

GALLEYPUB01032
05/07/2022

GALLEY
pp 01032-01060

PUBLIC
HEARING

COPYRIGHT

INDEPENDENT COMMISSION AGAINST CORRUPTION

STEPHEN RUSHTON SC
COMMISSIONER

PUBLIC HEARING

OPERATION GALLEY

Reference: Operation E19/0569

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON TUESDAY 5 JULY, 2022

AT 2.00PM

Any person who publishes any part of this transcript in any way and to any person contrary to a Commission direction against publication commits an offence against section 112(2) of the Independent Commission Against Corruption Act 1988.

This transcript has been prepared in accordance with conventions used in the Supreme Court.

MS HEGER: Commissioner, there are a number of applications to cross-examine Ms Tang. Before we get there could I just deal with a housekeeping matter?

THE COMMISSIONER: Sure.

10 MS HEGER: There's been another application for authorisation to appear. It's from Mr Kutasi, Mr Hindi's lawyer. He's made an application for paralegal in his office, Christian McHugh, to have authorisation to appear with or for him. So I recommend that application be approved and dealt with orally.

THE COMMISSIONER: Yeah, that's fine. That's fine. Mr Fahd, can you hear me?

MR RIZK: Commissioner, it's Mr Rizk. I'm now present.

20

THE COMMISSIONER: Oh, okay.

MR RIZK: I am in a position to cross-examine, or ask Ms Tang a few questions if that's convenient.

THE COMMISSIONER: Thank you.

MR RIZK: Thank you. Ms Tang, can you hear me?---Yes.

30 Yes, thank you. I just wanted to briefly ask you a few questions regarding some of the meetings that you had with or involving Mireille Hindi that you were asked about shortly before lunch.---Sorry, who are you?

Sorry. My name is Rizk, I'm appearing for Mireille Hindi.---Okay, sure.

Thank you. Now, obviously we don't have the benefit of a transcript or a statement, so I'm going to do my best to ask you about the evidence that you gave earlier, but if I misstate it or it's incorrect in any way, please let me know.---Okay.

40

Now, firstly, it's fair to say that you had quite a number of dealings with Mireille Hindi sort of between the period of 2015 and 2019?---Yes. I believe so.

Yeah. And would it also be fair to say that at the time that you had the majority of these dealings, at least, many of them would not have been particularly of any real significance at the time?---How do you mean by that?

10 They weren't so significant or noteworthy that you would have a very detailed or specific recollection about them now in 2022?---Correct.

Yes. And that's, for example, that's part of the reason why you didn't have any particular recollection of the meeting you attended at Addisons on say 26 June, 2017?---Correct.

20 And is it also fair to say, given that you don't have a very detailed or specific recollection of a lot of these dealings that when you were asked to give evidence about the purpose of them or the reason why you were meeting, do you accept that you may have a difference perception of those meetings to Mireille Hindi?---Sorry? What did you mean by that?

You may have perceived the meeting to be about certain things but it's possible that Mireille Hindi could have perceived them to be primarily dealing on other matters, for example?---Possibly.

30 Yes. Now, in terms of the meetings at Addisons, do you accept that you can't recall the specific circumstances in which Mireille Hindi came to be at those meetings?---Correct.

And you said it was, to your recollection, it would have been Philip that had invited her to attend, that's right, isn't it?---I'm not quite sure if that was the case.

Okay. Would you accept it's possible that you had extended an invite for her to attend at least one of those meetings?---I don't recall inviting Mireille.

40 Yeah. Do you accept that it may be possible, even if, for example, you did so on behalf of Philip?---Yes, that's possible.

Okay. And would you accept that you don't recall the specific discussions at each of those meetings and, for example, what was said by who at any particular time?---Correct.

And now as to the meetings that you had more so one-on-one with Mireille Hindi, you were asked questions about the purpose of those meetings. And I believe you said at first that you weren't sure of that purpose. And you were then asked as to what your understanding may have been of the purpose. Is that an accurate summary?---Can you repeat that again?

10

So you were asked as to why it was that you were meeting with Mireille Hindi, what the purpose of these meetings were. That included the meetings you were having one on one and the meetings, say, with Addisons. And I understood your evidence to be that you weren't quite sure of the purpose because most of the meetings were done at the request of Philip.

THE COMMISSIONER: I don't think that's right, I have to say.

THE WITNESS: Yeah.

20

THE COMMISSIONER: I don't think that's an accurate description of what the witness said.

MR RIZK: Well, Commissioner, I'm asking the witness to clarify whether I got a correct understanding of that.

THE COMMISSIONER: All right.

30

THE WITNESS: So can you just break up the questions in, like, different sections 'cause when you asked all at once, I don't quite get what you mean?

MR RIZK: There were a number of meetings that you had, let's say around 2016, 2017 - - -?---Yeah.

- - - that involved or were with Mireille Hindi. Yes?---Yes.

40

And I understood your evidence that generally speaking where she was invited to a meeting or where you had met with her, it was at the request of Philip?---Yes.

And when you were asked about why you were having these meetings or why she was present, I understood your evidence to be that you weren't sure of the purpose?---I'm not so certain of the purpose. Correct.

Yes. And you were then asked about what your understanding was of the purpose?---I, I think I was asked that, I, I think so. Yeah.

Yes. And you were, effectively, would you accept, asked to give your opinion on what could have been the purpose?---Yes, I was asked that. Yes.

10

And you were asked along the lines of whether it was either possible or likely that one of those purposes would have been to report back to Con Hindi?---Yes, I was asked that.

And when you answered that question, you did so on that basis that you don't have a specific recollection of a lot of these meetings. Is that right?
---Correct.

20 And you didn't give any evidence to suggest that you had specifically directed Mireille to report back to Con Hindi. Is that correct?---Correct.

And I believe you said that you made an assumption that it was to that effect. Is that correct?---I was being asked what I thought, so, yes, that is correct.

And, again, given that you don't have a particularly specific recollection of these meetings, you'd accept, wouldn't you, that it's possible that there are different purposes for why these meetings occurred?---Correct.

30 And it's simply a case that you just can't recall that sitting here, giving evidence today?---Yeah, I don't recall every detail. That's correct.

Right. And you were also asked a question along the lines of, and I'm paraphrasing here, but to the effect of it would have been inappropriate for you to have contacted Con Hindi directly. Do you recall being asked a question of that nature?---Yes.

40 And I believe you were shown – I must say, I'm sorry I don't have the specific exhibit reference, but you were shown an email, sent in around April 2018, that you had sent to a number of councillors, including Con Hindi.---Correct.

Do you recall being shown that email?---Yes.

And you had sent that email directly to Con Hindi, isn't that the case?---I sent it to Con and a number of other people, yes.

A number of other councillors as well, correct?---Correct.

10 So as at April 2018, it's fair to say then you didn't consider there to be any issue in approaching Con Hindi or any other councillor directly if there was something you felt the need to speak to them about, is that correct?
---Correct.

Thank you, Commissioner. If you could just give me one moment, please.

THE COMMISSIONER: Sure.

MR RIZK: Thank you, I've got no further questions. Thank you, Ms Tang.

20 THE COMMISSIONER: I just want to clarify one matter. Mr Rizk asked you questions about the purpose of various meetings, and in particular the meetings at Addisons.---Mmm.

Although you may not have known the purpose of the meeting, it's a fact, isn't it, the development proposal was discussed and Mrs Hindi participated in those discussions?---Yes.

30 Thank you.---I'd also like to further say I had a thought about the \$60,000 that you asked me what it's for.
Yep.---I do remember what it's for now.

MS HEGER: Would you like to tell the Commission what that payment was for?---That was actually the interest payment for the investment that I made into Landmark Square.

THE COMMISSIONER: Okay, thank you very much.

40 MS HEGER: That's the \$300,000 payment you referred to earlier?
---Correct. It was 20 per cent exactly.

All right.

THE COMMISSIONER: Thank you.

MS HEGER: I understand that - - -

THE COMMISSIONER: Mr Hood?

10 MS HEGER: Yes.

MR HOOD: I think that solves one problem.

THE COMMISSIONER: Can you just move the microphone closer to you there, Mr Hood, because I can't hear you. Thank you.

MR HOOD: After you went to the Chinatown dinner where the signing agreement took place, I think you were then invited to go to Tangshan, is that the position?---I did get invited to Tangshan, yes.

20

Yes. And you were a guest on that particular trip, was that the case?---I believe so.

Yes. And you had no expectation as a guest that you would be required to pay for your airfares, did you?---Correct.

And you had no expectation that as a guest you'd be expected to pay for your accommodation?---Correct.

30 Or other expenses whilst you were there serving the purposes of the person who invited you, true?---Correct.

All right. Now, just pardon me a moment. I have nothing further. Thank you.

THE COMMISSIONER: Thank you. Mr Patterson, I understand you've got some questions too.

40 MR PATTERSON: Thank you, Commissioner. Just a few very brief ones. Good afternoon, Ms Tang, I represent Philip Uy. Do you recall if you withdrew the \$10,000 from Mr Uy's personal account or Gencorp's

account?---I don't have access to Mr Uy's personal account so I'm going to assume it's the Gencorp account.

Thank you. To your knowledge, was Mr Uy often overseas in 2016?---He was always overseas.

I didn't hear you, I'm sorry.---Yes.

10 And to your knowledge was it his habit to take up to \$10,000 overseas in cash on each visit?---I don't know if that is the case.

Because you know that the maximum amount that can be taken overseas in cash is \$10,000, don't you?---Yes, I'm aware of that.

Is it possible that the withdrawal of \$10,000 that you made from the account was for Mr Uy to take overseas with him?---Yes.

Thank you. I have no further questions, Commissioner.

20 THE COMMISSIONER: Thanks, Mr Patterson. I think I can now say, unless Counsel Assisting has got anything further - - -

MS HEGER: Nothing from me, Commissioner.

THE COMMISSIONER: - - - you're free to go. And thank you very much for your assistance.---Okay, thank you.

THE WITNESS EXCUSED

[2.24pm]

30

MS HEGER: We now need a short adjournment, Commissioner, to set up the translator.

THE COMMISSIONER: Of course. All right. Have a short adjournment.

SHORT ADJOURNMENT

[2.24pm]

THE COMMISSIONER: I'll have the interpreter sworn in. Take a seat.
And then the witness re-sworn, thanks.

<HELEN HAI OU WANG, sworn

[2.32pm]

THE ASSOCIATE: Oath or an affirmation?

10

THE COMMISSIONER: Affirmation.

MR LIU: *Affirmation, please.*

<WENSHENG LIU, affirmed

[2.32pm]

THE COMMISSIONER: Thank you. Take a seat. The section 38 declaration I made the other day in respect of this witness continues.

MS HEGER: Mr Liu, I'm going to ask you some questions about the Gloucester Street car park and you understand I'm referring to the property in Hurstville bounded by Gloucester Street and Carrington Street and
10 Garthons Lane?---*Yes.*

I think you might have said Kingston Street. I said Gloucester Street, Carrington Street and Garthons Lane.

THE INTERPRETER: Gloucester, Carrington, sorry, yeah. Garthons Lane.

THE WITNESS: *Yes. I know what you mean.*

MS HEGER: All right. Can I show you Exhibit 184, volume 7.22? Can
20 you see this is a letter to the General Manager at Hurstville City Council?
---(NO AUDIBLE REPLY)

The subject is "Expression of interest to purchase and/or joint venture, redevelop council owned land bounded by Gloucester Road, Carrington Avenue and Garthons Lane, Hurstville council car park." And you can see it's dated 20 October, 2011 and it's from SPD Planning.

THE INTERPRETER: Sorry, I was just trying to find where the date is.

30 MS HEGER: Top right.

THE INTERPRETER: Oh, thank you.

MS HEGER: And it says, "We act on behalf of GR Capital Pty Ltd." You were the manager of GR Capital at this time, correct?---*Yes.*

And your wife was a director of GR Capital at this time, correct?---*Yes, should be.*

40 And you were involved in preparing this expression of interest, correct?---*I didn't involve much. It was actually done by the consultant company.*

Yes, but that must have been on your instructions, correct?---*Yes.*

And the letter indicates, if we go to the next page, please. Go down the bottom. It says, "Our client would be willing to offer an \$8 million cash payment." Do you see that?---Mmm.

10 And so it's true, isn't it, that GR Capital was willing to pay \$8 million for the Gloucester Road car park site at this time?---*That was the plan at that time.*

All right. If we go to the next page. It says, under the heading Conclusion, "Our client has enclosed herein a company cheque to the sum of \$800,000, made payable to Hurstville City Council." Do you see that?---*Yes.*

It was your understanding at this time that if GR Capital did buy the Gloucester Road car park, that Philip Uy or his company would be involved in building the development?---*But he's doing the construction, building.*

20 And that was the plan at the time, that if you did purchase the Gloucester Road car park, Philip or his company would build the development, is that right?---*Yes.*

THE INTERPRETER: Sorry, I just get used to - - -

THE WITNESS: *Yes.*

30 MS HEGER: Thank you. And so you discussed this expression of interest with Philip Uy around this time, October 2011, correct?---*Yes.*

And he was aware that you were lodging the expression of interest or that GR Capital was?---*Yes.*

Can I show you volume 7.23, Exhibit 185. See this is a letter from Hurstville City Council dated 25 October, 2011 to SPD Planning?---(NO AUDIBLE REPLY)

40 It says, "We are in receipt of your expression of interest of 20 October, 2011 and company cheque from GR Capital Pty Ltd in the amount of \$800,000." It says, "Council is subject to very strict probity guidelines." It says, "We will be following these procedures if and when council decides to address

this site. You would of course be entitled to participate in such an open and widely advertised process at that time.”

THE INTERPRETER: Sorry, can I just ask you, this address this is at, do you mind if I can ask you what address exactly being here.

MS HEGER: Well - - -

THE INTERPRETER: Oh, sorry, I thought it was address of - - -

10

MS HEGER: And then it says, “Therefore you will understand the necessity of returning your clients cheque.” And so you were made aware around this time - - -

THE COMMISSIONER: I’m not sure whether the witness is answering. I can’t hear answers.

MS HEGER: No, I was just reading out the contents of the document so that he understood it.

20

THE COMMISSIONER: Oh, I’m sorry.

MS HEGER: And now I’ll ask a question. You understood around this time that council rejected GR Capital’s expression of interest, correct? ---*All I’m aware, all I was aware of is the cheque was returned.*

Right. And you found that out sometime around 25 October, 2011, correct?---*I can’t recall the time.*

30

All right. And who told you the cheque had been returned?---*I can’t recall.*

Did you have any discussions with Philip Uy around this time about the cheque being returned?---*Maybe yes, we did.*

All right. But you can’t recollect the specifics of those discussions, is that right?---*I can’t recall the details.*

40

All right. Can I show you volume 7.2? Can we scroll through the last page, please? Can we make that a bit bigger, please? All right. Mr Liu, I can tell you this is an image that was found on your mobile phone and it appears to

be a letter from Hurstville City Council dated 11 August, 2011. It's addressed to you as the Manager of GR Capital. And it says, "Dear Mr Liu, we acknowledge in receipt of a bank cheque of 8 million Australian dollars made payable to Hurstville City Council, being the deposit for the Gloucester Road car park." You understand that the date of this letter predates your expression of interest, don't you?---*It should be.*

And GR Capital never provided a bank cheque of \$8 million to Hurstville City Council as far as you know, did it?---*Correct.*

10

All right. I'll tender that page. That'll be Exhibit - - -

THE COMMISSIONER: 222?

MS HEGER: 222.

#EXH-222 – PHOTO AT VOLUME 7.2 PAGE 3

20

MS HEGER: Can I show you another document which relates to this. I can tell you that the Commission has asked Georges River Council some questions about that letter. Do you understand that?---*Yes. I'm aware of that. Michael has told me about that.*

All right. And this is the Georges River Council response to those questions. If we go to the next page, please. The question, the Commission asked a question, "Did John Anderson work for Hurstville City Council?" And you'll recall John Anderson was the name on that letter I showed you.

30

And council responded that it has no record of a John Anderson working for council. And Georges River Council was also asked, "Does the council have a copy of this letter in its possession, custody or control?" And council responded, "No, council does not have a copy of this letter in its possession, custody or control." You can see that at point C on the page. And finally council was asked, "Please indicate whether you consider this letter to be a legitimate record of Hurstville City Council." Council responded, "Due to the responses above, I believe that this letter is not a legitimate record of Hurstville City Council." In light of that, you accept that the letter on your phone that I showed you earlier is fake, don't you?---*Only when Michael told me then I, and then I realised it was faked.*

40

You didn't realise beforehand?---*No. Until Michael told me.*

All right. Well, can you tell me how this letter came to be on your phone?
---*Michael said it was actually discovered from my email.*

Well, there was another letter discovered in your email. This one was discovered on your phone. So I want you to assume it was found on your, this one was found on your phone, in answering my question. Can you tell me how this letter came to be on your phone?---*I can't really recall.*

10

Well, did you arrange for this letter to be prepared?---*No.*

Who gave you a copy of this letter?---*I really can't recall back then. It may, it could possibly be from Philip Uy.*

Were you working with anybody else on the Gloucester Road car park around this time? That is around 2011.---(NO AUDIBLE REPLY)

20 The question was, were you working with anyone other than Philip Uy on the Gloucester Road car park around 2011?---*Yes. There's another two other developers who put a tender for this block of land.*

Who were they?---*It was Ray Fah Wang, the other one is Xi Guo Li.*

They put in their own tenders for this car park, is that right?---*I am not quite sure.*

30 Well, I'm asking you, did they work on GR Capital's tender for the Gloucester Road car park?---*They are also the, they are also the developer. Oh no, sorry, they are also the investors.*

Well, they were investors in your proposed development of Gloucester Road car park, is that right?---*Yes.*

And did those two individuals have any contacts at Hurstville City Council as far as you're aware?---*Yes.*

40 All right. Who were their contacts at Hurstville City Council?---*Because they, at that time they went to Hurstville City Council in regards about how to put tender and how to pay for it. They did have some kind of contact. They, they had some contact with them, with the council. So what they said

was they can, they are able to make it the quick, the possible to purchase the block of land, at least 8 million. Before, prior 30 December, 2011.*

30 December, 2011? Or are you referring to - - -

THE INTERPRETER: Before.

MS HEGER: - - - October 2011? The EOI.---*Okay, I don't, I'm not quite
10 sure what exact they said. They did mention the first time it was June and
the second time August. They end up said they, before the December 2011
they would be able to make the, to, to buy the block of land.*

Are you saying that these investors had meetings with staff at Hurstville
City Council? Is that your understanding?---*Yes.*

But as far as you know, they didn't have friends at Hurstville City Council,
is that right?---*Okay, he said he know, he knew Nancy Liu's husband.
And also they been to council.*

20 All right. As far as you knew at this time, 2011, Philip Uy was friends with
Vince Badalati, correct?

THE INTERPRETER: I'm sorry, Vince Eladi?

MS HEGER: Vince Badalati.

THE INTERPRETER: Vince Badalati, thank you.

THE WITNESS: *I'm not quite sure with 2011.*

30

MS HEGER: All right. Well, you understood at this time, 2011, Philip Uy
had some friends at Hurstville City Council, is that right?---*I'm not quite
sure about 2011. I can't recall about 2011.*

All right. So this letter that I showed you on your phone, are you saying it's
possible you got it from these two, one of these two investors?---*I can't
recall.*

40 THE COMMISSIONER: Is it possible that you provided the letter to these
two investors?---*Okay, when I gave the cheque, 8 million cheque to Philip

Uy, who represent the company, on behalf of the company, I did ask for the receipt.*

MS HEGER: Did you give him an \$8 million cheque or an \$800,000 cheque?---*One is eight, one, one cheque is \$800,000, the other cheque was on the company title for \$8 million.*

THE COMMISSIONER: Was the \$800,000, was that the investors' money?---*Yes, it should be.*

10

MS HEGER: Did you show that letter to the investors to prove that you had put forward the proposal to Hurstville City Council?---*Yes.*

Did you show it to someone else for the purposes of raising further money for the Gloucester Road car park?---*As far as I, I can recall, I gave, I only gave the, I gave, I only gave it to the two investors.*

All right. But you accept now that what you were showing them was a fake letter, is that right?---*Until Michael told me.*

20

Well, you accept now that you were showing them a fake letter?---*Okay. Well, up until when Michael told me then I was aware of it.*

All right. But you say you weren't aware it was fake at the time, is that right? As in, in 2011.---*No. Until Michael, not until Michael told me.*

All right. Can I show you – Commissioner, can we have a short adjournment at this time?

30 THE COMMISSIONER: Have we got technical difficulties?

MS HEGER: Potentially.

THE COMMISSIONER: Okay.

MS HEGER: I think 10 minutes should be sufficient.

THE COMMISSIONER: All right. Thank you.

40

SHORT ADJOURNMENT

[3.01pm]

THE COMMISSIONER: Take a seat. Mr Hood, something has come up which means we're going to have to stand your client down today. I do apologise to you and to him. I won't go into the details, I don't have to but he'll need to statutory declaration down today. I'll just ask Counsel Assisting, if we call another witness now, will that witness be finished by tomorrow? It's unlikely, isn't it?

10 MS HEGER: Unlikely.

THE COMMISSIONER: Yeah. Mr Hood, are you available on Wednesday?

MR HOOD: Yes. Yes, indeed. That's tomorrow?

THE COMMISSIONER: Thursday I should have said.

20 MR HOOD: I had the same problem, Commissioner.

MS HEGER: Sorry, it's unlikely that the next witness will be finished by the end of Wednesday. Likely Thursday.

THE COMMISSIONER: Thursday I should have said. I'm a bit behind.

MR HOOD: Thursday, certainly.

THE COMMISSIONER: All right.

30 THE WITNESS: *Before I leave, can I say something?*

THE COMMISSIONER: Sure.---*The receipt, the email that contained the receipt, now I realise it was actually from the email of Clifton Wong.*

All right.

MS HEGER: Well, can I clarify what email you're referring to?---*The one that you showed me, the receipt that you showed me just now.*

Are you referring to that letter that was dated August 2011?---*It was, it was the receipt from Hurstville City Council, which was referred by Michael as incorrect.*

All right. I'll just show you the document so we can confirm we're talking about the same thing. Is this the document you're referring to, Mr Liu?
---*Yes, should be.*

10 You have a recollection of Clifton Wong giving you this letter, is that right?---*He, he sent me through his email. Not from Philip Uy.*

All right. Well, I might ask you some more questions about that on the next occasion.

THE COMMISSIONER: When you say his email, was that his council email account?---*I can't recall.*

All right. Thank you. I have to stand you down now. Thank you.

20

THE WITNESS STOOD DOWN

[3.29pm]

MS HEGER: And, Commissioner, I will just tender the document I went to. it was the letter from the Acting General Manager of Georges River Council to the Commission, dated 4 July, 2022 and attachments. That will be Exhibit 223.

30 THE COMMISSIONER: Thank you.

#EXH-223 – LETTER FROM THE ACTING GENERAL MANAGER OF GEORGES RIVER COUNCIL TO THE COMMISSION, DATED 4 JULY, 2022 AND ATTACHMENTS

MS HEGER: And I now call Philip Uy.

40 THE COMMISSIONER: Thank you.

THE COMMISSIONER: Can we swear the interpreter in, please, and then the witness?

<PAK WING LEE, affirmed

[3.31pm]

THE ASSOCIATE: Oath or affirmation?

10 MR UY: *Affirmation.*

THE COMMISSIONER: Take a seat, please. Mr Patterson, I take it your client seeks a section 38 declaration?

MR PATTERSON: Yes, and I have explained the purpose of it to him, Commissioner.

10 THE COMMISSIONER: All right. I might just have another go so he doesn't forget. Let me tell you something about your rights and obligations as a witness before this Commission. As a witness you must answer all questions truthfully and produce any item I require you to produce during the course of your evidence. Your legal representative has asked me to make a section 38 declaration. The effect of the section 38 declaration is that although you must still answer every question put to you or produce any item I require you to produce, your answer or the item cannot be used against you in any civil proceedings or, subject to one exception, in any criminal proceedings.

20

THE INTERPRETER: Yeah, other than the civil proceeding, what about - -
-

THE COMMISSIONER: And criminal proceedings.

THE INTERPRETER: And criminal proceeding as well.

30 THE COMMISSIONER: There is one exception, and that is the evidence you give can be used against you in a prosecution for an offence under the ICAC Act, most importantly an offence of giving false or misleading evidence.---*I understand.*

I'm not suggesting that you are going to give false or misleading evidence, but if you do so, you will commit a very, very serious criminal offence.
---*Understand.*

And the penalty for that offence can be imprisonment for up to five years.
---*Understand.*

40 Thank you.

MS HEGER: Mr Uy, could you please state your full name?---*Ching Wah Uy.*

You're also known as Philip Uy, correct?---*Yes.*

And what's your current occupation?---*A real estate agent.*

All right. And you had an agency in Hurstville called Hurstville Real Estate Agency, correct?---*Yes, correct.*

10

You established that in 1994, is that right?---*Yes.*

You also had a company called Gencorp, correct?---*Yes.*

That was established in 2012?---*Yeah. I can't remember. More or less the, the time.*

All right. And you were the sole director and shareholder of Gencorp at that time, correct?---*Yes.*

20

And the same position remained until at least 2018, is that right?---*Yes.*

Gencorp is a building and construction company?---*Yes.*

And it was the company that constructed 1-5 Treacy Street, Hurstville, correct?---*Yes.*

And it was Kurt Vegners who managed that project, is that right?---*Yes, yes.*

30

You met Wensheng Liu in about 2011?---*I cannot remember the exact year. Yeah, more or less the time.*

And you met him through your ping-pong coach, is that right?---*Yes.*

You both played at the same ping-pong club?---*I seldom play ping-pong. I just, yeah, came to know him.*

40

Okay. The ping-pong coach just introduced you, is that right?---*Yes.*

Okay. And of course Mr Liu's company, GR Capital Group, was the developer for 1-5 Treacy Street?---*Yes.*

And you personally invested about \$8 million in 1-5 Treacy Street, correct? ---*Together with a group of other people.*

All right. Who were the other people?---*A lot of people. There was, there was a bunch of about 20 people.*

10 20 people, is that right?---*Maybe even more than that.*

Okay. And how did you find these people?---*They are all friend, buddies.*

Are they based in Australia or overseas?---*Mostly in Australia. There are some overseas.*

Okay. And did you invite these people to invest in 1-5 Treacy Street? ---*Yeah, because I am, I am an agent.*

20 What do you mean you're an agent?---*As a real estate agent I thought it was a good idea that we would pool, that we would work together.*

All right. And so you worked with Wensheng Liu on 1-5 Treacy Street, correct?---*I, I am one of the investors.*

Yes, but your company Gencorp also built the development, correct? ---*They're separate. I mean, on one side is the development, the other side is the investment.*

30 All right. And you also worked together with Wensheng Liu on Landmark Square, correct?---*What do you mean by "development"?*

All right. When I say "Landmark Square" I'm referring to the property bounded by Forest Road, Durham Street and Roberts Lane. You understand that?---*I, I know.*

And you understand that One Capital Group lodged a planning proposal for Landmark Square with Hurstville City Council?---*Not to develop but just modify the use of the site.*

40

Yes, to rezone the site from industrial to mixed use, correct?---*Yes.*

And also to increase the height of the buildings and increase the floor space ratio, correct?---*No, it's in, in proportion to the ratio.*

Yes, and the proposal was to increase the floor space ratio, correct?
---*Actually, there wasn't a ratio per se. We just want to – because I wished to have it rezoned and also let this matter be handled by the architect.*

10 All right. But you assisted Wensheng Liu with that planning proposal, didn't you?---*Yes.*

All right. And in fact you had an office, Gencorp, in the same building at the One Capital Group office at Forest Road, correct?---*The same block of building but in different, separate offices.*

Yes, separate offices, same building, correct?---*Yes.*

20 And you saw Wensheng Liu from time to time at that building, correct?
---*Sometimes. Because most of the time I was overseas in Hong Kong.*

Yes, you spent part of the time overseas but part of the time in Sydney, correct?---*Yes.*

And when you were working on the Landmark Square planning proposal, how often would you see Wensheng Liu when you were in Sydney? Was that once a week?---*Because Mr Liu seldom lay his hands on the matter. It's just left the matter to the architects.*

30 Well, he left it to you, didn't he, to progress on a day-to-day basis, and then you instructed the architects? That's right, isn't it?---*Because there was, knew nothing about designing and all that sort of stuff. So we just left these sort of things to the architects to sort it, sort it out. Because we never get involved in this sort of matter. You know, we are not familiar with this matter.*

Well, I understand that you're not an expert in planning and design, Mr Uy, but you met with the planners regularly, didn't you?---*Yes. I, I met them. From time to time I asked them about the details of the situation.*

40 And the planners at One Capital Group engaged for the Landmark Square planning proposal was Dickson Rothschild, correct?----*Yes.*

Nigel Dickson and Michael Gheorghiu?---*Yes.*

Yes. And planners don't come up with the idea themselves altogether, they seek some input from the client, don't they?---*Yeah, it's the other way around actually. We ask them to give us input and then we will, yeah, provide our ideas, our, our opinion.*

10 Yes. And you were primarily the person responsible for asking them to come up with ideas, is that right?---*Yes, I said to, yeah, give us, yeah, ideas.*

Yes. And when they come up with the ideas they ask for your input, didn't they?---*Yeah, I told them to follow the rules and regulations of the government.*

20 Yes. But aside from that you also provided them with your views on what the development might look like?---*What I, yeah, talked to them most is about the, the building of a hotel in there.*

And you gave them some ideas about how big you wanted the hotel to be? ---*Well, it was me who asked them how big can I develop the hotel. Yeah, because, well, for me, well, on my wish list I would like it to be maybe 500 rooms. Yeah. I have no clue what to do.*

All right. You also invested some money in Landmark Square, correct? ---*Yes.*

30 And how much did you personally invest in Landmark Square?---*Together with the, together with contribution of my friends, it, it exceed \$2 million. It's more than 2 million, yeah.*

But how much did you personally contribute?---*Well, several \$10,000, yeah, several \$10,000. Several hundred thousand dollars, sorry.*

Several hundred thousand? So, what, 300, 400, 500,000?---*About 400, \$500,000.*

40 And I should ask, in respect of Treacy Street, how much of the \$8 million was yours? How much did you invest in Treacy Street?---*You meant personally, privately?*

Yes.---*Nearly \$400,000.*

All right. And did Gencorp also invest an amount of money?---*I didn't invest any money in Gencorp.*

No, did your company Gencorp invest money in Treacy Street?---*No.*

10 Did any other of your companies invest money in Treacy Street?---*No.*

And what about Landmark Square? Did any of your companies invest money in Landmark Square?---*No.*

All right. If the planning proposal was gazetted – well, let's go back a step. The planning proposal was lodged in June 2015 for Landmark Square, correct?---*You mean the application?*

Yes.---*Yeah, it seems, yes.*

20 Right. And at that time you hoped that if the planning proposal was successful, Gencorp would build part of the development, correct?---*No. Because at that time the contract was not yet signed.*

Yes, I'm not asking whether a contract was signed or whether there was a formal agreement. You hoped that Gencorp would build the development if it went ahead, didn't you?---*I didn't quite understand your question. You mean my hope, my desire or what?*

30 Yes, well, your hope or your desire.---*Okay. If things are, are not definite, I won't wish for it.*

I understand there was an element of uncertainty, Mr Uy, but certainly you desired Gencorp to build that development if the planning proposal went ahead, didn't you?---*As in the construction of the complex?*

40 Yes, I mean constructing the block of apartments, constructing the hotel. You hoped that Gencorp would be involved in building that, didn't you? ---*Yeah, because our company was not a big company, so we may not be able to manage the construction of a huge project like a hotel.*

Mr Uy, that's not answer to my question.---*What I was saying that our company have never attempt to build a hotel before so we are, we are not sure whether we are able to manage this project.*

Well, Mr Uy, Wensheng Liu has given evidence that his understanding was if the development went ahead Gencorp would have a role in building it. Are you disputing that evidence?---*What I was saying that, well, even Mr Liu allow me to construct a, the, the, the project but with the, after the, with the, the design of the, the contracts it's turned out that I may not be able, I'm
10 not able to manage the construction of a hotel. What can I do?*

I'll come back to that topic, Mr Uy, and I'll just ask you this. You know Vince Badalati, don't you?---*Yes.*

You've known him for at least 20 years?---*I cannot remember how many years but it, it, it is a long time.*

All right. It's at least 15 years, isn't it?---*I, I really can't remember how long. It's too long.*
20

Well, I'll give you a year, Mr Uy. You've known him since at least 2007, haven't you?---*I really can't remember.*

All right. It's a long time, a number of years, correct?---*Yeah, yes, a long time.*

All right. You met him at a Chinese function in Hurstville, is that right?
---*Yes.*

30 And he was a councillor at Hurstville City Council at that time?---*Should be. Yeah, I believe so but it, it happened a long time ago, 10, more than 10 or 20 years ago.*

Okay. You also know Philip Sansom, correct?---*Yes.*

And you've known him for a very long time as well?---*Yes.*

At least 15 years?---*I can't remember.*

40 All right. You met him at a function in Hurstville as well, is that right?
---*Yes. Maybe, well, Lunar New Year et cetera, yes.*

All right. And he was also on Hurstville City Council at that time?---*I, I, I'm not sure whether he was a councillor at that time. I, I, I, am not, I am not sure.*

All right.---*In China years ago, yeah.*

You also know Clifton Wong, correct?---*Yes.*

10 You've also known him for a very long time?---*Yes.*

Also at least 15 years?---*Since when? By, you're saying 15 years?*

Well, 15 years is about 2007. Does that sound right?---*Yeah, I believe so, yeah.*

All right. And you said that you spend part of your time in China or Hong Kong, is that right, each year?---*Yes.*

20 You have an apartment in China and an apartment in Hong Kong, correct? ---*Yes.*

And when you're overseas for part of the year, is that mostly in China or mostly in Hong Kong or both?---*Not certain.*

It's a bit of both, is it? Sometimes in China, sometimes in Hong Kong? ---*Yes.*

30 All right. And how long have you had that practice of spending part of the year in China or Hong Kong?---*A number of years.*

At least 15 years?---*A number of years, yes.*

All right. And from time to time you met up in China or Hong Kong with Vince Badalati, correct?---*He rang me to check on whether I was in Hong Kong, and then he, yeah, met me.*

40 So, yes, you have met up with Vince Badalati in Hong Kong from time to time, correct?---*Not from time to time, but sometimes when he rang me I was in Hong Kong, sometimes when he rang me I was in China.*

Yes, and sometimes when he rang you, whether it was China or Hong Kong, you then met up with him, didn't you?---*Yeah, he asked me to, to shop for him, to buy a suit, to do some shopping.*

Yes, and you met up with him for that purpose, didn't you?---*Yes.*

Yes. And sometimes you went out to dinner?---*Yes. Well, in the daytime, yeah.*

10 And sometimes you went to nightclubs?---*Whereabouts are you talking about the nightclubs?*

Well, did you mostly meet up with him in China or Hong Kong? It was Hong Kong, wasn't it?---*We didn't go to nightclubs in Hong Kong.*

Well, I'm asking you now, did you mostly meet up with him in China or Hong Kong?---*I can't remember, yeah.*

20 Was it a bit of both?---*Sometimes when I happened to be in Hong Kong and he rang me, I, I took him to do shopping and sometimes when I happened to be in China and he rang me, I, I took him to shopping in, in, in China.*

All right. You never went to a nightclub with Vince Badalati in China or Hong Kong?---*Not in Hong Kong, but in China, yeah, we went once to a karaoke club. It's quite common in China.*

All right. Is that an appropriate time, Commissioner?

30 THE COMMISSIONER: It is. Mr Pararajasingham, I think the matter you raised earlier - - -

MR PARARAJASINGHAM: Yes.

THE COMMISSIONER: I think we'll deal with any application in relation to that tomorrow morning.

MR PARARAJASINGHAM: Certainly.

40 THE COMMISSIONER: And I'm prepared to do it in private session obviously.

MR PARARAJASINGHAM: Yes.

THE COMMISSIONER: So we'll do that at 10.00 and I don't anticipate it will take very long.

MR PARARAJASINGHAM: No.

THE COMMISSIONER: And then we'll proceed in public here.

10

MR PARARAJASINGHAM: Grateful. Thank you, Commissioner.

THE COMMISSIONER: All right. I'll adjourn until tomorrow.

THE WITNESS STOOD DOWN [4.05pm]

AT 4.05PM THE MATTER WAS ADJOURNED ACCORDINGLY [4.05pm]

20