

Penang moves to strike out sPICE civil suit
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The Penang state government has applied to strike out a civil suit filed by four ratepayers opposing the development of the subterranean Penang International Convention and Exhibition Centre (sPICE).

Two other parties named in the civil suit - Penang Island Municipal Council (MPPP) and developer Eco Meridian Sdn Bhd - filed their striking-out applications on Dec 15 last year and Jan 5 respectively, while the state filed its application on Dec 21.

guan eng pc on spice 150111 spice view 02The lawyer for the four ratepayers, Thayalan Muniandy, said the court would on March 23 decide whether to strike out the case or to allow it to proceed.

"The three defendants have filed separate applications but their main contention is whether the four have locus standi to initiate the legal suit," said Thayalan.

The case will be heard before High Court judge GV Varughese.

The state government is represented by Christina Siew. Dominic Pillay is appearing for the MPPP, while Fazleeza Abd Aziz from law firm Shearn Delamore & Co is acting for Eco Meridian, a sister company of Umno-linked SP Setia Bhd.

State 'ordered' local council on sPICE

The four ratepayers - Khoo Yen Her, Abdul Manan Abdul Manap, Sathiasilan Krishnan of Bayan Baru and Rama Krishnan Rajagopal of Farlim - filed their civil suit in November last year.

They were accompanied by state BN leaders who turned up at the courthouse to show their support for the action.

In the suit, they have requested to see the project agreement, which was inked on Aug 19, to build the RM300 million controversial centre in Bayan Baru.

Khoo, Manan, Sathiasilan and Rama Krishnan also want the High Court to declare the agreement null and void.

They claimed that the state "ordered" the local council to ink the agreement and that this was "ultra vires" Section 9(1) of the 1976 Local Government Act, since it "violated the autonomy" of the MPPP.

Thayalan had told reporters then that the ratepayers were challenging the validity of the agreement between the parties.

The state, he said, could only provide policy guidelines and could not "force" the MPPP to do as it demanded.

BN: State favouring developer

The state BN has condemned the project and accused the Pakatan government of favouring the developer.

Former PKR-appointed MPPP councillor Lim Boo Chang resigned from his post following his public disagreement with the RM50 million budget allocated for the sPICE project by the council.

There has also been strong opposition to a clause in the contract, under which the MPPP agrees to grant the developer the right to additional density in any of its developments on the island.

This includes over and above the maximum permissible density for the land.

State officials, including Chief Minister Lim Guan Eng and the state executive councillor in charge of local government Chow Kon Yeow, have given the thumbs up for the project, which they described as a "winner" that would benefit Penangites.

Chow had urged the project detractors to lodge a report with the Malaysian Anti-Corruption Commission if there was any evidence of corruption or malpractice involved.

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