

Ling Ordered To Enter His Defence
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KUALA LUMPUR, March 9 (Bernama) -- The High Court here today ordered former Transport Minister Tun Dr Ling Liong Sik, 69, to enter his defence on a charge of cheating the government in relation to the Port Klang Free Zone (PKFZ) project.

Judge Datuk Ahmadi Asnawi also ordered Dr Ling to enter his defence on two alternative (amended) charges.

Judge Ahmadi made the order after concluding that the prosecution had established a prima facie case against Dr Ling.

Dr Ling, who was transport minister for 17 years from 1986, is charged with cheating the government by not disclosing to the Cabinet an additional interest rate of 7.5 per cent per annum on the purchase price of the land for the PKFZ project, which had been fixed at RM1,088,456,000 by the Valuation and Property Services Department (JPPH), based on RM25 per sq ft (psf), inclusive of the coupon/interest rate.

He also faces two alternative (amended) charges, of cheating and intentionally not disclosing to the Cabinet that the 7.5 per cent per annum was an additional interest rate on the land price.

Dr Ling, represented by counsel Wong Khian Keong, is charged with committing the offences at the fourth floor of the Prime Minister's Office, Perdana Putra building in Putrajaya, between Sept 25 and Nov 6, 2002.

The first charge, under Section 418 of the Penal Code, carries a penalty of up to seven years jail, or a fine, or both, upon conviction while the two alternative (amended) charges, under Section 417 of the Penal Code, carry a penalty of up to five years jail, or a fine, or both, upon conviction.

The prosecution, led by DPP Datuk Tun Abdul Majid Tun Hamzah, had adduced the testimony of 25 witnesses, among them Cabinet ministers and senior officers of the JPPH.

In his 83-page judgment, Judge Ahmadi said that Dr Ling did not disclose that JPPH had valued the land on a special value basis of only RM21 psf on cash terms and that it could be RM25 psf or more for a repayment period of 10 years, with all costs inclusive of interest taken into account in arriving at the figure.

"He also did not reveal to the cabinet that RM25 psf and above could be considered for the purposes of issuing a bond. He did not notify the Cabinet about the JPPH valuation and what he had gathered first hand from JPPH in the two meetings he chaired," he elaborated.

Judge Ahmadi emphasised that as a member of the Cabinet and with Port Klang Authority under his ministerial responsibility, the onus was upon him and indeed it was his duty to make full disclosure of the same at the Cabinet meeting.

He added that Dr Ling had also not informed the Cabinet that interest at the rate of 7.5 percent over and above the RM25 psf was chargeable.

"I think that it would be irrational to hold that a reasonable man belonging to the same class of society, educational background, exposure, position and stature of the accused who had signed a document could acknowledge signing the document but conversely disowned it's contents on the grounds that he had no knowledge of the contents of the document he had signed," he said.

On the sum of RM1.808 billion (at RM25 plus 7.5 percent interest), Judge Ahmadi said that Dr Ling never mentioned it in any Cabinet meeting and the interest element was deliberately concealed.

He observed that Dr Ling had informed the actual purchase price was RM1.088 billion and not RM 1.808 billion.

Judge Asnawi further noted that Dr Ling, who chaired the meeting on Jan 26, 2002, must have known that the value of the land based on special value was only RM21 psf.

"He (Dr Ling) must have also (in that meeting) known by this time that PKA's presentation of the land value at RM25 psf based on special value as computed by JPPH and the additional interest chargeable at 7.5 percent was wrong.

"He cannot claim ignorance of what transpired during the meeting. Therefore equally he must have also known that JPPH's valuation of RM25 psf comprised of special value at RM21 psf, repayment period spread over 10 years, and for the purpose of bond issue and that the interest element had been factored into it. The accused has never denied receiving a copy of a letter from JPPH, dated Sept 29, 2000," he said.

Judge Asnawi fixed June 18 until June 22 for trial.

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