

**Why consider minister's feelings in Lynas decision, PKR MP asks court**  
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**By Clara Chooi**

KUALA LUMPUR, April 12 — Kuantan MP Fuziah Salleh said today she was "disturbed" that the High Court had rejected a bid by 10 residents to stop Lynas Corp's rare earth plant out of concern for a minister's feelings.

The PKR lawmaker, who has been at the forefront of the residents' anti-Lynas struggle, pointed out that the court, as an independent body with no vested interest in the issue, should be making its decision solely based on facts and not be worried about offending a minister.

According to Fuziah, when rejecting the residents' judicial review application today, Justice Rohana Yusof had said that she did not want to embarrass the Science, Technology and Innovation minister should the latter decide differently from the court on Lynas Corp's temporary occupational licence (TOL).

The group of 10 Kuantan residents had filed a suit on February 17 challenging the Atomic Energy Licensing Board's (AELB) authority in approving the TOL for Lynas Corp's plant in the Gebeng Industrial Estate.

"I am not challenging the court's decision, I do not want to be in contempt of court. But I was disturbed by the judge's statement," Fuziah told The Malaysian Insider.

"Since when does the judge have to please the minister? Why should the judge be concerned about how the minister feels? She should be making her decision independently.

"It is a really sad day to hear that sort of thing."

When making her judgement today, Rohana had said the group's bid for judicial review was rejected on grounds that a parliamentary select committee (PSC) and minister Datuk Seri Maximus Ongkili were already looking into the same issues raised by the residents.

"The Houses of Parliament are pursuing the same exercise through the PSC... they are the proper channel to look [into] and deliberate on complaints and grievances," she ruled.

"In the face of the appeal process pending before the minister, the court cannot undermine that process. The court would render that appeal superfluous, and what is enacted by Parliament as meaningless."

She added that should the findings of the minister differ from the court's, this would result in "confusion and embarrassment".

Fuziah said she was willing to accept the court's other reasons for rejecting the application, but provided that they were not mere excuses to stop the Kuantan residents from pursuing the matter further.

"Maybe its an excuse... the PSC and so on. I mean, all the three branches of government must be allowed to run their affairs concurrently without interference and without influencing one another.

"This is what bothers me the most, even more than the decision itself. The judge can give all her professional reasons but the statement about embarrassing the minister, that was really disturbing," she said.

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