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8 February 2015

The Commissioner of Charities
Charities Unit
140 Hill Street Level 2
Singapore 179369

Dear Sirs,

Letter of Complaint to Commissioner of Charities re: The Malay Heritage Foundation Ltd (MHF)

UEN No.: 199904358R / Registered Charity (registered 07/09/1999) / Institute of Public Character (IPC) (29/05/2014 - 28/05/2017)

A Background

1. The undersigned Abdullah Joffri, is a trustee of the estate of Haji Yusoff bin Haji Mohamed Noor (Estate). Haji Yusoff was one of Singapore's earliest Malay pioneers and entrepreneurs. He was also a *nazir* (trustee) of the Sultan Mosque for 30 years from 1914 to 1944. Together with the other Management Committee members (of the Sultan Mosque), he raised funds and looked after the development of the mosque. He also started a free madrasah or Islamic school in a room in the Sultan Mosque that functioned for more than 10 years before it ceased operations during the Japanese occupation in 1942.
2. Abdullah Joffri is the grandson of the late Haji Yusoff, and is currently 81 years old. The undersigned, Hidayah Amin, is the niece of Abdullah Joffri and the great-granddaughter of Haji Yusoff. She is also the author of *Gedung Kuning: Memories of a Malay Childhood* and the Singapore Literature Prize nominated *The Mango Tree*, both books are about Gedung Kuning.

3. Haji Yusoff was the owner of Gedung Kuning (Yellow Mansion) located at No. 73 Sultan Gate, Singapore 198497 in Kampong Glam, from 1912. His family of four generations lived in there from 1912 until 1999, when the government compulsorily acquired the property under the Land Acquisition Act.
4. After the acquisition in August 1999, the estate of Haji Yusoff donated several precious artefacts and items belonging to the Haji Yusoff's family to the National Heritage Board (NHB).

B Chronology

5. A well-documented point-by-point chronology of events is available at this web page link – <http://gedungkuning.com/contributions/>. It is reproduced here as Annex A.

C The Complaint

6. Since the objectives and role of the Commissioner of Charities (COC), are, among others, to maintain public trust and confidence in charities, and to enhance the accountability of charities to donors, beneficiaries and the general public, the undersigned wish to lodge this letter of complaint with the COC. We wish to highlight and bring to the COC's attention our concerns in our capacities as contributing donors of artefacts, a long outstanding unresolved issue involving the contributing donation of precious family artefacts by the estate to MHF. We also seek the COC's assistance and exercise of its powers to take the necessary steps to investigate.
7. Our family had donated some artefacts to the MHF in 1999. The donation was made for the benefit of the public to understand more about Malay heritage and culture. Some of these artefacts have apparently been broken during the possession and custody of the MHF.

Simple Requests of Contributing Donors Not Acceded To

8. Sometime in May 2011, the MHF met our family and wanted to return all the donated items, including those that were broken during the time the items were in the MHF's

custody and possession. Mr Abdullah Joffri was present at the meeting in 2011 with the MHF. All he wanted then (and now) was:-

- a) to have a list of the inventory stating all the items that are in the MHF's custody and possession (whether broken or otherwise);
 - b) the long-overdue acknowledgement plaques to be put up on the artefacts that are still on loan to reflect the contributions of our family;
 - c) a letter of transfer to affect the return, since the MHF had wanted to return the items back to our family; and
 - d) to have a face-to-face meeting to facilitate the resolution of the above.
9. These requests have been made time and again by our family to the MHF, but to no avail. The MHF has been unresponsive. They had repeatedly dodged the issue and refused to meet. Worse still, not only have they been nonchalant and disregarded public interests, they have sought to make this matter personal, when it ought not to be the case.
10. The key officers of MHF with whom we have been corresponding (to no avail) are:-
- a) Mdm Zuraidah binte Abdullah, Chairman, MHF
 - b) Ms Julina Khusaini, General Manager, MHF
 - c) Board members of the MHF (they were cc-ed on some of the correspondences)

Lack of Accountability and Records

11. All donations and contributions made by contributing donors to charities and IPCs – be it cash or in-kind contributions like artefacts – should be properly recorded, cared for and accounted for by the charities and IPCs in question. However, with regard to the MHF, we have been unable to obtain the requested inventory list of our family artefacts donated or made available to the MHF.

Lack of Disclosure, Transparency and Non-responsiveness

12. As a key requirement of charities and IPCs like the MHF, and as part of good corporate governance, the MHF should be transparent and accountable in its operations. It should provide information about its activities as well as be responsive to requests for information, from contributing donors like us. In our case, however, our requests over the years have fallen on deaf ears and been rudely ignored.
13. We had even requested the NHB's assistance to intervene and resolve the outstanding issue with the MHF, with the proposal of a meeting between the parties. As evidence of how arrogant and nonchalant the MHF is, they have somehow seen it fit not to respond or accede to the request, leaving us with no choice but to lodge this complaint.
14. We would not have had to lodge this complaint, had the MHF taken our concerns seriously, treated our family and our donated artefacts with the respect we deserve, or accorded us the audience and legal and moral rights we are entitled to.

Inconsistent Public Image

15. Contrary to the impressions the MHF seeks to project to unknowing and unsuspecting Singaporeans at large, our family's direct and personal ground experience with the sloppy and disrespectful handling by the MHF of our family's artefacts currently in their care, possession and custody, leaves a very bad and bitter taste in our mouths.
16. The public image that the MHF sought to convey and portray to Singaporeans at large, is in our view, highly inconsistent with the personal experience we have had in our dealings with the MHF. The image of the MHF in our minds is far from desired. The MHF, as a charity and IPC, is not accurately portraying its image to its members, donors and members of the public. This is contrary to the principles of good corporate governance expected of charities and IPCs.
17. It is not possible to attempt to 'hide' behind a purportedly good name or front-of-house image, when the back-of-house governance and internal administration (not openly

visible to the general public) are neither well-managed nor well-administered, or are left to be desired.

Distress, Unfairness and Injustice to Donor Families

18. In our encounter with the MHF, they have not been sufficiently objective and independent in their administration. On the contrary, they had wrongly sought to make things personal and to treat this as matter as one of no public concern, when this ought not to be the case at all.
19. Our family therefore wish to engage the COC's assistance to investigate and make an inquiry. We write to you as a last resort, and even though it is painful and distressful for us, and incurs a lot of our time and energy. We do this because we feel we have suffered a great sense of injustice and unfairness in the manner in which the MHF has treated our family and our artefacts.
20. Justice and fairness not only has to be meted out to donor stakeholders like our family, it also has to be *seen* to be done, and with promptness and accountability. Only then will there be a regaining of public trust and confidence in the status and reputation of a charity and IPC like the MHF.
21. If our family were to be 'bullied into being afraid' of taking to task the incompetence and irresponsible behaviour of the MHF in the handling of the case involving our family's artefacts, we would in fact be doing Singapore, the arts and heritage, the charity sector and the general public, a great disservice.

Non-exemplary, Unconscionable and Unfitting behaviour of a Charity and IPC

22. The incapability of the MHF in promptly addressing the legitimate concerns of our contributing donor families – such as simply agreeing to a meeting proposed by us to discuss and resolve outstanding issues, and providing us with an inventory list of items in their possession – is suggestive and reflective of a chronic failure to show themselves

as good examples of what an institution that is supposed to protect and safeguard the arts and heritage, ought to behave in their dealings with donor stakeholders like our family.

23. Ironically, the MHF in their dealing with us donor stakeholders, are doing the exact opposite of what they are supposed to do – to safeguard and protect contributions or donations given to them as well as steadfastly upholding the interests of donor families like ours.
24. In not being responsive to or being prepared to have a face-to-face meeting with our family, we can only be left to draw an adverse inference that the MHF is afraid to face up to the truth or bear responsibility towards our donor family, or worse, that there is something bad going on that they wish to hide.
25. Their non-action and their staying silent does not solve the issue, unless it is their wish for our family's case to be 'conveniently glossed over', forgotten or 'swept under the carpet'. It is a form of abuse and neglect of the trust placed by the general public, stakeholder and contributing donors like us, in arts and heritage institutions like the MHF who owe fiduciary duties to the members of the public and donor families like ours who have made contributions to their collection of artefacts.

An Issue of Public Interest – Damage to Public Trust and Confidence in Charities and IPCs

26. Their actions, or lack thereof, are a case of exercise of bad faith and smack of poor oversight of its administrative affairs and management. Their behaviour is strongly objectionable, unjustified and unconscionable – totally unfitting of the good corporate governance and above-board conduct reasonably expected from a charity and IPC in the likes of the MHF.
27. In our view, such inordinate delay and inability on the part of the MHF to resolve a simple issue reflects the inefficient, incompetent and irresponsible way the MHF is conducting and managing its affairs, to the detriment and prejudice of donor families

like ours. Their non-response is long overdue and unacceptable. The management and staff of MHF has shown a lack of accountability, lack of responsibility, lack of transparency and lack of respect, care and proper management, in respect of our family's donated artefacts currently in their possession and custody.

28. Their non-accountable, irresponsible, improper, disrespectful, nonchalant and unresponsive behaviour/treatment towards our family and our donated artefacts has severely damaged and dented the trust and confidence of the donor family and any reasonable member of the public, in connection with the administration and management of the MHF. This is especially disturbing and damaging when their primary role is to preserve and promote arts and heritage for the Malay and Muslim community and the general public at large. It also makes a mockery of the mission and role of an institution like the MHF in Singapore.
29. The bad behaviour and poor conduct of the MHF in the mismanagement of the issue involving the donation of our family's artefacts has caused, and will have, a significant, adverse impact on public trust and confidence in their competence and capabilities as a registered charity and IPC, and overall in the reputation of the charity sector. It is tantamount to 'institutional bullying' of multi-generational donor families like ours and individuals like the old and frail 81-year-old undersigned trustee of the Estate. It also tarnishes the good name of other or similar charitable organisations in Singapore.
30. If a kind and generous act on the part of our family in donating or lending family or historical artefacts to the MHF can cause and trigger so much unhappiness and grievances to donor families like ours, which other reasonable individuals, families or members of the public would want to consider donating artefacts to bodies like the MHF, for the benefit of the greater community good?
31. The MHF's conduct will only cause our family and friends, and members of the public to 'shun', avoid or be discouraged from donating artefacts for public viewing and enjoyment. This would translate to there being fewer artefacts of historical or other societal value, under the purview of heritage institutions like the MHF, being made available for the study, viewing and enjoyed by Singaporeans, thereby severely

undermine the whole framework and climate of artefacts donation in a Singapore that is striving to cement its hold on cultural heritage.

32. We believe that the MHF, as a registered charity and IPC, owes to contributing donors like our families, an important duty of care to properly look after, safeguard, protect and be responsible and publicly accountable for the donated/loaned artefacts handed over to them. They also shoulder the responsibility to communicate clearly, efficiently and professionally with the contributing donors on issues like inventory lists, acknowledge plaques, status, condition of artefacts etc. instead of trying to dodge or sweep them under the carpet, hoping that donor families like ours would find it inconvenient to pursue, and give up our rights to holding national bodies like the MHF accountable.
33. The MHF also has a duty to the public including our contributing donor family, to conduct and manage its affairs and discharge their duties to, and deal with contributing donors and members of the public in a prompt, transparent, efficient and competent manner.
34. We do not think the MHF has properly discharged their duties and their action has caused the donor family great distress and harm. In the circumstances of the present case, their conduct and behaviour in this case appears to have breached that public duty and is causing serious harm and discredit to us, as well as to their own reputation and name. That, in turn, seriously undermines the faith members of the public have in the charity sector in Singapore.
35. We also wish to reiterate that this long outstanding saga with the MHF is by no means a dispute of a private nature. It is an issue of serious public interest and concern. The donation was made by our family for the benefit of the public to understand more about Malay heritage and culture. Our donation of artefacts seeks to preserve and enhance Malay heritage and culture – which is for public (not private) interest.

Redress and Remedial Steps Needed

36. It is indeed sad that the MHF has turned our family's benevolent contribution into a ridiculous 'joke' and made an outrageous mockery of contributing donors like us and the system.
37. Contributing donors should not be left with no redress and be subject to the 'mercy' of purported 'big-name' institutions like the MHF. With name, reputation, charity and IPC status of the MHF as an arts and heritage institution, comes a sense of responsibility, liability and accountability. One cannot take and enjoy benefits without shouldering and carrying out responsibilities and obligations that commensurate with them.
38. If we may question aloud: Where is the 'public character', integrity, public accountability and transparency displayed by the MHF, as ought to be the epitome hallmark of a well-managed and administered charity and IPC? In our view and personal experience, it is sorely lacking in this long-drawn saga with the MHF as suffered by our family.
39. Our family and donated artefacts do not in any way deserve such mistreatment by the MHF, and the COC ought not to condone it, to the detriment and prejudice of stakeholders of the charity sector. All we had sought were the simple requests set out in paragraph 8 above. If a charity and IPC like the MHF cannot accede to such simple legitimate requests and address the concerns of contributing donors, we do not know who could.
40. Therefore, prompt attention and investigation by the COC and resolution of this issue will serve the greater community good, and as far as the arts and heritage community and charity sector in Singapore is concerned.
41. We hope that the COC can assist to intervene and investigate this matter against the MHF, so as to promptly take such necessary remedial and protective steps in connection with any mismanagement of the administration of the MHF and of our family's artefacts, so as to help instil back some confidence in the very institutions who claim their role is to preserve, protect, and promote arts and heritage. Otherwise, if left to their own devices, organisations like the MHF would be doing a great disservice to

Singapore and would be directly contributing to a dilution or loss of Singapore's larger role in preserving heritage and culture for the sake of members of our younger generation and beneficiaries of the MHF.

42. We have documentation of the years of correspondence with the MHF. We enclose copies of all pertinent correspondences, as reproduced in Annex B. The MHF, on the other hand, has been extremely tardy in furnishing us with a reasonably satisfactory account of events or satisfactory record keeping and paper trail of letters and documents.
43. We would be happy to meet up with COC officers to furnish detailed information in response to any queries, which you may have, to assist you in your investigation and documentary evidence supporting our complaint.

Yours faithfully,



Mr Abdullah Joffri

NRIC: S0757843 A

Trustee of the Estate of Haji Yusoff
bin Haji Mohamed Noor



Ms Hidayah Amin

NRIC: S7225694H

Beneficiary of the Estate of Haji Yusoff
Trustee of the Estate of Othman bin Haji Yusoff
(Haji Yusoff's son)