

## Keeping up the momentum



Some 100 Sixth Form students from St Aloysius College who carried out a clean-up operation last weekend on the beach at Fomm ir-Rih had to weave their way along a narrow cliff pathway since the access to the beach is still in private hands.

The initiative to evict squatters from certain sites by the Government Property Division, spearheaded by Parliamentary Secretary Jason Azzopardi, is laudable indeed.

Two potential minefields, Baħar iċ-Ċaġħaq and Għajn Tuffieħa, which had been conveniently sidelined by past administrations, have been decisively addressed.

Invariably, many other locations await the same treatment, as rightly highlighted by the numerous contributors to The Times online forum, including the shanty towns along I-Aħrax peninsula in Mellieħa and the various British period constructions swooped upon by squatters, like the various outposts along the Dwejra Lines and at Bingemma.

While the Ġnejna boathouses provide another glaring example of illegality, one has to unravel land ownership issues at the site. Most of the sites appear to be privately owned, although the publication of an enforcement notice on site might suggest otherwise.

### More farmland down the drain

The approval by the Malta Environment and Planning Authority of the micro-industry park for SMEs in the environs of T'Alla w'Ommu in Naxxar, encompassing a total of 40,000 square metres, or 40 tumoli of land, is yet another nail in the coffin of local farmland.

Between 1971 and 2001, the total surface area of the islands taken up by agricultural land plummeted from 48 per cent to 34 per cent, or from 15,200 hectares to 10,738 hectares. This translates into an annual average loss of circa 167 hectares (0.5 per cent of all farmland), which is not insignificant against the backdrop of a small archipelago like ours.

For fairness' sake, the site in question had already been earmarked for such a purpose - in fact, the same site was one of the six SME parks it had identified in the SME subject plan approved in July 2004.

This also means that you have to keep your eyes peeled for further industrial park approval on farmland, as at other earmarked sites at Santu Kristu in Għaxaq, in Żabbar (tal-Maġġi), Mġarr, Mellieħa and Xewkija.

However, some other sobering statistics put into question the soundness behind the Naxxar industrial park decision. In fact, some 3.6 million square metres of land are already zoned for industrial development, of which circa 1.3 million square metres is vacant land. Of this latter figure, circa 550,000 square metres is available for immediate use, of which 300,000 square metres are located within the Ħal Far industrial estate.

One might counter that most (circa 3.4 million square metres) of these swathes of land are within government industrial estates, which are mostly intended for purposes of foreign investment and that most SMEs need to be in close proximity to the urban centres they service. True as these arguments might be, the truth is that industrial parks sprouting in the countryside is fomenting a fragmentation of the continuous agricultural fabric and undermining the rural character of affected areas. Furthermore, the Mosta industrial estate, owned by

government, covers a total of 180,000 square metres, which is only partly occupied. Is the transit from Naxxar to Mosta too difficult for SME operators?

Mepa's approval of the Naxxar industrial park was perhaps prompted by the onslaught of illegalities plaguing the Wied Filep and Wied I-Ghasel environs.

In fact, at least 27 different enforcement notices apply to the area, including numerous infringements by operators of quarries and batching plants on site. Such contraventions include the illegal quarrying on a scheduled site, the illegal additions to an existing batching plant, the utilisation of agricultural land for stockpiling of material and extension of a batching plant.

In one case, garages were even being used for the parking of coaches rather than for the sanctioned poultry farm. These illegalities should first have been addressed before approving the industrial park on site, since the perception by environmentalists out there is that illegality finally prevailed and forced authorities' hands. Worse still, the site in question is private land, with owners standing to benefit from the expected windfall.

## **A controversial article**

The Public Administration Bill is being discussed at the committee stage in Parliament. Such a Bill is replete with a number of positive proposals, addressing issues of conflict of interest by civil servants, a code of ethics for the public sector, the devolution of management powers, the strengthening of leadership roles in the public sector and the establishment of executive infrastructures to make the public service more efficient.

However, a particular article within the Bill raises a few eyebrows. Article 6 (1) states that:

"Where a minister is assigned responsibility for any department of government in terms of article 82 of the Constitution, that minister shall, in line with article 92 of the Constitution, have the general direction and control of all departments, agencies and government entities that may be placed under his responsibility and may give directions directly to the head of department, chief executive officer, board of directors or any other employee falling within his responsibilities, on any matter, except matters where the head of department, CEO, board of directors or other employee is required to act independently; or in accordance with the direction of a person or authority other than the minister - provided that where a permanent secretary has been appointed to supervise the relative department, agency or government entity the minister shall inform the permanent secretary that he has given such directions."

Very few public employees have the power to act independently, so this effectively means that the minister is empowered to dictate directions to most public employees.

Secondly, the PA Bill does not even oblige the minister to give the directions in writing, effectively preventing any chance of accountability.

Thirdly, while the minister is obliged to inform the permanent secretary, the Bill does not give the permanent secretary any recourse if he feels that the minister's directions are unethical or illegal.

Therefore, the proposed Bill gives ministers practically unlimited power to intervene in the public service while setting only weak nominal safeguards in place. All the promise that the Bill holds to improve the public service is undone by the controversial article 6 (1), which is paving the way for a possible ministerial official order.

One augurs that it is not too late to rectify such an anomaly to dispel any doubts over the validity of the Bill, especially since provisions exist in preceding laws for the minister to give certain public authorities direction only in matters of policy.