

PUC LEGAL CLINIC BY-WEEKLY NEWS EXTRACTION (ISSUE 3, MAY 6 – 19, 2013)

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INVESTMENT AND COMMERCIAL LAW (Relevant to FINANCIAL LAW)

“Thai KBank mulls life insurance expansion”

(By: Somruedi Banchongduang, Phnom Penh Post, May 6, 2013, P7)

KASIKORNBANK (KBank) of Thailand is exploring life insurance opportunities in Myanmar and Cambodia as part of a fast-track strategy to prepare for the ASEAN single market in 2015.

KBank found insurance opportunities in Myanmar after dipping a toe in the water by opening an office in Yangon in January, said the vice-president krisada Lamsam.

KBank has co-operated with Muang Thai Life Association to offer life insurance through KBank’s bancassurance channel and as a sale agent of Muang Thai Life.

It expects 45% of its customer base of 10.9 million accounts to hold Muang Thai life insurance policies within two years.

For the first quarter, KBank’s net fee and service revenue rose by 29.5 per cent year on year to 7.14 billion baht (\$240.32 million)....

“Ministry cancels telco limits”

(By: Rann Reuy and Anne Renzenbrink, Phnom Penh Post, May 7, 2013)

An Often flouted and publicly unpopular restriction forbidding Cambodia’s telecoms from offering lucrative mobile phone promotions was scrapped on Sunday, just two weeks after it was introduced.

In a letter from the ministry of Posts and Telecommunications (MPTC), signed by Minister So Khun, it announced a halt to the implementation of the decision made between the Telecommunication Regulator of Cambodia (TRC) and all phone operators on April 22, when eight out of nine operators agreed to stop the promotion that violate a 2009 interministerial parkas....

“Japanese bank to boost local investments”

(By: Hor Kimsay, Phnom Penh Post, May 10, 2013, P7)

Japanese bank of Tokyo-Mitsubishi UFJ (BTMU) signed an agreement with local Canadia Bank to shore up Japanese growth in Cambodia and to demonstrate its confidence in the Kingdom’s financial sector.

The flow of Japanese investors into the Kingdom has picked up noticeably in the last three years, according to data from the Japanese embassy to Cambodia. Japanese investment totaled about \$330 million last year, a big jump from about \$75 million in 2011.

Furthermore, data from the Japanese Business Association of Cambodia show that there were 101 Japanese companies here at the end of 2012, an increase from 69 the year before.

Yuji Kumamaru, the Japanese Ambassador to Cambodia, said that the alliance is a good example of cooperation in the private sector between two countries....

ENVIRONMENTAL LAW

“Flooded forest gets protection”

(By: Kevin Ponniah, Phnom Penh Post, May 7, 2013, P5)

A Northeastern section of the Mekong River that is home to a number of endangered species has been designated a conservation site by the Ministry of Agriculture, Forestry and Fisheries.

According to a statement issued yesterday by the World Wide Fund for Nature (WWF), the area supports a range of species that have “virtually disappeared” from the region, including the Mekong Irrawaddy dolphin and the Cantor’s giant softshell turtle.

Biological surveys carried out in 2007 found an increase in logging, settlement building, intensive fishing, and the clearance of reiverbanks in the area, said Phay Somany, government liaison with WWF-Cambodia....

“Woman killed in storm”

(By: Khoun Leakhana, Phnom Penh Post, May 9, 2013, P5)

At least one person has been killed and two others hospitalized with serious injuries in Banteay Meanchey after storms wreaked havoc in the province’s Malai and Svay Chek districts on Tuesday.

The storms also destroyed some 55 houses, according to provincial officials....

“Can’t see the forest...”

(By: May Titthara, Phnom Penh Post, May 14, 2013, P4)

The Ministry of Agriculture has created 10 community forests covering almost 15,000 hectares across three districts of Ratanakkiri province-almost all of them in areas that the rights group Adhoc argues have already been irrevocably degraded.

According to the April 30 edition of the government’s Royal Book, agriculture minister Chan Sarun signed into existence 10 new communities forests-distributed throughout 11 areas for a total of 14,805 hectares-in Bakeo, Lumphat and Veun Sai districts.

The new decree “is aimed at managing, using, protecting, keeping and preserving biodiversity, and the development of sustainable community forests using forest products and by-products for traditional and religious life,” the announcement says....

PROPERTY LAW

“New mayor, new day for protestor”

(By: Khouth Sophak Chakrya, Phnom Penh Post, May 7, 2013)

After more than a year beating on the doors of City Hall to demand an audience with Phnom Penh’s recently retired municipal governor Kep Chuktema, Borei Keila and Boeung Kak lake representatives were yesterday invited in to talk with his successor – on just his second day in the job.

The sub-decree cut 12.44 hectares of land from the concession held by Senator Lao Meng Khin’s Shukaku Inc, but that land has yet to be demarcated and some 60 families remain without land titles.

Socheatvong, the new appointed city governor, had promised to resolve their disputes, but would focus immediately on addressing food shortage and shelter problems faced by Borei Keila evictees, Limkhoun said....

“Commander escapes land-grabbing charges”

(By: Buth Reaksmey Kongkea, Phnom Penh Post, May 13, 2013)

After about seven months in pre-trial detention, former tank commander Ma Sobin walked free on Friday when the Supreme Court dropped land infraction and forgery charges laid on him by the Banteay Meanchey Provincial Court.

Sobin, also known as Sok Ma, had been accused by his neighbor Va Roeun of encroaching on his land and forging ownership documents.

Presiding judge Khim Pon said the court had determined that there was now insufficient evidence to convict Sobin and, after a bail hearing on May 3, had also decided that the charges against him were of a civil nature. He added that Sobin had been arrested last November when his neighbor, Roeun, accused him of encroaching onto a 60-meter-by-200-meter section of his land....

ADMINISTRATIVE LAW

“Fire law passes, others linger”

(By: Meas Sokchea and Shane Worrell, Phnom Penh Post, May 09, 2013)

The National Assembly yesterday unanimously passed a draft law aimed at preventing and controlling fires – and making those responsible for fire damage more criminally liable.

The fire prevention bill, which passed with 94 of a possible 97 votes – and without opposition from Sam Rainsy Party lawmakers – is among a number of draft laws being discussed in the National Assembly this week....

LABOR LAW

“Workers get benefits, not jobs”

(By: Shane Worrell, Phnom Penh Post, May 9, 2013, P6)

India’s ambassador to Cambodia, Dinesh Patnaik, said that his government will pay outstanding benefits to about 30 restoration workers who lost their jobs at Siem Reap province’s Ta Prohm temple in February but will not reinstate them.

The entire restoration team-more than 100 workers protested in February, claiming that workers, some of their union representative, had been unfairly dismissed and replaced with about 25 other workers.

Welsh said ASI had previously believed it had not entered into an employer/employee relationship and was not subject to the Kingdom’s Labor Law....

“Worker allege fraud by recruitment firm”

(By: Sen David, Phnom Penh Post, May 10, 2013)

Seventeen workers in Pursat filed a complaint to rights group Licadho yesterday accusing a local recruiting agency of cheating them out of thousands of dollars.

The villagers said they paid an average of \$300 a person to the Century Manpower firm, which promised them work in Thailand. Since paying in June 2012, they have been given no position and heard no update....

“Wage hike leads to rent fears”

(By: Shane Worrell and Phak Seangly, Phnom Penh Post, May 10, 2013)

Cambodian Confederation of Unions president Rong Chhun yesterday appealed to landlords with properties close to garment factories not to take advantage of the industry’s minimum wage increase by raising rent prices.

The minimum monthly salary in the garment sector-Cambodia’s biggest export industry-officially climbed from \$61 to \$75 this month, and Chhun said rent prices were already showing signs of following suit.

“Please do not raise prices too high,” he said in a statement. “It will affect the standard of living for workers who are only receiving a small increase.”

Some workers had been told their rent will be increased by 15 percent at the end of this month, Chhun said....

CRIMINAL LAW

“Foreign journos held at garment factory”

(By: Mom Kunthear, Phnom Penh Post, May 15, 2013, P3)

Two foreign journalists were briefly detained in a Kandal province garment factory yesterday and ordered to delete photos they had taken, police confirmed yesterday.

Sitbou commune police chief Mey Sarin said the journalists-working for Canadian newspaper The Globe and Mail-were held for about half an hour at Dignity Knitter Limited after entering the factory without permission.

According to Sarin, factory managers asked the pair to delete all photos they had taken to sign a document apologizing for their actions.

Sun Heng, one of two managers who detained the reporters, said he did so because the pair had entered the factory grounds uninvited. He added that even local authorities are not allowed to go inside if they do not ask permission from us....

“Girl who cried ‘kidnapping’ face jail time”

(By: Chhay Chhannyda, Phnom Penh Post, May 15, 2013)

A desperate plea for help made to a local crime call-in show in Sihanoukville this week launched an hours-long police search for a 15-year-old girl who said she had been knocked unconscious, robbed and locked in a strange apartment. The only catch, authorities learned, was that she hadn't been. The penal code allows charges for minors over 14 years old, but stipulates that their sentences can be reduced to half the maximum penalty....

“Broker arrested, but 14 men still missing”

(By: Chhay Chhannyda, Phnom Penh Post, May 16, 2013)

Provincial anti-human trafficking police arrested a broker on Tuesday accused of duping 14 Kampot men who were trafficked to Thailand to work illegally on fishing vessels, the victims' families and local authorities said yesterday.

The men – aged 16 to 42 – are all from the same village and left their homes in Chhouk district on April 26, after the broker promised lucrative jobs across the border. Provincial anti-human trafficking police Chief Chen Ov said yesterday that authorities were questioning the arrested broker but had not yet decided whether to charge him....

“Court says no to bail for disbarred lawyer”

(By: Buth Reaksmey Kongkea, Phnom Penh Post, May 17, 2013)

The Phnom Penh Municipal Court yesterday denied the bail request of disbarred lawyer David Chanaiwa, who is accused of beating a group of journalists who were filming a car accident he was involved in on March 18, the court said.

Chanaiwa was arrested on March 19 along with his nephew Ma Ou Fie, 20, and is facing charges for committing violent acts and illegal use of a weapon – a charge dating to 2011, when he was convicted in absentia on gun charges but never served his sentence. Yean Sina – a former undersecretary of state at the Ministry of Justice, who is also a suspect – has fled, and is still at large....

KHMER ROUGE TRIBUNAL

“Wanted: Lawyers for hot cases”

(By: Abby Seiff, Phnom Penh Post, May 15, 2013)

Forced to investigate government-opposed cases 003 and 004 without the assistance of his national counterparts, the Khmer Rouge tribunal’s international co-investigating judge is seeking to hire his own team of Cambodian lawyers, according to court documents.

In February, Harmon announced that Case 003 investigations were ongoing, a move that clarified the status of an unknown case and allowed for victims and civil parties to apply anew. More than 850 would-be civil parties have submitted over 1,200 applications to the two cases over the years. Analyzing applications would, typically, fall under the purview of the office and sufficient funding given to cover the necessary work....