

NEWS PAPER CUTTING ON JULY 2021
NEWS STRAIT TIMES

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BETTER LATE THAN NEVER

Time to stop all illegal cultivation on reserve land



**SALHEN
BUANG**

A RETIRED district officer texted me on Wednesday evening, sharing his views on the issue of durian farms in Raub, Pahang. He said "Section 425 of the National Land Code is so clear. There is nothing to dispute".

He is absolutely correct. Section 425, which prescribes the offence of unlawful occupation of State land, had increased the penalty for the offence to a fine of RM500,000 or a prison term of five years or both (effect of a recent amendment under Act A1516).

A town planner, having noted that the activities of these durian farmers had been going on for some time, asked: "Why was enforcement action not taken earlier? Why now?"

To which I immediately replied: "If not now, when? Must we wait another 20 years?"

I added that whatever the reasons may be for the delay, an offence is still an offence. There is no time limit for the authorities to carry out enforcement, investigation and prosecution of any criminal offence. Let the Malaysian Anti-Corruption Commission investigate if there have been corrupt practices involving any quarters.

I reminded my town planner friend that the offence in this case is the illegal occupation of a forest reserve, punishable under Section 81 of the National Forestry Act 1984 (a fine of not more than RM10,000 or a prison term of three years or both).

On July 6, this newspaper reported that enforcement officers

entering the forest reserve encountered "hurdles" in carrying out their task. To add to their problems, video clips on social media showed "provocative conduct" by some of these durian farmers against them.

A Malay language daily on Thursday quoted Datuk Abdul Wahab Mohamed Ail, the press secretary to Pahang menteri besar, as saying that the Batu Talam permanent forest reserve, where the enforcement action was being carried out, is "*kawasan terpencil yang sukar dikesan sebelum ini*" (an isolated area that was difficult to be detected by the authorities).

On the statements by some quarters that the enforcement action is in contempt of an order issued by the Court of Appeal on Jan 5, Wahab said they were incorrect.

He explained that the enforcement action was being carried out in an area outside the area mentioned in that order, which has been leased to Royal Pahang Durian Resources PKPP Sdn Bhd.

He also said advice had been sought from the state legal adviser, who had referred the matter to the Court of Appeal. He countered an earlier statement by Save Musang King Alliance chairman Wilson Chang, who said the Court of Appeal had, on Jan 5, issued an interim injunction to protect the 111 durian farmers in Raub.

Meanwhile, Pahang Forestry Department director Datuk Dr Mohd Hizamri Mohd Yasin told the media that the enforcement operation (the cutting of durian trees and clearing of forest area) would continue as scheduled. To date, 16.4ha out of 101ha had been cleared in the forest reserve.

To ensure the safety of enforcement officers, the entire area is being guarded by a team of 60 armed officers from the General Operations Force Tenggara Brigade.

Pahang police chief Datuk Ramli Mohamed Yoosuf has said the unit standing guard at the forest reserve was sufficient to

maintain law and order. However, if it is found to be inadequate, more personnel will be deployed.

On July 5, the Raub magistrate's court remanded 18 durian farmers for two days to assist with investigations. They were arrested on July 4, but have since been released on bail.

Under different circumstances, we can understand if people sympathised with the plight of these durian farmers. The fact remains that these farmers had illegally cultivated a forest reserve for a long time and derived substantial benefit from their crime.

Some of them said brazenly they "had paid money" for such liberties; ergo, they should be allowed to continue to do so as long as they like. Now is the time to put an end to all this.

The writer was a federal counsel at the Attorney-General's Chambers and visiting professor at Universiti Teknologi Malaysia, Skudai. He is now a full-time consultant, trainer and author.

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IN CASH AND KIND

DATUK FACES CHARGES OVER RM16M BRIBES

Property cooperatives board chairman allegedly received bribes from a Tan Sri for joint-venture projects

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THE Malaysian Anti-Corruption Commission (MACC) has detained the chairman of a property cooperatives board of directors to assist with an investigation into a

graft case involving more than RM16 million.

It is learnt that the arrest of the man, who is a Datuk, was made following investigations and operations conducted by MACC in August.

Sources said the Datuk allegedly used his company to receive bribes, in cash and kind, from a

Tan Sri, who is the director of a property development company.

"This was done to enable the developer to be appointed for joint-venture projects carried out on land belonging to the cooperative. It is understood that the Datuk's arrest followed investigations and operations conducted by MACC last August.

"The Datuk is said to have received bribes in cash and kind in excess of RM16 million."

The source added that the Datuk was expected to face more than 160 charges in Penang and Kuala Lumpur under the Anti-Money Laundering and Anti-Terrorism Financing Act 2001 (Act 613) and the Anti-Money Lau-

ndering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001 (Act 613).

It is learnt that the Datuk will face more than 100 charges at the sessions court in Butterworth, Penang, today.

He will face the remaining charges at the Kuala Lumpur sessions court on July 15.

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Court grants bail to ex-Air Kelantan general manager

KOTA BARU: A former Air Kelantan Sdn Bhd (AKSB) general manager, who was detained by the Malaysian Anti-Corruption Commission (MACC) following a graft case, was released on bail yesterday. The magistrate's court here released the man with RM10,000 MACC bail with one surety. He and three others were detained recently for alleged corrupt practices involving projects worth RM27 million. The three had allegedly accepted the money from companies for AKSB projects between 2015 and 2019. The fourth man, a consultancy company director, was believed to be in cahoots with the former general manager and currently remanded. The other two — an AKSB officer and a project manager were released on RM10,000 bail each, with one surety earlier.

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RM6.3 BILLION PROJECT

'CONSORTIUM' HAD HIGHEST SCORE

It was awarded Penang project after it obtained the rating from two committees formed based on Guan Eng's suggestion, court told

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A FORMER Penang exco member said the RM6.3 billion Penang undersea tunnel and main roads project had been awarded to Consortium Zenith BUCG (CZBUCG) in 2012 after the company obtained the highest rating from two committees formed based on former chief minister Lim Guan Eng's suggestion.

Datuk Lim Hock Seng, who was then the Public Works, Utilities and Transportation Committee chairman, also said state officials had met CZBUCG representatives to discuss preparing a request for proposal (RFP) for the project before the company was eventually selected for it.

The meeting, he said, had taken place months before CZBUCG was handed the project.

Reading from a prepared witness statement, he said the two parties had discussed ways to improve the RFP documents on the tunnel and road projects.

Hock Seng said he was not at the meeting, but he had on Wednesday confirmed meeting two of the company directors based on Guan Eng's instructions in early 2011.

The court also heard that the Penang government had inked a memorandum of understanding with the company on April 28, 2011.

Continuing with his testimony yesterday, Hock Seng said Guan Eng had suggested two committees (technical and finance) be formed to evaluate all requests for proposal (RFPs) for the project.

He said Guan Eng suggested this on March 19, 2012, and it was subsequently agreed upon by all exco members in a meeting on the same day.

Relating how the project was eventually awarded, he said 60 companies, including 16 foreign ones, attended a pre-qualification exercise held by the state on Nov 29 and Dec 14, 2011.

After the exercise, he said, 11 companies submitted their pre-qualification documents and



Datuk Lim Hock Seng

these were supposed to be evaluated by the Technical and Finance Committee, which was chaired by state Financial Officer Datuk Mokhtar Jait.

"This committee was tasked with evaluating and making recommendations on companies that should join in the RFP."

"However, only eight companies ended up submitting their RFPs."

These included China State Construction Engineering Corporation Ltd & VST Cemerlang Sdn Bhd, Setia Precast Sdn Bhd, ECK Construction Sdn Bhd, Gamuda Bhd, Zambina Wawasan Sdn Bhd, LJM-CRGL Joint Ventures, Consortium Zenith BUCG Juteras & Sri Tinggi JV and WCT-Daewoo Joint Ventures.

He said it was then that Guan Eng suggested two committees



Former Penang chief minister Lim Guan Eng leaving the Kuala Lumpur Courts Complex yesterday. PIC BY EIZAIRI SHAMSUDIN

(technical and finance) be established to evaluate the RFPs.

"As far as I know, Consortium Zenith BUCG Juteras & Sri Tinggi was eventually recommended as the company met all requirements in its RFP."

"The state government agreed to appoint the company to undertake the project after that because it was given top marks by the committee."

He said CZBUCG was formed following the merger between Zenith BUCG, Juteras and Sri Tinggi during the RFP process.

He was testifying in Guan Eng's corruption trial involving the un-

dersea tunnel project.

The DAP secretary-general is accused of soliciting a 10 per cent cut in profits from the project from Consortium Zenith Construction managing director Datuk Zarul Ahmad Mohd Zulkifli.

Guan Eng, a former finance minister, is also accused of seeking RM3.3 million in kickbacks to appoint Zarul's company to undertake the project.

He also faces two counts of dishonestly misappropriating RM208.7 million worth of state land to two companies.

The trial continues.

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LUXURY SEAFRONT SERVICED APARTMENTS

DPP quizzes key witness on City of Dreams project, land swap deal

KUALA LUMPUR: The prosecution in Lim Guan Eng's corruption trial yesterday zoomed in on the multibillion-ringggit City of Dreams project on state land given to a private developer.

The prime land was handed over to the company after it conducted a feasibility study for the Penang undersea tunnel project.

Deputy public prosecutors (DPPs) going after the former Penang chief minister and finance minister went on the offensive by questioning a key witness about the project, causing howls of protest from the defence lawyers.

Guan Eng's lawyer, Gobind Singh Deo, wanted the prosecution to explain how the City of Dreams project was connected to charges his client faced, accusing the prosecution of "casting a wide net while hoping to land a catch".

However, DPPs Mohd Akram Abdul Gharib and Wan Shahrudin Wan Ladin stood their ground, saying the prosecution would prove the charges against Guan Eng as the case progressed.

The events unfolded as the

third prosecution witness, former Penang exco member Datuk Lim Hock Seng, continued with his testimony yesterday.

Hock Seng told the court how the RM6.3 billion undersea tunnel and three main roads project were awarded to Consortium Zenith BUCG (CZBUCG), the processes involved, mode of payments and the roles of private consultants engaged to conduct feasibility studies.

He related how agreements involving the project had been farmed out to private law firms instead of being handled by the State Legal Adviser's (LA) office.

The LA, he said, was left out as the state government wanted the agreements to be drafted as quickly as possible.

"That is why the state government decided to get a private firm to draft the preliminary agreement for the project. It cost the state government RM75,000 to do it."

Shahrudin then questioned Hock Seng about the 2011 trip to China, where Guan Eng had taken a 10-member delegation for a meeting with CZBUCG represen-

tatives. Hock Seng said the (cost of the trip) was fully borne by the state government before also confirming that a private engineering consultancy firm was hired at a cost of about RM20 million to oversee the project.

The former Bagan Jermal assemblyman was asked these questions in response to Guan Eng's claims that the tunnel project would not cost Penang taxpayers anything as the developer would be bearing the full cost of the development.

Shahrudin then zoomed in on the land swap deal, which saw two plots of state land — Lot 702 and Lot 713 — given to the developer to offset the cost of the feasibility study.

Hock Seng said the Ewein Zenith group, headed by Datuk Ewe Swee Kheng, had undertaken the billion-ringggit City of Dreams project on the plot of reclaimed land in Bandar Tanjong Pinang, Penang. Ewein Zenith is a joint-venture vehicle between Ewein Land Sdn Bhd and CZBUCG.

The freehold 1.49ha City of Dreams is located opposite Gur-

ney Drive. The luxury seafont serviced apartment project houses 572 units in 39-storey twin towers with prices of units ranging upwards of RM1,500 psf.

It was reported that the Malaysian Anti-Corruption Commission had detained top officials from the company as part of its probe into the tunnel project.

On the City of Dreams issue, Shahrudin questioned Hock Seng if he knew the details of the project:

Shahrudin: Do you know Ewe?

Hock Seng: I know of him, but I don't know his full name.

Shahrudin: Have you heard of City of Dreams?

Hock Seng: Yes, it was built on Lot 702.

Shahrudin: Do you know how big is the project?

Hock Seng: I don't know how high it is, but there are two blocks. I don't know how many storeys, though.

Shahrudin: Do you know what was the plot ratio in the preliminary agreement signed by the state government?

Hock Seng: It was 1 to 5.

Shahrudin: Lot 702 is (located) on reclaimed land, right?

Hock Seng: Yes.

Shahrudin: If you check your witness statement, you can see what the density of the project is.

Hock Seng: 87 units per acre.

Shahrudin: Do you know that the City of Dreams does not follow this density requirement?

Hock Seng: I don't know.

Shahrudin: Let me tell you.... it has two blocks of multistorey luxury condominium units.

At this point, Gobind stood up and objected to the prosecution touching on the City Of Dreams project in their questions to the witness.

"They are casting their net far and wide... asking about everything that happened from 2011 to 2018."

"I need to know what exactly they are charging my client with so that I can focus our defence on that."

Judge Azura Alwi later told Gobind to hand in case authorities on his objection before fixing Aug 16 to 20 for continuation of trial. **By Sharanjit Singh**

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PROJECTS WORTH MILLIONS OF RINGGIT

Two Selangor district officers, contractor held in graft case

PUTRAJAYA: Two district officers, who had also held the posts of municipal council presidents (YDPs) in Selangor, were detained by the Malaysian Anti-Corruption Commission (MACC) yesterday for receiving bribes from a project contractor and housing developer.

Also detained was a contractor. The latter was arrested on suspicion of bribing the two men in order to monopolise the projects at the municipalities headed by the two YDPs.

According to MACC sources, the former YDPs, both aged 47, and the 42-year-old contractor were detained at the MACC headquarters here, when they turned up to give their statements on

Thursday after several raids were also made in Selangor linked to the case.

According to the source, the contractor is believed to be in charge of 16 companies registered under the names of his relatives and workers to secure projects at the two municipal councils, which the YDPs once headed.

"It is estimated that the monopolised projects amounted to millions of ringgit from 2018 to 2021," said the source.

According to the source, the two former YDPs would receive five per cent of the value of each project obtained.

Various forms of bribes had been given to the former YDPs

involved including a house worth RM1 million, RM500,000 cash and tour packages to Europe to approve development plans of a housing developer, said the source.

Meanwhile, MACC deputy chief commissioner (Operations) Datuk Seri Ahmad Khusairi Yahaya confirmed the arrests of the three individuals but declined to elaborate.

The three individuals were remanded for six days starting yesterday after a remand order until July 28 was issued by magistrate Shah Wira Abdul Halim at the magistrate's court here.

The case is being investigated under Section 17 (a) of the MACC Act. **Bernama**



The suspects being escorted by Malaysian Anti-Corruption Commission officers at the magistrate's court in Putrajaya yesterday.