

PKFZ: Liong Sik's lawyer says no proof of cheating, concealment
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By Melissa Chi

KUALA LUMPUR, Dec 13 — Tun Dr Ling Liong Sik's lawyer told the High Court today that there is no proof of cheating nor the concealment of information from the Cabinet in the purchase of land for the Port Klang Free Zone (PKFZ).

"This is a case where they are trying to find a scapegoat after years of deflection," defence lawyer Wong Kian Kheong said.

He said in his oral submissions that Dr Ling was guided by senior officers from the Ministry of Transport (MOT) throughout the PKFZ project and that at all times, the Ministry of Finance was actively involved with the Port Klang Authority (PKA) and MOT in the controversial project.

"Hence, Tun Dr Ling could not possibly have concealed Exhibit P16 from the Cabinet," he said.

Exhibit P16 is the report from the government's Valuation and Property Services Department (JPPH) on the 1,000-acre piece of land.

Dr Ling was charged in July last year with knowingly deceiving the Cabinet into approving the land purchase for the Port Klang Free Zone (PKFZ), which resulted in wrongful losses for the government.

The former MCA president also faces two alternative charges of deceiving the Cabinet into believing that the purchase at RM25 psf and the 7.5 per cent interest rate were acknowledged and agreed to by JPPH despite knowing that there was no such agreement.

Wong pointed out that at the time of the Cabinet decision to purchase the land for PKFZ on November 6, 2002, Dr Ling was no longer transport minister.

He pointed out that Tan Sri Ong Ka Ting was the minister of transport during the timeframe in question, that is October 20-23, 2002 and October 31-December 1, 2002.

Wong said Dr Ling did not represent to the Cabinet that both the RM25psf and interest rate of 7.5 per cent per annum were certified and agreed to by JPPH.

Instead, he point the finger at MOT's senior officers who prepared Dr Ling's letter dated June 29, 2002 to Tun Dr Mahathir Mohamad "without any input" from Dr Ling.

He also said there were no directives, input, amendments or overruling from Dr Ling with regards to the purchase of the PKFZ land.

The defence lawyer pointed out that for the first time on May 1, 1999, Dr Ling was told by Chandrasekaran Periappan, who was then assistant secretary-general of the MOT ports and maritime division, that the value of the land was RM21psf, and not RM25psf as stated in

every document.

He said after six memos to Dr Ling, and two meetings chaired, the comedy of errors continued.

Wong said it was the Ministry of Finance's (MOF) duty to bring the issue up to the Cabinet as the JPPH is under the ministry.

Dr Mahathir, who was the prime minister from 1981-2003, was also the minister of finance at the time, as well as the minister of special functions in economy.

The Cabinet had decided on November 6, 2002 to buy rather than acquire the land.

The MOF had initially recommended that the land be acquired.

However, based on the input from his senior officers, Dr Ling had asked the Cabinet to purchase the land instead.

Retired MOT deputy secretary-general Datuk Abdul Rahman Mohd Noor had testified that Dr Ling was concerned that if the land was not acquired quickly, JAFZI was likely to move to Thailand or Indonesia.

"There is no illegality or irregularity to the purchase.

"There is no evidence my client benefited from the purchase of the land," Wong said.

A Cabinet meeting on June 27, 2007 gave retrospective approval for the development cost of the PKFZ project to balloon from RM1.088 billion to RM4.6 billion in 2007.

According to the extract from the meeting minutes chaired by Datuk Seri Najib Razak, who was then deputy prime minister, the Cabinet approved the cost increase to RM4,632,732,000.

In 2002, the Cabinet was told that RM1.088 billion was the total cost of the project on the 999.5-acre piece of land on Pulau Indah that comprised the land value, infrastructure cost and a six per cent interest rate.

The prosecution will present their submissions tomorrow at 9.30am

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