FACULTY OF COGNITIVE SCIENCE
AND HUMAN DEVELOPMENT

REVIEWING EXISTING POLICY AND PRACTICES
RELATING TO THE USAGE OF PUBLIC PLACES
IN THE CITY OF KUCHING SOUTH:
AN ACTION RESEARCH CASE STUDY.

by

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A thesis submitted
in partial fulfilment of the requirements for the degree of
Master of Science

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DEDICATED

To my dear parents,
Hj. Said Hj. Bujang and Hjh. Fatimah Hj. Hasbi,
for applauding my efforts, enjoying my triumphs,
and accepting my imperfections.
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This study was undertaken to review existing policy and practices relating to the use of public places by traders and businesses in the City of Kuching South, with a view to making them more effective using Action Research methodology. Over the past few years, the Council of the City of Kuching South had shown much concern on the indiscriminate use of public places as extended areas for trading purposes. All over the city, items like tables and chairs, food stalls, food and/or drinks dispensing machines and motorcycles could be found placed in public places especially public walkways, pedestrian malls, back-lanes and parking places.

Although the Council had made a policy on the authorised use of these public places, the implementation and enforcement of this policy met with some roadblocks. The policy was found to be only suitable to grapple certain situations. A review was therefore felt necessary to look at the problem from a different angle and to develop practical action steps with respect to the unauthorised usage of public places by traders and businessmen in the City of Kuching South.

From the researcher's review of available literature on the subject, the researcher could not find any information concerning the use of action research in policy making or reviewing of local government policy in Malaysia. In this study, Action Research methodology was used to introduce new guidelines and proposals for the top management of Kuching South City Hall to consider and bring up to the Council for endorsement. The processes and spiral of six action research mini cycles of planning, acting, observing and reflecting that emerged in this study contribute to knowledge in that it demonstrated how action research could be used to review local government policy and practices. Action research was also shown to have contributed to improvement by allowing the Action Research Group to make innovative suggestions. Participation in action research had also engaged the members of the research group, including the researcher, in the pleasure of experiencing action learning which in turn contributed to Cognitive Learning and Human Resource Development.
MENGKAJI SEMULA POLISI DAN AMALAN-AMALAN
BERHUBUNG DENGAN PENGGUNAAN TEMPAT-TEMPAT AWAM
DI BANDARAYA KUCHING SELATAN:
SATU KAJIAN KES KAJIAN TINDAKAN


Walaupun Majlis telah membuat dasar untuk membenarkan penggunaan tempat-tempat awam ini, dasar tersebut didapati sukar untuk dilaksanakan dan dikuatkuasakan memandangkan ia lebih sesuai untuk situasi tertentu sahaja. Oleh itu, satu kajian semula dirasakan perlu untuk melihat masalah tersebut dari sudut yang berbeza dan untuk membangunkan langkah-langkah tindakan yang praktikal.

CHAPTER 1

Introduction

This Chapter introduces the purpose of the study, background to the problem and research questions to be answered in this study. It then outlines the research design, describes the limitations of the study, highlights the assumptions in the study and briefly discusses the significance of the study. Last but not least, it gives a definition of terms that are frequently used throughout this study.

Purpose of Study

The purpose of this action research project study was to review the existing policy and practices relating to the usage of public places in the City of Kuching South with a view to making them more effective using Action Research Methodology.

Background to the Problem

During the past few years, councillors and administrators alike had expressed much concern on the indiscriminate use of public places as extended areas for trading purposes. All over the city, items like tables and chairs, food stalls, food/drinks dispensing machines and motor-cycles could be found placed in public places especially on public walkways, pedestrian malls, back-lanes and parking places.

This concern was first expressed by the then Mayor of the City of Kuching South, The Honourable Datuk Song Swee Guan, PGBK, JBS, PBJ, in his Circular to the chairmen of the various standing committees dated 6th June, 1995. He later appointed an ad-hoc committee headed by the Deputy Mayor to discuss the matter at "councillors' level. As the said use of public places mostly involved food outlets, it was later decided that the matter ought to be put up for discussion at the Standing Committee for Environment and Public Health ("the EPH Committee") meeting which was held on 21st August, 1995. After reaching a consensus on a list of recommendations, the same was tabled to the Standing Committee for Traffic and Infrastructure Development ("the Traffic Committee") on 14th September, 1995 because many of them touched on the flow of traffic and the right of way. The Traffic Committee made some amendments to the recommendations and a slightly different list was put up to and endorsed by the full Council at its monthly meeting in September, 1995.

To ensure the smooth running of the new policy made by the Council, a task force headed by the City Secretary as the chief administrative officer of the Council was formed. Members of the task force comprised mainly of enforcement inspectors from the Enforcement Division, building inspectors from the Building and Landscaping Division and health inspectors from the Public Health Division of the Council.

The plan was to take action against food shop operators with effect from 1st January, 1996 for a start, based on policies and guidelines made by the Council in September, 1995. During this operation, photographs were taken to keep a record of the
extent of unauthorised usage of public places by food shop operators. Once the situation at or around food shop premises have been put under control, it was proposed that the unauthorised usage of public places at or around non-food premises be tackled next.

The enforcement of the new policy seemed to be going well at the start. However, due to one reason or another, some of food shop operators who had complied with the Council’s policy at the initial stage began to move back their things into the public place. The new Mayor and City Secretary who were both appointed in early 1997 therefore found that they had to tackle the same issues faced by their respective predecessor.

Looking at the results of inspections which were carried out during the Task Force operation in 1996, it was found that the current polices of the Council could only be used to grapple certain situations. It was therefore timely that a review be conducted to look at the problem further from a different angle and to develop practical action steps with respect to the unauthorised usage of public places by traders and businessmen in the City of Kuching South.

Research Questions

Taking into account the purpose of this study as mentioned earlier, the main research questions that formulated the basis of this study were:

1. What was the nature and extent of unauthorised use of public places by traders and businesses in the City of Kuching South?

2. How could Action Research contribute to improvement?

To determine the contribution of action research, the corollary research question was therefore: What did Action Research contribute?

Research Design

Action research is used in this study to introduce new guidelines and proposals for the top management to consider and bring up to the Council for endorsement. Action research is a process of systematically collecting research data about an ongoing system. Its purpose is to develop or discover aspects of the system's operation that can lead to improvement and change. The process involves understanding the system, defining solutions or discoveries, applying and modifying these solutions, and assessing the results of the actions.

Most writers agree that action research has the following characteristics:
- cyclic — similar steps tend to recur, in a similar sequence;
- participative — the researcher and members of the action research group are involved as partners, or at least active participants, in the research process;
Introduction

- qualitative — it deals more often with language than with numbers; and
- reflective — critical reflection upon the process and outcomes are important parts of each cycle.

The researcher's justification on the use of an action research method for this study is provided in Chapter 3.

Limitations of the Study

This study investigated the use of an action research methodology in reviewing local government policy and practices. The group of research participants in this study comprised of staff of various levels in the Council of the City of Kuching South.

The study was limited because it analysed the application of an action research methodology in reviewing policy and practices relating to a specific issue in a specific location in the City of Kuching South.

As the action research group could meet only between zero to three times in a given month over a period of seven months, time was a limiting factor in this study. The study was further limited due to the fact that the action research study was not scheduled by the Council, but by the funding agency. The proposed schedule was only made known to the Council by a letter dated 29th November, 1997 from the Chief Minister's Office, Sarawak, addressed to the City Secretary. The researcher and research participants therefore had to work out a new meeting schedule which had to be amended from time to time as the priority of the research participants were to perform their daily tasks, duties and responsibilities related to the office. The Action Research schedule was tentative, flexible and subject to change because the nature of Action Research teams is not in the Council organisational culture.

The use of participant observation as the main technique for data collection also placed some limitations on the study. In participant observation, the observer becomes part of the social setting and has an effect on it. It is acknowledged that a non-participant observer might have recorded different observations from those recorded by the researcher. In this study the views of non-participant observers were relevant to answering the corollary research questions.

Assumptions

It is assumed that all relevant material was uncovered by keyword search of the CD-ROM searching of the literature.

It is also assumed that all the data collected were accurate and reliable. This includes an assumption that the researcher was capable of accurately and objectively recording observations made during the group meetings.

This study relied a lot on what people said or wrote, so there is an assumption that individuals were honest in recording how they felt about an issue.
Introduction

Significance of this Study

This study contributes to knowledge in that it introduced how action research could be used in policy making and the implementation thereof in a local authority. As the researcher could not find any examples of the use of action research in Malaysia to review existing policy and practices in a local authority, policy makers and administrators should find this study useful because it provided a model for the review of public policy using the action research methodology.

Definition of Terms

The following terms will be used frequently throughout the study:

An Action Research Methodology:
A research methodology, first developed by American social psychologist Kurt Lewin, through which change can be introduced into organisations. It is usually described as cyclic, with action and critical reflection taking place in turn. The reflection is used to review the previous action and plan the next one.

By-laws:
Subsidiary legislation which is made under parent legislation are called 'by-laws'.

City Council or Council:
Unless specified otherwise, "Council" refers to the Council of the City of Kuching, South, a body corporate established under the Local Authorities Ordinance, 1996.

five-foot-way:
Throughout this study, this term is used to refer to that part of the ground floor of a shophouse located just outside the shop but within the building boundary which is set aside for the use of pedestrians, so-called because it is usually five feet wide.

Ordinance:
Throughout this study, ordinances are used to refer to laws passed by the Sarawak State Legislative Assembly (Dewan Undangan Negeri Sarawak).

pedestrian mall:
A pedestrian mall is an open space between two rows of shophouses specially reserved for the general public to walk along.

Policy implementation:
Policy implementation means the execution and steering of policy actions over time. An adopted policy is carried out by administrative units which mobilise financial and human resources to comply with the policy.
practices:
This term is used in this study to refer to how things are carried out, in contrast to how they should be done as prescribed on paper, especially in the By-laws.

public place:
Under the Local Authorities Ordinance, 1996, "public place" means any public road, street, square, alley, lane, footway, wharf, jetty, quay, bridge, parking place, garden, and any open space, public park, or special areas for greens constituted under the Public Parks and Greens Ordinance, 1993, and any place within the area of jurisdiction of a local authority, whether enclosed or not, set apart or appropriated for the use of the public or to which the public shall at any time have access, with or without payment of any fee, charge or consideration.

review of policy:
In this study, to review an existing policy means to have another look at the policy concerned.

shophouse:
As the name suggests, this term is used to refer to buildings erected for dual purposes - as a shop and a house. The building can be two to three storeys high, with the top floor used as a residence.
CHAPTER 2
Literature Review

Introduction

The purpose of this study was to investigate the use of an action research methodology in reviewing the existing policy and practices relating to the usage of public places in the City of Kuching South with an intent to make them more effective in action. This chapter contains selected excerpts from the literature reviewed by the researcher which were considered necessary towards answering the research questions, in particular, "How could Action Research contribute to improvement?" and its corollary question. "What did Action Research contribute?"

Policy Making and Implementation

The term 'public policy' is usually understood to refer to a course of action decided by the government for government officials to follow. Dunn (1994), has described 'public policy' as "a complex pattern of interdependent collective choices, including decisions not to act, made by governmental bodies and officials." (p.85)

In the words of Gu Jiaqi (1992), a rational policy is "a product of a rationalized policy making process." According to him, decisions on important issues have to go through the following procedure: putting forward draft decisions; conducting feasibility studies; extensively enlisting views and comments; and holding discussions and debates in a frank and democratic atmosphere. The policy-making process has been conceptualised by Dunn (1994) "as a series of interdependent phases arrayed through time: agenda setting, policy formulation, policy adoption, policy implementation and policy assessment".

Policy changes are usually introduced into situations in which prior policies have created conditions and expectations that affect the viability of new responses to public problems. The process of implementing and sustaining the policy decision is not without difficulty and risk. Grindle and Thomas (1991) noted that the difficulty of turning decisions into reality was often inadequately acknowledged in both theory and practice. From their observations, policy makers tend to assume that decisions to bring about change automatically result in changed policy or institutional behaviour. They assert:

The effects of a change in policy become more visible as implementation proceeds, and there are likely to be more challenges to the original conception of the reform. In this process, the characteristics of the policy will have an important influence on the nature of the reaction or response to change (p. 126).

In local government, elected or nominated politicians in the community, such as mayors and councillors, regularly influence the implementation of public policies. However, high-level bureaucratic employees, such as city managers (or, in the context
of the City of Kuching South, the City Secretary) play an even more important role in shaping policy agendas and in formulating new policy.

According to Morgan and Watson (In Teske and Schneider, 1994, p. 336), when mayors are not leading policy, "city managers may be compelled to play an active policy role, largely by necessity, but their leadership is likely to be less publicly visible and more formally constrained than would be the case for directly elected officials."

Decisions made by policy makers were often influenced by societal interests. Whatever the issue, interest groups play an identifiable and significant role in articulating citizen and organisational interests in industrialised countries. In developing countries, societal interests were often likely to be represented through informal processes rather than from more public forms of lobbying. According to Grindle and Thomas (1991),

_Bending the rules, seeking exceptions to generalized prescriptions, proffering bribes for special consideration, having a friend in city hall — these are immensely important aspects of political participation in developing countries and often become more important the more closed the policy-making process is (p.66)._

Another form through which the unrepresented make their interests known is public protest. This situation has been expressed by Grindle and Thomas (1991) as follows:

_When the public begins to see itself harmed by government action, and in the absence of established groups to represent its interests to the government, public protest is often the only outlet for making demands known to government. Such protests may come from an identifiable group, like workers in a particular industry, or a broad cross-section of the aggrieved (p.67)._

**Customer Service in Local Government**

In the business world, customer service may be likened to the fulfilment of the customer's order. The customer's only concern is with the end result — the delivered goods. Customer service in the local government context is however, not so obvious. Customers, or ratepayers, seldom say what they want, or rather they are not given the chance to ask for what they want. Nevertheless, municipal authorities have to be creative and innovative in meeting customer needs and requirements. They have to be able to introduce changes and improvements which are beneficial to the citizens at large.

McClenendon (1992) argues that reform and change based on a commitment to customer service and empowerment is the future of the planning profession and local government. He cited Goodman, R. as saying, "the makeup of a neighborhood commune or whatever it's called should ultimately be based on the free choice of individuals coming together to create a common way to live, not simply because planners are trying to create neighborhoods with bourgeois 'vitality'" (p. 19).
Literature Review

In discussing the topic of being sensitive and scanning the political environment, McClendon (1992) discusses Arnold Meltser's 1972 paper entitled 'Political Feasibility and Policy Analysis' wherein Meltser proposed that political problems should be analysed "in terms of the actors who are concerned about the problem, their beliefs and motivations, their resources that the actors can use, their effectiveness, and finally the sites where and when decisions will be made" (p.48).

Actors referred to by Meltser (as cited in McClendon) were the various individuals, groups, or entities that would or might be affected by the problem and its solution. In a nutshell, Meltser's approach to political scanning involves the following steps:

1. to prepare a list of actors and assess each one's level of interest and potential for involvement;
2. to identify and then develop a better understanding of the beliefs and motivations of the various actors;
3. to evaluate each actor's resources — be they financial or technical, or even tangibles like power, prestige, friendships, and influence;
4. to diagram the formal and informal decision-making process, identifying the key sites or decision points and their anticipated order of progression.

In the same work, McClendon also cited Wagenheim and Reurink (1991) as saying, "Any organisation that goes through the process of defining who its customers are automatically increases its effectiveness through a more precise focusing of organizational energy" (p.178).

Use of Public Places by Traders and Businesses

It was noted that many local authorities exercised some kind of control or another over the use of public places by traders and businesses in their respective jurisdiction.

In the September, 1995 issue of the Village Voice (Vol. 40, p.13), city officials were reported to have overlooked a licence lack in respect of illegal sidewalk cafes on Mulberry Street in Little Italy. The decision made by the city authority was to turn the street into a pedestrian mall for most weekend hours. Cars were only permitted to ply through the street during the week. This caused discontentment amongst the local residents who feared that Mulberry Street would degenerate into an Asian-dominated open-air vegetable and fish market. They saw the problem as similar to the one they had encountered the previous year, whereby Little Italy merchants had pushed the city authority to bar the mostly Asian peddlers who crowded along Grand Street, arguing that even licensed vendors made sidewalks impossible. However, when the city moved most of the vendors into a market in a nearby park in October, 1994, many Asians blamed racism, saying that the city authority selectively enforced its vending rules.

Plans for new and more diverse public places seemed to have become top priority in many cities all over the world. The City Council of Vancouver, for example, has declared in "CityPlan: Directions for Vancouver" that:
Vancouverites seek new and more diverse public places — places where people can relax, walk, bike, socialize, celebrate, and play. There will be: more parks for areas of the city that need them; streets that serve pedestrians as well as cars; more extensive greenways to explore and enjoy on foot or bike; and more welcoming public places downtown.

A restatement made on the state of the Australian Capital Territory law as at October, 1995 (Restatement: Municipal Law) showed that the municipal authority prohibited certain temporary activities in a public street. The gist of the legislation was that no person was allowed to collect money or sell goods from members of the public in a public street, road or thoroughfare unless he was licensed under the Collections Act 1959 or held a hawker's licence, as the case might be.

On use of streets, sidewalks and public places, the General By-laws of the Town of Lexington, Massachusetts (Article XXV, section 6) provide that:

No person shall without a proper permit obstruct the free, open and convenient use, by the public for travel, of any sidewalk, street or public parking lot by occupying the same with goods, wares, merchandise or other chattels, or by using the same as a place of resort, amusement, recreation or business.

A review of the local government law in Greater London showed that street trading was allowed in designated streets. Under the London County Council (General Powers) Act 1947, "a London borough council may from time to time by resolution designate any street within the borough as a street in respect of which the council will entertain applications for the grant of street trading licences".

However, before passing such a resolution, the council must consult with the Commissioner of Police of the Metropolis; must post a notice in some conspicuous part of the street and publish it in a local newspaper; and must consider any written representations made to the council before a specified date by any persons residing or trading in the street (Halsbury Laws of England, Vol. 40).

In Malaysia, some local authorities control the use of public places by making by-laws relating to hawking in streets and roadverges. Hawkers are allowed to put up their stalls in streets which are closed to traffic at certain hours approved by the local authority. The Licensing of Hawkers and Stalls (Federal Territory of Kuala Lumpur) By-laws, 1989, for example, prohibits any person from hawking or operating a stall without a valid licence from the City Hall of Kuala Lumpur (Gnanarajah, 1992).

**Action Research and Action Learning**

Action research involves learning how to find out what you need to know. It is used to describe "a spectrum of activities that focus on research, planning, theorizing, learning, and development. It describes a continuous process of research and learning in the researcher's long-term relationship with a problem" (Cunningham, 1993, p.4).

Cusins (1996) has propounded that action learning is a syndrome of four main activities, namely (a) experiential learning; (b) creative problem solving; (c) acquisition of relevant knowledge; and (d) co-learner group support. In his opinion,
when performed effectively, these activities would enhance and expand each other to create a context for creative decision making in uncertain situations, resulting in the learner feeling more confident of an effective outcome.

The main research question to be answered in this study was: "how could Action Research contribute to improvement?" and the corollary question was: "what did Action Research contribute?"

The study seeks to demonstrate how a team of people, irrespective of educational background and work experience can come up with a collective recommendation for improvement using Action Research. It also undertakes to show that Action Research can contribute to group as well as individual learning amongst members of an action research group. Research participants are expected to draw collective learning from a collective experience through their participation as a group using action research. As research participants go through the cyclical processes, they will also experience individual experiential learning which is unique to the individual, along with group experiential learning as they draw their learning from the same change activity.

A more detailed discussion on action research and action learning will be covered in Chapter 3.

Action Research and Organisational Change

In order for action research activities to effectively contribute to organisational change, there must be a clear direction; an organisation which is accustomed to change; pressures for change; skilled facilitators; and support from credible people (Cunningham, 1993).

*The direction and commitment to*. The organisation not only needs to have a direction or goal, but more importantly, there must be a commitment to it. As concluded by Cunningham (1993), "when people publicly understand the need for change and publicly announce their goals and directions, there is greater commitment and more persistence" (p.256).

*The self-renewing organisation*. It is important for today's organisations become accustomed to change. Cunningham (1993) describes an innovative organisation as one which is "continually learning and adapting to changes with itself and its environment" (p.256).

*The pressure for change*. People would naturally resist to change if they feel happy with the status quo. In order for the organisation to readily accept change, there must therefore exist some kind of dissatisfaction or grievances in respect of the prevailing situation. In other words, there must exist tensions or pressures which bring a need to change. At the same time, people must "perceive that a change will lead to desirable outcomes" (Cunningham, p.256).

*Skilled facilitators*. Many writers agree that a skilled leader, consultant, or internal facilitator is necessary in assisting to bring about a change (Abraham;
Cunningham; Kemmis and McTaggart). Cunningham is of the view that the credibility of the facilitator "depends on a number of variables such as past experiences within that system, customs, values, norms, and expectations" (p. 257). For successful changes to occur, the internal resource people in the organisation, described by Cunningham as those "who possess assessment-prescriptive skills" need to be carefully selected. In addition to this, groups need to be involved in the process of change.

Support of credible people. Other than getting the support from the top management, support from employees affected by the change need also be obtained. Cunningham comments, "Most commitment strategies indicate the importance of participation and involvement of organizational participants in reexamining problems and practices." (p.257) He further suggests that employees who would be affected by the proposed change should be involved in the design of the change strategy and that the final implementation should take into account the needs of the people who are going to make the proposed change work.

The Power of Teamwork

As members of the action research group are expected to work together as a team, a brief discussion on the power of teamwork is included here. As children, we were told of a classic story of an old man who showed the importance of teamwork to his three sons who were constantly quarrelling and arguing with one another by asking them to break a pile of sticks which were bound together. By demonstrating how difficult it was to break the bound sticks as compared to how easy it was to break the sticks when they were separated from the pile, the old man taught his sons the significance of team cohesiveness and co-operation.

Lumsden and Lumsden (1993) have defined a team as "a diverse group of people who share leadership responsibility for creating a group identity in an interconnected effort to achieve a mutually defined goal within the context of other groups and systems." They distinguish a team as having the following characteristics:

A team is a diverse group of people. In a team, more than in a casual group, specific and different resources and abilities are needed from each individual to accomplish the task.

Members share leadership responsibility. They help the group interact and move along the task. Because of the diversity of contributions and the specificity of the task, every member must guide the team whether there's a designated leader or not.

A team creates an identity. Much more than an ordinary group, a team develops a particular identity, a self-image, that becomes a cohesive and motivating force for the team.

Its efforts are interconnected. The team constantly weaves and coordinates the contributions of each member to develop a tighter energy and focus than most groups have.

Members work to achieve a mutually defined goal. Members communicate intensively to develop a consensus as to goals and how to achieve them.
The team works within the context of other groups and systems. A team affects and is affected by the context, the environment, and the system within which it works. Although this often is true of other groups, the relationship among the team, the task, and other systems is more likely to be critical to the team's functioning (p.14).

To ensure that the group will work effectively as a team, every effort will be made to make this possible. Butler (1996) proposes seven techniques to enhance creativity and teamwork:

1. thinking out of the box — a technique designed to help participants see the value of thinking in new and different ways;

2. new glasses — a simple technique to help participants look at the meeting agenda's topics through 'new eyes', supporting them in leaving their biases and old perspectives behind;

3. incrediballs — a technique that motivates people to work together as a team and challenges them to think about ways to work together differently and more efficiently;

4. team learning —a technique that provides a work team with the resources and mechanisms to learn new information;

5. two truths and a lie — a team-building exercise that provides participants with personal information that reveals more about the other team members as individuals;

6. milestones —a technique that allows for participants to learn more about the members of their group, thereby building a stronger sense of team; and

7. the funeral — a technique for helping a group put the past aside and prepare for the future.
CHAPTER 3
Methodology

Introduction

This chapter will first focus on the thematic concern of the project and henceforth move on to give a brief description of the site/background/need for the study. It will then outline the purpose of the study and research questions to be answered in this study, and provide justification on the use of the action research methodology. The chapter will conclude by giving a justification of the action research methodology adopted in this study.

Site/Background/Thematic Concern.

Site.

The site for this study is the Head Office of the Council of the City of Kuching South, which is located at Padungan Road, Kuching. The city of Kuching, which is the capital of Sarawak, Malaysia, is locally administered by two separate authorities, namely the Commissioner of the City of Kuching North, a corporation sole established under the City of Kuching North Ordinance (Sarawak Ordinance No. 1 of 1988) and the Council of the City of Kuching South, a body corporate established under the Kuching Municipal Ordinance (Sarawak Chapter 116) as amended by the City of Kuching Ordinance, 1988 (Sarawak Ordinance No. 2 of 1988).

Background to the Problem/Thematic Concern.

The thematic concern defines the substantive area in which the action research group decides to focus its improvement strategies (Kemmis and McTaggart). In this study, the thematic concern is in developing strategies to ensure that public places in the City of Kuching South are free from any form of obstruction.

Although the Kuching Municipal Council (Anti-litter) By-laws, 1979 (Swk. L.G. 26 of 1979) prohibit the display of goods, article or thing in connection with any trade or business in any public place and regard such action as an obstruction under the By-laws, the Council of the City of Kuching South wishes to exercise its discretion to decide whether certain activities can be carried out in public places or otherwise.

The main functions of the Council are to provide municipal services to the residents of the city of Kuching South. These include traffic and infrastructure development, collection and disposal of refuse, provision and maintenance of recreation parks, road islands and road verges, construction and maintenance of roads, consideration and approval of building plans, and provision of public parking places.
Methodology

The revenue of the Council primarily consists of grants from the state government of Sarawak (for specific projects), rates, licence fees, parking fees, rentals of market stalls, and rentals of the Council’s flats.

The Councillors and administrators of the Council have expressed much concern about the indiscriminate display of goods and articles in connection with trades and businesses in public places. Tables and chairs, food stalls, food/drinks dispensing machines and motor-cycles are placed in public places especially public walkways, pedestrian malls, back-lanes and parking places.

This concern was first expressed by the then Mayor of the City of Kuching South, The Honourable Datuk Song Swee Guan, PGBK, JBS, PBJ, in June, 1995 who later appointed an ad-hoc committee headed by the Deputy Mayor. The matter was put up for discussion at the EPH Committee meeting in August, 1995 and subsequently, to the Traffic Committee the following month. The recommendations of the Traffic Committee were tabled to and endorsed by the full Council at its September meeting.

Once the policy was made by the Council, a task force headed by the City Secretary as the chief administrative officer of the Council was formed to look into the implementation thereof. Members of the task force comprised mainly of enforcement inspectors from the Enforcement Division, building inspectors from the Building and Landscaping Division and health inspectors from the Public Health Division of the Council.

The plan was to take action against food shop operators with effect from 1st January, 1996 for a start, based on policies and guidelines proposed by the ad-hoc committee to the Standing Committees for Traffic and Infrastructure Development and Environment and Public Health, respectively. During this operation, photographs were taken to keep a record of the extent of unauthorised usage of public places by food shop operators. Once the situation at or around food shop premises have been put under control, it was proposed that the unauthorised usage of public places at or around non-food premises be tackled next.

Nevertheless, despite the efforts of the Task Force, things did not exactly work out as planned. In the process of enforcement of the policy and guidelines which had been endorsed by the Council, it was found that the policy and guidelines were ambiguous and open to various interpretations by members of the Task Force, who were divided into various zones based on locality. Although some of food shop operators complied with the Council’s policy at the initial stage, they began to move back their things into the public place when they saw that others had not complied with the same.

With the appointment of a new Mayor and a new City Secretary in early 1997, new policies and guidelines were introduced to confront the same issues, when in fact the earlier plan was to proceed with drawing policies and guidelines for usage of public places by those operating other trades and businesses.
The results of inspections which were carried out during the Task Force operation in 1996 have revealed that the prevailing problem necessitates a case to case analysis depending on the type and location of trade or business. It is therefore timely that a review be conducted to delve into the problem further from a different angle and to develop practical action steps with respect to the unauthorised usage of public places by traders and businesses in the City of Kuching South.

**Purpose of Study**

This action research project study aims to review the existing policy and practices relating to the unauthorised usage of public places by traders and businesses in the City of Kuching South with a view to making them more effective in action using Action Research.

**Research Questions**

The research questions to be answered in this study were:

1. What is the nature and extent of unauthorised use of public places by traders and businesses in the City of Kuching South?

2. How could Action Research contribute to improvement?

A corollary question which followed was:

What did Action Research contribute?

**Literature Review.**

**Action research literature review**

Action research has been used in organisational problem-solving in the American industry since the early 1940s. In the words of Kemmis and McTaggart (1988, p.5), action research is "a form of collective self-reflective enquiry undertaken by participants in social situations in order to improve the rationality and justice of their own social or educational practices, as well as their understanding of these practices and the situations in which these practices are carried out."

Cunningham (1976, p.216), as quoted by Abraham (1997, p. 20), has defined the action research methodology as having the following features:

1. It is undertaken by organisation members, assisted by outside consultants or an Action Research Group.

2. It stresses member participation in both research and action.
3. It stresses the group dynamics and social forces that enhance or inhibit group action.

4. It is a process for changing behaviour which emphasises planning, execution, and evaluation.

One interesting aspect of action research that differentiates it from traditional research is that it encourages the researcher to experience the problem as it evolves. The researcher engages himself in real-life problem-solving and gets legitimisation from real organisation. The process involves the use of a disciplined form of enquiry where the researcher makes public his problem, imagines a solution, acts, evaluates and modifies his problem. The researcher also uses public criticism as a check against which to judge the validity of his accounts.

In applying action research to his study, the researcher will involve himself in the following activities:

1. identifying the problem;
2. imagining solutions;
3. putting them into practice and monitoring them; and
4. re-assessing the problem.

The general view amongst writers is that the term ‘action research’ was first coined by the social psychologist Kurt Lewin in 1946 to denote an approach to research combining theory building with research on practical problems. Lewin’s term “there is nothing so practical as a good theory” is often quoted by writers as a guide to action researchers. Lewin emphasised the collaborative relationship between the social scientist and the “client”. This relationship affects the “direction” of the research in that it implies that both the scientist and the client are jointly involved in change and research (Abraham; Burns; Cunningham; Kemmis and McTaggart).

Lewin’s model involves a cyclic sequence as shown in Figure 3.1 below. From the diagram, it can be seen that action research follows a cyclical pattern of planning, acting, observing and reflecting. Improvements will occur as the action researcher moves along from one mini-cyclical route to another. As a better developed rationale emerges, things will get clearer. The rationale is developed by being tested by the group in practice; each proposition in the rationale can be checked against practice and against other parts of the rationale.