

e-Proceeding

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

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Abstract

The UNESCO World Heritage Site in Malaysia is in George Town, Penang. Spaces within this Heritage Site hold a wide range of historical values which prohibit unauthorized changes. Traders work on a regular basis in the existing spaces. Meanwhile, the hawkers move from one place to another. However, there are also traders and hawkers who are totally misusing and doing business illegally in the public spaces. Demand for street food activities which are well-known in the study area has been identified as a major factor leading to the public space conflicts. The location of the conflict area has been marked and recorded for a more in-depth study. This is to identify the locations and levels of public space conflict. The space for the public is essential for ensuring the sustainability of the environment.

Keywords: *public space; conflict; UNESCO World Heritage Site; George Town, Penang*

1.0 INTRODUCTION

Public space is an essential element in cities around the world. They are public properties which are fully regulated by local authorities subject to Section 8 Act 171 in the Malaysian Local Government Act 1976. In this study, public spaces which have been studied are spaces within the boundaries of the UNESCO World Heritage Site of George Town, Penang which was declared by UNESCO on 7 July 2008. The gazettelement enhances the uniqueness of the area, giving added values in the context of heritage, and commercial in the economic aspects. Lately, the heritage inherited from the previous generations has been lost due to the uncontrolled modern development flows that affect the area of the public spaces. Traders and hawkers have illegally occupied public spaces in the UNESCO World Heritage Site. They are abusing the public space areas for their personal purposes and denying the main purpose of public space as a space for public leisure, socializing and others. It has been transformed into unauthorized private business areas. The abuse of these public spaces has violated the laws and regulations set by the Penang Municipal City Council as the administrator or local authority regulating the area. As a result, these illegal activities have raised numerous issues and problems. Thus, this study aims to examine and identify more in-depth the locations and levels 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 the present and future generations.

2.0 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 the urban areas and is a part of human life in the city. It is any land whether besieged or not that has been set or not or reserved to be arranged in whole or in part as 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. This is broken down into 30% for roads and footpaths while another 20% is 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. At the same time it 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 by Thompson (2002) who stated 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, the Theory of Place in a public space is an option as the basis and main guide of this study in examining the priorities of public space designed and provided to function based on the true meaning and purpose of the public space. The Theory of Place has been discussed for a long time until now. The Theory of Place is widely implemented in the design of public spaces. The relationship between the behaviors and designs of the public space provided was found to produce successful and habitable public spaces (Francis, 2003; Lang, 1994).

2.1 Study Area

The public spaces involved in this study are part of the areas within the UNESCO World Heritage Site of George Town Penang. The public spaces in this study are referring to the pavements of shophouses, pedestrian malls, roads and back lanes. 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 was clearly stated that lands 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 preventing government-owned areas or lands from encroachment. If these acts are violated and ignored then obviously physical abuse has occurred in that area. This study area is a UNESCO World Heritage Site that has been gazetted and is a valuable national heritage treasure. Therefore, any activity that occurs or is planned to be carried out in this area must obtain the permission of the relevant parties and must comply with all the 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 historical places so the social sensitivity in the area should be considered and law enforcement should be emphasized in all activities taking place in the area. These legislations were 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 spaces in this heritage area needs appropriate supervision and monitoring.



Figure 2: UNESCO World Heritage Site, George Town, Penang

Source: *MyGeorgetown Project* (2014)

3.0 RESEARCH METHODOLOGY

This study involves part of the entire population of traders and hawkers who abuse public spaces 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 counting had to be done at the site since no actual counting of the number of traders and hawkers who had abused the public spaces had been recorded before in the study area 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 spaces was 4969 in total which included 4597 traders and 372 hawkers. While doing the data collection of counting the number of traders and hawkers causing the conflict in the public spaces, the point locations of the respective areas were recorded using the Global Positioning System (GPS) application. In this study, it is essential to use the Global Positioning System (GPS) application in determining the real locations of the public space conflicts that take place at this UNESCO World Heritage Site. With this GPS application, the location coordinates of the conflicts can be marked and recorded. The process of coordinating the locations takes place while counting the number of traders and hawkers who abuse the public spaces. The coordinating process takes a long period of time to seek more precise traders' and hawkers' locations at different times and places. Data obtained through the coordinates of public space conflict areas is mapped using ArcGIS 10.1 application.

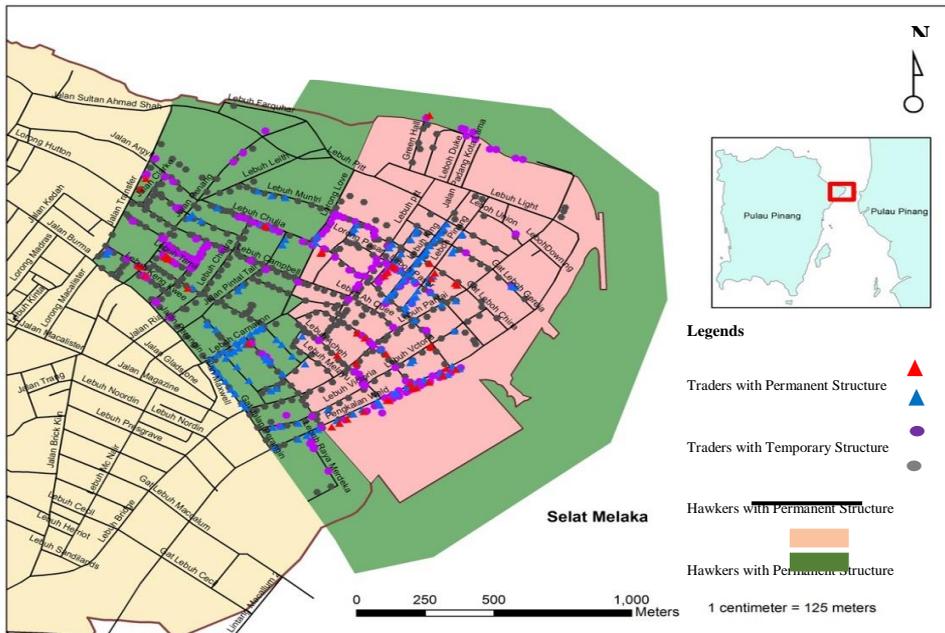
4.0 RESULTS AND DISCUSSION

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

4.1 Locations of Public Space Conflict

The locations of these traders and hawkers only consider those who had created public space conflicts within the boundaries of the UNESCO World Heritage Site. These are shown in Map 1. The traders and hawkers include not only those who were doing business on weekdays, but also on weekends. The conflict at the public spaces can be identified when a public space is misused into a private space illegally and causes negative effects such as the presence of temporary or permanent barriers built on the public space that deny the original function of the public space and have 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 on and directed only at traders and hawkers who misuse public spaces illegally to the point of causing public space conflicts.



Map 1: Location of public space conflict in the UNESCO World Heritage Site, George Town, Penang

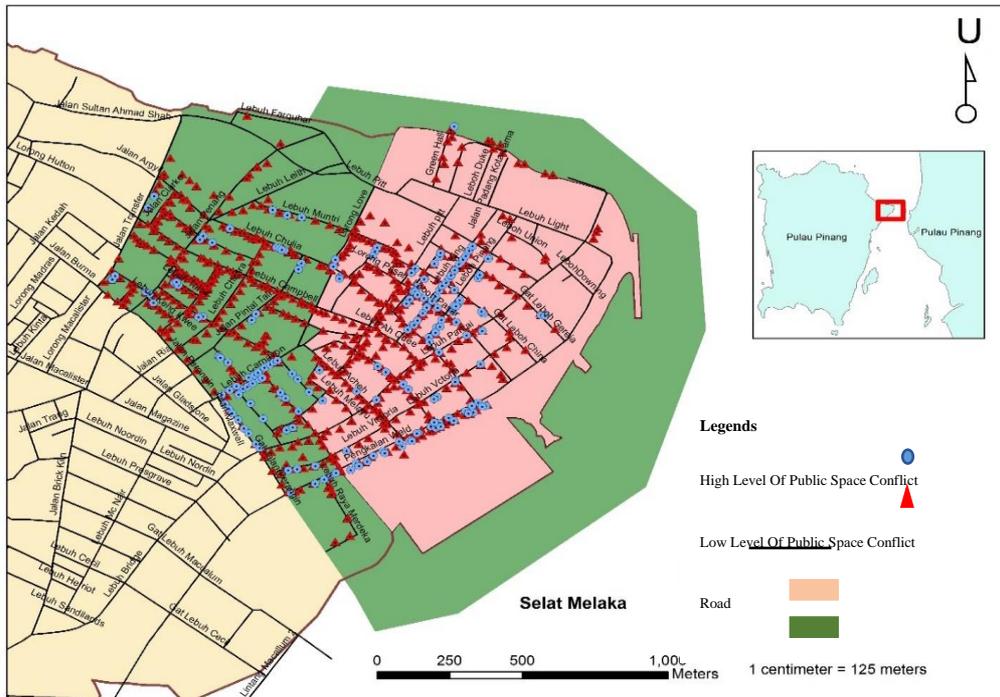
Source: Field Study (2016)

(NOTE: The Legend “Hawkers with Permanent Structure” appears twice in the above Map 1.

4.2 Level of Public Space Conflict

Based on the locations of public space conflicts in this study area, the public space conflict has been identified and divided into 2 levels of conflict category namely *low public space conflict* and *high public space conflict* (Refer to Map 2). These levels of conflict occur due to various factors that affect, especially the situations around the public space. In this study area, the public space areas where there are no public space conflicts show that all daily activities in the area can run smoothly, especially the movement of civilians and vehicles to pass without any obstacles or restrictions. This needs to be maintained so that the public space is protected from any disturbance that can cause conflict in the public space for the sake of mutual well-being. However, areas affected by low levels of public space conflicts indicate that routes in such public spaces are mainly on the sidewalks of shops, sidewalks, alleys, and roads abused in a small portion of public spaces with the activities of traders and hawkers. These traders and hawkers mostly create temporary barriers over public space and make it difficult for other users to pass through the space. The barriers built by these traders and hawkers are temporary and can be opened when not in use. Although these barriers are temporary and can be opened at any time, the construction of these temporary barriers is made especially during peak hours when various activities take place in the area. These temporary barriers are the seeds for the occurrence of permanent barriers in the area. Furthermore, the high level of public space conflict indicates that the public space area has been controlled with almost permanent construction in the public space. Permanent construction or barriers have been built in the public spaces in addition to temporary construction or barriers that meet in all corners of the public space areas. This makes it difficult for visitors and other public users to use the public space. The high public space conflict occurs in this area due to this area being close to the tourist attraction area. The ongoing public space conflict needs to be prevented and eradicated so that sustainable public space can be enjoyed by everyone. The value of

heritage in this study area needs to be preserved so that it can be enjoyed by current and future generations.



Map 2: Level of public space conflict in the UNESCO World Heritage Site, George Town, Penang

Source: Field Study (2016)

4.3 Discussion

Traders with valid business licenses issued by the authorities are subject to the Local Government Act 1976 (Act 171), By-Laws (Trades, Business and Industry) of the Penang Municipal Council 1991, and various other laws, acts or convicting rules that become a pledge as long as these traders are in business. Traders must conduct their business in designated places only in their business premises and at the specified times as agreed and enshrined in their respective business licenses. According to the George Town Special Area Plan (RKK), Penang (2016), the use of sidewalks and street spaces to display merchandise while maintaining adequate pedestrian access is permitted in the context of 'road sharing'. However, there are a handful of licensed traders who have caused conflict to the point of denying all laws and acts enacted for the welfare of the public. There are a handful of traders abusing the front, left, right or back of their premises to expand their business without the legitimate permission of the local authorities. The concept of 'road sharing' has been misunderstood by these traders to the point of monopolizing almost the entire public space area. Various barriers have been created by these traders to display their goods up to the area outside their business premises. Permanent and temporary barriers are created by these traders according to specific times and circumstances so as to give rise to public space conflicts that have clearly contradicted the Local Government Act 1976 (Act 171) and By-Laws (Trades, Business and Industry) of the Council Penang Municipality 1991. As such, the Local Government Act 1976 (Act 171) has clearly stated in accordance with Section 102 that local authorities may from time to time create, amend and revoke business licenses which cause problems and disturbance in accordance with the By-Laws to preserve the health, safety and well-being of the population.

On the other hand, hawkers who carry out hawking activities must have a valid hawker license from the local authority. The Hawkers (Amendment) By-Laws 1991 clearly states that

no one shall act as a hawker without a license issued by the local authority. The place to carry out hawking activities is according to the council based on the Hawkers (Amendment) By-Laws 1991 that is other than on stairs, sidewalks or paved fields or public spaces. This means in areas that do not disturb public roads, landowners, and privately owned premises. The UNESCO World Heritage Site of George Town, Penang has adopted the concept of 'road sharing'. However, the concept of 'road sharing' stated in the George Town, Penang Special Area Plan (RKK) 2016 on the permission to use sidewalks and street space to display merchandise while maintaining adequate pedestrian access has been denied by hawkers causing public space conflict. The conflict of public space created by these hawkers involves obstacles that are permanent or temporary in nature according to certain times and circumstances. The resulting public space conflict violates the Hawkers (Amendment) By-Laws 1991, the Local Government Act 1976 (Act 171), and various other laws or acts. The Hawkers (Amendment) By-Laws 1991 prohibits hawkers from conducting business in a manner that may obstruct or interfere with the smooth travel of car and other vehicles as well as the free movement of pedestrians in an area.

5.0 CONCLUSIONS

Overall, it can be concluded that the issue of public space conflict where hawkers and traders are illegally turning them into private spaces is a major issue that plagues the UNESCO World Heritage Sites as well as most public spaces in cities around the world. These issues and problems of public space conflicts need to be resolved immediately with appropriate and correct means and solutions to ensure the well-being and sustainability of public spaces. As such, this study is one of the best steps in finding a solution on the appropriate management of public space conflicts that occur in public spaces. Policy makers at the central government level and local authorities at the local level should play their roles more efficiently at the domestic level as well as work with UNESCO at the international level in resolving the issue of public space conflicts in the city, especially at the UNESCO World Heritage Site. In addition, the urban community, especially traders, hawkers and residents living in the city should be more sensitive about their roles and functions in the city to ensure the well-being and sustainability of the city. The concept of sustainability especially involving the sustainability of public spaces should be adapted in the planning and development that takes place in the city. This concept needs to be better applied in the self and mind of the entire community that is in the city so that they better appreciate the spaces that are in the city. This can give birth to a sense of love and cultivate a strong sense of public space in the city. Therefore, the sustainability of public space is the main basis that needs to be used as a reference and guide in preventing the issue of public space conflict from occurring. It is hoped that through this study, it can be used as a reference and guide in helping to resolve the issue of public space conflict that occurs in the UNESCO World Heritage Site George Town, Penang and also public space in other urban areas around the world.

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