

Bil.3

**Rabu
20 November 2013**



MALAYSIA

LAPORAN PROSIDING

MESYUARAT JAWATANKUASA KIRA-KIRA WANG NEGARA

Mengenai:

**Projek Pembinaan Kuala Lumpur International Airport 2
(KLIA 2)**

&

**Projek Peningkatan Lapangan Terbang Antarabangsa
Kota Kinabalu, Sabah**

- Kementerian Pengangkutan

**PARLIMEN KETIGA BELAS
PENGAL PERTAMA**

**MESYUARAT JAWATANKUASA KIRA-KIRA WANG NEGARA
BILIK MESYUARAT JAWATANKUASA 1,
PARLIMEN MALAYSIA
RABU, 20 NOVEMBER 2013**

AHLI-AHLI JAWATANKUASA

Hadir

YB. Datuk Nur Jazlan bin Mohamed - *Pengerusi*
YB. Dr. Tan Seng Giaw [Kepong] - *Timbalan Pengerusi*
YB. Datuk Seri Reezal Merican [Kepala Batas]
YB. Dato' Abd. Aziz Sheikh Fadzir [Kulim-Bandar Baharu]
YB. Tuan Liang Teck Meng [Simpang Renggam]
YB. Datuk Madius bin Tangau [Tuaran]
YB. Tuan Haji Hasbi bin Haji Habibollah [Limbang]
YB. Datuk Wee Jeck Seng [Tanjong Piai]
YB. Tuan Tony Pua Kiam Wee [Petaling Jaya Utara]
YB. Dato' Kamarul Baharin bin Abbas [Telok Kemang]
YB. Tuan William Leong Jee Keen [Selayang]
YB. Dato' Kamarudin bin Jaffar [Tumpat]
YBhg. Datuk Roosme binti Hamzah - *Setiausaha*

Tidak Hadir [Dengan Maaf]

YB. Datuk Chua Tee Yong [Labis]
YB. Puan Mas Ermieyati binti Samsudin [Masjid Tanah]

URUS SETIA

Encik Che Seman Pa Chik [Setiausaha Bahagian Pengurusan Dewan]
Encik Amisyahrizan bin Amir Khan [Ketua Penolong Setiausaha (Perundangan dan Prosiding)]
Encik Nasrul Izani bin Ramli [Penolong Setiausaha I (Perundangan dan Prosiding)]

HADIR BERSAMA

Jabatan Audit Negara

YBhg. Datuk Haji Anwari bin Suri [Timbalan Ketua Audit Negara (Persekutuan)]
Puan Saadatul Nafisah binti Bashir Ahmad [Pengarah Audit Persekutuan]
Encik Raja Sunthara Kannan a/l Dato' Raja Gopal [Timbalan Pengarah Audit Persekutuan
(Pertanian dan Industri Asas Tani)]
Puan Ruhana binti Mohamad Zam [Juruaudit]
Puan Zanariah Hamid [Penolong Juruaudit Kanan]
Encik Abdul Rahman Abdul Hadi [Penolong Juruaudit]

samb/-

HADIR BERSAMA *(samb/-)*

Kementerian Kewangan

Puan Eshah binti Meor Suleiman [Setiausaha Bahagian Pelaburan, MKD dan Penswastaan]
Puan Norazura binti Tadzim [Ketua Penolong Setiausaha Bahagian Pelaburan,
MKD dan Penswastaan]

Jabatan Akauntan Negara

Puan Maslina Kamarudin [Ketua Penolong Pengarah]

Jabatan Perkhidmatan Awam

YBhg. Dato' Amir bin Haji Abd. Hamid [Pengarah Bahagian Khidmat Pengurusan]

Unit Perancang Ekonomi

Encik Hasan Ismail [Timbalan Ketua Pengarah]

SAKSI-SAKSI

Kementerian Pengangkutan

YBhg. Datuk Seri Long See Wool [Ketua Setiausaha]
YBhg. Dato' Yap Kin Sian [Timbalan Ketua Setiausaha (Operasi)]
YBhg. Dato' Haji Azharuddin bin Abdul Rahman [Ketua Pengarah Penerbangan Awam]
Encik Esparan a/l Munusamy [Setiausaha Bahagian (Pembangunan)]
Encik Chandrasekaran a/l Periappan [Setiausaha Bahagian (Udara)]
Encik Ruzain Idris [Timbalan Setiausaha Bahagian (Pembangunan)]
Encik Abd. Halim Abdullah [Timbalan Setiausaha Bahagian (Pentadbiran dan Kewangan)]
Encik Mas Suffian Abdul Karim [BP, MOT]

KLIA Consultancy Services Sdn. Bhd.

Ir. Mohd. Hanaffi Ayob [Naib Presiden]
Sr. Jamiah Jahis [Wakil]

LAPORAN PROSIDING

**MESYUARAT JAWATANKUASA KIRA-KIRA WANG NEGARA
PARLIMEN KETIGA BELAS, PENGGAL PERTAMA**

Bilik Mesyuarat Jawatankuasa 1, Parlimen Malaysia, Kuala Lumpur

Rabu, 20 November 2013

Mesyuarat dimulakan pada pukul 10.39 pagi

*[Yang Berhormat Datuk Nur Jazlan bin Mohamed
mempengerusikan Mesyuarat]*

Tuan Pengerusi: *Bismillahi Rahmani Rahim. Assalamualaikum warahmatullaahi wabarakaatuh.* Walaupun kita punya Jawatankuasa belum lagi penuh datang, tetapi kita sudah cukup kuorum sebab kuorum minimumnya tiga orang sahaja. Jadi saya hendak cadangkan kita teruskanlah dengan mesyuarat ini untuk menjimatkan masa kerana ada dua isu yang telah diketengahkan.

Saya hendak cadangkan agendanya begini. Pertama sekali kita minta Jabatan Audit Negara untuk memberikan penjelasan kepada laporan NFC kita supaya Ahli-ahli yang baru ini maklumlah mengenai syor yang akan dibuat dalam laporan NFC tersebut. Selepas itu kita akan *endorse* laporan NFC ini untuk dibentangkan kepada Dewan dalam masa dua atau tiga hari nanti. Itu pertama.

Kedua, saya rasa kita boleh terus kepada prosiding kita iaitu untuk memanggil Kementerian Pengangkutan untuk mendapatkan penjelasan Projek Peningkatan Lapangan Terbang Kota Kinabalu dan juga Projek Pembinaan KLIA 2. Cuma saya hendak cadangkan kita *go through* KK punya *airport* dahulu kerana itu adalah merupakan penyiasatan Jabatan Audit Negara yang telah dibukukan dalam Laporan Audit Negara Tahun 2012. Selepas itu baru kita pergi kepada soal KLIA 2.

Cuma, saya hendak minta pandangan daripada Jawatankuasa bahawa kedua-dua perkara ini merupakan perkara yang berat yang saya sudah tengok dan saya rasa ini memerlukan masa sampai lima atau enam jam. Saya rasa mungkin kita pun kesuntukan masa. Kalau hendak habis pun mungkin sampai lima atau enam jam, lama masanya. Saya hendak cadangkan kalau boleh kita buat KK dahulu. Selepas itu kalau ada masa lagi, kita terus kepada KLIA 2, tetapi saya hendak cadangkan pukul 1.30 petang kita tangguhkan mesyuarat. Boleh dapat persetujuan daripada Jawatankuasa?

Terima kasih banyak-banyak. Jadi kita *target* 1.30 petang untuk bersurailah. Kalau ada isu yang tertunggak lagi, kita panggil sekali lagilah mereka yang terlibat untuk memberikan penerangan.

Yang Berhormat Timbalan Pengerusi, Ahli Jawatankuasa PAC, Datuk Anwari, Timbalan Ketua Audit Negara bersama dengan pasukannya. Selamat datang ke *hearing* pertama kita bagi PAC Parlimen Ke-13. Saya minta jasa baik Datuk Anwari untuk terus kepada perkara yang saya minta tadi iaitu penerangan mengenai syor dalam laporan NFC kita nanti. Sila.

Datuk Haji Anwari bin Suri [Timbalan Ketua Audit Negara (Persekutuan)]: *Bismillahi Rahmani Rahim. Assalamualaikum warahmatullaahi wabarakaatuh.* Selamat pagi dan salam 1Malaysia. Yang Berhormat Datuk Nur Jazlan, Pengerusi PAC, Yang Berhormat Dr. Tan Seng Giaw, Timbalan Pengerusi PAC, Ahli-ahli-ahli Yang Berhormat, Dato' Sri, Datuk-Datuk, Ahli-ahli PAC sekalian, tuan-tuan dan puan-puan, Yang Berbahagia Datuk Setiausaha PAC, dan juga kakitangan Jabatan Audit Negara. Untuk makluman, Yang Berbahagia Tan Sri Ketua Audit Negara tidak dapat hadir pada hari ini kerana beliau ada tugas rasmi di Sabah.

Untuk laporan NFC, sebenarnya laporan ini telah siap disediakan oleh Jawatankuasa PAC yang lama sebelum pilihan raya dahululah. Jadi saya menjemput pegawai saya untuk meneruskan iaitu membaca laporan yang telah siap disediakan. Mungkin ada penambahbaikan selepas ini. Terima kasih.

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal [Timbalan Pengarah Audit Persekutuan (Pertanian dan Industri Asas Tani)]: Terima kasih Yang Berbahagia Datuk Timbalan Ketua Audit Negara. Saya Raja Sunthara Kannan a/l Dato' Raja Gopal, Timbalan Pengarah Audit Persekutuan Kementerian Pertanian dan Industri Asas Tani yang telah melaksanakan pengauditan berkaitan dengan projek Pusat Fidlot Nasional. Secara *briefnya*, PAC telah pun mengadakan mesyuarat sebanyak 14 kali berkenaan dengan NFC ini di mana tujuh adalah sesi untuk PAC menemu ramah ahli-ahli daripada Kementerian Pertanian dan tujuh lagi adalah perbincangan di antara PAC dengan pihak Jabatan Audit Negara.

Ekoran daripada sesi PAC diadakan ini, terdapat beberapa isu yang telah diketengahkan dan juga telah mendapat persetujuan daripada Ahli-ahli PAC di mana pada akhirnya kita telah pun membuat satu draf laporan supaya pihak PAC dapat mengemukakan laporan ini kepada Parlimen. Izinkan saya untuk memaklumkan isu-isu yang telah dibangkitkan.

Pertamanya, dalam laporan ini kita telah pun menyatakan berkaitan dengan projek Pusat Fidlot Nasional secara keseluruhannya, berkaitan dengan Dasar Jaminan Makanan Negara. Kemudiannya kita telah pun memaklumkan berkaitan dengan perjanjian-perjanjian yang terlibat iaitu lebih kurang tujuh perjanjian yang dibuat bagi projek ini iaitu:

- (i) *loan facility agreement;*
- (ii) *deed of assignment;*
- (iii) *debenture;*
- (iv) *supplemental agreement to the loan facility agreement;*

- (v) *supplemental deed of assignment;*
- (vi) *implementation agreement;* dan
- (vii) *lease agreement.*

Juga, kita telah membentangkan perihal berkenaan dengan pinjaman mudah. Pada asalnya perbincangan PAC adalah lebih berkaitan kepada projek Pusat Fidlot Nasional secara keseluruhan. Akan tetapi dalam perbincangan seterusnya yang keempat, pihak PAC mendapati bahawa PAC perlu menekankan soal RM250 juta sebagai *loan facility* kepada pihak NFCorp. iaitu *integrator* kepada projek PFN. Seterusnya selepas PAC bilangan keempat, kesemua *focus point* adalah kepada RM250 juta ini. So, dari situ kita telah menyediakan laporan ini yang lebih berteraskan kepada RM250 juta.

To recap balik berkenaan dengan RM250 juta ini, ini adalah satu pinjaman mudah di mana ia dibuat secara melalui *loan facility agreement* dan pihak NFCorp. telah pun diberi sejumlah RM250 juta oleh Kementerian Kewangan. Terdapat banyak kelemahan yang berlaku dalam proses pinjaman mudah ini diberi kepada pihak NFCorp.

Pertama sekali adalah berkenaan dengan *supplemental agreement* untuk membatalkan ATC dan digantikan dengan ATO, lewat dimeterai selama lapan bulan. Bagi isu ini, pada asalnya dalam *implementation agreement* telah menyatakan bahawa ATC hendaklah memperakukan segala *withdrawal of* pinjaman ini kepada NFCorp. ATC adalah *Authorize Technical Committee*. ATC ini terdiri daripada beberapa pegawai yang terdiri daripada pegawai dari Kementerian Kewangan, Kementerian Pertanian dan Industri Asas Tani, Jabatan Perkhidmatan Veterinar dan juga universiti. Walau bagaimanapun, mereka mendapati agak sukar untuk mereka bertemu untuk setiap *withdrawal*. Dengan itu, pihak kementerian telah mencadangkan supaya ATO dilantik iaitu *Authorize Technical Officer* di mana seorang pegawai boleh meluluskan.

Dengan itu, Kementerian Pertanian dan Industri Asas Tani telah pun mencadangkan Ketua Pengarah Jabatan Perkhidmatan Veterinar iaitu Datuk Dr. Aziz untuk menjadi sebagai ATO. Jadi, lebih mudah untuk mereka memproses *withdrawal amount* ini kepada pihak NFCorp.

Dato' Abd. Aziz bin Sheikh Fadzir [Kulim Bandar Baharu]: Tidak ada *limit*kah?

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *No. There are no limits.* Dia adalah dalam RM250 juta sahaja. *That means* apabila NFCorp. memohon untuk mengeluarkan RM250 juta kepada akaun operasi NFCorp., ATO hendaklah memperakui dahulu *that* NFCorp. memerlukan *this amount for the project. Then,* Kementerian Kewangan akan melaksanakan proses untuk mengeluarkan cek *and all this thing.*

So what happened is that, dalam perjanjian, ia telah menyebut sebagai ATC. Jadi apabila ada perubahan kepada ATO, dia perlu ada satu perjanjian untuk *to make it legalize that ATO* punya *signature.*

Akan tetapi itu yang kita maklum di sini, dia telah mengambil lapan bulan untuk membuat perjanjian tersebut. *So what happened is that, in between of that eight months*, ada pengeluaran di mana ATO telah menandatangani. *So, legally it is wrong* di mana ATO telah menandatangani untuk mengeluarkan *certain amount of RM113 million, almost RM113 million. So that is the first issue.*

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Dato' Abd. Aziz Sheikh Fadzir: *Can I ask?... Whatever amount yang ATO bayar...*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *Right.*

Dato' Abd. Aziz Sheikh Fadzir: *...Setelah ATO memperakukan?*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *Ya.*

Dato' Abd. Aziz Sheikh Fadzir: *...That process happens?*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *That process happens.*

Dato' Abd. Aziz Sheikh Fadzir: *Cuma the authorize for ATO to make the payment only.*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *To make a signatory of memperakui that pengeluaran itu.*

Dato' Abd. Aziz Sheikh Fadzir: *All those payment was approved by ATO?*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *No, it was not approved actually. The first two payments were not approved by the ATO.*

Dato' Abd. Aziz Sheikh Fadzir: *Okay, but I thought you said that apa saja pembayaran, mesti ATO memperakukan dahulu...*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *Right.*

Dato' Abd. Aziz Sheikh Fadzir: *...Jika perlu?*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *Yes.*

Dato' Abd. Aziz Sheikh Fadzir: *Cuma the proses pembayaran itu sahaja ATO boleh buat, bukan?*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *Right.*

Dato' Abd. Aziz Sheikh Fadzir: *So, that never happen?*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *Which I am coming for the next issue actually. It is okey Yang Berhormat. Mengikut klausa dalam perjanjian, segala pengeluaran, peruntukan amount RM250 juta kepada Akaun Operasi hendaklah diperakui oleh ATC dan kemudiannya ditukar kepada ATO.*

The next issue is that, terdapat dua payment berjumlah RM8 juta di mana ATO tidak memperakui. Ini kerana mengikut ketetapan Kementerian Kewangan, ia dianggap sebagai satu pendahuluan. In the beginning of the project. So, ketetapan Kementerian Kewangan adalah, jika berlaku pendahuluan, di mana bukan withdrawal maka ia dianggap sebagai- it is the prerogative of the Kementerian Kewangan untuk mengeluarkan.

It is because the amount is paid by Kementerian Kewangan. It is not by Kementerian Pertanian dan Industri Asas Tani. So, they felt that- but in our opinion, it is wrong sebab dalam perjanjian telah disebut, segala pengeluaran mestilah mendapat perakuan daripada ATO. So, we stand by the clause in the agreement. Sorry, the ATC, according to the agreementlah. So, that is the first issue about the eight months delayed.

Kedua ialah yang berkaitan dengan *withdrawal* sejumlah RM8 juta yang dianggap sebagai pendahuluan oleh MOF iaitu Kementerian Kewangan. So, itu adalah anggapan MOF di mana kita tidak setuju dengan anggapan tersebut. Ia mestilah melalui proses seperti yang ditetapkan dalam perjanjian iaitu mesti mendapat perakuan daripada kementerian. *I mean* daripada ATC atau ATO dahulu, *right*. So, that is the second issue di mana berlaku pelanggaran dari segi syarat-syarat.

Datuk Seri Reezal Merican [Kepala Batas]: *If I may ask, if I may ask?*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: Ya.

Datuk Seri Reezal Merican: *At time when RM8 million was advancedly paid by MOF with the deemed to be advanced payment, was ATO has been formalised or not?*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *No, ATO was not formalised.*

Datuk Seri Reezal Merican: *Ya. I am asking, ATO. Did ATC or has ATC recommended about the ATO yet or not?*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *Okay, now. Alright. Perjanjian untuk memeteraikan ATO dibuat pada 15 Disember 2008. Dua pendahuluan bernilai RM8 juta telah dikeluarkan pada 24 Januari 2008 dan 14 April 2008.*

Datuk Seri Reezal Merican: *Earlier than that?*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *Ya, no earlier than that. So that means, the ATO dimeterai pada 15 Disember 2008 and pendahuluan adalah sebelum...*

Datuk Seri Reezal Merican: *January 2008.*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *January 2008.*

Datuk Seri Reezal Merican: *In other words, the MOF was not in the know that there will have to be ATO?*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *They are in the know because in the agreement...*

Datuk Seri Reezal Merican: *There was ATC.*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *ATC.*

Datuk Seri Reezal Merican: *They only know about ATC, but they do not know about ATO.*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *About ATO. Right, right. They did not know. But, if let's say, if they do not know about the ATO, the process of ATC memperakui mesti ada. That means...*

Datuk Seri Reezal Merican: *It's ultra vires.*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *Yes, correct [Disampuk] Ya, which ATC has never met for any of the pengeluaran actually. Even though ATC ada disebut dalam perjanjian...*

Datuk Seri Reezal Merican: *ATC is mentioned as stipulated in the main frame of the loan agreement.*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *Right, right.*

Datuk Seri Reezal Merican: *So, in other words, there must be adherence to that.*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *Correct.*

Datuk Seri Reezal Merican: *True, right?*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *Okay, next, the third one will be on withdrawal yang keenam dan yang ketujuh berjumlah RM64 juta untuk cadangan pembinaan empat bangunan.*

NFCorp telah pun memohon kepada Kementerian Kewangan untuk memperoleh RM64 juta untuk membina empat buah bangunan di Gemas, Negeri Sembilan, di kawasan Projek Pusat Fidlot Nasional. *We are also talking about that process yang involved dalam pengeluaran pinjaman ini di mana RM64 million was paid to NFCorp based on a letter. There was no any proper kind of- like building plan or design. There was no anything of that. It was just a basic letter that NFCorp hendak bina empat buah bangunan. They are the kandang fidlot, loji pemprosesan daging, palm kernel crushing plant and pembinaan loji biogas.*

So, with this, MOF has released that RM64 million. Now basically, in government's procedure, mestilah satu kemajuan kerja yang perlu ada untuk pembayaran. So, they supposed to pay partly first and then on stages, they supposed to go on depending on the kemajuan kerja but that was not done when this... [Disampuk] It is MOF. At that time, ATO has been appointed, but they were not involved in that.

Datuk Seri Reezal Merican: *He has not authorize it?*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *Yes, he has not authorized that RM64 million.*

Datuk Seri Reezal Merican: *And he hasn't got any locus standi?*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *Right. It is because the permohonan to get the RM250 million, NFCorp akan buat terus kepada Kementerian Kewangan. Then, Kementerian Kewangan sepatutnya akan hantar kepada Jabatan Perkhidmatan Veterinar (JPV), Ketua Pengarah iaitu sebagai ATO untuk mendapat perakuan. So, setelah dia mendapat perakuan daripada ATO iaitu Ketua Pengarah JPV, then only the Kementerian Kewangan will process back again to issue the cheque and all these things.*

So, apabila permohonan NFCorp kepada Kementerian Kewangan, *if* Kementerian Kewangan *do it by themselves*, ATO would not know what is happening. Unless Kementerian Kewangan hantar kepada ATO, *then only ATO knows that there is a payment going to be done.*

Dato' Abd. Aziz Sheikh Fadzir: *Procedure is that NFC will have to write to Kementerian Kewangan.*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *Yes.*

Dato' Abd. Aziz Sheikh Fadzir: *Kementerian Kewangan will then send it to ATO to...*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *For the perakuan.*

Dato' Abd. Aziz Sheikh Fadzir: *Perakuan, baru bayar?*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *Baru kelulusan akan diberi oleh MOF untuk issue the cheque.*

Dato' Abd. Aziz Sheikh Fadzir: *Kalau logiknya, tidakkah patutnya NFC hantar kepada ATO ini...?*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *Right.*

Dato' Abd. Aziz Sheikh Fadzir: *...For them to confirm and recommend to Kementerian Kewangan? It is go that way.*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *Okey, Yang Berhormat. Actually, because the pinjaman adalah daripada Kementerian Kewangan, so that is why they go direct to the Kementerian Kewangan. That is the reason they went direct to the Kementerian Kewangan.*

Dato' Abd. Aziz Sheikh Fadzir: *That is an area that for future we can look at it for other loans. So that, you know, this kind of mistake will not happen.*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *Right, but we would prefer that if there is a letter sent to Kementerian Kewangan and s.k. to ATO, that means both of them will know.*

Datuk Seri Reezal Merican: *You know why? Because we have two different parties now. We have one pay master, the other one is, the custodian of the project which is Kementerian Pertanian.*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *Jabatan Perkhidmatan Veterinar.*

Datuk Seri Reezal Merican: *So, the one know how and the one who is going to pay. So, if the payment is made without the knowledge of the person who is supposed to know, then of course like what you said, whether in the future, the SOP has got to really clearly stipulate that. So that, the more important is not the pay master alone. The more important is the custodian of the project.*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *Well, that could be some pro and cons over there or on that process. Because, the pay master is Kementerian Kewangan, they hold the amount. So, when you want that amount, you come to me first, then I will send to ATO.*

But in this situation, because of this problem, I do understand YB's concerned, that probability there will be two letters to be sent simultaneously to Kementerian Kewangan and s.k or heading to Kementerian Kewangan dan to JPV. So that both of them could work concurrently, both of them can work together.

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That means JPV can contact, can see with the Kementerian Kewangan saying that, "Okay, there is the letter. So, I want to..." They know each other. Now, ATO does not know because what ATO mention during the PAC meeting before this is that he did not know about the pendahuluan because it was not sent to him. So, that is the things. Probably your concern will be taken care kalau surat itu dihantar simultaneously kepada kedua-dua pihak iaitu pihak Kementerian Kewangan dan ATO sekali.

Tuan Pengerusi: *I just want to interject pasal tidak hendak masa lama sangat. These are all the details issue, we already gone through in the last PAC pun.*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *Yes.*

Tuan Pengerusi: *The syor untuk hendak penambahbaikan sudah ada dalam report kita, bukan?*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *Yes. Sudah.*

Tuan Pengerusi: *Jadi, apa orang kata- I bukan hendak... [Ketawa] Saya bukan hendak menghalang soalan-soalan tetapi...*

Datuk Seri Reezal Merican: *Sorry. We are freshie... [Ketawa]*

Dato' Abd. Aziz Sheikh Fadzir: *But what I was hoping hari itu as we agreed that today kalau kita awal, we should have got that Executive Summary for us to read. So, at least, what we perakui today, is something that our conscious is clear, I mean we respect the former Members...*

Tuan Pengerusi: *Saya sudah sebut dalam Mesyuarat yang lepas... [Disampuk]*

Seorang Ahli: *...To be equally equitable.*

Tuan Tony Pua Kiam Wee [Petaling Jaya Utara]: *I agree with that.*

Tuan Pengerusi: *Saya sebut dalam Mesyuarat yang lepas bahawa kalau laporan ini tidak boleh diedarkan dahulu sebelum- walaupun kepada Jawatankuasa. Saya sudah sebut bahawa laporan ini boleh didapati di Pejabat PAC. Kalau hendak, pergi baca di sana. Saya sudah sebut. Dalam Mesyuarat sebelum ini saya sudah sebut [Ketawa] Saya minta maaf kalau ada miscommunication antara Ahli Jawatankuasa mengenai laporan ini tetapi memang laporan ini embargo, tidak boleh diedarkan kepada sesiapa di luar daripada Pejabat PAC pun. Jadi, saya minta maaf. Lain kali, itulah amalan kita yang biasa dalam urusan PAC. Kalau boleh kita cepat sedikit [Ketawa]*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *Thank you Tuan Pengerusi. So, can I go to the syor PAC?... Alright, rumusan PAC finally was... [Membaca petikan]*

"PAC berpendapat bahawa semua perkara yang dibangkitkan dalam laporan ini dan pihak-pihak yang berkenaan mengambil inisiatif tindakan yang serius terhadap kesemua syor PAC serta perkara-perkara yang dikenal pasti sebagai punca kepada masalah yang timbul, khususnya dalam pelaksanaan proses pinjaman mudah."

Bagi syor ini, walau bagaimanapun Kementerian Kewangan telah mengambil tindakan untuk memperkemas lagi SOP mereka dalam pinjaman mudah *which was not done before the NFC case. Before it is being discussed- the SOP was very loosed and selepas PAC bincang, and we inform to the Kementerian Kewangan, then mereka telah pun mengambil tindakan untuk memperkemas.*

Dato' Abd. Aziz Sheikh Fadzir: *It is possible Mr. Chairman, kalau kita hendak tahu berapa banyak lagi pinjaman mudah yang masih ada dan berjalan?*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *Ya. I think Kementerian Kewangan will be able to inform that.*

Dato' Abd. Aziz Sheikh Fadzir: *Can we request for that, Sir?*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *Ya. We have in the report, we have the statistics.*

Tuan Pengerusi: *Jadi, tolong dapatkan maklumat tersebut dan laporkan kepada Mesyuarat Jawatankuasa akan datang, ya. Terima kasih.*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *Yes, we have that in the report actually. How many...*

Tuan Pengerusi: *Tidak. I think you should give in-writing to the Yang Berhormat.*

Seorang Ahli: *[Bercakap tanpa menggunakan pembesar suara]*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *Okay.*

Tuan Pengerusi: *I am just... [Disampuk] You have the figure, then maybe you can photocopy and just maklum to Jawatankuasa.*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *Okay. Alright, will do.*

Tuan Pengerusi: *Now, I am trying to speed up. Timbalan Pengerusi pun sudah tunjuk saya jam tadi [Ketawa]*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *Okay. Sorry Tuan Pengerusi. Keduanya ialah Polis Diraja Malaysia dan Suruhanjaya Pencegahan Rasuah Malaysia (SPRM) wajar membuat siasatan rapi untuk mengenal pasti pihak yang terlibat dalam penyelenggaraan polisi.*

Ini disebabkan ada berlakunya *conflict of interests* bagi pegawai yang telah meluluskan bayaran, adalah juga sebagai seorang Ahli Lembaga Pengarah dalam NFCorp. Beliau juga adalah seorang *signatory*, salah seorang *signatory* dalam cek. *So, the process is based on one person where he decides we did not send to the ATO, he decides that and he is the one... [Disampuk] MOF level. That is where* kita hendak memperkemas lagi.

Dato' Abd. Aziz Sheikh Fadzir: Polis Diraja Malaysia, kita syorkan buat siasatan tetapi benda ini sudah lama. Tak kan tak buat siasatan lagi..., sebelum ini kes itu?

Tuan Pengerusi: Saya pun tidak pasti, saya...

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: Yes, PDRM, Jabatan Siasatan Jenayah Komersial (JSJK) telah pun melaksanakan siasatan tetapi *they go more on the project. About the conflict of interests, no! I do not think that they have focus on that.*

Tuan Pengerusi: *The syor here is to basically to hold Datuk Manaf, accountable for this kind, bukan? Sudah ada dalam report kita, bukan?*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: Yes, correct. Betul, betul.

Tuan Pengerusi: *Alright. So, we actually named the person to be taken action against.*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: Yes, correct.

Tuan Pengerusi: *So, it is in the Syor.*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *Correct. True. Then, next is on the withdrawal pinjaman mudah, bukan sahaja tidak dibuat dengan teratur, malahan telah menyebabkan wang pinjaman tidak digunakan sepenuhnya untuk pelaksanaan projek. This is because PAC knows that it is because the project was not done actually. Even though RM64 millions telah pun dikeluarkan and there were no any projects. Physically there was no any projects for the RM64 millions. So, this is where the money which has gone to the account without any perbelanjaan. Jadi, kemungkinan mereka telah menggunakan amaun ini untuk hal-hal lain seperti yang telah dibangkitkan dalam media.*

Finally, PAC juga membuat rumusan bahawa mengambil pengajaran, lesson learn daripada punca-punca masalah yang telah berlaku sebagai iktibar untuk proses penambahbaikan yang berterusan dan lain-lain sistem pengurusan projek kerajaan yang masih berkuat kuasa serta yang akan dilaksanakan pada masa akan datang. Punca masalah ini juga hendaklah dikaji secara teliti oleh kerajaan bagi memastikan perkara sama tidak berlaku sama ada dalam lain-lain projek atau lain-lain pinjaman kerajaan. PAC mengambil maklum terhadap beberapa penambahbaikan yang telah diambil oleh Kementerian Kewangan seperti yang saya sebutkan tadi daripada beberapa siri Mesyuarat PAC. So, that is all about.

Tuan Pengerusi: *Thank you very much. So, yang pentingnya daripada segi penambahbaikan, daripada segi prosedur dan dasar kita. Kementerian Kewangan sudah mengambil tindakan tetapi tindakan kepada orang yang membuat kesalahan itu belum dibuat lagi?*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *Belum dibuat. Kita menghadapi limitation. PAC telah menghadapi limitation yang mana pihak PAC actually telah memanggil pihak NFCorp tetapi Dato' Seri Dr. Mohamad Salleh tidak hadir dan dia telah menghantar peguamnya. This is because he did not want any- because he says that it is already in the court for the case, so he does not want to appear in front of the PAC.*

Dato' Abd. Aziz Sheikh Fadzir: *Tidak bolehkah kita buat police report atas kapasiti PAC kepada Datuk Manaf especially?... Tidak bolehkah Tuan Pengerusi?*

Tuan Pengerusi: *Oleh sebab itu sekarang ini saya hendak bertanya, apakah tindakan selanjutnya? Baru-baru ini ada penubuhan jawatankuasa di bawah Ketua Audit Negara dengan dihadiri oleh wakil-wakil daripada jabatan lain yang tujuan khasnya untuk hendak... [Disampuk] There are two committees. One is Ketua Audit Negara who is supposed to go through our Laporan Audit Negara and then take action. Then, there is Chief Secretary punya committee. Then, there is Perdana Menteri punya super committee. So, there are... Now, three committees. Cuma sekarang ini, saya hendak minta Ketua Audit Negara dahulu to take forward this case, untuk ambil tindakan dalam jawatankuasa yang dipengerusikan oleh beliau dahulu.*

Datuk Haji Anwari bin Suri: *Tuan Pengerusi, saya akan maklumkan kepada Yang Berbahagia Tan Sri.*

Tuan Pengerusi: *Kalau tidak ada tindakan juga, angkat ke jawatankuasa yang KSN punya. Kalau tidak selepas itu pun, angkat ke jawatankuasa super committee yang dipengerusikan oleh Perdana Menteri [Disampuk] Syor kita sudah ada, sekarang ini kita angkat kepada pelaksana untuk melaksanakan tindakan.*

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Dato' Abd. Aziz Sheikh Fadzir: *Tuan Pengerusi, saya cuma menekankan kerana ini contoh yang terbaik. Projek yang difikirkan cukup baik untuk negara tetapi tidak dilaksanakan dengan baik, akhirnya projek ini gagal. So, kita takut esok nanti banyak lagi projek yang kita rasa baik untuk negara gagal kerana pelaksanaan.*

Kedua, tidak adil kepada Kerajaan BN akhirnya- the decision maker ini memikirkan benda baik tetapi executors failed it- at the end, kita yang menerima...

Tuan Pengerusi: *Macam saya katakan tadi, penambahbaikan dari segi prosedur sudah dibuat oleh Kementerian Kewangan.*

Kita belum tahu lagi *feedback* lah sama ada berjaya atau tidak berjaya tetapi yang penting sekarang ini kita minta orang yang bertanggungjawab itu diambil tindakan juga tetapi itu kita serahkan kepada- kita pernah buat syor ini bahawa laporan dibuat ke pihak polis, aduan dibuat kepada pihak polis dan kepada pihak SPRM dan sebagainya.

Akan tetapi saya rasa apa yang penting sekali juga ialah di peringkat eksekutif, di peringkat pegawai tadbir kerajaan. Di situlah tindakan yang perlu diambil dan kita akan membuat syor rasmi ini dan selepas itu kita monitorlah sama ada tindakan telah diambil atau tidak. Boleh kita ambil itu sebagai rumusan terakhir sebelum kita meneruskan...

Dato' Abd. Aziz Sheikh Fadzir: Satu sahaja lagi, soalan terakhir. Saya cuma nak melahirkan kekecewaan saya kepada Yang Berhormat Rafizi dengan Dato' Seri Shahrizat kerana membuat keputusan untuk buat *out of court settlement*. Ini adalah *public- it cannot be a political hype*.

Tuan Tony Pua Kiam Wee: *That is defamation suit* lah. *I think it is not...*

Dato' Abd. Aziz Sheikh Fadzir: *It is not matter the defamation suit...*

Tuan William Leong Jee Keen [Selayang]: *I think it is separating because there is personal...*

Dato' Abd. Aziz Sheikh Fadzir: *I am just saying this is my opinion. I might be wrong you know...*

Tuan Pengerusi: *We can put it on record.* Jadi boleh saya dapat persetujuan daripada Jawatankuasa kita luluskan Laporan NFC ini?... *Finally*, selepas dua tahun, dan kita boleh *endorse* dan bantangkan dalam Dewan dalam masa dua, tiga hari lagi. Boleh ya? Okey, terima kasih banyak-banyak.

Dato' Kamarudin bin Jaffar [Tumpat]: ...Di dalam visi kita selepas ini, *make a big story of this* lah supaya kita *done something* lah. Nanti orang kata tidak ada...

Tuan Tony Pua Kiam Wee: *Perhaps one request – subsequent* lah, *not now, is a follow up on the story.* Sebab perkara ini belum berakhir lagi. Kontrak masih tergendala dan *tender* pun, *who supposed to coming and takeover* dah *give up*, dia kata *I won't takeover the debt. The Japanese*, yang sebelum ini dikatakan akan mengambil alih projek, telah kata dia tarik balik, dia tidak hendak buat sebab kena tanggung RM250 juta hutang tersebut.

Juga bahawa kes ini walaupun ada di dalam mahkamah, hanya pengerusinya sahaja yang di *charge* walaupun kesalahan ini kesalahan *entire board of directors*. Yang lain semua tidak di *charge*. Atas perkara lain pun tidak di *charge*. *So, we do a follow up subsequently on the status from the kementerian.*

Tuan Pengerusi: Boleh saya setuju?

Dato' Kamarul Baharin bin Abbas [Telok Kemang]: Tuan Pengerusi, *I think at this time we should know how much has been recovered from this project.*

Tuan Tony Pua Kiam Wee: Jawapan daripada Parlimen, *nothing. I got the answer early this session.*

Dato' Kamarudin bin Jaffar: *To make it our point officially, we ask on the recovery punya aspek.*

Datuk Seri Reezal Merican: *That's why Yang Berhormat Kulim tanya tadi yang dah disbursed, undisbursed and the recovered one.*

Tuan Pengerusi: Itu boleh kita mendapatkan maklumat itu dan kita masukkan di dalam minit mesyuarat. Jadi yang tiga perkara tadi Yang Berhormat Petaling Jaya Utara cakap tadi, satu mengenai masa depan projek ini, apa yang berlaku. Selepas itu yang kedua, berapa banyak wang yang telah dikeluarkan itu, dan telah dapat direcover, diselamatkan semula. Selepas itu satu lagi mengenai...

Seorang Ahli: *[Bercakap tanpa menggunakan pembesar suara]*

Tuan Tony Pua Kiam Wee: Lembu sudah tidak adalah. *[Ketawa]*

Tuan Pengerusi: Maknanya hendakkan laporan susulan mengenai projek NFC ini juga.

Tuan Tony Pua Kiam Wee: Tindakan yang diambil ke atas pihak yang bersalah.

Datuk Seri Reezal Merican: Yang Berhormat Petaling Jaya Utara, *you want a conclusiveness.*

Seorang Ahli: *Finalitylah.*

Tuan Tony Pua Kiam Wee: *I don't think you get conclusiveness now lah. I think we need to know the follow up action. Jangan kita buat 'hu ha' semua, selepas 'hu ha' itu, tidak ada lagi. Orang simpan bawah meja sahaja.*

Dato' Abd. Aziz Sheikh Fadzir: Akan menjadi kes contoh *you know, to detail future problem maybe. Hopefully.*

Dato' Kamarudin bin Jaffar: *Legally* Tuan Pengerusi, oleh sebab ini pinjaman, maka *just like a poor graduate with PTPTN, the government should pursue to very end even proceeding to bankruptcy, no passport, cannot go to Qatar with the one, with the Prime Minister and that sort of thing...*

Tuan Pengerusi: Itu hal lain, hal lain *[Ketawa]* Akan tetapi *in my understanding, the loan was actually a grant..*

Seorang Ahli: *No, soft loan, soft loan.*

Tuan Pengerusi: Akan tetapi *it was treated like a grant because there was no record.* Maknanya tidak ada- *company* itu yang jadi *guarantor* untuk *loan* itu, bukan individu. Itu kita kena *clear* kan.

Tuan Tony Pua Kiam Wee: Untuk makluman Ahli, dalam kontrak perjanjian pinjaman, *they can forever extend the loan. No penalty interest.*

Datuk Seri Reezal Merican: *Repayment period?*

Tuan Tony Pua Kiam Wee: Dia ada *repayment period* tetapi kalau sampai boleh *extend* lagi, kalau tidak boleh bayar dengan faedah yang sama tanpa penalti *interest*.

Datuk Seri Reezal Merican: *The interest rate?*

Tuan Tony Pua Kiam Wee: *Two percent.*

Datuk Seri Reezal Merican: *Soft loan*lah.

Tuan Pengerusi: Akan tetapi soalnya sama ada kita boleh *recover* duit itu daripada individu yang menjadi *director* syarikat itu, itu tidak *clear*.

Datuk Seri Reezal Merican: *Loan facility agreement- because I don't know about that. Maybe Yang Berhormat Petaling Jaya Utara can enlighten me. What was the gestation period?*

Tuan Tony Pua Kiam Wee: *Two years grace period. Tidak ada...*

Datuk Seri Reezal Merican: *Another words...*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: Yang Berhormat, *three years.*

Tuan Tony Pua Kiam Wee: *Three years* tanpa faedah.

Datuk Seri Reezal Merican: *Another words, there has no any repayment started yet?*

Tuan Tony Pua Kiam Wee: *No, repayment has supposed to start in 2011* tetapi sehingga hari ini satu sen pun belum bayar balik.

Tuan Pengerusi: Saya hendak *clear*kan saya punya *understanding*. Maknanya liabiliti itu kepada syarikat ya, bukan kepada individu.

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *To the NFCorp.*

Tuan Tony Pua Kiam Wee: *Is there personal guarantee?*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *No.*

Tuan Tony Pua Kiam Wee: *No personal guarantee?*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *There is no any personal guarantor.*

Seorang Ahli: *[Bercakap tanpa menggunakan pembesar suara]*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *20 years.*

Tuan Tony Pua Kiam Wee: Dia kena mula bayar 2011 dan kalau dia tidak bayar, *never mind*, sebab dia kena teruskan *interest* yang sama sahaja, *no* penalti.

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: Tuan Pengerusi, *I could just recap about that question* tadi. Setakat ini Kementerian Kewangan mempunyai lebih kurang 1,199 akaun pinjaman yang bernilai RM65.68 bilion.

Beberapa Ahli: *[Bercakap tanpa menggunakan pembesar suara]*

Tuan Pengerusi: Yang penting sekarang ini, itu pun satu isu yang saya rasa kita terlepas pandang. Maknanya macam mana hendak *recover* balik duit itu. Pasal apa, tanggungjawab itu terletak kepada syarikat, dan bukan kepada individu tersebut. Selagi syarikat tidak bayar, dan itu ditambah lagi ada komplikasi lain bahawa tempoh bayaran balik itu boleh disambung lagi. Jadi mungkin satu lagi syor tambahan yang kita boleh buat- adalah untuk menyarankan kepada Kementerian Kewangan untuk *recall the loan immediately...*

Datuk Seri Reezal Merican: *You have any record how many has turn to be like that?*

Tuan William Leong Jee Keen: Dan juga maknanya syor untuk mendapat *guarantee* daripada pengarah dari syarikat yang lain ya. *Next time, you must have a personal guarantee. The latest guarantee.*

Beberapa Ahli: *[Bercakap tanpa menggunakan pembesar suara]*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *More have Jawatankuasa. They have a bahagian there.*

Datuk Seri Reezal Merican: *No, I think the proving authority, the first layer I think Economic Council. Right me if I am wrong. It was not Cabinet right?*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: Yes.

Datuk Seri Reezal Merican: *It was not cabinet. It was economic council.*

Encik Raja Sunthara Kannan a/l Dato' Raja Gopal: *Okay, that is being decided by the project owner as well as MOF because, dalam kes ini because ia melibatkan ternakan lembu, that is why the grace period is three years because they cannot make- it is an assumption that they cannot make money within the three years period. So after three years period then only they can make money for them to pay. So all those things...*

Tuan Pengerusi: Sekarang ini kita minta Kementerian Kewangan untuk buat penambahbaikan dari segi ini. Jadi, okey, boleh kita terima laporan ini?... Baik, terima kasih.

Jadi sekarang ini kita boleh pergi kepada agenda yang sebenarnya pada hari ini iaitu untuk mendengar testimoni daripada pegawai Kementerian Pengangkutan. Pertama sekali, mengenai projek penambahbaikan *Kota Kinabalu International Airport*.

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Dato' Abd. Aziz Sheikh Fadzir: *[Bercakap tanpa menggunakan pembesar suara]*

Tuan Pengerusi: Tidak apalah, ini kira satu mesyuaratlah tetapi nanti kita *clearkan* kita punya agenda dahulu dan hal-hal lain kalau hendak sebut pun.

Dato' Abd. Aziz Sheikh Fadzir: *This Silterra di Kulim Hi-Tech. Now the workers are a bit worried, ada ura-ura untuk Khazanah hendak jual syarikat itu. Saya cuma hendak minta permission daripada PAC Members dan Tuan Pengerusi, kebetulan ianya dalam daerah Kulim walaupun ia di bawah Parlimen Padang Serai, untuk saya berjumpa dengan management ini.*

Just to listen on their views, if I'm allowed to, Silterra- chip wafer. Saya hendak minta kebenaran, nanti kata saya memandai-memandai pula kan.

Tuan Pengerusi: Saya tidak tahu, Jawatankuasa ini setuju? Pasal apa Yang Berhormat Kulim-Bandar Baharu memang bertanggungjawab kepada daerah itu. Jadi, kalau- Silterra pun telah di...

Dato' Kamaruddin bin Jaffar: Sebagai *PAC Member*?

Tuan Pengerusi: Ya, secara rasmi untuk mewakili kita. Kalau tidak kita kena pergi semua. Itu pun hendak kena atur tarikh lagi. Hendak maklumat pun boleh tapi Yang Berhormat Kulim-Bandar Baharu pergi dulu boleh?

Datuk Seri Reezal Merican: Kepala Batas boleh teman, tidak apa [*Ketawa*]

Tuan Pengerusi: Pasal dalam *Malaysian Gazzette* dua hari lepas pun sudah ada keluar mengenai laporan ini bahawa Khazanah hendak jual firma ini. Walaupun firma ini berdaya maju. Nanti saya... [*Disampuk*] Dalam *Malaysian Gazzet*. So, sesiapa berminat, laporan ini ada. Jadi, kita wakikan Yang Berhormat Kulim-Bandar Baharu dan juga Yang Berhormat Kepala Batas untuk berjumpa dahulu dengan pengurusan Silterra, mendapatkan maklumat supaya dilaporkan balik kepada Jawatankuasa PAC kita. Pasal ini ada hubungan dengan Khazanah Nasional Berhad. Terima kasih.

Jadi, kita akan buat *briefing* dan dengar testimoni daripada Kementerian Pengangkutan mengenai *KK Airport* dulu. Selepas itu, kalau ada masa kita akan sambung dengan KLIA2. Kalau tidak, kita tangguh KLIA2 itu kepada satu tarikh yang akan datang. Jadi, *target* kita hendak habis dalam pukul 1.30 petang. Sebelum itu, saya rasa elok kalau Timbalan Ketua Audit Negara, Datuk Haji Anwari untuk memberi sedikit *briefing*lah mengenai isu-isu. Terus kepada isu-isulah, Datuk.

Datuk Haji Anwari bin Suri: Terima kasih Tuan Pengerusi. Sebagaimana taklimat saya yang terdahululah. Kajian kita ini ikut standard yang telah ditetapkan. *Next slide*.

So, latar belakang projek KKIA terletak di daerah Penampang, Sabah. Merupakan projek peningkatan lapangan terbang. Pegawai Penguasa (SO) bagi projek KKIA ini adalah Ketua Setiausaha Kementerian Pengangkutan. Ini pentinglah. Manakala KLIA Konsultasi Service Sdn. Bhd. (KLIACS) telah dilantik sebagai perunding projek. So, perolehan bagi projek ini untuk kedua-dua pakej adalah secara rundingan terus. Di situ disebut nama-nama syarikat. So, surat setuju terima bagi pakej satu - 21 April 2006, pakej dua - 21 April 2006. Perunding 29,1007. So, konsep reka dan bina. So, nilai kontrak kedua-duanya RM720 juta. Tempoh kontrak sebagaimana disebut di situ, 36 bulan, kedua-duanya.

Objektif auditan sebagaimana disebut, kita terus kepada isulah. So, pengauditan dijalankan antara bulan Jun hingga Ogos 2012 mendapati secara keseluruhan projek peningkatan kurang memuaskan...

Datuk Madius bin Tangau [Tuaran]: Boleh saya tanya satu? Skop pengauditan. Kenapa tidak dimasukkan peranan Majlis Daerah dalam pengauditan?

Datuk Haji Anwari bin Suri: Majlis Daerah?

Datuk Madius bin Tangau: Ya, sebab ia melibatkan *liberal plan*. Kenapa tidak dimasukkan di situ?

Datuk Haji Anwari bin Suri: So, kita ada pergi ke pihak berkuasa negerilah. So, kita tidak pergi ke PBT. Dalam skop.

Datuk Madius bin Tangau: Sebab saya difahamkan keputusan Majlis Daerah dalam hal-hal berkenaan dengan KKIA juga telah mengubah pelan projek ini *in the big way, substantial way*. Jadi, ia juga telah mengakibatkan kos akhirnya. Contohnya, ia punya pengurusan trafik. Dia punya *flyover*, dua *flyover* itu. *Initially* tidak ada di dalam *plan*. Akan tetapi kerana Majlis Daerah telah meminta, jadi akhirnya diletakkan di situ. Sepatutnya dimasukkan dalam skop pengauditan.

Datuk Haji Anwari bin Suri: Kita ada ke Jabatan Tanah dan Ukur Sabah. So, Puan Ruhana ada apa-apa hendak tambah?... Puan Ruhana, sila.

Tuan Pengerusi: Begini, begini. Hendak potong cerita ia.

Puan Ruhana binti Mohamad Zam [Juruaudit Jabatan Audit Negara]: Okey, Tuan Pengerusi, untuk itu kami pergi ke Jabatan Pengairan Alam Sekitar, Sabah. Kita tidak pergi ke Majlis Daerah seperti Yang Berhormat cakap. Akan tetapi *when we are doing auditing*, kami pergi ke peringkat Alam Sekitar Sabah dan juga Jabatan Tanah Sabah.

Datuk Madius bin Tangau: Tuan Pengerusi, saya hendak sebut ini sebab ada dua perkara. Pada ketika itu saya pun di Dewan. Saya telah bertanya satu soalan spesifik kepada Menteri Alam Sekitar Persekutuan, pada ketika itu Dato' Seri Azmi bin Khalid. Saya bertanya dalam soalan saya, adakah EIA untuk projek ini sudah diluluskan? Beliau mengatakan belum lulus. Saya mengatakan kalau belum lulus, kenapa projek sudah mula? Beliau mengatakan ini kerja pihak berkuasa tempatan, dia memberi arahan. Saya masih ingat lagi jawapan beliau. Jadi, saya cakap, apa pula kuasa pihak berkuasa tempatan untuk memberi arahan? Itu satu.

Kedua, saya sendiri telah bertanya kepada Ahli-ahli Majlis Daerah di Penampang. Pada ketika itu ada seorang Ahli Majlis Daerah yang, *he is a Town Planner because he is a Town Planner-he can see the whole picture*. Kalau hendak bina lapangan terbang, nombor satu kita tengok trafik. Trafik kapal terbang, selepas itu trafik kereta. Apabila tengok trafik keretanya, dengan unjuran penumpang dan sebagainya, memang tidak ada dalam pelan.

Akhirnya, Majlis Daerah telah meminta supaya dibina *flyover* itu yang sekarang ini *very ugly structure*. Sebab memang tidak ada dalam pelan pada mulanya. Akhirnya, peruntukan yang RM700 juta lebih itu diambil sedikit dan bina *flyover* ini. Akhirnya, tidak cukup juga. Sepatutnya peranan Majlis Daerah di situ dimasukkan dalam skop pengauditan.

Tuan Pengerusi: Saya setuju dengan pandangan Yang Berhormat Tuaran kerana dalam skop audit Jabatan Audit Negara pun memang dalam hal pembinaan dan juga hal pembangunan, PBT memainkan peranan untuk meluluskan apa-apa pelan. Walaupun projek itu adalah projek jabatan Persekutuan tapi persetujuan daripada PBT memang diperlukan sebelum projek boleh berjalan. Jadi, saya rasa satu penambahbaikan juga, *lesson learn*, dalam apa-apa pengauditan oleh Jabatan Audit Negara pada masa akan datang, tengok juga kepada peranan PBT dalam meluluskan pelan pembangunan.

Dato' Abd. Aziz Sheikh Fadzir: Pelan sebelum memulakan projek mesti datang daripada PBT.

Datuk Haji Anwari bin Suri: So, *next*. Prestasi fizikal keseluruhan projek bagi Pakej 1 adalah mengikut jadual setelah mengambil kira tiga lanjutan masa selama 290 hari. Bagi Pakej 2, prestasi fizikal sebenar setakat 31 Mei 2012 ialah 94.3% berbanding dengan jadual, 94.2%, setelah mengambil kira lima lanjutan masa selama 1,106 hari dan perjanjian tambahan selama lapan bulan. So, antara kelemahan yang diperhatikan adalah seperti berikut:

- (i) ketidakpatuhan undang-undang alam sekitar serta terdapat masalah pengambilan tanah sebelum projek dimulakan, pengambilan tanah persendirian, pengambilan tanah bukan persendirian, EIA tambahan dan kajian hidraulik;
- (ii) kegagalan kontraktor mematuhi syarat tambahan, kesan terhadap kelewatan penyelesaian masalah EIA, isu *inter-phasing* antara kontraktor Pakej 1 dan Pakej 2 dalam menjalankan kerja menaik taraf;

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- (iii) kerja naik taraf yang tidak mengikut *specification* dan tidak berkualiti, pemasangan *Instrument Landing System* (ILS) tidak mengikut jadual, pembaikan *runway* dan *taxiway* tidak mengikut jadual;
- (iv) sebahagian komponen kerja Pakej 2 tidak siap, terbengkalai bilik *substation* selatan, *apron taxiway*, longkang konkrit jenis *U shape*; dan
- (v) sebahagian kemudahan yang siap dibina tidak digunakan, keengganan AirAsia berpindah dari Terminal 2 ke Terminal 1, operasi dan kos penyelenggaraan Terminal 1 dan Terminal 2, penutupan landasan KKIA akibat masalah teknikal pada 25 dan 26 Oktober 2012.

So, itulah isu-isu yang kritikal saya telah saya bentang pada sesi yang lepas.

Tuan Pengerusi: Jadi, ada lagi maklumat tambahan yang Ahli Jawatankuasa perlukan daripada Jabatan Audit Negara sebelum kita panggil wakil kementerian, tidak ada? Yang Berhormat Petaling Jaya Utara? [Disampuk]

Okey, kalau tidak ada lagi apa-apa maklumat tambahan yang kita perlukan daripada Jabatan Audit Negara, saya rasa kita boleh panggil wakil dari kementerian untuk memberikan keterangan sekarang. Minta panggil ya. Terima kasih.

[Saksi-saksi dari Kementerian Pengangkutan mengambil tempat di depan Jawatankuasa]

Tuan Pengerusi: Datuk, selamat datang ke Mesyuarat PAC kita ini. Pada hari ini kita hendak mendengar keterangan daripada Datuk serta pegawai-pegawai mengenai isu penambahbaikan *KK Airport* dulu. Kalau kita selesai *KK Airport*, ada masa kita pergi ke KLIA2 pula kerana *KK Airport* ada dalam Laporan Audit Negara pada tahun 2012 yang lepas. Jadi, kita selesaikan perkara itu dulu, selepas itu baru pergi ke KLIA2.

Saya rasa sebelum kita mulakan prosiding ini, saya hendak maklumkan bahawa segala percakapan kita direkod secara verbatim. Kalau tidak hendak apa-apa komen direkodkan, jangan pakai *microphone*. Itu satu.

Kedua, saya hendak bagi amaran bahawa keterangan ini perlu diberikan secara telus dan kalau tidak dijawab, itu akan nanti dianggap sebagai satu keingkaran kepada Jawatankuasa PAC kita. Bukan apa, saya dan Jawatankuasa memandangkan perkara yang kita hendak bincangkan ini merupakan perkara yang berat, yang telah memberikan masalah di kalangan rakyat. Kita hendak jelaskan kepada rakyat bahawa isu ini ada jawapannya dan bukan tidak ada penyelesaiannya.

Jadi, sebelum Datuk mulakan, saya berharap Datuk dapat perkenalkan diri Datuk serta pegawai-pegawai Datuk supaya kita senang dapat berurusan dengan nama. Jadi, saya minta Datuk teruskan. Terima kasih.

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Datuk Seri Long See Wool [Ketua Setiausaha Kementerian Pengangkutan]: Terima kasih. Selamat pagi, salam sejahtera dan salam 1Malaysia. Yang Berhormat Datuk Nur Jazlan bin Mohamed, Pengerusi PAC, Yang Berhormat Dr. Tan Seng Giaw, Naib Pengerusi dan semua Ahli-ahli Jawatankuasa Kira-kira Wang Negara yang saya hormati sekalian. Saya sertai sesi pada pagi ini dengan beberapa orang pegawai daripada kementerian dan juga agensi di bawah kementerian.

Kalau saya dibenarkan, *saya would like to introduce the members*. Saya ialah Long See Wool, Ketua Setiausaha dari Kementerian Pengangkutan. Di sebelah kiri saya ialah Dato' Yap Kin Sian, Timbalan Ketua Setiausaha Operasi Kementerian Pengangkutan. Di sebelah kanan saya ialah Dato' Haji Azharuddin bin Abdul Rahman, Ketua Pengarah Jabatan Penerbangan Awam, *which is the regulatory authority for civil aviation*.

Saya juga ada pegawai Encik Esparan iaitu Setiausaha Bahagian *in charge of* pembangunan di Kementerian Pengangkutan. Semua projek-projek pembangunan di bawah kawalan beliau.

Saya juga ada pegawai yang di belakang, tidak nampak iaitu Setiausaha Bahagian Udara *in charge of aviation*, Encik Ruzain *which is the* Timbalan Setiausaha Bahagian Pembangunan. Selain itu ada seorang pegawai daripada DCA, Encik Nazlan merupakan pengurus DCA di Kota Kinabalu. Selain daripada itu, saya ada dua orang wakil daripada juru perunding iaitu KLIACS yang telah pun dilantik oleh kerajaan untuk membantu kerajaan melaksanakan dan memantau projek di Kota Kinabalu. Seorang pegawai di situ, Encik Abd. Halim iaitu pegawai daripada kementerian, dari bahagian kewangan yang juga ada berkaitan dengan pelaksanaan projek ini. Ada seorang lagi juru perunding, Encik Mohd. Hanaffi Ayob, yang merupakan Timbalan Presiden KLIACS dan beliau juga merupakan pengarah projek KKIA yang kita laksanakan.

Saya meminta kebenaran Tuan Pengerusi untuk saya mengutarakan satu dua perkara yang pada pendapat saya dan saya telah pun dinasihati supaya membangkitkan sebelum kita mula sesi ini iaitu pertama- pada masa ini terdapat satu kes di mahkamah iaitu Global Upline, kontraktor yang kita tamatkan perkhidmatannya pada bulan Disember 2012, kes kini sedang berlangsung dan beberapa orang pegawai telah pun *summoned* untuk *appear in the session*.

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Apa yang hendak saya sampaikan adalah bahawa kalau dalam prosiding ini *certain Statement* tertentu dikeluarkan, maka AG pun- *my lawyer advise, it might prejudice the case which is going on now in court. They are suing us basically for wrongful termination and also on one or two other issues that related to the implementation of the airport.*

Secondly, I think the PAC is fully aware that the audit was done quite sometimes ago iaitu dari bulan Jun hingga bulan Ogos 2012. Pada masa itu projek dalam keadaan bermasalah kerana *the performance of the contractor at that point in time is very bad that led to the termination towards the end of the year. So, there is time lapse between the Audit were done and the situation today* sebab kami telah pun mengambil pelbagai tindakan dan melantik kontraktor-kontraktor dan konsultan penyelamat. *So the situation on the ground is much better* dan beberapa isu yang diutarakan oleh Jabatan Audit Negara atau Ketua Audit Negara telah kami ambil tindakan dan ada yang telah pun selesai.

Dengan itu, kalau saya dibenarkan, saya telah menyediakan beberapa isu yang masih bermasalah dan kami akan membentangkannya jika dibenarkan untuk tujuan menjawab isu-isu yang dibangkitkan oleh Ketua Audit Negara. Kalau saya dibenarkan. Terima kasih. Boleh saya teruskan ataupun...

Tuan Pengerusi: Ya, teruskan. Sebelum Datuk teruskan, Jawatankuasa ada apa-apa soalan awal dulu?... Datuk, teruskan. Datuk, kalau kita *interject in between your testimony, is it okay, or you prefer to finish first?...*

Datuk Seri Long See Wool: Ya. *No, no, by all means.*

Tuan Pengerusi: *Okay, alright. Thank you.*

Tuan Tony Pua Kiam Wee: *Let them finish first then we go one round. Faster in that way, otherwise...*

Tuan Pengerusi: *Sorry?*

Tuan Tony Pua Kiam Wee: *Rather than interject them in between, let them finish first, then we go one round, everyone tanya soalan. Before this, the interjection is only for clarification of facts on the specific slide rather than asking about causes or reasons and stuff like that. So those we leave for...*

Datuk Seri Long See Wool: *If I may Yang Berhormat. The Kota Kinabalu International Airport is one of six international airports that we have in the country. It is the second busiest airport in Malaysia handling over 5.8 million passengers in 2012. In fact, this year itself, in spite of the Lahad Datu incident in Sabah, the airport continue to enjoy very good growth. It is the second busiest and that is also the reason why we went ahead to upgrade this project to the capacity of nine million passengers a year. Pada tahun lalu, about 5.6 million or 5.8 million and this year by in October itself, already exceeded the total volume last year. We expect this year will easily hit six million or 6.2 million or 6.3 million in the next two month.*

Now, on the slide as you can see di atas itu, bagi projek ini, kita bahagikan projek kepada dua, two separate projects iaitu melibatkan Pakej 1 iaitu skop kerjanya ialah bangunan terminal, untuk mempertingkatkan bukan sahaja terminal yang baru, we also build a new wing to the terminal. Daripada itu, the main component passenger loading bridge kita implement the new baggage handling system, tempat letak kereta dan juga menambahkan bilangan tempat letak pesawat di situ. If you have view the airport, there is different from the past where we build new traffic flow system which is much improve version than what we have in the past.

So that particular package was awarded to WCT Engineering Sdn. Bhd. yang melibatkan nilai kontrak sebanyak RM700 juta, dan tarikh permulaan kerja pada bulan Mei 2006 dan tarikh siap kerja adalah pada 4 Mac 2010, of course it has defect liable period of 24 months. For this component, it has been completed...

Dato' Seri Reezal Merican: *I am compels to ask this question, the simple one. I think you can answer quickly. There is conflicting figure here. The one Auditor said that the contract value is RM720 million, yours is RM700 million and for Global Upline, yours is RM773 million while the auditor one said RM720 million.*

Datuk Haji Anwari bin Suri: Boleh saya jawab? Saya jawab.

Kos asal RM720 juta, APK RM25.74 juta, EOT RM5.94 juta. So *total* RM700.20 juta. Kedua, kos asal RM720 juta, APK RM27.7 juta, EOT RM13.84 juta. So ada tambahan RM11.76 juta, total RM773.29 juta. So mengikut kontrak ini memang RM720 juta. Terima kasih.

Datuk Seri Long See Wool: *Can I proceeds? So the second package* itu melibatkan...

Tuan Haji Hasbi bin Haji Habibollah [Limbang]: *KSU, just before you proceed to the Package 2, Package 1 on the ground, is it where the AirAsia now, is it?*

Datuk Seri Long See Wool: *No. The AirAsia is just temporary terminal which was built for the purpose which AirAsia is still operating from there which is the term as Low Cost Carrier Terminal.*

Pakej 2 melibatkan Global Upline dan skop kerjanya *is more on airside*, peningkatan *airside*, pemanjangan landasan yang juga melibatkan pemasangan sistem *airfield lighting* yang baru, sistem *navigation aids* dan sistem ComAids dan peningkatan Terminal 2 yang tadi Yang Berhormat sebutkan tadi, di mana operasi AirAsia berpusat di situ sehingga hari ini, dan juga pembinaan Menara Kawalan Trafik Udara serta bangunan pentadbiran Jabatan Penerbangan Awam. Nilai kontraknya adalah lebih tinggi berbanding dengan Pakej 1 dan tarikh mula kerja adalah sebulan kemudian iaitu pada bulan April 2006 dan tarikh siap kerja berasaskan kepada yang EOT yang semua diberi iaitu pada 31 Disember 2012. Tarikh ini, projek ini masih, *is in the process of implementation by the* kontraktor-kontraktor penyelamat.

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Next, ini merupakan gambar bangunan Terminal 1 yang telah pun dibina dan telah pun digunakan sepenuhnya oleh syarikat-syarikat penerbangan kecuali AirAsia. *Next page*, ini juga merupakan *the side views of the terminal building*. *What you see on the left hand side are the aerobridges, and on the right hand side is on the land side* yang mana *the access road to the terminal building*.

Kami ingin membentangkan tiga perkara yang merupakan *to us are the main issues on the Auditor's Report*. Satu iaitu ketidakpatuhan undang-undang alam sekitar. Kedua iaitu melibatkan satu *equipment which is what we called a navigation equipment and instrument landing system*. Sama ada sistem ini kalau kita tidak ada, melibatkan isu keselamatan operasi.

Ketiganya ialah perpindahan operasi AirAsia daripada *what we called a temporary terminal to Terminal 1 which has the capacity to handle nine million passengers*.

If I may, Ahli-ahli Yang Berhormat, mengenai isu yang pertama iaitu pemantauan kepada undang-undang alam sekitar. *For this project, the Federal Government or the Ministry of Transport, we lantik a consultant to do the overall environment studies which was done, but that is for the entire airport project as such*.

Keduanya ialah *because the airport is next to the coast and because the airport involves-when we extend the runway, it will go into the sea on one side, dan juga melibatkan pemasangan lampu-lampu which will guide the aircraft into the sea towards the other end.*

Datuk Madius bin Tangau: *Question.*

Datuk Seri Long See Wool: *Sorry.*

Datuk Madius bin Tangau: *ini laporan EIA, if the cost of the project is RM720 million, is the cost of the EIA is part of that? Adakah...*

Datuk Seri Long See Wool: *It is goes into the entire cost project. Kalau projek kos itu masukkan dalam – kalau kita katakan... I am talking about the first one when we did. When we are talking about contract price, it is not there.*

Datuk Madius bin Tangau: *Is not there?*

Datuk Seri Long See Wool: *But, I need to explain. But, there are certain components of the EIA relating to the extension of the runway into the sea and also the airfield lighting, that comes under the work scope of the contractor which was already priced into the contract. Akan tetapi yang pertama yang I sebutkan tadi itu, that is done by us, not part and parcel of the contract.*

Datuk Madius bin Tangau: *Directly from the Ministry of Transport?*

Datuk Seri Long See Wool: *Ya.*

Datuk Madius bin Tangau: *Okey.*

Datuk Seri Long See Wool: *So, yang ini sebab kerajaan negeri ada enakmennya to protect the environment at the State. So, since the extension is going to the sea, so they require us to do a specific study for which it was the responsibility of contractor to do so for that purpose. It is because the extension into the sea involving the extension of the runway telah mengakibatkan impact on the coastal area. The State government further imposed a condition on the construction method for those lighting into the sea to protect the environment.*

So, there was this issue of the consultant reluctant to do it, but eventually, a construction method was submitted to environment, their task in Sabah. They approved a particular constructor method iaitu dinamakan bahawa temporary steel staging. That method was deemed to be mesra alam sekitar dan juga tidak akan mengakibatkan impak negatif. Walaupun keputusan itu telah dibuat yang mana kontraktor itu sepatutnya melakukan kerja mengikut method of implementations sepertimana yang telah pun diluluskan, but when they proceeded, they went back to the old method of one thing to do pengorekan and bring in sand and all that.

So, because of that, the consultant under us issued a Non-Conformance Report iaitu NCR. So, from that period until the contract was terminated, of course there was very little work that was done by the Global Upline but, for the contractor penyelamat yang kami telah lantik, we will follow the decisions and the rules that are being stipulated by the State punya environmental authority.

So, I hope I have explained this particular issue in the context of us not conforming to the rules and the regulations of environment in the State.

Datuk Madius bin Tangau: *Can I asks one question?... What was the specific reason for the contractor to insist having the consultant to dig, mengorek muara sungai itu tadi? Why cannot they build without korek?*

Datuk Seri Long See Wool: *There are many methods of implementation. I think what- this is a design and build contract. It was negotiated on a lump sum basis. So, if you are the contractor or if I am the contractor, I would want to choose the method which cost me least. So, dia pilih opsyen yang dia buat itu sebab itu merupakan satu mekanisme pelaksanaan yang akan melibatkan perbelanjaan kurang daripada yang tadi punya staging method. Because you need to protect the coast, then you will have to do work which is much more tedious and costs you more money. That is why they were very reluctant to do it the methods which the State stipulated, but the moment the State kata, you kena buat macam ini, dia kena akuriah. Because, we would have deemed that whatever method that is determined should have been priced into the tender price.*

Datuk Madius bin Tangau: *They insisted to korek because they wanted the pasir isn't it? Not because they cannot build or construct the pembinaan. They want the pasir to do something else. It is an excuse to get the pasir rather than inability to construct the...*

Datuk Seri Long See Wool: *I am sorry, those are details, if I may ask my officer or consultant to answer that part. I...*

Tuan Pengerusi: *That is not directly related to the...*

Datuk Seri Long See Wool: *This one is also one of the thing they are also asking us to pay RM300,000. Part of the court case. But anyway, I think it is okay for us to answer that*

Ir. Mohd. Hanaffi Ayob [Naib Presiden KLIA Consultant Services Sdn. Bhd.]: Penggunaan baj adalah yang paling senang sekali sebab baj senang dibawa. Menggunakan *piling rig*, letak di atas baj, dibawa ke *position* yang dia hendak *pile* dekat ia punya *approach light* itu. Akan tetapi sesetengah tempat itu, kerana tempat terlampau cetek, baj tidak boleh masuk, ia kena buat pengorekan. So, pengorekan ini tidak dibenarkan oleh Jabatan Alam Sekitar Sabah sebab ia mengakibatkan hakisan di bahagian lain iaitu di bahagian *coastal* dan di tempat-tempat yang lain. Sebab itu dia hendakkan *method* yang mesra alam dan kita telah *proposed* kepada kontraktor.

Malah kontraktor telah *proposed* kepada Jabatan Alam Sekitar untuk menggunakan *steel staging platform* atau *temporary platform* untuk diletakkan ia punyai *piling rig*, tolak bawa ke laut, ke tempat yang hendak *pile*. Setelah siap nanti, dia akan buka balik *steel rig* tadi itu dan kawasan pantai tidak akan terjejas. Itu telah diluluskan oleh Jabatan Alam Sekitar tetapi malangnya pihak kontraktor telah memilih semula untuk menggunakan baj.

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Akan tetapi kali ini dia memberi alasan, baj itu tidak perlu dibuat pengorekan sebab dia menggunakan yang tipis sedikit, yang *earlier* itu yang tebal. Macam mana dia dapat cari yang tipis punya dan tidak perlu pada pengorekan tetapi kita kata, "Yang ini tidak dibenarkan oleh Jabatan Alam Sekitar" dan kita kata, "Kalau hendak, kena minta semula permohonan ini kepada Jabatan Alam Sekitar". Akan tetapi dia tidak mendapat kelulusan ketika itu. Oleh sebab itu kita keluarkan NCR, satu cara untuk kita katakan kita tidak luluskan cara yang dia buat itu kerana tidak mengikut kehendak Jabatan Alam Sekitar...

Tuan Pengerusi: Akan tetapi kontraktor tidak buat apa-apa pengorekanlah di kawasan itu?

Ir. Mohd. Hanaffi Ayob: Selepas kita keluarkan NCR itu, dia berhenti kerja.

Tuan Pengerusi: Oh! Dia buat juga pengorekan?

Ir. Mohd. Hanaffi Ayob: Dia tidak buat.

Tuan Pengerusi: Sebelum itu, sebelum keluar arahan itu, mereka buat?

Ir. Mohd. Hanaffi Ayob: Dia buat baj sahaja.

Tuan Pengerusi: Dia buat baj sahaja.

Ir. Mohd. Hanaffi Ayob: Dia buat baj sahaja, yang nipis punya. Tanpa pengorekan.

Tuan Pengerusi: Maknanya, pengingkaran undang-undang EIA di Sabah tidak berlakulah?

Ir. Mohd. Hanaffi Ayob: Tidak dipatuhi.

Tuan Pengerusi: Dia tidak patuhi tetapi dia tidak buat pengorekan dan tidak...

Ir. Mohd. Hanaffi Ayob: Tidak buat pengorekan, tiada.

Tuan Pengerusi: Maknanya dia tidak ingkar kepada peraturan EIA itulah?

Ir. Mohd. Hanaffi Ayob: Tidak ingkar lagi.

Tuan Pengerusi: Cuma ada *dispute* di antara tanggungjawab dia dalam kontrak dengan apa yang dia buat secara fizikal. Itu sahaja.

Tuan Tony Pua Kiam Wee: Minta penjelasan atas apa yang ditanya oleh Tuan Pengerusi. JPAS mengeluarkan kaedah *temporary steel staging* pada 30 Januari 2011. Akan tetapi NCR dikeluarkan hanya satu setengah tahun kemudian. So, ketidakpatuhan itu selepas NCR kah, selepas kaedah *temporary steel staging* dikeluarkan oleh pihak JPAS?

Ir. Mohd. Hanaffi Ayob: Selepas kita dapat kebenaran untuk membuat *piling* menggunakan *temporary steel staging*, pihak kontraktor sepatutnya menggunakan kaedah tersebut tetapi apabila hendak melaksanakan kerja *piling*, dia memilih untuk membuat cara *barging*.

Tuan Tony Pua Kiam Wee: So, dia korek juga selepas...

Ir. Mohd. Hanaffi Ayob: Dia tidak korek. Dia gunakan *barging*- baj yang nipis tanpa pengorekan. Yang asalnya...

Datuk Madius bin Tangau: Selepas itu, boleh lalu pula ya? Dulu tidak boleh lalu.

Ir. Mohd. Hanaffi Ayob: Dulu dia hendak yang tebal punya, dia terpaksa gunakan pengorekan.

Datuk Madius bin Tangau: Pasal dia hendak pasir.

Ir. Mohd. Hanaffi Ayob: Yang itu saya tidak tahulah apa dia punya... Selepas itu, setelah kita dapat kelulusan daripada pihak Jabatan Alam Sekitar untuk menggunakan *steel staging*, dia sepatutnya menggunakan *steel staging*. Akan tetapi dia masih hendak menggunakan *barging* juga dan sebab itu kita keluarkan NCR.

Datuk Seri Reezal Merican: *Did he completed the pembinaan?*

Datuk Seri Long See Wool: *No.*

Ir. Mohd. Hanaffi Ayob: Dia tidak buat lagi. Masa itu dia baru satu, dua *pile* dan kita sudah keluarkan NCR, dia *stop* kerja itu.

Datuk Seri Reezal Merican: *After a year?*

Seorang Ahli: *[Bercakap tanpa menggunakan pembesar suara]*

Datuk Seri Long See Wool: *If I may just explains that sequence. I think it is a question of the sequence. When the final method was approved by the authority, he did not settle immediately. He took quite a bit of time. Then, his barge appeared. So, it was quite clear that he did not want to follow. He reverted back into the old method because that could have saved his money but we have to issue the NCR. So, there was this time lapse there but you must recall that his performance was- it took him a long time even start doing any work item which was the issue that we have continuously with this particular...*

Tuan Pengerusi: *Datuk, before you proceed dengan apa-apa jawapan pun, in this case, is this EIA punya dispute under the court action?*

Datuk Seri Long See Wool: *Ya, what they are...*

Tuan Pengerusi: *No, no. What I am saying is ...*

Datuk Seri Long See Wool: *It is.*

Tuan Pengerusi: *If you are not comfortable with any of the answer that can affect your case in court, you please...*

Datuk Seri Long See Wool: *Ya.*

Tuan Pengerusi: *If you think...*

Datuk Seri Long See Wool: *...But I think so far we are just explaining the facts and see the difficulties on what we have faced.*

Tuan Pengerusi: *We understand your difficulty also but please answer- if you feel comfortable, answer as detail as you can as long as it does not jeopardize your case.*

Datuk Seri Long See Wool: *Okay, thank you.*

Dato' Abd. Aziz Sheikh Fadzir: *Mr. Chairman, saya cuma hendak bertanya, Laporan EIA ini diluluskan pada tahun 2007. EIA second one pun pada tahun 2007. So, dalam kelulusan awal itu, sama ada precision approach like whatever method itu sudah diambil kira ataupun it is a new findings on the 2 August 2010? Ini kerana ia pada tahun 2007 sudah lulus EIA itu which I am sure he would have taken all those methods in that report. Why pula tahun 2010 ini EIA come out with the new syarat ini?*

Datuk Seri Long See Wool: *If I may, just answer in general, I think it is the prerogative, the department to impose any new conditions deem fit because the State did it because when we did the land reclamation for the extension of the runway, it did affect the coastal line [Disampuk] So, what they did was because before you go further to do your lighting, using a method which is not an environmental friendly. So, they impose this new condition [Disampuk] Yes.*

Datuk Madius bin Tangau: *Jadi sebenarnya, berapa EIA yang dibuat? How many EIA are there? You have the EIA daripada DOE, selepas itu ada EIA lagi satu ini yang diluluskan. Selepas itu daripada...*

Datuk Seri Long See Wool: *There are basically two.*

Datuk Madius bin Tangau: *Two EIA?*

Datuk Seri Long See Wool: *The main one for the entire project as I mention earlier was done by the government, by the ministry. The second one was specifically because of the expansion of the airport into the sea for which there is...*

Datuk Madius bin Tangau: *So, you have two EIA yang dihantar ke Jabatan Alam Sekitar Persekutuan. Selepas itu ada lagi EIA yang diminta oleh Jabatan Perlindungan Alam Sekitar Sabah.*

Datuk Seri Long See Wool: *The first one was overall which is done earlier as we move into the project because of the ini, we were required to the second one which came later. After the second one was done, it was okay, but when it causes erosion in adverse impact to the coastal line, they impose the additional condition on the method of the construction.*

Datuk Madius bin Tangau: *But not DOE report, bukan?*

Datuk Seri Long See Wool: *But the whole things is still related to the environment protection.*

Datuk Madius bin Tangau: *I know, because there are two different things. Kalau ia daripada Jabatan Perlindungan Alam Sekitar Sabah, dia punya skop lain, bukan?*

Datuk Seri Long See Wool: *Ya, the scope is different.*

Datuk Madius bin Tangau: *The scope is different. So, I want to know exactly EIA pada peringkat mana?... Jabatan Perlindungan Alam Sekitar negeri peringkat mana, selepas itu EIA daripada Jabatan Alam Sekitar Persekutuan peringkat mana- which part of the project?*

Datuk Seri Long See Wool: *The overall environment impact study done by the Federal Government was already clear. Then, we move to the next stage of the construction as such which involved extension into the sea. So that we— the requirement for us to do that particular one which we did. Then, the additional conditions were further imposed to avoid any further adverse impact on the coastal line which was the issue that brought about this barging construction method. This is relating to the last portion of work for which the lighting has to be put beyond the shore line into the sea.*

Datuk Madius bin Tangau: *This is just the point of interest. Ini kuasa di antara Jabatan Alam Sekitar Persekutuan (DOE) dengan Jabatan Perlindungan Alam Sekitar negeri. At what point, at which point was the need to go to the State government? Sebab yang ini Persekutuan, kenapa perlu kepada kerajaan negeri?*

Datuk Seri Long See Wool: *No, no.*

Datuk Madius bin Tangau: *Why cannot it be done by just...*

Datuk Seri Long See Wool: *No, no. There are requirement at the State for which we need to confirm on environment. The Federal Government- there have a separation of power on this. I think in this case, the State has the power to impose because it affected the coastal line. Terima kasih. Kalau saya dibenarkan meneruskan isu yang kedua...*

Dato' Kamarul Baharin bin Abbas: *Just before that Tuan Pengerusi. Can I continue? [Disampuk] When the JPS issued syarat-syarat yang baru, does it affect the scope of work because, the original terms did not include this extension into the sea that comes later.*

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Datuk Seri Long See Wool: *No. The scope of work includes there. The scopes of work include extension into the sea and fix light into the sea which we need it to be a pylon.*

Dato' Kamarul Baharin bin Abbas: *But this a...*

Datuk Seri Long See Wool: *But how you do it is the issue.*

Dato' Kamarul Baharin bin Abbas: *Ya, that part of it, were it never inspected or were it the responsibility of the contractor?*

Datuk Seri Long See Wool: *It is a responsibility of contractor based on design and build.*

Dato' Kamarul Baharin bin Abbas: *That number one. Number two, kelulusan diberi pada Januari 2011 but the Non-Conformance Report was done, like what you mentioned, one and a half years later. What happen between one and half years for all of you to take...*

Datuk Seri Long See Wool: *No. As I explain earlier, he did not submit. Immediately he receives the instruction.*

Dato' Kamarul Baharin bin Abbas: *...But why do you take one and half years to terminate them?*

Datuk Seri Long See Wool: *He...*

Dato' Kamarul Baharin bin Abbas: *Because it does affect the project. The project was delayed for one and half years simply because of this problem.*

Datuk Seri Long See Wool: *Not only these problem, there are many other component- also they are very slow. But you must remember, if you look at the overall project at such, at the point in time when he ran- there were a number of, as you saw as maybe pointed to that by Jabatan Audit Negara, there were very reasons that we gave the extension of time. There were very reasons. But you see the difficulties that we face today at the project and if you go to KLIA, it is the same challenge.*

When you have a contractor that you lantik, katakanlah dia sudah habiskan 85% or 90% of the work, the remaining work which is only about 10%. The tender was done quiet a few years ago based on design and build. He has already praise it, okay? It reach a point when you have to make a decision sama ada you menamat ataupun you benarkan dia meneruskan kerja, which is a very difficult decision. Kalau you tamat, there are a lot of cost implication so on and so forth. Because, if you lantik new contractor, the price will be today, 2013 price, not 2006 or 2009 price.

Dato' Kamarul Baharin bin Abbas: *That's what I was saying the decision was made one and half years later.*

Datuk Seri Long See Wool: *Ya.*

Dato' Kamarul Baharin bin Abbas: *In spite of fact that yourself, kementerian also aware of who are the contractors are- and all that, this problem. And of course one and half years incurs cost. Kalau ikutkan laporan maklum balas ini, only six months later after issued in the NCR, baru ditamatkan. And then the new kontraktor penyelamat dilantik solely for the purpose of complying the JPS punya- State punya kerja itu, kaedah temporary steel staging.*

So I don't see here that the kontraktor penyelamat ini mengambil alih kesemua projek. According to the report here, dia dilantik untuk dipastikan mematuhi syarat JPS, only for this particular project, only for this particular scope of work?

Datuk Seri Long See Wool: *No, if I may answer. Can I answer? This is one of the components of work which he did not finish.*

Dato' Kamarul Baharin bin Abbas: *One of..*

Datuk Seri Long See Wool: *...One of the items yang tidak habis. Ada lagi yang dia tidak habis.*

Dato' Kamarul Baharin bin Abbas: *Jadi yang lain itu which contractor?*

Datuk Seri Long See Wool: *So, we also has appoint...*

Dato' Kamarul Baharin bin Abbas: *Is it the same contractor?*

Datuk Seri Long See Wool: *Same contractor.*

Dato' Kamarul Baharin bin Abbas: *But dia...*

Dato' Kamarudin bin Jaffar: *Same contractor penyelamat or different contractor?*

Dato' Kamarul Baharin bin Abbas: *Ya, how many contractor penyelamat do you have?*

Datuk Seri Long See Wool: *We have- we will come to the end part, we will show you which are the contractor that we lantik. Because, the lighting system is a different specialization for which is the different contractor we have to lantik. For instance, like the airfield ground lighting, the NavAids, those were a specialist item for which you have to go back to those to lantik them to do. The civil works is the civil works. So, this constitutes civil works...*

Dato' Kamarul Baharin bin Abbas: *The nominated contractors are not affected by this termination, bukan? Because...*

Datuk Seri Long See Wool: *But they are contractor employed by the main contractor. When we terminate the main, the rest will go.*

Dato' Kamarul Baharin bin Abbas: *Who appointed the nominated contractor?*

Datuk Seri Long See Wool: *No, there is no nominated contractor. Because this design and build, we cannot appoint nominated contractor. Otherwise, we have to hold responsibility kalau ada masalah. Because the design and build- it has to take the design and responsible for the design and the implementation.*

Tuan Pengerusi: *Datuk, silly question- this contractor dilantik secara perundingan terus. Adakah dia dilantik berdasarkan kepada pengalaman dia untuk buat airport?*

Datuk Seri Long See Wool: *Is just factual. He is not that inexperienced. He has a lot of experience in airport construction. He builds Bintulu Airport, he upgraded Miri Airport, he has experience in Langkawi Airport, he is also a contractor for Kuching International Airport, Labuan Airport as well as this one. So, I must also factually tell you that his performance for Miri, for Bintulu, in fact he finished the job ahead of time.*

Tuan William Leong Jee Keen: *I think we sight the track record, was he also financial capabilities and technical capabilities? Was this considered in the time of perundingan terus?*

Datuk Seri Long See Wool: *I think at the time of appointment, yes.*

Datuk Seri Reezal Merican: *Datuk, about the rescue contractor. I do not know whether you are at the liberties to answer this. When they were appointed, what stage are they doing now? The rescue scope of job that had to continue what the terminated contractor has left.*

Datuk Seri Long See Wool: *In general, they had been lantik to finish those work that have not finish.*

Datuk Seri Reezal Merican: *And the mode of the appointment, how was it done?*

Datuk Seri Long See Wool: *Sorry?*

Datuk Seri Reezal Merican: *The mode of the appointment, how was it done? The mode of awarding contract to the rescue contractor.*

Datuk Seri Long See Wool: *What we did was, for specialist items for instance, for which you cannot change brand anymore, for instance, the ILS system, the Instrument Landing System, is a system that we purchase from those companies. So, we have no choice but to go back to the specialist. But for civil works, we just haven't evaluation of who can best do the job and this is appointed under this basis. [Disampuk] This one not. It was negotiated.*

Datuk Seri Reezal Merican: *So the mode of awarding is basically direct nego.*

Datuk Seri Long See Wool: *Ya, basically one of the reason is the time factor. We want to finish of this airport as soon as possible.*

Dato' Abd. Aziz Sheikh Fadzir: *My question, kalau original tender kontrak ini 2006 to 2009, so what happen to 2006 to 2009? Is he perform at that time or he is already fumble?*

Datuk Seri Long See Wool: *I think in that area for first few years, he was okay. Anything beyond that, I will be going into an area for which maybe prejudicial in making any Statement.*

Tuan Tony Pua Kiam Wee: *So we just ask the facts and then we form our opinion. He doesn't have to give...*

Datuk Seri Long See Wool: *Ya.*

Datuk Madius bin Tangau: *Sikit sahaja lagi. I would like to go back to the EIA again. The kementerian knows very well that the projects will involves the extension of the runway into the sea right from the very beginning, you know. He also knows that the extension of the runway to the sea will affect the muara of Sungai Petagas. He also knows that, right? But, why didn't you appoint the EIA consultant as required by Jabatan Perlindungan Alam Sekitar Negeri Sabah right from the very beginning together with the EIA required by Jabatan Alam Sekitar Persekutuan together? Kenapa pelantikan ini dibuat pada berlainan masa?*

Kedua, did you consider EIA Report- condition of the EIA report has a very important input to the designing of the whole project. Because, the design of the project should also be part of the mitigation- environmental obligation. Termasuklah metodologi, cara-cara pelaksanaan PAL tadi itu. There would have evaluation accordingly- evaluated by respected EIA. So why didn't you do that right from the very beginning of the projects?

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Datuk Seri Long See Wool: *You must be an engineers, sir. Anyway, if I may just answer in general again. This is design and build contract. In design and build contract, we do not do design. All that we stipulate are what are they deliverable. So, the contractor will have to evaluate the situation at his best and coming to named a price and negotiate with the government. In doing so, he has to take into account a number of factors.*

Of course, one of which, is the risks that he will have to face, for instance, specifically on this extension into the sea. So, he should have taken that into the account.

Datuk Madius bin Tangau: *Okay, one of the evaluations that you are going to evaluate or to consider, whether to take in this component is to look at the cost. The design of the project would have an implication to the cost. At the other side is, the EIA would have evaluated the issue of traffic. Firstly, the air traffic as is the jalan raya punya trafik. The volume of traffic would affect the design again. We don't need the extra road, we don't need the flyover or something like that. EIA would have done that. Therefore, the cost of doing the EIA at the very beginning, for the consultant, should have been considered that at the very beginning but this one you did the EIA towards the end- in the middle of the project.*

Tuan Tony Pua Kiam Wee: *Just additional point. Even if it is a design and build contract, there must be conditions in the agreement that they must be subjected to the EIA regulations, approvals, report and comply to all necessary stuff. I am sure those conditions are in place even for a design and build contract.*

Datuk Seri Reezal Merican: *All right, Yang Berhormat Petaling Jaya Utara. In fact, every approval by MOF, if I may, correct me if I am wrong. Any direct nego project, approval by MOF, when they send letter to MOT, one of the line they will say, even design and build that they will have to deal, negotiate to the best price, and then complying with all other conditions. That will always be stipulated because after that, then only you will issue the LA. The earlier surat kelulusan. So, that makes you incumbent about looking into the aspect of what my colleagues from Tuaran and Petaling Jaya Utara has just risen.*

Datuk Seri Long See Wool: *Can I answer?... All those rules stipulated by the Treasury were followed. We negotiated the contract, negotiated the price. The needs Statement clearly stipulated what we need to do. At that point in time, we already clearly know that. The runway, if we extend to accommodate, bigger aircraft will have to go into the sea. All those Statement were clearly stipulated. Environment requirements, everybody knows and even in the contract, there are clauses clearly Statement that. Whatever requirements of the Federal Government, of the State government, even PBT's, the contractor will have to follow. There is no exception to that. In this case, it becomes a problem because he doesn't want to follow.*

Dato' Kamaruddin bin Jaffar: *Maybe Datuk, if you have that document contract, just read out that passage, so that we are clear.*

Datuk Seri Long See Wool: *Yes, we have. Can you read out the clause? Semua kena patuh. Soal dia tidak patuh, tidak timbul.*

Tuan Pengerusi: Datuk, dari segi perancangan keseluruhannya yang di- I assume it has been done by consultants. Was it complete? Did they do are good job? Did they take into account all the factors that could have to contributed to the problems that you have?

Datuk Seri Long See Wool: No, no. You should not answer, because of course, you will say yes [Ketawa] I think by large and the consultants are also not the consultant inexperience. They were the ones who built KLIA. I would not- I am in designing the KLIA, supervise and completion. But, I would not say that all of us are perfect. I mean, we do have kelemahan and so on by and large, I think all the conditions were stipulated.

Tuan Pengerusi: Because, my worry is this. Sometimes consultants get complacent. Yes, you have a track record but consultants depend on people- Tan Sri...

Datuk Seri Long See Wool: ...Jamilus.

Tuan Pengerusi: Jamilus was a good consultant 20 years ago. He's team today might not be strong but because of the backing of the name, sometimes you may find a sense of comfort in his name more than the actual backup or the more actual expertise in his firm. I hate making this Statement, but I have to put it on record. So, is that your policy when it comes to appoint the consultants? You look at more at names, or you look at the total background?

Datuk Seri Long See Wool: No, we look at their performance as well, because of course, a firm maybe very good today, it might not be very good in the next few years. Similarly, contractor pun serupa juga. So, we have to be very vigilant and make sure that whether we should reappoint or whether we should look for new consultant. For which you can see, we appoint different consultants for different jobs based on the best evaluation at that point in time.

Dato' Abd. Aziz Sheikh Fadzir: Cuma dua. Satu, scope of work of consultant ini is basically to look at the design by the contractor and confirm that it is actually something that follows all the requirements. That's the job, right? Then the second one, I just want to go back to the- tadi Datuk kata between 2006-2008, the contractor were doing alright. Berapa percentage of work has been completed within that time, before its get onto trouble?

Datuk Seri Long See Wool: ...Since this is very specific, can you give the year?

Datuk Madius bin Tangau: Meanwhile, can I ask? The contractor, when they start doing the work without the EIA approval, so, did the Ministry kena compound by the Department of Environment?... How much is the compound imposed on you?

Datuk Seri Long See Wool: Do we have a compound?.. No.

Datuk Madius bin Tangau: No compoundkah?... Did they impose compound on you., from Jabatan Alam Sekitar Sabah kah, daripada jabatan...

Datuk Seri Long See Wool: Tidak ada.

Datuk Madius bin Tangau: *There was none?... No compound for starting a project without approved EIA?*

Datuk Seri Long See Wool: *It's not starting a project. This is in particular light which we need to build it on pylon, that part.*

Datuk Madius bin Tangau: *I know, but as I said, I asked the Minister at that time, I was in House and I ask the Minister of Alam Sekitar at that time, kerja-kerja sudah mula, because it was a big havoc. Remember, there was a relocation of people? Squatters in Sri Tanjung, land near the runway, relocated to Penampang. The people oppose to things like that. So, I made a question in the House of Parliament, I said, do you have approved EIA to start this project and his answer was none.*

Dato' Abd. Aziz Sheikh Fadzir: *Kalau tengok approval itu pun Datuk...*

Datuk Seri Long See Wool: *I wouldn't want to comment on your discussion with the Minister.*

Datuk Madius bin Tangau: *But, what I'm saying is, my question is, was they kena compound for starting the project without EIA.*

Datuk Seri Long See Wool: *So, the answer is no.*

Dato' Abd. Aziz Sheikh Fadzir: *Okey, tapi macam mana consultant boleh advice to proceeds with the work without the EIA approval?... Because EIA approval is only sometime in 2007. You signed the contract in early 2006 or 2005, 2006. So, how can consultant and who give you the kebenaran untuk memulakan kerja? I am sure PBT have to give you permulaan kerja. How much have you paid between the times of this started work until the EIA approval?*

Datuk Seri Long See Wool: *Are you talking about why were we allowed to start the whole project?*

Datuk Madius bin Tangau: *Started work without an approved EIA.*

Datuk Seri Long See Wool: *We have, as I mention earlier, the overall project EIA was done, it was approved.*

Dato' Abd. Aziz Sheikh Fadzir: *Approved ini 2007. Award contract ini 2006. So, kita hendak tahu bila start kerja and how come consultant allow you to start work, allow the contractor to start work without the EIA approval?*

Datuk Seri Reezal Merican: *Would you agree that there was a job that has started prior of obtaining EIA approval?*

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Dato' Abd. Aziz Sheikh Fadzir: *Kita hendak tahu siapa bagi kebenaran memulakan kerja itu.*

Tuan Pengerusi: *I think I better re-phrase... Is there controlling officer in this project? Is it you or is it the KSU of the kementerian?*

Beberapa Ahli: *[Bercakap tanpa menggunakan pembesar suara]*

Tuan Pengerusi: *I am sure you were not there in the kementerian as KSU when this project started.*

Datuk Seri Long See Wool: *I was there in the kementerian but I was not the KSU.*

Tuan Pengerusi: *You was not the KSU, so you are not the controlling officer [Disampuk] I think that is the question that we are looking at. So, did the KSU at that time give a go ahead based on the consultant advice without the EIA Report?*

Dato' Abd. Aziz Sheikh Fadzir: *The role of the consultant here is very basic. They do not even design anything. You know, they get paid RM29 million, that is a lot of money for them not to design anything. They only basically look at the design done by the contractor. For RM29 million and they verify it and suppose to recommend you that this is a good contract or a good design. Akan tetapi basic dia itu, how can anyone approve projek bermula bila EIA tidak diluluskan? Adakah PBT yang saya percaya dalam semua projek adalah badan yang sepatutnya mengeluarkan kelulusan untuk memulakan kerja, keluarkan kelulusan untuk memulakan kerja itu?*

Datuk Seri Long See Wool: *I will have to checks that. I am afraid that I am...*

Ir. Mohd. Hanaffi Ayob: *I just want to clarify on this issue. At the early stage- I just check on against the record, I was not really involved but I check against the record. According to the prescribe activity for an airport which require EIA, they require a runway of a land of 2.5 kilometres which require an EIA study to be done. I think this is a misunderstanding at the early stage whereby for this airport, the runway to be done is only 800 meters, the extended portion, the new runway. The old portion is only the upgrading of the existing runway to make it stronger, in that sense. It is only a refurbishment but the new runway is only 800 meters. So, at the early stage, there is a misunderstanding whereby whether they really require an EIA study or not. But after certain clarification with the DOE of the Federal Government, they require the State did that study. That is why the study was invoke at later stage but yet, they completed the study and submitted for the approval.*

On the second stage, whereby the Jabatan Alam Sekitar Sabah, they are more concern on the method of construction whereby the choice of method of construction is on the contractors. It is very clearly Stated under clause 26 of COC of our contract, whereby whatever method that the contractor choose, it must not detriment to the regime of the sea. So, when they do the reclamation of the extended runway, they have many choices. They can use earth from the hill or they can use sand from the sea. So, when do the extraction of sand from the sea, they have to get the EIA approval. Thank you.

Dato' Abd. Aziz Sheikh Fadzir: *You kata EIA tidak perlu untuk projek ini, is that what you are saying?*

Datuk Seri Long See Wool: *Ya, I think that clarified. Now I recall. You see, they are – this is not building a new airport. We are merely enlarging the airport and the component which was critical to this was the extension of the runway and it was quite clear that any runway that is below a certain land, we do not have to get special EIA Report, but later on as he described, we will have to verify later. There were misunderstanding and eventually what we had to do, we did it but the project already started.*

Tuan Pengerusi: *Well, the origin of the misunderstanding must come from your side or the consultant side. So, can you clarify on that part because you are not the expert? So, I presume that the consultant should have advice you on the matter. The reason why I am saying this is because I go back to my original Statement where I said, are you picking consultant based on their previous name and track record or looking at their capability?.. [Disampuk] Ya, branding. You choosing the consultant based on branding or you choosing them based on competency? In this case, if they advice your kementerian, advice the previous KSU wrongly, it obviously cause us financial damage because the contractor did not comply and there is a real loss of public fund here. So, can you clarify this, whether it was actually also mistake or error by the consultant that led to the misunderstanding in your ministry and also with the DOE?*

Datuk Seri Long See Wool: *If I may, for me to answer the question. If I may, correct me if I am wrong. What you are asking is that the appointment was not properly evaluated?... No?*

Tuan Pengerusi: *All I am saying is we are trying to pin-point– you said there was misunderstanding, this misunderstanding led to losses. We are trying to pin-point, who is at fault? Is it your ministry officials or is it– or did you act on consultant advice, consultant did not give you a full picture? That is my question.*

Datuk Seri Long See Wool: *I think we...*

Tuan Pengerusi: *I am not questioning the selection of the consultant, you know. I just make a comment saying that...*

Datuk Seri Long See Wool: *I think we...*

Tuan Pengerusi: *...Did you appoint on brand name or did you appoint on competency? That's all. That is a general comment. It is not– but we are trying to pin-point here, did somebody make mistake that led to financial losses?*

Datuk Seri Long See Wool: *I think we act on advice. Whether it led to financial losses or not, then it is the question of where do we attribute the mistake, is the issue.*

Tuan William Leong Jee Keen: *We knows you act on advice but whose advice?*

Tuan Haji Hasbi bin Haji Habibollah: *Before that KSU, I would like to ask here. Maybe your team can help you also. The consultant is paid by the contractor or separate payment by the government, the consultant?*

Datuk Seri Long See Wool: *We pay the consultant.*

Tuan Haji Hasbi bin Haji Habibollah: *It is not by the...*

Datuk Seri Long See Wool: *No. Of course he has his consultant because he needs to design. He has his own consultant.*

Tuan Liang Teck Meng [Simpang Renggam]: *So, can I add a bit further to what has been raised by the Chairman? Because you were made known that you did not require the report, the EIA requirement, so you started the work at the initial stage. There must be some approval during that time, who gives that instruction to start the work. Then, later on you found out, "Hey, beyond this length actually we need..." [Gangguan sistem pembesar suara].*

To you that, "Hey, now you need this requirement". So, we need that chronology. Then, we know whose responsibility for all the root cause. Thank you very much.

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Dato' Abd. Aziz bin Sheikh Fadzir: *Sedikit lagi Datuk Seri. Not only EIA approval which I have doubts about the Statement tadi, but tanah juga belum selesai lagi. Pengambilan tanah persendirian kalau mengikut laporan daripada Audit ini, diwartakan hanya pada 6 November 2008. Baru diwartakan ini. Pengambilannya I think some time in 2009. So you got a land matters not resolve. I have doubt about the EIA Report and I am still waiting for the answer, bila PBT beri kebenaran untuk keluar ini? So there are many thing yang kita tidak ikut betul-betul, macam memberi gambaran, we are really rushed for the work ini. Itu saya lihat kalau Datuk boleh memikirkan balikkah. Terima kasih.*

Datuk Madius bin Tangau: *Hendak tambah sedikit Tuan Pengerusi, ya*

Datuk Seri Long See Wool: *The part when it come to the land. Can I to answer on the land issue today?... About the land now?... Now on land, we applied in 2003, today is 2013. You have talking about 11 years. If I were to put it in other way, if I were waiting for all this approval, KK would be KK of 10 years ago.*

Datuk Madius bin Tangau: *That is why the project...*

Datuk Seri Long See Wool: *But the State is not saying that they are not giving us the land.*

Dato' Abd. Aziz bin Sheikh Fadzir: *Akan tetapi tidak warta itu.*

Datuk Seri Long See Wool: *Is the process they take which– you know, land is State matter.*

Dato' Abd. Aziz bin Sheikh Fadzir: *Datuk, the process of land is bila ia diwartakan. Kalau belum diwartakan, itu tanah hak individu. Datuk hendak tanam pokok pun tidak boleh because that belongs to him. So, it is start with warta. Once you warta, baru pengambilan would start. It is the little I understand about the land law. So kalau tidak wartakan lagi.*

Kedua Datuk, *I think the Statement* tadi itu, *I know you are bit frustrated with the system that we have which always hinder our development. Akan tetapi we cannot practice that kalau kita hendak tunggu semua kelulusan untuk kita start, Datuk. That is not a good Statement. Not good practice for us.*

Datuk Madius bin Tangau: *Because knowing that you are dealing with land matters, land acquisition and all this, therefore, the EIA daripada Jabatan Perlindungan Alam Sekitar Negeri Sabah should have been posted from the very beginning. Ini pun an afterthought. Hanya kerana dia hendak memohon ambil pasir, dia memohon untuk buat EIA. But since this project involves land acquisition, pengambilan-pengambilan tanah dan sebagainya, relocation of squatters and things like that, you should have imposed on the project proponent a requirement to do EIA right from beginning, but you did not do that. It is only an afterthought just because project proponent hendak ambil pasir, dia buatlah EIA daripada Jabatan Perlindungan Alam Sekitar Negeri Sabah. You did not have the idea, did not put in dari segi syarat-syarat that EIA Report will have an input into the design of whole project. Therefore, the EIA must have been done right from the beginning. What you did di sana just an afterthought.*

Tuan Tony Pua Kiam Wee: *Saya hendak sambut apa yang disebut oleh Yang Berhormat Tuaran tadi. Quoting from the contract, in a very brief grant I have- just now you are saying you try to refer to the contract. Having a look at the contract here, di sini tidak ada specific requirement for the project to carry out an EIA. I cannot find it. Tidak ada. Kalau ada, tunjukkan.*

The only things is the clause 26 yang ada di mana pihak kontraktor perlu mematuhi semua undang-undang dan juga peraturan yang diperlukan daripada pihak Persekutuan ataupun pihak negeri, mana-mana undang-undang dan segala kos perlu ditanggung oleh pihak kontraktor. So it is sort of- neatly cover under that cash out clause, the blanket clause, but it is not specific that you require an EIA. So in the normal reading of the contract in my view, tidak ada EIA diperlukan. Based on the contract. If I am the contractor, I baca begini pun macam tidak ada. Not entirely on default lah. I think that cash out clause, EIA if you want to do tambak, I think it is quite obvious you need EIA.

But there is one other clause under 32 di mana environmental management plan perlu disediakan. So there is environmental management plan perlu disediakan oleh pihak kontraktor dan diberikan kepada pihak kerajaan dalam jangka masa 28 hari. So the question is whether environmental management plan telah pun disediakan dan diluluskan oleh pihak kerajaan on this environmental management plan? So, when they submit and when was it approved, whether by MOT or any other government department in this contract? So I think that will be useful for us to know.

Datuk Seri Long See Wool: *As I mentioned, maybe just reiterate the thing raised up, because there is this clause 34.3 under compliances to law requires upon the contractor.*

If I may read, "The contractor should comply with all applicable law and with all directions, orders, requirements and instructions given to the contractor by any authority competent to do so under any applicable law."

Tuan Tony Pua Kiam Wee: *Which is, which agreement is that?*

Datuk Seri Long See Wool: *It is the contract.*

Tuan Tony Pua Kiam Wee: *24, different thing- 24 is...*

Datuk Seri Long See Wool: *Sorry. We blur. It is 84.3.*

Tuan Haji Hasbi bin Haji Habibollah: *In the same time KSU – before that Yang Berhormat PJU. Just hendak tahu, all these kalau baca kontrak, kalau baca klausa tadi, so all those EIA consultant, siapa yang engage, government or contractor?*

Datuk Seri Long See Wool: *That is why I wanted to clarify. That is the confusing part, you see. On the Federal side, the requirement was confirmed by us. We did it. But when we came to the actual yang Yang Berhormat kata tadi, matter of the construction, all that and all that those things, we detail out into the contract which is the contractor would have to get the approval. Seperti tadi itu when you want– the issue with the State was when you build this thing into the sea, they require you to stipulate a method that do not adversely affect the environment. That is why it came on the issue of methods Statement, the issue how do you implement, kena patuh kepada all the mitigating measures that they outline for you which is done by the State. So, when they imposed that and I go back to the clause that if this is the decision of the State as an authority, maka dengan itu dia kena patuh. Itu sahaja. So dia tidak boleh mengatakan bahawa tidak hendak patuh. Dia boleh cakap, "Oh, saya punya harga dahulu tidak ambil kira method ini, method itu." But that was the risk he took. That was the price I pay because we design and build as you know, there is this risk elements for which we pay.*

Tuan Tony Pua Kiam Wee: *I think we all agree on that. Even though it is cash out clause... [Disampuk] It is cash out clause. That means he has to comply with the clause where he has to agree to all legal, undang-undang peraturan semua, dia kena akurlah. The most specific question is when did they submit the plan to the local EIA and when did they submit, per the agreement, environmental management plan to the MOT? Was that approved by MOT or any other bodies? Because, it is supposed to be approve by the government.*

Dato' Seri Reezal Merican: *I need to- maybe I can help Datuk...*

Tuan Haji Hasbi bin Haji Habibollah: *In addition to that, did he engage EIA punya consultant to prepare the plan and everything for him to submit...*

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Tuan Tony Pua Kiam Wee: *Akan tetapi dia tidak perlu.*

Tuan Haji Hasbi bin Haji Habibollah: *That is why we want to know. Takkan dia buat sendiri-sendiri sahaja? Mesti ada profesional...*

Datuk Seri Long See Wool: *Dia employ. He has employed his own environmental consultant, which he did so.*

Sr. Jamiah Jahis [Wakil KLIA Consultant Services Sdn. Bhd.]: *Yang Berhormat, saya rasa saya perlu clearkan perkara ini. Tadi ada dua environment punya ini. Satu daripada Jabatan Alam Sekitar, Federal, which pihak kementerian telah laksanakan dan jurutera tadi sudah beri explanation, ada confusion at the early stage but later it was actually done.*

The secondly is actually perkara yang perlu dipatuhi oleh kontraktor kerana kehendak Jabatan Perlindungan Negeri. That is based on methods of construction. So, perkara ini masa negotiation telah dibincangkan. Harga yang kontraktor maksudkan itu sebenarnya sudah masuk harga untuk dia mematuhi mana-mana kehendak jabatan ataupun statutory body. Termasuklah Jabatan Perlindungan Negeri. Di sini memang ada surat daripada kontraktor. Kalau kita tengok dalam volume 1, dekat dalam surat-menyurat, dekat bahagian belakang, kontraktor sudah tetapkan dan confess that dia punya harga contract telah termasuk beberapa perkara dan tidak termasuk beberapa perkara. So, pada saya, isu EIA punya kos memang tidak ada isu, because it is already billed in into contract price which is RM720 million...

Tuan Tony Pua Kiam Wee: *So, that one we accept. We accept that the contractor bear the EIA cost.*

Sr. Jamiah Jahis: *Yes,*

Tuan Tony Pua Kiam Wee: *...And whatever other studies that is required to comply with the law.*

Sr. Jamiah Jahis: *Yes, correct.*

Tuan Tony Pua Kiam Wee: *So, the question now is, when did they submit their methods for approval by the State, by the contractor? Number two, did they submit the environmental management plan to the government?*

Sr. Jamiah Jahis: *On the approval to the State, dia akan hantar bila dia hendak laksanakan kerja and that method supaya tidak bercanggah ataupun mematuhi. So, that the reports- I think the engineers will have it, but definitely we have that reports. I don't have it now.*

Datuk Seri Reezal Merican: *Yang Berhormat Petaling Jaya Utara, I think I can enlighten, I can help Datuk Seri Long ya. The only problem here is that because this project is done by design and build- when it design and build, there are three components over here. One is the project owner or project's custodian or whatever you called it or the client of ministry, which is MOT. The other one is contractor. The third one is regulatory body that regulates many other things, requirements that required in order for this construction to take place.*

Look here- under normal conventional contract, everything will be done by the client of ministry, right? But in this case, when it is design and build, obtaining the approval of EIA is incumbent upon the contractor, right? But the question- the compliance of the contractor, obtaining it, must be monitored or must be approved by whom?... Failing which, whose fault is that?

Datuk Seri Long See Wool: *I think here is quiet clear. Khasnya berkaitan ini adalah tanggungjawab kontraktor untuk mendapatkan kelulusan. We are not saying that we are just sitting back, we do not do anything. We also talk to the State, because it is affecting the progress of the work but the decision is absolutely at the discretions of the State.*

Mengenai method- oleh kerana erosion will take place, so the State decided this is the method. So, when they decided that is the method, as far we are concerned, that is the method. Akan tetapi semasa dia hendak buat itu, dia tahu tetapi dia hantar baj pula. So, they are not conforming to it. So, that is why we signed out that you are not conforming to the requirements of the State. Whether the State is- I mean, it is the authority. So, that constitute one of the major area which we ran into a conflict. I mean, as much as we like to avoid it, but he went head on this particular issue.

Tuan Tony Pua Kiam Wee: *My specific question is, did they submit environmental management plan to the government?*

Datuk Seri Long See Wool: *That one I will have to checks the details of the submission.*

Datuk Seri Reezal Merican: *That is something very paramount I think Yang Berhormat Petaling Jaya Utara...*

Datuk Seri Long See Wool: *Yes, we recognize that.*

Tuan Tony Pua Kiam Wee: *Just a little bit to add on the State requirements. I agree with Datuk's explanation, that they must comply with the State requirement but they did not comply. The State requirements came out in January 2011, so saya hendak tanya, sama ada sebelum State requirements dikeluarkan, mereka sudah mula kerja dengan menggunakan baj?*

Datuk Seri Long See Wool: *Correct me if I am wrong. I do not think they started work.*

Tuan Tony Pua Kiam Wee: *Tadi dia kata, baj yang tebal, baj yang nipis so... [Ketawa]*

Ir. Mohd. Hanaffi Ayob: *The earlier proposal from the contractor is to use the tiga barges, where they have to do the draining.*

Tuan Tony Pua Kiam Wee: *So, you have the proposal...*

Datuk Seri Long See Wool: *Tidak, tidak. Soalan dia, did they start the work...?*

Ir. Mohd. Hanaffi Ayob: *Okay, they haven't done.*

Datuk Seri Long See Wool: *Itu sahaja.*

Tuan Tony Pua Kiam Wee: *Could the erosion was taking place, but the works haven't started?*

Ir. Mohd. Hanaffi Ayob: *Not yet.*

Tuan Tony Pua Kiam Wee: *How come the erosion was taking place? They said, work haven't started yet, tetapi erosion was taking place. So, have they started...?*

Datuk Seri Long See Wool: *Okay. That is why I did not want to go beyond a certain– I have my constrain. We have a certain boundary. The erosion, if I may say, has already taken place. Yes. I would not want to– this specific case. We have a project, which I think the Auditor also brought out. Of course, he didn't come to PAC. I hope he does not come.*

Beberapa Ahli: *[Ketawa]*

Datuk Seri Long See Wool: *Anyway, we have a situation– sorry. I mean, you see the kind of difficulty we have in dealing with even authorities of State. We have a double track project. People are blaming us for causing flood, okay?... Now, what happened is that, in a particular town, flood sudah ada. So, when we built our station and our track, we built drains that are bigger than what was necessary. But, that does not solve the problem. Because, if we don't do upstream and when our water go out, you don't do downstream, the flood will be there. But, there are PBT trying to load it on us, asking us to do atas, bawah, luar daripada boundary kami. Ada berlaku. So, I am just giving an example. Kadang-kadang orang kata, 'tumpang semangkuk' tetapi macam mana?*

Tuan Pengerusi: *Datuk, we are sympathetic to your issues. We are. Do not worry about that. It is just that when you explain it like this, at least you give us a better understanding and it is for records. Thank you very much.*

Tuan Tony Pua Kiam Wee: *But, going back to the soil erosion...*

Datuk Seri Long See Wool: *I didn't want to cross the boundary, but since you are asking. Ini memang sudah berlaku. Kerajaan tidak buat apa-apa. So, bila datangnya kami, ini buat.*

Tuan Tony Pua Kiam Wee: *You are saying that the soil erosion was taking place, but not due to the KKIA project?... Is that what you are saying?*

Datuk Seri Long See Wool: *I think that is a general statement.*

Datuk Seri Reezal Merican: *You are entitled to the opinion. Okay.*

Datuk Seri Long See Wool: *But, if you will go to the State, they will tell you otherwise.*

Beberapa Ahli: *[Ketawa]*

Datuk Seri Reezal Merican: *Datuk KSU, I am compel to ask this question which was asked by my fellow colleague before. After you have sent this NCR, you called it, to Global Upline Sdn. Bhd. and there is one of us just now asked about the appointment of Global Upline. Whether it was backed up by– I mean, because of the experience of building of the earlier airports. You were mentioning about Kuching and Bintulu, right? The appointment of contractor for this project was done by a direct negotiation and of course, it was done by Ministry of Finance.*

But in doing so, normally they will also send to the client's Ministry to give comment over this project and also over the proposed company that going to undertake to do this direct nego project.

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My question is, the earlier project that the Global Upline has built before like Kuching, Bintulu dan lain-lain, adakah pembinaan-pembinaan lapangan terbang tersebut berlaku dalam keadaan yang memuaskan hati kementerian, yang boleh dianggap sebagai salah satu testimonial untuk mereka juga diberi kontrak untuk mengadakan ataupun membuat projek peningkatan Lapangan Terbang Antarabangsa Kota Kinabalu Sabah ini? I don't know whether it is not prejudicial enough for you to answer.

Datuk Seri Long See Wool: *I can answers in general. I think the important thing is to know the sequence, okay. The sequence is, Langkawi Airport where they built the breakwater was their first project, relating to airport. The second came Bintulu and subsequently Miri. Factually, they have done all these three well and finish on time, but I am also not saying that in between during the implementation tidak ada masalah. Masalah memang ada...*

Datuk Seri Reezal Merican: *Finishing on time...*

Dato' Abd. Aziz Sheikh Fadzir: *Quality wise ya...*

Datuk Seri Long See Wool: *Sorry?... They finished on time.*

Datuk Seri Reezal Merican: *Finishing on time does not mean that the qualitatively it was done...*

Datuk Seri Long See Wool: *No, the quality, I must say that...*

Dato' Abd. Aziz Sheikh Fadzir: *I was told that Kuching for example, bocor, in fact...*

Datuk Seri Long See Wool: *That is why I didn't want to- Kuching, it was subsequent, okay. Now, I talked about this three. If you want to based it on this three, the reason to reappoint them are not wrong, I must say. Subsequently, they got Kuching, Labuan and KK. Now, this three, Kuching, Labuan and KK might has start on the different time but they did run concurrently, okay? So, when you run concurrently, when you run construction in KK, actually we ran into problem in Kuching as well as in Labuan, but the problem there were not as, I would say, enormous as this.*

Tuan Pengerusi: *So, you are saying that you actually awarded too many contracts in one contractor at the same time? [Ketawa]*

Tuan Tony Pua Kiam Wee: *I think that is a risk management...*

Datuk Seri Reezal Merican: *Ya, there is a risk management...*

Tuan Pengerusi: *Datuk, it goes back to what I said just now from the start. Did you appoint based on brand or is it based on competency and capability?*

Datuk Seri Long See Wool: *...Actually it is a combination of factors.*

Tuan Pengerusi: *You have just said that you awarded too many contracts on one company and then you ran into trouble because you awarded too many contract to one company at the same time [Ketawa]*

Seorang Ahli: *[Bercakap tanpa menggunakan pembesar suara]*

Tuan Pengerusi: *Anyway, I think we should move on because it already 1 o'clock. Is there any other question?... I think we have established certain thing here that quite interesting.*

Dato' Abd. Aziz Sheikh Fadzir: *Saya cuma hendak minta tadi, yang dari tahun 2006 hingga 2008 itu, lebih kurang berapa dia punya percentage of progress before you- because that is very important, because I see the action ini cuma bermula pada tahun 2011 dan 2012. So, by the time year 2006 ke 2012 ini, sudah enam tahun. What happen in that six years? Pertinent question, saya hendak minta...*

Datuk Seri Long See Wool: *If we can give you the answer now, otherwise is there a way by which we can submit to you?*

Tuan Tony Pua Kiam Wee: *Yes.*

Dato' Abd. Aziz Sheikh Fadzir: *It does not have to be now. I mean, if you do not have it now, I can have it later...*

Datuk Seri Long See Wool: *Alright, we will submit. Is there a timeline when we must submit, Tuan Pengerusi?*

Tuan Pengerusi: *Is it okay in a week?*

Datuk Seri Long See Wool: *Yes, we will do that.*

Tuan Pengerusi: *I think because of the time constrain, we are going to call you back anyway for KLIA2.*

Datuk Seri Long See Wool: *Alright, we will submit to you.*

Tuan Pengerusi: *But before that, if you can, in a weeks time give us the information.*

Datuk Seri Long See Wool: *Yes, we will do that.*

Seorang Ahli: *[Bercakap tanpa menggunakan pembesar suara]*

Tuan Pengerusi: *No, there is still two other issue that...*

Beberapa Ahli: *[Bercakap tanpa menggunakan pembesar suara]*

Tuan Pengerusi: *Okay, start from Yang Berhormat Tanjong Piai, Yang Berhormat Limbang, Yang Berhormat Tuaran. Anything else?... You yang bawa isu EIA ini [Ketawa]*

Datuk Seri Reezal Merican: *The EIA man...*

Datuk Madius bin Tangau: *Okay, the environmental management plan, that part we agreed that we will have to come back and have a look on that- just the statement, "Operasi pendaratan tanpa instrument landing system (ILS) tidak membahayakan keselamatan kapal udara".*

Tuan Tony Pua Kiam Wee: *That one coming later I think...*

Datuk Madius bin Tangau: *We have not covers that?*

Tuan Tony Pua Kiam Wee: *[Bercakap tanpa menggunakan pembesar suara]*

Datuk Madius bin Tangau: Okey.

Dr. Tan Seng Giaw [Kepong]: *[Bercakap tanpa menggunakan pembesar suara]*

Beberapa Ahli: *[Bercakap tanpa menggunakan pembesar suara]*

[Perbincangan secara off record]

[Mikrofon dimatikan]

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Datuk Seri Long See Wool: *Now, I can also tell you, today the contractor yang sekarang buat kerja ini, we are going to stop four days sebab baru-baru ini ada permintaan, semua lobi cakap kena luluskan. Four nights we will be opening the runway, there will be no works. You see, that is the difficult position that we are in sebagai pegawai pengawal. Di sini kita cakap tidak boleh, siapkan dulu. Akan tetapi they are the authority, they want it to be open. So, we will still have like four days that is taken away. We told them, no, this is only one-off. They say, okay, okay. I agree with you, one off, empat hari sahaja. I think it's going to be more. Come Chinese New Year they will request lagi. Kalau kita tidak luluskan, dia cakap kita tidak bantu orang hendak balik ke Sabah.*

Tuan William Leong Jee Keen: *Can I go back to the awarding too many contract? Can you give us the amount of each contract and the dates that they were awarded? By the time you arrive at the third or fourth contract, were you looking at his financial capability to do so many at the same time? Can you give us the figures and the dates and their financial capability at that time?*

Datuk Seri Long See Wool: *You means, to say the earlier question that were asked about how many jobs he has with us?*

Tuan William Leong Jee Keen: *Yes. We are talking about the Labuan, KK, Kuching. What the...*

Tuan Pengerusi: *The concurrent projects that may have affected the construction of the Kota Kinabalu Airport inilah. So, all these other...*

Tuan Tony Pua Kiam Wee: *Because you mention about cash flow.*

Tuan William Leong Jee Keen: *Which at the end, affected the cash flow.*

Tuan Pengerusi: *It's not directly related to our subject matter. It just that we are trying to assess the contractor's own financial health at that time that may have affect...*

Datuk Seri Long See Wool: *I can give all the report to you, but don't go public with this because the case is on- I just caution, I mean, its a prerogative of Chairman.*

Tuan Tony Pua Kiam Wee: *Just a statement of fact where the contracts given, how much the amount? You don't have to give opinions.*

Datuk Seri Long See Wool: *Ya, we are not going to give, but I'm worry about if things go out, it can be prejudicial to the proceedings.*

Tuan Pengerusi: *I think we should be aware of what Datuk is saying. If it is not important, then...*

Tuan William Leong Jee Keen: *I think it's important, because as PAC, we want to find out what went wrong.*

Tuan Pengerusi: *But, a general statement by Datuk saying that he had many contracts going concurrently. That I think is good enough. Anyway, it's not MOT that awards the contract. It's MOF.*

Tuan Tony Pua Kiam Wee: *I think we can have the details of the contract.*

Tuan Pengerusi: *[Ketawa] I'm trying to be sympathetic to you here, Sir.*

Tuan William Leong Jee Keen: *I think we just need the dates and the amount.*

Tuan Tony Pua Kiam Wee: *You gives the dates, the contract and the amount and it will be kept within the PAC. Our reports are not tabled and it doesn't go out anyway.*

Tuan Pengerusi: *Ya, I know, but I think is prerogative for Datuk. He has already made a general statement.*

Tuan Tony Pua Kiam Wee: *Ya lah, but we want just to look at the contracts and the amount. Even if we ask in Parliament, that amount would be given.*

Tuan Pengerusi: *No, no. It's not related to the subject matter today. The subject matter today is KK Airport.*

Tuan William Leong Jee Keen: *But, I think its related to why does there is a problem in KK Airport.*

Dato' Abd. Aziz Sheikh Fadzir: *I know. The fact is, Datuk KSU said it very clear. It's too many projects given to the same company. That I think justify that. For now, since it is a court case, why don't we don't get into something that may- you know, may causeelah. We understood that.*

Datuk Seri Reezal Merican: *Yang Berhormat Petaling Jaya Utara can ask in Parliament.*

Tuan Tony Pua Kiam Wee: *So, what is the difference? [Ketawa]*

Datuk Seri Long See Wool: *I just want to clarify this. I made a statement; he has a number of projects at the point in time. I did not say he has too many projects. I did not make any judgment on that [Ketawa] I hope they record this correct. Otherwise, it can be dragged..*

Tuan Pengerusi: *I said that. I made that conclusion.*

Tuan William Leong Jee Keen: *The judgement can be made by us, I think we just need the facts.*

Tuan Tony Pua Kiam Wee: *We just needs the fact, that's all. Just quickly, just to sum this up. Number one. Sorry- not number one now. Number two, they are suing us for wrongful termination. For our part, are we claiming compensation from them for inability to complete the project? That is number one. How much has been- sorry, part one of my number two. How much has been paid to Global Upline today, how much has been paid? The third question, is the runway involves land acquisition?*

Is that the— because, I'm trying to figure out whether the runway going to the sea actually involves land acquisition which is the main cause of the delay because, if it doesn't, then there shouldn't actually be a delay with the runway itself.

Datuk Seri Long See Wool: *Okay, they are taking us to court on the ground that, of course they have the specifics, but, it all relates to the fact that they say that they should not have been terminated and that is the thing. Of course, there are other issues relating to a number of specific areas for which they filed to the court.*

Now, as far as we are concern, in the contract is very clear. He has not finished the job. There are remaining works need to be done for the job to be finish. So, we have appointed what we called 'kontraktor penyelamat'. So, the entire cost of those appointments, we will minus from whatever balance that he has with us, and the condition in the contract is that we are allowed to appoint a third party if he cannot perform, and payment due for those party will have to be billed to him. So, apa yang remain dalam kontrak will be used to pay that. Kalau tidak cukup, dia kena tambah. Kalau dia tidak mahu tambah, then we will have to go to court.

Dato' Abd. Aziz Sheikh Fadzir: *Up to now, I am sure we have appointed everyone already. So, where are we now, in terms of the numbers?*

Datuk Seri Long See Wool: *That's why when you asked for the numbers, we will give you the numbers.*

Dato' Abd. Aziz Sheikh Fadzir: *Belum ada.*

Datuk Seri Long See Wool: *It far exceeds the remaining amount. So, it goes back to my earlier question that when you terminate, you must terminate on good ground that kalau adanya, then you will end up paying much more than what you anticipated*

Tuan Tony Pua Kiam Wee: *So, Datuk is saying that the contractor, the cost of kontraktor penyelamat adalah jauh lebih tinggi daripada baki yang ada dalam kontrak dalam kementerian? The question that needs to be ask, did we overpay them for work that has not been completed?*

Datuk Seri Long See Wool: *No. You must remember, when you tender for a job, it is all how he financially manages the contract. This is the price that you tender for, say if RM700 million, it is RM700 million. But, you must remember at the point of tender, it is 2006. I will not adjust my price because it is design and build.*

Even though over the years there might be interest, increase of costs of material dan sebagainya, he has- those are the risks that a design and build contractor will have to take. But, if I today go to the market and tender this job, yang sekarang I lantikkan, I will have to pay today price. I cannot be paying 2006 price.

Dato' Abd. Aziz Sheikh Fadzir: *Akan tetapi ada juga elemen kontraktor ini, dia top heavy. So, I hope the QS and the consultant would have looked at the total tender RM700 million then and rationalize it.*

Because there are potential of top heavy, they will build up awal itu tinggi. So, I hope that also has been taken into consideration. So, that what Yang Berhormat Petaling Jaya Utara was asking. The amount of money we paid does it goes with the percentage of the work done? I fully agree with Datuk on the second one, bila 2004 tender and today's tender is completely different price. Bila you bawa kontraktor penyelamat ini, dia pun akan tekan harga, different harga because you need- especially those...

Datuk Seri Long See Wool: *Tidak, we go through the details of the rates and all that.*

Dato' Abd. Aziz Sheikh Fadzir: *No, no, especially for those for example, yang the brand is already specified. You don't have an option. You still have to take from him. So, they would have taken advantage.*

Datuk Seri Long See Wool: *We know the market price. We know how much an ILS cost; we know how much air field lightings. It is not that we do not know those prices.*

Sr. Jamiah Jahis: *The rationalization actually was executed during the negotiation itself.*

Tuan Pengerusi: *So, there was no front loading, it was quite averaged out, the construction schedule.*

Sr. Jamiah Jahis: *Yes.*

Datuk Seri Long See Wool: *I am sorry. There were three questions. I have only answered one.*

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Tuan Tony Pua Kiam Wee: *That was the amount that has been paid, then, there was the- whether the runaway was based on land acquisition. That means rely on land acquisition which caused the delay. If the runaway does not depend on land acquisition, and then by right, the runaway shouldn't have been delayed. That was my question.*

The second part of the earlier question was whether we can claim LAD or any other damages from the contractor?

Datuk Seri Long See Wool: *If you are talking about- if I refer specifically, maybe you are referring to the part where we go into the sea.*

Tuan Tony Pua Kiam Wee: *The sea as well as any other extension...*

Datuk Seri Long See Wool: *Oh! Yes, yes, involve the land and that was the reason why the extension of time was given.*

Tuan Pengerusi: *For the land...*

Datuk Seri Long See Wool: *Yes, because it was the issue of the raise cost at the turf club which State took much longer time as anticipate to clear that. There was a turf club at the one end of the runway.*

Tuan Pengerusi: *Runway into the sea?*

Datuk Seri Long See Wool: *No, is this 20 or 02? [Disampuk] Towards the city.*

Tuan Pengerusi: *Towards the city. Yes, I know but as you said just now, the extension into the sea, is that land also...*

Datuk Seri Long See Wool: *That part, I do not think – it was not a problem. The State...*

Tuan Pengerusi: *Just gave approval...*

Datuk Seri Long See Wool: *...Clear the land acquisition.*

Tuan Pengerusi: *Okey.*

Tuan Tony Pua Kiam Wee: *So by right, the work on the sea portion could have started earlier because there was no land acquisition issue.*

Datuk Seri Long See Wool: *No, this is a question on the sequence of work, because it is difficult, you have to decide to do which portion first. The consultant is very clear as to where do we sequence first because the moment you do work on one end, you have to displace the threshold for the landing point or the touchdown point of the aircraft will have to be adjusted accordingly. So, all those are taken into account before we...*

Tuan Tony Pua Kiam Wee: *So, that is the position of the consultants? That the work on the land to be acquired – need to start first before the sea portion of the runway gets started? Is that the KLIAC...*

Ir. Mohd. Hanaffi Ayob: *First, they start with the reclamation area. They complete that section. On the other side of the runway, they need to raise the runway because of the obstruction- because of the new building being constructed nearby, that is the KWSP building which go beyond the flight pass of the aeroplane. So, to avoid that obstruction, we have to rise on the northern portion of the runway. Before we can rise, we have to complete the southern portion- I means we have to decommission that portion where we want to raise, so that we can do that raising.*

Tuan Tony Pua Kiam Wee: *We are completely lost [Ketawa] No, it is not the point of reference. All I am asking is the sequence of work, the place that need to be started first is the area that is affected by the land acquisition. Is that a fair statement? The sea portion, where we do the reclamation and the barging and stuff like that, is the subsequence part of the work which the contractor cannot do first until the initial area has been completed?*

Ir. Mohd. Hanaffi Ayob: *The sea portion they can start, there is no issue- the northern portion where they want to raise, there is an issue of the land acquisition where the kandang kuda sited.*

Tuan Tony Pua Kiam Wee: *So, the sea portion, is it dependent on the kandang kuda, the race horse being acquired first? Is it completely independent?*

Ir. Mohd. Hanaffi Ayob: *Independent.*

Tuan Tony Pua Kiam Wee: *Which means that it brings back to the question why didn't they start the sea portion...*

Ir. Mohd. Hanaffi Ayob: *They started the sea portion first.*

Tuan Tony Pua Kiam Wee: *They started...*

Datuk Seri Long See Wool: *I see where the confusion is. It was the lighting that we need to build further into the sea where we run into this environmental thing.*

Tuan Tony Pua Kiam Wee: *Runway...*

Datuk Seri Long See Wool: *Runway is done but...*

Tuan Tony Pua Kiam Wee: *The lighting.*

Datuk Seri Long See Wool: *Ya.*

Tuan Tony Pua Kiam Wee: *Further into the sea...*

Datuk Seri Long See Wool: *Further into the sea.*

Tuan Tony Pua Kiam Wee: *Further into the sea. That has not been done?*

Datuk Seri Long See Wool: *Ya.*

Tuan Tony Pua Kiam Wee: *Okey.*

Datuk Seri Long See Wool: *...So it is back and forth kind of situation. It is not a straight forward, buat sini, selepas sini habis, buat sana.*

Tuan Pengerusi: *It is how you plan the construction anyway.*

Dato' Abd. Aziz Sheikh Fadzir: *Kalau ikut tanah ini, RSTC hanya bersetuju pada 5 Oktober 2009. So, if you are talking about the kandang kuda tadi itu, lumba kuda itu, here it said by 5th October 2009 you can already use the land. So, I am not sure whether that cause the delay or not.*

Tuan Pengerusi: *Datuk, it is 1.30. We already overrun our original timing so, can you please continue with the ILS dengan AirAsia tadi?*

Datuk Seri Long See Wool: *Okey. I mean, while we are explaining that – you saw the complications tadi. Now, ILS is an instrument that helps the pilot when it comes to landing the aircraft in the airport. Today in the world, not all airports are equipped with the Instrument Landing System and yet those airports are safe. If we do not have this piece of equipment, what do we need to do is that there are procedures involved for which the pilots will have to adhere to.*

Jadi kerja dia itu tambah sedikit. *Pilots, if you ask them, they want everything. The whole runway, the whole airport, everything to be equipped to the level they wanted but not all airports can afford to do that.*

Now, in the case of KK, we have an ILS. When we do an extension of runway, we have to decommission the ILS for the work to be done. If you do not decommission it, when the work is done, the ILS does not function. Now, when the runway is extended, the new ILS will be put in. So, you will have a situation of a certain period for which the Instrument Landing System will not be available to the pilots.

Now, what is the difference of having one and not having one is that, when a pilot comes to land- I am trying to explain the technical part to the best of my ability. It took me a while to understand this as well when you come to land, at a certain point, that is what we called a 'decision height'. The DG will explain further. So, he makes a decision whether to land the aircraft or he aborts the landing. Meaning that, kalau dia tidak nampak runway or there is something at the runway, at that height he will have to decide. That is the important decision height. So, that height important because if he aborts, he must be able to climb, bring the aircraft up and clear all of the obstructions.

The difference of having ILS and not having an ILS is only 50 feet, 50 kaki. Kalau adanya, at the higher point he make a decision. Kalau tidak adanya, he makes a decision lower. So, that is the only difference. So, it does not affect safety. I have to admit that it would affect a bit of- it cause a bit of time and a bit of inefficiency. Itu sahaja, but there are many airports in the world today do not have that.

Same thing, if I would have to draw similar case of radar system. There are certain places in the world until today tidak ada radar coverage, but do you mean that when it was without radar, aircraft cannot land? Aircraft still can land macam pada satu ketika dahulu KK kita tidak ada. Di Kuching pun kita tidak ada tetapi ada penerbangan. So, what do we do, in the absence of that, we follow certain procedural method of landing yang mana dia punya syarat itu adalah lebih ketat. Meaning that, the separation of the aircraft will have to be more vertically and horizontally. Kerja itu lebih sedikit. So, in the case of ILS, it is not one that affects safety. Now, we have ILS in Kuala Lumpur, we have in Penang also. But during bad weather, real bad weather, they still have to divert.

Dato' Abd. Aziz Sheikh Fadzir: *How much does ILS cost?*

Datuk Seri Long See Wool: *I think it is over a million.*

Tuan Pengerusi: *The report says more. Dalam Auditor General Report kata, ILS ini RM100 juta, RM200 juta. Apa figure ini?*

Datuk Haji Anwar bin Suri: *Kita tidak dapat...*

Datuk Seri Long See Wool: *[Bercakap tanpa menggunakan pembesar suara]*

Datuk Haji Anwar bin Suri: *Detail price kita tak dapat.*

Datuk Seri Long See Wool: *You sees, Instrument Landing System (ILS) that consists of a number of equipments. The equipment like glide path...*

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Dato' Abd. Aziz bin Sheikh Fadzir: *Tidak apa. The total cost is how much because...*

Datuk Seri Long See Wool: *What is the total cost of the entire system?*

Seorang Ahli: *[Bercakap tanpa menggunakan pembesar suara]*

Dato' Abd. Aziz bin Sheikh Fadzir: *I know but...*

Datuk Seri Long See Wool: *No. You give the answer because- you kata, give an accurate answer sebab dalam itu lain harga, sini lain harga pula- ia bercanggah.*

Tuan Pengerusi: *In Audit Report is RM200 million.*

Datuk Seri Long See Wool: *No, no.*

Datuk Haji Anwari bin Suri: *Kita tidak dapat report harga...*

Datuk Seri Long See Wool: *No, no. That one we can buy three or four radar system.*

Tuan William Leong Jee Keen: *So what is the reason for not install it?*

Datuk Seri Long See Wool: *Is not the question we are not installing. We have to decommission it because of the work.*

Tuan William Leong Jee Keen: *Yes. What was the cause of the delay? Why GUSB was not able to do it?*

Datuk Seri Long See Wool: *You see, if- correct me if I am wrong. Even if GUSB want to do it, if they were to follow the time schedule, we still have to decommission the existing ILS for a period of six months. Because, then you have to extend the runway, build it to the right level, then you put the ILS, then you decommission the ILS. Dahulu itu, yang belakang itu kita kena tutup. There will be a period for which the ILS will not be there.*

Tuan William Leong Jee Keen: *You mean you need to finish the extension before you can do it?*

Datuk Seri Long See Wool: *Yes. So, since it was delayed, so the absent of the ILS, period of absent become longer.*

Dato' Abd. Aziz bin Sheikh Fadzir: *If the ILS is not expensive, then I thinks it is justify for us to have it when we do not need it. I means if I...*

Datuk Seri Long See Wool: *No. In fact, we... As far as KK is going to be two- one and one on both end of the runway. In fact I would say that most, if not all of our airports, are already equipped with ILS.*

Dato' Abd. Aziz bin Sheikh Fadzir: *The way Datuk was explaining, we do not need the ILS.*

Datuk Seri Long See Wool: *No. You will enhance the efficiency...*

Dato' Abd. Aziz bin Sheikh Fadzir: ...*But we do not...*

Datuk Seri Long See Wool: *Make the job of pilot easier.*

Dato' Abd. Aziz bin Sheikh Fadzir: ...*We do not have to have it.*

Datuk Seri Long See Wool: *If we do not has the money, do not lah.*

Tuan Tony Pua Kiam Wee: *All modern airport have ILS today. It makes the better airport.*

Datuk Seri Long See Wool: ...*Become the standard kind of thing.*

Tuan Tony Pua Kiam Wee: *Correct. But the problem that was raised in Audit Report is that sebahagian peralatan ILS yang dibeli pada bulan Jun 2008 masih belum dipasang. It is not distorted, masih belum dipasang. Semua masih ada dalam kotak semasa diperiksa pada Julai 2012. I think that was the issue that was raised by the Audit Department.*

Datuk Seri Long See Wool: *Benar. We accept that. That was the problem that we have. Dia tidak buat itu, benda itu tidak siap pada masa yang ditetapkan.*

Dato' Kamarudin bin Jaffar: *That is part of Pakej 2 punya kontraktor...*

Datuk Seri Long See Wool: *Ya. Same angka [Ketawa]*

Tuan Pengerusi: *I think I know what it is. Anyway Datuk, just to qualify the matter, the ILS is only a RM1 million lebih kurang, the cost?*

Datuk Seri Long See Wool: *We will give the exact price with the old price and the new price. I think it is between RM1 million to RM1.5 million.*

Tuan Pengerusi: *Okay, done.*

Dato' Abd. Aziz bin Sheikh Fadzir: *Who saying- I think like Datuk has explained, the issue is, even though ILS is already there, but it is just cannot be installed because it just not ready to be installed...*

Tuan Tony Pua Kiam Wee: *No. Actually it can be installed but cannot be used. But the problem is not even installed. I think that is the...*

Datuk Seri Long See Wool: *You see, what happened is that- that is why I said related. Because at the end of the runway, because to clear the construction, we will have to bring up the height. So, we cannot be installing it now because otherwise no point...*

Dato' Kamarudin bin Jaffar: *[Bercakap tanpa menggunakan pembesar suara]*

Datuk Seri Long See Wool: *Ya.*

Tuan Haji Hasbi bin Haji Habibollah: *Now is already installs lah, Datuk?... Tidak juga?*

Datuk Seri Long See Wool: *Tempat belum buat.*

Tuan Pengerusi: *Akan dipasanglah?*

Datuk Seri Long See Wool: *Akan dipasang.*

Tuan Pengerusi: *Akan dipasang. Okey.*

Tuan Tony Pua Kiam Wee: *In the BQ of the contract, Navigation Aids System- this is Navigation Aids System right? ILS Navigation Aids System is RM22.96 million.*

Datuk Seri Long See Wool: *Includes airfield lighting system which are much more expensive than ILS.*

Tuan Tony Pua Kiam Wee: *Aeronautical Ground Lighting System- separate item is RM28.5 million and Navigation Aids System, RM22.9 million?*

Datuk Seri Long See Wool: *We can list the NavAids components for you. It is not only ILS, it is VOR/DME and of course other equipments.*

Tuan Haji Hasbi bin Haji Habibollah: *Datuk, under Navigation Aids, ILS sahaja yang belum dipasang, yang lain sudah?*

Datuk Seri Long See Wool: *Lampu AGL ke arah laut itu yang masih kita belum buat lagi itu.*

Tuan Haji Hasbi bin Haji Habibollah: *AGL lighting is the different one. It is different one...*

Datuk Seri Long See Wool: *Yes. That is AGL. But it is still...*

Tuan Haji Hasbi bin Haji Habibollah: *No, we are interested in this Navigation Aids under International Aeradio Sdn Bhd ini. These are the one. The AGL different under Armourseal Sdn. Bhd. so ini yang tadi yang di bawah Navigation Aids ini yang tinggal-tinggal itu- AGL is the ground lighting ya, we know that. But yang under this Navigation Aids, apa yang belum buat?*

Datuk Seri Long See Wool: *I think most of it is already there except that... [Disampuk] Yang lain are all done except this one, ILS.*

Tuan Pengerusi: *Persoalan daripada Yang Berhormat Petaling Jaya Utara tadi mengenai komponen yang berharga RM22 juta dengan... [Disampuk] AGL is RM48 million. RM22 million is the Navigation Aids. Itu pun belum dipasang?*

Datuk Seri Long See Wool: *...Except the ILS, the rest already pasang.*

Tuan Pengerusi: *That means ILS is the component of those two?*

Datuk Seri Long See Wool: *No. ILS as a component by itself belum siap... [Disampuk] Can we give the list to them for those under NavAids yang sudah siap dan NavAids yang belum siap.*

Tuan Pengerusi: *Pasal it was in a contract.*

Datuk Seri Long See Wool: *Yes.*

Tuan Pengerusi: *But it was not pickup by the Audit Report. We just want to know about the progress. Anymore question about ILS? Kalau tidak ada, can we move to AirAsia?*

Datuk Seri Long See Wool: *I thought we stop before that [Ketawa]*

Tuan Pengerusi: *No. We are trying to get to the clear picture. So, please named all the culprit involved [Ketawa]*

Datuk Seri Long See Wool: *All of us are the good people.*

Tuan Pengerusi: *Expert culprit [Ketawa]*

Datuk Seri Long See Wool: *Yang Berhormat Tuan Pengerusi, the low cost airline business at the point in time in the earlier planning, low cost airline was not feature in the aviation industry. As you know, it only came into it at the much later stage.*

So, if you remember, when we build airports many years ago until KLIA was built, there was no such thing as building a terminal of providing facilities for low cost, differentiation between low cost and full services carrier. So it was a new feature.

Now what happen is, when we redevelop Kota Kinabalu, we need to build a new section of the terminal that when it is done, we have to close down the old terminal and refurbish it. That was the sequences of work. But because of the volume of traffic in Kota Kinabalu was quite high, we were not in a position to do that and attain a comfortable level for the passengers. So what we need to do was to develop a temporary terminal to house AirAsia punya trafik which was by then quite high and it continue to grow. Knowing that airport to take quite few years to finish, so we need to overcome the problem. Therefore, we upgrade the building there, very old terminal building to handle the low cost punya servis.

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With an understanding that when the main terminal building, we should call Terminal 1, is ready and has the capacity to cater for nine million passengers, AirAsia would move back into the new terminal building. So, when the new terminal building was ready, we ask them to move but they were reluctant to move. There were decisions by the government at various levels, but until today they have not move.

The reason why they do not want to move was, issue number one, today passengers that used Terminal 2 only pay half the passengers service charge compared if you used the main terminal building. But, be mindful of the fact that, it is not paid by the airlines; it is paid by the passengers. Today, you have Malindo aircraft or you even have other low cost airlines that might have come to Kota Kinabalu, but they fly and used the main terminal building. Because the passenger's service charge is paid as part of the tickets- I think a passenger does not really complain, but AirAsia is making that as an issue. Kalau dia kata dia pindah balik ke main terminal building, penumpang akan dikenakan bayaran sepertimana yang dikenakan di Terminal 1, which as far as the authority is concern, that is the terminal building, that is the level of services provided, we cannot discriminate saying that this airlines ini rendah sedikit dan yang ini tinggi sedikit, because that would be anti-competition as such. So, as far as the position is that, if they move back, that is the passenger's service charge, which is not paid by them. It is paid by the passengers.

Issue number two, yang dia tidak mahu pindah balik ialah bahawa dia cakap di KK itu tidak mengasingkan operasi penerbangan bagi full service dengan low cost. But in Kuching, itu tidak merupakan masalah. Di Pulau Pinang tidak merupakan masalah and of course, I do not want to go to overseas and talk about it. Sama ada di Singapura- in fact in Singapore, there was a low cost terminal until it was closed sometime this year. AirAsia never used a low cost terminal. They used the main terminal building.

So, isu sama ada *passengers service charge* itu, kenapa itu tidak merupakan satu isu di luar negara dan merupakan satu isu di sini. Beza di antara satu lapangan terbang dengan yang lain.

Isu yang ketiga ialah bahawa kalau dia kata, "You mahu kami pindah, you kena bayar pampasan".

Dato' Abd. Aziz Sheikh Fadzir: Hendak tanya itu...

Datuk Seri Long See Wool: *Now, this was deliberated at MAB. I think MAB did not agree to the three conditions that they want. That is a reason why until today we have no feedback. But, the decision already made. One consideration which MAB gave to this exercise is because the airport is not totally completed. There are taxiways yang mana belum siap lagi. So MAB, we take into account the fact that if they asked to move today, they will be extra taxiing time that the airlines will have to incur which resulted in higher cost of operation. I think MAB was very considerate. They say, tidak apalah, nanti kita siap semua ini nanti, bila ia siap, kita jemput dia masuk rumah baru. Itu adalah penjelasan saya.*

Tuan Tony Pua Kiam Wee: *Okay, I think...*

Datuk Seri Long See Wool: *But, I do not want to talk about the part where – because, you have to look at the situation where there are shops in the main terminal building, yang mana volumenya hanya separuh, terminal building tidak digunakan dengan sepenuhnya. Those are the negatives considerations or those are the considerations for which we also took into account. But, we hope by next year when everything is completed, so that it will not be an issue anymore.*

Tuan Tony Pua Kiam Wee: *I think out of three reasons raised, sebab yang telah pun diberikan oleh pihak AirAsia untuk tidak pindah, sebab yang kedua dan ketiga, saya setuju dengan pihak kementerian bahawa tidak boleh diterima. Oleh sebab lain-lain airport yang tidak diasingkan pun mereka gunapakai. Ketiga iaitu pampasan. So, kita pun tidak perlu bayar pampasan kepada pihak AirAsia. Itu saya setuju tetapi yang kita rasa ada persoalan adalah mengapakah passengers service charge kena meningkat begitu mendadak sehingga RM65? I think that is the main issue. I think even for AirAsia, the real reason is RM40 increase from RM25. Sekarang di LCCT itu pun RM30- no, less I think. How much did they ask?*

Datuk Seri Long See Wool: *It is half of the main terminal building.*

Tuan Tony Pua Kiam Wee: *Which is for local flights, I think it is less than RM20 if I am not wrong..*

Datuk Seri Long See Wool: *The price is standard, RM6 for everybody.*

Tuan Tony Pua Kiam Wee: *RM6 for everybody. So, this is purely for international? Is this RM65 purely for international? Okay. And then, I think LCCT is RM32 if I am not wrong.*

So, I think that the question is why the steep increase in the fees payable for these passengers? While we can say it does not affect the airlines, it will affect the passengers; it will affect the traffic coming into the country from the international.

Datuk Seri Long See Wool: *Yang Berhormat, if I can explain this in a much broader contexts. The passenger's service charge is a statutory charge, approved by the Government Gazette. Some country called it the passenger service or some called it passenger service charge. The charge is purely for the services they have provided at the airport. You will realized that today in Malaysia airport, operate a number of airports, it is a single till system, meaning that entire collection go into pool by which the money is used to maintain airport. The money is used to subsidize airport which are not profitable. For which the government imposed it on them and they have to continue to operate where even the volumes of traffic is very low. They are also running as number of small airports, what we called stall in Sabah and Sarawak, where there is no passenger service charge at all, for which it involves heavy cross-subsidy.*

Now, when you come to the passenger service charge, the charge is packed at the level, based on the certain number of factors. Today, Malaysia airport, you have the domestic and international and you realize domestic is very very low. Wherever you go, you check with any countries in the world, the domestic passenger is very low. Now, when you come to the international, we benchmarked it against the regional airport. There is no situation where MAB punya passenger service charge can go beyond the average of those regional airports, which includes Singapore, Bangkok and a number of other airports. So, dia ini tidak boleh minta kalau benda itu tidak gerak. Keduanya, they must reach a certain level of performance before we allow them to move. So, they have to fulfill quite a number of criterias. Now, as I mention earlier, it is the charge not paid by airlines, but paid by passengers. Today, if you were to look at passenger service charge in the overall contexts of the air fare, it all depends on how you look at it, it is negligible. But, do you know that actually you pay close to RM700 or RM800 if you go to Heathrow? If you get a free tambang, but you still have to pay thousands of ringgit. The reason is we only charge RM65.

So, we do not see – if a passenger wants to come to Malaysia, would RM65 be an issue that they do not want to come to Malaysia? They come to Malaysia because of Malaysia. They do not come to Malaysia because of taxes, they do not come to Malaysia because we have a nice airport or we have an excellent airline. But, they come to Malaysia because they want to come to Malaysia.

So, we do not see how by going to the rate of RM65 would affect passenger. It has proven before. We have done study when there is adjustment of passenger service charge, it does not have an impact on passenger volume.

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That is how you look at it but you must remember that when you- if AirAsia move back into the new terminal building, what reason can we give to MAS, Malindo and any other foreign airline that the passenger service charge using the same terminal building but pays half the charge? We cannot stand on that principle because they will look at us as if we are discriminating.

Tuan Tony Pua Kiam Wee: I completely agrees with you Datuk on discrimination. That mean, it should be the same rate for all the airlines using that particular terminal. My issue is the increase is very steep and it is significantly higher than other airport in the country. So, the concerns with the arguments are, if you allowed me to say, with regards to, even we charge RM85, people will still come, irrespective of airline or the quality of the airport, I think that is not the concern here. The concern here is, it also causes a burden on the passengers, big or small, and it also results in situation where the cost of airport can cause- building an airport or renovating an airport can increase, because memang we can increase the cost of building this airport because we can recouped it by increasing the passenger tax by another RM20. That is what we are trying to prevent.

The fact that airport can increase by RM100 of millions cost of construction or renovation and then we just increase the service tax. I think this is whether we like it or not, it is an element of competitiveness in the airline industry for the country. Whether it is a big factor fact, small factor that once we can debate tidak habis-habis but like it or not, higher prices would affect our competitiveness.

Datuk Seri Long See Wool: Because other airport, with the exception of KLIA where they operate from a separate terminal, where the facilities and services are much more inferior, other airport in Penang and Kuching, they pay the same price for international passengers. So, how do I then explain to Kuching if I allowed them to come back in the main terminal building and it is only half the passenger service charge, unless I go and lower all the chargers of all the rest of the airport to the level of RM32...

Dato' Kamarudin bin Jaffar: I think the point is regarding the charges for all airports...

Datuk Seri Long See Wool: It is the same.

Dato' Kamarudin bin Jaffar: General policy that I think Yang Berhormat Petaling Jaya Utara is talking about...

Datuk Seri Long See Wool: But, I appreciate the in fact- I mean, I fully appreciate the points that Yang Berhormat Petaling Jaya Utara said.

Dato' Abd. Aziz Sheikh Fadzir: *I am looking at the other side, Datuk. I am looking as a politician at the other side. Because of this inefficient or our problem with the airport, we have KLIA2 problem, we have got KKIA problem, then, AirAsia is making this as 'beautiful story' that you are charging extra to the people because you build a giant airport which is sometime not really useful. So, if you can match that... [Disampuk]*

No, I think you can match that, then it will be good because I think it is a commercial decision. AirAsia will ask you for one dollar if they can, you know, but that is your decision. We will not comment on that but like Yang Berhormat Petaling Jaya Utara say, as long as you be fair to everybody and to AirAsia, I think you must make sure that their low cost, operational cost does not increase when they move to the new airport, then I think we can be fair. Our problem is, we are not building airport in the right way, very costly, masa, then we increase pula. So, it is not good in the eye of the public. I am looking from the other side.

Datuk Seri Long See Wool: *Yes. I understand the perception, I think a lot of this is perception. Actually, the passenger service charge is collected...*

Dato' Abd. Aziz Sheikh Fadzir: *It is not the perception Datuk. KLIA2 punya harga is not perception.*

Datuk Seri Long See Wool: *Passenger service charge is collected for the services at the airport. It is not a charge that we do for the purpose of collecting, for purpose of development. There are different revenues stream that come into the airport. Of course it goes into a single till but the passenger service charge is actually services provided at the airport.*

Tuan Pengerusi: *I think this issue is better debated outside because I think... [Disampuk] I personally think that AirAsia will move back to Terminal 1 because people will see the difference in the quality of the services anyway, the passenger. They will choose other airline.*

Dato' Abd. Aziz Sheikh Fadzir: *You must force them, you cannot give them space. The option is not their, you must force them.*

Tuan Tony Pua Kiam Wee: *I think it is fair that maybe is already allowing them to hold on until the whole thing is completed. Once it is completed, they need to move.*

Tuan Pengerusi: *I think that...*

Datuk Seri Long See Wool: *Ya.*

Tuan Pengerusi: *...Because Kota Kinabalu is a very important hub for them. They did the same thing in Johor Bahru, extended the runway, put more parking base and then, they decided not to make Johor Bahru into a major hub. So, they did that to Johor Bahru but Kota Kinabalu I think it is bit difficult for them to do because the connection out of the Kota Kinabalu is quite important for them to go to Hong Kong and so on.*

Dato' Abd. Aziz Sheikh Fadzir: *That comes to the other pertinent question, why can't KLIA have a proper agreement with AirAsia before they even move? I see KLIA2 pun kita bergaduh, I see this KK airport pun kita masalah. Can't we have a pre-agreed rate, what are the conditions that you need and they put the signature there, so that once it's done, it is just done. I see a lot of issues between KLIA, MAB and AirAsia.*

Datuk Seri Long See Wool: *I think I should not comment on that [Ketawa]*

Tuan Tony Pua Kiam Wee: *Ini tidak ada langsung, bukan? [Ketawa]*

Datuk Seri Long See Wool: *I mean to be fair– I mean, just giving an example. There are airlines today coming and tell us that they want to keep the cost low. "Can you give us a guarantee for the next 15 years, 20 years you do not increase your airport charge?" So, what will you put back to them? "Okay, if we do that, can you also do your air fare in the next 15 years, 20 years you do not increase?" But they are telling, "No, no. You keep yours, I should be allowed". You depend where... Which side of the table they are but the overall consideration will have to take into account a lot of other factors.*

Tuan Pengerusi: *Any other question?... Well, I think Datuk, you also have been very good at feeding our question today.*

Datuk Seri Long See Wool: *I have been grilled [Ketawa]*

Tuan Tony Pua Kiam Wee: *Last one Datuk.*

Tuan Pengerusi: *Last one because I think after three hours, we should give Datuk a time... [Ketawa]*

Tuan Tony Pua Kiam Wee: *I understand. I just got the figure from the Audit's Report on the amount that has been paid, yang telah pun dibayar kepada kontraktor Global Upline on their package of the work. The contract, the final amount is RM773.29 millions, yang dibayar sudah RM721.6 juta, 93%. So, there seem to be a disjoint between the amount works not done versus the amount of money that has been paid to Global Upline. So, tinggal RM50 juta sahaja belum bayar.*

Ir. Mohd. Hanaffi Ayob: *Tuan Pengerusi, in terms of– I agree that the balance is RM50 millions plus. That's also inclusive equipment supplied but not yet install especially the Instrument Landing System, AGL equipment. Supplied but not yet install. In terms of the psychical progress, until the day they are being terminated, they have achieved 94% at the point where they being terminated.*

Tuan Tony Pua Kiam Wee: *So, you are telling me that the extension into sea, semua itu only two or three percent value of works?*

Ir. Mohd. Hanaffi Ayob: *The cost is RM50 millions. All the balance of work not completed is roughly around RM50 millions. RM50 millions plus.*

Datuk Seri Long See Wool: Yang Berhormat, *if I may, for instance like you- once the equipment, it is true that ILS is a system and the equipment and the final. Once the equipment is supplied to site, the government actually will pay, correct me if I am wrong. So, it is the installation and the calibration and decommissioning part for which they are not able to do. So, you will see that the value in terms of the actual payment is high but there are for materials, for equipments that they have been supplied but not install.*

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Dato' Abd. Aziz Sheikh Fadzir: Datuk, senarai kontraktor yang baru dilantik, Pakej 2, *civil dan structure works*, Musaiti Sdn. Bhd., harga kontrak RM155.5 juta.

Tuan Tony Pua Kiam Wee: *Civil and structure physical works not that?*

Ir. Mohd. Hanaffi Ayob: *Works including the portion on the northern part of runway where they need to raise the runway and also a portion on the taxiway.*

Tuan Pengerusi: *Then it should been covered in the original contract, dan kalau sudah 90 percent done, that means should have been done already. Why you need to appoint another...*

Dato' Abd. Aziz Sheikh Fadzir: Kalau you kata RM50 juta tadi- okey, ini alasan kata equipment ini. *AGL fire protection system* RM23 juta. Jadi, tidak adalah beza sangat tiga tahun dahulu dengan sekarang. *Navigation system*, RM12.9 juta. Itu dah RM36 juta. *Communication*, RM3.4 million, itu sudah RM40 juta. You ambil figure equipment itu sahaja sudah RM40 juta sudah. You diskaunlah 20% harga dulu dengan sekarang ini, diskaunlah 20%, so RM8 juta, itu sudah RM32 juta. *Are you saying that the balance of infrastructure that meant to be completed by GU only RM20 million? I don't know.*

Sr. Jamiah Jahis: Tuan Pengerusi, kalau kita tengok *the procurement strategy* yang dilaksanakan pada kontrak yang awal adalah *design and build negotiated based on lump sump. The consultant of the contractor then back on November 2005, prepared bills of quantities* for dia punya kontraktor *and they had submitted to us and we have look into it and the negotiation was carry out by the client. That is over.*

But for this new contract, the strategy of the procurement was by conventional, which is they have to prepare the BQ. That is a consultant to prepare the bills of the quantity of the remaining works. So the remaining works was prepared by the consultant based on bills of quantities and the contractors has actually priced accordingly based on the present price. Itu yang dia dapat RM155.5 juta.

Dato' Abd. Aziz Sheikh Fadzir: Tak nak *challenge* itu tapi saya cuma nak *challenge- you* kata *balance contract price* kepada GU ini RM50 juta, okey. Tolak *equipment which is as I said, you will not be- I give 20% increment, you know. I give 20%.* Sekarang ini sudah RM30 ke RM40 juta tadi, kalau 20% *increment* pun, *that means you would have been RM22 million in GU punya books.*

That is the price. So you would had paid RM700 over million itu minus RM22 million, the balance RM50 million yang kita owe GU ini is comprises of RM32 million equipments tadi itu, only RM20 million civil and structural works. Itu satu.

Kedua, mana boleh kita bayar equipment when it is not install and tested? You saying that just now, RM48 million yang tidak install tadi simpan dalam stor. Mana dunia yang kita bayar orang tidak try ini? TV rumah kita pun kita pasang, dia mai test dulu baru kita bayar.

Sr. Jamiah Jahis: *Ada dalam syarat-syarat kontrak that for...*

Dato' Abd. Aziz Sheikh Fadzir: *Takkan you as a consultant would have agreed to recommend the government to pay for something equipment that not even tested? I don't know. I mean, I can't blame KSU who might not know. But you as a consultant, being paid RM29 million; your job is to just verify sahaja. Apa you recommend? RM80 million kalau you kata tadi itu. RM48 juta campur RM22 juta, RM80 juta barang bayar kepada supplier, simpan empat tahun dalam stor. Eh, tidak reti nak fikirilah.*

Sr. Jamiah Jahis: *Kalau kita tengok, dia suppose to complete the original contract by 2009. So material yang dia beli itu, mengikut program asal, they are to fix around 2008 then material equipment itu dia bawa because it is an oversea punya, so they have lead time.*

Dato' Abd. Aziz Sheikh Fadzir: *Berapa lama lead time dia?*

Sr. Jamiah Jahis: *Enam bulan.*

Dato' Abd. Aziz Sheikh Fadzir: *Okey enam bulan. Bila you tahu benda ini tidak akan siap? You tahu tidak tahun 2008 you tahu kata kita punya ILS tadi itu tidak akan boleh pasang?*

Sr. Jamiah Jahis: *Tadi dia...*

Dato' Abd. Aziz Sheikh Fadzir: *I am sure you would have known by 2008, you know, with all your EIA issues, with all your other issues that there is no way 2009 this thing will be completed. A normal man would have call the supplier, negotiate with him, pay additional 10%, ask the supplier to keep the equipments in his place and deliver it when you have been ready. I purely say that there is negligence on your side.*

Tuan Pengerusi: *Lagi satu of the lessons. Because, kalau you beli barang itu simpan empat tahun, barang itu mungkin sudah obsolete sudah by the time you hendak pasang [Disampuk] No, no, satu question sahaja lagi. You all kena bayar according to progress kan?*

Sr. Jamiah Jahis: *Ya, betul.*

Tuan Pengerusi: *Maknanya kalau tidak ada willing daripada kontraktor semua you tak boleh claim kan?*

Sr. Jamiah Jahis: *The contractor submits dia punya claim tiap-tiap bulan.*

Tuan Pengerusi: *...And then only you get paid kan? Or you get paid just by giving advice; the government pays you the total amount that you are due?*

What I am saying is if you don't bill the equipment in- if you don't agree to the contractor buying the equipment, and therefore that, in this case progress, you don't get paid?

Sr. Jamiah Jahis: *Bukan...*

Tuan Pengerusi: *Is it the driving intention behind your approval ini?*

Ir. Mohd. Hanaffi Ayob: *Tuan Pengerusi, the consultant is being paid according to the man month- dia tidak ada related dengan whatever progress of the contractor punya payment.*

Tuan Pengerusi: *Lagi teruk. We expect better quality of advice. You already been paid macam retainer basis and then you not even looking at the cost saving aspect to the client.*

Sr. Jamiah Jahis: *Let me explain. The purchase of the equipment was done back in 2008. Original contract suppose to complete in 2009. The delay was on 2010.*

Tuan Pengerusi: *The point is you know that the project was going to be delay, you should advise the client not to accept any equipment.*

Sr. Jamiah Jahis: *The purchase...*

Tuan Pengerusi: *The lead time is very small. And you are getting paid like a retainer. My god!*

Dato' Abd. Aziz Sheikh Fadzir: *That's why I said lets don't try to deny something that doesn't make sense. Let's try to sit- tidak mengapa, can you give us the work program? We want to see the revise work program and we want to see when this things was procured, when was it delivered, when was it paid. You know, kalau you hendak argue kata benda itu awal.*

Tuan Pengerusi: *Datuk, you should look at your- you should review your consultant punya capabilities and advise juga, because in this case, they are not doing value for money type of advise to you. I think we are going to mention this in our report about the quality of the consultant that had been advising our civil service.*

Dato' Abd. Aziz Sheikh Fadzir: *...And then we also need to see what are the liabilities you know, by giving all these advice to the government.*

Tuan Tony Pua Kiam Wee: *Can I just has a supplementary question on this? Is there a retention sum by the government? Because, by right, they should be a retention sum for warranty and defect for every payment. So, that amount itself should exceeding RM50 million already. I try to look forward at the contract; I have not seen it yet. That's number one.*

Datuk Seri Long See Wool: *Itu ada- performance bond semua ada.*

Tuan Tony Pua Kiam Wee: *So 5% of retention sum is already RM35 million.*

Dato' Abd. Aziz Sheikh Fadzir: *RM35 million to spent lah, in terms of the money that we still have.*

Tuan Tony Pua Kiam Wee: *The percentage of payment seems completely out of sync with the actual progress on the ground. I think that seems very obvious at this stage.*

Sr. Jamiah Jahis: *For this contract, there are performance bond which is 5% equivalent to RM36 million which government had already confiscated it because the project is being terminated.*

Tuan Tony Pua Kiam Wee: *No retention sumlah?*

Dato' Abd. Aziz Sheikh Fadzir: *The point Yang Berhormat Petaling Jaya Utara bagi tahu, actually you actually paid RM720 million right? So, RM770 million contract, minus 35%, is only RM735 million.*

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Ir. Mohd. Hanaffi Ayob: *The performance bond is not in the form of retention sum.*

Tuan Tony Pua Kiam Wee: *So, there is no retention sum?*

Ir. Mohd. Hanaffi Ayob: *No retention sum in form of performance bond.*

Tuan Tony Pua Kiam Wee: *...Only a performance bond? What I understand is most construction contracts have performance bonds and got retention sum whether it is five percent or two and half percent. Is that waived?*

Sr. Jamiah Jahis: *MOF circular is either one. It is either retention or performance bonds. Even if you go to JKR also they have either one. The choice is on the contractor. If they think they want to give performance bonds, then we accept the performance bonds. Otherwise, we will deduct on the retention sum- a 10% of value or valuation up to 5% of the contract value.*

Tuan Pengerusi: *Any other issues?... I think we should end our grilling. I think Datuk, you are now well done [Ketawa]*

Datuk Seri Long See Wool: *Overcooked.*

Tuan Pengerusi: *No, no, no. Not overcooked. There is still one more issue, KLIA2 coming up which we won't cover today, because we don't have the time. Anyway, it's not fair to you to face us for another three or four hour. I think you will be drained of the energy that you have. We are drained too. But, thank you very much for appearing today. I think the answers you have given are quite satisfactory. We can come to some conclusion on the cause of the issues and who we should assign this responsibility to. We hope you can provide all the informations that we asked for just now as quickly as possible, in a week time. Then we will call you again for the briefing on KLIA2 when it's- I think maybe next month, because everybody is going on a holiday. So, maybe in January we meet, okay with you?*

Datuk Seri Long See Wool: *Thank you very much to Tuan Pengerusi, Timbalan Pengerusi dan Ahli-ahli PAC. We fully appreciate the discussion. In fact, we have inculcate in our working, in project management as part of our culture is that, whichever project we do, back in our mind that it will be audited. We are very mindful of that, but I hope the PAC Members would also appreciate that there are factors that beyond our control. For which, although- not for failing but for trying our best.*

On the land issue, we would like to share our frustrations. In fact, today the air traffic control tower where the DG's office is sitting on is a piece of land that the State has not even alienated to us. The State also have got their own- dia hendak buat satu bus terminal berdekatan dengan situ which we did not agree, because we say that, around there, number one to site a bus terminal at the airport, I don't think it's a good thing to do, because you are going to crowd the entire airport area.

Keduanya, if you do that, we would have no more land for expansion in the future and this airport is meant for KK and for KK. Now, in KK you imagine if you want to look for a new site for the new airport, I don't know where we are going to find maybe because of that the reason, until today, dia masih tidak meluluskan tanah. We are in dialogue with them and we hope this can be settled and I hope in your final report on this land, we hope you can appreciate the difficulty that we go through in this exercise.

Moving forward, we will definitely provide all the information that you have required. If you required any further information, please don't hesitate to get in touch with us. On KLIA2 itself, in fact I was ready to handle the subject matter today. But, nevertheless we have ran out of time. But, towards the end of the year, I think you have a tight schedule, we have a tight schedule, I hope you can give us a date as early as possible, hopefully not next week, because there are certain commitment that we have next week.

So, with that, on behalf of the DG of DCA, TKSU, all my officers and also on behalf of KLIACS, we again mengucapkan berbilang terima kasih kepada Tuan Pengerusi, Timbalan Pengerusi dan semua Ahli-ahli Jawatankuasa dan juga kepada pegawai-pegawai dari jabatan-jabatan kerajaan termasuk pegawai-pegawai daripada Jabatan Audit Negara. I don't blame you for bringing the thing... [Ketawa] ...And also MOF and the rest of the agency, we are all good friends. Issues are issues. I think that one- if it is an issue, we have to face the issue. Kalau kita ada kelemahan, I dah beberapa kali cakap, kita kena terima kelemahan dan take whatever necessary to avoid the same thing from happening.

Dengan itu, saya sekali lagi mengucapkan berbilang terima kasih.

Tuan Pengerusi: Terima kasih Datuk. *You are invited for lunch di luar.*

Datuk Seri Long See Wool: Sorry?

Tuan Pengerusi: Kita sediakan lunch. *After the grill, kita sediakan lunch [Ketawa] Anyway, PAC Members tunggu sekejap. Orang lain minta keluar dulu.*

Mesyuarat ditangguhkan pada pukul 2.06 petang.