



Persatuan Pengguna Pulau Pinang Consumers Association of Penang

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PRESS STATEMENT

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COURT DECISION ON GRANITO PROJECT MUST BE REVIEWED

The Tanjung Bungah Residents Association (TBRA) calls on the Attorney General (AG) to review and file an appeal over the decision of the Sessions Court in Penang yesterday, where the consultant engineer and the engineering firm involved in the fatal landslide tragedy in Tanjung Bungah in October 2017 were each fined RM40,000.

According to media reports, the consultant engineer, Khoo Koon Tai, and the firm, Perunding KAA Sdn Bhd, pleaded guilty to a charge under Section 15 (1) of the Occupational Safety and Health Act 1994 for failing to provide engineering calculations for the temporary slope for the Granito project where the landslide occurred, thus failing to ensure the safety, health and welfare of all the workers at the site.

We are shocked by the imposition of such a paltry fine, given the gravity and seriousness of the offence which led to the death of 11 workers.

In fact, the State Commission of Inquiry (SCI) into the landslide tragedy had found engineer Khoo grossly negligent and recommended that criminal investigations be conducted by the police (under the direction of the AG if needed) to determine whether a prosecution ought to be commenced under Section 304A of the Penal Code which deals with causing death by negligence.

Section 304A provides that “Whoever causes the death of any person, by doing any rash or negligence act not amounting to culpable homicide, shall be punished with imprisonment for a term which may extend to two years or with fine or with both.”

The Sessions Court imposition of a RM40,000 fine is no deterrent at all, and is a mere slap on the wrist of the engineer and his firm. It is not commensurate with the seriousness of the matter. A jail sentence ought to have been imposed to set an example for other engineers.

TBRA is most disappointed in this regard and call on the AG to review and appeal the decision for a higher sentence which is more deterrent in the circumstances.

We also call on the police to commence criminal investigations under the direction of the AG as recommended by the SCI and seek a prosecution under Section 304A of the Penal Code.

If no serious and deterrent measures are taken, the loss of lives of the 11 workers would be in vain and the SCI findings would not have been given due effect and meaning.

Tanjung Bungah Residents Association (TBRA)