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Bumi staff: My name used as director but not paid

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KOTA KINABALU: A restaurant worker was registered as one of the directors of the company that owned the catamaran which capsized off Pulau Mengalum early this year, the Tourism Court heard Wednesday. Kitchen helper and driver Fredeli Embon, 32, said Leong Vin Jee had borrowed his (Fredeli) name as one of the Syarikat Golden Sailing Travel Tour and Car Rental director in May 2016.

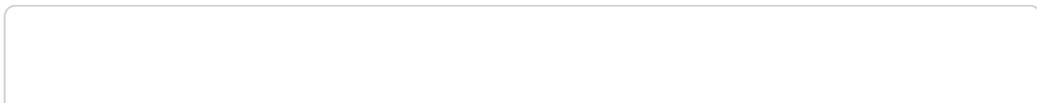
According to Fredeli, another director of the company was Leong's mother, Chung Ket Siew @ Chung Siaw Ping, who is also the registered owner of the boat.

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"I was working with Leong since 2014...he asked me to borrow my name to set up the company but I never carried out any tasks in the company as a director.

"Before I allowed Leong to use my name as a director of the company, he promised to pay me RM500 every month, but he never did," he said.

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To a question, Fredeli told the court that he did not know why Leong had borrowed his name to set up the company.

He also said he knew Leong managed a boat that transported tourists to Mengalum.

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Fredeli was testifying as the prosecution's 14th witness before Sessions Court Judge Noor Hafizah Mohd Salim in the hearing of operator Leong, 44, his mother Chung, 64, whose name appears on the company licence, and skipper Sharezza Salian, 26.

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The first charge – causing hurt to 20 Chinese tourists by permitting Leong to manage and use the boat to sea so negligently as to endanger their lives.

The second charge - negligently causing the death of four tourists by allowing Leong to use the boat and so loaded as to endanger human life.

The third charge – Chung, as the registered owner of the boat, is accused of having Sharezza as the skipper without altering and reporting the particulars of a skipper named Leong Vin Jee in the Sabah Small Ship Licence to the nearest licensing authority – Sabah Ports and Harbours Department.

The fourth charge – she and Leong were jointly charged with failing to keep the boat licence on the passenger boat at all times.

Leong has another four charges against him and on two of them he was jointly charged with Sharezza.

Leong is accused of causing hurt to 20 Chinese tourists by permitting Sharezza to take the boat to sea negligently as to endanger their lives and also allegedly negligently causing the deaths of the four tourists by allowing Sharezza to use the boat to sea in such as state and so loaded as to endanger their lives.

For the first joint charge, Leong and Sharezza are accused of failing to keep on the passenger boat the appropriate safety equipment, the lifejackets and the life buoys as specified in the Fourth Schedule of the Ports and Harbours (Sabah Licenced Small Ships) Regulations 2008, at all times.

The second joint charge – Leong and Sharezza allegedly embarked two crew and 28 passengers from an undesignated landing point - Kg Tanjung Aru Lama Jetty, here.

For Sharezza, he is facing another charge of causing hurt to 20 Chinese tourists by taking the boat to sea so negligently as to

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Allegedly took place at the Golden Sailing Travel
Tour and Car Rental Sdn Bhd premises in Asia City, here, Kg
Tanjung Aru Lama Jetty, waters off the Coast of Pulau
Mengalum, off here, between 9.15am and 11am on Jan 28 this
year.

Leong is also facing a charge of overloading the catamaran with tourists which endangered the passengers' lives while Sharezza had served the six months' jail sentence for overloading the catamaran with tourists.

During the cross-examination Fredeli agreed that besides his name was borrowed as a director, he had no other role in the company.

To another question, Fredeli said he was not sure whether Chung knew the business affairs of the company.

Deputy Public Prosecutor (DPP) Nartiah M. Sambatan, who was assisted by DPP Nurun Nazifah Muhammad Iyen from the Malaysia Maritime Enforcement Agency, conducted the prosecution.

Counsel Edward Paul, together with Elffie Johny, defended Leong and his mother, while counsel Hamid Ismail, Michelle Usman and Benazir Japiril Bandarn represented Sharezza and counsel Chong Choi Lin is holding a watching brief for the victims.

Hearing will continue on Oct 9, 12, 13, 16, 30 and Nov 3, 17, 20, 21 and 24. - Cynthia D Baga

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