



PARLIAMENTARY DEBATES

DEWAN RA'AYAT
(HOUSE OF REPRESENTATIVES)

OFFICIAL REPORT

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1. The first part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861.

2. The second part is a report from the Secretary of the Treasury, dated January 1, 1861, containing a statement of the public debt, and a statement of the receipts and disbursements of the Treasury for the year 1860.

3. The third part is a report from the Secretary of the Interior, dated January 1, 1861, containing a statement of the public lands, and a statement of the receipts and disbursements of the Interior for the year 1860.

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6. The sixth part is a report from the Secretary of the State, dated January 1, 1861, containing a statement of the public buildings, and a statement of the receipts and disbursements of the State for the year 1860.

7. The seventh part is a report from the Secretary of the War, dated January 1, 1861, containing a statement of the public arms, and a statement of the receipts and disbursements of the War for the year 1860.

8. The eighth part is a report from the Secretary of the Navy, dated January 1, 1861, containing a statement of the public ships, and a statement of the receipts and disbursements of the Navy for the year 1860.

9. The ninth part is a report from the Secretary of the Interior, dated January 1, 1861, containing a statement of the public lands, and a statement of the receipts and disbursements of the Interior for the year 1860.

10. The tenth part is a report from the Secretary of the Treasury, dated January 1, 1861, containing a statement of the public debt, and a statement of the receipts and disbursements of the Treasury for the year 1860.

11. The eleventh part is a report from the Secretary of the War, dated January 1, 1861, containing a statement of the public arms, and a statement of the receipts and disbursements of the War for the year 1860.

12. The twelfth part is a report from the Secretary of the Navy, dated January 1, 1861, containing a statement of the public ships, and a statement of the receipts and disbursements of the Navy for the year 1860.

13. The thirteenth part is a report from the Secretary of the Interior, dated January 1, 1861, containing a statement of the public lands, and a statement of the receipts and disbursements of the Interior for the year 1860.

14. The fourteenth part is a report from the Secretary of the Treasury, dated January 1, 1861, containing a statement of the public debt, and a statement of the receipts and disbursements of the Treasury for the year 1860.

FEDERATION OF MALAYA
DEWAN RA'AYAT
(HOUSE OF REPRESENTATIVES)

Official Report

Second Session of the First Dewan Ra'ayat

Thursday, 23rd June, 1960

The House met at Ten o'clock a.m.

PRESENT:

- The Honourable Mr. Speaker, DATO' HAJI MOHAMED NOAH BIN OMAR, S.P.M.J., P.I.S., J.P.
- „ the Prime Minister, Y.T.M. TUNKU ABDUL RAHMAN PUTRA AL-HAJ, K.O.M. (Kuala Kedah).
- „ the Deputy Prime Minister and Minister of Defence, TUN ABDUL RAZAK BIN DATO' HUSSAIN, S.M.N. (Pekan).
- „ the Minister of External Affairs, DATO' DR. ISMAIL BIN DATO' ABDUL RAHMAN, P.M.N. (Johore Timor).
- „ the Minister of Finance, ENCHE' TAN SIEW SIN, J.P. (Malacca Tengah).
- „ the Minister of Works, Posts and Telecommunications, DATO' V. T. SAMBANTHAN, P.M.N. (Sungei Siput).
- „ the Minister of the Interior, DATO' SULEIMAN BIN DATO' ABDUL RAHMAN, P.M.N. (Muar Selatan).
- „ the Minister of Agriculture and Co-operatives, ENCHE' ABDUL AZIZ BIN ISHAK (Kuala Langat).
- „ the Minister of Transport, ENCHE' SARDON BIN HAJI JUBIR (Pontian Utara).
- „ the Minister of Health and Social Welfare, DATO' ONG YOKE LIN, P.M.N. (Ulu Selangor).
- „ the Minister of Commerce and Industry, ENCHE' MOHAMED KHIR BIN JOHARI (Kedah Tengah).
- „ the Minister of Education, ENCHE' ABDUL RAHMAN BIN HAJI TALIB (Kuantan).
- „ TUAN SYED JA'AFAR BIN HASAN ALBAR, J.M.N., Assistant Minister (Johore Tenggara).
- „ ENCHE' ABDUL HAMID KHAN BIN HAJI SAKHAWAT ALI KHAN, J.M.N., J.P., Assistant Minister (Batang Padang).
- „ TUAN HAJI ABDUL KHALID BIN AWANG OSMAN, Assistant Minister (Kota Star Utara).
- „ ENCHE' CHEAH THEAM SWEE, Assistant Minister (Bukit Bintang).
- „ ENCHE' V. MANICKAVASAGAM, J.M.N., P.J.K., Assistant Minister (Klang).

The Honourable ENCHE' MOHAMED ISMAIL BIN MOHAMED YUSOF, Assistant Minister (Jerai).

- „ ENCHE' ABDUL GHANI BIN ISHAK, A.M.N. (Malacca Utara).
- „ ENCHE' ABDUL RAUF BIN A. RAHMAN (Krian Laut).
- „ ENCHE' ABDUL SAMAD BIN OSMAN (Sungei Patani).
- „ TUAN HAJI ABDULLAH BIN HAJI ABDUL RAOF (Kuala Kangsar).
- „ TUAN HAJI ABDULLAH BIN HAJI MOHD. SALLEH, A.M.N., P.I.S. (Segamat Utara).
- „ TUAN HAJI AHMAD BIN ABDULLAH (Kota Bharu Hilir).
- „ ENCHE' AHMAD BIN ARSHAD, A.M.N. (Muar Utara).
- „ ENCHE' AHMAD BOESTAMAM (Setapak).
- „ ENCHE' AHMAD BIN MOHAMED SHAH, S.M.J. (Johore Bharu Barat).
- „ TUAN HAJI AHMAD BIN SAAID (Seberang Utara).
- „ ENCHE' AHMAD BIN HAJI YUSOF, P.J.K. (Krian Darat).
- „ TUAN HAJI AZAHARI BIN HAJI IBRAHIM (Kubang Pasu Barat).
- „ ENCHE' AZIZ BIN ISHAK (Muar Dalam).
- „ DR. BURHANUDDIN BIN MOHD. NOOR (Besut).
- „ ENCHE' CHAN CHONG WEN (Kluang Selatan).
- „ ENCHE' CHAN SIANG SUN (Bentong).
- „ ENCHE' CHAN SWEE HO (Ulu Kinta).
- „ ENCHE' CHAN YOON ONN (Kampar).
- „ ENCHE' CHIN SEE YIN (Seremban Timor).
- „ ENCHE' V. DAVID (Bungsar).
- „ DATIN FATIMAH BINTI HAJI HASHIM, P.M.N. (Jitra-Padang Terap).
- „ ENCHE' GEH CHONG KEAT (Penang Utara).
- „ ENCHE' HAMZAH BIN ALANG, A.M.N. (Kapar).
- „ ENCHE' HANAFI BIN MOHD. YUNUS, A.M.N. (Kulim Utara).
- „ ENCHE' HARUN BIN ABDULLAH, A.M.N. (Baling).
- „ ENCHE' HARUN BIN PILUS (Trengganu Tengah).
- „ TUAN HAJI HASAN ADLI BIN HAJI ARSHAD (Kuala Trengganu Utara).
- „ TUAN HAJI HASSAN BIN HAJI AHMAD (Tumpat).
- „ ENCHE' HASSAN BIN MANSOR (Malacca Selatan).
- „ ENCHE' HUSSEIN BIN TO' MUDA HASSAN (Raub).
- „ TUAN HAJI HUSSAIN RAHIMI BIN HAJI SAMAN (Kota Bharu Hulu).
- „ ENCHE' IBRAHIM BIN ABDUL RAHMAN (Seberang Tengah).
- „ ENCHE' ISMAIL BIN IDRIS (Penang Selatan).
- „ ENCHE' KANG KOCK SENG (Batu Pahat).
- „ ENCHE' K. KARAM SINGH (Damansara).
- „ ENCHE' LEE SECK FUN (Tanjong Malim).
- „ ENCHE' LEE SIOK YEW (Sepang).
- „ ENCHE' LIM JOO KONG (Alor Star).

The Honourable ENCHE' LIM KEAN SIEW (Dato Kramat).

- „ DR. LIM SWEE AUN, J.P. (Larut Selatan).
- „ ENCHE' LIU YOONG PENG (Rawang).
- „ ENCHE' MOHAMED BIN UJANG (Jelebu-Jempol).
- „ ENCHE' MOHAMED ABBAS BIN AHMAD (Hilir Perak).
- „ ENCHE' MOHAMED ASRI BIN HAJI MUDA (Pasir Puteh).
- „ ENCHE' MOHAMED DAHARI BIN HAJI MOHD. ALI (Kuala Selangor).
- „ ENCHE' MOHAMED NOR BIN MOHD. DAHAN (Ulu Perak).
- „ DATO' MOHAMED HANIFAH BIN HAJI ABDUL GHANI, P.J.K. (Pasir Mas Hulu).
- „ ENCHE' MOHAMED SULONG BIN MOHD. ALI, J.M.N. (Lipis).
- „ ENCHE' MOHAMED YUSOF BIN MAHMUD, A.M.N. (Temerloh).
- „ TUAN HAJI MOKHTAR BIN HAJI ISMAIL (Perlis Selatan).
- „ NIK MAN BIN NIK MOHAMED (Pasir Mas Hilir).
- „ DATO' ONN BIN JA'AFAR, D.K., D.P.M.J. (Kuala Trengganu Selatan).
- „ ENCHE' OTHMAN BIN ABDULLAH (Tanah Merah).
- „ ENCHE' OTHMAN BIN ABDULLAH (Perlis Utara).
- „ TUAN HAJI REDZA BIN HAJI MOHD. SAID (Rembau-Tampin).
- „ ENCHE' SEAH TENG NGIAB (Muar Pantai).
- „ ENCHE' D. R. SEENIVASAGAM (Ipoh).
- „ TUAN SYED ESA BIN ALWEE, S.M.J., P.I.S. (Batu Pahat Dalam).
- „ TUAN SYED HASHIM BIN SYED AJAM, A.M.N., P.J.K. (Sabak Bernam).
- „ ENCHE' TAJUDIN BIN ALI, P.J.K. (Larut Utara).
- „ ENCHE' TAN CHENG BEE, J.P. (Bagan).
- „ ENCHE' TAN KEE GAK (Bandar Malacca).
- „ ENCHE' TAN PHOCK KIN (Tanjong).
- „ ENCHE' TAN TYE CHEK (Kulim-Bandar Bahru).
- „ TENGKU INDRA PETRA IBNI SULTAN IBRAHIM, J.M.N. (Ulu Kelantan).
- „ DATO' TEOH CHZE CHONG, D.P.M.J., J.P. (Segamat Selatan).
- „ ENCHE' V. VEERAPPEN (Seberang Selatan).
- „ WAN MUSTAPHA BIN HAJI ALI (Kelantan Hilir).
- „ WAN SULAIMAN BIN WAN TAM, P.J.K. (Kota Star Selatan).
- „ WAN YAHYA BIN HAJI WAN MOHAMED (Kemaman).
- „ ENCHE' WOO SAIK HONG, J.P. (Telok Anson).
- „ ENCHE' YAHYA BIN HAJI AHMAD (Bagan Datoh).
- „ ENCHE' YEOH TAT BENG (Bruas).
- „ ENCHE' YONG WOO MING (Sitiawan).
- „ PUAN HAJAH ZAIN BINTI SULAIMAN, J.M.N., P.I.S. (Pontian Selatan).
- „ TUAN HAJI ZAKARIA BIN HAJI MOHD. TAIB (Langat).
- „ ENCHE' ZULKIFLEE BIN MUHAMMAD (Bachok).

ABSENT:

The Honourable the Minister of Labour, ENCHE' BAHAMAN BIN SAMSUDIN (Kuala Pilah).

- „ ENCHE' HUSSEIN BIN MOHD. NOORDIN, A.M.N., P.J.K. (Parit).
- „ CHE' KHADIJAH BINTI MOHD. SIDEK (Dungun).
- „ ENCHE' KHONG KOK YAT (Batu Gajah).
- „ ENCHE' LEE SAN CHOON (Kluang Utara).
- „ ENCHE' T. MAHIMA SINGH, J.P. (Port Dickson).
- „ ENCHE' NG ANN TECK (Batu).
- „ ENCHE' QUEK KAI DONG (Seremban Barat).
- „ ENCHE' S. P. SEENTIVASAGAM (Menglembu).

IN ATTENDANCE:

The Honourable the Minister of Justice, TUN LEONG YEW KOH, S.M.N.

PRAYERS

(Mr. Speaker in the Chair)

EARLIER RESUMPTION

(Motion)

The Prime Minister: Mr. Speaker, Sir, I beg to move,

That the House at its rising this day shall resume at 9.30 a.m. to-morrow instead of 10 a.m. as provided in Standing Order No. 12.

The Minister of External Affairs (Dato' Dr. Ismail): Sir, I beg to second the motion.

Question put, and agreed to.

Resolved,

That the House at its rising this day shall resume at 9.30 a.m. to-morrow instead of 10 a.m. as provided in Standing Order No. 12.

ORAL ANSWERS TO QUESTIONS

Rural Extension Schools—Salaries and Appointments of Staff

1. Enche' Geh Chong Keat asks the Minister of Education to state what is the basic salary of the head and senior assistant of a Rural Extension School and what are the qualifications for appointment to such posts.

The Assistant Minister of Education (Enche' Abdul Hamid Khan bin Haji Sakhawat Ali Khan): Sir, a Head-master's salary is \$600 per mensem

(fixed salary) but the salary of the Senior Assistant is \$528×14-580. Serving instructors of proved merit are considered as having qualifications for appointment to such posts.

2. Enche' Geh Chong Keat asks the Minister of Education if underqualified officers have been appointed to such posts and if so, why.

Enche' Abdul Hamid Khan: Yes, due to the non-availability of instructors with the requisite qualifications.

3. Enche' Geh Chong Keat asks the Minister of Education if appointees to such posts appeared before the Public Services Commission and if not, to state who advises such appointments.

Enche' Abdul Hamid Khan: Appointees to such posts are not required to appear before the Public Services Commission as the appointments are made by the Local Education Authorities concerned on the advice of Chief Education Officers.

Development of Light Rural Industries

4. Enche' Abdul Samad bin Osman minta kepada Menteri Pembangunan Luar Bandar menerangkan memandangkan ia itu ada-lah tujuan Kerajaan hendak meninggikan taraf ekonomi luar bandar, boleh-kah Menteri Pembangunan Luar Bandar menerangkan apa-kah langkah² yang telah di-ambil untuk menggalakkan perusahaan² kecil yang boleh di-ujudkan daripada barang² yang di-dapati dalam negeri ini seperti sabut

kelapa, manila hemp, ramie dan sebagainya.

The Asst. Minister of Rural Development (Tuan Haji Abdul Khalid bin Awang Osman): Tuan Yang di-Pertua, Tuan, Kerajaan memang sedar peri mustahak-nya mengadakan perusahaan² kecil di-kawasan luar bandar. Dengan kesedaran ini Kerajaan sedang berusaha dengan giat-nya untuk mengadakan perusahaan² kecil, khas-nya dengan menggunakan barang² mentah yang boleh di-dapati dengan banyak-nya di-kawasan² luar bandar. Mengikut siasatan perusahaan yang terbaik sekali yang patut di-jalankan dengan segera ia-lah perusahaan tali sabut. Oleh itu R.I.D.A. sekarang ini sedang menjalankan satu rancangan untuk melateh dengan perchuma bagaimana hendak membuat benda² daripada sabut seperti tali sabut, berus dan lain² yang di-bawa masuk ka-Persekutuan Tanah Melayu dengan banyak-nya pada tiap² tahun.

Alat² kerja yang mudah dan lagi murah harga-nya di-jual oleh R.I.D.A. dengan syarat² yang ringan kepada siapa² yang gemar mengambil bahagian dalam perusahaan ini. Sambutan di atas perkara ini daripada pekebun² kecil kelapa di-Kelantan dan Selangor sangat memuaskan hati, mutu tali sabut dan lain² barang daripada sabut yang di-buat oleh R.I.D.A. sama tinggi mutunya dengan barang² yang di-buat daripada luar negeri. Perusahaan² kecil yang lain pun seperti menganyam mengkuang dan pandan, membuat jerok daripada buah²an, membuat belachan dan lempok serta pertukangan tangan memang di-beri galakan dan menerima bantuan daripada R.I.D.A. Berkenaan dengan perusahaan ramie dan manila hemp, perkara² ini di-siasat dengan giat-nya oleh Kerajaan.

Tuan Haji Ahmad bin Abdullah: Tuan Yang di-Pertua, soalan tambahan, boleh-kah Yang Berhormat Menteri Muda memberi keterangan ia-itu adakah di-buat susunan tentang menjual (marketing) barang² itu?

Tuan Haji Abdul Khalid: Perkara ini memang sedia di-jalankan.

Wan Sulaiman bin Wan Tam: Tuan Yang di-Pertua, dalam jawapan Yang

Berhormat Menteri Muda tidak menyebutkan di-atas perkara atap nipah.

Tuan Haji Abdul Khalid: Tuan Yang di-Pertua, ini termasuk dalam kalimah lain² perkara (*Ketawa*).

Siting of Industry

5. Enche' Abdul Samad bin Osman asks the Minister of Commerce and Industry, if the Government would consider encouraging new industries to be sited throughout Malaya instead of being concentrated at Petaling Jaya.

The Assistant Minister of Commerce and Industry (Enche' Cheah Theam Swee): Mr. Speaker, Sir, it has never been the Government's policy or wish to concentrate new industries at Petaling Jaya. A prospective industrialist has a free hand in the locating of his factory and, when deciding this, he must take various factors into account such as the proximity to the sources of supply of his raw materials, distribution costs, adequate public utility services and availability of land.

The outstanding success of Petaling Jaya must be attributed to the fact that an industrialist has been able readily to purchase land for his factory site with all the necessary public utility services immediately available.

The Government is now endeavouring to encourage the Governments of States, to find potentially good industrial sites and develop these sites so that they will be as attractive to industrialists as Petaling Jaya has been. To assist State Governments, the Federal Government is examining methods by which financial aid can be given to State Governments where necessary. In the final analysis, however, the success of diversifying industrial expansion throughout the Federation does depend to a great extent on the willingness of the State Governments to develop suitable industrial sites in their own States.

Dr. Lim Swee Ann: Mr. Speaker, Sir, has the Government taken active steps to encourage industrialists to go outside Petaling Jaya?

Enche' Cheah Theam Swee: We have taken very active steps, Sir.

Use of the National Language in Judicial Proceedings

6. Enche' Zulkiflee bin Muhammad asks the Minister of Justice to state when it is anticipated that Malay only will be used in proceedings in Courts and what are the Government's proposal to bring about the use of Malay in Courts at all levels.

The Minister of Justice (Tun Leong Yew Koh): Sir, I am afraid I can be of little assistance to the Honourable Gentleman. By no means all citizens speak Malay with sufficient fluency to give evidence in that language. Until they do, evidence must continue to be given in the tongue of their choice, or else justice will never be done. The recording of evidence may however be done in Malay with leave of the Court and the consent of the parties, and this is quite a common practice in the subordinate courts—particularly on the East Coast.

In other matters—pleadings and the like—English remains the language of the Courts until 1967 under Article 152 of the Constitution. Thereafter, Parliament may authorise the use of Malay to such extent as it wishes; but before then it will obviously be necessary to translate not only the Statutes and subsidiary laws into Malay, but also the thousands of volumes of Law Reports, commentaries and text-books. If the experience of India is any guide, this will take decades rather than years. I do not think the evolution of our national language has reached the point where highly technical terms can be translated into Malay with that meticulous accuracy necessary in the law. Indeed, the Common Law of England is still literally peppered with phrases in Latin and Norman French, which suggests that the English themselves have yet wholly to recover from the impact of that colonialism under which they laboured as recently as 1066.

Enche' Zulkiflee: Sa-telah membaca jawapan itu Menteri Yang Berhormat tidak dapat menerangkan "what are the Government's proposals". Yang disebut-nya ia-lah keadaan sekarang, kesulitan-nya dan sa-bagai-nya but "what are the proposals".

Tun Leong Yew Koh: Well, we are trying to have our laws translated.

The Minister of the Interior (Dato' Suleiman bin Dato' Abdul Rahman): Tuan Yang di-Pertua, boleh-kah saya menolong Menteri Ke'adilan oleh kerana saya di-bawah Menteri Ke'adilan. Yang sa-benar-nya sudah dijalankan langkah ia-itu bahasa Melayu sudah di-gunakan di-Mahkamah² Rendah. Hendak menggunakan bahasa Melayu di-Mahkamah² atas akan mengambil masa sedikit sa-bagai mana yang di-katakan oleh Menteri itu tadi banyak perkara yang maseh belum dapat di-terjemahkan kepada bahasa Melayu.

Enche' D. R. Seenivasagam: Mr. Speaker, Sir, from the answer given by the Honourable Minister of Justice, is it safe to assume that in Malaya it would take a decade to make Malay the language of the Courts?

Tun Leong Yew Koh: Nothing can be said now.

Appointment of Federal Citizens to the Federal Judicature

7. Enche' Zulkiflee bin Muhammad asks the Minister of Justice to state the number of Judges, Presidents of Sessions Courts and Magistrates who are not Federal Citizens and the steps the Government has taken to have such appointments filled by Federal Citizens.

Tun Leong Yew Koh: Sir, all Magistrates are Federal Citizens, and have been for quite some time; although occasionally an ex-officio Magistrate (such as a District Officer) who is not a citizen may occasionally help out.

Out of the 14 Presidents, Sessions Courts, only one is not a citizen: I understand that these Courts will be wholly Malayanised in the fairly near future, but this will depend on retirements or transfers, which are outside my jurisdiction.

The Supreme Court, including the Court of Appeal, consists of 12 Judges, seven of whom are not citizens. One non-citizen was appointed to three citizens appointed since Merdeka day. There is one vacancy at present. I am

not in a position to give further details as the appointment and selection of Judges is governed by Article 122 of the Constitution and is thus outside my ministerial responsibility.

Unified Salary Scheme for Teachers

8. **Enche' V. Veerappen** asks the Minister of Education to state whether his Ministry has come to a decision regarding the Unified Service Scheme for Teachers, and, if so, when it will be implemented to include teachers who are on other schemes, when he will publish the Scheme, and whether he will make a statement regarding the delay in arriving at the decision.

Enche' Abdul Hamid Khan: Sir, I presume the Honourable Member, when he refers to the Unified Service Scheme, means the Unified Salary Scheme because there is no such thing as Unified Service Scheme.

The Unified Salary Scheme has been under continuous negotiation with the Teachers' Panel and a very large measure of agreement has been reached with the Official Panel. It is a matter which has bristled with difficulties some of which have still to be ironed out but the objective is that the Scheme should be implemented this year.

Teachers under Training in Day Training Centres

9. **Enche' V. Veerappen** asks the Minister of Education to state whether he is aware that Teachers in Day Training Centres face great hardships to maintain themselves with the \$45 monthly allowance paid to them and with which they have to pay for books, board, lodging and in fact everything except tuition, and whether he would consider increasing the allowances.

Enche' Abdul Hamid Khan: Sir, it was never intended that the allowance of \$45 p.m. should cover board and lodging as students of the Day Training Centres are "day" students, i.e. they are expected to live in their own homes as would school pupils in Forms IV and V, the basic qualification for entry being Lower Certificate of Education taken at Form III level. In the third year of the course when they are

sent out to schools they are paid \$105 for men and \$100 for women.

Enche' V. David: Sir, will the Honourable Minister consider the merits of students who come from outside their home towns?

Enche' Abdul Hamid Khan: Sir, I need notice of that question.

Enche' V. Veerappen: Sir, is the Minister not aware that there are many students who have to travel long distances to attend these Day Training Centres?

Enche' Abdul Hamid Khan: Sir, all these matters had been taken into account when considering this payment.

BILLS

THE INTERNATIONAL DEVELOPMENT ASSOCIATION BILL

Second Reading

The Minister of Finance (Enche' Tan Siew Sin): Mr. Speaker, Sir, I beg to move that a Bill intituled "The International Development Association Bill, 1960" be read a second time.

The purpose of this Bill is to enable the Federation of Malaya to accept membership of the International Development Association and to provide for compliance by the Federation with the provisions of the Articles of the Association.

The proposal for an international development association was first put forward at the 1958 annual meeting of the World Bank and International Monetary Fund. It was not until the 1959 meeting of those organisations that the Governors of the World Bank approved a resolution directing the Executive Directors of the Bank to formulate articles of agreement for such an association for submission to member Governments of the Bank.

The Executive Directors of the World Bank approved the Articles of Agreement of the International Development Association or I.D.A., as it is sometimes called, for submission to member Governments only after thorough discussion over a period of several months; and careful consideration was given to

the views expressed by various governments. The approval by the Executive Directors of the Articles of the Association has not committed any Government to membership of the Association, and it rests with each Government to decide whether or not to join the Association. The Articles of Agreement will come into force on or after 15th September, 1960, when they have been signed on behalf of Governments whose subscriptions aggregate at least 650 million U.S. dollars.

The Articles of Association as drawn up by the Executive Directors inevitably represent a compromise between the many divergent views of the members of the Bank. Some of the Articles are not entirely in accordance with the wishes expressed by this Government. But in cases such as this some compromise is always necessary and it is considered that by and large the Articles constitute an acceptable framework for the establishment of the Association.

The purposes of the Association are to promote economic development, increase productivity and thus raise standards of living in the less-developed areas of the world included within the Association's membership. It provides finance to meet their important developmental requirements on terms which are more flexible and bear less heavily on their balance of payments position than those of conventional loans, thereby furthering the developmental objectives of the World Bank and supplementing its activities.

The aims of the Association have been deliberately drafted to give the maximum flexibility to the operations of the Association. The Association is empowered to finance any project of high developmental priority and although a large part of the Association's financing is likely to be for projects similar to those financed by the World Bank, that is revenue earning projects, the Association may finance projects which are not directly revenue earning and may in special circumstances provide finance for the local currency costs of such projects. This last point is of particular importance to the Federation which has in the past found difficulty

in obtaining finance overseas for the local costs of development projects such as land development schemes which are of such importance to the economic development of our country.

The purposes of the Association emphasise that one of the basic principles of the Association is that it should supplement the sources of development capital already available to underdeveloped countries, in particular, from the World Bank. This principle is underlined not only by the fact that the Association is to be an affiliate of the Bank with the Governors, President, and Executive Directors of the World Bank serving ex-officio in these capacities in the Association, but also by the operational procedures of the Association. The Association is debarred from providing finance for a project if funds are available from other sources on reasonable terms.

Out of the members' initial subscriptions, the Association may make loans on easier terms than those provided from other sources by providing loans with long term maturities and longer periods of grace before repayments have to be made. The Association may also accept repayment either in whole or in part in the local currency of the borrower and lastly may make loans free of interest or at lower rates of interest. The flexibility of the Association's procedure is deliberately designed so that loans can be made with due regard to the balance of payments position of the borrower. At present the balance of payments position of the Federation is sound owing to the current level of prices for rubber and tin. It is possible that the Association will not prove an immediate source of funds for financing development in the Federation. Nevertheless, Hon'ble Members are well aware how rapid and violent are the fluctuations in the prices of our main exports and should we experience in the future balance of payment difficulties, the Association could be a valuable source of funds for development.

Membership of the International Development Association or I.D.A. is open to member countries of the World Bank. The initial resources of the

Association will be U.S. \$1,000 million if all existing members of the Bank were to join it and accept the assigned subscriptions which are roughly proportionate to the members' subscriptions to the World Bank.

A unique feature of the Association is that for purposes of subscriptions member countries have been divided into two groups as shown in Schedule A to the Articles of Agreement. The subscription will be payable over a five-year period, and the countries in both groups will subscribe 10 per cent of their initial subscriptions in gold or freely convertible currencies. Different provisions are, however, made for the two groups with regard to the remaining 90 per cent of their initial subscriptions. The first group, the 17 industrialised member countries of the World Bank, will pay the remaining 90 per cent of their subscriptions in five equal instalments in gold or freely convertible currencies. On the other hand, the second group, which comprise the 51 less developed member countries including the Federation of Malaya, will pay their remaining 90 per cent in their national currencies, which the Association will not be free to use without the members' consent. The Federation's subscription is to be U.S. \$2.52 million or Malayan \$7.714 million. It will have to pay on joining the Association Malayan \$385,714 in gold or convertible currencies and \$1,388,569 in Malayan currency or non-interest bearing Treasury notes. In each of the next four years the Federation will have to pay M\$96,428 in gold or in convertible currencies, and \$1,388,569 in Malayan currency but the Federation may exercise the right to substitute non-interest bearing Treasury notes for the local currency portion.

The capital structure of the Association which I have just described in brief will mean that the Association has about US\$150 million available in each of the first 5 years of its existence for lending to under-developed countries. These resources are very limited when one considers the vast potential demand of under-developed countries for capital. We would have preferred a larger initial capital but the general

consensus of opinion was that US\$1 billion was adequate for the commencement of the Association and it became clear during the discussions on the Articles that a larger initial capital was not a practicable proposition.

Having regard to the very limited initial resources of the Association the Articles provide for them to be regularly reviewed by the Association, the first such review to take place at the end of the first 5 years of the Association's operation. General or individual increases in subscriptions may be authorised at any time but no member is obliged to increase its subscription. No increase in the Federation's subscription can be made without the approval of the Dewan Ra'ayat. The Association may also enter into arrangements to receive from any member in addition to its own subscription, supplementary resources in the currency of another member, provided that the member whose currency is subscribed, does not object. This provision is linked with the possibility of the United States of America offering to the Association part of its holdings of foreign currencies arising through sales of surplus commodities under Public Law 480. Since the U.S. does not hold any Malayan currency as a result of sales of surplus commodities, this provision is not a matter of direct concern to the Federation. Hon'ble Members may, however, wish to note that the provision of such supplementary resources will not entitle the subscribing member to any additional voting rights.

Each member of the Association is to have 500 votes plus one vote for each US\$5,000 subscribed. On this basis the Federation will have 1,004 votes. This formula gives to the industrialised countries about 69 per cent of the total voting power whereas the less developed countries would only possess 31 per cent. It had been hoped that a system of voting could be agreed whereby the industrialised countries exercised a smaller share of the total voting power, but this idea did not gain general acceptance and it is perhaps inevitable that he who pays the piper calls the tune.

From the Federation's point of view the principal merit of the International

Development Association is that it will be a source of development capital for under-developed countries additional to existing sources such as the International Bank, and that it will be able to provide financing on easier terms than can be obtained from other sources and can in special circumstances provide financing to meet the local currency costs of development projects. It must also be recognised that the Association is the result of international co-operation and has a value in that it associates the majority of the industrialised countries of the free world, in particular, those of Western Europe and Japan with an organisation dedicated to the provision of capital to the under-developed countries. As I have said earlier the Association may not immediately be a source of funds for development in the Federation although it may well prove to be so in the course of time. Nevertheless, I am convinced that it is right and proper for the Federation to play its part in this new international financial institution designed for the benefit of the under-developed countries.

Sir, I beg to move.

Dato' Dr. Ismail: Sir, I beg to second the motion.

Enche' Liu Yong Peng (Rawang): Mr. Speaker, Sir, I stand here not to oppose the Bill, but to say a few words in conjunction with international development aid and what we would like to expect, so that such aid may be helpful to our country. We know that Malaya is in need of economic development very badly and, indeed, we would like to see that the capital is raised not only from our own country but also from friendly countries abroad. This new Association, the International Development Association, is something which, if we are to understand it clearly, we have to see from a historical point of view. We know that ever since the beginning of the existence of the United Nations, there had been many types of organisations which were started with the intention of having international co-operation in the field of provision of economic aid to under-developed countries. We have seen, for example,

the coming into existence of the International Monetary Fund. That Organisation did not last, because there were frictions in existence in the power blocs in the world and, as a result, it became increasingly clear that the Western countries would like to have an organisation which would enable them to give aid to other countries where they could have more say on any matter than could otherwise be possible in a fully international association. The result was that the International Monetary Fund suffered a natural death.

Now, we are having this International Development Association—this is very good. As we are one of the under-developed countries—it is a matter which I think we must all recognise, that, after all, Malaya is indeed an under-developed country—we should try our best to get funds from other economically advanced countries. But in doing so, I do hope that we would follow the example of India and Indonesia—these countries, in seeking aid, do not seek only from one source—and in this way we would not be tied to the apron strings of America. That is all I wish to say.

Tuan Haji Ahmad bin Abdullah (Kota Bharu Hilir): Tuan Yang di-Pertua, saya bangun bukan-lah hendak membangkang Bill ini bahkan saya fikir ia-itu menjadi member di-dalam Pertubohan ini ia-lah kerana chadangan hendak mendapat duit ringgit untuk membena negara kita ia-lah satu perkara yang baik.

Di-sini suka-lah saya hendak menerangkan ia-itu selalu kita mendengar bahawa kata² yang di-lemparkan kapada Persatuan Islam tidak mahu berhutang keluar negeri dan lain² lagi. Di-sini saya perlu menerangkan lebih lanjut sedikit tentang perkara hutang. Perkara hutang ini boleh-lah di-bahagi kapada dua bahagian. Bahagian yang pertama, hutang² yang dapat daripada negeri² lain seperti America, England dan lain² lagi dan bahagian yang kedua ia-lah yang dapat daripada International Organisations atau pun Pertubohan² Bangsa² dalam dunia. Hutang² yang kami tidak bersetuju ia-lah hutang² yang di-ambil daripada negara²

bangsa asing yang mempunyai syarat² yang akan merosakkan kedudukan negara kita, ini-lah hutang² yang kami bantah. Ada pun hutang² yang akan membawa kepada pembenaan negara yang tidak mempunyai syarat² yang akan merosakkan kedudukan negara, kami tidak bantah lebih² lagi hutang² yang datang daripada International Organisations sa-bagaimana yang ada di-hadapan kita ini kerana di-dalam International Organisations ada pula perkara² yang baik-nya seperti mana yang tersebut dalam Article 5, ada-lah hutang² yang di-beri oleh International Organisations yang di-hadapan kita ini ia-lah sa-telah di-setujui oleh satu Committee dan Committee ini akan menyelidik apa juga project yang hendak di-jalankan dalam negeri ini dan sa-telah di-persetujuan maka baharu-lah di-buat recommendation untuk memberikan hutang tadi. Sa-lain daripada itu, International Organisation ini ada pula akan memberi kepada kita khidmat² seperti kata-nya dalam Article 5:

"5 (v) provide technical assistance and advisory services at the request of a member;"

Ini ia-lah kelebihan yang boleh kita dapat hutang² daripada International Organisations. Ada pun hutang² yang kita ambil dari berbagai² bangsa asing itu tidak-lah mempunyai peratoran dan duit itu dapat kita belanjakan mengikut sa-kehendak kita. Oleh yang demikian, pendirian saya sa-bagaimana yang telah saya sebutkan tadi bukan-lah membantah di-atas Bill ini bahkan ini-lah perkara yang baik.

Enche' D. R. Seenivasagam (Ipoh): Mr. Speaker, Sir, on the question of development, there is one matter which I wish to bring to the notice of all Ministers on that side—that is the question of experts. We have had so many experts under the Colombo Plan—special experts from England, special experts from here, special experts from there. But what happens is this: the experts come here and made up their reports; those reports normally are left to the Head of a Department to act upon, but in the majority of cases no action whatever takes place on those reports. The experts go back to the various countries

and that is the end of the experts and their reports.

Now, let me give one concrete example. Take the P.W.D., for instance, in the matter of building roads. An expert made a report that a certain lime, which was extensively used in the building of roads in Malaya, was not suitable for that purpose because after a chemical analysis a report was made that the lime had the tendency to harden and become slippery thus causing a slippery surface which is dangerous to traffic. That was the report of the expert. That same expert found an alternative lime deposit in Malaya which, after analysis, was found to be suitable and which did not have the effects of the lime which is being used. However, in spite of that report, still the same old lime is being used and nothing has been done about that report. That report came out in 1959. I wonder why this expert should come to Malaya, take all the trouble to analyse the minerals, give his report, and that report is held up in somebody's "in-tray" or "out-tray".

There is another example—the water supply in Kuala Kangsar town. If you take some water in a glass, keep it overnight, you will find a deposit the next morning in your glass. Why is that? An expert made a report on it. The expert says that that is the fault of our plants and this is the remedy which we must take. Nothing was done. That report was lying in somebody's "in-tray" or "out-tray", and I suppose until to-day it is lying there.

These are two concrete examples I give, because I know that those are correct ones. So I hope that, on the question of development and on the question of experts, after the experts have come here and have given their reports, the reports will be acted upon. I also hope that the Minister in charge of that Department will kindly see that experts' reports do not lie on the tables of the Heads of Departments and that is the end of the matter.

Enche' Zulkiflee bin Muhammad (Bachok): Tuan Yang di-Pertua, masok menjadi ahli bagi International Development Association ini tentu-lah satu

perkara yang di-jalankan oleh negara² yang mempunyai kepentingan menurut yang ada dalam Agreement ini. Yang Berhormat Menteri Kewangan telah menyatakan tadi satu daripada kekebalan persatuan ini ia-lah "easier term" saya harap di-dalam pinjaman janganlah di-banyakan lagi oleh kerana "easier term" ini. Sanabat saya tadi telah menyebutkan tentang pendirian PAS dalam hal ini. Masok menjadi ahli International Development Association ini hendaklah di-dasarkan kepada kepentingan kita sendiri dan janganlah Persekutuan Tanah Melayu yang masok dalam-nya akan terpengaruh dengan kedudukan ahli² yang lain. Tuan Yang di-Pertua, kita tahu bahawa dalam International Development Association ini negeri² industry ada mempunyai 69 suara, di-dalam 69 suara ini, 31 suara di-punyai oleh negeri² seperti yang tersebut dalam Jadual ini. Tuan Yang di-Pertua, saya setuju dengan dasar yang di-sebutkan di-sini ia-itu dasar yang terang dalam Atikal V Seksyen 6, mengatakan: "Political Activity Prohibited". Memanglah di-dalam Agreement ini kita mendapat penjelasan sa-demikian, tetapi "Political Activity Prohibited" tersentuh di-sebabkan oleh "veto power" yang ada di-dalam Kerajaan² industry yang besar itu tidaklah mungkin di-nafikan. Itu boleh jadi pada satu masa terjadi. Saya berharap kepada Kerajaan Persekutuan Tanah Melayu supaya memerhatikan perjalanan International Development Association ini supaya negeri kita terkawal daripada "Political Activity Prohibited" dalam rupa International Development Association. Ini janganlah kita pandang kechil sebab kemungkinan-nya amat besar.

Sa-perkara lagi, Tuan Yang di-Pertua, dalam mengemukakan tuntutan² kita Menteri Yang Berhormat telah menyatakan tadi bahawa perkara ini tidaklah chepat (not immediate) kita akan dapat bantuan daripada International Development Association; ini bererti kita harus menunggu (in the course of time) kita akan dapat fa'edah daripada-nya. Tuan Yang di-Pertua, negeri yang kurang maju yang masok dalam "league" yang terbesar tentu-lah negeri² yang berkehendakkan bantuan

yang tetap. Jadi, saya berharap Kerajaan Persekutuan Tanah Melayu menggesa dan mengikhtirakan supaya Persekutuan mendapat "priority" di-dalam bantuan teknikal. Sa-bagaimana yang kita ketahui negeri ini menghadapi satu masa yang berkehendakkan kepada kemajuan luar bandar. Kalau kita melihat dalam Seksyen 5, bahagian (v) menerangkan:

"provide technical assistance and advisory services at the request of a member . . . ;"

maka meminta bantuan kewangan dengan serta-merta (immediate loan) boleh jadi ada kepayahan-nya tetapi "provide technical assistance" bagi kepentingan kemajuan negeri kita pada masa ini saya perchaya ada-lah ringan. Saya yakin dengan chara yang demikian Persekutuan akan dapat fa'edah yang sesuai dengan kehendak kita di-chepatkan, bukan sa-mata² hendak menchepatkan fa'edah kita daripada menjadi ahli persatuan ini tetapi supaya sesuai dengan apa yang di-kehendaki oleh kemajuan dan yang di-kehendaki oleh kehidupan ra'ayat negeri ini.

Dato' Dr. Ismail: Tuan Speaker, saya bangun ia-lah kerana hendak memberi sedikit penjelasan berkenaan dengan ucapan yang telah di-lafadzkan oleh ahli dari Kota Bharu Hilir, yang pertama atas pendirian parti-nya berkenaan dengan pinjaman luar negeri. Saya tidaklah menjadi hakim atas apa² yang di-janjikan-nya kepada ra'ayat² di-Pantai Timor—itu dia-lah yang mengerti-nya.

Saya suka hendak memberi sedikit penerangan kepada dia ia-itu kalau saya tidak salah faham atas ucapannya yang pertama kata-nya, wang yang di-pinjam daripada luar negeri itu bolehlah di-gunakan dengan sa-berapa kehendak kita. Wal hal wang yang di-pinjam, umpama-nya, daripada International Development Association itu hendaklah tertumpu kepada satu² project. Saya fikir, atas perkara ini, tidaklah ada berbedza di-antara wang yang di-pinjamkan oleh International Development Association ini dengan wang yang di-pinjamkan oleh negeri² asing. Dua² ini mesti-lah memandang dengan teliti kepada project yang hendak di-pinjam wang-nya, dan lagi

Fasal 5, Section 1 telah di-kuatkan ia-itu Association ini bila hendak meminjamkan wang tidak-lah boleh memandang kepada segi politik atau pun memandang kepada project yang di-kemukakan jikalau project itu tidak sesuai dengan ekonomi.

Atas tegoran ahli dari Bachok ia-itu sunggoh pun Articles of Agreement ia-itu International Development Association itu mengatakan "political consideration" tidak boleh di-pakai bila hendak menimbangkan sa-suatu permintaan pinjaman, tetapi boleh jadi dengan chara tidak terang political pressure akan di-buat. Di-sini saya suka-lah memberi sedikit keterangan sebab saya bersama dengan rakan saya Menteri Kewangan hadir dalam mesuarat World Bank yang telah lalu yang di-adakan di-Washington. Di-sana bukan kita sahaja bahkan banyak negeri² yang belum maju, umpama-nya negeri 'Arab dan lain² negeri, semua ada menjaga supaya political pressure jangan-lah di-gunakan dalam International Development Association ini. Yang sa-benar-nya International Development Association ini mendapat sokongan yang kuat daripada negeri² yang tidak ada berkaitan dengan mana² negeri pun dalam dunia ini yang ada peperangan dingin, dan mereka sangat menjaga negeri² itu jangan di-pengaruh oleh politik dan menjaga ia-itu bila International Development Association ini di-rangka kelmarin supaya ada guarantee yang political pressure tidak boleh di-gunakan baik dengan chara terang atau pun dengan chara gelap. Jadi ini-lah penerangan saya sa-banyak sedikit kepada Ahli Yang Berhormat yang berchakap tadi.

Enche' Tan Siew Sin: Mr. Speaker, Sir, the Honourable Member for Rawang made the point that if you borrow money from individual countries you are in some ways under obligations to them, and, in consequence, you will also be subject to a certain amount of pressure from the lending country. In fact, I could not agree with him more. By the same token, the more you borrow from any individual country, the more likely you will be subject to pressure from that particular country. But in this respect I submit that the Federation is in a stronger

position than any other country in Asia (*Applause*), in fact, I think the Federation is in a stronger position than probably any other country in the whole world. And I can prove this point. I am now speaking from memory—but I do not think I am very far wrong—the Federation owes the United States about \$60 million obtained from the United States Development Loan Fund; another \$20 million was obtained from the United Kingdom Export Credits Guarantee Department, and that means a total of \$80 million, apart from a \$30 million interest-free loan from Singapore, which was made in 1953 for the purpose of the Emergency, and the \$100 million loan from Brunei, which was given on extremely easy interest terms. Our total external debt is, therefore, only \$80 million and this is an insignificant amount compared to our total public debt of something like \$1,000 million. I think it does show that we in fact are subject to very little pressure from any country in the world, and certainly, compared with the other countries in Asia, we are in an extremely favourable position. That brings me to my second point. It is far better to borrow, if you have to borrow, from an international organisation than from an individual country, because an international organisation cannot put the same kind of pressure, political or otherwise, that an individual country can. That is why the Federation, as I implied in my speech, tried to get the I.D.A. to agree to a larger initial subscription, but we were not very successful—I think primarily because the major capital exporting countries in the world prefer to lend direct, rather than through the I.D.A. That is my surmise, and that is why I think our bid to get the capital increased was not successful. But it would be appreciated that it is far better to borrow, if you have to borrow, from an organisation like the International Bank which is an affiliate of the I.D.A. than from an individual country, and therefore I think I have answered the point made by the Honourable Member for Rawang.

The Honourable Member for Ipoh dwelt on the question of delays in dealing with experts' reports, I do not

think this has got anything to do with the subject matter of the debate; it is really an internal matter for investigation and concern by the Ministries. In fact it concerns every Ministry except the Treasury. It is not our job, and so I shall not reply to that point.

Question put, and agreed to.

Bill accordingly read a second time and committed to a Committee of the whole House.

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr. Speaker in the Chair)

Clauses 1 to 9 inclusive ordered to stand part of the Bill.

Preamble ordered to stand part of the Bill.

Bill reported without amendment: read the third time and passed.

THE STATUTORY DECLARATIONS BILL

Second Reading

Dato' Suleiman: Mr. Speaker, Sir, I beg to move that a Bill intituled "An Act to consolidate the law relating to statutory declarations" be read a second time. My Honourable colleague the Minister of Justice, who is sitting silently over there, will explain this Bill.

The Minister of Transport (Enche' Sardon bin Haji Jubir): Sir, I beg to second the motion.

Tun Leong Yew Koh: Sir, there is little that I can add to the explanatory statement at the foot of the Bill. This Act merely creates uniformity throughout the Federation in the matter of statutory declarations to be framed in Malay, a small but important step in the advancement of the National Language. I therefore commend the Bill to this House.

I should, however, add that it will be necessary to make two minor amendments at the Committee stage. We were informed by the Bar Council, to whom we are grateful, that the repeal of the United Kingdom Act would prevent notaries public from attesting declarations in Penang or, for that matter, in

any seaport. This is a legal technicality with which I will not weary this House, but it is an important one from the point of international, commercial and maritime usage. It is therefore necessary to amend the Notaries Public Ordinance to establish conformity between that Ordinance and this Act, and I hope to introduce the necessary amending legislation at the next meeting. When the latter legislation has been enacted, Sir, I shall forthwith declare the present Act to be in force.

Enche' D. R. Seenivasagam: Mr. Speaker, Sir, there is only one point which intrigues me very much, and I hope the Honourable Minister will kindly enlighten us, and that is this. The Statutory Declaration in the Malay language is all in Malay except when it comes to the person who takes the Oath and it says: "*Tanda tangan* President Sessions Court, Magistrate *atau* Commissioner for Oaths". Do I understand that there are no equivalent Malay words for "President, Sessions Court, Magistrate or Commissioner for Oaths"?

Enche' Zulkiflee bin Muhammad: Tuan Yang di-Pertua, saya pun hendak berchakap tentang itu tadi dan saya yakin benda ini bukan-lah tidak ada tetapi sengaja tidak hendak di-bubohkan.

Dato' Suleiman rises.

Mr. Speaker: Sabar dahulu barangkali ada Ahli lain yang hendak berchakap.

Dato' Suleiman: Sir, it is not that there is no Malay word for "President" but the whole trouble is that we must do it gradually, because "President" is understood throughout the country at the moment. But I must admit, Sir, at the moment I have forgotten the Malay equivalent of "President"; that goes to show that sometimes, at this stage, to use the word which is understood by everybody is best.

Kapada Ahli Yang Berhormat daripada Bachok, ada huruf Melayu sabagai yang di-nyatakan itu tetapi saya minta ma'af bagi diri saya pada pagi ini, saya sendiri terlupa; bukan saya ta' tahu, kadang² terlupa juga huruf "President" itu dalam bahasa

Melayu-nya. Tetapi kalau di-gunakan huruf "President" kata Yang Berhormat itu, orang tidak mengerti. Kalau Ahli Yang Berhormat daripada Bachok ber-setuju, kita menggunakan-lah dahulu huruf itu kerana tidak merosakkan kapada perjalanan dan pengertian kapada orang ramai. Sunggoh pun Ahli Yang Berhormat daripada Ipoh tadi mengatakan begitu juga, barangkali Ahli Yang Berhormat itu tahu bahasa Melayu tetapi ada juga yang tidak tahu bahasa Melayu, nanti barangkali dia fikir siapa dia itu. Sebab itu-lah saya buat pelahan² dahulu. Saya perchaya Ahli Yang Berhormat daripada Bachok bersetuju.

Dato' Onn bin Ja'afar (Kuala Trengganu Selatan): Ada-kah di-fahamkan ia-itu perkataan "Yang di-Pertua" itu tidak ada?

Mr. Speaker: Just explanation only, you can. But not to debate.

Dato' Onn bin Ja'afar: Saya minta keterangan daripada Menteri Yang Berhormat itu, ada-kah saya mesti faham perkataan "Yang di-Pertua" itu dan tidak pula di-fahami oleh orang ramai, hanya perkataan "President" itu sahaja yang mereka faham?

Dato' Suleiman: I would like to reply, Sir. Tuan Yang di-Pertua, perkataan itu tidak di-erti oleh orang Melayu tetapi perkataan "Yang di-Pertua", pada hari ini hanya-lah di-gunakan di-Klap² sahaja. Jadi berlawanan kalau kita gunakan kapada Mahkamah. Kalau Ahli Yang Berhormat daripada Trengganu Selatan, dia tentu-lah faham kerana Ahli Yang Berhormat itu mahir, saya pun tahu benar. Tetapi macham diri saya, kadang² saya pun terlupa atau tidak berapa faham. Jadi, itu-lah saya katakan biar-lah kita bagi faham kapada orang ramai.

Enche' Othman bin Abdullah (Tanah Merah): Tuan Yang di-Pertua, Menteri Yang Berhormat itu kata, dia tidak faham tetapi peratoran ini kita hendak bagi kapada dia atau hendak bagi kapada orang ramai? Dan sudah saya bertanya kapada Dewan Bahasa dan Pustaka, tentang menggunakan bahasa Kebangsaan itu tidak menjadi soal.

Dato' Onn bin Ja'afar: Saya minta penjelasan, perkataan "Yang di-Pertua" yang di-gunakan kapada Klap itu, ada-kah di-sipatkan Dewan Ra'ayat ini Klap juga? (*Ketawa*).

Question put, and agreed to.

Bill accordingly read a second time and committed to a Committee of the whole House.

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(*Mr. Speaker in the Chair*)

Clause 1:

Dato' Suleiman: Sir, I beg to move that clause 1 be amended as follows:

In line 2 immediately after "1960" delete the fullstop and insert the following—

"and shall come into operation on such date as the Minister charged with responsibility for justice may by notification in the *Gazette* appoint."

Amendment put, and agreed to.

Clause 1, as amended, ordered to stand part of the Bill.

Clause 2:

Dato' Suleiman: Sir, I beg to move that clause 2 be amended as follows:

In line 3 immediately after "1947," to insert—

"or, subject to the provisions of section 4 of the Notaries Public Ordinance, 1959, any notary public appointed under the Notaries Public Ordinance, 1959,"

Amendment put, and agreed to.

Clause 2, as amended, ordered to stand part of the Bill.

Clauses 3 to 5 inclusive ordered to stand part of the Bill.

Schedule—

Enche' Zulkiflee bin Muhammad: Tuan Yang di-Pertua, saya hendak mengemukakan satu pindaan. Ada pun penerangan yang di-berikan oleh Tuan Menteri Yang Berhormat itu tadi tak dapat saya mengertikan. Oleh itu, walau pun saya rasa soal penterjemahan ini patut terlebih dahulu di-selesaikan oleh Kementerian yang berkenaan, sebab di-sana sanggop perkara² itu di-buat. Apa salah-nya di-buat umpama-nya talipon sekejap

sahaja kepada Dewan Bahasa dan Pustaka untuk mendapatkan perkataan Melayu. Perkataan Inggeris itu tak sedap sangat bunyi-nya, dan undang² ini pun tidak sedap diluluskan dengan tidak di-terjemahkan dahulu perkataan³ Inggeris itu. Oleh itu, saya menhadangkan pindaan ini; ia-itu tentang nama pegawai yang mengambil surat sumpah itu atau tanda sa-sudah tanda tangan itu di-gantikan dengan—

“Yang di-Pertua Mahkamah Tengah, Pengadil atau Pesurohjaya Sumpah.”

Dan, Tuan Yang di-Pertua, saya berharap kepada Menteri Yang Berhormat tolong-lah terima pindaan ini (*Ketawa*), sebab soal ini kalau tak di-terima, tak sedap.

Mr. Speaker: Mengikut Standing Order ini hendak-lah di-beri satu salinan berhubung dengan pindaan yang hendak di-chadangkan ini, dan pindaan yang hendak di-datangkan itu hendak-lah penoh betol, tetapi kalau macham ini saya fikir lebih baik saya bachakan kerana nanti semua orang pun hendak berbuat demikian.

Enche' Zulkiflee bin Muhammad: Tuan Yang di-Pertua, oleh kerana pindaan ini

Mr. Speaker: Tulis dengan penoh apa yang hendak di-buang, dan apa hurof yang hendak di-gantikan.

Enche' Zulkiflee bin Muhammad: Sekarang, Tuan Yang di-Pertua, fasal saya tak sangka perkataan itu dalam bahasa Inggeris. (*Surat pindaan di-hantarkan kepada Tuan Yang di-Pertua*).

Mr. Speaker: Pindaan-nya di-buang perkataan²—

“President Sessions Court, Magistrate atau Commissioner for Oaths.”

Pada Jadual muka 2 dalam Rang Undang² ini dan di-gantikan dengan hurof² yang di-bawah ini—

“Yang di-Pertua Mahkamah Tengah, Pengadil atau Pesurohjaya Sumpah.”

Tun Leong Yew Koh: I would like to say, Sir, that the amendment is acceptable.

Dato' Suleiman: Sir, we accept the amendment, but may I say this, ia-itu saya terima pindaan ini, tetapi saya

hendak menumpang sedikit kerana memberitahu di-sini ia-itu sa-bagaimana yang telah saya katakan tadi bahawa pindaan ini belum lagi, bagi diri saya belum dapat mengetahui apakah terjemahan daripada Dewan Bahasa dan Pustaka, tetapi oleh kerana saya tak dapat itu maka saya terimalah pindaan ini; sekadar saya record kan itu kerana menerima oleh orang yang memberi hurof ini. Dari itu, perkataan President Sessions Court, Tuan Yang di-Pertua, sama ada Yang di-Pertua Mahkamah Tengah atau tidak, saya sendiri pun tak berani hendak berchakapkan betul, tetapi oleh kerana sama tengah maka saya terima. (*Ketawa*).

Amendment agreed to.

Schedule, as amended, ordered to stand part of the Bill.

Bill reported with amendment: read the third time and passed.

THE ARMS BILL

Second Reading

The Deputy Prime Minister (Tun Abdul Razak): Mr. Speaker, Sir, I beg to move that a Bill intituled “an Act to amend and consolidate the law relating to arms, imitation arms and ammunition” be read a second time.

Sir, under the Constitution the subject of arms is the responsibility of the Federal Government. The present legislation for arms licensing varies from State to State and is of some antiquity; for example, the Johore Arms Enactment is dated 1912, and a single and up-to-date law is needed. This need the present Bill, which is based on the Arms Enactment of the Federated Malay States, aims to fulfil.

Like the Arms Enactment, the Bill has one principal object and that is to provide that no person in this country may possess, carry or use any firearm or ammunition unless he holds a licence or permit. Clause 3 of the Bill which contains this provision may, therefore, be looked upon as the kernel of the legislation.

I do not intend, Sir, to go through the Bill clause by clause since many of the provisions are revisions of

similar provisions in the present legislation, and this Bill has been under consideration for many many years. I should, however, like to point out to Honourable Members the more important provisions especially where changes have been introduced as compared to the Arms Enactment.

The first major change is related to the fact that the present law provides for the licensing of arms only and ammunition is licensed under the Explosive Enactment. To simplify this procedure, the Bill provides for the licensing not only of arms but of the ammunition for such arms.

Clause 5 contains a new provision under which no arms licence can be granted or renewed for certain types of weapons such as repeating short-guns, hand grenades or bombs. Also under this clause, the normal age, which an applicant for an arms licence or permit must have attained, is raised from 16 to 18 years in view of the increase in the crime rate among young persons in the country.

Under Clause 6 (1) of the Bill, exemption from licensing, except in certain cases as set out in Clause 6 (2), is now limited to His Majesty the Yang di-Pertuan Agong, Their Highnesses the Rulers and Their Excellencies the Governors since the present exemption is too wide for practical purposes. I do, however, intend to exempt Members of Parliament and Members of Legislative Assemblies and Executive Councils from the payment of licensing fees.

Certain penalties for offences under the Bill are higher than the penalties for similar offences under the present law. For example, the penalty of imprisonment for possessing or carrying arms without a licence or permit has been increased, as shown in Clause 9, to imprisonment for a maximum of seven years in comparison with a maximum of three years in the Arms Enactment.

The two Ordinances, the Carrying of Arms Ordinance, 1947, which, Honourable Members will remember, is renewed each year and the Firearms and Ammunition Ordinance, 1946,

will be repealed, as shown in the Third Schedule to the Bill. These two laws were introduced just before the Emergency to provide heavy penalties including the death penalty for unlawful possession of arms and for carrying and using arms.

Clauses 10 to 23 contain provisions for the licensing of dealers and repairers of arms, for the transfer of arms and for their importation and exportation, and are based on similar sections in the Arms Enactment.

An important change has been incorporated in Clause 24. Under the present legislation there is no provision for an appeal from a licensing officer's refusal to grant or renew a licence or permit. Under Clause 24 any person dissatisfied by licensing officer's decision may appeal to the Minister responsible.

Clauses 25, 26, 27 and 29 contain enforcement powers for the search of persons and buildings and for entry on to land.

Clause 28 (1) which is taken from the Emergency Regulations enables returns to be called for of any class of arms and ammunition. This provision is intended for use at any time when an up-to-date record is needed of arms and ammunition in the country.

Severe penalties are provided under Clause 30 for persons who use arms or imitation arms with intent to resist arrest and for persons who are in possession of arms or imitation arms at the time of committing any offence specified in the First Schedule to the Bill. The threat from an imitation arm in the commission of a crime is as great as the threat from an arm which is actually capable of firing. Therefore, it is the intention of Government to reduce the number of crimes committed as a result of the use of imitation arms. The importation and possession of imitation arms without a licence by persons over the age of 13 years has, therefore, been made an offence under Clause 33. Now, under Clause 33, there is a safeguard in that no prosecution can be made without the sanction of the Public Prosecutor, and

I must repeat here again that it is important that we must have this provision to stop the use of the imitation arms in the commission of crimes, as Honourable Members may realise how dangerous it is for example, that a water pistol can be used to discharge acid which, as you know, is very dangerous. There are also provisions in Clause 34 against shortening arms and converting imitation arms so that they may be used as actual weapons.

Clauses 35 to 51 contain a number of administrative provisions which, except for Clause 37, are based on corresponding sections in the Arms Enactment. Under Clause 50, regulations can now be made to provide for the taking of photograph and fingerprints of applicants for licences or permits. It is desirable that such regulations can be made so that the Police can, in certain cases, check the records when there is reason to believe that an applicant had previously been convicted of a registrable criminal offence. Such proofs of identity will not normally be required.

Clause 37 of the Bill provides that a Chief Police officer may now delegate his powers for licensing arms, etc., to gazetted police officers and certain of these powers to superior police officers, but these officers will refer to the Chief Police Officer for his approval under Clause 24 (1) before refusing the grant or renewal of a licence or revoking or suspending it.

Finally, I should like to call the attention of Honourable Members to the Second Schedule to the Bill which sets out the scale of fees payable for the various licences. In most cases, these fees have been increased by twice the amount of the present fees. The fee under item 11 (a) however, for a shotgun licence for the protection of agricultural produce, remains unaltered, and I should like to say that the present fee was fixed many many years ago and has become out of date in present conditions.

Sir, I beg to move.

Dato' Suleiman: Sir, I beg to second the motion.

Enche' Chin See Yin (Seremban Timor): Mr. Speaker, Sir, in regard to this Bill, I have two suggestions to make. I wish to refer first to Clause 5 of this Bill. Clause 5 says that no arms licence shall be granted or renewed for a certain type of arms. In this case, I must say that there is no provision made in this Clause for compensation. I refer to the question of compensation, because, during the period of the Emergency, a very large number of firearms have been sold to and bought by the kampong folks for the purpose of defending their kampongs and also for the purpose of cultivation and looking after the young rubber. Since then, quite a number of these firearms licence holders have not been granted renewal of their licences and, as the result, they have had to surrender the firearms to the Police, and, in so doing, have suffered a loss. These kampong folks had to save in order to purchase a gun—it meant a very large sum of money to them, even a hundred dollars—and when this gun was surrendered to the Police, the Police made use of it. If the Police should make use of it, the authority must pay for it. I know that in this country there are thousands of such arms that had been surrendered, because owners were not permitted to renew their licences. I think, in fairness, they should be given certain compensation, because these arms were used by the authorities, and I hope the Honourable the Deputy Prime Minister will kindly consider to include a clause whereby provision can be made so that compensation can be given in such cases. I suggest this because, if the Police had given licences to persons to purchase firearms and then afterwards had refused renewal of licences, then compensation should be given unless, of course, the licence holders are permitted to sell the guns.

The other Clause which I would like to refer to is Clause 33, page 19. This Clause, as it stands, is very simple, but if we were to look into

it in detail, follow it very carefully, we will find that quite a number of problems will be created as a result. For instance, Sir, Clause 33 (1) reads:

"Any person who shall import or have in his possession or custody an imitation arm shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding two thousand dollars or to both such imprisonment and fine:

Provided that it shall not constitute an offence under this section—

- (a) for a person under the age of fourteen years to possess an imitation arm; or
- (b) for any person to import or be in possession of an imitation arm under and in accordance with a licence, in such form as may be prescribed, issued by the Chief Police Officer of the State in which such person resides or, in the case of a person importing such arms in the ordinary course of business, in which he carries on business."

So, in this case, there are three aspects to it. Firstly, you say that a person may be licensed to sell arms—these imitation arms. Secondly, you turn round and say that a child under the age of 14 can be in possession of such imitation arms. Then, Sir, we come to the third aspect which is not included here. All over the country you will find imitation arms in every shop which are freely sold. Now, let me deal with the first aspect of it. If you will allow a licensed dealer to import these imitation arms, it is only natural that he will be selling them to other shops. Must the other shops apply for such a licence? According to this, it is necessary. If it is necessary, then a shopkeeper who has several children under the age of 14, and they possess imitation arms, has no need to have a licence. Unwittingly this happens to be in the shop-front: the child plays with an imitation arm and a Police officer walks into the shop and tells the shopkeeper, "Oh, you are selling imitation arms without a licence", and the man is taken in. I agree that the provision is there to the effect that no prosecution can be made unless the matter has been referred to the Deputy Public Prosecutor or the Public Prosecutor. That being the case, the man has got to go to the police Station to explain away the problem that has been created by his

children. He has to waste, possibly, several days to prove that he is not selling the imitation arms though such was found in his shop by the Police officer. This problem has got to be given consideration.

The other thing, Sir, is that the selling of imitation arms has been so free in this country that it is taken for granted that there is no problem, but with this law coming into force, the moment we pass it, it is enforced. Are we not going to give time to these dealers, who are now trading in imitation arms, so that they can surrender them to the authority? Moreover, if you have unscrupulous dealers, they just buy these imitation arms at a low price; otherwise those who are in possession of these will have to throw them into the drains or into the dustbins. Look at the sufferings, the hardships, that are likely to be caused to these traders.

Now, Sir, a permit is necessary for an adult to carry these imitation arms. Supposing I am going along the street, having bought a toy-gun for my son; my son will say, "Daddy, please keep that in your pocket," and I did that just to oblige my son, but I am in for trouble because I am more than 14 years old. Sir, this is a problem that is going to create a lot of hardship to the innocent people, particularly to those who live in kampongs and in villages—innocent people, the illiterate people.

Sir, in view of what we have heard from the Honourable the Deputy Prime Minister, that even a toy-gun such as a water pistol can be used for a very dangerous purpose, I suggest that there should be an absolute ban on the importation of imitation arms. Let us not have it at all. If you are going to allow the child to play with imitation firearms, then you are going to give a lot of problems to the innocent people. I do not think it is a good thing to allow the sale of imitation arms for many reasons and, therefore, I hope that the Honourable the Deputy Prime Minister will ban the importation of imitation firearms. If you want to allow the importation, let it be free as we have it just now and carry on

business as usual. However, in view of the cases we have heard happening in our neighbouring countries, just across the causeway, I think we should ban the importation and sale of imitation firearms.

Enche' Lim Kean Siew (Dato Kramat): Mr. Speaker, Sir, we are not rising to oppose this Bill at all, because we think it is very necessary to control dangerous weapons. We have, of course, instances, where, on the excuse of protecting a person's life, elected representatives of the people, who should have no fear of the legislation at all, have been known to carry arms and to use arms at the least provocation. So far we are lucky that no one has been killed. But such a happy state of affairs may not last forever. It is, I think, a well-known fact that organised violence or organised attempt at violence are usually accompanied by arms, because very often people who indulge in these things believe in instilling fear in other people, and they are to that extent also covered.

We have even the Honourable Member from Ipoh—who is quite a brave man as we all know, we have heard him in Parliament—carrying a gun. I asked him the other day “Why do you need to carry a gun?” And he said, “Oh, you don't know Kean Siew. When I go to election rallies I run into members of the Opposition.” “Not the Socialist Front,” I interrupted. “No, no,” he replied “not the Socialist Front. Some other party which shall remain unnamed. There is always the great fear that thugs will be used against me and when thugs are used I might be shot. Therefore, I carry a gun to defend myself.” So, we have an instance here in Parliament of two members of both sides of the House, both carrying guns because one is afraid of the other. It is very fortunate, Sir, that our Honourable Member from Ipoh is hale and hearty and can defend himself both in Parliament and outside; and it is also perhaps fortunate for us that no one has accused any one of us of thuggery with arms, although I think the Honourable Member for Rawang nearly came to that yesterday when

he said that in a recent local election thugs were used by a certain party and that a gun had been used by a councillor from that party namely, the M.C.A. Therefore, he came nearly to saying this: arms equal thuggery; thuggery equals M.C.A.!

Now, the reason why we are not opposing this Bill is because it is our belief that this Bill was very carefully drafted at a time when there was no political or emotional stresses. That is to say that in parts it is merely re-enactment of an old Ordinance. We see under sections 26, 27, 28 and 33 that is only a gazetted police officer or an Officer in Charge of a Police District that is to say policemen of some rank—who may only act if he has reason to believe—who can exercise the powers granted under this Act. For example, sub-section (2) of section 28 says:

“Any gazetted police officer or any Officer in Charge of a Police District may, for reasons to be first recorded by him, authorise . . .”

—therefore, his reasons can be challenged in court—

“by name and in writing any police officer not below the rank of corporal to require any person, or the persons living in any locality within his jurisdiction, to produce his or their licence or licences . . .”

The only section is section 29 where it states that any police officer may enter and remain on any land. But the section says “Any police officer may enter and remain on any land or premises other than a dwelling-house”—“other than a dwelling-house”—that means he cannot break into somebody's home—“at and for such time as may be reasonably necessary . . .”. Note that the word “reasonably” is there.

Then in section 33—and here I must contradict my friend from Seremban—it says that where there is to be a prosecution of any person in possession of imitation arms the sanction of the Public Prosecutor must be obtained—not a Minister but a legal man in charge of prosecution, who knows that the intent and purpose of this Bill is to prevent thuggery. Therefore, his fears in this instance are not valid. It is for this

and other reasons that we support this Bill.

Compare this Bill to the Bill we had yesterday where any person from a Minister down to a police officer can act without any reason at all and the reasonableness of their decisions cannot be challenged in any court of law. We believe that dangerous weapons are the source of a lot of mischief; we also believe that although personally we do not like any person, even children, to play with guns, there are some people who like their children to work off their aggression by playing cowboys and Red Indians or as members of the security forces and terrorists (*Laughter*). But it is reasonable I think that there should be no prosecution for any child under 14 because it is obvious that if a child under 14 carries an imitation gun, nobody is going to get frightened of him. The object of the section is then that if somebody carries an imitation gun he has it for two purposes, either he is playing with the gun or he is trying to frighten somebody with that imitation gun. A boy of 14 may try to frighten people, but nobody is going to be frightened by him. But a man above 14 years cannot be assumed to be playing the fool with an imitation gun. In view of what I have said, I would like to end with this—that arms licences should not be issued even to Members of Parliament unless the C.P.O. deems that the situation in the State in which he represents his people is in such a state of danger that he is likely to lose his life or his limbs, although I hope that none of the M.Ps. would ever apply for a licence. Licences should be issued to people in general for defence of persons in dangerous areas or security areas, or for protection of property—to men like the estate managers—or for the hunting of pests and perhaps generally for the hunting of dangerous animals. But if we are going to give licences to people who shoot for sport, we must also be careful that when a person says he wishes to shoot for sport, that he is not in fact trying to work out his personality distortions.

Enche' Ahmad bin Arshad (Muar Utara): Tuan Yang di-Pertua, saya ada-lah menyokong penoh Rang Undang² mengenai kawalan senjata terhadap orang² awam dengan segala butir yang ada di-hadapan kita ini. Sebab-nya saya menyokong penoh atas Rang Undang² ini kira-nya di-biarkan senjata api ini berluas²an pada orang ramai maka satu daripada perkara yang boleh mengganggu ketenteraman orang ramai, kerana mereka salah gunakan senjata itu mengikut atas kemarahan hati masing² dengan menggunakan senjata api menembak rakan-nya yang dia marah itu. Dan ini juga telah berlaku dua kejadian tembak-menembak dengan menggunakan senjata api di-kawasan saya Muar Utara di-mana satu Melayu tembak Melayu dan satu lagi Melayu tembak China.

Yang kedua-nya, sebab saya menyokong penoh dengan ada-nya senjata api ini berluas²an kepada orang ramai yang mana boleh membinasakan binatang² liar yang berada di-dalam hutan, kerana mereka yang ada mempunyai senjata api itu akan menggunakan ia-itu memburu binatang² liar di-dalam hutan seperti seladang, rusa dan lain² lagi. Dengan ini sakira-nya tidak di-kawal dengan ketat, neschaya khazanah hutan belantara dalam Tanah Melayu ini akan binasa, kerana binatang² liar itu akan di-binasa dan mematikan dengan tiada berhad.

Ketiga, sebab-nya saya memberi sokongan kerana satengah daripada mereka yang ada mempunyai senjata api itu ada-lah bersemangat lemah, maka dengan semangat lemah itu mudah sahaja dia menyarahkan senjata api itu kepada kumpolan² orang jahat. Ini juga telah berlaku dalam kawasan saya ia-itu dalam masa Undang² Dharurat berjalan dahulu yang mana 11 laras senapang telah di-beri kepada penjahat² komunis, mereka itu takut kena ugutan yang datang dari peng-ganas² komunis dalam kampong itu. Maka dengan keadaan ini saya ada-lah menyokong penoh atas Rang Undang² ini, sa-lain daripada itu gemar juga saya menggambarkan sa-bagaimana yang telah di-terangkan oleh Yang Berhormat wakil dari Seremban Timor ia-itu di-kawasan saya Muar Utara

lebih 1,000 laras senapang juga termasuk pistol telah di-ambil oleh Kerajaan yang tidak membenarkan membarukan licence-nya, asal-nya mereka yang menyimpan senjata itu atas dua tujuan. Yang pertama-nya kerana menjaga tanam²an, yang kedua kerana menjadi Home Guard atau Anggota Kawalan Kampong pada masa itu. Ini ada-lah menjadi satu sungutan kepada mereka yang mempunyai senapang itu dan di-samping itu mereka merayu kepada saya agar meminta satu jalan bagaimana supaya senapang² mereka itu dapat kembali semula, oleh sebab hendak di-gunakan untuk memenohi mangsa² yang telah membinasakan pokok² tanaman-nya. Senjata yang telah di-ambil oleh Kerajaan ia-itu sejak tahun 1954 hingga tahun 1959. Baharu² ini senjata² mereka yang telah di-ambil dalam tahun 1959 dahulu oleh pihak Polis negeri Johor telah mengeluarkan satu borang kepada mereka ia-itu di-beri tiga syarat.

Pertama ada-kah senjata itu hendak di-serahkan kepada Kerajaan. Kedua sakira-nya mereka ada mempunyai duson atau kebun baharu mereka akan di-timbangkan supaya di-beri licence semula. Ketiga sakira-nya mereka tak ada mempunyai kebun atau duson maka mereka boleh menyatakan berapa harga senapang yang mereka punyai itu hendak di-jual. Segala borang² yang mereka isikan itu telah di-sampaikan kepada pihak Pegawai Polis. Sementara itu bagi pihak Pegawai Polis menimbangkan rayuan bagi memberi licence kepada tuan² punya senapang itu, gemar juga saya menarek perhatian pihak yang berkenaan agar jangan salah memberi licence itu, sebab sa-bagaimana yang saya tahu beberapa orang yang mereka tak berhak, tidak berkelayakan mempunyai senapang senjata api itu di-mana di-sebalek-nya mereka dapat ia-itu daripada gulungan² orang tengah yang kerja-nya memajak duson kampong dengan tidak mempunyai tanah, tetapi mereka memberi keterangan kepada Pegawai² Polis dengan surat² pajak kebun atau duson pada kampong² itu bagi mendapatkan licence, tetapi orang² kampong di-sebalek-nya mempunyai grant bagi duson² itu yang kadang² pula tak

mendapat licence senapang. Jadi, oleh kerana kerja memajak itu mendapat satu keuntungan yang besar yang mana mereka ada mempunyai senapang di atas segala kebun² yang di-pajak-nya itu. Oleh kerana itu, saya memberi sokongan serta menarek perhatian kepada pihak Kementerian yang berkenaan.

Enche' D. R. Seenivasagam: Mr. Speaker, Sir, I rise to support the Arms Bill, but there are a few strong observations I would like to make. Arms in the hands of proper persons are a useful form of protection and are for maintenance of law and order but arms in the hands of wrong persons become deadly and dangerous weapons. The sole discretion in granting a licence or refusing a licence is with the Chief Police Officer, and I know that when an application is made that application—whether from an M.P. or a Minister or a Member of the State Assembly—does not go through automatically. It is sent to various departments, checks are made on it, the necessity or otherwise of that application is considered, and then that licence is either granted or not granted.

I do not know whether members of the Socialist Front had the courage to apply for fire arms or they have been refused as people who should not have fire arms. But I do know one thing, that some members of the Socialist Front are interested in applying but they are doubtful whether they will receive their licences; and, secondly, they would like to know how much a gun would cost. Mr. Speaker, Sir, the Honourable Member from Dato Kramat made an allegation on to me, putting the blame on me, trying to say that I suggested that all M.C.A. men are thugs. That is not absolutely correct. In fact, it is not at all correct. What I did say was that there are a lot of "bull men" around and there are also a lot of M.C.A. men around, and that the "bull men" with their horns are equally dangerous as the M.C.A. men (*Laughter*).

Mr. Speaker, Sir, leaving that aside, one thing is clear, that at elections

violence is breaking out. That is absolutely and positively clear in this country. But what is more shocking is that members of this House, like cowboys, have drawn out their revolvers and shot in the air and shot on the ground. That is what is most shocking. There were armed police, riot squads with arms and with tear gas around, but none of them opened fire, and a Member of this House opened fire. That is a matter of very serious concern. Therefore, I would ask the Ministry to urge the C.P.Os. on the necessity of being very careful in considering applications for fire arms, and anybody who misuses a fire arm should have that fire arm confiscated straightaway, because there is no justification whatever, unless you are physically attacked, for pulling out your fire arm at a public meeting or a public gathering.

Mr. Speaker, Sir, leaving Members of Parliament aside—leaving aside all persons who are supposed to be responsible citizens—let us take the question as to who is able to get a fire-arm. Unemployed persons, persons without anything to protect, persons who under no circumstances whatsoever are going to be attacked by anybody else, are in possession of fire arms. Why is that? How do they get those fire arms? Because they have been recommended either by a Senator or by an M.P., they got their fire-arms. They are not politicians, they are not bankers, they are not owners, they do not live in far-away kampongs. They live in the heart of the town, but they are unemployed and yet they get fire arms. And those unemployed persons when an election comes round, get into a motor car trailing other parties that go around—I am not mentioning the parties—but they trail their opponents in loud-speaker vans and suddenly they get down and say “attack him, attack him” and pull out their revolver and point it at him. Mr. Speaker, Sir, such unemployed persons are in possession of revolvers. Therefore, I again say the C.P.Os. must take very great care in issuing these licences.

With regard to the question of imitation arms, this is a very great and difficult problem to solve because it is

not simple. We just cannot say that anybody who wants to import must get a licence—we know that in this country the most number of imitation arms or toy pistols are sold on the roadsides in the towns: old women, young boys, sell on the roadsides, dozens and dozens of them. I think there must be, as suggested by the Honourable Member from Seremban, a surrender period when they can give in their arms or something like that, because if you are going to enforce this law at once, there will be great difficulty. I don't support the total banning of toy pistols, because they serve as a form of toys for children.

There is one significant Clause in this Bill which I think is an error and should be amended, and that is the definition of “arms”. Under Clause 2, “arm” means, any lethal barrelled weapon. Then, there is a definition of “imitation arm”, which means anything which has the appearance or is intended to give the impression of being an arm. Then we look at Clause 3, which says:

“Subject to the provisions of this Act and any regulation made thereunder, no person shall have in his possession, custody or control any arms or ammunition”

Then, if we look at Clause 33, it says:

“Any person who shall import or have in his possession or custody an imitation arm”

There the word “imitation” is used—there it bars a person from importing or having in his custody. Now, the definition under Clause 3—“no person shall have in his possession” and so on, is only in respect of arms, not of imitation arms. Two specific definitions have been given, one of arms, and one of imitation arms. Imitation arms is covered under Clause 33, but is not covered under Clause 3. Therefore, if I know anything of law, a person can be in possession of imitation arms and won't come under the prohibition of Clause 3. I ask the Minister to consider whether an amendment is not necessary to add the words “arm or imitation arm”.

Enche' Zulkiflee bin Muhammad:
Tuan Yang di-Pertua, menyatukan beberapa undang² yang bersangkutan

dengan senjata kepada undang² ini amat-lah baik; ini menyenangkan kita dalam soal senjata di-negeri ini. Tetapi dalam memperkatakan undang² ini patut-lah kita membahathkan sedikit sa-banyak soal dasar yang hendak dijalankan. Undang² ini di-Fasal 4, menyatakan ia-itu bahawa bagi mempunyai senjata seperti yang di-ta'arifkan ada-lah di-tetapkan oleh Ketua Pegawai Polis Negeri. Beberapa orang Ahli Yang Berhormat tadi telah membuat ulasan berkenaan dengan mengguna dan mempunyai senjata. Saya rasa Kerajaan Persekutuan tentu-lah berkewajipan membuat dasar yang tetap di-dalam perkara ini, sa-kurang²nya bagi kegunaan dari satu masa kasatu masa. Saya tahu ia-itu ada beberapa kampung yang saya lawati; senjata tidak di-benarkan, senjata yang di-maksudkan di-sini ia-lah senapang patah yang di-gunakan kebanyakan untuk menembak tupai. Mereka berkehendakkan senapang patah untuk menembak tupai. Perkara ini saya rasa patut-lah Ketua Pegawai Polis itu diberi arahan supaya di-rengankan pemberian-nya kepada mereka itu. Sebab kalau dalam satu² kawasan tidak ada 1-2 senapang untuk maksud yang demikian, maka payah-lah kehidupan orang kampung. Hal yang seperti ini saya tidak-lah menyebutkan sa-mata² kerana kawasan saya, tetapi yang saya sebutkan ini supaya Kementerian ini membuat dasar, sebab meletakkan kuasa ini kepada Chief Police Officer walau pun dia mempunyai pentadbiran dan pandangan-nya sendiri, tetapi sa-kiranya Kementerian berdasarkan kepada perkembangan kehidupan ra'ayat pada masa ini dengan memberi arahan yang tetap, saya percaya bahawa hal ini dapat di-rasa dengan puas hati oleh tiap² pehak.

Tuan Yang di-Pertua, bagi pehak saya dalam soal mengawal tanaman tidak-lah di-jadikan soal asas bagi Kementerian banyak tanah yang bergeran (grant) tetapi tidak-lah mementingkan pengawalan senjata. Saya pandang hal ini tidak-lah di-khuatirkan. Dalam perkembangan politik negeri ini dan di-dalam orang² yang menggunakan senjata bagi kekerasan, Kementerian patut benar-lah mengkaji dasar-nya, sebab, Tuan Yang di-Pertua,

di-dalam masa memberi sharahan di-satu² tempat, saya pernah berhadapan dengan sa-orang yang memakai pistol yang pistol-nya itu tertunjol di-seluar-nya. Jadi, tentu-lah keadaan yang samacham ini walau pun tidak menakutkan sa-saorang yang bersharah, sebab ta' kan-lah dia hendak merbahayakan orang itu menentang dengan diri-nya sendiri, tetapi amat-lah merbahayakan sa-kira-nya, dalam masa beramai² bagitu, timbul keadaan yang tidak di-ingini. Hal ini tidak berlaku dalam Pilehan Raya, tetapi ada-lah berlaku sudah lama awal tahun 1959. Jadi, inilah masa-nya dasar berkenaan dengan hal ini patut-lah di-buat oleh Kementerian yang bersangkutan. Apabila kita memperkatakan dasar bagi memberi senjata ini, saya tertarik hati kepada Fasal 5 bahagian (2) ia-itu senjata tidak boleh di-beri atau di-baharui kepada sa-saorang yang di-bawah 18 tahun, tetapi orang yang di-atas 16 tahun dan di-bawah 18 tahun pula ada mempunyai keadaan yang istimewa yang di-bolehkan ia mendapat kebenaran mempunyai senjata ia-itu:

"Provided that the Chief Police of the State in which an applicant of at least sixteen but under the age of eighteen years resides"

Di-dalam mengadakan satu peratoran bahawa orang yang di-atas 16 tahun dan yang di-bawah 18 tahun di-bolehkan memegang senjata, saya rasa dalam hal ini Kementerian ini elok-lah memikirkan sama ada menasabah kita pakai. Sebab kalau kita chari apa-kah jenis hujah yang patut umur 16 tahun memegang senjata; saya tidak nampak, melainkan barangkali anak Duli² Yang Maha Mulia Sultan umpama-nya kalau hendak menakut²kan. Sa-lain daripada itu saya tidak ada jalan apa-kah circumstances-nya dan saya harap Yang Berhormat Timbalan Perdana Menteri dapat menerangkan, sa-kurang²nya bagi pengetahuan Chief Police Officer ini supaya tidak di-banyakkan-nya orang² yang mempunyai "exceptional circumstances". Sebab orang yang di-bawah 18 tahun memegang senjata api apabila di-timbangan saya rasa orang itu tidak bertanggung-jawab dan mudah naik darah juga mudah menyalah gunakan senjata yang di-beri

Dalam section 33, Tuan Yang di-Pertua, ada-lah satu section yang pada fikiran saya payah. Sebab apa payahnya, Tuan Yang di-Pertua, sunggoh pun apabila di-tangkap sa-saorang dibawah fasal ini ia tidak boleh di-da'awa melainkan sa-sudah mendapat sanction

Enche' Othman bin Abdullah (Perlis Utara): Tuan Yang di-Pertua, saya bangun berchakap sedikit berhubung dengan senjata api dan menyokong penoh bagaimana chadangan² yang telah di-bawa ini. Undang² Senjata Api ada-lah sangat sesuai mengikut perkembangan orang² untuk menjaga

keselamatan negara dan masharakat kita kerana sa-malam kita telah pun meluluskan satu Undang² Keselamatan Dalam Negeri, oleh sebab negeri kita telah di-ishtiharkan di-bawah Undang² Dharurat semenjak tahun 1948. Dengan ada-nya Kominis dan gerakan subversive tentu sa-kali banyak-lah kedatangan kesalahan² kerana memileki senjata api kerana walau macham mana pun Kominis bergerak di-dalam hutan tetapi hujong-nya maseh ada di-mana² sahaja di-dalam pekan atau di-kampung² terutama sa-kali di-cherok² yang jauh daripada pekan.

Senjata² api dan peluru² di-gunakan oleh penjahat² Kominis dan penjahat² yang lain ada-lah di-perchayai datang-nya daripada luar negeri dan tidak kurang pula yang datang-nya daripada negeri ini sendiri. Oleh sebab peluru², senapang² dan pistol² sangat di-perlukan oleh penjahat² Kominis dan orang² yang menjalankan gerakan subversive maka peluru² pistol dan peluru² senapang itu ada-lah menjadi satu barang perniagaan oleh sa-tengah² orang yang chuba menchari keuntongan dengan berniaga peluru pistol dan peluru senapang untuk di-bawa ka-daerah² yang berperengan dengan negeri kita ia-itu umpama-nya perenggan Siam dengan tidak di-ketahui oleh kedua buah Kerajaan itu kerana perhubungan itu di-jalankan dengan chara sulit. Sebab kawasan saya berhampiran dengan Siam ia-itu Kawasan Perlis Utara—utara sa-kali daripada kawasan² yang lain, maka perkara ini saya ketahui telah di-jalankan dari semenjak dahulu hingga sekarang ini.

Baharu sa-tahun yang lalu dekat sa-buah kampung berhampiran dengan kampung saya 3 orang telah di-tangkap kerana memileki kira² 500 butir peluru. Peluru² itu agak-nya untuk di-jualkan di-sempadan negeri Siam ia-itu untuk di-tukarkan dengan barang² perniagaan di-kawasan yang berperengan dengan Siam. Orang² ini sa-benar-nya bukan-lah pro-Kominis atau dia sendiri Kominis atau dalam sa-barang gerakan Kominis tetapi sa-mata² hanya untuk menchari untong kerana barang² ini khabar-nya laku di-jual dengan tidak menyelideki betul² bahaya-nya barang² itu hingga membawa dia ka-tali

gantong. Tetapi bila barang² itu di-simpan-nya beberapa lama dapat di-ketahui bahawa barang² itu ia-itu peluru tidak laku kerana barang² itu sa-benar-nya telah di-kensel maka dengan serba salah di-simpan-nya barang² itu—lebeh 500 butir peluru—di-belakang rumah-nya. Jadi soal-nya bukan-nya saya hendak membela orang yang kena tangkap itu tetapi yang sa-benar-nya kita harus mengetahui dari mana-kah dia dapat peluru yang begitu banyak.

Ada-kah orang yang berniaga itu dapat di-buat-nya dengan sendiri atau dari mana-kah datang-nya yang demikian, kenapa dan mengapa barang itu di-bawa ka-negeri Siam. Hal ini tentulah sakali di-perchayai datang-nya daripada tempat simpanan barang² itu di-buat. Kerana kita dapat mengetahui pada masa kesebokan mengeluarkan barang² itu dahulu; stock² simpanan barang² yang waktu kesebokan menghapuskan pengnganas² dahulu, barang² itu di-keluarkan dengan banyak-nya dan barang² itu telah di-kumpulkan dan barang² itu dengan senang sahaja di-bawa oleh pehak yang berkenaan yang memakai uniform untuk di-jualkan kepada orang² yang berkehendakan barang² itu. Jadi, hal ini perlu-lah di-awasi oleh pehak yang berkenaan supaya stock tempat simpanan barang² itu di-awasi betul² supaya jangan-lah pehak yang menjaga yang akan menjadi pechah harapan sa-bagaimana yang telah berlaku sa-belum merdeka dahulu. Begitu juga-lah jadi-nya perkara pistol dan senapang, hasil daripada langkah² polis telah dapat menangkap perkara yang telah berlaku di-Utara Perlis. Penyamun² telah memileki beberapa puchak pistol dan beberapa puchok senapang. Ada juga di-antara senapang² itu kebanyakan-nya perbuatan sendiri. Penyamun² itu kebanyakan memakai pakaian samaran sa-olah² pakaian Home Guard dan sa-olah² ada pula memakai pakaian sa-bagai orang² Siam dan waktu penyamun² itu berchakap menggunakan chakap Siam.

Jadi, sa-benar-nya bila di-selideki—bila di-tangkap, dia di-dapati bukan-lah orang² Siam tetapi hanya perosak negeri dan bangsa dan kawan² yang ada senapang dan juga menjatuhkan nama orang² negeri ini. Senapang dan pistol

biasa-nya menjadi ugutan terutama sekali bagi diri saya sendiri biasa terkena ugutan pada masa dahulu. Dalam masa gerakan pilihan raya dahulu, saya telah di-ancham untuk menghilangkan nyawa sa-kira-nya saya tidak berhenti daripada menjadi Setia Usaha U.M.N.O. Dan pada masa pilihan raya Federal, saya telah menjadi chalon kawasan Perlis Utara melawan dengan chalon yang lain. Dan pada masa itu satu² pehak ada-lah menchari bahan penting untuk menjatuhkan Perikatan, lalu di-kirirkan-nya sa-butir peluru pistol kepada sa-orang chalon lawan saya itu dengan bertulis di-atas kertas yang di-tulis oleh sa-orang pemuda U.M.N.O. bahawa kiriman itu di-suroh oleh chalon Perlis Utara—chalon Perikatan. Jadi, ini dengan terang dan jelas-nya bahawa perbuatan ini ada-lah satu perbuatan daripada pehak lawan. Polis telah menyiasat; bukan-lah saya di-siasat tetapi pehak lawan itu di-siasat kerana mereka itu sudah dapat tahu, bahawa itu ada-lah muslihat daripada mereka untuk menchari bahan penting. Jadi, dari mana-kah dapat peluru pistol yang di-kirirkan itu untuk menjadi muslihat dalam masa campaign itu, tentu-lah sekali, tidak lain dan tidak bukan bahawa peluru itu datang-nya daripada orang² yang mempunyai pistol tadi. Jadi, dengan chara yang tersebut itu saya berharap sangat² kepada pehak yang berkenaan untuk menyiasat betul², siapa-kah yang mempunyai pistol dan peluru², tidak dengan chara haram yang dengan berselindong kepada senapang atau pistol² yang ada padanya itu.

Jadi, sakian-lah sahaja ucapan saya dan berharap-lah supaya perkara yang saya sebutkan tadi ia-itu tempat menyimpan barang² itu harus-lah diawasi dengan betul supaya perkara² yang berlaku sa-belum merdeka dahulu tidak berulang lagi dalam masa merdeka ini, untuk menjamin keselamatan anak bangsa kita yang hidup dengan bebas, aman dalam negeri kita ini.

Enche' Lee Siok Yew (Sepang): Mr. Speaker, Sir, I rise to say a few words. With your permission, Sir, I wish to refer to something said by some Members from the Opposition Parties in respect of some M.P.s, particularly

the M.C.A. As a Member from the Alliance and in reply to a complaint in this House made yesterday by some Opposition Members, I wish to say that at the Local Council Elections at Ampang, certain incidents happened.

Enche' V. David (Bungsar): Mr. Speaker, Sir, on a point of order, the matter is *sub judice*.

Mr. Speaker: I rule you out of order. You cannot refer to the incident at Ampang as it is *sub judice*.

Enche' Lee Siok Yew: I am sorry, Sir. But I would like to say that I myself opened fire into the air twice, because I was threatened with being killed. I was sitting in the car and some of the Opposition Members

Enche' K. Karam Singh: On a point of order, Sir, I think you have ruled any reference to Ampang out of order.

Mr. Speaker: You should not refer to Ampang incident. I rule that out of order because it is *sub judice*.

Enche' Lee Siok Yew: Excuse me, Sir, I just want to mention the reason.

Mr. Speaker: If it is a reason in connection with that incident, you cannot do it here. I rule that out of order.

Enche' Lim Kean Siew: On a point of order, Sir, I think he can say that he fired two shots, but I do not think he need go any further than that. (*Laughter*).

Enche' Lee Siok Yew: Mr. Speaker, Sir, I think all the Honourable Members of this House are believers in democracy—I think, in this House but not outside this House. Sir, I wish to mention two reasons. When I was nominated as a candidate of the Constituency of Pahang during the Parliamentary Elections

Mr. Speaker: Is that relevant to the debate on the second reading of the Bill?

Enche Lee Siok Yew: I just want to mention why I am carrying arms.

Mr. Speaker: You can only speak on the principles of the Bill.

Enche' Lee Siok Yew: Yes, Sir. If a man, if a citizen were to carry small arms to protect himself, I think that is not a question for us to explain here. The reason why we wish to apply for arms licence is for protection. I think you all know that in some areas in Selangor, a peaceful citizen was forced, was threatened with being killed. So I think in this Bill we should allow any citizen, who is peaceful and who is threatened by some sort of illegal organisations or maybe some sort of secret societies that he will be killed one day, to carry arms.

Sir, I say generally this Bill is a good Bill which allows any law-abiding citizens to carry arms.

Tun Abdul Razak: Mr. Speaker, Sir, I am very gratified to know that there is general support of this Bill from all sides of the House, and I am particularly pleased that the Members of the Opposition are in agreement with the Government on the desirability of restricting the use of arms for the peace and order of this country. I would like to say, Sir, that it is the policy of the Government to restrict the issue of arms licences as much as possible and arms licences will only be issued to those who have shown that they are in need of arms for their particular use and as Honourable Members can see from this Bill under clause 51 there is a right of appeal to the Minister for the issue of arms licences. So it is my intention to restrict the issue of arms licences as far as possible, as the number of crimes resulting from the use of arms has increased considerably of late.

As regards imitation arms, Sir, a number of Honourable Members raised the question of clause 33. As I have said, this Bill has been considered very carefully for a number of years and we have to devise ways and means of restricting the use of imitation arms. So clause 33 will now impose a complete ban on the possession of imitation arms except by children under the age of 14 and also except by dealers who deal in these imitation arms.

The Honourable Member for Ipoh raised the question of clause 3 and suggested possibly there might be an

amendment to this clause to include imitation arms. I would like to say, Sir, that the intention is that we should not license imitation arms. There should be a complete ban on the use of imitation arms except as provided under clause 33. I should like also to assure this House that in bringing this enactment into force, Sir, we shall see to it that there is as little hardship as possible caused to people dealing in imitation arms. I know imitation arms have been sold throughout the country but, as I have said, we must restrict the distribution and use of imitation arms, and clause 33 is considered the best means of doing it. As I have said, in bringing into force clause 33 we shall see to it that, as little hardship as possible is caused to dealers in imitation arms throughout the country. But I do not agree with the Honourable Member from Seremban Barat that we should impose a complete ban on the sale and use of imitation arms. As the Honourable Member for Bachok says, children do like these imitation arms and I think we should not deprive them of the pleasure of having these toys.

The Honourable Member from Seremban Barat also raised the question of compensation for arms confiscated or taken away by the Government. It has never been the policy of the Government to pay compensation to owners of firearms whose licence had been cancelled. Indeed, the practice has been that licences have always been issued on the understanding that the licensee is aware of the fact that his licence might be cancelled at any time; and if his licence is cancelled, then there will be no compensation. That has always been the policy in practice and I do not think it is appropriate to have a compensation scheme for arms because there are hundreds and thousands of arms licences issued throughout the country. If the Government were to have a scheme of compensation for those people whose licences have not been renewed, then, I am sure, this will cost the Government a considerable sum of money. But I should like to assure this House that as far as possible those people whose arms have been taken away by the

Government, the Government intends to re-issue the licences to them provided they can show to the Government that they do need their shotguns. I refer to shotguns and not to other guns.

Ahli Yang Berhormat dari Bachok ada bertanya berkenaan dengan dasar Kerajaan terhadap pembahagian lesen atau permit senjata api. Saperti yang telah saya terangkan ia-itu dasar Kerajaan ia-lah hendak memberi kebenaran menggunakan senjata api ini kepada mereka yang benar² berkehendakkan senjata itu dan ada guna-nya kepada mereka itu, dan tidak hendak di-beri kepada orang yang tidak menunjukkan sebab²-nya yang menusabah yang dia hendakkan senjata api itu. Sa-bagaimana yang telah saya katakan juga kalau banyak senjata api ini di-keluar dan di-benarkan tentu akan merbahayakan keamanan, ketenteraman dan keselamatan negeri ini. Ahli Yang Berhormat dari Bachok juga ada memberi pandangan berkenaan dengan Fasal 5 (2). Fasal 5 (2) membolehkan lesen atau pemit itu di-beri kepada kanak² yang umur-nya di-bawah 18 tahun. Sebab-nya Fasal ini di-masokkan ia-lah sa-belum di-adakan undang² ini kanak² yang umur-nya lebeh daripada 16 tahun boleh di-benarkan memegang senjata api. Boleh jadi ada juga kanak² yang berumur lebeh daripada 16 tahun boleh di-benarkan memegang senjata api, kerana boleh jadi dalam sa-buah rumah itu dia sa-orang sahaja laki² yang berumur di-antara 16-18 tahun, dia mustahak mempunyai senjata api bagi kegunaan ibu-nya dan orang² yang di-dalam rumah itu bagi menjaga kebun atau tanah-nya; maka itu-lah sebab-nya di-adakan Fasal ini guna-nya memberi peluang kepada orang yang sa-macham ini mendapat lesen bagi menggunakan senjata api. Tetapi saya suka-lah memberi aakuan bahawa Fasal ini tidak hendak di-gunakan dengan tidak berketentuan saperti yang saya katakan dasar Kerajaan tidak hendak memberi senjata api, melainkan di-fikirkan mustahak, terutama sa-kali menjaga harta-benda dan tanah. Bagitu juga-lah berkenaan dengan Fasal 33. Saya telah terangkan tadi Kerajaan akan mengambil perhatian pada masa menjaga dan mentadbirkan-nya supaya

tidak-lah menyusahkan ra'ayat negeri ini, tetapi sangat-lah mustahak mengawal kegunaan senjata tiruan (imitation arm) kerana keselamatan negeri; itu-lah sebab-nya kita terpaksa mengadakan Fasal 33 ini. Akan tetapi saperti yang saya telah terangkan ia-itu tidak hendak di-ambil tindakan atau pun hendak di-bicharakan di-Mahkamah melainkan terlebih dahulu mendapat kebenaran daripada Public Prosecutor, kerana kita tidak berkehendakkan orang yang tidak sa-benar²-nya salah atas hal itu di-bawa ka-Mahkamah, ini menyusahkan mereka itu. Jadi, tentu-lah ada masa-nya oleh sebab senjata sa-macham itu, barangkali anak-nya ada memegang senjata, dan kadang² bapa kanak² itu terpaksa memegang-nya, kalau bagitu menurut undang² ini salah, perkara saperti ini hendak di-bawa ka-Mahkamah, jadi, saperti yang saya telah sebutkan mentadbirkan undang², Kerajaan akan menjalankan dengan sa-berapa chermat.

Pada fikiran saya itu-lah sahaja pandangan² yang di-datangkan oleh Ahli² Yang Berhormat dan saya sa-kali lagi menguchapkan terima kaseh kepada semua pihak yang telah memberi sokongan kepada Rang Undang² ini.

Question put, and agreed to.

Bill accordingly read a second time and committed to a Committee of the whole House.

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr. Speaker in the Chair)

Clauses 1 to 25 inclusive ordered to stand part of the Bill.

Clauses 26 to 30—

Enche' Lim Kean Siew: Mr. Speaker, Sir, is it possible at this stage for me to go back to the "definition" section?

Mr. Speaker: No. It already stands part of the Bill.

Enche' Lim Kean Siew: Well, Sir, in that case I would like to propose

an amendment to section 30 (2).
Section 30 (2) says:

"If any person, at the time of his committing, or at the time of his apprehension"—it means at the time of his arrest—"for, any offence specified in the First Schedule has in his possession any arm or imitation arm, he shall, unless he shows that he had it in his possession for a lawful purpose, be liable to imprisonment for a term not exceeding ten years in addition to any penalty to which he may be sentenced for the offence specified in the said Schedule."

As the section now stands, if a person at the time of his arrest has a gun or has an imitation pistol, he can be sentenced to 10 years. I propose that the phrase "or at the time of his apprehension for," be deleted from the Bill, including the comma after "for". So the section will now read:

"If any person at the time of his committing any offence specified in the First Schedule has in his possession any arm or imitation arm, he shall, unless he shows that he had it in his possession for a lawful purpose, be liable to imprisonment for a term not exceeding ten years . . .", because a person at the time of committing the offence may not have an imitation gun, but when he is arrested, he may have it. Perhaps that is a bit too wide.

Tun Abdul Razak: As I have said, Sir, this Bill has been considered for a very long time and I do not like to make an amendment at very short notice like this, but if the Honourable Member will agree I would like to consider this very carefully and, if necessary, we can bring in an amendment later.

Enche' Lim Kean Siew: Sir, I agree to withdraw my amendment on the assurance by the Honourable the Deputy Prime Minister that he will consider this very carefully and bring in an amendment, if necessary, later on.

Clauses 26 to 52 inclusive ordered to stand part of the Bill.

First Schedule ordered to stand part of the Bill.

Second Schedule ordered to stand part of the Bill.

Third Schedule ordered to stand part of the Bill.

Bill reported without amendment: read the third time and passed.

THE POLICE (AMENDMENT) BILL

Second Reading

Tun Abdul Razak: Mr. Speaker, Sir, I beg to move that a Bill intituled "An Act to amend the Police Ordinance, 1952" be read a second time.

This, Sir, is a short and simple Bill. The aim of this Bill is to insert two new provisions in the Police Ordinance. The first provision is concerned with curfew measures. I should like to recall to Honourable Members of this House that, when I moved the second reading of the Public Order (Preservation) Ordinance in October, 1958, I spoke about the value of curfew measures in bringing riotous situations under control in Singapore and Penang. Such measures not only prevent mobs from forming but also hamper the activities of trouble makers and give individuals time to cool off in the quiet of their homes.

The curfew measures under the Public Order (Preservation) Ordinance can, however, only be imposed in an area in respect of which the Minister of Defence has issued a proclamation under the Ordinance. Such a proclamation would only be issued in a grave situation and there is necessarily at least some hours delay before a proclamation could be signed and made effective. If a curfew can be made as proposed in this Bill, it will help to prevent acts of violence pending a proclamation and may well have such a stabilising effect as to render a proclamation unnecessary.

The power to impose a temporary curfew is therefore required, in addition to the curfew powers under the Public Order (Preservation) Ordinance, and this Bill provides that, if a Chief Police Officer considers it necessary in the interest of public security, he may impose a curfew for a maximum period of 24 hours. But if it is considered necessary to extend beyond that period, only the Minister responsible can extend it up to 14 days.

Now, Sir, I consider it very important that the Police should have this power. This was shown in an incident which occurred in the country some years back, known as the Pangkor Incident. Although the incident in Pangkor

started between two individuals, if the Police had not taken immediate action and if a curfew had not been imposed immediately, it might have developed into a very serious racial conflict. So it is only in instances such as that it is intended to use this curfew power under this Act. As I said, in the context of the situation in our country, it is very necessary that the Police should have this power, a power which is placed not in any Police Officer but in the hands of the Chief Police Officer.

Now the second provision in the Bill is designed to enable persons to be appointed under the Police Ordinance as auxiliary police officers with honorary ranks. Auxiliary police appointments, which are unpaid, enable the status and powers of a police officers to be conferred as a temporary measure on persons other than the regular police, such as, for example, on army officers who are attached to and working with police units, and on members of specialised units, such as the Senoi Pra'ak, which are also raised to operate together with the police and armed forces. Also, some Home Guard units in certain kampongs in the border area are also being retained as Auxiliary Police Units.

The amendment also provides for the making of regulations and rules under the Police Ordinance to govern such matters as the terms of engagement, the equipment and arms and the training of auxiliary police and also such matters related to disability pensions and pensions to dependants. Such appointments to the Auxiliary Police are at present made under the Emergency Regulations. Therefore, it is necessary, since the Emergency Regulations are coming to an end on the 31st July, to have these provisions in the permanent law.

Sir, I beg to move.

Dato' Suleiman: Sir, I beg to second the motion.

Enche' Lim Kean Siew: Mr. Speaker, on a point of clarification. It would appear to me that here the Chief Police Officer is given full powers to declare a state of emergency or curfew over a certain area

within a State. Therefore, since the curfew would affect a particular district in a particular State, and since the Chief Police Officer is an executive officer of the Government, would it not be better for the Section to read as follows:

"A Chief Police Officer may, after consultation with the Mentri Besar or the Chief Minister of the State within which he exercises control as Chief Police Officer . . ."

If we have such a Clause, we are sure that the two people holding the highest power within the State, that is, the Chief Police Officer and the Mentri Besar, shall be aware that a curfew is about to be imposed, and both of them, civilian and executive, would then be in a position to decide whether or not it would be in the interest of the people in that area to impose that curfew. I wonder if the Honourable the Deputy Prime Minister would consider this Clause in the Committee stage and therefore make sure that not too much total power is given to an executive branch of the Government, which may act without consulting with the civilian authority. It is true that Police is a Federal organisation but since it affects a State, we should, even if it is a question of decency, a question of, shall we say, giving face to the Mentri Besar, that at least he should be made to consult the Mentri Besar first before he issues such an order for curfew.

My point of clarification is this, Sir: to ask whether the Honourable the Deputy Prime Minister is aware that in this Section the Mentri Besar is not consulted and why is it that it is not necessary to consult the Mentri Besar in this instance and whether he would consider this matter in Committee.

Could I have an answer to my question, Sir?

Mr. Speaker: You sit down! It is open to debate, and he must wait for other Members to speak. If he replies to you now, then there will be no debate!

Enche' Lim Kean Siew: I am not speaking—I was only asking for clarification.

Mr. Speaker: And you want to take part in the debate after the clarification is given?

Enche' Lim Kean Siew: I may not take part in the debate after the clarification is given if I consider it satisfactory.

Tun Abdul Razak: Well, Sir, this matter has already been considered in actual practice. No Chief Police Officer would exercise such a power without at least informing the Mentri Besar. In actual practice, the Chief Police Officer always consults the Mentri Besar or the Chief Minister in a matter like this. But as internal security is a Federal matter, I don't think it would be right to bring in the Mentri Besar under this law, because administration of law and order and such matters are Federal matters, and the Minister concerned is responsible for them and is answerable to Parliament. It is not a State matter, and for that matter, I don't think it is desirable to put it in the law to say that the Chief Police Officer should consult the Mentri Besar, because the Mentri Besar is not responsible for internal security; the responsibility lies with the Minister responsible for internal security. Therefore, Sir, I would suggest to the Honourable Member that the law remains as it is, as, in actual practice, as I said, no Chief Police Officer would exercise such power without at least informing the Chief Minister or the Mentri Besar of a State.

Question put, and agreed to.

Bill accordingly read a second time.

Sitting suspended at 1.00 p.m.

Sitting resumed at 2.30 p.m.

(Mr. Speaker in the Chair)

THE POLICE (AMENDMENT) BILL

House immediately resolved itself into a Committee on the Bill.

Clauses 1 to 4 inclusive ordered to stand part of the Bill.

Bill reported without amendment: read the third time and passed.

THE VISITING FORCES BILL

Second Reading

Tun Abdul Razak: Sir, I beg to move that a Bill intituled an Act to

amend and consolidate the law with respect to naval, military and air forces of certain other countries visiting the Federation and to provide for the apprehension and disposal of deserters or absentees without leave in the Federation from the forces of such countries and for purposes connected with the matters aforesaid be read a second time.

Sir, the purpose of this Bill is to consolidate the existing law on the subject of visiting forces with such amendments thereto as are necessary in consequence of the independent status of the Federation. The Bill is based largely upon the Visiting Forces Act, 1952, of the United Kingdom and other Commonwealth countries which have similar laws.

Part II of the Bill deals with the important subject of jurisdiction. Whereas Clause 6 provides that Service courts and Service Authorities of another country may exercise within the Federation jurisdiction over the members of a visiting force, Clause 7 allows that such persons may be tried in a Federation court for those offences where, by agreement with the Federation Government, jurisdiction has been waived by the Government of the country to which such a visiting force belongs.

This part also provides for the arrest and custody of offenders against Federation law and provides that they shall remain in Service custody until they are brought before a court.

Part III provides for the apprehension and disposal of deserters and absentees without leave and Part IV of the attachment of personnel between the Federation Armed Forces and the Forces of any country to which this Act will apply, provided that no member of a Federation Force may be attached to the force of another country without his consent.

As Hon'ble Members are aware we have many young officers training overseas and this will enable them to be legally attached to the forces of the country where they are training for command and disciplinary purposes. It is obviously inconvenient if any such

officers have to be returned to the Federation for disciplinary action to be taken in some trivial matter.

The authorities concerned will in future be able to treat them in exactly the same way as their counterparts in the forces to which they are attached.

Sir, I beg to move.

Dato' Suleiman: Sir, I beg to second the motion.

Enche' Lim Kean Siew: Mr. Speaker, Sir, the thing we would like to know most—and I am afraid unfortunately the Honourable Mover of the motion has not explained to us—is why this Ordinance should be necessary at this juncture of our independence. I believe, this morning the papers reported the same wonderment in England where a Member of Parliament asked why it was necessary, to have visiting forces, to have British forces, in Malaya; the answer there given was that although the Emergency was ending it was still necessary to have British troops in Malaya in order to protect Malaya from foreign aggression and to maintain the internal peace of Malaya. I cannot accept such an answer.

As I understand it, the Honourable Mover of the motion did say two days ago, when he was moving the Internal Security Bill, that there were about 580 armed terrorists left, most of whom were in Thai territory, and that there were, in fact, about 90 left in Malaya, mostly confined to the area of Perlis. So, it would seem that we are having some hundred of thousands of troops chasing some 90 people, which is like a person hunting for a little mosquito with a very big cannon—of course, if you keep firing at it I suppose you might hit the mosquito. But think of the expense and trouble involved! I think that it is not necessary to use a cannon at all; in other words, it is not necessary to have visiting forces. It would be more intelligible if the Honourable Mover had said that, as we had not got an air force, we would want to maintain a foreign air force in Malaya for fear of sudden foreign attacks. That might be more reasonable.

I used the words "might be more" because I do not know in fact if it is reasonable or not. It might even be more reasonable to say that we need a naval fleet based in Malaya, in order to protect Malayan shores from foreign aggression. But why do we need land forces? If it is true that our defence treaties with other countries are such that we must maintain the internal security of Malaya, if it is true that foreign countries are interested in maintaining the security of this country, would it not be better if, instead of giving us, as this Bill calls them, visiting forces, to let us have money in place of those forces? I understand that each Australian soldier gets a housing allowance of \$350, which is paid by the Department concerned direct to the house owner or the landlord, and he also gets an allowance for his servant in addition to his family allowance; and all these add up to a figure in the region of \$1,000 a month. Now if there are 100,000 foreign troops in this country, each soldier getting \$1,000 a month, we will get a total of \$10,000,000 a month, or \$120,000,000 a year spent on housing and family allowances alone. If this money was given to Malaya, we can profitably raise our own defence forces and give more employment to our people. There are many boys in kampongs who are unemployed; there are many people in the towns who are unemployed who have the spirit of aggression and who, because their spirit of aggression has not been properly channelised, have turned towards unlawful activities, towards unhealthy activities, in group some making thorough nuisances of themselves doing rock-and-roll.

Tun Abdul Razak: Mr. Speaker, Sir, on a point of order: I hate to interrupt the Honourable Member, but I must point out that we are not discussing the question of stationing foreign troops here. We are discussing the Visiting Forces Act which is a normal legislation which any independent country should have—whether we have British troops or foreign troops here or not, it is a normal law which we must have.

Mr. Speaker: Defence treaties have no connection with this Bill. You must not touch on that point.

Enche' Lim Kean Siew: Mr. Speaker, Sir, I am not talking about any defence treaty. I was careful when I started by saying that what we would like to hear from the Honourable Mover was why this Bill was necessary at all—in other words, if we had no visiting forces we will not have this Bill. What we would like to know was, was it in fact necessary to have this Bill, and in that sense I thought I was relevant; but if the Honourable Mover stops me from speaking, I shall stop speaking.

Dato' Suleiman: Stop from being irrelevant. (*Laughter*).

Mr. Speaker: The only person who can stop you from speaking is the Chair. I have given my ruling. I have said that defence treaties have nothing to do with this Bill, and you must not touch on that subject.

Enche' Lim Kean Siew: I am aware of that, Sir. I am afraid that the Honourable Mover of the motion might say that the Honourable Member from the opposite side, as usual, has not read his law, does not know that there is a defence treaty which compels us to have this. The fact, Sir, is that I was trying to anticipate a reply to which I cannot reply under the rules of this house. I would have thought that since foreign troops is involved in this Bill, certainly the question of whether visiting forces should be in this country at all is relevant.

I believe that the Alliance some time in 1954—and I also believe that at that time one of the speakers was the Honourable the Minister of Finance, who unfortunately is not here this afternoon—had stated quite clearly that they would fight until they got all foreign troops out of this country, just as they said that as soon as they had *merdeka* they would offer a general amnesty to the forces who were taking part in armed struggle, an amnesty which they did not give. If it is the intention and purpose of the Alliance Government to fulfil its promises to the country, then I think they must accept that this

Visiting Forces Act is against the avowed intention and purpose of the Government. I think that if visiting Forces could be exchanged for assistance in monetary gifts to Malaya for the purpose of creating our own national army, our own defence forces, such assistance could function better in this country. As it is, under the Visiting Forces Act and other similar laws, it is quite obvious that we lose a certain amount of jurisdiction over our own territory. There is no doubt that in certain offences we are precluded from interfering with foreign troops. If I am not wrong, I believe that even if a Minister wishes to go into an air field—for example, the air field at Permatang Kuching, Seberang Prai—he may do so only after application for permission which, I understand, may sometimes be granted. Sir, any attempt to make us give up part of our jurisdiction to another foreign country, especially to the Armed Forces of another foreign country, must be viewed with the greatest severity. We in Malaya have often been accused of living under a false *merdeka*. In other words, although we shout "*Merdeka*", although we fly the flag of independence, although we say we rule our country, in fact we are economically and otherwise controlled by foreign interests; in fact we are still controlled by the Internal Security Organisation and we have to consult the Government of Singapore and another foreign Government with regard to internal security measures. If we say that it is absolutely necessary for us to have a Visiting Forces Act, may I suggest that a provision ought to be made in this Ordinance that it shall be reviewed from year to year, and that if it is not renewed at the end of the year, it shall lapse at the end of another year. This suggestion is not a new suggestion. It applies to the Emergency Regulations and the Rent Control Ordinance, and I would suggest that this Ordinance be brought under that category of those temporary provisions of the law introduced to meet an emergency; because I hope and believe that these forces are not going to be permanently established in Malaya! If they are going to be established in Malaya, when can we

be responsible for our own defence? We hope, Sir, that we will ultimately be fully responsible for our own defence. Only then can we be able to achieve neutrality which is desirable since we cannot afford to be involved in a war.

Mr. Speaker, Sir, this Bill appears very nice: it is called the Visiting Forces Act, 1960. But what visiting forces are in Malaya to-day? Do we see Russian troops and Chinese troops here, do we see Indonesian troops here; do we see Egyptian troops here? Not at all. The troops stationed here belong to the South East Asia Treaty Organisation—New Zealand troops, Australian troops.

Dato' Dr. Ismail: Sir, on a point of order—S.O. 37 (a). I would like the Honourable Member to elucidate whether he agrees with the principle of this Bill or not. The principle is that this is a Visiting Forces Bill and it is a normal Bill in any country. The Honourable Member is speaking on matters entirely irrelevant to the object of the Bill. If he wants to debate this Bill, let him confine himself to the Bill itself and not matters irrelevant thereto.

Mr. Speaker: I have already given my ruling in this respect—that is, a defence treaty has nothing to do with this Bill.

Enche' Lim Kean Siew: Sir, unfortunately, the Preamble states, "an Act to amend and consolidate the law with respect to naval, military and air forces of certain other countries", and I am dealing with the phrase "certain other countries".

Mr. Speaker: Yes—"visiting the Federation".

Enche' Lim Kean Siew: There are certain forces of other countries who do not visit, and there are forces of certain countries who visit. When we say that we are going to be neutral and we have certain forces and not other forces, we will automatically be involved in one side against the other side.

Dato' Dr. Ismail: On a point of order, Sir, I think that it is for the House to decide whether we should

have a Visiting Forces Act or not. That is the issue.

Mr. Speaker: I have given my ruling that a defence treaty has nothing to do with this Bill. This Bill concerns visiting forces to the Federation of Malaya.

Enche' Lim Kean Siew: Sir, I can be ruled out of order—I do not mind. I was talking of the meaning of the phrase "certain other countries" in line 2 of the preamble. I am trying to find out what the phrase means. I am not dealing with treaty organisations.

Dato' Dr. Ismail: If he wants to do that, it must be relevant to this Bill. He can read it out of context and argue on any thing under the sun and make that the central point of his argument.

Dato' Onn bin Ja'afar: On a point of explanation. Will the Honourable Minister say, with reference to section 17, on page 14, does that refer to a member of a visiting force or somebody already in the country?

Mr. Speaker: (To Tun Abdul Razak) Would you like to clarify?

Tun Abdul Razak: Sir, we have members of the visiting forces from many countries coming here from time to time, from India, from Ceylon, from Indonesia, from Australia, from Vietnam, from Thailand and occasionally some of them are attached to our forces here for training and also for other purposes. So, as has been explained, this Bill is a normal Bill which any country should have. In fact, every Commonwealth country has this Bill. Now, Australia and New Zealand have not got any foreign troops in their country, but still they have the Visiting Forces Act. We had it before the war under various Enactments—the F.M.S. Enactment, the Johore Enactment and so on, and the purpose of this Bill is to consolidate all those enactments with such minor amendments here and there as to suit our needs as an independent country. So, there is nothing new and it is not concerned with the Defence Treaty or merely with the Commonwealth troops here. It also concerns members of our forces who visit other countries and members of our forces who are trained

in other countries have also to be attached to the forces of those countries, and there must be provisions in our law as to how disciplinary action and other matters should be dealt with. So, that is the purpose of this Bill.

Enche' Lim Kean Siew: I am very glad that the Honourable mover has stood up to clarify this point. I had not risen to oppose this Bill. I rose to regret that he did not fully explain this Bill and the very reason that he has now explained that it is not related to visiting forces at all—although it is called a Visiting Forces Act—explains the position of this Bill. As I was saying, Mr. Speaker, Sir, the question of the powers we grant to visiting forces, the extent to which we give up our sovereignty over Malaya to the visiting forces, the legal powers we give to the visiting forces and the courts set up by visiting forces in Malaya are relevant. In as much as the more complicated the issue is the more laws we have to create, so also we have to be most vigilant as to the nature of such laws we have to create. I have no doubt that other countries have Visiting Forces Acts and I also have no doubt that their provisions are not quite the same as those in our proposed Act, and I would like to take this opportunity to point out that although in principle this Bill is necessary, in effect it allows foreign powers to maintain large forces outside our control in Malaya and prevents us from building up our own security and national forces. For example, at section 17, we have the Armed Forces Council—the section sets out—

“The Armed Forces Council—

- (a) may attach temporarily to a Federation force any member of the forces of any country to which this section applies who is placed at the disposal of the Government of the Federation for the purpose by the service authorities of that country;
- (b) subject to anything to the contrary in the conditions applicable to his service, may place any member of a Federation force at the disposal of the Service authorities of any country to which this section applies for the purpose of being attached temporarily by those authorities to a force of that country.”

We might think that those powers are too wide—I do not know but I do. We might think that those powers are necessary because of the large numbers of foreign troops here and the large numbers of our troops under training, but that again is a matter for the House to decide. What I would like to point out is this: that this Bill would in the end stultify and prevent the growth of our forces unless the number of foreign forces within Malaya can be cut down, because although in itself it has very little meaning, in effect it allows for the continuation and the preservation of large numbers of foreign forces within Malaya. We might not think that it is necessary, for example, to have Malaya being referred, as the Australian Government did once, as “a frontline for the defence of Australia”. I am afraid that this Visiting Forces Act would indeed, if that statement by a member of the Australian Government is correct, maintain Malaya as such a frontline.

Enche' K. Karam Singh (Damansara): We are dealing with this Act—which is the Visiting Forces Act—and these foreign troops which the Alliance has called in here are made to appear to be

Mr. Speaker: Before you proceed further, I would like to remind you that the foreign troops under the Defence Treaty have nothing to do with this Bill. Just to remind you, I have made that ruling already.

Enche' K. Karam Singh: I am obliged, Sir. Now, the impression given is that these troops are a sort of guests. However, unwelcome they may be, the Government tries to represent them as guests. We know that in recent Asian history there were foreign countries which had got very strong extra-territorial rights in Asian countries. For instance, we found that the British Government had the entire jurisdiction over their own officers in the country of China in the last century and up to very recently. We do not want this Act to be abused, or any abuse of it to take place which would remove the effective control of the law over anyone who is in our country. We do not want to be

reduced to the position, by the dependence of our country on these visitors, of a junior partner where our country will lose the right of stopping these visitors from anything that they may do against the law. Such deterioration, we hope, will never take place. We hope that these alleged guests will respect the sovereignty of our country because we have had very disturbing reports that during the Laotian crisis last year British aeroplanes based in Malaya went and intervened by dropping supplies to one of the parties in the contest in Laos. Now, Sir, this is a very serious thing. This could be another U. 2 incident in the context of Asia, and we hope that our Ministers and our Government will ensure that not a single thing is done by these visiting forces over the airspace of any of our Asian neighbours so that no aircraft movement or any movement of any of these visiting forces will be interpreted as an aggression of the airspace or any other space of our Asian neighbours.

Sir, as regards the presence of these visitors, I am not talking of foreign troops now because you have forbidden me to do so.

AN HONOURABLE MEMBER: Under the Defence Treaty!

Enche' K. Karam Singh: But I would like to remind the people of our country that although Egypt became independent in 1936—just technically independent—the real independence of Egypt was not achieved until the people of Egypt rose under their own leadership to expel the foreign troops from their land. Thank you.

Dato' Onn bin Ja'afar: This Bill is intituled "an Act to amend and consolidate the law with respect to naval, military and air forces of certain other countries visiting the Federation, . . ." What does this word "visiting" mean? To me "visiting" means a visit for a short period. But do these visiting forces actually do that? I would refer you to page 2 on the interpretation of "visiting forces". Here it says:

"'visiting force' for the purposes of any provision of this Act means any body, contingent or detachment of the forces of a country to which that provision applies, being a body, contingent or detachment for

the time being lawfully present in the Federation pursuant to any treaty, agreement or arrangement to which the Government of the Federation is a party."

Now, with all due deference, these very words "pursuant to any treaty, agreement or arrangement" must include the Defence Treaty; and to say that this Bill has no relation whatsoever to the Defence Treaty is entirely wrong in my view. If this Bill is merely confined to forces visiting this country, say for a week, or a day or two, it is all right. But this Bill goes far beyond that, and clause 17 definitely says so, because clause 17 (1) points out:

"The Armed Forces Council—

- (a) may attach temporarily to a Federation force any member of the forces of any country to which this section applies who is placed at the disposal of the Government of the Federation for the purpose by the service authorities of that country;"

Now, do you mean that such an officer attached to a Federation force is a casual visitor? Surely he is an officer who is more than a casual visitor—he may be attached to a Federation force for 6 months, a year, or even more than that. So, I say it is a complete misnomer to call this "an Act to amend and consolidate the law with respect to naval, military and air forces of certain countries visiting the Federation".

Tun Abdul Razak: I am afraid I have very little indeed to reply as I have already had occasion to explain the purposes of this Bill in the course of the debate. As I have said, this Bill is a normal legislation required by any country, whether independent or not. In fact we had this before independence—we had several legislations dealing with the visiting forces in 1940, even before the war. As I have said, we in this country do get visits by members of the forces of friendly countries in Asia and throughout the world. We just had a visit by the Indian Navy, and if we had no law such as this there would be no legislation which could govern the activities and actions of the members of that force while on visit to this country. In the same way we have, from time to time, visits by members of forces from other countries like Vietnam, Indonesia, and sometimes

they are being attached to our own forces for training and for other work. So, it is necessary to have this Visiting Forces Bill, and this Visiting Forces Bill is not related merely to the presence of the Commonwealth troops here.

The Honourable Member for Kuala Trengganu Selatan mentioned about clause 17 of this Bill. Now, clause 17 exists in the present Visiting Forces Act, section 6 of the present Act. It is nothing new at all. As I have said, this Bill is merely a consolidating Bill. Now, clause 17 says that the Armed Forces Council of the Federation may attach temporarily any visiting member of a foreign force. As I have said, it may be a member of the Indonesian or Vietnamese force or any such country's force on visit here and we may attach such members to our force. We do receive requests also from time to time to have for training members of the forces, including the police, from friendly neighbouring countries.

Now, this Bill has nothing at all to do with whether or not we should have more of our forces and less Commonwealth troops in this country. As I have said, Sir, the question of the expansion of our forces is a matter entirely for us. As the Minister responsible for our armed forces, Sir, I think if the Honourable Member for Dato Kramat is so keen to expand our armed forces, I would ask him to vote me the money in the next Budget meeting.

Enche' Lim Kean Siew: On a point of clarification. I did not suggest that we should spend our own money. I was suggesting that the Governments of the visiting forces should give us that money (*Laughter*).

Tun Abdul Razak: Well, I do not think it is fair to expect too much help from outside to build up our own forces.

Well, Sir, I have already explained the purpose of this Bill and I do hope that Honourable Members will now support the second reading of this Bill.

Question put, and agreed to.

Bill accordingly read a second time and committed to a Committee of the whole House.

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr. Speaker in the Chair)

Clauses 1 to 19 inclusive and the Schedule ordered to stand part of the Bill.

Bill reported without amendment: read the third time and passed.

THE EMERGENCY REGULATIONS (INDEMNITY) BILL, 1960.

Second Reading

Tun Abdul Razak: Sir, I beg to move that a Bill intituled an Act to indemnify public officers and other persons in respect of acts done under the Emergency Regulations Ordinance, 1948, and to provide for certain other matters arising out of the cessor of such Ordinance pursuant to the provision of Article 163 of the Constitution be read a second time.

This Bill, as its name—the Emergency Regulations (Indemnity) Act—implies, has a direct relation to the ending of the Emergency on 31st July in that it provides for indemnity and other matters pursuant to the cancellation of the Emergency Regulations Ordinance.

Although at this moment the Government has no knowledge of any case or incident where a claim might be made, it is normal procedure in circumstances such as these to provide that acts ordered or done by officers should not be subject to subsequent legal proceedings and that such officers should be protected. Clause 3 of the Bill provides such indemnity provided the act of the person was done in good faith and in a reasonable belief that it was necessary for the purpose intended.

Of course, it is necessary that should an officer be liable financially in any way he should not be exempted because of the provisions of Clause 3. Accordingly liability to be surcharged under the Financial Procedure Ordinance is excluded under sub-clause (2) of this clause.

Clauses 4 and 5 of the Bill are connected with the provisions of Clause

3 and, in particular, provide that no legal proceedings shall be instituted in any court on an allegation that the act complained of was not done in good faith without the sanction of the Attorney-General in the case of an officer employed in connection with the affairs of the Federation Government or the State Legal Officer in the case of a State Officer.

Clause 6 is the most important clause of the Bill. As a result of injuries received during the Emergency a number of people are entitled to compensation or injury allowances under the Emergency Regulations mentioned in the Schedule of the Bill. There can clearly be no question of stopping such compensation or allowances when the Emergency is declared at an end, and Clause 6 of the Bill provides for the continuation of payment of compensation and allowances.

Rules under Clause 10 can also be made providing for certain matters relating to the payment of any awards, gratuities or allowances and the removal of any hardship or inconvenience occasioned by the repeal of the Emergency Regulations.

It will obviously not be possible to de-requisition all property immediately and Clause 7 authorises the Minister to continue requisition on the same terms and conditions as those obtaining on the appointed day.

Clause 8 of the Bill provides for the validity of sentences and orders made under the Emergency Regulations. There may be some doubt, when the provision under which the sentence or order was made is cancelled, whether the sentence or order is valid. This clause will eliminate the possibility of such doubt.

Section 9 repeats the provisions contained in the present Emergency Regulation 54A under which gratuities to workmen injured or to the dependents of workmen killed by acts of terrorism are set off against workmen's compensation.

Clause 10 provides *inter alia* for the appointment by the Yang di-Pertuan Agong of an administrator to carry into

effect the provisions of the Act. The powers and duties of the administrator may be prescribed by the order made by the Yang di-Pertuan Agong.

Sir, This is a very necessary Bill in connection with the ending of the Emergency and the cesser of the Emergency Regulations Ordinance.

Dato' Suleiman: Sir, I beg to second the motion.

Enche' D. R. Seenivasagam: Mr. Speaker, Sir, this Bill would not have been a controversial one but for Clause 3, which gives complete indemnity from action either against the Government or the individual who committed the act. The proviso to Clause 3 requires two things before this protection goes to that individual or to the Government: that is, the act must have been done in good faith; and it must have been done with a reasonable belief that it is necessary to do so. The Honourable Mover has just said that the Government is not aware of any suits or actions, possibly for damages, being brought against the Government or an individual of the Security Forces. However, I know of a case in which there is correspondence now going on with the Legal Adviser, Perak, in the matter where a member of the Security Forces has been convicted in a criminal court for having negligently fired a shot and that shot struck the leg of a Tamil woman rubber tapper. He was convicted, fined and ordered to pay, I think, \$35 to that woman. But now she is contemplating a civil action for damages.

Now, Sir, that person, let us say that he acted in good faith, let us say that he reasonably believed that it was necessary to fire his gun for the purpose for which he was sent there, but still it does not absolve him from negligence. If Clause 3 of this Bill gets through as it is, this woman may be barred from filing a civil action, and there may be similar cases in other parts of the country. I would like to know what is the position of these people. Am I right in construing that the woman will be barred by Clause 3? If I am wrong, then I hope I will be enlightened as to how she can sue in that particular case.

Besides that, there are no comments. The case I have mentioned is very important, because certainly the citizens of this country should not be deprived by indemnity of a lawful suit.

Enche' Zulkiflee bin Muhammad: Tuan Yang di-Pertua, sa-benar-nya Bill ini ada-lah satu Bill yang menjadi kewajipan bagi Kerajaan menentukan sa-suatu perkara sa-sudah dharurat ini di-tamatkan, dan dalam Bill ini di-mana section 10 menerangkan bahawa Yang di-Pertuan Agong akan dengan perentah-nya menjalankan hal² yang bersangkutan dengan Bill ini, sementara yang lain pula akan melantek sa-orang administrator. Lantekan ini untuk menjalankan beberapa hal yang di-sebutkan dalam bahagian 10 (2) (b), (c), (d), (e) dan (f). Oleh itu, saya berharap supaya Bill ini dapat memenuhi beberapa tuntutan yang mustahak ditimbulkan oleh dharurat yang akan tamat dan telah tamat ketika Bill ini di-jalankan.

Bill ini nampak-nya bahawa dengan tamat-nya dharurat itu maka ada orang² yang akan menerima kepayahan dan kesusahan, dan oleh sebab yang demikian "the payment of any awards, gratuities or allowances" yang mana menurut peratoran yang ada ini akan di-jalankan. Saya berharap bahawa Kerajaan Persekutuan Tanah Melayu ini supaya dapat memerhatikan dengan apa jalan yang boleh di-berikan kepada pasokan² kawalan yang akan juga mendapat kepayahan dengan sebab tamat-nya dharurat ini, dan kita berharap supaya dapat di-hilangkan segala sangkaan daripada mereka itu bahawa setelah habis kewajipan mereka itu maka mereka itu tinggal dengan tidak dipedulikan, dengan yang demikian diminta agar Kerajaan memerhatikan perkara ini.

Enche' Lim Kean Siew: Mr. Speaker, Sir, I rise to support the Honourable Member for Ipoh in his stand with regard to the complete immunity given to any public officer or person under this Bill. I know of another instance where a fight broke out—and I think the Honourable Mover of this Bill is aware of the incident too—between some kampong people and certain members of the Security Forces

under training in that area and injuries were sustained. Action was contemplated against the Security Forces for injuries suffered, and after some lengthy negotiation the claim was dropped. There is always the possibility that owing to some negligence somebody might have suffered damage. For example, a gun let loose negligently may have killed the only cow or water buffalo (*seladang*) belonging to a farmer (*Laughter*)—I mean *kerbau*; and in such an instance, Clause 3 would prevent the farmer from taking legal redress. I am quite convinced that the intention of this Bill is an ordinary intention to give immunity to people who have acted under certain circumstances, and it is very usual to bring about an Act such as this to give indemnity, but, I think, it was never the intention of the Honourable Mover to allow immunity to cover the case of negligence as well, as in cases of negligence very often the claims are for damages and for losses suffered. If the Honourable Mover had, for example, put in another proviso under Clause 3 to read, "And provided that this Act shall not apply to a civil claim for negligence brought against a public officer or person by any person who has suffered damage by an act of neglect on the part of an officer or person", then perhaps there would be little to disagree about in this Bill.

Enche' Liu Yoong Peng: Mr. Speaker, Sir, I would like to speak on Clause 6 of the Bill, which relates to the payment of pension, gratuity or award to those people who have rendered service during the Emergency. It has come to my notice that there are certain Malays in Kuang who were special police constables during the Emergency, but not all of them received the same treatment. Some were given a certain amount of money to enable them to settle down, to rehabilitate them and others were given loans. Those given loans, as they cannot find suitable jobs to earn enough to repay the loans over a number of years, are now faced with the repayment of these loans in the form of confiscation of their property, their houses and furniture in the

houses. In this way, they are made to suffer terribly.

These people, I understand, have approached the Honourable the Deputy Prime Minister and, it is stated, that the Deputy Prime Minister has agreed to consider the matter. I hope, Sir, that in passing this Bill, these people—those who are supposed to have received loans for rehabilitation—would be considered too, since they have suffered loss because of the fact that they are not able to resume their former livelihood in the normal course.

Tun Abdul Razak: Mr. Speaker, Sir, I am thankful to Honourable Members for the support they have given to this Bill. The Honourable Member for Ipoh has referred to Clause 3 of the Bill. Under sub-clause (1) it is stated:

“Provided that the act of such officer or person was done in good faith and in a reasonable belief that it was necessary for the purpose intended to be served thereby.”

Now, Sir, under that proviso it will be open, in the case that the Honourable Member has quoted just now, for her to rebut that presumption. Under Clause 4 (b) it is stated:

“an act shall be deemed to have been done in good faith and in a reasonable belief that it was necessary for the purpose intended to be served thereby unless the contrary is proved.”

and it will be open to the woman in question to prove to the contrary—and I understand that in this particular case it will not be difficult to do so, because the man in question had already a conviction for negligence.

Enche' D. R. Seenivasagam: Mr. Speaker, Sir, he may act in good faith, he may act with a reasonable belief, but he can still be negligent; and it is impossible to show that he did not act in good faith and that he did not act with a reasonable belief that it was necessary for the purpose intended to be served thereby. But we can show that he acted with negligence—he was convicted with criminal negligence; even then we will not succeed.

Tun Abdul Razak: Mr. Speaker, Sir, I think that it will be necessary to have this part of the law, because Government's action must be protected; if the Government or a public servant

acted in good faith and in a reasonable belief that the action was necessary, then protection must be accorded. As I have said, if there is a case that the man had not done so, it is for that particular person to prove otherwise.

The Honourable Member for Dato Kramat has raised almost the same issue, but he said something about a cow or *seladang* or *lembu* (*Laughter*)—I am not quite sure which. In that case, I suggest that he can get compensation under Clause 12 of this Bill. I think that will be applicable in the case raised by the Honourable Member for Ipoh—I think compensation is possible under Clause 12 of this Bill.

The Honourable Member for Rawang raised the question of the repayment of loans by members of the Security Forces. I know that certain members of the Security Forces had been given loans immediately on discharge to help them to rehabilitate, but the terms of the loans granted had been generous. If a loan had been repaid regularly no action would have been taken, but this is a matter which is outside the scope of this Bill. In most cases, loans were given by the Rural and Industrial Development Authority and, I think, this is largely a matter for that Authority.

Ahli Yang Berhormat dari Bachok ada memberi pandangan berkenaan dengan Fasal 10 ia-itu di-sebabkan tamat-nya dharurat, mustahak-lah orang² yang berkhidmat menamatkan dharurat itu di-beri pertolongan yang patut. Saya suka menerangkan bagi pehak Kerajaan sangat-lah mengetahui atas hal ini dan sangat mengambil berat berkenaan dengan S.C. ada-lah di-ranchangkan bagi memberi pertolongan kepada mereka itu bagitu juga-lah Home Guard sunggoh pun bantuan wang tidak ada, ikhtiar sedang dan akan di-jalankan bagi memberi pertolongan kepada mereka itu supaya mereka itu dapat menchari mata pencharian yang baharu dan sempurna. Dan saya telah istiharkan pada masa yang akan datang ini baik ahli² polis atau pun tentera tidak akan di-benarkan berhenti dengan tidak ada pekerjaan yang sempurna. Jika mereka itu tidak ada pekerjaan yang tertentu

mereka itu akan di-kehendaki duduk di-tanah yang baharu, kerana sangat-lah mustahak tiap² orang yang telah ber-khidmat kepada negeri di-beri tempat dan pekerjaan yang tertentu supaya mereka itu dapat hidup dengan sempurna. Jadi, perkara ini saperti yang saya katakan tadi dalam pandangan Kerajaan. Sekian-lah sahaja, Tuan Yang di-Pertua.

Question put, and agreed to.

Bill accordingly read a second time and committed to a Committee of the whole House.

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr. Speaker in the Chair)

Clause 1-4—

Enche' Lim Kean Siew: Sir, perhaps, I was wrong to refer to the *kerbau*, but it is quite possible that in a fishing village a sailing boat—*kapal layar*—might lose its way owing to some negligence on the part of some officer or officers taking away its mooring so that it has sailed out into the China Sea and is now lost; it is quite possible that that officer in removing the *kapal layar* from its mooring might have done it in good faith, thinking that a terrorist was hiding in the *kapal layar*. (Interruption). I am referring to Clause 4.

Mr. Speaker: Are you going to amend it?

Enche' Lim Kean Siew: No, Sir. He might have acted in good faith and there was a reasonable belief. He might say that he saw somebody jumping into the boat—it might have been a frog, but that would not have mattered—and that as he had carried no gun, he had removed the boat from its mooring in order to drown the terrorist; so the boat was lost. In such a case, a person could not claim damage under this Ordinance. So, I would like to suggest that under the proviso on page 2, which reads:

"Provided that the act of such officer or person was done in good faith and in a

reasonable belief that it was necessary for the purpose intended to be served thereby."

another proviso reading as follows be added:

"And provided that this section shall not apply to any civil claim for negligence brought against any such officer or person for any act of negligence committed by him which has caused loss or damage."

If we have such a proviso, or a sub-clause to that effect, we can then be assured that proper rights of redress is given to a person, who has been wronged by negligence. Of course, it will be argued that it is proper and correct that we should indemnify any person for any act committed by him in the course of duty, and I would suggest that indemnity in such a case could be an indemnity by Government. In other words, every time there is such a claim against a servant of the Government the Government pays the claim, and if the Government is afraid of losing too much money, the Government can insure itself against such claims, so that it will be only the insurance companies who would take the risk of the claims. I seriously beseech the Government to consider the *lacuna* in this section because I am sure that it was an over-sight in this case, not a deliberate attempt to preclude people from claiming damages or loss.

Mr. Speaker: I shall read this proposed amendment first. The proposed amendment is the addition of a second proviso in clause 3 (1) which reads:

"And provided that this section shall not apply to any civil claim for negligence brought against any such officer or person for any act of negligence committed by him which has caused loss or damage."

Enche' D. R. Seenivasagam: Mr. Speaker, Sir, I strongly support the proposed amendment by the addition of those words. Just now, in the general debate, the Honourable mover referred to clause 12 and suggested that even in the case I cited, compensation may be payable under clause 12. But the question is: what is the compensation under clause 12? The compensation which this woman, I think, expects to get, or at least should get if she is

successful is very, very heavy compensation. It cannot be under clause 12; it never will be under clause 12. Now, beside this proposed amendment, such cases, and the case of the *kapal layar* just cited, can never be satisfactorily dealt with under clause 12, and beside this amendment it can never come into a court. The argument put up by the Honourable mover is that in these cases we could prove that there was lack of good faith or reasonable belief. Even if we can prove negligence, we cannot prove that there was no good faith and no reasonable belief that it was necessary. It is impossible, almost totally impossible, to prove a negative. You can prove a positive, but it is impossible to prove a negative. There was no good faith—how are you going to prove it? Clause 3 now says that a man is beyond negligence. Therefore, Mr. Speaker, Sir, that amendment, I say, should be accepted because it is a reasonable amendment and anybody, whether security forces or others, must be punished for a negligent act.

Tun Abdul Razak: Mr. Speaker, Sir, I am afraid that the Government cannot accept this amendment. As I have explained a public servant acting in good faith and in a reasonable belief that his action was necessary must be protected. There is nothing to stop any claim being made against the Government, or whatever it is, under section 12 of this Bill. But I think clause 3 is necessary. Otherwise it will not be fair on the public servants if the action they do in good faith and in a reasonable belief that it is necessary is not protected. As I have said, Sir, again it would be open for anybody to rebut the presumption and the matter is then left to the Court to decide. I am afraid I cannot accept this amendment.

Amendment put, and negatived.

Clauses 1 to 4 inclusive ordered to stand part of the Bill.

Clauses 5 to 12 inclusive ordered to stand part of the Bill.

Bill reported without amendment: read the third time and passed.

THE WORKMEN'S COMPENSATION (AMENDMENT) BILL

Second Reading

The Assistant Minister of Labour Enche' V. Manickavasagam: Mr. Speaker, Sir, I beg to move that Bill intituled "an Act to amend the Workmen's Compensation Ordinance, 1952" be read a second time.

Administrative experience, Sir, has revealed that further amendments to the Workmen's Compensation Ordinance, No. 85 of 1952, are essential. The main purpose of this Bill is to remove certain discrepancies and to clarify the responsibilities of an employer towards a workman. I have also taken this opportunity to substitute the new designations of various officers of the Department of Labour and Industrial Relations referred to in the principal Ordinance.

I wish to inform the House that the amendments contained in this Bill have been thoroughly discussed by the Standing Committee of the National Joint Labour Advisory Council, which is, as you know, a body consisting of representatives from the employers and workers organisations.

Briefly the reasons which have necessitated the amendments to the Ordinance are:

Clause 2 is merely a formal amendment to the definition of the word "Commissioner" which is necessary consequent to the introduction of the Employment Ordinance (No. 38) of 1955, since 1st June, 1957.

Clause 3 is designed to remove certain ambiguities and to make it clear that,

- (a) an employer is liable to pay expenses of the treatment and rehabilitation of a workman in addition to compensation;
- (b) the law provides that, in certain circumstances, a workman who meets with an accident while travelling to or from his work is eligible for compensation, but the doubt has recently arisen as to whether, under the present wording of the law, a workman employed by a public transport company, who meets with an accident while travelling to or from his work in

one of his employer's vehicles would in fact be eligible for compensation.

It is proposed to remove this doubt by amending the law, thus placing the employee of a public transport company on the same footing as the other type of workmen;

- (c) the law at present is completely silent regarding cases of accident which occur (i) outside the Federation of Malaya, in which either the contract of service between the injured workman and his employer is made within the Federation, or the injured workman's normal place of employment is in the Federation; and (ii) in the Federation for which compensation is payable under the Singapore Workmen's Compensation Ordinance. The present amendment in respect of an accident occurring either in the State of Singapore or in such other territory as the Minister may prescribe, if the contract of service between the employer and workman was made in the Federation, or if the normal place of employment of such workman is within the Federation.

Clause 4 is an amendment to make it clear that—

- (a) When a workman meets with an accident and is temporarily disabled from doing his work, \$65 or an amount equivalent to one-third of his monthly earnings, whichever is the less, is paid to him half-monthly by his employer during the disablement or during a period of 5 years, whichever period is shorter. This payment is known as "half-monthly payment" under the Ordinance.

Now, as the law stands, it does not say whether these half-monthly payments should or should not be deducted from the lump sum compensation payable in respect of fatal injuries.

The amendment to the Ordinance now makes it clear that half-monthly payments cannot be deducted unless such half-monthly payments together with the lump sum, exceed \$9,600 which is the maximum payable for permanent total disablement.

- (b) Further, the law as it stands at present, allows an employer to deduct from the lump sum payable in respect of partial permanent disablement any half-monthly payments paid in excess of 6 months following the date of injury.

The present amendment limits such permissible half-monthly deductions to the lump sum which is to be paid for the partial permanent disablement, following such prolonged temporary total disablement. This amendment is necessary as, otherwise, the injured workman

may be required to repay to his employer part of his half-monthly payments which he had received in good faith as compensation and had expended on his own maintenance.

Clause 5: The Ordinance now says that, when notice of an accident is given to an employer by a workman or by the Commissioner on the workman's behalf, the employer shall, if so directed by the Commissioner, offer to have the injured workman examined free of charges to the workman by a registered medical practitioner and shall, if so directed by the Commissioner, pay the cost of such medical treatment and of any such medicines for the workman concerned.

The amendment now removes the power conferred on the Commissioner to direct the employer, and makes it obligatory on the part of the injured workman to submit himself for medical examination if his employer offers to have the workman examined free of charge by a registered medical practitioner at the earliest opportunity; and any workman who is in receipt of a half-monthly payment under this Ordinance shall submit himself for such examination as and when required.

Clause 6: This amendment requires an employer to provide, at his own expense, transport to and from hospital for an injured workman who requires treatment and also makes it clear that an employer shall, in addition to compensation, pay the cost of a wheelchair, where necessary, among other items already stated in the Ordinance.

Clause 7: This amendment confers on the Commissioner a general power of review of orders made under earlier legislation.

Clause 8: The Ordinance says that an application to the Commissioner may be made either by a workman or an employer to settle any question in a prescribed form accompanied by a prescribed fee. This amendment now abolishes the payment of such a fee, as it does not warrant the trouble and expense involved in its collection.

Sir, I beg to move.

Enche' Sardon: Sir, I beg to second the motion.

Enche' V. David: Mr. Speaker, Sir, I rise not exactly to oppose the Bill, but I feel that there is room for wider improvement in this amendment of the Workmen's Compensation Ordinance of 1952. Sir, this Ordinance was enacted in 1952 to make provisions to benefit workers who meet with accidents and become disabled. This Ordinance was put into practice and, as the Honourable Assistant Minister has said, due to administrative experience the Ministry has concluded that there are loopholes in this Ordinance, but to a large extent they can be rectified.

Sir, in one of the clauses here it says that a person who is permanently disabled will receive not more than \$9,600, but a person who meets with a serious accident is sometimes forced to lie in the hospital for several months and whatever payment is made during that period is deducted from the lump sum which would be paid by the employer as compensation. In my view the amount of \$9,600 is too small a sum and it should be increased. The employers may argue that small concerns and small businesses will be forced to run out of business if they are compelled to pay a large sum. To this I have an alternative suggestion, and that is the employers can take out insurance policies. When I talk about insurance policies I do not support private insurance companies. Let my stand be made clear, as I do not want Members of the Government bench to accuse that the Socialist Front is supporting private enterprise. When I talk of insurance companies, I mean insurance companies which are nationalised and controlled by the Government. If such policies are taken by the employers, in cases of serious or fatal accidents, the employers will not be forced to lose a large amount of money. There are employers in this country who are in a position to pay any amount of money, but there are also small concerns which cannot pay large sums and this move will benefit such employers to pay compensation without defrauding the workers and the Government. I will be moving the

necessary amendments to this Bill at a later stage.

Again, there are accidents which are not external—which are internal accidents. For instance, a man may have sustained an injury within his chest which cannot be traced, and from time to time after meeting the accident, the man suffers from chronic diseases which causes his death. This has occurred in many industries where they manufacture such as cement and other chemicals. These persons who sustain such injuries are not properly safeguarded by the present Ordinance. Sir, I would call upon the Minister in charge that the complete revision of this Ordinance is extremely necessary. The National Joint Labour Advisory Council, a few years back, the Labour Advisory Board, did recommend that the existing Ordinance should be completely revised in view of the constant changes and the rising demands from the workers. A large number of cases of people who suffered internal injuries have been reported to the Labour Department from time to time, and the Department is unable to tackle them due to the fact that there are loopholes and weaknesses in the present existing Ordinance.

Coming to Section 4 of this Bill, paragraph (b), the last part says: "subject to a maximum deduction equivalent to the said lump sum;"

This clause in fact does not give any substantial interpretation, and I would like to seek clarification from the Minister on this.

Coming to Clause (1) of Section 5 regarding medical practitioners, I must point out that certain companies in this country do have their own doctors paid by the company. In cases of accidents, the workmen are sent to these doctors who are paid by the company. The person who has sustained an injury may be satisfied or may not be satisfied with the doctor to whom the company sends him. In such cases the Commissioner for Labour should have the authority to send the person concerned to a recognised doctor of the Government to satisfy him that he has been provided

with justice and fair play. By this I am not questioning the integrity and dignity of the medical profession. But there are certain doctors who are paid by the companies, and definitely they will have to be lenient or biased to a certain extent in favour of the companies. Therefore, Sir, I submit that the Minister must go deeper into all these provisions and make elaborate recommendations in order that workers of all categories who sustain any injury can be protected by this Ordinance.

Sir, when this Bill is in Committee stage, I will suggest necessary amendments.

Enche' K. Karam Singh: Mr. Speaker, Sir, there is one very serious problem which has come to my notice for a long time and that I have been trying to solve, a problem which cannot be solved unless a definite stand is taken by legislation. My Honourable colleague the Member for Bungsar has already touched on it, but I will elaborate further.

We find that many rubber tappers on estates get acid thrown into their eyes or the bark of the rubber trees fly into their eyes and make them blind. What happens? They go to the doctor engaged or retained on an annual retainer by the company, and the doctor very seldom—in fact, in all the cases that I have come across, never—says that the eye has been injured by that particular accident. Another device of rubber estate managers is, when a man has injured his eye or is almost blinded in one eye or both eyes, to keep them in the estate hospital until the injury becomes old—about two or three or even five weeks. One woman on an estate—Midlands Estate on the Klang Road—was kept for five weeks. Now, once that injury has not been brought to the attention of a Government doctor immediately, who would be unbiassed, later, if it is brought, it would be difficult to connect the blindness with the accident. This is a very common trick employed by estate managers, and it saves them a lot of money by way of compensation for loss of sight to these workers. And in

this I will say that the doctors who are retained on an annual retainer are most co-operative with the estate managers because they have to be most co-operative, for if the doctors give a medical report as a result of which the estate will have to pay probably \$10,000 or \$12,000, it is a loss to the estate and the estate will tell the doctor: "Of course, we won't send you any more of our patients. We will look for another doctor who will not give as correct a report as this." It may appear a money-saving device to estate managers, but it is not a joke to people who lose their eye-sight, and this has happened not only to people on rubber estates but also to people who have lost their eye-sight on tin mines, and I don't think even our Assistant Minister of Labour will plead that these rubber estates and tin mines are so poor that they can't pay adequate compensation.

There is also one very vital aspect of compensation to working people which the Government must face or be discredited in the eyes not only of the people of this country but the whole world, because, even as our Honourable Prime Minister has said, his Ministers have to be given big salaries so that they have something left for a rainy day. We know pensions are given to people in Government service so that they will not be insecure in their old age. But I ask the Minister and the Assistant Minister of Labour to consider what provision is there for people on estates and tin mines . . .

The Minister of Health and Social Welfare (Dato' Ong Yoke Lin): On a point of order, Sir: is it relevant? This is on Workmen's Compensation, not Social Security!

Mr. Speaker: We are now dealing with Workmen's Compensation, don't deal on Social Security!

Enche' K. Karam Singh: Exactly, Your Honour! (*Laughter*).

Mr. Speaker: I am not a Judge!

Enche' K. Karam Singh: I know very well what I am going to speak, and I am afraid the Minister didn't hear what I wanted to speak, he just

jumps up and talks. He must wait for me to speak.

Mr. Speaker: Proceed! Don't touch on Social Security, touch on Workmen's Compensation!

Enche' K. Karam Singh: We find people who have given their lives—30, 40 or 50 years—to tin mines and rubber estates, who are simply given a month's notice to leave. They are not compensated a single cent for all the lost years of their lives, years given to enrich the tin mines and the rubber estates. Time and time again, people from these places—rubber estates and tin mines—have cried to me, but I tell them: What can I do? (*Laughter*). Until the Government does something about it—and this problem is a problem which affects not only me—the Honourable the Assistant Minister of Labour also has a constituency in which there are a lot of rubber estates, and on those rubber estates there are a great number of rubber tappers. So I ask the Honourable the Assistant Minister of Labour and the Government, in considering the welfare of these people, to consider an adequate scheme of compensation for all the years of life that the rubber tappers and miners give to the companies in which they work. Otherwise it is a big fraud on these people who have served all their youth and given all their manhood in service . . .

Dato' Ong Yoke Lin: Mr. Speaker, Sir, on a point of order. We are debating the Workmen's Compensation and not compensation for services which count for pension or gratuity. Therefore I think he is quite out of order.

Mr. Speaker: It is under the Standing Orders that you must confine your speech to the point of the subject matter. You know that very well, and you must not touch on irrelevant matters. What you are now talking is concerning the Social Security, but we are now dealing with the Bill to amend the Workmen's Compensation Ordinance!

Enche' K. Karam Singh: Mr. Speaker, Sir, what I am asking for is not compensation for Ministers, but compensation for the working people (*Laughter*),

and if I speak on compensation for the working people, I feel I am within the context of this amendment. What I am demanding, what I am asking the Government and this House to consider, is compensation for working people who toil all their lives on rubber estates and tin mines.

Enche' V. Manickavasagam: Mr. Speaker, Sir, I must thank the Honourable Members for giving their general support to this Bill, but I have got one or two replies to give. First, the Honourable Member for Bungsar has mentioned about fatal accidents saying that the injured persons cannot lie in the hospitals for a long time. Sir, I have just been told by my colleague, the Minister of Health, to assure him that fatal accidents are never kept in hospitals for a long time (*Laughter*).

Sir, these amendments were thoroughly discussed by the National Joint Labour Advisory Council where, as I have said, we have representatives of the workers; and as and when we find that amendments have to be made, the Government does bring them to this House for approval. Accordingly I have brought in these amendments. The Honourable Member has also mentioned about insurance companies. Sir, we all very well know that the Socialist Front will never support anything free and enterprising.

Sir, the Honourable Member for Damansara said that he was speaking for his constituency, and has also said that I come from a constituency where we have workers on rubber estates. Sir, the Honourable Member has always had problems and he has said that he can never solve them! I can assure this House that I not only look to the welfare of the workers—workers in my constituency, workers in the constituency of the Honourable Member, but also workers throughout the country. (*Applause*). If the Honourable Member has any specific complaints, he can always refer them to me and I should be thankful to him. As far as compensation is concerned, Sir, all rubber estates, tin mines or other companies do insure their workers against these accidents, and the money does not come from the companies. So

the question of these estates not paying does not arise as the money comes from the insurance companies. As far as workers are concerned, each worker or employee has his terms of contract and the terms of service and we see that the worker gets what he is entitled to on the terms of service. Sir, I have nothing further to say, and I beg to move.

Question put, and agreed to.

Bill accordingly read a second time and committed to a Committee of the whole House.

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr. Speaker in the Chair)

Clauses 1 to 4 inclusive ordered to stand part of the Bill.

Clause 5—

Enche' V. David: Mr. Speaker, Sir, I would like to move an amendment to Clause 5 of the Bill. I move that, after the word "Ordinance" in the last line of the proviso, add the following:

"and provided further that if the workman has good reason not to be satisfied with the medical practitioner so chosen by an employer he may appeal to the Commissioner for Labour who shall decide if another medical practitioner shall be appointed to examine and treat the workman".

Sir, in moving the amendment, I would like to state that the term "fatal accidents" means that a person still can lie down in the hospital for a number of days and die through slow deterioration of health due to damage in the lungs. I am really sorry that the Minister of Health lacks adequate knowledge of fatal accidents. However, Sir, there are certain sicknesses such as lung diseases which can occur in certain places of employment where it is very hard to prove by a Doctor. In the case of lung diseases, due to overstrain and due to chemical jobs which are handled by the workmen, the persons suspected of such diseases are not correctly examined by Company Doctors. For this, Sir, I feel that it is very necessary that the Commissioner for Labour should have adequate powers to send a workman to a recognised Doctor if that workman makes a request to

examine him. For instance, Sir, some time back, at the Eastern Smelting Company Commission of Inquiry in Penang, it was proved beyond doubt that workers who have been working in that Company did suffer heart diseases, a chronic sickness, due to the type of work they were doing. Therefore, Sir, in view of that it is necessary that the Commissioner of Labour be given powers to send workers to any Doctor whom they prefer.

Enche' Lim Kean Siew: Mr. Speaker, Sir, I rise to support my Honourable friend, the Member for Bungsar. Of course, fatal accidents do not mean accidents which are immediately fatal. There are fatal accidents which take a long time to become fatal. (Laughter). If a person in the course of his employment meets, for example, with a sudden heart attack carrying heavy loads, working in a granite quarry, carrying perhaps too much liquid latex for the Honourable the Assistant Minister concerned, he might get a sudden seizure. Under this amendment he can be sent to a doctor of the owner's choice—in this case perhaps the choice of the Assistant Minister himself. Perhaps the doctor concerned has worked for the owner for a long time and being faithful to him he might have developed a sense of bias, unconscious bias; so he may well say, "this man has had a heart attack but it is a chronic condition in his case. It was not brought about in the course of his employment, he merely stumbled and fell, he might have exaggerated the after effects but it is not the cause of that illness." However, the workman may say, "I am not satisfied with this doctor. He is not after all a heart specialist, he is a man looking after the rubber tappers and has not for many many years done any study. I want another doctor." Surely in that case, he is entitled to go to the Commissioner of Labour as he may have reason to complain that "the doctor drinks too much, plays poker and he goes to the kampong to shoot a stag or deer, and that he would like another doctor." Surely he is entitled to demand that right and surely the Commissioner is entitled to go into the matter, and if he is satisfied, the workman can be sent

to another doctor for examination and treatment—and this is especially true in the case of heart diseases, because very often it is very difficult to decide the cause of a heart ailment as opinions are often contradictory in cases of heart diseases.

The Eastern Smelting Company Inquiry held in Penang brought certain matters to light. When a man works in the refinery section of a tin smelting company, he is more liable to lesion in the lungs and thus become more liable to contract tuberculosis; the incidence rate is higher and injuries arising out of employment in the main result in tuberculosis. That the disease is in fact contributed by duties in the course of employment is accepted but whether or not it is a "cause" of the illness which will decide whether a man will get compensation would always be a controversial matter. I have no doubt that the Assistant Minister of Labour, like us, would also support anything that is free; and I am sure he will be happy if somebody pays for such services instead of himself. Whether of course such a service is enterprising or not, I think, is a debatable matter. After all the post and telecommunication service is a Government nationalised enterprise, so are the medical services in Malaya, and I am sure that the Assistant Minister of Labour is not trying to say that the posts and telecommunications services are not enterprising and that the hospital services are inefficient because they are not nationalised concerns.

We support the amendment and we should not be laughed at because we support it. I think that because my Honourable friend, the Member for Bungsar, was a bit too enthusiastic in supporting this Bill it should not be a matter to make him an object of ridicule, especially by someone who has so much assistance from the secretarial section of the Ministry sitting behind him.

Now, Sir, I know of another instance where a person fell from a coconut tree. He was a toddy tapper. He climbed that tree to get toddy that rubber tappers may drink away their persecution—for which estate,

I do not know, may be the Assistant Minister concerned may enlighten us. Anyhow he fell and he took nine months to die. Is that not a fatal accident? I can assure the Honourable the Minister of Labour that he stayed nine months in the hospital before he died. That surely proves the point that fatal accidents need not always be immediate.

Mr. Speaker: The amendment proposed by the Honourable Member for Bungsar is in respect of Clause 5—to add a second proviso reading as follows:

"And provided further that if the workman has good reason not to be satisfied with the medical practitioner who is chosen by the employer, he may appeal to the Commissioner of Labour who shall decide if another medical practitioner shall be appointed to examine and treat the workman."

Enche' V. Manickavasagam: Mr. Speaker, Sir, I wish to say that there is not any need for this amendment. As I have said earlier, the amendments to the Bill were thoroughly considered by the Standing Committee of the National Joint Labour Advisory Council which also consists of representatives of the workers. The Committee has made the necessary alterations and has expressed satisfaction on the final form of the Bill.

Amendment put, and negatived.

Clauses 5 to 8 inclusive ordered to stand part of the Bill.

Bill reported without amendment; read the third time and passed.

ADJOURNMENT

Tun Abdul Razak: Sir, I beg to move that the House do now adjourn.

Enche' Tan Siew Sin: I beg to second the motion.

ADJOURNMENT SPEECH

Rubber Replanting Schemes for Smallholders

Enche' Yong Woo Ming (Sitiawan): Mr. Speaker, Sir, I wish to speak on the Rubber Replanting Schemes for smallholders.

Before the Rubber Replanting Schemes were set up, the Malayan Government with the help of the experts from the Agricultural Department and the Rubber Research Institute, planned ways and means to set up a Rubber Replanting Advisory Board to advise and help rubber planters in replanting their lands, and in setting up a fund for this purpose.

These Schemes will improve not only the standard of living of the people but will also improve the economy of this country. But the main object of this Advisory Board is to advise planters to select only the type of seedlings that are known to give a good yield of latex when their lands come to production.

In connection with the Rubber Replanting Schemes, I wish to raise two points in the District of Dindings, State of Perak. When the Scheme came into operation, the majority of the smallholders in the District applied for and obtained their T.J.I. seedlings from the Huntley Estates, Lumut, Dindings. This type of seedlings from Huntley Estates is known to give good yield of latex. The seedlings have proved, and are proving, that each acre gives them almost ten pounds, whereas the stumps supplied by the Replanting Board give them about three pounds per acre.

I wish to give three examples. In the case of Mr. Wong Earn Ah, of Pekan Gurney, Sitiawan, his land, known as Lot No. 5191, in the mukim of Sitiawan, was planted with stumps from the Replanting Board's contractors. He is getting about three pounds per acre from this land. He has another land, known as Lot No. 5192, which was planted in 1952 with T.J.I. seedlings from the Huntley Estates in Lumut. He is getting almost ten pounds per acre from this land. In another case—Mr. Su Kouk Lee, of Ayer Tawar, Sitiawan and Chop Hup Huat, also of Ayer Tawar, Sitiawan—part of their lands was planted with stumps from the Replanting Board, and part with T.J.I. seedlings from Huntley Estates in Lumut. They find that the difference in the yield of latex from their lands is just the same as that of Mr. Wong Earn Ah, of Pekan Gurney.

Towards the end of 1959, I have been receiving regular complaints from the other smallholders about this matter. This is the reason why the smallholders have not the faith in the stumps supplied by the Replanting Board's contractors.

Now the State Replanting Board has been instructed by the Administrators for smallholders to inform the Huntley Estates that from 1960 they are not permitted to sell their T.J.I. seedlings to smallholders only, but they may continue to sell to estates (large holders). The Administrators have also instructed the Replanting Board to inform the smallholders that those who have not obtained their stumps from the Replanting Board from 1959 will have \$40 per acre deducted from their replanting grants, which will be used to compensate the Board's contractors.

Here is one example. Mr. Chen Chin Pong, of Pekan Gurney, Sitiawan, bought his T.J.I. seedlings from Huntley Estates on 21-12-59 to replant his 2½ acres on Lot No. 7012. He paid \$120 for the T.J.I. seedlings. Although he did not get the stumps from the Replanting Board, he was deducted \$110 from his replanting grant. Many other smallholders have been informed by the Replanting Board that they will be deducted a similar amount if they did not get the stumps from the Board.

I hope that the Ministry concerned will investigate into this matter immediately so as to remedy this situation.

I wish now to put two views before the Ministry for their consideration. First, they can instruct the Department immediately to conduct proper investigations about the stumps. If it is found that the type of seeds in the contractors' nurseries are not of the type approved by the Government, the contract should be terminated immediately, and place the nurseries under Government supervision. Second, those who have been deducted \$40 per acre from their replanting grants will get the refund of this amount by the Board. In this way, the smallholders will have every confidence when supplied with stumps by the Board, and they need not go another way of getting what benefit they want. Thank you.

Enche' Cheah Theam Swee: Mr. Speaker, Sir, I would like to refer to the speech made by the Honourable Member for Sitiawan regarding the use of rubber planting material by smallholders in the district of Dindings. I should perhaps explain that the Smallholders Replanting Scheme or what is more commonly known as the Fund "B" Scheme is administered on behalf of the Rubber Industry (Replanting) Board by a Board of Administrators who lay down the rules and conditions governing the admission of smallholders into the Scheme. One of the rules governs the supply, distribution and use of rubber planting material. It is a condition of acceptance into the Replanting Scheme that smallholders participating in the Scheme should procure their planting material from the Board's sources of supply, viz., the Pool of Planting Materials set up under the Rubber Industry Smallholders Planting Materials Scheme, 1956.

It is the policy of the Board, which is endorsed by Government, that smallholders must be given every facility to obtain the most modern high yielding rubber planting material. In order to meet the requirements of the smallholders, the Planting Materials Scheme establishes nurseries in various centres in the Federation and these nurseries are maintained by the Director of Agriculture who acts as Executive Officer to the Planting Materials Scheme. The planting materials supplied by the Director of Agriculture to smallholders are all high yielding and are obtained from sources of supply approved by the Rubber Research Institute.

The Board in supplying high yielding planting material to smallholders normally tries to meet their wishes. They are allowed a fairly wide range of choice of different clones and very often smallholders choose one clone in preference to another for no other reason than to suit their own inclination. It is obviously impossible for the Board to meet the preference of each and every smallholder and occasionally there are clones which the smallholders

wish to have but are not readily obtainable from the Pool of Planting Materials. In these circumstances, as long as they use approved material, they are assisted to obtain such materials from commercial sources of supply, but special permission must be obtained from the State Replanting Officer before they can be permitted to purchase these materials from commercial sources. This is to ensure that when the smallholders get their supply of planting material from outside sources there is proper supervision so that they get the right type of material.

The smallholders referred to by the Honourable Member for Sitiawan have gone on their own to obtain what they considered to be high yielding clones from commercial sources. It was only after they had planted their holdings with this material that it was discovered that such material was obtained without the prior permission of the State Replanting Officer. The clones may be high yielding, but obviously the Board's rules have been flouted and such practices cannot be condoned. Nevertheless, the Board made a thorough investigation into the matter and was satisfied that the smallholders in question misunderstood the procedure for approval to obtain planting material from outside sources. As it was found that the planting materials obtained were from approved sources, the Board allowed them to retain the planting material established on their holdings, but made it clear that this practice should not be regarded as a precedent. The Board has since given wide publicity to this.

With regard to the claim that the smallholders were getting higher yields from planting material obtained from commercial sources than from those supplied by the Pool of Planting Materials and to the various examples cited by the Honourable Member for Sitiawan, I would like to have more specific information. Very often yields depend on the number of tappable trees per acre, the system of tapping, the soil and the method of husbandry, and it is not possible to make a fair comparison without going into full details.

I would however like to emphasise and assure the Honourable Member for Sitiawan that it is the Government's policy to ensure that when a smallholder replants his holding he is using planting material which is regarded as the most modern and high yielding. It has never been the intention of the Rubber Industry (Replanting) Board to supply the replanter or new planter anything but the best material.

Mr. Speaker, Sir, with regard to the last two points which the Honourable Member for Sitiawan made, I can assure this House that we will most certainly look into them.

Mr. Speaker: Honourable Members, the House is now adjourned to 9.30 a.m. tomorrow, 24th June, 1960.

Adjourned at 4.45 p.m.

WRITTEN ANSWERS TO QUESTIONS

MINISTRY OF DEFENCE

Detention of Mr. R. Balan at Pudu Prison

1. Enche' V. David asks the Minister of Defence to state whether Pudu Prison is a Gazetted place of detention, and if not to state the authority under which Mr. R. Balan was detained at Pudu Prison during the month of May, 1960.

The Minister of Defence (Tun Abdul Razak): Places of detention are not gazetted. He was detained at Pudu Prison under the authority provided in Emergency Regulation 17.

MINISTRY OF EXTERNAL AFFAIRS

Flight of American Military Aircraft over Federation

2. Enche' V. David asks the Minister of External Affairs whether any American Military Aircraft has received official permission to fly over the Federation on routine Military Missions or for any other unspecified purposes.

The Minister of External Affairs (Dato' Dr. Ismail bin Dato' Abdul Rahman): Official permission has been given to American Military Aircraft to over-fly the Federation on routine military missions. The reference to any other unspecified purposes is not understood.

The clearance for over-flight by foreign military aircraft is in fact a routine matter and permission had been given in the case of many other countries other than America.

MINISTRY OF FINANCE

Payment of Income Tax by Estate Workers

3. Enche' V. David asks the Minister of Finance the number of estate workers who will have to pay income tax and how many million dollars is expected to be collected from them.

The Minister of Finance (Enche' Tan Siew Sin): Separate statistics are not kept for estate workers; present indications are that the changes in personal reliefs and rates of tax introduced in the Income Tax (Amendment) Act, 1959, will effect very few estate labourers.

Foreign Loans

4. Enche' V. David asks the Minister of Finance whether there is any intention of seeking further foreign loans within the next one year and also what percentage of the next 5-Year Plan is expected to be financed by foreign loans.

Enche' Tan Siew Sin: The Government has no firm plans at present to raise new external loans. No decision has yet been reached as to the size and nature of the next Five-Year Plan and it is impracticable therefore to say what proportion, if any, of the total expenditure involved will be financed by means of external borrowing.

Increased duties on Liquid Fuel and Diesel Oil

5. Enche' V. David asks the Minister of Finance whether his Ministry is still considering petitions sent regarding the increase in fuel and diesel tax, and how far has the "consideration" reached.

Enche' Tan Siew Sin: Replies have been sent to all petitions received by the Treasury concerning the import duties imposed on liquid fuel and diesel oil, and the petitioners have been informed of Government's decision regarding their representations.

Estimated Expenditure on new Missions overseas

6. Enche' V. David asks the Minister of Finance whether there is sufficient money for the opening of new embassies overseas and how much is the required estimates for the coming year regarding the above.

Enche' Tan Siew Sin: The Government's policy is to increase the diplomatic representation of the Federation of Malaya in the capitals of foreign countries gradually and as is required.

The rate increase depends on the availability of trained staff as well as of finance, but some expansion is envisaged. The estimated expenditure on new Missions overseas in 1961 is not yet known as the preparation of the 1961 Estimates is still in a very early stage.

Appointments to the Bank Negara

7. Enche' V. David asks the Minister of Finance whether his Ministry has any say regarding appointments in the Central Bank, if so, what plans are there to train Malaysians for posts in the Bank.

Enche' Tan Siew Sin: The Minister of Finance has no jurisdiction in appointments made to the Bank Negara. It is understood that arrangements for training Malaysians to serve in senior posts in the Bank are proceeding satisfactorily.

Cost of Prime Minister's attendance at Commonwealth Prime Ministers' Conference and visit to Europe

8. Enche' V. David asks the Minister of Finance what was the total cost of the Prime Minister's trip to the Commonwealth Prime Ministers Conference and the trip to Europe.

Enche' Tan Siew Sin: The total cost involved in the attendance of the Prime Minister at the Commonwealth Prime Ministers' Conference in the United Kingdom and in his visits to certain countries on the Continent of Europe cannot as yet be ascertained as all the bills have not yet been received. The estimates approved in connection with these visits, including the costs incurred by officials accompanying the Prime Minister amount to \$85,900.

PRIME MINISTER'S DEPARTMENT

Secretary for Defence

9. Enche' V. David asks the Prime Minister when the Secretary to the Ministry of Defence joined the Federation Government service, what was his last appointment before he joined the Federation Government service and does the Government of the Federation

accept his advice regarding the detention of Federation Citizens.

The Prime Minister: He joined the Malayan Civil Service in 1938. Before that he was an undergraduate. The Civil Service is part of the Government of the Federation and the question of advice does not therefore arise.

Second Five-Year Plan

10. Enche' V. David asks the Prime Minister the estimated cost of the next Five-Year Plan, the number of people expected to find employment by the conclusion of the plan and also how many British Officers are helping to plan the next Five-Year Plan.

The Prime Minister: The Second Five-Year Plan is now under preparation and a Government statement on the investment target and the employment opportunities that will be created in implementing the Plan will be made as soon as the Plan has been finalised.

The Planning authority is the Economic Committee of the Cabinet which is serviced by the Economic Secretariat of the Prime Minister's Department; and no British officers sit or serve in the Economic Committee and the Economic Secretariat.

RADIO MALAYA

Part-time Expatriate Announcers

11. Enche' V. David asks the Prime Minister what steps have been taken to replace the two part-time expatriate announcers in Radio Malaya and why were they employed in preference to Malaysians.

The Prime Minister: As was explained in answer to a question in the last meeting, no date has been set for the replacement of the two expatriate part-time announcers. They are employed in the English-language service, together with 19 Malayan part-time announcers, because they are considered the most suitable persons for the work which they are doing. They will be replaced when suitable Malaysians are available.

12. Enche' V. David asks the Prime Minister the exact amount of money drawn every month by the part-time expatriate announcers.

The Prime Minister: The fees paid to part-time expatriate announcers vary from month to month according to the number of duties they perform, but the average is \$120 per month.

Speech Trainer

13. Enche' V. David asks the Prime Minister what is the remuneration of the speech trainer in Radio Malaya receiving from the Broadcasting Department and what is her salary as a teacher.

The Prime Minister: The speech trainer receives total emoluments of \$585 per mensem. This lady is not a salaried teacher.

Press Officer

14. Enche' V. David asks the Prime Minister whether his Press Officer still draws an expatriate allowance and if so how long will he continue to draw such an allowance.

The Prime Minister: He does not draw an expatriate allowance and has never done so in his present post.