

MCA meeting tomorrow may be illegal, say party critics

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MCA's extraordinary general meeting (EGM) tomorrow to seek members consent for its leaders to return to government may be illegal due to a defective notice, said party critics.

Datuk Seri Liow Tiong Lai used his presidential powers as provided for in the Chinese party's constitution to shorten the notice of the EGM to seven days for central delegates to vote on a three-in-one resolution to rejoin Barisan Nasional (BN) in local, state and federal levels.

However, the Constitution also states that the shorter notice had to be ratified through a resolution in the EGM, which was not stated in the notices sent to all delegates.

Instead, the ratification was stated only on its programme, which party critics said, is incorrect.

"If they go ahead with the EGM without another specific resolution to ratify the president's directive, then the 3-in-1 resolution adopted will be ultra vires to the Constitution.

"It may render the EGM ultra vires," lawyer and Negeri Sembilan English speaking bureau deputy chairman Tan Foong Luen told The Malaysian Insider.

Already there were members who were unhappy with the party's decision to hold the EGM.

Yesterday, some 10 grassroots members bearing placards staged a sit-in protest in front of the party headquarters in Kuala Lumpur, stressing that the timing is not right for its leaders to accept cabinet posts.

Former president Datuk Seri Dr Chua Soi Lek and former vice-president Gan Ping Sieu had also expressed their reservations over the timing of the EGM, which might hamper MCA's preparations for the March 23 Kajang by-election, as well as the way the 3-in-1 resolution was drafted.

However, legal bureau chief Tay Puay Chuan brushed off Tan's concerns, saying that the process to ratify the short notice was stated in the programme and it was sent to all its delegates together with the notices.

"Our first order of business is to rectify the short notice before we proceed with voting on the resolution.

"I don't see any reason for the notice to be defective or that the EGM is invalid," he said.

Tan, however, was adamant that the provision has to be part of the EGM agenda and has to be stated in the notice, instead of the programme.

"The programme is not a resolution, they are wrong if they do this," he said.

This Sunday's EGM comes four months after a October 20 EGM where member voted for party leaders to rejoin the government at state and local council levels, but decided against its leaders taking up cabinet posts.

The senior BN party had decided against taking up any government posts since it fared badly in the 13th general election, ending up with only seven of 37 federal seats and 11 of 90 state seats it contested.

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