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Yong loses Assembly seat (HL)

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KOTA KINABALU, Wed. - Sabah Progressive Party president and former Chief Minister Datuk Yong Teck Lee has been disqualified as Likas State Assemblyman and will lose his position as MP for Gaya on Sept 18.

Sabah Legislative Assembly Speaker Datuk Hassan Alban Sandukong announced that since Yong had exhausted all legal recourse to set aside an Election Court's finding that he had engaged in corrupt practices in the March 1999 State elections, he automatically loses his seat in the State Assembly.

The Federal Court on Sept 3 turned down his application for leave to appeal against the Court of Appeal's decision to dismiss his appeal against the Election Court's finding.

Hassan said Yong's disqualification does not trigger a by-election, as under Article 21 (5) of the State Constitution there was no requirement to hold a by-election if a State seat falls vacant less than two years before the end of a State Assembly's term.

The current term of the 54-member Sabah Legislative Assembly will end on March 2004, about 16 months from now.

Hassan, who on Monday held a meeting with officials to deliberate on Yong's case, said he briefed the State Cabinet about the decision this morning and also conveyed the decision to Yong, the Election Commission and Prime Minister and BN chairman Datuk Seri Dr Mahathir Mohamad.

In Kuala Lumpur, Dewan Rakyat Speaker Tun Mohamed Zahir Ismail today confirmed that Yong would automatically lose his Gaya MP's position on Sept 18.

He said Section 48 (4) of the Federal Constitution specified that an elected representative found guilty by the court would lose his seat 14 days after the date of judgment.

"With the court's decision on Sept 3, the 14-day deadline is Sept 17. If by then there is no change, he will cease as MP for Gaya on Sept 18," Zahir said at Parliament House.

Zahir said under the law, there was no necessity for the Speaker to declare the seat vacant as the process of the law would have taken its natural course.

Asked about the prospects if Yong sought a royal pardon, Zahir said:

"If an application for a pardon is made and allowed, Yong would remain an MP until his case is disposed of by the Pardons Board."

Yong's election as Likas Assemblyman in the 1999 State elections was declared null and void, but he retained the seat in the July 2001 by-election after he obtained a stay order on the Election Court's decision pending his application to appeal against the court's decision.

Yong today described the decision to disqualify him as "hasty".

"While the final outcome relating to the Likas seat might not be in dispute, I am personally curious why there is such an urgency in declaring the seat vacant," he said.

He said the State Legislative Assembly should have considered that there was a pending election petition against the July 2001 Likas by-election result.

"The Election Court in Kota Kinabalu has yet to make a ruling or judgment on the validity of the Likas by-election.

"Any declaration on the seat looks like preempting the Election Court," he said.

The petition was filed by Parti Bersatu Sabah candidate Dr Chong Eng Leong, who lost in the Likas by-election.

Yong queried whether the State Assembly had communicated with or obtained the official document from the Federal Court pertaining to his case before making the decision.

"It remains to be seen on what official communication, other than newspaper reports, the State Assembly declared the Likas seat vacant," he said.

"I am not disputing it (the disqualification), but I am surprised at the eagerness of some people to make the announcement," he said.

Citing the recent bankruptcy case affecting Kuamut Assemblyman Malek Chua, Yong said the Kuamut seat was not declared vacant even after Malek was technically declared a bankrupt because the full legal process was not yet completed.