

24 MAR 2001

Court-Rotation

COURT STRIKES OUT INJUNCTION BID TO STOP CHONG'S APPOINTMENT

KOTA KINABALU, March 24 (Bernama) -- The High Court today struck out the application for an injunction filed by three businessmen to restrain Sabah Dipertua Negeri Tun Sakaran Dandai from appointing and swearing in Datuk Chong Kah Kiat as chief minister.

Justice Datuk Richard Malanjan, who flew in from Sandakan, made the ruling in chambers after hearing submissions from counsel representing the businessmen, Sakaran and Chong.

Datuk James Ghani, who represented the businessmen, said the application was set aside on the ground that they had no locus standi to apply for an injunction against the state government.

Chong, 53, is scheduled to be sworn in at the Istana Negeri on Tuesday.

"Our next move is to proceed with our application for declaration and hope for an early hearing," James said when met outside the court.

The businessmen -- Kaiman Buangan, Abdul Rajik Arin and Ismail Jamlang of Kota Belud -- sought the interim injunction pending the hearing of an application for declaration on the validity of Chong's appointment under the "rotation system".

In their affidavit filed in support of their application, they contended that the appointment of Chong, the president of the Liberal Democratic Party (LDP), as chief minister by Sakaran was unlawful.

They said Datuk Seri Dr Mahathir Mohamad had announced via the media on March 16 that the next chief minister would be appointed based on the system of rotating the post among leaders of three main communities in the state.

The Prime Minister went on to announce on the same day that Chong would take over as the next chief minister, they said.

The businessmen pointed out that according to Article 6 (3) of the Sabah state constitution, the appointment of the chief minister shall be by the Yang Dipertua Negeri of Sabah.

They argued that the appointment also did not conform to Article 6 (7) which states that the chief minister must be the leader of a political party and a member of the state legislature who is likely to command the confidence of the majority of the members of the assembly.

They claimed that in this case, the LDP had not won the majority of the seats in the assembly in the last state election.

In support of their application for declaration, they also argued that the "rotation system" was not provided for in the state constitution.

Nor did the constitution provide for the two-year term of the chief ministership and that the chief minister must be from one of the three communities -- Muslim Bumiputera, Non-Muslim Bumiputera and Chinese.

Appearing for Sakaran today was acting State Attorney-General Halima Nawab Khan, while Chong was represented by counsel Richard Barnes and Roderic Fernandez.

-- BERNAMA

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