

SUMMARY

1. **It is not proven that Dato' Seri Ong Ka Ting is involved in a 3-man secret committee as alleged by Wong Leong including allegedly paying Tee Ann Chuan RM10,000 a month. We find no basis for this allegation.**
 - a. **Panel disagrees with Dato' Theng Book's remark that the poor and the elderly are more likely to tell the truth because they have nothing to lose as the converse is equally true. Indeed, at 69, Wong Leong has nothing to lose for not telling the truth, compared to Dato' Seri Ong Ka Ting. For Wong Leong to imply that Ka Ting had a guilty conscience by setting up this Panel can also mean the converse, that is, the reason why Ka Ting had agreed to the setting up of this Panel was because he had nothing to hide.**
 - b. **Wong Leong only produced one evidence to support his claim that youth leader Han Ching Pheng had, according to the April 28 issue of *Weekly Special*, seen Tee coming in and out of the 16th Floor. This was inaccurate as Han did not give any interview to the *Weekly Special*.**
 - c. **When Wong Leong met Tan Sri Sak Cheng Lum and Roger Tan on 16 April 2008, Wong Leong said that the *Malaysiakini* Reports were inaccurate as he had never mentioned the President's (Dato' Seri Ong Ka Ting's) name.**
 - d. **By refusing to re-appear when recalled to be questioned by the Panel after the Panel has spoken to all other witnesses as requested by Wong Leong, Wong Leong is not able to rebut Tee Ann Chuan's contention that Wong Leong hated Dato' Seri Ong Ka Ting and wanted to take revenge against Dato' Seri Ong Ka Ting because Wong Leong's close friend, Dato' Lim Choon Kim had not been nominated for the last General Election. Tee Ann Chuan also contended that Wong Leong being elderly had nothing to lose. Tee Ann Chuan, who claimed to know Wong Leong since the early 1980s, said he knew Wong Leong well enough and Wong Leong did not even finish his primary school education and therefore could not have prepared Wong Leong's statement himself or understood the legal implications of making a statutory declaration. In his urge to take revenge, Tee Ann Chuan said Wong Leong was willing to "die" and say anything for anyone. In the process, Tee Ann Chuan claimed that Wong Leong had been taught what to say and was used by hidden hands who were the real protagonists hiding behind him wanting to topple Dato' Seri Ong Ka Ting, and Wong Leong had no hesitation to use him as a scapegoat.**
 - e. **When Dato' Seri Dr. Chua Soi Lek testified on 21 May, he said he did not hear anything about Tee being paid a salary by Ka Ting or that Ka Ting was involved. Dato' Seri Dr. Chua Soi Lek said he had only heard of a two-man squad.**

- f. When the 5 grassroots leaders (who had requested anonymity) testified on 27 May, 4 of them who had met Tee Ann Chuan testified that when Tee Ann Chuan met them, Tee Ann Chuan did not mention anything about being paid by Ka Ting or Ka Ting's name at all.
 - g. Panel accepts the testimonies of Tee Ann Chuan and Dato' Seri Ong Ka Ting that both of them have not been in touch for a long time.
 - h. Dato' Yap Pian Hon did not corroborate Wong Leong's evidence about Tee being paid by Ka Ting when Wong Leong said in his statement that Dato' Yap Pian Hon would be his witness to this.
 - i. Dato' Lim Choon Kim's testimony that Tee Ann Chuan had told him about being paid by Ka Ting should be viewed in totality the entire evidence given by Dato' Lim Choon Kim that there existed a three-man secret committee.
 - j. Tan Sri Ting Chew Peh, by not coming forward to support his statement made in the 9 April *Malaysiakini* report¹: "*The leader concerned must clarify as people have already known who he is*" causes an inference to be drawn that he has no evidence to support his statement.
 - k. The allegation that Tee has been paid by Ka Ting is inconsistent with our finding that the three-man secret committee does not exist.
2. **It is not proven that there exists a 3-man secret committee aimed at purging all dissidents in MCA, including the ex-vice president Dato' Seri Dr. Chua Soi Lek and vice-president Dato' Donald Lim.**
- a. **16th Floor, Putrajaya**

No witness had testified seeing Dato' Liow Tiong Lai, Wee Jeck Seng and Tee Ann Chuan meeting together on the 16th Floor. Even though Wee Jeck Seng did admit seeing Tee Ann Chuan on the 16th Floor on two occasions, they did not engage in any conversation. Wee Jeck Seng added that there were just too many youth organisations coming in and out of 16th Floor as it was a busy place. It does not make sense for any secret group, if at all, to operate on such busy premises without being noticed. With no evidence to show that Wee Jeck Seng had also frequented the 16th Floor at the same time together with Tee Ann Chuan, there is hardly anything to indicate the existence of a three-man secret committee operating there. No evidence was also proffered about any other possible meeting place of this alleged secret squad before Dato' Liow Tiong Lai occupied the premises. The Panel also took into account the testimonies of both Dato' Liow Tiong Lai and Wee Jeck Seng that since their respective appointments as the Minister of Health and Deputy Minister of Youth and Sports, they had not met Tee Ann Chuan in their offices.

¹ <http://www.malaysiakini.com/news/81116>

b. Lists of names of delegates, division/branch committee members and pictures

Dato' Lim Choon Kim and Dato' Yap Pian Hon were unable to tell how thick was the stack of documents they claimed Tee Ann Chuan had brought with him. According to Lim Chin Hai, Chief Administrative Officer of MCA Headquarters, if Tee Ann Chuan had indeed shown Wong Leong documents from the MCA Headquarters consisting of lists of all the names of Division and Branch Committees throughout the country, then the documents would be in at least 10 rims of A4 paper because there are about 100 over divisions and 4,000 branches nationwide. In other words, Lim Chin Hai said Tee Ann Chuan had to carry two boxes each in the size of 30cm length x23cm width x25cm height. When asked whether he saw the documents, Dato' Yap Pian Hon confirmed that the documents shown to him by Tee Ann Chuan were hand-written clearly and they were not printed using a computer. When questioned, Lim Chin Hai, Siow Yan Yong, Head of MCA's Registry Section and Sin Soon Kid, Head of MCA's computer department confirmed that in the last 2 years, they had never been instructed by any top MCA top official to print or download into a disc the lists of Division and Branch Committees for the entire country. For the above reasons, the documents if shown by Tee Ann Chuan did not come from the MCA headquarters.

c. Document handed over to the Panel by Dato' Seri Dr Chua Soi Lek

The document tendered by Dato' Seri Dr. Chua Soi Lek to the Panel on 21 May is in fact a copy of the identical written statement containing the minutes of meetings between Tee Ann Chuan and Wong Leong as tendered by Tee Ann Chuan to the Panel on 14 May. With regard to Dato' Seri Dr. Chua Soi Lek's reference to the information on the Ledang division in the said document, such political information of who is supporting who is easily available as it can be a talking point among the locals living in that area. In this case, the Panel understands Low Tian Hock is a committee member of the Solok Tangkak branch of the Ledang Division. As respects the person marked "XXX" in the document, Tee Ann Chuan did explain in the hearing of 14 May that he had forgotten the name at the time of preparing the statement and he confirmed in the hearing that it was Ong Chen Huing.

d. Pictures

With regard to the pictures of Division Chiefs including Members of Parliament and State Assemblymen, this is a non-issue as such pictures are easily available from news reports, Parliament and State Governments websites.

e. Dato' Donald Lim, Wee Jeck Seng and others

- i. Wong Leong's statement that many were axed was made after all the above events had already taken place and so it was easy for him to say it.**
- ii Dato' Donald Lim admitted that the existence of a spy group in the party was based on hearsay. He agreed that he not only had political enemies but also business enemies who might want to end his political career as he had fought many "wars" before. Dato' Donald Lim also revealed that someone had told him that the alleged spy group had office in Putrajaya and another in Kuala Lumpur and they had a file on him, 6 inches thick. Panel finds it rather incomprehensible that Dato' Donald Lim was unable to tell us who actually told him that the alleged spy group had a 6-inch thick file on him. With regard to Wong Leong's assertion that Tee Ann Chuan had told him that Dato' Donald Lim would not be made a Deputy Minister, Tee Ann Chuan's response was Wong Leong and Tee might have discussed it as a matter of interest arising out from speculation in news reports. In any event, no evidence had been presented to the Panel to show that there were acts calculated to destroy the political career of Dato' Donald Lim save for the mere speculation that Dato' Donald Lim would not be made a Deputy Minister if elected. This evidence appears to the Panel to be more an afterthought on the part of Wong Leong.**
- iii. It is easily obtainable from news reports and party materials that Wee Jeck Seng had been appointed the Assistant National Organising Secretary for Johor and Sabah on 6 January 2006.**

f. Dato' Lim Choon Kin a "political angel"

- i. We find it quite unbelievable that Dato' Lim Choon Kim could immediately after his first meeting with Tee Ann Chuan agree to assist the squad with the responsibility of trying to neutralise the influence of Dato' Seri Dr. Chua Soi Lek and Dato' Donald Lim. Equally unbelievable is that the politically shrewd Tee Ann Chuan could reveal so much and so sensitive information to someone he just met for the first time, that is, he was employed by Dato' Seri Ong Ka Ting and there existed a three-man secret committee. Neither did Tee Ann Chuan need to use much effort to inveigle himself into Dato' Lim Choon Kim's trust. We are equally surprised that as a two-term ADUN, it did not put Dato' Lim Choon Kim on enquiry at all other than obediently and submissively agreeing as a political angel to be a party to the "very horrible" acts of this three-man secret committee intended to root out the influence of Dato' Seri Dr. Chua Soi Lek, Dato' Chua Jui Meng, Dato' Donald Lim and Dato' Ling Hee Leong. Having also met Dato' Seri Chan Kong Choy to ask about his candidacy, neither did Dato' Lim see it fit at any time to inform**

Kong Choy that the latter too would not be named as a candidate in the coming election. To say that it did not matter to him whether he was nominated was rather too simplistic when he did meet up with Kong Choy to find out about his prospect of being nominated. We also find it quite interesting to note his virtual turn-around then and now. Then, he readily agreed without any question to help Dato' Seri Ong Ka Ting to neutralise the influence of Dato' Seri Dr. Chua Soi Lek and Dato' Donald Lim. Now, he has vehemently condemned Dato' Seri Ong Ka Ting as reported in the 6 April *Malaysiakini* report.

- ii. If Dato' Lim Choon Kim had so readily agreed to help Dato' Seri Ong Ka Ting, this could not explain why he was not nominated for the last election. Similarly, if Tee Ann Chuan was indeed such a powerful man working for Dato' Seri Ong Ka Ting, it did not make sense why all the application forms submitted by Wong Leong, Dato' Lim Choon Kim and Dato' Yap Pian Hon through Tee Ann Chuan with the help of Wee Jeck Seng were all subsequently returned and rejected.
- iii. Panel is more inclined to believe Wong Leong and Tee Ann Chuan that the reason for Tee Ann Chuan to meet Dato' Lim Choon Kim was to help him secure the election nomination. There is really no necessity for anyone to introduce Tee Ann Chuan to Dato' Yap Pian Hon as their friendship dates back to their GBBM days in the 1970s.

g. Mandate given to the President

Panel noted Dato' Seri Ong Ka Ting's absolute discretion under Article 122 of MCA Constitution to decide on election candidacy and there was no reason for him to resort to such unethical tactics to remove anybody. Dato' Yap Pian Hon's assumption that there was some truth in what Tee Ann Chuan had allegedly told him because more than 50% of the General Election candidates were changed was rather misplaced.

h. Ka Ting not involved

We are mindful that if this is our conclusion, then it can be interpreted that someone is not telling the truth. We agree, and this is often the case, when it is one person's word against the other. We find that the testimonies of Dato' Lim Choon Kim and Dato' Yap Pian Hon have not corroborated wholly with Wong Leong's statement. Having said that, we must acknowledge that Tee Ann Chuan was able to produce, at least, some documentary evidence to support his oral testimony. We also acknowledge that as a non-member of MCA, he was not obliged to appear before the Panel but he did. Whatever his reason for agreeing to appear before us, save to request that the hearing be conducted outside Wisma MCA, we acknowledge him as a person who has cooperated with our investigation, although not completely by not turning up when recalled. However, we also conclude that if indeed Tee Ann Chuan had

not spoken the truth, the evidence does not show that Dato' Seri Ong Ka Ting is involved.

i. Wong Leong's not a helpful and cooperative witness

i. It is a fundamental principle in any investigation that the person who asserts a fact will bear the burden of proving it. Without allowing himself to be cross-examined by us like all other witnesses on his statement, Wong Leong's statement is strictly speaking based on hearsay. If he had turned up when recalled, it would have been more helpful to the Panel.

ii. By not wanting to testify again so that he could be asked to explain the various assertions and denials made by the other witnesses, Wong Leong is not a helpful and cooperative witness. In this respect, we noted that paragraphs 3 and 4 of Dato' Seri Ong Ka Ting's statutory declaration remain unrebutted:

"3. I believe that Wong Leong's Statement not only totally lacks credibility, but also has behind it a clear political motive of a smear campaign against me as the National President of the Party. An illustration of his lack of credibility is that, according to his own allegations, when he was allegedly told on 1/10/07 by Tee of the purpose and actions of the so-called "secret three-men committee", he felt and remarked to Tee that those actions were "very horrible", yet he readily agreed to lend his assistance to those "horrible deeds" and to keep them a secret! What credibility would such a person have?"

"4. By Wong Leong's own account, those events allegedly happened months ago, and he was aware of the same. His concern for "revealing the truth" did not exist then. Not only did he keep quiet, he participated in some of the events. And now all of a sudden he finds the urge to rush to tell the whole world about his allegations. I believe that the political motive behind those baseless allegations is exposed."

4. Nonetheless, in the course of the enquiry, there is evidence to show that Tee Ann Chuan has travelled to some parts of the country; met MCA grassroots leaders to gather political information. As to his motive and objective, these are only known to himself. It has been proven that Tee Ann Chuan has been to the 16th Floor and this has raised suspicion as to the nature of his activities.

a. Is there a 2-man squad?

In evaluating the evidence presented before us, we are mindful that the enquiry conducted by us is a political enquiry and not a legal enquiry, and strict rules of proof and procedure may not be applicable. However, we are equally conscious of the fact that the outcome of this enquiry can have serious implications. With that in mind, to hold that there is

indeed a two-man squad comprising Dato' Liow Tiong Lai and Tee Ann Chuan based solely on a general statement made by Tee Ann Chuan to two witnesses that he was working for Dato' Liow Tiong Lai is tantamount to hanging a person based on scant and unsafe evidence. Having said that, we must also bear in mind that no detail was given by the two witnesses on the nature of Tee Ann Chuan's work. In this respect, we must take note that Dato' Liow Tiong Lai has denied the allegations levelled against him and also we have not been able to put this to Tee Ann Chuan as he did not turn up again when recalled. With Dato' Liow Tiong Lai's denial, the evidence presented before us is not conclusive.

b. Tee Ann Chuan's conduct

We must now point out that Tee Ann Chuan's explanation that he was gathering information for his memoirs and GBBM's *Who's who* is not completely convincing to us. As a non-member, we find it strange that at his age, he could spend time travelling around the country meeting up with ex-GBBM members, not to discuss GBBM matters but MCA matters. We are not surprised if many others would later step forward to say that they too had received calls from Tee Ann Chuan to meet him. Was he using GBBM as a pretext in his alleged political chicanery? Our conclusion is only Tee Ann Chuan himself best knows what his real intentions are.

5. Our observations

In fact, we did deliberate also on whether gathering information about who is supporting who is tantamount to snooping or spying. We are of the view that being asked not to be seen or associated or trying not to be seen or associated with someone who is rumoured to be not favourable to a party leadership is a common act of politicking and lobbying among politicians, here and elsewhere. At worst, it is viewed with disapproval but it is not morally abhorrent or unlawful. Just like in any organisation, political or otherwise, it is not uncommon to hear of its leaders and supporters going round at election time with a preferred list or *cai tan*. Therefore, we do not find this as an abnormal or illegitimate political activity. The issue of gathering information for the leadership in any political organisation is also not uncommon. It is even expected that grassroots leaders become the eyes and ears of the leadership on what is going on at the ground. It is therefore no exception in MCA because that is also a recognisable and acceptable role of organising secretaries and assistant organising secretaries at different levels throughout the country, and there is nothing cynical about it. It is also a known fact that political leaders have photographs taken of themselves and people whom they meet as a convenience to enable them to remember and to later recognise the people they have met. Is this also unethical or tantamount to political espionage? We do not think so unless further activities that follow infringe on personal privacy. In this respect, we noted that throughout the enquiry no information or evidence of this nature has been presented.