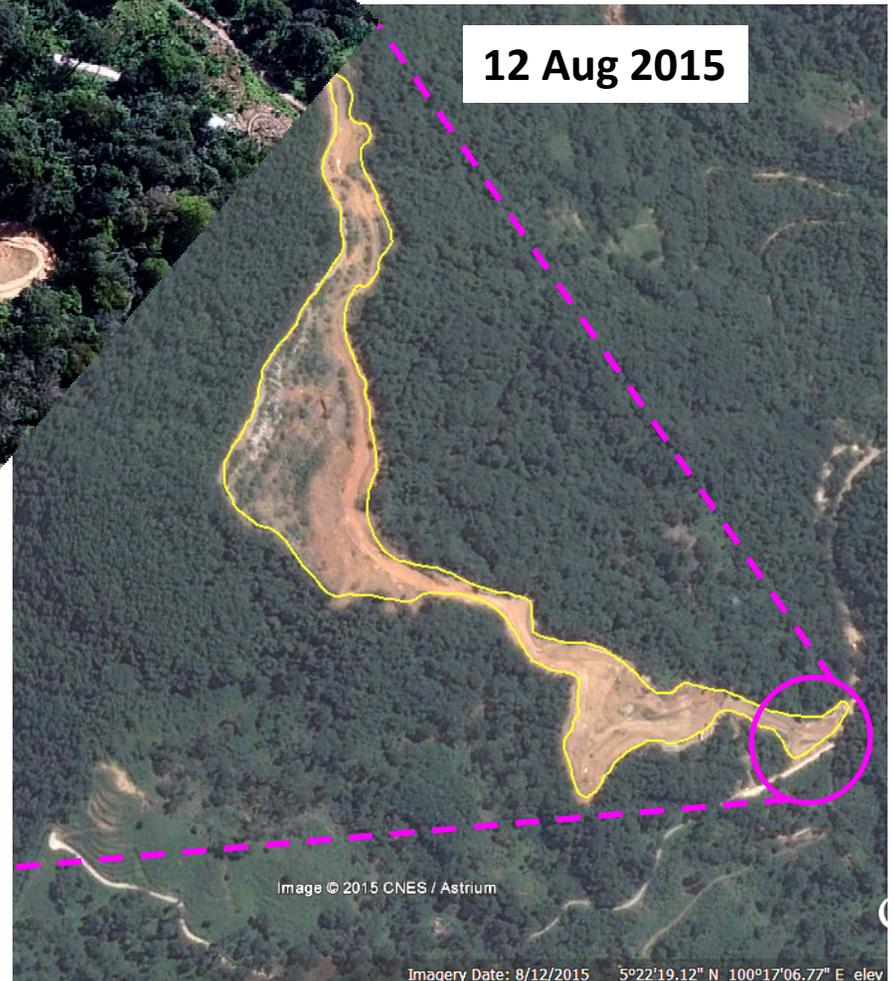
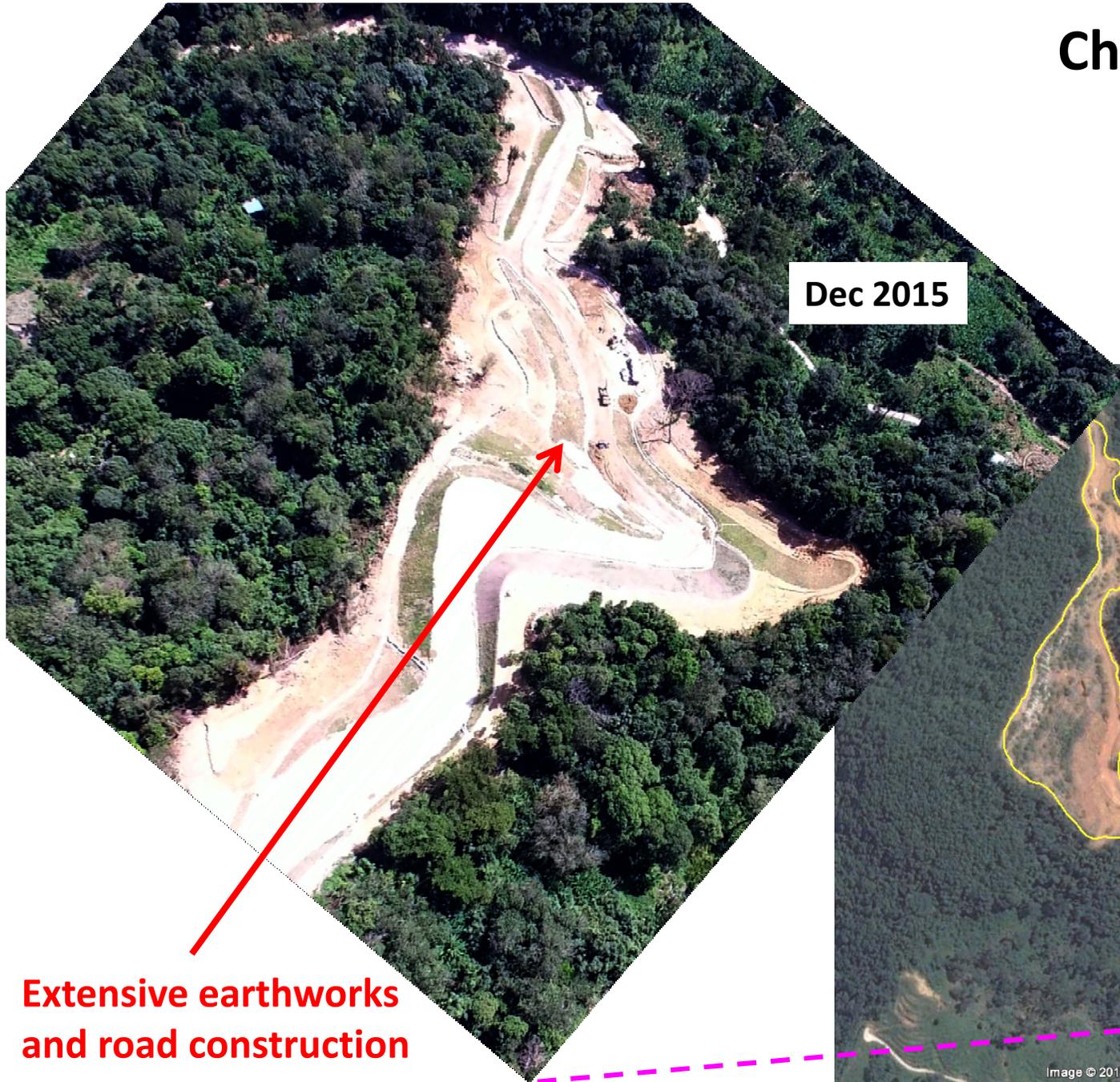
12 Aug 2015



Image © 2015 CNES / Astrium

Imagery Date: 8/12/2015 5°22'19.12" N 100°17'06.77" E elev

Changes from Aug to Dec 2015





Dec 2015



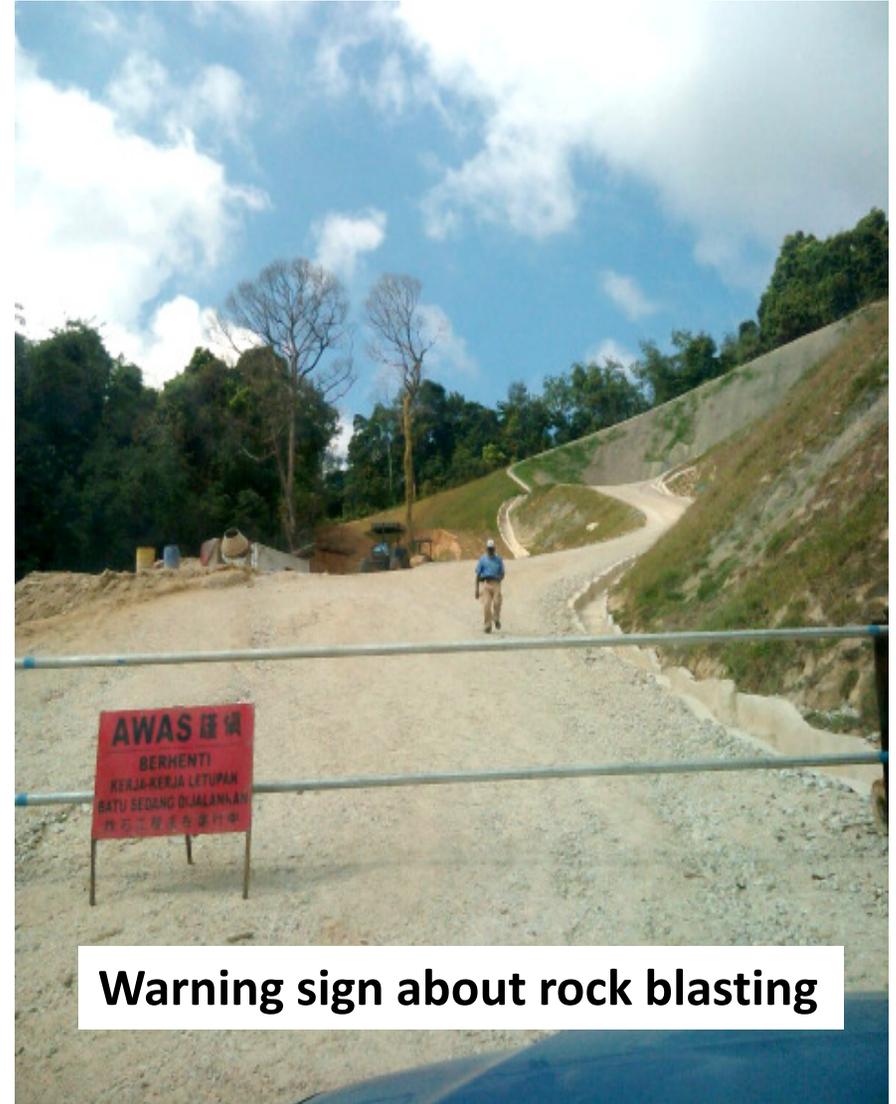
12 Aug 2015

Image © 2015 CNES / Astrium

Imagery Date: 8/12/2015 5°22'19.12" N 100°17'06.77" E elev

**Paved road with embankment
– for mitigation?**

A road to where, if **development will not happen on that land***?



Warning sign about rock blasting

***Quoting Tan Sri Tan Kok Ping on 18 Nov 2013**

Mitigation structures for what, if **development will not happen on that land***?



***Quoting Tan Sri Tan Kok Ping on 18 Nov 2013**

FORUM DECLARATION

“SAVE OUR HILLS”

We, the Penang civil society community groups, and concerned individuals who participated in above public forum on 12 December 2015 at Dewan Sri Pinang, note 3 issues of grave concern:

1. Recent developments on the hills of Penang, where both **legal approvals and illegal hill cutting** are taking place **with increasing frequency and intensity**, resulting in erosion, landslides, flooding, and loss of water catchment areas.
2. The indiscriminate cutting of hills goes against the Penang State Green policy to protect hill land. Yet, in its State Assembly sitting in November 2015 it was revealed **since 2008, MBPP has given approvals for 56 housing projects in these ecologically sensitive areas**. Many of these proposed buildings are over 30 and 40 stories high.
3. The revelation that there are **68 known cases of illegal hill cutting**, reflecting ineffective monitoring and prosecution of these offenders.

WE make 4 recommendations:

- 1. That the Penang State and Local Governments comply with the official policy of prohibiting development on hill land above 76 m (250 feet) and/or with gradient exceeding 25°, and exclude the building of ordinary residential or commercial as “special projects”. Special projects should be restricted to projects of public interest.**
- 2. That besides undertaking independent environmental and geotechnical impact assessments that conform to strict standards for every hill development project, a holistic and cumulative impact assessment for the whole hill must be conducted.**

WE make 4 recommendations:

- 3. That the Penang City Council vigorously prosecutes violators to the full extent of the law, including jail sentences, and blacklist all offenders for future development projects.**
- 4. That the relevant authorities require all offenders to restore damaged hills to their original natural condition, failing which the authorities order for restoration work to be charged to the offenders and further prosecute them for failure to comply**

American Indian Proverb

- *“Only when the last tree has been cut down;*
- *Only when the last river has been poisoned;*
- *Only when the last fish has been caught;*
- *Only then will you find that money cannot be eaten”*

THANK YOU FOR YOUR ATTENTION