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BUILDING COLLAPSE, DAMAGES, AND THE SAFETY AND WELLBEING OF PEOPLE

THE INTERDIOCESAN ENVIRONMENT COMMISSION'S CONTRIBUTION TO THE PUBLIC CONSULTATION EXERCISE RELATED TO THE REGULATIONS ON EXCAVATION AND CONSTRUCTION PRACTICES

“Everyone has the right to respect for his private and family life, his home and his correspondence” (Article 8 of the European Convention on Human Rights). It is the right of every individual to live peacefully and to enjoy his or her own property, safely. It is, therefore, an obligation of all players in the construction industry, including contractors, developers, policymakers, site managers, architects and other professionals and workers employed in the construction industry to leave no stone unturned to ensure apart from their own safety, that of people in spaces being developed/redeveloped and those adjacent to construction sites.

The Interdiocesan Environment Commission (KA) expresses solidarity with those affected by building collapses particularly those which may be brought about as a result of lack of serious management or outright negligence of all the parties involved who should see that proper measures are taken to avoid such mishaps. One must also highlight the occupational health and safety concerns, deaths and injuries on construction sites which are now not that uncommon. However, the Commission reaches out also to many others whose life is being disrupted and who are being directly affected by construction in neighbouring properties.

On the 3rd of June 2004 a retired teacher and her student lost their lives when the building they were in, in Ramon Perellos Street, St Paul's Bay, collapsed as a result of excavation works in an adjacent plot. The incident shocked us all, but it is very obvious that after fourteen years, lessons have not been learnt. Stories abound of people who may not have suffered major collapses, but whose everyday life is being equally affected by minor to significant damages to their properties, and are being disrupted by ongoing vibrations, dust generation and other discomforts of concern.

Our communities in all villages and towns in Malta are disrupted by unacceptable occurrences, on a daily basis.

The KA not only expresses concerns at the unrelenting excavation works adjacent to existing properties, but also at other building works including the vertical extension of buildings through the addition of floors, which present significant challenges to neighbouring properties and underlying units. All these interventions to buildings are being executed with major disruption to neighbours who deserve much better and should not suffer at the expense of the developer. The KA feels that the professionals first and foremost, but surely also the developers, the contractors, the site managers and other players involved, are duty bound to, not only abide by regulations, but also safeguard the interests and wellbeing of third parties especially where safety is concerned. It is obvious that crying crocodile tears after such incidents will be of no consolation to the victims. Third parties have a right to enjoy their space and property without carrying any undue burden of development in adjacent or overlying properties. Very often neighbours are unwittingly unaware of the imminent perils surrounding them.

Moreover, the general public (whether they are owners of property being developed/redeveloped or have an interest in the development/redevelopment being carried out) needs to be informed, through an information campaign, of the responsibilities of each player in the construction process. This is required so that they can know exactly who is responsible for what during the construction process and/or they can contact the relevant authority in case a report has to be made.

The KA had welcomed the setting up of the new Building Authority since the much-discussed gaps in the building regulations and entities involved in the industry can, hopefully, be finally addressed. The setting up of such an authority can, through proper resources and structuring, help address the much-needed restructuring in the industry. However, more should be done to reinforce a long-term strategy for a proper framework, with sufficient resources, definitely beyond the immediate emergency measures in reaction to the recent building collapses.

In this context, the KA feels that allowing only five days to listen to what the public and stakeholders have to say on how the interests of the common citizen should be better safeguarded, raises questions on the long-term effectiveness of such proposed changes. It feels that more time is necessary for the development of sound regulations which effectively address the core issues, with an allowance for stakeholders and all interested parties to react to the proposed changes.

The KA feels that on the procedural level, it is important to ensure coordination between entities and the clarification of responsibilities and roles of those involved in the construction process, from design to building execution and commissioning. More attention is definitely required to the building construction stage proper and not only to the planning application process.

On the technical level, the KA urges a sincere and wide discussion, which does not focus only on critical aspects such as the geology and geotechnical aspects, which are relevant, but which addresses other equally important technical items of great significance namely adjacent property structural systems, materials used and durability of materials and lifetime of structures. The KA feels it should highlight the need, as expressed over the past years by many experts in the field, to widen the national debate to include the materials and their certification in intended applications, the appropriate structural systems adopted, and actions on the structure including seismic action and therefore seismic risk of buildings. Respect by the industry to the requirements of the Construction products regulations, which were transposed in our legislation (Legal Notice 462 of 2011) is an important step. Moreover, quality control and quality assurance systems are essential to promote quality in building products, buildings and spaces. The KA considers that building vulnerability to seismic hazard should be an important consideration when defining mandatory building standards. The tragic consequences that would follow a seismic event, of a magnitude that may be expected for the Maltese Islands, should not continue to be ignored. The situation arising following the recent collapse of buildings is an opportunity to address the gaps which exist.

The short-term approach by some developers and contractors is, unfortunately, creating heavy consequences on the common citizen. Investors and clients' cost concerns cannot and should not be addressed by lowering quality leading to undue pressures on players involved in the building process. Value rather than cost should be the objective. This goes beyond buildings. The fundamental ethos is the moral responsibility of caring for our neighbour.

The KA has over the years urged authorities to intervene and protect the interests and wellbeing of the normal citizens who feel helpless when confronted with the institutional power conferred to the construction industry. The experience of the victims, as reported in the media, has highlighted that the current setup did not effectively protect them from the intransigent attitude of certain developers. The unfortunate recent events have finally opened up a Pandora's box and focused the national scrutiny on the true impact of the construction industry. Irrespective of all the rhetoric about how the industry is contributing towards Malta's development, these

events have shown its serious social (and environmental) deficit. This deficit is an indication of the cracks that are developing in the proverbial bubble, the existence of which has been repeatedly denied by that industry (and its consultants).

To make matters worse, it seems that we, as a nation, have not learned from the experience. Individuals who have been instrumental in forcing our society into these dire straits are still taking a leading role in the efforts to find a solution, irrespective of any clear conflict of interest they might harbour. As to whether the construction industry is capable of self-regulation,¹ the unrelenting and often fatal accidents of construction workers should provide the answer. For far too long, the authorities have listened only to contractors and developers and refused to engage with the wider public and other stakeholders including non-governmental organizations in order to study and evaluate the construction industry's effects on people and the environment in which they live. The authorities and developers have become interchangeable spokespersons for each other while the rights and views of other stakeholders have been largely ignored.

In this sense, the KA urges immediate, but extremely well-thought and real action to safeguard properties and people. This entails but definitely a long-term strategy, which provides for livable and safe spaces for our communities. People are not only concerned – people are **afraid** of what can happen next. It is in this sense that the community deserves not only reassurances, but a clear demonstration by all stakeholders in the industry that beyond the immediate reactions now, which are indeed necessary, there is a far-reaching vision and commitment to enforce any decisions made.

The KA sincerely hopes that the proposed regulations will not be a populist attempt to impress the general public that something is being done, without ensuring that all the parties involved in the construction process are actually being assigned responsibilities that they can shoulder and for which they are adequately qualified, trained and/or warranted/certified to do so. A public register of all service providers in the construction sector who are qualified or certified to carry out such a service needs to be drawn up and be available for public inspection so that whoever is contracting any of such service providers would know that they have all the necessary skills and expertise to do so and are actually licensed to carry out such work.

¹ <https://timesofmalta.com/articles/view/developers-propose-trading-system-to-protect-village-cores.705080>