

The Protective Designation for Urban Conservation and Heritage Development in George Town, Penang

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ABSTRACT

Objective- Urban conservation refers specifically to the protection and preservation of the elements of urban heritage from being destroyed forever or from being restored without proper guidance, planning, control and management. The objective of this paper is to explain the urban conservation momentum in Malaysia, particularly in cities with outstanding historical, architectural and cultural heritage.

Methodology/Technique- Secondary data were collected from various sources of related documents, including official government publications and records. In findings, this research shows that urban conservation has been implemented co-jointly by the local authorities,

Findings- Federal and State governments, Department of Museum and Antiquity, heritage trusts and other professional bodies in the country. In future research, the findings perhaps can help the restoration of historical areas and creating the visual contrast and excitement within the city.

Type of Paper: Conceptual

Keywords: urban conservation, conservation areas, heritage, protective designation, development control.

1. Introduction

In Malaysia, the reigning of Portuguese, Dutch and British colonial powers for over 300 years have bared their marks significantly on the country's town planning, commerce and administrative patterns. The unique colonial architectural styles of these buildings have played a major role in the creation of heritage cities throughout Malaysia such as the cities of George Town, Ipoh, Malacca, Taiping, Kuala Lumpur and Kuching. Historic buildings

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usually provide significant physical characteristics of city. George Town and Malacca for instance, were part of the British Straits Settlements during the 19th century.

Traditionally, Penang Island has been a trading, commercial and Centerport center and continues to be a major growth center for the Northern Region of Peninsular Malaysia. During the early 1700's British power in the East, Captain Francis Light of the British East India Company, dated 1789, favored the establishment of trading port in George Town. For many decades, people of various descents had migrated to the island; Europeans, Chinese, Indians, Bugis, Arabs, Armenians, Persians, Siamese, Burmese, Sumatrans etc. The consolidation of these wide-ranging cultural influences has manifested itself in the interesting array of British colonial architecture found in the city of George Town today. The island manages to embrace modernity while retaining its colonial traditions, due to its well-preserved heritage buildings. Penang's capital, George Town, has been accorded a listing as a UNESCO World Cultural Heritage Site. Policy in relation to conservation and preservation of heritage is clearly stated under the Part II of National Heritage Act 2005, whereby subject to subsection 2, the Minister shall be responsible for providing or issuing policies, statements or directives in respect of any matter, business, strategy or conduct on the conservation and preservation of heritage. The Minister shall not provide or issue any policies, statements or directives under subsection (1) where the matter, business, strategy or conduct on the conservation and preservation of heritage concerns the power or jurisdiction of a State unless the relevant State Authority has been consulted.

This study, thus, aims to determine what is the protective designation, the provisions of law and guideline adopting by the City Council of George Town in order to control the development of the designated conservation areas, specifically, and the inner city of George Town, generally. These measurements are vital in order to build a lucid image and distinct identity of a heritage city which differentiates it from other regular cities elsewhere.

2. Literature Review

Conservation is enshrined as the process of managing change in ways that will best sustain the significance of a place in its setting while recognizing opportunities to reveal or reinforce its value for present and future generations. The Planning (Listed Buildings and Conservation Areas) Act 1990 defines a conservation area as an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. The areas are designated for a whole range of reasons. The one factor common to all designations is that they are based on areas, not individual buildings, whether listed or not. The historic spaces within these areas are just as important as the built heritage (English Heritage 2007, in Ratcliffe, Stubbs & Keeping, 2009). The heritage as been viewed as not just historic bricks and mortar, but as fundamental to the quality of life, to achieving sustainability, promoting urban regeneration, as well as making a key contribution to economic and social well-being (Ratcliffe, Stubbs & Keeping, 2009).

The characteristics of a city differ from one to another. While the cities of Europe and North-America formed within more or less similar societies, based on similar cultural concepts and ideologies, the cities of Southeast Asia have their own distinct history of diversity stemming from their position as nodes in long-distance trading networks or of cultural flows from India and China (Evers & Korff, 2000). Castells (1983) argues that "cities like all social reality are historical products, not only in their physical materiality, but in their cultural meaning" (Castells, 1983: 302).

The urban planners and the architects are integrated into the relations of production of space and the struggle among strategic groups (Ruland, 1996). In Singapore, urban resources are monitored at the urban policy level, with focus mainly on their heritage value. The government makes organizing efforts to restore heritage buildings and give them a new lease of life. For instance, the Waterloo Art Belt, instigated by the National Arts Council under the telling slogan 'Developing a distinctive global city for the arts', represents an attempt to

instigate a local creative hub, by promoting art institutions such as museums, galleries and art schools, situated in the center of the city with a number of rejuvenated colonial heritage buildings (Limin Hee, Davisi Boontharm & Erwin Viray, 2012). From the economic perspective the development of cultural industries can help create employment opportunities and diversify the structure of the local economy (Pacione, 2009 & Richardson, 1992: 148 in Parker, S., 2004: 167).

The plea for sustainable urban development, which directly addresses various social and environmental problems caused by immense urban growth, is a widely accepted and supported model all over the world today. However, according to Raquel Pinderhughes (in Limin Hee, 2012), most planners and policymakers continue to support uncontrolled expansion of unsustainable economic and urban activities infrastructure development and overwhelming consumption of limited natural resources. A study in Virginia revealed that visitors coming to historic areas tend to stay longer, visit twice as many places, and, on a per trip basis, spend two and a half times more money than other types of tourists. Preservation has continued to grow as a primary force in tourism development (Norman Tyler & Robert M.Ward, 2011). These have the power to regulate changes to historic structures in designated historic districts. Inclusion in a regulatory historic district provides protection against inappropriate changes to properties, helps stabilize property values, and counters deterioration. It also makes owners eligible for financial incentives, especially through tax credits for rehabilitation costs (Norman Tyler & Robert M.Ward, 2011).

3. Research Methodology

Secondary data were collected from various sources of related documents, including official government publications and records, such as the Laws of Malaysia, State Structure Plan and other related references whereas the primary data were gathered through site visits, observation and photographic recording of physical characteristics of buildings and areas, with the permission of the house owners and relevant authorities. Five distinct areas were identified for the study, each zone having different characteristics:

Zone 1: Area bounded by the fronting Brick Kiln Road, Magazine Road and C.Y.Choy Road.

Zone 2: Area bounded by and fronting Leith Street, Farquhar Street, Pitt Street and Chulia Street.

Zone 3: Area bounded by and fronting Pitt Street, Light Street, Pantai Street and Chulia Street.

Zone 4: Area bounded by and fronting Pantai Street, Downing Street, Pengkalan Weld and Gat China Street.

Zone 5: Area bounded by and fronting Carnavon Street, KampungKolam Road, Pitt Street, Chulia Street and Dr. Lim Chee Leong Road (previously known as Prangin Road).

The data was analyzed using descriptive analysis, photo interpretation as well as policies/strategies evaluation.

Figure 1: Map of Conservation Zones in Inner City of George Town



4. Results and Discussion

Protective Designation

The protective designation (Relevant Legal, Regulatory, Contractual, Planning, Institutional and Traditional Status of the Property) for Georgetown confines to the common principle of practice that are undertaken by the various government agencies from the recently established Department of Heritage, the Department of Museum (both within the Ministry of Culture, Arts and Heritage), the Department of Town and Country Planning and various local authorities (both within the Ministry of Housing and Local Government) in the whole of Peninsular Malaysia, played very important roles in maintaining and safeguarding the heritage entities within the country. Each of the department has within themselves operative measures govern by respective legislations and procedures:

1. The Antique Act 1976, Act 168

The Antique Act was drawn to provide for the control and preservation of, and research into ancient and historical monuments, archaeological sites and remains, antiquities and historical objects, and for all that is related to those aspects. The power and control is delegated to the Department of Museum and Antiquity to carry out the necessary procedures for declaration, acquisition and protection of ‘ancient monument’, ‘antiquity’, ‘historical object’, ‘historical site’ and ‘monument’ which are and ‘are reasonably believed to be at least one hundred years old or which is declared’ (or gazette by the Ministry responsible for the museum) ‘to be ancient museum’ (Section 15-1 and 15-2). The ‘ancient monument’ is defined as any monument which is or reasonably believed to be at least one hundred years old or which is declared as one.

2. Town and Country Planning Act 1976, Act 172

The Town and Country Planning Act is a law governing the urban and rural planning mechanism providing a comprehensive system of control and guidance for application in Peninsular Malaysia. Several sets of amendments were made from 1993 up to 2005. In 1995 and 2001 several amendments were made to include several outstanding procedures and regulations indirectly affecting the urban heritage conservation exercises. The 1995 amendment known as A933 introduces three important sections to include a compulsory submission of the Development Proposal Report, recognizing the role of urban planners to draw up development plans and the inclusion of a new section embodying the Tree Preservation Order. The 2001 amendment improves the preceding provisions by the inclusion of new items such as, the establishment of the National Physical Plan, the need for Structure Plan reviews and the preparing, reviewing and amending Structure Plans and most importantly, the inclusion of a section dealing with the preparation of Special Area Plan.

3. Local Government Act 1976, Act 171

The Act was drawn to regulate the functions of local authorities in Peninsular Malaysia and to provide ample powers for them to carry out their specific duties. In many respects [this Act compliments the Act 172 and Part XII Section 101©(iv) of the Act provides local planning authorities the power to contribute to maintaining historic buildings or sites and the power to acquire land for the specific purpose for maintaining a building or historic site. The content of this section is very much similar in context to those provided in Act 172. The Act also applies to the preservation of heritage buildings as it enables local authorities to raise or receive grants toward the establishment and maintenance of public monuments and memorials, art galleries and museums.

4. National Heritage Act 2005, Act 645

National Heritage Act 2005 is 'An Act to provide for the conservation and preservation of National Heritage, natural heritage, tangible and intangible heritage, underwater cultural heritage, treasure trove and for related matters'. Unlike the Antiquities Act 1976, this Act does not limit heritage to properties for 100 years and above, and there is no 'age' specified, for example, all the old towns built by the British should be preserved as a heritage. The Act clarifies the management of heritage in the country and recognizes, for the time, a specialized management unit under the Ministry of Culture, Arts and Heritage.

Under the new Act, there is a provision for the establishment of a Heritage Fund (Part V) which is to be controlled by the Commissioner for the purposes of purchasing heritage and conservation areas, expenses incurred for conservation and preservation including organizing campaigns, research, study, publication of materials etc. and grant or loan. Nine committees were recently formed by the Commissioner in reviewing the list of Heritage Buildings in the whole country.

5. Guidelines for Historical and Cultural Enclave

The guidelines for heritage buildings and building ensembles (Category I and II) shall apply where such building for preservation/conservation. The existing street pattern, external courtyards and space shall be preserved. Any redevelopment where permitted shall be designed for similar architectural style and character of the original buildings within the enclave. It shall comply generally with guidelines for development within conservation areas. The adaptive reuse of buildings from residential to other more economic uses, particularly those related to traditional, social, institutional and commercial activities and which will attract tourists will be encouraged. For the purpose of this paper the results and discussion will only be examined and analyze on Zone 1 and Zone 5 of the study areas.

5(i) Characteristics of Conservation

a) Description of Areas

Zone 1 is the area immediately adjacent to the KOMTAR comprehensive development plan of the urban renewal program undertaken by the State Government since 1980's. The area is characterized by a mixture of traditional double store shop house rows and terrace houses. Although the area is predominantly residential, there are also shop house type offices, cottage industries and motor repair shops. The area contains some of the most unique examples of the style of architecture prevalent during the early 1900's.(figure 2,3 &



Figure 2



Figure 3



Figure 4

Zone 5 is a clan established settlements and distinct residential neighborhood's adjacent to the historical district. This has resulted in a very unique character of courtyard planning of groups of terrace houses surrounding 'kongsi' or clans houses. The most well-known of these clans is the building at Cannon Square around the 'KhooKongsi'. Along Carnavon Street, LebuMelayu and LorongPrangin consists of rows of double storey terrace and shophouses, and also offices.

b) Historical and Architectural Considerations

This area of Zone 1 was appearing on a map of George Town dated as far back as 1883. The design of the terrace and shop houses depict the popular styles of the period in which they were built, for example, those built in the early 1920's along Magazine Road, graduating to those of the early 1940's along Cecil Street and Herriot Street. The preservation of these shop houses provided a historical link in the development of terrace and shop houses architecture in the city of George Town within twenty years period.

The uniqueness of terrace and shop houses in George Town is in the eclectic mixture of Chinese, Malays, European and colonial elements. Some of the distinctive Chinese characteristics is in the courtyard planning of the house interiors, the rounded gable end of the pitched roofs, the use of the granite in the corbels, column bases and verandah floor edgings, as well as in the fan-shaped or bat-wing shaped air vents above the first and ground storey windows respectively. In certain instances, Malay influences can be seen in the carved timber panels used as fanlights above windows, as well as in the timber fretwork for balustrades, eaves and fascia boards. The European influences can be seen in the louvered shutters, the

French or Venetian windows sometimes used in the upper floors, the decorative plasterwork and the paneled main doors.

The existence of Zone 5 (LebuhAcheh, LebuhMelayu and Lebuh Armenian) in the map of George Town dated 1803 indicates the very early historical settlements origins of this area. The street names reflect the early inhabitants; the first Arabs in Penang settled in LebuhAcheh. They were predominantly Hadramant Arabs, and largely traders who formed an elite group of the Islamic community in the country. In every Arab settlement on the island, an Arab landmark either in the form of a mosque or a school, though both are often related, remains to this day. In the area of LebuhAcheh, stands the Malay Mosque (Jamek) LebuhAchehLebuhAxheh which is one of the notable mosques erected by the Arabs, built in 1808 by Syed Sheriff Tengku Syed Hussain Al-Aidid. Besides the Arabs, the Chinese who immigrated to Penang also settled in this area. They brought with them their rich culture, traditions and customs. The Kongsi or Clan Houses, being a symbol of unity amongst members of a Clan and the centre of workshop, welfare work and the conducting of Clan affairs, reflect as a form of institutions and practices to be continued in the new land. Some of the prominent Clan Houses still standing today include the KhooKongsi (1835), CheahKongsi (1801), Tan KONGsi (1830), Lim Kongsi (1863) and YeohKondsi (1840). The Kongsis for example, have identified Chinese origins in the use of the two-side hall form, the Chinese joint brackets carved wooden figures, the roof bracket systems, and painting on timber.

5(ii) Guidelines for Conservation and Development Control

a) Guidelines for Heritage Buildings and Building Ensembles

The guidelines for Heritage Buildings and Building Ensembles (Category II) by City Council shall apply to the study area. The existing external appearance of the building shall be preserved and no alteration to any part of the façade shall be permitted, other than works necessary for restoring it to, and maintaining it in, a proper state of repair. Partial site redevelopment may be permitted depending on the situation and any additional or extension to the existing building shall only be permitted depending on the merit of the proposal. However, interior alterations shall be permitted subject to approval from the Council. Adaptive re-use of the building shall be permitted so long as the appearance of the building is not impaired. Any roofing shall be of the original material or material close to the original, and no mechanical ventilation or part thereof shall be visible from the street.

b) Guideline 'A' for Development Within Conservation Areas

The guidelines 'A' for development within this conservation areas consists of seven categories, namely as building height, roofing, building façade, verandah ways, windows, materials and others. The height of any new development shall not be more than 16.0 meters measured from ground level to the eave of the roof. Cable roofs shall be provided and shall conform to the pitch of existing adjacent buildings, and the roofing materials shall be of tiles or of similar material. For building façade, the height of each floor shall be in line with that of adjacent buildings, or if the heights of the existing buildings in the row are not uniform, they shall conform to the average floor height for the row of buildings as determined by the Council. For a development on more than one existing building lot, or with a frontage exceeding 12.0 meters, the façade treatment shall create an impression of an ensemble of buildings or shop houses with widths similar to those of existing adjoining buildings.

The guideline 'A' also stated that verandah ways shall be provided if the building abuts on any street. The floor level and a height of verandah ways shall be in line with those of existing adjoining buildings, or if the floor level and a height of verandah ways in the existing buildings in the row are not uniform, they shall conform with the average level and height as determined by the Council, and the height of verandah ways shall not be more than one storey high. Under the same provisions of this guideline, the size and proportion of windows

shall be compatible with those of existing adjoining buildings, and arched or segmental arched windows which echo that of existing ensembles are encouraged.

c) Guideline 'B' for Development within Conservation Areas

Guideline 'B' for development within these conservation areas consists of five categories, namely as building height and form, building façade, verandah ways, materials and others. For a development on an existing lot, or with a frontage of 12 meters or less and with a land area of 464.5 sq.m (5,000 sq. ft) or less, the height of the new development shall not be more than 16.0 meters measure from the ground level up to the eve of the roof. A development on an existing lot or lots with a frontage exceeding 12.0 meters and with a land area the present guidelines for control of plot ratio for commercial, hotel and mixed developments and control of density for residential developers. If the development exceeds 16.0 meters in height, the development shall be in the form of a podium block not higher than 16.0 meters with the rest of the building above the podium set back at least 3.0 meters from the building line. The façade shall emphasize both vertical and horizontal elements. The guidelines for verandah ways, materials and others in this guideline are found similarly as what have been provided under the Guideline 'A', as discussed above.

Guidelines for Heritage Buildings and Building Ensembles (Category I) applied for Zone 5. The guidelines provided that no demolition, alteration or extension of the building other than development or works necessary for restoring it to, and maintaining it in, a proper state of repair. This guideline shall apply to the following buildings; Kapitan Kling Mosque (Lebuh Pitt), Yap Temple and CheahKongsi (Lebuh Armenian), Hock Teik Cheng Sin KONGsi and Leong Sun Tong KhooKongsi (Lebuh Cannon), Masjid Melayu (LebuhAcheh), Teochew Kongsi (LebuhChulia), Lim Kongsi, Tan Kongsi and Central Fire Station (LebuhPantai). The Guidelines for Heritage Buildings and Building Ensembles (Category II) shall apply to all buildings in Lebuh Cannon and Cannon Square, row of terrace houses in Lebuh Armenian, LebuhAcheh, LebuhPantai, LorongToh Aka and Halaman She Tan. The guidelines 'A' and 'B' for Development within Conservation Areas shall also apply to the area designated as historical and cultural enclaves in Zone 5, as applicable in Zone 1.

5. Suggestions and Conclusion

Conservation of built heritage is one of the elements of urban planning and development practices. The restoration of historical areas adds variety to streetscapes and modulates the scale of urban fabric, creating the visual contrast and excitement within the city while protecting the important representations of the past. It adds to the distinctive character and identity of the city, giving it a sense of history and memory of the place. Penang's heritage buildings are selected for conservation based on their historical and architectural significance, rarity in terms of building types, styles, and their contribution to the overall environment. The declaration of George Town as a living heritage city remarks the continuous and consistent efforts ensuring stringent management of heritage controls in order to maintain the site over the long term and provides access to global preservation expertise.

The main problem of heritage conservation in the study area is the building's owner demolished their building without informing the local authority, and they declared not knowing about the laws and guidelines of heritage buildings. Therefore the participation and involvement of the residents of a place are essential to the success of its conservation programme. The organization and individuals responsible for policy decisions should be given specific responsibility to protect the areas. Investigation of a place by multidisciplinary professionals for any other reason which requires physical disturbance and which adds substantially to a scientific body of knowledge may be permitted, provided that it is consistent with the conservation policy for the place. There should be greater participation of actual city people of all walks of life in the planning process. The historical preservation of city neighborhoods reflects a collectively built environment and therefore the culture of people who built it and continue to take pride in it (Archer, 2013).

Cities should be utilized by the federal government as engines of sustainable economic growth, cultural diversity and advanced social policy, but they should not become reservations for certain groups of populations. For example, the government's White Paper 'Heritage protection for the 21st century' was published on 8 March 2007. Even though it did not present a radical vision of the previous legislations but one that sought to rationalize the many different protection regimes, and one that sought to introduce some transparency and judicial fairness in the determination of special interest and therefore, the decision to protect a building or site. One of the three core principles applied was that of engaging with the planning system, and acknowledged that the historic environment constituted an essential element of building sustainable community. The policy emphasis previously given to the benefits of heritage in fostering a sense of place would now be a part of the new legislative system.

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