

High Court to hear challenge against Lynas operating licence extension next year

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The Kuala Lumpur High Court will hear the legal challenge against the then Pakatan Harapan administration's green light for a six-month extension of the Lynas rare earth operating licence on Feb 8, next year.

Counsel A Dinesh confirmed the hearing date when contacted by Malaysiakini this morning.

Dinesh acts for the three judicial review applicants in the matter, namely Save Malaysia Stop Lynas (SMSL) chairperson Tan Bun Teet and Kuantan residents, Ismail Abu Bakar and G Ponusamy.

The trio had filed the legal action last December against then prime minister Dr Mahathir Mohamad, the then Pakatan Harapan ministers, the government of Malaysia, the Atomic Energy Licencing Board (AELB), and Lynas Malaysia Sdn

Bhd.

On Jan 8 this year, the Kuala Lumpur High Court granted leave to the trio to proceed with the judicial review.

The merits of the judicial review application were then initially fixed for hearing on March 25.

Dinesh today explained that due to the then imposition of the nationwide movement control order (MCO) in March, the March 25 hearing was vacated and a new hearing date initially set for yesterday (Oct 19).

"However due to the current conditional MCO (in force in Kuala Lumpur, Selangor and Putrajaya from Oct 14 until Oct 27) whereby the courts were closed, the hearing has been pushed to Feb 8, next year," Dinesh said.

He added that parties have exhausted exchange of affidavits, and are now ready to proceed with the hearing of the merits of the judicial review.

Due to the implementation of the conditional MCO, court hearings in Selangor, Kuala Lumpur and Putrajaya scheduled for Oct 14 to Oct 27 would be postponed.

A day earlier on Oct 12, it was reported that the conditional MCO would be imposed in Selangor, Kuala Lumpur and Putrajaya, taking effect on Oct 14.

The judicial review seeks several declarations, among them that the collective decision of Mahathir and the entire Harapan cabinet made on Aug 15 last year, to give a six-month extension for Lynas' operating licence, is null and void, and of no effect.

Last year, the government gave a six-month licence extension to Lynas' rare earth processing plant in Gebeng, Kuantan, Pahang, but imposed several conditions with a view that the factory will curb its radioactive waste production within four years from the granted extension.

Lynas announced on Feb 27, that the AELB had granted a three-year extension for the operating licence of its rare earth processing plant in Gebeng until early March 2023, but with four conditions.

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