

# LOCATIONS & PATTERNS OF PUBLIC SPACE CONFLICT IN THE UNESCO WORLD HERITAGE SITE GEORGE TOWN, PENANG, MALAYSIA

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## ABSTRACT

*One of the UNESCO World Heritage Sites in Malaysia is in George Town, Penang. Most of the space in this UNESCO World Heritage Site has various business activities. Traders work on a regular basis in the existing space or public space. Meanwhile, the hawkers move from one place to another. However, there are also traders and hawkers misusing and doing business in public space resulting in public space conflicts. The objectives of this study are to identify the location and patterns of public space conflict. The location of the conflict area has been marked and recorded for a more in-depth study. Data collection had been done and had found that the development of permanent building by the traders and hawkers had resulted in insufficient public space. Public space is essential in ensuring the sustainability of the environment.*

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**Keyword:** Public Space, Conflict, UNESCO World Heritage Site, George Town, Penang



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## **INTRODUCTION**

Public space is an essential element in any city in the world. It is public property which is fully regulated by local authorities subject to Section 8 Act 171 in the Malaysia Local Government Act 1976. In this study, public space which had been studied is a space within the boundaries of the UNESCO World Heritage Site of George Town, Penang which was declared by UNESCO on 7 July 2008. The gazettement enhances the uniqueness of the area, giving the added value in the context of heritage and commercial in the economic aspect. Lately, the heritage inherited from the previous generations has been lost due to the uncontrolled modern development that affected the area of the public space. Traders and hawkers have illegally occupied public space in the UNESCO World Heritage site. They are abusing the public space areas for their personal purpose and denying the main purpose of public space as a space for public leisure, socialising and others. Instead it has been transformed into an unauthorised private business area. The abuse of this public space has violated the laws and regulations set by the Penang Municipal City Council (MBPP) as the administrator or local authority regulating the area. As a result, this illegal activity had raised numerous issues and problems. Thus, this study aims to examine and identify more in-depth locations and patterns of public space conflicts to ensure that elements of public space sustainability can be applied in this UNESCO World Heritage Site to be preserved for present and future generations.

## **LITERATURE REVIEW**

Public space in the city is widely discussed by many researchers and is described as 'open space' such as roads, parks, fields, squares, sidewalks and many more. According to PLANMalaysia (JPBD, 2004), public space is the space in urban areas and is part of human life in the city that is any land whether besieged or not that has been set or not or reserves to be arranged in whole or in part, public parks, sports fields, recreational land and pedestrian walkways. UN-Habitat (2016) in the Global Public Space Program recommends that up to 50% of urban land should be allocated to public space which is broken down into 30% for roads and footpaths while another 20% for open space, green space, and public facilities.

Public space is the most important pulse in the city which is the basic topographic feature of a city in a place and at the same time provides an aesthetic sense by engaging in an attractive environment and creating visuals in the space (Cattel et al., 2008; Jacobs, 1985; Payne, 2009). The public space in the city has a positive impact on the economy, environment, security, health, integration, and interconnectedness. The quality of life of the urban population is directly and to some extent related to the state of its public space. This is related to the statement of Thompson (2002) who states that the best public space is space that can create a direct relationship between the space and those who live or work in it.

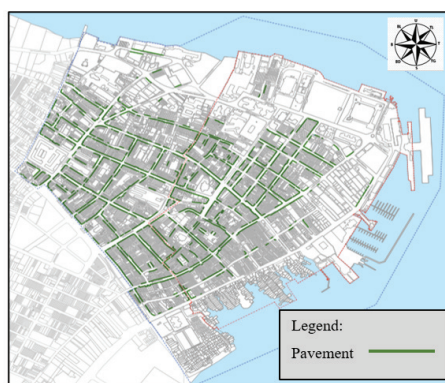
Thus, Theory of Place in public space is an option as the basis and main guide of this study in examining the priorities of public space designed and provided should function based on the true meaning and function of the public space. The theory of place has been discussed for a long time until the present time. The implementation of place theory is widely used in the design of public spaces. The relationship between the behaviour and design of the public space provided was found to produce successful and habitable public space (Francis, 2003; Lang, 1994).

## **STUDY AREA**

The public space involved in this study is part of the area within the UNESCO World Heritage Site of George Town, Penang. The public space in this study is referring to the pavements of shophouses (Figure 1), pedestrian (Figure 2), roads and back lanes (Figure 3). Public spaces are supposed to be a free space for everyone and not owned by anyone. In the context of the Town and Country Planning Act 1976 (Act 172) and the Local Government Act 1976 (Act 171) it has been clearly stated that land or areas that belong to the government, are not allowed to carry out any activities without legal permission from the local authority involved. Both of these acts focus on government-owned areas or lands from encroachment. If this act is violated and ignored then obviously physical abuse has occurred in an area.

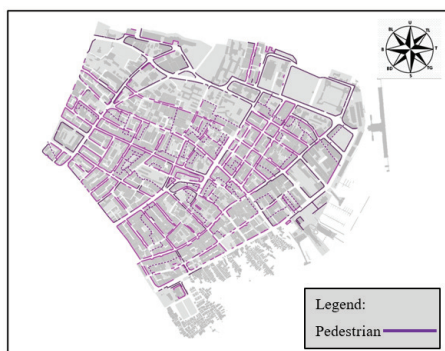
This study area is a UNESCO World Heritage Site that has been gazetted and is a very valuable national heritage treasure. Therefore, any activity that occurs or is planned to be done in this area must obtain the

permission of the relevant parties and comply with all rules applicable in this area. This is related to the National Heritage Act (Act 645) 2005 where the study area is an area with many buildings and historical places so the social sensitivity in the area should be taken care of and law enforcement should be emphasized in all activities taking place in the area. This legislation was enacted and gazetted to be enforced by those responsible and complied with by the public. Therefore, any form of activity that can affect the value of heritage, especially the Outstanding Universal Values involving the use of buildings or space in this heritage area needs appropriate supervision and monitoring.



**Figure 1. Pavements of Shophouses in UNESCO World Heritage Site, George Town, Penang**

(Source: George Town Special Area Plan, 2016)



**Figure 2. Pedestrian in UNESCO World Heritage Site, George Town, Penang**

(Source: MyGeorgetown Project, 2014)



**Figure 3. Road and Back Lanes in UNESCO World Heritage Site, George Town, Penang**

(Source: MyGeorgetown Project, 2014)

## **METHODOLOGY**

Data collection for this study was done using a mixed method approach or mix method that involves qualitative and quantitative methods. This study is a study involving part of the entire population of traders and hawkers who abuse public space at the UNESCO World Heritage Site of George Town. The respondents selected are traders and hawkers who are in the UNESCO World Heritage Site of George Town, Penang. Manual calculations had to be done at the study site because no actual calculation of traders and hawkers who abused public space had been recorded before in the study area covering within the boundaries of the UNESCO World Heritage Site George Town, Penang. Once the data collection had been done, the number of traders and hawkers who caused the conflict in the public space was 4969 in total which included 4597 traders and 372 hawkers, refer Table 1. While doing the data collection of calculating the number of traders and hawkers who caused the conflict in the public space, the point location of the respective area was recorded using Global Positioning System (GPS) application.

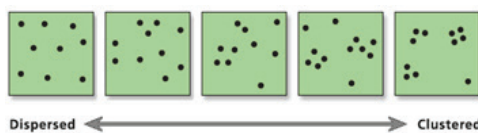
**Table 1. Number of Traders and Hawkers Who Caused the Conflict in The Public Space**

Types of Business Activities	Total
Traders	4597
Hawkers	372
-	4969

(Source: Field Study, 2016)

In this study, it is essential to use the Global Positioning System (GPS) application in determining the real location of the public space conflict that takes place at this UNESCO World Heritage Site. With the help of this application, the location of the conflict can be marked and recorded. The location coordinates of this conflict are indicated using devices with GPS. The process of coordinating this location takes place during the process of calculating the number of traders and hawkers who abused the public space. The coordinating process took a long period of time to seek more precise traders and hawker's locations by different times and places. Data obtained through the coordinates of public space conflict area are mapped using ArcGIS 10.1 application.

The locations obtained were analysed using the ArcGIS 10.1 application by conducting the Average Nearest Neighbor (ANN) analysis to identify the type of pattern or analysing pattern based on the identified locations. This process calculates and determines the nearest location based on the average distance from each feature to the nearest location feature (ESRI, 2018). Based on the Average Nearest Neighbor analysis if the average distance is less than the average for the hypothetical random distribution, the distribution of characteristics analysed is considered a grouped or clustered. If the average distance is greater than the hypothetical random distribution, the characteristics are dispersed (Figure 4). Average Nearest Neighbor ratio as the observed average distance is divided by the expected average distance.



**Figure 4. Average Nearest Neighbour**

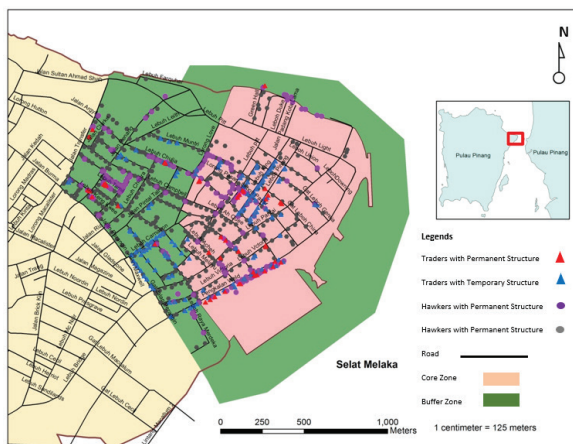
(Source: ArcGIS 10.1)

## FINDINGS AND ANALYSIS

Based on the data collection process in the study area, locations, and patterns of public space conflicts at UNESCO World Heritage Site had been identified and presented in the form of conflict location maps and diagrams.

### Locations Of Public Space Conflict

The location of these traders and hawkers only takes into account for those who had created public space conflicts within the boundaries of the UNESCO World Heritage Site, Refer to Map 1. These traders and hawkers not only included those who were doing business on weekdays and but also on the weekend. This public space is a public area for the use of the public without any obstacles or restrictions. The conflict of public space can be identified when the public space is misused whereby private space is used illegally which led to negative effects such as the presence of temporary or permanent barriers built on the public space that denies the original function of public space and has clearly violated legal aspects. This public space conflict has made it difficult for other members of the public to use the public space. This study is more focused and directed only on traders and hawkers who misuse public space illegally to the point of causing public space conflict.

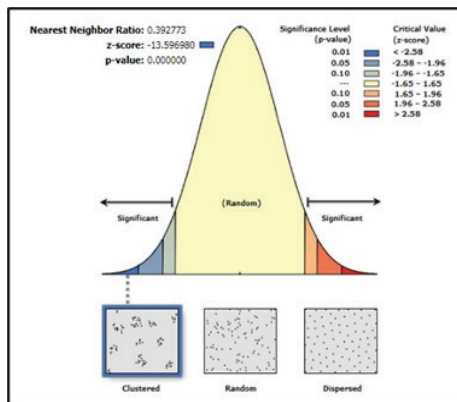


**Map 1. Location of Public Space Conflict in the UNESCO World Heritage Site, George Town, Penang**

(Source: Field Study, 2016)

## Patterns Of Public Space Conflict

Based on the location coordinates of public space conflicts caused by the traders and hawkers, the analysis of public space conflict patterns was conducted using the ArcGIS 10.1 application to carry out the Average Nearest Neighbour analysis. This analysis is carried out to see the type of pattern generated based on the coordinate point of the public space conflict locations that have taken place in this study area. Average Nearest Neighbour Analysis runs on every type of permanent or temporary obstacles made by these traders and hawkers to identify the type of pattern that the public space conflicts resulted in each kind of obstruction in detail. Firstly, the Average Nearest Neighbour analysis against traders who make permanent obstacles shows that the distribution of characteristics analysed is grouped or clustered (Figure 5).

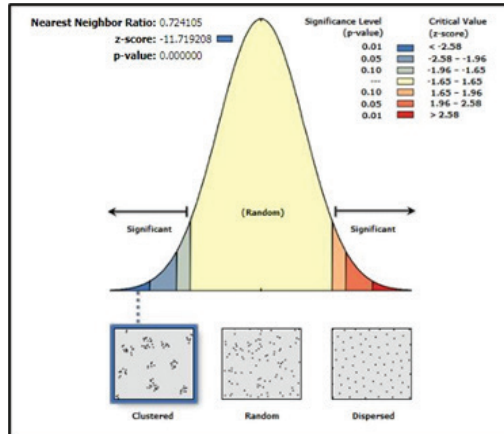


**Figure 5. Pattern Analysis of Public Space Conflicts Caused by Traders Building Permanent Structure**

(Source: Field Study, 2016)

Secondly, the Average Nearest Neighbour analysis of traders who made temporary obstacles showed that the distribution of characteristics analysed was grouped or clustered (Figure 6).

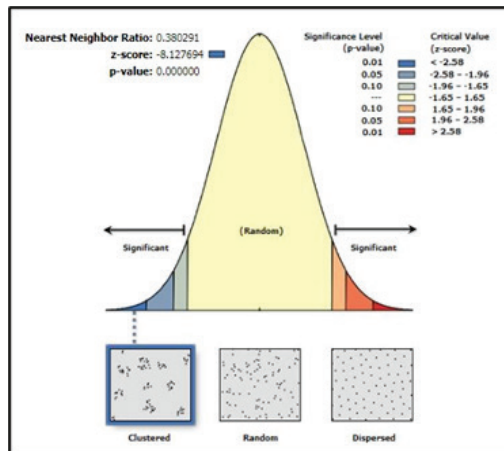




**Figure 6. Pattern Analysis Conflict of Public Space Caused by Traders Building Temporary Structure**

(Source: Field Study, 2016)

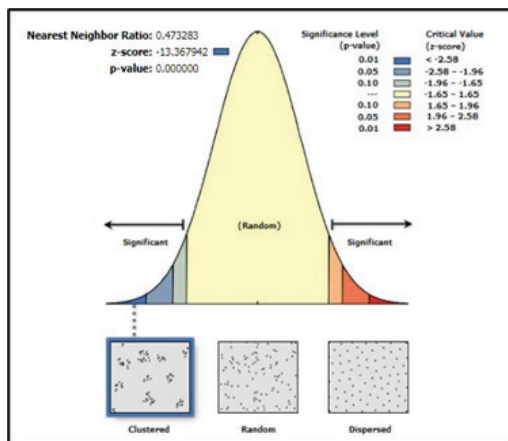
Next, Average Nearest Neighbour analysis of hawkers who make permanent obstacles indicates that the distribution of characteristics analysed is grouped or clustered (Figure 7).



**Figure 7. Pattern Analysis of Public Space Conflicts Caused by Hawkers Building Permanent Structure**

(Source: Field Study, 2016)

Lastly, the Average Nearest Neighbour analysis of hawkers who make temporary obstacles also shows that the distribution of characteristics analysed is grouped or clustered (Figure 8).



**Figure 8. Pattern Analysis Conflict of Public Space caused by Hawkers building Temporary Structure**

(Source: Field Study, 2016)

So, it can be concluded that, based on this finding that all the resulting patterns are grouped or clustered into a place. This is because of the resulting points lead to a concentration on a cloud space of the area close to each other in the space of public space. The places where traders and hawkers are focusing on doing business illegally are along major roads that have sidewalks, lanes and pedestrian paths. It proves that the conflict of public space is caused by the existence of a strong pull and push factor in a place. These factors attract the traders and hawkers to concentrate in an area of public space. Apart from the area of this study, which is a UNESCO World Heritage Site, every street, sidewalk shop houses, walkways and lanes within this study area have a heritage building and shops that are the main attraction of visitors to come to this area. This causes entrepreneurs and vendors to take advantage of setting up business illegally in the public spaces, which led to public space conflicts.

## **DISCUSSION**

Urban public space in the city is the physical space which social relationships take place. Urban public spaces are an important element in urban society life, but it is crucial in the development policy for the city which is usually left neglected. This is because of business by the traders and hawkers' activities were taking place in the public spaces of the sidewalks without legitimate authority from local authorities. Most hawkers mostly operate on wheeled vehicles while some of them are parked on the roadside within this UNESCO World Heritage Site. This affirms the opinions by Anastasia and Renia (2009) that public space within the city is often neglected by its use by local communities which means the urban communities, especially the traders and hawkers have underestimated the function and definition of the public spaces. Public space within this study area has been misused by the traders and hawkers for the purposes other than the original purpose of public space. This public space conflict clearly dictates the definition and function of public space. This conflict is contrary and contradicts in the context of the legislative framework that has been gazetted by the government. This abusive public space conflict is not due to the privatisation of public space by local authorities that change the land use of the affected area to a commercial area but is caused by unauthorised public space abuse by traders and hawkers. It supports the views of Bauman (2000 & 2001) and Elias (1991) stating that privatisation activity is not a factor that causes public space abuse to occur within the city. Apparently, other factors contribute to the misuse of public space.

In the context of this study, there is proven evidence that traders and hawkers who misused the public space blatantly ignore and did not take into consideration the public space provided by the authority for the convenience of the public. The traders and hawkers have misused public spaces illegally by controlling public spaces for their own purposes primarily to showcase their merchandise. Based on this study, conflict of public space that is happening is something that leads to a more negative impact rather than a positive one. The public space conflict that occurred in the study area was not something that happened by chance rather it has gradually occurred for a long time without any action taken by the proper authorities. This conflict occurred due to the wrong attitude of the traders and hawkers.

Furthermore, the location of the public space conflict in this study involves almost the entire area of the public space within the boundaries gazetted as the UNESCO World Heritage Site of George Town, Penang. Based on the findings, the location of public spaces that are often misused are areas that include walkways of five storehouses, pedestrian paths, roads and lanes close to tourist attraction areas. The public space area is very limited as the area of this study is an old city that has been saturated. The city had long existed since colonial times before Malaysia achieved independence. There is no space available or suitable within this study area to be developed for new development purposes. The existing business space is also unable to cater for increasing demand at present.

In Malaysia, this study area besides Bandar Melaka is a world heritage site recognised by UNESCO. This has made the area more unique and has value-added. This area is a tourist attraction that causes traders and hawkers to take advantage of the public space. Based on the Penang Tourist Survey (2016) carried out to 4767 tourists present in Penang by the Sustainable Tourism Research Cluster (STRC), Universiti Sains Malaysia (USM) said the image of Penang refers to a world heritage site of 36.4% and local area of 34.6%. The Penang tourist survey (2016) also examines what should be done in Penang, indicating 46.3% of respondents expressed taste of local food, 36.4% expressed their sightseeing in the city, 23.1% visited historical places, 15.6% said shopping and 12.6% said visiting museums and galleries. This issue clearly explains the reason this study area is the focus of many tourists and visitors to go for a holiday in Penang, especially in this area which is a UNESCO World Heritage Site which is based on this uniqueness. Traders and hawkers have taken advantage of the flood of these tourists by abusing public space for their own gain. Abuse of this public space has violated the law involving the use of public space to conduct business activity in an illegal business area.

The location of this public space conflict has been erected or constructed with permanent or temporary builds or obstructions by traders and hawkers. These constructions or constraints are made at very different times either during the day, night or all day regardless of weekdays or even weekends. This is because these traders and hawkers only think of their own self-interest regardless of other public users who share and own the rights to the public space. The issue of physical space utilisation problems in this

study area is supported and reinforced by Sinar Harian's daily newspaper May 2014 entitled 'Masih Ramai Peniaga Bolot Kaki Lima' (Many Traders Still Misuse The Pathway) and 'Ganggu Laluan Pejalan Kaki' (Disrupting the Pedestrian Route) in George Town, Penang by Metro press report Sunday dated 30 November 2014. This clearly shows that there is a misuse of public space area by illegal hawkers and traders who put items in public spaces around the UNESCO World Heritage Site.

Along with that, local authorities had to carry out the operation to demolish these constraints to facilitate public access (The Star, 20 April 2017). It supports the opinion of Rahaman et al., (2012) stating that barriers to public space use have made the situation worse or worse due to illegal possession of public space. This undermines the cultural values, heritage and values of the local community in the city. This public space conflict is due to the many factors that cause it to continue to be a thorny issue at this UNESCO World Heritage Site and thereby lead to a negative impact and are difficult to control and solve.

## **RECOMMENDATION**

Overall, after examining the location, factors and effects of public space conflicts that occur, the main focus that needs to be given priority is about planning and development that applies the elements of public space sustainability. The thrust of this improvement proposal is based on the concept of public space sustainability introduced by Chiesura (2004) and Sustainable Development Goals 2030 modified in line with and appropriate for this study taking into account the issues of public space conflict that have occurred in cities and world heritage sites in other countries and adapted to this study area.

Based on the findings, there are no specific and clear laws or regulations involving the use of public space in the UNESCO World Heritage Site area. Existing laws or regulations do not describe more specifically the use of public space in the study area. The George Town, Penang Special Area Plan states that 'road sharing' is allowed if it complies with the set guidelines. This is not stated clearly and in detail about the intended guidelines.

Findings from this study show that this matter is not complied with

by traders and hawkers thus causing public space conflict. This has caused traders and hawkers to be confused and take advantage of this matter. This matter should be resolved with the cooperation of the Government of Malaysia through the Local Authority of this study area with UNESCO to gazette the Special Law on the Management and Use of Public Space. If there is a special law on the use of public space at UNESCO World Heritage Sites, this will serve as a guide in the study area and UNESCO World Heritage Sites around the world.

## **CONCLUSION**

Based on the findings, it can be concluded that most of the public spaces within the UNESCO World Heritage Site of George Town, Penang were illegally abused. This identified location showed that the location of this public space conflict occurred due to the attraction of the surrounding or near the location of the area, which is a tourist attraction near to the historic buildings, main business areas as well as the main public access areas. This has led to the convergence of public space conflicts in locations that have made these traders and hawkers carry out their trade and business activities illegally. Moreover, this conflict also caused difficulty to the civilians, and sometimes they could not use the public spaces and do their regular daily recreational activities. This had denied the right of use to the public space. Public space should be free to be used by the public and no one should be allowed, to run or make any restrictions on the public space. The location of this public space conflict that takes place in the UNESCO World Heritage Sites of George Town, Penang causes these issues. The problems should be resolved as this area is a focal point of the world and shows the way in which governance of this world heritage site is carried out by local authorities.

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