

FEEDBACK REPORT
ON
PROPOSED COMPUTING PROFESSIONALS BILL 2011

1 INTRODUCTION

On 13th December 2011, Ministry of Science, Technology and Innovation (MOSTI) announced the proposed Bill on the establishment of Board of Computing Professional Malaysia (BCPM) to the public.

The introduction of the proposed Bill raised concerns on the **impact towards the implementation of The Malaysian Public Sector Open Source Software (OSS) Master Plan** through collaboration by its stakeholders comprising Public Sector User Community, R&D Institutions, OSS Community and Business Community. These stakeholders are part of the OSS ecosystem in sustaining the implementation of Public Sector OSS Master Plan.

An OSS Community Forum was held on 6th January 2012, involving all of the stakeholders, to discuss and gather feedbacks on the proposed Bill.

2 OBJECTIVES

The purpose of this report is to provide feedback to MOSTI on the impact of the proposed Bill towards the implementation of the Malaysian Public Sector OSS Master Plan and Open Source Software development in Malaysia.

3 BACKGROUND

3.1 Open Source Software (OSS)

Open Source software is software whose source code is published and made available to the public, enabling anyone to copy, modify and redistribute the source code without paying royalties or fees. Through the OSS Development Model, the open source codes evolve through community cooperation, harnessing on the collective global intelligence and experience. These communities are composed of individual programmers as well as very large companies.

3.2 Public Sector Open Source Software Master Plan

Open Source Software (OSS) Program was mooted by Cabinet in 2002 and the Master Plan was approved and launched on 16th July 2004.

The objectives of the OSS Master Plan are as follows:

- Reduce total cost of ownership
- Increase freedom of choice of software usage
- Increase interoperability among systems
- Increase growth of ICT industry
- Increase growth of OSS industry
- Increase growth of OSS user and developer community
- Increase growth of knowledge-based society
- Reduce digital divide

The OSS Master Plan consists of three phases namely:

Phase I – Laying foundation and early adoption

Phase II – Accelerating adoption; and

Phase III – Self reliance

The implementation is currently at Phase III – Self Reliance whereby agencies are moving towards self sustainment, self enablement and self empowerment, managing their own Open Source initiatives and support.

3.3 Achievements of OSS Master Plan

The OSS Master Plan implementation has achieved tremendous success as documented in the Benefit Realisation Report. The OSS adoption in the Public Sector has increased from 25 agencies before the launch of Master Plan to 707 agencies (97% of total number of agencies) currently resulting in huge cost savings.

3.3.1 In Phase I – Laying foundation and early adoption the following achievements were accomplished:

- a) 60% public sector IT personnel trained in OSS
- b) 51% Web servers in public sector agencies using OSS
- c) 42% Web operating systems in public sector agencies using OSS
- d) 5 pilot projects implemented with the following savings:
 - 80% savings in overall licensing cost
 - 58% reduction in development and consultancy efforts
- e) 7% savings in software support services
- f) 30.5% savings in overall cost

3.3.2 In Phase II – Accelerating adoption the following achievements were accomplished:

- a) 95% agencies adopted OSS solutions
- b) Over RM205 Million in savings through OSS implementations
- c) Ranked number 12 in OSS Government Activity Index
- d) Achieved recognition of certification by an International body

3.4 Proposed establishment of the Board of Computing Professionals (BCPM)

The Computing Professionals Bill 2011 proposed the establishment of BCPM, a body that will give recognition to the information and communication technology (ICT) practitioners in the country as professionals in their respective computing domain.

“The Bill does not aim to regulate the computing profession in the nation but will be applied to initiatives that are identified as Critical National Information Infrastructure (CNII) entities with the intent to safeguard the interest of the nation in view of the current dynamic and challenging global environments.” *(cited from MOSTI media release)*

4 REASONS FOR CONCERN

The main reasons for concerns of the proposed Bill with regards to the implementation of the Malaysian Public Sector OSS Master Plan are:

- a) Stifle innovation, creativity and hamper human capital development towards national ICT development. The Bill will limit the implementation of OSS development model that is premised upon collaboration and meritocracy through global sharing of source codes, ideas and expertise.
- b) Reduce freedom of choice of solutions and IT vendors. The Bill can limit choices directly through BCPM certification and indirectly through its regulations and the resulting negative impacts on implementation of OSS Master Plan.
- c) Hamper the growth of the development and implementation of OSS in enhancing the government's service delivery. The Bill will stifle the use of OSS which promotes interoperability, transparency and cost effectiveness.
- d) Increase ICT spending due to licensing costs and increase in system development cost. The Bill will hinder the use of OSS which increases cost of ICT implementations.
- e) Slow the growth of local ICT industry which encompasses various fields of

specialization and expertise taking into consideration the fast global ICT developments. The Bill will dampen the growth and the global competitiveness of local ICT industry due to regulations set by BCPM;

- f) Hinder the growth of OSS community development towards the creation of knowledge society that contributes to achieving the national vision of a developed country with high income status. This Bill does not promote the development of OSS community as it hinders the implementation and development of OSS; and
- g) Hamper smart partnership ecosystem that leverages on the collaboration stakeholders which comprise of public sector, industry, R&D institutions and OSS communities. The Bill will tamper in the OSS ecosystem where it restricts the interaction and sharing of ideas amongst all stakeholders.

5 THE FINDINGS

Based on the feedbacks received during the OSS Community Forum, the following are the analysis of the impact of the proposed BCPM on the implementation of the Public Sector OSS Master Plan:

	Impacts	Weaknesses and Threats
1.	Stifle innovation, creativity and hamper human capital development;	<ul style="list-style-type: none"> a) Kills spontaneity and stifles creativity and innovation of the Open Source developer community b) Hampers the contribution of subject matter experts and input from business verticals, especially from non-IT background, to IT developments. c) The proposed Bill provides the Board with legal protection, and limits the legal recourse by the computing professionals. d) Reduced skill opportunities for IT development within the Open Source community results in shortage of IT skills and hampered human resource development. e) Increases the net import of ICT skills, reduces the self reliance, and hence leads to national vulnerability.

	Impacts	Weaknesses and Threats
2.	Increase vendor lock-in and reduce choice of solutions since only registered IT professionals and vendors can participate;	<p>a) Most of certification bodies are dominated by proprietary solutions or products, which may influence the preferences of registered computing professionals towards proprietary solutions</p> <p>b) The Board representation may not be balanced and representative towards OSS, which has substantial adoption by public sector agencies, and may limit certifications for OSS solutions and vendors.</p>
3.	Increase ICT spending due to increased service costs due to BCPM registration fees and certification requirements;	<p>a) Incurred cost of IT certifications will lead to the increased cost of end products, solutions and services.</p> <p>b) Limited number of certification bodies for Open Source as compared to the proprietary software leading to the growth the proprietary software usage and hence, increase the national spending.</p>
4.	Hinder the growth of OSS development and community	<p>a) Contravenes the philosophy of Open Source which recognizes meritocracy as the main driver for excellence and quality, the Bill promotes the opposite by bestowing absolute power on the Board.</p> <p>b) Hinders individual contributions from OSS champions</p> <p>c) Complexity to provide certifications for broad spectrum of ICT solutions/services and fast changing technologies will slow down OSS developments</p>
6.	Reduce ICT growth at national level	<p>a) Adds new layer of bureaucracy which hampers national, industry and individual growth, and the implementation of the ETP</p>

	Impacts	Weaknesses and Threats
		<ul style="list-style-type: none"> b) Exemption of public sector IT professionals from the Bill will cause them to be left behind and reduce the effectiveness of the Bill c) Hamper smart partnership ecosystem and collaboration among public sector, industry, R&D institutions and OSS communities d) The possible discretionary applications of the Bill can defeat its purpose and impact its effectiveness since there will be loopholes in the implementations

6 RECOMMENDATIONS

In view of the concern areas and the development of OSS in the Public Sector, the following recommendations are proposed:

- a) The Bill to be revised, taking into consideration the speed of technology advancement, speed of government service delivery and globalisation. A panel consisting of relevant representatives, including OSCC MAMPU and OSS community, is appointed to revise the Bill;
- b) Review and study of other countries that have implemented similar Bills and the approach taken towards enhancing content of the Bill and addressing the areas of concerns as per mentioned in item 5; and
- c) Review of the weaknesses and threats with the establishment of the Bill towards the implementation of the Malaysian Public Sector OSS Master Plan and the Economic Transformation Program.

7 CONCLUSION

MOSTI should review and consider the findings, analysis and recommendations in this report towards enhancing the proposed Bill.